CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SEVENTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

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CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, FIRST SESSION.

his friends, the common people, as he climbed fame's ladder, but he seemed to cling the closer to the plain people—friends and fellow-citizens of his early life—and as years and honors were added to his eventful life, commanded more and more their respect and confidence.

As a result of Senator KYLE's parentage, education, and temperament, he was most interested in educational work and the interests of the industrial classes.

His laborious duties as chairman of the Industrial Commission, into which he threw all his splendid energies, had not a little to do with hastening his untimely death, and his strongest desire to live was actuated by a wish to complete this work.

Mr. Speaker, to my mind the life of Senator KYLE teaches a fruitful lesson and shines forth as a beacon of hope for this Republic.

His simplicity, sincerity, and honesty were forceful. To such men can the administration of this Government be safely intrusted.

The greatest safeguard of this nation lies in the fact that to such men are offered opportunities to exemplify their character to the people and imprint their handiwork on the laws of the land.

So long as men of pure lives, unselfish motives, and untiring devotion to the interests and welfare of the masses, from whom they sprung, can sit in the council chambers, the peers of any, this Government is amply safeguarded and will survive.

There are innumerable features of our governmental system of which we are justly proud, and with ample reason, but to my mind all others are of little moment compared to the fact that the plain men of simple tastes and inexpensive habits, pure and unselfish motives, are the rulers of this land.

Where one man attains high station through his riches, ten men of the stamp and mold of Senator KYLE reach equal station, and wield, man for man, infinitely greater influence in the affairs that shape our destiny.

Here, then, is the secret of the greatness and stability of this Government. As the "hewers of wood and drawers of water" contribute to our material and physical welfare, so it is such legislators as Senator KYLE who are the real men to whom our political and economical welfare is vouchsafed, and well so. Of such are the truly great.

Having been thrown among and having had to deal with politicians for many years, he was in no sense a politician, nor would he have ever become one. To him the methods of the politician were unknown and misunderstood.

He was alike frank in his politics and his business. Honest himself, he thought all men honest, trusted all men, confided in all men. To him an implied promise was as sacred as an oath, and he accepted such promises in the same spirit he gave them.

Such characteristics are usually termed weak. To my mind they are the essentials of strength.

He who is clothed in the armor of sincerity, with truth for a shield and honesty for a sword, can go forth and do battle, and him all the world can not conquer. Such a knight was JAMES HENDERSON KYLE.

Simple in his tastes, frank in all his dealings, trusting and forgiving in his nature, conspicuous in his devotion to his family, with an ability which enabled him to cope with the questions of the times with an unerring intelligence, he commanded the respect of all.

I was in his home city the day after his death, and, knowing that he had been sick, although not supposed to be seriously so, I could read his death in the face of everyone.

I never saw—I never expect to see—such an overwhelming manifestation of grief and sorrow by an entire community as I saw on this day and the day of his burial.

From his life, as exemplified by the love and sorrow of all the people, I learned a lesson never to be forgotten, and realized that the greatest of great men and the best of good men are those that are close to the people.

I realized then that the zenith of a man's glory is reached when at the noontide of his public career he can lie down to his eternal sleep, truly loved, respected, honored, and mourned by all the people—those of high estate and low.

Such a man was our dead friend.

Mr. BELL. Mr. Speaker, Hon. JAMES HENDERSON KYLE was one of the most versatile as well as one of the most liberally equipped representatives of the people in the United States Senate, considering his short term of service, in his day and generation.

His qualifications as a classical scholar, a civil engineer, a theologian, and his education for the bar gave him a theoretical knowledge that enabled him to become somewhat a shining mark among his fellows almost anywhere. With general public questions and current and political literature he was quite familiar. He was for a time instructor in mathematics and engineering in the Western Theological Seminary at Allegheny, Pa.; he preached in Utah and Colorado; was secretary of the Yankton College, in South Dakota; was elected to the State senate of that State in 1890 as an independent representative of the people; was elected twice as United States Senator from South Dakota; appointed by the President of the Senate as a member of the United States Industrial Commission; was elected president of the Commission, and held this post when his untimely death arrived, at the age of 47. He was not mercenary and despised the low ideals of many in high places in this money-mad age, both in the professions and in official positions.

He was not a politician in the sense that he worked up delegations and sought to precipitate himself into public place, but he was a politician in the higher sense of so equipping himself in the science of government and in a knowledge of the rights of men and in so displaying his humane feeling for his fellows that the people who knew his sterling qualities sought him as their representative. He was of that high type of the politician who are ever unselfishly trying to do something for the masses of the people. As is common with men burdened with constitutional circulatory weaknesses, he did not and could not inordinately concentrate his efforts on any given specialty. His impaired physical condition would not tolerate the strain. Biographers usually attribute the scattering of mental efforts to a love of variety or a dislike of monotony, but more generally the spreading out of mental effort is a necessity to relieve some innate weakness from a threatened collapse.

The lamented deceased realized much better than others the situation, and with courage attempted to shield the weak vital part. He had a small clot form upon his brain some time before the fatal breakdown, which was a sure admonition of what must follow. However, with discretion and courage, after the clot was absorbed, he returned, weakened, to his post and remained there until the last.

He was a model public official, honest, sympathetic, just, energetic, courageous, true, and able. Being honest himself, he devoutly believed in the honesty and good intentions of his fellows; hence he approached his colleagues with explanations and persuasive arguments rather than with accusations and abusive epithets. He was kind, generous, and charitable toward all who differed from him. There was no assumption, selfishness, egotism, or bigotry in his makeup. He utterly despised the selfish bigotry that so often permeates professional and official representatives.

He was always willing to occupy ordinary places among his associates, a real sign of worth; hence he was often exalted. Probably the most attractive attribute of this exemplary character was his sunny, generous, open, social disposition. He was a delightful conversationalist, tactful, deferential, entertaining, and a model of courtesy. His social ideas were all elevated; hence the higher type of the social circles were most congenial to him. He loved the intellectual rather than the frivolous or spectacular displays. He was temperate in all things; hence generally wise.

He possessed mental powers for high social entertainments, and was not contented with the commonplace, sensual gluttonies so common in his day. He enjoyed those most whose thoughts ran upon social subjects tending to benefit those who occupied low stations, and he was especially well versed in a knowledge of the existing evils, and he had read much and thought much about adequate remedies. He had a most profound sympathy for the unfortunate, and was ever ready to impartially hear their grievances or champion their cause. The premature death of such a one is not only a great loss to his family, friends, State, and nation, but is a real loss to humanity everywhere. The life of high ideals, the spotless private and public character, the consecration of self to the good of one's fellows are the most sacred assets of the world's civilization. Such a character as the deceased form adorable models for many generations yet to be born. Many aspiring youths, of South Dakota especially, where the precepts and examples of this well-rounded character are so impressed upon the people, will imitate the worthy footsteps of this lamented one to the continuing honor and glory of the race.

While we sadly deplore his untimely death, we may all benefit by the beautiful example of his well-spent life.

Mr. MCCLEARY. Mr. Speaker, it was not my privilege to know Senator KYLE well, but I knew him well enough to respect and honor him.

This morning, on my way to this Hall, remembering the courteous invitation of yourself to say a few words in honor of our departed friend, the earth bright with sunshine, the air fragrant with the perfume of flowers and melodious with the song of birds, it seemed strange to think of death and the dead. And yet, here within our sight one desk is draped for one lately a member of this House and from two other desks the drapery of death has

just been removed. We are impressed again with the fact that "in the midst of life we are in death."

If our friend were to whisper his wish at this time, I am sure he would say "There could be no better time than this to speak of me. This is the springtime. The winter has passed and life is renewed." He would say, "Look at the trees and their leaves, and see there the symbol of human hope. In the springtime come forth the buds like the hopes of youth. Later we see the tree in full foliage, the hopes of manhood fully developed. Later comes the time when, one by one, those leaves do fall like the passing away of hopes among men. We walk through the woods in the autumn; our feet stir the leaves that have fallen suggestive of hopes unrealized. Yet those fallen leaves ministered to the life of the tree through the heat of summer, just as the hopes of youth sustain the lives of men." And, Mr. Speaker, he would say to us further, remembering the ministry from which he came, "I trust, my brethren, that after the storms of life have passed there will yet remain at the top of the tree one leaf pointing skyward. If you have that hope, you may indeed be called blessed."

The first time I heard of our departed friend was when he was chosen to the United States Senate. The singular thing about it was that he was chosen from the ministry. I had not within my recollection heard of such a case before. I did not understand it. I came to understand it later. I heard then the story of that Fourth of July oration in 1891. The regular speaker expected for the occasion had failed to come. The minister was called upon, and he so fully voiced the thought of those who heard him that they said, "That man is the one whom we desire to have represent us in our State legislature, in the senate." And to that position they called him.

Later, and again without solicitation, as I understand, he was called to the broader field of the United States Senate. If I understand our friend at all, Mr. Speaker—and from several conversations I had with him I think I do—he felt justified in coming from the sacred desk to the desk of legislation. Trained as he was and believing as he did, it was not hard for him to see in this a call to duty different in form but the same in essence—the service of his fellow-man. And in that spirit he met and discharged his duties here. It is the spirit which sanctifies every relation of life. It made him a loyal friend, a faithful public servant, a devoted son, a loving husband and father.

Mr. STARK. Mr. Speaker, by order of the House, this time is set apart for tributes to the life and public career of JAMES H. KYLE, late a Senator from South Dakota.

I have read that, time out of mind, in the earliest civilization which is of record, the Egyptians thought it wise, to preserve the morality and practices of the people, to institute a law requiring the "trial of the dead." The men followed the hearse, casting dust upon their heads; the women chanted mournful dirges until they reached the banks of a lake directly in front of the place of sepulcher. The body, which had been specially prepared, was placed in front of the court, made up of 42 judges. A great crowd was usually assembled. There floated the boat, and within it stood Charon, the ferryman, waiting to hear the sentence of the court.

It was in the power of any man to then and there accuse the departed before the body could be borne across. If the charge was held to be proven, the body was denied burial in consecrated ground and the crowd silently went away. If the judgment was "not guilty," the accuser suffered the penalty of the crime alleged. The relatives glorified the life, and the people joined in the chorus proclaiming the virtues of the departed. The coffin was placed in the boat with great ceremony and was covered with flowers. The priest read the order for the burial of the dead and the family adorned the tomb.

Down through the ages, carried by the inertia of custom, we can yet see the embalming of the dead, the mourners, the tombstones, and the flowers. We can yet hear the chants and the offices for the dead. The 42 judges became the foundation of the grand-jury system, passing on the acts of the living instead of the dead. A maxim was written in the law books, "that death having closed the lips of one, the law sealed the lips of the other." One who spoke by authority had said, "Judge not, that ye be not judged." It had been written "that when the books of record were opened the dead would be judged out of those things written in the books according to their works." Humanity now, with meekness, leaves the judgment of the dead to the Father of us all.

And so this day, perhaps within the shadow of this ancient custom, we stop and pay tribute to the character and influence of the life that has gone out. Not as a relative, not as a perfunctory duty, but as a living expression from the heart of a friend, each of us attempts in a feeble way to point out the lesson of the life of our former colleague. When I began my service here, among the first Senators that I met was Mr. KYLE, of South Dakota, a fine specimen of physical manhood, with winning ways. From an adjoining State, I went over many matters with him which appeared to be of interest to the great Northwest. He had been on the frontier and so had I; we had had common experiences.

Along his chosen political lines he was a faithful and energetic worker. A new State, made up of prairie, range, and hills, makes many demands upon its Senators, and he shouldered up to his task like one who desired to do a full day's work.

I was glad to be his friend, although not in accord with all of his political views. Therein lies the strength of our institutions. We can differ and still respect the convictions of others. He had great force of character; had carved his own way—student, minister, State senator, and United States Senator. His life shows the possibilities of this country of ours. We honor ourselves, we honor this Hall, when we stop the work and grind and pay just tribute to a good man who has gone to his reward, and certainly in that class belonged Senator JAMES H. KYLE.

Mr. MARTIN. Mr. Speaker, in the death of Senator KYLE the State of South Dakota mourns a faithful representative; his family has lost a devoted husband and father, and the Senate of the United States an honorable and honored member. He was stricken down in the midst of his labors, before reaching the meridian of life. And yet, if we measure his life by events and deeds, instead of the passing years, his was a full and well-rounded career.

> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

Senator KYLE was but 47 years of age at the time of his death. He had spent ten years in the pursuit of higher and professional education, taking courses in civil engineering, the classics, and theology, besides studying law; nearly ten years in the Christian ministry in Congregational churches in Utah and South Dakota, and ten years in the Senate of the United States.

From the farm to the highest legislative body in the world. This is the epitome of his life. This is a transformation common in the history of our country. The sons of toil, the lads from the farm, the workshop, and the homes of laboring men are the boys who have come forth from generation to generation to accomplish the great things in the trades and the professions, and to make the greatest of American statesmen. This is one of the beneficent results of our democratic institutions, which recognize in every man the political equal of every other man, and, as far as possible, assure to each an equal opportunity in the race of life.

I first saw Senator KYLE in 1891 during the session of the State legislature that elected him to his first term in the Senate. From that time his career was familiar to all citizens of South Dakota; but I did not become personally well acquainted with him until the last year of his life. I shall not forget the cordiality with which he greeted me when I came here a new member to attend the closing days of the Fifty-sixth Congress, nor the many acts of fraternal consideration performed by him during the few months while we were in public station together. He was manly, openhearted, and generous, extending and inviting gentlemanly confidence.

Born in Ohio and educated in Ohio and Illinois, he found the natural field of his active labors in the trans-Mississippi and intermountain West. He was a self-educated man. By this is not meant that he did not have the advantage of a college education, but that he earned the means to carry him through college and the professional school by working in vacations and by intervals of teaching. American history is rich in examples of boys who have worked their way through college, thus learning their first great lesson in the mastery of difficulties, preparing themselves for greater conflicts and victories in the later experiences of life. Senator KYLE belonged to that class of self-educated men who, born with pure purposes and high ambitions, mark out a noble career for themselves, and then prepare for it with indomitable zeal, overcoming all obstacles. He equipped himself with the aids of a collegiate education, and then continued to improve his educational opportunities throughout his life.

We have no evidence that he had planned a public or political career for himself. His sense of duty had led him to choose the Christian ministry for his life work. He entered public life during a period of political unrest and at the solicitation of his neighbors and friends, who had confidence in his ability and character. Senator KYLE was not a party man. He was by nature a reformer. Possessed of high ideals, he sought their accomplishments by whatever seemed to him the most practical and available means. Such a man is not always understood, particularly by those who feel deeply the force of party ties and who look to party organizations as the natural and necessary means of political progress.

It was a most appropriate assignment that placed him in charge of the Senate Committee on Education and Labor. No two topics in our complex modern life were of greater interest to him than these. His studies and tastes prepared him especially for this position. He held this chairmanship eight years, and until his death.

When the Industrial Commission was appointed by President McKinley in 1898 Senator KYLE was made its chairman. The work of this Commission was right in line with his previous labors and he was specially equipped for it. The work of the Commission was of a most laborious character. It is believed that Senator KYLE's devotion to this task permanently impaired his health and was one of the causes resulting in his death. The compilation of the investigations of the Commission embrace some 19 volumes, many of which are already published. The work of Senator KYLE as chairman of this Commission constitutes his most important public service. The value of these investigations will be more and more appreciated by the entire nation as the years go by. The Industrial Commission was one of the most important commissions of this generation.

The problems the solution of which is to be assisted by the investigations of this Commission are among the most difficult problems of this industrial age—the relations of capital and labor and the relations of each to the Constitution and the laws of the country—how the interests of each may be fostered and advanced without injury to the rights of the other and consistent with the best good of the Commonwealth. The best contribution that can be made to any great problem is a clear presentation of the facts involved. The most serious and acrimonious disputes over industrial and political questions are based upon an imperfect or inadequate knowledge of the facts. When the real facts are once clearly understood the problem is more than half solved. The volumes of the Industrial Commission will make a permanent addition to the industrial library of our country, and will probably furnish the most important single aid in the solution of our industrial problems.

Senator KYLE was an ardent believer in the rights of the individual. In the shaping of legislation his instincts naturally led him to watch closely the possible encroachments of organized industries, and to jealously safeguard the interests of the individual operator or laborer. In this he was in line with the more progressive of modern statesmen. The evolution of human government, indeed, is the development of the rights of the many as distinguished from the rights of the few. Until the beginning of modern history the many came into their inheritance of toil but not of opportunity. There was a time when but few men were masters of themselves, and they were also masters of others. To-day slavery is not tolerated in the civilized world. For a long period in history the spiritual interests of the many were dominated by the spiritual imperialism of the few. To-day religion and the development of the spiritual life are subjects for the individual soul and the individual conscience. For many generations more knowledge, limited and imperfect as it was, was likewise the exclusive property of the few. It was doled out to the people in small quantities, and with modifications and adulterations. To-day, in America, knowledge is disseminated to the humblest homes, and is the birthright of every citizen.

Senator KYLE had not a feigned but a genuine interest in the welfare of the common people. In the ministry, as in the Senate, he devoted himself to what he believed to be their best interests. A man of correct life and high ideals himself, he sought to elevate the standards of American life as it is lived by the great body of the people. A man with such aims and efforts can never live in vain. He passes on and disappears from the familiar places, but his name and his memory abide, like the lingering fragrance of sweet flowers, a benediction and an inspiration to those who knew him best.

Mr. MARTIN. I move the adoption of the resolutions presented by my colleague; and, pending that motion, I ask unanimous consent that the gentleman from Illinois [Mr. MANN] and the gentleman from Ohio [Mr. BURTON], who were to have participated in these eulogies to-day, may have leave to print remarks in the RECORD.

The SPEAKER pro tempore. The question is upon the adoption of the resolutions which have been submitted; and, pending that question, the gentleman from South Dakota asks unanimous consent that leave to print be given to certain members he has named. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question is now upon the adoption of the resolutions.

The question was taken; and the resolutions were unanimously agreed to.

And in pursuance thereof the House (at 3 o'clock and 23 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," etc., reported the same with amendment, accompanied by a report (No. 1941); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1942); which said bill and report were referred to the House Calendar.

Mr. YOUNG, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13817) to establish a fish-hatching and fish station in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1943); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, a bill of the following title was introduced and referred as follows:

By Mr. JONES of Washington: A bill (H. R. 14336) to authorize the United States Commissioner of Fish and Fisheries to establish fish-cultural stations, including the purchase of sites, construction of buildings and ponds, and equipment; to establish in the State of Florida on the Gulf of Mexico a station for the investigation of problems connected with the marine fishery interests of that region; to provide for an investigation to determine the best available locality in Oregon or Washington at which to establish a biological station, making appropriations therefor, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRICK: A bill (H. R. 14337) granting an increase of pension to Henry Mock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14338) granting an increase of pension to John M. Martin—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 14339) granting an increase of pension to William H. Wright, of Dekalb County, Ala.—to the Committee on Pensions.

By Mr. COOMBS: A bill (H. R. 14340) granting an increase of pension to Calvin Chesterfield Griffith—to the Committee on Pensions.

By Mr. DOUGHERTY: A bill (H. R. 14341) for the relief of William Etherton—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R.14342) granting a pension to John H. Roberts—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 14343) for the relief of Abner P. Bush, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 14344) granting a pension to Charles Railey—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 14345) to remove the charge of desertion from the military record of John Williams—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 14346) granting an increase of pension to George S. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14347) donating an obsolete mortar to the Somerville Historical Society—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CONRY: Resolutions of the Board of Trade of Lynn, Mass., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, remonstrance of Massachusetts State Board of Trade

against the admission of Territories—to the Committee on the Territories.

By Mr. DOUGHERTY: Papers to accompany bill for the relief of William Etherton—to the Committee on War Claims.

By Mr. JOY: Petition of Henry Drees, of St. Louis, Mo., for a pension—to the Committee on Invalid Pensions.

By Mr. MAHONEY: Petitions of Mickiewicza, Skala, and Krakusow societies, Polish Alliance, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Petition of citizens of Ithaca, N. Y., relating to marriage and divorce—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of the Sons of Temperance of Connecticut, favoring the establishment of post exchanges at our military posts—to the Committee on Military Affairs.

SENATE.

MONDAY, *May 12, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

REPORTS OF THE DIRECTOR OF THE MINT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1900, bound in cloth and wrapped; 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there be also printed 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1901, to be bound in cloth and wrapped: 3,000 copies for the use of the House of Representatives, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

GEOLOGICAL AND WATER RESOURCES OF THE BLACK HILLS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,000 copies of the Preliminary Description of the Geological and Water Resources of the Southern Half of the Black Hills and adjoining regions in South Dakota and Wyoming, recently prepared by Nelson Horatio Darton, under the direction of the United States Geological Survey; 500 copies for use of the House, 250 copies for use of the Senate, and 250 copies for use of the Secretary of the Interior.

THE LOUISIANA PURCHASE.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be published and bound 6,000 copies of the State papers, and all correspondence bearing upon the purchase of the territory of Louisiana by the United States, including the treaty of purchase; 4,000 copies for the use of the House of Representatives and 2,000 for the use of the Senate.

THE FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,500 additional copies of the annual report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ended June 30, 1901; 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 2,000 copies for the use of the Department of the Interior.

REPORT ON RURAL FREE-DELIVERY SERVICE.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the First Assistant Postmaster-General's Report for 1900-1901 as relates to rural free-delivery service; 10,000 copies for the use of the Post-Office Department, 10,000 for the use of the House of Representatives, and 5,000 copies for the use of the Senate.

THE SOUTHERN APPALACHIAN REGION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate to print 15,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, which were, in line 8, strike out the words "two thousand" and insert in lieu thereof "one thousand five hundred," and in line 11, after the word "thousand" and before the word "copies," insert "five hundred."

Mr. PLATT of New York. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert; and

A bill (H. R. 11858) for the relief of William E. Anderson.

The bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States was read twice by its title, and referred to the Committee on Territories.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1695) granting an increase of pension to Christopher C. Perry;

A bill (H. R. 1715) granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow;

A bill (H. R. 1741) granting an increase of pension to Griffith Evans;

A bill (H. R. 2430) granting a pension to Lizana D. Streeter;

A bill (H. R. 2563) granting an increase of pension to Robert R. Strong;

A bill (H. R. 2623) granting an increase of pension to John Smith;

A bill (H. R. 2787) granting an increase of pension to Cornelia S. Ribble;

A bill (H. R. 3517) granting an increase of pension to Stephen Harris;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May;

A bill (H. R. 5321) granting a pension to Lillie May Fifield;

A bill (H. R. 5887) granting an increase of pension to Morris M. Comstock;

A bill (H. R. 6030) granting an increase of pension to William G. De Garis;

A bill (H. R. 7021) granting an increase of pension to Henry Forcht;

A bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell;

A bill (H. R. 7150) granting a pension to Garrett Stanley;

A bill (H. R. 7319) granting an increase of pension to Frances H. Anthony;

A bill (H. R. 7353) granting a pension to Nancy M. Williams;

A bill (H. R. 7382) granting a pension to Jacob Mock;

A bill (H. R. 7401) granting an increase of pension to William Brown;

A bill (H. R. 7679) granting an increase of pension to Franklin Snyder;

A bill (H. R. 7778) granting a pension to Peter Buckley;

A bill (H. R. 7906) granting a pension to Martha G. Young;

A bill (H. R. 8401) granting an increase of pension to Henry E. Murphy;

A bill (H. R. 8414) granting an increase of pension to George Atkinson;

A bill (H. R. 8487) granting an increase of pension to John M. Crist;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews;

A bill (H. R. 9437) granting an increase of pension to Elias A. Calkins;

A bill (H. R. 10201) granting an increase of pension to Otis R. Freeman;

A bill (H. R. 10752) granting a pension to Harriet T. Milburn;

A bill (H. R. 11196) granting a pension to Abbie Bourke;

A bill (H. R. 11395) granting a pension to Mary Pitman;

A bill (H. R. 11495) granting a pension to Mary A. Bailey;

A bill (H. R. 11921) granting an increase of pension to George W. De Graw;

A bill (H. R. 12047) granting an increase of pension to Jackson L. Wilson;

A bill (H. R. 12279) granting a pension to Nancy M. Gunsally;

A bill (H. R. 12377) granting a pension to Enoch Voyles;

A bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty;

A bill (H. R. 12562) granting an increase of pension to William H. Temple;
A bill (H. R. 12777) granting an increase of pension to George H. Young;
A bill (H. R. 12779) granting an increase of pension to George Chamberlin;
A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck;
A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson;
A bill (H. R. 13081) granting an increase of pension to Anthony J. Railey;
A bill (H. R. 13174) granting an increase of pension to Ransford T. Chase;
A bill (H. R. 13266) granting an increase of pension to Elbert N. Remson;
A bill (H. R. 13332) granting an increase of pension to William G. Cantley;
A bill (H. R. 13355) granting an increase of pension to William H. Snyder;
A bill (H. R. 13378) granting an increase of pension to Edwin Beckwith;
A bill (H. R. 13395) granting a pension to Arthur J. Bushnell;
A bill (H. R. 13398) granting an increase of pension to George G. Sabin;
A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall;
A bill (H. R. 13467) granting a pension to Joseph H. Woodruff;
A bill (H. R. 13529) granting an increase of pension to Francis C. Baker;
A bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton;
A bill (H. R. 13646) granting an increase of pension to John G. Heiser;
A bill (H. R. 13807) granting a pension to Jeremiah Horan;
A bill (H. R. 13891) granting a pension to Hiram A. Sheldon;
A bill (H. R. 14079) granting an increase of pension to John Miller;
A bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin; and
A bill (H. R. 14118) granting a pension to Mary C. Bickerstaff.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry citizens of Ithaca, N. Y., praying that an appropriation be made for the construction of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the East Side Citizens and Taxpayers' Association, of New York City, praying for the construction and completion of the Harlem Kills Canal; which was referred to the Committee on Commerce.

He also presented petitions of United Cloak and Suit Cutters' Local Union No. 6, American Federation of Labor, of New York City, and of the Central Republican Club of the thirty-first assembly district, of New York City, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Omega Lodge, No. 316, Brotherhood of Locomotive Firemen, of Buffalo, and of Ossinning Division, No. 99, Order of Railroad Telegraphers, of Ossinning, in the State of New York, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. CLAPP presented petitions of Lodge No. 360, Order of Railway Conductors, of Two Harbors, and of the Brotherhood of Locomotive Firemen, of Duluth, in the State of Minnesota, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. KEAN presented a petition of the German-American Liquor Dealers' Association, of Elizabeth, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying that beef, veal, mutton, and pork be placed upon the free list; which was referred to the Committee on Finance.

He also presented petitions of Camden Division, No. 170, Order of Railway Conductors, of Camden; of Local Division No. 10, Order of Railway Telegraphers, of Jersey City, and of Hudson Lodge, No. 146, Brotherhood of Railroad Trainmen, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PERKINS presented petitions of Local Division No. 553, Locomotive Engineers, of Fresno; of Lodge No. 278, Brotherhood of Railroad Trainmen, of San Bernardino; of Lodge No. 148, Brotherhood of Locomotive Firemen, of California; of Lodge No. 60, Switchmen's Union of North America, of Needles; of Local Division No. 115, Order of Railway Conductors, of California; of Local Division No. 392, Order of Railway Conductors, of San Bernardino, and of Lodge No. 74, Brotherhood of Railroad Trainmen, of Los Angeles, all in the State of California, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of the Federated Trades Council of Oakland; of the Journeymen Barbers' Local Union of Vallejo; of Carpenters and Joiners' Local Union No. 180, of Vallejo; of the State American Federation of Labor of San Francisco; of the Labor Council of San Francisco; of Ship Joiners' Protective Union No. 8835, of Vallejo; of Local Union No. 9489, of Visalia; of the Trades Council of San Francisco; of Brewery Workmen's Local Union No. 227, of San Francisco; of Local Union No. 180, of Vallejo; of the Tailors' Local Union of San Francisco; of Carpenters and Joiners' Local Union No. 35, of San Rafael; of the Warehousemen's Protective Association of Crockett; of Painters, Decorators, and Paperhangers' Local Union No. 507, of San Jose; of Printing Pressmen's Local Union No. 24, of San Francisco, and of the Federated Trades and Labor Council of Fresno, all of the American Federation of Labor, in the State of California, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. KITTREDGE presented memorials of sundry retail merchants of Howard, Mount Vernon, Letcher, Groton, Webster, Highmore, Vermilion, Harrisburg, Beresford, Clearlake, Arlington, Spencer, Volin, Clark, Oldham, Wentworth, Garretson, Fultons, Colman, Bridgewater, Alexandria, Dell Rapids, Volga, Humboldt, Hudson, Faulkton, Lesterville, Sherman, Canton, Montrose, Tabor, Gettysburg, Valley Springs, Hartford, Alcester, Delmont, and Mellette, all in the State of South Dakota, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented petitions of Lodge No. 485, Brotherhood of Railroad Trainmen, of Carroll; of Local Division No. 113, Brotherhood of Locomotive Engineers, of Des Moines; of Lodge No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove; of Local Division No. 56, Brotherhood of Locomotive Engineers, of Centerville, and of Lodge No. 293, Brotherhood of Locomotive Firemen, of Marion, all in the State of Iowa, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BEVERIDGE presented petitions of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, and of Lodge No. 374, Brotherhood of Railroad Trainmen, of Indianapolis, in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. DIETRICH presented petitions of the Brotherhood of Railroad Trainmen, of Grand Island; of Lodge No. 493, Brotherhood of Railroad Trainmen, of Wymore; of Lodge No. 604, Brotherhood of Railroad Trainmen, of South Omaha; of Local Division No. 183, Brotherhood of Locomotive Engineers, of Omaha; of South Platte Lodge, No. 523, Brotherhood of Locomotive Firemen, of Fremont; of Local Division No. 227, Order of Railway Conductors, of Lincoln, and of Local Division No. 246, Order of Railway Conductors, of Wymore, all in the State of Nebraska, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Chamber of Commerce of Ponce, P. R., praying for the repeal of such portion of the joint resolution approved May 1, 1900, limiting the amount of lands that may be held by private corporations; which was referred to the Committee on Pacific Islands and Porto Rico.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;"

A bill (S. 4537) to fix the salaries of the several chief justices and associate justices of the supreme courts of the Territories of Arizona, New Mexico, and Oklahoma at the rate now paid to the judges of the United States courts in Indian Territory; and

A bill (S. 1117) to protect citizens of the United States against lynching in default of protection by the States.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. GALLINGER on the 3d instant, proposing to appropriate $1,000 for one cataloguer in the library, Navy Department, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Naval Affairs and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5759) granting an increase of pension to Charles T. Crooker;

A bill (S. 2535) granting an increase of pension to Annie E. Joseph;

A bill (S. 5670) granting a pension to Samuel H. Chamberlin;

A bill (S. 5650) granting an increase of pension to William R. Raymond;

A bill (S. 5669) granting a pension to Charlotte M. Howe;

A bill (H. R. 11285) granting an increase of pension to William Sheldon;

A bill (H. R. 13265) granting an increase of pension to John Whalen;

A bill (H. R. 5020) granting an increase of pension to Courtland C. Matson;

A bill (H. R. 1696) granting an increase of pension to Frederick A. Condon; and

A bill (H. R. 12012) granting an increase of pension to Walter C. Tuttle.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5007) granting an increase of pension to James Irvine; and

A bill (S. 5133) granting an increase of pension to Augusta Neville Leary.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 4912) granting an increase of pension to Maggie L. Reaver; and

A bill (S. 5227) granting an increase of pension to Elizabeth Whitty.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 530) granting a pension to James H. Landreth, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

TESTIMONY, ETC., IN APPELLATE COURTS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States, to report it back favorably without amendment; and I ask that the bill may be now considered. Before the bill is read for information I should like to make one statement which Senators will have in mind when they hear it.

It is simply a bill to provide that the practice which prevails now in many States may prevail in the Federal courts, that instead of sending up copies in all cases of records, minutes of testimony, etc., to the appellate court, which is a very costly and cumbrous process, the original papers shall be sent up and returned after the appellate court has acted on the case. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read to the Senate in full.

Mr. PETTUS. I ask that the bill go over.

Mr. HOAR. Let it go to the Calendar.

The PRESIDENT pro tempore. The Senator from Alabama objects, and the bill goes to the Calendar.

COMPENSATION OF CRIERS AND BAILIFFS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5735) to fix the compensation of criers and bailiffs in the United States courts, to report it without amendment; and I ask that the bill be put on its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that on and after the passage of this act the per diem pay of all persons employed in any court of the United States, under section 715 of the Revised Statutes, shall be $3 a day instead of $2 a day, as now provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. CULLOM introduced a bill (S. 5771) granting an increase of pension to James Breeze; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 5772) granting a pension to Isaiah Cheek; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5773) for the extension and enlargement of the post-office building at Owensboro, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 5774) granting a pension to Asa E. Sampson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 5775) granting an increase of pension to Helen Olivia Leckie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5776) for the relief of John Christie; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5777) for the relief of Plains Lodge, No. 135, Independent Order of Odd Fellows, of East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 5778) granting an increase of pension to John W. Oliver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 5779) to amend section 2238 of the Revised Statutes of the United States, in relation to fees to be allowed registers of the land office and receivers of public moneys for the various land districts in the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BEVERIDGE introduced a bill (S. 5780) granting an increase of pension to Henry A. Hartley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5781) for the relief of James H. Carmack; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5782) granting a pension to Nannie B. Turner; which was read twice by its title.

Mr. COCKRELL. In connection with the bill I present the petition of Nannie B. Turner, helpless and dependent daughter of William Turner, Company G, Fifth Regiment Provisional Enrolled Missouri Militia, for a pension of $12 per month, together with the affidavits of Dr. S. A. Poague, Burton S. Bradley, R. L. Allen, F. M. Osburn, and Dr. J. L. Robinson; also letters from the Pension Office and from the Auditor for the War Department, Treasury Department, and a copy of the law of February 15, 1895, relative to the status of the Missouri militia who served during the late war. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. FOSTER of Louisiana introduced a joint resolution (S. R. 97) to authorize certain officers of the Treasury Department to audit, certify, and pay claims of certain counties of Arizona; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment relative to the professors of languages at the Naval Academy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LUCY I. JUDSON.

Mr. QUARLES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy I. Judson, widow of C. K. Judson, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PRINTING OF MEMORIAL ADDRESSES.

Mr. PERKINS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume, in cloth, 15,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the use of the Senate. The Joint Committee on Printing are hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable portrait etchings to be bound in with these memorials, and shall use such paper and binding as will make the volumes worthy of a place in the libraries of the land.

SPECIAL EMBASSIES AT CORONATIONS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. BAILEY on Saturday, as follows:

Resolved by the Senate, That it is contrary to the policy of the United States to accredit to any foreign government any ambassador, minister, or other diplomatic officer or agent to especially represent the United States at the coronation of any hereditary prince or potentate.

2. That no power exists in the President of the United States to appoint any ambassador, minister, or other diplomatic officer or agent and accredit him as the representative of the United States to any foreign government except by and with the advice and consent of the Senate, as prescribed in section 2, Article II, of the Constitution of the United States.

Mr. BAILEY. Mr. President, I desire, as a parliamentary inquiry, first to ask what will be the disposition of this resolution if no Senator desires at this time to address the Senate upon it?

The PRESIDENT pro tempore. It would go to the Calendar; but on motion it can be taken up at any time from the Calendar or by unanimous consent it can lie on the table.

Mr. TELLER. Let us get a vote on it.

Mr. BAILEY. What I desired to know was, if no Senator now wishes to address the Senate, whether it is not before the Senate for a vote.

The PRESIDENT pro tempore. It is before the Senate for a vote.

Mr. BAILEY. I am very much more anxious to have a vote upon it than I am to make a speech upon it, and I am ready to take the vote. I am ready to take the vote, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. LODGE. I ask that it be read before we vote.

The PRESIDENT pro tempore. It will be again read.

Mr. FORAKER. Is the Senator from Texas specially desirous of having the resolution considered at this time? I have not read the resolution. I heard it read when it was presented by the Senator from Texas last Saturday, and it occurred to me as it was read that it was a very broad resolution, and that I should like to look at it before I voted upon it. Perhaps I ought to have done so, but I have been very busily occupied with another matter.

Mr. BAILEY. I take it there is but one word in the resolution that by any reasonable possibility might be considered as too broad, and that is the word "agent." But the Senator from Ohio will observe, by carefully reading the resolution, that it is only an agent of the Government whose appointment is forbidden without the advice and consent of the Senate, and not the mere agent of the President, which in many instances he has the right to employ. I think even that word can not be objected to in this connection.

I will say to the Senator from Ohio that all I desire is to have a vote. I am unwilling that the resolution shall be buried. I believe that that is not the practice in the Senate. My understanding is that, after a full and fair debate, the Senate is always willing to take an expression on any bill or any resolution.

With the assurance that we can have that vote, I am perfectly willing that this matter shall pass until any Senator can have time to examine it, and until the Senator from Ohio shall have an opportunity to address the Senate upon it, but I can only consent to that, of course, with the understanding that we can have a vote upon it at some time during this session.

Mr. FORAKER. The Senator from Texas has said about what I would have expected him to say under such circumstances. As I understand it, it is simply a resolution expressing an opinion; it is not now attached to any bill; it will have the same effect if it be voted upon later in the session that it would have if voted upon to-day. It is a resolution that I should be glad to look at before we vote upon it. I heard some remarks made about the amendment that the Senator offered the other day which I did not fully agree with, and I thought at the time that I would make some remarks; but when this resolution was submitted I supposed it would go over until there would be an opportunity to investigate the matter and talk intelligently. If it is all the same to the Senator, I should be glad to have the resolution go over. I assure him I shall not delay taking it up and voting upon it.

Mr. BAILEY. I ask unanimous consent that the resolution shall retain its place on the table as it is without going to the Calendar.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that the resolution lie on the table, retaining its place. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills:

A bill (S. 1295) to amend an act to authorize the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, construct, and change a bridge for railway and street-railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.; and

A bill (S. 1305) for the relief of Mrs. Arivella D. Meeker.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3123) to make Port Arthur, Tex., a subport of entry and delivery in the customs district of Galveston;

A bill (H. R. 10172) granting an increase of pension to Thomas Finegan; and

A bill (H. R. 12097) to amend the internal-revenue laws in regard to storekeepers and gaugers.

The message further announced that the House had passed, with amendments, the concurrent resolution of the Senate to print 10,000 copies of the message of the President transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution, for the use of Congress, 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, as the same appears in the National Museum, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed resolutions commemorative of the life and public services of Hon. James Henderson Kyle, late a Senator from the State of South Dakota.

The message also announced that the House had passed resolutions commemorative of the life and public services of Hon. Rufus K. Polk, late a Representative from the State of Pennsylvania.

DIPLOMATIC AND CONSULAR SERVICE IN CUBA.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and agree to the conference asked by the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. LODGE, and Mr. MORGAN were appointed.

RELIEF OF CITIZENS OF FRENCH WEST INDIES.

Mr. CULLOM. Mr. President, I have just received from the State Department, although not signed by the Secretary of State, a dispatch which I think proper to have read.

The PRESIDENT pro tempore. The dispatch will be read.

The Secretary read as follows:

[Copy of telegram received plain.]

FORT DE FRANCE, *May 11, 1903.* (Received 10.05 p. m.)

SECRETARY OF STATE, *Washington:*

Disaster complete. City wiped out. Consul Prentis and family dead. Governor says 20,000 dead, 50,000 homeless, hungry. Ask Red Cross, codfish, flour, beans, rice, salt meats, biscuits, quick as possible. Visit of war vessels valuable.

AYMÉ, *Consul, Martinique.*

The PRESIDENT pro tempore. The dispatch will be referred to the Committee on Foreign Relations.

DAVID M. M'KNIGHT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3992) granting an increase of pension to David M. McKnight, which was, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER were appointed.

ANNIE E. COLLIER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4506) granting an increase of pension to Annie E. Collier, which was, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-five."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

REBECCA COPPINGER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2336) granting a pension to Rebecca Coppinger, which was, in line 9, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

ARIVELLA D. MEEKER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1305) for the relief of Mrs. Arivella D. Meeker.

The amendment of the House of Representatives was, in line 4, after "Colorado," to strike out down to and including the word "cents," in line 6, and insert "an annuity of $500 per annum for her life, commencing on the 15th day of June, 1900."

Mr. WARREN. I move that the Senate concur in the House amendment.

The motion was agreed to.

MORALS OF JESUS OF NAZARETH.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved, etc., That there be printed and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution, for the use of Congress, 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, as the same appears in the National Museum, 3,000 copies for the use of the Senate and 6,000 copies for the use of the House.

HOUSE BILLS REFERRED.

The bill (H. R. 3123) to make Port Arthur, Tex., a subport of entry and delivery in the customs district of Galveston was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10172) granting an increase of pension to Thomas Finegan was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 12097) to amend the internal-revenue laws in regard to storekeepers and gaugers was read twice by its title, and referred to the Committee on Finance.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. FORAKER. Mr. President, so far as the details of this bill are concerned, I shall probably say but very little, if anything at all. There are two reasons for this. In the first place, I am not a member of the Philippine Committee and have not had the benefit of the hearings before the committee, and I have not had the benefit of the consultations in the committee and have not had the benefit of participating in the labor of the committee in framing this measure. Therefore, while I have read the bill, and read it carefully, as I think, and have studied its provisions sufficiently to be satisfied with them, yet I recognize that the members of the committee are necessarily better qualified than I am to answer the criticisms which have been made, or may be made, upon some of the provisions of the bill, and for that reason, a sufficient one of itself, I pass by the discussion of the various provisions of the measure.

But the other reason I have, to which I have referred, is a more important and a more commanding reason why I should do this. It is found, Mr. President, in the fact that the opponents of this measure have given to this discussion so wide a range that it comprehends the entire Philippine problem. This was indicated in one of the first sentences of the first speech made in this debate by the Senator from Tennessee [Mr. CARMACK], when he stated that in this controversy the real issue is not this bill, but the policy of which it is an exponent. The Senator, after making that statement, then proceeded to make a very elaborate speech, and I can say in all good conscience, so far as its literary quality is concerned and so far as it is concerned as an intellectual effort, it was a great speech. I do not think I have ever read a speech with more entertainment than I read that one, although I do not agree with a single proposition or view advanced by the Senator.

And yet, notwithstanding I can say all that in compliment of his speech, the fact remains that when you come to analyze it and apply it to the measure which we have under consideration it divides itself into four divisions or chapters or propositions. In the first place, in this first division, if I may so term it, the Senator addresses himself to the proposition that our policy in acquiring and undertaking to govern the Philippine Islands is a mistaken and wicked policy. He used more extravagant language than that, but the words I have employed will indicate what he meant. It is a mistaken and wicked policy, he said, for which only the Republicans are responsible.

His second proposition was that our policy in acquiring and governing the Philippine Islands is a mistaken and wicked policy, for which the Democrats are not responsible. His third proposition was that as to the Philippines we have no policy whatever, and he concludes his remarks in that connection with a demand that we shall at once adopt and declare and define some policy.

The fourth division of his speech is but an impassioned outcry about thieves and robbers and pirates and plunderers and other pleasant people of that kind connected with declarations about cruelty and barbarism and butchery and murder and bloody ruin.

The Senator very naturally concludes, as the result of all this, that we ought to retire at once from the Philippines, or as soon, at least, as we can get out of them.

Other speeches have been made in opposition to this measure, very able ones, notably, without meaning to disparage anybody else, the speeches made by the Senator from Utah [Mr. RAWLINS], the Senator from North Carolina [Mr. SIMMONS], and the Senator from South Carolina [Mr. TILLMAN]. In so far as they talked about general questions they were all of the same general character as the speech of the Senator from Tennessee to which I have referred.

And so it is, Mr. President, that I say we have the whole Philippine problem opened up by this debate, and the first question for us to address ourselves to is not what shall be the provisions of a bill, but whether or not we shall have any bill at all; for in view of what has been said, if we are to consider it seriously, necessarily the first question is whether we intend to remain in the Philippines or come away from the Philippines, as Senators speaking in opposition have suggested we should do, and demand that we should do.

If we are to come away immediately, or this year, or next year, or at any time in the near future, it is not very important, Mr. President, whether we enact this bill or not, for until that time we can continue to get along as we have been getting along, with military rule supplemented with such civil government as the Taft Commission can supply. But if we are to remain in the Philippines indefinitely—if we are to remain there, for instance, until we shall have suppressed all opposition to our authority, until we shall have established law and order throughout the length and breadth of that archipelago, until we shall have established a stable government, and shall have set it into successful operation, and shall have put the feet of that people into the path that leads to more enlightened knowledge and greater happiness and greater prosperity and a higher civilization—it is of the utmost importance that we should pass either this bill or some other bill like it. It is important because the time of withdrawal will be indefinite. We must stay there much longer than has been suggested by anybody on the other side, whether we ultimately come away or not; and important also because military government is

inconsistent, generally speaking, with the spirit of our institutions, and it is obnoxious to the people who are to be governed.

So it is, Mr. President, that the first great question for us to consider is whether we intend to stay for this indefinite period, for we need not consider more than that, or whether we intend to come away. I want to say at the outset that we are not coming away, as Senators have suggested and have demanded in the speeches which they have made here. We are not coming away, Mr. President, certainly under this Administration, and we will not so come away under the next Administration, no matter whether that be a Democratic or a Republican Administration. We will not come away, because we can not come away, as Senators have suggested and demanded, unless we write dishonor and poltroonery across the forehead of the American people; and no Administration will do that, or be allowed to do it by the American people.

When I make that remark I refer, Mr. President, to the obligations we are under to remain in the Philippines. Senators must not overlook the fact that we are under such obligations. In the first place, we are bound by the stipulations of our treaty of peace with Spain to remain in the islands asserting our governmental authority there, and our power there, for the protection of every Spanish subject there remaining in the enjoyment of his property rights. In the second place, we are so bound as to his personal or civil rights; and, in the third place, we are obligated by the stipulations of that treaty to protect all the inhabitants of the Philippine Islands in the enjoyment of their religious rights and privileges.

There is another specific obligation, and that is that the vessels and the merchandise of Spain shall have an open door with us in the Philippines for the stated period of ten years. We can not come away without providing for these obligations and their enforcement without committing an act of dishonor.

But, Mr. President, that is not all. By the mere act of taking title and taking possession and establishing jurisdiction and asserting authority and sovereignty we have bound ourselves to the subjects there residing of every other civilized power on the face of the earth by the mere operation of international law to protect them in their property and civil rights, and to stand between them and anarchy and chaos and disorder and blood and murder.

That is not all. We have a very sacred obligation in the Philippines which we must not overlook, if we conclude to abandon the Philippines, and that is our obligation to the friendly Filipinos. In the first order, I was about to say, perhaps it is a proclamation; at any rate, in the first official communication made by President McKinley after the negotiation of the treaty and before the treaty was ratified and promulgated to the Filipinos through our representatives in the Philippine Islands, dated, I believe, December 21, 1898, occurs the passage I shall read. After setting forth the negotiation of the treaty, and that in pursuance to that we would take possession of the islands in due time if the treaty should be ratified, the President said:

> All persons who either by active aid or by honest submission cooperate with the Government of the United States to give effect to these beneficent purposes will receive the reward of its support and protection.

There was a pledge given by the President of the United States, speaking for the people of the United States, to the friendly Filipinos who have stood by us and who have cooperated with us from the time we took possession down until this moment, assisting us to assert and uphold and maintain our authority there. We owe an obligation to them to protect them, as the President said they should be protected, by the strong arm of power of this great Government—protected in their property rights, protected in their individual and personal liberty and all their civil rights of life, and in every other respect, just as was contemplated.

But, Mr. President, that obligation would have arisen if there had been no such language as that employed by the President of the United States. Natural law would have created those rights. These people are not a few; they are many. They are not numbered by hundreds or by thousands or by tens of thousands, but by hundreds of thousands and possibly by millions. There are those who have asserted, and with good show of right so to assert, that a majority of the eight or ten millions of people inhabiting the Philippine Islands are in their hearts friendly to our cause and our flag and our people, welcoming us to their islands and assisting us to remain there.

But whatever the number may be, we know, Mr. President, that they are numerous. We know that they have given us active aid. We know that they have enlisted under our flag, that they have fought side by side with our own soldiers, and that many of them have given up their lives in behalf of our cause in the Philippines; and we know beyond that, as the official record has disclosed during the progress of this debate, that to the number of hundreds these friendly Filipinos, on account of their active aid and assistance to us, have been foully assassinated and murdered by the savage insurrectionists who have been opposing us.

Now, I say, in the first place, we can not come away because of our treaty obligations to Spain. We can not come away, in the second place, because of our international obligations to which I have referred. We can not come away, in the third place, because of our obligations to these friendly Filipinos, whom we have no right to desert, unless we propose, as I said in my opening remark, to act the poltroon.

There are other reasons which I might stop to enumerate why we can not come away, as has been suggested in these speeches, but I do not need to go beyond the point I have reached. I do not need to say more to that effect, because Senators who are in opposition have said all the rest, if any more need be said.

I have before me the amendment which is to be offered at the proper time by the Senator from Utah, and which is to be in the nature of a substitute for this bill. It has been an easy thing for Senators to stand up here in this Chamber and tell us about withdrawing from the Philippines; that we had acted unwisely and mistakenly in going to the Philippines; that it was our duty to get out as soon as possible, and that in that behalf we should make haste to relinquish authority and abandon all claim of sovereignty and the right to govern. It was easy for them to stand here and say that; but when Senators undertook to put on paper how we would do that they found the very difficulties in the way to which I have been referring. They got along very well with their first section. I want to call attention to this substitute carefully, for they show by this substitute, which I understand is to be offered on behalf of the minority members of the Philippine Committee, the utter impracticability, as it occurs to me, of their proposition, and the absolute necessity we are under, according to my view of it, for us to remain there so indefinitely that it is our duty to proceed forthwith with our legislation as proposed by the pending bill.

Section 1 reads as follows:

> SECTION 1. That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

That reads off very beautifully. It was not much trouble to write that, and yet Senators will observe that even in writing that the minority found it necessary to put in a proviso, and that proviso is that we are to abandon, to relinquish, and come away, "subject to the provisions hereinafter set forth." There is to be some provision about it—some condition about it.

Now, let us see what the conditions are, and when you take the second section and read it you will find that instead of coming away they have concluded to stay. We have just abandoned—just relinquished—but at once we conclude to stay. To use the exact language of section 2—

> That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government.

That is the first condition. There are a number of other conditions named, but before I call attention to them let me stop and dwell upon that one for a moment. We are going to "relinquish," and at the same time we are going to "continue" there in possession and in government until, not we establish a government, but "the people" of those islands establish a government.

Mr. President, the first remark I want to make is that that statement is misleading, at least it would be misleading to anyone who is a stranger to the conditions in the Philippines. The declaration is that until "the people" there shall establish a government. The Senator who drafted this substitute knew as well as anybody else that the inhabitants of the Philippine Islands are not "a people," but that they are many peoples and many tribes of many peoples. I find by reference to the report of the first Philippine Commission, of which Dr. Schurman was chairman, that they have three distinct races of people in the islands—the Negrito race, the Indonesian race, and the Malayan race. I find there are 21 tribes of Negritos, 16 tribes of Indonesians, and 47 tribes of Malays. There are no two tribes in the whole archipelago who speak the same language and have the same civilization, or have the same kind of domestic order or domestic institutions, or who have really any positive affiliation with each other except subject to some kind of material modifications.

The important tribes are the Visayans, numbering 2,601,600; the Tagalogs, numbering 1,663,900; the Bicols, numbering 518,100; the Ilocanos, numbering 441,700; the Pangasinans, numbering 363,500; the Pampangas, numbering 337,900; the Moros, numbering 268,000, and the Cagayans, numbering 166,300. This information is found on page 15 of the report of the Schurman Commission.

I need not read further to show that here we find before us officially a statement showing that there is no such thing as "a people" inhabiting the Philippine Islands in the sense in which that term is ordinarily employed, but that the inhabitants are peoples and many peoples of different races, with antagonistic

interests, and anybody knows who stops to think of it, and contemplates what has been put before us in the progress of this debate, that if we are to continue in the Philippine Islands, and govern there until the Moros, the Tagalogs, and the Visayans all agree upon some Tagalog or Malay chief to be at the head of the government, which we will suppose they are able to agree upon, we will stay there a good deal longer than any of us will stay in the Senate of the United States.

Mr. CARMACK. Mr. President——

Mr. FORAKER. I yield to the Senator.

Mr. CARMACK. I only want to ask the Senator from what report he was reading in regard to the number and character of the tribes?

Mr. FORAKER. I was reading from the official report of the Schurman Commission—the first Commission to the Philippine Islands.

Mr. President, that is not all. According to the substitute we are to stay there until these people, without any help from us—for we are not to establish this government—shall come together and shall agree upon a form of government, and shall frame and adopt a written constitution in which shall be defined the departments of government, the powers of these departments, and all the various officials—we are to stay there until all that is done. That means, as I say, longer, I think, than anybody here has been insisting that we should stay.

That is only my opinion. The Senator who framed this substitute, or the minority Senators who, as I understand, are to present it, may have a different opinion about that. They may think it is easy. It is because I do not think it is easy, and because I recognize, just as they recognize, that we can not come away until we substitute some government for our government, that I think we must stay there indefinitely and that it is our duty to provide for a civil government. But we are not to come away as soon as we get "a government," but are to continue there until they have established this government, and then we are to continue there, thereafter, until that government shall have given us "sufficient guaranty" "for the performance of our treaty obligations with Spain."

There, Mr. President, is a recognition in this substitute at the hands of the minority members of this committee, who are opposing the bill reported by the majority, that we have the treaty obligations to take care of that I referred to in my opening remarks. They recognize that we can not without dishonor pack our baggage, haul down our flag, call away our Army, and come home with it until we have made some provision for the faithful performance of the obligations we solemnly entered into with Spain when we signed with her that treaty of peace.

I need not stop to comment on what they are, for I have already, perhaps, sufficiently called attention to them to show the difficulty that will attend us in the discharge of those obligations or attend anybody else who may undertake to discharge them.

But now I want to call the attention of the Senate to this: We are the contracting party with Spain; these are our obligations; we have undertaken to protect the subjects of Spain in the Philippines. Would the Spanish Government be willing to let us step down and out, and substitute in our place a Filipino government not yet organized, and with respect to the character of which no man can foretell anything with certainty? Why, it is a preposterous idea. Is it for the United States and the Filipinos alone to agree as to what is to be done with respect to our obligations to Spain? Certainly not. Spain is the contracting party with us, and we must look to Spain as that contracting party, as well as to the beneficiary. I do not believe Spain would ever agree to that.

But let us look further. I said I need not comment further as to what our treaty obligations to Spain are, yet it comes into my mind that I ought to do so for the reason that one of these treaty obligations is that we will protect all persons—all inhabitants, individuals, corporations, and everybody else—residing in the Philippines at the time of this treaty, in the full enjoyment of their property rights and their civil and religious rights.

The great difficulty that Spain had in getting along with the Tagalos was on account of—I think it will be agreed here—the trouble over the friars and the friars' lands. The ecclesiastical corporations held a half million acres of land, I believe.

Mr. BACON. About 400,000 acres.

Mr. FORAKER. I have seen it stated as high as 500,000 acres, but say four or five hundred thousand acres. These ecclesiastical corporations held against the will of Aquinaldo—and all his followers agree with him—four or five hundred thousand acres of land; that is church property, as they claim. We entered into a compact with Spain, according to which we bound ourselves to protect property rights, and that meant to protect the friars, as well as anybody else, in the enjoyment of their property and their religious opinion and belief, and in the exercise of their religious privileges and rights.

Now, in this bill a provision is made to solve the difficulties we are having on account of these friar lands being tied up in this way, which provision has been criticised by the Senator from Colorado [Mr. TELLER]. I have not had time to investigate it as thoroughly as I should like, but his criticism shows—whether it be well taken or not—what a difficult question it is that we have to deal with there. If it is to be dealt with, as we are proposing, by the selling of bonds for raising five or six million dollars, buying from the friars their lands, and paying for them with the proceeds of the bonds, and then turning around and recouping by selling the lands to the inhabitants of the islands, it involves a transaction of considerable importance, one behind which there must be somebody who is quite substantial.

I have said enough, Mr. President, to show how important is the provision of this substitute, that we are not to come away from there until we have sufficient guaranties from this government—to be established by these Filipinos—that they will discharge that obligation of the United States. Do you think that Spain would be willing—knowing how savagely hostile the Filipinos are to the friars and their property rights there—to substitute a Filipino government for the Government of the United States?

Everyone knows she would not; and we could not come away with our obligations cared for unless she would assent to it. But if she were to assent to it, then what would be the next consideration? We would then have to find that there was a government established, a government organized, and that this government, so established and so organized, was so successful and so stable and so resourceful from revenues or otherwise that her obligations to us to take care of that transaction, amounting to at least five or six millions of dollars, would be satisfactory and so just and so humane as to satisfy us that in dealing with her old-time enemies, the friars, they would, as we are bound to do, act with justice and equity toward all the people and all the interests concerned. That is a quite comprehensive proposition.

But, Mr. President, that is not all. We are, according to the substitute, to continue in the Philippines, holding title, holding possession, and governing the Philippines until they establish a government and until that government gives us a satisfactory guaranty that all our treaty obligations shall be taken care of. But we are to stay longer than that. We are to stay there and govern until that same government, having given all the guaranties and assurances that I have enumerated, goes further and gives us a guaranty also "for the safety of those inhabitants who have adhered to the United States."

I commented upon that a while ago, and I called attention to the fact that in the very first proclamation of President McKinley to the Filipinos—the proclamation of December 21, 1898—he declared that all the inhabitants of the Philippine Islands who should cooperate with us and give us their friendship, active or otherwise, should be protected in their persons and their property by the strong arm of the Government of the United States. If he had not said that we would have been so obligated; but having said it, our obligation is more explicit.

The Senator who drafted the substitute recognized that obligation; and, Mr. President, it is certainly the most sacred of all the obligations we have undertaken, and at the same time, as everyone knows, the most difficult of performance. Between these Filipino tribes and peoples, or, at least, between many of them, there is a natural enmity that has continued through generations. But between the Filipinos that have adhered to Aguinaldo and the Filipinos who have adhered to the United States, there is a savage enmity; and if we are to withdraw, it would be, as some one recently said in apt phrase, but to invite "a welter of blood."

To proceed, are we to accept the guaranty of a Filipino government to be established this year or next year or the next, that our obligations to Spain shall be discharged, that our international obligations shall be discharged, and that these, our most sacred obligations to the friendly Filipinos, shall be faithfully discharged?

Mr. President, I do not apprehend that it would be possible for the people of the United States or any Administration—this one, or the next one, or any one of the future—to be satisfied on that point; and for us to withdraw until all these matters are provided for is, as this substitute recognizes, for us to act with dishonor and to come away from duties that we have no right to evade or to disregard. That is not all.

The minority go on to provide that not only all that shall be done, but that, in addition, the Filipinos shall give us sufficient guaranty that all the rights which have been acquired by anybody in the Philippine Islands since our occupation of them shall be safeguarded and fully protected.

It was an able Senator who drew that substitute. He studied carefully this whole subject before he put his pen to paper. He wanted to draw a substitute that would recognize the conditions

existing there, because he knew he would have to meet that proposition. He did not put anything in this substitute that he did not recognize he would be bound to put there before there could be any such legislation enacted. When he studied it, and when he so wrote, he was recognizing the actual situation with which we must deal, and, although he doubtless wrote it down in good faith, yet, to my mind and I think to the mind of pretty nearly everybody else who stops to look at it, he succeeded in making it clear that the proposition so glibly spoken here in debate, that we should come away immediately, this year, or next year, or in the near future, is an absolutely impracticable proposition which we might just as well discard.

But, Mr. President, there is something else in this substitute, which the drafter foresaw would be required. In section 4 it is provided that after they shall have adopted a constitution such as they are to be required to adopt they are, as in the case of the Platt amendment, to write into that constitution certain conditions:

Provided, That said convention shall provide by an ordinance, irrevocable without the consent of the United States:

First. That there shall belong to the United States and continue to be the property thereof such lands and waters as the President of the United States shall designate to the said convention for naval, military, and coaling stations and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

Second. To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under the authority of the United States.

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

Stopping there for a moment, Mr. President, does anyone imagine that we would be able to select harbors, naval and coaling stations, and military stations in those islands to the satisfaction at the same time of this Filipino government and the people of the United States? Would they surrender to us, if the President of the United States should designate it, the harbor and bay of Manila? Would the people of the United States, if we are to remain at all in the Philippines, consent that their authority and jurisdiction should cease over that bay, to which is attached so much of glorious historic interest?

I comment on this and other necessary provisions—for they are all necessary—simply to show the futility of the proposition now made.

Mr. President, here is another. We are not done with these difficulties. The minority, in their substitute, recognize that it is not quite the thing for the United States, after these three or four years of occupation, to sail away from the Philippine Islands, leaving them to a Filipino government, the strength and power of which to defend itself no man can foresee, and therefore they provide so that we can not say—I mean the people who are in favor of this bill—if we come away other powers will swoop down upon the Philippine Islands and take possession of them, and instead of having the Filipinos next to us we shall have France, or England, or Germany, or some other great power adjoining us at our naval and coaling station, to be, we would hope, a friendly neighbor, but possibly an unfriendly and bad neighbor. So, therefore, to guard against that this additional condition is provided:

SEC. 6. That the President of the United States is hereby requested to negotiate an agreement between the United States, the said Philippine Archipelago, and Great Britain, Germany, France, and such other powers as he may deem best, providing for its perpetual neutrality and inviolability from all foreign interference, and also for equal opportunities of trade to foreign countries with said archipelago.

The President is requested to do this little, simple thing, just as though it were a little, simple thing—but an utter absurdity it seems to me, if I may use that term without intending to be disrespectful to those Senators who wrote it into this substitute—that the Philippine Archipelago, the United States, England, France, Germany, Russia, and all the other great powers are to join in a treaty making the Philippine Islands neutral territory and providing for an open door there for all the nations of the earth.

Only a short time ago we had under consideration in this Chamber the Hay-Pauncefote treaty, in which there was a provision that, if England and the United States agreed, all the other powers should be invited to adhere to that agreement. We struck that provision out, and the Senators who have drafted this substitute were foremost in that debate and with their votes to strike it out, because they said, and rightly, such was the sentiment of this body and of the whole American people that we did not want any unnecessary entangling alliances with other countries. It was enough to have an agreement with England about the canal, and we did not want to invite anybody else in. You can make treaties easier than you can get rid of them.

Here we are now in what interest? In the interest of abandoning possession, the United States asking that all the great powers will join with us in an entangling agreement to the effect that that country, which we can not hold according to the theory of the advocates of this measure, shall remain neutral, and that they will not step in and take possession and govern, where, if we adopt this programme, we will have decided that we can not govern and with respect to which we shall have written ourselves down incapable. That is not all that is in this substitute, but that is enough.

Mr. BEVERIDGE. Before the Senator leaves that point, will he allow me to suggest a further dilemma?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I want to suggest to the Senator a further dilemma that grows out of the substitute, which is brought out by the comment the Senator is just making. In the condition stated by him, suppose the negotiation of this treaty were made; and suppose that some of the British interests in the islands, which are large, should become endangered and should appeal to their Government for protection, and that Government, obeying its obligations to its citizens, were to attempt to protect them; would we not be compelled, under such an agreement, to go to war with Great Britain to compel its observance of that neutrality?

Mr. FORAKER. Undoubtedly, either that or else submit to having treaty obligations entered into so violated without our undertaking to call the violators to account.

Mr. BEVERIDGE. Or, if British subjects should loan money to the Filipinos which they could not or would not pay?

Mr. FORAKER. There is just one more proposition in this substitute that I shall call attention to, though I have read enough to show that it is an utter impossibility, it seems to me, for us to enact such legislation and to leave there, having all these conditions complied with that are here proposed to be enacted.

Section 7 proposes—it may be the whole measure was intended to lead up to this one very significant provision—

SEC. 7. That immediately after the President shall have proclaimed that all armed resistance to the United States has ceased in said archipelago, he is requested to proclaim full amnesty to all the inhabitants thereof for or on account of political offenses and the bearing of arms against the United States, and all Filipinos or inhabitants of said archipelago who have been deported shall be returned to the place from whence they were so deported.

That, Mr. President, would cover the case of Aguinaldo, who has borne arms against the United States, but is now a prisoner in the Philippine Islands, and it would also cover the case of Mabini, who was his secretary of state, I believe, but who is now dwelling temporarily in the island of Guam.

Mr. BEVERIDGE. And also Pilo del Pilar.

Mr. FORAKER. Yes; and many others who would come within the same category.

I have said enough, for I do not want to unduly detain the Senate with comments upon that measure or comments of any kind. I have said enough, I think, to establish the proposition I started out with—that we can not come away immediately or in the near future from the Philippine Islands, because of obligations of this character, and it is an impossibility to provide for the discharge of these obligations in the way here provided, according to my judgment.

The result will be, Mr. President, if we can not come away with honor, we will not come away at all. The American people are not going to shirk any responsibility, much less will they undertake to shirk a responsibility if to do so they must do a dishonorable thing. They will keep their obligations. That means, Mr. President, in the language employed by the President only a few days ago, when he spoke in this city, that the "flag will stay put in the Philippine Islands." If we are to stay there, then we must govern.

Mr. CLAY. Mr. President, will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. CLAY. I understood the Senator to say that we have certain duties to perform in the Philippine Islands; that we owe it to those people to see that civil government is established there; that we owe it to the Spanish subjects to see that their property rights are protected, and that we owe it to Spain to see that our treaty obligations are carried out. Do I understand the Senator to say, by his last remark, that after we have carried out all of these obligations he thinks the Government of the United States should still then continue in the Philippine Islands, provided the people of the Philippine Islands do not want us there? Does he say that we should continue to stay there permanently after we have carried out all the obligations we owe to those people?

Mr. FORAKER. Mr. President, the question asked by the Senator from Georgia is a very natural one, one pertinent to this debate, and one that I thoroughly appreciate; so much so that I have already answered it in the progress of the remarks I have made. I answered it, Mr. President, when I said that no matter what may ultimately be done, we are compelled, by the considerations I have enumerated, to so long remain in the Philippines that it is idle for us to talk about the time when we are going to come away or how we are going to come away.

I have always been of one mind in regard to this matter. I have always hoped that conditions might be such as to allow us to give those people the rights of local self-government, to give them their independence, if you please; but, Mr. President, what an idle thing it would be for this Congress to declare, as Senators have asked this Congress to do, that we propose next year to give them their independence, or ten years from now to give them their independence! Such promises could not bind anybody in the future. We are here to legislate for the present, looking at the condition as it exists now.

I say, Mr. President, that we are compelled to remain so indefinitely long in the Philippines that it is our duty to establish civil government there, and then, as we go along, in the years of the future, we shall be governed by what may be the results.

Mr. HOAR. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Ohio yield?

Mr. FORAKER. Certainly.

Mr. HOAR. I will state my reason for asking it in one sentence—I will not interpose a speech or an argument, of course, in the Senator's very brilliant and interesting speech. The point which a great many people regard as important, and which, for one, I regard as absolutely essential, is whether the Senator and the people of the United States are willing to say that when all our treaty obligations have been fulfilled, and that people have established a government in freedom and in honor and are fit to maintain it and desire independence, we will then, without fixing any time, recognize their right to it, according to our old principles? I believe religiously that the affirmation of that duty, not fixing a time, would have prevented this war altogether and would at once end all resistance now.

I wish to ask the Senator from Ohio if he is ready, not to fix the time, not to abandon any obligation whatever, but to say that whenever the obligations are all fulfilled and the people desire an independence for themselves, which they are able to maintain, and have established or are ready to establish a government, we disclaim any right to hold them in subjugation for our benefit?

Mr. FORAKER. Mr. President, the question asked by the Senator is, I know, asked in all sincerity. I know how he feels upon this question, and I respect his feeling. At the same time, Mr. President, the question does not embarrass me in the least. This is not the first time that question has been asked in this Chamber or elsewhere. Repeatedly we have been so interrogated; and I answer now, as always heretofore, that, without regard to what may be any Senator's individual opinion, it is a most unwise and impolitic thing, in my judgment, for us to declare that at any time in the future, when we shall not be here to control the action of this Government, this Government will take action thus and so.

Mr. HOAR. If the Senator will pardon me——

Mr. FORAKER. Certainly.

Mr. HOAR. The point is—and I understand that is what we are fighting for—to affirm the right never to do it, and if we once say in any form of statement "we are not fighting for the right to hold you in subjection," the whole cloud disappears.

Mr. FORAKER. Mr. President, the Senator interrupted me with a second question before I had concluded what I wanted to say immediately in answer to his first question——

Mr. HOAR. I beg the Senator's pardon.

Mr. FORAKER. There is another reason, Mr. President. Who knows exactly what the conditions are with sufficient familiarity to act even to-day? The Senator from Massachusetts thinks he does; and yet the Senator recognizes that all these obligations to which I have referred must be taken care of. The Senator recognizes that they will continue us there for a long time. Does it not occur to the Senator from Massachusetts, and to every other Senator who is disposed to ask such questions, that during the five years or the ten years or the twenty years that we must of necessity remain, there will be great changes in conditions, and that long before the expiration of that time the people of those islands may want us to stay, by an overwhelming majority? It is contended, as I said in the opening of my remarks, by well-informed people that a majority of them do now want us to remain. I have confidence in our institutions. I believe the Filipinos will like them better as they become better acquainted with them.

Mr. HOAR. If we are holding a man lawfully in prison as a punishment, or under a right of detention, and he is struggling to get out, and we can end the whole trouble by telling him that we are not holding him as a slave, that is what I think we should do.

Mr. FORAKER. Mr. President, again the Senator interrupted me before I had concluded. I had a third answer to him which I will now make. He thinks that would settle the difficulty. His proposition is that we shall say, "In the indefinite future, whenever you have done thus and so, established a government, given satisfactory assurances that you will do all these things, then we will withdraw and allow you to be independent."

Does not the Senator recognize—it seems to me he must, as it is so plain to my mind—that that will be only an invitation to the Filipinos who are making contention against us to demand that they be allowed to proceed, and that they do this and that and the other, and insist that we are not keeping faith, or, although acting in good faith, that the guaranties they may have given are sufficient, when we think them insufficient.

It seems to me, Mr. President, we must look at the situation as it is. We have the Philippines. We have taken title. We have possession. We have established government. We are establishing law and order. They are ours—ours against all the world; and the thing for us to do is to set that house in order before we talk about making a disposition of it. We are doing our part, and, as I believe, doing it as well as we know how, laboring honestly and faithfully to accomplish just and proper results, and it will be for those who come after us in the Congress of the United States—for a great many will come after us before this question is acted upon—to determine what shall be done by the Government of the United States; and when they come to take action the conditions existing in the islands, the feeling of friendship or of hostility, whichever the case may be, of that people will undoubtedly have much to do in determining the Congress of the United States as to what action it shall take.

Now, Mr. President, passing that by, as I have said, we are to remain there. By that I do not mean forever. It may be we will remain forever, but while not necessarily forever, yet we are to remain there so indefinitely that there is no use to qualify the term. Therefore it is necessary for us to legislate, and therefore we come to consider a bill. In that connection arises the question, upon the speeches made in opposition to the measure by other Senators, what our policy is, what it has been, and what it is to be.

I do not want to go into this at great length; but the Senator from Tennessee [Mr. CARMACK], in a speech made here two or three days ago—last Thursday, I believe it was—after reciting the cruelties and the expenses and the other disadvantages to which we are subjected by remaining in the Philippines, said:

> No, Mr. President, the facts alleged by Senators when they tell of the terrible hatred, the terrible cruelty which the Filipinos have exercised, and the remorseless retaliations, as they choose to describe them, which have been perpetrated upon them, although we have slaughtered people and tortured people who have committed no wrong, show that we are entering upon a task that means a century, perhaps three centuries, of constant bloodshed, of war, and of insurrection, that means the shedding of God only knows how much American and Filipino blood and of how much treasure to be wrung from the American people, and all, as I have said before, for no other purpose except that a few carpetbag thieves may have unlimited license to plunder the people of the Philippine Islands. That is what we are asked to do. We are asked to assume all that burden, we are asked to foot the bill, we are asked to tolerate murder and massacre and torture for no other purpose except that a few carpetbaggers may have the opportunity to rob the people of the Philippines as they used to rob the people of the Southern States.
>
> That, sir, is the only question that is presented to the American people.

The senior Senator from South Carolina [Mr. TILLMAN], in the course of his speech, made this statement:

> The game here—
>
> Referring to this bill—
>
> The game here is simply to open the islands to the exploitation of those who are on the ground floor and have already mapped out their mines or their forests or their other holdings, which they will speedily obtain through this instrumentality as soon as you shall have passed the bill.

I do not intend to stop, Mr. President, to comment on the character of that language. I know that neither Senator meant to have anybody understand that any member of this Senate is interested, financially or otherwise, in the development of the Philippine Islands, or that any Senator has any commercial interest there. We are all interested within the term "otherwise," because we are interested to have that possession of the United States made prosperous. Neither Senator intended, I know, to impute any improper motive to any Senator in voting for this bill, as some of us propose to do; and yet, having used that kind of extravagant language, it is necessary, or at least it makes it quite appropriate, that I should make some remarks upon the policy of this Government in the Philippine Islands.

Mr. TILLMAN. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I am glad the Senator understood me so perfectly. Some people do not, or pretend they do not, though I try to be very plain and frank. I have no idea that any man on this floor is engaged in any scheme of spoliation there, or that there is a solitary Senator who is interested in any such thing. It is my opinion only; I have no proof; I am only judging by the conditions; but my charge was that the policy of the Republican party in seizing those islands and conquering them was to provide

a means for the investment of capital, for trusts, for the organization of combinations of wealth to go there and obtain possession of sugar plantations, and all of the elements of gain, and have the Army protect them in the use and the enjoyment and the getting of wealth, while the masses of the American people would pay the expenses, and a few capitalists would enjoy the emoluments or the benefits. That was my purpose. I believe it, so help me God.

Mr. MASON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further?

Mr. MASON. Mr. President, I was about to ask the Senator from South Carolina a question, but I will not interrupt the Senator from Ohio.

Mr. FORAKER. I yield if the Senator wants to ask a question.

Mr. President, I did understand the Senator from South Carolina. I have served in this body a good while with him. Everybody acknowledges his ability. Everybody acknowledges his frankness. Hardly anybody approves his discretion. [Laughter.]

Mr. TILLMAN. The people of South Carolina have seemed to approve it.

Mr. FORAKER. Well, I should not have made the remark; I withdraw it.

But, Mr. President, what these Senators intended to say was that our policy was one of greed and selfishness in acquiring the Philippines and in remaining in the Philippines; and I say that invites me to make some remarks on that point.

I want to say, Mr. President, that we not only went to the Philippines in the way we are all familiar with—for the purpose of striking a blow at the enemy with whom we were at war—but we went to the Philippines as a matter of absolute necessity as well. It was a matter of necessity as well as opportunity and duty to go to the Philippines as we did. What I mean by that is this—something that most people seem to lose sight of in discussing this Philippine question. We did not start into the war with reference to the Philippine Islands. We wanted to liberate Cuba; but when we passed our resolutions of intervention, Spain answered with a declaration of war, and that let down the bars everywhere, and it produced unforeseen results everywhere by legal operation. I mean by the operation of international law.

A great deal has been said here in criticism of what Senators have been pleased to call the commercial side of this matter. Mr. President, the commercial side had a great deal to do with our acquisition of the Philippines. It had a great deal to do with our retention of the Philippines, and it has a great deal to do with our continued retention of the Philippines. But how? In this way. For many years we have been building up a trade with the Far East, with Japan and China and Korea, the Straits Settlements and Oceania.

Our commercial interests in the Far East long ago became so important that this Government adopted, as a settled policy, the retention of a squadron of our Navy, called the Asiatic Squadron, in those Asiatic waters. The Asiatic Squadron was not there to make war upon anybody. It was there to protect American interests, whether on the sea or on the land. Americans have been investing their capital in business enterprises in Japan and in all these countries. We have millions invested there. We were keeping our Asiatic Squadron there and have been for years, in time of peace, only that it might be there if it should be needed to protect the interests it was designed to protect. When this war broke out Commodore Dewey, in command of the Asiatic Squadron, was in the harbor of Hongkong. Now, what happened?

The declaration of war set certain international laws into operation. According to international law, the war ships of a belligerent nation can not remain in a neutral port longer than twenty-four hours. It is an act of hostility against the other belligerent for any neutral to allow the war ships of a belligerent to remain in her ports. Therefore it was that when the United States and Spain declared war against each other international law required of Admiral Dewey that he should immediately get out of that harbor of Hongkong. Where was he to go? We had no harbor in all that part of the world, no port in which he could stay over night. He had to sail out on to the sea, and he could not enter any other port except only for the purpose of getting necessary food, supplies, and coal—supplies to enable him to reach our nearest home port. He happened to be pretty well supplied just at that time, so he did not have to think about getting into any neutral port.

But, Mr. President, there was no American port where he could go. Every neutral port was closed against him, and he had either to sail out, as best he could and as long as he could, on the bosom of the sea, or he must sail to San Francisco, our nearest home port, some six or seven or eight thousand miles away. If he went to San Francisco he could not protect the interests he had been sent into the Orient to protect. We had thought it necessary to have him there in time of peace. Much more necessary was it to have him there in time of war, and particularly when we were at war with a power that had an armed navy at hand and had large territorial possessions near at hand.

That was the situation in which we were. Dewey was there. We wanted to utilize him in that war. If he had come to San Francisco he not only would have abandoned the interests he was sent there to protect, but he also would have come to a port where it would be an utter impossibility for him to be utilized in connection with the prosecution of the war against Spain. What was he to do? There was an opportunity and there was a necessity. The opportunity was at Manila and the necessity was also to go there. He could not go to another neutral port. He had to go to some port of our own or to some port of the enemy. The port of Manila was just where it would seem it ought to be under all the circumstances, having reference to the interests the Asiatic Squadron was in the East to protect, and having reference to the future development of our commercial and other interests in the Far East.

And so the President ordered Commodore Dewey to sail at once from Hongkong, within the twenty-four hours that international law allowed him, and go to Manila and search for and find the Spanish fleet, and either capture or destroy it. The President was a kind-hearted sort of man, and he gave the Commodore an option about it. [Laughter.] He found it, and he destroyed it. Then what happened? Why, Senators have insisted in this debate that he ought to have at once ordered "up anchor" and away; that he ought to have sailed out of Manila as soon as his work there was done.

Mr. President, where would he have sailed to? Nobody has stopped to tell us. He could not have sailed out of Manila, after the Spanish fleet was destroyed, and gone back to Hongkong, where he sailed from when he started for Manila. Neither could he have sailed into and rested in any other neutral port of the world. All he could do legitimately was to stay in Manila, or, if he abandoned that, and abandoned at the same time the interests which he had been sent there to protect, he might have sailed all the way back to San Francisco, where he could not be of any help in the further prosecution of the war. That would have been the supremest folly.

Mr. President, it was a necessity, as well as an opportunity, that took us there, and it was necessity that kept us there. Why should we not stay there? We had been all the years of our governmental life without any port in the Orient, and here the fortunes of war, at the very opening act of it, had given us a port, and one of the best in all that far Eastern country—a port that was at the very threshold of China, Japan, and all the many, many millions of people with whom in the future we are to carry on commercial business. Why should we not keep it?

But there was another reason why Dewey stayed at Manila. The destruction of the Spanish fleet was not the end of Spanish sovereignty there. If Dewey had come away there was no reason why the Spaniards should not have sent other ships there to cooperate with their army to retain their possessions and to harass and annoy and destroy our commerce in the Far East. And so it was; Mr. President, that it was a wise thing for Dewey to go to Manila and a wise thing for Dewey after he had taken Manila and destroyed that fleet to stay there until the end of the war. That did not take long. It came almost before we knew it; almost before we were looking for it.

I mention that particularly now because it comes to my mind that a few days ago we had a colloquy in this Chamber when the question of commercialism came up, in the course of which some Senator called attention to the fact, as though it were the discovery of a great crime, that on the 13th day of August, 1898, the President of the United States, through the Secretary of the Navy, had sent a cablegram to Admiral Dewey calling upon him to furnish information about the Philippine Islands and the Philippine people. I have the telegram here. I sent and got it in order that I might put it in this RECORD if I should happen to think of it, as I have thought of it.

Here is the telegram he sent him:

Dewey, care American consul, Hongkong.

This is dated August 13, as I understand it. I have not the date here. It was given as the 13th in the colloquy we had a few days ago about it. I will have it looked up and if that is not the correct date I will insert the correct date, but I gave directions for the cablegram of the 13th to be brought me, and this was brought me. Here it is:

[From Navy Department Report, 1898, Appendix to Navigation Bureau Report, pp. 122, 123.]

AUGUST 13, 1898.

DEWEY (care American consul), *Hongkong:*

The President desires to receive from you any important information you may have of the Philippines, the desirability of the several islands, the character of their population, coal and other mineral deposits, their harbor and commercial advantages, and, in a naval and commercial sense, which would be the most advantageous. If you have other information which may

be of value to the Government in their negotiations, the President may desire your presence here. If he should request you to come, take quickest route of travel.

ALLEN, *Acting.*

On the day before, Mr. President, the protocol had been entered into. I do not wish to read that in full, but I do want to publish it in full as a part of my remarks, and I ask leave of the Senate that I may do so.

Mr. President, in this protocol, entered into on the 12th day of August, 1898, it was provided as follows as to the Philippines. After providing that the Spanish should withdraw from Cuba and that Porto Rico should be ceded to us, Article III provided as follows:

The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

I ask that the whole of the protocol, also the treaty of peace following, may be published in the RECORD. (See appendix.)

Now, why was it that there was this indefinite provision in the protocol? When you understand that you will understand why the President sent this cablegram that has been referred to. As I said a while ago, Dewey went quite unexpectedly to the Philippines. It was only a hundred days from the beginning until the end of the war. When the end came, he having remained there, it was necessary that we should deal with respect to the Philippines.

Every Senator will remember that the newspapers during that hundred days of the war's progress, in addition to registering the progress of our Army and Navy elsewhere, were busy discussing the Philippines, and there were all kinds of ideas with respect to the Philippines. Very few of us knew enough about the Philippines to know what we wanted to do with respect to the Philippines. Very few of us, to be frank about it, had ever heard of the Philippines, except casually, until that time, and during the progress of the war we had not had an opportunity to study them satisfactorily.

So when the war suddenly ended the President was confronted with the question, "What now shall be done? What shall be the terms of peace?" He had no difficulty in determining as to Cuba; he had no difficulty in determining as to Porto Rico; but the Philippines was a different proposition, and so having all kinds of advices, some telling him to keep the Philippines, some telling him to come away and abandon the Philippines, some telling him to keep only a naval station or a coaling station or a military reservation, and some telling him to keep a whole island, he concluded that by the terms of the protocol he would refer to our Commissioners the responsibility of determining what should be done with the Philippines, for the reason that they would have opportunity to acquire full information and act intelligently, something that it was impossible for him to do at the time.

Therefore he provided in this protocol what should be done as to everything else, but as to the Philippines he said the Commissioners, as by this protocol provided, shall determine, when they meet in Paris, what shall be done with the Philippines.

The President had a doubt about it. President McKinley was a careful, thoughtful, and conservative man. He did not want to commit himself to the acquisition of the islands until he knew what we were acquiring; whether it would be wise or not. It is no secret, but a truth known to everybody, that he came, conservatively and gradually and very reluctantly, I think I may say without overstating the case, to the conclusion that our interests required that we should take all the Philippines just as we did take them.

But the day after the protocol was signed—and this shows the industry of the man—he directed that information be immediately gathered as to the whole of the Philippines—information as to the harbors, information as to coaling stations, information as to the inhabitants, and information as to which of the islands would be preferable if we should conclude to prefer one and not take all of them—and he directed that in that connection reference should be had to the naval and commercial interests of the United States.

Was that unnatural? Was not that proper? Was there any evidence of selfish greed in that? Was there any evidence of a desire there to acquire a theater for exploitation, as has been said here?

Why, Mr. President, as I have been pointing out, nobody appreciated more keenly than President McKinley, who sent him to Manila, that Admiral Dewey was in the Orient to protect commercial interests, that he had been kept at Manila to protect commercial interests as the war progressed, and that it would be necessary for us through all the years to come during which we are to trade with the Orient to keep a squadron somewhere in the Orient. He remembered that we had found out how invaluable to us in time of war it was to have a port in which our squadron could stay.

The next time we have a war and have a squadron in the Orient, if we surrender now the Philippines and have no port there, our enemy may not have a port that we can capture, and then what will we do? We shall do just what Dewey would have been required to do if the Philippines had not been there. He would have come to the nearest home port and probably would have rendered no service whatever in the prosecution of the war. But, Mr. President, the result of these negotiations, that we are all familiar with, was that we concluded to keep the Philippines. I do not know all that operated upon the minds of the Commissioners, I do not know all that operated upon the minds of Senators, when they voted to ratify the work of our Commissioners; but I have always believed that in acquiring the Philippines by that treaty, that in ratifying that treaty, that in taking possession, that in continuing to occupy and hold and govern the Philippines, we have been acting not mistakenly or unwisely, but just the opposite.

Now, Mr. President, that is how we came to get the Philippines. Is there any excuse, in view of this record, for such statements as I have called attention to, that our policy in the Philippines is merely one of exploitation?

There is a record on this subject that, it seems to me, is sufficiently conclusive to answer that better than anybody else can answer it. On the 21st day of December, 1898, before the treaty was ratified, President McKinley issued a proclamation. I have already referred to it.

I here ask leave that it may be printed in full as an appendix to my remarks. (See appendix.)

I call attention to this for the reason, Mr. President, that on the 21st day of December, 1898, long before the clash came between our forces and the Filipinos and long before the treaty was ratified by the Senate, President McKinley clearly and unmistakably laid down the policy that he would pursue, and that policy was laid down by him in this document, was known to every Senator in this Chamber, and was known to every intelligent man throughout the length and breadth of this land.

In this document President McKinley, speaking with all kindness to the Filipinos as to what our disposition was with respect to them, nevertheless plainly stated that all who might offer resistance to the authority of the United States would be dealt with by the strong arm of power, and their subjection to our authority would be enforced, not by unnecessary use of force or unnecessary harshness, but by all necessary employment of force and power. His concluding sentence was:

In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

So I say, Mr. President, when subsequently, on the 6th day of February, in this Chamber, we voted by a two-thirds vote to ratify that treaty, every Senator here knew what the policy of the Administration of William McKinley was to be with respect to the Philippines and in the Philippines. He laid it down in that document. I have heard Senators in this Chamber criticise President McKinley for issuing that document at that time, saying that he was anticipating the ratification of the treaty, and that his declaration that our authority should be supreme in the Philippine Islands was premature, and that it had much to do with inciting the Filipinos to revolt.

I do not agree with that idea. I think it was a wise thing for him to do, and I think he did it hoping that he would obviate all difficulties that might otherwise arise. But however that may be as to the criticism that was made, the fact remains, and that is what I am showing, that every Senator here had that document before him when he ratified the treaty, and the newspapers throughout the country had the document before them.

Now, Mr. President, we had the war also before us. The newspapers of this country throw a very interesting light on the situation as it then existed. "Lest we forget," I want to call attention to some of the editorials of the leading Democratic newspapers of this country. At that time, Mr. President, the American people were unanimously patriots and not partisans. There was very little partisan expression in regard to this question. I want to show, in calling attention to these newspaper editorials, that President McKinley was not only acting patriotically and unselfishly, as his own official papers show that he was, but that he was acting in accordance with the most enlightened and most influential Democratic sentiment of this country as represented by the Democratic journals throughout the country.

On the 6th day of January, 1899, the New York Journal, which I put at the head because it has appeared to be the organ of the Democratic party for the last five or six years, said what I shall read in an editorial entitled "The President to the Filipinos." I quote this to show that this document which I have just put

into the RECORD from President McKinley, dated December 21, 1898, was discussed throughout all the country. I have heard it said that nobody knew of it until after the treaty of peace was ratified.

[New York Journal, January 6, 1899.]

THE PRESIDENT TO THE FILIPINOS.

President McKinley's proclamation to the people of the Philippines, through General Otis, ought to insure their hearty cooperation in our work of regeneration.

* * * * * * *

It is beyond reasonable doubt that the inviting prospect of peace, order, liberty, and prosperity under the American flag will be welcomed with joy by the masses of the Filipinos. It is to be hoped that it will be gracefully accepted by all. But if it should happen that an ambitious minority, intoxicated by the desire for power, should attempt to prevent that restoration of peace and order which is an essential preliminary to any practical training of the Filipinos in the art of self-government, it would become necessary to repress their pernicious activity with such firmness as the case might demand.

And if, in performing this work of civilization, American blood should be shed the position of our antiexpansionists would not be enviable. The first shot fired against the American flag would make domestic opposition to the measures of our Government overt treason. And those who practice treason find small indulgence in any country.

That is the way that Democratic organ was talking the 6th day of January, 1899, a month before the fighting broke out.

On the 11th day of January the Journal had this editorial:

[New York Journal, January 11, 1899.]

TRAITORS AT HOME.

For the unfortunate situation in which the country finds itself in the Philippines we have exclusively to thank the "small Americans" who at every step have treasonably obstructed the advance of the United States.

* * * * * * *

If bloodshed shall come of all this, and the rule of American civilization in the Philippines shall begin with a needless sacrifice of American and native lives, it will be these unpatriotic mischief-makers on whom the blame will rest. And if they continue their pernicious propaganda it will be something more than mere moral odium that they will bring upon themselves.

"Treason against the United States," says the Constitution, "shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort."

The small Americans have done their worst to turn Aguinaldo and his followers from friends of the United States into enemies. If, after accomplishing this devil's work, they "adhere" to their dupes, they will bring themselves within the strict constitutional definition of treason. If we are compelled to use stern measures with Aguinaldo, the place to begin will be at home.

On the 13th day of January the New York Journal published this as an editorial:

[New York Journal, January 13, 1899.]

FRIENDLY ADVICE TO THE PRESIDENT.

From the remarks of some of your friends, Mr. McKinley, it might be imagined that you were preparing to "hedge" on your Philippine policy. If you have any such idea, let us give you a bit of friendly advice.

Don't be a coward.

It doesn't pay.

Recall a little recent history. You went into the Spanish war desperately against your will.

* * * * * * * *

It took you a long time, too, to make up your mind what to do with the Philippines. But at last, after months of hesitation, you took, or seemed to take, a firm stand on that question, and the elections showed the advantage of your position.

Don't be alarmed now by the outcries of a few moss-grown anti-expansionists. The noise that comes from that quarter is altogether disproportioned to the number of throats from which it proceeds. The mass of the American people is for expansion.

February 7, three days after the fighting had commenced and the day after the treaty of peace had been ratified, the Journal published this editorial:

[New York Journal, February 7, 1899.]

NO MORE NONSENSE IN THE PHILIPPINES.

Aguinaldo has relieved us of all embarrassment in the matter of our dealings with the Philippines. To the unprovoked attack upon our forces at Manila while we were exhausting every effort to reach an amicable adjustment with the Filipinos, and while our commission of inquiry was actually on the way, there can be but one answer.

Order must be restored in the Philippines. The men who have taken our forbearance for weakness must be taught their mistake. American authority must be established at once beyond challenge throughout the archipelago.

* * * * * * * *

Aguinaldo has put an end to American uncertainty. He has shown his unfitness to rule the Philippines. A leader that lacks the self-control to refrain from breaking the peace in the midst of negotiations is not the sort of statesman to establish a stable government. If we withdrew from the Philippines now the native leaders would be fighting among themselves within six months, and all the colonizing powers of Europe would be scrambling for the islands.

What a godsend it is that Dewey is at Manila.

"The native leaders would be fighting among themselves within six months," said the New York Journal on February 7, 1899, if we should withdraw from there. That was true then without a doubt. It is equally true now.

On the 24th day of February the New York Journal published the following:

"NO MORE ROSEWATER IN THE PHILIPPINES."

I will read this, Mr. President, to show that President McKinley, in concluding that we should acquire the Philippines, and our Commissioners in concluding that we should acquire the Philippines, and the Senate of the United States in concluding by ratification that we should acquire the Philippines, were all acting honestly, patriotically to carry out a great purpose of the American people, confined not to the Republicans, but shared in by Democrats as well. The leading organs of the Democratic party are the ones from which I shall read, and only those.

I also read it to show that at the time when it was written it was foreseen that there would be war of long duration, connected with which there would be brutalities and hardships no doubt, for the war had already begun and the character of it was developed and the character of the people whom we were fighting had been established.

[New York Journal, February 24, 1899.]

NO MORE ROSEWATER IN THE PHILIPPINES.

It must be plain to the blindest that the time for a policy of conciliation in dealing with Aguinaldo's hordes of bandits is past. Men that deliberately plan massacre are unfit to govern themselves, much less others. And it must never be forgotten that it is not a question of self-government that forms the essence of the issue between Aguinaldo's crowd and the American authorities, but a question of dominion.

Please give good attention to this:

Aguinaldo and his followers are simply Indians and must be dealt with as we should deal with a tribe of renegade Apaches. We shall not follow the Spanish example of lining up the insurgent leaders on the luneta of Manila and shooting them in the back, but we must put them where they can do no more harm. The best place for Aguinaldo will be a cell in some secure American penitentiary.

What a place for a George Washington! [Laughter.]

Mr. President, all that from the New York Journal. I now call attention to the following editorial published at that time by the Cincinnati Enquirer:

[The Cincinnati Enquirer, editorial, July 25, 1898.]

Aguinaldo will have to behave himself. The country will take no backward step. The Spaniards have hinted that we are dealing with people that will have to be exterminated to keep them from making trouble. Well, we can not stop now, even at extermination.

General Smith, even if correctly reported, has not gone any further in the year 1902 than the Enquirer went in 1898.

Now, here is the Louisville Courier-Journal. I want to run rapidly through the country. On February 6, 1899, the Courier-Journal published this editorial:

[Louisville Courier-Journal, February 6, 1899.]

THE FIRST FRUITS.

Yesterday's reports of an attack by the Philippine insurgents upon the Americans at Manila have been confirmed. The fruits of the policy so sedulously cultivated at Washington by the opponents of the American treaty have ripened before they were expected to ripen by those who are responsible for them.

In order to beat the treaty negotiated between this country and Spain Aguinaldo has been encouraged in every way possible by a minority of the United States Senate.

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The issue of force under such circumstances was hardly avoidable. There can be but one result, which will be the prompt and complete assertion of our authority over Aguinaldo and his Tagalos as it was asserted over the Spaniards. We know how to deal with the misguided and maliciously instigated insubordination of the Filipinos. We shall put them down at the muzzle of the guns behind which are Americans who have no constitutional pretext and instrument for turning upon their own country when American honor and interests are at stake. Would that we could deal as effectively within constitutional lines with those who are prostituting their constitutional privileges to endanger the welfare of their country and sacrifice the lives of their countrymen merely to play out their petty game of selfish and shallow politics.

That is pretty nearly as bad as anything the Senator from Tennessee [Mr. CARMACK] has said.

Now, on the 6th day of February, the day we ratified the treaty, two days after the fighting had commenced at Manila, the Atlanta Constitution published this editorial:

[Atlanta Constitution, February 6, 1899.]

VINDICATE AMERICAN STRENGTH.

In the light of the thrilling news from Manila, there now remains but one course for the American Government to pursue, and that is to conquer the forces of Aguinaldo.

Whatever doubt may have existed in regard to the ratification of the peace treaty between Spain and the United States must disappear before the treachery of the wiry Philippine insurgent, who has already proven himself to be as untrue to the Americans as to the Spaniards. As the successors to Spanish authority in the archipelago we can not afford to falter in the face of this challenge, thrown out to an army whose purpose was friendly, and to a Government which has never yet dealt unjustly with those who have had dealings with it. In our own way and in our own time we can deal with the question of local government in the Philippines, but as long as an armed foe stands in the way the only work ahead of us will be to vindicate the authority of the flag.

* * * * * * * *

The American Government will always do its duty by peoples with whom it comes in contact. It is too great and too magnanimous to act in any other way; but it can never retreat in the face of such defiance as that which has shed American blood without cause in the recent assault of the insurgents.

The treaty must be ratified. The American flag must be upheld. After that we can take up the question of the self-government of the Filipinos.

Next I have an editorial here from the New Orleans Picayune of January 8, 1899. It had a long editorial on the President's instructions dated December 21, 1898, which I have already put into

the RECORD. The paper, in discussing the situation in the Philippines, proceeds to say:

[New Orleans Picayune, January 8, 1899.]

SITUATION IN THE PHILIPPINES.

* * * * * * *

President McKinley's instructions to General Otis direct that officer to establish American rule throughout the islands, and for that purpose to take possession of all public property and public highways, respecting, of course, all private rights. When the American commander commences to carry out his instructions the insurgents will either have to submit and lay down their arms or they will have to resort to force. The question is, Are the Filipinos determined to maintain their independence at all costs or are they merely playing for the best possible terms?

Spain having ceded the Philippines to the United States, this country is n honor bound to take possession and govern the islands, or at least hold them until a stable government has been established. However disposed to treat the Filipinos leniently, the United States can not permit them to interfere with its plans or throw obstacles in the way of the speedy organization of a proper government in the islands.

Granting that we have made a mistake in absorbing the Philippines, the die has been cast, and we are now morally responsible for the maintenance of good order in the archipelago. It would be folly to recognize the insurgents, who are incapable of self-government, and it would be worse than weakness to temporize with them. A stable government must be inaugurated at once, and whatever resistance is encountered must be put down with a strong hand, no matter at what cost.

On February 6, after the fighting had commenced, the Picayune published the following:

[New Orleans Picayune, February 6, 1899.]

THE WAR IN THE PHILIPPINES.

The long-expected clash in the Philippines between the American troops and the native insurgents under Aguinaldo has occurred. The natives were the aggressors, and, as a matter of course, the American troops were victorious, driving the insurgents back and occupying their positions.

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This action of the Filipinos should settle definitely the immediate policy of this country in the archipelago. It will now be necessary to crush the insurgents and firmly establish American control before the future form of government for the islands can be for a moment considered. All negotiation and temporizing would now be time wasted. The Filipinos themselves have shown that they were not willing to calmly discuss the situation, but preferred to take the chances of a resort to arms. This action precludes further negotiation until the insurgents have been thoroughly subdued and made to feel that further resistance to American control will be hopeless.

* * * * * * *

This outbreak by the islanders is the direct result of the noisy declamation in Congress demanding the immediate and unconditional declaration of the independence of those people and the abandonment of the country to their control. Those semisavages, hearing of the violent expressions in their behalf that were daily poured out in the United States Senate, and being assured that the treaty could not be ratified unless an express provision were made for their immediate liberty and independence, determined to supplement the services of their American allies by making a desperate attempt to drive out the western invaders.

This attempt was not successful, but it means that war is now a reality in a country where it was supposed that peace had been established.

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That war will be no bagatelle. The savage audacity and desperate determination of the Filipinos to drive out the Americans are seen in their attack upon the forces at Manila, where the great body of our Army and Navy are posted. This act means that those people are going to omit no opportunity to inflict injury on the Americans, and the serious consequences that are to be expected from their desperate warfare must be directly chargeable to the active demonstrations made in their behalf in the Senate of the United States.

If this criminal paltering and temporizing with these Asiatic barbarians shall go on, there will be a repetition, only vastly more frightful and horrifying, of the conditions which resulted, some thirty-odd years ago, in the attempt by the Congress of the United States to set up 4,000,000 of negroes in these Southern States over the whites, who had been their former masters.

On the 25th day of February the Picayune published this:

[New Orleans Picayune, February 25, 1899.]

SITUATION IN THE PHILIPPINES.

The advices received from General Otis, commanding our troops at Manila, indicate that the situation in the Philippines has become very serious.

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It must now be apparent to the most enthusiastic annexationist that this country has a serious campaign ahead of it in the Philippines. The entire archipelago will have to be subdued, and our generals can not expect to follow the usual methods of civilized warfare.

I cite this editorial because it seems to have some relevancy in a prophetic kind of way to that which has been so much commented on in the progress of this debate.

The Filipinos are Asiatics, and will naturally follow the oriental methods of deceit and treachery. No Filipinos can safely be considered noncombatants, but all must be regarded as hostile and treated accordingly.

We had read here the other day an order issued by General Bell, commanding the Third Brigade, I believe it was, in the Philippines. In the course of that he gave direction that all Filipinos should be regarded with distrust, should be treated as though they were enemies until they knew to the contrary, and for that he was most bitterly condemned in a speech that was made at the time when it was offered. But this newspaper man, the editor of the New Orleans Picayune, seems to have foreseen all this.

But all must be regarded—

He says—

as hostile and treated accordingly.

While it may be necessary to resort to some harsh measures in the Philippines, it is too late to turn back. No matter what the future of the islands may prove, this country must now subdue the people and establish for them a reasonable government. Negotiations will be of no practical value; hence a vigorous and active campaign will have to be waged.

Next, I have a quotation from the Nashville American. I call attention, in the first place, to one which appeared on the 2d day of January, in which was discussed in a very able and a very elaborate way the order, although the editor claimed that he had not yet seen it, which was issued by President McKinley to the Filipinos, to be promulgated on that island by General Otis.

[Nashville American, January 2, 1899.]

GOVERNMENT FOR THE FILIPINOS.

President McKinley has cabled to General Otis a proclamation for promulgation in the Philippines, giving the conditions under which the United States Government takes control, and the intentions of the military occupation.

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If disorders should arise, if factions cause fighting, if the Filipinos try to annihilate each other, or to make half a dozen antagonistic governments in as many islands, the proclamation warns them that radical measures will be resorted to by the United States to maintain law and order.

On January 31, 1899, the Nashville American said editorially, speaking of the condition in the Philippines:

We must make them know that our power is supreme, otherwise we can not give to them the blessings freedom and individual liberty have in store. The United States can not and will not yield to Aguinaldo. Aguinaldo must and will yield to the United States. The betterment of the condition of all the Filipinos depends upon acquiescence in the plans of the United States. The situation is forced upon us by the arbitrament of war. Filipinos must be made to recognize this fact. If peacefully, happier will be their lot; if force is required to establish this fact, the worse it will be for Aguinaldo and his misguided followers.

On February 6, 1899, the day we ratified the treaty, speaking of the fighting that had commenced on the 4th in the Philippines, the Nashville American said:

FIGHTING AT MANILA.

What has been expected, but hoped to be avoided, has occurred, and Manila has been the scene of a series of conflicts between the United States Army and Navy and the Filipinos. The Filipinos brought on the battle, forced the fighting, and were defeated, not, however, without inflicting a loss of perhaps 20 of our brave soldiers killed and 125 wounded.

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We did not desire to fight the Filipinos; did not go to Manila to make war upon them, but to drive out the Spanish and bring about a condition of law, liberty, and order. Doubting our honesty of purpose, they attacked us. We fought and whipped them, and if they attack again the whipping will be severer.

Peace treaty or no peace treaty, the attack upon the American Army, if not already sufficiently avenged, will be further avenged unless Aguinaldo surrenders to keep from being smashed.

On the 11th of February, 1899, the same paper published the following editorial:

DEPOSE AGUINALDO.

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Aguinaldo must accept the situation. If he will not retire peaceably, he must be deposed by force and exiled. We can not now pull out from the Philippines with honor if we desired to do so. And, being required by circumstances never dreamed of a year ago to occupy the Philippines, our occupation must be made dominant, and Aguinaldo must be made to submit.

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From a so-called president he has now developed into a self-constituted dictator, issuing declarations of war, setting aside the constitution so recently promulgated, and ordering the congress to obey his mandates.

Such actions can not be tolerated and order peaceably maintained. One of our chief objects is the peaceable maintenance of order and the rule of law. If it requires troops more than General Otis has to bring this about, reenforcements should be sent him at once.

Mr. President, the policy thereby so clearly set forth is the policy which this Government has been ever since then pursuing, which it is to-day pursuing, and which it proposes to continue to pursue until Aguinaldo and every follower of his in the Philippines shall submit, and until law and order and government shall be established throughout every province and every division of the islands.

Mr. LODGE. Mr. President, will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. Certainly.

Mr. LODGE. I have just come into the Senate Chamber, and I want to ask the Senator from what he is reading?

Mr. FORAKER. I have been reading editorials from leading Democratic newspapers, published shortly before, at the time, and shortly subsequent to the ratification of the treaty with Spain, in which they upheld the policy that was pursued by President McKinley and the Senate in the acquisition of the Philippine Islands and in the efforts that we have been making to govern the Philippines, to suppress the insurrection, and establish law and order.

On the 6th of February, 1899, the Memphis Commercial-Appeal published this editorial:

WAR IN THE EAST.

Word comes from the Philippines that the insurgents have attacked the Americans, and, after a fierce battle, have been repulsed.

This assault was incited by those misrepresentatives in Congress who have been blatherskiting about tradition and viewing with alarm when the Army reorganization bill was up and when the treaty was being considered. The Senatorial junta has done all in its power to encourage the Filipinos and to bring an outbreak, and no doubt they are highly satisfied with the result of their work.

Twenty killed and six times twenty wounded on the American side ought to be a sufficiently sanguinary record.

Whatever may have been the views of these statesmen in the past, there can be no longer room for division. Ratification of the treaty is now an instant necessity. To oppose it further or in any way hamper the Administration at Washington were disloyalty to the flag.

The treaty should be ratified before the sun goes down to-day and Aguinaldo and his followers given to understand that they falsely represent American sentiment who talk of running away from responsibility in any part of the globe.

On the 7th of February, 1899, the Memphis Commercial-Appeal published the following editorial:

THE TREATY RATIFIED.

The American people drew a long sigh of relief yesterday when the announcement came that the Paris peace treaty had been adopted by a vote of 57 to 27 voting, or a vote of 61 to 29, including the absent and paired.

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What of the future? The immediate future of the Philippines is not complex. Spain will be paid $20,000,000, and we will have done with her. Those who are warring against the country's flag in the archipelago must be seduced and reduced to submission. A stable government must be formed and law and order established. This may take time and trouble, but time and trouble must not be considered where duty is involved.

On the 8th of February, 1899, the Memphis Commercial-Appeal published the following editorial:

OUR FUTURE POLICY.

* * * Anti-treaty men on both sides of the House must not bother us just now with their clamor for a definition of the Administration's policy toward the Filipinos. No one can intelligently declare the Administration's policy, because it depends almost entirely on the natives themselves. As long as they fight American troops our policy will be to fight back and fight to conquer. Had these antis been a trifle more patriotic and given less encouragement to the insurgents there would have been no fighting, and now that the power of the antis for evil has been destroyed the fighting will soon come to an end. Uncle Sam is free to "take up the white man's burden," and he will not shirk the load. Those who hold up Aguinaldo as an oriental George Washington are wide of the mark.

Mr. President, I have quoted from the leading Democratic newspapers in New York, in Cincinnati, in Louisville, in New Orleans, in Nashville, in Atlanta, in Memphis, and now I come to Denver. I do not now see the Senator from Colorado [Mr. PATTERSON] in the Chamber, but I wish he might be here that he could hear, as I am sure he would with great pleasure, the exceedingly able editorials he published at that time. These do not read exactly as his speeches do now, but in the years to come those who are interested in the Senator from Colorado will, in my judgment, take a great deal more pride and pleasure in reading these editorials than in reading his present speeches.

He has a very ably conducted paper, and he is a very able writer, as might be imagined from what we have seen of him in this Chamber. He was first and foremost, Mr. President, in advocating the policy that William McKinley finally adopted with respect to the Philippines and what was finally put into effect when we in this Chamber ratified the treaty providing for the annexation of those islands. Not only, Mr. President, did the Senator from Colorado favor that policy on account of other interests, but also and explicitly on account of "commercial interests." I do not say that to his discredit. That is, on the contrary, to his high credit. Now, I want to read these editorials, noting with pleasure that the Senator has now come into the Chamber and is present.

[Denver Daily News, editorial, November 21, 1898.]

THE NATIONAL POLICY.

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Whatever may be the motives of the Republican leaders the policy which they enunciate is the correct policy for this country to pursue. The United States must take its place as a world power, confident of its ability to bear its share of whatever burdens may come upon it and to reap its share of the honors and profits.

"Profits."

Mr. SPOONER. What? "Profits!"

Mr. FORAKER. "Profits"—p-r-o-f-i-t-s. [Laughter.]

If the acquisition of the Philippines were a mere matter of taking possession of a group of distant islands, with 8,000,000 or 9,000,000 inhabitants, many of them little civilized, there would be reasonable ground to question its expediency.

But the question is far greater than that. Countries in Asia with a population between 400,000,000 and 500,000,000 are about to be broken up, dismembered, and perhaps divided between the European nations, which are hungry for their trade, and which are jostling one another in their hurry to seize upon choice territory. There will be the great commercial development of the future. Perhaps not twenty-five years will pass before China, as we know it, will have ceased to exist, and the aggressive powers of the Caucasian race will have parceled it out among themselves. The Philippines lie at the threshold of this imperial spoil.

Think of it!

Mr. SPOONER. Spoil?

Mr. FORAKER. Yes, spoil. Imperial spoil.

The Philippines lie at the threshold of this imperial spoil. Any of the European powers would rejoice at the opportunity to secure possession of them, for they afford a vantage ground without a rival for trade operations with the Continent—

Now, I want Senators to get the benefit of that description of the Philippines; that the European powers would jump at the opportunity to get the Philippines. Why? Because the Philippines "afford a vantage ground without a rival for trade operations with the Continent."

While this editor was thinking so much about the commercial aspect of the Philippines, it certainly was permissible that the President, who stood charged with a great responsibility, should at least make inquiry of his representatives, who were over there, as to the commercial advantages of the place—

without a rival for trade operations with the Continent and other islands of the far Pacific. If the United States were to fail to avail itself of the opportunity now presented to it we would feel profound national regret before the next quarter of a century had passed.

Holding possession of the Philippines, we shall be in a position to claim our portion of Asiatic trade, and if, to make the claim and to enforce it, we shall be compelled to participate in what some speak of fearfully and with bated breath as "foreign complications," nevertheless let the American nation go forward calmly and undisturbed to its destiny. This country is too great, too resourceful, and too strong to permit weaker nations—and by weaker nations we mean every other nation on earth—to secure undeserved advantages on the western shores of an ocean which washes our coasts for thousands of miles and is peculiarly the domain in which our energies and resources should find their outlet.

That is not all, Mr. President. If the United States had failed through the action of President McKinley to take advantage of that opportunity to acquire the Philippines, he would have been impeached before he would have gone out of office, in all probability. At least nothing would have prevented it except only a failure to get the requisite votes in the other House.

We would be shut out of participation in the commercial expansion of Asia, which will be the marvel of the world's progress in the twentieth century.

On Saturday, November 26, 1898, the Denver Daily News published the following editorial:

DEMOCRACY AND EXPANSION.

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The Philippines will be ceded to the United States by the treaty of Paris, and, being ceded, no power on earth can prevent the ratification of the treaty. Some Republicans will oppose it, so will some Democrats, but the voice of the American people will drown down the piping tones of the Lilliputians that oppose their trifling opposition to manifest destiny.

The attempt of such men as BAILEY is to force upon the Democratic party championship of the policy of opposition to expansion. He would make the Democratic party a log with which to dam—

He spelled it without a final "n"—

with which to dam the overwhelming Niagara flood of American confidence and patriotism. He would withdraw the flag from Hawaii, Porto Rico, and the Philippines, and abandon the latter to anarchy or to European nations as the spoils of intrigue and avarice. Such a stand means the overwhelming defeat of the Democratic party in 1900. If it is so unfortunate as to become Baileyized it might as well abandon its national convention in 1900 and enter upon a bushwhacking struggle for a few small offices and the support of a few small men.

[Laughter.]

The Democratic party can not afford to reverse its lifetime policy and ignore its traditions upon the question of expansion.

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There are small-minded and great-minded Americans to-day as well as in the past. There were Baileys in the Democratic party in Jefferson's and Monroe's time, as there are to-day. But then, as now, the progressive, large-minded stood by the policy that widened the country's boundaries and made possible its greatness. What other countries can do this can do better.

If Great Britain, with a population of 50,000,000, can govern and civilize 400,000,000 barbarous and semicivilized people while it strengthens and deepens the liberties of its own people at home, the United States can do the same thing better. We have unshaken confidence in the power and wisdom and greatness of the American people, and of their ability to happily and prosperously solve every problem of statecraft that may confront them while the vital principles that give safety and vigor to their own liberties will strike deeper root and afford enlarged safety and protection.

On the 29th of November, 1898, the same paper, the Denver Daily News, published the following editorial:

THE PHILIPPINES ARE OURS.

Now that Spain grants the whole of the Philippines to the United States, further opposition to expansion should cease.

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The Philippines—

Now, I want this carefully noted—

The Philippines can be governed without impairing either the value or dignity of American labor. They can be made to yield ample revenues, even with the "open door," to pay for their acquisition and future defense. They will present a splendid field for genius and energy of the young of our present and future generations. They place the United States on the threshold of Asia and Africa—

He is going to take them both in—

ready to gather our share of the future commerce of these barbarous and semicivilized countries. They will discipline American character and develop American self-reliance. They will be the funnel through which American genius and love of liberty will be carried to Eastern shores and from thence inland to the needy millions. All hail the Philippines!

[Laughter.]

What unspeakable joy there was in that editor's office at Denver that night. [Laughter.]

All hail the Philippines, the fruit of American valor and humanity; the nursery from which will go forth to other of the far Eastern countries liberty, equality, and fraternity.

Here is another editorial article, which appeared in the same paper, the Denver Daily News, of Wednesday, December 7, 1898. I am reading at great length from these editorials. I am doing that because I say with great pleasure they are the ablest editorials that I have found on this question in either any Democratic

or any Republican paper. [Laughter.] I have not found any writer of that time who had so broad and clear a comprehension and conception of what we were doing as the man who wrote these editorials. They will reflect honor and credit upon the writer as long as they shall be known among men, and therefore I am trying to put them in the RECORD, where forever they may be read by the American people. [Laughter.]

The next article is headed "Hawaii and the Philippines." Not a phase of this troublesome question escaped this astute observer. Here he writes:

[Denver Daily News (editorial), Wednesday, December 7, 1898.]

HAWAII AND THE PHILIPPINES.

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It is accepted that the cession of the Philippines to the United States comes handicapped with the "open door." Their annexation is impossible under any other condition. Great Britain's moral backing in our demands for the Philippines has been on condition that the "open door" is maintained. France and Germany have reluctantly submitted, but only because of Great Britain's attitude and the "open door." This "open door" means that our custom laws do not and can not apply to the Philippines.

I want every Senator here to get the benefit of that.

As to exportations from the United States to them, whether it is American grain or meat, or American manufactures or American anything else, they must enter the Philippines upon the same terms as like articles from foreign countries, and none other. If there is free trade between the United States and the Philippines, then all other countries must have free trade with them. If importations must pay custom duties, then those from the United States must pay them as well as those from other countries. This is the price paid for permission from England, Germany, and France to annex the islands. It is a dear price—a much higher price than the $20,000,000 paid in cash to Spain. It forbids making—

Now, note this:

It forbids making the Philippines an integral part of the United States of America. They can be held only as captive "foreign" territory. This contemptible fiction must remain a continuing element of the American system. The "open door" means that the Constitution of the United States has no place in shaping legislation for the islands. All laws for them must be extra-constitutional. They can not, as is proposed for Hawaii, become a Territory. They are and will remain spoils of war, held as "foreign" territory, and therefore subject to such exceptional and extraordinary methods of control as are permissible where martial law exists.

On the 6th day of February, 1899, after the fighting had commenced, we have this editorial in the Denver Daily News:

THE FIGHT AT MANILA.

No matter what individual Americans may think about the policy of expansion or the claims of the Filipinos to independence, the fight at Manila leaves us no other course than to inflict summary chastisement upon those who have been rash enough to invite armed conflict with the Army of the United States. If the Filipinos had been sensible enough to behave decently and to appeal to the priciples of liberty which are deeply implanted in the American heart, they would have created an increasing volume of sentiment in favor of granting them virtual, if not complete, independence at an early moment. As it is, their leaders have chosen to be truculent and defiant, and the encounter of Saturday evening was brought about by an attempt to ignore the American sentry lines.

Fate seems to have willed that we must undertake a big task in the Philippines whether we wish it or not. Had Dewey destroyed the Spanish fleet in Mirs Bay or off the harbor of Hongkong we probably would not have troubled ourselves with the archipelago at all. Had the Filipinos taken the right course they probably would have little difficulty in building up a powerful feeling in their favor. But it was in the bay of Manila that Dewey found the enemy, and it was the choice of the Filipinos to threaten the violent expulsion of our forces from the islands.

Nations, after all, are actuated by pretty much the same motives as men. A big, powerful man might be persuaded to show clemency to a weaker foe, but he will scarcely consent to retire from the field when the little fellow throws bricks at him. And so Providence appears to have ordered it that we shall participate in the affairs in the Far East.

Tuesday, February 7, 1899—I am pretty near through these editorials, I am sorry to say; but here is another——

Mr. SPOONER. Was there not something about "Providence" in the last one the Senator read?

Mr. FORAKER. Oh, yes; Providence figures rather conspicuously here.

Mr. BEVERIDGE. And "fate?"

Mr. FORAKER. Yes; "fate." "Providence," "fate," "destiny," and "commerce"—all the elements of national greatness.

I will now read the editorial from the Denver Daily News of Tuesday, February 7, 1899:

ONLY ONE DUTY.

There is now only one thing to do, and that is to knock peace into Aguinaldo and his followers—

[Laughter.]

That is what we have been doing—

no matter what we may do with the Philippine Islands afterwards. While the forces of the United States were holding Manila, which they had captured from the Spaniards, for centuries the oppressors of the Filipinos; while the Senate of the United States was debating a treaty which forever relieved the islands from Spanish rule; while a large and patriotic body of men was insisting on the withdrawal of the United States from the islands and the handing them over to Aguinaldo's government, if such it can be called, a treacherous attack was made on the American lines.

That act has made it impossible for the United States to leave those islands until it has administered proper chastisement to those responsible for the attack. While it may be determined not to hold these islands and may be disadvantageous to hold them, still our national dignity and honor will not permit our forces to be driven out.

All accounts of the recent battle agree that there was great slaughter among the Filipinos. They have discovered at the start that they have not Spaniards to fight. Perhaps they have been deceived by the kindness and consideration with which they have been treated by the American officers and troops. If so, they have been awakened to the real character of American soldiers, and this fact may have its influence on future operations in these islands. But now until Aguinaldo sues for peace there can be no let-up in the war in the Philippines.

Here is one more that I had almost overlooked. This is also from the same paper, the Denver Daily News, of February 17, 1899.

WHAT IT MEANS.

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The ratification of the treaty with Spain and the passage of the McEnery resolution have not solved the Philippine question. That is more perplexing to-day than it was the day that Admiral Dewey sailed into Manila Bay. It has been complicated by the action of Aguinaldo and his army of insurgents. First, we broke the Spanish power in the islands; then we bought them; now we are fighting with the natives to hold them. We could not withdraw from them without disgrace, no matter how much we might desire to do so.

Mr. President, I have said enough, I trust, to show that the Administration of President McKinley not only acted without any improper motive in acquiring the Philippines, but that they were acting in accordance with the best sentiment of this country as expressed by the Democratic journals as well as by Republican newspapers from one end of the country to the other, and that therefore, so far as the acquisition of the islands is concerned, and so far as everything that was done with respect to them subsequent to the ratification of the treaty, and our entering into possession under that treaty, is concerned, there is nothing whatever, as the record conclusively shows, to justify such charges as those which have been made by the Senators from Tennessee and South Carolina, and other Senators.

I now call attention to the policy, as shown by the record, inaugurated by President McKinley and pursued by him as long as he lived, a period of more than two years. I want to do this as briefly as I may. Therefore, without stopping to read everything, I shall call attention in a descriptive way to what I want to use and shall put into the RECORD, unless there is objection. I refer to the various documents upon which I shall comment.

Senators will remember that before the treaty of peace was ratified, looking forward to such ratification and the responsible duty that would thereby devolve upon this Government with respect to the Philippine Islands, the President appointed what was known as the Schurman Commission, a commission composed of Dr. Schurman, president of Cornell University, Admiral Dewey, who was then still in Manila, Professor Worcester, Colonel Denby, and General Otis, five members. They were appointed a Commission in 1899, and were by the President, in a letter of general instructions, directed to meet in Manila at the earliest possible moment for the purpose of investigating the conditions as they might be found to exist, and for the purpose of making recommendations to the President as to what steps should be taken looking to the establishment at once of civil government throughout those islands.

The President sent this Commission to the Philippines before there was any conflict between our forces there and the Filipinos. He sent them before he supposed there would be any conflict. He gave them a letter of instructions, in which he directed that as soon as they arrived in the Philippine Islands they should make known their mission, and that they should advertise to the Filipinos, by proper proclamation, what the policy was to be upon which our Government would enter with respect to the Philippines, the treaty having been ratified and we having taken possession thereunder.

I will not stop to read that order of instructions, but will ask that it may be placed in the RECORD. It is found at page 185 of the report of that Commission. It is published there as Exhibit 2 of their report. All will learn who will take the trouble to read it that President McKinley exercised the utmost care, in enumerating their powers and instructing them how to proceed, to avoid giving to the Filipinos any offense whatever; but at the same time he unequivocally directed them to give the Filipinos to understand that we had assumed authority and all must obey and respect our authority.

Mr. MONEY. Will the Senator permit me to interrupt him?

Mr. FORAKER. Certainly.

Mr. MONEY. Will the Senator allow me to ask the date of that order?

Mr. FORAKER. The date is January 20, 1899.

Mr. MONEY. I asked because the Senator stated it was before any hostilities had begun. War had been waging nearly a year at the time that Commission was appointed.

Mr. FORAKER. Then this date is a misprint, because we all know that the Schurman Commission did go to the Philippines before the war commenced. Hostilities broke out while they were on the ocean, and the first they knew of hostilities was when they arrived there.

Mr. MONEY. I beg your pardon. If the Senator will permit me, the treaty was not ratified until after war had begun, according to his statement.

Mr. FORAKER. That is very true, but the Commission was appointed before the treaty was ratified.

Mr. MONEY. I think you are mistaken about that.

Mr. FORAKER. Mr. President, I am not mistaken. I will see now if I am, and if I am I shall only be too glad to correct it. I am certainly glad the Senator has called my attention to it. Let me read what the Commission say:

At the time of the Commission's appointment peace existed in the islands. On the arrival of the civilian members in Manila hostilities had been in progress for a month. The Commission was not appointed as a "peace commission," as it has been often called.

Mr. President, the document is rightly dated, January 20, 1899. It was February 4, 1899, when war commenced. The Schurman Commission was appointed, I know, before we had ratified the treaty, and before there had been any clash between the Filipinos and the United States troops; but I will read now, as I did not intend to, this order of the President, in order that we may make no mistake about it:

EXECUTIVE MANSION, *Washington, January 20, 1899.*

I think the Senator, upon reflection, will agree with me that the war commenced on the 4th of February, 1899, and this appointment was prior, as I stated a moment ago, to the breaking out of hostilities and prior to the ratification of the treaty of peace. It is addressed to the Secretary of State:

EXECUTIVE MANSION, *Washington, January 20, 1899.*

The SECRETARY OF STATE:

My communication to the Secretary of War, dated December 21, 1898, declares the necessity of extending the actual occupation and administration of the city, harbor, and bay of Manila to the whole of the territory which by the treaty of Paris, signed on December 10, 1898, passed from the sovereignty of Spain to the sovereignty of the United States, and the consequent establishment of military government throughout the entire group of the Philippine Islands. While the treaty has not yet been been ratified, it is believed that it will be by the time of the arrival at Manila of the commissioners named below.

Then it proceeds to name the commissioners and give them their instructions, which I do not, as I say, deem it necessary that I should stop and read, because it would take so much time. I only want to call attention to the fact that there was no mystery whatever about our policy with respect to the Philippines.

First, there was the acquisition under the treaty, with respect to which everybody was informed, as I have undertaken to show by quoting from newspapers from one end of the land to the other, as well as by quoting from official documents that speak conclusively on that subject; and now after the islands had been acquired, before the treaty was ratified, recognizing that as soon as ratification occurred the duty of government would devolve upon us, the President, being anxious to be ready for that great duty, appointed this very able Commission, a Commission that enjoyed the confidence and respect of the whole country, and sent them to the Philippines with explicit instructions, which instructions they were directed to publish broadcast in the archipelago, as they did, to the end that everybody might know what the policy was of this Government.

And what was that policy? The policy was one of extremest kindness and gentleness in every respect; a policy that looked to the immediate establishment of civil government wherever the conditions were such as to admit of civil government; a policy that looked to the displacement of military government as rapidly as was possible, and a policy that looked with jealous care to even the prejudices of the people in the Philippine Islands. In that connection let me read one paragraph:

The commissioners will endeavor, without interference with the military authorities of the United States now in control of the Philippines, to ascertain what amelioration in the condition of the inhabitants and what improvements in public order may be practicable, and for this purpose they will study attentively the existing social and political state of the various populations, particularly as regards the forms of local government, the administration of justice, the collection of customs and other taxes, the means of transportation, and the need of public improvements.

* * * * * * *

It is my desire that in all their relations with the inhabitants of the islands the commissioners exercise due respect for all the ideals, customs, and institutions of the tribes which compose the population, emphasizing upon all occasions the just and beneficent intentions of the Government of the United States.

Now, Mr. President, when that Commission arrived, in accordance with that general instruction and the authority conferred by that document, they issued a proclamation to the Filipinos, under date of Manila, April 4, 1899, which I ask to have inserted in the RECORD. I stop to say only this, with respect to it, that it was in strictest accordance with the instructions which I have just read, as it might have been expected it would be, from the President to the Commission. (See appendix.)

They issued that proclamation, and then they set to work, and they were diligent. They were there almost a year. Their report of their work in the Philippines is dated January 31, 1900. After a careful and diligent investigation of conditions then existing they wrote a report in which they set forth who the inhabitants are, how many tribes there are, as I pointed out this morning, and what their relative degrees of civilization are; pointing out that while no tribe there is what we would call a highly civilized tribe, yet there are some tribes that have quite a degree of civilization, and that they range from that down to absolute barbarism and densest ignorance. There can be no question, Mr. President, but that this report in all these particulars is absolutely reliable.

But, Mr. President, among other things they spoke of our Army, and I want to call attention to that. In the progress of this debate we have not only had the policy of this Government assailed, but we have had also, as I understood it when Senators were making their speeches, the American Army assailed. When men stand here in their places in this Chamber and suggest that possibly this or that or the other brutality to which attention is called might be explained upon the theory that a man was responsible for it who had just graduated from a school of savagery in China and then mention General Chaffee's name in that connection, I understand that to be an assault upon the character, as a man and a soldier, of General Chaffee.

When men stand here and hold up the order of Gen. J. Franklin Bell and ask if anybody here will defend so infamous an order as that, I understand there is an assault being made upon Gen. J. Franklin Bell. When men stand here and in unmeasured language condemn Gen. Jacob H. Smith, I understand there is an assault being made upon him; and when men have stood here and have arrayed in the aggregate scores of brutalities and have charged them all to the army in the Philippines, I understand there is an assault being made upon the Army of the United States, and that it extends from the Commanding General at the head of the Army down to the humblest private soldier there. And, Mr. President, the country so understands it.

Mr. President, it will not avail Senators to say that in making these assaults they were not intending to assail the Army of the United States, but only undertaking to assail somebody here in the United States. Who is there here in the United States to be comprehended in this assault? I have pointed out most conclusively that under President McKinley, so far as he spoke, and he spoke for his Administration and spoke conclusively, there is no room to charge him or any representative of his Administration with any cruelty or with responsibility for any cruelty or any barbarity or any savagery, and the same is equally true of the Administration of President Roosevelt. And only this morning Senators disclaimed in this Chamber that they intend to include in their charges anybody in the Congress of the United States.

Well, if they do not intend to include anybody here, if they do not intend to include anybody at the White House, or in the War Department, or in the American Army in the Philippines, in God's name whom do they refer to? It will be in vain, Mr. President, that Senators will say "we did not mean thus and so." The American people understand the English language, and they do not need any interpreter, and they will not have any evasion in the interpretation of the language that has been employed. Now, Mr. President, as to what our Army was doing in the Philippines while the Schurman Commission was there, I read this extract from their report:

The Commission is not willing to close this statement without paying just tribute to our sailors and soldiers. The presence of Admiral Dewey as a member of this body makes it unfitting to dwell on his personal achievements, but he joins with us in eulogy of his comrades. We were fortunate in witnessing some of the many brave deeds of our soldiers. All that skill, courage, and patient endurance can do has been done in the Philippines. We are aware that there are those who have seen fit to accuse our troops of desecrating churches, murdering prisoners, and committing unmentionable crimes.

To those who derive satisfaction from seizing on isolated occurrences—regrettable, indeed, but incident to every war—and making them the basis of sweeping accusations, this Commission has nothing to say. Still less do we feel called upon to answer idle tales without foundation in fact. But for the satisfaction of those who have found it difficult to understand why the transporting of American citizens across the Pacific Ocean should change their nature, we are glad to express the belief that a war was never more humanely conducted. Insurgents wounded were repeatedly succored on the field by our men at the risk of their lives.

Those who had a chance for life were taken to Manila and tenderly cared for in our hospitals. If churches were occupied it was only as a military necessity, and frequently after their use as forts by the insurgents had made it necessary to train our artillery upon them. Prisoners were taken whenever opportunity offered, often only to be set at liberty after being disarmed and fed. Up to the time of our departure, although numerous spies had been captured, not a single Filipino had been executed. Such wrongs as were actually committed against the natives were likely to be brought to our attention, and in every case that we investigated we found a willingness on the part of those in authority to administer prompt justice.

During this time, however, Mr. President, the war for the suppression of the insurrection went on. It was successful in the great majority of the provinces, but there finally remained Batangas, Laguna, Leyte, and Samar, where still there was more or less of insurrection. As the war progressed there it became necessary to change its character, and that was done by General Bell. I speak of him instead of others because he has been so bitterly assailed in the progress of this debate.

I have his record here. I have taken the trouble to find out who he is, and I want to first put that in the RECORD. I find he

was born in Kentucky, January 9, 1856; that he was sent as a cadet to the Military Academy at West Point upon the recommendation of the Hon. James B. Beck. From these two points we can judge something as to his political antecedents, if they are to be taken into consideration. But, Mr. President, I would not think of taking politics into consideration with an American soldier, and especially not in connection with the discharge of such a duty as that which Gen. J. Franklin Bell has so heroically, so gallantly, and in such a soldier-like way discharged in the Philippines.

Without stopping to read it, I will simply say, if it may be printed in the RECORD without objection, that Gen. J. Franklin Bell has a record of which any soldier might well be proud. Just such a record as might be expected would be made by the selection of such a sturdy character as Senator Beck. He was assigned because of his energy and his splendid capacity as a soldier, and because of the success with which he had met in other positions, to the command of what is known as the Third Brigade in the Philippines.

His record in full is as follows:

J. Franklin Bell, born in Kentucky January 9, 1856. Cadet at the U. S. Military Academy, 1 September, 1874, to 14 June, 1878, when he was graduated No. 38 in his class and appointed additional 2d lieut., 9th Cav., 14 June, 1878; 2d lieutenant, 28 June, 1878; transferred to 7th Cavalry, 9 Aug., 1878; 1st lieutenant, 29 Dec., 1890; regtl. adjt., 13 Sept., 1891, to 1 Dec., 1894; major, engineer of volunteers, 17 May, 1898, to 17 Apr., 1899; captain 7th Cavalry, 2 Mar., 1899; major, asst. adjt. genl., U. S. V., 17 Apr., 1899, to 12 July, 1899; colonel 36th U. S. Vol. Infy., 5 July, 1899; brigadier-general, U. S. Vols., 5 Dec., 1899; brigadier-general, U. S. A., 19 Feb., 1901.

SERVICE.

With regiment at Fort A. Lincoln, North Dakota, October, 1878, to June, 1882 (guarding construction of Northern Pacific Railroad May to October, 1882); at Fort Buford, Dakota, to May, 1886; professor military science and tactics at the Southern Illinois University July 1, 1886, to July 1, 1889; with regiment at Fort Riley, Kansas, to November 25, 1890; on leave to January 7, 1891, when learning that his regiment was in the field, he surrendered the remainder of his six months' leave, rejoined his regiment at Pine Ridge Agency, January 7, 1891, and served with it there to February, 1891; at Fort Riley, Kansas, being also secretary of the cavalry and light artillery school at that post to December 9, 1894; at San Francisco, California, as aid-de-camp to General Forsyth to May, 1897; on leave to July, 1897; with regiment at Fort Apache, Arizona (in the field suppressing Zuni Indian disturbances September 10 to October 11, 1897), to March 20, 1898; judge-advocate, Department of the Columbia, April 1 to May 26, 1898; en route to Manila, P. I., to July 16, 1898; chief of the military information division, Department of the Pacific, to April 17, 1899; acting judge-advocate and mustering officer, 2d division, 8th Corps, to June 8, 1899; organizing a volunteer regiment to August 17, 1899; commanding 36th U. S. Volunteer Infantry in the Philippines to December 24, 1899; commanding 4th brigade, 2d division, 8th Corps, to April 12, 1900; commanding 3d district, Department of Northern Luzon, to July 4, 1900; provost-marshal-general of Manila and suburbs to February 20, 1901; commanding 1st district, Department Northern Luzon, February 28 to November 30, 1901; commanding 3d Separate Brigade, Department North Philippines to date.

He was awarded a medal of honor for most distinguished gallantry in action, September 9, 1899, near Porac, Luzon, P. I., while in advance of his regiment, charging seven insurgents with his pistol and compelling the surrender of the captain and two privates under a close and hot fire from the remaining insurgents concealed in a bamboo thicket, while serving as colonel, 36th Infantry, U. S. Volunteers.

Apr. 7, '02, the President expressed his gratification and the gratification of the American people at the results of the campaign of General Bell and officers and men of his command in Batangas and Laguna provinces which culminated in the surrender of the insurgent forces under Malvar, and which will further extend the territory in which civil government is exercised.

Mr. FORAKER. When he assumed this command, Mr. President, it was after numberless acts of savagery had been committed by the insurgents. It was after our men had been bushwhacked, after they had been lured by treachery and deceit, and after they were, having been captured, put to death by all kinds of barbarity, their bodies disfigured in ways that are unmentionable, and it was also after, at Balangiga, Company C of the Ninth Regiment had been, by an act of treachery, put within the power of the natives and more than forty of them had been butchered in cold blood by a treacherous mob. It was after acts of this kind had been borne with for a long time that General Bell was sent to Batangas and there issued his somewhat famous order. I do not know of any better defense for that order than that which he makes in reciting the reason why he makes it. Let me read this order:

BATANGAS, P. I., *December 13, 1901.*

To all Station Commanders:

The United States Government, disregarding many provocations to do otherwise, has for three years exercised an extraordinary forbearance and patiently adhered to a magnanimous and benevolent policy toward the inhabitants of the territory garrisoned by this brigade. Notwithstanding this fact, opposition to the Government has been persistently continued throughout this entire period by a majority of its inhabitants. The enemy, long realizing their inability to maintain themselves without the unanimous cooperation and support of the entire population, have, in order to keep up their useless struggle, established a reign of terror by resorting to atrocities and expedients which violate the well-known laws and usages of war, as announced in General Orders, No. 100, Adjutant-General's Office, 1863, approved and published by order of President Lincoln, for the government of the armies of the United States in the field.

First. They have accepted local offices from the Government and taken the oath of allegiance solely for the purpose of improving their opportunities and facilities for deceiving American officials and treacherously aiding and assisting the cause of the insurrection, in violation of section 23.

Second. They have with bolos and other weapons killed helpless prisoners and soldiers lying on the ground, wholly disabled by wounds which prevented their defending themselves in any way, in violation of sections 49, 56, 61, and 71.

Third. In order to confuse their identity, and thereby be able the more safely to conduct their skulking operations, they have adopted the uniform of our Army and native troops without any plain, striking, and uniform mark of distinction of their own, in violation of section 63.

Fourth. They have improvised and secreted in the vicinity of roads and trails rudely constructed infernal machines propelling poisoned arrows or darts, in violation of section 70, thus placing themselves beyond the pale of the laws and usages of war.

Fifth. Men, and squads of men, without commission, without being part or portion of the regularly organized hostile army, without sharing continuously in the war, but with intermittent returns to their homes and avocations, and with frequent assumption of the semblance of peaceful pursuits, divesting themselves of the character and appearance of soldiers, have committed hostilities by fighting and making raids of various kinds, after which, concealing their arms, they have returned, posing as peaceful citizens, and secretly lived in the same towns with garrisons of our troops, in violation of section 82.

Sixth. Armed prowlers have stolen within the lines of our Army to cut telegraph wires and destroy bridges. Armed assassins, designated and controlled by the enemy, have come, disguised as peaceful citizens, into the very presence of our garrisons and have assassinated, in broad daylight in crowded market places, persons unlawfully condemned to death by the enemy for being friendly to or assisting the legitimately organized government—the fear, sympathy, or cooperation of the entire population effectually preventing our apprehension and punishment of the assassin. This in violation of section 84.

Seventh. The apparently pacific inhabitants of towns occupied by the American Army have treacherously risen in arms against it, in violation of section 85.

Eighth. A large percentage of the population, though owing allegiance to the American Government under the provisions of section 26, have acted as spies and war traitors, in violation of the provisions of sections 88, 90, and 92.

Ninth. A very great number of insurgent officials, soldiers, and other aiders and abettors of the insurrection, after voluntarily surrendering and after having been captured, have been pardoned and released from confinement upon taking the oath of allegiance or giving paroles, and have subsequently violated their oaths or paroles without scruple by again entering the service of the insurgent army, or aiding, or assisting the same, in violation of sections 26, 124, and 130.

Against but one of these flagrant violations of the laws of war, namely, murder, has the United States Government ever adjudged or executed the severe penalties authorized by the sections of the law above cited, in the vain hope that, by this exercise of forbearance and generosity, the people might be conciliated and become reconciled to and convinced of the benevolent purposes of the Government. Instead of having had the desired effect, however, this policy in the provinces of Batangas and Laguna has apparently failed to appeal to even the keenest and most appreciative intellects.

On the contrary, it has been interpreted by many as an evidence of weakness and fear, and, puffed up by a childish and ignorant conceit over what they are pleased to consider successful resistance of our power, the people have become so arrogant that they look down upon our Government and scorn its kindliest efforts at pacification. We consequently find ourselves operating in a thoroughly occupied terrane against the entire population, united in a hopeless struggle, using, conniving at, or tolerating barbarous methods which almost reach the limit in outraging the laws and usages of legitimate warfare.

The reckless expedients adopted by the enemy, especially the policy of intimidation and assassination, leaves, to the brigade commander no other means of protecting either the lives of his subordinates or those of peaceful or friendly citizens or the interests of his Government against the repetition of barbarous outrage, except the enforcement of the penalties authorized by the above-cited laws of war, and he has reluctantly concluded it to be absolutely necessary to avail himself of the right of retaliation under the provisions of sections 59 and 148, whenever the duly and carefully ascertained conditions and circumstances warrant the same under the restrictions prescribed in section 28.

The brigade commander therefore announces for the information of all concerned that wherever prisoners or unarmed or defenseless Americans or natives friendly to the United States Government are murdered or assassinated for political reasons, and this fact can be established, it is his purpose to execute a prisoner of war under the authority contained in sections 59 and 148. This prisoner of war will be selected by lot from among the officers or prominent citizens held as prisoners of war, and will be chosen when practicable from those who belong to the town where the murder or assassination occurred.

It is also his purpose to severely punish, in the same or a lesser degree, the commission of other acts denounced by the aforementioned articles. In this conection the attention of all American officers is invited to the last paragraph of section 29 and to the provisions of section 134. Commanding officers are authorized to enforce the provisions of this latter section whenever they may deem it just and practicable.

J. F. BELL,
Brigadier-General, Commanding.

In other words, Mr. President, it is made clear by the order itself that General Bell issued that we had been for three long years forbearing and forbearing beyond what any other people have ever done in the face of such provocation as has been visited upon our soldiers and our officers there; that, finally, not because he wanted to be a savage and brutal ruler in that country, as charged, but because he found it to be absolutely necessary, as he states, he concluded to apply the law of retaliation, to the end that he might protect the lives of the soldiers under his command and that he might protect the lives of the citizens there who were friendly to the cause of the United States and that he might protect the interests of the Government of the United States.

True, then, he has resorted to the law of retaliation; but what is the law of retaliation? Why, Mr. President, it is talked about here as though it were an unheard-of thing in the history of wars. The law of retaliation, on the contrary, as General Bell points out, is provided for in the famous Order No. 100, issued by Abraham Lincoln in 1863. It is a law that ought never to be applied except only when there is extreme provocation for it; but if General Bell does not set forth extreme provocation in all these

instances and in all the cases he recites, then I do not know what would constitute extreme provocation.

And what is the result? While Senators stand here criticising him and denouncing him as guilty of barbarity, he has suppressed absolutely in Batangas and Laguna and Samar the last vestige of that insurrection, and except only about 100 men in Leyte, as the official telegrams show, there is nobody left, even in the bushes, throughout all that territory to resist or challenge the authority of the United States.

Mr. President, this talk of barbarities by our Army is not new talk. I have taken pains to look at the record, not with a view of quoting it here, but simply with a view to familiarizing myself with it, and I find that our Army in the war of 1812 was bitterly criticised, as was the army of Great Britain, for the cruelties and barbarities practiced. And, Mr. President, there are hundreds of pages of the record devoted to the debates in Congress about the cruelties and barbarities practiced by Andrew Jackson when he was fighting the Seminoles and the exiles in Florida.

Mr. CARMACK. Does the Senator say our Army was accused of cruelty in the war of 1812?

Mr. FORAKER. It was, and also in the war with Mexico. You can go to the library and find book after book devoted to the exposition of cruelties and barbarities and outrages practiced and ordered to be practiced by General Scott and his subordinates in Mexico. If the Senator has been looking the matter up, he will remember all this. I would not have known it if I had not looked it up, and that is the reason why I make the remark in that way. The country was infested with guerrillas, rancheros, and they were ambushing and annoying our troops. Finally the General issued an order, and other officers did the same, that every such man under the law of retaliation should be given no quarter whatever, but should be put to death as the only way to break up such warfare.

During the civil war there were numerous complaints of brutality and cruelty of one kind and another. And now we come down to the Philippines, and we are told that there is more brutality here than has ever been heard of in all the history of the world. If the Senator from Tennessee had only gone back a little further in his Bible than the point at which he commenced to quote and had looked at the campaigns of Joshua, he would have found more cruelties and barbarities and wholesale slaughter than anything he has discovered in the Philippines. You will remember when the walls of Jericho fell Joshua was ordered to enter and slay everybody, old and young, men, women, and children, and that it was usual in that day to put all to death until no one remained to breathe. Both sacred and profane history bear testimony to the truth of the statement over and over again here made that "war is cruelty, and you can not refine it."

When men marching through the Philippines are fired upon from ambush and shot down, much more when they are captured and as prisoners are put to death without mercy, their heads cut off and stuck on the top of poles, their arms cut off, and legs cut off, and their eyes gouged out, and their bodies disfigured in every possible manner, the result is that the surviving comrades of such unfortunate victims will at the first opportunity avenge such savagery and such insult and such wrong.

Mr. President, I do not intend to talk about the order of General Smith; first, because I do not know whether he made any such order as the papers have reported. If he did, I will await all the facts before I judge him. I do not believe he made any such order as has been reported to us, or if he did I think we shall find, when we learn the whole truth, that there is a light to be cast upon it with which we are not now familiar. I judge that from the record General Smith has made. I also send that to the Reporter and ask that it may be inserted in my remarks.

I find that he, too, like General Bell, started on his military service in the State of Kentucky, although he was later appointed and charged to the State of Ohio. I do not have the pleasure of knowing him personally, but I have found that his military service commenced at the beginning of the civil war, on the 4th day of June, 1861. I find that he was wounded at Barboursville July 13, 1861, and that he was most severely wounded at the battle of Shiloh, Tenn., April 7, 1862. I find that he was also wounded in action at San Juan, and I further find that he has been continuously in the service of his country as a soldier more than forty years, and that his record is one as a soldier of which any American might well be proud.

It is as follows:

Jacob H. Smith. Born in Ohio and appointed from Illinois. Retires January 29, 1904.

Volunteer record.—1st lieutenant, 2d Kentucky Infantry, 4 June, 1861; captain, 28 Jan., 1862; captain, V. R. C., 25 June, 1863; honorably mustered out, 21 Oct., 1865.

He was wounded during the war in the action at Barboursville, Virginia, July 13, 1861, and severely wounded at the battle of Shiloh, Tennessee, April 7, 1862.

Regular Army record.—Captain, 13th Infantry, 7 Mar., 1867; major, judge-advocate, 25 May, 1869; revoked, 10 Dec., 1869; unassigned, 25 May, 1869; assigned to 19th Infantry, 15 Dec., 1870; major, 2d Infantry, 26 Nov., 1894; lieutenant-colonel, 12th Infantry, 30 June, 1896; colonel, 17th Infantry, 20 Oct., 1899; brigadier-general volunteers, 1 June, 1900; brigadier-general, U. S. A., 30 Mar., 1901.

Brevetted major 7th March, 1867, "for gallant conduct in the battle of Shiloh, Tennessee, April 6, 1862."

Service.—He joined his regiment July 22, 1867, and commanded his company at Fort Shaw, Montana, to April 18, 1868; on duty in office of Judge-Advocate-General, Washington, D. C., to May 31, 1869; judge-advocate, Department of the Platte, June 14, 1869, to June 30, 1870; awaiting orders to December, 1870.

He joined the Nineteenth Infantry January 30, 1871, and commanded his company at Jackson Barracks, La., to April 19, 1873; at Colfax, La., to May 6, 1873; at Alexandria, La., to November 20, 1873; at Baton Rogue, La., to May 17, 1874; en route to and at Fort Lyon, Colo., to November 24, 1874; recorder of the infantry equipment board to May 25, 1875; commanding company at Fort Lyon, Colo., June 12, 1875, to June 13, 1877; at Fort Larned, Kans., also commanding post, to July 13, 1877; at Fort Dodge, Kans. (on leave October 5 to December 16, 1878), to September 23, 1879; on sick leave to March 22, 1880; commanding company at Fort Garland, and in the field in Colorado, to June 23, 1880; commanding company at Fort Leavenworth, Kans., to October 31, 1881; at Fort Brown, Tex., to June 8, 1882; commanding company at Fort Duncan, Tex., to August 31, 1883; at Fort Clark, Tex., to August 5, 1885; commanding company at Fort Ringgold, Tex., March 31 to November 20, 1886; at Fort McIntosh, Tex., to June 23, 1888; at Fort Clark, Tex., to September 23, 1889; at Fort Davis, Tex., to December 15 1889; at Jackson Barracks, La., to May 1, 1890, and at Fort Mackinac, Mich., to October 8, 1890; on recruiting service to June 25, 1891; commanding company at Fort Wayne, Mich., to October 30, 1894; on leave to September 30, 1895; on duty at Fort Omaha, Nebr., to June 29, 1896; at Fort Keogh, Mont., to April, 1898; in Georgia and Florida to June 14, 1898; en route to and in Cuba, participating in Santiago campaign, to July 1, 1898, when wounded in action at San Juan; sick and on sick leave to October 2, 1898; commanding post and regiment at Jefferson Barracks, Mo., to February, 1899; commanding regiment en route to and in the Philippines to April 14, 1900; commanding Third district, Department of Northern Luzon, July 30, 1900, to date.

Was recommended for brevet of brigadier-general for services in Cuba.

Was commended by General Grant for operations in Pampanga and Tarlac November 6 to 11, 1899.

Mr. FORAKER. I can not believe, Mr. President, to employ the language of Dr. Schurman in his report as I read it a while ago, that transporting an American citizen across the Pacific would turn him from what he is here into a brute and a savage there, and therefore I shall withhold judgment as to General Smith until we know what the facts are. I do not believe a man who is capable of such heroism, such gallantry, such valuable service to his country would be capable of doing that for which we would all condemn him without qualification. It is not much for us to wait before we pass judgment. It is not much when the man who asks it is a soldier who has more than forty years of gallant service to his credit.

But recurring to what I was saying, all orders emanating from Washington have been of the character mentioned, and therefore it is, Mr. President, that in the Philippines the policy ordered from here and the policy of our Army have been in accord, and the sole aim of that policy, as enunciated here and as practiced there, has been to restore law and order by suppressing the insurrection and all armed resistance, and doing that with as little harshness and with as little loss of life as it is possible to inflict, to the end that civil government may be established.

Our Army has shown in this work a surprising humanity. It is a notorious fact that for more than two years after our operations commenced we scarcely ever kept prisoners, but almost invariably gave them a good meal and a good lecture and then turned them loose and let them go back, thinking and hoping that they would carry messages of our kind disposition that would result in good fruits to our cause. That policy worked well throughout Luzon and through all the provinces except only the four I have mentioned.

The insurrection there continuing and the inhabitants being of a different type of Malays from those we had been contending against elsewhere, being more difficult to deal with, being more hostile, being more treacherous, being more savage, it finally became necessary as an act of protection to our own men and our own interests to resort to the law of retaliation, and under such provocation our Army did resort to it. The action of General Bell in this respect was not unwarranted. On the contrary, he was but doing what is common in all such cases, and something as to the propriety of which he was the sole judge.

The result has justified what he did, for as a result of it there is peace to-day in Samar, there is peace to-day in Batangas, there is peace to-day in Laguna. There is peace everywhere except only in Leyte, where there are a few bolomen still in the woods, and in Mindanao, where the Moros recently got into a state of eruption.

A few days ago, when it was announced that there was trouble with the Moros and that General Chaffee had sent our troops there, the President cabled him to halt until the matter could be investigated, but General Chaffee wired back in such a way that he got orders at once to use his own judgment, and they went ahead. I felt sorry for the opponents of this measure when, a few days later, I read in the papers what ought to have thrilled every American, how General Davis, with the gallant Twenty-seventh under Colonel Baldwin, had stormed the fort of Banyan

and had captured the garrison and planted our flag in victory on its walls. Every American should feel thrilled by that account because of the heroism and the gallantry displayed.

We should talk about that feat of arms to the people, but that is one transaction in the Philippines, Mr. President, of which you will not hear anything during the approaching campaign from the orators who have spoken in opposition to this measure. They, instead of telling the people, or telling the Senate, of the splendid progress we have made, of our brilliant achievements, of the gallantry of our Army, are hunting as with a fine-toothed comb for something they can criticise—for some case of water cure; for some case where some incensed soldier boy, trying to avenge the murder of his comrade, has committed some outrage that he ought not to have committed. That is paraded, and upon the strength of a compilation of such incidents we are told that our policy in the Philippines is a wicked and mistaken policy; that our Army has practiced brutality and savagery there.

Mr. President, so far we have made no mistake about the Philippines; our policy there has been a wise and patriotic policy; a wise and patriotic policy that was well considered before we entered upon it, and a policy that has been faithfully and consistently pursued from that day until this; a policy that has not been kept in the dark, but a policy that has been published to the world; a policy that has until now required the presence of the Army there, but the Army has done its work, and now the time has come for military rule to be replaced with a civil government.

I shall not enter upon any defense of the American Army. It does not need any. From the beginning of our Government down to this minute to belong to the American Army has been an American honor. Its officers have uniformly been brave, intelligent, and patriotic, and the men of the Army have been gallant and heroic soldiers, who have loved the flag and loved the country and laid down life itself unhesitatingly. What the American Army has accomplished in the Philippines is simply marvelous.

They have been under a tropical sun, in a climate to which they are unaccustomed, a climate that was thought to be dangerous, fighting an enemy who were skulking through jungles and swamps. They have pursued them everywhere, through the swamps, through the jungles, across the rivers, over the mountains, everywhere fighting them and everywhere destroying them as an organized force, in no instance halting, hesitating, or failing to win victory for our cause.

In due time that Army will come home, but, Mr. President, it will not come home bespattered with mud. It will come home in triumph to receive the glad welcome and the proud plaudits of the American people. Our people have always stood by their Army, and they always will stand by their Army so long as it is made of such splendid men, such gallant officers, such heroes, one and all, as represent us in the Philippines.

But the fact that the work of the Army is practically done only emphasizes the necessity for the legislation now proposed. It is our immediate duty to supplement the work of the military with the civil government this bill authorizes.

APPENDIX I.

PROTOCOL OF AGREEMENT BETWEEN THE UNITED STATES AND SPAIN, SIGNED AT WASHINGTON, AUGUST 12, 1898.

PROTOCOL.

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, ambassador extraordinary and plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries—that is to say:

ARTICLE I.

Spain will relinquish all claim of sovereignty over and title to Cuba.

ARTICLE II.

Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

ARTICLE III.

The United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

PROTOCOLE.

William R. Day, Secrétaire d'Etat des Etats-Unis, et Son Excellence M. Jules Cambon, ambassadeur extraordinaire et plénipotentiaire de la République Française à Washington, ayant respectivement reçu à cet effet pleine autorisation du Gouvernement des Etats-Unis et du Gouvernement d'Espagne, ont conclu et signé les articles suivants qui précisent les termes sur lesquels les deux Gouvernements se sont mis d'accord en ce qui concerne les questions ci-après désignées et ayant pour objet l'établissement de la paix entre les deux pays, savoir:

ARTICLE I.

L'Espagne renoncera à toute prétention à sa souveraineté et à tout droit sur Cuba.

ARTICLE II.

L'Espagne cédera aux Etats-Unis l'île de Porto-Rico et les autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales, ainsi qu'une île dans les Ladrones qui sera choisie par les Etats-Unis.

ARTICLE III.

Les Etats-Unis occuperont et tiendront la ville, la baie, et le port de Manille en attendant la conclusion d'un traité de paix qui devra déterminer le contrôle, la disposition et le Gouvernement des Philippines.

ARTICLE IV.

Spain will immediately evacuate Cuba, Porto Rico, and other islands now under Spanish sovereignty in the West Indies; and to this end each Government will, within ten days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within thirty days after the signing of this protocol, meet at Habana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within ten days after the signing of this protocol, also appoint other commissioners, who shall, within thirty days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

ARTICLE V.

The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ARTICLE VI.

Upon the conclusion and signing of this protocol hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Done at Washington in duplicate, in English and in French, by the undersigned, who have hereunto set their hands and seals, the 12th day of August, 1898.

[SEAL.] WILLIAM R. DAY.
[SEAL.] JULES CAMBON.

ARTICLE IV.

L'Espagne évacuera immédiatement Cuba, Porto Rico, et les autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales; à cet effet chacun des deux Gouvernements nommera, dans les dix jours qui suivront la signature de ce protocole, des commissaires, et les commissaires ainsi nommés devront, dans les trente jours qui suivront la signature de ce protocole, se rencontrer à la Havane afin d'arranger et d'exécuter les détails de l'évacuation sus-mentionée de Cuba et des îles Espagnoles adjacentes; et chacun des deux Gouvernements nommera également, dans les dix jours qui suivront la signature de ce protocole, d'autres commissaires qui devront, dans les trente jours de la signature de ce protocole, se rencontrer à San Juan de Porto Rico afin d'arranger et d'exécuter les détails de l'évacuation susmentionnée de Porto Rico et des autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales.

ARTICLE V.

Les Etats-Unis et l'Espagne nommeront, pour traiter de la paix, cinq commissaires au plus pour chaque pays; les commissaires ainsi nommés devront se rencontrer à Paris, le 1er Octobre 1898, au plus tard, et procéder à la négociation et à la conclusion d'un traité de paix; ce traité sera sujet à ratification, selon les formes constitutionnelles de chacun des deux pays.

ARTICLE VI.

A la conclusion et à la signature de ce protocole, les hostilités entre les deux pays devront être suspendues, et des ordres à cet effet devront être donnés aussitôt que possible par chacun des deux Gouvernements aux commandants de ses forces de terre et de mer.

Fait à Washington, en double exemplaire, anglais et français, par les Soussignés qui y ont apposé leur signature et leur sceau, le 12 Août, 1898.

[SEAL.] WILLIAM R. DAY.
[SEAL.] JULES CAMBON.

APPENDIX II.

TREATY OF PEACE.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, WILLIAM P. FRYE, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Rios, president of the senate; Don Buenaventura de Abarzuza, senator of the Kingdom and ex-minister of the Crown; Don José de Garnica, deputy to the Cortes and associate justice of the supreme court; Don Wenceslao Ramirez de Villa-Urrutia, envoy extraordinary and minister plenipotentiary at Brussels, and Don Rafael Cerero, general of division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty-five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibers, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defenses, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offenses, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decisions to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the supreme court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba and in Porto Rico, the Philippines, and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain will have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels not engaged in the coastwise trade.

This article may at any time be terminated on a six months' notice, given by either Government to the other.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will, upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

ARTICLE XVII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Paris the 10th day of December, in the year of our Lord, 1898.

[SEAL.]	WILLIAM R. DAY.
[SEAL.]	CUSHMAN K. DAVIS.
[SEAL.]	WILLIAM P. FRYE.
[SEAL.]	GEO. GRAY.
[SEAL.]	WHITELAW REID.
[SEAL.]	EUGENIO MONTERO RÍOS.
[SEAL.]	B. DE ABARZUZA.
[SEAL.]	J. DE GARNICA.
[SEAL.]	W. R. DE VILLA URRUTIA.
[SEAL.]	RAFAEL CERERO.

APPENDIX III.

ORDER OF PRESIDENT M'KINLEY.

EXECUTIVE MANSION,
Washington, December 21, 1898.

SIR: The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris, on the 10th instant, and as the result of the victories of American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands become immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

In performing this duty, the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power, the authority of the United States is to be exerted for the security of the persons and property of the people of the islands and for the confirmation of all their private rights and relations.

It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come, not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, cooperate with the Government of the United States to give effect to these beneficent purposes, will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness, if need be, but without severity, so far as may be possible.

Within the absolute domain of military authority, which necessarily is and must remain supreme in the ceded territory until the legislation of the United States shall otherwise provide, the municipal laws of the territory in respect to private rights and property and the repression of crime are to be considered as continuing in force, and to be administered by the ordinary tribunals so far as practicable. The operations of civil and municipal government are to performed by such officers as may accept the supremacy of the United States by taking the oath of allegiance, or by officers chosen as far as may be practicable from the inhabitants of the islands.

While the control of all the public property and the revenues of the state

passes with the cession, and while the use and management of all public means of transportation are necessarily reserved to the authority of the United States, private property, whether belonging to individuals or corporations, is to be respected, except for cause duly established. The taxes and duties heretofore payable by the inhabitants to the late Government become payable to the authorities of the United States, unless it be seen fit to substitute for them other reasonable rates or modes of contribution to the expenses of government, whether general or local. If private property be taken for military use it shall be paid for, when possible, in cash at a fair valuation, and when payment in cash is not practicable receipts are to be given.

All ports and places in the Philippine Islands in the actual possession of the land and naval forces of the United States will be opened to the commerce of all friendly nations. All goods and wares not prohibited for military reasons, by due announcement of the military authority, will be admitted upon payment of such duties and other charges as shall be in force at the time of their importation.

Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring to them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

WILLIAM McKINLEY.

The SECRETARY OF WAR.

APPENDIX IV.

PROCLAMATION OF PHILIPPINE COMMISSION.

To the people of the Philippine Islands:

The treaty of peace between the United States and Spain, ratified several weeks ago by the former, having on March 20 been ratified by the latter, the cession to the United States, as stipulated by the treaty, of the sovereignty which Spain possessed and exercised over the Philippine Islands has now, in accordance with the laws of nations, received a complete and indefeasible consummation.

In order that the high responsibilities and obligations with which the United States has thus become definitively charged may be fulfilled in a way calculated to promote the best interests of the inhabitants of the Philippine Islands, His Excellency the President of the United States has appointed the undersigned a civil commission on Philippine affairs, clothing them with all the powers necessary for the exercise of that office.

The Commission desire to assure the people of the Philippine Islands of the cordial good will and fraternal feeling which is entertained for them by His Excellency the President of the United States and by the American people. The aim and object of the American Government, apart from the fulfillment of the solemn obligations it has assumed toward the family of nations by the acceptance of sovereignty over the Philippine Islands, is the well-being, the prosperity, and the happiness of the Philippine people and their elevation and advancement to a position among the most civilized people of the world.

His Excellency the President of the United States believes that this felicity and perfection of the Philippine people is to be brought about by the assurance of peace and order; by the guaranty of civil and religious liberty; by the establishment of justice; by the cultivation of letters, science, and the liberal and practical arts; by the enlargement of intercourse with foreign nations; by the expansion of industrial pursuits, trade, and commerce; by the multiplication and improvement of the means of internal communication; by the development, with the aid of modern mechanical inventions, of the great natural resources of the archipelago; and, in a word, by the uninterrupted devotion of the people to the pursuit of those useful objects and the realization of those noble ideals which constitute the higher civilization of mankind.

Unfortunately, the pure aims and purposes of the American Government and people have been misinterpreted to some of the inhabitants of certain of the islands. As a consequence, the friendly American forces have, without provocation or cause, been openly attacked.

And why these hostilities? What do the best Filipinos desire? Can it be more than the United States is ready to give? They are patriots and want liberty, it is said. The Commission emphatically assert that the United States is not only willing, but anxious, to establish in the Philippine Islands an enlightened system of government under which the Philippine people may enjoy the largest measure of home rule and the amplest liberty consonant with the supreme ends of government and compatible with those obligations which the United States has assumed toward the civilized nations of the world.

The United States striving earnestly for the welfare and advancement of the inhabitants of the Philippine Islands, there can be no real conflict between American sovereignty and the rights and liberties of the Philippine people, for, just as the United States stands ready to furnish armies, navies, and all the infinite resources of a great and powerful nation to maintain and support its rightful supremacy over the Philippine Islands, so it is even more solicitous to spread peace and happiness among the Philippine people; to guarantee them a rightful freedom; to protect them in their just privileges and immunities; to accustom them to free self-government in an ever-increasing measure, and to encourage them in those democratic aspirations, sentiments, and ideals which are the promise and potency of a fruitful national development.

It is the expectation of the Commission to visit the Philippine peoples in their respective provinces, both for the purpose of cultivating a more intimate mutual acquaintance, and also with a view to ascertaining from enlightened native opinion what form or forms of government seem best adapted to the Philippine peoples, most apt to conduce to their highest welfare, and most conformable to their customs, traditions, sentiments, and cherished ideals. Both in the establishment and maintenance of government in the Philippine Islands it will be the policy of the United States to consult the views and wishes, and to secure the advice, cooperation, and aid of the Philippine people themselves.

In the meantime the attention of the Philippine people is invited to certain regulative principles by which the United States will be guided in its relations with them. The following are deemed of cardinal importance:

"1. The supremacy of the United States must and will be enforced throughout every part of the archipelago, and those who resist it can accomplish no end other than their own ruin.

"2. The most ample liberty of self-government will be granted to the Philippine people which is reconcilable with the maintenance of a wise, just, stable, effective, and economical administration of public affairs, and compatible with the sovereign and international rights and obligations of the United States.

"3. The civil rights of the Philippine people will be guaranteed and protected to the fullest extent; religious freedom assured, and all persons shall have an equal standing before the law.

"4. Honor, justice, and friendship forbid the use of the Philippine people or islands as an object or means of exploitation. The purpose of the American Government is the welfare and advancement of the Philippine people.

"5. There shall be guaranteed to the Philippine people an honest and effective civil service, in which, to the fullest extent practicable, natives shall be employed.

"6. The collection and application of taxes and revenues will be put upon a sound, honest, and economical basis. Public funds, raised justly and collected honestly, will be applied only in defraying the regular and proper expenses incurred by and for the establishment and maintenance of the Philippine government, and for such general improvements as public interests may demand. Local funds, collected for local purposes, shall not be diverted to other ends. With such a prudent and honest fiscal administration, it is believed that the needs of the government will in a short time become compatible with a considerable reduction in taxation.

"7. A pure, speedy, and effective administration of justice will be established, whereby the evils of delay, corruption, and exploitation will be effectually eradicated.

"8. The construction of roads, railroads, and other means of communication and transportation, as well as other public works of manifest advantage to the Philippine people, will be promoted.

"9. Domestic and foreign trade and commerce, agriculture, and other industrial pursuits, and the general development of the country in the interest of its inhabitants wil be constant objects of solicitude and fostering care.

"10. Effective provision will be made for the establishment of elementary schools in which the children of the people shall be educated. Appropriate facilities will also be provided for higher education.

"11. Reforms in all departments of the government, in all branches of the public service, and in all corporations closely touching the common life of the people must be undertaken without delay and effected, conformably to right and justice, in a way that will satisfy the well-founded demands and the highest sentiments and aspirations of the Philippine people."

Such is the spirit in which the United States comes to the people of the Philippine Islands. His Excellency the President has instructed the Commission to make it publicly known. And in obeying this behest the Commission desire to join with His Excellency the President in expressing their own good will toward the Philippine people, and to extend to their leading and representative men a cordial invitation to meet them for personal acquaintance and for the exchange of views and opinions.

MANILA, *April 4, 1899.*

JACOB GOULD SCHURMAN,
President of Commission.
GEORGE DEWEY,
Admiral U. S. N.
ELWELL S. OTIS,
Major-General, U. S. Volunteers.
CHARLES DENBY.
DEAN C. WORCESTER.

JOHN R. MACARTHUR,
Secretary of Commission.

Mr. GALLINGER. Mr. President, if no Senator is prepared to discuss the unfinished business this afternoon, I should like to call up the union railroad station bill for further consideration.

Mr. LODGE. If no Senator on either side is ready to continue the debate, I have no objection at all, and would be very glad to concur in the request of the Senator from New Hampshire. It is desirable to have that bill disposed of as soon as possible.

RELIEF OF CITIZENS OF FRENCH WEST INDIES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. CULLOM, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

One of the greatest calamities in history has fallen upon our neighboring island of Martinique. The consul of the United States at Guadeloupe has telegraphed from Fort de France, under date of yesterday, that the disaster is complete; that the city of St. Pierre has ceased to exist, and that the American consul and his family have perished. He is informed that 30,000 people have lost their lives, and that 50,000 are homeless and hungry; that there is urgent need of all kind of provisions, and that the visit of vessels for the work of supply and rescue is imperatively required.

The Government of France, while expressing their thanks for the marks of sympathy which have reached them from America, inform us that Fort de France and the entire island of Martinique are still threatened. They therefore request that, for the purpose of rescuing the people who are in such deadly peril and threatened with starvation, the Government of the United States may send as soon as possible the means of transporting them from the stricken island. The island of St. Vincent, and perhaps others in that region, are also seriously menaced by the calamity which has taken so appalling a form in Martinique.

I have directed the Departments of the Treasury, of War, and of the Navy to take such measures for the relief of these stricken people as lies within the Executive discretion, and I earnestly commend this case of unexampled disaster to the generous consideration of the Congress. For this purpose I recommend that an appropriation of $500,000 be made, to be immediately available.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, May 12, 1902.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (S. 4992) to provide an American register for the bark *Homeward Bound;*

A bill (S. 5736) for the relief of the citizens of the French West Indies;

A joint resolution (S. R. 82) providing for the printing annually of franks required for sending out seed;

A joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle; and

A joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse.

RELIEF OF CITIZENS OF FRENCH WEST INDIES.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5736) for the relief of the citizens of the French West Indies.

The amendment of the House was to strike out all after the enacting clause and insert:

To enable the President of the United States to procure and distribute among the suffering and destitute people of the islands of the French West Indies such provisions, clothing, medicine, and such other necessary articles, and to take such other steps as he shall deem advisable for the purpose of rescuing and succoring the people who are in peril and threatened with starvation, the sum of $200,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In the execution of this act the President is requested to ask and obtain the approval of the French Government, and he is hereby authorized to employ any vessels of the United States Navy, and to charter and employ any other suitable steamship or vessels.

Mr. FAIRBANKS. I move that the Senate concur in the amendment of the House of Representatives.

Mr. CULLOM. As the Senate knows, a message has just come from the President suggesting an appropriation of $500,000. That message was referred to the Committee on Foreign Relations. Whatever may be the action of that committee hereafter upon the question, I think it will be well that the amount proposed by the House be agreed to without delay.

The PRESIDENT pro tempore. The Senator from Indiana moves that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

UNION RAILROAD STATION.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire that the unfinished business be temporarily laid aside for this purpose?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from Colorado [Mr. PATTERSON].

Mr. GALLINGER. The Senator from Colorado [Mr. PATTERSON] has agreed to an amendment that the chairman of the committee, who is absent from the city on a painful errand, intended to propose. I consulted with the Senator from Colorado only two hours ago. Under those circumstances I feel sure that the Senator is not disposed to press the amendment he offered. I do not feel quite at liberty to recommend any action upon it; of course I could not withdraw it in his name; but I hope that the amendment which I now hold in my hand will be acted on and that the amendment heretofore proposed by the Senator from Colorado may be allowed to remain for the present unacted upon.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 13, the last section of the bill, and to insert in lieu thereof the following:

SEC. 13. That any railroad company now or hereafter lawfully existing and authorized to extend a line of railroad, and having in fact extended such line, or secured the right by agreement to operate over the lines of any other then-existing railroad, to a point of connection with the tracks of said terminal company, shall have the right to the joint use of said station and terminal upon terms substantially as favorable as those which may then be accorded to any other railroad company using the said station and terminal; and if the parties be unable to agree upon such terms, then the same shall be prescribed by the supreme court of the District of Columbia.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this act.

Mr. TELLER. Mr. President, I have had no time to look at the proposed amendment. As read it would seem to be sufficient. I understand from the reading that it lets any company in by paying properly, and if the parties do not agree they can go to the court.

Mr. GALLINGER. Mr. President, that is precisely what the amendment does. I will say to the Senator that his colleague has examined it very carefully and has twice assured me that it is very satisfactory.

Mr. TELLER. I have not heard anything about it; but if it accomplishes the object, that is all we want.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. GALLINGER. I offer another amendment, which has been submitted to the Commissioners of the District of Columbia and has received their assent. I think it is an entirely proper amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 3, line 16, after the word "Maryland," it is proposed to insert:

And to acquire from time to time such lands between Montana and Florida avenues and east of the present Metropolitan Branch of the Baltimore and Ohio Railroad as it may need for sidings, switches, yard tracks, with suitable structures and appliances, and other proper corporate purposes in connection therewith, and to use the same accordingly, subject to the approval of the Commissioners of the District of Columbia.

The amendment was agreed to.

Mr. GALLINGER. That is all the amendments that the committee have to offer to the bill.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. HANSBROUGH. Mr. President, I think that a bill of this importance deserves to be debated. I do not propose to offer any factious opposition to the bill, but, to my mind, it ought not to pass.

I have given the bill a great deal of consideration. In a word, we are appropriating to a corporation in round numbers about $7,000,000 and giving that corporation a perpetual right to the railroad facilities of the District of Columbia. I do not believe that we ought to do a thing of that kind without thorough consideration and without full debate. I am satisfied, Mr. President, that fully 90 per cent of the people of the District of Columbia are opposed to this measure. The railroad committee of the board of trade of this city have held numerous meetings on the subject and have passed resolutions against it. I understand the board of trade itself is soon to meet to consider it.

When this measure was before the Senate a few days ago I ventured to offer some remarks on the question. I then stated that it was the practice of railroad companies in the West, particularly of the Northern Pacific Railroad, the Great Northern Railroad, and other great transcontinental lines, not only to construct their own depots and pay for them, but in many instances to purchase the land upon which those depots were located. I think there were some exceptions with respect to the purchase of land.

Since then I have been making further inquiries, and I find in the city of Seattle, in the State of Washington, that the Great Northern and the Northern Pacific railroads, coming into that city, have purchased a site for their depot and are not asking a single dollar from the city of Seattle. Not only is it their purpose to purchase and pay for the site for a depot, but it is also their purpose to build the depot. In addition to that, they are to run a tunnel under the city of Seattle and pay for that; so that the improvements will not cost the city of Seattle a single dollar.

Mr. President, this is the condition of things which prevails in the Western part of the country; and I do not see why we here, in the capital of the United States, should contribute to the extent of nearly $7,000,000 to a rich corporation and give them a perpetual right to control the railroad facilities of the capital of the United States.

We all agree, Mr. President, that there should be a union station in Washington; that the several railroads coming in here should come into the city and deposit their passengers at one place. There is no disagreement as to that, but the plan which is proposed in the pending measure is not the proper one.

I call the attention of Senators to the fact that by this legislation we propose to contribute to a railroad corporation nearly $7,000,000, and to give them a perpetual right to control the railroad facilities of the District of Columbia. That, in a word, is what this measure means; and I say it is serious enough to command the attention of every Senator.

Some Senators have said to me in conversing with them on this question that they did not think it advisable to enter upon a policy which recognized municipal ownership. Perhaps, Mr. President, there are objections to such a policy, but I have observed in my investigations that the great city of Boston has entered upon a policy of municipal ownership, and with great profit to the city, I will say; and to-day no street railroad in the city of Boston can get a perpetual franchise, to say nothing of a cash bonus, from the city.

Some years ago a subway was constructed in the city of Boston by the municipal authorities, and the street railroad companies which are using that subway to-day are paying the city at the rate of about 5 per cent on the investment.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. HANSBROUGH. Of course.

Mr. GALLINGER. Is the Senator aware of the fact that the subway is simply for electric cars?

Mr. HANSBROUGH. It does not make a particle of difference whether it is for electric cars or for steam cars. It is a plain business proposition.

Mr. GALLINGER. I have no objection to the Senator making that statement, but I do not want the Senator to say that no railroads have rights beyond municipal ownership in the city of Boston. Two great terminal railroad companies in Boston have precisely the same rights that are guaranteed under this bill to the four or five or six railroads that come into this city.

Mr. HANSBROUGH. I have no doubt that is true; but the trouble about it is that the city of Boston did not start early enough with their plan of municipal ownership.

Mr. GALLINGER. Probably not.

Mr. HANSBROUGH. The steam railroads got there before the people were aware of their duty in the premises. We should not neglect our duty because the people of some other city neglected theirs. Boston, however, has recently adopted the right policy and is profiting thereby.

Mr. GALLINGER. Mr. President, if the Senator will permit me, the great State of Massachusetts started in on this policy when they built the Hoosac Tunnel; but they did not make it pay, and they leased it to a private company, which is now running it. The junior Senator from Massachusetts [Mr. LODGE] suggests to me that they sold it.

I say to the Senator, further, when he asserts that the subway in the city of Boston is immensely profitable to the city, that I have no assurance that that is the fact, and I think the Senator will have to produce his figures before he can substantiate that statement.

Mr. HANSBROUGH. The Senator will produce them in due time.

Before I leave that subject, I desire to say to the Senator that I did not say that the subway enterprise in Boston was immensely profitable. I said distinctly that it was returning a revenue of about 5 per cent on the money invested.

Since that subway was put in by the city one of the electric railroads of the city of Boston secured the passage of a bill through the legislature of Massachusetts providing for a second subway, and offering the city of Boston $6,000,000 for a forty years' lease of that subway, and Governor Crane—and I call the particular attention of the Senator from New Hampshire to the fact—Governor Crane vetoed the bill, because he said he thought that was a very poor business policy and would be a poor investment, although the railroad company proposed to pay $6,000,000 cash for a forty years' lease of that subway, and in his veto message he referred to the fact, which I have just stated, that the city had built one subway and was receiving a return of about 5 per cent on the amount invested, and he pointed distinctly to the experience of the city in that respect to support the veto message of the bill to which I have referred.

So that municipal ownership, to that extent at least, has been a success in the city of Boston, and why should it not be a success in the capital of the United States, especially where we are proposing deliberately to vote about $7,000,000 in money and property and give to a corporation a perpetual right to these privileges? That is all there is to this argument. It is a plain business proposition whether the Congress of the United States desires to thus extravagantly vote away the people's money.

Mr. President, I have a very large amount of data and facts here which I might use to sustain the point I have made, but I am not one of those who desire to take up the time of the Senate.

I propose, if it is now in order, to offer a substitute for this bill. The provisions of the proposed substitute are briefly these: That instead of paying this corporation $7,000,000 we provide a commission, at the head of which shall be the Chief of Engineers of the War Department, and that we give authority to the District to bond itself for $10,000,000, which is only $3,000,000 more than we are proposing to give to this corporation, and that the District of Columbia, through this commission, shall construct this monumental union station, and take control and charge of the station instead of turning it over to the corporation. That is all there is in this case. It is a serious matter, and Senators ought to consider it as I have tried to consider it.

I am not one of those, Mr. President, who rail at corporations. I think that it can not be charged that I am on my feet here denouncing corporations. I am not now denouncing this corporation. I speak of it as one corporation because there is but one railroad corporation in the city of Washington, and that is the Pennsylvania Railroad Company, a great railroad, a great institution, running, I think, the finest trains on this continent and operating the finest railroad property on this continent, I believe. They have made a great success of it, and I am glad of it, and their stock to-day is worth 150 or more in the market, and yet they come here to Congress and ask us to give them $7,000,000 to do what I think they ought to do of their own accord.

When this matter was up at a meeting of the Committee on the District of Columbia about ten days ago, there appeared before the committee the president of the Baltimore and Ohio Railroad Company, who was formerly connected with the Pennsylvania Railroad Company, and also the vice-president of the Pennsylvania Railroad Company, Mr. Green. Mr. Green made a statement to the committee.

I betray no confidence in repeating in substance what he said. It was to the effect that the railroad company accepted this proposed legisislation with great reluctance; that they did not care whether it passed or not; but, so long as the Committee on the District of Columbia seemed to desire that it should pass, they would acquiesce in it. At that point I asked Mr. Green if he did not think it would be better policy if the District of Columbia should itself construct this union station, and Mr. Green said that he would be delighted if it should do so, and he spoke for his company when he said so. He said that he would be delighted if the District of Columbia would undertake this enterprise.

So, Mr. President, I have the Pennsylvania Company with me on this proposition. They are willing for the District of Columbia to go into this enterprise. They do not demand that the Government shall pay this $7,000,000. According to Mr. Green's statement, they are willing that we should retain the $7,000,000; and by the provisions of this proposed substitute, I will say that the purpose is that we shall add to it about $3,000,000 for the District of Columbia to construct this station and operate it.

Mr. SPOONER. What is the entire appropriation the Senator proposes to make in the substitute offered by him?

Mr. HANSBROUGH. About $10,000,000—only $3,000,000 more than we now propose to give to this company.

Mr. SPOONER. And the Pennsylvania Railroad Company are to pay for the terminal facilities afforded them?

Mr. HANSBROUGH. It is precisely like the plan in the city of Boston, where the municipality receives from its subway, in the way of rental, a return of about 5 per cent on the investment.

Mr. SPOONER. How would the amount of the rental be ascertained? Is it to be agreed upon between the parties?

Mr. HANSBROUGH. That is a matter that will be left entirely in the hands of the commission provided for in the proposed substitute, the commission consisting of the Chief of Engineers of the Army, the engineer of the District of Columbia, and two private citizens appointed by the President by and with the advice and consent of the Senate.

Mr. SPOONER. Is that to be a permanent commission?

Mr. HANSBROUGH. A permanent commission undoubtedly, because it will probably take 35 or 40 years to discharge this debt of $10,000,000.

Mr. SPOONER. Are they to go on and fix the rental?

Mr. HANSBROUGH. They are to fix the rentals.

Mr. SPOONER. And it is to be done by agreement between the commission and the railway companies?

Mr. HANSBROUGH. Undoubtedly they would have the authority to do that.

Mr. SPOONER. Suppose they disagree?

Mr. HANSBROUGH. Well, Mr. President, the Senator from Wisconsin, schooled, as he is, in railroad law and the examination of witnesses, can undoubtedly find a great many flaws in any measure that he undertakes to discuss.

Mr. SPOONER. I only asked a question.

Mr. HANSBROUGH. I do not pretend to say that the substitute I propose is absolutely perfect. I insist merely upon the principle that it is the duty of the District of Columbia to do this, to save this $7,000,000, and to retain the control of the railway situation. That is all.

Mr. SPOONER. I do not think a man would have to know very much about law, railroad law or any other kind, to warrant him in asking a question. I merely asked a question of the Senator. I do not know what the Senator's substitute bill provides in that respect or whether it ought to be amended, for I have not had an opportunity to read it, and do not know what provision it makes in such a contingency as I have suggested.

Mr. HANSBROUGH. I think the Senator will find if he will send and get a copy of the proposed substitute—it was introduced several days ago as a separate bill—that that has been provided for.

Mr. SPOONER. What is the number of the bill?

Mr. HANSBROUGH. Senate bill No. 5586. I have, since it was printed, made certain amendments to conform to existing law.

Mr. President, this is so serious a matter that it seemed to me that I would not be performing my duty if I did not make the statements I have made here.

In connection with what I have said, I desire to have printed a statement which has been indorsed and adopted by the railroad committee of the board of trade, so that Senators when they read the RECORD to-morrow can see it for themselves. The board of trade is a District institution, and the railroad committee of the board of trade is composed of the leading business men of the city of Washington, men who make close calculations, and who understand these questions. I have here the statement which they have indorsed, and which they have adopted.

The paper referred to is as follows:

WASHINGTON, D. C., *May 9, 1902.*

To the Washington Board of Trade:

Your committee on railroads, having considered Senate bill 4825, to provide for a union railroad station in the District of Columbia, reports as follows:

That with the purpose of the bill they heartily concur, and believe that the national capital should have a monumental union passenger depot, and that the railroads should relieve the city of grade crossings, but that the bill, while the best so far proposed for the relief of the present railroad situation, can be improved in certain particulars.

The measure proposed a railroad monopoly, and should be amended to permit the use of the proposed terminals by any railroad entering the District of Columbia, and thereby provide an open door to the national capital.

It also proposes that the railroads be given $6,792,521 for making the alterations in their terminals, of which amount the District of Columbia is to pay $2,804,000, as follows: One million six huudred thousand dollars for the plaza in front of the depot; $170,000 for changes in South Washington, paving, and damage to property; $750,000 bonus to the Baltimore and Ohio Railroad Company, and $284,000 as its half of the cost of the highway bridge.

The $1,454,000 given in real estate is largely in streets closed, which belong to the United States, but are a loss to the citizens of the District rather than the United States. The right of way for the Baltimore and Ohio Railroad through the Reform-School grounds is a loss to a District institution, unestimated in any of the reports, and the damage to property abutting on streets closed by the bill is entirely unprovided for and must fall on the owners, citizens of the District.

The cost of the highway bridge, if properly constructed, is estimated by the War Department to be $996,000, instead of the $568,000 already appropriated, so that the estimated cost to the District is too little in this instance and may be too small in other particulars. It is probable that the District contribution to the railroad improvements will not be less than $4,000,000.

At a time when needed improvements such as the filtration plant, the memorial bridge, the extension of Sixteenth street, and the Park Commission and street extension plans have to wait for want of funds it is a serious matter for the District to have to give $4,000,000.

Your committee has investigated the method pursued by Boston in improving its railroad system, and believes that if a similar course was pursued here it would result in a great saving to the community. The subways there have been built by the city and rented to the railroads on such terms that the sinking fund created by the rentals will pay off the bonds issued in about thirty years. The railroads, not the taxpayer, at the end of that period will have paid for the subways, but the taxpayer, not the railroad, will own them.

The present experience of Baltimore with its investment in the Western Maryland Railway is also worthy of your careful consideration at this time. In assisting the construction of that road to the city stocks and bonds of the corporation were taken to represent the money advanced and were held at a loss of interest to the city for years, but now railroad interests have bought them, and the city will get its debt and interest and the long-sought terminals in Jones Falls Valley without further cost.

In Washington, as consideration for the $4,000,000 which will probably be spent, we are not even to have a share of stock in the terminal company authorized by the bill to be formed. While the bill provides for the taxation of the land occupied for railway purposes, and in this way will produce a few thousand dollars of revenue annually, the amount so paid would not equal the first cost to the Government within a hundred years.

Your committee therefore recommends the adoption of the following:

"*Resolved*, That the board of trade believes that in the construction of the railroad terminals for the District of Columbia, a plan similar to that followed by the city of Boston in the construction of its subway should be adopted, whereby the municipality owns the improvement and rents it to the railroad companies on such terms that the sinking fund provided retires the bonds issued to defray costs in thirty years; and that a railroad commission should be provided for the District of Columbia, to do the work and determine whether the location of the terminals desired by the railroads is best for its various interests."

Mr. HANSBROUGH. Further than that, Mr. President, I want also to insert in the RECORD, if I may be allowed to do so, the veto message of Governor Crane, of Massachusetts. It is well worth reading; it is full of instruction, and I think that no Senator on this side of the Chamber will say that Governor Crane is imbued with socialistic ideas. Governor Crane is a Republican, and he is one of the great governors which the State of Massachusetts has had—a very able man.

Only recently he was offered a position in the Cabinet of the President of the United States, which he declined. I think his message on this question would be most interesting if Senators here would take the trouble to read it. I ask unanimous consent to insert in the RECORD the message of Governor Crane on the Boston subway bill.

The PRESIDENT pro tempore. The Chair hears no objection.

The paper referred to is as follows:

VETO OF BOSTON SUBWAY—GOVERNOR CRANE STATES HIS REASONS—"IT INVOLVES A SURRENDER OF PUBLIC RIGHTS FOR AN UNUSUAL TERM OF YEARS."

The following is the text of Governor Crane's message to the Massachusetts legislature, vetoing the Boston subway bill (H. No. 1449):

EXECUTIVE DEPARTMENT, *Boston, June 18, 1901.*

The Honorable Senate and House of Representatives:

I return herewith without my approval an act entitled "An act to provide for the construction of a system of subways in the city of Boston by the Boston Transit Commission," with my objections thereto in writing:

A TYPICAL JOB DESCRIBED.

The bill authorizes the Boston Transit Commission to construct a subway, with several important branches, under or near Washington street, from Broadway to the north end of the city of Boston, the entire expense thereof and all damages arising thereby to be paid by the city of Boston. It is provided that the Boston Elevated Railway Company shall pay to the city a sum not exceeding $6,000,000 toward the payment of all expenses and damages incurred in carrying out the provisions of the bill, and shall have as compensation therefor the free and exclusive use and occupation of the subway for a term of forty years.

I am aware that in section 15 it is provided that the entire cost of the new subway, the expense of its maintenance and all repairs of whatever nature during the term of the lease, shall be paid by the company; but this language is not sufficient to modify the explicit provisions of section 10, that the contribution of the company shall not exceed $6,000,000. The provisions of section 10 operate as a distinct limitation upon the provisions of section 13, and in no event can the Boston Elevated Railway Company be required to pay more than the sum named in section 10.

This amounts to a lease of the proposed subway when constructed to the Boston Elevated Railway Company for a gross rental of $6,000,000, paid in advance. If the cost of the subway does not exceed $6,000,000, this rental, on the basis of 4½ per cent, the rate of the lease of the existing subway, taking into consideration the advantageous investment of the sinking fund provided for by the bill, would enable the company to make itself whole in from thirty-two to thirty-five years, and would give to the Boston Elevated Railway Company the free and exclusive use of a great artery of public travel for from five to eight years without any compensation whatever.

It is fair to assume that the sinking fund would be invested so as to bring about this result, but if not so invested the rental for the term would not exceed 4½ per cent, the minimum rental of the Tremont street subway; but the lease of the latter provides also for an increase of the rent proportioned to the amount of business done by the lessee. There is no such provision in the lease authorized by this bill. However much the volume of transportation may increase the lessee, not the city, will receive the benefit. This provision, which is omitted in the present bill, making the amount of rent proportionate to the volume of business, is wise and equitable.

But there is no assurance that the subway can be constructed for $6,000,000. If, as is very likely to be the case, the cost is in excess of that sum, not only is the rental of the subway proportionately decreased, but the excess must be paid by the city without reimbursement from any source. To the extent of such excess of cost the subway will be constructed at the expense of the city for the benefit of the proposed lessee.

Under the terms of the bill the Boston Elevated Railway Company has three months in which to accept its provisions, and it does not become a law unless so accepted by the company. No such privilege is given to the city. Such a discrimination in favor of one of the two parties affected by the bill is, in my opinion, unjust and unwarranted.

THE REFERENDUM APPROVED.

Previous legislatures have referred to the city of Boston, for its acceptance or rejection, acts relating to rapid transit, and the results of the ballots so taken show that the voters have acted intelligently and with a full understanding of the issues involved. In the year 1893 two acts were passed, one providing for the construction of an elevated railway and the other for a subway. Both were conditioned upon their acceptance, the former by the voters of the city of Boston, the latter by the city council. The elevated railway bill was rejected by the voters, but the subway bill was accepted by the city council.

The subway bill of 1893, however, was found to be inadequate, and a more comprehensive act was passed in 1894. This act also contained a referendum clause, and it was accepted by the voters. In 1899 a statute was enacted providing for the restoration of the surface tracks to Tremont and Boylston streets, which, under the provisions of the act of 1894, had been removed. This act also provided for a referendum to the voters of Boston, and was by them rejected. I see no good reason why these precedents should not be followed in a bill so important and far-reaching in its consequences to the citizens of Boston as is the one before me.

STOCK WATERING DENOUNCED.

The bill is objectionable for the further reason that it is in violation of the spirit of the statutes designed to prevent stock watering, laws whose wisdom have been so far confirmed by experience that all attempts to modify or repeal them have failed. The essence of stock watering is, I take it to be, the issuance of stock not based upon actual property of the corporation. This bill provides that the money to be paid to the city of Boston may be provided for by issuing stock; but no provision is made for the redemption or cancellation of the stock at the end of the term.

The money so paid is, in fact, expended not for permanent improvements, but for rentals, and does not increase the value of the plant of the company. At the end of forty years the stock is free, and will be held by the company without property to show for it. There is, it is true, a provision for a sinking fund, but none whatever that the proceeds of the sinking fund shall be used to retire the stock so issued.

PUBLIC OWNERSHIP APPROVED.

Section 9 of the bill provides that the title and ownership of the subway shall be and remain in the city. I see no objection to this provision, but by section 22 of the bill it is provided that section 9, among others, shall have the force and effect of a contract between the Commonwealth and the company. There is no good reason why any such contract should exist. On the contrary, there are many reasons of public policy why the Commonwealth should not enter into a binding contract with a private corporation and its lessees, relating to a matter with which the corporation will have no concern after the termination of its lease.

The act of 1894, authorizing the construction of the existing subway, made careful provision in section 30 for the relocation by the commission of sewers, gas pipes, water pipes and other conduits; but the section of the present bill referring to the same subject (section 8) makes no such provision. It authorizes the commission to remove all such structures, but does not provide for their relocation or accommodation, either within or without the new subway; and it is doubtful whether they could be located within the new subway, even if in the judgment of the authorities they could be so placed without detriment to its use by the railway corporation. This, in my mind, is an important omission. The structures to which I refer are allowed to be placed beneath the streets for the public convenience, and explicit provision should be made for a continuance of their rights.

PUBLIC RIGHTS MUST BE PRESERVED.

But there is a still more serious objection to the bill. It involves a surrender of public rights for an unusual term of years, and under unusual conditions. No street railway, with the exception of certain privileges heretofore assured to the West End Street Railway Company and the Boston Elevated Railway Company for special reasons, has other than a revocable franchise in a public way.

But this bill will, if it becomes a law, give to a private corporation a valuable monopoly in a great public thoroughfare, and will perpetuate that

monopoly for forty years. It not only binds this generation; it ties the hands of the generation to come. The surrender of rights which belong to the public, even for a brief term of years, should be permitted only after the most careful consideration, and for controlling reasons of public policy; but no exigency has been shown to exist to justify the taking away of such rights from a generation yet unborn.

No reason affecting the public welfare requires the adoption of this extraordinary proposition. The rapid transit of passengers by means of a subway is no longer an experiment. There can be no reasonable doubt that if such a structure be built and paid for by the city it can be leased to a transportation company for a sum amply sufficient to take care of the interest on the money borrowed therefor, and to provide a sinking fund for its ultimate redemption.

The charter of the Boston Elevated Railway Company, giving it certain exclusive rights for a period of twenty-five years, was granted to it chiefly upon the ground that the construction of an elevated railway, and the payment of damages that might accrue to abutters thereby would involve so large an expenditure that capitalists would not be expected to invest their money without some assurance of permanency for a fixed term. The act of 1894 providing for the construction of the present subway authorized the Boston transit commission to lease it for a term of fifty years, but the legislature of 1897 wisely cut down this period from fifty to twenty years. Neither of these grants, therefore, constitutes a sufficient precedent for the long term authorized by this bill.

THE HANDS OF THE COMMUNITY MUST NOT BE TIED.

No one can foresee what advance may be made in the methods and cost of transportation, in the volume of travel, or in the facilities that may be required for its accommodation in the next forty years. The history of passenger transportation during the last forty years, and of the wonderful advance that has been made, not only in the amount of travel, but in the facilities afforded to passengers, is sufficient evidence of our inability to predict the future.

This bill, however, while it does not restrict the company, ties the hands of the community. It will prevent the public from taking advantage of any such improvements in transportation facilities on the proposed route, excepting those that may be deemed by the company advantageous to it. A consideration of the disastrous results which would have followed if exclusive rights had been granted to a street railway company forty years ago to continue until the present time illustrates the limitations which this bill would impose upon the public, and the unwisdom of its enactment.

All the special rights and privileges enjoyed by the Boston Elevated Railway Company will have expired in the year 1922.

It has no moral or equitable claim to a continuance of those privileges, or of any exclusive privileges whatever. There is no good reason why the public should not at that time come into complete possession of its own, to the end that further franchises may then be granted in view of the improvements in the methods of rapid transit which may then have been made, and with the sole object of securing, in the highest degree and at the lowest cost, the convenience of the people of that day. But this bill, if approved, would go far in assuring a continuance of the command of the situation for a period of twenty years more.

Although its rights in the existing subway will have ended, it is not difficult to foresee that a company in exclusive possession for a long term of years of a most important avenue of travel will be in a position to control the situation and to prevent other transportation companies from competing upon equal terms. No such opportunity for control of the situation at that time should be permitted.

I am unable to give my assent to a bill which thus restricts the rights of the public on the one hand, while on the other hand it insures valuable exclusive privileges to the company in question for so long a period, and that, too, without any public exigency requiring the passage of so extraordinary a measure.

W. MURRAY CRANE.

Mr. HANSBROUGH. A few days ago I sent my substitute bill to the War Department. I have not yet had a reply from the War Department, and I think the War Department should have something to say about this matter. It seems to me that it is important not only to the country at large, but to the capital of the United States, that the War Department should have some sort of control over the railroad facilities within the District of Columbia. For that reason I sent the substitute to the War Department.

I should be glad if the Senator from New Hampshire [Mr. GALLINGER], in view of the importance of this question, in view of the importance of the statement of the Board of Trade, the very interesting message of Governor Crane on this subject, and the fact that I have not yet had a reply from the War Department to my communication, would allow this bill to go over for a day or two.

Mr. GALLINGER. I will say to the Senator that I have a report from the War Department that came to me through the chairman of the Committee on the District of Columbia, which I intend to put into the RECORD. I shall be glad to hand it to the Senator now.

Mr. HANSBROUGH. Is that in reply to the bill which was submitted to the War Department?

Mr. GALLINGER. It is.

Mr. HANSBROUGH. We have not had an opportunity to examine this paper, and I do not want the Senator from New Hampshire to think for a moment that I would delay legislation.

Mr. President, this matter appeals to me. I have given it a great deal of thought; I have delved late at night into the records to find what this thing means, and I think Senators here who are voting away the money of the United States should do likewise. For that reason I hope the Senator will not press the consideration of this bill to-day.

Mr. GALLINGER. I trust the Senator will offer his substitute.

Mr. HANSBROUGH. I now offer, send to the Secretary's desk, and ask that it may be read, the proposed substitute for the pending bill.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the pending bill, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and in lieu thereof to insert:

That the Chief of Engineers of the United States Army, the Engineer Commissioner of the District of Columbia, the United States Commissioner of Railroads, and two citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, are hereby constituted a railroad commission in and for the District of Columbia.

SEC. 2. That it shall be the duty of said railroad commission for the District of Columbia immediately upon the passage of this act to begin the construction of a monumental union passenger station, a railroad and highway bridge across the Potomac River, and railroad terminals, including separate freight depots for each railroad demanding them, within the District of Columbia, for the use of all the steam railroads now in said District or that may hereafter enter under the terms and conditions hereinafter prescribed.

SEC. 3. That said commission shall purchase, in the name of the District of Columbia, all land necessary for said monumental union passenger station, said bridge, and railroad terminals in the locations said commission may determine on, subject to the approval of Congress.

SEC. 4. That if the commission can not agree with the owner thereof for the purchase of any land herein authorized to be taken, or if the owner be the District of Columbia or the United States, a married women, infant, non compos mentis, or out of the District, said commission may apply to the supreme court of the District of Columbia by petition for the condemnation of such land, and the proceedings shall be the same as those prescribed for the United States or the District of Columbia in sections 483 to 490 of the Code of Law for the District of Columbia.

SEC. 5. That for the purpose of providing funds for the construction of said monumental union passenger station, bridge, and railroad terminals herein provided for, the District of Columbia is hereby authorized to issue bonds of the denomination of $100 and over, payable in thirty years, bearing 2 per cent interest per annum, in amount not to exceed $10,000,000, said bonds to be guaranteed by the United States.

SEC. 6. That the said commission, subject to the approval of Congress, shall fix a schedule of tolls for passenger and freight traffic, upon the payment of which any railroad entering the District of Columbia or that may hereafter enter said District may use said monumental union passenger station, bridge, and railroad terminals.

SEC. 7. That said commission shall pay to the District of Columbia all sums received by it, and the said District shall pay from such moneys the cost of maintenance of the said monumental union passenger station, bridge, and railroad terminals, including a salary of $5,000 to each of the hereinbefore provided commissioners to be appointed from civil life, and all other moneys, including any premiums which shall be received from the sale of bonds hereinbefore provided for, shall be set aside by the said District as a sinking fund, and shall be used as it may seem wise from time to time to purchase any of the bonds hereinbefore provided for.

SEC. 8. That all damages to adjacent or contiguous property resulting from and incidental to or connected with the construction of said monumental union passenger station, bridge, and railroad terminals authorized by this act shall be paid by the District of Columbia from the funds hereinbefore provided by the sale of bonds, and shall be recoverable by the owners of such property as is damaged by action at law in the supreme court of the District of Columbia against the hereinbefore provided railroad commissioners.

SEC. 9. That as soon as the said commission has constructed the monumental union passenger station, bridge, and railroad terminals, the right of any steam railroad to the use of any street, avenue, or land belonging to the District of Columbia or to the United States shall cease, and they shall remove their tracks therefrom, and from the streets or avenues any building they may have erected thereon, and should they fail so to do, the said commission shall remove the same and charge the cost thereof as part of the rent for the said monumental union passenger station, bridge, and railroad terminals.

SEC. 10. That the acts of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroads therein, and for other purposes," and entitled "An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," and all other acts or parts of acts in conflict herewith are hereby repealed.

Mr. GALLINGER. Mr. President, I am very sorry indeed that the matter of municipal ownership has come up in connection with the pending bill. It has been heretofore agitated in reference to a great many things, but up to the present time Congress has not felt like entering upon that experiment, and I trust Congress may not enter upon it in connection with this great public improvement.

That there may be no mistake as to the attitude of the War Department and the District Commissioners on the substitute which has just been read, I desire to read the following letter from the Acting Chief of Engineers, it having been addressed to the Secretary of War by that official, to whom it was referred:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, May 9, 1902.

Hon. ELIHU ROOT,
Secretary of War.

SIR: I have the honor to return herewith a letter, dated the 7th instant, from the Senate Committee on the District of Columbia, inclosing for the views of the War Department thereon S. 5586, Fifty-seventh Congress, first session—

"A bill to establish a railroad commission for the District of Columbia, and authorizing said commission to construct a monumental union passenger station and railroad terminals for the said District, and for other purposes."

The object of the bill is stated in the title, and its provisions appear to be clearly expressed and well adapted to effectuate such object.

Regarding the merits of the proposed legislation and the propriety of its enactment, I do not feel competent to express an opinion. Undoubtedly the purpose sought to be accomplished is one of great public interest and of considerable importance, not only to the people of the District, but to all who

have interest in improved traveling facilities at the national capital. It appears to me, however, that the subject-matter is not one that touches any interests peculiarly under the control of this Department, but that it pertains more particularly to the District government.

So far as the proposition contained in the bill making the Chief of Engineers a member of the proposed railroad commission is concerned, I have the honor to say that while I am not sure of the appropriateness of such an assignment, considering the large amount of work now devolving upon him, I recognize the fact that it is within the province of Congress, in its wisdom, to impose the additional duty on that officer.

A copy of the bill has been referred to the officer in charge of public buildings and grounds, who states that he knows of no objection to a favorable consideration of the bill by Congress.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

The bill was also referred to the Commissioners of the District of Columbia, to whom, manifestly, it ought to have gone in the first instance; and the Commissioners, after discussing the legislation of a year and a half ago, which they had recommended, and which now is on the statute books, giving to these two railroad corporations the right to build two stations, practically on the sites that they now occupy and granting them each a million and a half of dollars from the funds of the Government and the District for the elimination of grade crossings, turn to this proposed substitute and say about it as follows:

If it is intended to enact Senate bill 5586, it should, in the opinion of the Commissioners, be amended in a number of its provisions. The method of condemnation of land proposed is not that which has proved most satisfactory in this jurisdiction; in fact, it is entirely novel. It is believed by the Commissioners that the method of condemnation should be that contained in chapter 15 of the code of the District of Columbia.

The bill is indefinite in not stating just exactly where the terminals should extend; it is presumed that they would provide for all the present railroad tracks within the District. It also makes no provision for reimbursing the railroad companies for the decrease in the value of their present real estate holdings when their tracks are removed, nor does it provide penalties for failure to remove their tracks, although such removal is required. Neither does it require the removal of their buildings from the streets, avenues, and public lands belonging to the United States and the District of Columbia.

It is difficult for the Commissioners to present a satisfactory report upon the proposed legislation in the brief period of time allotted to them for that purpose, but they can not recommend the enactment of this proposed legislation.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Mr. HANSBROUGH. Will the Senator permit me a moment?

Mr. GALLINGER. Certainly.

Mr. HANSBROUGH. I simply desire to say, in response to what the Senator has read, that of course neither the War Department nor the District Commissioners would undertake to advise Congress or even to indicate to Congress its duty in the premises. This municipal ownership is a departure; it is a new policy——

Mr. GALLINGER. Oh, no.

Mr. HANSBROUGH. So far as the District of Columbia is concerned, and of course the War Department and the District Commissioners would not interfere with that. I will say further—and I will occupy only a moment—that so far as the suggestions made by the District Commissioners with respect to this bill are concerned, I have adopted most of the suggestions and placed them in the bill as it has been read at the desk. I think they are very valuable suggestions, and I have adopted them and they are in the substitute as it is now before the Senate.

Mr. GALLINGER. Mr. President, I do not intend to take much time in discussing the pending bill. It was discussed a few days ago pretty thoroughly, but I want to allude to two or three salient points.

The Senator from North Dakota [Mr. HANSBROUGH] puzzles me very much in his attitude on this bill. A year and a half ago we had the proposition before the Committee on the District of Columbia to eliminate the grade crossings in this District and to direct that two new railroad stations should be built in the city of Washington.

For twenty years there had been an agitation in the press of this city and in the commercial bodies of this city and among the people that these deadly grade crossings should be eliminated. When the committee came to investigate the matter they found that in all the great cities of the country the cost of eliminating grade crossings was divided between the municipality and the railroad corporation—in some instances between the State, the municipality, and the corporation; and the plan that was adopted in the bills that are now on the statute books followed out that idea and required the District of Columbia and the Government of the United States to pay a portion of the cost of eliminating these grade crossings. There was no objection to that legislation. The Senator from North Dakota gave it his cordial assent, and those bills became law.

Mr. HANSBROUGH. Mr. President, the Senator does not desire, of course, to do me an injustice.

Mr. GALLINGER. Certainly not.

Mr. HANSBROUGH. The Senator knows very well that when measures of this kind are up in the District Committee, the Senator himself being a member of the railroad subcommittee of that committee—and I am not a member or that subcommittee—members of the committee usually defer to the judgment of that subcommittee.

The Senator will recall that when the bills to which he refers were considered by the Committee on the District of Columbia there was but very little discussion, as far as I know, at least, on the bills. They came in here—we all having great confidence in the chairman of the committee and in the Senator from New Hampshire. Now, when the bills came into this body, if I am not very seriously mistaken, there was no record vote. They went through here under a pressure at the close of the session, as hundreds of other bills go through, so that there was no yea-and-nay vote. There was no discussion on this great question such as there should have been then, and such as there should be now.

Mr. GALLINGER. Mr. President, I have not misrepresented and I will not misrepresent the Senator from North Dakota.

Mr. HANSBROUGH. I know the Senator will not.

Mr. GALLINGER. Those bills were considered for a long time in the committee, and they were discussed in this Chamber, and after a full discussion they were passed.

Now, Mr. President, what did that legislation do, and what is the legislation under which these railroad corporations can proceed at the present time if they see fit? The Senator from North Dakota says there is but one railroad corporation. I had supposed that was true; that is, I had supposed that the Pennsylvania Railroad controlled the Baltimore and Ohio, until a meeting that was had by the Committee on the District of Columbia the other day showed very clearly the fact that those railroad corporations are distinct at the present time.

Four gentlemen connected with the Pennsylvania Railroad are in the directory of the Baltimore and Ohio Railroad, which consists of 12 members. They can be ousted at any moment. So the vice-president of the Pennsylvania Railroad stated and so the president of the Baltimore and Ohio Railroad stated.

Mr. President, we granted those corporations each a million and a half dollars.

Mr. HANSBROUGH. Will the Senator allow me just there?

Mr. GALLINGER. Certainly.

Mr. HANSBROUGH. I do not want to disturb the Senator all the time, but of course the officials of the Pennsylvania road would not admit anywhere that they had purchased a majority of the stock of the Baltimore and Ohio, because if they did they would be liable to prosecution under the Sherman law.

Mr. GALLINGER. Mr. President, I do not believe Mr. Green, the vice-president of the Pennsylvania Railroad Company, and Mr. Loree, president of the Baltimore and Ohio Railroad Company, stated a falsehood to the committee. If the Senator believes that, he is welcome to the belief. I do not believe it.

Now, Mr. President, under the existing statutes we have granted the Baltimore and Ohio Railroad $1,500,000, to be paid equally by the Government and the District of Columbia, for the elimination of grade crossings. We granted the Baltimore and Potomac Railroad, known as the Pennsylvania Railroad, land to the value of a million and a half dollars; so that they might extend their operations in the Mall to a greater extent than they exist to-day.

Under those statutes these two roads can proceed to build railroad depots, but before they commenced operations it was deemed desirable to make a special effort to have a union station in the city of Washington, something that the eyes of the people have been turned to for a great many years; and under the very able and wise management of the chairman of this committee—and no one regrets his absence more than I do to-day, because I wish he was in charge of this bill in the place of myself—he secured the assent of these two railroad corporations to the construction of a union station.

The present bill provides simply that the amount granted to the Baltimore and Ohio Railroad station shall stand; that instead of the land, amounting to a million and a half of dollars, granted to the Baltimore and Potomac Railroad station, that railroad shall be granted that amount in cash. Then the Baltimore and Potomac station vacates the Mall and that land reverts to the United States Government. In addition to that, Mr. President, it is provided that the District of Columbia——

Mr. BACON. Mr. President, if the Senator will pardon me, those of us who are not on the committee are of course not as familiar with this matter as we would otherwise be. I should like the Senator, before he passes from the item he has just mentioned, to give to those of us who are not informed the amounts which are to be paid by the Government, either by the General Government or by the District government, and the reasons therefor. I really do not know myself what is the basis of the amount to be paid.

Mr. GALLINGER. They were granted, Mr. President, by legislation that now exists, on the hypothesis that it was proper that the District and the Government should make a contribution toward the elimination of grade crossings in this city, just as has

been done in Boston, just as has been done in New York, just as has been done in Philadelphia. Philadelphia paid $1,020,000 toward eliminating the grade crossings on a single railroad, which is inconsequential compared to these great railroad corporations.

The State of New York pays a part of the expense, and the city of New York pays a part of the expense, amounting in the aggregate to about one half, and the railroad corporations the other half, toward the elimination of grade crossings in that city. It was upon that hypothesis that these contributions were made, and for no other purpose.

Mr. President, I want to say that those contributions were made and the bills have been enacted into law, and under those bills these railroad corporations can proceed to build two railroad stations, which they say they prefer to do rather than build a union station, which will cost a gread deal more money; and they get these donations, if you choose to call them so, that were made by Congress.

Mr. CLAY. Will the Senator permit me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. CLAY. I will say to the Senator from New Hampshire that I do not exactly understand this proposition. If I understand the Senator, we agreed to give a million and a half dollars to the Baltimore and Ohio Railroad to change its depot.

Mr. GALLINGER. Well, toward the elimination of grade crossings.

Mr. CLAY. If I understand that act, we at the same time provided that certain property which the Baltimore and Ohio Railroad owned should be deeded to the Government of the United States.

Mr. GALLINGER. I do not recall that.

Mr. CLAY. I think that is true. I think the act provided for it.

Mr. GALLINGER. I think the Senator is mistaken.

Mr. CLAY. I think it provides that when it changes its depot it shall make a deed to the Government of certain property.

Mr. GALLINGER. Yes; but it gets other land for it—erecting its depot. It simply was going to change its depot from the present site to the junction of Delaware avenue.

Mr. CLAY. As I understand, the act to give them a million and a half dollars was passed in the last Congress, was it not?

Mr. GALLINGER. A year and a half ago.

Mr. CLAY. Again, I understand that the Baltimore and Potomac Railroad is to leave its present location—that is, the ground it occupies belonging to the Government? That ground is to revert to the Government?

Mr. GALLINGER. Precisely.

Mr. CLAY. And we pay for the ground a million and a half dollars to that railroad?

Mr. GALLINGER. Not for the ground; but toward the elimination of grade crossings.

Mr. CLAY. Now, I will ask the Senator, is it not true that the act itself says that the Government permits the railroad to use this land for railroad and depot purposes only, and is it not clearly true under the law that if they cease to use it it will revert back to the Government?

Mr. GALLINGER. Mr. President, without going back to the original grant to that railroad, which was in the year 1872—and the railroad has paid taxes on the property ever since—if the Senator will read the statute of a year and a half ago I think he will come to the conclusion that the railroad has some rights.

Mr. CLAY. I agree with the Senator in this: If we gave them the right to put a track there and the right to put a depot there, and they made improvements and intended to keep those improvements there, there would be an equity, and we would not have the right to take charge of those improvements. I think that is certainly correct; but, as I understand it, they move away their improvements. They do not desire to use the land any further. They have had the use of the land for a period of twenty-five or thirty years without paying anything for it. We now simply pay them a million and a half dollars, and we also have permitted them to use the land for nothing, and they get the improvements, too.

Mr. GALLINGER. Mr. President, the Senator from Georgia must not lose sight of the fact that the railroad company has not asked for the privilege of moving away. The initiation of this matter is in Congress itself. The railroad company has explicitly stated to the committee that they prefer to go and build their two separate depots under the law that was passed a year and a half ago. We have asked them to move away. We have asked them to build one magnificent union station here which will be a credit to the city and to the country and that will be a great convenience to the people. The Senator must remember that under that act of a year and a half ago we gave that corporation additional land in the Mall to be used for railroad purposes.

Mr. CLAY. Is the Senator able to give us the estimate of costs and damages made in regard to the right of way? I believe the District Commissioners make a report as to the sum it will probably cost to erect the depot, and, as I understand it, half of this sum of damages will be paid by the District of Columbia and half by the Government.

Mr. GALLINGER. The railroads themselves build and pay for the station. I do not know of anything the District of Columbia or the Government will have to pay aside from the amount that was appropriated in the acts of a year and a half ago for the elimination of grade crossings, except that it is proposed in this bill that the District of Columbia shall make a municipal improvement in front of that building, which improvement is going to cost $1,670,000, and, Mr. President, that the railroad company has not asked for. In fact, the railroad company is quite willing to construct any kind of a station, and, as Mr. Loree said, they prefer a business station to an ornamental station.

Mr. CLAY. Mr. President, will the Senator permit me again?

Mr. GALLINGER. Certainly.

Mr. CLAY. I may not understand this bill. I have only been looking into it to-day, and will read, with his permission, from page 14:

> All damages to adjacent property owners resulting from, incidental to, or connected with changes in the grades of the streets or alleys authorized by this act shall be borne, paid for, and defrayed by the District of Columbia, and shall be recoverable by action of law against the said District on the part of the owners of the property so damaged. Fifty per cent of the amounts so recovered shall be refunded to the said District by the United States: *Provided*, That in determining the damages as herein provided the jury shall take into consideration any benefits that may have accrued by reason of the location of said station in proximity to the property alleged to have been damaged.

Mr. GALLINGER. I answer that by reading from the report, which is a very carefully prepared report:

> It is further proposed that the District of Columbia shall make suitable approaches to the new station. This is a municipal improvement; it will not increase the revenues of the railroads, but it will conduce to the convenience of the people of the District, of Government officials, and of visitors to the national capital. It is provided that the railroads shall construct so much of the plaza as lies between the building line of Massachusetts avenue and the new station; and, also, that they shall provide for streets on the west side of the station. The cost of these street improvements—

I hope the Senator from Georgia will listen—

> The cost of these street improvements will be $620,000 for grading and paving, $500,000 or less for land, and $550,000 for damages to property due to changes of grade; in all, $1,670,000, the payment of which amount will be spread over a number of years.

Careful estimates have been made, and that is the statement as to the cost for the street improvements around the contemplated station.

Mr. President, this is a large enterprise, and I feel sure that no Senator will approach it in anything but a generous spirit.

Mr. BEVERIDGE. Mr. President, may I interrupt the Senator?

Mr. GALLINGER. I yield to the Senator from Indiana.

Mr. BEVERIDGE. There is a certain direct appropriation here. Then there is an agreement to pay the damages to certain property holders; and then, as I understand it, there is a proposition to donate the property on which the station is to be built. What I wish to ask the Senator is, what is the total amount of money——

Mr. GALLINGER. The railroads buy almost all the land on which the new station is to stand.

Mr. BEVERIDGE. What was in my mind was simply this: What is the total amount the Government and the District will be out, on the one hand, and what are we paying it out for, on the other?

Mr. GALLINGER. Very well. Mr. President, there are $3,000,000 which have already been appropriated for the elimination of grade crossings. That amount will continue under the proposed new legislation. It is going to cost $1,670,000 for street improvements, grading and paving, for land and for damages to property, due to change of grade, so that in place of $7,000,000, as the Senator from North Dakota [Mr. HANSBROUGH] says, the entire amount will be $1,670,000 in excess of the $3,000,000 which were appropriated by the two laws that were enacted a year and a half ago.

Mr. BEVERIDGE. Five million dollars, in round numbers?

Mr. GALLINGER. Four million six hundred and seventy thousand dollars.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. HANSBROUGH. I simply desire to state that we appropriated one million and a half in cash to the Baltimore and Ohio by the act of 1901, and we gave no grant of land, but certain rights to the other railroad, which were estimated then at a million and a half, and which they now say they will give up for a million and a half in cash. That is the way the Senator makes his $3,000,000, of course.

Mr. GALLINGER. Precisely.

Mr. HANSBROUGH. But the railroad company do not now

propose to carry out that proposition, nor does the Committee on the District of Columbia propose that they shall carry it out, nor do I want them to carry it out. By the substitute which I have offered here I propose to repeal those two acts which gave them $3,000,000 and put the District of Columbia in the place of the railroads, which will put the Congress of the United States in control of the railroad situation in the District of Columbia instead of the railroad companies.

Mr. GALLINGER. Mr. President, we understand what the Senator proposes to do. His substitute speaks for itself. The Senator talks about Congress giving this railroad corporation $7,000,000 and perpetual rights. Congress practically gives these corporations nothing more than they have under existing law, except that we require the District of Columbia to make certain improvements in the streets and the approaches and to pay certain damages to property. As for perpetual rights, they have those rights under existing legislation, and it is idle to talk about our giving them any additional rights by this legislation. We do nothing of the kind.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. I understand the total amount which we pay out is $4,670,000. The consideration for that, as I understand it, is that we shall have the benefit of a single central great union station?

Mr. GALLINGER. And get rid of grade crossings, which is more important than the rest.

Mr. BEVERIDGE. So that is the consideration. We want to understand the question. We have not understood it hitherto.

Mr. GALLINGER. Now, Mr. President, I want to call attention to what is proposed under this bill, and I do not want to weary the Senate.

The Committee on the District of Columbia may have made a mistake in agreeing that the railroad companies shall build a station such as is contemplated. I do not think any mistake has been made. We are going to beautify Washington. We have a magnificent plan in view. I will not live to see it carried out in its entirety, but somebody will.

We are going to start that plan by building a magnificent union railroad station. The proposition is to build the finest structure in the world as a railroad terminal. I read now from the report:

> Its length will be 760 feet, which is 8 feet 8 inches longer than the Capitol itself. It will be built of white marble, with the interior of marble and stone. The classical style of architecture will be used, and the building will be so located and designed that while distinctly subordinate to the Capitol it will take rank among the great public structures in Washington. The minimum cost of the station has been placed at $4,000,000, but the total cost will be nearer $5,000,000.

Now, let us see what this railroad company proposes to expend:

> The entire cost to the railroads of all the changes that are to be made in the District of Columbia for the elimination of grade crossings and the construction of improved terminals amounts to $6,761,651 for the Baltimore and Potomac Railroad Company, and for the Baltimore and Ohio, $6,599,408, or a total of $12,361,059.
>
> In addition to this, the District and the United States is to expend on its own property in streets and avenues $1,670,000, thus bringing the total sum of money to be spent for the District to more than $14,000,000.

Mr. President, I do not know that I could elucidate this subject any more clearly if I should talk an hour. It may be there are Senators who do not understand the proposition, but it seems to me it is clear. We are not adopting any new policy in granting money for the elimination of grade crossings. It has been done in every great city in the American Union for the last ten, fifteen, and twenty years. We are not granting as much proportionately as New York, Chicago, Boston, Philadelphia, Wilmington, and other cities have done.

Grade crossings have been a crying evil in the city of Washington. Anathemas have been thundered from the press ever since I have been in public life against these grade crossings that were endangering human life. No great city has required the railroad corporations to sustain all the cost of eliminating grade crossings, and aside from the fact that we have required the District of Columbia to improve the streets around this magnificent building, to beautify the plaza, to pay some damages to property owners, which in the aggregate will amount to a little over a million and a half of dollars, there is no appropriation in this bill except what was made in the bills of a year and a half ago, which are now on the statute books, and under which these corporations would proceed to build two stations if this legislation is denied to them, or unless the proposition that the Senator from North Dakota has made, which is rather an old proposition in this country, to go into municipal ownership and build this railroad station and require the corporations using it to pay a rental for it, should be adopted.

I do not believe Congress is going to do that. I may be mistaken. If Congress is not going to do that, I submit, Mr. President, that there is no proposition in this bill that ought to lead any Senator to the conclusion that any injustice is done either to the District of Columbia or to the Government of the United States in the amount that has been appropriated toward eliminating grade crossings and toward securing this great public improvement.

The railroad corporation is going to build a tunnel, so that all the roads from the South will approach this great union station under the ground. It is going to cost a million and seven or eight hundred thousand dollars, and they are going to make all these improvements with their own money, with the single exception of the improvement of the space around the station, which the District of Columbia and the Government ought to do, as it is on their own property, and also the amount of money contributed by the District of Columbia and the Government toward getting rid of these deadly grade crossings in the capital city.

Now, Mr. President, I hope that this bill may be passed. I believe it is the initial step in a magnificent development of the national capital. Unless you repeal the laws that were passed a year and a half ago, and that will not be done without a struggle, the defeat of this bill will result in the building of a new railroad station on the Mall, forever shutting up that property against the kind of occupancy that it ought to have, and another new railroad station practically on the old site of the Baltimore and Ohio Railroad station. I do not believe we want them. I think we want one magnificent monumental station in the city of Washington that will be an adornment to the capital of the nation, that will be a convenience to all our people, and that will be the first step in the magnificent development of Washington which we all hope to see executed at some time in the future.

Mr. BACON. Will the Senator permit me to ask him a question before he takes his seat?

Mr. GALLINGER. Certainly.

Mr. BACON. Is there any other part of this expenditure to be borne by the District of Columbia except the one he has just indicated?

Mr. GALLINGER. Not a dollar, so far as I know.

Mr. BACON. How much will that be?

Mr. GALLINGER. The District of Columbia is now obligated to pay $1,500,000 under the existing law.

Mr. BACON. I am speaking about the proposed law. What will it be under the proposed law?

Mr. GALLINGER. Of course, they will be obligated to pay that million and a half dollars, and the delevopment of the plaza and the land damages about the plaza, the opening of streets, etc., is estimated to cost $1,670,000.

Mr. BACON. Are there two items?

Mr. GALLINGER. Those are two items.

Mr. BACON. What is the total?

Mr. GALLINGER. Four million and seventy thousand dollars.

Mr. BACON. That the District of Columbia is to pay?

Mr. GALLINGER. The District of Columbia pays half the cost of the approaches to the new station and half the cost of eliminating grade crossings on the lines of the Baltimore and Ohio.

Mr. MALLORY. I should like to ask the Senator from New Hampshire if the District of Columbia pays any part of the million and a half which is to be paid to the Baltimore and Potomac road for vacating the Mall?

Mr. GALLINGER. It does not. The land reverts to the United States as a portion of the Mall.

Mr. BACON. I should like to have the Senator state in round numbers what will be the total under this proposed law that the District of Columbia will be called on to pay for all the items. I do not ask the Senator to be accurate, but only to state the amount approximately.

Mr. GALLINGER. The District will pay $750,000 to the Baltimore and Ohio Railroad, which it is obligated to pay under the statute that is now on the statute books.

Mr. BACON. I am speaking of the proposed law.

Mr. GALLINGER. I will figure it out in a moment. The District of Columbia will pay one-half the expense of beautifying the plaza. The District will pay one-half and the Government one-half.

Mr. BACON. That is the total?

Mr. GALLINGER. That is the total, aside from the payments of eliminating grade crossings.

Mr. BACON. I wish to ask the Senator a question purely for information, not for argument. We legislate for the District of Columbia without giving them any participation in that work, but still we endeavor, generally speaking, to ascertain what is the view of those who are interested as property holders with reference to expenditures. I should like to ask the Senator whether or not the business people of the District of Columbia have given any intimation of what their particular wish is in regard to this matter; whether they desire that they shall be

burdened with this expense of a million and a half dollars in order that they may have this municipal improvement?

Mr. GALLINGER. I will say to the Senator that no citizen of the District of Columbia appeared before the committee to raise an objection to this bill. The Senator from North Dakota said to-day that the railroad committee of the board of trade had resolved against it. That was news to me. But if it is so, the fact is this bill has been pending here for two months; it has been discussed in the newspapers of the city; it has been discussed in the Senate, and no citizen, rich or poor, of the District of Columbia appeared before the committee to say one single word in opposition to it. On the contrary, so far as the committee knows, the press and people of the District are heartily in favor of the project.

Mr. BACON. The Senator, then, is not informed as to what may be the wish of the citizens of this District?

Mr. GALLINGER. It would not influence me a great deal, because I know that a large proportion of the citizens of this District want to have the privilege of voting, but Congress will not give it to them. I know that there are a great many——

Mr. BACON. That would impose upon us a still more imperative obligation to endeavor to carry out their wishes, so far as we can, without injury to the public service.

Mr. GALLINGER. We have always tried to do that, of course. We are always generous toward the District. I feel sure that no harm will ever come to the District from any action, consciously, of the Committee on the District of Columbia as it is now constituted. In the consideration of this measure the committee has kept constantly in view the welfare of the District, as well as the benefit that would come to the country and that would come to the traveling public.

Mr. President, I do not know that I care to say anything more unless a question may be asked. I think I understand this bill reasonably well, and I believe I have stated with accuracy every detail connected with it.

Mr. HANNA. Mr. President, in common with many others I have been interested in this comprehensive plan for beautifying Washington, and when that plan came to be connected with an absolute necessity of providing for additional railroad terminal facilities it still further interested me, so that I have frequently consulted with the members of the Committee on the District of Columbia. I have seen their plans and I have followed out their development. I knew from my own observation, at least, that with the growth of Washington and the immense increase of railroad travel here the terminal facilities for every railroad were entirely inadequate. Additional roads have come in and joined in the use of the terminals, so that it is almost a physical impossibility to handle the trains in and out of Washington to the North, West, and South.

I say I became interested in the beautifying of Washington, and I want to express my approval in the frankest terms of the plan outlined by this committee looking to the future beautifying of this city as a practical business proposition. You may associate with it as much patriotism as you choose, but to make this city conspicuously attractive is a good business proposition for the people who are called upon to pay in taxes in the District toward carrying out that plan.

I knew about the plans agreed upon a year ago with reference to increasing the termini of the Baltimore and Potomac Railroad Company. I knew that within a short time, before many years, even that increase of terminal facilities would be inadequate. Take the comparative growth of the business of the railroads centering here, it is impossible to compute it, discounting the future.

As the Senator from New Hampshire [Mr. GALLINGER] has said, in every large city which is a railroad center in the United States it has become not only a matter of importance but absolutely a necessity to do away with grade crossings. The sacrifice of life is growing until it is enormous, comparatively. Cities and States, as he quoted accurately, are joining in the expense, because it seems to be a duty incumbent upon the public as well as the corporations to provide for the safety of the people who patronize the railroads and who occupy the streets of the city. Chicago, Buffalo, Albany, New York, Boston, and now Washington are taking up that question seriously.

Now, it is my pleasure to have the personal acquaintance of President Cassatt, of the Pennsylvania Railroad. I happened to meet him a day or two ago in a social way, and I want to quote his words in discussing this proposition. He said to me, "We are entirely satisfied by the way in which the Congressional committee met us with reference to increasing our facilities in Washington. We were entirely satisfied that they were dealing with us liberally when they granted us additional room between Sixth and Seventh streets for a depot, and we were prepared to go ahead and build those terminals and, under the law as passed, to elevate our tracks so as to obliterate all grade crossings. We were perfectly satisfied, but," he says, "your chairman of the Committee on the District of Columbia approached us with another plan—a plan which has been elaborated in this bill. At first I was opposed to it," President Cassatt said. "I could not see how we could accomplish it physically without an enormous expense, and, speaking for our own property, I was not favorable to it; but under the influence and the inspiration of the men on that committee, who had in view not only the safety connected with this project, but the beautifying of Washington, I became inspired to the extent that I was willing to add two or three million dollars to that expenditure out of pure patriotic feeling toward the scheme which they had brought forward."

Now, as a railroad proposition, in the selfish interests of the railroad corporation, it is a better proposition, if the railroad company would consider only their interests, that the original plan is carried out. It is claimed that this is done under the influence and control of one railroad. Why, Mr. President, there are seven railroads.

Mr. HANSBROUGH. Will the Senator allow me just a moment before he leaves that point?

Mr. HANNA. Certainly.

Mr. HANSBROUGH. The Senator said that in his interview with President Cassatt, President Cassatt said that he was willing to spend two or three million dollars to help out this beautifying project. The Senator from New Hampshire a while ago said that the railroad company would be obliged to spend about $12,000,000.

Mr. GALLINGER. The Senator from North Dakota will not put me in a false position.

Mr. HANSBROUGH. I advise the two Senators to get together on their figures.

Mr. HANNA. No; I do not mean to get together with anybody or anything. I said that on my own responsibility.

Mr. HANSBROUGH. Certainly.

Mr. HANNA. Mr. Cassatt was speaking for the Pennsylvania Railroad. He said there are seven railroads interested in this scheme—the Pennsylvania, the Baltimore and Ohio, the Chesapeake and Ohio, the Norfolk and Western, the Southern Railway, the Coast Line Railroad, and the Seaboard Air Line. All those railroads have joined in the common cause to make a central union depot. For what? Not, as claimed by the Senator from North Carolina, for their profit or their benefit, but for the accommodation of the public using those roads in and out of Washington. It is a greater accommodation for the public to have a central depot than it would be to have two or three or more depots, and it is fair to state that the money which the United States Government and the District of Columbia are willing to contribute will be more than appreciated when you can measure it by a per centum return from it by the accommodation that it will furnish the public.

Mr. President, as a business proposition it is perfectly absurd to consider a union depot under municipal ownership, managed by commissioners, paid salaries by the Government, to handle the hundreds of railroad trains in and out of that station and over the terminals. If the Government assumes any such responsibility, the Government will be responsible for all the damages and accidents that occur on their property. No railroad, Mr. President, would undertake to occupy a building furnished by the District of Columbia or the Government of the United States to do the immense terminal business that has got to be done here. Somebody has got to take the responsibility of the handling of those trains, and somebody has got to take the responsibility alone and not have any partners in it. Therefore, I suppose, it will organize a terminal company for that purpose.

As far as building a depot for an investment is concerned, I am opposed to any such principle on the part of the Government of the United States or the District of Columbia as far as we have any right to interfere. The proposition made by the railroad companies embodied in this bill gives the right to any legitimate railroad enterprise to use that station, and it is proposed to build it large enough, with sufficient terminal to accommodate the future business of Washington for many years to come.

What is there in the situation, Mr. President, as a business proposition which demands that the District of Columbia or the Government itself shall assume the responsibility of erecting a station? Unless the conditions enjoined upon the railroads were entirely satisfactory to the railroads they would decliine it and go on and construct two depots as now planned; but after weeks and months of honest industrial effort the Committee on the District of Columbia have arrived at and developed a plan which is acceptable to the railroad companies, which is a part of this great enterprise to beautify our city, which will extend the accommodations over years to come, which will benefit the public; and why interfere by any municipal project to stand in the way or delay that work?

Mr. GALLINGER. Mr. President, in answer to some questions propounded to me by the senior Senator from Georgia [Mr.

BACON], and possibly by his colleague [Mr. CLAY], I want to put in the RECORD a statement from the Commissioners of the District of Columbia. This paper, Mr. President, is——

Mr. BACON. I hope it made be read.

Mr. GALLINGER. Yes; I will read. It is only a few lines. This paper is signed by the three Commissioners, not by one as chairman, as is ordinarily done. The Commissioners say:

The total cost of the changes is estimated as follows:

Work done by the railroad companies	$13,073,103
Work done by the District, with damages to the property	1,770,000
Making a total of	14,843,103

This would be apportioned as follows:

Railroad companies	10,073,103
United States and District of Columbia (Of which the District pays $1,635,000).	4,770,000

The Commissioners say in concluding their report:

The Commissioners are of the opinion that it is for the best interests of the District that this bill shall become a law.

Mr. BERRY. Will the Senator permit me to ask him a question? I want to understand this matter.

Mr. GALLINGER. Certainly; I yield to the Senator.

Mr. BERRY. As I understand, in the act that was passed a year and a half ago it was provided that the Government would give to the Pennsylvania Railroad Company certain rights to use certain Government land on the condition that they would build a depot, etc. Is that correct?

Mr. GALLINGER. On the condition that they would eliminate grade crossings. The station is a railroad proposition entirely.

Mr. BERRY. Now, do I understand that the railroad company has not complied with those conditions and that it is now proposed to give them a million and a half dollars simply on account of their relinquishing the right which the Government gave them to build a depot on the Mall? Is that correct?

Mr. GALLINGER. Mr. President, the railroad companies have not been guilty of laches in this matter at all.

Mr. BERRY. That is not the question.

Mr. GALLINGER. I am going to answer the Senator's question, if he will permit me. The trouble is that when Senators ask a question they do not give a Senator an opportunity to answer them.

Mr. BERRY. I beg the Senator's pardon.

Mr. GALLINGER. I wish to say that the railroad companies have not been guilty of laches; but this matter has rested because the chairman of the Committee on the District of Columbia requested that it should rest.

As I understand the matter, and I think I state it correctly, the Baltimore and Potomac Railroad Company for over thirty years has occupied the land upon which their buildings now stand. In the law of a year and half ago we gave them in lieu of cash additional land, estimated to be worth $1,500,000, and we gave to the Baltimore and Ohio Railroad Company $1,500,000 in cash. Then we gave the Baltimore and Potomac Railroad Company land estimated to be worth $1,500,000. That they relinquish; not only that, but they leave the Mall entirely.

Mr. BERRY. But if the gentleman will permit me, we gave them this land, estimated to be worth a million and a half of dollars, in consideration that they would build a larger depot.

Mr. GALLINGER. No; on the condition that they would abolish grade crossings.

Mr. BERRY. They have not built that depot, and do not intend to build it, and yet you propose to pay them a million and a half dollars because you agreed to give them land for a depot, which they have not built.

Mr. GALLINGER. I beg the Senator's pardon. I have stated this so often that for the moment I forgot to state it for, probably, the twentieth time. We gave the land to them as a contribution toward the elimination of grade crossings in the District of Columbia, without any reference to railroad stations at all, and that is all we are going to do now.

Mr. BERRY. If I remember, when the Senator spoke on the bill a year and a half ago——

Mr. GALLINGER. I did not say a word upon it.

Mr. BERRY. Well, those who had it in charge, and the Senator is a member of the committee. It was argued that the railroad company would build a very fine station, and in consideration of all that you gave them the land, and so forth and so on.

Now in regard to the grade crossings, I should like to ask the Senator if it is the duty of the Government to eliminate these grade crossings? Can not the Government make the railroad companies provide for that themselves? Why should we give them a million and a half dollars in that behalf?

Mr. GALLINGER. I suppose that the Government could prohibit any railroad corporation from coming into the District of Columbia at all.

Mr. BERRY. I think so.

Mr. GALLINGER. I have not any doubt about it, and I have sometimes wondered if some Senators did not think that would be a good plan.

Mr. BERRY. I think the Government can impose such conditions as they see proper, can they not?

Mr. GALLINGER. I do not know whether the Government can compel the railroad corporations, with their present rights, to eliminate grade crossings or not. It certainly has been recognized by every progressive State in the American Union, certainly at the North, that it was a proper thing for States and municipalities to make contributions toward the elimination of grade crossings.

Mr. BERRY. Not paying the whole amount, but paying a certain portion of it.

Mr. GALLINGER. That is what we are doing here.

Mr. BERRY. We are proposing to make a rather large contribution, I think.

Mr. GALLINGER. Just as the Senator pleases.

Mr. BACON. Will the Senator permit me to ask him what is the amount raised per annum by taxation in the District of Columbia?

Mr. GALLINGER. About $4,000,000 at present; but I will say to the Senator on that matter of taxation—I shall be called to account by the Evening Star to-morrow, of course, for the statement I make—that in the District of Columbia practically no personal tax is paid. There is a law on the statute book, but it has been declared inoperative by the courts because the board of assessors was partially wiped out, and under the provisions of the organic act the citizens of the District of Columbia pay $1.50 on the hundred on real estate, which is valued at 65 per cent for the purposes of taxation.

Mr. BACON. If the Senator will pardon me a moment, I want to pursue the inquiry further. Does this bill make any provision for the issuance of bonds, or is the amount to be paid in cash by the District of Columbia from taxation?

Mr. GALLINGER. I think there is no provision for the issuance of bonds.

Mr. BACON. That leads me to remark—I do not want to say anything about the general merits of the bill, because I am not familiar with it, and there are other Senators who are, but it does seem to me to be a very serious matter to lay upon the District of Columbia an assessment of $1,600,000.

Mr. GALLINGER. It is spread over five years.

Mr. BACON. Even if it is spread over five years. This is a very small community. We are so in the habit of appropriating hundreds of millions of dollars that it does not seem to amount to anything when considered in comparison with the great wealth of the whole country; but when you have a small community of some 300,000 people, it is an extremely serious matter to put upon them an assessment of one million six hundred-odd thousand dollars, where they are not in a position to say yea or nay; and, as the Senator from New Hampshire himself says, he does not know and has never been informed, and there has been no intimation given by any one of those who are to pay this tax, whether they desire this expenditure or not.

Now, Mr. President, it is true that the Commissioners of the District of Columbia give it as their judgment that this would be to the interest of the District of Columbia, and I have no doubt Senators when they vote for this bill will agree with the Commissioners that it is to the interest of the District of Columbia, but it is a very fundamental proposition that those who are to furnish the money ought to be those who are to judge, so far as the conditions will enable them to judge, or for us to be informed of their wishes and judgment as to whether or not it is to their interest.

Mr. GALLINGER. If the Senator will permit me——

Mr. BACON. If the Senator will pardon me just one moment further, I will say we naturally, in providing for the embellishment and for the improvement of Washington, are guided by the scale which we think ought to obtain in the case of a great city, the capital of a great nation, and I quite agree with that. I am in favor of the embellishment of Washington, but I do think, in view of the fact that we legislate for a community that has no opportunity to take part in the deliberations which shall determine that legislation, we ought to be extremely careful about putting on them a very serious burden.

I once served on the Committee on the District of Columbia, and I know the care with which that committee acts. I do not wish in any manner to insinuate that there has been any lack of care in this instance; but there are things in this community that I do not think would be permitted to exist if the community had charge of its own expenditures and of its own public works. For instance, take the matter of the water furnished to this community.

I think that is very much more important to the community

than the advantages it will have from a great palatial car shed, or depot, or station, or whatever it may be called. There is not a community that I know of in the United States of one-fourth the population of this city that has such a curse on it as this community now has in the way of water without any filtration. If we are going to deal with this and disburse a large amount of money, it seems to me we ought to find out before we put upon these people the assessment what is their wish in the matter.

We may not be able to find it out accurately, but we can find it out approximately; and for one I am prepared to say that if this improvement is one that is essential to the embellishment of Washington, but is entirely disproportionate to the expenditure which Washington would make outside of the fact that it is the capital, the burden should be borne by the people at large and not by the people of this little community. That is my judgment on that point.

Mr. GALLINGER. Mr. President, the Senator's statement is not such as I could reasonably take issue with on some points, but the Senator doubtless is aware of the fact that we are now engaged in the task of installing a magnificent filtration plant for the city of Washington and that in a little while we shall have better water in this city.

Mr. BACON. As to that, I think it is entirely proper that the burden of the appropriation should be put upon the community here largely, because it will be directly benefited. But these are different matters.

Mr. GALLINGER. I have been in some cities of the American Union where I found the water a little nearer real estate than I have in the city of Washington. [Laughter.]

Mr. BACON. I do not see how the Senator arrived at that conclusion. It seems to me that some process of filtration is badly needed here.

Mr. GALLINGER. But that is in process of correction and it will be corrected very soon. I say "very soon," for we do not count these matters by days, because it is a great scheme to install a slow sand filtration plant for any city. It may be a year, it may be two years before that plant is in full operation; but it is coming, and in every respect we have tried to meet the requirements of the city of Washington. Of course, we can not have a referendum on this matter.

Every appropriation that we make has the wise consideration of some committee of this body, and perhaps the wiser consideration of the body itself, and this follows along the line. We appropriate by direct means for everything that the city of Washington enjoys. We never have asked them yet to vote on the question, and of course we can not on this.

It will not, however, be a very great burden—$300,000 a year. This is a rich city, and, in my judgment, this added burden will be scarcely noticeable.

Mr. PATTERSON. Mr. President——

Mr. GALLINGER. If the Senator will permit me, it has been suggested to me by the Senator from Wisconsin [Mr. SPOONER] that we never legislate on the smallest matters concerning the District of Columbia without consulting the Commissioners of the District of Columbia, and under the law they must be citizens of the District of Columbia.

Mr. BACON. They are not selected by the citizens of the District of Columbia.

Mr. GALLINGER. No; but they are citizens of the District, and they have not only the rights and duties of individual taxpayers and citizens, but they have official duties which they, I know, try to perform faithfully.

Mr. PATTERSON. Mr. President, I would not be so importunate, but that I have an engagement and I want to make a short statement before I leave.

Mr. GALLINGER. I yield to the Senator for any statement.

Mr. PATTERSON. As the Senate is aware, I introduced an amendment for the purpose of opening the use of this union depot to all railroads. The committee took the case under consideration, and by the amendment which they have reported—which is not in the exact language of the amendment I offered—they accomplished precisely what I desired to accomplish, namely, that all railroads, whether those now in existence or those that may be constructed in the future, shall have the right of entry upon terms substantially like those which other railroads now have; and if the terminal road and the Pennsylvania Railroad may not be able to agree, then the supreme court of the District of Columbia will determine the terms. I am not a stickler for the language of the amendment, but since the amendment which has been offered accomplishes substantially what I desire, I am willing to accept the amendment of the committee as a substitute for mine.

I say this in view of the fact that some impression prevails that my amendment simply refers to the single road I mentioned when I offered the amendment. I want to remove that impression. The amendment reported by the committee is substantially that which I offered.

Mr. GALLINGER. I will say to the Senator that the committee amendment has been incorporated in the bill.

Mr. PATTERSON. I did not know that.

Mr. GALLINGER. Mr. President——

Mr. HANSBROUGH. Before the Senator proceeds, I desire to make a brief statement.

Mr. GALLINGER. I desire to make a brief statement myself, but I will yield to the Senator.

Mr. PROCTOR. Will the Senator from North Dakota yield to me?

Mr. HANSBROUGH. Not until I have made a brief statement myself. It will only take a moment. I want to call the attention of the Senator from Arkansas [Mr. BERRY] to the question which he raised a few moments ago in regard to the title of the railroads to the land heretofore granted or proposed to be granted.

I do not believe that anyone claims that those lands were actually granted to the railroad company. The companies were merely given a right of occupancy, a mere easement. They are there merely as tenants at will, undoubtedly, because in all the acts we have passed upon this subject we have always put in a separate section providing that "Congress may amend, alter, or repeal this act."

Now, then, if you have granted a piece of land, how could you repeal the act by which you made the grant? I think it is thoroughly understood that the land does not belong to the railroad company, but that the title is still in the Government, and that they are upon the land simply as tenants.

Mr. BERRY. Will the Senator permit me to ask him a question there?

Mr. HANSBROUGH. Certainly.

Mr. BERRY. If I understand the case, we gave them certain rights estimated at a million and a half dollars and agreed that we would permit them to go on and build a depot on this ground, and reserved the right to repeal that act. Now we are going to pay them a million and a half dollars in order to get them to go somewhere else.

Mr. HANSBROUGH. That is the proposition. In addition to that, in the act of 1901 we gave them additional land, and in the act which the Senator from New Hampshire is advocating here we do not require them to relinquish the right that we gave them to occupy Garfield Park, but they get a million and a half of money and Garfield Park in addition. I want to say to the Senate that this is a proposition that ought to be thoroughly examined, and this bill should be studied by individual Senators before they cast their votes for it.

Mr. GALLINGER. Mr. President, I have not gone into a discussion as to the ownership of the land occupied by this railroad corporation. They have now occupied it for thirty-one years, and have paid taxes on it. A year and a half ago we gave them a further grant of additional land to construct a new station on it, and we are not going to dispossess them. Every Senator knows that. But I am not going into that matter.

I had hoped to get a vote on this bill this evening, but the Senator from North Dakota [Mr. HANSBROUGH] says he wishes to discuss it further, and very likely other Senators do. The Senator from North Dakota has kindly said to me that, unless some other Senators object—and I trust no other Senator will object—he is willing that a vote shall be taken on the bill immediately after the routine business on Thursday morning, and I make the request that that be done.

Mr. HANSBROUGH. I make no objection to that because I want time to examine some of these matters and wish to debate the question still further.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire [Mr. GALLINGER]? The Chair hears none, and it is so ordered.

BARK HOMEWARD BOUND.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4902) to provide an American register for the bark Homeward Bound, which were, in line 4, to strike out "Homeward Bound," and insert "Otto Gildemeister;" in line 7, after "States," to insert "and give the said bark the name of Homeward Bound: *Provided, however*, That such register shall not entitle or authorize said bark to engage in the coastwise trade of the United States, nor shall said bark receive or be entitled to receive any subsidy, bounty, or aid of any kind that may hereafter be granted to American vessels; and to amend the title so as to read: "An act to provide an American register for the bark Otto Gildemeister."

Mr. BARD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REPORT ON THE DISEASES OF THE HORSE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse; which was referred to the Committee on Printing.

REPORT ON THE DISEASES OF CATTLE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle; which was referred to the Committee on Printing.

FRANKS FOR SENDING OUT SEED.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 82) providing for the printing annually of franks required for sending out seed; which was referred to the Committee on Printing.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. On Saturday last I gave notice that I would to-day call up the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, but, at the request of the senior Senator from Vermont [Mr. PROCTOR], who is waiting for an answer to a resolution of the Senate relative to some information which he desires in connection with the bill, I give notice that on Wednesday morning next, immediately after the routine morning business, I shall ask the Senate to proceed with the consideration of that appropriation bill.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I am authorized by the Committee on Military Affairs to ask unanimous consent of the Senate that the vote by which the amendments to the Army appropriation bill were ordered to be engrossed and the bill to be read a third time and passed be reconsidered, solely for the purpose of proposing some slight amendments to the clause which authorizes the President to sell Army posts, restricting that right to three certain posts at Indianapolis, Columbus, and Buffalo, and authorizing him in those particular cases to use the money received in each of those places for purchasing other lands in the vicinity and constructing posts; and also an amendment which authorizes him in selling this property to subdivide it, as it is right in the midst of the cities named, and quite valuable.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the votes by which the amendment of the Senate to the bill H. R. 12804, an act making appropriation for the support of the Army for the fiscal year ending June 30, 1903, were ordered to be engrossed and the votes by which the bill was ordered to a third reading, read the third time, and passed may be reconsidered. Is there objection? The Chair hears none, and the bill is in the Senate and open to amendment.

Mr. PROCTOR. I move to amend the bill on page 24, line 22, before the word "military," by striking out the word "any" and inserting the word "the;" in the same line to change the word "post" to "posts" and the word "reservation" to "reservations," and after the word "reservations" to insert "at Indianapolis, Ind.; Columbus, Ohio, and Buffalo, N. Y." All these amendments are in the same line.

Mr. HANSBROUGH. Will the Senator allow me to ask him, does this propose that any specific portion of the $4,000,000 appropriated shall be expended at those places?

Mr. PROCTOR. No; it has nothing to do with that. It only refers to the amounts realized from the sale of the existing posts.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 24, line 22, before the word "military," it is proposed to strike out "any" and insert "the;" in the same line to change the word "post" to "posts" and "reservation" to "reservations," and after "reservations" to insert "at Indianapolis, Ind.; Columbus, Ohio, and Buffalo, N. Y."

The amendments were agreed to.

Mr. SPOONER. Let the language now be reported as it has been amended.

Mr. PROCTOR. There are other amendments, and the text can be read after they have been adopted.

Mr. SPOONER. Very well.

Mr. PROCTOR. In the same clause, on page 24, line 25, after the word "value," I move to insert "either as a whole or in subdivisions."

The amendment was agreed to.

Mr. PROCTOR. On page 25, after the word "Treasury," I move to strike out the part in italics and insert what I send to the desk in lieu of the words to be stricken out.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 25, after the word "Treasury," at the end of line 2, it is proposed to strike out:

And all such proceeds are hereby appropriated for the purchase of such other lands as may be required for military purposes or for building barracks and quarters on such other lands devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases.

And in lieu thereof to insert:

And a sum of money not exceeding the proceeds of such sale or sales at each of such places, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such lands at or in the vicinity of Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., respectively, as may be required for military purposes, and for building barracks or quarters on such lands, to be devoted to military purposes, and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at such places, respectively.

The amendment was agreed to.

The PRESIDENT pro tempore. Does the Senator from Wisconsin desire the language read as it has been amended?

Mr. SPOONER. Yes.

The PRESIDENT pro tempore. The clause will be read as amended.

The Secretary read as follows:

And whenever in the opinion of the President the lands and improvements, or any portion of them, of the military posts or reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., have become undesirable for military purposes he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, either as a whole or in subdivisions under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury; and a sum of money not exceeding the proceeds of such sale or sales at each of such places, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such lands at or in the vicinity of Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., respectively, as may be required for military purposes, and for building barracks or quarters on such lands to be devoted to military purposes, and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at such places, respectively.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 13, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 12, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This is District of Columbia day. Has that committee anything to bring up?

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider House bill 13405, now on the House Calendar.

The SPEAKER. Before that is done, it will be necessary to refer the bill to the proper Calendar—to the Committee of the Whole House on the state of the Union. So that transfer will be made.

Mr. COWHERD. Mr. Speaker, I want to ask the gentleman from Wisconsin if he will not consent that this bill may go over until the next District day? I desire to say to him that the gentleman from Illinois [Mr. CANNON] has taken a great interest in the measure, has given it some study, and has expected to be present at the time it was taken up. He is unavoidably absent at this time, and the gentleman knows how that absence has occurred. This matter has been for a month or more waiting until the gentleman from Wisconsin could be present, who has been unavoidably absent on account of sickness, and I ask unanimous consent that the measure go over until the next District day.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the consideration of this measure go over until the next regular District day. Is there objection?

Mr. BABCOCK. Yes; Mr. Speaker, I object. I wish to say, Mr. Speaker, in reference to that, I have been unavoidably absent from the House now three months; and, so far as I am personally concerned, I would be delighted to have the bill go over for two weeks or a month. But I have a duty to perform in the interest of the District, and the gentleman from Missouri will readily see that after an absence of three months, and now I am on the floor, that I would be failing here in my duty as chairman of the committee to consent to further delay in any District legislation.

Mr. COWHERD. I desire to say to the gentleman that there

is nothing of a public nature which necessitates the present consideration of this bill. The officers of this company concede that they are in no hurry. The gentleman from Illinois was present all the time when the gentleman from Wisconsin was absent, ready to consider it when it was taken up, but he is unavoidably absent, and I know that he wanted to be heard in this discussion.

Mr. BABCOCK. He will very likely have an opportunity before it is passed.

Mr. COWHERD. No; he is not in the city.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Wisconsin, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. BABCOCK. Pending that motion, I ask unanimous consent that at 3 o'clock the Committee of the Whole House on the state of the Union report the bill and pending amendments to the House.

The SPEAKER. Pending the motion, the gentleman from Wisconsin asks unanimous consent that at 3 o'clock the committee rise and report the bill to the House, the previous question being ordered on the bill and amendments to passage. Is there objection?

Mr. COWHERD. I object.

Mr. WM. ALDEN SMITH. I object.

Mr. COWHERD. I will state to the gentleman from Wisconsin that I have no intention to delay the passage of the bill if we can have sufficient time for its consideration.

Mr. BABCOCK. How much time does the gentleman want?

Mr. COWHERD. We want to have two hours for general debate on our side, and then that the bill be read under the five-minute rule for amendment.

Mr. BABCOCK. Will the gentleman consent to 4 o'clock?

Mr. COWHERD. For general debate to close then?

Mr. BABCOCK. For the committee to rise at 4 o'clock.

Mr. COWHERD. I will not, if you give two hours in opposition to the bill, and then the bill be read under the five-minute rule. I have nothing to say as to how much time the gentleman would desire.

Mr. BABCOCK. I ask for my original motion.

The SPEAKER. The question is on the original motion of the gentleman from Wisconsin, that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

WASHINGTON AND GEORGETOWN GASLIGHT COMPANIES.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HASKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13405, which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Wisconsin asks that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BABCOCK. Mr. Chairman, the object of this bill is twofold. It reduces the price of gas in Georgetown from $1.25 a thousand to $1 per thousand. It authorizes the Washington Gaslight Company, or the company operating here in the main city, to buy the property and franchises of the Georgetown company. It further authorizes the Washington company to increase its capital stock from $2,600,000 to the market value of the stock of the properties of both companies. The stock of the Washington Gaslight Company is now $2,600,000 and of the Georgetown company $150,000.

The provision in the bill limits it to the actual value of the stock. That is, this bill now before the committee. This, I believe, is all that this bill proposes to do, Mr. Chairman. While I reported this bill, I have been absent from the House, as most of the members know, on account of illness, and my colleague from Wisconsin [Mr. JENKINS] has kindly consented to take my place to-day on the floor. I now yield to him the balance of my time.

Mr. JENKINS. Mr. Chairman, I do not care to occupy any time just now.

Mr. BABCOCK. I think, Mr. Chairman, there is very little more to be said on this side of the House, and if gentlemen want to say anything in opposition they can do so.

Mr. CRUMPACKER. Mr. Chairman, I would like to ask the gentleman from Wisconsin a question.

Mr. BABCOCK. Certainly.

Mr. CRUMPACKER. What method does this bill provide for the ascertainment of the value of the respective plants for capitalization?

Mr. BABCOCK. It limits the capitalization to the market value of the stock for a period of three months.

Mr. CRUMPACKER. The average market value of the stock for a period of three months?

Mr. BABCOCK. Yes.

Mr. CRUMPACKER. Has the stock of these companies a quotation value?

Mr. BABCOCK. Yes; here in Washington; I do not think anywhere else.

Mr. CRUMPACKER. Are the values quoted on any stock exchange in the country?

Mr. BABCOCK. Yes; on the Washington Stock Exchange.

Mr. CRUMPACKER. Does the bill provide for including in the value the plant and franchises, aside from the value of the stock?

Mr. BABCOCK. I will say to the gentleman that the bill provides this method for fixing the value of the property. Now, I understand that before this bill is reported to the House another proposition will be made which authorizes the supreme court to fix the value of the property.

Mr. CRUMPACKER. That will come up in the form of an amendment?

Mr. BABCOCK. I understand it is to be offered.

Mr. CRUMPACKER. Does the gentleman from Wisconsin have any objection to that method of ascertainment of value?

Mr. BABCOCK. I have no objection to any fair method whatever.

Mr. CRUMPACKER. I ask these questions, for I have not read the bill. I have no objection to the consolidation, providing adequate safeguards are placed in the bill for the protection of the public.

Mr. BABCOCK. I want to say that the committee will accept any amendment that authorizes the company to issue their stock on a fair cash basis of the actual value of the property.

Mr. COWHERD. I want to say, Mr. Chairman, that no one is objecting to the consolidation.

Mr. PAYNE. I should like to ask the gentleman from Wisconsin a question.

Mr. BABCOCK. Very well.

Mr. PAYNE. I notice the provision for ascertaining the market value is this:

Provided, Such actual value to be determined by the average market price thereof during the period of three months next preceding the special meeting prescribed by this section, which said special meeting shall take place not later than three months after the passage of this act.

Does that give the owners and promoters of these gaslight companies an opportunity to force up the stock of the company, if they desire, in order to get the new consolidation?

Mr. BABCOCK. I do not see that it does. If the gentleman owned the stock he would have no reason for doing it, would he?

Mr. PAYNE. If I wanted to water the stock I think I could get the price up to the amount of the water I desire to put into it in three months.

Mr. BABCOCK. The business of the company, as I understand it, has been perfectly legitimate for fifty years. If the gentleman prefers an amendment that it shall be ascertained by the value of the stock for three months prior to the passage of the bill, that will be perfectly acceptable.

Mr. PAYNE. Is it true that the market value of this stock is now about four times its par value?

Mr. BABCOCK. I believe it is.

Mr. PAYNE. So, if this bill passes, on the present market value they would get four shares for one?

Mr. BABCOCK. The shares at present are $20 par value.

Mr. PAYNE. Well, I think if I owned the stock I would be willing to take it on that basis without three months' speculation in advance.

Mr. RAY of New York. I desire to ask the gentleman from Wisconsin [Mr. BABCOCK] a question or two, if he pleases.

Mr. BABCOCK. Certainly.

Mr. RAY of New York. The present value of this stock is based largely upon the earnings of the company, is it not?

Mr. BABCOCK. Certainly. I take it for granted that it is based upon the value of the property.

Mr. RAY of New York. Well, the company is now paying such dividends to stockholders that the value of the stock has gone away up to about five times its par value.

Mr. BABCOCK. It would not be worth that much to me; I do not think it would to the gentleman from New York. They pay 10 per cent——

Mr. RAY of New York. Is it not the fact that to-day the charge of this company for gas is largely in excess of what it ought to be?

Mr. BABCOCK. No, sir; I do not think so. I do not believe that is conceded.

Mr. RAY of New York. Is not that the general complaint?

Mr. BABCOCK. I have not heard any such complaint. More

than that, this is the fact—that the people in Washington have the best gas that is furnished on the Atlantic coast. There is no other Eastern city that has the quality of gas that we have.

Mr. RAY of New York. I am not now speaking of the quality of the gas; I am speaking of the price charged. Your bill, if I understand—and if I am wrong I am perfectly willing to be corrected—proposes—if I have read aright the bill and the report—to permit this consolidated company to issue about five shares of stock in place of one of the present shares.

Mr. BABCOCK. That is right.

Mr. RAY of New York. In other words, they are going to say to a man: "Because your shares of stock are worth $500 each, you may have five where you now have one." You are going to put the stock on the market at that rate, if this bill passes, without adding a cent's worth of real estate or personal property of any kind to the actual holdings of this company. Is not that the sum and substance of the proposition?

Mr. BABCOCK. The sum and substance——

Mr. RAY of New York. Is my statement wrong?

Mr. BABCOCK. Yes; it is wrong.

Mr. RAY of New York. Wherein?

Mr. BABCOCK. It is wrong in this: This company was established in 1848. Since that time it has earned money and accumulated money that has never been represented in stock. To-day its stock amounts to only $2,600,000. I ask the gentleman to compare these figures with corresponding stock in his own State and in the cities of his own State, and the capitalization of the stock of companies there.

This has been a legitimately conducted business corporation from the time that it was organized, and the price of gas here in the city of Washington has gone down from $3.50 per thousand to $1 per thousand.

Mr. RAY of New York. The gentleman states that this company has been earning and accumulating money; now, has it that money on hand?

Mr. BABCOCK. No; it has been invested in their plant here in Washington, in different buildings, in extending their mains through the streets, in real estate, in everything that goes to make the property necessary to conduct the business of the company.

Mr. RAY of New York. You claim, then, that out of their profits they have been purchasing real estate and personal property and extending their plant until now the plant is worth, at the market valuation, five times what it was; that instead of taking these earnings or these profits and dividing them among the stockholders, they have been putting them into this property. Is that what you say?

Mr. BABCOCK. Yes, sir; they have.

Mr. RAY of New York. But the report does not show that; it shows the contrary.

Mr. BABCOCK. Does the gentleman say the report shows that the company has not invested their money in plants and buildings, etc.?

Mr. RAY of New York. As I understand, the report shows that the increased value of this stock arises simply from the earnings or profits of the company, which is due to the extravagant prices they charge consumers for gas. Now, if they would reduce their charges to the consumer for gas to a reasonable sum, they would not have these enormous profits, and their stock would be worth probably no more than par. That is about all there is of it, as I understand this bill. As I read the bill, you are simply proposing now to create a gas monopoly here in the city of Washington and to water the present stock in the ratio of about five to one, without the company adding a single penny of property of any description to the plant. So you would perpetuate the present price of gas regardless of its cost. In other words, we are to say by law that a dollar's worth of stock is worth $5, and that it may be so sold; we are going to multiply the value of the holdings of each man by five, and do it by law.

A MEMBER. By five.

Mr. RAY of New York. And so approve and perpetuate the present extravagant charges for gas in the District of Columbia and in the city of Washington. So we create and perpetuate a gas monopoly or trust in this District.

Mr. BABCOCK. Will the gentleman state to the House where gas is sold cheaper, of this quality?

Mr. HILL. Or any other quality.

Mr. COWHERD. I can furnish the figures to the gentleman, if he wants them.

Mr. RAY of New York. I prefer that the gentleman from Missouri should state that; he has studied those figures.

Mr. BABCOCK. I ask the gentleman from New York. He made the statement it was an extravagant price, and I ask where, especially in the Eastern States, with which he is familiar, gas of the same quality is sold for less money?

Mr. RAY of New York. Well, the gentleman from Missouri [Mr. COWHERD] says he can give those figures. I have not studied them.

Mr. BABCOCK. The gentleman will undoubtedly do that in his speech.

Mr. RAY of New York. I have heard the charges of extravagant prices made, outrageous prices, and one thing I do know, because I read by the gaslight in the District of Columbia, and that is that the quality of gas here is not any better than it is in the town where I live, and it is not any better than it is in many cities that I have visited.

Mr. HILL. I would ask the gentleman from New York what he pays for gas in the town where he lives?

Mr. RAY of New York. Well, I would not want to state just now; but there can be no comparison, because mine is a small town and conditions are not similar.

Mr. HILL. Not less than $2, is it?

Mr. RAY of New York. Perhaps not.

Mr. PAYNE. Probably not, but there are only 6,000 people there.

Mr. SIMS. Yes; that is different.

Mr. PAYNE. Two dollars there would be worth about 75 cents in the city of Washington.

Mr. RAY of New York. I was simply asking the question for information at this time, and in saying what I have I stated it because I so understand. I am perfectly willing that the gentleman explain or answer, as he sees fit; I do not want to misrepresent anything.

Mr. COWHERD. Mr. Chairman, I understand the gentleman from New York [Mr. STEWART] desires to be heard. If the gentleman may be recognized in his own time very well, or I will yield him from mine, but I prefer that he be recognized in his own time and that I may be recognized in mine.

Mr. STEWART of New York. Mr. Chairman, I am opposed to the passage of this bill. I wish it distinctly understood that I am not opposed to the Washington Gaslight Company buying the stock of the Georgetown Gaslight Company and combining the two under one head and establishing a uniform price for gas in the District of Columbia. This is a good portion of the bill and should pass, and it shows the wisdom of the gaslight company in adopting it, for they hope to carry through the bad portion of the bill, which is section 4. I am opposed to the passage of this bill for several reasons.

In the first place, I am opposed to its passage, because the Washington Gaslight Company can not show much over one-third the amount of physical property for which they ask Congress to allow them to capitalize; second, if they are allowed to overcapitalize their property they will not be able to pay sufficient dividends to their stockholders and at the same time maintain their works to proper efficiency to serve the public; third, it precludes any reduction in the price of gas; fourth, it throws watered stock on the market which will ultimately fall into the hands of innocent purchasers; fifth, because Congress ought not to lend itself to any corporation or any scheme that will defraud the District of Columbia or the Government of the United States. I sat in the District Committee, to which this bill was referred, for two months, and no man ever appeared to advocate it or give any reason why the capital stock of this corporation should have its par value increased five times. The committee never had a hearing. They never considered the bill in committee to exceed forty-five minutes.

Mr. BABCOCK. Will the gentleman permit a question at this time? I would like to know if the gentleman himself is engaged in the manufacture of gas.

Mr. STEWART of New York. I have a thousand dollars of stock in one gas company.

Mr. BABCOCK. What price do you receive for the gas?

Mr. STEWART of New York. One dollar and twenty-five cents per thousand.

Mr. BABCOCK. What is the candlepower?

Mr. STEWART of New York. Eighteen to twenty candlepower.

Mr. BABCOCK. Now, Mr. Chairman, I want to call the attention of the House to the fact that there is an instance of gas of 18-candlepower at $1.25 per thousand, while here it has a candlepower of 25.

Mr. STEWART of New York. That has nothing to do with the case.

Mr. PAYNE. I would like to ask the gentleman a question. How large a town is your gaslight company situated in?

Mr. STEWART of New York. A town of about 25,000 inhabitants.

Mr. PAYNE. What is the output?

Mr. STEWART of New York. About 34,000,000 feet.

Mr. PAYNE. What is the output of the Washington Gaslight Company?

Mr. STEWART of New York. One billion three hundred million feet.

Mr. PAYNE. Why, they are not parallel cases at all.

Mr. STEWART of New York. They are not parallel cases; $1.25 in Amsterdam is much cheaper than a dollar is here, and the 18-candlepower can be produced for 14 cents less than the 25-candlepower. Twenty-five-candlepower in this city costs 60 cents, and this is the best gas that is made anywhere. Nobody is talking about the quality of the gas here; it is the very best, and it costs more money on that account.

Mr. HILL. I would like to ask a question right there on the point that the gentleman has just spoken of. I understand the gentleman to say that he is in favor of this bill up to section 4.

Mr. STEWART of New York. I am in favor of the section which permits them to combine the two companies and establish one price—a uniform price—for gas.

Mr. HILL. But you are opposed to section 4 on account of the increased valuation.

Mr. STEWART of New York. Yes.

Mr. HILL. You certainly must be aware of the fact that precisely the same language is used in regard to the Georgetown Gaslight Company in the purchase and sale as is used in section 4 in fixing the value of the stock.

Mr. STEWART of New York. It increases the stock about five times.

Mr. HILL. If you object to the increased valuation of the stock of the Washington Gaslight Company, why do you not object to the increased valuation of the stock of the Georgetown Gaslight Company in making the sale and purchase?

Mr. STEWART of New York. I do.

Mr. HILL. You say you do not.

Mr. STEWART of New York. I object to both.

Mr. HILL. You say you are in favor of everything in section 4?

Mr. STEWART of New York. I do not say anything of the kind. I object to their increasing their stock five times.

Mr. HILL. I understood you to say so.

Mr. STEWART of New York. No, sir; I did not say anything of the kind. I said I was in favor of section 1 of the bill, and said it was the good section of the bill, and that they hoped to carry through section 4, which is the bad section of the bill. It is an infamous section. Now, if I will not be interrupted for a few minutes, I will continue my argument.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. STEWART of New York. I do.

Mr. WM. ALDEN SMITH. The chairman of the committee [Mr. BABCOCK] has suggested the price of gas in Amsterdam, N. Y., which, I believe, is your home city?

Mr. STEWART of New York. Yes.

Mr. WM. ALDEN SMITH. Who fixes the price of gas at Amsterdam?

Mr. STEWART of New York. The company.

Mr. WM. ALDEN SMITH. The company does?

Mr. STEWART of New York. Yes.

Mr. WM. ALDEN SMITH. But the ordinance under which you are operating there must fix a maximum price?

Mr. STEWART of New York. No; I think not.

Mr. WM. ALDEN SMITH. No maximum?

Mr. STEWART of New York. No maximum.

Mr. WM. ALDEN SMITH. Then you have the right to ask whatever the public will pay?

Mr. STEWART of New York. We have the right to ask whatever the public will pay in that city. The committee never had a hearing; they never considered this bill to exceed forty-five minutes. I think the House ought at least to listen to the arguments here, because the bill was never considered sufficiently in the committee, and let the House decide according to the merits of the bill. No one has ever given a reason why the Washington Gaslight Company should increase its capital stock from $2,000,000 to $13,000,000, and the Georgetown Company its stock from $150,000 to $750,000; the combined capital of $2,750,000 increased to $13,750,000. With this enormous amount of money involved, it seemed very strange that some one did not appear to represent the company before the committee.

Another thing that seemed to strike me very strangely is this: The District Commissioners reported favorably upon the bill, but I fail to see that they have touched upon this overcapitalization question at all. I have also read the city solicitor's report, which the majority of the committee have attached and incorporated in their report. He has gone into the merits of the bill with considerable detail, and, while he mentions sections 1, 2, 3, and 5, he skips section 4, which, to my mind, is the important section of the bill, which increases the capital stock of this corporation and votes millions of dollars to its stockholders. So when I was asked to sign the report I said I had not the necessary information and could not sign it. I then began to look about for some information, so that I might sign the majority report, if possible, or, at least, the minority report intelligently.

I began to look up the history of the company and found the Washington Gaslight Company was organized in 1848 with a capital stock of $50,000 and a rebate given the subscribers of $7,500, which shows that there was only originally put into this company $42,500. There is no record which shows that there was ever any more money put into this company. The capital stock was increased from time to time by the earnings of the company until it reached $2,600,000. It has had a most marvelous record. For the first thirty-one and a half years they declared 16.8 per cent yearly dividends and also issued $600,000 of certificates of indebtedness which were distributed to the stockholders, and this also represented earnings or dividends.

The company in 1866 had its books destroyed by a resolution of the board of directors by sending them to a paper mill in Philadelphia and ground into pulp, and the only reason they gave for this extraordinary procedure was that they had been improperly or carelessly kept and some of them were moldy. This was a very strange proceeding for any company to follow. I simply give this little bit of history to show the shrewdness, the cunning, and the character of the original directors of this company, and when the present direction asked Congress to allow them to increase the par value of their stock five times I was suspicious and concluded they were worthy followers of their predecessors.

They have for years been declaring 10 per cent dividends, besides extending their lines and improving their works to the extent of about $15,000 a year. This marvelous record they wish now to round out by modestly asking Congress to allow them to increase their capital stock five times, which will enrich them millions of dollars.

While I was still looking for information, the Washington Gaslight people waited upon me by one of their managers or directors, and, after some considerable talk, he gave me a verbal statement of their physical properties, which is so necessary to establish the capitalization of a corporation. He stated they had over 30,000 consumers and over 50,000 meters, and his valuation of same was $500,000. This is about $125,000 high. They claim to have 500 miles of mains in the city of Washington. I learn they have only 327 miles. I found, by reading the Spooner report in 1896, out of 18 cities in the United States (including the city of Boston, where it costs over $15,000 a mile to lay) the average cost of gas mains per mile is between $3,000 and $4,000. Allowing the Washington Gaslight Company the benefit of the largest average cost of $4,000 a mile, and allowing they have 500 miles of mains, they would then have $2,000,000 in gas mains; but if they only have 327 miles, and that is all they have, and the average cost is $4,000 a mile, then they only have $1,408,000 in mains.

He also claimed that they have gasometers and the plant and machinery for manufacturing gas and that these are worth $2,000,000. He also claimed that they had some real estate in the city here and some money in bank, but he did not say how much. According to his estimate, all told, they have $8,000,000 invested. According to the best figures which I have been able to make they have $4,400,000. According to Edward Bemis, who is a very good writer on gas, the plants in all cities of over 200,000 inhabitants east of the Rocky Mountains can be duplicated for $4 per thousand feet annual output, which, taking the two companies combined, the Washington company having an output of 1,300,000,000 feet and the Georgetown Gaslight Company having an output of 50,000,000 feet, that makes 1,350,000,000 feet, and the plant of these companies can be duplicated for $5,400,000.

If the works are all in first-class order, then we have something like $5,400,000 worth of property in order to establish their valuation, but it is questionable about the works being modern in every particular. I understand their water-gas plant is in first-class order and of the latest improvement, and I learn their coal-gas plant is somewhat antiquated and should have some money spent upon it, so that it is questionable whether they have $5,400,000 on which to establish their valuation. If they have only $5,400,000 worth of physical properties, what are they going to do with the difference between that and the $13,750,000? According to the bill, this will be distributed to the stockholders.

What is this $8,350,000? The advocates of this bill will tell you it is franchise; that the Government gave them this franchise and that they have the right to sell it. I hold it is nothing but water, and they have not the right to sell it. The Government never gave them an unlimited, irrevocable franchise. You will find on the bottom of the law which was enacted for them in 1848, and under which they are working, that there is this clause: "That

Congress reserves the power to alter, amend, or repeal this act." Thus you will see that at that time Congress had in mind the importance of holding a check on the price of gas. This franchise differs from the ordinary franchise granted by the States in the fact that it contains this clause: "That Congress reserves the power to alter, amend, or repeal this act."

The reason the Washington Gaslight Company are so anxious to capitalize at this great amount of money is in order to make a stock-jobbing concern of it; in order that they may sell this $8,350,000 worth of water to the "dear people." They want to get all the lambs in. Then they will shear them of their fleece; they will stop paying dividends after a few years and the stock will go down. Then these shrewd financiers will buy in the stock at a low price. It is not good policy for Congress to allow these people to capitalize a franchise. It has never been the policy of Congress to do so. All the past Congresses have followed the policy of being very liberal with this company by permitting them to get a good price for gas, for the reason they preferred to allow the company to make a good dividend to its stockholders and also to improve its works and make its extensions out of the earnings, in order that they should not bond the company and thereby lessen its efficiency as a public servant.

There is another class of men who say we do not care what the physical properties of a company are, but what is it worth? What is the stock selling for in the market? A thing is worth what it will bring. Very well, we will take it on that basis. I have a calculation here which shows the average asking price for five years on the Washington Stock Exchange which the Washington Gaslight Company have held their stock at, which is $53.63 a share. Now, on 130,000 shares at $53.63 they would have a capital of $6,972,030. The average price for the Georgetown Gaslight Company for the last five years has been $55 per share, and they have 6,000 shares, which amounts to $330,000. The combined capital of the two on this plan would be $7,302,030. But some of the advocates of the bill will say you ought to capitalize it on its present value, and it is quoted to-day at $81 a share.

This, I say, is wrong, and ought not to be done, for the reason that this stock has advanced very rapidly since the proposed legislation was introduced two years ago. It was selling in the market during the year 1900 at about from $52 to $53 a share. In December, when there was a bill introduced into the House to allow them to increase their capital stock, immediately this stock advanced to $62, and in January, 1901, when the bill was introduced, January 8, the stock advanced to $65; but this bill was recommitted to the committee, and the stock went down to $58 or $60 almost immediately. In December, 1901, at which time Congress convened again, the stock jumped up to $67 a share, and in January, 1902, it advanced to $71.25, and in February, when it looked as if the bill would be favorably reported, it advanced to $84, and in April, when the majority of the committee signed this report, it touched $87.25 a share.

So you will see this proposed legislation will allow these stock gamblers to manipulate this stock at any figure from $50 to $87.25 a share, and it would be unfair to allow them to capitalize on to-day's market or on the market at which the bill allows them to capitalize—page 5, line 4—"if the average market price thereof, during the period of three months next preceding the special meeting prescribed by this section." You can see that if they have three months in which to manipulate this stock they can run it up to any price they see fit. So the only eminently fair way to capitalize it on the market price is to take the normal market price for the last five years, which is $53.63 a share. This plan will only allow them a capitalization of $7,302,030.

Let us look at it from another standpoint, the standpoint of the investor or a speculator, who says he does not care what the physical properties are, but how much interest will it pay? The Washington Gaslight Company to-day pays 10 per cent on its $2,600,000, and it also increases its plant by the extension of mains to the tune of about $100,000 a year. But how much will it pay on a capitalization of $13,750,000? The only way to arrive at that is to know what it costs to make gas.

I have made some investigation, and whereas it may not be within a few cents of its cost it is very nearly correct. One of the directors claimed to me it cost them 60 cents a thousand cubic feet to make it. I also asked a New York gas expert what it would cost to make gas in Washington, and he said he thought 60 cents for the quality of gas made in Washington was a fair price. This will leave the company a net profit of 40 cents a thousand feet. The Washington Gaslight Company sells 1,300,000,000 cubic feet of gas a year and the Georgetown company 50,000,000, making a total amount of 1,350,000,000.

At 40 cents a thousand feet this would give them a net profit of $540,000. What percentage is $540,000 on $13,750,000? It is just 3.92 per cent. This is enough interest in a perfectly safe security like Government bonds, or in a municipal bond or bond and mortgage, but it is not enough interest in a hazardous business like the manufacture of gas, when the plant deteriorates or the franchise is subject to legislation. Now, if they declare only 3.92 per cent and have nothing left to replace their plant, you can see that when the plant has to be replaced the stockholders will have to be assessed or the company will have to be bonded or the dividends stopped, so that 3.92 per cent is not a fair return on the investors' money of $13,750,000, and no provision made for maintaining the efficiency of the plant.

You can look at it from any standpoint, and this House ought not to allow them to capitalize either on their physical properties, of which they have only about $5,400,000, or upon the market value of the stock at which it has been selling at an average price during the past five years, and they will only have on this plan a capital of $7,302,000, or the amount which one of their directors told me they had invested—$8,000,000—or on a dividend-paying basis of only 3.92, and nothing laid up to keep the plant in repair. This House should allow them to capitalize for $13,750,000.

Then what is the real object of the bill? It is for the Washington Gaslight Company to water its stock between eight and nine millions of dollars; and, what is worse, it will preclude any reduction in the price of gas in this city or the District of Columbia for a generation or more. No matter what evolutions may occur in the making of gas, no matter what science may discover, no matter what other cities may be paying for gas, the people of Washington will continue to pay a high price for gas in order to pay the interest on an overcapitalized company. The people will appeal to Congress for help, but the pleadings will fall on deaf ears, for the stockholders of the Washington Gaslight Company will also appeal to Congress and show that they are only getting a small interest on their capital in a hazardous business, and urge it would be equal to confiscation of their property and unjust to them to reduce the price of gas and thereby reduce their income. They will urge that Congress on the 12th day of May, 1902, investigated the standing of this company and found it to be worth $13,750,000 and authorized the increase of stock to that amount, and they bought their stock on that information in good faith.

Is anyone simple enough to believe that the price of gas will ever be lower than it is to-day in the city of Washington if this bill passes Congress?

The Washington Gaslight Company claims to have the right to increase its stock without coming to Congress. If they have authority under existing law to increase their capital stock, as provided by section 4 of the bill reported by the majority of the committee, we have no contentions to their increasing their capital under that law. In fact, we are not concerned in that. But they have come to Congress to have us authorize this increase. If this company was located in any other city of the United States and was a private corporation and they felt like overcapitalizing their company, we should have nothing to say about it. But this is a different case. We are the representatives of the people of the District of Columbia. They have no other representatives, and it is our duty to look after their interests.

The Government is a large consumer of gas, having in past years consumed one-fourth of all the gas made by the Washington Gaslight Company, and last year they consumed one-sixth of all the gas made by this company. It is our plain duty, then, to prevent a heavy burden being placed on this District and upon the Government for years to come. We are in the Federal Congress of the United States. The Washington Gaslight Company asks us to set our stamp of approval upon trusts, upon overcapitalizing this corporation, in a time when the people throughout the country are condemning just such things. Business men and bankers are watching this overcapitalization of corporations closely, and many men predict that the next panic will be brought about through this very source. It seems to me this company has marvelous impudence to ask Congress to set its stamp of approval upon the overcapitalization of this corporation. As an individual and as a member of this House, I wish to say I disapprove of overcapitalizing corporations or throwing watered stock on the market to be sold to innocent parties, and to have such action come from the Federal Congress of the United States seems the most vicious kind of legislation. I hope, Mr. Chairman, this bill will not pass.

I hope this bill will not be amended in any way. If the Washington Gaslight Company wishes to increase their capital stock let them come before Congress in a business way; let them bring us an inventory of all their physical properties and show to us what they are worth after fifty-four years of doing business and what the good will of this company is worth, and I have no doubt, if they can make a showing which will entitle them to more capitalization than they now have, Congress will be glad to grant them their request.

I understand, Mr. Chairman, there is to be an amendment introduced here by a distinguished member of this House, authorizing the supreme court of the District of Columbia to select three disinterested men whose duty it shall be to take evidence and establish the price at which they will allow the Washington Gaslight Company to capitalize. Mr. Chairman, this is worse than the bill itself. I am opposed to delegating the powers of Congress to any three men in the United States. For when millions of dollars go to work, they work mighty hard and fast; when millions of dollars are at stake, the consciences of men are sometimes elastic; when millions of dollars are involved, the judgment of men is sometimes warped. I hope, Mr. Chairman, this amendment will not pass, and for the honor of this House this bill will be defeated. [Applause.]

Mr. JENKINS. I would like to ask the gentleman from New York a question. When he spoke about the powerful influence of money, was he speaking from his own experience?

Mr. STEWART of New York. I do not wish to cast any reflection upon any member of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. COWHERD obtained the floor.

Mr. PAYNE. I should like to ask the gentleman from New York a question? Does the Government pay a dollar a thousand for the gas that is furnished to it, amounting, perhaps, to one-fourth of the whole consumption.

Mr. STEWART of New York. I can not tell.

Mr. SIMS. It does.

Mr. PAYNE. Then the Government pays the same price as individuals. Now, if the price of gas were put down to 80 cents a thousand, according to the gentleman's figures—and I think the cost of gas here is estimated exceedingly high; 50 cents per thousand would, perhaps, be a reasonable estimate, as I understand that coal can be obtained here at $3.50 a ton—assuming the cost of the gas at 60 cents a thousand, it could be sold at 80 cents a thousand, leaving 20 cents a thousand profit, which would be about $270,000, according to the gentleman's figures——

Mr. STEWART of New York. Yes, sir.

Mr. PAYNE. Which would be $10,000 more than the 10 per cent dividends that the company is now paying on its capital stock. Would the gentleman favor having the bill amended so as to cut down the price of gas to 80 cents a thousand?

Mr. STEWART of New York. Well, I am not here to fight the gas company as to the prices they get. As a member of the committee, I felt it my duty to prevent their putting this bill through, because I think it is a bad bill.

Mr. PAYNE. Do you not think the proposition I have stated would be a reasonable business proposition?

Mr. STEWART of New York. I think the time will come when the price of gas will be much less than it is to-day. In view of the inventions of science, the evolutions of manufacture, the great gas and oil wells in Texas, etc., I believe the time is not far distant when gas will be worth less money than at present. When that time comes, I am willing to see the price reduced.

Mr. PAYNE. The price of manufacturing gas has been reduced lately by saving the by-products.

Mr. STEWART of New York. Oh, yes.

Mr. PAYNE. Most of the by-products now are made to pay an income to the company.

Mr. GROSVENOR. That is not a new fact; that is old.

Mr. PAYNE. What does the gentleman from Ohio state?

Mr. GROSVENOR. I say that the sale of the by-products is not new. It has been going on for twenty-five years. For instance, twenty-five years ago these companies sold the coal tar.

Mr. PAYNE. Coal tar brought nothing in the market in former years, because there was no use for it. Very often it was taken out and burned, so as to get rid of it. It is only within a few years that this by-product has begun to assume any large value, so that its sale enabled the company to save money. The use of ammonia, another by-product, on a large scale has grown up in the last five or ten years, so that the gentleman's period of "twenty-five years" dwindles down somewhat.

Mr. HILL. May I ask what is the price of gas in New York City?

Mr. PAYNE. I do not know.

Mr. STEWART of New York. One dollar a thousand, I understand.

Mr. COWHERD. I can give the figures. The price of gas in the city of New York is a little over 90 cents a thousand—90½ cents.

Mr. HILL. Ought not the price to be a good deal more in the city of Washington, considering the larger cost of the material?

Mr. COWHERD. Oh, no.

Mr. HILL. Why not?

Mr. COWHERD. In New York there are three or four companies furnishing gas——

Mr. HILL. That is all the more reason why the cost should be higher here.

Mr. GROSVENOR. As throwing some light on this controversy, I would like to be allowed——

Mr. COWHERD. Was I not recognized?

Mr. GROSVENOR. Will not the gentleman from Missouri allow me to read a short table, which I think may afford a basis upon which this argument can proceed? The reading will take only a minute or two.

Mr. COWHERD. Of course I yield to the gentleman.

Mr. GROSVENOR. I have here a statement, said to be truly furnished from the figures of the census report up to date, which shows the population of different cities, the capitalization of the gas companies, their output, the net price of gas, and the candlepower of the gas.

Let me read:

	Population.	Capitalization.	Output, cubic feet.	Net price.	Candlepower.
San Francisco, Cal...	342,000	$13,623,000	900,000,000	$1.40	23

Mr. PAYNE (interrupting). Does that statement give the price of coal in the various cities?

Mr. GROSVENOR. The price of coal in Washington is far higher than in most of the cities I will name.

Mr. PAYNE. How is it in San Francisco?

Mr. GROSVENOR. In San Francisco, I presume, they do not make their gas out of coal, though I do not know. This statement continues:

Wilmington, Del.....	76,000	600,000	230,000,000	1.00	20
Georgetown, D. C....	15,000	150,000	50,000,000	1.25	25
Atlanta, Ga	100,000	2,764,000	800,000,000	1.00	21
Chicago, Ill.....	2,000,000	64,496,000	7,400,000,000	1.00	25

Mr. MANN. But let me say to the gentleman that in Chicago the gas companies furnish, in addition, all the street lighting to the city free.

Mr. GROSVENOR. That may be.

Mr. COWHERD. And about forty million of that sixty-four million is water.

Mr. GROSVENOR. I will continue:

St. Louis, Mo.....	575,000	$21,000,000	1,200,000,000	$1.00	22
Indianapolis, Ind.....	200,000	2,750,000	280,000,000	1.00	18
Louisville, Ky.....	205,000	4,100,000	320,000,000	1.20	18
Baltimore, Md	509,000	17,850,000	1,673,000,000	1.10	24
Kansas City, Mo.....	180,000	8,800,000	800,000,000	1.00	24
Boston, Mass	.....	34,000,000	3,600,000,000	*1.00	18
Jersey City, N. J.....	365,000	21,000,000	975,000,000	1.10	25
Buffalo, N. Y	353,000	14,900,000	578,000,000	1.00	19

*Average.

Mr. RAY of New York. Will the gentleman permit a question?

Mr. GROSVENOR. Just one word more. Cincinnati has gas at 15 candlepower.

Now, I want simply to make a statement that the difference between the cost of gas at 18 candlepower and 25 is marked in the expenditure of this company last year when they paid $275,000 for the single item of naphtha as an ingredient to make up the difference between 15 and 25.

Mr. RAY of New York. Will the gentleman kindly state where he obtained those figures?

Mr. GROSVENOR. I did state that. Does the gentleman dispute any of them?

Mr. RAY of New York. I did not understand.

Mr. GROSVENOR. Does the gentleman dispute any of them?

Mr. RAY of New York. That is not answering my question.

Mr. GROSVENOR. I asked the gentleman a question. I stated I got them from the census report—the last census report. Does the gentleman dispute any of them? Does the gentleman deny them?

Mr. RAY of New York. My question was as to the source from which those figures came. I was seeking information.

Mr. GROSVENOR. I stated that is the best source I could get them from.

Mr. RAY of New York. I did not rise to dispute or enter into any argument, but wanted merely to get the source of the figures.

Mr. COWHERD. Mr. Chairman, before I have concluded my remarks I want to give what seems to me would be a fair price of gas in the District of Columbia, and I hope to devote some attention to the figures that have just been read by the gentleman from Ohio [Mr. GROSVENOR], but at the outset I want to call the attention of this committee to the bill that is now before it. It is called a bill to consolidate or authorize the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and there is added after it four significant words, "and for other purposes." I want to call the attention of the committee to the "other" purposes.

Let me say here that there is no man on the committee, and so far as I know no man in the House, that objects to the purchase of the Georgetown Gaslight Company by the Washington Gaslight Company, and yet man after man has come to me and said, "Why do you object to this consolidation? It would be better for the people; they would get the gas for a dollar in Georgetown." Let it be distinctly understood that we are in favor of the consolidation, but there is one feature of the consolidation that I would like to call the attention of the House to. We are told that the Washington Gaslight Company, or the stockholders of it, own the stock of the Georgetown Gaslight Company.

Now, this bill provides that in the purchase the Washington company may issue enough stock to buy the stock of the Georgetown company, and at what price? At whatever the Washington Gaslight Company chooses to fix for the stock they are going to buy from themselves. In other words, if you should strike out section 4 that waters the stock about $10,000,000, they would still have the opportunity to come in under section 1 and by buying the property that is worth probably $250,000 from themselves at a cost of $10,000,000, still water the stock to the same amount.

For that reason I think my friend from New York [Mr. STEWART] was misunderstood when the gentleman from Connecticut [Mr. HILL] insisted that he had agreed entirely to section 1. As I understood him, he agreed to the consolidation; but he does not favor any watering of stock, whether it is in that section or in any other. Now, let me call your attention to section 4 of this bill.

Section 4 of the bill provides for the reissuing of the stock of the Washington Gaslight Company, and it provides that it is to be increased to the market value of the stock. How is that to be determined? By the average market price thereof during a period of three months. What three months? The last three months of this year, or last year, or any other time that is passed? Oh, no. During a period of three months next preceding the special election they are going to call of the stockholders to authorize the issue.

What will be the market value of that stock as fixed on the market as the bill provides? Why, there is none of that stock on the market, except what they choose to throw upon it, and that is very little. It is an air-tight corporation. What will be the value of it when you have said in this bill that they may issue a $100 share for a $20 share? Does anybody think it will be less than a hundred dollars?

Gentlemen, I want to say to you from the first day of the history of this company down to this hour there never was a Congressional investigation of this company that did not find them with $250,000 up to $700,000 of surplus, undivided dividends that they had been unable to dispose of. How much they have got to-day no man knows, because not one single, solitary witness appeared before the District of Columbia Committee in the two years this bill has been pending there in one form or another, neither in the last session nor in this, and I say that under this bill, if it becomes a law, the stock of this company will not go to 100, but more probably to 120 or 125.

Now, just a word as to the general proposition. Gentlemen come to me from all sides and say, "Well, if the stock is worth $100, why not permit them to issue $100 worth of stock? How is it different from any other business?" It is different in this way, that this company can only do business because you give it the right to use the property of the people on which to transact its business. This company is a monopoly, and ought to be a monopoly. I do not want any competing companies. This company is a monopoly, and the price at which it sells its product is fixed by law.

Now, when you go to capitalizing its earning capacity, it means nothing else than that you capitalize the price that you fix. What is your duty in regard to that? Every man knows it. You ought to permit this company to earn a fair profit upon the money invested, and in addition you ought to permit this company to earn an amount sufficient to take care of all depreciation of property, to earn enough to pay all expenses, and when it earns any more you have done something that is wrong—that ought not to be permitted. When you say you are going to let them issue $14,000,000 of stock because they can earn a profit on $14,000,000 as at present constituted, it simply means you are going to capitalize the price of gas at $1 forever, and fix it forever upon the backs of the people of the District of Columbia to pay interest and dividends on that amount.

Now, I suggested to a gentleman a while ago that if we had a factory here making hats in the District of Columbia it was none of our business at what price they sold their hats and it was none of our business at how much they capitalize; but if we had the power and should pass a law that said every man and boy in the District of Columbia that wears hats must buy them from that company, it would then become our duty to see that that company sold its hats only at a fair profit.

It would likewise become our duty to see that they did not issue so much capital stock that they could not do it. What is the purpose of this section 4? Why, the majority of the committee have come here and said that these gentlemen could increase the capital stock if they wanted to without further action of this House. Does any man in this House believe it?

Does any man with the experience you have had in legislative bodies believe that this gas company would seek the light of publicity, would seek to have its affairs dragged through a Congressional debate if it was not absolutely necessary for it to do so in order to get that opportunity? There would not have been any debate on a simple bill to consolidate, because there never would have been any objection. This bill is introduced for one purpose, and that is to water the stock of this consolidated company from about $4,000,000 actual value of plant to $13,750,000, and that is the main purpose of it.

The gentleman from New York [Mr. STEWART] has given his idea as to what the value of the plant is. I want to show you what the value of the plant is on the sworn testimony of the officers of this company taken at various times. In 1881 (see Miscellaneous Document No. 15, Forty-sixth Congress, third session) they made a report to Congress which is signed by the secretary of the company and which gives the actual amount of money invested. It was $1,800,000. In 1886 there was a Senatorial investigation by a committee of the Senate of which Senator SPOONER was chairman.

The president and secretary of the company appeared there and testified what the value of the plant was, what amount had been invested, in 1886, remember, and it was $2,400,000. In 1887 they borrowed $600,000, and they issued certificates of indebtedness for $600,000 more, and they claimed to rebuild their plant and make extensions that would provide for all the business for years to come, and yet, in 1894 Thomas Langsden, who had been until a few months before the engineer and superintendent of the company, testified that the company's plant could be duplicated with all its improvements for from $2,800,000 to $3,000,000.

Now, how much have they invested since 1894? In 1894, in an investigation both in the House and Senate, the testimony showed that, taking it back for years, the average cost of their extensions and improvements, notwithstanding that covered a period of duplication of plant, was $100,000 a year, or, to be accurate, $96,500. Now, if you will add $100,000 for the eight years since the officers of the company swore what its value was, you will find that the total value of this plant, figuring it according to their own testimony, is less than $4,000,000. Yet the District of Columbia Committee have brought in a bill under which they may increase their capital stock to the amount of $13,750,000.

But the majority of the committee say that the company could issue this capital stock without authority from Congress. Then why do they come here? I do not believe it is true, but if it is true, it could be but for one reason, and that is that they might have the authority of Congress behind the issue, in order that when it had reached the hands of innocent purchasers and you attempted hereafter to lower the price of gas, they could come in and say, "By your own bill you said this property was worth $14,000,000, and now you are going to take away from us the power to earn dividends on that amount." The reason they want this act—the reason they want this issue—is because this company is earning so much it can not hide its profits. It was organized in 1848, with a capital of $42,500.

Mr. SIMS. Fifty thousand dollars.

Mr. COWHERD. And if any gentleman doubts the statements I make I have the proof before me. It was organized at $50,000, of which $42,500 was paid in and $7,500 was distributed as a bonus to the subscribers. Between 1848 and 1866 Congress twice authorized an increase in the capital stock; once of $300,000 and once of $150,000, which would increase the capital stock to $500,000.

Now, whether there was a single dollar in cash paid on those increases no man on earth knows, and I will tell you why we do not know: Because, in 1866 this company—the only occasion that I have ever heard of in the United States—by solemn order of its board of directors placed upon its minute books an order to have its books destroyed. They were sold to a paper mill and ground into pulp, so that no man knows how this increase was made, but the reasonable inference as to this increase of $450,000 is that it came from surplus profits, else the books would not have been disposed of.

Now, then, in 1866 the capital stock was increased to a million dollars, and do you know how? By simply dividing out $500,000 additional stock pro rata among the stockholders. But some gentlemen may say, "Oh, well; they simply had been investing their earnings instead of dividing them." Let us see whether they were or not. I have here a statement of the officers of this company, taken from their report to the Forty-sixth Congress, and I find that from 1848 to 1866 they paid for every year of that

time in cash dividends 7.6 per cent, and they distributed $500,000 in stock dividends, and, as I have shown, the reasonable proof is that they distributed $450,000 more.

The amount that was invested was $42,500, and on that they paid 7.6 per cent the first four years, and then it was increased to $350,000, on which 7.6 per cent was paid, and then increased to $500,000, on which 7.6 per cent was paid, and in 1886 the capital was increased to $1,000,000 by this distribution of $500,000. In 1872 they came to Congress and got authority to increase their capital stock to $2,000,000.

I want you to note this fact: In that authorization Congress placed this express provision, "That the increase must be paid in cash, and should not come from the surplus dividends and profits." What is the fact? In 1874 they declared a surplus dividend of 50 per cent. In 1876 they declared another surplus dividend of 50 per cent, and the officers of the company, the president of the company and the secretary of the company, admitted, in response to questions of the investigating committee of the Senate, that this surplus dividend was where the cash had come from to increase the stock a million dollars—50 per cent surplus in 1874, which amounted to $500,000; in 1876, $500,000 more—and this was divided pro rata among the stockholders of the company.

Does any gentleman want to call into question whether this was another instance of investing dividends instead of declaring them from year to year? If so, I will read to him the cash dividends of the company from 1867 to 1876, ten years. In 1867 it paid 10 per cent, in 1868 it paid 10 per cent, in 1869 it paid 20 per cent, in 1870 it paid 10 per cent, in 1871 it paid 15 per cent, in 1872 it paid 15 per cent, in 1873 it paid 20 per cent, in 1874 it paid 55 per cent, in 1875 it paid 20 per cent, and in 1876 it paid 65 per cent, being an average of 14 per cent besides the two surplus dividends of 50 per cent each.

In other words, during these ten years this company earned and paid an average cash dividend of 14 per cent on one million, and it divided one million among its stockholders in surplus dividends to pay for the million-dollar increase in its capital stock. Now, then, the stock is up to $2,000,000; this was in 1876. In 1887, as I have said, they issued bonds to the extent of $600,000, and what they called certificates of indebtedness to the same amount. These were certificates divided pro rata among the stockholders, which stated that they had spent $600,000 of dividends belonging to the stockholders, and that the holder's pro rata of that would have been so much, and he was entitled to exchange this certificate for so much stock when Congress gave the authority to issue the stock for it.

The testimony of the assistant superintendent of the company and the secretary of the company is that this was a bonus; that no man ever paid one dollar for those certificates, and yet in 1896 they came to Congress and got authority to take up every dollar of those certificates and issue stock for it; and there is the history of the $2,600,000 of capital stock, not a single dollar of which we know has come from the pocket of any stockholder since 1866, and, according to the best proof obtainable in the case, not a single dollar in cash was ever paid in since the first $42,500 was subscribed.

Do you want to know what the dividends were during the time of this last growth of $600,000? In 1877 the dividends were 15 per cent; in 1878, 15 per cent; in 1879, 15 per cent; in 1880, 15 per cent; in 1881, 10 per cent; in 1882, 10 per cent. Mark you, in 1881 they were having a Congressional investigation, and they found out that the company had a surplus and that they were getting ready to declare another big dividend. They raised the question in the House, and the company stated that that money was not intended for a surplus dividend, but they were going to spend it for improvements in plant, in competition with the Electric Light Company.

Notwithstanding this declaration, in 1883 they declared a dividend of 10 per cent and a surplus of 40 per cent—$1,000,000 dividend on $2,000,000 capital stock. And, mark you, gentlemen, let no man say that is not a fair statement of the capital stock, because less than two years before they declared this million dollars dividend their own officers had sworn that the total investment was $1,800,000.

So you have a company in which its own officers testify there was never invested up to that time more than $1,800,000, declaring dividends in one year of $1,000,000. Oh, gentlemen, this has been a favored company.

In 1884 they declared a dividend of 10 per cent; in 1885 a dividend of 12½ per cent. In 1894—this is the first year that I have since 1884—they declared a dividend of 10 per cent and had a surplus of $280,000. In 1896—and this is the last official report we have—in a report to the Hon. Mr. BABCOCK, chairman of this committee, they admitted paying $600,000 or 30 per cent dividends on the capital stock of two million, and paying 6 per cent interest on these certificates of indebtedness that were outstanding and really intended to be capital stock also. What they are paying now, who knows?

My friend from Wisconsin says 10 per cent. How did he find it out? Why did not that information leak into the possession of the committee? Why did not they come with some officer of the company and state it? Why did not they send an official report to Congress showing it? I believe if the truth were known, there are now in the coffers of that company hundreds of thousands of dollars in undivided dividends, and they only await a large increase of capital stock in order that it may be put out without attracting attention.

Now, then, gentlemen, I want to call your attention to the line of argument of the gentleman from Ohio and take up his suggestion as to what ought to be the price of gas in the District of Columbia. I want you to remember this: That there is probably no manufactured article where the cost of manufacture decreases so rapidly as the output increases as it does in the manufacture of gas. The three great items are interest on investment or plant; wages, which includes salaries, and the cost of material.

Now, the plant in Washington for an output of 500,000,000 cubic feet is practically the same as the plant necessary for an output of 1,000,000,000 cubic feet. I want first to take the Washington company as to wages and salaries. I think I can show you by the record of this company that when they increased the output from 700,000,000 to a 1,000,000,000 cubic feet, the expenses of manufacturing were increased practically nothing. They made a report to Congress in 1889, and they reported then that their total expense was $958,407, and the output was 691,000,000 cubic feet, in round numbers. In 1893, four years after, the expenses had increased just $12,390, and the output had increased over 200,000,000 cubic feet.

In other words, selling the gas at $1 a thousand cubic feet, upon increased receipts of $200,000 the expenses increased only $12,000.

But later than that, taking the report made to the chairman of this committee in 1896, and comparing the two items, the item of wages and salaries and the item of cost of materials, with the corresponding items for 1889, we find the increased expense was then only $22,712. Now the output of the plant is 1,300,000,000 feet, and taking the best evidence that I can get, the increased expense has been less than $100,000, and the increased receipts more than $400,000 since 1896.

Now, I want you to remember this reduction of cost on increase of output when we come to the question of fixing the price of gas, because that affects the question which the gentleman from Wisconsin [Mr. BABCOCK] asked the gentleman from New York, who lives in a town which, if I remember correctly his statement, has about 8,000 inhabitants, and where the output is about 25,000,000 cubic feet a year. Is that correct?

Mr. STEWART of New York. Thirty-four million.

Mr. COWHERD. What comparison can fairly be made between the price there, $1.25, with such an output as that, with the price in this District, where the output is 1,300,000,000 cubic feet?

Mr. STEWART of New York. The population of the city to which I referred is 25,000.

Mr. COWHERD. Now, there is only one thing which this company is compelled to report, and that is the amount of coal consumed and what it costs. This return is made under an old law, which compels the company to file with the Secretary of the Interior their contracts made every year for coal. They make their contracts in the fall for the purchase of coal for the next year. I have here a copy of the contract made in 1895 and the contract made in 1900. The contract made in 1895 was for the year 1896; the contract made in 1900 was for the year 1901.

I find that in 1896 this company used 35,000 tons of coal, costing them $130,250; and they report that they made only 900,000,000 cubic feet of gas in that year. In 1901 they used only 25,000 tons, costing $87,400; and they admit making 1,300,000,000 cubic feet of gas. In other words, the increased output is 400,000,000 cubic feet or $400,000, and the decrease in this item of coal, which is the second largest item of material, has been $60,000; and they only pretend in a letter to Chairman BABCOCK, dated February 25, 1901, that the increased cost of naphtha was $87,255. It is true they claimed an increase in cost of coal amounting to about $25,000, but in the face of their official report to the Secretary of the Interior I must be permitted to doubt this item.

Now, I want you to remember this on the question of what the price of gas ought to be; for I want to say here, if this bill is to pass in any form this House ought to attach to it a provision, and ought to see to it that the provision is retained when the bill comes back from conference, fixing the price of gas in the District of Columbia at 75 cents a thousand cubic feet.

Mr. BRUNDIDGE. Will the gentleman allow me a question for information? My information from reputable citizens, consumers of gas in this city, is that since the reduction of the price

of gas from $1.25 per thousand to $1 a thousand these consumers, without any increased use of gas, find that there has been no decrease in their gas bills as presented from month to month. I should like to know whether there has been any testimony on that subject before the committee or any complaints made to the committee along that line.

Mr. COWHERD. Well, I have had a letter or two stating something of that kind. That is the only complaint that I know anything about. There was no testimony before the committee on this matter either last year or this year. There was never a witness brought before the committee on behalf of this company or against it. If we had ever had the opportunity to cross-examine a solitary witness representing this company on this bill, I do not believe that any committee in this House would have had the hardihood to report the bill. So far as those complaints are concerned, I know nothing of them personally. People always complain a good deal about the amount of their gas bills. I have never paid any particular attention to those complaints.

What ought the price of gas to be? I have some figures to which I wished to call the attention of the gentleman from Ohio, whom, however, I do not see in his seat; and I will therefore call the attention of the House to some figures from the last census, from which the gentleman from Ohio has seen fit to quote.

I find that in 1890 the average cost of gas in the United States, taking the whole country through, big plants and little plants, plants yielding a billion cubic feet output and plants yielding only a few million feet output, plants where coal was cheap, as in Washington, and plants where it costs $7 or $8 a ton, as on the Pacific coast, in 1890, taking the various plants in the United States, the average price of gas was $1.42, while in 1900, according to the census report, the average cost of gas over the whole United States was only $1.03½.

Mr. WM. ALDEN SMITH. Will the gentleman allow me a moment on that point? The gentleman from Ohio [Mr. GROSVENOR] read some figures showing the capitalization of certain gas companies in a number of large cities, among them, I believe, a company in Kansas City. Now, it would seem as though that capitalization was very large.

Mr. COWHERD. It is too large.

Mr. WM. ALDEN SMITH. I would like to know whether the gentleman from Missouri can tell us the reason for that capitalization and whether the consumers of gas are burdened thereby.

Mr. COWHERD. Undoubtedly it is too large. If the House cares to know, I can inform them of it.

Mr. SIMS. Mr. Chairman, I would be very glad to have the gentleman give that information.

Mr. COWHERD. Well, there was an old gas company in Kansas City selling gas at $1.75 per thousand. This was back in 1892. They refused to reduce the price lower than $1.50 to the people, and so a charter was granted in 1894 to a new company to sell gas at $1 a thousand.

The new company came in and built a plant and did as all companies do in organization; it issued so many bonds, which, if I remember rightly, were sold below par; so much stock went with the bonds and so much went to the promoter, and they finally built a new plant, and then the old company put the price of gas down to 50 cents a thousand, and when they put it down to 50 cents a thousand they gave away a gas stove in addition to every consumer, so that everybody got a gas stove, the result of which was that the consumption of gas jumped up from less than 250,000,000 cubic feet to 800,000,000 cubic feet in two or three years.

Finally, then, the old company bought out the new company, having obtained an extension of its charter, and in its consolidation it had to issue additional stock, not only to take care of all the stock and bonds of the new company, including its water, but all of its own and some for the promoters of the consolidation.

Mr. JENKINS. Then, do I understand the gentleman to say that all of the gas companies in Kansas City are composed of corrupt gentlemen?

Mr. COWHERD. Oh, I have stated a fact. If the gentleman from Wisconsin wants to draw a conclusion, he can do so. Does the gentleman from Wisconsin mean to say that any man who favors this bill is corrupt because he knows this bill waters the stock here?—and he will not deny that.

Mr. JENKINS. I do deny it and I am going to deny it.

Mr. COWHERD. Does the gentleman deny that under the provision that permits them to increase the capital stock from $20 to $100, if they can make the market value of it that much, that will represent only the actual investment in the plant?

Mr. JENKINS. Yes; and I propose to demonstrate before I get through that you are most miserably mistaken.

Mr. COWHERD. I hope the gentleman will undertake that, because I venture to say the demonstration is absolutely impossible, even by so excellent and distinguished and able a gentleman as the gentleman from Wisconsin.

Mr. JENKINS. What I wanted to know was whether your gas company men were corrupt men.

Mr. COWHERD. I have stated the facts. The gentleman can draw his own conclusion. I do not say a man is corrupt——

Mr. JENKINS. Oh, I do not want to draw any conclusions as to gentlemen in Kansas City.

Mr. COWHERD. I do not say a man is corrupt if the council gives him the right upon a plant that is worth $100,000 to issue stock to a million dollars and to charge a sum that will pay dividends on it, and he goes to work and issues it and sells the stock on the market—I do not say that man is corrupt—but I do say that the common council which gave him that authority is corrupt. [Loud applause.]

Mr. JENKINS. Then the common council of the city of Kansas City have been composed of corrupt men, have they?

Mr. COWHERD. Oh, sometimes there have been gentlemen there who probably did not reach the standard which Cæsar insisted his wife should maintain. [Prolonged laughter.] That I have heard, and I have heard it of many common councils, but there was no corruption in the granting of the franchises I have referred to. They were in a position where the old company had a franchise they could not control, and so they granted one to a new company, and that company watered its stock, and the council had no power to fix or limit the capital stock of the company.

Mr. JENKINS. I want to know whether in order to defeat this bill it is necessary to smirch every man doing business in Kansas City.

Mr. COWHERD. Oh, no; it is not necessary to smirch any man doing business there, and I want to say to the gentleman from Wisconsin that I am perfectly willing to have my statement in regard to these gas companies circulated with everybody there, because I had something to do with fighting that deal when they tried to get a franchise through at $1.50 in that city, and I am willing they should know there I am fighting this bill.

Now, I was trying to show what ought to be the fair price for gas. I started to refer to some of the census statistics. I have shown that in ten years the average cost has been reduced 38½ cents all over the United States. I want to say in regard to that that the average cost of gas in the State of New York is only 95⅞ cents, and that covers big plants and little ones. Throughout the entire North Atlantic division, covering States like Maine and New Hampshire and Vermont, where there is hardly a single large gas plant in existence, the average price of gas is only 98½ cents.

Mr. CRUMPACKER. Does the gentleman refer to the cost of manufacture or to the cost to the consumer?

Mr. COWHERD. I refer to the reported price by the company at which it is sold to the consumer. In the entire State of Pennsylvania the cost to the consumer is 83.2 cents. In the city of Chicago it is 87 cents. In the city of Cleveland it is 75 cents, and that company has never yet failed to issue a 6 per cent dividend, and there is said to be a considerable amount of water in its stock. In the city of Cincinnati—and I notice my friend from Cincinnati was applauding the statements of the gentleman from Wisconsin [Mr. JENKINS]—where the cost of coal may be a little bit cheaper, but where oil would be no cheaper than it is here, the price of illuminating gas is only 85 cents, and they sell fuel gas at 50 cents besides.

In the city of Milwaukee—and let me call attention to the fact that the output of the plant at Cleveland is about the same as this—they sell gas as low as 80 cents, and no illuminating gas is sold higher than a dollar, and they sell a fuel gas for 60 cents. In the city of Hamilton, to which I called the attention of the gentleman from Ohio [Mr. GROSVENOR], because it was in his own State, with a little plant that has an output of only 60,000,000, they sell 25-candlepower illuminating gas at 80 cents a thousand. Now, what ought to be the price of gas here? I venture to say there is no man in the United States, except some gas expert, that knows what it costs to produce gas to-day.

The fact is, that has been concealed as carefully or more carefully than any other business secret in the whole business history of the United States. But in 1899 an examination was made by the Bureau of Labor here in the city of Washington, and they got reports from all over the United States, and they attempted to find out in some way what was the fair price for gas. Now, I am not sufficient of an expert to figure out these tables, but I have here a portion of them that has been figured out by the Commissioner himself, and this is his report. He reports that there is one company operating 12 plants in 12 cities of the United States, or, rather, there are 12 companies who operate the plants under one management.

He reports that the total value of their property is $10,000,000. The total output is 3,176,000,000 cubic feet. Now, mind you, that is a little over 250,000,000 cubic feet to each one of the 12 plants, so that they can not afford to make gas anything like as cheaply

as they do here, where the output is 1,300,000,000. Do you know what it costs these companies to furnish gas to the consumer? Not to put it in the holder, but to furnish it to the consumer. Here is the report of the Bureau of Labor:

From these statements it is seen that the average cost of production—

And, mind you, this includes wages and salaries and distribution and all kinds of expenses—

excluding depreciation, taxes, and interest on the investment, is 23 cents per thousand cubic feet.

But including taxes, including depreciation, including interest on the investment at 3½ per cent, including all expenses, the cost is 42 cents per thousand feet.

Mr. DALZELL. Where is that?

Mr. COWHERD. That is in 12 cities of the United States. The average cost in these 12 cities, where the output of the entire 12 is only 3,176,000,000 cubic feet, is 42 cents per thousand.

Mr. WM. ALDEN SMITH. What is the corporate name of that company?

Mr. COWHERD. One moment. If 3½ per cent is too small for interest on the investment, make that interest 6 per cent, and you have the cost of gas only 50 cents a thousand feet.

Mr. WM. ALDEN SMITH. What is the company called?

Mr. COWHERD. I will say to the gentleman that the Bureau of Labor does not give the names of any of the companies. It designates them by number. It says it is a trade secret and it would not be fair to give their reports to the public, so we can not get what the name of the company is; but this statement is found on page 386 of the report of 1899 of the Bureau of Labor.

Now, I give these facts to the House in order to show first that this company has been the most favored corporation that ever existed in the District of Columbia, as far as my knowledge goes; that this company, paying dividends that can not be equaled in any other business investment, has grown from $42,500 to $2,600,000 in capital stock without a single additional dollar of cost to its stockholders; that this company to-day in all probability is making about 50 per cent net profit on every thousand cubic feet of gas that it sells, and it is selling 1,300,000,000 cubic feet per year. I give these facts to this committee first in the hope that this committee will absolutely defeat this bill, and I want to say why.

I fear if this bill should pass in any form that in the further stages of legislation it will be put in such shape that it will be entirely satisfactory to the company, and when it has passed through the hands of a conference committee it can be rushed through and we can not have an opportunity to protest, and it can be taken up at a time probably when only friends of the bill are present. Therefore I hope the bill will be absolutely beaten. But if you will pass it, there are two things you ought to do.

You ought to limit the capitalization of the company to the actual value of the plant, and I do not want that value found by any three disinterested men, whether they are selected by the court or selected by the company or selected by arbitrators. If you are going to find the actual value of the plant, find it by the court itself, by the men who are clothed with authority, men who are in office and responsible for their official deeds. That is the first thing you ought to do. The next thing you ought to do is to put on here an amendment reducing the price of gas in the District of Columbia to 75 cents a thousand feet, and then the company would earn a fair profit.

Mr. PAYNE. I want to suggest to the gentleman right there, suppose you had a hearing before the court, would it not necessarily be an ex parte hearing on which the evidence would be adduced by the gaslight company with no one to represent the other side?

Mr. COWHERD. Yes; and I do not believe we ought to pass a bill that would let the court fix it. I think we ought to have a hearing before our own committees and that we ought to fix the value ourselves.

Mr. RAY of New York. I was going to ask the gentleman what is the objection to letting the Committee on the District of Columbia make the inquiry for itself, call the witnesses before it, and get at all the facts?

Mr. COWHERD. I think that is what ought to be done. We ought to have a hearing. We ought to get at the facts. We ought to report to this House, and this House ought to fix the amount of the capitalization. Now, Mr. Chairman, I have occupied more time than I intended, and I will reserve the balance of my time.

Mr. RAY of New York. There is one other question, before you take your seat. If this company is making the enormous profits which are alleged, and I have no doubt they are, why is it that some other company does not start in and compete?

Mr. COWHERD. Of course other companies have come in asking for franchises, and they have been refused.

Mr. RAY of New York. Is not the fact that the want of competition in this gas business here is because Congress has refused to charter any other company?

Mr. COWHERD. Yes, it is; and I want to say——

Mr. RAY of New York. Therefore Congress has actually made a monopoly of this company?

Mr. COWHERD. Yes.

Mr. RAY of New York. And now if we pass this bill, we allow them to water their stock five times, and in effect we will fix in perpetuity the price of gas at a dollar a thousand feet.

Mr. COWHERD. I think that is the purpose of this bill. That is my candid opinion.

Mr. RAY of New York. In other words, create a trust by our own action, in perpetuity.

Mr. COWHERD. That is my opinion. And let me say to the gentleman, as far as the monopoly is concerned, my own opinion is that there should be but one gas company in a city. To have two gas companies means the digging up of your streets twice. It means a doubling of the investments and in the end always has resulted in the United States in a consolidation of the companies and the necessity of the people paying dividends on this double investment.

Mr. JENKINS. Now, the gentleman from Missouri has already answered one question that I wished to ask, but I will ask him this: When was it that Congress ever refused to grant corporate rights to another company in the District?

Mr. COWHERD. I thank the gentleman for the statement, and that reminds me of the fact——

Mr. JENKINS. When was it that Congress ever refused corporate rights to another company to enter the District?

Mr. COWHERD. I do not know.

Mr. JENKINS. But the gentleman from Missouri, in answer to a question of the gentleman from New York, said that Congress had refused.

Mr. COWHERD. Well, let me finish my answer to the gentleman from Wisconsin and I will tell him.

Mr. JENKINS. Certainly.

Mr. COWHERD. Very well. I will do so. I do not know what year, but I refer to reports of committees of the Senate, presided over by Mr. SPOONER and Mr. Hunton, and in that report and the evidence there taken it shows that Congress has always given this company a monopoly and has always refused to grant a franchise to any other company. I suppose that the Senate knew what it was talking about. I know that there is a bill now pending before our committee——

Mr. JENKINS. There has been no application within the last ten years, as the gentleman knows.

Mr. COWHERD. I do not know about that. There has been no application since I have been a member of the committee, as far as I know, except the one now pending. But here is the report of the Senate, in which it says that Congress has always given this company a monopoly. That was in 1894.

Mr. JENKINS. I understood the gentleman from Missouri to state that Congress had refused to give a franchise to another company, and I would like him to state when that was.

Mr. COWHERD. I made that statement upon the official reports and hearing before a committee of the Senate of the United States, and I think it is true.

Now, that brings us up to another question, and I ask the attention of the House while I call their attention to what seems to me to be a piece of nerve on the part of this company that has never been equaled. In 1894 this House passed a bill reducing the price of gas to $1 a thousand. It went to the Senate, and if I may be permitted to speak in debate as to what occurred in that body, a report was made adverse to this bill, and this was the reason given:

The committee of the Senate said it was the policy of the Government of the United States to permit this company to not only pay interest and dividends and cost of depreciation and manufacture, but permit this company to gather up profits large enoug to build its plant out of the profits. They said it was better to let them gather in from the people in addition to all other legitimate items of profit a sum sufficient to enable them to make all extensions and improvements, keeping the capitalization down to a small figure, rather than to issue capital stock and bonds and to build the plant out of that, because if you keep the capital stock to a small figure you can regulate the price of gas. Now, having built their plant out of profits, they come and ask us to enable them to capitalize not only those profits but the present price of gas. To that proposition I can not give my consent.

Mr. Chairman, I reserve the remainder of my time. [Loud applause.]

Mr. SIMS. Mr. Chairman, is any time going to be consumed on the other side?

Mr. JENKINS. The gentleman can take time now if he wants to.

Mr. SIMS. I would like to have some gentleman who is in

favor of this bill come forward now and occupy some of the time.

Mr. JENKINS. Let the gentleman take care of his side and we will take care of ours.

Mr. SIMS. All right, Mr. Chairman, I will accept the challenge.

I hope I may have order. I do not make this appeal because of any personal feeling as to the merit of what I may say. But I want, when this vote is taken, for those gentlemen who have had so much to say about trusts and monopolies, if they vote for this bill, to know that they shall not be able to excuse themselves on account of ignorance of its contents.

I want to say frankly to this House, Mr. Chairman, that the weight which usually attaches to the proper deliberations and actions of a committee, a great committee of this House, upon a bill does not attach in this case and ought not to, and I will show you the reason. I know it is a common thing for gentlemen to come up here and vote with the committee; and it is a proper practice and custom, because usually the committee investigates and finds the facts and reports them to the House. This information, given by the committee, should be given great weight in the House. I want to show you what the action of the District Committee, of which I have the honor to be a member, has been in this particular case, and see then whether you will like to vote with the committee just because the majority has reported the bill.

Mr. Chairman, this is not a political question. It is not a majority question. You can be for or against this bill and be a Democrat, a Republican, or a Populist. I want to go over the work of my own committee; not the work, but the failure to work. You who were in this House last winter know that a bill was introduced and referred to the District Committee to recapitalize. No, that is only a part.

Mr. JENKINS. While the gentleman is taking a drink of water, will he consent to an interruption?

Mr. SIMS. I always yield to the gentleman with pleasure.

Mr. JENKINS. Were you not one of the advocates of the payment of the claim to the Methodist Book Concern by this House?

Mr. SIMS. Yes, sir.

Mr. JENKINS. Did you vote for it?

Mr. SIMS. Yes, sir. While the money was undoubtedly due, I would vote to return it, even though it went to my own State. I will vote to return every dollar of it. I challenge any man to give me an opportunity to do so. I never will approve of the methods by which it was obtained, and I unqualifiedly so stated shortly after the bill was passed, before the Senate committee that investigated the matter. A bill was introduced and referred to this committee on the 8th day of January, 1901. It lay in soak a week or ten days. No man came in to champion it and no man came in to oppose it. No man was heard for or against it. Another was introduced on the 17th, reported favorably on the 19th, and taken up in this House and pushed for a vote on the 21st.

Oh, what a waste of time the committee did devote to the investigation of the affairs of this company! Do not you feel proud of your work? Introduced on the 8th, amended and reintroduced on the 17th, reported on the 19th, and brought to a hearing in the House on the 21st. What was the result? That bill was for several purposes. One was to consolidate the Georgetown and Washington Gaslight companies, which no man has ever opposed. This is a mere hypocritical pretense; it is only to drag through the nefarious proposition of recapitalization. A bill simply to consolidate these companies would pass without a word of opposition, and every man on the committee knows it.

That bill was for the consolidation of the gas companies, and then to capitalize them upon a basis of 4 per cent of the net earnings. The committee promptly voted in favor of it and brought in amendments making it 4 per cent upon the net earnings as determined by the supreme court of the District. They undertook to rush it through this House, and what did it meet with? It met with humiliating defeat. The distinguished chairman of the committee held up both hands and said, "Lord, have mercy on us, and let me take it back before it gets cold." [Laughter.]

When the motion to recommit was voted upon, what else went with it? There were instructions by a solemn vote of this House, and let me show you what those instructions were. Now, remember, after consideration of that bill by this House in Committee of the Whole, the House solemnly voted the following instructions to the committee when the bill was recommitted:

> On and after July 1, 1902, the Washington Gaslight Company shall furnish gas to the people of the District of Columbia for 90 cents per 1,000 cubic feet; on and after July 1, 1903, at 80 cents per thousand cubic feet; on and after July 1, 1904, for 75 cents per 1,000 cubic feet.

There was a clear and explicit instruction by vote of the House directing the Committee on the District of Columbia to so report. How did they obey? Remember that that vote was given on the 21st day of January, 1901. The bill was recommitted, and not a witness, no mortal man, went before that committee. No evidence was taken, and the District Committee, with an entirely contemptuous disregard of the vote in this House, failed to act on these instructions until when? Until the 1st day of March, 1901.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having taken the chair, a message in writing was received from the President of the United States, by Mr. B. F. BARNES, one of his secretaries.

RELIEF FOR THE CITIZENS OF THE FRENCH WEST INDIES.

The SPEAKER laid before the House the following message, in writing, from the President of the United States; which was ordered to be printed and referred to the Committee on Appropriations.

To the Senate and House of Representatives:

One of the greatest calamities in history has fallen upon our neighboring island of Martinique. The consul of the United States at Guadeloupe has telegraphed from Fort de France, under date of yesterday, that the disaster is complete; that the city of St. Pierre has ceased to exist; and that the American consul and his family have perished. He is informed that 30,000 people have lost their lives and that 50,000 are homeless and hungry; that there is urgent need of all kinds of provisions, and that the visit of vessels for the work of supply and rescue is imperatively required.

The Government of France, while expressing their thanks for the marks of sympathy which have reached them from America, inform us that Fort de France and the entire island of Martinique are still threatened. They therefore request that, for the purpose of rescuing the people who are in such deadly peril and threatened with starvation, the Government of the United States may send, as soon as possible, the means of transporting them from the stricken island. The island of St. Vincent and, perhaps, others in that region are also seriously menanced by the calamity which has taken so appalling a form in Martinique.

I have directed the departments of the Treasury, of War, and of the Navy to take such measures for the relief of these stricken people as lies within the Executive discretion, and I earnestly commend this case of unexampled disaster to the generous consideration of the Congress. For this purpose I recommend that an appropriation of $500,000 be made, to be immediately available.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, May 12, 1902.

WASHINGTON AND GEORGETOWN GASLIGHT COMPANIES.

The Committee resumed its session.

Mr. SIMS. Mr. Chairman, for some months after this committee had been instructed to report back a bill fixing the price of gas as I have stated, they absolutely did nothing. On the 1st day of March they made a report against reduction. They made this report at a time when it was known by the gentlemen who joined in making the report that it would not be and could not be considered at that session.

Does this look as if this committee were taking care of the interests of the people of the District of Columbia and the interests of the Government of the United States equally and justly and fairly? They were ready to rush a bill through in three days, but after the bill had been recommitted to them with instructions they kept the bill until the 1st day of March before reporting it—only three days of the session remaining—they knowing that no action could be taken; and yet we are asked here to give weight to the recommendations of a committee that has shown itself to be entirely biased and one-sided.

Now, let us look at things as they are at the present time. The last report I have seen coming from this company bears date 1895, seven years ago. A bill is introduced to consolidate—which nobody has ever objected to—and to recapitalize upon the actual value of the property of this company, that value to be ascertained by the market value of the stock ninety days in the future, notice of which was to be given, so that the people who would make it their business to take care of the value of the stock by looking after the sales would have prompt and due notice so that they might know just what to bid. And there were no limitations fixed upon this provision. There was no limit upon the number of shares to be sold or upon the price. There was no limitation upon anything. This was an absolute stock-jobbing and stock-watering scheme, which they undertook to carry through by legislation—a scheme to be put into operation here at the national capital, where the Government is the consumer of something like one-fourth of the output of gas, the poor, unrepresented people of this District consuming the rest; and let me say, in this connection, that I think this matter appeals more strongly to members of this House than it would if the people of this District had representation on this floor. They have none.

And there is another consideration. It is a known fact, although it does not appear in the report, that the well-to-do people of this District are using electric light to-day; it is the poorer and the less wealthy who have to use gas. This bill was introduced originally in the shape I have stated. We have now another bill before us. A similar bill was first introduced without any limitation whatever. This bill was introduced on the 7th of April, 1902, with a single change by way of limitation, providing that the shares of the new stock should not be greater in number than the

authorized number of shares of the existing company. Remember that the present stock is in shares of $20 each, par value, and if there should be a reissue at $100 per share, par value, as is sought to be accomplished in this bill, it would be an increase of 5 to 1. This is the limitation which was inserted in the new bill introduced on the 7th of April, and lauded in the report as a safeguard against overcapitalization, should there be any desire to accomplish such a result.

When was that bill introduced? As I have said, on the 7th of April, 1902. Now, hear, ye who have ears to hear, when was that bill reported? Here is the report, Report No. 1469, presented on the 7th day of April, 1902. Look what a long season of investigation. Not a word as to surplus on hand; not a word as to the salary account; not a word as to the amount of additional improvements; not a word with reference to this last Congressional investigation. The committee simply says, "Here is what the company wants, and here is what we propose to give them." That is the effect of the bill; that is what it means, as the action of the committee shows. This is the report made without any investigation so far as the committee is concerned. I do not know what one gentleman may have said to another in private conversation. I know much was said to me in that way, but I would not repeat it in this House because it would not be proper to do so.

But I want to appeal again to the good judgment of this House and ask how much consideration and weight is due to the deliberations of a committee that has not deliberated—to the information of a committee that has not taken the trouble to inform itself.

Why, sir, I would not have objected to reasonable recapitalization in accordance with the value of this property—its actual value. I do not to-day make any such objection. But my Heavens! How can I know anything about what its actual value is? Last winter when a motion was made to recommit the then pending bill with instructions to reduce the price of gas I voted against the motion because I had not sufficient information. I did not know what action would be just, and I did not want to do anything which might be a wrong to this company or anybody else. Here we are, a year and several months later—that much older, and the Lord only knows how much less wise! I have described the measure before you. You are asked to come up here and increase the capitalization of this company or these two companies from the present capitalization, $2,750,000, to $13,750,000. Will any gentleman point me to a case of overcapitalization in any public-service corporation in the United States that will compare to the proposed overcapitalization of this corporation?

I do not know whether this company is selling gas too high or too low, because they have furnished us no information. I do not propose to be radical or extreme in my action. I have a theory and a position which another gentleman has stated better than I can. I want to read his language. It is very short. Now, gentlemen, listen to this, for it is not my language. This is the language of a gentleman worthy of your attention:

> I maintain that it should be the policy of the Government in the District of Columbia to keep the capital stock and bonded indebtedness of every corporation at the lowest possible amount, and to allow them to have an income annually from receipts to make the extensions which are essential in the development of this city. I hold that it is a true business proposition that if you keep the capital stock down dividends will also be kept down.

That speech was delivered in 1896, on May 18, in the Senate of the United States by the honorable, distinguished, and able Senator, Charles J. Faulkner, of West Virginia. I plant myself upon that statement. It was true and just then, it is true and just now, that you should hold them down to the lowest possible amount. Why, take that proposition there laid down by the distinguished Senator at that time, and you could not increase this stock a dollar. Hold it down. Let them improve out of the earnings, and then dividends will take care of themselves. That is my position to-day. I learned this from that and other sources, equally as good. I am willing to follow all such doctrines and apply them to any city in the United States, but this is a Federal city. In this city, one-half of its burdens are paid by taxation on the people of the United States. This Government is a consumer of the products of this company and certainly we should not in any form authorize a capitalization of any kind, by hook or crook, that will prevent this Congress at any time it may see fit from reducing the price of gas, should circumstances justify it, to the lowest possible price commensurate with just returns on the capital actually invested.

What do these gentlemen want? Last winter they wanted a capitalization upon 4 per cent of their net earnings. This winter they want a capitalization upon the value of stock to be sold in the future. What do these gentlemen want? Do they look like gentlemen simply wanting justice, simply wanting that which is reasonable and right and businesslike? The records condemn any such statements and refute any such pretense on the part of anybody with information on this subject. I do not care what the dividends are. I do not care if they are 10 or 5 or 20 per cent, provided the service is good and reasonable. What is the difference to the owner of a share of stock of the par value of $20 which he can sell for $80 and on which a dividend is earned at the rate of $80, or a share of stock for $100 which he can sell for only $80 and on which a dividend is paid for no more than $80? Take this capital stock as it stands, and at the present basis of 10 per cent dividends it means $275,000 a year. Increase it as proposed in this bill, and 4 per cent upon the new stock issued will be double that, or $550,000 a year at the present price of gas.

I have objected to the proposition to amend by putting in three disinterested men. Of course that is a good qualification, but who are they? We do not know. I do not think Congress ought to turn this Federal corporation in this Federal city over to be treated by three men appointed by any court whose action is to be final and not reviewed or confirmed by a court. That is my objection to that. Now, then, there is another question. There is a law—the law of 1896—the very act that Senator Faulkner was discussing, from which I have diverged, which provides how to issue capital stock in these two companies. Why not follow that? Congress passed that law after great deliberation, and then they had hearings, and then they had proof and reports, and they provided that it should be authorized by the supreme court of the District of Columbia upon the actual value of the properties ascertained by them in their own way and by their own methods. That made a great high court responsible for this action. Congress did not thus seek to deprive itself of revisory power by turning it over to three men. Certainly if such an amendment is to go in this bill it ought to provide that the court should confirm or refuse to adopt the action, whatever it is.

But gentlemen who know so much more about gas matters than I do—my colleagues who joined in this minority report—say the bill ought to be defeated and let a bill come in with proper investigation; let this company inform the House of its condition, and then let us give them a capital stock that is just to them. I have heard some of the gentlemen interested say that they only wanted such a capital as would not invite raids; that would be in the nature of a protection against unjust and unreasonable demands. For one, I do not object to it; but how is Congress to act without information, without knowledge, without consideration by this or some other committee that will consider and hear the matter? Every line of the bill can be stricken out except the consolidation feature, and I will certainly most cheerfully vote for it.

Now, Mr. Chairman, one side of this question has been so thoroughly discussed that I do not care to string it out further; but I wanted the House to see just how we had acted and how much weight should be given to the action of a committee which has acted without consideration, without hearing, without proof.

Mr. BLACKBURN. I should like to ask the gentleman a question.

Mr. SIMS. Certainly.

Mr. BLACKBURN. Did anybody oppose the bill in the hearing before the committee?

Mr. SIMS. When the bill was introduced on the 7th and reported on the 7th, who had time to oppose it?

Mr. BLACKBURN. But did anyone appear before the District Committee in opposition to this bill?

Mr. SIMS. No man appeared before the committee to oppose it and no man appeared to favor it.

Mr. BLACKBURN. I will ask the gentleman if it was not before our committee for weeks for our consideration, and no opposition to it?

Mr. SIMS. A bill which has not been reported was before our committee for several weeks—I do not remember how many.

Mr. MUDD. May I interrupt the gentleman?

Mr. SIMS. Certainly.

Mr. MUDD. I apprehend the gentleman does not wish intentionally to misrepresent the facts?

Mr. SIMS. No; I do not.

Mr. MUDD. Does not the gentleman know that a bill was introduced and before our committee for nearly two months, and that this bill is merely the bill which was introduced by the chairman as a substitute, with the amendments which were agreed upon incorporated in it?

Mr. SIMS. I think that is substantially correct.

Mr. MUDD. Does the gentleman want to make this House believe—that which he must know is not in accord with the facts—that the committee reported the bill the same day it was introduced?

Mr. SIMS. This bill was reported the same day it was introduced; but I have stated that it was changed only by introducing the limitation. That was the only change from the bill that was introduced before the committee quite a long while before.

Mr. MUDD. In other words, this bill is the bill originally introduced and before the committee for nearly two months, and that was fully considered, and that no one objected to from any source, with the addition of the amendments agreed upon by the

committee and introduced by the chairman of the committee, including the amendments that the committee considered ought to go before the House.

Mr. SIMS. I do not remember just when the bill was introduced. If the gentleman can tell me or have the clerk of the committee tell him, I should be glad to have the date.

Mr. MUDD. I do not recall the exact time. I know this bill was before the committee and was called to the attention of the committee four or five times, and there was full opportunity for consideration by members of the committee, and that it was postponed several times because one member or another was sick.

Mr. SIMS. That is true, but I do not remember the exact date of the introduction of the bill. If the gentleman can give me that information, I shall be glad to have it.

Mr. MUDD. I am told that it was introduced on February 10.

Mr. SIMS. Now, I am able to answer the gentleman's question. The bill was originally introduced on February 10, and reported April 7, which is not two months.

Mr. MUDD. It is not very far from it.

Mr. SIMS. No, it is not far wrong. You are substantially correct, as you are generally; but it was introduced February 10, and without one word of proof or one word of hearing or one word of information to the committee, the gentleman who just addressed me voted for it to be favorably reported on April 7.

Mr. MUDD. If the gentleman will allow me one word right there, the chief matter under consideration and in controversy in that bill was the matter of capitalization. It was not the price of gas, and the gentleman never raised that question nor did anyone else.

Mr. SIMS. The bill did not propose to deal with the price of gas; therefore it was not necessary nor incumbent to ascertain the price of gas except as an incident to a proper investigation with reference to capitalization. But the bill did propose a recapitalization.

Mr. MUDD. That is right.

Mr. SIMS. And the limit of capitalization was not fixed until April 7. The amendment shows this; and it was absolutely necessary in order for us to know whether the recapitalization was just or not that we should have hearings and know the value of the property, its surplus, its earnings, its salaried account, and every item pertaining to its business. But no witnesses came before the committee, and the gentleman voted for the bill as it is without information so far as the committee is concerned.

Mr. MUDD. Does the gentleman think we should examine witnesses as to the method of capitalization of a company? I do not understand that the committee felt called upon to hear witnesses in order to determine that question. If the gentleman wanted witnesses, as he seems to think that what the committee did was indefensible without having heard witnesses, why did not he himself ask for a hearing for such as may have desired to appear?

Mr. SIMS. Does the gentleman admit that upon the mere demand of a public-service corporation, that serves the unrepresented good people of this District, he is willing to give them power to capitalize their property at five to one of its existing capitalization?

Mr. MUDD. As to the watering of stock, which the gentleman seems to think possible under this bill, that is a question about which I know very little. There ought to be some correspondence between the face and the market value. But the question to which I had arisen was that the gentleman had said that there was no hearing, and I say that there was no demand for a hearing, and that the bill was not introduced in hot haste and rushed through, as the gentleman has stated here. No one in this city appeared before the committee and opposed this bill. I want to say that to the House as a matter of fact.

Mr. RAY of New York. Now, with the permission of the gentleman who has the floor [Mr. SIMS], I would like to ask the gentleman from Maryland a question or two.

Mr. MUDD. I will answer the questions of the gentleman as to the matters of fact. I do not propose to be called up and catechised on any theory that he may entertain and which I have not touched upon.

Mr. RAY of New York. I do not have any theories. I want a little information. I understand the gentleman is on the committee that reported this bill?

Mr. MUDD. Yes, sir.

Mr. RAY of New York. Well, then, I would like to know what information you had before the committee as to the actual value of the property owned by this company, real and personal.

Mr. MUDD. I can not say that we had anything specific as to that.

Mr. RAY of New York. Then I suppose you had none. I would like to ask the gentleman, further, upon what basis did you vote for this proposition that deliberately gives to this company authority to increase the capitalization or valuation of that stock from about three to thirteen millions and over?

Mr. MUDD. Mr. Chairman, I say the committee never proposed to do anything of the kind. The plan of capitalization which the committee proposed was this: That the face value of the stock should correspond with and the aggregate capitalization should not exceed the actual market value within three months after the reorganization. In other words, we thought that the face value should have some correspondence to the actual market value. There was no stock-watering proposition contemplated by the committee; but the object I had in interrupting was to deny that this question has been brought in hot haste before the House, and I say that any such an assumption was erroneous in point of fact.

Mr. RAY of New York. Then, if the gentleman will permit me, does the gentleman advocate that a legislative body which creates a corporation should permit it to increase its stock, to double its capital stock whenever it is found the par value has doubled in the market?

Mr. MUDD. Well, if that were the condition, and it appeared to be reached under circumstances that gave color to the charge of stock watering, there should properly be a limitation on the stock. And I want to say in this connection that the committee is willing this matter of the issue of stock shall be safeguarded by any reasonable provision in the nature of a regulation or limitation that anybody in the House might offer.

Mr. SIMS. The gentleman has made an admission upon which certainly this House can act. It has had no information upon several of these questions. Can you tell how large the surplus of this company is? Can you tell how much the laying of the mains has cost since 1894; how many miles of mains they have now? No information of that kind has been given to the committee, or to the House, and yet the House is asked to authorize the capitalization based absolutely on an unknown quantity according to the gentleman's own admission. [Applause.]

Now, that is a wonderful argument on which to ask the serious consideration and action of this House. We have no information which is worth anything as to the actual value. The bill was reported the same day, as the gentleman showed, the other was introduced, in February, without any consideration, without proof, without hearing any information, with nothing only the most noble, generous, good will of the majority of the committee in charge of the legislative measure.

Mr. BLACKBURN. I would like to ask the gentleman from Tennessee why it is that he desires this information to give to the House? He did not get it as a member of the committee.

Mr. SIMS. I am unable to get it now from the distinguished gentleman who has just spoken [Mr. MUDD]. I do not believe the committee has it. I do not believe the gentleman himself has it, although he is ready to vote for this bill without any information, apparently. I only know of one good rule when you do not know, and that is, when you are uninformed do not support the positive side of any question. Why not have a bill introduced here to consolidate and recapitalize this company and have hearings and let us know the facts; and then when we have acted let nothing come up in our rear of which we shall be ashamed the balance of our days?

Mr. GAINES of Tennessee. Is it not a fact, if the gentleman will allow me an interruption, that at the last Congress a similar bill was before the House and nobody appeared before the committee to approve or disapprove the bill, and for that reason and others important it was sent back to the committee?

Mr. SIMS. That is certainly true. The strength of this bill is purely unlimited ignorance of the affairs of the company, and the gentleman in charge of it knows that as well as anybody else. These gentlemen have withheld all information if they ever had it. I do not want to vote to reduce the price of gas to 75 cents. It may be it is too high, that it is higher than it ought to be, but, not being a gas expert, I do not want to vote to reduce it to that figure without investigation, for I might be doing an injustice. But when you provide for an unreasonable issue of stock, then a just and reasonable limitation in the price of gas must be made. There is no proposition better settled in the law than that.

We are not injuring these gentlemen. If they can sell a twenty-dollar share of stock for $80 and draw dividends on it at that amount, what great public demand is there that this House shall stop national business of importance in order to recapitalize their companies from $2,700,000 so that it may be possible by manipulation to make it $13,750,000?

I want to tell gentlemen in this House that if there are enough members who will stand by us, that you gentlemen have got to go on record in voting for this bill, and when you do it I imagine you will have a manacle about your necks that when you go about talking of the beef trust and the steel trust or any other trust you will have to exhibit a label of "gas trust" in the national city which had no representation, in which the Government was a one-fourth consumer, made possible by your votes. I have no personal ill-feeling against any gentleman on the committee; they are my personal friends and I am glad to number

them among my friends; I only allude to their action as a committee. I have not intentionally misstated a single fact. The committee admits that it is without information, and here is a proposition to capitalize, or make it possible to capitalize, companies whose capital is now a little over two million to thirteen million. The consumers of gas in the city of Washington have got to bear the burden put upon them for future years. You are legislating for the people in the future who are manacled and have no power to represent themselves. [Applause.]

Now, Mr. Chairman, I do not know how much time I have left, but I will reserve what I have for the present.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2036) granting an increase of pension to Etta Adair Anderson.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 11133. An act granting an increase of pension to James D. Lafferty;

H. R. 4451. An act granting an increase of pension to George K. Thompson;

H. R. 8341. An act granting a pension to Hannah C. Chase;

H. R. 13036. An act granting an increase of pension to John B. Greenhalgh;

H. R. 10821. An act granting an increase of pension to Abby T. Daniels;

H. R. 12978. An act granting an increase of pension to Charles F. Smith;

H. R. 13019. An act granting an increase of pension to Marietta Elizabeth Stanton;

H. R. 10488. An act granting an increase of pension to Kate W. Milward;

H. R. 5865. An act granting an increase of pension to John C. Campbell;

H. R. 11170. An act granting an increase of pension to William Kunselman;

H. R. 1724. An act granting an increase of pension to Daniel F. Thompson;

H. R. 3238. An act granting an increase of pension to Lorenzo Weeks;

H. R. 7229. An act granting an increase of pension to Edwin M. Dunning;

H. R. 6172. An act granting an increase of pension to Friedrich Weimar; and

H. R. 7228. An act granting an increase of pension to Christian Christianson.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. LODGE, and Mr. MORGAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2375. An act granting an increase of pension to Daniel Ridinger;

S. 2653. An act granting an increase of pension to Joshua Weaver;

S. 5047. An act granting a pension to E. C. Curtis;

S. 4765. An act granting an increase of pension to H. R. Rutledge; and

S. 5718. An act providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 4103. An act granting a pension to William C. Hickox;

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway;

H. R. 6625. An act granting an increase of pension to Mary T. Downing;

H. R. 9606. An act granting a pension to Charles Blitz;

H. R. 9544. An act granting an increase of pension to George W. Barry; and

H. R. 1346. An act granting a pension to Adelbert L. Orr.

WASHINGTON AND GEORGETOWN GASLIGHT COMPANIES.

The committee resumed its session.

Mr. GAINES of Tennessee. Mr. Chairman, this is a very important matter, and it seems to me that members ought to listen to it. I am going to call for a quorum, for I do not think there is a quorum here, and I think we ought to have it. I do not wish to block business, but I think members ought to be here and listen to this debate.

Mr. JENKINS. Mr. Chairman, I make the point of order that there is nothing that requires a quorum to be present when there is debate.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that a quorum is necessary at all times.

Mr. GAINES of Tennessee. I do not wish to detain the House, but I want a quorum to listen to this debate.

Mr. JENKINS. It is very evident, Mr. Chairman, that a quorum is present.

The CHAIRMAN. The Chair will count.

Mr. GAINES of Tennessee. Mr. Chairman, I see that many members have come into the Chamber since the Chair began to count. I am satisfied that a quorum is now present, and I withdraw the point of order.

The CHAIRMAN (having counted). A quorum of the committee is present.

Mr. JENKINS. Mr. Chairman, I ask unanimous consent that general debate be concluded at half-past 3.

Mr. UNDERWOOD. I object to that, Mr. Chairman. I desire to take the floor if nobody else desires to be heard.

Mr. COWHERD. I think if the gentleman from Wisconsin will permit me——

Mr. JENKINS. I withdraw the request, Mr. Chairman; I do not care how long the question is discussed.

Mr. UNDERWOOD. I understand, Mr. Chairman, that some member of the committee desires to occupy the floor, and I will yield now and ask to be recognized later.

Mr. STEWART of New York. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 28 minutes.

Mr. STEWART of New York. I desire to yield ten minutes to my colleague from New York, Mr. DRISCOLL.

Mr. DRISCOLL. Mr. Chairman, a few days ago I was requested to read this bill. I did so, and it struck me as so extraordinary and barefaced in its provisions that I went to the report of the committee to see what they had to say about it. But the report of the majority of this committee is very brief, and not very luminous. It does not give the history in detail of these companies, or either of them. It does not state the ways and means by which the capitalization of this company has been increased from year to year. It does not state the dividends received by the stockholders of these corporations from year to year. In fact, it does not state any fact which we ought to know on this important question before we legislate upon it; for, Mr. Chairman, this is an important question—more important than the few million dollars which this bill proposes to put into the hands of this monopoly, more important than the few million dollars which it is proposed to take from the people of the District of Columbia, and from the Government of the United States, which is also a consumer of the gas furnished by this company.

At the present time our President and our Attorney-General are trying to clip the wings of the meat magnates out West. They are trying to stop their extortionate demands upon the poor people. Now, if we can not legislate directly against combinations and monopolies, we certainly ought not by positive and active legislation favor a monopoly, trust, and combine. We should put ourselves right on this question now.

What are the objects of this bill? As stated, the first object is that the people beyond Rock Creek, over in Georgetown, may have gas for $1 per thousand feet. Let me ask, Is there no other way to reduce the price of gas 25 cents per thousand to those people aside from increasing the capital stock of this company fivefold? Has this Congress no jurisdiction or power over this corporation, which it created?

The second avowed object is that these two companies may be consolidated in order that there may be one set of books and one set of officers. Generally, that sort of proceeding reduces expenses—is along the line of economy. But let me ask, Is it necessary in order to accomplish this economical arrangement that the stock be increased fivefold?

What is the reason we should give this company several million dollars by this act of legislation? Is this company in dire necessity? Is it poor? Has it done anything for which this Congress is under obligation to it? Has it rendered some great service to the public or to the country or to anybody? It was organized in 1848 with a capital of $50,000—$42,500 paid in cash and $7,500 in capital stock passed around as a bonus. Did it have any chance to lose? Why, sir, the method of manufacturing gas was not an occult science. It was well known. Plenty of coal was near by; plenty of water was in the Potomac. The materials for making gas were abundant. This was a monopoly. It took no chances of loss, because it could always charge enough, and Congress would support it in charging enough, to return fair dividends on

its stock and on its investments. Therefore, I say, it took no chances of losing. Why, then, should it be favored by this Congress to the extent of several million dollars? Why should it be favored by increasing every $20 share of its stock to $100 par value, in order that it may reap dividends in the future on this increased capitalization?

The committee say in their report that this company has been conducted along the lines of good business management. Oh, Mr. Chairman, I admit it—most excellent business management! From a capital of $50,000, it has by means of this excellent management increased year after year until it has now a capital of $2,600,000. And this has been gathered in from the people in the form of dividends by reason of the price which has been charged for gas; and all this time this company has been paying from 10 to 65 per cent annual dividends. Oh, yes; there has been most excellent management on the part of this company.

But why have they obtained such large rewards, such great returns? Because Congress has permitted them to charge such a price for gas that they could increase their capitalization from their profits from $50,000 to $2,600,000 and pay these enormous dividends besides. It is because this Congress has permitted this monopoly to impose upon the people. And, sir, if this company succeeds in humbugging this Congress now to permit them to increase the stock from $2,600,000 to $13,000,000, that also will be a stroke of most excellent business management on the part of this company.

What is the next reason why this capital stock should be increased? Why, they say it should be done in order that the people of the District of Columbia may receive their gas at a uniform rate. For this reason they want to increase the capitalization from $2,600,000 to $13,000,000. Well, gentlemen, that is an old argument. It may be plausible, but it is a foxy argument. It seems to me I have heard it before. Why, sir, away back years ago when the Standard Oil Company wished to get a monopoly they said, "In order that the poor people may receive oil at a uniform rate we want to drive all competition out of the market." And they did so. Later on the coal barons said, "In order that the poor people may have coal at a uniform rate we will drive out all competition." And they did. And now they can jockey up the price just as they take the notion.

Later on the New York Sugar Refining Company said: "In order that the people may have sugar at a uniform rate we will drive out all competition." And they have been trying to do it, as Mr. Havemeyer testified before the Senate committee only a few days ago. Later on the big butchers of the West began to have enlargement of the heart; they were moved by generous impulses toward the poor people. They said: "In order that the poor people may have meat at a uniform rate, we want to drive out all competition, so that we may control the market and give them cheap meat." They drove out competition, and now the President and the Attorney-General are trying to stop them from charging exhorbitant rates to these same poor people. Beware of the Greeks bearing gifts; beware of the magnanimous promises on the part of these monopolies; beware of any class of people who are trying to screw more money out of the poor. I understand that Mr. John R. McLean is a large stockholder in this corporation and president of it. I am informed he is a very rich man, but he probably would like a little more, in order that he may pay the expenses, the legitimate expenses, of another campaign out in Ohio. But I do not want to be partisan in this speech, because when it comes to making money Republicans and Democrats are alike and politics do not count.

Mr. SHATTUC. You do not believe in trusts——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. STEWART of New York. Mr. Chairman, I yield the gentleman five minutes more.

Mr. SHATTUC. If you do not believe in trusts, if you consolidate these two trusts, won't you get rid of one? [Laughter.]

Mr. DRISCOLL. Yes; what is the point of that?

Mr. NORTON. You are eliminating one trust. [Laughter.]

Mr. DRISCOLL. That may seem funny, but it is not very funny to the people of the District, if you are permitted to increase this company's capitalization fivefold. If you give this stock a certificate of character so that the holders may go out and sell it at par, the purchasers will come before this Congress in years to come and say the price of gas must be kept up in order that they may receive a fair dividend on their holdings. That will be no joke, for generations to come, if this proposition goes through.

Mr. GAINES of Tennessee. Will the gentleman permit a question?

Mr. DRISCOLL. Yes.

Mr. GAINES of Tennessee. You spoke of John R. McLean a moment ago being behind this matter, and that it is a monopoly, and you are denouncing it here. The Democrats over there have been doing the same thing, have they not?

Mr. DRISCOLL. Yes. But I want to say this is not a party question. When it comes to making money, Republicans and Democrats join hands to screw and press a little more out of the blood and tears of the people.

Mr. JENKINS. I would like to ask the gentleman a question. Has Mr. McLean approached the gentleman from New York on this question?

Mr. DRISCOLL. No. I have never seen the gentleman in my life.

Mr. JENKINS. Do you know whether he has approached the gentleman from Tennessee [Mr. GAINES]?

Mr. GAINES of Tennessee. I can say to the gentleman that he has not, and neither has any other man that ever lived to do a wrong.

Mr. DRISCOLL. I do not know anything about approaching the gentleman from Tennessee.

Mr. JENKINS. Mr. McLean is but one stockholder among a thousand.

Mr. DRISCOLL. I am not criticising Mr. McLean any more than the others. I say that Republicans and Democrats and Prohibitionists and Mugwumps, when it comes to making money, join hands to screw up prices and wring money out of the people.

Mr. STEVENS of Minnesota. If I understand the gentleman from New York, his statement is that Republicans, Democrats, Mugwumps, and Prohibitionists are frauds.

Mr. DRISCOLL. No; you do not. I say when it comes to making money, when they attempt to make more money under cover of law out of a public utility, then they are frauds, if you call that fraud.

Mr. JENKINS. Will the gentleman from New York yield to a further question?

Mr. DRISCOLL. Yes.

Mr. JENKINS. To what party does the gentleman from New York belong?

Mr. DRISCOLL. I am here as a Republican with a large majority.

Mr. JENKINS. I understand you to say that all Republicans are frauds.

Mr. DRISCOLL. No; I do not. I say when it comes to making money—to screwing money out of people by monopoly or by protection of law—there is no difference between Democrats and Republicans. Human nature is alike in that respect.

Mr. JENKINS. The gentleman from New York, then, is screwing money out of the people all the time, is he?

Mr. DRISCOLL. No; I am not.

Mr. JENKINS. Only a part of the time? [Laughter.]

Mr. DRISCOLL. No; and I am against this bill because you want to screw several millions out of the people and put it into the pockets of this great monopoly. Let me say one word here before I close. I want to call the attention of my friends from Illinois to the fact that they had a Republican convention out there the other day, and they passed resolutions against trusts and made speeches against trusts. Speeches against trusts now are keynote speeches. No man can go out from this hall and accept a nomination, either Republican or Democrat, without talking against trusts which they call keynote speeches, and the Republican platform of Illinois because it denounced trusts is a keynote platform. I do not know how any Republican from Illinois can after reading the platform of his State vote for this bill. I do not know whether the gentleman from Maryland, who was talking for the bill a few moments ago, can go over across the border and talk against trusts in his district. If he wants to be sincere, let him vote against it. If he votes for it, he will have a hard time making the people believe he is sincere when he is railing against trusts and combinations and monopolies next fall.

And what I say to him I wish to apply to every man on either side of the main aisle of this House. I want to say to the gentleman from Wisconsin [Mr. BABCOCK], who is chairman of this District of Columbia Committee, and also chairman of the Republican Congressional Committee, that if he stands here against this bill and hits it hard, he will accomplish more, and it will be a better document for circulation next fall, for his party, than all the literature he can send out if he votes for and stands by this bill here. [Applause.]

Mr. JENKINS. Will the gentleman from New York yield to me?

Mr. DRISCOLL. Yes.

Mr. JENKINS. I want to say to the gentleman from New York that the gentleman from Wisconsin [Mr. BABCOCK], to whom the gentleman from New York has recently referred, is absent from this House on account of sickness. He never does anything for political effect. He does just exactly what he thinks is right, and he is standing for this bill because he knows it is right.

Mr. DRISCOLL. I may certainly give my opinion of his attitude in this particular case. I am not impugning his motives.

Mr. JENKINS. The gentleman from Wisconsin you refer to is not a demagogue.

Mr. DRISCOLL. I am simply talking about this bill. It is wrong, and on its face it is an outrage.

There are some gentlemen who propose to amend this bill. It is apparent it can not go through as it is. Every man who loves fair play, every man who insists that another man shall get a dollar's worth of any sort of product for a dollar, will be against this bill. Now, it is proposed to amend it. I hope the gentleman from Maine [Mr. LITTLEFIELD] will not offer his amendment. I hope no other gentleman will offer any amendment. I hope this bill will be killed, because I believe that every man here who is against trusts and combinations of this kind will hit this bill and hit it hard. Then let this company come forward with its record. Let it show where it has made its money; let it show how much surplus it has; let it disclose all the facts, and this Congress in the future will be able to determine what it shall be capitalized at. If this amendment comes up, let it be killed now, and let us not give up the jurisdiction of this Congress over this company and its affairs. Let us retain in the hands of Congress this jurisdiction, so that in the future we may regulate the price of gas and regulate the capitalization of this company. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I have but little to say as to why this bill should not become a law. Members of the committee have very ably stated their objection to the bill, and there is no reason why I should take part in the debate except that I want to put on record my protest against this class of legislation. I have no objection to these two companies consolidating. It seems that one company was organized in Georgetown when it was a separate political organization from Washington, and the other company in Washington, many years ago. Washington and Georgetown are now the same city, and if it is more convenient for the stockholders, who I understand own the two companies together, to have them under one management, I see no objection to that. There is a law now on the statute books that authorizes them to make that consolidation, so that, so far as that is concerned, there is no necessity for further consideration by this Congress.

But my objection to the bill goes to the other question, and that is the question of authorizing these companies, under a bill for the consolidation of the two companies, to increase their capital stock $11,000,000. So far as private corporations are concerned, corporations not acting in a public capacity, it is no concern of mine, no concern of yours, and no concern of the people whom we represent how much capitalization they have. It is of little importance to us whether a furnace company manufacturing pig iron for sale has a capitalization of a hundred thousand dollars or a million dollars, because that makes the product of the furnace no higher and no cheaper. It affects the price in no way. That is one class of corporations doing business in this country.

There is another class of corporations occupying a quasi-public position. Railroad companies, telegraph and telephone companies, gas companies, and water companies belong to this latter class. In these companies the stockholders are not the only ones interested. They serve the public. They perform a public duty. The public are required to pay for that service, and the question of how much money the public must pay depends to a certain extent on the amount of the capitalization of those companies. Therefore when you come to a company such as this, a company that has a public duty to perform, a company that sells its product to the people, a company in which every citizen of the District is interested, it is our duty as legislators to consider carefully the amount of capitalization of the company and know whether or not the people whom that company served are to be taxed to pay the dividends on a fair capitalization of the capital stock or on watered stock. Now, what is the history of this company? I have no objection to the people who have money invested in this company receiving a fair and honest return on the money invested.

They have subserved a public need by investing their money in a public enterprise serving the people of this town, and as long as that service is rendered legitimately and properly they should be protected and fostered, but when they ask the people of the city of Washington to pay them unjust and undue dividends on the capitalization of their company, then they are exceeding their legitimate powers and taking that from the people of the District that they are not entitled to receive from them. That is the whole proposition before us.

Now, what is the history of this company? I find that in the year 1848, over fifty years ago, this company was organized with an authorized capitalization of $50,000; that there was only $42,000 actually paid in, and the balance of the capital stock was water up to $50,000. They started out in the very inception of the company by watering their stock, and giving a money bonus to the stockholders, and to receive dividends on that from the people of the District of Columbia. Of course, when the town was small and the consumers were few the company did not make very much money and did not receive a large amount of dividends. But I find from the very able report made by the gentleman who makes the minority report in this case that in the year 1874 this company paid a dividend of 55 per cent to its stockholders; serving a public interest and yet gathered from the people of this District enough money to pay its stockholders 55 per cent on its capital stock.

In 1876 they paid 65 per cent; in 1878 they paid 15 per cent; in 1879 and in 1880 they paid the same per cent, and in the report made at the time when Mr. Randall was Speaker of the House of Representatives they admitted that for thirty-one years they had paid an average to their stockholders of 16¼ per cent, besides the betterments that they had paid for. In 1881 they paid 10 per cent; in 1882 they paid 10 per cent; in 1884 they paid 50 per cent dividend; in 1885 they paid 12½ per cent dividend, and in addition to that they reported in 1896 to the chairman of the District Committee that for that year they had paid 33 per cent dividend on their capital stock.

Mr. COWHERD. That was a statement in the minority report, which was made by estimating the stock at $2,000,000. As a matter of fact, they paid 30 per cent and 6 per cent besides.

Mr. UNDERWOOD. I thank the gentleman for the correction, and that only carries out my statement. Instead of 33 per cent, it seems they paid 30 per cent and then 6 per cent on top of that. So the result is that here this company has been in existence for over fifty years and at no time have they paid less than 10 per cent dividends to their stockholders, and on several occasions they have paid as much as 50 per cent, and many times over 25 per cent. Now, it does not appear from any report we have here that they ever called on their stockholders for a single additional dollar of subscription of capital stock since they were incorporated. The entire expansion of the plant, the building of the plant, increasing the piping necessary, has all come from the profits they have collected from the sale of gas to the people of the District of Columbia. They have made it out of the people who have bought gas in the city, and with the returns of the dividends they have received they have increased their capital stock without putting in a single dollar out of their pockets over the $42,000 that they originally invested until it has increased to $2,750,000 to-day.

Now, that is what they have already increased this capital to; and what do they propose in this bill? They propose, because they can pay a dividend on $13,750,000, to increase the capital stock of the company to their dividend-earning capacity. Now, what do they acquire their dividend-earning capacity from? Does it belong to this company? Is it because this property that pays this dividend belongs to the gas company of Washington? If it does, why, then, naturally they might be entitled to increase their capital stock. What it pays this dividend on is the franchise, or the right to sell gas to the people of this city. That is what gives value to the property of this company, and that alone gives value to it.

Mr. JENKINS. With the permission of the gentleman, I will move that the committee do now rise.

Mr. UNDERWOOD. I have no objection. I will yield for that purpose.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. HASKINS, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13405 and had come to no resolution thereon.

FOR THE RELIEF OF CITIZENS OF THE WEST INDIES.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent to call up the bill (S. 5736) for the relief of the citizens of the West Indies.

The SPEAKER. The gentleman from Indiana, by instruction of the Committee on Appropriations, calls up the bill S. 5736.

Mr. UNDERWOOD. Mr. Speaker, I did not know that the committee had arisen to transact business. I understood it was merely an informal matter.

The SPEAKER. The Chair will state that the committee rose for the purpose of transacting business. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to cause to be purchased such provisions, clothing, medicines, and other necessary articles as he shall deem advisable, and tender the same in the name of the Government of the United States to that of France for the relief of the citizens who have suffered by the late earthquake and eruption in the islands of the French West Indies.

SEC. 2. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into operation this act.

SEC. 3. That the Secretary of War is authorized to use necessary steamers and vessels belonging to the Government to carry into effect the purpose of this act.

Mr. HEMENWAY. Mr. Speaker, I ask that the Clerk read the report of the Committee on Appropriations.

The SPEAKER. The Clerk will read the report.

The report (by Mr. HEMENWAY) was read, as follows:

The Committee on Appropriations, to whom was referred Senate bill 5736, for the relief of citizens of the French West Indies, having considered the same, report it back herewith, and recommend its passage amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"To enable the President of the United States to procure and distribute among the suffering and destitute people of the islands of the French West Indies such provisions, clothing, medicines, and other necessary articles, and to take such other steps as he shall deem advisable for the purpose of rescuing and succoring the people who are in peril and threatened with starvation, the sum of $200,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"In the execution of this act the President is requested to ask and obtain the approval of the French Government, and he is hereby authorized to employ any vessels of the United States Navy and to charter and employ any other suitable steamship or vessel."

Mr. UNDERWOOD. Mr. Speaker, this comes up by unanimous consent, does it not?

The SPEAKER. It does.

Mr. UNDERWOOD. I wish to state that I am opposed to this bill and expect to vote against it. If the gentleman from Indiana will ask for consideration at the proper time, I will not object, but I think it ought to be discussed. It can not be discussed in the midst of a speech in relation to another matter, and I therefore ask the gentleman if he will not withdraw the request for the consideration of the bill for the present?

Mr. HEMENWAY. Mr. Speaker, I want to say if we are to tender this aid at all, it must be done promptly. These people are suffering, and they must be rescued promptly if rescued at all. While the gentleman from Alabama and others are discussing the bill before the Committee of the Whole, these people may be dying. If there is any reason why this bill tendering this aid should pass at all, it should be passed at once. I see no reason why it should not be discussed at this time if it needs to be discussed.

Mr. UNDERWOOD. Perhaps the gentleman from Indiana sees no reason why it should not be discussed, but I see reasons why I desire to state why the bill should not be passed.

The SPEAKER. The Chair will state that it is open now to a full discussion.

Mr. UNDERWOOD. Well, Mr. Speaker, if the House desires me to state my reasons why I do not think it is proper to pass the bill, I will state them now. I desire to vote against it. If it is a unanimous report by the committee of the House and the gentleman from Indiana will state that we shall dispense with the consideration of the bill before the committee for the time and will give an opportunity for discussing this, I am ready to give my reasons now.

Mr. HEMENWAY. That is what will be done if the bill is considered by unanimous consent.

The SPEAKER. The gentleman from Alabama desires to know if this is the unanimous report of the committee.

Mr. HEMENWAY. It is.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman from Indiana says that he will yield the floor for a reasonable debate on this bill. I will state that I do not object, although I expect to vote against it.

The SPEAKER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. HEMENWAY. Mr. Speaker, I will state to the House briefly that the amendment increases the amount from one to two hundred thousand dollars. In view of the President's message recommending $500,000, the Committee on Appropriations have learned that very liberal contributions are being made by people in the United States; in fact, I have just been handed a letter by the gentleman from Maine [Mr. ALLEN] from J. H. Hamlin & Co., of Portland, Me., stating that they have wired a contribution of $500. We find that liberal contributions are being made in other cities of the United States.

In view of that fact, we thought an appropriation of $200,000 would be sufficient, and it is sufficient, no doubt, to relieve present distress. If it is found necessary, Congress can increase the amount later on; but what they want now is prompt action. The other change we make is that the vessels of the Navy are made available. The Senate resolution permitted the Secretary of War to use such transports as he had. We find that the Secretary of War has no transports on the Atlantic side that can be used, and so we give the President the authority to use vessels of the Navy in carrying out the provisions of the bill. I think it is proper that we should report the bill at this time, because delay is dangerous and this matter ought to be promptly passed. The Secretary of State has received the following telegram:

[Copy of telegram received plain.]

FORT DE FRANCE, *May 11, 1902.* (Received 10.05 p. m.)

SECRETARY OF STATE, *Washington:*

Disaster complete. City wiped out. Consul Prentis and family dead. Governor says 30,000 dead, 50,000 homeless, hungry. Ask Red Cross codfish, flour, beans, rice, salt meats, biscuits, quick as possible. Visit of war vessels valuable.

AYMÉ, *Consul, Martinique.*

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Alabama?

Mr. HEMENWAY. I do.

Mr. UNDERWOOD. Mr. Speaker——

Mr. FITZGERALD. Will the gentleman from Indiana [Mr. HEMENWAY] yield to me for a question before the gentleman from Alabama [Mr. UNDERWOOD] proceeds?

The SPEAKER. The gentleman from Indiana has yielded to the gentleman from Alabama, who has been recognized for fifteen minutes.

Mr. UNDERWOOD. Mr. Speaker, on Saturday last, when this bill came from the Senate, it was proposed that it should be taken up at once and considered by the House without going through the usual channels of consideration. I insisted that before action was taken by the House the bill should go to the Committee on Appropriations, where the matter could be investigated. I think such a course is proper with all propositions of this kind.

My objection at that time was not merely because I was opposed to the bill, but because I thought the usual course should be pursued under the circumstances. This morning the Committee on Appropriations have brought in a bill, agreed to unanimously by the Republican and Democratic members of that committee, declaring that, in the judgment of the committee, this appropriation should be made. I do not think it wise or expedient or proper to pass this class of legislation; but under the existing circumstances in this case, although I know my single objection might kill the bill, I am not willing to stand in the way of legislation and say that I must determine the question, not my colleagues on the floor of this House. Therefore I have not renewed my objection to the bill. But I wish to state why I intend to vote against it.

There is no man on the floor of this House who has more sympathy for those who are in suffering and distress than I have. I doubt whether there is a man within the sound of my voice whose heart does not go out in sympathy toward those poor suffering people. But there are thousands of suffering people throughout this world with whom we sympathize to-day and will in the future. We stand not here, my colleagues, to legislate on our sympathy or the impulse of our heartstrings. We stand here as the trustees of a great people, a generous people, a kind people, an impulsive people when distress stares them in the face. But because our constituency may open their hearts and yield to their impulses and be guided by that great, that divine principle of kind feeling and charity toward those who are in suffering and distress, does it mean that you and I, as the trustees of those people, should be reckless in our guardianship of the trust that has been delegated to us and left in our hands to administer? I think not.

Here are a people to the south of us, 1,600 miles from the coast of Florida, who have met with a fearful calamity. They are subjects of the Republic of France—a great nation, a powerful nation, a nation of wealth, a nation whose proud boast is that it has always taken care of its own people and is always able and willing to do so. The island of Martinique, where this great disaster has taken place, is surrounded by other islands belonging to the Republic of France. The public dispatches tell us to-day that there are vessels of that nation in that vicinity and that the French Chamber of Commerce has appropriated $100,000, and has ordered those vessels to succor the distressed. The French nation is proceeding with her war vessels and her money to take care of her own people. She has not asked us to interfere in the matter.

If the Republic of France were unable to take care of her citizens, if she were in distress and needed our help, it might be another matter. But, my fellow-citizens, I say that we owe a duty to our own people, a higher duty than we owe to the people of France. Our own citizens to-day are raising funds from their own pockets to contribute aid to our suffering neighbors. It is right, it is generous, it is just that they should do so. It would be right and generous and just for you and me to go into our own pockets and take out our own money and send it to the needy and suffering citizens of France. We may be generous with our own money, but I ask you what right have we to be generous with the money of our constituencies to help a foreign people? I know of none.

Mr. ROBINSON of Indiana. I do not know whether the gentleman from Alabama [Mr. UNDERWOOD] voted to relieve the

reconcentrados in Cuba when that proposition was before the House, or whether he voted for the relief of the Galveston sufferers when that measure was pending here.

Mr. UNDERWOOD. I do not think I did.

Mr. ROBINSON of Indiana. I would like to know what the gentleman's idea is as to how far the brotherhood of man extends—whether in his opinion it is limited by territorial or international lines?

Mr. UNDERWOOD. My friend, I will say that the brotherhood of man, when the interests of man as an individual are involved, extends to the circumference of the universe; but when it is a government that is involved, when it is a public trust that is to be administered, a trust placed in our hands that we must administer with justice to our own people, it does not extend beyond the powers that have been granted to us.

Mr. KLEBERG. How is it possible for the American people to act in this emergency except through their Government and their chosen representatives here?

Mr. UNDERWOOD. Why, sir, the American people are acting to-day. The gentleman from Indiana [Mr. HEMENWAY] has stated that the American people, not the American Government, are raising subscriptions to aid those sufferers in a foreign land, and that can be properly and generously done, and if necessary, the aid thus contributed can be sent to them through our consular officers.

Mr. KLEBERG. How can the provisions or other necessary succor be sent to them except by the Government—in ships of the Government?

Mr. UNDERWOOD. When Congress, some years ago, provided (not with my vote) for sending relief to the starving people of India, the citizens contributing relief hired vessels, and the Government itself hired vessels, for sending that relief. That is what is being done now.

Mr. McDERMOTT. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. McDERMOTT. There are probably now among the 70,000,000 people of the United States two or three million who are too mean to contribute. Is there any other way of making them contribute except by taking it out of the National Treasury? [Laughter.]

Mr. UNDERWOOD. Well, my friend, I have no desire to make that man by force of law contribute that is too mean to sympathize and feel sorrow for suffering humanity about him when he can go down in his own pocket and pay for it, and I say that if the men on the floor of this House who want to show their sympathy for a suffering people will go down in their own pockets and foot the bill that they will be properly expressing the sympathy they have in this matter instead of taking the money out of the pockets of their constituents to pay the bill, whether their constituents like it or not.

Now, I say, in the next place, that I do not believe that this is a dignified course for a great nation like this to pursue. I think it would have been very proper and very right for the President of the United States, immediately on hearing of the disaster at Martinique, to have telegraphed the American ambassador at Paris to express to the President of the French Republic our sincere sympathy in the great calamity that had happened to his people. Nay, I would go further than that. If our war vessels were lying off that coast and it was necessary to have ships to save the lives of those people and get them away from that burning lava, I would not have asked Congress, but I would have ordered the vessels in there to take them off that day and hour. That would have been proper and that would have been a case of emergency; but when you say that we must express our sympathy to those people by going into the pocket of somebody else and making them pay for our sympathy I can not say that I believe that that is the duty of a member of this House.

Mr. JENKINS. Now, Mr. Speaker, I would like to ask the gentleman a question, if the gentleman from Alabama will yield.

Mr. UNDERWOOD. I will.

Mr. JENKINS. I understand the gentleman from Alabama predicates his objection on general principles, and not on constitutional grounds.

Mr. UNDERWOOD. Oh, well, I will say that I do not think that the Government has that power, but I am not arguing a constitutional question here.

Mr. JENKINS. Well, I want to know what benefit it would be to those unfortunate people for the President of the United States to telegraph his condolence.

Mr. UNDERWOOD. Why, it would not be any benefit to the unfortunate people, but it would be a proper expression to the Republic of France of our sympathy. But why can not the French Republic take care of its own people? It is proceeding to do so. It has not asked us to do so.

Mr. JENKINS. Does not the gentleman from Alabama understand that this is the greatest and foremost nation in the world and that we propose to be foremost on all of these great questions, and that we have got lots of money and it is not coming out of the pockets of the poor people that the gentleman from Alabama represents? The people of the United States are ready and willing to do their duty on great occasions of this kind without reference to the Constitution or the view of the gentleman from Alabama.

Mr. UNDERWOOD. If the gentleman will not make a speech in my time, I will be very much obliged.

Mr. JENKINS. I will not make a speech in the gentleman's time; but this is a matter of immediate importance. If we propose to help those unfortunate people, we must do it now.

Mr. UNDERWOOD. I thank the gentleman for his speech in the belly of mine, but I did not yield for that purpose.

Mr. HILDEBRANT. That is the best part of the speech.

Mr. UNDERWOOD. What I say is that this is not the proper way for us to take care of other people. I know there are hundreds of men in this House—perhaps hundreds are too many, but there are many men in this House—able gentlemen, honest men, men of large hearts and conscience, men that believe just as does the gentleman from Wisconsin, that we are a great nation and that we have great power to raise money by taxation; that we have an overflowing Treasury, and that we ought to distribute it to all mankind, but I do not believe that I was elected here for that purpose. I do not expect to prevent the passage of this bill, but in my own humble capacity I desire to say that I do not believe it is right to express our sympathy or our sorrow with the money of our constituents, and I do not think it is a dignified course for this Government as a government to pursue.

The SPEAKER. The question is on agreeing to the amendment.

Mr. HEMENWAY. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. GROSVENOR. Mr. Speaker, I rose merely to demand the yeas and nays upon the main question and not upon the amendment.

Mr. McRAE. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Arkansas?

Mr. McRAE. I want only a couple of minutes.

Mr. HEMENWAY. I yield the gentleman two minutes.

Mr. McRAE. Mr. Speaker, when calamity comes down soul rises up. The hearts of our people have been deeply touched by the awful disaster that has befallen the people of this unfortunate island. In the presence of such great desolation we should not stop to draw nice constitutional distinctions. We have precedents, and that is enough for me. I have respect for those who have misgivings as to the power of the Government to grant such aid, and I shall have no quarrel with them, but I am glad that I can feel in my own consciousness that my Government has the disposition and power to act in an emergency like this, and can extend not only its sympathy, but substantial relief to the sufferers of a sister Republic. [Loud applause.] I would like to see this resolution pass unanimously, but if it can not be my pleasure to see that, I hope at least that it will pass promptly and let these poor, unfortunate people who are suffering as no people have within the life of any man now living receive the benefit of our beneficence.

Mr. HEMENWAY. I yield one minute to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this is the unanimous action of the Committee on Appropriations. It is the custom of this country, and has been since the day that we have had a Republic, to do just this thing, and I should hate to see this country turn back upon its record and fail to meet the wants of suffering humanity, whether in the island of Martinique or whether in the uttermost parts of the earth, wherever it may be, and I hope this House will, without a dissenting voice, vote for this appropriation. [Applause.]

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

Mr. FITZGERALD. Mr. Speaker, will the gentleman permit an amendment to make it $500,000, in accordance with the request of the President?

Mr. HEMENWAY. This is the unanimous action of the Committee on Appropriations, and I can not yield for that purpose. I hope there will be no further discussion.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSVENOR. Mr. Speaker, I demand the yeas and nays.

Mr. BALL of Texas. I hope the gentleman will withdraw the request. We do not want any politics in this.

The SPEAKER. The gentleman from Ohio demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they can be counted.

Thirty members having risen,

The SPEAKER. Does anyone demand the other side?

Mr. JENKINS. I demand the other side, Mr. Speaker.

The other side being taken, 103 members rose in opposition to the demand.

The SPEAKER. Thirty members, a sufficient number, having risen, the yeas and nays are ordered. The question is on the passage of the joint resolution.

The question was taken; and there were—yeas 197, nays 9, answered "present" 11, not voting 134, as follows:

YEAS—197.

Adams,	Driscoll,	Lever,	Roberts,
Adamson,	Eddy,	Lewis, Pa.	Robinson, Ind.
Alexander,	Edwards,	Littlefield,	Robinson, Nebr.
Allen, Ky.	Evans,	Livingston,	Rucker,
Allen, Me.	Fitzgerald,	Lloyd,	Ruppert,
Ball, Tex.	Flood,	Long,	Russell,
Bankhead,	Foster, Vt.	Loudenslager,	Ryan,
Barney,	Fox,	Lovering,	Scarborough,
Bates,	Gardner, Mich.	McCleary,	Schirm,
Beidler,	Gibson,	McCulloch,	Scott,
Bell,	Gillet, N. Y.	McDermott,	Shafroth,
Bellamy,	Glenn,	McLachlan,	Shallenberger,
Bishop,	Gooch,	McLain,	Shattuc,
Blackburn,	Gordon,	McRae,	Showalter,
Blakeney,	Graff,	Mahoney,	Sibley,
Boutell,	Graham,	Mann,	Sims,
Bowersock,	Green, Pa.	Marshall,	Skiles,
Brantley,	Griffith,	Martin,	Smith, Ill.
Breazeale,	Griggs,	Maynard,	Smith, Iowa
Brick,	Grosvenor,	Mercer,	Smith, Ky.
Bristow,	Grow,	Miers, Ind.	Smith, S. W.
Brundidge,	Haskins,	Miller,	Smith, Wm. Alden
Bull,	Hay,	Mondell,	Southard,
Burke, S. Dak.	Heatwole,	Moody, N. C.	Sperry,
Burkett,	Hemenway,	Moody, Oreg.	Spight,
Butler, Mo.	Henry, Conn.	Morgan,	Stark,
Butler, Pa.	Hepburn,	Morris,	Stewart, N. Y.
Calderhead,	Hildebrant,	Mudd,	Sulzer,
Capron,	Hill,	Needham,	Swanson,
Clark,	Hitt,	Neville,	Tayler, Ohio
Cochran,	Holliday,	Nevin,	Thayer,
Conry,	Hooker,	Newlands,	Thomas, Iowa
Cooney,	Howard,	Norton,	Tirrell,
Cooper, Wis.	Jenkins,	Otjen,	Tompkins, Ohio
Corliss,	Jett,	Overstreet,	Trimble.
Creamer,	Johnson,	Padgett,	Vandiver,
Cromer,	Jones, Va.	Palmer,	Van Voorhis,
Crumpacker,	Jones, Wash.	Parker,	Vreeland,
Currier,	Kehoe,	Payne,	Wanger,
Curtis,	Ketcham,	Pou,	Warnock,
Dalzell,	Kleberg,	Powers, Me.	Watson,
Davidson,	Kluttz,	Powers, Mass.	Weeks,
Davis, Fla.	Kyle,	Ransdell, La.	White,
Dayton,	Lacey,	Ray, N. Y.	Williams, Ill.
De Armond,	Landis,	Reeder,	Wilson,
Deemer,	Lassiter,	Reid,	Woods,
Dick,	Latimer,	Reeves,	Wooten.
Dinsmore,	Lawrence,	Richardson, Ala.	
Dougherty,	Lessler,	Richardson, Tenn.	
Draper,	Lester,	Robb,	

NAYS—9.

Burgess,	Lanham,	Snodgrass,	Underwood,
Clayton,	Moon,	Tate,	Williams, Miss.
Gaines, Tenn.			

ANSWERED "PRESENT"—11.

Bartlett,	Cowherd,	McClellan,	Talbert,
Coombs,	Jackson, Kans.	Small,	Young.
Cooper, Tex.	Kitchin, Wm. W.	Stephens, Tex.	

NOT VOTING—134.

Acheson,	Dovener,	Joy,	Rixey,
Aplin,	Elliott,	Kahn,	Robertson, La.
Babcock,	Emerson,	Kern,	Rumple,
Ball, Del.	Esch,	Kitchin, Claude	Selby,
Bartholdt,	Feely,	Knapp,	Shackleford,
Belmont,	Finley,	Knox,	Shelden,
Benton,	Fleming,	Lamb,	Sheppard,
Bingham,	Fletcher,	Lewis, Ga.	Sherman,
Boreing,	Foerderer,	Lindsay,	Slayden,
Bowie,	Fordney,	Littauer,	Smith, H. C.
Bromwell,	Foss,	Little,	Snook,
Broussard,	Foster, Ill.	Loud,	Southwick,
Brown,	Fowler,	McAndrews,	Sparkman,
Brownlow,	Gaines, W. Va.	McCall,	Steele,
Burk, Pa.	Gardner, N. J.	Maddox,	Stevens, Minn.
Burleigh,	Gilbert,	Mahon,	Stewart, N. J.
Burleson,	Gill,	Metcalf,	Storm,
Burnett,	Gillett, Mass.	Meyer, La.	Sulloway,
Burton,	Goldfogle,	Mickey,	Sutherland,
Caldwell,	Greene, Mass.	Minor,	Tawney,
Candler,	Hall,	Morrell,	Taylor, Ala.
Cannon,	Hamilton,	Moss,	Thomas, N. C.
Cassel,	Hanbury,	Mutchler,	Thompson,
Cassingham,	Haugen,	Naphen,	Tompkins, N. Y.
Connell,	Hedge,	Olmsted,	Tongue,
Conner,	Henry, Miss.	Patterson, Pa.	Wachter,
Cousins,	Henry, Tex.	Patterson, Tenn.	Wadsworth,
Crowley,	Hopkins,	Pearre, Md.	Warner,
Cushman,	Howell,	Perkins,	Wheeler,
Dahle,	Hughes,	Pierce, Tenn.	Wiley,
Darragh,	Hull,	Prince,	Wright,
Davey, La.	Irwin,	Pugsley,	Zenor.
De Graffenreid,	Jack,	Randell, Tex.	
Douglas,	Jackson, Md.	Rhea,	

So the bill was passed.

The following pairs were announced:

Until further notice;

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. METCALF with Mr. WHEELER.

Mr. BROWNLOW with Mr. PIERCE.

Mr. WACHTER with Mr. SMALL.

Mr. GILL with Mr. MCANDREWS.

Mr. SKILES with Mr. TALBERT.

Mr. STEELE with Mr. COOPER of Texas.

Mr. EMERSON with Mr. GILBERT.

Mr. TAWNEY with Mr. COWHERD.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. MOSS with Mr. PUGSLEY.

Mr. JACK with Mr. FINLEY.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

For the balance of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. KAHN with Mr. BELMONT.

Mr. YOUNG with Mr. BENTON.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. WRIGHT with Mr. HALL.

Mr. MCCALL with Mr. ROBERTSON of Louisiana, until Tuesday.

For this day:

Mr. BURK of Pennsylvania with Mr. RHEA of Virginia.

Mr. IRWIN with Mr. SHEPPARD.

Mr. HOWELL with Mr. CLAUDE KITCHIN.

Mr. HULL with Mr. LAMB.

Mr. DOVENER with Mr. SHACKLEFORD.

Mr. FOWLER with Mr. BARTLETT.

Mr. SHERMAN with Mr. BURLESON.

Mr. MORRELL with Mr. GOLDFOGLE.

Mr. WADSWORTH with Mr. HENRY of Mississippi.

Mr. JOY with Mr. MADDOX.

Mr. WARNER with Mr. WILEY.

Mr. TOMPKINS of New York with Mr. THOMPSON.

Mr. SULLOWAY with Mr. THOMAS of North Carolina.

Mr. LITTAUER with Mr. LINDSAY.

Mr. STEVENS of Minnesota with Mr. SELBY.

Mr. MAHON with Mr. LITTLE.

Mr. RUMPLE with Mr. RIXEY.

Mr. PERKINS with Mr. RANDELL of Texas.

Mr. PEARRE with Mr. MICKEY.

Mr. MINOR with Mr. PATTERSON of Tennessee.

Mr. HEDGE with Mr. KERN.

Mr. HANBURY with Mr. HENRY of Texas.

Mr. GREENE of Massachusetts with Mr. FOSTER of Illinois.

Mr. FORDNEY with Mr. FLEMING.

Mr. FOERDERER with Mr. FEELY.

Mr. ESCH with Mr. ELLIOTT.

Mr. DARRAGH with Mr. DE GRAFFENREID.

Mr. COUSINS with Mr. CROWLEY.

Mr. CROMER with Mr. CANDLER.

Mr. BURTON with Mr. CALDWELL.

Mr. BURLEIGH with Mr. BOWIE.

Mr. BINGHAM with Mr. BURNETT.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. BALL of Delaware with Mr. ZENOR.

Mr. BABCOCK with Mr. MUTCHLER.

Mr. ACHESON with Mr. SNOOK.

Mr. FLETCHER with Mr. SPARKMAN.

On this vote:

Mr. SOUTHWICK with Mr. WILLIAM W. KITCHIN.

Mr. CANNON with Mr. MCCLELLAN.

Mr. SHELDEN with Mr. SLAYDEN.

Mr. JONES of Virginia. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his place and watching when his name was called?

Mr. JONES of Virginia. Yes, sir.

The SPEAKER. And did not hear? Call the name of the gentleman from Virginia.

The name of Mr. JONES of Virginia was called, and he voted "yea."

Mr. RICHARDSON of Alabama. Mr. Speaker, I understand the Clerk read my name as being paired with the gentleman from Minnesota [Mr. FLETCHER].

The SPEAKER. The gentleman is paired, as the Chair is informed.

Mr. RICHARDSON of Alabama. That is a mistake. That pair does not apply, as I understand it, to anything except the admission of the Territories.

The SPEAKER. The pair is withdrawn on the statement of the gentleman.

Mr. RICHARDSON of Alabama. I want to vote "yea" on this question.

Mr. GROSVENOR. It is announced that I am paired with Mr. SNOOK. It is a mistake.

The SPEAKER. What was the statement of the gentleman from Alabama?

Mr. RICHARDSON of Alabama. I say that my understanding is that my pair does not apply to this question, and I vote "yea."

Mr. GROSVENOR. I am in exactly the same fix. My pair with the gentleman from Ohio [Mr. SNOOK] does not apply to this vote. I voted "yea."

The SPEAKER. The gentleman from Alabama voted "yea."

Mr. RICHARDSON of Alabama. I voted "yea."

Mr. GROSVENOR. I voted "yea." I stated that it was announced at the desk that I was paired with the gentleman from Ohio [Mr. SNOOK].

The SPEAKER. The pair is withdrawn.

Mr. GROSVENOR. I voted "yea."

The SPEAKER. The Chair is so advised.

Mr. CROMER. Mr. Speaker, I was paired with the gentleman from Indiana, Mr. ZENOR, but not on this question. I voted "yea."

The SPEAKER. Does the gentleman desire his pair withdrawn?

Mr. CROMER. Yes, sir.

The SPEAKER. The pair will be withdrawn.

The result of the vote was then announced as above recorded.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

WASHINGTON AND GEORGETOWN GASLIGHT COMPANIES.

Mr. JENKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be closed at half past 4.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 13405, and pending that, asks that general debate be closed at half past 4. Is there objection?

Mr. UNDERWOOD. I understand, Mr. Speaker, that will not interfere with my having a part of the time.

Mr. JENKINS. The gentleman from Alabama is to have ten minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question now is on the motion of the gentleman from Wisconsin.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HASKINS in the chair.

Mr. UNDERWOOD. Mr. Chairman, some hour or more ago I was engaged in discussing a proposition in reference to gas. In the meantime we have taken several voyages across the ocean, and I am not sure whether I can pick up the broken remarks at the point where I left off or not.

I want to say in conclusion, in the very few minutes that I have, that I believe the reason why we ought to vote against this bill and the vicious part of this bill, is the increase of the $11,000,000 worth of capital stock that goes into the pockets of the owners of this gas company. I have already pointed out the enormous dividends that have been received by these stockholders, which show that they have increased the plant, as the city grew, without any cost to them. They have made money out of it, until they claim that this stock is able to pay a dividend not on $2,750,000 capitalization, the amount it was originally capitalized at, but on $13,750,000.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS of Mississippi. I understand the amount of money that the company has actually spent in paying for the present plant and the improvements to be about $5,000,000. Will the gentleman from Alabama vote for an amendment and for the bill afterwards if the amendment was adopted, fixing the capital stock at $5,000,000?

Mr. UNDERWOOD. I will state that if the stockholders of this company have paid out and invested $5,000,000 and have got that as representing their money in this corporation, I should be willing to capitalize it at that amount. But if the capitalization and the value of this property instead of depending on the money that these stockholders have put into it depends on the value of this franchise, and on account of the franchise it makes it worth $5,000,000, I would not vote for it. In other words, I do not believe that we have any right to capitalize a franchise for the benefit of the gas stockholders, because I believe that the franchise belongs to the people of the District of Columbia.

Mr. WILLIAMS of Mississippi. My question did not involve the capitalization of the franchise; it is the cost of the improvements and the original work.

Mr. UNDERWOOD. If it has been invested by the stockholders, I have no objection to their having a proper capitalization of the amount of money they have actually invested, and more than that, I believe they ought to receive a proper interest on that investment. I believe that the price of gas ought to be fixed so that they can receive a proper interest on that investment. But what I am complaining of is that without the actual investment of money being represented they are seeking to water this capital stock, and then receive dividends on it in place of the smaller capitalization. They want to do that so that in the future years it will be impossible for Congress to cut down the price of gas in the District of Columbia, because they will say that it is necessary for us to charge a dollar a thousand for gas in order for us to pay a fair dividend on the capital that has been issued by the Congress itself to these stockholders, and Congress in the future days will be estopped from saying that it has the right to reduce the price of gas for the people of the District of Columbia.

Now, that is the whole case in a nutshell. It is merely an effort on the part of the stockholders to put the capitalization of this company at a point where under the law and decisions of the court it will be beyond the power of Congress in the future to reduce the price of gas to the people of this District, and I am opposed to this bill for that reason. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. JENKINS. Mr. Chairman, I want to say that I regret very much that the chairman of this committee, who has had this matter in immediate and close consideration for years, is not able on account of his health to be present. If it was possible, he would be here in person defending this bill. He has asked me, on account of his inability to be present, to present a few ideas in support of this bill. I regret and have been surprised at the wild and exaggerated statements that have been made here upon this floor in opposition to this bill. It seems to me that whenever a corporation presents itself here on any question it gives every gentleman a desire to make himself popular with his people and to meet and oppose the progress of the pending measure.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me a question?

Mr. JENKINS. Certainly.

Mr. WILLIAMS of Mississippi. I understand that the amount of money actually invested in this original plant and its subsequent extension and improvements is about $5,000,000, leaving the franchise out of the question. Why not, then, in the bill fix the amount of capitalization at $5,000,000?

Mr. JENKINS. I will say to the gentleman that there are several gentlemen who desire to offer an amendment, and if the gentleman from Mississippi desires, there will be no objection as far as the committee is concerned.

Mr. WILLIAMS of Mississippi. That is what I wanted to know, whether it would be objected to by the committee.

Mr. JENKINS. Not in the least. Now, let me call attention to the facts in this case, so that every gentleman who desires to represent his constituents honestly and fairly on this floor can act.

Now, there are two gaslight companies within the jurisdiction of Congress. One is the Washington Gaslight Company, with a capitalization of 130,000 shares, the face value of which is $20 a share, the total amount being $2,600,000. Then there is the Georgetown Gas Company, with a capitalization of 6,000 shares, the face value of which is $25 a share, and with a total capitalization of $150,000. Now, those two companies simply come here to Congress to ask permission to consolidate. That is the only favor they need ask from Congress. Every other matter provided for in this bill could be obtained under the general law without coming to Congress. They have repeatedly said that they did not propose to make a single move here, so far as they were concerned, without the approval of Congress, because they were so much under the direction of Congress. They simply propose in their bill that the total capitalization shall not exceed 130,000 shares and that the value of their property shall be ascertained in any way which may be satisfactory to Congress.

It does not make any difference what proposition is made here for the purpose of determining the value of these properties. There is no gentleman on the committee—representing the majority of the committee or representing the gentlemen in the company—who will oppose any measure looking to a fair valuation.

It seems to me, Mr. Chairman, that every possible opportunity has been presented here for any gentleman who is opposed to corporations to make a direct attack upon this institution. It is

true that it started in here years and years ago under adverse circumstances. I want to know why it is that because a number of gentlemen see fit to pool their earnings and enter into an enterprise that is of value to the public they should be antagonized by Representatives in Congress or in State legislatures.

These gentlemen have put in their money in good faith; they put it in for the purpose of investment, not for the purpose of losing money. And they have added to the value of the property of this country and this city. They have spent hundreds of thousands of dollars in the interest of labor. They have spent over $25,000 a mile for as many miles of street improvement in this city. Yet my friend from Missouri says that it costs only $4,000 a mile to do this work. There are many streets in this city that require two pipes, one on each side, and I am assured, within a few hours, by honorable and reputable gentlemen representing that company that it cost them $25,000 a mile in the city of Washington to put in their improvements.

There is not a single gas consumer in the city of Washington, there is not a single stockholder of either of these companies who has come before Congress and asked any politician to help them or to protest that their interests are at stake or in danger—not a single man. And when they talk here about this matter having been "rushed" through the committee they know they are perpetrating a falsehood upon this House; and I am prepared to deny it.

The gentleman from Missouri has fairly and honestly stated this matter—that this bill has been pending before this committee for upward of three years. Every gentleman here has been well fortified with information on this subject. How is it with the gentleman from New York, who says he has been denied the privilege of exploiting himself on this bill? He has been furnished with every single piece of information that is absolutely inaccurate and absolutely false, so far as the facts are concerned. Every gentleman on this committee who has been a member of it for years has given this question most earnest consideration, and these members have testified their approval of this bill by signing the report. Not content to shield themselves behind the action of the chairman of the committee, they have individually signed the report, because, Mr. Chairman, this measure is for the interest of every gas consumer in the district.

The people of Georgetown have been before us unanimously and earnestly asking us for the passage of this bill. I never saw a single director of this company. I would not know Mr. McLean if I met him on the street. When gentlemen say they have been importuned by gentleman representing this company it is because of their weakness, not because of their strength in this House. No man has approached me since this matter has been pending in the committee. When it was presented to me I realized the situation in a moment.

There are two gas companies—one in Washington and one in Georgetown. They say, "Let us consolidate and we will reduce the price of gas in Georgetown 25 cents per thousand feet; we will put Georgetown in this respect on an equality with the people of Washington, who are paying $1 per thousand feet."

Five years ago Congress investigated this question very carefully and with great deliberation. We compared the price of gas in Washington with the price in every other place in the United States and came to the conclusion that the price here should be reduced, and it was reduced to $1 per thousand feet, with a requirement of 25 candlepower.

And here is a gentleman from Missouri standing here to-day opposing this measure when he knows very well that he was the mayor of Kansas City when this question was under consideration and that we are giving the people of Washington to-day a better quality of gas at a less rate than any other place in the United States. No gentleman on this floor can deny that.

Mr. COWHERD rose.

Mr. JENKINS. I yield, of course, to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. I understood the gentleman to say something in regard to me——

Mr. JENKINS. No; I am not saying anything with reference to the gentleman from Missouri. He must not be too sensitive. I am speaking of the price of gas in his place. I say the people there are receiving a poorer quality of gas and are paying a higher rate than the people here in the District of Columbia. It is conceded by every gentleman on this floor—it is shown by every fact that has been presented to us—that the price of gas in Washington is cheaper and the quality better than in any place in the United States.

And I want to know why gentlemen should be making a direct attack upon this institution. As I have said, I do not know a single officer of the company. No man has approached me, because he knew it would not be safe for him to do so. The proposition comes up here before us as a business proposition. These companies say, "Allow us to consolidate these two companies, and we will give the people of Georgetown gas for 25 cents a thousand less than they are paying now."

We will put them on an equality with the people of Washington. The people of Washington had this matter carefully and fully investigated by a committee of this Congress and they advised and recommended, and this Congress approved of it, a gradual reduction in the price of gas, and that took place here until they have got to-day dollar gas, cheaper than any other place in the United States, and 25 candlepower, while gentlemen here know they are representing a constituency that is charging $1.60 for 16-candlepower gas. Now, Mr. Chairman, I appreciate that it is popular to-day to attack these institutions, but I am governed only by a business proposition. They say it was hurried through the committee. Those gentlemen know they are not stating the facts. The gentleman from Missouri [Mr. COWHERD], who has been an honored and respected member of this committee for years, says this proposition has been pending before this committee for over four years.

Mr. PAYNE. He said two years.

Mr. SIMS. Mr. Chairman, the gentleman is talking about misrepresentations. I know the gentleman would not misrepresent anything himself, and I do not think he would charge anyone else with misrepresentation, unless he was justified. I would like to ask him if it is not a fact that I pleaded with that committee to put off the report of this bill until Mr. COWHERD should come back from Kansas City, because he is a practical man, and did not the gentleman vote it down?

Mr. JENKINS. Let me answer that, and let this House understand it and the country understand it. My friend from Missouri wanted to go home to secure his election, and the committee was asked to postpone a matter of great importance to give him an opportunity to come back here, and every Republican in this Congress is perfectly willing to indorse him; that if a man has got to come from Kansas City, they want Mr. COWHERD and no one else; but the gentleman proposed to postpone business and I had only one vote, like my friend the gentleman from Tennessee [Mr. SIMS]. It made no difference to me. It is well known that the chairman of that committee was sick. He wanted to make a report.

This matter has been pending for four years before the committee, and when they undertake to say it was hurried through the committee they do not want to stand up here in the face and eyes of my statement and oppose that statement. They know there was nothing rushed through that committee. It was carefully considered. Every man on that committee knew all about it, and my friend from Missouri and my friend from Tennessee [Mr. SIMS] will join me in saying that for three months they have stayed out of church and Sunday school to hunt up villainous objections to this proposition, that they ought not to find fault with, or less fault with, because we have taken this matter up and asked for prompt consideration.

Mr. SIMS. Mr. Chairman, let me make just this suggestion. If there is anything on earth that would justify a man in staying away from Sunday school and church it would be to fight such a bill as this. [Prolonged laughter.]

Mr. JENKINS. I know my friend abhors a corporation.

Mr. SIMS. Oh, no.

Mr. JENKINS. And I appreciate it. I know he is absolutely afraid of everything that has corporate qualities, but yet when I invited him in a previous Congress to put these corporations under his control, he voted against it. He is only consistent when he is voting for the Methodist Church to rob the Treasury of the United States. [Prolonged laughter.] The people of this District have no interest in this question. When the people of this District come up here, Mr. Chairman, and ask that we reduce the price of gas, I will be with them, as I have always been with them.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman a question. What I want to know is this: In the report of the minority they declare this proposition is to increase the capital stock of the consolidated company from $2,750,000 to $13,750,000, an increase of $11,000,000, unrepresented by a single additional dollar of cash or property. Is that true?

Mr. JENKINS. If my friend had been in this House he would have heard all of these things refuted some time ago. I have not time to refute them to-day. Everybody knows there is not an element of truth in that statement, simply because this corporation says that they are willing that this House should adopt any measure that will fix the capitalization at the value of their property, and we want to yield to the gentleman from Maine for the purpose of offering an amendment which we will not object to, as to fixing the capitalization at anything relative to the value of that property.

The CHAIRMAN. The time for general debate has expired, and the Clerk will report the bill.

The Clerk read the enacting clause.

Mr. COWHERD. Mr. Chairman, I desire to move to strike out the enacting clause. I believe it is in order after the reading of the enacting clause.

Mr. JENKINS. Mr. Chairman, I do not think that motion is in order at this time.

The CHAIRMAN. The Chair rules that the section should be first read.

Mr. COWHERD. I thought it was in order after the reading of the enacting clause.

The CHAIRMAN. The enacting clause is a part of the first section. The Clerk will proceed.

The Clerk read as follows:

Be it enacted, etc., That in order that illuminating gas may be furnished to the citizens of the District of Columbia at a uniform rate, the Washington Gaslight Company, upon the assent of a majority in value of the stockholders, is hereby authorized to contract for, purchase, own, hold, and enjoy the whole or any part of the capital stock of the Georgetown Gaslight Company, or is hereby authorized to contract to purchase, or purchase, the property, including plant, distributing plant, rights, effects, and franchises of the Georgetown Gaslight Company, and upon payment and delivery of the consideration agreed upon the same may be owned, held, and enjoyed by the Washington Gaslight Company as fully and entirely as the same were held and enjoyed by the Georgetown Gaslight Company, and shall be managed and controlled by the board of directors of the Washington Gaslight Company; and each such company is hereby empowered to enter into such contract of sale, or sale, through its board of directors, if the said contract of sale, or sale, has received the approval of a majority in value of the stockholders of said companies; and to enable the Washington Gaslight Company to pay for the stock or the purchase of the Georgetown Gaslight Company it is hereby authorized to issue at par a sufficient amount of its capital stock, which amount of stock so issued may equal in par value, but shall not exceed in par value, the actual value of the capital stock of the said Georgetown Gaslight Company, or of so much as may be purchased, such actual value to be determined by the market price thereof at the date of the enactment of this bill: *And provided further*, That no action or proceeding to which the Georgetown Gaslight Company may be a party shall thereby abate, but the same may be continued against said company unless the court in which said action may be pending shall order the said Washington Gaslight Company to be substituted as party thereto.

Mr. COWHERD. Mr. Chairman, I move to strike out the enacting clause, and I want to say to the House that I make that motion at this time to test the sense of the House. If the majority of the House agrees with the minority of the committee that this bill should be entirely defeated, this is a quick and easy way to do it. If they do not agree with us, then it gives us an opportunity to amend it hereafter.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to offer an amendment to perfect the bill. Does not that take precedence of the motion of the gentleman from Missouri?

The CHAIRMAN. The Chair holds that a motion to strike out the enacting clause takes precedence over all other motions.

Mr. JENKINS. Mr. Chairman, I simply want to be heard on the point of order, to say that the motion to strike out the enacting clause is not in order at this time until the bill has been considered. After the consideration of the bill a motion of that kind would be in order, but at the same time I have no quarrel with my friend from Missouri with reference to testing the House at this time. If the House is of opinion that the enacting clause should be stricken out, I yield to that, but I do not agree to the opinion of the gentleman from Missouri that a motion of that kind is in order at this time.

Mr. HILL. Mr. Chairman, I desire to call the attention of the Chair to ruling on page 472, which perhaps differentiates this motion from an ordinary motion.

A special order having been made in the House that certain procedure should be taken, the ruling here seems to be the special order providing that the bill should be open to amendments in Committee of the Whole, that that special order would prevent a motion to strike out the enacting clause; but if it had been under different circumstances, I presume the motion would have been in order.

Mr. COWHERD. There was no special order in this case.

The CHAIRMAN. The Chair will inform the gentleman from Connecticut that there was no special order made in this case.

Mr. HILL. "The gentleman from Connecticut" understood that the House in open session voted to go into Committee of the Whole to consider this bill with a fixed time for general debate, and then to be taken up under the five-minute rule.

The CHAIRMAN. There was no such order. The question now is on the motion of the gentleman from Missouri [Mr. COWHERD] to strike out the enacting clause.

The question being taken, on a division (demanded by several members) there were—ayes 99, noes 40.

Accordingly the motion was agreed to.

Mr. COWHERD. Mr. Chairman, I move that the committee do now rise and report to the House its action in striking out the enacting clause of the bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HASKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, and had directed him to report the same back to the House with the recommendation that the enacting clause of the bill be stricken out.

The SPEAKER. The question is on concurring in the recommendation of the committee.

The recommendation of the committee was concurred in.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

ANNA ELIZA ISABELLA VON HEMERT.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert, and the same was referred to the Committee on the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5718. An act providing for the sale of sites for manufacturing or industrial plants in the Indian Territory—to the Committee on Indian Affairs.

S. 4765. An act granting an increase of pension to Hugh R. Rutledge—to the Committee on Pensions.

S. 2653. An act granting an increase of pension to Joshua Weaver—to the Committee on Invalid Pensions; and

S. 2375. An act granting an increase of pension to Daniel Ridinger—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 53. An act for the protection of cities and towns in the Indian Territory, and for other purposes;

H. R. 2436. An act granting an increase of pension to James W. Roath;

H. J. Res. 189. Joint resolution making an additional appropriation for expenses of the dedication of the statue of Marshal Rochambeau to be unveiled in the city of Washington;

H. R. 4622. An act granting a pension to Frank W. Lynn;

H. R. 7901. An act granting a pension to Dewitt Clinton Letts;

H. R. 7840. An act granting an increase of pension to Oliver Kerr;

H. R. 7507. An act granting increase of pension to James M. Ashley;

H. R. 2486. An act granting an increase of pension to William Matthews;

H. R. 3277. An act granting a pension to Frances J. Abercrombie;

H. R. 3756. An act granting an increase of pension to James C. G. Smith;

H. R. 4927. An act granting a pension to George Tucker;

H. R. 5110. An act granting increase of pension to William H. Dixon;

H. R. 4993. An act granting a pension to Mary Shelton Huston;

H. R. 8351. An act granting a pension to Matthew V. Ellis;

H. R. 8788. An act granting increase of pension to Jacob Weidel;

H. R. 8016. An act granting increase of pension to Hannibal C. St. Clair;

H. R. 8913. An act granting increase of pension to Rachel S. Lyman;

H. R. 9156. An act granting increase of pension to Uriah Garber;

H. R. 9777. An act granting a pension to Helen F. Lasher;

H. R. 9819. An act granting increase of pension to Robert A. Pinn;

H. R. 10122. An act granting increase of pension to John S. Burket;

H. R. 10496. An act granting a pension to James T. Steele;

H. R. 10396. An act granting increase of pension to Elvin A. Esty;

H. R. 2129. An act granting an increase of pension to Warren W. H. Lawrence;

H. R. 1681. An act granting a pension to Erma G. Harvey;

H. R. 1479. An act granting an increase of pension to Michael Marnane;

H. R. 1380. An act granting an increase of pension to Mary Tate;

H. R. 2316. An act to correct the military record of Albert Boker;

H. R. 5217. An act granting increase of pension to Elizabeth P. Sigfried;

H. R. 5183. An act granting increase of pension to William Holdridge;

H. R. 6434. An act granting a pension to Mary J. Fitch;

H. R. 5600. An act granting increase of pension to John G. Sanders;

H. R. 7982. An act granting increase of pension to William T. Peterson;

H. R. 11353. An act making appropriations for the current and contingent expenses of the Indian Department, etc.;

H. R. 6441. An act granting increase of pension to William H. Wood;

H. R. 7018. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased;

H. R. 6645. An act granting increase of pension to Ann E. Austin; and

H. R. 9656. An act granting increase of pension to Lunsford Y. Bailey.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3439. An act to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;" and

S. 5387. An act to change the terms of the circuit courts of the United States within the first circuit.

And then, on motion of Mr. PAYNE (at 4 o'clock and 45 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting certain recommendations in relation to the balance of appropriation for international exposition at Paris—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4990) granting an increase of pension to George F. Gregg, reported the same with amendment, accompanied by a report (No. 1960); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5152) granting a pension to Mary Welch, reported the same without amendment, accompanied by a report (No. 1961); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8149) granting an increase of pension to James B. Martin, reported the same with amendment, accompanied by a report (No. 1962); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14146) granting an increase of pension to John Murphy, reported the same with amendment, accompanied by a report (No. 1963); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12430) granting a pension to Abner H. Lester, reported the same with amendments, accompanied by a report (No. 1964); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13063) granting a pension to Julia B. Shurtleff, reported the same with amendments, accompanied by a report (No. 1965); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10339) granting an increase of pension to John L. Moore, reported the same with amendment, accompanied by a report (No. 1966); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8573) granting a pension to William McDaniel, reported the same with amendment, accompanied by a report (No. 1967); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12305) granting an increase of pension to Charles Olson, reported the same with amendment, accompanied by a report (No. 1968); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14012) granting a pension to Fannie Reardon, widow of Patrick Reardon, alias Dunn, reported the same with amendments, accompanied by a report (No. 1969); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14208) granting an increase of pension to Alexander Murdock, reported the same without amendment, accompanied by a report (No. 1970); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8576) granting a pension to John S. Upshaw, reported the same with amendment, accompanied by a report (No. 1971); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12968) granting an increase of pension to John T. Mull, reported the same with amendment, accompanied by a report (No. 1972); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13594) granting an increase of pension to Robert Hargreave, reported the same with amendments, accompanied by a report (No. 1973); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13944) granting a pension to Margaret Ann West, a nurse of United States Volunteers, reported the same with amendments, accompanied by a report (No. 1974); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2477) granting an increase of pension to Benjamin Zane, reported the same with amendment, accompanied by a report (No. 1975); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2551) granting a pension to Amelia Engel, reported the same without amendment, accompanied by a report (No. 1976); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4706) granting an increase of pension to William Harrington, reported the same without amendment, accompanied by a report (No. 1977); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4732) granting an increase of pension to Charles H. Hazzard, reported the same without amendment, accompanied by a report (No. 1978); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3998) granting an increase of pension to Emma L. Kimble, reported the same without amendment, accompanied by a report (No. 1979); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4871) granting an increase of pension to Helen M. Worthen, reported the same without amendment, accompanied by a report (No. 1980); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4983) granting a pension to John W. Smoot, reported the same without amendment, accompanied by a report (No. 1981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4655) granting an increase of pension to Oliver K. Wyman, reported the same without amendment, accompanied by a report (No. 1982); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4862) granting an increase of pension to James Welch, reported the same without amendment, accompanied by a report (No. 1983); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 3555) for the relief of William Dugdale, reported the same without amendment, accompanied by a report (No. 1984); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the Senate (S. 916) for the relief of Clara H. Fulford, reported the same without amendment, accompanied by a report (No. 1985); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa, reported the same without amendment, accompanied by a report (No. 1986); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 2709) for the relief of John F. Finney, reported the same without amendment, accompanied by a report (No. 1987); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 1517) for the relief of Robert Brigham, reported the same with amendment, accompanied by a report (No. 1988); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9061) for the relief of the heirs of Margaret Kennedy, reported the same with amendment, accompanied by a report (No. 1989); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SCOTT: A bill (H. R. 14348) for the appointment of an additional United States commissioner and constable in the Indian Territory—to the Committee on the Judiciary.

By Mr. KEHOE: A bill (H. R. 14349) to establish a fish-hatching and fish-culture station in northeastern Kentucky—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOVERING: A bill (H. R. 14350) to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 14351) to provide for a national park commission—to the Committee on Military Affairs.

By Mr. SCHIRM: A bill (H. R. 14352) to provide for the retirement of certain letter carriers and postal clerks, and regulating the pay of the same—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: A bill (H. R. 14353) to authorize the United States Commissioner of Fish and Fisheries to establish fish-cultural stations, including the purchase of sites, construction of buildings and ponds, and equipment; to establish in the State of Florida on the Gulf of Mexico a station for the investigation of problems connected with the marine fishery interests of that region; to provide for an investigation to determine the best available locality in Oregon or Washington at which to establish a biological station, making appropriations therefor, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. GORDON: A bill (H. R. 14379) for the erection of a memorial building or monument at Fort Recovery, Ohio—to the Committee on Military Affairs.

By Mr. SCARBOROUGH: A bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River, at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A resolution (H. Res. 249) requesting information relative to purchase and distribution of seeds—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOWERSOCK: A bill (H. R. 14354) granting an increase of pension to Elizabeth Siples—to the Committee on Invalid Pensions.

By Mr. BRISTOW: A bill (H. R. 14355) granting an increase of pension to Timothy Donohoe—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 14356) for the relief of William D. Clay and others—to the Committee on the Public Lands.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 14357) for the relief of Paymaster James E. Tolfree, United States Navy—to the Committee on Claims.

Also, a bill (H. R. 14358) for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 14359) granting a pension to Luther G. Edwards—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 14360) granting an increase of pension to Will H. S. Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14362) granting an increase of pension to William M. Lloyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14363) granting an increase of pension to Joseph L. Vaughan—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 14364) to correct the military record of Patrick Conlin—to the Committee on Military Affairs.

By Mr. JETT: A bill (H. R. 14365) granting a pension to Juliet K. Phillips—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 14366) granting a pension to Jesse Cordial—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14367) granting a pension to Andrew Cooksey—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14368) for the relief of Willoughby L. Wilson, administrator of the estate of Willoughby Wilson, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 14369) granting an increase of pension to Franklin Fish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14370) granting an increase of pension to William McHenry—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 14371) granting an increase of pension to Peter McGinniss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14372) to remove the charge of desertion from record of Peter Calligan—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 14373) granting an increase of pension to W. H. Loyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14374) granting a pension to Samantha Towner—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 14375) to authorize the President to appoint Brig. Gen. H. C. Maman to the grade of major-general in the United States Army on the retired list—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 14376) granting a pension to Burnetta B. Lehmann—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 14377) granting a pension to Josephine Stewart—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14378) granting a pension to Reuben Vermillion—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 14381) granting an increase of pension to George Riddle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of Arthur I. Corser and 296 other citizens of Portland, Me., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of W. P. Snyder and others, of Spring City and vicinity, Pennsylvania, favoring the passage of House bill 10793, prohibiting the use of "Jim Crow" cars in interstate business—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of General George A. McCall Post, No. 31, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Petition of the Interdenominational Council of Women for Christian and Patriotic Service, with certain tracts, in relation to polygamous marriages—to the Committee on the Judiciary.

By Mr. CAPRON: Resolutions of Babbitt Post, No. 15, of Bristol, Department of Rhode Island, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of Herman Marx and other citizens of Alexandria, Ind., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of the common council of Hartford, Conn., and of the Manhattan Association, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DEEMER: Resolutions of a meeting of 300 citizens at Millhall, Pa., asking that the sale of liquor at National Homes for old soldiers be abolished—to the Committee on Military Affairs.

Also, resolutions of the same, in relation to legalized vice and saloons in the Philippines—to the Committee on Insular Affairs.

By Mr. DRAPER: Resolutions of Iron Trades Council of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. FITZGERALD: Resolutions of Iron Trades Council of San Francisco, Cal., urging an amendment to the naval bill to provide for the building of three instead of one vessel at a navy-yard—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Petition of C. A. Stanton's Sons, in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. GORDON: Statement to accompany House bill 14321, granting a pension to Mrs. Harriet Fisk—to the Committee on Invalid Pensions.

By Mr. HITT: Resolutions of the Germania Society of Freeport, Ill., favoring an expression of sympathy with the people of the South African Republic and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. HOLLIDAY: Resolutions of Local Union No. 418, of Jasonville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HULL: Resolutions of Mine Workers' Union No. 1761, of Madrid, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON: Petitions of T. Q. Donaldson and 37 other lawyers of Greenville; R. T. Jaynes and 6 other lawyers of Oconee County; C. E. Robinson and 6 others of Pickens, State of South Carolina, for the passage of House bill 14202—to the Committee on the Judiciary.

By Mr. JOY: Paper to accompany House bill granting a pension to Charles Etzell—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of Willoughby L. Wilson, administrator de bonis non of Willoughby Wilson, deceased, with itemized account and certificate of administration, in relation to claim—to the Committee on War Claims.

By Mr. MILLER: Papers to accompany House bill granting a pension to William H. McHenry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Franklin Fish—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Remonstrance of Massachusetts State Board of Trade against the admission of Territories—to the Committee on the Territories.

By Mr. NEVILLE: Resolutions of the Nebraska Real Estate Dealers' Association, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. NEVIN: Petition of members of the Grand Army of the Republic, of Middletown, Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of Columbus, Ohio, Credit Men's Association in regard to the bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the League of German-American Societies, of Dayton, Ohio, advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. RICHARDSON of Tennessee: Petition of citizens of Shelbyville, Tenn., to accompany House bill 2693, in behalf of Jordan H. Moore, asking to be restored to the pension roll—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting an increase of pension to Hiram A. Hober—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13958, granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Peter Coyle—to the Committee on Military Affairs.

By Mr. RUPPERT: Resolutions of Chamber of Commerce of New York City, protesting against the passage of certain sections of House bill 12250—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Iron Trades Council of San Francisco, Cal., urging Congress to provide for at least three war ships to be built in Government navy-yards—to the Committee on Naval Affairs.

By Mr. RUSSELL: Petition of United Brotherhood of Carpenters and Joiners' Union No. 137, favoring an amendment to sundry civil bill increasing the appropriation for Geological Survey to $200,000—to the Committee on Appropriations.

Also, resolution adopted by the Sons of Temperance of Connecticut, favoring the establishment of post exchanges at our military posts—to the Committee on Military Affairs.

By Mr. RYAN: Resolutions of Iron Trades Council of San Francisco, Cal., for the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of common council of Kenosha, Wis., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SELBY: Resolutions of Mine Workers' Unions Nos. 755, of Staunton, and 300, of Nilwood, Ill., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHAFROTH: Resolutions of Veteran Post, No. 42, of Denver, Colo., Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of Typographical Union No. 49, of Denver, Colo., in memory of the death of the late Hon. Amos J. Cummings—to the Committee on the Library.

By Mr. SMITH of Kentucky: Petition of Lawrence H. Rousseau, for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: Resolutions of the town council of South Haven, Mich., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of citizens of El Paso, Tex., in favor of House bills 178 ann 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill to amend the military record of William A. Emerson—to the Committee on Military Affairs.

SENATE.

TUESDAY, *May 13, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, further insists upon its disagreement to the amendments of the Senate to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHON, Mr. GIBSON, and Mr. SIMS managers at the conference on the part of the House, with instructions not to agree to what are known as the Selfridge Board findings in the Senate amendments.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 182) granting a pension to Mary F. Zollinger;

A bill (S. 288) granting an increase of pension to De Witt C. Bennett;

A bill (S. 500) granting a pension to Samuel S. Beaver;

A bill (S. 1305) for the relief of Mrs. Aribella D. Meeker;

A bill (S. 1593) granting an increase of pension to Eben C. Winslow;

A bill (S. 2036) granting an increase of pension to Etta Adair Anderson;

A bill (S. 2336) granting a pension to Rebecca Coppinger;

A bill (S. 2347) granting an increase of pension to Alfred M. Wheeler;

A bill (S. 2461) granting an increase of pension to George McDowell;

A bill (S. 2632) to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho;

A bill (S. 2755) granting a pension to Ruth H. Ferguson;

A bill (S. 3279) granting a pension to John Coolen;

A bill (S. 3331) granting a pension to Ada V. Park;

A bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;"

A bill (S. 3999) granting an increase of pension to Emma S. Hanna;

A bill (S. 4004) granting an increase of pension to Thomas L. Nelson;

A bill (S. 4238) granting an increase of pension to Philo F. Englesby;

A bill (S. 4256) granting an increase of pension to Henry W. Edens;

A bill (S. 4293) granting an increase of pension to Elizabeth C. Vincent;
A bill (S. 4455) granting an increase of pension to Hallowell Goddard;
A bill (S. 4506) granting an increase of pension to Ann E. Collier;
A bill (S. 4865) granting an increase of pension to Joseph D. Hazzard;
A bill (S. 4979) granting an increase of pension to Paul Fuchs;
A bill (S. 4992) to provide an American register for the bark Otto Geldemeister;
A bill (S. 5294) granting an increase of pension to William F. Horn;
A bill (S. 5337) granting an increase of pension to Marietta L. Adams;
A bill (S. 5387) to change the terms of the circuit courts of the United States within the first circuit;
A bill (S. 5736) for the relief of the citizens of the French West Indies;
A bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes;
A bill (H. R. 1380) granting an increase of pension to Mary Tate;
A bill (H. R. 1479) granting an increase of pension to Michael Marnane;
A bill (H. R. 1681) granting a pension to Erma G. Harvey;
A bill (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence;
A bill (H. R. 2316) to correct the military record of Albert Boker;
A bill (H. R. 2436) granting an increase of pension to James W. Roath;
A bill (H. R. 2486) granting an increase of pension to William Matthews;
A bill (H. R. 3277) granting a pension to Frances J. Abercrombie;
A bill (H. R. 3756) granting an increase of pension to James C. G. Smith;
A bill (H. R. 4622) granting a pension to Frank W. Lynn;
A bill (H. R. 4927) granting a pension to George Tucker;
A bill (H. R. 4993) granting a pension to Mary Shelton Huston;
A bill (H. R. 5110) granting increase of pension to William H. Dixon;
A bill (H. R. 5183) granting increase of pension to William Holdridge;
A bill (H. R. 5190) granting increase of pension to Alvin J. Hartzell;
A bill (H. R. 5217) granting increase of pension to Elizabeth P. Sigfried;
A bill (H. R. 5600) granting increase of pension to John G. Sanders;
A bill (H. R. 6434) granting a pension to Mary J. Fitch;
A bill (H. R. 6441) granting increase of pension to William H. Wood;
A bill (H. R. 6645) granting increase of pension to Ann E. Austin;
A bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased;
A bill (H. R. 7507) granting increase of pension to James M. Ashley;
A bill (H. R. 7840) granting an increase of pension to Oliver Kerr;
A bill (H. R. 7901) granting a pension to Dewitt Clinton Letts;
A bill (H. R. 7982) granting increase of pension to William T. Peterson;
A bill (H. R. 8016) granting increase of pension to Hannibal C. St. Clair;
A bill (H. R. 8351) granting a pension to Matthew V. Ellis;
A bill (H. R. 8788) granting increase of pension to Jacob Weidel;
A bill (H. R. 8913) granting increase of pension to Rachel S. Lyman;
A bill (H. R. 9156) granting increase of pension to Uriah Garber;
A bill (H. R. 9656) granting increase of pension to Lunsford Y. Bailey;
A bill (H. R. 9777) granting a pension to Helen F. Lasher;
A bill (H. R. 9819) granting increase of pension to Robert A. Pinn;
A bill (H. R. 10122) granting increase of pension to John S. Burket;
A bill (H. R. 10396) granting increase of pension to Elvin A. Esty;
A bill (H. R. 10496) granting a pension to James T. Steele;
A bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department, etc.;

A joint resolution (S. R. 74) relating to publications of the Geological Survey; and
A joint resolution (H. J. Res. 189) making an additional appropriation for expenses of the dedication of the statue of Marshal Rochambeau to be unveiled in the city of Washington.

MISSOURI RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1295) to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

The amendments were, on page 3, line 19, after "street railway," to strike out "cars;" and after "cars," where it occurs the second time, to insert:

, and the reasonably safe passage of wagons and vehicles of all kinds, foot passengers, and all road travel.

On page 5, line 15, to strike out "construction" and insert "reconstruction."

And to amend the title of the bill so as to read:

An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway, street railway, vehicle, pedestrian, and other highway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

Mr. MILLARD. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CHARLES D. PALMER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

J. H. GALLINGER,
N. B. SCOTT,
PARIS GIBSON,
Managers on the part of the Senate.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

The report was agreed to.

ELIZABETH A. BURRILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
WM. J. DEBOE,
GEO. TURNER,
Managers on the part of the Senate.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present resolutions adopted by the Commonwealth of Massachusetts, in support of the bill now pending before the Congress of the United States to increase the pay of letter carriers. I ask that the resolutions be read and referred to the Committee on Post-Offices and Post-Roads.

The resolutions were read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

Commonwealth of Massachusetts. In the year 1902. Resolutions in support of the bill now pending before the Congress of the United States to increase the pay of letter carriers.

Whereas a bill to increase the pay of letter carriers is now pending in Congress; and

Whereas we believe the enactment into law of said bill would be an act of justice to the thousands of faithful, industrious, and intelligent letter carriers who collect and deliver the United States mail: Therefore, be it

Resolved, That the general court of the Commonwealth of Massachusetts approves and heartily indorses H. R. bill No. 6279, and respectfully recommends to the Senators and Representatives from this Commonwealth in Congress to urge the members of the Committee on Post-Offices and Post-Roads to make a favorable report on said bill, and that they use all honorable means to secure its enactment into law at the present session of Congress.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted April 30, 1902.
In senate, adopted in concurrence May 1, 1902.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. HOAR presented a resolution adopted at a meeting of the Boston Turnverein of Massachusetts, expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

Mr. BURROWS presented petitions of Local Division No. 2, Brotherhood of Locomotive Engineers, of Jackson; of Maine Lodge No. 533, Brotherhood of Locomotive Firemen, of Opechee; of Local Division No. 1, Brotherhood of Locomotive Engineers, of Detroit, and of Lodge No. 188, Brotherhood of Railroad Trainmen, of Saginaw, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PROCTOR presented a petition of St. Albans Division, No. 24, Order of Railway Conductors, of St. Albans, Vt., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. FORAKER presented a petition of 41 citizens of Youngstown, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 360 citizens of Cincinnati, Ohio, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of 41 citizens of Cincinnati, Ohio, praying for the enactment of legislation to promote the efficiency of the clerical service of the United States Navy, etc.; which was referred to the Committee on Naval Affairs.

He also presented petitions of Federal Labor Union, No. 9604, of Fostoria; of Gill-Net Fishermen's Local Union No. 6896, of Cleveland, and of Distillery and Yeast Workers' Local Union No. 9117, of Cincinnati, all in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 299, Order of Railroad Conductors, of Lima; of Division No. 12, Order of Railroad Telegraphers, of Belpre; of Lodge No. 504, Brotherhood of Railroad Trainmen, of Marietta; of Lodge No. 466, Brotherhood of Railroad Trainmen, of Marion; of Lodge No. 432, Brotherhood of Railroad Trainmen, of Akron; of Hollingsworth Division, No. 100, Order of Railroad Conductors, of Columbus; of Devereux Division, No. 167, Brotherhood of Locomotive Engineers, of Cleveland; of Put in Bay Division, No. 208, Brotherhood of Locomotive Engineers, of Springfield; of Lake Shore Lodge, No. 84, Brotherhood of Railroad Trainmen, of Ashtabula; of Division No. 26, Order of Railway Conductors, of Toledo; of Brady Lodge, No. 526, Brotherhood of Railroad Trainmen, of Kent; of Nickel Plate Lodge, No. 377, Brotherhood of Locomotive Firemen, of Conneaut; of Eclipse Lodge, No. 107, Brotherhood of Locomotive Firemen, of Galion; of Chillicothe Division, No. 181, Order of Railway Conductors, of Chillicothe; of O. K. Lodge, No. 269, Brotherhood of Locomotive Firemen, of Cincinnati; of Division No. 34, Brotherhood of Locomotive Engineers, of Columbus; of Little Miami Division, No. 34, Brotherhood of Locomotive Engineers, of Columbus; of Garfield Division, No. 20, Order of Railroad Conductors, of Collinwood, and of Division No. 14, Order of Railway Conductors, of Cleveland, all in the State of Ohio, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. COCKRELL presented the petition of Isaac d'Isay, formerly captain, Twenty-seventh United States Infantry, and late captain, commissary of subsistence, United States Volunteers, praying for the enactment of legislation restoring him to the Army by retirement; which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at a meeting of the Humboldt Turnverein of Missouri, expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

Mr. MASON presented a petition of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Division No. 294, Brotherhood of Locomotive Engineers, of Chicago; of Local Division No. 406, Order of Railway Conductors, of Monmouth; of Lodge No. 188, Brotherhood of Locomotive Engineers, of Chicago; of Local Division No. 417, Brotherhood of Locomotive Engineers, of Peoria; of Lodge No. 24, Brotherhood of Railroad Trainmen, of Galesburg; of Local Division No. 512, Brotherhood of Locomotive Engineers, of East St. Louis; of Local Division No. 206, Order of Railway Conductors, of Springfield; of Local Division No. 96, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 578, Brotherhood of Railroad Trainmen, of Murphysboro; of Local Division No. 101, Order of Railway Conductors, of Mattoon; of Local Division No. 386, Order of Railway Conductors, of East St. Louis; of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago; of Local Division No. 404, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 414, Brotherhood of Railroad Trainmen, of Decatur; of Lodge No. 375, Brotherhood of Railroad Trainmen, of Chicago; of Lodge No. 6, Brotherhood of Railroad Trainmen, of Aurora; of Lodge No. 549, Brotherhood of Railroad Trainmen, of Carbondale; of Lodge No. 505, Brotherhood of Railroad Trainmen, of Fulton; of Local Division No. 212, Order of Railway Conductors, of Centralia; of Local Division No. 32, Brotherhood of Locomotive Engineers, of Aurora; of Local Division No. 1, Order of Railway Conductors, of Chicago, and of Local Division No. 96, Brotherhood of Railroad Trainmen, of South Freeport, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5553) granting a pension to Nancy E. Hardy;

A bill (H. R. 9926) granting an increase of pension to James F. Patton;

A bill (H. R. 5554) granting a pension to Egbert A. Stricksma;

A bill (H. R. 13132) granting an increase of pension to Annie Cotter; and

A bill (H. R. 1046) granting an increase of pension to John J. Martin.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 12418) granting a pension to Matilda E. Clarke, reported it with amendments, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 5466) granting an increase of pension to Edgar T. Chamberlain, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5206) granting an increase of pension to John M. Wheeler, reported it without amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4809) granting a pension to Henry J. McFadden; and

A bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 4348) granting an increase of pension to James Thompson, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 1969) to conserve the flood waters of Lake Tahoe, in the States of California and Nevada, and to regulate the outflow thereof, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 5403) granting a pension to Lyman Hotaling, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 5505) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of

Washington, and reserving the public lands for that purpose, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 5298) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7541) granting a pension to Annie Shinn; and

A bill (H. R. 13162) granting an increase of pension to Augustin M. Adams.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 4766) granting a pension to James P. McClure, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2258) granting a pension to Francis Fox, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 5299) to amend sections 897 and 903 of subchapter 7 of chapter 19 of an act entitled "An act to establish a code of law for the District of Columbia," reported it without amendment, and submitted a report thereon.

GEOLOGICAL AND WATER RESOURCES OF THE BLACK HILLS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,000 copies of the Preliminary Description of the Geological and Water Resources of the Southern Half of the Black Hills and adjoining regions in South Dakota and Wyoming, recently prepared by Nelson Horatio Darton, under the direction of the United States Geological Survey; 500 copies for use of the House, 250 copies for use of the Senate, and 250 copies for use of the Secretary of the Interior.

THE FIVE CIVILIZED TRIBES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,500 additional copies of the annual report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ended June 30, 1901; 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 2,000 copies for the use of the Department of the Interior.

"MORALS OF JESUS OF NAZARETH."

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution, for the use of Congress, 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, as the same appears in the National Museum; 3,000 copies for the use of the Senate and 6,000 copies for the use of the House.

THE LOUISIANA PURCHASE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be published and bound 6,000 copies of the State papers, and all correspondence bearing upon the purchase of the territory of Louisiana by the United States, including the treaty of purchase; 4,000 copies for the use of the House of Representatives and 2,000 for the use of the Senate.

REPORT ON RURAL FREE-DELIVERY SERVICE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the First Assistant Postmaster-General's Report for 1900-1901 as relates to rural free-delivery service; 10,000 copies for the use of the Post-Office Department, 10,000 for the use of the House of Representatives, and 5,000 copies for the use of the Senate.

FRANKS FOR SENDING OUT SEED.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. 82) providing for the printing annually of franks required for sending out seed, to report it back and recommend concurrence in the amendment. I ask for action upon it at this time.

The PRESIDENT pro tempore. The amendment of the House of Representatives will be read.

The SECRETARY. Strike out all after the resolving clause and insert:

That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other printed matter as the Secretary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

LUCY I. JUDSON.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. QUARLES, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy I. Judson, widow of C. K. Judson, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

FRENCH WEST INDIES AND ST. VINCENT.

Mr. CULLOM. I am directed by the Committee on Foreign Relations to report a joint resolution appropriating the sum of $500,000, including the $200,000 already appropriated, for the relief of the French West Indies and St. Vincent, and I ask for its immediate consideration.

The joint resolution (S. R. 98) appropriating the sum of $500,000, including the $200,000 already appropriated, for the relief of the French West Indies and St. Vincent, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum of money not exceeding $500,000, including the $200,000 already appropriated, to be expended by or under the direction of the President, in such manner as shall, in his judgment, most promptly and efficiently relieve the people of the French West Indies and of the island of St. Vincent, in their present distress.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 5783) to provide for the control and management of United States penitentiaries, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5784) to regulate commutation for good conduct for United States prisoners; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLAPP introduced a bill (S. 5785) to authorize the appointment of a commission to investigate the economic and industrial conditions of Cuba, and providing for the relief thereof; which was read twice by its title, and referred to the Committee on Relations with Cuba.

Mr. KEAN introduced a bill (S. 5786) granting a pension to Julia A. Jordan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5787) granting an increase of pension to Philo Huntley;

A bill (S. 5788) granting a pension to Solomon Rosenagle;

A bill (S. 5789) granting an increase of pension to Jasper Williamson;

A bill (S. 5790) granting an increase of pension to Humphrey B. Weekly;

A bill (S. 5791) granting a pension to Servetus Dawson;

A bill (S. 5792) granting an increase of pension to William A. Knouff;

A bill (S. 5793) granting an increase of pension to William D. Everett; and

A bill (S. 5794) granting an increase of pension to Thomas J. Gafford.

Mr. MASON introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5795) granting an increase of pension to William H. Barlow;

A bill (S. 5796) granting an increase of pension to Abner C. Arnold;

A bill (S. 5797) granting an increase of pension to Caleb Heindselman;

A bill (S. 5798) granting a pension to Joseph Thacker;

A bill (S. 5799) granting an increase of pension to Joel R. Harvey;

A bill (S. 5800) granting a pension to Catherine Saunders;

A bill (S. 5801) granting a pension to George G. Eagle;

A bill (S. 5802) granting an increase of pension to James Breeze;

A bill (S. 5803) granting an increase of pension to Nathaniel A. Winks; and

A bill (S. 5804) granting an increase of pension to John Ripperdan.

Mr. MASON introduced a bill (S. 5805) regulating the duties and fixing the compensation of the customs inspectors at the port of Chicago; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 5806) for raising the wreck of the battle ship Maine; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CLAY introduced a bill (S. 5807) for the relief of the heirs of Thomas W. McArthor, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5808) for the relief of the heirs of R. G. Rawley; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN introduced a joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

COURTS IN INDIAN TERRITORY.

Mr. STEWART. I introduce a joint resolution, and I send to the desk a letter from the Attorney-General showing the necessity for its immediate passage. After the joint resolution is read I shall ask for its present consideration.

The joint resolution (S. R. 99) fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," shall take effect from and after July 1, 1902, except as otherwise specially provided therein.

Mr. STEWART. Now I ask for the reading of the letter explanatory of the joint resolution.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 12, 1902.

Hon. WILLIAM M. STEWART,
Chairman Committee on Indian Affairs, United States Senate.

SIR: In the bill or act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," there is legislation dividing the northern district of the Indian Territory into two districts; also authorizing the appointment of an additional United States marshal, an additional United States attorney, and other officers; also fixing additional places of holding terms of court, etc. It is deemed important that said legislation shall not take effect until July 1, 1902, in order that all necessary appointments may be made before that time and business arranged in accordance with the provisions of said act.

If said act shall be allowed to take effect immediately upon approval, much confusion is likely to result; also much additional expense will be caused thereby, as is more fully explained by the United States marshal for the northern district of the Indian Territory in his letter dated the 9th instant, a copy of which is inclosed herewith.

It is, therefore, considered important that a joint resolution (a draft of which is herewith inclosed) should be passed without delay, in order that it may be approved by the President before the date of the approval of the above-mentioned act.

Respectfully, P. C. KNOX, *Attorney-General.*

Mr. HOAR. If the act itself——

Mr. STEWART. The joint resolution does not make an appropriation.

Mr. HOAR. If the act does not take effect at a certain time this legislation is unnecessary. If the act will take effect at a certain time by its own terms, how can a joint resolution passed before the act is signed by the President change it? As I understand the letter of the Attorney-General, it is that a pending bill not yet approved will take effect before the 1st of July, 1902, and that will make confusion in the courts, and so on. Therefore he proposes before that act is signed to have another act passed saying it shall not take effect until after the 1st of July, 1902. I do not see how that can be done.

Mr. STEWART. The act as to appropriations does not take effect until the 1st of July, but the act as to other matters, it is supposed, will take effect immediately.

Mr. HOAR. That I understand. Let me repeat, because——

Mr. JONES of Arkansas. Let it be read again.

Mr. STEWART. Let the Secretary read the joint resolution.

Mr. HOAR. Let me repeat before the joint resolution is read, the Attorney-General complains that a certain act now pending and not yet signed by its terms except as to appropriations will take effect before the 1st of July, 1902, and that will create inconvenience. Now, admit all that, then he proposes to provide by getting through a bill before that act gets through declaring that that act shall not take effect in these particulars until after the 1st of July. If that act means one thing in itself and is to be the last act passed, how can our making a declaration before that time by a bill first passed help it?

Mr. STEWART. I can explain that.

Mr. HOAR. That is what I want to know.

Mr. STEWART. I can explain it, I think, readily. It will be passed right through and go to the President and he will sign the other first and make this the last bill. There is no trouble about it. It can be very easily managed.

Mr. HOAR. The Attorney-General says in his letter he wants this measure hurried through in order that the President may sign it before he signs the other act.

Mr. STEWART. That can be arranged when both bills are presented.

Mr. HOAR. I will not make any objection because I defer to the Senator from Nevada in this matter.

Mr. STEWART. I shall certainly make that suggestion to the Attorney-General.

Mr. HOAR. The mere fact that I am a little puzzled by what my honorable friend says brings me back to his delightful old silver days.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. ALLISON. Let it be read.

Mr. JONES of Arkansas. Let it be read again.

Mr. STEWART. Let it be read.

Mr. HOAR. Let the joint resolution be read, and then let the letter be read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary again read the joint resolution.

Mr. JONES of Arkansas. For information I should like to have the letter read.

Mr. HOAR. Let the Attorney-General's letter be read.

Mr. JONES of Arkansas. I wish to ask a question in connection with the joint resolution. Does the bill in terms provide that the sections to which the joint resolution relates shall take effect immediately?

Mr. STEWART. No; I think not, as to those provisions. However, the Attorney-General thinks that would be the case, because the appropriations are limited by the legislation.

Mr. HOAR. Now, let the letter be read again.

The PRESIDENT pro tempore. The letter will be read.

The Secretary again read the letter of the Attorney-General.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. COCKRELL. I wish to ask one question. Does the joint resolution make the provision in the Indian appropriation bill, at the end of the bill, authorizing a new judicial circuit there, take effect on the 1st of July next?

Mr. STEWART. Yes.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. I ask that the letter of the marshal referred to in the letter of the Attorney-General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
UNITED STATES MARSHAL'S OFFICE,
NORTHERN DISTRICT, INDIAN TERRITORY,
Muskogee, Ind. T., May 9, 1902.

Maj. FRANK STRONG,
General Agent, Washington, D. C.

DEAR MAJOR: I have just wired the Attorney-General that newspaper dispatches report passage of Indian appropriation bill containing provisions affecting the courts in the northern district and suggesting that if such provisions become operative immediately upon approval of the act by the President, such approval should be withheld for ten days to enable our courts to transfer cases, close up the Vinita grand jury, etc., and adjust the business of the district so as to save some thousands of dollars to the Government and avoid much confusion and no little resultant complications. I write you to confirm the telegram and to explain from my point of view the necessity for sending this message, and why I recommend the withholding of the approval of the President for not less than ten days.

Of course, this suggestion and recommendation is based upon the uncertainty at this time existing as to the date when the change in the district will take effect—whether immediately upon approval or on the 1st of July next. If these court provisions of the bill do not go into effect until the 1st of July, there will be plenty of time for our courts and officials to arrange the business. Our district attorney "thinks" the bill will not go into effect until

July 1, and Judge Gill "thinks" the bill becomes effective—concerning the courts and division of district—immediately upon approval. I do not "think" either way as I await the instructions of the Department, by which I am solely governed, and invite your attention to the matter as I know that the Department is just as solicitous as possible to see the change made with the least possible confusion of the public business and the saving of all possible expense.

Vinita court opened last Monday morning with a rather heavy grand jury docket. At least 30 important cases—murder, robbery, burglary, larcenies, etc.—properly belong in the courts of the new western district for trial, and are being transferred as rapidly as the indictments are returned into court. Some of them can not be reached before the 15th, and possibly the 17th. The proposed law does not make provision for transfers of cases. For instance, one case before the Vinita court (grand jury) is that of three negroes charged with two murders committed near Wewoka, 178 miles from Vinita. A small number of witnesses only appear before the grand jury. Indictments have been found and defendants served with certified copies of the indictment and list of witnesses. Forty-eight hours must elapse before they can be arraigned. When arraigned they will plead not guilty and the cases—there are two cases against each of these three—will be transferred to Wewoka for trial. In the trial of the cases at least a score of witnesses will be required. All live within 10 miles of Wewoka and more than 180 miles from Vinita. You can see that the saving of expense in mileage will be quite an item. From 20 to 30 cases will be thus transferred from Vinita to Wewoka, Muskogee, and Wagoner for trial.

There are also pending on the dockets of other courts several cases—probably aggregating fifty—which should be transferred from district to district. This can be done under present laws, all the courts being in the one district. But when new law goes into effect and two districts are thus created these transfers would cease, as there is no law authorizing transfers, and the court of appeals has held that criminal cases can not be transferred from one district to another under any condition of plea. The present juries at Vinita are made up of residents of the country within the new western as well as the new northern district. The moment the law is operative these juries must be reorganized and all members residing in new western district be excused from service, or the indictments of the grand jury or verdicts of petit jury will be voidable, if not absolutely void.

As affecting me personally, or rather officially, in the proper discharge of my duties, it is important for me to know whether or not the new law of itself makes me the marshal of the western district without further action by the President, the Department, or myself. Or will it be necessary for me to be reappointed, take a new oath of office, and file a new bond? If the former, will I continue my official work uninterruptedly, or will I need to close my accounts as marshal of the northern district and begin anew as marshal of western district? If required to close my accounts, an exact date should be fixed in advance, as I am daily incurring and paying hundreds of dollars of expense, especially during the session of court, in paying jurors and witnesses. My deputies are daily making arrests and serving process. Their tenure of office and authority as deputies are dependent upon my own standing. A fixed date in advance will enable me to so arrange these matters that while there will be a line or date between the present and new tenure no complications in accounts or interruption of service will result.

I now think I will go to Washington about the middle of next week, or earlier, if possible to leave the district without neglect of more important business. I have ten prisoners for Washington, five for Insane Asylum and five for Reform School, and hope to reach Washington with them on next Wednesday or Thursday.

I have written you hurriedly, but have tried to so present the matter from my point of view as marshal as to show the necessity for an early conclusion as to the date when the new law is effective and the necessity of my being advised as early as possible in the matter of said date.

I will wire you the day I leave for Washington, so you may know whether to write or wire me here or hold instructions until I can reach Washington.

If, as I hope is the case, the new law will not go into effect until the close of the fiscal year, the changes can be made without a particle of disturbance of the business of the district.

Very sincerely, yours,

LEO E. BENNETT,
United States Marshal.

GENERAL PUBLIC BUILDINGS BILL.

Mr. BAILEY and Mr. WELLINGTON submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEASING OF INDIAN LANDS.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized and directed to investigate certain alleged charges in connection with the leasing of the Indian lands on Standing Rock Reservation, contained in a letter of W. V. Wade in Senate Document No. 212, first session Fifty-seventh Congress, and for that purpose to send for persons and papers, take testimony, and have leave to sit during the sessions of Congress; and that the necessary expenses be paid from the contingent fund of the Senate on vouchers to be approved by the Committee to Audit and Control its Contingent Expenses.

MARIA J. WILSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2951) granting an increase of pension to Maria J. Wilson, which was, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. BURROWS. I ask the unanimous consent of the Senate that the Committee on Privileges and Elections may be permitted to sit during the sessions of the Senate.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent that the Committee on Privileges and Elections be permitted to sit during the sessions of the Senate. Is there objection? The Chair hears none.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 12th instant approved and signed the act (S. 4868) granting an increase of pension to James H. Walker.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. PROCTOR. I ask that the formal reading of the bill be dispensed with and that it be read for action on the amendments of the committee.

The PRESIDENT pro tempore. The Senator from Vermont asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, on page 3, line 12, to increase the total appropriation for the maintenance of the office of the Secretary of Agriculture from $4,240 to $4,960.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 8, after line 12, to insert:

For the purchase of sites and erection of not less than six buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses; plans and specifications to be prepared, and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers, to properly equip these stations, $50,000.

The amendment was agreed to.

The next amendment was, on page 9, line 7, to increase the total appropriation for the maintenance of the Weather Bureau from $1,201,760 to $1,248,760.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry, on page 10, line 3, to increase the appropriation for the salary of one zoologist in the Bureau of Animal Industry from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was, on page 14, line 6, to increase the total appropriation for the maintenance of the Bureau of Animal Industry from $1,246,930 to $1,247,180.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 14, line 11, to increase the appropriation for the salary of the Chief of the Bureau of Plant Industry from $3,000 to $4,000; in line 13, to increase the salary of one plant physiologist and pathologist, who shall be chief of Bureau in absence of chief, from $2,500 to $2,750; in line 20, to increase the salary of one chief clerk in the Bureau of Plant Industry from $1,800 to $2,000, and on page 15, line 2, to increase the total appropriation for the maintenance of the Bureau of Plant Industry from $61,280 to $62,730.

The amendment was agreed to.

The next amendment was, on page 16, line 15, after the word "development," to insert "to study and find methods for preventing the algal and other contaminations of water supplies;" on page 17, line 2, before the word "thousand," to strike out "two" and insert "three;" in line 3, before the word "office," to insert "laboratory and;" in line 6, before the word "thousand," to insert "and twenty-five," and in the same line after the word "dollars," to insert "of which sum $5,000 shall be immediately available;" so as to make the clause read:

General expenses, Bureau of Plant Industry; vegetable pathological and physiological investigations: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetable, and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate canaigre and other tannin-bearing plants; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the section of seed and plant introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of

originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other microorganisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers and to determine the conditions most favorable to their development; to study and find methods for preventing the algal and other contaminations of water supplies; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent and repairs of a building, not to exceed $3,000 per annum; all necessary laboratory and office fixtures and supplies, and for other expenses connected with the practical work of the investigations, $125,000, of which sum $5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 18, line 2, after the word "divisions," to insert "and bureaus;" in line 3, before the word "experiment," to insert "the;" in line 12, before the word "experimental," to insert "investigations and;" and in line 17, before the word "experimental," to insert "investigations and;" so as to make the clause read:

Pomological investigations: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants, and furnishing duplicate models to the experiment stations of the several States, as far as found practicable; the employment of investigators, local and special agents, clerks, assistants, student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; for all necessary office fixtures and supplies and for traveling and other necessary expenses, to continue the investigations and experiments in the introduction of the culture of European table grapes and the study of the diseases that affect them, for the purpose of discovering remedies therefor, this work to be done in cooperation with the section of seed and plant introduction; to investigate in cooperation with the other divisions and bureaus of the Department and the experiment stations of the several States the market conditions affecting the fruit and vegetable trade in the United States and foreign countries, and the methods of harvesting, packing, storing, and shipping fruit and vegetables, and for experimental shipments of fruits and vegetables to foreign countries, for the purpose of increasing the exportation of American fruits and vegetables, and for all necessary expenses connected with the practical work of the same, and such fruits and vegetables as are needed for these investigations and experimental shipments may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such fruits and vegetables toward the continuation and repetition of these investigations and experimental shipments; to investigate, map, and report upon the commercial fruit districts of the United States, for the purpose of determining the relative adaptability of the several important fruits thereto, by a study of the conditions of soil and climate, and of the prevalence of plant diseases existing therein as related to commercial fruit production, $30,000.

The amendment was agreed to.

The next amendment was, on page 19, line 6, to increase the appropriation for rent and ordinary repairs of a building for office and laboratory purposes for botanical investigations and experiments from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, on page 20, line 13, after the word "grasses," to insert "for rent and ordinary repairs of a building for laboratory and office purposes, not to exceed $1,200;" so as to read:

Grass and forage-plant investigations: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods in cooperation with other divisions of the Department; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation; experimental cultivation and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; for rent and ordinary repairs of a building for laboratory and office purposes, not to exceed $1,200, etc.

The amendment was agreed to.

The next amendment was, on page 26, line 16, after the word "dollars," to insert:

Of which sum the Secretary of Agriculture is authorized to use $10,000, or so much thereof as may be necessary, for the erection of a suitable seed warehouse on the Department grounds for receiving, storing, cleaning, and properly preparing the seed handled by the Department.

So as to make the proviso read:

Provided further, That $20,000 of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests to be carried on with the cooperation of the agricultural experiment stations, $20,000, of which sum the Secretary of Agriculture is authorized to use $10,000, or so much thereof as may be necessary, for the erection of a suitable seed warehouse on the Department grounds for receiving, storing, cleaning, and properly preparing the seed handled by the Department.

The amendment was agreed to.

The next amendment was, on page 27, line 5, to increase the total appropriation for maintenance of the Bureau of Plant Industry from $601,780 to $627,730.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Forestry," on page 27, line 11, to increase the appropriation for the salary of the Chief of the Bureau of Forestry from $3,000 to $3,500; in line 11 to increase the appropriation for the salary of one assistant forester from $1,800 to $2,000; in line 12 to reduce the appropriation for the salary of one assistant forester from $2,000 to $1,800, and on page 28, line 1, to increase the total appropriation for maintenance of the Bureau of Forestry from $37,360 to $37,860.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "same," to insert "to investigate and test American timber and timber trees;" in line 20, before the word "thousand," to strike out "forty-five" and insert "sixty-three;" and in line 21, after the word "dollars," to strike out "of the latter amount;" so as to make the clause read:

General expenses, Bureau of Forestry: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest tree seeds and plants; for the employment of local and special agents, clerks, assistants, and other labor required in practical forestry and in conducting experiments and investigations in the city of Washington and elsewhere, and for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges, and traveling and other necessary expenses, $263,000, of which sum not to exceed $6,000 may be used for rent, and $700 may be used in payment of rent for the months of March, April, May, and June, 1902. And the employees of the Bureau of Forestry outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year.

The amendment was agreed to.

The next amendment was, on page 29, line 3, to increase the total appropriation for maintenance of the "Bureau of Forestry" from $282,360 to $300,860.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Chemistry," on page 29, line 7, to increase the appropriation for the salary of the Chief of the Bureau of Chemistry from $3,000 to $3,500; in line 12, to increase the total appropriation for the salaries of the Chief and clerks in the Bureau of Chemistry from $12,700 to $13,200.

The amendment was agreed to.

Mr. PROCTOR. On page 31, line 23, before the word "occupied," I move to strike out "building" and insert "buildings;" so as to read:

For the rent of buildings occupied by the Bureau of Chemistry.

The amendment was agreed to.

Mr. PROCTOR. On page 32, line 21, before the word "sirup," I move to strike out "cane;" so as to read:

And reporting the proper treatment and process in order to secure uniform grade and quality of first-class marketable table sirup.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 32, line 23, to increase the total appropriation for the maintenance of the Bureau of Chemistry from $73,200 to $73,700.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 33, line 2, before the word "dollars," to insert "five hundred;" in line 17, before the word "seven," to strike out "one watchman" and insert "two watchmen at;" in the same line, after the word "dollars," to insert "each, $1,440;" in line 21, before the word "thousand," to strike out "thirty-eight" and insert "thirty-nine;" in the same line, before the word "hundred," to strike out "nine" and insert "six;" and in the same line, before the word "dollars," to strike out "sixty" and insert "eighty;" so as to make the clause read:

Bureau of Soils, salaries: One soil physicist, who shall be Chief of Bureau, $3,500; 1 scientist $2,500; 1 scientist, $2,000; 1 chief clerk, $2,000; 2 scientists, at $1,800 each, $3,600; 2 scientists, at $1,600 each, $3,200; 2 scientists, at $1,400 each, $2,800; 2 scientists, at $1,200 each, $2,400; 1 scientist, $1,000; one stenographer, $1,200; 1 clerk, class 3, $1,600; 1 clerk, class 2, $1,400; 5 clerks, class 1, $6,000; 3 clerks, at $1,000 each, $3,000; 1 clerk, $840; 2 watchmen, at $720 each, $1,440; 1 messenger, $720; 1 charwoman, $480; in all, $39,680.

The amendment was agreed to.

The next amendment was, on page 34, line 6, before the words "United States," to strike out "continental" and insert "the;" so as to read:

General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of

methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; for investigations of soils in the United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations, etc.

The amendment was agreed to.

The next amendment was, on page 35, line 3, to increase the total appropriation for maintenance of the Bureau of Soils from $168,960 to $169,680.

The amendment was agreed to.

The next amendment was, on page 35, line 6, to increase the total appropriation for the salary of one entomologist who shall be chief of Division of Entomology, from $2,500 to $2,750; and in line 14, to increase the total appropriation for the salaries of the chief and assistants in the Division of Entomology, from $11,700 to $11,950.

The amendment was agreed to.

The next amendment was, on page 36, line 13, to increase the total appropriation for the maintenance of the Division of Entomology, from $57,200 to $57,450.

The amendment was agreed to.

The next amendment was, on page 36, line 15, to increase the appropriation for the salary of one biologist, who shall be chief of Division of Biological Survey, from $2,500 to $2,750; and in line 25, to increase the total appropriation for the salaries of one chief and assistants in the Division of Biological Survey, from $17,600 to $17,850.

The amendment was agreed to.

The next amendment was, on page 37, line 22, to increase the total appropriation for the maintenance of the Division of Biological Survey from $45,600 to $45,850.

The amendment was agreed to.

The next amendment was, on page 40, after line 14, to insert:

Total for Division of Publications, $228,820.

The amendment was agreed to.

The next amendment was, on page 41, line 22, after the words "District of Columbia," to strike out "; in all, for the Division of Statistics, $141,160;" on page 42, line 1, after the word "shall," to strike out:

On or before July 1, 1903, transfer to and consolidate with the Weather Bureau and under the direction of its Chief all work of the Department of Agriculture relating to the gathering and compilation of statistics by the Division of Statistics."

And insert:

Report whether it is advisable to consolidate with the Weather Bureau all work of the Department of Agriculture relating to the gathering and compilation of crop reports and statistics; and if so, to submit a plan for such consolidation.

So as to make the proviso read:

Provided, That the monthly crop report, issued on the 10th day of each month, shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published. $94,200, of which sum not more than $40,000 shall be expended for salaries in the city of Washington, D. C.; report whether it is advisable to consolidate with the Weather Bureau all work of the Department of Agriculture relating to the gathering and compilation of crop reports and statistics: and if so, to submit a plan for such consolidation.

Mr. PROCTOR. On page 42, line 1, after the word "shall," I move to insert "at the next session of Congress."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 42, line 1, after the word "shall," it is proposed to insert "at the next session of Congress;" so as to read:

The Secretary of Agriculture shall, at the next session of Congress, report whether it is advisable to consolidate with the Weather Bureau all work of the Department of Agriculture relating to the gathering and compilation of crop reports and statistics.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 42, after line 9, to insert:

Total for Division of Statistics, $141,160.

The amendment was agreed to.

The next amendment was, on page 43, line 5, after the word "dollars," to strike out "; in all, for the Division of Foreign Markets, $15,000;" so as to make the clause read:

General expenses, Division of Foreign Markets: Investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure, as far as may be, a change in the methods of supplying farm products to foreign countries, employment of local and special agents, clerks, assistants, and other labor required in making investigations in the city of Washington and elsewhere, and in collecting, digesting, reporting, and illustrating the results of such investigations; traveling expenses and freight and express charges; telephone and telegraph service; and all necessary supplies and apparatus; $6,500.

The amendment was agreed to.

The next amendment was, on page 43, line 7, after the word "of," to strike out "publications" and insert "foreign markets;" in line 8, before the word "thousand," to strike out "two hundred and twenty-eight" and insert "fifteen;" and in line 9, before the word "dollars," to strike out "eight hundred and twenty;" so as to make the clause read:

Total for division of foreign markets, $15,000.

The amendment was agreed to.

The next amendment was, on page 43, line 14, after the word "dollars," to strike out "one cataloguer" and insert "two cataloguers, at;" in line 15, after the word "dollars," to insert "each, $2,000;" in line 17, after the word "dollars," to strike out "one messenger" and insert "two messengers, at;" in line 18, after the word "dollars," to insert "each, $1,440;" in line 19, before the word "thousand," to strike out "nine" and insert "ten;" and in line 20, before the word "dollars," to insert "seven hundred and twenty;" so as to make the clause read:

Library, salaries: One librarian, $1,800; 1 assistant librarian, $1,400; 1 clerk (who shall be a translator), $1,200; 1 cataloguer, $1,200; 2 cataloguers, at $1,000 each, $2,000; 2 clerks, $840 each, $1,680; 2 messengers, at $720 each, $1,440; in all, $10,720.

The amendment was agreed to.

The next amendment was, on page 43, line 25, after the word "series," to insert "for binding periodicals;" and on page 44, line 1, before the word "thousand," to strike out "seven" and insert "ten;" so as to make the clause read:

General expenses for Department library: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, for binding periodicals, and for library fixtures, shelving, library cards, and other material, $10,000.

The amendment was agreed to.

The next amendment was, on page 44, line 3, to increase the total appropriation for maintenance of the library of the Department of Agriculture from $16,000 to $20,720.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 45, line 13, before the word "hundred," to strike out "seven" and insert "eight;" in line 14, before the word "thousand," to strike out "and eighty-nine;" in the same line, before the word "thousand," where it occurs the second time, to strike out "thirty-three" and insert "forty;" so as to read:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $800,000; $40,000 of which sum shall be payable upon the order of the Secretary of Agriculture to enable him to carry out the provisions of section 3 of said act of March 2, 1887, etc.

The amendment was agreed to.

The next amendment was, on page 47, line 14, to increase the total appropriation for maintenance of the agricultural experiment stations from $792,000 to $800,000.

The amendment was agreed to.

The next amendment was, on page 48, line 10, after the word "waters," to insert "at home or abroad;" in line 12, after the word "use," to insert "and upon plans for the removal of seepage and surplus waters by drainage;" in line 17, after the word "labor," to insert "and payment of rent;" and in line 24, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws as affecting irrigation and the rights of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home or abroad, with especial suggestions of better methods for the utilization of irrigation waters in agriculture than those in common use, and upon plans for the removal of seepage and surplus waters by drainage, and upon the use of different kinds of power for irrigation and other agricultural purposes, and for the preparation, printing, and illustration of reports and bulletins on irrigation, including employment of labor and payment of rent in the city of Washington or elsewhere; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories as may be mutually agreed upon, $75,000.

The amendment was agreed to.

The next amendment was, on page 51, line 2, after the word "of," to strike out "persons, other than day laborers," and insert "clerks;" so as to make the clause read:

It shall be the duty of the Secretary of Agriculture to submit, in the Book of Estimates for the fiscal year 1904, and annually thereafter, immediately following estimates of each of the respective offices, bureaus, and divisions of the Department of Agriculture, a statement showing in detail the number of clerks who were employed in the District of Columbia upon regular and continuous work for thirty days or more during the previous fiscal year in or under such offices, bureaus, or divisions under authority of and paid from general appropriations, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended.

Mr. FOSTER of Washington. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 7, line 22, after the words "Hawaiian Islands," it is proposed to insert "and, if practicable and useful, in the Aleutian Islands."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

Mr. BAILEY. Pending that motion, Mr. President, I desire to make a parliamentary inquiry, and that inquiry is, What has become of the resolution in relation to special embassies at coronations which is on the President's table?

The PRESIDENT pro tempore. It is on the table, subject to the call of the Senator from Texas.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts [Mr. LODGE].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. STEWART. Mr. President, I have listened with interest and some surprise to the debate on this bill. It has been more earnest and at times more acrimonious than any debate to which I have ever listened in this Chamber. Although I was here during the exciting period of reconstruction and during the debates on the various questions arising out of the settlement of the war of the rebellion, I have heard nothing to compare with this debate, and I am at a loss to know what has inspired it. There is nothing in the bills of the majority and of the minority to excite animosity or strong language.

The war with Spain was brought on by both parties. The Democratic party, if I remember aright, was most urgent for the war. So far as the war with Spain is concerned, it was the result of the action of both branches of Congress and of the Executive, the Executive following rather than leading. So there can be nothing to excite animosities or criticism growing out of the bringing on of the war. That was a Democratic measure quite as much as it was a Republican measure.

Then came the settlement,

THE TREATY OF PEACE.

That was ratified by a two-thirds majority of the Senate, several Democrats voting for it, and it was about as much a Democratic measure as it was a Republican measure. At all events, it was the measure of the Government. We acquired the islands through the ratification of the treaty. Subsequent to the treaty both parties joined in making appropriations to carry on such operations in the Philippines as were necessary. The ratification of the treaty imposed upon the Executive the duty to take possession of the islands, and to take care of them. It was the duty of the Executive to provide a military government without any action of Congress. That is what has been done in all other cases.

In California, for example, there was no legislation regulating affairs for four years—from 1846 to 1850. Military officers administered the law under the Executive. They formed a State government and proceeded without any action of Congress. There is no question about the authority or the duty of the President to do all this.

For the present status in the Philippines

BOTH PARTIES ARE RESPONSIBLE.

The country is responsible. It is the United States which has acted to bring about the present condition of things. Why should there be any excitement about that? The majority report provides for a temporary government there; it provides for the acquiring of the title to mines; it provides for a currency; it provides for many necessary things in order that the country may have some law under which it may proceed, in order that business may be carried on. I do not hear much criticism of the provisions of the bill for carrying on the government, and so far as holding the Philippines is concerned, the majority and minority are in accord. The difference between the majority and the minority relates to the future.

The second section of the bill proposed as a substitute by the minority reads as follows:

That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof.

Both sides are agreed that the Philippines shall be held at present. There is no division on that subject. There need be no excitement about the present occupation. It is thoroughly concurred in. Then the only point made by the minority worth considering is the question of making promises. The minority insist that we should promise the Philippines to do in the future something we are not ready to do now. I do not believe in making promises in advance. I think we have had enough such promises.

I do not believe 5 per cent of the American people are satisfied with

THE PROMISE WE MADE TO CUBA.

I think we ought to have held Cuba. I think we will get it in time, but it will not be the result of the war, as it should have been. I think that promise is going to make us a great deal of trouble, as it has already made us trouble; but we made the promise, and we are going to carry it out in good faith. We are asked to promise these Filipinos that when they have established a form of government, and have given guaranties that they will protect the amigos—those who have been our friends—that they will carry out our treaty obligations with Spain and all other nations, we will give them their independence.

How long will it take us to get those guaranties? Considering the character of the people with whom we have to deal, we know thatit will be a long time before they can establish a government which can perform our treaty obligations with Spain, securing the safety of the inhabitants of the islands who have adhered to the United States and maintained and protected the rights which have accrued under the authority of the United States. These people know nothing about treaty obligations. There are different grades among them. A great many of them are savages. A great many of them are the descendants of pirates, and are engaged in no legitimate business. It will be some time, from the evidence we have, before these people can be trusted to comply with the conditions required by the minority. Will it not be time enough to act when we know that such a stable government has been formed? If we make this promise now there will be a difference of opinion as to when the conditions have been complied with, and the uncertainty may continue for the next fifty years.

It may be wrong to have taken upon ourselves this responsibility. The result of the war may have been unfortunate, but that is not the question.

WE HAVE THE PHILIPPINES.

We can not let them go now, as all agree. We are under obligations to Spain and to the world to see that the rights of person and property are protected. All agree that we can not turn the government over to them now, and we do not know when we can. Nobody can say when a stable government will be established. And now it is proposed to confuse and embarrass the situation by vain promises. The minority proposes to agitate the country on the question of what that promise will be—not what we will do, but what we will tell them we will do. Such an issue seems to me very foolish but not very exciting. Why tell them what we will do under certain conditions when we have not any reasonable hope that those conditions will exist in the present generation.

The enemy with whom we are dealing is a very different man from what many of us suppose. We did not know anything about him until recently. He has a history which is illustrated in his recent conduct. It is not a new history. It is nearly five hundred years old since it began.

The islands were discovered by Magellan, and he was killed at the time of making that discovery. If the Secretary will read what I have marked, I will be obliged to him. It begins on page 12 and ends on page 13 of Comyn's Philippine Islands, which is authentic Spanish history.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

The Archipelago of St. Lazarus, the name originally given to the Philippine Islands, was discovered by Hernando de Magallanes, who left Seville in August, 1519, with five ships, manned by 234 men, and fitted out by orders of Charles V. On reaching the South Sea, by the passage still bearing the name of its discoverer, he had only three vessels left; but with these he proceeded on in quest of the Spice Islands, the chief plea that had given rise to so daring an enterprise. On the day of St. Lazarus he discovered a group of islands, which he called by the name of the Saint, and landing at Botoan, belonging to the province of Caraga, in the island of Mindanao, he took possession of the new discovery in the name of the King of Spain, and there the first mass was celebrated.

He next proceeded to the island of Zebu, and gained over its chief, as well as that of Dimasua. Mactan, a small island in front of Zebu, however, resisted the Spaniards, and its chief, confident of his own strength, challenged Magallanes to land, who accepted the challenge. He took with him 50 Spaniards, attacked the Indians by advancing through a deep morass; but being wounded by an arrow, he died on the field, together with six of his men, and the rest retreated on board. Thus perished, though not ingloriously, the renowned Magallanes, whose name, in the annals of the New World, deserves to rank immediately after that of Columbus.

After the death of their leader the Spaniards chose Juan Serrano for their commander, and the Indians after this recent misfortune, no longer considering them as demigods or invincible, began to plot their destruction. They artfully disguised their designs and persuaded the new commander, accompanied by 24 of his companions, to be present at a feast prepared by Hamabar, chief of Zebu. In the midst of the entertainment concealed Indians rushed on the unsuspecting Spaniards and murdered the whole of them, with the exception of Serrano, who escaped to his ships.

Mr. STEWART. That is the first account we have of the Filipinos, and it is similar to the account of affairs as reported in Samar. After the natives had made friends with our soldiers, and while the soldiers were at breakfast, they were assassinated. That is the history of these people. Samar is near the other island spoken of by the historian. They are the same character of men. That is the character of the people with whom we have to deal, and it has been their character from the time of the discovery of those islands until quite recently.

There are now robbers wherever they can find plunder. There has been piracy going on there which could not be suppressed, and the European nations have had their fleets there to suppress piracy. They suppressed it in every other part of the world, but there are living on some of those islands

THE WORST POSSIBLE CHARACTERS.

That does not refer to all of the population. The population of Luzon were always better, but their coast towns were robbed, and they had to get into the interior to get away from these pirates. Samar was one of the piratical islands. All the islands were involved in piracy, but Luzon had always a better character than the balance.

In fighting these pirates as recently as 1846, Mr. Brooke, who was an Englishman in charge of an expedition there——

Mr. HANNA. An Englishman?

Mr. STEWART. Yes; he was an Englishman. He had charge of an expedition. All the world had been fighting them, trying to suppress them. He was criticised, I suppose the same as our soldiers are criticised, by fault-finders at home while he was trying to suppress piracy.

I read from Brooke's Borneo, volume 2, page 84. He says:

There seems to me to be a contradictory sort of sentiment pervading a portion of the English public which it is difficult to comprehend. They particularly desire to suppress piracy, but when active and intelligent means are put in operation to effect this purpose they are horrified at the possibility of coercive measures being employed.

Very much like our people here. They want us to establish a stable government, but we are not allowed to use the only methods possible to that end.

He goes on:

What do they expect? Do they really imagine that piracy is to be suppressed by argument or preaching? Do they propose to appeal to the tender feelings of these head takers? Is it by mild morality, moral maxims, Harvey's Meditations, mesmeric influence, a problem of Euclid, or Aristotle's Logic that they would overcome the difficulty and gain the desirable object of opening these waters to the peaceful trader? For my own part, I am anxious and ready to listen patiently to any well-digested plan, but, at the same time, I confess myself at a loss to discover any remedy for the deadly evil but the one which I have as yet successfully applied.

We have undertaken to establish a responsible government in Samar where no government ever existed. While I am opposed to cruelty, and while I reprobate the order of General Smith—

NOBODY CAN JUSTIFY AN ORDER OF THAT KIND—

there are many things occurring in all wars that are not justifiable. There is no doubt that many things occurred in the Southern army which Southern people regretted, but they did not stop the war for that reason; and so in the Northern army there were many things that were not justifiable, as I know, from both sides. I know that the South regretted Fort Pillow, and the North regretted many things that were done, but that did not stop the war.

There has been in this country, from the Atlantic to the Pacific, constant war. If you will read some of the accounts of proceedings in New England or in Virginia or in Pennsylvania in regard to the early wars with the Indians, you will find that our people were driven to desperation and adopted methods which would not be justified in civilized warfare. That always occurs. Why,

GENERAL JACKSON DID THINGS

for which he was censured at the time, but not condemned. He was afterwards elected President of the United States for two terms, and has a most illustrious record. I will read, as an illustration of what occurs under peculiar circumstances, from Appleton's Encyclopedia of American Biography, volume 3, page 378:

At St. Marks his troops captured an aged Scotch trader and friend of the Indian, named Alexander Arbuthnot; near Suwanee, some time afterwards they seized Robert Ambrister, a young English lieutenant of marines, nephew of the governor of New Providence. Jackson believed that these men had incited the Indians to make war upon the United States, and were now engaged in aiding and abetting them in their hostilities. They were tried by court-martial at St. Marks. On very insufficient evidence Arbuthnot was found guilty and sentenced to be hanged.

Appearances were somewhat more strongly against Ambrister. He did not make it clear what his business was in Florida, and threw himself upon the mercy of the court, which at first condemned him to be shot, but on further consideration commuted the sentence to 50 lashes and a year's imprisonment. Jackson arbitrarily revived the first sentence and Ambrister was accordingly shot. A few minutes afterwards Arbuthnot was hanged from the yardarm of his own ship, declaring with his last breath that his country would avenge him.

Jackson was criticised largely for this, but it was impossible for people generally to realize all the circumstances surrounding it. He opened Florida, however, and through him we acquired Florida. General Crook did many things that could not be justified in ordinary warfare.

HE WAS DEALING WITH A CRIMINAL RACE,

very much like these people of Samar. The characteristics of the Apaches, from the best history I can get, were very similar to those of the people of Samar.

The Apaches were a peculiar tribe of Indians. They were not a tribe originally, but they were guards picked up by the priests who went from Lake Superior to Santa Fe and down through into northern Mexico and Arizona and Sonora a hundred years before there was any communication with the City of Mexico. The priests selected young men from each tribe they passed through as a guard. This guard got to be quite numerous, and war was its business. Its members raided the country. They went down into the City of Mexico and robbed and plundered and got back with their plunder without serious opposition.

A most terrible race of men were the Apaches—stealing women, killing males and the children, and taking what plunder they pleased. They roamed all over Mexico. They were the terror of the whole country. They interfered with and delayed the settlement of Arizona. Governor Safford, from Nevada, who was appointed by President Grant governor of Arizona, wrote continually to me on the subject. I told him I wanted particular facts. I told him to give me the facts of the conduct of the men composing this tribe. He sent me a book including over 400 names of men, women, and children—mostly men—who had been murdered and the circumstances substantiated by affidavits as to where the murders had occurred. I took it to President Grant and he assigned to General Crook the duty of subduing them.

General Stoneman had charge, but President Grant put Crook in command on account of the conditions as described by Safford's report. General Crook then had to deal with those terrible people. No other officer had been able to do anything with them, and

HE SUBDUED THEM BY CUNNING.

He induced them to fight one against another. There was a most horrible Indian war for a couple of years, but the Apaches were overcome and the country was quelled, and life and property made secure.

Harsh means had to be adopted. They are not the means that would be used in civilized warfare. Those methods would not be adopted by civilized nations.

You would not do these acts in warfare among civilized men. Crook gave them a forcible order when he started in his work.

He sent an ultimatum to the chiefs to return to their reservations or "be wiped from the face of the earth." No attention was paid to his demand, and he attacked them in the Tonto Basin, a stronghold deemed impregnable, and enforced submission. In 1875 he was ordered to quell the disturbances in the Sioux and Cheyenne nations in the Northwest, and defeated those Indians in the battle of Powder River, Wyoming.

In March another battle resulted in the destruction of 125 lodges, and in June the battle of Tongue River was a victory for Crook. A few days later the battle of the Rosebud gave him another, when the maddened savages massed their forces and succeeded in crushing Custer. (See Custer, George Armstrong.) Crook, on receiving reenforcements, struck a severe blow at Slim Buttes, Dakota, and followed it up with such relentless vigor that by May, 1877, all the hostile tribes in the Northwest had yielded.

Crook adopted more severe means in all his wars than have ever been adopted in the Philippines. He did not write so many orders—he acted; and he was made a major-general for his great services in saving human life. Those countries are now inhabited, and Arizona is coming in as a State. I hope the Senate will concur in the action of the House and admit Arizona as a State.

Now, I condemn any cruelty that can be avoided.

I CONDEMN THE ORDER OF SMITH

as foolish and wicked. There was no necessity for giving it. I do not know whether anything was done under it or not. That order must be condemned, but the general condemnation of our soldiers there is without any reason at all. We know that they have acted as humanely as was possible. We know the American Army always does.

There will be violations of military laws even among the most civilized nations, and court-martials are frequent even there, but where the enemy makes war by deceit, from ambush, and never meets in the open field, he is an assassin, as he is in the Philippines, where he will make friends and stab them. We have had in the West that kind of an enemy. I tell you it is a hard place to put an American soldier, in that climate in those jungles, contending with such a foe. It is a hard place, but they are doing it at the command of the United States. They have no option; they must go. They are soldiers of the United States, and they are compelled to go where this Government sends them. Is there no consideration for their situation?

I do not believe that the American people are going to take any stock in

THE GENERAL ABUSE OF THE ARMY.

They will condemn, as they always have done, any violation of the laws of war in acts of cruelty. They will call for justice to be administered in the usual way. But they will not try the United States Army, 6,000 miles away, on ex parte testimony, and the heat of debate here will not mislead the country.

The people will be sorry that in the United States Senate the Army, in which their friends and brothers and relatives are engaged, are indiscriminately denounced, although Senators on the other side may say they do not intend to denounce the Army. There is nothing the Army does that they do not denounce. The people have confidence in the Army. They always have had confidence in the Army. The Army in the Philippines ought to have the confidence and sympathy of the American people, because they are sent on the most arduous task that any soldiers of the United States were ever commanded to fulfill.

The people also have confidence in Judge Taft and his associates. They have borne a good character in this country. They are all men of high character and they are well known. The people are willing that they shall work out this problem, a problem which is the problem of the United States and not of any party. It must be done. The more general abuse is indulged in, the more general complaint there is without reason, the worse it will be for the complainants.

THIS QUESTION OUGHT NOT TO BE A POLITICAL ISSUE.

It was not a political issue when we got the Philippines. It was not a political issue when we sent the army there. That was done by the vote of all. It was not a political issue when the mandates of Congress and of the country were carried out, and it is not a political issue as to how they shall manage it. The only political issue made by these proceedings is whether we will promise before we are able to perform and when we do not know that we shall ever be able to perform such promise.

I believe that the strong hand of the United States must be placed behind the Filipinos to hold them up. It has got to be behind the citizens who are there to protect them. It has got to stand behind every man for the next fifty years if we carry out the obligation that we assumed when we ratified the treaty with Spain. When we undertook to protect the life and property of the foreigners and to do justice to all men in those islands, we undertook an arduous task, it is true; but the nation is committed to it, and the United States never failed to perform any undertaking that it entered upon, and it must perform it now. It may be embarrassing; it may be difficult on account of the complaining at home—but our mission must be performed.

The Filipinos have friends here in the United States fighting their battles, and they are being taught that all they need do is to continue to assassinate and to continue their systems of treachery to achieve ultimate success. I say it is unjust to our soldiers, it is unjust to this country, to encourage an enemy in arms by promises. There ought not to be a party in this country that will make those promises, to involve soldiers in peril more than necessary, to involve the country in expense, and prolong the time when civil government can be established. The time will be protracted

BEYOND THE LIVES OF ANY OF THOSE NOW LIVING

if we continue to encourage the enemy to assassinate our soldiers and assassinate the helpless Filipinos who are our friends, if we continue to encourage in their opposition a race of men who in some of those islands have been pirates and robbers from time immemorial.

The United States has undertaken this task. It will build up the Philippine Archipelago. It will overcome all opposition. I warn my friends on the other side that there is no political gain in their attitude on this question. Every word they say against the Army will react in the hundred thousand ex-soldiers scattered over the country and the millions that sympathize with them, the millions that admire our Army, the millions that know the hardships that they are subjected to, the millions who feel aggrieved at anything that looks like an attack upon the Army or the policy which grew out of the war, the ratification of the treaty, and the appropriations made to govern the country. I tell you that the people will uphold the Army.

This issue was submitted practically in the campaign of 1900. It was called imperialism. It did not avail. The people did not heed it. The people said, "We have planted our flag in the Philippine islands; we have undertaken to hold them and civilize them; we can not retreat; we are under obligations that we can not ignore."

Now, as far as I am concerned, I believe the acquisition of those islands will

REDOUND TO THE BENEFIT OF THE UNITED STATES

and of the people thereof. It will make markets, it will create commerce, and we will civilize the people and do them good.

Where have the American people gone that they did not do good? Have they not done good from the Atlantic to the Pacific to the savages they found here? Did they not carry blessings to Florida? Did they not carry blessings to California and to New Mexico, and wherever they went? Does anybody doubt their ability to do it again?

The idea is absurd to talk about the Filipinos being fit for self-government and that they will protect life and property when they are every day assassinating their own fellow-citizens and their own neighbors for showing friendliness to the United States. Do you think they will protect the property of those who have been friendly to us, or pretended to be friendly? No; they show a disposition directly the other way.

Now, there are many things in this bill that are very admirable; for example, the monetary system. I do not see how a better one could have been devised. I do not say this because it is silver, because that question is past, but the bill provides for a stable currency, for a regular supply of legal-tender money when not otherwise provided by law.

IT OPENS THE MINTS TO THE COINAGE OF SILVER.

They will get along well when they have plenty of money.

As to the silver question, I beg pardon for digressing enough to say a word. Some have intimated that I have changed my views upon the money question. Very far from it. I never changed at all. Those who accuse me of it do not know anything about the money question. They accuse me, through their ignorance, of being inconsistent. The United States were using both gold and silver and had been from time immemorial, when some schemers demonetized silver. There was not gold enough for use as money. Hard times came and lasted for twenty years. Then the gold mines became productive, so that the gold supplied the place of both metals. There have been fourteen or fifteen hundred millions of new gold added to the stock we had on hand in the last six years.

So we have good times. Some of our friends, however, say that it is on account of the gold standard; that there is something in the material gold which makes it money. It is law of legal tender, not the kind of material from which it is made. Gold is no more money than beef, or pork, or flour, or any other commodity. It is the stamp of the Government which is the law that makes it money, and if we have enough good legal-tender money it does not make any difference of what material we make it.

Now, Aristotle explained that

MONEY IS THE CREATION OF LAW

twenty-two hundred years ago. Nobody has ever been able to confute what he said. The world thought for a long time that silver was money, without regard to law, but when they took the stamp of legal tender off it was only silver. The world then found it silver metal, not money. The legal-tender power of the government is all that makes money, whether it is printed on gold, silver, or paper.

Thus the Supreme Court of the United States decided that the law of Congress makes money. Thus the highest courts of Great Britain have decided. Thus every intelligent man ought to know. I do not believe that the use of any one metal or that the two metals are the best modes of ascertaining quantity. The general range of prices should regulate the quantity. The quantity of money in circulation should be sufficient to maintain the stability of prices, but it need not be made of any particular material. Of course the law makes it money. Take the law off of gold and you will see whether it is money or not.

I read a short time ago of a Secretary of the Treasury who went down to Richmond, Va., and talked to the bankers there and said that they had found a metal that was always of the same value. If a mountain of gold were discovered, you would see if it would be of the same value, and if gold would buy as much wheat as now. The output of gold shows that that is not the case. Putting out fourteen or fifteen hundred million dollars of gold has raised prices. Gold is not worth as much as it was in 1896. I left the Republican party on that question, because the scarcity of money was ruining the country. There was not money enough, and the millions were suffering under it. But when we got relief by the output of gold then I was not fool enough to follow up a dead issue.

The issue of silver is dead, so far as the United States is concerned, until

THE GOLD MINES GIVE OUT.

The time may come when we shall have the same trouble over again, because civilization has had this trouble from the foundation of the world, or as far back as history goes. When the mines were productive we had civilization, and when the mines became exhausted we had hard times and barbarism. During the dark ages the people had no mining, and even lost the art of separating gold and silver from the baser metals. There was no mining and no money; no civilization. A few men had the money, and the balance were slaves. This condition may come again, if the gold mines give out.

It looks now, from the prospect we have before us, that there will be gold enough for some time to come. That may be true for the next fifty years. I do not expect to see the issue again. No man can now go out and make a silver speech and get a decent hearing. I suppose the world will adhere to the use of gold for a while, but the time may come when gold will be abandoned. The discovery of a mountain of gold would cause the immediate abandonment of gold as a money metal.

No one commodity or two commodities will at all times bear the same numerical relation to all other commodities to be exchanged therewith. So long as metal money of any kind is coined without limit the equity of contracts will depend upon the accidents of mining. Price is the true guide, and when legislation shall provide a quantity of money clothed with legal-tender power which shall maintain stability of prices, a plunge into barbarism will not again occur when the mines fail.

Thus I wrote fifteen years ago. Anyone who will read what I have written will see that I have not been inconsistent. I have only said that silver is no better than gold, when we have gold enough. The only trouble with mankind is that there will not be enough. It is fluctuating. The idea that the equity of contracts should depend upon the accidents of mining is very hard on mankind.

But

THIS BILL IS BENEFICIAL TO THE MINERS.

It will make a larger market for silver. You want a larger market for silver just the same as you want a larger market for lead. The lead miner wants a larger market for lead. We want a larger market for silver whether we use it or not, because many of our people are engaged in mining silver. In mining copper, lead, and almost all metals it is a by-product, and you must mine silver if you mine other metals.

To have this rise in the price of silver is very important to my State. This bill will help my people considerably because it will make an additional market for silver and raise the price to those engaged in that business. The goldites used to accuse us by saying that our only motive in advocating silver was to get a market for silver. That was my last motive. I wanted to get silver used as money for the benefit of my constituents, but I never argued the money question for that reason. I argued the money question because I believed that it was necessary to the happiness of the country that there should not be a shrinkage of the money volume, and misery everywhere.

I was perfectly astonished when the Democratic party, in 1900, put the free coinage of silver in their platform, for the issue had been killed by the output of gold. There is nothing in following that forlorn hope. It is dead, and it will be a dead issue, and all money issues that have lived will be dead, for as long as we have the present output of gold we shall have good times. You talk about good times. It comes from more money. Never in the history of the world has there been a time when the volume of money was increasing that they did not have good times. Hume wrote over a hundred years ago that a country with less money, but with its volume increasing, was less miserable and more prosperous than another country with a larger volume of money which was decreasing. It is the decrease of the volume of the money which brings misery. There is nothing which afflicts mankind so much as a decrease in the volume of money.

The untold misery that was created by the decrease in the volume of money by the demonetization of silver will never be realized. The misery that grew out of it never can be told, and I hope it will not be repeated. I am sure it will not be as long as the gold mines continue. When they give out it may come. We do not know when. And then surely you will have the same thing over again. You will have all the miseries of the dark ages. You will have the miseries of which we had a taste between 1873 and 1896.

Now, this provision in the bill gives the Filipinos a stable currency.

IT OPENS A MARKET FOR SILVER,

to which they are accustomed. It is a wise provision. There are also provisions in the bill in regard to mining laws. There are mines in the islands that our people want to work, and they will go there for that purpose, because they will go anywhere in the world for a mine. We have not only a mining law, but a law for opening the lands of the friars, and thus remove an evil against which Filipinos have been contending for years. They have complained of it as one of their greatest grievances, and the bill proposes to remove it.

Mr. BACON. Will the Senator permit me? I have been very much entertained in hearing the Senator return to a subject about which he has not spoken much of late. I simply would like to ask the Senator, for information, whether he still entertains the same opinion relative to the act of 1873 which I have so often heard him express in this Chamber?

Mr. STEWART. That act horrifies me more the oftener I think of it. I think it was the most unmitigated piece of cruelty ever perpetrated in any civilized country; whether ignorantly or willfully, it matters not.

Mr. BACON. Does the Senator still think it was a crime?

Mr. STEWART. If it was knowingly done, it was an infamous crime. It may have been ignorantly done, but I am afraid some people knew what they were doing. I hope they did not, because if there is any punishment hereafter, if they knew what they were doing they are certainly in danger. The act was a great calamity. It was a calamity that affected all civilization, and that calamity rested upon us until there came to our relief the output of gold.

So far as that is concerned this bill makes it possible for Americans to go there and get land, to get mines, to do business, and make contracts and know what they are doing. That is necessary. If you are going to have any civilization in that country you must have enterprise. It is enterprise and business that keeps civilization from sinking into savagery. It is an object lesson that will be afforded by Americans going there. Under this bill we can give them that object lesson.

The bill of the minority presents no object lesson. It presents no mining law. It presents no currency. It presents nothing which will enlighten and raise the standard of those people. It simply tells them, "When you establish a stable government and give a guaranty (and they do not know what that means) to protect life and property and carry out our treaties with Spain we will let you go your own way." The minority propose in their bill to have England and a whole lot of other countries aid us in preventing any other country taking possession of it.

If that scheme is carried out,

ANARCHY WILL PREVAIL

just as it has for the last five hundred years. Without Spain they would have been at war all the time. It has been their business to rob each other and steal from the outside. That has been the business of those who live along the coast. Those in the interior are the sufferers. The people of Luzon and that territory have always been a better people than those in Samar and the other islands farther south; but you offer them a promise that they shall have liberty, that they shall have independence when they accomplish what it is utterly impossible for them to accomplish, and you and I know it.

They can not accomplish it without the protecting hand of the United States. Would the Seminoles have established a government in Florida, maintained law and order, if they had been let alone and freed from Spain? Would the people of New Mexico have been able to establish a stable government without our aid, among whom you find now intelligent men able to take their place in any legislative assembly? You find them that way after fifty years of example, living in a civilized country, being protected, and you see what the effect will be on them. I have visited the legislature of New Mexico at different times in the last forty years. The change there is marvelous, and so it will be in the Philippines. All you want is to restrain them until you can furnish them an object lesson.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. STEWART. Certainly.

Mr. TELLER. I wish to ask the Senator from Nevada if he is quite sure that New Mexico is about to be a State? I should like to know that myself, if he can give me any assurance of it.

Mr. STEWART. Undoubtedly the Senator would be pleased to have it become a State.

Mr. TELLER. Certainly.

Mr. STEWART. The most numerous branch of the National Legislature here has passed an act to admit it. It has passed through the lower House.

Mr. TELLER. I know it.

Mr. STEWART. The lower House has not been more liberal than the Senate in that regard. It will undoubtedly be passed here, I presume.

Mr. BACON. The Nicaragua Canal bill has passed the other House twice, but that affords no guarantee that it will come to a vote here.

Mr. STEWART. The Nicaragua Canal bill has some conditions surrounding it that are peculiar, and which I have not time to discuss.

Mr. TILLMAN. What about the Cuban reciprocity bill? That bill, giving justice to the Cubans, has passed the House, too.

Mr. STEWART. That was sent here to be digested. It was not passed as they want it. We will probably digest it. We are able to do that; but I do not think we have ever turned down a State the other House was willing to admit. I do not believe it ever has been done. The States have been admitted from here. The Senate has been much more liberal in admitting new States than the House.

I noticed some slurs against Nevada in the House when the Arizona bill was under consideration and nobody defended the State there. I think such slurs gratuitous. It was said they did not want any more Nevadas admitted. But they have forgotten, or they do not keep the run of the history of the times.

NEVADA IS GROWING VERY RAPIDLY.

She has a great many good mines now; more, in fact, than any other State in the Union. A wonderful progress exists there in

the way of railroad building, mining, agriculture, etc. We have plenty of population, if quality is taken in consideration.

We have always had enough population to get along pretty well, for what we lacked in numbers we made up in quality. We have always been ready to meet our neighbors on that score. We never mourned about the lack of population, because we knew we had great resources which eventually would bring population. Nevada is going to be one of the foremost States in the American Union, and I hope our friends will not spend any more time sympathizing with Nevada. We have plenty of prosperity in Nevada now, and we do not want sympathy. When you have prosperity you do not want sympathy.

I have, however, been led off from what I was saying. I say that it is education and business which Americans take with them which elevate the people. That was the case in California. We took possession of that country, and the natives who were there now furnish members of the State legislature, governors, judges, and Representatives in Congress.

Mexico has had an object lesson and furnished her great man, Diaz, one of the most remarkable men whom this hemisphere has produced. He has brought order out of chaos. He has introduced railroads, telegraphs, and all the paraphernalia of modern civilization into that country. The great mass of the Mexican people have advanced more in the last twenty years than they did from the time of the discovery of America until

THE TIME WHEN DIAZ WAS PLACED IN CONTROL.

The people of the Philippine Islands must have object lessons. Give them an opportunity to see what can be done by enterprise, by business, by railroads, by telegraphs, and let them become engaged in business enterprises which will occupy their attention, and they will rapidly advance.

But here in the substitute of the minority it is not proposed to do anything for the Filipinos; it is not proposed that there shall be any building of railroads or telegraphs for them; it is not proposed to aid them by opening up their mines or giving them opportunities for employment. They know nothing about government; they know nothing about establishing a form of government that will protect life and property and guarantee to carry out the obligations of the United States which we assumed under the treaty with Spain or to protect the lives of foreigners and the lives of their own citizens.

We know the Filipinos alone and unaided can not do it in a hundred years. We will have to keep our hands on them. We have undertaken before the world to develop the Archipelago, to maintain law and order there, to give those people an opportunity to enjoy the benefits of our civilization, and the world an opportunity to trade without fear of being molested. We have pledged ourselves to perform certain obligations to the world and to Spain, and both Houses of Congress have made appropriations for that purpose. The treaty requires it. It is our Government which is engaged in this work. Now, shall we say stop, stop; throw away all that has been accomplished, and, having driven Spain out, shall we let anarchy prevail there?

Some say we should establish a protectorate. This Government is not going to protect governments away off in the Orient. When we undertake to set up a protectorate in the Orient other countries will have something to say about it. We have

MAINTAINED THE MONROE DOCTRINE

on this continent because it is within the sphere of our influence, and because we are interested in maintaining it here.

The rest of the world respects it here because we have some power to enforce our demands, but when we undertake to say that the nations of the world shall not interfere with the Philippine Islands we must have a Navy to enforce that position which will be equal to the navies of all the world. There can be no protectorate of that kind. We must either go forward and accomplish what we have undertaken to do, establish law and order, give the Filipinos good government, give them an opportunity to enjoy the fruits of liberty, as all other countries do—we must either do that, or acknowledge ignominious defeat and disgrace.

The American people are not prepared for that. They are not going to take any step backward; they never have taken a step backward, and they are not going to do it now. Any man who predicates his hope upon public sentiment changing will find himself sadly mistaken. There may be cruelties perpetrated by the army in the Philippines, but there will be punishment. When was it that the American people could not punish crime—could not restrain our soldiers? We have always done it, and will continue to do so.

If cruelties have been perpetrated in the Philippine Islands, let the offenders be tried where the offenses were committed and where the facts exist; but do not try the American Army, fighting in the Philippines, 6,000 miles away, on ex parte testimony. It is not a fair trial, and the American people are not satisfied with that kind of a trial. They do not want

THEIR BROTHERS AND THEIR SONS

tried where they can not be heard, and they do not believe that the American Government is going to do any great wrong. It never has. It never has violated the principles of good government.

Our country has had an onward progress for more than one hundred years. It may make mistakes, but they will be little ones, not the great mistake of surrendering our trust. Perhaps we ought not to have undertaken the trust, but we have accepted it by the voice of the whole American people, and by both Houses of Congress. The war was prosecuted; we were victorious; the treaty was ratified; appropriations were made; and, as I said before, we have undertaken to establish good government in the islands, and we can not retreat. We will not promise to retreat.

Promises are idle now. Let the work we started out to do be done, and then it will be time enough to see what we shall do next. There will be as wise men in Congress then as there are now. I have faith in coming Congresses. When you say you must provide for the contingencies that may happen hereafter, it is a declaration that we do not believe that the Congresses that are to follow will be as patriotic and as intelligent as are we. If that were so, that would be the end of the Republic.

THE REPUBLIC CAN NOT LIVE

unless we continue to have intelligent and patriotic members of the two Houses of Congress. You will have them even more intelligent fifty years from now, or even twenty years from now, than they are to-day. Whenever good government is established in these islands they will know whether they can trust the Filipinos or not. But one thing is certain: The American people will never fail to discharge the obligations that they have taken upon themselves in that treaty, and taken with the consent of all parties.

More than that, the action is sanctified by the blood of hundreds of the best American citizens who ever lived. Many of our brave boys have offered up their lives in those far-away islands. Every neighborhood from which a boy has gone to the Philippines and lost his life over there feels an interest in this question. Every patriotic man feels the obligations that we have assumed, and he will not ask this Government to lower the flag. Where the American flag is planted and has been watered by the blood of brave men, it will stay and never be pulled down. Do not intimate such a thing.

The party that intimates

THE PULLING DOWN OF THE AMERICAN FLAG

under the circumstances in which it is floating in the Philippines will be repudiated by the American people. I hope no one will make such a suggestion. Some Senators on the other side have been already apologizing for such expressions, and I am glad to hear it.

Our Army should be free from such attacks as we have heard here. If orders have been issued like those which General Smith is said to have issued, which are criminal, let those who promulgate them be tried by courts-martial. The Army is abundantly able to take care of itself and its honor. It will do what is right. Fear not.

I do not wish to prolong this discussion. I think there has been too much said already; but before anything was said, before a witness was examined, we knew what our duty was; we knew that we were bound to give the Filipinos a government. We must go forward in that work. We have undertaken it, and we can not turn back, We did not need evidence to know that. We might take evidence in regard to the form of the government we should establish, in regard to the character of the mining, currency, and other laws. We should have confined our investigations to those things. Nobody proposes to change the civil government and nobody proposes to abolish military rule there. That is not proposed either in the bill of the majority or in the substitute offered by the minority.

The plan of the majority is to go on until

THE FILIPINOS HAVE ESTABLISHED A GOVERNMENT

which can perform all the obligations which we have assumed in those islands. Why embarrass them by finding fault now? There is nothing that can be truly said against Governor Taft. A better man could not be selected in any part of the world. How can the situation be benefited or improved? Suggestions for the improvement of the bill are in order, but suggestions that the American flag shall be hauled down in the Philippines under these circumstances will be repudiated by all patriotic men, North and South. It is not a ladder on which to climb into office.

Senators talk about giving up the Philippines and abandoning our trust. It would be a disgrace in the eyes of the world for us to do so. I hope that such an issue as that will not be presented to the American people even if the Senators of the minority advocate it.

Mr. TILLMAN. Before the Senator takes his seat, will he not be kind enough to give us some information or light on the questions presented in sections 79 and 80 of this bill?

Mr. STEWART. What is the character of the sections to which the Senator refers?

Mr. TILLMAN. I will read them. Section 79 provides:

SEC. 79. That the said Philippine government is authorized to coin a silver dollar, which shall contain 416 grains of standard silver, and the standard of said silver coins shall be such that of 1,000 parts by weight 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper. And upon the said silver dollar there shall be devices and inscriptions to be prescribed by the government of the Philippine Islands, with the approval of the Secretary of War of the United States, which devices and inscriptions shall express or symbolize the sovereignty of the United States and that it is a coin of the Philippine Islands, together with the denomination of the coin expressed in English, Filipino, and Chinese characters, and the date of its coinage.

Then section 80 provides for the deposit of bullion, the same as we do at our own mints for gold. I should like to ask the Senator to tell us while we are putting this over there, if it is a good thing, why do we not put it here? The Senator has just said that he has not changed his views. This is a very cloudy subject to me, and I can not see why we should want to give a blessing to the Filipinos and not get a little of it ourselves. I hope the Senator will give us some light on that subject.

Mr. STEWART. I will do so. That is a very easy thing to do.

Mr. TILLMAN. I am in the dark, and of course I can get light from the Senator from Nevada in a great many directions.

Mr. STEWART. You can get light in this direction if you will pay attention. There is no doubt about that.

The dollar provided for in the section just read is equivalent to the Mexican dollar. It is about the same weight I believe, as the Mexican dollar. The Mexican dollar is circulating throughout the Orient, and has been so circulating almost from time immemorial. The Orientals know exactly its value. The dollar that we allow the Filipinos to coin will be of the same value, and they will soon get accustomed to using it. It will make a market for silver, and besides that it will give them a stable coin. They are not yet prepared for paper money, and they can not have gold there because they can not possibly have a gold circulation. They could not get gold in sufficiently small denominations; and if you introduced gold, you would change the entire customs of the people. They have been using the Mexican dollar for a long time and know all about it.

When you give them the coin proposed in the pending bill you will be conforming to the customs there and

FURNISHING THEM A STABLE CURRENCY,

which, I think, is very wise, and I congratulate the committee on the adoption of that provision in the bill. It will be beneficial in the way of affording a market for silver, and will give those people, as I have said, a stable currency of the kind that they have been in the habit of using. It is a currency with which they can trade with China, and it will be perfectly understood both by them and by their neighbors, because the Mexican dollar has been used there from time immemorial, and they understand its weight and fineness as well as we do.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. STEWART. Yes, sir.

Mr. CARMACK. I should like to ask the Senator how he thinks it will affect the trade between the United States and the Philippine Islands to have the silver standard over there and have the gold standard here?

Mr. STEWART. Just as it affects the trade between the United States and China to-day; just as it affects the trade between the United States and the Philippine Islands to-day. It is the same standard they now have.

Mr. LODGE. And with Mexico.

Mr. STEWART. They have the same standard, the silver standard, in the Orient and in Mexico, with whom we trade.

Mr. CARMACK. The point on which I wished to get the Senator's statement was this, whether or not it would tend to increase the trade between the United States and the Philippines or facilitate commercial intercourse between the two countries to assimilate their monetary systems?

Mr. STEWART. The committee have thought it best to let them have this monetary system. I have often explained that the country having the cheaper money has the advantage in trade with countries having dearer money. India had a great advantage in that respect over England. They almost destroyed the manufactures of England, because they manufactured with silver and then sold their products in England for gold, thus competing with England; but now all Europe has adopted the gold standard.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. STEWART. Yes.

Mr. CARMACK. That was not the point to which I was directing the attention of the Senator. As I understand it, India having a silver standard, the advantage in trade between India and Great Britain has been with India.

Mr. STEWART. Yes.

Mr. CARMACK. And that Great Britain has suffered very largely because of that fact?

Mr. STEWART. Prices have been regulated by fixing the gold value of silver.

Mr. CARMACK. The point to which I was trying to direct the attention of the Senator was, Will not the same result occur from our relation with the Philippines? If they have the silver standard and if this country has the gold standard, will that not tend to destroy trade between the United States and the Philippines, as it has destroyed trade between Great Britain and India?

Mr. STEWART. It will not have the same effect on our trade with the Philippines as in trade between Great Britain and India. The wages of labor did not go up with inflated prices. India could manufacture more cheaply than it could be done in England, and that hurt England.

THERE IS NO IMMEDIATE DANGER

of that happening in the Philippines, because they are not a manufacturing people. They trade in raw materials, and so it makes no difference; but where they have cheaper money they have the advantage in manufacturing over a country which has to manufacture with dearer money.

A great commotion was created in England on account of the great advantage free silver gave India over the mother country. Meetings were called there to enter protest, and they have been trying to fix the standard by legislation. They first tried putting India on a gold standard, but they could not do that. Then they undertook to keep the value of the rupee permanent, so as to prevent fluctuation. They have it now so that the fluctuation is not so great as formerly. They have equalized it by various devices; but silver money will afford no particular advantage in the Philippines, or it will amount to nothing, because they are not a manufacturing country, and their labor is not organized.

If they should become a manufacturing country, as China might become a manufacturing country, and there were enough of them, it would affect us just the same as England was affected. I do not think the Filipinos will enter into manufactures until they get an established government, a government that can give guaranties, and I do not expect to live to see that done.

Mr. CARMACK. Does the Senator think that this legislation will encourage manufacturing in the Philippines as similar legislation did in India?

Mr. STEWART. It will, and to a certain extent I should like to see it.

Mr. CARMACK. And at our expense?

Mr. STEWART. I do not think there will be enough of it to be of much expense to us. I think that is too remote a contingency to contemplate.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. STEWART. Certainly.

Mr. RAWLINS. I understand the Senator to have said that when the American flag is once raised anywhere in territories it is never proper to take it down?

Mr. STEWART. No; I did not say that.

Mr. RAWLINS. That it "must stay put?"

Mr. STEWART. I did not say that.

Mr. RAWLINS. That we can not withdraw in honor from any territory that has come into our possession?

Mr. STEWART. I did not say that.

Mr. RAWLINS. That it would be a national disgrace to withdraw from the Philippine Islands?

Mr. STEWART. Yes; I think it would.

Mr. RAWLINS. Now I have got the point of the Senator, that it is unpatriotic to suggest such a thing?

Mr. STEWART. Yes.

Mr. RAWLINS. That is the position the Senator took?

Mr. STEWART. Yes; I think it is.

Mr. RAWLINS. Now, I want to invite the attention of the Senator to this language employed by General Grant in his Memoirs. I read from volume 1, page 53:

For myself I was bitterly opposed to the measure—

That is, to the Mexican war—

and to this day regard the war which resulted as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies in not considering justice in their desire to acquire additional territory.

I now read from page 56——

Mr. STEWART. Are you going to read the whole book?

Mr. RAWLINS. No; but I want to read this language of General Grant. He says:

It is to the credit of the American nation, however, that after conquering Mexico, and while practically holding the country in our possession, so that we could have retained the whole of it, or made any terms we chose, we paid a round sum for the additional territory taken—more than it was worth, or was likely to be, to Mexico. To us it was an empire and of incalculable value; but it might have been obtained by other means. The Southern rebellion was largely the outgrowth of the Mexican war. Nations, like individuals, are punished for their transgressions. We got our punishment in the most sanguinary and expensive war of modern times.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada decline to yield further to the Senator from Utah?

Mr. STEWART. I should like to know what question the Senator is going to predicate on what he has just read?

Mr. RAWLINS. If the Senator will be patient for just a moment——

Mr. STEWART. Very well.

Mr. RAWLINS. After we had conquered Mexico and it was absolutely in our possession—which can not be said of the Philippine Islands—in June of the year to which the memoirs of this distinguished General refer, our flag was taken down and the troops of this great nation withdrawn. I want to ask whether or not the Senator approves of that?

Mr. STEWART. I approve of just what was done. No doubt about that.

Mr. RAWLINS. Then the Senator is not——

Mr. STEWART. I want to say my own say. I have not said anything of that kind.

Mr. SPOONER. Let the Senator draw the parallel.

Mr. STEWART. Yes; let him explain the parallel. There is no parallel whatever in the two cases. I said that where our flag was planted with the pledge to keep it there, where we undertook to carry out obligations, and where it was sanctified by the blood of our soldiers, there it would stay.

In the Mexican war we overran that country and could have taken it all, as General Grant says, but we did not see fit to do so. We paid Mexico a large amount of money and took only a part of the country that was then of no use to her. After we had done that, after the treaty of Guadalupe-Hidalgo had been ratified, and we had undertaken to protect the rights of citizens, native and foreign in that country—after we had undertaken that, to pull down our flag would have been a disgrace. That would have been a parallel. It would be like pulling down our flag in California after it was planted there, after the treaty had been made and the American people were emigrating to that part of the country. The pledge of the nation was that they should stay there as citizens and be protected. That would be a parallel.

WE CONQUERED SPAIN,

we took the Philippines, and we pledged ourselves in the treaty with Spain to maintain law and order in the Islands, to preserve the rights of Spain, and to protect the rights of foreigners there. We undertook this before all the world, and to take down the flag now, I say, would be a disgrace. Where the flag is planted with obligations to maintain it in the treaty and in the laws and in the blood of our soldiers it will stay there. The American people will never turn their backs upon such obligations.

Now, I should like to ask the Senator from Tennessee one question. I ask if he approves of that portion of the bill providing for the coinage of silver in the Philippine Islands?

Mr. CARMACK. I think I have not approved of any part of the bill that I have found yet; but so far as that particular part of it is concerned, I make no objection to it. I was simply asking the opinion of the Senator from Nevada as an expert on this question. On this question I should like to have some information from the Senator, or have him express his views upon it.

Mr. STEWART. All right.

Mr. CARMACK. I do not say that I am opposed to that particular feature of the bill at all. On the contrary, I am inclined to think that it would be wrong for this country to undertake to change the monetary conditions which prevail there now. I have not asked the question of the Senator with a view of opposing that feature of the bill. I thought he had made a study of this question and was an expert; and so I wanted to hear from him some explanation in regard to it.

Mr. STEWART. That is all right. I do not think any Senator here is opposed to that feature of the bill, on either side of the Chamber; and I do not think there is any serious objection to the mining feature or the land feature of the bill, or to buying out and getting rid of the friars. I do not think there is any serious objection to doing what the Filipinos want to do in excluding the Chinese.

The Filipinos have sent their protest here, saying that they do not want the Chinese; and we know that that feeling exists there. We have done as they desired in that respect, and we propose to do as they desire in respect to the friars' lands. We have relieved them from that oppression. We have relieved them from many others. We have a great work to accomplish in the islands, and there is no doubt that we will accomplish it.

Mr. TILLMAN. Mr. President, before the Senator takes his seat, I wish to say that he has not finished elucidating the silver phase of this bill at all.

Mr. STEWART. Go on and ask more questions, then.

Mr. TILLMAN. When the Senator used to wax eloquent and I was a pupil under his tuition here in the glories of free silver, it seems to me that I recall that the party generally with which he is now affiliated used to oppose our contention on this side, and his contention, with the argument that to have the United States on a silver basis and the balance of the world—that is, the European world—on a gold basis, would interfere with the exchanges to such an extent that we would be hampered in our commercial relations and intercourse with Europe, and that we could not possibly endure such a thing. Now the Senator says that the free coinage of silver and a silver basis in the Philippines will not interfere in the slightest with the exchanges between the United States and our colonies. I should like to have the Senator give us a little light upon the change of front, or the change of heart, or the change of conditions through which his mind has reached this conclusion.

Mr. STEWART. Give me an opportunity and I will do it with pleasure. All I want is an opportunity. I have had no change of heart, but there has been a change of conditions. I have contended in every speech that if this country would have free silver it would break Europe if they would not follow us.

Mr. TILLMAN. And now you want the Filipinos to break us.

Mr. STEWART. They are not big enough to do that. If they were as big as we are, I should be very much afraid of them. If they were a manufacturing country I should be afraid to give them free coinage, but they are not. They would have the same experience in that regard as India had.

A good many of my friends on the other side did not understand my position at all. I have been misunderstood, but I thought my friend from South Carolina [Mr. TILLMAN] did understand me on that subject. My views are the same to-day as they have ever been, but now conditions have changed. We have gold enough to furnish a sufficient volume of money, and we have good times, and I want to let well enough alone.

Accommodating the Filipinos with a suitable currency in silver, which they have always had, without any change, is not going to injure us materially unless they become a great manufacturing country; then it will be time to change. There may be a difference in the output of gold by that time. Things may change as rapidly as other issues that are presented, but I will understand them when they arise, because I understand the question. I knew when the silver question was dead, and I did not advocate putting it in any platform. I knew when it was dead and realized that it would be buried until the present large output of gold ceased.

Mr. CARMACK. Will the Senator permit me to interrupt him?

Mr. STEWART. Certainly.

Mr. CARMACK. One of the arguments which used to be made with reference to the effect of the silver standard in the silver countries was that it operated as a bounty upon exports.

Mr. STEWART. It did.

Mr. CARMACK. Does the Senator think it will have that effect in the Philippine Islands?

Mr. STEWART. Yes; I think it will to some extent. All Asia has an advantage in being on the silver standard. It is held down by the Western world. They have not the advantages they had before we attained plenty of gold. When we were hard up for money they had a great advantage, and India prospered as she never had prospered.

She sprang forward; she was able to supply the markets in the Orient, and the weavers and manufacturers of various kinds held meetings and they sent here volumes of protests against it, which I read before the Senate. They could not stand the competition that occurred; but now if the Orient stands by silver and we stand by gold and gold happens to be scarcer than silver, you will feel it. But England has tied the hands of India, so that India can not do much harm.

Mr. CARMACK. The point I wished to make in that connection was: If the silver standard in the Philippines operates as a bounty upon exports we will be in the position of putting up a tariff in the United States against sugar, for instance, from the Philippines, and at the same time, by our monetary policy, giving a bounty upon sugar.

Mr. STEWART. Oh, well, that is to be temporary. We shall not have a tariff long; and they are not going to manufacture enough to hurt us. It is magnifying the thing too much to think that they are going to hurt us in that way.

Mr. TILLMAN. There is one other question I should like to

ask before the Senator takes his seat. I notice in the section just read it is said—

which devices and inscriptions shall express or symbolize the sovereignty of the United States and that it is a coin of the Philippine Islands, together with the denomination of the coin expressed in English, Filipino, and Chinese characters, and the date of its coinage.

Will the Senator tell me what "Filipino" is in that sense? I do not recall who it was, but I thought some one who was arguing against the possibility of any government by the Philippine people among themselves, or any cooperation because of the various nationalities and tribes and languages which we all know exist there, stated that there was no such thing as a Filipino language; but it seems that the chairman of the committee, or the committee, or some one, has discovered a Filipino language, and if the Senator has received that information from the source from which I suppose the committee got it I would like to have it.

Mr. STEWART. I suppose the committee thought as the Filipinos might have some kinds of characters there, it would be natural to use them, and if they have, all right. It will do no harm to have a device on the coin. I think that is a discussion between tweedledee and tweedledum, and tweedledee may have the advantage. I do not know whether the inscription is necessary or not, but it is well enough. I have never contended that they did not have a language.

Mr. ALLISON. They have many languages.

Mr. STEWART. They have many languages, and in many tribes a jargon of languages, as was the case among the Indians. The Indians all had languages here, but one tribe could not understand another. There are some very highly educated people in the Philippine Islands, but they have never been able to sustain any kind of government. Perhaps Spain would not allow them to do so. They have had no experience in government. They know nothing about government at all.

In Samar and in that locality they were engaged in the business of piracy for some three or four hundred years, and when Magellan discovered the island they killed him and his followers by treachery. They have undoubtedly had a language. The pirates had a language, but what of that?

That is not material. Most of the tribes can understand themselves. Sometimes they can not understand their neighbors. Nobody has ever contended that they have not some kind of language. You will find that everywhere. There are no people who have not some kind of language and these people undoubtedly have. I do not think the fact that you try to stamp on the coin in the Filipino language some marks that they understand will do any harm.

I do not know whether the silver coin will be a success or not. The United States have tried to accommodate the Filipinos all they can, but the great accommodation is giving them a standard coin and giving them full value. If money is less valuable than bullion it will be regulated by its value, so far as the outside world is concerned in trade. It will be regulated by its bullion value in trade with the United States, as we have to regulate it in trading with all Oriental countries, as Europe has to do, except in India, where England is arbitrarily trying to fix the ratio to make the value of the rupee permanent. It will have to be regulated by its bullion value. I know Japan made a great mistake in adopting the gold standard when she did. She had a great advantage over the rest of the world under the silver standard.

Mr. TELLER. Everybody knows that.

Mr. STEWART. Everybody knows Japan made a great mistake. Her statesmen were going forward with marvelous speed. They had all the advantages in their favor because they were a manufacturing country, but they have given that up, and so they do not enjoy that advantage now. There would be no special advantage to the Filipinos in trade with us until they became a manufacturing country. Then it will be an advantage.

Mr. CARMACK. It is not a producing country of any kind.

Mr. STEWART. No; they produce nothing but anarchy, and they are prolific in that and always have been. They produce robbers at sea and anarchy on land, and they have shown no disposition to produce anything else; but we will teach them, as we have taught the Mexicans, and as we have taught the Spaniards in Florida, and as we have taught people everywhere we have gone what good government is.

We will teach them by our enterprise, by our example, how to be civilized. We will teach them by our government. We will teach them by showing them we can administer justice and that we can protect life and property. It is a lesson they need. It is a lesson we undertake to give them. It may be expensive to us, but it will certainly be beneficial to them. It would be more expensive not to do it, by losing our standing and character among the nations of the world in backing down from obligations we have undertaken.

How sensitive the people of the United States are about their character, about their honor! See what we have done with Cuba. After the millions of money spent and the lives lost in procuring the liberty of the Cubans, we consented to give them their independence. See what the word of the United States is worth! Keeping that pledge makes us admired by all the world. It is a higher plane than that upon which other nations have stood.

IT MAKES THE WHOLE WORLD ADMIRE AND RESPECT US,

and the keeping of our pledge to establish law and order and protect life and property in the Philippines will make us further respected. The United States can not do a dishonorable thing. The people are proud, prosperous, progressive, and the world admires the strict honor with which we keep all our obligations. We have these obligations resting upon us. Whether or not we regret it, makes no difference.

Many men regret that we agreed to give up Cuba, but what American would say, after we made the pledge, that we should not redeem the pledge?

What American dares suggest the violation of one pledge that this great Government has ever made? And if there is any solemn pledge it has ever made, then the pledge to establish law and order and to protect life and property of natives and foreigners alike in the Philippines made by this Government in the treaty with Spain is a solemn one. It has been carried out with fidelity, and will continue so to the end. We would blush to say that this great Government had undertaken to do what it can not accomplish. We are not going to blush. It is going to be done, and we will all be proud of it.

Mr. TELLER. I wish to ask the Senator a question.

Mr. STEWART. Certainly.

Mr. TELLER. I understood the Senator to say he approved of the land provision. I want to know if he approves of the provision which allows corporations to have 5,000 acres of land?

Mr. STEWART. That quantity may be a little excessive.

Mr. TELLER. I should like to ask the Senator a further question, as he has some acquaintance with the Tropics. I am not asking this for the purpose of criticising the bill, but to see if we can not arrive at something proper. I ask him whether 160 acres is not more than ought to be given to an individual in tropical countries, where such different conditions prevail from those that exist here; whether that is not too much? What does the Senator think about it?

Mr. STEWART. One hundred and sixty acres in a tropical country is probably as much as four times that amount would be in a northern climate.

Mr. TELLER. Even more than that.

Mr. STEWART. Yes; because a very small piece of land there will produce enormously. I have been in the Tropics and have seen the production, and it is perfectly astonishing what they can produce of their products, either sugar or tobacco or anything that will grow there. It grows very luxuriantly, but it requires a good deal of labor to attend to it, unless it be sugar cane. That grows naturally in many places, and bananas also grow naturally; but the Tropics are enormously productive. The digging of the soil is miasmatic and unhealthy, but the soil is wonderfully productive. I think 160 acres is enough.

Mr. TELLER. Mr. President, I merely wish to call the attention of the committee for a moment to a provision of the bill. I am not going to make a speech, but I think it is one of the defects of the measure. I think to give 160 acres in the Philippines is more than to give every settler in the United States a section of land; that is, it is more in proportion. The holdings in all the Tropics are small. I wish to read just a brief statement by Sir George Baden-Powell and Sir William Crossman in a report of the royal commission, made perhaps a couple of years ago in reference to Jamaica, a British island. They estimate that thirty days' labor on an acre of good land in Jamaica will, in addition to providing a family with food for a year, yield a surplus available in the market of from £10 to £30.

That is the statement made as to 1 acre of good Jamaica land, that it will support a family and produce salable products of the value of from £10 to £30—from $50 to $150—in addition. That, of course, we know has been one of the reasons why the tropical people have stood still in their civilization. It is so easy to live that they do not exert themselves.

Jamaica is not a richer country than the Philippines, in great part. Of course, the mountains of Jamaica would not probably produce that much. Neither would the mountains of the Philippines; but there is a great quantity of good land in the Philippine Islands, and no man there can cultivate 160 acres. I should suppose that 10 acres there would be equal to 160 acres, certainly, on our farms.

Mr. LODGE. The language of the bill, I think, is "not exceeding 160 acres."

Mr. TELLER. I know; but I think we ought to limit it.

Mr. LODGE. I was going to ask the Senator what he thinks would be a proper limit. I see clearly the force of his objection.

Mr. TELLER. I think 10 acres are enough for any holding over there, as near as I can learn. There may be some land of which they should be allowed more, because it may not be all arable land in the mountains.

Mr. LODGE. We took the usual American amount.

Mr. TELLER. I will simply say to the committee that it seems to me a very large discretion ought to be given to the authorities over there in the matter, but the amount should still be fixed so as not to exceed a limited number of acres—40 acres, or something like that.

Mr. LODGE. I am not perfectly sure, as I am speaking from memory, but I think the Commission suggested 40 acres as the limit.

Mr. TELLER. I do not remember anything about it.

Mr. LODGE. I think those are the figures they suggested.

Mr. TELLER. Any native who has 40 acres of good land would be very rich; that is, his ability to get a living would be very well provided for. I believe there ought to be some amendment with reference to that.

Mr. LODGE. I am inclined to think it would be better to reduce the limit myself.

Mr. SPOONER. What is the limit in the bill?

Mr. LODGE. One hundred and sixty acres.

Mr. TELLER. One hundred and sixty acres. I think that is too much.

Mr. HANSBROUGH. Will the Senator from Massachusetts permit me to interrupt him?

Mr. LODGE. Certainly.

Mr. HANSBROUGH. I suggest to the Senator from Massachusetts that the homestead should be limited to 40 acres, so as to conform to the provisions that are in vogue in the Department here, and that the provision in regard to 5,000 acres for corporations should be reduced to about 500, in order to conform to the law as it exists in Porto Rico. I simply offer that as a suggestion.

Mr. LODGE. I will say to the Senator that I think the suggestion in regard to the limitation of the amount of one holding of land is a very judicious one. I am inclined to think the committee put too high a limit on the amount.

Mr. BEVERIDGE. That is, on the individual holdings.

Mr. LODGE. On the individual holdings. The matter of corporations is a matter that the committee should consider very carefully as to whether there should be any change made there.

While I am on the floor, Mr. President, I want to say a single word about the coinage provisions. From the questions asked by the Senator from South Carolina [Mr. TILLMAN] it seemed to me there was some misapprehension about them. We have made no change in the standard of the Philippine Islands. Their standard is a silver standard, with the free coinage of the Mexican dollar—that is, the Mexican dollar can be imported there in any amount, and the Mexican dollar is the unit of their coinage. There are about 6,000,000 Spanish-Filipino dollars, as they are called, coined some time ago by Spain, which are of an inferior fineness and therefore incapable of export. They had there a subsidiary coinage consisting of Spanish coins, both silver and copper. Those subsidiary coins, being Spanish, had a larger value in Spain than they had in the Philippine Islands, and were practically all drained out back to Spain, so that the islands are in great need of a subsidiary coinage, both of silver and copper. That the bill provides.

Now, all we attempt to do in this bill is to maintain the existing standard—to substitute for the Mexican dollar, which is of inferior coinage and many of which are greatly worn, a finely minted American-Filipino dollar, coined at our own mint. The suggestion of that dollar is taken from what is known as the English-Bombay dollar, which was coined by England for use in the Straits Settlements and Hongkong and Singapore, which are all silver-using cities and countries. The English dollar, well coined, passes by tael, as a dollar coined by us would undoubtedly do, whereas the Mexican dollar is so inferior in coinage and much of it is so much worn that it passes only by weight.

The coinage of the Bombay dollar was so successful for the Chinese trade that in the six years—I think it is six years—England has been coining it she has coined 110,000,000, and those have all, or the great mass of them, made their way into China and have been used in the trade with that country with great advantage to English commerce.

The committee felt, first, that it was unwise at this time to suddenly change the money standard to which the people of those islands had always been accustomed; that it would involve a great alteration in prices and wages, and would be attended with all the risks and perils with which the change of a money standard is always attended. They also felt that it was absolutely necessary to supply the islands with a good subsidiary coinage, about which I think there is no dispute, and it seemed to them it was equally necessary to give them a good silver dollar, and that we might as well replace the Mexican dollar with the American dollar, which could be used in the oriental trade in China like the Bombay dollar.

Therefore, taking the Bombay dollar as a type of what was wanted, the committee provided for the impression to be made upon it and the inscription after the manner of the British order-in-council for the Bombay dollar. That order-in-council provided that there should be on the reverse of the dollar the statement in Chinese, English, and Malay of the value of the coin, together with a Chinese device in the center. That enabled the coin to circulate throughout the Orient. There are, of course, many Malay dialects in the Straits Settlements for which this dollar was primarily coined, just as there are very many dialects in the Philippine Islands; and using the term "Filipino" is as vague as using the term "Malay" in the British order-in-council. The intention was, however, merely to get some sign or device which would be as nearly as possible comprehensive to the people of the islands.

The Chinese inscription of course was with a view to the use of these dollars in the Empire of China, where they will undoubtedly go in considerable quantities as trade progresses, and the committee felt that in this way they would not only give the Philippine Islands the coins which they now need very much, but that they would establish there a dollar which would be of great advantage to American commerce in the Orient.

The other plan was to substitute a modified form of the gold standard. I say a modified form because it provided for the coinage of the peso, or Filipino dollar, which would be under weight and of inferior fineness, so that it would not leave the islands. It may be in the future desirable to put the Philippine Islands upon the gold standard, but the committee were very clear that that time had not yet arrived, and that it would be a mistake at the present time to attempt it.

Spain attempted once or twice, unless I am misinformed, to establish the gold standard in the Philippine Islands, but she proved unable to maintain it there, and all the gold which she introduced into the Philippine Islands went out, leaving the islands as they had been—on the silver standard.

Mr. SPOONER. It went out and stayed out.

Mr. LODGE. It went out, the Senator from Wisconsin says, and stayed out. The last time, I think, was more than twenty years ago, when some Spanish gold was brought in there.

The committee felt that if an attempt was made to impose the gold standard upon those islands at this time it would be necessary for the United States to undertake the maintenance of a gold reserve. They saw no other way to do it. Taking all these considerations together, the great responsibility of undertaking to maintain a gold standard in those islands, the change in the existing system, which was involved with all possible perils, the committee felt that the safe and wise thing to do was, for the present at least, to leave the islands on the silver standard, to which they had always been accustomed.

It was represented to the committee that placing it on the gold standard would improve the trade of the islands with the gold-standard countries; but all the world trades with China, with the Straits Settlements, with Singapore and Hongkong, on the silver standard. The Philippine Islands form part of that monetary system, and only a small part, and it did not seem to the committee that there would be any very great advantage in making a change as to the Philippine Islands, but that on the contrary the balance of advantage would probably be in leaving the Philippine Islands as a part of the same monetary system to which they had already belonged.

Therefore, to repeat what I said at the beginning, we make no change in the money standard of the islands. We leave it as it was. We simply give them what they greatly need and of which they are now destitute—a good subsidiary coinage, both of copper and silver—and instead of the free coinage of Mexican dollars, now the unit of value, we substitute for it a Filipino-American dollar, well coined, well made, which we believe will not only furnish them with a good dollar which will pass by tael and not by weight, but which will enter into all the commerce of the Orient, especially China, and will perform the same useful office for us that the Bombay dollar has performed in China for the commerce of England.

Mr. TELLER. Mr. President, I should like to ask the chairman of the committee a question. I understand that this proposition meets with the approval of the people who have been most experienced in the trade of that section of the world, who gave this their approval. Is that the fact?

Mr. LODGE. I am glad the Senator asked me that question. The subcommittee, of which I was not a member, but which allowed me to be present at the hearings, at some of which the Senator from Colorado was also present, heard the representative of the Hongkong and Shanghai bank; they heard Mr. Forbes, who for more than twenty years was the managing partner of

the great American house of Russell & Co., in China—not bankers, but a trading company; and they heard Mr. Macy, a large tea merchant, in regard to the conditions of commerce in the East. They were all unanimous in the opinion that in the interest of American commerce in China and in the East generally, there was nothing to be gained by making a change in the standard of money in the Philippine Islands. That is wholly apart from the consideration of the dangers involved always in a change of the money standard.

Mr. BEVERIDGE. And much would be lost?

Mr. LODGE. And that much would be lost in attempting the change. We also heard from Mr. Conant, who had been sent out by the War Department to investigate this subject. He made a very able and elaborate presentation to the committee of the plan of substituting a modified form of the gold standard for the silver standard now in use in the islands. The subcommittee, however, and I think the full committee, became satisfied, after hearing all this evidence, that the opinion of the men actually engaged in oriental commerce was correct, and that it was better under existing conditions, and with a view especially to the market of China, that we should maintain the existing standard in the Philippine Islands, to give them a dollar which would play the same part that the English-Bombay dollar has played in the Chinese trade.

Mr. DUBOIS. Mr. President, if the Senator from Massachusetts will pardon me, I ask him if it is not true also that the Senator from Rhode Island [Mr. ALDRICH] was present at the hearings, and these gentlemen convinced the committee that it would be difficult, to say the least, if not impossible, for us to maintain the gold standard there?

Mr. LODGE. As the Senator from Idaho reminds me, Senator ALDRICH was present at the hearings also, as well as the Senator from Colorado. I know I went to those hearings with my inclination toward the substitution of the gold standard, and I think we were all convinced——

Mr. BEVERIDGE. It was unanimous.

Mr. LODGE. Including the Senator from Rhode Island and the Senator from Colorado. I think we were all convinced after hearing these things from the merchants of the East that the only thing to do was to adopt the plan which the committee finally agreed upon.

Mr. HANSBROUGH. Yesterday unanimous consent was had that immediately after the routine business on Thursday morning we should proceed to take a vote upon the bill known as the union railroad station bill. In view of the short time in which we shall have to debate that very important question, I think I am justified in asking the Senator from Massachusetts if he will not consent to have the unfinished business temporarily laid aside that we may take up the railroad bill.

Mr. LODGE. I, of course, am extremely anxious to get on with this bill. I want to have the debate continued until all Senators have spoken who desire to speak. I do not like to lay aside the bill if it is possible to continue the debate.

Mr. HANSBROUGH. There does not seem to be anyone disposed to go on.

Mr. LODGE. I gave notice that I would move to-day that the Senate to-morrow and on subsequent days until the bill was disposed of shall meet at 11 o'clock. I am extremely averse to making that motion. I know how much inconvenience it causes to Senators in the committee work. From what has been said to me by Senators in committee and in private conversation, I am in hopes that we may soon reach a conclusion upon this bill.

I do not mean any assurance as to a particular day, but if I could have some general assurance as to the possibility of bringing the bill to a vote I should be very glad to withhold the motion. I do not desire to make it. From what Senators upon the other side have said to me I am led to believe that there was no disposition to have anything but a full and fair debate, and to allow the subject to come to a vote at the earliest reasonable moment compatible with full debate. Of course I should be glad to fix a day, if Senators would be willing to name any day, on which we can have a vote. But in any event, Mr. President, I will not press the motion to-day, because I am in hopes that some arrangement may be come to which will enable us to close the debate within a reasonable time. If there is no one else who desires to go on with the discussion this afternoon, then of course I would be very glad to yield to the Senator from North Dakota, as I am anxious that we shall get that bill out of the way.

Then, Mr. President, I ask that the unfinished business may be temporarily laid aside.

Mr. HANSBROUGH. I ask unanimous consent that the railroad bill may be laid before the Senate.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. He also asks that the bill known as the union station bill be laid before the Senate. Is there objection? The Chair hears none.

UNION RAILROAD STATION.

The Senate resumed the consideration of the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

Mr. BERRY. Mr. President, I have never heretofore taken any part in the debate in regard to matters which pertain to the District of Columbia, and I have never had the time nor the disposition. I am not sufficiently familiar with the District affairs to discuss many of the measures which come before the Senate in a way that would be intelligent. But upon the statement yesterday evening of the Senator from New Hampshire [Mr. GALLINGER] it struck me that this bill was so absolutely unreasonable from every point of view, so inexcusable, and such little reason given why the bill should pass, as reported by the committee, that I made certain inquiries of him in regard to the objects and purposes and the consideration that the Government was to receive for the large amount of money proposed to be given to this railroad corporation. It may be that I take an exaggerated view of the matter, but to me it is absolutely not to be explained by anything that I have heard heretofore why this Government should make an absolute donation of $4,600,000. I think it is admitted and claimed by the Senator from North Dakota [Mr. HANSBROUGH] to be between six and seven million dollars.

As I understand the proposition, the Pennsylvania Railroad, since 1871, perhaps, has occupied certain lands belonging to the Government. I think the road has never paid any rent or anything to the Government for that land. A year and a half ago a bill was passed providing that they should have the use of other land belonging to the Government to extend and build a new depot. That land was estimated, I think, to be worth a million and a half of dollars. Now the Senator from New Hampshire yesterday (and I called his special attention to it when I asked him the question) said the consideration was the removal of the grade crossings. I asked him if another consideration was not that this railroad company was to erect a new depot on this new land that the Government was to give them, or give them the use of. He said no, it was the removal of the grade crossings. I have looked at the bill which passed a year and a half ago and I find in that bill the following provision:

> The station buildings to be erected on the Mall shall cost not less than $1,500,000.

Now, that is the consideration stated in the act, and yet the railroad has expended no money. The conditions are precisely the same. The act of a year and a half ago provides substantially that Congress reserves the right to alter, amend, or repeal the law. There has been nothing whatever to prevent the Congress of the United States to-day from repealing that act. There can be no claim of justice or that any other equities have arisen because nothing has been done and no expenses incurred. Yet instead of repealing that act, if it is desired to establish the depot at another point, this bill proposes to give the Pennsylvania Railroad and the Baltimore and Ohio Railroad $3,000,000 and to provide for the expenditure of $1,600,000 more.

Now, why should we give them $3,000,000 for this privilege that we granted them a year and a half ago to build this station on that ground? Can any man give a reason why we owe the Pennsylvania road $1,500,000 in order to get them to relinquish this right when the law itself says that Congress has the right to repeal it? They have expended nothing. It was a grant to them by Congress for the use of this land, and yet in the bill now pending it is proposed that we shall give $1,500,000 to that railroad, $1,500,000 to the Baltimore and Ohio, and $1,600,000 for improvements to be made on the new depot.

Is that a fair proposition? Why should we do this? Will the Senator from New Hampshire tell us why, instead of repealing this law, as was reserved the right to do, when no expense to the railroad has been incurred on account of it, the Government of the United States should appropriate out of its Treasury $4,600,000 and give to this immensely wealthy corporation to-day——

Mr. GALLINGER. Mr. President, if the Senator did not think it perhaps well to allude to me, I would not interrupt him.

Mr. BERRY. I would be glad to be interrupted if the Senator desires to do so.

Mr. GALLINGER. I will say to the Senator that not only does the railroad company give back the land that was given last year, but likewise removes the depot and all their buildings from the Mall, and that reverts to the Government of the United States. I wish to say, furthermore, to the Senator—the Senator, I have no doubt, wants to be fair about this matter——

Mr. BERRY. I do if I know it.

Mr. GALLINGER. This proposition is a simple one. One of three things can be done. We can go into the matter of municipal ownership; we can pass this bill granting these corporations precisely the amount of money that we pledged them in the bills that are now laws, or we can refuse to do that, and they will

proceed under existing laws to construct two stations, one of which will be on the Mall.

Mr. HANSBROUGH. Not if we repeal the law.

Mr. BERRY. Not if the law is repealed. They have incurred no expense under it. It was a grant authorizing them to do it in consideration of their erecting a building there. One of the considerations was $1,500,000. They have not built it.

Mr. GALLINGER. They have incurred expense. They have their building there now. In 1871 Congress asked the Pennsylvania Railroad to come into the District.

Mr. BERRY. Does the Senator mean to say that they have incurred expense since the passage of the act?

Mr. GALLINGER. Not at all.

Mr. BERRY. That is what I am talking about.

Mr. GALLINGER. Simply because the committee has asked them not to do it pending the consideration of this bill.

Mr. BERRY. That is the truth.

Mr. GALLINGER. The Senator will not put me in a false attitude.

Mr. BERRY. I do not desire to do so.

Mr. GALLINGER. In 1871 Congress asked the Pennsylvania Railroad to come into the District of Columbia. Congress gave them a site south of Virginia avenue. Before they had built on that Congress changed its mind and gave them the site where their railroad station now stands. They constructed that station. They put up their train sheds. They have paid taxes on that land for thirty-one or thirty-two years. The Senator says they can be dispossessed. Perhaps they can. Will Congress do it? Does the Senator believe Congress will do it? I do not believe the Senator thinks Congress will do that thing.

Mr. BERRY. If the Senator is through, I will tell him what I think about it.

Mr. GALLINGER. I am not quite through, Mr. President.

Now, the Senator will not put the committee in the attitude of giving away six or seven million dollars. The committee in its wisdom, and Congress in its wisdom, a year and a half ago, for the purpose of eliminating the grade crossings in the District of Columbia, did make a donation of a million and a half in money to the Baltimore and Ohio Railroad, and gave the Pennsylvania Railroad certain lands. Those three millions are to-day appropriated, and this bill appropriates not one single cent additional, except $1,670,000, which the Government and the District of Columbia are asked to expend to improve the streets and to pay damages around the proposed new railroad station, which it is their very manifest duty to do. That is all there is to it.

Mr. BERRY. Mr. President, the Senator says, and only repeats what he said yesterday, that the only consideration for the passage of the bill a year and a half ago was to remove the grade crossings. Now, I assert that the bill itself says that in consideration of that the Pennsylvania Railroad undertook to erect a station on the Mall worth $1,500,000, and it is in the law. That is a part of the consideration, Mr. President, for this grant of $1,500,000.

Mr. GALLINGER rose.

Mr. BERRY. Let me get through with my statement and then I will hear the Senator.

Mr. GALLINGER. I am not going to interrupt the Senator.

Mr. BERRY. I repeat, that building has not been erected. The Senator seeks to go back to the act of 1871 to evade the force of what I said in reference to the last act. I repeat, Mr. President, that under that act it is proposed to give them $1,500,000 in consideration of the removal of certain grade crossings and the further consideration that they will erect a station worth $1,500,000. They have incurred no expense whatever up to this time since the passage of that act. The law itself says that Congress may repeal it. Congress may repeal it to-day, and they are not injured. Nor can it be claimed that they have been unfairly dealt with.

I repeat, that we in the pending bill are giving them $1,500,000 for the Pennsylvania, $1,500,000 for the Baltimore and Ohio, and $1,600,000, that is admitted; and it is claimed by the Senator from North Dakota to amount to more than $6,000,000 altogether to be given for the improvements that are to be made.

Now, tell me, Mr. President, why should we do this thing? In every railroad that is built throughout the country where they are compelled to go into cities they have to pay for the right of way. They have to pay for their own depot. They have to keep the grade crossings in such a manner as to not endanger the lives of the people. They do it in every other city.

Ah, but the Senator said yesterday that in some of the Northern cities the towns have contributed something to remove grade crossings. I have no doubt but that is true. Mr. President, cities throughout this country have done a good many things in regard to granting privileges to railroads and corporations and granting franchises that have not been approved by the country or by the people or the cities in which they were done. I say that that is no precedent that we should follow here.

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me, I will promise not to interrupt him again while he is making his speech, and if what he says needs an answer I will make the answer in my own time.

Mr. BERRY. All right.

Mr. GALLINGER. The Senator says that this corporation promised to erect a station costing a million and a half dollars, which is true. The Baltimore and Ohio Railroad obligated itself to erect a station costing I think, $750,000, which would be $2,225,000, for which they get this donation, as the Senator chooses to call it, of $3,000,000. That donation is continued. The Pennsylvania and the Baltimore and Ohio railroads have obligated themselves to construct a station worth $5,000,000. They have obligated themselves to build a tunnel so that the roads from the Senator's country can pass into this magnificent union station that will cost $1,700,000. So the corporations are going to expend more than twice what they obligated themselves to expend on these two stations, which the Senator says have not been built. That is all I care to say on that point.

Mr. BERRY. The Senator from New Hampshire continually evades the proposition by claiming now that unless we do this they can go on and erect these buildings.

Mr. GALLINGER. Certainly, they can.

Mr. BERRY. I answer that by saying that we can repeal the law to-day, and the law expressly provides——

Mr. GALLINGER rose.

Mr. BERRY. If the Senator will excuse me, I will yield a little later. The law provides that it may be repealed, and it is no excuse for Congress to say to-day that we have to do this, otherwise they would do something else in regard to the Mall that Congress does not want done. Why should we give them, I repeat, this $4,600,000?

The roads are running here for their own profit. In every part of the country they are required to pay for the right of way, and they are required to build their own stations. If I am not misinformed about the magnificent union depot at St. Louis, it was paid for by the railroads. It was never claimed that it ought to be paid for by the city, and neither the city of St. Louis nor the State of Missouri, I think, ever gave them money to build it. Upon the contrary, they were compelled to pay for the right of way through that city wherever they desired to use the streets or the public property of the city. Yet here to-day we are confronted by a bill which proposes to give this great corporation, for it is all practically one—the Pennsylvania Railroad—$1,600,000 more, and then it is claimed an additional amount to pay for damages.

Now, why should we give this money to this great corporation, Mr. President? It is their business to build these stations. They are for their profits. They run these railroads in here because it pays them to run them, and why should the Government of the United States give them this money? It will not do to claim it was because Congress made a mistake a year and a half ago and made these promises, because nothing has been done under that contract. It can be repealed, I repeat, to-day, and we owe them nothing. We do not owe them a million and a half dollars because Congress promised to give them land valued at that much money.

I submit, Mr. President, I should be glad to see a union station built here, if built properly; but I can never consent, nor can I see how Senators on this floor can vote, to take money out of the public Treasury and absolutely make a gift of it to this corporation, which is already immensely wealthy.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. BERRY. I will yield the floor to the Senator if he desires it.

Mr. HANSBROUGH. I do not wish to take the floor at this time, but I understand that other Senators desire to speak on this subject. I simply want to call the attention of the Senator and of the Senate to the fact that in the statement which I had inserted in the RECORD yesterday, prepared by the railroad committee of the Board of Trade of this city, composed of eminent business men, this statement is made with respect to the actual amount of money which the Government of the United States and the District of Columbia are to expend or are to donate to this corporation. The statement reads as follows:

> It also proposes that the railroads be given $6,792,521 for making the alterations in their terminals, of which amount the District of Columbia is to pay $2,804,000, as follows—

Then these gentlemen have gone on here and itemized this statement:

> One million six hundred thousand dollars for the plaza in front of the depot.

That is admitted by the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. Not that the District is to pay it. I do not admit that. I admit the District is to pay half of it and the Government to pay half.

Mr. HANSBROUGH. In this report it is all charged to the District.

Mr. GALLINGER. That shows they do not know what they are talking about.

Mr. HANSBROUGH. Possibly not. The report continues:

One hundred and seventy thousand dollars for changes in South Washington, paving, and damage to property, $750,000 bonus to the Baltimore and Ohio Railroad Company, and $284,000 as its half of the cost of the highway bridge.

The statement proceeds further:

The $1,454,000 given in real estate is largely in streets closed, which belong to the United States, but are a loss to the citizens of the District rather than the United States. The right of way for the Baltimore and Ohio Railroad through the Reform-School grounds is a loss to a District institution, unestimated in any of the reports, and the damage to property abutting on streets closed by the bill is entirely unprovided for and must fall on the owners, citizens of the District.

Here is another statement from this report which, it seems to me, is worthy of consideration:

The cost of the highway bridge, if properly constructed, is estimated by the War Department to be $906,000, instead of the $568,000 already appropriated.

We have appropriated $568,000 in the act passed in 1901 for the construction of a highway bridge. The report then continues:

So that the estimated cost to the District is too little in this instance and may be too small in other particulars. It is probable that the District contribution to the railroad improvements will not be less than $4,000,000.

That is the District alone.

Mr. PLATT of Connecticut. Mr. President, not having been present during all this discussion, I should like to ask the Senator from North Dakota, for my information, whether Congress can compel the Pennsylvania Railroad Company and the Baltimore and Ohio Railroad Company to remove their depots from where they are at present situated without compensating them.

Mr. HANSBROUGH. Of course, that is a question that the Senator from Connecticut is much better able to decide than I am able to decide it. It involves a legal question, and we all know the Senator is a great lawyer, and he ought to know.

Mr. PLATT of Connecticut. I do not know anything about the facts; I do not know how the railroad companies acquired the right to put their depot buildings and sheds where they are, and I do not know what the terms are.

Mr. HANSBROUGH. My understanding is that in 1871 the then city council of the city of Washington was asked by the railroad company for the privilege of entering the city. That request was granted by the then existing council, and the railroad came into the District. I believe that is the history of it.

Mr. GALLINGER. If the Senator will permit me, I will say that the citizens of the District petitioned the railroad company to come into the city and gave them a location just south of Virginia avenue, and afterwards the location where they are now situated.

Mr. HANSBROUGH. That is correct, I think. The city council, which was then in existence, had charge of such matters at the time; but since then the railroad companies have been coming in, and gradually, but steadily, encroaching upon the city of Washington, giving us a fair service, for which the people of Washington have paid—there is no dispute as to that—until now they propose to continue their encroachments and bore a hole through the middle of this Capitol Hill, within 50 feet of the place where the great Library building is located, and to run their trains through that, so that the road completely crosses the city.

Mr. PLATT of Connecticut. If the Senator will permit me, the reason of my inquiry is this: I suppose that everyone will admit the desirability of a union station——

Mr. HANSBROUGH. I do, certainly.

Mr. PLATT of Connecticut. But the question as to which I desire information is whether we can take these railroads by the throat and say, "Remove your depots and build a union station," without paying them any money. Can we do that? That is what I want to get at.

Mr. HANSBROUGH. I think the Senator will agree with me that these railroad companies have no grants of these lands; that they are mere tenants at will, and that what we have been giving them has been in the nature of an easement—that is all—because we have always added a section at the conclusion of every one of these railroad acts which has been passed that "Congress hereby reserves the right to alter, amend, or repeal this act." Now, if we had granted to the railroad company anything beyond a mere easement—a mere right to use the land—if we had given them a title to this land, we could not repeal the act. I submit that to the Senator as a lawyer.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. Yes, sir.

Mr. TILLMAN. Mr. President, I was going to say to the Senator from North Dakota that it appears to me, while his contention is strictly in accordance with the law, there are certainly equities here. The railroad company has occupied the land, of course as a kind of tenant at will or as a matter of benefit to itself mainly; but it has built a depot there, and while undoubtedly Congress can say, "We have given you a great deal all these years, because we let you have all this land without paying any money for it," still the question of equity would come in as to whether we can say to them, "Now, get out," and they lose their depot building. That is the only point I can see that the Senator from Connecticut could hinge any argument on in behalf of the railroad company.

Mr. BERRY. If the Senator will permit me, it is not a proposition that the railroad company shall vacate the property they now occupy; it is not a proposition to compel them to build a union station. They desire, indeed they prefer, and probably, from the necessities of the case, they will in a short time be compelled to have greater depot facilities than they have at present. There is no proposition here upon the part of the Government to force them to vacate the land they have occupied for thirty years without paying rent. That is not the proposition. The proposition is for this Government to build for them a union station, or to contribute toward that purpose some six or seven million dollars, as stated by the Senator from North Dakota [Mr. HANSBROUGH]. A part of this is to be paid by the Government, and the greater part, I think, and some of it is to be paid by the District of Columbia.

I contend that it is inexcusable that the railroad company should ask the Government for or that the Government should for one moment think of giving them money to build for them more comfortable quarters and more desirable to them, to build for them a great union station. Why should we give them the money? That is what I want to know. When we ask this question, we are told in reply that we passed a law eighteen months ago, and that if we do not give them this money they will go on under that law and erect a station; but it turns out that under that law they have incurred no expense, and no equities whatever have arisen under that act. It could be repealed to-day without injury to anybody, and yet we are told that because we did make that grant of an easement, or whatever you may call it, we must therefore take some $4,600,000 and donate it to these two companies. That is the proposition.

Mr. TILLMAN. The Senator misunderstood my position. I was answering a question of the Senator from Connecticut [Mr. PLATT] in regard to compelling the railroad companies to leave their present depots. I was not saying anything about the act which was passed here a year or so ago, giving them the right to enlarge their present terminal facilities, to do away with grade crossings, and leaving the buildings they now occupy, and all that kind of thing, because under that act they have done nothing. Therefore they have no claim to equity on that score at all. The only claim they can put up here would be one for having to give up their present station buildings on Sixth street and to go somewhere else. Then they might say, "We have built this great structure here, costing two or three or four or five hundred thousand dollars"—I do not know how much—"our tracks, etc.; you are depriving us of the structures which you asked us to build, and you certainly ought not to take our property without giving us something for it."

Mr. STEWART. Mr. President, I do not think that this Government, after the expenditure it has made in the construction of the Library and the Capitol here, can afford to allow these two depots to remain where they are. They mar the appearance of the city, and I do not think we can afford to allow them to stay.

The structure that is proposed is a very different character of structure than the railroad companies would build for themselves. They would not erect any such monumental buildings as are proposed. Here, however, the demand was made upon them to make the buildings correspond with the Library, the Capitol, and with the grounds here, and to put it in a place where the whole thing would be in harmony. I think Congress ought to see to it that the surroundings of this Capitol are in harmony with it. The depot down here mars the whole appearance of this end of the city. We can not continue to have it in that way. It has got to be changed.

I think there is a good deal in the suggestion made by the Senator from Georgia [Mr. BACON] that the Government ought to pay a much larger proportion than one-half of the expense involved. I think it is one of the things you should take into account that this city as a city, without having regard for this Capitol, would not think of contributing to build such a structure as this is to be.

We have spent a good deal of money for the beautification of this city. A building for the Library, to contain all the books that

are, there could have been constructed just as well as the present structure for less than half the money, probably for one-fourth the money, the present building has cost. But the building is right here adjoining the Capitol, and so it was determined that a building for the Library should be erected which would be the pride of the nation.

I think there is nothing that so mars the whole situation as these depots, the one on the Mall and the one right down here, cutting off access in that direction between the Printing Office and the Capitol. Every person who comes to this city and views its magnificent buildings and grounds is shocked by some of the surroundings. They ought to be made attractive.

I do not think we ought to allow these improvements to go on as proposed in the bill of last year. It is said that we can now repeal that bill. Certainly we can if we want to do so, and if we do not take some such action as is now proposed we will have a structure there that nobody wants to have. When men of taste examine these structures they say they are eyesores. The Commission which laid out the plans for greater Washington has said that these depots mar the entire situation, and that they should be removed. I have nothing to do with that. I am not on the subcommittee, but the chairman of the committee has been negotiating with the railroad companies for some time to get their consent to this project. So far as they are concerned, it will be cheaper for them to stay where they are and make only such improvements as are necessary than it will be to erect this great structure—a building that is to be longer than the entire Capitol.

Mr. HANNA. May I ask the Senator a question?

Mr. STEWART. Yes.

Mr. HANNA. Is it not true that the Committee on the District of Columbia asked the railroad companies to change their plans, and not that the railroad companies came and demanded the change?

Mr. STEWART. The request came from the committee.

Mr. HANNA. And is it not true that the railroad companies were perfectly satisfied to go ahead under the law of a year and a half ago?

Mr. GALLINGER. They would rather do so.

Mr. STEWART. Certainly that is true. As the Senator from New Hampshire says, they would rather do so now.

The chairman of the committee talked with me about this matter, and I expressed my opinion to him that we could better afford to make some sacrifice than have all this end of the city and the Capitol marred by the continuance of these structures. All men who have traveled take this view. We are spending money to make this capital city what it ought to be; and these eyesores ought to be done away with. The railroad companies do not ask for this. They can get along very well with cheaper structures than those which are now proposed.

Mr. BERRY. Will the Senator permit me a moment?

Mr. STEWART. Yes.

Mr. BERRY. Mr. President, the Senator from Nevada [Mr. STEWART] says that the railroad companies do not desire this privilege. That to me is a remarkable statement, when this is a direct proposition to give them some $6,000,000 to build a depot, not as we built the Library, for the benefit of the people of the United States, but to build a depot for this railroad company to be their property; and yet the Senator seeks to make that appear the same as building the Library, which, as I have said, was for the benefit of the people of the United States, and is the property of the United States, and yet he tells us that this railroad company does not desire it.

The Senator says that the law can be repealed by which we promised to give the railroad company $3,000,000 two years ago. That law ought never to have been passed. The Senator admits that that law can be repealed, but he says it will not be repealed. Why will it not be repealed? It will not be repealed because the the majority of this Senate and of the other House will not vote for its repeal when they know it ought to be repealed before any injury shall come.

You say the passage of that act was a great mistake. Then, if so, why should we not repeal it? You do not pretend that there is any injury to come to anybody by its repeal—that we should be in the same position we were before the act was passed? We have a right to repeal it. You admit it was a bad law, and yet you stand here upon the floor of the Senate and say that Congress will not repeal it. Then let Senators tell the country why Congress will not do it.

Mr. STEWART. All right.

Mr. PLATT of Connecticut. Will the Senator yield to me for a moment?

Mr. STEWART. I want to reply to the Senator from Arkansas [Mr. BERRY].

The repeal of that act would not put us in any better position than we now are. It would not remove the nuisance. We tried at the last session to get the Baltimore and Ohio depot put back a little farther and to arrange things in such a way that it would not be so uncomely. We made a mistake in doing that, and I do not think we accomplished what we desired. The Baltimore and Ohio depot here is a disgrace to the city, and if the other depot is to remain where it is, we would be without any suitable arrangements for depots in this city.

We want depot buildings of a better character. The plan now is that the railroad companies shall erect a building longer than this Capitol. We required them to put in the description of the buildings they would erect to correspond in an architectural point of view with the public buildings at the capital. All this has been done; and the repeal of that act would leave us in a worse condition than we were before we passed the other act. Do we want these depots always to remain where they are?

I know that all these acts contain a provision reserving the right to alter, amend, or repeal; but no court would allow that to be done without our making compensation. If you require a railroad company to put up a depot building and provide that they must make a certain expenditure in doing so, and they have done that, are transacting their business there, no court would say that Congress could repeal such an act without making compensation to the company for the damage done them. Of course the power to alter, amend, or repeal is retained, but the railroad companies have acted upon the provisions of the bill, and they have expended their money——

Mr. BERRY. They have not acted on the former law.

Mr. STEWART. They have acted on the former one. If we want to have suitable terminal facilities in this city and to have railroad stations that will be an ornament to the capital city and in harmony with the great Government structures here, we should promptly pass this bill.

Mr. HANSBROUGH. Mr. President, I want to ask the Senator if he does not think that instead of donating and giving this subsidy—for it may be called a subsidy, I think, or whatever it is—to a railroad company of six or seven million dollars, or any other sum, it would be far better for Congress to authorize the District of Columbia to itself build this monumental station. We all want a monumental station. Now, would it not be a far better business project for the District of Columbia to do this and charge the railroad companies for the accommodation that they would be obliged to have here, and thus repay the debt within thirty or forty years?

Why is not that a better business proposition than to make a free gift of this six or seven million dollars to the railroad companies?

Mr. STEWART. If you built that union station you could not remove their present depots from where they are without you let them come in free. So you would not get very much out of it. Perhaps the court would say if you provided another place for them with better accommodations, that might be equitable, but you would have to allow them to come in practically for nothing.

Mr. HANSBROUGH. I will ask the Senator why it is that in the city of Boston, which built a subway, through which the electric roads run, which cost the city $5,000,000, and they are receiving a return of about 5 per cent on that investment, which pays interest on the bonds and provides a suitable sinking fund to discharge the debt. Is not that a good business proposition?

Mr. STEWART. I do not know what is the situation or what are the facts there, but I do know that the railroads could not get into those streets, and so it became necessary for the railroads to have a subway, and they readily consented to it. I have not been in Boston for several years, but I know the conditions that formerly prevailed there.

Mr. GALLINGER. And they have some pretty heavy damage suits on hand that will take off their dividends.

Mr. STEWART. They can not go through the streets, and of course they consented to use the subway.

But you can not make the exchange which is talked of here without the consent of the railroad companies, and I think that would be a harder bargain and cost the District much more money than the arrangement made through the chairman of the Committee on the District of Columbia [Mr. MCMILLAN], who is a very good business man and a good railroad man.

Mr. HANSBROUGH. The Senator would rather give the money outright and let the railroad company take charge of the railroad facilities of the District for all time?

Mr. STEWART. It is not giving it outright. The situation, I think, is very much exaggerated. I do not know as to the figures, but the Senator from New Hampshire [Mr. GALLINGER], I suppose, has got the figures. The railroad companies are putting out a great deal more money than they would do if they were building a depot in an ordinary town, where it was not necessary to erect monumental buildings, but they have some patriotic motive in this thing. They do not for their purposes have to erect such buildings as those now proposed. If the Government and the city will do their portion, the railroad companies have

consented to carry out a plan which will correspond to the buildings here, and I think that is a fair proposition.

Mr. GALLINGER. Mr. President, I will not occupy many minutes in the further discussion of this bill. I believe it was Mark Twain who said "It is better not to know so much than it is to know so much that is not so," and as I have listened to the discussion of the bill I have come to the conclusion that our witty friend was right in that observation.

It seems to me that the propositions included in this measure are very simple and easy of comprehension. I will endeavor to restate two or three of them, and then will allow the opponents of the bill to occupy the time for the remainder of the day.

In 1871, or thereabouts, the people of the District of Columbia, thinking they were oppressed by the Baltimore and Ohio Railroad, petitioned the Pennsylvania Railroad Company to come into the District of Columbia. As an inducement for them to come here, they granted them the privilege of building a station, sheds, etc., south of Virginia avenue. Previous to that time the municipal government of the District had taken action, I think, or certainly they did so a short time afterwards. It was then thought desirable that the railroad station should be built not south of Virginia avenue, but on the site that is occupied at the present time by the Baltimore and Potomac road. That was thirty-one years ago. That railroad came here by invitation and, accepting the grant of land, constructed their station. I do not argue that it was an absolute grant of land so far as deeding it away to the road was concerned, but, accepting that grant of land, they constructed their station. They have occupied it uninterruptedly for thirty-one years, paying taxes on it. That is the situation, or was the situation, a year and a half ago.

Mr. BERRY. Mr. President, will the Senator permit me a question there?

Mr. GALLINGER. Certainly.

Mr. BERRY. The Senator says they have paid taxes on it. Does he intend to say that they have paid taxes on the land or on the building?

Mr. GALLINGER. On the building, of course.

Mr. BERRY. Nothing on the land?

Mr. GALLINGER. I presume not. The Government does not pay taxes on its own land, and the Government owns half of the District of Columbia.

Mr. BERRY. The Senator will permit me one moment. That is certainly true, but I thought from the Senator's argument he was insisting that the railroad company had title to the land.

Mr. GALLINGER. I have never said so in my life.

Mr. BERRY. It was simply a right to build there and nothing more.

Mr. GALLINGER. I did say in debate formerly that I had an impression they had that right, but I afterwards said, upon examination, that I changed my mind on that point. I have been absolutely frank about this matter. They have occupied that place for thirty-one years uninterruptedly. The matter has been discussed over and over again in Congress, and it has always been asserted they were there by sufferance, but no serious effort has ever been made to dispossess them.

A year and a half ago, Mr. President, we not only conceded their right to remain there, but we granted them further favors by giving them additional land for the purpose of enlarging their plant, if you choose to call it so, and they to-day have the benefit of that legislation of a year and a half ago and can proceed to occupy still more of the Mall if they wish to do so. But the Committee on the District of Columbia, desiring to have a union station, requested the railroad corporations not to proceed under the statutes of a year and a half ago. Various conferences were held with railroad officials. They protested that they preferred the legislation as it exists to-day to the proposed legislation, but ultimately consented not to proceed under those statutes and to seriously consider the matter of a union station.

Mr. President, it is persistently stated here that we are making a contribution to build a railroad station for a railroad corporation. I say we are doing nothing of the kind. When this matter was up some two years ago the chairman of the Committee on the District of Columbia entered into an investigation as to what other cities were doing in the matter of the elimination of grade crossings. There was a demand in this District by the press and the people that these deadly grade crossings should be gotten rid of, and nobody suggested that the railroad corporations could be compelled at their own expense to get rid of the crossings. Communication was entered into with the officials of the various cities of the country, and the committee ascertained these facts——

Mr. BERRY. Will the Senator permit me one moment right there?

Mr. GALLINGER. Certainly.

Mr. BERRY. The Senator asserted that no one contended that the railroad companies should be compelled at their own expense to get rid of these crossings.

Mr. GALLINGER. No one has undertaken to do it.

Mr. BERRY. Does the Senator say the Government can not compel them to do so?

Mr. GALLINGER. I have very serious doubts on that point.

Mr. BERRY. As to whether the Government can compel them to do it?

Mr. GALLINGER. I have.

Mr. BERRY. I am astonished to hear him say so.

Mr. GALLINGER. Of course the Senator insists the Government can do everything. The Senator insists that we can wipe out every right and every investment that these corporations have in the District of Columbia, and while I am forced to admit that the Government has that brute right the Government is not going to do it. That is all there is to it.

Mr. President, what did we ascertain? We ascertained that the city of Philadelphia, for the purpose of eliminating grade crossings on the Philadelphia and Trenton Railroad, a small corporation, paid $1,000,020, and the railroad company paid the balance. We found that in the city of New Haven one-half of the cost was paid. We found that by special act of the legislature of Massachusetts, providing for a change of grades, etc., on the Providence division of the Pennsylvania Railroad in the city of Boston, 55 per cent was paid by the railroad company and 45 per cent by the Commonwealth, the city of Boston being required to refund the State 30 per cent of the whole cost.

For similar changes in Brockton, Mass., including new stations, yards, tracks, etc., the railroad company paid 65 per cent, the State 25 per cent, and Brockton 10 per cent.

The law of the State of Massachusetts now provides that no matter from which side an application is made to abolish grade crossings, 65 per cent shall be paid by the railroad company, 25 per cent by the State, and 10 per cent by the municipality.

A recent law of the State of New York divides the cost of abolishing grade crossings as follows: 50 per cent by the railroad company, 25 per cent by the State, and 25 per cent by the municipality.

In a letter dated October 16, 1899, Mr. William Jackson, city engineer of Boston, states that in a special case involving an expenditure of $4,000,000 the State and the city of Boston paid 45 per cent (of which the city assumed 13.5) and the railroad company paid 55 per cent.

In a letter dated October 17, 1899, Mr. G. S. Webster, chief engineer of Philadelphia, states that in the construction of the Pennsylvania avenue subway whereby 16 grade crossings were abolished, involving an expenditure of $3,000,000, the city paid one-half and the Philadelphia and Reading Railway Company paid the other one-half.

Mr. President, the committee ascertained that in Rochester, in Pittsburg, and in other cities in the country substantially the same relative amounts were paid by the corporations and by the municipality, and it was upon that finding and upon that state of facts that the committee acted when they proposed that the Government of the United States and the District of Columbia should make a contribution toward the elimination of grade crossings in the District of Columbia. It was not for the purpose of building railroad stations, and no special pleading will contort the action of the committee into having recommended a proposition of that kind.

Mr. HANSBROUGH. Mr. President, will the Senator yield to me a moment?

Mr. GALLINGER. Yes.

Mr. HANSBROUGH. The Senator insists on saying that the three millions of cash which we have appropriated is for the purpose of eliminating grade crossings. Now, I want to ask the Senator whether he believes that the elimination of grade crossings within the District of Columbia will cost the sum of $3,000,000?

Mr. GALLINGER. The committee thought so, and the District Commissioners think so, and if the Senator from North Dakota thinks otherwise it is a mere matter of opinion.

Mr. HANSBROUGH. Mr. President, right on that point, I think there are not more than 10 or 15 miles of road in the entire District. I refer to main lines, of course. If there is to be spent $3,000,000, it is an easy matter to estimate how much per mile it would cost. Does the Senator think it would cost $100,000 per mile or $150,000 per mile to eliminate the grade crossings?

Mr. GALLINGER. Mr. President, I think it would, and even more——

Mr. HANSBROUGH. I do not.

Mr. GALLINGER. When we propose to construct viaducts to bring these roads in far above the grade in many instances, the Senator must give his figures before he can disprove any observations I make on that point.

Mr. HANSBROUGH. The trouble with the Senator is that he has no figures except what have been supplied by the railroad company.

Mr. GALLINGER. Mr. President, that is one of these courteous things we meet with in the Senate Chamber sometimes, and I pass it by for what it is worth. The Senator has been exploiting a new theory here. We had the same thing exploited by the late Senator from South Dakota last year on these bills.

Mr. HANSBROUGH. Then it is not new.

Mr. GALLINGER. And now we have the same thing exploited by the Senator from North Dakota.

Mr. HANSBROUGH. Mr. President, that is wholly gratuitous.

Mr. GALLINGER. It is a fact. The Senator a year and a half ago acted with the committee on the two bills that are on the statute book, and did not raise his voice in opposition to them. The present bill is precisely along the same line as those statutes. Now the Senator appears as a special champion of municipal ownership of a great union station in the city of Washington.

Mr. HANSBROUGH. Mr. President, the Senator knows full well how bills are handled in the Committee on the District of Columbia. As I stated yesterday, the chairman of that committee, the Senator from New Hampshire, and one other Senator composed the railroad subcommittee of that committee. Now, we have uniformly left these questions to that subcommittee. I want to say, Mr. President, the Senator having, perhaps unintentionally, reflected upon me in this matter, that with the immense duties that are on my hands in my own committee I can not watch everything in the Committee on the District of Columbia any more than the Senator from New Hampshire can watch them, because he has a great committee to attend to also, although I concede that he gives closer attention to District affairs than I have been able to give.

But, Mr. President, I want to say that I believe this bill, brought in here by the Committee on the District of Columbia, was not thoroughly understood by more than six Senators in this body, including the members of the committee, until we commenced to debate it yesterday. To-day one of the members of the committee came to me and said: "I am surprised; I had no idea this bill contained the provisions which it contains, and I propose that it shall go back to the committee so that we may perfect it."

Mr. GALLINGER. Mr. President, I do not wonder he was surprised if he took the statement the Senator from North Dakota has made about it. I should think it would surprise anybody on earth.

Mr. HANSBROUGH. No; he had been listening to the Senator from New Hampshire.

Mr. GALLINGER. The Senator from New Hampshire has not been occupying the floor to-day until now.

Mr. President, I am glad the Senator from North Dakota has become so watchful, at this late hour, in reference to matters before the Committee on the District of Columbia. When the Senator says that bills are not properly considered in that committee he does a great injustice to the committee.

Mr. HANSBROUGH. I did not say that.

Mr. GALLINGER. Well, what did the Senator say? I pause for a reply.

Mr. President, the Senator has produced a paper here that seems to be the statement of the action of a committee of the Board of Trade called the railroad committee. Those gentlemen did not appear before the committee. This bill has been there for two months. They did not raise a voice against it. If I mistake not, the Board of Trade, at a meeting of that organization, indorsed this bill. I may be wrong, but I think I am right. But a few days ago a committee (I see it is signed by two men, one of whom lives in Virginia and another somewhere else) found out that this is a bad bill, and they have taken their pencils and have gone to work and figured out that under this bill the District of Columbia is to pay $2,804,000.

Mr. President, the Commissioners of the District of Columbia have examined this bill very carefully. They are very competent men. They have the interests of this District very closely at heart, and I have never known anything that was hostile to the interests of the District of Columbia to escape the careful scrutiny of this Commission, composed of very able and learned men. They have made a calculation and they say it will cost the District $1,635,000. I submit that the District Commissioners are better able to determine what the provisions of this bill are, when they have had it under consideration days and weeks, than a committee of a business organization which very likely gave it consideration for a few hours.

Mr. President, the Senator from North Dakota has presented a substitute for this bill. It proposes municipal ownership of a union railroad station in the city of Washington, and it proposes, as the Senator from Connecticut [Mr. PLATT] says, a monumental union railroad station. I wish the Senator, if he had for any reason deemed it wise or expedient to exploit the matter of municipal ownership, had reserved his efforts for some bill that was really a municipal bill, some measure that dealt with municipal matters wholly, rather than for a measure of this kind, which is so important not only to the interests of the District, but to the Government and to the people of the entire country.

Mr. HANSBROUGH. Will the Senator allow me just a word?

Mr. GALLINGER. Certainly.

Mr. HANSBROUGH. My bill does not provide for municipal ownership. It provides for a commission, consisting of the Chief Engineer of the Army, the Engineer Commissioner of the District of Columbia, and the United States Railroad Commissioner, and two citizens to be appointed by the President. That would be more likely to be a United States commission. So we would have the cooperation of the War Department to construct a union station at the capital of the United States.

I referred to the municipal ownership of the subway in Boston simply by way of illustration to show that it had been a paying affair in the city of Boston, and that there was no reason why it should not be a paying affair in the District of Columbia, and that I preferred that system rather than make a donation, to give a bonus or subsidy of six or seven millions to this corporation.

Mr. GALLINGER. Mr. President, the city of Boston is making an experiment with a little subway through which a line of electric cars is run. It may be a good investment. Shortly after that subway was built there was a terrible explosion in it, and there are to-day damage cases, aggregating millions of dollars, that are yet to be settled. I do not know whether they will be able to pay dividends on the cost of that subway or not, but at best it is a tunnel through a small portion of the city of Boston.

As I suggested the other day, the great State of Massachusetts bored a tunnel through Hoosac Mountain, and the State of Massachusetts undertook to operate it, and utterly failed to operate it to the interests of the people of Massachusetts. They hastened to lease it to a private corporation, and afterwards sold it. That was a little experiment in the progressive and rich State of Massachusetts of municipal ownership that did not pan out very well, as we Yankees sometimes say.

It may be that this little subway in Boston will be a profitable enterprise. It has not been there long enough for us to know whether it will be profitable or not; but whether it is or not, it is a very different proposition from the proposition that is involved in building a union railroad station for the city of Washington and for the six or seven railroad corporations that center at the capital of the nation.

Mr. President, the Senator has presented his substitute. It is a very crudely drawn measure. He is going to have a station, but he does not say where he is going to have it. I do not know but that he is going to have it attached to one of Santos-Dumont's dirigible baloons up in the air over the city of Washington, to be reached by some method or other. It may be that the Senator is going to have it in Eckington, or in Washington, or on the classic shores of the Eastern Branch. He has not provided any place for it, but he is going to have a great union station, built by the District of Columbia, and I suppose they can build precisely where they please.

The Senator proposes that the District shall invest $10,000,000 in that station, and yet the District Commissioners say it is going to cost $14,814,103 to build the station as it is contemplated. I do not know whether this is to be as great a station as that or not, but it is very evident, Mr. President, that the Senator has not provided a suitable location for his station, and he has not made a sufficient appropriation to construct it along the lines that the District Committee and the District Commissioners have thought were desirable for the city of Washington.

The existing railroad companies, according to the Senator's bill, are to remove their buildings and tracks, but no provision is made to compensate them. I suppose he is going to proceed upon the assumption that some men have defended in this country that we can confiscate private property if we choose to do it. I think if the Senator's scheme should go through here he or somebody would have some litigation in the District of Columbia that might be very expensive.

Now, Mr. President, I do not believe we are going into municipal ownership in the District of Columbia of a railroad station. I think I understand the Senator's purpose, and I do not believe the Senator himself expects we will ever do it. I believe furthermore, Mr. President, that we are not going to dispossess the railroad companies of this District of the privileges that were granted to them more than a quarter of a century ago. I do not believe we are going to repeal the laws that were passed a year and a half ago, unless we provide, as we do in this bill, for something better for the District of Columbia.

If this bill fails, then the two railroad corporations will proceed to build under the laws that were passed in the Fifty-sixth Congress, and we will have a station near the site of the Baltimore and Ohio and we will have a station substantially on the site now occupied by the Baltimore and Potomac road. That is what is coming, and it is a mere question whether or not we want that condition of things in the city of Washington or whether we

want, as is contemplated by this bill, one magnificent union station that will be a monument and a pride to every citizen of this great Republic.

Mr. President, Senators of course have a right to take issue with the conclusion reached by the Committee on the District of Columbia. I have not given very much time to the consideration of this matter. I have cooperated with the distinguished chairman of the committee as best I could, and I want to say that in all the history of legislation no Senator has ever given more careful study, more patient consideration, more enlightened judgment to a public measure than has the distinguished Senator from Michigan [Mr. MCMILLAN] to the bill that is now before the Senate of the United States. He is a thorough business man. He is a man whose integrity has never been questioned. He is a man who has the interest of this beautiful city at heart. He is a man who, for his life, would not recommend anything that would not in his judgment be calculated to best subserve the interests of the people of Washington and the people of the whole country. He believes in this bill as I believe in it, and it rests now with the Senate in its wisdom to say whether or not, as the Senator from North Dakota suggests it may, but which I know it will not do, send it back to the committee for further consideration, or whether or not it shall be enacted into law or defeated by a vote of the Senate, and these two railroad corporations be permitted to construct new stations under the acts of Congress that were adopted during the session of the Fifty-sixth Congress.

Now, Mr. President, consider for just one moment the question of an ornamental railroad station in the city of Washington. The railroad companies do not want it. Why should they want it? Mr. Loree, president of the Baltimore and Ohio Railroad, a man of wonderful ability and of great railroad experience, said to our committee: "We do not want any such railroad structure as that. We want a railroad building like the station in the city of London, placarded from top to bottom with handbills. We want a business station. That is what we want, and if I had my way," he said, "that is the kind of a station I would build, because it is a question of business with us and not a question of ornamentation. But if the Congress of the United States requires us to build a railroad station of this kind, we will put our hands in our pockets and expend millions of dollars for the simple purpose of ornamentation and for nothing else." My good, dear, lovable friend from Arkansas smiles at this observation, and yet the Senator must know that there are millions of dollars to go into this proposed structure that will not benefit the railroad corporation one single dollar.

Mr. BERRY. Will the Senator permit me one moment?

Mr. GALLINGER. Certainly.

Mr. BERRY. I smile because the Senator, in referring to the president of the Baltimore and Ohio road, said it was purely a matter of business with him; that he wanted a station that could be placarded all over, and this was what he desired, and in the next breath said that that railroad president would put his hand in his pocket and spend millions of dollars in order to ornament the city.

Mr. GALLINGER. If Congress demanded it.

Mr. BERRY. I was smiling at the inconsistent statement the Senator made in the same breath. Mr. President, I think that the first statement of the president of the railroad was the correct statement; that it was purely a matter of business with him; and when the Senator tells me that the presidents of these two railroads through patriotism are going to build a station that will ornament this city I tell him that I think he is mistaken.

Mr. GALLINGER. So far——

Mr. BERRY. They are going to build it and have it because Congress is going to furnish a large part of the money to help them build it, if this bill becomes a law.

Mr. GALLINGER. Congress is not going to get a profit on a piece of iron or a piece of granite in that station.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. GALLINGER. No; I wish to make an observation before I yield. The Senator from Arkansas thought that I was inconsistent, but the gray matter of the Senator, which usually runs in a level direction, became a little bit involved just at that point; that was all.

I say, Mr. President, Congress demands that this kind of a structure shall be built. Congress has made an appropriation for the purpose of helping eliminate the grade crossings in the District of Columbia, and these corporations—not this corporation, the two corporations—propose to expend $13,073,103, according to the figures furnished by the District Commissioners, and yet the Senator says that they of their own free will and because it is a good business proposition are willing to expend $13,000,000 in the District of Columbia to construct a railroad station.

I say to you, Mr. President, that they would not do anything of the kind if they were left to themselves. They would not construct any such railroad station. They would not spend any such amount of money, but it is demanded of them by Congress. It is demanded of them by the gentlemen who have this great park system in their keeping and who are hoping to see the city of Washington, as I hope to live and see it, infinitely more beautiful than it is to-day. These gentlemen have some patriotism as well as the rest of us, and they are willing to pay something to help along this great scheme of beautification of this city, and they deserve, Mr. President, unstinted praise from the Senate of the United States instead of the denunciation that has been heaped upon them in this debate.

Now, Mr. President, I think I have said all I will say on this bill——

Mr. HANSBROUGH. Will the Senator allow me to interrupt him?

Mr. GALLINGER. It is in the hands of the Senate, and the Senate can either follow the lead of my distinguished and delightful friend from North Dakota into the misty realms of municipal ownership, the Senate can reject this bill and relegate these railroad companies to the statute that they have now, under which they can build two railroad stations unless Congress repeals those acts (and Congress will not repeal those acts if this proposed law fails), or Congress can in its wisdom pass this bill and start this grand scheme of beautifying the city of Washington, and do something that future generations will applaud us for instead of condemning us. I yield to the Senator.

Mr. HANSBROUGH. I thank the Senator from New Hampshire for his kindness. I simply want to ask the Senator how it is these railroad companies—he speaks of them in the plural—propose to spend $13,000,000 in the District of Columbia.

Mr. GALLINGER. They have furnishsd their figures to the District Commissioners and the District Commissioners have tabulated them and say they are going to spend it.

Mr. HANSBROUGH. The District Commissioners have accepted their figures, and we have got to accept the figures of the District Commissioners.

Mr. GALLINGER. Well.

Mr. HANSBROUGH. I will ask the Senator another question? How much will this monumental station cost?

Mr. GALLINGER. About $5,000,000.

Mr. HANSBROUGH. The report of the Commissioners says, I think the Senator will find, $4,000,000.

Mr. GALLINGER. No; I think it says probably $5,000,000,

Mr. HANSBROUGH. I may have misread it, but I think the Senator will find it $4,000,000; that they said it will cost $4,000,000.

Mr. GALLINGER. Yes.

Mr. HANSBROUGH. Now, we are giving, according to the Senator's own admission, over $4,000,000 in money and property.

Mr. GALLINGER. I do not think we are giving any such amount.

Mr. HANSBROUGH. In property and money.

Mr. GALLINGER. In building a station?

Mr. HANSBROUGH. Yes. In addition to that the railroads, according to their figures, are going to spend $13,000,000. I ask the Senator as a railroad expert to explain how they are going to spend $13,000,000 outside of the monumental station itself?

Mr. GALLINGER. I will say to the Senator that I think I made a misstatement. I got the wrong figures. The District Commissioners say that the railroad companies will expend $10,073,103, not $13,000,000, and that the United States and the District of Columbia will spend $4,770,000.

Now, Mr. President, I have stated this question as accurately and as consistently as I possibly could. I do not think the multiplication of words would add to its elucidation. Some Senators say I have not elucidated it at all. If I have failed to do so, of course it would be idle for me to continue the discussion.

Mr. BERRY. The Senator from New Hampshire has asserted again and again that this railroad company acquired rights in 1871 with which Congress will not interfere. I want to read from a part of an article printed in the Star, of this city, in which it is stated—

> The original grant of the right to occupy the Mall for railroad purposes was distinctly temporary. The right to repeal was reserved to the United States avowedly to permit the nation to reclaim it when needed for park purposes. The House refused to value the land and to exact the amount from the railroad lest the national power to reclaim should be destroyed.
>
> Mr. Cameron, a conspicuous champion of the measure, said in the Senate: "I desire to say also that the bill contains a proviso allowing Congress to remove the depot at any future time when they desire the ground for a park or for any other purpose. The bill gives Congress the power to do it, and leaves it entirely in the control of Congress."

Then I repeat, Mr. President, that that was the understanding when they moved there. They have occupied it for thirty-one years without paying any rent whatever to the Government of the United States, used that land for that length of time, and yet the Senator from New Hampshire says that Congress is under obligation to pay the Pennsylvania Railroad $1,500,000 before they can be required to remove from there.

I repeat that when the law was passed it was asserted by Mr. Cameron that the Government would have the right to remove them at any time. They went in with that understanding and they have used it for thirty-one years without paying rent. The Government does not owe them one dollar. The Government is under no obligation to pay them any sum of money whatever, and yet the Senator says that we ought to appropriate, I believe he admits, $4,600,000 for the District and the Government together, and it is claimed that it will be six or seven million dollars.

Now, the Senator made another assertion about the abuses that have been heaped upon these railroad presidents. I am sure that he did not intend to apply that to me.

Mr. GALLINGER. Not at all.

Mr. BERRY. I have not abused them. The Senator himself said that the president of one of these roads said it was purely a matter of business with him, that he wanted such a depot out of which he could make the most money; but immediately asserted thereafter that he was willing to expend a million of dollars of his own money. Yet because I thought there was an inconsistency in that statement the Senator seems to think that my brain was not altogether as clear as it might be.

Mr. GALLINGER. If the Senator will accept my correction of his statement I have no objection, but——

Mr. BERRY. I will accept it.

Mr. GALLINGER. He does not state it as I said it.

Mr. BERRY. I certainly understood the Senator to say that the president of the Baltimore and Ohio Railroad said they did not want any ornamental depot; that they wanted such a one as they have in London, placarded all over with advertisements; that it was with him a matter of business. If he did not say that I certainly misunderstood him, and I think every other Senator here understood him to say that.

Mr. GALLINGER. It is practically correct that far.

Mr. BERRY. Then he stated afterwards that these gentlemen, if required by Congress, were willing to pay a great deal of money out of their own pockets. Now, Congress has made no such requirement of them. The Senator has argued here all day that they can make no such requirement of them, and yet he says if required by Congress.

Mr. President, you can argue this from now until Thursday morning, it comes back to the same proposition after all, that these railroad companies are compelled to have, in order to properly do their business, additional facilities for depot purposes, and instead of taking the money out of their own pockets (and I am not abusing them about it; I have made no abuse of them about it) they are willing that Congress shall step in and take the money out of the Treasury and build this fine depot for them, and if it will do that they will take it. That is the situation.

The Senator says these grade crossings have been paid for by other cities. Well, Mr. President, as I said a while ago, municipal corporations have done a good many things that I would hate for Congress to follow.

He spoke of Philadelphia. It was asserted a year or so ago in the newspapers, and, I think, never denied there, that individuals offered $5,000,000 in money for a certain franchise in the city of Philadelphia, and yet the municipal corporations granted it to other parties for nothing. I say that is a kind of precedent that I do not think the Senate ought to follow.

I conclude this matter, and all I expect to say about it, as I began. I had no thought of getting into this discussion until on yesterday evening. When I heard the Senator from New Hampshire state what was proposed to be done by this bill, it struck me that it was a gross injustice, that it was an act that could never be defended when the people's representatives took this amount of money—admitted by him to be $4,600,000—from the Government and from the District and paid it over to a corporation already immensely wealthy. It is unfair. It is useless to talk about the Library, which is a Government building, owned by the whole people of the United States, which was built to beautify and ornament the city, and then turn and say because that has been done that we shall give individuals money in order to get them to build structures which will beautify and ornament the city. I say it is not justified.

While I do not agree with the Senator from North Dakota in regard to his proposed remedy, and I do expect to vote for it, at the same time I will not vote for this bill, but I should be glad to vote to repeal the act of a year and a half ago, which all say should never have been passed, which can be repealed today under an express provision. There is no excuse for not doing it if it is a bad law and ought to be repealed. I will vote to repeal that, and then we will see as to where and how it will best suit the Government of the United States and the people in this District to have these depots located.

Mr. GALLINGER. Mr. President, in reply to the observation the Senator has made two or three times that we all admit the legislation of the Fifty-sixth Congress was bad legislation, I simply wish to say that I do not admit anything of the kind. We deemed it wise then, and if this bill fails I think it will be determined that that was wise legislation.

DISAPPEARING GUN CARRIAGES.

Mr. PROCTOR. I ask that a synopsis of the reports of artillery officers on the subject of disappearing gun carriages, printed in Senate Document No. 336, may be printed as a document. The letters themselves are very long, but this is a synopsis of them.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Vermont? The Chair hears none.

The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information from the Chief of Ordnance relative to the number of disappearing gun carriages constructed and under contract or construction or authorized, and for what caliber of guns, by whom constructed, etc.

The Chair understands that this communication is in response to a resolution offered by the Senator from Vermont [Mr. PROCTOR].

Mr. HARRIS. I wish to ask the Senator from Vermont by whom this synopsis has been prepared?

Mr. PROCTOR. It was made in the Board of Ordnance and Fortification. It was prepared by some one of that board or some of the officials for the Secretary of War?

Mr. HARRIS. It came through the Secretary of War.

Mr. PROCTOR. The synopsis does not come through the Secretary of War, as I understand, but it was made to him, and he has it.

Mr. HARRIS. Has he had the synopsis prepared?

Mr. PROCTOR. He had the synopsis prepared and has it in his office. I have not called upon him for that synopsis or the original documents in his possession.

Mr. HARRIS. It is an official document, then, from the Secretary of War?

Mr. PROCTOR. Yes; certainly.

The PRESIDENT pro tempore. Does the Senator desire to have it printed?

Mr. PROCTOR. I do.

The PRESIDENT pro tempore. The document will be ordered to be printed, and it will be referred to the Committee on Military Affairs, if there be no objection.

Mr. WARREN. I want to ask if an order has been made for the printing of that document?

The PRESIDENT pro tempore. The order has been made, but it can be easily reconsidered. The Chair will regard it as an open question. The Chair inquired of the Senator from Vermont, as it is in response to a resolution offered by him, whether or not he desired to have the communication printed.

Mr. WARREN. I understand the document the Senator wishes printed is another document, and is not in response to his resolution.

The PRESIDENT pro tempore. No; the other document has nothing to do with the resolution of the Senator from Vermont.

Mr. WARREN. The papers in the hands of the Senator from Vermont are the papers furnished by the War Department in response to his resolution, as I understand.

The PRESIDENT pro tempore. They are.

Mr. WARREN. Have those papers been ordered to be printed?

The PRESIDENT pro tempore. The Chair was just asking the Senator from Vermont whether he desired to have them printed.

Mr. PROCTOR. I say of course they should be printed.

The PRESIDENT pro tempore. They will be referred to the Committee on Military Affairs, and ordered to be printed, in the absence of objection.

OMNIBUS CLAIMS BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 13, 1902.*

Resolved, That the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHON, Mr. GIBSON, and Mr. SIMS be the managers of the conference on the part of the House with the following instructions: That the conferees be instructed not to agree to what is known as the Selfridge board findings in the Senate amendments.

Mr. SPOONER. I do not care anything about the instructions, but does that leave this a free conference?

Mr. CULLOM. Not very free, I should think.

Mr. WARREN. Mr. President, I was going to ask as a parliamentary inquiry whether if I moved that the request for a conference be granted and conferees appointed we are in any way

bound by the action of the House? As I understand it, the blanks on which we make our returns and the language usually employed in making a conference report sets forth that we have had a free and full conference, etc. If the request of the House is for a full and free conference on the entire bill or the amendments at issue, then I wish to have the request of the House granted.

Mr. SPOONER. The Senator must be able to say that the request of the House is for a full and free conference except as to one item, whatever it may be, and as to that there is to be no conference at all.

The PRESIDENT pro tempore. Of course the Senate is not bound at all by the instructions given by the House of Representatives to its conferees. It may, to a certain extent, deprive it of its character of a full and free conference, but the Senate can insist upon its amendments and go into conference again if it desires to do so. If it does not go into conference, of course the bill is ended.

Mr. PLATT of Connecticut. I wish to make an inquiry as a matter of parliamentary procedure. The House in refusing to agree to a conference report has instructed its conferees. Has it been the practice to send those instructions with its message to the Senate? I do not think I have ever known of it before.

The PRESIDENT pro tempore. The present occupant of the chair never has seen anything of that kind done before.

Mr. PLATT of Connecticut. That has been my impression, and this is entirely new in parliamentary procedure.

Mr. TILLMAN. Will the Senator from Wyoming explain to the Senate what are the items in controversy, and why there was no agreement reached?

Mr. WARREN. I have no information further than what comes from the reading of the report at the desk. The Senator might ask to have it read again.

Mr. TELLER. Let it be read again.

Mr. WARREN. I ask that it be read again.

The PRESIDENT pro tempore. It will probably be sufficient to report the action of the House as to instructions.

Mr. TILLMAN. Mr. President, I recollect once we had a dispute on a naval appropriation bill and the House conferees refused absolutely to even report a disagreement. Then the matter was voted on in the Senate as to the items in disagreement, and the Senate receded and that ended the trouble. There is an item in this bill in which I am very much interested. It is the claim in regard to the war of 1812, which I have been trying to get settled here for three or four years, and there are several other State claims that are very important matters to some of us; but it seems that the trouble is about the claims which were reported by the Selfridge board. I was going to ask whether it would be in order, after the conference report is read, to move that the Senate recede from its amendments to which the House seems so much opposed.

Mr. WARREN. Mr. President, I wish to make a motion. I move that the Senate still further insist upon its amendments, and grant the request of the House for a conference.

Mr. TELLER. Let us have it read, Mr. President, so that we may know what the House has sent us.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

Resolved, That the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHON, Mr. GIBSON, and Mr. SIMS be the managers of the conference on the part of the House with the following instructions: That the conferees be instructed not to agree to what is known as the Selfridge board findings in the Senate amendments.

Mr. HALE. Mr. President, as that practically forecloses one subject which should be given a free conference, I ask that the report may go over for a day in order that it may be examined.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and it will go over for a day.

DIPLOMATIC AND CONSULAR SERVICE IN CUBA.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

S. M. CULLOM,
JOHN T. MORGAN,
H. C. LODGE,
Managers on the part of the Senate.

ROBERT R. HITT,
HUGH A. DINSMORE,
ROBERT ADAMS, JR.,
Managers on the part of the House.

Mr. SPOONER. I should like to have the Senator explain what the amendments are.

Mr. CULLOM. I am going to do that. The Senate amended the House bill by increasing the salary of the minister proposed to be sent to Cuba from $10,000 to $12,000. It also amended the bill by making an appropriation of $2,000 for rent of a building for the legation, and also provided for an additional consul. The conferees of the two Houses met and agreed upon the first amendment, namely, that increasing the salary of the minister, but the Senate conferees were compelled to yield as to the other two amendments, it being stated, as is known to everyone, that the Government of the United States has not been in the habit of renting houses for our ministers abroad. It was also stated that the additional consul provided for in the bill was not needed, because there was no business there of any account for him to do.

Mr. HOAR. What is the title, may I ask the Senator, that is given to Cuba? What is the title of the bill? Let it be read.

The PRESIDENT pro tempore. The Republic of Cuba.

Mr. HOAR. Is the American flag to be hauled down there, I ask the Senator?

Mr. CULLOM. The American flag will probably be hauled down when a government is set up.

Mr. HOAR. I thought we never hauled it down when it was once put up.

Mr. CULLOM. I ask for the adoption of the report.

The PRESIDENT pro tempore. Will the Senate agree to the report?

The report was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 14, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 13, 1902.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Gordon Paddock, of New York, now secretary of legation at that place, to be secretary of legation and consul-general of the United States at Seoul, Korea, from July 1, 1902, to fill an original vacancy.

CONSULS.

Henry H. Morgan, of Louisiana, now consul at Aarau, to be consul of the United States at Lucerne, Switzerland, from July 1, 1902, to fill an original vacancy.

Benjamin Johnston, of Iowa, now consul at Utilla, to be consul of the United States at Ceiba, Honduras, from July 1, 1902, to fill an original vacancy.

Samuel S. Lyon, of New Jersey, now consul at Osaka and Hiogo, Japan, to be consul of the United States at Kobe, Japan, from July 1, 1902, to fill an original vacancy.

Alfred K. Moe, of New Jersey, to be consul of the United States at Tegucigalpa, Honduras, vice Frederick H. Allison, resigned.

William Martin, of New York, now consul at Ching Kiang, China, to be consul of the United States at Nanking, China, from July 1, 1902, to fill an original vacancy.

CONSULS-GENERAL.

Hugh Pitcairn, of Pennsylvania, now consul at that place, to be consul-general of the United States at Hamburg, Germany, from July 1, 1902, to fill an original vacancy.

Soren Listoe, of Minnesota, now consul at that place, to be consul-general of the United States at Rotterdam, Netherlands, from July 1, 1902, to fill an original vacancy.

James H. Worman, of New York, now consul at that place, to be consul-general of the United States at Munich, Bavaria, from July 1, 1902, to fill an original vacancy.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Frank G. F. Wadsworth, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States, to succeed Joseph W. Congdon, retired.

First Lieut. Walter S. Howland, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States, to succeed Aaron D. Littlefield, retired.

First Lieut. Alexander P. R. Hanks, of Wisconsin, to be a captain in the Revenue-Cutter Service of the United States, to succeed Robert M. Clark, retired.

First Lieut. William H. Cushing, of New York, to be a captain in the Revenue-Cutter Service of the United States, to succeed Louis N. Stodder, retired.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. James B. Goe, Thirteenth Infantry, to be major, April 15, 1902, vice Huston, Nineteenth Infantry, promoted.

Capt. Hunter Liggett, Fifth Infantry, to be major, May 5, 1902, vice Wittich, Twenty-first Infantry, promoted.

First Lieut. Henry M. Dichmann, Seventh Infantry, to be captain (subject to examination required by law), April 15, 1902, vice Goe, Thirteenth Infantry, promoted.

First Lieut. Halstead Dorey, Fourth Infantry, to be captain, May 5, 1902, vice Liggett, Fifth Infantry, promoted.

APPOINTMENT IN THE ARMY.

Infantry Arm.

Post Q. M. Sergt. Staley A. Campbell, United States Army, to be second lieutenant, Feb. 2, 1901, to fill an original vacancy.

DISTRICT JUDGE.

Clarence Hale, of Portland, Me., to be United States district judge for the district of Maine, vice Nathan Webb, resigned, to take effect July 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 13, 1902.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Hill Hastings, of Kentucky, to be a passed assistant surgeon in the Marine-Hospital Service of the United States, to rank as such from March 29, 1902.

Asst. Surg. Claude H. Lavinder, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States, to rank as such from March 27, 1902.

Asst. Surg. Taliaferro Clark, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States, to rank as such from March 27, 1902.

UNITED STATES ATTORNEY.

William E. Bundy, of Ohio, to be United States attorney for the southern district of Ohio.

REGISTER OF THE LAND OFFICE.

Loronzo R. Thomas, of Idaho, to be register of the land office at Blackfoot, Idaho.

RECEIVER OF PUBLIC MONEYS.

George A. Robethau, of Pocatello, Idaho, to be receiver of public moneys at Blackfoot, Idaho.

INDIAN AGENT.

Caleb B. Jackson, of South Dakota, to be agent for the Indians of the Sisseton Agency in South Dakota.

TERRITORIAL ASSOCIATE JUSTICES.

J. L. Pancoast, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

Frank E. Gillette, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

James K. Beauchamp, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTERS.

William D. Ingram, to be postmaster at Lincoln, in the county of Placer and State of California.

George J. McCabe, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona.

W. J. Hill, to be postmaster at Salinas, in the county of Monterey and State of California.

Shelley Inch, to be postmaster at Placerville, in the county of Eldorado and State of California.

Charles G. Chamberlain, to be postmaster at Pacific Grove, in the county of Monterey and State of California.

Henry Osterheld, to be postmaster at Yonkers, in the county of Westchester and State of New York.

Arthur J. Hudson, to be postmaster at Clifton, in the county of Graham and Territory of Arizona.

Dick M. Kirby, to be postmaster at Palatka, in the county of Putnam and State of Florida.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 13, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report, which the Clerk will read.

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire if this is a conference report on what is known as the omnibus claims bill?

Mr. MAHON. The omnibus bill.

Mr. UNDERWOOD. Mr. Speaker, I desire to raise a point of order against the conference report at the proper time.

The SPEAKER. The Clerk will read the report.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the statement be read instead of the report. The statement explains everything.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the reading of the report be omitted, and that the statement only be read. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I desire that the statement and report be read.

The SPEAKER. The gentleman from Alabama objects. The Clerk will read both the report and the statement.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows:

On page 8 of said Senate amendment, between lines numbered 15 and 16, insert the following:

"To Charles M. Flower, Frank S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, $23,357."

On page 10 of said Senate amendment, between lines numbered 18 and 19, insert the following:

"To Henry R. Walton, administrator of John Walton, deceased, of Anne Arundel County, $5,083.

"To William S. Tildon, of Harford County, $330."

On page 14 of said Senate amendment, between lines numbered 23 and 24, insert the following:

"To John W. Hancock, of Iron County, $1,160."

On page 24 of said Senate amendment, between lines numbered 17 and 18, insert the following:

"To William B. Horner, late of Shelby County, $1,250.

"To W. H. Robertson, administrator of Emma Robertson, deceased (formerly Emma M. Mayo); H. P. Hobson, administrator of Lucy Mayo, deceased, and Sarah Agnes Bumpass, heirs of F. W. Mayo, deceased, of Fayette County, $874."

On page 25 of said Senate amendment, between lines numbered 9 and 10, insert the following:

"To Mary E. O. Dashiell, late of Norfolk County, $810."

On page 29 of said Senate amendment, in line numbered 22, strike out the words "James C. Hays, administrator de bonis non," and insert in lieu thereof the words "Titus C. Hammond, administrator with the will annexed."

On page 76 of said Senate amendment, in line numbered 2, strike out the words "Hannah E. Boardman" and insert in lieu thereof the words "Fannie J. Nagle."

On page 78 of said Senate amendment, in lines numbered 6 and 7, strike out the words "forty-four thousand and fifteen dollars and eighty-four cents" and insert in lieu thereof the words "forty thousand three hundred and twenty-one dollars and three cents."

On page 79 of said Senate amendment, in line numbered 18, strike out the words "J. Simonson" and insert in lieu thereof the words "the legal representatives of J. Simonson, deceased."

On page 79 of said Senate amendment, in lines numbered 21, 22, and 23, strike out the words "to the contractors or their personal representatives, $113,543," and insert in lieu thereof the words "to the surviving partner of the constructors, $87,615.67."

On page 86 of said Senate amendment strike out lines numbered 6, 7, 8, 9, 10, 11, 12, 13, and 14 and insert in lieu thereof the following:

"That the claim of the State of Nevada for costs, charges, and expenses incurred by the Territory of Nevada for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States, war of 1861–1865, under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or disallowed by the accounting officers of the Treasury, shall be examined, allowed, and paid out of any money in the Treasury not otherwise appropriated."

On page 87 of said Senate amendment strike out lines numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

On page 88 of said Senate amendment, in line numbered 8, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 88 of said Senate amendment, in line numbered 15, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 90 of said Senate amendment strike out lines numbered 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"To James M. Seymour, jr., the sum of $2,500, for services as assistant commissioner to the International Exposition at Barcelona, Spain."

On page 92 of said Senate amendment, in line numbered 11, strike out "M. M. Defrees, of Indianapolis, Ind.," and insert in lieu thereof "the State of Indiana."

On page 92 of said Senate amendment, in lines numbered 22, 23, and 24, strike out the words "eight thousand three hundred and five dollars and thirty-eight cents, that being," and insert in lieu thereof the words "five thousand dollars, that being in lieu of."

On page 101 of said Senate amendment strike out lines numbered 19, 20, 21, 22, 23, 24, and 25, and on page 102 of said Senate amendment strike out lines numbered 1, 2, and 3.

And the Senate agree to the same.

OMNIBUS CLAIMS BILL, 1902.

Amount of bill as passed by the House	$213,105.51
Net increase by the Senate	2,929,252.09
Amount of bill passed by the Senate	3,142,357.60

Of the increase made by the Senate of $2,929,252.09, the House has agreed to $2,451,746.60, and the Senate has receded from $477,505.49, making the total of the bill, direct appropriation, as agreed to in conference, $2,664,852.11.

THAD. M. MAHON,
HENRY R. GIBSON,
Managers on the part of the House.

F. E. WARREN,
H. M. TELLER,
WM. E. MASON,
Managers on the part of the Senate.

The Clerk proceeded to read the statement, as follows:

Statement to accompany conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims——

Mr. UNDERWOOD. Mr. Speaker, I desire to know if it is not proper to make the point of order against the report before the statement is read?

The SPEAKER. The gentleman can reserve his point of order.

Mr. UNDERWOOD. Then I reserve the point of order.

The SPEAKER. Is the point of order against the report or against the statement?

Mr. UNDERWOOD. The point of order is against the report.

The SPEAKER. It will have to be made at this time. If the point is well taken, the statement will not be read.

Mr. UNDERWOOD. Mr. Speaker, the point of order I have to make against this report of the conferees is that the conferees have proposed amendments that had not been committed to them by either House, and not germane to the subject of difference between the two Houses.

Now, the facts in reference to the point of order, Mr. Speaker, are these: This bill originally passed the House carrying a number of claims known as the Bowman Act claims. It went to the Senate, and the Senate struck out the entire House bill after the enacting clause and added two amendments. The second amendment is immaterial, because it only relates to the title of the bill. So that, as the bill stands before the House, it practically stands as one Senate amendment. In that amendment proposed by the Senate it reinserted the Bowman Act claims as passed by the House, and then, in addition to those claims, a number of other claims, a number of claims providing for the payment of the Selfridge Board findings, a number of claims in reference to the payment of State debts, and a number of private claims.

The House, after considering the bill with the Senate amendments in Committee of the Whole House on the state of the Union, added one amendment to the Senate amendment, and then when the bill came back from the Committee of the Whole into the House the House nonconcurred in all the Senate amendments and sent the bill to conference. After the bill reached the conference there were a number of changes made in the bill, many of them germane to the subject-matter of the differences between the two Houses, but in a comparison of the two bills—that is, the original House bill as it passed the House and the bill known as the Senate amendment as it passed the Senate—I find that the conferees have inserted certain items of appropriation that are neither in the bill as it passed the House nor in the Senate amendment.

In other words, it was not in either document that was sent by either House or Senate to the conferees. But before stating these claims I will say that the conferees have stated in their report what these changes are, but have not stated that they were in neither bill. Therefore I call the attention of the Chair to the fact. One item neither in the House nor Senate bill, as stated in the conference report on page 8 of the Senate amendment, between lines 15 and 16, is the following:

To Charles M. Flower, Frank S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, $23,357.

Again they insert the claim:

To Henry R. Walton, administrator of John Walton, deceased, of Anne Arundel County, $5,083.

Then they insert:

To John W. Hancock, of Iron County, $1,100.

I will state that that claim was inserted by the Committee of the Whole in the House. The other claims were not. Then I also find the claim:

To William B. Horner, late of Shelby County, $1,250.

That was not considered by either body; and

To Mary E. O. Dashiell, late of Norfolk County, $810.

So I do not think there is any dispute between us, and I would like the gentleman to correct me if the statement I have made is not correct. I have carefully compared the two bills, and find nowhere in the original bill any of these items. Is not that correct?

Mr. MAHON. The Flower claim and the Walton claim are in the original bill as it passed the House.

Mr. UNDERWOOD. That is correct.

The SPEAKER. The gentleman will have to speak louder so that the Chair can hear what he says.

Mr. MAHON. The Flower claim and the Walton claim were in the bill as it passed the House, and were stricken out by the Senate. I will explain that.

Mr. UNDERWOOD. There is no question between us in reference to the fact that there are claims inserted in this bill neither in the House bill as it passed the House nor in the Senate amendment as it passed the Senate, and have been put into the bill by the conferees.

Now, the point that I make is that the only questions that were legitimately before the conferees on this bill were matters that were in dispute between the House and the Senate; that the conferees had no control of and no right to insert matter that was in neither report. Now, I propose, Mr. Speaker, to call the Chair's attention to a ruling of Speaker Carlisle that was made in the Forty-eighth Congress.

The House passed a bill to make appropriations for river and harbor improvements. That bill went to the Senate, and after reaching the Senate all the text of that bill was stricken out except the enacting clause. The Senate then inserted various items of appropriation for river and harbor improvements. The bill came back to the House, was nonconcurred in, and a conference was ordered. The conferees in that instance changed some of the text of the bill. I have been unable to find the original bill and amendments. I therefore can not tell from this decision of Speaker Carlisle whether or not the changes made by the conferees was as to new matter or whether it was not as to new matter and what was germane to the text of the bill. I call the Speaker's attention to this question first before giving the decisions that I rely on to sustain the point of order, because it may seem that the decision of Speaker Carlisle might be against the proposition that I assert. Mr. Carlisle in announcing his decision said:

The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments, as was contended for by some gentlemen on the floor at the time.

It was nonconcurred in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for though different from the provisions contained in the Senate amendment they relate to the same subject; and therefore the Chair overrules the point of order.

Now, Mr. Carlisle there determines that these amendments related to the same subject. I do not take it that he meant in rendering that decision that they related to the general scope of the bill, a bill for river and harbor improvement, but that they related to the particular items or subjects in which the amendment was made. For instance, an appropriation for the Tennessee River might be amended and be germane, but a new appropriation for the Tennessee River, not in the Senate amendment, would not have been germane and would not have properly been before the conferees. If Mr. Carlisle decided the question on the other point, that the conferees in a general bill of this class, a bill relating to rivers and harbors, was open to any amendment that the conferees saw fit to insert in the bill, then I say it would be a very dangerous decision, Mr. Speaker, and one that the Chair and the House should not follow. That is the only decision that I can find anywhere that would relate to amendments of this kind being inserted in the bill.

But we have a more recent ruling, a stronger ruling on this proposition, and one that, it seems to me, clearly in point, made by Mr. Blaine when Speaker of this House. I will read to the Chair. It is section 1415 of Hinds's Parliamentary Precedents:

On April 19, 1871, Mr. Henry L. Dawes, of Massachusetts, from the committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill of the House No. 19 (deficiency appropriations), submitted a report thereon in writing.

Mr. William S. Holman, of Indiana, made the point of order that the report contained matter not a subject of difference between the two Houses. Mr. Holman specified that there were incorporated in the report two propositions which were new—a provision making appropriations for the Sutro Tunnel and another for the Agricultural Department. These matters, he submitted, were not referred to the committee of conference at all. He understood that the committee of conference was not authorized to consider matters which had been neither incorporated in Senate amendments nor brought before the House.

The Speaker said:

The rule is as broad as the gentleman from Indiana states it, with this reservation—new propositions may be introduced, but there must be something in the bill to make them germane as amendments. The power of a conference committee which, as gentlemen well know, the two Houses have been in the habit of considerably enlarging fairly includes the power to incorporate germane amendments. If the gentleman from Indiana makes the point that the amendments he specifies are not germane, the Chair will examine the question, but the mere fact that the propositions embrace matters which were not originally before the House or Senate would not be sufficient to require them to be ruled out.

After further debate, during which it was shown that the Sutro-tunnel appropriation was not in the bill when it went to conference, but, as Mr. DAWES stated, was put in to reconcile the Senate conferees to the striking out of an appropriation for the Carson mint, the Speaker said:

The point of order lies against the conference report, but during the experience of the Chair on this floor he has never known a conference report ruled out on a point of order. The report of a conference committee is always received as embodying the conclusions of both Houses, or the representatives of both branches of Congress. The Chair will therefore submit the point of order to the House.

The point of order, being put to the House, was sustained by a vote of 82 ayes to 33 noes.

Now, there is another decision by Speaker Reed which I desire to read, which will be found in paragraph 1417 of Hinds's Parliamentary Precedents:

On June 20, 1898, Mr. JOSEPH W. BABCOCK, of Wisconsin, submitted a conference report on the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company and the Maryland and Washington Railway, etc.

Mr. WILLIAM P. HEPBURN, of Iowa, made the point of order that the committee of conference had inserted matter over which it had no jurisdiction. A Senate amendment had proposed to extend to other roads a privilege enjoyed by one. The conferees had added an amendment striking out this extension of privilege to others and also taking away the privilege enjoyed by the one.

During the debate it was urged on the one side that the conferees had jurisdiction only on the subject of the disagreeing votes, and that the repeal of this privilege was not in disagreement. On the other hand, it was argued that the Senate had introduced the subject-matter by their amendment, and that it was proper for the conferees to amend it.

The Speaker (Mr. Reed), sustaining the point of order, said:

"If we were to adopt the idea that when once the subject-matter was introduced, that was to control, and not the difference between the two bodies, we should be likely to enlarge the powers of the committee of conference over and beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it."

Now, Mr. Speaker, whatever may be said of Mr. Carlisle's former ruling in reference to a river and harbor bill—and I do not think that ruling would sustain the insertion of these items in the bill—clearly Mr. Reed's decision, that the only point that should be held in order is the question of differences between the two Houses, is sustained by the logic and reason of the situation. We can find parliamentary decisions on almost every point and looking in every direction; but in order to come to a clear and fair conception of the rule and to render a decision that will fairly guard the interests of the House in this matter, we must consider it from the standpoint of what is intended by the House.

We adopt rules in the House, Mr. Speaker, not to limit the membership of the House in the transaction of public business, but in order to guide and guard the legislation that comes before Congress. We require that all bills and all other matters brought before Congress shall first be carried to a committee and considered there, in order that they may be carefully digested before being brought up in the House. That is the object of having a rule that a point of order can be made against an amendment that is not germane to a matter already considered by the committee. For the same reason the House adopted this rule in reference to conferees. The purpose and object of appointing a conference committee is not that it may report legislation.

There is but one object intended by the House and by the rules in appointing a conference committee, and that is to effect a compromise by which the two Houses may unite in a conclusion which might not be otherwise attained. And when you broaden that rule, when you go outside of that rule, when you extend the powers of the conferees beyond that one proposition, Mr. Speaker, you carry the House into an unknown sea of legislation where we can not be protected in the days at the close of the session when legislation is "rushed," and when we must rely absolutely on the reports of conference committees. The only thing that can safeguard the House is to hold strictly to the rule as Mr. Reid laid it down in the Fifty-fifth Congress—that the conferees must be held to the differences that existed between the two Houses, and not be allowed to enter upon new legislation.

Now, there is no dispute in this case. The gentleman from Pennsylvania and myself are agreed on the facts. The conferees have taken this bill into conference and inserted matter that was unknown either in the Claims Committee of the House or the Claims Committee of the Senate—matter reported by neither body and which was never considered by the Senate and House of Representatives.

That being the case, I think the Chair should sustain the point of order, should reject this conference report, and hold the conferees strictly to the points of difference between the two Houses.

It may be argued that this is an omnibus claims bill, and that therefore the conferees can insert new matter. But if the House goes to the point of holding that when you bring in an omnibus bill for the erection of public buildings or for river and harbor improvements or for claims, anything which is germane to the general subject-matter—in a claims bill anything relating to the payment of claims against the Government, or in a river and harbor bill anything relating to the improvement of rivers and harbors, or in an omnibus public-building bill anything that is germane to that general subject—then the House and the committees of the House absolutely lose control of the subject-matter. You make the conferees the legislating committee with all the power of the conference report behind them, giving them special privileges and precedence over everything in the House to put through legislation, and with the temptation to members who have claims already in the bill——

The SPEAKER. Will the gentleman from Alabama suspend a moment? The Chair is not clear as to what items the gentleman from Alabama and the gentleman from Pennsylvania are agreed upon as being new items. The Chair did not understand the gentleman from Pennsylvania as referring to the same items which are referred to by the gentleman from Alabama. Are the items numbered in the bill?

Mr. UNDERWOOD. The items are not numbered in the bill; they are specified in the conference report.

The SPEAKER. Can the gentleman give the number of the items in the conference report?

Mr. UNDERWOOD. They are not numbered; I shall have to read them by name.

Mr. PAYNE. Has the conference report been printed in the RECORD?

Mr. UNDERWOOD. It is in the RECORD of the Senate proceedings of May 5.

Mr. PAYNE. What page?

Mr. UNDERWOOD. Page 5381.

The first item to which I refer the Chair is—

To John W. Hancock, of Iron County, $1,160.

This was inserted in the Committee of the Whole when the bill was in the House, but was not put in by the House. The House rejected the entire Senate amendment and nonconcurred in the whole matter, and therefore, although that claim was considered in Committee of the Whole, it was never in difference or dispute between the two Houses.

I refer also to this item:

To William B. Horner, late of Shelby County, $1,250.

There is no dispute whatever between the gentleman from Pennsylvania and myself as to whether this was in or out. He admits it was never in either bill. Also to Mary E. O. Dashiell, late of Norfolk County, $810. Some of the other items that I thought were not in the bill the gentleman from Pennsylvania [Mr. MAHON] claims were in the bill.

The SPEAKER. Then the Chair understands there are two items, that of John W. Hancock, of Iron County, $1,160, and that of William B. Horner, late of Shelby County, $1,250.

Mr. UNDERWOOD. I thought the other items were not in either bill, but the gentleman from Pennsylvania [Mr. MAHON] corrects me on that. We both agree on these two items and that the point of order would affect one just as much as the other, so there is no use of discussing the question as to whether the other items are in or out. Now, as I said, the only good reason in the world that we could give to hold that these items are germane—it is not a dispute that they were a difference between the two Houses—would be to hold they are germane to the whole subject-matter of the bill. There is no other item in the bill to which they relate. They did not relate in any way, then, to any other particular item in this bill. The only way that they could be held germane and therefore a subject of conference would be to hold they are germane, because the title of this bill is a general claims bill, and you would therefore be entitled to put in any claims on earth against the Government of the United States.

Mr. GAINES of Tennessee. Suppose the House and Senate adopted this report, after full consideration of both Houses, what fundamental objection is there to that operation? Is not that and would that not be legal legislation?

Mr. UNDERWOOD. No; I do not think it is proper legislation for the House and the Senate to put matters in in conference that have not been considered by both Houses.

Mr. GAINES of Tennessee. Suppose the House and Senate each considered the new items after the conferees had put them in the bill?

Mr. UNDERWOOD. Oh, but that is not the proposition before us.

Mr. GAINES of Tennessee. That is just what we are doing now, as I understand it.

Mr. UNDERWOOD. Neither the House nor the Senate has considered the proposition.

Mr. GAINES of Tennessee. We will do that in the House now if given a chance. We can now see whether they are good or bad claims. Certainly the regular practice is better, indeed the safer way.

Mr. ROBB. Mr. Speaker, I wish to state to the gentleman from Alabama [Mr. UNDERWOOD], in regard to the Hancock claim, that it appeared from the showing here before the Committee of the Whole House that that was a claim that was before the Committee on War Claims and was overlooked and was inserted here by a unanimous vote of the House when that bill was pending before the Committee of the Whole House.

Mr. UNDERWOOD. I will say to the gentleman I have stated that fact to the Chair.

Mr. ROBB. That certainly amounts to an instruction to the committee on conference.

Mr. UNDERWOOD. I am not making a point against this particular claim. I do not know but the claim may be a very just one. It is the report that I am making the point of order against. If those claims were legitimately before the House, I would probably vote for both of them. I would not say they are good or bad, but the point that I am making is that they are not properly a subject of conference, and the conferees have exceeded their powers in making this report—that therefore no report has been made to this House.

Mr. MAHON. Mr. Speaker, there is no trouble about this matter. The conferees acted entirely within their scope. In relation to this point of order, the conferees of the House and of the Senate examined the parliamentary law on this subject very carefully, and there is no disposition to put anything into this bill simply because it is a claims bill. The bill was sent from the House to the Senate, and the Senate struck out all after the enacting clause and inserted one amendment, which amendment was in paragraphs. The first 20 pages of that amendment relate entirely to the Bowman Act cases—cases that have been sent from this House to the Court of Claims and have been returned to the Speaker and the President of the Senate.

Now, Mr. Speaker, they are claims here on the Calendar of this House. One was for William B. Horner, of $1,250. He is an old soldier, a man who is now up in the eighties, as I am told. He has fought his claim through the Court of Claims, and has been at it for ten years, and finally got a verdict of $1,100. The other one returned was the Hancock claim. That is a Bowman Act claim of the same class as was in the Senate amendment for some $1,100. Now, I am told that he is a very old man. The other is for an old lady. Now, these are the only three matters. There is nothing in this conference report except what was in the House bill as it went to the Senate and in the Senate amendment as it came back to the House.

The SPEAKER. To which bill does the gentleman refer?

Mr. MAHON. To the Hancock and Horner claims.

The SPEAKER. Which was the one that was in the House bill?

Mr. MAHON. Charles Flower in the House bill, and Henry Walton.

The SPEAKER. Was the Hancock bill in the House bill?

Mr. MAHON. No, sir.

The SPEAKER. Was the Horner bill in the House bill?

Mr. MAHON. No, sir.

The SPEAKER. Was the Dashiell bill in the House bill?

Mr. MAHON. No, sir.

The SPEAKER. The gentleman will proceed.

Mr. GROSVENOR. Were they put in in the Senate?

Mr. MAHON. No.

Now, Mr. Speaker, we consulted about this, and out of sympathy for these old people, their claims having come in, and there being only three of them, if they had been younger people probably the conferees would not have put them in. They were added to that part of the amendment that related to the Bowman Act claims from the Court of Claims, and were on that subject alone. Now let me read you a decision of this House:

Although the Senate had amended a bill of the House by striking out all after the enacting clause and inserting a different proposition in some respects, yet having the same object in view, the question presented was not whether the provisions excepted to in the conference report were germane to the original House bill, but whether they were germane to the Senate amendments. In the opinion of the Chair, they were clearly germane; for though different from the provisions contained in such amendment, they related directly to the same subjects—

Just as these are Bowman Act cases—

and under the common parliamentary law and practice might be made, by way of amendment, a substantially different proposition from that originally passed by the House.

You will find that in the RECORD of the Forty-ninth Congress, page 7932. So I might quote decision after decision. Now, the conferees had under consideration that part of the amendment in relation to the Bowman Act claims. We struck some out that we thought perhaps ought not to be in, and we inserted these three, exactly on the same subject, in the same part of the amendment, relating to the Bowman Act cases. There is no question but what they are germane to that amendment.

Now, the gentleman talks about appropriating for Tennessee in the river and harbor bill. Of course you could not amend that amendment by putting one in for another State. They are different subjects; but here is the paragraph in this bill relating to the Bowman Act cases, and the conferees after long consideration put them in, not to take any advantage of the House. They were perfectly fair about it, and they put them in simply because they were germane to that amendment, being the same subject-matter, although not in the original bill as it left the House, or in the Senate amendment. I do not think there is any use taking up time. I thought it was understood, or they would not have gone in. We were satisfied they were germane to the paragraph of the bill. All of the decisions are on that line, that where they are not in the House bill and where they are not in the Senate amendment, yet if they are germane and on the same subject under consideration, it has been held that you could put them in, and the Speakers of the House have so decided.

I will not quote the other decisions. They are all in the same line.

Mr. GIBSON. Mr. Speaker, I should like to submit to the consideration of the Chair a precedent that seems to me to be on all fours with the case now before the House. It is found in the Congressional Globe of the Thirty-eighth Congress, on page 1402, and is digested in Hinds's Manual of Parliamentary Precedents, on page 745, section 1420. In that case the House passed the bill. It went to the Senate. The Senate struck out all after the enacting clause and put in a bill of its own. It came back to the House and was nonconcurred in. Conferees were appointed, and the conferees agreed upon an entirely new bill, containing matter that was not at all contained in the original bill. On it coming again before the House on the report of the conferees, the question of order was raised by Mr. Holman, of Indiana, that the report did not come within the scope of the conference committee, that the conference committee had substituted an entirely new bill, and that so to do was entirely without their jurisdiction. Speaker Colfax on the question of order ruled as follows:

The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one—

Which is exactly our case—

the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills having been referred to the committee, they can take either one of them or a new bill entirely or a bill embracing part of either. They have a right to report any bill that is germane to the bills referred to them.

An appeal was then taken from this decision and it was sustained—yeas 80, nays 35.

I submit to the Chair that that precedent is absolutely conclusive of the question now before the Chair.

The SPEAKER. The Chair is ready to rule on the question, and is impressed with the importance of it. There are but few countries, as the Chair now recalls, that have conference committees in their national legislative bodies, certainly none that have perfected them as we have in the United States. It is one of the vital instrumentalities in bringing the two Houses together and securing joint legislation. But there must be no abuse of that power. It will not do to allow matters not in contemplation by the two Houses, that are foreign to the questions being considered, to be inserted by the conference committee.

The decisions here are conflicting. The one just referred to by the gentleman from Tennessee [Mr. GIBSON], in reference to the Freedmen's Bureau, is "the widest open," so to speak, of the decisions; and yet in that case the new bill treated of the subject-matter of the original propositions, which was how to handle the interests of the freedmen, and one can readily see that the Chair might allow that to come in without being a violation of the rule.

Now, what are the facts in this particular case? We have incorporated here, according to the statement of the gentleman from Pennsylvania, in charge of the bill, three entirely new items, not known to the action of the House, not considered in the action of the Senate. One is the Hancock item, which we find was known as Senate bill 52, and in the House as House bill 11208; another is the Horner item, known as H. R. 12590, and the other the Dashiell item, known as H. R. 13223, entirely separate and distinct bills, presenting different rights and different questions for the consideration of the Congress. Now, the

gentleman from Pennsylvania, in his ingenious argument, seeks to avoid the force of the objection made by the gentleman from Alabama because they were claims. But there are different claims. The House might be well pleased to insert and allow one claim and wholly opposed to another claim, and for the conference committee to step into outside matters, not before it by the action of the two Houses, and bring in a new claim that had never been considered by either House on the ground of its being germane, it seems to the Chair would open a very dangerous pathway to unwise legislation.

Now, while the Chair believes that the conference committee is a great instrumentality to bring the two Houses together, still the Chair would be very loath to open the door to allow any conference committee to usurp the prerogatives of either House; and while he has examined with care the several decisions, the weight of authority is in the line of his own feelings on this question; and even when submitted to a vote of the House, as was done in one case, the House sustained the views of the objecting party, Judge Holman.

The Chair is strongly of the opinion that to secure wise legislation caution should be observed in not allowing abuse of the powers of the conference committee, and this view invites sustaining the point of order in this case. The functions of a conference committee are such that they must consider a matter laid before them by the Congress. If it involves an amount of money they may increase it or cut it down; they may put limitations upon it. The functions of a conference committee are great and can be of infinite benefit to the House of Representatives. The feeling of the Chair is, then, that the door should not be opened beyond the scope and purpose of a conference committee. That is clear; and the Chair sustains the point of order made by the gentleman from Alabama. Therefore that brings us to the next thing for consideration.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Let the Chair conclude.

Where does this leave this conference report? It has to be treated as a whole. The point of order defeats the conference report just exactly as if it were rejected by the House. That has already been held in one case—I think by Mr. Speaker Reed—that a point of order sustained against a conference report is equivalent to a rejection of the report by the House of Representatives on a vote. And it seems to the Chair that is where this conference report now stands.

Mr. MAHON. Mr. Speaker, with all due deference to the Speaker, I do not feel disposed to let this matter rest with the judgment of one man in the House. I am well satisfied that these matters are germane, and therefore I most respectfully appeal from the decision of the Speaker.

Mr. UNDERWOOD. I move to lay that appeal on the table.

The SPEAKER. The gentleman from Pennsylvania appeals from the decision of the Chair, and the gentleman from Alabama moves to lay the appeal on the table.

Mr. MAHON. In due time I will make another motion, Mr. Speaker. I will withdraw the appeal.

The SPEAKER. The gentleman from Pennsylvania withdraws his appeal.

Mr. MAHON. Mr. Speaker——

The SPEAKER. Will the gentleman suspend for a moment? [After a pause.] The gentleman from Pennsylvania.

Mr. MAHON. Mr. Speaker, I ask for another conference.

The SPEAKER. The gentleman from Pennsylvania moves to further insist and ask for a conference. The question is on the motion of the gentleman from Pennsylvania.

Mr. CANNON. Mr. Speaker, I want to ask the gentleman, if I may, touching the provision of the conference report which has been rejected, and is supposed germane to the Senate amendment, touching the Nevada claims, so called. I have just returned after an absence of some ten days, and this morning for the first time saw what was proposed. I have given it a hasty reading, and, in my judgment, in light of legislation that was had upon the urgent deficiency bill, I am inclined to think that legislation along the line of establishing an absolutely unfair precedent. It is the legality of the so-called Nevada claim, and any precedent would open the door for many hundreds of millions of dollars of claims for the various States, for bounties, extra pay, etc., paid by the States.

Now, I hope it shall not be necessary when this report comes back to antagonize the conference report. It is a question on which, as one member of the House, I am not in favor of—any legislation that would commit the United States where it is not now committed. We have had legislation to remove the statute of limitation, which we have done at this session of Congress, and I ask the gentleman if it will be necessary to offer a resolution of instructions to the committee.

Mr. MAHON. Let me explain to the gentleman.

Mr. CANNON. Yes.

Mr. MAHON. There was only this Territory of Nevada. This money was expended for sending troops to the front, just the same as was done in Illinois, Ohio, and all the other States. Now, New York made an effort, and succeeded in establishing the proposition, that under the act of 1861, where the Secretary of War authorized the borrowing of money to put troops into the field, and they issued their bonds for the same, that the interest of those bonds was to be an obligation against the Government.

Mr. CANNON. Certainly.

Mr. MAHON. So that Pennsylvania secured hers, and in the last urgent deficiency bill a section was included for the benefit of the other States, and under this general section their claims are referred to the Secretary of War, there to be adjudicated under the principle laid down by the United States Supreme Court in the case of New York against the United States.

Now, if Nevada had been a State at the time this money was expended, she would not need this legislation; but she was at that time a Territory. The clause that the gentleman from Illinois, chairman of the Appropriation Committee, put in would cover the State of Nevada exactly, but she was not, as I say, a State. She was brought into the Union a short time after the money had been expended and her troops put into the field. Under the call of 1861 she issued $100,000 worth of bonds and sent 1,180 men into the Army of the United States, exactly as did other States, although she was then a Territory. These bonds are still unpaid. Although under the law of 1861 the States were paid the principal or face of the bond, Nevada was not paid because the act did not include Territories.

Nevada asked for a direct appropriation of $424,000. We did not know what it was for, but if she borrowed that money, having issued her bonds under the call of the Secretary of War, then she ought to be treated the same as any other State although a Territory. As I say, if Nevada had been a State at the time she issued the bonds she would be covered by the clause in the urgent deficiency bill. This section is simply drawn to put the Territory of Nevada on all fours with the other States of this Union. This does not establish a precedent; it does not effect any other State. It puts Nevada on the same footing as any other State in the Union.

Mr. LITTLEFIELD. Do the States get payment without being obliged to sue in the Court of Claims?

Mr. MAHON. Yes. The State of Nevada was brought into the Union after the war; brought in for a purpose, so that we might have sufficient votes to adopt amendments to the Constitution.

Mr. CANNON. I want to say to the gentleman from Pennsylvania that I have the act of 1861 and 1862, and I also have before me the legislation of this session of Congress, which seems to me is pretty broad:

> And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of State of New York *v.* The United States, decided January 6, 1896 (160 U. S. Rep., p. 598), not heretofore allowed, or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law, to aid in the settlement of claims by the accounting officers.

Now, then, I understand the gentleman to say that Nevada at the time of this expenditure was a Territory.

Mr. MAHON. Yes.

Mr. CANNON. And that therefore the acts of 1861 and 1862 did not apply to the Territory of Nevada; that the object of the clause in the conference report which has gone out on a point of order was to place the present State of Nevada exactly in the same condition that New York and other States are in under the act of 1861 and the joint resolution of 1862, and to pay that State for expenditures made by the Territory precisely for the same class of claims, and no other, that the other States are entitled to payment for. I understand that to be the position of the gentleman.

Mr. MAHON. Yes. Now, will the gentleman from Illinois permit me to read the amendment in full? It is as follows:

> That the claim of the State of Nevada for costs, charges, and expenses incurred by the Territory of Nevada for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States, war of 1861-1865, under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or disallowed by the accounting officers of the Treasury, shall be examined, allowed, and paid out of any money in the Treasury not otherwise appropriated.

Now, that exactly follows the clause in the urgent deficiency bill except the concluding part.

Mr. CANNON. No; the gentleman has got something in there that is not in the report.

Mr. MAHON. I quoted it exactly from the urgent deficiency bill except the concluding part.

Mr. CANNON. The gentleman puts in something that is not in the act, namely: The act that applied to the other States reads as follows:

Shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determinations of disputed questions of law to aid in the settlement of the claims by the accounting officers.

Now, then, by the clause in the urgent deficiency bill which I have just read Congress keeps the whip hand. The accounting officers are only authorized to adjust the accounts of the States in the light of the New York decision, and they must certify to Congress for its information.

Now, the gentleman leaves out the Court of Claims, and in addition to that the gentleman proceeds "and paid out of money in the Treasury not otherwise appropriated." In other words, Congress loses the whip hand. I want to say to the gentleman that I fear, in the light of the act of 1882 that was passed touching Nevada, Texas, Kansas, and some other States, under which there was an adjudication and payment to Nevada, as well as to the other States, I am fearful, in the light of that subsequent decision, from a hasty examination, that this legislation may give, by legislative construction, something to Nevada that has been denied to the other States.

Illinois, New York, Massachusetts, Pennsylvania, and other States, many of them, if not all, paid from $100 to $500 bounty. Massachusetts gave as extra pay to all her soldiers in the war of the rebellion almost as much as they received from the Federal Government. Now, those bounties and that extra pay have never been reimbursed by the United States. In the light of what has passed, I am afraid the gentleman from Pennsylvania has got this provision broad enough to repay to the State of Nevada the extra pay which she paid——

Mr. MAHON. Did your State as a State pay bounties, or were the bounties paid by the municipalities?

Mr. CANNON. I think the bounties were paid by the State; but I am not sure about that.

Mr. MAHON. Your State paid $50 bounty.

Mr. CANNON. Now, if the Territory of Nevada was not covered by the act of 1861–62, I am perfectly willing that there should be legislation so covering it, although I believe that the State of Nevada, under an adjudication which has been made, has already been paid all that she is entitled to, unless she is entitled to something for interest.

Now, if the gentleman has the same object in view that I have, there can be no dispute between us.

Mr. MAHON. Certainly not.

Mr. CANNON. But I fear that the provision of this conference report may do something which on fuller examination will prove to be what the gentleman is not designing to do.

Mr. MAHON. Let me say to the gentleman that under that amendment the State of Nevada can not get a dollar beyond what was allowed to the State of New York by the decision which has been referred to. If Nevada did not make expenditures of the kind referred to in the decision of the Supreme Court of the United States, she gets nothing.

Mr. CANNON. Under the act of 1861–62?

Mr. MAHON. Yes. There has never been a case in the history of this Government where the Government ever appealed from the decision of an accounting officer. I do not think the gentleman can cite such a case.

Mr. CANNON. Oh, there have been a great many cases where the action of the accounting officer has been absolutely repudiated.

Mr. MAHON. I believe in every such case it was the State that made the appeal. It was with the view of protecting the Government that this provision was framed as it is.

Mr. CANNON. I want to put the State of Nevada on all fours with the State of New York under the legislation of 1861–62 and under the decision of the case of New York *v.* The United States. If Nevada is not on all fours with New York, I am willing and desirous of putting her in that position; but there I want to stop.

Mr. MAHON. Well, we shall have no trouble about that matter.

Mr. CANNON. I am perfectly willing to treat the Territory of Nevada in the same manner as if she had been a State.

My eye has just fallen upon the provision in reference to this matter. When this conference meets again from time to time members of the House may desire to present something for the gentleman's consideration or for the consideration of the committee; and I am perfectly willing not to embarrass him, because from what he says—and I have always found him a man of his word—there appears to be no difference between him and myself as to what is desirable in this legislation.

Mr. MAHON. The only question is as to the shape in which the provision shall be put.

Mr. NEWLANDS. As I understand the gentleman from Illinois, he is willing to waive the statute of limitations in regard to any claim that the State of Nevada may have.

Mr. CANNON. Certainly.

Mr. NEWLANDS. And he is willing also that the Territory of Nevada (now a State) shall be put on an equality with the various States that made these advances.

Mr. CANNON. Precisely.

Mr. NEWLANDS. Now, I wish to call the gentleman's attention to the fact that the language in this report exactly tallies with the act of 1861, which provided—

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

I repeat that this conference report simply follows the language of the original act; it prescribes the same method of procedure in the presentation of claims, it follows the same method of accounting, it follows the same form of appropriation.

Mr. CANNON. Does my friend construe that as to Nevada this money was payable in gold, and that in making reimbursement now we would have to make up for the difference between gold and greenbacks.

Mr. NEWLANDS. I have no construction in regard to that. I simply say that the provision embraced in the conference report renews the act of 1861–62, and makes it operative as to the State of Nevada (then a Territory) as it has been with reference to all the other States.

Mr. CANNON. Will the gentleman allow me a suggestion at this point? In point of fact, the State of Nevada on its own motion paid its own troops twice what the troops of the State of New York were paid by the United States. Now, the United States, in settling with the States for claims of this kind, has paid only the same sums that were paid by the United States to other soldiers. The Government has not paid any of the bounties that various States paid to their troops, and it is the settled construction under the act that no such payments are due from the United States. I take it, then, that my friend does not desire that Nevada under this legislation should receive the difference between greenbacks and gold or should receive pay to the extent of double the amount that the United States paid its own soldiers. If so, my friend and myself do not agree about it, and I am merely talking about it so that if we can now by this discussion and comparison of notes in the House indicate the principles upon which this matter should be settled, it would save us perhaps great trouble when the conference report comes in for adoption.

Mr. NEWLANDS. I will state to the gentleman from Illinois that I am not authorized to waive any part of the claim of the State of Nevada. I presume if this becomes law it will go before the accounting officers of the Treasury and will be determined by them just as the claims of other States have been. I believe that entire claim to be a just claim, and I am willing to meet the gentleman or anyone who opposes it at the proper time on the floor of this House in debate. I do not think this is, however, the time to go into all the intricacies of these claims unless the gentleman wishes to force the discussion now.

Mr. CANNON. I will ask the gentleman from Pennsylvania if he is willing to take the substance of that provision in the urgent deficiency bill that applies to all the other States and make it apply to the State of Nevada?

Mr. MAHON. The only change we would have to make would be to put in what is stricken out of that section in the urgent deficiency bill. We followed it except that we struck that out. If the gentleman examines the amendment, he will find that we followed it exactly.

Mr. CANNON. He is willing to take that modification?

Mr. MAHON. Oh, yes.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to further insist on disagreements to the amendment of the Senate and ask for a conference.

Mr. ROBB rose.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. MAHON. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 100, noes 19.

The SPEAKER. The motion prevails, and the Chair appoints the following conferees on the part of the House: Messrs. MAHON, GIBSON, and SIMS.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask recognition to move instructions to the conferees.

The SPEAKER. That would be in order before the appointment of the conferees and after the conference had been ordered.

Mr. UNDERWOOD. Well, the conference has been ordered.

The SPEAKER. If the gentleman states that he was rising to get the attention of the Chair, the Chair will recognize him.

Mr. UNDERWOOD. I was; I desired to move instructions.

The SPEAKER. The gentleman will send up his instructions.

Mr. UNDERWOOD. I will ask the Clerk to take it down. I desire to move that the conference be instructed not to agree to what is known as the Selfridge board findings in the Senate amendment.

The SPEAKER. The Clerk will report the motion of the gentleman.

The Clerk read as follows:

That the conferees be instructed not to agree to what is known as the Selfridge board findings in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, I am not going to occupy any great space of time, but I just wish a few words.

Mr. MAHON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. MAHON. I make the point of order that this is not in order after the conferees have been appointed.

The SPEAKER. That part of the statement of the Chair was withdrawn on the statement that the gentleman was trying to get recognition. The gentleman from Alabama is recognized.

Mr. UNDERWOOD. Mr. Speaker, I have discussed the merits and demerits of the Selfridge board findings over a week ago. It has been printed in the RECORD. I do not know that I can throw any more new light on the proposition by going into a further discussion of the question, but I wish to say this, that when we had this bill in the Committee of the Whole House on the state of the Union, considering this question of the Selfridge board findings, the House debated the question. It was considered and voted on, and by a vote on the floor of this House the House rejected the Selfridge board findings by a majority of the House. That was virtually an instruction to the conferees of the House not to agree to the Senate amendment in that particular. It may not have been a direct instruction, but it certainly amounted to an instruction.

Now, with that situation staring the conferees in the face, a majority of the conferees—Mr. SOMS did not sign the report—did go into conference with the Senate; did at once agree to accept the entire Senate bill, rejecting the virtual instructions of the House, bringing back this bill before the House on a unanimous conference report, where, if it had not been knocked out by a point of order, it would have been impossible for this House to take up the bill item by item and give it consideration. We have been required to vote for the bill as a whole under the report brought in here by the conference committee. Notwithstanding the fact that the House had rejected these claims, the conference committee brought them back into this House under the report just rejected on a point of order without giving the House any opportunity whatever for a separate vote in the matter. Now, I say that under those circumstances the House is justified and ought to adopt instructions directing these conferees not to agree to those Selfridge board findings. Let them come in and stand up before the Senate conferees and tell the Senate that the House is not willing to pass that portion of the bill, and then if they find they can not get the Senate to recede they can properly come back here and report the facts to the House, where we will have an opportunity to further consider these claims on their merits without being tied up with the other claims in the bill, and give them a a separate consideration.

Now, I am not going into a full discussion of the merits or demerits of the Selfridge board claims. I do not think they ought to be paid. There is no justification for them. They claim that the plans were changed, and therefore that the contractors lost money. The record does not sustain them. The report of the Secretary of the Treasury at the time and the report of Senator Grimes, chairman of the Committee on Claims of the Senate at the time, both state that there had been no change whatever in the plans and that it was merely an appeal to the generosity of Congress to pay these claims. They have been rejected for forty years, and now they come here asking you to give them between a million and a million and a half of dollars to pay claims that at the time when they were new and people understood the facts had been thoroughly digested and rejected. I therefore think that under these circumstances the House is justified in instructing the conferees, and ought to instruct the conferees in this case not to agree to these claims.

Mr. MAHON. Mr. Speaker, I do not want to make any reply. This matter has been discussed over and over in this House. The Senate conferees state that they will not recede under any consideration.

Now, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama to instruct the conferees. As many as favor the motion will say "aye;" those opposed, "no."

The question being taken, on a division (demanded by Mr. MAHON) there were—ayes 67, noes 64.

Mr. ROBERTS. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the conferees be instructed not to agree to what are known as the Selfridge claims on this bill, and on that motion the yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 71, answered "present" 20, not voting 148, as follows:

YEAS—112.

Allen, Ky.	Foster, Ill.	Lewis, Pa	Reid,
Ball, Tex.	Fox,	Little,	Rhea, Va.
Bartlett,	Gill,	Lloyd,	Richardson, Ala.
Bellamy,	Glenn,	McCulloch,	Richardson, Tenn.
Bowersock,	Gooch,	McLain,	Rixey,
Brantley,	Gordon,	Mahoney,	Robinson, Ind.
Breazeale,	Green, Pa.	Mann,	Robinson, Nebr.
Bristow,	Griffith,	Martin,	Rucker,
Brundidge,	Hay,	Mercer,	Scott,
Burkett,	Hemenway,	Mickey,	Selby,
Butler, Mo.	Henry, Conn.	Miers, Ind.	Shallenberger,
Caldwell,	Hepburn,	Miller,	Shattuc,
Cannon,	Holliday,	Morgan,	Sims,
Clark,	Hooker,	Morris,	Small,
Clayton,	Johnson,	Needham,	Smith, Ill.
Cooney,	Jones, Va.	Olmsted,	Smith, Ky.
Cromer,	Jones, Wash.	Overstreet,	Smith, Samuel W.
Crumpacker,	Kern,	Padgett,	Smith, Wm. Alden
Cushman,	Kitchin, Wm. W.	Palmer,	Snodgrass,
Darragh,	Kleberg,	Parker,	Spight,
Davey, La.	Klutts,	Pou,	Stephens, Tex.
De Armond,	Lacey,	Powers, Me.	Stevens, Minn.
Dougherty,	Landis,	Prince,	Tongue,
Douglas,	Lanham,	Pugsley,	Underwood,
Driscoll,	Lawrence,	Ransdell, La.	Weeks,
Edwards,	Lester,	Ray, N. Y.	Williams, Ill.
Elliott,	Lever,	Reeder,	Williams, Miss.
Flood,	Lewis, Ga.	Reeves,	Wooten.

NAYS—71.

Acheson,	Currier,	Joy,	Powers, Mass.
Alexander,	Dalzell,	Ketcham,	Roberts,
Allen, Me.	Davis, Fla.	Lamb,	Ruppert,
Ball, Del.	Dick,	Lessler,	Russell,
Beidler,	Evans,	Lindsay,	Ryan,
Blackburn,	Fitzgerald,	Littlefield,	Sherman,
Blakeney,	Fordney,	Long,	Sibley,
Brownlow,	Gaines, Tenn.	Loudenslager,	Smith, Iowa
Bull,	Gibson,	McLachlan,	Sparkman,
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Sperry,
Butler, Pa.	Goldfogle,	Mondell,	Stewart, N. Y.
Capron,	Graff,	Moody, N. C.	Sulzer,
Cassel,	Graham,	Moon,	Tayler, Ohio
Connell,	Grosvenor,	Mudd,	Tirrell.
Conry,	Hamilton,	Newlands,	Tompkins, Ohio
Coombs,	Haskins,	Otjen,	Vreeland,
Cooper, Wis.	Haugen,	Patterson, Tenn.	Woods.
Creamer,	Hildebrant,	Pearre,	

ANSWERED "PRESENT"—20.

Barney,	Deemer,	Maynard,	Tate,
Boutell,	Grow,	Metcalf,	Trimble,
Burnett,	Irwin,	Meyer, La.	Wanger,
Corliss,	Jackson, Kans.	Showalter,	Wheeler,
Cowherd,	McClellan,	Southard,	Young.

NOT VOTING—148.

Adams,	Dovener,	Kahn,	Schirm,
Adamson,	Draper,	Kehoe,	Shackleford,
Aplin,	Eddy,	Kitchin, Claude	Shafroth,
Babcock,	Emerson,	Knapp,	Shelden,
Bankhead,	Esch,	Knox,	Sheppard,
Bartholdt,	Feely,	Kyle,	Skiles,
Bates,	Finley,	Lassiter,	Slayden,
Bell,	Fleming,	Latimer,	Smith, Henry C.
Belmont,	Fletcher,	Littauer,	Snook,
Benton,	Foerderer,	Livingston,	Southwick,
Bingham,	Foss,	Loud,	Stark,
Bishop,	Foster, Vt.	Lovering,	Steele,
Boreing,	Fowler,	McAndrews,	Stewart, N. J.
Bowie,	Gaines, W. Va.	McCall,	Storm,
Brick,	Gardner, Mich.	McCleary,	Sulloway.
Bromwell,	Gardner, N. J.	McDermott,	Sutherland,
Broussard,	Gilbert,	McRae,	Swanson,
Brown,	Gillett, Mass.	Maddox,	Talbert,
Burgess,	Greene, Mass.	Marshall,	Tawney,
Burk, Pa.	Griggs,	Minor,	Taylor, Ala.
Burleigh,	Hall,	Moody, Oreg.	Thayer,
Burleson,	Hanbury,	Morrell,	Thomas, Iowa
Burton,	Heatwole,	Moss,	Thomas, N. C.
Calderhead,	Hedge,	Mutchler,	Thompson,
Candler,	Henry, Miss.	Naphen,	Tompkins, N. Y.
Cassingham,	Henry, Tex.	Neville,	Vandiver,
Cochran,	Hill,	Nevin,	Van Voorhis,
Conner,	Hitt,	Norton,	Wachter,
Cooper, Tex.	Hopkins,	Patterson, Pa.	Wadsworth,
Cousins,	Howard,	Payne,	Warner,
Crowley,	Howell,	Perkins,	Warnock,
Curtis,	Hughes,	Pierce,	Watson,
Dahle,	Hull,	Randell, Tex.	White,
Davidson,	Jack,	Robb,	Wiley,
Dayton,	Jackson, Md.	Robertson, La.	Wilson,
De Graffenreid,	Jenkins,	Rumple,	Wright,
Dinsmore,	Jett,	Scarborough,	Zenor.

So the instructions to the committee of conference were agreed to.

The following pairs were announced:
Until further notice:
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. JACK with Mr. FINLEY.
Mr. IRWIN with Mr. GOOCH.
Mr. DRAPER with Mr. MADDOX.
Mr. BARNEY with Mr. MCRAE.
Mr. SOUTHARD with Mr. NORTON.
Mr. SUTHERLAND with Mr. JACKSON of Kansas.
Mr. TAWNEY with Mr. COWHERD.
Mr. EMERSON with Mr. GILBERT.
Mr. STEELE with Mr. COOPER of Texas.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. THOMAS of Iowa with Mr. BANKHEAD.
Mr. BOUTELL with Mr. GRIGGS.
Mr. SKILES with Mr. TALBERT.
For this session:
Mr. YOUNG with Mr. BENTON.
Mr. KAHN with Mr. BELMONT.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. DEEMER with Mr. MUTCHLER.
Mr. WRIGHT with Mr. HALL.
Mr. BOREING with Mr. TRIMBLE.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. HEATWOLE with Mr. TATE.
Mr. METCALF with Mr. WHEELER.
Mr. WANGER with Mr. ADAMSON.
For this day:
Mr. HITT with Mr. DINSMORE.
Mr. SULLOWAY with Mr. KEHOE.
Mr. JENKINS with Mr. HENRY of Mississippi.
Mr. MCCLEARY with Mr. MCANDREWS.
Mr. RUMPLE with Mr. THOMPSON.
Mr. HOWELL with Mr. CLAUDE KITCHIN.
Mr. DOVENER with Mr. STARK.
Mr. SHELDEN with Mr. CROWLEY.
Mr. WACHTER with Mr. BURNETT.
Mr. BABCOCK with Mr. BELL.
Mr. FOSS with Mr. BOWIE.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. WARNOCK with Mr. SHACKLEFORD.
Mr. BARTHOLDT with Mr. BROUSSARD.
Mr. BINGHAM with Mr. LIVINGSTON.
Mr. BISHOP with Mr. BURGESS.
Mr. BRICK with Mr. BURLESON.
Mr. BURK of Pennsylvania with Mr. COCHRAN.
Mr. WARNER with Mr. CANDLER.
Mr. BURLEIGH with Mr. DE GRAFFENREID.
Mr. CALDERHEAD with Mr. FEELY.
Mr. CONNER with Mr. FLEMING.
Mr. COUSINS with Mr. HENRY of Texas.
Mr. CURTIS with Mr. JETT.
Mr. DAVIDSON with Mr. LASSITER.
Mr. ESCH with Mr. LATIMER.
Mr. FLETCHER with Mr. MCDERMOTT.
Mr. FOERDERER with Mr. NEVILLE.
Mr. HANBURY with Mr. RANDELL of Texas.
Mr. HEDGE with Mr. WILSON.
Mr. MINOR with Mr. HOWARD.
Mr. HILL with Mr. ROBB.
Mr. HUGHES with Mr. SCARBOROUGH.
Mr. HULL with Mr. SHAFROTH.
Mr. KNOX with Mr. SNOOK.
Mr. LITTAUER with Mr. THAYER.
Mr. SCHIRM with Mr. ZENOR.
Mr. LOVERING with Mr. THOMAS of North Carolina.
Mr. SOUTHWICK with Mr. VANDIVER.
Mr. GARDNER of Michigan with Mr. SHEPPARD.
Mr. WADSWORTH with Mr. WHITE.
Mr. STEWART of New Jersey with Mr. WILEY.
On this vote:
Mr. GREENE of Massachusetts with Mr. MAYNARD.
Mr. BURTON with Mr. MCCLELLAN.
Mr. MOODY of Oregon with Mr. PIERCE.

Mr. COWHERD. Mr. Speaker, I forgot for a moment that I was paired with the gentleman from Minnesota, Mr. TAWNEY. I voted "yea." I desire to be recorded as "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the following conferees on the bill: Mr. MAHON, Mr. GIBSON, and Mr. SIMS.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, and pending that motion, I ask my colleague if he has any suggestion to make in reference to the limitation of time for general debate.

Mr. MEYER of Louisiana. There are a number of gentlemen on this side who desire to speak, and I suggest six hours on a side for general debate.

Mr. FOSS. I will say to my friend I can not use one-third of that on this side, so far as I have been able to hear from members on this side of the House, and I would suggest to him that we do not fix any limitation for the present, but go into Committee of the Whole and have general debate for the rest of the afternoon, he to control one half of the time and the chairman of the committee to control the other half.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Naval Affairs, asks that this day be devoted to general debate, the gentleman from Louisiana [Mr. MEYER] to control one half of the time and he the other half, this not to be understood as limiting general debate. Is there objection to the request? [After a pause.] The Chair hears none. The question is on the motion of the gentleman, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 14046, the naval appropriation bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14046, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I have the honor, on behalf of the Committee on Naval Affairs, to report and call up at this time for the consideration of the committee this bill, known as the naval appropriation bill, which makes appropriation for the maintenance of the naval service for the fiscal year ending June 30, 1903. I have set forth in the report, which is available to all members of the House, an exhaustive statement as to every item appropriated in this bill, to which I will ask members of the House to make reference; and if there are any questions which any member desires to ask me in reference to the bill, either now or in the course of general debate, I will be most happy to answer them, provided they are not too difficult. But there are some general matters included in this bill which I think it wise at this time to call to the attention of the House.

In the first place, let us consider the size of the bill. The amount carried by this bill is $77,659,386.63. This is a decrease from the bill of last year to the amount of $442,404.77. Now, the Committee on Naval Affairs have had under consideration for a number of months in the committee room the preparation of this bill. They have been diligently at work laboring in a measure to cut down the appropriations, providing for the economical administration of the naval establishment.

Our estimates were unusual this year. The original estimates sent here by the Navy Department at the beginning of Congress amounted to $98,000,000. To this afterwards came supplemental estimates of a million and one-half dollars, and then additional estimates from time to time from the Secretary of the Navy amounting to five million more. So that the total estimates for the naval establishment this year coming from the Department through the regular channels to the Committee on Naval Affairs, all told, original, supplemental, and additional, amounted in all to $105,000,000.

These estimates the committee have cut down to the extent of $27,405,298. I may say that that fact alone is worth commenting upon, entailing, as it did, laborious consideration and the careful investigation which has been given to the subject of naval affairs in the committee room.

Now, these reductions in the estimates were principally from public works. The estimates under the Bureau of Yards and Docks for public works called for $20,781,375, but the committee thought it wise to reduce this and recommended appropriations to the amount of $6,561,075, showing a decrease under the head of "Public works" in the Bureau of Yards and Docks of $14,220,000. Under the Bureau of Ordnance there was a decrease of $333,000. Under "Public works," for the Naval Academy, a decrease of $1,000,000; under "Public works," Bureau of Ordnance, $1,065,000; under the Bureau of Equipment, $1,870,000; under the Bureau of Supplies and Accounts a decrease of $570,000; under the Bureau

of Construction and Repair, $1,340,000; under the Bureau of Steam Engineering, $300,000; under the head of "Increase of Navy," $1,000,000. The balance of deductions is made up from reductions from supplemental and additional estimates.

The next question I wish to call to the attention of members of the committee is this: We have made provision here for more men. As everyone will see, when we are building ships it is necessary also to make provision for additional men. This matter was called to the attention of the committee by the Chief of the Bureau of Navigation and by the Secretary in his annual report. Both the Chief of the Bureau of Navigation and the Secretary of the Navy joined in the recommendation for 3,000 additional men, and this recommendation is made by your committee. It will be necessary, as we go on building ships, to provide, from time to time, of course, for an increased number of men and also an increased number of officers. The two go hand in hand together, and it is necessary to provide for more men in advance of the construction of ships because it takes two and three years to properly train the men so that they can successfully man the ships. Take, for instance, the ships now under construction, and it will require about 14,000 additional men to properly man them. Of this number we have already provided in the last appropriation bill for 5,000 men and this year for 3,000 more, and it will be necessary to provide for 6,000 more before the time of the completion of the ships.

Now, there is another phase of this bill which I desire to call attention of the members to, and that is the necessity for more officers. The Chief of the Bureau of Navigation in his report sets out that it will be necessary by the time the present ships now in process of construction are completed to have at least a thousand men to successfully officer them. Now, when the committee started in on the consideration of this question, they called upon the Department to furnish an itemized list of the number of officers needed for each ship, and that list or statement you will find in the report on page 14, giving the names of the ship and the number of officers for each ship.

The committee also, at the same time, called on the Department for a statement as to what our officers were doing at the present time, whether on sea or shore duty, and you will find the statement upon page 15 of the report to this effect: The total number of line officers to-day in the Navy is 1,017, including 124 cadets now at sea, and who have not as yet received their commissions. Of this number there are 993 eligible for sea duty. Of this number 709 are performing duty on vessels or are beyond the seas, 272 performing duty on shore. Now, it will be seen that there are comparatively few officers to officer our ships which are now in process of building.

And if we are to have the officers ready when the ships are completed, it is necessary for us now to make provision for more officers. Why? Because it takes four years—yes, six years—to train officers. They must have an education at the Naval Academy, which requires four years, and then two years of sea service before receiving their commissions. So in this bill the committee have recommended a provision for an increase of officers to the extent of 500—a temporary provision, because it operates only for the coming four years. It is believed that when the present law, which was modified a year or so ago, by which every member of the House appoints a cadet once in four years instead of once in six years, has had time to operate, that law will provide for the officers needed for our growing Navy.

Now, as I say, this bill provides for the appointment of 500 additional cadets, covering a period of four years. The first year the Senators are to make appointments, one each. The President is given the appointment of 6 cadets a year, or 24 cadets covering the four years; and then during the succeeding three years each member of the House will have an additional appointment. In that way we make up the number of 500 additional cadets.

Mr. GAINES of Tennessee. At what date will a member have the right to make an appointment?

Mr. FOSS. That will be determined by the Navy Department—probably by lot.

Mr. METCALF. Can the gentleman tell us how many officers are stationed at the private shipbuilding yards of the country?

Mr. FOSS. At present?

Mr. METCALF. Yes, sir.

Mr. FOSS. No; I do not know.

Mr. LANDIS. After these cadets appointed in this manner go out, is provision made for appointments to keep up the number?

Mr. FOSS. Well, this provision, as I say, is temporary and ceases to operate at the end of four years. The present law operates continuously—during the coming four years and after that.

Mr. LANDIS. And unless some additional legislation——

Mr. FOSS. Unless some additional legislation is had, that will be the only law in existence to give us more officers after the expiration of this temporary provision. But the committee believe, or rather hope, that the present law will be sufficient to produce enough officers for the increasing Navy.

Mr. LANDIS. Then, after the expiration of this temporary provision, things will drop back to the normal condition?

Mr. FOSS. Yes, sir.

Mr. WM. ALDEN SMITH. What provision is there in the bill for the construction of new ships at Government navy-yards?

Mr. FOSS. I will say to my friend that I shall reach that question in a moment or two.

Now, I have touched upon the question of more men and more officers, and have pointed out the recommendations of the committee in these respects. The gentleman from Michigan [Mr. WM. ALDEN SMITH] calls my attention to the ships. We have provided in this bill for the increase of the Navy by the construction of 2 battle ships, 2 armored cruisers, and 2 gunboats. We are to-day building 8 battle ships. We have more than half of them completed. We are building 6 armored cruisers, about one-fourth of which are completed. We are building 9 protected cruisers, 5 of which are more than half completed. We have 9 torpedo boats nearly completed and 7 submarines nearly finished.

I might say that the committee have recommended the building of 2 battle ships and 2 armored cruisers in the line of what might be called a suggestion from Congress last year. It will be remembered that in the last naval appropriation bill Congress enacted a provision calling upon the Secretary of the Navy to report upon the cost of 2 battle ships and 2 armored cruisers. I will not read the provision, but the Secretary of the Navy was called upon to submit a report upon the whole subject, which he has already done and which any member can refer to if he desires.

Mr. GAINES of Tennessee. How much are they to cost?

Mr. FOSS. The cost of these ships, in accordance with plans recommended by the Board of Construction, amounts in all to about $30,000,000. The battle ships, which will be ships of 16,000 tons each—the largest battle ships of any that we have—will cost $7,532,000 apiece.

Mr. GAINES of Tennessee. How does that compare with the cost of constructing such vessels heretofore?

Mr. FOSS. Our battle ships heretofore have cost anywhere from $6,000,000 to six and a half million dollars.

A MEMBER. Inclusive of ordnance?

Mr. FOSS. Inclusive of everything; that is the completed cost.

Now, the armored cruisers will cost $6,700,000 apiece, and the gunboats $510,000 apiece, making in all a total cost for 2 first-class battle ships, 2 armored cruisers, and 2 gunboats approximately $29,500,000.

Now, there are several boards in the Navy Department whose business it is to recommend naval programmes. One is the general board. They have recommended the building of something like 35 ships. Then there is the Board of Construction, which recommended to the Secretary of the Navy the building of about 40 ships. And the Secretary of the Navy made a recommendation, I think, calling for 22 ships in number. I have not counted them up. He asked for 3 first-class battle ships, 2 first-class armored cruisers, 3 gunboats of 6,000 tons displacement, 3 gunboats of 2,000 tons displacement, 3 picket boats of 600 tons displacement, 3 steel training ships of about 2,000 tons displacement, 1 collier of 15,000 tons, and 4 tugboats, and while the recommendations of the different boards have been had, yet it must be remembered, of course, that the men who recommend them are naval officers ambitious for the profession in which they are engaged and are desirous of seeing our Navy built up as fast and speedily as possible; but this committee—and I refer to the Committee of the Whole House on the state of the Union—composed of the representatives of the American people, have to decide for the people themselves as to how far and how fast we shall pursue the policy of building up the American Navy.

Now, in view of the fact that Congress intimated in the appropriation bill of last year that it was its wish that the Secretary of the Navy should report only upon two battle ships and two armored cruisers, the Committee on Naval Affairs did not think it wise to make any further recommendation, and that is the reason why we come here with a programme to-day of two battle ships and two armored cruisers and two gunboats, in all, a total tonnage of 63,000 tons, requiring an appropriation of $30,000,000, not in this bill, but in subsequent bills, to construct them, because we believe that we are carrying out the intimation and suggestion of Congress in the appropriation bill of last year. Now, we have had greater programmes than this in years past. Under the naval appropriation bill of March 3, 1899, we provided for a total tonnage that year of ships to the amount of 104,000 tons, and under the appropriation bill passed June 7, 1900, we made the further increase in ships to the amount of 99,920 tons. The programme this year, if it pass by the committee and the House and Congress, will add only 63,000 tons to the tonnage of our Navy; and so I say to you that it is a moderate increase, it is a healthy increase, but I believe that it is none too large if we are to continue the policy

of building up the American Navy, and building it up in such strength and power as to maintain the honor of our country and to back up our foreign policy in every port and harbor throughout the world. [Applause.]

Mr. WM. ALDEN SMITH. Mr. Chairman, if it will not interrupt the gentleman from Illinois, I would like to ask him whether or not the building of these ships in the navy-yards of the United States is an experiment. I notice by the report, on page 19, that it states "that it is believed by your committee that nothing short of experiment of this kind will settle the question that affects many minds." Is this an experiment or has it been tried before, and if so, whether it was successful?

Mr. FOSS. It has been tried before, and I will reach the discussion of that question a little later. I want, in the first place, to call the attention of the committee to the present condition of the American Navy. In the report which I have the honor to make for the committee, after presenting a table of the number of ships that have already been built and which are now building, I made this statement, which has attracted, I may say, some little public attention:

It will be seen from the above table that while we have built and are building, all told, 138 ships, yet comparatively few of them have any real fighting value. Our naval prowess lies almost entirely in our 18 battle ships, 8 armored cruisers, and 21 protected cruisers. The rest of our ships would cut but little figure in actual warfare. Ships of the battle line practically alone determine the naval strength of a nation.

I mean by that, not ships of the battle line in the technical and historical sense, because that would refer simply to battle ships, but ships of the battle line in the larger and broader sense, including armored cruisers and protected cruisers. Now, I say that while we have built 138 ships, and are building them to-day, yet we have not a navy of which we can boast. We have only 10 battle ships already built and 8 under construction, and yet Secretary Tracy said in one of his reports that we have no business to consider that we had a navy until we have at least 20 battle ships. We have a good many ships upon the list of vessels which any of you can see if you will read the reports of the Navy Department, but most of these boats are peace boats, and in this connection I do not wish to have you take my statement alone, but take the statement of one of the ablest of our naval authorities, the Chief of the Bureau of Ordnance, Admiral Charles O'Neil. In a speech which he made before the New York Yacht Club not long ago he said something about the strength of our present Navy. Said he:

It might be advisable to fool other nations if we could with regard to our naval strength, but we surely do not want to fool ourselves, and a little introspection may be beneficial even if our national pride suffers somewhat in comparison.

Now let us see exactly how we stand:

The Navy list of January 1, 1902, contains the names of 243 completed vessels and of 60 in process of construction, a total of 303 vessels, and a very respectable showing, so far as numbers go. The question is, What are these 303 vessels and how many of them have any real military value? Of the completed vessels I find that 8 are unserviceable wooden ships of ancient date, which will probably soon be sold to the highest bidder. One is an old iron, paddle-wheel steamer, the *Monocacy*, which has been in Chinese waters for over thirty years and ought to have been in the scrap heap years ago. One is the Spanish cruiser *Reina Mercedes*, which was sunk by the Spaniards at Santiago de Cuba, was afterwards raised, and of which it is proposed to make a sailing training ship; 6 are old wooden frigates, used for receiving ships; 39 are tugboats; 1 is the so-called dynamite cruiser *Vesuvius*, having no military value; 1 is the ram *Katahdin*, a pronounced failure; 5 are purchased steamers, used as training ships for landsmen and having no military value; 8 are old-fashioned wooden sailing sloops of war, used by the Naval Militia and for State marine schools; 2 are wooden training ships for apprentices; 1 is a small sailing practice vessel for the cadets at Annapolis; 6 are old single-turretted monitors, with cast-iron, smooth-bore guns, relics of the civil war and of no value; 16 are colliers; 10 are supply vessels, tank steamers, and refrigerating ships; 48 are little gunboats, varying from 400 to 500 tons, mostly captured or bought in the Philippines, and 28 are torpedo boats, only useful for special purposes. That is to say, that 161 of the 242 completed vessels now on the Navy list have practically no fighting qualities; in fact, absolutely none, if we may except the torpedo boats.

Of the 62 remaining vessels, 10 are battle ships; 2, the *New York* and *Brooklyn*, are armored cruisers; 14 are second and third class cruisers like the *Chicago*, *Baltimore*, *Cincinnati*, and *Detroit;* 30 are small cruisers and gunboats like the *Yorktown*, *Nashville*, and others; and 6 are double-turreted monitors, suitable only for harbor defense.

Of these 62 vessels, at least 30 are so insignificant that they would cut but little figure in a war with any strong power. Thus it will be seen that our effective fighting power to-day is about 32 vessels; hence we can lay no claim to any great importance as yet as a naval power.

Then he goes on and speaks of the vessels which we are now building.

Fortunately—

He says—

we have a very respectable building programme now under way, as the ships now building will equal in fighting efficiency all the rest of the Navy. Of the 60 vessels now under construction, 8 are first-class battle ships; 3 are large armored cruisers, much more powerful than the *New York;* 6 are partially protected cruisers of 3,200 tons displacement; 4 are harbor-defense monitors; 16 are torpedo-boat destroyers; 10 are torpedo boats, and 7 submarine boats.

We may safely add 27 of the above vessels to our 32 of to-day, which will, in about three years' time, give us 59 good fighting vessels, 18 of which will be battle ships, 8 armored cruisers, 10 monitors, and about 23 protected and partially protected cruisers; and we shall also have about 57 torpedo vessels and a lot of small gunboats and miscellaneous auxiliary craft, useful in their proper sphere.

From the foregoing it will be seen that we are deficient in powerful fighting vessels, and it behooves us to push on with the construction of battle ships and armored cruisers until we have a respectable number of each, not wasting our energies or money on a lot more miscellaneous small craft until we have accomplished the more important construction.

And that recommendation is in line with that of this committee. We recommend two great battle ships, the largest we have ever built, ships the plans for which have already attracted the eyes of the naval authorities of the countries of the world, and in addition to that, two great armored cruisers, practically battle ships; and then we have put in a couple of small gunboats. But the policy of the committee, if I can in any measure speak for it, I think, is almost unanimously for putting the people's money into real fighting ships, ships of the battle line, and not into a whole lot of peace boats which do not amount to anything at all.

Now, I know that there are some—we hear it here and there and everywhere—who think that just because we whipped Spain in a fight of a hundred days and only lost a single life we could wipe out the fleets of the navies of the world. There is an impression which has gone out that the American Navy is strong and mighty and powerful. Yes; it is, so far as it goes. I believe we have better officers, better men, and that our ships, ship for ship, are better than those of any navy in the world. But do not let us delude ourselves with the thought that because we whipped a little nation, which had only a little navy, therefore we can whip anything that comes along. Why, it would have been our everlasting shame if our two fleets at Manila and Santiago had not sunk both of the Spanish fleets. Why? Because they were superior; they had a greater tonnage, each of them. I have here a statement which I propose to insert in the RECORD, showing the relative comparison of the two fleets at the battle of Manila and the battle of Santiago, and while I would not for a single moment disparage the bravery and the courage of our American officers and men and the value of our ships, yet, if there is any lesson to be learned from the Spanish-American war, it is that superior men, superior ships—in tonnage, in armament, and in armor—superior gunnery, and superior marksmanship will win in the future as they have won in the past. [Applause.]

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
OFFICE OF NAVAL INTELLIGENCE.
Washington, D. C., May 1, 1902.

DEAR SIR: In compliance with your request of the 29th ultimo for information relative to the size of the two fleets, Spanish and American, at the battles of Manila Bay and Santiago, I have the honor to transmit herewith a memorandum which contains the desired data.

Very respectfully,
J. H. GIBBONS,
Lieutenant-Commander, U. S. Navy,
Acting Chief Intelligence Officer.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

ENGAGEMENT IN MANILA BAY, MAY 1, 1898.

APRIL 30, 1902.

From the following tables it will be seen that the Spanish had a numerical superiority in ships and men. The data for the Spanish force is taken from Estado General de la Armada for 1898, and, as the complements there given are on a peace footing, it is reasonable to suppose that the numbers are a low estimate.

Leaving aside shore batteries and submarine defenses, there can be no question as to the superiority of the American ships and armaments over the Spanish. As to the extent of this superiority, the following comparison of armaments of the two fleets is given:

MAIN BATTERY.

Guns.	American.	Spanish.
8-inch	10	0
6-inch	23	7 6.3-inch. 3 5.9-inch.
5-inch	20	4 5.1-inch. 22 4.7-inch.
Total	53	36

SECONDARY BATTERY.

Guns.	American.	Spanish.
3-inch	2	2 3.54-inch. 2 3.43-inch.
2.25-inch, 6-pounder	34	4 2.95-inch. 8 2.76-inch. 9 2.24-inch.
1.85-inch, 3-pounder	10	10 1.65 inch.
1.46-inch, 1-pounder	27	24
Machine or mitrailleuse	9	12
Total	82	71

THE AMERICAN FLEET.

Name of ship.	Date of launching.	Displacement.	Protection.	Armament.
		Tons.		
Olympia	1892	5,870	Protective deck, 4.75 to 2 inch; 2 barbettes, 4.5-inch; 2 turrets, 6-inch; conning tower, 5-inch; sponsons, 4-inch and 2-inch.	4 8-inch, 10 5-inch, 14 2.25-inch, 7 1.46-inch, 1 machine.
Baltimore	1888	4,413	Protective deck, 4-inch to 2.5-inch.	4 8-inch, 6 6-inch, 4 2.25-inch, 2 1.85-inch, 6 1.46-inch, 1 3-inch, 2 machine.
Raleigh	1892	3,213	Protective deck, 2.5-inch to 1-inch.	1 6-inch, 10 5-inch, 8 2.25-inch, 4 1.46-inch, 1 3-inch, 1 machine.
Boston	1884	3,000	Protective deck, 1.5-inch.	2 8-inch, 6 6-inch, 2 2.25-inch, 4 1.85-inch, 4 1.46-inch, 1 machine.
Concord	1890	1,710	None.	6 6-inch, 2 2.25 inch, 2 1.85 inch, 3 1.46-inch, 2 machine.
Petrel	1888	892	do	4 6-inch, 2 1.85 inch, 3 1.46 inch, 2 machine.
McCulloch	1896	1,280	do	4 2.25-inch.

Total complement, 1,836 officers and men.

THE SPANISH FLEET.

Name of ship.	Date of launch.	Material of hull.	Displacement.	Protection.	Complement.	Armament.[a]
			Tons.			
Reina Christina	1886	Iron	3,520	None	352	6 6.3-inch H.; 3 2.24-inch N.; 2 1.65-inch N.; 2 2.75-inch N.; 6 1.46-inch R. C.; 2 43-inch M.
Castilla	1881	Wood	3,260	do	349	4 5.12-inch K.; 2 4.72-inch K.; 2 3.43-inch K.; 4 2.95-inch K.; 4 1.65-inch N.; 4 1.46-inch R. C.
Don Juan de Austria	1887	Iron	1,159	do	179	4 4.72-inch H.; 2 2.76-inch H.; 2 1.65-inch N.; 4 1.43-inch R. C.; 1 .43-inch M.
Don Antonio de Ulloa	1887	do	1,160	do	159	4 4.72-inch H.; 2 2.76-inch H.; 2 2.24-inch R. F.; 4 1.46-inch R. C.; 1 .43-inch M.
Isla de Cuba	1886	Steel	1,045	Protective deck, 2.44 inches.	156	4 4.72-inch H.; 2 2.24-inch R. F.; 2 1.46-inch R. C.; 1 .43-inch M.; 1 1.46-inch R. F.
Isla de Luzon	1886	do	1,045	do	156	Do.
Marques del Duero	1875	do	500	None	96	1 6.3-inch P.; 2 4.72-inch B. R.; 1 .43-inch N.
General Lezo	1883	Iron	520	do	115	2 4.72-inch H.; 1 3.54-inch H.; 2 .98-inch N.; 1 .43-inch M.
Velasco	1881	do	1,152	do	147	3 5.91-inch A.; 2 2.76-inch H.; 2 .98-inch N.
Argos	1880		508	do	87	1 3.54-inch H.
Manila	1883	Iron	1,900	do	77	2 1.65-inch B. R.
Isla de Mindanao[b]					120	
Total					1,993	

[a] H. = Hontoria, N. = Nordenfeldt, R. C. = Hotchkiss revolving cannon, M. = Mitrailleuse, K. = Krupp, P. = Pallisser, A. = Armstrong, B. R. = Bronze rifled.
[b] Armed transport; took part in battle; armament and complement not known—later estimated at 120.

Engagement at Santiago de Cuba, July 3, 1898.

SPANISH FLEET.

Name of ship.	Date of launch.	Trial speed.	Tonnage.	Protection.	Crew.	Armament.
		Knots.				
Infanta Maria Teresa	1890	20.2	6,890	Armor belt, 12 to 10 and 9 inch; protective deck, 3 to 2 inch.	556	2 11-inch, 10 5.5-inch, 8 6-pounder Q. F., 10 1-pounder Q. F., 10 machine.
Viscaya	1891	20.2	6,890	do	491	Do.
Almirante Oquendo	1891	20.2	6,890	do	487	Do.
Cristobal Colon	1896	19.8	6,840	Armor belt, 6 to 2 inch; protective deck, 1½ inch.	567	10 6-inch, 6 4.7-inch Q. F., 10 6-pounder, Q. F., 10 1-pounder Q. F., 2 machine.
Pluton	1897	30	400	None	80	2 14-pounder Q. F., 2 6-pounders Q. F., 2 1-pounder Q. F.
Furor	1896	28	370	do	60	Do.

AMERICAN FLEET.

Indiana	1893	15.5	10,230	Armor belt, 18 to 10 inch; protective deck, 3-inch.	571	4 13-inch, 8 8-inch, 4 6-inch, 20 6-pounders, 7 1-pounders, 2 machine.
Oregon	1893	16.7	10,230	do	524	Do.
Iowa	1896	17.1	11,296	Armor belt, 14 to 10 inch; protective deck, 3-inch.	587	4 12-inch, 8 8-inch, 6 4-inch, Q. F., 20 6-pounders, 2 1-pounders, 4 machine.
Texas	1892	17.8	6,300	Armor belt, 12 to 9 inch; protective deck, 3-inch.	433	2 12-inch, 6 6-inch, 12 6-pounders, 10 1-pounders, 2 machine.
Brooklyn	1895	22	9,153	Armor belt, 4½-inch; protective deck, 3 to 6 inch.	552	8 8-inch, 12 5-inch Q. F., 12 6-pounders, 4 1-pounders, 4 machine.
Gloucester	1891	18	800	None	93	4 6-pounders, 4 3-pounders, 2 machine.
Vixen		12	165	do		4 6-pounders, 4 3-pounders.
New York	1891	21	8,480	Armor belt, 3.8-inch; protective deck, 2.5 to 6 inch.	672	6 8-inch, 12 4-inch Q. F., 8 6-pounders, 2 1-pounders, 2 machine.
Ericsson	1892	20	120	None	21	4 1-pounders.

So the lesson that comes to us, as the result of our recent war with Spain, is not to stop building, but to build onward and upward the American Navy.

Now, Mr. Chairman, I come to another question. We have provided in this bill for a naval programme which I say, in my judgment and the judgment of the committee, is a healthy one, a conservative one, on the lines of our past policy, and a naval programme which I think will meet with approval everywhere throughout the country. But it is necessary in this bill to provide also how these ships shall be constructed. Heretofore it has been the policy of our country, with but few exceptions, to construct our ships in private yards, because I think it has been the consensus of public opinion that they could be constructed more cheaply there than in our Government navy-yards.

Many of you have received a great deal of literature upon this question of the construction of ships in Government navy-yards. I have some of it here. You may recognize it, perhaps, as I hold it up for you to look at. These cards have been sent to members of Congress, calling their attention from time to time to the wisdom of constructing ships in Government navy-yards. Now, I desire to say a few words upon this question. In the first place, I desire to call your attention to the fact that all of these cards come from the Chamber of Commerce of Vallejo, Cal. It was my pleasure to visit that little city last summer, and I was very pleasantly entertained there. They are very much interested in building ships in Government navy-yards there. Why? I will say, in the first place, that this is a city of about 7,000 population. It has comparatively few industries of its own.

Most of the people or laboring men there depend absolutely for employment upon the navy-yard across the river. They are naturally in favor of building ships in Government navy-yards. They are naturally anxious to call attention of members of

Congress to this. They would not only like to build one ship there, but they would like to build the whole American Navy there. Why? Because, as I say, they are absolutely dependent upon Government work in order to feed, clothe, and to keep themselves and their families alive. That is an honest, legitimate ambition. I have nothing to say against it, but I have something to say against the fallacious statements and misrepresentations of fact which have been sent out upon these cards to members of Congress. If they contained the truth I would not say anything. But when they try to influence your vote and mine with misstatements of fact I think it is only proper that somebody should call attention to the matter.

Mr. METCALF. Do I understand the gentleman to say the Vallejo Chamber of Commerce has made misstatements as to the condition of the Navy?

Mr. FOSS. Yes; some misstatements.

Mr. METCALF. I wish you would point out where any misstatements have been made.

Mr. FOSS. Now, here is a card which has been sent out by the Vallejo Chamber of Commerce:

From the Paymaster-General of the Navy's report for 1899, page 36, we find the value of navy-yard plants which are used for the repairing of vessels to be $42,395,136. There has since then been appropriated $51,893,297, making the enormous sum of $94,288,433. The Bureau of Yards and Docks has recommended to this Congress that $18,786,075 additional be appropriated, making in all $113,074,508.

As the Bureau of Yards and Docks have all the quay walls, dry docks, sidewalks, buildings, and other improvements built by contract (see Secretary of the Navy's report for 1901, pages 219 to 245), it is the incentive for the contractors to help the Bureau build up the plants.

Value of plants, January 1, 1902.

Portsmouth, N. H	$6,929,080
Boston	17,849,761
Brooklyn	29,021,068
Philadelphia	9,344,963
Norfolk	9,810,610
Port Royal	3,427,910
Pensacola	2,595,475
Mare Island	11,178,752
Bremerton	3,060,994
Algiers	1,470,000
	94,288,433
Additional appropriations asked for	18,786,075
Total valuation to date	113,074,508

This vast sum represents more money than is invested in all the shipbuilding plants of this country engaged in the building of Government ships. Those in authority claim the navy-yards can not build battle ships because of the lack of the proper facilities, notwithstanding the expenditure of this enormous sum for such purposes.

From the Paymaster-General of the Navy's report for 1901 we find under the heading:

STATEMENT D.

Statement showing expenditures for maintenance and improvements at the several naval stations during the fiscal year ending June 30, 1901:

Portsmouth, N. H	$766,875
Boston	1,252,408
Brooklyn	3,437,536
Philadelphia	1,257,019
Norfolk	1,332,722
Port Royal	305,206
Pensacola	296,377
Mare Island	1,478,104
Bremerton	442,897
Algiers	285,402
Total under titles G, E, and F	10,854,546

TITLE D.

Repairs to vessels, report 1900, labor and material, Title D	$3,312,961
Repairs to vessels, report 1901, labor and material, Title D	5,001,571
Total repairs for two years	8,314,532
Average repairs per year at all the navy-yards	4,157,266

SUMMARY.

Value of plants used for repairing vessels	113,074,510
Interest at 3 per cent per annum	3,392,225
Cost of maintenance per year, Titles G, E, and F	10,854,546
Total cost of maintenance per year	14,246,781
Repairs to vessels per year, Title D	4,157,266
Amount expended per year	18,404,047

There is no record of any new construction work having been done.

This is a startling summary to place before the country; a plant costing $113,074,510, in operation, expending $18,404,047 annually, to produce $4,157,266 in results.

The navy-yards at the present time are used for no other purpose but that of repairing vessels; they should also be engaged in building the new Navy, instead of being comparatively idle as they now are. Every private yard in this country is congested with work; every Government contract ship under construction is from twenty months to three years behind contract time. The lobby of the combine pleaded with the last Congress to appropriate no more money for the increase of the Navy for that session because they could not build what they already had under construction.

If there were $20,000,000 worth of new construction work at the navy-yards, the cost for maintenance would not be greater than it now is.

If the Government can not build battle ships in the plants represented by this immense investment, don't you think that it is time to close the navy-yards or get some one else to run them?

And here is a comment, not of mine, but the comment of Admiral Bowles, Chief Constructor of the American Navy, the head of the Bureau:

This card—

Says Admiral Bowles—

alleging that the Government has a plant in operation costing $113,000,000, spending $18,000,000 annually to produce $4,000,000 in results, is a perversion of the figures. The Paymaster General's report (page 814 of the Secretary's report of 1899) gives the appraised value of the navy-yards and naval stations at that date as $42,395,136, about 90 per cent of which is real estate and over $20,000,000 of which is the value of the real estate of the Brooklyn Navy-Yard. In order to make up the difference between this and $113,000,000 the makers of this card have added all the appropriations for improvements to the navy-yards made since 1899—

And in this connection I will say upon my own authority, they have added the estimates for this year to the amount of $18,786,000, which we have reduced to $6,500,000 in order to make up this $113,000,000.

The makers of this card—

Says Admiral Bowles—

have added all the appropriations for improvements to the navy-yards made since 1899, a great portion of which is not yet expended, and even if it were, can not be added to the previous appraisal to obtain the present value.

Mr. FITZGERALD. Will the gentleman permit an inquiry?

Mr. FOSS. Wait until I get through with this. And not only that, but these cards have gone upon the theory and supposition that the chief and only business of a navy-yard is to repair ships. Well, now, that is not the fact. Admiral Bowles says a very large proportion—considerably more than one-half—of the value of the navy-yards has no relation to their value as industrial establishments for doing work in the construction and repair of vessels, and relates to the functions of the navy-yards as arsenals and depots for the maintenance of public property in the way of guns, ammunition, food, and stores of all kinds, which have to do with the maintaining and keeping of the naval supplies, and is entirely apart from the industrial and mechanical business of construction and repair. This will be clear to you when I explain that at the date of appraisal, in 1899, the total value of the machinery plant of the navy-yards doing repair work amounted to less than 10 per cent of their total value.

Mr. FITZGERALD. Will the gentleman permit an interruption?

Mr. FOSS. Yes.

Mr. FITZGERALD. Will the gentleman kindly state the date of that card?

Mr. FOSS. I can not say; there is no date on the inside.

Mr. FITZGERALD. Some time this year?

Mr. FOSS. It is a card I received during the last few months.

Mr. FITZGERALD. I wish to call the attention of the chairman to the fact that Admiral Bowles refers to an appraisal made in 1899. I call the attention to the appraisal given in his own report, showing the value June 30, 1901, that the total value of all the yards, machinery, and equipment aggregates $78,900,000; and eliminating the foreign—if we can call them foreign—naval stations, the chairman's own reports bring the value of these plants to over $70,000,000.

Mr. METCALF. Nearly $80,000,000.

Mr. FITZGERALD. It brings it up to $30,000,000 more than what the gentleman says Admiral Bowles puts it at.

Mr. FOSS. That takes in the foreign stations.

Mr. METCALF. It takes them all in.

Mr. FOSS. In the card you will find that this is the basis for their statement that has been sent out; i. e., they quote from exactly the same report, from the Paymaster-General of the Navy report in 1899, page 34, where we find the value of the navy-yard plants used for repairing vessels put at $42,395,000. Admiral Bowles has taken their card and shown from their own card that they have perverted facts.

Mr. RIXEY. Will the gentleman permit a question?

Mr. FOSS. I prefer to go along now.

Mr. RIXEY. I simply wanted to know if the statement of Admiral Bowles was a public document?

Mr. FOSS. It will be in to-morrow's RECORD; it has not been published yet. Now, as to another statement——

Mr. METCALF. Will the gentleman pardon me? In fairness, having criticised the statement sent out by the Vallejo Chamber of Commerce, I ask that he publish this card for the purpose of showing whether or not any misstatement has been made. I think it is but fair that that should go into the RECORD.

Mr. FOSS. Now, Mr. Chairman, here is another card which has been sent out by the Vallejo Chamber of Commerce, and upon

it you will see the picture of two ships, one the *Monterey* and the other the *Monadnock*. The *Monterey* was built at the Union Iron Works, and the *Monadnock* was built at Mare Island Navy-Yard.

Now, they made the statement on this card that the difference in cost to date as between these two vessels which they say are very nearly alike, but upon which there is justly a great difference of opinion, that the difference in cost to date is $530,000 in favor of the ship built at the Mare Island Navy-Yard. Now, I want to read you what Admiral Bowles, the chief constructor in the Navy, says about that:

MEMORANDUM FOR THE COMMITTEE ON NAVAL AFFAIRS OF THE HOUSE OF REPRESENTATIVES.

WASHINGTON, D. C., *April 21, 1902.*

In regard to the comparative statements of the cost of the *Monadnock*, built by the Government, and the *Monterey*, built by contract, the principal error made in the statements on these cards consists in the entire omission of the amounts expended by the Government on the *Monadnock* in the construction of the hull and machinery up to the time that the vessel was turned over to the Mare Island Navy-Yard for completion, under the authority granted by the act of March 3, 1883, so that the statements of cost given by the Vallejo Chamber of Commerce include only the amounts expended subsequent to that date. An accurate statement of the comparative cost of the hull and machinery of the *Monadnock* and *Monterey* is given below, and instead of showing that the *Monadnock* was built at the navy-yard for $530,981 less than the Union Iron Works built the *Monterey*, on the contrary the *Monadnock* cost $337,199.16 more than the *Monterey* for corresponding items.

Under the circumstances, it is not necessary to cumber this account with any description of the differences existing between the vessels which make the *Monterey* a much more valuable and expensive ship if contemporaneously built.

Cost of Monadnock.

Hull prior to act of 1883	$585,600.61
Hull since act of 1883	941,800.77
Steam engineering prior to act of 1883	98,110.01
Steam engineering since act of 1883	501,331.81
Ordnance since act of 1883	79,352.29
Equipment since act of 1883	3,783.78
Total	2,209,979.27

Corresponding cost of Monterey.

Hull and machinery, paid contractors	$1,632,985.06
Extras to contractors:	
Construction and repair	121,236.60
Steam engineering	32,823.00
Trial-trip expenses	11,547.42
Total paid contractors	1,799,192.08
Work done by Government:	
Construction and repair	67,094.55
Steam engineering	4,549.43
Ordnance	1,386.16
Equipment	617.89
Total	1,872,780.11

F. T. BOWLES,
Chief Constructor United States Navy.

Mr. METCALF. That statement made in that card was taken from Senate Document 175, furnished by the Secretary of the Navy, and they have subsequently corrected it in another card giving the absolute cost of the ship to the Government. The gentleman from Illinois must have received that subsequent card and statement.

Mr. FOSS. No; I have not received it.

Mr. METCALF. I have received it, and I will explain it at the proper time.

Mr. FOSS. Now, there is another matter——

Mr. FITZGERALD. Before the gentleman passes from that point, will he say whether it is stated there that the cost of undoing work which had been done was estimated by one of the naval constructors as greater than the cost of doing the work from the beginning?

Mr. FOSS. I did not catch the gentleman's question.

Mr. FITZGERALD. I ask the gentleman whether it does not appear from that card that a naval constructor has given it as his opinion that tearing out the work which had been done by contract amounted practically to as much, if not more, than the building of the entire ship anew.

Mr. FOSS. I do not find that statement here.

Mr. FITZGERALD. If that statement is made, I think the House should know it.

Mr. FOSS. Here is the card. If the gentleman can find it there, well and good.

Now, here is another card which has been sent out, showing the cost of different vessels.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask unanimous consent that I may finish my remarks.

Mr. FITZGERALD. I ask that the gentleman be allowed to proceed until he has concluded his remarks.

The CHAIRMAN. That consent is unnecessary, as the gentleman controls the time himself.

Mr. GAINES of Tennessee. I hope the gentleman will go on and tell us all he can about this bill.

Mr. FOSS. Here is another card showing the cost of the different vessels. Admiral Bowles has taken one of these cards which has been sent to members of Congress and furnishes this statement thereon. Here is the card:

	Gross tonnage.	Cost of hull and machinery.	Built by—	Cost per ton, hull and machinery.	Cost of finished vessel.	Displacement.	Cost per ton of finished vessel.
1890.	*Tons.*					*Tons.*	
Oregon	5,591	$3,222,810	Union	$576	$3,575,000	10,288	$339
Massachusetts	5,289	3,063,000	Cramp	579	6,047,117	10,288	587
Indiana	5,289	3,063,000	do	576	5,933,371	10,288	581
1892.							
Iowa	6,294	3,010,000	do	478	5,871,206	11,340	562
1895.							
Kearsarge	6,831	2,250,000	Newport	329	5,593,977	11,540	485
Kentucky	7,087	2,250,000	do	317	5,482,455	11,540	475
1896.							
Illinois	6,802	2,595,000	do	381	5,844,184	11,565	505
Alabama	6,802	2,650,000	Cramp	389	6,028,313	11,565	511
Wisconsin	6,802	2,674,950	Union	393	6,035,291	11,653	510
1898.							
Maine	7,139	2,885,000	Cramp	404	5,674,141	12,300	461
Missouri	7,179	2,885,000	Newport	402	5,677,550	12,230	464
Ohio	7,384	2,899,000	Union	392	5,612,837	12,440	451
1901.							
Virginia			Newport		6,176,612	15,014	404
Pennsylvania			Cramp		5,236,413	14,014	373

We find from the accompanying table that the prices of finished ships have fallen from $639 per ton in 1890, when the Union and the Cramps had no opposition, to $451 in 1898, when they had the competition of the Newport News, and to $404 per ton in 1901, when they had the competition of the Bath Iron Works, Fore River Ship Company, the Morans, and the Newport News.

Or, had they built the Ohio in 1890 instead of in 1898, and had charged for her the same price that they charged for building the Oregon, viz, $639 per ton, she would have cost $7,939,160 instead of $5,612,837, a difference of $2,327,323.

We take the hull and machinery as a basis to figure the profit to the contractor, as the price of armor does not figure in the building. It is said that the Newport News built the hull and machinery of the Kentucky for about cost, which is $317 per ton. Granting this to be true, we find that the Union Iron Works charged $576 per ton for the Oregon, a profit of $1,428,079. Adding speed premium, $175,000, will make a total profit of $1,603,079 on the hull and machinery.

Profit on the *Massachusetts*, adding speed premium, $100,000, makes a net profit of $1,569,851. Profit on the *Indiana*, speed premium of $38,500, makes a net profit of $1,392,304. There were, in addition to these figures, from $150,000 to $250,000 paid as extras on the hull and machinery, principally for changes, the profit on which was not less than two-thirds. This should be added to their net profits as stated above.

Profit on the *Iowa*, $984,652. Add speed premium of $217,420 makes a net profit of $1,202,072.

From 1890 to 1901 the prices paid for material and wages has been steadily increasing, while the prices charged by the contractors for finished ships has been steadily decreasing.

From the above you can see what competition has done for the Government.

Do you wonder that the contractors oppose the building of battle ships in the navy-yards? We do not, for we know the profits they have made in the past.

They do not want the competition of the navy-yards.

Why not divide the profits with the horny-handed sons of toil instead of giving it all to the favored few? The latter are now rich enough.

Here is the statement of Admiral Bowles:

DEPARTMENT OF THE NAVY,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., April 21, 1902.

This card gives the cost of each of the battle ships, per gross ton, which is an unsuitable method of comparison, as the gross tonnage merely represents the cubical capacity of the hull, and therefore is not a measure of the contract work.

I inclose a table of cost of battle ships, based upon the contract weight, exclusive of armor and armament—that is, the cost per ton is the cost per ton of weight contracted for in the hull, machinery, and fittings. Down to the *Wisconsin* in this table the figures are the actual returned cost—that is, including the contract price and extras. From the *Maine* to the *Pennsylvania* it is the contract price alone, and the amounts will probably show, when completed, from $20 to $30 more per ton. It is true that the *Kearsarge* and *Kentucky* were built at probably less than cost, and the price, $385 per ton, certainly involves no profit. The first battle ships, *Oregon*, *Massachusetts*, and *Indiana*, must have brought a considerable profit to the builders, but since their time the profits have not been unreasonable, and this table clearly shows the advantages of competition.

F. T. BOWLES,
Chief Constructor United States Navy.

Cost of battle ships.

	Contract weight.	Cost of hull and machinery, trial, and extras.	Cost per ton.	Contract year.
	Tons.			
Oregon	5,691.10	$3,736,180.67	a$656	1890
Massachusetts	5,691.10	3,333,570.33	a586	1890
Indiana	5,691.10	3,261,657.22	a573	1890
Iowa	6,492.90	3,235,614.71	a498	1893
Kearsarge	6,339.21	2,441,616.49	a385	1896
Kentucky	6,339.21	2,442,232.62	a385	1896
Illinois	6,391.72	2,651,023.33	a415	1896
Alabama	6,391.72	2,755,206.59	a431	1896
Wisconsin	6,391.72	2,787,696.65	a436	1896
Maine	7,184.91	2,885,000.00	b401	1898
Missouri	7,184.91	2,885,000.00	b401	1898
Ohio	7,184.91	2,898,000.00	b403	1898
Virginia	8,874.00	3,590,000.00	b405	1901
Pennsylvania	9,571.00	3,890,000.00	b406	1901

a Actual returned cost. b Contract price.

Now, here are some more cards which have been sent out.

Mr. GAINES of Tennessee. As to some of these ships, was not a part of the hull built in Europe and brought over here?

Mr. FOSS. The gentleman may refer to two ships which were bought during the Spanish war—the *Albany* and the *New Orleans*, which were built at Sir William Thomson's works, I think.

Mr. GAINES of Tennessee. My information—given, I believe, on some of these cards—is that the machinery or some part of some of these vessels was bought in some foreign country. Was it the *Texas*?

Mr. FOSS. The plans of the *Texas* were designed by an Englishman in the employ of Sir William Thomson. I may say that I met the gentleman two years ago. Those were plans purchased by Secretary Whitney, who, I think, paid in the neighborhood of $25,000 for them. But since then our own American designers have planned all our ships.

Mr. GAINES of Tennessee. The gentleman will pardon me for interrupting, but I would like to know whether the plans which we bought abroad and which were used on the *Texas* were satisfactory. Have they not proved unsatisfactory?

Mr. FOSS. Yes; I think they have proved unsatisfactory. A great many alterations were necessary in the *Texas*, amounting, perhaps, to $300,000 all told. I presume that those alterations were necessitated in some degree by the defects in the plans.

Mr. GAINES of Tennessee. My information is that they were.

Mr. FOSS. I think perhaps that was almost entirely the cause, although it may have been somewhat from other causes.

Mr. MAYNARD. Is it not a fact that plans which had been rejected by the English Government were purchased by the United States?

Mr. FOSS. I do not know whether that was the fact.

Mr. MAYNARD. Is it not generally conceded to have been the fact?

Mr. FOSS. I have heard a good deal to that effect.

Mr. GAINES of Tennessee. One of these cards states that as a fact.

A MEMBER. There is no denial of it.

Mr. LESSLER. Who did the gentleman say bought those plans?

Mr. FOSS. Secretary Whitney.

There are a number of things stated on these cards which are not absolutely true. I do not wish to state that the gentleman who sent out these cards and who was responsible for these so-called facts is willfully and maliciously trying to hoodwink the American Congress. I only desire to say that the real facts are not accurately stated, and I think this House ought to know it.

Now, here is an interesting card which has been sent out: "Some nuts for the combine to crack." Now, I do not stand here representing any combine; I do not stand here representing the shipbuilders of this country. I have no affiliations with them whatever. I simply stand here to call the attention of members of this House to the actual facts. I do not care whether the ships are built in the navy-yards or whether they are built under private contract, but as a representative of the American people, realizing that it costs millions and millions of dollars to build up a navy, six and seven millions to build a battle ship, six and seven millions to build an armored cruiser, and after you have completed each, $1,000 a day to maintain it; realizing that the American Navy is a great, yes, a great, luxury, you may say, in times of peace, but an absolute and mighty necessity in times of war; realizing that we must have a navy and that it costs many millions to build it, as a representative of the American people I propose to see to it that the money that we put into the building of ships and into the maintenance of our men and officers and into the maintenance of our naval yards on the shore shall go the very farthest that a dollar will for the public interest and for the public welfare. [Applause.]

If it costs less to build ships in the navy-yards, I am for building ships in the navy-yards; if it costs less to build them under private contract, I am for that. But I am above all for the construction of our ships just where it will cost the least money and take a less number of dollars out of the pockets of the American people. Now, what about this card, "Some nuts to crack?" Let us crack a few. This is what the card says:

When the present stone dock at Mare Island Navy-Yard was completed the Government gave the contract to construct the caisson to the Union Iron Works for $78,000.

A few years later they needed a new caisson, and the job of building it was given to the Mare Island mechanics, who built it for $37,000. It is heavier and of better workmanship than the one constructed for the Government by the Union Iron Works. The Government saved on this job $41,000, or over 100 per cent. This gives you an idea of what contractor's profits are.

Last year the Bureau of Yards and Docks wanted a barge built. They advertised for bids, and the Union Iron Works bid $14,500, the Risdon Iron Works bid $30,000, the mechanics at the Mare Island Navy-Yard bid to do the work for $12,500. As the amonnt allotted for the job was but $10,000 the plans were modified and the navy-yard, on account of the showing on the other bidding, was given the job. The barge was built for less than the amount estimated.

Here is a letter from Admiral Bowles, in which he says that Admiral Endicott has furnished him with accompanying memoranda relative to the Vallejo Chamber of Commerce card, and concerning the first three paragraphs in regard to a caisson and a barge built at the Mare Island Navy-Yard:

DEPARTMENT OF THE NAVY,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., April 29, 1902.

DEAR MR. FOSS: Admiral Endicott has furnished me with the accompanying memoranda relating to a Vallejo Chamber of Commerce card, and concerning the first three paragraphs in regard to a caisson and a barge built at the Mare Island Navy-Yard.

In regard to the statements of cost for putting the armor on the *Monadnock*, I can only say that the usual price is from $15 to $20 a ton, so that I can not account for the statements herein made.

Very sincerely,

F. T. BOWLES.

Hon. GEO. EDMUND FOSS.
Chairman Committee on Naval Affairs, House of Representatives.

Now, to read the memoranda:

MEMORANDA RELATIVE TO CRANE SCOW, NAVY-YARD, MARE ISLAND, CAL.

DEPARTMENT OF THE NAVY, BUREAU OF YARDS AND DOCKS,
Washington, D. C., April 25, 1902.

The construction of a crane scow for the navy-yard, Mare Island, California, was authorized by the act of June 7, 1900, and $12,000 appropriated therefor.

Under date of December 4, 1900, Civil Engineer Hollyday submitted a design for a barge, stating that the design was gotten up by the naval constructor at his request; that after it was prepared it was found that it could not be built within the appropriation; that he also secured estimates from the Union Iron Works and the Risdon Iron Works of San Francisco, both estimates being higher than the estimate of the naval constructor. The Bureau was never informed of the amount of any of the estimates. At the same time the civil engineer requested authority to construct a barge similar in design to the one shown, to cost not more than $10,000, leaving $2,000 for the installation of machinery and derrick.

Under date of December 20, 1900, the Bureau authorzed the preparation of plans for a $10,000 pontoon.

Under date of December 27, 1900, the civil engineer submitted drawings for a steel pontoon for a 40-ton derrick, stating that the naval constructor estimated the cost of the same to be $10,000 manufactured in the yard.

Under date of January 15, 1901, the Bureau approved the plans and authorized the work to be done by the yard force, the entire work, including the installation of the derrick, to come within the appropriation of $12,000.

Under date of February 19, 1902, the Bureau was informed that the scow was launched at 2.30 p. m., February 11, 1902.

The report of material and labor applied for the month of February shows that the following expenditures had been made to March 1, 1902, viz:

Materials	$3,978.06
Labor	5,163.74
Total	9,141.80

The Bureau never advertised for bids for doing this work, and never authorized the navy-yard authorities to secure estimates from any contractors.

It will be seen that the scow, as originally built, was upon a plan revised from that originally contemplated, and upon which estimates were made.

Mr. METCALF. All this shows is that the work was done for less than the amount appropriated.

Mr. FOSS. Now, about the caisson:

MEMORANDUM IN REGARD TO COST OF CAISSON FOR THE MARE ISLAND DRY DOCK.

DEPARTMENT OF THE NAVY, BUREAU OF YARDS AND DOCKS,
Washington, D. C., April 25, 1902.

The first was built in 1884 at a cost of $56,000. It was constructed of iron at a time when prices were very high, plates costing from 0.0235 to 0.0240 of a cent per pound, angles about 0.0240 of a cent per pound, tees 0.0275 to 0.03 of a cent, beams and channels 0.0250 of a cent.

The caisson now in use was constructed in 1897, fourteen years after the first, and of steel, when prices were much lower than in 1883, shapes of different kinds varying from about 0.02 to 0.029 of a cent per pound. This caisson cost $42,763.64.

The difference in cost between these two caissons is, therefore, $13,236.36. This is accounted for to a great degree by the decreased cost of materials and in a measure by the fact that the first caisson was built upon a new and comparatively novel design, and, according to recollection, there was not much competition upon the letting of the first.

So that you will see from the reading of these cards that here are misstatements of facts, and we have here the testimony of the

chief of a great Bureau in the Navy Department as against the testimony of a man who does not put his name to the cards.

Mr. METCALF. It is not the testimony of the chief of the Bureau, but he takes the statement of the Chief of the Bureau of Yards and Docks.

Mr. FOSS. Practically the same thing.

Mr. METCALF. Will the gentleman permit a question?

Mr. FOSS. Yes.

Mr. METCALF. You received some 40 or 50 of these cards?

Mr. FOSS. Yes; a good many of them.

Mr. METCALF. And the only ones you desire to criticise are those to which you call the attention of the committee?

Mr. FOSS. The only ones I desire to criticise are those I call attention to.

Mr. METCALF. Nearly all these cards you have submitted to the chief constructor of the Navy?

Mr. FOSS. No, sir.

Mr. METCALF. He has reported on nearly all of them.

Mr. FOSS. No; only a few of them, upon which I consider they based their argument in favor of building ships in the navy-yards, and I submitted them to the chief constructor.

Mr. METCALF. Has not he stated in the main that the facts stated in the cards are correct, that they correctly state the facts?

Mr. FOSS. In the main?

Mr. METCALF. Yes.

Mr. FOSS. There are very few facts given in any of these cards anyway, so far as that is concerned.

Mr. METCALF. You received a card, did you not, setting forth the time in which vessels were constructed in private yards, that there was not a single ship constructed under private contract that was finished in the time?

Mr. FOSS. Yes; I received a card of that character.

Mr. METCALF. Was that card submitted to Admiral Bowles?

Mr. FOSS. Yes; I think that card was submitted to Admiral Bowles.

Mr. METCALF. Have you his answer to it? If you have, I should like to have you read it.

Mr. FOSS. That was upon the question of the time. Now, I am talking about the question of comparative cost of building in Government navy-yards and under private contract, an entirely different question.

Here is another card and Admiral Bowles's comment upon it:

SHIPBUILDING IN GOVERNMENT NAVY-YARDS.

Conceding that labor is 40 per cent higher, the Government will build cheaper than will the contractors. Look over these figures:

Senate Document No. 175, Fifty-seventh Congress, page 9, shows that the Navy Department has paid under contract for hull and machinery the sum of $45,621,730. They have paid to the contractors for changes $2,626,132, or 5.76 per cent.

One example: The contract for the building of the *Virginia*, 7,500 tons, was given to the Newport News Company for $3,500,000, which is at the rate of $478 per ton.

The Newport News Company built the *Kentucky* and the *Kearsarge*, 6,891 and 7,067 tons, for $317 per ton.

Figure that the profit of the *Virginia*, *Nebraska*, *Georgia*, *New Jersey*, and the *Rhode Island*, all sister ships, will be not less than $100 per ton. It will probably be more than that, but take that amount to estimate with.

Contract cost of these ships, 7,500 tons, at $478	$3,500,000
Profit at basis of $100 per ton	750,000
Cost of ship to the contractor	2,840,000

On ships of this class estimate that one half the contractor's cost is for material and the other half is for labor.

Contractor's cost for labor	$1,420,000
Contractor's cost for material	1,420,000
Total cost of ship for labor and material	2,840,000

Same ship if built in the navy-yards, granting that it does cost 40 per cent more for labor, the material does not cost any more, for the Government buys it as cheap as the contractor.

Contractor's cost for labor	$1,420,000
Add 40 per cent more, which, it is claimed, the Government has to pay for its labor in the navy-yards	568,000
Cost for labor in navy-yards	1,988,000
Cost of material for ship	1,420,000
Cost of ship in navy-yards	3,408,000
Cost of same ship, contract price for hull and machinery	3,500,000
Cost for changes, at 5.76 per cent	206,784
Inspection charges, estimated	20,000
Total cost of hull and machinery when built by contract	3,816,784
Cost of ship if built at the navy-yard	3,408,000
Difference in favor of the navy-yard	388,784

With all the handicap the navy-yards build the ships for less than the contractors charge the Government for the same ships.

There is also a large item of saving in the navy-yard built ship, for it costs less for repairs.

DEPARTMENT OF THE NAVY,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., April 21, 1902.

I have made a comparative statement of the cost of the *Virginia* built in a navy-yard and built by contract, upon the same method as shown on this, the above card, but making the profit correspond to the actual difference in cost per ton of the *Virginia* and *Kearsarge*. I have also added 10 per cent to the material cost to the Government, and 70 per cent to the contract cost of labor, instead of 40 per cent as given on the card. The 40 per cent has been taken from the statements in my testimony before the Naval Committee, that the wages at navy-yards were from 30 to 40 per cent higher than the wages at private yards. This remark applied to the day's wage, and not to the cost of labor per hour, which is quite a different matter, as is explained on page 4 of this memorandum, showing that the cost of labor per hour in a navy-yard, owing to the difference of hours of labor and paid holidays, is 70 per cent more than it is in a private yard. On page 3 of this memorandum I have made a typical comparison in the way I think it should be made, in which I have allowed the cost of labor in a navy-yard to be double the contractor's labor, which I think would be nearer the truth than 70 per cent, and this brings the excess cost of the navy-yard ship, over the contract cost to be 25.8 per cent, and it is my opinion that this is a moderate estimate under present conditions.

F. T. BOWLES,
Chief Constructor United States Navy.

Cost of the Virginia, built in a navy-yard.

The actual cost of the hull and machinery of the *Kearsarge* as completed was $2,441,616.49, and the actual weight of items contracted for, 6,339 tons, so that the cost per ton was $385.

The cost per ton contract weight of the Virginia is $404.55, amounting to	$3,590,000
Extras, at 5.76 per cent	206,784
Total	3,796,784
Final cost per ton	429

Assuming the difference in cost per ton to be profit, or $44 per ton instead of $100, as stated on this card:

Cost of Virginia	$3,796,784
Contractor's profit	390,456
Cost to contractor	3,406,328

Assume one-half cost to be labor and one-half material. it is my opinion that the material will cost 10 per cent more if purchased by the Government, and that under existing conditions of wages paid, hours of labor, absence of piecework, holidays, and leaves of absence with pay, I am of the opinion that the labor charges in the yards would be at least 70 per cent more.

Contractor's cost of labor plus 70 per cent	$2,895,385
Contractor's cost of material plus 10 per cent	1,773,480
Cost of Virginia built in navy-yard	4,668,865

Cost of Virginia built by contract.

Contract price	$3,590,000
Extras, at 5.76 per cent	206,784
Inspection	20,000
Total	3,816,784
Difference in favor of the contractor (equals 22 per cent of the contract cost)	852,081

Typical comparison of cost of ship built by contract and in Government navy-yards.

CONTRACT COST.

Labor, two-thirds of net cost	$1,600,000
Material, one-third of net cost	800,000
Net cost	2,400,000
General expense, 40 per cent	960,000
Total cost to contractor	3,360,000
Profit, at 10 per cent	336,000
Cost of Government inspection	35,000
Cost to Government	3,731,000

COST IN NAVY-YARD.

Labor, double contractor's labor	3,200,000
Material, contractor's material plus 10 per cent	880,000
Net cost	4,080,000
General expense, 15 per cent	612,000
Cost to Government	4,692,000
Excess (equals 25.8 per cent of contract cost)	961,000

Cost of labor per hour at a private yard.

[Average wage, $2 per day.]

306 days, at 10 hours, at say $2 per day, 3,000 hours	$612.00
Price per hour	.20

Cost of labor per hour at a navy-yard.

[Average wage, $2.52 per day.]

365—52=313—(15+7) 22=291 days, 8 hours' work	hours	2,328
313 days' pay, at $2.52		$788.76
Price per hour	cents	33.88
Ratio (33.88÷20)		1.694

Mr. WHEELER. I have listened with a good deal of interest to the arguments of the chairman of the committee, and I must confess to some degree of astonishment, in view of the fact that he is the author of this report, and I think he owes it to the committee to state whether or not he is now arguing against the construction of ships in Government navy-yards, and if so, whether he proposes to oppose that provision of the bill providing for the construction of at least a part of the ships in Government navy-yards.

Mr. FOSS. I will answer my friend from Kentucky. I am here advocating the naval appropriation bill as it was reported to the House from the Naval Committee. I am in favor of every proposition in this bill.

Mr. WHEELER. Then——

Mr. FOSS. Now, hold on just a moment. I believe that that

provision is wise which leaves it within the discretion of the Secretary of the Navy to build ships in the navy-yards, and makes it mandatory upon him to build one ship in a navy-yard. I stand for every provision in that bill; but I think it is my duty to call the attention of the members of the House to a whole bundle of misstatements which have been sent here which they have not the time, if they had the inclination, to investigate, so that when the proposition comes before the House they will have as broad and wide and large information as any member upon the Naval Committee. In other words, I propose that the House shall be fully informed.

Mr. WHEELER. Mr. Chairman, I felt confident that the position of the gentleman was as he has stated it, and he will pardon me for saying that I think by dignifying these cards he has attracted much more attention to them than they would have otherwise received. I do not believe that the gentleman from Illinois [Mr. FOSS] has been misled by them, nor do I think any member of the committee or the House will be misled by them, and I do not think the gentleman is doing either himself or his committee justice in leaving the impression in the minds of some, possibly, that the controversy over the construction of ships in Government navy-yards grew out of the action of the Vallejo Commercial Club, or Chamber of Commerce, or whatever it may be.

Mr. FOSS. I only serve my purpose when I call the attention of the members of the House to the fact that these cards are not to be taken seriously. I feel that it is my duty as chairman of this committee to lay before the House all the information which I possess, in order that they may intelligently vote upon these questions, because I realize that in the multiplicity of the business which falls upon every member of the House he has not the time to study and investigate and ferret out all of these questions. I believe that he looks to the chairman of a committee and to the members of a committee standing as representatives of the great naval establishment of our country to point out any defects which may appear in publication which may have a tendency to influence the members of the House, sent here, as these have been, week in and week out. I consider that it is his bounden duty not to withhold a single bit of information that would enlighten them and upon which it is necessary for them to have some understanding in order to vote intelligently. Now, gentlemen, I will not pursue this question further. So far as these cards are concerned, I think, in view of the fact that there are so many misstatements in them, they have not done the cause of building ships in navy-yards one bit of good whatever.

Now, mind you, there has been another movement, and that is on the part of the labor unions of the country. They have sent resolutions and petitions here, and similar petitions have come also from the old soldiers to the members of this House, requesting the House to put a provision in the bill providing for the building of one or more ships in Government navy-yards. They have the sacred right of petition. I put them entirely upon a different footing than I do these gentlemen who send out these cards with a misstatement of the facts. They have made an appeal along correct lines. They have had a hearing before the Naval Committee. We have considered their case, and I do not put them in the same category as the Vallejo Chamber of Commerce, which has been sending out these cards, which, according to our naval authorities, who are the best judges, contain a perversion of facts and figures.

Now, Mr. Chairman, I stand here for every provision in this bill, including that one making it mandatory upon the Secretary of the Navy to build at least one ship in a Government navy-yard, because I think it is a good experiment to try.

Mr. WM. ALDEN SMITH. He can build them all there, can he not?

Mr. FOSS. It is within his discretion to build them all there, but he must build one. The committee so decided it. It was not my judgment, but the committee having so decided it, and standing here as the representative of the committee, I am for the provision. Let there be no question about that. [Applause.] But when I say I am for this provision I propose to tell you, for it is only just that I should tell you, why we have heretofore been opposed to building ships in Government navy-yards. In the first place, we have tried the experiment. We have built in Government navy-yards the *Maine*, the *Texas*, the *Raleigh*, and the *Cincinnati*. Two were built in the New York Navy-Yard and two in the Norfolk Navy-Yard. The vessels were begun, according to Admiral Bowles's testimony, in 1888 to 1890, and he says:

> I will compare them with the cost of vessels that were begun about the same time. We have not their exact counterparts in the service anywhere, but it is fair to compare the *Maine* and the *Texas* with the *Indiana*, which was begun in 1891, and was the first of the modern battle ships.
>
> Mr. LOUDENSLAGER. Is the *Indiana* larger than either the *Maine* or the *Texas*?
>
> Mr. BOWLES. Yes; the *Indiana* is rated at 10,288 tons and the *Texas* at 6,300, while the *Maine* is rated at 6,000 tons. The *Maine* cost somewhat more than the *Texas*, and I am going to take the *Texas* and the *Raleigh*, which we built at Norfolk, for comparison, because I think it is a little more fair. The *Texas* was begun June 1, 1889, and she was commissioned in August, 1895. She was under construction, therefore, for six years. The *Indiana* was begun in May, 1891, and commissioned in November, 1895. She was under construction four years. The cost of the *Texas* for hull and machinery was $2,950,000 approximately—almost $3,000,000. The contract price for the *Indiana* for hull and machinery was $3,063,000. That is the comparison that you usually hear, and people will tell you that a 6,000-ton ship built in the navy-yard costs as much as a 10,000-ton battle ship built outside.

Mr. VANDIVER. May I ask the chairman a question?

Mr. FOSS. Wait until I get through with this, if you will. I do not mean to be discourteous.

Mr. VANDIVER. Certainly; neither do I.

Mr. FOSS (continuing the reading):

> Taking the cost per ton of hull and machinery, of course, the *Texas* runs up to $820 a ton, and in the *Indiana* it is $538 a ton; so that the *Texas*, on that basis of comparison, costs 52 per cent per ton of the hull and machinery more than the *Indiana*.

Mr. VANDIVER. Just at that point.

Mr. FOSS (continuing). Then he goes on and makes a statement of the total cost of shipbuilding, after putting on the armor and the armament, showing that—

> The cost of the *Indiana* on that basis was approximately $6,000,000, and the cost of the *Texas* was $4,200,000. The cost of the *Texas* per ton was $819, and the cost of the *Indiana* per ton, completed, was $609, so that the *Texas* cost more than the *Indiana* by 22.4 per cent per ton.

That was on the completed ship. Then also on the cost of the *Minneapolis* and the *Raleigh* he makes a comparison showing that on the hull and machinery alone it cost 70 per cent more to build the ship per ton in Government navy-yards than in private yards—that is, simply on the hull and machinery.

Mr. VANDIVER. Now, if the gentleman will allow me?

Mr. MAYNARD. Is it not a fact that Constructor Bowles in that testimony says that in the construction of the *Texas* and the *Raleigh* and the *Maine* and *Cincinnati* that certain materials and tools were bought that were not consumed in the construction of the ships, but were charged to the ships; and would not that increase the relative cost?

Mr. FOSS. I think they spent in the neighborhood of $125,000 to put the navy-yard in a little better shape.

Mr. HULL. Will the gentleman allow me to ask him a question for information?

Mr. FOSS. Certainly.

Mr. HULL. The *Indiana* is not quite double, but over one-third larger than the *Maine* and the *Texas*?

Mr. FOSS. Yes, sir.

Mr. HULL. Is there an advantage in the cost per ton of building a large ship over the cost per ton of building a small ship? In other words, take two ships, one of 10,500 tons and one of 6,500 tons; would it not cost less per ton to build the 10,500-ton ship than the 6,500 ton? I want to ask that information only.

Mr. FOSS. I do not know that I can state positively about that.

Mr. VANDIVER. Now, will the chairman yield to me for a question? I could not quite distinctly hear all that he was reading. Was the report that you were reading from a part of the hearing of Constructor Bowles?

Mr. FOSS. Yes.

Mr. VANDIVER. At what time?

Mr. FOSS. This was in our hearings of the first session of the Fifty-sixth Congress.

Mr. VANDIVER. A further question: Did not Constructor Bowles in that same hearing also explain why it was that a ship constructed in the navy-yard costs more than a ship constructed in the private yards, and did he not give it as his opinion at that time that the Government ought to build ships in the navy-yards?

Mr. FOSS. Admiral Bowles at that time thought the Government ought to build some ships in the navy-yards.

Mr. VANDIVER. That is the fact, and I think it ought to be brought out.

Mr. FOSS. It is true that the naval constructors are generally in favor of building ships in the navy-yards. It is their profession, it is their business, just as lawyers are in favor of trying cases, just as doctors desire patients, just as one professional or another is ambitious and is desirous to pursue his calling. I believe that universally the naval constructors are in favor of building ships, although Admiral Bowles said this. His latest testimony upon this point is that it will cost the Government 25 per cent more to build ships in Government navy-yards than under private contract.

The CHAIRMAN. The Chair understood the agreement reached just prior to the House going into Committee of the Whole that to-day should be devoted to general debate, the time to be equally divided between the gentleman from Illinois and the gentleman from Louisiana, and under that arrangement, assuming that the committee will rise at 5 o'clock, the gentleman from Illinois has used one half of the time.

Mr. MEYER of Louisiana. Mr. Chairman, I am content to concede all the time that my colleague requires to conclude his remarks.

Mr. WM. ALDEN SMITH. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

Mr. FOSS. Very well.

Mr. WM. ALDEN SMITH. I have great respect for the gentleman from Illinois, and would like to know whether it is his opinion that it is to the advantage of the Government in letting its contracts for new ships to have yards in which may be constructed vessels independently of private contract.

Mr. FOSS. I think it is well for the Government to have a few yards where, in case of necessity—in case of war—they could construct ships. But I think it would be a very extravagant policy to fit up all the navy-yards for the construction of ships.

Mr. WM. ALDEN SMITH. May we not get better figures in private contracts by reason of the fact that we are competent and prepared to build ships ourselves?

Mr. FOSS. Yes; probably so.

Mr. WM. ALDEN SMITH. I think it ought to in a matter of so great importance.

Mr. FOSS. Now, the reasons urged by those who contend that the Government can not build ships in the navy-yards cheaper than in private yards are these: First, I have shown by our experience that we have not been able to do it in the past. But gentlemen make the argument on the other side that the navy-yards were not in as good condition then as at the present time, and I concede to them that fact. If gentlemen will only stop to consider this question for a moment, they will see for themselves why it is that the navy-yards can not build ships as cheaply as they can be built under private contract. Take, for instance, the hours of labor. They work eight hours only in the navy-yards and nine and ten hours in the private yards. There is a difference of 20 per cent in the hours of labor.

Now, there is a difference in the amount of wages. Admiral Bowles says in his testimony, and it stands here uncontradicted, that we pay the laboring men in the navy-yards 30 or 40 per cent more than in private yards.

Mr. METCALF. Let me ask the gentleman if it is not a fact that under the rules of the Navy Department they are to pay in navy-yards of the country exactly the same wages as are paid in the same trades in the immediate vicinity, and is not that a rule rigidly enforced? I know it is as far as my part of the country is concerned, and that they are often paid less than they are paid in other branches in the same vicinity.

Mr. FOSS. Well, that is the statement of Admiral Bowles in his testimony before the committee, and the gentleman can read it for himself.

Mr. METCALF. I call the gentleman's attention to the rule of the Department.

Mr. FOSS. I will yield to my colleague Mr. WATSON, who sits here, to read the testimony of Admiral Bowles.

Mr. WATSON. The Chairman asked the question of Admiral Bowles: How much more are the men getting in the navy-yards than in private yards? Admiral Bowles answered:

> Comparing the wages of the navy-yard in Brooklyn and New York with the shipbuilding concerns of the Delaware, I imagine they are getting 35 to 40 per cent more.
> The CHAIRMAN. More wages?
> Admiral BOWLES. Yes.

That is a fact, and I know of no ruling in the Navy Department to the contrary.

Mr. FITZGERALD. I wish to call the gentleman's attention to the fact that the wages paid in the Brooklyn Navy-Yard are the average wages paid to a mechanic in the same branches in the immediate vicinity, and that is the course pursued throughout the country.

Mr. FOSS. Now, Mr. Chairman, just a word further. I do not care to be interrupted, as I would like to finish my remarks this afternoon, so that the other side can go on. I have pointed out as one reason the difference in the hours of labor, eight to ten, and I have pointed out another reason for the difference in the cost, and that is 30 to 40 per cent more wages paid in the navy-yards than in the private yards. Now, I will point out another reason, and that is in private yards I think you will find they work by the piece and in the Government yards they work by the day.

Then there is another reason why they can not build as cheaply in the Government yards, and that is, we give our employees in the navy-yards every holiday and pay them for it. Not only that, but we give them two weeks' leave of absence and pay them for that. There is another reason which enters into it, and that is, the Government can not buy material as cheaply as a private contractor. It can not go into the open market and buy material. It has no large sum of money by which it can take advantage of the market rates and provide for the future when materials are low in price. It has to buy from time to time, and has usually paid pretty good rates for everything it wanted.

Mr. FITZGERALD. Does the gentleman believe that private yards set aside large sums to buy material when material is low?

Mr. FOSS. They always have ready capital to do it with, and the Congress of the United States does not appropriate any more money for a department than it is obliged to. It never has any ready capital.

Mr. WHEELER. As bearing somewhat on this question, I wish to ask the attention of the gentleman from Illinois [Mr. FOSS] to the following provision, in lines 7 to 11, on page 73 of the bill:

> The contract for the construction of each of said vessels so contracted for shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery, and not more than two of said battle ships and armored cruisers and not more than one of said gunboats herein provided for shall be built by one contracting party.

Is that a usual provision in bills of this character?

Mr. FOSS. Yes; I think the usual provision.

Mr. WHEELER. The gentleman will remember that this particular language was not submitted to the committee; it was submitted to the gentleman from Ohio to lick into shape. I have therefore asked whether that provision is usual.

Mr. FOSS. That, I think, is the usual provision. I think the gentleman will find it substantially in every naval appropriation bill.

Now, Mr. Chairman, I have pointed out some of the reasons why, in my judgment, the Government yards can not build ships as cheaply as the private yards. I will rehearse those reasons:

First, the difference in the hours of labor; second, the difference in wages; third, the loss of time in Government yards by holidays and by leaves of absence; fourth, impossibility of the Government buying material as cheaply as the private contractors; fifth, much of the work in the private yards is piecework, while in the Government yards work is done by the day.

But there are some other considerations that enter into this question. Suppose that the Government builds a ship as cheaply as the private contractor; but suppose that ship does not come up to the requirements as to speed, what are you going to do about it? The Government has built the ship, has paid for its construction, but there is no guaranty that the vessel shall be equal to the requirements of the Government. Where a ship is built under contract, there is an absolute guaranty on the part of the contractor, and if the ship does not fulfill the stipulations of the contract the Government says: "Away with your ship!" That is an important item to be taken into consideration.

Mr. TAYLER of Ohio. On that point let me ask the gentleman this question: Has the Government within the last ten years ever refused to accept any ship from any private contractor because it did not come up to the contract, either in speed or otherwise?

Mr. FOSS. I do not know that such has been the fact. But I think the Government has called upon the contractor to make good his contract or has insisted upon deductions from the contract price in case of any failure to conform to the requirements of the contract.

Mr. FITZGERALD. And has not Congress universally remitted such penalties?

Mr. COOMBS. As to cases where the Government has made deductions from the contract price because the contractor has failed to complete the vessel in accordance with the contract, is there not in this bill a provision for a refund in such cases of the money withheld by the Government?

Mr. FOSS. No. I would be glad if the gentleman would point out any such provision.

Mr. COOMBS. I thought there was such a provision. I presume I am mistaken.

Mr. RIXEY. Is it not the fact that the contractors for the torpedo-boat destroyers now claim that they have lost money upon that contract and have applied to the Navy Department to bear a portion of that loss, and has not the Navy Department recommended to Congress that the Government bear one-half the loss?

Mr. FOSS. I think that is true; but that matter has never been considered yet by our committee.

Now, Mr. Chairman, just a few words, in conclusion, in reference to this subject. I may say here, if gentlemen will not regard it as too personal to myself, that I made some study, not only in this country but abroad, of the building of ships in private yards and in Government yards. Some two years ago I visited all the great private yards of England and some of the other countries, and I visited also the Government navy-yards. I looked very carefully into the question of the comparative cost of building ships in Government yards and in private yards.

Up to 1896 there was no question that in England it cost more to build ships in Government yards than in private yards. From 1896 down, by reason of the fact that they have been perfecting their navy-yards, they have got to the point where the cost is about the same. Sometimes they will build a battle ship in a private yard which will cost more than a similar ship built in a government yard, and sometimes the reverse will happen.

But mark you the difference in conditions between foreign yards and our yards. In England the hours of labor in Government yards are the same as in private yards. Here the difference in hours of labor is as 8 to 10. The wages are about the same. In England the conditions of labor in Government yards and in private yards are practically on the same footing.

That is the experience, too, I think, in France and also, I was about to say, in Germany. No, not in Germany. The information which I obtained on this subject when in Germany has been confirmed recently by the German secretary of the navy or minister of marine, with whom, when he was here a few months ago, I discussed this question. The experience in Germany to-day as to the comparative cost of building ships in private yards and in Government yards is that it costs from 10 per cent to 25 per cent more to build ships in Government yards than to construct them under private contract. And the other day when I made inquiry on this subject from one of the naval authorities of Russia, I was told that practically the same thing existed in that country.

And, mark you, in Germany they pay less to their men in Government yards than in private yards; and so they do in Russia; whereas in our own country the Government yards pay 30 or 40 per cent more. Besides, we give them leaves of absence, and give them two hours each day additional. Do you mean to say that if in foreign countries they can not build them as cheaply as under private contract when conditions are equal, we in our own country, where the conditions are unequal, can build them as cheaply as under private contract?

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield?

Mr. FOSS. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. GAINES of Tennessee. Just a moment. Why do they build and continue to build them in Government yards?

Mr. FOSS. Oh, that is a question of policy.

Mr. GAINES of Tennessee. Is not the reason because it gives competition all the time, if they have the private yard and the Government yard?

Mr. FOSS. It may be that. It may be that their systems of government over there are more paternal than ours. It may be that here in this country we give scope to individual inventive genius, whereas over there it may be perchance their purpose to stifle it. Here we exalt the individual; there, the state. It may lie in the very foundation and construction of government, but I want to say to you, gentlemen, I have gone into a very careful consideration of the whole question, and I thought I ought in duty to you to present it carefully before you, so that you may get the result of what study and investigation a member of the Committee on Naval Affairs has made.

I want to say to you, however, that I do not believe we will be able to settle this question notwithstanding our past experience, although we have before us the light which comes from foreign countries, although we have all of the facts which may come from research and from study, I say I do not believe that we can settle this question which now vexes many minds unless we try the experiment of building at least one ship in a Government navy-yard. I may say that the Government navy-yards have plenty of employment for their labor to-day. The repair work which comes from the ships is enough to keep the men employed, and as we build up our Navy of course there will be more repair work to do. If you build a ship in a Government navy-yard, it will mean that you will have to take on perhaps a thousand or two thousand more men to build that ship, and after they become nicely settled in their homes—Vallejo, or in some other city dependent on Government work—then they will come and insist that you keep up the building of ships. Why? Because you attracted them there with the promise of Government work, and you can not go back on them then.

Now, there are all these questions to be taken into consideration; but I say to you, let us try the experiment. Let us settle the question so, notwithstanding the fact that I have presented a side of this question which may seem to be antagonistic to the proposition contended for in the bill, I felt that possibly nobody would say anything upon it unless I did, and I thought it was due to every member of the House to know both sides, because only after they knew both sides could they intelligently vote for it. But let no member of this committee or House think for one single moment that I do not stand here advocating the provision, because I think it is a wise provision to build at least one ship in a Government navy-yard, not only to solve for the country the question as to whether or not we have been paying exorbitant prices for our ships, but also to get some definite data before the country as to the relative cost of building them as a guidance for the future policy of the construction of the American Navy.

Gentlemen, I thank you for having listened to me as long as you have. I feel very much interested in this subject of building up the American Navy. I believe it is a wise policy. We must have a navy that is strong enough to maintain the honor of our country whenever and wherever that honor is assailed; we must have a navy strong enough to preserve our commerce and our merchant marine; we must have a navy strong enough also to stand back of the foreign policy of our Government and see to it that American rights are forever protected everywhere under the blue canopy of the sky. Because I am for the Navy, because I am for the construction of these mighty battle ships, because I am for all these things, it is my purpose and ambition to see to it that while they cost so much money, while they take out of the pockets of the people millions and millions of dollars, that it shall not ever be said or charged against the Naval Committee on the floor of the American Congress or anywhere else that one single dollar was ever extravagantly appropriated or did not go as far as it was possible to send it, but that in all our appropriations for the maintenance of this mighty naval establishment we have been economical, we have been wise, we have been judicious, and we have always had before our eyes the interests of the American people and of the American Republic. [Prolonged applause.]

APPENDIX.

[House Report No. 1792, Fifty-seventh Congress, first session.]

The Committee on Naval Affairs, to whom was referred so much of the President's annual message as relates to the naval establishment, together with the annual estimates of the Navy Department, submit herewith a bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, with the following statement:

The amount carried by this bill is $77,659,386.63.

Total estimates of the Department amounted to $98,910,984.63, to which were added supplemental estimates to the amount of $1,153,700 and additional estimates to the amount of $5,000,000. The committee, after the most careful investigation of all of these estimates, having in view a careful and judicious expenditure of public money without in any way injuring the efficiency of the naval service, made deductions to the amount of $27,405,298. This bill, as above stated, carries $77,659,386.63, which is a decrease of appropriations over the naval appropriation act of last year of $442,404.37.

The following table gives a comparative statement of the estimates of this year, the amounts appropriated last year, and the amounts embodied in this bill for the several bureaus and departments of the naval establishment:

Comparative statement.

Naval establishment.	Appropriated, 1902.	Carried by bill.	Estimates, 1903.
Pay of the Navy	$15,200,284.00	$16,138,199.00	$16,498,199.00
Pay, miscellaneous	600,000.00	600,000.00	600,000.00
Contingent, Navy	10,000.00	10,000.00	10,000.00
Emergency fund	250,000.00	100,000.00	300,000.00
Bureau of Navigation	696,625.00	1,289,671.25	988,271.25
Bureau of Ordnance	2,583,455.75	3,109,006.75	3,444,706.75
Bureau of Equipment	4,014,802.52	5,306,202.52	5,018,002.52
Bureau of Yards and Docks	654,879.08	742,214.08	784,204.08
Public works—Bureau of Yards and Docks	6,775,010.00	6,561,075.00	20,781,375.00
Public works—Bureau of Navigation:			
Naval Academy	3,000,000.00	500,000.00	1,500,000.00
Naval training station, Port Royal			159,750.00
Naval training station, California	6,000.00	31,500.00	31,500.00
Naval training station, Rhode Island	52,170.00	114,280.00	114,280.00
Naval War College		60,000.00	60,000.00
Public works—Bureau of Ordnance	318,100.00	392,200.00	1,457,300.00
Public works—Bureau of Equipment:			
Depots for coal	750,000.00		640,000.00
Defenses for insular naval stations and coal depots			500,000.00
Naval Observatory	10,000.00	5,000.00	27,800.00
Hydrographic Office			230,000.00
Bureau of Medicine and Surgery	210,000.00	280,000.00	245,000.00
Bureau of Supplies and Accounts	3,543,849.28	3,803,932.28	4,367,590.28
Bureau of Construction and Repair	7,360,824.25	8,565,824.25	9,925,824.25
Bureau of Steam Engineering	3,462,900.00	3,983,900.00	4,229,000.00
Naval Academy	227,115.45	229,905.77	243,705.77
Marine Corps	2,798,520.27	2,938,465.73	2,993,465.73
Increase of Navy:			
Construction and machinery	21,000,000.00	13,303,010.00	17,303,010.00
Armor and armament	4,000,000.00	9,000,000.00	6,000,000.00
Equipment	400,000.00	400,000.00	400,000.00
Equipping a navy-yard to build ships		175,000.00	
To reimburse water fund, naval training station, California	6,459.32		
Blythe Island	2,000.00		
Naval Observatory	149,571.98		
Naval Observatory, visitors' expenses	2,000.00		
Ericsson, remit time penalties	17,225.00		
Grand total	78,101,791.00	77,659,386.63	98,910,984.63

PAY OF THE NAVY.

Pay of the Navy	$15,200,284.00	$16,138,199.00	$16,498,199.00
Pay, miscellaneous	600,000.00	600,000.00	600,000.00
Contingent, Navy	10,000.00	10,000.00	10,000.00
Emergency	250,000.00	100,000.00	300,000.00
Total	16,060,284.00	16,848,199.00	17,408,199.00

Pay of the Navy in this bill is $16,138,199, which is made up from the following table:

Pay of 2,014 officers on the active list	$4,667,166
Commutation of quarters for officers	200,000
Pay of 372 naval cadets under instruction	186,000
Pay of 573 officers on the retired list	1,357,321
Pay of 157 clerks	207,000
Pay of 25,500 petty officers, seamen, and other enlisted men	8,820,000
Pay of 2,500 apprentice boys at training stations and on board training ships	450,000
Pay of enlisted men on the retired list	50,262
Extra pay of petty officers and seamen reenlisting under honorable discharge	184,450
To pay interest on deposits by enlisted men, act February 9, 1899	16,000
Total	16,138,199

This is an increase of $937,915 over the appropriation for the same object last year, and is accounted for by the increased number of officers on the active list and the 3,000 additional men recommended by the committee for properly manning the new ships of the Navy.

Under "Pay, miscellaneous," the appropriation proposed in this bill is the same as that in the law of last year, but the emergency fund has been reduced to $100,000.

There is a proviso attached to the emergency fund which will permit civilian employees performing duty at insular naval stations to be paid out of this fund until Congress shall make specific appropriation for them.

BUREAU OF NAVIGATION.

This Bureau has general jurisdiction over the officers and men of the Navy, their training and assignment; also the movement of vessels in the Navy and their complement of officers and men. It has charge of the compilation of the Naval Register and preparation, revision, and enforcement of all tactics, drill books, signal codes, cipher codes, and the uniform regulations. It also has general supervision of the Naval Academy and technical school for officers (except the War College and torpedo school).

The following is a statement of the estimates of the Bureau for the fiscal year 1903, with the appropriations carried by this bill and the appropriations for the current fiscal year:

Bureau of Navigation.

	Estimates, 1903.	Carried by bill, 1903.	Appropriated, 1902.
Transporting, recruiting, and contingent	$275,000.00	$275,000.00	$180,000.00
Gunnery exercises	12,000.00	12,000.00	12,000.00
Outfits for naval apprentices	117,000.00	117,000.00	117,000.00
Outfits for landsmen	225,000.00	225,000.00	225,000.00
Outfits on first enlistment	135,000.00	135,000.00	----------
Maintenance of colliers (under equipment last year)	350,000.00	350,000.00	350,000.00
Naval training station, California	30,000.00	30,000.00	30,000.00
Naval training station, Rhode Island	56,600.00	55,000.00	45,000.00
Naval training station, Port Royal S. C	45,000.00	----------	----------
Naval War College, Rhode Island	14,246.25	14,246.25	11,200.00
Naval Home, Philadelphia	76,425.00	76,425.00	76,425.00
Total	1,336,271.25	1,289,671.25	1,046,625.00

As will be seen from the above table there is an increase in appropriations over that of last year amounting to $243,046.25. This is made up in two ways. First, by the increase in the appropriation for transportation and recruiting of men in consequence of the increase in the personnel, and, secondly, by the recommendation of the committee of an appropriation of $135,000 for outfits for men on their first enlistment. It is believed by your committee that the expenditure of this amount will bring into the Navy a better class of men and at the same time insure fewer desertions.

There is a provision made in the bill for the appointment of a board of naval officers by the Secretary of the Navy to recommend a suitable site for a naval training station at some point on the Great Lakes, and having recommended such a site to estimate its value and ascertain the cost of its purchase and make a full and detailed report to Congress.

It is believed that the establishment of a naval training station on the lakes will have the effect of drawing into our Navy a great many strong and sturdy young men from the fields and farms of the Middle West who will make excellent seamen. It has frequently been said that our best men of to-day come from the interior, and more from that section of the country than all other sections combined.

BUREAU OF ORDNANCE.

This Bureau has general charge of the ordnance of the Navy and the armor and armament of vessels, the torpedo station and magazines on shore, and designs the interior arrangements of all buildings erected for its use at navy-yards, as well as the machinery used for handling ammunition on ship, the interior of the turrets and the arrangement of guns, and the distribution of armor thereon. All torpedoes, powder, guns, and war explosives of all kinds, and armor plate, are bought and manufactured under its supervision. It has control of all details of its own administration.

The following table gives the estimates for the next fiscal year and the amount carried by this bill and the amount appropriated last year:

Bureau of Ordnance.

	Estimates, 1903.	Carried by bill, 1903.	Appropriated, 1902.
Ordnance and ordnance stores	$800,000.00	$800,000.00	$500,000.00
Reserve supply ammunition	500,000.00	500,000.00	500,000.00
Conversion of guns	25,000.00	25,000.00	25,000.00
Purchase and manufacture smokeless powder	500,000.00	500,000.00	500,000.00
Battery for Newark	175,000.00	175,000.00	----------
Batteries for New Orleans and Albany	200,000.00	200,000.00	----------
Cranes, Portsmouth	10,000.00	----------	----------
Machine tools, Boston	5,000.00	----------	----------
Cranes, Boston	10,000.00	----------	----------
Equipment storehouse, New York	11,000.00	11,000.00	----------
Machinery, proposed gun factory, Washington	50,000.00	----------	100,000.00

Bureau of Ordnance—Continued.

	Estimates, 1903.	Carried by bill, 1903.	Appropriated, 1902.
Steel-casting plant, Washington	$10,000.00	$10,000.00	----------
Chemical laboratory	5,000.00	5,000.00	----------
Machine tools, Pensacola	12,000.00	12,000.00	----------
Machine tools, Puget Sound	50,000.00	50,000.00	----------
Cranes, Puget Sound	10,000.00	----------	----------
Machinery, Washington	50,000.00	50,000.00	$53,000.00
Coal machinery	----------	----------	9,849.00
Equipment forge shop, gun factory	----------	----------	40,000.00
Tools, Mare Island	----------	----------	24,000.00
New batteries, Baltimore	----------	----------	175,000.00
Reserve guns for auxiliary cruisers	250,000.00	250,000.00	250,000.00
Reserve guns for ships of Navy	500,000.00	250,000.00	----------
Torpedo station, Newport	65,000.00	65,000.00	65,000.00
Armory and equipment, Naval Militia	60,000.00	60,000.00	60,000.00
Arms and equipment of Marine Corps	----------	----------	100,000.00
Naval proving ground	----------	----------	25,000.00
Naval station, Puget Sound	----------	----------	18,000.00
Repairs	30,000.00	30,000.00	30,000.00
Miscellaneous items	75,000.00	75,000.00	75,000.00
Civil establishments	41,706.75	41,006.75	36,806.75
Total	3,444,706.75	3,109,006.75	2,583,455.75

It will be seen from the above table that there is an increase in the amount of appropriations for this Bureau over that of last year of $525,551. This is due to an increase in the appropriation for ordnance and ordnance stores and for target practice of $300,000 over that of the previous year. Last year the appropriation was not enough, and consequently the Department has had to ask for a deficiency appropriation of $300,000 to carry on the work of the Bureau. The importance of target practice can not be overestimated. We may have ships and we may have men, but if the men are not trained by constant target practice to use the guns on our ships, then, in the stress of war, we will, when perchance too late, realize our weakness. The one thing which so marked the superiority of our men over that of the Spaniards in the recent war was their gunnery. Admiral O'Neil estimates that the total cost of target practice for all vessels of the Navy per annum is nearly $900,000, or, allowing for a certain number of vessels out of commission, approximately $750,000, and yet the amount allowed is not nearly as great as that allowed in some of the foreign navies.

The next important item in this Bureau, showing an increase over that of last year, is an appropriation of $175,000 for a new and improved battery for the *Newark*, a cruiser built in 1890, which has an antiquated battery and one by no means equal in efficiency to the later types. It is recommended that she be given a new battery, and also an appropriation of $200,000 is recommended for new and improved batteries on the *New Orleans* and the *Albany*, two vessels built in England for Brazil, but purchased at the outbreak of the Spanish war by the United States. The batteries on these vessels differ from those used on our own, requiring special ammunition, and it is a source of great inconvenience to keep them supplied. It is believed by the Department that they should carry the standard United States Navy guns.

The next new and important item in this Bureau is that of $250,000 for the purchase and manufacture of reserve guns for the ships of the Navy. It is believed that we should have a number of guns constantly in reserve in case of accident to replace those which will have to be repaired from time to time. The other items under this Bureau—the reserve supply of ammunition and purchase of smokeless powder and reserve guns for auxiliary cruisers, maintenance of the torpedo stations, the arming and equipping of the Naval Militia, repairs, miscellaneous, and civil establishment—are the same in the amount of appropriation as those of last year.

BUREAU OF EQUIPMENT.

The duties of this Bureau consist in furnishing the coal and general equipment of vessels. It also has charge of the manufacture of rope, anchors, cables, rigging, sails, galleys, and cooking utensils, and a portion of the electrical machinery for ships; also of the Naval Observatory, Nautical Almanac, and compass offices, and all details of its own administration.

The following table shows the estimates, the amount of appropriation proposed in the bill, and amount carried by the last appropriation act:

Bureau of Equipment.

	Estimates, 1903.	Carried by bill, 1903.	Appropriated, 1902.
Coal and transportation	$2,500,000.00	$2,500,000.00	$2,000,000.00
Equipment of vessels	2,000,000.00	2,000,000.00	1,500,000.00
Ocean and lake surveys	100,000.00	100,000.00	100,000.00
Depots for coal	----------	640,000.00	750,000.00
Maintenance for colliers, 1903, under navigation	350,000.00	----------	350,000.00
Contingent	35,000.00	35,000.00	35,000.00
Civil establishment	33,002.52	31,202.52	29,802.52
Total	5,018,002.52	5,306,202.52	4,764,802.52

It will be seen from the above that there is an increase of $541,400 over that provided for last year. The increase in the appropriation recommended this year under this Bureau is due practically to two items, the first being that for coal and transportation of $2,500,000, which is an increase over that of last year of $500,000. In the urgent deficiency bill of this year an appropriation of $800,000 was asked for in order to provide fully for our ships. During the last fiscal year the Bureau of Equipment purchased 324,108 tons of coal, costing $2,273,111.81.

There is an increase in the next item of equipment of vessels of $500,000, due to the necessities of an enlarged Navy. A deficiency of $450,000 in the bill was asked for this year in addition to that of $1,500,000 appropriated last year. It will be seen that the item for coal depots has been reduced $110,000. The other items under this Bureau are practically the same as last year.

BUREAU OF YARDS AND DOCKS.

This is the civil engineering bureau of the Department, and has charge of the construction of buildings and their maintenance in the several navy-yards, also of all docks and shore structures of all kinds, such as quay walls, wharfs, etc., for which it estimates. It also has charge of all topographical improvements in such yards: Newport, R. I., Annapolis, Md., and the Naval

Home, Philadelphia, the magazines and hospitals outside of navy-yards and the buildings for which it does not estimate being excepted from its jurisdiction. The part of the naval appropriation bill under public works is estimated for by this Bureau.

The following table shows the estimates for the fiscal year 1903, the proposed appropriation in this bill, and the amount carried by the last appropriation act:

Bureau of Yards and Docks.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Maintenance of yards and docks	$800,000.00	$800,000.00	$500,000.00
Contingent	50,000.00	40,000.00	50,000.00
Civil establishment	134,204.08	102,214.08	104,879.08
Total	784,204.08	742,214.08	654,879.08

As will be seen, there is an increase of $90,000 in this Bureau over the act of last year. Practically all of this is due to the necessity for increased number of employees in consequence of the action of Congress in giving two weeks' leave of absence to employees in the navy-yards. The item for contingent expenses has been reduced $10,000.

PUBLIC WORKS.

The following table shows the estimates for 1903, the amounts carried by this bill, and those appropriated for the present fiscal year:

Bureau of Yards and Docks.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Portsmouth	$1,947,575	$672,075	$364,850
Boston	1,570,200	702,700	551,000
Narragansett	200,000		
New London	51,000	41,000	
New York	3,475,000	499,000	1,000,000
League Island	741,300	447,300	695,230
Washington	622,000	240,000	318,210
Norfolk	1,511,000	344,000	594,260
Key West	93,000	93,000	144,000
Mare Island	888,700	225,500	331,660
Puget Sound	1,169,500	748,500	273,000
Porto Rico	2,613,000	50,000	40,000
Pensacola	995,800	2,500	41,500
New Orleans	359,000	339,000	330,000
Dry Tortugas			100,000
Four dry docks	1,050,000	1,050,000	1,000,000
Hawaii			107,300
Tutuila	108,000	93,000	225,000
Charleston	1,050,000	250,000	150,000
Repairs and preservation of yards	500,000	500,000	500,000
Cavite	381,000	238,500	
Olongapo	1,443,000		
Guam	12,300		
Plans		30,000	
Total	20,781,375	6,561,075	6,775,010

The estimates call for the sum of $20,781,375. Your committee after most careful investigation of the above items reduced them $14,220,300, leaving $6,561,075, which it recommends for public improvements in our yards and stations during the present year. Heretofore Congress has authorized the construction of many new buildings at our different stations, and it is thought advisable this year to complete these first before entering upon new constructions, and this is the policy which has been carried into effect except in a few yards, notably that of Algiers, which is a new naval station and requires the building of some shops, and also at Puget Sound, which is also comparatively a new station and is growing rapidly in importance. The estimates were sent in by the Department for a naval station at San Juan, P. R., to the amount of $2,613,000, but the committee thought it would be wise not to provide for any naval station in the West Indies until they had more definite knowledge as to the best location for one.

Estimates for a naval station at Olongapo, P. I., to the amount of $1,443,000, were also cut out for practically the same reason. It is believed for the present we can get along with the old Spanish naval station at Cavite, and accordingly the committee has made some recommendations for that station, notably $200,000, toward the purchase of a steel floating dock, which can be used there or wherever it may hereafter be deemed advisable to build a navy-yard. Estimates for housing and storing torpedo vessels at Boston, to cost $350,000; at New York, to cost the same; at Charleston, S. C., the same; at Pensacola, to cost $650,000; at Mare Island, to cost $125,000, and other items, such as the purchase of land at New York, $2,000,000; at Norfolk, $350,000; barracks for enlisted men, to cost, in all, at New York, $500,000; at League Island, $350,000; at Mare Island, $350,000; and storehouses to be established at the different navy-yards, costing anywhere from $150,000 to $800,000, were all of them considered by the committee as matters which might be delayed for further consideration without in any way injuring the efficiency of the naval service.

Under this Bureau the committee recommends an appropriation of $1,050,000 for the completion of the four dry docks at Portsmouth, Boston, League Island, and Mare Island, which are now in process of construction.

It may be of interest to members of the House to know the value of the real estate, chattels, and machinery plants at the various yards and stations, and accordingly the following table is inserted:

Statement showing the value of real estate and chattels and machinery plant at the several navy-yards and stations, June 30, 1901.

Navy-yard and stations.	Real estate and chattels.	Machinery plants.
Navy-yard, Portsmouth, N. H.	$3,070,842.05	$473,896.69
Navy-yard, Boston, Mass.	12,712,149.23	844,925.85
Naval torpedo station, Newport, R. I.	245,173.07	59,746.83
Naval training station, Newport, R. I.	496,804.57	11,006.97
Naval War College, Newport, R. I.	101,061.66	
Naval station, New London, Conn	278,992.38	795.00
Navy-yard, New York	21,306,010.37	1,488,374.99
Navy-yard, League Island, Pa.	3,562,722.56	325,802.68

Statement showing the value of real estate, chattels, etc.—Continued.

Navy-yard and stations.	Real estate and chattels.	Machinery plants.
Naval Academy, Annapolis, Md.	$1,290,164.11	$23,150.55
Naval Observatory, Washington, D. C.	870,291.13	
Naval Home, Philadelphia, Pa.	901,944.45	
Navy-yard, Washington, D. C.	5,087,815.72	2,107,198.53
Marine headquarters, Washington, D. C.	221,639.83	
Naval proving ground, Indian Head, Md.	597,658.59	76,894.51
Navy-yard, Norfolk, Va.	6,313,919.67	863,164.57
Naval station, Port Royal, S. C.	1,079,771.37	70,398.56
Naval station, Key West, Fla.	851,060.53	48,005.81
Navy-yard, Pensacola, Fla.	1,781,450.39	134,580.94
Navy-yard, Mare Island, Cal.	5,387,301.86	660,146.49
Naval training station, San Francisco, Cal.	642,865.65	
Naval station, Puget Sound, Wash.	941,993.80	255,122.21
Sacketts Harbor, N. Y.	17,950.00	
Naval station, San Juan, P. R.	202,236.93	7,608.42
Island of Guam	50,512.39	
Naval station, Cavite, P. I.	1,645,209.80	128,632.18
Algiers, La.	662,933.46	
Pago Pago, Samoa	112,101.55	
Japonski Island, Alaska	4,378.00	
Frenchmans Bay, Maine	109,762.47	
Honolulu, H. I.	792,292.12	
Pichilingue, Mexico	28,491.79	
Portsmouth Grove, R. I.	35,709.00	
Yokohama, Japan	36,542.71	
Total	71,409,162.21	7,559,451.72

PUBLIC WORKS (BUREAU OF NAVIGATION).

The following table gives the estimates for 1903, the amount carried by the bill, and the amount appropriated last year:

Public works, Bureau of Navigation.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Naval Academy	$1,500,000	$500,000	$3,000,000
Naval training station, California	31,500	31,500	6,000
Naval training station, Rhode Island	114,280	114,280	52,170
Naval training station, Port Royal	159,750		
Naval War College	60,000	60,000	
Total	1,865,530	705,780	3,058,170

NAVAL ACADEMY.

By act of Congress June 7, 1900, the Secretary of the Navy was authorized to complete plans "covering all contemplated buildings and improvements at the Naval Academy and for each and every purpose connected therewith, which plans shall involve the total expenditure of not more than $8,000,000." And it was further provided—

"That after the preparation and approval of the plans * * * the Secretary of the Navy is authorized to enter into a contract or contracts for any part or all of the improvements and buildings herein authorized within said limit of cost, to be paid for as appropriations may from time to time be made by law."

Accordingly such plans were completed and approved by the Secretary of the Navy on October 8, 1900, and contracts have been let for most of the buildings.

The armory and the boathouse are nearly finished; the contract has been let for cadets' quarters, which will cost $2,248,000, accommodating 1,200 cadets; the foundations of the marine engineering building are now being constructed; the gymnasium and officers' quarters will be under contract by June 1, as will also be the building known as the officers' mess, and plans for the sea-wall work are now practically completed and will be advertised in a short time.

The following is a statement of the appropriations which have been made for the rebuilding of the Naval Academy:

By act of May 4, 1898	$500,000
By act of March 3, 1899	720,000
By act of June 7, 1900	350,000
By act of March 3, 1901	3,000,000
Total appropriated	4,570,000

There has been expended up to date $1,192,148.11. The payments to be made between now and the 1st of July will bring the expenditures up to $2,094,934.37, leaving on July 1 an unexpended balance of $2,500,000. This unexpended balance, with a further appropriation of $500,000 recommended in this bill, will be necessary to meet the payments due on contracts made and to be made during the coming fiscal year.

There is further provided under the head of "Public works, Bureau of Navigation," improvements and buildings for the naval training station in California, $31,500, and also some improvements at the training station, Rhode Island, costing $114,280. Annex to the present building at the Naval War College in Rhode Island to cost $60,000 has been recommended by the general board as necessary for the performance of the important work of the college where war plans and schemes of campaign and the study of the art of war in its broadest and highest sense are carried on.

PUBLIC WORKS, BUREAU OF ORDNANCE.

The following table shows the estimates of this year, the amount carried by the bill, and the amount appropriated last year:

Public works, Bureau of Ordnance.

	Estimates, 1903.	Carried by bill, 1903.	Appropriated, 1902.
Naval magazine, Iona Island	$49,500	$49,500	$100,000
Naval magazine, Dover	93,800	80,000	65,000
Naval magazine, Fort Mifflin	5,000	5,000	56,000
Naval magazine, Norfolk	117,500	46,500	60,500
Naval torpedo station, Newport	32,000	28,000	25,000
Naval proving ground, Indian Head	27,000	23,000	11,600
Naval magazine, Portsmouth	400,000		

Public works, Bureau of Ordnance—Continued.

	Estimates, 1903.	Carried by bill, 1903.	Appropriated, 1902.
Naval magazine, Boston	$500,000		
Naval shell house, Chelsea	8,000		
Naval quarters, Rose Island	5,200	$5,200	
Naval magazine, Fort Lafayette	35,000	25,000	
Water system, Fort Norfolk	2,000		
St. Helena, Norfolk	2,300		
Naval magazine, Man Island	80,000	80,000	
Naval magazine, Puget Sound	100,000	50,000	
Total	1,457,300	392,200	$318,100

It will be seen that there is a slight increase over that appropriated last year of $74,100. Some improvements are asked for at the different magazines, as shown in the above table. Among the estimates were recommendations from the Department for a naval magazine at Portsmouth approximately to cost $400,000, and Boston $500,000; but in view of the fact that these two navy-yards are within short distances of each other, about 40 miles apart, it is thought that possibly one magazine might answer for both, and accordingly the provision authorizing the Secretary of the Navy to appoint a board of naval officers to recommend a site or sites for one naval magazine on the New England coast and to make report to Congress at its next session is placed in this bill.

NAVAL OBSERVATORY.

The appropriation for the maintenance of the grounds and roads of the Naval Observatory which heretofore has been $10,000 per year is reduced to one-half the amount, $5,000.

BUREAU OF MEDICINE AND SURGERY.

The duties of this Bureau are implied in its title, and comprise all that relates to the laboratories, naval hospitals, and dispensaries. It designs various buildings erected within the navy-yards for its own purposes, so far as their internal arrangements are concerned, and has control of the same after completion. It designs, builds, and maintains all buildings erected for its own purposes outside of navy-yards, and, generally, estimates for and controls all the details of its own organization.

The following table shows the estimates of 1903, the amount carried by the bill, and the amount appropriated last year:

Bureau of Medicine and Surgery.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Medical department	$100,000	$125,000	$95,000
Naval hospital fund	40,000	40,000	40,000
Contingent	35,000	35,000	35,000
Repairs	20,000	30,000	20,000
Naval hospital, Rhode Island			20,000
Naval hospital, Canacao	50,000	50,000	
Total	245,000	280,000	210,000

It will be seen that there is an increase of $70,000 in the above table, $30,000 of which is due to increased necessity for supplies for our officers and men and at our navy-yards and stations. There is recommended an appropriation of $50,000 for a naval hospital at Canacao, P. I., which is strongly urged by the Bureau.

BUREAU OF SUPPLIES AND ACCOUNTS.

Generally speaking, this is the financial bureau of the Department. Its duties comprise all that relates to requiring for or preparing provisions, clothing, small stores, and contingent stores of the Pay Department; the purchase of all supplies for the naval establishment, except medical and surgical appliances, and instruments and supplies for the Marine Corps, and the keeping of a proper system of accounts of the same. Like the other bureaus, it estimates for and controls its own administration.

The following statement shows the estimates, the amount carried by this bill, and the amount appropriated for the current fiscal year:

Supplies and accounts.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Provisions, Navy	$4,000,000.00	$3,500,000.00	$3,250,000.00
Contingent	250,000.00	200,000.00	200,000.00
Civil establishment	117,590.00	103,932.28	93,849.28
Total	4,367,590.00	3,803,932.28	3,543,849.28

It will be seen from the above table that the increased appropriations recommended this year over that made last year are $260,083. The item of provisions for the Navy is increased from $3,250,000 to $3,500,000. This is due to the fact that under this bill we are providing for 3,000 additional men, and it will be necessary to provide for their necessities. The item for contingent is the same as that of last year, but there is a small increase of approximately $10,000 under the civil establishment for the navy-yard at Puget Sound and the naval station at Key West.

NAVY RATION.

Under this Bureau is inserted an amendment to section 1580 of the Revised Statutes of the United States, so as to provide for a new navy ration. The Secretary of the Navy ordered a board to investigate the whole subject and make report, which has been done in a separate communication referred to the Committee on Naval Affairs. The present ration has been substantially without change since it was established in July, 1861. The Secretary, in his report, says:

"The board recommends the legislation that will give to the crews of our ships a liberal and proper amount under any and all conditions of service without compelling them to contribute to their own subsistence, as at present. The changes recommended are approved and would make the cost of the ration about 30 cents per man per diem, which is now its nominal commutation value. At present the actual cost of the ration is from 21 to 22 cents."

BUREAU OF CONSTRUCTION AND REPAIR.

The duties of this Bureau comprise all that relate to the designing, building, fitting, and repairing the hulls of ships, their turrets, spars, capstans, windlasses, steering gear, and ventilating apparatus, and, in conjunction with the Bureau of Ordnance, designing the construction of ammunition hoists, their shafts, machinery, and appurtenances; placing and securing armor; placing and securing on board ship the armament and its accessories as manufactured and supplied by the Bureau of Ordnance. It has charge of the care and preservation of ships in reserve, the docking of ships, the designing of slips, and the internal arrangement of the various buildings and shops under its control, and estimates for and controls its own administration.

The following table shows the estimates for 1903, the amount carried by this bill, and the amount appropriated for 1902:

Construction and repair.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Construction and repair of vessels	$9,000,000.00	$8,000,000.00	$7,000,000.00
Improvements, construction plants:			
Portsmouth	30,000.00	30,000.00	50,000.00
Boston	50,000.00	50,000.00	50,000.00
New York	50,000.00	50,000.00	25,000.00
League Island	50,000.00	50,000.00	50,000.00
Norfolk	50,000.00	50,000.00	50,000.00
Pensacola			15,000.00
Mare Island	50,000.00	50,000.00	50,000.00
Puget Sound	75,000.00	75,000.00	30,000.00
New Orleans	15,000.00	15,000.00	15,000.00
Charleston	50,000.00		
Philippines	50,000.00	50,000.00	
Derrick, New York	35,000.00		
Derrick, Cavite	45,000.00		
Lighters, Mare Island	70,000.00		
Four steel tugs	280,000.00	140,000.00	
Civil establishment	25,824.25	25,824.25	25,824.25
Total	9,925,824.25	8,585,824.25	7,360,824.25

It will be seen from the above table that there is an increase under this Bureau of $1,225,000, which is largely made up from the necessity for the increase in the appropriation of $1,000,000 for the repair of our vessels, which are increasing in number each year. A new item was inserted for $50,000 for a construction plant at Cavite, P. I., and also an appropriation of $140,000 for two steel tugs, necessary for the general service of the navy-yards at home stations. The items under the civil establishment of the Bureau are practically the same as those of last year.

BUREAU OF STEAM ENGINEERING.

The duties of this Bureau comprise all that relates to designing, building, fitting out, and repairing the machinery for which steam is the motive power on board ship. Like the other bureaus, it designs the internal arrangement of its various shops at the navy-yard and estimates for and controls its own administration.

The following table shows the estimates for the fiscal year 1903, the amount carried by this bill, and the amount appropriated for the current fiscal year:

Steam engineering.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Steam machinery	$3,450,000	$3,405,000	$3,245,000
Contingent	1,000	1,000	1,000
Machine plant:			
Portsmouth	100,000		
League Island	130,000	130,000	100,000
Norfolk	25,000	25,000	
Mare Island	80,000	80,000	100,000
Puget Sound	125,000	125,000	
Building experimental station	400,000	200,000	
Civil establishment	23,000	17,900	16,900
Total	4,289,000	3,963,900	3,462,900

The above table shows an increase of appropriations to the amount of $521,000. As will be seen, there is an increase of $150,000 in the first item under this Bureau for the completion, repairing, and preservation of machinery and boilers of vessels, etc. There is also an appropriation for the equipment of the new steam engineering shops at League Island, Mare Island, and Puget Sound. An experimental station and testing laboratory for the Bureau of Steam Engineering has been strongly recommended by the Department and the Secretary of the Navy, and after carefully considering the same the committee has inserted an appropriation in this bill for its establishment.

The appropriation of the civil establishment of the Bureau of Steam Engineering is increased only by $1,000 over that of last year.

NAVAL ACADEMY (CIVIL ESTABLISHMENT).

The following table shows the estimates for 1903, the amount carried by the bill, and the amount appropriated for the fiscal year 1902:

Naval Academy.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Pay of professors and others	$68,991.00	$55,191.00	$55,191.00
Pay of watchmen, mechanics, and others	46,259.95	46,259.95	44,799.95
Pay of steam employees	11,154.82	11,154.82	7,824.50
Catboats	4,500.00	4,500.00	4,500.00
Repairs	31,000.00	31,000.00	51,000.00
Heating and lighting	20,000.00	20,000.00	20,000.00
Contingent	61,800.00	61,800.00	43,800.00
Total	243,705.77	229,905.77	227,115.45

The amounts of these appropriations are practically the same as those of last year, in some cases there being reductions and in others increases; but the totals are about the same. Under this Bureau an insertion is made for the appointment of 500 additional cadets.

MORE OFFICERS.

Of course everyone must realize that we can not go on building up the matériel of the Navy without at the same time increasing the personnel. If

we build ships, we must also provide for officers and men to man them. The former are absolutely useless without the latter. The Secretary in his report calls special attention to the need of more line officers, and the Chief of the Bureau of Navigation in his report, in which he considers the subject exhaustively, says:

"The ever-increasing need of line officers has made itself felt with augmented force during the past fiscal year. At no time in the history of the Navy has such a condition held as now exists. If the Department were suddenly called upon to man for war service all the vessels available in the navy-yards, it would be confronted with a requirement impossible to meet. It is a fact that there are not enough line officers of the Navy to man the vessels already constructed. This being the case, the Bureau need scarcely call attention to the state of affairs which will exist in about three years when the vessels now under construction will be completed. In order to make plain the need for officers, the subject must be approached in a logical manner, and to do this we must consider the needs of each ship constructed and under construction.

"Taking then the sum of the needs of the individual ships, we reach the needs of the service, considering incidentally the need for a reserve, and other reasons which will prevent the total number of officers on the list from actually serving on board ship in time of war. To this end the following is submitted:

Line officers required to man a battle ship.

1 commanding officer.
1 executive officer.
1 chief engineer.
1 navigating officer.
6 turret officers.
2 secondary battery officers.
3 powder division officers.
2 assistants to chief engineer.

17 in all.

"In order to make plain that the above table is the lowest possible estimate of officers actually needed on board battle ships, there is furnished the following table showing the number of officers actually placed on board ships of similar displacement by foreign powers:

Nation and ship.	Number of line officers.	Remarks.
England, Barfleur	33	Includes midshipmen.
France, Bouvet	26	Do.
Germany, Kaiser Friederich III	30	In addition to this there are a number of midshipmen not given here.

"It will be seen at a glance in comparing the above table with the first table that the Bureau's estimate, which includes cadets, is at least 30 per cent smaller than actual conditions now existing in other navies.

"In preparing the following tables the Bureau has estimated for the smaller vessels by assigning to them complements of officers such as are actually carried by vessels now in service and of equal displacement. Without going into details it will be readily seen that the Bureau's estimates in these cases are also a minimum. The following tables show the number of officers which would be required on July 1, 1904, to man the ships of the Navy then actually completed, Table A showing the officers needed for vessels which have been commissioned, but which are now out of commission for repairs or in reserve; Table B showing the officers needed for vessels now under construction, but which will be completed by July 1, 1904:

A.

Vessels.	Officers.	Vessels.	Officers.
Texas	15	Boston	10
Columbia	14	Puritan	8
Minneapolis	14	Miantonomoh	8
Baltimore	12	Terror	8
San Francisco	12	Katahdin	6
Newark	12	Mohican	6
Olympia	12	10 torpedo boats	20
Cincinnati	10		
Raleigh	10		215
Detroit	10	25 per cent reserve	53
Montgomery	10		
Marblehead	10	Total	268
Bennington	10		

B.

Vessels.	Officers.	Vessels.	Officers.
Maine	17	Chattanooga	12
Missouri	17	Cleveland	12
Georgia	17	Galveston	12
New Jersey	17	Tacoma	12
Pennsylvania	17	Arkansas	7
Virginia	17	Nevada	7
Rhode Island	17	Florida	7
Ohio	17	Wyoming	7
California	15	16 torpedo-boat destroyers	48
Nebraska	15	15 torpedo boats	30
West Virginia	15	7 submarines	7
Maryland	15		
Colorado	15		447
South Dakota	15	25 per cent reserve	111
St. Louis	12		
Milwaukee	12	Total	558
Charleston	12		
Denver	12	Grand total	826
Des Moines	12		

"Attention is invited to the fact that the above estimates do not include officers to man auxiliary vessels which must be used in time of war, such as scouts, *Yale* and *Harvard* type; colliers, supply vessels, refrigerating ships, repair ships, hospital ships, auxiliary gunboats, the *Gloucester* and *Scorpion* type, and many other similar important craft. Allowing without any reserve that 200 officers would be necessary to man these auxiliary vessels, the total number of officers necessary in order to send to sea the navy which Congress has ordered constructed will be 826 plus 200, or 1,026."

During the consideration of this subject your committee called upon the Department to furnish a statement of the number and duties of the present officers of the Navy. The following statement was furnished, which shows that there are 1,017 line officers, including the cadets, 993 of whom are eligible for sea duty, 709 of whom are on board vessels at the present time or doing duty upon seas, 272 performing duty on shore, 11 on the sick list, and 1 on the waiting list:

Grade.	Total number in grade.	Number in grade who are eligible for sea duty.	Number performing duty on board vessels or beyond seas.	Number performing duty on shore.	On sick list.	On waiting orders.
Line.						
Admiral	1	0		1		
Rear-admirals	22	22	8	13	1	
Captains	75	71	53	[a]17		1
Commanders	118	103	49	[b]51	3	
Lieutenant-commanders	176	175	114	[c]57	4	
Lieutenants	306	302	520	[d]80	2	
Lieutenants (junior grade)	69	69	35	33	1	
Ensigns	126	126	126			
Naval cadets	124	124	124			
Total	1,017	993	709	272	11	1

[a] In addition to this number, 4 other officers, not eligible for sea duty, are performing duty on shore.
[b] In addition to this number, 15 other officers, not eligible for sea duty, are performing duty on shore.
[c] In addition to this number, 1 other officer, not eligible for sea duty, is performing duty on shore.
[d] In addition to this number, 4 other officers, not eligible for sea duty, are performing duty on shore.

It will be seen from the above that we have comparatively few officers that we could call upon to man the new ships now being constructed and at the same time keep in commission those already built. Your committee saw but one remedy to meet the problem of more officers, and that was to increase the number of cadets at the Naval Academy, and accordingly a provision has been inserted in the bill providing for the appointment of 500 additional cadets, 125 each year during the next four years succeeding the passage of this act. Each Senator, Member, and Delegate of the House of Representatives is to have the appointment of 1 and the President 24. For the first year each Senator makes an appointment, and the President one-fourth of those allotted to him, and a sufficient number by Members and Delegates to bring the total up to 125. During each succeeding year the President appoints one-fourth of the number allotted to him and Members and Delegates enough to bring the total up to 125 for each year. This, it will be seen, is a temporary measure, and is in effect only for four years. After that time it is hoped that the present law, which provides for the appointment of a cadet by each Member and Delegate every four years, will produce a sufficient number of officers to satisfy the demands of our growing Navy.

MORE MEN.

The Chief of the Bureau of Navigation has set forth in a communication to the committee the necessity for the enlistment of more men. He estimates that to provide for the manning of our ships now under construction we will need approximately 14,000 men. Under the appropriation act of last year we provided 5,000 of these, who are now under training, and in this year's bill we have made a further increase of 3,000, which is all that will be necessary at the present time.

MARINE CORPS.

The Marine Corps is the military branch of the naval service. The following table shows the estimates for 1903, the amounts carried by this bill, and the amount appropriated for the current fiscal year:

Marine Corps.

	Estimated, 1903.	Carried by bill.	Appropriated, 1902.
Pay	$1,707,649.23	$1,707,649.23	$1,706,504.23
Provisions	396,071.50	396,071.50	371,071.50
Clothing	340,000.00	340,000.00	290,190.54
Fuel	35,000.00	35,000.00	30,000.00
Military stores	40,297.00	40,297.00	46,297.00
Transportation and recruiting	100,000.00	100,000.00	70,000.00
Repair of barracks	50,000.00	50,500.00	24,000.00
Forage	6,000.00	11,000.00	6,000.00
Hire of quarters	20,748.00	20,748.00	14,748.00
Contingent	91,700.00	91,700.00	61,700.00
Public works	206,000.00	145,500.00	178,000.00
Total	2,993,465.73	2,938,465.73	2,798,520.27

From the above table it will be seen that there is an increase of $139,945.46 over that of last year.

There is an increase of $25,000 under the item of provisions and also approximately $50,000 under that of clothing and $30,000 under that of transportation and recruiting, which are regarded necessary by the commandant of the Marine Corps. An increase in the contingent item of $30,000 is also recommended, but a reduction has been made in the public works of approximately $33,000.

INCREASE OF THE NAVY.

The provision for the increase of the Navy is the last general heading of the naval appropriation bill, and one which, perhaps, excites the most popular interest, inasmuch as it provides for the further construction of ships already authorized and the naval programme.

The following table shows the estimates for this year, the amount carried by this bill, and the amount appropriated last year:

Increase of the Navy.

	Estimates, 1903.	Carried by bill.	Appropriated, 1902.
Construction and machinery	$17,303,010	$13,303,010	$21,000,000
Armor and armament	6,000,000	9,000,000	4,000,000
Equipment	400,000	400,000	400,000
Equipping navy-yards		175,000	

As will be seen from the above table, there is a reduction of $4,000,000 from the estimates in the item of construction and machinery for work on new vessels already authorized. The Chief Constructor and the Chief Engineer reported to the committee that owing to the delay in the delivery of material, strikes, and other causes the work on vessels building has not progressed as rapidly as anticipated at the time the estimates were submitted, and accordingly the reduction above mentioned has been made.

The following table shows the ships now in process of construction and the degree of their completion on April 1, 1902:

Vessel.	Speed.	Builders.	Degree of completion Apr. 1.
BATTLE SHIPS.			
	Knots.		*Per cent.*
No. 10. Maine	18	Cramp & Sons	87
No. 11. Missouri	18	Newport News Co	60
No. 12. Ohio	18	Union Iron Works	56
No. 13. Virginia	19	Newport News Co	0
No. 14. Nebraska	19	Moran Brothers Co	0
No. 15. Georgia	19	Bath Iron Works	8
No. 16. New Jersey	19	Fore River Ship and Engine Co.	7
No. 17. Rhode Island	19	do	7
ARMORED CRUISERS.			
No. 4. Pennsylvania	22	Cramp & Sons	19
No. 5. West Virginia	22	Newport News Co	13
No. 6. California	22	Union Iron Works	4
No. 7. Colorado	22	Cramp & Sons	22
No. 8. Maryland	22	Newport News Co	12
No. 9. South Dakota	22	Union Iron Works	4
PROTECTED CRUISERS.			
No. 14. Denver	17	Neafie & Levy	77
No. 15. Des Moines	17	Fore River Ship and Engine Co.	67
No. 16. Chattanooga	17	Lewis Nixon	58
No. 17. Galveston	17	Wm. R. Trigg Co	56
No. 18. Tacoma	17	Union Iron Works	41
No. 19. Cleveland	17	Bath Iron Works	78
No. 20. St. Louis	22	Neafie & Levy	3
No. 21. Milwaukee	22	Union Iron Works	0
No. 22. Charleston	22	Newport News Co	2
MONITORS.			
No. 7. Arkansas	12	Newport News Co	94
No. 8. Nevada	12	Bate Iron Works	93
No. 9. Florida	12	Lewis Nixon	90
No. 10. Wyoming	12	Union Iron Works	81
TORPEDO-BOATDESTROYERS.			
No. 1. Bainbridge	29	Neafie & Levy	99
No. 2. Barry	29	do	99
No. 3. Chauncey	29	do	99
No. 4. Dale	28	Wm. R. Trigg Co	98
No. 6. Hopkins	29	Harlan & Hollingsworth	84
No. 7. Hull	29	do	82
No. 8. Lawrence	30	Fore River Ship and Engine Co.	99
No. 9. McDonough	30	do	98
No. 10. Paul Jones	29	Union Iron Works	87
No. 11. Perry	29	do	93
No. 12. Preble	29	do	90
No. 13. Stewart	29	Gas Engine and Power Co.	66
No. 14. Truxton	30	Maryland Steel Co	88
No. 15. Whipple	30	do	85
No. 16. Worden	30	do	85
TORPEDO BOATS.			
No. 19. Stringham	30	Harlan & Hollingsworth	98
No. 20. Goldsborough	30	Wolff & Zwicker	94
No. 27. Blakely	26	Geo. Lawley & Son	98
No. 28. De Long	26	do	98
No. 29. Nicholson	26	Lewis Nixon	97
No. 30. O'Brien	26	do	98
No. 33. Thornton	26	Wm. R. Trigg Co	98
No. 34. Tingey	26	Columbian Iron Works	74
No. 35. Wilkes	26	Gas Engine and Power Co.	96
SUBMARINE TORPEDO BOATS.			
No. 1. Plunger	8	Lewis Nixon	85
No. 3. Adder	8	do	99
No. 4. Grampus	8	Union Iron Works	66
No. 5. Moccasin	8	Lewis Nixon	98
No. 6. Pike	8	Union Iron Works	60
No. 7. Porpoise	8	Lewis Nixon	95
No. 8. Shark	8	do	92

ARMOR AND ARMAMENT.

Your committee recommends under the increase of the Navy an appropriation, as above shown, of $9,000,000 for armor and armament. The original estimates submitted to the committee called for $6,000,000 for this object, but an additional estimate was sent in by the Secretary of the Navy, upon recommendation of the Chief of the Bureau of Ordnance, asking that this appropriation might be increased to $9,000,000 in view of the fact that the armor makers are furnishing armor much faster than was expected; and in this connection it might be said that an item of $4,000,000 was inserted in the urgent deficiency bill in order to carry out the terms of the contracts. It might also be of interest to quote from the letter forwarded to the committee from the Chief of the Bureau of Ordnance:

"1. The Bureau finds that since the estimates were made the monthly expenditures under this appropriation have increased a great deal and now average about $800,000 per month, which amounts to over $9,600,000 per year, and to carry it through the remainder of this fiscal year it has been obliged to ask for an urgent deficiency of $4,000,000 in addition to the $4,000,000 appropriated in the last naval bill.

"2. This great increase was not anticipated, nor did the experience of the Bureau lead it to expect such. The increase in expenditures is mainly caused by the unusual rapidity of delivery of armor and of miscellaneous ordnance supplies; by the ship contractors urging the delivery of outfits earlier than anticipated, calling for overtime work at the naval gun factory to meet the demands; by the armor manufacturers delivering armor at a much more rapid rate than was thought would be the case when the contracts therefor were placed, and by the payment of obligations incurred during past years."

It will be recalled that the Secretary of the Navy, under the authority given him by Congress in the naval appropriation act of two years ago, contracted with the armor-plate companies for the manufacture of 37,000 tons of armor for all of the ships authorized by Congress, at the price of $420 per ton plus the Krupp royalty, not to exceed $24.32 per ton, and the Harvey royalty, not to exceed $11.20 per ton, which latter royalty is still a matter of dispute between the Department and the Harvey Company.

NAVAL PROGRAMME.

The naval appropriation act of last year contained the following provision:

"The Secretary of the Navy is hereby directed to prepare the plans and specifications of two seagoing battle ships and two armored cruisers, carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships and cruisers on the first Monday in December next; and the said Secretary in preparing said plans and description shall review and further consider the questions whether said ships shall be sheathed or unsheathed, what should be the weight and extent of the armor therefor, what should be the form and location of the turrets, whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships, what, if any, torpedo tubes should be built into large ships, to what extent electricity should be used for auxiliary purposes, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions; and said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions."

In compliance with the above the Secretary of the Navy transmitted to Congress a report prepared by the Board of Construction, in which report the several matters set forth in the above provision are fully discussed and recommendations made with respect thereto, which recommendations were approved by the Secretary of the Navy.

The committee recommend that for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed two first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of about 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of about 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost, exclusive of armament, not exceeding $382,000 each.

In view of the fact that there is some public sentiment favorable to building ships in our Government navy-yards, it has been deemed advisable by the committee to insert a provision in the appropriation bill of this year leaving it in the discretion of the Secretary of the Navy to build any or all ships in Government yards, but making it mandatory on him to construct at least one battle ship or one armored cruiser in such navy-yard as he may designate, as an experiment; and it is further provided that he shall keep an accurate account of all expenditures for labor and material in the inspection and construction of such ship and report to Congress at each session, and upon the completion of said ship he shall make a detailed report, showing the relative cost of one built by the Government and one by contract. It is believed by your committee that nothing short of an experiment of this kind will settle the question that has vexed many minds, and at the same time will show whether private contractors have been reasonable in their bids, and furthermore be a basis for future guidance in the continued construction of our Navy. An appropriation of $175,000 is recommended for each yard in which a ship is built.

The following table shows the approximate cost of a battle ship, an armored cruiser, and a gunboat:

Type.	Displacement.	Cost exclusive of armor and armament.	Armor.	Armament.	Total cost.
	Tons.				
Battle ship	16,000	$4,211,920	$1,800,000	$1,520,857	$7,532,777
Armored cruiser	14,500	4,659,250	1,175,000	880,038	6,714,288
Gunboat	1,000	381,840	Nothing.	128,908	510,748

The complete cost of 2 first-class battle ships, 2 first-class armored cruisers, and 2 gunboats, with total tonnage of 63,000 tons, recommended in this bill, will be approximately $29,500,000. These battle ships and cruisers will be larger than any heretofore authorized by Congress, and the plans recommended by the board of construction have already excited the favorable comment of the naval authorities abroad. The committee is of the opinion that in recommending the above naval programme it is making a substantial and healthy increase of our Navy, and one which will meet everywhere with popular favor.

PREVIOUS NAVAL PROGRAMMES.

It might be of interest in this connection to give a statement of the ships authorized each year by Congress since the commencement of the new Navy.

TABLE I.—*Ships authorized each year by Congress to be built for the United States Navy since the commencement of the "new navy."*

[Does not include ships of a status other than that of "authorized to be built."]

Date of authorization and class.	Tonnage.	Name.	Number in each class.	Total number for year.	Total tonnage for year.
Mar. 3, 1883.					
Protected cruisers	5,000	Chicago	3	4	12,486
	3,000	Boston			
	3,000	Atlanta			
Dispatch vessel	1,486	Dolphin	1		
1884 (none).					
Mar. 3, 1885.					
Protected cruisers	4,098	Newark	2	4	10,430
	3,730	Charleston			
Gunboats	1,710	Yorktown	2		
	892	Petrel			
Aug. 3, 1886.					
Monitors	6,060	Puritan	4	9	36,474
	3,990	Monadnock			
	3,990	Amphitrite			
	3,990	Terror			
Second-class battle ships	6,682	Maine	2		
	6,315	Texas			
Protected cruiser	4,413	Baltimore	1		
Dynamite gunboat	929	Vesuvius	1		
Torpedo boat	105	Cushing	1		
Mar. 3, 1887.					
Monitors	3,990	Miantonomoh	2	6	19,916
	4,084	Monterey			
Protected cruisers	4,324	Philadelphia	2		
	4,068	San Francisco			
Gunboats	1,710	Concord	2		
	1,710	Bennington			
Sept. 7, 1888.					
Armored cruiser	8,200	New York	1	8	27,602
Protected cruisers	5,870	Olympia	6		
	3,213	Cincinnati			
	3,213	Raleigh			
	2,089	Montgomery			
	2,089	Detroit			
	2,089	Marblehead			
Gunboat	839	Bancroft	1		
Mar. 2, 1889.					
Gunboats	1,177	Machias	2	3	4,509
	1,177	Castine			
Ram	2,155	Katahdin	1		
June 30, 1890.					
Battle ships	10,288	Indiana	3	5	38,350
	10,288	Massachusetts			
	10,288	Oregon			
Protected cruisers	7,375	Columbia	1		
Torpedo boat	120	Ericsson	1		
Mar. 2, 1891.					
Protected cruiser	7,375	Minneapolis	1	1	7,335
July 19, 1892.					
Battle ship	11,340	Iowa	1	2	20,555
Armored cruiser	9,215	Brooklyn	1		
Mar. 3, 1893.					
Gunboats	1,371	Nashville			
	1,392	Wilmington			
	1,392	Helena	3	4	4,270
Submarine	120	Plunger	1		
July 26, 1894.					
Torpedo boats	142	Foote	3	3	426
	142	Rodgers			
	142	Winslow			
Mar. 2, 1895.					
Battle ships	11,525	Kearsarge	2	11	29,562
	11,525	Kentucky			
Gunboats	1,000	Annapolis	6		
	1,000	Vicksburg			
	1,000	Newport			
	1,000	Princeton			
	1,000	Wheeling			
	1,000	Marietta			
Torpedo boats	165	Porter	3		
	165	Du Pont			
	182	Rowan			
June 10, 1896.					
Battle ships	11,525	Illinois	3	13	35,919
	11,525	Alabama			
	11,525	Wisconsin			
Torpedo boats	146	Dahlgren	10		
	146	Craven			
	273	Farragut			
	65	Mackenzie			
	132	Fox			
	105	Morris			
	46½	Talbot			
	46	Gwin			
	132	Davis			
	65	McKee			

TABLE I.—*Ships authorized each year by Congress, etc.*—Continued.

Date of authorization and class.	Tonnage.	Name.	Number in each class.	Total number for year.	Total tonnage for year.
Mar. 3, 1897.					
Torpedo boats	340	Stringham	3	4	1,724
	247	Goldsborough			
	235	Bailey			
Practice vessel (sailing)	902	Chesapeake	1		
May 4, 1898.					
Battle ships	12,500	Maine	3	30	50,057
	12,500	Missouri			
	12,500	Ohio			
Destroyers	420	Bainbridge	16		
	420	Barry			
	420	Chauncey			
	420	Dale			
	420	Decatur			
	408	Hopkins			
	408	Hull			
	400	Lawrence			
	400	McDonough			
	420	Paul Jones			
	420	Perry			
	420	Preble			
	420	Stewart			
	433	Truxton			
	433	Whipple			
	433	Worden			
Torpedo boats	167	Bagley	12		
	167	Barney			
	167	Biddle			
	165	Blakely			
	165	De Long			
	174	Nicholson			
	174	O'Brien			
	166	Shubrick			
	166	Stockton			
	165	Thornton			
	165	Tingey			
	165	Wilkes			
Gunboat (not yet built)	(?)	To replace Michigan	1		
Monitors	3,214	Arkansas	4		
	3,214	Florida			
	3,214	Nevada			
	3,214	Wyoming			
Mar. 3, 1899.					
Battle ships	14,600	Virginia	3	12	104,600
	15,000	Nebraska			
	15,000	Georgia			
Armored cruisers	14,000	Pennsylvania	3		
	14,000	West Virginia			
	14,000	California			
Protected cruisers	3,100	Denver	6		
	3,100	Des Moines			
	3,100	Chattanooga			
	3,100	Galveston			
	3,100	Tacoma			
	3,100	Cleveland			
June 7, 1900.					
Battle ships	15,000	New Jersey	2	14	99,920
	14,600	Rhode Island			
Armored cruisers	13,600	Colorado	3		
	13,600	Maryland			
	13,600	South Dakota			
Protected cruisers	9,600	St. Louis	3		
	9,600	Milwaukee			
	9,600	Charleston			
Submarine[a]	120	Adder	6		
	120	Grampus			
	120	Moccasin			
	120	Pike			
	120	Porpoise			
	120	Shark			
1901 (none).					

[a] The *Holland* (74 tons) was not authorized to be built, but was purchased April 11, 1900.

TABLE II.—*Ships authorized each year by Congress to be built for the United States Navy since the commencement of the "new navy."*

[Does not include ships of a status other than that of "authorized to be built."]

Class or type of ship.	1883.		1884.	1885.		1886.	
	Number.	Total tonnage.		Number.	Total tonnage.	Number.	Total tonnage.
Battle ships, first or second class	.....	.....	.....	.....	.....	2	12,997
Monitors	.....	.....	.....	.....	.....	4	18,000
Cruisers, from 3,000 to 6,000 tons, second class	3	11,000	.....	2	7,828	1	4,413
Unprotected cruisers, over 1,000 tons	1	1,486	.....	.....	.....	.....	.....
Gunboats	.....	.....	.....	2	2,602	1	929
Torpedo boats	.....	.....	.....	.....	.....	1	105
Total	4	12,486	.....	4	10,430	9	36,474

TABLE II.—*Ships authorized each year by Congress, etc.*—Continued.

Class or type of ship.	1887.		1888.		1889.		1890.	
	Number.	Total tonnage.	Number.	Total tonnage.	Number.	Total tonnage.	Number.	Total tonnage.
Battle ships, first or second class							3	30,864
Monitors	2	8,074						
Armored cruisers			1	8,200				
Cruisers, over 6,000 tons, first class							1	7,375
Cruisers, from 3,000 to 6,000 tons, second class	2	8,422	3	12,296				
Cruisers, under 3,000 tons, third class			3	6,267				
Unprotected cruisers, over 1,000 tons	1	1,486						
Gunboats			1	839	2	2,354		
Torpedo boats							1	120
Training vessels and ram					[b]1	2,155		
Total	6	19,916	8	27,602	3	4,509	5	38,359

Class or type of ship.	1891.		1892.		1893.		1894.	
	Number.	Total tonnage.	Number.	Total tonnage.	Number.	Total tonnage.	Number.	Total tonnage.
Battle ships, first or second class			1	11,340				
Armored cruisers			1	9,215				
Cruisers, over 6,000 tons, first class	1	7,375						
Gunboats					3	4,155		
Torpedo boats							3	426
Submarine					1	120		
Total	1	7,375	2	20,555	4	4,270	3	421

Class or type of ship.	1895.		1896.		1897.		1898.	
	Number.	Total tonnage.	Number.	Total tonnage.	Number.	Total tonnage.	Number.	Total tonnage.
Battle ships, first or second-class	2	23,050	3	34,575			3	37,500
Monitors							4	12,856
Gunboats	6	6,000					1	
Destroyers	3	512	10	1,344	3	822	16	6,695
Torpedo boats							12	2,006
Training vessels and ram					1	902		
Total	11	29,562	13	35,919	4	1,724	36	59,057

Class or type of ship.	1899.		1900.		1901.	1902.	Total in class.
	Number.	Total tonnage.	Number.	Total tonnage.			
Battle ships, first or second class	3	44,600	2	29,600	.....	.....	[a]19
Armored cruisers	3	42,000	3	40,800	.....	.....	8
Monitors					.....	.....	10
Cruisers over 6,000 tons, first class			3	28,800	.....	.....	5
Cruisers from 3,000 to 6,000 tons, second class	6	18,000			.....	.....	17
Cruisers under 3,000 tons, third class					.....	.....	3
Unprotected cruisers over 1,000 tons					.....	.....	1
Gunboats					.....	.....	[c]18
Destroyers					.....	.....	16
Torpedo boats					.....	.....	34
Submarine			6	720	.....	.....	[d]7
Training vessels and ram					.....	.....	[e]2
Total	12	104,600	14	99,920	.....	.....	

[a] Ram. [b] Two of these battle ships were second class, *Maine* and *Texas*.
[c] One gunboat to replace *Michigan*, never built.
[d] An eighth submarine, the *Holland*, was authorized to be purchased. Date of purchase, April 11, 1900. [e] The ram was the *Katahdin*.

COST OF SHIPS OF NEW NAVY.

Vessels of the new Navy, built since 1882 and completed to December 31, 1901, number 79, and have cost $124,899,091.89. Of these, 24 are torpedo boats and 55 are vessels of other classes, as shown in the table below.

The vessels building number 59, and of these 32 are torpedo boats and destroyers, leaving 27 vessels of other classes. The estimated cost of completing these vessels is (June 30, 1900) $110,183,118. Deducting the appropriations for these vessels—

Fiscal year 1901	$17,140,699
Fiscal year 1902	29,400,000
Balance on hand in Treasury June 30, 1900	9,562,406
Balance to credit of appropriation for submarine torpedo boat	105,635
Amounts since deposited or allowed on submarine torpedo boat	94,365
Total	56,303,105

shows a balance of $53,880,013 required to be appropriated to complete the said vessels, outside of any appropriation that may be made or vessels authorized by the present naval bill. Therefore the total number of vessels of the Navy, built and building, is 138, of which 56 are torpedo boats and destroyers, and the total cost will be $235,082,209.89.

Type.	Built.	Building.	Total.
Battle ships	10	8	18
Armored cruisers	2	6	8
Protected cruisers	12	9	21
Unprotected cruisers	3	.....	3
Armored ram	1	.....	1
Monitors	6	4	10
Gunboats	16	.....	16
Training ship	1	.....	1
Special class	2	.....	2
Torpedo-boat destroyers	.....	16	16
Torpedo boats	24	9	33
Submarine torpedo boats	.....	7	7
Total	77	59	136
Vessels lost (Maine and Charleston)	2	.....	2
	79	.....	138

The above table does not include the protected cruisers *Albany* and *New Orleans*, the gunboat *Topeka*, nor the torpedo boats *Manley* and *Somers*, vessels purchased during the Spanish war; neither does it include the submarine torpedo boat *Holland*, nor captured vessels.

It will be seen from the above table that while we have built and are building, all told, 138 ships, yet comparatively few of them have any real fighting value. Our naval prowess lies almost entirely in our 18 battle ships, 8 armored cruisers, and 21 protected cruisers. The rest of our ships would cut but little figure in actual war. Ships of the battle line practically alone determine the naval strength of a nation.

NAVAL PROGRAMMES OF OTHER COUNTRIES.

Below is a table showing the building programmes for 1901-2, and for 1902-3, of the principal naval powers of the world:

Building programmes for 1901-2, and for 1902-3.

	England.	France.	Germany.	United States.[a]	Russia.	Japan.[b]	Austria.	Italy.
1901-2.								
Battle ships	3	2	2	.....	.....	.....	3	2
Armored cruisers	6	1	1	.....	.....	.....	1	.....
Other cruisers	2	.....	3	.....	3	.....	.....	.....
Gunboats	2	.....	.....	.....	.....	.....	.....	.....
Destroyers	10	10	6	.....	6	.....	.....	.....
Torpedo boats	5	11	.....	.....	.....	.....	.....	.....
Submarines	5	8	.....	.....	.....	.....	.....	.....
1902-3.								
Battle ships	2	4	2	.....	5	.....	1	3
Armored cruisers	2	2	1	.....	.....	.....	.....	.....
Other cruisers	2	.....	3	.....	.....	.....	.....	.....
Gunboats	.....	.....	1	.....	.....	.....	.....	.....
Destroyers	13	2	.....	.....	.....	.....	.....	.....
Torpedo boats	4	16	.....	.....	.....	.....	.....	.....
Submarines	4	.....	.....	.....	.....	.....	.....	.....
Ships built and building.								
Battle ships	55	24	29	17	19	6	15	9
Armored cruisers	26	24	11	9	12	5	3	10
Coast defense and monitors	29	14	(c)	10	24	7	4	7
Cruisers	117	55	30	27	32	27	13	26
Gunboats	68	22	17	18	11	13	14	14
Destroyers	120	43	(?)	16	51	11	.....	13
Torpedo boats	171	253	(?)	35	197	103	63	142
Submarines	5	36	.....	8	.....	.....	.....	1

[a] No ships authorized in 1901-2, 1902-3.
[b] 1902-3, completing programme of 1900. A complete programme is to be considered; no information available, 1902-3.
[c] Included in battle ships, as in German budget.

Of all the countries, Germany has been building during the last few years faster than any of the others. Her shipbuilding programme started in 1898 and will be completed in 1908, possibly in 1907, instead of 1916, as first planned. Her programme contemplates the following new vessels: Four squadrons each of 8 battle ships, 2 battle ships for flagships, 4 battle ships in reserve. Besides these there are to be 14 large cruisers, 38 smaller cruisers, and 16 divisions of torpedo boats of 6 each. This programme will give her in all 38 battle ships, 14 large cruisers, 38 smaller cruisers, and 96 torpedo boats. After the completion of this programme the plan contemplates new constructions to replace ships which, though still serviceable, may have reached the prescribed age limit.

APPROPRIATIONS FOR THE NEW NAVY.

In 1883 we began the construction of our present Navy, and down to 1901, inclusive, $655,664,000 was appropriated. Of this sum $590,393,000 has been expended, leaving an unexpended balance of $65,271,000. The following communication from the Secretary of the Navy, with the accompanying statement, shows the amount of appropriations made each year since the beginning of the construction of the new Navy, and the disposition of the same:

NAVY DEPARTMENT, *Washington, April 2, 1902.*

SIR: Replying to your letter of the 17th ultimo, requesting to be furnished with a statement showing the amount of the appropriations made each year since the beginning of the construction of the new Navy; how much of these

appropriations has been used each year, and how much has been covered back into the Treasury; how much of that expended has been used under the different bureaus; how much for the maintenance of the personnel of the Navy, and how much has gone into the public works at navy-yards and naval stations. I have the honor to inclose herewith tabular statements, prepared by the Paymaster-General of the Navy, showing the appropriations, expenditures, and balances pertaining to the naval establishment, by fiscal years from 1883 to 1901, inclusive, as follows:

Statement No. 1. Maintenance of personnel.

Nos. 1 A and 1 B. Pay and subsistence, respectively, as combined in statement No. 1.

No. 2. Appropriations and expenditures under all annual appropriations, by bureaus, for each year separately.

Nos. 2 A and 2 B. Summaries of statement No. 2, by years and bureaus, respectively.

No. 3. Appropriations and expenditures for public works.

No. 4. Increase of the Navy.

No. 5. Special appropriation for specific objects.

Nos. 6, 6 A, and 6 B. War appropriations and expenditures for Marine Corps and miscellaneous appropriations.

No. 7. Summary of appropriations, expenditures, and balances shown in detail by statements from No. 1 to 6 B, inclusive.

The Paymaster-General, in forwarding the above statements, reports as follows:

"In preparing these statements odd dollars and cents have been discarded, but the aggregates are approximately correct. It will be noted from the summary statement, No. 7, that the total of the appropriations for the entire period of nineteen years is $865,664,000; expenditures, $590,393,000; balances, $65,271,000, of which the sum of $25,805,000 for increase of the Navy and public works remained available for future expenditures on account of these objects, the balance of about $40,000,000 having been or will be carried to the surplus fund of the Treasury. Adding to the above the total appropriations of about $82,000,000 for the current fiscal year makes the grand total of appropriations for the twenty years since the beginning of the new Navy approximately $738,000,000."

Very respectfully,

JOHN D. LONG, *Secretary*,

Hon. GEO. EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

STATEMENT No. 1.

MAINTENANCE OF PERSONNEL.

[This covers pay and subsistence only, the cost of each being shown in Statements Nos. 1 A and 1 B annexed.]

Year.	Appropriated.	Expended.	Balances.
1883	$8,145,000	$8,145,000	
1884	8,145,000	8,145,000	
1885	7,915,000	7,915,000	
1886	7,930,000	7,930,000	
1887	7,980,000	7,900,000	$80,000
1888	8,245,000	8,140,000	105,000
1889	8,340,000	8,330,000	10,000
1890	8,275,000	8,130,000	145,000
1891	8,225,000	8,095,000	130,000
1892	8,310,000	8,100,000	210,000
1893	8,300,000	8,140,000	160,000
1894	8,430,000	8,430,000	
1895	8,630,000	8,610,000	20,000
1896	8,900,000	8,895,000	5,000
1897	9,620,000	9,495,000	125,000
1898	9,485,000	9,400,000	85,000
1899	10,950,000	10,575,000	375,000
1900	16,185,000	12,750,000	3,435,000
1901	14,960,000	14,960,000	
Total	177,010,000	172,145,000	4,865,000

Total cost "Maintenance of personnel" entire period, approximately $172,145,000.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 1 A.

PAY OF THE NAVY.

Appropriations and expenditures.

Year.	Appropriated.	Expended.	Balances.
1883	$7,235,000	$7,235,000	
1884	7,135,000	7,135,000	
1885	6,910,000	6,910,000	
1886	6,940,000	6,940,000	
1887	7,000,000	7,000,000	
1888	7,215,000	7,210,000	$5,000
1889	7,350,000	7,340,000	10,000
1890	7,285,000	7,140,000	145,000
1891	7,250,000	7,125,000	125,000
1892	7,300,000	7,095,000	205,000
1893	7,300,000	7,155,000	145,000
1894	7,380,000	7,380,000	
1895	7,555,000	7,555,000	
1896	7,885,000	7,885,000	
1897	8,345,000	8,310,000	35,000
1898	8,240,000	8,160,000	80,000
1899	[a]9,125,000	[a]9,125,000	
1900	13,500,000	11,300,000	2,200,000
1901	12,810,000	12,810,000	
Total	153,700,000	150,810,000	2,950,000

[a]Figures for 1899 given on basis of authorized peace quota.

Total pay entire period, $150,810,000.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 1-B.

SUBSISTENCE.

Appropriations and expenditures under "Provisions, Navy," less amounts expended under this appropriation for labor, included in statement No. 2 ("Supplies and Accounts").

Year.	Appropriated.	Expended.	Balances.
1883	$810,000	$810,000	
1884	1,010,000	1,010,000	
1885	1,005,000	1,005,000	
1886	990,000	990,000	
1887	960,000	900,000	$60,000
1888	1,050,000	950,000	100,000
1889	990,000	990,000	
1890	990,000	990,000	
1891	975,000	970,000	5,000
1892	1,010,000	1,005,000	5,000
1893	1,000,000	985,000	15,000
1894	1,050,000	1,050,000	
1895	1,075,000	1,055,000	20,000
1896	1,075,000	1,070,000	5,000
1897	1,275,000	1,185,000	90,000
1898	1,245,000	1,240,000	5,000
1899	1,825,000	1,450,000	375,000
1900	2,685,000	1,450,000	1,235,000
1901	2,150,000	2,150,000	
Total	23,250,000	21,335,000	1,915,000

Total cost of subsistence entire period, $21,335,000.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 2.

Appropriations and expenditures under all annual appropriations (except for "Maintenance of personnel," shown in statement No. 1) for each year and each bureau.

Bureau.	Appropriated.	Expended.	Balances.
1883.			
Secretary's office	$456,000	$456,000	
Yards and Docks	526,000	514,000	$12,000
Equipment	819,000	806,000	13,000
Navigation	329,000	329,000	
Ordnance	308,000	252,000	86,000
Construction and Repair	1,772,000	1,730,000	42,000
Steam Engineering	1,218,000	1,216,000	2,000
Supplies and Accounts	157,000	124,000	33,000
Medicine and Surgery	132,000	127,000	5,000
Total	5,747,000	5,554,000	193,000
1884.			
Secretary's office	402,000	402,000	
Yards and Docks	568,000	512,000	56,000
Equipment	868,000	863,000	5,000
Navigation	301,000	287,000	14,000
Ordnance	409,000	305,000	104,000
Construction and Repair	1,354,000	1,347,000	7,000
Steam Engineering	1,011,000	1,007,000	4,000
Supplies and Accounts	136,000	134,000	2,000
Medicine and Surgery	130,000	123,000	7,000
Total	5,179,000	4,980,000	199,000
1885.			
Secretary's office	398,000	398,000	
Yards and Docks	424,000	416,000	8,000
Equipment	824,000	823,000	1,000
Navigation	265,000	260,000	5,000
Ordnance	242,000	222,000	20,000
Construction and Repair	1,023,000	1,021,000	2,000
Steam Engineering	931,000	923,000	8,000
Supplies and Accounts	131,000	129,000	2,000
Medicine and Surgery	125,000	116,000	9,000
Total	4,363,000	4,308,000	55,000
1886.			
Secretary's office	396,000	381,000	15,000
Yards and Docks	429,000	418,000	11,000
Equipment	888,000	789,000	99,000
Navigation	322,000	315,000	7,000
Ordnance	231,000	227,000	4,000
Construction and Repair	1,020,000	1,019,000	1,000
Steam Engineering	961,000	816,000	145,000
Supplies and Accounts	146,000	140,000	6,000
Medicine and Surgery	125,000	106,000	19,000
Total	4,518,000	4,211,000	307,000
1887.			
Secretary's office	254,000	247,000	7,000
Yards and Docks	440,000	430,000	10,000
Equipment	854,000	779,000	75,000
Navigation	302,000	296,000	6,000
Ordnance	211,000	206,000	5,000
Construction and Repair	943,000	940,000	3,000
Steam Engineering	791,000	772,000	19,000
Supplies and Account	175,000	153,000	22,000
Medicine and Surgery	120,000	107,000	13,000
Total	4,090,000	3,930,000	160,000

Appropriations and expenditures under all annual appropriations, etc.—Cont'd

Bureau.	Appropriated.	Expended.	Balances.
1888.			
Secretary's office	$226,000	$222,000	$4,000
Yards and Docks	749,000	724,000	25,000
Equipment	694,000	640,000	54,000
Navigation	301,000	287,000	14,000
Ordnance	233,000	207,000	26,000
Construction and Repair	965,000	933,000	32,000
Steam Engineering	696,000	657,000	39,000
Supplies and Accounts	232,000	228,000	4,000
Medicine and Surgery	133,000	128,000	5,000
Total	4,226,000	4,026,000	200,000
1889.			
Secretary's office	223,000	222,000	1,000
Yards and Docks	614,000	600,000	14,000
Equipment	808,000	800,000	8,000
Navigation	314,000	307,000	7,000
Ordnance	365,000	237,000	128,000
Construction and Repair	845,000	838,000	7,000
Steam Engineering	632,000	630,000	2,000
Supplies and Accounts	188,000	185,000	3,000
Medicine and Surgery	129,000	128,000	1,000
Total	4,218,000	4,047,000	171,000
1890.			
Secretary's office	259,000	258,000	1,000
Yards and Docks	525,000	503,000	22,000
Equipment	853,000	776,000	77,000
Navigation	312,000	310,000	2,000
Ordnance	264,000	245,000	19,000
Construction and Repair	1,070,000	1,051,000	19,000
Steam Engineering	623,000	620,000	3,000
Supplies and Accounts	214,000	207,000	7,000
Medicine and Surgery	123,000	120,000	3,000
Total	4,243,000	4,090,000	153,000
1891.			
Secretary's office	266,000	266,000	
Yards and Docks	628,000	612,000	16,000
Equipment	943,000	931,000	12,000
Navigation	271,000	255,000	16,000
Ordnance	254,000	246,000	8,000
Construction and Repair	1,020,000	1,001,000	19,000
Steam Engineering	663,000	642,000	21,000
Supplies and Accounts	203,000	201,000	2,000
Medicine and Surgery	126,000	120,000	6,000
Total	4,374,000	9,274,000	100,000
1892.			
Secretary's office	277,000	277,000	
Yards and Docks	680,000	669,000	11,000
Equipment	994,000	953,000	41,000
Navigation	273,000	267,000	6,000
Ordnance	280,000	273,000	7,000
Construction and Repair	1,020,000	1,012,000	8,000
Steam Engineering	713,000	699,000	14,000
Supplies and Accounts	202,000	201,000	1,000
Medicine and Surgery	125,000	125,000	
Total	4,564,009	4,476,060	88,000
1893.			
Secretary's office	281,000	276,000	5,000
Yards and Docks	652,000	643,000	9,000
Equipment	956,000	943,000	13,000
Navigation	263,000	252,000	11,000
Ordnance	280,000	275,000	5,000
Construction and Repair	970,000	956,000	14,000
Steam Engineering	663,000	652,000	11,000
Supplies and Accounts	200,000	198,000	2,000
Medicine and Surgery	122,000	122,000	
Total	4,387,000	4,317,000	70,000
1894.			
Secretary's office	287,000	284,000	3,000
Yards and Docks	651,000	641,000	10,000
Equipment	979,000	978,000	1,000
Navigation	291,000	282,000	9,000
Ordnance	326,000	320,000	6,000
Construction and Repair	970,000	965,000	5,000
Steam Engineering	782,000	772,000	10,000
Supplies and Accounts	211,000	209,000	2,000
Medicine and Surgery	126,000	126,000	
Total	4,623,000	4,577,000	46,000
1895.			
Secretary's office	339,000	338,000	1,000
Yards and Docks	707,000	689,000	18,000
Equipment	1,147,000	1,111,000	36,000
Navigation	344,000	326,000	18,000
Ordnance	325,000	323,000	2,000
Construction and Repair	1,078,000	1,071,000	7,000
Steam Engineering	690,000	689,000	1,000
Supplies and Accounts	215,000	210,000	5,000
Medicine and Surgery	126,000	126,000	
Total	4,971,000	4,883,000	88,000
1896.			
Secretary's office	368,000	363,000	5,000
Yards and Docks	806,000	796,000	10,000
Equipment	1,327,000	1,317,000	10,000

Appropriations and expenditures under all annual appropriations, etc.—Cont'd.

Bureau.	Appropriated.	Expended.	Balances.
1896.			
Navigation	$339,000	$334,000	$5,000
Ordnance	450,000	444,000	6,000
Construction and Repair	920,000	919,000	1,000
Steam Engineering	696,000	694,000	2,000
Supplies and Accounts	213,000	208,000	5,000
Medicine and Surgery	130,000	130,000	
Total	5,249,000	5,205,000	44,000
1897.			
Secretary's office	341,000	340,000	1,000
Yards and Docks	821,000	809,000	12,000
Equipment	1,369,000	1,366,000	3,000
Navigation	377,000	364,000	13,000
Ordnance	598,000	593,000	5,000
Construction and Repair	2,120,000	2,118,000	2,000
Steam Engineering	950,000	949,000	1,000
Supplies and Accounts	253,000	248,000	5,000
Medicine and Surgery	148,000	148,000	
Total	6,977,000	6,935,000	42,000
1898.			
Secretary's office	359,000	350,000	9,000
Yards and Docks	835,000	790,000	45,000
Equipment	1,609,000	1,605,000	4,000
Navigation	351,000	344,000	7,000
Ordnance	846,000	833,000	13,000
Construction and Repair	2,120,000	2,117,000	3,000
Steam Engineering	998,000	993,000	5,000
Supplies and Accounts	281,000	276,000	5,000
Medicine and Surgery	149,000	149,000	
Total	7,548,000	7,457,000	91,000
1899.			
Secretary's office	466,000	461,000	5,000
Yards and Docks	1,123,000	1,102,000	21,000
Equipment	1,954,000	1,947,000	7,000
Navigation	574,000	543,000	31,000
Ordnance	1,585,000	1,566,000	19,000
Construction and Repair	4,023,000	3,973,000	50,000
Steam Engineering	1,353,000	1,351,000	2,000
Supplies and Accounts	272,000	268,000	4,000
Medicine and Surgery	157,000	155,000	2,000
Total	11,507,000	11,366,000	141,000
1900.			
Secretary's office	700,000	675,000	25,000
Yards and Docks	1,013,000	993,000	20,000
Equipment	2,837,000	2,822,000	15,000
Navigation	669,000	634,000	35,000
Ordnance	2,248,000	2,223,000	25,000
Construction and Repair	5,703,000	5,703,000	
Steam Engineering	2,684,000	2,684,000	
Supplies and Accounts	535,000	500,000	35,000
Medicine and Surgery	196,000	196,000	
Total	16,585,000	16,430,000	155,000
1901.			
Secretary's office	749,000	749,000	
Yards and Docks	1,110,000	1,110,000	
Equipment	4,109,000	4,079,000	30,000
Navigation	745,000	745,000	
Ordnance	1,723,000	1,693,000	30,000
Construction and Repair	7,536,000	7,536,000	
Steam Engineering	3,174,000	3,099,000	75,000
Supplies and Accounts	581,000	571,000	10,000
Medicine and Surgery	205,000	205,000	
Total	19,922,000	19,777,000	145,000

STATEMENT No. 2 A.

Summary of statement 2, by years, all bureaus.

Year.	Appropriated.	Expended.	Balances.
1883	$5,747,000	$5,554,000	$193,000
1884	5,179,000	4,980,000	199,000
1885	4,363,000	4,308,000	55,000
1886	4,518,000	4,211,000	307,000
1887	4,090,000	3,930,000	160,000
1888	4,226,000	4,026,000	200,000
1889	4,218,000	4,047,000	171,000
1890	4,243,000	4,090,000	153,000
1891	4,374,000	4,274,000	100,000
1892	4,564,000	4,476,000	88,000
1893	4,387,000	4,317,000	70,000
1894	4,623,000	4,577,000	46,000
1895	4,971,000	4,883,000	88,000
1896	5,249,000	5,205,000	44,000
1897	6,977,000	6,935,000	42,000
1898	7,548,000	7,457,000	91,000
1899	11,507,000	11,366,000	141,000
1900	16,585,000	16,430,000	155,000
1901	19,922,000	19,777,000	145,000
Total	127,291,000	124,843,000	2,448,000

Total expenditures under all annual appropriations, entire period (excepting for "Maintenance of personnel," statement No. 1), $124,843,000.

STATEMENT No. 2 B.

Summary of statement 2, by bureaus, entire period.

Bureau.	Appropriated.	Expended.	Balances.
Secretary's office	$7,147,000	$7,065,000	$82,000
Yards and Docks	13,301,000	12,971,000	330,000
Equipment	24,832,000	24,328,000	504,000
Navigation	6,943,000	6,737,000	206,000
Ordnance	11,208,000	10,690,000	518,000
Construction and Repair	36,462,000	36,240,000	222,000
Steam Engineering	20,226,000	19,865,000	361,000
Supplies and Accounts	4,545,000	4,390,000	155,000
Medicine and Surgery	2,027,000	2,557,000	70,000
Total	127,291,000	124,843,000	2,448,000

Total expenditures under all annual appropriations, entire period (excepting for "Maintenance of personnel," statement No. 1), $124,843,000.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 3.

PUBLIC WORKS.

In addition to items generally classified under the heading of "Public works," this statement includes special appropriations for the purchase of land and improvements of manufacturing plants at navy-yards for entire period 1883 to 1901.

Bureau.	Appropriated.	Expended.	Balances.
Yards and Docks	$28,732,000	$19,561,000	$9,171,000
Equipment	1,714,000	643,000	1,071,000
Navigation	2,953,000	2,078,000	875,000
Ordnance	2,716,000	2,376,000	340,000
Construction and Repair	1,305,000	1,067,000	238,000
Steam Engineering	1,465,000	915,000	550,000
Medicine and Surgery	355,000	346,000	9,000
Total	39,240,000	26,986,000	12,254,000

Total expenditures, appropriations for public works, $26,986,000.
Unexpended balances of appropriations for public works remain available for future expenditures.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 4.

INCREASE OF THE NAVY.

This statement covers all appropriations intended for increasing the Navy directly in the line of construction of new vessels and providing for their armor, armament, and equipment, without regard to the titles assigned by the Treasury Department, for entire period 1883 to 1901.

Object.	Appropriated.	Expended.	Balances.
Hull and machinery	$117,414,000	$106,194,000	$11,220,000
Armor and armament	59,435,000	57,801,000	1,634,000
Equipment	2,840,000	2,143,000	697,000
Total	179,689,000	166,138,000	13,551,000

Total expenditures, entire period, for increasing the Navy, $166,138,000.
Unexpended balances remain available for future expenditures.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 5.

SPECIAL.

Special appropriations (not for any particular year) under the cognizance of the several bureaus, for specific objects, for which the current annual appropriations were not applicable, such as indicated below.

Bureau.	Appropriated.	Expended.	Balances.
Equipment	$237,000	$53,000	$184,000
Navigation	265,000	240,000	25,000
Ordnance	545,000	317,000	228,000
Construction and Repair	983,000	980,000	3,000
Steam Engineering	1,113,000	1,013,000	100,000
Supplies and Accounts	41,000	28,000	13,000
Total	3,184,000	2,631,000	553,000

Of the above, the expenditures were chiefly as follows:
Equipment: For coaling barges and water boats.
Navigation: For surveys and outfits for apprentices.
Ordnance: For modern batteries for the *Hartford* and *Chicago*, and for arming and equipping Naval Militia.
Construction and Repair: For repairs to the *Hartford* and *Chicago*.
Steam Engineering: For new machinery for the *Chicago* and *Hartford* and new boilers for the *Atlanta* and *Dolphin*.
Supplies and Accounts: For consolidating and transportation of naval supplies.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 6.

War appropriations and expenditures, 1898–99.

Appropriated	$100,000,000
Expended	70,000,000
Balances	30,000,000

NOTE.—War appropriations are omitted from preceding statements for the reason that to include them would lessen the usefulness of the tables for purposes of comparison.

No. 6 A.

Marine Corps appropriations and expenditures (1883 to 1901, inclusive).

Appropriated	$21,750,000
Expended	20,650,000
Balances	1,100,000

NOTE.—The above approximate expenditures of the Marine Corps can not be classified by the Bureau in detail, as disbursements for the Marine Corps have not been made through this office during the entire period mentioned.

No. 6 B.

Miscellaneous appropriations.

Appropriated	$7,500,000
Expended	7,000,000
Balances	500,000

Relief acts, appropriations to cover damages, and for special astronomical observations, expeditions to polar regions, International Naval Review, etc., being directly for naval use, but not assignable to any particular bureau or year.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

STATEMENT No. 7.

SUMMARY.

Appropriations, expenditures, and balances for the entire naval establishment from 1883 to 1901, inclusive.

Objects.	Appropriated.	Expended.	Balances.
Increasing the Navy: Statement No. 4.	$179,689,000	$166,138,000	$13,551,000
Public works: Statement No. 3	39,240,000	26,986,000	12,254,000
Maintenance of personnel: Statement No. 1	177,010,000	172,145,000	4,865,000
Annual purposes: Statement No. 2	127,291,000	124,843,000	2,448,000
Special: Statement No. 5	3,184,000	2,631,000	553,000
War purposes: Statement No. 6	100,000,000	70,000,000	30,000,000
Marine Corps: Statement No. 6 A	21,750,000	20,650,000	1,100,000
Miscellaneous: Statement No. 6 B	7,500,000	7,000,000	500,000
Grand total	655,664,000	590,393,000	65,271,000

Total expenditures all naval appropriations for period mentioned, $590,393,000.

NOTE.—Practically all of the unexpended balances ($25,805,000) shown above for "Increasing the Navy" and "Public works" remained available for expenditures after June 30, 1901. The balances under all other headings (about $40,000,000) have been or will be carried to the surplus fund.

Appropriations (about $82,000,000) and expenditures for the current year (1902) are not included, as the expenditures are of course incomplete, and can not be even approximated as yet.

Adding the appropriations to the aggregate for previous years will make a grand total, since the beginning of the "New Navy" to date (1883 to 1902) of approximately $738,000,000.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 2, 1902.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEMENWAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to resolutions and bills of the following titles:

S. R. 82. Joint resolution providing for the printing annually of franks required for sending out seed;

S. 1295. An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.;

S. 2951. An act granting an increase of pension to Maria J. Wilson;

S. C. R. 17. Concurrent resolution to print 10,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, etc.;

S. 5736. An act for the relief of citizens of the French West Indies;

S. 2336. An act granting a pension to Rebecca Coppinger;

S. 1305. An act for the relief of Mrs. Arivella D. Meeker;

S. 4992. An act to provide an American register for the bark Homeward Bound; and

S. 4506. An act granting an increase of pension to Ann E. Collier.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of Senate to bills of the following titles:

H. R. 13371. An act granting an increase of pension to Charles D. Palmer; and

H. R. 12054. An act granting a pension to Elizabeth A. Burrill.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3992) granting an increase of pension to David M. McKnight, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 50.

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the First Assistant Postmaster-General's Report for 1900-1901 as relates to rural free-delivery service, 10,000 copies for the use of the Post-Office Department, 10,000 for the use of the House of Representatives, and 5,000 copies for the use of the Senate.

House concurrent resolution 49.

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,000 copies of the Preliminary Description of the Geological and Water Resources of the Southern Half of the Black Hills and Adjoining Regions in South Dakota and Wyoming, recently prepared by Nelson Horatio Darton, under the direction of the United States Geological Survey, 500 copies for use of the House, 250 copies for use of the Senate, and 250 copies for use of the Secretary of the Interior.

House concurrent resolution 43.

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,500 additional copies of the annual report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ended June 30, 1901, 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 2,000 copies for the use of the Department of the Interior.

House concurrent resolution 25.

Resolved by the House of Representatives (the Senate concurring), That there be published and bound 6,000 copies of the State papers and all correspondence bearing upon the purchase of the Territory of Louisiana by the United States, including the treaty of purchase, 4,000 copies for the use of the House of Representatives and 2,000 for the use of the Senate.

House concurrent resolution 15.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution, for the use of Congress, 9,000 copies of Thomas Jefferson's "Morals of Jesus of Nazareth," as the same appears in the National Museum, 3,000 copies for the use of the Senate and 6,000 copies for the use of the House.

The message also announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

S. 5735. An act to fix the compensation of criers and bailiffs in the United States courts; and

S. R. 98. Joint resolution appropriating the sum of $500,000, including the $200,000 already appropriated, for the relief of the French West Indies and St. Vincent.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MEYER of Louisiana. Mr. Chairman, I yield one hour to my colleague [Mr. RIXEY].

Mr. RIXEY. Mr. Chairman, I do not propose to make a partisan speech, but to submit a few practical observations upon the bill.

As stated by the chairman of the committee, this bill carries something like $77,000,000—$442,000 less than was carried in the bill for 1902; but the chairman might have gone further and stated that it carries $11,000,000 more than was carried in the bill for 1901, and $24,000,000 more than was carried in the bill for 1900—an excess over 1900 of nearly as much as the whole naval establishment cost ten years ago. This bill carries less than was estimated for by some $20,000,000, and the Naval Committee deserves credit for the way in which it has brought down these estimates to the amount carried in the bill, and too much credit can not be given to the patience and untiring and painstaking care which the chairman of the committee has given to this subject.

Mr. Chairman, it seems to me we can never expect to have a naval bill which will carry less than the present bill. This bill would carry more than the bill for 1902 except for two items. There is a reduction of $7,000,000, as compared with the bill for 1902, for hulls and machinery. There is also a reduction in the bill for 1903, as compared with the bill for 1902, of $2,500,000 for the Naval Academy at Annapolis. These two items make $9,500,000. Taking from that the $442,000 reduction in this bill, and we have really an increase for the naval establishment proper of some $9,000,000.

I take it we may never expect to see the naval bill less than it is as present. This bill carries a provision for 500 new cadets at Annapolis. It carries a provision for 3,000 enlisted men, and it is to be followed by a bill to increase the Medical Corps, the Paymaster's Corps, the pharmacists, and I suppose the Marine Corps. I do not mention these matters in a critical spirit, because I realize that when we build ships we have got to provide the men to man them, and we have got to pay the expenses for that purpose. The time to consider these questions is when we are up against the proposition to build ships.

The chairman of the Committee on Naval Affairs says that it takes a thousand dollars to keep one of these battle ships in commission one day. I think he has greatly underestimated the amount, for Admiral O'Neil states that for the battle ship *Alabama* the sum of $70,000 was spent for target practice alone in six months. This is $449 for every day, Sundays excepted, for target practice, and I take it that the expense for keeping a battle ship in commission can not be less than $2,000 a day.

I think much of the expense is due to the unfortunate organization of the Navy Department. We have eight separate bureaus in the naval establishment, each bureau presided over by an admiral, each bureau, as I understand it, having jurisdiction over the expenditures for that bureau, and almost every bureau having control of millions of dollars. Some of these bureaus interlap, so that it is impossible to tell where the jurisdiction of one stops and another commences. There are rivalries and contentions, so much so that the Secretary of the Navy has been called upon more than once to settle the jurisdiction of the several bureaus.

The retiring Secretary of the Navy saw the disadvantage of so many bureaus, and time and again he earnestly advocated in his annual reports that at least three of these bureaus should be consolidated. No attention was paid to the recommendation of the Secretary of the Navy, except that bills were introduced and referred to the Naval Committee, and there they have slept. In the Secretary's last hearing before the Naval Committee, less than thirty days ago, he was asked his opinion as to consolidating some of these bureaus. The Secretary said he was then about to go out of office and that it was not worth while to refer to the matter. I quote his statement:

I have tried every year up to this year, when I have abandoned the attempt simply because I can not carry it through, to consolidate three of our bureaus which I believe could perfectly well be consolidated. I think most of you differ from me in that respect, but it leads to a triple expense. In the yards, where we are either building ships under contract or repairing them at our own yards, the Bureau of Construction and Repair will have an inspector, the Bureau of Steam Engineering will have an inspector, and the Bureau of Equipment will have an inspector. Often in these cases one inspector could superintend all the work. There is a triplication of clerical and other expense which I think might easily be avoided as well as greater efficiency obtained by consolidation.

However, it is not worth while to refer to this matter, because I am overruled by the committee and also resisted by the Bureau officers who do not like to give up their jurisdiction. It is not only the case of the tail wagging the dog, but three tails wagging the dog.

The CHAIRMAN. Now, the next matter which I want to call your attention to is on page 38 of the draft of the bill——

Mr. VANDIVER. Before we leave the subject the Secretary has just mentioned, let me ask if the question has been adjudicated as to whether it is possible to consolidate these bureaus I infer from the statement of the honorable Secretary that he is not supported in the proposition, and as I had not heard of the question being settled I ask for information.

Secretary LONG. What I am saying is, I think the three bureaus are opposed to consolidation. The Bureau of Construction under its former chief was in favor of it, but not after I made my recommendation to Congress that the head of the consolidated bureau should be either an officer of the line or of the staff.

The CHAIRMAN. I will say I introduced the Department bill which was sent up in the last Congress, but the question has never been considered by the committee.

Mr. WHEELER. Yes; in the Fifty-fifth and Fifty-sixth Congresses.

Mr. LOUDENSLAGER. Was there any discussion about it?

The CHAIRMAN. The bill has never come up for consideration by the committee. It has never been voted upon.

Mr. LOUDENSLAGER. It was wise, by the expressions made, that it was not voted upon at that time.

Secretary LONG. It is not worth while to go into it now.

It seems to me that the retiring Secretary of the Navy has done all that he could to remedy this crying evil which he says entails unnecessary expense upon the Government, and it does seem to me that the committee of which I am a member might do well to heed the recommendations of the head of the Department and try to consolidate these bureaus for the purpose of saving expense. I trust, Mr. Chairman, that the new Secretary of the Navy, young, active, vigorous, and with a reputation to make, may be more successful in his efforts to reform the naval establishment in respect to these different bureaus and place the whole upon a solid business basis.

As an illustration of the reckless way in which some of these bureaus send in their estimates, I will read briefly from the statement of Admiral Endicott of the Bureau of Yards and Docks. He sent in his estimates, which were so grossly excessive that he was notified that he must cut them down and that the committee would only allow what was absolutely necessary.

I will read extracts from only one page of his hearings. Others are almost similar. Starting at the bottom of page 3:

The CHAIRMAN. The next item is, "blacksmith shop for steam engineering, $42,000."

Admiral ENDICOTT. That item can be stricken from the bill.

The CHAIRMAN. The next item is, "foundry for steam engineering, $90,000."

Admiral ENDICOTT. That item can be stricken from the bill.

The CHAIRMAN. The next item is, "pattern shop for steam engineering, $56,000."

Admiral ENDICOTT. That item can be stricken from the bill.

The CHAIRMAN. The next item is, "coppersmith shop for steam engineering, $44,000."

Admiral ENDICOTT. I would let that item go out of the bill.

The CHAIRMAN. The next item is, "Power house and stack for steam engineering, $35,000."

Admiral ENDICOTT. I think that item should remain in the bill.

The CHAIRMAN. The next item is, "Steel-plant building for construction and repair (to cost $240,000), $100,000."

Admiral ENDICOTT. I have consulted the constructor upon that item, and while it is a thing that ought to be done, it is not necessary at the present time. The constructor feels that if he has to give up anything he would rather give up items at Portsmouth and Boston.

The CHAIRMAN. The next item is, "Plate metal workers' shop for construction and repair, $75,000." That is a new shop?

Admiral ENDICOTT. Yes, sir. I would let that item be stricken from the bill.

And so it goes. Some millions were struck out by the Committee on Naval Affairs. The Naval Committee is entitled to credit for sifting these estimates, but the recklessness with which these bureau officers, or some of them, send in their estimates to the Naval Committee is to be condemned. I insist upon it that the bureaus ought to be remodeled, that some of them ought to be consolidated, and that everything that comes to the Naval Committee ought to come with the sanction and indorsement of the head of the Department.

Mr. DAYTON. Will the gentleman pardon an interruption?

Mr. RIXEY. Certainly.

Mr. DAYTON. Do you mean to say that these estimates do not come to the head of the Navy Department?

Mr. RIXEY. I suppose they do come to the head of the Navy Department, but——

Mr. DAYTON. Are they not all examined by him and sent by him to the Naval Committee?

Mr. RIXEY. I can only state to you what I suppose would be the case from what I see in the hearings—that he has never examined them. He may have done so; if he has, it does not look very creditable to the head of the Navy Department, in my judgment.

Mr. DAYTON. Is it not very well known to the gentleman that while these estimates were cut down that none of them were for works that were not advisable and desirable in order to build up the naval establishment; and these changes were made, or these cuts were made, because the committee determined first that it would not engage in new constructions at navy-yards, or, at least, very little, and that Admiral Endicott was instructed that anything not thought advisable by him, looking to the future, that it must be cut out. Was not that his reason?

Mr. RIXEY. I am not a member of the subcommittee, but Admiral Endicott had been informed that the committee would not allow many of the items he sent up, and I think properly so informed; and when millions are cut out, it shows that he was reckless in his statements, as I understand it.

Mr. DAYTON. I hope the gentleman will pardon me. I know he does not want to be unfair, and he is not just to Admiral Endicott in the statement that he has made.

Mr. RIXEY. I will permit the gentleman to ask a question, but when the gentleman proposes to lecture me I shall not permit that.

Mr. DAYTON. You know he represents all the different branches of the Navy Department in public works, do you not?

Mr. RIXEY. I understand he does.

Mr. DAYTON. You know that the reasons for these different items coming from the different bureaus is because these buildings were desirable and wanted?

Mr. RIXEY. No; I do not know anything of the kind.

Mr. DAYTON. You admit you are not a member of the subcommittee?

Mr. RIXEY. Certainly. I can not yield to my friend for him to make a speech in my time.

Mr. DAYTON. I simply want you to do justice to an honorable man in what you say.

Mr. RIXEY. I have no doubt Admiral Endicott is a first-class man in his profession; but anyone who will take these estimates must come to the conclusion, in my judgment, that he was reckless in stating what he desired. That there never was any necessity for making these appropriations is shown by the fact that the Naval Committee has cut them down some million dollars. In addition to this, Mr. Chairman, I have a statement here, and I am sorry that the gentleman from West Virginia has left.

Mr. DAYTON. I am here.

Mr. RIXEY. I have a statement here from Admiral Bradford, in which he says, so far as he knows, there is no reason for the very great increase in the Bureau of Construction and Repair.

Mr. DAYTON. I did not hear the statement.

Mr. RIXEY. The statement is this, that Admiral Bradford has stated, and he is the chief of one of the bureaus, that he knows of no reason for the great increase in another one of these bureaus; that is, the Bureau of Construction and Repair.

Mr. DAYTON. Will the gentleman point to that statement? I have no recollection of it.

Mr. RIXEY. I will read it to you. In the hearings Admiral Bradford said:

The average appropriation, not including "Increase of the Navy" salaries, and public works, for the Bureaus of Equipment, Construction and Repair, Steam Engineering, and Ordnance, from 1890 to 1897, inclusive, was as follows:

Bureau of Equipment	$1,170,252.29
Bureau of Construction and Repair	1,262,222.50
Bureau of Steam Engineering	849,032.52
Bureau of Ordnance	412,153.00

Average for the same bureaus from 1898 to 1902, inclusive.

Bureau of Equipment	$3,608,752.08
Bureau of Construction and Repair	5,784,081.50
Bureau of Steam Engineering	3,115,800.00
Bureau of Ordnance	3,360,415.00

Per cent of increase in appropriation for these bureaus for the second period.

Bureau of Equipment	3.09
Bureau of Construction and Repair	4.58
Bureau of Steam Engineering	3.67
Bureau of Ordnance	8.01

Attention is called to the fact that the average appropriation for the Bureau of Equipment and Bureau of Construction and Repair for the first period was about the same, being a little larger (less than $100,000) for the Bureau of Construction and Repair. For the second period, however, the average appropriation for the Bureau of Construction and Repair is 60 per cent greater than that for the Bureau of Equipment. So far as I am aware, there is no reason why the same relative expenditures for the two bureaus should not exist to-day as formerly. Attention is called to these expenditures only as an indication of the care that has been exercised by the Bureau of Equipment in the expenditure of money.

Now, it will be seen that Admiral Bradford says that there is no reason for the 60 per cent increase.

Mr. DAYTON. So far as he knows.

Mr. RIXEY. So far as he knows, and he ought to know, because he is at the head of the Bureau of Equipment.

Mr. DAYTON. But not at the head of the Bureau of Construction and Repair.

Mr. RIXEY. Certainly not; but, as the former Secretary of the Navy suggested, the Bureau of Equipment and the Bureau of Construction and Repair should be consolidated.

Now I will read a little further from Admiral Bradford's statement:

The appropriations, not including "Increase of the Navy," salaries, and public works, for the Bureaus of Equipment, Construction and Repair, Steam Engineering, and Ordnance for the fiscal year 1902 were as follows:

Bureau of Equipment	$3,985,000
Bureau of Construction and Repair	7,335,000
Bureau of Steam Engineering	3,446,000
Bureau of Ordnance	2,481,749

Similar estimates of same bureaus for fiscal year 1903.

Bureau of Equipment	$4,985,000
Bureau of Construction and Repair	9,470,000
Bureau of Steam Engineering	4,366,000
Bureau of Ordnance	3,408,000

Now, Admiral Bradford states that he knows no reason why the same relative proportion should not exist to-day that existed then, and yet the estimates and appropriations for the Bureau of Construction and Repair are now 100 per cent more than for the Bureau of Equipment.

Under such circumstances, Mr. Chairman, it is no wonder that protests come to this House from conservative sources. I suppose every member of this House has received a protest signed by 135 prominent citizens of Boston protesting against any such great expenditures as were estimated for, but which have been cut down to some extent. The protest is as follows:

Citizens of Boston and vicinity, without reference to party relations, have united in this remonstrance against the proposed vast increase of naval expenditures:

To the President, the Secretary of the Navy, and the members of Congress:

We regret to learn that the estimates for the Navy for the coming fiscal year aggregate nearly $100,000,000.

This is about five times the amount expended only ten years ago. The new estimates amount to an average cost of over $6 for every family in the country. Half this sum applied to education would support 5,000 manual training schools, at nearly $10,000 apiece, throughout the United States.

We believe that it is a needless extravagance to take for this purpose anything like one hundred millions out of the pockets of the people.

We hold that the maintenance of a vast machinery of war is not only a serious burden upon the people, but a positive menace to the peace of the world.

For more than a hundred years the United States has borne the honorable tradition of a nation which had no need of great armaments. We urge all who believe in justice, good will, and humanity as the great safeguards of the interests of the nation to exert their influence to maintain this high distinction.

Now, Mr. Chairman, I will take but a short time to consider another question which was considered at length by the chairman of the Committee on Naval Affairs, and that is the question of where we are to build the ships authorized in this bill. The chairman of the committee challenged a statement sent out from certain sources that the navy-yards have cost upward of $100,000,000. I believe, however, he admitted that they have cost from seventy to eighty million dollars. I understand that the 46 private shipyards of the country have cost about $68,000,000. Our 10 navy-yards have cost certainly $70,000,000 and perhaps $100,000,000. The 46 private yards have cost about $68,000,000.

Now, I want to ask that if these 46 contractors, with their shipyards costing on an average a million and a half dollars apiece, can build battle ships, can not our 10 navy-yards, costing on the average of from seven to ten millions, also build them? Tell me they can not build as cheaply as contractors! Why, sir, the plant is already provided; the Government pays no interest upon it; it pays no insurance; the constructors are educated by the Government at Annapolis; it has the very best talent in the country; and you tell me that the Government, with these plants all provided, with the men trained for the purpose, with no interest and no insurance to pay, can not build ships as cheap as contractors who have to provide interest on their plant and insurance and profits! Such a claim is not creditable to the Navy Department nor to any portion of it from its chief down to the laboring man employed by the Department at the navy-yards.

The chairman of the committee, as I understood it, contended that one reason was that the men in the employ of the Government only worked eight hours, whereas the private shipyards worked their men ten hours. I want to remind him that that reason is likely to be removed; that the Committee on Labor of this House has reported a bill providing that no contractor shall work laborers longer than eight hours upon Government work. So far as that goes that is likely to be avoided in the future.

Mr. SULZER. I would like to ask the gentleman if it is not a fact that some of the best ships in the Navy have been built in the Government shipyards?

Mr. RIXEY. Four of them, I think, have been built in the Government shipyards. The illustration and the comparison which the gentleman from Illinois makes in regard to ships heretofore built in the navy-yards are unfair. When the *Maine* and the *Texas* were built the privilege was given to the contractors to take the contract upon the limit fixed by Congress. They declined to take the contract, and the Government was compelled to build these ships at its navy-yards. It had to build them at a time when the navy-yards were not equipped as they are now. It had to build them when it was not prepared properly for the work. Hence it is unfair to make such a comparison at this time.

But if it were fair, Mr. Chairman, let us see how the prices charged by contractors themselves have varied. In 1890, when only two concerns were competing for construction of ships, it cost to build the *Indiana* $579 per ton. Five years later, when the Newport News Company was in the field, the *Kearsarge* was built for $334 per ton, involving a difference of $1,673,000 on a single ship.

In 1888 the Columbian Iron Works built the hull and machinery of the *Montgomery* for $486 per ton. In 1893 the Newport News Company built the hull and machinery of the *Helena* and the *Nashville* for $200 per ton—a difference of $286 per ton as compared with the cost of building the *Montgomery*. In 1895 the *Oregon* cost $610 per ton; but the same contracting parties were willing to build the new *Maine* for $404 per ton, and the *Wisconsin* for $393 per ton. The contract for building the *Virginia* was given to the Newport News Company at $478 per ton. The same company built the *Kearsarge* and the *Kentucky* at $317 per ton—a difference of over a million dollars on a single ship.

When you come to compare the cost of building ships you will see that they vary under many conditions. I take it that the cost of building ships in Government yards now can not be estimated by what it cost in 1888.

Again, in regard to the building of the *Maine* and the *Texas*, Constructor Bowles testified that many things which he had to have in the navy-yard were bought by the Government and charged to the *Texas*. I remember that as to one piece of machinery he was asked where it was charged, and he said it was charged to the *Texas*. He was then asked where that machinery was now, and he answered: "It is still in the navy-yard and doing good work." It is unfair to take the cost of building the *Texas* in 1888 as an indication of what it would cost to build such a vessel at the present time.

A great deal has been said by the gentleman from Illinois in regard to the agitation for this matter having been stirred up by the Chamber of Commerce of Vallejo, Cal. I remind the gentleman that this agitation for the building of ships in our navy-yards did not originate with that chamber of commerce. I will remind him that two years ago when there was a minority report filed from the Committee on Naval Affairs one of the contentions was that while the Government had these vast and valuable navy-yards it ought to utilize them by building some of its ships in them.

In regard to these cards of the Vallejo Chamber of Commerce which have been sent out, and which the chairman of the committee has so vigorously attacked, I did not expect to say anything about them. So far as I know, they contain a great deal of information and a great many facts. In one of the hearings before the Committee on Naval Affairs, Mr. O'Connell, who is the head of one of the labor organizations, was asked by one of the members of the committee whether the statements made in these cards were correct. He said "Yes." He was then asked, "How do you know?" And he replied, "Because I have examined the reports at the Navy Department, and I know the statements made in those cards to be true."

Mr. Chairman, that was the time to deny the correctness of those statements; that was the time when Admiral Bowles or anyone else desiring to deny those statements of fact could have sent his denial to the committee, without waiting until this bill was called up for consideration in the House, and then, for the first time, sending here written statements which have been seen by no one but the chairman of the committee, certainly not by the full committee.

Mr. Chairman, it is admitted by the gentleman from Illinois [Mr. FOSS] that three years ago Admiral Bowles, who was then constructor, advocated the building of ships in the navy-yards, and he says of course constructors favor the building of ships in navy-yards. It seems to me this is rather an unnecessary reflection upon Admiral Bowles. I might as well say, "Of course, since he has been elevated to the official family of the Secretary of the Navy and become the head of the Bureau, that he partakes, without reasons for his change of opinion, of the views and opinions of the other chiefs of the bureaus." But, sir, I do not charge that Admiral Bowles has changed his opinion simply because he is elevated to the position at the head of the Bureau, and I insist upon it that his opinion as constructor is as valuable as his present opinion at the head of the Bureau.

Mr. Chairman, in addition to his testimony, while he was a constructor and the head of one of the navy-yards, I would refer briefly to his testimony before the Naval Committee since he has been at the head of the Bureau of Construction and Repair, and I state that in that testimony he again recommends the building of ships in the navy-yards. Admiral Bowles was asked by the gentleman from West Virginia [Mr. DAYTON] if the building of a small vessel in the navy-yards, as a practical test, would not be sufficient. He replied:

> I do not think any such test would amount to anything. I think there is a pretty good evidence of the question already. I believe that if this Government finds it necessary and desirable to build ships in the navy-yards as a matter of regular practice that we can do it as economically and as well as it can be done by contract—

Now, this is the opinion of Admiral Bowles since he has been at the Navy Department—

> but we must be free from any embarrassment in the way of leaves of absence. As a proof of it I will say it is being regularly done now in the English dockyards. They are building now a little more than they ever have, and they are keeping the cost down lower than the contract price in the private yards.

Now, one reason given by the gentleman from Illinois for the fact, as he stated, that England could build ships in her navy-yards cheaper than she could by private contracts, and that we could not do so, was that there the price in the navy-yard was less than it was in the contractor's yard. I do not know as to these facts, but as I understand it the law here is that instead of the price in the navy-yards being from 30 to 40 per cent higher, it requires the price of the navy-yard to be gauged by what it is in the neighborhood. As a matter of fact, the price paid mechanics at Norfolk is less than the price paid at Brooklyn Navy-Yard, and the reason is that the price paid to mechanics outside of the navy-yard in New York is greater than that paid them in Norfolk. There is no reason why they should be greater. Admiral Bowles again says, in response to a question by Mr. TAYLER:

> Could you repair with more economy if you were constructing?
> Admiral BOWLES. Yes.

In other words, we would gain not only in the building of the vessels, but we would save money in the repairing of them.

> When you say that, you mean you would get a larger force and keep them constantly at work?
> Admiral BOWLES. Yes.

This testimony is emphatically that it is to the interest of this Government to build at least a portion of our ships in the navy-yards. Another witness relied upon to some extent by those who oppose the building of ships in the navy-yards was Admiral O'Neil, who, I believe, a few years ago was opposed to navy-yard

construction, but when he was asked by the committee what his opinion now was, he replied, the question being by Mr. DAYTON:

There is one other question I would like to ask you. I think you were interrogated a couple of years ago as to the wisdom of building ships in the navy-yards or by private contracts.

Admiral O'NEIL. Yes.

Mr. DAYTON. Have you changed your views in regard to that?

Admiral O'NEIL. I don't remember what I said on that occasion. There used to be a provision in the naval appropriation bill that if, when the bids were opened, the Secretary found they could not be advantageously let, he was authorized to build one or more vessels at the navy-yards. That, however, was afterwards taken out of the bill. There is no doubt that the last time they got together on bids.

From this it seems the admiral is of the opinion that the contractors got together, made a combination, that they took the contracts for the battle ships and armored cruisers, costing from six to seven millions each, and divided them among themselves—no competitions in such a case to protect the Government:

The CHAIRMAN. It cost you a good deal to build them in the navy-yards?

Admiral O'NEIL. Yes; I think they can build ships now in the navy-yards as cheap as outside, because there is no question of profit; there is no question of interest on the investment, which is a great feature in private work. On the other hand, they have not the money incentive to expedite work, which incentive exists in the case of the private shipbuilder. No navy-yard could do to-day any worse than half of the private shipbuilders on the question of time.

Again the chairman says:

Would we not have to spend a good deal of time to get the navy-yards ready to build ships?

Admiral O'NEIL. No; the New York Navy-Yard can build a ship now.

Mr. DAYTON. We have to run the risk of carrying our own insurance?

Admiral O'NEIL. Yes.

Mr. DAYTON. We have to run the risk of the finished product being a failure instead of a success?

Admiral O'NEIL. Yes.

Mr. DAYTON. And we have to be governed by the eight-hour labor law?

Admiral O'NEIL. Yes; but that is getting pretty close to outside concerns now, with the laboring organizations and all that.

Mr. DAYTON. They run ten hours, I think. And on the question of the finished product, you think that the products of the navy-yards would be just as good?

Admiral O'NEIL. Yes; I think we would get a better product. It may cost a little more, but it ought not to if the work is carried on conscientiously.

Now, here is the opinion of Admiral O'Neil, who is one of the most experienced chiefs in the Navy Department, stating that the product will be better; that we can do as well or better in the matter of time, and that we can build as cheaply in the navy-yards as we can outside. I say the preponderance of the evidence in favor of the building Government ships in the navy-yards is overwhelming. In addition to this, we have the testimony of Constructor Stahl, of the Norfork yard; of Constructor Baxter, of the Boston yard, and of the representatives of all the labor organizations in this country, without an exception.

Mr. MAYNARD. Constructor Stahl is stationed at the Newport News Shipbuilding and Dry Dock Company, where the Government is building some ships.

Mr. RIXEY. Gentlemen insist that we are not in condition in the navy-yards to build ships. If we are not, then it is the fault of the people who have had charge of these yards. During the past year, as I understand it, we appropriated $10,000,000 to keep these yards in order. These yards have each cost us an average of from $7,000,000 to $10,000,000. Now, I read from an advertisement of one of the contractors, who has the contracts for building two battle ships, the *New Jersey* and the *Rhode Island;* one cruiser, the *Des Moines*, and two torpedo-boat destroyers. Let us see what is the value of his plant. I have his advertisement here. It first quotes from a communication by Benjamin Brooks in the Transcript, made a part of the advertisement:

If you would behold the American spirit in its purest, strongest, and most buoyant phase, catch it on the wing, so to speak, learn the rate at which things under its inspiring influence can be made to happen, and see how truly robust and promising an infant is a shipbuilding plant, reared under its guidance, at the tender age of twenty-two months, go to Fore River.

At Fore River two things have been going on—the building of ships and the installing of a plant to build them. Logically, the plant should come first, of course, but as a matter of fact the two enterprises have been carried on so side by side and intermingled that the ships, during the confusion, have managed somehow to come out ahead. This is most distinctly an American way of doing things—to start at nothing, to keep moving at all hazard, and decide upon conveniences and methods afterwards.

No even-minded European could ever proceed in such a manner, yet the scheme is a good one, economical, and not without foresight.

This distinctly American spur-of-the-moment way of getting a great plant together is one of the principal reasons for our being so many years ahead of the rest of the mechanical world.

There is at present outstanding $1,000,000 of preferred stock and $1,000,000 of common stock issued against a plant which has cost $1,500,000.

This plant, which is only twenty-two months old, costing a million and a half dollars, located at Fore River, Quincy, Mass., has contracts from the Government for the building of two battle ships, one cruiser, and two torpedo-boat destroyers. If this plant, twenty-two months old, with its million and a half capital, can build all these great ships at one and the same time, do not tell me that the New York Navy-Yard, with its plant valued at $20,000,000; the Norfolk Navy-Yard, with a plant valued at $6,000,000; the Mare Island Navy-Yard, valued at about the same amount, and the Boston Navy-Yard, valued at about the same amount, can not build them.

I say that if these shipbuilding concerns all over the country can build them and build them upon a profit, surely this Government, with its navy-yards all paid for and in complete order and kept so for the purpose of repairing ships, surely this Government, I say, can build its own ships in its navy-yards at less cost than can be done outside.

Mr. RICHARDSON of Tennessee. Has this Government ever built a first-class battle ship at any of its navy-yards?

Mr. RIXEY. It built the *Texas* at Norfolk and the *Maine* at Brooklyn.

Mr. MAYNARD. The *Texas* was a second-class battle ship.

Mr. RIXEY. The *Texas* was a second-class battle ship.

Mr. MAYNARD. They have never tried to build a first-class battle ship at a Government navy-yard.

Mr. RIXEY. The testimony is overwhelming that they can do it. Now, I believe there is no difference of opinion as to the ability of this Government to build its ships. As to the advisability of it there may be some little difference of opinion.

I have read what Admiral Bowles said when he was a constructor. I have read what he stated when he was called before the Naval Committee, giving it as his opinion that we ought to build at least a portion of the ships in the navy-yards; and it was further stated, either by Admiral Bowles or some one else, that England builds the majority of her ships in her navy-yards; that France is building 50 per cent of hers, and that Russia is making an effort to build all of hers in her navy-yards.

When the Secretary of the Navy was heard before the Naval Committee on the 19th of April, just before he went out of office, he gave it as his opinion that ships ought not to be built in the Government navy-yards; and it may be due to the fact of the opposition of the late Secretary of the Navy that the whole Navy Department has for years been opposed to the building of any ships in the Government navy-yards. When he was before the committee, and after Admiral Bowles had already been heard, the Secretary stated that he desired to file certain statements of Admiral Bowles.

In these letters—two to the Secretary of the Navy and two addressed to the gentleman from West Virginia [Mr. DAYTON]—Admiral Bowles gives it as his opinion that it will cost 25 per cent more to build vessels in the Government yards than it will to build them in the contractors' yards. Against this belated statement of Admiral Bowles, which comes in without any call on the part of the Navy Committee, and after he has twice testified—against that we place the testimony of every constructor who was called by the Naval Committee. In addition to that, I desire to give the opinion of Admiral Hichborn; and I take it that the House will agree with me that there has never been a better informed head of the Bureau of Construction and Repair than Admiral Hichborn.

In his last annual report to the Secretary of the Navy, which was sent to the House, he strongly advocates building ships in navy-yards. This was just before he left the Bureau. His recommendation is as follows:

Much has been said both in favor of and against the building of vessels in the navy-yards. The progress made in the improvement of yard plants and the ever-increasing need for a permanent skilled force ready for and capable of at all times taking up repairs of any character which the growth in "matériel" of the Navy entails makes it desirable that the question should be given careful consideration.

There is at the present time, in view of the prosperous condition of the shipbuilding industry and the number of naval vessels building and appropriated for, sufficient work to permit the assignment of a portion of the building work to the Government yards without there being a question of the withdrawal or withholding of necessary support and assistance through work given out to a private industry, the maintenance of which in a high state of efficiency is unquestionably of national importance. These conditions make it possible to eliminate from the discussion any questions of policy except such as affect economy and efficiency.

It has been the history of all the iron and steel navies in existence to-day that the building of the vessels was at first entirely confided to private industry, and that the existence of the nucleus of a steel fleet made it necessary that the governments who were their owners should themselves provide for repairing these vessels; and that, having provided the necessary plant for this purpose, the provision for the maintenance of the equally necessary though vastly more difficult thing to attain, viz, efficient working organization and adequate efficient personnel, forced them to undertake in their navy-yards a portion of the new building work.

Then, he says, England is building in her navy-yards 8 battle ships and 5 armored cruisers; France is building in her navy-yards 3 battle ships and 10 armored cruisers; Germany is building in her navy-yards 3 battle ships and 1 armored cruiser; Russia is building in her navy-yards 3 battle ships and 1 armored cruiser.

He goes on:

In the case of many of the European nations—for example, Denmark and Holland, maintaining smaller navies—so strongly is this necessity for a permanent, efficient navy-yard personnel felt that practically all the naval building work undertaken by them is carried out at their navy-yards.

What they have done and are doing is mentioned here solely to emphasize the fact that the unanimous testimony of experience has been and is that the execution of a certain amount of building work at the chief Government yards is necessary to the maintenance of such navy-yard staffs as a complete and efficient naval organization requires; and that, whatever disadvantages such a course entails, they are more than compensated for in the end. It is believed that we have reached that stage in a naval development—still considerably behind our national development—which forces upon us serious consideration of this step which other naval powers have found necessary and expedient. At the outset the disadvantages to be labored under will be considerable.

Time and experience will do much toward the alleviation or, possibly, the entire removal of many of these. While under existing conditions, in the case of the first vessels built in our navy-yards it may be expected that the cost will not be greatly different from—may even be somewhat greater than for—the same work executed by contract in the private shipyards, the Bureau believes that such a course once entered upon would demonstrate its desirability and practicability in an increased efficiency and economy in naval administration, regarded as a whole, without interference with a judicious policy of such Government encouragement of the shipbuilding industry as will keep the greatest number of establishments in a position to undertake and execute promptly any naval work which may be required.

Mr. Chairman, it seems to me the time has come to commence building ships in the navy-yards. The contractors are now building for the Government 59 ships. Twenty-seven of these ships will cost $117,000,000. All of these 59 ships are at present given out to contract, and Admiral O'Neil testifies that they will not be ready for delivery to the Government for two or three years. Why can not we at this time, when the private yards already have 59 of the Government ships, costing probably as much as $150,000,000, why can not we build the 4 great ships authorized by this bill in the navy-yards of this country?

The testimony taken by the Naval Committee shows that the navy-yards of this country are running not over one-half of their capacity; that when a ship comes in for repair they employ men, and when the ship is finished those men are discharged. They have difficulty in keeping up the force in the navy-yards. Let us give the 4 principal yards in this country the 2 battle ships and 2 armored cruisers authorized in this bill, and let us give them something to do, to give them continuous work, and I take it that not only will the repair work be done in a more satisfactory manner, but I believe these battle ships and armored cruisers will be the pride of this country and equal to anything that the shipbuilding yards have ever constructed. [Loud applause.]

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14046 and had come to no resolution thereon.

COMMITTEE RESIGNATIONS.

The SPEAKER laid before the House the following communications; which were read:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May —, 1902.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR SIR: I hereby resign my position as a member of the Committee on Foreign Affairs.

Yours, respectfully, FRED. H. GILLETT.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 9, 1902.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

MY DEAR SIR: I have the honor to hereby resign my position as a member of the Committee on the Revision of the Laws.

Very respectfully, yours, MARLIN E. OLMSTED.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 8, 1902.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MY DEAR SIR: I have the honor hereby to resign my position as a member of the Committee on Banking and Currency.

Very respectfully, your obedient servant, ADIN B. CAPRON.

The SPEAKER. Without objection, these several requests will be granted. The Chair hears no objection.

COMMITTEE ASSIGNMENTS.

The SPEAKER announced the following committee assignments:

Foreign Affairs—Mr. CAPRON, of Rhode Island.
Insular Affairs—Mr. OLMSTED, of Pennsylvania.
Naval Affairs—Mr. LESSLER, of New York.
Banking and Currency—Mr. MOSS, of Kentucky.
Revision of the Laws—Mr. TIRRELL, of Massachusetts.

ENROLLED BILLS REFERRED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. R. 74. Joint resolution relating to publications of the Geological Survey;

S. 5736. An act for the relief of the French West Indies;

S. 2036. An act granting an increase of pension to Etta Adair Anderson;

S. 182. An act granting a pension to Mary F. Zollinger;

S. 2336. An act granting a pension to Rebecca Coppinger;

S. 288. An act granting an increase of pension to De Witt C. Bennett;

S. 500. An act granting a pension to Samuel S. Beaver;

S. 1305. An act for the relief of Mrs. Arivella D. Meeker;

S. 2632. An act to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho;"

S. 1593. An act granting an increase of pension to Eben C. Winslow;

S. 2461. An act granting an increase of pension to George McDowell;

S. 2347. An act granting an increase of pension to Alfred M. Wheeler;

S. 2755. An act granting a pension to Ruth H. Ferguson;

S. 3279. An act granting a pension to John Coolen;

S. 4004. An act granting an increase of pension to Thomas L. Nelson;

S. 3331. An act granting a pension to Ada V. Park;

S. 3999. An act granting an increase of pension to Emma S. Hanna;

S. 4238. An act granting an increase of pension to Philo F. Englesby;

S. 4256. An act granting an increase of pension to Henry W. Edens;

S. 4293. An act granting an increase of pension to Elizabeth C. Vincent;

S. 4455. An act granting an increase of pension to Hallowell Goddard;

S. 4506. An act granting an increase of pension to Ann E. Collier;

S. 4865. An act granting an increase of pension to Joseph D. Hazzard;

S. 4979. An act granting an increase of pension to Paul Fuchs;

S. 4992. An act to provide an American register for the bark *Otto Geldemeister;*

S. 5294. An act granting an increase of pension to William F. Horn;

S. 5337. An act granting an increase of pension to Maretta L. Adams; and

S. 4455. An act granting an increase of pension to Hallowell Goddard.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5735. An act to fix the compensation of criers and bailiffs in the United States courts—to the Committee on the Judiciary.

S. R. 98. Joint resolution appropriating the sum of $500,000, including the $200,000 already appropriated, for the relief of the French West Indies and St. Vincent—to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEEMER, for remainder of the week, on account of important business.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River, in Davidson County, Tenn., reported the same without amendment, accompanied by a report (No. 2018); which said bill and report were referred to the House Calendar.

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States lighthouse and military reservations on Gasparilla Island, in the State of Florida, reported the same without amendment, accompanied by a report (No. 2019); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13725) providing for the selection and retirement of medical officers in the Army, reported the same without amendment, accompanied by a report (No. 2020); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, reported the same with amendment, accompanied by a report (No. 1991); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14221) granting an increase of pension to Nancy J. McArthur, reported the same with amendment, accompanied by a report (No. 1992); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11339) granting a pension to Augustus Blount, reported the same with amendments, accompanied by a report (No. 1993); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11453) granting a pension to Catharine Freeman, reported the same with amendment, accompanied by a report (No. 1994); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11865) granting an increase of pension to John A. Robertson, reported the same with amendment, accompanied by a report (No. 1995); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12424) granting an increase of pension to Wallace K. May, reported the same with amendment, accompanied by a report (No. 1996); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12632) granting an increase of pension to Bailey O. Bowden, reported the same with amendment, accompanied by a report (No. 1997); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14052) granting an increase of pension to George Fusselman, reported the same with amendment, accompanied by a report (No. 1998); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13227) granting a pension to Elizabeth J. Emry, reported the same with amendments, accompanied by a report (No. 1999); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3768) granting an increase of pension to John W. Campbell, reported the same with amendment, accompanied by a report (No. 2000); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell, reported the same with amendment, accompanied by a report (No. 2001); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6991) granting an increase of pension to Esek B. Chandler, reported the same with amendment, accompanied by a report (No. 2002); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8146) granting an increase of pension to Thomas M. Owens, reported the same with amendment, accompanied by a report (No. 2003); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5446) granting a pension to James M. Travis, reported the same with amendment, accompanied by a report (No. 2004); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9710) granting an increase of pension to Elizabeth J. Eagon, reported the same with amendment, accompanied by a report (No. 2005); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3770) granting a pension to J. E. Dickey, reported the same with amendments, accompanied by a report (No. 2006); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8780) granting an increase of pension to Pierson L. Shick, reported the same with amendments, accompanied by a report (No. 2007); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12009) granting an increase of pension to George Baker, reported the same with amendments, accompanied by a report (No. 2008); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12019) granting an increase of pension to William Lowe, reported the same with amendment, accompanied by a report (No. 2009); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14087) granting a pension to Lizzie Dunlap, reported the same with amendment, accompanied by a report (No. 2010); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14144) granting an increase of pension to Fannie S. Cross, reported the same with amendment, accompanied by a report (No. 2011); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10174) granting a pension to Jennie M. Harris, reported the same with amendments, accompanied by a report (No. 2012); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11250) granting an increase of pension to Arthur L. Currie, reported the same with amendment, accompanied by a report (No. 2013); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1797) granting an increase of pension to Benjamin Russell, reported the same without amendment, accompanied by a report (No. 2014); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3888) granting an increase of pension to Jesse H. Hubbard, reported the same without amendment, accompanied by a report (No. 2015); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5371) granting an increase of pension to Jonathan O. Thompson, reported the same without amendment, accompanied by a report (No. 2016); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army, reported the same without amendment, accompanied by a report (No. 2017); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FLOOD: A bill (H. R. 14382) to purchase the McLean property and other property at Appomattox, in the State of Virginia—to the Committee on Military Affairs.

By Mr. RODEY: A bill (H. R. 14383) to validate certain acts

of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds—to the Committee on the Territories.

By Mr. SKILES: A bill (H. R. 14384) providing for a life-saving station at the mouth of Black River, at or near the city of Lorain, Lorain County, in the State of Ohio, and for life-saving crew, and so forth—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: A bill (H. R. 14385) to extend to the city of Paducah the operation of an act entitled "An act to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement"—to the Committee on Ways and Means.

By Mr. McCLEARY: A bill (H. R. 14386) to establish a fish-hatching and fish station in the State of Minnesota—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: A bill (H. R. 14387) to provide for the opening and closing of alleys and the opening of minor streets in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 14388) granting an increase of pension to Graham McClosson—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 14389) for the relief of the heirs of Joel S. Calvert—to the Committee on War Claims.

Also, a bill (H. R. 14390) granting an increase of pension to George W. Johnson—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 14391) granting an increase of pension to Edward Walsh—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 14392) for the relief of the estate of Ramsay Crooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14393) for the relief of Ramsay Crooks—to the Committee on Indian Affairs.

By Mr. GROSVENOR: A bill (H. R. 14394) granting pensions to Mahala J. Binckley and Minnie A. Binckley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14395) granting a pension to William Powell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 14396) granting a pension to Robert Lappin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14397) granting an increase of pension to George Hill—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14398) granting an increase of pension to David M. Shopstaugh—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14399) granting an increase of pension to William L. Gerard—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14400) granting an increase of pension to Edward Davidson—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 14401) granting an increase of pension to Charles H. Leaman—to the Committee on Pensions.

Also, a bill (H. R. 14402) granting an increase of pension to Alfred W. Morley—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 14403) granting a pension to John A. Griffin—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 14404) for the relief of Theodore Teed, his heirs, legal representatives, or assigns—to the Committee on Claims.

Also, a bill (H. R. 14405) for the relief of Henry Moore—to the Committee on Claims.

By Mr. ROBINSON of Nebraska: A bill (H. R. 14406) granting an increase of pension to Charles F. Eiseley—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 14407) granting a pension to May Jennings Bunn—to the Committee on Pensions.

By Mr. TONGUE: A bill (H. R. 14408) granting a pension to Benjamin McKee—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14409) to remove the charge of desertion from William A. Emerson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Buffalo (N. Y.) Merchants' Exchange, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BEIDLER: Resolutions of United Trades and Labor Council of Cuyahoga County, Cleveland, Ohio, urging the use of local sandstone in the construction of new Federal building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, resolutions of Columbus, Ohio, Credit Men's Association in regard to the bankruptcy law—to the Committee on the Judiciary.

By Mr. COOPER of Texas: Resolution of Port Arthur Laborers' Building Association, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CREAMER: Resolutions of Bricklayers' General Executive Board of Greater New York, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolutions of Engineers' Society of Western Pennsylvania, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HANBURY: Resolutions of Iron Trades Council of San Francisco, Cal., and the Republican Club of Brooklyn, N. Y., urging the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, papers to accompany House bill 12283, for the relief of Christian Besserer—to the Committee on Military Affairs.

Also, resolutions of Seventh assembly district and Sixteenth assembly district Republican clubs of Brooklyn, N. Y.; Women's Republican Association of New York, and Storekeepers' Union No. 1, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Seventh assembly district Republican Club of Brooklyn, N. Y., urging the passage of House bill 7930, to regulate the hours of labor of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Resolutions of United Mine Workers' Unions of Princeton and Evansville, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of German Liquor Dealers' Association, of Trenton, N. J., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Resolutions of Zealous Lodge, No. 217, Locomotive Firemen, of East St. Louis, Ill., favoring the irrigation bill as amended by the Senate—to the Committee on Irrigation of Arid Lands.

Also, resolutions of John D. Miley Camp, No. 20, Service Men in the Spanish War, of Belleville, Ill., favoring the Bell bill, allowing travel pay to volunteers from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

Also, resolutions of United Mine Workers' Union No. 750, of Lynn Station, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Iron Trade Council of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: Petition of C. W. Hanscom and other citizens of Bath, Me., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. LONG: Protest of M. A. Webb and other citizens of Lyons, Kans., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Newton, Kans., against the construction of a Pacific cable—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHONEY: Petitions of Singers' Society of the Holy Trinity and Casimir Jagiellonczyk Society, of Chicago, Ill., favoring ths erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRIS: Petitions of Post No. 40, of Sauk Center; Post No. 128, of Duluth; Post No. 2, of Anoka; Post No. 30, of Brainerd; Post No. 147, of Park Rapids; Post No. 52, of Monticello; Post No. 134, of St. Cloud, and Stanard Post, No. 161, Department of Minnesota, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolution of Polish National Alliance Society, of Duluth, Minn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Itasca Lodge, No. 401, Brotherhood of Locomotive Firemen, Two Harbors, Minn., and Tailors' Union No. 97, of Duluth, Minn., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. OLMSTED: Petition of numerous voters of Steelton, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of General E. O. C. Ord Circle, No. 20, Ladies of the Grand Army of the Republic, of Harrisburg, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to $12 per month—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Petition of R. W. Shaw, of Cherokee County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUSSELL: Petition of the National Association of Retail Druggists, urging the immediate reduction of the internal-revenue tax on alcohol to 70 cents a gallon—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petitions of 1,800 citizens of Newcastle, 300 citizens of Euclid and West Liberty, and numerous churches in Lawrence County, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. SKILES: Papers to accompany House bill granting a pension to May E. Bunn, widow of Maj. George B. Bunn, deceased—to the Committee on Pensions.

Also, petition of A. W. James and others, of Morrow County, Ohio, for the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolutions of Musicians' Mutual Benefit Association No. 41, of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Daniel E. Ryan and other citizens of New York City, for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. TRIMBLE: Petitions of numerous citizens of Fayette County, Ky., and vicinity, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *May 14, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ELKINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of New River Division, No. 140, Order of Railway Conductors, of Hinton, W. Va., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Marine Engineers' Beneficial Association, of Seattle, Wash., praying for the enactment of legislation authorizing the granting of pensions to certain officers and enlisted men of the Life-Saving Service of the United States, etc.; which was referred to the Committee on Pensions.

He also presented petitions of Lodge No. 403, Brotherhood of Railroad Trainmen, of Tacoma; of Mount Tacoma Division, No. 249, Order of Railway Conductors, of Tacoma, and of Puget Sound Lodge, No. 196, Brotherhood of Railroad Trainmen, of Seattle, all in the State of Washington, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the Merchants' Exchange of Buffalo, N. Y., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of Local Division No. 167, Order of Railway Conductors, of Oswego, N. Y., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of the Iron Trades Council of San Francisco, Cal., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. HARRIS presented the petition of C. Hoffman & Son, of Enterprise, Kans., and a petition of the Kelley Milling Company, of Kansas City, Mo., praying for the adoption of certain reciprocity treaties; which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of Local Division No. 370, Order of Railway Conductors, of Providence, R. I., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of J. C. Nichols Post, No. 19, Department of Rhode Island, Grand Army of the Republic, of Rockland, R. I., praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over and increasing the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

He also presented a memorial of Printing Pressmen and Assistants' Local Union No. 114, American Federation of Labor, of Providence, R. I., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

Mr. WELLINGTON presented a petition of Patapsco Lodge, No. 432, Brotherhood of Locomotive Firemen, of Baltimore, Md., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. MITCHELL presented a petition of the Central Labor Council of Astoria, Oreg., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. FAIRBANKS presented the petition of G. B. Baird, of Shelbyville, Ind., and the petition of D. W. Edwards, of Indianapolis, Ind., praying for the enactment of legislation providing for the improvement of the post exchanges; which were referred to the Committee on Military Affairs.

He also presented the petition of Charles F. Holler, of South Bend, Ind., and the petition of J. C. Martin, of New York City, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of the Sterling Remedy Company, of Kramer, Ind., praying for the adoption of an amendment to section 4 of the act of June 13, 1898, making appropriation for the postal service, relative to second, third, and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Dr. Moses H. Waters and sundry other physicians, of James P. Stunkard and sundry other attorneys, of Barker & Walsh and sundry other liquor dealers, of E. H. Bindley & Co. and sundry other wholesale druggists, and of C. W. West & Co. and sundry other retail druggists, all of Terre Haute, in the State of Indiana, praying for the adoption of an amendment to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. PLATT of Connecticut presented a petition of Still River Lodge, No. 493, Brotherhood of Locomotive Firemen, of Danbury, Conn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of Grand Division, Sons of Temperance, of Connecticut, praying for an increase of the allowance for rations to the soldiers in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Bridgeport, Fairfield, and Stratford, all in the State of Connecticut, praying for the appointment of a commission to inquire into the condition of the colored people of the country; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of Lincoln Division No. 206, Order of Railway Conductors, of Springfield, Ill., and a petition of Local Division No. 386, Order of Railway Conductors, of East St. Louis, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy"

and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. SPOONER presented a resolution adopted at a meeting of the New Holstein Turnverein, of Wisconsin, expressing sympathy with the people of the South American Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Common Council of Racine, and of the Common Council of Kenosha, in the State of Wisconsin, praying for the enactment of legislation authorizing the granting of pensions to those employed in the life-saving service of the country; which were referred to the Committee on Pensions.

He also presented petitions of D. J. Chase Lodge, No. 259, Brotherhood of Locomotive Firemen, of Ashland, and of Superior Division, No. 288, Order of Railway Conductors, of West Superior, in the State of Wisconsin, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. NELSON presented the affidavit of Ole Larson, of Meeker County, Minn., in support of the bill (S. 570) for the relief of Ole Larson; which was referred to the Committee on Claims.

He also presented a petition of Machinists' Local Union No. 91, American Federation of Labor, of Minneapolis, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Grand Army Posts Nos. 28, 144, 141, 62, 159, 102, 90, and 58, of Glencoe, New Auburn, Osakis, Attica, Rockford, Wadena, Crookston, and Rush City, all of the Department of Minnesota, Grand Army of the Republic, in the State of Minnesota, praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

He also presented petitions of Lodge No. 569, Brotherhood of Railroad Trainmen, of Duluth; of Lodge No. 122, Brotherhood of Railroad Trainmen, of St. Paul; of Local Division No. 40, Order of Railway Conductors, of St. Paul; of Lodge No. 36, Order of Railway Conductors, of Two Harbors; of Lodge No. 519, Brotherhood of Locomotive Firemen, of Duluth; of Lodge No. 525, Brotherhood of Railroad Trainmen, of Minneapolis; of Local Division No. 99, Order of Railway Conductors, of Montevideo; of Local Division No. 333, Brotherhood of Locomotive Engineers, of St. Paul; of Local Division No. 117, Order of Railway Conductors; of Local Division No. 102, Brotherhood of Locomotive Engineers, of Austin; of Local Division No. 150, Brotherhood of Locomotive Engineers, of St. Paul; of Local Division No. 420, Brotherhood of Locomotive Engineers, and of Lodge No. 65, Brotherhood of Locomotive Firemen, of Waseca, all in the State of Minnesota, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PENROSE presented petitions of 32 citizens of Philadelphia, and of 24 citizens of Whitestown, in the State of Pennsylvania, and of 6 citizens of the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Lieutenant William Allison Post, No. 196, Department of Pennsylvania, Grand Army of the Republic, of Duncannon; of Lieutenant Ezra S. Griffin Post, No. 139, Department of Pennsylvania, Grand Army of the Republic, of Scranton; of Albert Jones Post, No. 383, Department of Pennsylvania, Grand Army of the Republic, of Bangor, and of Encampment No. 105, Department of Pennsylvania, Grand Army of the Republic, of Wellsboro, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions for certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

He also presented a petition of Carpenters' Local Union No. 501, American Federation of Labor, of East Stroudsburg, Pa., and a petition of Woman's Labor Union No. 26, American Federation of Labor, of Bradford, Pa., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Germania Turnverein, of Philadelphia; of the German-American Alliance, of Philadelphia, and of the Philadelphia Turngemeinde, of Philadelphia, all in the State of Pennsylvania, praying for the adoption of a resolution expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Essex Lodge, No. 72, Brotherhood of Railroad Trainmen, of Newark; of Hope Lodge, No. 202, of Netcong; of Shrewsbury Lodge, No. 353, of Long Branch; of Pallisade Lodge, No. 592, of Jersey City; of Hudson Lodge, No. 146, of Jersey City; of Neptune Division, No. 169, Order of Railway Conductors, of Jersey City; of Central Division, No. 157, Brotherhood of Locomotive Engineers, of Jersey City; of Jersey City Division, No. 53, Brotherhood of Locomotive Engineers, of Jersey City; of Hoboken Lodge, No. 508, of Hoboken; of Order of Railway Conductors, Morris Division, No. 291, of Hoboken; of Central Lodge, No. 372, of Elizabeth; of Jersey Central Division, No. 307, of Elizabeth; of Division No. 170, of Camden; of Defender Division, No. 312, of Weehawken; of Lodge No. 299, of Passaic; of Lodge No. 491, Brotherhood of Railroad Trainmen, of Union Hill; of John Franks Lodge, No. 329, of Phillipsburg; of Division No. 373, of Trenton; of Trenton Lodge, No. 38, of Trenton; of Lodge No. 239, Brotherhood of Railroad Trainmen, of Trenton; of Unity Division, No. 235, of Union; of Greenwood Lake Lodge, of Orange; of Brotherhood of Railroad Trainmen, of Paterson; of Delevan Division, No. 37, of Phillipsburg; of Protection Lodge, No. 2, of Phillipsburg; of Newark Lodge, No. 219, of Newark, all of the State of New Jersey; of Northern Pacific System Division, No. 54, Order of Railroad Telegraphers, of Butte; of Order of Railway Conductors, of Great Falls; of Brotherhood of Railroad Trainmen, of Great Falls; of Kalispell Division, No. 414, Order of Railway Conductors, of Kalispell; of Lodge No. 293, of Missoula; of E. W. Hayes' Division, No. 397, of Beatrice, all of the State of Montana; of Glerieta Lodge, No. 11, of East Las Vegas; of Montezuma Division, No. 70, of East Las Vegas; of Raton Pass Lodge, of Raton; of Lodge No. 608, of Roswell, all of the Territory of New Mexico; of Lodge No. 341, of Roseburg; of Division No. 50, Order of Railway Trainmen, of Portland, all of the State of Oregon; of Railroad Conductors' Division, No. 72, of Fargo; of Great Northern Division, No. 178, of Grand Forks, all of the State of North Dakota; of Order of Railway Conductors, Wolverine Division, No. 182, of Jackson; of Hermalite Lodge, No. 612, of Ishpeming; of Brotherhood of Railroad Trainmen No. 133, of Irving; of Valley City Lodge, No. 1820, of Valley City; of Brotherhood of Locomotive Engineers, Division No. 286, of Grand Rapids; of Order of Railway Conductors, Gladstone Division, No. 340; of Order of Railway Conductors, Division No. 6, of Battle Creek; of Detroit Division, No. 1, of Detroit; of Milo Eastman Division, Brotherhood of Locomotive Engineers, No. 482, of East Tawas; of Division No. 266, of Gladstone; of Lodge No. 10, of Marquette; of Central City Lodge, No. 121, of Jackson; of Chief Pontiac Lodge, No. 436, of Pontiac; of St. Clair Lodge, No. 241, of Port Huron; of Mackinaw Division, No. 338, Brotherhood of Locomotive Engineers, of West Bay City, all of the State of Michigan; of Flour City Division, No. 494, Brotherhood of Locomotive Engineers, of Minneapolis; of Brotherhood of Locomotive Engineers, Division No. 443, of Melrose; of Division No. 549, of Wilmar; of Lodge No. 194, of Staples; of St. James Lodge, No. 384, of St. James; of Division No. 349, of St. Paul; of Oriental Division, No. 369, of St. Paul; of St. Paul Division, No. 40, of St. Paul; of Brotherhood of Locomotive Engineers of Two Harbors; of M. Clancy Division, No. 260, of Two Harbors; of Waseca Division, No. 90, Order of Railway Conductors, of Waseca; of Brainerd Division, No. 197, of Staples; of Hill Top Lodge, No. 529, of Proctorknott; of Mesaba Division, No. 405, of Mesaba; of Division No. 99, of Montevideo; of Brotherhood of Railroad Trainmen, of Minneapolis; of Division No. 117, of Minneapolis; of Division No. 357, of Minneapolis; of Minnehaha Division, of Minneapolis, all of the State of Minnesota; of Ingraham Division, No. 303, of Chadron; of Black Hill Lodge, No. 190, of Chadron; of Order of Railway Conductors, Blue Valley Division, No. 343, of Fairbury; of L. S. Cook Division, No. 389, of Fremont; of Brotherhood of Railroad Trainmen of Fremont; of J. D. Mason Lodge, No. 134, of Grand Island; of Claude Champion Division, No. 227, Order Railway Conductors, of Lincoln; of C. W. Bronson Lodge, No. 487, Brotherhood of Railroad Trainmen, of McCook; of Platte River Lodge, No. 29, of North Platte; of Omaha Division, No. 126, Order of Railway Conductors, of Omaha; of Brotherhood of Railroad Trainmen of Omaha; of Order of Railroad Telegraphers, Division No. 6, of Omaha; of Brotherhood of Railroad Trainmen of South Omaha; of John McCunniff Division, No. 246, Order of Railway Conductors, of Wymore; of Brotherhood of Railroad Trainmen, Blue Valley Lodge, No. 493, of Wymore; of Brotherhood of Locomotive Engineers, Division No. 158, of Wadsworth; of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Wadsworth, all of the State of Nebraska;

of St. Louis Division, No. 3, Order of Railway Conductors, of St. Louis; of Brotherhood of Railroad Trainmen, Future Great Lodge, No. 45, of St. Louis; of Brotherhood of Railroad Trainmen Pacific Lodge, No. 64, of St. Louis; of Division No. 358, Order of Railway Conductors, of Thayer; of Order of Railway Conductors, Division No. 42, of Trenton; of Southwestern Lodge, No. 50, of Trenton; of New Franklin Division, No. 230, of New Franklin; of Two Rivers Division, No. 151, of Monett; of Grand River Division, No. 393, of Chillicothe; of Sheridan Division, No. 238, of Chillicothe; of Hazel Nelson Lodge, No. 205, of De Soto; of Hannibal Division, No. 39, of Hannibal; of Lodge No. 46, of Hannibal; of Kaw Valley Division, No. 55, of Kansas City; of T. S. Berler Lodge, of Brookfield; of Division No. 48, of St. Louis; of Brotherhood of Locomotive Engineers Division No. 487, of St. Louis; of St. Joseph Division, No. 141, of St. Joseph; of Brotherhood of Railroad Trainmen, of St. Joseph; of Division No. 327, of St. Louis; of Division No. 107, of St. Joseph; of Stanberry Lodge, No. 562, of Stanberry; of Lodge No. 5, of Slater; of Order of Railway Conductors, of Slater; of Prairie Queen Lodge, No. 18, of Sedalia; of Division No. 178, Brotherhood of Locomotive Engineers, of Sedalia; of Queen City Division, No. 60, of Sedalia; of Brotherhood of Railroad Trainmen No. 542, of New Franklin, all in the State of Missouri; of Division No. 54, of Port Jervis; of Neversink Division, No. 52, of Port Jervis; of West Shore Lodge, of Ravena; of Division No. 35, of Rochester; of Ira Van Buren Lodge, No. 300, of Potterdam Junction; of Syracuse Division, No. 169, of Syracuse; of Utica Division, No. 14, of Utica; of Division No. 46, of Albany; of Division No. 37, of Albany; of Trojan Lodge, No. 90, of Albany; of Division No. 311, of Binghamton; of Parlor City Lodge, No. 36, of Binghamton; of Brotherhood of Locomotive Engineers, Division No. 419, of Brooklyn; of Division No. 15, of Buffalo; of Pan-American Division, No. 544, of Buffalo; of L. S. Coffin Lodge, of Mechanicsville; of Division No. 105, of New York; of New York City Division, No. 54, of New York; of New York Lodge, No. 163, of New York; of Empire City Lodge, No. 197, of New York; of Lodge No. 598, of New York; of Order of Railroad Conductors, of Mechanicsville; of Long Island Division, No. 391, of Long Island City; of Lodge No. 517, of Long Island City; of Division No. 244, of Corning; of Lodge No. 417, of East Buffalo; of Division No. 43, of East Syracuse; of Sherman Lodge, No. 43, of East Syracuse; of Lodge No. 22, of Elmira; of Northern Central Lodge, No. 413, of Elmira; of Storm King Lodge, of Fishkill Landing; of Colonial Lodge, No. 468, of Kingston; of Chemango Lodge, No. 252, of Norwich; of Division No. 58, of Oneonta; of Hopkins Lodge, No. 1, of Oneonta; of Smith M. Weed Lodge, No. 540, of Plattsburg, all of the State of New York; of Ohio City Lodge, No. 237, of Cleveland; of Devereux Division, No. 167, of Cleveland; of J. M. Ferris Lodge, No. 132, of Cleveland; of Cincinnati Lodge, No. 148, of Cincinnati; of Division No. 107, of Cincinnati; of Delta Division, No. 480, of Cincinnati; of Division No. 95, of Cincinnati; of H. A. Kennedy Lodge, No. 395, of Canton; of Brotherhood of Locomotive Engineers, Division No. 522, of Chicago Junction; of Deer Lick Division, No. 292, of Chicago Junction; of Lodge No. 380, of Cambridge; of Lake Shore Lodge, of Ashtabula; of Bellevue Division, No. 134, of Bellevue; of C. R. Kline Lodge, No. 224, of Nelsonville; of Division No. 208, of Springfield; of Division No. 4, of Toledo; of Division No. 28, of Toledo; of Jeppa Lodge, No. 397, of Toledo; of Lady of the Lake Lodge, of Toledo; of Lodge No. 260, of Cleveland; of Little Miami Division, No. 34, of Columbus; of Sciota Valley Division, No. 172, of Coes; of Columbus Division; of Hollingsworth Division, No. 100, of Columbus; of Lodge No. 175, of Columbus; of Lodge No. 259, of Conneaut; of Miami Valley Division, No. 320, of Dayton; of Miami Lodge, No. 273, of Dayton; of Dennison Division, No. 278, of Dennison; of Lucas Lodge, No. 618, of East Toledo; of Buckeye Lodge, No. 35, of Galeon; of Brady Lodge, of Kent; of Division No. 299, of Lima; of Lodge No. 504, of Marietta; of Marion Division, No. 360, of Masillon, all of the State of Ohio; of Division No. 104, of Columbia; of Columbia Lodge, No. 117, of Columbia; of Conemaugh Division, No. 406, of Conemaugh; of Division No. 386, of Conemaugh; of Division No. 310, of Derry Station; of Forest Home Division, No. 159, of Derry Station; of Lodge No. 593, of Dubois; of George B. Smith Division, No. 403, of Dunmore; of Onoko Division, No. 257, of East Mauch Chunk; of Easton Division, No. 259, of Easton; of Mountain City Division, No. 172, of Altoona; of United Lodge No. 174, Brotherhood of Railway Trainmen, of Altoona; of Fellowship Lodge, No. 405, Brotherhood of Railroad Trainmen, of Albion; of Keystone Division, No. 293, Brotherhood of Locomotive Engineers, of Allegheny; of Division No. 272, of Ashley; of Order of Railroad Conductors, Division No. 217, of Bennett; of F. R. McFeather Lodge, No. 534, of Braddock; of Division No. 254, of Bradford; of Engineers of Division No. 280, of Bradford; of Morris City Lodge, No. 610, of Bridgeport; of Butler Lodge, No. 251, of Butler; of George W. West Division, No. 468, of Carbondale; of Division No. 166, of Carbondale; of Pennsylvania Division, No. 156, of Carbondale; of E. E. Hendrick Lodge, No. 294, of Carbondale; of Chartiers Valley Lodge, No. 571, of Carnegie; of Clearfield Lodge, No. 261, of Clearfield; of Easton Division, No. 147, of Easton; of Erie Division, No. 64, of Erie; of Erie Lodge, No. 199, of Erie; of Division No. 459, of Harrisburg; of White Block Lodge, No. 127, of Harrisburg; of Harrisburg Lodge, No. 383, of Harrisburg; of Broadtop Division, No. 158, of Huntingdon; of Juniata Lodge, No. 498, of Huntingdon; of Lodge No. 344, of Jersey Shore; of Anthracite Lodge, No. 543, of Kingston; of R. H. Coleman Division, No. 414, of Lebanon; of Mauch Chunk Division, of Mauch Chunk; of McKeesport Lodge, No. 578, of McKeesport; of Brotherhood of Railroad Trainmen, Lodge No. 321, of McKees Rocks; of Division No. 43, of Meadville, all of the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Merchants' Exchange of Buffalo, N. Y., and a petition of the Maritime Association of the Port of New York, praying for the reorganization of the consular service; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof, to report it adversely, and to ask that the bill be postponed indefinitely, as the provisions contained in it are embodied in the post-office appropriation bill, which has passed both Houses of Congress.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. GAMBLE, from the Committee on Indian Depredations, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8108) for the relief of John Hornick;

A bill (S. 586) for the relief of Frank C. Darling; and

A bill (S. 587) for the relief of A. M. Darling, administrator.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment proposing to appropriate $50,000 for the purchase by and on behalf of the United States of the right to use in and through the several departments of the Government of the United States the Daniel improvements in the art of map production and general engraving, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 750) granting a pension to Martin Essex;

A bill (H. R. 9226) granting a pension to Elizabeth I. Ogden; and

A bill (H. R. 13503) granting an increase of pension to Charles Haltenhof.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8921) granting an increase of pension to Jesse C. Rhodabeck, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4064) granting a pension to Betsy Gumm; and

A bill (S. 5141) granting an increase of pension to Charles Barrett.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3829) granting a pension to Mary Ann Merrow;

A bill (H. R. 13266) granting an increase of pension to Elbert N. Remson;

A bill (H. R. 1715) granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow;

A bill (H. R. 1695) granting an increase of pension to Christopher C. Perry;

A bill (H. R. 2563) granting an increase of pension to Robert R. Strong;

A bill (H. R. 12562) granting an increase of pension to William H. Temple;

A bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin; and

A bill (H. R. 13807) granting a pension to Jeremiah Horan.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6330) granting an increase of pension to William D. Tanner, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4204) granting a pension to Hester A. Furr; and

A bill (H. R. 13350) granting a pension to Presley P. Medlin.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 10201) granting an increase of pension to Otis R. Freeman, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4791) authorizing the Postmaster-General to provide for the transportation of the mails by pneumatic tubes or other similar devices, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SPOONER. I am directed by the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service, to report it with an amendment, in the nature of a substitute, and to submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. SPOONER, from the Committee on Public Health and National Quarantine, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 2417) relating to quarantine and the public health;

A bill (S. 4583) to reorganize and increase the efficiency of the Marine-Hospital Service, and for other purposes; and

A bill (S. 4895) to establish a commission of public health and fix the salaries of the commissioned officers of the Marine-Hospital Service.

REPORTS OF THE DIRECTOR OF THE MINT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1900, bound in cloth and wrapped; 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there be also printed 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1901, to be bound in cloth and wrapped: 3,000 copies for the use of the House of Representatives, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

CIRCUIT COURT OF APPEALS OF FIFTH JUDICIAL CIRCUIT.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in September in each year, to report it favorably with certain amendments, and to ask for the present consideration of the same.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on the Judiciary was, in section 1, page 1, line 6, to strike out "September" and insert "October;" so as to make the section read:

That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 11, after the word "Georgia," to strike out the words "and in the southern judicial district of Florida;" so as to read:

That all appeals, writs of error, and other appellate proceedings which may, after date of this act, be taken or prosecuted from the circuit or district courts of the United States in the State of Georgia to the court of appeals of the fifth judicial circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Atlanta in pursuance of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year."

BILLS INTRODUCED.

Mr. MASON introduced a bill (S. 5809) granting pensions to honorably discharged officers and enlisted men in the military and naval service of the United States during the civil war; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5810) for the relief of Thomas H. Cross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MITCHELL introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5811) granting an increase of pension to Lewis H. Phelps;

A bill (S. 5812) granting a pension to Wallace Fairbank;

A bill (S. 5813) granting a pension to Cornelia Kelsay; and

A bill (S. 5814) granting a pension to Preston W. Burford.

Mr. TURNER introduced a bill (S. 5815) to establish a Branch Soldiers' Home at Coeur d'Alene, Kootenai County, Idaho; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5816) granting a pension to Etta A. Whitehouse;

A bill (S. 5817) granting a pension to Fidelia A. Boyd; and

A bill (S. 5818) granting a pension to Margaret M. Kollock.

Mr. McLAURIN of South Carolina introduced a bill (S. 5819) for the relief of the estate of Christopher W. Dudley, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5820) for the relief of Preston Lodge, No. 47, of Ancient Free and Accepted Masons, of Jonesville, Lee County, Va. (with accompanying papers);

A bill (S. 5821) for the relief of the estate of John B. Ege, deceased;

A bill (S. 5822) for the relief of the estate of Isaac Burnett, deceased; and

A bill (S. 5823) for the relief of Sallie R. Walton.

Mr. DANIEL (by request) introduced a bill (S. 5824) for the relief of G. W. Browder; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER of Washington introduced a bill (S. 5825) to remove the charge of desertion against George A. Ingersoll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5826) for the erection of a memorial building or monument at Fort Recovery, Ohio; and

A bill (S. 5827) to remove the charge of desertion from the military record of Silas J. Munsell.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5828) granting a pension to Clara I. Ashbury;

A bill (S. 5829) granting an increase of pension to John Berns;

A bill (S. 5830) granting an increase of pension to Andrew Jackson;

A bill (S. 5831) granting an increase of pension to John M. Bromagem;

A bill (S. 5832) granting an increase of pension to Martin Goldsbery;

A bill (S. 5833) granting an increase of pension to Eugene Orr, alias Charles Southard; and

A bill (S. 5834) granting an increase of pension to Isaac Wise.

Mr. COCKRELL introduced a bill (S. 5835) granting an increase of pension to Joel C. Shepherd; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition of Joel C. Shepherd for an increase of pension, together with the affidavits of Dr. G. W. Givens and John F. Weaver and Melvin Ellis. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLATT of Connecticut introduced a bill (S. 5836) granting an increase of pension to Jessie Nesbit Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5837) granting an increase of pension to Henry Pennington;

A bill (S. 5838) granting a pension to Ellwood I. Beatty;

A bill (S. 5839) granting a pension to Frederick Agastoff;

A bill (S. 5840) granting an increase of pension to Phoebe Buch;

A bill (S. 5841) granting an increase of pension to John A. Barcus;

A bill (S. 5842) granting an increase of pension to George Fusselman (with accompanying papers);

A bill (S. 5843) granting a pension to F. Max Gress (with accompanying papers); and

A bill (S. 5844) granting an increase of pension to Griffis Bachman (with accompanying papers).

Mr. NELSON introduced a bill (S. 5845) granting an increase of pension to Ira Boyington; which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. BLACKBURN (by request) submitted an amendment intended to be proposed by him to the bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment providing that hereafter whenever any judgment is rendered by the Court of Claims or by the circuit or district courts of the United States upon any items of claim, which, if paid on demand, would have been payable out of any appropriation, the balance of which has not been exhausted or turned into the surplus, the said judgment shall be paid from said appropriation upon certificate of nonappeal by the Attorney-General; otherwise said judgment shall be certified to Congress, as in other cases, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE and Mr. PETTUS submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

POSTAL CLAIMS IN OREGON.

Mr. MITCHELL. I submit a resolution and ask that it be read, and, with the attached schedule, be printed and referred to the Committee on Post-Offices and Post-Roads.

The resolution was read, and, with the accompanying schedule, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed, as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Oregon named on the memorandum schedule hereto attached, or to their heirs, for service as postmasters in each biennial term specified on such memorandum schedule in order to make effective sections 473, 474, and 475 of the postal regulations of 1866, and the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, in a declaration as to the intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A, Senate Executive Document No. 146, Forty-ninth Congress, first session.

POSTAL CLAIMS IN PENNSYLVANIA.

Mr. PENROSE. I submit a resolution and ask that it be read and, with the accompanying schedule, be printed and referred to the Committee on Post-Offices and Post-Roads.

The resolution was read, and, with the accompanying schedule, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed, as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Pennsylvania named on the memorandum schedule hereto attached, or to their heirs, for service as postmasters in each biennial term specified on such memorandum schedule in order to make effective sections 473, 474, and 475 of the postal regulations of 1866, and the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, in a declaration as to the intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A, Senate Executive Document No. 146, Forty-ninth Congress, first session.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 13th instant approved and signed the act (S. 5736) for the relief of citizens of the French West Indies.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask that the report from the House on the omnibus claims bill be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 13, 1902*.

Resolved, That the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHON, Mr. GIBSON, and Mr. SIMS be the managers of the conference on the part of the House with the following instructions: That the conferees be instructed not to agree to what is known as the Selfridge board findings in the Senate amendments.

Mr. HALE. Mr. President, near the close of the session yesterday I had this matter laid over. I desired to examine the proceedings of the House as they would be shown in the RECORD this morning, because of the rather novel message sent by the House to the Senate, in which it proposed a conference, appointed conferees, and accompanied the message, making it a part of the message, with an instruction to the House conferees not to agree to certain propositions known as the award of the Selfridge board, which had been incorporated in the bill by the Senate.

I have looked carefully into the proceedings of the House, reading all that was said there, and I do not further object to the motion of the Senator from Wyoming [Mr. WARREN] to agree to the conference asked by the House and to appoint the conferees. I have no doubt that the House had the technical right to instruct its conferees. I have no doubt on reading the proceedings that the House was morally constrained to instruct the conferees.

Mr. SPOONER. I should like to ask the Senator why?

Mr. HALE. I was going to state why. It was stated, if I may refer to the debate, that in the consideration of the omnibus claims bill the so-called Selfridge claims were a subject of controversy and debate in the House, and a separate vote was taken upon them, and the House threw them out, thereby taking its position, as a coordinate body, against these claims, and thereby, as was stated, and as is reasonable, practically instructing the conferees to act in accordance with the action of the House.

Senators know that that is an invariable rule and practice in the Senate. In the course of proceedings upon any bill—upon an appropriation bill—if there is a controversy and the members of the Appropriation Committee are outvoted by the Senate and a proposition against them is carried and put upon a bill or struck out from the House bill, although the conferees have been defeated, and although the inclination and judgment of the conferees are in a certain direction, we always consider that those are subjects we are practically instructed upon, to insist as long as possible.

The only remedy the House had was to instruct. It would not have got that remedy but for a fact to which I call the attention of my friend from Wyoming; and I hope he will see to it hereafter in these important bills that no new matter is inserted in conference. A report was made in the House, and the point of order was taken, that there were three absolutely new items in the bill that had never been considered either by the House or the Senate, and upon that point of order the Presiding Officer ruled against the report. Therefore the House had the opportunity to instruct its conferees upon the so-called Selfridge part of the report. Otherwise, a report being submitted that comprehended all the other items that were not contested, the House would not quite likely be able to carry out its will upon the Selfridge matters, because of the force that would be arrayed for accepting the report on account of the other items that were in it.

Upon the technical matter of there being new items in the bill, the whole thing, by the ruling of the Chair, was thrown open to another conference, and then but two methods could be pursued—either to instruct its conferees or to appoint a new conference who would not give up the right of the House upon a matter in which it had taken ground; which, as Senators know, neither body likes to do. To dispossess and turn out the old conferees and appoint new ones is a thing rarely done, and instead of taking that course the House resorted to its only remedy—to instruct its conferees.

I find, on an examination, with the assistance of the clerks, into the records of the Senate, that question has been raised more than once, and it has been decided that the Senate may instruct its conferees upon particular matters, leaving only open, to what may be called "free conference subjects," matter upon which the Senate does not take that ground.

So I have no further objection to make to the motion of the Senator from Wyoming upon that point. The House, I should presume inadvertently, incorporated with its message its instructions to its own conferees. That undoubtedly should not be done. It is not customary, I think; but it was an inadvertence, and I presume the other body will take notice of it and will not fall into this error again. I do not think it is important enough now to make a report to send it back in order that the House may correct it. I think it is proper to call the attention of the Senate,

and in this way it will come to the knowledge of the House, that we do not deem it a proper thing where instructions are given to the House conferees to make it a part of the message of the House which asks for a free conference; but, as I have said, I do not ask, and I do not think it would be advisable, to raise the question with the other body by sending back the report from the House to be so corrected.

Therefore, if the Senator from Wyoming and his associates, in whom we have great confidence, are willing to try it again upon another conference, with the instructions in their face, I see nothing else for us to do. It should be borne in mind——

Mr. BACON. Will the Senator permit me to ask him a question. I am not familiar with the details of the conference. Has there been a conference, or has there been more than one conference?

Mr. HALE. I do not know whether there has been more than one.

Mr. WARREN. One.

Mr. BACON. There has been one and this is the second?

Mr. HALE. This is the second, I understand.

Mr. WARREN. Yes.

Mr. HALE. The House took the action because it was the only thing it could do. Of course, it will always be borne in mind by conferees that it is the moving body which attempts to change existing conditions that naturally yields. If the House sends over to us, as it does, propositions upon appropriation bills changing the law and the practice, and the Senate says, "We can not agree to that; it is a new proposition; the burden is upon you, and the Senate can not agree," the body moving yields. When the Senate puts on an amendment embodying some new proposition, some change of law, and the House declares affirmatively that it can not agree to it, the harder side of the conference is that of the body which moves and seeks to change existing conditions.

Mr. SPOONER. Will the Senator from Maine allow me to ask him a question?

Mr. HALE. Certainly.

Mr. SPOONER. I ask the Senator for information, and I am sure to get it from the Senator.

Mr. HALE. I hope so.

Mr. SPOONER. Does the Senator remember an instance of this kind before, where the House of Representatives has sent us a message asking for a further conference accompanied by a notification that it had instructed its conferees not to agree to certain items in the bill?

Mr. HALE. No; I have said that therein the House made a mistake. They had a right to instruct, but should not have incorporated it in the message sent to the Senate. But that being a technical matter, undoubtedly an inadvertence, I do not think it is worth the while to raise a controversy with the House on that point. I do not believe it will ever do it again. I hope the conferees will take up the matter again.

Mr. HOAR. I should like to ask the Senator from Maine what it is that the existing motion in the Senate proposes to do with this item?

Mr. HALE. I suppose it proposes to do like every motion where a conference is agreed to. It submits it to a new conference.

Mr. HOAR. I should like to make a remark, but I will wait until the Senator gets through, or I will do it now, as he thinks best.

Mr. HALE. If it is right on the point, the Senator can do it now.

Mr. HOAR. As I understand, when there is a motion in one body to adhere, instead of a mere motion to insist, a motion for a free conference is no longer open in the other body. The other body must either adhere, too, and the measure fails, or they must recede and concur with the other branch, and end the controversy in that way. That is the only thing, if I recollect the parliamentary practice, that is in order. At any rate, it is the only thing that is customary.

Now, when the House sends us word that it has appointed conferees and ordered them only to consent to one thing in regard to the particular matter in dispute, which is that the Senate shall give up, it is not inviting us to a free conference any longer on that proposition. It is in substance an order to its conferees to adhere. It seems to me that there is not any proposal, as far as that item is concerned, for a free conference before the Senate. We should either now recede or drop the bill, which, of course, I suppose, is not proposed by anyone.

Suppose this were the only item open in the bill. The House says, "We ask you for a free conference on that measure and we have ordered our conferees not to agree under any circumstances to what you have proposed." A free conference is had in order that they may hear our reasons for what we have done and consider them and see whether we are not right.

It is a good while from the end of the session, and I think this is rather important that we proceed pretty carefully in this matter of conferences with the House; on one hand being careful not to have topics for disagreement or conflict come up if we can help it, but on the other not to yield our just rights and get into a practice which, at the end of a session when we have not much time, is going to take away our own independence and equality.

I think, therefore, the Senator from Wyoming ought to test the sense of the Senate whether we will now retire on that item, and if what the Senator from Maine says be true, and it is undoubtedly true, that where there is such a conflict the body that proposes to do something new must withdraw, we will withdraw with a great deal more dignity now than we can do after another conference. It seems to me that it is an abandonment of our dignity and our equality as one of the coordinate legislative bodies of this Government to go into a conference which is free on one side and where we are padlocked.

Mr. HALE. Now, Mr. President——

Mr. BACON. Will the Senator from Maine permit me to read the parliamentary rule on the subject to which the Senator from Massachusetts has alluded?

Mr. HALE. Certainly.

Mr. BACON. I rose for the purpose of suggesting the same thought which has been very much more clearly stated than I could have done by the Senator from Massachusetts, and I will content myself now with simply reading from Jefferson's Manual the rule which has been cited by the Senator from Massachusetts. On page 135 of our Manual, which contains Jefferson's Manual, I find the language which I shall read. After a discussion of the regular order, in which amendments are offered by one House and submitted to the other, etc., it proceeds to say:

> The term of insisting may be repeated as often as they choose to keep the question open, but the first adherence by either renders it necessary for the other to recede or adhere also, when the matter is usually suffered to fall.

In the conclusion of the same paragraph there is the following language:

> Either House, however, is free to pass over the term of insisting and to adhere in the first instance, but it is not respectful to the other. In the ordinary parliamentary course there are two free conferences, at least, before an adherence.

As stated by the Senator from Massachusetts, the instruction of the House to its conferees is practically an adherence, and whether we stand upon the rule of courtesy or not, as to the practice of insistences which may be made before adherence is announced, it does seem to me that when the House has announced that it adheres the Senator from Massachusetts is eminently correct. There is nothing for us to do. There is no reason why we should confer with those who say beforehand they will not agree with us, and who announce that their conferees are not permitted to agree with us for the purpose which we confer. It seems to me there is but one of two things to do, as has been correctly stated by the Senator from Massachusetts—either to recede or to refuse to go further with the matter unless the House will withdraw its adherence.

Mr. HALE. Mr. President, all that, of course, the Senate has in mind. It is only a practical question. The House might have voted to adhere, but it did not vote to adhere. That, of course, leaves but one thing for us to do. The House did what has been done more than once in both House and Senate—instead of adhering and making a deadlock, it asked for a new conference, which will bring the matter into another conference if we agree to it, and then instructed—and that is the only opportunity it had in getting at its view of this bill—its conferees not to agree to certain provisions. Of course, we may make the point, and it is a good one, that they ought not to have sent the message which they have sent in connection with their action, but, as I have said, I do not think, as we have called attention to it, that it will ever happen again.

I suppose, however, what will happen is that the Senator in charge of the bill, in whom we have confidence, as we have in the other conferees, will ask for a new conference; that we shall then have a new conference appointed, and we will go into it. Then the conferees will have the opportunity either of receding from this proposition—as it is a proposition that the Senate put on, we moving affirmatively—and thereby end the whole matter and pass the bill, which has some very important things upon it, in which a great many Senators and their constituents are interested, or the conferees will come back to the Senate and ask the Senate to recede; and, as the Senator has indicated that is his desire, I think that is the easiest way out of it.

I do not say that the House was right in sending that message over here with its declaration that it wanted a new conference; but I do not think, to repeat, that that is of importance enough for us to raise an issue and send a special message to the House.

I think this thing will never happen again. I never have known it to happen before, and I have the RECORD here which shows that the Senate has instructed its conferees, after debate and

discussion, more than once upon certain matters in a bill, and sent it over to the House, instead of adhering; because, as I have said, adhering at once brings the locking of horns, and one side or the other has got to back down or the whole bill fails. I suppose the Senator from Wyoming [Mr. WARREN] had that in view and desires the opportunity of again meeting the House conferees, and either agreeing to strike out this provision, as it is new matter put in by the Senate, or coming back and moving here to recede, and let the Senate settle it. I do not feel, of course, that I should make that motion, for I do not want to take the matter out of the hands of the Senator from Wyoming; and, to repeat, to sum up again all these points I recognize as forcible, and if we choose to insist upon them and send such a message back to the House, that can be done, but I do not think it is worth while.

Mr. BACON. Will the Senator please let me ask him a question before he takes his seat?

Mr. HALE. Yes.

Mr. BACON. An agreement to the report of this committee of conference under a notice from the House that it will not recede can only be made upon the express basis of an intention to recede, and that our conferees shall so act. That being the case, why should we go through that formality? Why should not the Senator in charge of the bill move that the Senate recede? If the purpose is to recede, what is the use of appointing another conference committee to go through that formality?

Mr. HALE. It does not follow, of course, that the House may not still recede, although I do not think it will.

Mr. BACON. It can not under the instructions given to its committee of conference.

Mr. HALE. No, I do not think it will; but the conferees have a right to report it to the House for a new result. I do not think it will recede. But the Senator in charge of the bill, instead of making the motion now—I have no objection to his making the motion now—but instead of making that motion now, as he prefers to move to agree to the further conference asked for by the House in order to get the bill back to the conferees, I yield to him in that regard.

Mr. BACON. I understand the point made by the Senator from Massachusetts [Mr. HOAR] is not one with reference to any desire to retain this provision in the bill, but to preserve the orderly procedure of the Senate. I understand the point made by the Senator to be that it is not consistent with orderly proceedings in the Senate that we should agree to a conference in the face of an avowal by the other House that it will not recede.

Mr. HOAR. As I understand it, the House sends, substantially, this message: "We want you to have a free conference with us, but we will not discuss the question with you." That is the whole of it.

Mr. ALLISON. Mr. President, I do not think there is any serious difficulty respecting this motion of the Senator from Wyoming [Mr. WARREN]. As I understand his motion, it is that we insist not only upon this amendment, which is in dispute——

Mr. HALE. That is part of the motion.

Mr. ALLISON. That is part of the motion—that we insist upon this amendment and all other amendments. As I understand the bill, it consists of a great many items, and the committee of conference at the first meeting agreed to all of these items. The House rejected that conference report; I do not know precisely upon what grounds, but upon various grounds, I presume; perhaps a point of order among other things.

Now, then, this bill is wholly open as to every item in it; and every item that was inserted by the Senate is to be again in conference. The House, after appointing the conferees on the part of the House, instructed them that here was an amendment that they wanted an opportunity to vote on separately. That is the practical question. In appropriation bills it is the common practice of the two Houses, where there is a sharp division between them, to disagree as to certain items and to agree as to all other items. I have had some experience in that regard, as have other Senators. At times here we have disagreed three or four times before we came to a final agreement.

Mr. TILLMAN. Yes; four or five times.

Mr. ALLISON. Four or five times. I have the Senator from South Carolina [Mr. TILLMAN] in my eye, and he will remember that that occurred here a year ago.

Mr. PLATT of Connecticut. On the naval appropriation bill?

Mr. ALLISON. I believe it was on the naval appropriation bill.

Mr. TILLMAN. No; it was on the sundry civil bill as to the item relating to the Charleston Exposition. I recollect very clearly what happened to me that night, or rather what happened to the Charleston Exposition. I was afraid there might be the same thing here on this item.

Mr. ALLISON. I think probably the main object of the House was to bring the bill back again into the House, so as to give the House an opportunity to express its opinion as it had once before done upon this particular amendment of the Senate.

As has been so well stated by the Senator from Maine [Mr. HALE], the House of Representatives may have made a mistake in communicating their action to us in the way they have done; but, as I understand it, the main object of the conferees, especially where there are various items in the bill—some of them meritorious, some of them not so meritorious, and some of them where the Senate can finally yield and some of them where the House can finally yield—is by several conferences to get the two Houses together, so that one House or the other will yield items rather than lose all the items in a bill.

So, although there is probably some little irregularity in this proceeding, as the Senator from Maine says, it will never recur. I think if we want to pass this bill, it will be a wise thing for us to agree to the conference asked for by the House. It is not necessary that we should also instruct our conferees that they shall not agree to the bill unless the amendment in dispute is incorporated in it. We can do that if we desire to do so, but I think it is enough for us to say that we insist. We do not go to the extent of insisting upon all the amendments in the bill, including this amendment. The result of the next conference will be, I have no doubt—I do not know, of course, but I suppose—that our conferees will insist upon this particular amendment.

I do not know whether or not they ought to do so; but I suppose it has been put on the bill after careful consideration by the Senate. If they insist upon this amendment in conference, the result will be probably a partial agreement—that is, all the other items will be agreed to, and this particular item will be hung up in the air, as many such items are hung up during the process of passing bills of this character, containing a great number of details. When that is done, our conferees will come back to the Senate, and it will be a question for debate whether we shall still further insist upon this amendment, or whether we shall recede from it; and what happens here will happen in the other House.

Mr. HALE. If the Senator will allow me, that will happen in the body where the conference report is first submitted, and undoubtedly the motion will be made to recede.

Mr. ALLISON. Very well. That motion in regard to the conference report will first be submitted in this Chamber. It may be that the Senator having charge of this bill will not make that motion, but he can make another motion. He can move that upon this particular amendment we still further insist, and then in the next report that goes back to the House it will be for them either to move to recede or move to insist. Then the item will be between the two Houses for further adjustment. So, Mr. President, I quite agree with the suggestion of insisting upon our amendments, agreeing to a further conference, and again try our chances with the other body.

Mr. WARREN. Mr. President, last evening I was engaged in urgent committee business, and also this morning, and I therefore have not had an opportunity to read in full the proceedings of the House of Representatives yesterday in regard to the omnibus claims bill, but from what I have learned from members of the House, from the remarks of the Senator from Maine [Mr. HALE], and the hasty glance I have now been able to give to the RECORD for a few moments, the first complaint lodged against this bill in the House was a point of order that the conference report contained items that had not been passed upon by the House or the Senate before the bill was sent to conference. That charge, unless some explanation is given of it, seems a very severe one. So I think that it is only just to the conferees to state precisely what those items are, and precisely how they came into the report.

A large portion of the omnibus claims bill is made up of findings of facts by the Court of Claims under the so-called Bowman and Tucker claims acts. Another large portion consists of French spoliation claims, which are also Court of Claims findings. The bill that came to us from the House of Representatives had upon it Bowman claims only. The House War Claims Committee report on them was made up of the findings of the Court of Claims set out in full. We added as the Senate amendments the later findings of the court of the same kind, and also certain miscellaneous claims, and the entire matter went into conference.

The Senate conferees did not insert or ask to insert a single new item or to raise the amount of a single item contained in the bill. They were opposed to the insertion of new matter in a conference report as a matter of course. In the meantime, however, at the other end of the Capitol, the House took charge of the bill for a while before it was sent to the conference committee, went into Committee of the Whole on it, and voted almost unanimously to add another one of the Bowman or Tucker court findings, and then proceeded as if to add others. Finally, a motion was made to disagree to the so-called Selfridge board claims, and that motion was carried by a vote of 75 to 73. The committee then rose and reported to the House. Then a motion was made to send the bill to conference.

So, Mr. President, the conferees were in this position when they came to the conference. The House had expressed itself upon inserting another certain claim that had not been covered before either by House or Senate, and the House had also voted in favor of cutting out the Selfridge board claims, but the Speaker of the House had ruled that neither one of those acts stood good, as a matter of fact, because the motion to send to conference carried with it all the subject-matter to the conference.

The conferees on the part of the House asked that we insert the item to which the House had expressed itself as being favorable in Committee of the Whole. They also asked that two other items, court findings, one of about $1,200 and one of about $800, which had already received the indorsement of the House Claims Committee and were supposed at the time the measure passed to be in the bill, should be added, and precedents were quoted for putting them in the bill in conference. I notice that in the House yesterday precedents offered by the House conferees were read on that particular point, so that a general complaint against inserting new matter can scarcely be lodged against the conferees.

Mr. HALE. If the Senator will allow me, I have read the report very carefully, for I wanted to know all that had taken place. It is not, I think, our Senate conferees who put new matter in the report, against the contention so often raised here that no new matter shall be put into such a report which has not been considered by either House; but it came here in the provision inserted by the other body.

Mr. WARREN. Entirely so.

Mr. HALE. And not from our representatives here.

Mr. WARREN. Mr. President, I do not want to further occupy the time of the Senate, except to say that the reason I made the motion to insist upon all the Senate amendments and to ask for a further conference and the appointment of conferees was because, whatever the House may do in the future, their action has been, to say the least, a little complicated and confusing upon this subject in the past, and I therefore want the whole matter open to conference. The House asked us to accept, alongside the instructions to cut out the Selfridge board claims, its instruction to insert a certain claim, and yet the same interest making that motion to insert made the complaint yesterday which cut out that identical claim on a point of order, for the purpose, seemingly, of defeating the whole bill.

There was a proposition made in conference that the Selfridge board claims be reduced a certain percentage, as had been done in conference upon similar claims and on a similar bill two years ago. I am not certain but that a proposition of that kind may be submitted as meeting the views of the House. Therefore I have thought it better that the Senate should now at this time insist upon its amendments, ask for a further conference, and go into conference as if this instruction message had not come from the House.

As one of the conferees I want to act in entire harmony with the views of the Senate. I am ready to receive any instructions now or later on, but it seems to me that the better policy at this time would be to go into a "full and free" conference, ignoring entirely the proposition which came over from the House as an instruction appendix to its request for conference.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] moves that the Senate still further insist on its amendments disagreed to by the House of Representatives and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. WARREN, Mr. TELLER, and Mr. MASON were appointed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. Mr. President, in accordance with notice heretofore given, I now move that the Senate proceed to the consideration of the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill may be dispensed with, and that the bill be read for amendment.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments first receive consideration. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 1, line 9, to increase the appropriation for installation of range and position finders from $325,000 to $500,000.

The amendment was agreed to.

The next amendment was, on page 2, line 2, to increase the appropriation for purchase and installation of search lights for the defenses of our most important harbors from $150,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

For the purchase of land on Cushing's Island, Portland Harbor, Maine, being parcels of land 6 and 7 as described in Senate Document No. 278, Fifty-sixth Congress, first session, to be used to erect additional batteries and for buildings for the troops, $225,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until a valid title to all the land and property described shall have been acquired by the United States.

The amendment was agreed to.

The next amendment was, on page 2, line 20, to increase the appropriation for the protection, preservation, and repair of fortifications for which there may be no special appropriation available from $150,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 3, line 4, to increase the appropriation for construction of sea walls and embankments, from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to strike out:

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, needful casemates, cable galleries, and so forth, to render it possible to operate submarine mines, and continuing torpedo experiments, $50,000.

And in lieu thereof to insert:

For the construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories, $33,000, to be expended by the Engineer Department.

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports and continuing torpedo experiments, $17,000, to be expended by the Artillery Corps.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 5, line 16, to increase the appropriation for oil-tempered and annealed steel for coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, from $46,500 to $165,000.

The amendment was agreed to.

The next amendment was, on page 6, line 1, to increase the appropriation for purchase, manufacture, alteration, and issue of carriages for mounting seacoast guns of 8, 10, and 12 inch calibers, including any new tools or machinery necessary for their manufacture at arsenals, from $250,000 to $406,000.

Mr. PROCTOR. Let that amendment be passed over, Mr. President.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, line 7, to increase the appropriation for range finders, including instruments for fire control and azimuth instruments for coast defense, etc., from $100,000 to $170,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 13, to insert:

For mountain guns, with their carriages, packing outfits, accessories, and ammunition, $82,000.

The amendment was agreed to.

The next amendment was, on page 7, line 18, before the word "breech-loading," to strike out "five-inch;" so as to make the clause read:

For breech-loading rifles, siege, $7,500.

The amendment was agreed to.

The next amendment was, on page 7, line 20, before the word "breech-loading," to strike out "five-inch;" so as to make the clause read:

For carriages for breech-loading rifles, siege, including implements, equipments, platforms, and ammunition wagons, $14,400.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "breech-loading," to strike out "seven-inch;" so as to make the clause read:

For breech-loading howitzers, siege, $8,200.

The amendment was agreed to.

The next amendment was, on page 8, line 1, before the word "breech-loading," to strike out "seven-inch;" so as to make the clause read:

For carriages for breech-loading howitzers, siege, including implements, equipments, platforms, and ammunition wagons, $14,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 12, to insert:

For remaining payments to be made under contract with the Bethlehem Iron Company dated June 8, 1898, as amended by supplemental contract of June 22, 1901, $35,000, or as much thereof as may be necessary. This payment shall be made to the Bethlehem Steel Company as successor to the Bethlehem Iron Company.

Mr. PENROSE. Mr. President, I desire to offer as a substitute for the committee amendment an amendment which I ask to have read. I will ask the Senator from California [Mr. PERKINS] to accept the amendment tentatively and provisionally, subject to the approval of the War Department, which, I understand, has been given to the amendment. Its purpose is the same, but it is somewhat broader in scope.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment to the committee amendment, which will be read.

The SECRETARY. Strike out the committee amendment and insert the following:

All contracts of the Bethlehem Iron Company, of South Bethlehem, Pa., heretofore made between it and the United States shall be completed by its successor, the Bethlehem Steel Company, or its successor, which has acquired or may acquire all of its assets and has assumed or may assume all of its liabilities under the said contracts, and the said Bethlehem Steel Company, or its lawful successor, upon giving security in proper form and amount conditioned upon the performance by it of the said contracts according to the true intent and meaning thereof, shall be substituted therein for the said Bethlehem Iron Company, and be entitled to exercise all rights thereunder which the said Bethlehem Iron Company had or would have had if it had continued in existence.

Mr. PERKINS. Mr. President, the amendment offered by the Senator from Pennsylvania somewhat enlarges the recommendation made by the Secretary of War, which was presented to your committee. However, there seems to be no objection to it on its face. I will, therefore, with the permission of the committee, accept it provisionally; that is, that a letter of recommendation shall be secured from the Secretary of War substituting this for his former recommendation.

Mr. PENROSE. I understand this amendment has the indorsement of Major McNally. It was only given to me this morning, so that I have not had an opportunity to get the formal recommendation of the Secretary of War or of the Chief of Ordnance. Of course, that will be had or I will not press the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 8, after line 19, to insert:

The Secretary of War is hereby authorized to accept the proposition of the Pneumatic Gun Carriage and Power Company contained in its letter of August 9, 1901, addressed to the president of the Board of Ordnance and Fortification, for settlement of its contract dated November 5, 1894, to furnish the Department with a 10-inch disappearing gun carriage.

The amendment was agreed to.

The next amendment was, under the subhead "Proving Ground, Sandy Hook, N. J.," on page 9, line 12, to increase the appropriation for current expenses and maintenance of the ordnance proving ground, Sandy Hook, N. J., from $37,000 to $43,926.

The amendment was agreed to.

The next amendment was, on page 9, line 18, after the word "draftsmen," to insert "and such other service as the Secretary of War may deem necessary;" so as to make the clause read:

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, and the compensation of draftsmen and such other service as the Secretary of War may deem necessary while employed in the Army Ordnance Bureau on ordnance construction, $18,700.

The amendment was agreed to.

The next amendment was, on page 10, after line 19, to insert:

SEA WALL AT SANDY HOOK, NEW JERSEY.

For construction of a riprap or stone wall and causeway for the protection of the eastern beach of the United States lands at Sandy Hook, New Jersey, and the Government railroad thereon, $75,000.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

FRANKFORD ARSENAL, PHILADELPHIA, PA.

For establishment of a power plant for the artillery ammunition factory, and the removal thereto of engines and boilers on hand, $58,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

For box-making and packing shop for small-arms cartridge factory, $28,000.

The amendment was agreed to.

The next amendment was, under the subhead "Watertown Arsenal, Watertown, Mass.," on page 11, after line 12, to insert:

For additional battery of two boilers, including extension of the boiler room, and necessary connections, $4,000.

The amendment was agreed to.

The next amendment was, under the subhead "Board of Ordnance and Fortification," on page 13, after line 10, to strike out the remainder of the bill in the following words:

To enable the Government to secure the use of the high explosive "Thorite," the Secretary of War is hereby authorized and directed to purchase the entire and exclusive right for the United States to manufacture and use the high explosive "Thorite:" *Provided*, That all formulæ, data, and facts related to said process and necessary to the successful manufacture of said "Thorite" shall be placed in the possession of the Secretary of War before payment for the same shall be made.

The sum of $50,000 for the said purpose is directed to be taken from the appropriation of $100,000 made by the act of Congress "Making appropriations for fortifications and other works of defense," approved March 1, 1901, for the purpose of securing the high explosive "Thorite" and the "Isham High Explosive Shell."

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment on page 6 was passed over.

Mr. PERKINS. The Senator from Vermont [Mr. PROCTOR] asked to have that temporarily go over. The Senator from Connecticut [Mr. PLATT] desires to offer an amendment.

Mr. PLATT of Connecticut. I offer an amendment which I think might come in either on page 2, after line 20, or at the end of the bill. I am not particular as to where it comes in.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 2, after line 20, insert the following:

There is hereby granted to the State of Connecticut the right to occupy, improve, and control, for the purposes of a public park for the use and benefit of citizens of the United States and for no other purposes whatever, the tract of land owned by the United States which is situated on the east shore of New London Harbor, in said State of Connecticut, known as the Fort Griswold tract, and partly occupied by an abandoned fort and earthwork of that name, said tract being bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties. The provisions of this grant are that the State of Connecticut shall have and exercise power to make and enforce police regulations concerning said tract and shall protect it from injury and defacement; that before beginning any use or improvement of said tract the State of Connecticut shall present to the Secretary of War detailed plans of any improvement and shall have received his approval thereof; that the United States reserves to itself the fee in said tract and the right to resume possession and occupy any portion thereof whenever, in the judgment of the President, the exigency arises that should require the use and appropriation of the same for the public defense or otherwise, without any claim for compensation to the State of Connecticut for improvements which may have been made thereon or damages on account thereof.

Mr. PLATT of Connecticut. Mr. President, I gave notice of this amendment. I ought to have appeared before the subcommittee to explain it, but I was away. I think there is no objection to it. I will ask to have read the memorandum of the Chief of Engineers in connection with it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
April 17, 1902.

Respectfully returned to the Secretary of War.

The suggested amendment to the fortification bill provides all necessary safeguards for the interests of the United States in Fort Griswold so far as engineer features are concerned. No objection is made on the part of the Chief of Engineers to its incorporation in the bill.

A blue print which shows the Fort Griswold tract is sent herewith. From this it will be seen that the fort tract is bounded westerly by land of various private parties and New London Harbor and not by New London Harbor and a public highway, as stated in the draft of suggested amendment.

G. L. GILLESPIE,
Brigadier-General, Chief of Engineers, United States Army.

Mr. PLATT of Connecticut. The boundary has been corrected in the present amendment.

The amendment was agreed to.

Mr. PROCTOR. I offer the following amendment, to be inserted at the end of line 2, page 6:

Provided, That no part of the appropriation made by this act shall be used for constructing or procuring disappearing carriages, emplacements, or magazines therefor.

The PRESIDENT pro tempore. The Senator from Vermont offers the amendment which the Secretary will read.

The SECRETARY. At the end of line 2, page 6, insert the following proviso:

Provided, That no part of the appropriation made by this act shall be used for constructing or procuring disappearing carriages, emplacements, or magazines therefor.

Mr. PROCTOR. Mr. President, I regret very much that I was not able to go before the committee on this measure, but other engagements prevented it, and the information that I had asked for by a resolution was not furnished in time; in fact, the principal response only came in last night, and I have had no opportunity to examine it. But I felt that I should be remiss in my duty if I did not express, on the passage of this bill, my views about the disappearing carriage.

The history of it in brief is this: In 1896 letters patent were granted to Colonel Buffington and Captain Crozier (he was then) for a disappearing carriage. General Crozier, in a communication sent to the Military Committee by the Secretary of War,

stated that no royalty had been paid by this Government, which is true, but they had disposed of the patents in foreign governments to the Bethlehem Iron Company, which is now the Bethlehem Steel Company—they are the same corporation, only the name has been changed—for a stated sum paid down and for a royalty reserved on all that was sold in foreign countries. The amount of this sum paid down was not stated, and I do not know that it makes any difference. Rumor has put it at a high sum, but one of his friends has told me that it was $10,000, equally divided between Colonels Crozier and Buffington.

Colonel Crozier stated before the House Committee on Appropriations that something over a year ago inquiries were sent out as to the views of artillery officers in regard to these carriages. To these inquiries 91 replies were received, and of the 91 officers replying 84 expressed opinions and 7 asked to be excused from expressing an opinion.

Of the 84 who expressed opinions, 60 were in favor of the use of the disappearing carriage which had been provided for the sites on which it was originally intended to use it—namely, medium and low sites; and of these 60, 16 were in favor of the exclusive use of the disappearing carriages on all sites. Sixty-three out of the 84 would have been a three-quarter majority, and those who were in favor were 60 out of 84.

Those replies are printed in Senate Document No. 336, which any Senator can obtain, and I should be very glad if they would do so. And there is also another document brought in this morning, No. 355. Those documents will give all that information.

I have read every one of those letters very carefully and have made many notes upon them. The best I could make out is that a very large majority even of the 60—two-thirds of them—are not in favor of the carriage. Considering the matter from the standpoint on which we must consider it—that is, granting that what they say is true—is it a wise and safe investment of money to make more of these carriages? I think Senators will be convinced that the evidence is overwhelming that, looking at these letters from our standpoint of the case, from the duty that is before us, a large majority of the replies are opposed to the use of the carriage. Many of them are very strong against its use under any consideration.

In Document 336 the Secretary of War sends some preliminary articles. I do not need to read them. It is an expression from a report made in 1891. There was another one made in 1894, before this carriage was patented, and there is a report from Secretary of War Lamont in 1894. It is fair to say that when the great improvements in heavy ordnance were made by high-explosive powder and lengthening of the gun it seemed to be the theory to construct a carriage that after the discharge would disappear and would be entirely out of the way, and all the men serving it would be protected; and there was a good deal of work done in all countries of the world in that direction.

This patent was gotten out here. General Buffington was, as you know, Chief of Ordnance. The Ordnance Department had almost absolute control of this matter of expenditures. The Board of Ordnance and Fortification, which was established in 1888 with a view to make an independent board which should consider matters of this kind, has been stripped of all its power. It practically amounts to nothing now. The original act contemplated that all the expenditures should be made on the recommendation of that board. It was proposed originally in the Senate here as an amendment to the fortifications bill.

I think the Senator from Colorado [Mr. TELLER] will remember about it. I find, in looking up the records, he had considerable to say about it. The purpose of it was to give to outside inventors a better opportunity to have an impartial board of high character to pass upon these things instead of having them in the close corporation, as I am inclined to call it, of the Ordnance Bureau.

Among the other preliminary papers is a report from that board, the Board of Ordnance and Fortification, made in 1900. They report against the use of this carriage in the first place for rapid-fire guns, and then say:

> After giving the question of nondisappearing and disappearing carriages for 8, 10, 12, and 16 inch high-power guns for coast fortifications and the opinions of artillery officers careful consideration, it is the judgment of the Board of Ordnance and Fortification that it would be unwise and injudicious to locate any more guns on disappearing carriages than those now under process of construction on high or medium sites and no more should be placed (than those now under process of construction) on low sites until the proportion of those to be placed in such fortifications shall have been limited to one-third of the total number to be so located.

The vote on this resolution was in favor of it. General Miles, Colonel Rodgers, one of the finest officers of artillery, and General Henderson, well known to members of the Senate, a long time a member of the House, the civilian member of the board, voted for it. The two who were opposed to it were General Wilson and General Buffington, one of the patentees.

The questions asked of these artillery officers are found on page 6, of Document No. 336.

Mr. HARRIS. Will the Senator permit me to interrupt him?

Mr. PROCTOR. Certainly.

Mr. HARRIS. If it will not interrupt the Senator from Vermont, would it not be well to give the reports which have been made on this subject by other Boards of Ordnance and Fortification than the one he has referred to?

Mr. WARREN. Upon which General Buffington did not serve.

Mr. HARRIS. The preceding board. I think there were several reports at different times, and I think it is just as well to have them.

Mr. PROCTOR. Those that are printed in this document?

Mr. HARRIS. They are printed in Senate Document No. 336.

Mr. PROCTOR. Please refer to them. I have referred to some board reports.

Mr. WARREN. They immediately precede what you have read.

Mr. PROCTOR. Oh, yes; I thought I explained that sufficiently. In 1894 there was a favorable report, and there was a report in 1897.

Mr. WARREN. There was a report in 1891.

Mr. PROCTOR. I sufficiently explained those other reports. At that time it was the desire of everybody to get such a carriage if possible.

Mr. HARRIS. If we are to discuss the question of the gun carriage and its desirability, it seems to me all of the matter on pages 3, 4, and 5 of Senate Document No. 336 would be very desirable.

Mr. PROCTOR. I would be very glad indeed to have it read. I do not wish to read it myself. I cheerfully admit there are several reports. If that is not sufficient, let them be read.

Mr. HARRIS. A reference to it will be sufficient.

Mr. PROCTOR. The answers to the inquiries follow. The questions asked were, "What opportunities have you had to judge?" "Which do you deem preferable for modern high-power guns, barbette carriages or disappearing carriages, either on high, medium, or low sites?" "Your opinion of disappearing carriages, and whether they are satisfactory or unsatisfactory; if unsatisfactory, state the reasons, etc."

All those questions are found at the top of page 6.

The answers are quite lengthy, and I ask to have printed an abstract or a synopsis made by an artillery officer, the recorder, I think he is, or was, of the Board of Ordnance. It was asked for by the Secretary of War and made for him. That is Document 355.

I have not been able to compare the abstract fully. I presume it is a fair one. I have had printed the page of Document No. 336 where the full letter is given, and Senators can look at the abstract and compare it with the letter if they choose to do so. I have had them printed in this order.

On page 94 of Document No. 336 is given a summary from a digest of opinions of these officers. The first class, those claimed to favor disappearing carriages for heavy guns on all sites are 15 officers; those claimed to favor disappearing and nondisappearing carriages, depending on height of site, are 49 officers. Then follows a list of 8 who are in favor of nondisappearing carriages without shields on all sites; a list of 10 in favor of nondisappearing carriages with shields on all sites; then two other lists, the final one, 6, giving no definite expression of opinion.

This synopsis is printed in just the order they are named there. The first fifteen are those who are claimed to be, without qualification, in favor of the disappearing carriage. I will ask the Secretary to read that list, and, if he will, to read it slowly, and give the name of the officer and page on the summary where his letter can be found in full.

The PRESIDENT pro tempore. Does the Senator from Vermont want the entire document read that he has sent to the Secretary's desk?

Mr. PROCTOR. Yes.

Mr. WARREN. Will the Senator yield a moment?

Mr. PROCTOR. Certainly.

Mr. WARREN. I think it will be only fair, when we are to have a list of answers, to first have the questions read, so that the Senators who hear these answers may know what was propounded to the witness.

Mr. PROCTOR. I read the substance of the questions.

Mr. WARREN. The Senator did not read them completely.

Mr. PROCTOR. I read the substance of every one of them.

Mr. WARREN. If the Senator does not object, I will ask to have them read.

Mr. PROCTOR. Certainly.

Mr. WARREN. I ask that the first page, commencing 1, 2, *a*, *b*, *c*, and 3, 4, and 5, be read.

Mr. COCKRELL. Let the whole of it be read.

The PRESIDENT pro tempore. Will the Senator from Wyoming read the document, or will he send it to the Secretary's desk to be read?

Mr. WARREN. I will send it to the Secretary, as he is to read all the others.

Mr. PROCTOR. I will state that the questions are to be found on the top of page 6.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, May 2, 1902.

SIR: In response to the following resolution of the Senate, dated April 24, 1902—

"*Resolved*, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official reports from artillery officers in regard to the Buffington-Crozier disappearing gun carriage, made either to the War Department or to the Board of Ordnance and Fortification"—

I have the honor to advise you that on July 19, 1900, letters were addressed by the Board of Ordnance and Fortification to officers of artillery who had been in charge of batteries of modern high-power guns within the past two years, requesting replies to the following questions:

"(1) Please state what opportunities you have had for judging as to the value, effectiveness, and utility of disappearing and nondisappearing gun carriages.

"(2) Which do you deem preferable for modern high-power guns in barbette batteries, either on high, medium, or low sites:

"(*a*) Disappearing carriages such as are now in use;

"(*b*) A nondisappearing carriage such as is now in use;

"(*c*) A nondisappearing carriage with a strong shield for the protection of the gunners;

"Assuming all to be provided with proper loading facilities?

"(3) In your judgment are the disappearing carriages now mounted in modern batteries satisfactory or unsatisfactory?

"(4) If unsatisfactory, please state in as concise a manner as practicable to what extent you deem them objectionable, and what changes or improvements can you suggest?

"(5) Any suggestions as to the proportion in which these different types of carriages should be used, or any other suggestions you may desire to make in this connection, will be considered by the board."

Replies to these questions were received from 91 officers.

Copies of all these replies are annexed hereto.

A digest of the opinions contained in the replies prepared for the Secretary of War by Gen. John M. Wilson, then Chief of Engineers, is also annexed, together with a summary prepared from that digest, whereby it appears that of the 91 artillery officers answering the questions, 64 were in favor of disappearing carriages, 15 being in favor of them for all sites, 49 being in favor of them for low sites and of nondisappearing carriages for high sites, while 21 were opposed to disappearing carriages on any site, and 6 gave no definite expression of opinion.

The only official reports in regard to the Buffington-Crozier disappearing gun carriage made to the War Department, as distinct from the Board of Ordnance and Fortification, are a report by First Lieut. (now Capt.) H. E. Cloke, Third Artillery, commanding defenses at the mouth of the Columbia, dated December 15, 1900, and a report by Maj. Charles E. L. B. Davis, Corps of Engineers, dated December 19, 1900. Both of these reports relate to firing tests of the disappearing gun carriage made on the Pacific coast in the fall of 1900, and both of them are annexed herejo.

Under paragraph 415 of Army Regulations the commanding officers of all artillery stations are required to forward to the War Department a report of each shot fired in practice, instruction, and active service.

I do not understand that it was the intent of the resolution to call forth these reports, but as portions of them have a manifest bearing upon the subject I inclose a digest of the statements contained in these reports for the second half of the year 1900 and the whole of the year 1901, relating to the action of disappearing gun carriages. The reports themselves are very detailed and voluminous. Complete copies will be prepared and furnished if the Senate should so desire.

The remarks as to the action of gun and carriage quoted in the ninth column of the digest exhibit a general record of efficiency, such failures to act perfectly, as are recorded in about one-fourth of the cases, being but slight and easily corrected, and of the character which it is the purpose of practice to correct.

There are also on file in the Department copies of voluntary letters stating the personal experience of the writers in the use of the Buffington-Crozier disappearing gun carriages, as follows:

By Maj. Arthur Murray, Corps of Artillery, dated December 26, 1899; by Maj. W. P. Duvall, Corps of Artillery, dated July 15, 1900; by Maj. Sedgwick Pratt, Corps of Artillery, dated January 11, 1901.

These letters having the substantial character, although not the technical form, of reports, I also annex hereto.

I also annex, as furnishing useful information upon the subject of the resolution, extracts from the reports of the Board of Ordnance and Fortification, showing the action of that body on the subject of disappearing gun carriages from the date of its organization to the present time, and an extract from the annual report of Secretary Lamont in 1894 upon the same subject.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The PRESIDENT PRO TEMPORE,
United States Senate.

Mr. PROCTOR. Now let the synopsis be read.

The Secretary read as follows:

[Senate Document No. 355, Fifty-seventh Congress, first session.]

DISAPPEARING GUN CARRIAGES—SYNOPSIS OF REPORTS FROM ARTILLERY OFFICERS ON SUBJECT OF DISAPPEARING GUN CARRIAGES PRINTED IN SENATE DOCUMENT NO. 336, FIFTY-SEVENTH CONGRESS, FIRST SESSION.

May 13, 1902.—Ordered to be printed.

The following is a synopsis of the reports of the 15 officers named in the summary on page 24 of Senate Document No. 336 as favoring disappearing carriages for heavy guns for all sites:

Captain Best (p. 72): Can not say as to carriage in general; thinks present carriage gives better protection than barbette, particularly so on low sites; thinks present carriage satisfactory, but defenses not effective because of insufficient artillery; can not see why such carriages can not be kept in order; present difficulty lies with the animate artillery; has not been associated with the armament for past two years and has consequently lost touch to a considerable extent; knows of no reason to think unfavorably of present carriage.

Captain Chase (p. 77): Inclines toward disappearing carriages for guns of 10 and 12 inch caliber; opinion not formed as to barbette carriages with and without shield; when present carriage is properly installed, it is easy and simple to operate; demands constant care; from experience, thinks they fulfill the requirements of seacoast sites.

Captain Cronkhite (p. 78): In favor of for all sites, but not for rapid-fire guns; present carriage satisfactory if used under conditions upon which their construction is based.

Lieutenant Ferguson (p. 89): Favors for all sites; regards present carriage satisfactory and as efficient as barbette carriage; has served during the past two and one-half years in light battery, and consequently opinion not maturely formed.

Capt. H. L. Harris (p. 50): Favors latest model for all sites; no suggestions to offer; present carriage satisfactory; experience very limited.

Lieutenant Hains (p. 47): Prefers disappearing carriage, particularly for low and medium heights, because it affords greater protection for the gun and detachment; qualifies this opinion in special cases; experience too limited to form competent judgment as to whether present carriage is satisfactory or not; thinks they are.

Lieutenant Hero (p. 53): In favor of for all guns of 8, 10, and 12 inch caliber.

Captain Hoyle (p. 56): In favor of for all sites; present carriage entirely satisfactorr; work beautifully, and are a happy solution of a difficult problem. Suggests an actual firing test to determine service value.

Lieutenant Johnston (p. 42): In favor of for all sites for all except rapid-fire guns; late models of present carriage satisfactory, and with proper care ought to do good service, but thinks they can be improved upon in simplicity of construction, in reduction of cost, in making them suitable for use either as disappearing or nondisappearing carriages; objects to sliding surfaces and the present method of taking up recoil.

Colonel Kinzie (p. 43): In favor of for all sites; present carriage of later model seems to be satisfactory; no suggestions and no recommendations.

Lieutenant McNair (p. 18): In favor of the disappearing carriage for all sites; considers the latest model of disappearing carriage to be very satisfactory; believes that no radical changes are needed in the disappearing carriage as now made for the 12-inch rifle; objects to shields; describes advantages of disappearing carriage over barbette.

Colonel Myrick (p. 22): In favor of for all sites: present carriage satisfactory or, when not, believes it can be made so by a perfect acquaintance on the part of the men engaged in handling it.

Captain Pratt (p. 10): In favor of for all sites; considers present carriage of later models satisfactory, with exception of traverse chains and retraction gears; criticises the loading crane.

Captain Weaver (p. 30): States that if mechanical defects can be removed so as to make the carriage certain, he would favor disappearing; favors disappearing for large calibers; points out many defects constantly developing. Recommends that board of civilian mechanical experts be formed to report on carriage.

Lieutenant Winston (p. 40): Theory of disappearing carriage is correct, in his opinion, and protection afforded is sufficient to warrant its manufacture in preference to simpler barbette; qualifies this opinion by referring to delicate machinery; states that if it fulfills conditions laid down, disappearing carriage is best for 8, 10, and 12 inch guns.

Mr. PROCTOR. These are the 15 men who are quoted as unqualifiedly in favor of the disappearing carriage. I wish to call attention to the fact that four of them said that they have had practically no experience. The first one, Captain Best, "has not been associated with the armament for the past two years, and has consequently lost touch with it to a considerable extent;" Lieutenant Ferguson says his "opinion not maturely formed;" Captain Harris says, "experience very limited;" Lieutenant Hains says, "experience too limited to form competent judgment as to whether present carriage is satisfactory or not;" and five qualify their indorsement to such an extent as would hardly justify action upon an appropriation.

Captain Hoyle "suggests an actual firing test to determine service value," which has never been given, so far as I can learn.

Mr. COCKRELL. Does the Senator mean that there never has been a firing test with full charge?

Mr. PROCTOR. I beg the Senator's pardon; I will come later on to a table showing just what has been done.

Captain Weaver "recommends that board of civilian mechanical experts be formed to report on carriage," which I think is a very wise recommendation.

Let the Secretary proceed with the reading. The next 49 are quoted as favorable, depending somewhat on the site. Perhaps I might say that the engineers classify the sites in this way from their table, which I examined. Up to 40 feet is a low site. They make a division, 40 to 60, and 60 to 80, which are both perhaps called medium, the first a low medium and the next a high medium. Above 80 is a high site.

The Secretary read as follows:

The following 49 are named as favoring disappearing and nondisappearing carriages, depending on height of site:

Captain Adams (p. 92): Opposed to for sites above 75 feet; in favor of below this height. Present carriage not entirely satisfactory; presumes defects will be remedied; states that chains frequently break at drill, due to defective design; believes this can be remedied: adjustment of counterweight causes trouble; requires constant care and precaution to keep adjusted. Gives his experience at Morro Castle during Spanish war. States Navy did no damage to coast defenses above elevation of 70 feet.

Captain Alexander (p. 68): Opposed to carriage; present carriage not completely satisfactory; too liable to get out of order; requires constant care; too complicated; retraction gear with ropes and chain constantly giving trouble; loading devices slow and unwieldy. As carriage has not been subjected to test of war would try both types and mount half the guns on low sites on disappearing carriages.

Lieutenant Arnold (p. 69): Opposed to on high and medium sites; favors on low sites; carriage only partially satisfactory; recoil mechanism and counterweight defective; cylinders give trouble; carriages can not be tested before firing; too slow; great difficulty experienced in keeping bearing surfaces clean; suggests that such carriages be used only in case others can not be.

Captain Bailey (p. 70): Opposed to generally; a few could be used on very low sites defending a very narrow channel; for calibers of 8 inches and over, carriages used on low sites and in certain special cases on medium sites. Present carriage will be satisfactory when improvements are made. Recommends no more such carriages for rapid-fire guns.

Captain Bartlett (p. 71): Opposed to on high and medium sites; would use one half on low sites; present carriage unsatisfactory to some degree; not simple in construction; gets out of order easily; adjustments too fine; slow fire.

Captain Blunt (p. 73): Opposed to on high; in favor of on medium and low, but modifies his favorable opinion by certain conditions; considers latest type of carriage satisfactory; carriages are changing continually; suggests certain improvements in mechanism; points out defects; cylinders give trouble; so do counterweights; older models of carriages defective; retraction chains break often; laying devices not satisfactory; gun sights not placed properly. Further use will bring out advantages and disadvantages of these types.

Major Burbank (p. 74): Opposed to on high and medium sites; in favor of on low sites; opinion based on theoretical grounds; present carriage complicated; requires a skilled personnel, which at present we do not have; has only had experience with present type and does not feel qualified to discuss relative proportions.

Lieutenant Campbell (p. 75): Opposed to for high sites; in favor of for medium and low; present carriage very satisfactory; present liability of injury to mechanism can be remedied; suggests certain improvements; smokeless powder should be used.

Lieutenant Chamberlain (p. 76): Opposed to on high sites; in favor of on low sites; no fixed rule as to medium sites; present carriage satisfactory; suggests various improvements and points out defects; power should be used for manipulation; no suggestions as to proportions of types of different carriages.

Captain Conklin (p. 78): On general principles opposed to on high and medium sites and in favor of for low sites; says present carriages fairly satisfactory; experience limited; not sufficient data to base an opinion upon; would only favor disappearing carriages on low sites, provided it stands the test of firing under severest conditions; otherwise would favor the barbette; reports on the whole against the carriage, even for low sites.

Capt. R. H. Davis (p. 80): Opposed to on high and medium sites; in favor of on low; carriage satisfactory except as to minor details and loading facilities; suggests application of power; recommends practical trial to determine relative value under service conditions to settle questions.

Major Day (p. 8.): Opposed to on all sites, but favors use of small; proportion to be determined in each case by board of officers, majority of whom should be artillerymen. Thinks present carriage unsatisfactory; mechanism too delicate; too liable to get out of order; objections serious; favors a mixed mount for heavy artillery, proportion to be determined in each case separately, as above indicated.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PERKINS. I ask that the unfinished business be temporarily laid aside for the purpose of considering the pending bill.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate be permitted to continue the consideration of the fortifications appropriation bill. Is there objection? The Chair hears none, and it is so ordered. The Secretary will resume the reading.

The Secretary read as follows:

Lieutenant Gatchell (p. 90): Opposed to on high and medium sites; in favor of on certain special low sites, but even for low sites would prefer Gruson turrets; present carriage not wholly satisfactory; points out many minor defects in the mechanism; suggests no improvement.

Lieutenant Gatley (p. 91): Thinks question can not be consistently answered as stated, as all depends on the site; for sites under 200 feet suggests the present disappearing carriage until a better one is devised; so far as his personal experience and observation goes, present carriage eminently satisfactory. Believes that the effectiveness of the carriages depends altogether upon the men in charge of them. Believes that the ordnance officer should be a man of experience and mechanical ingenuity.

Captain Hamilton (p. 64): Opposed to on high and medium sites; in favor of for low sites; present carriages not entirely satisfactory; states many objections to details of mechanism. Suggests as a solution of the question that such carriages be used only for sites under 70 feet.

Captain Harlow (p. 48): Opposed to for all sites; present carriage unsatisfactory; gives in detail objections, but thinks that for very low sites and for short ranges a proportion of disappearing carriages may be used, proportion not to exceed one-half, usually less.

Lieut. F. E. Harris (p. 49): Opposed to for high and medium sites; for low sites favors the use of either type; present carriage not satisfactory; were constantly out of order and no amount of care seemed able to prevent the difficulties encountered. Makes no suggestions.

Colonel Hasbrouck (p. 50): Opposed to for medium and high sites; in favor of for low sites; considers present carriage satisfactory for its type, but prefers the barbette carriage where it can be used without too much exposure to the enemy's fire; has seen both carriages tested by firing, during which defects developed with the disappearing but not with the nondisappearing; proportion should be determined by the site.

Lieutenant Hayden (p. 52): In favor of for low and medium; opposed to for high sites; qualifies opinion as to medium sites; present carriage satisfactory in almost every respect when given proper care and attention; defects of earlier models have been corrected.

Captain Hills (p. 53): Opposed to for high and medium sites; in favor of for low; no suggestions or recommendations.

Lieutenant Hubbard (p. 57): Opposed to for high and medium sites; in favor of for low sites in special situations, and especially where the element of surprise enters; the later models of the present carriage appear to be satisfactory; present proportion of these carriages entirely too great; 30 or, at most, 40 per cent would appear to be high enough.

Lieutenant Kephart (p. 85): Objects to on all sites; present carriage unsatisfactory; gives in detail advantages and disadvantages of the two types; would suggest certain improvements in the artillery service of the guns.

Captain Lomia (p. 44): In favor of for low sites; opposed to for high sites; present carriage unsatisfactory; objection to carriage its liability to get out of order, thus rendering gun useless; qualifies opinion as to low sites, and would use nondisappearing carriages with shield for protection of gun detachment on such sites.

Captain Lundeen (p. 89): Opposed to for high and medium sites; no opinion as to low sites; does not think present carriage entirely satisfactory, and gives an illustration from his own experience, describing faults in detail.

Captain Marsh (p. 15): In favor of for all except very high sites for guns of 10-inch caliber and upward; has never seen the nondisappearing carriage, either with or without shield, and only four of the disappearing carriages, and has never seen these tested in service; consequently not qualified to answer the question submitted.

Lieutenant Martin (p. 20): Opposed to for high and medium sites; in favor of for low and medium sites, unless a more simple carriage can be constructed; present carriages of late model satisfactory, but thinks they may not be the best attainable; seem to be most satisfactory part of our system of coast defenses; well-trained men required to handle them; none but artillery officers should be allowed to mount and dismount these guns.

Captain McClellan (p. 17): In favor of for low sites; opposed to for high sites, and would use both on medium sites; regards the present carriage as satisfactory; believes that the faults found can be cured and presumes they will be; criticises various details of the mechanism; proportion of types must depend upon exposure to enemy's fire.

Captain Newcomb (p. 23): Opposed to for high and medium sites; in favor of for medium sites provided a simpler type can be devised; carriage fairly satisfactory; considers the carriage as a whole experimental.

Captain Patterson (p. 24): Has had but little experience; prefers a barbette carriage with shield; does not consider present carriage satisfactory, but believes they can be made to work better; has no suggestions as to proportions, but thinks majority of disappearing carriages in low sites; suggests improvement in service of magazines.

Lieutenant Pence (p. 24): Opposed to for high and medium sites; favors a small proportion for low sites in certain special cases; does not consider the carriage as now mounted satisfactory; gives reasons.

Colonel Randolph (p. 87): Difficult to arrive at a satisfactory conclusion as to value of these carriages in actual warfare; his preference is decidedly in favor of barbette carriage with shield, which makes a better target; suggests it may be well to have a certain proportion of disappearing carriages on low sites; has little or nothing on which to base an opinion.

Captain Ridgway (p. 66): Opposed to for all sites; considers present carriage unsatisfactory; his experience fails to approve them as reliable machines and their efficiency depends upon too many adjustments; if a satisfactory solution of the problem of a reliable disappearing carriage is found, a number could be advantageously applied to sites up to about 60 feet.

Colonel Rodgers (p. 86): Opposed to for high and medium sites, and also for low sites, unless a perfectly stable foundation can be constructed on such sites; considers present carriage unsatifactory and gives in detail his reasons. On low sites would not mount more than 50 per cent of 8, 10, and 12 inch guns on disappearing carriages.

Captain Rogers (p. 6): Not had sufficient experience and not prepared to give an expert opinion. If guns are mounted on disappearing carriages they should at least be supplemented by others mounted on barbette with shield.

Captain Rumbough (p. 10): Opposed to on high and medium sites; considers them satisfactory for low sites; has not used carriage sufficiently to learn its defects.

Captain Skerrett (p. 11): Opposed to on high and medium sites; favors on low sites only; considers present carriage very satisfactory as a type of its class; objection is to type for general use, and suggests improvements.

Lieutenant Snow (p. 12): Opposed to for high and medium sites; in favor of for low sites; considers present carriage on whole satisfactory; requires more intelligent and better trained class of soldiers; danger that something will be deranged during actual fire that would require the services of more skilled men than are now found in the artillery; thinks the present carriage has no equal of its type, but that a sufficient proportion of them has already been mounted and that hereafter the standard carriage should be barbette.

Captain Stone (p. 14): Opposed to for high and medium sites; in favor of for low sites; prefers that the number of disappearing carriages be limited to such as may be calculated for final resistance at close range in case others become disabled.

Maj. R. P. Strong (p. 9): Opposed to on high and medium sites; on low sites would use both; present carriage not entirely satisfactory; gun can not always be depended upon to run into battery; recommends that on low sites half the guns be disappearing and half barbette.

Capt. F. S. Strong (p. 15): In favor of on sites below 40 or 50 feet; for high and medium sites, opposed to; considers the present carriage more liable to get out of adjustment than the barbette, and does not consider them entirely satisfactory; suggests no improvements or changes; says that the disappearing carriage is practically used only for a few shots during actual firing season; officers and men do not become familiar with it.

Lieutenant Todd (p. 59): Opposed to for high and medium sites; favors for low sites; considers latest models best obtainable, but use for all sites can not be too strongly condemned; mechanism complicated; loading facilities crude and slow.

Captain Townsley (p. 60): In favor of for low and medium sites except for rapid-fire guns; opposed to for high sites; advantage of carriage is in protection; does not consider them entirely satisfactory, but considers defects are of mechanical details and not inherent; cylinders defective; platform not rigid; thinks difficulties due to lack of sufficient firing practice.

Captain Treat (p. 9): Opposed to for all sites, but suggests that a few disappearing carriages would be of advantage on certain sites; not satisfactory as only one to use, but is satisfactory of its type.

Captain Van Deusen (p. 94): Prefers a large proportion of barbette carriages with shields; considers present carriage satisfactory of their class, but does not think so much dependence should be placed on them; carriage is complicated; constant care needed; easily put out of order; thinks system of protection has bad effect on efficiency of gun. Does not think proportion of disappearing should be greater than one-third.

Captain Van Ness (p. 25): Mistake to rely entirely on disappearing carriages; experience with partially instructed volunteer artillery sufficient to indicate need of carriage of simple construction; prefers barbette, but disappearing carriage will be best for certain sites; his objection is solely to amount of mechanism.

Captain Walker (p. 81): So far as his experience goes is disposed to favor present carriage, but on account of cost favors barbette with shield for protection of gunners on high sites; considers carriage quite satisfactory; as a machine, complicated and liable to get out of order.

Captain Whistler (p. 28): Considers present carriage complicated; large number of sliding parts, and must necessarily become, in time, very inaccurate, and more so than barbette; considers it fundamental that disappearing carriage should not be used when barbette can be; use of disappearing carriage as service type for all sites contrary to common sense; loading facilities not satisfactory; present carriage meets all requirements of fire so far as gun is concerned, but is too complicated. Thinks Howell carriage better than Crozier-Buffington.

Captain White (p. 30): No practical experience with barbette carriage and has not formed definite opinion as to merits of two; both should be used in varying proportions on medium and low sites; opposed to them for high sites; present carriage not entirely satisfactory; gun fails to run fully into firing position at times and at others goes in with too much shock; does not think

it advisable to manufacture any more disappearing carriages until fair proportion of nondisappearing have been obtained and their relative merits tried.

Captain Wisser (p. 41): Opposed to for high sites; favors one-fifth for medium sites and one-third for low sites; considers the carriage satisfactory; only grave objection to it is lack of proper loading facilities.

The following 10 officers are named as favoring nondisappearing carriages with shields for all sites:

Captain Anderson (p. 68): Opposed to for all sites; present carriage unsatisfactory; not accurate; aiming defective; does not permit rapid firing; states his opinion that one-half the carriages now mounted will be giving trouble half an hour after action begins; easily disabled; spring return barbette carriage suggested instead.

Lieutenant Barrette (p. 70): Opposed to on all sites; carriage unsatisfactory under present conditions; objectionable so long as artillery force is insufficient, badly organized, and meanly paid; mechanism beautiful but delicate; skilled personnel needed to keep in order.

Captain Califf (p. 75): Opposed to for all guns and on all sites; present carriage appears to behave well under the conditions of drill and exercise; objects to it because of the ease and ever-imminent possibility of its being disabled under actual conditions of war.

Captain Hoskins (p. 55): Opposed to for all sites; present carriage unsatisfactory; gives objections in detail; recommends many minor changes in mechanism.

Lieutenant Hunter (p. 65): Opposed to for all sites except that it may be preferable to mount the 8-inch rifle on disappearing carriages on low sites; says loading facilities of barbette carriage not satisfactory; present carriage not satisfactory except for the 8-inch rifle; those for the 12-inch rifle are most unsatisfactory; states that since last November there has been two weeks when all the disappearing carriages could have been used; at the present time the three 10-inch carriages are out of order, and have been since June; points out defects; constantly out of order; hard to clean, and less accurate than barbette; states that within two years it will be necessary to dismount each of the 12-inch B. L. rifles at Fort Mott; gives reasons; makes no recommendations; suggests more attention in keeping clean.

Major Lancaster (p. 43): Opposed to for all sites; present carriage satisfactory, but objectionable on account of being rendered unserviceable by small breakages.

Lieutenant Landon (p. 84): Opposed to for all sites. A very long report, in which the question of protection is considered, and the general care and attention needed to keep the present carriage in order is entered into in detail.

Captain Leary (p. 46): Opposed to for all sites; present carriage satisfactory so far as his experience goes; have worked well as machines, but practice with them unsatisfactory; gun should be considered from the standpoint of fire efficiency. A long report, with many quotations from various authors on the subject, principally with reference to the ineffectiveness of fire from shipboard on land fortifications; goes into question of relative cost of two types.

Captain Ruckman (p. 39): Impossible to brief this report. It is most comprehensive, covering 14 typewritten pages, and giving elaborate tables and other data in support of his conclusions. Captain Ruckman is strongly opposed to the use of a disappearing carriage for any gun on any site.

Lieutenant Spinks (p. 12): Opposed to for all sites; considers present carriage unsatisfactory; too many adjustments; the means of checking recoil defective; too many sliding parts; in his opinion, the present type of carriage should be used in small numbers compared with number of nondisappearing.

The following eight are named as favoring nondisappearing carriages without shields for all sites:

Lieutenant Applewhite (p. 67): Opposed to for all sites; present carriage very unsatisfactory; clearances not sufficient; liable to get out of order; retraction gear breaks; mechanism too delicate; requires too much time to operate; considers defects so serious that it would be impossible to overcome them; suggests that no more such carriages be used.

Captain Danes (p. 79): Report written on board transport for China; no data at hand, but refers to professional paper written by him on Seacoast Gun Mounts and Emplacements, in which he gives his reasons for being opposed to disappearing carriages and in favor of barbette. Opposed to carriage for all sites.

Captain Homer (p. 54): Opposed to for all sites; present carriage satisfactory of its kind; no objections; no suggestions.

Major Morris (p. 21): Opposed to for all sites; present carriages unsatisfactory; type is too complicated and machinery too delicate, and hence is rarely in perfect order; fails to work unless many conditions of adjustment are fulfilled; describes defects in detail.

Captain Schenck (p. 10): Opposed to on all sites; considers present carriage decidedly unsatisfactory and wholly unnecessary, in view of its excessive cost.

Captain Stewart (p. 13): Opposed to for all sites; considers present carriage unsatisfactory, being too complicated, requiring skilled mechanics, which we do not get in the artillery except in very limited numbers; noted defects in detail; recommends that as many disappearing carriages have been installed, owing to cost of replacing them they be continued in service, but that new mounts be barbette.

Captain Vogdes (p. 26): Not much in favor of disappearing carriages except for very close ranges; at long ranges nondisappearing carriages preferable; does not approve of shields on account of moral effect. Has had no opportunity to observe barbette carriages. Now serving in Porto Rico.

Colonel Woodruff (p. 42): Little or no experience with modern high-power guns; has not seen nondisappearing gun except at Watertown Arsenal; prefers barbette mount; disappearing carriages at Fort Warren work satisfactorily under the supervision of Major Crozier. Makes no suggestions.

The following three officers are named as favoring nondisappearing carriages with strong shields on high sites, turrets for low sites:

Captain Brown (p. 62): Opposed to on all sites; favors turret for low sites. Present carriages unsatisfactory; not familiar with barbette carriage; present carriage slow and unhandy; liable to get out of order; piston heads on older models too small; counterweights give trouble; so do crane and drum. Carriage is badly designed in every way. "We need a carriage we can drill with, not one so badly designed that we use it only six times a week, practically." Severely criticises all essential details of construction.

Colonel Haskin (p. 51): Opposed to for all sites; on low sites would use turret; present carriage satisfactory if we must have disappearing carriages at all; faults of construction which have developed have been for most part remedied; has serious misgivings as to whether these carriages will perform satisfactorily in excitement and hurry of actual fight; lack of care has serious results; defective platforms not easily repaired; has seen several such platforms; suggests the use of disappearing carriages on all low sites and the nondisappearing on all high sites since we have carriages of both types; the proportion of carriages to be determined by site.

Captain Walke (p. 26): Opposed to on all sites; prefers turret system on low sites; present carriage difficult to keep in thorough working order even in time of peace; retraction gear unwieldly; not adapted to subcaliber practice; carriage generally unsatisfactory.

The following six officers are named as giving no definite expression of opinion:

Lieutenant Berry (p. 71): At present opposed to carriage; prejudice might disappear after service with them; requests to be excused from answering.

Lieutenant Blake (p. 7): Opposed to on high and medium sites; for low sites opinion not formed; not had sufficient experience to form intelligent opinion.

Lieutenant Coe (p. 77): Has had no opportunity of judging; no opinion formed.

Captain Hubbell (p. 58): Has never served at a post provided with barbette battery and does not feel competent to express opinion. Present carriage satisfactory so far as he has observed; they fail occasionally when tripped; suggests that lever be provided to start the carriage in battery.

Lieutenant Lassiter (p. 43): Has had no experience with new coast fortifications, and consequently not in position to pass judgment.

Colonel McCrea (p. 17): Not having had any experience with the nondisappearing carriages, is not prepared to compare them; present carriage not entirely satisfactory; points out numerous defects; suggests that no more disappearing carriages be made until those we now have have been more thoroughly tested.

Mr. PROCTOR. Mr. President, I call attention to the very last sentence of Colonel McCrea's letter. He is one of those officers quoted as having "no opinion" on this subject, and yet he suggests very forcibly "that no more disappearing carriages be made until those we now have have been more thoroughly tested." Senators who have followed the reading of the report will notice how many of these officers have stated the liability of these carriages to get out of order.

Captain Anderson, a very bright officer, states in "his opinion that one-half the carriages now mounted will be giving trouble half an hour after action begins." Several other officers speak of it as it actually is—experimental—and that a large enough proportion has already been constructed.

It is difficult to get at the total expense that we have incurred upon these disappearing carriages. I think there has been over $5,000,000 directly appropriated, and that does not cover the amount expended in experimental work. Of course, these inventors being in the Ordnance Department, all the experimental work has, I have no doubt, been done at the expense of the Government.

Besides this, of the appropriation of $50,000,000 at the beginning of the Cuban war, about thirteen millions went to coast defenses. How much of that went direct to carriages I have no means of ascertaining, but taking a fair proportion, I think it is safe to say—in fact, I am sure it is—that it must be very near $10,000,000 that have been directly expended upon these carriages. Besides that, the emplacements and the magazines cost very much more than do those for barbette carriages.

Furthermore, Mr. President, suppose these carriages should prove to be unsatisfactory. They have never yet been thoroughly tested, in my opinion, and that is the opinion expressed by several of these officers. They have never been put to the test they would be subjected to in time of actual war. Suppose they fail, as I am very confident they will in the end, their cost will be entirely lost.

You can not mount on a disappearing carriage a gun any longer than that for which it is made, and our guns already in the Army are shorter than the naval guns, and have less initial velocity. The tendency has been to make guns longer and longer, so that the slow-burning powders would have time to fully expand and give their force to the projectile before leaving the muzzle of the gun. On the disappearing carriage no longer gun than that for which it was intended can possibly be mounted. You can not possibly lengthen the gun without losing all our expenditure for the carriages and the emplacements, while on the barbette carriage there is no trouble in mounting a longer gun whenever desirable to do so.

I give from General Crozier's report, from abstract of reports of seacoast target practice, submitted to the subcommittee on Appropriations of the House of Representatives, a transcript of the shots fired, with the weight of charge, kind of powder, weight of shot, and number of rounds, and a summary of the same, which shows that of a total of 209 shots of the 8-inch guns only 6 were with the service charge and service shot, and of the 251 rounds from a 10-inch gun only 4 were with full charge and shot, and of the 29 rounds from the 12-inch gun 8 were of full charge and shot; and out of the total of 489 shots only 18 were with full service charges and full service shot, and only 2 were with smokeless powder.

General Crozier says:

Reading right down the column it reads something like this: "No failure reported." "No failure reported." "No failure reported;" and so on and so on.

Mr. President, I want to call attention to the Digest of Target Practice with seacoast guns. It is part of the report received from the War Department, and I have made a summary of it. The report is printed, and anybody who so desires can make a summary of it.

The summary is as follows:

Digest of target practice with seacoast guns.

Gun.	Weight of charge.	Kind of powder.	Weight of shot.	Number of rounds.
	Pounds.		*Pounds.*	
8-inch [a]	44	Brown cocoa	144 to 150	87
	58½ to 59	do	144 to 148	70
	58½	do	164	10
	100	do	[b] 300	30
	110	do	[b] 300	6
	[c] 135	do	[b] 300	6
10-inch [d]	80 to 85	do	253 to 263	92
	80 to 85	do	275	60
	80 to 85	do	300	5
	205 to 210	do	[b] 575	71
	215 to 217	do	[b] 575	10
	230	do	[b] 575	6
	240	do	[b] 575	3
	[c] 280	do	[b] 575	4
12-inch [e]	350 to 352	do	[b] 1,000	20
	460	do	[b] 1,000	1
	490	do	[b] 1,000	6
	[c] 244	Smokeless	[b] 1,000	2

[a] Service charges: Brown cocoa powder, 135 pounds; smokeless powder, 70 pounds; projectile, 300 pounds.
[b] Weight of service projectile.
[c] Weight of service charge of powder.
[d] Service charges: Brown cocoa powder, 280 pounds; smokeless powder, 140 pounds; projectile, 575 pounds.
[e] Service charges: Brown cocoa powder, 490 pounds; smokeless powder, 240 pounds; projectile, 1,000 pounds.

SUMMARY.

Gun.	Light-weight charge and light-weight shot.	Light-weight charge and full-weight shot.	Service charge and service shot.	Total.
8-inch	167	36	6	209
10-inch	157	90	4	251
12-inch		21	8	29
Total	324	147	18	489

That is the character of the test this gun has been subjected to—mere pop-gun charges.

Mr. President, I would like to compare that with the table showing the yearly allowance of money for target practice by the Navy, all of which, I am informed, has been expended for the 10, 12, and 13 inch guns:

	Rounds per gun.
For 10, 12, and 13 inch guns	12
For 8-inch	18
For 4, 5, and 6 inch	24
For 3-inch	36

With full service charges of smokeless powder and full-weight shot.

In the digest of target practice by the Army, which I read, there were only two rounds, and those for 12-inch guns fired with smokeless powder. The others were with brown cocoa.

In regard to the sites, the report of the Chief of Engineers gives 302 guns that have been mounted, 254 of them on the disappearing carriage and only 48 on the nondisappearing carriage. Taking the percentage, I believe it is 84 per cent of the disappearing carriage, as I have figured it. I think one report from the Bureau of Ordnance states it at 87 per cent; but as I have figured it it is about the same. So there is no question that from 84 to 90 per cent have been mounted on disappearing carriages.

The Chief of Engineers in his report states that improved projects of defense call for a total of 478 heavy guns, of which 27 are to be mounted in turrets, 59 on nondisappearing carriages, and 397 on disappearing carriages, the latter being 83 per cent of the total number. The turret mounting has been abandoned, and these, I understand, are to be mounted on disappearing carriages, which makes the proportion of disappearing carriages 87 per cent instead of 83 per cent.

I am informed also that the Engineer Department proposes to mount guns on disappearing carriages for the defense of the Philippines and Porto Rico, and also the 16-inch experimental gun now under construction is to be mounted on a disappearing carriage. The expense of that will be hundreds of thousands of dollars.

Now, as to the height of the sites, 74 are reported by the Engineer Department as mounted on sites over 80 feet high. I called at the War Department this morning, the report not being ready, and took a list from a copy of a report they have sent here, but which was not received in time, showing the sites. In the list I have taken there are only 72, but that is near enough for all practical purposes. These heights run from 80 feet to 338 feet. These are the elevations. I will ask to have the list inserted in my remarks.

The list referred to is as follows:

6-inch on nondisappearing carriage	8
6-inch on disappearing carriage	31
8, 10, and 12 inch on nondisappearing carriage	48
On disappearing carriage	254

Height of sites for 72 guns.—1 at 122 feet, 2 at 338, 2 at 85, 2 at 233, 1 at 88, 3 at 90, 1 at 118, 1 at 235, 2 at 104, 1 at 145, 1 at 178, 1 at 184, 1 at 192, 2 at 197, 1 at 177, 1 at 203, 1 at 209, 3 at 85, 3 at 170, 1 at 80, 1 at 80.44, 5 at 80.03, 2 at 93, 2 at 105, 2 at 107, 5 at 144, 1 at 82, 2 at 136, 2 at 153, 2 at 170, 2 at 129, 2 at 122, 2 at 110, 3 at 94, 1 at 97, 4 at 105, 3 at 88.

Average height of site for these 72 guns, 131 feet.

Mr. MALLORY. Are those the elevations?

Mr. PROCTOR. Those are the elevations above the sea. These guns are all mounted at the seacoast.

Senators will notice that the condemnation of these high disappearing carriages on these high sites was almost universal in the reports of the artillery officers. It will be noticed from the reports of the officers that very little attention has been given to the barbette carriage. It is well known that our barbette carriage is very inferior to that used abroad; its advantages are largely counteracted by being so much higher.

The carriages used in foreign countries are quite low, and therefore largely protected by being low. The patents of the present disappearing carriage were sold to the Bethlehem Steel Company in 1896, six years ago. They have not sold one abroad. One experimental carriage is being made in Sweden, but they took out no patent there. They only took out patents in the leading countries, in England, France, and Germany, and those patents are in the name of the Bethlehem Steel Company.

I have just received this morning The Journal of the Military Service Institution for May, 1902. There is an article here from Captain Ruckman, a very able one. I will only read some brief extracts from it. The article is so long that I will not read it in full. Captain Ruckman speaks of the mechanical construction; he says that it costs much more, and he gives a table showing the difference in cost. The balance in favor of the barbette is $19,000 on a mount for a 12-inch gun; $7,000 for a 10-inch gun, and $2,300 on the 8-inch gun. This is his language:

1. *Mechanical construction.*—It is generally conceded that, for a given gun, a disappearing will cost more than a nondisappearing carriage. This applies to all classes of disappearing carriages. In the recent controversy this assumption has not been denied and all authorities within the knowledge of the writer accept it as a fact.

* * * * * * *

The Buffington-Crozier carriage undoubtedly costs more than the simple barbette mounts for same caliber now used in this country, but the difference in cost is not so great as would at first appear. The price of these carriages has varied from time to time and in different places. What is desired here is not so much the actual as the relative cost, since in the comparison it will be to the relative value that all results must finally reduce. With this object in mind the following data have been collected and arranged in tabular form to facilitate comparison:

Cost of Buffington-Crozier and barbette carriages for 6, 8, 10, and 12 inch guns.

	6-inch.		8-inch.		10-inch.		12-inch.	
	Disappearing.	Barbette.	Disappearing.	Barbette.	Disappearing.	Barbette.	Disappearing.	Barbette.
Maximum	$7,400	$6,800	$12,820	$10,900	$19,000	$11,000	$42,000	$19,000
Minimum	6,450	6,800	9,500	7,500	15,500	11,000	32,000	14,220
Mean	6,875	6,800	11,160	9,200	17,650	11,000	37,000	16,610
Mean from all sources	7,000	6,800	11,000	8,700	18,000	11,000	36,000	17,000
Balance in favor of barbette mount		200		2,300		7,000		19,000

Taking cost of carriage, emplacement, and gun, caliber for caliber, we have the following aggregates per gun in position for the two classes of carriage:

DISAPPEARING GUNS.

	6-inch.	8-inch.	10-inch.	12-inch.
Disappearing carriage	$7,000	$11,000	$18,000	$36,000
Emplacement	27,000	45,000	47,000	54,000
Gun	6,000	12,000	25,000	41,000
Total per gun	40,000	68,000	90,000	131,000

BARBETTE GUNS.

Caliber of gun.	6-inch.	8-inch.	10-inch.	12-inch.
Barbette carriage	$6,800	$8,700	$11,000	$17,000
Emplacement for same	10,000	27,500	31,000	50,000
Gun	6,000	12,000	25,000	41,000
Total	22,800	48,200	67,000	108,000
Total for gun on disappearing mount	40,000	68,000	90,000	131,000
Balance in favor of barbette mount	17,200	19,200	23,000	23,000

The above figures show that for every 100 guns of each caliber mounted on disappearing carriages 171 of the 6-inch, 142 of the 8-inch, 134 of the 10-inch, and 121 of the 12-inch could be mounted on simple barbette carriages. The average balance in favor of the barbette mount is about $20,000, which would probably install a rapid-firing 6-inch gun with shield on pedestal mount, giving a muzzle velocity of 3,000 feet and capable of being fired eight times per minute.

Therefore, by mounting the heavier guns on the simple barbette mount, for each one so mounted another of the kind just described could be mounted for the additional money now being expended on disappearing mounts. This would provide the defense with the same number of guns and give it in addition an equal number of the 6-inch rapid-firing guns, whose presence in future defense of harbors will be essential to success. This phase of the problem demands reflection.

* * * * * * *

The number of large parts making up the disappearing carriage is approximately 340 and the small pieces, including bolts, about 1,400, while for the other carriage these numbers are about 130 and 660, respectively. The weight of the disappearing carriage is about 93,000 pounds and for the barbette carriage about 55,000 pounds.

* * * * * * *

Friction varies from hour to hour with the amount of lubrication, dust, and sand blowing about, and frequently a carriage left in working order at night will not go into battery in the morning without a readjustment of the counterweight.

* * * * * * *

The service disappearing carriage is particularly affected by the sand blast existing along the coast. The sliding parts become clogged, and, owing to the difficulty of getting at the surfaces, the sand can be removed only with great labor, perhaps to be blown in again the same day. A readjustment of the counterweight becomes necessary or a change in the oil in the cylinders. Both of these operations are tentative, and differ for drill and practice and for full and reduced charges. In short, with every new set of conditions a new and original problem arises for solution, and one feels compelled to stop and consider what would be the result of being compelled during battle to adjust counterweights, rig retraction gears, or change the amount of oil in the cylinders, necessitated, perhaps, by a change of ammunition.

* * * * * * *

Touching the subject of care of the carriage, the amount required for the disappearing carriage may be taken at not less than ten times that for other carriages, and the writer is not aware of any barbette carriage that ever failed to run "in battery" although neglected for months at a time.

* * * * * * *

The 6, 8, 10, and 12 inch disappearing carriages mount their guns, on an average, about 10 feet higher than the more simple barbette or pedestal mount. Assuming that 10 feet is a reasonable superior limit for height of a barbette gun above sea level, a comparison of values for the same target and gun at 10 and 20 feet above the sea will give a good idea of the relative hitting efficiency of the two classes of guns. This comparison reveals an enormous loss in hits due to the higher mounting of the gun on disappearing carriage. The efficacy of fire of the gun on low mount increases as the hostile ship approaches, while that of the gun on the high mount diminishes more and more as the range shortens, resulting in a great reduction in offensive power at the critical moment when most urgently needed.

It should be borne in mind that of the inventors of this carriage one of them has been Chief of Ordnance for several years and the second has now been appointed, and it is perfectly natural that they should exploit their own inventions—and they have had an opportunity to do so at immense expense to the Government.

I wish to call attention to the character of the replies which these artillery officers made to the War Department to be seen by the Chief of Ordnance, a mere staff officer of the Secretary of War. Under such circumstances it was but natural that the officers should be somewhat diplomatic in their answers and a little careful. My attention was attracted to that by seeing a personal letter a day or two since from an officer whose report is here. His report was against the carriage, but moderately so; not more opposed than many others. In his letter he says, what I believe to be true, that "it is a stupendous blunder."

I think, Mr. President, the weight of evidence of these reports is very strongly in favor of the following points:

First. The disappearing carriage, its emplacement, and magazine are much more costly to build and maintain.

Second. It is easily disabled by sand, dirt, or any substance falling on sliding surfaces or thrown on by bursting shell, and requires constant care of higher class mechanics than the service furnishes to keep in order.

Third. If the same time, money, and attention had been given to the improvement of the barbette carriage that has been given to the disappearing carriage, we should have had many more guns mounted for the same money and our defenses would have been in far better condition for immediate service.

Fourth, and strongest. That if disappearing guns are used at all they should only be used on low or medium sites, and the number of guns mounted on barbette carriages should be in much greater proportion. In fact, many guns have been and are being mounted on sites so high that they are almost universally condemned by these reports.

I have given the height of 72 sites averaging 131 feet.

It seems to me, Mr. President, it is conclusively established that it would be unwise—in fact, the height of folly—to expend any more money for these carriages until we can have tests made by a disinterested board of officers and mechanical experts, as is recommended by several of these letters, with full service charges and under all the conditions that would exist in war.

Mr. COCKRELL. That is the very question I asked a while ago, in the beginning, whether there had been any such tests as that made with full charges.

Mr. PROCTOR. I read during the Senator's absence a summary of one of the reports that had been submitted, but too late for me to examine it thoroughly. In the digest of target practice with seacoast guns there have been 489 shots fired, 324 of them with light-weight charge and light-weight shot, 147 with light-weight charge and full-weight shot, and only 18 out of 489 with service charge and service shot.

I also gave in that connection, while the Senator was absent, the difference in the target practice of the Navy. Their allowance, which I am informed has all been expended, is for 10, 12, and 13 inch guns, 12 rounds per gun; for 8-inch guns, 18 rounds per gun; for 4, 5, and 6 inch guns, 24 rounds per gun; for 3-inch guns, 36 rounds per gun, with full-service charges of smokeless powder and full-weight shot. In the Army tests there were but 2 rounds, and that for 12-inch guns only—2 rounds of smokeless powder. The rest were with brown powder.

Mr. MALLORY. Before the Senator takes his seat, I should like to make an inquiry for information. Can the Senator state whether any of the great powers of Europe use disappearing gun carriages on their fortifications?

Mr. PROCTOR. To the best of my information it has never been used in Germany. The turret system is used there. In France it has never been used to any extent; the barbette system prevails. In England an attempt was made to use it some. It was used, I think, in four unimportant forts, but it has been discontinued.

Mr. HARRIS. That was a different carriage from this, a different patent. If the Senator will allow me to suggest, the English experiment was entirely on what is known as the hydraulic-lift carriage, not on the disappearing type, as used in our service.

Mr. WARREN. Not upon the counterpoise. The system was not the counterpoise.

Mr. PROCTOR. Mr. President, this Bethlehem Steel Company, a pretty energetic business company, has owned the foreign patents, subject to a royalty to be paid to Generals Buffington and Crozier, for about six years, and it is admitted they have not sold one. Sweden is building on her own account an experimental carriage. It is a fair presumption that if foreign countries are seeking this carriage in the last six years they would have bought some.

Mr. MALLORY. I should like to ask the Senator another question, if he will permit me. If the disappearing gun carriage is not practicable for medium or great elevations and it would have to be abandoned at such sites, would that necessitate an additional expenditure on the fortifications to change their character from what they are now, adapted to the purposes of barbette guns?

Mr. PROCTOR. It would.

Mr. MALLORY. That would involve, then, considerable additional expense?

Mr. PROCTOR. Very large. The carriage would be entirely lost, and the emplacement, as I understand it. The carriage certainly would.

Mr. MALLORY. Then it would practically amount to largely rebuilding some of the fortifications that we have constructed at great expense in recent years?

Mr. PROCTOR. It would necessitate rebuilding the armament.

Mr. MALLORY. I am speaking also of the fortification itself, aside from the armament.

Mr. PROCTOR. Yes; it would involve a change in that and in magazines. Magazines for the disappearing carriages are located very low. I have sent in an inquiry in regard to the condition of magazines, and I was informed unofficially that that ought to be considered confidential, so as not to give foreign countries the information.

Mr. PLATT of Connecticut. May I ask right there, Is this an American invention? Is it in use in other countries or simply in the United States?

Mr. PROCTOR. Simply in the United States. Only one experimental carriage is being built in Sweden. Although this steel company has had the foreign patents for six years, no foreign power has adopted this carriage yet.

Mr. MALLORY. There is another point, Mr. President, to which I would like to call the Senator's attention, and that is with reference to the report of target practice here. In hurriedly running over it—I have not been able to give the matter attention—I find that in a great majority of instances the experiment has not been unsatisfactory. As the Senator has said, the report in many instances is "no failure reported," which is rather peculiar language. The Senator, in his comment on this, called attention to the fact that the charges used were much less than the service charge. I observe in one of the comments, in the case of Capt.

J. A. Lundeen, reported on page 104, as to an experiment at Rodman, Mass., he says:

Owing to small charge, gun did not recoil sufficiently to catch in ratchets, and had to be hauled back by hand.

There was a defect, apparently a failure, but it was not due, I infer from this report, to any defect in the carriage itself, but was really due to the fact that there was not a service charge used—that the charge was not sufficient to drive the gun back.

Mr. COCKRELL. What is the benefit of such charges?

Mr. MALLORY. I do not know that there is any, but it is not fair to a carriage to put that down as a failure, because it was not used under such conditions as those under which it would be used in the event of real service.

Mr. PROCTOR. Mr. President, in that case they probably got the charge a little bit too small. This is a beautiful piece of mechanism, and with just the right charge, very moderate, much less than the service charge, it will play back and forth very well, but it has never had the trial with the service charge and war conditions to demonstrate its usefulness.

Mr. WARREN. Will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PROCTOR. Certainly.

Mr. WARREN. I want to ask the Senator from Vermont if he wishes to make the unqualified statement that Sweden is not using a disappearing carriage, very much the same as ours, and that it only has one experimental disappearing gun carriage?

Mr. PROCTOR. I think it has appeared in some way before the Committee on Military Affairs that they were constructing one experimental carriage. I have no positive knowledge in regard to it.

Mr. WARREN. May I state at this moment some information I have?

Mr. PROCTOR. Certainly.

Mr. WARREN. Of course there is information in the War Department which it is hardly fair for it to send to the Senate. I am informed they are using in Sweden a good many of the disappearing carriages called the Bofors, which is really much the same carriage as the Buffington-Crozier. You will recall that the Bethlehem people did not take out patents in that country; therefore Sweden has a right to make the carriages.

Mr. PLATT of Connecticut. What country is that?

Mr. PROCTOR. Sweden.

Mr. WARREN. Sweden. I have, in looking over the papers, found the following quotation, which I will submit:

Referring to previous correspondence on the subject of disappearing-gun carriages I have the honor to say that I have to-day received official information from the minister of war in Sweden.

"That high-power guns with disappearing carriages are mounted in the fortifications of Sweden, and give satisfaction. Three of the largest have been placed in position during the present year and work admirably. These guns are made at the Swedish manufactory at Bofors and patented by this manufactory."

* * * * * * *

In reply to instructions, I have been officially notified by the Swedish Government as follows:

Modern guns now mounted, 24-centimeter guns are the largest; of these 60 per cent are mounted on disappearing carriages, Bofors pattern, 40 per cent in armored casemates.

* * * * * * *

Disappearing gun carriages were somewhat out of favor here in Sweden until recently when the new Bofors carriages were set up. But they have worked so successfully that officers who had formerly opposed them are their warmest advocates—for heavy guns. The artillery officers of the garrison where they have just been mounted say that they can be fired as rapidly as the other styles of carriages, and can be handled by a single man without any effort. * * *

The 24-cm. rifles, which are the largest guns in use, are, as far as practicable, to be mounted on disappearing carriages. The old guns were mounted on old carriages of English manufacture, which were very unsatisfactory. The new carriage, known as the Bofors-Buffington, is a modification of the American carriage.

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The price of gun and carriage is about $60,000 or $70,000.

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For coast defense the Swedes do not mount guns of any higher caliber than 15 cm. on barbette carriages.

Mr. PROCTOR. Mr. President. Sweden is not a country of much military importance. Does the Senator claim that England, France, and Germany are making and mounting these guns on these carriages?

Mr. WARREN. No; I do not. But England has disappearing carriages and has them in use.

There are a great many in use in Italy. So far as Germany is concerned, as the Senator says, they are using a different style of gun, a very large type in revolving armored cupolas or turrets, that costs, the complete establishment, three or four and sometimes six hundred thousand dollars to install, as against our cost of installation of a smaller gun—a Buffington-Crozier carriage gun—amounting to less, perhaps, than $100,000. They have the guns in place, and therefore are not taking them out to substitute the other. They have not the right there to use the Buffington-Crozier patent, of course, without paying the royalty or making arrangements with the Bethlehem people.

Mr. PROCTOR. What does the Senator think about the use of them in England?

Mr. WARREN. My information regarding England generally is that she is about as much behind in adopting this later style of gun carriage as she is in keeping up with the march of American industrial progress. I think she is slightly behind.

Mr. WELLINGTON. Or her army?

Mr. WARREN. Yes; or her army.

Mr. HARRIS. Mr. President, if the Senator will allow me, I think there is no question but that England has expended an enormous amount of time and money in attempting to perfect a disappearing carriage of altogether a different model. She has been working on a disappearing carriage which is lifted up or down by a hydraulic or pneumatic pressure, and I believe she has not made a success of that form of disappearing carriage. But nations naturally seek to have some peculiar armament of their own. They do not necessarily or generally follow the steps of other nations.

Mr. PROCTOR. Mr. President, I thought I had the title page of a very recent publication here with me. I have it somewhere, but I do not see it at this moment. It is by a major of the Royal Engineers, who is an official of the great English Woolwich Arsenal. That publication is by Murray & Sons. I will ask the Senator from Massachusetts if that is not a London house?

Mr. LODGE. Yes.

Mr. PROCTOR. It is published by Murray & Sons, and was dated, on the title page, March 2, 1892. It has been sent to Dutton & Co., of New York, to have it published in this country. I have a few sheets here. I have somewhere the title page, but I have given it substantially. I have a few sheets of the copy sent from England for Dutton & Co. to examine it in regard to its publication. The chapter on "Carriages" is very brief. It is headed "Barbette, the only modern type of mounting." It says:

The barbette system is practically the only system now used in the mounting of guns for coast defense. * * * Even on low sites the advantages of the disappearing mounting are neutralized by the slow rate of fire possible. The barbette principle is now universally employed by us.

In a note the author speaks of a few guns that can not be worked by hand and some mounted in turrets now, but he does not allude to the disappearing carriage.

Mr. PERKINS obtained the floor.

Mr. WARREN. Will my colleague on the committee yield to me for a moment?

Mr. PERKINS. Certainly.

Mr. WARREN. In reply, further, to the inquiry of the Senator from Vermont [Mr. PROCTOR] as to England. I have here a quotation from Gen. Andrew Clark, inspector-general of fortifications for England, in which he says, speaking of the whole matter of the necessity for disappearing guns:

The disappearing principle will undoubtedly remain in some form, since it must always be an exceedingly effective mode of protection on account of extreme invisibility. A disappearing gun in a well-placed pit, provided with a turtle back, splinterproof shield, is probably far better protected than in a turret. Moreover, a gun so mounted possesses the great advantage that future advances in the offensive power of ironclads are little likely to diminish the value of its protection.

Mr. PROCTOR. What is the date?

Mr. WARREN. This is 1884.

The disappearing principle will undoubtedly remain in some form, since it must always be an exceedingly effective moment of protection on account of extreme invisibility.

Now, in 1890 Col. Sir George Clarke, R. E., says:

Of all methods of mounting yet proposed the disappearing principle offers the greatest advantages, and provided that the mechanical difficulties can be overcome this method will receive wide adoption. The gun, laid under cover by a position finder, will be vulnerable only for a few seconds before each round. Its exact position can only be identified during the brief period of visibility. There appears to be no satisfactory mode of attacking it.

This was some years later, in 1890. The other was in 1884.

Also, in speaking of the English hydropneumatic carriage, he says:

For the purpose of coast defense this form of mounting is ideal in conception. Provided that the hydropneumatic arrangement is in good working order, there is practically no hope of silencing guns thus mounted by the fire of ships. Their position can be rendered absolutely indistinguishable from the surroundings if a little care has been disposed upon the works. They need be exposed only for a brief period before the moment of firing.

It will be observed he is speaking of their own gun, which has not the counterpoise weights and easy action of the Buffington-Crozier.

He says further:

The disappearing principle is ideal in conception, and, provided that skilled supervision is available, these mountings ought to be easily kept in serviceable condition. * * * The advantages this method of mounting offers—complete invisibility until the moment of firing, and practical immunity from all danger to the gun's crew—can scarcely be overestimated. Against disappearing guns the armament of a ship is powerless.

Mr. PROCTOR. Mr. President, I understood that perfectly well. That first report was made eighteen years ago and the next

one twelve years ago. As I stated, at that period, early in the invention of high-explosive powders and long guns, attention all over the world was directed to some disappearing gun. It was thought necessary to go back to the early principle that we had followed in Indian fighting, to fire and then get behind a tree and load again. But modern experience has demonstrated that that is poor policy; that the side wins that throws the most iron and throws it fastest and throws it with the best aim. That was demonstrated plainly at Manila and Santiago, and it has been demonstrated everywhere. The disappearing principle has never been subjected to the test of war, and whenever it is it will be found to be a lamentable failure.

Mr. PERKINS. Mr. President, it is with some temerity that I venture, on behalf of the committee, to oppose the amendment proposed by my friend from Vermont [Mr. PROCTOR]. I realize the fact that he himself is a distinguished soldier; that he has been Secretary of War; that he is the ranking member and acting chairman of the Committee on Military Affairs, and therefore in anything he may have to say he speaks ex cathedra; he speaks by reason of his position, from his knowledge of affairs. And yet it is barely possible, Mr. President, that some of us, who know more about nautical affairs and the ships of war that would assail these forts, may have some thoughts that we may advance that will be a benefit to this discussion.

That alone gives me courage on the part of the committee to venture the assertion that when a ship of war anchored off the Golden Gate, at the port of San Francisco, sees a target 3 or 4 miles away that she can fire at again and again with her 12-inch guns 14 times in ten minutes, which has been done, sending a projectile that weighs 1,000 pounds, and the target does not disappear, it gives them a decided advantage over firing at a blank space where disappearing guns on a carriage go down where they can not be seen.

But I am not giving my testimony alone, Mr. President. During the five or six years that I have been upon the subcommittee on the fortifications appropriation bill it has been my privilege to listen to gentlemen who have won their spurs, as my friend from Vermont has done, and their epaulets, in front of the battle, who have appeared before that committee and have given their testimony relative to fortifications and ordnance, to guns and lines of defenses which they believe are the most modern improvements of the day.

On March 3, 1885, an act was approved, and President Cleveland appointed a Board of Ordnance and Fortification, known as the Endicott board. It consisted of Hon. William C. Whitney, then Secretary of the Navy; Gen. Stephen V. Benét, Chief of Engineers; Gen. John Newton, United States Engineers; Col. H. L. Abbot, captain, Corps of Engineers; Capt. Charles S. Smith, of the Ordnance Bureau; Commander W. T. Sampson, United States Navy; Commander Casper S. Goodrich, United States Navy; Joseph Morgan, jr., of Pennsylvania, and Erastus Corning, of New York, civilians. This, as I have stated, was known as the Endicott board. They were appointed by the President for the purpose of devising a plan of fortifications at different ports in the United States, commencing on the coast of Maine and continuing to the coast of Texas, and from San Diego, in California, to Puget Sound, in the State of Washington.

Since that time the Board of Ordnance and Fortification has been perpetuated and continued. Under the act of September 22, 1888, the Board of Ordnance and Fortification was organized, composed of the Commanding General of the United States Army as president, a United States engineer officer, a United States artillery officer, and a United States ordnance officer. February 24, 1891, a civilian was added to the members of that board. So it has been continued from year to year, and under their direction the plan of the Endicott board has been continued. They have carried out in a general way the plan which was then devised and promulgated and approved by the Secretary of War.

Congress has annually appropriated about $100,000 for their experimenting with guns and carriages and ammunition. They have made certain allotments when they have been satisfied that the inventor had merit; and so they have gone on, not a close corporation, but gentlemen who stand in their professional lines at the very top of the list, gentlemen who have the respect and confidence of all who know them. During the time I have had the honor of being a member of this committee of the Senate I think they have allotted about half a million dollars for experimental tests in guns and powder and ammunition and shells, which has been expended in perfecting the invention of those who brought it to their attention.

So I think, Mr. President, the charge of the Senator from Vermont is hardly just to these eminent men when he says it has been a close corporation, so to speak, and that only those who have had influence with them or belonged to the Army would have the consideration that they ought to have had. I am sure such was not the case when he was Secretary of War for every act of that Board of Ordnance was approved by him and there was no criticism whatever during his administration. It is only fair to assume that his successors have followed in the wise footsteps that he had left for them and the wise precepts and example which they had to follow. I think that all who have inventions that possess merit have had an opportunity of having them tested at the expense of the Government.

Mr. President, my friend has referred to the extravagant difference between the cost of the barbette emplacement and of the disappearing carriage. I anticipated that such a charge would be made, and I therefore communicated with the Chief of the Bureau of Ordnance asking him to kindly write me showing the cost of a fixed 8, 10, and 12 inch gun, its emplacement in a barbette, and its cost upon a disappearing carriage. I will ask the Secretary, with your permission, to read this letter from the Chief of the Bureau of Ordnance.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ORDNANCE,
UNITED STATES ARMY,
Washington, May 9, 1902.

Hon. GEORGE C. PERKINS, *United States Senate.*

MY DEAR SENATOR: In further reply to your letter of yesterday I can now furnish the following information:

The cost of the 6-inch gun and its carriage is as follows:

On simple barbette carriage:	
Average cost of 6-inch rifle	$7,686.00
Estimated cost of simple barbette carriage	7,500.00
Total for the gun and carriage	15,186.00
On disappearing carriage:	
Average cost of 6-inch rifle	7,686.00
Average cost of 6-inch disappearing carriage	6,616.66
Total cost of gun and carriage	14,302.66

The greater cost of a simple barbette carriage for this caliber of gun is due to the protective shield which is required for the mechanism of the gun and the cannoneers. It is difficult to give a statement of the cost of emplacements for the two methods of mounting these guns, as very few of the emplacements have been constructed, and there are really no typical designs therefor on hand. There is no reason why the two classes of emplacements, if constructed with a view of affording the same degree of protection and the same degree of convenience of operation of the guns, should differ in cost.

The cost of emplacing 8-inch rifles by the two methods is as follows:

On simple barbette carriage:	
Average cost of 8-inch rifle	$11,484.94
Cost of simple barbette carriage, with shield	18,208.00
Total cost of gun and carriage	29,692.94
Estimated cost of emplacement	45,000.00
Total cost of gun, carriage, and emplacement	74,692.94
On disappearing carriage:	
Average cost of 8-inch rifle	$11,484.94
Average cost of 8-inch disappearing carriage	10,651.52
Total cost of gun and carriage	22,136.46
Estimated cost of emplacement	50,000.00
Total cost of gun, carriage, and emplacement	72,136.46

In this case the greater cost of the simple barbette carriage results partly from the cost of the necessary shield, as with the 6-inch carriage, and partly from the increased cost of the only 8-inch barbette carriages which have been built, viz, those which were constructed at the beginning of the work of reconstruction of the coast defenses, due to the lack of experience at that time in building machines of this size.

The cost of emplacing the 10-inch guns has been as follows:

On simple barbette carriage:	
Average cost of 10-inch rifle	$22,632.77
Cost of simple barbette carriage with shield	20,319.93
Total cost of gun and carriage	42,952.70
Cost of emplacement	55,000.00
Total cost of gun, carriage, and emplacement	97,952.70
On disappearing carriage:	
Average cost of 10-inch rifle	22,632.77
Average cost of 10-inch disappearing carriage, model of 1896	15,935.22
Total cost of gun and carriage	38,567.99
Cost of emplacement	60,000.00
Total cost of gun, carriage, and emplacement	98,567.99

The cost of emplacing 12-inch rifles by the two methods is as follows:

On simple barbette carriage:	
Average cost of 12-inch rifle	$30,425.51
Cost of simple barbette carriage, with shield	25,210.98
Total cost of gun and carriage	61,636.49
Cost of emplacement	65,000.00
Total cost of gun, carriage, and emplacement	126,636.49
In disappearing carriage:	
Average cost of 12-inch rifle	36,425.51
Average cost of 12-inch disappearing carriage	32,628.46
Total cost of gun and carriage	69,053.97
Cost of emplacement	70,000.00
Total cost of gun, carriage, and emplacement	139,053.97

In this last case the total cost with the disappearing method is $12,414.48 in excess of that with the barbette. Five thousand dollars of this amount is

due to the difference in estimated cost of the emplacements; but it may be said that this $5,000 is more or less accidental, as there is no essential reason why the emplacement for the disappearing gun should cost any more than that for the barbette. As a matter of fact, the disappearing emplacements have cost more, and this is what has undoubtedly guided the Chief of Engineers, from whose estimates the above figures for the emplacements have been taken, in fixing the cost of the two kinds.

The parapet required for the disappearing gun is no higher than that required for the barbette, as the height results from other considerations than the character of the carriage upon which the gun is mounted, and if the degree of protection and the other features are given equal consideration in the two classes it is believed that the difference of cost would disappear. It is known that at some places where all the conditions have been the same, because of the two classes of emplacements being constructed in the same locality, the disappearing emplacement has cost no more than that for the barbette gun.

The cost of the Abbott gun lift at Sandy Hook, including the two guns, with their carriages and the emplacement, was $625,000.

There are now mounted upon our seacoast or provided for 58 6 inch, 8-inch, 10-inch, and 12-inch guns upon simple barbette carriages and 275 upon disappearing carriages. Most of these are already installed.

In regard to the experimental character of the disappearing carriage, I can only say that it is now eight years since those of the service type were tried and adopted, and that for several years past they have been in use in our fortifications. Opinions from 91 artillery officers in regard to them were obtained by the Board of Ordnance and Fortification in the latter part of the year 1900, which have been published in Senate Document No. 336 of the present session of Congress. It is believed that, owing to the greater experience since had with them, expressions obtained from artillery officers would now be more favorable to the carriage than those which were then given, but 75 per cent of the letters above referred to indicated their authors to be in favor of disappearing carriages for the kind of sites for which they were originally intended, viz, low sites and sites of medium height. For a further discussion, with evidence, of the merits of the service carriage, I would refer you to the memorandum inclosed with my letter of yesterday, which also refers to the action of England, France, and Germany with regard to the type.

Hoping that this information may be of service to you and that you will not hesitate to call for anything further on the subject which you may desire, I am, Senator,

Very respectfully, WILLIAM CROZIER.

Mr. PETTUS. Will the Senator from California allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. PETTUS. The Senator spoke in the highest terms of the Board of Ordnance and Fortification. Does the Senator want us to understand that they approve of these disappearing gun carriages?

Mr. PERKINS. I certainly do. Your committee most certainly so understand it.

Mr. PETTUS. I understand it exactly the other way.

Mr. PERKINS. They could not be ordered without their sanction and without the approval of the Secretary of War.

Mr. PETTUS. I was speaking merely of the Board of Ordnance and Fortification and their opinion.

Mr. PERKINS. Your committee certainly understand that the disappearing carriage has been manufactured by their approval and recommendation. I will give the Senator, with his permission, in a few minutes, a slight history of the disappearing carriage. The present Board of Ordnance and Fortification consists of the president, who is Lieutenant-General Miles; General Gillespie, chief of engineers; Colonel Rodgers, of the artillery; General Randolph, chief of artillery; Major Shaler, of the Ordnance Department; Major Pratt, of the artillery, and Mr. Henderson, the civilian member. These are the seven members of the board. Captain Taylor is the recorder, and, of course, is not a member of the board.

Your committee understand, I will say in answer to my friend from Alabama, that none of these plans of fortifications are carried out without the approval of the Board of Ordnance and Fortification and their action is approved by the Secretary of War. The figures which I have given in comparison with the cost of the barbette emplacement for the guns and the disappearing carriage is in marked contrast to that of the Abbot lift at Sandy Hook. There are two 12-inch guns mounted upon the Abbot lift at Sandy Hook for which the Government paid $625,000. It is a complicated piece of machinery. There are two engines, with the necessary boilers, and it is a work of many hours to get the steam up and to get the lifts in operation. The point of economy your committee in considering this question have had before them during the past five years or more. They have taken that into consideration as well as other questions bearing upon the subject-matter.

When, in 1888, Congress broke the ice and—after twenty-five years of neglect—decided upon the reconstruction of the coast defenses, the Ordnance Department sent abroad an officer to—among other duties—seek a serviceable type of the disappearing carriage, which had been decided to be necessary. A few more or less unsatisfactory experimental mounts were found, but the only carriage which had been actually installed for any service was the Elswick hydro-pneumatic, which was in use in England, in Italy, and in some British colonies and less advanced countries. This type was at once rejected as being too complicated, as well as otherwise unsatisfactory, and the attempt to provide a carriage from abroad was abandoned.

I wish to say that in giving the history of this disappearing carriage I have compiled the testimony from interviews with members of the Board of Ordnance and Fortification, with artillery officers, with members of the Bureau of Ordnance, and others, and, therefore, I believe this compilation of the history of the disappearing carriage which I am now giving is correct beyond a question.

Four types of domestic production were considered—the King, the pneumatic, the Gordon, and the Buffington-Crozier. The first mentioned did not get beyond the stage of discussion, and after full consideration was abandoned as being unsuited to long, high-powered guns, although it had been tried with promise for the guns of an earlier period. The pneumatic carriage was the production of a private corporation, the Pneumatic Gun Carriage and Power Company. A representative of the type was built for a 10-inch gun and tested at Government expense, the total cost being $70,792.

This was an experimental test paid for by the Government to an inventor who claimed that he had discovered a new plan whereby these guns might be more expeditiously handled than they had been heretofore.

The Gordon carriage for a 10-inch gun was next tried, after a long time consumed also in getting it to work. At its official test ten rounds were fired in a few minutes under an hour, hand power only being required. The cost to the United States was $62,632. The installation and test of both of these types was attended with numerous vexatious delays caused by breakages and other failures.

During this period of effort Captain Crozier was in charge of the subject of the supply of gun carriages in the office of the Chief of Ordnance. He was of opinion that it was very doubtful whether any of the designs under consideration would result in the satisfactory carriage which was demanded of the Department. In looking over the various projects he was satisfied that a design proposed twenty years previously by Colonel Buffington, of the Ordnance Department, embodied a sound principle, and he caused suggestions to be sent to Colonel Buffington requesting him to modify and act upon the suggestion.

This Colonel Buffington declined to do, and Captain Crozier then went on with his own plans and ideas.

The first design was of a carriage for an 8-inch gun, which was submitted by the Ordnance Department to the Board of Ordnance and Fortification. It met with such favor on the part of this board that the Ordnance Department was requested to submit a design for a 10-inch carriage, in order that the test of the one for the gun of larger caliber might suffice for both. Captain Crozier then made the design for the 10-inch carriage, and the Department returned it, giving its reasons for having originally submitted the 8-inch design; these being in general those which would naturally suggest themselves in the view of commencing with the smaller, more easily constructed and less expensive machine.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. Certainly.

Mr. HANSBROUGH. I wish to suggest to the Senator in charge of this bill that day before yesterday we secured a unanimous-consent agreement to vote on a most important measure immediately after the close of the routine business to-morrow morning. It is extremely important that that measure should be debated, and we are in a situation where if we vote to-morrow morning, and, of course, we must vote, because unanimous consent has been given, we shall not have an opportunity to debate the bill. I ask the Senator if he will not kindly allow this bill to go over, because it appears evident that it is going to give rise to extended debate, and we shall then have no opportunity to debate the union station bill.

Mr. PERKINS. The rest of the history of this carriage I am willing to place in the RECORD without wearying the Senate by reading it.

The Board of Ordnance and Fortification decided to build from both designs and allotted the money for the construction of the two experimental carriages.

The 8-inch carriage was completed first, in the year 1893. It was installed and brought to the State for final test without accident or unforseen delay of any kind, and at its final trial ten rounds were fired in twelve minutes and twenty-one seconds. The cost of the carriage and its test was $30,829.

After the test of the Gordon carriage, and before that of the Buffington-Crozier, a contract was made by the Board of Ordnance and Fortification for a second Gordon carriage for 10-inch gun, with certain stipulations in regard to its operation. Based upon the experience then had, the standard rate of fire was taken as 10 rounds per hour, and a premium of $2,000 was provided for every round over that number, accompanied by a penalty of $1,000 for every round by which the rate should fall short. Delays and failures characterized the installation and preliminary work of

this carriage also, but at its final test 32 rounds were fired in an hour and a premium earned of $44,000. The total price of the construction, installation, tests, premium, and alteration was $118,165.

Finally there was tested the 10-inch Buffington-Crozier carriage, from which, after the same satisfactory installation as the 8-inch, there were fired 10 rounds in fourteen minutes and forty-two seconds, a rate four times that previously taken as a standard. The cost of the carriage and its test was $54,315.

In regard to these two carriages the Board of Ordnance officers which tested them reported as follows:

It is considered by the board that the test of this carriage has demonstrated that it possesses in a marked degree the properties which should pertain to a disappearing carriage for high-power guns.

It is simple in construction, so that its parts and their purposes are easily understood.

Loading and maneuvering are effected by operations which are accomplished by hand with ease, certainty, and great rapidity, and these operations simulate very closely those required with the barbette carriages already adopted by the Department.

No valves or pumps of any kind are required, a feature regarded by the board as very desirable, as it insures certainty that the carriage will at all times be in proper working order and ready for action.

The fact that the entire test of the carriage, involving the firing of 47 rounds, was conducted without the breaking of a part or the bending of a bolt indicates great care and skill on the part of the designer in proportioning its parts and adjusting them to the work which they were intended to perform.

And, speaking of the test of the 10-inch carriage:

The advantages of this system of disappearing carriage are fully set forth in the report of the board on the 8-inch carriage, before referred to. These advantages are confirmed and emphasized by the trial of a carriage adapted for a gun of much greater caliber and power, and it is the opinion of the board that the exhaustive test to which this system has now been subjected demonstrates that on account of the simplicity of its construction, involving no valves, pumps, or other complicated appliances, and the fact that by methods easily understood by the average artillery soldier the operations of loading and maneuvering are effected with remarkable ease, certainty, and rapidity, it is worthy of adoption for use in the service on all sites except those where an all-round traverse is absolutely necessary.

After the trial of the three types of carriage mentioneda bove, a board composed of one officer of engineers, one ordnance officer, and one artillery officer was, at the request of the Chief of Ordnance, convened by the Secretary of War to report "which of the various types of disappearing carriages for seacoast fortifications that had been on trial by the Ordnance Department during the last four years is best adapted for the service of the United States." The board reported as follows:

After a full consideration, the board is of the opinion that the Buffington-Crozier type of depressing gun carriage is, of the three types represented, best adapted for service in our seacoast defenses. It appears to have sufficient strength and durability, gives the required amount of protection cover, is easily operated and manipulated by hand; admits of traversing, elevating, and depressing the gun sufficient to give as great a field of fire as is required in most positions, and can be built and erected at a comparatively low cost.

The following quotations are made from the reports of the Board of Ordnance and Fortifications, viz, from the report from October 31, 1893, to October 31, 1894 (Maj. Gen. J. M. Schofield, president; Col. Henry L. Abbott, Corps of Engineers; Col. Henry W. Closson, Fourth United States Artillery; Maj. Frank H. Phipps, Ordnance Department, United States Army, and Mr. Byron M. Cutcheon, members):

The 8-inch carriage of this type had been received at the proving ground prior to the last annual report, and was being assembled and mounted on that date.

Since then it has passed a most satisfactory test at the hands of the Ordnance Board, exceeding for rapidity and smoothness of operation the most sanguine expectations of this board. This is an absolutely new type of disappearing carriage, the result of the combined inventions of Colonel Buffington, United States Ordnance Department, and Captain Crozier, Ordnance Department. It is a strictly American invention. Although of an entirely novel type, never before subjected to trial, it passed successfully through its test without so much as the breakage of a bolt or any accident whatever. Only slight alterations in the recoil mechanism were required. The board regards this as a remarkable record. This is a front-pintle carriage and traverses through 180 degrees.

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The board recommends that liberal appropriations be made, so that the expenditures for guns of this caliber and emplacements therefor, already made, may be speedily utilized.

Ten-inch Crozier-Buffington disappearing carriage: This carriage, which was in process of fabrication at the date of last report, has been completed, assembled on its platform at Sandy Hook, and fully tested and accepted during the year.

The carriage does not materially differ, except in proportions, from the 8-inch carriage. Only slight modifications were required, especially in the hydraulic cylinders for checking recoil, in order to make it work satisfactorily. Like the 8-inch carriage of this type, the test has been completed without accident and to the entire satisfaction of the board.

The Secretary of War, in his annual report for the year 1894, writes as follows:

The establishment of type disappearing gun carriages for 8-inch and 10-inch guns, invented by officers of the Ordnance Corps, and believed to be unequaled for rapidity and simplicity of action by any carriage elsewhere in use, is a notable achievement of the year. This problem solved, the armament of our harbors may now be prosecuted as rapidly as means are available.

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At the date of the last annual report of the Department a selection of a type carriage for 8 and 10 inch guns was expected within a few months. Since then the 8-inch Buffington-Crozier disappearing carriage has been tried with results, as stated by the Board of Ordnance, exceeding for rapidity and smoothness of operation the most sanguine expectations of this board. The carriage is the combined invention of Colonel Buffington and Captain Crozier, of the Ordnance Department, and reflects credit on the inventive skill of American officers.

It is a satisfactory solution of one of the most difficult problems which has confronted military science. I concur in the recommendation that liberal appropriations be made for the manufacture of these carriages for service, so that expenditures for guns of this caliber and emplacements prepared for them may be speedily utilized.

The annual message of the President to Congress of December 7, 1896, makes the following reference:

During the same year, immediately preceding the message referred to, the first modern gun carriage had been completed and 11 more were in process of construction. All but one were of the nondisappearing type. These, however, were not such as to secure necessary cover for the artillery gunners against the intense fire of modern machine, rapid-fire, and high-power guns.

The inventive genius of ordnance and civilian experts has been taxed in designing carriages that would obviate this fault, resulting, it is believed, in the solution of this difficult problem.

The construction of a disappearing carriage for a gun of as great weight and power as the 12-inch had previously been considered a problem too difficult for solution, and the method had been inaugurated of mounting these guns upon hydraulic elevators, to be raised and lowered by steam power for firing over an ordinary parapet and for loading behind its shelter. Two guns were thus mounted at Sandy Hook. But after the successful trials and adoption of the 8-inch and 10-inch carriages, a 12-inch Buffington-Crozier carriage was built, tested, and adopted, replacing the gun-lift mounting for this caliber of gun. In regard to this carriage, the Board of Ordnance and Fortification (Maj. Gen. Nelson A. Miles, president; Col. Royal T. Frank, First United States Artillery; Col. Peter C. Hains, Corps of Engineers, United States Army; Maj. Frank H. Phipps, Ordnance Department, United States Army, and Mr. Joseph H. Outhwaite, members) in its report for 1897, stated as follows:

The test of this carriage is nearly completed, and it has proved an unqualified success. The development of this carriage is considered by the board as a decided advance, as it enables the Government to mount its heaviest guns under cover without resorting to such expensive devices as the gun-lift battery and armored turrets, which were considered the only solution of the problem a few years ago.

And again, in its report for 1898:

This carriage was completed at the Watertown Arsenal May 6, 1897. It has since passed a very satisfactory test at the proving ground and has been issued to the service.

Although the system of mounting in gun-lift batteries is much less expensive than the use of turrets, it is still more than twice as costly as the method by the use of disappearing carriages, and as by actual trial the rate of fire with the latter system is five times as great as that with the gun lifts, it is seen that with this system more than ten times the efficiency is obtained than with the gun-lift system.

The price of the three type Buffington-Crozier carriages should be deducted from the cost of the experiments with them, as these carriages are all now in service at fortifications, which none of the carriages of the other types tried are, although considerable sums were afterwards spent upon some of them in the effort to fit them for use. Efforts have been made since the adoption of the Buffington-Crozier carriage to replace it by other types, proposed by parties interested in efforts to supply, for the large profits which would result, these extensively used machines. Two 10-inch carriages have been tested with this object, at a cost, respectively, of $41,620 (second pneumatic) and $55,605.10 (Howell), the experiments being made as a result of special legislation by Congress. The first-mentioned carriage was not accepted, and a measure is pending in Congress for the relief of the parties concerned from their bond for its successful performance and the retention by the Government of the final payment, which has not yet been made.

Congress has also authorized the expenditure of $180,000 for the construction of the Emery carriage for 12-inch gun; of this amount $126,000 has been expended, but the carriage is not yet completed, although its construction was authorized as long ago as the year 1893. Notwithstanding these vigorous efforts, all costly to the Government, of private industry to supersede the type, in the natural effort, and one finding sympathy to substitute something upon which somebody should make a profit for a largely used machine for which the Government pays only manufacturer's earnings, the Buffington-Crozier carriage still retains its supremacy. In time, of course, it will be outbuilt, and it will then be possible to utilize the disappearing principle to still greater advantage.

This history shows the manner in which the subject was regarded at the time when the attention of all concerned with it was most earnestly engaged. It precludes all idea of surprise or lack of cognizant deliberation, and enforces the necessity for at least equal care to precede the admission that such skillfully and laboriously sought conclusions were, after all, in error.

Mr. President, there seems to be no other side to this question, unless we propose to place ourselves in the position of experts, when the Government has educated at West Point and at the

Naval Academy and elsewhere people who are competent to pass upon the question. If this Board of Ordnance and Fortification deem it proper, expedient, and advisable and in the interest of the Government to have these disappearing carriages, we ought to acquiesce in their decision, and I am willing to submit the question to the Senate on this proposition and to vote immediately.

Mr. HANSBROUGH. I think there are other Senators, doubtless, who desire to discuss this matter at length, and under those circumstances we shall be shut out entirely, unless the Senator will kindly yield that we may take up the union-station bill.

Mr. PERKINS. I will certainly agree to vote if we can pass the bill now. This is an appropriation bill of great importance.

Mr. PROCTOR. I do not wish to take more than a minute or two whenever the Senator has concluded.

Mr. PERKINS. I am willing to submit it to a vote; but there are one or two other propositions. My friend read an essay from an Army officer, and he gave it as an authority and wished to have it printed in the RECORD. He forgot to state that the Journal of the Military Service Institution, which is a work of great literary ability and authority upon military affairs, offered a prize to a number of essayists for the best written paper upon disappearing carriages, either for or against it.

Those essays were sent in under anonymous names. As a matter of fact, the paper read by the Senator from Vermont did not win the first prize of a golden medal. It was won by Lieut. E. R. Stuart, who read a paper in favor of disappearing carriages. He is an eminent engineer officer. The second best paper was by Capt. W. R. Hamilton, of the Artillery Corps. It is only fair that those two essays should go into the RECORD to neutralize the essay submitted by the Senator from Vermont. They are both strongly in favor of the disappearing carriage, and they give authorities. I ask that they may be printed in the RECORD with the article offered by my friend from Vermont. He neglected to state that Lieutenant Stuart received the golden prize. Let those two essays also be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

The papers referred to are as follows:

[Journal of the Military Service Institution of the United States, March, 1902.]

GOLD MEDAL PRIZE ESSAY, 1901—ARE DISAPPEARING GUNS ESSENTIAL TO THE EFFICIENT DEFENSE OF OUR SEAPORTS?

[By First Lieut. Edwin R. Stuart, U. S. A., Corps of Engineers.]

PRELIMINARY DISCUSSION.

The fact that the seacoast defenses of all nations comprise guns of all calibers up to a maximum of 12 inches or greater is of itself sufficient evidence of the necessity for the different calibers in an effective defense. The rapidity of fire varies inversely with the caliber, but the decrease is not severely felt until a caliber is reached where it becomes necessary to use mechanical appliances for handling the ammunition. This is the case in calibers beyond the 6-inch, and marks the true division line between the rapid-fire and the heavy gun.

In the smaller calibers the rapidity of fire is so great that any attempt to apply the disappearing principle between shots would so diminish the rate of fire as to greatly reduce the effectiveness of the gun. Furthermore, the number of men necessarily exposed in serving the gun is very small, and they may be sheltered from splinters, machine-gun, and other small projectiles by shields. On account of the fact that the weight of the heavy gun is near the limit that may be maneuvered by hand, a shield furnishing protection to the gun detachment can not be satisfactorily used in this case.

A rapid-fire gun may be provided with some form of eclipsing mount, permitting it to disappear as a target when it can not be effectively used as a weapon. During such period it is wholly protected from all except accidental injury. The device by which this temporary disappearance is accomplished in the balanced pillar mount is so simple as to offer no objection to its use. In the elevated position of the gun it differs in no wise from the ordinary pedestal mounting. This form of mount therefore offers no objection from a mechanical standpoint and will protect from injury until needed such guns of the smaller calibers as can not for any reason take an effective part in the combat. Its advantages can not therefore be contested.

In those calibers requiring mechanical appliances for handling the ammunition, the interval between shots and the consequent exposure of a large gun detachment becomes so great that it is worth while to consider those mounts which will withdraw the gun between shots and allow loading under cover.

The various types of mount that have been used may be classified as casemate, turret, barbette, and disappearing. Of these the casemate and turret mounts are so enormously expensive as to be eliminated from consideration in a defensive system so extensive as that of our seacoasts must necessarily be, except for those special cases of restricted sites where an adequate defense can be provided in no other way, and their adoption is forced regardless of the cost.

For the 8-inch, 10-inch, and 12-inch calibers, the only types of mount available for general use are the barbette and disappearing carriages, and these alone will be considered in this discussion, since one or the other must be used in present defensive constructions and until something more satisfactory than either shall have been developed.

COMPARISON OF TYPES.

Both types of mount are possibly susceptible of improvement, but the present forms of the barbette and disappearing carriages will be considered in the comparison, which to be complete must involve the following points: Accuracy of fire, rapidity of fire, simplicity of mechanism, protection to gun and detachment, the moral and material advantages of concealment, cost.

In making the comparison it is necessary to assume that the guns are the same and that the system of ammunition delivery is capable of delivering ammunition as fast as needed.

ACCURACY OF FIRE.

The range and position finding systems necessary for firing at moving targets will be the same for both types of mount, and the difficulty experienced with each will be the same. The element of accuracy may be compared on the basis of a fixed target at a known range.

The barbette gun may be given any elevation and azimuth, and its errors will be due to causes beyond control in any gun; it is therefore as accurate as it lies within human power to make any weapon.

The disappearing gun, if laid indirectly, may be given any computed azimuth, but errors in azimuth will not be self-detecting, and errors in computation will result in a miss. If a sight be rigidly attached to the carriage at such elevation that the target will be visible, its azimuth laying will be as accurate as that of the barbette gun. This method has been adopted, but involves a slight sacrifice of concealment of gun position. The elevating mechanism may be set to give the piece an elevation corresponding to a given range. The gun will have this elevation when in a certain final position only, since the elevation is continually changing during the upward motion of the gun. This change is slow as the gun approaches the final position, and any variation possible in practice would be small. On account of the greater number of joints in the disappearing carriage errors due to looseness of these joints would be greater than in the barbette gun. The disappearing gun has advantages which act directly to counteract this slight disadvantage in point of accuracy, as will be shown later.

RAPIDITY OF FIRE.

Assuming the ammunition delivered were needed upon the loading platform, the mechanical operations of loading are the same, except that the shot for the barbette gun has to be hoisted by hand a distance corresponding to the total vertical motion of the disappearing gun, and the loading done on a small platform, while the disappearing gun comes down after its discharge, and the operation of loading is conveniently performed.

In a rapidity test of the disappearing gun, 10 shots were fired from an 8-inch gun in twelve minutes and twenty-one seconds, and in fourteen minutes and forty-two seconds from the 10-inch gun. No similar data for the barbette gun has been found, but the report of the Chief of Ordnance for 1900 states that careful tests for rapidity of fire for 10-inch and 12-inch guns show that the rate of fire for the disappearing gun is about double that for the barbette gun, due to the causes previously given.

SIMPLICITY OF MECHANISM.

Excepting the balanced pair comprising the gun levers, gun and counterpoise, every part of the disappearing carriage is duplicated or represented in the barbette gun by a device designed to accomplish the same end. The complexity of mechanism alleged as one of the grave defects inherent to the disappearing carriage is largely one of appearance, and dissolves upon a rigid comparison of the two types of mount.

Each has its base ring, upon which rests a carriage provided with suitable turning gear. Upon this carriage rests upon live rollers in each type a chassis, whose motion is controlled by hydraulic recoil cylinders, with throttling bars, equalizing pipes and the attendant evils fully developed in both. Each has a retracting gear, and an elevating gear, mechanically satisfactory and suited to its purpose in each. On the chassis is mounted the gun in the barbette carriage, and in the disappearing carriage the gun levers, carrying at its extremities the gun and counterweight. No gun lever has ever broken in service; no carriage has failed through the presence of the counterweight, or given any trouble from this source except through carelessness, or mechanical defects corrected in the later types of the disappearing carriage.

Accidents to other parts of the carriage are equally liable to happen to both types. In practice three disappearing carriages have been disabled for service through the bursting of equalizing pipes, but the pressure in the cylinders and equalising pipes of the barbette carriage is very much greater than in the disappearing carriage, and an equal amount of experience with the barbette carriage would show a greater number of failures from this cause. Considerable annoyance has been caused and a number of guns disabled for drill purposes by the breaking of retraction chains, but this was not a serious difficulty, and has been obviated in later carriages by the substitution of wire rope for the retraction of the gun. Each carriage, as all other machines, requires daily attention to keep it in perfect order.

Even if the disappearing carriage be more complex than the barbette carriage, the increase in this respect is far less than in the other details of artillery defense.

No artilleryman advocates the return to a system of defense which would render unnecessary searchlights, electric-light plants, a complicated system of range and position finding, an elaborate system of communication, and a more or less complicated system of ammunition delivery.

Moreover, through the initiative of the artillery, there has been recently transferred to it an adjunct of the defense—the submarine mines, with a large amount of delicate apparatus, a large amount of material which to be effective must be in perfect condition, difficult to install in service and still more difficult to maintain in serviceable condition, requiring technical knowledge and manual skill in marked degree, and involving many situations where errors, mistakes, or the slightest carelessness means disaster.

It is true that the most effective defense requires the submarine mines to be installed and controlled by the artillery commander. The responsibility for this defensive adjunct has been assumed without complaint as to its complexity for the sake of a better defense. If the artillery can not care for the heavy armament on disappearing carriages, a most valuable item of the defense of our seaports has been rendered useless by having been transferred to a branch of the service incapable of installing and maintaining it, for it may be stated without hesitation that men not capable of the degree of instruction necessary to handle successfully the disappearing gun can not be depended upon to install an effective submarine-mine defense. The willing assumption of this defense is evidence of the belief of the artillery in their ability to handle the less complicated disappearing guns.

PROTECTION TO GUN AND DETACHMENT.

The degree of protection required can only be determined by considering the experiences of the past, coupled with experiments made under conditions which are not sufficiently near those of war as to be a true guide. The latter serve only to indicate what may be expected under present conditions of combat where forces are about equally matched.

The bombardment of Alexandria, San Juan, Santiago, the batteries in Manila Bay, and other earlier instances may be cited to show that no material damage can be inflicted upon fortifications or their armament by the guns of a fleet. The degree of protection afforded to guns in barbette mounts appear to meet the requirements of protection to material, even when opposed to modern guns. The same is not true of the gun detachments. Cases may be cited, as at Alexandria, where troops of poor morale have abandoned uninjured guns under the fire of vessels. The inference is irresistible that even troops of good morale will be severely shaken by the fire to which they will be exposed in future attacks on seacoast fortifications, and the service of the gun in rapidity and accuracy will be materially affected by the losses which the bombardments of San Juan and Santiago show that the cannoneers of barbette batteries will suffer.

Interesting in this connection are certain observations of L. Alvarado, a Spanish officer, who participated in the defense of San Juan against the bombardment of May 12, 1898. These are published in a translation in the Journal of the United States Artillery for March and April, 1900. The extracts are as follows:

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"Third. Barbette batteries need at least 14 to 16 meters elevation. Low barbette batteries, unless in very especial positions, can not be fought if they are attacked with resolution by vessels which use the fire from their tops.

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"Sixth. Many officers are absolutely necessary in seacoast batteries. * * * They are needed to preserve by their example the coolness and discipline of the men who have to stand firm under a fire from which they can shelter themselves by running only a few meters."

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It seems useless to cite experimental firing when examples from actual war are available, but the French experimental firing at l'Ile de Levant, in 1896, and the English experimental firing at Inchkeith, about 1885, while showing greater results than were actually obtained later under war conditions, pointed clearly to what might be anticipated and was later realized, and justify citing the experimental firing at a dummy representing the action of a disappearing gun at Portland, in 1885, to show that machine-gun fire can not harm the detachment serving such a gun, while poor practice by the heavy guns showed the demoralizing effect of the want of a definite target.

This firing comprised 6,910 rounds of 1-inch and rifle caliber, 29 rounds from 6-pounders, fired at an average range of about 825 yards, and 15 shell and 13 shrapnel from 10-inch guns at a range of about 2,500 yards. No damage to gun or detachment resulted from this firing. The weather conditions were not favorable, but the officers of the vessel engaged reported that the results would probably have been the same, even under more favorable conditions. Peace practice being more accurate than can be hoped for in war, it is evident that the fire of a fleet can not injure a disappearing gun battery.

THE MORAL AND MATERIAL ADVANTAGES OF CONCEALMENT.

The barbette gun can be rendered inconspicuous by neutral colors, but the advocacy of such measures is an admission of the immense advantage of the total concealment afforded by the disappearing mount. By the use of the latter the enemy has no visual means of determining the strength or location of the defenses. No definite target is presented except during a few seconds insufficient for aiming, and not much greater than the time of flight of the projectiles aimed at it.

Any gun out of ammunition or not actually engaged may be wholly removed from danger of damage by accidental shots by being withdrawn behind its parapet, and any gun slightly injured may be withdrawn and repaired. The disappearing gun has also the advantage of concealing from the attack the nature and extent of any injury to the armament, while any damage to the attacking fleet is at once known to the garrison of the fortifications. The greater circumspection required in the attack of fortifications whose strength and condition remain unknown will result in delay, which will directly favor the fortifications by reason of the greater expenditure of ammunition possible to the latter.

COST.

The approximate cost of the emplacement, gun, and mount for the different calibers is—

8-inch:	
Barbette	$55,600
Disappearing	72,000
10-inch:	
Barbette	74,200
Disappearing	99,300
12-inch:	
Barbette	118,800
Disappearing	141,000

It has been previously shown that the rate of fire of the disappearing gun is about double that of the barbette gun. While information from different sources does not give the same cost for the different types of emplacements, the ratio of cost is about the same, and may be assumed as 3:4 in favor of the barbette gun. The actual cost of installation for a given intensity of fire is therefore in the proportion of 2:3 in favor of the disappearing gun. To deliver the same volume of fire from barbette guns would require double the number of gun detachments. Since a certain intensity of fire is the consideration governing any project for defense, the relative cost of obtaining this intensity of fire by the use of the different types of mount is of interest, and would be as follows:

Four 8-inch barbette guns can be mounted for about $222,400. These guns (assuming double the time quoted in the rapidity test of the disappearing gun) could fire 4 shots every two minutes and twenty-eight seconds, or 96 shots per hour for the 4 guns Three 8-inch disappearing guns can be mounted for $216,000. These guns can fire 3 shots every one minute and fourteen seconds, or 135 shots per hour for the 3 guns.

The ability to fire 96 shots per hour from 8-inch guns, rating interest at 3 per cent, represents an annual outlay of $6,600 and requires 4 gun detachments of about 10 men each. The annual cost of each gun detachment is about $3,000, counting the pay and rations of each soldier at an average of $25 per month. The total annual expenditure representing the ability to fire 96 shots per hour is therefore $18,600. The annual cost per shot per hour from 8-inch barbette guns is therefore approximately $194.

On the same basis, three disappearing guns, representing the ability to fire 135 shots per hour, involve an outlay of $15,480, or approximately $115 per shot per hour for the disappearing guns. The annual cost of maintaining an effective defense using barbette guns will therefore be nearly 1.7 times as great as for an equally effective defense using the disappearing guns.

This relative annual cost will vary with the absolute numerical strength of the garrisons maintained, but will always be decidedly in favor of the disappearing gun.

SUMMARY.

For rapid-fire guns, the ability to disappear when not needed is obtained by means so simple as to offer no objection to the use of a type of carriage which gives the ability to do so.

For heavy guns, the disappearing carriage secures at less cost per annum all the advantages of concealment and protection to gun and the detachment serving it, by the use of a mechanism apparently complex and liable to get out of order, and involving a slight sacrifice of theoretical accuracy. The complexity of mechanism exists largely in appearance, since a rigid comparison of the barbette and disappearing carriages shows all the dangerous elements of complexity to be equally existent in both, and the hydraulic pressure in the cylinders and equalizing pipes greater in the barbette than in the disappearing carriage. The most serious accidents that have happened to the disappearing carriages so far have been due to the bursting of the equalizing pipes, an accident more liable to happen to the barbette carriage than to the disappearing.

The sacrifice in theoretical accuracy in the disappearing carriage is more than compensated by the protection afforded to the gun detachment, which will allow the service of the gun to proceed without the demoralization incident to the losses which experience shows must be suffered by the detachments serving barbette guns.

For a smaller first cost, and a smaller annual expenditure, the disappearing gun will protect our seaports in time of war as efficiently as the barbette gun, and return to their homes at its close many men whose lives would be sacrificed if exposed in the open emplacements of barbette guns. An effective defense must be provided, but that can be accomplished by the use of disappearing guns, and the Government owes it to its defenders that their lives shall not be needlessly sacrificed.

The installation of guns on disappearing carriages in the past has been based upon sound principles, and the best defense of our seacoast requires that it shall be continued.

CRUSTACEAN.

ARE DISAPPEARING GUNS ESSENTIAL TO THE EFFICIENT DEFENSE OF OUR SEAPORTS?

[By Capt. William R. Hamilton, U. S. A., Artillery Corps.]

The defense of the coast is sought by means of the offensive action of ships of war, primarily; by the defensive action of guns in fortifications on the land, secondarily; or by a combination of the two. In our country we must perforce use both means, and the subject of coast defense should therefore be divided into two parts, viz:

1. Mobile defense, or that of war ships.
2. Stationary defense, or that of fortifications.

Under the first head belong all classes of war ships operated by sailors, and designed to carry offensive action wherever necessary. Under this head are included not only battle ships, cruisers, torpedo boats, but transports for troops and munitions of war also. From their very nature they must act on the offensive to be successful; i. e., they can not be tied down to single ports or harbors.

Under the second head belong the fortifications located on the coast, their guns, submarine mines, and all accessories designed to defend against attack of harbors, channels, or other valuable or strategic place on the dividing line between the sea and shore. Necessarily from their nature, they are tied down to the locality in which they are located, and their sphere of action is limited to the effective range of their guns.

Both these classes are absolutely necessary in our country, and neither possesses any relative importance above the other. To maintain and extend our commerce and trade, to punish insulters in foreign seas, to cause our flag to be respected on distant shores, a navy is necessary. But battle ships require dockyards and arsenals and storehouses, and commerce and trade builds up large and important cities on the coast, and to offer harbors of refuge for ships, protect and defend dockyards, arsenals, and cities, fortifications are just as necessary. In an article on "The war on the sea and its lessons," Captain Mahan says:

"It is proper here to say, for the remark is pertinent and most important, that coast defenses and naval force are not interchangeable things; neither are they opponents, one of the other, but complementary. The one is stationary, the other mobile; and however perfect in itself either may be, the other is necessary to its completeness. In different nations the relative consequences of the two may vary. In Great Britain, whose people are fed from the outside world, the need for a fleet vastly exceeds that for coast defenses. With us, able to live off ourselves, there is more approach to parity. Men may even differ as to which is the more important; but such difference in this question, which is purely military, is not according to knowledge.

"In equal amounts mobile offensive power is always and under all conditions more effective to the ends of war than stationary defensive power. Why, then, provide the latter? Because mobile force, whatever shape it takes, ships or men, is limited narrowly as to the weight it can bear; whereas stationary force generally being tied to the earth is restricted generally in the same direction only by the ability of the designer to cope with the conditions. Given a firm foundation, which practically can always be had, and there is no limit to the amount of the armor, mere defensive outfit, be it wood, stone, bricks, or iron, that you can erect upon it; neither is there any limit to the weight of guns—the offensive element—that the earth can bear, only they will be motionless guns.

"The power of a steam navy to move is practically unfettered; its ability to carry weight, whether guns or armor, is comparatively very small. Fortifications, on the contrary, have almost unbounded power to bear weight, whereas their power to move is nil; which again amounts to saying that, being chained, they can put forth offensive power only at arm's length, as it were.

"Thus stated, it is seen that these two elements of sea warfare are in the strictest sense complementary, one possessing what the other has not, and that the difference is fundamental, essential, unchangeable, not accidental or temporary. Given local conditions which can be found, greater power, defensive and offensive, can be established in permanent works than can be brought to the spot in fleets. When, therefore, circumstances permit ships to be squarely pitted against fortifications—not merely to pass swiftly by them—it is only because the builders of the shore works have not for some reason, possibly quite adequate, given them the power to repel attack which they might have had. It will not be asserted that there are no exceptions to this, as to most general rules, but as a broad statement it is almost universally true."

* * * * * * *

"Thus deficient coast protection reacts unfavorably upon the war fleet, which in all its movements should be free from any responsibility for the mere safety of the ports it quits." * * *

In short, if war fleets can leave the home ports knowing that they are effectively protected by the shore defenses they can act in turn effectively, well knowing that which is left behind is well protected, and that in case of mishap either by battle or elements they have a safe refuge to which to flee for refitting and arming again for renewed battle.

From the very nature of the subject of this essay there is no need of any discussion of the mobile coast defence, except so far as to consider what may be brought against guns ashore. We will therefore conclude this part of the subject by remarking that the ideal defense of a coast is a vast naval fleet, so superior in strength, numbers, skill, and armament against any combination of fleets that might be brought against us that it would not only cover all our harbors, channels, etc., with a sufficient number of vessels to adequately protect them, but leave a still further number to act offensively in any part of the world.

And such a fleet would be so costly, both in initiating and maintenance, that it would soon bankrupt the nation, and therefore would not be tolerated even in thought. The defense of our coasts rests in the fortifications, the guns therein, and the mines of adjacent waters. All discussion in this essay refers entirely to the fortifications erected on the coast line of the United States, and assuming this condition, we pass on to the query: What is seacoast defense? And, following closely in its train, will naturally come the following queries: Where are such defenses placed, and what condition govern their location, and strength, and character? Upon the character of

the special defense determined depends the nature and strength of the armament, and when we have proceeded thus far we are then ready to discuss understandingly the guns and mounts required for thorough efficiency for the desired work.

By coast defense is understood all means of war used to protect the maritime frontiers of our country, with the special duty of guarding all approaches to rivers and harbors and other channels whose possession would be of value to an enemy and a loss to us. This defense comprises fortifications with emplacements for both large and small guns and all means of obstructing channels and of working guns and mines both by night and day. Its special object is to prevent attack directly by war ships or attack by bombardment, and while a proper prudence will dictate also means to prevent attack by landing parties and by land, yet the actual landing of a body of troops of sufficient size to do any considerable damage is so remote a contingency, is fraught with so much danger to the attackers, and attended with so many difficulties that we may dispense with it in this discussion. Hence all attack will be considered as coming from the sea.

WHERE ARE SEACOAST DEFENSES PLACED?

The United States has a maritime frontier of about 5,000 miles on the Atlantic, the Gulf, and the Pacific. This does not include Alaska, the Great Lakes, or our new possessions in either the West Indies or the East. The coast of the Gulf States and those bordering the Atlantic as far north as New York presents few harbors of sufficient depth to admit heavy war vessels. It is a low-lying, sandy coast, with the majority of its cities and towns somewhat removed from the coast proper, but from New York northward the character changes to one of bold and high eminences, with many good harbors and channels sufficiently deep to admit the heaviest battle ships to the very wharves of the many populous cities on its shore. On the Pacific the line is even bolder, and guarded almost to its edge by mountains. Here few harbors are found, but they are deep and commodious. Quoting from General Abbot on this subject, we find that—

"Upon the whole extent of the Atlantic, Gulf, and Pacific coasts there are about 30 ports which demand local protection for their cities, now exposed to occupation and destruction, and of these about a dozen are so important as centers of commercial wealth that the entire country has much at stake in their security. Nine out of this number are also important as containing naval stations and depots of supply, without which our new ships of war would be unable to keep the sea or perform any service in war; for it must not be forgotten that naval bases are as indispensable in these days of steam as are bases of supplies for armies in the field. In fact, this statement hardly puts the matter strongly enough, for our new ships of war would be exposed to capture and use against us, if they should attempt to operate on their natural element, the ocean, without ports of refuge in which to find security when overmatched.

"Besides these 30 ports now urgently demanding protection there are about 70 others whose local importance would justify inexpensive earthworks." * * * "In fine, our true policy for coast defense is to fortify the chief ports along our coasts, so as not only to protect the chief cities and arsenals against insult but also to provide safe refuges for our coastwise marine and safe naval bases with coaling stations, depots of supply, and places of refuge for our ships of war when threatened by superior forces on the ocean, whence they may issue to act offensively as circumstances permit."

Works of coast defense are therefore required to—

(1) Prevent passage of war fleets through narrow channels that would enable them to successfully attack cities and important places.

(2) Prevent the bombardment of cities and important works from beyond our outside.

(3) Prevent the occupation of harbors or the passage of channels, which without having cities or important works located on them, may nevertheless lead to landlocked bays, sounds, or rivers. Wherever any of the foregoing conditions exist there should be placed coast-defense works, which with their armaments will vary according to surrounding local conditions.

What conditions govern the location, strength, and character of coast-defense works?

The location of works must depend upon the vicinity of the city, arsenal, harbor, or other place it is built to defend, upon the nature of the terrain or ground, upon the width, depth, and form of channel, harbor, or other waters from which an enemy may issue, and upon local conditions of climate, storms, soil, etc.

In choosing the location for coast works we are obliged to consider the commercial and political development of the port it is to defend, which may or may not become a strategic point, necessitating the building of a stronghold, though not well adapted to defense. Commercial development has caused many cities to spread out beyond the original boundaries desired for them, and in fact in some instances military development has brought about this very end, so that close to the fort or battery is a part of the town or city. This did not matter a half century ago, when means of attack were limited to ranges that could be easily calculated by the eye, but in these days of accurate long-range guns we often find, almost upon the coast, great and important commercial works built for trade and commerce, but unsuited for defense.

Still such defense can not be dispensed with, and to keep a fleet from bombarding such a location makes another difficulty in building a proper defense work. Thus the vicinity or proximity of the city, arsenal, or port has a very important bearing on the location of the defense works. If the waters of the channel to be covered by the works is a narrow, tortuous one, or shallow, or filled with shoals or rocks, it may also be easily understood that only lighter vessels would attempt to force such a passage, and they being in general armed with lighter guns, it follows that the location of the works would have to be considered with reference to such fire as an enemy could bring upon the works. Again, the entrance of the channel may be lofty and bold, so that a few guns placed upon the summits would entirely bar the passage of vessels; or, it may be low or even covered with water, as a shoal, etc., all of which will have an important bearing on the proper and best location of the defense works.

Fortunately with us there are few important cities outside of those on the Great Lakes that are built directly upon the shore, and our engineers have been able to find in all places, so far, advanced sites for locations of all necessary defenses.

The character of coast defenses must depend generally upon the nature of attack to be expected (Abbot), and specifically upon local conditions. If danger is anticipated of attack by land, or of an immense army debarking on land, then works must be constructed as to withstand not only attack from the sea, but from the land also. This latter condition necessitates provision for sustaining prolonged sieges and bombardments. Such a condition we do not, as before remarked, consider possible in this country. Hence, as we may anticipate attack by sea only, our coast works are built accordingly.

In order that the greatest amount of fire may be concentrated on any one unit of an opposing fleet, and at the same time the enemy be compelled to scatter his fire, our works must be built in a number of detached batteries, widely spaced, and as far as possible concealed. Such batteries will rarely have more than four guns of heavy caliber or less than two. They must be properly flanked and such disposition made of rapid-fire guns as will not only insure their use as flanking guns, but also for the more important rôle of covering mine fields and the closer water approaches. Local conditions will determine not only the specific character, but also the strength of the works or batteries. All authorities on this subject lay down the general principle that coast-defense works are built for (1) preventing passage of war fleets, (2) preventing bombardment of cities, arrenals, etc., (3) preventing occupation of channels, land-locked bays, wide-mouthed harbors, etc. The two methods of coast science adapted for this prevention are the use of high-power guns and the obstruction of channels by mines or other obstacles.

It is in the proper selection of sites for his guns that the engineer finds his greatest difficulties and has his greatest opportunities of displaying his professional abilities. The general topography of a location will exert a governing influence on the character of the work to be erected, and, inasmuch as the armament in turn depends upon the nature of the work as well as other conditions to be discussed later, it is opportune here to discuss more in detail the influence of site upon the nature of works and their armaments.

It may be remarked, first, that in selecting a site the engineer has the great advantage, not possessed by the enemy, of indicating his own battlefield and building on it accordingly. On this point we again quote General Abbot:

"A land fortress chosen in advance may usually be passed, and the battle be forced beyond reach of its guns. On the approaches to a land-locked water route nature provides only a few channels where ships can move, and that particular site for defense can be chosen by the engineer where they will operate under the maximum disadvantages, and yet where they must certainly pass to effect their object. This is the answer to the common fallacy urged by advocates of floating batteries, that land guns are chained monsters, while guns afloat may be shifted to meet the enemy wherever he appears. This argument fails doubly. He should be compelled to fight where we have every possible advantage, and the guns should be sure to be in position when wanted.

"Mobility implies the possibility that they may be drawn away by the skilled maneuvers of the enemy and the channel be left uncovered at the critical moment. Moreover, a land armament is not exposed to ramming or torpedo attack, while a coast-defense fleet is as likely to suffer in this manner as the enemy himself. * * * To forbid to an enemy the occupation of a harbor useful for his purposes is a simple operation. It only requires few modern mortars in a battery suitably designed to facilitate accuracy of fire and well protected against the operations of a landing party. Should we become possessed of foreign coaling stations, this plan, with appropriate local modifications, would probably meet all needs."

(It is more than seven years ago that General Abbot wrote his article, and since then his prophecies have been strangely verified. The full and complete experiments at Preble, Me., last fall, have demonstrated thoroughly the value and reliability of mortars, while the number of coaling stations now possessed by the United States is beginning to circle the earth.) "The increased range of modern ordnance has rendered possible a somewhat new application of land batteries to the defense of the coast. There are certain entrances to large inland waters, like Long Island Sound and Puget Sound, which are too wide to be properly closed with land defenses alone, especially as the depth and strength of the current forbid the effective use of submarine mines. Here there will be great advantage in reenforcing land fortifications with armored coast-defense vessels and torpedo boats." * * *

The elevation or site of a coast-defense work determines in all cases to a certain extent, and in many to a very great extent, the nature of the arm to be used, its caliber, and kind of mount. Hence it is necessary to study it carefully. In a most interesting and authoritative article on the "Elevation of Sites for Batteries," Maj. J. G. D. Knight, Engineer Corps, deduces as a result of many examples the conclusion that it is not probable that a naval attack on land batteries will be entered upon at distances exceeding 5,000 yards. The article in question was written six years ago, and later developments occurring during the Spanish-American war make it conclusively certain that attacks on land batteries can not be opened at ranges exceeding 3,000 yards with any degree of effectiveness, except in the one case where a fleet may lay at anchor and attempt from a long range to bombard the work.

This, however, is the one case that shore authorities consider as least fraught with danger or harm. In other words, the danger to be feared by such bombardment on a city, dockyard, or harbor densely occupied, at ranges exceeding 5,000 yards, is nil, and an enemy would not be justified in expending the large amount of ammunition necessary to consummate it, except in the one case where he was really executing a diversion or attempting to keep the shore batteries so occupied as to lead them from his real objects of attack. Major Knight presents two tables which are quoted herein, giving the angles of fall of projectiles of 8-inch and 10-inch United States Army guns and the 40-centimeter Krupp gun, all rifled breech-loaders, as computed from the tables of curves of the engineer board. The second table gives the heights at different ranges, giving corresponding reductions of the angles of fall of arriving projectiles, with the corresponding increase of protection (vertical) of loading detachments at 45 feet in rear of the crest of the parapet, and on a level of the loading platforms:

TABLE I.

Range.	8-inch guns.	10-inch guns.	40-centimeter guns.
1,000 yards	0.7	0.8	0.6
2,000 yards	1.5	1.8	1.6
3,000 yards	2.6	3.0	2.5
4,000 yards	3.9	4.4	3.7
5,000 yards	5.7	6.1	4.9
Initial velocity per second	2,160	1,960	2,035

TABLE II.

Angle of fall diminished in degrees.	Theoretical increase of protection (vertical), in inches, 45 feet from crest.	Ranges, in yards.			
		1,000.	2,000.	3,000.	4,000.
		*Feet**	*Feet**	*Feet**	*Feet**
1	9	52	105	157	209
2	19	105	210	314	419
3	28	157	314	472	629
4	38	210	420	629	839
5	47	262	525	787	1,050

*Elevation above ship's guns.

From the foregoing tables, remembering that effective ranges are not beyond 5,000 yards, it follows that guns mounted on the Buffington-Crozier carriages, after recoil, the gun not being fired with an angle of depression, lies wholly below a plane which passing through the interior crest is depressed 7 degrees. This plane passes 5 feet 11 inches above the front edge of the loading platform and 4 feet 3 inches above the rear edge of loading platform. Now, according to the table the greatest angle of fall for projectiles for a range of 5,000 yards is given by Table I as 6.1 degree. It follows, therefore, that since the rear of the gun when drawn from battery, that is, when in its loading position, is less than 5 feet above the platform, that neither gun nor carriages will be struck by projectiles passing above the interior crests.

This is good for all ranges of 5,000 yards or less, and even where the crest of the land battery is on the same level of the attacking naval battery. Since the chances of projectiles striking just above or grazing the interior crest are almost nil, it follows that the protection afforded men serving the gun is ample. They are almost entirely covered. So also will the same be apparent with guns mounted on the gun-lift disappearing principle. But where guns are mounted in barbette—that is, on nondisappearing carriages—both guns and carriages and necessarily also the loading detachments, being above the level of the interior crests, are exposed as plainly to the enemy's fire as if on sandy beach without any parapets in front of them.

Although the danger from fire is little in the cases just cited, still, there being some, we next inquire by the second table what effect the elevation of the site will have on the fire. Major Knight calls this "the searching effect of projectiles and the elevation of site that will neutralize this effect." As we increase the elevation of a site the angle of depression for its guns must also increase until finally, when with the 8-inch gun, the angle of depression is 5°, the platform of the gun is relatively 11 inches higher to the interior crest than when the gun is fired without depression, while with the 10-inch gun it is 12.5 inches.

Of course, when vessels are 2,000 yards or more distant, no moderate increase of elevation will give corresponding increase in protection. Hence, by Table II, a vessel 1,000 yards away firing at a battery that is 262 feet high above sea-level, since the protection at 5° depression is but 35 inches and 36 inches, respectively, for 8-inch and 10-inch guns at 45 feet in rear of crest, this protection being the net increase, it is seen that there is but little chance of hitting any of the detachment, even on extreme rear edge of platform. But if the range be double or more then the crest elevation should also be increased in like ratio, so as not to obtain more than 36 inches increase. This is evident since each increase in elevation of interior crest requires the loading platform also to be raised so much nearer the level of the crest that the required angles of depression may be obtained.

Were this not so, there would be between the walls of the battery and the nearest spot the projectiles of its guns would strike the water a dead space, much out of proportion to the increase of elevation. A projectile, by Table II, having an angle of fall of 1° and clearing the interior crest will, at a distance of 45 feet from crest, pass 9 inches below the level of the crest when fired at a range of 1,000 yards. For ranges of 2,000 yards the angle of fall will be 2°, and projectiles will pass 19 inches below the crest, and to neutralize this fall the elevation of the site must be 210 feet. When a projectile is fired from 5,000 yards and has an angle of fall of 5° it will pass 47 inches below the crest, and to neutralize this the site must be over 1,000 feet high. But while by raising the site we have gained a great protection to guns and detachment, we have also gained in the searching power of the guns. A 10-inch rifle whose interior crest is 300 feet high will have a dead zone of 1,000 yards radius, but if we raise the same gun to 210 feet elevation, then the dead zone becomes 720 yards radius.

Major Knight asserts that a gun mounted on either of the three disappearing plans—the gun-lift, Buffington-Crozier, and Gordon carriages—will not be directly hit when under direct fire of guns at ranges not exceeding 5,000 yards, and therefore that the additional protection is slight and really unnecessary for guns so mounted, and is practically nothing for nondisappearing barbette guns. Also, that increase of site increases dead zones, and therefore that moderate elevations are best. Furthermore, the loading platforms of barbette guns on nondisappearing carriages being on practically the same level as the interior crests, no elevation of site affords commensurate shelter to gun, mount, or detachment. There is one advantage gained by elevation of site for disappearing guns, which he distinctly mentions, and that is expressed by him as follows:

"With nothing but the parapet continuously in the enemy's view, with guns appearing only for brief periods, he must be at a loss how to direct (the enemy) his fire if he can not see the openings into which the gun disappears. Therefore, with the view of depriving an enemy of a definite target for his guns, the battery may well be constructed at sufficient elevation to hide the openings of its emplacements from view from the tops of an enemy's vessel. For this purpose, and for this only, it may be well to give crests of batteries an elevation of about 100 feet above the water."

But are there not disadvantages of low sites, which would make necessary the higher elevation? It is claimed that a low site enables the ships to dispense with high angles of fire, for which their decks and gun mounts are not fitted, and it is further said that a low mount on shore does not enable the shore gun to throw a fire on the deck of a ship which as well known is her most vulnerable point. Again it is claimed that a low site gives to the naval attack a distinct advantage, placing its guns on an equality with the shore guns as to energy of impact. For the first objection it may be said that for the same ranges the angles of fall of ship guns is increased but very slightly over those of the shore guns.

Against the second point, it is well known that ships have been unable to give angles of elevation of over 14° or 15° to their guns, while for the third, an example taken from Ingalls's Handbook of Exterior Ballistics may fully answer. Thus a 714-pound shot fired from a ship at a range of 3,000 yards, at an elevation of 1,270 feet, while another fired from the battery at the 1,270-foot elevation, with same weight projectile, the striking velocities would be 1,474 and 1,517 feet, respectively, while the respective striking energies would be 10,754 and 11,360 foot-tons, or the vessel would have but 606 tons handicap. In other words, the shore gun has gained but 3 per cent of energy by reason of elevation, and since a blow of 11,000 foot-tons would not damage at that distance the steel deck of a ship, it is hardly probable that an addition of 400 foot-tons would enable it to do so. Major Knight sums up his splendid article as follows:

"Assuming that vessels will not attack shore batteries at greater ranges than 5,000 yards, barbette guns mounted according to the United States disappearing methods need no additional protection derived from increasing the elevation of battery sites within reasonable limits. Even moderate elevations of batteries, which are armed with guns limited to depressions of 5°, entail dead zones of magnitude not to be overlooked where these zones include areas of deep water. Disappearing guns gain but little additional protection by such increase in the battery elevation, and nondisappearing guns gain practically no additional protection."

Notwithstanding these excellent arguments, the writer of this essay, being an artilleryman, is not prepared to coincide with the conclusions. The fact is admitted that site gives additional invisibility to the guns on shore, for every foot of elevation is a most distinct and valuable advantage when applied to the disappearing guns. But in addition it must be said that every foot of height gained renders the gun more accurate, by reason of the target being virtually larger, while at the same time deck attack is easier and more certain. Beyond this, where elevations for batteries are low, those for the depression range finders of the respective batteries must also be low, and therefore the errors from this source must increase. Ranging of guns is not possible by any system of depression range finding where the vertical base is under 50 feet, and accuracy can not be depended on absolutely till the height is at least 90 feet.

So far, no horizontal range finder has been adopted that will satisfy all artillery conditions so thoroughly as the depression instruments. High sites for fire commanders, and battery commanders' stations are almost a necessity, since ships can be sighted at greater ranges, and preparations for fighting them made accordingly. Thus, at a height of 600 feet in clear weather, the water line of a vessel is visible, with a good glass, a distance of 20 miles, and smoke coming from the same vessel is visible 10 miles farther. If the vessel is coming on at a 14-knot speed, this will allow two hours to prepare for it. Modern guns have much flatter trajectories than our old muzzle-loaders, yet in the heyday of their existence those on Porter's fleets could not damage the guns of the Confederate batteries at Port Hudson and Vicksburg, although the elevation of these latter was about 100 feet. The flatter the trajectory the less the angle of fall, and hence modern guns at short ranges can not attain the rear of parapets of moderate height, while the higher the site the greater must the range of the ship be to do any damage to the works or detachments back of the shore batteries.

The high site is not so easily rushed by shore or landing parties. That the target becomes greater the higher we ascend is readily seen, since the beam of a ship is always greater than its freeboard, and while we lose but little of the latter, we gain much of the former. But that elevation affects the errors of aiming or firing is not so plain. If we suppose a gun fired at any given range at a target on the same level with it, and presume the shot to pass 50 yards beyond the target, it is evident that, raising the gun 50 feet and firing under exactly the same conditions as before, the shot must strike so much nearer the target, since with the same charge of powder and the same conditions, the range of the shot is exactly the same. Now, since the most important thing about seacoast firing is to obtain accurate ranges, and since range finders and instruments used in communicating ranges may give out at a critical moment, it can not be doubted that the elevation of a site when high will give to the shore greater advantages than when low. In conclusion, we may sum up that a high site is always to be chosen, provided the area of fire covered by its batteries is not restricted thereby.

In placing guns in a battery chosen there are two main objectives to bear in mind. The first is that guns are placed there to prevent vessels from passing by—in other words, to fire at vessels in motion.

The second one is that they are placed there to prevent bombardments—that is, to fire at vessels at anchor.

In the first case, vessels may run by without firing or they may pass in keeping up a systematic attack on the fort. In the second case, vessels may anchor at close range in the hope of crushing or silencing the forts by a systematic attack and heavy fire or they may anchor at long range and bombard while other ships attempt to pass by, thus hoping to draw the fire of the batteries on shore; or, at any range, they may attempt to crush the shore batteries by a heavy fire.

Bearing these two objectives in mind, we readily understand, then, that guns are distributed according to their class and caliber as follows:

First. At those points where navigation is most difficult for any enemy, the most effective fire must be brought to bear.

Second. To render the position of a ship untenable, we must cover with an effective fire, all waters in which she could lie and do any damage either to the shore batteries, to shipping in the harbor, to dockyards, cities, etc. In some cases one condition must yield to the other, and then the first must be supreme, but in the majority of cases, the two may be combined. These are tactical questions that do not come within the scope of this essay. The guns having been generally determined upon, then follows the question of their mounts, and as this is really the subject-matter of this essay, all that has been written so far, being necessary to lead up to it in an understanding manner, we must first lay down the different systems of mounting guns.

The various classes of mounts for heavy guns may be classed under three heads, viz:

1. Where complete protection is afforded both gun and its carriage and detachment, except for the brief moment the gun is exposed while firing, and limited only by the size of port through which it is withdrawn.

2. Protection to carriage and detachment at all times against direct fire and to gun, except for brief moment of firing. This method exposes gun and detachment to vertical fire.

3. Varying protection against direct fire by shields, etc. No overhead cover.

Maj. G. S. Clarke, R. E., gives as separate groups of the three classes thus named the following subdivisions:

CLASS I.

1. Shielded casemates. 2. Curved-front shielded casemates. 3. Continuous iron front. 4. Gruson battery. 5. Nonrecoil gun. 6. Turret. 7. Compound armor cupola. 8. Gruson turret.

CLASS II.

1. Open battery with shields. 2. Open battery with earth embrasures. 3. Barbettes. 4. Light cupolas. 5. Breech hoods with barbette guns. 6. Barbette with turntable and horizontal splinter roof shield; loading performed at elevation, the breech being depressed through an opening in the shield.

CLASS III.

1. Moncrieff counterweight carriages. 2. Hydropneumatic carriage. 3. Counterbalance disappearing carriage. 4. Floating platform. 5. Balance pillar.

The names given the foregoing classes of mounts very generally explain their manner of action. In the United States our old forts very generally follow in their casemate protection the groups 1 and 2 of Class I. Turrets have been suggested for certain of our fortifications, and this part of the subject will again be touched upon. The special advantages claimed for this class of gun mounting are complete protection to mounting and detachment against the heaviest projectiles, limited only by thickness of shield adopted, strength of masonry, and size of fort; also complete protection against high-angle fire, and except at the embrasure in front, against machine-gun fire and shrapnel; generally requires the occurrence of several hits in a small area to produce much result; closest approximation to armor-clads; with the turrets and cupolas, the curvature is generally unfavorable to projectiles, and makes small target.

The general disadvantages of the class are to keep within bounds of moderate cost, entails the crowding of guns, which is always undesirable. For casemates, generally, the target often is large and exposure increased by massive overhead protection. Liable to cumulative danger at long range, and is most effectively attacked by the same projectiles which the ship requires to engage armor clads. Field of view is restricted by small size of port, and a single shell entering is sure to disable carriage. Elevation and depression is limited. With turrets, a single segment broken, an entire turret

is hopelessly disabled. Moreover, they are excessively costly. A great deal of complicated machinery is necessary in the turrets, while within space is cramped.

Under Class II come the varying subdivisions of barbettes, which may be found in the United States in all the old styles of water batteries, and the upper tiers of batteries in the masonry forts.

The advantages derived from this class are, first, the great economy over other methods; all-around fire and, where hoods or shields are used, protection against machine guns and small calibered rapid-fire gun-fire; simplicity in mountings, making manipulation of carriage easier; capable of any elevation, and depression limited only by slope of parapet. The disadvantages of this class are that the gun is at all times more or less exposed; no overhead covering, and detachment and carriage exposed. In the turntable barbettes as great and intricate machinery is required as in the turrets. Guns and carriages increase the target offered to the enemy.

The Class III comprises the various forms of disappearing gun carriages. The advantages claimed are protection to gun, carriage, and detachment, except to the former at the moment of firing. Can be rendered by smokeless powder practically invisible, and when degree of protection and range of fire is considered, they are economical mounts. All loading, elevating, and traversing done is always under cover, and is particularly well suited to guns on low sites; allowing great field of fire and angle of elevation and depression, limited only by slope of parapet. The disadvantages stated are, first, the constant and special care required in maintenance in good and serviceable condition, danger from overhead fire, complicated machinery, and danger of being disabled by splinters, and even dust, sand, etc.

A study of the foregoing systems will result in bringing down the various classes to the three simple ones of, first, casemate mounts; second, open barbette mounts; third, disappearing barbette mounts. Taken in this order, they are all in use to-day in the United States, and while the various subdivisions of turrets, cupolas, etc., are suggested, they have not had so far any test of experience or use. As against wrought iron or steel plates, we can calculate with accuracy the result of shots of given weights and velocities, and our experience in the civil war has given us greater knowledge of the effect of shot on earthen parapets, perhaps, than is the case with other nations.

But beyond all question the results of the wars of the past decade, the revolutions in Brazil, the Japanese-Chinese war, the Spanish-American war, and the Chinese war, have most conclusively proved that seacoast guns mounted behind any kind of parapets are practically safe from the fire of naval guns. The magnificent fleets of the American Navy in overpowering numbers at Juan, at Santiago, and other Cuban ports directed well-aimed fire at old earthen and masonry embankments, constructed a century ago, and succeeded only in silencing for the time being the fire of the old Spanish guns, few in number and poorly served. On the cessation of the American fire the Spanish artillery invariably resumed action with their guns, they and their detachments having been unhurt, the only damage done the guns and mounts being exposed barbettes.

To understand the requirements of carriages for heavy guns it is necessary to study each particular kind or class of mounts in the order given. Taking up the first class of mounts—the casemate—under this head we may include, also, the turret and armored casemate, proposed for use in the United States. The revolving-turret system is proposed for use on sea-level sites, and for guns of the heaviest calibers. They will be used where the field of fire is very extended. Of necessity the carriages are low and resemble, in many respects, naval gun mounts. Owing to the great cost of turret, armor, and machinery, the interior size of the turrets are restricted, and while not so much so as in the case of turrets on ships, yet the land gun, being generally heavier and larger, makes the amount of inside space as little.

The Collingwood turret, used in England, mounts two heavy guns, which are in barbette. The carriages are hydropneumatic ones, and rest on a steel deck or floor, which revolves as a turntable. The walls of the turret are fixed, and inclined to the horizon, and this gives greater chance for obliquity of impact of projectiles. Overhead protection is sought for by means of a steel deck, through which is an opening for raising and lowering the guns. This leaves the gun and mount practically without any overhead protection, and the advantages of the system on a low site would be thus rendered nil, when taken in connection with the cost. The Gruson turret system proposed for low sites, like that of Romer Shoals in New York Harbor, has the distinct advantage of complete protection, limited only by thickness of armor. But in addition to its great cost it is extremely doubtful if the great mass of steel and machinery can be made to revolve and work without trouble. All machinery gives more or less trouble, and it is generally at the critical moment that it fails.

The charges of powder and weight of projectiles are so tremendous in modern guns that the effect of recoil can hardly be imagined, and smooth working of machinery that is always underneath, and therefore more subject to the effects of recoil than in any other direction, can not be absolutely calculated beforehand. The special advantage of this turret mounting, so far as the gun and carriage are concerned, is that it is traversed independently of the gun carriage and furnishes an all-around fire. When area of site is restricted by it, we can place in the smaller space the maximum offensive power.

For all casemate carriages there must be two motions, one vertical and the other horizontal. General Abbot states that in the armored casemates the field of fire is restricted to 15° in the first and to 60° in the second. This is the case with the old-style carriages we use in our casemates to-day. In an armored casemate, by using a carriage similar to that used in turrets, the elevation can be increased; but in that case more or less trouble would ensue as a result of increasing the horizontal field of fire. The various varieties of casemate carriages have many advantages, which, however, may be summed up in the one of affording complete cover to carriage and detachment.

In the second class the open-barbette mounts are included, all methods of mounting where the gun, carriage, and detachment are exposed, wholly or nearly so, both to overhead and direct fire. The great merit of this class is their economy of cost, ease of working, and simplicity of construction. Necessarily they can not be used on low sites, but reach their maximum working points on higher sites, where their elevation makes it difficult for hostile shots to reach them. Breech-loading guns have increased the chances of cover afforded to gunners in barbette mountings, since cannoneers are not needed at the muzzle but at the rear of the gun, and although they are more liable to being reached by curved fire there, yet they are also more covered by the gun itself.

But guns mounted in this way are always exposed, and therefore are targets for an enemy's fire. On low sites there is no doubt but the powerful fire of rapid-fire guns of a fleet would smother that of the shore batteries, and thus render, for the time being, the latter useless.

The third class, the disappearing system, comprises with us the two forms of the gun-lift carriage and the Buffington-Crozier carriage. The balance-pillar mount, the Driggs-Schroeder mount, etc., of rapid guns partake more of the open-barbette system, since in action they are loaded and fired in an exposed position. By the disappearing method—which our Artillery Drill most directly calls a class of the barbette system—the parapet affording protection is necessarily fixed and immovable in position. With the gun-lift the gun and carriage and platform on which they stand are moved upward by hydraulic power to the firing position, and sink again by the same power to the loading position under cover of the walls.

In the Buffington-Crozier class the platform remains fixed, as also the greater part of the carriage, and always under cover. When loaded and laid, the gun is elevated above the parapet and it and part of the carriage are exposed for the small instant of time necessary to fire the gun. Its recoil throws it back to the loading position under cover. The whole of the personnel remaining under cover at all times, and as explained herein some pages back, they are protected ever against curved fire and practically unexposed. Against overhead fire, there is no protection beyond that afforded by the elevation of the crest. The gun-lift has, under recent action of the Ordnance and Fortification Board, been practically condemned, so that the only system of disappearing carriages used in the United States service is the Buffington-Crozier carriage.

A mature consideration of the foregoing pages must convince us that all systems of mounts for heavy guns must come under one of the two heads, of disappearing or open barbette. In order to apply the carriage to the site best adapted to it—that is, to place the carriage best adapted to any site—an analytical discussion of the various forms of gun carriages used in these systems is necessary.

What requirements should carriages for heavy guns fulfill?

First. A firm and reliable platform from which to fire the gun.

Second. Arrangements by which the gun can be easily loaded, traversed, elevated or depressed, and fired.

Third. Cover or protection to gun, carriage, and detachment in proper amounts compatible with efficient service of the gun.

Fourth. Carriages must be simple in construction, easy to manipulate, and strong to sustain the heavy shock of firing, and weather of all sorts; of as light weight as is consistent with strength and movability.

Fifth. They must be economical in first cost and in maintenance.

Sixth. They must be arranged so that the same parts of carriages of the same caliber can be interchangeable and be adjusted to all positions and sites.

Obviously, the first condition is the most essential, and without its fulfillment the entire gun and mount is rendered useless, since in firing guns if the projectile can not be started on its path accurately we simply wantonly waste powder and metal. Carriages mounted in barbette are made sometimes to revolve about a point, called a pintle, at the front and under the chassis. They are then called front-pintle carriages, and necessarily their area of fire is limited. Again, the pintle is under the center of the chassis, and they are then called center-pintle carriages and may then have an all-around fire.

When the pintle is front, errors in the level of the traversing circle may be more easily corrected than when the pintle is in the center. Errors in laying guns may be often counteracted by errors in carriage. But inasmuch as it is presumed that carriages are accurately made and mounted, errors in laying should not occur. Since it is the play at different points between the rails and guides pintle and carriage—that is, those points around which rotation, and flexure of supports between points widely separated—takes place, it can be understood that in barbette carriages, which are either of the front or center pintle pattern, there is more chance of error in the foregoing respects than in the case of the Buffington-Crozier, which revolves on its 24 live rollers, and which can be accurately laid and absolutely level.

Lieut. C. G. Gallup, in a masterly article on artillery carriages, says on this point: "We have our guns, carriages, projectiles, and powders, and our limit in accuracy is their limit. As soon as any new thing is suggested in connection with powder, projectiles, or guns some one or some nation experiments with it to determine its value, and if it will increase the accuracy or power of the gun it is adopted. But it looks as if all our attention was being concentrated on these, to the neglect of the mounts; yet to-day accuracy of fire depends more on the mount than on the guns—i. e., the error of the gun is less than the error of the carriage due to faulty design or workmanship. Why when mounts are made for heavy guns do they always throw them together haphazard, loose in every joint, and uncertain in their action? The breechblock of a gun is made a perfect fit, and what part of the gun carriage has a greater strain? Can we not have a carriage with points and connections so made that they would not look as if made either with insufficient tools or skill, or both?"

When we have such a carriage our accuracy of fire will depend principally on guns, powder, and projectiles, and not, as at present, on the carriage. All carriages for heavy guns consist of a top carriage and a bottom one, or chassis. The former is movable, the latter is fixed—so far as recoil is concerned. Many of our mounts have a high top carriage running on a high chassis. This gives occasion to a couple, about which gun and carriage tend to revolve, and adds to the jump. The navy top carriage has very little height above the gun slide, and the latter being close to its platform the tendency to jump is greatly decreased. The jump of a gun being an uncertain element, every effort should be made to get rid of it, and any mount which causes a gun to recoil in a direction parallel to its own axis reduces to the minimum the overturning couple.

In these days of rapid-fire guns, rapidity of fire, even with heavy guns, is a desideratum. A gun in barbette can be loaded quicker than a disappearing one, but it can not be elevated or depressed, traversed or fired in any less time. As compared with a casemate gun, it may be loaded as quick, but the latter requires a longer time to train. There is a happy medium which must be aimed at between rapidity and deliberation of fire; for if too rapid, then accuracy suffers; but in case of emergency it is necessary to load quickly and have the gun trained and ready to fire at just the instant we wish. Any carriage by which sliding friction is the method used, in part or whole, to check recoil, must be abandoned. The ideal carriage in this respect is the one with few joints, and in which the loading and firing and laying can be done in any position.

On account of great weight, modern gun carriages must be supplied with proper machinery for working carriage and gun with celerity. Of necessity this power should be some other than hand power. It may be steam or electricity or other suitable agent. The same power can be utilized in hoisting ammunition, loading gun, traversing and elevating it, and even running it to a firing position. To reduce recoil to the narrowest limit, without exercising strain on parts of the carriage, there must be a constant pressure maintained in the cylinders, and where friction is depended on as an assistant this can not be the case. The most difficult problem connected with modern ordnance is in the recoil. With barbette guns of an open mount we consider generally only the dissipation of the tremendous energy generated by recoil. But in the Buffington-Crozier gun we go further by utilizing and storing up a part of this energy to raise the gun to the firing position.

The necessity of cover to gun and gunners is greater to-day than ever before. It is claimed that cover makes cowards of men when they are obliged to fight in the open. It is passing strange that human nature, being the same the world over—this applies only to soldiers and not to sailors—it has never been claimed that heavy armor made a sailor less brave than wooden walls. But it is sure that the results of modern wars prove that to work guns effectively gunners must remain with their guns, and where batteries are exposed to the tremendous smothering fire of modern warships at short range they must be protected to a great extent to be of any use at all. Protection is needed in proportion to the extent of danger, and it is of but little use quoting experiences of war in this regard, since a little study of every

harbor will easily determine to what extent the danger may exist as against the sites of various batteries.

Since the manipulation of heavy weights, made necessary to sustain the tremendous shock of recoil, requires us to use to a greater or less degree machinery and power other than that of hand, it is extremely necessary that we should seek for simplicity of construction. The material of which carriages are made must be steel in some form in order to reduce weight to a minimum. So, also, since the number, estimated by our ordnance and engineer experts, of guns required to arm all the fortification planned, runs into the thousands, economy in both first cost and maintenance is an important desideratum. The class of men enlisted as soldiers do not possess that degree of mechanical intelligence and knowledge, as to insure the best working of the machinery of gun mounts, which, in their simple form, taxes the greatest minds to thoroughly comprehend. For the same reason the same parts of gun carriages of the same size should be interchangeable, and carriages generally should be adapted to all or any site.

Let us apply the foregoing requirements to the various systems of mounts, and by a comparison of the considerations connected therewith deduce conclusions that will enable us to decide as to the absolutely necessary essentials the proper carriage must possess.

Guns mounted in open barbette have many types of carriages, but all have a top carriage and a chassis. Owing to the fact that the chassis is always fixed, except in traverse, the top carriage being movable, the chassis can be constructed of long, unbraced pieces, which will carry the strain of recoil in the direction of their length. The carriage is, therefore, simpler and more compact. It can be loaded from the breech, and the stored-up energy of recoil can be used to send it—"in battery"—into the firing position.

But it can not be loaded more quickly than either the casemate, turret, or disappearing form of carriage, for the time necessary in the latter to throw the gun into the firing position is offset by the time necessary in the former to run the gun and top carriage "in battery." The volume of fire from this mount is therefore no greater than from others. Is its fire more accurate? Surely not, since owing to the couple engendered by either front or center pintle and the moving of the top carriage on rails is more likely to injure the perfect leveling and accurate laying than is the case of the disappearing gun, mounted on its 24 roller points of support. It is argued, however, that there is a loss of rapidity of fire and of accuracy with the latter carriage, owing to the play at points which can not be eliminated entirely and to the springing of long, unsupported pieces; that the slightest difference of level of base ring, and consequently of the roller path, or even the slightest ellipticity of the base ring, causes the rollers to jam or move hard and unevenly, etc.

When Stephenson built the first locomotive the rails were of wood and it was predicted that the uneven motion would destroy the steam carriages and culminate in accidents, but as time went on rails were changed from wood to iron and these in turn gave way to steel, and to-day railroads have beds so even and smooth, rails jointed together so closely, and withal so strongly made that loads over 100 times as heavy run at tremendous speed without accidents, with no jar or unevenness, and with scarcely a tremor. If the engineer makes his platform properly and the base ring is properly made at the foundry it can be accurately laid and leveled.

Two years ago the majority of our heavy guns were constantly giving trouble in their traversing and laying. To-day such guns are the exceptions and the majority of them, even the 12-inch gun with its great load of carriage and counterweight, amounting to over 250 tons, can be easily started and traversed with one hand. Two hundred years ago watches were larger than many clocks of to-day, yet so great has the advance been in mechanical construction that to-day an accurate timepiece can be made that is no larger than a silver dime. So, also, is the machinery of a disappearing gun made better, tighter fitting, more accurately with every carriage that is turned out. Every ordnance and artillery officer is acquainted with the fact that the present Chief of Ordnance has spent his time for years past perfecting the gun mounts which bear his name.

When the proprietor of a factory having a valuable engine or motor in it starts it up, he does not go out and pick up the first man on the street to run it, but he pays a good salary and hires a competent engineer. In the Army Uncle Sam can not expect that men enlisted everywhere will understand all the complicated mechanism of his various guns and carriages at once, but there is no reason for not believing that where intelligence and care are exercised not only are guns properly mounted, but they are properly kept and properly used, and therefore, due to their tremendous power and accuracy, they are most economical at the critical moments.

The barbette mount does not require the care that the disappearing mount does. The latter requires the care and skill in maintenance and handling. So does the monster 120-ton locomotive that hauls the train from New York to Buffalo and Philadelphia at 70 miles per hour. Given such care, the disappearing carriage will not get out of order, and the longer they are cared for the easier does their manipulation become and the better acquainted with them become their care takers. And when required to respond, how magnificently do they do it. Laid and trained and loaded beneath cover, at will they silently rise in the air, accurately point their huge mouths in the proper direction for an instant, and then vomiting forth their deadly contents at the enemy, at distances that appal naval men, they sink back quietly beneath their cover, leaving no trace whatever of their whereabouts.

Turrets and casemates are fully as costly as the disappearing mounts; in fact, the first is more so. They are capable of being fired with as great rapidity as either the open barbette or disappearing mount. But casemates limit the field of fire to a dangerous extent, while the disappearing gun has an all-around fire. The former offers an ideal target to the enemy, and by repeated blows becomes vulnerable. The latter is inconspicuous and presents nothing to fire at. Turrets, while not so conspicuous, are far more complicated in their machinery, and a single shot, while not injuring the gun, may jam it if it be a front pintle gun. The open barbette mount has an advantage of costing less than the disappearing, but this difference in both parapet and carriage does not amount to 6 per cent less in favor of the barbette.

As against its greater cost the disappearing gun has 20 per cent greater accuracy. Its platform is more stable, and while its parts are more numerous, they are like the parts of a steam engine, capable of greater power. The usual form of barbette mounts dissipates the energy of recoil, but the disappearing mount takes it up, stores it, and uses it to throw the gun up to the firing position. The barbette gun mount is lighter, but as all mounts of large guns are heavy and require machinery to manipulate, this consideration bears no weight, except in the one matter of cost. The barbette mounts can not be used on certain sites, as, for instance, those on low levels, while, as pointed out in Major Knight's article, the disappearing gun can. The disappearing-gun mount can be used on all sites, although it has its maximum advantages at certain elevations of about 100 feet.

But it is the one requirement of cover or protection that the adherents of the disappearing gun must place their greatest reliance on, and insist that in that particular alone its advantages are so superlative that without others it will outweigh the other systems. It is said that Napoleon scorned fortifications and relied on the courage of his soldiers as being the best protection. That was all right a century ago, but had the great general lived in these modern times of accurate firing of shrapnel, of steel shells filled with high explosives, he would have changed his mind. Because there has never been a really first-class combat between forts and ships in modern times, and because in the halfway combats that have been held the forts have more than held their own is no argument for doing away with protection to gun and detachment.

We hope that there never will be such a combat, and we believe there never will be, but it will be because the forts and guns are properly constructed with cover for men and weapons. To make the gun efficient men must be protected, and the importance of proper cover can not be overestimated. The protection should only be compatible with the efficient handling of the gun. The barbette mount does not afford this; the disappearing mount does. A modern battle ship possesses an average of 8 rapid-fire guns to 1 heavy one. Land fortifications with us so far do not possess 1¼ rapid-fire to 1 heavy gun.

To place six rapid-fire guns ashore to every heavy gun would give an immense superiority to the land over naval guns, since in considering the relative accuracy of the two, the former distances the latter by two and three to one. As a matter of fact, it is contrary to every principle of reasoning to presume that any naval attack can silence coast defenses if proper care has been displayed in their location, design, construction, and armament. It is computed that the land gun overmatches the naval gun by two and three to one. The results of the few actual combats between naval and land guns—at Alexandria, at Rio de Janeiro, at Wei-Hai-Wei, at San Juan, at Santiago—all prove the immense superiority of land fire to naval fire.

Major Clarke in his Fortifications says: "The vessels of a fleet greatly outmatched the coast defenses in number of guns, in many cases, 100 to 1, and consequently to the same extent in the number of projectiles, weight of metal per gun being practically equal. The ranges were absurdly short, compared with those at which fighting must be done in the future, varying from 50 to seldom over 600 or 700 yards." This was a century ago or more he had reference to, and while ranges were increased to the average of about 2,000 yards at Alexandria, the power and accuracy and volume of fire poured from the naval guns had increased in a much greater proportion. To-day a naval vessel coming to within 2,000 yards of a fort seeks to overwhelm the latter with its volume of fire from rapid-fire guns.

To pour out such a volume of fire from 30 to 40 guns for five minutes only, on the front or crest of a single battery, means a complete smothering of any attempt by the latter to show either gun, mount, or detachment. When rapid-fire guns are mounted in the proportion of 4 to 6 to every heavy gun, then the shore batteries can in turn smother and overwhelm the fire of the ships. To prevent ships from passing up channels submarine mines are placed where they can be advantageously used; but, even so, they must be defended by rapid-fire guns. Since, therefore, ships will come within close fighting ranges of 2,000 to 3,000 yards and attempt to overwhelm by their fire that of the defenses, it is here that the heavy guns can be most advantageously used.

Without cover they are helpless, but with cover to load and train, they rise at the touch of the lever, are fired at a practically point-blank range, their projectiles going straight through the armor of the ship, and then sink back again invisible to all, but the detachment completely protected. On level sites like the southern entrance to New York Harbor, and in fact the majority of harbors of the Atlantic coast, the gun mounted on the disappearing carriage is essential to efficient protection. If an ordinary barbette mounted gun ashore is worth two guns afloat, then a disappearing gun is worth four, since its protection practically increases its efficiency 100 per cent. Referring to the disappearing gun, Colonel Clarke, the noted British engineer, says: "Of all methods of mounting yet proposed, the disappearing principle offers the greatest advantages. * * * The gun, laid under cover by a position-finder, will be vulnerable only for a few seconds before each round. Its exact position can only be identified during the brief period of visibility. There appears to be no satisfactory mode of attacking it."

To sum up, then, we find the main objections to the disappearing gun to be, viz:

First. Its cost. But, as stated, this is only 6 per cent more than the barbette mount, and less than the turret, and about the same as the casemate.

Second. Trouble in mounting and unreliability when wanted. As for this, if our artillery officers will take the same trouble, from colonels down to second lieutenants, to study and know their weapons as battery mechanics, they will find that the guns can be properly mounted, and wherever this is done, it can be properly cared for, and when the same degree of care and intelligence is bestowed on it as on their pocket watches it will respond the same and never be found wanting. Officers must be ready to put on canvas overalls and go down in the gun-pits and climb around the machinery and personally know the reason and use of every bit of mechanism. When this is the case there will no longer be complaints about its getting out of order, its unreliability, etc.

Third. By reason of the detachment being always under cover it is feared by many that a sense of dependence on cover will be engendered, which at certain times might make cowards of the artillery soldier.

Calm reflection on this argument will show what utter nonsense it is. Americans are naturally brave to temerity, and to remain under cover when all the excitement of action is passing outside requires a degree of personal restriction that is far braver than the physical rush and action of yelling and cheering in a mêlée. It is not necessary to linger on this point. We have good guns and good mounts and the best cover. Let us work and train our men to handle them to the best of our ability, and trust to the truth and patriotism, honesty and bravery of American manhood, and the nation may rest assured that the attack of the combined navies of the world will not break through the cordon of our coast fortifications armed with our disappearing guns.

For our uses the disappearing guns are essential even on the high bluffs of the Pacific. But on the low sandy wastes of the Gulf and South Atlantic States they are absolutely indispensable for efficient protection, while in the wide-mouthed channels of Long Island Sound, Chesapeake Bay, and Puget Sound, where the waters are too deep and wide to place any dependence on submarine mines and navies may congregate in force against any battery, it is only the Buffington-Crozier system that will give us victory. In conclusion, we may remark that though little use of disappearing systems has been made in Europe in the past to-day Great Britain, Sweden, Norway, Spain, Italy, Russia, and Holland are making use of them and arming their coast defenses with guns on disappearing carriages.

A gun behind a parapet that can not be penetrated, mounted on a reliable and firm platform, with mechanism that will insure its perfect running in and out of battery, when fired with heavy charges and when used for drill and practice—that is at all times invisible, except for the brief time that it vomits its deadly, blinding, crashing load directly at the enemy—that is the best kind of a defense possible to have. In our system of disappearing carriages, properly handled, we have all the essentials called for. That the gun carriage can be made to respond at any time or all times to what may be demanded of it, in peace and the rough action of target practice, with heavy charges, has been proved by more than one artillery officer. Like a steam engine, constant and daily use makes the machinery more efficient until its usefulness is impaired by time alone.

Mr. WARREN. I wish to ask if the article which the Senator from Vermont has had printed in the RECORD was not written by an engineer officer, Mr. Ruckman, who was the most violently opposed to the disappearing carriage of any one of the ninety-one upon whom calls were made for answers?

Mr. PERKINS. Without answering that I am willing to have the two essays speak for themselves against the one which has been presented by the Senator from Vermont.

I wish to say parenthetically that the Senator from Vermont and all of us have the same common object in view. We want to do that which is for the best interest of the Government. He wants a fort and guns on it, so that a ship of war can not storm it and take it. We both have the same object in view. The only difference is how we may arrive at it. Therefore this discussion has a good effect. It brings out the defects on both sides. No one is perfect. When the Senator from Vermont was Secretary of War he was always striving to improve our fortifications. Our submarine fortifications to-day are better than any other in the world. I agree with the Senator that in a high elevation, perhaps, the barbette gun is the best, but on a low level, in the line of a marsh, a breech-loading gun that disappears, that the men can lower, has great advantages over any other implement of war.

Mr. PROCTOR. You have some of them in California mounted over 300 feet.

Mr. PERKINS. That is on a barbette, my dear friend. It is on a barbette at Lime Point.

Mr. PROCTOR. I beg the Senator's pardon. He will see from the reports that they are not.

Mr. PERKINS. I have been to one of them, and it is on a barbette. There may be some disappearing carriages there, but that which I have seen with my own eyes I know to be there. I know we have guns mounted upon barbette carriages at the entrance to the Golden Gate in San Francisco Harbor.

Mr. President, if we can have a vote at this time upon this question——

Mr. TELLER. We can not.

Mr. PERKINS. I am perfectly willing to yield to the Senator from North Dakota, who wishes to have a new depot built for the capital city of the nation. I want to fortify the Potomac and Newport News and the other parts of the country, so that the Capitol can not be destroyed, as it was once destroyed by the British.

Mr. PROCTOR. Mr. President, it can not be that the Senator from California wished to be understood that all expenditures for these disappearing carriages were approved by the Board of Ordnance and Fortification. He will see on the fifth page of Document 336, sent us by the Secretary of War, that the majority of that board disapproved of it and recommended that no more be made than those now under construction for high and medium sites, not on low sites, until the proportion of those to be placed in such fortifications would have been limited to one-third of the total number. The Board of Ordnance and Fortification has been opposed to these disappearing carriages, but its recommendations have no weight and force. All the appropriations are put under the control of the Ordnance Corps. The board has been recently reconstructed by removing Colonel Story and Colonel Rodgers, two officers who were strongly opposed to these carriages, and putting on officers who favored them. That has very recently been done. It has been done within a few days or a few weeks at most, and Major Pratt has been put on the board.

Now, Mr. President, one word more. My point about this is that we are staking everything, so far as our coast defense is concerned, five-sixths of our armament being mounted on these carriages which, it is plain to see from the reports, are an experiment. If they fail, as some officers express here their views that they will within half an hour after serious firing—and they never have been tested under conditions that would exist in battle—our coast defense, on which we have spent, I believe, some $60,000,000 already, is practically lost.

Mr. PERKINS. I wish to state to my friend from Vermont that General Crozier said that the present board consists of Lieutenant-General Miles, Commanding General of the Army; General Gillespie, Chief of Engineers, United States Army; Colonel Rodgers, of the artillery; General Randolph, Chief of Artillery; Major Shaler, of the Ordnance Department, and Major Pratt, of the artillery, and General Henderson, civilian member. That was stated to us last week by General Crozier.

Mr. PROCTOR. It may be that I was wrong in stating that Colonel Rodgers had been removed. I think the board has been reconstituted so that it will favor the continuance of the exploiting of this invention made by the present Chief of Ordnance. Colonel Story has been removed and Major Pratt has been put in his place.

Mr. WARREN. I wish to ask a question before the Senator sits down. He says the board has been reconstructed in favor of the Buffington-Crozier carriage. I understand the change recently made was to take General Crozier off the board.

Mr. PROCTOR. General Crozier was taken off the board. The attention of the Secretary of War had been called long ago to the statute forbidding an officer who was interested in an invention to be on that board, and after General Crozier's nomination came in here and it was known that was a point being considered he was relieved from the board and Major Shaler, of the Ordnance Corps, was put in his place. That is independent of the removal of Colonel Story and the placing of Major Pratt on the board. That makes a change in favor of the disappearing carriage.

Mr. WARREN. I simply want to call the attention of the Senator to the fact that that change could hardly be attributed to those who favored the present carriage, because the men taken off were men not opposed to it, and the men put on certainly were not those more favorable to it than those taken off.

Mr. PROCTOR. Mr. President, Colonel Story was very strongly opposed to it, and was well known so to be. He was a member of the board at that time, but he has no letter in this list, because those letters were answers to requests sent to officers then in command of posts where these carriages had been placed. He was taken off in a very short time, within a few weeks at the outside, and Captain Pratt, who wrote perhaps the strongest letter in favor of the disappearing carriages, was put on the board in place of Colonel Story.

Mr. HANSBROUGH. With the permission of the Senator in charge of that bill, I will ask unanimous consent that the unfinished business be informally laid aside, and that the union-station bill may be laid before the Senate.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the unfinished business be again informally laid aside, and that what is known as the union-station bill be now considered by the Senate. Is there objection? The Chair hears none.

UNION RAILROAD STATION.

The Senate resumed the consideration of the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

Mr. CLARK of Montana. Mr. President, the question now pending before the Senate in regard to the union depot and terminal facilities for the Baltimore and Ohio and Pennsylvania and other railroads is one of such importance, involving the expenditure of a large amount of money, that it should be, in my opinion, considered from the standpoint of the utmost fairness to the railroad companies, to the District of Columbia, and to the Government, and as well should the rights of individual citizens be properly considered.

This bill was introduced some weeks ago and referred to the committee of which I have the honor to be a member. It was, at a meeting of that committee at which I was not present and of which I had no knowledge, referred to a subcommittee.

When reported back to the committee there were some questions relating to the building of a tunnel through the Capitol grounds which first attracted my attention, and to which I raised objection. There were some engineers of the railroad company and of the District of Columbia who appeared before the committee and were interrogated as to the character of the ground through which this tunnel was to be built. It was developed that not a single boring had ever been made in the hill to determine the nature of the ground underlying the Library building; none of the engineers knew anything about its formation. But in view of the fact that there have been a number of disasters in the subways which are now being built in New York City, and have occurred in the building of a railway through Baltimore, at Philadelphia, and at Toledo, Ohio, and in view of the fact that there might be a possibility that this proposed tunnel might seriously damage this great structure, the Library building, which is the pride of this nation, and which has not, except perhaps when we consider the great cathedrals and buildings of that character, a parallel or an equal on the face of this globe, the matter was discussed; these engineers were examined, and it was determined that the tunnel should be removed a farther distance away from the Library building, which, upon examination, I believe will obviate the questions so far as the building proper is concerned; but whether or not it will, so far as the so-called approaches are concerned, which consist of heavy masonry, I am not able to determine.

There was another objection raised in the amendment proposed by the Senator from Colorado [Mr. PATTERSON] with regard to an alleged and probable monopoly that might be maintained by these roads which are concerned with their terminals in this city;

but, as I understand, the people connected with these railroad corporations have agreed to an amendment of a similar character, which is satisfactory to the Senator from Colorado.

The matter then stands before us comprehending a series of improvements involving a large amount of money. It is proposed to pay to the Pennsylvania Railroad Company, in order to have them move their terminals from the Mall, the sum of $1,500,000. That is to be paid by the Government. For my part, I should be glad to see the terminals removed from that ground, in order that the proposed beautification of the city of Washington, which I believe will eventually be adopted, may be properly carried out. The remainder of the expenditures are to be divided between the Government and the District of Columbia.

Now let us see what this comprehends. A report has been submitted here, which is, I believe, by the Commissioners of the District, in which it is stated that $1,500,000 is to be paid to the Baltimore and Ohio Railroad Company in consideration of improvements and changes that are to be made. I believe that this amount, as well as the $1,500,000 to be paid to the Pennsylvania Railroad Company, are comprised in existing legislation before these two railroads became united in their interests.

The next item is $500,000 for grading and paving. The next is $500,000 to purchase the land. The next is $600,000 to pay any damages that may accrue to any parties interested in that locality. Then there is another item of $170,000 for something connected with South Washington, which I do not clearly understand. The amount of money that is mentioned here—$500,000—for the purchase of land comprises some territory which belongs to the Baltimore and Ohio Railroad Company, which the Government and the District of Columbia are to purchase and pay for.

There is no information presented, so far as I know, which explains what amount of land is to be purchased or what price shall be paid therefor. A portion of this land is to be appropriated for the use of a plaza to be made in front of the great building that is to be erected. The depot building is to stand north of the Capitol, some distance from the present terminus of the Baltimore and Ohio Railroad, and facing directly in a southerly direction upon Massachusetts avenue, and east of New Jersey avenue. The façade of this building is, I believe, to be something over 700 feet in length. The proposed plaza will have a length of about 1,000 feet and a width of about 500 feet.

In connection with the purchase of such land from the Baltimore and Ohio Railroad as may be needed for the purposes of this plaza, there are some streets and alleys to be opened on the existing possessions of the railroad company, which are likewise to be paid for.

As I stated, this proposed depot is to be located in a great depression north of the Capitol. Why it becomes necessary to adopt this ground, which seems to me to be unfavorable in its location, I do not understand; but I suppose it is in accordance with the views of the civil engineers who have the matter in charge. This fact, however, stares us in the face: It will require a filling of a large area of ground to the depth, in some places, I believe, of 36 feet. This depth, of course, will diminish as we go away from the depot; but it will extend to the circle at the connection of Massachusetts avenue with New Jersey avenue on the west, so that you may get some idea as to the extent of the filling required.

The railroad company does not itself propose to do this. It proposes to haul the earth necessary for the filling from the country and to deliver it on the ground; but it will be distributed at the expense of the Government and the District of Columbia, joining equally, I believe, in the expenditure.

As to the amount of filling that will be required, the number of cubic feet, and the cost of the same, no estimate has been filed or placed before this committee, of which I am aware, and I have inquired for it. There are no estimates showing the amount of ground that we are to purchase or the cost of the same. The plaza and the streets and alleys are all to be filled with earth.

Now comes the question of damages, for which it is proposed to set aside the sum of $600,000. There is no report on the bill, of which I am aware, that sets out clearly the amount of land involved or an estimate of the value of the property, or a description of the same by maps, or any estimate whatever as to the probable cost that these damages may involve before we get through with them.

Mr. President, I doubt very much if a half dozen members of this committee have ever seen this ground. I have looked over it, and I find that it embraces a considerable area of ground affecting a number of blocks, upon which are built structures which are now inhabited. There is one building, to which my attention has been called, for which the owner gets a rental of about $10,000 per annum. If you will contemplate the proposition carefully in your minds, you will readily see that when these streets and alleys are filled up to a depth of from 10 to 36 feet all the property surrounded by these fills will be a long way below the surface of the streets. Indeed, I can not understand how this filling is to be properly, carefully, and effectually done without damage and without covering these submerged lots, as I may call them, unless retaining walls are put in, particularly where the filling is from 30 to 36 feet.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CLARK of Montana. Certainly.

Mr. GALLINGER. I will say to the Senator that the Engineer Commissioner of the District, Colonel Biddle, who is a man of great skill in his profession, differs from the opinions held by the engineers of the railroad companies; and the suggestion that was made that this very deep filling was a necessity was in deference to the views of the Engineer Commissioner of the District. I have been informed by the chairman of the Committee on the District of Columbia that since that time Colonel Biddle has admitted that the proposed fill was altogether greater than was necessary, and that it will be reduced at least one-half. I have that information from the chairman of the committee, and that is the only authority I can give.

Mr. CLARK of Montana. Even then, Mr. President, it would be simply a diminution of the cost of filling; but so far as the property owners are concerned it seems to me it would be just as serious for them.

It is proposed that in the estimate of the damages to the property owners of that locality the question of the appreciation of values when the improvements are made shall be considered. I do not think it is conceded by any one understanding the proposition that this work can be finished under four or five years. Shall the property owner be required to wait until the alleged appreciation of values shall be determined before he is entitled to redress? In the meantime what is he to do? How will he get access to his property? If he has tenants, they will leave him. There is no way, in my opinion, that you can get at this matter fairly and honorably to those property holders in that locality except by a condemnation of their property and the purchase of it by the Government and the District of Columbia, if they are to assume these burdens.

Many of these people are poor. They are not themselves able to fill up the grounds, and we do not propose to do it for them. If they were able to have earth brought in there and have the ground graded up to the level of the street, it would be necessary to pull down their structures, because it would be necessary to have new foundations on which to build new structures, thus practically destroying their property. I believe, Mr. President, that this would be a practical confiscation of the rights of the property holders in that locality unless the theory which I have suggested should be carried out in our treatment of them.

Nothing has been submitted to the Committee on the District of Columbia to give them any definite information as to the amount of damages that might be claimed in order to settle these difficulties. The committee put the amount at $600,000, but they admit in their report that it is almost impossible to arrive at a conclusion, and that is correct.

This is not a business-like proposition. I do not wish to stand in the way of improvement; but no business man with any sagacity or training, unless he cared to run the risk of bankruptcy proceedings, would undertake to go into an enterprise of this kind unless he had all the data to enable him to count the cost thereof.

Mr. President, in the discussion of this matter in the committee the question of revenue was suggested, and it was stated that the amount of revenue to be derived under the proposed personal-tax law would be about $1,500,000 per annum; that this expense might be spread over a term of years, and that the District, so far as its part is concerned, would be able to take care of it. But is this true?

The question of damages, the question of filling, the question of purchasing this land, will render it necessary that all the expenses to which the District of Columbia may be subjected will probably have to be incurred in the first twelve or eighteen months, but the personal-tax bill has not yet passed the United States Senate and the House of Representatives, and we do not know when it will, if at all. It may turn out, as I believe will be found to be true, that the costs for damages that will accrue from the injury to the property holders of that locality may amount to twice as much as has been contemplated. It is all guesswork. There has been no studied effort to arrive at just and accurate conclusions. I do not believe in rushing into a proposition of this kind until we not only count the cost but until we ascertain our ability to meet the cost.

Mr. President, it has been contended that this is the inauguration of a great system of beautification of the capital of the nation. I would not for one hour stand in the way of that contemplated improvement. The question as to who shall pay the expense thereof will be determined, and I believe justly it should

fall on the Government of the United States, and not on the District of Columbia. I believe the time will come, and that it is not far distant, when the plans that have been laid before you for improving the Mall and erecting the Government buildings that will be constructed on both sides of the great avenue, to extend past the Washington Monument, to the proposed Lincoln Memorial, and to the proposed Memorial Bridge, will be put into execution. Mr. President, when that day does come, and when we find the great thoroughfare open in the region described, one may behold a scene of beauty and grandeur in the way of architectural effects that can not be surpassed anywhere in the world; and I trust when that is accomplished that some spot may be set apart and devoted to a memorial to that great architect, L'Enfant, who conceived and designed the magnificent plan upon which this city is being constructed.

Mr. President, I am not an obstructionist. I do not wish to delay anything in the way of improvement. I am willing that the railways shall have fair consideration, and I desire, if it can be accomplished in a reasonable way and the railways are made to sustain the proper portion of the burden, that these improvements may be carried out; but with the lack of data, with the vague understanding we have of this proposition, I am in favor of recommitting the bill in order that we may have accurate data and correct estimates.

I therefore move that this bill be recommitted to the Committee on the District of Columbia, in order that proper data and information may be laid before us, so that we may all vote intelligently upon the question.

Mr. CLAY. Mr. President, I shall occupy but ten or fifteen minutes of the time of the Senate. I had hoped that an investigation would lead me to cast my vote in favor of the passage of this bill. I have implicit faith in the integrity and the business ability of the chairman of the Committee on the District of Columbia [Mr. MCMILLAN]. I have the honor of serving with him on the Committee on Commerce, and I know that he is a careful, painstaking Senator. I have implicit faith in the business ability and integrity of the Senator from New Hampshire [Mr. GALLINGER], who champions this bill. But, Mr. President, investigation has led me to say that I ought not and can not conscientiously support this measure.

I believe that every Senator, before this bill is voted on, ought to examine with care the streets that these roads expect to occupy when the change is made. I took the liberty yesterday evening of going over these grounds. I am unwilling, Mr. President, to cast my vote in favor of a bill that provides that a tunnel 4,000 feet in length, 28 feet in width, and 50 feet below the surface of the ground shall be cut or dug in front of the Library.

I believe, Mr. President, that a careful investigation will show that when these railroads shall change their present sites and occupy principally First street, to which I now refer, you will find upon investigation that at least 75 dwellings will be absolutely destroyed at the lower end of this tunnel near where this union depot is to be located; and I do not question that these dwellings will cost the Government and the District of Columbia two or three millions of dollars. Mr. President, I took the liberty of counting these dwellings where this 30-foot fill is to be located, and I find there are either 74 or 75 that will be absolutely destroyed, and by reason of these cuts and fills more than 60 other dwellings will be injured from 50 to 60 per cent.

Mr. President, I believe that the damages that will accrue to property owners by reason of this change will be equal to three or four millions of dollars. I believe before we make a change of this kind data and information should be furnished to the Senate showing the number of buildings that will be injured, the number that will be destroyed, and the possible cost to the Government of the United States and the District of Columbia.

Another thing, Mr. President. There has been no attempt to bore and ascertain what kind of ground and soil is to be found where the Library is located. Before an attempt is made to put a tunnel there, by all means we ought to endeavor to show what kind of ground it is and whether any danger will accrue to the Library building, that cost seven or eight millions of dollars.

Again, an examination of this bill will show another fact. Congress grants to these railroads—and I have nothing to say against the railroads; I have nothing but the kindest feelings toward them, but I am speaking from a business standpoint and in regard to what we ought to do to protect the Government and the District of Columbia. When this bill passes it will give to these two railroads the right to occupy these streets for all time to come; and in the event they cease to occupy them, in my opinion, under the provisions of this bill, these roads could sell these streets to any other purchaser.

My idea of a city granting franchises to a railroad is simply this: They should not be granted for any other purposes except railroad and depot purposes; and when a corporation ceases to exercise these rights and privileges they should always come back to the grantor. Mr. President, again—I want to be extremely brief—I have been told that this bill was not considered more than thirty minutes in the District Committee. Here is a bill involving seven or eight millions of dollars. This bill ought to have been maturely considered; and not only that, but we ought to have been furnished with a map pointing out the streets that these roads are to occupy, giving to Senators all of the information necessary to guide them in this important legislation.

Just another word. Something has been said, and very well said, in regard to an act that we passed in 1901. I understand that Congress passed an act in 1901 giving a million and a half dollars to the Baltimore and Ohio Railroad to assist in changing its present depot location and in building another depot. My friend the senior Senator from New Hampshire [Mr. GALLINGER] says we have already given $1,500,000 to the Baltimore and Ohio Railroad, and he says that this simply continues that appropriation, consequently that by reason of the passage of this act we do nothing more than to continue the present legislation.

I said to the Senator the other day that my recollection was that the act of 1901, which gave $1,500,000 to the Baltimore and Ohio Railroad, specially provided that that road, when it vacated its present tracks and vacated certain streets and property that it owned at present, should convey by deed to the District of Columbia and the Government of the United States this property, in order to in part pay for the $1,500,000 we gave them. My friend, the Senator from New Hampshire, said he thought I was mistaken. I thought I was correct and I took the liberty of hunting up the act. I find, Mr. President, on page 5 of this act, the following:

> From and after the expiration of five years from the date of the passage of this act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue, also extending from the north line of New York avenue to the north line of Q street, and west of the east line of Third street to said north line of New York avenue, shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States on all the lines to be abandoned as aforesaid.
>
> Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting, conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights Station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, authorized by this act, shall be ready for use, but not exceeding six years from the date of the passage of this act; said company, however, to have the right to remove its tracks and structures from the lands so granted within sixty days after the expiration of its right to maintain and use its tracks thereon.
>
> In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of $1,500,000, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one-half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this act.

The act provides that they shall deed this property back to the Government of the United States and the District of Columbia to in part compensate us for the $1,500,000 we give them. It is estimated, in the report made on that bill, that that property is worth $1,300,000. Consequently, if that be true, we only lost, by the act of 1901, $200,000; but this bill that continues to give them $1,500,000 does not require the Baltimore and Ohio Railroad to give to the Government of the United States or the District any property whatever.

Now, Mr. President, we would be in much better condition to stand by the act of 1901, for we would get back to some extent the property to compensate us for the $1,500,000 which we give the Baltimore and Ohio Railroad. This bill requires nothing of this kind from the Baltimore and Ohio Railroad.

Again, I was talking to a citizen of the District of Columbia, of splendid business qualities, a man who has succeeded in managing his own finances, a man who is thoroughly acquainted with the streets where this new line is to be located, and he says that in his opinion if these streets belonged to private citizens and

these roads had to buy the franchises they would cost eight or ten million dollars.

Mr. President, I am willing, if it becomes necessary, to allow them to go through the streets, provided they do not injure the streets. But what do we do by this legislation? As business Senators let us look at it and see what we do. We give to them in perpetuity the streets on which they are to locate their lines, without a dollar's expense to them. We give to one corporation $1,500,000 to help it build this depot. We give to another corporation $1,500,000, an absolute gratuity, and then we give $1,670,000 additional to help them do this work.

When this bill is thoroughly analyzed it can not stand the test of analysis, and I tell you, Mr. President, when we say that we will give these railroads the right of way, when we give them the streets which a business man in this city says are worth $10,000,000, when we give them $3,000,000 in cash, when we give them $1,670,000 more to help them do this work, it can not, in my opinion, be justified under any circumstances.

I exceedingly regret that I have felt it to be my duty to oppose the measure. Mr. President, it looks to me as if those Senators who are always so faithful and efficient in the discharge of their duties in all probability have been pressed with other matters, as we frequently are pressed, and have not gone to the bottom of this legislation. It strikes me the best course to pursue is to refer it back to the Committee on the District of Columbia, in order that a more thorough investigation may be had, and let us see, Mr. President, if we can not avoid part of the expenses that are to be incurred and locate this tunnel, if we are going to locate it, somewhere else.

Mr. GALLINGER. Mr. President——

Mr. BAILEY. Will the Senator from New Hampshire permit me to ask him a question right there?

Mr. GALLINGER. Certainly.

Mr. BAILEY. I wish to know why it has been deemed necessary to ask for new legislation on this subject when, it seems to me, the whole matter was gone over and disposed of in the last Congress?

Mr. GALLINGER. I will answer that. The last Congress gave the Baltimore and Ohio Railroad the privilege of building a station at the junction of Delaware avenue and C street, moving their station east two blocks. It gave the Baltimore and Potomac Railroad the privilege of building a new station on the site they now occupy. The chairman of the Committee on the District of Columbia and the gentlemen who have in charge the park system of the District—three of the most distinguished architects in the country—thought it would be a good plan to have a union station in the city of Washington instead of having these two stations separately as they are now. They put their wits to work, and after numerous interviews with the railroad officials they succeeded in reaching an agreement whereby one station should be built instead of two. That, of course, necessitates new legislation.

I trust I have answered the Senator's question.

Now, Mr. President, it is not very flattering to the Committee on the District of Columbia, which has had this matter in charge for a good many years, to be told by the Senator from Georgia [Mr. CLAY] that he took a stroll down over the part of Washington known as "Swampoodle," probably last Sunday, and that he knows more about this matter than the Committee on the District of Columbia and the engineers of the District and the Board of Commissioners of the District. It may be he does, but my judgment is that he knows very much less about it. The Senator from Georgia says it will cost $10,000,000, in his judgment, as damages to property.

Mr. CLAY. Mr. President, I did not say any such thing. I do not want to contradict the Senator, but——

Mr. GALLINGER. I should be very glad to have the Senator state what he did say.

Mr. CLAY. I said a prominent business man of the city of Washington, who is thoroughly familiar with the streets, said to me that, in his opinion, if the streets that are to be occupied by the new line belonged to private citizens and the railroads had to buy them, the franchises would cost $10,000,000.

Mr. GALLINGER. Mr. President, the absurdity of that is contained in the statement. That entire section of the District is not worth $10,000,000, and it is idle to say that the streets that are given up to these railroad corporations to put a building on them is a gift of $10,000,000. Every man who has given this matter a moment's thought or investigation knows that that statement is so wide of the mark that there is no reason why it should be discussed for a single moment.

The Senator from Georgia says he understands—I do not know who told him; perhaps this intelligent citizen—that the pending bill was considered only thirty minutes in the Committee on the District of Columbia. Why, Mr. President, this question of the elimination of grade crossings and the construction of terminals in the District of Columbia has been under consideration for ten years, not thirty minutes. This matter has been gone over and over again in that committee, especially by the chairman of the committee, and it has had the most careful and conscientious consideration.

In the Fifty-sixth Congress, when the laws were passed that are now on the statute book giving these railroad companies the right to construct new stations, which they say they prefer to the proposed legislation, it was considered for weeks and, I think, for months in that committee. The bill which is now before the Senate was introduced two months ago or more, and has been advertised to every citizen of the District, to every member of both branches of Congress. It has had the most careful consideration of the subcommittee of the Committee on the District of Columbia. It was presented at several meetings of the full committee, whether Senators were present or not, and was gone over section by section, and line by line, and word by word. If Senators who are on the committee or off the committee do not understand or did not then understand the provisions of the bill, it certainly is not the fault of the chairman of the committee or of the committee itself.

Mr. BAILEY. Mr. President, I should like to ask, in the line of the other question, if it will not interrupt the Senator from New Hampshire——

Mr. GALLINGER. I yield with pleasure.

Mr. BAILEY. Is it not true that since the other law was passed the railroads interested have come into a closer community of interest and that there is no necessity for the same railroad having two depots?

Mr. GALLINGER. Mr. President, I will answer the Senator very promptly and tell him all I know about it. It has been said over and over again that the Pennsylvania Railroad controls the Baltimore and Ohio Railroad.

Mr. BAILEY. I do not go that far; but that it is largely interested in the directory I take it to be a matter of public knowledge.

Mr. GALLINGER. Four out of 12 members of the board are Pennsylvania Railroad men.

Mr. BAILEY. Four out of 12 are Pennsylvania Railroad men, but the ownership of the stock very largely controls the directory, although the directory might have been originally selected in another interest.

Mr. GALLINGER. Certainly.

Mr. BAILEY. I will state what my suggestion is simply intended to cover. We agree to give each road a million and a half to build its own depot. Now, I think the union depot is desirable myself. I hardly believe in bringing it in under the ground. I incline to the light myself, and would prefer to take the less attractive appearance of an elevated road. Leaving that as it may be, it is perfectly plain that these two railroads are now if not identical in interest, yet so largely so that they ought to have only one depot, and I think they might be permitted to take one of the two sites Congress provided for, with the $3,000,000 that were appropriated to both and execute the improvement under the old law with a slight amendment authorizing that, and save us these new and perplexing questions.

Mr. GALLINGER. First, as to the community of interest as between these two roads, I will say to the Senator that all I know is what Mr. Green, vice-president of the Pennsylvania Railroad, and Mr. Loree, president of the Baltimore and Ohio Railroad, stated before the committee. Both those gentlemen stated that the Pennsylvania Railroad, neither in the matter of ownership of stock nor in the matter of directors, controlled the Baltimore and Ohio road. That is all I know about it. That there is a closer interest than existed two years ago I think is beyond question, but how far that goes I am unable to say, and I am bound to believe what these gentlemen stated to the committee.

Mr. WELLINGTON. May I interrupt the Senator?

Mr. GALLINGER. Certainly.

Mr. WELLINGTON. I think one thing is evident, however, that they may have forgotten to state. Mr. Loree is one of the vice-presidents of the Pennsylvania Railroad and has been made the president of the Baltimore and Ohio road. Is not that true?

Mr. GALLINGER. I did not know it, but I presume it is. If the Senator states it, it is true.

Mr. WELLINGTON. That is the case.

Mr. GALLINGER. That, of course, simply shows that a gentleman connected with the Pennsylvania road is a director in the Baltimore and Ohio, or vice versa.

Mr. TELLER. Mr. President, I would like to ask the Senator from New Hampshire, the object being to get rid of the grade crossings, as I understand it, how many street crossings do we get rid of by this proposition?

Mr. GALLINGER. We get rid of every grade crossing there

is in the District that these roads traverse. The number I can not state.

Mr. TELLER. How do we get rid of them?

Mr. GALLINGER. By elevating the tracks.

Mr. TELLER. By elevating the railroad tracks?

Mr. GALLINGER. Certainly.

Mr. TELLER. Or by elevating the streets?

Mr. GALLINGER. The railroad tracks.

Mr. TELLER. It is a part of the plan certainly to elevate the streets, according to my information.

Mr. GALLINGER. On the Baltimore and Ohio road there are a few instances of that kind, but we get rid of every grade crossing in the District of Columbia under the provisions of this bill.

Mr. TELLER. Under one or the other?

Mr. GALLINGER. Under one plan or the other.

Now, Mr. President, the Senator from Texas suggests we might have taken one of these sites. We certainly would not take the site on the Mall, because that is one of the chief things we have in view in this legislation—to get rid of a railroad station on the Mall. As I understand the matter, the location at the junction of Delaware avenue and C street was not as desirable a location as the one that has been selected. I will not go into particulars about that, but that was the judgment of the District Commissioners and of the railroad companies themselves.

I am bound to believe after the very careful investigation that has been made of this matter both by the District Commissioners, who are very wise men, by engineers representing the Government, and by engineers representing the railroad corporations, the proposed location is, all things considered, the best location that could have been found in the District.

Mr. President, the Senator from Georgia [Mr. CLAY] has made a very strong appeal—and we all know the kindness of his heart—in behalf of the poor people located in the vicinity of this proposed railroad station. Their interests are going to be wiped out and the property confiscated according to the statement of the Senator from Georgia. A very distinguished gentleman, formerly a member of this body, appeared before our committee, representing those people, and said they were perfectly satisfied with the matter as it was arranged. He was their attorney. I will not mention his name unless I am asked to do so, but he is a very distinguished gentleman who occupied at one time a seat on the other side of this Chamber. As a representative of those people he stated to the committee that the matter was satisfactory so far as they were concerned.

The Northeast Washington Citizens' Association, a business association having interests in that section of the city, only the other evening voted in favor of this bill, as they had done once or twice before.

I can not believe under those circumstances that this outrage, if Senators wish to call it such, is going to be perpetrated upon the people of that section of the city or that any substantial harm is going to come to them. There will be some inconveniences, of course. There never was a grade changed in a city that did not inconvenience somebody. There never was a great structure placed where human habitation is that did not inconvenience somebody and, very likely, damage somebody. I take it there will be some inconvenience and damage connected with this matter; but it is a well-known axiom that the individual interests to some extent must give way when a great public improvement is projected.

The committee certainly have sought to minimize that in every conceivable way and protect those people as far as they can be protected; and I feel sure that the measure is guarded as well as it will be guarded if this bill should be sent back to the committee and the committee is compelled to consider it again and report it, probably in substantially the same form.

Mr. HANSBROUGH. Will the Senator allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. HANSBROUGH. I desire to call the attention of the Senator to the fact that the Georgetown Citizens' Association met recently and voted almost unanimously, as I understand, against this measure, and that the East Washington Citizens' Association meeting, to which the Senator has referred, was attended by seven members of that association.

Mr. GALLINGER. Mr. President, I recall another bit of history. A few years ago the Georgetown people wanted a railroad to come into Georgetown and have a station there. I voted for it and the Senator from North Dakota voted against it, for some reason or other; I do not know what it was. It is a further fact, Mr. President, that the people of Georgetown are against this proposition because they now say that they ought to have a station in Georgetown.

Mr. BEVERIDGE. Will the Senator permit me——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Indiana?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator a question suggested by the honorable Senator from Georgia [Mr. CLAY] who made the statement that perhaps the committee was going somewhat blindly in the rush of other affairs. How long has the committee been at work upon this general proposition?

Mr. GALLINGER. Upon the general proposition of eliminating grade crossings, I will say ever since I have been a member of the Senate; certainly seven or eight years, and certainly two or three years in reference to the construction of new terminals, new stations in the city.

Now, Mr. President, one other point was made—that these damages and expenses, etc., have not been presented here to the Senate. We might have had blue prints here or we might have had pictures here, or we might have had figures that we could have stretched over the place occupied by the Presiding Officer. It was not thought necessary. It has all been figured out by the District Commissioners. It is a matter of record and it is perfectly well understood that this measure has been calculated as closely and as accurately as it is possible for men to do it. Of course with a margin on one side or the other.

Mr. BERRY. Will the Senator permit me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. BERRY. Will the Senator tell the Senate what is the estimate of the cost of removing the grade crossings?

Mr. GALLINGER. Mr. President, I am not going into a statement as to the exact cost of every item entering into a project that is to cost $14,000,000.

Mr. BERRY. That is a very important feature, Mr. President. The Senator said there had been accurate estimates made, and I would like to have him state, because I really do not know, what is the estimate of cost to eliminate the grade crossings.

Mr. GALLINGER. It was considered by the committee a year and a half ago that a proper proportion on the part of the District and of the Government for the elimination of grade crossings would be $3,000,000.

Mr. BERRY. That is not the question I asked the Senator. Of course, he can decline to answer if he desires. I want him to state what the estimate was of the cost of removing grade crossings.

Mr. GALLINGER. Mr. President, I will answer it by saying I do not know.

Mr. BERRY. Very well.

Mr. GALLINGER. That answers it.

Mr. President, so far as the streets about the Baltimore and Ohio Railroad are concerned, the Government and the District will come in possession of certain property there and the new structure will occupy certain other property. I have every reason to believe that it is to be a fair exchange, and that no harm will come to either the Government or the District.

The Senator from Georgia is very much troubled about the tunnel. The Senator from Montana [Mr. CLARK], who is perhaps not a skilled engineer, but a gentleman who has had great experience in making tunnels, I take it, was very much troubled on that point. We all sympathize with his views, but as I recall the matter when the hearing was had before the Committee on the District of Columbia—I had not the pleasure of being present—the engineers gave it as their opinion that there was no trouble whatever to be apprehended in that regard. But to make assurance doubly sure they have moved the tunnel some considerable distance farther from the Library building than it was at first contemplated. I believe I am right. I will ask the Senator from Montana if that is correct.

Mr. CLARK of Montana. That is correct.

Mr. GALLINGER. Mr. President, I think we can rely upon the engineers of the Government and the District of Columbia and the skilled engineers of these railroad corporations when they say that there is no danger to be apprehended from this tunnel so far as the Library building is concerned. I presumed that we can. It is a fact that we can do very little in this world that we are absolutely sure of; there is always an element of uncertainty and doubt and of danger, and there may be a small element of uncertainty as regards this matter; but it certainly is minimized from the circumstance that these distinguished engineers say that it is absolutely safe, in their opinion. So I have no fears on that point.

It was stated here yesterday by the Senator from North Dakota, with his usual accuracy, that this tunnel would be 50 feet from the Library building, when, as a matter of fact, it will be 175 feet.

Mr. HANSBROUGH. I remember distinctly—whether the Senator was present or not I do not know—when Bernard Green, the Superintendent of the Library building, was before the committee—I think the Senator was not present that day——

Mr. GALLINGER. I was not.

Mr. HANSBROUGH. I asked him distinctly the question as to where the tunnel would go with respect to the Library building, and his answer was that it would be about 50 feet from the front steps or the west steps of that building. Now, if the committee have discovered their mistake, and the engineers also, and have made a change, I am very glad of it.

Mr. GALLINGER. The trouble is that the Senator does not keep up with the procession.

Mr. HANSBROUGH. I think the Senator did not begin with the procession. That is the trouble with the Senator from New Hampshire. I was stating the matter positively here, and the Senator brought into question my reputation for integrity or truth.

Mr. GALLINGER. Oh, not at all; it was a mistake. It was an inaccuracy.

Mr. HANSBROUGH. He charged that it was an inaccuracy of statement.

Mr. GALLINGER. It was simply an inaccuracy; that was all.

Mr. HANSBROUGH. I wish simply to repeat—if the Senator knows to the contrary of course he should state it. Mr. Bernard Green made that statement before the committee. It was quite a full meeting. Other members who are here were at that meeting and will bear me out, I think, that that is the statement he made. That is my usual accuracy.

Mr. GALLINGER. The simple fact is, the Senator stated without qualification that it was to be 50 feet from the Library building.

Mr. HANSBROUGH. It has been changed since then. I was not aware of that fact until the Senator stated here that it had been changed. I say again if the engineers and the Senator have discovered their mistake and have changed the route of the tunnel I am very glad of it.

Mr. GALLINGER. Before any change was made it was 150 feet from the Library building.

Now, Mr. President, the Senator from Georgia [Mr. CLAY] has stated that we are granting these roads in perpetuity great privileges. They have those privileges now. I believe I have said that once or twice before. The only difference that we propose to make is to take them from public ground and put them on ground that will be owned by themselves. That is all. They have these rights.

Senators say that we can repeal the law and oust them; but we are not going to do it. Everybody knows that. We have not granted them any additional right nor have we taken from them any rights which they now have. They have trackage rights into two stations at the present time. They will have trackage rights into one station if this bill becomes a law. We will clear the Mall from the disagreeable condition of things which exists there, and it is very desirable that that should be done, and we will get rid of the old ramshackle Baltimore and Ohio Railroad station in the immediate vicinity of the Capitol.

Mr. President, it may be that some mistakes have been made; it may be that the best place has not been selected for this railroad station; but I submit that this matter has had the most careful and conscientious consideration by a committee of this Congress, aided by the Commissioners of the District of Columbia, and aided by the distinguished architects who have in charge the park system of the District of Columbia, who have given their time gratuitously to help us solve this problem. I submit that that being the fact, it is hardly competent for a Senator who is not on the committee and who has not given the matter any consideration to say that we have made such egregious blunders that the bill ought to be rejected or sent back to the committee for further consideration.

The fill that the Senator from Montana speaks of is, perhaps, an unfortunate condition, but it is to be lessened one-half, as I am credibly informed, and it will be so managed by skilled engineers that no substantial harm will come to anybody as a result of it.

Now, Mr. President, I know that Senators who are opposed to this bill are more anxious to talk about it than I am, because I certainly have said all that I care to say about it, and I yield the floor.

Mr. CLAY. Mr. President, the Senator from New Hampshire I think somewhat unjustly criticises me in regard to the position I took. I made no reflection whatever upon the Committee on the District of Columbia.

Mr. GALLINGER. If the Senator will permit me, he said the committee had consideration of the bill thirty minutes. Is not that a reflection? Can it be possible that the committee——

Mr. CLAY. I meant by that the information I had when the bill was voted on. The day it was voted on it was taken up at 2 o'clock, and voted on at 2 o'clock and 30 minutes.

Mr. GALLINGER. Undoubtedly that may be true.

Mr. CLAY. That was the day it was discussed in the committee room. I made no reflection whatever upon the committee. I simply said in all probability the committee, being busy, as we are frequently busy during this part of the session, did not have that time to consider it maturely.

Now, the Senator criticised me because I saw fit and proper to go over the ground where this line is to be located. Mr. President, if I deserve censure and criticism simply because I went and examined the ground that I might understand the true situation, then I am willing to accept the criticism. I believe, that in all probability, if my friend from New Hampshire will go and examine the ground critically from beginning to the end, and he has probably done it, I am sure he will get much valuable information in regard to the location of this line. He will find where these fills are to be located, and he will find instead of there being $600,000 damages that will accrue to property in all probability six or seven times that amount will accrue.

Mr. GALLINGER. Will the Senator permit me?

Mr. CLAY. With pleasure.

Mr. GALLINGER. I will say to the Senator I have been over this ground more than once, and, furthermore, these fills that are complained of are to be made at the request and almost at the dictation of the Engineer Commissioner of the District of Columbia and his associates for the purpose of accommodating the grade of certain streets.

Mr. CLAY. Then, Mr. President, I am in all probability relieved of the criticism that I went there to examine this ground, since I find that my friend the distinguished Senator from New Hampshire has done likewise. I hardly thought that I ought to be censured because I endeavored to obtain the necessary information to properly guide me in casting my vote on this bill.

In the remarks that I made I was governed simply by a desire to discharge my duty. I had no desire to make any reflection upon any member of that committee. I have nothing but the kindest feelings toward the chairman and the distinguished Senator who has just spoken.

But, Mr. President, it struck me that a measure involving so much money and involving so many streets and damaging so much property ought to be considered even for weeks. I believe that this bill ought to be debated here for ten or fifteen days. Of course we can not do it unless it is recommitted to the committee. I believe Senators ought to go and examine these grounds and see where this new line is to be located.

I understand it is said the railroad companies do not want this location. I do not know how true that is. I have no criticisms to make upon the railroads; I make none now; but it is strange to me, Mr. President, that these two roads will not accept at the hands of Congress five or six or seven or eight streets through the very heart of the city without paying a single dollar and accept at the same time $3,000,000 from Congress and $1,670,000 more to aid them in doing this work. Then the officers and stockholders of these roads have ceased to consider the interest of these corporations.

Mr. TELLER. Mr. President, the purpose of this bill seems to be twofold: First, to get rid of the crossings of the railroads across the streets; secondly, to build a very fine station beyond the necessities of the railroads for some particular purpose, I suppose to beautify the city.

The Senator from New Hampshire [Mr. GALLINGER] tells us he does not know, as a member of the committee, what it will cost to get rid of these street crossings, and yet he very promptly tells us that the people who are making these estimates consider $3,000,000 the proper part for the United States to pay. We do not know whether that is a half, a quarter, or two-thirds. It seems to me we ought to know something about that. It is one of the items that is of sufficient importance, I think, to have attracted the attention of the committee, so that we might have at least a statement of it here.

We do not know very much about this matter here. Of course nobody can tell about it by the reading of the bill. In some of these streets the railroad is to go over the street, and some of the streets are to go over the railroads. I find that quite a number of streets are to be bridged. When the street is continued the railroad company is to put up bridges.

No streets or avenues, except Ninth, Twelfth, and Fifteenth streets and New York avenue, shall be opened across the railroads constructed under authority of this act between Florida and Montana avenues and said Ninth, Twelfth, and Fifteenth streets when and as opened, shall be carried above the railroads by suitable viaduct bridges, the cost whereof with their approaches within the limits of the right of way shall be paid by the terminal company—

That is a company, I understand, within a company, representing the railroads—

but shall be maintained as in the case of other public highways in the District of Columbia.

Now, I should like to have somebody tell me what kind of bridges they are going to put up. It seems to me that we ought to know whether they are to put up wooden bridges or iron bridges or stone bridges. It may be that the Senator from New Hampshire knows what the plan is; I do not, and I can not find it out from this bill.

Mr. GALLINGER. I should like to ask the Senator in all seriousness what kind of bridges he thinks these great railroad corporations would build.

Mr. TELLER. I do not know anything about it. I know what they put out here as they come in on the Mall. It is a little, unsightly, disgraceful sort of a bridge that has been there now for a number of years, obstructing what was supposed to be one of the most beautiful parks in the city. I have not the slightest reason to suppose they will do any better than that with these street crossings.

Mr. GALLINGER. I have traveled a good deal over the great railroads of the country and I find that the construction of their bridges is usually of the best quality. I do not think there is any danger that there will be any disgraceful bridges built here. I will say, furthermore, that all this construction is to be satisfactory to the Commissioners of the District of Columbia.

Mr. TELLER. It ought to be satisfactory to Congress. We ought to know something about it as well as the Commissioners.

Mr. GALLINGER. If we waited until it was satisfactory to every member of this body we certainly would never have any construction.

Mr. TELLER. Of course, I am not going to criticise the committee, because I do not understand that to be exactly in order; but a reasonable bill would have contained some things, it seems to me, that would be positive as to what the character of these bridges is to be. I do not know whether the committee expended in time over it thirty minutes or thirty days. I do not know anything about it. I know it is not in the bill. I do not know where to find it. If I go down and ask the Commissioners what kind of a bridge it is proposed to build I suppose they would tell me they did not know, and they would have to consult the railroad company about it. Under the provision of the bill they will build such a bridge as they choose, and if we do not like it we can build another.

A large number of these streets are to go over the railroads and necessarily will have to be elevated. Here is a large fill. I do not remember, but I think the Senator said last night that there was about $1,700,000 to be paid by the District. I have seen the estimate made very much larger, but nobody now knows what the damage is going to be, of which the city is to pay one-half. That may amount to several million dollars. At every grade crossing where there is a bridge over the road the abutting lot owners will have a case of damage against the city. All along this fill, which I am told is to be a couple of thousand of feet long, or something like that, and whether it is 18 or 30 feet it will not make any difference, there will be a demand for damages against the District, and rightfully, too.

The District is to pay one-half of this expense. Now, suppose I should say that expense would be $10,000,000. I do not know whether it will be that amount or not. The Senator says the whole district over there is not worth $10,000,000. I think he will find out if he appraises it that it is worth a good deal, especially when you come to take men's homes and practically destroy them, for nobody wants to live under an embankment. Even if it is not more than 18 feet high, which the Senator seems to think is a very small affair, you will certainly find that $1,670,000 will not pay the damages.

Mr. GALLINGER. Will the Senator permit me?

Mr. TELLER. I understand the damages are not included in the $1,670,000.

Mr. GALLINGER. Yes; the damages are included in the $1,670,000. I will say to the Senator that Mr. Richards, who is connected with the Engineer Department, who has had charge of the opening of the streets of the District of Columbia, who is a very accomplished gentleman and whose estimates heretofore have come out as accurately as could possibly be expected of any human agency, has estimated these damages, and they are based upon his estimate.

Mr. TELLER. The whole amount the Senator thinks will be $1,670,000. Nobody knows what it will be. I will venture to predict now that, if this bill passes and becomes a law, you will find that it will be a great deal more than $1,670,000.

Mr. HANSBROUGH. Will the Senator from Colorado yield to me?

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. TELLER. I yield to the Senator.

Mr. HANSBROUGH. I hold in my hand a statement published in a local paper giving a report from the District Commissioners on House bill 14148, which was a bill providing "for the appointment of a railroad commission in and for Washington, and for other purposes." The report of the District Commissioners is as follows:

The bill specifies—

Says the report—

the route which the proposed railroad terminals shall follow and fixes the location of a proposed union railroad depot. As the selection of routes within the city is a matter which demands great study and careful consideration, the Commissioners do not consider it desirable that the routes be specified until time is had to make a study of the situation and estimates of cost.

That would indicate that the Commissioners of the District of Columbia were somewhat in the dark in regard to this matter. I do not want to criticise these gentlemen, because I might incur the displeasure of the Senator from New Hampshire if I did. I will simply offer this for what it is worth.

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. TELLER. I yield to the Senator.

Mr. GALLINGER. This is a report on the Senator's municipal-ownership bill.

Mr. HANSBROUGH. No, not at all. It is a report on a House bill. I do not know the provision of that bill beyond the fact that it provided for a railroad commission, and I think there ought to be some railroad commission to understand these questions.

Mr. GALLINGER. That may be. The Commissioners, in other words, did not select that site. In this case a site has been selected at the suggestion largely of the Commissioners, and a site which the Star, the newspaper from which the Senator has read, has been for twenty years saying was the best site for a railroad station in the District of Columbia.

Mr. TELLER. I do not know anything about the site of the station.

Mr. HANSBROUGH. I read from the Times.

Mr. TELLER. I agree with the Senator from New Hampshire that it is desirable to have one station if you can, and I am not averse to having a very handsome station, with a fine plaza in front of it. I have in my Senatorial experience here voted for everything that I thought would beautify this city. But, Mr. President, if we are going into the beautification of the city, which I am not objecting to, I do object to one thing. I object that the District of Columbia is to pay one-half of it. Whenever we go a step beyond what is proper and necessary for ordinary business and a decent observance of the architectural taste of the country, that minute the United States should pay the whole of it.

I object, also, Mr. President, to calling upon these railroad companies for a single dollar of contribution more than is justly their part. The Senator told us last night that these railroad companies are to put in several million dollars that would not benefit them at all. If that is so, it is simply legislative robbery upon our part to take it out of them. They yield simply because they are compelled to yield. The railroad companies do not pay it; it is paid by the stockholders, citizens of the United States. If there is to be a beautiful depot here, let all the people of the United States pay it out of the general taxes that we collect, and not the owners of stock in a railroad and not the people who live in the vicinity of it.

I am quite willing that the United States should pay all that is necessary to get a fine depot. As I said before, if we require these railroad companies to put up anything more than a respectable depot, then that minute it is our duty to pay the extra expense, and not theirs. If we are giving to the railroads anything more than is necessary, then we are doing what we have not any right to do with the public funds. No one knows right now, not even the Senator from New Hampshire, what an equitable thing would be with reference to our share of this money, because he does not know what it will cost to give us the street crossings as we want to have them.

Until he knows that we can not know what we ought to pay. Practically nobody knows about it here except that we are putting into the bill what apparently on the face of it looks as if we were making a great donation to the railroad companies, and the public will believe that we do make a donation. We ought not to do it, and if we are not doing it it is unjust to the railroad companies not only to make them put in money when they ought not to pay it, but to give them a reputation that they are making a demand here which they ought not to make and which the public will think they have made.

Mr. President, I do not want to reflect on the committee, as I said, but I believe this bill would put us in a good deal better shape if it went back to the committee, and if they would take it up and determine a few things. I do not think it is any disrespect to the committee to recommit a bill. It is done frequently. I am not willing myself to support the bill in the shape it is in,

yet I should like to accomplish the very purpose of this bill—that is, to get a union depot here and to get rid of these crossings; not to ask the railroad companies to do anything more than their part, but to require that they shall do just what their part is.

If there is to be any generosity at all I want to take it out of the funds of the United States Treasury and not out of the District of Columbia. We have got a lot of citizens here who have no voice whatever in this matter who are not consulted about it and have nothing to say. Of course, while it may beautify the city, it will add nothing to the small holding of some man who has a little home here. Possibly to the business men it may be of some advantage, but I do not see very well how that can be the case. I think the bill ought to be recommitted.

Mr. HANSBROUGH. I simply desire to make a suggestion to the Senator from Colorado, and that is, I am not so sure that the railroad company will be obliged to construct a union station even if we pass this bill.

Mr. GALLINGER. Then no harm will come.

Mr. HANSBROUGH. And we should then be left in the same situation we are now.

Mr. TELLER. Neither am I certain that they would erect a union station; but I presume they would. They would not like to stand out against an act of Congress, and probably they would do it, even if they did not wish to do it. As some seem to think they are to have a large bonus, I suppose they would not like to lose that.

Mr. HANSBROUGH. If the Senator from New Hampshire [Mr. GALLINGER] was correct in his statement yesterday the railroad company is to spend $10,000,000. They might conclude not to spend it. I want to read right here the first section of this bill, and I shall take the time of the Senator no further. This bill does not reenact the law of 1901. It is a bill "to provide for a union railroad station in the District of Columbia, and for other purposes." The first section provides:

That the Baltimore and Potomac Railroad Company, or the terminal company provided for in section 10 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," be, and each of them is hereby, empowered and authorized to locate, construct, etc.

It does not direct them to build, but it empowers and authorizes them. So they may not do it. They may not conclude to do it even after we pass the bill.

Mr. GALLINGER. Mr. President, yesterday the Senator from North Dakota was troubled lest this thing should be done, and now he is troubled lest it shall not be done. "Consistency, thou art a jewel."

Mr. HANSBROUGH. Oh, no; that is not the point at all. The Senator is very restive when anyone undertakes to disagree with him. I regret exceedingly that the Senator in the last few days has insisted upon lecturing me because I have had the temerity to come in here and oppose this proposition. It is not in very good temper and not in very good taste.

Mr. GALLINGER. That may be, and I accept the rebuke with due humility, but I will say that a Senator who, after months and years of negotiation and an agreement on all hands between the District of Columbia and the railroad corporations that a union station shall be built, comes in at the last hour of the debate and says he is not sure it will be built is exploiting an avenue into which I do not wish to follow him.

Mr. HANSBROUGH. I will ask the Senator if he is sure that this railroad company will build this station?

Mr. GALLINGER. As sure as I am that the Senator is quibbling upon the subject.

Mr. HANSBROUGH. But there is nothing in the bill which compels them to do it.

Mr. GALLINGER. Mr. President, I can only repeat what I have said—yes; I am sure.

Mr. MARTIN. Mr. President, I had not intended to say anything on this bill, and am not as well informed about the details of the bill as I ought to be in undertaking to address the Senate. The laboring oar has largely been taken in the preparation of this bill by the chairman of the Committee on the District of Columbia [Mr. MCMILLAN], who is unavoidably absent, for reasons understood by all of us.

The problem which has confronted the committee, and which has confronted Congress for some time, has been to get the railroads from the Mall. Its presence there has been objectionable from many standpoints in the improvement and beautification of the city.

Another problem has been to get rid of grade crossings in the city of Washington. These problems were taken up at the last session of Congress, and two bills were passed for the purpose of getting rid of the grade crossings. But the problem of getting the Pennsylvania depot removed from the Mall proved insurmountable at that time. If there has been any mistake made in this matter, it was made at the last session of Congress, when very large obligations were incurred for the purpose of getting rid of the grade crossings.

As I understand—and I confess that I gave the subject attention as it was in progress before the committee, and I gave much more than thirty minutes to it, and I think every member of the committee gave much more than thirty minutes to it, notwithstanding the statement made by the Senator from Georgia [Mr. CLAY].

Mr. HEITFELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. MARTIN. I do.

Mr. HEITFELD. In justice to the Senator from Georgia [Mr. CLAY], I desire to say that there was but one meeting called upon the bill, and that was called after an effort had been made to report it without a meeting of the committee, and when I objected a meeting was called in the afternoon, during the session of the Senate, and within thirty minutes the bill was reported. I at the time reserved the right to oppose it if I should see fit to do so, and two or three other Senators, as I understand, did the same. Thirty minutes is all the time the committee ever gave to the bill.

Mr. CLAY. Mr. President, with the permission of the Senator from Virginia, the information I had came from such a source that I could not question it, and I am sure that all the members of the committee did not give more than thirty minutes to the consideration of the bill. Some of them may have given more than thirty minutes to its consideration, but surely I do not think all of them did.

Mr. MARTIN. Those members of the committee who did not give more than thirty minutes to the consideration of the bill neglected their duties.

Mr. HEITFELD. I desire to say that I attended every meeting of the committee of which I received notice, and if there were any meetings held of which I had no notice it was not my fault that I was not present.

Mr. MARTIN. It is impossible that my memory can be at fault when I say that this bill was considered at many meetings of the committee—not at one meeting, but at many meetings.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nevada?

Mr. MARTIN. I yield.

Mr. STEWART. I am certain that I have attended many meetings of the committee when this bill was discussed. The chairman of the committee, the Senator from Michigan [Mr. MCMILLAN] reported to the committee from time to time the progress he was making with the negotiations, and I suppose at least a half dozen times we had this up in committee, when he reported progress and called upon the committee to look into the subject. Every member of the committee has had an opportunity to do so, and the Senator from Michigan, who has charge of the matter, was very anxious that every member of the committee should have a full understanding of the case.

As a general proposition, I repeat, that if this is to be one of the great capitals of the world, we ought to have a respectable depot that strangers first see on coming to the city, a depot in harmony with the surroundings of the Capitol. These considerations weigh heavily with me.

I believe the best arrangements have been made by the chairman of the committee that could be made. I do not believe that anybody is a better business man than he or could have accomplished more. I regret that he is not here. This has been his especial work. At all times, when called upon as to how the negotiations were proceeding, he has been frank to tell what proceedings had been taken, and he has been carefully consulting from time to time the District Commissioners. Every question that arises is sent to the Commissioners, reported upon by them, and especially by the Engineer Commissioner, and we have had the surveyors' reports coming in from time to time and considered at different times during the whole of this session. So I do not think it is just to the chairman of the committee to suggest that this bill has not had ample consideration.

Mr. MARTIN. Mr. President, I have been present at a number of the meetings, and I am sure I do not exaggerate when I say this bill has been considered at a half dozen meetings of the committee at which I have been present.

Mr. HEITFELD. I suggest that the Senator is probably thinking of the subcommittee. I will say that it is possible, and I believe it is true, that the subcommittee did meet time and again. I do not know who are the members of ths subcommittee, but I heard there was a subcommittee in charge of the subject. So far, however, as a meeting of the full committee was concerned, there was

one afternoon a meeting of the committee to listen to a discussion of one of the engineers in regard to the tunnel. This was done because the Senator from Montana [Mr. CLARK] had some apprehension regarding the location of the tunnel, but no discussion of the bill was had that afternoon. The only discussion of the bill was in the afternoon to which I refer, when it was reported.

I am not making this statement because I desire to criticise anybody. If we who are members of the committee had not wanted the bill reported, we could have opposed it in the committee; but I am only saying what I do in justice to the Senator from Georgia and others who have made statements to that effect.

Mr. MARTIN. Mr. President, I am not mistaken, I am sure, in the statement that I have been present at many meetings of this committee—not of the subcommittee, but of the full committee—at which this bill has been considered.

I will say furthermore, Mr. President, that it was unfortunate that members of the committee who felt that this bill was so unwise and so objectionable should not have given the committee the benefit of their views before we reported the bill here. With the exception of the Senator from North Dakota [Mr. HANSBROUGH], I do not recall any antagonism in the committee against a favorable report of this bill.

Mr. HEITFELD. If the Senator will allow me, I should like to know how there could be much antagonism in a short session of thirty minutes?

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. MARTIN. I will yield for a question.

Mr. HANSBROUGH. I did not quite catch the remark of the Senator from Virginia. I was at the time engaged in a conversation with the Senator from Montana [Mr. CLARK]. Will he be kind enough to repeat the statement he made regarding me?

Mr. MARTIN. I said that the Senator from North Dakota vigorously opposed the bill, but that I did not recall that any other member of the committee had done so. That is what I said.

Mr. GALLINGER. And no member of the committee asked that the bill should be laid over.

Mr. MARTIN. No delay was asked and no time was asked for the further consideration of the bill, but the bill was reported with the understanding, of course, not that any Senator was bound to support it or obliged to support it who did not wish to do so. Members of the committee, as well as other members of the Senate, are in duty bound to oppose a bill if they do not approve of it and do not believe it is a wise and just measure.

I am not complaining of the opposition of any Senator to the bill, but I do say that I think it is unfortunate that those Senators who believed the bill to be unwise and unjust did not give their fellow-members of the committee the benefit of their views on that line, in order that we might give due consideration to those views and act upon them so far as they appeared to be meritorious.

Mr. President, I undertake to say that the bill has had every opportunity for consideration and has had the careful consideration of such members of the committee as saw fit to give attention to a matter which had been pending before the committee for months, and the District Commissioners——

Mr. WELLINGTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. MARTIN. Certainly.

Mr. WELLINGTON. I think the Senator is possibly stating the case too strongly. He is getting two committees mixed. There was a subcommittee that had this matter in charge, and it gave it very careful attention, but the whole committee was not even consulted as to the bill itself or any of its provisions.

Mr. MARTIN. I have not said that the bill was elaborately discussed in the committee; but if it was not, it was because the members of the committee did not see fit to do so, but the bill was before the committee for consideration.

Mr. CLAY. With the Senator's permission, I desire to ask him a question.

Mr. MARTIN. I yield to the Senator.

Mr. CLAY. I understood the Senator to say a while ago that this bill was considered in the Committee on the District of Columbia for months and months. I understand this bill was introduced in the Senate on March 31, 1902.

Mr. MARTIN. Well, perhaps "months and months" may have been stating it a little too strongly, but the bill had been under consideration for a long time.

Mr. STEWART. The subject had been under consideration.

Mr. MARTIN. I will come to that. I know this matter has been before the committee in a number of shapes, that there have been a number of bills there, and from the very commencement of this Congress it has been more or less attracting the attention of the District Committee.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. MARTIN. I do.

Mr. CLAY. With the Senator's permission, I will state that this bill was introduced March 31, 1902, I believe, was reported to the Senate April 3, 1902, and on April 18, 1902, was ordered to be reprinted with additional reported amendments.

Mr. GALLINGER. Now, Mr. President, if the Senator from Virginia will permit me——

Mr. MARTIN. I will.

Mr. GALLINGER. The Senator from Virginia perhaps has forgotten that a bill was introduced long before March 31. The Commissioners of the District of Columbia recommended certain amendments, which were incorporated by the committee, and a new bill was then introduced, which is the bill to which the Senator from Georgia has reference; but the subject was before the committee in the shape of a bill long before the time he has stated.

Mr. MARTIN. I am familiar with the fact stated by the Senator from New Hampshire [Mr. GALLINGER], and I repeat that this subject has been having the attention of the District Committee almost from the very commencement of this session of Congress. The measure as reported may be an unwise one, it may be that it ought to be defeated. If Senators think that way, they have only to register their votes that way and defeat it; but the bill has had ample consideration in the District Committee by those members of the committee who saw fit to give attention to the subject committed to it by the Senate. The members of the committee who have not given it consideration have no right to complain of their fellow-members, but the Senate has a right to complain of them. If the bill has not been considered by the committee, let the accusation come from Senators who are not on the committee, let it not come from Senators who belong to the committee and who have had an opportunity to consider it. If they have not considered it, it is their own fault and not the fault of their fellow-members.

Mr. CLARK of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Montana?

Mr. MARTIN. I do.

Mr. CLARK of Montana. Mr. President, in view of what has been stated as to the consideration of this question before the committee, I desire to say that I think I attended all the meetings of the committee except two during this session of Congress. This question came up before the committee one day, when I raised the point about the proximity of the tunnel to the Library building, when the chairman said he would have the engineers present at the next meeting, or probably it may have been a day or two after, when we were to meet and consider with the engineers the questions regarding the tunnel.

I also raised the question one day with the chairman of the committee about the rights of the property holders down there, and inquired whether or not they had any objection to the bill. The chairman stated that they had had that matter before the subcommittee for weeks, and that he knew of no objection to it.

After that the question was considered, as stated by the Senator from Idaho [Mr. HEITFELD], just before the bill was reported, for about half an hour, or something like that. I then stated that I was willing to allow the bill to be reported to the Senate, but I reserved the right to raise these points against it on the floor of the Senate. The Senator from Louisiana [Mr. FOSTER] also made the same reservation. I am quite confident that this matter was never considered at any other meeting of the committee when I was present, and I am sure I was absent but twice.

Mr. MARTIN. It seems, Mr. President, that the Senator was present at three meetings, or two—I could not clearly understand which from his statement—but he was at least present at two meetings, and perhaps his remarks will show that he was present at three of the meetings of the committee. If he desired to have other meetings to further consider the bill I take it he would have asked for them. I remember very well the Senator from Montana did raise a question of the too close proximity of the tunnel to the Congressional Library building and that difficulty was amply met. If the best experts in the land are to be credited, it was shown conclusively, and not a shadow of doubt was left, that the tunnel as proposed would not endanger the Library building. Mr. Green and quite a number of other experts appeared before the committee in relation to that matter.

The hour is so late that I will not delay the Senate to quote their testimony; but I invite the attention of the Senate to a report which has appended to it the testimony of the engineers. If

human testimony can establish anything; if we are to rely upon the best skill in the United States to determine a technical question, it has been established that the Library building would not be in danger by reason of the proximity of the proposed tunnel. If, on the other hand, laymen are to determine this question——

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. MARTIN. I do.

Mr. TELLER. I should like to suggest to the Senator that I have not heard anybody suggest in this debate that the line as now fixed is not perfectly safe.

Mr. MARTIN. I understood the Senator from Georgia to intimate a contrary opinion.

Mr. TELLER. Perhaps he did.

Mr. MARTIN. I understood the Senator to distinctly express a contrary opinion.

Mr. HOAR. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. MARTIN. I yield.

Mr. HOAR. Will the Senator state what is the distance from the Library building of the proposed tunnel on the surface, and how far below the surface is the tunnel to run?

Mr. MARTIN. The distance is about 150 feet. I can not undertake to give it exactly.

Mr. HOAR. Perhaps the Senator from New Hampshire [Mr. GALLINGER] can do so.

Mr. MARTIN. I ask the Senator from New Hampshire to give the figures. My own impression is that it is about 150 feet.

Mr. GALLINGER. The distance of the tunnel from the Library building is 175 feet, and it is 64 feet below grade.

Mr. MARTIN. And at that depth the experts in the engineering profession say there is not the slightest possibility of injuring that building.

Mr. President, verifying my recollection about this matter, I will say that the first bill on the subject has been handed to me, and it appears to have been introduced on the 8th day of January, 1902. After a number of modifications were made to it, it became necessary to frame a new bill, which was introduced. Instead of amending the old bill, a new bill meeting these difficulties was introduced in the Senate, which is the bill now under consideration, but the subject was brought to the attention of the Senate by a bill as early as the 8th day of January.

Mr. President, these problems with which the committee was confronted, the removal of the railroad from the Mall and the discontinuance of grade crossings, the committee undertook to meet. They deemed the problem a very important one. The people of the city of Washington and the people of the United States have been deeply interested in having the grade crossings discontinued and the railroad removed from the Mall, where it had been put by act of Congress as far back as 1872, and since that time the Pennsylvania Railroad Company, I believe, have paid taxes on the property. In the limited time remaining at this hour of the evening I am not going to discuss the question whether the Pennsylvania Railroad Company acquired a fee-simple title to that land, but they acquired the right to hold that property under an act of Congress, and they have been holding it since 1872.

At the last session of Congress the committee was unable in a satisfactory way to get that company from the Mall and to get its structures removed. They did find a way to get rid of grade crossings, the removal of which, as I understand, was estimated to cost $6,000,000. A good deal of comment has been made on that subject. I have not the most implicit confidence in my figures; as I say, my recollection is a general one, and I have not taken the laboring oar in the conduct of this bill, but the chairman of the committee has done that.

There was, however, enough shown to me to satisfy my mind, but I have not carried the figures with that accuracy and fullness that I would if I had intended to present this matter to the Senate, though I am sure I am not far amiss when I say that the cost of getting rid of the grade crossing will be $6,000,000. The whole expense will be much larger, of course—$14,000,000 it is estimated—but to get rid of the grade crossings it was estimated that $6,000,000 would be required.

As to the justice or the injustice of the Government contributing to that expenditure, each Senator may have his own opinion; but it has been considered just and equitable in different cities where the removal of grade crossing has been proposed that the cities should contribute a share of the expense equally, I will say, with the railroads. That has been the general rule on that subject.

The Baltimore and Ohio Railroad Company was to receive under the legislation of the last Congress $1,500,000, and the Pennsylvania Railroad Company is to receive under this bill $1,500,000 to leave the Mall. It was considered they had property rights there equivalent to a million and a half dollars. So that the railroad company was paying $3,000,000 and the Government paying $3,000,000, the Government paying all of the amount to the Pennsylvania Railroad Company, as it has regained possession of the Mall, and the District paying only one-half of the million and a half dollars.

At the last session of Congress it was found impossible, as I say, to get up any plan which would relieve the Mall of the objectionable structures there. That became possible only when there was a chance of merger of the Baltimore and Ohio and the Pennsylvania railroads. Those roads may not be under the same ownership. Of course I do not undertake to give the information with absolute accuracy.

One of the leading officers of the road, Mr. Green, one of the vice-presidents, stated that the Pennsylvania Railroad Company did not own a majority of the stock of the Baltimore and Ohio, but I think it is a well-recognized fact—the public, at least, accepts it as true—that the Pennsylvania Railroad Company owns so largely of the Baltimore and Ohio stock that it dominates its policy and is likely to continue to do so, so that the roads are substantially under one management, and may be viewed from the standpoint of being one stock company, and it was only when that condition was brought about that it appeared to be possible to get up any arrangement by which there could be a union depot. I say this object, which the last Congress could not accomplish, became possible at this session of Congress by the merger of these two railroads.

Now we are confronted with this condition: Unless this bill is passed the railroads will proceed, under the legislation of the last Congress, to dispense with grade crossings and to establish two depots, one on the Mall and the other near the present location of the Baltimore and Ohio depot—not exactly on that location, but very near it.

Mr. MALLORY. Will the Senator from Virginia permit me to ask him a question?

Mr. MARTIN. Certainly.

Mr. MALLORY. What is the Senator's understanding as to the provision of the act of 1901, which requires the Baltimore and Ohio Railroad to cede to the Government certain property of which it now has possession? In view of the enactment of this pending measure, if it be enacted, what becomes of that provision in the act of 1901 requiring the cession to the United States Government of that property?

Mr. MARTIN. As I stated at the outset, I have not at my command the information that I ought to have in undertaking to present this matter to the Senate, not having expected until within the last few minutes to say a word on the subject. My information is general, just such, perhaps, as the Senator from Florida [Mr. MALLORY] himself now has as a member of the same committee. I suppose that remains unchanged. That is my understanding of it.

Mr. MALLORY. The Senator from Georgia [Mr. CLAY], in the remarks made by him some time ago this afternoon, seemed to indicate that in his judgment that requirement would lapse, and that the Government would lose the benefit of the cession of that particular property, which he estimates at about $1,200,000 in value. If that be so, it is a matter of great importance for us, I think, to consider.

Mr. MARTIN. I am very sure that is not the case, and I think that is in keeping with many other statements of my friend the Senator from Georgia.

Mr. CLAY. I do not understand the Senator.

Mr. MARTIN. I think the Senator from Georgia made a good many statements that he had not well considered. One was on the question of damages, when he put his judgment up here against that of the Commissioners of the District of Columbia, one of them an engineer of distinction, and all of them living here in the District, men who have made a special study of this subject, who have been over the ground and calculated to a cent the cost in this matter. They have reported that $600,000 would pay all the damages resulting from this construction, and yet the Senator from Georgia estimates it at $3,600,000.

Mr. BERRY. Will the Senator permit me a moment on that point?

Mr. MARTIN. I will.

Mr. BERRY. Does not this bill, in effect, do away with the provisions of the bill which was passed in 1901?

Mr. MARTIN. It does not; because where it is in conflict this bill is a modification of the law as contained in those two acts passed at the last session of Congress.

Mr. BERRY. One other question. As I understand, this bill is to be enacted to take the place of that legislation and to do away with the rights that were given to the Baltimore and Potomac Railroad Company to extend the depot on the ground where it

now is, and to the Baltimore and Ohio Railroad Company to rebuild where their station now is. I understand that is clear, is it not?

Mr. MARTIN. Mr. President, it is not clear, because it is not a fact. This is intended as a modification of that legislation where it is in conflict. The provisions of that legislation that are not in conflict with this legislation are not repealed, are not interfered with in any way, but only where that legislation is modified in terms by this legislation is any change made in that law.

Mr. BERRY. Why, Mr. President, it was admitted by the Senator from New Hampshire that the purpose was to get rid of that legislation which was passed a year and a half ago, and to provide for a union station instead of having two stations, and that all the provisions of those acts that are not included in this bill, I clearly understood from the bill, are eliminated. By that bill the Baltimore and Ohio Railroad Company was to convey certain property to the Government or to the District—to the Government, I think—and now there is nothing in this bill requiring that conveyance to be made, although all the conditions contained in that law are done away with by the present bill.

Mr. MARTIN. Mr. President, I venture to say that the Senator from New Hampshire stated what I have stated—that this bill does away with the legislation of the last session of Congress in certain respects. It does not repeal it in toto. That law is repealed or modified only to the extent that it is inconsistent with this bill. This bill contains the provision—

That Congress reserves the right to alter, amend, or repeal this act; and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Not a single provision of the legislation of the last session of Congress is repealed unless it is in conflict with this act.

I shall be as brief as possible. I am very sorry to detain the Senate at all at this late hour. This bill undertakes to do what the legislation of the last Congress failed to do, to the extent of having a union depot instead of two depots, removing all railroad depots from the Mall, and establishing one grand union depot. The additional cost, outside of the cost incurred by the railroad companies, is that the United States Government pays a million and a half dollars to the Pennsylvania Railroad Company. The other costs amount to $1,670,000, of which the District of Columbia pays half and the United States Government the other half.

As I say, if any mistake is made, it was made in the previous Congress. What we are endeavoring to do now is to get the railroad from the Mall and to have a grand union depot here, to cost over $4,000,000; and the expense incurred, as I say, outside of the expense which the railroads bear, is one and a half million dollars paid by the United States Government alone, the District of Columbia contributing no part thereof, and an additional $1,670,000 to be paid one-half by the United States Government and one-half by the District government.

Mr. HANSBROUGH. Will the Senator yield to me a moment?

Mr. MARTIN. I will.

Mr. HANSBROUGH. As I understand it, we are to pay the Baltimore and Potomac road one million and a half of money to remove from the Mall, and the United States Government then takes the Mall; it becomes the property of the Government of the United States. Of course, it is the property of the United States now, but the railroad abandons it and it remains the property of the United States. Then one-half of that million and a half is charged to the District of Columbia.

Mr. MARTIN. Not at all. The Senator is mistaken.

Mr. GALLINGER. The Senator from North Dakota is mistaken about that.

Mr. HANSBROUGH. I am asking simply for information.

Mr. MARTIN. I will answer the Senator. He is mistaken about that. The million and a half that the Government pays in connection with the removal of the structures from the Mall is paid out of the United States Treasury, and the District government pays no part of it.

Mr. BERRY. I will ask the Senator if they do not also pay the Baltimore and Ohio Railroad Company a million and a half?

Mr. MARTIN. That was done by the legislation of the last session of Congress, and is not under consideration now.

Mr. BERRY. It is directed to be paid by this bill, though.

Mr. MARTIN. It is not directed to be paid by this bill. It is directed by the legislation of the last session of Congress. This bill has nothing whatever to do with it.

Mr. BERRY. Will the Senator permit me a moment further?

Mr. MARTIN. I will.

Mr. BERRY. Under this new arrangement, unless the Baltimore and Ohio Railroad Company complies with the conditions of the last act, it is not entitled to the $1,500,000. Under this bill it is relieved from complying, but still gets the $1,500,000, does it not, which was included in the other act? That is a direct question. Is not the Government to pay $1,500,000, either under this bill or the previous act, to the Baltimore and Ohio Railroad Company?

Mr. MARTIN. It is. It pays it under the legislation of the last session of Congress. All these expenses were taken into consideration by the District Commissioners and the engineers. Plans and specifications have been drawn, to the minutest details, and they have been verified by the Engineer Commissioner of the District of Columbia. There is nothing haphazard; there is nothing by guess; there is nothing reckless in this bill. Every item of cost has been gone over carefully. It has not been estimated in a crude and rough way; it has been calculated to the minutest degree, to the last farthing, by the Engineer Commissioner, who is a sworn officer of the District of Columbia, and whose services were at the disposal of the Committee on the District of Columbia.

The only element that is uncertain in the matter, an element which must of necessity, in every improvement of this sort, remain uncertain to some extent, is the element of damages to abutting property. The Engineer Commissioner of the District of Columbia has examined that question with the utmost care; he has reported to the committee, and has staked his reputation upon it—we act by virtue of his statement and by virtue of our confidence in his skill as an engineer—that $600,000 will pay those damages. Of course, he could not determine that with mathematical accuracy, because it is something that the event only can reduce to absolute mathematical certainty; but so far as engineering skill can determine it he has estimated it, and has fixed it at $600,000.

Mr. President, I do not feel justified in detaining the Senate, but I will say the defeat of this bill means to relegate the city and the country to the legislation of the last session of Congress. It means to dispense with a grand union depot here, which will, in its monumental character, be fully equal in every respect to the Capitol building itself—a larger building, in many respects—and that would be, in my judgment, a most unfortunate result. I believe it would be disastrous. It would be a disappointment to the whole country to see this bill fail and see the old law executed, giving us two depots without the monumental character that this grand union depot will have.

I believe the bill has been carefully considered; that the conclusions arrived at are just and reasonable, and that it ought to pass.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of executive business.

Mr. MALLORY. Will the Senator withdraw that motion for a moment?

Mr. BEVERIDGE. I withdraw the motion for one moment.

Mr. MALLORY. Mr. President, I wish to make an inquiry of the Chair in regard to the unanimous-consent agreement as to the pending bill, the measure that has just been discussed. I have an amendment that I desire to offer, and I wish to understand whether the Chair holds that it can be offered in the morning.

The PRESIDENT pro tempore. The opinion of the Chair would be, while nothing was said in relation to it in the giving of unanimous consent, that it was not the intention, when the request was granted, that amendments should be cut off, and the Chair would feel compelled to recognize the Senator to offer his amendment to-morrow morning.

Mr. GALLINGER. If the Senator from Indiana will yield just one moment, I wish to say I made the request for unanimous consent, and I want to say to Senators that I certainly will not contest their right to offer amendments. I think they ought to have that right under the unanimous-consent agreement, although it is not specified in the agreement.

EXECUTIVE SESSION.

Mr. BEVERIDGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 15, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 14, 1902.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. Edmund Rice, Second Infantry, to be colonel, May 5, 1902, vice Snyder, Nineteenth Infantry, appointed brigadier-general, United States Army.

Lieut. Col. Charles G. Penney, Twenty-third Infantry, to be colonel, May 9, 1902, vice Auman, Twenty-ninth Infantry, appointed brigadier-general, United States Army.

Maj. Willis Wittich, Twenty-first Infantry, to be lieutenant-colonel, May 5, 1902, vice Rice, Second Infantry, promoted.

Maj. William H. W. James, Twenty-third Infantry, to be lieutenant-colonel, May 9, 1902, vice Penney, Twenty-third Infantry, promoted.

COINER OF THE MINT.

Rhine Russell Freed, of Pennsylvania, to be coiner of the mint of the United States at Philadelphia, Pa., in place of Albert A. Norris, confirmed April 14, 1902, and declined.

ASSISTANT PAYMASTER IN THE NAVY.

Gustavus R. Madden, a citizen of California, to be an assistant paymaster in the Navy, to fill a vacancy existing in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1902.

GOVERNOR OF ARIZONA.

Alexander O. Brodie, of Arizona, to be governor of Arizona, to take effect July 1, 1902.

COINER OF THE MINT.

Rhine Russel Freed, of Pennsylvania, to be coiner of the mint at Philadelphia, Pa.

SECRETARIES OF EMBASSIES.

Montgomery Schuyler, jr., of New York, to be second secretary of the embassy of the United States at St. Petersburg, Russia.

Craig W. Wadsworth, of New York, to be third secretary of the embassy of the United States at London, to take effect July 1, 1902.

INDIAN AGENT.

S. G. Reynolds, of Billings, Mont., to be agent for the Indians of the Crow Agency in Montana.

REGISTERS OF THE LAND OFFICE.

Francis M. Rathbun, of Nebraska, to be register of the land office at McCook, Nebr., to take effect May 29, 1902.

James Whitehead, of Nebraska, to be register of the land office at Broken Bow, Nebr., to take effect May 25, 1902.

RECEIVERS OF PUBLIC MONEYS.

John Nelson, of Wahpeton, N. Dak., to be receiver of public moneys at Grand Forks, N. Dak.

C. W. Barnes, of Nebraska, to be receiver of public moneys at McCook, Nebr., to take effect May 29, 1902.

Frank H. Young, of Nebraska, to be receiver of public moneys at Broken Bow, Nebr., to take effect May 25, 1902.

POSTMASTERS.

Burt Graves, to be postmaster at Middleport, in the county of Niagara and State of New York.

William H. Bartlett, to be postmaster at Amenia, in the county of Dutchess and State of New York.

William B. R. Mason, to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey.

Frank N. Webster, to be postmaster at Spencerport, in the county of Monroe and State of New York.

George T. Reeve, jr., to be postmaster at Riverhead, in the county of Suffolk and State of New York.

Thomas Dye, to be postmaster at Millerton, in the county of Dutchess and State of New York.

George H. Richmond, to be postmaster at Northfield, in the county of Washington and State of Vermont.

Reuben F. Hoff, to be postmaster at Union Springs, in the county of Cayuga and State of New York.

Edwin P. Bouton, to be postmaster at Trumansburg, in the county of Tompkins and State of New York.

George H. Tice, to be postmaster at Perth Amboy, in the county of Middlesex and State of New Jersey.

Peter F. Wanser, to be postmaster at Jersey City, in the county of Hudson and State of New Jersey.

Edward S. Hance, to be postmaster at Wharton, late Port Oram, in the county of Morris and State of New Jersey.

Joseph F. Naugle, to be postmaster at Meyersdale, in the county of Somerset and State of Pennsylvania.

Walter C. Dolson, to be postmaster at Kingston, in the county of Ulster and State of New York.

Luther M. Whitaker, to be postmaster at Westfield, in the county of Union and State of New Jersey.

George L. Fish, to be postmaster at Woonsocket, in the county of Sanborn and State of South Dakota.

James H. Happy, to be postmaster at Mayfield, in the county of Graves and State of Kentucky.

B. J. Bowman, to be postmaster at Berlin, in the county of Somerset and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 14, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Ways and Means was discharged from the consideration of House Document 293, relating to authority to cover into the Treasury so-called retained bounty fund, and it was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TALBERT, indefinitely, on account of important business.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill; and pending that motion, I will ask my colleague from Louisiana if we can not agree on some limit as to general debate?

Mr. MEYER of Louisiana. Mr. Speaker, I would suggest that we allow the debate to continue during the day without any limitation, and that on to-morrow we may agree upon a limit.

Mr. FOSS. I will say to the gentleman that I would like to fix a limitation to-day if we can. Would it not be agreeable to him to close general debate at the close of to-day's session? Will not that give sufficient time to the other side?

Mr. MEYER of Louisiana. There are a number of gentlemen on this side who desire to speak, and to close debate to-day would scarcely afford adequate time to meet their desires. I think if we were to continue general debate until to-morrow at 3 o'clock, it would perhaps afford sufficient time and be satisfactory to all upon this side.

Mr. FOSS. How much time is desired on that side?

Mr. MEYER of Louisiana. About five hours.

Mr. FOSS. Would it not be agreeable to the gentleman to close debate to-morrow at 2 o'clock?

Mr. MEYER of Louisiana. I have suggested 3 o'clock. We want about five hours on this side.

Mr. FOSS. We shall not use five hours on this side.

Mr. VANDIVER. Will the gentleman permit me a suggestion? I suggest to the chairman of the committee that we proceed as we did yesterday with general debate, and if there is a little time wanted on the other side, perhaps we may be able to get through to-day. Let us proceed to-day as we did yesterday and see if we can not get through; and if not, an agreement can be made to-morrow. The chairman of the committee had two hours and a half yesterday, and perhaps others may want some time to-day or to-morrow.

Mr. FOSS. Then I suggest, Mr. Speaker, that we close general debate at 3 o'clock to-morrow afternoon. I make this upon the suggestion of my colleague, Mr. MEYER.

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate be closed to-morrow afternoon at 3 o'clock.

Mr. ROBERTS. Mr. Speaker, I do not want to object, but I would like to ask the chairman of the committee, in view of the statement of the gentleman from Louisiana, that five hours will be desired on the other side, if the chairman of the committee has reserved time enough so that we on this side can have the time we desire. I should like an hour myself, and it seems to me if the agreement suggested is carried out, there may not be time enough. I think there are one or two other members on this side who may not get the time they desire.

Mr. FOSS. I think there will be plenty of time for the gentlemen.

The SPEAKER. Is there objection?

Mr. ROBERTS of Massachusetts. Pending that, Mr. Speaker, I will ask the chairman of the committee if he will allow me an hour?

Mr. FOSS. Oh, yes; there will be plenty of time for the gentleman from Massachusetts.

Mr. VANDIVER. Mr. Speaker, I want to ask the gentleman whether he understands or intends to agree that we shall have five hours of that time upon this side?

Mr. FOSS. There has been no such agreement that that side of the House should have five hours.

Mr. VANDIVER. I understood that each member of the committee was to have an hour of time, if he desired, and I understand it is desired by nearly all the members of the committee; and therefore, unless it is so understood that we can have five hours on this side, I shall be obliged to object.

The SPEAKER. The Chair will admonish the gentleman that

the agreement yesterday was that the time should be controlled by the gentleman from Illinois and the gentleman from Louisiana.

Mr. FOSS. Do I understand that the gentleman from Missouri objects to the arrangement which has been agreed upon between the gentleman from Louisiana and myself?

Mr. VANDIVER. Not if it is understood in that agreement that each of the members of the committee is to have his hour.

Mr. FOSS. The gentleman from Louisiana will control the time on that side of the House, which is provided for by this arrangement. He can parcel it out as he sees fit.

Mr. VANDIVER. Well, if he is to have the five hours I will not object.

Mr. FOSS. Why can you not leave the matter with him?

Mr. VANDIVER. I will if he is to have the five hours.

Mr. FOSS. If the matter is arranged agreeably to him, why not leave it in that way?

Mr. VANDIVER. I am willing, if it is understood in advance that he shall have the five hours.

Mr. FOSS. I think we can make an arrangement all right to close the debate at 3 o'clock to-morrow afternoon.

Mr. VANDIVER. I shall have to object, Mr. Speaker, unless it is understood that five hours will be allowed on this side.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Illinois [Mr. FOSS] that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the naval appropriation bill.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MAHON. Mr. Speaker, after the omnibus bill had been disposed of yesterday by sending it back to the conference committee my attention was called to a circular which had been distributed yesterday morning to members of this House—a circular signed by a man whom I do not know—whom I never met in my life—Henry H. Smith—an entire stranger to me. Now, with the greater part of this circular I have nothing to do, but I want to call the attention of the House to one part of it:

Nathaniel McKay has stated to me that he paid Representative MAHON, chairman of the Committee on War Claims, hundreds of dollars for campaign expenses and hundreds more for "good will" and services rendered. He has made similar statements as to a few other members, some of whom are not now in Congress.

That is the part to which I wish to call to the attention of the House; as to the balance, I have nothing to do with it.

Now, Mr. Speaker, you will observe the statement of this writer that Mr. McKay told him this. I immediately called Mr. McKay up on the telephone and called his attention to that declaration. After reading the circular this morning, he sent to me this affidavit, which I will read:

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me Nathaniel McKay, who, being duly sworn, deposes and says: In a certain circular signed by one Henry H. Smith, on page 8, the statement is made by said Smith that "Nathaniel McKay has stated to me that he paid Representative MAHON, chairman of the Committee on War Claims, hundreds of dollars for campaign expenses. He has made similar statements as to a few other members, some of whom are not now in Congress."

I have had no communication with said Henry H. Smith since the year 1898, and have not spoken to him since that time. The last communication I received from him was dated August 30, 1898.

In the year 1898 I was not acquainted with Representative MAHON, and have never paid him a cent for campaign purposes in my life, and have never spoken to him in regard to his election.

In June, 1898, the said Smith wrote me a letter demanding $200, stating that he would give me full acquittance for clerical services, etc., when, as a matter of fact, he has never rendered me any clerical services of any kind whatever.

On August 29, 1898, said Henry H. Smith wrote me that he withdrew his former request for money, and that he would get a thousand dollars' more satisfaction in another way.

I will read the whole of this, although it does not refer to me:

On one occasion the said Henry H. Smith gave me a worthless check drawn on a bank where he had no account—and that brought up the controversy, and he has been hounding me ever since by misrepresentations.

The circular above referred to is not the only one put in circulation by the said Smith, but he has written books in which he has made false statements with reference to me and to which I paid no attention. He again wrote a communication to the editor of Town Topics, New York, for which I obtained an indictment against him in the supreme court of the District of Columbia.

I could have stopped the whole controversy for $200. The statements of the said Smith are made for the purpose of injuring individuals having claims before Congress. His statement to the effect that I have paid members of Congress to vote for me is false in every particular, and he has been publishing scurrilous articles against me all over the United States. I have never acceded to his demands.

Subscribed and sworn to before me this 14th day of May, A. D. 1902.

NATHANIEL MCKAY.

In witness whereof I have hereunto set my hand and seal this 14th day of May, A. D. 1902.

[SEAL.]

SAMUEL E. TATEM,
Notary Public, D. C.

This same Henry H. Smith sent out the circular which I hold in my hand, headed:

The old musty "iron-clad" claims of 1862-1863.

The "fetich" of the Selfridge board "findings" exposed.

The Treasury to be looted out of $800,000 in order to give Lobbyist McKay a fee of nearly $400,000, or 50 per cent.

In regard to this circular I read the following affidavit:

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, Nathaniel McKay, who, being duly sworn, deposes and says: I have no interest, directly or indirectly, in any claim contained in the omnibus claims bill (H. R. 8587) now pending before Congress, notwithstanding the assertions contained in a certain circular issued by one H. H. Smith this morning to members of Congress setting forth that I am to receive $400,000 in fees.

That the said circular has been sent out because said Smith has been placed under indictment in the supreme court of this District for libel by me, the said McKay.

Subscribed and sworn to before me this 13th day of May, A. D. 1902.

NATHANIEL MCKAY.

In witness whereof I hereunto set my hand and affix my seal this 13th day of May, 1902.

SAMUEL E. TATEN,
Notary Public, District of Columbia.

Now, Mr. Speaker, this man says that Mr. McKay told him this story; but Mr. McKay denies it in toto. I do not know this man Smith; he is an entire stranger to me; but I want to say to members of this House that the statement he makes is absolutely false in every particular. Neither Nathaniel McKay nor any living man since I have been chairman of the War Claims Committee has ever approached me in reference to any bills—not even Mr. McKay—excepting as attorneys before the committee. I want to state further that no committee—Congressional, State, or district—has ever contributed a dollar to my election. I pay my own election expenses. I am able to pay them, and I do so.

Now, Mr. Speaker, I have been in this House ten years. This is the first time I have risen to a question of personal privilege. I, like all other men who have been engaged in politics, have been attacked by papers of the opposite side, and attacked by some of my own side; but I take such attacks and make no more ado about them. But a man who will deliberately make a charge of this kind without any foundation—a man who is a stranger to me—and circulate it among members of this House—a man who will do that has a heart as black as the soot in the flues of hell; and I do not care who he is.

Now, as I said, I do not know this man, but I have investigated him. I have been making inquiries of some of the members of this House as to who he is, and I am told that he is a lobbyist, a drunken lobbyist, that he has been hanging around this Congress since he lost his position as an officer of this House; that his life is utterly worthless, and that he is a man who makes it his business to carry his point against anyone against whom he has a grievance, by issuing these circulars.

Like other members of the House, I propose to fight my own battles. As I say, I am a stranger to this man, and I denounce this as an absolute falsehood, and I propose to consult an attorney in the city of Washington before the sun goes down, and this Henry H. Smith will either retract that statement or I shall put him behind the bars. [Prolonged applause.]

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

Mr. FOSS. Mr. Speaker, pending that motion, upon the request of my colleague from Louisiana [Mr. MEYER], I ask that general debate be closed to-morrow at 3 o'clock upon the naval appropriation bill. Is that agreeable to my friend?

Mr. MEYER of Louisiana. That is agreeable, Mr. Speaker, inasmuch as I have been assured by my colleague that this side of the House will certainly have five hours' time.

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate be closed on this bill at 3 o'clock to-morrow.

Mr. ROBERTS. Mr. Speaker, pending that I would like to ask the chairman of the committee if I may be accorded an hour of the time controlled by him.

Mr. FOSS. Yes; and, Mr. Speaker, I ask further that the time be controlled by the gentleman from Louisiana [Mr. MEYER] and the chairman of the committee.

The SPEAKER. The gentleman from Illinois couples with the request the further request that the time be controlled by himself as chairman and by the gentleman from Louisiana [Mr. MEYER].

Mr. VANDIVER. Mr. Speaker, on the statement of the gentleman that we are to have five hours on this side I will not object.

Mr. TATE. We already having had two.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Illinois.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14046) making appropriation for the naval service for the fiscal year ending June 30, 1903, and for other purposes, with Mr. SHERMAN in the chair.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MEYER of Louisiana. Mr. Chairman, I ask unanimous consent that any member of this committee who may speak on the bill be also extended that privilege.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that any member who speaks on this bill may extend his remarks in the RECORD.

Mr. ROBERTS. For how long is that?

Mr. PAYNE. I object to it, indefinitely.

The CHAIRMAN. The Chair was about to say that that was an order that ought to be made in the House, while individual leaves can be granted in the committee.

Mr. FOSS. Mr. Chairman, I yield an hour to my colleague from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Chairman, in approaching my part of this discussion of the bill providing for the naval establishment this year I do so with a sense of sadness that I can not help referring to. When I came to Congress seven years ago and became a member of the Naval Committee, it had for its chairman Charles A. Boutelle, of Maine. The ranking member on the Democratic side was Amos J. Cummings, of New York. It is a matter of intense regret that during the last year both of these gentlemen have crossed to the great beyond. The past associations with both on the part of the older members of the committee will be cherished for many years to come.

These men, in some particulars alike, in many different, were able, patriotic, and generous, and their loss to the country is a distinct one. In addition to this, within the last ten days the Navy establishment has lost one of its great admirals—William T. Sampson—who has been closely identified with the practical work of building up the Navy. His character, I undertake to say, has not been thoroughly understood by the citizens of his country, but that that character will be understood in the years to come, and that all will recognize that he was a brave man, a true man, a patriotic man, and that he did his duty well, I feel, is assured. Besides all this, in the last year the Navy Department, and this committee in its close relationship with it, has seen its Secretary, John D. Long, sever his connection with it as its chief and pass again into private life.

It will certainly be the pleasure of us all to bear testimony to the fact that there never was a more genial, kindly, or able man in public station than he. Every one of us will recognize his uniform courtesy, his calm serenity, and the ability and patriotic motives that constantly were the mainspring of his conduct. While we regret that this Secretary, one of the greatest that this country has ever known, during whose administration more than half of the naval establishment, so far as its material is concerned, was built up, is no longer at the head of the Department, all of us will rejoice that his mantle has fallen upon the shoulders of one of our colleagues in this House, and we all know from our associations with him that the Department has passed into able hands that will maintain the usefulness and greatness of the American Navy.

Now, Mr. Chairman, in the opening of this discussion I desire to say a few words in regard to the naval establishment and the necessity for it. Ever since the fall of Adam man has been compelled to spend a vast amount of his individual resources and energies in his own self-protection. It seems to me that we do not appreciate how much of our energies are directed in this channel. We build fences around our farms; we build walls around our cities; we build houses for ourselves, we establish law and all the machinery of the courts for the simple purpose of the protection of the citizen.

The man who presumes that the Navy is built up simply for the purpose of giving vent to the savage instinct that demands war and bloodshed makes the greatest mistake possible. We do not build navies for war. We build navies to procure and maintain peace, and the Navy is just as much necessary for the defense and maintenance of the peace of the nation as houses are necessary for the protection of the individual; just as much necessary as police are necessary for the protection of cities.

It seems to me that the saddest spectacle in American history was that one when, under one of its most enlightened intellects, and one of its greatest statesmen, Thomas Jefferson, this country deemed that all the navy it required was a few gunboats to defend our coasts. We soon found the error of that, because in a little while we were paying tribute to the pirates of Tripoli, and it was not long until the cry came forth from the American people that they had millions for defense, but not a cent for tribute. From that moment I undertake to say that the generous sentiment of the great masses of the common people of this country has been that the dignity, the honor, and the defense of this country demands a strong navy, that will command respect for us as a nation among the nations of the earth.

Mr. Chairman, I listened with close attention and with a great deal of interest to the remarks of the gentleman from Virginia [Mr. RIXEY] yesterday evening. The latter part of those remarks was to the effect that this Navy is a costly institution and that it requires large sums from the American Treasury to maintain it—thousands of dollars a day to man and run the ships when in commission. I grant that.

Liberty is always costly. Peace comes at a high price. But when we look back into our own national history and recall the fact, which every earnest, thoughtful man must admit, that the great civil war would not have occurred had we had a strong navy that could have silenced rebellion, and that we would have been saved the $8,000,000,000 and the countless lives that that struggle cost us, it seems to me all of us will recognize that in time of peace we must make those preparations that will find us strong in time of war.

Men may defend themselves upon the principle that—

> He who fights and runs away
> May live to fight another day.

But that man may be sure that the day will come when he must fight again, because his adversary, seeing his cowardice and weakness, will corner him some time with the absolute confidence that he can whip him, and he will do it; but the strong man who stands up armed and meets his adversary, and makes him realize that he is ready for that conflict, will prevent the conflict in more instances than one. That is the principle upon which we build the American Navy. It is for the purpose of maintaining peace and not for the purpose of carrying on war. That is the primary object. The secondary object is that if war does come to us we shall be prepared to meet it as a great nation ought to meet it.

Another thing in this connection, Mr. Chairman. When we build up the American Navy it must be with a sense of satisfaction that conditions have changed in this country so that the reasons given by Mr. Jefferson for the building of the gunboats for the protection of this country have passed away. We no longer are under the conditions that then surrounded us. The excuse for no Navy in those days was the fact of the limited revenues of this country and the burden of taxation upon the people.

In this day and generation it is not a question of how we shall raise revenue, but the question is, How shall we decrease the revenues that are so remarkable as to command the attention of the nations of the earth? The man who stands up on the floor of this House to proclaim that the money expended in the erection of a naval defense for this country and for its commerce is a burden upon the pocketbooks of the people of this great land of ours simply makes a statement that is laughed at by a people who are the most prosperous, and who have the most money to expend in the necessaries, luxuries, and extravagances, if you please, of life of any nation in the world.

Then, too, Mr. Chairman, I want to call your attention to another thing in relation to this work of building up the American Navy, and it, too, brings gratitude to every American heart. When we started this work under Thomas Jefferson we did not have a single shipyard in this country, and the work had to be done in foreign shipyards. At this time there is not a bolt that enters into our great battle ships, or any of our ships, if you please, the material for which does not come from American soil. It is forged in American furnaces and nailed home by the hand of American laboring men.

Every dollar, therefore, that we expend in this work is not lost, but it is simply an investment of the revenues of this country for the beneficial purpose of establishing its peace, maintaining its dignity, protecting its commerce, and giving it a proper standing among the nations of the world. [Applause.] Under these circumstances, gentlemen, I ask you if there can be any excuse for the carping, criticising cry that it is going to cost dollars and cents to do this.

When we entered on the Spanish war the Navy of the United States was scarcely known among many of the nations of the world. We were called by the Spaniards "a nation of shopkeepers;" and it was supposed that they could send their fleet of torpedo boats over to this country, rake our coasts, and bring us absolutely to our knees. Spain found out the mistake of that. Over in the Philippine Islands, at Manila, the old atlasses that were used in the schools pictured the American Republic as the size of your hand, while the Spanish dominions were made to appear as big as the side of a wall.

We do not bear in mind frequently, gentlemen, that in the history of this country there are two triumphs that have come to us. For years the agricultural growth of this country was phenomenal. Cotton was king. We triumphed in agriculture. We raised more

products from the soil than any other nation in the world. Then we advanced in the manufacturing industries. Iron became king. And in the last few years we have turned the balance of trade in our favor, and we are recognized as the greatest manufacturing country on earth.

Every thoughtful man will realize that there is yet another victory that must come to the American Republic, and that victory must be when our commerce shall be, not supreme, but dominant upon the seas, and when our Navy must go to protect it, and when the United States must be first in agriculture, first in manufacturing, and first in commerce. [Applause.] We can no more expect to defend that or build it up without the strong arm of the law in its representative by the naval power than we can expect to prepare our cotton without the cotton gin, cut the wheat of the Northwest without the reaper, or raise corn without the hoe. Another thing, gentlemen, I want to call your attention to.

The world's history shows that in wars, contests—I think there is no great exception—the victories have followed the banner of that nation which controlled the sea power. Hannibal would have conquered Rome had he controlled the narrow neck of water that separated his country from that of his adversary, so that he could have made his transportation of provisions and men without that long trip across the mountains that so weakened his forces.

Napoleon would have accomplished his gigantic ambitions and rearranged the map of Europe, he would have achieved success instead of sinking all at Waterloo, if it had not been for Nelson's victory at Trafalgar; and the great civil war of this country might have had a different issue had it not been for the *Monitor* and the sea power of the North that closed up the South Atlantic and finally the Mississippi River, shutting off all supplies. So it is with all historic incidents.

So my appeal to-day, gentlemen, in behalf of this bill is for us not to consider, not to spend our time upon the mere criticising, carping idea that we are to cut down the naval establishment to save dollars and cents. Let us look at it from the broader and more patriotic standpoint that it is our duty to keep step with the progress of this nation; that it is our duty in this particular bill to build up this Navy, not as a means of war, but as a means of defense.

I want to say in behalf of this naval appropriation bill that I have never seen the care and attention given to any one of these measures that has been given to this one. It has been gone over in the subcommittee and in the full committee four different times. Every item in it has been carefully and earnestly scrutinized and considered. So far as I know, so far as I can see and understand, not a single thing that has been absolutely necessary has been omitted. On the other hand, not a single item has been included in it that is extravagant or that should be left out in the general items for the maintenance of this establishment.

I want to call the attention of the members of the House to another thing: There has never been in the world's history—and I challenge any man to deny this statement—there has never been in the world's history as remarkable an example of bravery, honesty, character, integrity as the Navy personnel of the United States from the beginning to this day presents to the world. No navy has such a record.

The spirit of the naval corps stands without a parallel; it stands alone in the world's history. That very thing has kept out of it any corruption. Its organization from the Secretary down has been efficient. Any of you who may have had occasion to communicate with it during the time of war could not but be impressed with how promptly information sought was given to you, and what a contrast there was between the Navy Department and some others in this particular. There is not one of you but what was impressed with the fact of the readiness of this branch of our service for that war and with its promptness when action became necessary.

My friend from Virginia criticises the organization of the Navy Department—the bureau organization. Gentlemen, I want to say to you that men will differ. I have no doubt that he is absolutely sincere in the position he takes. But to show you how far men may differ, I want to make the statement here that I have, after fair and careful consideration of this matter, reached the conclusion that that bureau organization is the very best that could possibly be obtained.

Let us look at it a moment. The Secretary of the Navy comes from civil life. There are eight bureaus, three of them alone coming from the Navy proper; three of them are filled alone by naval officers. They only fill it for a term of four years. Their appointment has to be scrutinized by the Senate of the United States and has to be confirmed by that body. The other five come from the staff division, the Engineer Corps, the construction corps, the Pay Corps, the Medical Corps. These men from these corps are selected from the very strongest and the best men. As I say, their appointments are, like other civil appointments, for a period of four years and must be confirmed by the Senate. This gives the Secretary of the Navy full control and power over these bureau chiefs.

It is not so in the Army. The Adjutant-General holds his position for life, the other heads of the Army Corps here in Washington hold their positions for life. To a certain extent they are independent of the Secretary of War and therefore he has not his hand on that organization as does the Secretary of the Navy. It is a matter of great interest—it seems to me it is a matter of great importance—that this organization should continue.

Oh, but they say it leads to additional expense, and it brings about conflicts and disagreements. The gentleman from Virginia [Mr. RIXEY] refers to Secretary Long's recommendation in regard to the consolidation of three of these bureaus. No man will yield to Secretary Long a higher or more cordial respect or esteem than I do. But I want to say to you gentlemen I disagree entirely with him on this matter, and I have so stated to him. He abandoned any idea of this consolidation of bureaus in his last report, and substantially told us so, and since he has left the Navy, at his home, he has paid the highest compliment that could be paid to any set of men by saying that the success of his administration depended almost entirely upon the efficiency of the bureau chiefs that served under him.

Gentlemen, I would not give a snap for great, strong, earnest, brilliant American citizens in high Government places who did not disagree with each other. Disagreements as to what is best to be done are healthy. These men form a body to whom are referred the great problems of building up the Navy. They meet, they disagree, they talk, they discuss, and out of the whole sum total of their discussion comes the final result, and one of the results has been the finest battle ship that rides on any sea. It has also brought about the closest and most economical administration of naval affairs found among the nations.

It is true the duties of bureau chiefs will run once in a while close together, but ordinarily they are very wide apart. Do you not think that a man who has given his attention to steam engineering all his life is better able to tell and be held responsible, if you please, for the engines and machinery that enter into these great battle ships? Do you not think a man like George W. Melville, who made it his life study, is better able to determine upon the engineering subjects than a line officer who has had no experience of any kind or character?

Do not you think a man like Royal B. Bradford, who has made a life study of the questions of electricity, of questions of equipping naval vessels, would be better able to equip these vessels than a constructor whose whole life has been devoted simply to the study of the manufacture of hulls of vessels? And when you bring three experts together side by side, would you not rather trust their combined judgment than that of any single one of them? I say that, on this question of bureau organization, it is the three experts in their separate lines whose joint judgment is to be preferred rather than that of one man.

Then I insist on another thing. I insist that never do we want to put $30,000,000 or $40,000,000 of the Government money into the hands or under the administration of one man. One man would not be able to even answer the letters that would come to him in a single day in connection with the management of affairs so vast.

So much for this statement of the gentleman from Virginia [Mr. RIXEY] as to the great extravagance and other great evils which, as he maintains, grow out of the bureau organization. In closing my remarks on this subject I want to call attention to the fact that the system which the gentleman advocates was tried and found wanting. In 1842, under Secretary Upshur, the bureaus as then organized were fixed at five.

The works of construction, repair, and equipment were under one head. Constant complaints arose upon the ground that the man who was in charge was not qualified for these separate and distinct duties. So in 1862, under Secretary Welles, and upon his recommendation, the system was changed to the present one. The modern system has been universally favored until Secretary Long made the mistake of recommending a consolidation, a return to the old policy that the Navy followed from 1842 to 1862. And the failure of the system, to which I have referred, came, mark you, when the naval appropriation bill amounted to less than three or four million dollars, while now it aggregates $78,000,000.

I quote from our hearings of last year the statement of Admiral Bradford in regard to this matter, which is so full, clear, and convincing as to set at rest all future consideration, it would seem to me.

Mr. DAYTON. I do not know that I asked the question, and I do not know what your views are in regard to it, but there is one other matter which has come before the committee, and about which I asked Admiral O'Neil, and I want to ask you—What is your view concerning the consolidation of the bureaus?

Admiral BRADFORD. I presume you refer to the proposition to consolidate the Bureaus of Equipment, Steam Engineering, and Construction and Repair

If a careful study of the history of the organization of the Navy Department is made, it will be clearly seen that the present system is founded entirely on the principle of a necessary division of duties, which, in the main, are widely separated, but which must, in the nature of things, approach and possibly at times overlap, and for which specific appropriations are made by Congress.

The present organization has been urged in the past by various Secretaries of the Navy for the reason that it has been found impossible for the duties of the Department to be performed by a less number of bureaus than now exist. Congress in the past has also recognized the necessity for the present system in order that specific sums for specific purposes may be appropriated, with individual responsibility for their expenditure. If the three bureaus referred to were consolidated into one, there would be during the present fiscal year more than $25,000,000 to be expended by one chief. It is submitted that this is too great a sum to be placed at the disposal of any single individual.

Mr. DAYTON. In your judgment better work can be obtained by having the conference of a number of the bureau heads than could be obtained by following the leadership of one man?

Admiral BRADFORD. Undoubtedly. Of the eight bureaus there are only three now with a military head who are conversant with the duties of commanders of ships and fleets. They are at present much overworked, have immense responsibilities, and probably would soon break down in time of war under the present organization of the Department. In the latter respect I speak from experience.

Mr. DAYTON. Is there any practical ground for the complaint that there is any disagreement between these bureaus involved which has caused friction, trouble, and delay in the work?

Admiral BRADFORD. There are disagreements at times between chiefs of bureaus, it is true, and there always will be disagreements among men who are conscientious, earnest, and ambitious in their efforts to advance the interests of their profession and make an honorable record for themselves. I regard such manifestations as a healthy sign. It is simple enough for a chief of bureau to have no disagreements; he has only to float with the current, as a chip passes to the sea, never to originate anything, and to allow other ambitious men to encroach upon his duties if they wish.

In the meantime his salary remains the same. In this connection I may say that I have always believed it would be wise to have a board of five officers for the purpose of harmonizing difficulties between bureaus, settle upon a shipbuilding policy, and other matters that embarrass the head of the Department on account of a lack of professional knowledge. As for delays in Government work, they are incident to Government methods of accountability in accordance with law. I believe they would be greater if the duties of the three bureaus were concentrated in the hands of one man, not subject to the criticism of others.

Mr. DAYTON. Do not these differences bring out more strongly and more forcibly the ideas?

Admiral BRADFORD. It is a proverb that "Two heads are better than one." It is the custom for the head of the Department to refer subjects pertaining to two or more bureaus to each bureau for an expression of opinion and recommendation. The result is beneficial as, on account of the rivalry between bureaus, the subject-matter is, as a rule, presented from every point of view and fully discussed. This would probably not be the result if considered by one bureau only. I have not discussed the proposed consolidation of bureaus, nor mentioned the subject in my annual reports, for the reason that I did not wish to appear as opposing a measure recommended by the head of the Department. I have, however, positive ideas on the subject, and have considered the matter a great deal in order that I might be prepared to give an opinion as to the wisdom of the proposed change in the organization of the Navy Department, should it be called for.

Mr. DAYTON. I know that, and we have the very highest respect for his views, or at least some of them, about the matter, but we want to get at what would be good for the naval service, and we thought it right and proper to call on you for your judgment; and I suppose you recognize that Congress, after all, is the supreme authority?

Admiral BRADFORD. I do.

Mr. DAYTON. I do not want you to fail to express your opinion——

Mr. LOUDENSLAGER. He may feel better not to have his opinion recorded, perhaps.

Mr. DAYTON. No; we want this. One of the objections made on the floor of the House last time was to "the iniquitous bureau system," as it was called, and if any such statement shall be made this year I want the statements of men whom I have not spoken to about it, but who have, by reason of their great experience, an ability to speak of that with more knowledge than those of us who have to learn such things from just such men.

Admiral BRADFORD. I believe it would be very detrimental to the interests of the Navy if the bureaus proposed were consolidated, and I will give in writing some reasons for this opinion.

During the Revolutionary war and until the year 1789 the Navy suffered many vicissitudes of direction, being at different times under the charge of a "marine committee," a "naval marine committee," a "continental navy board," a "board of admiralty," and "agent of marine," etc. It was universally admitted that these various authorities constituted by Congress to administer upon the Navy lacked sufficient professional knowledge to successfully perform the task allotted.

In 1789 a War Department was created, and both the land and naval forces placed under it. The War Department continued to administer upon naval affairs until 1798, when Congress established a Navy Department. It was stated in Congress, during a discussion of the act, that it was necessary "from a want of knowledge of naval affairs in the War Department."

The Navy Department first consisted of a Secretary of the Navy, a chief clerk, and such other clerks as were necessary. This organization continued until 1815, when, by act of Congress, a board of Navy commissioners, consisting of three captains, the highest grade then in the Navy, was authorized for the purpose of assisting the Secretary of the Navy in the discharge of his ministerial duties and for the express purpose of taking charge of all matters in reference to the construction, armament, and equipment of ships of war.

The Secretary, in asking for a change in the organization of the Navy Department, expressly stated that "the multifarious concerns of the naval establishment, the absence of wholesome regulations in its civil administration, and the imperfect execution of duties, owing to want of professional experience, lead to confusion, waste, and abuse."

The members of the board of Navy commissioners were appointed by the President and subject to confirmation by the Senate.

This organization continued for a period of twenty-seven years and was far more efficient than any previous organization. The mistake was made, however, of requiring the three Navy commissioners to act as a unit, thereby greatly limiting their capacity.

In 1842 the Department was again reorganized. After much discussion and debate a system of seven bureaus (practically the same as at present, with the exception of Steam Engineering) was recommended by the Board of Navy Commissioners to the Secretary and by him to Congress. A bill providing for such an organization passed the Senate and was recommended by the Naval Committee of the House. The House, however, reduced the seven bureaus to five by combining the Bureaus of Ordnance and Hydrography and Equipment and Construction and Repair.

When the organization was complete, the Department was divided into the following five bureaus: Yards and Docks; Construction, Equipment, and Repairs; Provisions and Clothing; Ordnance and Hydrography; Medicine and Surgery. A captain was made the chief of each bureau, with the exception of Provisions and Clothing and Medicine and Surgery.

This organization was not satisfactory to the Secretary of the Navy, who continued to recommend the seven bureaus proposed in 1842. Secretary Upshur, in discussing it in his report, after it had been in operation about six months, made use of the following language:

"The law for the reorganization of this Department has been carried out as far as it has been found practicable. The advantages of this change in the increased facilities of transacting business and in the concentration of responsibilities are manifest and great. I regret to say, however, that the system is yet very imperfect. * * *

"The bill as it passed the Senate (providing for seven bureaus) would, it is believed, have proved as complete and effective in its provisions as could reasonably be expected of any new measure running so much into details, but the changes made in it by the House of Representatives (combining Equipment with Construction and Repairs, and Ordnance with Hydrography) have produced difficulties and embarrassments in practice which were not foreseen at the time.

"The Bureau of Construction and Repairs, for instance, is charged with the duties of the Bureau of Equipment. It requires a ship carpenter to build or repair a vessel of war; it requires a naval officer to equip her.

"It would probably be impossible to find any one man properly equipped to perform all the duties of building, repairing, and equipping a vessel of war.

"In providing a Chief for the Bureau of Construction, Equipment, and Repairs the alternative lay between a naval captain qualified to equip and a naval constructor qualified to build and repair. I did not hesitate to prefer the former, and the place is filled by a member of the late 'board of Navy commissioners.'"

Owing to the increasing importance of steam machinery, Charles H. Haswell, a navy engineer, was attached to the Bureau of Construction, Equipment, and Repairs in 1846, and that Bureau continued to perform the duties of the Bureau of Steam Engineering until 1862. In 1853 John Lenthall, a naval constructor, was appointed Chief of Bureau of Construction, Equipment, and Repairs, a captain having previously been chief of that Bureau.

In accordance with the recommendation of Secretary Welles and preceding Secretaries, a bill for the reorganization of the Navy Department was introduced in Congress in 1862. Senator Grimes, then chairman of the Senate Naval Committee, in presenting the bill to the Senate had a statement printed to the effect that the granting of three additional bureaus would actually cause "a diminution of the expenses of the Government" and the naval service "be made much more efficient."

The bill passed both Houses and was approved July, 1862.

The new bureaus created were the Bureau of Navigation, Bureau of Equipment, and Bureau of Steam Engineering. This organization has continued to the present time.

It appears, therefore, that the proposition now made to consolidate the Bureaus of Construction and Repair, Steam Engineering, and Equipment is one that has been tried and found unsatisfactory. In fact, the lesson to be learned from the changes in the organization of the Navy Department at various times is that expansion and specialization, rather than contraction and generalization, are necessary as the Navy is enlarged.

Since 1815 three officers of command rank have been in the councils of the Navy Department. In this respect there has been no increase, there being the same number now, all captains, but holding the rank of rear-admiral while chiefs of bureaus.

Should the three bureaus be consolidated as proposed, the chief thereof could not even read his mail, and he would be in the hands of subordinates without responsibility.

Figures are often given to prove that a consolidation of bureaus will result in economy by decreasing the number of employees. It is not claimed that an unnecessary number of employees exists now, and it is difficult to understand how a consolidation will decrease the amount of work to be performed.

Now, Mr. Chairman, I want to say a few words in regard to the character of the Navy that we must build. Let no man deceive himself. As the chairman of our committee said yesterday, let us not get into our heads the idea that the American Navy is a finished product or that we can stand up to-day and boast of its size. No man can say but that the battle ship of the American Navy, side by side with the battle ship of any other country, will stand up equal, if not superior. But when it comes to quantity, we are sadly deficient. We have 10 battle ships, with 8 more building. England has three times that number. So it goes.

The Navy substantially must depend upon its battle line—the battle ships, the armored cruisers, and to a limited extent the protected cruisers, although those protected cruisers are not in the full sense of the term fighting machines; they are simply the messengers of the sea that go quickly from one part of the field of battle to another. I say to you, gentlemen, we are not able to stand up with our battle line against the navies of either France, Germany, or England. And when you take into consideration that Germany, according to her naval programme, will in the next fifteen years double her navy, and that England's navy is already three times as great as ours, and that she is adding to it yearly a great many more vessels than we are adding to ours, it seems to me that it is time for us to look to our battle line.

I deprecate greatly, gentlemen, an idea which has been circulated throughout this country and which we have followed to our sorrow, that there are other machines, mechanical inventions, that will do away with the battle ships. For instance, our attention is constantly being called to one type or another of what are known as submarine torpedo boats—boats that are calculated, according to human imagination, to dive under the water and come up, to send at will their torpedoes right into the bowels of a great battle ship and blow it out of the sea. And from this the deduction is made, "Oh, well, let us get a lot of

these submarine boats, with which we will blow up the battle ships, and therefore it is not necessary to build any battle ships."

Gentlemen, I want to call your attention to the fact that a human being is better able to protect himself on land than anywhere else. When he stands on terra firma he has his full powers and capacities. Put him on the sea and he must necessarily lose some part of his abilities. If, then, you put him into a little narrow space where he is covered up and locked in he is deprived of another part of his power. Now, put him under water, where he can not tell where he is going or what he is doing, or whether he is going to come to the surface or not, and you deprive him of another part of his power. These inventions are mere mechanical inventions, the outgrowth of the human disposition to get something or other that will do in the nature of supernatural or unnatural things.

The great strength of a navy is its battle ship, manned by its trained seamen and its trained officers, who can stand with every faculty alert, protected by the armor of that ship and strengthened by the confidence which comes from its stability. I say that the fighting machine armed in that way is the one that will always do the most effective service. If you could have a battle ship quiet and at rest, and have one of these torpedo boats or submarine boats come under it and get its bearings and inflict its blow, the ship making no defense, then it might be possible for such a contrivance to do damage—to blow up a battle ship. But when you remember that 600 men are aboard the battle ship, that it is moving, that the tides are moving, that the currents are moving, that the men in command are looking out for all these things that may happen, I undertake to say that a submarine boat is in effect of little or no consequence in modern warfare. Every single experiment that the American Navy has tried in regard to these mechanical inventions has practically proven to be a mistake and a failure.

The *Vesuvius* was to accomplish wonderful things. We were to throw dynamite for miles into the forts and blow things right and left. The battle ships, too, were to be destroyed by it. But the *Vesuvius* proved itself in the Spanish war to be substantially of no value whatever. Then we got the ram *Katahdin*, which was to run with a speed that would enable it to cut with its knife-blade front right into a battle ship and destroy it. To-day the *Katahdin* is another illustration of the fact that it was so much money thrown away to gratify the mechanical imagination of inventors who thought they had got something that would accomplish, in a measure, superhuman things.

Now, there is another thing in this bill to which I wish to call attention and consideration of which I ask of the members of the House. We have been constantly building up the matériel of the Navy. As I stated in the beginning, half of the Navy vessels, when you take tonnage into consideration more than half, have been built during the five years of the administration of John D. Long. At the same time we have not been preparing ourselves to man those vessels, and it is an absolute fact that you may take the vessels of the United States Navy to-day and you could not officer them if they were all ordered into commission.

Every single officer taken from every single bureau, taken from every yard, and placed on these vessels would not be sufficient to man them. Why? Simply because no provision has been made for a relative increase of the officers in proportion to the increase of the vessels. This increase must necessarily be made. Some people charge the Navy of the United States with being exclusive, aristocratic, if you please. I want to say to you that the preparation of a naval officer must necessarily be different from that of an Army officer. He must not only be trained in military discipline, but he must be trained in a number of things that are necessary to make up the education of a naval officer.

Under and since the personnel bill he must know all about mechanics and machinery; he must be an engineer; he must be not only a mechanical engineer, but he must be an electrical engineer. Upon these great vessels of war we have the most complex machinery, mechanical and electrical in character, and therefore the officer must be thoroughly conversant in these things. In addition to that he must be an educated man; he must be a lawyer to a certain extent. He must be thoroughly acquainted with the principles of international law, because he does not stay here at home, but he goes to the foreign nations; and when in the foreign ports he is a representative of the Government and must be the arbiter of those questions which arise, not only of courtesy, but also of business and commerce and of the disagreements between his nation and the foreign nation.

Away back yonder, one hundred and twenty-five years ago, Paul Jones, the father of the American Navy, defined what an American naval officer must be. I quote it in my remarks, because while that article was written a century and a quarter ago by the hero that fought the greatest and most romantic battle that was ever fought in the history of the world, a battle that took to the bottom of the sea his flag in triumph flying, upon the vessel that won it, yet those remarks are absolutely true and define what the character of a naval officer should be to-day.

Mr. TAYLER of Ohio. Will the gentleman just permit an interruption? Did not John Paul Jones exhibit in his diplomatic knowledge and achievements quite as great ability as he did as a naval officer?

Mr. DAYTON. I thank the gentleman for his suggestion. Why, Mr. Chairman, I undertake to say that until right recently no man in American history was worse misjudged or as little understood as Paul Jones. He was a statesman that stood side by side with Washington and Jefferson and Adams, and he made fewer mistakes than John Adams did. He was a diplomat, he was a gentleman, he was a scholar, and, above all things, he was as noble a patriot and as devoted to the flag of this country as any man who ever drew breath in it. [Applause.]

But let me read his letter to a committee of Congress under date of September 14, 1775, referred to:

As this is to be the foundation, or I may say the first keel timber, of a new navy, which all patriots must hope shall become among the foremost in the world, it should be well begun in the selection of the first list of officers. You will pardon me, I know, if I say that I have enjoyed much opportunity during my sea life to observe the duties and responsibilities that are put upon naval officers.

It is by no means enough that an officer of the Navy should be a capable mariner. He must be that of course, but also a great deal more. He should be as well a gentleman of liberal education, refined manners, punctilious courtesy, and the nicest sense of personal honor.

He should not only be able to express himself clearly and with force in his own language, both with tongue and pen, but he should also be versed in French and Spanish—for an American officer, particularly the former—for our relations with France must necessarily become exceedingly close in view of the mutual hostility of the two countries toward Great Britain.

The naval officer should be familiar with the principles of international law and the general practice of admiralty jurisprudence, because such knowledge may often, when cruising at a distance from home, be necessary to protect his flag from insult, or his crew from imposition or injury in foreign ports.

He should be conversant with the usages of diplomacy and capable of maintaining, if called upon, a dignified and judicious diplomatic correspondence, because it often happens that sudden emergencies in foreign waters make him the diplomatic as well as military representative of his country, and in such cases he may have to act without opportunity of consulting his civic or ministerial superiors at home, and such action may easily involve the portentous issue of peace or war between great powers. These are general qualifications, and the nearer the officer approaches the full possession of them the more likely he will be to serve his country well and win fame and honors for himself.

Coming now to view the naval officer aboard ship and in relation to those under his command, he should be the soul of tact, patience, justice, firmness, and charity. No meritorious act of a subordinate should escape his attention or be left to pass without its reward, if even the reward be only one word of approval. Conversely, he should not be blind to a single fault in any subordinate, though at the same time he should be quick and unfailing to distinguish error from malice, thoughtlessness from incompetency, and well-meant shortcoming from heedless or stupid blunder; as he should be universal and impartial in his reward and approval of merit, so should he be judicial and unbending in his punishment or reproof of misconduct.

In his intercourse with subordinates he should ever maintain the attitude of a commander, but that need by no means prevent him from the amenities of cordiality or the cultivation of good cheer within proper limits. Every commanding officer should hold with his subordinates such relations as will make them constantly anxious to receive invitation to sit at his mess table, and his bearing toward them should be such as to encourage them to express their opinions to him with freedom and to ask his views without reserve.

It is always for the best interests of the service that a cordial interchange of sentiments and civility should subsist between superior and subordinate officers aboard ship. Therefore, it is the worst of policy in superiors to behave toward their subordinates with indiscriminate hauteur, as if the latter were of a lower species. Men of liberal minds, themselves accustomed to command can ill brook being thus set at naught by others who from temporary authority may claim a monopoly of power and sense for the time being.

If such men experience rude, ungentle treatment from their superiors, it will create such heartburnings and resentments as are nowise consonant with that cheerful ardor and ambitious spirit that ought ever to be characteristic of officers of all grades. In one word, every commander should keep constantly before him the great truth, that to be well obeyed he must be perfectly esteemed.

But it is not alone with subordinate officers that a commander has to deal. Behind them, and the foundation of all, is the crew. To his men the commanding officer should be prophet, priest, and king! His authority when offshore being necessarily absolute, the crew should be, as one man, impressed that the captain, like the sovereign, "can do no wrong."

This is the most delicate of all the commanding officer's obligations. No rule can be set for meeting it. It must ever be a question of tact and perception of human nature on the spot and to suit the occasion. If an officer fails in this he can not make up for such failure by severity, austerity, or cruelty. Use force and apply restraint or punishment as he may, he will always have a sullen crew and an unhappy ship.

But force must be used sometimes for the ends of discipline. On such occasions the quality of the commander will be most sorely tried. You and the other members of the honorable committee will, I am sure, pardon me for speaking with some feeling on this point. It is known to you and, I presume, to the other gentlemen, your colleagues, that only a few years ago I was called upon in a desperate emergency and as a last resort to preserve the discipline requisite for the salvation of my ship and my fever-stricken crew to put to death with my own hands a refractory and wholly incorrigible sailor.

I stood jury trial for it and was honorably acquitted. My acquittal was due wholly to the impression made upon the minds of the jury by the testimony of my crew. * * * I do not reproach myself, but it is a case to illustrate the truth of what I have already said, namely, that the commander should always impress his crew with the belief that whatever he does or may have to do is right, and that, like the sovereign, he "can do no wrong."

When a commander has by tact, patience, justice, and firmness, each exercised in its proper turn, produced such an impression upon those under his orders in a ship of war, he has only to await the appearance of his enemy's topsails upon the horizon.

He can never tell when that moment may come. But when it does come

he may be sure of victory over an equal or somewhat superior force, or honorable defeat by one greatly superior. Or, in rare cases, sometimes justifiable, he may challenge the devotion of his followers to sink with him alongside the more powerful foe, and all go down together with the unstricken flag of their country still waving defiantly over them in their ocean sepulcher!

No such achievements are possible to an unhappy ship with a sullen crew.

All these considerations pertain to the naval officer afloat. But part, and often an important part, of his career must be in port or on duty ashore. Here he must be of affable temper and a master of civilities.

He must meet and mix with his inferiors of rank in society ashore, and on such occasions he must have tact, to be easy and gracious with them, particularly when ladies are present; at the same time without the least air of patronage or affected condescension, though constantly preserving the distinction of rank.

It may not be possible to always realize these ideas to the full, but they should form the standard, and selections ought to be made with a view to their closest approximation.

In old-established navies, like, for example, those of Britain and France, generations are bred and specially educated to the duties and responsibilities. In land forces generals may and sometimes do rise from the ranks. But I have not yet heard of an admiral coming aft from a forecastle. Even in the merchant service master mariners almost invariably start as cabin apprentices. In all my wide acquaintance with the merchant service I can now think of but three competent master mariners who made their first appearance on board ship "through the hawse hole," as the saying is.

A navy is essentially and necessarily aristocratic. True as may be the political principles for which we are now contending, they can never be practically applied or even admitted on board ship, out of port or off soundings. This may seem a hardship, but it is nevertheless the simplest of truths. Whilst the ships sent forth by the Congress may and must fight for the principles of human rights and republican freedom, the ships themselves must be ruled and commanded at sea under a system of absolute despotism.

I trust that I have now made fairly clear to you the tremendous responsibilities that devolve upon the honorable committee of which you are a member. You are called upon to found a new navy, to lay the foundations of a new power afloat that must some time, in the course of human events, become formidable enough to dispute even with England the mastery of the ocean. Neither you nor I may live to see such growth.

But we are here at the planting of the tree, and maybe some of us must, in the course of destiny, water its feeble and struggling roots with our blood. If so, let it be so. We can not help it. We must do the best we can with what we have at hand.

I hope the members of this House will take occasion, if they have not already done so, to study this statement, the definition, if you please, of what a naval officer should be, made by Paul Jones.

For the reasons given by him it is necessary for us to educate these naval officers. It is necessary that this education be not only a liberal literary education, but an education in all these other things that enter into and make a part of the naval officer's life.

We have a great school at Annapolis, where this education goes on. Necessarily you can not pick up men in civil life and enlist them as officers in the naval establishment and expect them to come up to these high requirements. They must be educated, not alone like the man in one of our ordinary colleges who takes a special course, it may be in law, it may be in literary matters, it may be in engineering; but he must have an education in all of these branches, and, in addition to that, he must have an education in seamanship.

This is the sole reason why the naval organization up to this time has drawn its officers from its naval school. To meet this requirement, because of the insufficiency of officers, we have provided in this bill for 500 additional cadets to be appointed to the Naval Academy. A number of our vessels will be completed in four years. It is confidently believed that this provision will give us from 300 to 360 additional officers.

Mr. HEPBURN. Will it interrupt the gentleman if I should ask him a question here?

Mr. DAYTON. Certainly not.

Mr. HEPBURN. I should like to know how many officers of the Navy are now detailed in the Navy Department here in this city.

Mr. DAYTON. I really am unable to tell you accurately.

Mr. HEPBURN. I have heard the statement that there are 151.

Mr. DAYTON. That is an impossibility.

Mr. HEPBURN. It is?

Mr. DAYTON. Yes; absolutely. My judgment is that there are not actual naval officers detailed in the Department here at Washington to exceed 40 or 50. If the chairman of the committee has an accurate statement, I hope he will correct me if I am wrong. There are a number detailed at Annapolis, who are engaged in instructing the cadets there.

Mr. HEPBURN. How many are there?

Mr. DAYTON. Of course there are not as many there now as there were during the session of the school. I think 51, if I counted rightly, were at Annapolis the first of this year in charge of the school there. A number of those have been detached. In fact, the class was graduated in this month, rather than in June, in order that the officers might be detached and sent to the Philippine Islands, and a number of them have already been sent there.

Mr. HEPBURN. Does the gentleman remember how many cadets there were at the Naval Academy, say, about the 1st of May, at the time of the graduating exercises, whenever they were?

Mr. DAYTON. About 400, according to my recollection.

Mr. HEPBURN. So many as that?

Mr. DAYTON. I think so.

Mr. BUTLER. Is not the gentleman mistaken about that?

Mr. DAYTON. I may be. What is your recollection?

Mr. BUTLER. Between 350 and 375.

Mr. DAYTON. I may be wrong in my statement. There ought to be about 400, but there may have been some vacancies, growing out of the fact that the members of Congress had not their districts represented. I was speaking as to the number that ought to be there, but I could not speak as to the number of vacancies.

Mr. HEPBURN. How many were there in the graduating class?

Mr. DAYTON. My recollection is there were 58.

Mr. BUTLER. Fifty-eight.

Mr. HEPBURN. And 51 officers acting as professors?

Mr. DAYTON. There were 58 in the graduating class.

Mr. HEPBURN. How many professors were there in addition to the naval officers?

Mr. DAYTON. Not very many; I would not undertake to say how many, but not very many. The teaching force is almost entirely made up of officers, and this must necessarily be so, because of the fact that they have to train and discipline these cadets in seamanship and in military discipline, and in the things that make up an officer. I do not undertake to say that my statements are absolutely accurate as to numbers.

Mr. BUTLER of Pennsylvania. Do I understand from the gentleman that any of the recent graduates will be assigned to the construction corps?

Mr. DAYTON. I really do not know.

Mr. HEPBURN. I should like to ask the gentleman another question or two.

Mr. DAYTON. I am very glad to yield to the gentleman, but my time is limited.

Mr. HEPBURN. Very well.

Mr. DAYTON. But I yield to the gentleman.

Mr. HEPBURN. The question I wanted to ask is whether the course of instruction there is uniform to all the cadets.

Mr. DAYTON. It is now. It was not so formerly.

Mr. HEPBURN. All cadets have that primary information to put them in the department of constructors?

Mr. DAYTON. Yes.

Mr. HEPBURN. To put them in the department of steam engineering?

Mr. DAYTON. Yes; in steam engineering since the personnel bill.

Mr. HEPBURN. To put them in the department of naval engineer?

Mr. DAYTON. Yes.

Mr. HEPBURN. They are all so instructed?

Mr. DAYTON. They are all instructed alike, I think.

Mr. HEPBURN. Yet only a few can serve in these various departments?

Mr. DAYTON. Simply because the number in the corps is limited by law. For example, the constructor corps so many.

Mr. HEPBURN. Yes.

Mr. DAYTON. The Engineer Corps is a part of the line, you know.

Mr. HEPBURN. Is it wise to educate all in that class, or would it be wiser to educate a certain number?

Mr. DAYTON. I think it is wise to educate them all, for the reason that you can not tell at all until after years of experience has demonstrated what a boy's capabilities will be. That is one reason why I advocated the amalgamation of the Engineer Corps and the line. Some men are in line whose natural predilections would have been for the Engineer Corps. So I think it better for them to be educated for both.

Mr. SNODGRASS. Will the gentleman yield to me for a question?

Mr. DAYTON. Certainly.

Mr. SNODGRASS. I understand the gentleman to say that this bill provides for the appointment of 500 additional cadets?

Mr. DAYTON. Yes; in addition to the present law, which goes right straight on.

Mr. SNODGRASS. Will that necessitate any additional buildings or facilities for instruction?

Mr. DAYTON. No; this provision is to be extended over a period of four years. Each Senator is to have the appointment of one cadet, each Member of Congress and each Delegate under the new apportionment of next year is to have one cadet, and the President is to have 24. Under the provision of the bill 125 are to be appointed each year for four years, and the Secretary of the Navy is to determine by lot which ones shall be appointed.

Mr. SNODGRASS. They have ample facilities there now for this additional number of cadets.

Mr. DAYTON. They have ample facilities. We are already expending $8,000,000 on the Naval Academy in rebuilding.

Mr. KLUTTZ. I want to ask the gentleman if he does not think the provision in the bill for the selection of these cadets to be made by lot should be made absolute? I do not wish to accuse the Secretary of the Navy of partiality or anything of the kind.

Mr. DAYTON. I want to say this to the gentleman: I think I do not abuse any confidence of the committee room when I say that I have given personally a great deal of attention to this matter. To make any such provision as the gentleman suggests would increase the verbiage, and there was some objection made—not here, but elsewhere—to the provision being extended into minute details. The matter, however, was thoroughly discussed with the Navy Department, and that was the understanding, that it would be done by lot, and I supposed that would be satisfactory.

Mr. KLUTTZ. I have perfect confidence in the present Secretary of the Navy, and am satisfied with the gentleman's explanation.

Mr. DAYTON. However, the first year, because the Senate never had any cadets, theirs shall first be taken. Gentlemen will understand that the President's 24 will be divided over the four years, 6 each year, just like the rest of us.

Now, Mr. Chairman, I do not desire to occupy but a moment longer. I earnestly hope, from what I have already said, that we may pass this bill without any material objection on either side. This, it seems to me, when it comes to building up the American Navy, is common ground for both sides of the Chamber to stand upon, and that politics should not enter into the consideration of these great questions. My plea is for the upbuilding of the Navy and for investing American resources in this necessary arm of defense. It is a work that we can all go hand in hand in; and for my part, I would favor a larger increase, a larger building programme this year than provided for in this bill.

But certainly there can be no objection to this programme when it is remembered that we have, with two small exceptions, two gunboats provided only for the vessels that the last Congress directed the Department to prepare and report plans and specifications for. We built none last year, and we certainly ought to have no objections to the building of these four this year. [Applause.]

Mr. Chairman, if I have any time remaining, I yield it back to the chairman of the committee.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUTLER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. 99) fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba.

The message also announced that the Senate had further insisted upon the amendments to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. TELLER, and Mr. MASON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1900, bound in cloth and wrapped; 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there also be printed 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1901, to be bound in cloth and wrapped; 3,000 copies for the use of the House of Representatives, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

The message also announced that the Senate had passed, with amendments, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13895. An act making appropriations for the Department of Agriculture, for the fiscal year ending June 30, 1903.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MEYER of Louisiana. Mr. Chairman, I now yield one hour to the gentleman from North Carolina, Mr. WILLIAM W. KITCHIN.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, this bill will pass, but not until after there have been some efforts made to amend it, because a bill of this magnitude, dealing with so many different items, carrying so much money, can hardly be presumed to meet the ideas of all the members of the House or even of the Committee on Naval Affairs itself. There are many items in this bill that I do not indorse. I have not the time to refer to all the items on which I differ with the majority of the committee.

But, Mr. Chairman, upon an important one I desire to be heard. There is no disposition upon the part of those members of the committee whose views I share to cut down or in any way hamper the Navy Department or the development and healthy growth of the Navy itself. I indorse those patriotic utterances of the gentleman from West Virginia [Mr. DAYTON] that he delighted in giving to the House a few moments ago in eulogy of our great Navy. I do not think that he intended to say that anybody on this side wanted to cut down the Navy. I take it that there is not a man in this body who does not want to see the American Navy go on in strength and power, but there is some difference of opinion as to how rapid the strides shall be with which we advance to the final point of perfection.

I do not believe that there is anything in our environment that requires us to undertake to compete with the navy of England in the number of ships or in tonnage. While I believe to-day that we have a better Navy, a stronger Navy, a more effective Navy than Germany, I do not believe the conditions require us to measure our Navy and its strength and its glory by the navy of Germany. Under Germany's programme, which I believe was originally intended to be completed by 1916, but which I understand the chairman of the Naval Committee thinks will be completed by 1908, Germany will then have 56 battle ships. We will have more than that number of first-class machines of warfare by that time, even at a more moderate rate of increase than is indicated in this bill. We to-day have, built and building, 47 first-class machines of war, including 18 battle ships, 21 protected cruisers, and 8 armored cruisers. For all practical purposes a protected cruiser and an armored cruiser is a battle ship, whether you call it so or not. In actual war the protected and armored cruiser is as powerful as the battle ship, in my judgment, and I think naval experts bear me out. These cruisers are about as expensive as first-class battle ships.

I deny that it is necessary to take these immense strides year by year, entailing annually on the people $30,000,000 expense to increase this Navy, to say nothing of the vast sums for maintenance. The new Navy we already have has cost us about $250,000,000, and we ought to be and are proud of it.

The 6 new ships, which include 2 battle ships, 2 armored cruisers, and 2 gunboats, provided in this bill, will cost about $30,000,000. As far as I am concerned I believe we could well do with 1 battle ship and 1 cruiser, and if we should adopt the plan of building annually 1 battle ship and 1 cruiser for the next several years I think that would be fast enough to increase our Navy. European nations living right at each other's doors need to have larger standing armies than the United States; they need to be more readily prepared for war at all times than the United States, and they need greater and larger navies to defend themselves than the United States. An ocean divides us from any powerful possible enemy. Another thing: I believe some of the bureaus of the Navy Department ought to be consolidated. For instance, we have a Bureau of Construction and Repair, a Bureau of Equipment, and a Bureau of Steam Engineering, every one of which pertains directly to the building and completion of ships.

Why should they not be united? Secretary Long, who gave protracted study to this matter, earnestly recommended it. Why, Mr. Chairman, the great reason, in my judgment, why such consolidation is opposed is that the heads of these bureaus and the clerks under them do not want to lose their places, and men aspiring some day to fill these positions want the offices retained. I believe this lies at the bottom of the opposition, because if we were to conduct our business as any man of ordinary prudence would, we would consolidate these bureaus pertaining to the construction of ships, and thus save many salaries. So, Mr. Chairman, I differ with the gentleman from West Virginia on that point.

Another thing: I believe we ought to have more submarine boats, and that we ought to make provision for some in this bill. Ever since the submarine boat has been before the public I have shared the opinion that these boats are the best instrument of defense for our harbors, and I was strengthened in this opinion two years ago by the testimony of Admiral Dewey, who showed the highest respect not only for the effectiveness of these submarine boats, but for the protection which the moral force of their very presence would afford in a harbor.

I do not pretend to quote exactly, but according to my recollection Admiral Dewey testified before our committee that if he and his men had known that there were two submarine boats in

the harbor of Manila, had such boats been there, the men in his fleet could never have carried their vessels into that harbor. The moral and mental strain would have been too much for human nerve. Why, sir, the reason is apparent. Is there a commander anywhere who would take a fleet into a position that meant almost certain destruction to a battle ship or to several battle ships? If a commander under such circumstances should lose a battle ship and with it hundreds of lives, historians to the remotest times would criticise him and he would be denounced throughout the civilized world for doing so reckless an act. I am reminded by my friend from North Carolina [Mr. KLUTTZ] that a late distinguished member of this committee, Mr. Cummings, was an earnest, hearty advocate of the submarine boats. Seacoast cities throughout the land want these submarine boats in their harbors. I have received many communications from Wilmington, N. C., desiring submarine boats for the protection of that city. They can not be procured until more of those boats are in our Navy.

But, Mr. Chairman, the main thing that I wish to advocate for a few minutes is the proposition to build more of our ships in the navy-yards—whether we are to build all of them there or not, certainly to build more than one in our navy-yards.

Mr. Chairman, there are members in this body who kept up with the great fight that was made against the Government paying to private factories exorbitant prices for its armor plate. There were gentlemen then in this House—and, if I recollect correctly, the gentleman from West Virginia [Mr. DAYTON] was one of them—who argued strongly against the position we took and in favor of allowing the conditions that then existed to continue, under which our Government would have paid the armor-plate factories $545 per ton for every ton of armor plate used by our Navy. But some of us on the Naval Committee saw fit to protest against the then existing policy and to advocate a change in the method of acquiring our armor plate.

What has been the result? Instead of paying $545 per ton—which was the lowest price at which armor plate was then offered to us—owing to the fight that we made for lower prices, although we did not succeed in having an armor-plate factory erected by the Government, yet the Government succeeded in getting armor plate at $420 per ton, plus the royalty. And by that one struggle made on this bill two years ago the Government has saved something like three million and a half of dollars upon armor plate alone.

As I understand, under the law that was then passed, there have been 37,000 tons of armor plate purchased—purchased at a cost of about $100 a ton less than these plate factories had demanded theretofore; and that reduced price means a saving to the people of this country of $3,700,000. We shall hereafter need other armor plate, and we should take steps to get it cheaper, for I believe that $420 a ton is still too much to pay for it. In the committee I unsuccessfully tried to have a provision incorporated in this bill giving the Secretary of the Navy the power to erect an armor-plate factory.

And now, Mr. Chairman, we contend for the building of more ships in the navy-yards of the Government. We believe it will save to the people of the country more money than the fight that we made for armor plate saved to the people in that direction. We believe that if this Congress will authorize the building of one of these ships to be authorized by this bill at Mare Island, another at Brooklyn, another at Boston, and another at Norfolk, we shall save a large sum of money on these ships, and that the building of these ships in this way will demonstrate to the country that the private contractors have been charging us exorbitant prices for ships; that we shall thus get data which will inform us of the actual cost of ships, and that hereafter, having this information which will be absolutely reliable, we shall be prepared to make contracts intelligently, and if we are going to continue to build up the Navy it will mean a saving of many millions of dollars in the years to come.

The question is whether we are willing to branch out in this line and try to save this money to the taxpayers of the country. We believe that it will be an economical method of building ships; that it will improve the mechanical force and the general efficiency of our navy-yards and enable us to do the repair work for the navy in a more economical manner. We believe, as Admiral Bowles believed before he became connected more intimately with the Administration as head of the Bureau of Construction and Repair, that there are nine reasons which ought to induce Congress to require the building of some of our ships in the Government navy-yards. The nine reasons or advantages which Admiral Bowles gave two years ago when he was in charge as constructor of the greatest navy-yard in the country were these:

1. Maintains efficiency of force and plant.
2. Renders repair work economical and rapid.
3. Will reduce the amount of repair work by removing the necessity for maintenance of force.
4. Maintains a standard of workmanship and design on basis of practical experience.
5. Provides training for those who must inspect contractors' work.
6. No profit to be made.
7. The indirect charges in commercial practice which makes a large percentage of cost are not included, because they are already provided and are maintained for other purposes, viz: Interest on plant, taxes, insurance, depreciation and care of property, large proportion of office and organization expense.
8. Cost of inspection is saved.
9. Cost of trial trip is saved.

These were the nine reasons that Admiral Bowles gave for building ships in the Government navy-yards. I will state also that he gave nine disadvantages in building these ships in Government navy-yards, but he summed it up by saying that in his judgment it was a wise thing to build ships in navy-yards. I quote from his testimony before our committee:

I will say a few words now about the general subject of building ships in navy-yards. I recommend the building of some vessels in the important navy-yards in the United States, because I believe it to be good business, and if I owned those yards and kept them for the purposes they are now kept, I should say it would be a sensible thing to do to build one ship in each important yard all the time simply to keep them in order and maintain a sufficient force ready for all emergencies.

Then he goes on to state what yards he thinks are prepared to build these ships. I will state that in Mr. Bowles's opinion, Mr. Stahl, then the constructor at Norfolk Navy-Yard, and Mr. Baxter, who was on the Pacific coast, as I recall, concurred, all favoring the construction of ships in our navy-yards. Admiral Hichborn also, in his report dated September 29, 1900, being then at the head of the Bureau of Construction and Repair, was strongly in favor of building ships in Government navy-yards. I have his report on this subject, which is as follows:

BUILDING VESSELS IN NAVY-YARDS.

Much has been said both in favor of and against the building of vessels in the navy-yards. The progress made in the improvement of yard plants and the ever-increasing need for a permanent skilled force ready for and capable of at all times taking up repairs of any character which the growth in "matériel" of the Navy entails makes it desirable that the question should be given careful consideration. There is at the present time, in view of the prosperous condition of the shipbuilding industry and the number of naval vessels building and appropriated for, sufficient work to permit the assignment of a portion of the building work to the Government yards without there being a question of the withdrawal or withholding of necessary support and assistance, through work given out, to a private industry, the maintenance of which in a high state of efficiency is unquestionably of national importance.

These conditions make it possible to eliminate from the discussion any questions of policy except such as affect economy and efficiency. It has been the history of all the iron and steel navies in existence to-day that the building of the vessels was at first entirely confided to private industry, and that the existence of the nucleus of a steel fleet made it necessary that the governments who were their owners should themselves provide for repairing these vessels; and that, having provided the necessary plant for this purpose, the provision for the maintenance of the equally necessary though vastly more difficult thing to attain, viz, efficient working organization and adequate efficient personnel, forced them to undertake in their navy-yards a portion of the new building work. The extent to which this is being done by the principal naval powers may be seen by the table below:

Nation.	Number of Government navy-yards in which building is carried on.	Number of battle ships building in Government yards.	Number of armored cruisers building in Government yards.	Number of other cruising vessels.
England	5	8	5	3
France	5	3	10	4
Germany	3	3	1	4
Russia	2	3	1	2
Italy	2	1	.....	2

In the case of many of the European nations—for example, Denmark and Holland, maintaining smaller navies—so strongly is this necessity for a permanent efficient navy-yard personnel felt that practically all the naval building work undertaken by them is carried out at their navy-yards. What they have done and are doing is mentioned here solely to emphasize the fact that the unanimous testimony of experience has been and is that the execution of a certain amount of building work at the chief Government yards is necessary to the maintenance of such navy-yard staffs as a complete and efficient naval organization requires; and that, whatever disadvantages such a course entails, they are more than compensated for in the end. It is believed that we have reached that stage in a naval development—still considerably behind our national development—which forces upon us serious consideration of this step which other naval powers have found necessary and expedient.

At the outset the disadvantages to be labored under will be considerable. Time and experience will do much toward the alleviation or possibly the entire removal of many of these. While, under existing conditions, in the case of the first vessels built in our navy-yards it may be expected that the cost will not be greatly different from—may even be somewhat greater than for—the same work executed by contract in the private shipyards, the Bureau believes that such a course once entered upon would demonstrate its desirability and practicability in an increased efficiency and economy in naval administration, regarded as a whole, without interference with a judicious policy of such Government encouragement of the shipbuilding industry as will keep the greatest number of establishments in a position to undertake and execute promptly any naval work which may be required.

Now, Mr. Chairman, I am aware that Constructor Bowles, since his promotion to the head of this Bureau, has modified his opinion. It is not for me to undertake to explain that. I know not how strong the influences, or how clearer the light, or how fuller the information may be that cause a man to modify views that

he entertained before becoming intimate with the Administration. Frequently we have evidences of such modifications. I do not know whether it is simply a change of judgment on the part of Constructor Bowles or a change of desires also.

I suppose I will do him no injustice to allude to a statement that has been published in one of the most reputable Republican papers on the Pacific coast, the San Francisco Chronicle, for I have not seen it denied, to the effect that the chief constructor of the Navy has contemplated some day becoming connected with private shipbuilding plants. I know not whether that is true, but if he should have the ambition some day to become the head of some great private shipbuilding concern, then I could see some reason for a change of his heart upon these matters. I could then see why he should want the Government to stay out of the shipbuilding business; I could then see why he should want the Government to continue to buy all of its ships from private contractors. That would account for a change of his wishes upon it. But I do not see that that would necessarily account for a change of judgment on his part.

As I understand, he has stated lately that building ships in public yards will cost 25 per cent more than building ships in the private yards. Now, let us consider that. What are the advantages that a private yard has as to the cost of construction over the Government yard? First, they say in a Government yard we give the mechanics fifteen days' leave of absence. Well, that is true. Fifteen days is what percentage of a year's work? Fifteen days is, I believe, about one-twentieth, which would be 5 per cent. Say that is 5 per cent added to the cost of labor. They say that in the Government yards the mechanics work only eight hours a day, while in private yards they work ten. In other words, the private yard has an advantage of 25 per cent over the public yard. Well, that added to the 5 per cent on the leave would make 30 per cent. Then, there is 30 per cent in the labor.

Now, the labor in the yards that goes into the construction of a battle ship is one-half of its cost, as I am informed; it is so estimated. Then 30 per cent of the labor is 15 per cent of the total cost of the ship. So upon that hypothesis you would find they would contend that the private yard has an advantage of 15 per cent. Now, let us see what they have to offset that 15 per cent. In the first place, by building your ships in the public yards you will have a better product, in my judgment. In the second place, the mechanics in the shipyards will be the best class of mechanics in this country working only eight hours a day, and they will do more work in eight hours than the ten-hour men will do in eight hours.

So that will diminish that per cent in some respects. Then, as Constructor Bowles says, the cost of inspection is saved, and, if my recollection is right, the cost of inspecting one of these big battle ships is from $50,000 to $75,000. So that will come off of the 15 per cent. The cost of the trial trip, which is always large, will be saved. That will come off of this 15 per cent. Then, again, no profit is to be made. I take it that certainly a reasonable man, under the evidence, will believe that as a matter of calculation in the cost these private yards can not build their ships for more than 10 per cent less than the public yards can build them. Is there anybody who believes that a private yard has ever yet taken a contract for Government work at a profit of 10 per cent? It has been asserted that private yards have made as much as 40 per cent, and even more; but suppose we assume that the private yards have been making only 25 per cent.

Then, Mr. Chairman, we ought to save at least 15 per cent in cash by building these ships in the Government yards, which will be a saving of nearly a million dollars on each great warship. Let me say that it has been demonstrated in these cards sent to the members of Congress by the Vallejo Chamber of Commerce, which cards, I believe, are in the main correct and just, that the public yards can build these ships just as cheaply as the private yards. But even if we should have to pay the same amount of money for our battle ships, who will get the profits? Why, this great army of mechanics who work in the public navy-yards would get the profits. The profits would be divided among the thousands who labor from early morn till evening, instead of going into the pockets of a dozen owners of private shipyards.

Is it not better, is it not more patriotic, that these enormous profits should be divided among the many, or else retained in the people's Treasury, rather than be given to the private shipowners, when they are no longer beggars as infant industries at our hands? The private yards are running on full time. They have more work than they can turn out upon contract time now, as I understand. They do not come to us as suppliants. They stand erect in their wealth, demanding of this Congress that we do not go into the business of building our own ships, for fear that it may take from them their great profits upon Government work.

Mr. RIXEY. May I ask the gentleman a question?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. RIXEY. In the interesting statement the gentleman has given us he says that the private shipyards work their men ten hours. Is it not likely that a law will be passed providing that these shipbuilding plants shall only work their labor eight hours upon Government contracts? I understand that the Committee on Labor have drafted such a bill.

Mr. WILLIAM W. KITCHIN. I think the gentleman from Virginia is correct; but, Mr. Chairman, I was arguing it from the other standpoint. Our public yards are no longer in the unorganized state that they were when the *Texas*, the *Raleigh*, the *Cincinnati*, and the *Maine* were built. There is no longer a deficiency in men or in machinery, but they are to-day provided with the best machinery known to the trade. They are located on good water fronts. They have every advantage that the private yards have. This great Government of ours has invested in its public yards something like $100,000,000, and we turn out four or five million dollars' worth of repairs, when it costs us annually to maintain these yards something like eight or ten million dollars.

As Admiral Bowles said before he became the head of the Bureau, it is good business and it is good common sense to use these great plants that we have, this improved machinery that we have, the vast sums that we are compelled to pay for maintenance, in the interest of the American mechanic, in the interest of the American Navy, in the interest of the American Treasury; and no longer be held off or intimidated from this proposition by the whims and the desires of the private shipbuilders of this country, who, of course, want to continue to make millions of dollars upon the battle ships that we put upon the sea.

The suggestion that all this contest for building ships in public yards came from the Pacific coast and from the Vallejo Chamber of Commerce is not correct. Long before I ever heard of the Vallejo Chamber of Commerce I was in favor of this proposition. Long before this chamber of commerce began to send these cards the minority of the Naval Committee—the gentleman from Georgia [Mr. TATE], whom I see before me; the gentleman from Virginia [Mr. RIXEY], likewise before me; the gentleman from Missouri [Mr. VANDIVER], the gentleman from Kentucky [Mr. WHEELER], and myself—filed minority views on the naval bill, two years ago, in which we set out at length our reasons for advocating the building of some of our ships in the Government navy-yards.

It was not a new proposition, Mr. Chairman, and gentlemen on the other side can not escape from it by the cry of novelty in this matter. It is a disposition on the part of the people to relieve themselves from unjust extortion, as they believe, that is being committed upon the Government by the private shipbuilders. It is a disposition on the part of the people to use their navy-yards, not as toy establishments, but to do the great work that the Government requires. It is a disposition to maintain the navy-yards in a state of efficiency. It is a disposition to be just to the great labor organizations of this country and the mechanics who work in these yards and whose representatives have constantly favored it. This is not a new-born spirit.

Let me say, Mr. Chairman, that this spirit will grow, that it will increase until Congress will be compelled to adopt the proposition, in my judgment. You can not cry it down by this statement that it will increase the cost 25 per cent. What do we ask in this controversy? We ask for a fair trial of the proposition that we advocate. Give the navy-yards and the labor there employed an honest trial; and then, Mr. Chairman, if the prophecies that we have heard from the other side are true, if it turns out that it will cost 25 per cent more to build our ships in the navy-yards than it will by private contractors, then I for one will change my opinion upon it, and will say let us close the navy-yards against shipbuilding.

I would even go further than that, and would be willing that the private contractors should do our repair business as well as construction business. I do not believe it is good business to maintain this great army of mechanics in the navy-yards and expend vast sums in the maintenance of the plants, and keep vast amounts in plants, if we are only going to do four or five million dollars worth of repair work a year in them. We are asking a trial, and in order that we may have a fair trial we ask that the navy-yards at Mare Island, at Brooklyn, at Boston, and at Norfolk, that have the modern equipment, have a fair opportunity to demonstrate to the country and to the private shipyards that they can build a ship just as well and just as good a ship and build it at just as little cost as any private shipyard.

So, Mr. Chairman, it does seem that when the country has made a saving of over three millions in the matter of armor plate, against the earnest protest of many gentlemen on the other side, and when it is in the interest of the labor of the country, and patriotic members believe we can save more money by building our ships in the navy-yards than we did on the armor plate, Congress ought to yield to this demand and amend this bill so that it will

require not only one ship, but these four ships that are to be authorized in this bill to be built in the navy-yards.

Mr. Chairman, the bill as it now stands authorizes the Secretary of the Navy to build all these ships in the navy-yards, if he thinks it best. If the navy-yards are not ready and prepared, he is authorized to expend a sufficient sum of money to make them ready. The Secretary of the Navy is permitted to build four ships in the navy-yards, but he is required to build one of them in a navy-yard. We have that much in the bill over what we had last year and the year before. Never until this year, since I have been connected with this great committee, have we been able to get any proposition in the bill looking toward the construction of ships in the navy-yards.

Now, there will be a motion to amend, Mr. Chairman, to increase the number of ships to be built in the navy-yards. We want more than one built in the navy-yards. If there is only one to be built the work may be hampered—it may be allotted to the navy-yard which will prove to be not the best equipped for building economically. Now, if you have the four ships built in these four different yards, there will be very apt to be one or two of those yards which would build ships cheap the first time. We would be more apt to have sufficient correct information by building four than by building merely one.

We have now many ships being built in the private yards. We have eight battle ships and several protected cruisers and armored cruisers now on the docks of private yards. So we will know what they will cost ton for ton. Now, let us do the fair thing and have all these four ships built in the Government yards. Build these four ships, so that we will have these four different sources of information as to the actual cost in the navy-yards per ton.

Now, Mr. Chairman, I have discussed the proposition that I intended to discuss. I believe it is understood that we will have some time under the five-minute rule to discuss this important proposition. I now return to the gentleman from Louisiana such portion of the time that he yielded to me as I have not consumed. [Loud applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, I call for a quorum. We have not anyone to hear the discussion of this important matter. It is an important discussion, and there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee raises the point of order that there is not a quorum present.

Mr. GAINES of Tennessee. Yes, sir.

The CHAIRMAN. The Chair will count.

During the count.

Mr. GAINES of Tennessee. I am willing that the debate shall go on, but I want the quorum to be present.

The CHAIRMAN. Does the gentleman withdraw the point?

Mr. GAINES of Tennessee. No; I do not.

The CHAIRMAN. The Chair will finish the count. [After the count.] One hundred and four gentlemen present, a quorum.

Mr. FITZGERALD. Mr. Chairman, provision is made in the pending bill for two first-class battle ships, two first-class armored cruisers, and two gunboats. It has been customary to provide that new vessels authorized for the Navy should be built by contract. A departure from the established custom is made in the pending measure. By the terms of this bill the Secretary of the Navy is directed to build at least one of the battle ships or one of the armored cruisers in a navy-yard; and, further, it is made discretionary with him to build in the same way some or all of the other authorized vessels.

In its report the Committee on Naval Affairs states that—

> In view of the fact that there is some public sentiment favorable to building ships in Government navy-yards, it has been deemed advisable by the committee to insert a provision in the appropriation bill of this year leaving it in the discretion of the Secretary of the Navy to build any or all ships in Government yards, but making it mandatory on him to construct at least one battle ship or one armored cruiser in such navy-yard as he may designate, as an experiment.

It is true that there is not only some public sentiment, but there is a widespread conviction that the navy-yards of this country should be utilized for building purposes. In both sessions of the Fifty-sixth Congress vigorous efforts were made to have some provision similar to that contained in the pending bill inserted in the naval appropriation act. The movement for such legislation was not the result of hasty and ill-considered action. For some years naval architects had discussed the question; other great maritime powers had long since adopted the policy. Conditions that existed in respect to the contracts that had been made for the construction of war vessels for this Government were such that it seemed advisable that the Government should undertake building operations in its own yards, so that a comparison might be instituted as to the character of the work done in private yards, as well as the prices charged therefor.

I may be pardoned if I express at this time my personal gratification at the committee's action in placing a mandatory provision in the bill for the building of at least one vessel in a Government yard. For more than three years I have devoted much time to the study of the question. Early in the first session of the Fifty-sixth Congress I became convinced that the wise and proper policy for this Government was that followed by Great Britain and the continental powers. To secure the adoption of such a policy I offered amendments to the naval appropriation bills in both the first and second sessions of the Fifty-sixth Congress which, if adopted, would have distributed the shipbuilding operations of the Government among the private and the Government shipyards. Continued investigation of the question has only strengthened my convictions, and naturally I am pleased to find the Committee on Naval Affairs incorporating such a provision in this bill.

Perhaps it would have been more nearly correct had the committee justified its action not upon the existence of some favorable public sentiment, but upon the widespread and almost universal expression of the existing public sentiment that was brought to the attention of the committee. Exhaustive hearings were held during the first session of the last Congress, to determine the advisability of building at navy-yards. Since then very little additional information has been contributed, and such that has been so contributed is the fruit of individual research and investigation. The diffusion throughout the country of the facts ascertained at those hearings, however, has awakened public interest to such an extent that the question can no longer be ignored nor evaded.

Upon two other occasions in this House I have discussed at some length the advantages and disadvantages of building at navy-yards. Briefly summarized, the advantages are that the mechanical force, the plant, and the shops of the navy-yards are maintained in an efficient condition; that it is possible to conduct the repair work more economically and rapidly; that the Government is enabled to maintain a high standard of workmanship and design, to which contractors can be made to conform; that the men detailed to inspect the work placed in private yards are trained in the most practical and thorough manner to render effective and satisfactory service to the Government; that there is no profit to be made, and the total cost is thereby so much lessened; that the indirect charges which exist in commercial practice and which make a large percentage of the cost—for instance, interest on plant, taxes, insurance, depreciation, care of property, and a large percentage of office and organization expenses—are not included in the Government charges; and that the cost of inspection, which when vessels are built by contract is very large, is saved to the Government.

The experience of the past has demonstrated that if no actual combination of the different shipbuilding plants in the country has existed in fact, that in nearly every instance when bids were invited for vessels authorized by the different appropriation acts an understanding, or, perhaps, a "gentlemen's agreement," had been made regarding the amounts of the bids to be submitted by those estimating and submitting bids. This I will undertake to show a little farther on in my remarks. So that an additional advantage resulting to the Government from the building in the navy-yards of some of the vessels authorized from time to time is that after the policy is once inaugurated it will be impossible for contractors to obtain excessive prices for the building of naval vessels.

It is not my purpose at this time to enlarge upon the advantages to be derived by the Government by the building of some vessels in navy-yards; my object, rather, will be to refute some additional arguments advanced against this policy.

Lately it has been urged with some flourish that the Government yards are not sufficiently equipped for building purposes; that they lack facilities possessed by all private plants doing Government work; that the lack of sufficient water by reason of the narrowness of the streams and other bodies of water upon which navy-yards are located would prevent, or, rather, make impossible, the launching of a battle ship or armored cruiser; that the Government would be unable to adopt the practice followed in all private establishments of purchasing large quantities of materials in the open market whenever the prices were favorable and retain such materials until required in the prosecution of some particular work; that the eight-hour law, under which mechanics in the navy-yards work only eight hours a day, as against a ten-hour day in the private yards, would result to the very great disadvantage of the Government, and that the fifteen days' annual leave which mechanics in Government yards now receive would increase the cost of work in Government yards to an enormous extent.

Careful investigation has convinced me that the only two of the above-enumerated objections that have any merit whatever is that urged because of the difference in the hours that a mechanic works in a Government yard and in a private yard and the increased expense resulting from the annual leaves. In a Government yard

a day's work consists of eight hours; in most of the private yards, ten hours; in some few, for some branches of trade, especially the metal-working trades, nine hours. In my opinion the extra cost of labor in the Government yards is largely offset, if not more than offset, by the profit that goes to the contractor. If a choice must be made between these two, then my choice is already made. I prefer that Government expenditures be distributed among a great number of mechanics for a reasonable day's work than to two or three or a selected few engaged in the shipbuilding industry at the expense of the mechanics employed by them.

While on this point I wish to make one further observation. In estimating the increased cost by reason of this difference in the number of hours that constitutes a day's work, it has always been claimed that the navy-yards are at a disadvantage which amounts to a difference of 25 per cent of the amount paid for labor. This computation undoubtedly would be correct if a man would do 25 per cent more work in a day of ten hours than he does in a day of eight hours.

I have been credibly informed, however, that representatives of some of the concerns which within a recent time have shortened the workday of mechanics engaged in the metal-working trade from ten to nine hours a day have expressed the opinion that the results are so much more satisfactory under the new conditions that they would under no circumstances return to the ten-hour day, so that it is fair to insist that whatever disadvantages the Government yards may be under from the shorter day it can not with certainty be said that it equals 25 per cent of the cost of the labor.

Mr. BELL. May I suggest to the gentleman that the Industrial Commission took evidence in Salt Lake as to the eight-hour workday, and the managers of every coal mine and practically of every metalliferous mine in the State, including the smelters, all swore that they got as much work now from the men in eight hours as they formerly got in ten or twelve.

Mr. FITZGERALD. I think that fact is generally recognized.

Mr. BELL. Only one man could be found among the employers of labor who disputed that proposition.

Mr. FITZGERALD. I think it is generally recognized that during a fair day's work covering a fair length of time the mechanic or laborer accomplishes better results than in a day the duration of which overtaxes his capacity for work.

Mr. BELL. The manager of the P. V. coal mine, a very large institution, stated that the machines broke as much coal now in eight hours as they formerly did in ten, and the mule drivers took as much out now under the eight-hour system as they formerly did under the other system.

Mr. FITZGERALD. There is another thing that should be considered. There has been pending before Congress for some years a bill to compel contractors doing Government work to limit the day of labor to eight hours. I am firmly convinced that it will not be long before the pressure of an enlightened public opinion will result in the passage of that bill, and as soon as that proposition becomes a law this objection will be completely obviated.

Opponents of the policy of building at navy-yards have placed much stress upon the fact that under the law passed during the last Congress employees in Government yards get fifteen days' annual leave with pay. It is true that under the operations of that law the cost of work done in Government yards is somewhat increased. Under no circumstances, however, can it exceed 5 per cent of the total cost. Besides the fifty-two Sundays in each year there are seven holidays upon which no work is done in the navy-yards. This leaves three hundred and five working days, 5 per cent of which are used for vacations, so that the fifteen days' leave with pay can not increase the cost more than 5 per cent.

This increase, however, is only on the cost of labor, and considering the increase in its relation to the entire cost of the ship, in all probability it does not amount to more than 3 per cent. During the hearings had in the Fifty-sixth Congress, the then Secretary of the Navy, Mr. Long, stated that it cost twice as much and took twice as long to build in the navy-yards as it did in private plants. No figures have ever been adduced to support this statement. During the present session, Secretary Long produced a memorandum signed by Chief Constructor Bowles, in which he said:

> In my judgment, a vessel built in the navy-yard under existing conditions as to administration, wages, hours of labor, leaves of absence, etc., would cost by the least estimate 25 per cent more than if built by contract.

Until the Chief Constructor gives detailed figures to justify this statement it serves no useful purpose to challenge it. With this statement of Admiral Bowles, however, I wish to place another made by him in November, 1897. In that month Naval Constructor William J. Baxter, United States Navy, read a paper on navy-yard expenses at the fifth general meeting of the Society of Naval Architects and Marine Engineers. After the paper had been read it was discussed by members of the society present, among others by Admiral Bowles, who said:

> When Mr. Baxter wrote this paper, he wrote a very moderate and plain statement of the facts as they are to-day. Now, the facts ought not to be as they are to-day. The navy-yards ought to be properly organized, and they can be organized without much difficulty; and, further, I would guarantee that if I had three months to start it I could do in the New York Navy-Yard what can not be done in any organization in this country—I could build ships cheaper than anyone can, and I know it.

Since that time the condition of the navy-yard at Brooklyn, as well as of all the navy-yards in the United States, has been vastly improved. Every year since then large sums have been spent for the purpose of improving the plant and facilities at the yards. If, five years ago, Admiral Bowles could build war ships at the Brooklyn navy-yard more cheaply than they could have been built anywhere else in this country, with the superior facilities that exist at that yard at the present time, including the finest machine shop in the United States, completed since that statement was made, there should be less difficulty in doing the same thing to-day.

In the hearing in March, 1900, the Admiral made the following statement to the Committee on Naval Affairs, which it may be advisable to quote at this time:

> I will say a few words now about the general subject of building ships in the navy-yards. I recommend the building of some vessels in the important navy-yards of the United States because I believe it to be good business; and if I owned those yards and kept them for the purposes they are now kept I should say that it would be a sensible thing to do to build one ship in each of the important yards all the time simply to keep them in order and maintain a sufficient force ready for all emergencies.
>
> If the ships are built in that way and under the present system of management, I believe that they will exceed in cost those built outside; but I believe you can fully afford to pay that additional expense for the advantages obtained, and those advantages are fully worth the money that will be paid. That is my general view of the attitude that ought to be taken toward the navy-yards of the United States, but I want it clearly understood that I do not believe in building ships in every out-of-the-way navy-yard that we may have.

Whatever may have caused the chief constructor to shift on this question, or apparently to shift, I have only to say that the statement of no man in this country will be accepted as conclusive upon the relative cost of building in private and Government plants unless substantial reasons are given upon which such opinions can be based.

For the convenience of this discussion I shall consider together the objections that the Government yards are not sufficiently equipped for building purposes; that they lack facilities possessed by all private plants doing Government work; and that the Government would be unable to adopt the practice followed in all private establishments of purchasing large quantities of material in open market whenever the prices are favorable, to be utilized in the prosecution of work then under way or thereafter to be obtained.

Let me call attention first to two letters from Admiral Bowles, dated April 11, 1902, submitted by Mr. DAYTON to the Committee on Naval Affairs. In these communications the Admiral states that with an appropriation of $175,000 for the preparation of a building slip with overhead traveling cranes and power communications the New York Navy-Yard would be in proper condition to build a battle ship or cruiser. An appropriation of $225,000 for the Norfolk yard and the Mare Island yard would place those yards in condition to build. In these communications he also points out the condition of the Boston, the League Island, and the Portsmouth navy-yards.

The most effective way to determine whether these yards have the requisite equipment for building purposes is to compare their condition with some of the private yards wherein Government work is under contract. I have in mind a yard which has contracts for five naval vessels. I undertake to say that the facts when stated will excite at least some astonishment. At the outset I desire to emphasize that I have no prejudice against the concern about which I intend to speak at some length. I raise no issue as to its ability to perform satisfactory work. My purpose is merely to show the absolute worthlessness of some of the arguments that have been made against the utilization of the Government yards for building purposes.

The Fore River Ship and Engine Company, of Quincy, Mass., is located on the Weymouth or Fore River, which is tributary to Hingham Bay, Boston Harbor. This company has been awarded contracts to build two battle ships, a cruiser, and two torpedo-boat destroyers. The total of these contracts aggregates $8,437,000. The vessels that are under contract to this company have all been authorized since March, 1899. If the contentions of those who oppose war-ship building at navy-yards be correct, then the Fore River Ship and Engine Company with contracts aggregating almost eight and a half millions of dollars should be one of the best and most completely equipped shipbuilding plants in the country. It should also be in a position to go into the open market and purchase great quantities of materials whenever the prices are

favorable and retain those materials until work is secured on which they can be used.

It should also be located at a place where there is ample water. I have in my hand a copy of the Saturday Evening Post issued on the 19th of April, 1902. This is an illustrated weekly magazine founded in 1728 by Benjamin Franklin and published in Philadelphia. It has an advertisement inserted by the Fore River Ship and Engine Company, in which the public is invited to subscribe for stock in the company. Let me read from this advertisement:

If you would behold the American spirit in its purest, strongest, and most buoyant phase, catch it on the wing, so to speak, learn the rate at which things under its inspiring influence can be made to happen, and see how truly robust and promising an infant is a shipbuilding plant reared under its guidance at the tender age of 22 months, go to Fore River.

At Fore River two things have been going on—the building of ships and the installing of a plant to build them. Logically, the plant should come first, of course, but as a matter of fact the two enterprises have been carried on so side by side and intermingled that the ships, during the confusion, have managed somehow to come out ahead. This is most distinctly an American way of doing things—to start at nothing, to keep moving at all hazard, and decide upon conveniences and methods afterwards.

No even-minded European could ever proceed in such a manner, yet the scheme is a good one, economical, and not without foresight.

This distinctly American spur-of-the-moment way of getting a great plant together is one of the principal reasons for our being so many years ahead of the rest of the mechanical world.

It seems to me that this statement completely refutes the argument heretofore urged against the navy-yards, that they are not as well equipped as private plants.

This advertisement, however, contains much more instructive information. Let me read again from it:

Work in progress in Fore River Yard April 1, 1902.—Battle ship *New Jersey*, 15,000 tons; battle ship *Rhode Island*, 15,000 tons; cruiser *Des Moines*, to be launched May, 1902; torpedo-boat destroyer *Lawrence*; torpedo-boat destroyer *Macdonough*; seven-masted steel schooner (11,000 tons displacement), the largest sailing vessel in the world, to be launched May, 1902; forgings for steamships now being built in other yards; steel bridge, 800 feet long, over Weymouth Fore River; 75 sets forgings for rapid-fire guns; miscellaneous structural work. The above, with other work in hand, will bring the total amount of contracts up to $8,907,000.

The company states that its total contracts amount to $8,907,000. Just a moment's consideration of this statement. The contract price of the *New Jersey*, one of the battle ships building at this plant, is $3,405,000. The contract price of the *Rhode Island*, another battle ship, is $3,405,000. The contract price of the *Des Moines*, the cruiser building at this yard, is $1,065,000; of torpedo-boat destroyers *Lawrence* and *McDonough*, $281,000 each, or for both, $562,000. The total of the Government contracts aggregates $8,437,000, not including the prices of the 75 sets of forgings for rapid-fire guns.

The report of the Commissioner of Navigation for the fiscal year ending June 30, 1901, shows that by its own statement the Fore River Ship and Engine Company on June 15, 1901, was building no vessels except under Government contract. It further appears from the report that on the 25th of June the company signed a contract to build a seven-masted steel schooner of 6,000 tons, to be completed in February, 1902, and to cost ready for sea about $250,000.

Outside of the Government contracts, not including the 75 sets of forgings, and the contract for building this vessel, this company, according to its own statement, has not more than $270,000 worth of contracts. This advertisement goes on to point out that this Ship and Engine Company offers for public subscription 10,000 shares of preferred stock with a bonus of one share of common with every two shares of preferred purchased. The capitalization of the company is $4,000,000, equally divided into preferred and common stock, of which only $2,000,000 ($1,000,000 of each) have been issued.

It further appears that the preferred stock is a 7 per cent stock, and that the earnings of the company have been such that in the five months prior to January, 1902, they have been at a rate of over $100,000 in excess of the amount required to pay the dividend on the entire $2,000,000 preferred stock, and this without the advantage of having in the business the $1,000,000 which will result from the sale of the stock offered in this advertisement and while at the disadvantage of constructing and continuing to complete the plant and works. I hope that no one will think that I am trying to promote or boom this company. Nothing is further from my purpose. I am trying only to point out what "an awfully good thing" this class of Government work must be when this company is able to do all it says with practically no work except Government contracts.

Mr. ROBERTS. This is a Massachusetts company. That is a good thing, too.

Mr. FITZGERALD. It is not surprising that there has been such strenuous opposition to the movement to have war ships built in Government yards. Here is a company able to earn 7 per cent on $2,000,000 preferred stock and 5 per cent on $2,000,000 common stock, of which at least $1,000,000 is water, and at the same time accumulate enough to build its works. It would seem to reasonable men that with plants as well equipped as are the navy-yards, the profit on such work, which many have believed to be quite enormous, will more than offset the disadvantages under which the Government is alleged to labor.

A question naturally arises at this time, which I prefer should be answered by some one opposed to the policy about to be initiated. Until explained, I feel justified in ignoring the arguments that private plants take advantage of the market to purchase large quantities of materials to be utilized at some future time, when other work has been secured.

How does such a company as the Fore River Ship and Engine Company, which is seeking so assiduously for capital with which to complete its plant, find the necessary means with which to make purchases of materials for which they have no immediate and really no prospective use? And this in the face of the fact that it offers a bonus of common stock to subscribers to its preferred stock. It has been my belief that, except in trifling instances, no such practice is followed; and this belief has been strengthened by reason of my inability to obtain any convincing proof of the existence of the practice.

Another objection recently urged with much force is the impossibility of launching armored cruisers or battle ships at the different navy-yards of the country. Of the several navy-yards at which it has been believed there was adequate equipment to undertake building operations that at Norfolk was the one against which this objection was urged most persistently. It was based upon the fact that the width of the body of water on which the Norfolk yard is located was not sufficient to permit the launching of a large cruiser or battle ship. It might be sufficient to dispose of this objection merely by a reference to the statement contained in one of the letters of Admiral Bowles, heretofore referred to, in which he says, "at the Norfolk Navy-Yard it is possible to launch a battle ship or armored cruiser."

This objection, however, may just as well be disposed of now, completely and effectually. Permit me again to refer to the location of the Fore River Ship and Engine Company. Until within about two years the plant of this company was located on the Fore River just below the Braintree bridge. About two years ago the company removed its plant, or rather changed its location, to Quincy Point, at the junction of Weymouth Fore River and Town River.

The annual report of the Chief Engineer of the Army for the fiscal year ending June 30, 1901, states that—

Before improvement Weymouth Fore River was navigable at low water 4 miles for vessels drawing 18 feet, and the least low-water depth 3 miles farther was 3 feet. The existing project, approved by the act of September 19, 1890, and extended by the act of August 18, 1894, is to attain in Weymouth Fore River a navigable channel 6 feet at mean low water for a distance of 7,000 feet, 100 feet wide to near Weymouth Landing—

which carried the improvement beyond the present location of the Fore River Ship and Engine Company plant.

Town River, which sweeps past Quincy Point into Weymouth (Fore) River, is described in the same report as—

a small tidal tributary to Weymouth River, flowing into Boston Harbor. Before improvement it had a narrow, crooked channel with a least depth of 1½ feet at mean low water. The existing project is to dredge a channel 4 feet deep at mean low water, 100 feet wide, and 4,500 feet long to the head of navigation.

Everything connected with this engine and shipbuilding plant, it seems to me, must be most disheartening to those who have relied upon the objections enumerated by me for their opposition to building operations in navy-yards. Of course it is apparent, even to the most casual observer, that this Fore River Ship and Engine Company is not situated at a place where either the depth or the breadth of the waterways upon which it is located can be pointed to with exultation by the opponents of navy-yard shipbuilding. It seems peculiar that so much weight has been attached to this objection. It is a well-known fact that on the Clyde, where some of the greatest shipbuilding plants in the world are located, the river is so narrow that it has been necessary to build a number of turning basins.

If it were necessary to launch a vessel from five to six or seven hundred feet in length endwise into a stream only 100 feet wide, many shipbuilding plants would never be able to place even a moderate-sized vessel into the water. Some of these plants have built their slips obliquely instead of at right angles to the rivers, but the more progressive American genius has not been content with such an arrangement. The Scientific American for April 12, 1902, contains an article by Waldon Fawcett on broadside launchings. Let me quote from that article:

The launching sidewise of steel vessels of large dimensions is distinctively an American practice. The development of the idea in its application to vessels of considerable size has occurred on this side of the Atlantic, and, indeed, this is the only country where the plan is followed to any considerable extent. Broadside launchings have always been the rule at the shipyards on the Great Lakes, and of late years have been introduced to some extent in shipbuilding plants on the Atlantic coast.

The side launching is not claimed to have any advantage over the more common mode of getting a new hull into the water, but the adoption of the method has been dictated by limitations in the depths and areas of the waterways which have been available for launching at shipyards where this scheme has been employed. In other words, a vessel may by means of the broadside method be launched into a slip or river so shallow and narrow that the reception of the hull would be practically impossible were it sought to slide the

vessel into the water endwise, as is the custom at yards possessed of a generous extent and depth of water.

Further on in the article it is stated that—

There appears to be almost no limit to the size of vessels which may be successfully launched broadside, as several vessels, each approximately 500 feet in length, have been placed in the water in this manner.

It is further pointed out that at the plant of the William R. Trigg Company, at Richmond, Va., it was necessary to launch into a canal 100 feet in width and not exceeding 18 feet in depth.

It has never been claimed that the constructors in the Navy are lacking in genius, ability, or capacity. They have planned and designed and superintended the construction of the most effective fighting machines afloat, and I, for one, am firmly of the belief that the same genius, the same ability, and the same capacity displayed so highly in those fields in which they have been given opportunities will make just as brilliant a showing in every other field in which they may properly be exercised.

So much for the objection that it is impossible to launch battle ships or cruisers at navy-yards.

Early in the course of my remarks I stated that I believed that I could show that heretofore there has existed an understanding or a "gentlemen's agreement" as to the bids that should be submitted for naval vessels authorized by Congress. Without some such understanding it would be an utter impossibility for such similarity as is found to exist in the bids submitted from different firms. In 1893 the Newport News Company, never having bid upon naval work prior to this time, apparently was not deemed of sufficient importance to be considered. Upon gunboats Nos. 7, 8, and 9, now known as the *Nashville*, *Helena*, and *Wilmington*, the following bids were received:

Bidders.	Gunboat No. 7.	Gunboats Nos. 8 or 9.	Total for 7, 8, and 9.
Maryland Steel Co	$370,000	$370,000	$1,110,000
Union Iron Works	400,000	350,000	1,100,000
Newport News Co	280,000	280,000	840,000
J. H. Dialogue & Co	395,333	395,333	1,186,000

Secretary of the Navy Hon. H. A. Herbert, in his report for 1893, speaking of these bids, said:

These bids are very much lower than ever heretofore received by the Government, but before accepting any of them the Department is having all the plans examined by a second board.

The contract was given to the Newport News Company.

In 1895 the following bids were received for the battle ships *Kearsarge* and *Kentucky:*

	One vessel.	Two vessels.
Cramps	$2,820,000	$5,500,000
Union	2,740,000	5,380,000
Newport News Co	2,350,000	4,500,000

On their first effort the Newport News Company bid $270,000 less on three gunboats than the theretofore successful bidders; two years later on two battle ships their bid was $1,000,000 less—20 per cent of the entire cost of the two vessels—than that of the Cramps and the Union Iron Works. That bid was effective. Competition proved too expensive. A different state of affairs prevailed thenceforth.

I do not care to encumber this speech with too many statistics, so I shall insert for the purposes of comparison only the amounts for which contracts were made for 6 vessels during the year 1901. And, in doing so, I wish to call attention to the fact that whereas in 1895 the difference in the bid of the Newport News Company and the Cramps on one battle ship was about $500,000, in 1901 the difference is only $5,000. More than that, the same difference of $5,000 is found in the bids which they submitted on six armored cruisers during the same year, each receiving two of the vessels and the Union Iron Works receiving the other two.

And for the construction of three protected cruisers the bids of the Newport News Company and Neafie and Levy Company and the Cramps were exactly identical, to wit, $2,740,000, the Union Iron Works receiving a contract for one of the vessels for $2,825,000. Under the provisions of the naval appropriation act, which authorized these vessels, one of them was to be built on the Pacific coast, providing that the cost did not exceed 4 per cent more than the amount of the lowest bidder. The bid of the Union Iron Works was well within the 4 per cent provision, and the contract had to be given to it. These figures, in my judgment, are conclusive of the existence of an understanding among the different shipbuilding concerns of the country regarding naval contracts.

Mr. RIXEY. Does the gentleman know any reason why the provision giving a differential preference to shipbuilding establishments on the Pacific coast should be continued in the bill?

Mr. FITZGERALD. I understand that it is claimed it has been necessary to get material for these vessels from the Far East; and in order to encourage and build up the shipbuilding plants on the Pacific coast this differential in favor of the Pacific coast concerns has been inserted. It is in the nature of a subsidy or a bounty or a gratuity from the Government.

Mr. RIXEY. Does not the gentleman think that the shipbuilding plants on the Pacific coast are now old enough to stand upon their merits without any differential in their favor?

Mr. FITZGERALD. After what I have pointed out about the Fore River Engine Company, I think these shipbuilding plants can make a reasonable profit at any place without any such provision of law. It is difficult to imagine what would have happened had the Newport News Company been taken into the arrangement in 1893 and thus avoided cutting the price on three gunboats and two battle ships to the amount of $1,270,000, which was nothing else than additional profit.

Statement of proposals for the construction of three protected cruisers, Nos. 20, 21, and 22, authorized by the act of June 7, 1900, received under the Department's advertisements of December 1, 1900, and March 6, 1901.

[Class 1—Department's plans. Class 2—Bidders' plans.]

	One vessel.	Two vessels.	One vessel.
Newport News Co	*$2,740,000		$2,741,000
Bath Iron Works			2,750,000
W. R. Trigg & Co	2,780,000	$2,740,000	
Neafie & Levy Co	*2,740,000		
Union Iron Works	*2,825,000		
Cramp Co	2,740,000		2,740,000

*Contract awarded.

Statement of proposals for the construction of 6 armored cruisers, Nos. 4, 5, 6, 7, 8, and 9, received under the Department's advertisement of October 1, 1900.

[Under act of June 7, 1900.]

Class 1—Department's plans.

Union Iron Works	*$3,750,000
Cramp's	*3,780,000
Newport News Company	*3,775,000

*Contract awarded.

I have now exhausted the objections which I stated at the outset it was my intention to answer or to explain away. Two other great objections constantly urged against navy-yard construction is the excessive cost and the greater time for completion of navy-yard built ships. The comparisons heretofore made were between vessels built in private establishments and those built in Government yards at a time when the yards were absolutely barren of equipment. There are some additional considerations, however, which should not be overlooked at this time.

The Chief of the Bureau of Construction and Repair in his annual report for the year 1901 states that the Department's attention—

has been specifically called to the probability of two years' delay in the completion of the 5 battle ships of the *Virginia* class and the 6 armored cruisers of the *Pennsylvania* class.

These vessels had just been begun when the report was compiled, and under the contracts for their construction were to be completed within thirty-six months from the date of the contract.

The reason given for the probable delay is the inability of the armor-plate manufacturers to provide the armor required for the vessels mentioned within the time required for their completion under the contracts.

The chief constructor further points out that the responsibility for such delay rests with the Government and renders it liable to suits for damages by the ship contractors. Members of this House who were in the Fifty-sixth Congress recall that a bill passed this House sending to the Court of Claims for adjustment claims of this character of the Cramps alone which aggregated more than a million dollars. This is an item of expense of very great proportions which would be entirely eliminated from the cost of vessels under construction at navy-yards.

The report of the chief constructor for 1901 further shows that the following vessels were the following number of months behind contract time of completion on July 1, 1901:

Battle ships.—*Illinois*, 3 months; *Missouri*, 17.2 months; *Maine*, 15.5 months; *Ohio*, 19 months.

Protected cruisers.—*Denver*, 3.8 months; *Chattanooga*, 6 months; *Tacoma*, 9 months; *St. Louis*, 6 months; *Des Moines*, 5 months; *Galveston*, 9.5 months; *Cleveland*, 1.5 months; *Milwaukee*, 2 months.

Monitors.—*Arkansas*, 15.1 months; *Florida*, 12 months; *Nevada*, 11.4 months; *Wyoming*, 9 months.

Torpedo-boat destroyers.—*Bainbridge*, 18.5 months; *Chauncey*, 31 months; *Decatur*, 19.3 months; *Hull*, 20.4 months; *McDonough*, 16.9 months; *Perry*, 19.8 months; *Stewart*, 26.7 months; *Whipple*, 19 months; *Barry*, 20 months; *Dale*, 20 months; *Hopkins*, 18.4 months; *Lawrence*, 16.9 months; *Paul Jones*, 19.1 months; *Preble*, 20.5 months; *Truxtle*, 19 months; *Warden*, 19 months.

Torpedo boats.—*Stringham*, 30.4 months; *Blakely*, 22.4 months; *Nicholson*, 23.6 months; *Thornton*, 23.5 months; *Wilkes*, 25.5 months; *Goldsboro*, 33 months; *DeLong*, 22.4 months; *O'Brien*, 23.1 months; *Tingey*, 27 months.

Submarine torpedo boats.—*Plunger*, 5.1 months; *Grampus*, 5.7 months; *Pike*, 5.2 months; *Shark*, 4.4 months; *Adder*, 5.9 months; *Moccasin*, 4.9 months; *Porpoise*, 4.4 months.

This statement shows that 48 vessels have been delayed beyond the time for completion, as required by the contracts, from one to thirty-three months. Under such circumstances the time required for the completion of such vessels under the terms of the contract can not be considered when estimating how long it takes

to build a ship by contract. Reference was made during the debate yesterday to the fact that representations have recently been made to the Navy Department by a number of contractors having contracts for the construction of torpedo boats and torpedo-boat destroyers, to the effect that the contractors will lose more than $2,000,000 on these various contracts, and that they desire the Government to share these losses with them by paying more than a million dollars in addition to the prices for which the contracts were awarded.

I have seen it stated that at the time these contracts were made naval constructors warned these contractors that it would be impossible to complete these boats for the prices submitted. This has some bearing upon the subject urged yesterday that there is no guaranty of performance from navy-yard-built ships. It seems to have been overlooked that the naval constructors design the vessels in their minutest details, including speed requirements, displacement, etc. They place a limit upon the cost, and not within ten or twelve years have contractors refused to take contracts at prices within the estimates of the naval constructors.

It will not be out of place to call attention at this time to a report made by Rear-Admiral Melville, Chief of the Bureau of Steam Engineering, in 1892. It was in reference to the machinery and boilers of the cruisers *Raleigh* and *Cincinnati*. Admiral Melville pointed out in that report that the cost of building the machinery and erecting it on board the vessels would be considerably less than the original estimates on which the contractors had refused to bid as being too low for the amount of work required.

He calls attention, too, to the fact that bids were requested for the furnishing of certain flange plates. The only bid received was for $81,200. The Department directed that the work be done at the New York Navy-Yard, the result being that the total cost of the flange plates completed was $51,081.50. Admiral Melville's own words in reference to this matter are worth quoting:

> Expressing the above figures in words the Government has obtained these flange plates ready for assembling in the boilers for $18,418.48 less than was bid for the same work, and has a hydraulic flanging machine to boot.

The flanging machine and the cost of erecting it amounted altogether to $11,700. This is but one instance of many that might be cited where the Government yards have demonstrated their capacity to compete favorably under any conditions with private establishments.

The chairman of the committee yesterday stated that one of the cards issued by the Chamber of Commerce of Vallejo regarding the value of the navy-yard plants was misleading. No one who examined the card with any care whatever could have been misled by it.

From his own report it appears that the value of the navy-yard plants is about $80,000,000, and it can not be disputed that the expenditures for maintenance and for improvements at the various navy-yards for the year ending June 30, 1901, aggregate some $10,000,000, while the repair work done did not exceed $5,000,000 or, at the outside, $6,000,000.

These yards can easily be utilized in a manner that will be more beneficial to the Government. With very little, if any, additiona. expense of maintenance the amount of work done at the navy-yards of the United States can be more than trebled. It is a well-known fact that the machinery of such plants deteriorates very quickly when not used constantly. Unless the yards are to be utilized to their fullest capacity, it is the greatest legislative folly conceivable to continue to appropriate vast sums for their improvement and maintenance.

Great Britain and the continental powers do not build war vessels in the government yards out of any desire to "stifle genius." The policy of every maritime power worthy of the name, excepting the United States, has been to build new vessels in government yards. I have here a statement furnished by the office of Naval Intelligence, which gives the number and kinds of naval vessels building for England, France, and Germany, with tonnage and estimated cost, and showing whether building in government or private yards.

Number and kinds of naval vessels building for the principal foreign powers, giving tonnage and estimated cost and showing whether building in Government or private yards.

ENGLAND.

Class.	Number.	Total displacement.	Average cost.[a]
Ships building in Government yards.		*Tons.*	
Battle ships	9	134,350	£1,048,878
Cruisers	10	77,400	662,662
Ships building in private yards.			
Battle ships	7	101,650	976,986
Cruisers	14	143,020	779,141

[a] As it was impossible to give the total cost of ships building for England, owing to the fact that the estimations for a number of them have not yet been given out, the average cost per ship for those obtainable is given.

Number and kinds of naval vessels building, etc.—Continued.

FRANCE.

Class.	Number.	Total displacement.	Average cost.
Ships building in Government yards.		*Tons.*	*Francs.*
Battle ship	1	14,865	35,236,042
Cruisers	4	47,064	112,132,936
Ships building in private yards.			
Battle ship	1	14,865	36,136,042
Cruisers	4	37,245	91,248,508

GERMANY.

Ships building in Government yards.			*Marks.*
Battle ships	4	45,760	83,910,000
Cruisers	6	42,000	73,870,000
Ships building in private yards.			
Battle ships	5	58,840	107,470,000
Cruisers	9	32,700	56,960,000

From this it appears that Great Britain, France, and Germany distribute their building operations very evenly between government and private establishments.

I have never urged that all Government constructions be done in navy-yards. I do not favor that policy now. In my opinion sufficient of the vessels authorized from time to time should be placed in the navy-yards for construction for the purpose of enabling the plants to be maintained in an efficient and economical manner, and as a check upon private concerns. This is not a blow at private enterprise. It will in no way cripple or injure any industry.

Two years ago I called attention to the fact that the Commissioner of Navigation in his report for 1899, after stating that our greatest annual production of ocean steam vessels was for the year then just closed, when it amounted to 43,871 gross tons, asserted that the construction "of 100,000 tons of ocean steel steamships (including those of the coasting trade) in addition to the naval contracts and contracts in other Government vessels on which they are engaged would overtax the present capacity of our shipyards.

His report for the year ending June 30, 1901, shows that the gross tonnage of ocean-going vessels built during that year in the United States aggregated 82,709 tons. The shipbuilding plants of the country are within easy reach of sufficient work to overtax—if not already overtaxed—their plants. The placing of some of the naval work in the Government yards can do no harm to them. It is beyond dispute that three of the Government yards are equipped for building operations, and I hope that all three of them will be given an opportunity to demonstrate their capacity and efficiency in the construction of three of the vessels authorized in this bill. [Applause.]

Mr. METCALF. Mr. Chairman, the bill now under consideration provides for the building, by contract, of 2 first-class battle ships, 2 first-class armored cruisers, and 2 gunboats. The Secretary of the Navy is directed to build at least one of the battle ships or armored cruisers in one of the Government navy-yards, and, in addition thereto, discretion is vested in the Secretary of the Navy to build any or all of the ships authorized by the bill in such Government navy-yards as he may designate. The provision making it mandatory that at least one ship be built in one of the Government navy-yards is a move in the right direction, but, in my judgment, it does not go far enough.

The committee in its report says that there is some public sentiment in favor of the building of ships in the navy-yards, and for the purpose of making the experiment it was deemed advisable to authorize the construction of at least one ship in one of the Government navy-yards. There is not only a strong public sentiment throughout the entire country in favor of building ships in the Government navy-yards, but there is a deep-rooted belief also that the time has now arrived for the Government to utilize its expensive navy-yards for the purpose of building as well as repairing its ships.

The value of the real estate and chattels of the 33 navy-yards and naval stations, according to the report accompanying the bill, is $71,409,162.21, and of the machinery $7,559,451.72. The value of the real estate and chattels, as also the machinery in eight of the largest Government navy-yards, is as follows:

Navy-yard.	Real estate and chattels.	Machinery.
Portsmouth	$3,070,842.05	$473,896.69
Boston	12,712,149.23	844,925.85
New York	21,306,010.37	1,438,374.99
League Island	3,562,722.56	325,802.68
Norfolk	6,313,919.67	803,164.57
Pensacola	1,781,450.99	134,580.94
Mare Island	5,387,301.86	660,146.49
Puget Sound	941,993.80	255,122.21
Total	55,076,391.93	5,046,014.43

making a total of $60,122,404.35, practically a larger sum of money than is invested in all of the private shipbuilding plants in the United States. Appropriations are being made from year to year by Congress for the improvement of these plants, and most of the yards are now in a condition to compete, and compete successfully, with any of the great private shipbuilding plants of the United States. If it costs, as it is claimed, 40 per cent more to build a ship in the Government navy-yards than in the private yards, it will cost at least 40 per cent more to do the repair work upon the ships in the Navy; but there is no foundation in fact for this statement.

The *Texas*, built at the Norfolk Navy-Yard, is always singled out as an illustration of the great cost of building ships at the navy-yards, but at the time the *Texas* was built the Government navy-yards were run under a system radically different from that of to-day. The change was just being made from wooden to iron ships. The yard was not properly equipped. Most of the men employed were not skilled mechanics, and many of the men working at the yard were placed there through political influence.

Many of the tools that were furnished to the yard were charged to the construction of this ship. But notwithstanding the lack of experience and of modern tools and appliances, and notwithstanding the great delay, the *Texas* was successfully built, and to-day is one of the best ships in the United States Navy. She cost complete $4,202,121.49. There is no ship in the United States Navy of the same class as the *Texas* with which we can make a comparison except the *Maine*, her sister ship. The *Maine* was built in the New York Navy-Yard and cost $275,667.26 more than the *Texas*, but she was a heavier ship, and her displacement was 367 tons more than that of the *Texas*.

There is one ship, however, built in one of the private yards of the country with which we can make a comparison, and that is the *Columbia*. The contract price for hull and machinery of the *Columbia* was $2,725,000; she cost complete $3,909,011.26. She was built by the Cramps, and went into commission April 23, 1894. She received a speed premium of $350,000 and has cost for repairs since completion $147,449.18. She is now practically in the scrap heap, being used as a receiving ship in the New York Navy-Yard.

The *Texas* went into commission August 15, 1895, and has cost for repairs since the date of completion $124,682.81. The *Texas*, built at the Norfolk Navy-Yard, is to-day one of the best fighting machines in the United States Navy, while the *Columbia*, built at one of the private shipbuilding yards at a cost to the Government of nearly $4,000,000, is to-day used as a receiving ship at the New York Navy-Yard. The displacement of the *Columbia* is 7,375 tons and her gross tonnage 5,552.48 tons. The displacement of the *Texas* is 6,315 tons and her gross tonnage 4,050.31 tons.

To make a further comparison we will take the case of the two-turret coast-defense monitor *Monadnock*, built at the Mare Island Navy-Yard, and to which the chairman of the committee referred in such strong terms in the course of his remarks yesterday, and the two-turret coast-defense monitor *Monterey*, built at the Union Iron Works, San Francisco. The *Monadnock* was authorized under the act of August 3, 1886, and the *Monterey* under the act of March 3, 1887. The *Monadnock*, according to Senate Document No. 175, cost for hull, machinery, etc., $1,526,268.65, and for armor to hull, equipment, etc., $607,785.83, making a total cost of $2,134,054.48.

Originally the contract for the construction of the *Monadnock* was awarded to the Continental Iron Works, but for some reason the work was not completed by this company, and the Government subsequently took the uncompleted hull and finished the work at Mare Island Navy-Yard. There was paid on account of the hull under the Robeson administration $574,490.

When the hull was delivered to the Mare Island Navy-Yard a great portion of the work had to be done over, and it would have been cheaper for the Government to have begun anew. Adding this amount to the figures given in Senate Document No. 175, and we have as the entire cost $2,708,544.48. From this should be deducted for a set of boilers never installed, $112,000, making the total cost $2,596,544.48.

And right here I want to say, in answer to the gentleman from Illinois, that no criticism can justly be made of the Vallejo Chamber of Commerce. It has simply exercised the right that every citizen in the United States has, and that is the right of petition. All the members of that chamber are well-known, reputable citizens. I know them all, and I know that under no circumstances would they knowingly make a misstatement or try to mislead the House or any member thereof.

The figures as to the cost of the *Monadnock* are taken from the report of the Secretary of the Navy as contained in Senate Document No. 175, less the sum of $112,000 for a set of boilers never installed. Deducting this amount, and it leaves a difference of only $2.65 between the figures given out by the Vallejo Chamber of Commerce and those of the Secretary of the Navy.

The people of Vallejo are deeply interested in the building of ships in the Government navy-yards. Most of the mechanics employed at the yard reside in Vallejo, and if Mare Island ever gets an opportunity to build a battle ship or cruiser, and I believe that she will, you will find that the mechanics at that yard, even though they work but eight hours a day, will turn out one of the best fighting ships and one of the speediest in the American Navy, and it will be built just as cheap if not cheaper than it could be built in any of the private ship-building yards.

The *Monterey* was built under contract by the Union Iron Works, and according to Senate Document No. 175 the hull and machinery cost $1,861,232.69. To this should be added inspectors' charges of $20,000 and the penalty remitted by Congress in 1901 of $32,823, making a total of $1,914,055.69. To this should be added the amount paid for armor to hull, gun protection, equipment, trial-trip expenses, etc., $900,138.37, making the total cost of the *Monterey* $2,814,194.06.

The *Monadnock* was commissioned February 20, 1896, and the *Monterey* was commissioned February 13, 1893. The gross tonnage of the *Monadnock* is 1,608.26 tons, and the gross tonnage of the *Monterey* is 1,589.74 tons, a difference in favor of the *Monadnock* of 18.52 tons. Up to August, 1898, the time of the arrival of these monitors at the Asiatic station, the *Monadnock* cost the Government for repairs the sum of $48,658.30 and the *Monterey* $70,902.34; and from August, 1898, to January 1, 1902, the *Monadnock* cost for repairs $86,946.96 and the *Monterey* $75,149.48—a pretty fair showing, especially when you consider that the yard was without modern tools, that many of the men were unskilled mechanics placed there by political influence and under political pressure, and that the appropriations at times were not sufficient to keep the men employed over two or three months during the year.

In a number of instances the navy-yards of the country have successfully competed with private yards for Government work, and in so competing have saved the Government large sums of money. As an illustration I cite the case of the Mare Island Navy-Yard. On October 30, 1885, bids were opened for the removal of the cofferdam in front of the dry dock at Mare Island. The bids ranged from $39,750 to $50,000. All of the bids, however, largely exceeded the amount allowed.

New bids were received on November 28 following, at which time 10 offers were made ranging from $15,000 to $49,975. The $15,000 bid was from an irresponsible firm and was rejected. The other bids being excessive, the civil engineer of the yard undertook the work, and did it for $20,492.19. About the same time a set of boilers was required for the dry-dock pump house. The lowest bid was $26,200. This sum being regarded as excessive, the boilers were built in the shop of the engineering department at the yard at a cost of $19,000, or $7,200 less than the lowest bid.

One of the private shipbuilding yards in San Francisco offered to build a 100-ton pair of shear legs for $80,200. This offer was declined and the work was done at the yard for $44,375, including the foundation. And this is not all. The Government was charged, as is claimed, excessive prices for repair work on some of the transports in San Francisco. It was rumored that there was a combination on the part of the private shipbuilding yards, and the navy-yard was called on to furnish estimates.

It was generally known that the yard was to furnish estimates, and when the bids were put in for repairs on the transport *Sheridan* it was found that the Risdon Iron Works bid $293,000, to do the work in 117 working days; the Union Iron Works, $291,525; the Mare Island Navy-Yard's estimate was $289,150, to do the work in 150 working days, and the Fulton Iron Works bid $285,675, to do the work in 112 working days. The contract was awarded to the Fulton Iron Works, but it took 180 days to do the work, 30 days more than was estimated by the Mare Island Navy-Yard. The difference in price between the Fulton Iron Works and the Mare Island Navy-Yard was only $3,475.

Subsequently bids were called for for repairs on the transport *Sherman*. W. A. Boole & Son bid $399,045, to do the work in 90 working days; Fulton Iron Works bid $390,000, to do the work in 110 working days; the Risdon Iron Works bid $385,000, to do the work in 100 working days; the Mare Island Navy-Yard estimated $367,771 if teek was used, and $361,771 if Oregon pine was used, the work to be done in 75 working days; the Union Iron Works bid $384,900, to do the work in 75 working days, or $337,497.50, to do the work in 90 working days. The contract was awarded to the Union Iron Works, and the transport *Sherman* was, owing to a strike in that yard, on the ways for nearly a year before she was delivered to the Government.

Bids were also called for for repairs on the transport *Logan*. The Fulton Iron Works bid $65,850, to do the work in 90 working days after the receipt of the material; the Risdon Iron Works bid $69,100, to do the work in 100 days after the receipt of the material; The Union Iron Works bid $70,337.50, to do the work in 100 working days after the receipt of the material, and the Mare Island Navy-Yard estimated $33,072, to do the work in 40

working days after the receipt of the material—$32,728 less than the bid of the lowest bidder. The ship was sent to the Mare Island Navy-Yard for repairs and she did the work within the estimate and within the time specified.

If it is a fact that it costs the Government 40 per cent more to build its ships in the navy-yards of the country than in the private yards, it naturally follows that it must cost the Government 40 per cent more to do the repair work. If this is the case, the sooner the Government closes its navy-yards and allows the work to be done by private contract the better it will be for the taxpayers of the country; but this is not the case, as the figures just given demonstrate.

The mechanics and foremen employed at the Government navy-yards are just as skilled and just as intelligent as those employed in any of the private shipyards, and I bar none. Political influence will not at the present time avail a man in securing work in any of the Government navy-yards. Under the rules and regulations of the Department preference is given to the veterans of the civil and Spanish-American wars and to former employees of the yard in good standing. All persons desiring work at the navy-yards must register, and they are employed in the order of registration.

If upon trial they are found to be incompetent, they are at once discharged, and the result is that we now have in the Government navy-yards an efficient and skilled class of mechanics. The foremen are all under civil service and are some of the best men in the United States. As an illustration: At Mare Island Navy-Yard eight of the foremen were foremen at the Union Iron Works when the *Oregon* was constructed. Many of the mechanics employed at the yard worked on the *Olympia* and *Oregon*, admittedly two of the finest ships of their class in the American Navy. There is no inducement to slur work in the Government yards, and all the work turned out by these yards is of the highest order.

I do not advocate the building by the Government of all of its ships in its navy-yards, but I do believe that the time has now arrived for the Government to build at least some of its ships in its own yards for the purpose of demonstrating that it can build just as cheaply if not cheaper than the private yards, and above all, for the purpose of preventing a combination and consolidation of the private shipbuilding yards.

The bid of the Newport News Shipbuilding Company on the *Kearsarge* and *Kentucky* was nearly a million dollars less than the bids of the Cramps and the Union Iron Works. This was before the Newport News Company entered the combination and is another illustration of what competition will do. The Government exacts but eight hours a day from its employees in its yards; the private yards from nine to ten hours a day; and if I had my way I would insist upon the Government inserting in every contract made by it with private shipbuilding concerns a clause that none of the men employed in the building of Government ships shall work to exceed eight hours a day.

All the guns used by the Navy are manufactured in the Government navy-yard at Washington, and the same is true of the guns used by the Army. Until recently the Navy Department paid for smokeless powder 90 cents a pound. The Chief of the Bureau of Ordnance recommended the establishment of a gunpowder factory, and an appropriation was made therefor.

The factory was built and experiments were made in the manufacture of smokeless powder. The two powder factories supplying smokeless powder to the Government were informed that unless they reduced their price to 75 cents per pound the Government would manufacture its own powder. The result was that the price was immediately reduced. Numerous other instances could be cited, but to my mind these are sufficient. None but American citizens are employed in the navy-yards of the United States—no foreigner is permitted to work in these yards—and it is a wise regulation.

At the last session of the Fifty-sixth Congress a bill was passed giving to the mechanics and laborers employed in the navy-yards of the Government fifteen days' leave of absence with pay. The private shipbuilding concerns who have been fighting the bill providing for an eight-hour law on all Government work were in favor, so I am informed, of the bill giving fifteen days' leave of absence with pay to the employees of the navy-yards, and are favorable to the bill recently introduced, giving to the same employees thirty days' leave of absence with pay.

The employees of the yards have not asked for the passage of such a measure. All they ask for is steady, permanent employment, and many of them have protested against the bill allowing them fifteen days' additional leave of absence with pay. They would prefer to have Congress authorize the building of some of the ships by the Government in the Government yards rather than to have fifteen or thirty days' leave of absence with pay. England, Germany, France, Italy, and Russia build ships in the Government navy-yards, and there is no reason why such a course should not be pursued by this Government.

Many of the private shipbuilding yards of the country are congested with work, and one yard alone at the present time has 1 first-class battle ship, 2 armored cruisers, 1 monitor, 2 unarmored protected cruisers, 3 torpedo boats, and 2 submarine boats under construction, and on most of these ships a hammer has not been struck for eight or ten months. And you can not point out an instance when any of the ships built in the private shipbuilding yards have been finished within the contract time.

The *Maine* was to be finished June 1, 1901; now 67 per cent finished. The *Missouri* was to be finished August 30, 1901; now 60 per cent finished. The *Ohio* was to be finished June 5, 1901; now about 50 per cent finished. The *Illinois* was twenty-four months over the contract time; the *Indiana*, twenty-four; the *Iowa*, sixteen; the *Kearsarge*, thirteen; the *Kentucky*, sixteen; the *Massachusetts*, twenty-nine; the *Oregon*, thirty-two; the *Wisconsin*, seventeen; the *Baltimore*, fifteen; the *Newark*, sixteen; the *Olympia*, twenty-two; the *Detroit*, fourteen; the *Minneapolis*, sixteen; the *Marblehead*, twenty-four; the *Montgomery*, twenty-two; the *Bennington*, twenty-four; the *Castine*, thirty; the *Concord*, twenty-two; the *Machias*, fifteen; the *Petrel*, twenty-four; the *Yorktown*, fifteen; the *Helena*, eighteen: the *Nashville*, nineteen; the *Wilmington*, sixteen; the *Princeton*, fifteen; the *Davis*, nineteen, and the *Rowan*, twenty-six.

In most every case where penalties have been imposed the penalties have been remitted. Over three millions and a half have been paid by the Government as premiums for excess of speed, but this was done away with some time ago. The building of ships by the Government in the Government navy-yards will give permanent employment, will increase the efficiency of the force, and will greatly reduce the cost of construction as also the cost of repair work. It will give employment to a greater number of men, and the Government will secure better results.

Most of the Government navy-yards are now equipped for construction work; the men employed at the yards are skilled and competent mechanics; the yards are all under the control and management of naval officers.

All work done at the yards is done under the direction and supervision of skilled and eminent naval constructors, and those naval constructors favor the building of ships in Government yards.

The veterans of the civil war, the veterans of the Spanish-American war, the employees of the yards, as well as organized labor throughout the United States, are asking Congress to utilize the Government navy-yards. The arguments, to my mind, are all in favor of the proposition, and I sincerely trust that the bill will be amended so as to make it mandatory on the Secretary of the Navy to have at least three of the ships authorized under this bill built in the Government navy-yards. [Applause.]

Mr. FOSS. Mr. Chairman, I suggest to my friend from Louisiana [Mr. MEYER] that he use some of the time belonging to that side.

Mr. MEYER of Louisiana. Mr. Chairman, I yield thirty minutes to the gentleman from Indiana [Mr. GRIFFITH].

Mr. GRIFFITH. Mr. Chairman, I desire to demonstrate that some part of this appropriation should be applied toward enforcing our rights upon the shores of Alaska. As a member of the Committee on Public Lands, I desire to call attention to the fact that Canada has encroached upon our lines and is to-day in possession of a strip of country half as large as the State of Indiana, and that whereas our flag from 1867 to 1898 waved over this section of our domain the flag has now been hauled down by the last and present Administration. Canada has moved upon our territory until she has an outlet through the arms of the sea down to the coast.

This contraction of our domain is in strange contrast to the policy of expansion as now advocated by the Republican party.

Whenever our country has been involved with any other power England has always seized the opportunity to assert some claim against us or to encroach upon some of our territory.

It seems to me, Mr. Chairman, that, while we are measuring our "new possessions" and counting the spoils of conquest, it would be prudent in us to measure our undisputed territory and find out the boundaries of our domain. No farmer would try to fence in his neighbor's land until he had secured to himself the title of his own acres. Is not the United States forgetting the fable of the dog that jumped into the water to catch the shadow of the meat in his mouth and lost hold of the substance in the vain pursuit?

Do we own Alaska, the Alaska which we purchased from Russia at a cost of $7,200,000 in 1867? This is a grave question, Mr. Chairman, for the answer to it depends on whether we shall be still fighting the Filipinos after England shall have conquered the Boers. If England shall succeed in her nefarious purpose of exterminating the intrepid burghers of South Africa, or, what is more probable, of cheating them by lying pretenses into a hollow peace, while we are still engaged in the business of making a

"howling wilderness" of the Philippine Islands, we may well doubt our dominion over the gold fields of the North, bought and paid for with our good money.

Our miners upon the Yukon and the shores of Bering Sea are crying to us for protection. They are remonstrating against having the British flag unfurled over their homes upon American soil; they are remonstrating against British dragoons destroying ancient landmarks and monuments erected by Russia a century ago; they are remonstrating against British surveyors setting up their theodolites and drawing their sinister angles upon territory which we have held for thirty-five years under a title that has never been challenged, and which Russia had held for forty-two years before ceding the same to us; they are remonstrating against British soldiers, with rifles on their shoulders and caps cocked impudently upon one side, enforcing the laws of England in American camps, far within the American borders; they are remonstrating against the exactions of the British taxgatherer on American soil, an outrage which is aggravated by the tax being four times as great as that levied by the Transvaal Government on the mining Uitlanders, one of the alleged grievances that caused Great Britain to begin the war.

These remonstrances from our fellow-citizens of the Northwest fall upon dull ears. How could it be otherwise? We are busy in the Tropics—too busy to resent insults or aggressions under the Arctic Circle. Will the impudent claims of Great Britain in Alaska be relaxed while the islands in the Asiatic sea demand our attention?

Does the history of England justify the expectation that she will voluntarily abandon any place on earth where her soldiers have once put their feet? The fact that the land belongs to somebody else is of not the slightest consequence to England, except that it increases her avidity in seizing it and her enjoyment in possessing it.

There is no such word as "justice" in her vocabulary; no such sensation as shame in her repertory of emotions. There is no land on earth that conceals wealth or possesses value that is not the object of her covetous desire. If the owner is poor and weak, or if he is otherwise engaged, so that her encroachments will not be resented, or if there be with him "an understanding, an agreement, an alliance, if you wish," England is sure to put in an appearance as the original owner of the property.

As I have said, however, it is not only the poor and weak who are the prey of Great Britain. She also robs strong nations when they are so preoccupied and hampered that they can not successfully resist the plunderer. Not once only or twice, but half a dozen times since the treaty of peace was signed with us in September, 1783, Great Britain has invaded our territory, scorned our pretensions, boldly violated that treaty, and on several occasions successfully deprived us of our own.

Before that treaty the people of all the colonies enjoyed unmolested the right to take fish of every kind off the banks of Newfoundland and Nova Scotia and in the Gulf of St. Lawrence, and this right was in that treaty guaranteed and confirmed anew; but it has been denied ever since pugnaciously and almost to the point of war.

By the treaty of 1783 it was supposed that we had settled with Great Britain and obtained release from her exactions. But before a score of years had passed she required to be conciliated, held up her platter again and made new demands, and in 1802 we were compelled to pay her $3,000,000 to satisfy alleged claims of alleged individuals who asserted that they were "loyal subjects" and had lost property during the Revolution.

By the treaty of 1783 the northeastern boundary of the United States was drawn from the headwaters of the St. Croix River to the Highlands and along the said Highlands, which became the watershed between the St. Lawrence River and the Atlantic, to the source of the Connecticut River. For more than a generation this was construed literally and the maps made in both England and America ran the boundary line up nearly to the St. Lawrence River, and included much of what is now Canada and New Brunswick.

Presently John Bull cast a greedy eye upon this region and formally insisted that our boundary should be contracted. The demand was resisted. The contention went on for many years till finally, in 1842, when the quarrel had become chronic and was verging upon hostilities, the British minister, Lord Ashburton, and our Secretary of State, Daniel Webster, came to an agreement. The incidents which led up to this agreement are obscure. They both lived on Lafayette square, and were near neighbors. They dined together often. They were generous livers, sometimes too generous.

The net result was that Great Britain was conciliated again. America surrendered 7,500 square miles of land—a territory nearly as large as the State of New Jersey. There was never any justice in this transaction. There was never any claim that it was not within the "Highlands." For sixty years the children of England and the United States had studied geography on maps which included this territory within the United States, and after the surrender was made one of these old maps was found in the British Museum by Lord Brougham, bearing in the handwriting of George III the words, "This belongs to the United States." But England was "conciliated."

By this time our northwestern boundary had become involved. The United States claimed to own Oregon Territory, and this territory was held to extend for 500 miles above Puget Sound, joining the Russian province of Alaska. In the "treaty of amity and limits" concluded and ratified in 1821, Spain had formally quitclaimed to the United States all her rights to this territory. We had sent Lewis and Clarke thither, had established the town of Astoria, and had built forts upon the Columbia. Our vessels had traded upon its coasts as far north as Sitka.

But England, which had never acquired any right to the territory, except such as a few wandering half-breed hunters and fishers could bestow, now demanded again to be "conciliated." It was an auspicious moment. Texas had been admitted into the Union, and General Taylor was sent to the Rio Grande. Just then Packenham appeared upon the scene, bristling with demands. The United States Army was across the Mexican border; this was Great Britain's hour.

The American people raised the wild cry of "Fifty-four forty or fight," 54° 40′ being the southern line of Russian Alaska. But the cry was untimely. We could not fight two nations at once, and Great Britain knew it. She therefore made a peremptory demand and our Secretary of State was compelled to concede it in the name of peace.

For two generations American maps and school atlases had marked as our own this vast territory north of Puget Sound, as large as the present States of Oregon and Washington together; but Packenham persisted in his peremptory requirement that the American flag should be hauled down wherever it was floating over this great empire of the Northwest, accompanied by the implied alternative threat that a brigade of British troops would be landed in Portland.

The American Government made peace. It hauled down its flag wherever it was unfurled north of Vancouver, between the ocean and the Rocky Mountains. This treaty, ratified under the menace of war, transferred to Great Britain the most of that region now known as British Columbia—not less than 160,000 square miles, capable of making 20 states like Massachusetts or 5 as large as the great State of Indiana. Again Great Britain was "conciliated."

Now, at the beginning of the twentieth century, as frequently through the nineteenth, Great Britain again asks to be conciliated—nay, she imperatively and arrogantly demands to be pacified. The party in control of this Government has affirmed that the American flag shall never come down where once it has floated. But as it has already been pulled down where it waved over 7,000 square miles of New Brunswick and 160,000 square miles of British Columbia, we can only interpret the Republican declaration to mean that the Star-Spangled Banner shall never be pulled down excepting where it floats justly and by right.

Is it to be pulled down permanently where it has been set by solemn treaty upon the summits of the Cascade Range in Alaska? Is it to be chased down the slopes of the mountains and driven into the sea by the Canadian mounted police at the behest of Joseph Chamberlain, whose hands are red with the blood of the Boers and who is diverting himself in the attempted destruction of the flags of two brave young Republics in South Africa? It has been said, if not in the Canadian Parliament, openly in the Canadian press, that Great Britain would have to pay for the services of the Canadian regiments in the Transvaal by transferring to them the mining camps of American Alaska. Is this indemnity about to be exacted? Are 10,000 square miles of American territory to be seized by England to compensate for the blunders of Kitchener and the bravery of De Wet, Botha, and Delarey?

"Oh, no," says Great Britain; "we do not at present propose to go to extremities, and drive Americans into the sea in Alaska; we only propose to submit the question to arbitration." It may as well be understood at once, if the fact has escaped the attention of Great Britain till this time, that there are some questions that are not subject to arbitration. If the United States was to claim Ireland as its own would England consent to arbitrate the claim?

If we were to seize Nova Scotia, would England and Canada submit it to arbitration, although more than half the population of Nova Scotia consists of the descendants of Tories who fled from this country during the Revolution? Would England consent to arbitrate a claim of France to the island of Jersey, although that island is within 12 miles of the French coast and more than 100 miles from England? No; possession which has been for generations undisputed is not subject to arbitration.

Let me pass the history of Alaska in quick review, and show

that the British claim is equally new and preposterous. The United States and Russia signed a treaty in 1824 in which they agreed on the parallel of 54° 40′ as the division between their respective territories, and in February of the next year Russia and Great Britain signed a treaty which drew the following boundary line between their respective possessions in North America:

ARTICLE III. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the northwest shall be drawn in the manner following: Commencing from the southermost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40 north latitude, and between the one hundred and thirty-first and the one hundred and thirty-third degree of west longitude (Meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and, finally, from the said point of intersection the said meridian line of the one hundred and forty-first degree, in its prolongation as far as the frozen ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest.

ARTICLE IV. With reference to the line of demarcation laid down in the preceding article, it is understood:

First. That the island called Prince of Wales Island shall belong wholly to Russia.

Second. That wherever the summit of the mountains which extend in a direction parallel to the coast from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings (sinuosités) of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

In defining the boundaries of Russian America the Russian Government never failed to insist that it was entitled to a strip of seacoast (lisière, in the language of diplomacy) on the main land from the Portland Channel on the south to Mount St. Elias in the north, so as absolutely to cut off the British possessions from all access to the sea above the point of 54° 40′.

For more than half a century the British Empire never contested this interpretation, and after the cession of Russian America (afterwards called Alaska) to the United States, in 1867, England still quietly accepted the reading of the treaty, which declared that the boundary "shall follow the summit of the mountains parallel with the coast." Map after map was published by Russians, English, Canadians, and Americans, unanimously agreeing in placing the boundary upon the mountain tops, at least 30 miles from shore. They all agreed in shutting off England from all access to the sea at every point north of Portland Canal, even from Lynn Canal, an immense bayou, stretching inland.

When the Russo-British treaty was negotiated in 1825, Sir Charles Bagot, on behalf of England, contended urgently for a free access to the sea as far north as possible. He first proposed that the boundary line should run "through Chatham Strait to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea." To this proposition Count Nesselrode replied by insisting upon the frontier line defined in the treaty.

Sir Charles Bagot thereupon modified his plea and marked out a boundary wandering among the islands and giving the Hudson Bay Company access to the fiords and estuaries. The Russian plenipotentiaries insisted upon the boundary laid down in the treaty. Russia thus simply defended her territory, while England sought to obtain territory which she had never possessed. It was, as Count Nesselrode said in contrasting the policies of the two nations, "Thus we wish to retain and the English wish to acquire." England, after much discussion and a long and stubborn resistance, finally yielded at every point.

The mutual understanding of both the British and the Russians as to the boundary which they definitely arranged between their respective Empires in the treaty of 1825 is proved, first, by the overwhelming multitude of maps of the best cartographers of the leading nations of the world, including England and Canada, in recognizing the boundary always claimed in the beginning by Russia and afterwards by the United States; second, by the accordant acts of the British and Canadian authorities.

Not only had Great Britain recognized and confirmed in the official maps which she had published the boundary as defined in the treaty, but she had still further confirmed the mutual understanding by renting from Russia for a long term of years the very territory which she contended was her own. Great Britain agreed to pay and did pay from the year 1839 to the year 1857 $7,500 a year for this very margin of coast which she now claims is British territory.

Probably the most important English map, indicating what the best geographers of the British Government thought was the true boundary until very recently, is the British Admiralty Chart, No. 787, giving the northwest corner of America, prepared in 1876 and corrected up to April, 1898.

On this chart of the British Admiralty the frontier of the United States descends the one hundred and forty-first degree of longitude west from Greenwich, and then advancing follows the sinuosities of the coast, so as to give a continuous strip of territory completely cutting off the Dominion of Canada from all contact with the fiords or even estuaries which make their way into the continent. This boundary between British and American territory is drawn more than 50 miles from the coast. Thus the British Admiralty itself upholds and indorses the territorial claims maintained by both the Russian and the United States Governments.

This significant chart, it will be noted, was corrected up to April, 1898. On the 1st of August, 1898, the British Government for the first time presented to the Government of the United States a statement revealing the fact that it repudiated the provisions of the treaty of 1825 concerning the meaning of the Alaskan frontier as defined in the Anglo-Russian treaty, and on August 23, 1898, it claimed that the eastern boundary of Alaska should run across the estuaries and fiords, so as to give Great Britain access to the sea.

It is in exact accordance with British character that this demand was made during the very year that we got into trouble with Spain. As soon as it was obvious that we had a war upon our hands, England hastened to formulate and present demands which had not before occurred to her. As, during the rebellion, she took instant advantage of our plight by launching a privateer to prey upon our commerce, so now, when we were involved in trouble with another nation, she presented a demand for a new boundary that would give her a thousand or more square miles of territory.

It is to be further observed that her cupidity was tempted in still another way. Not only was an accession of territory desired, but the very year before, it had been discovered that that territory hid untold wealth. As poverty proved an ample protection to the South African Republics for scores of years, and as England made no assault upon their integrity until diamonds had been found at Kimberley and abundant gold in the Witwatersrand, so the greedy plunderer made no motion to climb over the mountains and invade Alaska till it had become an Eldorado.

Our Secretary of State is a most amiable and obliging person. His sensibilities were deeply wounded when he heard that the Alaskan miners had held a meeting and resolved to pay their taxes to Great Britain in lead, but not in any more valuable metal. He was also profoundly touched by the complaint of Mr. Chamberlain that the people of British America could not get down to the salt water, and the expression of his hope that the United States would consent to the abrogation of the treaty without insisting on any equivalent.

The Secretary of State is tender hearted. He sympathizes with distress wherever he beholds it, especially in great and powerful empires, and after residing several years in Great Britain he developed a fervent attachment for its style of government, which has broken out in a magnanimous concession almost without parallel in the history of nations.

It is less than three years since his susceptible heart was touched by an appeal from Great Britain for a temporary modification of the Alaskan boundary. The United States was at war, and England requested, in accents suggestive of a demand, that the boundary between her British possessions and the North Pacific should be rubbed out temporarily. She did not offer any reciprocal consideration. She did not take the trouble to define the word "temporarily."

Everybody knows that when Great Britain uses the word "temporarily" in this connection it always means "permanently." Whenever she takes transient possession of any land on the face of the earth, she remains there forever and a day. In the light of these facts must be read the official document printed by the State Department entitled "Modus vivendi between the United States of America and the United Kingdom of Great Britain and Ireland, fixing a provisional boundary line between the Territory of Alaska and the Dominion of Canada about the head of Lynn Canal."

Concluded by exchange of notes October 20, 1899, by John Hay, Secretary of State of the United States, and Reginald Tower, chargé d'affaires of Her Britannic Majesty at Washington.

This remarkable document gave to Great Britain, without any equivalent and without any effort to define the word "temporary," the right to occupy thousands of square miles of our territory with her soldiers and surveyors and to harass its American inhabitants, and I give it in full, as follows:

It is hereby agreed between the Governments of the United States and of Great Britain that the boundary line between Canada and the Territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows without prejudice to the claims of either party in the permanent adjustment of the international boundary:

In the region of the Dalton Trail, a line beginning at the peak west of Porcupine Creek, marked on the map No. 10 of the United States Commission, December 31, 1895, and on sheet No. 18 of the British commission, December 31, 1895, with the number 6500; thence running to the Klehini (or

Klsheela) River in the direction of the peak noth of that river, marked 5020 on the aforesaid United States map and 5025 on the aforesaid British map; thence following the high or right bank of the said Klehini River to the junction thereof with the Chilkat River, a mile and a half, more or less, north of Klukwan; provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and, subject to such reasonable regulations for the protection of the revenue as the Canadian government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line such goods and articles as they desire, without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak east of the Chilkat River, marked on the aforesaid map No. 10 of the United States Commission with the number 5410 and on the map No. 17 of the aforesaid British commission with the number 5490.

On the Dyea and Skagway trails, the summits of the Chilcoot and White passes.

"It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either power found by this arrangement within the temporary jurisdiction of the other shall suffer no diminution of the rights and privileges which they now enjoy.

"The Government of the United States will at once appoint an officer or officers, in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks."

This is, indeed, a curious example of a modus vivendi. In the Century Dictionary we read that the modus vivendi is "a manner or way of living; a temporary arrangement pending a settlement of matters in debate, as between two nations." Hitherto when nations have established a modus vivendi it has been established by the nation actually in possession, and if it be a question of boundary, and if the boundary has been defined by a treaty, the modus vivendi operates in accordance with the terms of the treaty.

In this case of Alaska, however, the generous and susceptible Secretary of State establishes a modus vivendi in accordance with the claims of the party not in possession and conceding to him territory which he has never had the right to enter.

This is a new kind of modus vivendi, so absolutely novel that it ought to be secured to America by an international patent. Possession has hitherto been said to be nine points of the law; and if a man's right to his house is contested in the courts, he does not usually move out of it until some kind of a verdict has been found against him.

Much less does he invite the contestant to occupy the house jointly with him until some indefinite future year. The impudence of Mr. Reginald Tower in making the proposition finds its counterpart in the unsophisticated simple-mindedness of John Hay in conceding it. Or is it something else than simple-mindedness—perhaps the same lack of patriotism which induces him to permit and protect the establishment of British camps of supply at New Orleans in violation of our neutrality laws as defined by treaty?

I call your attention to the statement of Hon. J. W. Ivey, late collector of customs in Alaska, as published in the Washington Post:

Turning to the dispute over the boundary line, Mr. Ivey continued:

THE BOUNDARY-LINE DISPUTE.

"The United States made a most stupendous blunder when it submitted the boundary question to arbitration. The treaty of 1825 between England and Russia so clearly defines the line that it is not debatable. The Canadians are to-day occupying millions of acres of American territory at Forty Mile, the Porcupine, and other stations in that vicinity. Their surveyors and engineers have been actively at work for years, and I am satisfied that it will be soon proven to the satisfaction of our people that their zeal for their government has led them to destroy boundary monuments erected by the Russian Government more than half a century ago.

"Three years ago, when gold was discovered by American miners on American soil in the Porcupine district, the Canadians aggressively moved forward 21 miles, taking in most of the mines, subjecting the American miner to Canadian laws, executed by armed officers under the British flag while on American soil. Under these conditions Secretary Hay consented to a 'modus vivendi' with the British Government, agreeing to postpone the settlement of the question, leaving the Canadians in possession of the territory. If this was done by our Government through ignorance it was inexcusable; if intentional, it was a crime.

"The Canadians should have been put back to their own line by persuasion, if possible, but by force, if necessary, and action should have been taken before the sun went down.

NO CAUSE FOR ARBITRATION.

"The United States should withdraw this question from arbitration, after which it should make the survey on the lines defined by treaty, erect its boundary monuments, and if that does not settle it, let it be settled the way George Washington settled with them."

The cuckoo warbles its curious note as far north as Alaska, and we must not forget its sinister habit of depositing its eggs in the nests of other birds to be hatched and the unpleasant habit which the usurping strangers have of killing the young of their entertainer and kicking them out of their own mother's nest.

Æsop lived a great while ago, but he has bequeathed to us a prophetic fable: A porcupine, looking for shelter, asked a nest of ground squirrels to admit him into their cave. Being good-natured, they granted him hospitality, and in he came accordingly; but he made such aggressive and ugly use of his sharp quills that they soon repented of their easy compliance and entreated the porcupine to withdraw and leave them their home to themselves. "No," said he, "let them quit the place that don't like it; for my part, I am well enough satisfied as I am, and shall make it my home."

And the porcupine made it his home—"temporarily."

The full meaning of the modus vivendi, as I have given it, can scarcely be understood without reference to a map. Its very worst feature, except the surrender to England of territory to which she has no shadow of right, is its fragmentary and indefinite character. It represents the territory included in a circle of 200 miles around the head of Lynn Canal, the central highway to the Klondike.

Of this 200 miles less than 50 miles are covered by the provisional boundary in any way whatever. The Katschin River trail, the Takhin River trail, the Ferebee River Valley, and the great Chilkoot River route northward are all completely unprotected and are left with the open door. Indeed, the business centers of Skagway and Dyea are left with Canadians to share equally with ourselves if they approach by flanking the White Pass and the summit of the Cascade Range.

By the modus vivendi we concede to English soldiers and English surveyors the right to penetrate to the very heart of Alaska, giving them all advantages and acquiring nothing for ourselves. Acquiring nothing, do I say? O, yes; we have acquired something. We have acquired the permission of England to conquer and desolate the Philippine Archipelago, to turn Samar into a "howling wilderness" and to "kill everything over 10 years of age." If this was a duty which we needed to perform, perhaps the acquiescence of the Empire of Edward VII has not been dearly purchased.

Possibly, however, we might have continued to walk in the pathway of honor without seeking the approval of Great Britain. If England demanded to be bribed, or sought to blackmail us, we might have triumphantly quoted one of John Hay's admirable apothegms, published in his works: "Be not too anxious to gain your next-door neighbor's approval; live your own life, and let him strive to gain yours." And if the crime against the Boers and our course against the Filipinos should be mentioned in one breath, it would be cruel to embarrass Mr. Hay by quoting from his own poems this beautiful apostrophe to Liberty:

For all in vain will timorous ones essay
To set the metes and bounds of liberty,
For freedom is its own eternal law.
It makes its own conditions, and in storm
Or calm, alike, fulfills the unerring will.
For always in thine eyes, O Liberty!
Shines that high light by which the world is saved;
And, though thou slay us, we will trust in thee.

The honorable gentleman has now discarded, as maudlin, this sentiment which he no doubt acquired from association with Abraham Lincoln. In fact, he has repudiated many of the principles of his callow youth. "Jim Bludso" was once his ideal hero—Jim Bludso, the brave and unselfish pilot of the Prairie Belle, who nobly did his duty and "held the nozzle agin the bank" till the passengers were saved.

Now, his ideal Jim Bludso trains a machine gun against an unprotected village or holds a burning torch under the thatch of a Tagal home. John Hay's opinion of little boys seems also to have undergone a change. He shed rhetorical tears when "Little Breeches" got lost, and when the child was found herded with the sheep the poet insisted that angels had protected him. The Tagal infants, "everything over 10," seem to have lost their angel guardians, and "loafing around the throne" in satin knee breeches has risen to a delightful profession.

We have not much to hope for from this Administration. It has discarded and repudiated the Declaration of Independence for the greed of conquest, and it has formed an unholy alliance in giving the British Empire permission and assistance in exterminating the gallant farmers of South Africa. The last Democratic President knew well how to defend the nation's honor, and if for nothing else, he should be honored.

When the British lion, roaming up and down the earth, laid its heavy paw upon little Venezuela and insolently growled, "This is mine," Uncle Sam, in the person of Grover Cleveland, took that voracious animal by the tail and gave it such a mighty twist that its roar of anguish echoed across the Atlantic Ocean. And straightway it took its wounded appendage between its legs and hastened home. When some other man of patriotism and unflinching courage shall stand at the head of our affairs, Alaska will be defended against the robber nation of the world, and our bright flag will be drawn again to the masthead wherever it has a right to fly. [Applause.]

Mr. MEYER of Louisiana. Mr. Chairman, I yield forty-five minutes to the gentleman from South Carolina [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, there is no measure now before Congress which is of more importance to the people of my State

and to the neighboring States of the South than the creation of the National Appalachian Forest Reserve.

In 1899 a movement was inaugurated by the Appalachian Park Association at Asheville, N. C., for the purpose of preserving the Southern Appalachian forests. The necessity that these forests should be preserved in order to prevent the washing of the mountain lands has long been advocated by geologists familiar with the country; but what has commended the subject to the favor of the country is "the increasing violence and destructiveness of the floods during the past few years, and the general recognition of the fact that the continued clearing of these mountain slopes would soon result in the absolute ruin of all the interests of this region and of the adjacent lowlands in the several States."

The agitation of the subject resulted in an appropriation by Congress of $5,000 in the Agricultural appropriation bill for 1901 for the investigation, by the Secretary of Agriculture, of "the Southern Appalachian Mountain region of western North Carolina and adjacent States." This very prompt recognition by Congress of the importance of the project was due chiefly to its strong support by the press of the country, which has done more than all other agencies to awaken the American people to the importance of preserving the remnants of our forests before it is too late, and of educating them to a knowledge of the fact that these forests are for this generation to legitimately use but not to destroy.

In 1901 the Secretary of Agriculture made a short preliminary report on the subject, which was submitted to Congress by President McKinley with his approval, and in December last the Secretary of Agriculture made a most exhaustive and valuable report to President Roosevelt, who commended the subject to Congress in a message in which he said:

Its conclusions point unmistakably, in the judgment of the Secretary and in my own, to the creation of a national forest reserve in certain parts of the Southern States. The facts ascertained and here presented deserve the careful consideration of the Congress; they have already received the full attention of the scientist and the lumberman. They set forth an economic need of prime importance to the welfare of the South, and hence to that of the nation as a whole, and they point to the necessity of protecting, through wise use, a mountain region whose influence flows far beyond its borders with the waters of the rivers to which it gives rise.

PURPOSE OF THE BILL.

The purpose of the bill, stated in the report of the House Committee on Agriculture just filed, is—

To set aside in the Southern Appalacian Mountain region a national reserve for the preservation of the forests of that district, the perpetuation of the timber supply, the development of its farming resources, and the regulation of the water flow in its streams. It authorizes the purchase for the people, by the Secretary of Agriculture, under certain reasonable restrictions, of not more than 4,000,000 acres of land, to be selected in the mountain forest region of Virginia, West Virginia, North and South Carolina, Georgia, Alabama, and Tennessee. It also authorizes the Secretary to accept and administer donations of land in the same vicinity for the same purposes.

While the purpose of the original advocates of this measure was chiefly to establish a park from considerations of pleasure rather than utility, the movement has been changed to the making of a forest reserve as distinguished from a park. Secretary Wilson says: "The idea of a national park is conservation, not use; that of the forest reserve conservation by use. I have therefore to recommend a forest reserve instead of a park."

PROVISIONS OF THE BILL.

The bill provides that the Secretary of Agriculture may purchase land suitable for a forest reserve in the Appalachian Mountains in the States of West Virginia, Virginia, North and South Carolina, Georgia, Alabama, and Tennessee, not to exceed in all 4,000,000 acres; to care for, protect, use, and make accessible the same; that he shall advertise in said States for land to be purchased and, as between lands of equal value for the purposes of this act, he shall accept the lowest bids; he may also contract for the purchase of lands exclusive of the timber thereon of specified kinds and sizes, the same to be cut under regulations to be established; also, he may contract for the purchase of lands exclusive of mineral rights therein, and the mineral deposits may be mined under prescribed regulations, which regulations, as well as those for cutting timber, shall be embodied in the contract of purchase.

In purchasing lands the Secretary shall in each State conform to the conditions prescribed in the present or future acts of such States, but no lands shall be condemned against the will of the owner so long as the owner shall protect and perpetuate the forests on such lands, under regulations to be prescribed by the Secretary for the other forest lands purchased under this act, as far as applicable. The Secretary may also accept gifts of lands for such purposes. He shall take proper steps to protect the United States as to the title to lands, and no payment shall be made therefor except after approval of the Attorney-General.

He shall also make provision for replanting of trees on cleaned lands when necessary for the protection of the soil or the water supply. He shall also make such rules and regulations and establish such service as he may deem necessary for the care, protection, control, and use of such forest, and may sell such wood, timber, and other products as may be removed without injury to the forest, but no sale shall be made except under prescribed regulations, nor at less than the appraised value thereof, the proceeds to be covered into the Treasury of the United States.

Two million dollars are appropriated for the purposes of the act, to be available until June 30, 1906, but no part of the money shall be expended for land until a valid title to the same shall be vested in the United States and until the State in which the land lies shall have ceded to the United States exclusive jurisdiction of the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of any civil process therein. The Secretary shall annually make to Congress a detailed statement of his doings under the act.

DAMAGES BY FLOODS ON THE CATAWBA.

It is a matter beyond dispute and of common observation that in recent years disastrous floods and freshets have visited the above States with alarming frequency. The report of the Secretary shows that the damage to the farmers on the Catawba River alone, caused by the May, 1901, storm, on the Blue Ridge, about the sources of that river, amounted to a million and a half dollars, and that an August storm in the same year added a further loss of a half million more on the low lands of the same river.

I find the following in the March, 1902, number of Forestry and Irrigation:

The characteristics of the Catawba River floods have undergone a sudden and alarming change. In previous years all floods along the river rose slowly. The water stagnated like a mill pond over the bottom lands and, gently receding, left a deep, rich deposit on the already fertile bottoms.

The floods have changed, therefore, from an agency of good to the farmers to one of absolute destruction—a quick, tumultuous rise of waters and a swiftly rushing current that tears up the soil down to the rocks and hard clay and leaves barren wastes. This extraordinary and deplorable change in the characteristics of the flood has followed the laying waste in recent years of thousands of acres of woodland in the western part of the State. * * *

There have been two notable floods in the Catawba River in the past. The first was in 1848 and the second was in 1876. In neither instance was there any damage to farm lands. The water rose slowly and receded gently, leaving the river bottoms richer by a deposit of fertile sediment. There is no Government record of the rainfall during those periods, but Catawba River land owners say that there was as much water in the bottoms during the freshet of 1876 as there was last May.

To show the protection against floods furnished by forests the same publication gives the results of a valuable experiment on 400 acres of land, made in the South Mountains, owned by the State hospital at Morganton, N. C., and from which it gets its water supply by a creek having its source in the above tract. For twenty years no timber has been cut on this tract, there have been no forest fires, and the ground is thickly covered with leaves, mold, and undergrowth.

Near by is another similar stream, but the trees have been cut from about its source and there have been frequent fires. Accurate measurements of the flow of water in May and August, 1901, show that while the first stream had lost only 10 per cent of its volume of water between those months the other had lost 38 per cent in the same time.

DAMAGE ON THE YADKIN AND OTHER RIVERS.

During 1901 the May floods caused destruction along the valleys of the Yadkin, the Kanawha, and the upper tributaries of the Tennessee estimated at the enormous sum of $5,000,000, which, added to the damage during the summer and spring on other streams rising in this section, approximates the appalling total of $10,000,000. These figures are enough to stagger belief, and yet they do not include the damage done in the region about the mountains nor to the rice fields on the seacoast.

While 1901 was a most disastrous year, yet similar losses to a less extent have been occurring for years past, and, as I will hereafter show, it is inevitable that if some such measure as this be not adopted, with each recurring year the damage will be greater and greater, just as in past years there has been a perceptible increase in the number and the destruction of these floods.

DAMAGE ON THE SAVANNAH RIVER RICE FIELDS.

This fact is clearly demonstrated by the conditions existing on the rice fields on the seacoast of South Carolina. Take, for example, the rice plantations on the South Carolina side of the Savannah River, which has its source in these mountains. Formerly they were most productive. The lands were exceedingly valuable. They were all cultivated in the most careful manner and yielded splendid returns. Whoever was so lucky as to own one of them was considered a rich man. What is their condition now? Many of them, including their elaborate and expensive systems of irrigation, have been substantially abandoned, and the remainder generally show a loss at the end of the year instead of a profit.

In the course of less than twenty years there has been a complete revolution from a state of great prosperity to one of utter prostration. What is the cause of all this? None other than freshets, all the time increasing in number and destructive power. In about the year 1887 I visited these plantations after one of these

overflows specially for the purpose of seeing their condition and ascertaining whether some remedy could not be applied, and I found that on eight of the most valuable plantations on the river the entire rice crop, just ready for harvesting, had been swept away, not one bushel of rice having been gathered and the fields being as bare as a well-traveled highway.

DAMAGE ON THE SOUTH SANTEE.

Take another river, the south branch of the Santee, into which flow the waters of the Broad, the Saluda, and the Catawba, all of which have their sources in these mountains. The South Santee, like the Savannah, was noted for its splendid rice plantations, cultivated in the most expensive and scientific manner, and yielding annually the most bountiful harvests.

For years past the same process has been going on as on the Savannah, and all from the same cause, until there is now not one plantation under cultivation. During a recent visit there I was told by a planter that during the last season the small area planted by him had been covered by no less than 13 distinct freshets of greater or less force, making it absolutely impossible for him to make a crop.

RICE FIELDS AS SEEN BY WASHINGTON.

More than a century ago these rice plantations, now in ruin, attracted the wonder and admiration of the foremost man of his times, and, withal, a great farmer. In Mrs. Ravenel's Life and Times of William Lowndes is found the following:

When General Washington visited the State in 1791 he crossed in his journey all the large rice rivers from the Waccamaw to the Savannah, and he expressed to Mr. Charles Pinckney, then governor, his admiration of what he saw. "He had no idea that the United States possessed such agricultural improvement as the tide lands showed."

But all the rice fields that charmed the eye of Washington are not in a state of ruin to-day—by no means. It is only those lying on rivers that have their sources in the mountains. On the other rivers, those not reaching to the mountains, the cultivation of rice is as profitable as ever, a freshet never destroying a crop except when combined with an equinoctial gale which forces the salt water in from the ocean. The rule is that, as to rivers having their sources in the mountains, rice planting is substantially abandoned, while, as to the others, it is carried on as successfully as ever.

The conclusion is irresistible that the source of the trouble is the mountains, which are also the source of the waters. And how can one doubt this when we find that the destruction from these floods commences in the very mountains themselves, then invades the valleys lying at their feet, then overflows the rich bottom lands of the Broad, Saluda, Catawba, Wateree, and the Congaree, and lastly, overwhelms the rice fields on the coast, the waters all the time loaded with the best soil of the State, which blocks up our harbors or stains for many miles the ocean, into which it is emptied and wasted? Not only is it plain whence comes the trouble, but it is equally plain that it is of recent origin, because these things did not happen in the days when Washington visited the State, nor for many years afterwards. What has brought about the change?

FOREST DESTRUCTION THE CAUSE.

All the evidence goes to show that the cause is the destruction of our mountain forests, which commenced some twenty years ago, just before the time when destructive freshets became so frequent. The lumberman first cut only the more valuable trees, such as the walnut and cherry; then, as railroads improved the means of transportation, he cut other somewhat less valuable trees, until now everything merchantable is cut, tramroads opening up sections hitherto inaccessible. It is estimated by the Secretary of Agriculture that, at the rate the destruction by cutting and fires is now going on, these mountain forests will be destroyed within the next ten years.

HEAVY RAINFALL.

Two of the most striking features of these Appalachian Mountains are the enormous rainfall and the splendid forests. Careful investigation by the Secretary of Agriculture shows that for a period of ten years the average rainfall in these mountains at various places in South Carolina, western North Carolina, and Georgia was nearly 73 inches.

For the year 1898 it was at Highlands, N. C., 105.24 inches; at Horse Cove, 99.97 inches, and at Flat Rock, 78.39 inches. In May, 1901, in twenty-four hours it was 6.12 inches at Flat Rock, N. C.; 7.25 inches at Marion, N. C., and at 8.3 at Patterson, N. C. There was a rainfall of 8 inches in eleven hours near Roan Mountain. The total rainfall for August, 1901, at Highlands was 30.74 inches, while the annual rainfall in the basin of Broad River is approximately only 51 inches.

Moreover, the rainfall, as a rule, is exceedingly heavy at short periods, and, owing to the steep mountain sides and the absence of lakes and other reservoirs, heavy rainfalls are followed by a rapid rise in the streams, which, when the forests have been cleared or fires have burned off the underbrush and fallen leaves, produce most destructive floods. The Secretary says:

The soil, once denuded of its forests and swept by torrential rains, rapidly loses first its humus, then its rich upper strata, and finally is washed in enormous volume into the streams, to bury such of the fertile lowlands as are not eroded by the floods, to obstruct the rivers, and to fill up the harbors on the coast. More good soil is now washed from these cleared mountain-side fields during a single heavy rain than during centuries under forest cover.

* * * * * * *

In New England and many of the Northern States the numerous lakes and Glacial deposits of sand and gravel, spread out over the hills and valleys, serve as storehouses for the water and help materially to preserve uniformity in the flow of the streams. In this respect they cooperate largely with the forest cover in that region; and, indeed, they would accomplish much in that direction were the forest cover entirely removed.

But in the Southern Appalachian region there are no lakes and no glacial gravels and sands; the forests and the soil are the factors upon which the solution of water storage depends. And that the problem resolves itself largely into one of forest cover, with its undergrowth and humus, is seen by the fact that in the streams of the Piedmont Plain of the South Atlantic States the irregularity in flow, as observed for a number of years, has been almost directly proportional to the extent of forest clearings. Observations and measurements of the Southern Appalachian mountain streams made during the last few years show that the same is true in that region. Hence, here the water problem is a forest problem.

MOUNTAIN FORESTS.

As to the forests of these mountains the House report says:

The oldest, largest, and most varied primeval hard-wood forests of the continent are within its limits. One hundred and thirty-seven species of trees have been examined and described by the Government experts who have visited and surveyed the territory. The list of shrubs and smaller plants is still greater. Northern varieties mingle with Southern; those from the Gulf region with those from New England. It contains a unique natural collection of forest species selected and fostered by soil and climate which if once destroyed can never be replaced. Among these are cherry, walnut, yellow poplar, chestnut, ash, beech, and the magnolia and mulberry.

The Secretary says they—

are the heaviest and most beautiful forests of the continent. * * * For economic reasons the preservation of these forests is imperative. Their existence in good condition is essential to the prosperity of the lowlands through which their waters run. Maintained in productive condition they will supply indispensable materials, which must fail without them. * * *

The agricultural resources of the Southern Appalachian region must be protected and preserved. To that end the preservation of the forests is an indispensable condition, which will lead not to the reduction but to the increase of the yield of agricultural products.

PRESERVATION OF OUR WATER POWER.

Up to this point I have considered this measure with reference only to the farming interests—much the most important to us—and which are already feeling most seriously the damage which the bill is intended to stop. But the question of preserving the magnificent water power furnished by the many rivers rising in these mountains is hardly less important. To-day the larger water powers in the South Atlantic States are confined to the rivers which have their sources in the mountains. I give a table, compiled from the Secretary's report, of the estimated available horsepower and that actually in use on the following rivers:

Rivers.	Available.	Actually used.
James	38,290	8,700
Roanoke	41,000	3,500
Yadkin	56,400	1,500
Catawba	57,000	2,000
Broad and Saluda	43,000	18,000
Savannah	75,000	11,500
Chattahoochee	285,000	4,300
Coosa	141,000	3,700

A safe estimate of the available but undeveloped water power on all the rivers and streams, according to Secretary Wilson, is 1,000,000 horsepower. Everyone is familiar with the extraordinary increase in manufacturing that has taken place in the two Carolinas in very recent years, much of it owing to our abundant water power. It is, of course, the cheapest power to be procured, the water flowing without cost day and night, while every ton of coal purchased adds necessarily and materially to expenses.

Heretofore the advantage of water power over steam has not been demonstrated because steam could be generated wherever fuel could be got, and mills could be located at points having advantages in transportation and otherwise. Now, however, steam has lost its advantage because, through improvements in electricity, power can be brought many miles at less cost than coal can be furnished at most points.

The water powers, therefore, in the not far distant future—

Says the report—

may become as valuable as coal mines, and, as the local supply becomes more costly by reason of deeper mining, the water powers will increase in value. This wealth should not be wantonly wasted.

It has been ascertained that in sections comparatively level, but where the forests have been cleared from areas aggregating from 60 to 80 per cent of the land, floods are frequent and excessive, and that some of the smaller streams in seasons of drought almost

wholly disappear, and the use of their water power is substantially abandoned, whereas the flow of streams whose sources have not been cleared of forests shows striking uniformity. The important thing is uniformity of flow—in contrast to a rushing torrent after each heavy rain followed by a weak flow. The report proceeds:

This is just what one would expect who has been, during a rainy season, in the heart of a mountain region where the lands have not been cleared nor have forest fires destroyed the humus cover from their surface. The raindrops are battered to pieces and their force broken by the leaves and twigs of the trees, and when their spray reaches the ferns, the grass, and the flowers below, instead of running away down the surface slope, it passes into the spongy humus and thence into the soil and the crevices among the rocks below. As much of this supply as is not subsequently used by the growing plants emerges from the storehouse weeks or months later in numberless springs. The rain must be extremely abundant or long protracted to produce any excessive increase in the flow of the adjacent brooks.

Of course, the damage is not all owing to the destruction of the forests in the mountains. Anyone passing through my State can see the same process in operation on every hillside that has been cleared for cultivation and now abandoned. There is nothing on the lands to hold the water, which, after each rain, rushes into numerous rivulets, then into the swollen creeks, then into the rivers, already overflowing with the torrents that have rushed down the mountains. And it may with much force be said that the preservation of the mountain forests will avail but little unless the cooperation of individual landowners can be procured.

One of the most beneficial results from passing this bill, Mr. Chairman, will be that it will give an object lesson to our people of the benefits of forestry. The late Mr. Morton, formerly Secretary of Agriculture, had printed at the head of every one of his letters the words: "Plant a tree." No better advice could be given. The Department of Agriculture has for years been doing all in its power to induce private owners both to preserve their forests and to renew them by forest tree planting.

"The private forest lands exceed in area those of the States and the United States combined, and their preservation in productive condition, as regards both the timber and water supply, is of vast importance to the nation." The object of the Department is to show that improved ways of handling timber are best for the owners from a pecuniary standpoint, as well as for the forest, and the Secretary, upon application to him, will, after examination of the land if it be from 5 acres up, prepare a plan for the purpose of promoting and increasing its present value and usefulness to its owner and to develop and perpetuate forests upon it; and all without cost to the owner.

I realize, Mr. Chairman, that this is a stupendous project, and to many persons a startling one, but I never was better satisfied that it was our duty to act and to act quickly. While great damage has already been done, yet it is as nothing compared to what will soon take place if some remedy be not applied. The experience of other countries teaches us that it must be done at some time, and that if longer delayed it will only entail enormous additional expense. The Senate report says:

As illustrating the necessity for such action as is now proposed, attention may be called to the fact that in every civilized country it has been found absolutely necessary to preserve the forests on mountain slopes, and especially is this true in more southern latitudes. Everywhere it has been found vastly cheaper to preserve existing forests on these mountains than to reforest such regions after the former forests have been once destroyed.

In Italy it was found that destroying the mountain forests had produced excessive floods, and the Government is now restoring them at an estimated cost of $24 per acre. In France the same destruction occurred, and with the same inevitable result, and the restoration of the forests now in progress will, it is estimated, cost no less than $50 per acre. Unfortunately for those countries the remedy was postponed too long, a postponement that will cost Italy $12,000,000 and France no less than $40,000,000.

In our own country the State of New York is now paying a similar penalty. That State years ago sold, or allowed to be sold, the Adirondack forests, and now, realizing that the water supply of her most important river is rapidly failing, she is buying back the same forests at great expense. Fortunate it is for us that we have realized the danger while we are in position to avert it at only the cost of cheap land.

It is estimated that because of the small amount of work necessary to be done by the Government beyond mere protection, the reserve will be self-supporting through a system of timber selling that will improve, instead of destroying, the forests. South Carolina alone can not afford to make this outlay, necessary as it is for the protection of her farmers, but she fully appreciates the necessity for it and has adopted the following resolution favoring this bill:

A resolution favoring the establishment of a national forest reserve in the Southern Appalachian Mountain region.

Resolved by the House of Representatives (the Senate concurring), The general assembly of South Carolina hereby expresses its approval of the movement looking to the establishment by the Federal Government of an extensive national forest reserve in the Southern Appalachian Mountain region as a wise and beneficent measure, such as many other nations have already adopted, and which this country should adopt before it is too late, looking to the conservation of its forests and the protection of the sources of important streams; and

Whereas the proposal to establish this forest reserve has been approved and urged by the leading scientific societies and forestry associations of this country and by the general press; and

Whereas this general assembly has passed an act granting its consent to the acquisition of lands in northern South Carolina by the Federal Government for incorporation in such a forest reserve, believing the measure to be one of great importance to the people of this State; and

Whereas a bill is now before the Federal Congress providing for the purchase of lands for this purpose:

Resolved, That the Senators and Representatives in Congress from this State are hereby requested to urge upon Congress the importance of prompt and favorable action in behalf of this measure.

Neither can the other interested States undertake the work. The United States alone can do it, and I am here, in obedience to the action of the legislature of my State, asking that Congress shall pass this bill. All private rights are protected. What will be done will be done in subordination to the laws of the States interested, and even in the mountains themselves agriculture will not be hindered, but improved.

Through the beneficence of Providence these magnificent mountains, having 46 peaks and 41 miles of ridges exceeding 6,000 fee in height, and 288 other peaks and 300 miles of ridges of over 5,000 feet, "the greatest masses of mountains east of the Rockies," and "the highest mountains covered with hard wood in America." have been provided as an unfailing source for the rivers of six great States.

What a wonderful provision! First the bountiful, even wonderful rainfall; then these splendid forests to preserve and store it for the use of man! But the work of man is fast destroying the handiwork of God. Let us at once see to it that this shall stop and that what was intended for the benefit of toiling millions shall not be perverted to their ruin. [Loud applause.]

Mr. MEYER of Louisiana. Mr. Chairman, I yield to the gentleman from Nevada [Mr. NEWLANDS].

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. MEYER of Louisiana. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. JOHNSON].

[Mr. JOHNSON addressed the committee. See Appendix.]

Mr. MEYER of Louisiana. Mr. Chairman, I yield thirty minutes to the gentleman from Virginia [Mr. RHEA].

Mr. RHEA of Virginia. Mr. Chairman, I shall avail myself of this opportunity to submit a few remarks upon the past, present, and future policy of the Administration in the Philippine Islands.

Since I have been a member of this House I have been content, for reasons satisfactory to myself and I trust to my constituents, to remain silent and to serve them in the most effective way I could by constant attendance upon the sessions of the House and by voting upon all propositions for what I believed to be for their best interests.

Not only have I endeavored to be constant in my efforts to represent them upon this floor, but wherever their interests were involved I have endeavored to serve them as efficiently as I could, and this without question of political affiliation or condition in life.

I do not know whether I should consider myself fortunate or unfortunate in being in the American Congress at a period when the whole theory of our Government seems to have undergone a sudden and violent change.

Four years ago when I announced my candidacy for Congress we were upon the threshold of a war with Spain for the purpose of freeing the people of Cuba from Spain's inhuman and despotic power.

Since that time strange events have crowded thick and fast upon each other, until the American mind stands appalled at the gravity of the situation.

The sound of Dewey's victorious guns in the harbor of Manila, as reechoed later by Schley's greater victory in the harbor of Santiago, is still fresh in the minds of the American people.

But who can realize the stupendous results and grave responsibilities inherited by the American people from those brilliant victories.

I venture the assertion, that if four years ago some member of this House had announced to the American Congress that the United States Government would occupy the attitude it does to-day with reference to those foreign islands he would have been laughed to scorn and ridicule by every lover of the institutions of his country.

At that time he would indeed have been considered a wild and reckless prophet who should have foretold that a war begun to free the struggling Cubans from the cruel and despotic power of Spain would to-day have been changed into a war of subjugation in the Philippine Islands—a war which for inhuman acts and atrocious conduct has shocked not only the sense of justice, but the moral sense of the civilized world.

Mr. Chairman, the story of what induced our war with Spain is known to every intelligent citizen in the country.

They know this unhappy people had been striving for generations to secure their liberty and independence. They know that Spain's wicked and inhuman policy had devastated the beautiful island of Cuba and made it a "howling wilderness."

They know that the bitter cries of its oppressed and starving people had so stirred the American conscience that there was a universal demand for intervention.

They know that the destruction of our ill-fated battle ship, with so many precious lives, was the crowning act in the long series of tragedies which hastened the declaration of war and the crushing of Spain's power in the island of Cuba.

They know, too, Mr. Chairman, that this great Republic most solemnly declared that it was not to be a war of conquest; that it was not to be a war for territorial aggrandizement; that it was not to be a war of "criminal aggression," but we protested to all the world that our only purpose was to free the Cuban people from the Spanish yoke and give them the blessing of liberty and independence.

The people applauded the action of Congress in voting $50,000,000 for this purpose. It was a short, decisive, and victorious battle.

We had a right to be proud of our Army and proud of our Navy.

We had a right to be grateful to the Philippine people, who, at our request joined with our naval forces in crushing the power of Spain in the Philippine Islands.

We knew that the Filipinos had been fighting for ages to free their native land from the heel of the despot and to secure their independence.

We know now that they were led to believe through our representatives that an alliance with our forces meant their liberty and a government of their own.

They knew it was a war against oppression, for liberty, and the uplifting of humanity, for we ourselves had so declared, and they trusted in the honor and justice of the great American people. How that trust has been so wantonly and shamefully betrayed the whole world knows to-day.

I believe it was the intention of our Government in the beginning to give to the Philippine people their liberty and independence and a government of their own.

The correspondence between our representatives and the Administration can leave no serious doubt that this was the intention.

We defy any candid and truthful man to read this correspondence and then assert that such was not the inevitable conclusion.

The very fact that our own Government did not question or controvert the tenor of that correspondence is conclusive proof of the fact that the Philippine people had a right to expect that the United States would guarantee to them their independence.

We sought their aid and armed and supported them with the munitions of war.

We knew then that liberty and independence was their dearest hope, and that they would fight Americans as quick as Spaniards if subjugation was to be their eternal lot.

Is it possible that we armed these people knowing that later they would turn their arms upon the American flag?

No, Mr. Chairman, such would have been a suicidal policy and unworthy of the patriotism, if not the good sense, of the American people.

The proof is irresistible that we intended, and they believed, that the hour of their deliverance had come.

But in an evil hour the insane desire to become a world power took possession of some of the American people.

The taste of Spanish blood had whetted the appetite for more, and had so poisoned the American system that we started forth upon our inglorious career of greed, cruelty, and despotism.

We had demonstrated the superior skill of our soldiers and sailors, and our splendid battle ships had startled the world with their effective and destructive power.

Now, we should turn them, not against a great and powerful nation, but against a weak and feeble people, who had lately been our allies against Spain; whose burning desire was for independence; whose every act and declaration was a solemn warning that nothing short of liberty would ever be submitted to; that it was independence or extermination.

Mr. Chairman, I do not believe that for ingratitude, treachery, and cruelty our present war in the Philippines has been surpassed in modern times. What did Spain do in Cuba that we have not done in the Philippine Islands?

Ah, Mr. Chairman, what have we done in the Philippine Islands that Spain did not do in Cuba?

The American conscience revolted at Weyler's reconcentration camps in Cuba, but that same conscience is supposed to be dormant and numbed at our same policy in the Philippine Islands.

We are told that it is treason to criticise the conduct of this cruel and relentless war.

We are told to wait until the work of "benevolent assimilation" has been completed.

Shall we wait until thousands more of our brave American boys shall go down in death and to the grave in trying to subjugate a people who have been taught by the noble example of our forefathers that liberty was the priceless jewel of the human race?

Shall we wait until the torch has finished its deadly work and blackened the earth with the smoke of its humble homes?

Shall we wait until another Smith shall issue his command to "kill and burn and make it a howling wilderness;" until its land is bleached with the bones of its men, women, and children?

Shall we wait until we have exterminated its population "above the age of 10," and left only its babes and sucklings as a reminder of the generosity of the great American people?

Mr. Chairman, those who have disagreed with the Administration in its policy in the Philippine Islands have been accused of encouraging resistance to our authority there.

Let us remember that nearly a century and a half ago, when our forefathers were struggling for liberty and independence against the despotism of Great Britain, the elder Pitt, one of England's greatest statesmen, came to our relief and declared upon the floor of the House of Commons:

> Gentlemen, sir, have been charged with giving birth to the sedition in America. They have spoken their sentiments with freedom against this unhappy act, and freedom has become their crime. Sorry I am to hear the liberty of speech in this house imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise.
>
> No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who calumniates it might have profited, by which he ought to have profited. He ought to have desisted from his project. The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people so dead to all feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest.

The cry of treason and the encouragement to the American rebels had no terrors for Pitt. He went so far as to boldly declare that he rejoiced that America had resisted.

I am not aware, Mr. Chairman, that any American Senator or Representative has ever gone so far with reference to the Filipinos. It has only been a source of regret to us that this free Republic should have pursued a course of such manifest injustice and cruelty as to inevitably lead to resistance upon the part of a people whose burning desire was for liberty and to whom the thought of independence was as sweet as it was to the American colonists.

Mr. Chairman, in all the years of our national life, what loyal American has been found to denounce Pitt as a traitor and to condemn him for his courageous defense of our colonial ancestors?

They were resisting what they rightly conceived to be the unrighteous and unconstitutional acts of the British Parliament.

The Filipinos are resisting what they conceive to be an unrighteous military subjugation and the unconstitutional acts of the American Congress and the President of the United States.

Mr. Chairman, we were told in the beginning that our war in the Philippine Islands was in behalf of civilization and Christianity—that it would be of short duration, and with little loss in treasure and blood.

But nearly four years have passed and the bloody tragedy still goes on, and as the years have fled the Army has been enormously augmented; the expenditures are climbing rapidly to the half-billion mark; our military excesses have gone from bad to worse, until the country has been largely depopulated of its adult male citizenship, to say nothing of the women and children who have perished in the awful work of destruction.

Since we have Christianized them with the sword and civilized them with the torch we do not now hear so much about Christianity and civilization.

It is now commercial expansion! We are told that they have once again become pacified and the land is ready for the advent and possession of the carpetbagger and adventurer.

Mr. Chairman, we would hope and trust that they could not only be pacified, but satisfied; but we do not believe that the word "pacified" has any place in the argument of this question. We do not believe that a people high strung and intelligent as they are said to be—a people who love their homes and their country, and who for more than two hundred years have shown their willingness to die for the security of the one and the independence of the other, in their unequal warfare against Spain and other powers—will ever become "pacified" until they have been promised and assured their independence and a government of their own. They may be overpowered and subdued for a while, but will not the insults and wrongs and tortures and devastation which they have suffered at our hands live to rankle in the bosoms of their posterity and call for a continued military force to keep them in subjection?

Now, before proceeding to ascertain what is to be the future course of the Republican party with reference to the Philippine Islands, as revealed by the two bills pending in the Senate and House for the government of said islands, let us see how the account stands to date.

But first let me advert to the proposition so often advanced by our friends upon the other side that the American people had

indorsed at the polls the policy of the party in power in the Philippine Islands. I deny it.

I deny that the Republican party ever went before the people upon any fixed and certain policy as to the government of the islands. Their cry was, Stand by the flag; uphold the Army; the country is prosperous; "let well enough alone," and trust to us to deal honorably and justly with the great questions involved in our foreign possessions—and the people, whose blood was still feverish from the excitement of war, took them at their word.

But the people of this country are a just, intelligent, and discriminating people; they are a patient and forbearing people, but when their conscience is once aroused they can not be trifled with.

They know a great deal more about these questions than they did two years ago.

The facts have been slowly but surely coming to light.

The books have been partly opened and we see more clearly the fearful condition to which our country has been brought.

It is true the reserve (I will not say concealment) that has obtained in Administration circles, and the censorship which has been permitted, has kept the light from a great many things that the people would like to know in regard to what has transpired in the Philippines; but we know enough to know that our whole course there has been an expensive and horrible one.

The Secretary of War recently stated in a communication to the Senate that it would be difficult to give in detail all of our expenses in the Philippine Islands up to the present time.

But it is not denied, I believe, from any source that these expenses have exceeded $300,000,000.

And this does not take into account the amount we have paid, are now paying, and the enormous amount we will have to pay for generations yet in pensions to the dependents of those who have or may die from wounds or disease and to those who have and will contract some of the innumerable diseases to which the human race is subject.

I have no doubt it would be a safe prediction to say that 75 per cent of the Americans who are in the service of their country in that tropical climate will finally be placed upon the pension roll.

No one can estimate the untold millions that the American people will yet have to pay for this purpose.

Mr. Chairman, if the millions we have already spent in trying to subjugate the Philippine people had been kept at home and wisely expended what manifold blessings it would have brought to the American people.

We have seen gentlemen upon this floor antagonize certain items in the agricultural appropriation bill, where the question of only a few thousand dollars was involved, and which was intended to aid the great agricultural interests of the country. This great Department of the Government which is doing such a magnificent work for the farmers of the country is to receive niggardly aid at the hands of the American Congress, while millions are leaving the Treasury of the United States in our mad prosecution of a cruel and unrighteous war. We are asked to give only a few thousand dollars to the Agricultural Department to be expended under the direction of its Bureau of Public Road Inquiries for the purpose of making experiments in road building and of giving information and arousing public sentiment as to the great importance of a better system of public roads, and yet we spend millions to establish our reputation as a world power and to oppress a weak and sorrow-stricken people 10,000 miles from our capital.

But we are told that the Government ought not to go into the business of assisting our great rural communities in securing a better system of public roads.

Mr. Chairman, this Government since its foundation has spent hundreds of millions of dollars in improving rivers and harbors to increase our commerce and build up the great cities of the country.

They have given away millions of acres of the public lands of the United States to aid in the construction of the great railroads that traverse our Western territory in order to develop that great section and give to its people better transportation facilities.

We contend that if the Government can engage in such enterprises as I have mentioned, and a number of others that might be enumerated, it is just as legitimate and proper for the Government to extend its aid in perfecting a better system of public roads, so as to furnish our rural communities better transportation for the products of their farms.

Then, again, Mr. Chairman, under the system so wisely begun and so auspiciously being carried on of establishing rural free delivery for the carrying of mail to the home of every farmer and wage-earner in the United States, the roads of this country will eventually become a great network of postal routes over which the United States will have its mail carried to within convenient reach of every citizen of the land.

Now, for the lack of sufficient appropriations, this great and beneficent service of rural free delivery has not progressed with the rapidity we had hoped for or that the rural communities had a right to expect.

I believe it is the greatest institution ever put into operation for the direct benefit of the agricultural and wage-earning classes of the country.

They can feel its benefits quickly and immediately, for it brings them into closer touch with the educational, industrial, and commercial interests of the country.

With its complete establishment, the people of all the land will become in easy communication with each other. Newspapers, magazines, and other educational agencies will daily find their way into the homes of the country boys and girls, upon whom in the future, as in the past, must largely rest the perpetuity of our free institutions.

Mr. Chairman, we want to see this great system expanded more rapidly. I have urged its establishment and rapid extension for my constituents with as much persistency as I could. I do not complain that I have not been able to do more, for I realize that the appropriation has not been sufficient to enable the authorities to press the work more vigorously. If we could have kept but a part of the hundreds of millions this Government has so recklessly expended in our inglorious war of conquest and oppression in the far-away islands of the sea, we could not only have more quickly given to that great army of rural producers and taxpayers better roads and mail facilities, but we would have been better engaged in preserving the honor and traditions of our country.

The Congress appropriates about $5,000,000 for the Agricultural Department of the United States. As I have said before, this Department, presided over as it is by a wise and distinguished Secretary, is doing, through its various branches and agencies, an inestimable service to the American people in general and to the American farmer in particular.

I would not detract from any of our citizenship engaged in any of the avocations of life, but I say the agricultural interests of the country deserve the most generous and liberal treatment at the hands of Congress.

They are a patient, patriotic, and persevering people, and have always constituted largely the foundation upon which the greatness and prosperity of our Republic rests.

For the American farmer the policy of the Republican party results in the burning of the candle at both ends.

They not only take from him an enormous sum in the way of taxes for the purpose of increasing the Army and Navy and of carrying out their imperial policy in the Orient, but by reason of its unjust system of tariff taxation as it regards what the farmer has to buy we have reached the point where he is completely at the mercy of the great monopolies and trusts who a few years ago were demanding protection for their infant industries, but which have now become so overgrown that they are actually selling agricultural implements and other domestic articles manufactured here in America for from 25 to 75 per cent less in foreign countries than they are selling the same article here at home.

In other words, by reason of the injustice of our tax laws they are enabled to pay the freight and other charges upon these goods to foreign countries and then sell them much cheaper there than they do to our own people here in America.

Mr. Chairman, as an illustration of the great injustice which the protected monopolies are enabled to practice upon our own people by reason of the tariff system now in force, I herewith give a list of some of the agricultural implements and other articles manufactured in this country and showing the price at which they are sold in this country and the lesser price at which they are sold in foreign countries:

Articles.	Domestic price.	Foreign price.
Barbed wire, per 100 pounds	$3.00	$2.00
Wire nails, per 100 pounds	2.25	1.85
Plows	14.00	12.60
Horse nails, per pound	.17	.14
Axes, per dozen	8.25	7.20
Cultivators	11.00	8.40
Kettles	1.40	.85
Table knives, per gross	15.00	12.00
Rivets, per 100 pounds	10.00	5.55
Typewriters	100.00	60.00
Sewing machines:		
Fine	27.50	20.75
Medium	22.00	17.50
Cheap	18.00	12.00

I do not believe that the American people will much longer submit to a policy which gives the foreign purchaser such a great advantage over our own people in the purchase of such goods of American manufacture.

Mr. Chairman, we are told that under domestic conditions, as well as the policy of conquest and empire upon the seas, the American wage-worker in shop and mine and factory is contented

and happy, and yet who has not felt in the recent past the unrest and dissatisfaction that was permeating the wage-working classes of the country? Notwithstanding the efforts that have recently been made to alleviate the situation and adjust the differences between capital and labor, we see inaugurated in Pennsylvania, almost under the shadow of this Capitol, one of the greatest, if not the greatest, strikes in the history of the world. Does this show that labor is satisfied with present conditions? Not at all. If such an unfortunate condition of affairs can exist now, at a time when it is alleged there is unexampled prosperity, what may we expect when periods of depression come?

I believe the conflict between capital and labor is one of the greatest dangers that threatens our Republic, and it is most earnestly to be hoped that some way can be found to adjust these differences upon a basis alike honorable and just to all.

We have discussed the policy of the Administration in the Philippines, its conduct of the war, and the effect of such a policy upon the future of this country.

In addition to the many millions taken from the Treasury and spent in our efforts to subdue those people, we are continuing to spend something like seventy-five millions per annum in the further prosecution of those efforts, and where it will end no human being can tell.

We all know that partly by reason of the prosecution of this war the very bill now under consideration carries many millions more than similar bills did prior to the Spanish-American war.

Now, Mr. Chairman, there is one other feature of this question that I want to present to this House and the American people.

It is believed that upon the passage of the majority bill now pending that millions of capital will go from this country to the Philippine Islands for exploitation and investment in its lands, forests, and mines. As a nation we are yet in the morning of the development of the natural resources of our own great country, and that great section from which I come is in the very infancy of its industrial development.

No place in the world offers greater inducement for legitimate investment than that great district which I have the honor to represent upon this floor.

I assert here, without the fear of successful denial, that no similar area upon the face of the earth can present a greater field of varied and natural resources than southwestern Virginia.

Its mountains of coal, embracing the surface of almost entire counties, has scarcely been touched by the hand of industry.

Its iron, lead, marble, barytes, salt, plaster, zinc, and other deposits are there in almost inexhaustible quantities, all of which is yet in the beginning of its development.

Its timber consists of numerous varieties of hard woods, and is of the finest quality; its water power is unexcelled; its agricultural lands are fertile and abundantly productive; its grazing lands are unsurpassed, and produce cattle for export and home consumption that commands the highest price.

Its people are honest, industrious, conservative, law-abiding, hospitable, and patriotic, and would welcome those who would come there with capital and an honest purpose to assist in the development of the vast resources I have described.

But now you propose to pursue a course which will divert millions of American capital from the development of our own resources and for the benefit of our own people, to the exploitation of the lands of a wronged and helpless people on the other side of the earth.

Mr. Chairman, the measures of the Republican party for the government of the Philippine Islands, now pending in the Senate and House, are but another step in the onward march of empire and colonial possessions. They do not provide for any government, except a government of force and a perpetuation and increase in the executive, administrative, and judicial power of the Philippine Commission.

They do not disclose or even intimate what the future policy of the Republican party is to be with reference to the islands. They are framed for present emergencies and are almost entirely devoted to provisions for exploitation, greed, and plunder.

There are about 76,000,000 acres of land in the Philippine Islands and only about 5,000,000 are held by private title.

What a magnificent field for the American adventurer! We have spent years in preparation for this, the next inglorious step in the crushing of a people's hopes and aspirations.

Under our "benevolent" rule its men, women, and children have been starved, its people have been tortured, and the torch has swept its towns and villages from the face of the earth.

And now, after all this reign of terror, our Army is to be kept there to hold in subjection its remaining population while the greedy speculator seeks what else he may devour.

No one to molest him or make him afraid.

The American Republic with its Army stands behind him and in front of him while he roams over its great public domain and takes from the forests and mines their richest treasures.

Mr. Chairman, what a spectacle is presented to the world to-day! England is crushing liberty and independence in the South African Republics, in order that she may possess its lands and rob it of its riches, and we denying liberty and independence to a helpless people in order that we too may become a world power, rob the land of its riches, and take our place beside the despotic empires of the earth.

The people of this country have never yet declared for such a policy, nor do I believe they ever will.

No gentleman upon the other side will confess to the American people that he is in favor of ever permitting these islands to be admitted as States into the Union upon equality among the sisterhood of States. That may be the hidden purpose of some, but they dare not proclaim it.

You do not propose now or hereafter to give them their liberty, but your purpose is to hold these people as subjects, and to rule them with the sword of a tyrant in one hand and the decrees of a dictator in the other.

You will keep on sacrificing the lives of American soldiers and spending millions upon millions of American treasure until the people shall demand that you stop your career of annihilation and spoliation, until they shall demand that you shall give to these people their own government with that protection necessary for its peaceful and successful inauguration.

Then, Mr. Chairman, our soldiers can turn their faces homeward and the drain upon our Treasury can cease.

In this course there is honor and glory for the Republic; in any other there is humiliation and shame.

We can then say to all the earth that we began as a Republic and that we shall continue as a Republic.

We can say that wherever we are forced to go it will be to carry the blessings of liberty, not tyranny; it will be to teach people to love us, not to hate us; it will be to establish republics, not empires, and that no black star representing a colonial despotism shall ever stain the red, white, and blue of the American flag. [Loud applause.]

Mr. MEYER of Louisiana. I yield thirty-seven minutes to the gentleman from Virginia [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, in common with almost every member of this House, I am keenly interested in that phase of this bill which refers to the question of building battle ships and other war vessels in the Government navy-yards throughout the country. Representing, as I do, a district in which one of these yards is situated, it is but natural that the subject should have claimed a large share of my attention. Among the many important measures which have come before this Congress for consideration, none affect so vitally the majority of my constituents as does the measure now before us.

A country like the United States with unlimited seacoast to defend, with many of our largest and most prosperous cities to protect against the invading fleets of an enemy, with a growing commerce, and with ships that are carrying trade to every port, we must be in a position to defend them wherever attacked. All of these things demand that we shall be a great naval power. The burden and responsibility placed upon us by the late war but accentuates the necessity for an increase of our Navy, and the position which the United States occupies as a great naval power makes it absolutely incumbent upon us to be prepared to measure strength successfully on the seas with the strongest naval forces.

The reasons which appeal to us to increase the Navy must just as strongly appeal to our business judgment to convince us that we should keep the public yards of the country prepared not only to repair vessels but to construct in the shortest time and in the most economical manner the largest fighting craft for which a great naval power may have need in time of war. The policy of nearly all the naval powers of Europe is to increase the strength of their navy, and while they encourage and patronize the private dockyards, they at the same time demonstrate their belief that it is sound policy to keep in the highest efficiency the public dockyards by constructing a portion of the new ships in the Government yards.

I refer particularly to Great Britain, whose fighting machines plow the sea in every quarter of the globe, building, as she has, no less than 89 vessels in Government yards in the last twelve years, while Germany and France each built 60 per cent of their ships in government yards; and Russia proposes, when existing contracts are completed, to build all of her ships, and even little Japan is practically doing this to-day.

The reasons for building at least a portion of our ships in the navy-yards are many; but it seems to me that it will only be necessary to call the attention of this House to a few prominent facts to convince the most prejudiced mind of the fallacy of our present policy of fostering private yards at the expense of the public ones. Owning plants that represent capital invested to the extent of nearly a hundred million dollars, costing annually ten millions to

maintain, to do four millions of repair work, seems to me to be a business proposition so ridiculous as to need no other argument.

But, Mr. Chairman, the advocates of the private shipbuilding concerns tell this House that we should build our ships in private yards because we save money. Now, if this be true—but which I by no means admit, and, upon the contrary, most positively deny—it would be far better that we sell or even give away these naval stations to some private trust, with whom we may contract at their own price, getting back as much as possible of the money invested, pay the four millions annually for repair work, and save the ten millions that is required to maintain the public yards.

But let us examine some of the other reasons why it is good public policy to build all or a part of the vessels provided for in this bill in the public yards.

First. The Government owns its own plants, which represent an investment of a hundred million dollars. An equal investment in a private concern would have to pay interest, depreciation, taxes, insurance, and a large force of expert men, as well as a large office force; all of which the Government has without adding one cent to the cost of building the ship.

Second. To the actual cost of building a ship in the private yard is to be added whatever per cent of profit is satisfactory; I suppose not less than 10 per cent, and frequently very much more. While it may not have proved profitable in some instances, and the contracting parties may have sustained a loss, we all know that the business is conducted for a profit; all of which would be saved to the Government building in its own yards.

Third. As long as the yards are to be maintained and repair work done in them, we must have a trained force of men to properly and accurately make the repairs that may be necessary.

To keep this force of skilled men on hand, so that they may be available for such repair work as comes to the yard, the Department is trying to find employment for the men instead of hurrying the repairs and doing only such things as are necessary. The present tendency is to see what repairs can be done and what improvements can be made to the ships with the idea of providing work to keep a trained force together. With a ship building on the docks they can be used either on the ships or, when necessary, on repair work, thus always having on hand a large force that can be used for either purpose, and by doing away with the necessity of extending the work on the part of the Department, and the men will not be afraid of working themselves out of a job.

To keep the cost of repairs down to the lowest point the Government must have the most skilled men, but under the present policy we take the risk of driving those men away from employment in the Government yards because of the uncertainty of the length of their employment. With a certainty of a continuance of their employment the Government yards would command the most skilled and best trained men in the trades; and from this skill, in addition to the other strong reasons given, the cost of repair work in the yards would be very much reduced from what it is under present condition.

The chairman of the committee yesterday urged that one of the strongest reasons for building in private yards is that the Government works eight hours and the private yards nine and ten hours. That is not a good reason; the hours of work in Government employ was fixed by Congress, and now the gentlemen on the other side seek to use it as an argument to crack the head of labor. The mechanic working eight hours will do as much work as the man working ten hours, because the shorter hours better fits him for his work; he will certainly do better work for this and another reason; the best trained and most skillful men will seek employment where the hours are shorter and the pay is best.

It follows as a sure conclusion that the most skillful workman will produce the best job and in the shortest time. A better class of workmen means a better built ship, and a better built ship means a saving to the Government in maintenance and repair. The private yards do get ten hours' work a day out of the men, but the Government gets no advantage out of this fact. The extra two hours are the profit of the shipbuilding company, and it is this profit that is diverted by the present policy from the mechanic to the capitalist.

Admiral Bowles, Chief of the Bureau of Construction and Repair in submitting the advantages of building new work in the Government yards, says: "The fourth advantage in carrying on new work in the Government yards is that it enables the Government to maintain a high standard of workmanship and design, by which contractors can be made to conform to what is necessary under their contract," and the Admiral adds that he considers this a great advantage.

I take it for granted that if the members of this House can be convinced that the work can be done in Government yards as cheaply, as expeditiously, and as efficiently as it can be done by private corporations that there will be practically no opposition to those provisions of the bill now under consideration providing for such work to be undertaken by Government labor. And this is undoubtedly true. No one, it is thought, will attempt to deny that private shipbuilders have made large, even enormous, profits out of Government contracts.

If this were not so, they would not be so anxious to secure them, nor would they be so interested in the attempt to defeat any legislation which has for its object the taking of this work out of their hands. Certainly it is true that the U. S. S. *Monadnock* was built by the Government for less than her sister ship, the *Monterey*, was built for by an outside corporation. That the Mare Island Navy-Yard repaired the transport *Logan* for 35 per cent less than the contractors bid to do the work for is a matter of official record, and if such an enormous saving can be made in one instance, there is no good and sufficient reason why it can not be done in all.

It has been repeatedly asserted that when the present stone dock at Mare Island Navy-Yard was completed the Government gave the contract to construct the caisson to a private firm for $78,000. A few years later a new caisson was needed, and the work of building it was given to the Government mechanics, who built it for so low a price that the chairman of the Naval Committee admitted in his argument yesterday that the Government saved $13,000—thirteen thousand as admitted by the gentleman from Illinois or forty-one thousand as claimed by the much-abused cards. The fact, which is the only important thing sought to be shown, is clearly established that the Government, under its own officers, with its own men, saved money over the same work done by contract. The gentleman from Illinois has proved the contention of the card. Further comment is unnecessary.

Many of those who are opposed to the employment of Government labor on this class of work have cited the cases of the *Texas*, *Cincinnati*, *Raleigh*, and *Maine*, the cost of construction of which vessels they assert exceeded the sum for which they could have been built by the contractors. But it is a well-known fact that no cantractors would undertake the work for the estimates made by the Government. The building of these ships was at that time an experiment, and the navy-yards were not then in a condition to do the work as economically as at present; and many things that were charged to these vessels should have been charged to the betterment of the yards, such as tools, slips, etc., which were not consumed in their building and are still in use at the two yards in which these vessels were built—so Chief Constructor Bowles testified in his hearing before the Naval Committee two years ago.

Their organization was poor; they had no trained foreman to direct the work, no skilled force of mechanics to execute it. The men had to be trained to a new style of shipbuilding. We were changing from a navy of wooden ships to a navy of ironclads. Even the officers of the Navy in charge were themselves inexperienced in building iron ships. From that time on the progress has been steady, and the mechanics now employed, or ready to be employed, in the Government yards are not to be excelled by any in the country.

The men are thoroughly capable and efficient, the method of supervision can not be improved upon, and the yards can at slight cost be fitted with every device needed or desirable in order to place them in thorough condition to build any vessel the Government may construct, even to the largest and costliest battle ship. It may be confidently asserted that to-day our Government yards are in a position to build our ships at no additional cost to the country and to the taxpayers than it would be to have them built for if the work was intrusted to private corporations.

A prominent member of this House, and a deep student of the subject, stated some time ago in a communication which has since been published that "we owe it to the taxpayers to build where it can be done at the least possible expense;" and, in stating the case thus, I am persuaded that he expressed the sentiments and wishes of nine-tenths of the voters throughout the country. Rear-Admiral Melville, the Chief of the Bureau of Engineering of the Navy Department, in a report made in 1892 stated in regard to the construction of the machinery of the Raleigh and Cincinnati as follows:

> It is gratifying to the Bureau to be able to report in regard to the building of the machinery of these two vessels that, judging from the expenditures thus far, its cost when fully completed and erected on board the vessels will be considerably less than the original estimates on which the contractors refused to bid as being too low for the amount of work required, and this after making due allowance for the cost of repairing the machinery of the *Cincinnati* damaged by fire.

Such testimony from such a source is significant, and should not be forgotten.

Then, too, it is important to remember the testimony of another expert on this subject. I refer to the evidence of the Chief of the Bureau of Ordnance of the Navy, recently expressed before the House Committee on Naval Affairs, who gave it as his opinion that, owing to the marked improvement effected during the last ten years in the administration of navy-yard affairs, the Government could secure better ships for less money by patronizing its own plants.

It has been estimated that the United States has up to the present time spent nearly $100,000,000 in the equipment of its navy-yards, and practically the only use to which they are now put is to keep its vessels in repair. What an enormous investment and what a pitifully small return! As already stated, statistics show that it costs over $10,000,000 annually to run our navy-yards to enable them to do about $4,000,000 worth of repair work.

What a state of affairs! What business man of ordinary intelligence could permit such conditions to continue? It is a wanton waste of public money for which there is no excuse. It is well to remember that the cost of maintaining our navy-yards would be practically no greater if $10,000,000 worth of new construction work, in addition to the repair work, were done than it is to have only a small amount of repair work done there. During the last ten years 4 ships only have been built at the navy-yards at a cost of $7,200,000, while during the same period 139 ships have been constructed in private yards at a cost of over one hundred and thirty-one millions.

With a view to obtaining precise and reliable information as to what amount of expenditure would be necessary to put the Government yards in fit and proper condition to successfully build even the largest battle ships, I requested advices on the subject from the Navy Department, and quote herewith from their official reply:

While improvements are now in progress which will bring the Boston, League Island, and Puget Sound navy-yards to a state of efficiency, there are necessary certain preparations in the way of building slips, slip traveling cranes, railroad tracks, and power communications which must be made before even the important yards could build a battle ship. To be precise: The New York Navy-Yard would be in proper condition to build a battle ship or cruiser provided a simultaneous appropriation is made amounting to $175,000 for preparation of the building slip with overhead traveling crane and power communications. At the Norfolk Navy-Yard it is possible to launch a battle ship or armored cruiser, and the yard is in proper condition to undertake the building of such vessels provided a simultaneous appropriation is made of $225,000 for the building of a new slip, with overhead cranes and power communications. The preceding answer applies to the Mare Island Navy-Yard. At the Boston Navy-Yard the improvements now proceeding in the plant at that yard will bring it into proper condition to undertake the building of a battle ship or cruiser within about two years.

A further communication from the Navy Department is here given:

Referring to the Bureau's letter No. 575-A, 105 and 92 of this date, with regard to the Government navy-yards which are in a condition to undertake the building of a battle ship or armored cruiser, it is noted that particular mention of the navy-yard, Portsmouth, N. H., was accidentally omitted, and it is desired to add that with an appropriation of $175,000 for the preparation of the building slip, now available, with overhead traveling crane and power communications, the building of a battle ship or armored cruiser could be undertaken at that yard.

Thus it will be seen that the Government yards could, at comparatively slight expense, be put in position to undertake the building of war vessels; and it would only seem sound and reasonable business policy to do this, for reasons already stated, instead of having the country's ships constructed by outside parties, who are certainly in the business to make money. But, rather than utilize its own facilities, the governmental policy has heretofore been to keep her costly yards in comparative idleness and use them only for occasional repair work and pay exorbitant sums of money for the construction of new ships by those whose only desire in obtaining the contract is to make as much out of them as possible.

And right here, Mr. Chairman, let me say with the strongest emphasis that this is no attack upon the private shipyard. I for one believe that the private yard is an enterprise that should be fostered. I believe that they should have a share of the Government work. There is in the district which I have the honor to represent upon this floor one of the finest shipbuilding plants in the world; and I would not raise my voice to injure an enterprise in the success of which so many of my constituents are interested.

Foster the private yards, but not at the expense of the public ones. There should be work enough for all. The private yards of the country have now 60 vessels building; the Government yards are comparatively idle. In time of need we should be able to use either or both. Give these four provided for in this bill to the public yards.

Mr. Chairman, in the limited time allotted to me I can not enumerate a great many other reasons which I believe would appeal to this House, why the building of Government vessels in the public yards would be an advantage, both as to the construction of new work and at the same time facilitate and cheapen the cost of repair work which it is the present policy of the Government to have done in the public yards.

The necessity for the United States being a strong naval power and for the continued increase of the Navy is evident; and if this is to be done, we should certainly not any longer remain at the mercy of the private contractor, but should with the least possible delay equip the public yards of the country for doing new work under the most favorable conditions. We have shown that it is a sound policy pursued by all the naval powers of the world; that it cheapens construction and guarantees a better built ship; it provides a permanent force of trained and skilled men prepared at all times to quickly and cheaply do any class of work the navy-yards may be called upon to perform; that it establishes a basis and a standard to which contractors can be made to conform in the execution of such work as may be undertaken by them.

And apart from the considerations already touched upon, which it is thought are amply sufficient in themselves to cause this desirable change to be made, apart from the enormous saving of public money which this policy would effect, it is submitted that even were the cost entailed by the Government constructing its own vessels the same or even greater than to have them built by private corporations still it would be undoubtedly advantageous to adopt the former method for the two-fold reason that this great country, with its continually expanding territory, should be in a position at any moment to turn out powerful fighting machines under its own auspices in case of war, and secondly, that the money spent in the Government yards goes directly into the pockets of the people and not to swell the dividends of the stockholders and capitalists.

Mr. Chairman, the building of battle ships in Government yards is good policy. The people demand it. Labor has petitioned for it. We represent the people, and are here to carry out their wishes. Let us give them what they want. [Loud applause.]

On motion of Mr. MEYER of Louisiana, the committee rose; and the Speaker having resumed the Chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and had come to no resolution thereon.

CUBAN DIPLOMATIC AND CONSULAR SERVICE.

Mr. HITT. Mr. Speaker, I desire to submit a conference report. I ask to have the statement read in lieu of the report.

The SPEAKER. The gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, calls up a conference report, requesting that the statement be read and that the reading of the report be omitted. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman if this report is concurred in by the minority members of the committee?

Mr. HITT. This report is unanimous, and, more than that, it is that for which the House strove in conference.

Mr. RICHARDSON of Tennesse. Is it signed by the minority members?

Mr. HITT. All of them.

The SPEAKER. The Chair hears no objection to the request, and it is so ordered. The Clerk will read the statement.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

ROBERT R. HITT,
HUGH A. DINSMORE,
ROBERT ADAMS, JR.,
Managers on the part of the House.

S. M. CULLOM,
JOHN T. MORGAN,
H. C. LODGE,
Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, submit the following written statement in explanation of the accompanying report, namely:

On amendment No. 1, increasing the salary of the minister to Cuba from $10,000 to $12,000, as proposed by the Senate, the House recedes.

On amendment No. 2, providing for rent of a proper legation residence and offices not to exceed $2,000, as proposed by the Senate, the Senate recedes.

On amendment No. 3, providing for a consul at Matanzas at $2,500, as proposed by the Senate, the Senate recedes; so that the bill remains unchanged except in the increase of the salary of the envoy extraordinary and minister plenipotentiary to Cuba, which is made $12,000 instead of $10,000.

ROBERT R. HITT,
ROBT. ADAMS, JR.,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. DALZELL (at 4 o'clock and 50 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for survey of boundaries of

Colorado, New Mexico, and Oklahoma—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the General Superintendent of the Life-Saving Service, relating to mileage of certain officers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, making recommendation as to settlement of a deficiency in the appropriation for the Sac and Fox Indian Agency in Iowa—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the Senate (S. R. 12) authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow, reported the same without amendment, accompanied by a report (No. 2042); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14351) to provide for a national military park commission, reported the same with amendments, accompanied by a report (No. 2043); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3423), reported in lieu thereof a resolution (H. Res. 250) referring to the Court of Claims the papers in the case of Louis Scofield, jr., accompanied by a report (No. 2021); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 8006, reported in lieu thereof a resolution (H. Res. 251) referring to the Court of Claims the papers in the case of Mrs. Martha E. West, accompanied by a report (No. 2022); which said resolution and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House H. R. 5976, reported in lieu thereof a resolution (H. Res. 252) referring to the Court of Claims the papers in the case of William E. Cummin, accompanied by a report (No. 2023), which said resolution and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5489) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., reported the same with amendments, accompanied by a report (No. 2024); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4866) for the relief of the estate of Dr. Thomas J. Coward, deceased, reported the same with amendment, accompanied by a report (No. 2025); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 1773, reported in lieu thereof a resolution (H. Res. 253) referring to the Court of Claims the papers in the case of the heirs of James Goodloe, deceased, accompanied by a report (No. 2026); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7488, reported in lieu thereof a resolution (H. Res. 254) referring to the Court of Claims the papers in the case of R. H. Dunaway, accompanied by a report (No. 2027); which said resolution and report were referred to the Private Calendar.

He also, from the Committee on War Claims, to which was referred the bill of the House H. R. 11041, reported in lieu thereof a resolution (H. Res. 255) referring to the Court of Claims the papers in the case of Amos L. Griffith, accompanied by a report (No. 2028); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14070) for the relief of John A. Meroney, reported the same with amendment, accompanied by a report (No. 2029); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the Senate (S. 92) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., reported the same with amendment, accompanied by a report (No. 2030); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the resolution of the House (R. Res. 223) referring bills of the House Nos. 13965, 2517, 5493, 5491, 5502, 5507, 5508, 5484, 11143, 12747, 12748, 13603, and 13903 to the Court of Claims, reported the same with amendments, accompanied by a report (No. 2031); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 7421, reported in lieu thereof a resolution (H. Res. 256) referring to the Court of Claims the papers in the case of August Heberlein, accompanied by a report (No. 2032); which said resolution and report were referred to the Private Calendar.

Mr. THOMPSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12446, reported in lieu thereof a resolution (H. Res. 257) referring to the Court of Claims the papers in the case of Mrs. A. E. Hardin, accompanied by a report (No. 2033); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14326) for the relief of Samuel B. Bootes, reported the same without amendment, accompanied by a report (No. 2034); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13518, reported in lieu thereof a resolution (H. Res. 258) referring to the Court of Claims the papers in the case of Julia A. Pierce and John Pierce, heirs of John C. Pierce, deceased, accompanied by a report (No. 2035); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13521, reported in lieu thereof a resolution (H. Res. 259) referring to the Court of Claims the papers in the case of the legal representatives of H. S. Thompson, deceased, accompanied by a report (No. 2036); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 11937, reported in lieu thereof a bill (H. R. 14412) for the relief of Margaret Dalton, widow of George Dalton, deceased, accompanied by a report (No. 2037); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11208) for the relief of the heirs and legal representatives of John W. Hancock, deceased, reported the same without amendment, accompanied by a report (No. 2038); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11272) to pay J. B. McRae $99 for services as hospital steward, etc., reported the same without amendment, accompanied by a report (No. 2039); which said bill and report were referred to the Private Calendar.

Mr. THOMPSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10654) for the relief of Mount Zion Society, reported the same with amendment, accompanied by a report (No. 2040); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7355) authorizing the payment of the claim of M. A. Gantt & Son for board and lodging to volunteers during the Spanish-American war, reported the same without amendment, accompanied by a report (No. 2041); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 10961) for the relief of Judd O. Harlzell, of Laharpe, Ill., reported the same with amendment, accompanied by a report (No. 2044); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Elections No. 1 was discharged from the consideration of the bill (H. R. 6175) for the relief of the estate of Samuel Lee, and the same was referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RAY of New York: A bill (H. R. 14410) to provide for the control and management of United States penitentiaries, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners—to the Committee on the Judiciary.

By Mr. CUSHMAN: A bill (H. R. 14413) to establish a Branch Soldiers' Home at Coeur d'Alene, Idaho—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A joint resolution (H. J. Res. 190) concerning consolidation and duplication of scientific work carried on by the Government—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MAHON, from the Committee on War Claims: A bill (H. R. 14412) for the relief of Margaret Dalton, widow of George Dalton, deceased, in lieu of the bill H. R. 11937—to the Private Calendar.

By Mr. ALLEN of Maine: A bill (H. R. 14414) granting an increase of pension to Frederick F. Willey, alias William F. Willey—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14415) granting a pension to William McClure—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 14417) granting a pension to Lewis D. David—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 14418) for the relief of Bernard Wagner—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 14419) granting an increase of pension to Stephen A. Kennedy—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 14420) granting an increase of pension to Delia H. Honey—to the Committee on Pensions.

By Mr. HENDERSON: A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 14422) for the relief of Charles Uerkvitz—to the Committee on Claims.

By Mr. LEWIS of Georgia: A bill (H. R. 14423) for the relief of the estate of Mrs. Tabitha W. Reese, deceased—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 14424) granting an increase of pension to Edward Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14425) granting an increase of pension to Harvey Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14426) granting a pension to Sarah J. Kinnaman—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14427) for the relief of the estate M. W. Savells, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14428) for the relief of D. C. Savells—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 14429) granting the Court of Claims jurisdiction to hear and determine the claim of the widow, heirs, and personal representative of Thomas Page for Indian depredation—to the Committee on Claims.

Also, a bill (H. R. 14430) for the relief of the personal representative of Jacob Bogert—to the Committee on Claims.

By Mr. TOMPKINS of Ohio: A bill (H. R. 14431) correcting military record of Harvey Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 14432) granting an increase of pension to Elizabeth W. Eldridge—to the Committee on Pensions.

Also, a bill (H. R. 14433) granting an increase of pension to J. M. Rife—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14434) granting an increase of pension to Israel Gaymen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14435) granting an increase of pension to James Coyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14436) granting an increase of pension to Samuel C. Heastan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14437) granting a pension to Henry M. Bostwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14438) correcting the military record of Carlos H. Cady—to the Committee on Military Affairs.

By Mr. NEVILLE: A bill (H. R. 14439) granting an increase of pension to Franklin Peale—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 14440) granting a pension to William L. Buck—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH, from the Committee on War Claims: A resolution (H. Res. 250) in lieu of H. R. 3423, referring the claim of Louis Scofield, jr., to the Court of Claims—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 251) in lieu of H. R. 8006, referring the claim of Mrs. Martha E. West to the Court of Claims—to the Private Calendar.

By Mr. HENRY C. SMITH, from the Committee on War Claims: A resolution (H. Res. 252) in lieu of H. R. 5976, referring the claim of William E. Cummin to the Court of Claims—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 253) in lieu of H. R. 1773, referring the claim of the heirs of James Goodloe, deceased, to the Court of Claims—to the Private Calendar.

Also, from the Committee on War Claims, a resolution (H. Res. 254) in lieu of H. R. 7438, referring the claim of R. H. Dunaway to the Court of Claims—to the Private Calendar.

Also, from the Committee on War Claims, a resolution (H. Res. 255) in lieu of H. R. 11041, referring the claim of Amos L. Griffith to the Court of Claims—to the Private Calendar.

Also, from the Committee on War Claims, a resolution (H. Res. 256) in lieu of H. R. 7421, referring the claim of the estate of August Heberlein to the Court of Claims—to the Private Calendar.

By Mr. THOMPSON, from the Committee on War Claims: A resolution (H. Res. 257) in lieu of H. R. 12445, referring the claim of Mrs. A. E. Hardin to the Court of Claims—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 258) in lieu of H. R. 13518, referring the claim of Julia A. Pierce and John Pierce to the Court of Claims—to the Private Calendar.

Also, from the Committee on War Claims, a resolution (H. Res. 259) in lieu of H. R. 13521, referring the claim of the legal representatives of H. S. Thompson, deceased, to the Court of Claims—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of the Merchants' Exchange of Buffalo, N. Y., in favor of the Lodge consular bill—to the Committee on Foreign Affairs.

By Mr. ALLEN of Maine: Petition of George B. Merrill and 47 other citizens of Yarmouthville, Me., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Petition of the Kelley Milling Company, Kansas City, Mo., for the removal of the duty on breadstuffs—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Papers to accompany House bill for the relief of Fletcher Duling—to the Committee on Pensions.

By Mr. DARRAGH: Papers to accompany House bill 11254, to amend the military record of Andrew Martin—to the Committee on Military Affairs.

By Mr. DAYTON: Petition of John A. Teter, of Pendleton County, W. Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOUGHERTY: Petition of Lewis D. David for restoration on the pension roll—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Resolutions of J. L. Buzzell Post, No. 24, of Amandale, Department of Minnesota, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of National Association of Manufacturers, in favor of a system of national irrigation—to the Committee on Irrigation of Arid Lands.

Also, petition of James T. McDonald, of Krebs, Ind, T., in support of House bill 12268, relating to Indian Territory—to the Committee on the Territories.

Also, paper to accompany House bill granting a pension to Stephen A. Kennedy—to the Committee on Invalid Pensions.

Also, petition of the Samuel Wymond Cooperage Company, in favor of House bills 178 and 179—to the Committee on Ways and Means.

By Mr. HANBURY: Additional papers to accompany House bill 9874, to reimburse William A. Brown & Co. for one case of opium erroneously condemned and sold by the United States—to the Committee on Claims.

By Mr. HILL: Resolutions of the Grand Division of the Sons of Temperance of Connecticut, concerning post exchanges at military posts—to the Committee on Military Affairs.

By Mr. HITT: Petition of the Personal Liberty League, of Rockford, Ill., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. JACK: Petition of Local Union No. 1384, of Punxsutawney, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JONES of Washington: Petition of W. L. Jones, favoring the passage of a bill authorizing the Secretary of War to use only American-built vessels in the transportation of Government supplies to the Philippines—to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Resolution of the drug trade section of the New York Board of Trade and Transportation, allowing the payment of a drawback in cases where certain imported materials can not be positively identified, as shown in House bill 11308—to the Committee on Ways and Means.

By Mr. MANN: Petitions of the Board of Trade and citizens of Chicago, Ill., in support of House bill 3057, for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

Also, resolutions of National Encampment Service Men of the Spanish War, of Chicago, Ill., favoring the Bell bill, allowing travel pay to volunteers from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

Also, petitions of St. Adolbert's Society and the Polish Roman Catholic Clergy Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. McCLELLAN: Resolution of the New York Board of Trade and Transportation, in favor of House bill No. 11308—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill granting an increase of pension to Harvey Miller—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: Resolutions of the Chamber of Commerce of Astoria, Oreg., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLIDAY: Resolutions of United Mine Workers' Union No. 198, of Seelyville, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Resolution of common council of Milwaukee, Wis., against the beef trust—to the Committee on the Judiciary.

By Mr. RUPPERT: Resolutions of the drug trade section of the New York Board of Trade and Transportation, favoring the enactment of House bill 11308—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of Buffalo (N. Y.) Merchants' Exchange, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. SIMS: Resolutions of Forked Deer Lodge, No. 72, Jackson, Tenn., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STARK: Papers to accompany House bill 14377, granting a pension to Josephine Stewart—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the New York Board of Trade and Transportation, in favor of House bill 11308—to the Committee on Ways and Means.

By Mr. WARNOCK: Petition of J. W. Hood, of Fayetteville, N. C., and others, favoring Senate bill 5002 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

SENATE.

THURSDAY, *May 15, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SAC AND FOX AGENCY, IOWA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting an item to be incorporated in the general deficiency appropriation bill for the payment of indebtedness incurred by the Indian agent of the Sac and Fox Agency, Iowa, amounting to $2,143.05; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. HANSBROUGH presented a petition of Lodge No. 125, Brotherhood of Railroad Trainmen, of Jamestown, N. Dak., and a petition of Local Division No. 178, Order of Railway Conductors, of Grand Forks, N. Dak., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. CLAPP presented a petition of Flour Packers and Millers' Protective Union No. 7548, of Minneapolis, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. ELKINS presented petitions of Local Division No. 448, Brotherhood of Locomotive Engineers, of Bluefield; of Lodge No. 236, Brotherhood of Locomotive Firemen, of Benwood Junction; of Lodge No. 236, Brotherhood of Locomotive Firemen, of Hinton; of Local Division No. 284, Brotherhood of Locomotive Engineers, of Grafton; of Local Division No. 190, Brotherhood of Locomotive Engineers, of Huntington, and of Colonel A. Howard Fleming Lodge, Brotherhood of Railroad Trainmen, of Fairmont, all in the State of West Virginia, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BURTON presented a petition of the American Federation of Labor, of Pittsburg, Kans., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Tip Top Lodge, No. 396, Brotherhood of Locomotive Firemen, of Goodland; of Osawatomie Lodge, No. 65, Brotherhood of Railroad Trainmen, of Osawatomie; of Walnut Valley Lodge, No. 354, Brotherhood of Railroad Trainmen, of Arkansas City; of Carver Division, No. 28, Order of Railway Conductors, of Atchison; of Local Division No. 161, Order of Railway Conductors, of Parsons; of Herington Division, No. 261, Brotherhood of Locomotive Engineers, of Herington; of Local Division No. 368, Order of Railway Conductors, of Argentine; of Cherokee Lodge, No. 370, Brotherhood of Railroad Trainmen, of Parsons; of Lodge No. 96, Brotherhood of Railroad Trainmen, of Dodge City; of Local Division No. 179, Order of Railway Conductors, of Topeka; of Local Division No. 137, Order of Railway Conductors, of Osawatomie; of Lodge No. 564, Brotherhood of Railroad Trainmen, of Hoisington; of Local Division No. 81, Brotherhood of Locomotive Engineers, of Kansas City, and of Kaw Valley Lodge, No. 313, Brotherhood of Locomotive Firemen, all in the State of Kansas, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. LODGE. I present a resolution adopted by the Commonwealth of Massachusetts, relative to the building of war vessels in the navy-yards of the country. I ask that the resolution be printed in the RECORD, and referred to the Committee on Naval Affairs.

The resolution was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

Commonwealth of Massachusetts. In the year 1902. Resolutions relative to the building of war vessels in navy-yards of the United States.

Resolved, That the Senators and Representatives from Massachusetts in the Congress of the United States are requested to use all reasonable efforts to secure the passage of the naval appropriation bill now pending in such form as shall authorize the construction by the United States Government in its own navy-yards of some of the war vessels to be built under the provisions of that bill.

Resolved, That properly attested copies of these resolutions be sent to each of the Senators and Representatives from Massachusetts in Congress.

SENATE, *May 1, 1902.*

Adopted. Sent down for concurrence.

HENRY D. COOLIDGE, *Clerk.*

HOUSE OF REPRESENTATIVES, *May 7, 1902.*

Adopted, in concurrence.

JAMES W. KIMBALL, *Clerk.*

A true copy. Attest:

HENRY D. COOLIDGE,
Clerk of the Senate.

Mr. LODGE presented a petition of the Merchants' Exchange of Buffalo, N. Y., praying for the reorganization of the consular service; which was ordered to lie on the table.

Mr. PENROSE presented petitions of Brotherhood of Railroad Trainmen, Lodge No. 43, of Sunbury; of Monroe Curtis Lodge, Brotherhood of Railroad Trainmen, of Susquehanna; of Brotherhood of Railroad Trainmen, of Tyrone; of Division No. 168, of Vilas; of Just in Time Lodge, No. 346, of Bethlehem; of Quaker City Lodge, No. 149, of Philadelphia; of Pioneer Lodge, No. 153, of Wilkesbarre; of Susquehanna Lodge, No. 444, of Williamsport; of A. L. Dunbar Lodge, No. 142, of Meadville; of Order of Railway Conductors, Oil City Division, No. 163; of Brotherhood of Locomotive Engineers, Division No. 45, of Philadelphia; of G. W. Childs Division, No. 343, of Philadelphia; of West Philadelphia Division, No. 1620, of Philadelphia; of Quaker City Division, No. 204, of Philadelphia; of Kensing Lodge, No. 113, of Philadelphia; of Mantua Lodge, No. 160, of Philadelphia; of Southwark Lodge, No. 363, of Philadelphia; of Liberty Bell Lodge, No. 587, of Philadelphia; of Wall Lodge, No. 439, of Pitcairn; of Captain S. S. Brown Division, No. 370, of Pittsburg; of Andrew Carnegie Division, No. 325, of Pittsburg; of Glenwood Division, No. 281, of Pittsburg; of Ormsby Lodge, No. 7, of Pittsburg; of Iron City Lodge, No. 179, of Pittsburg; of Glenwood Lodge, No. 244, of Pittsburg; of Pottsville Division, No. 590, of Pottsville; of Mahoning Lodge, No. 462, of Punxsutawney; of Reading Division, No. 75, of Reading; of Nicolls Division, No. 229, of Reading; of William Penn Lodge, No. 172, of Reading; of Renovo Division, No. 333, of Renovo; of Southern Tier Division, No. 10, of Sayre; of Lodge No. 337, of Sayre; of Division No. 454, of Scottdale; of Lackawanna Division, No. 12, of Scranton; of Lodge No. 95, of Scranton; of H. A. Mace Lodge, No. 157, of Scranton; of Shamokin Lodge, No. 541, of Shamokin; of Sunbury Division, No. 187, of Sunbury, all of the State of Pennsylvania; of Local Division No. 57, of Providence; of Local Division No. 370, of Providence; of Providence Lodge, No. 66, of Providence; of Brotherhood of Railroad Trainmen, Lodge No. 390, of Providence, all of the State of Rhode Island; of Local Division No. 383, of Algiers; of Division No. 426, of New Orleans; of Crescent City Division, No. 108, of New Orleans; of Lodge No. 214, all of the State of Louisiana; of Local Division No. 281, of Vicksburg; of Lodge No. 331, of Water Valley; of J. T. Jones Division, No. 552, Brotherhood of Locomotive Engineers, of Gulf Port; of Queen and Crescent Lodge, No. 373, of Meridian; of J. C. Clark Division No. 537, of Meridian; of Pearl Lodge, No. 264, Brotherhood of Railroad Trainmen, of McComb, all of the State of Mississippi; of Huron Division, No. 121, of Huron, S. Dak.; of Huron Division, No. 213, of Huron; of Lodge No. 253, of Aberdeen, all of the State of South Dakota; of Palmetto Division, No. 208, of Charleston; of Division No. 265, of Florence; of Division No. 198, of Charleston, all of the State of South Carolina; of Lookout Division, of Chattanooga; of Division No. 149, of Jackson; of Holston Division, No. 239, of Knoxville; of Stanton Division No. 139, of Knoxville; of Rock City Division, No. 135, of Nashville, all of the State of Tennessee; of Guadalupe Division, No. 275, of Yoakum; of W. H. Reilly Division, No. 427, of Yoakum; of Tyler Division, No. 116, of Tyler; of Interstate Lodge, No. 248, of Texarkana; of Neil Sullivan Lodge, No. 206, of Temple; of Bogart Lodge, No. 294, of Smithville; of Davy Crockett Lodge, No. 369, of San Antonio; of Division No. 194, of Palestine; of Garfield Division, No. 219, of Marshall; of Longview Division, No. 396, of Longview; of Lone Star Lodge, No. 431, of Longview; of Laredo Division, No. 399, all of the State of Texas; of Tub Molders' Helpers' Union No. 7452, of New Brighton, Pa.; of Robert Andrews Division, No. 317, Brotherhood of Locomotive Engineers, of Alexandria; of Bristol Lodge, No. 556, of Bristol; of Railroad Telegraphers' Division No. 14, of Cloverdale; of Division No. 291, of Crewe; of Old Virginia Lodge, No. 492, of Roanoke; of Order of Railroad Conductors of Roanoke; of Old Dominion Lodge, No. 389, of Richmond; of Richmond Division, No. 26, of Richmond; of R. E. Lee Division, No. 205, of Portsmouth; of Lodge No. 550, of Norfolk; of Crewe Division, No. 349, of Crewe, all of the State of Virginia; of Ohio Valley Lodge, No. 13, of Benwood; of N. H. Smith Division, No. 448, of Bluefield; of Bluefield Lodge, No. 19, of Bluefield; of Order of Railroad Conductors No. 324, of Bluefield; of Brotherhood of Locomotive Engineers, Division No. 284, of Grafton; of Grafton Division, No. 190, of Grafton; of W. B. Ryder Lodge, No. 232, of Hinton; of Ashton Division, No. 136, of Huntingdon; of Lodge No. 530, of Kenova; of Parkersburg Division, No. 369, of Parkersburg; of Lewis Weitzel Lodge, No. 355, of Parkersburg; of Division No. 12, of Parkersburg; of Lodge No. 110, of Wheeling; of Division No. 211, of Abbotsford; of Chippewa Lodge, No. 410, of Wheeling, all of the State of West Virginia; of Castle Gate Lodge, No. 613, of Helper; of Division No. 124, of Ogden; of Ogden Lodge, No. 68, of Ogden; of Green Mountains Lodge, No. 535, of St. Albans, all in the State of Utah; of Continental Divide Lodge, No. 601, of Rawlins; of Cheyenne Division, No. 115, of Cheyenne, Wyo.; of Division No. 399, of Seattle; of Lodge No. 307, of Spokane; of Local Division No. 238, of Tacoma; of Order of Railroad Conductors, Division No. 249, of Tacoma; of Mount Tacoma Lodge, No. 403, of Tacoma, all of the State of Washington; of Local Division No. 9, of Houston; of San Jacinto Division, No. 366, of Houston; of Hillsboro Lodge, No. 616, of Hillsboro; of Evergreen Lodge, No. 81, of Fort Worth; of Engineer Division, No. 57, of Fort Worth; of H. G. Waynes Lodge, No. 716, of Ennis; of Division No. 88, of Ennis; of Division No. 242, of Ennis; of Brotherhood of Railway Trainmen, of El Paso; of El Paso Division, No. 69, of El Paso; of Gate City Lodge, No. 15, of Gate City; of Dennison Division, No. 177, of Dennison; of C. O. Wheeler Lodge, No. 409, of Cleburne; of Bigspring Lodge, No. 58, all of the State of Texas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the establishment of lobster hatcheries on the coast of Maine; which was referred to the Committee on Fisheries.

He also presented a petition of sundry citizens of Chickasha, Ind. T., praying for the enactment of legislation providing for the union of Oklahoma and Indian Territories as one Territory or State on equal terms; which was referred to the Committee on Territories.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 9928) granting a pension to Benjamin E. Styles; and

A bill (H. R. 7401) granting an increase of pension to William Brown.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9437) granting an increase of pension to Elias A. Calkins;

A bill (H. R. 1129) granting an increase of pension to William H. Shaffer; and

A bill (H. R. 307) granting an increase of pension to John L. Branson.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3617) granting a pension to Leonora V. Stacy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3292) granting an increase of pension to Arthur H. Perkins;

A bill (H. R. 671) granting an increase of pension to Orra H. Heath;

A bill (H. R. 11921) granting an increase of pension to George W. De Graw;

A bill (H. R. 12780) granting an increase of pension to William H. Wheeler; and

A bill (H. R. 11343) granting a pension to Mary Louise Lowry.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1156) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6750) granting an increase of pension to William H. Hoxie, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3212) granting a pension to Ellen A Sagar, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8401) granting an increase of pension to Henry E. Murphy, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 959) granting an increase of pension to William H. Green, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4515) granting an increase of pension to Alfred O. Blood, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 10731) granting an increase of pension to Samuel P. Milburn, reported it without amendment, and submitted a report thereon.

CONFERENCES AND CONFERENCE REPORTS.

Mr. ALLISON. From the Committee on Appropriations, I present a report in response to a resolution passed during last Congress directing that committee to cause to be prepared for the use of the Senate a manual of the law and practice in regard to conferences and conference reports. It was not prepared until after the close of the Congress. It relates to a matter which was discussed somewhat yesterday. I ask that the report may be printed as a document and lie on the table.

The PRESIDENT pro tempore. The Senator from Iowa, from the Committee on Appropriations, submits a report which he desires to have printed as a document.

Mr. ALLISON. I think it would do no harm to print it in the RECORD, although it is perhaps too long for that purpose. I ask to have it printed as a document.

The PRESIDENT pro tempore. It will be printed as a document.

Mr. ALLISON subsequently said: I ask unanimous consent that an order may be made to print, for the use of the Senate, 1,000 extra copies of the report I made this morning.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that 1,000 additional copies of the report made by him this morning from the Committee on Appropriations be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

The Chair will inquire if the Senator desires the copies to be bound or to have paper covers?

Mr. ALLISON. I do not desire to have it bound at all. I merely desire to have the print made in the ordinary way.

The PRESIDENT pro tempore. That order will be made.

BILLS INTRODUCED.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5846) granting an increase of pension to Thomas G. Forrester;

A bill (S. 5847) granting an increase of pension to Henry W. Duckett;

A bill (S. 5848) granting an increase of pension to Smith H. Priddy;

A bill (S. 5849) granting an increase of pension to Albert Haynes; and

A bill (S. 5850) granting an increase of pension to Herbert Whitworth.

Mr. ELKINS introduced a bill (S. 5851) granting a pension to Julius Felix; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5852) granting a pension to Robert P. McRae; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 5853) for the relief of James C. Bacon; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5854) granting an increase of pension to Allen B. Evans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5855) to amend section 6 of chapter 541, United States Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced a bill (S. 5856) granting an increase of pension to Elizabeth A. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 5857) granting an increase of pension to Daniel B. Bailey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5858) to reimburse J. E. Turner for excess interest paid on the purchase price of certain lands; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. McLAURIN of Mississippi (for Mr. MONEY) introduced a bill (S. 5859) for the relief of the estate of David R. Hubbard, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 5860) granting an increase of pension to Katharine Rains Paul; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 5861) for the relief of James Graham; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART introduced a bill (S. 5862) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Colville Indians in the State of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PATTERSON introduced a bill (S. 5863) granting a pension to John D. Evans; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5864) granting a pension to Samuel B. Baker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 5865) providing for the drainage of Lake Traverse, lying on and along the boundary line between the States of Minnesota and South Dakota, and to prevent the overflow of the waters of the Red River of the North; which was read twice by its title, and referred to the Committee on Commerce.

Mr. STEWART introduced a bill (S. 5866) to regulate the production and sale of milk and cream in and for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. COCKRELL submitted an amendment proposing to appropriate $13,500 to grade and macadamize New Hampshire avenue, Whitney avenue (Jackson street) to Seventh street (Brightwood avenue), intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate $1,500 for grading Messmore street from Columbia street to Erie street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $25,000 for the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,000 for the salary of a superintendent of heating and ventilation, whose duty it shall be to plan and supervise the construction and management, under the direction of the Commissioners of the District of Columbia, of the heating and ventilating structures and apparatus of all municipal buildings under their control, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to printed.

He also submitted an amendment proposing to appropriate $4,000 for grading and macadamizing Eighth street NW., Petworth, from Savannah street to Utica street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the appropriation for the purchase of text-books and school supplies for use of pupils of the first eight grades, etc., from $45,000 to $52,500, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DANIEL and Mr. PENROSE submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ISTHMIAN CANAL REPORTS.

Mr. MORGAN. I ask that an order be made to reprint some documents which are not now available in the Document Room.

The order was read and agreed to, as follows:

Ordered, That the following documents, heretofore printed, be reprinted and bound in one document for the use of the Senate, namely:

1. The report of the Nicaragua Canal Commission of May 9, 1899, without appendixes.

2. Chapter VII of the report of the Isthmian Canal Commission of November 30, 1901.

3. The letter of Maj. E. C. Dutton of June 23, 1891, printed in Report No. 2136, made to the House of Representatives, first session Fifty-fourth Congress.

4. And the chapters on "Earthquakes," pages 132 to 136, and on "Seismic records of the canal region," pages 136 to 137 of Appendix 2 of the report of E. S. Wheeler, chief engineer of the Nicaragua Canal Commission.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 2632) to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho;

An act (S. 4992) to provide an American register for the bark Otto Gildemeister; and

An act (S. 5387) to change the terms of the circuit courts of the United States within the first circuit.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. HANSBROUGH, and Mr. BATE were appointed.

UNION RAILROAD STATION.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the union railroad station bill.

The Senate resumed the consideration of the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The question before the Senate is on the motion of the Senator from Montana [Mr. CLARK] to recommit the bill to the Committee on the District of Columbia.

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. I should like to ask one question before I vote on the motion. If my memory is not incorrect, I think the senior Senator from New Hampshire [Mr. GALLINGER] stated yesterday that the proposed tunnel through Capitol Hill will run 175 feet, surface measurement, from the Library building. I should like to ask him in what direction from the Library building it runs, from the east or the north?

Mr. GALLINGER. Mr. President, if it is proper, I will answer the question.

The PRESIDENT pro tempore. By unanimous consent, the Chair thinks the Senator may answer it.

Mr. GALLINGER. I will say to the Senator that the proposed tunnel is to run north and south, on the west side of First street.

Mr. VEST. On the west side?

Mr. GALLINGER. Yes.

The PRESIDENT pro tempore. The Secretary will call the roll on the motion of the Senator from Montana [Mr. CLARK] to recommit the bill to the Committee on the District of Columbia.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Michigan [Mr. MCMILLAN] and I withhold my vote in his absence.

Mr. CLAPP (when his name was called). In the absence of the junior Senator from North Carolina [Mr. SIMMONS], I withhold my vote.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY], who is not present. If I had the privilege of voting, I should vote "nay." As he is not present I withhold my vote.

Mr. DOLLIVER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY]. If he were present, I should vote "nay."

Mr. GIBSON (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KEARNS], and withhold my vote.

Mr. PENROSE (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is absent. If he were present, he would vote "nay." He is paired, however, with the senior Senator from Alabama [Mr. MORGAN].

The roll call was concluded.

Mr. SPOONER (after having voted in the negative). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. I do not know that this is absolutely a party question, but it seems to me pretty near it. I prefer, therefore, to observe the pair. I withdraw my vote.

Mr. BERRY (after having voted in the affirmative). I suggest to the Senator from Wisconsin that I am paired with the Senator from Maryland [Mr. MCCOMAS]. I did not notice at the time that he is absent, and I have voted. If the Senator desires, we can transfer our pairs, and he can vote.

Mr. SPOONER. Very well, then. The pairs may be considered transferred, and I will allow my vote to stand.

Mr. MCLAURIN of South Carolina. I have a general pair with the senior Senator from North Carolina [Mr. PRITCHARD], and I withhold my vote.

Mr. FOSTER of Louisiana. I should like to inquire if the junior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. FOSTER of Louisiana. I have a general pair with that Senator, and will withhold my vote in his absence.

Mr. BURROWS. My colleague [Mr. MCMILLAN] is necessarily absent from the city. If he were present, he would vote "nay." He is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from New Jersey [Mr. DRYDEN], and vote "nay."

The result was announced—yeas 23, nays 43; as follows:

YEAS—23.

Bacon,	Culberson,	McLaurin, Miss.	Teller,
Bailey,	Daniel,	Mallory,	Tillman,
Bate,	Dubois,	Patterson,	Turner,
Berry,	Hansbrough,	Pettus,	Vest,
Clark, Mont.	Harris,	Rawlins,	Wellington.
Clay,	Heitfeld,	Taliaferro,	

NAYS—43.

Aldrich,	Depew,	Hoar,	Perkins,
Allison,	Dietrich,	Jones, Nev.	Platt, Conn.
Bard,	Dillingham,	Kean,	Platt, N. Y.
Beveridge,	Elkins,	Kittredge,	Proctor,
Burnham,	Foraker,	Lodge,	Quarles,
Burrows,	Foster, Wash.	Martin,	Scott,
Burton,	Frye,	Mason,	Simon,
Clark, Wyo.	Gallinger,	Millard,	Spooner,
Cockrell,	Gamble,	Mitchell,	Warren,
Cullom,	Hale,	Nelson,	Wetmore.
Deboe,	Hanna,	Penrose,	

NOT VOTING—22.

Blackburn,	Foster, La.	McCumber,	Pritchard,
Carmack,	Gibson,	McEnery,	Quay,
Clapp,	Hawley,	McLaurin, S. C.	Simmons,
Dolliver,	Jones, Ark.	McMillan,	Stewart.
Dryden,	Kearns,	Money,	
Fairbanks,	McComas,	Morgan,	

So the Senate refused to recommit the bill.

Mr. BACON. I move to amend the bill by striking out, on page 14, lines 11 to 23, inclusive, the provision which makes the District of Columbia liable for half of the damages. I ask that it may be read, in order that the Senate may see what it is.

Mr. BERRY. That leaves the Government to pay it all?

Mr. BACON. It does not make any provision about it. That is to be made afterwards.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be read.

The SECRETARY. On page 14 it is proposed to strike out from line 11 to line 23, inclusive, in the following words:

DAMAGES.

All damages to adjacent property owners resulting from, incidental to, or connected with changes in the grades of the streets or alleys authorized by this act shall be borne, paid for, and defrayed by the District of Columbia, and shall be recoverable by action of law against the said District on the part of the owners of the property so damaged. Fifty per cent of the amounts so recovered shall be refunded to the said District by the United States: *Provided*, That in determining the damages as herein provided the jury shall take into consideration any benefits that may have accrued by reason of the location of said station in proximity to the property alleged to have been damaged.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Maryland [Mr. MCCOMAS].

Mr. CLAPP (when his name was called). In the absence of the junior Senator from North Carolina [Mr. SIMMONS], I withhold my vote.

Mr. DEPEW (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from New Jersey [Mr. DRYDEN] and vote "nay."

Mr. DOLLIVER (when his name was called). I renew the announcement of my pair with the senior Senator from Mississippi [Mr. MONEY].

Mr. FOSTER of Louisiana (when his name was called). In the absence of the junior Senator from North Dakota [Mr. MCCUMBER], I withhold my vote.

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Utah [Mr. KEARNS].

The roll call having been concluded, the result was announced—yeas 17, nays 43, as follows:

YEAS—17.

Bacon,	Clay,	Mallory,	Turner,
Bailey,	Dubois,	Patterson,	Wellington.
Bate,	Hansbrough,	Taliaferro,	
Carmack,	Heitfeld,	Teller,	
Clark, Mont.	McLaurin, Miss.	Tillman,	

NAYS—43.

Aldrich,	Depew,	Jones, Nev.	Platt, Conn.
Allison,	Dietrich,	Kean,	Platt, N. Y.
Bard,	Dillingham,	Kittredge,	Proctor,
Beveridge,	Elkins,	Lodge,	Quarles,
Burnham,	Foraker,	Martin,	Scott,
Burrows,	Frye,	Mason,	Simon,
Clark, Wyo.	Gallinger,	Mitchell,	Spooner,
Cockrell,	Gamble,	Nelson,	Stewart,
Cullom,	Hale,	Penrose,	Vest,
Daniel,	Harris,	Perkins,	Wetmore.
Deboe,	Hoar,	Pettus,	

NOT VOTING—28.

Berry,	Fairbanks,	Kearns,	Money,
Blackburn,	Foster, La.	McComas,	Morgan,
Burton,	Foster, Wash.	McCumber,	Pritchard,
Clapp,	Gibson,	McEnery,	Quay,
Culberson,	Hanna,	McLaurin, S. C.	Rawlins,
Dolliver,	Hawley,	McMillan,	Simmons,
Dryden,	Jones, Ark.	Millard,	Warren.

So Mr. BACON's amendment was rejected.

Mr. MALLORY. I offer the amendment which I send to the desk.

The SECRETARY. On page 14, line 19, strike out all after the word "States" down to and including the word "damaged" in line 23 on the same page. Strike out the proviso.

Mr. GALLINGER. Read it.

The SECRETARY. It is proposed to strike out the proviso in the following words:

Provided, That in determining the damages as herein provided the jury shall take into consideration any benefits that may have accrued by reason of the location of said station in proximity to the property alleged to have been damaged.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. MALLORY].

Mr. MALLORY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be read.

Mr. SPOONER. I ask that the amendment be rereported.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the proviso, on page 14, beginning in line 19.

The PRESIDENT pro tempore. The amendment is to strike out those words. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Maryland [Mr. MCCOMAS].

Mr. FOSTER of Louisiana (when his name was called). In the absence of the Senator from North Dakota [Mr. MCCUMBER], with whom I am paired, I withhold my vote.

Mr. GIBSON (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KEARNS].

The roll call was concluded.

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from New Jersey [Mr. DRYDEN] and vote "nay."

The result was announced—yeas 14, nays 48; as follows:

YEAS—14.

Bacon,	Dubois,	Mallory,	Turner,
Bate,	Hansbrough,	Pettus,	Wellington.
Carmack,	Heitfeld,	Rawlins,	
Clark, Mont.	McLaurin, Miss.	Teller,	

NAYS—48.

Aldrich,	Deboe,	Hoar,	Platt, Conn.
Allison,	Depew,	Jones, Nev.	Platt, N. Y.
Bailey,	Dietrich,	Kean,	Proctor,
Bard,	Dillingham,	Kittredge,	Quarles,
Beveridge,	Elkins,	Lodge,	Scott,
Burnham,	Foraker,	Martin,	Simon,
Burrows,	Frye,	Mason,	Spooner,
Burton,	Gallinger,	Mitchell,	Stewart,
Clark, Wyo.	Gamble,	Nelson,	Tillman,
Cockrell,	Hale,	Patterson,	Vest,
Cullom,	Hanna,	Penrose,	Warren,
Daniel,	Harris,	Perkins,	Wetmore.

NOT VOTING—28.

Berry,	Fairbanks,	McComas,	Morgan,
Blackburn,	Foster, La.	McCumber,	Pritchard,
Clapp,	Foster, Wash.	McEnery,	Quay,
Clay,	Gibson,	McLaurin, S. C.	Simmons,
Culberson,	Hawley,	McMillan,	Taliaferro.
Dolliver,	Jones, Ark.	Millard,	
Dryden,	Kearns,	Money,	

So Mr. MALLORY's amendment was rejected.

Mr. HANSBROUGH. I offer an amendment to come in after line 12, on page 17. It is to insert the following proviso:

Provided, That the payments by the United States Government and the District of Columbia to the Baltimore and Ohio Railroad for the elimination of grade crossings shall not exceed 40 per cent of the total cost of such work, such cost to be ascertained by the Secretary of War, who shall report to Congress in detail.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment, which will be read.

The Secretary read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. HANSBROUGH. On this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I ask that the amendment be again read.

Mr. CULBERSON. I should like to have the section read as it would stand if amended.

The PRESIDENT pro tempore. It will be read as requested.

The Secretary read as follows:

LIMIT OF TIME FOR COMPLETION.

SEC. 8. That of the works herein described, the lines of railroad leading northward and southward from the main passenger station and terminal connecting the same with lines of the Baltimore and Ohio Railroad Company and lines of the Baltimore and Potomac Railroad Company, respectively, shall be completed, and the main passenger station and terminals shall be ready for occupancy, within five years from the date of the passage of this act. The construction of said passenger station and terminal and viaduct by said terminal company, in accordance with the provisions of this act, shall be deemed and taken to be a full compliance by the Baltimore and Ohio Railroad Company with the requirements in that regard of the said act relating to it, approved February 12, 1901, and the respective periods of five and six years from the passage of said act, as mentioned in section 8 thereof, are hereby extended respectively for five and six years from the passage of this act. Except as modified by this act, all the provisions of said act relating to the Baltimore and Ohio Railroad Company, approved February 12, 1901, shall be and remain in full force and effect: *Provided*, That the payments by the United States Government and the District of Columbia to the Baltimore and Ohio Railroad for the elimination of grade crossings shall not exceed 40 per cent of the total cost of such work, such cost to be ascertained by the Secretary of War, who shall report to Congress in detail.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The Secretary proceeded to call the roll.

Mr. FOSTER of Louisiana (when his name was called). I withhold my vote on account of the absence of the Senator from North Dakota [Mr. MCCUMBER], with whom I am paired.

Mr. GIBSON (when his name was called). I am paired with the Senator from Utah [Mr. KEARNS] and therefore withhold my vote.

Mr. BURROWS (when Mr. MCMILLAN's name was called). My colleague [Mr. MCMILLAN], who is necessarily absent, is paired with the Senator from Kentucky [Mr. BLACKBURN].

The roll call having been concluded, the result was announced—yeas 14, nays 48; as follows:

YEAS—14.

Bacon,	Clark, Mont.	Hansbrough,	Teller,
Bate,	Clay,	Heitfeld,	Turner.
Berry,	Daniel,	McLaurin, Miss.	
Carmack,	Dubois,	Taliaferro.	

NAYS—48.

Aldrich,	Dillingham,	Lodge,	Proctor,
Allison,	Elkins,	Mallory,	Quarles,
Bailey,	Foraker,	Martin,	Rawlins,
Bard,	Frye,	Mason,	Scott,
Beveridge,	Gallinger,	Mitchell,	Simon,
Burnham,	Gamble,	Nelson,	Spooner,
Burrows,	Hale,	Patterson,	Stewart,
Clark, Wyo.	Hanna,	Penrose,	Tillman,
Cockrell,	Harris,	Perkins,	Vest,
Cullom,	Hoar,	Pettus,	Warren,
Deboe,	Kean,	Platt, Conn.	Wellington,
Depew,	Kittredge,	Platt, N. Y.	Wetmore.

NOT VOTING—26.

Blackburn,	Fairbanks,	Kearns,	Money,
Burton,	Foster, La.	McComas,	Morgan,
Clapp,	Foster, Wash.	McCumber,	Pritchard,
Culberson,	Gibson,	McEnery,	Quay,
Dietrich,	Hawley,	McLaurin, S. C.	Simmons.
Dolliver,	Jones, Ark.	McMillan,	
Dryden,	Jones, Nev.	Millard,	

So Mr. HANSBROUGH's amendment was rejected.

Mr. HANSBROUGH. I now offer an amendment to come in in section 8, page 18, line 14, after the word "use," to insert "a portion of Garfield Park and;" so as to read:

And in consideration thereof, and of the relinquishment and surrender by said Baltimore and Potomac Railroad Company of its right to occupy and use a portion of Garfield Park and the portion of the Mall.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendments to the bill, the substitute proposed by the Senator from North Dakota [Mr. HANSBROUGH] is now in order. It has been read to the Senate. The question is on agreeing to that amendment. [Putting the question.] By the sound the "noes" have it.

Mr. HANSBROUGH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. I ask that the amendment may be read, Mr. President, unless it is very long.

The PRESIDENT pro tempore. It is very long.

Mr. BATE. Very well, then, I withdraw the request for the reading.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Maryland [Mr. MCCOMAS]. If he were present, I should vote "nay."

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Utah [Mr. KEARNS], and therefore withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the Senator from Texas [Mr. CULBERSON]. In his absence I withhold my vote.

The roll call having been concluded, the result was announced—yeas 4, nays 51; as follows:

YEAS—4.

Hansbrough,	Heitfeld,	Patterson	Turner.

NAYS—51.

Aldrich,	Deboe,	Hoar,	Platt, N. Y.
Allison,	Depew,	Kean,	Proctor,
Bacon,	Dietrich,	Kittredge,	Scott,
Bailey,	Dillingham,	Lodge,	Simon,
Bate,	Dubois,	Mallory,	Spooner,
Burnham,	Elkins,	Martin,	Stewart,
Burrows,	Foraker,	Mason,	Taliaferro,
Carmack,	Frye,	Mitchell,	Teller,
Clark, Mont.	Gallinger,	Nelson,	Tillman,
Clark, Wyo.	Gamble,	Penrose,	Vest,
Cockrell,	Hale,	Perkins,	Warren,
Cullom,	Hanna,	Pettus,	Wetmore.
Daniel,	Harris,	Platt, Conn.	

NOT VOTING—33.

Bard,	Dryden,	McComas,	Pritchard,
Berry,	Fairbanks,	McCumber,	Quarles,
Beveridge,	Foster, La.	McEnery,	Quay,
Blackburn,	Foster, Wash.	McLaurin, Miss.	Rawlins,
Burton,	Gibson,	McLaurin, S. C.	Simmons,
Clapp,	Hawley,	McMillan,	Wellington.
Clay,	Jones, Ark.	Millard,	
Culberson,	Jones, Nev.	Money,	
Dolliver,	Kearns,	Morgan,	

So Mr. HANSBROUGH'S amendment was rejected.

The bill was ordered to be engrossed for a third reading; and it was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BERRY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have arranged with the junior Senator from New York [Mr. DEPEW] to transfer our pairs so that the Senator from Maryland [Mr. MCCOMAS] will stand paired with the Senator from Louisiana [Mr. MCENERY], and I vote "nay."

Mr. DOLLIVER (when his name was called). The Senator from Mississippi [Mr. MONEY], with whom I am paired, is absent. If he were present, I should vote "yea."

Mr. FOSTER of Louisiana (when his name was called). In the absence of the Senator from North Dakota [Mr. MCCUMBER], with whom I am paired, I withhold my vote. If he were present, I should vote "nay."

Mr. GIBSON (when his name was called). I again announce my pair with the Senator from Utah [Mr. KEARNS].

Mr. BURROWS (when Mr. MCMILLAN'S name was called). My colleague [Mr. MCMILLAN], who, as I have said, is unavoidably absent, is paired with the Senator from Kentucky [Mr. BLACKBURN]. If present, my colleague would vote "yea."

Mr. PENROSE (when Mr. QUAY'S name was called). My colleague [Mr. QUAY], who is necessarily absent, is paired with the senior Senator from Alabama [Mr. MORGAN]. If present, my colleague would vote "yea."

The roll call was concluded.

Mr. DOLLIVER. I desire to transfer my pair with the Senator from Mississippi [Mr. MONEY] to the Senator from Connecticut [Mr. HAWLEY], which will enable me to vote. I vote "yea."

The result was announced—yeas 45, nays 24; as follows:

YEAS—45.

Aldrich,	Depew,	Jones, Nev.	Platt, N. Y.
Allison,	Dietrich,	Kean,	Proctor,
Bard,	Dillingham,	Kittredge,	Quarles,
Beveridge,	Dolliver,	Lodge,	Scott,
Burnham,	Elkins,	Martin,	Simon,
Burrows,	Foraker,	Mason,	Spooner,
Burton,	Frye,	Millard,	Stewart,
Clapp,	Gallinger,	Mitchell,	Warren,
Clark, Wyo.	Gamble,	Nelson,	Wetmore.
Cockrell,	Hale,	Penrose,	
Cullom,	Hanna,	Perkins,	
Deboe,	Hoar,	Platt, Conn.	

NAYS—24.

Bacon,	Clay,	Heitfeld,	Simmons,
Bailey,	Culberson,	McLaurin, Miss.	Taliaferro,
Bate,	Daniel,	Mallory,	Teller,
Berry,	Dubois,	Patterson,	Tillman,
Carmack,	Hansbrough,	Pettus,	Turner,
Clark, Mont.	Harris,	Rawlins,	Vest.

NOT VOTING—19.

Blackburn,	Gibson,	McCumber,	Morgan,
Dryden,	Hawley,	McEnery,	Pritchard,
Fairbanks,	Jones, Ark.	McLaurin, S. C.	Quay,
Foster, La.	Kearns,	McMillan,	Wellington.
Foster, Wash.	McComas,	Money,	

So the bill was passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment offered by Mr. PROCTOR, to insert at the end of line 2, on page 6, the following:

Provided, That no part of the appropriation made by this act shall be used for constructing or procuring disappearing carriages, emplacements, or magazines therefor.

Mr. WARREN. I ask the Senator from California to yield to me that I may submit a conference report.

Mr. PERKINS. I yield for that purpose.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I submit a conference report on the omnibus claims bill, which I send to the desk.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, having met, after a conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 2, and agree to the same.

That the committee report a disagreement to the Senate amendment numbered 1.

F. E. WARREN,
WILLIAM E. MASON,
H. M. TELLER,
Managers on the part of the Senate.

THAD. M. MAHON,
HENRY R. GIBSON,
T. W. SIMS,
Managers on the part of the House.

Mr. COCKRELL. What is the effect of the conference report? I should like to have an explanation of it.

Mr. WARREN. For the information of the Senator from Missouri I will say that the amendments made by the Senate to the House bill were two. One of them was virtually to strike out the entire bill and to insert new and old matter together as a substitute, so that amendment numbered 1 really covers all the items that the Senate proposed in the bill.

Amendment numbered 2 related to the title only. The title of the bill when it came to us was, "A bill for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act," and nothing else. We amended it by adding the words "and for other purposes."

The real disagreement is not as to all the items in amendment numbered 1, but is because of the fact that the House conferees received instructions from the House not to agree to certain claims called the Selfridge board claims. As a matter of fact, I will say, for the information of Senators, that the conferees are practically agreed upon all matters except as to one State claim, the differences as to which do not appear to me to be formidable. And as to the so-called Selfridge board claims I think I may say, without divulging any confidences which I ought not to, that two of the House conferees have felt that the Selfridge board claims should be paid in full, and the third one, although not favoring those claims, has suggested on one or two occasions that they

should be cut down to the same percentage of the total claims that similar claims were cut down to—and about as many and for nearly as large an amount in Selfridge board claims—as were allowed in the omnibus claims bill last passed; in other words, in the last omnibus claims bill there was a cut of 20 per cent off from all the so-called Selfridge board claims, and I think the same percentage from a large number of the largest of the so-called Bowman claims.

I will refer to the senior Senator from Colorado [Mr. TELLER] and ask him if I am not correct in that statement?

Mr. TELLER. I understand that is precisely the situation, Mr. President.

Mr. WARREN. The conferees on the part of the House, feeling bound by their instructions, have desired to report their disagreement in order that they may further test the sense of the House upon the matters contained in this bill.

Mr. HALE. Mr. President, the last remark of the Senator from Wyoming discloses the real situation. I suppose what will happen in the other branch will be a motion to recede from the so-called Selfridge board awards. If the House does not recede from its position and insists upon the attitude taken when it instructed its conferees, the matter will then go into another conference, and when reported here, although in the present form as one amendment, I suppose the Senator expects and realizes that opportunity will be presented to move that the Senate recede from its attitude with reference to the Selfridge claims, in order that the whole bill may not be put in peril by reason of those claims. I do not interpose it now, but I myself feel that whenever it next comes before this body the attitude of the Senate may as well be taken upon these claims, in addition to the attitude that the House has taken. I should not want to see the bill fail, because it has very valuable matter upon it aside from the award of the Selfridge board, and clearly, unless the House recedes, that question will have to be, at no far distant date, presented to the Senate.

Mr. WARREN. Mr. President, I think I ought to say, after the remarks by the senior Senator from Maine [Mr. HALE], that there is a little more to the situation as we get it unofficially from the cloakrooms and from members of the House. That is, that there is a serious—I think I may say very serious—resistance on the part of a great many members of the House to another class of claims in that measure—yes, two others, the Bowman claims and spoliation claims—and such members have felt that as these two classes of claims have passed through the Court of Claims, and that court had cut them down and made findings, they could perhaps afford to put behind them each one his own opinion that such claims were perhaps unworthy and should not be paid, if in doing that they could wipe out and do away with certain other claims that had been long before Congress and which also were findings of official boards of United States officers.

Mr. President, I want to say just one word in regard to the Selfridge board claims, because I have heard or overheard Senators, or at least one or two Senators, in private conversation say that they were rotten, that they ought not to be paid, etc. Of course this has not been publicly stated upon the floor, or I would probably have resented and replied to it. The history of the Selfridge board claims, briefly told, is simply this: A certain class of men who were then engaged in shipbuilding and machine building were approached in the time of the great civil war, when this country was in dire peril, and were asked to build certain vessels upon plans which were not yet completed.

The larger ones of those institutions were approached first with these half and less than half matured plans, and were asked to make bids upon them on grounds approximately as follows: "We want this boat built, and it will not cost more than, say, the *Paul Jones*. That was, say, $80,000. You must bid $80,000. We will complete these plans and we will see you through." In one case it was represented that the machinery should weigh a certain amount, and consequently cost a certain number of dollars, when, as a matter of fact, after the vessel was finally built and the machinery completed, according to later plans, it weighed several times as much and cost immensely more than the boat referred to.

The Government having taken that position with regard to the contracts, these parties were forced to do the work—and I say "forced," because we have the record showing that the Government, with its strong hand, approached the shipowners and said, "Either you will take this price and enter into contract to build these ships or the Government will take possession of your works and build them." With such shipowners or machine builders discretion was the better part of valor, and they entered into the contracts practically under duress. The plans were not complete. They were changed from time to time. Some of them were changed before the keel of the vessel was laid. The first vessel built under the first plan went down a mile from shore because the plans for the vessel were of such a nature that the carrying of them out produced a structure that would not float. There was delay for from a few months in some cases to years in other cases, nor did they ever have plans complete. The evidence shows that these men asked, yes pleaded again and again, for completed plans. The Department had to wait for ideas for plans until certain experiments had been carried out, or until certain vessels had been floated, or until they had been put into the water to see if they would float.

Now, having built these vessels, the price of material having risen in some cases 100 per cent, and labor the same—we all remember the rapid inflation of prices during that period—the builders came to the Department and asked for pay, upon the basis of what these vessels had actually cost—nothing more and nothing less. The accounting officers of the Treasury and of the Navy departments who were to pay these accounts were bound, of course, so far as they were concerned, under their bonds, by the text of each contract as it read, and could not afford the necessary relief. Hence there was an equity that must be in some way settled. Congress evaded it for a time, as it evades all claims, and has done from time immemorial. Finally there was a request, too strong to be longer denied, for some tribunal. The Government itself selected its own tribunal, judge and jury. That tribunal (the Selfridge board, made up of distinguished officers) made these findings—so many dollars extra cost for this builder, on this ship, or on its fittings of engines and machinery, and so many dollars extra cost for the other. And that finding has remained a matter of record all these years.

The Senate and House have repeatedly had these claims under consideration. They have paid many of them in separate and individual bills and in omnibus bills. I think more than half of them, or about half of them, have been paid, and some of them have been sent to the Court of Claims, and in each instance, so far as I know, the finding of the Court of Claims has been for more money than was allowed under the Government board findings. Now has come the time when your committee, after digging through these claims day after day, night after night, and month after month, have concluded that there ought to be an end and a final settlement; that there ought to be a cleaning up of what is left, and in one bill, to avoid wasting further time of the Senate and House over the individual amounts. It is not fair to those who have not been paid that their neighbors should have been paid, since the claims are all on the same footing, all alike, on all fours together. It is not fair that this money which is due them should remain longer unpaid. In fact, the main opposition in the House to-day is that the claims are thirty or forty years old. But the claimants have never lagged and are not guilty of laches. Congress has been too busy some sessions and too parsimonious in some others to do its duty by these claimants. But yet several Congresses have passed bills in relief, and about one-half have been passed, as I have already stated.

Here we are, Mr. President, confronted with the findings of our own officers, our own courts, and the acts of former Congresses. Will we pay the balance of these claims, or will we say that they are rotten, and that the members of the Claims Committee are corrupt, because there has been an outrageous attack, through a nondescript falsification publication, secretly circulated in the House at the last moment, signed by a man who has been repudiated by the House and the Government on account of his bad habits and morals, and lying, and vicious "cussedness?" Are we going to allow ourselves to say that we will recede from these claims because he says they are rotten? I take it not. But on the other hand, Mr. President, it is always within the purview of a conference committee to cut out acknowledged good items and measures if it becomes necessary. I find there are men in the House who know all about these claims who feel that they would rather see the whole bill fail than have these claims cut out. I find there are others who feel that if this class of claims goes out certain other classes should go out as well.

So I think it would be unsafe at this time and now for the Senate to move to recede from any one of the claims which we have in the bill, although—and I agree with the Senator from Maine—that time may come; I do not think the time has yet arrived.

Mr. HALE. Mr. President, I did not, in what I said, mean in any way to enter into the merits of the award of the Selfridge board.

Mr. WARREN. I understood that.

Mr. HALE. I was only calling attention to the fact that we may be again confronted with the action of the House voting squarely, as it has done twice, against these claims and insisting upon its attitude. However good they may be, I do not think the Senate could long continue the controversy, when there are so many other items in the bill. All I intended was to call the attention of the Senate to that fact. The House, I suppose, will to-day consider the subject and take its attitude. If it recedes, that ends the whole matter most happily. If, on the other hand, it maintains the position it has already taken in two votes, the Senate being the moving party in putting these claims on, sooner or later, as I

have said, we shall be met with a motion to recede. I think the Senator is right in not making it now.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

The conference report was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Vermont [Mr. PROCTOR]. It will be read.

The SECRETARY. On page 6, line 2, after the word "dollars," insert the following proviso:

Provided, That no part of the appropriation made by this act shall be used for constructing or procuring disappearing carriages, emplacements or magazines therefor.

Mr. PROCTOR. Mr. President, I wish to ask the Senator from California [Mr. PERKINS] if he does not think it would be unwise to expend more money on the manufacture of these carriages, which have already cost so many millions and will cost many millions more if this scheme is carried out, until there has been a full, perfect test under service conditions?

Mr. PERKINS. Mr. President, when the amendment was offered yesterday by my friend from Vermont [Mr. PROCTOR], I should have then stated that the committee had considered this matter during the past few years and were willing at any time, and anxious, to refer it to a competent board to again pass upon this whole question.

The amount involved yesterday was a very small sum, not one-half what has been estimated for by the Secretary of War, and is in the Book of Estimates. I did not make that statement at the time because at the proper time I trusted and hoped that the Senator would withdraw his amendment and either offer one in the line I have suggested or permit your committee to present one which expressed their view.

That which I did object to on behalf of your committee is that Congress has not proved to be a success as experts in building gun carriages, in manufacturing guns, or in passing upon the qualities of high-explosive powder. The Senate is competent, if it had the time, or individual members of it perhaps are, but we have not the time to give it the consideration that those who have made a special study of the subject bestow upon it.

This morning I am in receipt of a letter from the Secretary of War relative to the subject-matter to which the Senator from Vermont refers. If he will withdraw his amendment offered yesterday and present an amendment which he has formulated, I think I will be justified, after having the letter read which has been sent me by the Secretary of War, in accepting the same, if there be no objection on the part of my associates upon the committee.

Mr. PROCTOR. I therefore offer a modification of my amendment, the first part of it being precisely the same and providing for a test.

The PRESIDENT pro tempore. The Senator from Vermont modifies his amendment. As modified it will be read.

The Secretary read as follows:

Provided, That no money appropriated by this bill shall be expended for disappearing carriages or emplacements or magazines therefor until a thorough test has been made by a disinterested board of officers of high rank and at least one mechanical engineer of high standing, with not less than 30 shots from a 10-inch gun, with full charges of smokeless powder and full weight of shot, under all the conditions of actual service, the whole time elapsing between the firing of the first shot and the firing of the last shot being reported, and also the time elapsing between the firing of each shot in succession, the cost of such test to be paid out of this appropriation.

Mr. PERKINS. I ask that the letter of the Secretary of War be read in connection with this proposed amendment.

The PRESIDENT pro tempore. Does the Senator from Vermont yield for that purpose?

Mr. PROCTOR. Certainly. I was merely about to say that I drew this amendment and submitted it to the Secretary of War last night, and had a note from him saying that it is satisfactory to him.

The PRESIDENT pro tempore. The Secretary will read the letter.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, May 15, 1902.*

MY DEAR SENATOR PERKINS: I have just received from Senator PROCTOR the inclosed draft of an amendment which he proposes to offer to the fortifications bill, and providing for a thorough test of disappearing carriages, and he asks me to communicate to you my views regarding it. I think the amendment is a very proper one, and I should be very glad to have it adopted. My view regarding the disappearing gun carriages has been that they were adopted after very full consideration, both by the Ordnance Department and by the Board of Ordnance and Fortification, under the direction of officers of the highest rank and authority, such as General Schofield and General Abbott, and there has never been in my mind any sufficient ground established for reversing the conclusions reached by those officers. The raising of the question, however, makes it very proper, and I think it is very desirable that no pains should be spared to test the question, in every way possible, whether the established policy of the Government in regard to these carriages should be reversed.

Very sincerely, yours,

ELIHU ROOT.

Hon. GEORGE C. PERKINS, *United States Senate.*

Mr. TELLER. Mr. President, I think the amendment of the Senator from Vermont [Mr. PROCTOR] is a very proper one, and I am very glad it has the approval of the Department. I myself gave a good deal of attention to this question of disappearing gun carriages some years ago, and I confess to have had some prejudice against the present Buffington-Crozier carriage. I have not believed and do not now believe that it is yet such a carriage as we ought to have, but it is undoubtedly the best carriage now in existence. A better one, in my judgment, can be arranged. There are some defects in it to which the attention of the Department has been called from time to time, but the policy of the Department has been for many years to receive no suggestions from outside people.

The Senator from Vermont spoke of the Board of Ordnance and Fortification. I had something to do with the creation of that board, as did some other Senators who are here, for the purpose of getting into the Department a board that would accept from the best engineers of the country suggestions on questions of this kind. I am sorry to say I think the way that board has been constituted most of the time it was not any great improvement on the former conditions. This trial, I think, ought to show that there are some defects which can be obviated in the present carriage. I know they have been pointed out by some very able engineers. I think perhaps the carriage can be made to be a very valuable one for some places, but only for some places. The idea that it shall be put everywhere is simply absurd, but there are places where a disappearing carriage is almost a necessity.

Mr. COCKRELL. On low land.

Mr. TELLER. The Department, I understand, is going upon the theory that they are not to be put up in every place, because they are a rather expensive machine. There are places where I believe a much cheaper carriage would be very much more valuable than the disappearing carriage. Then there are other places again where it is almost a necessity that we shall have some kind of a disappearing carriage.

So I shall be very glad myself to vote for this compromise, hoping that the trial, which seems to be a proper one, will bring about what we all desire, the securing of the best gun mount there is.

Mr. WARREN. Mr. President, I agree with the general proposition of the Senator from Colorado [Mr. TELLER]. I do not believe the Senator from Colorado would wish to be understood as saying that the Department has refused to entertain propositions of investigation into gun carriages other than the Buffington-Crozier.

Mr. TELLER. Mr. President, if the Senator will allow me, I am not talking about the present board as now constituted, but the board of some years ago. It was utterly useless for anybody who was not an Army officer within the circle of their acquaintance to go and suggest anything in the line of gun carriage or almost anything else. As now constituted, I know nothing about it. I have not given any attention to it for a number of years.

Mr. WARREN. Now, Mr. President, without taking issue with the Senator, because he and I can not differ upon that point, he will remember that we have done something along the line of investigation in disappearing gun carriages. It has not been entirely along the line of the Buffington-Crozier, because we have in this bill that is now before us a settlement proposed with another company which had been employed by the Government to construct a type of disappearing carriage.

Representatives of that contractor were before the subcommittee and stated very frankly that they had failed to bring out as good a carriage as they expected, and furthermore that the Buffington-Crozier carriage was a much better one, and therefore they desired to settle with the Government without further perfecting their type of gun carriage.

Further than that, we have appropriated quite lately some $180,000 altogether for an outside inventor to use in inventing and constructing a type of disappearing carriage. There are some fifty-odd thousand dollars standing now to the credit of that inventor, or that carriage, so that we have not had a change of heart upon the desirability of disappearing carriages.

Mr. President, it may be useless for me to prolong my remarks, since I have no objection to the amendment as proposed, but I do feel that since the subject was brought up in the manner it was and the record made up as it is, there are some facts which I ought to put in the record.

The amendment as first proposed by the Senator from Vermont [Mr. PROCTOR] was an attempt to take away arbitrarily from

the Secretary of War, an officer in whom we have the utmost confidence as to ability, fidelity, and honesty of purpose, all discretion, and it was to take power away from our Army boards; to leave our engineers, our artillerymen, and our ordnance officers all bound hand and foot as to the construction of gun carriages. The amendment as now proposed opens it to an investigation which is of course proper and to which no one objects.

But, Mr. President, yesterday a record was attempted to be made by the Senator from Vermont that the present Chief of Ordnance was the patentee of the gun carriage in use; that he had sold to a company the rights to the patent for foreign countries. The intimation is clear, in reading the statement as made, that the Senator means to charge that this would probably unduly influence the Ordnance Department; and following the inference further, the suspicion would arise that the Senator intimated that an inferior carriage might be accepted because of personal interest.

Mr. President, I fail to see where any special personal interest arises. The patent, when it was issued, was free for the use of the United States and it is so stated in the patent itself. There is not a possible benefit that can come to either General Buffington or General Crozier by the use of that carriage in the United States. There is no incentive, in my judgment, for the Board of Ordnance to feel that they have any interest whatever in that particular carriage, except the loyal one of best serving the interests of the United States.

What is the history? The history is not that Messrs. Buffington and Crozier first applied for a patent and then came before the United States to sell it, or that they started in for the securement of a patent to make money out of for themselves. Congress created the Endicott board to take up the whole matter of our fortifications and coast defenses. Almost the first expression of that board was regarding the necessity of having some kind of a disappearing carriage.

The War Department was appealed to and sent men abroad to examine all the disappearing carriages in use abroad as well as at home. It happened to fall to Captain Crozier to be selected one of those upon whom was charged the responsibility of finding a good disappearing carriage, if any existed, and if not, to develop one. After looking the entire field over he came to the conclusion that none was up to the desired standard, but he discovered, however, that a patent had been issued to General Buffington a long time ago. He appealed to General Buffington to go on and complete and improve his patent, asking for a further patent, if he desired, General Crozier still not desiring to enter the field himself.

General Buffington refused to have anything to do with the further study of perfecting it. Captain Crozier started to work along other lines to see what other carriage, if any, would do, but his final conclusion was that, taking the principle of the Buffington carriage and adding the product of his own inventive genius, he could evolve a carriage which he believed would answer. Time passed. Crozier completed his plan and type, and, after laborious and continuous application, he reported to the War Department. The War Department—and I will put it in the RECORD—considered it of importance, sufficiently so that the then Secretary of War in his annual report complimented the country and complimented the Department upon having evolved the best carriage in the world.

The Secretary of War, in his annual report for the year 1894, writes as follows:

> The establishment of type disappearing gun carriages for 8-inch and 10-inch guns, invented by officers of the Ordnance Corps, and believed to be unequaled for rapidity and simplicity of action by any carriage elsewhere in use, is a notable achievement of the year. This problem solved, the armament of our harbors may now be prosecuted as rapidly as means are available.
>
> At the date of the last annual report of the Department a selection of a type carriage for 8 and 10 inch guns was expected within a few months. Since then the 8-inch Buffington-Crozier disappearing carriage has been tried, with results, as stated by the Board of Ordnance, "exceeding for rapidity and smoothness of operation the most sanguine expectations of this board." The carriage is the combined invention of Colonel Buffington and Captain Crozier, of the Ordnance Department, and reflects credit on the inventive skill of American officers.
>
> It is a satisfactory solution of one of the most difficult problems which has confronted military science. I concur in the recommendation that liberal appropriations be made for the manufacture of these carriages for service, so that expenditures for guns of this caliber and emplacements prepared for them may speedily be utilized.

The President of the United States considered the achievement important enough to merit a mention in his annual message. I ask to put the language in the RECORD.

The annual message of the President to Congress of December 7, 1896, makes the following reference:

> During the same year, immediately preceding the message referred to, the first modern gun carriage had been completed and 11 more were in process of construction. All but one were of the nondisappearing type. These, however, were not such as to secure necessary cover for the artillery gunners against the intense fire of modern machine, rapid-fire, and high-power guns.
>
> The inventive genius of ordnance and civilian experts has been taxed in designing carriages that would obviate this fault, resulting, it is believed, in the solution of this difficult problem.

It was brought to the notice of those abroad, and was complimented there by very many, from Krupp, the great gun maker, down; and still Mr. Crozier had no patent and asked for none. He asked for no interest and expected no benefits. But, Mr. President, at the suggestion of higher officers of the United States he applied for a patent, and was impelled, because he had used Buffington's patent as a foundation, to preserve in the patent Buffington's name. Therefore the patent came out in the name of Buffington and Crozier.

But there was no interest, there was nothing in common between Generals Buffington and Crozier in any way except as they were necessarily thrown together in this one connection. I do not understand that they have been in entire harmony all of the time upon all matters. Finally, the United States felt that it desired to protect itself against foreign countries. It could not patent the device at home or abroad and so Captain Crozier was appealed to to take out and secure the benefit of a patent to protect the United States, and he did so.

All of this to show you that it could not have been Crozier's original or later intention to make money upon his patent.

About this time Crozier was appointed a professor in the West Point Military Academy, and his commission was issued and sent to him. He was then a junior captain. His commission carried with it the pay and allowances of a lieutenant-colonel. It was a life position and one that after ten years gave him a colonel's position, with all its perquisites and with all the rights of retirement, but such was his love for his chosen work that he declined the promotion.

Now, for a small sum, and that only to cover expenses, etc., the rights abroad were sold to the Bethlehem Company. Why? To make money for the patentees? Not any more than to protect the United States. If the United States had a patent that it thought was better than any for a similar purpose in other countries, it was to its interest to protect itself with the patent rights, so that if other countries of the world should desire to use our type of carriage they should be compelled to pay a royalty charge for it, and citizens in this nation should get the benefit of it.

We had a duly organized Board of Ordnance and Fortification. This invention was under examination from time to time, and it is a curious fact, but a fact nevertheless, that the first four reports—and I will ask to insert them—were all of them, as I am informed, unanimously in favor of this particular gun carriage.

General Schofield was the chairman of the board at its first meetings, and joined in the favorable reports. At that time neither Crozier nor Buffington was a member of the board; in fact, there never has been at any one time but one member from the Ordnance Department.

And with all the changes on that board, the first four reports are unanimously in favor of this particular gun carriage. Upon the fifth and last report out of the 5 votes 3 voted against and 2 voted for a large and continued use of the Crozier carriage, and, curiously enough, that was the first board upon which either of the patentees had served.

I submit herewith the five reports referred to:

EXPRESSIONS OF THE BOARD OF ORDNANCE AND FORTIFICATION IN REGARD TO THE DISAPPEARING CARRIAGE.

[Report for period from date of organization of the board to October 24, 1891: Maj. Gen. J. M. Schofield, president; Col. Henry L. Abbott, Corps of Engineers; Col. Henry W. Closson, Fourth United States Artillery; Col. A. Mordecai, Ordnance Department, United States Army, and Mr. Byron M. Cutcheon, members, 1891.]

In these days of naval range finders, machine guns, small arms of wonderful precision, and smokeless powders, the handling of heavy guns, mounted upon ordinary barbette carriages on low sites, is certain to be productive of such destructive results as to forbid its being attempted.

[Report of board for year ending October 31, 1894: Maj. Gen. J. M. Schofield, president; Col. Henry L. Abbott, Corps of Engineers; Col. Henry W. Closson, Fourth United States Artillery; Maj. Frank H. Phipps, Ordnance Department, United States Army, and Mr. Byron M. Cutcheon, members, 1894.]

The 8-inch carriage of this type had been received at the proving ground prior to the last annual report, and was being assembled and mounted on that date.

Since then it has passed a most satisfactory test at the hands of the Ordnance Board, exceeding for rapidity and smoothness of operation the most sanguine expectations of this board. This is an absolutely new type of disappearing carriage, the result of the combined inventions of Colonel Buffington, United States Ordnance Department, and Captain Crosier, Ordnance Department. It is a strictly American invention. Although of an entirely novel type, never before subjected to trial, it passed successfully through its test without so much as the breakage of a bolt, or any accident whatever. Only slight alterations in the recoil mechanism were required. The board regards this as a remarkable record. This is a front pintle carriage and traverses through 180 degrees.

* * * * * * *

The board recommends that liberal appropriations be made, so that the expenditure for guns of this caliber and emplacements therefor, already made, may be speedily utilized.

Ten-inch Crozier-Buffington disappearing carriage: This carriage, which was in process of fabrication at the date of last report, has been completed, assembled on its platform at Sandy Hook, and fully tested and accepted during the year.

The carriage does not materially differ, except in proportions, from the 8-inch carriage. Only slight modifications were required, especially in the hydraulic cylinders for checking recoil, in order to make it work satisfactorily. Like the 8-inch carriage of this type, the test has been completed without accident and to the entire satisfaction of the board.

[Report of board for year ending October 31, 1897: Maj. Gen. Nelson A. Miles, president; Col. Royal T. Frank, First United States Artillery; Col. Peter C. Hains, Corps of Engineers, United States Army; Maj. Frank H. Phipps, Ordnance Department, United States Army; and Mr. Joseph H. Outhwaite, members, 1897.]

The test of this carriage (12-inch) is nearly completed, and it has proven an unqualified success. The development of this carriage is considered by the board as a decided advance, as it enables the Government to mount its heaviest guns under cover without resorting to such expensive devices as the gun-lift battery and armored turrets, which were considered the only solution of the problem a few years ago.

[Report of board for year ending October 31, 1898: Maj. Gen. Nelson A. Miles, president; Col. Royal T. Frank, First United States Artillery; Col. Peter C. Hains, Corps of Engineers, United States Army; Maj. Frank H. Phipps, Ordnance Department, United States Army, and Mr. Joseph H. Outhwaite, members, 1898.]

This carriage (12-inch) was completed at the Watertown Arsenal May 6, 1897. It has since passed a very satisfactory test at the proving ground, and has been issued to the service.

[Report of board for year ending October 31, 1899; members as above.]

* * * For the 6-inch, the Chief of Ordnance proposed two mounts, a disappearing carriage of the Crozier-Buffington system and a pillar mount similar to that for the 5-inch, with a preference in favor of the former. As the pillar-mount system will be thoroughly tested with the 5-inch gun, the board decided to test the Crozier-Buffington with the 6-inch.

If sufficient rapidity of fire can be obtained with this design, its advantages are obvious. The pillar mount, though under cover of the parapet when not firing, is necessarily exposed in action. The gun detachment is somewhat protected by the gun shield, but this is, of course, inadequate against large-caliber guns. With the disappearing system the gun is only above the parapet at the instant of firing and the gun detachment is completely protected, with the exception of the gun layer, whose head only is exposed in sighting. The sight is placed upon the carriage instead of upon the gun, and the gun can be laid while being loaded. It remains to be seen, when the two types are tested, whether or not the pillar mount will show any marked superiority in rapidity of aimed fire.

[Report of board for year ending October 31, 1900: Lieut. Gen. Nelson A. Miles, president; Brig. Gen. John M. Wilson, Corps of Engineers, United States Army; Brig. Gen. A. R. Buffington, Ordnance Department, United States Army; Col. John I. Rodgers, Fifth United States Artillery, and Mr. Thomas J. Henderson, members, 1900.]

The 6-inch rapid-fire gun on Buffington-Crozier mount (disappearing).—The tests of this gun and carriage have been completed during the year at the proving ground at Sandy Hook, N. J. As the result of these tests the board, at its meeting on October 5, 1900, took the following action:

While the mechanical operation of the carriage is satisfactory, it is the opinion of the board that, in the interests of economy in the construction of carriage and emplacements and of the general efficiency of the service, this carriage should not be adopted as a type, and it is recommended that no additional carriages of this type shall hereafter be procured for rapid-fire guns.

After giving the question of nondisappearing and disappearing carriages for 8, 10, 12, and 16 inch high-power guns for coast fortifications and the opinions of artillery officers careful consideration, it is the judgment of the Board of Ordnance and Fortification that it would be unwise and injudicious to locate any more guns on disappearing carriages than those now under process of construction on high or medium sites, and no more should be placed (than those now under process of construction) on low sites until the proportion of those to be placed in such fortifications shall have been limited to one-third of the total number to be so located.

Vote on above resolution of president of the board (proceedings of October 8, 1900): Ayes—General Miles, General Rodgers, General Henderson; noes—General Wilson, General Buffington.

The present Board of Ordnance and Fortification are in favor of the Buffington-Crozier disappearing gun carriages for certain sites.

Now, Mr. President, the engineers have charge of the new emplacements and of the selection of gun carriages therefor. There has been no evidence introduced here that the engineer force of the United States is opposed to disappearing gun carriages or disapproves of them. Certain officers of the artillery department who have the matter of the guns, when constructed, in charge were called upon by the Secretary of War for opinions and criticisms. Some 90 have expressed their opinion.

It will be observed that the questions were peculiarly worded, and were evidently made with a view of inviting criticism. They were made with a view of getting at the facts, not as to whether the gun carriages as then constructed were properly constructed, but, if not, in what respect were they not, and how could they be improved upon. I have gone through all of the letters written by those officers.

Mr. PROCTOR. The Department succeeded in getting criticism.

Mr. WARREN. They did. I should be very sorry to see this country ever arrive at a stage when its scientists and its experts should all agree, because whenever there is perfect agreement there is stagnation, and whenever stagnation comes the nation dies; we have no competition and no progress.

But, Mr. President, are we to follow the minority or are we to follow the majority? It has never been claimed that a disappearing carriage always is the thing for all sites and under all circumstances. I do not claim it; I do not think the Department claims it.

When we look through these questions, which invited criticism as to all sites, we find that quite a large majority is against the disappearing gun carriage as to high sites. We find, on the other side, that a very large majority is for these gun carriages upon all low sites. Therefore, if we are going to take the weight of evidence of our experts, from whom we have invited criticisms and answers, we are going to decide that the gun carriage is not always useful upon high sites, but that it is intensely useful upon low sites.

In arranging the names of the responding artillery officers according to the measure of their approbation or disapprobation, I have here a list in which I have the entire 91 answers, some of which were noncommittal. In arranging them according to the measure of their approbation it is safe to say that if you go down the list to the fortieth and forty-fifth or fiftieth, or more than half way down, and find them complimentary, then the majority is in favor of the carriage upon some site, either high or low.

The result of this computation I will ask to put in the RECORD, since the Senator from Vermont has put in his synopsis. I ask to put into the RECORD a summing up which will show for itself whether it is correct or incorrect, as all the names are given.

REPLIES OF ARTILLERY OFFICERS TO THE QUESTION, "IN YOUR JUDGMENT, ARE THE DISAPPEARING CARRIAGES NOW MOUNTED IN MODERN WORKS SATISFACTORY OR UNSATISFACTORY?"

No expression of opinion.—Randolph, Marsh, Rogers, Rumbough, Stone, Vogdes, Danes, Berry, Blake, Coe, and Lassiter—11.

Satisfactory.—Kinzie, Lancaster, Myrick, Woodruff, Bailey, Blunt, Chase, Cronkite, Captain Harris, Hills, Hoyle, Hubbell, Leary, Pratt, McClellan, Walker, Wisser, Campbell, Chamberlain, Davis, Hains, Hayden, Hero, Hubbard, Johnston, McNair, Martin, Winston, Fergusson—29.

Fairly satisfactory.—Adams, Califf, Conklin, Newcomb, Townsley, and White—6.

Of its type satisfactory.—Hasbrouck, Homer, Treat, Van Deusen, and Skerrett—5.

Satisfactory if we must have one.—Haskin—1.

Partially satisfactory.—McCrea, Major Strong, Alexander, Hamilton, Lundeen, Patterson, Captain Strong, Weaver, Arnold, Hunter, Gatchell, Gatley, Landon, and Snow—14.

Machinery too complicated.—Burbank, Van Ness, and Whistler—3.

Not unsatisfactory per se; weakness lies in the animate artillery.—Captain Best—1.

Unsatisfactory under existing conditions of numerical strength and pay of enlisted men.—Barrette.

Unsatisfactory.—Anderson, Applewhite, Brown, Day, Harlow, First Lieutenant Harris, Hoskins, Kephart, Lomia, Morris, Ridgway, Pence, Ruckman, Schenck, Spinks, Stewart, and Walke, and Col. J. I. Rogers—18.

Unsatisfactory to some degree.—Bartlett.

Best attainable, but condemns use on all sites.—Todd.

SUMMARY.

No expression of opinion	11
Unsatisfactory under existing conditions	1
Total	12
Satisfactory	29
Fairly satisfactory	6
Of its type, satisfactory	5
Satisfactory if we must have one	1
Partially satisfactory	14
Not unsatisfactory per se; weakness lies in animate artillery	1
Total	56
Machinery too complicated	3
Unsatisfactory	18
Unsatisfactory to some degree	1
Best attainable, but condemns use on all sites	1
Total	23

In looking over the synopsis and letters I do not find that the majority of evidence is against the disappearing carriage except on high sites. On the contrary, the evidence is very strongly in favor of disappearing carriages on all low sites.

I have information before me regarding opinions abroad of disappearing carriages, and I come to the conclusion from reading this information and from all the information I can get that all countries are interested in disappearing gun carriages, but a country which has its emplacements and guns all in position is not as anxious to change and put in disappearing carriages, even though it be an improvement, as a country which is engaged in building new fortifications.

I do not believe any other country has as vigorously pursued the problem of coast defenses and fortifications of late years as has the United States. This country long neglected its coasts, but finally, and I think very properly, took up vigorously the matter of its coast defenses and fortifications. It had a clear field, and it very properly went the world over to see if the desire expressed on every hand and in every country for a disappearing carriage was well founded in desirability or necessity, and to see if the proper carriage existed, and if such a carriage did not exist to find one or to try to invent and build one which would be satisfactory.

I presume the present carriage may not be as complete and satisfactory as we may yet see. This is an age of progress. We may find something which will be far better. But I do not believe there is necessity for condemning both the present carriage and the people who invented it until we find something better, or until we find some reason for such condemnation.

There have been letters and papers introduced here from those who extremely disapprove of the disappearing gun. One officer, Ruckman, who writes a letter which covers some eight pages of closely printed matter in Senate Doc. No. 336, this session, was quoted yesterday by the Senator from Vermont [Mr. PROCTOR], and his letter went in the RECORD. As against that I desire to

offer three letters—they are not long ones—from three distinguished officers who take an opposite view. The three letters taken together will not require as much space as Ruckman's occupied in the RECORD. All of these officers are peculiarly qualified, through experience, to pass judgment.

No. 1.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
ARTILLERY INSPECTOR,
San Francisco, Cal.

* * * * * * *

In the first place, I think I have had as much practical experience with both carriages as any other officer of artillery. At the breaking out of the war with Spain my battery was assigned to the five 10-inch B. L. rifles, mounted on disappearing carriages at Fort Winfield Scott, San Francisco. Three of these carriages were model 1894, two of model 1896. We were in camp just in rear of the guns for eight months, serving them four hours daily, except Sundays. Most of this time I was in command of a battalion of artillery serving the entire armament at Fort Scott, and thus had experience with the 12-inch B. L. rifles mounted on barbette carriages. During the period mentioned the 10-inch guns were frequently fired. At target practice I have witnessed the firing of the 12-inch guns on barbette carriages. For the last six months my battery has had charge of the entire armament of Fort Scott.

As a result of this experience I am totally in favor of the disappearing carriage for all sites—low, medium, and high.

In an action with a spirited naval antagonist I am confident the fire of the barbette gun will soon be silenced or kept down by the secondary armament of the ships, while the disappearing gun will continue its fire undisturbed. Nor will shields afford sufficient protection to prevent the silencing of the barbette guns.

As to the "mechanical complication" of the disappearing carriage as compared with the barbette carriage, this is not to my mind and in my experience what others allege. When the latter carriage is supplied with retraction gearing, as contemplated, it will, to a novice, appear much more complicated. The principal difference then between it and the former carriage will be the gun levers and counterweights, which in themselves are very simple and positive in their action, requiring no attention.

Guns mounted on the disappearing carriage are more rapidly fired than when mounted on the barbette carriage, caliber for caliber. Moreover, the personnel serving the latter will become played out from fatigue much sooner than will be the case with those serving the disappearing gun, caliber for caliber.

The barbette carriage certainly requires less attention in its care and preservation. This cuts no figure, however, for my battery, with 20 men short (on the average), takes care of five 10-inch rifles (disappearing), three 12-inch rifles (disappearing), five 10-inch rifles (barbette), three 8-inch rifles (disappearing), three 15-inch pneumatic guns, thirty-two 12-inch mortars, two 6-inch disappearing carriages, keeps all of the emplacements, drains, roadways, slopes, etc., in perfect order, drills twice a week at infantry drill, furnishes the guard for the entire armament, and prepared this entire armament and furnished the manning details for same in the recent test by you.

In my experience I have met with no difficulty in serving the disappearing carriage. To one who has had little or nothing to do with it the carriage looks complicated.

I consider the disappearing carriage a practical, serviceable mounting, not too complicated or delicate to be maintained in working order and not requiring more expenditure of labor or greater skill in serving it than can reasonably be expected of the personnel we are liable to have in the artillery service.

Yours, very truly,

SEDGWICK PRATT.

No. 2.

ON BOARD U. S. ARMY TRANSPORT MEADE,
At Sea, December 26, 1899.

* * * * * * *

I was on duty at Fort Wadsworth, N. Y., in 1896, when the first five of the carriages, model 1894, for 8-inch guns were mounted, and though I was not directly in charge of the work of mounting the guns, I assisted in this, and as these were the first mounted in service, so far as I knew, naturally took great interest in all stages of the work.

After these guns were mounted I was detailed as president of a board of officers, consisting of Lieut. F. S. Harlow, First Artillery; Lieut. I. N. Lewis, Second Artillery, and myself, to graduate the elevating circles of these guns and to report upon the condition and serviceability of the mounting. To the best of my recollection the board found all but one of the guns in practicable working order, except in regard to a few minor details. The unserviceability of this gun was due to defects in the platform.

* * * * * * *

During the summer of 1898 I was on duty at Kest West, Fla., and assisted in the mounting of two 8-inch guns on disappearing carriages, model 1894, and three 10-inch guns on carriage model 1896, besides a number of mortars and rapid-fire guns. The work of the mounting was in direct charge of Capt. C. H. McKinstry, Engineer Corps, who had as an assistant a Mr. Raybold, a machinist who had mounted a number of guns on disappearing carriages at other places. Under the supervision of Mr. Raybold no difficulty was experienced in assembling the carriages, and from what I thus saw and had already seen at Fort Wadsworth, of such work, I have not the slightest hesitation in stating that all necessary information for mounting guns on these carriages can be obtained from the pamphlets of instruction furnished by the Ordnance Department, when the ordinary mechanical knowledge which every officer of artillery should possess is considered.

* * * * * * *

Regarding the working condition of these carriages, so far as they alone were concerned, this was found to be practically perfect after they had been thoroughly cleaned and oiled. With the model 1896 carriages some little difficulty was at first experienced in causing the guns to rise from their loading to the firing position, necessitating the use of a lever to start them; but after the guns had been cleaned and oiled and counter-weight was adjusted no further trouble of any kind was had with these carriages, and I was simply delighted with the working of this model, which appeared to me to be as nearly a perfect piece of mechanism as human ingenuity could devise.

The carriages of both models were under my charge for about six weeks after they had been assembled, and during this time were operated daily, Sundays excepted. No difficulty whatever was experienced in keeping them in proper working condition, and as the carriages became more and more clean, the operations of traversing, elevating, hauling the gun down to its loading position or causing it to rise to its firing position, became more and more easy.

* * * * * * *

Regarding the graduation of the circles, I was unable to test that on the elevating circle for lack of proper facilities; that on the azimuth circle I tested with great care by means of a transit set up under the gun in its firing position with the model 1894 carriages, and upon the gun with the 1896 carriages, and found the graduation practically perfect, though the arcs of the traverse circles of the model 1896 were slightly out of their true position. * * * No difficulty was found in adjusting the index of the elevating circle. This was done by placing a steel straightedge in the bore and using the machinist level.

* * * * * * *

The gun batteries where this work was done were located on a sandy point near the water's edge. The air in that locality was constantly saturated with salt-water spray; high winds, carrying dust and sand into every crack and crevice, prevailed almost daily, and heavy rains were of frequent occurrence. The guns had no protection whatever from the weather at any time, and the batteries could not have well been more exposed to deteriorating influences. From the experience gained from caring for these guns and their carriages under such circumstances, I am perfectly confident that such carriages can be kept in perfect working condition at all times by not more than one-half an hour's work of their permanent detachments per day.

* * * * * * *

From my experience, as given above, I would therefore say that to keep the Buffington-Crozier disappearing carriages at a garrisoned post in perfect order, ready for immediate use, it would be simply necessary for a post commander to assign the batteries to particular guns, and direct the battery commanders to keep these guns in perfect order, and then make himself at least semiweekly inspections to see that his orders are being carried out. That to preserve guns at places where they are not in constant use, a detachment of about 10 men under charge of a lieutenant, or possibly a reliable noncommissioned officer, would be sufficient. With a view to ascertaining if the guns and carriages are kept in proper condition, Department inspectors of artillery should make frequent inspections and at unexpected times.

From what I have herein stated it will be seen that I regard the Buffington-Crozier disappearing carriages as perfectly serviceable, and I believe that to keep them in proper condition at all times and places it will only be necessary for the officers responsible for them to perform their duties as prescribed in the Drill Regulations for Seacoast Artillery.

Very respectfully,

ARTHUR MURRAY.

No. 3.

SAN FERNANDO DE LA UNION, *Luzon, P. I., July 15, 1900.*

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You send me two newspaper clippings purporting to give the views on (1) the broad subject of disappearing carriages for the coast artillery, and (2) certain alleged defects in the Buffington-Crozier carriage, the only disappearing carriage adopted in our service; and because of my rather more than ordinary acquaintance with this carriage you ask for my "opinion as to whether or not it is a practicable machine, not beyond the capacity of the artillery to use and care for."

Now, I have very decided opinions as to the merits of the particular carriage in question and equally pronounced views on the general subject, provided the disparity in cost of installation of the two systems is, as a matter of fact, small, as several engineer and ordnance officers have assured me that it is. This feature, however, is a matter of simple arithmetic, and with an engineer construction report at hand could be settled, if not quieted, in a very few minutes.

It is also true that I have had not a little experience with our disappearing carriages, having mounted the first four at Fort Monroe (one 8-inch and three 10-inch), and also written a drill for these guns. Moreover, when, in March, 1898, I was detailed to duty with the Secretary of War, he immediately sent me to inspect and report upon all our modern or high-power guns and mortars on the Southern and Eastern coasts, in pursuance of which order I thoroughly inspected every such gun and mortar then installed or in process of installation from Galveston, Tex., to Portland Head, Me. (from March 26 to May 23, inclusive), and I assume that the reports of these inspections are now filed with some bureau of the War Department. I ought, therefore, to be able to give you a reasonably well-informed opinion on the question proposed, and I do so frankly and gladly.

* * * * * * *

The programme I invariably followed in inspecting these disappearing carriages is too long to incorporate here, but if you should desire it it is filed with one of my first reports, I think, submitted about the end of March, 1898. It is enough to say that it tested the system searchingly in every respect, indeed, except as to rapidity of fire. The instructions under which I made the inspections did not contemplate or permit of my actually firing the guns (this was reserved for you to do), though, of course, I have at other times frequently witnessed such firing.

To mention but a few of the points of inspection, each piece was let up into the firing position and retracted to the loading position and the times taken; the carriage traversed through its full horizontal arc and timed, and the elevating apparatus operated and timed, and mean error taken. The score or more of other "points" had to do mainly with the degree of success of the engineer work immediately affecting the carriage, the accuracy with which it had been installed or mounted, and the measure of care bestowed on carriage, piece, etc., by the artillery troop charged with such care.

These tests showed the system, as a whole, to be, in my judgment, as near perfection as could be devised. It is solid, strong, and admirably adapted to the ends in view, and bearing in mind what it accomplishes and how unerringly and even gracefully it does it, it is seen to be "a practicable machine," not only "not beyond the capacity of the artillery to use and care for," but of astonishing simplicity and at the same time of striking ingenuity.

With but two exceptions, every case observed by me of even sluggish action of the system in any direction—vertical, horizontal, or inclined, or of "stiffening of it, joints" (geared or sliding surfaces, etc.)—every such slightest inertness witnessed on the whole long tour of testing—from Texas to Maine—was with two exceptions obviously due to some fault of installation, or more often to neglect or to lack of information on the part of the artillery troops in charge. The first of the two exceptions noted was a carriage at Fort Schuyler, which, despite its being everywhere in admirable condition as to cleanliness, lubrication, etc., and properly counterpoised, would not begin the rise into battery without help, though one man with a short handspike started it with one hand, and the rest of the rise was accomplished perfectly.

This peculiar behavior was exhibited over and over again, and I afterwards heard that it was due to a fault of construction. The other exception was a carriage I saw being tested at Sandy Hook. In this the top-carriage was "cranky," would not recoil properly, but I did not, during my brief stay, learn the reason. But this carriage, remember, was under test—had not yet been issued to the service—and knowing as well as I do the thoroughness, conscientiousness, and esprit de corps, of our ordnance officers, it seems almost superfluous to add that unless the imperfection of this particular top-carriage was discovered under test and cured, then that carriage never was issued.

Your use of the word "machine" means much in this connection. Every high-power gun carriage is strictly a "machine" and needs at least a few machinists to groom it and feed it and run it. It is a dirty, greasy, vile-smelling machine (yet beautiful withal), and whether because of the dapper propensities exhibited (and to their credit) by younger officers or due to the confirmed and indurated (dried-lacquer) habits of those of us no longer young, certain it is that there is or was up to the summer of 1898 a very general reluctance (or let us say omission) on the part of artillery officers to care for their guns as these should and must be cared for—yes, even though we may actually have reverted to those early conditions mentioned by General Hunt in one of his sketches when because of his dirty mechanical calling the artilleryman had no caste among la militaire.

* * * * * * *

It would seem that the relative numbers of disappearing and barbette guns for our present armament had long since passed the stage of discussion, for was this not decided upon some years ago by the board or boards which devised and matured the plans for seacoast defense? And then, too, is it not largely a matter of site? In future allotments, apportioning the guns (barbette and disappearing) for schemes of defense not already perfected and entered upon, the one sole question in the general discussion would be that of cost.

If the disparity in cost of emplacement is really small, then, in my judgment, our disappearing system should be greatly preferred; but if the engineers' figures are largely in favor of the barbette, it might at once become a live question as to the desirability of a materially increased number of guns for the same money, even with a greater loss of men due to absence of protection, and a distinctly great loss in rapidity of fire in the individual guns, for from the very nature of the case the Buffington-Crozier system is far ahead of the barbette in rapidity of fire, since in the first the gun crouches down like a camel to receive its burden, while in the second both men and ammunition must be lifted up to the gun like climbing the ladder to the main deck of an elephant. So much for relative rapidity; as to absolute rapidity, our disappearing carriage is capable of fire abundantly rapid.

If England has discarded any disappearing carriage, it was probably the fault of the particular model tried. * * *

To resume. The Buffington-Crozier carriage is the very reverse of complexity for its purposes, being simplicity itself, and I am convinced will give a maximum of efficiency with a minimum "butcher's bill." Moreover, I believe it to be well within "the capacity of the artillery to use and care for."

W. P. DUVALL.

Mr. President, we all know what the name of Krupp means with reference to fortifications or guns for fortifications. Of course, we can not accuse Krupp of being unduly partial to any carriage. He ought not to be. His business is to muanufacture guns. Here is what Krupp says:

Yes, you may say that we have heard of the discussion in your country about disappearing carriages, and that some of your officers are dissatisfied with them and think that they are not suitable for seacoast defense. We do not share in this opinion. If there is any difficulty it must be in the construction of the carriages. It is not in the principle. We have a disappearing carriage which we think is superior to any that has ever been made, and believe that it fulfills all the requirements, especially for heavy guns.

Mr. PROCTOR. Does the Senator understand that the German Government has adopted or used that carriage?

Mr. WARREN. I do not so understand. As I remarked yesterday, the German Government is erecting its guns for very expensive emplacements, and guns erected with turret cupolas and armored machinery. Their guns and mountings cost many hundreds of thousands of dollars apiece.

It is not at all strange that Germany, slow but sure, with her seacoast all covered with a style of gun very much larger than ours, and therefore requiring a different kind of carriage, should hesitate to do away with her present armament and to adopt ours. But we find the German Government interested in it. We find the German Government complimenting us upon this carriage. We find them entirely alive and acute to the situation as to the matter of disappearing gun carriages.

Of course I do not claim that this disappearing gun carriage is the only one that may challenge the attention of Germany, but I am ready to assert that it more nearly meets the view of Germany, as they express it and as their officers express it, than does any other carriage.

Mr. President, I know the Senator from Vermont would not willingly place anything in the RECORD that is not correct, and upon one matter I am going to ask whether he is correct or not. Yesterday, in speaking of the board as constituted, he first claimed that Colonel Rodgers had been removed, but that, of course, he corrected and stated that Rodgers had not been taken off the board. He stated also that Colonel Story was taken off the board because he was against this gun carriage.

Mr. PROCTOR. Mr. President, I beg pardon. I stated that he was not in favor of this gun carriage, but was still on the board.

Mr. WARREN. So far as Mr. Story is concerned he has never made any report that I know of. He has never written a letter that I know of. He has never authorized, that I know of, any expression against the disappearing carriage, and, unless the Senator has some evidence of that nature, I feel it safe to say that Colonel Story does not oppose the disappearing gun carriage, and that he has not so expressed himself.

I wish to say further that, even if there should be any intimation that Story was taken off because he was against the carriage, it seems to me the force of the argument or the assertion that the Department has been unduly anxious to use this carriage and has shaped the board accordingly falls to the gound in the light of the fact that Colonel Rogers, who has been against it, has remained upon the board and is now upon it, and when, as a matter of fact, nobody has been taken off that board who, so far as we know, is opposed to the Crozier carriage.

I do not think Colonel Story is opposed to the disappearing carriage, and I do not think he will so state to-day. If the Senator has other information I challenge and am willing it shall go into the RECORD. Certainly his removal from that board, certainly the removal from that board of General Crozier was not in the interest of shaping the board so that it would be in favor of this carriage.

The PRESIDING OFFICER (Mr. KEAN in the chair). Will the Senator from Wyoming suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside, because I hope the bill just under consideration will not take very much longer, and I want to go on with the Philippine government bill this afternoon.

Mr. WARREN. I shall not occupy much more time.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Wyoming will proceed.

Mr. WARREN. There have been charges made, and oftener made outside of this Chamber than in, that the Ordnance Department is a little ring within itself; that it is illiberal as to any inventions made outside of its Department, and that the common people have been illiberally treated. Now, there are two sides to this question. If the Ordnance Department had put up money every time they were asked to develop some scheme or some patent, the country would have been bankrupt long ago.

We should have little respect indeed for an ordnance department that allowed itself to lend hand and money to every kind of a proposed invention, no matter by whom made, and I am ready to state, and to challenge contradiction of the statement, that the records of that department and the records of the Government will show that we have already authorized the building of types where the men themselves have seemed too radical for us, as business men, to believe that they were entirely right on general principles.

We have put money in oftentimes when it was more to give benefit of the doubt than that we had any confidence in the proposed invention. So I am prepared to say that I believe the Department has been as liberal in that respect as the interests of the United States and good economic government required.

Now, Mr. President, I yield the floor, as I do not wish to further exhaust the time of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont as modified.

Mr. PERKINS. The committee has accepted it.

The PRESIDING OFFICER. It will be treated as an amendment to the amendment of the committee, changing the total, which was passed over. The amendment of the committee will be stated.

The SECRETARY. On the top of page 6, after the word "arsenals," strike out "two hundred and fifty" and insert "four hundred and six;" so as to make the total read "four hundred and six thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PROCTOR. I offer an amendment and ask to have it read for information.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 6, on page 1, strike out "namely" and insert:

And shall be expended under the direct supervision of the Board of Ordnance and Fortification, and said board shall be under the direction of the Secretary of War and subject to his supervision and control in all respects, and shall have power to provide suitable regulations for the inspection of guns and materials at all stages of manufacture to the extent necessary to protect fully the interests of the United States, and generally to provide such regulations concerning matters within said board's operations as shall be necessary to carry out to the best advantage all duties committed to its charge: *Provided*, That subject to the foregoing provisions the expenditure shall be made by the several bureaus of the War Department having jurisdiction of the same under existing law: *Provided further*, That hereafter the said Board of Ordnance and Fortification shall have exclusive supervision and direct control, under the Secretary of War, of all experiments and tests, whether at the established proving grounds or elsewhere under military authority, conducted for the purpose of improving types of war material in service or for the purpose of developing or establishing new types of guns, gun mounts, small arms, ammunition, projectiles, fuses, explosives, submarine mines, torpedoes, armor plates, and all other implements and engines of war for the military service: *And provided further*, That hereafter only such designs of guns, gun mounts, small arms, ammunition, projectiles, fuses, explosives, submarine mines, torpedoes, armor plates, and other implements and engines of war as shall have been recommended as types by the said Board of Ordnance and Fortification shall be purchased or manufactured for use in the military service of the United States, except in such cases in which Congress by specific enactment shall have designated the particular article and

type to be purchased or manufactured: *And provided further*, That hereafter the Board of Ordnance and Fortification shall consist of seven—the Commanding General of the Army, four Army officers, either on the active or retired list, not below the rank of brigadier general, and two civilians, one of whom shall be an expert mechanical engineer of well-known reputation.

Mr. PROCTOR. Mr. President, it was not my purpose to take any time with this amendment or to ask for a vote upon it. I merely wanted to call the attention of the Senate to this matter of the Board of Ordnance and Fortification.

The first part of my amendment is a copy of the act of 1888 which established the Board of Ordnance and Fortification, and apparently gave it some power. All that power has been practically taken away, and as it is now constituted it is a very useless expense and a source of controversy. I believe it would be for the interest of the country to have the board reestablished, composed of officers of high rank. In the Army bill, which we recently passed, there is a provision authorizing the Secretary to detail officers of high rank. It had better be so constituted as to have some authority and amount to something, or it should be dispensed with.

I merely offered the amendment to call attention to the matter, and I will now withdraw it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I think before going on with the unfinished business there ought to be a quorum present. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Jones, Nev.	Proctor,
Allison,	Cullom,	Kean,	Quarles,
Bacon,	Daniel,	Kittredge,	Rawlins,
Bailey,	Dietrich,	Lodge,	Scott,
Bard,	Dillingham,	McCumber,	Simon,
Bate,	Dolliver,	McLaurin, Miss.	Spooner,
Berry,	Elkins,	Mallory,	Taliaferro,
Beveridge,	Foraker,	Martin,	Teller,
Blackburn,	Foster, La.	Mitchell,	Tillman,
Burnham,	Foster, Wash.	Nelson,	Vest,
Burton,	Frye,	Perkins,	Warren,
Carmack,	Gallinger,	Pettus,	Wellington,
Clapp,	Gamble,	Platt, Conn.	Wetmore.
Clark, Wyo.	Hale,	Platt, N. Y.	
Clay,	Hansbrough,	Pritchard,	

The PRESIDING OFFICER. Fifty-eight Senators have responded to their names. A quorum is present.

Mr. LODGE. Mr. President, I want very much to go on with the Philippine bill this afternoon; and if no Senator is ready to proceed with the debate, we can take up the amendments.

Before we proceed to do that, however, I should like to ask if some agreement can not be made in regard to the time of voting, and we can then have debate here every day. I am not unreasonable in pressing for an agreement to fix the time for a vote, but on Monday we stopped at half past 3 o'clock, after a speech of the Senator from Ohio [Mr. FORAKER], as nobody else was ready to proceed on the other side. We stopped again at half past 3 on Tuesday; and nobody was ready to proceed yesterday, when I yielded, as I was glad to do, in order that the Senate might proceed with the consideration of an appropriation bill and get that important measure out of the way.

But I do not think, Mr. President, that it is quite fair to refuse to fix a date when we can take a vote, and at the same time we find ourselves on one afternoon after another with no Senator in readiness to continue the debate. I do think if Senators want to debate this bill they ought to debate it, or else not put objection in the way of fixing a reasonable time for a vote, which will give every Senator who desires to speak a chance to speak.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. I do not know what right the Senator has to say that nobody is ready to go on with the debate.

Mr. LODGE. I did not say that nobody was ready to go on with it. I was speaking of the past, when nobody was ready to go on. If any Senator is ready to go on now, I shall be delighted.

Mr. CARMACK. I believe there has been but one day when no one was ready to go on.

Mr. LODGE. There was no one ready to proceed on Monday, Tuesday, or Wednesday. I was indulging in the hope that Senators would be willing to fix a time to take the vote. If they are not, I will ask the Senate to take up the bill after the morning hour each day and remain in session until the debate is exhausted.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. LODGE. With great pleasure.

Mr. DUBOIS. I know the Senator from Massachusetts means to be entirely fair. We could not very well displace the conference report which was presented, and the appropriation bills which were pressing, in order to go on with the Philippine bill. The time which the Senator speaks of, unless it has been occupied in debate on the Philippine bill, has been occupied in the consideration of appropriation bills and conference reports.

Mr. LODGE. The Senator forgets. I have every day inquired if any Senator was ready to go on, and these other bills were only taken up when it was made clear that no one was ready to proceed on the Philippine bill. Besides making that public statement every day, I made private inquiries on both sides of the Chamber. I shall be glad if Senators on the other side will themselves agree to name a time when they will be ready to take a vote. It does seem as if there ought to be some time when it will be possible to conclude the debate, and I shall be glad if they will name the day.

Mr. DUBOIS. The Senator's attention was called the other day to the fact that this debate had been almost continuous, including Saturdays. I do not recall any time in my experience in the Senate when a bill has been kept so constantly before the Senate as this bill has been, to the exclusion of almost everything else. It has been somewhat difficult for Senators, under these circumstances, to prepare themselves. There are Senators on this side of the Chamber, at any rate, who desire to speak, and I think there are some on the other side. On account of the lull in the consideration of the Philippine bill while the appropriation bills were being considered, Senators have, I suppose, had an opportunity to prepare themselves. This is a very great question. I know how I feel about it. I would not like to stand before the Senate and the people of the United States and make a speech on a bill of this importance unless I had given some preparation to it; and I am inclined to think that the debate will proceed steadily, as it has in the past. I have not much sympathy with the disposition to force unusual hours upon the Senate, in view of the fact that every Senator recognizes that the Philippine bill has been before the Senate almost constantly.

Mr. LODGE. It had been before the Senate almost constantly for some days, and then the debate stopped and for three days no Senator has been ready to go on. Of course if I can not get a time fixed for taking the vote, I am powerless. I only ask for it because I think it is but fair that we should dispose of the bill. This is the third week of this debate—or the fourth week, as the Senator from Connecticut [Mr. PLATT] suggests to me—certainly three weeks have been consumed in its discussion, and it seems to me it is certainly not unreasonable to ask that a time be fixed for a vote. If that is refused, under those circumstances of course I shall be obliged to keep the bill before the Senate and to ask for continuous debate upon it.

I have made these requests and these statements with a view of accommodating the Senate, not, of course, with any view of discommoding any Senator.

Mr. HALE. Mr. President, I can hardly imagine any situation more uncomfortable than that of the Senator from Massachusetts [Mr. LODGE]. He is in charge of a most important bill, which everybody understands will be fully debated, and yet he knows that there are other matters of importance that ought to receive the consideration of the Senate before we adjourn. He is naturally desirous of fixing a time when this debate shall end and a vote shall be taken on the measure. I think he has been very faithful in keeping the bill before the Senate, in pushing it, and in asking for a limitation of debate. On the other hand, I do not discern, Mr. President, any fixed purpose, or any purpose, on the other side to delay this bill for the sake of delay.

Mr. COCKRELL. There is no such purpose under any contingency.

Mr. HALE. The Senators upon the other side, representing their party, feel that this is a most important measure that is to enter largely into the controversies that will arise in the coming elections, and I have felt all the while that they are entitled to ample time to present their side of the case. I do not find now that the hesitation and the unwillingness and the unreadiness to continue the debate constantly every day is entirely on the other side, but it is also upon this side. Senators upon this side who propose to speak upon this subject, and who will speak most illuminatingly, are not ready to speak to-day. I do not know that they will be ready to speak to-morrow. The Senator from Massachusetts is confronted with that situation. The Senators upon this side and upon the other side are not yet quite ready.

I believe, Mr. President—and I have some reason for stating

my belief—that during the days of this week and next week the bill will be wound up, a vote will be taken upon it, and the bill will be out of the way. I do not think the Senators upon the other side will, for the sake of delay, hinder that result. I think we shall reach an agreement.

If I had my way, Mr. President, I would, either now or some days later, fix a time when the general debate, the long speeches, delightful as they are, should cease, and that we should then have two or three days for the fifteen-minute debate upon the bill or upon amendments to be proposed. Certainly nothing could give ample opportunity for debate better than that, and Senators upon the other side are as much interested as are we on this side in maintaining the dignity of the Senate and the reputation that the Senate has to-day of always passing bills that the majority desire. Nobody upon this side has been heard urging the previous question, or any measure that shall cut off debate; but we all of us have a common pride in the attitude this body presents to the country, after full debate, of coming to a conclusion and voting, and the minority assent to take their chance.

I think, Mr. President, we shall arrive at that conclusion within a few days. I look to see this bill entirely out of the way and other measures up here during some time next week, and I hope the Senator from Massachusetts, who has shown great wisdom in conducting this bill, will realize that, and that we shall have that result.

Mr. COCKRELL. Mr. President, I have no doubt that the statement made by the Senator from Maine [Mr. HALE] is correct, and I am very glad he has made the statement he has, that there is no disposition here to delay for mere delay's sake. No Senator on this side asks for anything but a full and fair chance for deliberation.

As I understand, there are Senators on both sides who yet desire to be heard, and the debate will go on just as rapidly as possible. Nobody has any interest in delaying the bill. Delay can be of no political advantage to either party, and neither party, I think, desires delay for mere delay's sake. There is a Senator who is now prepared to go on with the discussion, and it will go on just as rapidly as Senators can make their speeches. Sometimes it is not convenient for two or three Senators to speak upon the same day, and it is not always convenient for a Senator to commence his speech and not be able to finish it the same day. If we follow the usual course we shall have no trouble at all in coming to a final vote on this question.

Mr. BAILEY. Mr. President, if there is nobody ready to go on——

Mr. COCKRELL. The Senator from Mississippi [Mr. MCLAURIN] has been waiting for half an hour to get the floor.

Mr. BAILEY. I shall be glad to hear him. I was simply going to suggest that if there was nobody ready to proceed on the pending bill, there is another matter on the table——

Mr. LODGE. I have not been asking whether anybody is ready to proceed to-day. I now understand the Senator from Mississippi [Mr. MCLAURIN] is ready to proceed, and, in that case, I hope he will do so.

After what has been said, I am entirely satisfied. I merely desired to give notice—and I think I was entirely justified in doing so—that I shall ask the Senate to deal with this bill continuously until it is disposed of; and I shall move to-morrow to take it up immediately after the routine morning business.

Mr. MCLAURIN of Mississippi. Mr. President, as has been very properly said, there is no disposition on this side of the Chamber to delay the discussion of this bill. When the discussion commenced it was not my intention to say anything at all in reference to the bill or to the questions which it brings up. On the 22d of February last, when the Philippine tariff bill was before the Senate, I then gave expression to my ideas with reference to the policy that had been pursued and the prospective policy in the Philippine Islands, and I contented myself with what I said on that occasion; but some things have transpired during this debate, to which I have listened with a great deal of interest, that prompt me to submit some observations to the Senate which have occurred to me during the progress of the debate, and I have waited for an opportunity, when no other Senator desired the floor, to do so.

The Secretary of War had said that it was very important that the charges which were made, and which were probably some of them true, of improper conduct on the part of some of our officers in the Philippine Islands should be thoroughly investigated. That kind of sentiment—one which I think is proper—seems to prevail with the Philippines Committee, because they very properly undertook to get before them witnesses who could give to them, and through them to the Senate, and through the Senate to the country, something of the proceedings in that distant province, which now becomes a part of the empire of this country. Because there was an effort made, especially by the minority of the Committee on the Philippines, and because the result of that effort was being presented to the Senate by the members of that committee, who were interested in developing the true condition of affairs in the Army and in the provinces of which we have taken possession; because they presented facts to the Senate and to the country just exactly as they are, the effort to defend that policy is made by Senators on the opposite side of this Chamber by charging that the Democratic minority in this body are guilty of wholesale slander of the Army. They take up, then, the gauntlet, and undertake to defend the Army against the imaginary slanders and assaults made by the minority in this Chamber.

If it is a fact that because Senators on this side are undertaking to uncover the transactions in the distant Philippine Islands to the Senate, that the Senate may intelligently act upon this question and upon this policy—the policy that has been adopted by the Administration and the policy which it is intended to follow further by this bill now before the Senate for discussion—I say if, because these Senators have undertaken to uncover what is being done with a view, if it is wrong, to putting an end to it, they are guilty of slandering the Army; and if Senators who have on this floor protested against the course that has been pursued, not by the Army of the United States, but by some of its officers and men, the regulations for whose conduct it is the duty of the Congress of the United States to make, have thereby slandered the Army, then I say the Secretary of War is equally guilty with the minority of the Philippine Committee and with the minority who have spoken on this question in the Senate.

Here is what the Secretary of War says with reference to that:

> But the fact that any such acts of cruelty and barbarity appear to have been done indicates the necessity of a most thorough, searching, and exhaustive investigation under the general charges preferred by Governor Gardener, and you will spare no effort, in the investigation already ordered under these charges, to uncover every such case which may have occurred and bring the offenders to justice.

And if the President desires to know, may not the Senate desire to know? Is it a fact that the Senate of the United States does not desire to know? Is it a fact that the only members of the Senate who desire to know are the minority of the Philippines Committee and the minority in this Chamber? But listen:

> The President desires to know in the fullest and most circumstantial manner all the facts, nothing being concealed, and no man being for any reason favored or shielded. For the very reason that the President intends to back up the Army in the heartiest fashion in every lawful and legitimate method of doing its work, he also intends to see that the most rigorous care is exercised to detect and prevent any cruelty or brutality, and that men who are guilty thereof are punished. Great as the provocation has been in dealing with foes who habitually resort to treachery, murder, and torture against our men, nothing can justify, or will be held to justify, the use of torture or inhuman conduct of any kind on the part of the American Army.
>
> By direction of the Secretary of War:
>
> H. C. CORBIN,
> *Adjutant-General, Major-General, United States Army.*

That is an order which was issued on the 15th of April, 1902, to General Chaffee at Manila. Mark you—

> The President intends to back up the Army.

For that very reason he desires to know the status of affairs in the Philippine Islands. The Congress of the United States is presumed to make appropriations for the support of the Army and to make rules and regulations for the Army, and for the very reason that Congress intends to make appropriations to support the Army, to make rules and regulations for the government of the Army, it is important that the Congress of the United States should know and should understand exactly the status of affairs in the Philippines, just as much as it is that the President of the United States should know this status.

I repeat, that if it be true that because Senators desire to make an investigation into this matter and to ascertain the true facts in reference to affairs in the Philippines they are guilty of slandering the Army, then it must be true that the Adjutant-General and the Secretary of War, by whose order and direction the Adjutant-General made this order, and even the President himself, are guilty of slandering the Army, by directing an investigation of the status of affairs in the Philippines, in order that they may discharge the duties devolved upon them in their great offices. The truth is, no Democratic Senator has slandered the Army or charged anything that is not true against anyone in the Army, and I defy contradiction.

Now, we are met by several different propositions from Senators on the other side of this question and Senators who are supporting the policy of the Administration in the Philippine Islands. One Senator, the Senator in charge of this bill, the junior Senator from Massachusetts [Mr. LODGE], tells us that we have not attacked the private soldiers in the American Army in the Philippines for the reason that the private soldiers have more votes, there being a hundred thousand of them, and that their families have more votes than have the officers and their families, and that, therefore, we have confined ourselves to an attack upon the officers of the American Army.

The junior Senator from Indiana [Mr. BEVERIDGE] charged us with wholesale slander of officers, noncommissioned officers, and privates without distinction.

I find in the remarks of the junior Senator from Kansas [Mr. BURTON] that he charges wholesale slander of the American Army by Senators on this side of the Chamber. He goes further than anybody else, and charges that we not only slander the American Army, but that we are guilty of taking sides with the Filipino insurrectionists against the American Army and virtually against the American Government. This is what the Senator from Kansas says:

> We are standing for the American soldier. You are for the insurgents.

It has been said by several Senators on the opposite side of the Chamber in this debate that no sympathy has been expressed by us on this side for the American soldier, but that all our sympathy has been expressed for the Filipino insurgents.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN of Mississippi. Certainly.

Mr. BEVERIDGE. I should like to ask the Senator a question. He has read a quotation from the speech of the junior Senator from Kansas [Mr. BURTON] aligning the Senator's side of the Chamber with the insurgents and our side with the reverse.

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. BEVERIDGE. I should like to know of the honorable Senator whether he disavows championing the cause of the insurgents? Are you with them or are you not?

Mr. McLAURIN of Mississippi. Mr. President, as I have said, I have spoken on this question, and, in answer to the Senator, I will read what I have said on that point on February 22, 1902:

> As long as there is a fight between the United States and the Filipinos my loyalty is to the United States and my sympathies are with the Americans, regardless of causes that produced the strife. But this does not prevent my desire to get out of the strife without inflicting wrong upon friend or foe.

That is the language I used. I hope that is satisfactory to the Senator and that he regards that as an answer to his question.

It has been said that we have expressed sympathy time and again with the Filipinos, but that we have never expressed any sympathy with our soldiers. I will read again from what I said in the humble speech which I made upon the Philippine tariff.

In that speech I was discussing a Senate document, from which I will read again presently, in which the Secretary of War sent certain documents selected by him to make out the case that there were no "water cures" administered to the Filipinos in the Philippine Islands. He took up a number of cases where American soldiers were writing to their mothers or brothers or fathers or some kindred at home and where they had given accounts of transactions that were not considered by the Secretary of War, if he clearly expressed himself in the order from which I have read to General Chaffee of the 15th of April, to reflect any credit upon our Government.

In this document the Secretary of War calls attention to a number of soldiers who had explained or qualified or modified the letters which they had written home to their friends and the statements they had made in regard to the conduct of our officials in the Philippine Islands; and I noticed this, which seemed to me to be a remarkable coincidence, that in every case where the American soldier was still in the Philippine Islands or was still in the American Army and the officers could if they saw proper bring to bear upon him the power and authority which an officer in the Army can exercise over a private soldier, these modifications, qualifications, and retractions came. I say where the American soldier was still in the Army that is what occurred; but where the American soldier's term had expired and he was mustered out of the service and had returned to the United States there was not an instance found where there was any modification, qualification, or retraction of what had been said by the American soldier.

It was a singular thing to me, and in respect to that I said this:

> I do not charge any officer with obtaining those modifications and explanations by duress, but the practical unanimity with which they come from soldiers still in the service and with which they do not come from any out of the service is calculated to create a suspicion that the soldier did not feel as free to act when he was writing the quasi retraxit as he did when he was writing to his mother. I will say, however, that if any officer did use his rank to extort from a soldier such an explanation or modification, he was guilty of infamous conduct. I go further: I recognize that in order to have an army every soldier or officer must yield implicit obedience to every lawful order of his superior officer, but the officer, I do not care what his rank, who uses the opportunities afforded by his position to compel a private soldier to do menial service or to obey any order not necessary to proper discipline is a living, animate mass of infamy. The soldier who endures all the hardships of camp life and the dangers of the field in the service of his country is entitled to the respect due to a gentleman as long as he conducts himself as a gentleman.

I said that in view of the fact that these soldiers ought not to have been subjected to anything except legitimate orders, necessary for the preservation of proper discipline and necessary for the performance of the duties that devolve upon a soldier and upon the Army composed of soldiers, I condemned them and I condemn now, and deprecate any act of any officer that requires a private soldier to do menial service or to obey any order not necessary for proper discipline.

If the Senators who engage in the most eulogistic panegyrics upon the officers of the Army, and defending the officers of the Army against imaginary slander against them, would take some little time in speaking for the private soldier, who does the drudgery of camp work, who goes in the forefront, in the imminent deadly breach, who is exposed more than the generals, as a rule, to the dangers of battle, if they would defend and protect him against, not the proper discipline of the Army, but against the mastery of the officers who command him, they would do a great service to the American Army and a service which would be appreciated more by the common soldiers in the Army than the eulogiums that are pronounced in defense of imaginary slanders against the Army.

It is not a slander of the American Army to point out the wrongs that are done by specific officers and their commands or by specific soldiers, as shown by the facts, and undertake to prevent the repetition of such outrages. It is not a slander of the Army to undertake to correct these any more than it is a slander of the country to punish the man who in civil life is guilty of violation of the law.

But there have been wholesale slanders of the soldiers in the Army; slanders that I call upon Senators on the other side of this Chamber to refute or to give us their judgment in respect to them. There have been slanders against the soldiers of the Army that ought not to have been uttered, and these slanders are made by those who are enabled by the bravery, the drudgery, the hardship, the courage, and the patriotism of the soldiers to wear their epaulettes.

Now, let me read you something and see what Senators have to say with reference to it. I am not here to attack General Funston. I am here to deny the charge that he makes against the soldiers. It was charged that there had been water cures practiced; that there had been tortures practiced in the Philippine Islands, from which some of the Filipinos had died. It was denied by the Secretary of War, and denied upon the testimony that he selected from all the documents he had and sent to the chairman of the Committee on the Philippines, who had the information published as a public document. He, the Secretary of War, selected his evidence. The rule of law is that when you select a witness and put him upon the stand you vouch for his veracity; that when you select a document and send it before the courts and before the jury, you vouch for its accuracy and you adopt it as your own.

Here is the document that was selected by the Secretary of War. Here are the writings that were selected by him and sent here as a part of his case; indeed, as his whole case.

And I want to say while it is in my mind just now, that it does not matter so far as the responsibility is concerned whether they are crimes inflicted by the Filipinos or crimes inflicted by the natives upon our soldiers, the policy of the Republican party is responsible for it. When the policy of the Republican party consisted in embarking upon empire, when they started upon an imperialistic policy, whatever that policy involved, they are responsible for and they can not shift it before the people, before the country, and before their Maker. There seems to be some question upon the evidence as to how O'Hearn was killed, by whom he was killed, whether he was tortured or not. The evidence was not sufficient for the Philippine government to put upon trial for four or five or six months the natives charged with his murder, until they could escape, those of them who were not killed.

I say there is some difference of opinion as to how he was killed, but whether it was by treachery, whether it was by torture, or however it was, the policy of the Republican party, as adopted in this imperialistic system upon which they have embarked, is responsible for it.

If there was a young soldier from Tennessee barbarously or in any other way killed by the Filipinos, as stated by the chairman of the committee who has this bill in charge, the policy of the Republican party is responsible for it. If at Balangiga our soldiers took possession of the town and, having taken possession of the town, took 90 natives at one time and 75 at another and put them under duress and compelled them to do work for the soldiers or for the Government, and those natives afterwards arose when they had an opportunity and massacred those who had them in custody, the imperialistic policy of the Republican party is responsible for it, and the blood of our massacred soldiers is upon that policy. If our people, in return, being exasperated to desperation over the massacre of their comrades, turned and burned the town and tortured the natives, guilty and innocent alike, then the imperialistic policy of the Republican party is responsible for it.

As was said by the Senator from Massachusetts [Mr. LODGE] when he was discussing this bill, and he was speaking of retaliation and extenuation in the tortures that were inflicted upon the

Filipinos because they had inflicted torture upon some of our soldiers, I can understand how there was human nature sufficient to make them resent it and to inflict torture for torture. I sympathize with the expression of the Senator from Massachusetts when he said that there is human nature in soldiers just like there is in anybody else; and hereafter when our people are denounced because of lynching, which we deprecate, I entreat you to remember that wherever you find human beings you will find human nature.

I remember in the State of Mississippi, in Lawrence County, some four or five or six years ago, a farmer who had finished working his crop, and, before harvest time came, went four or five miles and worked in a sawmill to supplement his crop. He worked until Saturday night and when he came home he saw no light in his house—a log house with two rooms and a hall between them. When he went in he struck a light and his little 5-year-old girl, under the cover, seeing that there was a light in the room, raised the cover and said, "Papa, is them niggers gone?" He says, "What niggers?" She said, "Them that killed mamma and the children."

He went out in the hall and found his wife and four or five of his children dead, and one, an infant 10 or 12 months old, lying dead on the mother's breast. The little girl showed the bloody stick with which her mother and brothers and sisters had been killed and told the names of the men who had killed them; and when the neighbors went and found blood on the men and brought them back and she identified them and they confessed it, those neighbors took out, not some of the race, not some of the kindred, but took out the cruel assassins of the wife and children of their neighbor, a farmer in that neighborhood, and strung them up. It is to be deprecated. We all deprecate it, but can there not be some allowance for human nature in the bosoms of the farmers in the neighborhood who have seen the effects of this cruel murder of their neighbor's wife and children? Can there not be some allowance made for human nature in the breasts of these farmers? Yet in some quarters, because of that lynching, the entire people of the State of Mississippi were denounced as bloodthirsty savages.

I say I can understand how it is that there is human nature in our soldiers seven or eight thousand miles from home who see some of their comrades slaughtered treacherously without an opportunity to protect themselves, at a time when they are probably naked of arms and defenseless, and how they may take, not the guilty parties, but if they can not find the guilty, some of their kindred, and if they can not find their kindred, some of their race, and torture them. If it is human nature to take some of the race and torture them in that case, there certainly should be some allowance for human nature in the neighbors taking out the assassins themselves who perpetrate the cruel deed.

Pardon this digression from the slander of our American troops. Listen to what General Funston says:

> Statements of this kind made by returned soldiers are simply braggadocio and a desire to attract attention to themselves.

Of course, it is only the soldiers who are guilty of any braggadocio. There is no braggadocio on the part of the man who wants to hang hundreds of people because they differ from him. There is no braggadocio on the part of the man who would shut up the mouth of every American citizen who does not take the same opinion he takes in reference to the Philippine policy or the policy of empire. If others think it would have been better never to have embarked upon this policy of empire; if others think that having embarked upon the imperialistic policy it would now be better to withdraw before more of our soldiers shall be slain, they are told they can not utter such an opinion against the opinion of the man who swam a river—the man who took Aguinaldo. That is no braggadocio when he returns to this country and gives out a written statement of his exploits; but whenever the returned American soldier makes a statement of this kind, which has since proved to be true, it is "simply braggadocio and a desire to attract attention to themselves."

But that is not all. Let us go a little further and see what another soldier said; and this is a part of the case that is sent in by the Secretary of War. Here is what the Secretary of War says:

> You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died, was already under investigation, which is still in progress.
>
> I inclose a copy of a letter received from General Funston, dated February 2, 1902, in which he declares the statement to be an "atrocious lie without the slightest foundation in fact;" and a letter from Lieutenant Batson, the commander of the Macabebe scouts, to the same effect.

There is more of this that I will not take the time to read.

Let us see what another soldier, another general, General Otis, says about our troops. Understand, it is all right as long as the officer is not affected, as long as nothing is said that reflects upon an officer in the Army. It is all right to say anything you please against a private soldier. Mark you, this is what the officer whose epaulets are worn because the soldiers, who, with pay altogether out of proportion, do the drudgery of camp life, are ready to risk their lives at any time in defense of their country, and do so, says:

> While there is little truth in letters written by soldiers to their homes—

Who is slandering the American Army? That must be certainly one of the minority of this Philippine Committee, one would say, from all we have heard about the slanders of the American Army. But, no; it is General Otis.

This is May 29, 1899, and here is his entire letter:

> The inclosed newspaper clipping professes to report actions of the Washington volunteers. While there is very little truth in letters written by soldiers to their homes, especially—

He emphasizes—

> by those who wish to impress their friends by their individual prowess—the conduct of the Washington volunteers has been the subject of special investigations for some time. They deny wanton burning and cruelties, and still there are strong indications that they practiced those infractions to some extent. However, the number of prisoners captured on February 5 and during later engagements and the care they have received from the United States authorities show that the Army is practicing humane sentiments. We still hold a large number of prisoners and are releasing them gradually as their friends and acquaintances vouch for their future good conduct. Those now captured are turned loose unless they be officers of rank and importance.
>
> E. S. OTIS,
>
> *Major General, U. S. V., Commanding.*

That emphasizes a certain set of soldiers, but it takes in all the soldiers in the American Army who write home to their mothers, their brothers, their friends, their kindred of any kind. They were not writing letters home for publication to create political effect. They were writing letters home to their kindred, and here is a major-general, who wears his epaulets, as I have said before, because of these very soldiers, who speaks in these terms:

> While there is little truth in letters written by soldiers to their homes—

Not letters written for political effect to newspapers or to newspaper correspondents, but letters written by soldiers to their homes—taking in all the scope of soldiers. He makes no exception. It is true that in his desire to use strong language he emphasizes certain soldiers, but he makes no exception. He applies it to all soldiers writing "letters to their homes."

Now, who is slandering the American Army? Who, I say? Is it the American Senator who rises in his seat and calls the attention of the Senate to the facts which he has ascertained in the committee room when witness after witness has been examined for the purpose of throwing light upon the question upon which it is their business and their duty to have light and the business and duty of every Senator to have light? Is he the slanderer? No. Here is the man who slanders the entire Army, or at least all the soldiers of the Army; and he is a general in the Army, and his slander is sent to the chairman by the Secretary of War to prove that the water cure has not been practiced.

What effect has that had upon our soldiers in the Army? Why, an officer, I am told, can make a private soldier black his shoes, rub his sword, catch his horse and saddle it, or do any other menial service. The Army regulations ought to be made so that no such requirements can be made of a soldier. He does not go to war to be a servant. He goes to war to fight in defense of his country, impelled thereto by patriotism.

Let us see some of the effects of this kind of an idea upon the Army. Let us see who has an idea of protecting the Army and who has not.

I find here in a document which was sent to the Senate some days ago and published—I believe it is in the testimony that was taken by the Philippine Committee—an account of a number of trials that are given by courts-martial in the Philippine Islands. I am just going to read you the first two cases. Let us see how the officers are treated when they are tried and how the American soldier is treated when he is tried. Here comes an officer. This is General Orders, No. 12, on page 2097 of the testimony that is taken on affairs in the Philippine Islands:

GENERAL ORDERS, No. 12.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, February 6, 1902.*

Before a general court-martial, which convened at Manila, P. I., pursuant to Special Orders, No. 173, Department of Southern Luzon, June 22, 1901, and of which Lieut. Col. Louis H. Rucker, Sixth Cavalry, was president, and Capt. Palmer E. Pierce, Thirteenth Infantry, was judge-advocate, was arraigned and tried—

First Lieut. Preston Brown, Second United States Infantry.

Here is the charge:

CHARGE.—"Murder, in violation of the fifty-eighth article of war."

Specification.—"In that First Lieut. Preston Brown, Second Infantry, did willfully, feloniously, and with malice aforethought, murder and kill by shooting with a pistol an unarmed, unresisting native Filipino, name unknown, a prisoner of war in his charge, and as a result of said shooting, the native did then and there die. This at a time of insurrection in the Philippine Islands, under the military government of the United States, at or near Binangonan, Infanta Province, Luzon, P. I., on or about December 22, 1900."

To which charge and specification the accused, First Lieut. Preston Brown, Second United States Infantry, pleaded as follows:

To the specification, "Not guilty."

To the charge, "Not guilty."

FINDING.

Of the specification, "Guilty, except the words, 'feloniously and with malice aforethought murder and,' and of the excepted words not guilty."

Of the charge, "Guilty, except the word 'murder,' substituting therefor the word 'manslaughter;' of the excepted word not guilty and of the substituted word guilty."

Let us see what the sentence was:

SENTENCE.

And the court does therefore sentence him, First Lieut. Preston Brown, Second United States Infantry, "To be dismissed from the service of the United States and then to be confined at hard labor in the United States penitentiary as the reviewing authority may direct for the period of five years."

The record of the proceedings of the general court-martial in the foregoing case of First Lieut. Preston Brown, Second United States Infantry, having been submitted to the President, the following are his orders thereon:

WHITE HOUSE, *January 27, 1902.*

So much of the sentence in this case as imposes imprisonment is disapproved, and so much of the sentence as imposes dismissal is confirmed and commuted to a reduction of thirty files in lineal rank on the list of first lieutenants of infantry and a forfeiture of one-half of the officer's monthly pay for a period of nine months.

THEODORE ROOSEVELT.

By direction of the Secretary of War, First Lieut. Preston Brown, Second United States Infantry, will be released from arrest and restored to duty.

By command of Lieutenant-General Miles:

H. C. CORBIN,
Adjutant-General, Major-General U. S. A.

Now, let us see of what they convicted him. Mark you, they did not convict him of the entire specification. They did not convict him of the charge. The charge was murder. They struck that out. They acquitted him of murder. They inserted "manslaughter" and convicted him of manslaughter; and then the sentence that was imposed upon him was commuted. He was reduced some thirty files in rank and then released from arrest and restored to his command as a first lieutenant in the Army.

Let us see of what they did convict him. Striking out that which was stricken out of the specification, here is that of which they convicted him:

Did willfully kill—

Listen—

by shooting with a pistol an unarmed, unresisting native Filipino, name unknown, a prisoner of war in his charge, and as a result of said shooting the native did then and there die.

Here is a man charged with murder, and they find that he willfully shot and killed a prisoner of war, who was unarmed and unresisting at the time.

I will put the question to any man who knows anything in the world about criminal law and can take the definition in any law volume of criminal law, how on earth can you say a man is not guilty of murder when he willfully kills an unresisting prisoner, unarmed, by shooting him? If it had been said that he accidentally killed him, that the man was guilty of some criminal conduct and he killed him, or that, not taking all the precaution and care he could have taken, he was only guilty of death by reason of his negligence, that might have been manslaughter, but when he willfully killed him, willfully killed him when he was unarmed, willfully killed him when he was unresisting, and willfully killed him when he was a prisoner, how can it be said that such a man is not guilty of murder?

I should not probably find any fault with that, because that seems to be a part of the necessities of the imperialistic policy that is being pursued by the Republicans, and I wish to say just here that all that has been done, I am going to assume for the purpose of this argument, was necessary; that the Smith burning order was necessary; that the Bell order was necessary, and that the killing of the natives at Balangiga was necessary.

Mr. BEVERIDGE. That is just a small inaccuracy. It was not the natives who were killed at Balangiga; it was American soldiers who were killed.

Mr. McLAURIN of Mississippi. The inaccuracy is on the part of the Senator from Indiana.

Mr. BEVERIDGE. No.

Mr. McLAURIN of Mississippi. The natives massacred the soldiers?

Mr. BEVERIDGE. Yes.

Mr. McLAURIN of Mississippi. And then the Americans killed the natives for it.

Now, I am going to assume that all that was done in the killing of Filipinos and in the torturing of Filipinos was necessary and proper for the American officers to command to be done; that it is a part of the Philippine policy; that it is a part of this imperialistic policy, and it is a part of the policy for which the Republican Administration is responsible. That can not be denied. Is it possible that you can avoid assuming a responsibility of that kind? You can not evade it, I say; and what awful, heart-sickening necessities they are.

I probably would not have found any fault with this if it had not been for the very next court-martial. I wish to call attention to the discrimination which was made between the court-martial and the conduct of the court-martial I have just read, in the case of an officer, and the result of the court-martial of a private soldier. Listen to this. Here is General Orders, No. 105:

GENERAL ORDERS, No. 105.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 7, 1901.

Before a general court-martial which convened at Cebu, Cebu, P. I., pursuant to Special Orders, No. 2, Department of the Visayas, April 20, 1900, and of which Maj. John G. Leefe, Nineteenth Infantry, was president, and Capt. Edward A. Stuart, adjutant Forty-fourth Infantry, United States Volunteers, was judge-advocate, was arraigned and tried—

Private Phineas Foutz, Company K, Nineteenth United States Infantry.

Let us see what became of him:

CHARGE.—"Murder, in violation of the fifty-eighth article of war."

Specification.—"In that private Phineas Foutz, Company K, Nineteenth Infantry, did enter the house of one Florentina Cenza, a native, and did then and there willfully, feloniously, and with malice aforethought kill and murder Geneviva Torres, a native girl, by stabbing the said Geneviva Torres with a sword cane held in the hands of the said Phineas Foutz, private, Company K, Nineteenth Infantry, inflicting wounds whereof the said Geneviva Torres then and there died. This in the house of the aforesaid Florentina Cenza, at Mandaue, province of Cebu, P. I., about 5.30 p. m., November 15, 1900, then as now a time of insurrection against the United States."

Notice the character of the crimes. One is the willful killing of an unarmed man, who was a prisoner, unresisting, helpless, and defenseless, and the other is the murder of a woman. I admit it would be as bad to kill a woman who was not a prisoner as to kill a man who was a prisoner, and who was unarmed and unresisting. Here is the plea:

PLEA.

To the specification: "Not guilty."
To the charge: "Not guilty."

FINDING.

Of the specification: "Guilty."
Of the charge: "Guilty."

There is no evasion about the finding as to this private soldier. Every lawyer who is entitled to his license to practice law in the civil courts of the country knows that upon the findings of fact in the case of the officer he was guilty of murder anywhere in this country. But they found this soldier guilty. There was no subterfuge about that. There was no amelioration for this private, but he was found guilty.

SENTENCE.

And the court does therefore sentence him, Private Phineas Foutz, Company K, Nineteenth Infantry, "To be hanged by the neck until he is dead, at such time and place as the proper authority may direct, two-thirds of the members of the court concurring therein."

The sentence in the foregoing case of Private Phineas Foutz, Company K, Nineteenth Infantry, having been approved by the proper reviewing authority and the record of the proceedings forwarded to the President, the following are his orders thereon:

EXECUTIVE MANSION, *July 30, 1901.*

In the foregoing case of Private Phineas Foutz, Company K, Nineteenth Infantry, the sentence is confirmed and will be duly carried into execution at such time and place as may be designated by the commanding-general, Department of the Visayas, Philippine Islands.

WILLIAM McKINLEY.

By command of Lieutenant-General Miles:

THOMAS WARD,
Acting Adjutant-General.

This doctrine that there seems to be such a distinction made between the officers of the American Army and the soldiers of the American Army is not only found in the Senate of the United States, but it is found in the courts-martial; and I defy any man, I do not care whom, so that he is a fair and candid man, to say that it is right and just that such a distinction as that should be made between two men who were equally guilty. No man can say that that lieutenant was any less guilty of felonious murder than was the private soldier. One is released from arrest, with the penalty put upon him of a reduction of 30 files in rank, his sword and commission are put back into his possession, and he goes forth unwhipped of justice; while the other, a private soldier, is executed for a crime of exactly the same kind, not one whit more revolting in its details than the crime of which the officer was convicted.

Now, that is not the only result of this policy. I hear Republican Senators say that a Senator is impeaching and slandering the American Army simply because he invokes the power of the Senate and the power of Congress and the power of the executive department of the Government for the protection of the American Army against such imputations as come not as whispering, not as slander, not as aspersions upon the Army, but as come from the sworn testimony of soldiers themselves who have served in the Army and have seen these things.

Ah, Mr. President, it is the intention of the American people to force the probing of this matter to the very bottom. I do not charge Senators, but it will not do for anybody in authority to undertake to shield and shelter the facts from the people. We want an investigation, whether it may be done by bringing witnesses from the Philippine Islands to the American continent before the Committee on the Philippines, or whether it must be done by sending an impartial committee to the Philippine Islands, where they can get the people of all classes and shades and distinctions before them and get their testimony, so that we can pass upon it, whether it be good or bad. It will not do for us to shut

out an investigation. I have always understood that when men inside begin to pull down the curtains and plug up the keyholes there is some disposition to shut out from the outside world transactions within. There must be no disposition to shut out the light from the Senate of the United States and from the people of America upon these transactions.

But let us see what is said of an American soldier. It is an outcome of this very doctrine. It is the outcome of the doctrine that the American soldier is entitled to no consideration, to no respect, to no regard, but that whenever you say anything against an American officer or whenever you bring to light the conduct of an American officer, whether you say anything against him or not, if you put it before the world you are guilty of slandering the Army. Here is a dispatch from New York dated March 29, 1902:

NEW YORK, *March 29, 1902.*

The following account of the death of Private Edward Richter in the Philippines while undergoing punishment is taken from the Manila American of February 13.

You must remember that the Manila American is a paper that supports the Administration. It supports the Administration and is ready to make any allowance in the world for the Administration. It hardly makes any difference what the Administration does, the Manila American is ready to uphold it. Indeed, under the censorship which I understand is there, it would be difficult for it to do anything else, and under the law, which, as the senior Senator from Massachusetts [Mr. HOAR] said, would not allow the reading of the Declaration of Independence there on the Fourth of July, they would not dare to say anything in derogation of the Administration. Here is what the Manila American says:

Private Edward Richter was in the guardhouse awaiting trial for some petty infraction of Army regulations. The men in the guardhouse were noisy, and a few minutes after taps sounded a lieutenant of the Twenty-eighth Infantry went to the guardhouse and ordered the men to keep quiet.

For the time being the order was obeyed, but almost as soon as he left the room several of the men began talking, though they did not raise their voices above an ordinary tone.

ICE WATER TORTURE.

When the officer heard the men talking and recognized Richter's voice he ordered the guard to bring the arch offender outside. He then ordered the sergeant of the guard to tie the prisoner's hands and legs. The sergeant obeyed the command of his superior officer.

When the poor wretch's voice had been silenced forever, as it proved, the officer ordered one of the members of the guard to bring a big can of ice water out of the guardroom. Again were his commands obeyed. The can contained 5 gallons of freezing water. The entire contents of the can were emptied upon the face of poor, bound, helpless Richter.

The water, 5 gallons of it, as cold as ice could make it, was taken from the receptacle a dipperful at a time and slowly dropped on Richter's face. He suffered the agonies of the damned. He twisted and squirmed his poor tortured frame as much as the cords which bound him would allow.

COULD NOT CRY OUT.

He would probably have cried out in his anguish had he not been gagged. When the man's struggles ceased, the cords which bound him were cut and an attempt made at resuscitation. No sign of life was apparent and the post surgeon was sent for. When the surgeon arrived, he pronounced the man dead.

Now, what became of that? Right here, while I think about it, I want to put this question to Senators: Suppose when the Democratic minority were appealing to the Government not to go into this imperialistic business, to let empire alone, to be satisfied with the Government here in our own country—a government that gives every law-abiding American citizen freedom, that allows freedom of speech, freedom of thought, freedom of the press, and freedom of action—when they were appealing to you and telling you the dangers of empire upon which you were embarking, and when you were answering that with a proposition that there was money in it, I put the question, If it had been known at that time that this one torture would have been committed upon this man—a soldier—is there a Senator who would still have voted for that policy? If so, then I want to put another question to that Senator. Suppose it had been your son, would you then have voted for it? And let the Senator answer.

Let us see a little further on. Shortly after that the following dispatch appeared in the press:

ST. LOUIS, *April 3, 1902.*

Published accounts of the torturing to death of Edward C. Richter, a private soldier in the Philippines, are confirmed in a letter written by Corpl. Henry W. Perry, Company C, Thirteenth Infantry, and received by Miss Emma Carter, of 4308 Hunt avenue, this city.

In his letter, which was written more than a month ago, before the story of the torturing and death of Richter had been published, Corporal Perry tells the story of the splashing of water on the face of the soldier, drop by drop, which caused his death from strangulation and intense pain.

CORPORAL'S STORY OF TORTURE.

Before entering the Philippine service Corporal Perry was employed by a St. Louis coal firm and boarded at Miss Carter's home. Her request in a recent letter for information about the treatment of soldiers was answered by his description of the Richter case, which follows:

"Last week in one of the southern provinces"—

I want to say right here that that word "province" sounds harsh to my ears, and it ought to sound harsh to the ears of any American citizen who loves our form of government, where we believe in a government of the people, by the people, and for the people—

"a young soldier was killed by his company's commander."

It seems that this lieutenant was a commander of the company—

"It was pay day, and the young man was in the prison with some other boys. They were talking in a loud manner, having been drinking something or other.

"The lieutenant heard them and told them to be quiet, but this order they disobeyed, whereupon the lieutenant returned and ordered the sergeant of the guard to bring one of the young men outside and bind and gag him.

"Not satisfied with this, he ordered the sergeant to bring him a bucket of water, ice cold. This done, the lieutenant began to drop the water on the helpless soldier drop by drop.

BLED AT EARS, NOSTRILS, AND MOUTH.

"This finally choked the boy, but the lieutenant continued his barbarous treatment until the boy began to bleed at ears, nostrils, and mouth. The lieutenant then began to realize that things were coming to a crisis, so he ordered the boy released from the ropes and gag, but it was too late. He had gone to another land and had passed all earthly torments.

"A day or so afterwards his comrades bore him to his last resting place, where the last rites of a soldier were administered and 'taps,' the sweetest of all bugle notes, were sounded. This call always puts me in mind of that song, 'When the roll is called up yonder I'll be there.'

"This will give you an insight into some of the punishments a soldier has to undergo. Of course, few cases are as barbarous as the one I have described."

We would like to know, would we not, what became of that lieutenant? Here is the description given by papers in Manila supporting the Administration, supporting its policy of empire, and a letter written from the Philippines to a lady—I do not think she was his sister, but a friend of this man Richter. Now, let us see what became of the lieutenant:

Copies of Manila newspapers received here yesterday give some interesting details of the court-martial over a month ago of Lieutenant Sinclair on a charge of having caused the death of Private Edward Richter, of his company, by torture. A cable from General Chaffee, some three weeks since, announced that Sinclair had been acquitted—

That was the lieutenant. Of course he was acquitted—

but that Richter died after being gagged under Sinclair's orders, the private having been drunk and very abusive.

Of course he was drunk and abusive.

The case has attracted wide attention.

According to the testimony as printed in the Manila newspapers, Dr. R. M. Bonar was asked whether the entrance of stomach contents into the air passages of the lungs during vomiting was the most probable cause of death.

"I say it was the most probable cause of death," he answered. "That could cause the condition I found in Richter's lungs. I could not account for death in any other way."

Lieutenant Sinclair, testifying in his own behalf—

"Testifying in his own behalf!" The mouth of Richter was closed. He could not testify in his behalf, but Sinclair could, and what does he say—

said that Richter called him vile names and was ordered out of the guardhouse. Richter tried to kick soldiers near him and was tied hand and foot. He continued his abusive language, being very drunk, whereupon Sinclair ordered a private to throw water upon the prisoner. The private held the dipper some 10 feet away, and only part of the water fell upon Richter.

That is, the whole five gallons of ice water did not fall upon this poor bound and gagged soldier.

This performance continued not more than ten minutes. It failed to quiet Richter, and Sinclair then left for his quarters, after ordering Richter to be gagged.

"Did you hear any noise that Richter was trying to vomit?" Sinclair was asked.

"I did."

"Had you ordered the gag removed."

"No, but it could have been done in the discretion of the sergeant of the guard."

Furthermore, Sinclair said he wanted Richter thoroughly quieted, and therefore continued his disciplinary measures.

The testimony tended to show that the soldiers with whom Richter associated were a very tough class and that Sinclair had been a considerate officer.

The War Department yesterday received from Manila the report of the inspector who ordered the court-martial of Sinclair. Judge-Advocate-General Davis was directed to prepare a brief of the report for Secretary Root. It has not been decided yet whether portions of the report will be made public

"Whether portions of the report will be made public." Now, the minority of the Philippines Committee are trying to get testimony before the committee to ascertain the true facts in the Philippines and in the Army. We are told to let it alone; that the War Department will get that information; that the War Department is investigating these matters; that the War Department is trying these men who are charged with a breach of law, or of order, or of Army regulations in the Philippines. We are asked to let the matter alone, and told that the War Department will ascertain what are the facts, to give ourselves no concern about it; and here we are told that it has not been decided whether a portion of the report is to be made public.

The testimony of the court martial is expected here in a few days.

Now, there is the case of Richter.

Here is a man who had been very drunk. Here is the Government of the United States providing laws for commerce between the United States and Manila, and when we begin to look into the records to ascertain the true state of facts there we find that more than half of the exports from this country into Manila are composed of whisky, wine, and beer. Yet when we find that an American soldier, exposed to such temptations, happens to so far forget himself, happens to have so much human nature as to love this drink, and goes out and drinks enough of the accursed stuff to become very drunk, and applies, according to the testimony of

Lieutenant Sinclair, vile epithets to him, without a trial, without a court-martial, without law, without authority, that lieutenant has him gagged and bound and ice water poured upon him as cold as it can be made until the soldier is tortured to death, and when the lieutenant is tried the verdict is not guilty; he goes unwhipt of justice entirely. That is the state of the case to which imperialism brings us. Is it any wonder that we find, just following down along the same column of this paper, the report of Major Gardener?

But, Mr. President, we are told that all these horrors in the Philippine Islands are nothing more than what might have been expected; that in all wars there are cruelties; that in all wars there are outrages; that in all wars there are tortures and burnings; so that the torch and the sword go hand in hand in war. If that be so, it ought to have been known to the Republican party before they started out upon this policy; and, if we may judge from what they say, what has occurred is what they expected.

We are also told that there have been tortures in North Carolina; that there have been tortures in other sections of the South; that during the war between the States great wrongs and great outrages were inflicted; and I suppose that statement would not have been made unless it was intended to follow it with the corollary that therefore it was necessary to carry on the war as it has been carried on in the Philippines.

If that be true, if because of outrages—and we will assume for the sake of the argument that it has been shown that outrages were committed during the war of 1861—and if it is conceded that it is shown conclusively that there were great horrors and great outrages committed, and that therefore it is necessary to kill the Filipinos, have there not been enough Filipinos killed, has there not been enough torture inflicted in the Philippines to compensate for all the crimes that were committed by the soldiers of both armies in the war of 1861? What is the use to proceed further?

But we are told by the Senator from Ohio [Mr. FORAKER] that the order of General Smith was not nearly as bad as the order that was given to Joshua, because that order was given to kill men, women, and children, to leave nobody alive, and that Joshua, under the orders he received from the Almighty, did not leave anybody alive. It occurred to me then as to that, that if the Almighty, who created the universe and all that it contains, and whose we are, as are all the inhabitants of the earth, saw fit to give orders for the destruction of all the people, it does not follow that Gen. Jacob H. Smith ought to have as much authority as the Almighty in giving orders for the destruction of a people and the burning of towns and villages.

What Senator will believe that if it is true that Joshua had orders from the Almighty to exterminate the Amalekites, the Amorites, and the Moabites, that that will authorize Gen. Jacob H. Smith to exterminate a whole people, and that he had authority to give orders to slay everybody over 10 years of age, and to burn and destroy all their property? It certainly does not follow as a legitimate consequence; it is not a legitimate deduction. Here the Almighty gave His orders, and He had a right to give them; and if He gave His orders to kill everybody on the face of the earth, we are all of His creation, and He can do with us as He pleases. He laid the foundation of the earth; He covered the deep as with a garment; He unrolled the heavens as a scroll; He created the universe. He can do as He pleases in the armies of the Lord; He can do what He pleases in the earth or in heaven, but it does not follow that we have a right to be cruel because the Almighty gave those orders. He gave in that dispensation this injunction for our guidance, "Whoso sheddeth man's blood, by man shall his blood be shed."

Does not the Senator remember that there came another time and another dispensation, and that there came another who was the true representative and the true personification of the Deity to whom we are erecting and have been erecting all over this country churches whose spires reach almost into the very dome of the skies, and whom we have been worshiping now for nineteen hundred years, and He said when He came—talk about war and the sword—He did not say to go out and kill all who are in the cities, burn the cities, and leave them desolate; but He said, "Put up again thy sword into his place; for all they that take the sword shall perish with the sword." He also said, through the prisoner of Patmos, "He that leadeth into captivity shall go into captivity; he that killeth with the sword must be killed with the sword. Here is the patience and the faith of the saints."

So that it is not for the Senator from Ohio to justify Smith because the Almighty saw proper to give an order that he wanted executed. The Almighty, in the dispensation of His providence, the other day permitted the destruction of thirty or forty thousand people in the island of Martinique, but it does not follow because that was done by the eruption of a volcano—which is in the hollow of the hand of the Almighty—that Smith would have a right to go there and destroy and burn and slay. There is no argument in it at all.

I want to discuss the situation of this Philippine matter, and answer some of the statements which have been made by the Senator from Ohio, before I conclude the observations that I have started out to make to the Senate. If you will notice, the treaty with Spain was ratified by the Senate on the 6th day of February, 1899; it was ratified by the Spanish Cortes on the 19th day of March, 1899, and it was proclaimed on the 11th day of April, 1899. It is said that certain obligations grew out of this treaty between the United States and Spain which we are called upon to discharge. I am in favor of the American Government carrying out in good faith and discharging every obligation which it has assumed in its spirit as well as in its letter.

The Senator from Ohio says that out of necessity our people went to the Philippine Islands with the fleet of Dewey; that he was in Hongkong, and that after the declaration of war it was necessary for him to seek some other shelter, because by the laws of war and by the laws of nations he was not allowed to remain longer than a certain period in the harbor of a friendly power; that neither of the belligerents could retain their men-of-war there, and therefore he had nowhere to go except Manila. Grant that. I am not sufficiently familiar with the rules of war or with the law of nations to say whether that be true or not, and I am going to accept that as being correct as an exposition of the law of nations and the rules of war—that it was necessary for our Navy to go somewhere else; if we could not stay in the harbors of China we must go somewhere else, and that the most eligible place for Dewey to locate was in Manila Bay. When he went to Manila Bay, he went to an island that nominally was a Spanish island that, in fact, was in revolt against the Spanish Government. He went with his fleet to the destruction of the Spanish fleet there, which he so gloriously destroyed on the 1st of May, 1898. When he went there he recognized the fact that that government was in rebellion; that the Spanish Government had no actual authority there, that they had no assertable title to the Philippine Islands, that they had no authority and could exercise no authority outside of Manila itself.

Dewey formed a coalition with Aguinaldo, who purported to be and was treated as the head of the Philippine government. It makes no difference, so far as the justice of the case is concerned, whether the Philippine government was in name recognized as a government by our Government or not. It makes no difference in point of justice and morality and right between nation and nation or between man and man or in the sight of God whether he said to Aguinaldo, "I will take you as an ally and treat you as an ally," or whether the acts of the American Government, represented by its Navy and by its Army, were such as to assert that fact by acts instead of by words. It is a fact undisputed and indisputable that our people cooperated with Aguinaldo in the attack upon the Spanish Government; furnished them arms and munitions of war; furnished them means for carrying on the war for the independence of the Philippine Archipelago against Spain, and not only so, but turned over Spanish prisoners who had been taken by the Americans to the Philippine government, and treated the Filipinos in every respect as allies.

Now, one thing is true, that at that time the Filipinos were in the control and under the authority of the Spanish Government or they were not. If they were not in rebellion against the Government of Spain, then our people provoked the rebellion; if they were in rebellion, then our people cooperated with them and made them our allies.

After the war was over the necessity for remaining in the Bay of Manila did not longer exist. If it did, the Philippine government would have permitted the retention of the port of Manila, or it could have been retained by force, and we should then have had a place of shelter in Manila Bay. So that if it had been held until the actual declaration of peace on the 11th of April, 1899—and it was against the law of nations and against the rules of war for our Navy to be permitted by any foreign nation to take shelter with an American fleet in one of their harbors—we would have had a place for our fleet; and there was no necessity, simply because there was a necessity for going to Manila Bay, and simply because there was a necessity at that time for taking Manila in order to hold possession of Manila Bay—there was no necessity after the proclamation of peace for the holding of it.

Mr. President, the war went on; the two armies fought as allies—the American Army and the Philippine army. Their relations to each other were friendly; they were fighting a common foe. They had in one respect, at least, a common purpose and were seeking a common end, and that was the defeat of that foe. The result of it was that Manila was taken. The Spanish army was defeated in the Philippines, and the Spanish army was defeated in Cuba. The Spanish Government was compelled to sue for peace, and did sue for peace. A commission was appointed by the United States Government, without consulting its allies, to meet in Paris a commission appointed by the Spanish Government, who did not consult the people of the Philippine Archipelago. A treaty of peace was made and agreed upon between the commissioners of the United States and the commissioners of Spain.

If I recollect aright, that was on the 10th day of December, 1898. In that treaty of peace with the Spanish Government it agreed to sell the Philippine Archipelago to the United States for $20,000,000, and the United States agreed to buy for this sum their then allies. In other words, those people up to that very time were allies of the American soldiers; they were allies of the American Government; they were looked upon as such by the American soldiers and by the Philippine soldiers, because of the common expression of the American Army at that time, "We are fighting to free you; to give you your freedom." It was known by our people that the Filipinos were fighting for their freedom, for their independence; it was so asserted by their commander, the man who was at the head of their government. It was asserted by our people time and time again that it was the intention of the American Government to give them freedom.

I recognize the fact that the American soldier had no right, or authority at least, to bind the American Government by such expressions, but the officers who were there with the knowledge of the American Government were constantly consulting the authorities of the Philippine government and receiving official visits from officers of the Philippine government, and that certainly, when it was not protested against by the American Government, was sufficient to bind the Government to whatever they did. When this treaty of purchase was made, without consulting our allies—for they were allies on the battlefield, as was very properly said by the senior Senator from Massachusetts [Mr. HOAR]—that was itself equivalent to a declaration of war against them.

But we are told by the Senator from Ohio that the war against the Filipinos commenced on the 4th day of February, 1899. As I said, I am not familiar with the rules of war and I am not familiar enough with the laws of nations to speak authoritatively on this point. I did not know when the declaration of war was made by our Government against the Philippines, but it occurred to me that at that time the Philippines were not a part of the United States; at that time they had not been ceded to the United States; at that time the United States had no lawful jurisdiction over the Philippine Islands, and had no right to require them to submit to the jurisdiction of the United States or United States officers or soldiers in the Philippines. At that time, and up to the 11th day of April, 1899, the Philippine Archipelago belonged to Spain or the Filipinos were an independent people—one or the other.

If our people had received any indignities from a lot of Filipinos firing on our soldiers the Spanish Government would be responsible for that, because the Philippines were one of her provinces on the 4th of February, 1899; and to-day, if American soldiers should be fired upon by some of the subjects of the King of Great Britain in the West Indies, the American people would not make war upon the West Indies, but the American people would call the King of Great Britain to account for it. So if these people, who were the subjects of the King of Spain on the 4th day of February, 1899, were guilty of firing upon the American soldiers, then the American Government should have demanded satisfaction of Spain for that. As the American Government did not demand satisfaction of Spain and went on and made a treaty of peace we had no right to complain any further.

Now, let us see the attitude in which you put us. You put us in the attitude of treating with Spain, agreeing upon the terms of a treaty, and negotiating with them up to the 11th of April, 1899, and at the same time carrying on hostilities with one of her provinces. That is the proposition you make, or else, if you recognize the right of the Filipino people to act for themselves, that they were acting for themselves, and that they were an independent government that had been set up. then we received no pretense of title from Spain. But if you say there was an independent government set up by the Filipinos themselves for the purpose of governing themselves, then whenever we made war upon them we made war upon an independent government for the purpose of conquest and not for the purpose of reducing to submission a province which belonged to us by the right of purchase.

Why, sir, the law will not allow the purchase of a lawsuit. What would you say if a client were to come to you and tell you that he had purchased from A a lawsuit which A had against someone? You would tell him that he could not lawfully purchase a lawsuit. Neither does the law of nations or the law of right or the law of conscience justify you in purchasing a people who were in rebellion against their lawful sovereign; and when you do it you are purchasing, as you knew at the time, a war, and when Spain is turning them over to you for $20,000,000, she is turning them over to you at "range delivery." No one can claim that the Spanish Government had the power to deliver the islands to us. They may have had some nominal authority, but there is not a Senator here who will say that they had the power to turn those people over to the United States. They did not turn them over to the United States. If they had no power to turn them over to the United States when they were purchased, it was because they were in war against that sovereignty which claimed the right to rule them, and, being at war with them and having set up a government which that power could not pull down, they were practically and virtually independent of that Goverhment; and when you bought them you bought no legitimate title to them, and you only got the right of "criminal aggression," a right to conquer a heterogeneous people.

I believe, as I said in the outset—and what I say regarding this matter must necessarily be desultory and cursory, because I have not reduced to writing a note——

Mr. SPOONER. Will the Senator allow me to ask him a question, as I wish to understand him?

Mr. McLAURIN of Mississippi. Certainly.

Mr. SPOONER. If I understand the Senator correctly, he says that when the troops of Aguinaldo attacked the American army on the 4th of February that was an offense against us by Spain, for which we should have demanded reparation from Spain.

Mr. McLAURIN of Mississippi. The troops of Aguinaldo did not attack our army. There was a fight between some of the soldiers of Aguinaldo and some of the soldiers of the United States, but they did not make any attack upon us. If, however, they had done so it would have been the Spanish Government that was doing it, because the Spanish Government was responsible. Will the Senator say that the Spanish Government was not responsible for what they did up to the time the Philippines were transferred to the United States?

Mr. SPOONER. I am only trying to get at the Senator's position.

Mr. McLAURIN of Mississippi. I am trying to get at the position of the Senator from Wisconsin. Let me see if the Senator and I agree upon that. Does the Senator deny that the Spanish Government was responsible for the acts of the Filipinos up to the time they were transferred to the United States?

Mr. SPOONER. The Spanish Government claimed that after the protocol and before the ratification of the treaty we were liable for the Philippines and obliged to take care of the peace.

Mr. McLAURIN of Mississippi. I am not asking the Senator what the Spanish Government claimed. I am asking what he claims.

Mr. SPOONER. I think we acquired perfect title from Spain to the Philippine Archipelago.

Mr. McLAURIN of Mississippi. When?

Mr. SPOONER. By the treaty.

Mr. McLAURIN of Mississippi. When did we get that title?

Mr. SPOONER. We got it from the treaty.

Mr. McLAURIN of Mississippi. But when did we get it?

Mr. SPOONER. When the treaty became effective and consummated by the exchange of ratifications.

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. SPOONER. And I think that related back.

Mr. McLAURIN of Mississippi. Now let me ask the Senator a question. Did we, on the 4th of February, 1899, have a perfect title to the Philippine Islands?

Mr. SPOONER. We had a perfect title to whip any body of troops that attacked our men anywhere under God's heaven. That is all I care to say about that.

Mr. McLAURIN of Mississippi. The Senator can, of course, answer or not. I can not force the Senator to answer; but I should like to have a direct answer, as I am willing to answer any question that any Senator may propound to me. I have asked the Senator a question, if we had any title of any kind to the Philippine Islands on the 4th of February, 1899, and if so what was that title?

Mr. SPOONER. We had a perfect right to occupy the suburbs of Manila under the protocol. I have never claimed that we acquired a legal title to the Philippine Archipelago except by the treaty.

Mr. McLAURIN of Mississippi. Then the Senator does not claim that we had any title to the archipelago on the 4th of February, 1899?

Mr. SPOONER. I do not.

Mr. McLAURIN of Mississippi. Then we agree on that point, that the United States had no title of any kind to the Philippine Islands on the 4th of February, 1899. That being so, I have asked the Senator, and I repeat it, if the title was not then in Spain, and, that being so, if Spain was not liable for the acts of the inhabitants of the Philippine Archipelago on the 4th day of February, 1899?

That being so, what was the necessity for rushing into war with those people? We were treating with their sovereign. If it is contended that the Spanish King was their sovereign, we were treating with their sovereign at that time. When a little difficulty occurred between our soldiers and the soldiers of Russia in China our Government did not declare war against Russia. Time and time again there has been trouble between the soldiers of the United States and the soldiers of other governments. It

has not been considered sufficient to declare war. Only a few days ago in Italy some of our naval officers were arrested and put in prison, and it was claimed that they were erroneously tried, erroneously fined, and erroneously compelled to submit to indignities, and yet nobody thought of declaring war against Italy because of that. It was sought to accommodate that by some kind of treaty or some sort of explanation or some kind of apology that would be made by one government and accepted by the other.

Can any Senator or anybody else say why it was the United States Government was ready to fight when there was a difficulty gotten up between some of Aguinaldo's soldiers and some American soldiers, not a battle between two armies, not a clash between two governments, nothing that should provoke a war between two governments, but an act which occurs time and again between two governments and for which reparation is made and which is not considered sufficient to provoke a declaration of war?

No; my opinion about it is that anything in the world would have been seized at that time to justify the taking possession of those islands; anything in the world would be seized as a justification for subjugating them, and the policy was embarked upon of subjugating them. I repeat, if Spain was not responsible for their acts and if they were not subject to the King of Spain at that time they were an independent government, and being an independent government they had been virtually recognized by us.

They had been cooperated with by us in a fight against Spain, and that is the practical solution of the whole matter. Spain was not regarded by the United States Government as being responsible for the acts of Aguinaldo's soldiers, because it was considered at that time that the Philippine Archipelago was not within the power, control, or jurisdiction of Spain, and it was known it was not. We had been cooperating with them, and this was not called to the attention of the Spanish Government. It was two days, as I say, before the ratification of the treaty of the Senate of the United States and more than two months before the proclamation of peace between the two governments, the exchange of ratifications, which was on the 11th day of April. It was not called to the attention of the Spanish Government for the reason that the Spanish Government was known to have no jurisdiction over the islands, no authority there in fact, and no authority in law, because a government had been set up in opposition to the Spanish Government which we had recognized as being sufficient to carry on the affairs in the Philippine Archipelago, and it was sufficient for us to cooperate with and treat with them, because we did treat with them when we furnished the government arms for their soldiers to fight for their independence, and we did cooperate with them when our soldiers went side by side with them into battle for the cause of the allies, and we did cooperate with them and recognize them when our Government turned Spanish prisoners over to them to the number of 3,000, committing them to their care and charge.

That is the reason it was not done. If it had been at that time that the American Army and the British army had been close to each other and some of the British soldiers had fired upon some of the American soldiers, the Government of the United States would never have thought of rushing into war with Great Britain on that account. The Government of the United States would have sent its ministers to see the ministers of the Government of Great Britain. It would have gone to the ambassador of Great Britain and laid the case before him. The Secretary of State would have laid the case before the ambassador of Great Britain here and there would have been some explanation. The British Government would have had an opportuniy to disavow the acts of their soldiers. Is it possible the American Government, which is a world power—and that is a fact that we hear so much about now—would demand more of a weak, puny, powerless republic than it would of a powerful monarch?

Talk about world power! This country has been a world power ever since the Monroe doctrine was proclaimed by President Monroe. It has been a world power sufficient to command the respect of all the governments of the earth. The least violation of the courtesies, obligations, and duties that other governments were under to the Government of the United States has been called to account by the United States, and there is not a government which refuses to recognize the power of the United States Government to command their respect. It has commanded their respect ever since the Monroe doctrine was proclaimed. It is not recently that the United States has become a world power. It did not make the United States a world power to conquer a country like Spain. It could have conquered half a dozen governments like Spain. It was strong enough to stand and defy the powers and the armies not only of Spain, but of any government on the face of the earth, the navies and armies of the Government of Great Britain and the Empire of India. The navies and armies of Austria, of Russia, or of any other power are not sufficient to make the United States Government trouble or to permit an insult or indignity to be offered to the United States and not be called to account for it.

Is it possible, then, I say, that this power, this great Government that can command its soldiers by the million, that can command a navy which can take possession of all the waters of the ocean if it sees proper to do so, will demand of the Philippine republic, a republic that has just been born into existence, that which it would not demand of Great Britain, of Russia, or any other great power? Is it possible that this Government would not treat with the same courtesy that young republic that was springing into existence as it would treat the Kingdom of Great Britain? And yet that is the complexion to which it comes, because there was nothing there except a collision between some Philippine soldiers and some American soldiers.

Now, as to some of our obligations. On the same day this treaty was ratified, the 6th of February, 1899, the following resolution was introduced:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

That was not satisfactory to all the Senate, and the following was offered as an amendment:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands of their people.

On a vote on that amendment there was a tie—29 to 29—and the Vice-President, having the casting vote, voted in the negative, so that it came within one vote of being adopted as the sense of the Senate of the United States.

This resolution was voted on the 14th, eight days after it was introduced in the House and eight days after the ratification of the treaty. On the adoption of this resolution I have read, on February 14, there were 26 yeas and 22 nays. That was a month and five days before the Spanish Cortes acted upon the treaty. When they acted on it they had this before them: They knew the intention of the American Government was not to retain these islands—that is, that that was the policy expressed at that time. Mark you, these 22 nays were not because they objected to the policy of disposing of the islands, but because they wanted it understood—and they put it upon record—they wanted it put in language that every man could read as he runs—that they were opposed to exercising any sovereignty at all over the islands except so far as to establish an independent government there.

When the Spanish Cortes ratified the treaty, when the exchange of the ratifications of the treaty was made on the 11th of April, 1899, this was before the Government, and there were two things clearly stated there that the Government of the United States did not intend to do. One was that it did not intend to incorporate the inhabitants of the Philippine Islands into citizenship of the United States. So that we have it settled as a statement of the same Senate that ratified the treaty that it was not the intention of the Government of the United States to incorporate the Filipinos into citizenship of the United States.

What then? Is it possible—it will be asked of every Senator who advocates the permanent retention of these islands—is it possible that you are going to retain provinces and retain the control of subjects to whom you never intend to give any right of self-government, whom you never intend to make citizens of the United States, but to whom you say, "You shall always be under the control and jurisdiction of the Government and sovereignty of the United States without ever having any opportunity to become citizens of the United States?" That can not be. Why? Because there is not a man who believes in the American form of government who can rise and say that that would not be absolutely in contravention of every doctrine, of every teaching, of every principle of this Government from the Declaration of Independence up until now—aye, from the first gun that was fired at Lexington, Mass., in April, 1775.

Then what? They were not to be incorporated as citizens, and further than that was another thing that was not intended to be done.

Nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

What does that imply? It implies that it was not intended to retain them. We speak of this as an annexation because we are getting possession of them; and there could be but one interpretation of that in the mind of any fair-minded legist, and that is that

in speaking of not permanently annexing them we do not intend to permanently retain the control of them, because in the sense of annexing them and making them part of our territory, and making them a part of our citizenship, that has been negatived by the party in power in the resolution just read. The party who supported the Administration at that time negatived the proposition that we intended to incorporate them into citizenship and annexation according to the idea of the American people, and it had a fixed definite signification by the American people.

There was not an American lawyer or an American citizen who understood anything about our Government who did not know what annexation meant. We annexed Texas. We annexed the Louisiana purchase; we annexed Alaska. It was all annexed because it was intended to make it a part of our Government, but it had a different signification in this case. It was not intended to permanently annex it. That is, it was not intended to permanently retain it. It was not intended that these islands should be put in the category of New Mexico, or Arizona, or Alaska, the Mississippi territory, the Louisiana territory, or any other territory.

But we were getting possession of it at that time, and it was as much as to say that the possession we are getting now is not intended to be retained, and that is all that is meant by annexation in that resolution. It does not mean what annexation meant with reference to Texas, Louisiana, or any other territory that had ever been annexed by the Government of the United States, because when we annexed Texas or Louisiana, or purchased California or any other territory that came to us, we annexed it permanently, and we voted its citizenship into the citizenship of the United States. You can not find anywhere that territory has been annexed in the United States, by treaty with a republic, as was the case with Texas, or by purchase, as in the case of Alaska or Louisiana, but what at the same time the citizenship of the annexed territory was adopted into the citizenship of the United States. But here that was excluded, and it had the meaning that we were taking temporary possession of it.

It does not mean it was to be permanently done, because this implies some kind of annexation. When you say we do not intend to permanently annex, you speak of some kind of annexation, because if you did not intend to annex it at all, then there would be no necessity for using the word "permanent;" but "it is not the intention to permanently annex said islands as an integral part of the territory of the United States." It was as much as to have said to the Spanish Government, "We do not intend to retain the control and sovereignty over this territory. What we intend to do is to take them now. We intend to dispose of them." These are negatives. "We do not intend to incorporate the citizenship into the citizenship of the United States. We do not intend to permanently annex them to the territory of the United States." Then what do we intend?

Here it is:

> But it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government—

Then what?—

> and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

Not to permanently annex—that is, retain—them, but after a while to make a disposition of them; and we do intend to make a disposition of them. How are you going to dispose of them? Get rid of them. That is the only meaning the words "disposition of them" could have in that sense.

I have given my idea upon this because Senators seem to think we must keep the possession of these islands in order to carry out our obligations to Spain and to the Spanish subjects who elect to retain their fealty to the Spanish King. Senators are very solicitous of the obligations of the United States. They are very solicitous of the honor of the United States when, according to their interpretation, it would retain the sovereignty and control of the Philippine Islands; but when they are called upon to put down barbarities in the Philippine Islands, when they are called upon to examine and investigate the conduct of our civil and military government there, then they are not so solicitous and sensitive of the obligations and duties of the United States Government, but they fly to the charge that we are slandering the American Army, and they come to the defense of the American Army and say the people will sustain the American Army.

Yes; the people of the United States will sustain the American Army when the American Army is doing its duty, and the American Army, with exceptions shown in evidence, does its duty; but that does not mean that the people of the United States will sustain those officers of the American Army who are violating all the rules and regulations of war any more than, when it is said the American Government and the American people will protect all American citizens everywhere, it means that they will therefore not punish the criminals who commit murder and robbery and larceny and burglary, and otherwise violate the law. The American Government will protect its citizens, but that does not mean the American Government will protect robbery and murder and assassination. The American Government will protect and sustain its Army, but that does not mean it will protect and uphold those officers of the American Army in the Philippine Islands who are violating the rules and regulations of war.

What is the result of all this? We said, "Do not embark on this policy; it is a dangerous policy. The people of the United States have been taught to love liberty. The people of the United States have been taught that all men have an equal right to govern themselves, that government must come from the consent of the governed, and that every government ought to receive its authority from the consent of the governed; that no man or set of men are born good enough to rule other men and other sets of men; that no people are good enough to rule another people thousands of miles away." We said, "Whenever you do this you bring reflections upon the very doctrines and the very principles upon which our Government was established." They said, "Oh, there is money in it; there is commerce in it. We want to get the commerce of these islands." We are leading in the commerce of Japan. We are leading in the commerce of the Orient, where we have no control over the people. It ought not to follow, however, that therefore we ought to go and conquer people in order to trade with them. If I had the time I think I could show conclusively by documentary evidence that we are doing better in those places where we have no army, where we have no war, where we claim no sovereignty in the Orient, than we are in the Philippine Islands.

But on this policy they embarked. What has been the result of it? They say our soldiers have been murdered. It is a result of the imperialistic policy. They say the natives are treacherous; that, besides those who fell in battle, fifty or sixty of our soldiers were destroyed by treachery in addition to the friendly natives who were killed and destroyed by treachery. It is a result of the imperialistic policy.

Let us see some of the policy. I find here that on the 26th of February, 1901—I want you to mark that; that was before the Balangiga massacre—a letter was written to General MacArthur, as follows:

> FEBRUARY 26, 1901.
>
> General MACARTHUR:
>
> SIR: It is simply horrible what the Macabebe soldiers are doing in some of the towns.
>
> Wherever these men go there ought to be two or three American officers to watch them, and these officers ought to know Spanish so that they may listen to the complaints of the people, for the Macabebe officers pay no attention to their remonstrances, but on the contrary assist the soldiers in their rascality.
>
> Yesterday the American officer commanding the town of Montalban came to Manila, and that night Macabebe soldiers went through the streets firing their guns, ill treating the neighbors, and putting people in jail after having beaten them. They stole clothes, jewelry, and money from the house of Captain Tino, a poor old man, who was beaten so severely that he is at the point of death.
>
> They would not allow the local presidente to go out on the street; they fired at him and killed several citizens. The people of San Mateo know this because many of the residents of Montalban fled to the woods and to San Mateo.
>
> The Macabebes are committing the most horrible outrages in the towns and the officers say nothing, but on the contrary punish and threaten any persons who make complaint.
>
> If you, General, would send some confidential agent to Montalban at once to investigate these statements, you will see that I am telling the truth.
>
> Some twelve days ago some Macabebes went into a house and four soldiers raped a married woman, one after the other, in the presence of her husband, and threatened to kill him if he dared to say anything.
>
> The war will never come to an end this way, nor will the country be pacified. The people are compelled to take to the woods. The American soldiers and the Spanish soldiers do not do these things, but the native soldiers are rascally thieves.

Mark you, this "outraged citizen," as he signs himself, exonerates the American soldiers, exonerates the Spanish soldiers from this, but charges it to the Macabebe soldiers whom we took into our service over there, similar—not as bad—to the way George III took the Indians into his service to kill and scalp American men, women, and children, and to burn and destroy their property.

> If you will have these outrages investigated, you will see that I am telling the truth. If you direct the punishment of those who have merited it, it would be appreciated by all the peaceful and honest citizens of the towns.
>
> For God's sake do justice, and the people will bless you.
>
> AN OUTRAGED CITIZEN.

This man writes like a man who is telling the truth. There is a good deal of truth in what he says. That was on February 26, 1901. This was referred by General MacArthur to the commanding general of the Department of Northern Luzon, Manila, P. I., and General Wheaton referred it to the inspector-general of the department. Then it was finally returned to the adjutant-general, Department of Northern Luzon, and on March 5 he made his report.

Mark you, now; it will not do to say our Army is being slandered. There is no escape from the predicament into which the

party in power has put itself by its policy, by charging when these reports are read that the Army is being slandered, because this is all the result and the outcome of that policy.

Listen, now. Here is a report of the inspector-general, Maj. Frank B. McKenna:

OFFICE OF THE INSPECTOR-GENERAL,
DEPARTMENT OF NORTHERN LUZON,
Manila, P. I., March 5, 1901.

The ADJUTANT-GENERAL DEPARTMENT NORTHERN LUZON.

SIR: I have the honor to report that pursuant to instructions contained in the second indorsement on the within communication I proceeded, on March 1, 1901, to San Mateo and Montalban to investigate the truth of the statements contained therein.

Upon arrival at San Mateo—3 miles from Montalban, the station of the Philippine cavalry whose conduct was complained of—I ascertained that a large part of the inhabitants of Montalban were then in San Mateo, having deserted the former place. In consequence I began my investigation at San Mateo, and subsequently went to Montalban. I requested the commanding officer at San Mateo to cause the prominent men of the town to come before me. In this way the presidente local appeared. At first he was very loath to say much, but upon assurance that his statements would be regarded as confidential he was induced to recite a list of the occurrences, some of which he knows, some which he has heard as having taken place since the arrival of the Macabebe soldiers at Montalban. The sworn statement is herewith appended, and I have translated the important parts of it. I then requested him to let it be known in town that I was willing to hear complaints that any citizen had to make. The result was that a large number of voluntary witnesses offered themselves, each of whom was sworn. The following is some of the testimony:

Martin Anastacio, 20 years of age, lives in barrio Montalban; was in his house 10 o'clock Monday night, February 25, when two Macabebe soldiers, with guns and in uniform, asked him from without how many men were inside and for him to come out. Four men were inside, and as they descended the steps the Macabebes commenced to beat them with their guns; then they tied the four men, and one of the soldiers went back into the house. The soldier inside searched the house and not finding anything took the four men off down the road, taking a peseta from one and some cents from the other. All were taken to the calaboose, strung up by the thumbs, and the witness struck in back with revolver (saw the marks of alleged bruise from revolver).

Policapio Cristi, age 45, laborer, lives in barrio San Jose Montalban. On Sunday, February 17, at 7 p. m., four soldiers entered his house and demanded money. Money was not given, and he and his brother were beaten and then taken to the calaboose.

Paul Concepcion, age about 60, lives in barrio San Jose. Party of soldiers took him and his daughter, age 18, out of the house and into the woods and tried to separate them—he believes to violate his daughter. His cries and pleadings made them desist, and he and his daughter were brought back. This on night of February 25.

It has been a good while since I have read Roman history, but I believe there was one Roman who, to prevent his daughter from being violated, took his dagger out and stabbed it into her breast and killed her. Who would not do that?

And who was responsible for all this policy? I am assuming for the sake of the argument that all this was necessary and proper and right, because I hear the policy defended, and this is a result of the policy. I am assuming that it is all right and proper, but is it not horrible? Is not the policy horrible which produces such horrible results? Can it be a good policy? Can it be a policy that will promote the welfare of the American people which produces such results? Can it be a policy that will redound to the honor and glory of the American Government which produces such results? Can any amount of money that can be made out of it, of commerce that can be acquired, compensate for such results? That is the only justification I have ever heard for it. Would it not be far better that the islands should be independent and, with our superior means of manufacturing, with our superior facilities for commerce, and with our superior commercial intelligence and industry and energy, take our chances to secure what we desire in the way of trade and commerce than to follow a policy which produces such abhorrent results? Let us see, now:

Dauranzo de la Cruz; age, 35, vice-presidente, Montalban: Taken from his house night of February 25 by 4 soldiers; $110 taken from him; kept in calaboose over night and released next morning. This man bears a certificate of loyalty and excellent services rendered to the United States Government from the district commander.

I wish to dwell just a minute on that. There has been a great deal said in justification of the conduct of some of our officers in torturing with this horrid water cure some of the Filipinos, because natives who were friendly to the American people had been killed, assassinated, murdered, by some of these insurrectos, and sometimes they pleaded guilty and sometimes they did not. Sometimes the torture was inflicted upon guilty ones, possibly, and sometimes not, because sometimes those who were tortured confessed. Whether they confessed because they were guilty or whether they confessed because they thought it the safest means to obtain some surcease of suffering and torture God only knows.

While in some instances they confessed, still there were some of them who endured the torture, protesting to the death their innocence. Whether they are Filipinos or what they are, you may say that they went to their long account martyrs—I will not say martyrs to liberty, but martyrs to truth and martyrs to innocence—because they were unwilling in the very presence of the Jehovah to condemn themselves to the crime of which they felt perfectly innocent. He is a martyr who is willing to suffer any torture, any pain, whether by fire or flood, whether it is by ice or heat, rather than to give up his conviction of truth, of innocence, and of right.

Here is a man who had from the district commander a certificate of loyalty and excellent services rendered to the United States Government, who was not only a loyal man, not only a man who had been in the service of the United States Government, but a man who had rendered excellent service to the United States Government, and he had a certificate to that effect from the district commander. He is subjected to these tortures, all of which it must be assumed were necessary under the policy of imperialism; all of which it is to be assumed were proper to support imperialism. I am not saying that any of these tortures were improper. I am saying that a policy which perpetrates such acts ought to be abandoned. A policy that produces such results as these ought never to have been entered upon.

When we said, "Do not enter upon this policy because it will provoke just such acts as these," we were told that there was money in it. You can not say that you did not expect this, because you tell us now that you always knew what war meant; that war meant rapine, plunder, and bloodshed. Senators refer us to the wars of Rome; they refer us to Nero; they refer us to the Tartar candles; they refer us to tortures all along down in the line of history to show us that it was known by them when they entered upon this policy that just such a result as this would come. They did not enter upon it blindly, and they cite us to the very history that shows that this must have been expected when war came. They were quick to precipitate war when there was the least provocation for it. When there was a little difficulty between the soldiers of the Philippine Islands, who had lately been our allies, and the soldiers of the American Army, it was seized upon as a pretext to precipitate a war which they tell us they knew would produce just such results. Oh, the horrors! And they knew that the policy upon which they were entering would produce them.

I am not saying that it is not necessary, because it is a necessary incident to war, as they tell us. I do not impeach the Administration or Senators on the other side because these acts are going on, but I plead with you to stop it, and to stop it now.

You accuse us of speaking of these things for the purpose of making political capital in the coming campaign this year. We plead with you to stop this policy, and to give to those people assurances of an independent government. Treat with them as people who are entitled to be heard in their defense and give them assurances of an independent government, as the Democratic minority here asks you to do, and there will be no campaign thunder for us in that. You are giving us campaign thunder when you refuse to do it. When we appeal to you to take this course we are appealing to you to do that which will benefit you in the coming campaign, because the people will say that there is in your conduct a spirit that commends itself to all magnanimous people and to magnanimity itself, and that is the spirit which, when you embark upon an enterprise that can not be justified, and when it is ascertained that it is such, causes you to recant what you have done so far as you can and abandon the policy that is producing all these abhorrent and horrible results.

Such a course as that would be of no benefit to the Democratic party in the coming campaign. It would be a benefit to the Republican party, and that is what we appeal to you to do. For the sake of humanity, for the sake of the lives and health of the American soldiers and the happiness of their families and homes, for the sake of the good name of the American people, for the sake of the good name of the American Government we appeal to you to abandon this imperialism even though its abandonment will benefit the Republican party in the coming campaign.

Ah, it is not necessary for us to have anything that is said in this debate in order to get campaign material against the Republican party. There has been enough done in this Congress to condemn the Republican party before the people of the United States in the coming election. When we begin to look over and find the kind of a report I hold in my hand, and when the Republican party has pursued a policy that has made it possible, the Republican party will have to answer, and it will be compelled to answer, in the coming campaign. When it is found that in the last five years the exports of beef cattle from this country have increased until they have been very much larger the last year than in 1897, and when it is found that the price of cattle has gone down $10.88 a head, and yet by the policy of the Republican party a beef trust is enabled to raise the price of beef to the consumer day after day a cent a pound each day, running it up constantly, the Republican party will be asked how that came about.

Let me read from a report that came out on the 10th of April. I do not say that it was held back until the beef trust could get in its work, but it seems that it ought to have been presented to

Congress by the 1st of January. However, it did not come until the 10th of April, and here is what it shows:

In 1897 the quantity of beef cattle exported was 392,190 head, and its value $36,357,451. In 1898 the quantity was 439,255, and the value $37,827,500. In 1899 the quantity was 389,490, and the value $30,516,833. In 1900 the quantity was 397,286, and the value $30,635,153, and in 1901 the quantity was 459,218, and the value $37,566,980, showing that the value of these cattle exported in 1901 was $10 a head less than in 1897. There were nearly 100,000 more exported in 1901 than in 1897. Yet we find that in some way the price of beef to the consumer is constantly going up by the operations of the beef trust.

Oh, but it is said the Republican party is not responsible for it. If there is a good crop made, the Republican party claims the credit for it. If the price of wheat goes up, the Republican party claims the credit for it. If the price of cotton goes up, the Republican party claims the credit for it. And I believe the other day one Senator on this floor, a Republican Senator, asserted that the result of the Republican Administration was that the price of cotton went up from 4 or 5 cents a pound to 7 or 8 cents a pound. I think that was the statement of the senior Senator from North Carolina [Mr. PRITCHARD].

Then the Republican party will have to answer for other things. The Republican party will have to answer for the fact that millions upon millions of dollars will be taken out of the Treasury every year as to give a ship subsidy to men who have done nothing to earn it, to men who do not propose to give anything to the Government in return. That is proposed to be given as an actual donation to the capitalists, and then when laboring men get an opportunity to work for it, it is said that they ought to be glad of an opportunity to work for the money. It is all right to give it to the millionaires and the multimillionaires, but when it comes to the laborer he ought to be thankful that he gets an opportunity to work for the money.

Well, that is not all. The people will begin to ask another question when the election comes on next fall, and that will be the question, "Why is it that the Congress of the United States, being Republican in both Houses, with a Republican Executive, refused to pass a permanent Chinese-exclusion law and only passed a temporary makeshift?" That question will be presented to the people next fall and to the Republican party, and you will have it to answer. You will be held responsible for that legislation.

The Senator from Connecticut [Mr. PLATT] introduced the substitute, a temporary makeshift, which was finally adopted by the Congress and finally became the law. The Senator from Connecticut in a speech advocated the admission of Chinese laborers into the Philippine Islands and into our possessions. He advocated their coming in there, and said it ought to satisfy the American laborer if he is protected on this continent.

Is it supposed by the Republican party that the laborers of this country will not know what will be the result when you admit Chinese laborers into the Philippine Islands and they become workers there and laborers engaged in manufacturing articles and engaged in doing work the American laborers here perform and then allow the product of such Chinese labor to come over here with a reduced tariff? Is it supposed that when you have been teaching them these hundred years that the tariff is intended to protect the labor of this country against pauper labor, and that when these articles, the product of foreign labor, come here with a reduced tariff, it is an assault upon the labor of this country, the laborers of this country will not have sense enough to know that articles manufactured in the Philippines by Chinese and admitted at a reduced tariff will make as much competition with their labor as articles manufactured in Europe and admitted at a reduced tariff.

You will have that to answer. Ah, but you tell us that we finally excluded it. Yes; it was excluded not as the result of the efforts of the Senator who introduced the substitute, but it was excluded temporarily. Still we are told by the Senator who is in charge of this bill, the junior Senator from Massachusetts [Mr. LODGE], that these Filipinos are skilled in the handling of machinery; that they are deft with their hands; that they will make splendid skilled laborers. I do not pretend to quote his language, because I have it not here, but that is the substance of it. I have not read his speech, but I heard the speech. It was a very able and very interesting speech, as is every utterance of his, because he is an able Senator and able to present his side as strongly as it can be presented by anyone, and he always does it. But when you tell the laborers of this country that you are intending to retain the Philippine Islands, where they have 12,000,000 of inhabitants who are capable of using machinery, and are deft with their hands, and make skilled laborers, is it supposed they will not know that when you reduce the tariff on the product of the Filipino labor into this country that, as you have taught them, it will compete with their labor? You will have that to answer.

It is not necessary to go further. I could give you a great many other instances. There are a great many other things that will fall upon the shoulders of the Republicans this fall when they come before the people.

So it is not necessary for us to make this argument and get you to make the mistake of refusing to take our advice on it in order to obtain capital to go into the campaign this fall. We beg you, and we plead with you to give some evidence that you intend at an early day to turn over the government of those people to themselves. The Spanish Government knew when the treaty was enacted that it was the avowed intention of the American people not to hold those islands, and that they must look to such government as the American people set up in the Philippine Islands for the protection of their interests and the interests of their subjects.

Now, let me resume the reading of this report. I will read the paragraph preceding the one I last read:

Estaban Samaldi, age 45; Montalban: Claims to have been unwarrantably taken from his house when sick and taken to calaboose because he would not come out of his house when spoken to; maltreated in the guardhouse; half strangled by rope; marks on neck and other bruises on body evident now; released next morning, February 26.

Dauraniao de la Cruz, age 35; vice-presidente, Montalban: Taken from his house night of February 25 by four soldiers; $110 taken from him; kept in calaboose over night and released next morning. This man bears a certificate of loyalty and excellent services rendered to the United States Government from the district commander.

Saturina de la Cruz, age 18; married; lives in barrio San Rafael, Montalban: Night of February 21, after taps, about 10 o'clock, three Macabebe soldiers armed with guns and one with revolver entered her house; she and her husband were asleep; a man with a revolver forced her husband out of the house; other two took him away first, then returned and at the point of a revolver raped her; she was raped again on night of the 25th.

Roberta Magat, age about 45; widow: Some soldiers entered her house, removed the man sleeping there; one remained and raped her, first struck her on shoulder with revolver (alleged mark visible yet).

Valentino Ancsito, age 18; married: On February 25 she was in her house with her husband and a distant relative; four Macabebes entered, took the husband away, and raped the woman; struck her with gun in face; marks still evident.

Francisco Resurestion, the distant relative referred to above, testified she was raped also.

Eccel Memoracion, age 30: Night February 25, about midnight, soldiers in arms entered his house and took him and his brother-in-law to the calaboose; robbed him of 2 pesos, three cocks, and a mat; kicked him and butted him with gun in taking him to the calaboose.

Velerma de la Cruz, age 18; single: lives in barrio San Jose: On night of February 25, about 8 o'clock, raped three times by Macabebe soldiers; could not recognize any of her assailants; was too dark.

Madia de la Cruz, age 30; has a tienda in barrio San Jose, Montalban: On night of February 28 Macabebes came and demanded $10 gold; not getting it they dragged her into the streets and abused her; she finally gave them 50 cents; next morning came again and demanded the same and were given a dollar; then they threatened to kill her and her family; she fled to San Mateo and afraid to return.

Emiliano de la Cruz, age 26, barrio San Rafael: Soldiers entered his house night of February 25 and struck him and his wife and robbed him of $6; saw alleged bruise on chest; attempted to outrage his wife, who was pregnant, but she clung to his mother, and they finally desisted.

Maria San Pascual, 18 years of age, tesified to truth of the above attempted rape.

Juan Torres, age 60, laborer, barrio Burgos, of Montalban: On Wednesday, February 27, at 10 o'clock at night, two soldiers entered his house, occupied by his wife and his son's wife, took him out a little distance from his house, and, after demanding money, told him to stay there or be killed; then went back, tried to rape the younger woman, desisting in their attempts when discovering she was far advanced in pregnancy.

Petra Mendiola, 12 years of age: Sunday, February 25, she was selling buyo in a gambling house; a detail of the guard came in, arrested all the soldiers, took them out; then four men of the guard came back took her and another woman into the brush, and two raped her in succession; this in barrio San Rafael, Montalban. Mother and father of the girl were examined and said they believed the girl's story true. Mother delared the girl suffered much next day.

Segunda Marcella, age 20: On Thursday, February 28, three soldiers entered her house; raped her, one after another. This woman had child four months old; stated she could recognize one Macabebe soldier, whom she knew as Francisco. Commanding officer Montalban was notified. At retreat that night the woman identified the man, and he was put in the guardhouse.

An old woman complained to me at San Mateo that she had been robbed of 100 pesos by Macabebe soldiers the night before—March 1, 1901—and that she could recognize the man. She was told to appear in Montalban, which she did, and identified a Macabebe corporal on outpost duty near her house as the culprit. The commanding officer was notified and confined the soldier at once.

A great many more witnesses were anxious to be heard, but I ascertained that their testimony was generally of the same character as the above, and consisted of assaults, extortions, rape, and attempted rape, but in no cases except those mentioned could the assailants be identified, but all stated positively they were Macabebe soldiers.

Among other witnesses, seven young women from Montalban appeared before me at San Mateo and said they were afraid to return to their homes in Montalban; that upon the arrival of the Macabebe soldiers propositions were made to them which they declined. Unless they consented, they were told, they would be killed and the houses of their families burned. They were afraid to complain, and in fright fled to San Mateo.

With reference to the alleged beating of the old man, Captain Tino (Catalino Calixtro is the real name), mentioned in the anonymous letter of complaint to the division commander, I found that he was not only robbed and beaten, but subsequently killed and his body found in the cane field. Below is the evidence that I was able to obtain:

Being duly sworn, Angel Domingo, laborer, 20 years old, testified as follows: Lives in Montalban. Monday, February 25, about midnight, saw a party of Macabebe soldiers of more than five—about eight—enter Captain Nino's house, drag the old man, who was about 80, out of the house; saw him abused and struck, and then they disappeared into the cane with him. Soon some soldiers returned and robbed his house of about 100 pesos. He knew they were Macabebes on account of uniforms, guns, and language. The outpost

of 4 men and a corporal was within 100 yards of place. He thinks outpost must have heard the old man's cries, but did not heed them. He was taken toward the outpost.

Macaria San Pascual, wife of Captain Nino, 70 years old, being duly sworn testified as follows: Saw party of Macabebe soldiers enter about midnight house where husband slept—she slept in adjoining house about 30 feet away—heard the cry of her husband when the soldiers entered; upon hearing his cry she attempted to rush to his rescue, but her way was barred by a soldier at the door; then her husband was taken out and beaten and money demanded, and finally taken away. Soon some of the soldiers returned and she could hear them digging with bolos in the earth floor of the house where her husband had slept. They finally found 200 pesos which was taken. Next morning about 10 o'clock the dead body of her husband was found in the cane about one-fourth of a mile from the house. He was badly cut about the head and body.

Francisco Calixtro, daughter of Captain Nino, aged 34, being duly sworn, testified as follows: After midnight, February 25, party of Macabebe soldiers entered father's house—she slept in an adjoining house—started to his rescue upon hearing his cry; found soldiers at the door; she saw them take her father out; then some returned and took 200 pesos concealed in rice bin. Could not recognize any of the assailants as it was too dark; knows they were Macabebe by their voices, uniforms, and arms. Next morning she found her father's body in cane field with throat cut.

I inspected the premises myself and saw the house that the woman and man who have given above testimony occupied, and where the old man slept. From their positions they could easily have seen all they state. The outpost was, as Angel Domingo says, within a hundred yards of the house. It is difficult to avoid the conclusion that this outrage was committed by Macabebe soldiers. Besides the proximity of the outpost to this man's house a skirmish line that night had been thrown out to apprehend certain insurgent officers whose presence in town was suspected. This line was not more than 20 yards in front of the house, and the assault and robbery was either committed by these men or by the outpost. To locate the particular men who were in the skirmish line at this point at a particular time is almost impossible. I ascertained that D Troop, Philippine Cavalry, covered this ground, and called up some of their noncommissioned officers, but could find out nothing. Thereupon I interrogated the outpost which was on duty that night, but they heard or saw nothing. Upon my recommendation the commanding officer now has them all—a corporal and 4 men—in confinement, and the investigation should be pushed vigorously, for if they are not the guilty parties they more than likely were aware of what was going on.

It will be observed that most of these alleged outrages occurred on the night of February 25. This was a night of a "round-up," as stated by the commanding officer at Montalban, and was upon information that General Geronimo was in town securing recruits. As a result, 17 men who claimed to be his recruits were found in one house, but he was not apprehended.

There can be no question that this raid on the town was legitimate if it had been executed under the proper control of officers.

The detachment consisted of about 200 men (Macabebes), First Lieut. Dennis P. Quinlan, Philippine Cavalry, in charge, covering over 2 miles of territory upon opposite sides of the town. Lieutenant Quinlan states that his specific instructions to his men were that no one except noncommissioned officers should enter the houses, and he supposed his orders had been strictly obeyed. For him to superintend the actions of the whole force, scattered as it was, on a dark night, was impossible, and the mistake was in sending such a large number of men with only one officer. Second Lieut. Charles R. Loyd, jr., Sixth Artillery, was out that night with 2 men of the Sixth Artillery, but disclaims any command over the Macabebe detachment, and says he saw no scenes of violence.

Now, let us see what is the concluding part of the report of Major McKenna:

It seems more than likely that the Macabebe soldiers on the night of February 25, under the guise of seeking for General Geronimo and other insurgents, did commit a number of acts of unwarranted assault and aggression. That they fired off their guns in the streets and killed several men, as the anonymous complaints state, could not be corroborated, and is strenuously denied by their officers; nor could anything be ascertained about the rape of the woman by four men in the presence of her husband, but the other cases that I have cited are most probably true.

Capt. F. H. Cameron, Philippine Cavalry, commanding officer at Montalban, believes that the greater part of the complaints on the part of the people are fabricated, by reason of their intense hatred for his soldiers, and because on the night of February 25 a number of the friends and relatives of the principal people were found among the alleged insurgent recruits discovered. There may be something in this, but I hardly think it would cause over 300 families to leave town, as the presidente of San Mateo declared to me was the case. Moreover, the witnesses that I examined impressed me for the most part with their earnestness, and on some were still visible the bruises of alleged assault. At least 200 people desired to make complaints, and I examined over 50, until I found that the evidence was merely cumulative. There can be no doubt, whatever the cause, that the utmost dislike and hatred is felt on the part of the people toward the present Macabebe garrison at Montalban. It probably had its origin in the fierce tribal rancor that exists between Tagalo and Macabebe, but has unquestionably been largely increased by the conduct of the soldiers themselves.

He is speaking here of the Macabebe soldiers—

and unless the sternest discipline is imposed upon these native troops by the American officers their usefulness as a pacifying agent for the United States in the vicinity of Montalban or San Mateo is gone.

Major Batson, of the Philippine Cavalry, has been the commanding officer at Montalban until within a week ago, when he went away on leave. He was not there the night of the 25th of February, nor was Capt. F. H. Cameron present—the second in command—the command of the station and the detachment which made the search of the town devolving upon First Lieut. Dennis P. Quinlan, Philippine Cavalry, upon whom must fall the blame for the unlicensed conduct of the soldiers that night. He should have had more officers with him and exercised a better supervision over the operations of his men.

Captain Cameron returned next morning, and the killing of the old man (Captain Nino) was reported to him. He does not seem to have made a very searching inquiry into the circumstances of his death, and was too readily content to believe that it was impossible to locate the guilty parties. Even after complaint had been made to the district commander, and the letter directed to him to investigate thoroughly, does he seem to have made vigorous inquiry. (See telegram appended, marked "I.") He now has in custody four men and a corporal, who, my investigation developed, if not the guilty parties, must know something of the killing of the old man, Captain Nino.

Captain Cameron asserts in his statement, herewith appended, that no complaints had been made to him, and he knew of none that have ever been made, except two or three which he recites were made to Major Batson; yet a great number were made to me, and, in two cases, one of theft and one of rape, I was unable to get the witness to identify men whom they say were guilty.

I desire to respectfully invite attention to the sworn statement of the presidente of San Mateo and Montalban, marked "A" and "B," as to the condition of affairs in the vicinity of those two towns. I likewise herewith append the statements of Captain Cameron, marked "C;" Lieutenant Quinlan, marked "D;" Lieutenant Lloyd, of the Sixth Artillery, marked "E," and those of two noncommissioned officers of artillery, marked "F" and "G;" also that of the commanding officer at San Mateo, marked "H." In conclusion, I find, if the almost unanimous testimony of the natives is to be considered, that the Macabebe garrison at Montalban has committed numerous outrages against them; that these acts of violence commenced almost with the arrival of the Macabebes, and occurred at intervals until the night of February 25, when on that night they must have indulged themselves in a saturnalia, almost, of rapine and violence under the guise of looking for insurgents; that the responsibility for the acts on the night of February 25 belongs to First Lieut. Dennis P. Quinlan; that the subsequent responsibility for not making searching investigation and bringing to punishment the guilty is due to Captain Cameron, Philippine Cavalry.

The sternest discipline should henceforth be imposed upon the Macabebe soldiers to prevent repetition of the acts that have been related.

Very respectfully,

FRANK B. McKENNA,
Major and Inspector-General, U. S. Volunteers.

No one can read this without being impressed with the candor and fairness of this man. It impressed me, and it seems to me that anyone who reads will be impressed with the intelligence of the man and the searching investigation that he made.

Now, let us see what General Wheaton says about it. He was the brigadier-general commanding. The report was made to him on the 5th of March, and on the 14th of March, after he had time to carefully examine and consider it, he makes the following report:

HEADQUARTERS DEPARTMENT NORTHERN LUZON,
Manila, March 14, 1901.

Respectfully returned to the adjutant-general, Division of the Philippines, and attention invited to inclosed report of Maj. Frank B. McKenna, inspector-general, and report of Col. J. M. Thompson, commanding sixth district, from which it appears that aggravated crimes were committed by Macabebe soldiers of the squadron of Philippine cavalry on the night of February 25, at Montalban. As a result of these investigations all the native soldiers concerned in the commission of these crimes have been placed in confinement and will be speedily brought to trial. I do not agree with the district commander in the opinion that these crimes are the result of the bitter feeling between Macabebes and Tagalos. All native troops, when they can escape the immediate control of their officers, are liable to commit murders, and many will rob and ravish whenever they will have the opportunity.

The squadron of Philippine cavalry was sent to Montalban, San Mateo, and vicinity to replace the Twenty-seventh Infantry, United States Volunteers, when withdrawn to be sent home for muster out. No other troops were available for duty there. The necessity of affairs here obligesus to employ native troops, and these Malay savages will always be liable to commit crime alike disgraceful to our service and an outrage upon humanity.

That is part of the policy you have gotten into. We beg you to desist. We appeal to you to abandon a policy which compels the employment of savages as troops of the United States. Can there be anything wrong in an appeal to quit a policy, to desist from a policy, to abandon a policy that requires the employment of savages, who will commit all the crimes that are alluded to here and which have been proved in the investigation, and proved in this investigation by Major McKenna and by the report of General Wheaton?

I commend that to the careful and candid consideration of Senators. Is not a policy reprehensible that leads to just such a result as that, and in order to defend it that must be the conclusion reached? General Wheaton was not defending the outrages, but he was stating, as a witness, a fact in his report as to what was the necessary consequence of this policy, which necessitated the employment of troops who are savages, who have no respect for the rights of age, sex, or condition; and when you read the entire report of Major McKenna in the RECORD you will see what it contains, you will see the crimes that were committed, as were found to be true by Major KcKenna, by these Macabebe soldiers, by these savages, as General Wheaton denominates them.

When you read that you will see the awful consequences of the policy which has been pursued and is being pursued by the Administration. It ought to be abandoned. It will be a credit to the party in power to abandon it. It would redound to the advantage of that party in the coming elections to abandon it. If that party should see proper to abandon a policy which has led to such awful and abhorrent results as these, it would gratify me, not because it would benefit the party of which I am a member, but because it would redound to the benefit and to the honor and to the glory of the American Government to proclaim to the world that when it finds that it is in the pursuit of a policy that must be pronounced not only horrible but damnable, and which ought to merit the condemnation of every civilized man and woman in the world—that when the American Government finds it is pursuing such a policy as that, it has the honor and the manhood to stand up before the world and say: "Let others say what they please, we intend to abandon that policy, whatever you may charge against us." The American people would commend and applaud the party that would do that. I appeal to you in the name of humanity to do it.

All engaged in the crimes related in these reports will be punished to the full extent of military law, after due trial and conviction.

In this connection I desire to call attention to the necessity for the greatest care and caution in the organization of native troops. We can rely in some measure upon the loyalty of the Macabebes. There are, so far as I

know, no other tribes that would not be liable to turn against us whenever they imagined that there was any prospect of successful treachery or treason.

LOYD WHEATON,
Brigadier-General, Commanding.

It must be seen that whatever the number and character of the trials it will be impossible to convict all those people who have been engaged in those crimes, it will be impossible to ascertain who they were. Some who are guilty of these awful crimes it will be impossible to fasten suspicion upon.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. McLAURIN of Mississippi. Certainly.

Mr. CARMACK. If the Senator from Mississippi would rather suspend his remarks now and go on to-morrow, with his consent I will ask permission of the Senate that he may be allowed to do so.

Mr. LODGE. Of course, if the Senator desires to suspend his remarks, I shall be glad to accommodate h m.

Mr. McLAURIN of Mississippi. I shall be glad to do so at this point.

Mr. LODGE. But if the Senator would like to finish——

Mr. McLAURIN of Mississippi. I have not very much more to say, but I have a number of documents which I desire to read and which will take a considerable time to read, and as I am getting somewhat tired, physically, I shall be glad to yield now.

Mr. LODGE. Very well. Then the Senator will continue in the morning?

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. LODGE. In pursuance of the notice which I gave, I shall call the bill up immediately after the routine morning business to-morrow.

INDIAN AGRICULTURAL SCHOOL AT WAHPETON, N. DAK.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 5356) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota. It is a very brief bill, and I desire it considered at this time, especially as we are going to consider the Philippine bill hereafter immediately after the conclusion of the routine morning business each day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that for the purpose of establishing an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, for the purchase of a suitable site and necessary farming land, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the erection of buildings and other improvements to adapt said school to the purposes of an Indian agricultural farm and stock-raising school, $100,000 be appropriated; and provides that only eligible Indian boys shall be admitted to the school, and that the course of instruction shall include principally practical instruction in farming, stock raising, and kindred pursuits.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 16, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1902.

UNITED STATES ATTORNEY.

George Randolph, of Tennessee, to be United States attorney for the western district of Tennessee. A reappointment, his term expiring June 7, 1902.

POSTMASTERS.

Newton L. Wilson, to be postmaster at Blocton, in the county of Bibb and State of Alabama, in place of Newton L. Wilson. Incumbent's commission expired March 31, 1902.

Thomas E. Campbell, to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona, in place of Frank E. Jordan. Incumbent's commission expires May 24, 1902.

John W. Magee, to be postmaster at Chico, in the county of Butte and State of California, in place of William W. Wilson. Incumbent's commission expired May 11, 1902.

Lilian W. Thomas, to be postmaster at Sausalito, in the county of Marion and State of California, in place of Lilian W. Thomas. Incumbent's commission expired May 5, 1902.

John W. Wilson, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado, in place of John W. Wilson. Incumbent's commission expires May 28, 1902.

Willis H. Letts, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in place of Willis H. Letts. Incumbent's commission expired February 1, 1902.

Zachary Taylor, to be postmaster at Colfax, in the county of McLean and State of Illinois, in place of Harvey L. Henline. Incumbent's commission expired February 23, 1902.

James H. Lincoln, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois, in place of James H. Lincoln. Incumbent's commission expired May 6, 1902.

Holly C. Clark, to be postmaster at Mount Morris, in the county of Ogle and State of Illinois, in place of Holly C. Clark. Incumbent's commission expired March 9, 1902.

George W. Dicus, to be postmaster at Rochelle, in the county of Ogle and State of Illinois, in place of George W. Dicus. Incumbent's commission expires May 19, 1902.

Richard Waring, to be postmaster at Abilene, in the county of Dickinson and State of Kansas, in place of Richard Waring. Incumbent's commission expires June 14, 1902.

William H. Mackey, jr., to be postmaster at Junction City, in the county of Geary and State of Kansas, in place of William H. Mackey, jr. Incumbent's commission expired May 5, 1902.

Ewing Herbert, to be postmaster at Hiawatha, in the county of Brown and State of Kansas, in place of Ewing Herbert. Incumbent's commission expired May 4, 1902.

James A. Tomlinson, to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky, in place of James A. Tomlinson. Incumbent's commission expires June 14, 1902.

Winthrop C. Fogg, to be postmaster at Freeport, in the county of Cumberland and State of Maine, in place of Henry C. Brewer. Incumbent's commission expired May 5, 1902.

Henry C. Connaway, to be postmaster at Berlin, in the county of Worcester and State of Maryland, in place of Henry C. Connaway. Incumbent's commission expired May 4, 1902.

Charles W. Farrow, to be postmaster at Snow Hill, in the county of Worcester and State of Maryland, in place of Charles W. Farrow. Incumbent's commission expired March 9, 1902.

Loomis K. Bishop, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan, in place of Loomis K. Bishop. Incumbent's commission expired May 5, 1902.

William W. Robey, to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota, in place of William W. Robey. Incumbent's commission expired March 22, 1902.

Howard C. Miller, to be postmaster at Grand Island, in the county of Hall and State of Nebraska, in place of William H. Harrison. Incumbent's commission expired May 5, 1902.

John R. Hays, to be postmaster at Norfolk, in the county of Madison and State of Nebraska, in place of Philip F. Sprecher. Incumbent's commission expires May 16, 1902.

John G. Wallenmeier, jr., to be postmaster at Tonawanda, in the county of Erie and State of New York, in place of John G. Wallenmeier, jr. Incumbent's commission expires May 28, 1902.

Christopher T. Bailey, to be postmaster at Raleigh, in the county of Wake and State of North Carolina, in place of Christopher T. Bailey. Incumbent's commission expired May 2, 1902.

Conrey M. Ingman, to be postmaster at Marysville, in the county of Union and State of Ohio, in place of Conrey M. Ingman. Incumbent's commission expired May 5, 1902.

Allan Graham, jr., to be postmaster at Ottawa, in the county of Putnam and State of Ohio, in place of Allan Graham, jr. Incumbent's commission expired March 30, 1902.

John S. Buchanan, to be postmaster at Ambler, in the county of Montgomery and State of Pennsylvania, in place of John S. Buchanan. Incumbent's commission expired May 12, 1902.

John Grein, to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania, in place of John Grein. Incumbent's commission expires May 28, 1902.

R. H. Armstrong, to be postmaster at Kaufman, in the county of Kaufman and State of Texas, in place of H. F. Peery. Incumbent's commission expires May 16, 1902.

John Bell, to be postmaster at Spearfish, in the county of Lawrence and State of South Dakota, in place of John Bell. Incumbent's commission expired January 10, 1902.

George T. Childs, to be postmaster at St. Albans, in the county of Franklin and State of Vermont, in place of George T. Childs. Incumbent's commission expires May 16, 1902.

Ezra M. Rogers, to be postmaster at Hartford, in the county of Washington and State of Wisconsin, in place of Ezra M. Rogers. Incumbent's commission expires May 24, 1902.

Robert A. Marks, to be postmaster at Oberlin, in the county of Decatur and State of Kansas, in place of Henry F. Leib, resigned.

Charles A. Crow, to be postmaster at Caruthersville, in the county of Pemiscot and State of Missouri, in place of Fred T. Jackson, resigned.

Holt F. Butt, jr., to be postmaster at Portsmouth, in the county of Norfolk and State of Virginia, in place of Samuel L. Burroughs, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1902.

CONSULS-GENERAL.

Thomas Nast, of New Jersey, to be consul-general of the United States at Guayaquil, Ecuador.

Soren Listoe, of Minnesota, now consul at that place, to be consul-general of the United States at Rotterdam, Netherlands, from July 1, 1902.

CONSULS.

Henry H. Morgan, of Louisiana, now consul at Aarau, to be consul of the United States at Lucerne, Switzerland, from July 1, 1902.

Benjamin Johnston, of Iowa, now consul at Utilla, to be consul of the United States at Ceiba, Honduras, from July 1, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Frank G. F. Wadsworth, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Walter S. Howland, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Frank M. Fisher, to be postmaster at Paducah, in the county of McCracken and State of Kentucky.

Fielding C. Elkin, to be postmaster at Lexington, in the county of Fayette and State of Kentucky.

William H. Harrison, to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky.

Willie E. Harp, to be postmaster at Jackson, in the county of Butts and State of Georgia.

John A. Wallace, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania.

Sherman H. Eagle, to be postmaster at Gallipolis, in the county of Gallia and State of Ohio.

George W. Huffaker, to be postmaster at Helena, in the county of Lewis and Clarke and State of Montana.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 15, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, the agricultural appropriation bill has been returned from the Senate. I ask unanimous consent that the House disagree to the amendments of the Senate and ask for a conference.

The SPEAKER. The gentleman from New York, chairman of the Committee on Agriculture, asks unanimous consent to take from the Speaker's table the agricultural appropriation bill, disagree to all the amendments of the Senate, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair announces the appointment of the following conferees: Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi.

CATHERINE F. EDMUNDS.

The SPEAKER laid before the House the bill (S. 1172) granting a pension to Catherine F. Edmunds, with House amendment disagreed to by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist on its amendment to the Senate bill and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURGESS, for two weeks, on account of important business.

To Mr. TOMPKINS of Ohio, until next Monday, on account of important business.

FURTHER DISTRIBUTION OF REPORTS OF SUPREME COURT.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5800) for the further distribution of the Reports of the Supreme Court.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the following-named officers of the United States, additional to those named in section 683 of the Revised Statutes, namely: Each Assistant Attorney-General; the Solicitor of the Department of State; the Comptroller of the Currency; the Commissioner of Internal Revenue; the Judge-Advocate-General, Navy Department; the Interstate Commerce Commission; the clerk of the Supreme Court of the United States; the marshal of the Supreme Court of the United States, and the attorney for the District of Columbia, one copy of each volume of the Official Reports of the Supreme Court of the United States, including those already published and those hereafter to be published, or a reprint of the same, or so many of said volumes as with those already in the possession of any of those officers will make a complete set; and he shall also distribute of the same reports to the law library of the Department of the Interior and the library of the Department of Justice each two sets, and to the marshal of said court, as custodian of public property used by same, three copies of said reports hereafter printed, for use in the conference room, the robing room, and the court room of said court for the use of the justices thereof, and to each United States circuit and district judge who has not already been supplied, one set; and he shall also distribute to each additional United States judge hereafter appointed one complete set of said reports, which shall in all cases be transmitted to their successors in office, and to the Clerk of the House of Representatives, to be distributed to and for the use of the committees of said House, ten complete sets of said reports.

SEC. 2. That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden, including the Indian Territory, to which they have not already been supplied under the provisions of the act of Congress approved February 12, 1889, one complete set of the Official Reports of the Supreme Court, including those already published and those hereafter to be published, or an exact reprint of the same, or such volumes as with those already furnished will make one complete set; and he shall also distribute to each and every place where a new circuit and district court may be hereafter established one complete set of said reports; and the clerks of said courts shall, in all cases, keep these reports for the use of the courts and the officers thereof: *Provided, however*, That no distribution of reports under this section shall be made to any place where the court is not held in a building owned by the United States, or where there is no United States officer to whose responsible custody they can be committed.

SEC. 3. That, beginning with volume 183, the publishers of the Decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the number heretofore supplied by law, 74 copies of each and every volume of such decisions, and they shall also deliver the 76 additional copies provided for in the act of February 12, 1889, heretofore delivered by the reporter of the Supreme Court, 25 copies of which shall be deposited in the law library of the Supreme Court.

SEC. 4. That the Secretary of the Interior shall likewise distribute to each United States judge to whom and to each place to which the Decisions of the Supreme Court are sent under the provisions of this act or of prior laws a copy of Digest of Supreme Court Reports brought as nearly as practicable to date.

SEC. 5. That such sum of money as is required to pay for the reports of the Supreme Court and for the digest, the delivery and distribution of which are provided for in this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That not to exceed $2 per volume shall be paid for such reports and $20 per set for such digest, the said moneys to be disbursed under the direction of the Secretary of the Interior, and the Secretary of the Interior shall include in his annual estimates submitted to Congress an estimate for both the current volumes of reports and the additional sets of reports and digest, the distribution of which is provided for in this act.

The amendments recommended by the committee were read, as follows:

Page 2, line 24, strike out the word "official."

Page 2, line 25, strike out the words "an exact" and insert in lieu thereof the word "a."

Page 3, line 2, after the word "set," insert "the judges holding such courts to select the edition of such reports to be supplied for such courts."

Page 4, lines 1 and 2, strike out all after "Reports," line 1, and insert in lieu thereof the following: "In four volumes, covering the decisions of said court to the end of the October term, 1898, such digest to cost not more than $20 per set.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. It is a long bill. It is almost impossible for us to know the particulars, and before consent is given I want to ask the gentleman if the Judiciary Committee have unanimously reported the bill?

Mr. LITTLEFIELD. The committee have unanimously reported the bill both at this and the last session. It simply provides for the completion of the distribution of the reports of the Supreme Court of the United States with digests.

Mr. RICHARDSON of Tennessee. I think we ought to have a full explanation of it. I do not want to object to unanimous consent, however, provided the gentleman can tell us what is in the bill.

Mr. LITTLEFIELD. It provides for the completion of the distribution of the reports of the Supreme Court of the United States to such courts as are not now provided with them and to be accompanied also by the digest; and it authorizes the judges of the court to select either the official edition or any other edition that they like of the Supreme Court reports. It also authorizes them to select either digest that they like of the Supreme Court reports. It furnishes about 75 new sets. The bill was rendered necessary by reason of the fact that there are a great many courts unprovided with them, and there are also various departments unprovided with them. The bill was unanimously reported in the last session and unanimously reported at this session.

Mr. RAY of New York. May I suggest to my colleague that it also provides sets for the various committees of the House that need them.

Mr. LITTLEFIELD. Yes.

Mr. RICHARDSON of Tennessee. I notice, if the gentleman will permit me, that this makes an open appropriation. I would be glad if the gentleman would explain that. The amount appropriated for the purposes of the bill is not set out. How much is it supposed it will cost? It is simply an open appropriation and no amount specified.

Mr. LITTLEFIELD. There is no appropriation in the bill, if I remember aright.

Mr. RICHARDSON of Tennessee. The language of the bill is "and an amount sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated" for the purposes of the bill.

Mr. LITTLEFIELD. About $40,000 covers the whole expense.

Mr. RICHARDSON of Tennessee. Forty thousand dollars?

Mr. SULZER. Mr. Speaker——

The SPEAKER. Does the gentleman from Maine yield to the gentleman from New York?

Mr. LITTLEFIELD. Yes, sir.

Mr. SULZER. I simply desire——

Mr. LITTLEFIELD. Just a moment. I desire to submit another amendment in lieu of the last amendment offered by the committee.

The SPEAKER. The first question is, Is unanimous consent given to the consideration of the bill? [After a pause.] The Chair hears no objection.

Mr. MADDOX. May I ask the gentleman a question?

Mr. LITTLEFIELD. Yes.

Mr. MADDOX. Does this provide for furnishing a copy, for instance, to the judge who presides at two or three different places? Do you propose to furnish it to the different divisions where the courts are held?

Mr. LITTLEFIELD. Yes. I will read the portion of the bill which covers that:

SEC. 2. That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden.

To each place.

Mr. MADDOX. Well.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York desires to ask the gentleman from Maine a question.

Mr. SULZER. Mr. Speaker, I ask to have the amendment reported.

The SPEAKER. The Clerk will report the amendment just sent to the desk.

The Clerk read as follows:

Strike out all on page 4, lines 4, 5, 6, 7, 8, 9, after "laws," on line 4, and insert in lieu thereof: "a copy of such digest now published, or in course of publication, of the Supreme Court Reports, in four volumes, covering the decisions of said court to the end of the October term, 1898, or a later period, and to cost not more than $26, as the several judges and officials shall select respectively."

In section 5, page 4, line 16, insert the word "six" between the words "twenty" and "dollars."

Mr. LITTLEFIELD. I will state to the gentleman from New York that this amendment is introduced to enable the judges and the various officials to select the digest they prefer. One digest, published by the Lawyers' Cooperative Association, provided for in the original amendment, costs $20, and another recently issued by another concern costs something like $26. The maximum is made $26, so that the judges can select the digest that they prefer.

Mr. SULZER. Mr. Speaker, I am in favor of this bill as amended, and I trust it will pass. I understand this amendment perfects the bill and meets with the approval of the judges of the Federal courts, and that they are in favor of this bill with this amendment. I hope the amendment will be adopted, and as amended that the bill will pass without division.

Mr. SMALL. Mr. Speaker, I desire to ask the gentleman from Maine a question.

The SPEAKER. Does the gentleman from Maine yield to the gentleman from North Carolina?

Mr. LITTLEFIELD. Certainly.

Mr. SMALL. At present, as I understand it, the reports of the courts of appeals of the several States are furnished to the Congressional Library and are in the law library. I desire to know if this bill under consideration provides for furnishing current copies of the United States Supreme Court Reports to the various State libraries in the several States?

Mr. SULZER. The law, I believe, substantially does that now.

Mr. LITTLEFIELD. It does not in terms refer to the State libraries of the various States. It only provides for the courts of the United States and the officials of the United States. This bill does not disturb the existing provisions of the law in that respect.

Mr. SMALL. The gentleman from New York says that the law does that now. I think he is in error as to that. The several libraries of the States are maintained usually in the capitals of the States and are a part of the library of the court of appeals, but they have to purchase the United States Supreme Court Reports. There is no existing provision of law for the distribution of those reports to the various State libraries.

Mr. SULZER. That is so—not all the State libraries.

Mr. LITTLEFIELD. This bill does not undertake to accomplish that. We only go so far as to provide for the United States courts and the United States officials.

The SPEAKER. The Chair will state that the committee amendments will have to be passed upon first, and then the amendment submitted by the gentleman from Maine.

Mr. LITTLEFIELD. I am authorized, Mr. Speaker, by the committee to submit this last amendment.

The SPEAKER. The question is on agreeing to the amendments recommended by the committee.

The question was considered and the amendments were agreed to.

The SPEAKER. The question now is on agreeing to the amendment offered by the gentleman from Maine by direction of the committee.

The amendment was considered and agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

HOMESTEADS IN THE UTE RESERVATION.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12796, providing for free homesteads in the Ute Indian Reservation, in Colorado.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the homestead laws be, and are hereby, extended over and shall apply to the lands included within the limits of the former Ute Indian Reservation in Colorado, in addition to the provisions of existing laws relating to cash entries thereon: *Provided*, That no selection or entry of lands in lieu of land included within a forest reservation or of soldiers' or sailors' additional homesteads shall be allowed within said limits.

SEC. 2. That all sums of money that may be lost to the Ute Indian fund by reason of the passage of this act shall be paid into the fund by the United States, and all moneys received by reason of the commutation of any homestead entry shall be credited to said Ute Indian fund.

SEC. 3. That no lands shall be included in any location or settlement under the provisions of this act on which the United States Government has valuable improvements.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. What does this bill propose to do?

Mr. BELL. Mr. Speaker, I would be glad to explain to the gentleman. When we passed the free-home bill, this and two or three reservations were supposed to come under the provisions of the act. The land offices took cases for almost a year, and then the General Land Office or Attorney-General decided that, this being set apart by special act, the general act did not reach it. A like bill from Washington has already been passed, and I believe this is the last one. The only thing this does is to permit homestead as well as cash entries on the Ute Indian Reservation, and while there is quite a little land in the reservation there are probably forty-nine fiftieths of it a part of a great range of mountains. There are some little parks, and there will be probably fifty or a hundred thousand acres taken under the homestead act.

Mr. CANNON. What is the size of the reservation?

Mr. BELL. The size of the reservation originally was about 12,000,000 acres, but this reservation is not in the plain part of Colorado, but in what is called the park and mountain chain region. Pretty nearly all of it is mountain, as it is in what is called the park system. There will be a million acres of mountain to 100 acres of park. Now, the most of this land that has been taken and will be taken is taken under the mining law and under the preemption, arid-land, stone, and timber acts. None of the cash-entry acts are disturbed. It simply gives the right of homestead on this domain which has never enjoyed homestead privileges.

Mr. CANNON. The United States bought this land from the Ute Indians?

Mr. BELL. Yes, sir.

Mr. CANNON. Has the United States paid for it?

Mr. BELL. The United States has paid for it, as the lands have been sold.

Mr. CANNON. Now, this legislation covers between one and two million acres of land——

Mr. BELL. Oh, no——

Mr. LACEY. Over 10,000,000 acres are involved.

Mr. BELL. There are 10,000,000 acres in the whole tract; but there is not one acre in a thousand that could be taken.

Mr. CANNON. But, as I understand, this legislation throws open 10,000,000 acres of land heretofore belonging to the Ute Indians, and under treaty, as the lands are disposed of, those Indians are to be paid. Now, this takes the whole 10,000,000 acres belonging to the Ute Indians and throws them open to homestead settlement, and makes the Government liable at once——

Mr. BELL. Oh, no; the gentleman is entirely mistaken.

Mr. CANNON. Well, how is it then?

Mr. BELL. The mineral lands and the lode claims are now entered at $5 an acre, while the Government pays only $1.25; and the coal lands, embracing many square miles—all of the coal lands of the Grand Junction, the Delta, the Gunnison, and the Durango countries—sell from $10 to $20 an acre, while the Government pays only $1.50. There will probably be ten claims taken in the future

under the stone and timber act, and possibly the preemption act, to 100 taken under the homestead act. There are only a few places where land can be taken as homesteads, by reason of the lack of water. It must be borne in mind that two great timber reserves, amounting to millions of acres, have already been taken out of this vast tract.

Mr. LACEY. About seventeen hundred thousand acres.

Mr. BELL. Yes. The lands taken by the Government as timber reserves are to be paid for at $1.25 an acre. The valleys where watered are now well settled and in the highest state of cultivation—land having already been taken under the preemption laws, under the desert-land act, and under the stone and timber acts. And there is no question that from five to six claims will be taken under the other acts, outside of the mining act, to one taken under the homestead act. The decision of the Government is that it has to pay nothing until the claim is actually proved up, I believe, and the Government will doubly recoup itself out of the mineral lands that are now selling from $5 to $20 an acre.

Mr. SHAFROTH. Let me make a suggestion in relation to the homestead entries. Not half of the homesteads that will be taken up under the provisions of this act will be free homesteads. The custom in that country is (and it pays the settler to do it) to live upon the land for fourteen months and then commute by paying $1.25 an acre. This has been almost invariably done in that part of the country up to the present time under the preemption act. There is hardly a chance that half of this land will be taken up at all, and not more than a twentieth part of it can be taken for homesteads. Not more than a half will be obtained from the Government free of charge.

Mr. BELL. Not one acre in a thousand.

Mr. SHAFROTH. Perhaps not that much.

Mr. CANNON. Under the treaty with these Indians, and as the law now stands, these lands are taken under the desert-land act and the stone and mineral land laws which the gentleman from Colorado [Mr. BELL] speaks of; and as the Government is paid for them, it pays the Indian——

Mr. BELL. One dollar and twenty-five cents an acre.

Mr. CANNON. And the Government does not pay the Indians until that is done.

Mr. SHAFROTH. And it will not under this bill, as I understand, until the land is located.

Mr. CANNON. Now, I want the attention of the gentlemen to this point. This bill proposes to make the homestead laws apply to lands in the reservations. Those laws do not now apply. Am I correct about that?

Mr. BELL. That is right.

Mr. LACEY. In answer to the gentleman from Illinois [Mr. CANNON], I will say that the free-home policy, which was in controversy in this House for so many years, was practically decided upon as to all or nearly all of the reservations, with the exception of this one, which would undoubtedly have been included at the time but for the fact that it was overlooked—not because of its size, because it was big enough to have been seen (for there are about 9,000,000 acres of it left), but it was overlooked because of the fact that there was a comparatively small amount of the land that anybody could live on as homestead land, and therefore it was not directly included in the free-home bill, and consequently under the terms of the original Ute act it was open to cash entry only; it was not included in the general free-home bill.

So, Mr. Speaker, the House will be surprised to learn that there are 9,000,000 acres of land there that could not be settled on under the homestead law at all, owing to the old Ute treaty. Now, by passing this law, placing those in the same category with the Sioux Reservation and with the forest reservations, to which the free-home law has heretofore applied, it will open this land. Although there are 9,000,000 acres of it in amount to be settled on, I do not believe the amount to be settled on will be very large. I wish the whole 9,000,000 acres could be settled, but only a small proportion of it can possibly be settled on as homesteads, because of the fact that it lies in the roughest part of Colorado.

Mr. BELL. Yes; it is right among the high mountain ranges.

Mr. CANNON. Then I understand of the 9,000,000 acres which is to be opened to homestead settlement the moment that is done by the homesteaders the United States is bound under treaty——

Mr. BELL. It pays for it when it is proved up on. Let me suggest to the gentleman, if he will allow——

Mr. CANNON. Certainly.

Mr. BELL. They will take 10 acres under the coal acts to 1 acre under the homestead act. Now, we know that, because there are the greatest coal fields in Colorado or in the West in Gunnison, Montrose, Delta, Mesa, Montezuma, Garfield, Pitkin, Routt, Rio Blanco, and other counties.

Mr. LACEY. They can do that.

Mr. SHAFROTH. That is $20 an acre.

Mr. BELL. The Government sells that at from $10 to $20 an acre and it keeps out all but $1.25. The great San Juan mines are in this region, the greatest in the West, and the Gunnison mines and the Aspen mines are all in this locality, but they sell all those lode claims at $5 an acre. All of the placer claims are sold at $2.50 an acre, and it only pays them $1.25. Now, we simply take it out of that, and I can guarantee there is not over 50,000 to 100,000 acres at the outside that can possibly be taken under homestead laws under present conditions. It is among mountain ranges.

The great Black Canyon and the Great Uncompahgre, San Juan, and other mountain ranges are there, and all of that mountain region comprising two parallel mountain ranges, with many short cross ranges with peaks going up among the clouds—the highest in the entire Rocky Mountains. There is just a little park here and there. I want to say, further, to the gentleman that nine-tenths of all the land that can be settled is now under a high state of cultivation under the preemption law, and most of our settlers who can be benefited are a lot of old men in there who have taken their preemption claims heretofore and would like to take homesteads. The poor fellows can take a few cows and go up in the mountains, get a homestead at some little stream, and they can live there and can make a living. This constitutes the demand for this act. The ordinary citizen will still take his land under the timber act and under the stone act, preemption, or arid-land act, because there is no water except just in the little stream here and there high up in the mountain, where homesteaders can graze their stock and grow a little hay and vegetables.

Mr. CANNON. Let me ask the gentleman another question. The gentleman admits that of these 9,000,000 acres now thrown open to homesteads there will be proved up a hundred thousand?

Mr. BELL. From fifty to one hundred thousand.

Mr. CANNON. And the title will go to the homesteader free?

Mr. BELL. Yes, sir.

Mr. CANNON. And the moment it does, the Government must pay the Indian under the treaty?

Mr. BELL. Yes, sir.

Mr. CANNON. A dollar and a quarter an acre?

Mr. BELL. Yes, sir; but from $2.50 to $20 per acre have already been obtained from these mineral and coal lands, out of which to repay it.

Mr. CANNON. Now, you have the whole thing in a forest reservation, have you not?

Mr. BELL. No; they have taken out a couple of million acres for forest reserves, against our protest—we did not want them; the Government wanted them.

Mr. CANNON. Now, in those forest reserves, these lands of the homesteader go into the forest reserve.

Mr. BELL. No; he can not touch it at all. The forest reserves are ten or twelve thousand feet above sea level.

Mr. LACEY. The gentleman will find, in line 6, an amendment offered by the committee: "not included in any forest reservation."

Mr. BELL. It does not touch the forest reservation. It is hard to get up to the Battlement Mesa Forest Reserve, on north side, horseback, and from south side by light wagons. Those are away up at the head of the stream, on top of the mountain ranges.

Mr. CANNON. Does this meet the unanimous approval of the Committee on Public Lands?

Mr. LACEY. I will say that it did.

Mr. CANNON. Is there not some other reservation we can get?

Mr. LACEY. I would be glad to find another one or two.

Mr. BELL. We have passed one already this session.

Mr. CANNON. I do not see my golden-haired friend from Nevada on the floor at this minute. If I did, I would ask him to sound a trumpet call in favor of the irrigation bill. [Laughter.]

Mr. BELL. He did that yesterday.

Mr. CANNON. I will say to my friend, for whom I have very great regard, that if I had understood what this was, I think I should have interposed an objection; but it was not interposed, and I am ready for the House to dispose of it.

Mr. BELL. We will reciprocate in the future.

Mr. CANNON. I want to say right here that the truth is we are engaged in making treaties with the Indians. I fancy that some legislation is now pending to extinguish Indian titles, and to buy 1 acre of good land, and in buying it to get half a dozen acres of that which is of no account, and to pay two or three prices for it, the land to be thrown open to free homes; and in ninety-nine cases out of a hundred the result will be that the free home will go to the man who wants a great range and has his access to water. The Treasury is heavily burdened, and the multitude in whose name all this is done are not accommodated. Sometimes when I see these things come trooping along, I am reminded of that exclamation of the celebrated French woman, "O Liberty, what crimes are committed in thy name!" And I think,

"O people, poor people, what crimes are committed in your name." [Laughter and applause.]

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

SUNDRY PAYMENTS FROM THE CONTINGENT FUND.

Mr. BULL. Mr. Speaker, by direction of the Committee on Accounts, I submit several resolutions, and ask that they be agreed to.

The SPEAKER. The gentleman from Rhode Island [Mr. BULL], chairman of the Committee on Accounts, by authority of that committee, calls up the following resolution:

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms of the House be, and hereby is, authorized to purchase and retain in his care an emergency case of medicine and suitable instruments for minor operations, for use in case of illness or accident to persons in attendance at the House, same to be paid out of the contingent fund of the House, in an amount not to exceed $500.

With the following amendment:

Provided, That said case and instruments shall be examined and approved by Representatives WILSON of New York, SHOWALTER of Pennsylvania, and BALL of Delaware.

The amendment was agreed to.

The resolution as amended was agreed to.

Also the following:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House to Mrs. Jessie A. Glenn, widow of William J. Glenn, late Doorkeeper of the House of Representatives, the sum of $2,514.93, being the balance of one year's salary, from December 1, 1901, and also the expenses connected with the funeral of said Glenn upon vouchers approved by the Committee on Accounts.

The resolution was agreed to.

Also the following:

Resolved, That the Clerk of the House is hereby directed to pay, out of the contingent fund of the House, the sum of $275 to such person or persons as may be designated by the chairman of the Committee on Rivers and Harbors for clerical services rendered to said committee during the present session.

The resolution was agreed to.

Also the following:

Resolved, That the Committee on Accounts be, and hereby is, authorized and directed to provide for the payment to the following conductors of the House elevator in the House wing of the Capitol, to wit, L. B. Cook, George Winters, M. F. O'Donnell, and S. A. Barnes the difference between $1,100 and $1,200 per annum from July 1, 1899 to July 1, 1902, as has been customary in the past under the deficiency bill.

In lieu of which the committee recommend the following substitute:

Resolved, That the Committee on Appropriations is hereby authorized to make provision in the general deficiency appropriation bill as follows:

To pay to the conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum, from July 1, 1900 to June 30, 1902, inclusive, each as follows:

L. B. Cook, $200; George Winters, $200; M. F. O'Donnell, $300; S. A. Barnes, $200; in all $800.

The SPEAKER. The question will be upon the substitute resolution.

The substitute was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 14046), and pending that motion I ask unanimous consent that the time for general debate be extended one hour. I do so upon the request of my colleague upon the committee [Mr. MEYER of Louisiana], who has charge of the time upon the other side of the House, in view of the fact that the House has already occupied a large portion of one hour in unanimous consents, which time we expected to occupy in general debate upon the bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14046, and pending that motion he asks unanimous consent of the House to extend the general debate until 4 o'clock to-day. Is there objection?

Mr. SHATTUC. Pending that question, I would like to ask the gentleman what time will that close general debate?

Mr. FOSS. At 4 o'clock this afternoon.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14046, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

Mr. FOSS. Now, Mr. Chairman, I desire to ask what is the situation as to time?

The CHAIRMAN. The Chair will inform the gentleman in a moment. [After a pause.] The gentleman from Illinois has two hours and twenty minutes remaining, and the gentleman from Louisiana one hour and eight minutes.

Mr. FOSS. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Chairman, I want to speak for a moment upon a question to which I presume the attention of every member of the House has been called, not only by the able arguments made on the floor on yesterday, but by the continuous appeal to members through the medium of the post-office, touching the question of the construction of battle ships and other ships of the Government in the navy-yards of the country. The matter has assumed such a shape that while I do not feel inclined to go to the full extent that was insisted upon by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], I do believe that the time has come when there ought to be a careful investigation of the subject-matter of this controversy made in order that the exact facts can be obtained.

I do not believe—and indeed I was gratified to hear the position of the gentleman from North Carolina—I do not believe that the members of this House would be carried away by any appeals that might be made to them to undertake to build the future Navy of the United States in the navy-yards if it was to cost a material and considerable sum greater, after the permanent establishment of the work in the navy-yards, as compared with the work under contract. Indeed, I understood the gentleman from North Carolina to say that if upon full investigation it became satisfactorily established that the cost to the Government was much greater—I do not know that he made any percentage—he would not favor the proposition. Now, my proposition is that we do not take all the ships at this time and undertake to construct them in the navy-yards, because I recognize that sort of thing would not be a satisfactory test of the relative cost under the one system or the other system.

What I would like to see would be such authority given to the Secretary of the Navy as would enable him to construct in a navy-yard—and I assume it would be in the best navy-yard fitted for the purpose—one battle ship, one armored cruiser, and one or more gunboats, and let by contract to the best bidder in the United States an equal number of the same class of vessels, and thus ascertain by the best method possible the relative cost of the two propositions. I did not listen to the whole debate, but I have heard it stated very often that the Secretary of the Navy would not be able to ascertain these facts. I do not believe that. I believe that a condition of facts sufficient to guide the future action of the Government can readily be ascertained through the Navy Department, and I assume that there will be no discrimination or any attempt by unfair reports to prevent the ascertainment of the cost. I take it that the Navy Department will be very willing to build ships themselves if they can do it as cheaply and as well in all respects as if it were done by private contract.

Now, it is said that there are some elements that enter into the building of a ship by the Government that do not enter into the cost of a ship constructed by a contractor, and that those elements can not be ascertained and measured. I admit that that can not be done to an absolute mathematical demonstration to a dollar, but I believe it can be told near enough. The question of administration ought necessarily to enter into the construction of a ship by the Government in a navy-yard. The salaries and expenditure of money for inspectors and constructors and whatever else there may be, and if there is a greater expenditure of money in the Government navy-yards than in a private shipbuilding yard, that is a question for ascertainment by the Secretary of the Navy.

Now, Mr. Chairman, if I estimate the character of the new Secretary of the Navy correctly, and I think I do, after the time that he has been a distinguished member of this House, I do not believe that the problem that would thus be submitted to him would be one difficult of accomplishment. I think I know enough of the mind of Mr. Moody to know that he would not fail in the ascertainment of this question. He is a man of the highest character, full of true ambition, clear-headed, and thoroughly capable. Those of us who know him well feel the greatest confidence in his ability to give us the facts we need for the correct solution of this problem.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FOSS. I yield the gentleman more time.

Mr. GROSVENOR. I do not care to occupy it.

Mr. TAYLER of Ohio. I merely would like to ask the gentleman a question.

Mr. FOSS. I yield five minutes more to the gentleman from Ohio.

Mr. TAYLER of Ohio. If I understood the gentleman, he said that he favored in this bill a provision for the building of one battle ship or one armored cruiser and one gunboat in the navy-yards.

Mr. GROSVENOR. One or more gunboats as would make as complete and as perfect a test as the genius of the Department could bring about.

Mr. TAYLER of Ohio. The gentleman understands that this bill provides that one battle ship or one cruiser only shall be built in the Government yards, and that as for the other five the Secretary of the Navy shall have the discretion whether they shall be built there or by contract.

Mr. GROSVENOR. Certainly, I am aware of that. But I would provide that this test should be made; I would stipulate it in the bill. I do not propose to offer an amendment to the bill, because I never do anything of the kind when a bill of this character has been prepared at the expenditure of so much time and study by so able a committee as this. I only rose to impress upon the committee that, in my judgment, there ought to be a test; and if the bill already provides sufficiently to justify the Secretary of the Navy in making this ascertainment, why that is quite sufficient for my purpose. I want to have the question tested once and forever, or as near forever as it is possible to get results to project themselves forward in the knowledge and judgment of the people of the country.

Mr. TAYLER of Ohio. But I do not understand the gentleman to set his face in favor of saying that the bill shall provide that one-half of these vessels shall be built in the navy-yards?

Mr. GROSVENOR. Not at all. I only want to provide that a test shall be made, and a fair one, and that the ascertainment shall be complete. Now, Mr. Chairman, I desire to renew my request to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Chair desires to state that in the hasty computation of time a slight mistake was made. The gentleman from Louisiana has fifty-five minutes, instead of an hour and eight minutes, and the gentleman from Illinois has one minute more.

Mr. FOSS. Mr. Chairman, I yield fifteen minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Chairman, the liberal provision the committee has made for Puget Sound Navy-Yard and its development is very gratifying to our people. We have felt heretofore that we have been neglected by the committee. We have felt that the neglect was due to lack of information, probably, relative to the conditions in our country, and it is rather amazing to us to find out the lack of information, or rather the misinformation, that individuals have with reference to the Puget Sound country.

This is not confined to any particular class. The ideas of many high in authority are really surprising and, in many cases, ridiculous. Many members of Congress seem to have erroneous ideas as to the State of Washington, its climate, and productions. What shall we say of a great statesman, who had traveled all over the world, who, at Seattle, looking out on Puget Sound, which stretches away to the sea through a channel from 3 to 20 miles wide and from 300 to 1,500 feet deep, asked, "Can large vessels get from here to the sea?" How amusing it is to have a Congressman ask, "How can you stand the cold out there?" when the thermometer never gets in sight of zero. I was urging upon one of our high naval officers some matters in relation to the Puget Sound Navy-Yard, and he innocently asked, "Have you any dry dock there?" Such a question seemed to me hardly excusable, when the fact is that we have the only dry dock on the Pacific coast in which a battle ship has ever been docked. To the members of this committee who care to listen I shall try to give some little information relative to our navy-yard and Puget Sound.

Puget Sound is the term or name given to the tree-like projection of the Strait of Fuca within the limits of the State of Washington. It applies to no single body of water, but includes all the bays, gulfs, straits, sounds, and inlets into which the strait divides. Its shore line, including all its windings and circlings, is almost 2,000 miles in length. Its channels are deep enough to float the largest battle ships. Its harbors are almost countless in number, spacious in extent, of sufficient depth for the largest ships, and in many cases landlocked. It is destined to become the greatest commercial port on the Pacific and probably in the world. Upon its bosom might float the vessels of the world's commerce and all the naval armanents of earth without crowding. It is near Alaska. It is on the nearest route to the Orient. Upon its shores are the terminals of three great transcontinental railway lines connecting with great ocean steamships to China and Japan, and the time is not far distant when, under proper encouragement, the greyhounds of commerce will leave here for all ports of the world.

Bordering its shores are the greatest lumber forests in the United States. In the near-by mountains are inexhaustible stores of coal and iron awaiting the touch of our civilization. Fish of all kinds sport and glisten in its limpid waters, and the "lordly salmon" delights the fisherman and feeds the world.

Its surface is like liquid glass or, when the sun is low in the west, molten gold. Seldom is it ruffled by the passing wind, save in its main channels. Its arms and channels encircle emerald isles of surpassing productiveness and beauty. Its shores are fringed with evergreen forests or rise abruptly in towering cliffs crowned with lofty fir and majestic cedar. In its limped depths are photographed the God-throned Olympics and the towering Cascades, whose lofty crests are frosted with the snows of the eternal ages and around whose cloud-piercing summits the mists of the sky lovingly linger as if to catch the first kiss of the early morning or to hold in loving embrace the halting rays of fading twilight.

The Puget Sound Navy-Yard is located on Sinclair Inlet, one of the bays of this beautiful body of water. It is about 125 miles inland from the mouth of the Strait of Fuca and about 15 miles from Seattle. There are two entrances from the main channel of the sound or from what is called Elliott Bay, the harbor in front of Seattle—Agate passage to the north and west of Bainbridge Island and Richs passage to the south. Agate passage is quite narrow and more than 11 miles in length. Richs passage is about 3 miles long and nowhere more than 1,500 yards wide, and at the throat, for a distance of about a mile, it is only about 700 yards wide.

The selection for a site for a navy-yard on the North Pacific coast was provided for in an act of Congress passed in 1888. A commission was appointed, consisting of Capt. A. Mahan, Commander C. M. Chester, and Lieut. C. A. Stockton. After a careful investigation they selected the present site of the yard, Port Orchard, or Bremerton. In 1890 another act of Congress was passed providing for another commission, this one being composed of Capt. T. O. Selfridge, Col. George H. Mendell, Corps of Engineers; Hon. F. C. Platt, Hon. R. W. Thompson, and Lieut. A. B. Wyckoff. This commission, after a very careful investigation, selected the same site.

Secretary W. C. Whitney, in his instructions to the first commission, gave them the requirements of a good site for a navy-yard, and to these I want to call your attention in detail.

First. A situation upon a good harbor of sufficient depth and accessibility for vessels of the largest size and heaviest draft.

This requirement could not be met better than by the harbor at the Puget Sound Navy-Yard. The channels leading to it are deep enough to float vessels of double the draft of our greatest battle ships at any and all times. In the harbor itself there is room enough to float the entire Navy in water ranging in depth from 5 to 10 fathoms at mean low tide.

In this connection I want to notice a statement made by Admiral Melville in his testimony before the Naval Committee which is susceptible of misconstruction. Referring to the depth of the channels at Mare Island and at Puget Sound, he was asked by Mr. DAYTON: "Do you have any idea of the depth of the channel there?" meaning Puget Sound. Admiral Melville: "No, sir; there is difficulty at Puget Sound because they can not anchor there. It is too deep. It is not safe to anchor in more than 25 fathoms of water. A modern sailor does not like to anchor in more than 10 fathoms or 60 feet."

This is true to a great extent of the main channels of Puget Sound. Sinclair Inlet, the harbor of our navy-yard, however, complies exactly with Admiral Melville's specification. An examination of the Coast Survey chart shows, as I stated above, that the depth of the water in front of the navy-yard clear across the channel does not exceed 10 fathoms. The harbor is almost absolutely landlocked, and shipping in the harbor is never disturbed, even during the most violent gales. I have no doubt but that each member of Congress has received a card upon which is printed an editorial from the San Francisco Chronicle of Friday, February 7, 1902, entitled "Puget Sound bamboozling Congress." This editorial charges that we are endeavoring to build up Bremerton Navy-Yard at the expense of Mare Island. This is absolutely untrue. We are not making a fight upon any place. We depend upon our own advantages, and do not desire to build up by tearing down others. As a matter of fact, the fight has been waged by the other fellow, and I have no doubt but that he is stimulated

by the progress we are making and from the fact that our advantages and superiority are becoming known to members of Congress. In this editorial the following appears:

The superiority of Mare Island Navy-Yard over any point of Puget Sound can not be questioned. Whoever heard of a ship being wrecked in Mare Island waters during any kind of weather? It would not be prudent to ask that question as to Puget Sound. Seattle and other Sound ports furnished the country very recently with the spectacle of ships wrecking themselves at their wharves during one of those gales which they are liable to experience at almost any season of the year. They have, in fact, not yet recovered from the effects of the late storm which swept the waters of the Sound.

Right here we recall the old saying that "those who live in glass houses should not throw stones," for the ink had hardly dried on this editorial when the following appeared in the Washington Post of February 26, not as an editorial, but as an item of news, and no doubt sent out by the Associated Press:

SAN FRANCISCO, *February 25.*

One of the heaviest southwest storms that has been experienced in many years struck this city this morning. The wind attained great velocity, blowing 45 miles an hour in the city, while at Point Reyes it reached 60 miles at 7:30 o'clock. Ships dragged their anchors or broke their moorings at their docks, a fishing boat was capsized, the telephone and electric wires were down, and awnings, shade trees, and fences were wrecked, and pedestrians were greatly inconvenienced.

Telegraphic communication with the outside world was cut off. The full force of the storm was felt on the bay, and the bar was so rough that vessels were unable to leave port.

North of the ferries craft of all sorts were tossed about like egg shells. The violent south wind stirred the bay into a rolling, tempestuous sea, against which anchors were almost futile. Swell after swell, each apparently heavier than the one preceding, pounded the vessels from the southerly direction and sent them drifting in dangerous proximity to one another, drove them close to the piers and to the islands, and kept the towboats busily engaged in efforts to prevent disaster.

TRANSPORT AT STORM'S MERCY.

The transport *Solace*, with nothing but 300 tons of coal to keep her down, broke from her anchorage off Beale street and careened about the bay like a drunken sailor. She drifted broadside on until a collision with the Government steamer *Albatross* seemed imminent, but she veered off in the nick of time. The wind and the swell caused her to drift helplessly, sending her finally toward the transport wharf at Folsom street. The officers of the service gathered on the pier, fully expecting the *Solace* to crash into the wharf. Fortunately, the direction of the swell carried the transport around until she just cleared the buffer and swung out into the stream.

The transports *Hancock* and *Rosecrans*, which arrived from Manila last night, remained in the stream. No effort was made to land their passengers.

The San Francisco light-ship, *No. 70*, located 7 miles from Point Lobos, parted her moorings during the height of the storm and was soon drifting toward the harbor, which she finally made. At the time she went astray the wind was blowing at the rate of 70 miles an hour. Three three-story houses were blown down in the Mission district.

Mr. DAYTON. Will the gentleman allow me to ask him a single question?

Mr. JONES of Washington. Certainly.

Mr. DAYTON. I would like to ask the gentleman if he has any idea where this vast amount of misinformation comes from with reference to Puget Sound and Mare Island?

Mr. JONES of Washington. Well, I could not say about that. This card, I think, was sent out by the Vallejo Chamber of Commerce.

Mr. DAYTON. Does the gentleman know what that organization is; of what it is composed?

Mr. JONES of Washington. Now, I do not say that this windstorm touched the Mare Island Navy-Yard, or affected the shipping there, but I have just as much right to say it as the San Francisco Chronicle had to conclude that any storm we might have on Puget Sound would affect our navy-yard. We do not deny that we have storms on Puget Sound. I doubt, however, if we have them as often as they do on San Francisco Bay. We do not have them at all seasons of the year, as charged in this editorial. In fact, we have them but seldom. We did have a severe storm there the 1st of January, but its severity was felt only along the main channels of the sound and did not affect the harbor at our navy-yard, as will be seen from this simple statement from a letter received by me from the commandant of that yard under date of January 28, 1902, and before this editorial was written. This is the statement:

I suppose you have seen in the papers about the blizzard here. A good deal of damage was done in all the sound cities except here, where not a cent's worth of damage was done to any vessel or anything else on the water front. Small rowboats took men from the yard in smooth water, and the harbor was smooth, being sheltered by the surrounding hills. It was a strong illustration of what a perfect harbor is.

This is certainly a very complete answer to this charge.

There is abundance of room on the Pacific coast for two navy-yards, the distance being from eight to nine hundred miles between Puget Sound and San Francisco. There is and should be no fight between us and Mare Island, and there will be none, unless they begin it. We will not misrepresent them; we will not even refer to some matters of truth, if they stop misrepresenting us. We will present our advantages without any reflection upon them. Let them present theirs. We invite and welcome personal investigation upon the part of the officers of the Government and visits from members of Congress, feeling that every visit will make us warm and enthusiastic friends in the future as in the past.

Second. A favorable position with regard to the principal lines of defense.

No more favorable position could be found than ours. The principal line of defense is at Port Townsend, 50 or 60 miles down the sound from our location, and is almost impregnable.

Third. A local security from water attack, due to position and natural surroundings.

This yard is absolutely impregnable. It can not be attacked with any degree of success by dash or bombardment. As I have said, the entrances to it are narrow and can be easily mined. The outer defense is almost impregnable, but even if this should be passed by an enemy's vessels, the fortifications at the entrance to the channels leading directly to Sinclair Inlet, together with mines, would render their passage impossible, and without entering the harbor vessels could not approach nearer than 7 or 8 miles to the harbor. They would then have to bombard it as an unseen object, with high hills intervening, and at the same time be subjected to the plunging fire from batteries on the surrounding hills, not more than 2 miles away.

As the commission states in its report, Port Orchard, or Sinclair Inlet "is the citadel of Puget Sound. More favorable conditions of position and natural surroundings against naval attack under the supposition that the principal line of defense to Puget Sound being forced can rarely be found."

Fourth. Ample water frontage of sufficient depth and permanence, and with currents of moderate rapidity.

The frontage on Sinclair Inlet is a mile and a half long, with sufficient depth for the largest vessels afloat. This, with the water front on the entrance to Dyes Inlet—which can be used for lighter vessels—gives a water frontage of 6¼ miles. In Sinclair Inlet there is practically no current. Instead of an ebb and flow tidal current there is simply a rise and fall of the water.

Fifth. A favorable position with respect to the lines of interior communication (by rail or otherwise) with the principal sources of supplies.

The position of the yard in this respect is not at the present time as good as desired. It is on the west shore of the sound and communication with the principal sources of supplies must be by water. This is a very slight inconvenience, the distance from Seattle being only about 15 miles, and boats ply regularly between the yard and Seattle. This inconvenience is common to many other yards. The yard is on the mainland, however, and the prospects of railroad communication in the near future are most excellent.

Sixth. That the character of the ground shall be suitable for the construction of excavated docks and basins and for heavy structures.

Experience has demonstrated that this yard possesses this requirement in a remarkable degree. Since the completion of its dry dock there have been docked the battle ships *Oregon*, *Iowa*, and *Wisconsin*, together with many other smaller vessels, and the dock has not varied in depth the one-thousandth part of an inch. I doubt if this record can be equaled by any other dock in the country. The *Oregon* has been docked here two or three times, and the *Iowa* has been in the dock an equal number of times. These trials have demonstrated beyond cavil or question the perfection of our site in these particulars.

Seventh. Proximity to centers of labor and supplies of material.

Within 30 miles there is a population of about 250,000 people from which labor can be drawn. Seattle, with her 100,000 people, is within an hour's ride, and Tacoma, with 50,000 people, is within two hours' ride. We have no trouble about securing labor, and that too, of the very highest order.

I notice that Admiral Melville, in his testimony, says: "Mare Island has one great advantage, however; it is near a great city where you can get mechanics." There are almost 200,000 people as near our yard as the city of San Francisco is to Mare Island. When I visited our yard last summer there were over 3,000 applications for work on file. There is, and will be, no trouble whatever about labor. So far as supplies of material are concerned, we probably are better located than any other point on the Pacific coast. The yard is in the very heart of the largest and best lumber forests in the United States. Coal is found in abundance in near-by mines. Three transcontinental lines have access to Puget Sound, so that our communication with Eastern points is first class.

Eighth. Healthfulness of the climate and its suitability for out-of-door labor.

Our climate can not be surpassed in the world either for healthfulness or outdoor work. Many think that our climate is very severe. No greater mistake than this, however, could be made. The warm Japan current tempers our winters and the ocean breezes temper our summers. Comparing Seattle—and this will apply to our navy-yard—with Washington City, we find that last

year the minimum temperature at Seattle was 28° above zero, while the minimum temperature for Washington City was 7° above zero. The maximum temperature last year at Seattle was 87° above zero, while the maximum for Washington City was 102° above zero. I will submit with my remarks a statement showing the maximum and minimum temperatures of Seattle and Washington City during each month of the year 1901, from which will appear at a glance the character of our climate, summer and winter. Many, too, have the idea that we have a great deal of rain on the sound. I shall submit a statement showing the amount of rainfall at Seattle from 1892 to 1901, inclusive, giving the monthly rainfall and the total yearly rainfall, which is much less than that of Washington City.

The total number of cloudy days at Seattle in 1901 was 119; at Washington City, 148. The cloudy days at Seattle were 150 and at Washington City 121; partly cloudy at Seattle 96, and at Washington City 96. Days on which it rained at Seattle, 152; Washington City, 110.

In the summer men can labor all day long without any inconvenience, and the nights are cool, thus insuring refreshing sleep, "tired nature's sweet restorer." It is the general opinion that the winter months are really the most healthful of the year. It therefore would appear that the Government can get more for its money by way of labor than at any of its navy-yards on the Atlantic coast.

Ninth. The existence in the vicinity of an ample supply of good, potable water.

This requirement is well met at this yard. An official measurement shows the supply of water to be over 800,000 gallons per day. In addition to the present supply, Lake Kitsap is located about 3 miles away and its waters can be brought to the yard at very slight expense. I venture the assertion that there is no yard in the United States that comes more nearly complying fully with the many requirements for a suitable site for a navy-yard than does that on Puget Sound. I desire to submit some of the testimony given before the Naval Committee.

Admiral Kenney was asked this question by Mr. Dayton:

What is your opinion in regard to Puget Sound? Is it not calculated as the best station on the coast?

Admiral KENNEY. It is the best station in the world, and has every natural advantage.

Mr. LOUDENSLAGER. It has splendid water?

Admiral KENNEY. Magnificent water, and is perfectly protected. Everybody who has been out there is delighted with the place, and they say that the Almighty Himself could not have planned a better location than that.

Mr. LOUDENSLAGER. Are there any conditions that surround it that are not favorable?

Admiral KENNEY. I never heard of any.

Mr. LOUDENSLAGER. Do those general fogs that occur there interfere in any way?

Admiral KENNEY. I think not.

Mr. LOUDENSLAGER. Some portions of that coast have a regular fog every day?

Admiral KENNEY. I never heard it mentioned.

It will surprise our people to know that "there are portions of our coast where they have regular fogs every day." We certainly have not explored that coast yet, and I believe that it would be very difficult to convince some of the members of Congress who had the pleasure of visiting Puget Sound last year that we even have any rain there. If Mr. LOUDENSLAGER will only visit us this summer we will convince him of his error. We have some fogs, it is true, but none to cause us any trouble or inconvenience. The following statement was given by Admiral Melville, who has personally visited and inspected our navy-yard:

Mr. DAYTON. You visited that plant last year. Would you kindly give us your impression of the conditions of Puget Sound, and the possibilities of that station, and its importance?

Admiral MELVILLE. From a strategic point of view I think it is the most important on the Pacific coast. It is close to the English possessions, and they have a big naval station at Esquimalt. It is well in from the sea, there is deep water in all directions, and it is easily defended. Fortunately, the gulf stream of Japan keeps the water warm. A great many people have a mistaken idea about that. They are under the impression that everything freezes up, but it is not so. It is the shortest line for navigation between the United States, China, Japan, and the East Indies.

Mr. DAYTON. Is it closer to Alaska?

Admiral MELVILLE. Yes; it is right near Alaska.

Mr. DAYTON. What is your impression about the expenditure of money there?

Admiral MELVILLE. I think it is one of the best expenditures of money made anywhere. These works are laid out nicely. No work has been done there which will have to be done over, as has been the case at some places.

Mr. DAYTON. It is economical?

Admiral MELVILLE. For some time to come it will probably be necessary to keep the largest number of our war ships on the Pacific Ocean. There is work for the war ships to do, patrolling the Bering Sea, surveying around the Hawaiian Islands, and patrolling the islands of the Philippines. We should therefore have two navy-yards on the Pacific coast, for an exigency might arise when the shops at both places will be of great military importance. Millions of dollars have been spent at Mare Island, and now the yard is getting in pretty good shape. To keep the Mare Island establishment up to modern requirements more money will have to be spent there. There is an immediate necessity, however, to build up the Puget Sound station. These stations are several hundred miles apart, and each will have a work to do.

The demands of each establishment are independent of the other. By having two navy-yard plants on the Pacific coast a friendly and spirited rivalry may be created between them, which may result in good to the naval service. I am rather inclined to believe that it would be good policy to send some of our ships from Asia to the Pacific coast whenever they required extensive repairs. The journey across the ocean would accustom the crews to seagoing conditions, and the time would by no means be lost that would be taken in making the journey. If such policy were inaugurated, there would be plenty of work for both dockyards, and the large amount of money now expended at the English dockyards would then be expended at home.

The channel at Mare Island is rather narrow and sometimes you can not turn a ship around. Mare Island has one great advantage, however; it is near a great city, where you can get mechanics.

Mr. LOUDENSLAGER. Vessels can turn around lower down?

Admiral MELVILLE. Yes.

Mr. WATSON. Has not that channel been filling up?

Admiral MELVILLE. Yes; that has been brought about by the hydraulic work in the mines above, at Sacramento.

The CHAIRMAN. What boat did we use when we were going up there?

Admiral MELVILLE. It was the *McCullough*, drawing about 18 feet.

The CHAIRMAN. They were sounding all the way up.

Admiral MELVILLE. They always do that as a matter of protection. Any navigator, whether merchantman or naval, even if he knows the shore, will do that, because if he meets with an accident the question will be asked, "Did you use the lead?" He might strike a rock, and if he did not keep his lead down it would be considered reprehensible.

Mr. DAYTON. That is not the case through Puget Sound.

Admiral MELVILLE. No.

Mr. DAYTON. Do you have any idea of the depth of the channel there?

Admiral MELVILLE. No, sir; there is difficulty at Puget Sound, because they can not anchor there. It is too deep. It is not safe to anchor in more than 25 fathoms of water. A modern sailor does not like to anchor in more than 10 fathoms, or 60 feet.

Mr. DAYTON. Did you examine the dry docks at Puget Sound?

Admiral MELVILLE. They are elegant dry docks.

Mr. DAYTON. They will accommodate the largest vessels?

Admiral MELVILLE. The largest on the Pacific coast.

Mr. DAYTON. Such as the *Wisconsin* and *Oregon*?

Admiral MELVILLE. They were sent there to have their keels put in because there was no other dry dock on the Pacific coast to put them in. That was before we got our shops going. I think it is the consensus of opinion in the Navy, from the Secretary down, that we ought to build up that station. My own opinion about Mare Island is simply to complete our present plans there. It would be a good place to take small ships, but that navy-yard should be put in first-class condition in every respect.

Mr. DAYTON. I was impressed with the advantage of Puget Sound or Bremerton. It impressed itself strongly on my mind because the water ran deep near the shore and there was no necessity for sea walls.

Admiral MELVILLE. That is right; but we must have wharves. We can not lay a ship alongside of the beach.

Mr. DAYTON. You can run out piling?

Admiral MELVILLE. Yes. My idea is that will be one of the greatest stations we have.

Relative to this yard Admiral O'Neil testified as follows:

Mr. DAYTON. Have you any opinion as to the value of that yard?

Admiral O'NEIL. It is a very promising place and likely to become one of great importance.

Mr. BUTLER. Is it desirable?

Admiral O'NEIL. Very.

Mr. BUTLER. Has it good water?

Admiral O'NEIL. Yes; and a very fine site. It has a fine climate. It is well located and requires no dredging. It is an ideal spot for a navy-yard.

Mr. DAYTON. The Puget Sound Navy-Yard will make the finest in the world, although it might be enlarged, because it was started too small.

I am rejoiced that the Naval Committee recognizes the importance and the advantages of our navy-yard, and think they have been most liberal in the present bill in providing for its development. It has been neglected in the past because its importance and advantages were not known and realized. For every dollar expended at this yard the Government will receive a dollar in return. The total appropriations for the yard up to and including 1901 were $1,643,663.59. This includes the appropriation for the establishment of the yard and the building of the dry dock. From 1890 to 1901, inclusive, there has been expended at the New York Navy-Yard $15,253,091.33, and the yard was established long before 1890.

At Philadelphia the expenditures for the same period have been $5,701,481.96. At Norfolk, Va., the expenditures have been $6,512,763.77; at Boston, $4,854,038.15, and at Portsmouth, N. H., $2,747,597.24. At each of these places the expenditures have been many times the total amount appropriated for our yard, including its original cost and the original cost of the dock. It must be remembered that all these yards were provided for long before 1890, and these amounts have been appropriations for their improvement and maintenance alone. The only yard, aside from ours, for which I have secured the total appropriations since, and including the establishment thereof, is Mare Island, and the total appropriations for this yard since its establishment in 1854 have been the sum of $17,419,805.24. The value of the real estate, chattels, and machinery plant at Mare Island on June 30, 1901, was for real estate and chattels, $5,387,301.86, and for machinery, $660,146.49. At our yard the value of the real estate and chattels on said date was $941,993.80, and of the machinery, $255,122.21. These figures need no comment from me.

As I have said, our dry dock has proved to be one of the most valuable and successful in the country. It has been tested many times by the heaviest battle ships afloat. These tests have been withstood perfectly, and practically no repairs have been required. Its cost as compared with the cost of most of our other docks is remarkably low, as will appear from the following statement fur-

nished me by the Navy Department, to which I invite the careful attention of the members of this House:

Cost or contract price of docks, United States Navy.

	No. of dock.	Material of construction.	Length.	Cost or contract price.
			Ft. In.	
Portsmouth, N. H.	2	Granite and concrete	750 0	$1,089,000.00
Boston, Mass.	1	Granite	593 2	972,717.29
Do	2	Granite and concrete	750 0	1,016,400.00
New York, N. Y.	1	Granite	669 3	2,005,498.05
Do	*2	Concrete	470 7	595,019.24
Do	3	Wood	668 7	554,707.08
League Island, Pa.	1	Wood and concrete	500 0	548,700.00
Do	2	Granite and concrete	750 0	1,133,592.77
Norfolk, Va.	1	Granite	332 5	943,676.00
Do	2	Wood	500 0	504,980.75
Port Royal, S. C.	1	do	495 0	521,599.89
Mare Island, Cal.	1	Granite	517 0½	2,772,332.08
Puget Sound, Wash.	1	Wood body with masonry entrance.	650 5½	632,636.33

*This dock is being reconstructed.

Mr. Chairman, I am in full accord with the policy of this committee. I believe in building up the naval establishment of this country, especially the navy-yards and the Navy itself. The country is in favor of this policy, and any advance will be hailed with delight throughout the nation. We want a strong and powerful navy. In my judgment, and in this I speak for myself alone, we should have a navy the equal, if not the superior, of any nation on earth, England not excepted. Our position in the world's affairs to-day demands this. I do not agree entirely with those who date our being a world power from the Spanish war.

We were a world power before that. Our wonderful growth and development had placed us in the front rank of nations. We held our own immense market and were invading the world's markets in every quarter, and the nations of the earth had begun to recognize us as a factor that must be reckoned with so far as commercial and trade relations were concerned. As a political power and world factor we were not of the first rank; in fact, we were but little considered. From this standpoint we were sneered at, and it was expected in many quarters that we would suffer severe loss in our war with Spain, though our ultimate success was admitted. That war opened the eyes of all nations, and since its conclusion we are considered in the world's politics as never before. We are in the arena of the world's politics whether we will or no. Our flag is respected everywhere. The day of isolation is gone, and in its stead are great and weighty questions to be faced and solved. We must do our part in the world's great battle of progress and civilization.

We hope no war will come to us. The greatest conservator of peace is to be prepared for war. On the land we are ready. We do not need a great standing army. Twenty-five thousand regulars are enough in this country to-day, leaving out the Philippine matter. The bulwark of our defense on the land is that great body of sturdy yeomanry, the volunteers, that has shown itself equal to the greatest trial that can come to any nation. On the land we can defy the world and conquer. On the sea we have no defense except what we may provide. We must not invite attack by our weakness. We have possessions that are most inviting to other nations. They would be the first and probably the only object of attack in case of war, and however much some may desire to get rid of these possessions, there are none who would not resist to the last any attempt of another nation to take them by force. We may wish to give them up, but we will not have them taken from us. To guarantee our own security, to be sure of solving these problems in our own way and in our own time, we should be in a position on the sea that none will dare attack.

It will be money well spent if we do nothing more than place our flag in every port of the world, even though it may be on a warship on a peaceful mission. Every ship flying the Stars and Stripes in a foreign port is an agent for and a promoter of American commerce, civilization, and government. It carries at its masthead the insignia of that virile civilization that has sprung up in the Westland, the product of all that is best and strongest in the Old World; and in the waving folds of its red, white, and blue the poor, oppressed, and liberty loving of every race and clime see a beckoning hand inviting them from poverty to plenty, from distress to happiness, from tyranny to freedom, from despotic to representative government.

A standing army may be the instrument in the hands of a tyrant to oppress, the navy never. It has never endangered nor assailed the rights of a people. In the history of nations it has been their bulwark. From the time that Xerxes sat on the hills overlooking the Hellespont and saw his fleet destroyed by the navy of Greece until the present day navies have been the saviors of their governments instead of their destroyers. Athens' strength was in her navy. Rome conquered Carthage through the superiority of her triremes. England's glory and England's power and England's supremacy have been and are in her navies.

Our own history is emblazoned with the heroic actions and brilliant victories of our Navy. Though small, its achievements have lightened the gloom of defeat and revived the waning fires of national hopes in almost every war in which we have been engaged. John Paul Jones startled the world with his great victory in the English Channel in the very shadow of Flamborough Head and revived the drooping spirits of the American revolutionists. With the gloom of defeat shadowing our land like a pall in the war of 1812, and the ashes of the national capital bespeaking our dire extremity, the unsurpassed heroism and achievements of Hull, Bainbridge, Decatur, Perry, and Lawrence wrested the laurel of supremacy from the "mistress of the seas" and brought an honorable peace and everlasting renown to our flag.

In that fearful struggle, which tested to the utmost the timbers of the ship of state, the Navy on each side maintained its brilliant record, and history records the fact that at the opportune time the little *Monitor* won its victory over the *Merrimac*, the far-reaching effect of which never will be known. Of the war with Spain I need say nothing. Manila and Dewey, Schley and Santiago! These are names written in imperishable light on the pages of our country's history and tell us of victories without a parallel in the world's naval warfare.

I hope to see the day when the American flag shall fly at the masthead of an American ship in every port of the world. [Applause.]

Monthly temperature of Seattle, Wash., and Washington, D. C., during the year 1901.

Date.	Maximum.		Minimum.	
	Seattle.	Washington, D. C.	Seattle.	Washington, D. C.
January	54	66	28	13
February	63	57	28	13
March	66	75	33	11
April	67	87	34	36
May	82	84	39	42
June	86	98	40	52
July	78	102	48	64
August	87	91	50	59
September	86	92	42	43
October	79	85	45	32
November	61	69	38	20
December	54	66	28	7

SEATTLE RAINFALL FOR TEN YEARS.

TABLE I.—*Showing monthly precipitation in inches, 1892 to 1901.*

Month.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.	Average.
January	2.61	2.67	6.01	6.13	7.06	3.74	1.99	6.10	3.04	4.26	4.37
February	1.94	6.30	4.21	1.76	3.87	2.99	5.96	3.20	4.35	4.26	3.89
March	2.56	4.27	6.25	3.60	2.41	3.05	1.39	1.80	4.45	1.62	3.12
April	3.82	5.53	4.21	3.17	3.27	1.53	1.51	3.50	1.55	3.86	3.18
May	1.42	4.26	1.99	3.20	3.60	1.30	0.66	2.09	3.73	1.44	2.36
June	1.35	1.54	2.47	0.29	0.77	1.67	2.13	1.25	2.51	1.90	1.58
July	1.29	0.48	0.14	0.37	.....	2.36	0.22	0.43	0.66	0.35	0.64
August	0.99	0.33	0.04	0.21	0.50	0.24	0.15	2.50	0.20	0.13	0.44
September	2.28	3.04	2.50	1.01	1.78	2.04	2.22	1.52	0.72	0.30	2.01
October	2.75	3.66	3.70	0.02	2.49	1.92	4.69	3.24	4.16	1.44	2.82
November	6.76	8.16	5.81	1.95	9.50	8.89	3.52	7.49	3.80	6.17	6.20
December	3.75	4.92	3.75	7.98	7.58	11.80	4.12	3.90	7.21	2.45	5.74
Total	31.32	45.16	41.06	29.69	42.83	41.53	29.28	37.13	36.48	30.18	36.46

TABLE II.—*Showing number of days with 0.01 inch or more rain or melted snow, 1892 to 1901.*

Month.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.	Average.
January	15	9	23	16	23	21	19	23	21	18	19
February	11	22	20	16	23	21	23	16	19	13	16
March	15	17	22	14	14	19	13	11	15	17	16
April	18	20	17	13	21	9	15	16	6	16	15
May	13	20	14	16	17	7	6	21	16	17	15
June	11	13	14	6	7	10	11	11	13	13	11
July	8	7	3	4	0	9	4	4	7	4	5
August	3	4	2	2	5	1	3	11	4	1	4
September	7	13	17	9	3	11	10	6	6	10	9
October	12	14	20	1	11	7	14	17	19	6	12
November	17	16	20	14	18	22	21	24	13	22	18
December	19	22	15	25	23	20	15	21	19	15	19
Total	149	177	187	136	165	147	152	181	152	152	150

Mr. FOSS. I suggest that the gentleman on the other side [Mr. MEYER of Louisiana] use some of his time.

Mr. MEYER of Louisiana. I yield one hour to the gentleman from Missouri [Mr. VANDIVER].

The CHAIRMAN. The gentleman has but fifty-five minutes to yield.

Mr. FOSS. I will yield enough additional time to make an hour.

The CHAIRMAN. The gentleman from Louisiana yields fifty-five minutes and the gentleman from Illinois five minutes to the gentleman from Missouri [Mr. VANDIVER], who is recognized for one hour.

Mr. VANDIVER. Mr. Chairman, I do not expect to occupy the entire hour which has been allotted to me. I send to the Clerk's desk and ask to have read the following article.

The CHAIRMAN. Without objection, the article will be read from the Clerk's desk. The Chair hears no objection.

The Clerk read as follows:

NOT EVEN WOMEN, CHILDREN, AND BABES SPARED.

[By Corpl. Richard O'Brien, Company M, Twenty-sixth Volunteers.]

It was on the 27th of December, the anniversary of my birth, and I shall never forget the scenes I witnessed on that day. As we approached the town the word passed along the line that there would be no prisoners taken. It meant that we were to shoot every living thing in sight—man, woman, or child.

The first shot was fired by the then first sergeant of our company. His target was a mere boy, who was coming down the mountain path into the town astride of a carabao. The boy was not struck by the bullet, but that was not the sergeant's fault. The little Filipino boy slid from the back of his carabao and fled in terror up the mountain side. Half a dozen shots were fired after him.

The shooting now had attracted the villagers, who came out of their homes in alarm, wondering what it all meant. They offered no offense, did not display a weapon, made no hostile movement whatsoever, but they were ruthlessly shot down in cold blood, men, women, and children. The poor natives huddled together or fled in terror. Many were pursued and killed on the spot.

Two old men, bearing a white flag and clasping hands like two brothers, approached the lines. Their hair was white. They fairly tottered, they were so feeble under the weight of years. To my horror and that of the other men in the command, the order was given to fire, and the two old men were shot down in their tracks. We entered the village. A man who had been on a sick bed appeared at the doorway of his home. He received a bullet in the abdomen and fell dead in the doorway. Dumdum bullets were used in that massacre, but we were not told the name of the bullets. We didn't have to be told. We knew what they were.

In another part of the village a mother with a babe at her breast and two young children at her side pleaded for mercy. She feared to leave her home which had just been fired—accidentally, I believe. She faced the flames with her children, and not a hand was raised to save her or the little ones. They perished miserably. It was sure death if she left the house—it was sure death if she remained. She feared the American soldiers, however, worse than the devouring flames.

Corpl. RICHARD O'BRIEN.

Mr. VANDIVER. Mr. Chairman, the statements made by Corporal O'Brien are so utterly abhorrent to the sentiments of human nature that, if they be true, they brand with indelible shame the name of our country. I am not able to say whether those statements are true or false, but the author of them ought to be brought here and cross-examined. Considering that the charge there made, together with other similar charges, are of such a serious nature, I wrote to the editor of the Irish World, in whose paper the article is printed, and asked him to inform me whether or not the statements were known to have been made by Corporal O'Brien; in other words, as to the genuineness of the publication. In reply I received this letter from Patrick Ford, editor of the Irish World, one of the largest publications in the United States, a weekly paper having, possibly, as large a circulation as any in the United States, and one of the greatest champions of human liberty on this continent. Mr. Ford wrote me as follows:

NEW YORK, *May 12, 1902.*

Hon. W. D. VANDIVER, *Washington, D. C.*

DEAR SIR: Your letter with reference to Mr. O'Brien's statements is received. These statements first appeared in the New York World, and I believe them to be genuine. I have had a private interview with Mr. O'Brien in which he affirmed all that he had charged. He can not well go to Washington, but is quite willing to make a sworn statement regarding those matters and forward the same, if desirable.

Mr. PALMER. To what company and regiment did this man belong?

Mr. VANDIVER. Company M, Twenty-sixth Volunteers.

Now, Mr. Chairman, I make no apology for bringing this matter to the attention of the House at this time. You may say it has nothing to do with the bill pending before the House. So it has not; but we are in Committee of the Whole on the state of the Union, and if matters of this kind may be considered anywhere in the world or at any time, it seems to me that they may be considered under this head.

But, furthermore, I have another reason for bringing them to the attention of this House at this time. It will probably not be three weeks before the Philippine civil government bill will be reported to this House. That bill will be brought into this House and (if we are to judge the future by the past) will be rushed through—railroaded through—without an opportunity of fair discussion, without an opportunity even of stating the facts regarding the situation in the Philippine Islands. I therefore take advantage of this opportunity of mentioning a few of the facts as to what is going on over there.

Now, Mr. Chairman, if there is any member in this House who assumes to be the champion of this Administration or the apologist for the deeds done by soldiers wearing American uniforms in the Philippine Islands I challenge him to this investigation.

Mr. WM. ALDEN SMITH. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Michigan?

Mr. VANDIVER. I am glad to yield to the gentleman from Michigan.

Mr. WM. ALDEN SMITH. I do not rise as the special advocate of the Administration, although I am in perfect harmony with its policy in the Philippines, but the purpose for which I rise is simply to inquire if there is anyone on that side of the Chamber who is ready to defend the atrocities committed by the Filipinos upon the American soldiers. [Applause on the Republican side.]

Mr. VANDIVER. No, sir. I shall not defend atrocities on mankind, whether committed by the heathens or the so-called Christians wearing the uniform of the American soldier. But, now, Mr. Chairman——

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. VANDIVER. Certainly.

Mr. GAINES of Tennessee. Does this soldier state that he was obeying orders? When that is done, privates have no right to do so without directions, and if they do that they are obeying their orders. That is my knowledge of war.

Mr. VANDIVER. If the statement is true it must have been done by orders—orders passed down the line he says that no prisoners were to be taken.

Mr. GAINES of Tennessee. Who gave the order?

Mr. VANDIVER. He does not say. I will hand the article in to be printed in my remarks, and the gentleman can read it in full. I think Mr. O'Brien should be put on the stand under oath.

Now, Mr. Chairman, as I said, the statements of facts are so horrible that I am loath to credit them. I am not yet willing to believe that all that is said in that article can be true. But I want to say, furthermore, that if there were no other facts within the range of certain knowledge that have been demonstrated and proven to be true and that are worse than even this enormity I would at once brand the article as a falsehood. But I have before me documentary evidence, official reports, from American soldiers under the direction of the War Department, who have testified to scenes even more horrible than that which this soldier narrates, and I am obliged to admit the shameful truth which they tell. I desire to read, Mr. Chairman, a portion of the report of Cornelius Gardener, major of the Thirteenth Infantry of the United States Army, provincial civil governor of the province of Tayabas, in the Philippine Islands, said report having been made to his superior officer, the civil governor of the Philippine Islands.

Mr. PALMER. What do you read from—what page?

Mr. VANDIVER. I read from page 884.

Mr. PALMER. Of what book?

Mr. VANDIVER. An official document entitled "Affairs in the Philippine Islands," this report having upon it the date of December 16, 1901.

First, Major Gardener proceeds to explain that a very friendly sentiment had existed among many of the inhabitants and better classes of the inhabitants of that province, but that it was fast dying out on account of cruelties of American soldiers, and he says:

Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents can not occupy it, the torturing of natives by so-called "water cure" and other methods in order to obtain information, the harsh treatment of natives generally, and the failure of inexperienced, lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment above referred to is being fast destroyed and a deep hatred toward us engendered. If these things need be done they had best be done by native troops, so that the people of the United States will not be credited therewith.

Almost without exception soldiers, and also many officers, refer to the natives in their presence as "niggers," and the natives are beginning to understand what the word "nigger" means.

The course now being pursued in this province and in the provinces of Batangas, Laguna, and Samar is, in my opinion, sowing the seeds for a perpetual revolution, or at least preparing the people of these provinces to rise up in revolution against us hereafter whenever a good opportunity offers.

* * * * * * *

The attitude of the Army, thereby meaning most of the officers and soldiers—

Officers and soldiers both, mind you—

is, however, decidedly hostile to the provincial and municipal government in this province and to civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers. The work of the Commission in the establishment of provincial governments is ridiculed, even in presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years. Outrages committed by officers and soldiers against natives in an organized municipality and province, when reported by the presidente or governor to the military authorities—

He means the local officer corresponding to our mayor—

are often not punished. This, in my opinion, is unfortunate, because loyal natives begin to fear that local self-government promised them will not last long, and that any slight disturbance in a province may at any time be made the pretext to again place it under military rule, and this is just the thing the insurgents at heart most desire.

It has been stated that a Filipino or any Oriental does not appreciate just or kindly treatment and that he considers it an evidence of weakness, and that severe and harsh measures are the only ones that are permanently effective with Filipinos. I have found that just and kind treatment, uniform and continued, is the only way by which these people can be made permanently our friends and satisfied with United States sovereignty.

Having been stationed six years on the Rio Grande, I am well acquainted with the natives of the State of Tamaulipas, Mexico, and while stationed in the province of Santa Clara, Cuba, I visited every town in that province and was able to observe the intelligence and education there. I believe that the people of Tayabas Province are in every way superior in education, intelligence, morals, and civilization to the people of Tamaulipas or Santa Clara.

But I have not time to read it all. He concludes by saying that, owing to this cruelty and burning of the homes of the natives, even friendly and peaceable natives, the American sentiment in the island is rapidly declining. I commend to the members of the House a careful reading of Major Gardener's report. Remember, he is our own governor of that province and an officer highly commended by his superiors in command. Now, Mr. Chairman——

Mr. WM. ALDEN SMITH. If the gentleman will permit an interruption, I would like to ask him whether he has read the entire statement of Major Gardener.

Mr. VANDIVER. I have read all the parts bearing on that subject, and I am willing, if my time can be extended, to read every word in it. I will give the report to the gentleman from Michigan and ask him to read the whole of it in his own time.

Mr. WM. ALDEN SMITH. Is the gentleman from Missouri familiar with his entire statement?

Mr. VANDIVER. I am.

Mr. WM. ALDEN SMITH. Is not it a fact that he does not specify in but one instance, and that relates to the manner of salutation?

Mr. VANDIVER. No, sir; that is not a fact. I have not time to yield for extended remarks, but I will say that I would be glad if the gentleman from Michigan will take up the subject and explain it the best he can in his own time.

Mr. WM. ALDEN SMITH. The gentleman from Missouri does not wish to misrepresent Major Gardener?

Mr. VANDIVER. I have not misrepresented Major Gardener.

Mr. WM. ALDEN SMITH. The gentleman knows that he makes no general assault on the conduct of the Army there.

Mr. VANDIVER. Does not the gentleman call the paragraph that I have read a pretty severe criticism?

Mr. WM. ALDEN SMITH. I do not.

Mr. VANDIVER. Well, call it no assault or what you please, it seems to me to be a pretty serious criticism of the American soldiers and officers.

Mr. WM. ALDEN SMITH. I will say this, that in no instance except one, so far as I am familiar, does Major Gardener make a specific charge regarding the bad conduct of our soldiers.

Mr. VANDIVER. I want to say to the gentleman from Michigan, as he seems to know something about this case, that he ought to know that minority members of the Senate committee have insisted on bringing Major Gardener before that committee, and the majority do not seem to want him.

Mr. WM. ALDEN SMITH. I do not know that that is the case.

Mr. VANDIVER. The gentleman must know that some members of the Senate committee have insisted on bringing him there in order to testify, and they are expecting to have him there.

Mr. WM. ALDEN SMITH. I am sure the gentleman from Missouri does not wish to make that statement.

Mr. VANDIVER. I have made it and I stand by it.

Mr. WM. ALDEN SMITH. The Senate committee has not asked for the presence of Major Gardener.

Mr. VANDIVER. I said certain members of the Senate committee. The gentleman from Michigan knows very well that the majority has not acted on the suggestion, and the probability is that they do not want him there. He would probably tell too much.

Mr. WM. ALDEN SMITH. I think the Senate committee has concluded not to have him here. I know Major Gardener very well, and I regard him as a brave and gallant soldier, entirely worthy of belief in any matter coming to his personal knowledge; but in this matter he may rely on the statements of others, and yet his honesty can not be questioned by anyone, although I do not think he has intended to criticise our Army or its operations in the Philippines.

Mr. VANDIVER (interrupting). Then the gentleman from Michigan is not able to discover in the paragraph I have read a thing in Major Gardener's remarks that reflects upon the conduct of our soldiers?

Mr. WM. ALDEN SMITH. Does the gentleman charge that?

Mr. VANDIVER. Is not the gentleman from Michigan willing to admit, after all Major Gardener's experience in Mexico and Cuba, and now for more than three years in the Philippine Islands, that he is prepared to make a general statement—a statement of general facts relating to the province of which he is the governor, after he has traveled all over it, he says, with no protection but a native guide?

Mr. WM. ALDEN SMITH. I am willing to admit that Major Gardener is an efficient soldier and entirely worthy of belief, although he may rely upon the imagination of others in some instances.

Mr. VANDIVER. You can put it that way if you please. I have read what he says are the facts. Furthermore, I will put in the RECORD a subsequent statement of Major Gardener, and you will see whether he makes any specifications or not. I have not time to read it, but will print it right here, and the House may see whether or not it is a sufficient answer to the gentleman from Michigan.

ARMY ATROCITIES IN TAYABAS.

WASHINGTON, *May 6, 1902.*

When the Philippine Committee met to-day Senator LODGE presented a cablegram from General Chaffee giving the charges and specifications of Major Gardener relative to Tayabas Province. The cablegram was received at the War Department May 4, and is as follows:

Reference to cable 3d, Secretary of War, to send the following: Major Cornelius Gardener's first letter contained no specifications on which I could act. From his second letter, however, in order to comply with the present instructions, I submit, in the form of charges, the following data, which are as complete as possible under the conditions in which I am at present situated.

Charge.—The troops that succeeded the Volunteers did not keep up the scouting and patroling system.

Specifications.—That the troops stationed in the central towns on Tayabas, to wit, in Lucban, Tayabas, Lucena, and Saviayo, did, in the spring of 1901, for about three months fail to scout or patrol the country except as escort to wagon trains on the main roads.

Charge.—Burning of barrios or villages.

Specification.—That troops during the fall of 1901 burned a number of barrios belonging to Dolores and adjacent towns.

Specification 1.—That certain United States troops coming from San Pablo, in or near the town of Dolores, tortured a native by the water cure. This was during the summer of 1901.

Specification 2.—That the commanding officer of Laguimanoc during the summer of 1901 tortured or maltreated a native boy.

Specification 3.—That the troops coming from Lucena or Tayabas on several occasions tortured natives belonging to the pueblo of Pagbilao. This during the summer and fall of 1901.

Charge.—Harsh treatment of natives.

Specification 1.—That men belonging to a detachment of soldiers stationed at Candelaria looted a store in that town about the month of November, 1901.

Specification 2.—That a detachment of troops took away from a peaceful citizen of Dolores a pony. This about the month of September, 1901.

Specification 3.—That the house of a native of Candelaria was forcibly taken for a smallpox hospital and afterwards burned by order of the surgeon at Sariaya; that the said native was not remunerated. This in Candelaria in July, 1901.

Specification 4.—That First Lieut. George G. Catlin did strike with his fist natives of Lucena for failing to take off their hats to him, and did forcibly with threats compel a native to deal cards for him. This about September, 1901.

Specification 5.—That First Lieut. George De G. Catlin at Calanauan did keep in the guardhouse for three days a native without food or water. This about September, 1901.

Specification 6.—That First Lieut. George De G. Catlin did strike natives in the face for failing to remove their hats. This while he was in command at the post.

Specification 7.—That a party of soldiers attacked with pistols three natives working on the roads near Lucena. This about November, 1901.

Specification 8.—That certain soldiers belonging to a troop of cavalry stationed in Tayabas, Pueblo, did attack five women of that town. This in the month of January or February, 1901.

The dates are approximate, and the facts from complaints made to me, stated to the best of my recollection.

CHAFFEE.

Mr. VANDIVER. Now, Mr. Chairman, I can not yield further, because there are other facts I want to present, and there will be ample time, if gentlemen on the other side want to, to discuss the whole matter. In the documents on my desk there is evidence piling up mountain high of cruelty, torture, murder, robbery, rape, and every other crime known to the calendar, practiced on noncombatants, old men, prisoners, women, and children.

Mr. WM. ALDEN SMITH. Committed by the Filipinos?

Mr. VANDIVER. By men wearing the American soldier's uniform, under control of American officers.

Mr. WM. ALDEN SMITH. I do not believe it, and I hurl the statement back and challenge the gentleman to produce the evidence.

Mr. VANDIVER. I will produce it if you will give me time. I will produce scores and hundreds of cases.

Mr. WM. ALDEN SMITH. The gentleman certainly does not intend to make an assault on the American Army.

Mr. VANDIVER. I make no assault; but wait till I am through and see whether I ought to criticise them or not.

I say that you ought not to justify crime and barbarity, whether committed by the Army or by the people you are trying to conquer.

I say to the gentleman that my pride in the name of America and the American Republic is greater than his, but my pride in the fact that I am a human being and still have sentiments of

human nature in me is greater even than my pride in the American Army.

Mr. WM. ALDEN SMITH. On what do you base your general charge against our Army in the Philippines?

Mr. VANDIVER. On specific and numerous cases amply proven; not against the whole Army, but a large section of it.

Mr. WM. ALDEN SMITH. Name your cases.

Mr. VANDIVER. I will name the cases, if the gentleman will sit down and listen.

Mr. WM. ALDEN SMITH. Just name your case.

Mr. VANDIVER. All right; I will give you cases enough before I get through.

Mr. Chairman, I will read from the investigation of Inspector-General Maj. John S. Mallory, who was ordered by the War Department to investigate the charges made against the officers and men of the Twentieth Kansas Volunteers, who were charged with having cruelly shot down prisoners who had surrendered to them. This testimony was taken before a subcommittee of the Committee on Pensions of the United States Senate, while there was pending in the Senate, as I understand, a nomination of Wilder S. Metcalf, who was a major in that regiment, to be pension agent at Topeka, Kans.

Mr. PALMER. Where is that published? Is it a Senate document?

Mr. VANDIVER. Yes, sir.

Mr. PALMER. Please give us the number, will you?

Mr. HAMILTON. From what document is the gentleman from Missouri reading?

Mr. VANDIVER. I am reading from the hearings before the Senate committee, page 11.

A few days after the Caloocan fight—

I am reading now from the testimony of Corpl. Lawrence L. Bradley, Company M, Twentieth Kansas Volunteers, who, being duly sworn, testified as follows:

A few days after the Caloocan fight I heard Captain Bishop talking about what should be done with prisoners. He said: "Now, there was Company I with prisoners. It seemed a hard thing to do to shoot them, but there was nothing else to do, and I had to give the order." We had been talking about what should be done with prisoners and I heard some had been shot. I have given the substance of what Captain Bishop said, but may not have given his exact words. On the day of the Caloocan fight the word was passed down the line that we were not to take prisoners. The word was passed along our company by privates that the order was we were to take no prisoners.

Mr. WM. ALDEN SMITH. If the gentleman is a lawyer——

Mr. VANDIVER. No; I deny the charge that I am a lawyer. Wait till I get through giving the facts in the case.

Mr. WM. ALDEN SMITH. The gentleman will allow me to ask him whether he regards what he has read as evidence?

Mr. VANDIVER. I decline to yield at present. I am reading the testimony.

Mr. WM. ALDEN SMITH. That is only hearsay.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. VANDIVER. I am reading from the testimony given by soldiers who were there in the battle.

Mr. WM. ALDEN SMITH. The witness said he did not see it.

A MEMBER. He says he heard the order passed down the line.

Mr. VANDIVER. I read now from the testimony of Private F. H. Swearingen, Company I, Twentieth Kansas Volunteers, who being duly sworn, testified as I am about to read. This whole article is the report of the inspector-general, Major Mallory himself, who sent this testimony to the War Department. The witness says:

There were two wounded Filipinos crawled out of a trench, which was about 150 yards from the church toward Manila. They were "kinder" waving their hands and making signs as if they wanted to surrender.

Major Metcalf told some of the men to take them back. They were either not able to go or wouldn't go back, and about eight or ten men were being kept there fooling with them, and finally Major Metcalf gave the order to shoot them, and they were shot.

I read further from the testimony of William H. Putnam, Company I, Twentieth Kansas Volunteers, who testifies as to the same particular instance. He says:

Major Metcalf told two of the men to take the prisoners to the rear. They refused to go even when pricked with bayonets. Finally some officer gave the order to shoot them. I was one of the men who shot, but don't know that I hit one of them.

Mr. HAMILTON. Will the gentleman permit an interruption?

Mr. VANDIVER. Wait until I get through with this evidence.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. VANDIVER. I will now read from the testimony of Capt. Charles S. Flanders, who was captain of the company.

Mr. HAMILTON. How long will it take to read that?

Mr. VANDIVER. Only a few minutes.

Capt. Charles S. Flanders, of the Twentieth Kansas Infantry, who testified as follows. This is from page 13:

Two insurgents in the trench threw up their hands as if to surrender. I told them to come out, and they got out of the trench on the opposite side from me. I told two men to take charge of them and either to take them to the rear or to bring them on. Some men of B Company and some of M Company were mixed in with my men. I don't remember who the men were I ordered to take charge of the prisoners. I then went forward, and when I got about 30 or 40 yards away I heard some one say, "Shoot them," or something like that, and I heard reports of guns, and when I turned round they were shot. I don't know who did the shooting or who told them to shoot. I did not investigate the matter.

Now, Mr. Chairman, in the finding of the Inspector-General, who seems to have tried his best to clear the skirts of the officers, he makes this statement himself:

That Capt. Charles F. Flanders, of the Twentieth Kansas, commanding Company I at the time of the Callucan engagement, having detailed two men to take prisoners to the rear, and knowing that the prisoners were not taken to the rear, but, according to his own statement, were shot, was guilty of gross neglect of duty in not investigating the matter or reporting it to a higher authority or in taking no steps whatever to bring the guilty parties to justice.

Now, observe that the inspector-general himself says the prisoners were shot, and the captain was guilty of gross neglect in not investigating the matter. I suppose this fact will not now be denied.

Now, Mr. Chairman, the colonel of that regiment was the brilliant, river-swimming colonel, since a brigadier-general—Funston. He was on that battlefield, only a few hundred yards from where these scenes were taking place. Has General Funston been brought to account for this infamy practiced by his soldiers and never investigated by him? On the contrary, he has been promoted to a brigadier-generalship.

Mr. WM. ALDEN SMITH. Are you referring to Colonel Metcalf now? He was General Funston's lieutenant-colonel, I suppose.

Mr. VANDIVER. Some of this article refers to Metcalf. But I am referring just now to Colonel Funston.

Mr. WM. ALDEN SMITH. The gentleman knows, does he not, that the Senate Committee on Pensions investigated Mr. Metcalf?

Mr. VANDIVER. What I have just been reading is from the report of that committee.

Mr. WM. ALDEN SMITH. They investigated the matter and exonerated Metcalf and confirmed him unanimously. The gentleman is dealing in ancient history. [Laughter.] There is no doubt about that. The man has been investigated and he has been confirmed as a pension agent, notwithstanding all these general and loose charges.

Mr. VANDIVER. I am simply giving the facts; I am not locating the responsibility. But Colonel Funston was promoted instead of being investigated and Metcalf has been rewarded by being appointed pension agent at Topeka.

Mr. LANDIS rose.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. VANDIVER. Now, if the gentleman will just be patient a moment, I will give him some more facts.

Mr. LANDIS. I would like to ask the gentleman—this man Funston, this river-swimming general, is the same man that captured your old friend Aguinaldo, is he not? [Laughter on the Republican side.]

Mr. VANDIVER. I have understood, Mr. Chairman, that Emilio Aguinaldo was a great bugbear to certain gentlemen on the other side of this House. Now, I am not saying anything about Emilio. The gentleman from Michigan [Mr. WM. ALDEN SMITH] seems to be fond of talking about him, and I will give him plenty of time after I am through to eulogize him or abuse him, as he pleases.

Mr. WM. ALDEN SMITH. The gentleman from Indiana, the gentleman means.

Mr. LANDIS. The eulogies he has received have come from that side of the House.

Mr. VANDIVER. Mr. Chairman, I decline to be diverted from the straight line of this testimony to discuss matters that have no connection with the facts I am presenting.

Mr. HAMILTON. What was the gentleman reading when he was interrupted?

Mr. VANDIVER. Now, Mr. Chairman, I proceed to read further from the testimony taken before the Senate committee in regard to practices of the American soldiers over there, and lest the gentleman may need not only the testimony of eyewitnesses—the testimony of sworn witnesses—I will read him some of the findings of courts of inquiry and court-martial.

Mr. HAMILTON. Will the gentleman permit an interruption at this point?

Mr. COCHRAN. Mr. Chairman, I make the point of order that if the gentleman from Michigan [Mr. HAMILTON] desires to interrupt he shall address the Chair.

Mr. HAMILTON. I did address the Chair.
The CHAIRMAN. The Chair sustains the point of order.
Mr. HAMILTON. Mr. Chairman, I thought I addressed the Chair.
The CHAIRMAN. The gentleman from Missouri has the floor.
Mr. HAMILTON. I asked if he would permit an inquiry at this point.
The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Michigan?
Mr. VANDIVER. Oh, certainly, for a moment.
Mr. HAMILTON. Now, the party to which you belong——
Mr. VANDIVER (interrupting). Mr. Chairman, I see by the clock that I have not much more time, and I will ask the gentleman to hurry with his question.
Mr. HAMILTON. Declares for a stable form of government in the Philippine Islands.
Mr. VANDIVER. I am not going to discuss that.
Mr. HAMILTON. Are you not?
Mr. VANDIVER. Not now.
Mr. HAMILTON. In order to have a stable form of government in the Philippine Islands, would you not have to have soldiers over there—your party?
Mr. VANDIVER. Granting all that, I am not going to discuss that.
Mr. HAMILTON. Is it true that you would have to have soldiers? Answer the question. Is it true? Answer the question I ask you.
Mr. VANDIVER. I am not discussing the question now.
Mr. HAMILTON. Have you not declared for a stable form of government in the Philippine Islands?
Mr. VANDIVER. Suppose I have, what has that got to do with these facts of cruelty and barbarity? Does the gentleman stand here as an apologist for all the inhuman conduct that has been perpetrated over there? [Applause on the Democratic side.]
Mr. HAMILTON. Oh, no; but could you have a stable form of government without soldiers?
Mr. VANDIVER. I decline to yield further.
The CHAIRMAN. The gentleman declines to yield.
Mr. HAMILTON. Would you expect——
Mr. VANDIVER. I decline to yield.
The CHAIRMAN. The gentleman declines to yield.
Mr. HAMILTON. Would you expect to recruit your soldiers from Sunday school classes?
Mr. VANDIVER. I am not going to yield for any such purpose as that. But I would not recruit them from savages.
The CHAIRMAN. The gentleman from Michigan is not in order. The gentleman from Missouri declines to yield.
Mr. HAMILTON. All right.
Mr. VANDIVER. I will agree, Mr. Chairman, to yield as often and as long as the gentleman wishes to interrogate me, if I can have my time sufficiently extended. Otherwise I will decline to yield further.
Mr. HAMILTON. I should like to have the gentleman's time extended, so that we may several of us interrogate him.
Mr. VANDIVER. Before I get through with these facts you will see other reasons why you would like it, too.
Mr. HANBURY rose.
The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?
Mr. VANDIVER. Not now.
Mr. HANBURY. I only desired to know how much time the gentleman had.
The CHAIRMAN. The gentleman from Missouri declines to yield.
Mr. LANDIS. The gentleman from New York rose to a point of order.
The CHAIRMAN. Did the gentleman from New York rise to a point of order? He did not so state.
Mr. HANBURY. I desired to be informed how much more time the gentleman from Missouri had.
The CHAIRMAN. The gentleman can not take the gentleman from Missouri off the floor for such a question.
Mr. VANDIVER. Now, Mr. Chairman, regarding the cruelty of what is spoken of as "the water cure," I want to read just one or two bits of evidence. I read from the testimony of Corp. D. J. Evans before the Senate committee, page 2061. He says he has been in the United States Army for six years, serving in northern Luzon:

In the Regulars?
Yes, sir.
Are you a resident of Kansas?
Yes, sir.
Concordia, Kans., I believe?
Yes, sir.

After narrating what took place when a certain native Filipino was being subjected to this torture in order to get him to confess that he knew things that he had said he did not know about and to make him tell where the insurgents were, one of the members of the Senate committee asked him to describe in detail just what took place when they gave the natives this kind of torture. Here is what he says:

They refused to tell us, and they were given the water cure. The first thing one of the Americans—I mean one of the scouts for the Americans—grabbed one of the men by the head and jerked his head back, and then they took a tomato can and poured water down his throat until he could hold no more. During this time one of the natives had a rattan whip about as large as my finger and struck him on the face with it and on the bare back, and every time they would strike him it would raise a welt and some blood would come, and when this native could hold no more water then they forced a gag into his mouth. They stood him up on his feet, tied his hands behind him, then stood him up with his back against a post, and fastened him so that he could not move. Then one man—

Be it said with shame and disgrace to the American Army, after this man was tortured in this way and then tied to a post with his arms pinioned—

One man, an American soldier, who was 6 feet tall, and who was very strong, struck this native in the pit of the stomach as hard as he could strike him and just as rapidly as he could. It seemed as if he did not get tired of striking him.
Senator ALLISON. With his hand?
With his clenched fist. He struck him in the pit of the stomach, and it made him very sick. They kept that operation up for quite a time, and finally I thought the fellow was about to die, but I do not believe that he was quite that bad, because finally he told them he would tell.

That is, he was tortured until he was forced to confess things which probably he never did.

Now, that is just one instance. If I had time I would stand here all day and all night and read you one instance after another, not by the dozen, but by the score, and prove to you by eyewitnesses that these things were perpetrated by American soldiers and with the connivance of American officers, if not by their direct orders.

One witness testifies to more than 20 cases of this torture, all given in one day.

I will here read some of the testimony of Lieut. Grover Flint, of the Thirty-fifth Infantry. He is a grandson of the late Dr. Austin Flint, and a son-in-law of the late Dr. John Fisk, the historian. He spent a year and a half with the Army in the Philippines and witnessed many cases of this torture applied to prisoners in the province of Bulacan, in the island of Luzon. Here are the main points of his evidence, taken under oath:

By Senator PATTERSON:

Q. About how many were subjected to this torture the first night?
A. I could not say, I should rather think—well, the only answer I could give would be a guess.
Q. Give your best judgment.
A. According to my best judgment, I should think about 30 were put through it the first evening, because it kept on for a long time until daybreak. I should say 20 the next morning under my personal observation.

By Senator CARMACK:

Q. It kept on until daybreak, you say?
A. Yes, sir.

* * * * * * *

By Senator BURROWS:

Q. In this case where you say the water cure was administered to some 20 persons, I want to ask you what offense these people had committed?
A. They were supposed to be insurrectos. I did not at the time know enough of the language to understand the conversation between them and the Macabebes who were putting them through this ordeal. All I know is that they would take a man and throw him down and work on him for a while, and then he would run off and get a gun or a bolo.

Now, observe what he says about men tortured even to death:

I went over and said to Major Geary that no commissioned officer seemed to be in charge there or seemed to be observing it, and that I would stay there for a while if he wished me to. He said: "All right, if you want to." So in that way I happened to see this performed on about, I would say, something over 20 men. This was on the second morning. The things that I had witnessed the night before I had witnessed only casually here and there. I was not what you might call a spectator.
The CHAIRMAN. Did the men subjected to this torture die?
The WITNESS. I never saw a man die. But I saw a man who I thought was going to die once, and I had indirect evidence that a man had died in another case; but nothing that I could testify to.
Senator CARMACK. That men have died in other cases, you say?
The WITNESS. Yes, sir.

By Senator CULBERSON:

Q. Apparently you were about to detail what you actually saw the next morning?
A. Yes.
Q. You stated the night before you only casually saw it, and then you were going on to state what you saw in the morning?
A. In the morning I actually witnessed it. I saw men thrown down and heard their groans and that sort of thing.
Q. Please tell the committee what you actually saw?
A. That is, you want me to describe one individual case of a man being put through the water cure?
Q. Yes; I would like you to do that, sir.
A. Very good, sir. A man is thrown down on his back and three or four men sit or stand on his arms and legs and hold him down, and either a gun barrel or a rifle barrel or a carbine barrel or a stick as big as a belaying pin—that is, with an inch circumference——
Senator BEVERIDGE. As big in its diameter?
A. (Continued.) Yes; is simply thrust into his jaws and his jaws are thrust back, and, if possible, a wooden log or stone is put under his head——
Senator PATTERSON. Under his head or neck?
A. (Continued.) Under his neck, so he can be held firmly.
Senator BURROWS. His jaws are forced open, you say? How do you mean, crosswise?

The WITNESS. Yes, sir; as a gag. In the case of very old men I have seen their teeth fall out—I mean when it was done a little roughly. He is simply held down, and then water is poured onto his face, down his throat and nose from a jar, and that is kept up until the man gives some sign of giving in or becomes unconscious, and when he becomes unconscious he is simply rolled aside and he is allowed to come to. That is as near a description as I think I can give. All the cases were alike I saw on that occasion.

By Senator CULBERSON:

Q. Is the water allowed to remain in the man, or is it anyway expelled from him, by any method?

A. Well, I know that in a great many cases, in almost every case, the men have been a little roughly handled; they were rolled aside rudely, so that water was expelled. A man suffers tremendously; there is no doubt about it. His suffering must be that of a man who is drowning, but who can not drown.

Q. Did you ever see a man place his foot on a man's stomach to force the water out of him?

A. Yes, sir.

The witness then explains that this water cure or torture was the common method used to get the natives to tell where their guns were and give the soldiers information about their neighbors.

They would enter a village or barrio without opposition and simply gather up a bunch of natives and begin on them in this way, and "put them through as a matter of routine," using the language of the witness.

He then explains another instance where 15 more were treated this way and how some of them held out longer than others. Here is his testimony on this point. Those who had no guns to surrender suffered the most. He says:

What I mean to say is that some men would yield almost instantly and would not be put through as brutal methods as I have described, while other men would have more courage or, perhaps, would be more ignorant, and they would be put through the stage, where they were unconscious or almost drowned.

By Senator MCCOMAS:

Q. Did that happen to a few or many of these men?

A. A rather small proportion, because by far the greater part, I should say probably two-thirds, of the people I saw did not get this severest treatment. In those cases it did not get to the point of great brutality. They simply would get up and run off and get their guns; and other men fought it out and would not yield until they had been subjected to severe treatment, and there was one man who absolutely refused.

Senator DIETRICH. You think it was the men who were the most ignorant who resisted the hardest, and those who seemed more intelligent yielded quickly and did not receive such harsh treatment?

The WITNESS. No; I think the men who were more courageous or perhaps did not have any guns suffered the most. By ignorant I mean that they did not really know anything to tell us.

Senator CARMACK. You say you saw one man who never did yield?

The WITNESS. Yes.

Senator BEVERIDGE. How is that?

Senator CARMACK. He said something about one man never yielding.

The WITNESS. One man was pointed out to me as being an alleged insurgent lieutenant, and he was pointed out as being absolutely unyielding.

Senator MCCOMAS. You did not see that?

The WITNESS. I saw his condition. They had worked pretty hard on him. He was pointed out simply as being a most gallant man——

Senator BEVERIDGE. What was his condition?

Senator CARMACK. He was pointed out as what?

The WITNESS. A man of great courage; that he had been absolutely unyielding and had simply defied us; that is all.

Senator BEVERIDGE. When this man was pointed out, what condition was he in?

The WITNESS. He was almost fainting. I did not see him worked upon, but I simply saw him being led around, and I think Major Geary sent word not to have anything to do with that man any more. I mean to let him pass, not to bother him any more, to let him go.

Also, Mr. Chairman, other kinds of torture have been invented. Observe the following in regard to Captain Ryan's method:

NEW FORMS OF TORTURE.

WASHINGTON, *May 8, 1902.*

Orders have been issued by Secretary Root for the court-martial of Capt. James A. Ryan, of the Fifteenth Cavalry, who is charged with improper conduct in obtaining information from natives in the Philippines.

Complaints of his actions having reached Manila, William P. Rhode, as special prosecutor, was sent to investigate.

His report to the attorney-general at Manila says that Captain Ryan used the following method to get information: Each individual before being examined had his arms tied to his body in such a manner that he could not protect his head from falling. Then he was stood up erect upon a wooden floor and had his legs knocked from under him.

His body was lifted and his head jolted against the floor once more, whereupon he was stood upon his head in a bucket of water for a certain length of time, and was then examined. This process was employed three times in succession before Ubaldo Abing made his statement.

Altogether about a dozen natives are said to have received this treatment.

Mr. Rhode's report also says that Captain Ryan believes that the Filipino is incorrigible, and that two generations of military government will not put them in condition for civil government. He further, somewhat inconsistently, believes American occupation unjust; that the Filipino can not survive, and that the American can never live in the islands. Drastic measures seem to him absolutely necessary for self-preservation and the inculcation of loyalty toward the United States.

Mr. LESSLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. VANDIVER. Not till I get through with this statement.

The CHAIRMAN. The gentleman declines to yield at present.

Mr. VANDIVER. Furthermore, I now wish to read a few statements of findings of courts-martial that have investigated some of these cases of cruelty. I will have to read them hurriedly, because my time is nearly out. Here is a list of the trials and investigations by court-martial. I select only a few of them, but there are dozens and scores of them here. You gentlemen have challenged me to produce cases of cruelty, and I am doing it from the record:

Walter Turnbull, jr., Company I, Fourteenth Infantry, February 18, 1899; charge, assaulting native women with a bayonet. Found guilty; dishonorably discharged, with forfeiture of pay and allowance, and three years' confinement.

Clarence R. Moore, Company H, Thirty-fifth Infantry; charge, looting. Found guilty; fined $30.

Private Otto R. Conine, Company B, Sixteenth Infantry; charge, rape. Guilty; sentenced to twenty years' imprisonment.

Corporal George Danhoffer, Company B, Sixteenth Infantry, date of trial July 24, 1899; charge, rape; found guilty.

Henry Bruce, Company A, Twenty-fifth Infantry, assault on natives, including a young girl. Fined $20 and two months' confinement in prison.

Now, you say these were punished. Yes; so they were. But the fact that they were punished does not relieve the people who suffered from their barbarity. Nor does it help the gentleman from Michigan in his denial that the soldiers were guilty of the crimes alleged against them.

But these are only a few of the many I might read.

I will instance a few other cases, as I am forced to do so by the denials of gentlemen on the other side.

Mr. LESSLER. Will not that indicate——

Mr. VANDIVER. I decline to yield at this point.

Alvan S. Gross, Company L, Nineteenth Infantry, charged with looting a church. Dishonorably discharged, and forfeiture of pay.

Arthur B. Butler, Company A, Twenty-fifth Infantry, charged with assault on two native women with intent to commit rape. Fined $45, and five months' imprisonment.

Now, Mr. Chairman, there are a great number of these cases here in the record, and I have not the time to read them all, nor even one-tenth part of them, but if I may be permitted, there are one or two more that I wish to refer to, because they are unexampled instances of barbarity. Here, for instance, is one Edward M. Boodie, Troop C, Third Cavalry, charged with the murder of a native boy by shooting him with a pistol. He was found guilty, and the court-martial enters this comment opposite his name:

A crime of peculiar atrocity that might be viewed with horror by the most debased savage.

Here is another—Thomas H. McClanahan, Company L, Eighth Infantry—charged with assault and raping a middle-aged native woman, April, 1901; was dishonorably discharged and sentenced to fifteen years' imprisonment.

Harry A. Mooney, Company L, Eighth Infantry, charged with the rape of a native woman, was found guilty and sentenced to twenty years.

There are two other cases of a similar character, charged with rape of native women, found guilty by the court-martial and sentenced to death, and then by the President of the United States the sentence was commuted to twenty years' imprisonment.

Mr. Chairman, if these were simply sporadic cases, if these cases had happened only occasionally, if such crimes as these were only the occasional incident of war, I might be inclined to overlook it as one of the accidental incidents of horrible warfare; but here they stand, one after another, dozens, and scores, and hundreds, as bad as can be imagined, as horrible as ever were committed by savage or civilized man in the whole history of the human race. Now, Mr. Chairman, I have not made and shall not make a general onslaught against the American soldier. I can not believe that all the American soldiers, or a large percentage of them, are guilty of these crimes; but here are the facts. You tell us that this cruelty is an incident to war. You tell us that we must have an army over there. You tell us that these things are incidents of war. I want to say to you that if the necessities of war, in order to hold the Filipino people in subjection to our control, bring with them this horror—this inhuman horror—then for God's sake get out of there as soon as possible before the name of the American soldier is still further tarnished and the flag forever disgraced, and the soldiers themselves still further brutalized.

Now, Mr. Chairman, if I had time I would read you here the reports of the inspector-general who investigated the charges of cruelty in northern Luzon and another in the province of Panay. I would also show you that they have gone over there and employed native scouts—the ferocious Macabebe savages—to make war on the people of the other parts of the islands, and that they have committed outrages so infernal and so inhuman that language fails to describe them, and if I should undertake to describe them I should be compelled to use language that would not be tolerated in public print.

In one instance, on the 25th of February, 1900, these native scouts, under the command of American officers, went to one little barrio, invaded the houses of these natives, and took old gray-haired men out behind the house and shot them down, and in other instances went into houses and shot down the husbands by the side of their wives, and then raped the wife herself.

Brigadier-General Wheaton says, on page 1753 of this document:

These scouts whom we have employed are liable to commit murder, and many will rob and ravish whenever they have the opportunity.

These are his exact words.

Mr. HAMILTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. VANDIVER. I yield to a question.

Mr. HAMILTON. From what reports are you reciting?

Mr. VANDIVER. I am reading——

Mr. HAMILTON. The place, page, and authority?

Mr. VANDIVER. I will give the page and authority and point out not only these instances that I have mentioned, but a hundred more, if the gentleman insists upon it and I have the time. I am merely reciting facts gathered from official reports and Senate committee hearings, and refer you to pages 1754 to 1760 and succeeding pages.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. VANDIVER. Yes; I yield to a question.

Mr. BARTHOLDT. When my colleague prints this speech as a campaign document, to be circulated in Missouri, I should like him to print this question with his speech, namely: Is the Army of the United States a Republican institution or does the gentleman admit that both parties are responsible for both the Army and the Navy and their conduct abroad, and if the Army and the Navy, instead of being partisan institutions, are merely American institutions for which we are all responsible?

Mr. VANDIVER. Yes; but because there are Democrats in the Army I will not apologize for everything the Army does.

I want to say to the gentleman that he is the first man who has introduced into this debate any idea of partisanship. I have not intimated in any word I have said whether it is Democratic or Republican. I will print the gentleman's question and my answer. I will say to the gentleman also that it is my pride and boast here to-day that the American Navy has not tarnished its name, so far as I have been able to learn, with any acts of cruelty, but has held up the American flag with pride to all the world, and against it there is not a black mark. [Applause on the Democratic side.]

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. VANDIVER. I can not yield further at this time. The gentlemen on the other side can get all the time they want, and let them take the time and discuss this matter if they wish to do so.

Now, it has been said that these are heathenish people over there, and if we were to draw out and let them alone they would shoot each other down, they would engage in general internecine war that would destroy them, and so it appears that in order to keep them from shooting each other down we have got to go in and shoot them down first. [Laughter.]

Now, as to their general character, I read from very high authority. General MacArthur, when he was before the Senate committee, was asked this question:

As a whole, General, I believe in your report you speak of the Filipino people in an appreciative way, as people of considerable native intelligence, quick and apt, and generous, flexible, and peaceable?

General MACARTHUR. I believe that is the general tenor.

Mr. CARMACK. I understand you to say that you would be willing to give them a very considerable share in the general government?

General MACARTHUR. Yes.

Mr. CARMACK. Do you think they should have it now?

General MACARTHUR. I would be glad to give it to them now, as I have said. I have become attached to these people and have a good deal of faith in them.

Now, I suppose you will not question that authority. Now, Mr. Chairman, after all the brutality that has been practiced not only by the American officers and American soldiers, but by native scouts under command of American officers, there comes this final climax, the order of one Jacob H. Smith that the island of Samar shall be made "a howling wilderness." Major Waller was brought to account for atrocities committed in the island, and he pleaded that he was obeying the orders of his superior. He was tried by a court-martial and was acquitted on that plea, and his superior was then summoned for trial, and here is the last we have seen in relation to that trial. We have not yet had a full report of it. But here is a cablegram which I will read:

MANILA, *April 25, 1902*——

Mr. LANDIS. From what is the gentleman reading?

Mr. VANDIVER. From an Associated Press dispatch from Manila.

Mr. LANDIS. What is it published in?

Mr. VANDIVER. It is published in the Irish World of May 3, after appearing in nearly every daily paper in the country. [Laughter on the Republican side.]

You may laugh; it is an easy matter to laugh at these things. But here is the report, and nobody denies it:

MANILA, *April 25, 1902.*

Colonel Woodruff, counsel for Brig. Gen. Jacob H. Smith, United States Army, under court-martial here, produced a sensation at the opening session of the court to-day by admitting the truth of the reported atrocities by American troops in Samar.

Colonel Woodruff made this statement:

General Smith had issued orders to kill the natives and to burn their homes.

The country was hostile to the Americans and General Smith did not desire any prisoners.

General Smith had issued orders to make Samar a howling wilderness.

General Smith had ordered that all persons capable of bearing arms should be killed.

The age limit was made 10 years, because many such boys had borne arms against the American troops.

All above 10 years of age to be slaughtered!

Mr. SAMUEL W. SMITH. Will the gentleman allow me a question?

Mr. VANDIVER. Yes; a question.

Mr. SAMUEL W. SMITH. I have not had the pleasure of listening to all of the gentleman's speech.

Mr. VANDIVER. I am sorry, for the gentleman would have been instructed. [Laughter.]

Mr. SAMUEL W. SMITH. Has the gentleman spent any time in investigating the atrocities that the Filipinos have committed on the American soldiers?

Mr. VANDIVER. Yes, sir; I have.

Mr. SAMUEL W. SMITH. To what extent?

Mr. VANDIVER. To what extent! Well, now, I think the gentleman realizes there is no sense in such a question. [Laughter.] I have investigated the matter probably as much as it has been investigated on the other side, and I am frank to say that there are numerous cases of atrocities committed by Filipinos against American soldiers.

Mr. SAMUEL W. SMITH. Why has not the gentleman spent as much time criticising the Filipinos as he has criticising the American soldiers?

Mr. VANDIVER. First, because these statements have been denied, and secondly, because you gentlemen on the other side of the Chamber show no disposition to inquire into the matter or consider more than one side of it, and when any bill is before the House we can not get time to discuss fully all the phases of the question. You have denied facts, and hence I am proving them. But as to the atrocities committed by the Filipinos against the American soldiers, I say that no man regrets them or detests them more than I do. But what is their excuse, what is their provocation? We have invaded their country; we are the invaders, and they are defending their homes and their wives and children. I do not justify their barbarities. I deplore and abhor them. But so long as we attempt to subjugate them these horrors will continue, and our own soldiers will be tempted and provoked into these inhuman methods of warfare. For God's sake stop it before we have brutalized our whole Army. If there is a man on this floor who is willing to stand here as the apologist for an American soldier under the American flag acting as a murderer and a torturer, and committing rape and every other crime imaginable, while we are trying to force our sovereignty on those people, I want him to stand up and say so.

Mr. HAMILTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Michigan?

Mr. VANDIVER. Oh, yes; for a question.

Mr. HAMILTON. The gentleman says that we are invaders. Now, how did we acquire possession of the Philippine Islands?

Mr. VANDIVER. Oh, the gentleman would like to go back into ancient history and rake up everything, I suppose, to cover up the issue. I am presenting facts here. I challenge the gentleman to deny one of the facts. I will not stop to discuss that question, further than to say that we have no title to that country that rests on a just, moral, or equitable basis.

Mr. HAMILTON. I deny that we are invaders.

Mr. VANDIVER. Do you deny the cruelties and barbarities that are being practiced there now?

Mr. HAMILTON. You said that we were invaders. Do you deny what I have just said, that we acquired the country by treaty?

Mr. VANDIVER. Yes; I deny that we have any right to it.

Mr. HAMILTON. You deny it, do you? On what grounds do you deny it?

Mr. VANDIVER. That what Spain did not own she could not sell to us. But I shall not be diverted from the purpose of my remarks in presenting facts as brought out in the testimony. If the gentleman will be quiet a while I will give him some more.

Mr. LESSLER rose.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York [Mr. LESSLER]?

Mr. VANDIVER. Well, let him ask what he has to ask, and

be quick about it. My time is nearly out, and I have been interrupted so much that I am not half through.

Mr. LESSLER. Does not the gentleman also know of the water cure being administered to our soldiers?

Mr. VANDIVER. In some instances it may be so, and I condemn it as strongly as you do. Now, I ask you whether you approve of civilized soldiers torturing uncivilized people, as you call them, for the purpose of extorting confessions from them? Answer yes or no. Answer, or else take your seat.

Mr. LESSLER. You can not order me to take my seat. I will answer you in this way——

Mr. VANDIVER. Then take your seat anyhow, and wait till your time comes. [Laughter.]

Mr. LESSLER. Mr. Chairman——

Mr. VANDIVER. I decline to yield further. If I were practicing the barbarities that have been practiced upon the Filipinos, I would subject you to the water cure and make you answer anyhow. [Renewed laughter.]

Mr. LESSLER. Probably. But you would have to be a good deal taller and better minded than you are in order to do so.

Mr. VANDIVER. That sounds very much like the twittering of the sparrows in the trees in Central Park or a chippy from the Bowery. [More laughter.]

Mr. LESSLER. Will the gentleman yield for a question?

Mr. VANDIVER. For a question only.

Mr. LESSLER. I would like to ask whether you have read what is generally known as General Order No. 1?

Mr. VANDIVER. Yes, I have read it; but I do not think you have. That is all I want to say now on that question. [Laughter.]

But, Mr. Chairman, the famous order No. 100 of President Lincoln is humane and reasonable; but the perpetrators of these crimes can not be sheltered behind that order, because it is the very order they have violated. There is nothing in it to warrant cruelty and barbarity. This order has been reissued for the government of our Army in the Philippines. It consists of a series of rules to regulate soldiers in the field. These are the very rules that have been violated.

I will read some of them right here and ask you to compare them with the evidence I have just been quoting. Compare the general order with the actual facts, and say whether you think the war in the Philippines has demoralized and brutalized our soldiers or not. Observe especially rule 16, rule 44, and rule 80.

Among these rules you will find the following in order No. 100:

Rule 16. Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. * * *

Rule 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force; all rape, wounding, maiming, or killing of such inhabitants are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. * * *

Rule 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

Rule 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. * * *

Rule 80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army; and the modern law of war permits no longer use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

No, Mr. Chairman, it is an insult to the memory of Lincoln to say that our soldiers in the Philippines have been governed by this order given by him to the Army of the Union in 1862. It is an insult to the old soldiers of that gallant conflict to plead their example in extenuation of the crimes committed against noncombatants, against prisoners, and against helpless women and children in the provinces of Luzon and Samar.

Furthermore, when you say that I am insulting the Army, I remind you that Gen. Nelson Miles, the head of the Army, on the 17th of last December, sent to the Secretary of War an official communication declaring that—

The war in the Philippines is being conducted with marked severity.

He then went further and proposed remedies. He does not sanction these barbarities. I am therefore sustaining the head of the Army. But I trust, sir, that the time may never come when a civil officer, especially a representative of the people on this floor, will be afraid to criticise criminals because they happen to belong to the Army and have on the uniform of American soldiers.

In conclusion, Mr. Chairman, let me say that if the hatred of American rule in the Philippines is so deep seated that 10-year-old boys are in arms against us and making such dangerous and valiant soldiers as they are likewise doing in South Africa against British aggression, then you must admit that it has become a war of extermination. If "Hell-roaring Smith" makes a howling wilderness of Samar; the Macabebe scouts torture, rob, ravish, and murder the inhabitants of northern Luzon, and the Mohammedan Moros of the southern islands (3,000,000 of them, more or less) yet to be exterminated, all in the effort to civilize and Christianize these desperate people, we may as well realize that our task has not yet fairly commenced. Five separate times we have been told the war was over, but it still goes on. In the language of President Schurman, one of McKinley's commissioners to the Philippines—

Those Americans, patriotic but unversed in history, who desire to recreate the Filipinos in their own similitude will always be able to demonstrate that the oriental clay is still without shape and seemliness in the American potter's hand, and that for a perfect product, a vessel of honor and glory, the American wheel must be kept going for years, perhaps for generations, or possibly even for centuries. Heaven save the Filipinos from so impertinent and meddlesome an earthly providence. The Filipinos are to develop along their own racial lines, not along ours; and it is colossal conceit and impudence to disparage them because they are different from ourselves. Capacity for independent self-government does not necessarily mean capacity like ours to administer a commonwealth like ours, but merely capacity of some sort to maintain peace and order, to uphold law, and to fulfill international obligations. It may be a matter of only a short time when the Christian Filipinos of Luzon and the Visayas will be as well qualified to discharge these functions as Mexico, Peru, Argentina, or Venezuela. And when they are so qualified the American Government has no further duty or business in the archipelago. Any decent kind of government of Filipinos by Filipinos is better than the best possible government of Filipinos by Americans.

Aye, sir, it is the same old story of foreign conquest and "criminal aggression"—"the strength of civilization without its mercy," as Macaulay has said of the British conquest of India. It is the robbery of the weak to enrich the strong. We may exterminate those people and take their lands, but we will suffer in the end. The god of justice is greater than the god of battles. I condemn not the soldier obeying orders, but I condemn the policy and purpose of the Administration which forces him into this unholy conflict.

It has been whispered by a bard of old that the angel of mercy sometimes hovers over the stricken field on which lay the bleeding victims of a gallant but misguided cause and pleads forgiveness for their crimes, and hence I trust that the private soldier and the subordinate officer who has been compelled under the usages of war and in obedience to superior commands to engage in this unholy strife may find mercy at the court of heaven, but where, oh, where, is the angel with mantle of charity broad enough and sympathy wide enough to plead forgiveness for the hellish demons, "tyrants dressed in a little brief authority" and dead to all the feelings of human nature, who have driven on this car of Juggernaut to crush the lives and hopes of helpless millions merely for the sake of establishing our authority over the islands of the sea so far away that the voice of the sufferer can scarcely reach the homes of the intruder?

For me to express my horror and detestation of these miserable outrages and indulge a sentiment of sympathy for struggling and helpless humanity you say is treason, do you? Then, sir, if humanity is treason, make the most of it. If my country no longer stands for justice—if her name is to be no longer the synonym for human rights and human freedom, then, in the name of God, what have we left to be proud of?

Mr. FOSS. I yield fifteen minutes to the gentleman from Maryland [Mr. MUDD.]

Mr. MUDD. Mr. Chairman, I had intended to address the committee somewhat at length and in detail upon a subject-matter of some importance, in my judgment, to the history of the Navy and the country, and having a close relationship to, if not directly involved in, the provisions of this bill.

I had intended to discuss the findings of the recent court of inquiry as to Admiral Schley and the approval of those findings by the President of the United States, which latter, I propose to say in all frankness and with great respect, in my judgment, are decidedly less tenable and less defensible than the findings themselves.

In view, however, of the sad and rather pathetic close of the life of one of the parties to this general controversy within recent date, I shall abstain from any such discussion at this time, because I realize there could be no discussion of the conduct of Admiral Schley, as to the part borne by him at the battle of Santiago and the events leading up to it, that would not necessitate a comparison of the respective claims and relative merit of performance as between him and Admiral Sampson.

I have no disposition to encourage or countenance indulgence in any of the spirit of acrimony with which that controversy has been clothed at this time.

I wish to say, also, in this connection, and as a devoted friend and admirer of Admiral Schley, that I have naught but the profoundest respect for the memory of Admiral Sampson and for the faithful and distinguished services rendered by him in the line of the duties that fell to him and the opportunities that were his. I have no feeling other than that of grateful regard due to all of the brave and loyal participants in that struggle in which and out of which, in the language of him who, in my judgment, was its central and commanding figure, there was "glory enough for all." [Applause.]

But apart from this controversy, Mr. Chairman, and without entering into it at all, I want to give notice at this time that I intend, when we shall reach that paragraph in the bill making provisions for text-books and other appliances for instruction at the Naval Academy—pages 61 and 63 of the bill—to offer the following amendment:

Provided, however, That no part of the money appropriated in this section or elsewhere in this bill, or to be hereafter appropriated, shall be expended in the purchase of any history of the Spanish-American war written by Edgar Stanton Maclay for use at the Naval Academy, in ships' libraries, or in any other part of the naval establishment of the United States.

Now, Mr. Chairman, just a word as to that amendment. I shall not discuss it in detail at this time. I realize that it will be subject to a point of order in the precise shape in which it is submitted, and if there shall be found anyone here who wants to interpose a point of order against its consideration I shall make it germane by omitting the words "hereafter to be appropriated."

Had it not been for this false and malicious publication, made under circumstances which at the time gave color to the contention of its author that it was made with the approval of men high up in the Navy Department, we would have been spared the necessity of the court of inquiry, and the regrettable bitterness of the controversy that followed, with its hurtful effects upon the Navy and the country.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. MUDD. Yes.

Mr. COCHRAN. Is it not true that it did have the approval of men high in authority in the Navy Department?

Mr. MUDD. I did not wish to put it in that shape.

Mr. COCHRAN. Put it in such shape as would give your opinion on the subject.

Mr. MUDD. I know that was charged. I believe it was to some extent denied. I want to say for myself that I think there was much color of truth given to the charge by the circumstances surrounding it.

Mr. COCHRAN. I think there was nothing else but color of truth.

Mr. MUDD. Well, I will leave it in that way. I know that the answer to the suggestion for proscribing the use of this history in our great naval school by legislative direction will be that there is no intention upon the part of the Department so to use it, in reply to which, without discussing it further now, I will say that Secretary Long, when the first edition of this history was published, in an interview in the Washington Post, a copy of which I have retained, stated specifically that he would bar it out of the Academy "in its present form." That only, and that expressly, he stated. He promised nothing further than that and left us to the inference that in a revised and expurgated form it might be used in the Academy, as are the first two volumes now used as books of reference and text-books.

There is every reasonable expectation to believe that under the auspices of the powers that will have control this work will be upon the shelves of every ship's library in the Navy, taking rank and prominence along with the Bible and the Constitution and the Regulations of the Navy, a short time after publication of its revised edition, just recently issued.

Now, Mr. Chairman, I am not seeking at this time to precipitate any controversy as to the respective claims to recognition between Admiral Schley and anybody else. I am not asking any special favors for Admiral Schley. He needs none. I am simply asking in this amendment, which I shall urge with all the vigor that I possess, that the money of the Government of the United States shall not be used to further officially tarnish the bright name of that hero of our late war. [Applause.]

I ask Congress to see to it that there shall be no official sanction of a history that goes as far in condemnation of Admiral Schley as does the verdict of the naval court of inquiry. Schley needs no special honors at the hands of the people at present in charge of the official machinery of the Navy Department. He asks none. He may not be secure in the findings of courts of inquiry; his deeds may not be duly recorded in an inspired or official history of the Spanish-American war; but secure in the affections of the plain, unbiased people of this country, he can well rest assured of the just verdict of brave men everywhere, and await with confidence the calm and impartial verdict of a history which, if it be not preserved in written characters in books, will remain imperishably recorded by the landmarks of the fragments of the enemy's fleet strewn by him along the coast line of Cuba, and by the characters written by the wrecks of Spanish vessels at the bottom of the waters of the Caribbean Sea. [Applause.]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Chairman and gentlemen, I came into the Hall while the gentleman from Missouri was portraying the outrages that had been perpetrated by the American soldiers upon the Filipinos, and I regretted very much to hear it. I had hoped that there would be a monopoly of that kind of talk elsewhere and that we should not have in the House of Representatives the maligning and slandering of the American Army while in the performance of its duty.

Mr. VANDIVER. Will the gentleman yield?

Mr. HILL. I yield to anybody for anything.

Mr. VANDIVER. Do you say that the statements I made were maligning and misrepresenting the Army?

Mr. HILL. I say absolutely that the one-sided statement of any case is a falsehood on its face and must be so; and had the gentleman desired to be fair to the American Army he would have stated both sides of this proposition.

Mr. VANDIVER. I want to say to the gentleman that if I had sufficient time to do it, and that if I occupied a place as he does——

Mr. HILL. Well, you had an hour, and I have five minutes.

Mr. VANDIVER. If I occupied a place where I had an opportunity to do it, I would state every side of this case.

Mr. HILL. I decline to yield to the gentleman to make a speech.

Mr. VANDIVER. Then I just simply want to say to you that you have maligned and misrepresented the officers of the United States Government who have made these reports.

Mr. HILL. Mr. Chairman, it was my pleasure during the last summer to visit the Philippine Islands. This is the first time I have referred to that fact since this Congress opened. I should not do so now but for the statements made by the gentleman from Missouri, and especially the statement made in regard to Gen. Jacob H. Smith. I had the pleasure of visiting Gen. Jacob H. Smith's department, going through it for 120 miles. I found the people at peace, engaged in the usual avocations of peace, with everything quiet, business being transacted in a regular and orderly way, and no difficulty or trouble with anybody passing up and down through that department. But it had not always been so; and it seems to me that it is at least fair, while a man's character is under consideration and being tried by the regularly constituted authorities, by a court-martial, that both sides of this House should at least withhold a verdict until that court-martial and those regularly constituted authorities have made their findings.

Mr. COCHRAN. Mr. Chairman——

Mr. HILL. I have but five minutes, and there is one thing I want to state.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. I state that I found the department of Gen. Jacob H. Smith in peace and quietness, and yet while that condition existed this incident actually occurred. A company of Tagalos, Filipinos—the Filipino army, if you choose to call it such—descended upon a village of peaceable Filipinos who chose to carry on their regular business pursuits in peace and quietness and destroyed that village, murdering men, women, and children, and if the gentleman from Missouri [Mr. VANDIVER] desires a specimen of barbarity I want to tell you what they did to loyal Filipinos and Americans. They took men out and tied them to ant hills. Now, that may seem a strange thing, but those ant hills are 6 or 8 or 10 feet high and 6 feet in diameter, filled with ants that are absolutely ravenous and eat up everything they come in contact with. They tied these men to ant hills and allowed them to be eaten to death by ants. They buried them in the ground up to their necks and allowed them to be pecked to death by the birds and eaten by the ants. They took loyal Filipinos and loyal Americans and cut them open in the abdomen, taking out a portion of the bowel and nailing it to a tree and driving them around the tree with bolos compelling them to disembowel themselves, and yet you gentlemen stand here and condemn American soldiers for standing by the men who are loyal to the American flag, and who are suffering such outrages as these.

Mr. VANDIVER. For the very same kind of barbarities which you are now charging against the Filipinos.

Mr. HILL. Talk about water cures! Fight your political battles decently! Do not attempt to do it by slandering American soldiers in the performance of their duty. [Applause on the Republican side.]

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. HILL. I will.

Mr. COCHRAN. Did you notice any difference between the size of 10-year-old boys over there and here?

Mr. HILL. Oh, I have seen too many 10-year-old boys on the other side of this House to have any trouble in recognizing the difference. [Laughter on the Republican side.]

Mr. COCHRAN. That is your answer. Let me ask you one question further.

The CHAIRMAN. The gentleman's time has expired.

Mr. COCHRAN. And I expect he is glad of it.

The CHAIRMAN. The gentleman from Illinois.

Mr. FOSS. I yield ten minutes to the gentleman from Oregon [Mr. TONGUE].

Mr. TONGUE. Mr. Chairman, just recently some new policies to be adopted into Federal legislation have been proposed and advocated that greatly concern the West, from which I come, and the agricultural classes, whom I in part represent. They have been urged by members on that side of the House, by leading Democratic newspapers in various sections of the country, by Democratic clubs and Democratic committees with such vigor and persistency that they demand attention. The "eternal principles" of Democracy, it seems, refuse to be "eternal" or to stay fixed or to have immortality thrust upon them. They seem to be in need of repair, and are undergoing their usual biennial readjustment. The Democratic party, Mr. Chairman, seems to have found from recent occurrences a new political issue, in which it hopes to unite its scattered elements. A "new issue" is something for which with eager eyes it has been scanning the political horizon for some time past.

At last one seems to have presented itself, like Minerva, full armed from the brain of Jove, and has been eagerly welcomed. During the last few days there has been an unusual and abnormal and unjustifiable increase in the retail price of fresh meats. This condition has affected every household. Prices to the consumer have reached a point never attained during many years, if at any time in the history of the country. Meats which were formerly purchased by the housekeeper at 18 to 20 cents per pound suddenly increased in price to 30 and 35 cents per pound.

In many instances prices of meat to the consumer in Eastern cities have more than doubled, and that within the past sixty days. Our Democratic brethren, who some years ago based their campaign largely upon the low price of products, and charged it to the increase in the value of gold, have now discovered that upon some farm products at least prices are too high. They are commencing, if not a vigorous, a very noisy campaign to reduce the price upon commodities which a few years ago they claimed it as their special mission to increase.

Realizing the consternation that such an unusual increase in the prices of the necessaries of life must carry to many hearthstones, they have adopted as a new battle cry "Cheap food for the masses." Discovering what they believe to be an evil, they are looking for a remedy. It is not necessary for them to look far. The time-honored one of the Democratic party is always at hand. In Democratic eyes no economic evil afflicts the American people that is not caused by the "iniquitous" tariff. "Down with the tariff," particulars not given, is their remedy for every political ill which afflicts the body politic. Whatever business misfortunes befall the people of the country are laid to the door of the tariff. They can conceive of no other remedy in the present instance, except to remove the tariff.

When a housekeeper complains that she is asked 40 cents per pound for poultry for which she formerly paid 12, she is told that it is the tariff of 5 cents per pound upon dressed poultry. When the boarder at a restaurant is asked at the rate of 25 cents per pound more for his beefsteak than sixty days ago, he is told it is the tariff. When the housekeeper wishes to purchase a choice piece of tenderloin steak and is asked $1 per pound, she is told that it is the tariff of 2 cents per pound upon dressed beef. They would have us believe that just outside the boundaries of the Republic, upon every side of us, are great quantities of the choicest of tenderloin, praying for someone to remove the 2-cent tariff barrier and permit these choice morsels to be sold to the starving people of the United States for $1 per pound.

According to this new edition of the gospel of reunited Democracy there are great swarms of fat chickens perched upon the trees and fences just outside of the 5-cent tariff wall surrounding the Republic and praying someone to let down the bars so they can fly to our very doors and enjoy the blessed privilege of being killed, picked, and sold to hungry Americans at 40 cents per pound. In some way, in some form, the resentment of the eating public must be thoroughly aroused and utilized for political purposes in aid of the Democratic party.

Mr. Chairman, there is not a well-informed member of this House on either side, or an intelligent man in public life, who does not know that the recent unusual increase in the price of meat is not the work of the farmer, of the stock raiser, or of the stock feeder. They are not receiving the benefit of the increase. It has not been made in their interest, but they are now being injured and will continue to be injured in the future by it. It is no more the result of the tariff, which has not been disturbed in five years, than the increase in the wholesale price of domestic fine salt within thirteen months, from $5.50 a ton to $25.80 per ton, is caused by a tariff of $1.60 per ton. Both these tariffs were the same five years ago as they are now. The recent unusual increase in the price of meat, as the increase in the price of salt, is the work of a great and unholy combination and a conscienceless trust, and wholly for the benefit of a trust that defies law and despoils both the owner of live stock and the consumer of meat products. The remedy should be directed to the cause of the evil.

The Attorney-General has already instituted proceedings for this purpose. The Democratic party, according to a speech made by the gentleman from New Jersey to his constituents a short time ago, has discovered that "there is no power in the President and none in the Attorney-General to suppress monopoly." And so our Democratic friends, in their eagerness to take advantage of temporary conditions and make political capital out of an excited and indignant public opinion, now propose to strike, not at the real culprit, but, as I expect to show, at one of its victims. They propose to let the guilty escape and punish the innocent for political purposes.

Mr. COCHRAN. Will the gentleman allow me to ask him a question?

Mr. TONGUE. Yes, if it is brief, as I have but little time.

Mr. COCHRAN. When do you think the Attorney-General or the President first discovered that there was a beef trust; within the last thirty days?

Mr. TONGUE. That question had probably better be directed to the Attorney-General. I am not the keeper of his official secrets. I want to say——

Mr. COCHRAN. After the beef trust has been discovered and prosecuted, will the Attorney-General prosecute the steel trust, the barb-wire trust, the wood-pulp trust, and other trusts that have been in existence, some for forty, some for twenty, and some for ten years?

Mr. TONGUE. I am not undertaking to discuss all the trusts. Some of these were in existence as prominently when the gentleman's own party was in power as they are now. If the attitude of the gentleman from New Jersey is correct, that "there is no power in the President and there is none in the Attorney-General to suppress monopoly," and that this can be done only by an amended Federal Constitution, proceedings would be of little value.

Mr. COCHRAN. Does the gentleman indorse the opinion of the gentleman from New Jersey?

Mr. TONGUE. No; I do know, and from a recent conference with the Attorney-General I feel fully warranted in saying that if the gentleman from Missouri will come out of his hazy realm of common report and hearsay and will produce to the Attorney-General tangible, legal, and valid evidence showing the existence and operation of any trust doing business contrary to the laws of the United States, proceedings will be promptly instituted against them and vigorously prosecuted. But I am not going into the entire trust question. Just now I am after one trust—the meat trust—and I propose to say something to my friends on the other side of the House for the singular remedy they propose. It is a proposition not to injure, but to help, the trust; not to reduce its prices to consumers, but to enlarge the markets in which it is to purchase and destroy competition; not in its selling, but in its buying. While retaining protection upon every other product they propose to remove all duties, not only from fresh meats, not only from all meat-producing live stock, but from all "food stuffs in daily use," which includes every agricultural production within the United States.

Mr. SULZER. Will the gentleman allow me to ask him a question?

Mr. TONGUE. I have not the time to yield.

Mr. SULZER. Is the gentleman willing to vote to take the tariff on meat products off?

The CHAIRMAN. The gentleman declines to yield.

Mr. TONGUE. I certainly am not, and yet that would not lower the price of meat. Does the gentleman suppose that taking the tariff of 2 cents a pound on tenderloin beefsteak that sells for $1 a pound would reduce the price to the consumer? Does the gentleman from New York suppose that taking the tariff of 5 cents a pound off dressed chickens, now selling in this city at 40 cents a pound, would reduce the price to 12 cents, just as it was a year ago under the same tariff?

Mr. SULZER. Does not the gentleman think——

Mr. TONGUE. I have not time to discuss all these questions relating to the tariff in the limited time assigned to me.

The CHAIRMAN. The gentleman declines to yield. The gentleman from New York is aware that a gentleman can not be taken from the floor when he declines to yield.

Mr. TONGUE. Mr. Chairman, I want to consider for a moment the remedy proposed by our Democratic friends, and its probable effect.

The New York American and Journal, ambitious to be the leading Democratic newspaper of the country, in its issue of the 24th ultimo devotes more than a page to this question. It is full of glaring headlines, sentences in capitals, all centering to

one purpose. "Off with the tariff on beef, veal, mutton, and pork." I will read a few extracts from that paper:

Through the manipulations of monopolists the prices of meats have recently been increased enormously.

Thus an unusual demand for other articles of food has been artificially created, and they, in turn, have greatly advanced in price.

The chief articles of food controlled by the monopolists of the food trust are beef, veal, mutton, and pork.

These meat monopolists are enabled in part to maintain their mastery of the market by the tariff duties now levied upon foreign beef, veal, mutton, and pork.

This partnership between the Government and the food trust must come to an end.

Congress, if it so wills, can at once repeal the Dingley duties and let in free the beef, mutton, and pork of Canada and Mexico.

That would bring prices down on the run.

It would give relief to the plundered people and the suffering poor at once.

The American and Journal proposes to the people of the United States that they pour in petitions to the House of Representatives in favor of the passage of a free-meat bill.

Off with the tariff on beef, veal, mutton, and pork.

Let that be the cry of every victim of the food trust.

Every pillaged household should be a campaign headquarters for the furtherance of this movement against famine prices for the necessaries of life.

Down with the food trust.

Give Congress to understand that you mean business.

Mr. MCDERMOTT, a Democratic member of Congress from New Jersey, on the 23d of last month introduced a bill to remove all the duty "upon meat of any kind and upon live or dressed poultry imported from foreign countries."

On the 25th ultimo Mr. SIMS, another Democratic member, introduced a similar bill for the repeal of all duties "upon beef, mutton, pork, and veal."

The Detroit Free Press, a leading Democratic paper, in a recent issue, urges the total repeal of the duties upon "cattle, sheep, and dressed meats."

It urges that in this way—

The markets of the United States would be thrown open to Canadian cattle and sheep, as well as to the refrigerated beef of Argentine and Australia.

It further alleges:

Whether the high prices are due to the operation of the trust or to the scarcity of supply, it is the evident duty of Congress to remove the tariff, in the interest of the consumer.

It forgets that the recent increased retail price is due to neither.

The demand for cheaper meats is immediate.

A leading newspaper a few days ago contained the following in its Washington dispatches:

A New York paper to-day polled the Democratic side of the House to ascertain whether the members were willing to vote for the removal of duties on meats on account of the beef trust having forced prices so much higher. Almost all gave affirmative answers.

The Washington Post, owned and controlled by an ex-Democratic member of Congress and substantially a Democratic paper, under the name of Independent, in its issue of Friday, May 2, also adds its indorsement of this new Democratic issue. It makes the following statement:

The duty is $2.75 a head on cattle worth not more than $14 a head, and 27½ per cent on cattle valued at a higher price. The repeal of this tax would let in cattle in large numbers from Mexico and Canada—cheap cattle for the farmer to restock the ranges that are said to be depleted; fat cattle for the butcher from the latter.

Not only the cattle duty but the tariff on all carnivorous foods, including pork, veal, mutton, poultry, and the 2 cents a pound on dressed beef, should come off. * * * In an emergency like this, it is folly to talk of waiting till Congress can make a thorough revision of the tariff before the cattle duty and other immediate taxes are touched. This is an occasion that demands dispatch.

But the same paper in its editorial columns of yesterday morning asserts:

It is everlastingly true that the country does not want and will not have an entire abolition of protection,

The same paper in an editorial this morning, discussing this subject, contains the following:

Meanwhile the one sure and immediate remedy is left untried. Republican candidates for Congress will be compelled to defend the tariff taxes on beef cattle and on dressed meats. * * *

And the beef trust is but one of their many afflictions. They know that the country is not a bit in love with the Democratic party, but they remember that their party has more than once been subjected by its own members to the wholesome discipline of defeat.

This is a plain issue. We are given notice "that the country does not want and will not have an entire abolition of protection" of the productions of the factory, but Democracy asserts that the country does want and will have an entire abolition of protection to the productions of the farm and range. Republican candidates for Congress are given notice of this issue and are threatened with defeat if they attempt "to defend the tariff taxes on beef cattle and on dressed meats."

A meeting held in Jersey City on the 28th ultimo, dominated by Democrats and addressed by Democrats, passed resolutions, alleging among other things:

That food at our very borders prohibited an entry until a tariff rate is paid, is not protection but oppression.

The essential and most expeditious remedy to bring to an end this condition is the immediate repeal of the tariff on all meats and food stuffs in daily use.

The executive committee of the national and State associations of Democratic clubs, and the State League of Democratic Clubs at a recent conference adopted the following resolutions:

Whereas President Roosevelt has set the Department of Justice in motion on the protest of the people against the meat monopolists; and

Whereas the food trust is being attacked by the Attorney-General of the United States; and

Whereas it is desired to rescue the people from the clutches of the trust; and

Whereas Congress, if it so wills, can place the food products controlled by the trust upon the free list in a very short time; and

Whereas it seems necessary that Congress should be stirred to activity in this direction: Therefore, be it

Resolved, That the President of these United States should send a special message to Congress, now in session, urging repeal of the duties on the products controlled by the trust, or such legislation as may bring relief to the people generally.

In another issue a leading Democratic paper a few days ago had the following:

But the duties on foreign meats can be removed immediately.

Why should this relief to the people be delayed a single day?

President Roosevelt has it in his power to drive to the rear the Republican leaders who are helping the food trust to empty the workingman's dinner pail and to make meager the fare of the workingman's family.

Repeal of the meat duties would give results at once. Send in a special message, Mr. Roosevelt. Hit the food trust through the tariff.

How refreshing this belated Democratic interest in the "workingman's dinner pail."

Now, Mr. Chairman, conceding that most of the recent increase in the price of meat to the consumer is indefensible, that it is an evil that ought to be remedied, let us examine for a moment the proposed remedy.

First. The proposal to remove the duties upon dressed meats. Let it be understood that neither the tariff upon dressed meats nor live stock has been increased during the last five years. The tariff is precisely the same now as before the recent increase. The rates of tariff upon dressed meat are as follows:

	Cents.
Fresh beef, veal, mutton, and pork ..... per pound...	2
Poultry, live ..... do....	3
Poultry, dressed ..... do....	5

Are these tariff duties the cause of the recent rise in meat? Why have these prices gone up so enormously while the tariff has remained stationary? How much cheaper would tenderloin steak that sells in Eastern cities for $1 per pound be if the tariff of 2 cents per pound were removed? Ordinary beefsteaks sell for 30 cents per pound retail. How much would these be cheapened by removing a tariff duty of 2 cents per pound?

The retail price of dressed poultry within a short time has increased from 12 cents to 40 cents per pound. How much cheaper would that be if the tariff duty of 5 cents per pound were removed.

Who are making these enormous profits? What is the cause of this enormous increase in prices? Who are receiving them? Certainly not the men who grow, raise, and feed live stock. The highest market price for dressed beef, mutton, and pork in the cities of the West during the present year has not exceeded 9 cents per pound. The increase in the last sixty days in the price of fresh meats paid to the producers has not exceeded 2 cents per pound. On the other hand, during the last few days, the decrease in the use of meats through the increased price has destroyed the sale for cattle. A leading Democratic paper, on the 2d of this month, contained the following dispatch:

REFUSAL TO EAT MEAT CAUSES $500,000 LOSS—STOCK RAISERS AND INDUSTRIES IDENTIFIED WITH THE CATTLE TRADE FEEL THE COUNTRY'S RESENTMENT AGAINST THE TRUST.

CHICAGO, *May 1, 1902.*

Depreciation in the price of cattle and reduction in consumption during the last three days are said on the most trustworthy authority to have resulted in a loss of $200,000 to the live-stock raisers adjacent to Chicago. Taking in the other industries closely identified with the cattle trade, the loss is said to run over $500,000.

In Rockford, Ill., where the conditions are said to be a sample of those in other cities in northern Illinois, the demand for meat has fallen off 37½ per cent. The packers' men, asked about the reductions, refuse to impart any information. They say they have not been able to secure figures on which to base an accurate estimate.

One of the largest packers in the business, and admittedly one of the best-posted cattlemen in the United States, said:

"Business to-day is the worst I ever saw; it is simply paralyzed. In fact, there is no business at all for the packing houses. If this agitation and falling off in consumption continue, I don't know what will happen. Certain it is that if the agitation continues the worst is yet to come."

When returns begin to come in from the far West the great reduction in consumption, with the consequent depreciation in cattle values, it is asserted, will run into the millions.

Commission men at the stock yards to-day blocked the further fall in cattle prices by telegraphing to shippers to hold their cattle until the market strengthened. The receipts to-day were only 6,000 head to the 18,000 head of yesterday. The packers continued their policy of yesterday, buying only the animals necessary to fill immediate orders.

"The yards have not been so lifeless since the panic of 1893," was the comment of the commission men to-day. The cattle that were sold brought yesterday's prices, 25 cents a hundredweight lower than those of Tuesday. Hogs fell 10 cents lower.

Another Chicago dispatch of April 30 states that because of the falling off in the demand for dressed meats "Chicago packers have discharged hundreds of men." "In nearly all the big plants large numbers of men are being laid off."

The condition of the meat trade of Boston on May 2 and 3 is shown by the following:

DECREASED CONSUMPTION OF BEEF.

Twelve cars of dressed beef were received at Boston on Friday and Saturday of last week. The receipts for the two corresponding days a year ago were 87 cars. It is evident that Bostonians and the people in the vicinity of their city are not patronizing the beef trust so extensively as they have been in the habit of doing.

What is true of Boston is true also of nearly the entire country. An advance in the price of any commodity so notable as the advance in the price of beef has been necessarily brings with it a decrease in consumption.

Yet with this demoralization of the cattle market the following appeared in the New York Tribune of Sunday, May 4, under the heading—

HIGHER PRICED RESTAURANTS MAKE 20 CENTS MORE THAN USUAL ON STEAKS.

A pound of tenderloin beefsteak cooked and served in a restaurant that has raised prices is sold to the consumer at an increase of about 25 cents in the price. This means that the purveyor makes 20 cents more on every pound of steak than he did before the trust raised prices.

On the same day the New York American and Journal contained the following:

NO RELIEF IN SIGHT FOR CONSUMERS IN GREATER NEW YORK.

From the legal standpoint, the local war against the food trust was at a standstill yesterday.

From the consumers' standpoint the situation was about as bad as ever, retail prices of meats remaining at about the same figures as during the week.

Fresh pork is the only meat staple that sees an approach to reasonable prices. Ham and bacon and other pork products remain at abnormally high prices, while beef and lamb of all varieties are still beyond the reach of lean pocketbooks.

Eight dealers said yesterday that women who conduct dining rooms and boarding houses frequently leave the shops in tears after learning that the high prices remain firm. The present prices threaten the boarding-house keepers with ruin.

5,000 MEN PROPOSE TO BUY NO TRUST MEATS FOR THIRTY DAYS.

AMSTERDAM, N. Y., *May 3, 1902.*

The Amsterdam Central Labor Union, composed of 25 subordinate unions, with a total membership of 5,000, has adopted a resolution to abstain from the use of meat handled by the meat trust for the next thirty days.

The Washington Post of Sunday contains the following:

MEAT GOES UP AGAIN—ANOTHER INCREASE IN PRICE OF BEEF MADE BY THE PACKERS.

Yesterday saw another advance in the price of beef in the local market, and with the increase came a corresponding advance in the price of substitute commodities. The figures, which had already been unprecedentedly high for meat, were sent up farther by the wholesale people, who were followed, though not to an equal degree, by the retail dealers about the city. These latter were notified yesterday that meat would cost $1 more a hundred, while with this came from other sources information, direct and indirect, of a prospective increase in the price of poultry in the coming week of about a cent a pound.

Retail dealers are inclined to take a very gloomy view of the situation. As a rule, they find very little comfort in the high prices prevailing. There is little, if any, more money in it for them, while a larger outlay is necessary, and, in addition, there is the public discontent to meet.

Regarding the present additional advance, as in the case of the preceding raises, the representatives of the packing interests are disinclined to speak. Those who will talk, however, volunteer no hope for a lowering of prices in the near future.

It is evident the farmer and stockman, the producer of meats, is not getting the benefit of this increase in price. The small additional amount paid to him does not more than cover the cost of feeding, growing out of the scarcity of corn and higher-priced feed. On the contrary, he has been made the victim of decreased consumption. While there has certainly been a great increase in the price of fresh meats to the consumer, the highest price paid for fresh dressed beef to the farmer and stockman in the city of Portland, Oreg., during the year has been 8½ cents per pound, 1 cent higher than at a corresponding period one year ago.

The recent Summary of Commerce and Finance, published by the Treasury Department, gives "the top prices per 100 pounds for cattle on the hoof for each week" at the Chicago stock yards since January 2, 1897. I select the prices at the end of the first week in April and May of each year:

Year.	Native steers.	Texas steers.	Cows.
1897.			
April 3	$5.40	$4.45	$4.30
May 1	5.40	4.50	4.40
1898.			
April 2	5.50	4.55	4.10
May 7	5.25	4.40	4.15
1899.			
April 1	5.80	4.85	4.35
May 6	5.50	4.90	4.80
1900.			
April 7	5.80	5.00	4.85
May 5	5.75	5.10	4.80
1901.			
April 6	6.25	5.30	4.75
May 4	6.10	5.25	4.85
1902.			
April 5	7.50	6.10	6.00
April 12	7.40	6.10	6.00
April 19	7.50	6.00	6.30
April 26	7.50	6.50	6.50

This is the end of the official record, but the quotations from responsible newspapers for April 30 of this year, from the Chicago market, are as follows:

Market slow and 15 to 25 cents lower; good to prime steers, $7.75 to $7.80; fair to medium, $4.50 to $6.40; stockers and feeders, $2.50 to $5; cows, $1.40 to $6; canners, $1.25 to $2.50; calves, $2 to $5.35; Texas steers, $5.25 to $6.25.

Prices the 10th instant are practically the same.

The increase in the prices paid to the stockmen in Chicago in April and May, 1902, is from 80 cents to $1.25 per 100 pounds, or practically an average of 1 cent per pound.

Who is getting the remainder of the increased cost to the consumer from 12 to 25 cents per pound? Who are responsible for this unusual increase in the retail price? There can be but one answer. There is but one answer. It is the wealthy corporations who own the great slaughtering establishments, who own the great packing houses, refrigerating plants, refrigerating cars, and who, according to the New York American and Journal, "enjoy discriminating transportation rates," and who control absolutely the slaughter, sale, and distribution of all classes of fresh meats, who in 1901 bought, slaughtered, and sold 15,000,000 head of cattle, sheep, and hogs.

They name and control alike the prices charged to the consumer and the prices paid to the producer, the farmer and stockman. They are the enemies of both, and plunder both with perfect impartiality. The owner of cattle can find no market but such as they offer. There is scarcely a retail butcher in the land who would not be ruined should he dare to purchase a dressed beef from the farmer who raised and slaughtered it. These are the men who have organized and compose the so-called "food trust," who, while robbing the consumer, distressing the poor, and starving the hungry, are stopping the consumption of meats, destroying the market for cattle, and sending distress to the homes of the men who depend upon the sale of their cattle and live stock for daily bread. They depress prices paid to the owner of live stock and increase the price of meats to the consumer.

A Republican Administration proposes to strike this trust through the courts under existing laws, which they are openly defying and contemptuously violating. Its action is sending consternation into the ranks of the conspirators. But our Democratic friends, on the contrary, propose to strike not the culprits, but the victims; not to cripple the trust, but to help it; not to relieve its victims, but to bind at least one class still firmer in its clutches. What cares the trust for free meat or free cattle? It produces neither. It buys both, slaughters, dresses, preserves meats, and puts them upon the block of the retailer. It wants to buy where it can buy cheapest. It wants a wide market in which to purchase its supplies. It would welcome the removal of duties both on cattle and dressed meat as much as Havemeyer would welcome the removal of the duties upon unrefined sugar.

Both trusts want "free raw material." Controlling, as the meat trust does, every great slaughtering establishment, every great packing house, refrigerating plant, and refrigerating cars, and "discriminating transportation rates," and practically the freedom of every retail butcher in the land, does anyone suppose for one moment that the removal of the duties upon dressed meats would enable any foreign butcher to invade the dominion of the trust, interfere with its trade, diminish its sales, or supply the retailer? On the contrary, the removal of these duties upon dressed meats and upon cattle would tend to render the trust more independent of the home producer of live stock. Does anyone seriously expect to cripple the trust by extending and cheapening the market in which it buys its supplies?

Under these conditions, what relief would the removal of tariff upon fresh meats give to the consumer? We do not import; we have not for years imported fresh meats in any considerable quantities. The importations of that, as past experience shows, has not been affected by the tariff. Prior to 1890 there was no tariff on mutton or veal. The tariff on beef and pork was 1 cent per pound. Under the tariff law of October 1, 1890, there was no tariff on veal, while the tariff on beef, mutton, and pork was 2 cents per pound.

Under the Wilson bill there was no tariff on veal, while the tariff on beef, mutton, and pork was 20 per cent ad valorem. Under the present law the tariff on beef, veal, mutton, and pork is 2 cents per pound. This variation of the tariff has had practically no influence whatever upon the importation of fresh meats. The importation of meats and meat extracts under these several tariffs have been as follows:

In 1890	$407,038
In 1891, with a marked increase of tariff	521,322
In 1895, after a lowering of the tariff	479,336
In 1901, with the tariff again increased	407,003

In this last year less than $60,000 was paid for fresh beef, mutton, pork, veal, and poultry. The remainder was paid for various "extracts" and "preserved meats." This shows how

absolutely the great packing houses control the sale and distribution of dressed meats.

The United States exports enormous quantities of dressed meats. It imports practically none. Remove all of the duties from all forms of dressed meats, and there would be no increase in importation. The proposal to remove the evil growing out of the recent high prices by removing this tariff seems so entirely inadequate that it is hard to conceive that those who propose it believe that it will have any beneficial result whatever.

A Republican Attorney-General, under the directions and with the advice of a Republican President, proposes a different and, as I believe, a much more efficacious proceeding. The President and Attorney-General believe it is not the farmer and the stock raiser, but the great trusts and combinations owning and controlling the slaughtering establishments and refrigerating plants, and controlling the slaughtering, preservation, and distribution of meats, that by an unholy combination and agreement have forced up prices unjustifiably and in defiance of public opinion, good conscience, and the laws of the United States. They are instituting proceedings under the antitrust laws to dissolve these combinations in restraint of trade. This is the practical remedy, and the only practical remedy.

It is strange how suddenly our Democratic friends have become imbued with the idea that neither Congress nor the Administration can do anything to repress trusts. The gentleman from New Jersey [Mr. MCDERMOTT], on that side of the House, in a speech made a few days ago in Jersey City, as reported by the New York Herald, is said to have made the following statement:

There is no power in the President and there is none in the Attorney-General to suppress monopoly. At best, the States which create these institutions can impose fines for a violation of charters, and what is a fine to a band of conspirators who, without heart or conscience, are in the business of wringing, with greedy hands, millions of the public?

Men and newspapers may suggest remedies, but there will never be any remedy until the National Government has the sole power to grant life to corporations which do an interstate business and until it has power to take away that life for good cause.

For the purpose of accomplishing this end, I have introduced an amend- to the Federal Constitution, which, in my judgment and the judgment of others who have examined it, is the way to remedy the great evil about which the whole country is now crying.

Take down that tariff wall and let in the mutton of Canada and the beef of Mexico and I believe you will accomplish at least something, though, perhaps, the only substantial and permanent remedy is Federal control of Federal corporations.

A year ago, on this side of the House, we proposed to amend the Federal Constitution so as to give Congress the power to regulate trusts. The amendment failed to secure the necessary two-thirds vote because of a solid Democratic opposition. Now, when the Republican Administration proposes to appeal to the laws upon the statute books, passed by a Republican Congress and signed by a Republican President, to repress the most iniquitous trust that ever existed and to grant a suffering people immediate relief, the Democracy suddenly discovers that the Federal Government is powerless to control trusts, and that "there is no power in the President and there is none in the Attorney-General to suppress monopoly," and suddenly discovers the necessity of amending the Federal Constitution!

The trusts that are made defendants do not share the confidence of the gentleman from New Jersey. We are told by the leading newspapers that the action of the Government "has caused alarm among the packers."

Mr. Chairman, the proposition to remove the tariff on fresh meat alone would alarm no one, but the Democracy does not propose to stop there. It seeks to take advantage of the distress caused by those increased prices to urge other remedies that would be disastrous, that would be far-reaching, and would fall with crushing weight upon the farmers and stock raisers of the United States, and particularly in the great West.

They do not propose to stop by the removal of the duties upon meats. They are advocating the removal of the duties upon all "food stuffs in daily use," and particularly upon cattle and sheep. Let it be understood that whatever the condition of the tariff, we do not import well-fed animals ready for the block. No other nation competes with the farmers of the great Middle West in the ability to take unfed cattle and fatten and prepare them for market.

From the Pacific coast young stock—sheep as well as cattle—drift eastward, are grazed upon the ranges of Montana, Wyoming, Idaho, and other mountain States, and drift still farther eastward to be fed upon the corn of Kansas, Nebraska, Iowa, and Illinois, and there prepared for market. To remove the duty on cattle and sheep would be to fill the feeding pens and cornfields of the Middle West with unfed animals from other countries now as in 1895 and 1896. The stockman and farmer of the Pacific coast, from the Western States, could not compete with the stockman of Mexico, with the advantage of milder climate, cheaper land and labor, in supplying stockers and feeders. The removal of this duty would strike with unusual severity upon the great live-stock industry on the Pacific coast and of the entire West.

But a removal of the duties upon meats and live stock is not all that "united Democracy" contemplates. Mark the words, "food stuffs in daily use." It is but a short time ago we listened to a distinguished member of the other side of the House, then the floor leader of Democracy, in discussing tariff problems, use this language:

A tax upon consumption must always be unjust.

The necessaries of life ought to bear no burden at all, or at least they ought to bear as little as is consistent with the necessities of the Government.

Placing the necessaries of life on the free list is not, as some seem to suppose, an appeal to the selfishness of the masses, but it is an effort to approximate justice under an unjust system. I am so fully persuaded that it is our duty whenever possible to remove all taxes from the necessaries of life that I will never consent to place upon the free list any article which is bought purely for the sake of making profit out of it until we have first taken all taxes off of those articles which the poor are compelled to buy in order to be comfortable and decent.

In the vocabulary of this orator, the taxes referred to were duties upon imports. "The necessaries of life," "those articles which the poor are compelled to buy in order to be comfortable and decent" include every product of the farm, the range, the orchard, the garden, the field, the forest, and the flock. They involve every industry of the State which I have the honor in part to represent, and of the entire Northwest. To remove the tariff duties from all of these is to remove the tariff duties upon every agricultural product of the State of Oregon, upon the products of its forests, of its flocks and herds, its gardens and orchards, and the coal from its mines.

The duties from these are to be wholly removed before there is to be any reduction upon "any article which is bought purely for the sake of making profit." But articles bought for the purpose of making profit include everything to be purchased by the American farmer. Upon these the duty is not only being maintained, but it will necessarily be increased to supply the taxes removed from agricultural products. Taxes must be levied. Revenues must be collected. Governments must be maintained. There are no resources from which this money can be raised except by methods of taxation. It is conceded on all sides that the simplest, the most expeditious, and the least burdensome method of collecting taxes is by imposing and collecting duties upon imports.

The Democrats of Oregon have just declared in favor of a "tariff for revenue only." When these duties are levied upon foreign goods competing with our own it affords incidental protection to the American products. Under the policy now proposed all of this incidental protection and the increased price is to be retained, or rather increased, upon the goods which farmers buy, and the whole of it to be removed from the goods which farmers produce and sell.

Mr. Chairman, this is not only a return to the policy of the Wilson bill, which brought such widespread ruin, but goes further than that. In the Wilson bill some measure of tariff duties was levied upon live stock and agricultural products and some measure of protection accorded to the home products. Now even this is to be swept away. Why is all this? Is this the first fruit of reunited Democracy? Is this the first and greatest effort to be made by the Democratic party, to abandon its friends in the West, in order to seek new alliances in the East? Is this the policy contemplated by the Democratic legislature of Mississippi under the lead of McAlister? Is this what a recent Democratic journal of that State means by the use of the following language—

That will be one step toward a reconciliation with our former good and potent friends of the East, whom we treated so shabbily in two national conventions. We must go to them, exclaiming, like the prodigal son, "We have sinned against heaven and against you, and are no longer worthy to be called your brethren." Yet will they receive us with open arms, notwithstanding that they are "bloated bondholders" and we but "bonded bloatholders," a state of affairs due mainly to the closely nipped grass in the Populist pasture, where we have been grazing for so many years.

Does the prodigal propose to celebrate his return to his former "potent" friends—his "bloated bondholder's" friends—by sacrificing and destroying the industries of that class of people, for which during the past few years he has professed such devoted and undying friendship?

And yet these entire duties, not only upon fresh meats, not only upon all classes of live stock, but upon all "foodstuffs in daily use," must be at once removed. It must be done now. "An emergency" exists. We can wait to remove the duties from products of trusts, but not from products of farm and range. "This is an occasion that demands dispatch." They demand "results at once." "Why should this relief to the people be delayed a single day?"

In other words, that while the entire country is prosperous, while increased prices prevail everywhere, when every wheel is turning, when every factory is running at its full capacity, when every laboring man is employed at increased wages, at a time when there is not a producer of any product within the United States that does not have a full and ready market at increased

prices, the whole power of the Government must be invoked to strike down the prices of the products of the farm, the field, the orchard, and the range. This is the real meaning of the Democratic cry of "cheaper foods for the masses."

A few days ago the oleomargarine bill, as amended in the Senate, came before the House. In order to take it up it was necessary to adopt a special rule. On a rising vote 101 members voted for it and 76 voted against it. I did not observe a member on the Democratic side arise to his feet to vote for the rule or a Republican on this side who voted against it. On a roll call there were 153 voted for it and 79 against it. On roll call a few Democrats from dairy districts voted "aye" and a very few Republicans from cattle districts voted "no." It was practically a solid Republican vote for and a solid Democratic vote against. The chief burden of the Democratic song in opposition to this bill was that it made the price of butter too high.

Mr. COWHERD, who, from his name, should have been on the other side, leads the Democratic hosts. He complains:

> The price of butter has been put up by this legislation which you are now enacting against the table of the poor people of the United States. When food products were never so high, when butter was never at such a high price, and when butter makers were never so prosperous, there is not only no need of this legislation, but it is a little short of, I had almost said, infamous.

This bill, it will be remembered, was simply to prevent the makers of oleomargarine from fraudulently selling it as butter to those who wanted only butter and who would not knowingly buy oleomargarine. But this fraud must not be suppressed for fear that thereby there should be an increase in the price of creamery butter to the farmer and dairyman.

Mr. Chairman, what have the farmers done to deserve this attack? While cheerfully paying an increased price for every purchase he makes, why should the farmer not have his share in existing prosperity? Why should there not be some increase of price in the products he has to sell as well as in those he has to buy? Let us see the probable effect of the blow, and where and upon whom it would fall.

We are not left without some experience in legislation in line with that now proposed. Prior to the passage of the McKinley bill we were importing into the United States annually from 50,000 to 60,000 head of cattle. Under the provisions of that law the tariff upon such importations was materially decreased while it was in effect. The importation of cattle decreased from 64,371 in 1888 to 1,280 during the year ending June 30, 1894. But while the importation decreased in such a marked degree, exports increased from 140,208 head in 1888 to 384,607 head in 1892. Under the last three years of the McKinley bill we imported 7,058 head of cattle and exported 1,040,970 head. In other words, under the last three years of the McKinley bill we exported 1,033,924 head of cattle more than we imported. This was not the only effect of the encouragement to the cattle industry by the protection afforded by that bill.

Under the lower duties of the Wilson bill, during the last three years of its operation, we imported 696,584 head of cattle and exported 1,096,373 head. The decrease in exports of cattle, meat, and dairy products was, in value, $10,481,741 less in 1895 than in 1892.

Under three years of the McKinley bill we exported 1,033,924 head of cattle more than we imported.

Under the three years of the Wilson bill we exported 396,790 head of cattle more than we imported.

Under the Administration of President Harrison and the operation of the McKinley bill cattle increased in the United States in number 2,764,528.

Under the Administration of President Cleveland and the operation of the Wilson bill cattle in the United States decreased in number 6,617,555. The effect upon the sheep industry was practically the same. Under protection, imports of live stock decrease, exports increase, and our flocks and herds increase in numbers.

Under the Administration of President Harrison and the McKinley tariff sheep in the United States increased in numbers 4,674,474 and in value $34,268,895.

Under the Administration of President Cleveland and the operation of the Wilson bill sheep decreased in number 10,454,910 and in value $60,741,529. Remove protection to live stock, and imports increase, exports decrease, and flocks and herds diminish.

It is needless to dwell upon the depression of the live-stock industry during the last Democratic Administration. Under the protection afforded by the Dingley law it has rapidly revived. While the importations have largely decreased, the exports have largely increased. Instead of importing 328,773 head of cattle—the amount imported under the last year of the Wilson bill—our importations last year had fallen to 144,773. Our exports of cattle had increased from 372,461 head in 1896 to 459,218 head in 1901, and at a value of $37,566,980.

During the last three years our excess of exports of cattle over imports have been 722,132 head, while our exports of meat and dairy products have increased from $133,377,549 in 1896 to $196,959,637 in 1901, and live stock from $41,840,969 to $52,058,876.

Under the operations of the Wilson bill there was a steady increase in the value of our imports of live stock, a steady decrease in the amount of our exports of live stock, meat, and dairy products.

Under the present law there has been a marked and steady decrease in the importations of live stock, a still more marked and steady increase in the value of the exports of live stock, meat, and dairy products.

I have pointed out with some particularity the effect of the several tariff laws upon the domestic live-stock industry. This but illustrates the general effects upon the entire agricultural interests of the United States.

It is well known that the principal tariff reductions made in the Wilson bill were upon the importation of live stock and agricultural products. The greatest difference of duties between that law and the present is upon this class of imports. The effect of the two laws can be seen in the imports and exports of these productions. I give the imports and exports of agricultural products for the last six years ending with June 30, 1901, including the last two years of the life of the Wilson law, and the full four years under the Dingley law, and which are as follows:

Year.	Agricultural imports.	Agricultural exports.
1896	$391,029,407	$574,398,264
1897	400,871,468	689,755,193
1898	314,291,796	859,018,946
1899	355,514,881	702,811,733
1900	420,139,288	814,616,530
1901	391,931,051	951,628,331

During the last four years the American market for food products has been the best and largest in the world. The increase of the home consumption over the previous years is beyond computation. Through the proper guarding of this market by the protection accorded under the Dingley law the importations of agricultural products decreased upon an average of $22,000,000 a year. The exports of agricultural products during the four years ending June 30, 1901, reached an annual average of $827,568,147, against an annual average of agricultural exports for the previous four years of $638,748,318.

The increase in the price of agricultural products and the prosperity of the American farmer has not been the result of unholy combinations, grinding monopolists, or billion-dollar trusts. The prices of farm products have been sold in our open markets in healthful American competition. The owners of 5,739,657 farms have been competitors in the sale of their products, each standing upon its merits, and each offering his products for what it would fairly bring. With present protection the farmer is subject to more competition than the men engaged in any other business in the United States.

The total imports of all classes of goods into the United States during the fiscal year ending June 30, 1901, amounted to $823,172,165. Of this sum, $391,931,051, almost one-half the total, consisted of agricultural products. Under the Wilson law more than one-half our total imports were agricultural products. Does this indicate too much protection for the farmer? The total exports of the United States during the same year, all classes, amounted to $1,464,462,806. Of this sum, the agricultural exports amounted to $951,628,331, or more than two-thirds of the entire exports, sold in open competition with all the world. Do the men who add this much to the nation's wealth deserve this severe attack? Are they not entitled to fair protection in the home market?

Suddenly, within the past few days, the Democratic party, heretofore so loud in its professions of friendship for the farmer, has become jealous of his moderate prosperity. It begins an organized and systematic attack on food products constituting the distinctive productions of the farmer. They are too high. The price received is too great. They must be put upon the free list, not next year, not under general tariff revision, but now. It is "an emergency." Immediate relief is demanded. The remedy must be "expeditious." It must be "immediate." There must be "results at once." Delay must not be "a single day."

There is not time to wait for other tariff revision. "This is an occasion that demands dispatch." The tariff upon goods manufactured by wealthy trusts, the tariff upon machinery, upon clothing, upon every product that the farmer buys, must remain the same, but the tariff upon the goods which the farmer sells must be stricken off. The trusts are to have peace from Democratic attack. "There is no power in the President and there is none in the Attorney-General to suppress monopoly." And so

the power of Congress to "suppress the price of farm products must be invoked."

It is the old issue, but modified. The old cry—protected manufactured goods, free raw materials, with an exception. Free coal is in doubt until the manufacturer has been heard from, but free iron ore is abandoned. The entire attack of tariff reform is centered upon the cry for "free food products," and the miner and manufacturer must be tempted to join in the attempt to despoil the food producer and bring about "the immediate repeal of the tariff on all meats and food stuffs in daily use."

Mr. Chairman, I recall listening to a very able and very eloquent speech delivered in this House upon the passage of the Dingley act by the gentleman from Texas, then the minority leader, and now a Senator of the United States. That very eloquent gentleman denounced as undemocratic the position previously assumed by his party in favor of the admission of free raw materials. He insisted that it was a new doctrine imported into the party by the friends of ex-President Cleveland. He used the following language:

> Up to the time that Mr. Cleveland was first inaugurated President in 1885, nobody ever dreamed that the Democratic party would advocate a proposition to exempt the manufacturers of this country from their fair share of taxation.
>
> Again, it requires no special wisdom to discern that it was the same influences which came so near pledging our party to the maintenance of the single gold standard that committed it to the doctrine of free raw materials and taxed finished products. It was that strange infatuation which was willing to sacrifice Democratic principles in the party to secure mugwump votes. * * *
>
> They were so eager to make New England Democratic that they forgot our immutable opposition to special favors, and they offered the manufacturers of the East the valuable privilege of buying their materials at free-trade prices and selling their finished products at protection prices. That was a temptation which the rock-ribbed Republicanism of New England could not withstand, and when I first entered Congress, six years ago, the entire delegations from both Rhode Island and New Hampshire were Democratic, three out of the four members from Connecticut were Democratic, and there were five Democrats from Massachusetts. * * *
>
> Whatever strength this advocacy of free raw materials may have brought to the Democratic party in the past, it can bring none now, and will not bring any in the future. There are not in all this broad land to-day, 100 men who could be induced to vote the Democratic ticket for the sake of free raw materials, as long as the Democratic party holds to the free coinage of silver; while on the other hand, there were thousands of brave and honest men throughout the Western States, who, agreeing with us upon the great financial question, will embrace our tariff doctrine when we have thoroughly repudiated this Cleveland heresy.

Mr. Chairman, what a strange arraignment of the Democratic party by one of its great leaders and one who is prominently mentioned as its next candidate for the Presidency. He charges that his party was willing to sell out the West in order to procure votes in New England and in the East. Then alleging that such a course of conduct, while the party advocated free coinage of silver, could no longer be profitable, could no longer bring votes, he was intent upon making friends and political alliances with those "thousands of brave and honest men throughout the Western States" who were willing to vote for free coinage when the party abandoned its attitude in favor of free trade in the products of the West and tariff upon manufactured goods.

Now the party is going back to its old idols. The men whom the distinguished gentleman charges with leading the party away from its old landmarks are again obtaining control. The reign of King Bryan I is over. They are looking for a new king, a new leader, whose star is in the East. They are again attempting to renew the alliance with Eastern cities "in the hope of securing mugwump votes." In order to do this they are ostentatiously abandoning the interests of the West, are complaining of what they choose to term "their past follies," are begging forgiveness of their Eastern friends, and the better to prove the sincerety of their conversion, propose to slaughter the industrial interests of their late allies.

To the men whom they so lately praised and courted, the "brave and honest men throughout the Western States," they offer, not as they offered then and offer now to the East, "the valuable privileges of buying their materials at free-trade prices and selling their finished products at protection prices," but they threaten to compel the farmers and stockmen of the West to buy in a protected market and to sell their entire productions in a free-trade market in open competition with all the world.

Mr. Chairman, is it impossible for the Democratic party to be approximately right on two questions at the same time? A few years ago, when professing undying friendship for the Western farmer, it coupled this with the advocacy of financial measures which, while aimed at the creditor, would have overwhelmed all classes in irretrievable ruin. Now, while abandoning its financial heresies, it couples return to sound financial principles with an unprecedented attack upon farmers and stockmen, the people for whom it expressed such great concern.

Will the Democratic party never cease looking for political advantage by arraying one class of its countrymen against another? Will it ever attain to that elevation from which it can see that the welfare of all classes, of one people, living under one law and under one flag, is inseparably interwoven, that to strike down one is to strike down all, and that the highest statesmanship seeks to foster and maintain the equal prosperity of all the people of all the land?

I protest against this threatened attack, this contemplated injustice. I warn my friends upon that side of the House that their experience of a few years ago, the attack then made upon farm products, produced a result that was not expected, that ought not to be repeated. The hoped-for benefits did not come. The manufacturers of the East were charmed with the prospect of free raw material, cheaper food for their employees, protected manufactured goods. To secure this purpose the East allied itself with the Democracy. Even Massachusetts went Democratic. The legislation was secured. "Free raw materials" was conceded. But what was the result? The ruin of American agriculture, the widespread distress among American farmers, the foreclosures of mortgages, depression in the value of farm property and live stock, carried with it the destruction of the markets for American manufactured goods.

The Southern producers of cotton and corn did not escape. Demand for labor ceased, millions of hands were idle and millions of men hungry. The great railroads of the country believed that free trade in farm products would increase enormously exports and imports; that the traffic upon the railroads, taking freight from the farm and returning manufactured goods, would enormously swell the earnings of this class of corporations. What was the result? Bankruptcy everywhere and a large number of railroad corporations in the hands of receivers.

The American farmer is the basis of American prosperity. He is the greatest purchaser of the products of its looms and its factories. Directly and indirectly, in the men he employs and in the market he furnishes for the productions of labor, the American farmer is beyond doubt the greatest employer and the best friend of labor the world contains. He is the greatest contributor to the national wealth. Destroy his prosperity, diminish materially his purchasing power, and there will be, there can be, no prosperity to any other productive class within the United States.

Bring disaster upon him, and you bring disaster upon every industry within every section of the land. The fire in the furnace will die out, the smoke of the factory will disappear, the music of the wheels will cease, willing hands will be idle, and the days of the soup house will return. Turn the hand of labor against the farmer, and it will strike down its best friend, its chief support. Markets for manufactured goods and demand for factory labor will largely cease. The Southern planter will find less demand for cotton goods and less market for the meat fattened with Southern corn. The welfare and prosperity of the farmer and the laborer are "one and inseparable," "now and forever." He is an enemy of his country and of mankind who would raise up discord between them. They have never prospered, they have never suffered, in a business way, except side by side. Well-paid labor bringing prosperity for one enables him to pay good prices for increased food supplies produced by the farmer.

The prosperity of the farmer determines the demand for labor. In a few weeks there is to be an election in the State of Oregon, a State whose entire business welfare is interwoven with and dependent upon the prosperity of the agricultural and live-stock interests. The contest is between the Republican and Democratic parties. What is it that you ask of the voter who contemplates voting the Democratic ticket and supporting the Democratic canditates and Democratic policies? You are not content with asking him to join with you in an effort to tear down the flag where it has been erected upon American Territory by the courage of American soldiers.

You are not content with asking him to defile the national honor, to lend his indorsement to the vile slanders that are now being daily uttered upon the floor of the other end of this Capitol against the Army of the United States and against the men who are daily risking their lives to maintain the honor of the flag and the supremacy of the American authority. You not only ask him to indorse the conduct of those men who, standing in their places in the United States Senate, shower fulsome praises upon men who torture American soldiers by slow fires, hack prisoners to a lingering death with their bolos, bury our wounded prisoners while still living, announce to their followers to spare no white man, but who have no word of praise or encouragement for the American soldiers, American institutions, American Government, or anything pertaining to America.

But you also ask the voters of that State to deliberately deal a deadly blow to their own business interests and to stand by and support that political party which openly threatens to despoil them of their share of that prosperity which, under Republican laws, administered by Republican Administrations, is now enjoyed by all classes of the people in all sections of our common country.

Mr. Chairman, I am one of those who believe that the present

tariff laws ought to be and will be revised. Their schedules are not sacred, are not intended to be, and will not be eternal. They should be changed to meet changed conditions. Not conditions that are temporary or transient or largely local, but conditions that promise some degree of permanency. I believe there are wealthy corporations for whose productions the American market is preserved by protective duties, who are exacting unreasonable prices from American consumers. If these conditions promise continuance, as I believe they do, such duties should be materially lowered or entirely removed. But such revision, when revision comes, must be equitable and fair to all sections of the country and to all classes of its citizens. It must not destroy the prosperity of all to decrease the profits of a part of the people.

Above all, it must not discriminate against our agricultural industries that contribute more to the national wealth than any other industry that concern the prosperity of the most peaceable, the most law-abiding, the most industrious, and the most patriotic people that dwell under the Stars and Stripes. Against this threatened Democratic attack upon the business interests and prosperity of the most numerous and industrious class of our citizens, the Republican party stands for the equal and fair protection of every legitimate American industry and the business prosperity of all classes of the American people.

For the vindication of these principles, faithfully embodied into laws, passed by Republican Congress, and administered by Republican Presidents, I submit for the consideration and judgment of the American people, with their own memories and observations as witnesses, the widespread and universal prosperity of 1902 against the equally widespread and universal calamity of 1895. These conditions, not theories, have been witnessed, experienced, suffered, and are known by us all.

Lord God of hosts, be with us yet,
Lest we forget, lest we forget.

Mr. FOSS. Mr. Chairman, I now yield ten minutes to the gentleman from New York [Mr. LESSLER].

Mr. LESSLER. Mr. Chairman, I sometimes wonder, when I listen to speeches about soldiers in the Philippines if it would not be wise to send a deputation to the Democratic leader and inform him, and the gentlemen under him, that they were elected by an American constituency of the United States of America, and that they are not the representatives of the natives of the island of Guam or the district of Samar.

Mr. Chairman, it seems to me that if I had a son who had gone wrong, I would be the last one of those who would publish it abroad. If he has done a wrong I want to take him somewhere near to my heart and protect him if necessary even against myself. To me it seems very much like the old saying of "a bird fouling its own nest," to hear the American soldier upbraided and slandered and vilified without a word of defense in the one place on the American continent that he ought to be defended—the House of Representatives of the United States of America. [Applause.]

I want to serve notice now, for one, that when the time comes that we investigate what our soldiers have done or have not done, sons of men here, brothers of men here, suckled by mothers like yours, American boys and American citizens, most of us will be willing and ready and able to acquit on any testimony. I sometimes think that if you would knock at the door of one of these gentlemen in the long hours of the morning, when the time of sleep has come and the time to rest from their arduous labors of finding something to fling at their own countrymen—if you would knock at their door you would find them singing "Aguinaldo," or "the Filipinos."

It is time that we should pay some attention to our own people. It is time that in the House of Representatives of the American Congress we should look to our own "boys in blue" and be as proud of them as we were in the early history of this country or in the war of the rebellion—be as proud of them now, when they are 10,000 miles away from home—not men who have run away from their post of duty—not men who have gone out of the Army to tell any number of lies to further a political interest.

I beg to call the attention of gentlemen on the other side to a Senate document which they seem to ignore all the time—the report relating to the charges of cruelty to the natives of the Philippines. I want to read from this document the utterance of one of the best and most high-minded men that this country holds, a man who has given up as much to do his duty to his country with honor as any man to-day in the city of Washington—Hon. Elihu Root. No broader-minded American, no lovelier gentleman, no grander man to follow when duty to country calls is there in the United States than Elihu Root. And when that man puts his name to a document he puts it there because he tells the truth. He is not a critic, not a tearer down, but a man who is helping to upbuild and uplift, and who, in the opening of this twentieth century, must be reckoned as one of the great men of our time. I beg to read from this Senate document, and, mind you, I have this document in my hands so that you can look at it when called for. It is entitled Senate Document No. 205, part 1:

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races, and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy, and with their own eyes witnessing such deeds, should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them.

That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops. That these occasional cases have characterized our Army or its conduct is not true, any more than the deeds of lawless violence which constantly occur in every large city characterize the people of the city. The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

There is more of this that I might read. But I appeal to these men who are lawyers not to convict their own fellow-countrymen without the semblance of a trial. When you read me what some man has said before a Senate committee, will you not please, before convicting 40,000 or 70,000 men of misconduct as soldiers, wait till some of the men who are accused can appear before the same committee?

Why, sir, under the light of the American system of Government a man who in broad daylight assassinated a President was accorded a fair trial in a court of law—not 10,000 miles away but about 600 away from here.

I beseech gentlemen here to discard from their hearts the spirit of partisanship in dealing with questions of this kind. I desire to plead for justice to our own fellow-citizens. I desire to appeal to gentlemen to stand up for their own fellow-countrymen. I plead that until the last particle of evidence is given in the jury shall not pronounce its seal of doom. Gentlemen, I appeal to you to stand with us above all for our own "boys in blue" who are carrying your work, your mission of light and civilization in the twentieth century—the mission of the United States of America, the United States of the world. [Loud applause.]

Mr. FOSS. I yield fifteen minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I regret very much that the gentleman from Missouri [Mr. VANDIVER] has seen fit to inject into this debate the character of speech that he has indulged in. I think the gentleman has forgotten, or at least has refused to recognize many things when he indulges in this character of discussion. I think he has forgotten that the complaints, the assaults, that he has been in the habit of making for thirty-five years following the war of the rebellion, are not now in place.

I can see how a man, situated as he has been during this period, might indulge in criticisms of the Government, in criticisms of the Army, in assaults in fact upon everything that has been done. But the era making justifiable, perhaps, that kind of plaint and that kind of discussion, we are told has passed. The gentleman apparently thinks that now, while the war in the Philippines is going on, it is proper for him to use the same methods, the same character of assault, to look upon the Government as he did and has through all of the intervening years, when he talked about "your Government," talked about "your Army," talked about what "you did." I had supposed that the gentleman was now prepared to talk about "our Government," to talk about "our Army," to talk about what "we did," and what "our duties" are. But it seems he can not forget the old days and the old methods.

Mr. VANDIVER. Will the gentleman permit a correction there?

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. Yes.

Mr. VANDIVER. Instead of saying "your Government," I did say "our Government;" and I said what "we are doing." The gentleman's statement is not correct in that particular.

Mr. HEPBURN. The gentleman may have changed his pronouns, but he has not changed his method. [Laughter.] It is the same old method. Mr. Chairman, the gentleman forgets another thing, that this army that he is criticising is our Army, that the boys who compose that army are our boys, that they were raised in American homes; that they have been taught American civiliz-

tion, and he ought not to join with all of the libelers and slanderers to traduce his own. Every man knows that in a state of war, where large armies are assembled, there will be some characters who are not, perhaps, all that they should be. There may be some men—a few—who would be cruel men at home or abroad, who would indulge in outrages upon the American continent or in the islands; but, forgetting that, it seems to me that he has seized upon every exaggerated story that bears harmfully upon his own, upon our Army, upon our boys, and for what purpose? To secure, as he hopes, a miserable and despicable political advantage. [Applause on the Republican side.]

I feel ashamed of the man, whoever he may be, who loses his Americanism in the pursuit of a petty imaginary political advantage, and I want to tell the gentleman he is mistaken in his expectation that that advantage will come. No matter how he may look upon the Army as alien, no matter how he may look upon his Government as foreign, he will have but few sympathizers among the American people. His old methods, his castaway methods, will not be potential in this day of enlightenment, bearing upon the questions that now are before the American people. I do not see how it is possible for any American to take delight in parading before the world all these miserable exaggerations of fact when the only result can be to degrade Americanism, to degrade the standards of estimation in which this nation is or ought to be held. What good does it do that he should parade all these matters? He knows that if there has been violation of discipline, if there has been a violation of the laws of war, if there has been extraordinary cruelty, that the men, the individuals, the exceptionals will be punished, as they should be. No man wants to screen crime of that kind. He can not secure a party advantage in that way. If these things are true, they are horrors to Republicans as well as to Democrats.

Mr. VANDIVER. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. Oh, I think so.

Mr. VANDIVER. I have not introduced politics into this matter, nor do I hope for political advantage, but now I want to ask, in view of what the gentleman has said, that Republicans abhor these crimes as much as we do—why is it, then, that Republicans, the gentleman himself among them, have been here in session now for nearly six months, and have never yet decried these horrors, but have allowed them to go on, and, I will venture to say, have not spoken a word against them. Now, let me read one sentence from the official report, the report of the Inspector-General, to show these are not exaggerations. May I read that?

Mr. HEPBURN. Mr. Chairman, I presumed the gentleman made his speech. He had an hour, and his heart seemed to be full of all the influences of malice and malevolence to bring all the facts to bear. [Applause on the Republican side.] I do not care to yield my time.

Mr. VANDIVER. The gentleman seems anxious to conceal them all.

Mr. HEPBURN. Mr. Chairman, will you protect me from that gentleman? [Loud laughter.]

The CHAIRMAN. The gentleman declines to yield.

Mr. HEPBURN. Mr. Chairman, I can tell the gentleman why we have not discussed this matter. It is because we do not believe these statements.

Mr. VANDIVER. That is just why I want the gentleman to let me read the official evidence, the official reports, to prove them.

The CHAIRMAN. The gentleman declines to yield further.

Mr. HEPBURN. Mr. Chairman, if the gentleman did not make his case in an hour, I do not know why I should yield to him now.

Mr. VANDIVER. No; you do not want any more facts.

Mr. HEPBURN. No; I do not want any more of such facts dribbled through you. [Laughter.] Mr. Chairman, we do not believe these statements to be true. If they are true——

Mr. VANDIVER. Then, one question. Are you willing to admit the finding of a court-martial to be true?

Mr. HEPBURN. Mr. Chairman, will you keep that gentleman in his seat? [Laughter.]

The CHAIRMAN. The gentleman from Iowa declines to yield further.

Mr. WILLIAMS of Mississippi. Will the gentleman from Iowa yield to me just for one moment?

Mr. HEPBURN. Certainly.

Mr. WILLIAMS of Mississippi. Does the gentleman from Iowa believe that it is true that General Smith issued an order to make Samar a howling wilderness, and to kill all men and women over 10 years of age? Or does he believe that to be a lie?

Mr. HEPBURN. I believe that to be a lie. [Applause on the Republican side.] I do not believe that General Smith ever issued an order of that kind. I do not believe that any other American officer ever made an order of that kind. I believe it to be a slander, pure and simple.

Mr. WILLIAMS of Mississippi. May I ask the gentleman one more question?

Mr. HEPBURN. Yes, sir.

Mr. WILLIAMS of Mississippi. Does the gentleman believe that the lawyer representing the defendant in the court-martial in the Philippines the other day, who acknowledged that that order had been issued, was lying when he acknowledged it?

Mr. HEPBURN. I do not know anything about the conditions.

Mr. WILLIAMS of Mississippi. Does the gentleman believe——

Mr. HEPBURN. I do not know who the lawyer was, but I have known some lawyers who were capable of a lie. [Laughter.]

Mr. WILLIAMS of Mississippi. Did the gentleman ever know a lawyer to lie by admission or confession against his client?

Mr. HEPBURN. There are some lawyers who are not smart.

Mr. WILLIAMS of Mississippi. One other question. Does the gentleman believe that the officer who was being tried, and who pleaded General Smith's order in his justification, was making a lying plea?

Mr. VANDIVER. And who was acquitted by the court-martial on that ground?

Mr. HEPBURN. Mr. Chairman, that gentleman has again broken loose. [Laughter.]

The CHAIRMAN. The gentleman from Iowa declines to yield further. The committee will please be in order.

Mr. HEPBURN. Mr. Chairman, I do not know upon what kind of flimsy pretext the gentleman from Missouri or the gentleman from Mississippi will hang a belief, but I do know something about the American people. I do know something about American officers. I do know something about the civilization in which they have been reared. I do know something about the laws of war that govern and control them and that they are familiar with. I know something about the laws of humanity that animate them in common with the rest of us, and therefore I am prepared to say, in my judgment, that any statement of an order of that kind, of its existence as having been issued, is false, and made for a sinister purpose.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. HEPBURN. I have only fifteen minutes.

Mr. COCHRAN. I just want to make a suggestion.

Mr. HEPBURN. I am always glad to hear suggestions from the gentleman.

Mr. COCHRAN. Is it not true that the fact of the promulgation of this order was made public in the course of a court-martial of Major Waller by United States officers?

Mr. HEPBURN. Not in that way.

Mr. COCHRAN. And is it not true that the counsel representing the defendant pleaded that order in justification?

Mr. HEPBURN. But, Mr. Chairman, suppose it is true?

Mr. COCHRAN. Then that is what we want to hear you about.

Mr. HEPBURN. But admitting that it be true, for the sake of argument. These men are now undergoing a court-martial. The investigation is being made, and what good is it to parade these matters before the whole civilized world? Where do you find consolation in the fact, if it is true, that they are to be punished, if it is true that the processes of justice have been set to work against them? Why parade it here? What is the benefit that will come from it?

Mr. COCHRAN. But the officer who was just tried was not punished, but acquitted on the ground of his superior officer having ordered him to do it.

Mr. HEPBURN. Is not that officer now being tried?

Mr. COCHRAN. The verdict has not reached us yet.

Mr. HEPBURN. Is not General Smith now undergoing trial?

Mr. COCHRAN. I am only trying to enlighten the gentleman as to the fact that these things are true.

Mr. HEPBURN. No, sir; you do not establish the fact that they are true in the way that you suggest; not at all. Some man may have used in his defense this fiction of an order——

Mr. COCHRAN. Then do you think that the acquittal of Major Waller was secured by pleading a falsehood?

Mr. HEPBURN. Oh, that is not a fair question at all, and I do not propose to answer it. I am content to make the statement that in my belief no such order as is charged against General Smith was ever issued. I am content to rest there.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Wyoming?

Mr. HEPBURN. Yes.

Mr. MONDELL. Is it not a fact that, whether such an order as has been referred to was issued or not, there has been no claim by anyone that Samar was made a howling wilderness, or that any man or any child was injured in Samar by reason of that order, if there was such an order?

Mr. HEPBURN. I take it for granted that Samar is not a howling wilderness, or the gentleman from Missouri. with glee, would have told us of that fact. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I yield to my colleague upon the committee forty-five minutes.

Mr. MEYER of Louisiana. Mr. Chairman, I yield ten minutes of that forty-five minutes to my colleague on the committee, Mr. WHEELER of Kentucky.

Mr. WHEELER. Mr. Chairman, judges full often become advocates, unfortunately; and the bitter language of the gentleman from Connecticut [Mr. HILL] and the gentleman from Iowa [Mr. HEPBURN] illustrates the truth of this statement most forcibly. However, I can not, or rather I will not, permit the opportunity to pass without noticing at least a portion of what the gentleman from Iowa has said. I deprecate in no uncertain terms the effort of any American citizen to make political capital out of the unfortunate occurrences in the Philippine Islands. It is a matter that lies beyond the partisan, whether Republican or Democrat. Whether true or false, when we discuss them, as we should, nay, as is our bounden duty, we should speak not in the hope of political advantage for this or that side of the Chamber.

I can not refrain from expressing astonishment at the vindictive and bitter exposition made by the gentleman from Connecticut of the barbarous and inhuman practices of some of the semicivilized inhabitants of those unhappy islands. He hurled it with ghoulish glee in the teeth of gentlemen upon this side of the Chamber as a justification for what is charged against the American Army in those islands. I condemn with equal sternness and severity the barbarities, if barbarities there be, of the Filipino and the American soldier. It is not to criticise the Army—but that is a right that every decent, fair, and intelligent man not only claims, but possesses. When did the Army become so sacred that when it does wrong an American citizen can not criticise it?

Mr. WILLIAMS of Mississippi. To defend the Army is to investigate error.

Mr. WHEELER. Are we to sit quietly by when unworthy men wearing the uniform of their country do unworthy deeds and not expose them?

The gentleman from Iowa asks pathetically what good will come from an exposition of the barbarities that have been committed by these vicious, unworthy men that have been exposed upon the floor of this House. Sir, what good comes to civilization when the prowling night thief, who climbs your porches and commits depredations on your property, is exposed and condemned? What good comes to human civilization when the murderer and the thief and all of those infamous men that connect their names with crimes are brought to the bar of judgment, and for their act branded with infamy, and henceforth known as scoundrels and unworthy to associate with decent people or with the better class of their kind? I in the same manner condemn all human monsters who in the security of their rank set social safety and civilization at defiance, not as a Democrat, not as a Republican, but as an American citizen; not in condemnation of the Army, not in condemnation of our civilization, but as an humble citizen who loves justice and is not so charged with bitter partisanship that he is lost to all sense of pity.

I condemn in unmeasured terms the barbarities said to be practiced in those unhappy islands by men who wear the uniform of our country. [Loud applause on the Democratic side.] Our country, my country, and I say my because under the providence of God I will be here when you are gone. How foolish, how unworthy of the great gentleman from Iowa to quibble and seek to dodge behind the facts that there is no official statement as to the guilt of this inhuman monster Smith. Not as a Republican, but as President of the United States—and I pause here to give him my unstinted commendation for his manly efforts to bring justice, not as a Republican, but as the chief citizen of the Republic, to this same inhuman monster that you say it is unpatriotic to criticise and condemn. [Loud applause.] Is he acting without authority? Would he disgrace his great place or subject himself to the criticism of the delicate consciences possessed by the gentleman from Connecticut and the gentleman from Iowa by ordering a court-martial to investigate this man upon testimony so flimsy that it is unbecoming for us to mention it upon the floor of Congress?

This is not a political question. This is not a criticism of the Army, but it is a criticism of that policy which we have warned you against, that gives the opportunity to produce the occasion for these unspeakable acts. We point them out to you to show you where you are drifting. Inhumanity and barbarity in the Philippines will, as certain as God hung the sun in yonder heavens, culminate in inhumanity and barbarity in your own homes and the Republic. It is against the system; it is against the opportunity; it is against the occasion; it is against the men that make these opportunities and make the occasion, that we as American citizens are protesting in earnest terms, not as partisans, but as patriots.

I agree with you, sir, that it is unfortunate that we should be required to air these things before the world; but, sir, it serves to illustrate a lesson that all can well afford to learn. I remember to have read with shuddering horror when the man Kitchener, now commanding in South Africa, was sent along the Nile, he reached Omdurman, and when these helpless people came in white robes and kneeled with uplifted hands to pray for peace at his hands, a long file of women and children knelt on that sunlit plain amidst those adobe houses, his answer to them was to open upon them with grape and canister and shoot down thousands of women and children in order to set an example to the unfortunate Egyptians and establish peace and to accomplish benevolent assimilation. And yet on the floor of the British Parliament men rose in their places and defended that act.

Never did I dream that on the floor of the American Congress there could be found even a man from Connecticut or from Iowa who would be willing to arise in his place and speak in terms of commendation of an order issued by an American general under the American flag in the American uniform to kill all above the age of 10, whether they be women or men.

And yet we find that men are so eager for partisan advantage they stifle their noble impulses—I say noble impulses because these gentlemen who speak in commendation of these crimes are gentlemen of chivalrous and noble impulses, patriotic and country loving; but it only shows, gentlemen, to what depths of degradation we may descend for partisan advantage. Is honor so dear, or national good will so sweet that we must put beneath us every emotion of charity and humanity? Is national glory so much to be sought in our war with the Philippines that the American flag, thus far unstained by barbarities, shall sacrifice thousands and thousands of lives, forgetting the traditions and teachings of our country? [Loud applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MEYER of Louisiana. Mr. Chairman, I yield five minutes to the gentleman from Missouri.

Mr. VANDIVER. Mr. Chairman, I heartily appreciate and approve of the eloquent words of my friend and colleague on the committee, the gentleman from Kentucky [Mr. WHEELER] who has just taken his seat, and I want also to assure the members of this House that with me there is something dearer than party advantage. I am not ashamed of the fact that I am a Democrat, but above that I am an American citizen, and above that I am a human being. [Laughter on the Republican side.] It seems evident from the snarling and sneers of some gentlemen on the other side that they have lost the sentiments of humanity, if they ever had any.

I want to say, Mr. Chairman, that my sole purpose in presenting these facts to the House of Representatives was to bring them to your attention, because I do not believe that you have investigated them; I do not believe you have taken the pains to examine the evidence of these charges. I challenge you now to investigate them, and if I can not substantiate every fact I have mentioned on this floor here to-day, I shall withdraw every one of them.

Now, it seems to be the policy of the managers on the other side of the floor and of the party in power to protect itself by insinuating that every criticism that is offered, every statement of fact as to barbarity and cruelty of our soldiers in the Philippines, is a reflection on the glory of the American Army. The Washington Post, usually an Administration organ, has this editorial comment on the course you are pursuing:

A QUESTION OF NATIONAL HONOR.

Those Republicans in Congress who have seen fit to condone the alleged atrocities in the Philippines by comparing them with the work of Grant, Sherman, and Sheridan during the civil war can hardly be complimented upon their taste or their regard for the truths of history. Even if their proposition had any warrant in fact the argument would be beneath contempt. An act of barbarism committed forty years ago does not excuse inhuman cruelty to-day. As well set up the bloody Duke of Alva as a screen for Hell Roaring Jake Smith to hide behind.

It is not true, however, that the Union armies in the South, or even Quantrell's Confederate guerrillas on the Kansas border, ever practiced such hideous savagery as is charged against certain of our officers in the Philippines. The accusations in question may or may not be well founded—we hope not—but such as they are, true or otherwise, they far exceed in horror anything ever dreamed of in the war of 1861-1865 between the North and South. Every survivor of that tremendous conflict knows that we speak the truth herein. It was a war—a desperate and sanguinary war, a struggle of the Titans—and death and desolation were its fruits. But it was not a ruthless and barbaric

orgie, a carnival of ghouls and fiends. To say it is to slander the living and the dead of both sides—the bravest men that ever fought.

Just why Congress can not investigate this affair in a judicial and patriotic spirit we can not even distantly imagine. It is not properly a party matter. There is no anti-American party in this country—none that should be willing to seek or to accept advantage at the cost of our national dignity and honor. Such a party would deserve the scorn and execration of all honest men. What we seek is the truth. We want to know, for the sake of our flag and our humanity, whether these appalling crimes have been committed, and if so, at whose instance and responsibility. To make this quest the opportunity for political campaign material is simple, unadulterated shame.

Republicans and Democrats should make common cause in the effort to erase a frightful scandal and to punish the guilty, if such there be. Party rivalries may wait upon our common honor.

Mr. Chairman, when the gentleman from Iowa [Mr. HEPBURN] stated emphatically that he did not believe these stories and charges, I asked him if he would allow me to read him one sentence from an official document coming from an official of the Army who had himself investigated them, and he declined to hear it read. I will now read just two sentences from the report of Maj. Frank B. McKenna, Inspector-General of the United States Army, who investigated, by the authority of the War Department, the charges of cruelty against the helpless natives in northern Luzon. Here is what he says:

Saturina de la Cruz, age 18; married; lives in barrio San Rafael, Montalban: Night of February 21, after taps, about 10 o'clock, three Macabebe soldiers armed with guns and one with revolver entered her house; she and her husband were asleep; a man with a revolver forced her husband out of the house; other two took him away first, then returned and at the point of a revolver raped her; she was raped again on night of the 25th.

I should not mention such a deplorable and outrageous instance, if it had been the only one committed or if it had been a very exceptional case. But here in this report this officer details case after case just as barbarous as that; and in conclusion he makes this general, sweeping statement about the whole affair:

In conclusion, I find, if the almost unanimous testimony of the natives is to be considered, that the Macabebe garrison at Montalban has committed numerous outrages against them; that these acts of violence commenced almost with the arrival of the Macabebes, and occurred at intervals until the night of February 25, when on that night they must have indulged themselves in a saturnalia, almost, of rapine and violence under the guise of looking for insurgents.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. STEWART of New York having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his Secretaries, who also announced that the President had approved and signed joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. I have the consent of the gentleman from Louisiana [Mr. MEYER] to yield of the time which I have left five minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Chairman, war is a barbarism whenever and wherever engaged in by mankind. It is a constant struggle between two opposing forces to protect and preserve the lives of the one and to destroy the lives of the other. Under what is called civilized warfare—if there is such a thing—it is allowable to the commander of a force to adopt a course that might otherwise be denominated cruel barbarism and atrocity, in order to prevent or to put a stop to still greater cruelties and atrocities. And in extreme cases in warfare the black flag is justified.

Such are the universal rules of warfare. While many gentlemen on the other side seem to delight in referring to every report that comes to them of cruelties and barbarities charged upon American soldiers, they fail to recall the history of our own war in this generation. On our own soil and under the flag of Christian civilization, as we call it, the Shenandoah Valley was swept with fire by order of the Commanding General of the Army. Every gristmill and every storehouse was destroyed. The naked chimneys of dwellings destroyed in that conflict lined that fertile valley from the Potomac to the mountains. Sherman's "march to the sea" left in its rear the smoke of burning dwellings darkening the sky. And part of Atlanta was laid in ashes.

Mr. COCHRAN rose.

Mr. GROW. I can not yield to anybody.

I am calling attention to the scenes of our own civil war, on both sides—Chambersburg, burned by the Confederate soldiers, the houses of women and children burned over their heads; of Atlanta, part of which was burned by the Union Army, and the desolation of Sherman's "march to the sea."

Why should you not rake up from dead history all the cruelties perpetrated then under what we called "civilized warfare?" But who ever thought or who would now think of arraigning American citizen, soldiers on either side, when that contest was over for anything that had been done in the course of it?

American citizen soldiers do not become barbarians as soon as they leave the shores of their native land any more than they are at home. [Applause.] This arraignment, this delight in bringing up everything pertaining to war, barbarous and atrocious as it is in all cases, does not become the members of the American Congress to-day. Why should gentlemen undertake to libel and malign the glorious achievements of the citizen soldiers of the American Army from the time the war with Spain was declared? The insurrection in the Philippine Islands against the authority of the Government of the United States was the result of two things.

One was the return of Aguinaldo to the Philippine Islands. When the war was declared he was at Singapore on his way to France or England, having left the islands with a pledge to the authorities of the Spanish Government never to return. The other was the discussion in the Senate of the United States of the treaty of peace on a resolution in open session. These two things caused the insurrection in the islands, and from that day to this there has been a class of wordy politicians calling themselves anti-imperialists perverting the actual facts of history in order, if possible, to bring discredit upon their own Government and the citizen soldiers of the Republic.

The first perversion of the facts of history in order to bring discredit upon the Government is that Dewey brought Aguinaldo with him to Manila. Aguinaldo reached Manila nineteen days after Dewey had destroyed the Asiatic squadron of the Spanish navy, and Dewey reported to his home Government that at that time there was no insurrection in the islands worth speaking of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROW. Just one word more, if the House will pardon me. All I wish to say in conclusion is that the cruelties of war are always to be deprecated. One man can not claim in his self-conceit that he is superior to all others in his sentiment of humanity. Everybody has but one sentiment and one feeling as to these barbarities, but it is an incident of war. The order issued by General Smith was after the massacre of a portion of the Ninth Regiment, by treachery, and a massacre of unarmed men. It was the regiment that scaled San Juan Hill.

If a general was ever justified in issuing an order to kill every man with arms in his hands—and the order did not apply to children, as has been so often repeated on this floor; it was only those who bore arms, and 10-year-old soldiers in the Philippine army have killed American soldiers—the general was justified in issuing that order if that was the most probable method to end such atrocities. He did just what Lincoln's order 100 was here at home in our own war, and if there was no way to put an end to these barbarities in Samar, he was justified under the rules of what is called civilized warfare. [Applause.]

Mr. MEYER. Mr. Chairman, in the remarks that I shall submit upon this bill I do not propose to make a merely technical speech or one of detail, or even to discuss generally the history and value of our Navy to us in the past, or of an adequate navy to any State aspiring to a place among the nations. As a member of the Naval Committee, I have more than once presented this branch of the subject. There is hardly any occasion for it now. Public opinion, which was once much divided, is now practically unanimous for a navy which shall be effective for our wants and needs as a leading power of the globe, with large and extensive interests to defend. The increase and maintenance of the Navy is not a sectional question. The West is as much interested as the Atlantic seaboard.

The great Mississippi Valley can not permit the mouth of the Mississippi River, its natural outlet for commerce, to be blocked by a hostile fleet any more than by those natural obstructions to commerce which science is now removing. The Pacific coast is keenly alive to the protection of its cities and the development of its trade to Australia, South America, and the Orient. Nor is the question in any sense a party question. Since 1883 both the political parties have been friendly to this policy, and all the Secretaries of each party have urged a liberal expenditure. I have a right to point to the energetic efforts, zeal, and intelligence of Secretary Whitney and Secretary Herbert in this grand work.

The Democratic party has been in all its history jealous of a large standing army, knowing that in other lands it had been often used by bad rulers to deprive the people of their rights and to commit them to bloody, expensive, and ruinous wars; but it has had no such dread of the Navy. With our party the Navy has always been the favorite arm of national defense, and it will continue to be so. Fortunately, in this country we do not need a large standing army. We have a large arms-bearing population, easily converted into good soldiers, and we have a large volunteer soldiery. We have more than one excellent military school besides West Point for the training of our officers. We have no

powerful or dangerous neighbor to guard against. We have peaceful relations with Great Britain, and I hope and believe they will continue to be friendly; but if it were unfortunately otherwise, no invasion from Canada is even a possible peril.

The army of 200,000 men which England has with so much difficulty and expense sent to South Africa to put down and conquer the Boers could not protect Canada against us if we were forced to invade that country. Mexico is sincerely friendly to this country, and the bonds of amity and commercial intercourse are drawing closer every day. I see no occasion whatever, therefore, for a large standing army for our defense. It can only be necessary in the event that this country is to be committed to a policy of foreign conquest—colonies, land grabbing, and spoliation. To such a policy the traditions of our fathers, the lessons of the Constitution, and our own practical interests are all opposed, and though such a policy may have been temporarily fastened upon us by the party in power, I do not believe it can stand or ought to stand. I do not defend or advocate a navy as a part of such a programme of subject colonies, war, and imperialism, and if there was no other and nobler argument for building up our Navy, I should hesitate to vote for it. I desire to see peace, and

PEACE WITH HONOR.

I can not forget, sir, that we have a population of over 76,000,000. It is rapidly increasing. Our lands are fertile and we have every variety of production. There is probably no large area of territory in the world capable of sustaining so large a population as ours with general comfort and happiness as ours. With this vast area of soil, and every year developing some new method of human sustenance and advancement, no man can fix a limit upon our growth. In agriculture we are easily the first of the nations. Our manufactures are already being shipped to every part of the world; but this grand movement which has so seriously alarmed the industrial centers of Europe has barely begun. Our commercial marine, I admit, is not what it should be nor what it will be at no distant day. Other nations have grown in wealth and population, but we have outgrown them all in wealth. In population we are second, indeed, to Russia, but we are immeasurably superior to that country in wealth and resources. China has a vast population, but the great mass are paupers. She is notoriously deficient in the arts of war and peace; has no capital, and can not now be regarded as a rival to any country. Neither her army nor her navy deserve any consideration.

With a rapidly growing nation and a developing commerce with all the world, we

NEED THE "OPEN DOOR" FOR OUR TRADE,

as far as it is possible to have it, and we need also the ability to protect our commerce and our markets. How can we do this or even attempt to do it without a strong and efficient Navy? [Applause.]

This is not all. Let us remember, sir, that we have a line of seacoast on the Atlantic, the Gulf, and the Pacific to defend which can not be less than six or eight thousand miles; it is far greater than that of any European nation. In addition to this we have Alaska to defend, both by sea and by land. Alaska does not represent the new-fledged policy of greed and foreign conquest. We bought her from Russia many years ago, and she proves to have great resources. Then there is Hawaii, which we secured by agencies which some regard as more questionable, but it is an important outpost on the Pacific, and that people have certainly been greatly blessed by our rule. No native of Hawaii has been killed or maltreated in order to exploit our civilization or our trade. I did not favor its annexation, but I do favor its defense, if necessary.

CUBAN POLICY.

I come now to a yet more vital point. I mean Cuba and the West Indies. I think it would be very unwise to annex Cuba, either as a State or a Territory, even if she came to us voluntarily. We have had trouble enough already with incongruous elements of population. Let Cuba carve out her own destinies in peace. She has a wonderfully fertile soil, and the proof is that in two years she recovered from the ravages of a long and desolating war and all her people are now employed. No laborer stands in need of work. But we have dislodged Spanish power. We have made Cuba free and independent, and we can not and will not permit any European government to establish dominion there. In order to make good our position there and properly guard our interests in respect to Cuba we must maintain and develop our naval strength. The same is true in respect to Porto Rico and also the Danish West Indies, if the latter pass into our hands.

I think the truth of these observations can not be denied by any intelligent man; but there is another and a fixed policy of the United States handed down to us by our ancestors to which we have to look. I refer to the well-known Monroe doctrine. I do not need to recite its history to this House. The country is familiar with it since the time it was formally announced by President Monroe in the early days of the last century. It was in substance, as embodied in his message of 1823, that while we did not propose to disturb the possessions then held by the powers of Europe in North and South America, we would regard as an unfriendly and hostile act the attempt by any one or more of them to extend their dominions in this part of the globe. The republics of South America were especially in the views of this announcement, for it was these countries that were supposed to be menaced by the Holy Alliance. But Cuba, the West Indies, and Mexico were objects of even greater concern to us—Cuba especially.

There has never been a day that our people would have permitted Cuba to be held by any other power of Europe than Spain. Since that memorable declaration of President Monroe we have witnessed the unscrupulous partition of the vast continent of Africa by the powers of Europe and the occupation of large parts of Asia by this or that European power. Two of them occupy each an area there equal to our own on this continent. We have not protested or opposed these proceedings, though public opinion condemned them.

NO PARTITION OF CHINA.

When it came to the proposed partition of China very recently, we threw our influence against it, but I fear the scheme was arrested far more by the jealousies of the great powers than by our interposition. It is suspended for the present, and, I fear, for the present only. It is still a menace to China and our own interests. Germany was the last of the great European powers to adopt this policy of foreign colonies and conquest.

It was not until after the Franco-Prussian war of 1870 that, under the master leadership of Bismarck, Germany became a nation and a great empire. It was natural and right that she should become a nation and a great power. The world looks with admiration on her splendid achievements in war, learning, science, arts, and progress. Under the present Emperor, a man of remarkable force of character, the German Empire has adopted a colonial policy in South Africa and Asia. As an incident and aid to this policy it has created a great navy, which twenty years ago had no existence. Of this navy I may speak hereafter.

But this is not all. This great, powerful, and I may say aggressive people are expanding and colonizing everywhere. They have gone to South America. Hundreds of thousands of Germans are in Brazil settled in its most temperate and inviting regions, and many others are located in Venezuela. That these settlers will rapidly increase and multiply is almost certain, and it is almost equally certain that they will assert themselves and overthrow the existing authorities. They will have for this act plausible reasons and the support of the mother Government, and they will naturally affiliate with the German Empire. This will practically involve an annulment and abrogation of the Monroe doctrine, as our people understand it, and it will involve a very grave issue for our country. This is not all. It means the partition of South America by the great European powers, just as Africa has been divided. The man who can not foresee all this is blind or inattentive to passing events. When that day comes it will be necessary for us to have a

NAVY CAPABLE OF RESISTING GERMANY

if we think our interests shall require us to do so.

I hope this evil day may not come, but if it should, that man will be purblind—I will not say idiotic—who now imagines that the hospitalities we extended the other day to Prince Henry or any courtesies shown to President Roosevelt or any civilities to our ambassador at Berlin by the German Emperor will weigh a feather in settling the disputes that may arise. Pretty speeches and nice dinners are all a part of the diplomacy of European rulers to mask their most serious and dangerous designs.

For a long time European governments, being occupied with enormous land-grabbing in Asia and Africa, paid little heed to our cherished Monroe doctrine, but latterly there are abundant manifestations of opinion all over Europe which indicate an inclination and a purpose to disregard it whenever they please to do so. They will not do it, I am confident, in the West Indies, nor in our neighbor, the Mexican Republic. There they would have to face the power of this country. In respect to South America they feel very differently. Then ask pertinently enough, "If you insist on playing the dog in the manger in South America, why are you building up a conquest in the Philippines over an unwilling people of ten millions?" Sir, we have beyond a doubt weakened the logic of our position and lessened the hold we might have had if we had adhered to our old traditions as a government and a people.

STRONG NAVY INDISPENSABLE.

I have said enough to show that without adopting a policy of imperialism, colonies, and conquest, a strong navy for us is indispensable to guard our varied interests and maintain our just rights all over the world. We have interests everywhere to defend and protect. This is better than the sectional malignity and persecution urged by certain politicians of the dominant party. [Applause on the Democratic side.]

In this cursory and imperfect review I have said nothing of the proposed isthmian canal. Public sentiment in the United States may not be united in respect to the selection of a route, but it is overwhelmingly in favor of beginning at an early day the construction of such a canal by the American Government, to be paid for out of our own Treasury, to be under American sovereignty, and to be operated, managed, and guarded by us. Other nations are to share in its benefits, but it is to be an American canal just as the Suez Canal is substantially and effectively a British canal.

But how can we guard and

PROTECT OUR CANAL

if it is to be at the mercy of any one of three or four European powers which may happen to have a superior navy? We have, indeed, a treaty with Great Britain, which gives a reasonable assurance in that quarter, but we have none bearing on this question with Germany, France, Russia, or Italy, to say nothing of Japan, Austria, and the South American powers. Yet it is proposed to expend $200,000,000 on this canal, which could be destroyed in forty-eight hours by any country having a superior fleet to our own. I favor the canal, but I favor also a Navy capable of defending it.

WAR IS A CALAMITY

under any circumstances, however just and necessary. The late Spanish war carried evils in its train which many are beginning to believe will far outweigh any possible benefits. Of these I do not now care to speak, but there is one mischievous result to which I may advert as directly appropriate to the pending question. We engaged a power which did not have a third of our population or a tenth part of our wealth and resources, with an army brave enough but badly fed, badly equipped, badly officered, and who were fighting over 3,000 miles away from their own soil. That army was bound to be overcome in the end, unless Spain could maintain her command of the sea and supply it from time to time with reenforcements of men, food, arms, munitions, and all that is necessary to equip and keep up an army in war. Hence, in order to keep her hold on Cuba, Spain was compelled to send her fleet to the West Indies and put up the best fight she could. We did not have a large navy, but it was almost perfect in its way.

It was immensely superior to that of Spain. Spain has not been a strong naval power for centuries. In the early days her galleons were the easy prey of the English buccaneers and daring adventurers. The "invincible Spanish armada," prepared with so much ostentation and expense to overwhelm England in the days of Queen Elizabeth, was easily baffled, defeated, and destroyed by one-third or one-half their number of British vessels manned by men of our own stock and race. From that day to this Spain has not figured as a naval power. I do not mean to reflect upon Spanish valor or character, but as a nation she has not exhibited naval aptitude like that of the northern nations of Europe. So when the Spanish war came on, Spain had a navy, it is true, but a navy on paper; brave and splendid heroes like Cervera and his associate captains, but it was no match for our few efficient and well-handled ships.

The battles of Manila Bay and Santiago were very easy victories. If you doubt this statement, look at the lists of the killed and wounded on each side, a few only on our side and thousands on the other. Compare these suggestive figures with the naval battles of the war of 1812, such as the *Constitution* and *Guerriere*, the *Chesapeake* and the *Shannon*, and all the others of our history, including that battle which is painted on our walls, when Perry had to quit his sinking ship to fight in another, or when John Paul Jones, by sheer endeavor and with his decks running with blood, upheld the glory of our arms till the enemy struck his flag. It is needless to refer to the bloody battles of the Nile, the Baltic, or Trafalgar, in the days when a ship would lose half her crew and still fight on till victory crowned endurance and valor and suffering.

FOLLY HAS GONE WILD.

Over this easy victory against Spain folly has gone wild, and many interpret it as a proof that we are already a great naval power and that the world is half afraid of us. For one I do not believe it. This battle was not fought with a great maritime power, but with a very weak one, and we have no right to assume that a British, French, or a German ship is like a Spanish ship, and not equal to our own. The ships of Great Britain, Germany, and France have all the aids of modern naval science; they have officers of trained skill, high courage, with good crews, and if ever we should have to meet one of them it will be a very different combat from that at Santiago or Manila. Our officers and men will do all that we have a right to ask, but it will be no holiday task.

CONSIDER OUR NAVAL STRENGTH.

Therefore, I say it is important for us to consider, first, what is our naval strength to-day, and also that of the leading European powers. I say to-day, secondly, it is well to ask what are they doing in the way of an increase, and what are we doing?

It would be trifling with a great question and with this House to speak on this point with a lack of candor. I shall not do so. The building of a Navy or even of a single vessel of war is not a thing that can be hidden from the world. The effective strength of the navies of the great powers is a matter of publicity and notoriety. We know the present strength of England, Russia, France, and Germany. All these powers, save Russia, have to go before the legislative bodies to procure the means and authority to increase their armaments, just as our own Executive comes to Congress for the necessary supplies and authority. I venture the assertion that there is not a government in Europe that does not know exactly our strength and our weakness, how many fighting battle ships we have, how many we are building, and how long we will have to wait for their completion. Let us, therefore, look the truth fairly in the face. It will not do to "live in a fool's paradise."

NAVAL PROGRAMME.

The able report submitted by the chairman of the committee [Mr. Foss] in the paragraph on the cost of ships of the new Navy gives the number of completed battle ships as 10, and those building as 8; armored cruisers built, 2, and building, 6; protected cruisers built, 12, and building, 9. The report well says that—

> While we have built and are building all told 138 ships, yet comparatively few of them have any real fighting value. Our naval power lies almost entirely in our 18 battle ships, 8 armored cruisers, and 21 protected cruisers. The rest of our ships would cut but little figure in actual war. Ships of the battle line practically alone determine the naval strength of a nation.

But, sir, when you examine this table in the report it appears that only 24 battle ships of the three descriptions mentioned are already built and available for service. Some twenty-three ships are being built or authorized, and we know by sad experience how long it takes us after a ship is authorized by law to have her built, armored, and equipped, so as to be ready for commission. According to this report, on May 4, 1898—some four years ago—there were authorized three battle ships, each of 12,500 tons—the *Maine*, *Missouri*, and the *Ohio*. Four years have elapsed. These ships are being built at three different private yards.

The *Maine* is completed 87 per cent, the *Missouri* 60 per cent, and the *Ohio* 56 per cent. After that will come the armor, often a slow business, and it may be two years more before these three battle ships will be added to our effective force. Over three years ago three more battle ships were authorized, of about 15,000 tons each, namely, the *Virginia*, *Nebraska*, and *Georgia*. They are also to be built at different private yards. Eight per cent of work has been done on the *Georgia* and nothing on the *Virginia* and the *Nebraska*. Three years ago there were authorized three armored cruisers of 14,000 tons each. The highest percentage of work done on any one of the three is 19 per cent. This is a bad exhibit.

The Secretary of the Navy tells us that the contracts for the construction of the six armored cruisers authorized by the acts of March 3, 1899, and June 7, 1900, require their completion in three years from the date of the contract. The five battle ships authorized by the same laws are also to be completed in three years from the date of the contract. After that will come the armor and armament, often a slow business. From all this and from past experience it will be three years or more before we can count on having the ships already authorized ready for service.

Let us look briefly at the strength of the other great powers and see what they are doing to increase it. England has about 50 battle ships. She is building energetically. Her known and avowed policy it is to make and keep her navy fully equal to any possible combination against her by any two of the European powers. She dare not do less. She can not afford to be driven from the sea. Her programme for this and the next year includes 5 more battle ships. She has 18 armored cruisers and will speedily add 8 more to the number. Remember that she builds and

equips a ship in about one-half the time that we do. She has many other ships already built, such as torpedo boats and destroyers, but she is adding heavily to this force. She has 29 coast-defense ships and monitors. Her government dockyards are in the highest state of equipment and efficiency, not merely to repair ships, but to build them.

France has 18 large battle ships and will build 6 more in two years. She has 21 armored cruisers and is about to build 3 more. She has 14 coast-defense ships and monitors. She has 253 torpedo boats to our 35. She is far inferior to this country in wealth, population, and resources.

Russia has a navy larger than our own and is adding to it energetically. And yet she has no Atlantic port, no easy access to that ocean, and no great commerce to protect. She has only one or two ports on the Pacific. Her great strength lies in her vast territory and her comparative inaccessibility to invasion. She needs a navy far less than we do, but she is a great power and her Government is wise, sagacious, and farseeing. She means to have a navy worthy of her high place and aspirations among the nations.

I come now to that great Empire which we ought to watch most carefully. I refer to Germany. There is no malice on either side, but there may be a conflict of interests and ambitions, especially if we adhere to the Monroe doctrine, as we will, and yet more danger if we persevere in the folly of subject colonies and imperialism. Now, what is the strength and what the plans of Germany? Remember that only three or four years ago we were fourth among the nations in naval strength. Now,

GERMANY IS THE FOURTH AND WE ARE THE FIFTH.

I beg here to remind you that we have a far larger population than Germany and much more wealth and capital. We are richer than Germany, Russia, France, or even Great Britain. But Germany has an able ruler, and her people are industrious, ambitious, energetic. They are a strong and aggressive nation. The German army is easily the first in Europe in case of war. Her people in war would be patriotic and united. About twenty years ago the German navy was only nominal, but with the rapid growth of her commerce and the adoption of the policy of having foreign colonies her statesmen have concluded that it was indispensable to have a strong navy. She is building more rapidly than any other country. Already Germany has 25 battle ships, 9 armored cruisers, and many other ships. The committee report sums up the situation briefly but clearly:

Her ship-building programme started in 1898 and will be completed in 1908, possibly in 1907. It will give her in all 38 battle ships, 14 large cruisers, 38 smaller cruisers, and 98 torpedo boats. After the completion of this programme, the plan contemplates new constructions to replace ships which, though still serviceable, may have reached the prescribed age limit.

I say nothing of such powers as Italy, Austria, Chile, and Japan, countries with far less wealth than our own, and not having our large and varied interests to defend all over the world. Nor will I speak of a possible combination against us by powers singly inferior, but united superior, to our own force.

Being deeply impressed with the gravity of this branch of the subject, and anxious to obtain all possible light, both for my own benefit and for that of others who might listen to my suggestions or read them, I applied directly to the proper officers of the Navy Department, and through the courtesy of Captain Sigsbee, the Chief Intelligence Officer of our Navy, I have been supplied in accordance with my specific request with some very valuable tables which more than confirm and vindicate the observations I have made in respect to the status of the great naval powers and our own. They present the subject far more clearly and fully than anything I could say. I ask the permission of the House to print them as an addendum to my remarks, and I beg members to weigh well the facts which they contain. These tables contain:

IMPORTANT CONSIDERATION OF CONDITIONS.

First. A comparison of the German and United States ship-building programmes; this includes a list of the United States ships built and building and the German naval-building programme.

Second. A table of United States ships building and the state of completion of each.

Third. A printed list of vessels built and building for the principal navies.

There is another table, being a copy of a memorandum furnished the Committee on Naval Affairs, House of Representatives, as to the relative cost of shipbuilding in navy-yards and by private contract in England, France, and Germany.

All these tables will be found interesting and instructive. They are of the highest official authority.

GOVERNMENT YARD SHIPBUILDING.

In respect to the last point, I beg to say that I have favored the policy of giving our own navy-yards a trial in building ships. There was a time in our history when all or nearly all of our ships of war were built in Government navy-yards. These ships won the splendid naval battles of the war of 1812–14. They were worthy of the brave men who fought on their decks. It has been said, I think by some naval expert, that these victories of 1812–14 were won by the work in our navy-yards.

Now, the practice of England, France, Germany, and Russia is to build largely in the Government dockyards. England builds most of her ships in Government dockyards, and they do not cost any more than those built in private yards. I do not see why we can not do the same to a certain extent at least. At present not one of our navy-yards is in a fit condition to build and equip a great ship of war. This is not a satisfactory condition of affairs. If a British minister were to go into the House of Commons and announce that the Government did not possess a single dockyard where a first-class ship of war could be built immediately he would very probably be hooted out of the House.

Is it a wise thing for this Government so to run its large navy-yards that if war were to break out suddenly, as most wars do, it could not build a single first-class vessel of war in one of them, and in its hour of peril and need would be wholly dependent on the capacity, energy, liberality, and possibly the rapacity of private contractors? They make no provision for possible wars. That would cost money.

If you build a ship in a Government navy-yard, there is not a man connected with its construction, from the captain to the humblest workman, who has any interest in putting off inferior material upon the Government. Every man would be trying to get the best material available for the ship.

An argument sometimes made against building our ships in our own navy-yards is that the yards would be used for political purposes. If this argument be sound, it applies to repairs as well as construction, and we would have to give up the whole business of Government dockyards and admit the Government to be incurably affected with inefficiency and corruption. My observation of naval officers leads me to a far different conclusion than this. I know of no officer who would prostitute a Government navy-yard to dirty political work or attempt to control the votes of the employees. They are far less likely to do it than private contractors.

The building of vessels in our own yards should be tried, not with one ship merely, but fully and fairly, as foreign nations do, from year to year and until we find out what we can do. As we grow we will improve our economics, efficiency, and rapidity of construction. This competition will put the private shipyards to their mettle, quicken and stimulate them to the best work, and enable us to judge when we are paying too much on our contract ships.

It is most important to us to see if something can not be done that will enable us to build ships as rapidly as Great Britain or any other nation. We have unlimited resources. We have steel and iron equal to any in the world. We have the best of timber and of everything else that goes into a ship. We have skillful, highly educated, and scientific officers, not second to those of any country. Our mechanics have a reputation for skill, expertness, individuality, intelligence, and energy superior to those of the Old World, as we all believe. For the life of me I can not see how with all this and our very liberal grants of money by Congress we can not build a ship as quickly as England. Let us equip fully two of our best navy-yards on the Atlantic coast and one on the Pacific coast and see if something can not be done to remedy an evil which in time of war might have the most serious consequences.

In this connection I wish to remind members of the House how often we have read of American contractors for bridges, locomotives, and many forms of structure and work bidding and securing contracts over British bidders by offering better terms not only as to price, but in respect to the time of completion or delivery. This has been done on British soil in different quarters of the globe for years past. The English papers have proclaimed and lamented the fact. This fact is decisive as to what can be done and will be done if we do but resolve to assert ourselves. [Loud applause.]

COMPARISON OF GERMAN AND UNITED STATES WAR-SHIP BUILDING PROGRAMMES.

The German shipbuilding programme will be completed in 1908, probably 1907, instead of 1916, as first planned.

After the completion of the programme the plan contemplates new constructions to replace ships which, though still serviceable, may have reached the prescribed age limit.

The fixed programme contemplated the following new vessels: Four squadrons, each of 8 battle ships; 2 battle ships for flagships; 4 battle ships in reserve.

Besides these, there are to be 14 large cruisers, 38 smaller cruisers, and 16 divisions of torpedo boats of 6 each. Of these 38 battle ships, 31 are built or building; 14 large cruisers, 12 are built or building; 38 smaller cruisers, 33 are built or building. This leaves 7 battle ships, 2 armored cruisers, and 5 smaller cruisers yet to be appropriated for.

The divisions of torpedo boats are already in advance of the contemplated programme. Two divisions only remain to be authorized.

BUDGET OF 1902.

Battle ships *K* and *L* (30 and 31); new ship to replace armored cruiser *Kaiser;* smaller cruisers *K* and *L;* new ship to replace *Zieten;* 1 gunboat, *B* (extra to programme); 1 division of torpedo-boat destroyers.

First installment of appropriation for building.—One gunboat for Chinese rivers; to rebuild *Brandenburg* class of battle ships; fit *Marie* for gunnery training ship; fit *Nixe* for cadet school-ship; fit *Sophie* for apprentice school-ship.

Second installment of appropriation for building.—Battle ships *H* and *J* (28 and 29); large armored cruiser, *König Wilhelm;* three small cruisers, *G*, *H*, and *J;* second and final for division of 6 torpedo-boat destroyers; to rebuild armored const-defense ships of *Siegfried* class (making them small battle ships.

Third installment of appropriation for building.—Battle ships *F* and *G* (26 and 27); armored cruiser, *Prinz Adalbert* (last installment).

Fourth installment of appropriation for building, final.—Battle ships *C*, *D*, and *E* (23, 24, 25).

SHIPS OF GERMAN NAVY UNDER CONSTRUCTION.

Of the 15 ships now building at Government and private yards, 3 more are to be completed by the end of the present fiscal year, namely: The battle ships *Kaiser Wilhelm der Grosse*, armored cruiser *Prinz Heinrich*, and gunboat *Panther*. Hence, at the beginning of the next fiscal year there will remain under construction 12 ships; 6 of these are still on the stocks, while on the other 6 the work on the interior is being completed. To these will be added in April the 7 new ships provided for, so that there will be in all 19 ships under construction, namely: Nine battle ships (*Wittelsbach*, *Wettin*, *Zahringen*, *Schwaben*, *Mecklenburg*, *H*, *I*, *K*, *L*); 3 armored cruisers (*Prinz Adalbert*, *Ersatz König Wilhelm*, *Ersatz Kaiser*); 6 small cruisers (*G*, *H*, *I*, *K*, *L*, *Ersatz Zieten*); 1 gunboat (*B*). (Gunboat *B*, provided for in the naval budget, is outside of the naval programme.)

COMPARISON OF SHIPS.

Battle ships, including coast-defense vessels.

UNITED STATES.	GERMANY.
1. Indiana.	1. Sachsen, reconstructed battle ship, 7,400 tons.
2. Oregon.	2. Bayern, reconstructed battle ship, 7,400 tons.
3. Iowa.	3. Wurtemburg, reconstructed battle ship, 7,400 tons.
4. Massachusetts.	4. Baden, reconstructed battle ship, 7,400 tons.
5. Texas.	5. Oldenburg, reconstructed battle ship, 5,200 tons.
6. Puritan.	6. Siegfried, coast-defense, steel, low-freeboard ironclad, 3,495 tons.
7. Terror.	7. Beowulf, coast-defense, steel, low-freeboard ironclad, 3,495 tons.
8. Miantonomoh.	8. Frithjof, coast-defense, steel, low-freeboard ironclad, 3,495 tons.
9. Monterey.	9. Hildebrand, coast-defense, steel, low-freeboard ironclad, 3,495 tons.
10. Monadnock.	10. Heimdall, coast-defense, steel, low-freeboard ironclad, 3,495 tons.
11. Amphitrite.	11. Hagen, coast-defense, steel, low-freeboard ironclad, 3,495 tons.
12. Kearsarge.	12. Aegir, coast-defense, steel, low-freeboard ironclad, 3,754 tons.
13. Kentucky.	13. Odin, coast-defense, steel, low-freeboard ironclad, 3,754 tons.
14. Alabama.	14. Brandenburg, battle ship, 10,033 tons.
15. Illinois.	15. Kurfurst Friedrich Wilhelm, battle ship, 10,033 tons.
16. Wisconsin.	16. Weissenburg, battle ship, 10,033 tons.
17. Arkansas.	17. Worth, battle ship, 10,033 tons.
18. Florida.	18. Kaiser Friedrich III, battle ship, 11,130 tons.
19. Nevada.	19. Kaiser Wilhelm II, battle ship, 11,130 tons.
20. Wyoming.	20. Kaiser Wilhelm der Grosse, battle ship, 11,130 tons.
21. Maine, finished September, 1903.	21. Kaiser Barbarossa, battle ship, 11,130 tons.
22. Missouri, finished February, 1903.	22. Kaiser Karl der Grosse, battle ship, 11,130 tons.
23. Ohio, finished February, 1903.	23. Wittelsbach, battle ship, 12,000 tons, finished 1903.
24. Virginia, finished May, 1904.	24. Wettin, battle ship, 12,000 tons, finished 1903.
25. Nebraska, finished July, 1904.	25. Zahringen, battle ship, 12,000 tons, finished 1903.
26. Georgia, finished July, 1904.	26. Schwaben, battle ship, 12,000 tons, finished 1903.
27. New Jersey, finished February, 1904.	27. Mecklenburg, battle ship, 12,000 tons, finished 1903.
28. Rhode Island, finished February, 1904.	End of programme of 1898.

Beginning of German programme of 1900.—*23 H*, battle ship, 13,000 tons, finished 1904; *29 J*, battle ship, 13,000 tons, finished 1904; *30 K*, battle ship, 13,000 tons, finished 1905; *31 L*, battle ship, 13,000 tons, finished 1905; *32*, finished 1906; *33*, finished 1906; *34*, finished 1907; *35*, finished 1907; *36*, finished 1908; *37*, finished 1908; *38*, finished 1908, or probably 1907.

First and second rate cruisers (more or less armored).

UNITED STATES.	GERMANY.
1. New York.	1. Kaiser, iron, 7,676 tons.
2. Brooklyn.	2. Deutschland, 7,676 tons.
3. Pennsylvania, finished February, 1904.	3. Kaiserin Augusta, 6,300 tons.
4. West Virginia, finished February, 1904.	4. Hertha, 5,650 tons.
5. California, finished February, 1904.	5. Victoria Luise, 5,650 tons.
6. Colorado, finished February, 1904.	6. Freya, 5,650 tons.
7. Maryland, finished February, 1904.	7. Hansa, 5,650 tons.
8. South Dakota, finished February, 1904.	8. Vineta, 5,650 tons.
9. Columbia.	9. Fürst Bismarck, 10,650 tons.
10. Minneapolis.	10. Prinz Heinrich, 8,868 tons.
11. Olympia.	11. Prinz Adalbert, 8,800 tons.
12. Chicago.	12. Ersatz König Wilhelm, 8,800 tons.
13. St. Louis, date of delivery unknown.	
14. Milwaukee, finished April, 1904.	
15. Charleston.	

Cruisers.

UNITED STATES.	GERMANY.
1. Baltimore.	1. Zietan, unprotected, 975 tons.
2. Philadelphia.	2. Arkona, unprotected, 2,370 tons.
3. Newark.	3. Alexandrine, unprotected, 2,370 tons.
4. San Francisco.	4. Blitz, unprotected, 1,382 tons.
5. Albany.	5. Pfeil, unprotected, 1,382 tons.
6. New Orleans.	6. Greif, unprotected, 1,970 tons.
7. Cincinnati.	7. Meteor, torpedo-gun vessel, 946 tons.
8. Raleigh.	8. Komet, torpedo-gun vessel, 946 tons.
9. Atlanta.	9. Wacht, torpedo-gun vessel, 1,250 tons.
10. Boston.	10. Jagd, torpedo-gun vessel, 1,250 tons.
11. Detroit.	11. Schwalbe, unprotected, 1,120 tons.
12. Montgomery.	12. Sperber, unprotected, 1,120 tons.
13. Marblehead.	13. Bussard, protective deck, 1,580 tons.
14. Manila.	14. Falke, protective deck, 1,580 tons.
15. Bennington.	15. Kormoran, protective deck, 1,640 tons.
16. Concord.	16. Kondor, protective deck, 1,640 tons.
17. Yorktown.	17. Seeadler, protective deck, 1,640 tons.
18. Dolphin.	18. Geier, protective deck, 1,776 tons.
19. Wilmington.	19. Irene, protective deck, 4,400 tons.
20. Helena.	20. Prinzess Wilhelm, protective deck, 4,400 tons.
21. Nashville.	21. Gefion, protective deck, 4,108 tons.
22. Castine.	22. Hela, protective deck, 2,000 tons.
23. Machias.	23. Gazelle, protective deck, 2,645 tons.
24. Don Juan de Austria.	24. Niobe, protective deck, 2,645 tons.
25. Isla de Luzon.	25. Nymphe, protective deck, 2,645 tons.
26. Isla de Cuba.	26. Thetis, protective deck, 2,645 tons.
27. Alert.	27. Ariadne, protective deck, 2,645 tons.
28. Ranger.	28. Medusa, protective deck, 2,645 tons.
29. Annapolis.	29. Amazona, protective deck, 2,645 tons.
30. Vicksburg.	30. G.
31. Wheeling.	31. H.
32. Marietta.	32. J.
33. Newport.	33. K.
34. Princeton.	34. L.
35. Petrel.	35. M.
36. Bancroft.	36. N.
37. Chattanooga, finished January, 1903.	
38. Cleveland, finished August, 1902.	
39. Denver, finished October, 1902.	
40. Des Moines, finished July, 1902.	
41. Galveston, finished June, 1903.	
42. Tacoma, finished October, 1902.	
43. Gunboat No. 16, unknown.	

Additional vessels not counted in list.—*Hohenzollern*, unprotected, 4,187 tons; *Bremse*, protective deck, 866 tons; *Brummer*, protective deck, 866 tons; *Jaguar*, steel deck, 895 tons; *Iltis*, steel deck, 895 tons; *Tiger*, steel deck, 895 tons; *Luchs*, steel deck, 895 tons; *A*, unprotected, 895 tons; *Habicht*, unprotected, 848 tons; *Wolf*, unprotected, 489 tons; *Hyane*, unprotected, 489 tons; *Pelikan*, unprotected, 2,300 tons; *Viper*, armored gunboat, iron, 1,109 tons; *Wespe*, armored gunboat, iron, 1,109 tons; *Bienne*, armored gunboat, iron, 1,109 tons; *Skorpion*, armored gunboat, iron, 1,109 tons; *Mucke*, armored gunboat, iron, 1,109 tons; *Basilisk*, armored gunboat, iron, 1,100 tons; *Camaleon*, armored gunboat, iron, 1,109 tons; *Crocodil*, armored gunboat, iron, 1,109 tons; *Natter*, armored gunboat, iron, 1,109 tons; *Salamander*, armored gunboat, iron, 1,109 tons; *Hummel*, armored gunboat, iron, 1,109 tons.

UNITED STATES TRAINING VESSELS.	GERMAN TRAINING FLEET.
Topeka.	Marie, iron, unprotected, 2,370 tons.
Prairie.	Sophie, iron, unprotected, 2,169 tons.
Lancaster.	Olga, iron, unprotected, 2,169 tons.
Hartford.	Stein, iron, unprotected, 2,856 tons.
Yankee.	Moltke, iron, unprotected, 2,856 tons.
Buffalo.	Stosch, iron, unprotected, 2,856 tons.
Dixie.	Blucher, iron, unprotected, 2,856 tons.
Panther.	Carola, iron, unprotected, 2,178 tons.
	Charlotte, iron, unprotected, 3,222 tons.
	Mars, iron, unprotected, 3,333 tons.
	Nixe, iron, unprotected, 1,760 tons.

Besides, there are 5 old iron-armored ships comparable to United States old monitors.

A number of small and old vessels, not suitable for war purposes, have been omitted.

No account has been given of torpedo boats and destroyers, as Germany has four times the force of the United States in this regard.

Captain, United States Navy,
Chief Intelligence Officer.

GERMAN SHIPS UNDER CONSTRUCTION IN 1901.

The principal data of the ships under construction during the year 1901 are given in the following table:

	Displacement.	Speed.	Laying of keel.	Launching.	Date of completion.	Where built.
A. BATTLE SHIPS.	*Tons.*	*Knots.*				
Kaiser Wilhelm der Grosse	11,150	18	January, 1898	June 1, 1899	March, 1901	Germania.
Kaiser Barbarossa	11,150	18	August, 1898	Apr. 21, 1900	March, 1901	Schichau.
Kaiser Karl der Grosse	11,150	18	September, 1898	Oct. 18, 1899	Fall of 1901	Blohm & Voss.
Wittelsbach	11,832	18	September, 1899	July 3, 1900	End of 1902	Wilhelmshaven.
Wettin	11,832	18	October, 1899	June 6, 1901	do	Schichau.
Zahringen	11,832	18	November, 1899	June 12, 1901	do	Germania.
Mecklenburg	11,832	18	May, 1900	Nov. 9, 1901	Beginning of 1903	Vulkan.
Schwaben	11,832	18	November, 1900	Aug. 12, 1901	End of 1903	Wilhelmshaven.
H	12,800	19	Fall of 1901		End of 1904	Germania.
J	12,800	19			do	Schichau.
B. ARMORED CRUISERS.						
Prinz Heinrich	8,900	20.5	December, 1898	Mar. 22, 1901	Beginning of 1902	Kiel.
Prinz Adalbert	9,000	21	July, 1900	June 22, 1901	End of 1903	Do.
Ersatz König Wilhelm	9,000	21	Summer of 1901			Blohm & Voss.
C. PROTECTED CRUISERS.						
Thetis	2,660	21	September, 1899	July 3, 1900	Fall of 1901	Danzig.
Ariadne	2,660	21	December, 1899	Aug. 10, 1900	Summer of 1901	Weser.
Medusa	2,660	21	June, 1900	Dec. 5, 1900	Fall of 1901	Do.
Amazone	2,660	21	December, 1899	Oct. 6, 1900	Summer of 1901	Germania.
G	2,700	21.5	Summer of 1901		1903	Weser.
H	2,700	21.5	do		do	Do.
J	2,700	21.5	do		do	Howaldt.
D. GUNBOAT.						
Panther	980	13.5	July, 1900	Apr. 1, 1901	Beginning of 1902	Danzig.

Hence, there were under construction 20 large ships, with an aggregate tonnage of 155,830, aside from the two torpedo-boat divisions building at Schichau's and at the Germania Works, of which *S. 108* and *S. 109* have been launched at Kiel and *S. 102* to *107* at Elbing.

THE NAVAL AND MILITARY RECORD, JANUARY 23, 1902, OF THE GERMAN NAVY.

During last year four ironclads—the *Wetting*, the *Zahringen*, the *Schwaben*, and the *Mecklenburg*—were launched for the German navy. The other German launchings in 1901 comprised the large cruiser *Prince Adalbert*, the *Panther* (gunboat), and several torpedo-boat destroyers. The *Panther* was launched at Dantzic and the destroyers at Kiel and Elbing.

As regards further additions now in progress for the German navy, two ironclads—the *Kaiser Karl der Grosse* and the *Wittelsbach*—are almost completed, as is also the armor-plated cruiser *Prince Heinrich*. The coast guard ships—*Heimdall*, *Hildebrand*, and *Beowulf*—are being modified at Kiel and Dantzic and will soon be again ready for service.

Four German ironclads of the *Brandenburg* type are about to be modified. Their boilers are to be changed, and throughout each ship wood is to be replaced by steel as far as possible; steel tables and other steel furniture are even to be introduced. The ventilation of the four ironclads is to be improved and aerin lance torpedo tubes are to be replaced by submarine tubes.

The introduction of submarine boats into the German navy has been indefinitely postponed.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
April 1, 1902.

Vessels under construction, United States Navy.

No.	Name.	Speed.	Builder.	Degree of completion. Mar. 1.	Apr. 1.
	BATTLE SHIPS.	*Knots.*		*Per ct.*	*Per ct.*
10	Maine	18	Cramp & Sons	84	87
11	Missouri	18	Newport News Co	58	60
12	Ohio	18	Union Iron Works	55	56
13	Virginia	19	Newport News Co	0	0
14	Nebraska	19	Moran Brothers' Co	0	0
15	Georgia	19	Bath Iron Works	7	8
16	New Jersey	19	Fore River S. and E. Co	7	7
17	Rhode Island	19	do	7	7
	ARMORED CRUISERS.				
4	Pennsylvania	22	Cramp & Sons	17	19
5	West Virginia	22	Newport News Co	10	13
6	California	22	Union Iron Works	1	4
7	Colorado	22	Cramp & Sons	20	22
8	Maryland	22	Newport News Co	9	12
9	South Dakota	22	Union Iron Works	1	4
	PROTECTED CRUISERS.				
14	Denver	17	Neafie & Levy	74	77
15	Des Moines	17	Fore River S. & E. Co	65	67
16	Chattanooga	17	Lewis Nixon	56	58
17	Galveston	17	Wm. R. Trigg Co	53	56
18	Tacoma	17	Union Iron Works	40	41
19	Cleveland	17	Bath Iron Works	76	78
20	St. Louis	22	Neafie & Levy	3	3

Vessels under construction, United States Navy—Continued.

No.	Name.	Speed.	Builder.	Degree of completion. Mar. 1.	Apr. 1.
	PROTECTED CRUISERS—continued.	*Knots.*		*Per ct.*	*Per ct.*
21	Milwaukee	22	Union Iron Works	0	0
22	Charleston	22	Newport News Co	1	2
	MONITORS.				
7	Arkansas	12	Newport News Co	92	94
8	Nevada	12	Bath Iron Works	92	93
9	Florida	12	Lewis Nixon	88	90
10	Wyoming	12	Union Iron Works	80	81
	TORPEDO-BOAT DESTROYERS.				
1	Bainbridge	29	Neafie & Levy	99	99
2	Barry	29	do	97	99
3	Chauncey	29	do	98	99
4	Dale	28	Wm. R. Trigg Co	98	98
6	Hopkins	29	Harlan & Hollingsworth	82	84
7	Hull	29	do	81	82
8	Lawrence	30	Fore River S. & E. Co	99	99
9	MacDonough	30	do	98	98
10	Paul Jones	29	Union Iron Works	85	77
11	Perry	29	do	89	93
12	Preble	29	do	87	90
13	Stewart	29	Gas E. & P. Co	65	69
14	Truxtun	30	Maryland Steel Co	86	88
15	Whipple	30	do	83	85
16	Worden	30	do	83	85
	TORPEDO BOATS.				
19	Stringham	30	Harlan & Hollingsworth	98	98
20	Goldsborough	30	Wolf & Zwicker	93	94
27	Blakely	26	Geo. Lawley & Son	98	98
28	De Long	26	do	98	98
29	Nicholson	26	Lewis Nixon	97	97
30	O'Brien	26	do	98	98
33	Thornton	26	Wm. R. Trigg Co	98	98
34	Tingey	26	Columbian Iron Works	74	74
35	Wilkes	26	Gas E. & P. Co	94	96
	SUBMARINE TORPEDO BOATS.				
1	Plunger	8	Lewis Nixon	80	85
3	Adder	8	do	98	99
4	Grampus	8	Union Iron Works	62	63
5	Moccasin	8	Lewis Nixon	96	98
6	Pike	8	Union Iron Works	57	60
7	Porpoise	8	Lewis Nixon	92	95
8	Shark	8	do	88	92

Number and displacement of vessels of different classes, built and building, for the six principal naval powers, November 1, 1901.

UNITED STATES.

Type.	Built.		Building.	
	No.	Tons.	No.	Tons.
Battle ships, first class (above 10,000 tons)	9	99,830	8	111,700
Other battle ships and coast-defense iron-clads	8	34,575	4	12,856
Armored cruisers	2	17,415	6	82,800
Protected cruisers, first class (above 6,000 tons)	2	14,750	3	28,800
Protected cruisers, second class (3,000 to 6,000 tons)	12	47,100	6	18,600
Unprotected cruisers (above 1,000 tons)	28	53,875		
Gunboats (below 1,000 tons)	10	7,875		
Torpedo-boat destroyers			16	6,695
Torpedo boats, first class (above 100 tons)	21	3,305	9	1,724
Torpedo boats, second class (below 100 tons)	6	285		
Submarine boats	1	75	7	840
Training vessels	8	24,740		
Total displacement	107	303,825	59	264,015
Total built and building	166—567,840 tons.			

GREAT BRITAIN.

Battle ships, first class (above 10,000 tons)	42	557,800	11	163,500
Other battle ships and coast-defense iron-clads	29	199,415		
Armored cruisers	19	163,330	21	225,200
Protected cruisers, first class (above 6,000 tons)	21	201,950		
Protected cruisers, second class (3,000 to 6,000 tons)	54	238,320	2	11,700
Protected cruisers, third class (below 3,000 tons)	40	92,085	2	5,800
Unprotected cruisers (above 1,000 tons)	22	29,800	6	6,880
Gunboats (below 1,000 tons)	64	50,320		
Torpedo-boat destroyers	111	35,925	53	18,500
Torpedo boats, first class (above 100 tons)	77	4,590	6	900
Torpedo boats, second class (below 100 tons)	89	9,175		
Submarine boats	1	120	4	480
Training vessels	9	6,085		
Total displacement	578	1,583,005	105	433,020
Total built and building	683—2,016,025 tons.			

FRANCE.

Battle ships, first class (above 10,000 tons)	19	210,275	3	41,790
Other battle ships and coast-defense iron-clads	25	123,690		
Armored cruisers	10	52,240	13	127,365
Protected cruisers, first class (above 6,000 tons)	4	31,255		
Protected cruisers, second class (3,000 to 6,000 tons)	20	84,500		
Protected cruisers, third class (below 3,000 tons)	15	25,200		
Unprotected cruisers (above 1,000 tons)	15	25,845		
Gunboats (below 1,000 tons)	22	12,710		
Torpedo-boat destroyers	12	3,530	20	5,965
Torpedo boats, first class (above 100 tons)	44	5,680		
Torpedo boats, second class (below 100 tons)	185	12,605	32	2,835
Submarine boats	8	1,115	22	3,175
Training vessels	9	36,175		
Total displacement	388	634,870	90	181,130
Total built and building	478—816,000 tons.			

GERMANY.

Battle ships, first class (above 10,000 tons)	9	95,782	7	86,000
Other battle ships and coast-defense iron-clads	13	66,800		
Armored cruisers	5	44,625	2	17,600
Protected cruisers, first class (above 6,000 tons)	6	36,800		
Protected cruisers, second class (3,000 to 6,000 tons)	3	12,908		
Protected cruisers, third class (below 3,000 tons)	13	28,655	4	11,200
Unprotected cruisers (above 1,000 tons)	12	20,725		
Gunboats (below 1,000 tons)	18	10,905		
Torpedo-boat destroyers	28	8,475	7	2,450
Torpedo boats, first class (above 100 tons)	20	3,500		
Torpedo boats, second class (below 100 tons)	109	8,050		
Training vessels	8	21,910		
Total displacement	242	359,135	20	117,250
Total built and building	262—476,385 tons.			

Number and displacement of vessels of different classes, etc.—Continued.

JAPAN.

Type.	Built.		Building.	
	No.	Tons.	No.	Tons.
Battle ships, first class (above 10,000 tons)	6	84,800		
Other battle ships and coast-defense iron-clads	5	17,505		
Armored cruisers	7	60,855		
Protected cruisers, second class (3,000 to 6,000 tons)	10	41,485	2	6,400
Protected cruisers, third class (below 3,000 tons)	4	10,670		
Unprotected cruisers (above 1,000 tons)	11	16,175		
Gunboats (below 1,000 tons)	13	7,545		
Torpedo-boat destroyers	11	9,180		
Torpedo boats, first class (above 100 tons)	12	1,610	10	1,420
Torpedo boats, second class (below 100 tons)	69	4,715	12	860
Training vessels	4	2,560		
Total displacement	152	251,100	24	8,680
Total built and building	176—259,780 tons.			

RUSSIA.

Battle ships, first class (above 10,000 tons)	13	149,375	6	81,000
Other battle ships and coast-defense iron-clads	24	119,305		
Armored cruisers	12	90,520		
Protected cruisers, first class (above 6,000 tons)	5	32,890	5	31,600
Protected cruisers, second class (3,000 to 6,000 tons)	5	18,330	3	9,700
Unprotected cruisers (above 1,000 tons)	19	29,020		
Gunboats (below 1,000 tons)	11	6,290		
Torpedo-boat destroyers	21	5,970	30	10,350
Torpedo boats, first class (above 100 tons)	39	4,675	27	3,300
Torpedo boats, second class (below 100 tons)	128	5,930	3	270
Total displacement	277	462,315	74	136,220
Total built and building	351—598,535 tons.			

AUSTRIA.

Battle ships, first class (above 10,000 tons)			1	10,000
Other battle ships and coast-defense iron-clads	16	69,630	2	16,630
Armored cruisers	2	11,520	1	7,400
Protected cruisers, second class (3,000 to 6,000 tons)	1	4,065		
Protected cruisers, third class (below 3,000 tons)	3	6,445	1	2,440
Unprotected cruisers (above 1,000 tons)	8	12,960		
Gunboats (below 1,000 tons)	13	6,350		
Torpedo boats, first class (above 100 tons)	6	700		
Torpedo boats, second class (below 100 tons)	63	3,660		
Training vessels	2	6,860		
Total displacement	114	122,160	5	36,520
Total built and building	119—158,680 tons.			

ITALY.

Battle ships, first class (above 10,000 tons)	5	56,205	4	52,250
Other battle ships and coast-defense iron-clads	7	40,340		
Armored cruisers	8	73,200	2	14,800
Protected cruisers, first class (above 6,000 tons)	2	30,955		
Protected cruisers, second class (3,000 to 6,000 tons)	5	17,550		
Protected cruisers, third class (below 3,000 tons)	12	30,100		
Unprotected cruisers (above 1,000 tons)	7	8,630		
Gunboats (below 1,000 tons)	14	10,085		
Torpedo-boat destroyers	7	2,300	6	1,880
Torpedo boats, first class (above 100 tons)	11	1,400		
Torpedo boats, second class (below 100 tons)	131	9,050		
Submarine boats	1	100		
Total displacement	210	279,815	12	68,930
Total built and building	222—348,745 tons.			

SUPPLEMENT TO "COMPARATIVE COST OF DOCKYARD-BUILT AND CONTRACT-BUILT SHIPS ABROAD."

[A copy of which was furnished to the chairman of the House committee April 4, 1900.]

The information herein contained has been compiled from the official budgets of England, France, and Germany for 1902. It brings down to date the actual costs of dockyard-built and contract-built ships, or the estimated costs of such ships as modified by the work done during the last two years. The English estimates are usually accurate, but those of France are subject to variation. In Germany the cost has been estimated by taking the sum of partial payments, these generally extending, in the case of battle ships, over a period of four years.

ENGLAND.

Name.	Class.	Displacement.	Yard.	Cost.
Ships built in Government dock-yards.		*Tons.*		
Formidable	Battle ship	15,000	Portsmouth	£1,023,557
Implacable [a]	do	15,000	Devonport	988,562
Irresistible	do	15,000	Chatham	1,038,829
London	do	15,000	Portsmouth	1,039,141
Venerable	do	15,000	Chatham	1,061,786
Bulwark [a]	do	15,000	Devonport	993,443
Albemarle	do	14,000	Chatham	1,007,489
Montague	do	14,000	Devonport	1,013,437
Queen	do	15,000	do	
Prince of Wales	do	15,000	Chatham	
King Edward VII	do	16,350	Devonport	
Drake	Cruiser	14,100	Pembroke	974,320
Kent	do	9,800	Portsmouth	694,895
Essex	do	9,800	Pembroke	699,274
Suffolk	do	9,800	Portsmouth	759,144
Cornwall	do	9,800	Pembroke	790,899
Devonshire	do	10,200	Chatham	
Spartiate [b]	do	11,000	Pembroke	636,141
Challenge	do	5,880	Chatham	381,131
Encounter	do	5,880	Devonport	398,971
Espiegle [a]	do	1,070	Sheerness	76,509
Fantome [a]	do	1,070	do	90,025
Odin [a]	do	1,070	do	82,767
Merlin [a]	do	1,070	do	91,928
Cadmus	do	1,070	do	
Clio	do	1,070	do	
Ships built in private yards.				
Albion [c]	Battle ship	12,950	Thames Iron Works	857,838
Vengeance [d]	do	12,950	Vickers's	828,350
Duncan	do	14,000	Thames Iron Works	1,003,778
Cornwallis	do	14,000	do	1,004,477
Exmouth	do	14,000	Laird Bros	1,022,032
Russell	do	14,000	Palmer's	1,026,292
Dominion	do	16,350	do	
Commonwealth	do	16,350	do	
Leviathan	Cruiser	14,100	Brown & Co	1,001,857
Good Hope [e]	do	14,100	Fairfield's	976,569
King Alfred	do	8,500	Vickers's	906,712
Aboukir [f]	do	7,840	Fairfield's	744,783
Cressy [g]	do	7,840	do	749,247
Hogue	do	7,840	Vickers's	741,893
Sutlej	do	7,840	Brown & Co	751,606
Euryalis	do	12,000	Vickers's	765,759
Bacchante	do	12,000	Brown & Co	749,910
Monmouth	do	9,800	L. & G. Co	666,288
Bedford	do	9,800	Fairfield	681,768
Berwick	do	9,800	Beardmore & Co	726,441
Cumberland	do	9,800	L. & G. Co	713,058
Donegal	do	9,800	Fairfield	704,561
Lancaster	do	9,800	Armstrong	716,770
Hampshire	do			
Argyle	do			
Roxburgh	do			
Antrim	do			
Camaron	do			
Amethyst	do			
Topaz	do			
Rinaldo [a]	Sloop	980	Laird Bros	63,774
Teal [a]	Gunboat	180	Yarrow	25,818
Moorhen [a]	do	180	do	25,815

FRANCE.

Name.	Class.	Displacement.	Yard.	Cost.
Ships built in Government dock-yards.		*Tons.*		*Francs.*
République	Battle ship	14,865	Brest	35,236,042
Henry IV [b]	do	8,948	Cherbourg	20,031,177
Suffren [b]	do	12,728	Brest	29,889,080
Jules Ferry	Armored cruiser.	12,550	Cherbourg	29,959,300
Léon Gambetta	do	12,550	Brest	29,959,300
Victor Hugo	do	12,550	Toulon	29,959,300
Dupetit Thouars [b]	do	9,517	do	20,484,177
Gueydon [b]	do	9,517	Lorient	20,807,193
Condé	do	10,014	do	22,855,066
Gloire [b]	do	10,014	do	22,561,519
Marseillaise [b]	do	10,014	Brest	21,523,013
Dupleix [b]	do	7,700	Rochefort	18,797,688
Jurien de la Gravière. [b]	Cruiser	5,685	Lorient	11,337,499
Ships built in private shipyards.				
Patrie	Battle ship	14,865	(?)	36,196,042
Montcalm	Armored cruiser.	9,517	La Seyne	22,570,230
Sully	do	10,014	do	24,434,063
Admiral Aube	do	10,014	St. Nazaire	24,985,682
Desaix [b]	do	7,700	do	19,068,975
Kleber	do	7,700	Bordeaux	19,258,053

[a] Completed. [b] Total outstanding liability to complete, £350.
[c] Total outstanding liability to complete, £660.
[d] Total outstanding liability to complete, £1,076.
[e] Total outstanding liability to complete, £132.
[f] Total outstanding liability to complete, £142.
[g] Total outstanding liability to complete, £142.
[h] Ready for trials.

GERMANY.

Name.	Class.	Displacement.	Yard.	Cost.
Ships building in Government yards.		*Tons.*		*Marks.*
Kaiser Friederich III.	Battle ship	11,080	Wilhelmshaven	20,010,000
Kaiserin Wilhelm II.	do	11,080	do	19,830,000
Wittelsbach	do	11,800	do	22,135,000
Schwaben	do	11,800	do	21,935,000
Fürst Bismarck	Armored cruiser.	10,000	Kiel	17,210,000
Prinz Heinrich	do	8,900	do	15,000,000
Prinz Adalbert	do	9,000	do	18,100,000
Vineta	Protected cruiser.	5,900	Danzig	9,250,000
Freya	do	5,600	do	9,110,000
Thetis	do	2,600	do	5,200,000
Ships built in private shipyards.				
Kaiser Wilhelm der Grosse.	Battle ship	11,080	Germania Works	19,830,000
Kaiser Barbarossa	do	11,080	Schichau Works	19,960,000
Kaiser Karl der Grosse.	do	11,080	Blohm & Voss	19,960,000
H	do	12,800	Germania Works	23,860,000
J	do	12,800	Schichau	23,860,000
Hansa	Protected cruiser.	5,900	Vulcan	9,250,000
Victoria Luise	do	5,600	Weser	9,110,000
Hertha	do	5,600	Vulcan	9,110,000
Medusa	do	2,600	Weser	5,210,000
Amazone	do	2,600	Germania Works	5,210,000
Ariadne	do	2,600	Weser	5,210,000
Nymphe	do	2,600	Germania Works	4,620,000
Niobe	do	2,600	Weser	4,620,000
Gazelle	do	2,600	Germania Works	4,620,000

Comparative cost per ton of displacement of dockyard-built and contract-built ships.

Name.	Class.	Displacement.	When built.	Cost per ton of displacement of ships built in—	
				Government dock-yard.	Private yard.
ENGLAND.		*Tons.*			
Implacable	Battle ship	15,000	1898	$320.27	
Bulwark	do	15,000	1899	321.87	
Albemarle	do	14,000	1900	349.72	
Russell	do	14,000	1899		$356.38
Drake	Armored cruiser	14,100	1899	335.82	
Good Hope	do	14,100	1899		336.60
FRANCE.					
Henri IV	Battle ship	8,948	1897	432.00	
Suffren	do	12,728	1899	453.22	
Dupleix	Armored cruiser	7,700	1899	471.15	
Desaix	do	7,700	1899		477.15
GERMANY.					
Wittelsbach	Battle ship	11,800	1899	446.40	
Kaiser Barbarossa	do	11,080	1898		428.74
Prinz Heinrich	Armored cruiser	8,900	1898	401.12	
Vineta	Protected cruiser	5,900	1896	373.14	
Hansa	do	5,900	1896		373.14
Thetis	do	2,600	1899	476.00	
Medusa	do	2,600	1900		476.91

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8587.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, disagreed to by the House of Representatives; had agreed to the conference asked by the House of Representatives, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5383. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta,

in the State of Georgia, on the first Monday in October in each year.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The hour of 4 o'clock having arrived, general debate is closed by order of the House. The Clerk will read the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers, receiving ships and other vessels; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice boys, including men in the engineers' force, and for the Fish Commission, 25,500 men and 2,500 apprentices under training at training stations and on board training ships, and for men detailed for duty with Naval Militia, at the pay prescribed by law, $16,138,199.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

I have no desire at this time to discuss the matter that was up a few minutes ago in general debate, the order of General Smith "to make Samar a howling wilderness and kill everybody capable of bearing arms," but I will read three or four lines from the CONGRESSIONAL RECORD, page 5354, being a telegram from General Corbin to General Chaffee, dated April 15, 1902, as follows:

Press dispatches state that upon the trial of Major Waller, of the Marine Corps, testimony was given by Waller, corroborated by other witnesses, that Gen. Jacob H. Smith instructed him to kill and burn; that the more he killed and burned the better pleased General Smith would be; that it was no time to take prisoners, and that when Major Waller asked General Smith to define the age limit for killing, he replied, "Everything over 10."

If such testimony was given, and the facts can be established, you will place General Smith on trial by court-martial.

Mr. Chairman, the last sentence of this order was conditional. The condition was:

If such testimony was given and the facts can be established, you will place General Smith on trial by court-martial.

"Such testimony" must have been "given by Major Waller," and facts must have been capable of being "established," because the court-martial or trial of General Smith was ordered, and he was tried and a verdict rendered but not yet published, the verdict being sealed and is now en route to Washington for President Roosevelt to first open.

Now, I say I have no desire now to discuss this order, but I simply want to put this order of General Corbin by order of the President down in the RECORD side by side with another statement. On April 25 I clipped from the Philadelphia North American, a Republican paper, the following:

GENERAL SMITH ADMITS ALL THE CHARGES—HE ORDERED MAJOR WALLER TO KILL ALL "OVER 10 YEARS OF AGE"—COURT-MARTIAL OPENS—HIS COUNSEL DECLARES THAT SAMAR BOYS ARE AS DANGEROUS AS THE MEN.

MANILA, *April 25, 1902.*

The trial by court-martial of Gen. Jacob H. Smith on the charge of conduct prejudicial to good order and discipline began to-day. Gen. Lloyd Wheaton presided. Col. Charles A. Woodruff, counsel for the defense, said he desired to simplify the proceedings.

He was willing to admit General Smith gave instructions to Major Waller to kill and burn and make Samar a howling wilderness; that he wanted everybody killed capable of bearing arms, and that he did specify all over 10 years of age, as the Samar boys of that age were equally as dangerous as their elders.

Capt. David D. Porter, Marine Corps, and Lieut. John A. Day, Marine Corps, were the only witnesses examined. Their testimony developed nothing new.

Maj. Littleton W. T. Waller, Marine Corps, will be the only other witness for the prosecution. He was unable to be present to-day on account of sickness, but it is expected will be in attendance to-morrow.

The defense will call several officers of the Ninth Infantry.

General Smith then in open court confesses to having given this "fire and sword" order. There should no longer be any doubt about this.

You will all remember, Mr. Chairman, that this order of General Smith was brought to light in the court-martial trial of Major Waller for enforcing this order of General Smith, and Major Waller acquitted himself by saying, "I simply obeyed the orders of General Smith, and his orders were to make Samar a howling wilderness and to kill every person capable of bearing arms." When asked to put a limit on the "order" as to age, he replied, "Ten years." But I presume a boy under a tree with a gun or with the native soldiers, in or out of camp or action, was killed.

Mr. Chairman, I have no desire now to discuss this "order." General Smith gave the "order," and it was obeyed and had to be obeyed. The "Army" does not give "orders." The officers, the head officers, give "orders," and the "privates" have to obey them. The "privates" did not want to obey this order, and General Smith says so over his own signature, as shown by the Army and Navy Journal of ten days ago.

The American, the paper from which I have read this order and General Smith's confession, is a Republican paper, and the order I first read was issued by General Corbin and is found in the RECORD, at page 5354, and found in the hearings before the Senate Committee on the Philippines, pages 1548 and 1549.

Mr. Chairman, we went to war with Spain because she treated the Cubans just as General Smith has treated the people in Samar. We stopped the "fire and sword" policy in Cuba and begun it in the Philippines by "orders" from generals who fought in Cuba, as General Smith did.

I should like very much to have discussed this bill, but the time has been taken up by others in discussing this "order" of General Smith.

I presume I may be permitted to proceed for a few minutes anyway.

Mr. Chairman, I am in favor of a first-class navy, one commensurate with the needs of our Republic. I have supported measures for that purpose and shall continue to do so. But I do not want the Navy turned into a "commercial drummer." I am in favor of what we have, a peaceful commerce with all the world. But we can have that without an unnecessary army or navy as advance agents.

Now, the question is, What about a navy because of our oriental possessions?

If we retain permanently the Philippine Islands, the very highest authority on that subject, Admiral Dewey, says that we must have a large navy in, and because we are in, the Philippine Islands, because we are in the waters that are plowed by the war ships and patrolled by the war dogs of the "war powers of Europe." Of necessity, he says, we must have armed vessels there to protect the sovereignty of the United States.

The sovereignty of the United States is as much in the Philippines as it is here; and if that sovereignty suffers or is in part destroyed, it affects the sovereignty of the United States everywhere.

Now, in order that my colleagues and the members of this House may act with their eyes open, I desire right on this question to read from the first volume of the Schurman Philippine report. It is a report signed by Mr. Worcester, Mr. Denby, Admiral Dewey, General MacArthur, and Professor Schurman. It is not signed by General Otis.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. General Otis did not sign this report, although he was a member of the Commission. It is signed by Jacob Gould Schurman, George Dewey, Charles Denby, and Dean C. Worcester, and John R. MacArthur as secretary. As I have said, General Otis did not sign this report, although a member of the Commission. He was making war on the Filipinos, fighting every day, while these Commissioners were trying to find what these people wanted and bring about peace if possible. But General Otis was so busy keeping up the war that he only attended one meeting of the Commission, remaining on the Commission all the time. Strange indeed! He rather ignored this Commission anyway. They were subordinate to him, the general in command, although he was one of the Commissioners.

Before I proceed further I want to stop a moment to say that I congratulate the House that we have such a full and able report on this bill and our Navy, and I believe I will not incite a spirit of jealousy among the members of the committee when I say I believe the chairman of the committee [Mr. Foss] very largely merits our compliments for this report.

While in the Old World this last year he industriously studied the navies there, and we see he has given the House the benefit of his observations to a great and valuable extent. I will now resume the reading of this document.

I will read again from Admiral Dewey (vol. 1, p. 127, of this Schurman Commission's Report), as follows:

As our interests in the East and in questions affecting it have increased greatly since our possession of the Philippines, we should maintain a permanent fighting force of ships on the Asiatic station, including battle ships and armored cruisers.

A permanent fighting force in the Philippine Islands, he says.

The distance and the time that would be required for reenforcements to arrive in case of attack by a foreign power show clearly the necessity for keeping a strong enough force on the spot to make such an attack improbable.

The necessity for a moderately large fleet being clearly shown, it is necessary to establish naval and coaling stations for its repair and supply.

Again, on page 129, Admiral Dewey says:

It has been shown above that nearly all of trade communication in the islands is necessarily by water, and that a considerable force of expensive war vessels must be maintained in the Philippines.

We have determined, from necessity it is claimed by the Republicans, to maintain on the "spot" in the Philippine Islands a standing army of 30,000 American soldiers and 5,000 natives, costing us annually about $1,285 per American soldier and half price for the natives, or about $42,000,000 per year, exclusive of armament and fortifications, which cost about $7,000,000 per year. This makes about $50,000,000 per year for our standing army in the Philippine Islands.

Then this "standing" navy of and for the Philippine waters will cost what to build? We see the naval board "estimates" are said to amount to $98,910,984.63. Whether this is over or under the mark I can not say. I will content myself by reading a paragraph or two of the speech of the gentleman from Illinois [Mr. FOSS] in yesterday's RECORD, and those who have plenty of time can make the estimate:

Mr. GAINES of Tennessee. How much are they to cost?

Mr. FOSS. The cost of these ships, in accordance with plans recommended by the Board of Construction, amounts in all to about $30,000,000. The battle ships, which will be ships of 16,000 tons each—the largest battle ships of any that we have—will cost $7,532,000 apiece.

Mr. GAINES of Tennessee. How does that compare with the cost of constructing such vessels heretofore?

Mr. FOSS. Our battle ships heretofore have cost anywhere from $6,000,000 to six and a half million dollars.

A MEMBER. Inclusive of ordnance?

Mr. FOSS. Inclusive of everything; that is the completed cost.

Now, the armored cruisers will cost $6,700,000 apiece, and the gunboats $510,000 apiece, making in all a total cost for 2 first-class battle ships, 2 armored cruisers, and 2 gunboats approximately $29,500,000.

Now, there are several boards in the Navy Department whose business it is to recommend naval programmes. One is the general board. They have recommended the building of something like 35 ships. Then there is the Board of Construction, which recommended to the Secretary of the Navy the building of about 40 ships.

And the Secretary of the Navy made a recommendation, I think, calling for 22 ships in number. I have not counted them up. He asked for 3 first-class battle ships, 2 first-class armored cruisers, 3 gunboats of 6,000 tons displacement, 3 gunboats of 2,000 tons displacement, 3 picket boats of 600 tons displacement, 3 steel training ships of about 2,000 tons displacement, 1 collier of 15,000 tons, and 4 tugboats, and while the recommendations of the different boards have been had, yet it must be remembered, of course, that the men who recommend them are naval officers ambitious for the profession in which they are engaged and are desirous of seeing our Navy built up as fast and speedily as possible; but this committee—and I refer to the Committee of the Whole House on the state of the Union—composed of the representatives of the American people, have to decide for the people themselves as to how far and how fast we shall pursue the policy of building up the American Navy.

Now, in view of the fact that Congress intimated in the appropriation bill of last year that it was its wish that the Secretary of the Navy should report only upon two battle ships and two armored cruisers, the Committee on Naval Affairs did not think it wise to make any further recommendation, and that is the reason why we come here with a programme to-day of two battle ships and two armored cruisers and two gunboats, in all, a total tonnage of 63,000 tons, requiring an appropriation of $30,000,000, not in this bill, but in subsequent bills, to construct them, because we believe that we are carrying out the intimation and suggestion of Congress in the appropriation bill of last year. Now, we have had greater programmes than this in years past.

Under the naval appropriation bill of March 3, 1899, we provided for a total tonnage that year of ships to the amount of 104,000 tons, and under the appropriation bill passed June 7, 1900, we made the further increase in ships to the amount of 99,930 tons. The programme this year, if it pass by the committee and the House and Congress, will add only 63,000 tons to the tonnage of our Navy; and so I say to you that it is a moderate increase, it is a healthy increase, but I believe that it is none too large if we are to continue the policy of building up the American Navy, and building it up in such strength and power as to maintain the honor of our country and to back up our foreign policy in every port and harbor throughout the world. [Applause.]

We all want to and will "maintain the honor of our country." No doubt about that. We have done that at all times; but the vital question is, shall we start and uphold a "foreign policy in every port and harbor throughout the world," to do which we must turn our Republic into an empire, turn our backs on the policy of the fathers, keep a standing Army in the United States and the Philippine Islands, and build and maintain a Navy big enough to whip all Europe in case of war in the Philippine Islands, which may occur at any time?

The Naval Board of Construction says we must build 40 ships; the general board says build 35 ships, and the Secretary of the Navy, Mr. Long, says build 22 ships. For what? "To back up our foreign policy in every port and harbor in the world."

These big ships cost $7,532,000 each. This bill carries in time of peace appropriations amounting to $77,659,386.63, about as much as we appropriated when we were in actual war with Spain. Such a "foreign policy" as this demands immediate, careful, and patriotic attention; and hence I thus speak, though briefly, to lay the subject before the House and country.

[Nashville American, 1902.]

THE FORT PILLOW "MASSACRE."

In the Senate Tuesday the remarks of Mr. TELLER on the Philippines were interrupted by Mr. SPOONER, of Wisconsin, with the inquiry: "Does the Senator not remember Fort Pillow?" The Associated Press account of the day's proceedings then states:

"What does the Senator mean by his reference to Fort Pillow?" inquired Mr. CARMACK, of Tennessee.

"I had in mind," replied Mr. SPOONER, "what has been considered a massacre of colored troops there."

Mr. CARMACK insisted with some heat that there was no massacre of troops or killing of prisoners at Fort Pillow.

Mr. CARMACK is correct, and it is strange, indeed, at this date that intelligent and honorable men will persist in falsifying history and endeavor to blacken the fame of soldiers and officers whose only crime was service in the Confederate army.

The so-called massacre at Fort Pillow grew out of a report of a committee of Congress which was made shortly after the fight there and was framed to soothe the wounds of the North over the successive defeats of Federal troops by General Forrest.

The committee reported that (1) Forrest had taken advantage of a flag of truce to shift his men to a more advantageous position; (2) that after the fort had been carried by storm an indiscriminate slaughter, which spared "neither age nor sex, white nor black, soldier nor civilian," was carried on; (3) that after the fighting had ceased several of the wounded of the garrison were intentionally burned to death in the barracks and tents which were destroyed by fire, and (4) that the "rebels buried some of the living with the dead."

The report is based on testimony of two or three of the officers and some of the negroes and whites who were of the garrison; but we think there is to-day not an impartial military critic, North or South, who would undertake to indorse it, or who would not say that it was false in every particular.

A full and complete account of the taking of Fort Pillow by General Forrest is given in Dr. Wyeth's life of Forrest. In it Dr. Wyeth makes no attempt to suppress any fact nor color any circumstance, but he shows, or rather the testimony of such men as Maj. Charles W. Anderson, Lieut. Col. D. M. Wisdom, Gen. James R. Chalmers, Gen. Tyree H. Bell, Col. Robert McCulloch, and Col. R. C. Barteau shows, beyond the suspicion of a doubt, that no advantage was taken of the flag of truce; that while the truce was in force a steamer loaded with Federal soldiers approached Fort Pillow, and that another steamer with artillery on board was also steaming toward the fort intent on rescuing it; that no signal of any kind was made to the boat from the fort or from the shore, which was a violation of the truce, and it was to circumvent it and prevent the landing of the steamers that General Forrest, in plain view of the commander of the fort made a new disposition of two detachments of men.

As to the second charge in the report of the Congressional committee, this testimony shows there were no women or children in the fort when it was assaulted and that such of the civilians as had the desire to go to a place of safety had the opportunity to leave. Those who remained voluntarily took up arms and fought with the garrison. Dr. C. Fitch, Federal surgeon of the Fort Pillow garrison, says:

"Early in the morning all of the women and all the noncombatants were ordered onto some barges and were towed by a gunboat up the river to an island before anyone was hurt."

The proportion of killed and wounded in the fort was large, and it is on this fact that the stories of the massacre of Fort Pillow have been based. Of the 557 in the garrison, 321 were killed, 130 wounded, and 206 were uninjured.

But it is to be borne in mind that the garrison, after full consideration during the flag of truce, refused to surrender, and never did surrender. The Union flag was never hauled down until cut down by one of Forrest's men. When the fort was stormed hand-to-hand encounters followed, many resulting in death, and those who attempted to escape by the river, as had been planned, found themselves cut off by the strategy of Forrest and caught between two fires of his men.

Again most of the negro soldiers were intoxicated, as were many of the whites, which made them reckless and indifferent to danger or death and inefficient for an intelligent defense of the fort. The commander of the fort had been killed early in the morning. The storming took place in the afternoon. There was no competent directing officer. It is also to be remembered that General Forrest had assured the commander of the fort that the black as well as the white soldiers would have full protection as prisoners of war if he would surrender.

As to the next charge, the garrison was not burned until the next day, when it had been entirely abandoned, all the wounded Federal soldiers having been taken aboard a Federal gunboat under a truce. And as to the fourth charge, of which the veriest savages would not be guilty, it was the Union soldiers who burned their own dead, and if any wounded were buried alive the work was done by their own comrades.

General Forrest himself had two horses killed under him early in the day and another wounded. One of the horses had fallen on him and bruised him badly. He was directing the attack from a little knoll, and as soon as he saw his men had scaled the parapet, and while the Federal flag was still flying, rode into the fort and ordered all firing to cease.

Dr. Wyeth states: "Among the mass of sworn testimony which will be presented further on it will be shown that with but one exception, the perpetrator of which was arrested by General Chalmers on the spot and placed under guard, not a gun was fired or a prisoner injured after the flag of the garrison fell."

The reason the gunboats gave the fort no more effectual aid is found in Forrest's instructions to Anderson and Barteau to have their sharpshooters cut down the gunners when the ports were opened. "Shoot everything blue betwixt wind and water until the flag comes down," were his exact words.

The testimony as given in Dr. Wyeth's book of a few well-known Tennesseans who were present at the engagement may be of interest.

J. C. McAdoo, of Watertown, states that he saw the whisky in the fort, and filled his canteen from a barrel by the consent of a guard who had been placed to watch it by General Bell. He says there was no surrender.

Joseph Smith, of Dyersburg, states: "I was one of the detail to gather up the guns after the fighting was over, and wherever we found a dead Federal we found a gun. In regard to the whisky found, I did not see it myself, but heard it spoken of at the time. I am a farmer and have lived in Dyer County for seventy years."

Dr. J. S. Harrison, of McMinnville, says: "The garrison kept firing at us as they retreated down the bluff. I am certain no one was killed after the fight closed."

W. C. Wert makes this affidavit: "I saw several buckets of whisky sitting within the works as we captured the place."

Lieutenant Hager says: "I saw the vessels of whisky, and know the flag of the fort was not lowered until it was cut down by Private Doak Carr, of our (Second Tennessee, Barteau's) regiment."

Dr. D. C. Kelley testifies that a day or two after the fight at Fort Pillow, in a conversation with General Forrest in regard to the colored troops, the general said that he was opposed to the killing of negro troops; that it was his policy to capture all he could and return them to their owners.

But it is unnecessary to adduce further testimony to prove the malignant falsity of the charges against General Forrest and his men at Fort Pillow. And even if testimony were lacking their courage and valor in every engagement, and in every campaign, and the whole course of their lives, in peace and in war, would brand the charges in the minds of honorable men as unworthy of consideration. Forrest and his men fought hard, but always nobly and humanely. They gave security and safety to the homes of the

defenseless, and for their acts of valor and courage are entitled to and will ever receive the grateful acknowledgments of their fellow-countrymen.

"A considerable force" of what, Mr. Chairman? "War vessels must be maintained in the Philippine Islands."

Mr. Chairman, I am reading from high authority. I get this from an official report, where it has been possibly sleeping ever since it was printed.

Unfortunately very considerable amount of valuable information that is obtained for our guidance, to enlighten us, at least, is put into these records and never comes to light again.

The point that I desire to make is, that this high authority says that inasmuch as we have gone from this side of the world to the other side, where we are in a war ourselves, a war that seems will "not down," and where the dogs of war of Europe are plowing the seas the year round, we must have a Navy to maintain American sovereignty over the islands. This distance is so great we must have a large navy there at all times on the "spot," as Admiral Dewey says.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., $10,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

I should like to ask the gentleman in charge of the bill for a little information. Can the chairman of the committee tell the Committee of the Whole how much money is appropriated in this bill for our new possessions over there; also, what are the estimates of the naval board for naval work in these colonies?

Mr. FOSS. In this bill?

Mr. GAINES of Tennessee. Yes.

Mr. FOSS. Well, I can point that out a little later. I will state that to the gentleman.

Mr. GAINES of Tennessee. The gentleman did not exactly cover that in his speech, and I should like to get this information.

The Clerk read as follows:

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, $100,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergeney fund" to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1902, and until such time as Congress shall make specific appropriation for the pay of such employees.

Mr. RIXEY. Mr. Chairman, I make the point of order against the proviso to that paragraph.

The CHAIRMAN. What is the point of order?

Mr. RIXEY. This bill makes provision for the naval service for the fiscal year ending June 30, 1903. The proviso provides that the accounting officers of the Treasury shall allow certain payments for the year 1902. I insist that the proviso is not germane to the paragraph or to the bill. If there is a deficiency for 1902, it ought to be provided for in some other bill.

The CHAIRMAN. The gentleman's point is that it is not germane?

Mr. RIXEY. Yes; and it is also new legislation.

The CHAIRMAN. If the gentleman makes the point that it is new legislation, he will sustain it; but the Chair thinks it is germane.

Mr. FOSS. Mr. Chairman, if the gentleman from Virginia—a member of the Committee on Naval Affairs, who knows the necessity for this provision—desires to make the point of order against it, the chairman of the committee concedes the point of order.

Mr. RIXEY. The chairman of the Committee on Naval Affairs knows that when this paragraph was reached in the Committee on Naval Affairs, I was opposed to the whole paragraph; and I shall not only insist upon this point of order, but I expect to vote to strike out the paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. WILLIAM W. KITCHIN. I move to strike out the paragraph just read. I will state, Mr. Chairman, this is known as the emergency fund.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the paragraph. The Clerk will report the paragraph.

The Clerk again read the paragraph.

The CHAIRMAN. The question is on ageeeing to the amendment.

Mr. WILLIAM W. KITCHIN. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. WILLIAM W. KITCHIN: I desire to call the attention of the committee to a few facts regarding this emergency fund. The members of the committee will see that in the preceding paragraph there is an item providing for the contingent expenses of the Navy:

For all emergencies and extraordinary expenses arising at home or abroad but impossible to be anticipated or classified.

Now, that is known as the contingent fund under this section, and is $10,000. In addition to this contingent fund there are numerous others running throughout the bill, and they amount, as I recollect it, to over $300,000. This emergency fund, the one I move to strike out, is a different matter, and it originated during or immediately after the war with Spain. At one time it was $500,000, in the last bill it was $200,000, and now provision is made for $100,000.

I will state that the Secretary of the Navy when he appeared before our committee stated that he had recommended $250,000—or, I believe it was $300,000—but he could get along with $100,000. That is but one illustration of the point that the gentleman from Virginia [Mr. RIXEY] made yesterday, that it is our duty to scrutinize the recommendations of the Department, because here was a recommendation for two and one-half times as much as was admitted was necessary.

Now, when I move to strike this paragraph out, I think the motion ought to be carried, because all the payments which have absorbed this emergency fund are, and ought to be, either under the contingent fund or subject to the direct legislation of this body. For instance, I read from the hearings, and I am going to show you how the last emergency fund was disposed of, or a part of it.

Emergency fund, Navy Department, 1902.

Appropriated (act March 3, 1901)		$200,000.00
ALLOTMENTS.		
1. June 22, 1901. To construct two-story building at Cavite for equipment	$30,000.00	
2. July 11, 1901. Lease of buildings occupied by Marine Corps troops at Cavite (renewal for 1902)	3,600.00	
3. August 27, 1901. Salaries of two civilian clerks for United States Marine Corps, Cavite	2,800.00	
4. September 25, 1901. To pay natives of Tutuila for about 360 rifles turned in, at $12	4,200.00	
5. September 26, 1901. Completing extension of timber shed, Cavite	8,000.00	
6. September 26, 1901. Completing ship-fitters' shop for construction and repairs on Machina Wharf, Cavite	10,000.00	
7. October 4, 1901. To continue work of examining site of proposed naval station, Olongapo, Subig Bay	10,000.00	
8. October 9, 1901. Expenses attending construction of commandant's residence at Tutuila, Samoa	15,000.00	
9. August 24, 1901. Repairs of barracks and contingent expenses for Marine Corps at Cavite and other places in Philippines	20,000.00	
10. November 1, 1901. To pay for supplies for marines in Philippines and Guam	7,786.05	
11. November 29, 1901. For preparing and fitting one of the casemates at the naval station, Cavite, for storage of ice	2,600.00	
12. January 4, 1902. For construction of permanent moorings at naval station, Cavite	6,595.00	
		120,581.05
Not yet allowed		79,418.95

Now, Mr. Chairman, it does seem to me that when such items are charged to the emergency fund we ought to strike out that fund and let these improvements come under the direction of this body.

Mr. SMITH of Kentucky. I would like to ask the gentleman under what head in the last naval appropriation bill this fund out of which these sums he has enumerated were paid was carried.

Mr. WILLIAM W. KITCHIN. It was paid out of this emergency fund. Now, the contingent fund allowed to the Department and to its various bureaus usually protects these contingent and unforeseen emergencies as described in the paragraph previous to the one I move to strike out. Under that they pay similar expenses. I will not take the time to read them here, because any gentleman can find them in the hearings: "Secret service, safety deposit storage, wages to civilians, transportation, entertainment of Brazilian officers, services of barges, etc., pay of carriage hire for officers on official business." Entertainment by the officers of the *Brooklyn* or by the "U. S. S. *Brooklyn*," etc.

Now, such expenses as these have been paid out of the contingent fund. I submit that the emergency fund ought to be stricken out and the Department ought to be held down to its ordinary contingent expenses. I submit that no power ought to be continued in the Secretary that enables him to construct buildings such as I have mentioned and incur expenses of that character.

So, Mr. Chairman, whatever may have been the necessity for it when it was first placed in a naval bill it seems to me it is time for this emergency fund to be stricken out.

The CHAIRMAN. The question is on the amendment to strike out the provision.

Mr. DAYTON. Mr. Chairman, I hope the House will realize what this motion involves and will understand it before the vote

is taken. I want to say that this emergency fund grew out of the necessities of the Spanish war. It was originally $500,000. There has never been a moment of time when members of the Naval Committee have not had an earnest desire and purpose to do away with this emergency fund so soon as it could be done without injury to the service. It has constantly been decreased and diminished. The last bill carried $250,000. That fund has been cut down in the present bill to $100,000.

In the presence of the full committee the Secretary of the Navy gave his statement that it was his purpose and desire to have this emergency fund done away with as speedily as possible. The matter was fully discussed, and he pointed out that there were contingencies and emergencies arising by reason of our foreign possessions that made it impossible for him to estimate item by item for everything necessary, and it was there determined in full committee that the fund could he cut down to $100,000, and that would be satisfactory to the Department. And I confess, Mr. Chairman, that it is with a considerable degree of surprise that I notice this motion coming, after that satisfactory arrangement in the committee, from a member of the Naval Committee.

Mr. WILLIAM W. KITCHIN. May I ask the gentleman a question?

Mr. DAYTON. Yes, sir.

Mr. WILLIAM W. KITCHIN. Do you mean to intimate that that action in the committee was unanimous?

Mr. DAYTON. I mean to say that the statement in the hearings was that it was satisfactory; and my recollection distinctly is that no objection was made to it when the appropriation was reduced from $250,000 to $100,000.

Mr. WILLIAM W. KITCHIN. The gentleman's recollection is at fault.

Mr. DAYTON. Well, I want to say, Mr. Chairman, that there are two or three members of the Naval Committee on the other side whose standing some of us can never understand. When it comes to their action in the Naval Committee and from the Naval Committee to this House, it seems to me that the interests of the great naval establishment are not always considered, but that the chance to make objection is.

Mr. RIXEY. Will the gentleman permit a question?

Mr. DAYTON. Certainly.

Mr. RIXEY. The hearings show what occurred on that occasion?

Mr. DAYTON. Yes, sir.

Mr. RIXEY. The gentleman says that he understood that this was satisfactory to the whole committee and was so expressed. Now, I want to find the page on which that occurred, for it will be found——

Mr. DAYTON. I will yield to a question. I am not yielding for a statement. The gentleman will have his chance under the five-minute rule.

Mr. RIXEY. I am going to ask you now a question. The Secretary, after stating that he had wanted $250,000, said: "I think we can get along with $100,000." The gentleman from West Virginia [Mr. DAYTON] was the only gentleman of the committee who expressed any opinion whatever, and he said: "That would be entirely satisfactory."

Mr. DAYTON. I think that is exactly right; and I believe no member made any objection.

Mr. RIXEY. I want the gentleman to understand that he does not represent all the members of the committee.

Mr. DAYTON. Are you making my speech, or am I making it myself? I object to any further interruption. When I have a statement to make, I will not allow the gentleman from Virginia to make it for me, if I can help it. I say that the gentleman has quoted the hearings exactly right. The Secretary of the Navy stated in terms that it was the anxious purpose of the Department to do away with this emergency fund so soon as it could be done without detriment to the service. He said $300,000 was too much, and upon consideration, as appears there in the committee hearings, he stated that he could get along with $100,000. Then the remark came from me that that would be entirely satisfactory. And not a single other man made any objection, as I understood, at the time.

Mr. TATE. Will the gentleman allow me a question?

Mr. DAYTON. Yes, sir.

Mr. TATE. I know the gentleman does not desire to misrepresent gentlemen on this side of the House or anyone else, and therefore I want to call his attention to the fact that at the time this bill was reported to the House it was especially understood that as to any provision in this bill, if any member of the committee objected, the right was reserved to him to oppose it on the floor.

Mr. DAYTON. Unquestionably that was so.

[Here the hammer fell.]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in reply to the gentleman from West Virginia, who seems to want to make some personal matter of this, I want to say that it was certainly known to every Democratic member of the committee that I would make this motion again as I have made it heretofore. The intimation that any other member of the minority of the committee, either by silence or otherwise, ever waived any of our rights in this matter is not true in fact.

And as for the difference of recollection, while it is unpleasant for me to refer to these things, yet when the gentleman in his blustering way undertakes to reflect upon members on this side, I feel like telling this House that it is only a few weeks since the gentleman made a most positive statement of his clear recollection of something which had taken place in committee, and 11 members of the committee stated their recollection exactly to the contrary. And yet the gentleman undertakes to say that he would not believe our recollection on this matter.

Mr. Chairman, when he wants to reflect upon three members of this committee——

The CHAIRMAN. The gentleman is out of order in referring to other members of the House in the second person.

Mr. DAYTON. I hope the gentleman may be allowed to proceed by unanimous consent.

Mr. WILLIAM W. KITCHIN. I do not wish——

The CHAIRMAN. The gentleman in debate should refer to other members in the third person.

Mr. WILLIAM W. KITCHIN. If I did not do so it was an unintentional omission.

Mr. Chairman, I regret that the first spark of personal feeling or difference should come from the gentleman from West Virginia. I regret that anything of that nature should be injected into this debate. But when the gentleman from West Virginia sees fit to say that there are three members on this committee who in antagonizing anything do not represent the views of a brave, intelligent, and enlightened constituency—if he means to say that these gentlemen are not as intelligent and as honest and as patriotic and as high-minded as any other members of this body, then I do think, Mr. Chairman, that it is time for the gentlemen upon whom he would reflect to call the attention of the House to the fact and to repel such unjust insinuations.

So far as I am concerned, I have no apologies to make to any man for my actions here, and am responsible to none except to the good people who send me here as their Representative. I will not sit here and see a member, because he happens to be senior in service, or because he happens to be in the majority upon the pending bill, reflect upon my rights and privileges in this House.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from North Carolina.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This is an emergency fund for the Navy Department to meet unforeseen contingencies. My recollection is—and the gentleman will correct me if I am wrong—that an emergency fund for the Navy Department first appears in the naval appropriations at the commencement of the Spanish war.

Mr. DAYTON. It was for $500,000.

Mr. CANNON. Now, it has been reduced until you recommend $100,000?

Mr. DAYTON. That is correct.

Mr. CANNON. I am frank to confess that I do not like emergency-fund appropriations. I believe that all appropriations ought to be as specific as possible, and then the contingent fund for the general service, and that to apply to the Department instead of running to all the bureaus and to each branch of the service. Now, I am not prepared to say, as I have not investigated the question, whether we can dispense with the emergency fund at this time. I am quite content to take the opinion of the committee, and would not have said a word were it not that I wanted to express the hope that the time had about arrived when we could dispense with all emergency-fund appropriations in either the Navy, or the Army, or the service elsewhere.

Mr. FOSS. Mr. Chairman, I want to interrupt the gentleman just a moment and to say that that is the policy of the committee; that we have been gradually year after year reducing this fund, and we hope to wipe it out entirely next year; but the Secretary came before the committee and said it was necessary to maintain it this year, but recommended a reduction down to $100,000.

Mr. CANNON. And the gentleman is satisfied it ought to be there for the good of the service?

Mr. FOSS. I am satisfied that for the good of the service it should remain, and I am opposed, as a general policy, to the insertion of the emergency fund.

Mr. CANNON. Very well. I withdraw the pro forma amendment.

Mr. WATSON. Mr. Chairman, I renew the motion to strike out the last word, for just a moment or two. It has been from the beginning the policy of this committee to oppose these emergency appropriations, but because of the unsettled condition

of affairs in the Philippines, and the condition generally which grew out of the Spanish-American war, it seemed to the committee that it was a necessity that there should be an emergency fund placed at the disposal of the President of the United States to be expended upon the suggestion of the Secretary of the Navy, and, as has already been said here, that fund at first was placed at $500,000. Subsequently it was reduced to $300,000. This year it was a very grave question with the committee as to whether or not the emergency fund might not be dispensed with altogether and no appropriation made. The matter was left open until the Secretary of the Navy appeared before our committee for the purpose of giving his testimony. When there, upon the general subject of the emergency fund, he used this language:

Most of these expenditures have been in the Philippines, where unforeseen contingencies arise.

Now, it was unforeseen contingencies that caused this emergency-fund appropriation, and if it was wise in the beginning it is wise to-day, because of the fact that these unforeseen contingencies have not passed away, but still exist. On the next page the Secretary used this language:

I am inclined to think that many things are still in such an unsettled condition that there ought to be some emergency appropriation. The estimate of $300,000 is perhaps too large. I do not think we shall need it. I do not think we shall need $250,000. I was talking to Admiral Kenney, who sees the propriety of getting rid of the emergency fund as soon as we can, and he suggested whether or not you could not increase my contingent fund. I have a contingent fund of from ten to twelve thousand dollars. It is an old form of appropriation for certain well-understood objects.

And then the Secretary of the Navy went on to say that that would not be sufficient to meet the contingencies that might arise in the Philippines, but thought that $100,000 would be ample and would be sufficient. We appropriated $500,000 at first when the condition of affairs was more unsettled than it is to-day, when the contingencies that met us were more appalling than to-day. If it was proper then, why is it not now proper to appropriate $100,000 and place it at the disposal of the President of the United States to meet such unforeseen contingencies as may arise in the Philippines? I hope this emergency fund will be permitted to remain this year, because it seems to be absolutely necessary for the successful maintenance of the naval establishment in our new possessions.

Mr. RIXEY. Mr. Chairman, I do not care to refer to the statement made by the gentleman from West Virginia [Mr. DAYTON] further than to state that at the time Secretary Long was before the committee, and that hearing took place to which reference has been made, I was not present. Afterwards, when the emergency paragraph came up for consideration in committee, I voted against it. I will state further that some of the gentlemen who are now favoring this provision also expressed their opinion against it.

This provision in the naval bill was carried for the first time during the Spanish-American war. There was no serious objection to it then, because we knew that many demands were made upon the Government which could not be foreseen. But now, four years after the close of that war, when the Secretary of the Navy has a contingent fund at his disposal, when almost every Bureau in the Navy Department, I believe without exception, has a contingent fund, there is no necessity for carrying this emergency fund longer. This emergency fund is nominally under the control of the President, but, as a matter of fact, it is used by the several bureaus and the Secretary of the Navy for other purposes. It seems to me that, four years after the close of the war, we can, without detriment to the service, cut out these extraordinary provisions, and the emergency fund which had its origin with the Spanish war ought to be cut off. We should legislate for the erection of buildings in the Philippine Islands, and for clerks there, to which this fund has been applied, just as we legislate for other items in the naval establishment. It does seem to me, Mr. Chairman, that it is time that we get rid of this emergency fund, and I hope the motion of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] will prevail.

On motion of Mr. FOSS, the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JACKSON of Kansas, for ten days, on account of important business.

INDIAN APPROPRIATION ACT.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate resolution 99.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a Senate joint resolution, which the Clerk will report.

The joint resolution (S. R. 99) fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect was read, as follows:

Resolved, etc., That the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," shall take effect from and after July 1, 1902, except as otherwise specially provided therein.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman if this resolution has been considered by the Committee on Indian Affairs?

Mr. CURTIS. A similar resolution was considered this morning, and a favorable report was directed limiting it to section 8 only. This is a general resolution, but its effect is similar to that of the one considered by our committee. The object is to fix the date for the taking effect of section 8 of the act, which creates a new judicial district in the Indian Territory. It is requested by the Attorney-General, and the report in favor of the resolution was unanimous.

Mr. RICHARDSON of Tennessee. Does it affect that one case only?

Mr. CURTIS. There are two or three other items that it might affect, but that is immaterial. It simply fixes July 1, 1902, as the date when certain provisions shall take effect, and there can be no objection to it.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

Mr. CURTIS. I also ask unanimous consent to print in the RECORD the letter of the Attorney-General asking for this legislation.

The SPEAKER. The gentleman from Kansas asks unanimous consent to print in the RECORD a letter from the Department bearing upon the resolution just passed. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 12, 1902.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: In the bill or act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," there is legislation dividing the northern district of the Indian Territory into two districts; also authorizing the appointment of an additional United States marshal, an additional United States attorney, and other officers; also fixing additional places for holding terms of court, etc. It is deemed important that said legislation shall not take effect until July 1, 1902, in order that all necessary appointments may be made before that time and business arranged in accordance with the provisions of said act.

If said act shall be allowed to take effect immediately upon approval, much confusion is likely to result; also much additional expense will be caused thereby, as is more fully explained by the United States marshal for the northern district of the Indian Territory in his letter dated the 9th instant, a copy of which is inclosed herewith.

It is therefore considered important that a joint resolution (a draft of which is herewith inclosed) should be passed without delay, in order that it may be approved by the President before the date of the approval of the above-mentioned act.

Respectfully, P. C. KNOX, *Attorney-General.*

HERMAN GAUSS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to Herman Gauss of $750 for services as acting assistant clerk to the Committee on Invalid Pensions.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON of Tennessee. We would like to understand what this resolution is.

Mr. WILLIAMS of Mississippi. Mr. Speaker, let us have an explanation of this.

The SPEAKER. Two gentlemen ask for an explanation.

Mr. SULLOWAY. This is the allowance made to that gentleman, which usually goes into the general deficiency bill. Under the present system we come to the House and ask that it be inserted in the bill, and that the committee be directed to insert it.

Mr. RICHARDSON of Tennessee. Has the resolution been considered by the Committee on Accounts?

Mr. SULLOWAY. I am directed by the committee unanimously to ask for its passage.

Mr. RICHARDSON of Tennessee. By your committee. Ought it not to be considered by the Committee on Accounts?

Mr. SULLOWAY. There is no occasion for it to go to the Committee on Accounts. There is no reason why it should that I am aware of.

Mr. RICHARDSON of Tennessee. Matters of that kind usually go to the Committee on Accounts.

Mr. SULLOWAY. It might, perhaps, be done in that way.

Mr. CANNON. If the gentleman will allow me for a moment. The gentleman from Tennessee will recollect that heretofore on the defficiency bill a number of items have generally been reported by the Committee on Appropriations touching extra compensation. I think one of the most worthy items that the bill has ever carried has been giving the extra compensation to the clerk detailed from the Pension Office—you may say the expert clerk—that works with the Committee on Invalid Pensions.

Mr. RICHARDSON of Tennessee. I understand.

Mr. CANNON. Now, the Committee on Appropriations have concluded from this on, so far as it is concerned, not to insert items of this kind in the general deficiency bill unless requested to do so by action of the House. I have no doubt about the propriety of the item, so far as that is concerned.

Mr. RICHARDSON of Tennessee. The gentleman feels that it is a proper item?

Mr. CANNON. I am satisfied from what I know of this official and the work he is performing, and from the practice heretofore, that he might well have this additional allowance in addition to the pay he receives from the Government as a Pension Office clerk; and it has been usual to give it to him. I think it is one of the few cases where it is justified by the merit of the case.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from New Hampshire if he will yield to me, if unanimous consent is given, to offer an amendment? I do not propose to hold him up on the proposition, but I desire to offer an amendment to the proposition; and still I say if he declines to permit me to offer an amendment I will not hold him up.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Speaker, I want to say to the gentleman that while this has not gone to the Committee on Accounts, the Committee on Appropriations substantially refused to consider them; and I believe it would be an unwise precedent to establish in this House, without the consideration of a committee, to here now establish a precedent giving extra pay; and I will have to object.

The SPEAKER. Objection is made.

VETO MESSAGE OF THE PRESIDENT—CASE OF HARRY C. MIX.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return without approval House bill No. 4446, entitled "An act for the relief of Harry C. Mix."

The Attorney-General writes me as follows concerning this bill:

"A. F. Holt was postmaster at Valdosta, Ga., and as such became a defaulter to the Government. Suit was brought on his official bond, and the amount was finally recovered. Criminal proceedings were also commenced against him, and he gave a bond for his appearance at court, with Harry C. Mix surety thereon. The defendant failed to appear, and forfeiture was taken.

"Assistant Attorney William R. Leaken represented the Government in the proceedings to enforce the collection of the bond so given. The papers relative to said case were referred to Mr. Leaken January 12, 1901. In reply Mr. Leaken said:

"'I do not think that this is a case where the proceedings ought to be discontinued. I do not know the history of the case prior to my appointment as assistant United States attorney, but as soon as the matter was placed in my hands it was called up, both for judgment on the bond in the civil case, at Macon, Ga., and upon the criminal bond at Savannah. One after another excuse was made by counsel for Mr. Mix, the surety on the criminal bond. * * *

"'I have moved on three different occasions for a rule absolute against Mr. Mix, but Mr. Strohecker, his counsel, has succeeded in postponing the matter. The case was set for final disposition on the 5th of this month, but again deferred at the request of Mr. Strohecker. I inclose a letter from Mr. Strohecker, which to my mind shows that the judgment should be taken up scire facias.'

"Mr. Strohecker was attorney for the defendant, Holt, and in his letter, dated March 21, 1899, to the assistant attorney, said:

"'Please find out as soon as possible whether or not the nol. pros. can be obtained in the Holt case. If it can be, I am pretty sure the money due the Government on the defalcation can be obtained and we can produce the man; we will have him present anyway, but no money will be paid on that claim unless a nol. pros. is entered.

"'I have found the man. He did not die as thought, but recovered, and I am in communication with him.

"'Could it be arranged so that the nol. pros. could be entered at Macon during this term of court? If it can be, please use your efforts to have it so done. Mr. Irwin being disqualified, of course it will require your presence here. If you so direct, after you have heard from the Department, I will speak to the judge concerning the noll. pros. and payment.'

"The defendant, Holt, it seems, went to Mexico and has never been tried. It is alleged that at one time Mr. Holt, the defendant, was about to be present at a term of court, when a deputy marshal said to him that the case would not be up at that term of court and it would therefore not be necessary for him, the defendant, to be present. Of course the deputy marshal was not authorized to excuse Mr. Holt from attendance, as required by his bond.

"It seems useless to require persons charged with crime to give bond for their appearance in court if they can remain away and the sureties on their bonds be relieved from liability. To give relief in this particular case seems to be but to set a bad example."

In view of the statements above set forth, I am constrained to withhold my approval of the bill.

THEODORE ROOSEVELT.

WHITE HOUSE, *May 15, 1902.*

Mr. PARKER. Mr. Speaker, understanding that that bill was reported by the Committee on the Judiciary, I move that the bill and veto message be referred to the Committee on the Judiciary.

The SPEAKER. The gentleman from New Jersey moves to refer the message and the bill to the Committee on the Judiciary.

The question was taken; and the motion was agreed to.

CHARLES D. PALMER.

Mr. GIBSON. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

J. H. GALLINGER,
N. B. SCOTT,
PARIS GIBSON,
Managers on the part of the Senate.

Mr. RICHARDSON of Tennessee. Was that the report or the statement?

Mr. GIBSON. The report.

The SPEAKER. Is there a statement?

Mr. GIBSON. There is a statement with the report.

Mr. RICHARDSON of Tennessee. It should at least be printed.

The SPEAKER. Without objection, the statement will be printed in the RECORD.

Mr. WILLIAMS of Mississippi. Let us have the statement read, or something that will explain the action.

Mr. GROSVENOR. If the gentleman will allow me a word, the only difference between the two Houses was that the Senate cut the rate $10 a month and more accurately defined the service of the soldier. It was a bill I introduced, and it is entirely satisfactory, although the rate has been cut a little below what it should have been.

Mr. GIBSON. The statement contains the facts, and I ask that it be read.

The statement was read, as follows:

This bill originally passed the House at $40 per month, but was amended in the Senate to $30 per month. The result of the conference is that the House recedes from its disagreement to the Senate (second) amendment, and your conferees recommend that the bill pass at $30 per month, as it was amended in the Senate, the Senate receding from its first amendment as to name of organization.

HENRY R. GIBSON,
W. A. CALDERHEAD,
R. W. MIERS,
Managers on the part of the House.

Mr. WILLIAMS of Mississippi. I just wanted to know what the report was. I have no objection.

The question was taken, and the conference report was agreed to.

ELIZABETH A. BURRILL.

Mr. GIBSON. Mr. Speaker, I call up the following conference report upon the bill H. R. 12054.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

J. H. GALLINGER,
WM. J. DEBOE,
GEO. TURNER,
Managers on the part of the Senate.

The Clerk also read the following statement:

The service of the soldier in this bill was amended in the Senate from the "Fiftieth New York Volunteer Engineers," as it passed the House of Representatives, to the "Fiftieth New York Volunteer Infantry." The Senate amendment was an error, and the result of the conference is that the Senate recedes from its amendment, and the bill is recommended as it was originally passed by the House of Representatives.

HENRY R. GIBSON,
W. A. CALDERHEAD,
R. W. MIERS,
Managers on the part of the House.

Mr. GIBSON. Mr. Speaker, I move that the House agree to the conference report.

The conference report was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks this afternoon upon the naval bill.

The SPEAKER. Without objection, this order will be made.

There was no objection.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills and joint resolution of the following titles:

H. J. Res. 189. Joint resolution making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington;

H. R. 2436. An act granting an increase of pension to James W. Roath;

H. R. 7982. An act granting an increase of pension to William T. Peterson;

H. R. 5600. An act granting an increase of pension to John G. Sanders;

H. R. 5190. An act granting an increase of pension to Alvin J. Hartzell;

H. R. 8788. An act granting an increase of pension to Jacob Weidel;

H. R. 9156. And act granting an increase of pension to Uriah Garber;

H. R. 8016. An act granting an increase of pension to Hannibal C. Saint Clair;

H. R. 8913. An act granting an increase of pension to Rachel S. Lyman;

H. R. 9819. An act granting an increase of pension to Robert A. Pinn;

H. R. 10122. An act granting an increase of pension to John S. Burket;

H. R. 10396. An act granting an increase of pension to Elvin A. Esty;

H. R. 9656. An act granting an increase of pension to Lunsford Y. Bailey;

H. R. 2129. An act granting an increase of pension to Warren W. H. Lawrence;

H. R. 1479. An act granting an increase of pension to Michael Marnane;

H. R. 1380. An act granting an increase of pension to Mary Tate;

H. R. 5217. An act granting an increase of pension to Elizabeth P. Sigfried;

H. R. 5183. An act granting an increase of pension to William Holdridge;

H. R. 6441. An act granting an increase of pension to William H. Wood;

H. R. 6645. An act granting an increase of pension to Ann E. Austin;

H. R. 7840. An act granting an increase of pension to Oliver Kerr;

H. R. 7507. An act granting an increase of pension to James M. Ashley;

H. R. 2486. An act granting an increase of pension to William Matthews;

H. R. 3756. An act granting an increase of pension to James C. G. Smith;

H. R. 5110. An act granting an increase of pension to William H. Dixon;

H. R. 7901. An act granting a pension to Dewitt Clinton Letts;

H. R. 8351. An act granting a pension to Matthew V. Ellis;

H. R. 9777. An act granting a pension to Helen F. Lasher;

H. R. 10496. An act granting a pension to James T. Steele;

H. R. 1681. An act granting a pension to Erma G. Harvey;

H. R. 4622. An act granting a pension to Frank W. Lynn;

H. R. 6434. An act granting a pension to Mary J. Fitch;

H. R. 3277. An act granting a pension to Frances J. Abercrombie;

H. R. 4927. An act granting a pension to George Tucker;

H. R. 4993. An act granting a pension to Mary Shelton Huston;

H. R. 7018. An act for the relief of Robert J. Spottswood, and the heirs of William C. McClellan, deceased;

H. R. 2316. An act to correct the military record of Albert Boker;

H. R. 53. An act for the protection of cities and towns in the Indian Territory, and for other purposes; and

H. R. 11353. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9037. An act to allow the commutation of homestead entries in certain cases and providing for fees and commissions;

H. R. 11920. An act granting an increase of pension to George W. Wertz;

H. R. 11894. An act granting a pension to Hannah A. Timmons;

H. R. 12148. An act granting an increase of pension to Frederick O. Clark;

H. R. 11051. An act granting an increase of pension to Henry E. Williams;

H. R. 11117. An act granting an increase of pension to William T. Hamilton;

H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;

H. R. 12855. An act granting an increase of pension to Milton Brown;

H. R. 4393. An act reserving from the public lands in the State of Oregon, as a public park, etc.;

H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

H. R. 5254. An act granting an increase of pension to Enos G. Budd;

H. R. 5870. An act granting an increase of pension to Oscar W. Lowery;

H. R. 8007. An act granting an increase of pension to James W. Lewis;

H. R. 12145. An act granting an increase of pension to Caleb W. Story;

H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;

H. R. 11181. An act granting a pension to Alice D. H. Krause;

H. R. 12239. An act granting an increase of pension to Agnes Clark;

H. R. 11325. An act granting an increase of pension to James Merrick;

H. R. 11662. An act granting an increase of pension to Albion P. Stiles;

H. R. 12552. An act granting a pension to Erwin A. Burke, alias Burt A. Erwin;

H. R. 11665. An act granting an increase of pension to Caleb C. Briggs;

H. R. 11695. An act granting an increase of pension to George W. Hatton;

H. R. 11787. An act granting a pension to John J. Manner;

H. R. 12788. An act granting a pension to Elizabeth McDonald;

H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;

H. R. 12713. An act granting an increase of pension to Bernard McCormick;

H. R. 13076. An act to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii;

H. R. 13093. An act granting a pension to Eliza A. Brownlow;

H. R. 12899. An act granting an increase of pension to William H. Rightmire;

H. R. 13416. An act granting an increase of pension to Isabella H. Thompson;

H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.; and

H. R. 13439. An act granting an increase of pension to William Blanchard.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 1295. An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.;

S. 2951. An act granting an increase of pension to Maria J. Wilson; and

S. R. 82. Joint resolution providing for the printing annually of franks required for sending out seeds.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5383. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year—to the Committee on the Judiciary.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of State, announcing the transmission to Congress of certified copies of franchises granted by the executive council of Porto Rico—to the Committee on Insular Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William E. Carhart against the United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga., reported the same without amendment, accompanied by a report (No. 2045); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service, reported the same without amendment, accompanied by a report (No. 2046); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14107) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations, reported the same without amendment, accompanied by a report (No. 2048); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WOOTEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected, reported the same with amendment, accompanied by a report (No. 2054); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 11329) for the relief of Mrs. Inez Shorb White, reported the same without amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1568) to restore Henry D. Hall to the Revenue-Cutter Service, reported the same adversely, accompanied by a report (No. 2047); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 11093) granting a pension to Nannie M. Kimberly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14392) for the relief of the estate of Ramsay Crooks—Committee on Invalid Pensions discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JONES of Washington: A bill (H. R. 14441) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportation of Government supplies to the Philippines across the Pacific Ocean—to the Committee on Military Affairs.

By Mr. TRIMBLE: A bill (H. R. 14442) to establish a fish-hatching and fish-culture station in north central Kentucky (Seventh Congressional district)—to the Committee on the Merchant Marine and Fisheries.

By Mr. METCALF (by request): A bill (H. R. 14443) to establish a national conservatory of music and art for the education of advanced pupils in music in all its branches, vocal and instrumental, as well as painting, drawing, and etching—to the Committee on Education.

By Mr. LACEY: A bill (H. R. 14464) to amend the law relating to the salmon fisheries of Alaska—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAWRENCE: A joint resolution (H. J. Res. 191) to authorize the officer in charge of the new building for the Government Printing Office to pay full wages to per diem employees carried on the pay rolls of said building on September 17, 18, and 19, 1901, when work was suspended out of respect to the memory of the late President of the United States—to the Committee on Claims.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 260) to provide for a clerk for the conference minority—to the Committee on Accounts.

By Mr. CONRY: Resolutions of the great and general court of Massachusetts, in favor of the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. GREENE of Massachusetts: Resolutions of the senate and house of representatives of the Commonwealth of Massachusetts, in favor of construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. ROBERTS: Resolutions of the Massachusetts legislature, in favor of building war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. THAYER: A resolution of the Massachusetts legislature, relating to the building of war vessels in navy-yards of the United States—to the Committee on Naval Affairs.

By Mr. McCALL: Petition of legislature of Massachusetts, in favor of passage of bill to provide for the construction of United States war vessels in Government navy-yards—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 14444) granting an increase of pension to Frances Bennett—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 14445) granting an increase of pension to Joseph Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14446) granting an increase of pension to Charles S. Mumford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14447) granting a pension to Jennie Blackburn Johnston—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14448) granting a pension to James M. Cartmill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14449) granting a pension to Ignatz Bohnert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14450) granting a pension to Almond T. Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14451) granting a pension to Dr. John A. Blackwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14452) granting a pension to Peter Berg—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 14453) granting an increase of pension to John H. Poynter—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 14454) granting a pension to Addison L. Brown—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 14455) authorizing the appointment and retirement of Charles Chaillé-Long with the rank of colonel, United States Army—to the Committee on Military Affairs.

By Mr. KEHOE: A bill (H. R. 14456) granting a pension to Lois Van Thom—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14457) granting a pension to Emily C. Brasier—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14458) granting a pension to Hattie M. Whitney—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 14459) for the relief of the heirs and legal representatives of Hercules Webster Bauld, who was drowned from the United States steamer Lancaster at Bridgetown, Barbados, West Indies—to the Committee on Claims.

By Mr. SPIGHT: A bill (H. R. 14460) for the relief of Henry C. McElroy—to the Committee on Military Affairs.

By Mr. TRIMBLE: A bill (H. R. 14461) to increase the pension of John F. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14462) granting an increase of pension to Davis Preston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14463) granting an increase of pension to William Fuller—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 14465) granting an increase of pension to Nathan R. Jersey—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 14466) for the relief of Kate Fogarty—to the Committee on the District of Columbia.

By Mr. MOODY of Oregon: A bill (H. R. 14467) to remove the charge of desertion standing against Jerome Brown—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14468) granting a pension to James K. P. White—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A resolution (H. Res. 261) to provide for paying Herman Gauss $750—to the Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 262) to provide for paying D. S. Porter $500—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Resolution of Typographical Union No. 181, of Meadville, Pa., urging the passage of the Senate amendment to the sundry civil bill increasing the appropriation to the United States Geological Survey—to the Committee on Appropriations.

By Mr. BOUTELL: Memorials of German societies of Chicago, Ill., for a monument to Baron Steuben in Washington—to the Committee on the Library.

Also, petition of the National Business League, favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BURK of Pennsylvania: Petition of citizens of Philadelphia, Pa., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill 14447, granting a pension to Jennie Blackburn Johnston—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14446, granting an increase of pension to Charles S. Mumford—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14445, granting an increase of pension to Joseph Reed—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petition and papers in support of bill 13714, to increase the pension of William C. Niles—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: Papers to accompany House bill 14453, granting an increase of pension to John H. Paynter—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of the common council of Kenosha, Wis., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of common council of Milwaukee, Wis., for legislation against the meat trust—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolution of Drug Section of New York Board of Trade and Transportation, favoring the passage of House bill 11308, allowing the payment of a drawback in the case of certain imported articles—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of J. W. Powelson and other citizens of Elizabeth, N. J., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, petition of J. A. Liggett and others of Rahway, N. J., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, petition of F. Berg and others of Essex County, N. J., in support of the present tariff law—to the Committee on Ways and Means.

Also, petition of A. Walters and others of Jersey City and Trenton, N. J., and vicinity, favoring the passage of House bill 10793, prohibiting the use of "Jim Crow" cars in interstate business—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Carpenters and Joiners' Union No. 7574, of Elizabeth, N. J., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of German Liquor Dealers' Association, of Elizabeth, N. J., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolutions of the Ladies Branch of the New Bedford Port Society, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: Resolutions of the common council of South Haven, Mich., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HANBURY: Resolutions of Seventh Assembly Democratic Association, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the drug-trade section of the New York Board of Trade and Transportation, allowing the payment of a drawback in cases where certain imported materials can not be positively identified, as shown in House bill 11308—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of board of education of Hoboken, N. J., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Resolutions of Mine Workers' Union No. 55, of Des Moines, Iowa, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAHONEY: Petitions of National Polish Alliance Societies Nos. 348 and 503, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. McCALL: Petition of citizens of Massachusetts, protesting against cattlemen taking lands of Sioux Indians—to the Committee on Indian Affairs.

By Mr. PUGSLEY: Petitions of O. A. Ebbinghaus, of New York City, and John A. Phelan, of Yonkers; John J. Mellin and others, of Tarrytown, N. Y., and resolutions of the Tammany Hall general committee of the Thirty-fifth assembly district of New York City, for the repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of Iron Trades Council of San Francisco, Cal., urging the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolutions of the Union Republican Club of New York City, Bricklayers' General Executive Board of Greater New York, and Woman's Republican Association of the State of New York, in favor of the proposed increase of pay to letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Maritime Association of the Port of New York, that all American sailing vessels under 1,000 tons register, and of rating not inferior to A1½, should participate in all of the general provisions of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the drug-trade section of the New York Board of Trade and Transportation, favoring the enactment of House bill 11308—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of the New Century Study Circle and French Chamber of Commerce of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Petition of Central Labor Union of New London, Conn., favoring the passage of House bill 6279, increasing the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolution of the New York Board of Trade and Transportation, in favor of House bill 11308—to the Committee on Ways and Means.

By Mr. SCOTT: Resolutions of the Shreveport, La., Board of Trade, favoring the elevation of the Division of Statistics of the Department of Agriculture to the standing of a bureau—to the Committee on Agriculture.

By Mr. SULZER: Resolutions of the French Chamber of Commerce of New York, and New Century Study Circle, of New

York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TRIMBLE: Petition of Davis Preston, for increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 14463, granting a pension to William Fuller—to the Committee on Invalid Pensions.

By Mr. WILSON: Resolution of the drug trade section of the New York Board of Trade and Transportation, in favor of House bill No. 11308—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 16, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

FRANCHISES IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting copies of five franchises which have been granted by the executive council of Porto Rico in conformity with the act temporarily to provide revenue and civil government for Porto Rico; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 89) to construct a road to the national cemetery at Dover, Tenn.; and

A joint resolution (S. R. 99) fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

The message also announced that the House had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 12054) granting a pension to Elizabeth A. Burrill; and

A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer.

The message further announced that the House insists upon its amendment to the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5809) for the further distribution of the reports of the Supreme Court; and

A bill (H. R. 12796) providing for free homesteads in the Ute Indian Reservation, in Colorado.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

S. 1295. An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.;

S. 2951. An act granting an increase of pension to Maria J. Wilson;

H. R. 4393. An act reserving from the public lands in the State of Oregon, as a public park, etc.;

H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

H. R. 5254. An act granting an increase of pension to Enos G. Budd;

H. R. 5870. An act granting an increase of pension to Oscar W. Lowery;

H. R. 8007. An act granting an increase of pension to James W. Lewis;

H. R. 9037. An act to allow the commutation of homestead entries in certain cases and providing for fees and commissions;

H. R. 11051. An act granting an increase of pension to Henry E. Williams;

H. R. 11117. An act granting an increase of pension to William T. Hamilton;

H. R. 11181. An act granting a pension to Alice D. H. Krause;

H. R. 11325. An act granting an increase of pension to James Merrick;

H. R. 11662. An act granting an increase of pension to Albion P. Stiles;

H. R. 11665. An act granting an increase of pension to Caleb C. Briggs;

H. R. 11695. An act granting an increase of pension to George W. Hatton;

H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;

H. R. 11787. An act granting a pension to John J. Manner;

H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;

H. R. 11894. An act granting a pension to Hannah A. Timmons;

H. R. 11920. An act granting an increase of pension to George W. Wertz;

H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;

H. R. 12145. An act granting an increase of pension to Caleb W. Story;

H. R. 12148. An act granting an increase of pension to Frederick O. Clark;

H. R. 12239. An act granting an increase of pension to Agnes Clark;

H. R. 12552. An act granting a pension to Erwin A. Burke, alias Burt A. Erwin;

H. R. 12713. An act granting an increase of pension to Bernard McCormick;

H. R. 12788. An act granting a pension to Elizabeth McDonald;

H. R. 12855. An act granting an increase of pension to Milton Brown;

H. R. 12899. An act granting an increase of pension to William H. Rightmire;

H. R. 13076. An act to apportion the term of office of senators elected at the first general election in the Territory of Hawaii;

H. R. 13093. An act granting a pension to Eliza A. Brownlow;

H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.;

H. R. 13416. An act granting an increase of pension to Isabella H. Thompson;

H. R. 13439. An act granting an increase of pension to William Blanchard;

H. R. 12996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba; and

S. R. 82. Joint resolution providing for the printing annually of franks required for sending out seeds.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the drug trade section of the New York Board of Trade and Transportation, of New York City, praying for the enactment of legislation allowing the payment of a drawback in cases where certain imported materials can not be positively identified, etc.; which was referred to the Committee on Finance.

He also presented a petition of Lucky Thought Lodge, No. 232, Brotherhood of Locomotive Firemen, of Middletown, N. Y., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented petitions of sundry members of the Audubon Society of Brooklyn, New Lebanon, Mount Lebanon, Brentwood, New York City, Central Slip, and Lebanon Springs, all in the State of New York, and of Jersey City, N. J., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Manhattan Republican Club, of the Twenty-third assembly district; of the French Chamber of Commerce; of the New Century Study Circle, and of the Seventeenth Assembly District Republican Club, all in the city of New York, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented petitions of the common council of Kenosha and of the common council of Racine, in the State of

Wisconsin, praying for the enactment of legislation granting pensions to employees in the Life-Saving Service, etc.; which were referred to the Committee on Pensions.

He also presented petitions of Mellen Division, Brotherhood of Locomotive Engineers, of Fond du Lac; of Local Division No. 288, Order of Railway Conductors, of West Superior, and of D. H. Chase Lodge, No. 259, Brotherhood of Locomotive Firemen, of Ashland, all in the State of Wisconsin, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Sergeant Gabriel Labell Garrison, No. 23, Army and Navy Union, of Vancouver, Wash., praying for the enactment of legislation to promote the efficiency of the clerical service in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. BARD presented a petition of Local Division No. 115, Order of Railway Conductors, of Oakland, Cal., and a petition of E. C. Fellows' Lodge, No. 143, Brotherhood of Locomotive Firemen, of San Bernardino, Cal., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. CLAPP presented petitions of St. Cloud Division, No. 236, Order of Railway Conductors, of Melrose; of Local Division No. 215, Order of Railway Conductors, of Austin, and of Local Division No. 144, Brotherhood of Locomotive Engineers, of Staples, all in the State of Minnesota, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. DEPEW presented petitions of Lodge No. 101, Brotherhood of Locomotive Firemen, of Buffalo; of Lodge No. 316, Brotherhood of Locomotive Firemen, of Buffalo; of Lodge No. 212, Brotherhood of Locomotive Firemen, of Watertown; of Local Division No. 167, Order of Railway Conductors, of Oswego, and of Lodge No. 232, Brotherhood of Locomotive Firemen, of Middletown, all in the State of New York, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. RAWLINS presented a petition of Hall of Division No. 124, Order of Railway Conductors, of Ogden, Utah, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. KITTREDGE presented the petition of Leon Stefflre and 52 other citizens of Bowdle, S. Dak., praying for the adoption of the so-called metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a petition of William M. Rogers Post, Department of South Dakota, Grand Army of the Republic, of Ladelle, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. GAMBLE presented a petition of William M. Rodgers Post, Department of South Dakota, Grand Army of the Republic, of Ladelle, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of the board of aldermen of Somerville, Mass., praying for the enactment of legislation to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 6037) granting an increase of pension to William C. Holcomb, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. LODGE on the 15th instant, proposing to appropriate $25,000 for the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies, now or heretofore forming the United States, and any acts of Congress relating thereto, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8134) granting an increase of pension to James H. Dunn, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 357) for the relief of Levi Maxted, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2665) for the relief of Louis Loeb; and

A bill (S. 3760) for the relief of John M. Barnes.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 4084) to correct the military record of James Marley, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 1343) to correct the military record of Samuel F. Hall, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 282) providing for the appointment of James W. Long, late a captain in the United States Army, a captain of infantry and for placing his name on the retired list, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 4401) granting an increase of pension to Frederick Kropf, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13211) granting a pension to Melissa Burton;

A bill (H. R. 9695) granting an increase of pension to Evaline Jenkins; and

A bill (H. R. 5475) granting an increase of pension to August Schill, alias August Silville.

PRINTING OF MEMORIAL ADDRESSES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PERKINS on the 12th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume, in cloth, 15,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the use of the Senate. The Joint Committee on Printing are hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable portrait etchings to be bound in with these memorials, and shall use such paper and binding as will make the volumes worthy of a place in the libraries of the land.

DANIEL J. MAHONEY.

Mr. GALLINGER. I report back from the Committee on Pensions favorably without amendment the bill (H. R. 8106) granting an increase of pension to Daniel J. Mahoney, and as this is a case of great urgency I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Daniel J. Mahoney, late of the U. S. S. *Vandalia*, United States Navy, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. CARPENTER.

Mr. PETTUS. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, to report it favorably with an amendment, and I ask that it be considered now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, in line 10, after the word "disability," to strike out the words "with rank and pay from the date of his appointment and retirement under this act;" so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Thomas H. Carpenter, late a captain, Seventeenth Infantry, a captain of infantry in the Army of the United States; and when so appointed he shall be placed upon the list of retired officers of the Army, unlimited, on account of wounds received in battle from which he is under disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN FRANKLIN HANDFORTH.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4641) for the relief of Benjamin Franklin Handforth, to report it with amendments, and as it is for the relief of a man who is very ill, I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Military Affairs was, in line 9, after the words "United States," to strike out the words "with the same rank and grade that he held on the date of his dismissal; and the President may, in his discretion, assign him to the first vacancy in his ascertained grade in said regiment or" and to insert in lieu thereof "in the infantry and to;" so as to read:

That the laws regulating appointments in the Army be, and hereby are, suspended for the purpose of this act only; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Benjamin Franklin Hanforth, late a first lieutenant in the Eleventh United States Infantry Regiment, a first lieutenant in the Army of the United States, in the infantry, and to place him on the retired list of the Army, the retired list being increased in number to that extent.

The amendment was agreed to.

The next amendment was, in line 14, after the word "extent," to strike out the words:

And all laws and parts of laws in conflict herewith are suspended for this purpose only.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I am directed by the Committee on Military Affairs to report back with amendments the bill (H. R. 13676) making appropriations for the support of the Military Academy, and to submit a report thereon.

I wish to say to the Senate that I shall endeavor to call up the bill early next week, but will not now name the day. I invite the attention of Senators in the meantime to plans, maps, specifications, etc., copies of which are here on my desk and also in the rooms of the Committee on Military Affairs, showing the proposed extensive improvements to be made at West Point.

The bill contains, in addition to the annual supply items, a provision and appropriation comprehending those improvements.

Mr. CULLOM. How much?

Mr. WARREN. The amount will be when all is finished five or six million dollars. I hope Senators will give the matter attention, so that those interested in this necessary improvement may sustain and assist the committee.

Mr. BATE. The right is reserved to present a minority report if the minority so desire.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

LEASING OF INDIAN LANDS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized and directed to investigate certain alleged charges in connection with the leasing of the Indian lands on Standing Rock Reservation, contained in a letter of W. V. Wade in Senate Document No. 212, first session Fifty-seventh Congress, and for that purpose to send for persons and papers, take testimony, and have leave to sit during the sessions of Congress; and that the necessary expenses be paid from the contingent fund of the Senate on vouchers to be approved by the Committee to Audit and Control its Contingent Expenses.

FRANCIS S. DAVIDSON.

Mr. QUARLES. I am directed by the Committee on Military Affairs, to whom was recommitted the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry, to report it with an amendment, and submit a report thereon.

Mr. HOAR. Two bills from the Committee on Military Affairs have just been passed without objection, and I ask that this bill be now considered.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, in line 3, after the words "authorized to," to strike out the remainder of the bill and to insert:

Revoke general court-martial orders No. 93, War Department, Adjutant-General's Office, Washington, November 15, 1875, approving and confirming the proceedings, findings, and sentence of the general court-martial which convened at Fort Brown, Tex., September 18, 1875, dismissing First Lieut. Francis S. Davidson, Ninth Cavalry, and to issue to him a certificate of discharge of that date, and to nominate, and, by and with the advice and consent of the Senate, to appoint said Francis S. Davidson a first lieutenant, mounted, in the United States Army, and to place him on the retired list, with the rank of first lieutenant: *Provided*, That no pay, compensation, or allowance shall be paid him from the date of his dismissal to the date of the passage of this act, and the retired list is hereby increased by one for said purpose.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to revoke general court-martial orders No. 93, etc.

Mr. SPOONER. I should like to inquire what the officer was court-martialed for. What was the charge?

Mr. HOAR. There is a full report of the committee accompanying the bill. The report is made by the Senator's colleague. This is a man whom I knew personally. He lives in my native town of Concord, where his people live. He is an honest and brave officer. He was discharged for breaking an arrest and some other small offense—I think playing cards in the presence of soldiers—and was convicted. I am confident the conviction was unfair. At every time that this has come up it has had a favorable report from the committee. A great injustice has been done him. He has been given a place in the War Department until Congress might do him justice. This is one of the three cases from the Committee on Military Affairs, two of which have just passed the Senate.

Mr. SPOONER. I did not know anything about this case or by whom it was reported, but we have gone very generally at the present session into the business of revoking old court-martial findings and sentences, and I was curious to know what was the charge against this officer.

Mr. HOAR. If there was ever an honest case in this world it is this, as the Senator will find if he will read the report.

Mr. SPOONER. My colleague reported it?

Mr. QUARLES. I did.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. RAWLINS introduced a bill (S. 5867) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory; which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. HEITFELD introduced a bill (S. 5868) to establish a department of labor; which was read twice by its title and referred to the Committee on Education and Labor.

Mr. MCENERY introduced a bill (S. 5869) for the relief of the estate of Elizabeth W. F. Chevis; which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5870) authorizing the appointment and retirement of Charles Chaillé-Long with the rank of colonel, United States Army; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 5871) for the relief of Caleb W. Durham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MASON introduced a bill (S. 5872) to establish a national conservatory of music and art, for the education of advanced pupils in music in all its branches, vocal and instrumental, as well as painting, drawing, and etching; which was read twice by its title.

Mr. MASON. To accompany the bill I present an argument by Henry I. Kowalsky, of San Francisco, Cal., in support of the establishment of a national conservatory of music and art. I move that the paper be printed as a document, and, with the bill, referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. MASON (by request) introduced a bill (S. 5873) to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. GAMBLE introduced a bill (S. 5874) granting an increase of pension to Catharine A. Russell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5875) granting a pension to Elizabeth Wright; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Elizabeth Wright for pension, together with the affidavits of Dr. O. W. Avery, Grove Swigert, Charles E. Hinzman, Mary E. Martin, and David Welsh, and also letters from the War Department and Pension Office, and numerously signed petitions. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. GALLINGER introduced a bill (S. 5876) to quitclaim all interest of the United States in and to lot No. 1 in square No. 1140, in the city of Washington, D. C., to Sidney Bieber; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; which was referred to the Committee on the Philippines, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. DILLINGHAM submitted an amendment providing that hereafter all privates of class 1 on the police force who have efficiently served two years therein shall by reason thereof become privates in class 2, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN A. MUSE.

Mr. DANIEL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint John A. Muse a laborer, who shall be paid at the rate of $720 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for.

HOUSE BILLS REFERRED.

The bill (H. R. 5809) for the further distribution of the reports of the Supreme Court, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 12796) providing for free homesteads in the Ute Indian Reservation in Colorado, was read twice by its title, and referred to the Committee on Indian Affairs.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 15th instant approved and signed the act (S. 1305) for the relief of Mrs. Arivella D. Meeker.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. McLAURIN of Mississippi. Mr. President, some few weeks ago, possibly two or three months ago—I do not remember the exact date—I read in the papers a charge against Major Waller, who was being tried before a court-martial for mercilessly killing 12 Filipino prisoners who were not resisting at the time, making no attempt to escape, who were alleged to have been killed without any cause existing and without trial. We also learned that in the progress of that trial Major Waller did not deny the killing of these men; he did not deny that they were prisoners of war, and did not deny that they were guiltless of anything to justify him in killing them, but he put his defense on the ground that an order had been received by him from Gen. Jacob H. Smith to kill everybody in the island of Samar above the age of 10 years, to burn all the houses and villages and towns, and to make the island a howling wilderness.

On the trial of the issue thus made up, an issue made up on a charge against him of murdering these prisoners, and a defense made by him of not only authority to do so but an order to do so by his commanding officer, who was a general, he was acquitted, and he was bound to have been acquitted because it was found that he had received the order which not only justified him, but required him as a military duty, to execute those prisoners and to execute them without a trial.

Then afterwards, as a necessary consequence, the War Department put General Smith on his trial on the charge of making this, which would seem at first appearance a cruel and heartless order. The newspapers bring us an account of that trial and they leave the clear inference that General Smith's acquittal is on its way from the Philippine Islands to the Secretary of War. Of course the finding of the court-martial is said to be a secret. It is alleged to be unknown whether the court-martial convicted General Smith or acquitted him; but the argument of Republican Senators seems to be pursued upon the assumption that in all probability the guesses of the newspaper correspondents in Manila are correct, and that General Smith has been acquitted of the charge.

Now, at first blush it would appear to a humane man that there must be something wrong somewhere that Major Waller is acquitted on the ground that he received this heartless order, or this order which seemed to be a heartless order, from his commanding officer, thereby proving the truth of the allegation he made—that he had received a command from his superior officer to kill and slay everybody above 10 years of age.

I say that it would seem at first blush that there was something wrong somewhere when he was acquitted upon the proof of that fact, and then when General Smith is acquitted of the charge against him either upon the proof that he did not make the order or that if he made it that the exigencies of the case justified it.

I notice in the papers that the necessity for a great deal of the testimony was eliminated by the frank admission on the part of counsel for General Smith, Colonel Woodruff, that he did make the order to kill everybody above the age of 10 years and he did make the order to burn and to leave the island a howling wilderness.

We are told that we must not discuss it because it is sub judice. It is hardly at this time sub judice from the information we have received in connection with it. To justify the position taken by General Smith in giving that order, his counsel, in the defense, said that the children of Israel burned everything and left behind them a cloud of smoke when they were leaving bondage in Egypt.

I suppose it is necessary for Republicans to support their policy to torture Scripture a good deal in the discussion of this question. We have seen that it has been assumed that the Almighty gave orders to Joshua to slay a certain people and therefore General Smith, presuming to exercise all the powers and all the authority of the Almighty over the creations of the Almighty, gave orders for the extinction of the population of an entire island.

So this counsel, who seems to have made a very eloquent speech in the defense of General Smith, distorts Scripture for General Smith's defense. He untertakes to make it appear that a people who were the chosen people of the Lord had gone out of bondage and out of the country in which they were held in bondage, setting fire to everything that came in their way and leaving a pillar of cloud and of smoke behind them.

I have read that in the Scriptures, and it reads to me about this way, if I recollect it correctly: "And the Lord went before them by day in a pillar of a cloud, to lead them the way; and by night in a pillar of fire, to give them light; to go by day and night; He took not away the pillar of the cloud by day nor the pillar of fire by night, from before the people." So the cloud of smoke was not left behind them. There is nothing said in the Scripture about the cloud of smoke, but the pillar of cloud in which the Lord went was in front of them, leading them.

But in the defense of the order made by General Smith, necessitated, as I shall assume, by the exigency of the policy that is being pursued by the party in power—for to this assumption is the

trend of their argument—he referred to cruelties that were practiced by the English Government as a justification for cruelties that were practiced by General Smith.

I know that there is a considerable disposition by the party in power to follow the course of the Kingdom of Great Britain, but I trust that that will be abandoned. I know that we have a departure from the old ways of the fathers in that we are sending ambassadors to witness the coronation of the King of Great Britain. I know that it is charged, and not without good reason and good evidence to substantiate it, that there is a military post in this country for the recruiting of the armies of Great Britain against the Boers, a small republic, but I hope the time has now come that the Republican party can see its way to abandon that course.

Let us see some of the cruelties that are practiced by the Government cited as an example for us to follow. Some time ago I received this card from some ladies in Philadelphia:

MEMORIAL.

We believe international Christian citizenship demands that American women protest against the outraging and starving of Boer women and children in British camps in South Africa.

A majority of the best people in Britain are protesting against it.

German and Irish Americans are protesting, but the American element of our Republic is criminally silent.

Please consult with thy friends and advise as to what better be done.

Mary T. Burgess, Margaret E. Burgess, M. D., Sue M. Webb, Lillian M. Hudnut, Alouise C. Longstreth, Louise C. Longstreth, Sarah M. Price, Aseneth C. Moore, Annie Waldie, Sarah M. Carver, Mrs. William Ashley Leavitt, Pauline Imlay Maclean, S. Sue Cooper, Eliza H. Townsend, Elizabeth W. Whitney, Mrs. Hughes O. Gibbons, Mary F. J. Greene, Helen Roberts Cooper, 3 North Front street, Philadelphia.

I can not put in the RECORD the picture of the starved Boer girl that is on this card.

OUTRAGING AND STARVING CHRISTIAN PATRIOT WOMEN AND CHILDREN OF SOUTH AFRICA.

This picture of a starved 8-year old Boer girl at Bloemfontein represents only one of numerous cases, many of them worse. British officials would not allow their pictures to be taken. Their homes were burned and they not let to take beds and blankets from the fire; but they were rushed by horsemen—many of them London criminals—to worse than Spanish "concentrado" camps. These brave (?) soldiers of "Christian" England also forcibly violate the women prisoners—many of the refined Woman's Christian Temperance Union ladies—they drive into these camps. Yet Woman's Christian Temperance Union officers and organs smother anguish cries from the camps. This is "toadying" to the Tory English element, which is to blame for all this—a Tory element that for over a century has been a deadly enemy to Christianity, temperance, and civilization around the world, especially so to our country, commercially and politically. It is winter there now, and women in childbirth and with pneumonia are freezing and starving. Offers of humane relief committees to better care for them is refused.

NOTE.—This tract is indorsed by Rev. Lewis Grout, D. D., who was a missionary in South Africa of the A. B. C. F. M. for fifteen years.

With cruel cunning, these camps are located at points on railways selected to protect the railways from attacks of husbands and fathers of these women and children.

Is not silence of American Christians and of our Government at such a time criminal? These outrages are against military and international law and usage of civilized nations. Is it not time for protest of no uncertain sound? Failure to protest may hurt the President and also his party.

The brutality of British soldiers to Boer women and children is natural. It is what they have been doing for generations, as proved by high British authority. The Duke of Wellington said (p. 227 of Naval Wars, by President Theodore Roosevelt): "It is impossible to describe the irregularities and outrages committed by the troops. There is not an outrage of any description they have not committed." Page 228, General Napier said: "At San Sebastian a girl of 17 was the victim of atrocity which staggers the mind by its enormous, incredible, indescribable barbarity."

No wonder that history records the Tory Britons, sires of those now fighting the Boers, as paying the Indians $5 each for scalps of Pennsylvania women and children. And later, of Canadian women drowning their children on the approach of victorious United States troops in our war of 1812. They naturally supposed our soldiers, when successful, would do as British soldiers did. No wonder when Switzerland offers $100,000 and trained surgeons and nurses to care for sick and starving women and children, the British war office declines. This, too, in face of international rules of war making Red Cross aid always in order.

The death rate among Boer prisoners would exterminate them in five years.

Mr. Fred. Lavelle, an American telegrapher, two years in the Boer cavalry, says: "Irene is a camp near Pretoria. All females from 12 years up are taken there and herded like cattle. Batches of them are taken to Pretoria for immoral purposes, and tortured into submission by officers and enlisted men. We have often had girls of 16 returned to us whose hair was white as snow."

Do not these conditions make silence of every American citizen criminal? Failure of our Government to protest, treason to civil and religious liberty around the world? Our Administration is sowing the wind, to reap the whirlwind by this country in future.

Is the root of trouble in the disgraceful silence of our Government a Secretary of State who was "toryized" when he was minister to England?

INDIGNANT AMERICAN CITIZEN.

This is the conduct as described by these ladies of a country in prosecuting a war that is cited as an example for the American Government in prosecuting the war against the Filipinos, and as a justification of General Smith's order to kill everyone over 10 years of age, to burn everything in sight, and to leave the island a howling wilderness. It would have been better to kill everybody under 10 years, as well as over, than to alone kill those who were over 10 years of age, because the result of it would be the starvation of those under 10 years of age, which would be far worse, far more horrible, and far more cruel than their immediate slaughter.

I read some time ago a semiofficial report of one of the British officers in South Africa, in which it was said that of a thousand of these poor Boer people in concentrado camps 252 had died in six months, making an average of more than 50 per cent in 12 months. I do hope that the time has passed when anyone defending the policy of the Administration in the Philippine Islands will hold up England and her policy as an example to be followed by the American people in face of the facts which are known to the American people this day in reference to the war in South Africa.

I had intended, Mr. President, to take up something that was said by the junior Senator from Kansas [Mr. BURTON] about the conduct and about the record of General Funston. I am not going to take up the time of the Senate to do that, except to make one reference to it.

The Senator from Kansas said that one of the certificates of the greatness and the glory of General Funston was that he had served on the staff of Gomez during the war between Spain and Cuba, and before the declaration of war by the United States against Spain. The New York Herald sent a correspondent, George Bronson Rea, to Cuba to get the facts in Cuba, which were sent back in letters and afterwards put in book form, and in that book, the title of which is Facts and Fakes About Cuba, on page 237, after telling of his visit to the army of the insurrectionists in Cuba and his visit to Gomez, he says:

Three big negroes appeared leading a mere boy. They came to where we were seated, and, after saluting, the corporal explained that the boy had stabbed and killed his worn-out pack horse during the march. The lad could not have been more than 14 years of age, and I learned that he was employed as an officer's servant, and marched with the impedimenta.

The little fellow then attempted to tell his side of the story, stoutly protesting his innocence of the charge. Gomez eyed him critically, and although I had only known him for an hour, I could see that the kindling fire in those deep-set eyes brooded no good for the prisoner. Like a little man, the boy stood there and boldly asserted that his accusers were unjust. This seemed to infuriate the old chief, and, calling to the guards, he said:

"Away with him! Bind him securely, and place him under guard in the escort, for I intend to shoot him as an example to other offenders of his class."

The boy threw himself on his knees and begged his chief to be lenient and forgive him, but he did it in such a matter-of-fact way that it appeared as though he was shamming, for not a tear coursed down his cheeks nor was there a tremor in his voice.

As they laid hands on him to carry him away he made another appeal to his austere judge.

His answer was as unexpected as it was dramatic; for, whipping out his machete, the old man sprang out of the chair and made a vicious cut at the poor little fellow, who fortunately dodged.

"Get out of here, you young whelp!" shrieked Gomez, as he made several other cuts in his unsuccessful attempts to reach his victim, who was hurried away by the guards.

They went on, and afterwards they captured a train of cars pulled by an engine. They did not know how to destroy it. It had been stated to General Gomez that this man Rea was an engineer, and Gomez then asked him to destroy the engine. He continues:

"As I did not wish to compromise myself by any action that might imperil my standing as a neutral, I simply ordered the Cubans to open the blow-off valve, after first satisfying myself that there was not sufficient fire in the furnace to completely destroy the boiler. When the valve was broken the quick rush of steam and water made a great noise. Gomez probably thought the boiler was going to explode, for he dug his spurs into his steed, and, followed by his staff, went down the road like a flash."

When the Senator from Kansas was putting in as one of his tributes and eulogies to General Funston that he was a member of Gomez's staff, I wondered if he was one of the staff who dashed down the road away from that steam.

This Herald correspondent goes on to show that Maceo was a brave man and a brave general, who stayed on the firing line and fought like a soldier, and that he was a humane man, but that Gomez was not.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. McLAURIN of Mississippi. Certainly.

Mr. SPOONER. Is it the purpose of the Senator in reading that to raise an inference that General Funston is a coward?

Mr. McLAURIN of Mississippi. The purpose of that is to show what this New York Herald correspondent says with reference to Gomez and his staff. The junior Senator from Kansas read a great many certificates of the greatness of Funston, and, among the rest, was the fact stated that he was a member of the staff of Gomez, and I have just read what this correspondent says about the staff of Gomez. The Senator can draw whatever inference from it occurs to him. These I give as extracts, and every man can draw his own inference in reference to them.

Mr. BURTON. Will the Senator yield to me?

Mr. McLAURIN of Mississippi. Certainly.

Mr. BURTON. I do not know that it is significant at all, but the Senator is mistaken in saying that I said that General Funston was on the staff of Gomez. I did not make any statement of that kind.

Mr. McLAURIN of Mississippi. How did you connect General Funston with Gomez?

Mr. BURTON. He was under Gomez as a soldier. He was promoted from captain to major and from major to lieutenant-

colonel, had charge of the artillery, and was wounded, shot through and through, later on. He was at no time on the staff of Gomez.

Mr. BEVERIDGE. Still I suggest to the Senator from Kansas, as he says Funston was under Gomez and the Senator from Mississippi says that Gomez ran away from steam, therefore the logic of the Senator from Mississippi is that Funston also ran away from steam. So I do not see that his logic is impaired.

Mr. McLAURIN of Mississippi. With all due respect to the Senator from Indiana [Mr. BEVERIDGE], I do not need his support to sustain any of my logic.

Mr. BURTON. I wish to ask if the Senator will yield to me again?

Mr. McLAURIN of Mississippi. Certainly.

Mr. BURTON. In all candor, do you have any doubt at all as to the courage and bravery of General Funston?

Mr. McLAURIN of Mississippi. I do not know General Funston. I know nothing about him except what I have heard since he has returned from the Philippine Islands. Since he has charged the American soldiers who have made statements with reference to what transpired in the Philippine Islands with making them without any foundation at all and with making them as mere braggadocio to attract attention to themselves, I know from what I have seen in the public prints and what I believe has been admitted by the Senator from Kansas—and I have never seen it denied—that General Funston has himself gone over the country exploiting his career in the Philippines, a privilege that he does not allow to the soldier who has to carry a rifle. I do not know anything about his courage, but the rule is that men are courageous, and until it is shown that a man is not courageous the presumption is in favor of his courage. I believe the charge made by General Funston against the American private soldiers is a slander, as inexcusable as his diatribes against all American citizens who oppose imperialism.

But inasmuch as one of the certificates of General Funston was that he was a member of the Cuban army, and I understood the Senator from Kansas to say a member of the staff of Gomez, if he was a member of that army and fought so valiently under Gomez, I put in all the evidence so that those who read it can draw their own conclusions about it.

Mr. President, there was another argument made in the progress of this debate, that was made, I believe, by the Senator from Ohio [Mr. FORAKER], which consisted in the reading of a number of editorials from Democratic papers advocating the retention of the Philippine Islands or advocating their acquisition. I take it for granted that a sufficient answer to that would be to read, as an offset, articles from Republican papers and from Republicans who oppose. If it is a good argument to establish the wisdom and expediency of the policy of the Republican party in acquiring the islands by conquest and retaining them to show that Democratic editors have advocated the policy, then it is a refutation of that, it occurs to me, to show that Republican editors have opposed it. Here is a Republican paper, and I believe its Republican proclivities are not denied in the State of Massachusetts—the Springfield Republican. On the 25th of April that paper used this language:

> There was another sworn witness before the Senate Philippine investigating committee Monday to tell a harrowing story of torture and devastation in the work of benevolent assimilation.

Now, mark you, there is no Democratic slander in this. No Democratic Senator or Democratic citizen or Democratic paper is uttering this slander against the American Army. This is from a Republican paper:

> He was Lieut. Grover Flint, of Cambridge, connected with the Thirty-fifth Volunteer Infantry in operations in northern Luzon, and testified to seeing not simply one application of the water cure, but a score, in some of which he had himself participated to prevent "excesses." His idea of what constituted an excessive treatment may be better understood when he said that in cases presumably unexcessive he had seen the teeth of the victim fall out when he happened to be an old man. He told of the burning of villages in order to drive the people into woods or the concentration towns, and when asked where the Army borrowed that from he promptly replied: "I saw it in Cuba, under the authority of General Weyler."
>
> Exactly. When Professor Sumner wrote of the Spaniardizing of the United States as a result of the war over Cuba he wrote more exactly in accord with the fact probably than he knew. The American people, who were driven into a frenzy of excitement hardly four years ago by the Weyler cruelties, and were eager for war to revenge them, have themselves, either ignorantly or otherwise, been resorting to or tolerating the same practices for precisely the same end—to enforce the subjection of an unwilling people, and subjection to a sovereignty far more strange and alien than ever was the Spanish to Cuba. But we have out-Weylered even Weyler in cruel practices. We have added on the torture of the water cure, which is now being shown to have been applied not in few and isolated cases and by native scouts only, but quite generally and under the direction of American officers.

And the editor might have added that the water cure was applied not only to the Filipino natives, but to an American private soldier, because that soldier happened to get hold of some whisky, got drunk, and did something that a sober man ought not to have done and would not have done. This he might have added to the accounts he had already given. Practically the gagging and torturing to death while gagged of a private soldier because he got drunk on some of the whisky exported from this country as a part of the commerce for which the islands were purchased.

> Probably never before in all history has there been so complete and sudden a turn about in the attitude of a great nation as the world has witnessed in the case of the United States since four years ago this date.
>
> But to the mass of the American people we must believe that these revelations come as a surprise and shock. There have been innumerable reports coming from the islands all along, and upon responsible authority, of these same practices—of tortures, village burning, reconcentration, and widespread devastation to enforce loyalty to our invasion—and no one who has paid any attention to the Philippine affair, as it slipped through the fingers of the censorship, can have been in ignorance before or can be surprised now. But the masses of the people have paid little attention. They have been engrossed in matters nearer home. They have been disposed to accept at face value the assurances from the instigators and sponsors of the policy of conquest that all is up to the American standard and wholly good and benevolent.
>
> Now, however, that the truth is being forced upon the country's attention through an official investigation, we may fairly look for an awakening to the facts and a revulsion of sentiment in respect to this bloody and barbarous business of whipping a strange, weak people into unconditional subjugation to our will. The American people as a mass, we may believe, are more true to the traditions, principles, and ideals of their country than has been made to appear. They will right themselves on this question as the way we are now going becomes lighted up. At all events, the revelations being made must finally close the mouths of that most respectable but queer-minded contingent of the army of imperialistic aggression who have affected to see in it all only the ends and processes of Almighty God.

Those are the utterances of a Republican paper—not of a Democratic paper, and not of a Democratic Senator.

Mr. GALLINGER. Will the Senator permit me a moment?

Mr. McLAURIN of Mississippi. Certainly.

Mr. GALLINGER. I want to say to the Senator that the Springfield Republican is only Republican in name, and that it does not support the Republican party, either in Massachusetts or in the country, ordinarily.

Mr. McLAURIN of Mississippi. Ordinarily?

Mr. GALLINGER. Ordinarily, yes.

Mr. McLAURIN of Mississippi. When was it that paper quit supporting the Republican party?

Mr. GALLINGER. I do not know that that paper ever supported the Republican party.

Mr. McLAURIN of Mississippi. Do you know that it never did?

Mr. GALLINGER. I do not know that it ever has. It is a Democratic paper and is so recognized.

Mr. McLAURIN of Mississippi. Is the Philadelphia North American a Democratic paper?

Mr. GALLINGER. We are not talking now about that paper.

Mr. McLAURIN of Mississippi. I am talking about it, and I am going to read from it.

Mr. GALLINGER. That is all right.

Mr. McLAURIN of Mississippi. Here is what the Philadelphia North American says. I believe this is Mr. Wanamaker's paper:

> [Philadelphia North American (Republican), September 20, 1900.]
>
> Expansion beyond the seas accompanied by professions of high and noble aims can find standing room in the court of morals, but expansion by force of arms in order that markets may be created and opportunities for investments made is too much like exchanging blood for dividends to be popular with a people who have been nurtured on the generous maxims of the Declaration of Independence.

The Springfield Republican, I am told by the Senator from New Hampshire [Mr. GALLINGER], does not ordinarily support the Administration, but he does not know when it quit supporting the Administration; he does not know whether or not it was ever a Republican paper; but he certainly will not deny that the Philadelphia North American, from which I have just read, is a Republican paper.

The same paper, the Philadelphia North American, of January 11, 1900, says:

> Whatever we might have deprived ourselves of had we accorded independence to the Filipinos, we manifestly should have spared ourselves the necessity of putting beyond the protection of our Constitution millions of human beings with inalienable rights over whom we have assumed sway and whom we are ready to kill should they dispute our mastership.

Another utterance from a Republican paper, which I put as an offset to the argument of the Senator from Ohio, when he read the utterances of Democratic papers advocating the acquisition of these islands.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Mississippi yield to the Senator from Connecticut?

Mr. McLAURIN of Mississippi. Certainly.

Mr. PLATT of Connecticut. Does the Senater state that the Philadelphia North American is a Republican paper?

Mr. McLAURIN of Mississippi. That is my understanding of it. Does the Senator say it is not?

Mr. PLATT of Connecticut. I think that will be news to the people of Philadelphia.

Mr. McLAURIN of Mississippi. Does the Senator say that Mr. Wanamaker is not a Republican?

Mr. PLATT of Connecticut. What Wanamaker?

Mr. McLAURIN of Mississippi. John Wanamaker.

Mr. PLATT of Connecticut. This is not John Wanamaker's paper, as I understand.

Mr. McLAURIN of Mississippi. I understand that it is.

Mr. PLATT of Connecticut. It is his son's paper, and is very much such a paper in Philadelphia as the New York Journal is in New York.

Mr. McLAURIN of Mississippi. It is news to me that John Wanamaker has a son who is such a Democrat as W. R. Hearst, of New York. When men like John Wanamaker, who are Republicans, are raising Democrats like W. R. Hearst to edit Democratic papers, there is some hope yet for the country. [Laughter.]

I will read again from the Springfield Republican, and maybe by this time it is a Republican paper. In its issue of February 13, 1901, that paper said:

Yes, and in present greatness let us not forget the day of our small things, when the fathers faced England as the people of the Philippine Archipelago face us to-day, in trouble and protest. Small heed is there in some minds for that distant plaint, the laborious formulation of grievances strikingly like those which severed the relations of the American colonies with the British Crown.

Here again comes another extract from the Philadelphia North American, edited and controlled and owned by the son of John Wanamaker, who has raised him to be a Democrat. This is from the issue of January 2, 1900:

Are we in danger of priding ourselves upon our material progress rather than upon our fidelity to the ideas that have made us great—the ideas of the Declaration of Independence? Are we in danger of following in the footsteps of other powers that have risen in the past and fallen because they misused their strength—forfeited their own freedom because they sinned against weaker people in depriving them of their inalienable right of life, liberty, and the pursuit of happiness? It has been our glory that we have stood upon a higher plane than the predatory and conscienceless monarchies of Europe—that we have recognized the claims of justice as mandatory, and that no sordid gain in trade and territory could compensate us for conscious doing of wrong. We have taken as our national code of morals the same code that is obligatory in private life. And that has been our chief glory wherever the names of Washington and Lincoln are known.

Now, if there is anything questionable about the Republicanism of the son of John Wanamaker, who the Senator says is the editor of the Philadelphia North American, I will just offset that by saying that it was stated on the floor of the Senate the other day by the junior Senator from Tennessee [Mr. CARMACK] that the Commercial-Appeal, of Memphis, an extract from which was read by the Senator from Ohio [Mr. FORAKER], is owned in great part by the lieutenant-governor of the Philippine Islands, Governor Wright, who, I believe, draws $15,000 a year salary.

I am glad to see that the Philadelphia North American takes issue with those who believe that we ought to take as our model "the conscienceless monarchies of Europe."

Here is an extract from the Philadelphia Press, in double leads. I understand that is the paper of Charles Emory Smith, the late Postmaster-General. I hope he, too, has become a Democrat, because when I see such men coming over to the Democratic party I see an evidence of the healthy condition of the morals of our country. There is hope for the country when leaders of the Republican party like those are getting into the Democratic party and advocating Democratic doctrines and Democratic principles. Let us see what he says. I read this extract from the Springfield Republican, into which it was copied from the Philadelphia Press, in which paper it appeared, as the Springfield Republican states, in "double leads."

[From the Philadelphia Press, in double leads.]

"A MONSTROUS ORDER"—SO EX-POSTMASTER-GENERAL SMITH'S PAPER CHARACTERIZES IT.

Gen. Jacob Smith, commander of the American forces in Samar, and now arraigned before a court-martial at Manila, begins by admitting that he issued the order to "kill and burn," to make Samar "a howling wilderness, and to slaughter all persons above the age of 10 years capable of bearing arms."

The fact thus confessed is shocking and astounding. It is almost incredible that an American officer of any rank could have issued an order so shameful, inhuman, and barbarous, and it calls for instant rebuke, repudiation, and condemnation. We say this before hearing or considering his defense, for no defense can excuse such an order of ruthless and indiscriminate destruction.

We are told here that we must not say anything because we have not heard from General Smith and do not know what his defense is. The editor of the Philadelphia Press—an affable, genial gentleman—who, not long ago, was in the Cabinet of the present Administration, at the head of the Post-Office Department, and resigned that position to again take charge of his paper, the Press, in Philadelphia, says that—

No defense can excuse such an order of ruthless and indiscriminate destruction.

The order could not have been carried out. Even though given it is certain the American name was not dishonored by its execution. The first inquiry that springs to every mind on reading that such a monstrous order was really issued is whether it was really enforced. It is plain that it was not. Had it been the world would have rung with the horror. Major Waller, who has already been tried for acting under it, was only accused of killing two.

The fact was that he was accused of killing 12, and did kill 12; and he admitted that he killed them without a trial.

There was manifestly no large and general slaughter. At least we are spared that shame.

Here is a paper making excuse for the Administration, making a defense of the Administration, making a supposition that can not be borne out; and yet it is a supposition that condemns the policy of the Administration, a supposition, made manifestly in the interest and in the defense of the Administration, which can not be maintained; and yet a supposition that condemns the Administration, because it does not know whether it is carried out in other instances or not. In one instance it was carried out by Waller, because Waller admitted that he slaughtered 12 helpless and defenseless prisoners because of this order of Smith.

The article continues:

But the fact of the order, though abortive or unexecuted, remains. Since it is admitted the only further plea is justification. But what justification? It may be said that it was retaliation for wanton, indiscriminate, treacherous murder and barbarity on the part of perfidious Filipinos in disregard of all the laws of war. If there had been such warfare on the other side a degree of retaliation was legitimate, but not such universal killing and waste as the order seems to contemplate.

To be sure not, because in that island it is admitted that about 50 per cent of the population were friendly to the American people at that time and loyal to the American Government; and yet, in order to get the guilty, they would sweep the whole island of its men, women, and children, and of its houses, and make of it a howling wilderness.

It is still almost inconceivable that it meant what it appears to mean on its face.

The American troops have carried on campaigns in different parts of the Philippine Archipelago. They have fought through Luzon; they have fought on Negros; they have quelled insurrection in Panay and Cebu; but nowhere have they remotely approached the spirit or the policy of General Smith's incomprehensible order for Samar.

Now, then, there will be some defense if, when we hear from the court-martial, we hear the finding that he was guilty and that severe punishment has been inflicted upon him. But if we hear that he was acquitted even with this horrible order in his mouth, admitted by him through his counsel, and that he has been given back his sword as a brigadier-general in the American Army to go forth and again disgrace the Army, then there can not be any excuse made even by the most ardent defender of the Administration.

That order, we believe, had no authority or sanction; it was an individual act; it must be immediately denounced and disavowed, and its author deserves punishment which will make him and all others understand that such atrocity will receive no toleration from the American Government or people.

To decide whether it has authority or sanction or not they tell us we must wait, and we will wait to see what is the result of the court-martial of Smith, because not only was Waller acquitted on the establishment of the fact that the barbarous order was given, but if it turns out that Smith, who has admitted in this trial that the order was given, has been acquitted, then it does have authority and sanction. If he is permitted to remain in the American Army after such an order as that is given it will not be for the Administration to say hereafter that the order had no authority or sanction, because the very retaining of him in the Army, the very acquittal of him by the court-martial, will be an indorsement of the order and the sanctioning of it. It will be no longer an individual act, but it will be an act of the Administration whenever it turns out that he has been acquitted or let go with inadequate punishment, retaining his commission; and I am of opinion that when we hear from the court-martial we will hear he has been acquitted.

Here is another article from the Springfield Republican of May 2:

GENERAL SMITH'S ADMISSION.

Gen. Jacob H. Smith denied at the Waller court-martial that anything in his orders had justified Major Waller's acts in the campaign of Samar. But he was overwhelmed by the testimony of other officers, and now, in his own court-martial, he admits the truth of the charges Major Waller flung back at him. If there has been another military trial like this in American history, it is happily lost in oblivion.

Is there any Senator on either side of this Chamber who can not join in that sentiment? A general in the Army strenuously denying that he gave the orders that were attributed to him by Waller, and when the overwhelming testimony proves that he did give the order, and when Waller is acquitted on that overwhelming testimony, then when he is put upon his trial he admits that which he denied before; and it is to be hoped that no man will refuse to join with the Republican in hoping that "if there has been another military trial like this in American history it is happily lost in oblivion."

But the Smith and Waller trials must forever remain conspicuous because they throw such a terrible light upon the methods of war employed in the Philippine conquest.

General Smith's defense of his course will be heard in the trial, and when it has been presented we shall know from the verdict of the court whether it receives the approval of military judges. Meanwhile he confesses that he ordered his subordinates to "kill everything over 10" in a population of several hundred thousand, and to make of the island "a howling wilderness." Let us not do General Smith injustice. He meant boys over 10, and not girls.

Is not that a terrible plea, when the best that can be said of a

general in the American Army is that he did not mean to kill girls and women over 10 years, but boys and men.

But why did he fix the limit at 10? Why not 8 or 6? It might be asked also how General Smith's soldiers were to know whether a child was over or under 10.

I have heard it said he did not say to go and kill them without a trial. Now, if there had been a trial, what would have been the necessity for a trial? The only necessity on the face of the earth which there could have been for a trial would have been to ascertain whether the child about to be shot was under or over 10 years of age; because if Smith's order was the law, the law of the case said if he was over 10 years of age, kill him.

And when they were in doubt about the age what happened?

This case will blacken the record of the American Army and the history of the American people for all eternity. In attempting to find instances that surpass in savagery the orders of General Smith you will search Spain's record in those islands in vain. We shall see whether there is any defense for such an atrocity which the military court of a civilized nation will accept and which a civilized people will pronounce good in the eyes of the world.

That is from a paper in New England, which I understand to be a Republican paper.

That is not all. Here is another article from the same paper of March 21, 1902:

When we read that we recall the stanza from Burns:

I waive the quantum o' the sin,
The hazard of concealing;
But, och! it hardens a' within
And petrifies the feeling!

AN EARLY PROTESTANT ON RECENT IMPERIAL UTTERANCES.

To the Editor of the Republican:

Some of us protested over three years ago against the subjugation of the Filipinos. We urged the rights of those distant peoples; we pleaded that justice be done them. But our chief argument proceeded along other lines. We condemned the policy of conquest and colonization, because it would seriously and permanently injure our own nation. We claimed that it would lessen our respect for human rights; that it would educate us in cruelty; that it would impair our own blessings of liberty; that it would tend to brutalize the American heart; that, in short, it would debase our ideals and divert us from our highest and noblest services to mankind.

Only a few months have passed, and what sad wreckage of true Americanism; what terrible fulfillments of their fears! Behold the price that we are paying for our imperialism! Can any thoughtful American citizen seriously consider the changes already made in the spirit of many of our people without shame, amazement, and forebodings?

When President Schurman, of Cornell University, a fair and competent authority, mildly pleads that independence be granted the Filipinos as fast as expedient, what happens?

I wonder if President Schurman has turned to be a Democrat since he was appointed by this Administration to a position in the Philippines?

A general in the Philippines hotly tells him: "If you said that here, we would put you into prison!"

They have the authority in the Philippine Islands, if utterances like these are made in the islands by President Schurman, to put President Schurman in prison. They have stifled free speech there. Their policy advocates the stifling of free speech here, because when men debate this question in the Senate or upon the hustings they are met with the statement, "You must not talk about this. It is dangerous to our people in the Philippine Islands when you express your opinion against the policy that is being pursued by the American administration in the Philippine Islands, and you must hush it." In other words, they are pursuing a policy which demands for its support the suppression of free speech and the suppression of the press; and I tell you that any policy that requires to be sustained by the suppression of free speech and the suppression of the press is a policy that is bad for the American Government and can not be pursued unless the American Government suffers from it, and that is what they propose.

That is what the flag has come to mean to our conquering soldier. That is what the "blue coat" feels after three years of subjugating inferior races.

The lesson of imperialism—indifference to free speech and to human rights—has been quickly learned. This is what comes of keeping the Constitution at home and sending the flag where the Constitution does not go. But is not this ominous incident enough to arouse us from our lethargy and remind us that our own liberties are not safe while we are destroying the liberties of others?

What a truism! How can it be put stronger than it is put in this article? Are our liberties not in danger when we start out for the destruction of the liberties of another people? Can you maintain the principles upon which our liberties rest and upon which our Government is based and at the same time destroy the liberties of another people who are offering to establish a government just exactly like ours, upon just exactly the same principles, and who are teaching the same doctrines that have been taught by our people since before the commencement of the Revolutionary war?

If anyone wants to know the cost of our imperialistic bauble, let him take the measure of it in this assault on the freedom of speech.

If a Congressman protests against the laws arbitrarily enacted in Manila that make reading the Declaration of Independence in its streets an act of treason, he, too, is denounced as a traitor and accused of causing the death of our soldiers.

No wonder this paper in the State of Massachusetts, when it heard the senior Senator of that State denounced because he advocated the freedom of speech wherever the American Government reigns, when he advocated the Declaration of Independence wherever the American Government has power and authority, when he advocated the carrying of the Constitution to any people who are under the sovereignty and jurisdiction of the Government of the United States, when it saw him charged with treason and of being a fit subject for the gallows, should have written this; and I can tell Senators that until this policy that has produced so much trouble to the American people, that has cost more than 10,000 lives of American soldiers, that has made so much distress and caused the shedding of so many tears in American homes, and that has agonized the hearts of so many mothers and wives and sisters because of the deprivation of the society and the comfort of their loved ones, is abandoned, this same thing will be heard all over this country, not only from Democrats, but from Republicans, and Republicans who have been loyal to the party since its origin.

Is this the expansion of America or the coronation of Cæsar? If we have soldiers anywhere in this world where a plea for the ideals of Washington, Jefferson, and Lincoln by patriots here at home subjects them to danger, is it not high time that we bring them back to duties genuinely American?

If a patriotic clergyman denounces as barbaric the order of a United States officer in the Philippines, when he commands that natives must prove their loyalty or they will be summarily shot as public enemies, we are told that if in Manila he would be forthwith banished to Guam. Is this a harvest that any true American can contemplate with pride and equanimity? If such a fruitage follows a few months of Asiatic expansion, how much of our glorious heritage of freedom will be left at the end of a generation?

When a Senator refers to Lincoln as an advocate of a government resting upon the consent of the governed, prominent editors call him an "ignorant blatherskite," and people in the street say that he ought to be clapped into jail for aiding the savages in Samar who are fighting our soldiers! Is it possible that Americans have so soon forgotten what our poets have sung, what our statesmen have expounded, and what our patriots have died to establish? There is no sadder spectacle to-day than that presented by the descendants of Revolutionary heroes, who, in their zeal to defend a policy of conquest and despotism, misrepresent our history, trample into the dust the fair ideals of our nation, and despoil our great national leaders of the honors which they won as advocates of human rights.

And when some of the most eminent men in our nation present a petition to Congress asking that all honorable means be used to repress cruelties and bring about a cessation of bloodshed in the Philippines, General Funston uses these words at a banquet in Chicago:

"Gentlemen, some time ago two poor fellows, colored soldiers of the Ninth Cavalry, deserted and went over to the enemy. They were caught and hanged. It would be eminently more just—take this as you like, for I mean every word I say—if some of those alleged Americans who have lately signed a petition to Congress asking for a conference with the Filipino leaders still in the field were hanged and their memory forever execrated by the American people."

Oh, the shame of it! And a large company of prominent citizens cheered him vociferously!

But who is General Funston? It is he who wrote two years ago: "I hope that when they (the Filipinos) are conquered they will be made to feel for many years the iron hand of military rule—the only kind for which they are suited. I think the islands a most valuable acquisition. Their natural resources are almost beyond computation. From a strictly money standpoint they are great."

How well his wish has been carried out may be seen by reading an impartial account recently printed in the Boston Transcript, a strong Administration paper. The Washington correspondent of that paper ("Lincoln"—a careful and conservative writer) reports a Republican Congressman as making these statements after a visit last summer to the Philippines: "They never rebel in northern Luzon because there isn't anybody there to rebel."

I suppose we will learn directly that the Boston Transcript has quit the Republican party and has come over to the Democratic party. [Reading.]

That country was marched over and cleaned out in a most resolute manner. The good Lord in heaven only knows the number of Filipinos that were put under ground; our soldiers took no prisoners; they kept no records; they simply swept the country, and wherever and however they could get hold of a Filipino they killed him. The women and children were spared and may now be noticed in disproportionate numbers in that part of the island. * * * I look for no real peace short of such measures as those pursued in northern Luzon.

And when the interviewer asked him whether he thought the American people would approve such a policy of extermination, he calmly replied, "I have no doubt of it." And then he proceeded to make this statement, one of the most damnable in all history: "If American investors find property that they want in the Philippines, I do not think they would be embarrassed by any sentiment at home against the sweeping off the Filipinos."

Look at that in all its naked, cold-blooded and, hideous savagery; barbaric selfishness carried to the very summit of fiendishness. Look at it, disciple of the meek and lowly Nazarene, and tell us what you think of it. Look at it, compatriot of Garrison, Phillips, and Sumner, and feel the shame of it. Look at it as a Christian and an American, and by your vote pass judgment upon it.

How such talk as that will endear us to the benighted Filipinos. We may be sure of one thing: There are no savages in the Philippines who can quite equal in brutality the propositions made by this Congressman and by General Funston. How such talk as this will confirm the peoples of those islands in their hatred of us and hedge up the way of missionary, teacher, and philanthropist. It is such talk as this that prolongs the insurrection. One remark like this will lead to a thousandfold more bloodshed in the Philippines than all the petitions of the anti-imperialists. Pleas for cruel subjugation like those of General Funston, and boasts of wholesale slaughter to make robbery easy, like that made by this Congressman; these are the things that will foster the passions that will stab and slay our soldiers over there.

And how American liberty begins to suffer here at home. While we are in the evil business, no matter how black the crime committed by our officials there, however much those island peoples may need our protection, if any man enters a protest against the wrongs being done or advocates their rights, he is at once grabbed by the throat and some demagogue howls, "Let us hang this traitor, for he is inciting those colonists to kill our soldiers." This evil is no vague dream; it is even now upon us. Do these

incidents, revealing a most unfortunate lapse from true Americanism, open out before us a pleasing prospect? Do they not bring us face to face with an impending calamity?

It is to be earnestly hoped that the American citizen will realize before it is too late that his own liberty is at stake. The solemn and sublime truth that we, as a nation, need to lay to heart is this: We can not be tyrants in Manila and keep our own freedom. The bayonet that unjustly pins a fellow human being to the ground lets out our own lifeblood.

JOSEPH HENRY CROOKER.

ANN ARBOR, MICH., *March 13, 1902.*

I am not going to read any more of these, Mr. President. There are a great many more of them that I could read, Republican papers and from Republican sources, and I might read from the statement of Republican Senators to offset the papers that were read by the Senator from Ohio [Mr. FORAKER] as Democratic papers advocating the policy of the Republican party in the acquisition and retention of the Philippine Islands. I do not intend to read any more of them. I will let these go in as a full offset to that argument, if argument there is in it.

Mr. President, there is one other argument that has been made to which I will make brief allusion, and that is that Providence threw these islands into our lap, that it was an act of destiny and an act of Providence. If that be true, what have we done to requite Providence for it? When Providence throws into the lap of a natural mother a new-born babe, she brings it to womanhood or to manhood under her nurturing care and protection and love. If Providence has thrown this archipelago as an infant into our laps and made us the mother of this infant and of this archipelago, how have we as the natural mother treated that infant? We have not only sent our soldiers to burn, to kill, to destroy, and to make a howling wilderness; we have not only subjected the natives to torture to which they were never before subjected, but we have sacrificed more than 10,000 of our own soldiers. We have subjected our own soldiers to a policy that has caused them to be tortured and treacherously killed. I commend this, without saying more on the subject, to the careful consideration of Senators who indorse this policy.

Now, then, let us get at the root of this evil. It will not do to recriminate. It does not answer the argument to say that human nature has caused in the breast of the American soldier a feeling of retaliation when his comrades have been treacherously slain, and therefore that he has tortured Filipinos to death. It is no answer that peaceable Filipinos taken and put into absolute abject slavery, penned up into camps where they had no room to lie down to sleep at night after being worked as slaves ten hours in the day under guard, driven to exasperation thereby, turned upon their masters and slew them when they had an opportunity. I say it will not do to make these answers. We must take the whole matter as it presents itself to us, the slaughter of Americans and the slaughter of Filipinos, the barbarous treatment of American soldiers by native Filipinos and the barbarous treatment of native Filipinos by the American Army and American officers, and then trace it to its source and deal with its source, the root of the evil, if there is a root of the evil, the policy that has brought about all this.

I feel and appreciate that if it should be required of the American Army that tens and hundreds of thousands of her soldiers should be slain in order to protect the honor of the country, every right-thinking patriot is willing that the sacrifice should be made, even though he should be one of those to be sacrificed. But has there been any assault upon the honor of our country? Was there any in the incipiency of this trouble? Was there any necessity, by the laws of governments and of war, that we should embark upon the conquest of this people, because of a trouble between the soldiers of Aguinaldo and the soldiers of the American Army, when some of them became involved in a personal difficulty, a personal encounter? If it is answered that there was a necessity for it, I deny it; but if it ever existed, the necessity has ceased, because we are told that the Filipinos have been subjugated and that there is peace there, even though it be such a peace as Tacitus described in the British Isles after they had been overrun by the Roman troops.

I will read an article in reference to the conquering of peace, from the Washington Post of May 6, 1902, an ably edited and well-conducted paper in this city:

IT MUST BE OVER NOW.

Our latest victory in the Philippines has very properly been made the occasion of a message of felicitation from the President. The engagement seems to have been of a thoroughly desperate character and the carnage without precedent. In his report to the War Department General Chaffee says: "Have never seen or heard of any performance excelling this gallantry and grit." He describes it as a hand-to-hand struggle in four lines of ditches under the walls of the Moro fort, and says the trenches are lined with Moro dead from rifle fire. In fact, though the fort was defended by many hundreds of the rebels, only 84 of the misguided wretches survived. Among the dead are two sultans and one rajah, not to mention scores of assorted officials of greater or less rank, while dead dattos—whatever a datto may be—are lying about almost everywhere.

Of course, a victory so overwhelming and so bloody was not achieved without great loss of life on the part of our own troops. General Chaffee reports 1 officer and 7 enlisted men killed and 4 officers and 37 enlisted men wounded—an appalling total of 8 killed and 41 wounded. Adding these together, we get a casualty list of 49—say 50 in round numbers—and dividing these among the four lines of ditches in which the furious hand-to-hand struggle raged for hours, we find that each ditch cost us 12½ men all told. A careful perusal of all the various accounts of the affair will enable one to at least dimly understand this excessive mortality, for it appears that the rebels, after exhausting their ammunition, threw away their Mausers and resorted to those deadly and destructive native weapons, the bolo, the kriss, the parong, and the kampilan, with which they fought like maniacs. It is, perhaps, true that as many as 20 out of the 50 casualties suffered by our army in the battle of last Saturday were due to the ruthless use by the Moros of their parongs and kampilans.

It is reassuring to hear from his own lips that Governor Taft is pleased with the triumphs of our arms in Mindanao and believes that their effects will prove beneficent. We have learned to repose the utmost confidence in Judge Taft's opinions and predictions relative to affairs in the Philippines Ever since he solemnly announced the fourth and final termination of hostilities, two years ago, we have refused to accept any view of the situation in our new islands which did not have his sanction and indorsement. The fact that the war has been brought to an end on six different occasions since the governor's original proclamation serves only to confirm our estimate of his wisdom. A bad thing can not be killed too often.

But the war must really be over by this time. After the failure of the kriss and the parong, even the toughest Moro ought to realize that the "jig is up."

We have the assurance from Governor Taft that the war is again over, and if, as a pretext to go on with this war, it was necessary to show that the American Government was powerful enough to whip the Philippine republic, it has now been subjugated four times, Governor Taft being witness.

While I am reading from the Post I wish to read another article which expresses this in much better language than I can, and then I shall not read any more articles:

THE QUESTION IN THE PHILIPPINES.

Administration orators and organs will not succeed in smothering public disapproval of the Philippines scandal by the impudent pretense that such disapproval is equivalent to "abusing the Army." It is evident that this policy has been adopted. The keynote has been struck, and of course the chorus will soon be in full voice. But the expedient will prove a disappointment to its authors. The American people are not fools.

In the first place, nobody has abused or dreams of abusing the United States Army. It may please the apologists of our Philippine policy to reply to specific charges of wickedness and imbecility by reciting the glorious achievements of American arms, from Lexington and Chalmette down to Guasimas and San Juan Hill, but it will please no one else. The subterfuge is too transparent. It has not even the charm of originality or of intellectual merit. The people here at home who criticise and deplore the Administration's blunders in Luzon, Samar, Mindanao, and others of our new island possessions are perhaps quite as familiar with the courage and devotion of the American soldier as any of the gentlemen now vociferously engaged in reminding them of those high qualities. The men who saw war at Antietam, Missionary Ridge, and Gettysburg are not likely to forget the claims of their compatriots to everlasting honor and renown. There is a species of insolence in this attempt to silence public opinion by appealing to the chronicles of our military exploits in the past. It is as insolent as it would have been some eighteen centuries ago to quote Scipio Africanus in defense of Nero.

Our soldiers are as fine and gallant fellows as carry muskets anywhere in the world. We are proud of them. We hold the Army in gratitude and affection, and need no special pleader to speak to us for them. This issue is not to be beclouded by cheap oratory.

Nor is it less absurd for gentlemen on the floors of Congress or in the editorial columns of Government organs to claim that the hostile commentators on our Philippine policy are mere reckless partisans attacking the Republican party for campaign purposes. Such a device might impose upon children under 10—the limit fixed by Gen. Jacob Smith in his order of extermination—but it excites only pity and contempt in the minds of thoughtful men. The Administration should pray to be saved from its champions. The Republican party should repudiate the attempt to identify it with the torture chamber and the shambles. This is a question of fact, not of party politics; it is a question of humanity, of civilization, of common intelligence and mercy, not of the courage and patriotism of the American soldier. The Administration and its policy are on trial, not the troops who endure the perils, the hardships, the death, and the agony of the campaign.

Let no Administration advocate delude himself with the idea that he can obtain respectful recognition as an impassioned defender of the Army. We repeat: The American people are not fools!

Now, in conclusion, Mr. President, I wish to invite the Senators who are defending this policy to a discussion of the policy itself, to show where is the necessity for it. I challenge them to show that there was a necessity for this policy in the beginning. I challenge them to show first that in the commencement of this policy it was not an abandonment of the doctrines and principles on which our Government was founded and upon which it has lived for more than a century. Then when they shall have shown that, as I believe and assert that they can not do, but if to their satisfaction they think they have shown it, I challenge them to show wherein there is a necessity now, after they have told us time and again that peace has been established, for pursuing this policy that is causing the death by treachery and assassination of American soldiers, American citizens, and the burning and destruction of the islands, which it has been claimed by the Administration, have been thrown into our lap by the hand of Providence.

Mr. DEBOE. Mr. President, the pending bill proposes to establish temporarily a civil government for the Philippine Archipelago. While we may not agree as to the various provisions of the bill, it seems only fair and just that an honest effort should be made by the Senate to relieve the situation in these islands. I can not see any good reason for not continuing the wise and patriotic policy of President McKinley in dealing with the Philippine Islands; and when I say this I fully realize that there has been great objection on the part of some to a continuation of

this policy. The bill indorses the action of the President in creating the Philippine Commission to exercise the power of government, according to the instructions given by him to the Commission. These instructions had for their object, first of all, the future welfare of the inhabitants of those islands, in teaching them the principles of self-government and preparing them for the great responsibilities of a republican form of government. We must remember that the Filipinos, including the inhabitants of all the territory of the archipelago, are composed of many tribes and different races and mixtures of races. In each province they speak different languages or dialects, hence the great difficulty in preparing them for the arduous duties of an independent form of government. The selection of such able and distinguished citizens as Governor Taft and his associates on the Commission was a guaranty to all well-thinking men that the work had been trusted to worthy hands and would inspire confidence in the public that the object of this Government was not exploitation, but the general welfare of those people.

The bill, taking it as a whole, seems to deal fairly and justly with the whole Philippine question, and while I shall not attempt to discuss it in detail, not having had the opportunity of hearing the evidence produced, I do approve of the measure as being a great improvement of the conditions in which we found those natives of the islands. It deals with the mining interest, the land and real estate questions, and especially the lands owned or claimed by certain corporations and the friars. I hope to see the most liberal treatment of the rights of the inhabitants as to public lands. It ought to be arranged so as to open up the lands to settlement by the people and guard against too much liberality toward corporations. I believe in a generous and liberal policy in regard to questions of this kind. It is, of course, to the interest of the islands to invite capital to aid in the great work of internal improvements, and corporations should be treated fairly. If I have read history correctly and understand the facts there has been and is now great opposition toward the methods of the friars, who own large bodies of land, and the methods whereby they came into possession of them are very questionable. It is to be hoped that those matters will soon be remedied. But no unjust action should be had affecting the rights of any religious denomination which has for its object the bettering of the condition of mankind. This bill gives the Philippine government the power to regulate these matters, which undoubtedly will result in great good. It protects the rights of the people by inaugurating a judiciary system and grants the right of appeal from the decrees of the highest court there to the Supreme Court of the United States involving a certain amount.

It seems to me that the bill treats all questions involved, from my view as to the duty of the United States toward the islands, fairly and properly.

For days we have heard many able speeches on both sides of this Chamber in the discussion of problems relating to the Philippines, and I am sorry to say some of them were loaded down with bitter, and what I claim unfair criticism. It is claimed that we have no right to be in those islands, and that we are oppressors instead of liberators. I deny it.

Mr. President, I would not have spoken had it not been for the wholesale attacks made upon every Senator upon this side who has supported the policy of Presidents McKinley and Roosevelt in the Philippines. But we all realize that it is much easier to find fault and criticise than to formulate and execute. Our rights to be in this archipelago have been called in question by some able and capable Senators as well as by eminent citizens in civil life. But why discuss this question? Every Senator or Representative of the House, as well as every citizen of the United States, who advocated action on the part of the Government in putting Spain out of Cuba by force of arms, helped to put us into the Philippines, and is as much responsible for the Army being there to-day as any Senator on this side of the Chamber.

The Spanish war unavoidably led the troops of the United States into the Philippines. It was fortunate for the country that Dewey had been sent into Asiatic waters to protect the rights of this country prior to the war. Every intelligent person, familiar with international law, knows that Dewey was compelled to leave Hongkong within twenty-four hours after hostilities had been declared between the two nations. He had nowhere to go except the enemy's country or to return home. But the memorable order from President McKinley to Dewey will live in the histor of the country: "Capture or destroy the Spanish fleet." This was the wise and only proper thing to do. Of course it landed us in the Philippines.

The American people did not want war, nor did President McKinley; but by outrageous conduct on the part of Spain in the treatment of her own subjects as well as the insult offered to this nation demanded a cessation of the brutal and inhuman conduct in Cuba. Soon after the capture of Manila Santiago fell. Spain sued for peace. A treaty of peace was signed at Paris and afterwards forwarded to the Senate for ratification or rejection. It was ratified and gave the United States sovereignty over the Philippines, which can not successfully be refuted. I ask permission to submit Article III of the treaty as a part of my remarks.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). If there be no objection, it will be incorporated in the Senator's remarks.

Article III is as follows:

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty-five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

Mr. DEBOE. Mr. President, the Supreme Court of the United States decided that Congress had a right to legislate for these islands. While we may differ and speculate as to how the court reached its decision and as to what it may do in the future in regard to these questions, it is a fact that we have a legal as well as a moral right there. The President had the same right to put down an insurrection in the Philippines that he would have had in New Mexico or Arizona. Who commenced the war or insurrection in the Philippines? Aguinaldo and his followers. But we hear it said that Dewey made him an ally of this country. He says he did not and he could not have done so, for the very fact he did not possess the power or right to do it. He made him no promises to that effect. I believe the great American admiral. Now, what caused Aguinaldo to feel unkindly toward our forces in the islands? We have been informed many times on the floor of this Senate and elsewhere that he and his men wanted to loot the city and take certain property. This was refused, which every honest man ought to approve.

When the city of Manila surrendered to Dewey and General Merritt, commanders of the navy and army at that time, there were hundreds of Spanish families, men, women, and children; families of Germans and English business men, as well as thousands of Spanish prisoners in the hands of our troops, all at the mercy of the Americans, as well as many other interests. The United States had assumed all responsibility for the protection of the people and all kinds of interest by reason of the capture of the city. Hence it was folly to think of exposing these people and their interests to such a body of men as was commanded by Aguinaldo. Then Aguinaldo organized a conspiracy against the American troops, and the story as to the treatment of our soldiers by Aguinaldo's men is well known. The facts as related by General Funston and other soldiers with whom I have talked are as follows:

The insurgents, with ribald jests, with curses and indecent oaths and insults, taunted us as cowards and dared our men to open fire, but stern discipline prevailed in our army, and we obeyed the instructions from General Otis to avoid a conflict under all circumstances or delay it as long as was possible, but day after day the friction became more intense. Nearly all of us, I think, realized that it was not a question of months, but a question of a few days until the clash must come.

Aguinaldo and his paper government, his cabinet, and his self-appointed congress retired to Malolos and there issued proclamations and sulked.

Finally, probably two weeks before the beginning of the war, an insurgent captain who refused to respond to the challenge of a sentry on the streets of Manila was shot dead. That was the first actual clash.

About three days after that a private soldier of the First Montana Regiment, who was on sentry duty outside of the city, was approached by a man with a rifle about 10 o'clock at night. He gave the usual challenge, but the man did not respond, but instead of that fired at him at a distance of a very few yards, but, Filipino-like, missed him.

Only two days later a private of the South Dakota Regiment on outpost, only 2 miles north of the city, was approached by an apparently unarmed native, who asked him for a match. The sentry started to hand him one, when he drew a bolo, a native knife about 2 feet long, and gave him a terrific blow across the face, cutting him from the top of the skull down to the chin, and I am glad to say that within half a second the native fell dead, shot through the heart.

A few days later a drunken mob of Filipinos, partly officers and partly soldiers of Aguinaldo's army, attempted to rush through the lines of the First Nebraska near Santa Casa. Only the presence of Colonel Sterns, that magnificent soldier who fell at Cang Co, prevented the fight from opening at that time. He had a great deal of influence over the natives and over his own men, and he induced them to retire.

Three days later an insurgent lieutenant and two soldiers approached a sentry on the Santa Lucia bridge, 3 miles east of Manila. The sentry, in accordance with orders that sentries usually have, challenged the three at once, and instead of halting the men gave him an insolent reply, came

forward, started to cross his post, and he fired, and by one shot killed the lieutenant and one sodier.

The remaining soldier ran back to the insurgent line after this shot rang out and the First Nebraska was called out. Of course there was a great deal of excitement and everybody thought it was like the incident of the attempt to assassinate the sentry of the Montana regiment, which resulted in the shooting of the Filipino captain in Manila. We also thought that the thing was ended for the time being, but within a minute or two rifle fire broke out from the insurgent trenches in front of the First Nebraska Regiment, and war had begun.

Instantly, I have been told, skyrockets were fired into the air as a signal to make the attack, and the firing commenced all along the line of the insurgents.

This occurred about the time the treaty was ratified. Aguinaldo and his friends are responsible for all the bloodshed, the loss of all the lives of soldiers, all the suffering in those islands. He and his friends there and in this country are the ones to be denounced and not the American soldier.

The policy that has been followed there is the policy of President McKinley. When you denounce it you denounce him. When you say it is a violation of the Constitution of the United States then you brand him as disregarding the law. If the policy was wrong, then he was wrong. We are in favor of the principles of the Declaration of Independence—that all men are created free and equal; that all governments derive their just rights to govern from the consent of the governed, and wise and just laws should be had to ascertain this consent. I do not believe any man in this country was more fully in sympathy with these ideas than was our lamented President. It does seem to me that the policy pursued by President McKinley and indorsed by President Roosevelt was the wisest and the only true one to have pursued in these islands. We have heard much complaint of carpetbaggers in the Philippines.

It seems from all the evidence, taking it as a whole, that it would have been unwise to have intrusted the important work of establishing a Republican form of government for these people to men who knew but little of such a government. It would have resulted in nothing but failure and irretrievable ruin. I do not know where the President could have gone to have found men so thoroughly equipped in every particular for this great work as he did. At the head of the Commission he put one of the foremost citizens of the United States. No man who knew Judge Taft will question his ability or his honesty or integrity. The President expressed himself very clearly as to his policy in the Philippines, and indicated that his purpose was to give those people the absolute power in the future to hold offices and govern themselves locally. His instructions to the Taft Commission are worthy of the consideration of all right-thinking people. He explained fully what he desired to have the Commission do.

I submit the instructions of President McKinley, without reading, as a part of my remarks.

The PRESIDING OFFICER. If there be no objection, they will be incorporated in the remarks of the Senator.

The instructions are as follows:

EXECUTIVE MANSION, *April 7, 1900.*

SIR: In the message transmitted to the Congress on the 5th of December, 1899, I said, speaking of the Philippine Islands: "As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands."

To give effect to the intention thus expressed, I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke E. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, Commissioners to the Philippine Islands, to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

The Commissioners named will meet and act as a board, and the Hon. William H. Taft is designated as president of the board. It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the islands, and both should be directed during the transition period by the same executive department. The Commission will therefore report to the Secretary of War, and all their actions will be subject to your approval and control.

You will instruct the Commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render to them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty. The next subject in order of importance should be the organization of government in the larger administrative divisions, corresponding to counties, departments, or provinces, in which the common interests of many or several municipalities falling within the same tribal lines or the same natural geographical limits may best be subserved by a common administration. Whenever the Commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control, they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide. Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The Commission will also have power, during the same period, to appoint to office such officers, under the judicial, educational, and civil-service systems, and in the municipal and departmental governments as shall be provided for. Until the complete transfer of control the military governor will remain the chief executive head of the government of the islands, and will exercise the executive authority now possessed by him and not herein expressly assigned to the Commission, subject, however, to the rules and orders enacted by the Commission in the exercise of the legislative powers conferred upon them. In the meantime the municipal and departmental governments will continue to report to the military governor, and be subject to his administrative supervision and control, under your direction, but that supervision and control will be confined within the narrowest limits consistent with the requirement that the powers of government in the municipalities and departments shall be honestly and effectively exercised and that law and order and individual freedom shall be maintained.

All legislative rules and orders, establishments of government, and appointments to office by the Commission will take effect immediately, or at such times as they shall designate, subject to your approval and action upon the coming in of the Commission's reports, which are to be made from time to time as their action is taken. Wherever civil governments are constituted under the direction of the Commission, such military posts, garrisons, and forces will be continued for the suppression of insurrection and brigandage and the maintenance of law and order as the military commander shall deem requisite, and the military forces shall be at all times subject under his orders to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority. In the establishment of municipal governments the Commission will take as the basis of their work the governments established by the military governor under his order of August 8, 1899, and under the report of the board constituted by the military governor by his order of January 29, 1900, to formulate and report a plan of municipal government, of which his honor Cayetano Arellano, president of the audiencia, was chairman, and they will give to the conclusions of that board the weight and consideration which the high character and distinguished abilities of its members justify.

In the constitution of department or provincial governments they will give especial attention to the existing government of the island of Negros, constituted with the approval of the people of that island, under the order of the military governor of July 22, 1899, and after verifying, so far as may be practicable, the reports of the successful working of that government, they will be guided by the experience thus acquired, so far as it may be applicable to the conditions existing in other portions of the Philippines. They will avail themselves, to the fullest degree practicable, of the conclusions reached by the previous Commission to the Philippines.

In the distribution of powers among the governments organized by the Commission, the presumption is always to be in favor of the smaller subdivision, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system which is the result of the process the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be necessary to secure and enforce faithful and efficient administration by local officers.

The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers, but these general rules are to be observed: That in all cases the municipal officers who administer the local affairs of the people are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties they are to receive the offices in preference to any others. It will be necessary to fill some offices for the present with Americans, which, after a time, may well be filled by natives of the islands. As soon as practicable a system for ascertaining the merit and fitness of candidates for civil offices should be put in force. An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands.

In all the forms of government and administrative provisions which they are authorized to prescribe, the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theortical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government. At the same time the Commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar. It is evident that the most enlightened thought of the Philippine Islands fully appreciates the

importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill or attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peaceably assemble and petition the government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

It will be the duty of the Commission to make a thorough investigation into the titles of the large tracts of lands held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island, or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of the wrongs which have caused strife and bloodshed in the past. In the performance of this duty the Commission is enjoined to see that no injustice is done; to have regard for substantial right and equity, disregarding technicalities so far as substantial right permits, and to observe the following rules: That the provision of the treaty of Paris pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government, which prohibits the taking of private property without due process of law, shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the island to dispose of claims to property which the Commission finds to be not lawfully acquired and held, disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held, due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the island; that, upon the other hand, no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute.

It will be the duty of the Commission to promote and extend and, as they find occasion, to improve the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. This instruction should be given, in the first instance, in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication may be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language.

It may well be that the main changes which should be made in the system of taxation and in the body of the laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the Commission. It will, however, be the duty of the Commission to inquire diligently as to whether there are any further changes which ought not to be delayed; and if so, they are authorized to make such changes, subject to your approval. In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden. The main body of the laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes made should be mainly in procedure and in the criminal laws to secure speedy and impartial trials and at the same time effective administration and respect for individual rights.

In dealing with the uncivilized tribes of the island the Commission should adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government, and under which many of those tribes are now living in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, be subjected to wise and firm regulation, and, without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs.

Upon all officers and employees of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands and to treat them with the same courtesy and respect for their personal dignity which the people of the United States are accustomed to require from each other.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

"This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions are placed under the special safeguard of the faith and honor of the American Army."

I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this Commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and protection of the people of the United States.

WILLIAM McKINLEY.

The SECRETARY OF WAR, *Washington, D. C.*

Mr. DEBOE. Mr. President, a new nation has many serious and difficult problems to solve before it can successfully meet the best interest of those to be affected by legislation. Our Army is in the Philippine Archipelago by the direction of a majority of the American people through their representatives in Congress and the executive branch of the Government.

I have always had great faith in the American Army, and hope to never have an occasion to attack it as I have seen it done in this Senate. I never will condemn any officer or act of his before giving him a fair and impartial trial before a tribunal that will be actuated by the highest and purest motives and not by religious or political prejudice.

Mr. President, we all know the horrors of war. We all know that many cruel and wicked deeds are done during war times. We also know that in civil life many horrible crimes are committed. We have seen and fully realize that the passions of men often cause them to commit deeds of violence and bloodshed in moments of anger that nothing on earth could force them to do in the calm and deliberate reflections of life. I hate to hear of deeds of awful crime and brutality either in times of peace or war, but when we are called upon to sit in judgment on the conduct of our soldiers let us remember the golden rule, "Do unto others as you would have others do unto you." Let us render judgment always tempered with mercy rather than prejudice. No doubt there have been punishments inflicted on individuals in the Philippines, caused by the conduct of the natives toward our soldiers, that were too severe. Orders have been issued that seem to us cruel and wrong, but let the whole facts be presented before any soldier or officer is condemned. There is not a Senator on the other side who is more opposed to inhuman treatment of men, women, and children than I am, but heaven forbid that I shall ever, in this Senate or elsewhere, traduce and denounce men for what seems harsh and cruel without full information and evidence of their guilt, especially men who have exposed themselves to shot and shell to save the life of the country that protects the lives and liberties of our countrymen.

If there had been, on the part of the opposition, the same energy and persistency to aid the Government and her soldiers, who are making great sacrifices for the cause of the people in the Philippines, as there has been to thwart and obstruct in many ways those who desire to relieve the situation, we might not have had so many massacres of our soldiers, such as burning them alive and the mutilation of their bodies in a horrible manner, or the burying of the wounded alive. Such atrocities as these and the brutal massacre of more than sixty odd of our soldiers while at breakfast at Balangiga, in Samar, and scores of others similar in brutality and barbarism, could not help arousing the feeling of their comrades, and they have done some things that I regret and disapprove. Mistreatment of prisoners or unwise orders of officers can not be condoned by anyone.

I truly believe that the utterances made in this country and circulated in the Philippines have done immense harm and created prejudice against the Americans and have prolonged hostilities. If these expressions of sympathy had been withheld, I verily believe that the archipelago would have been pacified to a much greater degree than it is. In all the criticisms I have heard, it seems to have been all on one side and against the American soldier and in favor of the Filipinos. When we examine the manner of the investigation on the part of the opposition it tinges of one-sided prosecution, without any attempt to reveal the wrongs and misdoings of the enemy of the United States. These criticisms call to mind the days of the Copperheads, who were too cowardly to meet the enemy, but sat safely in the rear and called to others to do so. The substitute of the opposition admits that we can not come away from the islands now, and that we ought to set up a stable government for those people.

The United States can not honorably withdraw from the archipelago and leave the country to the mercy of the Tagals under Aguinaldo. We are as much obligated to establish a stable form of government in those islands of the sea as we were to force Spain out of Cuba and establish a government there. Whenever the American people give orders for the withdrawal of the flag it will be done and not until then. The criticisms of Senators of the policy pursued there will have no influence in checking the friends of the Administrations of Presidents McKinley and Roosevelt in the faithful discharge of the obligations which they have assumed. The statements of Senators that the object of the Administration and its friends in the course pursued there is only exploitation and spoils is not true. The policy was inaugurated by McKinley, and no one will have the courage to make such accusation against him, who was universally honored and loved by the American people. It is the same policy to-day.

The paramount question is to give those people a form of government that will give them liberty such as is contemplated in the Declaration of Independence—liberty and freedom that will protect their lives, liberties, and property. Liberty and freedom that will not do this can not be called liberty and freedom. It would not be right to leave the government of the islands to the keeping of the Tagals under their leader, Aguinaldo. A tribe of

about 2,000,000 people desires to govern all the other inhabitants, numbering nearly 8,000,000, who are opposed to Aguinaldo in the main. This seems to be the fact, as is shown by the evidence of American citizens of the highest class. From all the facts and evidence which I have examined the fear is not that we will refuse to give ample independence now, but that we may give them more than they are capable of rightfully receiving and thereby bring great harm instead of good to them.

The question as to the policy of giving the Filipinos an independent government is a question of great importance, and one that every Senator ought to fully appreciate, and I believe they do. I desire to refer to what Governor Taft says of this proposition. When asked in reference to the matter, he said:

> I think it is a question that I would not answer two or three generations before it will arise. I think the great evil of to-day is the discussion of something that is utterly impossible of settlement to-day. The thing the Philippine people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is and training them to a knowledge of self-government, and when they have that the question of what relations shall then exist between the islands and this country may be settled between them and the citizens of the United States.
>
> But to attempt to decide in advance something that is utterly impossible wisely to decide now, it seems to me, with deference to those who differ with me, very unreasonable.

Mr. President, when we take into consideration the statement of Governor Taft, who has the confidence of all who know him, regardless of parties, who resigned a Federal judgeship in order to leave this country and go to the Philippines at the earnest request of President McKinley, and give his best efforts in trying to establish a wise, stable, and wholesome government for those people, and that, too, at great sacrifice both to health and finance, we should not treat it indifferently and without profound consideration.

The question of extending the Constitution of the United States to those islands is considered to be unwise by Governor Taft because the Filipinos are not ready for trial by jury. They have been educated in a different system of law, full of many defects, and not understanding our system of judicial proceedings. It would not be wise to extend the Constitution to those islands, for the people there do not want the right to bear arms, which the Constitution would give them the right to do, because this right would be most injurious to them. The Filipinos do not desire any such a right, as the evidence produced shows. It is claimed by some that one of the difficulties Spain had in dealing with these people was from the fact that she attempted to give them representation in the Cortes, and it proved a failure, working great harm to both Spain and the islands.

I see that some Senators are inclined to believe that this will be true of us if we give them any kind of representation without complete independence. But I can not concur in this belief, as this country has quite a different system of government from that of Spain. Then, I do not think a comparison can successfully be made between the two Governments in dealing with these people. We have already before us a comparson of the nations as to these people. For more than three hundred years Spain has tried to quiet and peacefully govern some of these people, and she utterly failed to subdue them, but in less than three years we see that the whole island is practically under control of the United States Government. True, there is some guerilla warfare in some sections, but we have every reason to believe that that will soon end.

We have heard our friends across the aisle many times most vehemently demanding that the Administration disclose its policy as to the Philippines. We heard the same demand made of President McKinley after he had, as I think, plainly and frankly stated in his message to the Fifty-sixth Congress, at its second session, what his views were. He said:

> In my last annual message I dwelt at some length upon the condition of affairs in the Philippines. While seeking to impress upon you the grave responsibility of the future government of those islands rests with the Congress of the United States, I abstained from recommending at that time a specific and final form of government for the territory actually held by the United States forces, and in which as long as insurrection continues the military arm must necessarily be supreme. I stated my purpose, until the Congress shall have made the formal expression of its will, to the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands, or in all other places where our flag rightfully floats, placing to that end at the disposal of the Army and Navy all the means which the liberties of Congress and the people have provided. No contrary expression of the will of Congress having been made, I have steadfastly pursued the purpose so declared, employing the civil arm as well toward the accomplishment of pacification and the institution of local government within the lines of authority and law.

Mr. President, believing as I do, and as the evidence and facts show, that this insurrection in the Philippines was precipitated and begun by Aguinaldo and his followers; that they were not magnanimous enough to appreciate the fact that if it had not been for the action of this Government Spain would still rule them as she had in the past; that this Government had been their liberator, and was prepared to aid in giving them the same liberties and privileges, whenever they showed themselves capable of enjoying them, that each State and Territory in this Union enjoys. But instead of taking advantage of such blessings and being the friends of the United States, we have seen an attempt by a minority of these people to establish a dictatorial form of government to be ruled by one of their own members, and who had put to death one of the most intelligent generals of the other classes (General Luna) from the fact that Aguinaldo feared his popularity and that he would succeed him as dictator.

I refer to this incident not from a spirit of malice, but to illustrate the spirit which dominated the action of the insurgents and the folly of the United States in submitting to such a thing, and that, too, when the solemn responsibility rested upon her to see to it that the lives, property, and liberties of the people there were protected; that a wise and stable form of government was established. Instead of subjugating and making vassals of these people, as has been so frequently stated, the purpose of this Government is to elevate and civilize the Filipinos and give them, as far as possible, liberty and freedom that will protect them in all their God-given rights.

The truth is, all American citizens are solemnly bound and obligated, both legally and morally, to aid in the great work of bettering the condition of the inhabitants in the islands of the sea, which came to us by unavoidable events.

The responsibilities may seem arduous and difficult. We may become wearied and faint-hearted, the burden heavy to bear; nevertheless duty demands that justice and right prevail. It is useless to think of coming away from the Philippines in view of the facts that are now before us. Why, when we examine the proposition offered by the minority it brings no relief, remedies nothing, and leaves it worse than when we started. I repeat that the United States can not be forced to comply with the demands of the sympathizers of the insurgents and the friends of Aguinaldo. The charge that the Republican party ever changed policy in regard to the Philippines is not true. No one knew what was wisest and best to do, further than to accept the situation as we found it and do our duty in an effort in trying to solve the problem. The substitute of the minority is a confession that they are at sea and unable to successfully solve the vexed problem. McKinley never changed his policy, as has been charged on this floor. He adhered to what he believed to be his duty, just as President Roosevelt is doing and will continue to do, and there never will be a conditional surrender on the part of the United States at the dictation of any people while there is firing upon the Stars and Stripes. Peace will come quickly when Aguinaldo's sympathizers in any and all countries cease to make war on the American flag.

Mr. DUBOIS. Mr. President, I am not myself now ready to go on with the debate, but I can say to the Senator from Massachusetts [Mr. LODGE] that the Senators on this side who are to participate in this debate will, I am quite sure, be ready by Monday to go on with a continuous debate. There are no Senators on this side who are prepared to make set speeches on the bill this afternoon, but after consultation with members of the minority, I am safe in saying that, commencing on Monday next, the debate will be continuous, so far as this side of the Chamber is concerned, and the Senators on this side who intend to debate the bill will be ready at any and all times.

I would suggest, therefore, to the Senator from Massachusetts, if it be agreeable to him, that, perhaps there is some other business on the Calendar that we might take up for the remainder of the afternoon. I want to assure the Senator from Massachusetts that there is no disposition on this side to delay. We simply want to have the debate finished properly, and the Senators on this side who desire to speak given an opportunity to prepare themselves, and they are not prepared as yet.

I will further suggest to the Senator from Massachusetts, in view of what I have said, that I think it will be an accommodation to this side, and will, perhaps, facilitate the reaching of a vote, if we adjourn over until Monday.

Mr. LODGE. Mr. President, I should like very much to have the Senate adjourn over until Monday, and I am very desirous to accommodate the Senators on the other side so far as I possibly can; but I do not feel justified in taking an adjournment over without any assurance whatever as to the time when the debate may close; I do not mean to fix a time. I do not feel justified in having the debate unduly protracted. On this side there are but three Senators who desire to speak on the bill so far as I am aware. The Senator from Michigan [Mr. BURROWS] and the Senator from Iowa [Mr. DOLLIVER] told me that they desired to speak, and should be ready to proceed on Monday.

The Senator from Wisconsin [Mr. SPOONER] is the only other Senator on this side, so far as I know, who desires to speak, and I have made careful inquiries. Senators on the other side know pretty well what Senators on that side are going to speak against

the bill. If I could have some general assurance as to when the debate might close—I do not propose to fix a time—I should be delighted to accommodate Senators on the other side. I do not want to be forced to press the bill continuously to the inconvenience of Senators; but I have a duty to perform to my own side and to other measures before the Senate; so, unless I can get some assurance in regard to the amount of time that the bill will still consume, I can not consent to an adjournment over to-morrow, which otherwise I should like to do.

Mr. DUBOIS. Mr. President, the Senator from Massachusetts is quite right. We think we know the Senators on this side who desire to speak on the question. I can say to the Senator, in addition to that, that we have in a measure arranged a programme, Senators on this side agreeing on the time when they are going to speak next week, and the programme, I think, includes all on this side who have expressed any desire whatever to debate the bill.

The debate has been more or less continuous, and I really think no time will be gained if we continue in session to-morrow. The Senator from Massachusetts knows perfectly well that there would be no difficulty in simply killing time until next week, if that was desired, and until our side is fully prepared and ready to debate the question; but we do not want to do that, and there has been no disposition on our part to do that.

Mr. PATTERSON. Mr. President, in connection with what the Senator from Idaho [Mr. DUBOIS] has stated, I will say that it has been arranged that Tuesday of next week will be occupied by the Senator from Georgia [Mr. BACON]. I understand the Senator from Maryland, the present occupant of the chair [Mr. WELLINGTON], is to speak on Wednesday. There are several Senators on the Democratic side who have expressed a desire to speak, but who have not yet said positively that they will speak.

Mr. CULLOM. Only one speech a day?

Mr. PATTERSON. If there is any gap on any day we shall manage to fill up the gap; but it would not be fair, Mr. President, to our side of the Chamber to now agree to fix a time or to make a statement that would be absolutely binding. We ought, however, to be able by the latter part of next week to determine when general debate shall close. That is my judgment about it.

Mr. LODGE. It has been already said by the Senator from Idaho [Mr. DUBOIS] that Senators on the other side will be ready to debate the bill continuously after Monday of next week.

Mr. DUBOIS. I think so, Mr. President.

Mr. LODGE. Can the Senator give me any assurance as to the other side? On Monday two Senators on this side will be prepared to speak.

Mr. DUBOIS. After consultation with leading Democratic Senators on this side who are not on the Philippine Committee, and after consultation amongst members of the minority, I think I am absolutely safe in saying, so far as our side is concerned, that commencing with next week we shall be ready for continuous debate. I do not like to speak for our side, and would not were it not for the fact that we have consulted quite a number of Senators of the minority. I think if there is any lapse in the arrangement, we should not hesitate a moment then to fix a time for voting.

Mr. LODGE. That is entirely satisfactory to me. I have the assurance of the Senator from Idaho that it is the intention of the opponents of this bill to debate it continuously. I have no desire to interfere with the debate progressing, but what I wish to avoid is wasting time day after day by breaking off early in the afternoon.

Mr. DUBOIS. I should like to state further that there are three or four Senators, who are in the minds of all of us, who intend to speak on this bill; but we can not tell how much time they will occupy, and therefore we are reluctant now to fix a time.

Mr. PATTERSON. Mr. President, the Senator from Massachusetts [Mr. LODGE] has told us when two Republican Senators will speak, and he has told us who they are. Will the Senator from Massachusetts inform us when the Senator from Wisconsin [Mr. SPOONER] will speak?

Mr. LODGE. That I do not know, Mr. President.

Mr. DUBOIS. I trust the Senator from Wisconsin will close the debate with a splendid oration.

Mr. PATTERSON. The Senator from Wisconsin is a great disappearing gun. He generally rises when the consideration of a measure is about to end, and then he closes the debate.

Mr. SPOONER. I am content to have it closed, and I hope when I rise that the Senator from Colorado [Mr. PATTERSON] will not disappear. I do not know why the Senator from Colorado should have referred to me. I intend to speak some time next week, if I am able to do so, but at what particular time I can not at this moment tell.

Mr. PATTERSON. I will state why we wish to know when the Senator from Wisconsin intends to speak. All on our side are constantly predicting that the Senator from Wisconsin—and that is a great compliment to the Senator—is kept in reserve to fire the closing volley, raking this side of the Chamber fore and aft. [Laughter.] And this side of the Chamber would like, if it were possible, for the Senator just upon one single occasion not to occupy the floor until the minute for voting arrives.

Mr. SPOONER. When have I done that?

Mr. PATTERSON. Ever since I have been here; but that is not long.

Mr. SPOONER. I do not think I have occupied the floor since you have been here nearly as much as you have. [Laughter.]

Mr. PATTERSON. I am not complaining of the length of time the Senator has occupied the floor, and I am not, indeed, complaining of anything. I am merely suggesting the tactical skill which the Senator from Wisconsin usually displays in debates of this kind.

Mr. SPOONER. Does the Senator think he ought to close the debate on this bill?

Mr. PATTERSON. Never for a moment.

Mr. SPOONER. Or that his side should do so?

Mr. PATTERSON. I think so.

Mr. SPOONER. You think so?

Mr. PATTERSON. That is my judgment about it.

Mr. SPOONER. My judgment is the other way. The Senator from Colorado says that I am kept in reserve. I will ask the Senator who has charge of this bill whether I am being kept in reserve or not? If so, I did not know it.

Mr. PATTERSON. I do not suppose that you have it in black and white, but that it is a tacit understanding.

Mr. SPOONER. I do intend to speak on the bill, but there is no tacit understanding at all; there is no understanding whatever on that subject. I should have been willing to have spoken this week if I had been able to do so. If I speak at all, I shall speak some time next week. I do not think I shall make any special effort to so arrange as to enable the minority to close the debate on this bill if I am the last speaker on this side. We take the responsibility on this side for the passage of the bill. We have the affirmative as to it, and the right to close the debate upon it. The chairman of the committee, the Senator from Massachusetts [Mr. LODGE], who has this measure in charge, has the right to close the debate.

I do not think the Senator from Colorado [Mr. PATTERSON] need fret his soul at all about any traps, because I am quite certain there will be nothing of that kind.

When I spoke on the Philippine tariff bill I was obliged to wait for the members of the committee. I thought I had no right to enter the debate until the members of the committee had spoken. I do not owe to the Senator, nor, I think, to the Senate, any apology for speaking just when I did on that bill; but perhaps I owe an apology for speaking as long as I did. An examination of the debate, however, will show that part of that time the Senator from Colorado occupied the floor, and it was quite agreeable to me to have him do so, as it will be again.

Mr. PATTERSON. Mr. President, the only difficulty about the matter is—and it is all a compliment to the Senator from Wisconsin—that he never occupies the floor a moment when the Senate is not deeply interested in him. I think, with one or two exceptions, he is the one Senator who can hold both sides of the Chamber in their seats even when the lunch hour arrives. After several experiences of the halo of glory in which the Senator from Wisconsin always closes his side of the debate—and that means closes the debate—there are some of us who would not like to suffer an eclipse of that kind too often. It is discouraging. Indeed, I am inclined to think that one reason of the reluctance of some of the Senators on this side of the Chamber to speak is the positive knowledge that the Senator from Wisconsin will follow them.

I do not suppose, Mr. President, that I can change the programme, whether it is expressed or implied, but, nevertheless, I think there is no harm in dropping a faint hint to the Senator from Wisconsin that regard for this side of the Chamber upon his part might induce him to forego the victory that is always awaiting his efforts at the close of a debate of this character. [Laughter.]

Mr. SPOONER. Mr. President, I was not aware that I had been obstructing or rather prolonging this debate; but I should be very sorry indeed—and it is a very unique and anomalous suggestion made by the Senator from Colorado—to be in the attitude of absolutely prolonging this debate and delaying the passage of this bill an hour because of the assumption of the other side that I am to make a speech to which they will desire to reply.

I had supposed that the friends of this bill had the right to close the debate upon it; but perhaps I am wrong about that. I had not, however, expected to have assigned to me that function. I do not care to make a speech and never have made one here without reluctance; but since the Senator has so clearly intimated that my

supposed participation in this debate is delaying the passage of this bill, I will propose to him that if his side will fix an early day for a vote on this bill I am perfectly willing, so far as I am concerned, to leave this debate.

Mr. PATTERSON. Mr. President, the Senator from Wisconsin is never so happy as when he is making an impossible proposition—a proposition impossible from two standpoints, first, because, much as this side of the Chamber fear the Senator from Wisconsin, they would not on any account miss the pleasure of one of his logical and impassioned speeches; and then for the additional reason that as a matter of course neither I nor any other member on this side has any authority to speak for the rest.

Mr. LODGE. Mr. President, I only want to say in the outset that I have not been holding the Senator from Wisconsin in reserve or doing anything with him. He told me he wanted at some time in the debate to speak, and it is needless to say I was extremely glad to learn that he was willing to do so.

I have said with the utmost frankness that the speeches to be made on this side are to be made by the Senator from Michigan [Mr. BURROWS], the Senator from Iowa [Mr. DOLLIVER], and the Senator from Wisconsin [Mr. SPOONER]. So far as I know or have had any notice, no one else is going to speak.

Now, Mr. President, the Senator from Idaho [Mr. DUBOIS] assured me and assured the Senate when this discussion began, that the opponents of the bill would be ready to proceed continuously with the debate next week until the bill is disposed of, and in view of that assurance, as I am very anxious to accommodate Senators, as the Senator from Idaho knows, I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. The Senator from Massachusetts moves that when the Senate adjourns to-day it adjourn to meet on Monday at 12 o'clock.

Mr. LODGE. On Monday at 12 o'clock.

Mr. NELSON. Mr. President, before that motion is put, I should like to make a statement. There is on the Calendar a very important bill relating to the interests of American shippers across the Atlantic, who are anxious to get relief from the conditions imposed upon them by a combination of owners of vessels plying on the North Atlantic, by reason of what is known as the "London landing clause." I wish the Senate——

The PRESIDING OFFICER. Will the Senator suspend for a moment? The Chair understands, as it is presumed the Senator does, that this debate is proceeding by unanimous consent, and that the motion of the Senator from Massachusetts is not debatable.

Mr. NELSON. I suppose the debate which has proceeded was by unanimous consent.

Mr. LODGE. No; the other debate was not by unanimous consent.

Mr. NELSON. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent to finish his statement. Is there objection? The Chair hears none, and he will proceed.

Mr. TELLER. Mr. President, I think a motion to adjourn to a day certain is debatable.

The PRESIDING OFFICER. The Chair will stand corrected if that be the case. His opinion was that it was not debatable.

Mr. TELLER subsequently said: Mr. President, I wish to take occasion to correct myself on a question of order. I find that a motion to adjourn to a day fixed is not debatable under the twenty-second rule of the Senate.

Mr. NELSON. I sincerely trust the Senate will not adjourn over to-morrow. The measure to which I refer is an important bill. It has been on the Calendar for a long time. It affects all American shippers of American products to Europe. There is a combination among the steamship lines by which shippers have imposed upon them certain burdens. This bill has been reported from the Committee on Commerce and is on the Calendar. It affects a great many people. I trust the Senate will not adjourn over, but will agree to allow that bill to be considered to-morrow.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Minnesota.

Mr. NELSON. I trust the Senator from Massachusetts will withdraw his motion.

Mr. LODGE. Mr. President, I know the bill to which the Senator refers is a very important measure. It will undoubtedly be taken up and disposed of. I think between now and adjournment we shall have ample time to consider it. I made this motion at the request of a great many Senators. The Senate has been sitting almost every Saturday, and a great many Senators have said to me that if it were possible, in justice to the pending business, to have an adjournment over Saturday they would be glad to have me make the motion. It was for that reason that I made the motion, and I do not feel, after having said to Senators on both sides that I would make the motion, that I can properly withdraw it.

Mr. NELSON. The consideration of the bill to-morrow will not interfere with the Philippine bill.

Mr. LODGE. I understand that perfectly.

Mr. NELSON. It will not delay in the least proceedings on that bill.

Mr. LODGE. I understand that. I did not mean to intimate that it would.

Mr, NELSON. I do not know of a time that could be better utilized in considering the bill than to-morrow. I think there will be Senators enough here to attend to the matter. I sincerely trust the Senate will not adjourn over.

Mr. GALLINGER. Mr. President, concerning the bill to which the Senator from Minnesota calls attention, I will say that as a member of the Committee on Commerce I gave my consent that it should be reported, but two days ago I received a letter from a gentleman who represents interests of a good deal of importance in this country, calling my attention to some matters in the bill that he thought were objectionable. I have not had time to look into it carefully, and I think the Senator ought to let the bill go over until next week.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts, that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. LODGE. Mr. President, I ask that the Senate go to the Calendar.

Mr. DANIEL and Mr. SPOONER rose.

Mr. LODGE. I made the request forgetting that two Senators had spoken to me while the Philippine bill was pending, to whom I had said that at the earliest opportunity I would yield to them. I think I ought not to make a motion to go to the Calendar until those two Senators, the Senator from Virginia [Mr. DANIEL] and the Senator from Wisconsin [Mr. SPOONER], have had an opportunity to make requests for unanimous consent which they told me, and have told me for several days, they desired to make.

EXTRA PAY TO CERTAIN EXECUTIVE DEPARTMENT EMPLOYEES.

Mr. DANIEL. I ask unanimous consent for the consideration of the bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy Departments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretaries of the Treasury, War, and Navy departments, in accordance with their recommendations, to pay certain permanent and temporary employees of their respective departments for work performed by them in excess of the regular working hours during the period of the war with Spain. It appropriates for that purpose for the Treasury Department, $3,176.02; for the War Department, $108,833.59; for the Navy Department, $42,447.56.

Mr. DANIEL. I move to add at the end of the bill the words:

And for the executive department, to pay the employees of the Executive office, $8,914.10.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for compensation for certain employees of the Treasury, War, Navy, and executive departments."

Mr. DANIEL. I hold in my hand the estimate of the secretary to the President, addressed to the chairman of the Committee on Claims, which confirms the amendment. I ask that it may be printed as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be printed in the RECORD.

The statement referred to is as follows:

WHITE HOUSE, *Washington, March 25, 1902.*

MY DEAR SIR: I have the honor to submit the following:

During the Spanish-American war nearly the full force of employees of the Executive Office were occupied on their official duties from 9 o'clock each morning until 1 o'clock the following morning, including Sundays. While the extra duties necessary during the first year of an administration are always anticipated and cheerfully performed, it would seem only just that in this extraordinary case Congress should make an appropriation in compensation for the services rendered by the clerical and messenger force in excess of the customary office hours.

Inclosed I send you detailed statements showing that on the basis of the actual extra service of each employee at the same rate per hour as his regular salary, from April 21, 1898, to January 31, 1899, $3,353.02 would be sufficient to compensate those on the Executive Office rolls; and $2,561.08 additional would provide for those detailed here at that time from Departments. The total amount necessary would be $8,914.10.

I therefore earnestly recommend that $8,914.10 be appropriated by the Congress for this purpose.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
United States Senate.

DETAILED FORCE, EXECUTIVE OFFICE, DURING THE SPANISH-AMERICAN WAR.

Number of hours' service rendered in excess of the customary office hours from April 21, 1898, to January 31, 1899, inclusive, with amount required for compensation calculated at the rate paid for the regular day service.

Name.	Salary.	Per day.	Number of hours' extra service.	Amount.
Joseph S. Moss, clerk, War Department	$1,600	$4.38	340	$212.74
Thomas P. Randolph, clerk, Interior Department	1,600	4.38	357	223.38
William F. Ryan, clerk, Interior Department	1,600	4.38	540	337.88
N. P. Webster, clerk, War Department, to July 1	1,200	3.30	202	96.06
Richard B. Randolph, clerk, War Department	1,200	3.33	535	254.50
C. E. Ingling, clerk, War Department	1,200	3.33	686	326.67
E. C. Heasley, clerk, War Department	1,200	3.33	553	263.06
M. C. Latta, clerk, Interior Department	900	2.50	267	95.00
George Marshall, messenger, Metropolitan Police	1,080	2.95	850	358.61
Louis Bryant, messenger, Treasury Department	720	2.00	720	206.00
R. F. Anderson, messenger, Navy Department	660	1.83	716	187.18
B. F. Barnes, executive clerk	2,200	6.11	1,025	894.68
W. S. Young, clerk	1,800	5.00	1,116	797.00
R. Forster, clerk	1,600	4.38	1,275	797.16
A. J. Leonard, clerk	1,600	4.38	1,275	797.16
N. P. Webster, clerk, Executive Office, from July 1	1,600	4.38	1,075	672.66
E. W. Smithers, clerk	1,600	4.38	1,225	766.50
T. H. Netherland, clerk	1,600	4.38	558	349.14
T. J. Lightfoot, messenger	1,200	3.33	1,000	472.86
Arthur Simmons, messenger	1,200	3.33	1,000	472.86
E. R. Beckley, messenger	1,200	3.33	700	333.00
Total				6,853.02

Mr. DANIEL. I also ask that the paper which I send to the desk, containing the various estimates of the Executive Departments, may be printed with the estimate of Secretary Cortelyou.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none.

The paper referred to is as follows:

WASHINGTON, D. C., *December 18, 1901.*

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

DEAR SIR: Referring to the bill (S. 1694) introduced by Senator MARTIN for Senator DANIEL, and now before your committee, "To provide compensation for certain employees of the Treasury, War, and Navy Departments," we, the clerks of the said Departments affected by the provisions of said bill, beg to submit the following statement in support of its passage by Congress:

The purpose of the bill is to compensate certain clerks of the Treasury, War, and Navy Departments for their services rendered outside of regular office hours and on Sundays and holidays during the period of the Spanish war, owing to the exigencies of the war, and this compensation is requested in accordance with the recommendations of the Secretaries of the Treasury, War, and Navy Departments.

In order to meet the emergency of the war it became necessary for us to remain at our various posts for duty during many hours overtime, including Sundays and holidays, in cheerful and zealous compliance with orders from our respective Departments and the officers under whom we served; and many of us, in consequence of this constant and close application to service, not only sacrificed all private interests because of lack of time for attention to same, but also, on account of irregularity of meals, loss of sleep, etc., suffered injury to health, believing that our services thus willingly given were of value to the public service and therefore entitled to be appreciated.

We therefore respectfully suggest and petition and urge upon Congress that an appropriation be made as provided in the bill aforesaid for extra service at the same rate of pay as attaches to our respective positions, submitting the argument that such remuneration is justly due for services rendered with fidelity and with all disregard of personal interests, convenience, or welfare, at the most trying period of the year, when the excessive heat rendered the duty doubly burdensome.

CLERKS OF THE TREASURY DEPARTMENT.

On February 12, 1900, the Acting Secretary of the Treasury wrote the following letter to Congress:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 12, 1900.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, communications from the Treasurer of the United States, the Register of the Treasury, and the chief of the division of loans and currency of this office, in regard to obtaining compensation for the employees in their respective offices for the extra services rendered by them in connection with the issue of the 3 per cent loan of 1898, under the provisions of the act of June 13, 1898, said services having been rendered after the hours of 5 p. m. and on Sundays and holidays.

The amount required to be appropriated to meet such extra compensation is $8,176.02, as follows:

Office of Treasurer of the United States	$2,705.59
Office of Register of the Treasury	2,489.75
Division of loans and currency, Office of Secretary	2,980.68

Respectfully,

O. L. SPAULDING, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The foregoing is printed in House Document No. 423, Fifty-sixth Congress, first session.

CLERKS OF THE WAR DEPARTMENT.

During the third session of the Fifty-fifth Congress the then Secretary of War, Hon. Russell A. Alger, under date of January 11, 1899, transmitted to Congress petitions of clerks of his Department for compensation for their extra services as aforesaid, and made the following recommendation (see House Doc. No. 138, Fifty-fifth Congress, third session):

WAR DEPARTMENT, *Washington, January 11, 1899.*

SIR: I have the honor to transmit herewith petitions from civilian employees in the offices of the Surgeon-General and the Quartermaster-General of the Army, praying that they be granted compensation for the work performed by them in excess of the regular working hours during the war with Spain, said petitions being strongly recommended by the Surgeon-General and the Quartermaster-General, as appears from their respective indorsements thereon.

These petitions apply to only two of the bureaus, although the statements therein presented are applicable alike to other bureaus and offices of this Department.

Section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, prescribes the hours of labor for clerks and other employees in the Executive Departments, and provides:

"That the heads of the Departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their Departments, respectively; but in the case of an extension it shall be without additional compensation."

The fact that the law referred to establishes the hours of labor would seem to justify the belief that it was not the intention of Congress that the prescribed hours should be permanently or indefinitely extended without additional compensation, but that the provision was designed to meet any sudden or temporary emergency that might arise. The conditions created by the war with Spain rendered it necessary that the clerks and other employees should work, regardless of hours, in order to the performance of the immense amount of clerical work devolved upon the Department, and consequently they have worked by night as well as by day, including Sundays and legal holidays.

With a spirit of cheerfulness they responded to every demand made upon them and labored with industry and zeal, sacrificing health, comfort, and personal convenience to the performance of duty. Under these circumstances it seems to be a measure of justice that these employees should be compensated for the excessive and arduous services thus rendered, and I therefore earnestly recommend that provision be made by Congress whereby they may receive just compensation for such services during the period from May 1 to December 31, 1898.

Very respectfully,

R. A. ALGER,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

On February 20, 1899, during the same session of Congress, the Secretary of War transmitted to Congress the following estimates of amounts necessary to pay the regular and temporary employees of the various bureaus and divisions of his Department (see House Doc. No. 248, Fifty-fifth Congress, third session):

Secretary's Office	$14,101.69
Quartermaster-General's Office	31,440.34
Inspector-General's Office	2,173.55
Adjutant-General's Office	22,319.94
Army Headquarters	1,898.96
Commissary-General's Office	5,972.52
Surgeon-General's Office	15,357.48
Judge-Advocate-General's Office	132.02
Office Chief of Engineers	3,874.88
Office Chief of Ordnance	2,933.47
Signal Office	1,109.08
Paymaster-General's Office	6,814.76
Paymaster-General's Office (Major Baird's employees)	704.90
Total	108,833.59

In forwarding the above estimates the Secretary of War again made the following strong recommendation for the compensation:

WAR DEPARTMENT, *Washington, February 20, 1899.*

SIR: I have the honor to transmit herewith, for the consideration of the Committee on Appropriations, statements showing in detail the number of days' service rendered by the employees of the several bureaus and offices of this Department in excess of the regular working hours and the amount that would be required to pay for such services should Congress decide to make provision for that purpose.

These statements represent an appeal by the employees for compensation for their extra work, and in thus submitting the matter to Congress I deem it not improper to state that were it an appeal simply to a spirit of liberality for the grant of a gratuity I should feel inclined to withhold my commendation, but believing it to be based upon justice, it commands my recommendation to favorable consideration.

Since the commencement of the war with Spain these employees have worked early and late, regardless of hours, including Sundays and holidays, with a zeal and fidelity deserving of the highest commendation. The extra services thus rendered were needed by the Government in order to meet the demands imposed upon the Department by the conditions of war, the Government thus becoming the beneficiary. As a consequence of the severe strain thus imposed upon the employees, the health of many of them has become impaired, necessitating expense of medical treatment, while all have sacrificed much personal comfort and convenience.

It therefore seems to be only just that the employees who have rendered such faithful and valuable daily services to the Government in excess of the regularly established office hours should be compensated therefor, and I accordingly earnestly recommend that an item may be inserted in the pending deficiency appropriation bill making an appropriation of the amount necessary for that purpose.

Very respectfully,

R. A. ALGER,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

At the following session of Congress, Fifth-sixth, first session, the then Secretary of War, Hon. Elihu Root, added his recommendation to those of his predecessor, as follows (see House Doc. No. 482, Fifty-sixth Congress, first session):

WAR DEPARTMENT, *Washington, March 1, 1900.*

SIR: I have the honor to forward herewith for transmission to Congress detailed statement showing the number of days' service rendered by the employees borne upon the regular rolls of the War Department and its bureaus and offices in excess of the regular day's labor of seven hours each from April 21, 1898, to January 31, 1899, and the total amount required to reimburse the employees for such service should Congress decide to make provision for that purpose.

In submitting this estimate of appropriation it is proper to state that I should not feel inclined to forward the same if it were not believed to be a matter of simple justice to a class of employees who have rendered great service to the Government.

Since the beginning of the war with Spain, and up to the present time, the clerks of the War Department have labored early and late, and with a zeal and fidelity to the interests of the Government worthy of the highest consideration. Such established privileges as the customary leave of absence, usually granted by the heads of the Departments, and the periodical respite from labor incident to Sundays and legal holidays, were quite generally dispensed with in the effort to meet the immense pressure of business brought on by the war. Some clerks have died and the health of many has been impaired in direct consequence, it is thought, of the severe strain incident to the continuous and responsible service rendered under trying circumstances and unfavorable conditions. The extra duty was performed by these employees cheerfully and efficiently when greatly needed to meet the demands of war, and it does not seem appropriate that the Government should accept the same as a gratuity from the employees of the War Department, many of whom are poorly paid in comparison to those employed elsewhere in the departmental service.

This measure was inaugurated by my predecessor, a copy of whose letter, addressed to Congress at its last session, is herewith inclosed. There are numerous precedents for such action, a list of which is also herewith inclosed, and it will prove but an act of justice to faithful public servants, who, in my opinion, are fully entitled to the favorable consideration of Congress in this respect. The measure commands my favorable consideration and hearty approval.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE TREASURY.

The former recommendation of Secretary Alger followed, and is in the same document (House Doc. No. 482, Fifty-sixth Congress, first session).

The same document also contains a list of precedents where compensation for extra services has been paid to Government employees.

CLERKS OF THE NAVY DEPARTMENT.

In the Navy Department no account was kept of the extra hours during which war-time services were rendered in the various bureaus, except in the Navigation Bureau. On March 28, 1900, Secretary Long wrote the following letter to the chairman of the Committee on Appropriations, House of Representatives, recommending that the Navy Department employees be compensated for their extra services, and recommending one month's extra pay as the form of compensation.

NAVY DEPARTMENT, *Washington, March 28, 1900.*

SIR: In view of the fact that recommendations have been made by the honorable the Secretary of the Treasury and the honorable the Secretary of War for an appropriation to pay the employees in those Departments for services rendered in excess of office hours between January 1, 1898, and June 30, 1899, by reason of the increase of work due to the war with Spain, I have the honor to ask, in case these recommendations are favorably considered, that the same consideration be extended to employees of the Navy Department who have rendered like services. The Bureau of Navigation has prepared an estimate with reference to employees of that Bureau which I inclose, and I have authorized the other bureaus to furnish estimates also for similar transmission.

It has occurred to me that if this form of remuneration should not meet the approval of your committee, it would be proper to consider whether or not the same plan might be adopted that is sometimes adopted with reference to employees in the Senate and House of Representatives; that is, to make an appropriation for paying an extra month's or more months' salary.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives, Washington, D. C.

With this recommendation was inclosed the statement of overtime furnished by the Bureau of Navigation, showing the extra services of its employees, with an estimate of the amount required to pay for the same, and also letters from all the other bureaus of the Department stating that no account had been kept of the extra time, and that one month's extra pay would be a satisfactory remuneration for the services of their respective employees.

Since the date of the above letter of the Secretary of the Navy, the employees of the Navigation Bureau have signified their willingness to accept compensation for their services on the same basis as agreed to by the other bureaus of the Navy Department, to wit, to be paid one month's extra pay as full compensation, and the bureaus are now uniform in their requests for that method of remuneration.

The Secretary of the Navy, under date of November 25, 1901, in response to a request from Hon. WILLIAM. M. STEWART, of the Senate Committee on Claims, asking for an estimate of the amount required to pay the Navy Department employees, wrote the following letter:

NAVY DEPARTMENT, *Washington, November 25, 1901.*

SIR: Replying to your letter of the 8th instant, in which you refer to the suggestion made by this Department, in its letter to the Committee on Appropriations, House of Representatives, March 28, 1900, relative to compensation of employees in this Department for services rendered in excess of office hours between January 1, 1898, and June 30, 1899, and request to be furnished with an estimate for the use of the Committee on Claims, showing the aggregate amount required for each bureau to pay one month's extra pay to the employees who may be entitled to extra compensation, I have the honor to inform you that it is estimated that the following amounts will be required under each bureau and office of the Navy Department for the purpose mentioned, viz:

Office of Secretary of Navy (omitting Secretary and Assistant Secretary)	$3,402.02
Bureau of Yards and Docks	914.24
Bureau of Equipment	1,216.88
Bureau of Navigation	2,865.98
Bureau of Ordnance	1,767.80
Bureau of Construction and Repair	7,988.40
Bureau of Steam Engineering	3,694.32
Bureau of Supplies and Accounts	5,031.60
Bureau of Medicine and Surgery	953.72
Office of Judge-Advocate-General	1,039.96
Office of Naval War Records	1,318.80
Library, Navy Department	219.80
Hydrographic Office	7,759.40
Naval Observatory	3,191.60
Nautical Almanac Office	1,354.00
Office of Naval Intelligence	339.04
Total	42,447.56

Referring to the bill you propose to introduce at the coming session of Congress, providing for the payment of these extra war-time services of the employees of the Treasury, War, and Navy Departments jointly, the following is suggested for incorporation therein in order to make an equitable distribution:

All clerks who have been employed during the entire period, January 1, 1898, to June 30, 1899, shall be allowed one month's extra pay. Those employed for a shorter period shall have one-eighteenth of a month's pay for each month or fraction of a month employed during said period.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. WM. M. STEWART,
United States Senate, Washington, D. C.

The total amount of the Secretary's estimate, to wit, $42,447.56, will carry out his recommendation and will pay all of the employees of his Department entitled to this compensation the amount recommended by the Secretary.

It will be seen from the foregoing statements that the amounts required to carry out the provisions of S. 1694 and to provide compensation for the extra services of the certain employees of the Treasury, War, and Navy Departments are as follows:

Treasury Department	$8,176.02
War Department	108,833.59
Navy Department	42,447.56
Total amount	159,457.17

A balance of the national defense appropriation ($50,000,000) remaining unexpended at the close of the war was covered into the Treasury. The amount of this balance is understood to be more than $1,000,000. It will be seen, therefore, that only a small amount of this balance would be required to carry out the provisions of S. 1694, and this amount could be readily reappropriated.

At the last session of Congress an amendment to the general deficiency bill, providing for payment for the services of the War Department employees rendered during the Spanish war, was favorably reported by the Senate Committee on Claims and referred to the Committee on Appropriations, but no action was taken by the Senate upon the amendment.

The day's labor for Government employees in the Departments is fixed by law at seven hours, to wit, from 9 o'clock a. m. to 4 o'clock p. m. We respectfully submit that the labor, inconvenience, hardships, and additional expense attending the extra work referred to constitute strong claims for extra compensation, and, as stated in the recommendation of Secretary Alger, "the fact that the law establishes the hours of labor would seem to justify the belief that it was not the intention of Congress that the prescribed hours should be permanently or indefinitely extended without additional compensation."

The policy of Congress in connection with extra work performed by Government employees is shown in the following joint resolution, approved February 25, 1899, providing for the payment to certain laborers, workmen, and mechanics at United States navy-yards and stations of 50 per cent additional pay for work performed in excess of their regular hours:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay 50 per cent additional for all work in excess of eight hours per diem performed by laborers, workmen, and mechanics, whose compensation is fixed upon a basis of eight hours per diem, and who, between March 18, 1898, and October 31, 1898, were employed at any United States navy-yard or naval station, and who worked in excess of eight hours per day and have not already received said additional compensation; the amount due each laborer, workman, and mechanic affected by the above to be based upon the time records of the several bureaus at the navy-yard or naval station where the work was performed."

This 50 per cent granted to the navy-yard employees was additional pay (they having already been paid the regular rates for every extra hour's work done), and was for extra work performed during the Spanish war, in the same manner as the extra work performed by the employees of the Treasury, War, and Navy departments, for which compensation is now asked.

The compensation provided for in the bill under consideration is not at a greater rate than regular pay such as was paid the navy-yard employees and recognized by Congress as just and proper for extra work, but is merely pay at the regular rates for the extra time during which services were rendered.

Respectfully submitted.

THE EMPLOYEES OF THE TREASURY DEPARTMENT,
THE EMPLOYEES OF THE WAR DEPARTMENT, and
THE EMPLOYEES OF THE NAVY DEPARTMENT,
Who rendered extra services during the period of the war with Spain.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Health and National Quarantine with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the act of January 4, 1889, entitled "An act to regulate appointments in the Marine-Hospital Service of the United States," and acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this act contained shall be held or construed to discharge or affect as to salary, except as hereinafter provided, the officers above named, the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

SEC. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be $5,000 per annum.

SEC. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, D. C., in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific

research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section 178, Revised Statutes of the United States: *Provided, however*, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

SEC. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

SEC. 5. That there shall be an advisory board for the hygienic laboratory provided by the act of Congress approved March 3, 1901, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of $10 per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

SEC. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: *Provided*, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

SEC. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and the District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said boards or quarantine authorities joining in such request to be represented by one delegate.

SEC. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference provided for in section 7, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

SEC. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Mr. SPOONER. I move to amend the amendment by striking out after the word "discharge," in line 11, page 7, section 1, the words "or affect as to salary, except as hereinafter provided," and insert in lieu thereof the words "any of."

The amendment to the amendment was agreed to.

Mr. SPOONER. I move in the same section after the word "named," in line 13, on page 7, to insert "or any of."

The amendment to the amendment was agreed to.

Mr. SPOONER. I move to insert after the word "annum," in line 2, on page 8, section 2, the amendment which I send to the desk.

The SECRETARY. At the end of line 2, page 8, section 2, it is proposed to insert "and the salaries and allowances of the commissioned medical officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service."

The amendment to the amendment was agreed to.

Mr. SPOONER. On page 11, line 23, section 7, I move to strike out "boards or quarantine authorities" and insert "States and Territories."

The amendment to the amendment was agreed to.

Mr. SPOONER. On page 12, line 3, section 8, after the word "conference," I move to strike out the words "provided for in" and insert in lieu thereof "required by."

The amendment to the amendment was agreed to.

Mr. SPOONER. I move to insert after the word "seven," in line 4, page 12, section 8, the words "to be called." The comma should be eliminated after the word "seven" and inserted after the word "called."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to insert after the word "seven," in line 4, page 12, section 8, the words "to be called."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT MONOMOY ISLAND, MASSACHUSETTS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN EIGHTH JUDICIAL CIRCUIT.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 5316) providing for an additional circuit judge in the eighth judicial circuit.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I have two short letters from two of the judges of that circuit which I desire to have printed in the RECORD for the information of the House, when the bill shall go there.

The PRESIDENT pro tempore. There being no objection, the letters will be printed in the RECORD.

The letters referred to are as follows:

UNITED STATES COURT OF APPEALS, EIGHTH CIRCUIT,
St. Paul, Minn., May 6, 1902.

Hon. FRANCIS E. WARREN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Referring to the inclosed letter of Judge Sanborn, I will say that I concur in what he has said relative to the amount of work in this circuit. There is certainly enough work in the eighth circuit to employ the time of four circuit judges in addition to the present force of district judges. I think, however, that we would obtain a greater measure of relief in this circuit by a division of the circuit upon reasonable lines than by the appointment of an additional circuit judge. If the circuit is not to be divided, I should favor the appointment of an additional circuit judge.

Very respectfully, AMOS M. THAYER.

UNITED STATES CIRCUIT COURT OF APPEALS, EIGHTH CIRCUIT,
St. Paul, Minn., May 6, 1902.

Hon. FRANCIS E. WARREN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I notice that you have introduced in the Senate a bill for an additional circuit judge in the eighth circuit and that a bill has passed allowing an additional circuit judge in the second circuit. This, the eighth circuit, comprises 11 States—North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Colorado, Wyoming, Utah, Kansas, Missouri, and Arkansas—and to it are attached three Territories for certain judicial purposes—the Indian Territory, New Mexico, and Oklahoma. The appeals and writs of error from 14 district judges and from the supreme court of the Indian Territory come to the court of appeals of this circuit for hearing. They are numerous, and they present every conceivable question of law and of fact. The circuit is constantly increasing in population, in wealth, and in business in the Federal courts. The work of the appellate court absorbs all of the time and energy of the present circuit judges, and more. A district judge is necessarily called upon the bench of the court of appeals many times to assist in performing its work. Another circuit judge would be of great assistance to us in the court of appeals, and would enable one of the circuit judges to spend a portion of his time in the hearing of cases in the circuit courts of the various States, a course of action which, in my judgment, would be of great benefit to the litigants in these courts.

In view of this situation and of the fact that an additional circuit judge has been granted to the second circuit, I submit for your consideration the following facts:

In 1900 the population of the eighth circuit, including the three Territories attached to it for judicial purposes, was	13,553,600
The population of the second (the New York circuit) was	8,520,955
The population of the first (the Boston circuit) was	4,339,956
The population of the third circuit was	5,370,519

No circuit has a population within 2,000,000 of that of the eighth circuit.

2. The number of cases docketed in the various courts of appeals for the following circuits during the two years ending June 30, 1901, was—

In the eighth circuit	342
In the second circuit	347
In the first circuit	93
In the fourth circuit	95
In the third circuit	133
In the fifth circuit	245
In the sixth circuit	246
In the seventh circuit (Chicago circuit)	185
In the ninth circuit (California circuit)	168

3. The number of cases disposed of by the various circuit courts of appeals during these two years was:

Eighth circuit	356
Second circuit (New York circuit)	334
Sixth circuit	261
Fifth circuit	221
Seventh circuit	194
Ninth circuit	168
Third circuit	132
First circuit	97
Fourth circuit	91

4. The number of opinions which have been written by the various courts of appeals from the organization of the courts, March 3, 1891, to February 9, 1900, and the number of pages of opinions as they appear in the Circuit Courts of Appeals Reports, volumes 1 to 36, are:

Circuit.	Number of opinions.	Pages of opinions.
Eighth circuit	1,317	3,981
Second circuit	1,121	1,903
Third circuit	647	3,219
Sixth circuit	792	2,107
Seventh circuit	617	1,928
Ninth circuit	556	1,873
Third circuit	362	823
Fourth circuit	335	1,077
First circuit	308	703

These statistics seem to demonstrate the fact that if there is any circuit in the country that is entitled to the assistance of an additional circuit judge it is the eighth circuit to-day, while the facts can not be denied that it has the largest area and that the business in the Federal courts is increasing and will in the future increase more rapidly in this circuit than in any other circuit in the Union.

Very respectfully, yours, WALTER H. SANBORN.

GEORGE P. WHITE.

Mr. DOLLIVER. I ask unanimous consent to call up the bill (S. 5079) for the relief of George P. White.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release Capt. George P. White, Ninth United States Cavalry, from all liability resulting from the loss of $4,299.76 cents, the unrecovered balance of stolen quartermaster funds for which he was responsible, the sum now being charged against him on the books of the Treasury Department.

Mr. DOLLIVER. I send to the desk and ask to have inserted in the RECORD a brief letter from the War Department.

The PRESIDENT pro tempore. The letter will be printed in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, March 26, 1902.

MY DEAR SIR: Referring to your letter of the 10th ultimo, relative to the relief of Capt. George P. White, Ninth United States Cavalry, in the sum of $4,299.76 charged against him on the books of the Treasury, representing the unrecovered balance of stolen quartermaster's funds for which he is responsible, I beg to inform you that the Quartermaster-General of the Army recommends that as Captain White was in no way to blame for the loss of this money he be relieved from responsibility in the sum above named, and states that he would favorably regard any Congressional legislation which may suggest itself to you as most fitting and likely to secure the desired relief for this officer.

Very respectfully, WM. CARY SANGER,
Assistant Secretary of War.

Hon. J. P. DOLLIVER,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I ask unanimous consent that we may now proceed to the consideration of unobjected pension bills and bills to correct records of soldiers.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate now proceed to the consideration of unobjected pension bills and bills to correct records of soldiers. Is there objection? The Chair hears none.

Mr. CULBERSON. Will the Senator from New Hampshire yield to me for a moment for the purpose of making a request to have certain papers printed in the RECORD?

Mr. GALLINGER. I yield to the Senator from Texas.

AFFAIRS IN THE PHILIPPINES.

Mr. CULBERSON. I ask unanimous consent that the orders of General Bell, which appear on pages 7 and 8 of Senate Document No. 347, may be printed in the RECORD, they not having been printed in the RECORD, and also that the two reports from civil governors in the Philippines, which appear in the hearings before the Committee on the Philippines, at pages 2336 and 2344, be also printed in the RECORD. These two reports from civil governors appear to have been in the possession of Governor Taft, judging from their dates, when he testified before the Committee on the Philippines, but he did not present them to the committee until a few days ago.

I ask that these two reports, together with the orders of General Bell dated December 8 and 9, 1901, be printed in the RECORD.

The PRESIDENT pro tempore. Senators have heard the request of the Senator from Texas. Is there objection? The Chair hears none, and the order is made.

The papers referred to are as follows:

TELEGRAPHIC CIRCULARS ISSUED BY BRIG. GEN. J. F. BELL TO STATION COMMANDERS IN THE PROVINCES OF TAYABAS, BATANGAS, AND LAGUNA.

[Telegraphic circular No. 2.]

BATANGAS, *December 8, 1901.*

To all Station Commanders:

In order to put an end to enforced contributions now levied by insurgents upon the inhabitants of sparsely settled and outlying barrios and districts by means of intimidation and assassination, commanding officers of all towns now existing in the provinces of Batangas and Laguna, including those at which no garrison is stationed at present, will immediately specify and establish plainly marked limits surrounding each town bounding a zone within which it may be practicable with an average-sized garrison to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents. These limits may include the barrios which exist sufficiently near the town to be given protection and supervision by the garrison, and should include some ground on which live stock could graze, but so situated that it can be patrolled and watched. All ungarrisoned towns will be garrisoned as soon as troops become available.

Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of towns over which they exercise supervision, informing them of the danger of remaining outside of these limits, and that unless they move by December 25 from outlying barrios and districts with all their movable food supplies, including rice, palay, chickens, live stock, etc., to within the limits of the zone established at their own or nearest town, their property (found outside of said zone at said date) will become liable to confiscation or destruction. The people will be permitted to move houses from outlying districts should they desire to do so, or to construct temporary shelter for themselves on any vacant land without compensation to the owner, and no owner will be permitted to deprive them of the privilege of doing so.

In the discretion of commanding officers the prices of necessities of existence may also be regulated in the interest of those thus seeking protection.

As soon as peaceful conditions have been reestablished in the brigade these persons will be encouraged to return to their homes and such assistance be rendered them as may be found practicable.

J. F. BELL,
Brigadier-General, Commanding.

[Telegraphic circular No. 3.]

BATANGAS, *December 9, 1901.*

To all Station Commanders:

A general conviction, which the brigade commander shares, appears to exist that the insurrection in this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire but in reality do not want peace. That when all really want peace we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace, and want it badly.

It is an inevitable consequence of war that the innocent must generally suffer with the guilty, for when inflicting merited punishment upon a guilty class it is unfortunately at times impossible to avoid the doing of damage to some who do not individually deserve it. Military necessity frequently precludes the possibility of making discriminations. This is regrettable, but it should be borne in mind that the greatest good to the greatest number can best be brought about by putting a prompt end to insurrection. A short and severe war creates in the aggregate less loss and suffering than benevolent war indefinitely prolonged. For reasons here indicated, which are well known to all, and chief of which is the delay and difficulty in ascertaining the exact truth, it will be impossible to wage war efficiently and at the same time do abstract justice in operations unquestionably essential to putting down an insurrection which has long continued in the territory of this brigade.

Natural and commendable sympathy for suffering and loss and for those with whom friendly relations may have been maintained should therefore take a place subordinate to the doing of whatever may be necessary to bring a people who have not as yet felt the distressing effect of war to a realizing sense of the advantages of peace.

War in the disturbed portions of this brigade, and when manifestly necessary in those portions supposed to be peaceful or which are under civil government, will be conducted in accordance with the provisions of General Orders, No. 100, Adjutant-General's Office, 1863, which publishes instructions for the government of the armies of the United States in the field. The provisions of this order will be directly adhered to, but no station commander will put anyone to death as a measure of retaliation for assassination under sections 27, 28, 34, and 148 without obtaining authority from a superior commander, nor will the death penalty be inflicted in any case without similar authority. General Orders, No. 100, is now being reprinted at division headquarters, and when copies are received they will be distributed. Particular attention is invited to the last paragraph of section 52, in particular reference to possible repetitions of the Balangiga affair.

Commanding officers are urged and enjoined to use their discretion freely in adopting any or all measures of warfare authorized by this order which will contribute, in their judgment, toward enforcing the policy or accomplishing the purpose above announced.

It is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to the end in view. It is desired that subdistrict commanders accord to their subordinate officers and commanders a degree of confidence and latitude in operations similar to that herein conferred upon them. Such restraint and supervision only should be exercised as is dictated by sound discretion, and as may be essential to securing concert of action and cooperation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reason, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found. Considering the comparative morale of our troops and insurgents, and the lack of reliable ammunition and training on the part of the latter, it is not believed there exists any just cause for exceptional caution or apprehension in attacking them boldly. At any rate, under present conditions, legitimate chances should be accepted, as excessive caution will do us incalculable harm. Except when the advantage in position and numbers is overwhelming on the side of the enemy, our troops should always assume the offensive and

advance on and pursue them vigorously. The best defense against these people is to assume a vigorous offensive at once. To retire in the presence of this enemy is generally hazardous and discouraging to our troops.

Nothing herein contained will be so interpreted as to warrant or excuse carelessness or a lack of well-known and proper precautions. Though troops should be aggressive, they should be military in methods, and precautions against surprise and ambush should never be neglected.

In addition to maintaining active operations against armed bands of insurgents, persistent and systematic efforts will be made through the use of spies, loyal police, native scouts, intelligence officers, provost-marshals, and provost courts to discover, apprehend, and punish all agents, collectors, organizers, contributors, and sympathizers who secretly aid, assist, and extend encouragement or comfort to those in arms. Many such persons will unquestionably be found among municipal officials and councils and tenientes or cabezas of barrios.

It is so probable as to amount almost to a certainty that the election of all town officials in the provinces of Batangas and Laguna have been dictated by Malvar or other insurgent leaders, and that they would never have been permitted to discharge their functions without molestation had they not continued to be subservient to the will of the insurgent leaders and been acting as their agents, or at least have done nothing inconsistent with their interests. It is perfectly safe and easy for town councils to enact the most violent legislation against the insurrection, and sending copies thereof to the insurgent leaders to secretly inform them that the legislation was enacted under compulsion of Americans or in order to deceive and lull them to sleep, but that the town officials propose to continue their aid of the insurrection secretly, just as heretofore.

It can be adopted, as a rule, without danger of error that whenever an insurgent sympathizer writes a letter, or takes any action under pretense of opposition to the insurrection, that he will immediately secretly convey to insurgent officials the information that he was compelled to do or did so to mislead Americans. The loyalty of persons should not be judged by such acts or words alone, nor should the public enactments of councils in favor of peace and against insurrection be accepted as conclusive proof of the loyalty of town officials.

The only acceptable and convincing evidence of the real sentiments of either individuals or town councils should be such acts publicly performed as must inevitably commit them irrevocably to the side of Americans by arousing the animosity and opposition of the insurgent element. Such acts are reliable evidence, but mere words are worthless. No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops to the camps of the enemy, who publicly identify insurgents, who accompany troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers, those, in fact, who publicly array themselves against the insurgents and for Americans, should be trusted and given credit for loyalty, but no others. No person should be given credit for loyalty solely on account of his having done nothing for or against us so far as known. Neutrality should not be tolerated. Every inhabitant of this brigade should either be an active friend or be classed as an enemy.

Presidentes and chiefs of police against whom sufficient evidence can be found to convict them before a court of violating their oaths by acting as agents for insurgents, or by aiding, assisting, or protecting them in any way, should be arrested and confined, and should ordinarily be tried by military commission. Charges should be preferred and forwarded with that in view. Other town officials guilty of similar offenses might be tried by provost courts unless their offense be too grave for adequate punishment thereby.

Another dangerous class of enemies are wealthy sympathizers and contributors, who, though holding no official positions, use all their influence in support of the insurrection, and while enjoying American protection for themselves, their families, and property, secretly aid, protect, and contribute to insurgents. Chief and most important among this class of disloyal persons are native priests. It may be considered as practically certain that every native priest in the provinces of Batangas and La Laguna is a secret enemy of the Government and in active sympathy with the insurgents. These are absolutely our most dangerous enemies—more dangerous even than armed insurgents—because of their unqualified influence. They should be given no exemptions whatever on account of their calling. On the contrary, whenever sufficient evidence is obtainable they should be brought to trial. Should well-founded suspicion rest against them in the absence of competent evidence, they should be confined and held as a necessary military precaution to preclude further activity or bad influence on their part.

The same course should be pursued with all of this class, for to arrest anyone believed to be guilty of giving aid or assistance to the insurrection in any way, or of giving food or comfort to the enemies of the Government it is not necessary to wait for sufficient evidence to lead to conviction by a court, but those strongly suspected of complicity with the insurrection may be arrested and confined as a military necessity, and may be held indefinitely as prisoners of war, in the discretion of the station commander or until the receipt of other orders from higher authority. It will frequently be found impossible to obtain any evidence against persons of influence as long as they are at liberty, but once confined evidence is easily obtainable.

The apprehension and punishment of one individual of the above-mentioned classes (men of wealth and standing, and officials) is of greater importance and will exercise greater influence than the punishment of a hundred ignorant hombres for whose suffering no principale cares a straw. The wealthy and influential and town and insurgent officials are therefore those against whom our most energetic efforts should be directed. The common people amount to nothing. They are merely densely ignorant tools, who blindly follow the lead of the principales. When guilty, they must be arrested and confined in order to put an end to further activity on their part, but whenever it is possible to reach their chief or leader through their testimony they may be promised immunity from trial for such simple offenses as aiding and assisting or being insurgents. They should not be released, however, unless they are willing to demonstrate their loyalty by public participation in operations against their former leaders.

The policy herein indicated need not be applied should commanding officers be convinced it is inadvisable in those portions of the brigade where peaceful conditions have been completely reestablished, as in Marinduque, for example. Discretion should be exercised as to the degree of rigor to be employed in its enforcement in those portions of the brigade where civil government exists and where no organized insurrection or intrigue is discoverable.

Provost courts can not operate in the provinces of Cavite and Tayabas, but any disloyal person escaping from Batangas or Laguna into other provinces of the brigade may be there arrested by the military authorities and be sent back for trial by military courts in the province from which they escaped. Insurgents or armed ladrones residing in Cavite or Tayabas and operating across the line in Batangas or Laguna, or other persons living in Cavite or Tayabas who furnish aid or assist the insurgents in any way, or who engage in insurrectionary intrigues or operations, will be arrested and reported to these headquarters for further instructions. Any station in Batangas or Laguna at which a provost court does not now exist will be reported and an officer recommended as such.

Wherever the constabulary have been organized cordial cooperation will be extended to and solicited from them. Commanding officers will promptly transmit by wire to other commanding officers any information which may possibly be of assistance to them, and are expected to seek cooperation and concert of action from each other whenever such may appear to be desirable.

Additional telegraphic instructions will follow, suggesting expedients or policies which are believed to be efficacious in particular contingencies. Acknowledge receipt.

J. F. BELL,
Brigadier-General, Commanding.

REPORT OF J. H. GRANT, PROVINCIAL GOVERNOR OF LEYTE, ON EXISTING CONDITIONS IN HIS PROVINCE, TOGETHER WITH EXHIBITS ACCOMPANYING SAME.

PROVINCE OF LEYTE, OFFICE OF THE GOVERNOR,
Tacloban, October 26, 1901.

A. W. FERGUSSON,
Executive Secretary, Manila, P. I.

SIR: In view of the recent occurrences in this province and our proximity to the island of Samar, where there is so much military activity just now, which necessarily affects the administration of civil government here, I deem it my duty to make a brief report of existing conditions in this province for the information of the civil governor.

Unfortunately for the peace and tranquillity of the people of this province, the military authorities here have sustained a severe fright since the Balangiga affair, and have done many things that are calculated to hinder the progress of civil government and make the people inquire what benefits they are to derive from civil government. I will mention the most important of these in this report:

Immediately after the receipt of the news of the massacre at Balangiga the military authorities began patrolling the town from about 8 o'clock p. m. until the next morning, challenging and arresting everyone who could not satisfy the patrol that they were good men. On the night of September 30 a sentry shot and instantly killed a man who did not hear, or at least did not heed, his challenge. Of course the people do not understand why these things should take place under civil government. I inclose correspondence covering this incident, marked "A."

Following this, on the afternoon of the 9th instant, orders were sent out from district headquarters direct to the presidente, so he says, to arrest and take to the tribunal every man in Tacloban who came from Samar. The result was that 150 men were rounded up, without warrant or other process, and subjected to some kind of an investigation, which, being incompleted at a late hour at night, quite a number of them were confined until next morning, when the investigation proceeded and all of them were then given their liberty except six. I inclose correspondence covering this incident also, together with a list of the names of those arrested.

I have given the presidente to understand that he must, in future, submit all such orders to me before he acts on them. You can imagine the excitement such a wholesale rounding up would create, and rumors of deportations and hangings were in the mouths of every little group of people on the street corners.

Following this came the order that no boats except steamers could pass through the straits in either direction. This order, while it is perhaps a wise one from some points of view, is unfortunate, as it necessarily entails suffering on the inhabitants of the straits, northern Leyte; and Biliran towns, since they are dependent upon Tacloban and Carigara for supplies, and to a certain extent lessens their appreciation of civil government. I wish to say in this connection that I have had application from nearly all of the presidentes in the above-mentioned territory, asking for troops or guns to protect themselves against the insurgents of Samar, which requests have been transmitted to the military, pending the organization of the insular constabulary, and I believe if they had been furnished protection that they would have resisted the demands of the Samar people; but with not a gun or revolver in their town, it was equivalent to being held up by highwaymen when armed insurgents came into the town and made demand for food and money.

I particularly regret the arrest of the presidente of Babatungon, for I believe he is an excellent man, and he told me he was afraid the insurgents would murder the town officials and burn the town if they were not furnished protection.

I inclose herewith a list of the names of the people recently arrested by order of the department commander. They are now in confinement at Carigara as military prisoners.

The commanding officer in Tanauan recently issued an order to the effect that the people there could not hold a certain church festival unless they agreed not to have the procession beyond the church plaza. I was appealed to and forwarded a communication to the department commander requesting that the commanding officer at Tanauan be instructed to permit the people to hold their festivals according to their customs, but have not yet received a reply. In the meantime I informed the presidente of my action, and assured him that he would be permitted to celebrate the feast without interference, but there was so much pressure brought to bear on him that he postponed the celebration of the feast until the 8th of December. I inclose copy of letter covering this.

I am informed that a detachment from Tanauan recently fired into a party of laborers from Dagami, killing one and wounding two, according to military reports, but I think there were more men wounded. This happened in the daytime, and the soldiers were commanded by an officer, and from all the information obtainable was purely a case of nervousness on the part of the officer in charge. I am having an investigation made.

I am just in receipt of the election returns from Malitbog, which show that Lieutenant Macklin acted as chairman of the election judges in the election recently held there for municipal officers. I inclose correspondence covering same.

I inclose correspondence between Lieutenant Conger, aid to General Hughes, and myself, which is self-explanatory.

I also inclose copy of telegraphic report of Lieutenant Macklin, and letter from Lieutenant Adams, explaining the cause of the arrest of the presidente of Hinundayan and the presidente and vice-presidente of Villaba.

I am satisfied that these men were actually aiding the insurgents while holding office under the civil government, and I have already requested information, in a former communication, as to what court has jurisdiction in these and similar cases.

I herewith inclose copy of order, No. 28, in reference to people passing between the two islands, which I have caused to be communicated to the presidentes of the towns, with the request that it be published in each town.

I desire to say in conclusion that there has not been the slightest friction between the civil and military authorities here, and that our relations are perfectly friendly, but I can not permit such acts as I have enumerated to pass unnoticed, and I have asked for explanations in order to lay the facts

before the civil governor, realizing that the adjustment of such questions should be referred to the heads of the respective departments. I will say, however, that it is the opinion of every insular and provincial officer here that with the aid of the constabulary this province is able and ready to maintain civil government, unaided by the military.

I mail under separate cover recommendations of the provincial presidentes, who met in Tacloban on the 21st instant, with the action of the provincial board on the same.

Respectfully submitted.

J. H. GRANT, *Governor.*

OFFICE OF THE GOVERNOR, PROVINCE OF LEYTE,
Tacloban, December 14, 1901.

Gen. LUKE E. WRIGHT,
Acting Civil Governor, Manila.

MY DEAR GENERAL: In explanation of my telegram informing you of the removal of troops from certain towns in this province I take the liberty of writing you a personal letter as to the actual conditions in Leyte and my explanation as to the cause of their withdrawal.

I desire to preface this explanation with the statement that I have cooperated with General Smith in every measure he has adopted, in order that he might not be handicapped in prosecuting to a successful termination his campaign in Samar.

Some of his measures I have thought wholly unnecessary and somewhat prejudicial to the best interests of the people of this province, but have refrained from protesting because of the reasons above assigned and in obedience to your instructions to have no conflict with the military.

So our relations, both socially and officially, have been of the most pleasant nature. Only last Monday evening he and General Breckinridge and their personal staffs were my guests to dinner, and on the following day Mrs. Grant and myself were General Smith's guests aboard his launch on a trip to show General Breckinridge San Juanico Straits.

In view of these facts, you can imagine my surprise when I received information on Monday last to the effect that on Saturday previous troops had been withdrawn from Jaro, Alangalang, Dagami, Palo, and Barugo; that the telegraph instruments had been taken from Palo and telephones from Barugo and Dagami, thus cutting off communication with Tacloban. I immediately went up to see General Smith to find out if the information was correct and to find out if troops were to be withdrawn from any other towns. He referred me to the adjutant-general, who confirmed the report and informed me that troops were under orders to leave Malitbog, Cabalian, Hinunangan, and Carigara. I urged him not to take troops from Malitbog, Cabalian, and Hinunangan, and suggested that they be withdrawn from Dulag and Tanauan instead, and was then informed that within a very short time they would be withdrawn from these towns also, as they were needed in Samar.

I then requested that the troops in the towns in the southern part of the province be left until the last, as that was where Capili and his band were operating. He regretted that it could not be done, because the general did not care to change commanding officers at the point in Samar where he desired reenforcements, and that Lieutenant Macklin at Malitbog was the only commander in Leyte junior to this officer, so he had been selected. I then wired the senior constabulary officer at Bato to place 20 men in Malitbog and return to Tacloban with the remainder of his detachment in order to occupy the towns vacated. He arrived here on the 13th, after having placed a detachment in Malitbog, and all the vacated towns have now been occupied.

Up to the 7th instant the total strength of the constabulary in Leyte was about 70, but on that date 60 were mustered in, so they have about 125 men now, but the 60 just received require instruction and training.

Now as to conditions in this province: I consider them somewhat better than they were when I arrived here; certainly no worse. From all information obtainable Capili and his band, whose armed force I have never heard estimated as consisting of over 40 guns and a few bolomen, and frequently much less, are the only people who are still in the mountains and with whom we have to deal.

If he has as many guns as he is reputed to have, they must be in very bad condition. He must have no ammunition or he is very inactive, since I do not know of a single man who has been killed by firearms in this province since I have been here, and but one town having been fired on, and only a few shots then. Since General Smith has been in command here there has not been a single surrender of arms or men, nor has there been a single capture to my knowledge. The only thing he has accomplished, to my knowledge, was the arrest of a few men on Biliran and along the straits, on the confession of one of Lukban's officers, the truth of whose statements is yet to be established.

So, General, all the sensational newspaper reports that have reached Manila from reporters traveling with General Smith are absolutely without foundation, and have had but one object in view, the return of this province to military control.

I say this because I know he made a request to that effect, and he read me an extract from General Chaffee's reply, which said in substance, "It is not desirable to return Leyte to military control," assigning his reasons therefor, but concluded by saying, "The governor of Leyte must be called on to demonstrate his ability, and if he can't do it, then I will make a formal request to have Leyte returned to handle the situation to military control."

In the light of this statement the withdrawal of these troops and the manner in which it was done lead to but one conclusion, which I do not think it necessary for me to mention. They were left absolutely without protection, and all my available constabularly was out in the mountains at least a hundred miles away, while I was not even notified.

This conclusion is made all the more irresistible by a statement made to the inspector of customs this morning by General Smith to the effect that he was not trying to drive the civil officers out; that he wanted them to stay and continue to draw their salaries, but he wanted them to say, "Here, Smith, you run it."

I am interested in the welfare of the people of this province and in the successful solution of the problem out here, and I place these above my personal ambition, and I do not care to see people in this province go backward when there is no necessity for it.

There have been a lot of abuses committed by the soldiers in this province, if rumors are true, and Inspector Borseth has just spoken to me of some very striking ones that have been committed around Matalom, which I have instructed him to investigate and swear out warrants if he secures conclusive evidence.

I really think it would be beneficial, just as soon as the constabulary is organized and the municipal police in certain towns can be armed, to withdraw the troops from the province, with the exception of an emergency force at Tacloban. I feel confident that the constabulary can handle the situation.

I inclose copies of correspondence between General Smith and myself relative to the withdrawal of these troops, and I trust that my action in the matter will meet with your approval.

I sincerely trust that the health of Governor Taft continues to improve, and that he will soon be entirely well again.

With kindest regards to yourself and Mrs. Wright, I am,

Very sincerely,

J. H. GRANT, *Governor.*

LANDS IN WYOMING.

Mr. WARREN. Mr. President——

Mr. GALLINGER. I yield to the Senator from Wyoming if the bill he calls up does not take much time.

Mr. WARREN. I thank the Senator for his courtesy. It is a very short bill which I wish to have passed and it is highly necessary to certain interests that it should be passed at once.

I ask the Senate to proceed to the consideration of the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PETTUS. I should like to know from the Senator in charge of the bill what is the particular necessity for the Government to have this work done. It is done continually all over the country by individuals.

Mr. WARREN. It is because the Government has not yet done its proper work of survey. This refers to a part of the public domain which the Government had supposed was surveyed, but it seems that under some old deposit system the survey was erroneous or fraudulent. The country is filling up with settlers; there is constant friction between them because of faulty or no surveys, and the Government, to protect its own interest, asks for the passage of this bill, the draft of which was furnished me by the Assistant Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WASHINGTON.

Mr. FOSTER of Washington. Mr. President——

Mr. GALLINGER. I yield to the Senator from Washington, if his bill will not result in debate.

Mr. FOSTER of Washington. I ask unanimous consent for the immediate consideration of the bill (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 2, line 11, after the word "selected," to insert "when the same shall have been approved by the Secretary of the Interior;" so as to make the section read:

That in all cases where sections 16 and 36, or either or any of them, or any portion thereof, have been occupied by actual settlers prior to survey thereof, and the county commissioners of the counties in which said sections so occupied as aforesaid are situated, have, under said act of Congress of March 2, 1853, located or selected other lands in sections or fractional sections, as the case may be, within their respective counties, in lieu of said section so occupied as aforesaid, the lands so located or selected, when the same shall have been approved by the Secretary of the Interior, shall be deemed and taken to have been granted to said State by said act of February 22, 1889, and said lands so selected and located are hereby granted to the said State of Washington, and the title of said State thereto is hereby confirmed.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 12, after the word "appropriated," to insert "when the same shall have been approved by the Secretary of the Interior;" so as to make the section read:

SEC. 2. That where any lands appropriated by Congress to said Territory to compensate deficiencies for school purposes, where sections 16 or 36 were fractional in quantity, or where one or both were wanting by reason of the township being fractional, or from any natural cause whatever, or where section 16 or 36 were patented by preemptors, have been selected and appropriated as provided in said act of Congress of February 26, 1859, the lands so selected and appropriated, when the same shall have been approved by the Secretary of the Interior, shall be deemed and taken to have been granted to said State of Washington by the said act of February 22, 1889, and said lands so selected and appropriated are hereby granted to said State, and the title thereto confirmed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BIOLOGICAL STATION ON THE GREAT LAKES.

Mr. BARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. GALLINGER. I will yield to the Senator from California and then I shall ask that the pension bills be taken up.

Mr. BARD. I ask unanimous consent for the consideration of the bill (S. 1908) to authorize the establishment of a biological

station on the Great Lakes under the control of the United States Commission of Fish and Fisheries.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioner of Fish and Fisheries to establish a biological station on the Great Lakes at some appropriate point in New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, or Minnesota to be selected by him. For the purpose of conducting an investigation as to the most suitable site for such station, and for acquiring by lease, purchase, or otherwise the necessary land and water rights for the erection of such buildings, wharves, and other structures as may in future be necessary for the proper equipment of the station, $10,000 is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL J. DALY.

Mr. GALLINGER. I ask that the first pension bill be considered.

The bill (H. R. 7897) granting an increase of pension to Michael J. Daly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael J. Daly, late acting ensign, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA A. SIRWELL.

The bill (H. R. 8466) granting a pension to Lucinda A. Sirwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda A. Sirwell, the helpless and dependent daughter of William Sirwell, late colonel Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR A. HAMILTON.

The bill (H. R. 11644) granting an increase of pension to Edgar A. Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar A. Hamilton, late captain Company C, First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSWALD AHLSTEDT.

The bill (H. R. 2661) granting an increase of pension to Oswald Ahlstedt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oswald Ahlstedt, late of Company K, First Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRENUS LARRABEE.

The bill (H. R. 8409) granting an increase of pension to Cyrenus Larrabee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrenus Larrabee, late of Company H, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD R. BLAIN.

The bill (H. R. 12778) granting an increase of pension to Edward R. Blain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward R. Blain, late of Company K, Second Regiment Pennsylvania Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH T. KNOWLES.

The bill (H. R. 13822) granting a pension to Hannah T. Knowles, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah T. Knowles, widow of William M. Knowles, late of the U. S. S. *Independence*, war with Mexico, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY LOOR REGER.

The bill (S. 3292) granting a pension to Henry L. Reger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Loor Reger, late of Company K, Eleventh Regiment United States Infantry, war with Mexico, and Company H, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Loor Reger."

ROBERT LEMON.

A bill (S. 4509) granting an increase of pension to Robert Lemon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "a private;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Lemon, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

QUEEN ESTHER GRIMES.

The bill (S. 4764) granting an increase of pension to Queen Esther Grimes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Queen Esther Grimes, widow of William H. Grimes, late of Company H, Eleventh Regiment Maryland Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS M. M'ADAMS.

The bill (S. 4934) granting an increase of pension to Francis McAdams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "McAdams," to insert the letter "M," and in the same line, after the word "late," to strike out "a private;" in line 7, after the word "Reserves," to insert "Volunteer Infantry," and in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. McAdams, late of Company A, Tenth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis M. McAdams."

DANIEL DONNE.

The bill (H. R. 5219) granting an increase of pension to Daniel Donne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Donne, late of Company G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS ALLPORT.

The bill (H. R. 9294) granting a pension to Amos Allport was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Allport, late of Company G, One hundred and forty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW RAY.

The bill (H. R. 6721) granting an increase of pension to Andrew Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Ray, late captain

Company F, Ninety-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KASTE.

The bill (H. R. 6021) granting a pension to William Kaste was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kaste, late musician in the band of the Fifty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA L. M'FARLAND.

The bill (H. R. 4089) granting a pension to Ada L. McFarland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ada L. McFarland, widow of Solomon F. McFarland, late assistant surgeon, Eighty-third Regiment New York Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BRILL.

The bill (H. R. 6063) granting an increase of pension to John Brill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Brill, late of Company H, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA WHITE.

The bill (H. R. 7397) granting a pension to Louisa White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Company," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa White, the dependent and helpless daughter of Giles E. White, late captain Company A, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 6, before the word "dependent," I move to strike out the word "the."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCES C. HAUGHTON.

The bill (H. R. 2857) granting an increase of pension to Frances J. Haughton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Frances," to strike out the letter "J" and insert "C;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. Haughton, widow of Nathaniel Haughton, late lieutenant-colonel Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting an increase of pension to Frances C. Haughton."

HANNAH H. GRAHAM.

The bill (H. R. 7085) granting a pension to Hannah H. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah H. Graham, widow of A. Judd Graham, late of Captain Taylor's company, Kentucky Militia, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA TROWBRIDGE.

The bill (H. R. 13249) granting an increase of pension to Ada Trowbridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ada Trowbridge, widow of Joseph M. Trowbridge, late captain, Sixteenth Regiment United States Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM J. SPRINGFIELD.

The bill (H. R. 12685) granting a pension to Hiram J. Springfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram J. Springfield, late captain H. J. Springfield's company of scouts and guides, United States Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELIA E. SLOCUM.

The bill (H. R. 10165) granting an increase of pension to Delia E. Slocum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia E. Slocum, widow of Aaron C. Slocum, late first lieutenant Company E, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT G. GABRION.

The bill (H. R. 5911) granting an increase of pension to Gilbert G. Gabrion was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert G. Gabrion, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. BARSTOW.

The bill (H. R. 12458) granting an increase of pension to William M. Barstow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Barstow, late of Company D, Twenty-sixth Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT DEITS.

The bill (H. R. 5969) granting an increase of pension to Albert Deits was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Deits, late of Company B, Seventh Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. PETTEE.

The bill (H. R. 7918) granting an increase of pension to James C. Pettee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Pettee, late of Company A, Twenty-second Regiment United States Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. LAUCHLY.

The bill (H. R. 8840) granting an increase of pension to John Lauchly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 9, before the word "dollar," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Lauchly, late second lieutenant Company H, One hundred and tenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM A. P. FELLOWS.

The bill (S. 3819) granting a pension to William A. P. Fellows was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of William A. P. Fellows, late of Company D, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $9 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as read: "A bill granting an increase of pension to William A. P. Fellows."

JOHN YORK.

The bill (H. R. 6663) granting a pension to John York was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John York, late of Lieutenant Revere's command, Fremont's battalion, California Volunteers, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES T. CROOKER.

The bill (S. 5759) granting an increase of pension to Charles T. Crooker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles T. Crooker, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and Company C, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. JOSEPH.

The bill (S. 2535) granting an increase of pension to Annie E. Joseph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie E. Joseph, widow of Bvt. Brig. Gen. Charles S. Russell, and also widow of George W. Joseph, late private, Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK A. CONDON.

The bill (H. R. 1696) granting an increase of pension to Frederick A. Condon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick A. Condon, late of Company I, Seventh Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES IRVINE.

The bill (S. 5007) granting an increase of pension to James Irvine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to strike out "; and that the said increase of pension shall commence from the 15th day of January, 1901;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Irvine, late of Company G, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WALTER C. TUTTLE.

The bill (H. R. 12012) granting an increase of pension to Walter C. Tuttle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter C. Tuttle, late of Company F, Fourth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTLAND C. MATSON.

The bill (H. R. 5020) granting an increase of pension to Courtland C. Matson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Courtland C. Matson, late lieutenant-colonel Sixth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTA NEVILLE LEARY.

The bill (S. 5133) granting an increase of pension to Augusta Neville Leary was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta Neville Leary, widow of Richard P. Leary, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Richard P. Leary until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. RAYMOND.

The bill (S. 5650) granting an increase of pension to William R. Raymond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Raymond, late of Company K, Third Regiment Maine Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. CHAMBERLIN.

The bill (S. 5670) granting a pension to Samuel H. Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Chamberlin, late second lieutenant Company B, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH WHITTY.

The bill (S. 5227) granting an increase of pension to Elizabeth Whitty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Park," to strike out "Whittimore" and insert "Whittemore;" in line 8, before the word "Cavalry," to insert "Volunteer;" and in line 10, after the word "receiving," to insert "and $2 per month additional on account of the minor child of the said Edward P. Whitty, alias Park Whittemore, until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Whitty, widow of Edward P. Whitty, alias Park Whittemore, late of Company M, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Edward P. Whitty, alias Park Whittemore, until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAGGIE L. REAVER.

The bill (S. 4912) granting an increase of pension to Maggie L. Reaver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the words "Company C," to strike out "One hundred and eighty-first Regiment" and insert "First Regiment Potomac Home Brigade;" and in line 8, before the word "Cavalry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie L. Reaver, widow of Henry A. Reaver, late of Company C, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WHALEN.

The bill (H. R. 13265) granting an increase of pension to John Whalen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Whalen, late of Company C, One hundred and thirty-third Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHELDON.

The bill (H. R. 11285) granting an increase of pension to William Sheldon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sheldon, late of Company I, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE M. HOWE.

The bill (S. 5669) granting a pension to Charlotte M. Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte M. Howe, widow of Rufus S. Howe, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY E. HARDY.

The bill (H. R. 5553) granting a pension to Nancy E. Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy E. Hardy, widow of George H. Hardy, late of Company D, Twenty-first Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. PATTON.

The bill (H. R. 9926) granting an increase of pension to James F. Patton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Patton, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA C. CLARKE.

The bill (H. R. 12418) granting a pension to Matilda E. Clarke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Clarke," to strike out the initial "E" and insert "C;" and in the same line, before the word "widow," to strike out "formerly" and insert "former."

The amendments were agreed to.

Mr. COCKRELL. I call the attention of the Senator from New Hampshire to the words "late unassigned recruit" in line 7. I did not know that the Committee on Pensions was in the habit of recommending the pensioning of unassigned recruits, and I ask for a reading of the House report to show that these words ought not to be in the bill, because they are misleading. Let that part of the House report be read giving the military record of the soldier.

Mr. GALLINGER. The Senator is right. Would it not satisfy him as well to have the words to which he has referred stricken out without having the report read?

Mr. COCKRELL. Yes; that will be satisfactory.

Mr. GALLINGER. Let there be inserted in the bill what is stated in the House report.

Mr. COCKRELL. In line 7, after the word "late," I move to strike out the words "unassigned recruit" and to insert "Company G, Tenth New York Volunteers; Company A, One hundred and sixty-fifth New York Volunteers, and." This soldier had three services and honorable discharges, and why he should have been stated in the bill to be an "unassigned recruit" I can not understand.

Mr. GALLINGER. The Senator is manifestly right. The matter escaped my attention.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Missouri [Mr. COCKRELL] will be stated.

The SECRETARY. In line 7, after the word "late," it is proposed to strike out "unassigned recruit" and insert "of Company G, Tenth New York Volunteers; Company A, One hundred and Sixty-fifth New York Volunteers, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda C. Clarke, former widow of Alphonse Bietry, late of Company G, Tenth New York Volunteers; Company A, One hundred and sixty-fifth New York Volunteers, and Seventh Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Matilda C. Clarke."

EGBERT A. STRICKSMA.

The bill (H. R. 5554) granting a pension to Egbert A. Stricksma was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Egbert A. Stricksma, late of the U. S. S. *North Carolina* and *Brooklyn*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE COTTER.

The bill (H. R. 13132) granting an increase of pension to Annie Cotter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Cotter, widow of Thomas Cotter, late of Company F, Thirteenth Regiment New York State Militia Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR T. CHAMBERLIN.

The bill (S. 5466) granting an increase of pension to Edgar T. Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late." to strike out the name "Chamberlain" and insert "Chamberlin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar T. Chamberlin, late of Company H, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edgar T. Chamberlin."

JOHN M. WHEELER.

The bill (S. 5206) granting an increase of pension to John M. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Wheeler, late principal musician Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. M'FADDEN.

The bill (S. 4809) granting a pension to Henry J. McFadden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. McFadden, late second lieutenant Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry J. McFadden."

MARCELLUS M. M. MARTIN.

The bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcellus M. M. Martin, alias Marion M. Martin, late of Company F, United States Mounted Riflemen, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an

increase of pension to Marcellus M. M. Martin, alias Marion M. Martin."

JAMES THOMPSON.

The bill (S. 4348) granting an increase of pension to James Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to insert "New York;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Thompson, late of Company K, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYMAN HOTALING.

The bill (S. 5403) granting a pension to Lyman Hotaling was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman Hotaling, late of Company L, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lyman Hotaling."

ANNIE SHINN.

The bill (H. R. 7541) granting a pension to Annie Shinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Shinn, widow of Nehemiah Shinn, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. M'CLURE.

The bill (S. 4766) granting a pension to James P. McClure was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. McClure, late of Company H, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James P. McClure."

AUGUSTIN M. ADAMS.

The bill (H. R. 13162) granting an increase of pension to Augustin M. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustin M. Adams, late of Company H, First Regiment Ohio Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. MARTIN.

The bill (H. R. 1046) granting an increase of pension to John J. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Martin, late a captain, Twelfth Regiment United States Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN ESSEX.

The bill (H. R. 750) granting a pension to Martin Essex was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Essex, late of Company K, Seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH I. OGDEN.

The bill (H. R. 9226) granting a pension to Elizabeth I. Ogden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth I. Ogden, foster mother of Lowell L. Campbell, late of Company G, Eighth Regiment Ohio Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, such pension to cease and determine in the event of the allowance of a pension to the father of the deceased soldier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES HALTENHOF.

The bill (H. R. 13503) granting an increase of pension to Charles Haltenhof was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Haltenhof, late of Company H, First Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE C. RHODABECK.

The bill (H. R. 8921) granting an increase of pension to Jesse C. Rhodabeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse C. Rhodabeck, late captain Company H, Eighteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETSEY GUMM.

The bill (S. 4064) granting a pension to Betsy Gumm was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Gumm, widow of Peter H. Gumm, late of Company B, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Betsey Gumm."

CHARLES BARRETT.

The bill (S. 5141) granting an increase of pension to Charles Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Barrett, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN MERROW.

The bill (H. R. 3829) granting a pension to Mary Ann Merrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Merrow, widow of William O. Merrow, late of Company K, First Regiment Massachusetts Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELBERT N. REMSON.

The bill (H. R. 13266) granting an increase of pension to Elbert N. Remson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elbert N.

Remson, late of Company F, Ninetieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY P. HUDSON.

The bill (H. R. 1715) granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry P. Hudson, formerly Henry P. Dow, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. PERRY.

The bill (H. R. 1695) graating an increase of pension to Christopher C. Perry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher C. Perry, late of First Independent Battery New Hampshire Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT R. STRONG.

The bill (H. R. 2563) granting an increase of pension to Robert R. Strong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert R. Strong, late of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. TEMPLE.

The bill (H. R. 12562) granting an increase of pension to William H. Temple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Temple, late of Company B, Fifty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. TANNER.

The bill (H. R. 6330) granting an increase of pension to William D. Tanner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixteen" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Tanner, late of Company F, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMANTHA B. VAN BROCKLIN.

The bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha B. Van Brocklin, widow of George S. Van Brocklin, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH HORAN.

The bill (H. R. 13807) granting a pension to Jeremiah Horan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Horan, late of Company A, First Regiment United States Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER A. FURR.

The bill (H. R. 4204) granting a pension to Hester A. Furr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hester A. Furr, widow of Caleb T. Furr, late of Captain Holland's company, Georgia Volunteers, Florida Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESLEY P. MEDLIN.

The bill (H. R. 13350) granting a pension to Presley P. Medlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Presley P. Medlin, late acting assistant and contract surgeon, United States Army, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTIS R. FREEMAN.

The bill (H. R. 10201) granting an increase of pension to Otis R. Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otis R. Freeman, late surgeon Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN E. STYLES.

The bill (H. R. 9928) granting a pension to Benjamin E. Styles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin E. Styles, late of Company I, Fifteeth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BROWN.

The bill (H. R. 7401) granting an increase of pension to William Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Brown, late of Company B, Sixty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS A. CALKINS.

The bill (H. R. 9437) granting an increase of pension to Elias A. Calkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias A. Calkins, late lieutenant-colonel Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. SHAFFER.

The bill (H. R. 1129) granting an increase of pension to William H. Shaffer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Shaffer, late of Company K, Fifth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. BRANSON.

The bill (H. R. 307) granting an increase of pension to John L. Branson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Branson, late of Company G, Seventy-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONORA V. STACY.

The bill (S. 3617) granting a pension to Leonora V. Stacy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonora V. Stacy, former widow of Thomas R. McConnell, late captain, Fourth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR H. PERKINS.

The bill (H. R. 3292) granting an increase of pension to Arthur H. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur H. Perkins,

late second lieutenant Company I, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORRA H. HEATH.

The bill (H. R. 671) granting an increase of pension to Orra H. Heath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orra H. Heath, late of Company F, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DE GRAW.

The bill (H. R. 11921) granting an increase of pension to George W. De Graw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. De Graw, late of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WHEELER.

The bill (H. R. 12780) granting an increase of pension to William H. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Wheeler, late of Company A, Corps of Engineers, United States Army, and second lieutenant, Nineteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY LOUISE LOWRY.

The bill (H. R. 11343) granting a pension to Mary Louise Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Louise Lowry, the helpless and dependent daughter of Horatio B. Lowry, late major and quartermaster United States Marine Corps, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY I. SMITH.

The bill (H. R. 8794) granting an increase of pension to Henry I. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry I. Smith, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. HOXIE.

The bill (H. R. 6750) granting an increase of pension to William H. Hoxie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Hoxie, late captain Company M, Eighth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN A. SAGER.

The bill (S. 3212) granting a pension to Ellen A. Sagar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "Sagar" and insert "Sager, former;" and in line 7, after the word "thirteenth," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen A. Sager, former widow of Charles C. Rogers, late of Company E, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ellen A. Sager."

HENRY E. MURPHY.

The bill (H. R. 8401) granting an increase of pension to Henry E. Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry E. Murphy, late of Company K, Fourteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. GREEN.

The bill (S. 959) granting an increase of pension to William H. Green was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Green, late captain Company E, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED O. BLOOD.

The bill (S. 4515) granting an increase of pension to Alfred O. Blood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private in" and insert "of;" in line 7, after the word "fourth," to insert "Regiment;" and in the same line, before the word "Infantry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred O. Blood, late of Company I, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL P. MILBURN.

The bill (H. R. 10731) granting an increase of pension to Samuel P. Milburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Milburn, late of Company D, Thirteenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIN M. RYERSON.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 1022) for the relief of Alvin M. Ryerson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Alvin M. Ryerson, of Auburn, Me., $300, being the amount paid by him in August, 1864, as commutation on account of draft in Skowhegan, forty-eighth subdistrict, third district of Maine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BATTLE SHIPS DON JUAN D'AUSTRIA AND ALMIRANTE OQUENDO.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LODGE. I suggest that, in line 8, the word "value" should be changed to "valor."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. At the end of line 8, after the word "the" it is proposed to strike out "value" and insert "valor;" so as to make the bill read:

Be it enacted, etc., That the lower mast taken from the captured Spanish battle ship Don Juan d'Austria, at Manila, and the topmast from the Almirante Oquendo, at Santiago de Cuba, be, and the same are hereby, donated

by the United States to the State of Alabama, to be used in the erection of a flagstaff on the capitol grounds of said State as a perpetual memorial to the valor of the American Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CAPT. JAMES J. HORNBROOK AND OTHERS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President, with a view to correct errors in dates of original appointments, upon their graduation from the United States Military Academy, to cause the names of Capts. James J. Hornbrook, William F. Clark, and Samuel G. Jones, of the cavalry, to appear upon the lineal list of captains of cavalry, in the order above named, next below that of Capt. Frank M. Caldwell.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADULTERATION, ETC., OF FOOD.

Mr. MCCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MCCUMBER. The bill was read heretofore when it was under consideration.

The bill was reported from the Committee on Agriculture and Forestry with an amendment, to strike out section 1, as follows:

That no person or persons in any State or Territory of the United States or in the District of Columbia shall falsely brand or label any dairy or food products which become articles of foreign or interstate commerce or commerce with Indian tribes as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by another or others.

And in lieu thereof to insert:

That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

The amendment was agreed to.

Mr. BATE. Does this bill assume to control these matters in the States?

Mr. MCCUMBER. Certainly not. It does not control anything but interstate commerce.

Mr. PETTUS. I should like to have the bill again read, Mr. President.

The PRESIDENT pro tempore. The bill will be read as it has been amended.

The Secretary read the bill as amended as follows:

Be it enacted, etc., That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

SEC. 2. That if any person or persons violate the provisions of this act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not more than $2,000; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

Mr. BATE. The bill is confined to articles introduced into a State?

Mr. MCCUMBER. Certainly; it is simply interstate commerce. It refers merely to the introduction into a State of a falsely branded article from the State or Territory in which it is produced, and nothing else.

Mr. LODGE. I should like to ask the Senator if this is not the bill to which my colleague [Mr. HOAR] moved an amendment to insert the word "knowingly?"

Mr. MCCUMBER. It is; but I hope the Senator will not insist upon a further amendment of the bill.

Mr. LODGE. My colleague made some objection to the bill and proposed an amendment to it. I do not like exactly to have the bill passed in his absence.

Mr. MCCUMBER. I have no objection to the word "knowingly" being inserted, if the Senator desires it.

Mr. LODGE. That was the amendment which my colleague proposed.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. In line 11, page 2, section 2, after the word "persons," insert the word "knowingly;" so as to make the section read:

That if any person or persons knowingly violate the provisions of this act, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House further insists upon its disagreement to the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, numbered 1; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHON, Mr. GIBSON, and Mr. SIMS managers at the conference on the part of the House, with instructions not to agree to what is known as the Selfridge Board findings in the Senate amendments.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, May 19, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 16, 1902.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert Goldsmith Squiers, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to the Republic of Cuba, to fill an original vacancy.

SECRETARY OF LEGATION.

John Gardner Coolidge, of Massachusetts, to be secretary of the legation of the United States at Pekin, China, vice Herbert Goldsmith Squiers, nominated to be envoy extraordinary and minister plenipotentiary to the Republic of Cuba.

CONSUL-GENERAL.

Edward S. Bragg, of Wisconsin, to be consul-general of the United States at Habana, Cuba, to fill an original vacancy.

SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee. (Reappointment.)

COLLECTOR OF CUSTOMS.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia. (Reappointment.)

MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado. A reappointment, his term expiring June 5, 1902.

PROMOTIONS IN THE NAVY.

Lieut. John B. Bernadou, to be a lieutenant-commander in the Navy, from the 9th day of February, 1902, vice Lieut. Commander Edward F. Qualtrough, promoted, subject to the examinations required by law.

Lieut. (Junior Grade) Charles S. Bookwalter, to be a lieutenant in the Navy, from the 9th day of February, 1902, vice Lieut. Daniel P. Menefee, promoted.

Lieut. (Junior Grade) Walter S. Turpin, to be a lieutenant in the Navy, from the 16th day of March, 1902, vice Lieut. Thomas F. Carter, promoted.

Asst. Paymaster Charles W. Penrose, to be a passed assistant paymaster in the Navy, from the 23d day of December, 1900, to fill a vacancy existing in that grade.

INDIAN INSPECTOR.

William H. Code, of Mesa, Ariz., to be an Indian inspector (irrigation engineer), vice Walter H. Graves, resigned.

REGISTERS OF LAND OFFICES.

Frank D. Miracle, of Montana, to be register of the land office at Helena, Mont., vice George D. Greene, term expired.

Edward Brassey, of Montana, to be register of the land office at Lewistown, Mont., his present term having expired. (Reappointment.)

James M. Burlingame, of Montana, to be register of the land office at Great Falls, Mont., a new office created by the act of April 28, 1902, to fill an original vacancy.

RECEIVERS OF PUBLIC MONEYS.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont., vice William Q. Ranft, term expired.

C. H. Benton, of Montana, to be receiver of public moneys at Great Falls, Mont., a new office created by the act of April 28, 1902, to fill an original vacancy.

Louis W. Eldridge, of Montana, to be receiver of public moneys at Lewistown, Mont., his present term having expired. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1902.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Julius O. Cobb, of South Carolina, to be a surgeon in the Marine-Hospital Service of the United States, to rank as such from April 20, 1902.

APPOINTMENTS IN THE ARMY.

Infantry Arm.

Nelson Read Johnson, of the District of Columbia, to be second lieutenant, February 2, 1901.

Post Q. M. Sergt. Staley A. Campbell, United States Army, to be second lieutenant, February 2, 1901.

Artillery Corps.

Alphonse Strebler, of New York, first lieutenant, Philippine Scouts, late sergeant, Company I, Forty-third Infantry, United States Volunteers, to be first lieutenant, September 23, 1901.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. Edmund Rice, Second Infantry, to be colonel, May 5, 1902.

Lieut. Col. Charles G. Penney, Twenty-third Infantry, to be colonel, May 9, 1902.

Maj. Willis Wittich, Twenty-first Infantry, to be lieutenant-colonel, May 5, 1902.

Maj. William H. W. James, Twenty-third Infantry, to be lieutenant-colonel, May 9, 1902.

Capt. James B. Goe, Thirteenth Infantry, to be major, April 15, 1902.

Capt. Hunter Liggett, Fifth Infantry, to be major, May 5, 1902.

First Lieut. Henry M. Dichmann, Seventh Infantry, to be captain (subject to examination required by law), April 15, 1902.

First Lieut. Halstead Dorey, Fourth Infantry, to be captain, May 5, 1902.

First Lieut. Edward A. Roche, Fifteenth Infantry, to be captain, April 14, 1902.

First Lieut. William M. Fassett, Fifth Infantry, to be captain, April 14, 1902.

Quartermaster's Department.

Maj. John W. Pullman, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, May 5, 1902.

Capt. Carroll A. Devol, quartermaster, to be quartermaster with the rank of major, May 5, 1902.

POSTMASTERS.

James C. Tyrrell, to be postmaster at Grass Valley, in the county of Nevada and State of California.

Jacob B. Mathews, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico.

Austin Young, to be postmaster at Randsburg, in the county of Kern and State of California.

Will S. Fornshell, to be postmaster at Camden, in the county of Preble and State of Ohio.

Ansel T. Simmons, to be postmaster at Geneva, in the county of Ashtabula and State of Ohio.

Frederic B. Taylor, to be postmaster at South Orange, in the county of Essex and State of New Jersey.

Melancthon B. Everitt, to be postmaster at Payne, in the county of Paulding and State of Ohio.

Robert M. Rownd, to be postmaster at Columbus, in the county of Franklin and State of Ohio.

Charles A. McKim, to be postmaster at Celina, in the county of Mercer and State of Ohio.

James H. Rabbitts, to be postmaster at Springfield, in the county of Clark and State of Ohio.

Leonidas Conover, to be postmaster at Covington, in the county of Miami and State of Ohio.

Frank E. Britton, to be postmaster at Jonesboro, in the county of Washington and State of Tennessee.

EXCHANGE OF PUBLICATIONS.

The injunction of secrecy was removed from the following convention, which was ratified by the Senate May 16, 1902:

A convention relative to the exchange of official, scientific, literary, and industrial publications, signed at the City of Mexico on January 27, 1902, by the delegates of the American Republics to the Second International Conference of American States.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 16, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ROSECRANS CEREMONIES.

The SPEAKER laid before the House the following appointment:

The Clerk read as follows:

Member of the committee at the Rosecrans ceremonies: Mr. HOOKER, of Mississippi.

The SPEAKER. This is to take the place of our late colleague, Mr. Cummings.

DISPOSITION OF PUBLIC LANDS IN PORTO RICO.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to make, within one year after the approval of this act, such reservation of public lands and buildings belonging to the United States in the island of Porto Rico, for military, naval, light-house, marine-hospital, and other public purposes, as he may deem necessary, and all the public lands and buildings, not including harbor areas and navigable streams and bodies of water, owned by the United States in said island and not so reserved be, and the same are hereby, granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island: *Provided*, That said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President under the provisions of this act.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, I would like to know if this is a unanimous report from the committee?

Mr. CRUMPACKER. It was reported from the committee by unanimous vote.

Mr. UNDERWOOD. Will the gentleman from Indiana explain the object of this bill?

Mr. CRUMPACKER. Mr. Speaker, the situation in relation to this measure is this: At the time of the negotiation of the treaty of Paris there were public lands in the island of Porto Rico amounting to about 104,000 acres, lands mainly in the interior of the island, away from railroads and highways, lands of a mixed character, some of them classed as brush lands, some as mountainous, and some as swamp lands. Considerable portions of the lands are capable of reclamation, and will make a fair quality of farming land. In addition to this, on the island of San Juan, on which the city of San Juan is located, there are about 150 acres of public lands which are badly needed for municipal purposes, but the title is in such condition that they can not be utilized.

There is a pressing necessity for such disposition of the land on the island of San Juan that such portions of it as are not needed for public use may be used for the extension of the city. There is not a single vacant lot in the city of San Juan in private ownership to-day. A large portion of that island is held by the public, and is not needed nor being used for any public purpose.

The law does not confer upon the Secretary of the Interior any authority over the public lands in the island at all. In his report this last year he recommended that some supervision or control be given him; that he be authorized to survey and classify the lands, and in pursuance of that recommendation early in the session I introduced a bill putting the control of the lands under the Secretary of the Interior and directing him to survey and classify them and proceed to reclaim the possession of those that were held by occupants without right and to protect the title thereto. On investigation it was thought by the Committee on Insular Affairs, in view of the character of the land, that it would be unwise to put them under the control of the Secretary of the Interior;

that the cost of survey and classification would be more than would ever be realized from their sale.

The governor of Porto Rico was communicated with by the Secretary of the Interior, and he sent the commissioner of public works here to represent the interests of the people of the islands. The commissioner made a statement before the Committee on Insular Affairs, and, after a full hearing and a careful investigation of the question, the committee decided that it was not the policy of this Government to appropriate to its own use any of the public lands in Porto Rico, but that the revenues of the lands ought to be given to the people of the island; and the judgment of the committee was that all the lands not needed for public purposes should be granted to the insular government, to be held or disposed of for the benefit of the people of the island.

Mr. LACEY. Mr. Speaker, will the gentleman yield a moment?

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. CRUMPACKER. I yield.

Mr. LACEY. I would like to call the attention, in this connection, of the gentleman to the fact that we have a commissioner from Porto Rico, who ought to be on the floor of the House now, from whom we might inquire as to the situation, but is denied the privilege of the floor, and who has to stay around in the corridors. I would like to get his views about this bill. Of course, as a commissioner he could not make a speech, but there is a resolution now pending allowing him to come on the floor to look after the legislation he is interested in, and in that connection I only call the attention of the Chair to this difficulty. I would like to ask the gentleman whether the commissioner has been consulted about this bill; whether it meets his approval.

Mr. CRUMPACKER. I am glad to be able to say to the gentleman from Iowa that the commissioner from the island of Porto Rico appeared before the Committee on Insular Affairs and made a full historical statement in relation to the title and the condition of the public lands in the island, and he took the position that the title was, in equity, in the province of Porto Rico at the time of the cession of that island to the United States, and therefore never passed to the United States Government under the treaty of Paris.

Mr. LACEY. I would like to ask the gentleman a further question.

The SPEAKER. Does the gentleman yield?

Mr. CRUMPACKER. Yes.

Mr. LACEY. I would like to inquire of my friend from Indiana as to whether a considerable portion of this public land is not now in the occupation of squatters—settlers—and whether any arrangement has been made to protect the rights of those men, who have perhaps been occupying this land for generations?

Mr. CRUMPACKER. It is impossible to say how much of the public lands of Porto Rico may be occupied now by what are known as squatters, because no one knows the boundaries, the extent, and the exact location, and no one knows how many of the old Spanish land grants have been forfeited and how many men are asserting titles that are unfounded.

Mr. LACEY. I would like to ask the gentleman a still further question, if he does not think there should be some provision under this bill that will protect the rights of these long-time native settlers there?

Mr. CRUMPACKER. We concluded that that authority could safely be vested in the government of the island. They are on the ground and know the situation, and will be required to undergo the expense necessary for the reclamation, the surveying of the land, and the perfecting of the titles, and we thought it entirely safe to vest in the insular government the power to take care of the equitable rights of the squatters.

Now, there is another aspect of this question that I beg to call to the attention of the House, and that is the question of title. The inhabitants of the island of Porto Rico insist that away back in 1808, at the time the Spanish Government changed from an absolute monarchy into a constitutional government and established an independent treasury for the province of Porto Rico, in effect, though not expressly, the Crown of Spain yielded and ceded all of the public lands in the island to the provincial government, and that the Government of Spain never attempted to exercise any authority over the lands from that time until the American conquest.

Now, it was the judgment of the committee that by authorizing the President of the United States to reserve all of the land on the island that he might deem necessary for military posts, for naval stations, and for other public purposes, within a year after the date of the passage of the act, and ceding the balance of the lands to the island, to be held for the benefit of the people, all the questions of ownership and title would be satisfactorily disposed of. For the protection of this Government we require as a condition to the operation of our grant that the insular government shall release to the United States any claim it may have upon the lands or the buildings that the President shall reserve under the authority conferred upon him by the terms of this bill.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question? Does this bill now cede any rights we may have over that land to the people of Porto Rico or the government of the Territory of Porto Rico, or does it merely authorize the President to make the selections? Is that as far as you go in this bill?

Mr. CRUMPACKER. This bill authorizes the President to reserve such public lands as he may deem necessary for military, naval, marine hospital, and other public purposes.

Mr. UNDERWOOD. And goes no further than that?

Mr. CRUMPACKER. And then it expressly grants all the other public lands—all the lands not so reserved—to the government of Porto Rico, to be held or disposed of for the benefit of the people of the island, on condition that they release to the United States any claim they may have upon the lands reserved by the President under the provisions of the act.

Mr. UNDERWOOD. Did the Insular Committee, when this bill was before it, consider the question of leaving the public lands there open to homestead entry in the future?

Mr. CRUMPACKER. Yes, sir. That question was discussed by the committee; but in view of the fact that there are only about 104,000 acres of land—generally of a mountainous character—and in view of the large expense that might be entailed, we thought it wise to remit the whole question to the insular government. We concluded that it could perhaps handle the question and dispose of it in a way more satisfactory to the interests of all concerned than we could do, because of our limited knowledge of the subject.

Mr. UNDERWOOD. That was the unanimous conclusion of the Committee on Insular Affairs?

Mr. CRUMPACKER. It was; and it is the unanimous judgment of the committee that this bill ought to pass at once—that there is a pressing necessity for its passage.

The SPEAKER. Is there objection?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRUMPACKER. I move that House bill 5823, for which the bill just passed was substituted, lie on the table.

The SPEAKER. Without objection that order will be made.

There was no objection.

ROAD TO NATIONAL CEMETERY, DOVER, TENN.

Mr. GAINES of Tennessee. I ask unanimous consent for the present consideration of the bill (S. 89) to construct a road to the national cemetery at Dover, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the sum of $11,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, under the direction of the Secretary of War, a macadamized road, or a road partly of gravel and partly of stone, from the river landing or its vicinity, in the town of Dover, Tenn., to the national cemetery near Old Fort Donaldson: *Provided*, That the right of way, not less than 50 feet in width, shall first be secured to the United States to any part of the ground over which said road shall run not now owned by the United States.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. GAINES of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF TAXES ON LEGACIES, ETC.

Mr. McCALL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 13204) was read, as follows:

A bill to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898.

Be it enacted, etc., That the Secretary of the Treasury, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the corporations, associations, or societies, such sums of money as have been paid by them as taxes upon bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or legacies or bequests to societies for the prevention of cruelty to children, under the provisions of section 29 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898.

The amendments reported by the Committee on Ways and Means were read, as follows:

In line 3, after the word "Treasury," insert "under appropriate rules and regulations to be prescribed by him."

In line 6 strike out the word "or."

In line 6, after the word "societies," insert "or individuals as trustees or executors."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CLAYTON. I should like to hear an explanation of the bill.

Mr. McCALL. Mr. Speaker, this bill was referred to the Committee on Ways and Means, and that committee, after considering it, thought it a wise bill to be reported. While the war-revenue act would bear the construction that taxes should be imposed on legacies to hospitals, schools, libraries, and the charities of the country generally, yet I think I venture nothing in saying that there was no man in either House who contemplated that result from that act. The taxes imposed under that act were not merely the amount imposed in cases where the legacy was left to a brother or equally near relative, but in cases where the property passed to persons remote in blood, and to strangers in blood. That is to say, the highest tax was imposed upon charitable legacies, amounting in some cases, I think, to 15 per cent.

The Commissioner of Internal Revenue furnished to the chairman of the Committee on Ways and Means a statement of the various legacies on which this tax had been paid, and if any gentleman will look at this list he will have a very good general view of the charitable and educational work of the country.

Let me say further, as bearing upon our intention, that the very first thing repealed when we dealt with the war-revenue act was this taxation upon legacies to charitable and religious institutions and other institutions of that kind.

I have included in the report which I have made in this case on behalf of the Committee on Ways and Means a list of the taxes which have been paid, embracing such institutions as the Pacific Hebrew Orphan Asylum, of California, the Berkeley Divinity School, of Connecticut, the Home for Aged Sisters of the Poor, of Connecticut, the colleges and city libraries, the lying-in hospitals, charitable eye and ear infirmaries, homes for aged men, homes for aged women, etc. This tax we levied remorselessly upon those institutions which it has always been the policy of our laws to spare.

Mr. CLAYTON. Has not the Commissioner of Internal Revenue held that this tax would be against the estate of the deceased person and not against the legatee?

Mr. McCALL. The tax was imposed upon the legacies, and in many cases it came out of the legatees.

Mr. CLAYTON. Did not the Commissioner make some ruling of that sort?

Mr. McCALL. He could not make such a ruling, because the tax was imposed upon the legacies. In some cases, I will say, the executors or trustees sustained a portion of the tax, but it was recouped from the legacies; in a great majority of cases it was paid from the legacies. I called that matter to the attention of the committee, and after considering it we thought it wise to refund all of the taxes, no matter whether they were paid by individuals or by whom, upon these charitable legacies. We did not believe it was the intention of the Government of the United States to go down into the contribution boxes of the country. We though tthat that money burned in the National Treasury and that the vindication of our national character required that it should be refunded. And while there was a difference of opinion in the committee as to some amendments, as I understand it, the committee were unanimously in favor of reporting the bill.

Mr. CLAYTON. May I ask the gentleman one more question?

Mr. McCALL. Certainly.

Mr. CLAYTON. This measure met the unanimous approval and judgment of the Committee on Ways and Means, did it?

Mr. McCALL. As I understand it, the committee were unanimously for it. As I said, one gentleman suggested a certain amendment which was not thought wise to be adopted.

Mr. RICHARDSON of Tennessee. It was the unanimous action of the committee. They were all in favor of the bill.

Mr. CLAYTON. I am entirely satisfied with the explanation.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCALL, a motion to reconsider the last vote was laid on the table.

LAND GRANTS TO NEW MEXICO.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes."

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 10 of an act approved June 21, 1898, entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," is amended by adding at the end of the said section the following:

"*Provided*, That timbered lands may be sold in tracts of not to exceed 25,000 acres to any one person, corporation, or association of persons."

The following amendment, recommended by the Committee on the Public Lands, was read:

In line 8 strike out all after the word "*Provided*" and insert in lieu thereof the following:

That timber upon land referred to in this section be sold, in tracts not to exceed 25,000 acres to any one person, corporation, or association, for the highest and best price obtainable, under such rules and regulations as may be prescribed by the board of public lands or the legislative assembly of said Territory.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SIMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SIMS. On last Monday, May 12, the gentleman from Wisconsin [Mr. JENKINS], in his remarks on what was called the gas bill, made use of the following language:

It—

That is, the bill—

was carefully considered. Every man on that committee knew all about it, and my friend from Missouri and my friend from Tennessee [Mr. SIMS] will join me in saying that for three months they have stayed out of church and Sunday school to hunt up villainous objections to this proposition, that they ought not to find fault with, or less fault with, because we have taken this matter up and asked for prompt consideration.

Mr. SIMS. Mr. Chairman, let me make just this suggestion: If there is anything on earth that would justify a man in staying away from Sunday school and church it would be to fight such a bill as this. [Prolonged laughter.]

Mr. JENKINS. I know my friend abhors a corporation.

Mr. SIMS. Oh, no.

Mr. JENKINS. And I appreciate it. I know he is absolutely afraid of everything that has corporate qualities, but yet when I invited him in a previous Congress to put these corporations under his control, he voted against it. He is only consistent when he is voting for the Methodist Church to rob the Treasury of the United States.

Mr. Speaker, I was present when the gentleman made the statement, but I did not fully understand it, and that is the reason I did not make any reply at the moment. After I read the RECORD and found what the remark was, I felt that I could not afford to let the matter pass unnoticed. The gentleman says I am only consistent when I am voting for the Methodist Church to rob the Treasury of the United States. I know of no bill which has been before this House in which the Methodist Church was interested except what was known as the Methodist Book Concern bill, which was to pay the publishing house of the Methodist Episcopal Church South $288,000 for the use of its publishing house during the war between the States. I worked and voted for that bill conscientiously, because I thought it was a just and honest measure, as the proof before the committee and the report of the committee showed.

Mr. SHATTUC. May I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Just let me finish my statement and then I will be glad to answer any question.

While that bill was pending before the House a rumor became somewhat current that a gentleman who was here working for the bill was to receive a lage fee, one-third of it. I at once spoke to the gentleman, Mr. E. B. Stahlman, about it, and he said he had no interest in the claim except as a member of the church and as a friend of Barbee & Smith. My distinguished colleague [Mr. GAINES of Tennessee] who introduced that bill spoke to me about it. He said there was absolutely no truth in the rumor, that Messrs. Barbee & Smith, the agents of the book concern, had so assured him. In corroboration he showed me a letter of Barbee & Smith, a part of which is as follows:

Mr. Stahlman, who, in connection with a large number of other matters, has been giving our matter some attention, will be in Washington again in the next few days, and he will be glad to talk to you about the matter.

With Mr. GAINES'S statement corroborated by the letter he showed me from Barbee & Smith, the trusted agents of the Methodist Episcopal Church South, which said that Mr. Stahlman was here, and, in connection with a large number of other matters, was giving their matter some attention, I had no doubt of the truth of the statement of Mr. GAINES and Mr. Stahlman. It turned out that Mr. Stahlman had at that time a contract from the Book Agents to get 35 per cent of this claim, amounting to over $100,000. If he was worth that much when giving their matter only "some attention," what would his services have been worth if he had given it special attention? Therefore I worked and voted for the passage of that bill, believing it was honest, and that no fee was to be paid to any living mortal in behalf of this charitable work.

On the 31st of May, 1898, there appeared an item in the Washington Post that Mr. Stahlman was to be paid a fee of 35 per cent

of the claim. I did not believe a word of it. But I wrote the following letter to Messrs. Barbee & Smith:

WASHINGTON, D. C., *May 31, 1898.*

MESSRS. BARBEE & SMITH.
Agents, Nashville, Tenn.

DEAR SIRS: Inclosed find clipping from the Washington Post, which speaks for itself. Please give me a full statement as to the amounts paid Stahlman or anyone else. I want such a statement as can go into the RECORD. The investigation by Congress is almost certain to follow. If these rumors are true as to paying Stahlman or any number of persons 35 per cent of this claim, every cent of the $288,000 ought to be paid back to the United States.

No honorable use could have been made of so large a sum in securing the passage of the bill. This was no case of an ordinary claim of an individual before the Court of Claims in which large conditional fees are paid, but it was a sacred trust fund to be devoted to charitable purposes. Both Major Stahlman and Colonel Baker claimed that no commissions or percentage of this claim were to be paid to anyone, and upon that authority I assured many members that the rumor that had obtained to that effect was not true. It would have been impossible to have secured the passage of the bill had not such assurances been given. Members were deceived and caused to vote for the bill in this way, and they feel that the wrong should be righted and the Treasury placed in statu quo.

There is a cloud of scandal now hanging like a black pall over the Dome of the Capitol. I hope you will do all you can to remove it.

Yours, truly, T. W. SIMS.

I got no answer for about ten days—about fourteen days, in fact—when the following letter was received from Messrs. Barbee & Smith:

NASHVILLE, TENN., *June 10, 1898.*

Hon. T. W. SIMS,
Member of Congress, Washington, D. C.

SIR: Your letter of May 31 came to hand by due course of mail. It was couched in such extraordinary language and contained so many unwarrantable insinuations and demands that we have been debating in our minds whether or not you were entitled to any reply whatever; and now that we are promised an investigation by a Congressional committee of all the facts relating to the payment of our claim we have concluded to refrain from saying anything until this investigation shall have been had. When the investigation is completed, we shall give you such an answer as the facts and circumstances of the case demand. We shall probably do so at a later period, whether the investigation is had or not.

Respectfully,

BARBEE & SMITH, *Book Agents.*

This is the reply I got to the request for a letter giving the information asked for that should go into the RECORD. The subsequent letter, that was to follow, has never reached me. I submit, Mr. Speaker, to this House that my letter, written upon the very first intimation I had that such a fee contract had been entered into, required in good faith the return of every dollar of the appropriation, does not justify the gentleman in saying that "I showed my consistency only when I voted for the Methodist Church to rob the Treasury of the United States." I say to the membership of this House that if I have ever given any other vote on a Methodist Church bill I do not remember it. I believe that the claim was just and honest, and that it ought to have been paid; but rather than see the church approve such methods, I thought it ought to be paid back.

I want to say, Mr. Speaker, that I think the membership of that great church are as pure, as good, as honest, as pious as any body of people upon the face of this green earth. I believe that the widows and orphans of that church to-day would out of their mites contribute a sufficient fund to deliver every dollar back to the Treasury rather than indirectly profit by the methods which were pursued in order to obtain the passage of the bill. I hope we will never hear of this matter again; but if the gentleman from Wisconsin, who has made this charge, or anyone else, will introduce a resolution or bill to have that money paid back, I will vote and work for it, not that I think that the claim was not a just one, but for the moral effect it will have on the church. The church was in no sense responsible for what was done, and have been exonerated by the Senate after full investigation. I again deny that the Methodist Episcopal Church South has ever directly or indirectly robbed the Treasury of the United States, and all such charges are false, absolutely false.

Mr. MAHON. Mr. Speaker——

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. GAINES of Tennessee. I hope the gentleman from Pennsylvania will indulge me; this is somewhat of a matter of personal privilege.

The SPEAKER. Does the gentleman from Tennessee rise to a matter of personal privilege of his own?

Mr. GAINES of Tennessee. I do.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Mr. Speaker, my very honorable colleague states that he based his vote and action in this Methodist Church matter upon information received from me and from a letter that was directed to me by the book agent of that concern, and I desire to state this, that I had the utmost faith, the utmost confidence, in the gentlemen, Messrs. Barbee & Smith, who informed me ——

Mr. PAYNE. Mr. Speaker, there is no question of personal privilege stated by the gentleman from Tennessee.

The SPEAKER. The point of order made by the gentleman from New York is well taken.

Mr. GAINES of Tennessee. I hope the Chair will indulge me——

The SPEAKER. The gentleman from Tennessee will suspend. The Chair has stated that the point of order has been made that this is not a question of personal privilege. If the gentleman has a question of personal privilege he may proceed, but if not public business is not to be interfered with in this manner.

Mr. GAINES of Tennessee. Then I ask unanimous consent to make a statement of three or four minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I exceedingly regret that the gentleman from Wisconsin [Mr. JENKINS] should have said of my colleague [Mr. SIMS] that "he is only consistent when he is voting for the Methodist Church to rob the Treasury of the United States." In explaining his relation to the passage of the bill providing for the payment of this claim my colleague states that he based his support of the measure upon information received from me and from the letter which has just been read, written me by Messrs. Barbee & Smith.

Now, I desire to say that the claim is entirely meritorious, as I will show later on, and which I demonstrated when the matter was pending in the House. I introduced the bill for its payment which became the law.

The information which I had in reference to the payment of this large fee to Major Stahlman was received from Messrs. Barbee & Smith in person, while the letter they wrote me led me to believe, very naturally, that Major Stahlman was in Washington on other business, which was the case, I then thought and still think, and that he would incidentally, or as a friend of the church, aid in the passage of this bill.

Messrs. Barbee & Smith stated to me that Major Stahlman was to receive no compensation for his services, and Major Stahlman said to me himself, and to many others of Congress, that he was not to receive one cent for his services.

Relying upon this information, it was natural for me and proper to repel the charge that this huge fee was to be paid Major Stahlman. I had known Dr. Barbee a number of years; he was my neighbor; he had been the pastor of the church I attended, officiated at my marriage and at the burial of several of my people, while Mr. Smith was my Sunday-school superintendent.

I relied implicitly upon what they in person said to me, and on what they wrote me in this letter, and I submit, Mr. Speaker, if I can not rely upon men of this class, of men whom I knew to be honorable and upright, upon whom could I rely or should rely?

When I received this letter from Messrs. Barbee and Smith, I determined to lay aside, as I did, my personal feeling toward Major Stahlman, entertaining as I did no friendly feeling for him. He is a distinguished Republican, living in my district, who had bitterly opposed my election to Congress, as did the newspaper which he owns, an Administration sheet, I may add.

But I laid all this aside and did all I could honorably for the passage of this bill. I saw Major Stahlman almost daily, as we boarded at the same hotel. But at no time did he tell me that he was to be paid any fee.

I knew he was in Washington often, and I thought was then on some railroad business pending in Washington, and I naturally believed that his offices in the matter were purely as a friend of the church.

I knew his family were members of the Methodist Church at Nashville, and that he affiliated with that church, and hence, as he said, he was working for the payment of this claim.

These facts alone, laying aside the letter of Messrs. Barbee and Smith, naturally led me to believe that his action in the matter was because he was a friend of the church.

I have given twice a statement of my entire history with the passage of this bill. I did so under oath, once before the Senate committee and recently in a deposition. My record in the matter I gladly gave the public when called on to do so. It is open for everyone to read, and I reaffirm here all that I have stated in these two statements.

Had I known that this enormous fee was to be paid Major Stahlman, or anyone else, for lobbying for this claim before Congress I would not have voted for the passage of the bill, and I certainly would not have misled my friends—the members of Congress—in the manner that I did when they asked me if the charge that this fee was to be paid was true and I said to them that there was no truth in the charge. I was misled, as you must see, and I am grieved that I misled my friends—members of Congress.

Now, a moment as to the merits of the claim. The United

States Army while in Nashville used and consumed an immense amount—about $480,000 worth—of property of the Methodist Episcopal Church South. The amount paid by Congress was $288,000. Gen. Clinton B. Fisk said this was a just claim. He, I think, was in Nashville when this property was taken.

Maj. A. W. Wills, a Republican, who was in Nashville at the time this property was taken, and who is now and has been several times the postmaster at Nashville, espoused this measure. Indeed, he was very active in its support.

The Hon. John C. Houk, a Republican, once a member of this House, indorsed it. So did Capt. J. W. Baker, a leading Republican of Nashville, and so have many other leading Republicans, as well as Democrats. The bishops of both branches of the Methodist Church indorsed it, including the colored bishops. I could give you a list as long as my arm of leading men whose names appear here in the RECORD containing the debate on this bill when pending in the House. The claim was absolutely meritorious. The history of the claim is odious now because of the deception practiced in procuring its passage, as I have stated, and as the Senate hearings on this matter clearly disclose. I thank the House for the opportunity granted me for making this statement.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I submit a conference report on the omnibus claims bill, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, having met, after a conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 2, and agree to the same.

That the committee report a disagreement to the Senate amendment numbered 1.

THAD. M. MAHON,
HENRY R. GIBSON,
T. W. SIMS,
Managers on the part of the House.

F. E. WARREN,
WILLIAM E. MASON,
H. M. TELLER,
Managers on the part of the Senate.

Mr. MAHON. I ask to have the statement read, Mr. Speaker.

The Clerk read the statement, as follows:

Statement of House conferees to accompany report of conference committee on the bill (H. R. 8587) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

That there is a practical agreement to everything except to the Selfridge board claims. Upon this part of amendment Senate refused to recede, and House conferees, obeying instructions of House, no free conference could be had in relation to same in order to bring the two Houses together.

The SPEAKER. The question is on agreeing to the report.

Mr. UNDERWOOD. I would like the attention of the gentleman from Pennsylvania [Mr. MAHON] for a moment. As I understand, this report merely agrees to Senate amendment No. 2, which affects the title, and otherwise it reports a disagreement?

Mr. MAHON. Yes, sir.

Mr. UNDERWOOD. I have no objection.

The report was agreed to.

Mr. MAHON. I now ask that the House further insist on its disagreement and ask a further conference.

The SPEAKER. The gentleman from Pennsylvania moves that the House further insist on its disagreement to the amendment of the Senate, and asks a new conference. Is there objection to this request?

Mr. UNDERWOOD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania has either the right to ask unanimous consent or make the motion. Which does he do?

Mr. MAHON. I make the motion.

The SPEAKER. The question then is on the motion of the gentleman from Pennsylvania, that the House further insist on its disagreement and ask a further conference.

Mr. UNDERWOOD. Mr. Speaker, I wish to make a parliamentary inquiry. When this motion is adopted, will it, under the practice of the House, vacate the former instructions to the conference committee?

The SPEAKER. If this motion is carried, it would.

Mr. UNDERWOOD. It would leave the conferees uninstructed?

The SPEAKER. It would leave them uninstructed.

Mr. UNDERWOOD. Then I will ask the Chair to recognize me later to further instruct the conferees.

The SPEAKER. The question is now on agreeing to the motion of the gentleman from Pennsylvania.

The motion was agreed to.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the House further insist on its former instructions to the conferees in reference to the Selfridge board claims.

The SPEAKER. The Chair is not clear as to the motion made by the gentleman.

Mr. UNDERWOOD. Mr. Speaker, several days ago the House——

The SPEAKER. The Chair understands that. Will the gentleman please state his motion?

Mr. UNDERWOOD. I move again, Mr. Speaker, that the House instruct the conferees on this bill not to agree to any of the items of the Senate amendment relating to the Selfridge board claims.

The SPEAKER. The gentleman moves to instruct the conferees not to agree to what is known as the Selfridge board amendment.

Mr. MAHON. Mr. Speaker, I want to be very frank with the House. The conferees recognize their duty to take the House into their confidence. There is a practical agreement, or will be, as to the balance of this bill. Now, to impose ironclad instructions upon the conferees means no conference whatever. I will be frank with the House and say that the conferees discussed the different phases of this matter—whether we should cut these claims as we did in the Fifty-fifth Congress, making a reduction of them, or whether they should be referred to the Court of Claims, or whether some other disposition should be made of them. These different propositions were talked over in the conference; but we were obliged to say to the Senate conferees: "Our hands are tied; we can not have any conference on this question whatever."

Now, Mr. Speaker, I think this House can trust these conferees. I believe that we can come to a conclusion finally that even the gentleman from Alabama [Mr. UNDERWOOD] will be pretty well satisfied is right. I think the House and Senate conferees can reach such a result. I can say for the House conferees that they have no idea except to treat the House fairly and give it every opportunity to carry out its will in this matter. The three conferees on the part of the House have been members of this House for a long time, and no man will charge that either of them would take any unfair advantage of the House. But if the motion of the gentleman from Alabama be adopted, this report will probably come back to the House in the same shape as it leaves it. I ask, Mr. Speaker, that the motion be voted down, that the conferees may be left to a free conference, so that we can come back and make a report to the House. It may be a tentative report; we may come back and ourselves ask instructions. But what is the use of appointing conferees and then not allowing them to confer? We have got to fix this bill up. We might as well face the issue.

So far as I am personally concerned, there is not a dollar involved here affecting anyone in my district or within 100 or 500 miles of it. I am one of those men who stand on this floor and exercise their convictions regardless of the consequences either to their constituents or to themselves.

Of course, whatever this House will instruct the conferees will carry out; but it is merely playing with the question to instruct them in this way. If such instructions be adopted, all we can do is simply to say to the Senate conferees, "We can not confer," and then come right back to the House with the same kind of a report we now make. The House can either defeat this bill in toto or can have it arranged in conference in a shape satisfactory to the House and then pass it. So far as I am personally concerned, I do not care whether it goes up or goes down. I have no personal feeling in the matter.

Mr. SHERMAN. Will the gentleman yield for a question?

Mr. MAHON. Certainly.

Mr. SHERMAN. As I understand the gentleman from Pennsylvania, his statement is that the Senate refuses to enter into any agreement that does not in some way care for the so-called Selfridge board claims. Is that correct?

Mr. MAHON. That is correct.

Mr. SHERMAN. And then you suggest that if the House will send its conferees into conference unhampered by the instructions, that then it may be possible to reach an agreement whereby these claims will either be allowed at a less amount or that they may be sent to the Court of Claims for adjudication there. Is that correct?

Mr. MAHON. That is correct.

Mr. UNDERWOOD. If the gentleman from Pennsylvania is through, I desire recognition, Mr. Speaker.

Mr. CANNON. I would like to ask the gentleman a question Mr. Speaker.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MAHON. Yes.

Mr. CANNON. As I understand it, the item in dispute involves legislation and was proposed by the Senate.

Mr. MAHON. Entirely.

Mr. CANNON. Now, I will ask the gentleman if it is not true that when one body proposes legislation and appropriations or legislation without appropriations upon a bill that contains many other items, that that body recedes, under parliamentary practice and usage as to such matters proposed, if the other body insists upon it? Or, to put it another way, the so-called claims involve legislation, as many other matters upon this bill, and if the House refuses to assent to the proposed legislation, under parliamentary usages the Senate would recede.

Mr. MAHON. I do not know that they may; but we have to have a conference.

Mr. CANNON. I am speaking of what the usage is.

Mr. MAHON. Yes. Now, Mr. Speaker——

Mr. MADDOX. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MADDOX. I desire only to ask the gentleman a question.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] had addressed the Chair.

Mr. MAHON. Just a moment, and I will give the gentleman the floor.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Pennsylvania if the conferees have agreed on everything except these Selfridge board claims?

Mr. MAHON. There is a tentative agreement, but not a final one, I will say to the gentleman; there is a tentative agreement as to the balance of the amendment, to be frank with the gentleman. Now, I just want to say one word more. The Committee on War Claims was not responsible for the insertion of the Selfridge board claims, so called, and others. In the Senate they sent over claims to this House. They go to the Patent Committee, they go to the Military Committee, and to the different committees in the House. The Committee on Claims in the Senate have under consideration a large number of claims.

In fact, all the claims which the War Claims Committee do not have control of, and some which the Committee on Claims in the House have no control of, are referred to that large committee. We sent our bill over to the Senate. That committee, composed of some fourteen or fifteen Senators, some of whom are among the leading members of the Senate, amended this bill, adding claims to it that had passed either one or the other branch of Congress or upon which there were reports from either the Senate or the House. There is no item in this bill except as has been canvassed by the committees of the House or by the House itself. The Senate committee amended this bill. That committee in the Senate was unanimous in reporting the bill, and they insist they are certainly entitled to some consideration. It was passed through the Senate as amended by the unanimous vote of the Senate. Every Senator in that body supported this bill. Now, it came over for conference.

Mr. POU. Mr. Speaker, I would like to ask the gentleman how many different Congresses have refused to pay these claims?

Mr. MAHON. What claims?

Mr. POU. The Selfridge claims that you are speaking of.

Mr. MAHON. That has been talked of. I do not want to enter into that discussion. In the Fifty-fifth Congress there was $224,000 of them. These claims aggregated the sum of $290,000. At that time I was a member of the committee on conference and after a full conference we reduced these claims 20 per cent and finally passed them. They have been passed by Congress as individual claims, I do not know how many, but quite a number. Now, Mr. Speaker, I think this House ought to give these conferees a free conference, and I will say very frankly that I will try to carry out the wishes of this House and get the very best terms I can from the Senate, either get them to recede altogether or agree to treat these claims exactly as the Fifty-fifth Congress treated them, by cutting them 20 per cent, or an agreement to send them to the Court of Claims and get rid of them in some way. That is all I desire to say.

Mr. PARKER. Mr. Speaker, I would like to ask the gentleman from Pennsylvania whether the passage of the claims bill after conference in the Fifty-fifth Congress was not made upon a statement that there was nothing in the bill that had not been ratified by the committee and without reading the items?

Mr. MAHON. No, sir.

Mr. PARKER. That is my recollection.

Mr. MAHON. The Senate put these claims in, and the House, after two or three conferences and after consultation among the members of the House, passed the bill.

Mr. PARKER. My recollection was that the chairman of the committee stated that there were no claims there that had not been ratified by the committee.

Mr. MAHON. When?

Mr. PARKER. In the Fifty-fifth Congress, when some of these Selfridge claims went in.

Mr. MAHON. I do not know what was said. You can get the RECORD and see. I stand by what I said at the time.

Mr. PARKER. My difficulty about the matter was that the gentleman made the mistake of putting in one claim that I had reported against, and a Selfridge claim at that.

Mr. MAHON. I did not put it in. That was put in in the Senate.

Mr. PARKER. I know that.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on Claims, says that he thinks the House ought to allow the conference committee to return to the conference room with a free hand and uninstructed. Now, I have no personal criticism to make of the gentleman from Pennsylvania or his colleagues.

Mr. MAHON. Will the gentleman allow me to make a suggestion?

Mr. UNDERWOOD. Certainly.

Mr. MAHON. Will you agree to instruct the conferees to cut these claims 20 per cent, as you did in the Fifty-sixth Congress?

Mr. UNDERWOOD. Certainty not.

Mr. MAHON. Or to send them to the Court of Claims?

Mr. UNDERWOOD. Certainly not.

Mr. MAHON. You want to defeat the bill?

Mr. UNDERWOOD. No; I do not. I want to defeat these claims, because I think these claims are wrong. If I thought these claims were right I would be willing to pay them in full—if they were just claims.

Mr. GROSVENOR. Will the gentleman allow a question?

Mr. UNDERWOOD. Yes.

Mr. GROSVENOR. You are in favor of paying all these Southern war claims in this bill, involving rents and destruction of schoolhouses and churches at Clarksville and other points, I suppose——

Mr. UNDERWOOD. Now, I will say to the gentleman——

Mr. GROSVENOR. And do you suppose that this side of the House will stand by and see you fight against everything to pay Union claims, and then pay out of the Treasury your claims of the character that I have described?

Mr. UNDERWOOD. Well, now, I will say to the gentleman from Ohio——

Mr. GROSVENOR. That is this case.

Mr. HOLLIDAY. Will the gentleman yield?

Mr. UNDERWOOD. Not until I have answered the question of the gentleman from Ohio. I can not answer two questions at the same time. I want to say to the gentleman from Ohio that as far as my record is concerned in voting for claims, there is no blemish upon it. Since I have been a member of this House I have only voted for claims that have been found just by the courts to which this House has referred them. I have never gone outside, and if the gentleman can find a vote where I have favored the payment of a claim from my district or from the South that has not been held by the courts to be required to be paid by this Congress, I challenge him to find it in the RECORD.

Mr. GROSVENOR. I will ask the gentleman——

Mr. UNDERWOOD. Will the gentleman allow me to answer his question? I see no reason for him at this time to bring in this question, when we are discussing outside claims. I will say that I am perfectly willing to pay the Bowman Act claims in this bill, because the House of Representatives of the United States referred them to the Court of Claims, a court organized by this House——

Mr. HOLLIDAY. Mr. Speaker——

Mr. UNDERWOOD. Will the gentleman please wait until I finish my statement?

The SPEAKER. The gentleman from Alabama declines to yield. The gentleman from Indiana is out of order.

Mr. UNDERWOOD. A court organized by Congress for the purpose of determining these questions; and when they have found judgment in favor of the claimants, then I have always voted for the bill. I have never secured the passage of a claims bill in this House myself since I have been a member of Congress, and these are the only bills that I have voted for. The reason that I am willing to vote for these Bowman Act claims is because the court has rendered judgments in favor of them.

Mr. SHERMAN. Will the gentleman yield?

Mr. GROSVENOR. The gentleman has not answered my question at all.

Mr. UNDERWOOD. What is it?

Mr. GROSVENOR. In this bill stands quite a number of strictly Southern war claims. One of them is a claim from Clarksville, Tenn., for the use and occupation, and possibly the destruction, of a church, and the members of that church, through their leading officer, have been up here to see me within a few days, and have begged me to stand by that claim. I have looked into it. It is simply a war claim, on the same footing with any war claim for the ravages of war, and has never been found by any

court to be a valid claim. And what I put to the gentleman was if that is not true, if you are supporting the bulk of this bill, including these war claims, why, you are fighting claims that grew out of the action of the Government in time of war. I want to point to the gentleman the record, speaking about our attitude upon this particular bill, and I want to point out to you if you can defeat one side of the bill doubtless the other side can just as easily be defeated.

Mr. UNDERWOOD. I have not advocated this bill since it has been in the House so far as the war claims in here are concerned. I think the proper course to be pursued, and I always have thought so, would be to send them to the Court of Claims, and let that court determine the facts, because I do not think Congress is competent to judge of these matters.

Mr. SHERMAN and Mr. DAVIS rose.

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield to the gentleman from New York.

Mr. SHERMAN. Does the gentleman from Alabama contend under the Bowman Act reference provides for a judgment?

Mr. UNDERWOOD. Well, some of them are under the Bowman Act and some under the Tucker Act. In the Bowman Act cases it is the findings of the court.

Mr. SHERMAN. It is a finding, but not a judgment.

Mr. UNDERWOOD. But its findings are conclusions.

Mr. SHERMAN. Precisely, as the Selfridge board findings are conclusions.

Mr. UNDERWOOD. What finding?

Mr. SHERMAN. The Selfridge board findings, and under the Bowman Act findings of the Court of Claims, too.

Mr. UNDERWOOD. It was referred to them to find out whether or not the building of these boats cost the contractors anything more than the contract price, and they reported that the boats had cost more than the contract price. Now, that is what that does; but the Government—the Senate and the House of Representatives—at that time were not satisfied. Why? Because the Selfridge board did not take any evidence, did not consider any evidence, in the matter but the contractors themselves. The only evidence before the Selfridge board was from the contractors, and the only question asked was whether it cost them more to build the boats than the contract price.

Mr. MAHON. Now, I know the gentleman wants to be fair. The gentleman knows that the board was Admiral Selfridge and a number of other officers, like all of those men, who make you give 36 inches to the yard. You know that for eighteen months they went to the shipyard offices of these men, examined the books, examined the vouchers in detail, put these men on the stand—the only men who could know what they were talking about. It was not UNDERWOOD, of Alabama, or MAHON, of Pennsylvania. They went to the men who had the books and documents, and after months the board detailed by the Secretary of the Navy made this finding.

Now, without reference to the merits of these claims, I say that these findings were made from a more careful examination than they could make in the Court of Claims; and I am willing that they should go there.

Mr. UNDERWOOD. I want the House to understand it fully. The gentleman concurs in what I said.

Mr. DAVIS of Florida. I would like to ask the gentleman what possible harm can there be in allowing these conferees to go back to the conference room untrammeled? Suppose the committee should make a report to this House which the House was unwilling to adopt. Is it not within our power to refuse to adopt that report? Why, then, trammel them in advance?

Mr. UNDERWOOD. I will answer the gentleman's question in a few minutes, but I want to finish the answer to this other question first.

Now, there is no disagreement between the gentleman from Pennsylvania and myself in reference to the Selfridge board; and I assert, and he admits, that the only evidence ever brought before the Selfridge board was of these contractors, and were the contractors themselves and their books.

Mr. MAHON. Who else could give them evidence?

Mr. UNDERWOOD. Well, there are other ways of finding out whether the Government owes the claimant anything. The question was not whether the Government owed them any more but whether it cost them any more than the contract price of the boats they had contracted for. There is no dispute about that. That being the case, forty years ago the Congress of the United States was unwilling to appropriate this money on that proposition and upon that finding of facts, and they appointed another board, known as the Marchand Board, to investigate whether these things ought to be paid for, as the Selfridge Board was appointed to find out from the contractor if said vessels had cost them more than the contract price, and to determine whether the Government of the United States really owed these claimants or not. And that board examined and reported that the Government ought to pay $287,000 on some of these claims, I believe, and turned down the balance of the claims.

Mr. MAHON. Will the gentleman answer another question?

Mr. UNDERWOOD. If I can.

Mr. MAHON. The gentleman is correct so far. They examined four or five claims and allowed $200,000. Now, that board made that allowance after sitting less than four months, while the other board took seventeen months. On that examination of three or four months they allowed $200,000 on three, four, or five of the boats; and the gentleman is very familiar with the fact that after they had done that they closed the gates on the other people and turned them out of court, If they had investigated them they would have had to sit over a year to have done so. I want to be fair, and I want to say nothing against the Marchand Board, but it was not composed of experts. The gentleman knows who they were?

Mr. UNDERWOOD. They were naval officers?

Mr. MAHON. They were not standing as naval officers.

Mr. UNDERWOOD. Was not Admiral Marchand added to the board?

Mr. MAHON. He had arrived at the period of old age and was utterly unfit for many reasons to go into an examination of that kind.

Mr. UNDERWOOD. I know nothing of the personnel of the men that were appointed on the Marchand board. I know the Marchand board was appointed under an act of Congress and appointed by the President of the United States, and I assume that he appointed naval officers that were competent.

Mr. MAHON. Not by the President of the United States, but by the Secretary of the Navy.

Mr. UNDERWOOD. It amounts to the same thing, by the executive officer of the United States. Now, their contention as to why these claims should be paid now before this House and some years after Congress passed upon it was that the Government had changed the contracts, but as I did the other day, I called the attention of the House, and I call it again, to the fact that when Senator Grimes, of Iowa, chairman of the Committee on Claims in the Senate before whom this Marchand report was made, reported to the House and stated to the House that no change whatever had been made in the contract, Senator Sherman, of Ohio, made the same statement, and the Secretary of the Navy at that time reported to the House and the Senate that there had been no change made in the contract whatever. Now, that was forty years ago. They were repudiated by that Congress. They were reported by boards appointed by the Secretary of the Navy, and that board investigated them. There is no reason in the world why they should be paid.

Since that time it is true that above the contract price Congress has authorized the payment of $5,000,000 to these contractors, 40 per cent more than the contract price that they agreed to receive.

Mr. DAVIS of Florida. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Certainly.

Mr. DAVIS of Florida. The Senate seems to have differed with the House on that proposition. They have amended the House bill by adding the Selfridge board claims to it. A conference has been arranged between the two Houses. So far these conferees have not been able to agree. Our conferees return and say they are unable to agree with the Senate conferees on this one item, and they say they desire to go back into conference upon it.

Now, without undertaking to discuss the Selfridge board claims, what I wish to ask the gentleman from Alabama is this: Where the Senate has differed from us, where they have sent conferees to meet our conferees, our conferees knowing the sense of this House, why need we trammel them further with instructions, why not let them go into conference untrammeled, that they may be at liberty to undertake to adjust these matters?

Mr. WANGER. Would not that be a clear backdown from the position that the House has taken?

Mr. SIMS. That is what it means exactly.

Mr. UNDERWOOD. I think that is the material question now before the House, as to whether we should yield. I do not want to do the gentleman from Pennsylvania any injustice. He asks to go back uninstructed, and without intending any personal reflection on the gentleman from Pennsylvania, I want to state to the House why I believe this conference committee should not be allowed to go back to conference uninstructed.

What is the history of the matter? My friend from Florida says this is the way to reach this question. When the Senate put these claims on this bill, and it came to the House, it was taken up in Committee of the Whole House on the state of the Union and considered. The House acted on the matter, they struck out the Selfridge board claims by a vote of the Committee of the Whole, and sent it to conference with these claims stricken out.

Now, every man upon this floor knows that when the House has acted by vote on a particular question, it has always, both in the House and the Senate, been considered an instruction to the conferees on that particular question. So that the House conferees went into the first conference practically instructed by the House not to agree to the Selfridge board claims.

What was the result? They went into conference—two of them—Mr. SIMS did not sign the report, but two of the House conferees immediately agreed with the Senate that these claims should be paid. They reported to the House. How? Not so that we could have a separate vote on the question; not so the House could again determine whether it wanted to pay the Selfridge board claims or not, but they came in here by unanimous agreement, and if it had not been for a point of order made so that the conference report was rejected on the point of order, this House would have been compelled to vote for the whole bill, and could not have singled out these separate items, but would have been compelled to vote for the bill in toto without opportunity to exercise its judgment.

Mr. MAHON. Does not the gentleman know that that was one amendment, and that the report was made strictly in accordance with parliamentary law, and it could not be made in any other way?

Mr. UNDERWOOD. I beg the gentleman's pardon. If the conferees wanted to, they could have come back here and reported agreement on all the other items to the Senate amendment except the Selfridge board claim, and then said to the House, "We ask for further instructions in reference to the Selfridge board claim," and give the House an opportunity to have voted on that proposition. The gentleman knows that.

Well, now, what is the result? Several days ago this bill was again sent to conference. The conferees were instructed. And what do we find was the result in the other Chamber? We find that the chairman of the committee there reports the bill back, asking for a disagreement; and I do not think I am exceeding parliamentary law when I state that when it was asked on the floor of the Senate why he did not make a motion to recede, he stated—it is in this morning's RECORD—that the gentleman from Pennsylvania desired to put this question to another vote in this House.

Mr. MAHON. I did not look at the RECORD——

Mr. UNDERWOOD. If you will look at Senator WARREN'S remarks, you will find I am correct.

Mr. MAHON. Let the gentleman be fair. There was no conference on these Selfridge board claims; there could be none, and the gentleman knows it. Absolutely the only thing that could be done by the House conferees was to come back to the House and report a disagreement. Why should I ask what the gentleman thinks I should have asked? I was under the instructions of the House.

Mr. UNDERWOOD. I will say to the gentlemen what I believe his duty to be——

Mr. MAHON. I do not propose to take orders from the gentleman from Alabama. I am willing to listen to his speech and to his advice, but not when put in that way.

Mr. GROSVENOR. The gentleman from Alabama ought to be willing to trust a committee of this House without issuing verbal orders to them in advance. The gentleman has been undertaking to run the business of the House for the last two or three weeks. He has succeeded tolerably well—very well, indeed—but it seems to me that if he would not issue his orders quite so peremptorily the committees of the House might be freer to do their business.

Mr. UNDERWOOD. The gentleman from Ohio [Mr. GROSVENOR] can, of course, criticise me personally; I have no objection to his criticisms; but what I say to the gentleman from Pennsylvania is this: I am criticising the gentleman in all good feeling and without intending anything personal to him, but I think he has not treated the House in this matter as it should have been treated. As I said, he received instructions in the beginning from the House.

Mr. MAHON. Where from?

Mr. UNDERWOOD. The Committee of the Whole.

Mr. MAHON. The Committee of the Whole can not instruct, and the gentleman knows it.

Mr. UNDERWOOD. Oh, well, such action has always been recognized, as I said a while ago.

Mr. MAHON. I do not recognize the instruction of less than 100 members of the House.

Mr. UNDERWOOD. Well, we are agreed on that.

Now, the other day the gentleman had the direct instructions of this House. Now, I say he has not dealt fairly with the House. When he went into conference this amendment had been put on the bill by the Senate. I know the gentleman is in favor of these Selfridge board claims. I do not criticise him for that. He is entitled to believe that they are right just as much as I am entitled to believe that they are wrong; but when he sits on a conference committee he is not acting in his individual capacity; he is acting for the House, and he must express the will of the House. Now, the will of the House has been declared. I say it was the duty of the gentleman from Pennsylvania to say to the Senate conferees, "We will not report this question back to the House until you report the bill to the Senate and ask them to vote whether or not they will recede from their amendment." The gentleman knows that that is the way in which an agreement should have been reached, as the Senate had put on the amendment.

Mr. WM. ALDEN SMITH. The gentleman from Alabama will allow me to ask whether he would be willing that these Selfridge board claims should go to the Court of Claims?

Mr. UNDERWOOD. No; I am not. I will say candidly that I think these men have received 40 per cent more than the contract price. I may be wrong, but in my judgment the claims are unjust and ought not to be paid. I do not think the House ought to trifle with them.

Mr. CANNON. Now, let me say, and incidentally I will answer the question of the gentleman from Michigan [Mr. WM. ALDEN SMITH], that these parties have no desire to go to the Court of Claims——

Mr. WM. ALDEN SMITH. Whom does the gentleman mean?

Mr. CANNON. These Selfridge board claimants. I say they have no desire to go to the Court of Claims unless they can go there with legislation which would practically direct the Court of Claims to find judgment for them.

Mr. WM. ALDEN SMITH. Is it a fact that some of these claims—not the present claims, but claims growing out of the same subject-matter—have been passed upon by the Court of Claims?

Mr. CANNON. Not at all, unless by direction of Congress. If we would send these claims or any other claims to the Court of Claims with instructions to enter judgment, the claimants would, of course, welcome such action.

Mr. WM. ALDEN SMITH. That, of couse, would not be such a hearing as we would expect or helpful to claimants; at least it would not satisfy me.

Mr. CANNON. Now, I say they have no desire to go to the Court of Claims unless they go there with legislation that practically tells the Court of Claims to find judgment for them.

Mr. WM. ALDEN SMITH. Would the gentleman be opposed to allowing these claims to go to the Court of Claims in the usual way—under an enabling act.

Mr. CANNON. They do not ask to have that done.

Mr. WM. ALDEN SMITH. I thought I understood the gentleman from Pennsylvania to suggest such action.

Mr. CANNON. The gentleman from Pennsylvania either did not realize the full scope of his statement, or was not as candid as he usually is to the House.

Mr. UNDERWOOD. Now, Mr. Speaker, in conclusion I want to say this: That if you let this matter go back to conference without instructions and the conferees pursue the same course that they pursued before in this matter, this question will come back in such shape that we can not separate these votes, where we have to vote for the whole conference report to reject it or not reject it at all. It was presented here in such shape that men who have claims in this bill which they believe to be legitimate will find themselves not left free and independent to vote on those claims. More than that, it was the duty of the House conferees to send this to the Senate and force a vote in the Senate as to whether they would recede or not before it was brought back to the House. More than that, after these instructions are asked, if the House does not insist on its instructions, the Senate will believe that we are ready to back down and will delay the passage of this bill rather than expedite it.

Mr. SIMS. Mr. Speaker, the House, I presume, desires all the light on this question that they can get, as well on the action of the conferees as on the merits of the claims. The gentleman from Pennsylvania [Mr. MAHON] has thrown out some intimations here about cutting down 20 per cent and sending to the Court of Claims. Therefore, I suppose I will not be violating confidence to state with what reception those propositions were met by the conferees except myself. It is well known that I am the only member of that committee of conference who is opposed to these claims. I fought them in this House from the time they came up. I fought them before the Committee on War Claims, and for no other reason under heaven than that I thought they were unjust and ought not to be paid.

In that first conference I asked them if they would not accept them with a reduction of 20 per cent. No. I then suggested, Why not let them go to the Court of Claims, as you do those monitor claims in the latter part of the bill? Why, the other conferees claimed that they believed that the Court of Claims would give more than the Selfridge board had. Now, they come up here and talk about going to the Court of Claims as a last resort.

I say I would have no objection to going to the Court of Claims under a proper bill, but I do not want a bill drawn for this or any other matter that manacles the court and leaves it nothing to perform but a clerical act. I believe the Senate will recede on this amendment, although the Senate conferees have not intimated such a thing. It is their proposition, and I do not believe they will see the bill fail. But I want to say this in response to some inquiries by the gentleman from Ohio [Mr. GROSVENOR] made of the gentleman from Alabama [Mr. UNDERWOOD] about Southern claims. From my own district there are several claims. From the State of Tennessee there are a great many more.

One claim referred to is the Clarksville claim, and I want to say here to the gentleman from Ohio and to this House that, as long as I am a member of that committee, if I have got to vote for a claim that I conscientiously do not believe we owe in order to get this House to pay one that I do believe we owe, I will never do it, whether they come from my district, the South, or anywhere else. [Applause.] I do not know who owns the Selfridge board claims. I have heard rumors, which I will not refer to on the floor of the House. I do not know whether they are Republicans or Democtats, from the North or the South, and I do not care. Where are the French spoliation claims owned, amounting to $750,000, in this bill? Where are the State claims from? There is no politics in this, as far as I am concerned.

The gentleman knows that in committee I stand and fight Southern claims when I think they ought not to be paid. I do it continually, all the time, and expect to do it in every instance where I believe they are unjust and unreasonable. Mr. Speaker, if there is anything worse than a general omnibus bill, in which you can dump anything and then force a member to vote for it in order to get his own little claim, I do not know what it is. Here is a bill passed by the House, carrying $198,000 of claims, upon which the Court of Claims makes favorable findings. I could not put a church bill on, nor you nor anybody else in the House. No; all this thing must be done in the Senate. So that you may come into this House with some nice little bill which the House would accept and send it over to the Senate, and then let it be loaded down with everything that has been accumulating there for twenty years, and when you ask me to vote for it in order to get the other through, I want to say that I am not built that way.

If this Congress sees fit to deny the payment of Tennessee claims, when it does not question their justice, in order that it may force a Tennessee member to vote for an unjust claim which he has investigated and thinks he understands and knows all about, you have struck the wrong man, as far as I am concerned, and I will take all the results that may follow. If these claims from the South are never paid until they are paid by compromises, until the House accepts anything and everything in order to get them paid, I say let them go. Tennessee can do without them. I want to say that I think the chairman and the Republican membership of this Committee on War Claims have been as liberal on Southern claims as they could be. They have often been more liberal than myself. They have not drawn party lines nor sectional lines. My objection to them is that they do not draw the line against all claims as tightly as I think they ought to; but that is a matter merely of judgment and judgment only.

I say I want the instructions of this House on those claims. I have very little company on the other side in opposing them. The gentleman from Pennsylvania [Mr. MAHON] has just admitted that he is heartily in favor of them, and if he wants a witness to prove it I will prove it for him. If you do not vote for these instructions it virtually amounts to an instruction to go back and agree to these claims. That is what it will amount to. I appeal to my friends on this side and on that side, everywhere in this House, if you have a small just claim in this bill or a big just claim in this bill, vote for these instructions and let us try it again. Do like me, and let your claim go down in good company rather than go through in bad company. If it can not get justice here in the American Congress without voting for something that no man on the floor of this House, according to my judgment, can justify, then let the bill fail.

These contracts for this steam machinery were entered into in 1862 and 1863, amounting in round numbers to $14,000,000. As far as I can find, the specifications were not changed. Delays were caused. The claim is made that labor and material went up in price, and no doubt they did. The Government settled this matter, and upon the $14,000,000 they paid $5,000,000 in addition, and now, forty years afterwards, they come in here and ask you to pay what the Selfridge board found it cost them more than the contract. This is not an ordinary private claim. There is a question of policy involved here. You are laying down a precedent for this Congress and others in the future to act upon. We are letting large contracts every day for ships and for naval supplies. If a man takes a contract, and afterwards comes to Congress or to the Navy Department and says, "I lost money on my contract," then, according to this precedent, you will have to pay him what he claims he lost.

Mr. BOWIE. Forty years afterwards.

Mr. SIMS. Forty years afterwards pay him what he claims upon his own ex parte statement that he lost. Naval contractors and Government contractors can be as careless as they please in bidding. All they have got to do afterwards is to show that they did not make money out of their contracts. But where is the contractor who ever did any work for the Government, who made more money out of his contract than he thought he would on account of declining prices in labor and material, who ever came up and dumped back his profits into the Treasury of the United States? If gentlemen have items in this bill that they believe are just, they have just as much right to believe it as I have; but just simply because they may be afraid that somebody has influence enough to defeat this bill unless unjust claims are allowed to remain in it, they ought not to vote for what they believe to be unjust.

Mr. Speaker, if I may be permitted, I want to yield to the gentleman from Illinois [Mr. CANNON] such time as he may desire.

The SPEAKER. The Chair will recognize the gentleman from Illinois in his own right.

Mr. CANNON. I only want a very few minutes, if I can have the attention of the House. I do not propose at this time, because I do not think it is necessary, to argue the merits of these claims. I will simply crave the attention of the House while I give what I understand to be the parliamentary history of this bill.

The House passed an omnibus claims bill for less than $200,000, based exclusively on findings of the Court of Claims, with favorable recommendations. That bill went to the Senate. The Senate assented to everything in the House bill, saying, "Yes, that is right;" and then added between two and three million dollars—I may not be exactly accurate as to the figures—of claims of other kinds, many of them dating back almost a century. It may be that some of them are good. I have no doubt that many of them are bad. They sent these claims back in one amendment to the House with their compliments. Now, this is a bad way to legislate to begin with, because a good claim for a hundred dollars or five hundred dollars, with your constituent or mine back of it, frequently will drag through a bad claim. I hope while I serve in the House that never again will there be an omnibus claims bill of any kind pass this House or pass the Senate. [Applause.]

Mr. MAHON. I would like to ask the gentleman this question: What is the difference; why should we pass an omnibus public buildings bill carrying $18,000,000? And I am frank to say that the Government will be better off if many of them were not built; they will be a white elephant on the hands of the Government.

Mr. CANNON. Supposing that to be true. Do two legislative outrages sanctify one? [Laughter and applause.]

Mr. MAHON. We are legislating that way.

Mr. CANNON. I will not be switched off by that suggestion. This bill came back from the Senate and was considered in Committee of the Whole under the five-minute rule. It was discussed back and forth, and the House recommended disagreement—the committee first, and the House confirmed the action of the committee. It went back to the Senate, a conference was had, and on the first conference the House conferees—and I am not criticising them; they had the right, the parliamentary right—reported back an agreement. That agreement was rejected by the House, without reference to these claims, as the gentleman recollects.

Then, as was his parliamentary right, a member of this House moved an instruction to the conferees not to assent to the Selfridge board claims. I have seen it done fifty times; I have been on a conference myself, and other gentlemen have been on conferences. That registered the will of this legislative body; and on a yea-and-nay vote there was an overwhelming majority in favor of that instruction. They went back to conference, and come back here and report another agreement; and the conferees, or a majority of them, ask to be relieved of that instruction. Now, suppose you relieve them of that instruction. That is morally equivalent to instructing them to go back and write the Selfridge board claims in. That is all there is of it. Now then, in my judgment, the Selfridge board claims ought not to be paid. I will not go into the argument. I have been familiar with them for a quarter of a century, and it is perfectly clear to my mind.

Some gentlemen think they ought to be paid; but, if paid—forty years old, no legal judgment, never went to the Court of Claims, because they had nothing to go on, and will not go now unless you legislate so as to direct the Court of Claims to enter a judgment—if ever paid, they ought to be paid standing alone, where the House and the Senate can treat them as a single proposition. They ought not to be brought in here with a lot of good claims, and perhaps some bad ones, and pulled through under stress. Now, then, I shall vote for one for the proposed instruction,

similar to the instruction that on the yea-and-nay vote was given the other day; and I have no doubt myself that when they go back with that instruction that the coordinate body of Congress will ascertain that this body is in earnest, and as that body proposed this legislation—and it is legislation, under the ordinary rule—they will recede.

Ah, but says somebody, maybe the bill will fail. No, no! [Laughter.] Do not fear that. The House bill carried $175,000. The bill still carries, after these claims are stricken out, over $2,000,000 that the Senate put in. Now there are enough Senators representing their constituents not to let the bill fail. [Laughter and applause.] Do not be afraid. I will write a policy for the thousandth part of a mill on a thousand dollars that it will not fail. [Laughter.] I think it is proper to assert the will of this body in a parliamentary, decent, usual way. Therefore, without delaying the House further, for one, when the vote is taken I shall vote again, the second time, for the instruction. [Loud applause.]

Mr. HOLLIDAY. Mr. Speaker, as a member of the Committee on War Claims, I am constrained to disagree with the distinguished gentleman from Pennsylvania, the chairman, and I propose very briefly to give to the House some of the reasons for declining to follow the leadership of the chairman, in whom I repose very great confidence and for whom I have a very high regard.

These bills properly belong to the War Claims Committee, as much as the Claims Committee of the Senate. They are war claims, if anything, and there is no more reason for their being attached by the Claims Committee of the Senate than attached to any war claim to be considered. They were before the Committee on War Claims, but received no consideration at the hands of that committee whatever before the bill went to the Senate. After this bill came back from the Senate, by an order of this House it was again referred to the Committee on War Claims, and then it received no consideration whatever. A motion was made to nonconcur, and that was carried. But, Mr. Speaker, I have taken some pains to investigate these claims, because I think that I sat in a judicial capacity and as a sworn duty to decide these matters according to the law and evidence, just as a judge upon the bench, and in that spirit I have examined this question.

What is the history of these cases? It is asserted that when these parties built ships for the Government, owing to certain changes and the increase in labor and material, they lost money, and for that reason the United States ought to reimburse them now. In the first place, there is no evidence that they lost any money except the report of the Selfridge board, which said that they did, and they heard that side of the case alone. In the second place, every man in the House knows that the rise in labor and material had occurred in large part before these men built the ships. They did not build them at the beginning of the war, they built them while material and labor was advancing in price. These men, if they were business men, must have carefully taken into consideration the advance in labor and material when they made the contract.

After the war was over the Senate authorized the appointment of the Selfridge board. The concurrence of the House was never asked. So far as we know, the concurrence of the House was never wanted. That board heard only one side of the case and reported that there were large amounts of money due to the contractors by reason of their having lost money by the increased price of wages and material. The House at that time, while it was fresh in the minds of the people, while they were much more familiar with the facts than they can be now, decided that they could not allow these claims, and they appointed another board. By the joint action of both Houses of Congress, under a law regularly enacted in legal form, a legal and competent board was appointed to go over these cases, and that was known as the Marchand board. I find some of their findings reported in the Senate Document No. 1821 of the Fifty-third Congress.

That board reported November 26, 1867, when the matter was all fresh, when they had the cases before them and all the information that was obtainable on the subject. They made a report, and I will give some items from that report. It might be profitable to put the whole of it in the RECORD. They are arranged in regular form. Some of these items are contained in this bill, and some of them are not. I want to say it is a curious circumstance, but I wanted to get hold of the bill and the Senate report in order to compare it with the Marchand report, and I could not find a copy of it in the document room.

Now I read from the report:

Secor & Co. and Perrine, Secor & Co., river and harbor monitors *Manhattan*, *Tecumseh*, and *Mahopac*, contract price, $1,380,000; whole increased cost of the work over the contract price, as claimed by the contractors, $1,236,101.22; amount of such increased cost caused by the delay and action of the Government as determined by the board to be due, $115,539.01; amount already paid the contractors over and above the contract price (obtained from the bureaus), $321,195.58.

Now, this shows that they have received some $400,000 more than the Marchand board found was due them. In every item the Marchand board found that the contractor who claimed to have lost money had already been paid more than the amount which was due him.

Mr. ROBERTS. Do I understand the gentleman to say that the Marchand board found there was due Secor & Co. and Perine, Secor & Co. for the three monitors built by them, due to increased cost over the contract price, one million two hundred and thirty-six odd thousand dollars, and that the Selfridge board made a finding in behalf of Secor & Co. of that amount?

Mr. HOLLIDAY. No; I did not say anything of the kind. I said the Marchand board said that is the amount they claimed was due them.

Mr. ROBERTS. Did not the gentleman say that the Selfridge board found that amount due them?

Mr. HOLLIDAY. No; I do not know what the Selfridge board found. I have not got their findings.

Mr. ROBERTS. I understood the gentleman to say that the Selfridge board found so much extra due them.

Mr. HOLLIDAY. No; I am reading from a Senate document, and the report says that the whole increased cost of work over the contract price as claimed by the contractor was $1,236,191.22.

Mr. ROBERTS. What does the gentleman say about the action of the Selfridge board in regard to this?

Mr. HOLLIDAY. I have not those figures before me. I do not know how much they found. I do know that the Marchand board was a creature of the law and the Selfridge board was not. The Marchand board was a board regularly organized by acts passed by both Houses of Congress, and I would rather take their judgment than to take a board that was simply appointed by resolution. I know nothing about the personnel of this Selfridge board. I do not know which board was best calculated to decide them. I do know that one board was constituted by law. It may be true that there are lawyers in this city who are just as well qualified to give a judgment as any judge upon the Court of Claims; but I would not take an opinion given by those lawyers as quick as I would one by the Court of Claims. Here is a court authorized by law, and they find in every single instance—I want to call the attention of the House to this fact—they find in every single instance that the men who built these ships have been already paid more than this board found that they ought to have.

Mr. ROBERTS. I want to ask the gentleman a question before he gets away from this matter of the findings of the Marchand board. Does not the gentleman understand that that board was instructed to find the whole increased cost of the work over the contract price?

Mr. HOLLIDAY. Yes.

Mr. ROBERTS. They were instructed to find that as a fact?

Mr. HOLLIDAY. Yes.

Mr. ROBERTS. Now, what did they find?

Mr. HOLLIDAY. They found, of course, the amount of the increased work and found that the parties had already been paid more than was properly due them.

Mr. ROBERTS. Now, then, do they not in their table say that the increased cost of the work over the contract price as claimed by the contractor is so much——

Mr. HOLLIDAY. Yes, sir.

Mr. ROBERTS. And then they do not find as the result of their work that that was a fact; they simply take the word of the contractor and assume that that was the case.

Mr. HOLLIDAY. Oh, no; they do not do anything of the kind. I beg the gentleman's pardon.

Mr. ROBERTS. Then, will the gentleman take the position that in the first item of increase, the sum of $1,226,000 was the actual increased cost over the contract price?

Mr. HOLLIDAY. No; I take it it was not.

Mr. ROBERTS. Then, if you do not take that position, you have got to say that the Marchand board did not follow their instructions, because they were instructed to find that fact.

Mr. HOLLIDAY. The gentleman certainly misunderstood me. They give the amount of such increase caused by the delay of the action of the Government, as determined by the board of review.

Mr. ROBERTS. Ah, but the gentleman is dodging again. That was still another point that they were to find, in addition to the findings of the cost over and above the contract price. They were to go beyond that. That was one fact which they were to find; and the next was how much of that increased cost was brought about through the fault or negligence of the Government. There were two distinct propositions.

Mr. HOLLIDAY. If the finding was not as I have stated, I am unable to understand the plain English of it.

Mr. ROBERTS. That is what I think—that the gentleman does not understand the plain English of this report of the Marchand board. If he will study it a little more, if he will read what the instructions to the board were, and what they did, he will understand the matter better.

Mr. HOLLIDAY. I have read exactly from the report.

Mr. RAY of New York. I want to know whether I understand this matter, and would like to ask the gentleman from Indiana [Mr. HOLLIDAY] a question or two.

Mr. HOLLIDAY. Certainly.

Mr. RAY of New York. These claimants made a claim against the Government——

Mr. HOLLIDAY. Yes.

Mr. RAY of New York. And the Senate and the House passed a bill which was approved and became a law, authorizing the Marchand board?

Mr. HOLLIDAY. Yes; that is the way I understand it.

Mr. RAY of New York. And that board was to determine the amount that ought to be paid these claimants?

Mr. HOLLIDAY. That is my understanding.

Mr. RAY of New York. And the Marchand board made the examination and made their report?

Mr. HOLLIDAY. Yes, sir.

Mr. RAY of New York. And it was assumed that whatever the Marchand board reported would be fair compensation for all claims?

Mr. HOLLIDAY. The Marchand board found that in every instance where they made report the parties had already been paid more than was their due.

Mr. ROBERTS. More than the contract price—nothing further.

Mr. HOLLIDAY. I beg the gentleman's pardon.

Mr. RAY of New York. Then these claimants, not satisfied with the findings of that board, and after having accepted the judgment of the Marchand board and the money that had been found due them, come forward and, on the same grounds, make a still further claim?

Mr. HOLLIDAY. Yes; there is nothing small about them; they keep on coming.

Mr. RAY of New York. They had a judgment in their favor; they accepted it and took the money; and now they want another judgment for the same thing?

Mr. HOLLIDAY. They keep coming right on.

Now, Mr. Speaker, I will not read all these items. I simply call the attention of the House to the fact that the Marchand board finds that in every single instance the parties have been already paid more than was due them. That ought to be conclusive of the subject.

Something has been said here about sending these cases to the Court of Claims. I violate no confidence when I say that in a brief filed by one of the attorneys for a part of these claims he stated that these claims would have no standing at all in the Court of Claims, because they are not founded upon any legal claim, but are simple claims in equity; that there was no use in taking them to the Court of Claims, and that the parties did not want any bill authorizing them to take them there. These parties do not want a bill authorizing them to go to the Court of Claims; they want a direct appropriation.

Mr. ROBERTS. Will the gentleman please inform the House in how many cases the Marchand board made an award?

Mr. HOLLIDAY. Oh, well, that is a matter of computation. I could count them if necessary.

Mr. ROBERTS. Is it not a fact that an award was made in only 7 cases out of 50 or 60 before the board?

Mr. HOLLIDAY. No; there are 50 or 60 reported here——

Mr. ROBERTS. But there are only 7 where an award was made.

Mr. HOLLIDAY. As I understand, they make a finding in every one of these cases. Let me read at random:

Alexander Swift & Co., river and harbor monitors *Oneota* and *Catawba*. Contract price, $220,000. Whole increased cost of the work over the contract price, as claimed by the contractors, $665,757.22.

Mr. ROBERTS. Will the gentleman go a little further and state to the House if the Marchand board made any finding in favor of Swift & Co.?

Mr. HOLLIDAY. They made a finding in every instance, but in some instances they found nothing at all was due them.

Mr. ROBERTS. In all these 50 or 60 cases the Marchand board, while they found that the contract price was so much, and while they found that the cost over and above the contract price was so much, and while they found that the contractor had received so much for extra work over and above the contract price, yet in only 7 cases did they find the Government was at fault, and make an allowance in those 7 cases. That is what I wanted to get at.

Mr. HOLLIDAY. I have always understood that when a plaintiff comes into court and the judgment of the court is that he take nothing that he lost the case. The Marchand board simply found these men did not lose anything, as they claimed they did, and rendered their finding to that effect.

Mr. ROBERTS. Does the gentleman mean when they found the excess of cost is merely the amount of the contract price——

Mr. HOLLIDAY. I decline to yield further. Now, I have no prejudice against these men. I do not know who they are.

Mr. MAHON. They are all dead.

Mr. HOLLIDAY. I do not know who holds these claims; I do not care. I am considering it from a purely legal point of view. I think they have not made out a case, and I think the Committee on War Claims of this House take the same view, or a majority of them do. I think this House can be engaged in no better service than in guarding the Treasury against raids of this character. They will keep on coming up. Gentlemen may talk about precedent, that we have paid some claims like these, and that, therefore, we ought to pay these. Precedent will continue to return and plague us, and if we pay these claims the action of the House to-day will be stated as a precedent for paying other claims a hundred years from now. The only safety is in refusing to pay them.

Now, Mr. Speaker, in conclusion, it does not appear from any report, but I think every man in this House who is old enough to remember the dark days in the war knows that the men who were engaged in building Government vessels and the men who were engaged in furnishing the Government supplies were not in business for their health. They made their contracts and made them high enough to cover all contingencies liable to arise. These men have been paid in full. In all conscience they ought to stop, and I hope the verdict of this House will be so conclusive to-day that at leastwe will hear no more of these claims during this session.

Mr. MAHON. Mr. Speaker, I am not going to weary the House. I have had these claims under consideration for ten years. You could not put the papers in respect to them in a cart, and after all it is a simple question. No one asserts that these people have not been paid their contract price and extras put on by the Government. They are all settled. There should be no confusion of ideas about that. They come here because of the delay of the Government, whose naval officers in the early days of the war did not understand the construction of vessels. That has been admitted by the Department and there has been an official record made of it, that Steimer and other men did not understand their business and these boats had to be rebuilt. Some of them put under contract at the beginning of the war were not finished in 1864. Now, what did the Selfridge board find? What did the Marchand board find? That on account of the delay of the Government, and through no fault of these men, the rapid rise in wages and in material at the time these boats were constructed had bankrupted these men.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Iowa?

Mr. MAHON. Certainly.

Mr. HEPBURN. Is not this the question, as to whether or not the Government is prepared to make good to contractors the depreciation in the currency, in the greenbacks, that occurred between the date of the contract and the date of its completion? Is it not true that there was no appreciation in wages or in materials, measured by gold, but that the seeming rise was the result of a depreciation from 100 cents to 40 cents on the dollar? Is not that the question?

Mr. MAHON. Yes; I will be frank in answering you, starting with the original proposition, that if these boats had been finished at the time that the contract called for their completion, this loss would never have occurred. Every gentleman in the House who is familiar with these matters knows that. Now, I do not care from what cause, whether from the rise in the price of gold, which forced up the price of labor and materials, or from what other cause, the whole fault absolutely was upon the shoulders of this Government. Now, what was the result?

Mr. GIBSON. And the Government paid these men in greenbacks?

Mr. MAHON. Yes; the Government paid these men in greenbacks.

Mr. HEPBURN. Will the gentleman allow me to ask him another question? When the soldiers went into the Army, they expected a short war. The war of the rebellion was protracted for four years. Now, is not every soldier who was paid his $13 a month in gold in the early days of the war, and later paid in greenbacks worth 40 cents, in precisely the same position; and has he not precisely the same claim to reimbursement that these men have because of the prolonged period of their contract?

Mr. MAHON. No; it is not an analogous case. The gentleman from Iowa and myself enlisted for a certain term. When that term was up we were paid in currency. I think we all came out bankrupt at that time. At least, I did. We had not anything when we went in, and we had not anything more when we came out. Now, I enlisted again for three years. I knew exactly what I was doing, and the Government kept good faith with me. When my time was up it gave me my discharge and gave me my pay.

Mr. RAY of New York. Will the gentleman permit me?

Mr. MAHON. Yes.

Mr. RAY of New York. While we are talking about that, why do not you bring in a bill that gives to the old soldiers the difference between gold and greenbacks?

Mr. MAHON. The gentleman can bring it in if he wants to.

Mr. RAY of New York. I want you to do it. You are chairman of the Committee on War Claims.

Mr. MAHON. I want to say, with all kindness to the gentleman from Indiana [Mr. HOLLIDAY], he admits that he has only read one report. And I want to say to the gentleman from Alabama and others who oppose these claims that the simple issue is whether the Government shall repay these men their loss on their contracts through the fault of the Government. That is the whole issue. Now, what has become of them? It is well known that the Government said to these men, "Build these ships or we will take your yards." That is the record of your Navy Department. Now, why do I advocate these claims? The gentleman from Tennessee [Mr. SIMS] has paid me the compliment, as chairman of the committee, to say that I have always been fair to the people. I am one of the men who believe—and I am sorry this Congress, as a rule, does not—that when this great Government of ours inflicts an injury upon one of its citizens, it is great and rich enough to make that injury whole; and I would not give a continental for a government that would refuse to do it.

I do not know one of these claimants except an old lady in her eighty-ninth year, with her daughter alongside of her, 70 years old, who appealed to me. But it is a fact that through the fault of this Government nearly seven-eighths of these contractors went into bankruptcy. Who were they? When this war was thrown upon this Government, preparation was made like a flash of lightning. We had no Navy, and these men who took these contracts were among our best citizens, loyal to the core, patriotic, doing their best to put the machinery of war on the waters in order that the rebellion might be conquered. We did conquer; and when the war was over these men were all bankrupt. I have studied this question long enough to assert here without fear of successful contradiction that through the fault of this Navy Department—not the willful fault, but through its want of experience in constructing vessels—these men were made bankrupt. It was the fault of the Department that this happened. Now, that injury has been perpetrated. The gentleman from Illinois says these claims are forty years old. Why, Mr. Speaker, there is not a claim in this bill that is not gray-headed. They are war claims. All of them originated during the civil war.

Now, the gentleman from Tennessee [Mr. SIMS] has spoken about these claims. I have helped to pay his claims and voted for them in committee and on the floor of this House when I thought they were right. I want to say to him that 52 per cent of all the money paid by the Government in the way of war claims has been paid, and properly paid, to the storm-swept State of Tennessee. Gentlemen, I lived in a war territory. You may talk about the Filipino war, you may talk about other wars, but when that war closed in 1865 my people had been almost swept from the face of the earth. I know something about it. Some of these gentlemen who oppose these claims lived thousands of miles away from the seat of war.

Now, who are the opponents of these claims? I just want to refer to one matter. I make no reflection upon any gentleman in this House. I can honestly say that so far as I am concerned no lobbyist has ever approached me upon the floor of this House in favor of these claims, but some of the most vicious and infamous lobbyists that this city has known have been hanging around the corridors of this Capitol for the last two months, and have been assailing these claims by circulars infamous in their character, and assailing these vessel contractors. What interest have they in it? They have tried to create a false impression about these claims simply because, like vultures, they could not get their beaks into the appropriations that are likely to follow. It is not the people who own these claims, but it is the gentlemen who want to get large concessions from these people; and because they have failed, they have assaulted these claims in a manner that should exclude them from this Capitol.

Mr. CANNON. A single question. There are vultures in the world, but before they ever perform there has to be the presence of carrion. [Laughter.]

Mr. MAHON. That is not always the case. They very seldom get carrion and have to take other food that people ought to have. The gentleman talks about conference reports coming back from the Senate and having to take the items that they put on. Many and many a time I have sat here during the night, and while we have been waiting through the night we have amused ourselves by singing old national songs and some of the Confederate songs, and under the leadership of the sweet singer now in the chair we have spent the long hours waiting on the gentleman from Illinois, the chairman of the committee of conference, and yet no instructions were given; and many a time the Senate has put into his bills something that he could not get them to recede from, and he had to agree to them.

Mr. CANNON. These claims, and many just like them, time and again have been put upon some of my bills; but the House has always stood by me, and they always went off.

Mr. MAHON. Except in the Fifty-fourth Congress.

Mr. CANNON. Yes.

Mr. MAHON. In the Fifty-fourth Congress they put two millions on, and the bill passed the House and passed the Senate, and some gentleman opposed to them went to the White House and got President Cleveland to veto the bill.

Mr. CANNON. Yes; the President vetoed the bill.

Mr. MAHON. I know who went out to the White House and got him to do it [laughter]; but that is all right. I move the previous question on the motion of the gentleman from Alabama.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the motion of the gentleman from Alabama.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama, to instruct the conferees on the part of the House to resist what is known as the Selfridge board claims.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Division.

The House proceeded to divide.

Mr. MAHON. Mr. Speaker, I do not care to take up the time of the House by a further division.

The SPEAKER. The ayes have it, and the motion is agreed to. The Chair announces the following conferees on the part of the House: Mr. MAHON, Mr. GIBSON, and Mr. SIMS.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14046, the title of which will be reported.

The Clerk read as follows:

A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The CHAIRMAN. The pending question is on the motion of the gentleman from North Carolina, to strike out the paragraph beginning at line 3, page 4, which, without objection, the Clerk will again report.

The Clerk read as follows:

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, $100,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergency fund" to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1902, and until such time as Congress shall make specific appropriation for the pay of such employees.

The question was taken, and the motion was rejected.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to recur to the provision on the preceding page—the contingent fund.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to the last paragraph on page 3. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I offer an amendment on page 4, line 2, after the word "dollars," to insert the following.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 2, after the word "dollars," insert the following:

"And that the unexpended balance of the appropriation of $10,000 made in the act approved June 7, 1900, to enable the Secretary of the Navy in his discretion to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or who are killed in action, ashore or afloat, outside of the continental limits of the United States, be, and the same is hereby, made available until used."

The question was taken, and the amendment was agreed to.

Mr. FOSS. Mr. Chairman, I desire to insert in the RECORD a letter from the Secretary of the Navy in explanation of the amendment which has just been adopted.

The CHAIRMAN. Without objection, the letter will be inserted. [After a pause.] The Chair hears no objection.

The letter is as follows:

NAVY DEPARTMENT, *Washington, May 3, 1902.*

SIR: In the naval appropriation act approved June 7, 1900 (31 Stat. L., 685), under the head of "Pay, miscellaneous, contingent, Navy," the sum of $10,000 was provided "to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States."

Only about one-half of this sum, it is understood, has been expended. The remainder, however, is not available, the Comptroller of the Treasury having decided that the appropriation expired with the fiscal year 1901; and although that officer is now, at the instance of this Department, further considering the question of the availability of the unexpended balance for the purpose intended, I am advised informally that his present view is that the appropriation is an annual one, but that inasmuch as it was entered in the digest of appropriations as "indefinite," it may be used for the payment of such expenses as have already been incurred thereunder, but not for any that may hereafter be incurred.

Requests are frequently received from persons whose relatives in the Navy and Marine Corps have died abroad, particularly in the Philippines, that the bodies be brought home for burial; and while the Department believes that their wishes in this respect should be carried out, compliance therewith at this time is impracticable, owing to the lack of an appropriation. This want, it is thought, will for the present be adequately met by making available the unexpended balance of the appropriation above referred to, and I have the honor, therefore, to recommend the enactment of legislation to that end. For the convenience of the committee the draft of a proposed clause, suitable for insertion in the naval appropriation bill and designed to effect the desired object, is accordingly herewith submitted and commended to favorable consideration.

Very respectfully, WILLIAM H. MOODY, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men of the Navy on first enlistment, other than naval apprentices, hospital apprentices, and landsmen under training for seamen, 3,000 men, at $45 each, $135,000.

Mr. CANNON. I move to strike out the last word for the purpose of asking a question. This seems to be a new item?

Mr. FOSS. Yes.

Mr. CANNON. Now, is it new to the service or is it an appropriation that dwelt elsewhere?

Mr. FOSS. No; it is new to the service.

Mr. CANNON. Well, authorized by legislation?

Mr. FOSS. For the first time in this bill.

Mr. CANNON. It is legislation, then, as well as appropriation?

Mr. FOSS. Yes.

Mr. CANNON. Well, now, I would be glad to ask my friend why? If I understand it, it is $45?

Mr. FOSS. Forty-five dollars for each man.

Mr. CANNON. For an outfit they never before have had?

Mr. FOSS. They never before had it.

Mr. CANNON. I would be glad to know why the committee find it necessary, if it is necessary.

Mr. FOSS. This outfit of $45 provides two suits of blue and two suits of white and underclothing accordingly to the enlisted men. Heretofore they have not had this, and this provision is made upon the recommendation of the Secretary of the Navy and the Bureau of Navigation. As it is at the present time, a man when he enters into the service of the Navy receives about $15 or $16 a month, and he is obliged to pay back this $45 for outfit which is advanced to him.

During that time, say for three or four months, he is not able to enjoy any of the privileges, such as going ashore, and very frequently he becomes dissatisfied with the service and deserts. Members of Congress are frequently called upon to help him out of trouble. Now, the Secretary of the Navy and the Chief of the Bureau of Navigation believe that men who are enlisted in the service would become better contented with their lot, and at the same time it will be an incentive to enlistments of a better and higher class of men, if they are given this inducement. It practically amounts to an increase in salary of $45 a year. I may say to my colleague that the Army provides for outfits for its men, and that was another reason which was taken into consideration by the committee.

Mr. CANNON. This puts the seamen that are enlisted upon all fours with the Army.

Mr. FOSS. Yes; with the Army.

Mr. CANNON. Now, I would be glad to ask—and I am asking for information—a little later on we come to the naval training school. When seamen are enlisted all their expenses are paid when they go to the training school.

Mr. FOSS. The training schools are not for these men. They are for the boys—the apprentices. The seamen at the present time are trained on ships and not trained at shore stations.

Mr. CANNON. And it is not contemplated that they will be.

Mr. FOSS. There was a proposition coming from the Department to provide for three training stations for enlisted men, but the committee, after considering the question, determined not to establish these stations, but simply have the training stations for boys. The boys enter between 15 and 17 years of age, and too young, really, to go to sea until they have been sufficiently disciplined or seasoned, so to speak, for sea service. There are no training stations in this bill for men, but simply for boys.

Mr. CANNON. Unless it be for officers. However, I will speak of that when we reach it a little later on. I am glad to know that the Committee on Naval Affairs—I think I am glad, but I am not sure—concluded not to have training stations for seamen because they would be upon land. I am very much of the belief, without being much of a sailor, that a good place to train seamen is on the sea. [Laughter.] I have no desire to antagonize this. The committee was unanimous; it met with the judgment of the committee?

Mr. FOSS. Oh yes; the committee was unanimous. The policy of the committee is to keep the Navy out on the sea, and for that reason we saw fit not to recommend the establishment of other training stations, although the request came to us with a great deal of pressure from the Department.

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Naval training station, Rhode Island: Maintenance of naval apprentice training station, Coasters Harbor Island, Rhode Island, namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials and maintenance of same; heating, lighting, and furniture; books, tools, and necessary appliances for petty officers' school; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones and all other contingent expenses, $55,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Here are two items for the support of naval training stations, one at Newport, substantially, as I understand it, and another at Yerba Buena. I should like to ask the gentleman where is Yerba Buena?

Mr. FOSS. In San Francisco Bay.

Mr. CANNON. The report that the committee makes accompanying the bill, from a hasty glance at it, it would appear that the expenditure at Newport for this naval training station is $496,000, and then comes an appropriation of $55,000 for maintenance. Then there comes later on under public works, $114,000 for additions to this training school. It seems, also, that in degree there is something of the same kind for the training school in California.

Over on page 8 there is also a naval war college that I will not speak of except incidentally until we reach it, down at Newport. There is a pretty large expenditure for maintenance for that and for additions. In the meantime the bill carries quite a large amount for the building and repair of ships. I will ask the gentleman if his committee has given very close investigation to the naval training schools? It seems to me like the Navy, and to some extent the Army, is to go pretty largely into the common-school system, and we are to have education galore instead of fighting and manipulation of the Army upon the one hand and the Navy upon the other.

I will confess that I am not fully informed about it, but still the question arises in my mind as to whether after all we are not going too far in this kind of expenditure, and in the greatest good faith I ask the gentleman about it.

Mr. FOSS. I would like to ask the gentleman to point out these items of expenditure to which he refers.

Mr. CANNON. The report that the gentleman makes, I think on page 36, gives the value of the property at the naval training school at $496,000. Then there is something for machinery, which I do not happen to have before me—probably $100,000 or over. Then on page 36 of the bill there is $114,000 to further extend buildings; whether it be officers' quarters or what I am not clear. I have a surmise that it largely abounds in quarters for officers, who I presume are to instruct these people. I will be entirely frank with the gentleman. I will just ask him his opinion in this connection whether or not the proximity of the fashionable watering place of Newport has anything to do with the naval war college, or that we will come to in the next paragraph, the naval training school and the officers' quarters, if it be officers' quarters that are to be constructed?

I will ask my friend a little later on, if it is appropriate, how many officers are on shore and how many are at sea? I do not think that he and I would disagree as to what is the better policy to be pursued, and I do not know but that even by these surmises I may be doing great injury to the service which we all glory in. If my surmises are correct, then it becomes a somewhat serious question, while we are availing ourselves of our magnificent personnel in the Navy, whether they are not working us quite lively for matters which are not strictly connected with the Navy.

Mr. FOSS. Well, so far as the location of this training station is concerned, I would say to my honored colleague that I presume—in fact, I know—that it was established after the city of Newport was established. But the advantages of a naval station located at that point are, I think, quite evident. I have visited the naval training station. When I was there last I found more than a thousand boys being trained there—a thousand apprentices—and the appropriations which we have made from time to

time have been comparatively small. Take this item, for instance, for maintenance, $55,000 per year. This, I think, is an increase of $10,000 over the appropriation of last year. But that is due to the fact that we have more boys there at this time than we had then, and is also due to the fact that there has been established a petty officer's school in connection with it.

Now, it is quite essential that we should train our officers, and that we should train these young boys, on shore to some extent. The Navy of to-day is different from the Navy of forty years ago. We can not measure the needs and necessities of the Navy to-day by the yardstick of forty years ago. The evolution of the modern battle ship brought about a wonderful change. The "Jack Tar" who was the inspiration of Cooper's tales has become a tradition. Old Jack, with his rough exterior, with language largely of profanity, sitting and smoking his pipe—perchance squirting tobacco juice with greater accuracy than the trained gunner of to-day can hit his mark with shot or shell—has become a tradition. "Jack" went off the ship when sails went off, and when masts went off. He went off in the evolution of the modern battle ship. And in his place has come the trained machinist, the trained gunner, the trained seaman; and it requires education to train these men to man the ship and to perform the different duties in connection with the careful manning and officering of the ship, in view of the great complexity of machinery and mechanism which obtains in our battle ships. And so this in some measure is a reason why it has become necessary to some extent to train apprentices and to train officers on shore.

But I would say to my colleague [Mr. CANNON] that we have not gone to the full extent which the Navy Department would have us go in training men on shore, because we have believed we should, as far as possible, keep the men at sea. But we think we are to-day doing no more of this training, this so-called education, than is absolutely necessary for the efficiency of the service.

A few members of the committee, including myself, have visited the naval training stations. We have only two—one at Newport and the other at Yerba Buena Island, in San Francisco Bay—and the appropriations for these naval stations have been reasonable from year to year and comparatively small in amount. The whole investment in each of them is not very large. Gentlemen refer to the one at Newport, which, I think, has cost us less than $500,000. That is the larger training station of the two; there are more boys there than at the other.

Now, I think with this information this provision ought to pass the judgment of the committee.

Mr. CANNON. Mr. Chairman, if I may be allowed, I will rise to oppose the amendment. Now, let us take up this question in connection with Newport. Turning to the statement on page 7 of the report of the committee, we find that there is at Newport, R. I., a naval torpedo station, with "real estate and chattels" valued at $245,000, and machinery $59,000.

Mr. FOSS. That is separate and apart from the training station.

Mr. CANNON. I know; but somehow or other there comes now for the support of this torpedo station an appropriation of $65,000 on page 12 of the bill. Then there is the naval training station; and then comes the War College. Now, we have about 12,000 or 15,000 miles of coast line. I will just ask my friend the plain direct question, if he knows whether or not the happening of these three institutions—the War College, the training station, and the naval torpedo station, all centered down there at Newport—whether the officers and men are on duty the year round or only during the warm season, and whether the schools vary in size; or, to make a long story short, if my friend knows, I would be glad to have him tell us how many officers there are there and about how many apprentices; and just between us now, is this a polite way of taking an outing at a summer watering place? Is this matter accidental, or is it on purpose?

Mr. FITZGERALD. Let me suggest to the gentleman that the superior facilities at Newport in the way of location and depth of water had a great deal to do with the selection of the place.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DAYTON. I ask that the gentleman's time be extended.

Mr. CANNON. I do not desire it.

Mr. DAYTON. Oh, yes; we want to have the gentleman's views on these matters.

The CHAIRMAN. Does the gentleman from Illinois desire further time?

Mr. CANNON. Oh, no. But I should like to know how many of these officers there are, because we are to come to this naval-college matter in a moment, and perhaps we had better understand it now.

Mr. WATSON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Illinois. I would like to ask whether the gentleman is opposed to these institutions per se or opposed only to their location?

Mr. CANNON. I hope my friend will allow me two minutes to answer him. I am in entire touch with the utterances of one who seems to me to be a man of great ability, holding a great place, of very recent date, and I read as follows:

> Even in time of peace a war ship should be used until it wears out, for only so can it be kept fit to respond to any emergency. The officers and men alike should be kept as much as possible on blue water, for it is there only they can learn their duties as they should be learned, etc.

I have read from the message of President Roosevelt to this Congress in December last.

Mr. WATSON. I think that is correct.

Mr. CANNON. Now, then, we might just as well have it out right here. The next item is the Naval War College. What is that for?

Mr. TAYLER of Ohio. Instruction of officers.

Mr. CANNON. I would like to know if the Naval War College is for the instruction of officers?

Mr. DAYTON. May I answer the gentleman?

Mr. CANNON. My question is asked in good faith.

Mr. DAYTON. I know that and I want to answer the question of the gentleman. If the gentleman will take occasion some time at his leisure to read the hearing No. 63, in reference to this war college, I think he will find out that some of us were impressed with the same ideas that he had, and had a purpose to inquire pretty fully into what this war college was established for. I have not time to read that whole statement, but I will try to give him the substance of what is done at the Naval War College. It is an institution established for the purpose of the study of the arts of war, of military rules and actions, by the officers of higher grades.

In other words, it is the study of the art of war by those who are about to or have assumed commanding rank. Its purpose further is to study and to educate officers in all questions of international law. It is recognized to-day as the leading college on international law in this country, if not in any other country. Now, let me illustrate just what the class of studies there are in one particular. Problems are studied every year. It is supposed that war should spring up between this country and some other country and that its basis of action should be at a certain point. All the charts are studied, all the plans of that campaign are worked out in detail by these officers who are there present.

They are carefully preserved. There are hundreds of cases, many cases involving a naval campaign at almost every point on our coast, and in all parts of the world, in fact, and all the details of a plan of campaign under those circumstances are considered by the officers at this Naval War College for the purpose of determining what would be the action of each of the sides engaged in the controversy and what preparations would be made. In addition to that, the charts of the locality are carefully studied, and all, as I said a moment ago, of the details of the campaign are worked out, so that if we should have war with any one of the powers that would involve any question similar to that, the consensus of opinion of a number of the best officers, those of the higher rank, as to what should be the course and conduct of that campaign will be all worked out there in detail. That is in substance the purpose of it.

Mr. CANNON. I will ask my friend how many officers attend this Naval War College?

Mr. DAYTON. Well, the number varies. Last year there were 28 of them that joined and worked out the scheme of what might be a possible war.

Mr. CANNON. How long were they on duty?

Mr. DAYTON. They were on duty six months, I suppose. I do not know; possibly less. They were studying these problems.

Mr. CANNON. During the summer season or in the winter time?

Mr. DAYTON. The school goes on in the winter time and in the summer also.

Mr. CANNON. Well, mostly in the summer time or mostly in the winter?

Mr. DAYTON. I do not think there is any difference.

Mr. CANNON. Now, I want to ask my friend another question. These people that attend this Naval War College are the highest officers, are they not?

Mr. DAYTON. Above the rank of lieutenant-commander, usually; those who are about to assume and be responsible for and command vessels in case there should be war.

Mr. CANNON. A lieutenant-commander is generally about 50 years old before he gets his commission, is he not?

Mr. DAYTON. Less than that now.

Mr. CANNON. Well, 40 or 45.

Mr. DAYTON. Well, I do not know what the age may be. It depends a great deal upon circumstances.

Mr. CANNON. I will assume him to be 45 or 40 for the

purposes of the argument. To begin with, we will soon have an $8,000,000 Academy finished down here at Annapolis, with a six years' course, I believe, is it not?

Mr. DAYTON. No; four years, and two at sea.

Mr. CANNON. Well, we call it a six years' course.

Mr. DAYTON. But it is only four years at the Academy.

Mr. CANNON. Of education in the Naval Academy.

Mr. DAYTON. Yes.

Mr. CANNON. And the man goes to sea. About a third of them, as I recollect the last report a year ago, were on shore duty. And he goes along and finally gets his grade in peace and war, performing his duty on the great battle ships and the cruisers until he gets to be 40 or 45 years old. Then he comes back and goes upon shore duty and in the summer and the winter both, if you choose, but anyhow at Newport, he goes to this Naval War College.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I hope I can have a minute or two more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DAYTON. Now, will the gentleman pardon me just one remark?

Mr. CANNON. Yes.

Mr. DAYTON. I would be in entire sympathy with my friend in combining these colleges at Annapolis if that were possible. Unfortunately these institutions have been located at Newport. At one time it was suggested, and there was a strong sentiment in favor of it, that the Academy be moved from Annapolis to Newport, because I may assure the gentleman that there is no question that the surroundings—I do not mean the social surroundings, but I mean simply the harbor and the physical conditions—at Newport are very favorable to naval institutions of this character. The torpedo station is situated on an island that is entirely separated, as I understand it, from the city proper; but these institutions have been located there.

Now, I hope the gentleman will read the hearings for the purpose of determining the purpose and object of this naval war college and these other institutions. If he will do so, I think he will see that there is justification, not alone in having men understand the management of a ship at sea, but also in having them study every inch of our coast line, study every one of our harbors, study every possible contingency that may arise in a naval conflict in those harbors and in those waters, and study all the questions of how they shall obtain supplies, where the base of supplies shall be, and how a commanding officer shall prepare himself in case it should come upon him to be in charge of the fleet in time of battle there, and that is what they study.

Mr. CANNON. That is, about eighteen or twenty of them.

Mr. DAYTON. Every year. All of them get that training. There are only seven there permanently.

Mr. CANNON. Oh, seven there permanently.

Mr. DAYTON. Only seven there permanently in charge of the station.

Mr. CANNON. And as high as eighteen or twenty in the summer.

Mr. DAYTON. Last year, twenty-eight.

Mr. CANNON. Twenty-eight?

Mr. DAYTON. As they come on shore to study these problems.

Mr. CANNON. And they are all men over 40 and most of them over 50 years of age, drawing on blackboards what they would do in the event there was a breach presentation or a head presentation, and so on.

Mr. DAYTON. All these plans of war or conflict are carefully preserved for use in the library, and are strictly confidential.

Mr. CANNON. Now, I will just turn over to page 37 of the bill and ask my friend what is this appropriation for?

Naval War College, Rhode Island, buildings: Building and furnishing a fireproof annex to the college, with a covered connecting bridge, $60,000.

Mr. DAYTON. I will simply answer the gentleman that this fireproof building is for the purpose of keeping these records, that are confidential in their character, and the other valuable papers that this college has.

Mr. CANNON. Then I understand that they have naval quarters there for these officials?

Mr. DAYTON. Oh, no; I think not.

Mr. CANNON. For the seven people?

Mr. BULL. If the gentleman will allow me, they have about thirty or forty naval officers there at every session of the war college.

Mr. CANNON. Have they quarters?

Mr. BULL. Only for the president. The officers are quartered in the city of Newport.

Mr. CANNON. Quartered in the city of Newport. Does the Government own the quarters there?

Mr. BULL. No, sir; the Government owns the college building.

Mr. DAYTON. They live in four rooms in the college building, I want to say to the gentleman.

Mr. CANNON. Well, I just wanted to see whether or not this was leather and prunella and an excuse, or whether there was real service in this Naval War College. Now, I want to express the belief of a man who does not know much about the sea, that you may take men who have been at sea until they are 45 years old, and then bring them together in a Naval War College to study what they might, could, would, or should do if a battle should come, and in my opinion, modestly expressed, it does not amount to the snap of a finger. Why, I had a friend once who told me that he took a whole month in posturing and seeing which knee he should get down onto, and trying to find out which hand of his sweetheart he should seize, and how low he should duck his head when he popped the question. "Well," said I, "how did you get along, Jim?" Said he, "By jing, I forgot all about it, and I asked her if she would marry me and kiss me, and she said 'Yes.'" [Laughter.]

Mr. GROSVENOR. Mr. Chairman——

Mr. CANNON. I do not believe, gentlemen——

Mr. GROSVENOR. I want to ask the gentleman a question.

Mr. CANNON. Yes.

Mr. GROSVENOR. Do you think because you understand all these things that the average American youth does not have to be educated up to the point? [Laughter.]

Mr. CANNON. I would say, from the complexion of my good friend, that it did not take any war college to enable him to get along in all these emergencies. [Laughter.]

Now, as to the serious side of this matter. It is easy to find fault. I have been in this House too long to find fault recklessly, and I guard my words while I talk for a minute or two. Now, the surmise arises in my mind whether or no the greatest threat to the American Navy to-day is not the fact that one-third of the 1,700 or 1,800 officers are not upon salt water, but upon the land, in the performance of duty, in many instances, that civilians should perform.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CANNON. But my friend took nearly all of my time.

Mr. DAYTON. I ask unanimous consent that the time of the gentleman may be extended.

The CHAIRMAN. Is there objection to the time of the gentleman being extended? [After a pause.] The Chair hears none.

Mr. CANNON. I am quite in harmony with the recommendation of the President of the United States that no naval officer, with the growing Navy, should be performing duty anywhere upon shore that a civilian can perform.

Mr. GAINES of Tennessee. Mr. Chairman, only one moment. I want to ask my friend where these men are at work and what are they doing on shore.

Mr. CANNON. Oh, my friend, you will find, down at the Navy Department, quite many of them there. I will refer my friend to the Navy Register for that, and the report of the committee.

Mr. GAINES of Tennessee. I am really anxious to find out.

Mr. CANNON. I have got a report made a year or two ago that gives it, and my friend in charge of the bill says it is in his report.

Now, then, in the greatest good faith, without any demagogy about Newport, or this or that or the other, because I have a pride in the personnel of the American Navy; but we are building more ships here. This bill mounts up to $70,000,000, and I am in favor of building more ships. I am in favor of having a Navy that will answer the purposes of the Republic, and will stand sufficient for the new duties that have been growing, and have been thrust upon us in the performance of our duties to the nations of the world; strengthening our diplomacy and making us ready for any emergency. But I do believe that it is the duty of this committee, and our duty as friends of the Navy, to see to it that the President's recommendations are carried out. And we are going to have more officers, when we are enlarging the institution at Annapolis. I believe we should utilize the naval officers upon the sea. Now, then, I have laid the foundation for the statement by the various inquiries that I have made. Now I will yield to the gentleman from Kentucky.

Mr. WHEELER. If the gentleman will permit me, I desire to indorse very heartily what he has stated in reference to keeping our naval officers upon the sea, and I wish to suggest to him how he can accomplish that result. If he will adopt the suggestions of the Secretary of the Navy who has just retired, and will induce his colleagues upon this side of the Chamber and upon the other side of the Chamber to carry into execution those suggestions, he will favor the consolidation of bureaus that in my

judgment are cumbersome and some of them unnecessary, and put three to four hundred officers upon the sea and give no further excuse for keeping them on the land.

Mr. DAYTON. How can we send three or four hundred more officers to sea when there are less than three hundred on land?

Mr. WHEELER. There are between seven and nine hundred officers off on shore leave and on land duty.

Mr. DAYTON. There are 272.

Mr. FOSS. There are 1,017 altogether.

Mr. CANNON. I would like to conclude this sentence. [Laughter.]

Mr. DAYTON. We have only 1,017 officers altogether.

Mr. WHEELER. There were seven hundred and some odd ashore last year.

Mr. DAYTON. You are mistaken.

Mr. CANNON. Now, I believe in the statement of the gentleman from Kentucky. If these bureaus in the Navy Department should be consolidated—I am not a naval expert, but I think I know, I believe I know it to the standpoint of absolute conviction, so that if I had the power to do it I would do it in the twinkling of an eye. [Laughter and applause.]

But let me state, gentlemen, that in my judgment it is not going to be done. Why? It is the easiest thing on earth to create an office. It is the hardest thing on earth, from a legislative standpoint, to abolish an office [laughter]; and when you come and talk about moving out the heads of these bureaus, and the naval officers that are in them, and sending them to sea through the consolidation and the employment of civilian people to perform the duties now committed to them, you strike "the sisters, the cousins, and the aunts" of all of us. [Laughter and applause.] And you are not going to do it. I wish it could be done. [Renewed laughter and applause.]

Mr. MUDD. I would like to ask the gentleman a question.

Mr. CANNON. Very well.

Mr. MUDD. I would like to inquire if it would meet with the approval of the gentleman's views to provide that retrenchment, which I am always anxious to promote [laughter], if the establishment at Newport should be transferred to Annapolis and have it all at one place?

Mr. CANNON. Mr. Chairman, I have always known the gentleman as an able leader and a faithful representative of his constituents. I am now glad to welcome him to the great society of humorists, and he is one of the best I know of. [Laughter.] Now, I do not want to grow into a common scold. I do believe it is impossible to do it in the Committee of the Whole House, but I do believe that the Committee on Naval Affairs, in vacation if necessary, should take hold of this whole matter with a vigorous grip. It is necessary for the good of the Navy, and twice necessary, in my judgment, for the good of the people. [Applause.]

Mr. HEPBURN. Mr. Chairman, I do not want to attack in any way this particular provision with relation to the education of apprentices. I do not know how important it is, but I assume that it is important. I do, however, want to make some suggestions with reference to the extraordinary expense that this Government is at through, as I believe, the improper employment in a large degree, at least, of high-priced naval officers in the performance of a duty that ought to be performed by civilians. We have here a Navy Department, and it is a part of the civil government. Its object is for the control of the Navy of the United States, and yet in the Navy Department to-day in this city there are 114 naval officers, and within 40 miles of this Capitol there are to-day 204 naval officers, as shown by the last Navy Register.

We are all proud of the Naval Academy, and that pride was evidenced by the large, bountiful, munificent appropriations made only a year or two ago for the purpose of properly housing that establishment. It is supposed that that is a place for the education of naval officers, and the popular idea is that that education is being conducted as is the educational matters at other institutions. And yet we have there on duty now 59 naval officers, in addition to the professors and the others engaged in instruction in the scientific departments of that institution.

We graduated, I am told, 58 cadets at the last commencement. We have 59 officers there, one more than we graduated, and if you include the whole number of cadets you have but a little more than 4 cadets to each one of these officers. I believe there is something wrong about it. I think it ought not to be.

Let me call the attention of the House for a moment to the conditions there. At the Naval Academy we have 4 commanders, we have 14 lieutenant-commanders, we have 22 lieutenants, we have 13 lieutenants of the junior grade, we have 6 other commissioned officers, surgeons, pay inspectors, etc. We have 4 professors of mathematics, and we have 14 of the high-priced warrant officers.

Now, if this is necessary—if it is necessary to have this great staff in addition to the instructors that are there, all right; but if this is in accordance with the practice of finding comfortable places, secure corners and nooks where these gentlemen may be ensconced, I think it ought to be stopped.

One of the reasons which I would urge against the construction of ships in our navy-yards is that I believe that practice would simply justify on the part of officers controlling themselves in the Navy Department the flooding of these stations with unnecessary officers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HEPBURN. Very well.

Mr. BUTLER of Pennsylvania. The very point the gentleman is now discussing has been in my mind many times, and having great confidence in the gentleman's wisdom as well as his experience, I would like to ask him a question. All these officers claim that they have a right to be at home during some period of their service. will my friend give me a plan which in his judgment would be wise, one by which they could be permitted to divide their time between shore and sea service? This is a proposition I have had in my mind a long time and I have not been able to satisfactorily work it out.

Mr. HEPBURN. The domestic arrangements of every man must be arranged by himself.

Mr. BUTLER of Pennsylvania. Would my friend keep them at sea all the time?

Mr. HEPBURN. I do not think that the fact that a man has a family is a matter for his Government to consider, when it proposes to settle his pay and to provide for his duties. I know there was a time, for nearly four years, while I was in the military service of the Government, that no solicitude of that character seemed to be manifested on the part of the Government toward me. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BUTLER of Pennsylvania. I ask unanimous consent, Mr. Chairman, that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Iowa may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. The question the gentleman from Pennsylvania has asked me I can not answer, and it is not for me to answer, nor for any other member of this House. That is a matter for each man to determine for himself. If he can not perform the duties that the Government has imposed upon him, the duties that he himself undertakes to perform, and hold proper relations to a family, that is his business, and not mine.

I believe that this idea that each man has a right, after a three years' cruise, to three years shore duty, is an assumption rather than a fact. He has no such right. He has no right to assume that the Government will recognize a right of that kind. I believe that when at sea—certainly during times of peace—there is no class of men receiving the same compensation who undergo so little of hardship and who have so snug and comfortable a berth as have our naval officers. [Applause.] I do not believe that three years' sea service is of such extreme and rigorous character—calls for such fortitude or self-denial—as to entitle the officer to three years of leisure afterwards. There is nothing like that "nominated in the bond."

Mr. BUTLER of Pennsylvania. Will the gentleman from Iowa allow a single suggestion? It is also said in opposition to the arguments made by the gentleman from Iowa that to keep all these officers at sea will entail upon the Government an unusual expense; that it costs a great deal of money to keep a ship in commission; that there are certain times when a ship must be laid up for repairs; that our ships can not be at sea all the time, and our naval appropriations would be very much larger if we kept enough ships in commission to keep these officers of higher grade at sea all the time.

Mr. HEPBURN. If it is true that our ships do not keep pace in their growth with the growth of the Naval Register, then I would take some of the names off the Naval Register.

Mr. VANDIVER. Will the gentleman from Iowa allow me a suggestion in the line of his remarks?

Mr. HEPBURN. Certainly.

Mr. VANDIVER. The argument made for increasing the number of officers in the Navy Register is that we have not enough men to officer our ships, and therefore this bill provides for increasing the number by adding 500 more cadets.

Mr. HEPBURN. I was coming to that point after a time.

Mr. VANDIVER. I want to say that I appreciate the gentleman's expressions, and agree with them.

Mr. HEPBURN. We have now 22 rear-admirals. We have not commands for them. On the contrary, we have proper commands for only 7 rear-admirals. According to this register, we

have 70 captains to command ships; and yet as I read the register we have but 29 officers of that grade in command of ships.

I do not know that I want to make any other criticism than this, that the functions of the Navy Department, like those of the War Department, have been usurped, through usage, by a class of men that have no business there. Those offices in those two Departments are civil in their nature; they ought to be filled, at least in a large degree—except where expert knowledge is necessary—by civilians; and these men, trained to military or naval duties, ought to be placed where their education fits them for service.

I am told that it costs us $10,000 to graduate an officer at West Point or at the Naval Academy. After we have gone to that expense, why put these men in civilian places? Why put these high-priced men in situations which in the other departments are filled by $2,000 or $2,500 clerks? This practice will be continued just as long as the Navy Department is controlled by the Navy or the War Department is controlled by the Army. I do not believe a proper order of things will be possible until those two great Departments are restored to their proper places as part and parcel of the civil government of the United States.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have listened with much displeasure to the remarks of the gentleman from Iowa [Mr. HEPBURN] in opposition to the "shore duty" of the personnel of the Navy. I am very much in favor of shore duty for the Navy. It is my peculiar privilege to-day to defend the Navy, its honor, and its prestige, and its personnel. I may say that in a certain way I have an inherited duty to defend a certain class of the Navy—the landlubber part that stays ashore all it can. None of my family, except myself, have for six generations been "down to the sea in ships."

Now, Mr. Chairman, in connection with the performance of that duty I want to call the attention of the House to the time-honored fact that the "nine Muses" have always been the defenders of the heroes of land and sea battles. It is in poetry that the heroism of men appears to the best advantage. Half of the old worthies of the old time would have been lost sight of but for Homer. I want to read now a piece of poetry—a perfect piece of inspiration in my opinion—suggested by recent naval occurrences, which confirms the old idea that a man frequently owes his reputation to the inspiration of the Muses and to the comments that are made upon him by the worshipers at the altars of the Muses.

Who this worshiper is, who the author of these lines is, I do not know. I would scorn to inquire, because what he says is so absolutely perfect that his own "personnel" (to use a naval phrase) cuts no figure in the premises. You all remember that beautiful old-time poem about the battle of Blenheim and the glory of Marlborough and of Prince Eugene, and the little boy who wanted to know how it all came about. The author of these lines seems to have had that poem in his mind:

"Oh, who is Crowninshield, papa,
That he should have the best
Of everything there is to have
And shine o'er all the rest?"

"Great Crowninshield, my son, has done
A lot of wondrous things,
And now he reaps the proud rewards
That virtue always brings."

"What were the virtuous deeds he did,
That he should simply name
The things he wants for his rewards
And straight annex the same?"

"Oh, you can never understand
The wonders he has done;
The fight they made on Schley he planned,
And that was great, my son."

"What other fights were fought by him
Whose flag so proudly flies
High on our greatest ship, before
The world's admiring eyes?"

"No other sailor ever sat
Behind a desk and fought
As glorious a fight as that,
Or planned as grand a plot."

"But when and where did Crowninshield
Stand on the bridge and show
His 'bullies' how to train their guns
Against the firing foe?"

"Oh, fie upon your 'firing foes'
And 'bullies' and such things!
Great Crowninshield sat at his desk
And deftly pulled the strings."

"And was that all he did, papa,
That he, with bulging chest,
Should head the list of heroes now,
Eclipsing all the rest?"

"Go out and chase the put, my son—

I do not know what "put" is, unless it refers to the declaration that the American flag has "got to stay put," a highly ungrammatical but strenuously Presidential phrase; but I will leave the phraseology to the poet—

"Go out and chase the put, my son,
And bother me no more;
Great Crowninshield's the greatest tar
That ever stayed ashore."

[Laughter and applause.]

And yet the gentleman from Iowa [Mr. HEPBURN], with that audacity that characterizes him, would deprive the heroes of the Navy of the opportunity of earning immortal and unending renown by "staying ashore" and "deftly pulling the string." Does he not know that a naval officer has no particular opportunity for promotion without an opportunity to "stay ashore" and "deftly pull the string?"

Mr. Chairman, it has not been long since the American people were somewhat aroused by a naval investigation of a man by the name of Schley, who took an insignificant part in the battle of Santiago.

The American people have concluded, without any reason, without any common sense, without any experience, contrary to all the expert knowledge of the Navy Department, that because this man simply happened to be on the bridge and happened to be telling the "bullies" how to shoot and whither to shoot, that he had something to do with the battle of Santiago. It just happened that a great "naval expert" by the name of Maclay wrote a history of the Navy of the United States, and it just so happens that that naval history was adopted at the Naval Academy at Annapolis—by whose insistence, by whose suggestion, I know not.

It just so happens that the author of the book mentioned, while he was writing it, in his introduction, says that he had had the proofs of the book submitted to this great "tar" who won his repute by "staying ashore," Crowinshield—or, as he is called since he went to England on coronation duty, Crunshell—and that he had it submitted to a great many other people connected with the last and with the present Administration, and that they approved of it. Now, this fool American people who do not know anything about naval affairs, and have not any particular sense, concluded that the man who happened to be there and in command of the ship that received the most shots and would have been sunk if it had not made the "loop," had a little something to do with the battle of Santiago, and a man in Congress, a fellow from down South—"away down South in Dixie"—who did not have any better sense, introduced a set of resolutions early in this Congress, which I will now read to the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KLEBERG. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Now, gentlemen, to quit badinage a while, let us just examine into what constitutes the right relationship between gentleman and gentleman and officer and officer in the Navy or in the Army of the United States. Suppose that I were a superior officer in the Navy or the Army. Suppose that I had reason to believe that an inferior officer had been cowardly or had been untruthful in his conduct, what would be my duty? To ask and to try to get a court-martial or to prefer charges against him for what he had done. Would it be a part of my duty to go out and pick up a little whippersnapper somewhere in the employ of the Government as a laborer, have him write something and look over his proofs and approve and indorse them, and have him make an attack in the rear upon my brother officer? I imagine not. I imagine that would be ordinarily considered "conduct unworthy of an officer and a gentleman."

Has that sort of conduct taken place? I do not know. Nobody knows. We do know it has been charged, and we do know that this Congress has absolutely failed to investigate it. Now, a Presidential ukase has been sent abroad that talk about this Schley matter must stop, in official circles at any rate. Thank God, they can not stop it amongst the American people altogether, provided the American people want to talk about it. But I have never wanted to investigate the Schley matter any further. That has been investigated sufficiently, and not only the American people, but the people of the entire world, with honest hearts and clear brains, have concluded that whatever else is true, that whatever else is false, one thing is true, and that is that Admiral Schley was neither a coward nor a liar. [Applause.] The American people know that, if he had never been in the battle of Santiago, his exploits upon the Greely relief expedition branded him a man all over, and a man with a courage much rarer than the courage which men must have in battle, because in battle the shoulder to shoulder feeling of men encourages the coward now and then, out of pure pride, to play the part of hero.

But when a man goes away up to the arctic circle upon one of

these relief expeditions, and has to battle upon the hurricane deck of the ship against the wind and the cold, and has to take care of his men and keep his presence of mind about him, it requires a courage far above the "hurrah, here we go" sort of courage that takes place in battle.

This resolution was introduced. I want to call the attention of the House to it, and I want to know why it now sleeps the sleep of the just—and I will undertake to say that it is the sleep of the just—in the Committee on Rules:

Whereas—

Is there a word in it that is not true—

one E. S. Maclay has written a history of the Navy of the United States which was adopted for use at the Naval Academy at Annapolis—

Did he write it? Was it so adopted or not?—

And whereas in said history said E. S. Maclay denounces Rear-Admiral Schley as a liar and a coward—

Did he or did he not?—

And whereas said Maclay is reported to have alleged that the proof sheets containing these charges were submitted to one Capt. A. S. Crowninshield, Chief of the Bureau of Navigation of the Navy Department, and approved and acquiesced in by him—

That was reported, was it not? Did you not all of you see it in the newspapers everywhere? It is merely asserted that it was so alleged—

And whereas said Maclay was at the time of the writing of the said history and is now—

He is not at this moment, but he was at the time of the introduction of these resolutions—

in the employ of the Navy Department of the United States, notwithstanding the scurrilous character of the charges made by him in said history;

And whereas said facts disclosed a state of things subversive of honorable conduct and consideration among officers of the Navy and employees of the Navy Department: Now, therefore, be it

Resolved—

Now what? No great bombshell, no anarchy, simply this—

That a committee be appointed by the Speaker for the purpose of investigating and reporting to the House of Representatives the truth or falsity of the said statements as made by said Maclay, the truth or falsity of the allegations that the proof sheets were submitted to and acquiesced in by said Captain Crowninshield, and to report to the House of Representatives the course of action to be pursued by the House in consequence of the ascertainment of facts to be made by said committee.

Gentlemen, I have heard a great deal here in the last two or three days about attacking the "honor of the Army" and attacking the honor of the Navy of the United States. We seem to have come almost to the point to which the French Republic came a little while back, when the civil authorities dared not acquit an innocent man for fear that the nation of France might meet with the rebuke of the army of France—in the Dreyfus case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARTLETT. I ask unanimous consent that the gentleman from Mississippi have five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not expect to use the time allotted to me. I have heard a great deal here lately upon the line I have just referred to; but I want to call your attention, Mr. Chairman, to this, that an attempt to maintain the principles of humanity in the Army and an attempt to maintain and secure the principles that ordinarily prevail among gentlemen in the Navy is not an attack upon either the Army or the Navy. It is, upon the contrary, a defense of the historical and traditional esprit du corps of both.

I listened with much surprise yesterday to the remarks of my grave and reverend friend from Pennsylvania [Mr. GROW]—a gentleman who has identified himself with the history of this country in more than one worthy way—when he undertook between the lines to justify Smith's inhuman order in the Philippine Islands "to make a howling wilderness of Samar," and "to kill all—10 years old or over," by citing what he said was the conduct of the Federal Army on Sherman's march to the sea and on Sheridan's trip through the Valley of Virginia.

Mr. Chairman, I am a Southerner, and I am a son of a Confederate soldier and a Confederate officer. He left me many broad acres, and he left me many things to render easy my course through life. He left behind him with me a heritage of love and affection; but he left me nothing, in my estimation, as valuable as the recollection of his courage upon the battlefield in meeting soldiers almost as brave upon the other side. Mr. Chairman, standing here as a Southerner and the son of a Confederate soldier, I hurl back the comparison made by the gentleman from Pennsylvania.

Neither under Sherman nor under Sheridan, neither on the march to the sea, nor through the Valley of Virginia, while houses were being burned and stores and supplies were being destroyed according to the rules of war while many things were being done to prove true Sherman's remark, "War is hell"—and now and then contrary to them—neither on the march to the sea nor on the march through the valley was ever an order issued by a Union officer to make either place "a howling wilderness," nor to "kill everything," men and women, "above the age of 10 years." Neither upon the march to the sea nor on the trip through the valley of which Sheridan boasted afterwards, when he had gotten through with it, "that a crow must carry its own rations, if it wanted to cross it," did Union soldiers reduce themselves to the degradation of habitually committing rape and murder, nor any officer to the deeper degradation of ordering either.

It is not my ancestry that is slandered by the gentleman from Pennsylvania; it is the ancestry of the Northern section of this country, if anybody. But as an American citizen, as the son of a "rebel" soldier, as a man who is intensely American, although he is intensely Southern, I want the world to know that when civilized men were fighting civilized men upon the American continent—one of them in behalf of the cause of the preservation of the Union as he understood it, and the other in behalf of the cause of local independence as he understood it—that the watchword was chivalry and fair fight, and that women were not subject to insult and rapine, and that boys were not murdered because they had reached the "age of 10."

Why, Mr. Chairman, have we reached the stage when the Army is greater than the nation, when the criminals in the Army can not be held up to the execration of the good men of the country? If we have, this cry, which has been uttered by some people, that the Republic had already ceased to exist and the empire and despotism had taken its place, is demonstrated by the very fact itself.

Why, away back years ago when you first embraced this newfangled theory of American expansion over non-American and un-American territory, when you began this newfangled scheme of extending the American flag where American principles could not go, when you began this new policy of annexing oriental and inferior populations and oriental countries, thereby poisoning the body politic by the admixture of their inferior blood or else tempting ourselves to deeds of tyranny or cruelty, I called your attention upon the floor of this House to what you would have to face.

The history of the white people all through the history of the world is written unerringly so that anyone may understand it. Wherever a higher civilized race comes into conflict with a savage race through the fact of war, the civilized power resorts to savage methods, provoked by the savage character of the foe whom it opposes. Opposing barbarians, they think themselves entitled to become barbarians. What is the lesson to be drawn from it? Go ahead and exterminate the savage foe or the semi-savage foe? No; the lesson is to keep yourselves within the limitations and boundaries which God has fixed for the races of the world, securing the happiness of your own people and admitting the independence and liberty of other peoples. [Loud applause on the Democratic side.]

Mr. GROSVENOR and Mr. GROW rose.

The CHAIRMAN. The gentleman from Ohio is recognized. The Chair desires to call the attention of the committee to the fact that all this debate is practically proceeding by unanimous consent.

Mr. GROSVENOR. Mr. Chairman, I want to speak, not upon the vexed question of Schley or anti-Schley so much as to reply to the demand or challenge that was made to the Committee on Rules by the distinguished gentleman from Mississippi, who demanded to know why certain resolutions, with a series of preambles, had "slept the sleep of the just," I believe he termed it, in the Committee on Rules. I thought it proper to make a brief answer to that statement, inasmuch as it seems to be a sort of common purpose to assault the action of the Committee on Rules upon all occasions and to lay at their door any evil or disappointment that comes to a member of the House.

This resolution came to the Committee on Rules. Prior to that time Admiral Schley had made a request, or in the nature of a demand, for a court of inquiry to investigate the subject-matter of the dispute that was in the public mind in regard to the battle of Santiago and kindred topics, among which was the Maclay matter. That court had made an inquiry, had taken a vast volume of testimony, and had reported upon it. The verdict of the court was before the people of the country and it had been submitted to the Navy Department for approval or disapproval. Admiral Schley, with very able counsel, who had also appeared for him before the court of inquiry, went to the Department and filed exceptions to the report of the court.

A very elaborate and a very able presentation of his claim was made to the Navy Department, and the report of the Navy Department was made upon that appeal. Then about the time these resolutions, not far from the time—there have been so many of them that I can not give the exact date—Admiral Schley appealed to the President of the United States to set aside the finding of the court of inquiry and the approval of the Navy Department

and to reexamine the question of facts, and made such an elaborate and able showing to the President that he decided not only to examine the entire record of evidence in the case, but upon a single question about which evidence was excluded by the court of inquiry the President saw fit to take the testimony of additional witnesses, as well as the original official reports of the battle and the campaign, and also the entire testimony taken before the court of inquiry.

Thereupon the President was considering these questions, and after a long delay, which seemed to involve a very careful examination of the whole subject, in which these ex parte arguments made by the counsel for Schley were considered, the President made his report, which went to the country. Thereupon Congress, either through the instrumentality of a single resolution of the House, or by concurrent resolution, or a joint resolution of the two Houses, ordered the printing of the entire testimony, all the briefs and arguments, as I recollect, all the appeals made in the case, first from the judgment of the original court of inquiry; second, the approval of the Navy Department to the President, and finally, the elaborate decision of the President himself. All these were ordered printed and are to be circulated in the country, the entire proceedings in relation to this vexed question.

I should also say that the man Maclay had been peremptorily driven out of the service of the United States by the President himself, and his book had been suppressed. Thereupon it was the unanimous opinion of those members of the Committee on Rules, so far as I remember, and so far as I heard expression, that portion of it that discussed the subject when I was present at least, that to make a report on these resolutions would be the unnecessary agitation of a most unfortunate question, a question that was giving the country more irritation than satisfaction.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Ohio be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. I have no recollection that the question of reporting this resolution was ever heard in the full Committee on Rules.

Mr. UNDERWOOD. I was about to ask if the two minority members of the committee were present.

Mr. GROSVENOR. Probably they were not. The gentleman from Alabama knows how business proceeds in the Committee on Rules [laughter], and those of us who have been longer here know how it has proceeded at other times, whether the House is Democratic or Republican.

Mr. WILLIAMS of Mississippi. Will the gentleman pardon me a question?

Mr. GROSVENOR. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman from Ohio know whether the President ever ordered any investigation to find out whether Captain Crowninshield ever indorsed Maclay's history?

Mr. GROSVENOR. I do not know whether he did or not.

Mr. VANDIVER. What does the gentleman from Ohio mean when he says that Maclay's book had been suppressed?

Mr. GROSVENOR. I understand so.

Mr. VANDIVER. How and in what way?

Mr. GROSVENOR. Ordered not to be used in the Naval Academy. At any rate, public opinion had suppressed it.

Mr. FOSS. May I interrupt the gentleman? I have here a letter signed by Commander Nicholson, of the Bureau of Navigation, which I would like to read:

I have just communicated with the Superintendent of the Naval Academy, and he tells me that the first and second volumes of Maclay's Naval History have been in use at the Academy for several years before the Spanish war. The third volume—

That is the volume to which the gentleman refers—

never has been used, and it has never been the intention to use it, as, apart from its reference to Admiral Schley, it is considered unadvisable for the purposes of instruction at the Academy.

He also tells me that he doubts if there is even a copy anywhere in the library of the Naval Academy.

Mr. GROSVENOR. That is a good specimen of about the whole of this trouble. The whole United States has been permeated and been impressed with the idea that the Navy Department was forcing upon the cadets at Annapolis this history of Maclay's. Now, it turns out that it is doubtful if there is a copy of the book there. And certainly none of this third volume has been used as a text-book.

Mr. WILLIAMS of Mississippi. Will the gentleman tell me why it was necessary to issue an order to prevent the use of the third volume of Maclay's history if it has never been used?

Mr. GROSVENOR. It does not appear that there was an order suppressing it.

Mr. WILLIAMS of Mississippi. I understood the gentleman to say that there had been an order issued.

Mr. GROSVENOR. The public had been informed by the Navy Department a long time before that the book would not be used. I do not know whether it was in the form of an order or not, but it turns out that it never was in use and that the third volume was never used.

Mr. FOSS. The first two volumes have been used there, and were used a long time before the Spanish war.

Mr. GROSVENOR. I understand. Now, I want to finish my remarks. Some time in the future I may get into a discussion about the battle of Santiago, but it will be when I have nothing else to do. [Laughter.] I rose, Mr. Chairman, to give the reasons why the resolution was never reported. What was there to agitate this House about after all the facts I have stated? When every fact connected with it—not only the facts that were brought out before the court of inquiry, but all the facts that were brought to the knowledge of the Navy Department by the ablest counsel that could be procured in its behalf—and after all the supplemental facts were brought to the attention of the President, and which he immediately notified the world of by publishing the testimony, why should we have agitated and disturbed the peace of this House by a resolution that could have had no effect, except as a mere bombshell in the presence of the public—"mere sound and fury"—like the "tale told by an idiot—full of sound and fury, signifying nothing." [Applause.]

Mr. GROW. I move to amend by striking out the last word.

The CHAIRMAN. That motion has been made and discussed pro and con. As the Chair stated a moment ago, all this debate for the last hour has been proceeding by unanimous consent. But it is not for the Chair to interpose any objection.

Mr. GROW. Mr. Chairman, in the few remarks I made yesterday, I did not depreciate the valor or the character of American soldiers at home or abroad. I attempted, however, in that very short speech to call to the attention of the House the rules of what is called "civilized warfare."

I remarked that there could not be war among men without more or less cruelty during war. I attempted to call attention very briefly to the condition of our citizen soldiers in the Philippine Islands. The population of the Philippine Islands consists of three classes: One, intelligent, educated, high minded, and of high aspirations; another class, not quite so well educated and with not quite so high aspirations in life; another class that belongs to the old Asiatic races that in warfare are cruel and brutal—a class that indulge in the old cruelties of warfare practiced by Asiatic races from the beginning of history.

The Army in the Philippines has had to deal mostly with this latter class. The first class has been friendly to Americans from the beginning. This third class, scattered through the islands in guerrilla bands, have made war upon their own countrymen who are in sympathy with the American people. From the cruelties and barbarities which they have committed upon their own countrymen, friends to Americans, the protection of our soldiers was needed quite as much as it was for themselves. They would have been regarded as false to humanity, false to the impulses of American citizenship everywhere, had they not protected their friends.

The military orders that gentlemen on the other side complain of as cruel have had that object in view as well as for the protection of American soldiers. It was to put an end to these barbarities—to these cruelties that belong to Asiatic warfare—perpetrated by this third class of the Philippine population. It was this class that committed the massacre at Samar of a part of the Ninth Regiment—the regiment that was one of the first to scale San Juan Hill and drive the Spanish soldiers from their intrenchments at the point of the bayonet—the great blow that ended on land the Spanish war.

Mr. Chairman, the duty of the commander of an army anywhere is to protect the lives of his soldiers. He is called upon in extreme cases to protect them against great barbarities by adopting, if necessary, great barbarities in retaliation in order to prevent or to put an end to great atrocities.

Neither the gentleman from Mississippi nor any other gentleman can point to any order or any rumor of any order ever issued in the Philippine Islands by any American officer for the murder of women and children, as told in the stories that we have heard repeated here almost every day.

Mr. WILLIAMS of Mississippi. Does not the gentleman admit that persons 10 years of age are children?

Mr. GROW. Where?

Mr. WILLIAMS of Mississippi. In the Philippine Islands, or anywhere.

Mr. GROW. If the "children" have arms in their hands and are acting as soldiers what does it matter if they are only 10 years old?

Mr. WILLIAMS of Mississippi. If my baby had a pistol in his hand would he not still be a baby?

Mr. GROW. If your baby did not kill anybody he would not be hurt. [Laughter and applause.] If a person, no matter how young in years, turns assassin and kills like men, what would you do with him? Would you go and pat him on the head and play "pussy cat" with him?

Mr. WILLIAMS of Mississippi. Will the gentleman permit one interruption?

Mr. GROW. Yes, sir.

Mr. WILLIAMS of Mississippi. I have never complained that Filipinos with guns in their hands in battle, whether they were 10-year-old boys or women, were shot. But the complaint is that an order was issued against the general Filipino population, including persons only 10 years old, whether they had guns in their hands or not.

Mr. GROW. We have no information that such order has ever been issued. You can not find it.

Mr. WILLIAMS of Mississippi. I refer the gentleman to the declaration of the counsel of General Smith.

Mr. GROW. The massacre at Samar was committed upon unarmed soldiers. They could have been taken as prisoners of war, but they were killed by men who massacre prisoners and bury people alive whom they regard as their enemies. How are you to deal with such people? How are you to deal with barbarians when they are prosecuting a warfare upon our soldiers, unless you adopt what will prevent their barbarities? [Applause.]

Mr. WHEELER. Will the gentleman yield for a question?

Mr. GROW. Yes, if it is short.

Mr. WHEELER. The gentleman asks how are we to deal with barbarians. I answer, there was a Man in the world nineteen hundred years ago——

A MEMBER. He did not live in Kentucky. [Laughter.]

Mr. GROW. Mr. Chairman, Abraham Lincoln issued an order for the Union Army that was a retaliation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

Mr. GROW. Oh, Mr. Chairman, I can not yield to the gentleman to take up my time.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. GROW. Oh, I beg the gentleman's pardon. [Laughter.]

Mr. WHEELER. Now, will the gentleman permit me one question? Of course I can understand the merriment on the other side of the Chamber when reference is made to the religion of Jesus Christ——

Mr. GROW. The merriment on this side of the Chamber was at my own mistake, not at the gentleman.

Mr. WHEELER. The gentleman is too charitable. The merriment on the other side of the Chamber came from the gentlemen who think it is a matter to be laughed at on that side——

Mr. MAHON. Oh, that is the usual kind of talk we hear from that side.

Mr. GROW. Mr. Chairman, I propose to occupy only a few moments, simply to repeat the substance of my few remarks made yesterday, that in all wars there is more or less brutality, and the commanding general, for the protection of his own soldiers, must adopt retaliatory measures in extreme cases, if he can do nothing else, to save their lives. There has been no order issued for the killing of women and children in the Philippine Islands. Now, the gentleman from Mississippi says that an order to kill 10-year-old boys with arms in their hands is an order against children.

Mr. WILLIAMS of Mississippi. Oh, I never said it was an order to kill 10-year-old children with arms in their hands. It was an order to kill all above 10 years old, with or without arms.

Mr. GROW. If the gentleman will permit me to go on in my own way, I will prefer it. The facts were proven before the committee on investigation that these 10-year old boys had killed American soldiers in this massacre, and that they were found in arms in the Philippine army, and they performed the acts of full-grown soldiers, so far as killing was concerned. Then, why should not an order apply to them?

Mr. WHEELER. Will the gentleman permit an answer?

The CHAIRMAN. Will the gentleman yield?

Mr. GROW. Oh, I decline to yield.

Mr. WHEELER. Will not the gentleman be so kind as to yield for a moment?

Mr. GROW. Yes; I will yield.

Mr. WHEELER. I will ask the gentleman to explain to the House, in view of his statement, upon what the President of the United States based his order for the trial by court-martial of General Smith.

Mr. BUTLER of Pennsylvania. To ascertain the facts.

Mr. GROW. He has placed everybody charged with making improper orders on trial.

Mr. WHEELER. What improper order did General Smith make?

Mr. GROW. It is reported he made, without sufficient excuse, an order to kill everybody with arms in their hands. If there was no excuse for retaliation that order would not be proper. If there was, it is just as proper as any other order.

Mr. WHEELER. Will the gentleman be kind enough——

Mr. GROW. The gentlemen will permit me to finish. An order to prevent barbarity in extreme cases is just as proper as any order under civilized warfare. The lives of the soldiers must be protected, if possible, by his commanding officers from cruel massacre. It is the duty of the officer in charge, if necessary, to put an end to barbarities and atrocities, if necessary to do so by retaliation, recognized everywhere under the rules of civilized warfare. That is all I said yesterday, not that Americans were perpetrating willful and unnecessary brutality anywhere. In warfare it is unnecessary to burn the homes of unarmed and peaceable citizens. Yet in our civil war they were burned on both sides, and nobody arrayed the armies for that. It is one of the incidents of warfare. You can not help it. When Sheridan went up the Shenandoah Valley and some of his soldiers were killed by shots from dwellings on the roadside, and it could not be told which it was, he ordered the inhabitants out of the houses and burned them in his rear. The soldier is under the protection of his officers, and when he is killed in a barbarous way the officer is justified in retaliating if in his judgment that is necessary for the protection of his soldiers against such assaults.

Before taking my seat I desire to express my thanks to the gentleman from Mississippi [Mr. WILLIAMS] for his complimentary and kind reference to myself. What I wish to say now in conclusion is that in the Philippine Islands American soldiers have three classes of people to deal with; different in that respect from most wars. It is, as a rule, one class of people, with one set of ideas, habits, and civilization on one side, and another with the same habits and ideas. The same general rules will then apply to both sides. But when barbarous elements, such as do not exist anywhere outside of Asiatic civilization, are to be dealt with, then orders must be made in extreme cases in retaliation for great cruelties and barbarities perpetrated upon American soldiers in order to put an end to it, if the lives of the soldiers are not to be uselessly sacrificed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROW. Now, if the House will give me two minutes and gentlemen will let me alone, I should like it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes.

Mr. GROW. For two minutes uninterrupted.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GROW. Now, in this case we have had presented to us a long account of offenses committed by American soldiers. How did you get them? The War Department took notice of all these charges against our soldiers. They have been examined by the proper authorities, and now you come in here and parade all these cases where they have been convicted for all offenses that they ought to have been convicted for. The last cases to which the gentleman from Mississippi refers are now under examination by the President of the United States. He has to decide whether the order of General Smith was justifiable under the articles of war or not. As I understand it, under the then existing circumstances, it was justified, and that is what I said yesterday. If I was the commanding general, anywhere and barbarious atrocities were perpetrated upon the soldiers under my command, I would adopt a barbarism still greater, if possible, if there was no other way, in my judgment, to save the lives of my soldiers. [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 8106. An act granting an increase of pension to Daniel J. Mahoney.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13359. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5356. An act to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota; and

S. 4825. An act to provide for a union railroad station in the District of Columbia, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman, I call for the reading of the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me just two minutes?

Mr. FOSS. Not now. I prefer to proceed with the reading of the bill? We shall have more debate a little later.

The CHAIRMAN. The gentleman from Illinois demands the reading of the bill. If there be no objection the informal amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Naval training station, Great Lakes: The Secretary of the Navy is hereby directed to appoint a board composed of naval officers, whose duty it shall be to recommend a suitable site for a naval training station at some point on the shores of the Great Lakes or the waters connected therewith, and having recommended such site, if upon private lands, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action to make full and detailed report to the Secretary, who shall transmit such report, with his recommendations thereon, to Congress.

Mr. CANNON. Mr. Chairman, I desire to reserve a point of order upon this paragraph, and will suggest to the gentleman that if it meets his approval, we might pass it over and return to it. I should like to look into the matter a little.

Mr. FOSS. Very well.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to pass over the paragraph which has just been read. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I move to strike out the last word.

The CHAIRMAN. It will be necessary for the Clerk to read another paragraph in order that there may be anything to strike out. We have just passed over the last paragraph by unanimous consent. If the gentleman will wait until we have read another paragraph, then the Chair will recognize the gentleman.

Mr. WILLIAMS of Mississippi. Very well.

The Clerk read as follows:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, $8,000; one draftsman, at $1,200 per year; general repairs to woodwork, etc., minor alterations in quarters, and necessary renewals of furniture, $2,000; installing lightning protection for college building, $446.25; services of a lecturer on international law, to be immediately available, $1,000; services of civilian lecturers rendered at the War College, to be immediately available, $900; purchase of books of reference, $400; in all, $14,246.25.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

I listened with very great attention to the gentleman from Ohio [Mr. GROSVENOR] a moment ago, but I failed to note in the gentleman's remarks the slightest attention paid by him to the object of the resolutions which I read. The object of those resolutions was to investigate the conduct of Captain Crowninshield. The gentleman from Ohio said not one word about that. I said that the object of the resolution was not to continue the Schley investigation: that the American people were satisfied about that.

It remains a fact that Maclay asserted, or is alleged to have asserted, that his proofs, calling Schley a coward, a caitiff, and a liar, were submitted to a brother officer and that that brother officer read the proof, approved of it, and encouraged the publication; and it remains a fact that these resolutions were introduced for the purpose of obtaining an investigation to find out whether or not that allegation was true, and that the Committee on Rules have buried the resolution, and the gentleman from Ohio has not one word to say about it. He seems to think that the resolutions were to investigate Schley. No; the resolutions were to investigate Captain Crowninshield, and he has never been investigated yet, and the President has never said anything about investigating, but has promoted him. I want to investigate, not Schley, but Schley's detractors. Now, one word in reply to the gentleman from Pennsylvania [Mr. GROW], and then I am done, as far as I am concerned, with this discussion.

In the impartial consideration of the members of this House upon both sides, is this not a fair and full statement of what the gentleman from Pennsylvania said, and is it not a full vindication of what I asserted, to wit, did he not say that when civilized man is engaged in warfare with barbarians he ought himself to become a barbarian. Is not that what he said? Is not that all he said? That whenever you were face to face with barbarity you were justified in resorting to barbarity? I leave that utterance of the gentleman from Pennsylvania to the sentiment, not of the Christian world alone, but to the sentiment of the civilized world everywhere, whether Christianized or not, and will rest assured of the result in the conscience of good men, gentlemen, and officers.

Mr. COCHRAN. Mr. Chairman, in my judgment the gentleman from Pennsylvania [Mr. GROW] has placed before the House and the country the whole gospel of conquest. What is the use of discussing whether we have carried on war against the Filipinos according to the rules of civilized warfare or not? Recalling the accounts of the battles in northern Luzon, when within the very shadows of Manila armed bands of insurrectos and our forces met in conflict, what did we learn from the published reports of the casualties? We learned that our forces were exterminating the natives.

The dispatches told us that a battle had been fought here or there; that so many hundred Filipinos had been killed, none wounded, and no prisoners taken, while a small number of American soldiers—sometimes one or two, never half a dozen—had been killed and wounded.

How have conquests been accomplished such as we have undertaken in the Philippines? Read the history of India prior to the Christian era, during the past four hundred years, for an answer to this question. Throughout each of a dozen invasions of that great Empire wholesale slaughter and horrible violence, creating a reign of terror, were the methods used, first by the Pagans and later by the Dutch, the Portuguese, the French, and the English in India. It is one chapter of terror in the land.

The same horrible means were employed by the Dutch in Java. For more than eight hundred years England has held Ireland by sheer violence. The same sad story records the conquest of Peru and Mexico by the Spaniards. The same appalling tragedy is being enacted in South Africa, and England justifies the horror by declaring that thus and thus only can she destroy the Boer republics. We are doing what Spain did in Cuba. Weylerism was justified by Spain on the ground that it was necessary. We can only justify the horrible means we are employing in the Philippines by declaring that it is necessary. It is the story of all conquests. We remain in this business with the understanding that when we attempt the conquest of a country with a numerous hostile population only barbarous methods will beat down opposition. If we are to remain masters of the Philippines—if the people over there are to be held as vassals—they can not be made to submit by means sanctioned by the laws of war.

What was the purpose of the order of General Smith ordering the slaughter of the people of the island of Samar? It was to create a reign of terror. It was to strike terror to the very hearts of the entire population of that unhappy island. The people were hostile to our Government. The only armed forces opposed to our troops were little bands of irregulars—guerillas—bandits, if you please. The people sympathized with these marauders—the remnant of the Philippine army. Some of our soldiers were killed by the Philippine guerrillas. To avenge their death the general in command of our forces ordered a bloody crusade against the inhabitants. While all the details are unknown, we know that the order was flagrantly at variance with the laws and usages of civilized nations. This is only the beginning. A hundred years from now the natives will be our deadly enemies and will oppose our sovereignty upon every favorable opportunity. We now hold the Philippines by force. To quiet active resistance and obtain what gentlemen would misname peace we must slaughter all who stand in our pathway—those with arms in their hands and all who may hereafter take up arms.

Since we began the war of conquest the gentlemen on the other side of the Chamber have progressed remarkably in the ways of imperialism. To-day a Congressman of the United States in attempting to justify the methods employed in the campaign in Samar begs the question by saying that if 10-year-old boys have guns in their hands an order to kill 10-year-old boys is lawful. It is nowhere pretended that General Smith ordered the slaughter of all who had guns in their hands, including 10-year-old boys. He issued an order for the indiscriminate slaughter of the population, regardless of whether they were armed or not. He did this on the assumption that the people, including 10-year-old boys, are uniformly hostile to our forces. He did it because he knew that unless prevented by a reign of terror they would upon every favorable opportunity rise in hostility against our troops and assail our forces. He did it upon the assumption that this hostility is so deep seated and determined in those people that in order to subjugate them we must make war upon even the children.

Now, let us go back a little way—a year or year and a half and two years ago—when this question was first under discussion. In reply to the charge that we were forcing American sovereignty upon the Philippines, the reply was that a majority of the Filipinos were in favor of American control of the islands. It was said that only one of the tribes was unfriendly to the United States.

Every speech made on this subject by Republicans in this House at former sessions of Congress contained the statement that only the Tagalogs, a single tribe, were opposed to the sovereignty of the United States. Now we are told that the hostility of the Filipinos is so deep seated that opposition to our rule is so irreconcilable that, in order to beat it down, it is necessary to issue an order to make war upon 10-year-old children. I grant you it is; and so it will be a century hence.

What is the first thing that is done when our forces enter a Filipino village? Do they find an armed force to contend with? No. No armed enemy confronts them. But here are some guns secreted about the village and these guns must be captured or sooner or later an armed band will be harassing our forces. The search for the guns can only be successful by employing brutal measures. The water-cure torture is resorted to to compel the natives to give up their arms. The natives are seized, interrogated, and tortured one after another until the information is obtained, and having disarmed that population our troops pass on to the next community, and the sickening performance is repeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN. I should like to have about five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for five minutes more. Is there objection?

Mr. FOSS. I will have to object. I regret exceedingly to do so, but I desire to get on with the consideration of the bill.

Mr. COCHRAN. The gentleman will notice that the gentleman from Pennsylvania had his time extended three times on a request made at least once on this side.

Mr. FOSS. I think the gentleman from Mississippi had the same courtesy extended to him.

Mr. COCHRAN. It seems to me that notice ought to be given before a speaker takes the floor.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. FOSS. The gentleman will have had the last word, if he cares for that.

Mr. COCHRAN. Well, these things can be remembered by a man who has a memory.

The Clerk, proceeding with the reading of the bill, read as follows:

Naval Home, Philadelphia, Pa.: One superintendent of grounds, at $720; 1 steward, at $480; 1 matron, at $360; 1 chief cook, at $300; 1 assistant cook, at $240; 1 assistant cook, at $180; 1 chief laundress, at $192; 5 laundresses, at $168 each; 4 scrubbers, at $168 each; 1 head waitress, at $192; 8 waitresses, at $168 each; 1 kitchen servant, at $200; 8 laborers, at $240 each; 1 stable keeper and driver, at $360; 1 master at arms, at $480; 2 house corporals, at $300 each; 1 barber, at $360; 1 carpenter, at $845; 1 painter, at $845; 1 engineer for elevator and machinery, $900; 3 laborers, at $360 each; 3 laborers, at $300 each; total for employees, $13,770. Miscellaneous: Water rent and lighting, $2,100; cemetery, burial expenses, and headstones, $350; improvement of grounds, $780; repairs to buildings, boilers, furnaces, furniture, $8,000; music in chapel, $300; transportation of indigent and destitute beneficiaries to the Naval Home, $100; support of beneficiaries, $50,725; in all, for Naval Home, $76,425, which sum shall be paid out of the income from the naval pension fund.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word. The orders for the destruction of property and supplies issued by the commanders of the Union forces during the civil war furnish no precedent for the brutality with which some of our commanders in the Philippines stand charged. If the charge has ever been made that either a Confederate soldier or a Union soldier, acting in obedience to orders, made an assault upon or killed an unarmed noncombatant, I have never heard of it. Individuals may have done such things, but never in obedience to a general order of a responsible commander. Harsh measures were resorted to, but to say that any order issued during the civil war could be tortured into an order for the destruction of the population of a township or a county is absolutely absurd.

Why is it Republican leaders are driven to this desperate refuge? Would they besmirch the fame of the men who led the great armies from 1861 to 1865? Is this the only way in which they can hope to clear our skirts—I say "our," for we are all interested—of the infamy practiced in the Philippine Islands?

Lately an aggregation of representatives of all civilized nations assembled over in Holland for the purpose of promoting universal peace and settling the laws of war. It was known as The Hague conference. In that conference the very question now being dealt with by our generals in the Philippine Islands was under consideration. It was declared that where a country is invaded and the people spontaneously take up arms in its defense they are to be the judges of how long and in what manner they will oppose the invading army. They are held, of course, to the observance of the usages of civilized warfare; and this brings me to the consideration of a branch of this subject concerning which the truth of history should be stated.

It is not true that as long as the Filipinos were in the field as an organized force they were guilty of brutality to their prisoners. All the evidence is to the contrary, both in their war with Spain, and in the earlier stages of their war with us. And it is not true that that single chapter of the history of this war has been creditable to the forces of the United States. The censorship imposed by the commanding general was for the purpose of excluding from the American public the knowledge of what we have been doing over there. From the beginning cities were burned, towns were burned, villages were burned, and the destruction of property was the chief aim of our forces.

The Hague conference forbade the destruction of property of noncombatants. The Hague conference forbade the destruction of cities and farmhouses. The Hague conference laid down rules of war far more humane than were recognized by the great nations of the earth at the period of the civil war in America. Every line of every canon of the law laid down by The Hague conference has been violated by our Army in the Philippine Islands. Every law and every canon of the laws of war laid down by The Hague conference is being violated by the British army in South Africa. It is the old, old story of conquest—the old story of murder and not of war. And yet gentlemen have the audacity to stand here and say, "Why do you want to say that our soldiers would do so and so?" I say that our soldiers have done these things in obedience to the orders of men who bear commissions as generals of our forces.

I hope the time will never come when an American Representative will hesitate to characterize such sheer brutality, such licensed violence, such offenses against the laws of God and man as this atrocious order, as inhuman and offensive to every enlightened conscience on earth. I call upon gentlemen who would draw a parallel between the conduct of the war in the Philippines and our great civil war to be more specific. They say that our soldiers in the Philippines are only traveling in the path marked out by the soldiers in the war of 1861–1865. I deny it. It is false. The veterans of the great war will feel complimented when they see in the papers that the course of the Federal generals is being held out as a license for what is being done in Samar. The generals who led them will feel complimented when they hear that gentlemen on this floor have characterized their campaigns as a warrant for the Smith campaign in Samar. They will feel complimented when they learn that in order to vindicate the author of the Samar butchery you seek to besmirch the reputation of the men who, on both sides of that great contest, exhibited a degree of honor and chivalry that will forever render the generals who led and the soldiers who fought in that great struggle illustrious. [Applause on the Democratic side.]

Mr. LANDIS. Mr. Chairman, it strikes me that the soldiers for the Union in the war of 1861–1865 ought to be given an opportunity to speak for themselves. In the State of Indiana there was dedicated yesterday a monument in memory of the soldiers and sailors who lost their lives in that war—the most magnificent monument ever erected to private soldiers in all Christendom. The night before the formal dedication took place the soldiers of Indiana met and passed the following resolutions——

Mr. COCHRAN. Before the gentleman reads those resolutions, will he allow me to ask whether it is not stated in the dispatch which he is about to read that those resolutions were railroaded through over the opposition of a large number of those present?

Mr. LANDIS. No, sir. Not only is it not a fact that they were railroaded through over the heads of a majority of those who attended the convention——

Mr. COCHRAN. I did not say "a majority." I said a "large number."

Mr. LANDIS. Not only were they not railroaded through over the heads of a large number of those who were there, but they went through championed by one of the most distinguished Democrats of the State of Indiana. [Applause on the Republican side.]

Mr. ROBINSON of Indiana. And they were denounced by some of the best Republicans in that organization. [Applause on the Democratic side.]

Mr. LANDIS. That is all right, but the resolutions went through all the same, championed by a Democrat who was nominated two years ago by the Democratic party for Congress in the district which I have the honor to represent—nominated on a platform denouncing the war in the Philippines, when their candidate was leading a company in the Philippine Islands. Obedient to the same consistency, I would not be surprised to see the distinguished gentleman from Missouri [Mr. COCHRAN] two years hence upon a platform made up of the order alleged to have been issued by General Smith in Samar, supporting Gen. Jacob Smith for President of the United States. [Laughter and applause on the Republican side.]

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. LANDIS. I say that would be entirely consistent——

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. LANDIS. I will read these resolutions. Let the soldiers of Indiana speak for themselves:

Whereas certain citizens of the United States are now criticising the conduct of our comrades in arms who are defending the American flag and American institutions in the Philippine Islands; and

Whereas such conduct brings fresh to our memory like criticisms made by the copperheads of 1860 to 1865; and

Whereas the veterans of the war for the Union abhor and despise all citizens of the United States who refuse to support our Government during war and can not see wherein the copperheads of 1898 to 1902 are less venomous than their ancestors: Therefore, be it

Resolved, That the survivors of the war for the Union heartily approve the conduct of the United States in the war with Spain and the insurrection in the Philippine Islands, and that we hold in scorn and contempt all citizens of the United States who see fit to brand our soldiers and their conduct as cruel and inhuman.

Mr. Chairman, those are the words and those are the sentiments of the soldiers of Indiana who followed the flag and fought for the Union from 1861 to 1865. They speak for themselves. They ask no Democrat who comes from Missouri to speak for them. [Applause.]

[Here the hammer fell.]

Several members called for the regular order.

The CHAIRMAN. If there be no objection, the informal amendment will be withdrawn. The Chair hears none. The Clerk will read.

The Clerk read the next paragraph of the bill.

Mr. COCHRAN. I move to amend by striking out the last word. I was glad to see the gentleman from Indiana [Mr. LANDIS] rise in his place and with dramatic force reiterate what the soldiers of the Union did from 1861 to 1865. That has been a popular diversion on that side of the Chamber for a good many years.

Mr. FOSS. I shall have to call the gentleman from Missouri to order.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] raises the point of order that the gentleman from Missouri is not discussing the paragraph of the bill under consideration. The Chair sustains the point of order.

Mr. COCHRAN. I should like to discuss the resolution presented by the gentleman from Indiana.

The CHAIRMAN. The gentleman must confine his remarks to the paragraph of the bill under consideration. The point of order is sustained.

Mr. ROBINSON of Indiana. Mr. Chairman, I rise to present an amendment.

The CHAIRMAN. Without objection, the informal amendment of the gentleman from Missouri will be withdrawn. The gentleman from Indiana [Mr. ROBINSON] rises to present an amendment, which he will state.

Mr. ROBINSON of Indiana. My motion is to strike out the last line read by the Clerk. I ask unanimous consent to occupy three minutes in order to read the proceedings of the encampment referred to by my colleague [Mr. LANDIS] in his speech just made.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to read a certain article which he describes. Is there objection?

Mr. FOSS. I think I shall have to object.

Mr. ROBINSON of Indiana. I hope the gentleman from Illinois will withhold his objection.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. ROBINSON of Indiana. I do not rise to make a speech, but to read the proceedings of the encampment referred to by my colleague, covering about a dozen lines. I think if I am allowed to do this it will facilitate the passage of the bill and will save time. The gentleman from Illinois [Mr. Foss] has already been indulgent, but I ask this, as it is directly in response to the gentleman from Indiana [Mr. LANDIS] on the other side.

The CHAIRMAN. Does the gentleman from Illinois withdraw his objection?

Mr. FOSS. I will for three minutes, but I want to give notice from now on that I shall insist upon gentlemen speaking here in the committee to matters germane to the bill.

Mr. KEHOE. Does that apply to the gentleman's side of the Chamber as well?

Mr. ROBINSON of Indiana. Mr. Chairman, I wish to be recognized for three minutes from this time.

The CHAIRMAN. The gentleman is recognized for three minutes.

Mr. ROBINSON of Indiana. Mr. Chairman, as bearing upon the questions presented and the resolution read by the gentleman from Indiana [Mr. LANDIS], and as to whether it is the sentiment of the body that acted upon it, I desire to read about twelve lines of the proceedings in the convention and bearing on its action. It may be, as the gentleman says, that Capt. D. F. Allen, of Frankfort, Ind., was an expansionist nominated on a nonexpansion platform in his district, but the result of the election showed the return of the present Representative to represent his party by a good and safe majority.

Mr. LANDIS. Does the gentleman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Indiana?

Mr. ROBINSON of Indiana. Not until I get through with a very brief extract from a correct statement of the proceedings of the G. A. R. convention in Indianapolis.

The CHAIRMAN. The gentleman declines to yield.

Mr. LANDIS. I wish to ask the gentleman if he denies that those resolutions were passed.

Mr. ROBINSON of Indiana. Just listen until I get through with my three-minute proceeding and the gentleman will be satisfied without asking any questions. It reads as follows:

Delegates took sides on the question vigorously. The division was not on party lines, as some of the best-known Republican veterans in the State like Smiley N. Chambers, of this city, and ex-Congressman Johnson, of Rockville, led the fight against the resolution.

* * * * * * *

Mr. Chambers again took the floor and bitterly denounced the resolution as a suicidal measure——

Mr. HEMENWAY (interrupting). Mr. Chairman——

The CHAIRMAN. Does the gentleman decline to yield?

Mr. ROBINSON of Indiana. I do for the present.

Mr. HEMENWAY. Does the gentleman decline to yield?

Mr. ROBINSON of Indiana. The gentleman heard the Chairman state that. I am speaking through the Chair.

Mr. HEMENWAY. Why does not the gentleman——

The CHAIRMAN. The gentleman declines to yield.

Mr. ROBINSON of Indiana. I hope, Mr. Chairman, that this time taken up in interruption will not be taken from my three minutes.

The CHAIRMAN. It certainly will.

Mr. ROBINSON of Indiana. Resuming the reading of this resolution——

Mr. LANDIS. Well, read it consecutively.

Mr. BARTLETT. Mr. Chairman, I think the gentleman should be called to order.

The CHAIRMAN. The gentleman from Indiana [Mr. LANDIS] is not in order. His colleague is entitled to the floor. [Loud laughter.]

Mr. ROBINSON of Indiana. Mr. Chairman——

The CHAIRMAN. The gentleman will suspend, and it will not be taken from his time, until the committee is in order.

Mr. ROBINSON of Indiana. Now, I will get through all right.

Mr. LANDIS. But you will not read it all.

Mr. ROBINSON of Indiana. The gentleman from Indiana [Mr. LANDIS] usually observes the rulings of the Chair. We are all from Indiana, and Indianians are courteous. I will continue the reading, and not trespass on the time and courtesy of the gentleman from Illinois [Mr. Foss].

destined, if not designed, to aim a serious blow at the organization. He begged that such a resolution not be passed. He said in compliance with the instructions of the encampment he had framed a resolution along the lines suggested, which he desired to read.

STOP PARLIAMENTARY PRACTICE.

Commander Garrigus and James F. Dodge, chairman of the resolutions committee, stoutly refused to allow Mr. Chambers to read this resolution, however, and the department commander ordered a vote taken on the committee resolution. Mr. Chambers resorted to a parliamentary subterfuge in the hope of saving the encampment from what he regarded as an impending peril. He offered his resolution as an amendment, and so by outwitting the department commander got to read it.

A motion was then made to table the amendment, which, in the heat of the moment, was carried. Gen. Irvin Robbins then made the point that the tabling of the amendment tabled the resolution, but although this is a recognized rule of parliamentary procedure, the department commander held otherwise and declared the original resolution carried.

Another reliable account says:

The trouble started after the resolutions committee had read the resolution which it had indorsed. The resolutions were being considered one at a time. Capt. C. J. Murphy, formerly of Evansville, but now of this city, at once took the floor to denounce the resolution, which he did in the most vigorous manner as a measure wholly unwise and wholly out of place in a Grand Army of the Republic State encampment. He said he would have no trouble in convincing those who believe that the "water cure" and other unheard of cruelties that are reported as being practiced upon the natives of the Philippines were matters beyond the criticism of the American people, are beyond condemnation of the civilized world. Mr. Chambers followed Mr. Murphy. He protested most vigorously against the resolution and urged that it be withdrawn. He said such a measure introduced under the circumstances was an outrage upon the organization and would endanger the Grand Army. He said he would favor a resolution sustaining the Government in the prosecution of the war, if one were offered, but he would never support the measure before the house.

So this is the resolution and the record of proceedings out of which the gentleman would mold a controversy. He is entitled to all the satisfaction he can draw from it. It pictures a resolution that was deprecated and opposed, spoken against and denounced by members representing the best eloquence and the best soldier blood of the Grand Army of the Republic and of the Republican party. And I do not hesitate to say that the feelings and judgment expressed by Smiley N. Chambers and ex-Congressman Johnson, both high in the counsels and wisdom of the Republican party, are shared by the rank and file of the Grand Army of the Republic. [Applause].

Mr. LANDIS. Mr. Chairman——

Several members on the Democratic side called for the regular order.

The CHAIRMAN. The regular order is demanded. The committee will be in order.

Mr. LANDIS. Mr. Chairman, I ask unanimous consent——

Mr. COCHRAN. I object. [Laughter on the Democratic side.]

The CHAIRMAN. The gentleman asks unanimous consent for what?

Mr. LANDIS. I ask unanimous consent for one minute to read from——

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to speak for one minute. Is there objection?

Mr. COCHRAN. I object.

The CHAIRMAN. Is there objection?

Mr. COCHRAN. I made the objection, Mr. Chairman.

The CHAIRMAN. The gentleman does not make it unless he rises in his seat.

Mr. COCHRAN (rising). I object.

The CHAIRMAN. The gentleman from Missouri objects. [Laughter.]

Mr. McDERMOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. McDERMOTT. Mr. Chairman, I rise to move that both sides be allowed to submit affidavits. [Prolonged laughter.]

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent to read from the Indianapolis Sentinel that the Grand Army of the Republic adopted a bitter resolution against critics of the war——

Mr. COCHRAN. I object. I object.

Mr. HEMENWAY. Like the gentleman from Indiana [Mr. ROBINSON].

Mr. COCHRAN. I object. I object.

The CHAIRMAN. The gentleman from Missouri objects. The Clerk will continue the reading of the bill.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Coal and transportation: For the purchase of coal for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, $2,500,000.

Mr. CANNON. I move to strike out the last word in line 5, for the purpose of asking a question of the gentleman who is in charge of the bill. This item is for coal and transportation. The following words seem to be new: In line 3, after the words "for purchase of coal for steamers' and ships' use," come the new words "and other equipment purposes, including," etc.

I want to ask the gentleman if that item is for the purchase of fuel, or is it the intention of the committee, by reporting the new words, to authorize this appropriation for use in the construction of buildings or other matters than the purchase of fuel? What is the necessity for the other words "and other equipment purposes?"

Mr. FOSS. I will say to my colleague that this language was sent up by the Department, and we have really no explanation upon those words; but I take it that the words "for purchase of coal for steamers' and ships' use, and for other equipment purposes," would apply probably to the coal for the Bureau.

Mr. CANNON. If that be so, it ought not to be in; but if it is for fuel for the general purposes of the Navy and not for the construction of buildings, why, I have no objection to it. I do not know what the necessity is for it, and if the gentleman is not informed and is satisfied that it is not for the purpose that I have indicated, I have nothing further to ask.

The CHAIRMAN. Without objection, the informal amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel, for the supply of steamships of war, $640,000; in all $640,000.

Mr. FOSS. Mr. Chairman, I desire to strike out the words "in all, $640,000." They are simply surplusage.

The CHAIRMAN. Is there objection to the amendment? The Chair hears none, and it is so ordered.

The amendment was agreed to.

The Clerk read as follows:

Contingent, Bureau of Equipment: For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models; stationery for the Bureau; furniture for equipment offices in navy-yards; postage on letters sent abroad; ferriage, ice, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, $35,000.

Mr. CANNON. Mr. Chairman, I desire to suggest a point of order in line 8, page 17, the words "for the Bureau."

Mr. FOSS. I have no objection to that.

Mr. CANNON. The gentleman is content that the words shall go out. I do not care about making the point of order, but I would if it was necessary.

The CHAIRMAN. Does the gentleman from Illinois move an amendment?

Mr. CANNON. No; I make the point of order, and the gentleman confesses it. I think that is the best way to put it.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the words "for the Bureau," in line 8, page 17.

Mr. CANNON. Yes.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Navy-yard, Boston, Mass.: For one superintendent of ropewalk, at $1,875; one clerk, at $1,400; on clerk, at $1,200; one writer, at $960; one writer, at $960; in all, $6,475.

Mr. TONGUE. Mr. Chairman, while this bill was under discussion yesterday——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TONGUE. To ask unanimous consent.

The CHAIRMAN. The gentleman will state his request.

Mr. TONGUE. While this bill was under discussion yesterday, I submitted some remarks, and at the close requested unanimous consent that they be extended in the RECORD. I was somewhat surprised at an objection coming from a gentleman who is usually the soul of courtesy. Subsequently I learned that it was owing to a transaction that took place previously, to which I was not a party. I think now the gentleman who made the objection considers it hardly fair to punish me for conduct for which I am in no wise responsible, and I therefore now renew the request that I be permitted to extend in the RECORD the remarks which I made yesterday.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that he be permitted to extend his remarks in the RECORD.

Mr. CLARK. I couple with that a request that the gentleman from Missouri [Mr. VANDIVER] be allowed to extend his remarks in the RECORD.

The CHAIRMAN. The request is modified by the gentleman from Missouri requesting that his colleague [Mr. VANDIVER] be also allowed to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance of yards and docks: For general maintenance of yards and docks, namely: For freight, transportation of materials and stores; books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards and for the Bureau of Yards and Docks; coal and other fuel, candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy-yards; water tax, tolls, and ferriage; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and other purposes; and for rent of wharf and storehouse at Erie, Pa., for use and accommodation of U. S. S. Michigan, $600,000.

Mr. CANNON. Mr. Chairman, I call the attention of the gentleman from Illinois in charge of the bill to the following words in lines 21 and 22—

And for the Bureau of Yards and Docks.

The same point of order would lie there as to the words a few moments ago.

Mr. FOSS. No; that applies to furniture. It is not stationery.

Mr. CANNON. Mr. Chairman, I am making the point of order against these words. This item is for the maintenance of yards and docks. Now, I do not want to interfere with that in the slightest. For freight and so on, and for all these matters—for furniture for Government houses, offices, and navy-yards—I do not want to interfere. The words that I do want to interfere with are "and for the Bureau of Yards and Docks." Now, this Bureau of Yards and Docks makes a contingent fund in the Bureau of the Department. And it is like unto the other; and my objection to it is that the legislative bill carries it in the contingent fund for the Navy Department which is available, and this duplicates that.

Mr. FOSS. It is in our last year's bill.

Mr. CANNON. I know it was. But my friend will see at once that even if it was in the former bill it is vicious legislation that is apt to crawl in, but I apprehend that it escaped his eye.

Mr. FOSS. I will let it go out.

Mr. CANNON. The gentleman confesses the point of order.

The CHAIRMAN. The Chair did not understand what the point of order was, but on the statement of the gentleman from Illinois, the chairman of the committee, that he confesses the point of order, the Chair will sustain the point of order.

Mr. FOSS. I do not wish to confess the point of order, but if the gentleman desires to strike out those words, why, upon his statement and explanation of it, I will agree to it.

The CHAIRMAN. If the gentleman from Illinois confesses the point of order the Chair will sustain the point of order, but

the Chair was not able to catch enough of the discussion to know what the point is.

Mr. CANNON. "And for the Bureau of Yards and Docks," in lines 21 and 22. My point is that that provides a contingent fund in the Navy Department for the Bureau of Yards and Docks, whereas always heretofore, before the bills were divided, and since, where it has been challenged, the legislative bill provides a contingent fund for the Navy Department proper.

Mr. GROW. Move to strike it out. That is the quickest way.

Mr. CANNON. I will let it go out by unanimous consent if that is the easiest way, but I do not want to waive my rights on the point of order. I will let it go out by unanimous consent.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the words "and for the Bureau of Yards and Docks," in lines 21 and 22, be stricken from the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14046), and had reached no resolution thereon.

LANDS IN ALASKA.

Mr. LACEY. Mr. Speaker, I am directed by the Committee on Public Lands to ask that the document which I send to the desk be printed as a House document.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the document which the Clerk will read by its title may be printed as a House document.

The Clerk read as follows:

Swamp lands in Alaska—hearings before the Committee on Public Lands of the House of Representatives, Wednesday, February 19, 1902.

The SPEAKER. Is there objection to the request?

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman from Iowa whether there is a statement accompanying the report of the committee showing how much this will cost.

Mr. LACEY. I will say to the gentleman the committee has authority to publish this without leave of the House, but by publishing it as a House document instead of a committee document it goes to the document room, where it will be for the general benefit of members and be more convenient for access than if it were published by the committee. The committee has authority to publish it, but then it will be a committee document.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the bill (H. R. 13559) making appropriations for fortifications and the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and ask for a conference.

The SPEAKER. The gentleman from Indiana, from the Committee on Appropriations, asks unanimous consent that the House disagree to the amendments of the Senate to the fortifications appropriation bill, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair appoints the following conferees: Mr. HEMENWAY, Mr. LITTAUER, and Mr. MCRAE.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to have printed as a House document a letter from the Secretary of State, transmitting certain correspondence and a copy of the convention which the Government of Colombia is ready to sign with the United States respecting an isthmian canal.

The SPEAKER. The gentleman from Iowa asks unanimous consent to publish as a House document certain papers from the State Department affecting an isthmian canal. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba;

H. R. 5254. An act granting an increase of pension to Enos G. Budd;

H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;

H. R. 12148. An act granting an increase of pension to Frederick O. Clark;

H. R. 11920. An act granting an increase of pension to George W. Wertz;

H. R. 5870. An act granting an increase of pension to Oscar W. Lowery;

H. R. 8007. An act granting an increase of pension to James W. Lewis;

H. R. 12145. An act granting an increase of pension to Caleb W. Story;

H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;

H. R. 12239. An act granting an increase of pension to Agnes Clark;

H. R. 12855. An act granting an increase of pension to Milton Brown;

H. R. 12713. An act granting an increase of pension to Bernard McCormick;

H. R. 11051. An act granting an increase of pension to Henry E. Williams;

H. R. 11117. An act granting an increase of pension to William T. Hamilton;

H. R. 11325. An act granting an increase of pension to James Merrick;

H. R. 11662. An act granting an increase of pension to Albion P. Stiles;

H. R. 11665. An act granting an increase of pension to Caleb C. Briggs;

H. R. 11695. An act granting an increase of pension to George W. Hatton;

H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;

H. R. 12899. An act granting an increase of pension to William H. Rightmire;

H. R. 13416. An act granting an increase of pension to Isabella H. Thompson;

H. R. 13439. An act granting an increase of pension to William Blanchard;

H. R. 11894. An act granting a pension to Hannah A. Timmons;

H. R. 12552. An act granting a pension to Erwin A. Burke, alias Burt A. Erwin;

H. R. 13093. An act granting a pension to Eliza A. Brownlow;

H. R. 12788. An act granting a pension to Elizabeth McDonald;

H. R. 11181. An act granting a pension to Alice D. H. Krause;

H. R. 11787. An act granting a pension to John J. Manner;

H. R. 4393. An act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc.;

H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

H. R. 9037. An act to allow the commutation of and second homestead entries in certain cases;

H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.; and

H. R. 13076. An act to apportion the term of office of Senators at the first general election in the Territory of Hawaii.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba;

H. R. 13371. An act granting an increase of pension to Charles D. Palmer;

H. R. 13036. An act granting an increase of pension to John B. Greenhalgh;

H. R. 13019. An act granting an increase of pension to Marietta Elizabeth Stanton;

H. R. 12978. An act granting an increase of pension to Charles F. Smith;

H. R. 12054. An act granting a pension to Elizabeth A. Burrill;

H. R. 11170. An act granting an increase of pension to William Kunselman;

H. R. 11133. An act granting an increase of pension to James D. Lafferty;

H. R. 10821. An act granting an increase of pension to Abby T. Daniels;

H. R. 10488. An act granting an increase of pension to Kate W. Milward;

H. R. 8341. An act granting a pension to Hannah C. Chase;

H. R. 7229. An act granting an increase of pension to Edwin M. Dunning;

H. R. 7228. An act granting an increase of pension to Christian Christianson;

H. R. 6173. An act granting an increase of pension to Friedrich Weimar;

H. R. 5865. An act granting an increase of pension to John C. Campbell;

H. R. 4451. An act granting an increase of pension to George K. Thompson;

H. R. 3238. An act granting an increase of pension to Lorenzo Weeks; and

H. R. 1724. An act granting an increase of pension to Daniel F. Thompson.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5356. An act to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota—to the Committee on Indian Affairs.

S. 4825. An act to provide for a union railroad station in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PEARRE for ten days, on account of important business.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting statement as to claims of legal representatives of W. G. Brownlow, Brownlow & Haws, and Brownlow, Haws & Co.—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. A. Wood, sole heir of estate of Eliza Wood, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with draft of a bill, papers relating to the claim of Lonewolf—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9976) to encourage salmon culture in Alaska and for the protection of persons engaged in the production thereof, reported the same with amendment, accompanied by a report (No. 2062); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution (H. J. Res. 143) to provide for the printing of a digest of the United States customs laws and decisions, reported the same without amendment, accompanied by a report (No. 2067); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2276) to fix the time of holding the circuit and district courts for the Southern district of West Virginia, reported the same without amendment, accompanied by a report (No. 2055); which said bill and report were referred to the House Calendar.

Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4769) to fix the fees of jurors in the United States courts, reported the same without amendment, accompanied by a report (No. 2056); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., reported the same without amendment, accompanied by a report (No. 2059); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14051) granting to N. F. Thompson and associates the right to erect a dam and construct power station at Muscle Shoals, Alabama, reported the same with amendments, accompanied by a report (No. 2063); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company, reported the same without amendment, accompanied by a report (No. 2064); which said bill and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 14189) to permit the occupancy of the public printing building by the Grand Army of the Republic, reported the same with amendments, accompanied by a report (No. 2065); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14109) to authorize the Macon Ice, Light, and Power Company to construct certain improvements on the Noxubee River, in the State of Mississippi, reported the same with amendments, accompanied by a report (No. 2068); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5213) for the relief of Sadie Thomé, reported the same without amendment, accompanied by a report (No. 2058); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 6501, reported in lieu thereof the following substitute, H. R. 14471, to indemnify the American Surety Company, of New York, for moneys paid as surety under appeal bonds in suits against certain Mission Indians of California, accompanied by a report (No. 2060); which said bill and report were referred to the Private Calendar.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2 and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 2066); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4387) for making a grant of alternate sections of the public lands in the Territory of Alaska to aid in the construction of a certain railroad in said Territory, and for other purposes, reported the same adversely, accompanied by a report (No. 2057); which said bill and report were laid on the table.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3086) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., reported the same adversely, accompanied by a report (No. 2061); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6175) for the relief of the estate of Samuel Lee—Committee on Appropriations discharged, and referred to the Committee on Claims.

A bill (H. R. 14440) granting a pension to William L. Buck—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MAYNARD: A bill (H. R. 14469) to pension civil employees of the Government navy-yards when injured in the performance of duty to such an extent as to be incapacitated to earn a living—to the Committee on Reform in the Civil Service.

By Mr. DAVEY of Louisiana: A bill (H. R. 14470) for the relief of the nurses who served in the Spanish-American war—to the Committee on Pensions.

By Mr. NEEDHAM, from the Committee on Indian Affairs: A bill (H. R. 14471) to indemnify the American Surety Company, of New York, for money paid as surety under appeal bonds in suits against certain Mission Indians of California, and for other purposes, in lieu of H. R. 6501—to the Private Calendar.

By Mr. GROSVENOR: A bill (H. R. 14488) to provide for Federal inspection and taxation of mixed goods and the proper marking of the same—to the Committee on Ways and Means.

By Mr. BARTHOLDT: A resolution (H. Res. 263) directing the Secretary of the Navy to furnish the House with copies of the complete correspondence, etc., between the Navy Department and Rear-Admiral Kempff, relating to bombardment of Taku forts in China—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14472) granting a pension to George E. Eberhardt—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 14473) to quitclaim all interest of the United States of America in and to all of lot No. 1, in square No. 1140, in the city of Washington, D. C., to Sidney Bieber—to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 14474) for the relief of the legal representatives of Abraham Lawrence, deceased—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 14475) granting an increase of pension to David E. Lawton—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 14476) granting an increase of pension to James M. Cornelison—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 14477) granting a pension to John Bruff—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14478) granting an increase of pension to Luman Fuller—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 14479) granting an increase of pension to Lewis Leavens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14480) to remove the charge of desertion against the name of George W. Smith—to the Committee on Military Affairs.

By Mr. KERN: A bill (H. R. 14481) granting an increase of pension to Joseph H. Whitehead—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14482) granting a pension to Frances L. McArthur—to the Committee on Pensions.

By Mr. MARSHALL: A bill (H. R. 14483) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein—to the Committee on Appropriations.

By Mr. MIERS of Indiana: A bill (H. R. 14484) granting an increase of pension to Nelson Purcell—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 14485) for the relief of the estate of N. M. Buyers—to the Committee on War Claims.

Also, a bill (H. R. 14486) for the relief of the estate of Mrs. Henly Patton—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 14487) granting an increase of pension to Levi Conklin—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 14489) granting a pension to Ann M. Coady—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 14490) granting an increase of pension to Lawson P. Pearson—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 14491) for the relief of the Methodist Episcopal Church South, of Clarksville, Johnson County, Ark.—to the Committee on War Claims.

By Mr. MERCER: A bill (H. R. 14492) granting a pension to Marvin H. Thomas—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 14493) granting an increase of pension to John Alley, fifth—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14494) to remove the charge of desertion against George S. Strange—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Manufacturers' Club of Buffalo, N. Y., to amend tariff law respecting meats—to the Committee on Ways and Means.

Also, resolutions of Auxiliary No, 28, Ladies of Union Veteran Legion, Buffalo, N. Y., favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: Petition of O. P. Peterson and 28 others, officials and employees of the Megquier & Jones Company, of Portland, Me., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of the heirs of David Sevier, deceased, late of Sullivan County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DALZELL: Resolutions of Colonel James H. Childs Post, No. 230, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Resolutions of the National Business League, Chicago, Ill., favoring the creation of a Department of Commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a Department of Commerce and Industries—to the Committee on Interstate and Foreign Commerce.

By Mr. HANBURY: Resolutions of Citizens' Union of the twentieth assembly district of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Resolutions of the Chamber of Commerce of New Haven, Conn., favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Petition of S. E. Smith and other citizens of Owensboro, Ky., favoring Senate bill 5002 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

By Mr. JACK: Resolutions of Post No. 500, of Delmont, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Paper to accompany House bill 14206, granting a pension to Mary J. Moon—to the Committee on Invalid Pensions.

By Mr. KERN: Resolutions of Centralia Turn Verein, of Centralia, Ill., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. LANHAM: Petition of citizens of Fort Worth, Tex., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LINDSAY: Resolutions of Citizens' Union of the Twentieth assembly district of Kings County, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Paper to accompany House bill granting a pen to Frances L. McArthur—to the Committee on Pensions.

By Mr. MAYNARD: Petition of Iron Trade Council of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. McDERMOTT: Petition of citizens of the State of New Jersey, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

By Mr. MOON: Resolution of Post 53, Grand Army of the Republic, of Sequachee, Tenn., favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Resolutions of board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill granting an increase of pension to John Alley, fifth, of Lynn, Mass.—to the Committee on Invalid Pensions.

By Mr. RYAN; Paper to accompany bill 14459, for the relief of the heirs of Hercules Webster Bauld—to the Committee on Claims.

By Mr. WM. ALDEN SMITH: Resolutions of the common council of Grand Haven, Mich., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY; Resolutions of the Chamber of Commerce of New Haven, Conn., in relation to amendment of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SWANSON: Petition of Esom Huff, of Floyd County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Resolution of Citizens' Union of the Twentieth assembly district of Kings County, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill to amend the military record of John S. Strange—to the Committee on Military Affairs.

By Mr. YOUNG: Resolutions of National Association of Manufacturers of Philadelphia, Pa., in relation to ship subsidies, isthmian canal, reciprocity, and other bills pending in Congress—to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 17, 1902.*

The House met at 12 o'clock m., and was called to order by W. J. BROWNING, Chief Clerk, who read the following communication:

MAY 17, 1902.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore during this day.

D. B. HENDERSON, *Speaker.*

Thereupon Mr. DALZELL took the chair as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered prayer.

The Journal of yesterday's proceedings was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the further consideration of the naval appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

The bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

Navy-yard, New York, N. Y.: For 1 clerk, at $1,400; 1 writer, at $1,017.25; 1 yard pilot, $2,000; 2 masters of tugs, at $1,500 each; 2 writers, at $800 each; 1 foreman laborer, at $4.50 per diem; 1 mail messenger, at $2 per diem, including Sundays; 2 messengers, at $2.25 per diem each; 1 draftsman, at $5 per diem; 1 quarterman, at $3 per diem; 1 superintendent of teams, or quarterman, at $4 per diem; 1 messenger to commandant, at $2.25 per diem, including Sundays; 1 messenger, yards and docks, at $2.25 per diem; 1 stenographer and typewriter, at $3.25 per diem; 1 electrician, at $1,400; 1 bookkeeper, or accountant, at $1,200; in all, $21,666.13.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 21, line 17, after the word "diem," insert "including Sundays when employed."

Mr. FOSS. Mr. Chairman, I reserve the point of order on that. I will say to the gentleman that I would like to have this matter passed over in order to give me time to investigate it.

Mr. FITZGERALD. That is satisfactory to me.

The CHAIRMAN. Without objection, this paragraph will be passed over temporarily.

There was no objection.

The Clerk read as follows:

Naval station, San Juan, Porto Rico: One clerk, $1,200; one writer, commandant's office, $960; one mail messenger, $420; in all, $2,580.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The day that the committee took up the bill I inquired of the chairman of the committee if he could give us the amount appropriated in this bill for improvements in our insular possessions. The chairman said that later on he would do so. We have passed one item relating to Cavite, in the Philippine Islands, and we are now on one for Porto Rico, and still right ahead is another for Hawaii, and still another for Cavite. I would be glad if the chairman would state how much this bill carries for our new possessions, and where the improvements are to be made.

Mr. FOSS. I will say to my friend from Tennessee that these are the only two items which we have reached—San Juan and Porto Rico, $2,580, and also one in Cavite, a small item for $2,460.

Mr. GAINES of Tennessee. I was looking the bill through yesterday, and I found ten or twelve items, but I did not aggregate them myself, and I thought the gentleman had the amount.

Mr. FOSS. I have not added up the amounts.

Mr. GAINES of Tennessee. Are the amounts the same that the Secretary of the Navy has recommended?

Mr. FOSS. Oh, no. We have not made any large appropriations for the Philippine Islands or Porto Rico. There was an estimate that came in for the establishment of a naval station at San Juan, Porto Rico, but we cut them out. There were estimates for a naval station in the Philippine Islands, but that we cut out. The only provisions we made for foreign stations is some small appropriations for the old Spanish station at Cavite, near Manila, which we have been using, and to it have added temporary buildings, tools, machinery, and one thing and another, in order that we might be able to make repairs on our ships.

Mr. GAINES of Tennessee. Is there any provision in the bill for enlarging the residence for the Navy officers at Manila?

Mr. FOSS. Not at all; the only provision of any importance that we make is to provide for a floating dock which can be used there or at any other naval station. That is the only item of any importance whatever.

Mr. GAINES of Tennessee. The naval officers there stated to me that they were anxious to have their headquarters enlarged. I did not know but that this bill provided for it.

Mr. FOSS. I know they are very anxious about it, but the policy of the committee has been to go slow in the establishment of naval stations abroad.

Mr. GAINES of Tennessee. If the chairman aggregates the amounts that under this bill go to our colonies, I would be glad to know the sum.

Mr. FOSS. I will have the clerk figure them up.

Mr. GAINES of Tennessee. I ask not only for my own information, but for the information of the committee.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Navy-yard, New York, N. Y.: Paving and grading, to continue, $20,000; dredging, to continue, $25,000; coal-storage and coal-handling plant, extensions, $100,000; railroad system, extensions, $15,000; extending building numbered 41, $60,000; locomotive and car shed, $25,000; improvements to building numbered 120, $22,000; fittings for building numbered 33, $6,000; fittings and electric tower, building numbered 22, $27,000; extending locomotive-crane track, $20,000; electric plant, extensions, $40,000; electric-light system, extensions on cob dock, $28,000; rebuilding crane track, dry dock numbered 3, $17,000; extending building numbered 116, $10,000; coal pocket and machinery for construction and repair, $6,000; electric wiring, building numbered 28, $6,000; storehouse for naval supply fund stores, to complete, $50,000; new roof for steam-engineering foundry, $22,000; in all, navy-yard, New York, N. Y., $499,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 28, line 15, after the word "dollars," insert "barracks for enlisted men to cost $500,000, $200,000."

Mr. FOSS. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. I think we had better dispose of the point of order now. This is simply the continuance of a public work. If a provision like this is subject to a point of order, then every similar provision in the bill will go out on a point of order. This is for the continuance of a public work of improvement at one of these navy-yards, and every improvement of any kind must be authorized in this way.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSS] desire to discuss the point of order?

Mr. FOSS. I simply reserve the point of order to hear from the gentleman from New York [Mr. FITZGERALD] on the merits of the proposition.

Mr. FITZGERALD. Mr. Chairman, this amendment is offered for the purpose of carrying out the recommendation of the Secretary of the Navy. For a great number of years the enlisted men at the navy-yard at Brooklyn were housed in a receiving ship called the *Vermont*. Last summer this vessel was discontinued as a receiving ship, and in place of it the *Columbia*, which was built as a commerce destroyer, was substituted. The *Columbia* is entirely unfit for this purpose. It was built for the purpose of being used in time of war to destroy the commerce of any enemy on the high seas. It is constructed so that it may develop the highest possible speed and it has sufficient armament to overcome the trading vessel. It is so cut up with compartments and filled with machinery that it is not at all suited for the purposes of a receiving ship.

Some time in January of the present year I introduced a resolution calling upon the Secretary of the Navy for information regarding the discontinuance of the *Vermont* as a receiving ship at the Brooklyn Navy-Yard. That resolution was as follows:

Resolved, That the Secretary of the Navy be requested to transmit to the House of Representatives, if not incompatible with the public service, copies of all reports, papers, and documents relative to the discontinuance of the Vermont as a receiving ship at the New York Navy-Yard, and the present disposition of the said Vermont, together with a statement of the number of men received on the said Vermont for a period of five years previous to its discontinuance as a receiving ship, the average number of men housed thereon during the said period, the number of men who reported sick on said vessel during said period, with the nature of their ailments, and the number of men who died thereon during said period, with the causes of their death.

Resolved further, That the Secretary of the Navy be requested to inform the House of Representatives, if not incompatible with the public service, what, if any, practices and regulations are now, or heretofore have been, in force to prevent the occurrence, communication, or spread of disease on the receiving ships of the United States Navy now in commission.

The information furnished in reply to that resolution is contained in House Document No. 385. It shows that in the year prior to its discontinuance the *Vermont* housed some 8,000 or 10,000 men, the men coming there at different periods. The *Vermont* had a capacity of some 700 or 800 men. The sea-going complement of the *Columbia* is 447 men, including, I think, the officers. This vessel is in no way suited for the purposes for which it is now used.

The *Vermont* was discontinued as a receiving ship upon the report of several officers that it had become so infected with disease germs as to be unsuited for such a purpose. It was further stated that it was impossible to place the vessel in a proper sanitary condition. The resolution which I have already read asked the Secretary of the Navy to inform the House what precautions of a sanitary nature had been taken to prevent disease on board of this and similar ships. The reply of the Secretary states that "on all receiving ships special care is taken to prevent the spread of epidemic disease. Every effort is made to keep the ships clean and in good sanitary condition. * * * The medical officers of all these ships are active in taking every precaution against the introduction and spread of such diseases, in which work they have the hearty cooperation of the commanding officers."

After such a statement it would be natural to find some report upon which it is based. I will quote from the board of medical officers convened for the purpose of inquiring into and reporting upon the sanitary condition of the *Vermont:*

The locality from which all the cases occurred is at a point on the berth deck just abaft of the bag room. Bags and hammocks, the property of the enlisted force of the Navy, are received at all times and from all parts of the world and are stored in the bag room without being previously disinfected, or other means taken looking toward the freeing of the wearing apparel and bedding from contagious and infectious material. The custom is a dangerous one, introducing and spreading disease of all kind throughout the service, as is shown in two cases of cerebro-spinal meningitis sent from this vessel to the *Buffalo*, in a draft of men, and one case to the *Dixie* under similar conditions.

The space alluded to on the berth deck is used at night by a number of men who sleep there, and the apparent focus of infection in the cases of cerebro-spinal meningitis has been traced with reasonable certainty to this point. It is impossible to locate in the ship a point from which the other contagious and infectious diseases may have arisen, but their continual recurrence would indicate that the ship has become thoroughly infected, and is at the present time serving as the original focus of infection for many of the cases which have recently developed, such as measles, German measles, scarlet fever, diphtheria, and mumps.

Apparently no precautions whatever, instead of every precaution, were taken on board that vessel to prevent the occurrence and spread of disease. The statement just quoted is the only reference made in all the reports contained in House Document No. 385 upon the question of precautions, excepting the gratuitous statement of the Secretary already mentioned.

Mr. Chairman, there is a public lodging house in the city of New York where those unfortunates who are unable to secure lodgings for the night are housed free at the city's expense. One of the requirements in that lodging house is that to get lodging there one must first take a bath and hand over his clothing to be disinfected. Recruits for the Navy at every enlistment station come from every quarter of the world and from all conditions of life. Their clothing is likely to and at times does contain disease germs; yet no precaution whatever was taken; nothing was done in the way of disinfecting to prevent the occurrence or the spread of disease.

Upon the reports of different boards and officers differing and conflicting, the Navy Department ordered that the *Vermont* be condemned and stricken from the naval list. There was no necessity for such action. An estimate had been submitted to the Department by an efficient officer that the vessel could be thoroughly renovated and disinfected and made ready for use for the sum of $54,240. On February 28, 1902, I introduced a joint resolution to restore the *Vermont* to the naval list and disinfect it and renovate and repair it according to the estimate referred to, and for the purposes provided an appropriation of $54,240. The resolution was referred to the Committee on Naval Affairs, and it is there to-day. My efforts to secure a report were unavailing. No action, either favorable or unfavorable, has ever been taken upon it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that I may have five minutes more.

There was no objection.

Mr. FITZGERALD. The *Vermont* could readily have been made serviceable for many years. At the time the vessel was condemned last summer the public evinced much interest. The statement made by the board of medical officers, "that whatever measures may be adopted it would be impossible to place the *Vermont* in a hygienic condition," attracted considerable attention and caused much discussion. I wish to call attention to an interview with Dr. Doty, health officer of the port of New York, which appeared in the New York Tribune on August 6, 1902. Dr. Doty has made an exhaustive study of disinfection. Time and again vessels arriving at New York with persons afflicted with contagious diseases have been thoroughly disinfected. Dr. Doty's interview is as follows:

There is no ship in our Navy that need be destroyed because of danger of infection. The *Vermont* could easily be cleared of any germs that might be in her by a thorough fumigation with sulphur dioxide. It is absurd to say that the wood is so impregnated with the germs of disease that nothing can be done with it. The ship has never, as I understand, been used as a hospital, and she certainly has not lain in water that would soak her with disease.

If the *Vermont* had lain outside of one of the rivers of Cuba or at a place in the harbor of Habana where she would have been in the way of sewage that contained the germs of yellow fever, her hull might have become so saturated with disease germs that it would be necessary to build that part anew. There is no assertion made that the hull is impregnated, but rather that the interior woodwork of the vessel is full of germs.

Even if the old vessel had been used as a hospital ship or had at some time been filled with persons suffering from infectious disease, there would be no danger. Germs are not only easy to kill, but it is difficult to keep them alive. After a reasonable time has elapsed succeeding the disease the germs die from contact with the air, and there is actually no need for even fumigation. So even if the vessel had some time ago been filled with the organisms which convey disease, there would now be no danger.

For many years now the vessel has lain in clean waters, and could not possibly have gathered disease germs, so I can see no earthly reason for destroying her. It is possible that we may need a better vessel for a receiving ship, but if so, we can have it without destroying this relic of our early naval history.

Of course, I do not wish to appear as opposed to any move that the authorities may see fit to make, and there may be reasons for the destruction of the *Vermont* with which I am not familiar.

If it could be true that the wood in the vessel were impregnated with germs, there is no possible way in which they could be exterminated, because the steam, which would be the only method of fumigation, would not penetrate far enough into the wood to be effective. But germs do not, where the material is dry wood, penetrate to the interior. They lie on the surface. By this you can see that it is impossible for the alleged hypothesis of absolute impregnation to exist.

There were officials in the Navy Department who held the same views. On August 7, 1901, the Chief of the Bureau of Construction and Repair said in an indorsement on some papers in this matter:

2. The Bureau is of the opinion that the *Vermont* can be satisfactorily fumigated and provided with a sterilizing apparatus that would justify her maintenance in service as a receiving ship.

The *Vermont*, however, was evidently doomed. So fearful were some officials that the vessel would remain in the service that the most sweeping statements were made regarding its condition. Thus, when the Naval Reserves of the State of Maine made an effort to secure the vessel for their use the application was denied. The refusal was based upon this indorsement of the Bureau of Navigation on August 10, 1901, upon the application:

The Bureau recommends that the *Vermont* be not considered available for use of the Naval Reserves of the State of Maine. The fact that this ship is infected with contagious disease germs precludes it from being used as a habitation of any kind for any person.

After the *Vermont* was supplanted by the *Columbia* little was done by the Department to dispose of it until the resolution of inquiry was introduced by me. Prior to that time, however, the vessel was appraised at $18,000. Then the Department became anxious to dispose of the *Vermont* at the appraised value, and to do so took the most astounding action conceivable. The Navy Department offered to sell the *Vermont* to the Treasury Department for use in the Marine-Hospital Service. The offer suggested that the *Vermont* might be used in the same manner that the *Jamestown* and *Omaha* were used. To ascertain just what use was made of such vessels, I communicated with the Surgeon-General of the Marine-Hospital Service. He advised me that those vessels are floating disinfecting plants and essential parts of the quarantine stations at Cape Charles and San Francisco. Each vessel is provided with a complete outfit of disinfecting apparatus for the sterilization of effects belonging to ships and persons which may arrive at the stations mentioned.

That is not the only use to which the *Jamestown* is put. The Treasury Department issues a list of all kinds and classes of vessels under the American flag, both Government and those controlled by private concerns and individuals. According to that document the *Jamestown* is also used as a place of detention of persons who arrive at the station in infected vessels. And the Navy Department, after determining that the *Vermont* was unfit as a habitation of any kind by reason of its infection with disease germs, offered it to the Treasury Department for use in the Marine-Hospital Service, with no warning or explanation of the reason why it was discarded by the Navy. Truly an astonishing situation.

After I had introduced the resolution of inquiry, which I believe was introduced on the 20th of January last, the Navy Department displayed great activity. Nothing had been done about the vessel since December. On January 24, however, the Secretary of the Navy appealed to the President to advertise the vessel for sale for four weeks instead of ninety days, as provided by law. No bid was received which equaled the appraised value, and

after a reappraisement the vessel was eventually sold for $15,000. Mr. Chairman, I believe that these facts should be placed before the country. No good reason existed for the abandonment of the *Vermont*. One of the officers to whom this matter was referred stated that this vessel was in very good condition and could be put in suitable condition at an expenditure of $54,240. He said:

The borings demonstrated a conspicuous absence of dry rot and softness frequently found in wooden vessels of her age. The hold is sweet and quite free from unpleasant odors of any description. The *Vermont* compares most favorably with all the other wooden vessels which have recently come under my personal notice while serving as a member of the board of inspection and survey, and I have the honor to submit herewith plans and estimates for placing the *Vermont* in efficient condition as a receiving ship, with accommodations for comfortably berthing 300 more men than is at present possible.

The *Columbia*, which is in use at present, is totally unfit for use as a receiving ship. The Bureau of Construction and Repair stated, under date of August 16, 1901, as follows:

The Bureau considers the *Columbia* unsuitable for use as a receiving ship. The number of men who can be lodged and fed, over and above the regular crew, will be about one-fourth of the capacity of the *Vermont*, while the expense of maintenance will be greater and the sanitary conditions not appreciably better.

The CHAIRMAN. The gentleman's time has again expired.

Mr. FITZGERALD. I ask for about three minutes more.

The CHAIRMAN. The gentleman asks to be permitted to talk for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. This report states that the *Columbia* from a sanitary standpoint is not appreciably better than was the *Vermont*. The statement had substantial foundation. A board appointed to consider and report upon such work as was absolutely necessary to fit the *Columbia* for temporary duty as a receiving ship reported on August 9, 1901, among other things that—

The *Columbia*, having been in ordinary for many months, with no crew on board and with only such care and attention as was necessary to preserve the ship from deterioration, is dirty and in no condition to receive men until thoroughly cleaned out. * * *

The seagoing complement of the *Columbia* is 447 men, and, judging by the small available crew space and limited character of direct ventilation therein, so large a number of men recently recruited and unaccustomed to life on board ship could not be accommodated without incurring risk of unsatisfactory conditions similar to those recently found on the U. S. receiving ship *Vermont*, which were directly attributed to overcrowding. In fact, 400 men on the *Columbia* would involve greater crowding, with less ventilation, than would be the case with 1,000 men on the *Vermont*.

While the provision of living space for wardroom and warrant officers is ample, there is great scarcity of proper office accommodation for the pay, medical, and recruiting officers of a receiving ship, and, in addition to the present officers on board the *Columbia*, would involve the reduction of crew space and is therefore not recommended.

It must be remembered that the *Vermont* was condemned as unfit for habitation. The *Columbia* evidently is no better fitted, if as well, as the *Vermont*. Unless these barracks be authorized at this time nothing can be done for more than a year toward erecting them. Give the enlisted men decent quarters.

This vessel, which was built for the purpose of destroying the commerce of the enemies of the country, costing over $3,000,000, or, to be exact, for I have figured it up, $3,089,701, is practically used as a dormitory. It is not suitable for the purpose. It was intended to be temporary. Do not make it permanent. Adopt this amendment. It should be adopted. The enlisted men of the Navy should be given decent accommodations at the navy-yard at Brooklyn. Men will not remain in the service and be housed under such conditions. A premium is put on desertions. Good, desirable recruits will not be obtained if they learn that periods of some length must be spent living under conditions most undesirable.

This work should be authorized now and work commenced as quickly as possible. It is pointed out in the report of the Chief of the Bureau of Yards and Docks that while additional land is needed at New York for some purposes, there is ample room for the barracks needed. I understand that the Naval Committee considered this question, but believed that at this time it would be inadvisable to do anything. I call the attention of the chairman of the committee again to the fact that unless some appropriation is made this year nothing can be done for another year. For that reason I hope this amendment will be adopted.

Mr. FOSS. Mr. Chairman, I want to say, in reference to this question that has come up, that the Department sent estimates up to the Congress at the beginning of the session asking for barracks at New York, League Island, and Mare Island—$500,000 at New York, $350,000 at League Island, and $350,000 at Mare Island, making a total amount in estimate of $1,210,000. Now, this subject of barracks for men at the naval stations is practically a new proposition. At the present time we are using ships, as, for instance, at New York Navy-Yard the *Columbia*, and we are getting along very well with the use of ships. Of course I know, as the gentleman has stated, that the *Vermont* was in very bad condition, but the *Vermont* has been condemned, and we have the *Columbia* there, which answers every purpose at the present time. Now, the question is, is it advisable for us to go into this new proposition of building barracks at the navy-yards throughout the country? If you build barracks at one navy-yard you must at another; and for my part I see no necessity at the present time for going into the large expenditure of money.

So far as the New York Navy-Yard is concerned, there is no available site for such barracks. Why, everything is crowded over there at the present time, and in the estimates sent to us by the Department this year they ask for $2,000,000 for more land at the New York Navy-Yard. Now, in view of the fact that there seems to be no special necessity at this time for these barracks, and at the same time believing that this matter is subject to a point of order, while at first I did not feel inclined to insist upon it, yet I do now insist upon my point of order.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. FITZGERALD. The gentleman says that this proposition to erect barracks at the different navy-yards is a new question.

Mr. FOSS. Yes; practically a new proposition.

Mr. FITZGERALD. I call the gentleman's attention to this fact, that the report the gentleman submitted at the first session of the Fifty-sixth Congress contained this statement:

Our Government is the last of the maritime nations to adopt the barracks system for receiving.

And in that bill, if I recollect correctly, the gentleman had an item for several hundred thousand dollars for barracks for the different navy-yards of the country. The gentleman's committee must have been considering this proposition for at least two years, and I respectfully submit to the gentleman that it is not a new proposition.

Mr. FOSS. Oh, no; it is not a new proposition, so far as consideration by the committee is concerned. Two years ago I thought we should have to construct barracks. I was in favor of the proposition then, because I did not see any way out of it. I thought it would be necessary then; but we have tided over that emergency, which arose somewhat from the Spanish-American war, and I believe by the use of ships, as we are doing now, we can do away with this expenditure of money.

Mr. FITZGERALD. Do you believe——

Mr. FOSS. I do not say but that I may be in favor of the proposition a year or two years or three years from now. Emergencies may arise which may necessitate the construction of barracks, but for the present I do not see any necessity for it.

Mr. FITZGERALD. Does the gentleman believe that a vessel costing over $3,000,000 should be used as a barracks for about 400 men? That is the condition at the New York Navy-Yard.

Mr. FOSS. What would you use that vessel for if not for barracks at the present time?

Mr. FITZGERALD. What is the use of building a vessel if you are just going to tie it to a dock and use it for a house? Why not spend a couple of hundred thousand dollars and have your house, which will be better for the purposes for which it is intended than the vessel which is being used for a purpose for which it was not intended.

Mr. FOSS. The gentleman must understand that we can not keep all our ships out at sea all the time. There must always be some in port and some going out. You can not keep all the vessels of your Navy always on blue water, and when these ships are in port they can be used for some useful purpose just as well as to be laid up doing nothing.

Mr. FITZGERALD. I call the attention of the gentleman again to this statement of the Chief of the Bureau of Construction and Repair, in which he states that that vessel, the *Columbia*, is wholly unsuited for use as a receiving ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I insist on the point of order.

The CHAIRMAN. The rule invoked in this instance by the chairman of the committee is one which has not at all times and by all chairmen been similarly interpreted. In the opinion of the present occupant of the chair a rather large hole was driven through the rule in order to permit the construction of battle ships without special authorization; but it seems to the Chair that the entering upon the construction of barracks in the way suggested by this amendment is the entering upon a new line of work. It is not a necessary adjunct to the New York Navy-Yard. It is not, in the opinion of the Chair, under a strict interpretation of the rule, a proper amendment. It is, in the opinion of the Chair, under a fair construction of the rule, obnoxious to it. The statute expressly provides, in reference to barracks for the Army, that they can not be constructed except after specific estimates therefor shall come to the House, and then only by a special act providing for them. Now, while that does not apply to the Navy, it seems to the Chair that in interpreting the rule it is fair to consider that provision. As the Chair intimated, the decisions have not been identical; but the notion of the Chair is borne out by ample precedents that this amendment is not in order, and the Chair therefore sustains the point of order.

The Clerk read as follows:

Navy-yard, League Island, Pa.: To continue retaining wall about reserve basin, $50,000; grading and paving, to continue, $25,000; sewer system, extensions, $5,000; electric plant, extensions, $40,000; railroad system, extensions, $15,000; officers' quarters, additional, $8,000; power house for construction and repair, $50,000; angle smithery for construction and repair, to complete, $15,000; plate-bending shop for construction and repair, to complete, $25,000; piers, extensions, $60,000; locomotive-crane track, extensions, $30,000; machinery foundations, steam engineering buildings, $38,800; power house for steam engineering, $46,000; dredging, to continue, $25,000; water closets, additional, $2,500; water system, extension, $12,000; in all, navy-yard, League Island, $447,300.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I have an amendment to offer at the end of this section.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which will be reported by the Clerk.

The Clerk read the amendment, as follows:

On page 29, in line 10, after the word "dollars," insert "toward storehouse for naval supplies, $75,000."

And in line 11, after the word "Island," strike out "four hundred and forty-seven" and insert "five hundred and twenty-two."

Mr. BUTLER of Pennsylvania. Mr. Chairman, the object of this amendment is to continue the construction at League Island of what is known as "storehouse for naval supplies." I do not think that I am in any way infracting the rules that surround the performance of the committee when I state that it has been the policy of the Naval Affairs Committee to reduce as much as possible the appropriations of this year made for new constructions in the navy-yards. We had no trouble in the committee in concluding upon such a policy, and to that end I believe every member of the committee used his best efforts. When the estimates came from the Department of Yards and Docks, they were found to be very largely in excess of what the committee thought it could recommend to the House for adoption.

Therefore Admiral Endicott, Chief of the Bureau of Yards and Docks, was asked to appear before the committee and cut (as much as possible) his estimates. He was further requested to make known to the committee what was absolutely necessary in his judgment to be done at the different navy-yards, so that the work already begun might be continued and not interfered with. In giving to the committee the different items he says that he inadvertently omitted to recommend an appropriation of $75,000 for continuing the work upon the "storehouse for naval supplies" at League Island, and it is for the purpose and upon the suggestion—I should say upon the request—of Admiral Endicott that I offer this amendment, so that the appropriation may be made and the work on this building be continued. I hope that the chairman of the Committee on Naval Affairs will permit the amendment to be offered as a committee amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. FOSS. Just a moment, Mr. Chairman. I want to ask my colleague upon the committee if this appropriation is for the continuance of the construction of a building already authorized.

Mr. BUTLER of Pennsylvania. I shall be very glad to answer my colleague. I quote the following from a letter from Admiral Endicott:

WASHINGTON, D. C., *April 16, 1902.*

MY DEAR SIR: The Army and Navy Register gives the naval bill as agreed upon in subcommittee. I do not find there, under the head of League Island, an item for continuing work upon the "Storehouse for naval supplies, $75,000." This item was inadvertently omitted from the original estimates submitted by the Department, and when I was before your subcommittee I called attention to this and requested that there be inserted the sum of $75,000 for continuing this work. This building was authorized by the act of March 3, 1901, at an ultimate cost of $224,640, and $75,000 was appropriated for work during the present fiscal year. As the appropriation already made will be exhausted before the expiration of the next fiscal year, it is very important that the funds be appropriated for continuing the work.

Mr. Chairman, I will say further to my colleague that I would be the last person to ask for an appropriation in this bill to begin any new work at League Island. This is only continuing a work already begun.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Navy-yard, Washington, D. C.: Gunners' storehouse, $88,000; coppersmith shop, $32,000; bronzing and plating house, $20,000; purchase of land, $100,000; in all, navy-yard, Washington, $240,000.

Mr. CANNON. I reserve the point of order upon the words "purchase of land, $100,000," in lines 16 and 17. The report is silent upon this item. It seems to me it is subject to the point of order. It may be necessary for the public service. That is one thing. I reserve the point of order, and I would like to inquire a little bit what it is about anyway.

Mr. FOSS. Well, I will say to my friend it is for the purchase of land adjoining the navy-yard here in Washington; and the Department feels the necessity for having more land down there. Last year, I think, they came before the committee with the recommendation for $185,000 appropriation for land there. The Attorney-General has investigated the title of some of the property and has discovered that the Government has, in his judgment, a title to a portion of this property which it is desired to buy. Last year, I think, we gave them power to condemn, and the proceedings are going on, I understand, under the direction of the Attorney-General. There is a strip of this land lying down toward the water's edge—a few blocks of it—to which the Government has no title, and for the purchase of that the Chief of the Bureau of Ordnance came before the committee and earnestly and urgently asked for this appropriation of $100,000 to buy these few blocks.

Mr. CANNON. Well, now, it is not the land that is authorized to be condemned. This is new land?

Mr. FOSS. It is land to which the Government has no title whatever.

Mr. CANNON. Precisely. But it is not land touching the condemnation proceedings that heretofore has been authorized by Congress?

Mr. WATSON. I think I can answer that, if you will permit me to explain, that the land for which the appropriation was made, if I remember correctly the testimony, is land which lies between the land for which condemnation proceedings were authorized and the river. It is river frontage. The Government owns the land back of the river, and they want this strip on the river.

Mr. CANNON. Then it is a new item, and stands upon its own merits, not affected by legislation heretofore enacted?

Mr. WATSON. I think not.

Mr. CANNON. And it is not the land owned by the Government?

Mr. WATSON. No. It is not only next to the land now owned and occupied as the navy-yard, but between the land for which the condemnation proceedings have been authorized and taken and the river.

Mr. CANNON. How much river front is there to the Washington Navy-Yard? Well, Mr. Chairman, I can talk ordinarily loud enough to hear myself, but not now.

The CHAIRMAN. The committee will be in order.

Mr. CANNON. I was under the impression that there was over a mile of river frontage to the Washington Navy-Yard. Does anybody know?

Mr. FOSS. I should say not over half, perhaps not a third of a mile.

Mr. CANNON. Indefinite. My impression a mile and my friend not over a half a mile, and perhaps not a third. How much land has the Government got in the Washington Navy-Yard? Does anybody know?

Mr. WHEELER. I think I can state what will be satisfactory to the gentleman. This is not really a navy-yard. It is really a gun shop, and it is the purpose of the committee, or the effort of the committee, to concentrate the gun works of the country at the Washington Navy-Yard, and in order to do that it will be necessary to have some additional buildings in addition to what the committee has heretofore authorized.

If the gentleman has ever been to the gun shop down here, he will understand that there is scarcely enough land to accommodate the buildings we now have on them. Reference to the hearings and the testimony of Admiral O'Neil will disclose the fact that if the present plan for the erection of buildings which are absolutely necessary to properly conduct the gun shop is to be carried out this land proposed to be purchased is a necessity.

A portion of the land referred to by the gentleman who attempted an explanation lies in front of the block which the Government thinks it has title to; but this particular block referred to, lying adjacent to the ground the Government has, is only a portion of the land suitable for the erection of the proposed new building. Unless this land is acquired, the appropriation for the building that we are informed is necessary need not be made, for there is no land now upon which we can build it. The Government must have the land or we should strike out the appropriation for the new buildings.

Mr. CANNON. I will ask how much land is comprised in the Washington Navy-Yard?

Mr. WHEELER. I am unable to answer that question, but I should suppose four or five blocks all told.

Mr. CANNON. Does my friend have any information about it, or is it merely an estimate?

Mr. WHEELER. I have been over the ground repeatedly. With the exception of the river front, nearly all the land is occupied by shops and officers' quarters, with the possible exception of a small esplanade in front of the building.

Mr. CANNON. The gun shop is a mere place of assembling the forgings——

Mr. WHEELER. Oh, the gentleman is in error about that. We make all our great guns——

Mr. CANNON. The Government makes no forgings there.

Mr. WHEELER. It may not make any forgings, but we collect them and manufacture them into guns.

Mr. CANNON. Then it is a mere assembling plant.
Mr. WHEELER. I do not understand it so.
Mr. CANNON. It is like Wellfleet for the Army.
Mr. WHEELER. No; it is a gun shop; it is where we make the guns and the utensils of war. We have no steam plants by which they cast the ingots, but we take the raw material and produce the finished product.
Mr. CANNON. How many thousand feet of ground is there there?
The CHAIRMAN. The time of the gentleman from Illinois has expired.
Mr. WATSON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for five minutes longer.
The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.
Mr. CANNON. How many acres are there of this proposed purchase?
Mr. WHEELER. I am unable to answer the question.
Mr. WATSON. I think I can inform the gentleman. I am told, and I think on reliable authority, that there are eight ordinary blocks now in the navy-yard.
Mr. WHEELER. That would be about 30 acres.
Mr. WATSON. And the proposed purchase for which the appropriation is desired amounts to two blocks.
Mr. WHEELER. No; a block and a portion of another block.
Mr. CANNON. Well, is it to cost 10 cents a foot, or 20 cents a foot, or 30 cents a foot; who knows?
Mr. WHEELER. I will say to the gentleman that the testimony before the committee disclosed the fact that negotiations have been going on for many years trying to acquire this property, and it is stated by Admiral O'Neil that an agreement had been tentatively reached by which we could acquire it for $100,000 without condemnation proceedings. The reasonableness of that price was based upon statements of people whom the Department had instructed to inquire into it and the information imparted to Admiral O'Neil.
Mr. CANNON. I recollect having a little experience in that kind of a purchase myself. For 70 acres of land over here by the insane hospital we started in, I think, at $250,000. It was investigated and legislated about and finally got down to one-half that sum and then to one-third of that, and then the House turned it down and did a very good job. In other words, I never like to see additional land bought at Washington for anything until somebody has gone to the bottom of it.
Now, I am under the impression that the river front at Washington Navy-Yard and what the Government owns there or thereabouts the Government has got all the land it needs and to spare. I should think $1.50 a foot, which would be between six and seven thousand dollars an acre, in that locality would be quite high enough price. But here is $100,000, and whether it is 1 acre or how much nobody can tell us.
Mr. WHEELER. This land is not immediately on the river front.
Mr. GAINES of Tennessee. My information, Mr. Chairman, is that the navy-yard contains 42 acres. My authority for that is this book which I have just received from the House library. It gives the amount of land purchased under various acts, and states that the site of the navy-yard was purchased for $4,000 and contains an area of 42 acres.
Mr. CANNON. I thank the gentleman from Tennessee. That is valuable information, and that is the first information we have had.
Mr. GAINES of Tennessee. On page 59 of the last annual report of the Navy Department, at the bottom, I find this among other improvements wanted:

Additional land, improvement Washington Navy-Yard: An extension of this yard is urgently required, as the present site is practically all built over and very much crowded.

I know, Mr. Chairman, as a mattter of fact, that the navy-yard is very much crowded. It is nearly all covered with houses. We have extended our shops for a number of years, and these shops have taken up the land so that there is now hardly walking room unless you walk all the time on the pavements. I do not know whether this remark applies to all of the 40 acres, but nearly all the space down there that I have seen is covered with houses. I do not say that houses cover the 42 acres.
Mr. CANNON. Mr. Chairman, I undertake to say, from a casual survey of the ground as my eye took it in, that there are not 20 acres covered with buildings.
Now, in all these years we have done without this land for which it is proposed to expend $100,000. We have at present, it seems, 42 acres there, and it seems to me that in the present condition of things it would be the part of wisdom to postpone this matter until next year. Therefore I insist upon my point of order.
Mr. GAINES of Tennessee. I wish to state that the book from which I read this information is what is called Harper's Book of Facts, page 544.
The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] withdraw his point of order?
Mr. CANNON. No.
Mr. FOSS. If there is any question in the mind of the Chair——
The CHAIRMAN. The Chair would like to be advised as to the facts. The Chair did not catch all that was said in the discussion, owing to the confusion. Is this land——
Mr. FOSS. I will say to the Chair that I think the decisions are uniform on this proposition.
The CHAIRMAN. Does this land adjoin the other land?
Mr. FOSS. Yes, sir; this is land adjoining the navy-yard.
Mr. CANNON. Is my friend from Illinois sure about that?
Mr. FOSS. Oh, yes.
The CHAIRMAN. And it can be used for the purposes of the yard?
Mr. FOSS. It can be.
Mr. CANNON. I should like to see the plat. I have no doubt my friend thinks he is correctly informed, but I am apprehensive he may be mistaken.
Mr. FOSS. Well, now, I think I can satisfy the gentleman.
Mr. GAINES of Tennessee. I suggest to the gentleman from Illinois that of these 42 acres some part may be land that is in litigation. There is nothing that is said in this book about that.
The CHAIRMAN. The decision of the Chair must, of course, be based on the facts; and if the facts are in dispute, the Chair is placed in a decidedly embarrassing position.
Mr. CANNON. This bill carries already $70,000,000 for the Navy—for the building of ships, for men to man them, etc.—and I suggest to my good friend from Illinois that from the standpoint of practical wisdom it would be well that this appropriation of $100,000 go over. I appeal to him whether he does not think that this is one of the items that could wait.
Mr. FOSS. Admiral O'Neil, the head of the Bureau of Ordnance, in putting in an estimate for additional land, said:

The available building sites are now practically all taken up, and the yard is overcrowded in many respects. More buildings will be required in the near future, especially a new car house, and the present boiler plant is taxed to its utmost capacity. This is required as most urgent.

His estimate was for $185,000 for the purchase of land. We cut it down to $100,000.
Mr. CANNON. Why?
Mr. FOSS. Because we afterwards found out that there was a portion of the land to which the Government, we believed, had title, under the opinion of the Attorney-General.
Mr. CANNON. How much is there of the land to which the Government has title? Can not the Government build a dozen power houses on that much of the land?
Mr. FOSS. But that land is not adjoinining the river front, I believe.
Mr. TAYLER of Ohio. Allow me to explain that the question of the Government title arises out of the fact that the land has had accretions along the river bank. The question has arisen whether the title to the land thus formed goes to the Government or to the riparian proprietors who have raised this question. It is necessary that the Government, in order to handle the navy-yard, should control the land which thus results from accretion, which would not be valuable by itself, but only in connection with the land lying back and north of it. It is for the purpose of buying the land that lies back of this accretion of land and for the residue, if it does not belong to the Government, that the appropriation is proposed.
Mr. CANNON. How much land is it proposed to buy?
Mr. TAYLER of Ohio. I do not know how many acres.
Mr. DAYTON. Two bluffs.
Mr. CANNON. That is very indefinite. A "bluff" may be a quarter of an acre or 2 or 3 acres.
Mr. TAYLER of Ohio. I am now ready to answer the question of the gentleman from Illinois, and do so by reading from the report of the Bureau of Yards and Docks, as follows:

[Extract from annual report of department of yards and docks, navy-yard, Washington, D. C., dated August 29, 1899.]

ESTIMATE FOR WESTERN EXTENSION OF UNITED STATES NAVY-YARD, WASHINGTON, D. C.

The increase of business and the general growth of this yard has resulted in such cramped conditions, by the extension of buildings, railroad tracks, etc., that there is at present little available room in the yard for the storage of material and other necessary purposes.
Furthermore, conditions are such that there is a present need for the extension of the yard, and this need will be accentuated, undoubtedly, in the near future.
The most available property appears to be to the westward of the yard, as shown on blue print transmitted with letter No. 213 from this office, dated August 7, 1899. It is recommended that the necessary steps be taken to so extend the yard to Fourth street east, taking in squares Nos. 826, 827, 853, and 854, and also the portions of N street south, Georgia avenue, Canal street, and Fifth street east, included in the territory bounded by the present navy-yard wall, M street south, Fourth street east, and the water front.
The only buildings upon this property at present is one on Fourth street

east, near N street south, probably worth $1,000, and a small, wooden shed in N street south, probably worth $25.

The areas of the blocks named are as follows:

	Square feet.
No. 826	122,429
No. 827	75,705
No. 853	63,288
No. 854	72,828
	334,250

The title to blocks 827 and 854 may be in doubt in consequence of a late decision of the Supreme Court in re Potomac Flats.

If the title to this property does not vest in the United States, the property to be purchased would be the four above blocks enumerated.

The assessed valuation of this land is about 15 cents per square foot. In all probability a higher price, say 40 cents per square foot, would have to be paid if it were condemned, which would make the cost of the four blocks $133,700.

I recommend that the necessary steps be taken to have the land belonging to the district ceded to the navy-yard, and to have the land in the blocks referred to purchased.

Mr. DAYTON. My recollection is it is 10 acres, but I will not state that absolutely. It is from 8 to 10 acres.

Mr. CANNON. Is not this really to build quarters on?

Mr. FOSS. Oh, no; not at all. You have not struck it this time.

Mr. CANNON. I do not know that that is the object, but the query is whether my friend knows it is not.

Mr. FOSS. Well, I think it is safe to leave it with the Secretary of the Navy. He will pay no more for this land than is necessary.

Mr. CANNON. I will say to my friend, with the highest respect, I would not for a holy minute leave matters without Congressional supervision to the administration of any Army or Navy official. [Applause on the Democratic side.] I am not abusing them. I am not abusing them when I say that in the very nature of things people magnify their profession, and it is pretty difficult to tell sometimes just how valuable and how necessary amongst the great multitude of necessary things any proposed measure is, and I say again I am not abusing the Army and the Navy. You and I would do just as they are doing. You and I would be just as they are, if we were in their places. They perform their functions and we perform ours. Now, I merely claim that it seems to me we are not in a very good condition to perform ours, and therefore I am pleading for postponement.

Mr. FOSS. Mr. Chairman, while I agree entirely with the gentleman so far as the question of leaving matters in the general discretion of Naval or Army officers is concerned, still here is a provision for the purchase of land which is put in in round numbers at $100,000. We can not put it in in exact dollars and cents which the Secretary of the Navy may pay for that property, but we put in a provision which we think will be sufficient to buy the property. Now, it is for him to make the purchase, and we have to leave some little discretion somewhere. This House, numbering 356 members, can not make a contract for the purchase of every bit of land we need to carry on the business.

Mr. GAINES of Tennessee. Will the gentleman inform the committee who owns this land?

Mr. FOSS. I do not know anything about the owner.

Mr. WHEELER. Various parties.

Mr. FOSS. The committee has not sought to buy the land. We do not know who the owners are, but it is left to the Secretary of the Navy to make the contract and to purchase it, and I think we can trust him. He is a man who has been brought up under the school of economy at which my friend from Illinois [Mr. CANNON] has long been the head, and I am sure he will drive the best bargain he can for the benefit of the Government.

Mr. CANNON. I am fond of the Secretary of the Navy. I have every confidence in him, but he is at the head of a great Department where he must trust his various bureaus in ninety-nine cases out of one hundred. I can not think of any man who would be more competent than William H. Moody, and as to him on most all these questions he would be like unto a cat without claws in that place that burneth with fire and brimstone. [Laughter.]

Mr. OLMSTED. Mr. Chairman, upon the point of order I would like to say just a word, to call the attention of the Chair to a similar point which was decided during the last session of Congress. There was under discussion at that time a proposition to appropriate some money to buy additional land upon which to erect additional buildings for the Hospital for the Insane, the gentleman from Illinois, the chairman of the Appropriations Committee [Mr. CANNON], having charge of it. A provision was inserted to purchase land for the specific purpose of erecting additional buildings. There was an act of Congress providing that no hospital building should be constructed except upon land already owned by the Government, and I made the point of order that that provision was in conflict with that statute, which point was sustained. Thereupon the gentleman from Illinois [Mr. CANNON] and the gentleman who is now the Secretary of the Navy (Mr. Moody), then a member of the Appropriations Committee, insisted upon a separate paragraph making an appropriation to purchase additional land without stating for what purpose it was to be used.

I made a point of order against that, but after some discussion withdrew it; thereupon it was renewed and supported by an able argument by the gentleman from Missouri [Mr. DE ARMOND]. We repeatedly asked the gentleman from Illinois whether it was not intended to put the additional hospital buildings on that land. He declined to answer, saying it was for the additional purposes of the hospital, and insisting that it was not subject to the point of order. The chairman of the committee [Mr. HOPKINS], after an elaborate discussion, ruled as follows:

The law which the gentleman from Missouri calls to the attention of the Chair relates to the location of buildings used for hospital purposes, and declares that these buildings shall be erected upon land already owned by the Government, or that may be donated to the Government in the District of Columbia. In the opinion of the Chair, that does not militate against the power of the Committee on Appropriations to appropriate a specific sum to acquire additional territory for the asylum. Now, there is a large asylum there that is furnishing accommodations for several thousand soldiers; and it is apparent to all that the land, as well as the buildings, is necessary for this great public purpose, and the Chair thinks that the point of order is not well taken. It is for the committee to say whether the entire 145 acres shall be purchased, or, by amendment, that number of acres shall be enlarged or decreased; but that it is in continuation of this great public object the Chair has no doubt, and therefore overrules the point of order.

Now, there is no rule against the purchase of additional land any more than there is against the purchase of additional bricks or other building material, and it appearing that this is land adjacent to land already owned by the Government, that it is for the purpose of continuing the Government navy-yard, already authorized by law, it seems to me that there can be no question that the point of order is not well taken.

The CHAIRMAN. The chairman of the Committee on Naval Affairs asserts that the land in question does adjoin the navy-yard, in addition to which the estimate submitted for this appropriation clearly states that its object is the enlargement and extension of the present yard, or, in other words, a continuance of the work in progress.

It seems to the Chair perfectly clear from that estimate, and also in line with the ruling for which the gentleman from Illinois [Mr. CANNON] himself contended, which ruling was made in the instance cited by the gentleman from Pennsylvania [Mr. OLMSTED], that this provision is proper, and the Chair therefore overrules the point of order made by the gentleman from Illinois.

The Clerk read as follows:

Naval station, Puget Sound, Wash.: Sewers, extensions, $5,000; to continue grading, $50,000; coal shed and appliances, including pier extensions, $150,000; fire-protection system, extensions, $3,540; electric-light plant, extensions, $20,000; telephone system, extensions, $2,000; railroad and equipment, extensions, $20,000; purchase of land, $2,000; smithery for construction and repair, extension, $40,000; plate metal shop for construction and repair, $50,000; addition to storehouse for supplies and accounts, $50,000; boat shop for construction and repair (to cost not to exceed $150,000, for which contract is hereby authorized), $50,000; water-closets, $2,500; power house for construction and repair, $70,000; storehouse for steel, $36,000; piers, $75,000; roads and walks, $15,000; water system, extensions, $5,000; locomotive crane, $8,500; foundry and coppersmith's shop (to cost not to exceed $100,000, for which contract is hereby authorized), $50,000; boiler and blacksmith shop (to cost not to exceed $100,000, for which contract is hereby authorized), $50,000; heating-system, extensions, $4,000; boiler stack and fittings for equipment shop, $10,000; in all, naval station, Puget Sound, Wash., $748,500.

Mr. JONES of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Washington offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

After the word "dollars," in line 17, on page 32, insert the words "quay wall, $30,000."

Mr. JONES of Washington. Mr. Chairman, this matter was recommended by the Department and considered by the committee, and were it not for the fact that additional information has reached me since the bill was reported I would not ask the committee to consider this amendment.

When Admiral Endicott was testifying before the committee he was asked by Mr. DAYTON relative to this proposition:

If you can dispense with this item, I wish you would.

To which he replied:

I can try.

Now, the conditions at the yard probably were not presented to the committee, or at least some things that have been called to my attention with relation to this yard were not presented.

On account of the appropriations made for several buildings in this bill, as well as those already provided for, there will be considerable grading required in the making of the foundations for those buildings, and the dirt taken out under present conditions will have to be hauled a considerable distance, entailing upon the Government a very great expense. The Chief of the Bureau of Yards and Docks kindly furnished me day before yesterday with a copy of a letter received from the commandant of the navy-

yard with reference to this matter, which I desire to read. He says:

It is noted in a telegram published in the morning paper that the House subcommittee has cut out the appropriation for extension of quay wall. This wall would be doubly valuable—

(1) As giving a considerable amount of reclaimed land at the most desirable point in the yard.

I know from personal knowledge that this statement is true. It will furnish probably 3 or 4 acres of additional land right on the shore line near where the dock is located and most advantageously situated with reference to buildings already constructed.

Second, and this is the point to which I desire the special attention of the committee:

As furnishing an economical dump for earth excavated while grading for new buildings. There is now no place in the yard where earth can be dumped, except by a very long and expensive haul.

It is therefore respectfully urged that these facts may be represented, and that, if practicable, the Bureau may obtain the amount submitted by it in the estimates.

The commandant of the yard also sent to me a memorandum giving an estimate as to the difference in the cost of this grading with a quay wall constructed and the cost with it not constructed. He says:

MEMORANDUM OF QUAY WALL.

The Bureau asked for $80,000 to extend this wall.

It would be very valuable as reclaiming a considerable tract of land on the most desirable part of the water front.

It also gives a place to deposit earth excavated in the necessary grading for buildings. At present there is no place to deposit this earth, except by a long and very expensive haul. In the grading necessary for the steam engineering buildings alone, the difference in cost of grading due to the very long haul would pay for the amount of wall asked for by the Bureau. And as all the grading contemplated is in the same vicinity, the economy of building this wall is manifest, even if no valuable land were reclaimed for building purposes. The comparative expense of grading with the sea wall, and without it is roughly estimated as follows:

With sea wall and short haul	$25,000
Without sea wall and long haul	93,000

In other words, if this quay wall is provided for, the Government will more than save its cost in the grading for these different buildings. So that it is simply upon the ground of a matter of saving and economy to the Government that I offer this amendment.

The commandant of this navy-yard is Capt. W. T. Burwell, who commanded the *Wheeling* at Manila, and is one of the most efficient officers, I believe, that we have in the Government employ to-day. He is an officer who gives his personal attention to these matters. He is greatly interested in the building up of this yard. He is not an ornamental officer, but spends his time, day and night, in looking after and promoting the interest of the Government and in advancing the navy-yard, and in this case I have no doubt that this information he gives us here is based on his personal investigations. I know from my own knowledge that if this quay wall is constructed the haul would be very short. In other words, it furnishes a dumping place for this earth taken out almost adjacent to the buildings. As he shows here, the cost of the grading without the quay wall would be more than the cost of the wall itself, and there will be an actual saving by the building of the wall rather than an additional expenditure. Therefore I trust the chairman of the committee will be willing to accept this amendment.

Mr. DAYTON. Mr. Chairman, this item was stricken out during the consideration of the bill when Admiral Endicott was before the committee, and it was stricken out at my instance. I want to say that if I had the information then that I now have touching this matter, corroborated as it now is by my recollection from a personal visit to the yard, I would not have objected to it.

I want to say further that I believe, from personal investigation, that for every dollar of money that has been invested in the Puget Sound Navy-Yard the Government has received full value, something that frequently is not true in the construction of public buildings. I can corroborate what the gentleman from Washington [Mr. JONES] has said in regard to the economy of construction there. At the time I made the objection I was thinking that because the water there was so superior it would not be necessary to have a quay wall, because the vessels can come in to those wooden quays that are driven out in the water; but I do believe that it would furnish a dumping ground for this material. I simply make this statement because the item was thrown out, I believe, on my motion.

Mr. CANNON. Mr. Chairman, I would be glad to ask a little bit about this naval station. I do not see why you do not call it a navy-yard; but I suppose a rose by any other name would smell as sweet.

Mr. FOSS. I suggest to the gentleman that it is now called a navy-yard.

Mr. CANNON. I think it ought to be.

Mr. DAYTON. The name of it is "navy-yard," and I shall move to strike out the words "naval station" and call it "navy-yard, Puget Sound."

Mr. BUTLER of Pennsylvania. How does it get the name of "station?"

Mr. DAYTON. It was a station, but it is now designated in the Department as a yard.

Mr. CANNON. I want to say a word about it. In the report accompanying this bill, "Naval station, Puget Sound, real estate and chattels, $941,000; machinery and plant, $255,000." I want to ask the gentleman in charge of the bill, or any gentleman who has the knowledge, how much is it contemplated that this navy-yard will cost when completed?

Mr. FOSS. Well, that is impossible to state. We can not tell what circumstances may arise; but I would say, for instance, in this bill we appropriate $748,000. That will practically complete, I think, the navy-yard. It will give them all the buildings they will need for a year or two anyway. Of course navy-yards are growing all the time. We expend money from year to year for them. That is necessary by reason of the fact that we may have to have new buildings or we may have to repair or reconstruct old buildings. It depends largely upon the amount of work that will be required to be done there. Puget Sound is likely to become the most important navy-yard on the Pacific coast. It is nearer to Japan and the Philippines than Mare Island, and has a great depth of water. The ships will naturally go there to be repaired in the future. As the work increases, and as the Navy increases, and as we have more ships upon the sea, consequently we have more going back into these navy-yards to be repaired, and necessarily we will have to increase the appropriations somewhat for these navy-yards and stations.

Mr. CANNON. I want to say just a word about this navy-yard. It seems to me that God made this location for a navy-yard. There is no danger of detrition, no danger of any falling in behind.

Mr. DAYTON. Not the slightest.

Mr. CANNON. And it seems to me that we all admit of Puget Sound that it is an admirable location. I wish I could say that of all the navy-yards on the Pacific coast and on the Atlantic coast. I want also to compliment the Department on the improvements that are made at Bremerton, at this navy-yard. A great dock, up to date, shops, not yet complete, but no wasteful expenditure made. Now, we have officers' quarters, as there ought to be, sufficient to be comfortable, but modest and not extravagant. As I look over this list I find there are 15 navy-yards on our coast. I wish there were but three.

Mr. FOSS. The gentleman does not mean "navy-yards."

Mr. CANNON. Well, practically.

Mr. FOSS. Oh, they are really little stations—coaling stations.

Mr. CANNON. Portsmouth.

Mr. FOSS. A navy-yard.

Mr. CANNON. A stone's throw from Boston.

Mr. FOSS. Forty miles. The gentleman may be able to throw a stone that far.

Mr. CANNON. Naval station, New London.

Mr. FOSS. That is a little coaling station down there.

Mr. CANNON. New York; League Island; Washington.

Mr. FOSS. That is a gun shop, not a navy-yard.

Mr. CANNON. Norfolk; naval station, Port Royal.

Mr. FOSS. We have abandoned that.

Mr. CANNON. A million dollars of real estate and chattels, $70,000 machinery. Lot of real estate and chattels for the machinery. Scolded it, scolded it, year after year, but still the money went in. Now it is transferred to Charleston.

Mr. FOSS. Yes.

Mr. CANNON. I trust the Government will have better luck at Charleston.

Mr. FOSS. May I interrupt the gentleman?

Mr. CANNON. Yes; if I may have five minutes more.

Mr. FOSS. That Port Royal station was established many years ago, before most of the members upon the Naval Committee came here.

Mr. CANNON. I am not scolding the Navy Committee.

Mr. FOSS. Oh, no; you are not scolding. That was established when my colleague was a member of this House. Now, I am informed that the location of the site was largely on account of political influences. It was never well established, I believe——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I ask unanimous consent that the time of the gentleman from Illinois may be extended for five minutes.

The CHAIRMAN. Is there objection to the gentleman's time being extended? [After a pause.] The Chair hears no objection.

Mr. FOSS. But this committee, realizing that it was not well established, as the gentleman very well knows, acceded to a proposition which came from the other side of Congress, transferring this naval station to Charleston, which is better fitted for a navy-yard.

Mr. CANNON. I think so.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. CANNON. I want just a minute. I want to conclude this matter, and then if I have any time I will yield. Now, here is the naval station at Key West, $851,000; one at Pensacola, $1,781,000; Mare Island Navy-Yard, $5,870,000, and $660 for machinery; then comes the station at Puget Sound. Then comes one, I believe, at New Orleans. Now, there is too much station, too much navy-yard, in my judgment. I believe the service of the Government would be best promoted by reducing them. New York, the great city, has a navy-yard which is a great necessity, a great supply of labor. At Norfolk we have had from the beginning a large expenditure. Now, the next navy-yard after these two—and I am not going to abuse League Island; you have got it and you can't cut it out.

Mr. BUTLER of Pennsylvania. It has the only fresh-water basin on the coast for the storage of vessels.

Mr. CANNON. Oh, yes, a very good excuse. I will not enter upon that, but one of the three great navy-yards in this country ought to be, from an economic standpoint, on Puget Sound, and I want to compliment the expenditure there. I wish I could do it for all the navy-yards. God gave the water there, and you do not have to spend half a million a year to get up to it at high tide. [Laughter.] I wish I could say that of all the navy-yards. I wish the navy-yard lower down on the Pacific coast was on San Francisco Bay, where you have got water. It will have to come to that sooner or later. How much that will add to the $6,000,000 already expended inland, practically, I do not know. I am not abusing anybody, but I think this navy-yard ought to be pushed as fast as the estimates are made for it. A little later on, as other questions may arise, I may desire to again be recognized for five minutes touching the proper function of navy-yards. As it is now, practically, it is a division of the dough among fifteen chickens [laughter] for the benefit of the locality in the various portions of the country. I do not believe it is good policy. This bill, I think, somewhat sins in pretty large expenditure in some places that ought not to be for the good of the service. But for fear I may turn myself into a common scold I will sit down. [Laughter and applause.]

Mr. FOSS. Mr. Chairman, I want to say that I agree largely with my friend from Illinois, as I usually agree with him on most matters, and particularly with reference to the number of navy-yards and naval stations. So long as I have been a member of this committee I have tried to confine appropriations largely to the important navy-yards. I believe we should keep up a few navy-yards in the most efficient condition, and not seek to make them all first-class yards. But the gentleman knows, and we all of us know, that it is very difficult to carry out any well-settled line of policy in matters of this kind, because so many members are interested in what may be called, perhaps, selfish interests, inasmuch as these yards and stations are located in their States. I do not believe for one moment that we need two navy-yards on the Atlantic coast, one at Boston and one at Portsmouth, N. H., within 40 miles of each other.

I will join with my colleague and go down to the Secretary of the Navy, who hails from the State of Massachusetts, and ask him to close up the Boston Navy-Yard. [Laughter.] I will join with my friend from Illinois also in going to the distinguished Senator from Maine who is chairman of the Committee on Naval Affairs in the Senate, and ask him to close up the yard at Portsmouth. [Laughter.] The gentleman knows just as well as I do that it is not likely that either one of these two navy-yards will be closed.

Mr. GAINES of Tennessee. Could we not close them out by not appropriating any money for them?

Mr. FOSS. We have certain conditions here; they exist and we must recognize them. The best that we can do is to do the work that we have before us and do it as well as we can, meeting as we may objections on the one side and upon the other, but hewing as near to the line of public economy and public frugality as is possible. So far as the committee is concerned, we believe in the future of Puget Sound. I myself, so far as Mare Island Navy-Yard is concerned, wish it were moved down to San Francisco Bay, but it is up there and it was established there 30 or 40 miles from San Francisco. Shall we close it up? There has been an expenditure there of $5,000,000——

Mr. CANNON. Six million.

Mr. FOSS. Some of our ships can be repaired there, not the largest battle ships, but some of the smaller ships. In the river and harbor bill there is provision made for the dredging of the channel so that in the future battle ships can go up there. Had we better turn our backs on the five or six million dollars which have been spent there during the last twenty or thirty years and go down to San Francisco Bay and establish a new naval station?

These are some of the considerations which entered into the minds of the committee. And while, if we had it in our power to establish new navy-yards and new naval stations we would make many changes and establish some where there are not any now (we could do so in many places in a more economical fashion) and take away others, yet we must put up with what we have and try to make the best of the matter.

Mr. GAINES of Tennessee. In addition to the number of naval stations that the gentleman from Illinois [Mr. CANNON] has alluded to that are more or less unnecessary, I desire to call the attention of the committee to the one at Cavite, P. I. The amount at the end of that paragraph amounts to $6,561,075. I have run through this bill, Mr. Chairman, in the last few minutes. And I find that there are a number of items——

Mr. WHEELER. The gentleman does not suppose that we are appropriating $6,500,000 at Cavite? That is for the whole Bureau.

Mr. GAINES of Tennessee. I said that at the foot of the paragraph of these items——

Mr. WHEELER. The aggregate which the gentleman has cited refers to the entire Bureau.

Mr. GAINES of Tennessee. I will read these items. I do not want to mislead anyone.

Naval station, Cavite, P. I.: Tools and appliances for yards and docks, $5,000; fire-protection system and apparatus, $12,000; railroad system, improvements and extensions, $9,000; fitting up coal sheds, $7,500; toward the purchase or construction of a floating steel dry dock (of American manufacture) (to cost not to exceed $1,225,000), $200,000; in all, $233,500.

For the preparation of plans and specifications for public works, including such expert aids, draftsmen, writers, and copyists as the Secretary of the Navy may deem necessary, $30,000.

In all, public works, $6,561,075.

Mr. WHEELER. That is for the whole Bureau.

Mr. GAINES of Tennessee. That is under the head, "Naval station, Cavite, P. I." However, if the gentleman says I do not understand the bill correctly, I am glad to be corrected.

Mr. WHEELER. That is the aggregate appropriation for the whole Bureau.

Mr. GAINES of Tennessee. I have been trying to get the amounts that this bill carries for our colonial possessions ever since the reading of the bill started. In order to save my friend the chairman of the committee from the trouble of adding up these matters, I have gone through them page by page to find out the result for myself. I will read it; it is very brief. Here, on page 18, is an item of $2,577.52 for an electrician and clerk. Then, on page 24, I find another item for Cavite—$2,460.60—for clerks, messenger, etc. Then, on the same page, I find an item for Hawaii—$1,747.25. On page 32 I find an item of $50,000 for coaling facilities, etc., at naval station, San Juan, P. R. Then, on page 34, I find the item already read, appropriating for tools, appliances, etc., and also for a floating steel dry dock, with other items, making in all $233,500.

The next paragraph reads, "in all, public works, $6,561,075." On pages 49–50 I find an item appropriating $15,800 for general storehouses, clerks, bookkeepers, etc., at Cavite, P. I. Then, on page 52, I find an appropriation of $50,000 for "construction plant, naval station, Cavite." On page 72 I find an item of $5,000 for buildings at Culebra, P. R. On page 24 is an item of $2,577 for the naval station at San Juan, P. R. On page 66 is an item of $2,800 for two clerks "for additional duty in the Philippines," and on pages 68–69 there is an item which appears to be an omnibus item including the Philippine Islands and the United States proper—$45,000.

Mr. FOSS. Do I understand the gentleman as reading from this bill to show that we are appropriating for our insular possessions $6,000,000?

Mr. GAINES of Tennessee. This is correct unless the paragraph on pages 34–35, under the head "Naval station, Cavite, Philippine Islands," is misunderstood by myself. I really hope that I do misunderstand it.

Mr. FOSS. Oh, the gentleman certainly misunderstands it.

Mr. WHEELER. I have already tried to explain that to the gentleman from Tennessee.

Mr. GAINES of Tennessee. The gentleman from Kentucky did not explain it. I would like him to do so.

Mr. FOSS. The item on page 35, "In all, public works, $6,561,075" covers all the public works.

Mr. GAINES of Tennessee. Where?

Mr. FOSS. At all the different stations.

Mr. WHEELER. All over the world.

Mr. GAINES of Tennessee. At home and abroad?

Mr. FOSS. Let the gentleman refer to the paragraph on page 24, and he will find that the whole amount appropriated for public works at Cavite is $233,500.

Mr. GAINES of Tennessee. Now, then, omitting the item of $6,561,075 on page 23, to which I have alluded, has the gentleman ascertained yet what the appropriation is in this bill for these insular possessions? I really would like to know. I am trying to find out, and I have added up the items.

Mr. WHEELER. Let me say to the gentleman that the appropriations carried in this bill for naval stations have absolutely nothing on earth to do with the foreign policy of the United States Government, and I listened, expecting the chairman of the committee to state that the statement of the gentleman from Illinois [Mr. CANNON] about the naval yards, of which he read off a list of twelve or thirteen, was entirely erroneous.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. WHEELER. It is the policy of the Navy to establish as many foreign naval stations as possible, and in the course of time I hope to see naval stations of the Federal Government in all parts of the world—in England, France, Germany, anywhere we can get a naval station. It is the part of wisdom to establish them, and for this reason, and I am sure the gentleman will agree with me: Under the present system ships are sailed by steam and not by cloth, and their radius of action depends upon the amount of coal in their bunkers; and these foreign naval stations are simply bases of supplies, principally for coal and incidentally for food and clothing and for ammunition; and the appropriation carried for foreign naval stations in this bill is entirely distinct from the foreign policy of the Government. I oppose the present foreign policy of the Government as earnestly as does the gentleman.

Mr. GAINES of Tennessee. What is that foreign policy?

Mr. WHEELER. I do not know. Nobody but God Almighty and the few Republican leaders know.

Mr. GAINES of Tennessee. You say you are opposed to the policy, and yet you say you do not know what it is—that no one but the Lord knows.

Mr. WHEELER. I am very unfortunate. The gentleman has not his usual aptitude in grasping statements. I have iterated and reiterated that I was opposed to the foreign policy of the Federal Government; but I am in favor of establishing navy-yards, or naval stations, rather, in all parts of the world in order to render our Navy efficient on every sea, and that these items to which the gentleman seeks to call attention, making appropriations to maintain our foreign naval stations, have absolutely nothing to do with our insular possessions, except incidentally growing out of the fact that we have land in that portion of the world, and we are availing ourselves of that fact to establish naval stations for the purpose of equipping our vessels.

Mr. GAINES of Tennessee. How many naval stations do you want to establish in the Philippine Islands?

Mr. WHEELER. Let me tell the gentleman what the Committee on Naval Affairs did. A proposition came before it, and was vigorously urged, to establish a great naval station at Cavite and another at Elongopore.

The one at Elongopore was to cost from $20,000,000 up, and the Committee on Naval Affairs went into it thoroughly, and while it was urged by some of the best officers in our Navy—and I think I betray no committee secret when I say what I shall—without regard to political complexion, recognizing that the question of the future of the Philippine Islands was yet undetermined, we, by tacit if not by open agreement, determined to appropriate just as little money as possible in the Philippine Islands, in order that our ships in those waters might be repaired in American docks, without having to go to Hongkong or Nagasaki, or to some foreign shipyard, and pay hundreds of thousands of dollars a year for docking and other privileges to foreign navy-yards.

Mr. GAINES of Tennessee. How much is that going to cost?

Mr. WHEELER. We have established a small dock at Cavite to cost about a million or perhaps two millions of dollars. We were told by the chief of one of the bureaus in whom we had confidence that with this dock we could get along for the present, and in my limited service on this committee I desire to say that I have never known a bill more carefully prepared and more carefully considered than this naval bill. Schemes of every sort, kind, and nature came before the committee, and it was pared down to the absolute needs of the Government, and I do not think there is an item in it that ought to go out.

Mr. GAINES of Tennessee. Now, I am going to ask the gentleman, inasmuch as he is a member of the committee and has the floor, for I yield it to him and he can continue until he gets through, to go through the bill, inasmuch as the subject is now up, and tell us what these items are, what it cost, so that we can be thinking of them.

Mr. WHEELER. To what items does the gentleman refer?

Mr. GAINES of Tennessee. I will give you the pages. We have already come to what page?

Mr. WHEELER. Thirty-two.

Mr. GAINES of Tennessee. Well, on pages 34 and 35. That is the item just read. Now turn to pages 49 and 50.

Mr. WHEELER. What does the gentleman desire to know about that particular item on page 34?

Mr. GAINES of Tennessee. You have already explained that.

Mr. WHEELER. What is the other?

Mr. GAINES of Tennessee. The other is at pages 49 and 50. How much is that? Explain as you go along.

Mr. WHEELER. What item does the gentleman refer to?

Mr. GAINES of Tennessee. At the bottom of the page, beginning at line 22.

Mr. WHEELER. Naval station, Cavite, Philippine Islands. That relates to the civil establishment there.

Mr. GAINES of Tennessee. How much does that cost?

Mr. WHEELER. The gentleman will see the footing at the end of the item, "in all, $15,800." That is the clerical force for this dry dock and the houses and buildings and officers and men at that place.

Mr. GAINES of Tennessee. Now, there is one item on page 52:

Construction plant, naval station, Cavite, P. I.

Mr. WHEELER. That is the same thing. Will the gentleman listen to me for a moment?

Mr. GAINES of Tennessee. Yes.

Mr. WHEELER. Under the bureau system of the Federal Government, in the Navy Department every bureau has a different force, and this bill carries appropriations by bureaus. It is aggregated only toward the last.

Mr. GAINES of Tennessee. Are these improvements to be temporary, or are they permanent?

Mr. WHEELER. They are of necessity permanent in their nature; but if in the future it be determined that we are to leave those islands to those people, then they will turn out to be temporary. The dry dock of course is temporary, since it is a floating one.

The CHAIRMAN. The gentleman's time has again expired. The question is on the amendment of the gentleman from Washington [Mr. JONES].

The amendment was agreed to.

Mr. JONES of Washington. I desire to correct the total in line 18.

The CHAIRMAN. Without objection, the total will be amended to correspond with the amendment just adopted. The Chair hears no objection.

Mr. DAYTON. On page 31, in line 15, I move to strike out the words "naval station" and insert the word "navy-yard," changing the title of the yard.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to return to page 31 and strike out the words "naval station" in line 15 and insert the word "navy-yard." Is there objection?

There was no objection.

The Clerk read as follows:

In all, public works, $6,561,075.

Mr. FOSS. Mr. Chairman, we have added to the appropriation for public works one item of $60,000 and one item of $75,000, making a total addition of $135,000. I ask that the Clerk may be authorized to correct the total.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the total may be changed in accordance with the amendments which have been adopted by the committee. Is there objection?

There was no objection.

The Clerk read as follows:

PUBLIC WORKS—BUREAU OF NAVIGATION.

Naval Academy: Buildings and grounds, Naval Academy: Toward the construction of buildings and for other necessary improvements at the Naval Academy, Annapolis, Md., as authorized by the act of Congress approved June 7, 1900, and in accordance with the plans approved by the Secretary of the Navy October 3, 1900, and toward the construction of a hospital (to cost not more than $100,000), to be built upon plans approved by the Secretary of the Navy; for dredging up to and in front of the Naval Academy, $200,000; $500,000, the amount hereby appropriated to constitute a part of the $8,000,000 limit fixed for the total cost of said buildings and improvements.

Mr. FOSS. Mr. Chairman, I move that after the word "Navy," in line 15, page 35, the words "three hundred thousand dollars" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Navy," in line 15, page 35, insert the words "three hundred thousand dollars."

Mr. FOSS. And also in line 17, just before the word "five," and after the semicolon, insert the words "in all."

The amendment was agreed to.

Mr. DAYTON. Mr. Chairman, before that amendment is disposed of——

The CHAIRMAN. It is disposed of. It has been agreed to.

Mr. DAYTON. That will appropriate $300,000 for the hospital, will it not?

Mr. FOSS. Oh, no. It says:

Toward the construction of buildings, and for other necessary improvements—

And so forth—

and toward the construction of a hospital (to cost not more than $100,000)—

That is, toward the construction of all these things, $300,000; and for dredging up to and in front of the Naval Academy, $200,000; in all, $500,000. That is all right.

Mr. CANNON. I move to strike out the last word, for the purpose of asking a question. I understand that the sum of $8,000,000 is set aside for the construction of a Naval Academy. The other day I noticed an item in a paper—sometimes they make mistakes, like other fallible beings—stating that the chapel being constructed at Annapolis was to cost $400,000. I should be glad to ask my friend if he has any knowledge about that?

Mr. FOSS. I would say to the gentleman that I first heard of it, I think, through the newspapers, that there was a proposition afloat to build a chapel there. I afterwards learned that the idea was to have a memorial hall, where could be gathered together trophies of our naval victories and one thing and another. I heard that was in prospect, and when I first heard of it I went immediately to the Secretary of the Navy and entered a protest against a proposition to build a chapel or a hall to cost $400,000. I may say the Secretary told me that he held the matter up at that time. He had felt somewhat the same himself; and as I understand it, at the present time the Navy Department has decided not to go ahead with the plan or scheme that would include a chapel with that expenditure of money.

Mr. MUDD. Just a word. I suppose I ought to be heard on the question of the chapel at the Naval Academy.

Mr. CANNON. I just wanted to know.

Mr. MUDD. Especially on the chapel. I want to say, Mr. Chairman, in confirmation of what the chairman of the committee has said, that when I first saw the statement in the newspapers of Baltimore City that the chapel that was to be constructed at the Naval Academy was to cost $400,000, I went forthwith to the Secretary of the Navy and protested against that degree of luxury in the worship of God.

Mr. CANNON. For a more democratic form?

Mr. MUDD. Yes; I wanted a more democratic form of religion; and the Secretary, upon his attention being called to the matter—I rather think the plan had been perfected, including the construction of a memorial hall at $400,000—immediately ordered that no contract of that kind should be made.

Mr. CANNON. How much is it to cost?

Mr. MUDD. The question of the cost of the chapel is now a matter that has been suspended. I do not think there is any idea, after his attention has been called to it, of that being done.

Mr. CANNON. Honors ought to be distributed even. They proposed a chapel at West Point at $200,000. That was cut down, in my recollection, to not more than $100,000.

Mr. DAYTON. If the gentleman will allow me, I want to say that a couple of weeks ago I was at Annapolis, and went over the plans with the Board of Visitors. The use of the word "chapel" was a very unfortunate one. The building was designed not only for use as a memorial hall, but as a commencement hall. It was in accord with the plans of the buildings, and after these plans had been thoroughly examined by 12 men that were there, including Senators GALLINGER and TALIAFERRO, it was thought that the proper designation of the building itself should not be chapel, carrying the idea with it that it was simply a church or a place for religious gatherings, but it should be called the "auditorium building," where all their meetings should be held. But, as the chairman has said, this building is not to be erected now, and the question will not come up at this time.

Mr. CANNON. Is it to be erected out of the $8,000,000?

Mr. DAYTON. If erected at all it will be a part of the eight-million plan. The little chapel that they have now accommodates about 200 people. This is designed to accommodate 1,200 or 1,500 people, that may gather on commencement occasions, and by building it in conformity with the plan of the buildings as a memorial hall, where the trophies—flags of the vessels that have been in war—shall be maintained. But, as I say, 12 men, coming from all over the country, were of the opinion that the plan ought not to be adopted. The building is not to be erected now, and the question will come up on some future bill.

Mr. CANNON. Does my friend have any knowledge as to what the architect's fees are to be on this $8,000,000 expenditure?

Mr. MUDD. Does the gentleman ask that question of me?

Mr. CANNON. Either one.

Mr. MUDD. Well, Mr. Chairman, I understand that the architect has been paid 5 per cent for the work that has been done in accordance with his plans.

Mr. CANNON. That is $400,000, I believe.

Mr. MUDD. I understood that about the time we were discussing the plans of the building. I have not heard anything about it since. I have thought upon this point that he has been rather luxuriantly dealt with.

Mr. CANNON. My friend does not propose to change the title to "An appropriation for the benefit of the Navy and the architects of the country?" [Laughter.]

Mr. MUDD. Well, I have no objection to any such proposition being made, if the gentleman will find it feasible to do so. I am not concerned about the architect, but I am about the Naval Academy.

Mr. VANDIVER. Let me ask the gentleman a question, with his permission. I would like to ask if the gentleman from Illinois has read the hearings of the committee, and especially the statement of the Secretary of the Navy on that question?

Mr. CANNON. No; if I had I would not have asked.

Mr. MUDD. I do not think there is anything of that kind contemplated. I had prepared an amendment, and offered it in the committee, that the cost of any new building that may be erected for the purposes of a chapel be limited to $100,000, which I would regard as a reasonable amount; but on what I had reason to regard as an assurance that nothing of the kind as such an expenditure for a chapel was contemplated I did not think it was well to insist upon the amendment.

Mr. COWHERD. I would like to ask the gentleman a question. Is it not the purpose of the design to complete the building at a cost of $400,000?

Mr. MUDD. Well, as to the question whether or not the chapel or place for religious worship will be placed in a building that will cost $400,000, I do not know.

Mr. COWHERD. Have not the plans been practically approved, and are they not simply held up awaiting appropriations?

Mr. MUDD, Oh, no; they do not depend on future appropriations. The plans are prepared, but upon the Secretary's attention being called to this matter he ordered that no plan of that kind would be approved for a chapel.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Naval training station, California (buildings): One double set of officers' quarters, $12,000; sinking artesian wells and water supply, $7,500; roads and grounds, $3,500; purchase of tools and fitting up machine shop, $2,500; installation of cold-storage room, originally planned, $3,500; building boathouse and carpenter shop on wharf, $2,500; in all, $31,500.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment. I have just received a letter from the Secretary of the Navy in relation to the matter. On line 22, page 35, instead of the words "one double set of officers' quarters, $12,000," I move that those words be stricken out and in the place of them insert "two officers' quarters, $12,000."

Mr. CANNON. Mr. Chairman, I want to say a word about that. I notice a little later on at training station at Rhode Island, "a double set of officers' quarters, $36,000." Now, a training station is a place where you instruct the boys. Am I right?

Mr. FOSS. Yes.

Mr. CANNON. The proof comes right along that, in the name of instruction and education, comfortable places are established to spend the summer months at the public expense on the part of men that ought to be on sea.

Mr. FOSS. Mr. Chairman, I desire to put into the RECORD a letter from the Secretary of the Navy in relation to these officers' quarters.

The CHAIRMAN. Without objection the letter will be printed in the RECORD. [After a pause.] The Chair hears none.

The following is the letter referred to:

NAVY DEPARTMENT, *Washington, May 16, 1902.*

SIR: Referring to the item "one double set of officers' quarters, to be immediately available, $12,000," under the heading "Public works, Bureau of Navigation," subheading "Naval training station, California, buildings," included in the estimates for the naval establishment for the fiscal year ending June 30, 1903 (see p. 223, Estimates and appropriations, 1903) I have the honor to inclose herewith, for the information and consideration of the Committee on Naval Affairs, a copy of a letter dated the 12th instant, from the Chief of the Bureau of Navigation, in which he recommends, at the instance of the commandant of the naval training station, San Francisco, the modification of the above-mentioned estimate, so as to permit of the construction of two small separate houses, at the same cost, instead of one double house, as originally contemplated. In view of the statements of the Chief of the Bureau of Navigation, I have the honor to request that the wording of the above-mentioned item be changed so as to read as follows: "Two officers' quarters, to be immediately available, $12,000, and the cost of said quarters shall not exceed the sum herein appropriated."

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
Washington, D. C., May 12, 1902.

SIR: The estimates submitted by this Bureau for the fiscal year ending June 30, 1903, contain an item under "Naval training station, San Francisco,

buildings," for "one double set of officers' quarters, to be immediately available, $12,000."

2. In a letter received this day the commandant of that station recommends that two small separate houses be built instead of one double house, as the location on which the new quarters must necessarily be placed is not suited for a single building of such a large area, which would necessitate expensive grading, and "detached houses are much more desirable for comfort and sanitary reasons."

3. The commandant submits plans and estimates of the cost of two small separate houses within the amount contained in the Bureau's estimates, already submitted, viz, $12,000.

4. It is therefore recommended that if, in the opinion of the Department, it is necessary in order to contract for two separate officers' quarters Congress be requested to change the wording of this estimate as follows: "Two officers' quarters, to be immediately available, $12,000."

Respectfully,

H. C. TAYLOR, *Chief of Bureau.*

The SECRETARY OF THE NAVY.

The CHAIRMAN. The question is on agreeing to the amendment offered by the chairman of the committee.

The question was considered, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

New England naval magazine: The Secretary of the Navy is hereby directed to appoint a board of naval officers whose duty it shall be to recommend a suitable site or sites for one naval magazine on the New England coast, between Boston and Portsmouth, suitable for the use of the Boston and Portsmouth navy-yards, and, if upon private land, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and also to estimate the cost of necessary buildings, grading and filling in, building roads and walks, improvement of water front, necessary wharves and cranes, railroad tracks and rolling stock, fire and water service, and for general equipment of said naval magazine.

Mr. CANNON. Mr. Chairman, I make the point of order on that paragraph. It is clearly subject to the point of order.

The CHAIRMAN. Does the gentleman from Illinois, chairman of the committee, desire to be heard on the point of order? It seems to the Chair it is perfectly clear that it is against the rule.

Mr. FOSS. If it seems perfectly clear to the Chair I do not think there is any necessity of discussing it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The board shall make a full and detailed report to the Secretary of the Navy, who shall transmit such report, with his recommendations thereon, to the next session of Congress.

Mr. CANNON. That goes out upon the same point of order.

The CHAIRMAN. That goes out with the point of order.

The Clerk read as follows:

Quarters, Rose Island, Narragansett Bay: Quarters for watchmen and gunners, $5,200.

Mr. CANNON. Quarters for watchmen and gunners, Rose Island, Narragansett Bay. What do they do there?

Mr. FOSS. Rose Island is a naval magazine at Newport where large quantities of gun cotton and powder are stored coming from various sources. It is cut off from the mainland; being on an island no dwellings are there except that of the light-house keeper. It is absolutely necessary that the gunner and watchman should have quarters, as they must remain on the island night and day. There is no provision there for proper shelter.

Mr. CANNON. What do they do? The seacoast defenses are under the Army.

Mr. FOSS. These watchmen remain there looking after Government property.

Mr. CANNON. Is this a part of the War College?

Mr. FOSS. Oh, no; this is a naval magazine. It is no part of the War College at all.

Mr. DAYTON. It is filled with powder and gun cotton, and these men have to watch it.

Mr. FOSS. They have to watch it to keep trespassers off the ground and away from the magazine.

Mr. CANNON. Still, I do not see what you want of gunners down there to watch ammunition. There is no shooting to do.

Mr. DAYTON. The gunners, in naval nomenclature, are the men having charge of the powder and ammunition. He is not the man that shoots the gun, but he is the one having charge of the ammunition which is stored.

Mr. CANNON. There is a powder magazine there, as I understand it.

Mr. FOSS. Yes.

Mr. CANNON. How expensive is it?

Mr. CAPRON. Mr. Chairman, there are just a few things that I happen to know something about in this bill, and this is one of them. Rose Island is an isolated island, not inhabited, and because it is so isolated and because it is not inhabited it has been selected as a proper place for storing large quantities of ammunition and high explosives, so that they may be ready for supply for the Navy, as the fleets may come to that port. At the torpedo station is a manufactory of smokeless powder. That is very dangerous, and it is stored at Rose Island as soon as manufactured. Gun cotton, also very dangerous, has to be cared for by a man who has scientific knowledge of the handling of gun cotton. That is an officer known in the Navy as a gunner. He is assigned to that duty, and has charge of and superintendence of this ammunition, and as he can not keep awake day and night and Sunday, they provide a watchman to assist him. The watchman and gunner have got to live and have an abiding place. It is not a delightful place to live.

Mr. CANNON. There is no place there for them to live?

Mr. CAPRON. There is no place, no shelter, and this appropriation is to supply a place.

Mr. CANNON. This is an isolated place with no shelter for these men. I am delighted to hear my friend make such a lucid and clear explanation of the matter, and evidently it is a proper expenditure.

Mr. CAPRON. Undoubtedly. I am not proposing to increase the expenditure because the gentleman is so agreeable. [Laughter.]

The Clerk read as follows:

Naval Observatory: For grounds and roads; continuing grading, extending roads and paths, clearing and improving grounds, $5,000.

In all, Naval Observatory, $5,000.

Mr. FOSS. I move to amend by striking out in the clause just read the clause "In all, Naval Observatory, $5,000."

The motion was agreed to.

The Clerk read as follows:

Naval hospital fund: For maintenance of the naval hospitals at the various navy-yards and stations, and for care and maintenance of patients in other hospitals at home and abroad, $40,000. From and after July 1, 1900, all forfeitures on account of desertion shall be passed to the credit of the naval hospital fund.

Mr. CANNON. I make a point of order on the last clause of the paragraph as just read—

From and after July 1, 1900, all forfeitures on account of desertion shall be passed to the credit of the naval hospital fund.

I submit that this is new legislation. I hope I may be allowed just a word. In my opinion the naval hospitals, along with all the other branches of the public service, should be cared for by annual appropriations. I do not believe it is wise legislation to devote anything as a permanent fund here and there, because in such cases Congress does not keep the whip hand of the expense year by year. We have more than $100,000,000 of permanent appropriations for the public service—a most vicious policy. I wish I had the power to repeal every one of those provisions. For these reasons, and because this is new legislation, I make the point of order.

The CHAIRMAN. The provision is clearly subject to a point of order.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters and barges for use at home stations; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $8,000,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Mr. CANNON. Mr. Chairman, in lines 6 and 7, page 51, as just read, I find these words:

Construction and repair of yard craft, lighters, and barges for use at home stations.

These words have never appeared in this bill before. I would be glad to know the necessity for such a provision.

Mr. FOSS. The "construction and repair of yard craft, lighters, and barges" has heretofore been done by the Bureau of Equipment. This is a transfer of the work from one bureau to another, putting it under the control of the Bureau of Construction and Repair, which has charge of all the floating material, so to speak.

Mr. CANNON. Is the provision struck out at the other place?

Mr. FOSS. Yes; in effect.

Mr. CANNON. I am with the gentleman in the purpose he is seeking to accomplish. I desire that all yard craft and lighters necessary for the service be furnished, whether under the Bureau of Construction and Repair, or under the Bureau of Equipment, or under any other bureau.

But I do not want the House to make appropriations for any pleasure boats. We find that in reference to every bit of expenditure, in connection even with the marine hospitals, or the Revenue-Cutter Service, or the Light-House Service, where only cents are appropriated while here dollars are appropriated, we are obliged to watch the appropriations with a magnifying glass

and also a telescope to keep the expenditures down to absolute necessities. Now, here the door is wide open.

Mr. FOSS. This was simply a question between the two bureaus—the Bureau of Equipment and the Bureau of Construction and Repair. In the course of the settling of this question it came up before the Secretary of the Navy, who, in a decision which I have here, held that the construction and repair of the yard craft ought to be under the Bureau of Construction and Repair.

Mr. DAYTON. I hope my friend the chairman of the committee will not make that statement quite so broad. This item is for "construction," and would authorize the construction of any number of yard craft and lighters, as well as the repair of them. The repair, as the gentleman properly states, was formerly under another bureau; but the work of construction up to this day has never been authorized except by separate appropriation items in the bill.

Mr. CANNON. If that is so, does not my friend think we had better adhere to the old practice?

Mr. DAYTON. I can say to the gentleman that I bitterly opposed this proposition, but was overruled by the committee, and of course I yielded gracefully.

Mr. LITTLEFIELD. I should like to inquire whether any inconvenience or disadvantage or any improper expenditure to the service has resulted by reason of the existing practice.

Mr. FOSS. Oh, I do not know that any inconvenience whatever has ever resulted. This was simply a little question between two bureaus. Under the general law touching the Navy Department the Secretary of the Navy has the right and the power to divide up the work of naval administration among these different bureaus. He can take the work from one and give it to another.

Now, after considering this question—after the Chief of the Bureau of Equipment had presented his case and the Chief of the Bureau of Construction and Repair had presented his, the Secretary of the Navy thought proper to decide that the construction and repair of the small craft should all be under one bureau and that it should be the Bureau of Construction and Repair.

Now, so far as my position is concerned, I have always felt that when a matter of that kind has been decided down there between the two bureaus, decided by the responsible head of the Navy Department, the man whom we hold responsible for the efficiency of the naval service, that as a committee we ought to take his judgment on the matter.

Mr. CANNON. Is my friend satisfied that practically the construction and repair does not enlarge the discretion that exists somewhere in the bureaus and that by the decision of the Secretary of the Navy practically it will be that the whole of the construction and repair of yard craft will be under the Bureau of Construction and Repair?

Mr. FOSS. Yes.

Mr. CANNON. Then I have no further questions to ask.

Mr. DAYTON. Mr. Chairman, I do not want the House to be misled in regard to this matter. I would ask the chairman of the committee if he does not understand that this item has not heretofore been in the bill, and that it authorizes any number of lighters or barges to be constructed.

Mr. FOSS. Not any more, I think, than could be built before.

Mr. DAYTON. I want to call the attention of the chairman to the fact that on one or two appropriation bills heretofore we have refused separate appropriations for lighters—turned down such appropriations. These vessels cost from $70,000 to $100,000. This provides that any number of them may be constructed, and the objection I am making is the general authority without any specific appropriation being made. I call the attention of the chairman [Mr. FOSS] to that, and I would say that I stood with the committee when it overruled me, but I thought this too general and sweeping in its character.

Mr. LITTLEFIELD. I would like to ask the gentleman what is included in the terms "yard craft?"

Mr. FOSS. Oh, small boats.

Mr. LITTLEFIELD. I understand that the regulations include tugs, launches, boats, lighters, and barges used for towing and transportation, etc. If that is true, you have a duplication of appropriation here, because under yard craft you provide for tugs, lighters, and barges, and you also provide in the same line for lighters and barges, and then further along in your bill, on page 52, you provide for two steel tugs for general service. Now, if yard craft includes tugs, I do not see why you can not use this whole appropriation for the construction of tugs if your Bureau of Construction and Repair sees fit.

It seems to me you have a duplication of items, and if it is true that the Secretary of the Navy now has the power to distribute this work as he sees fit, in accordance with what is judicious and wise, what is the occasion for changing it in the appropriation bill? Why not leave it within the intelligent discretion of the Secretary of the Navy, especially in view of the fact that you now have your bureau in charge of a new Secretary of the Navy, and leave him to take up these matters as matters of new impression? Under the circumstance, will not the chairman of the committee consent to striking out these items? It seems to me you will have the Navy Department now under the administration of this new Secretary, without his being foreclosed by a clause in the appropriation bill, or even by the suggestion of the preceding Secretary of the Navy. I know very little about the practical detail, but of course you do not want to duplicate items in your appropriatiou bill, do you?

Mr. FOSS. No; and I do not think there is any duplication. That is to say, you take, for instance, two steel tugs for general service——

Mr. LITTLEFIELD. Yard craft, as I understand it, include all tugs.

Mr. FOSS. Those are large tugs.

Mr. ROBERTS. Confined to station and yard.

Mr. LITTLEFIELD. The definition of yard craft in the regulations of the United States Navy, regulation, page 245, section 12, is as follows:

All tugs—

And that includes all kinds of tugs—

launches, boats, lighters, and barges, used for towing or transportation purposes, not including derricks and cranes, etc.

Well, you do not use tugs for any other purpose than for transportation and towing. It is not confined to yards or any place or locality, but yard craft include all tugs under the definition. Of course, I do not know where you got your definition of this language in the bill, but it must be from your naval regulations. My suggestion is that if the chairman is correct, and I have no doubt that he is, that this is a matter largely under the control and under the discretion of the Secretary of the Navy, inasmuch as this never has been in the appropriation bill before, and the service so far as we know in this respect has been going on very satisfactorily to the Government—nobody has been disturbed and the expenditures have been wise and judicious, there has been no friction or difficulty—that now, having a new head of the Department, why limit it——

Mr. FOSS. That is just the trouble.

Mr. LITTLEFIELD. Let him get the benefit of his experience.

Mr. FOSS. There has been a good deal of friction between the two bureaus, as I understand it.

Mr. LITTLEFIELD. It has not been disclosed here. I do not know what the fact may be in that respect.

Mr. FOSS. Oh, yes; you will find a whole lot of correspondence on the subject.

Mr. LITTLEFIELD. The chairman has not disclosed it in his statement. I know nothing about the controversy, if indeed there has been a controversy.

Mr. FOSS. Yes; the controversy came up before the Secretary of the Navy, and he made a recommendation and sent in this language in the estimate in order to settle the controversy.

Mr. CAPRON. This is the way the Secretary wants it.

Mr. LITTLEFIELD. I understand that the heads of the various bureaus make their estimates and they go before the Secretary of the Navy and he approves the estimates. Whether or not he paid special attention to this particular item, and therefore it carries with it his personal approval, is something I do not know. As I understand the method of doing business in the Navy Department, all these bureau heads make up their estimates, and they do not come before your committee until they are certified by the Secretary of the Navy. Am I right about that?

Mr. FOSS. That is right.

Mr. LITTLEFIELD. Then, this is simply a formal certification. If that is so, in my judgment it does not establish the propriety of the change. It seems to me unless some special reason is assigned for the change—unless the public service has suffered on account of existing conditions—there is no occasion certainly for embarrassing the incoming administration or any of the people in the Bureau by a change in the law. This is, I take it, a change in existing law.

Mr. CAPRON. Only a regulation.

Mr. FOSS. It is only a matter of regulation, from one bureau to another.

Mr. CAPRON. But in this instance, as I understand it, the Secretary has settled it—has made this recommendation to the committee—and the committee are carrying out the recommendation of the Secretary.

Mr. DAYTON. If the gentleman will pardon an interruption——

Mr. LITTLEFIELD. Yes.

Mr. DAYTON. The fundamental trouble about the whole business is that under this general provision—construction and repair of this class of vessels—the Bureau of Construction could expend the whole $8,000,000 in building tugs and lighters and that kind of craft that heretofore we have refused to appropriate for and have cut out of every appropriation bill.

Mr. LITTLEFIELD. There can not be any doubt about that under the construction of the bill.

Mr. CAPRON. If they spend the entire sum on tugs or lighters, it will have to be done under the authority and by direction of the Secretary of the Navy.

Mr. LITTLEFIELD. Very likely.

Mr. CAPRON. I dare risk the discretion of the Secretary, under this or any other method.

Mr. LITTLEFIELD. Don't you dare risk the discretion of the Secretary by striking out this item and leaving the provision as it has been since 1789?

Mr. CAPRON. I would rather have it as the Secretary wants it.

Mr. LITTLEFIELD. I should like to see the language of the Secretary of the Navy, in which he in terms requests this change to be made.

Mr. FOSS. I will let the gentleman read the decision of the Secretary of the Navy, or I will read it myself.

Mr. LITTLEFIELD. I should like the specific language of the Secretary of the Navy, in which he asks the Naval Committee to make this change in the bill.

Mr. FOSS. That is in the Book of Estimates sent up to the committee at the beginning of the session.

Mr. ROBERTS. If the gentleman will pardon me——

The CHAIRMAN. Does the gentleman from Maine yield the floor?

Mr. LITTLEFIELD. Yes; for an inquiry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I do not yield the floor.

The CHAIRMAN. The gentleman's time has expired.

Mr. LITTLEFIELD. I ask that my time be extended.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] is recognized.

Mr. LITTLEFIELD. The gentleman wants to give me information which I am very anxious to get.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. ROBERTS. Mr. Chairman, the question at issue here came up in this way: The Bureau of Equipment heretofore has had the repairing of craft under its jurisdiction. All the time there has been a Bureau of Construction and Repair in the Navy Department. The repairing of the vessels under the Equipment Bureau was leading up to a duplication of construction and repair plants in the Navy Department, and it was leading to friction between the Bureau of Equipment and the Bureau of Construction and Repair——

Mr. LITTLEFIELD. Leading to?

Mr. ROBERTS. There was friction, and it was leading to still more. The Bureau of Construction and Repair claimed that all these constructions and repairs for its own department and all other departments should be done by its men with its machinery.

Mr. LITTLEFIELD. Done where?

Mr. ROBERTS. Done by the Bureau of Construction and Repair.

Mr. LITTLEFIELD. Wherever it happened to have a plant?

Mr. ROBERTS. Wherever it happened to have a plant. That state of affairs led to so much friction that finally the chiefs of the bureaus took the question before the Secretary of the Navy; and in the hearing, or in the communications before the committee, you will find correspondence between the Secretary of the Navy and the chiefs of these two bureaus; and coupled with that correspondence you will find the decision, in writing, of the Secretary of the Navy that this work ought to be done under the jurisdiction of the Bureau of Construction and Repair in the interest of economy rather than to have the two bureaus doing this same kind of work.

Now, this question was settled by the Secretary of the Navy in the interest of harmony in the Navy Department and in the interest of economy in the administration of its affairs, and it seems to me it will be very unwise indeed for Congress to change this bill in this respect and in terms overrule the action of the Secretary of the Navy in a purely executive matter in his Department. It will send the whole question back into the bureaus, and the same state of friction and ill feeling will arise again that has been or now should be laid. This definitive action of Congress should settle, in this bill, where and in what bureau these repairs and constructions shall be carried on.

Mr. LITTLEFIELD. Now, Mr. Chairman, before the gentleman takes his seat, he is just the gentleman on the committee that I want to get the information from. He says the Secretary of the Navy has made this ruling in the interest of harmony and saving expense, and he speaks of the correspondence. Now, I would be glad to have him call my attention to the language of the Secretary of the Navy in this letter in which he gives the reason for making this change. Of course I am simply asking for information. If the gentleman will ascertain and read to me the portion of the letter in which he gives as the reason for making such a recommendation, if he makes a recommendation, that it is in order to avoid friction and save expense, I will be glad. And while he is looking it up, as it may take a few minutes, I would like to ask the chairman of the committee, also in the line of information, whether the Bureau of Construction and Repair has a plant so situated that it can construct for the Bureau of Equipment these barges and lighters that are used by it, and whether they are so distributed as to be available by that Bureau?

Mr. FOSS. They have them at the home stations. Of course this money only applies to home stations. At foreign stations they have not.

Mr. LITTLEFIELD. Why does not the same business proposition apply as much abroad as at home?

Mr. FOSS. Because they would probably have to be constructed by private parties.

Mr. LITTLEFIELD. Have to be purchased?

Mr. FOSS. I mean they would have to be purchased. Now, this language only applies to home stations, where we have a plant for construction and repairs.

Mr. LITTLEFIELD. May I ask the chairman of the committee the further question, whether or not this bill does still leave it within the power of the Bureau of Equipment to construct and repair the lighters and barges? I understand that it does.

Mr. FOSS. That I do not know.

Mr. LITTLEFIELD. Well, let me just call the attention of the chairman of the committee to this fact and show that it does. Here is a portion of this bill which reads as follows:

BUREAU OF EQUIPMENT.

Coal and transportation: For purchase of coal for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same $2,500,000.

Now, I call especial attention to this clause "including expenses of transportation." Upon that the Judge-Advocate-General of the Department held on December 23, 1897, as follows:

In my opinion the purchase of the within-mentioned coal lighter can properly be made from the appropriation "Equipment of vessels, 1898," digest of naval appropriations, page 13," for purchase of coal for steamers' and ships' use, including expense of transportation, storage, and handling the same," etc.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LITTLEFIELD. I move to amend by striking out the language under discussion, on page 51. That, I believe, is an amendment not now pending.

The CHAIRMAN. There is an informal amendment now pending. Does the gentleman from Maine desire to offer an amendment?

Mr. LITTLEFIELD. Yes.

Mr. DAYTON. To expedite matters, I ask unanimous consent that the gentleman from Maine may continue his remarks.

The CHAIRMAN. What the Chair desires to know is if the gentleman from Maine simply offers another pro forma amendment.

Mr. LITTLEFIELD. I simply desire by unanimous consent to continue the discussion.

The CHAIRMAN. Is there objection to the extension of the gentleman's time for five minutes? [After a pause.] The Chair hears none.

Mr. ROBERTS. Now, Mr. Chairman, the gentleman from Maine wanted some information regarding the action of Secretary Long in the matter of these yard craft, and so on. I find in a communication dated Navy Department, July 22, 1901—and I will say that this is a decision of the Secretary after having before him the correspondence of the bureaus of Equipment and Construction and Repair of the question as to which bureau should have the repair of these vessels. He says:

The general principle is plain that the construction and repair of vessels are provided for under a specific appropriation for those purposes—"Repair of vessels afloat," "Increase of the Navy in the line of construction and repair." By the regulations of the Department the business of this appropriation is assigned to the Bureau of Construction and Repair. Under it vessels are now repaired and barges, steam launches, and boats constructed. No departure from this arrangement should be adopted which would lead to the setting up of any separate establishment in any other bureau for that work. The Bureau of Equipment recognizes this and especially disclaims any intention to the contrary.

The Department is of the opinion that the appropriation for construction and repair of vessels applies to all sorts of naval vessels, and that the rule above suggested should stand as the general rule. If, therefore, Equipment requires a barge, or Ordnance a lighter, or Yards and Docks a tug—although each one of these bureaus has a general appropriation for transportation—such vessels should be built by Construction and Repair and paid for out of its specific appropriation for construction. Any of these three bureaus may define the sort of vessel it requires, and the Bureau of Construction and Repair will construct accordingly. If it fails to act with due diligence, or to conform to the proper requirements, the Department will at once, upon notice of that fact, take the necessary action.

Then he goes on with additional reasons. I want to call the attention of the gentleman from Maine to the testimony of Secretary Long when before the committee.

Mr. LITTLEFIELD. If the gentleman from Massachusetts will excuse me, I would rather he address himself to answering my question, which was, Where and in what language the Secretary had assigned as a reason under the law for making the change that there was friction in the Department, and that it would save expense to transfer the construction and repair from one bureau to another? I am familiar with the letter which the gentleman has read, but in that no such reason is assigned, and the gentleman did not succeed in reading it into the letter, nor could he, because it is not there. That is the matter that I am anxious to be informed about. If there is anything on file from the Secretary of the Navy giving as a reason that there was friction between the bureaus and that it would save expense in the Navy Department, I would like to have it pointed out.

Mr. ROBERTS. Either the gentleman misunderstood me or I misunderstood him. I never stated that there was a letter on file from the Secretary of the Navy in which he assigned as a cause of his action that there was friction which had grown up between the bureaus, but that is a matter of common knowledge.

Mr LITTLEFIELD. Does the Secretary of the Navy assign that as a reason in his testimony?

Mr. ROBERTS. Among those who know the condition of affairs it is well known that that is the state of facts. That is brought out by the testimony of Admiral Bradford and Admiral Bowles. They do not give that as the reason in those exact words, but that is the substance of it.

Mr. LITTLEFIELD. I did not ask the gentleman about Admiral Bradford or Admiral Bowles or anybody connected with the Navy Department. I want the information on that precise point, which is, whether the Secretary of the Navy has given those two reasons for making the change. If the gentleman has any knowledge upon that point, I would be glad to know it. The gentleman concedes that he has not, and therefore so far as this is concerned the matter stands without any reason being given. I submit that under the ruling of the Judge-Advocate-General this appropriation is duplicated in this bill; that the lighters, yard craft, and tugs can be constructed and repaired in both the Bureau of Equipment and the Bureau of Construction and Repair, and so far as the Department is concerned no reason has been assigned for the change. Under these circumstances I move to strike out that language.

Mr. ROBERTS. The whole correspondence here is a reason for the change. Here is the testimony of Admiral Bowles:

The CHAIRMAN. We will start with the first paragraph, "Construction and repair of vessels." The language is the same until we reach the fourth line, and then there are some new words, "Construction and repair," and "Repair of lighters and barges." Will you kindly explain the necessity for putting that in?

Admiral BOWLES. The practice has grown up for the various bureaus in the Navy Department to do purchasing and repairing for their own purposes of various barges, coal barges, water barges, and lighters. The Bureau of Construction and Repair reported to the Navy Department that the system was objectionable upon two grounds:

Mr. LITTLEFIELD. That is Admiral Bowles?

Mr. ROBERTS. This is Admiral Bowles:

One was that it was illegal, and the other that it was uneconomical and inexpedient. It was illegal because there was a specific appropriation for construction and repair of vessels, and vessels are defined by the Revised Statutes, which covers all these lighters and barges.

Mr. LITTLEFIELD. He is the new head of the Bureau of Construction and Repair?

Mr. ROBERTS. Yes.

The other ground was that the Bureau of Construction and Repair maintained a plant with a foreman and skilled mechanics, and an organization for the purpose of doing this work, and it would be better where a bureau has such facilities.

These facts being represented that it was objectionable that these two bureaus should be doing this same kind of work, there is where the inference, and a very broad one, that there was friction between the bureaus came about. It is well known to those familiar with the Department that there was friction. I do not know that the Secretary of the Navy ever gave that as a reason, but that is the whole purport of this correspondence, and it was the desire to stop that friction.

Mr. LITTLEFIELD. The whole purport of the statement of Admiral Bowles, who is at the head of the Bureau of Construction and Repair, and who has recently taken charge of it, is that he simply wants to aggrandize this Bureau at the expense of some other bureau. That is Admiral Bowles's opinion; that is all.

Mr. ROBERTS. I have given the gentleman the statement of facts.

Mr. LITTLEFIELD. You have read from Admiral Bowles's statement.

Mr. ROBERTS. I have given you the action of Secretary Long in deciding this controversy.

Mr. LITTLEFIELD. Yes; in which he does not allude to a single one of the reasons which the gentleman at first presented.

Mr. ROBERTS. Does the gentleman from Maine expect that the head of a great Department is going to put into a document which goes on file the petty bickerings of different branches of the Department on which he is called to decide?

Mr. LITTLEFIELD. I will tell the gentleman what I expect. I expect that when he gets up here and tells us that the Secretary of the Navy has made certain statements he will substantiate what he says.

Mr. ROBERTS. I will say to the gentleman that he misunderstood me, or that I myself was under a misunderstanding, if I said there was any such letter.

Mr. LITTLEFIELD. I stand by the record on that.

Mr. ROBERTS. You have now a record in which I declare that I did not mean to say that the Secretary of the Navy had put that in writing.

Mr. LITTLEFIELD. That disposes, then, of that element of the controversy. The Secretary of the Navy makes no such assertion.

I think it is very clear, Mr. Chairman, that this item is a duplication of appropriations in some other part of the bill. I do not know that this is a matter in which the Committee of the Whole takes any consuming interest; but I move to strike out, in lines 6 and 7, page 51, the words "construction and repair of yard craft, lighters, and barges for use at home stations."

The amendment of Mr. LITTLEFIELD was read by the Clerk.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD].

Mr. ROBERTS. Mr. Chairman, it seems to me that this Committee of the Whole will make a very serious mistake if it should adopt the motion of the gentleman from Maine. This whole controversy has been gone over time and again inside the Navy Department, and it has finally been settled within the year by the Secretary of the Navy, where this construction should be done—under what bureau. And I think I am not violating any confidence of the committee when I say that this whole fight, as to whether the Bureau of Equipment or the Bureau of Construction and Repair shall have jurisdiction of this matter, was all gone through with in the committee; and the judgment of the committee, by a very decided majority, was in favor of sustaining the action of the Secretary of the Navy and putting into our appropriation bill, among the appropriations for the Bureau of Construction and Repair, this provision for the construction and repair of yard craft, etc.

If we strike this out we simply say to the bureau chiefs of the Department that after the Secretary of the Navy, their official head, has settled any matter of this kind, they may then come here and get somebody on the floor of this House to secure the overruling of his action and the upholding of their view. It seems to me, Mr. Chairman, that the influence not only of this one Department but on all the departments of the Government would be very bad indeed if the official heads of those departments are to be overruled in this manner.

Mr. LITTLEFIELD. Mr. Chairman, I have just a word to add. Of course, if the conclusion of a department officer is conclusive upon the committee, that is the end of it. But I do not suppose that there is any special objection to a member of the House rising here and discussing some of the features of this bill and making some inquiries that may disclose the facts behind the proposition when it is proposed to change the record of a department in the line of appropriations as they have been made from the beginning of the Government until now.

I have no doubt that a majority of the committee have reached the other conclusion. I have great respect for the committee; but when a committee of this House duplicates appropriations in this bill and concedes on the floor that they do not know that they have been duplicating them, I do not think they stand in a very strong position to insist upon the support of the House just because the Chief of the Bureau of Construction and Repair has made a certain recommendation and the Secretary of the Navy has formally approved that recommendation.

There is not the least doubt that this bill duplicates this power and authority. It still rests with the Bureau of Equipment by the language of the law under the decision of the Judge-Advocate-General; and the committee proposes, at the suggestion of Admiral Bowles and with the assistance of my friend from Massachusetts [Mr. ROBERTS], to duplicate this same power in the Bureau of Construction and Repair. I do not know but that this may tend to eliminate some friction and may save some expense, trouble, and controversy; but it will not settle anything and does not consolidate anything. The better way is to leave this matter exactly as it stands until (if I may make this suggestion) the committee shall be more thoroughly advised as to the situation and shall so draw their appropriation bills as not to confer the same authority on two different bureaus. Therefore, I insist on my amendment.

Mr. DAYTON. Mr. Chairman, I move to strike out the last word. I do not think there is any trouble about the controversy

as to who shall build these. I do not think that is the important objection to this provision. The important objection to it, as I understand it, is that this broad and general authorization will enable this Bureau, if it sees fit, under the direction of the Secretary of the Navy, to build $8,000,000 worth of tugs. I know very well the Department would not do that, but at the same time the committee ought to understand that these lighters and yard craft have always been authorized heretofore by specific words by Congress, and I want to call attention to the fact that in one or two of the prior appropriation bills lighters have been estimated for and asked for by the Department for the different yards.

I remember one at League Island, if I am not mistaken, one at Mare Island, and at other yards. They have been asked for and the committee upon examination has concluded that they could do without them and have stricken them out of the former appropriation bills. Now, this item in its language gives them general power to construct as many of these or as few of these as they want to without any specific or particular authorization from Congress. That language is too broad. It gives too great a power. It seems to me the Congress itself ought to fix and determine how many of these lighters shall be built and how many of these tugs shall be built, and not authorize the Department to go on and build as many as they wish.

Mr. FINLEY. Is it not a fact that this work will be done in the Government navy-yards?

Mr. DAYTON. Oh, no; it will be done wherever they want it done. They can authorize it by contract or in any other way—they can buy them.

Mr. FINLEY. The Department would be authorized to have the work done there, would it not?

Mr. DAYTON. I do not understand that any vessel is authorized to be constructed at the navy-yard now.

Mr. LITTLEFIELD. That is, under this clause.

Mr. DAYTON. Under this clause, yes, or by the law as it now stands. My understanding is that these vessels that will cost $70,000 apiece, as many of them as they want under this provision, can be constructed or bought or contracted for. Now, I make the objection to the provision that that is too broad a power.

Mr. FOSS. Now, may I ask my friend a question?

Mr. DAYTON. Certainly.

Mr. FOSS. Does not the gentleman know that whenever any of these bureaus has asked for a tug costing any considerable amount of money, as, for instance, $70,000 here in this bill, that we have always made a specific appropriation for it?

Mr. DAYTON. That is just what I am insisting on.

Mr. FOSS. And while the language may be broad enough to cover, as we say, yard craft here, construction and repair of tugs, and things of that sort, will not the gentleman in all fairness state that that applies only to very small craft, very small boats, that cost an inconsiderable amount of money, but which are necessary to our navy-yards?

Mr. DAYTON. Why, I will say to the chairman, in all frankness, that the language is so broad and general that I am in doubt what it will include, and that that is the objection I am urging. There is no question in the world but that under it you can build the lighters that we turned down in our Navy bill one year ago, and which we decided the yards could do without. There is no doubt but what under this particular language we can build anything in the shape of yard craft or anything in the shape of barges, and that the fund of $8,000,000 can be devoted to it. The very reason we have always specifically appropriated for these items is the very reason why I think the language is dangerous. You might as well say that for the construction and repair of vessels, of battle ships, of cruisers, that this money shall be turned over. That is the objection I have to it, and I confess very frankly the more I study it the more I come to the conclusion that that ought to go out. I would not have raised this point. I was opposed to it in the committee, but I expected to abide by the decision of the committee. However, since it has been raised, in all fairness, I wanted to state the situation.

Mr. FOSS. Now, Mr. Chairman, the provision as placed here in this bill has come at the request of the Secretary of the Navy, in line with the decision which he has rendered as to certain work to be done between two different bureaus of the Department. The Secretary of the Navy has decided that the construction and repair of yard craft and other vessels should be under the Bureau of Construction and Repair.

The Bureau of Equipment has insisted that it should have jurisdiction of this work. Now, the Secretary of the Navy has pointed out, in his opinion, the reason why. He says substantially this: If the Bureau of Equipment wishes a barge or a tug, it ought to go to the Bureau of Construction and get it; otherwise, under the Bureau of Equipment you will have a miniature bureau of construction and repair grow up.

If the Bureau of Ordnance wants a tug it must go to the Bureau of Construction and Repair and get it. Otherwise the Bureau of Ordnance will have a little machine shop and a construction plant for building its own tugs. If the Bureau of Yards and Docks wants a tug or a boat it must go to the proper Bureau of Construction and Repair and get that boat. Otherwise the Bureau of Yards and Docks will have a machinery plant and a construction plant of its own, and instead of but one Bureau of Construction and Repair every bureau will have these little shops for the building of boats.

Now, along the line of economy, along the line of the consolidation of bureaus for which I stand here, I say, that, in my judgment, the Secretary of the Navy ought to be sustained here. If he is not sustained, then every chief of bureau will come here to Congress——

Mr. TATE. Is not this just an effort for a new trial, when this question has been settled by the Secretary?

Mr. FOSS. Yes.

Mr. TATE. And will not the new Secretary have to go over it again, and will not the question come up here again, and why not settle it now?

Mr. FOSS. We hold the Secretary of the Navy responsible for the efficient discharge of his duties and for the efficient administration of the Navy Department. Now, these questions of jurisdiction between these different bureaus come before him from them. If you are going to decide in favor of the chief of a bureau as against the Secretary of the Navy, why have any Secretary of the Navy at all? If you hold him responsible for the efficient discharge of the administration of the Navy Department, why should you go back on him? Better have no Cabinet officer whatever.

Mr. DAYTON and Mr. UNDERWOOD rose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I want to ask one question.

The CHAIRMAN. The gentleman's time has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. Does the gentleman from Illinois desire more time?

Mr. FOSS. Yes; to answer the question.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. DAYTON. I have nothing to say about the question of the Secretary's decision between the bureaus. That was determined in the committee to my satisfaction; but what I wanted to ask the gentleman is if he will not consent to striking out the words "construction and," so as to leave this repair of yard craft, lighters, and barges for use at home stations, so as not to authorize this Bureau in this general way to build a hundred lighters or barges, if they want to, without Congress passing upon each one to see whether it is proper.

Mr. FOSS. Let me ask my friend a question. If we leave out the words "construction and," what bureau then would have charge?

Mr. DAYTON. Why, the Bureau of Construction and Repair, of course, because it is under that Bureau. I simply want to prevent the unlimited power of building these vessels.

Mr. FOSS. I know, but my friend from Maine [Mr. LITTLEFIELD] will come along and say that in the opinion of the Judge-Advocate-General the Bureau of Equipment already has the power to construct these barges.

Mr. LITTLEFIELD. Is not that correct? Has he not given such an opinion? I am not responsible for the opinion. I only call attention to it.

Mr. FOSS. You rely upon that opinion. So if that opinion be good law, the Bureau of Equipment will have charge of the construction of these vessels and the Bureau of Construction and Repair will have the repair of these vessels, so we will divide these little craft up between the two bureaus. And therefore we will increase the friction which has already obtained between the two.

Mr. LITTLEFIELD. Does not the gentleman concede that the Judge-Advocate-General has so held?

Mr. FOSS. I do not know whether the Judge-Advocate-General has so held. I do not concede it. He may have so held, but whether the opinion is good law or not is another question.

Mr. LITTLEFIELD. Yes; but it governs the Department in the construction of the bill, and you have the same language now that they had then.

Mr. FOSS. The Comptroller might not have the same opinion.

Mr. LITTLEFIELD. But we have the same Judge-Advocate-General now, and we have the same language now, that we had then.

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. Without objection, the informal amendment will be considered as withdrawn. The question is on the

motion of the gentleman from Maine [Mr. LITTLEFIELD] to strike out.

The amendment was rejected.

Mr. DAYTON. Now, Mr. Chairman, I move to strike out the words "construction and," so that if any of these vessels are to be authorized it must be by act of Congress, under specific appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 9960. An act to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 12418. An act granting a pension to Matilda E. Clarke;

H. R. 8840. An act granting an increase of pension to John H. Lauchley;

H. R. 8794. An act granting an increase of pension to Henry I. Smith;

H. R. 7397. An act granting a pension to Louisa White;

H. R. 6330. An act granting an increase of pension to William D. Tanner; and

H. R. 2857. An act granting an increase of pension to Frances J. Haughton.

The message also announced that the Senate had passed bills and a resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4641. An act for the relief of Benjamin Franklin Handforth;

S. 661. An act authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; and

Senate concurrent resolution 42:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume, in cloth, 15,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the use of the Senate. The Joint Committee on Printing are hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable portrait etchings to be bound in with these memorials, and shall use such paper and binding as will make the volumes worthy of a place in the libraries of the land.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7897. An act granting an increase of pension to Michael J. Daly;

H. R. 8466. An act granting a pension to Lucinda A. Sirwell;

H. R. 11644. An act granting an increase of pension to Edgar A. Hamilton;

H. R. 2661. An act granting an increase of pension to Oswald Ahlstedt;

H. R. 8409. An act granting an increase of pension to Cyrenus Larrabee;

H. R. 12778. An act granting an increase of pension to Edward R. Blain;

H. R. 13822. An act granting a pension to Hannah T. Knowles;

H. R. 5219. An act granting an increase of pension to Daniel Donne;

H. R. 9249. An act granting a pension to Amos Allport;

H. R. 6721. An act granting an increase of pension to Andrew Ray;

H. R. 6021. An act granting a pension to William Kaste;

H. R. 4089. An act granting a pension to Ada L. McFarland;

H. R. 6063. An act granting an increase of pension to John Brill;

H. R. 7085. An act granting a pension to Hannah H. Graham;

H. R. 13249. An act granting an increase of pension to Ada Trowbridge;

H. R. 12685. An act granting a pension to Hiram J. Springfield;

H. R. 10165. An act granting an increase of pension to Delia E. Slocum;

H. R. 5911. An act granting an increase of pension to Gilbert G. Gabrion;

H. R. 12458. An act granting an increase of pension to William M. Barstow;

H. R. 9569. An act granting an increase of pension to Albert Deits;

H. R. 7918. An act granting an increase of pension to James C. Pettee;

H. R. 6663. An act granting a pension to John York;

H. R. 1696. An act granting an increase of pension to Frederick A. Condon;

H. R. 12012. An act granting an increase of pension to Walter C. Tuttle;

H. R. 5020. An act granting an increase of pension to Courtland C. Matson;

H. R. 13265. An act granting an increase of pension to John Whalen;

H. R. 11285. An act granting an increase of pension to William Sheldon;

H. R. 5553. An act granting a pension to Nancy E. Hardy;

H. R. 9926. An act granting an increase of pension to James F. Patton;

H. R. 5554. An act granting a pension to Egbert A. Stricksma;

H. R. 13132. An act granting an increase of pension to Annie Cotter;

H. R. 7541. An act granting a pension to Annie Shinn;

H. R. 13162. An act granting an increase of pension to Augustin M. Adams;

H. R. 1046. An act granting an increase of pension to John J. Martin;

H. R. 750. An act granting a pension to Martin Essex;

H. R. 9226. An act granting a pension to Elizabeth I. Ogden;

H. R. 13503. An act granting an increase of pension to Charles Haltenhof;

H. R. 8921. An act granting an increase of pension to Jesse C. Rhodabeck;

H. R. 3829. An act granting a pension to Mary Ann Morrow;

H. R. 13266. An act granting an increase of pension to Elbert N. Remson;

H. R. 1715. An act granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow;

H. R. 1695. An act granting an increase of pension to Christopher C. Perry;

H. R. 2563. An act granting an increase of pension to Robert R. Strong;

H. R. 12562. An act granting an increase of pension to William H. Temple;

H. R. 14099. An act granting a pension to Samantha B. Van Brocklin;

H. R. 13807. An act granting a pension to Jeremiah Horan;

H. R. 4204. An act granting a pension to Hester A. Furr;

H. R. 13350. An act granting a pension to Presley P. Medlin;

H. R. 10201. An act granting an increase of pension to Otis R. Freeman;

H. R. 9928. An act granting a pension to Benjamin E. Styles;

H. R. 7401. An act granting an increase of pension to William Brown;

H. R. 9437. An act granting an increase of pension to Elias A. Calkins;

H. R. 1129. An act granting an increase of pension to William H. Shaffer;

H. R. 307. An act granting an increase of pension to John L. Branson;

H. R. 3292. An act granting an increase of pension to Arthur H. Perkins;

H. R. 671. An act granting an increase of pension to Orra H. Heath;

H. R. 11921. An act granting an increase of pension to George W. De Graw;

H. R. 12780. An act granting an increase of pension to William N. Wheeler;

H. R. 11343. An act granting a pension to Mary Louise Lowry;

An act (H. R. 6750) granting an increase of pension to William H. Hoxie;

An act (H. R. 8401) granting an increase of pension to Henry E. Murphy; and

An act (H. R. 10731) granting an increase of pension to Samuel P. Milburn.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In all, civil establishment, Bureau of Construction and Repair, $25,824.25; and no other fund appropriated by this act shall be used in payment for such service.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent to return to page 23 of the bill.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to page 23. Is there objection? [After a pause.] The Chair hears none.

Mr. ELLIOTT. I offer the following amendment.

The Clerk read as follows:

Amend by inserting, after line 10, page 23, the following:

"Naval Station, Port Royal, S. C.: For 1 clerk, $1,200; 1 rodman and inspector, $3 per diem; 1 messenger and janitor, $1.50 per diem; 1 master of tugs, $1,200; 1 mail messenger, including Sundays, $2 per diem; 1 telegraph operator, including Sundays, $3 per diem; one electrician, $1,200; in all, $6,546.50."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FOSS. I would like the gentleman to make some explanation in regard to this.

Mr. ELLIOTT. Mr. Chairman, I was absent on account of a duty imposed on me by the House when this part of the bill was reached, and hence I asked to return to it. It is well known that it was provided two years ago that the station at Port Royal should be transferred to Charleston, and appropriations have been made for the Charleston station. But no work has been done at Charleston, and the naval establishment at Port Royal remains in the same condition as heretofore. In the naval appropriation act of last year a small appropriation was made for each one of the bureaus, including the Bureau of Yards and Docks, and the same appropriations have been inserted in the bill for this year, except that for the Bureau of Yards and Docks, which I have just sent to the desk. The reason for that was that the Department was very anxious that the naval station at Port Royal should be converted into a training station.

The Secretary of the Navy so recommended to the committee, but the committee have not favored that action, and there is no provision in the bill for carrying it into effect. Now, as it was understood by the Chief of Yards and Docks that it was to be turned over to the Bureau of Navigation instead of being left with the Bureau of Yards and Docks, no appropriation was asked by him for yards and docks. Therefore I make this motion to have these items inserted in the bill, the same as were provided by the appropriation act of last year, and I hope the chairman of the committee will make no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FOSS. I want to say, Mr. Chairman, that I understand the gentleman had a letter from the Chief of the Bureau of Yards and Docks in reference to this matter, recommending that these men be kept there for another year in view of the fact that the Charleston Navy-Yard was not ready for work and that it was necessary to keep that yard open in order to do a little work in connection with the Navy. Now, I understand he has a letter to that effect.

Mr. ELLIOTT. I have the letter.

Mr. FOSS. I would like to have that letter go into the RECORD as an explanation of the amendment.

Mr. ELLIOTT. I will place it in the RECORD.

Mr. CANNON. I have no objection to it if there is anything to do, and while I would go a long way to see the gentleman from South Carolina accommodated, if it be merely to make a donation of $6,000 to people that have nothing to do down there, namely, as a place that is not used, and that probably it would be better to "Martinique" it if the Lord would send the volcano—I mean so far as this station is concerned—speaking respectfully, then I would not have so much sympathy with it. In other words, I had occasion to say yesterday it was very easy to establish an office and it was like pulling eye teeth to get rid of it. I would like to know if there is any possible use for these gentlemen down there being continued at an expense of $6,000. If so, well. Is it not a fact that there is public property down there that a watchman at $720 would be able to care for as well or better?

Mr. ELLIOTT. Mr. Chairman, I assure the gentleman that there is necessity for this appropriation. That station is now one of the torpedo stations, and there are six or seven of them there, and that pertains to the Bureau of Yards and Docks. Here is the letter from the chief of the Bureau. He says he will not need this appropriation if the station is to be converted into a training station and transferred to the Bureau of Navigation. But as it is not transferred by this bill, it is necessary that these salaries should be provided for the coming year, as they were for the present year. A good deal of work is done there at very little expense. Only three or four clerks are provided for—one for each of the other bureaus—and it is to provide for this omission as to this Bureau that this amendment is proposed. I now send up the letter, if the gentleman desires to have it read.

Mr. CANNON. I would like to hear it.

The CHAIRMAN. If there is no objection, the letter will be read.

The Clerk read as follows:

WASHINGTON, D. C., *May 14, 1902.*

MY DEAR MR. ELLIOTT: Replying to your inquiry of this morning I would say that if the Port Royal Naval Station is to be continued as a station for the general work of the Navy a civil establishment, under Yards and Docks, would be needed, upon the same basis as that for the current year, namely:

One clerk	$1,200.00
One rodman and inspector, per diem	3.00
One messenger and janitor, per diem	1.50
One master of tugs	1,200.00
One mail messenger, including Sundays, per diem	2.00
One telegraph operator, including Sundays, per diem	2.00
One electrician	1,200.00

If it be continued as a training station, this Bureau would have no duties in connection with it, and any force needed would be paid from the funds of the Bureau of Navigation.

Yours, very truly,

MORDECAI T. ENDICOTT.

Hon. WILLIAM ELLIOTT, M. C.,
House of Representatives, Washington, D. C.

Mr. CANNON. The trouble, I will say to the gentleman from South Carolina, is that the letter commences with an "if"—"if the Department" were to hold that is to be continued. So that the word "if" is fixed to it, and anyway I never put such stress upon a bureau officer's letter unless it is awfully specific. There are some times they go as far as they may, and then they get it up to the Secretary. Can not these gentlemen break into the civil service somewhere else? [Laughter.]

Mr. ELLIOTT. This is the only point I propose to bring it in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For incidental expenses for Navy vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, office furnishings, and instruments, $15,000.

Mr. CANNON. Mr. Chairman, I make the point of order in lines 7 and 8, on the words "and the Bureau." This makes a contingent fund in the naval bill for a bureau of the Department. I am willing that it should go out by unanimous consent.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to strike out, in lines 7 and 8, the words "and the Bureau." Is there objection? [After a pause.] The Chair hears none.

The Clerk proceeding with the reading of the bill, read as follows:

In all, steam machinery, $3,405,000.

Mr. COOPER of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Add on page 55, after line 12, as follows: "Test of liquid fluid for naval purposes. For extended tests of liquid fuel from the California and Texas oil fields, under the direction of the Bureau of Steam Engineering, $20,000.

Mr. COOPER of Texas. Mr. Chairman, I hold in my hand a letter dated February 4, from the Secretary of the Navy, in which appropriation is recommended; also a letter from Admiral Melville, in which he urgently requests the making of the appropriation. I understand that the amendment will be acceptable to the members of the committee.

The amendment was considered and agreed to.

The Clerk proceeding with the reading of the bill, read as follows:

Contingent, Bureau of Steam Engineering: For contingencies, drawing materials, and instruments for the drafting room, $1,000.

Mr. CANNON. Mr. Chairman, I make the point of order on lines 13, 14, and 15. That does not belong in this bill. It creates a contingent fund for a bureau of the Department, and is not for the general naval service.

Mr. FOSS. This appropriation has been in the bill year after year for a great many years.

Mr. CANNON. If so, it was overlooked. In other words, there is a general contingent fund under the rules of the House carried in the legislative, executive, and judicial bill, as follows: "For stationery, furniture, newspapers, plans, drawing material, horse and wagon used for official purposes, freight, expressage, postage, and other absolutely necessary expenses for the Navy Department, its various bureaus and officers, $12,000."

Mr. FOSS. Does that take in other bureaus in other departments?

Mr. CANNON. In the Navy Department.

Mr. FOSS. In other departments besides the Navy?

Mr. CANNON. Oh, no. Every department has its contingent fund.

Mr. DAYTON. Would it include the drawing materials and drawing instruments for the drafting room?

Mr. CANNON. Undoubtedly. This is a mere duplicate appropriation, and under the rules of the House it is not in order on this bill, because it is provided for already in the legislative, executive, and judicial bill. There is no doubt about it. It is precisely these matters that have gone out by unanimous consent elsewhere through the bill.

Mr. OLMSTED. There may be a good reason why it ought not to be inserted, but it is not clear what the point of order is.

The CHAIRMAN. The point of order is that it is not in order on the naval bill, but should be on the legislative bill, as the Chair understands.

Mr. CANNON. Precisely.

The CHAIRMAN. The Chair is inclined to sustain the point of order, unless the chairman of the committee can point out some special reason why it should not be sustained.

Mr. FOSS. All I can state is that this has been the law year after year.

The CHAIRMAN. In other words, it has been appropriated for on each annual appropriation bill?

Mr. FOSS. Yes.

The CHAIRMAN. That does not make it law. It seems very clear to the Chair that this item should be in the legislative bill. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Toward the construction of a building, on land owned by the Government, at Annapolis, for an experiment station and testing laboratory in the Department of Marine Engineering and Naval Construction (at a cost not to exceed $250,000), and the complete equipment of the same with all the necessary appliances and apparatus (at a cost not to exceed $150,000), $200,000.

Mr. CANNON. Mr. Chairman, I think I shall have to make a point of order in the first instance in this matter. There is nothing that authorizes the construction of this building.

Mr. FOSS. No.

Mr. CANNON. There is no legislation that authorizes it. It is an independent building, as I understand it. Of course, if it should be in order, I would offer an amendment that it should be included in the $8,000,000, the cost of the plant.

Mr. MUDD. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. MUDD. Do I understand the gentleman to make the point of order on this paragraph? I am frank to say to the gentleman in that connection that it is understood by the committee that this is not a necessary part of the Naval Academy.

Mr. CANNON. I do not know as to that. I will ask, reserving the point of order, whether it is a necessary part of the Naval Academy. I ask the gentleman in charge of the bill.

Mr. MUDD. My judgment is that it is not in any essential sense a part of the Naval Academy. Further on, if it should be considered a part of the Naval Academy, the Secretary would have authority under the authorization of the act of 1890 to build it without further legislation. I have before me the language of the act of June 7, 1900, containing this provision:

Provided, That before any part of this sum is expended complete plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than $8,000,000, including the sum of $1,220,000 heretofore appropriated and the sum herein appropriated for said buildings and improvements and for all additional land needed and required to carry out the aforesaid plans.

In other words, before the Secretary of the Navy is authorized to spend a cent of that money, it is made his duty by the mandate of the provision I have read to have prepared under his approval complete plans covering all contemplated new buildings and improvements necessary for the Academy.

Mr. CANNON. I should be glad to know from the gentleman in charge of the bill whether or not this is fairly a part of the plan for the Naval Academy. If it is, I do not want to make a point of order on it, but will offer an amendment that it shall be embraced in the $8,000,000.

Mr. FOSS. Mr. Chairman, I will say to my colleague [Mr. CANNON] that my views on this matter differ somewhat from some members of the committee.

The CHAIRMAN. The Chair does not hear the gentleman.

Mr. FOSS. I was saying, inasmuch as the gentleman from Illinois has called upon me to speak out frankly in reference to this question, that my view of the matter does not correspond exactly with that of my colleague on the committee, the gentleman from Maryland [Mr. MUDD]. This is an engineering laboratory, and an experimental station; and at the same time it is a building in which perhaps there will be some course of instruction—a postgraduate course of instruction possibly.

It will have to do, I think, with the education of naval officers; and when it came to the question in committee as to whether this appropriation ought to be included within the limit of the $8,000,000 fixed by Congress for the rebuilding of the Naval Academy, I felt myself in duty and in conscience bound to insist that the provision, if it were to become a law, should be within the $8,000,000 limitation. But the committee, in its larger wisdom, decided otherwise.

The CHAIRMAN. Upon the statement of the gentleman from Illinois, the chairman of the committee [Mr. FOSS], and also that of the gentleman from Maryland [Mr. MUDD], the Chair is very clear in the opinion that the provision is not in order. The Chair sustains the point of order.

The Clerk read as follows:

In all, Naval Academy, $229,905.77.

Mr. MUDD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, however, That no part of the money appropriated in this paragraph or elsewhere in this bill, or to be hereafter appropriated, shall be expended in the purchase of any history of the Spanish-American war written by Edgar Stanton Maclay, for use at the Naval Academy, in ships' libraries, or in any other part of the naval establishment of the United States.

Mr. DAYTON. I make a point of order against that amendment.

The CHAIRMAN. The gentleman from West Virginia, as the Chair understands, reserves a point of order upon this amendment.

Mr. MUDD. Do I understand that the gentleman makes a point of order or reserves it?

Mr. DAYTON. Oh, I make the point of order.

Mr. MUDD. Well, that is the best way, perhaps. I will not contend that the amendment in the form in which it is offered is not subject to a point of order, because it includes words which make it apply to future appropriations.

The CHAIRMAN. The Chair is ready to rule.

Mr. MUDD. I am ready for the Chair to rule.

The CHAIRMAN. The amendment is clearly obnoxious to the rule. The Chair sustains the point of order.

Mr. MUDD. Now, Mr. Chairman, I have an amendment in another form, which I ask the Clerk to read.

The Clerk read as follows:

On page 62, after line 14, add as follows: "*Provided, however*, That no part of the money appropriated in this paragraph, or elsewhere in this bill, shall be expended in the purchase of any history of the Spanish-American war written by Edgar Stanton Maclay, for use at the Naval Academy, in ships' libraries, or in any other part of the naval establishment of the United States.

Mr. DAYTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from West Virginia also makes the point of order against this amendment.

Mr. MUDD. Mr. Chairman, on that I desire to be heard briefly.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland.

Mr. MUDD. Though I do not think the Chair needs to hear me on that. I apprehend the amendment I have just offered is clearly a limitation in that it only refers to money appropriated in this bill. I could refer to decisions, if it be thought necessary, but I hardly think it is. I have in my hand, however, one reference to which I will call the attention of the Chair. I read from the Manual of the Fifty-fifth Congress, second session, on page 283:

The following provision in the Army appropriation bill, namely, "that hereafter no money appropriated for Army transportation shall be used in payment for the transportation of troops and supplies for the Army," etc.—

was ruled out of order. An amendment was then offered similar to the above, with the modification of eliminating reference to future appropriations, and was declared not subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. It is perfectly clear to the Chair that the amendment is a limitation and not legislation, and that the amendment is in order. The point of order is overruled.

Mr. DAYTON. Mr. Chairman, I make this suggestion. This has no relation to the paragraph to which it is an amendment.

The CHAIRMAN. It is germane to the bill.

Mr. MUDD. Mr. Chairman, this is the amendment of which I gave notice and for which, though briefly, I think I sufficiently stated my reasons a day or two ago. I have no desire to enter into a detailed discussion of the amendment at this time. In fact, I had hoped there would be no opposition to it. I understand that all the gentlemen of the committee say they agree that this book should not be permitted to be used in the Naval Academy, or any other portion of the Navy, but their contention is—and I want to state it fairly, and I think I do—that there is no explanation of its being so used.

Upon that I want to make this statement: That there are now in use 2 volumes of Maclay's History in the Naval Academy. Gentlemen can not with reason argue, as some of them seem to intimate, that it would be just as appropriate to name any other obnoxious publication and say this money should not be used for purchasing that, because other obnoxious publications have no similar relationship to the Naval Academy. Maclay's History of the Navy has been formally adopted, and is this day, if there be classes going on there, in use as a text-book of the Naval Academy of this country. I read now from an interview in the Washington Post of July 20, 1901, quoting what Secretary Long then said in reference to this book and its author:

It will be a sufficient rebuke to Mr. Maclay to learn that his book in its present shape has been barred from the Naval Academy.

That is my contention, that the work of Maclay as a whole had been adopted up to the publication of the original third volume,

which no man in this country wants to justify, and I admit there is no danger of the adoption of that original edition.

Mr. FOSS. Will the gentleman permit an interruption?

Mr. MUDD. Certainly.

Mr. FOSS. Did not the gentleman hear me read a letter here yesterday?

Mr. MUDD. I did not.

Mr. FOSS. From the Bureau of Navigation to the effect that this volume had never been used in the Naval Academy?

Mr. MUDD. I did not hear that, but I will refer to that.

Mr. FOSS. It is in the RECORD this morning.

Mr. MUDD. I understand, and I have read it. I say the Secretary of the Navy, when this third volume came out, in his own language barred "it in its present shape," and as bearing upon that, also, I will read a telegram which I have just received from a prominent editorial writer, Mr. Merrill A. Teague, of the Baltimore American. He says:

Regarding Wainwright's letter about Maclay's book not being in use at Annapolis: After it was written Secretary Long told me in an interview that it really did not change the situation; that Maclay's history having been adopted and two volumes installed, any subsequent volumes would take their place automatically unless a special order should be issued barring the whole or any part. Hence Long issued the order barring volume 3 in its original form.

Now, the gentleman can not say, I apprehend, that there has been any order issued as to the revised edition. I do not so understand. It has just been published, but if that book has been barred since notice of this amendment has been given, and I apprehend if it has been done it was done in pursuance of that, and because the influences in charge of the Bureau of Navigation do not want to encounter the test of a vote of the House. That should not prevent this Congress, if it thinks the matter of sufficient importance, as I think it is, from expressing its legislative will as to the use of a book of this character in an institution for which we are now appropriating money, a book which brought so much in the way of bitterness of controversy and hurtful effects upon the Navy through that court of inquiry, of which we all know.

Mr. DAYTON. Will the gentleman permit a question?

Mr. MUDD. If I may have the time; certainly.

Mr. DAYTON. Is it true that in an interview, as stated in the public prints, the President of the United States himself has assured you that this book shall not be used in the Naval Academy during his term of office, or not?

Mr. MUDD. Well, now, I do not know——

Mr. DAYTON. And if he has, can you not have confidence in him without loading this on this appropriation bill?

Mr. MUDD. Yes; I have great confidence in Theodore Roosevelt. I believe that he respects brave men, and that he has respect for the opinions of those who differ from him. I do not know that I ought to answer the gentleman's question categorically, but since it has been put here, if those who are opposed to this amendment are willing to have the facts made public, I am, and I will say that the President of the United States did say to me that this work should never be used in the Naval Academy as long as he should be President of the United States. [Applause.] I respect him for that. I do not know, however, that the President is familiar with the revised edition and the extent to which it has been made to conform to the findings of the court of inquiry. If the gentleman had asked me to further state the conversation between the President and myself I might, perhaps, have given him information that might have weakened the strength of his inclination to make opposition to this amendment.

Mr. DAYTON. There is no opposition. It is just a question of propriety and necessity. If the President has promised you that during his term of office, which extends beyond this fiscal year, this book shall not be used, what is the necessity for putting it in this bill?

Mr. MUDD. I want a legislative expression of disapproval of the contents of this book, the revised as well as the unrevised editions. Presidents and heads of bureaus and departments will have respect for that. Other Presidents have died before the expiration of their term, and the present Executive may not be vouchsafed to us until the end of his. I trust that he will. He is in pretty vigorous health now, and I apprehend that he will live out the rest of his term and be ready and willing to take another. [Applause.]

I do not feel at liberty to say just what further the President of the United States said to me about this, but I will say this much, that I told him as forcibly as I could that if there was one thing upon which he and I could not agree it was his position on this Schley question, and I told him that I intended to offer this precise amendment when this bill was under consideration. Further than that I do not think I ought to say just now. Had the President asked me not to offer it, I would have respected his request, but declined to comply with it. The gentleman may infer that support of this measure carries no risk of Presidential displeasure, if that has any terrors for anybody.

Mr. TAYLER of Ohio. Give it all to us.

Mr. MUDD. No, I will not say anything more. I am not the spokesman of the President of the United States.

The CHAIRMAN. The gentleman's time has expired.

Mr. MUDD. I should like to have five minutes more.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. MUDD. Now, Mr. Chairman, if I may use the comparison in a respectful sense, I apprehend that almost any thief caught around any man's hen roost, having stolen two chickens and being accused of an attempt to steal a third, would say that he did not intend to do it. I do not want to express any disrespect toward these gentlemen in the Navy Department by the use of that somewhat homely illustration. It has some touch of illustration, however.

Of course, these gentlemen will say now that they do not expect to use this book; but the Secretary of the Navy evidently expected to use it, should the objectionable language be stricken out, when he said in the very language of his interview—and he used substantially, if I recollect aright, the same expression to me in a private interview—that the book would be barred "in its present shape."

I do not want now to go into this controversy between Schley and Sampson. We all know, however, who is at the head of the Bureau of Navigation at this time, Admiral Henry C. Taylor, who was in command of a battle ship that unfortunately did not have much to do with the actual work of the naval engagement at Santiago. I remember one thing in that gentleman's testimony before the court of inquiry in which he stated—and I have the reference to the page of the record—in speaking about that much-discussed famous loop of Schley, Admiral Taylor stated under oath that the *Brooklyn* went away a mile and a half from the line of column. It will be found on page 722 of the record of the court of inquiry, and his testimony was that the *Brooklyn* went "a mile and a half to seaward of our column of battle."

You will see the pertinency of this statement in a moment. In an official document, on page 5 or 6 of what is known as "Executive Document C," the Secretary of the Navy calls attention to the fact that a board composed of Admiral Taylor, Admiral Evans, and others, had certified over their signatures that the *Brooklyn* in her loop only went away the length of her tactical diameter. I invite attention to this contrast in testimony for this reason:

If there is at the head of the Bureau of Navigation now, having control of the text-books at the Naval Academy, a gentleman who once stated before the court of inquiry, in a manifest effort to show that Schley was guilty of irresolution, if not of cowardice, that he went about 3,000 yards away from the conflict, and that gentleman had formerly stated in an official document before the animus of subsequent controversy had begun its work, that he only went away between six and eight hundred yards, I am not going to trust the selection of histories relating to the conflict at Santiago to that head of the Bureau of Navigation if I can help it. [Applause.]

That gentleman also stated in an official report, in speaking of his part in the battle of Santiago, that a shell from one of his 13-inch guns was seen to enter the *Maria Teresa*. I assume that he thought that. It was natural perhaps that he should seek to make people believe that he had taken some appreciable part in that fight, and yet in the report of the board appointed by Admiral Sampson to plot the injuries received through the impact of the projectiles upon the sides of the Spanish vessels, not one 13-inch shell was shown to have struck the *Maria Teresa*. A man who accomplished almost nothing is liable to feel too great a degree of friendliness to a historian who minimizes the performances of the man who accomplished almost all.

I say these gentlemen who are interested—I will not say in the distortion of history, but in making history appear in the best light for themselves and in the worst light for Schley—are not the men to trust with the question as to whether a history shall be sanctioned which, in a measure, originated a scandal in the Navy of this country. If these gentlemen of the majority side of the Naval Committee are so willing, as they say, to approve the reported judgment of the President of the United States and others that this book should stay out of the Naval Academy, they have ample opportunity to express that view by voting in favor of this amendment.

Now is the time and now the opportunity to manifest their disapproval of the work.

Let those who are in accord with the opinions of this historian—and I have particular reference now to the revised edition of his work, in which he adopts in large measure the findings of the court of inquiry—let them vote against this amendment. Those who disapprove of that producton and wish, as Ido, in this signal

manner to repudiate it will voice the courage of their convictions and in sustaining the proposition of the amendment vote to strike slander out of favor and do a slight measure of justice to the most distinguished hero, in my judgment, of the American Navy in the Spanish-American war. [Applause.]

Mr. PEARRE. Mr. Chairman, I do not desire to detain the House of Representatives by any protracted discussion of the merits of the amendment offered by my colleague from Maryland [Mr. MUDD], nor by any kind of animadversions upon anybody, either officer of the Navy or any civil officer of the Government of the United States, over the controversy which has unfortunately arisen, but I do desire to rise in my place in this House, as a member of the Congressional delegation from Maryland, and to register my unqualified, unhesitating confidence in the integrity, patriotism, and courage of Admiral Winfield S. Schley. [Loud applause.] The Maryland delegation, sir, and every member of it, however humble, would be false to his own duty, false to his own conscientious conviction of right, and false to the honorable and distinguished records of the soldiers and sailors of the State of Maryland in every war in which this country has been engaged if he should sit silent in this body and permit the slanders which have been heaped upon this brave sailor to be continued and made permanent and perpetuated by history—no; by fiction, sir; written by one who has not yet won his literary spurs in the line of historical writings.

Mr. Chairman, if this history be inaccurate, if the statements of alleged or supposed facts contained in this alleged historical work do not comport with the real facts, then not only, sir, should the President of the United States, as I am proud to hear that he has, make a public statement or a statement which has since been made public, that this work should not be used in the training of young men for the Navy, but the time has come when the House of Representatives, the legislative department of this Government, should add its sanction to this statement by distinctly saying by legislation embodied in this statement that this book is not history and shall not be used as such. It is the purpose of the United States Government in training these sailors, in educating the men who will lead the jack tars, the men behind the guns, in future wars of righteousness and for the elevation of the rights of mankind, to hold up to the minds and consciences of these young men the brave and worthy deeds of their forebears.

Admiral Schley has borne with patience, aye, with patriotic patience and courage, with the patience of a martyr and the courage of a brave soldier, every animadversion heaped upon him, and the welkin of approval will ring throughout this country when it goes out to the men and women of this land that the Congress of these United States at this late date has done simple justice to Admiral Schley, the hero of Santiago. [Loud applause.]

Ah, Mr. Chairman, this matter is treated lightly—perhaps it has been treated too lightly—but the people of the United States have registered their verdict upon this question, and it is a very different verdict from that which some gentlemen anticipated. If there had been nothing but that bullet-scarred cruiser *Brooklyn* to show who won that fight, the scars in the hull of that gallant boat would attest to fair-minded men forever not only that the *Brooklyn* was in the front during every moment of that fight, but would be evidence that Winfield Scott Schley, the distinguished son of Maryland, and the *Brooklyn* had made and won that fight. [Loud applause.]

The President has dismissed Maclay, who wrote this book, from the employ of the Government. The Secretary of the Navy has disproved the use of his book. Let Congress, voicing the unanimous will of the people, confirm and indorse their righteous acts by the passage of this amendment.

Mr. FOSS. Mr. Chairman, I had thought the so-called Schley controversy was dead [laughter on the Democratic side], and that Maclay's book had been suppressed by order of the Secretary of the Navy; and as my friend says, by order of the President of the United States. And Maclay himself had been suppressed. Why drag him out of oblivion to mar the peace and contentment of this hour? I supposed that we had heard the last of this controversy. It ought to have been closed when the court of inquiry passed upon the case; it ought to have been closed when the Secretary of the Navy passed upon the appeal; it ought to have been closed when the President of the United States passed upon the appeal which was made to him.

But, as I say, it has been dragged in here to mar the unanimity of expression upon the naval appropriation bill. Why do it? It does not answer any purpose. I have nothing against Admiral Schley. I am glad that he was in the battle of Santiago. I am glad that Clark, who brought the *Oregon* around the Horn, was there.

A MEMBER. That is right.

Mr. FOSS. I am glad also that Richard Wainwright was there, who never felt himself too near the enemy. I am glad also that Evans was there. I am glad that Philip was there, who gave the glory not to Sampson nor to Schley, but to Almighty God. I am glad that the other captains of our battle ships and cruisers were there, and I am glad, more than all, that behind them stood the men, unnamed and unsung, before whom have been spread no feasts and who have not been the recipients of any silver-service sets. I am glad that they were there. [Loud applause.]

Mr. PEARRE. Will the gentleman permit an interruption?

Mr. FOSS. I regret exceedingly that I can not.

Mr. PEARRE. You will remember that Admiral Schley said that it was the men behind the guns who deserved the credit. He did not detract from the credit of the sailor.

Mr. FOSS. I have not attempted to detract from the credit of Admiral Schley.

Mr. WILLIAMS of Mississippi. Why did you insinuate that one man never felt himself too near the guns?

Mr. FOSS. I did not say too near the guns. I said who never felt that he was too near the enemy.

Mr. WILLIAMS of Mississippi. Does the gentleman mean to say that he did not mean to reflect upon Schley when he said that? Did he not have in his mind the purpose of leaving an impression upon the House that Schley had felt he was too near the enemy?

Mr. FOSS. I said nothing about Admiral Schley. It is the business of the naval officer to get into close proximity with the enemy, and the President, so far as Schley is concerned, in his comment on these matters, said:

> Had the *Brooklyn* turned to the westward in the same direction the Spanish ships were going instead of in the contrary direction, it would undoubtedly have been in more dangerous proximity to them, but it would have been more dangerous for them as well as for her. But this question of danger must not be too nicely weighed by those whose trade it is to dare greatly for the honor of the flag.

Now, my friends, we have made a mistake. The American people sometimes make mistakes. I think—and I speak for myself—that we are too often apt in this country to try to associate the name of one man or two men with every great event and give to them all the honor and the glory. That has been the trouble. We have tried to give the honor and the credit to one or two men in the Santiago campaign, but the honor and glory is for all. I care not whether these words come from the lips of Schley or whether he received them from the lips of McCalla. There is glory enough for each and for all.

I had hoped that this controversy was over. I had hoped when that great admiral whose light went out in the shock at Santiago, who has been dragging his weary frame down in the valley of the shadow of death until God called him home the other day to receive the reward which press and people had denied him here—I had hoped that the controversy would then be closed.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PAYNE. Mr. Chairman, I ask that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I want to say to my friends here that I have never been in this controversy for Admiral Sampson, nor have I been for Admiral Schley; but I have been for the American Navy, which was greater than any one man, or any two men, or any clique of men in it.

When you attempt to prolong the controversy or give it life, you only do injury and harm to the American Navy. The American Navy is an institution that will live long after you and I are gone. It will live long after the Sampsons and Schleys are gone. It will live in the future and be the defender of our honor and our flag upon the seas. By prolonging this controversy, which you and I can not settle, we only do harm and injury to the great arm of our Government's defense. Every man who was in that fight I trust some day will have his due credit. It is not for our human nature, weak as it is; it is not for our human vision, weak as it is; it is not for our human judgment, weak as it is, to give proper meed of praise to each and all.

But when the smoke of battle shall have died away; when the last tramp, tramp, tramp of the returning heroes shall have been forgotten, yes, fifty or one hundred years hence, in the clear white light of impartial truth, when the recording angel of history comes to write the names of those who wrought mightily for their country and their country's cause, she will write the names of all who took part in that great naval conflict, whether in humble sphere or in exalted station, those who were away down below in the bowels of the vessel shoveling coal at a temperature of 200°, and those, as well, who trod the quarter-deck, and give to each and all their just and worthy honors. Unto all should be given the glory and the victory of Santiago's great fight. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have listened with great interest to the carefully prepared and carefully enunciated utterances of the gentleman from Illinois [Mr. FOSS] and

especially to his tribute to the muse of history who is to "write the names of all those who took part in the battle of Santiago." But the trouble with which we are now confronted is that the muse of history has been writing the names of those who did not take part in the battle of Santiago [laughter], and the muse of history has been trying with exceeding great labor to leave out as well as may be the names of those who did take part in that great battle. [Laughter.]

Mr. FOSS. Does the gentleman think the muse of history has started in to write at all?

Mr. WILLIAMS of Mississippi. Oh, the little naval muse has started in to write. [Laughter.] The little Bureau of Navigation muse is said to have been inspired to read the proof and the little Committee on Naval Affairs muse has been squinting at it all to a large extent. [Laughter.]

Now, it is not much of a muse, Mr. Chairman, but it is a so-called muse, don't you know, and don't you see? And by the way, while I am getting English, and quite English, don't you know, I want to apologize for the mispronunciation of the name of the chief gun behind the muse, formerly in the Bureau of Navigation.

I learned yesterday, or rather I have learned since yesterday, that I have been guilty of mispronouncing the proper name of an improper person. [Laughter.] I learn that since he has been appointed in command of a ship to attend the coronation ceremonies of the King of England Captain Crowninshield, in analogy with the pronunciation of Cholmondely, which in Great Britain is "Chumley," and of Peabody, which is there "Pebudy," has become Admiral "Crunchell," don't you know? [Laughter.] No worse faux pas than that could have happened to me.

The gentleman from Illinois says that this controversy ought to be "suppressed." He tells us that this matter ought to have been "closed" at one stage, and then it "ought to have been closed" at another stage, and then it "ought to have been closed" at a third stage; that Maclay has been "suppressed" as well as his book. When was he suppressed? By whom was he suppressed? When ought this controversy to close? When ought the controversy itself to be suppressed?

I will tell you when. When every one of the miserable scoundrels (if there are any) in the Navy Department, who read and indorsed those "proofs" of this book and encouraged this fellow to write himself down a liar, while he called Schley a liar, and to write himself down "ass" and "coward," while he wrote Schley down a coward, has been discovered and investigated and punished, and when the American people know who they are. [Applause.] I do not know whether there are any of them or not.

Mr. FOSS. May I interrupt the gentleman?

Mr. WILLIAMS of Mississippi. Yes.

Mr. FOSS. It is easy enough to make statements. It is easy enough to make allegations and charges.

Mr. WILLIAMS of Mississippi. I am making none. Maclay made them.

Mr. FOSS. You are stating, if I understand you aright, that the Chief of the Bureau of Navigation revised this work.

Mr. WILLIAMS of Mississippi. I am stating that Maclay said he looked over it; that is all. I want to know whether that is true or not?

Mr. FOSS. You do not know whether it is true or not?

Mr. WILLIAMS of Mississippi. I do not; but I want to know.

Mr. FOSS. If you do not know whether it is true or not, why do you make the allegation?

Mr. WILLIAMS of Mississippi. I have not said that it was true. I merely say that Maclay said it was true. Now, Mr. Chairman, I state that this man Maclay——

Mr. DAYTON. Will the gentleman pardon me just a moment? I simply want to say that on one occasion, in the presence of the Secretary of the Navy, Admiral Crowninshield absolutely denied that he ever saw or revised the proofs of that history.

Mr. WILLIAMS of Mississippi. Why has he not said so publicly?

Mr. DAYTON. I do not know why.

Mr. WILLIAMS of Mississippi. I should like to know why.

Mr. DAYTON. I will simply say this. After the order of the Secretary of the Navy was published prohibiting any naval officer from saying anything, I think he obeyed it.

Mr. WILLIAMS of Mississippi. Ah, but there was a long time previous to the issuance of that order when he might, like Admiral Sampson, have denied that he had anything to do with it. And during all that time he did not deny it.

Now, a word about Admiral Sampson. Pronouncing the Latin according to the English analogy, I will say, "De mortuis nil nisi bonum." I do not know any "bonum" to say; I will rest content, therefore, in saying "nil."

Admiral Sampson denied that he had anything to do with indorsing these proofs or revising them. He acted the part of a gentleman and an officer when he made that denial. I would like to know why it is confined to the secret arcana of the Navy Department, this denial of Mr. Crowninshield or Captain Crowninshield or Admiral "Crunchell?" Why is it that he has never asked for a court-martial upon himself when the allegation was made by this man Maclay, so that he might clear his skirts of a charge, which, if true, proves him guilty of conduct unbecoming an officer or a gentleman?

"Ah," says the gentleman from Illinois, "the controversy ought to have 'closed,' everything has been 'suppressed.'" I will tell the gentleman a little bit of a secret.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I move that the time of the gentleman be extended.

There was no objection.

Mr. WILLIAMS of Mississippi. I will tell the gentleman a little secret. We have been lately marching on rapidly toward the suppression of the freedom of the press and the suppression of freedom of speech in some parts of our country under the flag. But in the American continental part of the country we have not yet reached a point where a ukase from the White House or a pronunciamento from the Naval Committee of the House can suppress discussion amongst the American people or suppress free thought when the people believe that an officer—a gentleman, a brave man, a true man—has been abused and wrongfully treated.

And just as long as they think so they are going to discuss it, and the so-called "Schley controversy" will remain not only a "so-called," but a real Schley controversy, and the American people are going to have their share in discussing it in the press and on this floor and everywhere else.

Mr. Chairman, it is a shame and a disgrace to a great country that a man who was a leader among a great historical body of leaders—a captain, a sea hero, long before the Spanish war—who earned his reputation in the war between the States and afterwards earned it upon the Greely expedition, should have been written down by a naval employee, and, as alleged, after consultation with officers in the Navy Department, as a coward and a liar. Those who wrote him down were themselves cowards and liars. What objection has the gentleman to the adoption of this amendment?

Mr. FOSS. I have no objection whatever.

Mr. WILLIAMS of Mississippi. Very well, then, why should it have been discussed?

Mr. FOSS. No objection whatever.

Mr. WILLIAMS of Mississippi. Why should it have been discussed?

Mr. FOSS. It has not been discussed.

Mr. WILLIAMS of Mississippi. Then why did it not just go through without opposition?

Mr. FOSS. As far as I am concerned it can go through.

Mr. BARTLETT. Why was the point of order made?

Mr. WILLIAMS of Mississippi. Yes; why was the point of order made?

Mr. DAYTON. May I answer that?

Mr. WILLIAMS of Mississippi. Yes.

Mr. DAYTON. Simply because it seemed to me that an appropriation bill of any kind or character was not the proper forum for us to determine the kind of books that should be used or for us to determine the reputation of anybody, and because it was useless and unnecessary legislation. I made the point of order without in the slightest extent intending to defend Maclay or his history, but simply because I think it is unnecessary legislation upon this appropriation bill, because of the fact that the book never has been used in the Academy, and by the direction of the President of the United States is not to be used in the Academy; and needless legislation is useless legislation.

Mr. WILLIAMS of Mississippi. I heard the gentleman's explanation; and this, forsooth, is not the proper forum. This—the American House of Representatives, the representatives of the American people, greater than the American Navy and the guardian of the honor of the American Navy—is not the proper forum for the discussion of that question.

Mr. DAYTON. I did not say this was not the proper forum. I said this was not a proper place, on this appropriation bill.

Mr. WILLIAMS of Mississippi. Well, Mr. Chairman, then where would we find a proper place? The trouble seems to be that it is tabooed as an "improper subject," and therefore we can not get it before the House at any so-called "proper" place at any time. This is the nearest proper place.

Mr. PEARRE. Will the gentleman permit a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. PEARRE. Has the gentleman any information as to whether the Committee on Naval Affairs has ever considered or recorded any of the numerous resolutions or bills which have been introduced into that committee looking to a settlement of the matter?

Mr. WILLIAMS of Mississippi. Why, being nothing but a

plain American citizen, I have the information on that subject that every American subject has, and that is that they have not considered or reported a single solitary one. [Applause and laughter.] And I have the information that every fool way down yonder in my country has, to the effect that they do not want to. [Laughter.]

Mr. FOSS. Mr. Chairman, I would like to ask the gentleman a question. Is it not true that the court of inquiry unanimously recommended that no further action be taken?

Mr. WILLIAMS of Mississippi. Yes, that is true. That is one of those unfortunate things that is absolutely true. [Laughter.]

Mr. FOSS. And is it not true that the President of the United States——

Mr. WILLIAMS of Mississippi. And that is another of those unfortunate things that is absolutely too true.

Mr. FOSS. Asked that there be no further action taken?

Mr. WILLIAMS of Mississippi. Yes; that is too true. And I suppose the President would like to-day to have this matter "suppressed" and "closed," as the gentleman phrased it, as far as he can; but he can not. He is not yet despot in this country. He is not yet an emperor, and his successors are not emperors on the continent of America, though they may be out in the Philippines.

Mr. VANDIVER. I would like to ask the gentleman a question. Inasmuch as the President of the United States himself has condemned the book and declared that it shall not be used in the Naval Academy under his Administration, does the gentleman think it probable that he would object to this House likewise condemning it?

Mr. WILLIAMS of Mississippi. Oh, I do not know. He may, because I hear——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, a few words and I have done. The gentleman talks about this sort of discussion being an "injury to the Navy." That is a part of this endless sing-song that because you indict a citizen of Mississippi for murder, for example, that you are indicting the State of Mississippi and its fair name and its honor, or that because you find a man somewhere who is guilty of some awful crime, and that man belongs to some particular community, that your execration of him is an execration of that community.

You are not injuring the Navy when you are trying to make the Navy walk in the paths of honor and rectitude and gentlemanly conduct and truth and fair dealing between officer and officer and man and man. That is no injury to the Navy. It is a defense of the Navy—a defense of its honor.

Why, Mr. Chairman, I am reminded of an anecdote that I heard, that I suppose is merely an anecdote; I do not know that it is true; I have my doubts about it; but the story is that one of these little satrap lieutenants was down at the Army and Navy club not long ago, and some one was discussing the Schley matter. It aroused his ire, because the Navy, "you know," have "settled" the Schley matter. They have settled it and "closed" it; so it was a part of his business to stand behind them and to "suppress" it to the utmost of his little ability to do so.

After a while, being driven to the dernier ressort of men of his sort, not being able to argue the question, he took refuge in anger, and he turned around and said, "Well, I will tell you one thing, sir; the American Congress and the American people don't know what they are 'bucking up' against when they go bucking up against the American Navy." [Laughter.] Why, we have a sort of an idea of what we are going up against. We know who has been "deftly pulling the strings" and how they have been pulling them. I myself am rather proud of the landlubber part of the Navy Department as I said yesterday.

Mr. SIMS. Is it not a fact that the present distinguished Secretary of the Navy, Mr. Moody, while a member of the Appropriations Committee, offered an amendment to the naval appropriation bill, when it was under consideration the same as this is, to make Admiral Dewey the Admiral of the Navy and nobody jumped up to raise a point of order against it?

Mr. WILLIAMS of Mississippi. I reckon what the gentleman states is absolutely correct, and I have another idea. I know the gentleman from West Virginia [Mr. DAYTON] so well that I know he never does anything accidentally. I never heard of his doing anything accidentally. Everything that he does is done with a set purpose and with deliberation.

Mr. FOSS. I want to correct that. The gentleman from West Virginia did not make any point of order.

Mr. WILLIAMS of Mississippi. I understood that he did. I can pay a still higher compliment to the deliberation and set purpose of the gentleman from Illinois. He does not do anything accidentally, and he did not make the point of order accidentally.

Mr. FOSS. I have not made any point of order.

Mr. WILLIAMS of Mississippi. Who made it against this provision?

Mr. FOSS. The gentleman from West Virginia made it.

Mr. WILLIAMS of Mississippi. I have just told you he did, and you said he did not. [Laughter.]

Mr. FOSS. No; the gentleman misunderstood his colleague from Tennessee. As I understood, the gentleman referred to the previous time.

Mr. WILLIAMS of Mississippi. No; I did not, and I did not misunderstand.

Mr. FOSS. The time when the present Secretary of the Navy offered the amendment in reference to Admiral Dewey?

Mr. WILLIAMS of Mississippi. No.

Mr. SIMS. Making Admiral Dewey the Admiral of the Navy.

Mr. FOSS. There was a point of order raised at that time, I think.

Mr. WILLIAMS of Mississippi. No; there was not, and everybody did exactly right in not raising it. These little technical rules are rules to be invoked for the protection of the Treasury and the protection of the honor of the country and of the House, and ought not to be invoked when they are unnecessary, and the gentleman from West Virginia [Mr. DAYTON], with his magnificent intellect and deliberate purposes, never invokes them except for a special purpose and because he is opposed to whatever he invokes them against. [Laughter and applause.] Now, Mr. Chairman, I yield the floor.

Mr. DAYTON. Mr. Chairman, I simply want to say in reply to my friend from Mississippi that in the seven years that I have been a member of this House I have not engaged in these partisan debates. I have devoted my study to the affairs of the Navy. I differ from him in regard to many things. I think that in many of his statements he has done an injustice to himself in that unwittingly he has been misled as to his information in all these matters; and in this unfortunate controversy, which every friend of the Navy will deplore, it seems to me that the wise policy is for us to wait——

Mr. WILLIAMS of Mississippi. How long?

Mr. CLAYTON. "How long, O Lord, how long?"

Mr. DAYTON. And for us to get the proper information.

I undertake to say this, and I say it without any desire to stir up any controversy, that as yet the testimony taken in this whole controversy has not been published. We have simply authorized it, and it is not yet out of press. As a lawyer, as a man, I am sure the gentleman from Mississippi, with his brilliancy and talent, would not approve of condemning a verdict or consent to reverse as a judge a verdict until he has seen and examined the testimony upon which such verdict was based.

Mr. WILLIAMS of Mississippi. Well, "the gentleman from Mississippi" is not trying to condemn anybody, but merely trying to get the House to investigate in order to determine whether anybody ought to be condemned or not.

Mr. DAYTON. Time is long, you know, my friend, and all this testimony will come out; all these matters will come before us. And I ask the gentleman, not in any spirit of ill will or strife, if he does not think it is wise for us to wait, as I say, until the testimony has been published and we have had a chance to read it, before we make up our judgment? And I further ask him if it is not also wise for us, before we make charges against men in this manner which are unkind or which may be untrue, is it not always better for us to ascertain whether they are true?

Mr. WILLIAMS of Mississippi. That is the very difficulty. I want to ascertain whether they are true or not, and therefore I want the Speaker of the House to appoint a committee to ascertain whether they are true or not. How long shall we have to wait? [Laughter.]

Mr. DAYTON. As a man, do you not think your statement and your animadversions upon Admiral Crowninshield upon the floor of this House, the ridicule and contemptuous terms which you have heaped upon him, would be unjust if, when the record is examined and all the facts disclosed, it shall appear that Admiral Schley's assignment was originally made at the request and the solicitation of Crowninshield, and that he never saw these proofs of Maclay's book, never revised them, but simply received the thanks of Maclay for furnishing the information which he would give any historian——

Mr. WILLIAMS of Mississippi. If that should be the result, if the gentlemen's statement is correct, I would take a great deal more pleasure in apologizing to Admiral Crowninshield upon the floor of this House than I have taken in insisting that the House should investigate the matter. Now, all I want is to find out whether it is true or not.

Mr. DAYTON. I will join you in that——

Mr. WILLIAMS of Mississippi. Why has not the committee been appointed?

Mr. DAYTON. But in advance, as a question of principle, and I say this in all kindness, do not try to prejudge your investigation before making it.

Mr. WILLIAMS of Mississippi. I have made no statement. I have merely repeated Maclay's statement.

Mr. DAYTON. I just simply want to say this. It has been my earnest purpose and desire to do as far as I could all I could to promote the naval establishment. It is a public duty that is put upon me as a member of Congress. I make my mistakes, I make my blunders. I made this point of order because I felt this legislation is utterly useless.

Mr. GAINES of Tennessee. You think this is a blunder?

Mr. DAYTON (continuing). The President of the United States had assured the gentleman from Maryland, as he said, that this book was not to be used during his term of office. The gentleman from Maryland admits that this provision can only apply to this year. The President's term lasts two or three years yet. Now, there is no necessity for it; and it seems to me it is only brought in here for the purpose of precipitating a discussion about a matter that all of us ought to deplore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCHIRM. Mr. Chairman, this is the first time that I have risen in this House, either in Committee of the Whole or in the session of the House, and I rise not so much as a Marylander, not so much as an American—though I yield to no man in my pride in my State or in my love for my country—as I do as a man who believes in justice between man and man.

This unfortunate controversy was not precipitated by the friends of Admiral Schley, nor did the patient Admiral do one act that gave an opportunity for opening it. I agree that at this time it is not proper to attempt to discuss this question in full, for the amendment offered reduces itself to a simple proposition, and that is, Shall we suppress Maclay's history of the campaign of Santiago or not? I contend that we should, and for these reasons: Mr. Maclay was the instigator of this entire controversy, by trying to besmirch the fair character of one of the bravest officers that ever commanded a ship in the American Navy. He attempted to belittle a great man and to stain his fair name with infamy. He attempted to send down, by his history, a story black with malice and falsehood. He tried to filter into the minds of the prospective officers of our Navy a lie and a falsehood in order to besmirch the fair record of one of their noblest predecessors.

The President himself, by his summary dismissal of Mr. Maclay, put the stamp of his disapproval upon this so-called history; and why the gentlemen of the Committee on Naval Affairs should urge us to acquiesce now and do nothing further I can not understand, unless they share the opinions of the author of these calumnies. Failure to act simply means to continue the controversy indefinitely. Now is the time for the House of Representatives—the representatives of the people—to declare its condemnation of this man who, for his villainy, was discharged from the employ of the Government by the President of the United States. [Loud applause.] We are simply supplementing, if you please, the act of the President. We, as representatives of the people of this country, wish to express our disapproval, not now of Sampson, not now our approval of Schley, so far as the merits of the controversy are concerned, but to express our pronounced disapproval of the dastardly act of Maclay, who perverted the truth. [Applause.] If Maclay is a proper person to write history for the Naval Academy, then was the President wrong in dismissing him. If it be true, and I know that it is from the statement of my colleague from Maryland, that the Secretary of the Navy stated that the book in its then form should not be used, the inference is that in its expurgated edition it might be used. As representatives of a people who believe in fair play, we will never sanction even the expurgated edition, because we will not give character to the work of a slanderer and libeler who needs to be expurgated to get a standing in the Naval Academy of our country. [Applause.]

In other words, you may slander, you may libel, and if it goes through it is all right, but if you are held to account, then it is only necessary to modify your language to be put up in a niche with the great writers to instruct the youth of our land.

Reference was made to the recording angel of history. It was stated by the chairman of the committee that no recording angel yet existed to do full justice to all the men engaged in the battle of Santiago. I agree with him. And when that angel does get here he will not be in the form of a Maclay, and he will not dip his pen in vitriol to sear the reputation of an honest and brave man. [Applause.]

Now, if it is true that Admiral Crowninshield asserted in the presence of the Secretary of the Navy that he did not give his sanction to this history, then is Maclay once more a perverter of the truth. And if it be true that Admiral Sampson did not sanction this history, then is Maclay thrice a perverter of the truth, and deserves neither consideration nor respect from this body.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MUDD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes.

There was no objection.

Mr. SCHIRM. The question, then, is, Shall Maclay be indorsed by us when the President has denounced him? Shall a man who has no regard for truth be indorsed by us or not? The only question that grows out of this amendment before us is the bravery of Admiral Schley and not the question of technical maneuvers. When I remember reading of his bravery in far-off Korea, where he was second to scale the battlements and receive in his arms the dead body of his leader and lay low his assassin, and then to lead his men to victory in a foreign country, I say no man can charge Admiral Schley with being a coward, not at least a man who never fought with anything but a filthy pen. [Applause.]

When I remember that he entered the frozen regions of the North and brought back the Greely explorers I know that he was fearless. From the suns of Korea to the icy climate of the North he went and never flinched. When I remember his magnificent record in the Union Navy I know that he is no coward. When I remember that Admiral Evans was behind the conning tower at the same time that Schley was outside directing the fight and watching the cannonade, and that when his officers entreated him to go to a place of safety he said, "No; I am going to see this thing out," I know he was no coward; and when I remember that the only man killed in that battle fell within 10 feet of Schley, and that Schley prevented the sailors from throwing the body into the sea, when he turned around with the calm equanimity of a man accustomed to danger and said, "No, boys; don't throw him overboard; he is entitled to a Christian burial," I know he was not fearful then. I ask you whether in the face of these facts Admiral Schley is a coward? If not, then put the seal of dishonor upon the works of the man who is not only a coward, but a base prevaricator. [Applause.]

Mr. CANNON. Mr. Chairman, I would be glad to have just a word. I do not think anybody in this House, I do not think anybody in this country, thinks that Admiral Schley was or is a coward. I do not think anybody in this House or anybody in this country has any opinion about the Maclay sentences that have been referred to but thinks he was a slanderer, and I might go further and say a blackguard. The President of the United States thought so and discharged him. The book that he wrote is not used in the Naval Academy. It does not exist in that place, and yet the gentleman wants now, after the man has been discharged and his book taken out of the Naval Academy, to still expel the book and say it shall not be used there any more. Now, if it would be any satisfaction to him to do that, I have no objection; but it is a little bit like using burnt powder. I have no objection to voting with the gentleman.

Mr. SCHIRM. That is all right——

Mr. CANNON. If the gentleman will allow me to make my remarks, restraining that enthusiasm, because it frightens me. [Laughter.] Now, I think they all did their duty as they saw it at Santiago. I am not prepared to criticise any of them that took part at Santiago. When Schley started one way and Wainwright started the other, I am not here to say that they both did not do right; I do not know. I can conceive that men may go different ways without either of them being in the wrong, at least without either being cowards; and I speak this without any desire by inference to criticise anybody. I am not doing it. But think of it! This slanderer Maclay, knocked clear out, kicked clear out of the service, denounced everywhere as a blackguard, and yet we halt here upon an appropriation bill to discuss this matter—to strike at this blackguard. It does not vindicate Schley. I do not think he needs any vindication. Oh, gentlemen, I think Schley behaved well enough and has reputation enough even to withstand the defense that is made by inference on the part of his alleged friends. [Laughter and applause.]

Mr. FOSS. I ask unanimous consent to proceed for two or three minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. FOSS. I want to say that there has been no objection on the part of the Naval Committee as to this amendment—none whatever. But it struck the committee, as it evidently affected the mind of my friend from Illinois [Mr. CANNON], that this was too good an advertisement for the book. [Laughter.]

Mr. MUDD. Are you against the book?

Mr. FOSS. Yes, I am against the book; but I do not think it necessary to call public attention to it. The volume in question was never used at the Academy and never will be. But if the lugging in of this matter has accomplished even the noble purpose of permitting my colleagues from Maryland to prove once again to their constituents who will rally around next November's polls that they are not only watchful of the interests of the

whole country, but also guard with jealous eye the laurels of Maryland's proudest son, then indeed I am thankful. That is all.

Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MUDD. I would like to ask the gentleman from Illinois a question. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland.

Mr. MUDD. All right.

The question being taken, the amendment was agreed to. [Loud applause.]

The Clerk, resuming the reading of the bill, read as follows:

That the appointment of 500 additional cadets at the Naval Academy, Annapolis, Md., under such detailed rules and regulations as the Secretary of the Navy shall prescribe, is hereby authorized, such appointments to be made as follows:

Mr. UNDERWOOD. Mr. Chairman——

Mr. FOSS. I move that the committee rise.

The CHAIRMAN. For what purpose does the gentleman from Alabama [Mr. UNDERWOOD] rise?

Mr. UNDERWOOD. I wish to make a point of order upon the paragraph that the Clerk is just reading.

The CHAIRMAN. The time to make a point of order is after the paragraph is read.

Mr. UNDERWOOD. I do not wish to lose my opportunity.

The CHAIRMAN. Does the gentleman make a point of order against the paragraph extending from line 15 to line 19, page 62?

Mr. UNDERWOOD. I do.

The CHAIRMAN. The point of order will be regarded as pending.

Mr. FOSS. I renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. SHERMAN reported that the Committee of the Whole House on the state of the Union had had under consideration the naval appropriation bill and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 661. An act authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers—to the Committee on Military Affairs.

S. 4641. An act for the relief of Benjamin Franklin Handforth—to the Committee on Military Affairs.

Senate concurrent resolution 42:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume, in cloth, 15,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies of the use of the Senate. The Joint Committee on Printing are hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable portrait etchings to be bound in with these memorials, and shall use such paper and binding as will make the volumes worthy of a place in the libraries of the land—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUTLER of Missouri, for two weeks, on account of important business.

To Mr. CRUMPACKER, for one week, on account of important business.

To Mr. GILLET of New York, for one week.

To Mr. BULL, for the remainder of the session, on account of ill health.

LEAVE TO PRINT.

Mr. FITZGERALD. I ask unanimous consent to extend in the RECORD my remarks on this bill.

There was no objection.

And then, on motion of Mr. Foss (at 5 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the National Bureau of Standards submitting an estimate of appropriation for rental of quarters—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation to satisfy certain judgments—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting a copy of a communication from the ambassador of France conveying the thanks of his Government for the assistance rendered by the United States to the sufferers from the catastrophe at Martinique—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. C. R. 41) to print 3,500 additional copies of Senate Document No. 232, Fifty-sixth Congress, reported the same without amendment, accompanied by a report (No. 2091); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 8) to print and bind 1,000 copies of the History of the United States Navy-Yard at Boston, Mass., reported the same without amendment, accompanied by a report (No. 2092); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 88) providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry, The Decay of Timber and Methods of Preventing It, reported the same with amendments, accompanied by a report (No. 2093); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 51) to provide for the printing of 18,000 copies of the Annual Report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, for the fiscal year ending June 30, 1901, reported the same without amendment, accompanied by a report (No. 2094); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 26) authorizing the printing of tables of an annotated index to the Congressional series of United States public documents, reported the same without amendment, accompanied by a report (No. 2095); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive, reported the same with amendments, accompanied by a report (No. 2096); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 40) to print 3,500 copies of the "List of books on irrigation (with references to periodicals)," prepared by A. P. C. Griffin, reported the same without amendment, accompanied by a report (No. 2097); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 95) providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture, reported the same without amendment, accompanied by a report (No. 2098); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to

carry the same into effect, reported the same with amendment, accompanied by a report (No. 2099); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts, reported the same without amendment, accompanied by a report (No. 2100); which said bill and report were referred to the House Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska, reported the same without amendment, accompanied by a report (No. 2101); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5038) granting an increase of pension to William H. Hudson, reported the same with amendment, accompanied by a report (No. 2069); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2168) granting an increase of pension to Charles O. Baldwin, reported the same without amendment, accompanied by a report (No. 2070); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13946) granting an increase of pension to Capt. Stephen B. Todd, reported the same with amendments, accompanied by a report (No. 2071); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14055) granting an increase of pension to Samuel Brown, reported the same with amendment, accompanied by a report (No. 2072); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2697) granting an increase of pension to Sarah F. Baldwin, reported the same without amendment, accompanied by a report (No. 2073); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7760) granting a pension to Thomas Graham, reported the same with amendment, accompanied by a report (No. 2074); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13675) granting an increase of pension to George W. White, reported the same with amendment, accompanied by a report (No. 2075); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4415) granting an increase of pension to Vesta A. Brown, reported the same without amendment, accompanied by a report (No. 2076); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5866) granting an increase of pension to William P. Schott, reported the same with amendments, accompanied by a report (No. 2077); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4758) granting an increase of pension to Mary L. Doane, reported the same without amendment, accompanied by a report (No. 2078); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13613) granting an increase of pension to Charles G. Howard, reported the same with amendment, accompanied by a report (No. 2079); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp, reported the same without amendment, accompanied by a report (No. 2080); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13999) granting a pension to Dennis Cosier, reported the same with amendments, accompanied by a report (No. 2081); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4829) granting an increase of pension to Nimrod Headington, reported the same without amendment, accompanied by a report (No. 2082); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4853) granting an increase of pension to Amos Moulton, reported the same without amendment, accompanied by a report (No. 2083); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4712) granting an increase of pension to Eliphlet Noyes, reported the same without amendment, accompanied by a report (No. 2084); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5153) granting an increase of pension to Eri W. Pinkham, reported the same without amendment, accompanied by a report (No. 2085); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2511) granting an increase of pension to William Phillips, reported the same without amendment, accompanied by a report (No. 2086); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1038) granting an increase of pension to Gustavus C. Pratt, reported the same without amendment, accompanied by a report (No. 2087); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5106) granting an increase of pension to Horace L. Richardson, reported the same without amendment, accompanied by a report (No. 2088); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4790) granting a pension to Stephen A. Seavey, reported the same without amendment, accompanied by a report (No. 2089); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4730) granting an increase of pension to George W. Youngs, reported the same without amendment, accompanied by a report (No. 2090); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs, reported the same with amendments, accompanied by a report (No. 2102); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13670) granting an increase of pension to Annie Freeman, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. HEATWOLE: A bill (H. R. 14495) to amend an act entitled "An act to authorize the city of Hastings, Minn., to construct and maintain a wagon bridge across the Mississippi River," approved June 29, 1894—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: A bill (H. R. 14496) for removing the wreck of the battle ship Maine and recovering the bodies therefrom—to the Committee on Naval Affairs.

By Mr. CURTIS: A bill (H. R. 14497) to provide the manner of perfecting appeals and effecting a supersedeas in cases where judgments are rendered against municipal corporations and quasi municipal corporations—to the Committee on the Judiciary.

By Mr. SHERMAN: A joint resolution (H. J. Res. 192) fixing the time when a certain provision of the Indian appropriation act

for the year ending June 30, 1903, shall take effect—to the Committee on Indian Affairs.

By Mr. CURTIS: A concurrent resolution (H. C. Res. 51) providing for the printing of 33,000 copies of a volume on farm animals—to the Committee on Printing.

By Mr. LACEY: A resolution of the Iowa legislature, in favor of the passage of H. R. 8325, providing for swamp-land adjustment—to the Committee on the Public Lands.

By Mr. NAPHEN: A resolution of the legislative assembly of the State of Massachusetts, relative to the building of war vessels in the navy-yards of the United States—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 14498) to correct the military record of John Herbst—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 14499) granting an increase of pension to Alex S. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14500) granting an increase of pension to Thomas G. Forrester—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 14501) granting an increase of pension to Jane A. Ward—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14502) granting an increase of pension to Mary A. McMillan—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 14503) to remove the charge of desertion against Henry Arnold—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 14504) to correct the military record of John Brown—to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 14505) granting an increase of pension to David Love—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14506) for the relief of W. M. Brevard & Co.—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 14507) for the relief of R. H. Carter—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 14508) granting a pension to Sarah Cottingham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELLAMY: Resolutions of the National Business League of Chicago, for the establishment of a Department of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a Department of Commerce and Industries—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Resolutions of National Association of Manufacturers, Philadelphia, Pa., in relation to the ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolutions of the National Business League, Chicago, Ill., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: Resolutions of the common council of Boston, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: Resolutions of Journeymen Barbers' Union No. 25, of Topeka, Kans., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolutions of National Association of Manufacturers of Philadelphia, Pa., in relation to ship subsidies, isthmian canal, reciprocity, and other bills pending in Congress—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. J. Foley and other citizens of Brooklyn, N. Y., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GIBSON: Paper to accompany House bill to amend the military record of John V. Mays—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Mary A. McMillan—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Union No. 399, of Jellico, and Building Trades Council of Knoxville, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Mr. GREENE of Massachusetts: Resolutions of board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Resolutions of the Southwest Turner Society, advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, paper to accompany House bill 13451, to correct the military record of John Brown—to the Committee on Military Affairs.

By Mr. KEHOE: Petition of sundry citizens of Augusta, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Petitions of Reichert Milling Company, Ranch Milling Company, Minden Milling Company, and New Athens Milling Company, in the State of Illinois, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Southern Illinois Liquor Dealers' Association, of Belleville, Ill., favoring reduction of internal revenue on alcoholic liquors, etc.—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of Turn Verein Society, of Ottumwa, Iowa, advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. LESSLER: Resolutions of the Crockery Board of Trade of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHONEY: Petitions of Holy Cross Society, No. 11, and Polish Metal Workers' Society No. 481, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Papers in support of House bill granting a pension to David Love—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Resolutions of the board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *May 19, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

NAMING OF PRESIDING OFFICER.

Mr. PLATT of Connecticut called the Senate to order, and the Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE, *May 19.*

To the Senate:

I name Mr. PLATT, Senator from the State of Connecticut, to perform the duties of the Chair during my absence.

WM. P. FRYE,
President pro tempore.

Mr. PLATT of Connecticut thereupon took the chair as Presiding Officer.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

RELIEF OF CITIZENS OF THE FRENCH WEST INDIES.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of State, transmitting a note from the French ambassador expressing the thanks of France for assistance rendered by the United States for the relief of the Martinique sufferers. The note from the French ambassador will be read.

The Secretary read as follows:

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, May 14, 1902.

Mr. SECRETARY OF STATE: I have just received the following telegram from my Government:

"The President and the Government of the French Republic, deeply moved

by the sympathy evinced by the President, the Congress, and the nation of the United States toward the sufferers of the catastrophe in Martinique, charge you to be their interpreter in expressing the gratitude cherished by the entire French nation for their generous assistance, the remembrance of which will live forever."

It is my great honor, Mr. Secretary of State, that I should be called upon to tender to you the thanks of France for all that the United States are doing on this sorrowful occasion, and I should be infinitely obliged to you if you would convey this expression to all in the Government and Congress who have given evidence of such noble sentiments of humanity.

Be please to accept, etc.

JULES CAMBON.

Hon. JOHN HAY,
Secretary of State of the United States, Washington, D. C.

Mr. CULLOM. I move that the communication from the Secretary of State and the accompanying note be referred to the Committee on Foreign Relations, and that they be printed.

The motion was agreed to.

DELOS K. LONEWOLF.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs relative to the claim of Delos K. Lonewolf, a Kiowa Indian, for the value of certain improvements owned by him and situated upon the lands formerly occupied by him, but not included within the limits of the lands reserved by the Kiowa Agency, Okla., together with a draft of a bill for his relief; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to printed.

THOMAS E. STREETER.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Thomas E. Streeter *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMENWAY, Mr. LITTAUER, and Mr. MCRAE managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico," and for other purposes;

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational charactor, for the encouragement of art, etc., under the act of June 13, 1898; and

A bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 1724) granting an increase of pension to Daniel F. Thompson;

A bill (H. R. 3238) granting an increase of pension to Lorenzo Weeks;

A bill (H. R. 4451) granting an increase of pension to George K. Thompson;

A bill (H. R. 5865) granting an increase of pension to John C. Campbell;

A bill (H. R. 6172) granting an increase of pension to Friedrich Weimar;

A bill (H. R. 7228) granting an increase of pension to Christian Christianson;

A bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning;

A bill (H. R. 8341) granting a pension to Hannah C. Chase;

A bill (H. R. 10488) granting an increase of pension to Kate W. Milward;

A bill (H. R. 10821) granting an increase of pension to Abby T. Daniels;

A bill (H. R. 11133) granting an increase of pension to James D. Lafferty;

A bill (H. R. 11170) granting an increase of pension to William Kunselman;

A bill (H. R. 12054) granting a pension to Elizabeth A. Burrill;

A bill (H. R. 12978) granting an increase of pension to Charles F. Smith;

A bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton;

A bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh; and

A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer.

PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented petitions of sundry citizens of Henderson, Ky., praying for the adoption of certain amendments to the internal-revenue law relating to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of sundry citizens of Paris, Ill., remonstrating against the enactment of legislation to transfer the assembling of agricultural statistics to the Weather Bureau; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Michael O'Brien and 42 other citizens of Peoria, Ill., and a petition of sundry citizens of Chicago, Ill., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of Lodge No. 505, Brotherhood of Railroad Trainmen, of Fulton, Ill., and a petition of Lodge No. 111, Brotherhood of Locomotive Firemen, of Mattoon, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

He also presented petitions of Lodge No. 188, Brotherhood of Locomotive Firemen, of Chicago; of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago, and of Local Division No. 79, Order of Railway Conductors, of Peoria, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. TILLMAN presented petitions of Local Union No. 875, Carpenters and Joiners, of Mullins; of Local Union No. 876, Carpenters and Joiners, of Mullins; of Local Division No. 498, Brotherhood of Locomotive Engineers, of Abbeville; of the Carpenters and Joiners' Association of Ridgeway; of Palmetto Lodge, No. 312, Brotherhood of Railroad Trainmen, of Columbia, and of Carolina Lodge, No. 251, Brotherhood of Railroad Trainmen, of Charleston, all in the State of South Carolina, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PERKINS presented petitions of Lodge No. 314, Brotherhood of Locomotive Firemen, of San Bernardino; of Local Division No. 55, Order of Railroad Telegraphers, of Oakland, and of Local Division No. 383, Brotherhood of Locomotive Engineers, of Needles, all in the State of California, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of Stablemen's Local Union No. 8760, of San Francisco; of Local Union No. 68, of San Francisco; of Stablemen's Local Union No. 9026, of San Jose; of Broom Makers' Local Union No. 58, of San Francisco; of Local Union No. 138, of San Francisco; of Local Union No. 228, of San Francisco, and of Leather Workers' Local Union No. 17, of Benicia, all of the American Federation of Labor, in the State of California, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. CLAPP presented a petition of C. D. Sherman Lodge, No. 433, Brotherhood of Locomotive Firemen, of Breckenridge, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Flour City Division, No. 494, Brotherhood of Locomotive Engineers, of Minneapolis, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. HOAR presented a petition of the board of aldermen of

Somerville, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Boston Marine Society, of Boston, Mass., praying for the enactment of legislation to prohibit the present dangerous custom of barge towing; which was referred to the Committee on Commerce.

He also presented a petition of the Boston Marine Society, of Boston, Mass., praying for the enactment of legislation granting pensions to employees of the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

Mr. PRITCHARD presented a petition of Swannanoa Division, No. 267, Brotherhood of Locomotive Engineers, of Asheville, N. C., praying for the passage of the so-called Hoar bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. NELSON presented the affidavit of Allen B. Evans, of Lake Benton, Minn., in support of the bill (S. 5854) granting an increase of pension to Allen B. Evans; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution adopted at a meeting of the Southwest Turnverein, of St. Louis, Mo., expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of R. B. Gillette, secretary and treasurer of the Marionville Roller Mill Company, of Marionville, Mo., relative to the so-called London landing clause, relating to bills of lading; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of Harrow Post, No. 491, Department of Indiana, Grand Army of the Republic, of Mount Vernon, Ind., praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented petitions of J. M. Lloyd, of Salem; of the Woman's Christian Temperance Union of Fairmount, and of the National Woman's Christian Temperance Union of Evanston, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of the Trades Council of Anderson, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a resolution adopted at a meeting of the South Bend Turn Verein, of South Bend, Ind., expressing sympathy for the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 103, Order of Railway Conductors, of Indianapolis; of Local Division No. 339, Order of Railway Conductors, of Washington, and of Local Division No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS. I present a petition of the McKinley National Memorial Association relative to the erection in the District of Columbia of a national monumental memorial to William McKinley, late President of the United States. I ask that the petition be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the petition was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States:

The undersigned respectfully represent to Congress that there is a general desire throughout the United States that a national monumental memorial of William McKinley, late President of the United States, should be erected in the District of Columbia. The character of President McKinley, his public services, his tragic death, require, it is believed, this recognition. It was at first proposed that the money necessary for the erection of such a memorial in honor of President McKinley in the national capital should be raised by popular subscription, and the William McKinley National Memorial Arch Association was organized for that purpose. But upon the urgent representation of the McKinley National Memorial Association, formed to secure the erection by popular subscription of a monument at the grave of the late President at Canton, Ohio, that the prosecution of both appeals to the people would defeat both, and that the Canton monument should have the first consideration, the William McKinley National Memorial Arch Association withdrew from the field of popular subscription. The only way under the circumstances in which the general desire for a suitable memorial of President McKinley at the capital can be gratified is by the action of Congress. Your petitioners therefore respectfully pray for the passage of the bill introduced in the Senate by Hon. James McMillan, Senator from Michigan (Senate bill No. 2292), and in the House by the Hon. James T. McCleary, Representative from Minnesota (House bill 8753), which provides for a commission to select a site and secure plans for a memorial arch in honor of William McKinley, late President of the United States, to be erected in the District of Columbia.

THE MCKINLEY NATIONAL MEMORIAL ASSOCIATION,
WILLIAM R. DAY, *President.*

Attest:
FREDERICK S. HARTZELL,
Assistant Secretary.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty;

A bill (H. R. 2286) granting an increase of pension to Mary Etna Poole;

A bill (H. R. 7560) granting an increase of pension to George W. Butler;

A bill (H. R. 11288) granting an increase of pension to William E. Ball;

A bill (H. R. 9794) granting a pension to Zebulon A. Shipman;

A bill (H. R. 6718) granting an increase of pension to Andrew R. Jones;

A bill (H. R. 5551) granting an increase of pension to Charles Edward Price Lance, alias Edward Price; and

A bill (H. R. 2289) granting an increase of pension to Pitsar Ingram.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2623) granting an increase of pension to John Smith;

A bill (H. R. 5248) granting a pension to Frances A. Tillotson;

A bill (H. R. 11124) granting an increase of pension to Mary Scott; and

A bill (H. R. 13614) granting an increase of pension to William H. White.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 7) granting an increase of pension to William H. Thomas;

A bill (S. 5648) granting an increase of pension to Frederick Bulkley; and

A bill (S. 1132) granting a pension to R. Sherman Langworthy.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2051) granting an increase of pension to H. W. Tryon, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2671) for the relief of Russell Savage, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4542) granting a pension to Eliza J. West;

A bill (H. R. 13037) granting an increase of pension to Francis W. Anderton; and

A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 7319) granting an increase of pension to Frances H. Anthony, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2265) granting an increase of pension to William Kelley; and

A bill (S. 4190) granting a pension to Fredreca Seymore.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5263) granting a pension to Fannie Frost, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9833) granting an increase of pension to Margaret McCuen;

A bill (H. R. 12779) granting an increase of pension to George Chamberlin;

A bill (H. R. 8487) granting an increase of pension to John M. Crist; and

A bill (H. R. 12422) granting an increase of pension to David Topper.

Mr. TALIAFERRO, from the Committee on Pensions, to whom

was referred the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner; reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5741) granting a pension to Mrs. William H. Kendrick; and

A bill (S. 5748) granting an increase of pension to Thomas D. Utler.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11812) granting an increase of pension to Martin Boice;

A bill (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews; and

A bill (H. R. 11495) granting a pension to Mary A. Bailey.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 484) granting an increase of pension to Fletcher J. Walker; and

A bill (S. 5500) granting an increase of pension to Angus Cameron.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb; and

A bill (S. 1981) granting a pension to Thomas Hannah.

Mr. HEITFELD, from the Committee on Territories, to whom was referred the bill (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HEITFELD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5877) granting a pension to Laurilla C. Marshall; and

A bill (S. 5878) granting an increase of pension to David Bowie.

Mr. PLATT of New York introduced a bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 5880) granting a pension to Emma E. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BARD (by request) introduced a bill (S. 5881) to grant American registry to the steamship Arab; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURNHAM introduced a bill (S. 5882) granting an increase of pension to Merzellah Merrill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (by request) (S. 5883) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine certain claims for compensation for carrying the mails and pay for the discontinuance of postal service; and

A bill (S. 5884) for the relief of the legal representatives of Lemuel Dixon, deceased (with accompanying papers).

Mr. PRITCHARD introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5885) granting a pension to Thomas Greene;

A bill (S. 5886) granting a pension to John Hughes; and

A bill (S. 5887) granting a pension to Timothy Edwards.

Mr. WARREN introduced a bill (S. 5888) granting an increase of pension to Benjamin H. Smalley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 5889) granting a pension to Beriah G. Skiff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 5890) to provide for the construction of the Patent-Office of the United States, including a hall of inventions, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5892) granting a pension to Sarah E. Kimball (with an accompanying paper);

A bill (S. 5893) granting an increase of pension to Willie Thomas (with an accompanying paper); and

A bill (S. 5894) granting an increase of pension to John Cusick.

Mr. DEPEW introduced a bill (S. 5895) to provide United States registry for the steamer Success; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 5896) for the relief of Annie T. Jones, widow of Jonathan L. Jones, deceased; which was read twice by its title and referred to the Committee on Claims.

Mr. ALLISON. By request I introduce a bill regulating the assessment and collection of personal taxes in the District of Columbia.

The bill has been prepared, I understand, by four eminent citizens of this District. The subject-matter is now pending in the Committee on Appropriations by reference of an amendment from the Committee on the District of Columbia, but at the request of these gentlemen I introduce the bill and ask its reference to the Committee on the District of Columbia. I have not myself examined the bill, but I shall be glad to have it first examined by the Committee on the District of Columbia, so that the Committee on Appropriations may have the benefit of their views.

The bill (S. 5897) to regulate the assessment and collection of personal taxes in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

SPOKANE INDIAN RESERVATION LANDS.

Mr. STEWART. I introduce a joint resolution fixing a time when a provision of the Indian appropriation act recently passed shall take effect, postponing its operation until certain allotments are made. The Secretary of the Interior says it will embarrass his work if the joint resolution which he recommends is not passed. I ask that it be put on its passage and that his letter be printed in the RECORD as explanatory thereof.

The joint resolution (S. R. 101) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that provision in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," which relates to the subjecting to entry under the mining laws of the United States certain lands in the Spokane Indian Reservation, in the State of Washington, shall take effect and be operative upon the completion of allotments in severalty to Indians on said reservation, and not before.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 17, 1902.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: In the enrolled bill (H. R. 11353) entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," the following legislation appears: "That the mineral lands only in the Spokane Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision."

It is deemed very important that this legislation shall not take effect until after the completion of allotments in this reservation. The language of the provision seems to assume that the allotments to Indians have already been made. The assumption, if there be such, is erroneous. None of the lands in this reservation have been allotted, and that work has yet to be entered upon and completed. To admit miners and prospectors to the reservation, and to permit mining exploitations and operations to be carried on there indiscriminately, in advance of the allotments in severalty, and the segregation of the lands which are to be retained by the Indians from those which are to be disposed of under the public-land laws, will tend to seriously embarrass the Government on the reservation, to retard the work of allotment, and produce unfortunate relations between the Indians and the whites. The Indian agent on this reservation has telegraphed the Indian Office that in anticipation of the opening of the reservation to the mining laws miners and prospectors are entering thereon and congregating in such numbers that he is now unable to

maintain discipline and order with the force at his command. It is therefore considered important that a joint resolution postponing the opening of these lands under the mining laws until after the work of allotment has been completed (a draft of which resolution is herewith inclosed) should be passed without delay, in order that it may be approved by the President contemporaneously with his approval of the bill.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. MARTIN submitted an amendment authorizing the Secretary of the Navy to cause to be commenced condemnation of land adjacent to the Norfolk Navy-Yard for the use of the United States for the navy-yard, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I should like to call up the communication from the House in reference to the conference report on the omnibus claims bill.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 16, 1902.*

Resolved, That the House further insists upon its disagreement to the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, numbered 1, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHON, Mr. GIBSON, and Mr. SIMS be the managers of the conference on the part of the House with the following instructions: That the conferees be instructed not to agree to what is known as the Selfridge board findings in the Senate amendments.

Mr. WARREN. Waiving the question of instructions which the House has sent here, I move that the request of the House be granted and that a conference be appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. WARREN, Mr. TELLER, and Mr. MASON were appointed.

MEDICAL OFFICERS IN THE ARMY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5213) providing for the selection and retirement of medical officers in the Army.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to select one from such medical officers of the Army as have served forty-one years or more, nine years of which shall have been as Surgeon-General, and, by and with the advice and consent of the Senate, appoint him a major-general of the United States Army, for the purpose of placing him on the retired list.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. Is it reported from the Committee on Military Affairs?

Mr. GALLINGER. It is a report from the Committee on Military Affairs; a unanimous report.

Mr. BATE. It is a report from the Committee on Military Affairs.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. HOAR. Mr. President, I give notice that next Thursday, May 22, at the conclusion of the routine morning business, I desire to address the Senate on the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

COMPILATION ON INDIAN AFFAIRS.

Mr. STEWART. I submit a resolution and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of all treaties, laws, and Executive orders relating to Indian affairs.

Mr. BAILEY. Mr. President——

Mr. LODGE. It should go the Committee on Printing.

Mr. BAILEY. I desire to ask the Senator from Nevada if the compilation would not require more than one volume?

Mr. STEWART. No; I think not.

Mr. BAILEY. I was going to suggest that if it should require more than one volume it would be well to put the treaties, etc., relating to the Five Civilized Tribes in one part, and those relating to other tribes in the other.

Mr. STEWART. The committee will take that into consideration.

Mr. ALLISON. It seems to me that the compilation may require several volumes, if we are to gather together all the treaties, etc., which have been made.

Mr. STEWART. The committee will regulate that matter. We intend only to have what is necessary. We are going to proceed with it in due form.

Mr. ALLISON. I should like to have the resolution again read.

Mr. STEWART. It can be limited in its language, if the Senator desires.

Mr. GALLINGER. Ought it not to go to the Committee on Printing?

The Secretary again read the resolution.

Mr. ALLISON. I suggest to the Senator from Nevada that a great number of Executive orders, treaties, etc., are obsolete.

Mr. STEWART. Oh, yes.

Mr. ALLISON. But the resolution seems to embrace everything.

Mr. STEWART. We do not want to include those which are obsolete.

Mr. ALLISON. I would say "those now in force."

Mr. STEWART. I accept that amendment.

Mr. COCKRELL. Ought it not to embrace contracts enacted into law and not called treaties? At a certain time we ceased to make treaties and made only contracts.

Mr. STEWART. The resolution will cover the contracts. They have been enacted into law.

Mr. COCKRELL. They are not treaties?

Mr. STEWART. They are not treaties, but they are laws.

Mr. BAILEY. It says "treaties, laws, and Executive orders."

Mr. STEWART. Laws and treaties. The contracts are laws if they have been enacted.

Mr. COCKRELL. Does the resolution include them?

Mr. STEWART. Yes.

Mr. ALLISON. I move to insert "now in force."

The PRESIDING OFFICER. The Senator from Iowa suggests an amendment, which will be stated.

The SECRETARY. After the words "Executive orders" insert "now in force;" so as to read:

Of all treaties, laws, and Executive orders now in force relating to Indian affairs.

Mr. STEWART. I accept the amendment.

The PRESIDING OFFICER. The amendment is accepted by the Senator from Nevada.

Mr. COCKRELL. Let the whole resolution be read.

The PRESIDING OFFICER. The resolution as amended will be read.

The Secretary read as follows:

Resolved, That the Committee on Indian Affairs is hereby authorized to prepare for the use of the Senate a compilation of all treaties, laws, and Executive orders now in force relating to Indian affairs.

Mr. HALE. I move to add the following words:

But no extra expense shall be allowed for any work covered by this resolution.

Mr. STEWART. Then we can not get it done.

Mr. HALE. Let the resolution go over.

Mr. STEWART. Let it go over. It will be impossible to do the work with such an amendment. Some extra expense must necessarily be incurred.

The PRESIDING OFFICER. Will the Senator from Maine state his amendment once more?

Mr. LODGE. He has asked that the resolution shall go over.

The PRESIDING OFFICER. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. Add at the end of the resolution:

But no extra expense shall be allowed for any work covered by this resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LODGE. It is to go over.

Mr. STEWART. Let it all go over.

Mr. HALE. Let the resolution and amendment go over.

Mr. STEWART. It will all go over, and we will consult about the matter.

The PRESIDING OFFICER. The resolution will go over under the rule.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments disagreed to by the House of Representatives and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint conferees on the part of the Senate; and Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for use of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the Government of Porto Rico, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 16th instant approved and signed the joint resolution (S. R. 74) relating to publications of the Geological Survey.

The message also announced that the President of the United States had on the 17th instant approved and signed the following acts:

An act (S. 182) granting a pension to Mary F. Zollinger;
An act (S. 500) granting a pension to Samuel S. Beaver;
An act (S. 2336) granting a pension to Rebecca Coppinger;
An act (S. 2755) granting a pension to Ruth H. Ferguson;
An act (S. 3279) granting a pension to John Coolen;
An act (S. 3331) granting a pension to Ada V. Park;
An act (S. 288) granting an increase of pension to De Witt C. Bennett;
An act (S. 1593) granting an increase of pension to Eben C. Winslow;
An act (S. 2036) granting an increase of pension to Etta Adair Anderson;
An act (S. 2347) granting an increase of pension to Alfred M. Wheeler;
An act (S. 2461) granting an increase of pension to George McDowell;
An act (S. 3999) granting an increase of pension to Emma S. Hanna;
An act (S. 4004) granting an increase of pension to Thomas L. Nelson;
An act (S. 4238) granting an increase of pension to Philo F. Englesby;
An act (S. 4256) granting an increase of pension to Henry W. Edens;
An act (S. 4293) granting an increase of pension to Elizabeth C. Vincent;
An act (S. 4455) granting an increase of pension to Hallowell Goddard;
An act (S. 4506) granting an increase of pension to Ann E. Collier;
An act (S. 4865) granting an increase of pension to Joseph D. Hazzard;
An act (S. 4979) granting an increase of pension to Paul Fuchs;
An act (S. 5294) granting an increase of pension to William F. Horn; and
An act (S. 5337) granting an increase of pension to Marietta L. Adams.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. DOLLIVER. Mr. President, if there was anybody else who desired to take the floor on the pending measure I confess such a reluctance and timidity about it that I would very gladly yield him the floor.

For the second time during this session of Congress the Senate is occupied with questions growing out of the American occupation of the Philippine Islands. The first debate arose upon the bill fixing, for the time being, their commercial relations with us. It ran along, sometimes peacefully and sometimes tumultuously, for the space of more than a month, although in all that time the interesting little tariff bill which was the nominal subject of the discussion escaped in the noise with barely the poor consideration of a passing comment.

It was thought that when the more serious questions connected with the government of the islands were taken up the discussion would assume a more rational tone, and at least bring the Senate to a sober comparison of opinions as to that measure, unquestionably the most important constructive work which we have had to do since the civil war.

I can not forbear to express my disappointment that instead of being permitted to hear helpful and considerate criticism of the bill proposed by the majority of the committee, we have been caught in a thunderstorm of oratory which has overflowed the Senate Chamber and deluged the CONGRESSIONAL RECORD without even laying the dust on the subject which for so long a time has occupied the attention of the Committee on Philippine Affairs.

And while the Senator from Washington [Mr. TURNER] the other day made a rather impressive request for more light, a request which in his case, it must be confessed, seemed reasonable enough at the time, our friends on the other side will not misunderstand our motives, if those of us who have been looking for light on the question before the Senate accept their studied avoidance of the matter in hand as a sufficient testimonial of the patience and wisdom of those who have united in making the majority report, and even at the risk of following an evil example take up the partisan challenge which they have thrown down in their annual parade of the love of liberty and humanity which has so notoriously lifted the Democratic party above the base and common level of their fellow-men.

It is one of the infirmities of popular government that no important national project is exempt from such dissensions, though I am free to say that it is hard to find in the history of our own country a case where such an undertaking as has grown out of our intervention in behalf of the colonies of Spain has been required to defend itself against such a bewildering variety of political clamors as have filled the Capitol during the last three years.

Yet it is not necessary to judge the new leadership of the Democratic party harshly, because it is only fair to recognize the embarrassments of their situation. The rapidity with which even good things become obsolete in this world is in itself a sufficient explanation of the passionate zeal with which they hold on to the fast-disappearing differences which grew out of the war with Spain. So that if this debate has any significance at all it means that they intend to make the Philippine question an exception to their invariable custom of leaving all genuinely paramount issues to dig their way out of the débris of Presidential elections without any further assistance from their old friends.

There is, at least, a certain plausibility in the opinion which has been expressed here that the returns of 1900 were not an adequate test of the value of our Philippine troubles as a political asset, for may it not be possible that the party was handicapped in that election by the nomination of a candidate who was in a distant way connected with the Santiago campaign, and even more intimately with the ratification of the treaty of peace, out of which our obligations to Spain, to the people of the Philippine Islands, and to the world at large, arose?

It may be that the Democratic party is looking forward with the hope of keeping that issue alive in the expectation of an opening to present it without any such encumbrance. If they are, it will at least be some consolation to the hero of the first battle to remember that even before the war with Spain had been ended by the treaty, in the seclusion of his tent in Florida, he had thought out in detail a plan of operations which promised some time, whether in his own day or not, to admit the Democratic party at least to standing room in the political arena.

His counsel to his disciples was at once simple and sublime in its conception. First, ratify the treaty, and then make your political living by an open-order fusilade on the Government of the United States in its effort to do the work thereby imposed upon it. It required no supernatural forecast of events to know that when once the treaty took effect a hundred obligations fell immediately upon us, in the midst of which and even in the prospect of which it would be easy for cunning agitators to take advantage of the afflictions involved in standing up to the business which the nation of America had assumed.

And, in fact, all these fond anticipations have been realized; the losses have been grievous; the burdens have sometimes seemed too heavy to be borne; the difficulties in the way have more than once baffled our poor wisdom. Some who entered heartily in the work at the beginning, like the distinguished Senators from Colorado, have fallen by the way, while the other day in New York the weather-beaten anti-imperialist league, blown together like an eddy of dead leaves by the atmospheric disturbances here, held a belated session in order to appoint a new committee and to receive into their fellowship the author of the report of the first

Philippine Commission, who seems to have overheard enough on the cars since he came home to overrule and controvert all the opinions which he formed while he was there.

The people of the United States have patiently gone about their tremendous task, hardly taking time to notice what the Democratic politicians have been at, until now, as the election of a new Congress approaches, we find the minority of the Philippine Committee trying to lead their party into the most reckless and extravagant indictment of the Government of the United States, both in its civil and its military administration.

I am not here to utter any protest against the exercise everywhere of the right of free public discussion of every phase of our Philippine affairs, though it can not be doubted that the spirit and temper of the opponents of the Government in its effort to manage the business which it has undertaken to do have in more than one stage of our proceedings multiplied the difficulties we have encountered and added to the cares and hardships of our labors. On that account, if for no other, I have deplored, not only the course of this debate, but the general tendency of the wholesale attack which began almost as soon as the war with Spain was over.

If the influence of this pernicious scheme of accusation and calumny had been confined to the politics of our own country no Republican, I am sure, could be found to ask on partisan grounds for a cessation of hostilities; for no one interested in the welfare of the Republican party has ever had any doubt that the opposition, already in a low state of vitality from other causes, has been still further dibilitated by the ungenerous, I will not say unpatriotic, attitude of its leaders toward the Government of the United States as it has faithfully tried to work out a solution of the troublesome questions with which it has been face to face. There has never been a time in American history when a political party has not forfeited the respect of the whole people by pursuing a programme of narrow malevolence against an Administration manfully trying to bear the burdens of its day and generation.

In such a case the better qualities of human nature are enlisted on the side of the national prestige, and the fury of partisan eloquence will always be wasted in an effort to bring confusion to the public councils and failure to the national purpose. A political party needs only to persist in such a course to be finally reduced to a pitiful and grotesque minority, made up mainly of depolarized philanthropists and common scolds.

I am not therefore alarmed about the effect on popular opinion of the ignoble strategy with which the leaders of the Democratic party for four years have tried to waylay the Government of the United States in the Philippine Islands. And I have felt constrained to participate in this debate for altogether another reason.

I wish to inquire, if such an inquiry can be prosecuted through the howling wilderness of this controversy, into the differences, if there are any differences, between the method by which the Government has handled the Philippine problem and the methods suggested by those who look with dissatisfaction upon what has been done. It is fortunate that the main facts which are at the bottom of the question are public occurrences which have become historical and for that reason out of the dispute.

Many years ago I saw a book advertised, written by a celebrated Boston divine, entitled "Certitudes in Religion." I thought it would be a good book to have in the midst of the mysteries of this world, and so I bought a copy of it. But on carefully perusing it I found the field of certainty cut down to two general propositions; first, that we are here, and, second, that we are going hence. Everything else, according to this Boston authority, is the subject of polemical disquisition more or less nebulous and obscure.

Are there any "certitudes" in the Philippine situation? I venture with all humility to say that there is at least one. We are there, even though everything else is open to debate.

Some say that we are there to stay in the exercise of the sovereign rights which we have lawfully acquired; others say that we ought to abandon our position, order our troops to their transports, and depart from those waters without leaving our post-office address; others again, and these appear to be bunched on the minority side of the Philippine Committee, say that we ought to renounce our own authority, call in the nations of Europe to help us let go, and having done that, linger near for the purpose of keeping the native government on its feet.

The last two theories are in reality one. Stated in the words of the distinguished Senator from Mississippi [Mr. MONEY] in reply to an amiable interrogatory propounded by the senior Senator from Maine [Mr. HALE], it was condensed into one sentence, a sentence so abrupt in its outburst of candor as to require a slight revision of the RECORD: "Let them go to the devil!" The bill brought here by the minority of the Philippine Committee, freely translated in the light of well-known facts, means the same thing—let them go to the devil, with a protectorate.

I venture the assertion that in all these theories of our duty the only one that is absolutely indefensible is the proposition made by the minority report, which requires us, first, to disown our right to be there at all, and then, having yoked ourselves up with Great Britain, Germany, and France, to enter upon an undefined and unlimited responsibility for everything that afterwards happens.

That such an elaborate restatement of the absurdities of the Kansas City platform should find favor in the eyes of anybody interested in the good government of the archipelago requires a new definition of human credulity. It may be possible to have two parties in the United States, one asking the people to bear with patience the labors of training the Philippine races to the stature of self-government, and another pointing to the sacrifices and discouragements of such an undertaking, and asking them to wash their hands of any further connection with it; and possibly still another, select and in every way respectable, captivated by day dreams of an imaginary Philippine republic, already but for us, exercising its mild sway over a population in many ways superior to the villages of Massachusetts at the time when John Hancock passed through them on his way to the Philadelphia Congress.

But this proposition, picked up out of the wreck of the Kansas City platform and brought into the Senate by the new Democracy of the Philippine Committee, asking us to deny the validity of our own credentials, to cashier the officers who have borne our authority, to enter into a ridiculous European partnership for the transaction of a business now strictly in our own hands, to send an apology to the brigands in all the mountain fastnesses of the islands for the temporary inconvenience we may have caused them, begging only the poor privilege of hanging around the neighborhood to superintend the anarchy we have invited, until at last we are ordered off, either by a foreign fleet or a Filipino mob; where in the United States is there room for a bedlamism like that?

I have read with great care the substitute for the committee bill reported by the minority, and I desire to acknowledge my sense of indebtedness to its authors for the confirmation I have found in it, of the faith in which our present Philippine policy has been pursued. Able speeches have been made on the other side, the ablest in recent history of the Senate, but it will require more ability than has been yet exhibited in this debate to make the speeches which we have heard square with the propositions of this substitute measure.

The substance of all that has been said is that we have and can have no material or commercial interest now or hereafter worth speaking about in that quarter; that the native population and their children after them, on account of the crimes and failures of our administration, are saturated with prejudice and hostility against us, and that the work which we have taken in hand is a visionary and impossible thing—on a par with the foolishness of feeding hay to carnivorous beasts, I think the Senator from Tennessee [Mr. CARMACK] remarked. I submit to the judgment of all if that is not a fair statement of the Democratic argument.

But if that contention is true, why should the minority of the Philippine Committee in shaping a legal expression of our present duty try to bind upon us by an act of Congress the body of this death? If we have no interest there, if everybody there hates us, if our labors there have been a failure, why should we delay our departure until we have tied ourselves up in a job lot of foreign alliances in respect to the future of this land of tragedy and sorrow?

Why should we stop to outline a provisional scheme of Philippine government? Why should we further prosecute a war for the purpose of producing a peace in which we are to have no part? If that contention be true, why should we care what becomes of the islands? What need will the United States have for naval, military, and commercial stations throughout these islands? Are we ever likely to have any stake in that quarter of the globe equal in tangible commercial significance to the interests we are asked to throw away?

The fact that after mature deliberation the minority of the committee bring in a measure containing several pages of printed matter, instead of a simple, plain, and straightforward recognition of the independence of the people inhabiting the Philippine Islands, and a direction to the President to forthwith recall our official representatives and withdraw our land and naval forces, is in itself an influential witness for the course which the Government of the United States, in pursuance of the provisions of the treaty of peace, has been constrained to follow.

While the solemn instrument negotiated at Paris defined our relations with the Pacific dependencies of Spain, it did not create them. They date back to that historic morning of the 1st of May when the commodore of our Asiatic fleet transferred his flag station from Hongkong to Manila Bay.

It is a willful aspersion of the motives of the Government of the United States for any man to say that what was done there, either before breakfast or afterwards, was corrupted by a purpose to

subvert any rights of the Philippine population, and if Admiral Dewey, as I have heard Senators on this floor claim, armed an insurrectionary force grouped around certain tribal chieftains, it surely can not be said that this action made it incumbent on the United States to turn over all the inhabitants of the islands, including all the foreign population of Manila, to the military dictatorship of a single man. Such a policy clearly would have subjected the whole community to an intolerable imposition, inviting universal chaos, in the midst of which every nation in Europe would have intervened for the security of their own citizens.

Much has been said intended to leave the impression that we entered the Philippine Islands with a lie on our tongues and treachery in our hearts, for the purpose of despoiling the land of its resources and the inhabitants of their liberties. It is discreditable to fill the air with such a clamor, unless somebody comes forward to identify and drag to light of day the authors of so gross an offense against mankind. The historian of these times, the student who deals with the unalterable facts of this case, will have no difficulty to find the monster who conceived and put into execution this atrocious conspiracy against the helpless people of these islands.

The policy which has been pursued has been assailed here with a rancor almost hysterical in its impotent rage. Senators have spoken by the day with words of incredible vehemence; epithet has followed epithet; accusation has been piled on accusation, as if the history of nations could be turned aside by a preconcerted series of gasoline explosions.

Gentlemen seem to forget that governments can not move amid surroundings of such difficulty in paths of their own choosing. There may be no such thing as Divine Providence, though our fathers reverently believed that there is; there may be no such thing as destiny, though I am told the word is to be found in the files of Colorado newspapers, but nobody can doubt that forces are at work in this world altogether too large to be managed from a political headquarters; that there is a course of human events not to be combatted, except at the most embarrassing disadvantages.

It is no depreciation of President McKinley to say that he looked upon the approaching conflict with Spain with fear and anxiety. He had devoted his whole life to the industrial and commercial questions which concern the investments of American capital and the wages of American labor. He had given no attention to our foreign affairs apart from the movements of commerce, and was the last man among his countrymen to give up the hope of peace.

He knew something, through the recollections of his boyhood, of the horrors or war, and better than any of his contemporaries he was able to look through the smoke of battle and beyond the noise of victory and to see distinctly, long before they came in sight of others, the perils involved in our disturbance of the peace of the world. He perceived at the time the fatal word was spoken by the joint resolution of Congress that our victory over Spain carried with it not only the enlargement of our boundaries, but such an addition to our responsibilities as to dishearten even the most adventurous mind. Some said he was weak, others that he was timid, others that he was a creature of the commercial spirit, which is always conservative and does not like to risk any interference with business conditions.

Senators are sitting before me who saw much of him during those days and nights of sleepless solicitude. He did not fear the military power of Spain. He never doubted that our operations on land and sea would make short work of her armies and her fleets.

It was not the fear of defeat that appalled him. It was the moral certainty that the triumph over Spain in her colonial strongholds had in it a portentous national liability, possibly beyond our strength, and at the very moment when his partisan opponents, in the words of the most eloquent Democratic leader in the House of Representatives, were "dragging the Republican party into the war with Spain" the overburdened Chief Magistrate of the people, with a troubled heart, was pondering the very questions which to-day engage the attention of both Houses of Congress.

I have listened with such patience as I could to the tirade of stale and calumnious insinuations which for weeks has filled this Chamber, intended to discredit the purposes and to impeach the motives of the Government of the United States in its dealings with the territory brought under our jurisdiction by the treaty of Paris. Most of the men under whose guidance these things were done, in the Senate, in the House of Representatives, in the Cabinet, in the memorable sessions of the Peace Commissioners at Paris, still live. They can answer for themselves, and I doubt not make their way through this eruption of malice and prejudice without either inconvenience or harm.

But one among them, more masterful than any other in the influence of his persuasive leadership, can no longer speak for himself. He fell in the midst of his labors at the post of his duty, in the maturity of his fame, after he had seen the work which he had wrought lifted into the light of universal history and his name enrolled among the founders of states and the lawgivers of the world's progress.

In every step of the proceedings where the opportunity to choose our course was given he exercised the part of a practical wisdom which has never been successfully disparaged. He could either have ordered Admiral Dewey, after the victory at Manila, to assemble his ships and depart from those waters, or to stay there and administer the situation his guns had created—to take care of the wreck which had been cast up by the sea. The first order would have been easy, and if it had been issued we would to-day have no Philippine problem and no paramount issue to become the football of our politics.

The President did not issue the order to retreat. Possibly he did not think of it, and there was no American, big or little, not even the micro-organisms of our politics, who did think of it till far after it was too late. Yet if we ever were to run away from the Philippine Islands that was the chance, that was the accepted time, that was the day of our cheap little salvation from the annoyances which have pestered us from that day to this.

William McKinley ordered him to stay at his post, and at once prepared the transports which carried the first detachment of our army of occupation to cooperate with his fleet. The alternative was presented to us either to go or to stay, and if there is a living American who denies that in remaining there we chose the part of courage and patriotism such a man has not comprehended even the rudiments of our national character. If we had run away, within four weeks the nations of Europe, all of them having important commercial interests there, would have been compelled to restore order out of the chaos which we had brought about.

In fact, we had a hard time to keep them from helping us preserve order even while Dewey was there, and when the record of that faithful servant of the Republic is made up the discriminating biographer will award to him as much credit for the prudence and sagacity of his administration during his long wait for the army transports as for the scientific skill with which his gunners wound up the affairs of the Spanish navy in the Pacific.

If he made any mistake at all, it was in miscalculating the value of the help offered him by the leaders of native insurrectionary troops. I have heard his relations with these leaders discussed from every point of view. I have heard the letters of our consuls in those latitudes quoted, some claiming that things were said and done there which created an alliance between us and the native forces; but to my mind there is very little sense in such a controversy, for it did not need the prompt and sharp rebuke of the President to make it clear that neither the Admiral nor the consuls were clothed with the authority to lay upon the Government of the United States any obligations to sacrifice the whole Philippine people, not to speak of the foreign residents and Spanish subjects, to the ambitions or, if you please to call them, the aspirations of a few native adventurers.

It is clear that whatever civil institutions are at last established in the islands, if they include the whole archipelago or even the whole of the island of Luzon, they must be so ordered as to represent the aspirations of the entire community, and there has never been the slightest evidence of any general aspiration on the part of the Philippine people, outside of a single tribe, to subject themselves to the aspirations of an incompetent military dictatorship.

When the Peace Commission assembled at Paris, President McKinley had no immovable purpose in mind as to what ought to be done with the islands. He had been accustomed to speak in friendly consultation with his political associates of a commercial and naval headquarters at Manila somewhat on the lines of the British settlement at Hongkong—a sort of basis of supplies and operations in which our ships might find anchorage and from which the lines of our trade could be sent out through all the market places of the East.

Strangely enough, though he chose for the work of making the treaty men everywhere counted among the wisest and greatest of our statesmen—the honored President of the Senate [Mr. FRYE]; the lamented Cushman K. Davis, of Minnesota; Whitelaw Reid, the veteran American journalist; George Gray, then a Senator from the Commonwealth of Delaware, and last, but not least, William R. Day, that modest country lawyer, whose extraordinary career as Secretary of State, within less than a year's service, gave him a place among the famous diplomatists of his times—yet when it came to settling the momentous questions left undetermined by the protocol for peace the commissioners at Paris, unable to agree among themselves, turned for counsel to the President of the United States and left at last to his decision the whole question of the future of the Philippines.

He did not act in haste; he was slow to bring upon his countrymen the weight of such duties as were necessarily included in

the act of assuming the sovereignty which the Kingdom of Spain was no longer in a position to defend. What was done was so entirely free from the color of national greed and selfishness that his personal correspondence with the Peace Commissioners, conducted in the name of Secretary Hay, now a part of our public records, reveals the nobility of his character and the integrity of his motives more perfectly even than the more formal utterances of his official life.

He was not dazzled by the value of the prize we had captured; he did not seek to add to the humiliation of a prostrate enemy, and above all he understood the perplexities connected with administering or even overseeing the affairs of alien and backward races. What was it, then, that brought the President to the steadfast conviction that the summons of national duty called us to lay aside the ways of pleasantness, with which my friend from Tennessee [Mr. CARMACK] adorned his eloquent peroration the other day, and take up the rugged task in which we have been ever since engaged?

For while the united judgment of our commissioners ultimately reached the same conclusion, after all the decision was his, and it needed only one line over his signature to have left the Philippine Islands exactly where we found them. Because that is so it has been hard for me, as I have heard the words lunatics, scoundrels, fools, thieves, murderers, land grabbers, carpetbaggers, plunderers, flying around this Chamber from the lips of all sorts and condition of Democratic statesmen, to keep my recollection from going back to those eventful days when alone in the Executive Chamber, pacing to and fro in restless meditation, weighing the circumstances in the fear of God, William McKinley set the seal of his approval upon the resolution of the American people to hold the Philippine Islands in trust for their inhabitants and to lift up that scattered population by the genius of our institutions to the privileges and the dignity of a free Commonwealth.

Having thus located the authors of this wicked conspiracy against 10,000,000 of helpless and friendless people, I wish now to inquire in a general way into the progress and development of this plot against the liberties of the Philippine races. I wish to find out what has been undertaken and what measure of success has attended the enterprise.

The first problem with which the Administration had to deal was the insurrectionary movement which arose while the treaty of peace was under debate in the Senate, and continued under normal military conditions until the collapse of the Mololos government and the flight of its military leaders to the mountain districts of Luzon. It is not easy and I do not think it is important to discuss the reasons of that rebellion against the United States, which took shape and gathered force during that long and unprofitable discussion which preceded the ratification of the treaty of peace.

I have never doubted that that period of controversy and delay brought on the disasters which have since fallen upon that people, and while I am not disposed to embitter this discussion with vain recriminations, yet it is due to truth to acquit the Government of the United States in any stage of this proceeding of any design to wrong or oppress the Philippine people.

Our Navy went there to attack Spain, and our Army went there to support the fleet. It lay in the trenches around Manila with explicit orders from the President that under no condition should it turn its guns on the native population, but on the other hand its commanding officers were charged with the duty of communicating our benignant purposes and doing whatever was in their power to win the regard and good will of the irregular militia encamped outside of their lines.

The United States was fortunate in the men selected to manage its affairs there—Merritt, Otis, MacArthur, Chaffee—all of them soldiers famous and honorable in the national service, and the American people, in my judgment, do not intend to spend very much of their time in trying to degrade their names in order to exalt the motives of the political and military cabal with which they were called upon to deal.

If the treaty had been promptly acted upon the provisional American government could have been forthwith inaugurated, and within thirty days might have reached an amicable adjustment, which would have disarmed the opposition even of the most ambitious and headstrong among the native popular leaders.

But whether that could have been done or not, it is too late now to review the mistakes and misunderstandings and follies which, in the opinion of some, were unhappily connected with the earlier stages of our military administration. If it ever was feasible to try to build up a permanent Philippine government, with the revolutionary congress and cabinet as its foundation, the prospect of that, nay, even the possibility of that, vanished when our volunteers in the trenches around Manila were compelled to fight for their lives against the aggressions of a formidable native armed force.

It is idle to say that the collision which resulted in the slaughter and flight and final destruction of that army could have been avoided. It is certain, at any rate, that with such wisdom as we had the conflict was not avoided, and to spend our time on it now serves no good purpose of any sort.

For my own part, I am satisfied that an attempt to collect the elements of a permanent civil régime around the nucleus of the existing dictatorship would have fatally impeded every subsequent attempt to establish the social and political order of the islands. And while we have succeeded in attaching nearly every important personal influence which survived the downfall of the government at Mololos to our present administration, their usefulness to their own people according to their own frank admission would have been limited indeed, without the direction of our strong hand.

It was the judgment of President McKinley, a judgment which, I think, will be affirmed by history, that underneath the civil institutions of the islands the firm foundation of our national authority must first of all be laid, and he therefore made the surrender of armed resistance the unalterable condition of peace. Under his orders the rebellion was crushed and nothing left of it except scattered bands, ineffective for legitimate military purposes, hiding in the mountains wherever they could find a safe retreat.

Our Army not only overthrew the rebellion in the field, but it did a thing which the Spanish Government had never thought possible. It pursued the guerrilla operations of the enemy over impassable rivers, through impenetrable jungles, and across the summits of inaccessible mountains. And so completely was its work done that for more than a year, throughout the whole archipelago outside of three or four disturbed provinces, the Philippine insurrection as a military proposition has been a thing of the past.

But somebody says, "How can this be so when the newspapers even now are filled with reports of battles, captures, and other military outrages?" It has been apparently almost impossible for the American people to get into their minds a picture of these islands, and the Government could well afford to put a map of the archipelago, with distances and provinces properly described in every newspaper office and schoolhouse in the United States.

For incalculable mischief has arisen from our almost habitual failure to locate the field operations of our Army. If the hearings before the Philippine Committee have had no other result than to define and identify the present scene of our warlike activities, they have served at least one useful purpose. Let me illustrate what I mean.

General Bell, trying to capture insignificant bands of roving guerrillas in the provinces of Laguna and Batangas, issued orders requiring the friendly portion of the population, that portion that desired to cast in its lot with the Government of the United States, to reside within certain specified military limits, an order absolutely necessary for the success of his campaign, and executed without hardship and inhumanity of any kind—an order which has brought peace to the distracted provinces and prepared the way for the immediate establishment of civil government.

Yet half the newspapers in the United States took up the cry that we had adopted in the Philippine Islands the Weylerism of Spain, and a considerable portion, even of intelligent people, lost sight of the 28 provinces enjoying the benefits of stable government and began again to speak the language of despair of the Philippine situation.

Not long ago, following the Balangigi massacre in the island of Samar, General Chaffee, in sending forward punitive expeditions, gave out a general order, which found its way into American newspapers, commending our troops to special vigilance and impressing the comrades of the men who had been killed by treachery to guard against similar misfortunes by treating the whole population with suspicion and distrust. He supposed that he was speaking about the island of Samar and the two remaining hostile provinces of Luzon, as the area of rebellion had dwindled to that small compass. He had himself officially reported the peaceful and prosperous situation that prevailed in practically all the other provinces.

Yet within a week after the newspapers had contained his expression about the war rebels, which included nearly everybody in the disturbed provinces, from his point of view, we find Dr. Schurman, who joined with Admiral Dewey and Professor Worcester in helping the President lay the foundation of his policy, with nothing to go on but a newspaper clipping, solemnly concluding that the terrorism inspired by guerillas and cattle thieves in the mountains of Batangas and Laguna, and the yells of bloodthirsty bolomen in the island of Samar, indicated that the whole Philippine Archipelago had been welded together by the fires of war into a solid national mass which was ready and waiting for our tardy recognition as an independent State.

I will confess that there is enough yet to be done by the Army to depress the feelings of the American people. At the same

time the progress which has been made, the good and lasting work that has been done throughout the whole group of islands, outside of two or three provinces where the process of pacification has only just been finished, is such as to fill with hope and enthusiasm the heart of every man who has taken a sincere interest in the success of our arduous service of those remote and misunderstood regions of the earth.

We are not in the dark as to the present stage of our advancement toward the goal of self-government which we have set up for these islands. We have the testimony of the officers of the Army as to the military conditions prevailing in the island of Luzon. Outside of the provinces of Batangas and Laguna they agree that the active work of the Army is done, and General Chaffee's latest report indicates that General Bell has at last won a gratifying victory over the desperate obstacles with which his gallant brigade has so long contended in these two provinces. So that to-day the whole island of Luzon is living in peace, and civil government will soon be established in the two remaining unorganized provinces.

But we have not only the testimony of the officers of the Army, but we have also the report of the Philippine Commission, and especially the testimony given by Governor Taft before the Senate committee during his recent visit to the capital. He says that, accompanied by his colleagues and without military escort, he passed in perfect security from the capital of one province to another, kindly received everywhere by the inhabitants, and organized the local administration of municipalities and provinces on the basis of popular self-government, as authorized in the statutes which had been previously framed by the Commission, finding the people everywhere ready to begin the work of building upon a safe foundation the political future of these scattered communities.

So that to-day courts of justice, schools crowded with eager pupils, highways, and progressive industrial conditions have everywhere followed the surrender of the vagrant armies which had been wandering over the island ever since the capitulation of the Spanish garrison at Manila; while throughout the whole civilized portion of the archipelago, except in two or three provinces, there is peace, order, and cheerful submission to the restraints of good laws. Even the bandits, who for centuries have infested the country, have in many regions recognized the efficiency of the new order of things, as they have stood before native judges, arrested by native policemen, and answered for crimes the like of which had gone almost unnoticed for generations.

I have in my hand what I regard as the most conclusive evidence of the state of affairs in the Philippine Archipelago—the reports made to the government at Manila by the provincial authorities all over the islands, including the period since the civil government has been organized and up to January 1, 1902. These reports cover the whole civilized portions of the islands outside of Samar, and the two provinces in Luzon, Batangas and Laguna, where the disturbed conditions have only recently been pacified.

Notwithstanding my regard for the comfort and convenience of the Senate, I am disposed to read a few of them. First of all I will read the report of the governor of the province of Bulacan. I read it first because it is the province which contained the original capital of the imaginary Philippine republic. The governor, who is a native, says:

The province of Bulacan, under my charge, presents, politically considered, a sublime idea of its sincere gratitude and loyalty to the Government of the United States of America in the Philippine Archipelago.

I am justified in this statement by that very revolutionary spirit shown by the province in past times, and the readiness with which the inhabitants recognized the laudable intentions of the Government of the great North American nation in regard to this country and the urgent need for becoming thoroughly penetrated with the transcendent importance of peace, being convinced that only under peace can the welfare and uplifting of the Philippines under American rule be effected.

In fact, scarcely a month had passed by since the establishment of civil rule in this province, under the most liberal laws yet known in this country, when the most bitter of the revolutionary chiefs still in the mountains of Angat, Norzagary, and San Miguel de Mayumo, like the ex-Colonels Tecson and Morales and ex-General Torres, presented themselves before the authorities and took the oath of fealty and allegiance to American sovereignty.

From that time the province of Bulacan has been enjoying an unbroken peace, and its inhabitants, contented beyond measure with the establishment of civil rule in the Philippines, are doing all they can to strengthen that peace as a necessary basis for their happiness, thus showing their appreciation of the Government which now so wisely rules the destinies of this country.

The following is the report of the native governor of the new province of Rizal, a province named by Governor Taft out of regard for the memory of one of the greatest Philippine patriots:

Rizal Province is composed of the 19 towns formerly a part of the province of Manila and the 14 towns belonging to the districts of Morong. Provincial government established on June 29, 1901. Municipalities were organized from June to September. In almost all the towns the justice courts are already in operation.

The court of first instance has been established since July 11, 1901. Peace in Rizal is complete. All inhabitants are in favor of the civil government and devoted to American sovereignty. Highwaymen, who formerly operated in various places in Morong, have been driven out. The census is almost completed, and, from present information, the number of persons estimated at 140,000. Municipal autonomy is executed with sufficient force.

The following is from the report of the native governor of Pampanga:

At the present time this province is in the most peaceable condition. Many of the natives are highly educated, and since the introduction of the public schools under the United States Government a great improvement is noticed among the lower classes.

The finances of the province, as shown by the report of the provincial treasurer, show a balance in hand of over $28,000 United States currency, with outstanding indebtedness of less than $3,000 United States currency.

Roads and bridges throughout the province are in fairly good condition, and work on same is being pushed as rapidly as possible.

Agricultural and other industries have been prostrated on account of the ast insurrection, but are picking up again. Rinderpest has also caused great mortality among the cattle.

The few remaining malefactors and bandits in this province are being constantly traced and captured by the insular police. I believe that this province is in better condition than ever before, and under the present system of government will continue to improve, as affording an opportunity and inspiration to develop its resources.

The following is from the report of the native governor of Union, of which San Fernando is the capital. I will ask you to note the evidence of the care which is being exercised over the health of the interior of the islands for the first time in their history.

The province is perfectly peaceful and this condition has existed for over a year. People are all at work in the fields and at their various professions. Civil government is accepted on every side and there is no possible reason to think that they will ever change in this feeling under the present form of government. The treasurer reports that each municipality will close the present year with a balance on hand and without a debt unpaid. The provincial treasury will have on hand approximately $10,000 gold, $6,000 of which will be appropriations for roads, bridges, buildings, etc.

Three large bridges are under course of construction, several thousand cubic feet of stone and soil are being placed on the road where needed, and a great deal planned by this department. Everything looks very bright for the new year, and not only myself but all the provincial officers are very sanguine as to our future. January 1 will see complete reorganization of municipal police. They will be uniformed alike throughout, thoroughly equipped, and perfectly efficient.

The organization of the interprovincial mail service is working on schedule time card. There are no ladrones in Union at present, and we believe we can keep them out. It seems much to say, but conditions promise that there will be but few prisoners in provincial six months from now, when cases turned over by military have been disposed of. But two barrios in the province have smallpox, but all persons living therein have been quarantined and vaccinated with virus from Manila.

To show that a friendly cooperation between the military and civil authorities is possible, I will add the farewell address of Colonel Davis on removing his regiment from this province:

HEADQUARTERS FIFTH INFANTRY,
San Fernando, January 18, 1902.

SIR: On departing with my regiment from your province permit me on behalf of my officers and myself to express the pleasure we have had in cooperating with you and your officials in the preservation of good order, and to express the hope that peace may continue to reign throughout the borders of your beautiful and healthful country, and that all your people may remain law abiding and thus secure that happiness and prosperity that must necessarily ensue.

Very respectfully,

CHARLES L. DAVIS,
Colonel Fifth Infantry.

Hon. JOAQUIN ORTEGA,
Governor of the Province of Union.

Here is a brief report from the province of Isabela, in the wilds of which, if I recollect correctly, Aguinaldo was captured:

No armed insurgents heard of in province six months. Non-Christian tribes, some friendly, some hostile to Christians penetrating territory. No reliable news from Palanan since capture of Aguinaldo. Cagayan Valley completely tranquilized; no escorts now used by civil officers.

The following is from the report of the native governor of Ilocos Sur:

That since the surrender of the nationalistic general, Tinio, with all his forces, who was carrying on the insurrection in this province, and of Father Aglipay, also with all his men, in that of Ilocos Norte, in the month of May last, this province under my command has been completely pacified, and from that time until the present all the pueblos have enjoyed the tranquillity and personal security of normal times before the outbreak of the insurrection against Spain.

As a consequence of this pacification, the natives, as well as the Americans, military and civil, inhabitants of this province, can now visit all the pueblos with entire freedom and safety without any fear whatever of even malefactors and road agents, which, fortunately, do not exist in this province. All the people are peacefully following their customary avocations to the extent that no one any longer remembers the war, save through the newspaper reports of engagements and skirmishes taking place in the provinces of Laguna and Batangas and others in the southern islands.

Nevertheless, this government does not disregard the taking of precautions and measures calculated to prevent secret emissaries of the insurgents from entering and making propaganda in the pueblos. As to this end, having learned through the municipal president of Sevilla (the smallest pueblo in this province) that he had received some proclamations from the so-called Filipino general, Malvar, a few days ago, I sent a circular to the presidents of all the municipalities of this province, recommending that they exercise the strictest vigilance over their pueblos, and should they receive or be apprised that one or more of their neighbors were receiving such documents they should transmit them immediately to this government and take such steps as they should deem necessary to the end that any person who shall labor openly or secretly in favor of the revolutionists should be arrested at once.

Notwithstanding this, I do not entertain any fear whatever that while things remain as they are public order in this province will ever be disturbed, for I am intimately acquainted with the peaceful character, industry, and respect for law of its inhabitants, despite the fact that from time to time

alarming rumors are spread, especially by American soldiers and other persons ill disposed toward the tranquillity we enjoy, to the effect that General Tinio and Father Aglipay are again in the mountains recruiting men, or that the war will soon break out anew in this province.

The following is an extract from the report of the governor of the province of Ambos Camarines:

Population about 250,000; 32 organized towns; authority been requested to organize remainder of former towns; province in perfect state of pacification. Two small bands insurgents surrendered last September; since then no insurgent or hostile element in province. This condition is permanent so far as people of province concerned.

No doubt sentiment is for continued peace and confidence intentions American Government. Travel on all roads and to most distant interior points perfectly safe. I recently spent two nights in interior town with my family unguarded, where a year ago company of soldiers would have been necessary. Crime rare, and scarcely any trouble from ladrones. Only trouble in this line from occasional depredations by mountain tribes, which can be stopped by additions to armament of police.

Military force been greatly reduced, and towns formerly occupied by large garrisons now have but small detachments or abandoned entirely. Further reductions can be made, and recommend that it be done and troops taken from all towns, and, if kept in province, be placed in quarters outside towns. Some complaint of arbitrary acts by military, such as arresting persons on suspicion without cause, ordering people about, and retaining property where needed and desired for use by owner.

Some military commanders at outside places apparently not advised of existing laws as to authority of civil government and courts. Fair interest shown in recent municipal elections; no party lines except that candidates supposed to hold "Nationalista" views were defeated by large majority. Thirty-two American teachers in province, covering 17 towns. Good attendance and interest in schools. Night schools for adults well attended, and desire to learn English everywhere evident. Twenty more teachers needed.

A later report, dated January 14, 1902, says:

Absolute peace prevails in all sections. It is certain that there is not an armed insurgent within the borders of the province, and the people are loyally supporting the government. During my recent official visits I have traveled to all parts of the province, and, accompanied by my family, have visited the most remote places, unarmed and unguarded, in perfect security, meeting with nothing but kindness, courtesy, and hospitality everywhere.

Travel on all roads is safe and crime is rare. Some trouble has been experienced by people in remote barrios from depredations by mountain tribes, but these have not been of a serious nature, and will be entirely prevented as soon as the municipal police in the vicinity of the mountains are sufficiently armed and equipped.

The following is from the report of the governor of Tarlac:

There has been no interruption of the peace of the province since its organization under the provincial government act. The Philippine constabulary made several arrests in Moneada the first days of November for secretly meeting and conspiring to attack the troops. The trial is now in progress. The prosecution developed evidence implying considerable extent locally, the towns of Victoria, Gerona, Paniqui, and Anao being places to which its ramifications had spread. The defense is not yet completed. On the other hand, I was well received in towns in that part of the province recently visited, and expressions of desire for peace were numerous and seemingly earnest and sincere. I think this desire prevails.

I quote also from the report of the governor of the province of Albay, which shows not only political, but also industrial and educational conditions. Its delicate reference to the reported retirement of Governor Taft illustrates the general feeling of the people of the islands toward him.

The people and the officers throughout this province have noticed from the periodicals a report of your return to the States, but we all sincerely hope you are not leaving the islands permanently. The people have the greatest confidence in your friendship and best wishes for their welfare, and many of them have requested me to beg of you not to leave the islands permanently. To this request of theirs permit me to add that of my own—that when your duties are completed in the States we may hope to again see you in the islands.

Knowing your great interest in the welfare of these people a little information of the conditions existing here may be of interest to you. At present perfect peace prevails throughout the province. A few days after the establishment of civil government here General Belarmino presented himself with his entire force, and from that time to the present the peace of the province has not been disturbed. The people of this province are, as you are aware, Vicols, and have always been peacefully inclined.

The disturbances that have been in this province was due to outside leaders and never from the Vicol himself. A few Tagolo leaders came into the province recently from Manila with the hope of renewing trouble in this province, but the people were so thoroughly opposed to any further disturbances of the peace that there was not the slightest trouble in apprehending them before they were able to accomplish anything. These leaders were at once apprehended by the constabulary and are now confined in the prison of the province.

The constabulary have been and are doing excellent work, and their services have been highly commended upon by military officers of this province. Both the military and civil officers are in perfect accord, there being no friction whatever. I am informed by the leading citizens that there was never a time in the history of the province when it was in so prosperous a condition as it is at present.

Every man in the province who desires to work has plenty to do, and it is very seldom one sees a beggar on the streets. The wages at present being paid in this province are greater than they have ever been, the average laborer making from 1 to 3 pesos per day. The high price of hemp at present is bringing an enormous sum of money into the province, so that the provincial government has no difficulty whatever in collecting taxes, which give ample revenue to conduct the government on a very liberal basis.

Highways, buildings, and bridges are being put in repair and built as rapidly as the material and labor can be had to construct them. The cities of Albay and Daraga, which were formerly destroyed by the insurgents, are being rebuilt as rapidly as it is possible to secure material for their reconstruction. The reconstruction of these towns is not delayed through any lack of finance, but through scarcity of material. If a million feet of lumber was landed in Legaspi I believe the entire amount could be sold in less than thirty days.

Schools have been organized in all pueblos and a greater part of the barrios. The nineteen leading pueblos in the province now have American instructors, and the progress they are making is exceptionally gratifying.

I call attention also to the following extract from the report of the native governor of the province of Iloilo. He reports:

That as regards peace and order it may be asserted that this province of Iloilo has no cause to envy any other province in the archipelago. The civil rule established here has satisfied the people and completed the work of pacification commenced by the military government. It may be asserted that the people, convinced of the advantages of this rule, have forgotten all the past in order to think only of their advancement materially, morally, and politically.

Highway robbery, which is the sequence to every war and famine, far from taking hold in this province, is decreasing, thanks to the active prosecution of which it is the object on the part of the constabulary, who are doing very good service. It is to be hoped that, assailed on every side, the people of evil life will disappear.

I insert in full the report of the provincial governor of Cavite, a province which, while it lies near to Manila, is, on account of its mountainous character, one of the most inaccessible in the islands:

MENDEZ NUÑEZ, *December 17, 1901.*

Hon. LUKE E. WRIGHT,
Acting Civil Governor of the Philippine Islands, Manila.

SIR: On this date, I being in this pueblo of Mendez Nuñez, in my province, to hold special municipal elections, I received your telegram of the 15th instant, which my provincial secretary was pleased to transmit me, as also your courteous letter of the 12th of the same month; and in compliance with all your instructions to me I have the honor and pleasure of reporting to you as follows:

During the trip I have been making up to date to the mountain towns of this province of Cavite, organizing municipalities, I feel that I ought to entertain no doubt of the desire for peace entertained by all its inhabitants.

In this trip I have taken steps to bring about the surrender of some small armed groups, the wake, as it were, of the revolutionary forces already surrendered, which, though they still continue under arms, have no political color, and the proof of this is that they devote themselves solely to holding up native traders to get their money. And from the steps I have taken I am in hopes that within a few days all these small armed parties, that are nothing more than highwaymen, will present themselves with all their arms.

I can also assure you of the peace and order in my province, and that the civil authorities, with the constabulary forces, will be sufficient to maintain and preserve them.

This organizing of municipalities will last, at the longest, up to the 22d instant, and when completed I shall be glad to report in person to you for an interview, after which I shall return to my province to clean it up completely.

I am very much impressed with and am almost certain of the successful results of my efforts tending to attracting and surrender of all parties still under arms in this province, who are nothing more, I repeat, than highwaymen, without any political ends.

With respect to the insurgents in other provinces, I have also the pleasure of informing you that I have already found means to enable me to communicate with them, particularly with those of the province of Batangas, and if fortune favors me, perhaps my negotiations may convince them and bring about their capitulation.

I have the honor to be, very respectfully,

MARIANO TRIAS,
Provincial Governor.

I think also the report of the governor of the province of Zambales, which is inserted in full, is not without interest, since it contains the pueblo of Macabebe:

IBA, ZAMBALES, P. I., *December 16, 1901.*

Hon. Mr. WRIGHT,
Acting Civil Governor of these Islands.

SIR: Your telegram of the 15th instant, in which you direct me to transmit a written report as to the peace conditions in this province, has been received by the provincial government, and I have the honor to report to you that the said conditions are truly satisfactory, so much so in fact that I can assert without the slightest exaggeration that in no point whatever of the province, including the most distant barrios of any pueblo and even in the mountains, is there noticeable the slightest sign of the existence of a revolution, and nothing remains of the former revolution but the sad evidences of the damage caused by and through the war, which are manifest, unfortunately, in the greater or less losses in property and loved ones by the inhabitants of the province; and the victims of those losses, as harmful as they are regretted, can not but still feel them, though they suffer in patience and with Christian resignation.

This perfect tranquillity and peace has been enjoyed by these inhabitants without any change or alteration since the ex-nationalistic general, Señor Tomas Mascardo, in May last surrendered to the constituted authorities. He exercised the superior command over the nationalistic guerrilla bands that were accustomed from time to time to molest one or more pueblos of the province, and to hold engagement with the forces of the American Army stationed therein, although without any advantage or benefit to themselves, and always causing the peaceful inhabitants unrest, alarm, and disquiet. These guerrillas, all attenuated and demoralized completely with that surrender, disappeared, which was very favorable to the province, and gratefully remembered by the same.

The fact is that prior to the said surrender these guerrilla bands were a constant nightmare for the peaceful citizens. The barrios situated at a distance from the pueblo became more and more deserted, being abandoned by their inhabitants, owing to the frequent attacks upon their persons and their interests, the guerrillas seizing both when least expected. The farmers, who compose the greater part of the inhabitants of the province, could not, without exposing their personal safety, devote themselves to their ordinary occupations when necessary to do so at points far removed from the pueblo. The traders who were compelled, in order to gain their livelihood, to pass from one pueblo to another, could only do so when the occasion presented itself to be protected by the American military forces who, in the line of duty, passed from one pueblo to another over the same route the former usually follow.

The stock raisers withdrew their stock from the pasture lands to prevent their becoming the object of the rapacity, compulsory or otherwise, of the guerrilla bands, thus exposing the stock to dying of hunger for want of food. In a word, all the inhabitants unwillingly withdrew from working out their material progress and prosperity, this being, however mournful and regrettable, better than losing their lives in the effort to secure their own happiness; and therefore no one could live at peace with God and man unless it were within the pueblos protected by American military detachments.

But now, ever since the ex-nationalistic general, Mascardo, surrendered, there is no repetition of these sad events, and the whole province, as though by magic, is animated to make up with interest their losses by devoting themselves with greater energy and ardor than heretofore to labor, not only

because it has returned to its normal and peaceful life, but also by reason of the content and enthusiasm it feels through the implanting of the civil rule and the establishment of several schools for the teaching of the English tongue in many pueblos of the province. The whole of the latter may now be traveled without any personal or material risk whatever and without the protection of an armed force.

So true is this that the inhabitants of the pueblo of Macabebe, province of Pampanga, who, it is well known, are hated by the Nationalists, come and go from that province to this one freely, without anything happening to them on the road, carrying to and selling in the different pueblos and barrios, as they did during the former domination, their native cloths, made in different places. The children of both sexes as never before devote themselves with ardor, application, and profit to the study of the English language.

This is all I can report to you in compliance with your foregoing telegram and in honor of the truth.

Respectfully,

POTENCIANO LESACA,
Provincial Governor.

I insert also in full the report of the governor of Pangasinan:

LINGAYEN, *December 17, 1901.*

THE ACTING CIVIL GOVERNOR OF THE PHILIPPINES.

SIR: In answer to your telegram of the 15th instant, asking for a report on the state of peace and the general conditions of the province, I have the honor to inform you that since civil régime has been established the inhabitants enjoy perfect tranquillity and comfort, and that their conditions are growing better each day under the new régime.

Peace is so well established that it has never been disturbed in the slightest, although we have discovered some small remains of the robber bands, formed of coarse and ignorant people, which existed in the province during the past revolutions and try to cover their misdeeds with some sort of political color, but the matter has no importance whatever.

The court of first instance has investigated the question, and has already released the 36 men who had been arrested in the municipality of Tayug, as they had been deceived by the so-called "guards of honor," and 24 others are still in jail waiting to be tried.

Very respectfully,

P. SISON,
Provincial Governor.

A later report, dated January 15, 1902, says:

During the year 1901 the inhabitants of the province have enjoyed and are enjoying perfect peace. The roads and bridges have generally been sufficiently repaired and rebuilt, as also the provincial buildings, such as the government house, the provisional prison, and the park of the capital. Where the work is not finished, it is carried on with the greatest activity. The provincial board has voted an appropriation for the purchase of important elements of transportation for the materials necessary for road building, so that the work may be done with the greatest possible amount of solidity and economy. The schools are attended by the children of both sexes.

Some of the municipalities insist on having American teachers, as it has been impossible to provide all the pueblos with them. The assessment of the property is progressing, and all the other contributions are collected with the greatest regularity. The rice crop, which is being gathered, is plentiful. In many municipalities houses and other buildings are being repaired and constructed. Agriculture, industry, and commerce, are making considerable progress. Under the present civil régime the general conditions of the province are daily improving, as well as the private interests of the inhabitants.

The following is an extract from the report of the governor of the province of Sorsogon. It is specially interesting because it shows that the native constabulary knows how to handle local uprisings:

SIR: In compliance with instructions contained in telegram from the civil governor, I have the honor to report that the conditions in the province of Sorsogon are satisfactory.

I personally have just returned from an overland trip, visiting all of the towns south of Sorsogon and passing through the wildest and roughest part of the country. The trip was made without a guard, and in all the towns and barrios the spirit of the people seemed to be the best.

The province has recently recovered from a local uprising, not of any political significance, but due purely to the ignorance of the populace in following a few unprincipled leaders who led them from motives of personal gain and who are not natives of this province. The matter was promptly taken in hand by the military authorities and the constabulary, and with the very material assistance of some of the presidentes and "principales" the uprising was soon quelled and the leaders nearly all captured or killed.

The general feeling among the intelligent portion of the population is good, and when they realize that they hold the power of leading the ignorant in the right direction and exercise that power for the general good, there will be little danger of further trouble in the province, as the people are naturally pacific and desire to live in peace. I can now begin to see some results of our work and instruction in this direction, and the municipal officers and some of the more intelligent of the people are beginning to realize that they have a further responsibility to their country and the government than remaining passively inactive and watching the Americans put down uprisings.

The following is an extract from the report of the governor of the province of Batan:

SIR: I have the honor to state that I have recently made an inspection of and visited all the towns in this province, and find the people entirely in accord with the government as established and expressing freely and unanimously their appreciation and approval of the forms of the government—municipal, provincial, and insular—now existing. The local governments of the municipalities are conducted in an intelligent, judicious, and praiseworthy manner.

There has not yet been a single abuse or breach of trust committed by an official since the establishment of civil government in the province, March 2, 1901. The local governments of the municipalities are conducted in an intelligent, judicious, and praiseworthy manner. There has not yet been a single abuse or breach of trust committed by an official since the establishment of civil government in the province, March 2, 1901. The financial accounts are in a healthy condition; all the towns are accumulating money in the treasuries, some having $3,000 at the end of last month on hand, with the intention of building schoolhouses first and other public improvements next.

The following is from the report of the governor of the province of Nueva Ecija:

The province is and has been free from any insurrectionary movement since the establishment of civil government in the province, July 2, 1901.

I insert also the report of Captain Grant, who was appointed governor of the province of Leyte, an island remote from Luzon, the disturbed conditions of which, since this report was sent in, have been emphasized by the newspaper accounts of the complaints of Captain Grant against the Army officers now in the island:

I have the honor to report that the peace conditions of this province are fairly satisfactory. The only armed resistance to constituted authority, so far as is now known, consists of a band of ladrones under the leadership of the two Capili brothers, who are reported to have about forty guns, of all kinds, the majority of which are unserviceable, while their supply of ammunition is very limited and of poor quality, most of it being of their own manufacture.

The people, generally, are anxious for civil government, and the officials elected in the various towns are developing, as a general rule, a very high degree of intelligence in the performance of their respective duties.

That the great majority of the people are happy and contented with their present condition is evidenced by the renewed activity displayed in all branches of industry. Agricultural, commercial, and manufacturing industries are taking on new life throughout the province, while the people are rebuilding their towns and homes, and are erecting, in many instances, substantial and comfortable buildings, instead of nipa shacks.

One of the most gratifying, and, to my mind, one of the most encouraging indications as demonstrating their appreciation of our institutions, as well as the popularity of the same, is the intense interest manifested among the masses to acquire a knowledge of the English language. During the current year the municipalities in this province have expended about 10,000 pesos in the construction and equipment of schoolhouses, which I think is quite a good showing for newly organized towns just recovering from the effects of a two or three years' war.

There are at present 33 American teachers on duty in the province, all of whom are doing excellent work. It affords me much pleasure to report that, with but one or two exceptions, there has been absolutely no friction between the padres and the schools, while quite a number of the padres have exhibited a desire to learn our language.

Let me add also this extract from the report of the province of Capiz, in Panay, which shows the expiring breath of the insurrection:

So pronounced is the public spirit for the preservation of order and the maintenance of civil institutions that at the beginning of October last, shortly after the unhappy event at Balangiga, island of Samar, some bad patriots with perverse intentions spread the rumor that 40 revolutionists, well armed with rifles, from Samar, had disembarked, and that on the 1st of November the bolomen were going to cut the throats of all the Americans and Americanistas.

These rumors found echo in the military, who took every kind of precautions, despite the fact that from reports received by this government the whole thing was false and intended only to alarm the people and see if the pueblos would become disturbed. The result was that all the pueblos unanimously were vigilant in their desire to maintain peace and disposed to sacrifice themselves in the interests of order, as was reported by the presidentes of the pueblos in reply to recommendations made by this government.

Recently, owing to the fact that the police in many pueblos have only bolos for arms, and the news having reached the ladrones that the American forces stationed at some towns will not leave their quarters, even when the barrios near the pueblo are attacked, as has already happened, the ladrones have become emboldened and have committed many robberies, carrying off carabaos belonging to the poor people who live outside the pueblo.

The public instruction is giving very favorable results through the appointment of American teachers, and already the number of children who begin to speak English is quite large, and all of them are anxious to become acquainted with the modern American methods of instruction.

Very respectfully,

S. JUGO VIDAL,
Provincial Governor.

The following is from the report of the governor of the province of Abra:

Assumed command Abra, March 27.

The insurrection at that time being very active, drastic measures were necessary, in consequence of which the surrender of all under arms was accomplished before May 1. Since then peace has reigned throughout the province. Civil government was established September 1, since which time we have been busy reorganizing the several pueblos.

All men are hard at work planting and building. No ladrones; very slight breaches of the peace. Safe for all to travel anywhere. Province is poor and needs assistance, money for roads being the first requirement. Industrial schools recommended, also sawmills, gristmills, etc. Schools in prosperous condition; the people seem contented and happy, and will remain so unless some hothead for personal reasons inaugurates strife. The people of Abra are a class of themselves.

The report of the governor of Marinduque is so brief that I insert it in full:

BOAC, MARINDUQUE, *December 25, 1901—4.45 p. m.*

CIVIL GOVERNOR, *Manila:*

Replying to your telegram 18th, received this date, letters as per request have been mailed. Marinduque is enjoying peace, happiness, and prosperity, so that American Army officers and civilians travel through the province alone and unarmed, as they would in their own country. Marinduque is engaged in peaceful avocations, and sincerely loves America and has faith and confidence in the future.

PARAS, *Governor.*

The governor of Cagayan reports as follows:

Peaceable condition of province is general and thoroughly established, which can be understood by contemplating the enthusiastic reception made to me at all towns where I hold municipal elections. People are very favorable to establishment of civil government and very obedient to the United States.

The provincial authorities of the island of Masbate say:

Peace is so completely established in the province that there is not so much as a gang of robbers in the whole territory. The provincial government and the municipalities are doing their work with regularity, and the people are deeply thankful for the benefits derived from the civil régime.

In the pueblos which have teachers the study of English is progressing. The people have a strong desire to learn the language, and it will be necessary to send teachers to all the pueblos; there are only 6 teachers for 17 pueblos.

The following is an extract from the report of the governor of the province of Misamis, one of the more backward provinces:

From Yligan to Gingo-og, including the island of Camiguin—that is to say in the east region, in which Cagayan, the capital, is situated—the perfect tranquillity of normal times is enjoyed, rarely interrupted by some evil deed on the part of the Moros of the Laguna de Lanao, in the neighborhood of Yligan exclusively, as has been their practice in all times.

Things are different in the other part of the province, from Misamis to Langaran, where the insurgent general, Rufino Deloso, is actively pursued by the American troops. Hardly any news is received from that region, for the reasons above mentioned, except by the military authorities, which have a cable and a steam launch. The local civil authorities never report by cable or letter any matter concerning the military operations, as the military elements have adopted such rigorous measures that they are terrified and do not dare even ask for information, for fear of misconstrued interpretation.

IMPORTANCE OF GENERAL DELOSO'S FORCES.

Gen. Rufino Deloso and his forces have been given much more importance than they deserve. He has only a few men with him (50 according to public rumor), and the principal inhabitants of that part of the province have shown him marked coldness and given me proofs of their strong desire to enjoy civil life under the new laws which rule the other pueblos. I can affirm that with a just and impartial policy, and the use of some tact on the part of the military authorities in their relations with the civil elements, complete peace and tranquillity would soon be obtained.

Following is an extract from the report of the provincial government of Occidental Negros:

Since the 6th of November, 1898, the island has had three distinct governments: First, the revolutionary government; next, the provisional one, after November 6, 1899, and, finally, the present government, after May 1, 1901. The two first were half civil and half military, the last purely civil. This succession of three distinct organizations amidst relative peace and tranquillity had brought the people of Occidental Negros to their present situation. Civil régime is not entirely new for them, although they appreciate its great advantages and its beneficial influence on all phases of public, private, political, and economic life.

ESTABLISHMENT OF CIVIL GOVERNMENT.

Civil government was established nine months ago, and although this is a short period in which to appreciate the character of a political epoch, one feels already among the people the first signs of an era of contentment and love for a régime which had been so long desired, which can not fail to lay for the future the stable foundations of a radical and deeply autonomous constitution.

If, while war was raging in other provinces, its contagious blasts were hardly felt here before they were extinguished by the prudence of the wise governors of Negros, and, above all, by the opinion of the people, which has shown unanimously that it is opposed to an irreconcilable policy; if, during the most critical moments of the revolution, Negros was considered by natives and foreigners as a paradise of tranquillity, it is useless to describe its present situation under the auspices of civil régime, which has always been the object of the wishes of all the inhabitants, who have never been induced to wander from the road which they have so happily followed. The only atmosphere here is one of peace, and hearts only beat for the prosperity of the province.

I append also an extract from the report of Julio Llorente, governor of the province of Cebu:

The conditions of surrender presented by the Commission were nearly all accepted by General Hughes and, as a result, Maxilom and all his forces became law-abiding citizens, and so complete has become the establishment of peace in this province that not a single gun belonging to insurgents has remained in the field. And those who surrendered are giving proofs of this patriotism and await resignedly for the time when peace shall be declared to reign throughout the entire archipelago, when they will recover the exercise of their political rights.

The governor of the province of Bohol says:

I have the honor to confirm the fact that the province of Bohol is now pacified.

The following is an extract from the report of the native governor of the province of Ilocos Norte:

As it was to be hoped, the establishment of the provincial government, with its provincial board, and of the municipal governments, with their municipal councils, have been and are most favorably received by all the inhabitants, although they were far from knowing, when they intrusted to their municipal governments the absolute management of the pueblos, that such municipal governments must be composed of competent and intelligent men, worthy of the honor which is done them, and capable of performing the duties of their office, as the most powerful element for obtaining the prosperity and the happiness of the pueblos is now intelligence and not force.

Popular election, which is an excellent system in civilized countries, where the rights of election and of vote are well known, where liberty is well understood and the necessity for intelligence, and not force, recognized by the citizens, is rather premature in this province, where what happens is just the opposite. I will not say that popular election is a bad system in this province; on the contrary, it is excellent for the people to learn its advantages as soon as possible; but for this purpose it would be better not to allow the people, for some time to come, at least, to elect the municipal officials, such as the president and vice-president, who ought to be appointed after proper investigation of their character, their capacity, and their legal competency, although the municipal councilors might be elected by popular vote as a trial and for the instruction of the people. My opinion is in favor of the adoption of legislative measures in that regard.

In some of the provinces friction has occurred between the civil and military authorities, and this has been especially noticeable in the few provinces where it was impossible to secure properly qualified native governors.

Such a province is Tayabas, where Maj. Cornelius Gardener, whose charges against the military authorities are now under investigation at Manila, is governor. It lies near the disturbed area of Batangas and Laguna. Nevertheless even here, in spite of his complaints against the Army, Major Gardener bears important testimony. Among other things he says in his report:

The work of the Philippine Commission and the laws that have been enacted by it are everywhere favorably commented upon by the natives. The efforts being made for the general education of the people are appreciated by all. The provincial government and municipal governments established are slowly bringing order out of chaos and anarchy, and there begins to be visible everywhere in this province progress and prosperity. True loyalty and contentment can only come under a benign civil government.

In Batangas, the most difficult of all the insurrectionary provinces to manage, the provincial secretary, Florencio R. Caldo, writing to the civil governor at Manila, on the 18th of December, 1901, in the midst of General Bell's campaign, which has now fortunately been crowned with complete success, after describing the unfortunate conditions of the people of the community, says:

The committees of the Federal party having been created in the pueblos of the province since February last, civil rule having been inaugurated and established since the May following, and the pueblos having been organized into municipalities pursuant to the existing municipal code, with the exception of Cuenta, Taysan, and Rosario, all of us who were lovers of peace and order hoped that those who were still in arms would surrender and recognize American sovereignty, in order to enjoy the benefits of that rule with us.

But the revolutionary leaders, miserably deceived by the revolutionary committee of Hongkong, and all of them, down to the last private, being the rulers over the life and property of the poor farmers who live outside the immediate protection of the American forces, have wished to remain in arms, for if they surrender the greater part will become vagrants, accustomed as they are to living at the expense of others.

Nevertheless, through the efficient measures which the illustrious General Bell is beginning to take, such as the blockade of the ports of this province and the prohibition of all trade, it is to be hoped that within a short time the desired peace may be secured. All the more since all the pueblos are clamoring for it and willing to lend their valuable assistance to its securement.

These reports cover the whole island of Luzon, except one province, and practically the whole civilized portion of the archipelago, which from one end to the other is now living under our peaceful authority.

I will only add an extract from the report of the chief of the Philippine constabulary, which indicates the present state of the native police force which is to be the future right hand of the insular government. He says:

The constabulary forces are fairly well organized (though the ranks are not completed) in all the provinces except Principe, Infanta, Mindoro, Samar, Zamboanga, Cattabato, Davao, Jolo, Paragua, Batangas, and Laguna. In the two last-named provinces only inspectors and special service men are working. We are now able to hold the following provinces without troops: Abra, Bontoc, Union, Lepanto, Benguet, Nueva Viscaya, and Bataan, likewise Principe and Infanta whenever it may be required. Within three months from this date it is believed that troops may be concentrated in a single garrison in at least eight provinces and that there will be others that can be held by the constabulary without troops.

On December 15 the constabulary had in round numbers 2,500 men. The great care exercised in recruiting this force accounts for the fact that this number is not larger, but is indeed worthy of remark that up to the present time only two men have been lost by desertion.

He adds:

When Malver in Batangas and Lukban in Samar are killed or captured the work in this archipelago will consist chiefly in destroying the numerous bands of robbers, variously called tulisanes, ladrones, alsados, babylanos, dios-dios, etc., and in this work the constabularly will be specially valuable, as shown by the beginning already made.

The general condition of the islands, as regards pacification, has never been so favorable as now, when the crumbling from the top is duly manifest. The new Association of Peace was organized, and its work is being carried on by the extreme group of politicians, journalists, and intransigentes, who have until now been responsible for the continuation of the insurrection. In my opinion the campaign in progress in Batangas and Laguna will be the coup de grâce of the insurrection and will prevent our trouble in the Philippines from becoming chronic.

The record of this work reflects infinite honor upon the Commission which has executed it, upon the American Army which made it possible, and upon the people of the United States who stood by President McKinley in the national election which saved the Philippine Islands to civilization.

To Governor William H. Taft, more than to any other man, belongs the credit of this benign interpretation of the national policy.

Unlike my friend the Senator from Colorado [Mr. PATTERSON], who does me the honor to listen to me this moment, he was not an original enthusiast on the acquisition of the islands. The President sent for him, and he carelessly boasted before he had had an opportunity to see him that he had not the slightest intention of going into any such business. He was judge of a circuit court of the United States, and before him there was a prospect clear as day to sit in the Supreme Court of the United States. He said he was opposed to the policy and knew nothing about it and cared nothing about it. He thought it was a blunder and a course of political stupidity.

President McKinley pressed his duty upon him. He was five hours in the President's private apartments, and when he came out he had been over the road to Damascus, a road which Victor Hugo says every man must travel who looks to any great achievement in this world, for he himself told me that in those five hours he received an altogether new revelation of the significance of

a man's relation to the world in which we are living. And so, easily and happily, he turned his back on the emoluments of a great profession, laid aside the ambitions of a great career, gathered his wife and children about him, and went out from among his kindred and his countrymen to become the servant of strange peoples in their blind struggle toward a larger and a better opportunity.

His perfect comprehension of the problems involved, his brotherly heart leaning toward that people with a tender sympathy, his manly confidence in his country, his invincible optimism rising above all doubts and all fears—these have been the guaranties of his success, and these are the moral qualities that will place his name among the great figures in the history of our time.

He came here from a bed of sickness, and while he was here his body was racked with pain. Yet he could not keep to himself his anxiety to get back to his people, and when the other day he bade us good-by and anxious friends were heard to inquire about his health he told them in words which thrilled me as few things have thrilled me in all my contact with men and with affairs that if he knew he was going back to the Philippine Islands to die, nevertheless he would desire to be about the business which had been committed to his hands. My countrymen, it is impossible to overshadow the lofty heroism of a mission like that with the noise and dust and tempest of partisan controversy in the Senate.

This responsibility of ours is not a party responsibility. It is as completely national as the declaration of war against Spain. Men of all parties were with the late President when he began the work. Men of all parties will be with Theodore Roosevelt as, with a brave heart, keeping close to the counsel of the men who were nearest to McKinley when he died, he carries out in good faith the promise which he made to the American people in the hour of national sorrow, when he took upon him the oath of his high official duty.

Nor can this be a sectional question. The other day I heard a gallant knight step forth and offer his lance to defend the South if it should be attacked. The South is not likely to be attacked in this debate, and I warn those who are saving their ammunition to defend the South that they will have other need for their resources. A new generation is now on the stage of action in the United States, a generation which refuses to rekindle the fires of old animosities long since burned out, a generation that concedes to every section of the Union the right to work out the problems that have come upon them in the progress of society, not even offering them advice, but sympathy and good will rather, in the ordeal through which they are yet to pass.

For one I find comfort in the fact that to-day the affairs of the Philippines are in the hands of a broad minded rebel general, Luke E. Wright of Tennessee, honored as few men are honored throughout the South, and I never think of the trials of our little army in Luzon without seeing in my mind's eye a little old rebel cavalryman by the name of Joe Wheeler, yonder on the other side of the world, riding at the head of his division defending the sovereignty of the Republic, under our flag, the flag that never did stand and never can stand for anything except the liberties of the human race.

Nearly fifty years ago Mr. Seward, speaking in the old Senate Chamber where the Supreme Court now sits, caught a prophetic glimpse of the future. He saw the conquest of the Rocky Mountains and the Bay of San Francisco filled with ships; he saw the isthmian canal opened to the nations. He saw the unnumbered millions of the East, touched at last by the mighty forces of the modern world, making the Pacific Ocean the appointed highway of our traffic with far-off lands, then mysterious or unknown.

Within that fifty years the Empire of Japan has risen up out of the ocean and to-day grasps the hand of Great Britain in a solemn covenant to guard the territorial unity of China and the equality of all commercial rights, while near at hand, on the very borders of Asia, are these islands, taking their first feeble steps toward constitutional government under our guidance; and I say to you, reflecting on the sacrifices we have made, counting the treasure we have poured out like water, considering the obligations we are under, and measuring the interests that are at stake, the Congress of the United States is just as likely to cede back the Mississippi Valley to the lawful heirs of Napoleon The Great as it is to leave the Philippine Archipelago to become a spoil of anarchy or a prize for European diplomacy. [Manifestations of applause in the galleries.]

OMNIBUS CLAIMS BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, having met, after a conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 2, and agree to the same.

That the House recede from its disagreement to the Senate amendment numbered 1, and agree to the same with amendments, as follows:

On page 8 of said Senate amendment, between lines numbered 15 and 16, insert the following:

"To Charles M. Flower, Frank S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, $23,357."

On page 10 of said Senate amendment, between lines numbered 18 and 19, insert the following:

"To Henry R. Walton, administrator of John Walton, deceased, of Anne Arundel County, $5,083."

On page 24 of said Senate amendment, between lines numbered 17 and 18, insert the following:

"To W. H. Robertson, administrator of Emma Robertson deceased (formerly Emma M. Mayo); H. P. Hobson, administrator of Lucy Mayo, deceased, and Sarah Agnes Bumpass, heirs of F. W. Mayo, deceased, of Fayette County, $874."

On page 29 of said Senate amendment, in line numbered 22, strike out the words "James C. Hays, administrator de bonis non," and insert in lieu thereof the words "Titus C. Hammond, administrator with the will annexed."

On page 75 strike out lines numbered 17, 18, 19, 20, 21, 22, 23, 24, and 25 and all of pages numbered 75, 76, 77, 78, 79, and 80, the same being the claims known as the "Selfridge board findings."

On page 86 of said Senate amendment strike out lines numbered 6, 7, 8, 9, 10, 11, 12, 13, and 14 and insert in lieu thereof the following:

"That the claim of the State of Nevada for costs, charges, and expenses properly incurred by the Territory of Nevada for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States, war of 1861 to 1865, under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

On page 87 of said Senate amendment, strike out lines numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

On page 88 of said Senate amendment, in line 8, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 88 of said Senate amendment, in line numbered 15, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 90 of said Senate amendment, strike out lines numbered 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"To James M. Seymour, jr., the sum of $2,500 for services as assistant commissioner to the International Exposition at Barcelona, Spain."

On page 92 of said Senate amendment, in line numbered 11, strike out "M. M. Defrees, of Indianapolis, Ind.," and insert in lieu thereof "The State of Indiana."

On page 92 of said Senate amendment, in lines numbered 22, 23, and 24, strike out the words "eight thousand three hundred and five dollars and thirty-eight cents, that being" and insert in lieu thereof the words "five thousand dollars, that being in lieu thereof."

On page 101 of said Senate amendment, strike out lines 19, 20, 21, 22, 23, 24, and 25; and on page 102 of said Senate amendment strike out lines numbered 1, 2, and 3; and the Senate agree to the same.

F. E. WARREN,
WM. E. MASON,
H. M. TELLER,
Managers on the part of the Senate.

THAD. M. MAHON,
HENRY R. GIBSON,
T. W. SIMS,
Managers on the part of the House.

Mr. WARREN. I ask that the paper which I send to the desk may also be read. It is brief.

The PRESIDING OFFICER. It will be read by the Secretary.

The Secretary read as follows:

OMNIBUS CLAIMS BILL, 1902.

Amount of bill as passed by the House	$213,105.51
Net increase by the Senate	2,929,252.09
Amount of bill as passed by the Senate	3,142,357.60

Of the increase made by the Senate of $2,929,252.09 the House has agreed to $1,405,393.35, and the Senate has receded from $1,553,172.74, making the total of the bill, direct appropriation, as agreed to in conference, $1,618,498.86.

Mr. WARREN. Mr. President, in explanation of this conference report I beg to say that the report is precisely the same as the first conference agreed upon, except that, first, the language is changed a little in stating a mode of settlement of the Nevada State claims, and, second, we have cut out all of the so-called Selfridge board claims, amounting to $1,072,425.39.

Your conferees have not surrendered their convictions or their belief in the merits of the Selfridge board claims which have been taken out, but it is perfectly plain to me, and it must be plain to every Senator, that parliamentary practice—law, perhaps I should say—demands that we now should make the concession which has been made.

The omnibus claims bill which came to the Senate from the House carried but a little over $200,000. Of course we understood that behind it was the expectation of the House that it would be very largely increased in the Senate. We increased it about twelvefold. The amendment was about twelve times as large when the bill was reported to the Senate and passed.

This increase was made up of certain classes of claims which had reference to each other and certain claims and classes of claims having no reference to each other. Therefore the taking out of one class of claims not connected with other classes does

not interfere or change in any way the balance of the bill. It is simply taking off certain items complete in themselves.

The House has three times—once informally and twice formally—expressed itself against these particular claims during the past two weeks, and each time with an increased majority. Your conferees believed that since the Senate placed so many claims in the bill, and since the House accepted the larger portion of the Senate amendments, it was the duty of the Senate to finally recede. Therefore your conferees surrendered to the demand of the House to cut out the Selfridge board claims.

Mr. HOAR. Will the Senator from Wyoming be good enough before he yields the floor to state to the Senate in a moment the general nature and character of what he calls the Selfridge board claims? There are some Senators who do not know them by that name, or some persons who will read the debate may not know the character of the claims.

Mr. WARREN. I think perhaps the Senator was not in the Chamber when I made some explanation of these claims last week.

Mr. HOAR. I know myself what the explanation is, but I wanted the Senator in this connection to explain the Selfridge board claims, if he will do so.

Mr. WARREN. These claims represent the findings of the Selfridge board which was convened June 5, 1865, and which was presided over by Commodore Thomas O. Selfridge, the other members being Montgomery Fletcher, chief engineer, and Charles H. Eldredge, paymaster, all officers of the United States Navy, selected by the Secretary of the United States Navy to take up and consider the claims of certain contractors for extras in the building of vessels.

Mr. HOAR. During the civil war.

Mr. WARREN. During the civil war. At the time or shortly after the *Monitor* sunk the *Merrimac* there seemed to be an awakening of the Federal Government to the desirability of ironclads and light-draft boats, and it immediately proceeded to construct a large number of light-draft boats and gunboats and, in fact, the United States precipitated itself into a sort of indiscriminate building of boats, without mature plans, getting contracts where it could, by inviting bids and almost or quite forcing contracts, in other cases by stating to the contractors that unless they conformed to the wishes of the Department their works would be taken possession of by the Government.

In justification of this statement I ask to insert in my remarks the following letter from one of the builders:

NEW YORK, *February 6, 1902.*

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to submit a few facts in regard to the matter discussed in the House some days ago, viz, the Selfridge board cases. On behalf of our company, the Allaire Iron Works, of this city, I would call your attention to House Report No. 19, made January 7, 1902, on bill No. 5898, introduced by Hon. Amos J. Cummings. In that report is embodied the affidavit of the secretary of our company, stating the facts fully, and, I think, clearly.

Our works were invited by the Navy Department to build engines and boilers for steamers known as double-enders. We went carefully over the drawings, estimating weights, labor, cost of material, etc., and found that we could not do the work for less than $115,000 for each—i. e., for boiler and engine for each steamer; and this was the bid of the Allaire Works.

Subsequently, Mr. Isherwood, then Chief of the Bureau of Steam Engineering, Navy Department, called on us, and said that the Secretary was anxious to have the engines and boilers built, but would give only $82,000, as he had bids at that figure. We told him they could not be built for that price. He replied that they would weigh but little, if any, more than the engines and boilers of the steamers of the *Paul Jones* class. We assured him that our estimate of the weight of the proposed boilers and engines was about 500,000 pounds, while those of the *Paul Jones* class weighed about 375,000 pounds each.

Mr. Isherwood said the Bureau had gone over the plans, and estimated that the proposed boilers and engines, though larger than the *Paul Jones* class, would be of lighter iron, and the weight would not vary materially from those of the *Paul Jones* class.

Upon the refusal of the Allaire Works to make a contract to build any of these engines and boilers for the price offered by the Government, viz, $82,000, Mr. Isherwood stated that he was instructed by the Secretary of the Navy to inform them and the other engine builders who declined to build at the price offered that unless they did make contracts at the Government's price, $82,000, the Government would seize their shops as a war measure, and build the machinery themselves.

Under this threat, and with the hope that the weights, as stated by Mr. Isherwood, would be found to be correct, we entered into contract with the Department for two engines and boilers on August 30, 1862. They were completed and delivered to the Government, engines and boilers, as follows: Engines and boilers for the *Mattabesett*, December 1, 1863; engines and boilers for the *Shamrock*, March 1, 1864.

Upon the most carefully kept cost of every item, we found that the machinery of each weighed 561,565 pounds, being nearly 200,000 pounds in excess of the weight of the *Paul Jones* class, and, as estimated by Mr. Isherwood, the actual net cost of each was $107,119.07, entailing a loss of $50,238.14.

We had to sign a receipt, of course, for what we were paid, but that receipt was for $50,238.14 less than the net cost. We appealed to the Navy Department. The Department recognized the absolute justice of our appeal and loss.

We were directed to go before the Selfridge board with all our books, papers, vouchers. We went. The board, appointed by the Secretary in pursuance of Congressional mandate, reported that our loss was $50,238.14.

That, honored sir, is our case. We submit that it is just. No receipts in full were given, or could be given; only receipts for $82,000.

For years we have done all in our power. We can do no more. Is it just that we should lose the money we claim? We did not want the contract. We knew we could not do the work without great loss. We took it under the circumstances I have stated to you.

In view of these facts, we hope you will see the absolute justice of our claim.

Very respectfully,

THEODORE S. MILLER,
Of Allaire Iron Works.

Now, Mr. President, the matter of adjudicating these claims was neglected for some time. Finally, on a resolution of the Senate, reported from the Committee on Naval Affairs, the Selfridge board was constituted, and its findings have remained standing to the credit of these contractors.

There has been some confusion and misunderstanding as to the two different boards which had to do with the settlement of most of these boat claims. As to the seeming conflict between the Selfridge and the Marchand boards, both were organized by the Secretary of the Navy, and he appointed officers of the Government as members. The Marchand board was not convened and was not organized to retry the Selfridge board claims. The Marchand board was organized to try an entirely new class of claims which had presented themselves after the Selfridge board.

Taking the boards in order, the Selfridge board was the first.

The action of the Secretary of the Navy was in obedience to the resolution adopted by the Senate March 9, 1865, which directed "that the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered."

The resolution establishing the Selfridge board limited the class of claims that could be brought before it; and it limited it to those claims in which the work performed had given satisfaction to the Navy Department, and only those could be considered.

This was held by the Selfridge board to include only such vessels and such engines as had been completed and accepted by the Government. When the Selfridge board was established there were many of these vessels that had not been completed, many of them that had not been accepted by the Government, and the same condition of affairs applied to them as to the others. Under the ruling of the Selfridge board these others could not be considered by that board. Hence the necessity of a new tribunal to consider the new class of claims which had arisen.

The Selfridge board was created by an act of a coordinate branch of this Government, and appointed by the Secretary of the Navy, and it sat and discharged its duties; and the other, the Marchand board, was created by the joint action, but they were both boards representing the interests of the Government, and nothing else.

The Government was represented by the naval officers, and they had the testimony of the naval officers. The following witnesses were examined by the Government before the Selfridge board: United States Naval Constructors Pook and Delano; Chief Engineers Purse, Albert, King, Brooks, and Lawton; Government Inspectors Childs, Lowry, Betts, Hughes, and Drake, each of whom was examined fully, under oath. They were all examined under oath before the Selfridge board. They were called in there to protect the interests of the Government.

Further, this board was in correspondence with Rear-Admiral Gregory, who had charge of the gunboat contracts, with the Secretary of the Navy, with Chief Engineer Denby, with John Lenthol, Chief of the Bureau of Construction, and B. F. Isherwood, Chief of the Bureau of Engineering, and Chief Engineer Fletcher, who from time to time made personal investigation as testimony was offered to the board.

I should say that about half of the boat claims, taking Selfridge, Marchand, and Boggs board claims, have been already paid, the assertions made and scattered about in printed form by an obscure, untruthful, unauthorized person to the contrary notwithstanding. There has been passed in almost every Congress for thirty years some bill or bills covering some of these various boat claims. In the last omnibus claims bill that passed we paid the Portland Company, for the *Agawam* and *Pontoosuc*, $64,698.97; we paid George W. Lawrence, for hulls for the *Agawam* and *Pontoosuc*, $13,777.24; we paid George W. Quintard, for the *Onondaga*, $68,163.13, and we paid Thomas F. Rowland, for the *Muscoota*, $57,252. And many bills had passed before in payment for similar claims.

Those amounts represent 80 per cent of these particular claims as the Selfridge board found them. A cut of 20 per cent was made on the demand of the House conferees, not because the claims were not right; not because the amount was too large, but because they wished to reduce the total of the omnibus bill, and the 20 per cent cut applied to large Bowman Act claims as well as to these.

Mr. HOAR. Mr. President, I should like to say one word about the Selfridge board claim, and I may as well say it now as at any time. I entirely concur with the wisdom or the necessity, whether it is wise or not, of the course adopted by the chairman of the Committee on Claims.

The Selfridge board claims, if I understand them, arose exactly in this way: During the civil war there came the great invention of the *Monitor* and a great awakening to the necessity for and

the superiority of ironclads and armored vessels over the old wooden vessels. Everybody knows the history of the *Merrimac* and the *Monitor*. The United States Government required the contractors who were building the new Navy to put into their contracts the stipulation that the Government should have the right to make any changes in the contract as it should go on, at any time before its completion, and that the contractors should have the right to be reimbursed the cost.

In other words, it was as if a gentleman who had contracted with a carpenter to build him a cottage at the seashore that would cost $1,500 had gotten the contract with a reservation that he might, if he saw fit, change it into a contract to build the new proposed depot down here, or a new building of any character. It was in substance, of course, confined to what would be called naval construction, but it was an absolute obligation to do anything the Government required. That was put in because the inventors of the country were making improvements in naval construction and architecture and the great revolution in ships of war was just begun and was going on.

The Government paid, I believe, the actual cost of these changes, although in many cases hundreds upon hundreds of thousands of dollars were imposed upon the contractor. But that not only required the addition, but it required long delay. The contractor had undertaken to do something he could do in three months or six months, and suddenly he was called upon by the Government to do something that was to take him nine months or fifteen months, or two years. In that period the cost of material and labor enormously increased.

By reason of the subtraction from the industries of this country of from half a million to a million men there was not only an increased demand and a diminished supply of labor, but the price of material went up, and the price of gold went up from 100 to 250, and at one time it nearly touched 300. So it cost the contractors twofold or threefold what they had contracted for to carry out their original contracts, and that they never had any pay for.

You will always find gentlemen out of Congress, if not in either House of Congress, whenever a contractor makes a claim against the Government, to guess and imagine that there is something very wicked, and it gets stayed off and stayed off, and after it has been delayed a few years then they say: "Oh, it is an old claim. Here is a claim twenty or fifteen or ten years old, and of course you can not say that it must be paid."

Mr. President, the first knowledge I ever had of these matters was in the Committee on Claims, which was the first committee I went on in this body in 1877. I will state the case, if I am not mistaken in my recollection, and perhaps my honorable friend from Missouri [Mr. COCKRELL] will correct me if I am, because he was on that committee at the time. It was a case of a Missourian. Was Chouteau the name?

Mr. COCKRELL. Chouteau, Harrison & Vallé.

Mr. HOAR. Very well. I had not a particle of interest in it or concern about it or knowledge of the people, except a desire to do justice in the matter. I made the report, if I am not mistaken. I may have got the wrong case, but I am stating in general what happened about some case.

The report was made and it met and ran the gantlet of inquiries and objections. It was a great deal harder to get those things through at that time than it is now. I believe on full discussion every Senator on both sides of the Chamber was satisfied with the absolute justice of that claim, and it went through and was paid.

Mr. COCKRELL. No; it never has been paid.

Mr. HOAR. Well, I thought it was paid.

Mr. COCKRELL. No.

Mr. HOAR. Then I have got the wrong claim. At any rate, it went through the Senate.

Mr. COCKRELL. I think so.

Mr. HOAR. That is enough for my purpose.

Mr. WARREN. The Chouteau claim passed the Senate and met with a veto elsewhere, because of the size of the bill of which the Chouteau claim was a part.

Mr. HOAR. It did get through the Houses, and was vetoed; but that is immaterial. I am speaking of the whole matter. The substance of it is that that claim was admitted to be just by every member of this body, as I now recollect. There have been other claims like it reported and discussed, and I have no recollection of one against which there has ever been cast a vote in this body on the merits. If there be one, I do not remember it, and I probably never knew it at the time.

There have been objections to paying these large claims by gentlemen who were managing the public expenditures and did not want to increase the showing of the total appropriations, and there have been objections started and abandoned from imperfect knowledge; but I think to refuse the payment is just as disreputable to a great and rich government, and it would be just as disreputable to a small and poor government, as it would be for me or you, Mr. Chairman, to refuse to pay the carpenter who builds our house. The fact that these men came to the aid of the Government in the time of its extremity makes the case all the stronger. A few of the claims—a good many of them, I dare say—got through singly, but some of them are still unpaid.

Then, in order that we might put an end to the discussion of these details over and over again, the matter was sent to the Selfridge board, a board composed of old naval officers of high standing and character. I can not state myself from recollection, but the Senator from Wyoming will state whether the board was unanimous in its finding.

Mr. WARREN. It was.

Mr. HOAR. It was unanimous in its finding.

Now, is it possible for the United States to make a contract? Is it possible for the United States to owe anybody a dollar honestly and fairly? And if it be possible, I will not ask the question whether under those circumstances it is possible for this Government to refuse to pay it.

Mr. DANIEL. I think I heard the Senator from Wyoming, who has charge of the bill, state that the *Monitor* sank the *Merrimac*. That statement is against all the history I have read on the subject.

Mr. WARREN. If I am mistaken I will correct it.

Mr. DANIEL. That is a mistake. The *Monitor* never sank the *Merrimac*.

Mr. WARREN. Technically, the Senator from Virginia is right, but the *Monitor* practically destroyed the *Merrimac*.

Mr. COCKRELL. Mr. President, there has been much controversy over the claims known as the Selfridge claims. I have not recently had the time and the opportunity to make a thorough examination of their history in Congress or in the departments. I will only state now what I understand to be the grounds of the objections that are now urged to them. I want it put in the RECORD, so that hereafter the Committee on Claims may investigate the correctness of these charges.

Contracts were made during the war, just as stated by the distinguished Senator from Massachusetts [Mr. HOAR], with provision for changes and alterations in them, and changes and alterations were made. The time of completion was delayed, and the Navy Department paid what they considered a reasonable cost of the changes that were made.

In 1865, I think it was, a resolution was passed by the Senate, a single resolution only of the Senate—not a law—authorizing the Secretary of the Navy to appoint, or authorizing the appointment of, what has since been known as the Selfridge board. That board made an examination and a report specifying the amounts that they found; and thereupon in subsequent Congresses application was made for the payment of the awards made by that board.

I can not state with accuracy the Congress in which it occurred, but in a subsequent Congress there was very full and lengthy discussion of the Selfridge board claims. The result of that discussion was the enactment of a law creating what has since been known as the Marchand board. The Marchand board made their report, and a law was enacted making appropriations to pay certain amounts to the contractors, to be received in full payment and discharge of their obligations, and the payments were accordingly made.

As a matter of course the record will show this, and the law enacted will show it. I have not had time to hunt it up and make a reference to it. I am only stating what I understand to be the objections now urged against these claims. The amount the Marchand board allowed or that was appropriated under it was much less than the amount under the Selfridge board.

Mr. WARREN. Mr. President, may I interrupt the Senator?

Mr. COCKRELL. Certainly.

Mr. WARREN. The Senator is stating correctly certain of the incidents, but I think he overlooks the fact that the Selfridge board claims we are proposing to pay did not as a rule go before the Marchand board.

The Marchand board, as the Senator says, was a later board and took up the vessels that were not finished at the time the Selfridge board made their findings, so that but few of the whole number of Selfridge board claims went before the Marchand board.

Mr. COCKRELL. Some of them were before it.

Mr. WARREN. Some of them were before the Marchand board. They brought in altogether allowed claims to the amount of about two hundred and odd thousand dollars due on certain vessels. To be exact the amount was $187,475.56.

As the Senator says, there was full discussion in the House and Senate following that report. There were all kinds of propositions. Some members of the House and Senators felt that the

amount of Marchand board findings even ought to be cut down. One proposition for a cut of 87½ per cent or down to an allowance of 12½ per cent was made on this floor, I think.

But I call the Senator's attention to the fact that a number of claimants for whom the Marchand board found amounts due were not willing to rest their cases there, but took them to the Court of Claims, and I think in every case the judgment found was for a larger amount than the Marchand board had found. In two cases that I noted particularly, where claims were before both boards, a great deal larger sum was awarded by the court than either the Selfridge or Marchand board had accorded.

For instance, this morning, in looking over the reports, I noticed the case of the boat *Manayunk*, that was before both boards, where the finding was $71,569.42 by the Selfridge board and Marchand found nothing. The court awarded $91,072, an increase of nearly $20,000.

In another case, where $36,533.44 was found due, the court gave the claimant $127,077—over three times as much as the Selfridge board finding and after the Marchand board found nothing.

The Marchand board was a different and we may say a more restricted board, and followed different instructions. Instead of taking into consideration all the circumstances and computing all the expenses, including the rise of material and the rise of labor, it was to consider only what was found due the contractors under the specific terms of their contracts. Now, a contract would read, we will say, $75,000 for a piece of work. It would state that any additions made by the Navy Department should be at the same expense relatively as to labor and material.

Mr. COCKRELL. At the same ratio of cost.

Mr. WARREN. Yes. Now, these changes, such as were extraordinary and which were made from time to time, and in which the Government asked delay in order to perfect its plans, etc., carried the work along until, as the Senator from Massachusetts says, the material and labor had risen to two and three times as much, or anyway from 150 to 200 per cent higher. All that came up before the Selfridge board for its consideration. The Marchand board sat with closed doors and considered the contract and the papers alone, without taking testimony or reviewing any of the evidence as to the extra work occasioned by the extraordinary demands of the Government because of unprecedented circumstances and surroundings.

Mr. COCKRELL. I was not certain as to the particular claims that the Marchand board acted upon. I supposed they acted upon all the Selfridge board claims.

Mr. WARREN. No; only a part of them.

Mr. COCKRELL. As I understand, in your bill you have claims—or you ought to have—that were not in the Selfridge board award?

Mr. WARREN. I will say to the Senator that those are still in the bill. They are references to the Court of Claims for settlement. They are cases where the Selfridge board did not find, or where the claims escaped the attention of both boards, or where the boards found an amount unsatisfactory to the contractor.

Mr. COCKRELL. The Senator from Massachusetts spoke about the rise in the price of gold. Under the reference of these claims the question would not be open to the Court of Claims to decide whether these gentlemen should get the difference between legal-tender money and gold.

Mr. WARREN. I think the Senator from Massachusetts hardly meant that. I think that the rise in gold would be represented perhaps in the rise of material and labor. I do not understand that the court takes up as a matter of fact the price of gold from day to day, but it does take up the price of commodities that go into the construction of vessels.

Mr. COCKRELL. I only wanted to say that if they were to be taken into account it would open Pandora's box, not only as to one of them, but all of them.

Mr. WARREN. That is right.

Mr. COCKRELL. It would involve this Government in extra appropriations for another century.

Mr. President, I simply wanted to state the ground of criticism of these claims, so that in the future the question might be carefully examined, and if they come up again that we may have an historical account of them, and that there may be no doubt about the facts in the case.

Mr. WARREN. In reply to that particular side of the controversy, there is no doubt that they will come up.

Mr. COCKRELL. I have no doubt of that.

Mr. WARREN. There is no doubt that we shall have to again consider them and that all of us have much to learn concerning these claims. While I acknowledge that what the Senator says is true, it seems to me that the real cause of the objection is that the House members acknowledge, many of them, that they do not know anything about the claims, and as they involve a large amount, the members are against them. The speeches on the other side will show that the opposition to these claims does not come principally from men who claim to have studied them and who are acquainted with all the facts. The objection comes either from the fact that they do not know about them themselves, or from misinformation gathered from irresponsible sources.

The RECORD includes speeches made in the House by members who inserted what purports to be historical material, but an examination divulges that the alleged history has been presented in another form about the Capitol in a fly-leaf publication that has been gratuitously distributed and from which members have seemed to quote. The free dodger referred to is remarkable in that it is not true in what it does say and is also remarkable in that it leaves out that which is true.

Now, as to the findings of these different boards. I can not say that there have not been two or three successive Congresses when they were not appropriated for, but I think not. I think in the more than thirty years last past nearly every Congress has appropriated something somewhere on these different boat claims, either to pay a claim directly or to send some of the claims to the Court of Claims.

Mr. COCKRELL. I wish to suggest to the Senator from Wyoming that I think there ought to be some of these old documents reprinted. The reports of both the Selfridge board and the Marchand board ought to be reprinted, and there ought to be a reprint of any of those documents which are not accessible, because we must go by the record of what has been done. As soon as I find out which of the reports are not accessible I shall introduce a resolution to have them reprinted for the benefit of the Senate so that we may have the facts and not indulge in speculation about it.

Mr. WARREN. I think the Senator from Missouri is quite right in the matter. Following his suggestions, I will insert at this point some tables which I have prepared.

Selfridge board findings heretofore paid.

Name of boat.	Name of contractor.	Amount found by Selfridge board.	Amount found by Marchand board.	Amount paid since.	How paid.	Date of act.	Where found.	Being the amount found by—
Fortune, Speedwell, Standish, Mayflower.	James Tetlow	Not before.	Not before.	$86,400.00	Congress	Feb. 28, 1867	14 Stats., 625	Congress.
Camanche	Donahue, Ryan & Secor.	$179,993.80	Not before.	179,000.00	do	Mar. 30, 1867	15 Stats., 353	Selfridge board.
Mackinaw	Poole & Hunt	44,015.84	$3,694.81	3,694.81	do	July 13, 1868	15 Stats., 379	Marchand board.
Manhattan, Tecumseh, Mahopac.	Z. & F. Secor, W. Perine & Z. F. Secor.	348,061.71	115,539.01	208,655.91	Cong., $115,539.01 Sec. Nav., 93,116.90	do Jan. 1-6, 1870	do H. Mis. Doc., Vol. 4, 1871-72, p. 8.	Do. Boggs board.
Manayunk	Snowden & Mason	71,569.42	Nothing found.	91,072.00	Congress	Aug. 23, 1894	28 Stats., 450	Court of Claims.
Naubuc	William Perine	36,533.44	do	127,077.00	do	June 8, 1896	29 Stats., 335	Do.
Agawam, Pontoosuc (hulls).	G. W. Lawrence	17,221.54	do	13,777.24	do	Mar. 3, 1899	30 Stats., 1205	Selfridge board.
Agawam, Pontoosuc (machinery).	Portland Locomotive Co.	80,867.46	Not before.	64,693.97	do	do	do	Do.
Otsego	Fulton Works	22,386.61	do	22,386.61	do	do	do	Do.
Onondaga	G. W. Quintard	85,203.91	do	68,163.13	do	do	do	Do.
Muscoota	T. F. Rowland	82,460.95	Nothing found.	57,252.00	do	do	do	Do.

The following are Selfridge board findings for which bills are now before Congress and which have not been paid:

DOUBLE-ENDERS, WOODEN HULLS.

Name of boat.	Name of contractor.	Amount found.
Iosco [a]	Larrabee & Allen	$11,708.97
Massasoit [a]	Curtis & Tilden	4,128.39
Osceola [a]	do	4,128.39
Chickopee [a]	Paul Curtis	4,128.39
Mattabesett [a]	A. & G. S. Sampson	4,015.38
Metacomet [a]	Thomas Stack & Co	16,351.36
Mingoe [a]	D. S. Mershon	11,500.00
Eutaw [a]	J. J. Abrahams	12,576.10
Pontiac [b]	Hillman & Streaker	5,041.22

WOODEN DOUBLE-ENDERS, MACHINERY.

Iosco [b]	Globe Works	$29,789.00
Massasoit [b]	do	29,788.99
Mattabesett [a]	Allaire Works	25,119.07
Shamrock [b]	do	25,119.06
Chickopee [a]	Neptune Works	20,351.81
Tallapoosa [b]	do	20,351.80
Ascutney [b]	Morgan Works	25,826.34
Chenango [a]	do	25,826.33
Metacomet [b]	South Brooklyn Works	30,617.35
Mendota [b]	do	30,617.35
Lenapee [a]	Washington Works	20,161.24
Mingoe [b]	Pusey, Jones & Co	5,817.38
Wyalusing [b]	do	5,817.37

WOODEN DOUBLE-ENDERS, MACHINERY—continued.

Name of boat.	Name of contractor.	Amount found.
Pontiac [b]	Neafie & Levy	$22,494.50
Mackinaw [b]	Poole & Hunt	44,015.84
Oseola [a]	Atlantic Works	20,513.73
Sassacus [b]	do	20,513.73
Peoria [b]	Etna Works	61,752.51

IRON DOUBLE-ENDERS, HULL AND MACHINERY.

Suwanee [b]	Reaney, Son & Archbold	$38,974.18
Wateree [b]	do	34,161.63
Shamokin [b]	do	33,932.97
Mohongo [a]	Zeno, Secor & Co	113,543.78
Winnipec [a]	Harrison Loring	63,715.41

IRONCLAD, MACHINERY.

Miantonomoh [a]	Novelty Works	$35,832.04

IRON TUGBOATS, HULL AND MACHINERY.

Pilgrim [a]	Pusey, Jones & Co	$4,793.38
Triana [b]	William Perine	52,472.81
Maria [b]	do	43,586.98

[a] Also before Marchand board. [b] Not before Marchand board.

Marchand board findings heretofore paid.

Name of boat.	Name of contractor.	Amount found by Marchand board.	Amount found by Selfridge board.	Amount paid since.	How paid.	Date of act.	Where found.	Being the amount found by—
Canonicus	Harrison Loring	$38,513.00	Not before board.	$38,513.00	Congress	July 13, 1868	15 Stats., 379	Marchand board.
Casco	Atlantic Works	4,852.58	do	4,852.58	do	do	do	Do.
Chimo	Aquilla Adams	4,852.58	do	4,852.58	do	do	do	Do.
Cohoes	M. F. Merritt	4,852.58	do	4,852.58	do	do	do	Do.
Sandusky, Marietta	Tomlinson, Hartupee & Co.	15,171.00	do	15,171.00	do	do	do	Do.
Mackinaw	Poole & Hunt	3,694.81	44,015.84	3,694.81	do	do	do	Do.
Saugus	Harlan & Hollingsworth Co.	Not before.	Not before board.	38,513.00	do	do	do	Congress.
Manhattan, Tecumseh, Mahopac.	Z. and F. Secor, W. Perine, and Z. F. Secor.	115,539.01	348,051.71	208,655.91	{Cong., $115,539.01. Secretary Navy, $93,116.90.	Jan. 1-6, 1870	H. Mis. Doc., vol. 4, 1871-72, p. 8.	Boggs board.
Keokuk	Charles W. Whitney	Before, but not considered.	Not before board.	73,310.75	Congress	June 1-10, 1872.	17 Stats., 671 and 691.	Congress.
Shiloh	George C. Bestov	Nothing found.	do	125,000.00	do	Feb. 18, 1873	17 Stats., 733	Do.
Cimmarron	Daniel S. Mershon, jr.	Before, but not considered.	do	46,715.08	do	Mar. 2, 1875	18 Stats., 635	Do.
Tippecanoe	Miles Greenwood	Nothing found.	do	76,730.00	Court of Claims	Dec., 1878	14 Ct. of Cls. R., 597.	Court of Claims.
Squando	McKay & Aldus	do	do	115,157.00	Congress	July 28, 1892	27 Stats., 307	Do.
Umpqua	Snowden & Mason	do	do	118,327.00	do	Mar. 3, 1893	27 Stats., 677	Do.
Manayunk	do	do	71,509.42	91,072.00	do	Aug. 23, 1894	28 Stats., 450	Do.
Nauset	Donald McKay	do	Not before board.	101,529.73	do	Mar. 2, 1895	28 Stats., 868	Do.
Wassuc	George W. Lawrence	do	do	99,522.32	do	July 19, 1879	20 Stats., 141	Congress.
Agawam, Pontoosuc (hulls).	do	do	17,221.54	13,777.24	do	Mar. 3, 1899	30 Stats., 1205	Selfridge board.
Muscootah	T. F. Rowland	do	82,409.95	57,252.00	do	do	do	Do.
Ashuelot	Donald McKay	do	Not before board.	11,551.08	Court of Claims	Mar. 13, 1899	S. Doc. 9, Fifty-sixth, first sess.	Court of Claims.

The Marchand board also considered some other claims, not finding amounts due, and upon which payments have not been made. So I do not enumerate.

It will be observed that the name of a vessel sometimes appears in one board for claim on hull and in the other board for claim on machinery. The first being finished in time went to the first board, and the balance not finished in time went to the second board.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the conference report.

The report was agreed to.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, it was the intention that the Senator from Michigan [Mr. BURROWS] should follow the Senator from Iowa [Mr. DOLLIVER] to-day, but owing to affliction in his family he has been unable to be in the Senate to speak this afternoon. The understanding was that the opponents of the bill would be ready to go on upon Tuesday. I was in hopes that perhaps some one would be ready to go on this afternoon. The understanding was that they would be ready to go on upon Tuesday and that the Senator from Michigan and the Senator from Iowa would fill the day to-day. I ask the Senator from Idaho whether anyone is ready to go on. Of course I should be glad to have the time occupied to-day by debate on the bill.

Mr. DUBOIS. I will state to the Senator from Massachusetts that we had made our arrangements to go on to-morrow, understanding that to-day would be occupied by the Senators from Iowa and Michigan. I have inquired and the arrangements have been perfected. All the days are taken up until the debate is closed, so far as I know, and those on this side who are to speak have arranged the time when they will speak.

Mr. HALE. This week?

Mr. DUBOIS. This week, commencing to-morrow morning. As the Senator from Massachusetts knows, it is quite difficult to arrange a programme of speakers. We have been devoting considerable time to it and have the programme arranged, with the understanding, however, that we were to commence to-morrow.

Mr. LODGE. Of course, it was understood that the opposition to the bill would go on upon Tuesday. I have no right to expect or to press them to go on this afternoon. As one of our speakers on our side has dropped out I will ask that the unfinished business be informally laid aside, and that the Senate proceed to the consideration of the Calendar.

Mr. DUBOIS. As the Senator from Massachusetts knows, I am quite anxious for an executive session, and if it will not in-

convenience anyone, will it not be well for the Senate this afternoon to have an executive session?

Mr. LODGE. I will move for an executive session presently; but first I should like to call up for consideration a bill on the Calendar.

Mr. DUBOIS. Very well.

GOVERNORS ISLAND, BOSTON HARBOR.

Mr. LODGE. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. LODGE. I move to amend in line 4, after the name "Massachusetts," by striking out "through its mayor," and in line 11, after the word "by," by striking out the word "him," and inserting "the Secretary of War."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 4, after the name "Massachusetts," it is proposed to strike out "through its mayor," and in line 11, after the words "approved by," to strike out "him," and insert "the Secretary of War;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized to permit the city of Boston, in the State of Massachusetts, to improve and beautify Governors Island, or a portion thereof, situated in said city and belonging to the United States, in connection with mooring berths to be built adjoining said island, and to make such excavations and fillings and erect and maintain such structures as may be considered proper for the purpose; all upon plans to be previously approved by the Secretary of War: *Provided*, That the permission given pursuant to this resolution shall not pass any right or title in said island, but shall be revocable at will by the Secretary of War, and the ownership of said island shall remain entirely in the United States, and it shall be subject to such uses for military or other purposes as the Secretary of War may at any time direct.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

OLE STEENSLAND.

Mr. FOSTER of Washington submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

A. G. FOSTER,
J. C. PRITCHARD,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MILLS,
Managers on the part of the House.

The report was agreed to.

MORGAN MEMORIAL ASSOCIATION OF WINCHESTER, VA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Military Affairs with an amendment, in line 9, after the name "Morgan," to insert "in such manner that their safety from unlawful removal will be assured and their return if called for by Congress;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to loan to the Morgan Memorial Association, Winchester, Va., the two 24-pounder boat howitzers, English (bronze), without carriages, relics of the Revolutionary war, now at the Allegheny Arsenal, Pittsburg, Pa., to be placed at the grave of Gen. Daniel Morgan in such manner that their safety from unlawful removal will be assured and their return if called for by Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 20, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 19, 1902.

UNITED STATES ATTORNEY.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota. A reappointment, his term having expired May 8, 1902.

APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Abram A. Harbach, First Infantry, May 16, 1902, vice Snyder, retired from active service.

Col. William F. Spurgin, Fourth Infantry, May 16, 1902, vice Auman, retired from active service.

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, to be secretary of the legation of the United States at Habana, Cuba, to fill an original vacancy.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

POSTMASTERS.

Mellie B. Towne, to be postmaster at Orange, in the county of Orange and State of California, in place of Mellie B. Towne. Incumbent's commission expired May 11, 1902.

William M. Tisdale, to be postmaster at Redlands, in the county of San Bernardino and State of California, in place of Halsey W. Allen. Incumbent's commission expired May 16, 1902.

Isaac L. Trowbridge, to be postmaster at Naugatuck, in the county of New Haven and State of Connecticut, in place of Isaac L. Trowbridge. Incumbent's commission expired May 4, 1902.

James H. Maull, to be postmaster at Georgetown, in the county of Sussex and State of Delaware, in place of James H. Maull. Incumbent's commission expired May 5, 1902.

George J. Castle, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois, in place of George J. Castle. Incumbent's commission expired May 4, 1902.

Levi W. Davison, to be postmaster at Earlville, in the county of Lasalle and State of Illinois, in place of Levi W. Davison. Incumbent's commission expired May 4, 1902.

James F. M. Greene, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois, in place of Benjamin F. Boyd. Incumbent's commission expired June 23, 1901.

Daniel E. Keen, to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois, in place of Daniel E. Keen. Incumbent's commission expired January 21, 1902.

William A. Hutchinson, to be postmaster at Oak Park, in the county of Cook and State of Illinois, in place of William A. Hutchinson. Incumbent's commission expired May 4, 1902.

J. W. Stauffer, to be postmaster at Pittsfield, in the county of Pike and State of Illinois, in place of Hugh D. L. Grigsby. Incumbent's commission expired January 10, 1902.

John Culbertson, to be postmaster at Sumner, in the county of Lawrence and State of Illinois, in place of John Culbertson. Incumbent's commission expired January 10, 1902.

Alonzo C. Sluss, to be postmaster at Tuscola, in the county of Douglas and State of Illinois, in place of Alonzo C. Sluss. Incumbent's commission expires May 24, 1902.

Albert Brittson, to be postmaster at Decatur, in the county of Adams and State of Indiana, in place of Philip L. Andrews. Incumbent's commission expired January 19, 1902.

Thomas L. Green, to be postmaster at West Union, in the county of Fayette and State of Iowa, in place of Thomas L. Green. Incumbent's commission expired May 5, 1902.

William Stackpole, to be postmaster at Saco, in the county of York and State of Maine, in place of William Stackpole. Incumbent's commission expires May 28, 1902.

Newton H. Fogg, to be postmaster at Sanford, in the county of York and State of Maine, in place of Newton H. Fogg. Incumbent's commission expired May 4, 1902.

John W. Fitzgerald, to be postmaster at Grand Ledge, in the county of Eaton and State of Michigan, in place of John W. Fitzgerald. Incumbent's commission expired May 16, 1902.

William J. Richards, to be postmaster at Union City, in the county of Branch and State of Michigan, in place of William J. Richards. Incumbent's commission expires May 28, 1902.

Samuel A. Stacy, to be postmaster at Ord, in the county of Valley and State of Nebraska, in place of Samuel A. Stacy. Incumbent's commission expired May 16, 1902.

John H. Tower, to be postmaster at Sutton, in the county of Clay and State of Nebraska, in place of John H. Tower. Incumbent's commission expires May 24, 1902.

John P. Herrick, to be postmaster at Bolivar, in the county of Allegany and State of New York, in place of John P. Herrick. Incumbent's commission expired May 11, 1902.

Melvin E. Horner, to be postmaster at Belmont, in the county

of Allegany and State of New York, in place of Melvin E. Horner. Incumbent's commission expired May 11, 1902.

William J. Cornell, to be postmaster at Chautauqua, in the county of Chautauqua, and State of New York, in place of William J. Cornell. Incumbent's commission expired July 5, 1901.

Lewis C. O'Connor, to be postmaster at Geneseo, in the county of Livingston and State of New York, in place of Lewis C. O'Connor. Incumbent's commission expired May 6, 1902.

William N. Wallace, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York, in place of William N. Wallace. Incumbent's commission expired May 11, 1902.

Elias H. Bird, to be postmaster at Plainfield, in the county of Union and State of New Jersey, in place of Elias H. Bird. Incumbent's commission expires May 28, 1902.

Clifford B. McCoy, to be postmaster at Coshocton, in the county of Coshocton and State of Ohio, in place of Clifford B. McCoy. Incumbent's commission expired April 15, 1901.

Joseph M. Ickes, to be postmaster at Newark, in the county of Licking and State of Ohio, in place of Joseph M. Ickes. Incumbent's commission expired March 30, 1902.

Eugene A. Deardorff, to be postmaster at New Philadelphia, in the county of Tuscarawas and State of Ohio, in place of Eugene A. Deardorff. Incumbent's commission expired April 15, 1901.

Delbert W. Wilmarth, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in place of Delbert W. Wilmarth. Incumbent's commission expired May 10, 1902.

Adele E. Barnes to be postmaster at Delavan, in the county of Walworth and State of Wisconsin, in place of Adele E. Barnes. Incumbent's commission expired March 31, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1902.

CONSULS-GENERAL.

Edward S. Bragg, of Wisconsin, to be consul-general of the United States at Habana, Cuba.

James H. Worman, of New York, to be consul-general of the United States at Munich, Bavaria, from July 1, 1902.

CONSUL.

William Martin, of New York, now consul at Ching Kiang, China, to be consul of the United States at Nanking, China, from July 1, 1902.

DISTRICT JUDGE.

Clarence Hale, of Portland, Me., to be United States district judge for the district of Maine.

UNITED STATES ATTORNEY.

Jesse A. Frye, of Washington, to be United States attorney for the district of Washington.

REGISTER OF THE LAND OFFICE.

Robert Barber, of Alabama, to be register of the land office at Montgomery, Ala.

RECEIVER OF PUBLIC MONEYS.

Jay M. Smith, of Minnesota, to be receiver of public moneys at Duluth, Minn.

SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

COLLECTOR OF CUSTOMS.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia.

INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin, to take effect May 28, 1902.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. William H. Cushing, of New York, to be a captain in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE NAVY.

Gustavus R. Madden, a citizen of California, to be an assistant paymaster in the Navy.

PROMOTIONS IN THE NAVY.

Commander Edwin C. Pendleton, to be a captain in the Navy, from the 21st day of January, 1902.

Lieut. John A. Dougherty, to be a lieutenant-commander in the Navy, from the 21st day of January, 1902.

Lieut. (junior grade) Emory Winship, to be a lieutenant in the Navy, from the 21st day of January, 1902.

Lieut. James M. Pickrell, to be a lieutenant-commander in the Navy, from the 5th day of April, 1902.

Lieut. (junior grade) George L. P. Stone, to be a lieutenant in the Navy, from the 5th day of April, 1902.

Commander James M. Miller, to be captain in the Navy, from the 29th day of April, 1902.

Lieut. Edward H. Scribner, to be a lieutenant-commander in the Navy, from the 27th day of December, 1901.

Pay Inspector William J. Thomson, to be pay director in the Navy, from the 29th day of March, 1902.

Asst. Surg. James G. Field (retired), to be a surgeon in the Navy, on the active list, with the rank of lieutenant, not in line of promotion, in accordance with the provisions of an act of Congress (Private No. 579) approved May 1, 1902.

Lieut. John B. Bernadou, to be a lieutenant-commander in the Navy, from the 9th day of February, 1902.

Lieut. (Junior Grade) Charles S. Bookwalter, to be a lieutenant in the Navy, from the 9th day of February, 1902.

Lieut. (Junior Grade) Walter S. Turpin, to be a lieutenant in the Navy, from the 16th day of March, 1902.

Assistant Paymaster Charles W. Penrose, to be a passed assistant paymaster in the Navy, from the 23d day of December, 1900.

PROMOTION IN THE MARINE CORPS.

Second Lieut. Hugh L. Matthews, to be a first lieutenant in the Marine Corps.

POSTMASTERS.

Richard Waring, to be postmaster at Abilene, in the county of Dickinson and State of Kansas.

Willis H. Letts, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

Chester B. Claybaugh, to be postmaster at Toulon, in the county of Stark and State of Illinois.

George E. Swanson, to be postmaster at Woodhull, in the county of Henry and State of Illinois.

Robert A. Marks, to be postmaster at Oberlin, in the county of Decatur and State of Kansas.

Ewing Herbert, to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

William H. Mackey, jr., to be postmaster at Junction City, in the county of Geary and State of Kansas.

Charles A. Crow, to be postmaster at Caruthersville, in the county of Pemiscot and State of Missouri.

Loomis K. Bishop, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan.

James A. Tomlinson, to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky.

John G. Wallenmeier, jr., to be postmaster at Tonawanda, in the county of Erie and State of New York.

John R. Hays, to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

Howard C. Miller, to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

George T. Childs, to be postmaster at St. Albans, in the county of Franklin and State of Vermont.

John Bell, to be postmaster at Spearfish, in the county of Lawrence and State of South Dakota.

R. H. Armstrong, to be postmaster at Kaufman, in the county of Kaufman and State of Texas.

Robert B. Kreis, to be postmaster at Monticello, in the county of Wright and State of Minnesota.

Albert F. Hill, to be postmaster at Cando, in the county of Towner and State of North Dakota.

James B. Burnett, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

Henry O. Wilson, to be postmaster at Marshall, in the county of Harrison and State of Texas.

Everton W. Kennerly, to be postmaster at Giddings, in the county of Lee and State of Texas.

Stephen R. Kirby, to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

Thomas S. Berg, to be postmaster at McIntosh, in the county of Polk and State of Minnesota.

James M. Sloan, to be postmaster at Navasota, in the county of Grimes and State of Texas.

Richard B. Harrison, to be postmaster at New Boston, in the county of Bowie and State of Texas.

Ellery C. Arnold, to be postmaster at Larimore, in the county of Grand Forks and State of North Dakota.

Frank B. Watson, to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan.

Henry H. Hartson, to be postmaster at Greenwood, in the county of Clark and State of Wisconsin.

John C. Freeman, to be postmaster at New London, in the county of Waupaca and State of Wisconsin.

Gains L. Burk, to be postmaster at Van Alstyne, in the county of Grayson and State of Texas.

John W. Magee, to be postmaster at Chico, in the county of Butte and State of California.

Holt F. Butt, jr., to be postmaster at Portsmouth, in the county of Norfolk and State of Virginia.

Thomas S. Chittenden, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin.

Loring W. Morgan, to be postmaster at Fullerton, in the county of Nance and State of Nebraska.

Henry E. Langevin, to be postmaster at Curtis, in the county of Frontier and State of Nebraska.

Albert C. Krog, to be postmaster at Washington, in the county of Franklin and State of Missouri.

Frank D. Reed, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

George W. Smith, to be postmaster at Sweet Springs, in the county of Saline and State of Missouri.

Charles L. Harris, to be postmaster at Harrisonville, in the county of Cass and State of Missouri.

Lilian W. Thomas, to be postmaster at Sausalito, in the county of Marion and State of California.

James Porter Patton, to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

Jackson Whiteman, to be postmaster at Marceline, in the county of Linn and State of Missouri.

Patrick J. O'Brien, to be postmaster at Durham, in the county of Durham and State of North Carolina.

Charles W. Buckley, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama.

Thomas E. Campbell, to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona.

REJECTION.

Executive nomination rejected by the Senate May 19, 1902.

REGISTER OF THE LAND OFFICE.

John F. Yost, of Rathdrum, Idaho, to be register of the land office at Coeur d'Alene, Idaho.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 19, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MCDERMOTT obtained leave of absence for two days, on account of important business.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 14046).

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SHERMAN in the chair).

Mr. SHERMAN. When the committee rose on Saturday there was pending a point of order, raised by the gentleman from Alabama [Mr. UNDERWOOD], against the provision on page 62, contained in lines 15 to 19, inclusive.

Mr. UNDERWOOD. Mr. Chairman, I will not occupy the attention of the Chair but a few minutes in stating what I have to say in reference to this point of order. Unquestionably, if we considered nothing else but the rule in this matter, the Chair would be bound to hold that this provision is in contravention of the rule that prohibits new legislation on an appropriation bill, but from time to time that rule has had numerous holes punched in it. Now, the question is as to whether the Chair will maintain the rule or whether the Chair, reasoning from analogy, will hold that this comes within the line of precedents adopted in reference to the rule heretofore. That is the question.

Now, I admit that it has been held not to be in violation of the rule to build a new battle ship on an appropriation bill. I admit, if you are going to reason in a logical way, that this provision is no more new legislation than the building of a battle ship, but we all recognize that when the House decided that it was not in contravention of this rule to put a battle ship in a naval appropriation bill, the House committed an act of parliamentary revolution. There was no reason for this. The House, merely in order to build a new Navy in this way, committed an act of revolution and punched that hole in the rule. Later the House has held that it was not in contravention of the rule to build public buildings at the Naval Academy or at West Point, and that was clearly a parliamentary revolution and a violation of the rules, but it became a precedent that has been adhered to since.

The nearest point in question to the present proposition is where the House once decided that it was in order to increase the seamen in the Navy on an appropriation bill, and I admit, Mr. Chairman, that it is very nearly in point with the proposition here to increase the number of officers in the Navy. But that was done by the House. All these innovations on the rule, Mr. Chairman, have been committed by revolutionary methods. The House has decided that these innovations should be made, that these holes should be punched in the rules. Now, I admit that the Chair can hold to a strict construction of this rule, or he may accept the precedents that have already been adopted and say that this is analogous to the precedents already made.

I know the Chair is familiar with these precedents, as familiar as I am or more so, and familiar with the rule, but my argument to the Chair in reference to this matter comes down as to whether it is wise for the Chair to take the position, for instance, that the House has heretofore held that it is not an innovation of the rule, when there is a change of law made that relates to the naval establishment on the ground that it is an extension of the naval establishment, of a work already in progress. I admit the Chair can take that position and reason from analogy, from the precedents already adopted, but what I say is this, that it will be a very dangerous precedent for the Chair to establish. Most of the innovations that have been made in reference to this rule have been made by the House itself and not by the chairman.

Mr. WHEELER. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. WHEELER. Of course I recognize, Mr. Chairman, that the gentleman has a right to make a point of order as against this particular provision, but I would like to inquire if he makes it because he is opposed to the enactment of this portion of the bill?

Mr. UNDERWOOD. I would state to the gentleman from Kentucky that I am both opposed to this provision of the bill and also opposed to this means of legislation. Now, I will state to my friend from Kentucky that if the Chair rules this in order to increase the Navy by putting a provision in the naval bill and then establish a precedent for the future to hold that it would be in order to increase the Army by putting a provision of this kind on the Army bill, that the usual control that the House has held heretofore over an increase of the standing Army of this country or a decrease, for that matter, or over an increase of the Navy, would absolutely be gone. If the Chair holds that this provision of this bill is in order, then the committee of this House will have all the machinery, all the power of the naval appropriation bill, and that means of forcing legislation through the House to regulate the size of the standing Army in this country and of the naval establishment of this country.

And I say it will be an unsafe precedent. I say it is much safer for the country, much safer for the legislation before Congress, to hold the legislation in reference to the increase of the Army and the increase of the Navy to the old and usual method of bringing a bill in here for that purpose, with nothing else connected with it, and let it fight its own way through the House.

Mr. WHEELER. Will not the gentleman accomplish the end which he desires—that is, the registering of his protest against this character of legislation—by moving to strike out the paragraph?

Mr. UNDERWOOD. I will say to my friend that if it only rested in opposition to the paragraph, that would be true; but I think the increase of the naval establishment and of the number of naval officers in this bill is not nearly as dangerous either to the country or to the orderly legislation of this House as the establishment of a precedent that you may legislate in reference to the increase of the standing Army in this country on an appropriation bill.

Mr. WHEELER. Will the gentleman permit me to make one statement?

Mr. UNDERWOOD. Yes.

Mr. WHEELER. The country is confronted with this situation: We have not now enough junior officers properly to officer the vessels which are completed. Many of them are laid up because there are not enough junior officers, and in the course of the next three or four years, unless something is done to increase the junior-officer force of the American Navy, the majority of our vessels will have to rust at the stocks and can not go to sea.

While I realize the importance of the statement about an ill-considered and hasty increase of the Army and Navy, it does occur to me that, in view of the fact that the gentleman's Democratic colleagues on the committee, entertaining the same views as himself, have seen proper to waive those views in view of the urgent

necessity for an immediate increase of the Navy, he may consent to accomplish his purpose, the registering of his protest, by moving to strike out the paragraph.

Mr. UNDERWOOD. Let me say to my colleague that I have the highest respect for my colleagues on the committee, and I always follow the committee when I can; but of course we all recognize that a committee of this House is organized for the purpose of formulating legislation, but not for the purpose of expecting that the House shall accept absolutely their decisions. The committee give their views. We are expected to follow them if we believe they are right. We certainly ought to give due consideration to the views of the members of the committee, after they have carefully considered any matter; but if we adopt the proposition that we must surrender our individual views on any subject because a committee of our colleagues have reported it to the House, then the House might as well surrender its legislative functions.

Mr. WHEELER. This provision is not without precedent, unless I am incorrectly informed.

Mr. UNDERWOOD. As I stated to the Chair a moment ago, there is a hole punched in this rule, wherein it was once allowed to increase the number of seamen on an appropriation bill, but that is the only precedent that I know of.

Mr. MUDD. Mr. Chairman, may I interrupt the gentleman a minute?

Mr. UNDERWOOD. Yes.

Mr. MUDD. I should like to ask the gentleman a question. I am frank to say that my attention had not been called to that particular decision. I understand the gentleman to admit that there has been a decision of the Chair on a point of order made, that you can increase the number of seamen in the Navy on an appropriation bill.

Mr. UNDERWOOD. There is such a decision. In the Fifty-third Congress, on February 19, 1895, there was a provision inserted in the naval appropriation bill for the increase of the seamen of the Navy. A point of order was made against the provision by Mr. Sayers, of Texas, and Mr. O'Neil, of Massachusetts, who was the chairman at that time, held that the point of order was not well taken, because it was a continuation of an existing work or improvement. I admit that has been held, but the point that I am making is not that the Chair can not reason from analogy to this point, and can not find a reason for holding this in order, but I say that the reason that this rule was adopted was to maintain the orderly legislative procedure of this House.

If you hold that a committee can insert a provision of this kind, the House must hold in the future that any member on this floor can insert a provision of this kind; that when questions involving the Army or the Navy of the United States are under consideration, or the country is excited in reference to them, whenever an Army or a naval appropriation bill comes before this House in the future, if the Chair holds this in order, any member of this House can rise in his seat and force the House, so to speak, to take action with reference to increasing or decreasing the standing Army of the country or the Navy of the country. I admit that you can reason from analogy and reach the conclusion that this may be allowed to remain in the bill; but if you hold that this is not in violation of this rule—it being clearly in violation of the strict letter of the rule—then I say that you open the gates to very dangerous legislation in the future and adopt a dangerous precedent by which to guide this House.

I say, Mr. Chairman, that I believe it is the duty of the Chairman, notwithstanding the various violations of the rule, and of all Chairmen of this House, to hold that a provision that is offered to an appropriation bill must come on all fours with the propositions heretofore held to be in order in the House, and let the House make the hole in the rules; let the House commit the parliamentary revolution, but let the Chair sustain the orderly procedure of the House under the rule.

Mr. DAYTON. Mr. Chairman, I want to submit to the Chair that it has over and over again been held that the naval establishment is a public work and is to be considered as a whole. That establishment consists not alone of the material, not alone of the ships that we build, not alone of the navy-yards that we establish, not alone of the dry docks we construct, but of the personnel, which is composed of two great general divisions. First, the seamen, the enlisted men. Second, the officers that command those enlisted men. Now, this establishment, as I say, involves not alone the material, but this personnel. It has been held over and over again that the authorization of the construction of a new ship for the Navy is a part of this general work. It has been held that the buildings in the navy-yards are part of this work.

It was at one time held that the building of a dry dock was not a part of the work, but that decision was overruled; so that it is now the established rule that the construction of a dry dock is a part of this public work and can be authorized in an appropriation bill. It has been held that the increase of the enlisted men and boys necessary to man the ships that are built under this general work establishing the naval establishment is in order. Now, by what reasoning, I submit, can it be held that a provision in this appropriation bill authorizing an increase of the officers is contrary to the rule? As the gentleman from Alabama has correctly stated, the decision made by Chairman O'Neil held that the authorization of seamen was a continuance of this public work. And I want the chairman's attention to the fact that this decision not only carries the weight of the chairman's opinion, but that it was appealed from to the House and sustained by an overwhelming majority of 143 to 37.

Now, Mr. Chairman, it may be argued that this is a provision relating to the education of the officers. I want to call the Chair's attention, in connection with that, to the fact that the Naval Academy is a part of this work established for the very purpose of educating the officers; that this Academy is as much a part of the naval establishment as any ship in the Navy. We have been authorized to build it up by all provisions that have heretofore been enacted into law with reference to it, without objection to it, too. It can not be insisted that while we can build the Naval Academy, we can not provide for its use in this way.

Mr. Chairman, under these circumstances I submit that the point of order is not well taken. These decisions are all here. I want to say to my friend from Alabama that I had hoped, however, that he would see his way clear to support a provision of this kind. I want to call his attention to the fact that this legislation has been substantially enacted for the Army already in a provision which I did not favor, authorizing Senators of the United States permanently to appoint cadets.

Mr. UNDERWOOD. As the committee seems to be in favor of the legislation, there is no trouble in reporting a bill in the proper way and bringing it up in the House. If the legislation is needed, they have ample opportunity to report it.

Mr. DAYTON. The gentleman very well understands that in appropriation bills these matters ought really to come, because they relate to the whole naval establishment.

Mr. UNDERWOOD. Well, I do not think there ought to be any such legislation on appropriation bills.

Mr. DAYTON. I submit, further, it would be a very problematical matter whether consideration could be obtained for this legislation this session under the rules of the House.

Mr. GAINES of Tennessee. I desire to ask the gentleman whether there is a statute fixing the number of cadets?

Mr. DAYTON. There is a statute providing for the appointment or designation of cadets by members of Congress.

Mr. GAINES of Tennessee. But what I want to know is whether there is a statute that fixes the number?

Mr. DAYTON. I do not think so. I am not sure, however.

Mr. LOUD. The law provides for one from each district.

Mr. DAYTON. Every four years each member of Congress may recommend a cadet, and the President has the appointment of a number of cadets.

Mr. LOUD. There is one to be appointed from each district.

Mr. DAYTON. And the President of the United States has the appointment of a number of cadets——

Mr. LOUD. That is a limited number.

Mr. DAYTON. And there are cadets from foreign countries who are educated in the Academy.

Mr. GAINES of Tennessee. Each member of Congress—from each district, of course—has the right to appoint a cadet; one cadet, but that limits the number, because they are only the number of members of the House. Now, I want to enlarge the Navy, and build that up; but I am a little bit afraid about your being able to do so in the way suggested here.

Mr. DAYTON. The number of seamen was fixed by law, and it has been held that we could change that number and increase it. The number of constructors and the number of Engineer Corps have been increased.

Mr. GAINES of Tennessee. Was the number fixed or limited by law?

Mr. DAYTON. Yes.

Mr. GAINES of Tennessee. When was that done?

Mr. DAYTON. It has been done. This bill increases the number of seamen, and the provision has been passed without objection.

Mr. GAINES of Tennessee. Did the law at that time limit the number?

Mr. DAYTON. Yes.

Mr. GAINES of Tennessee. Where is that decision?

Mr. DAYTON. The gentleman will find it in section 488 of Hinds's Parliamentary Precedents.

On February 19, 1895, the House was in Committee of the Whole House on the state of the Union considering the naval appropriation bill. Mr. Joseph D. Sayers, of Texas, had on the preceding day made a point of order on a provision of the bill providing that the Secretary of the Navy should be authorized to enlist "as many additional seamen as in his discretion he may deem necessary, not to exceed 2,000."

The number before that time had been fixed and he was authorized to enlist not to exceed 2,000 additional. A point of order was overruled by the chairman, and his decision was sustained by the House by a vote of 147 ayes to 37 noes. I do not care to read the whole decision, but the gentleman can examine it himself. I submit, Mr. Chairman, that the point of order is not well taken.

Mr. LOUD. Mr. Chairman, I would like to call the attention of the Chair to one or two points not yet touched upon. While I am perfectly aware that certain rulings have been made heretofore and certain things done on the naval bill, let us see what overruling the point of order in this case would lead to, in the extreme. If you can on an appropriation bill increase the number of cadets, which is specified now by statutory law, then upon an appropriation bill you could increase the number of admirals, notwithstanding the statute may prescribe that when the present admiral dies the office shall die with him. So if you can increase upon an appropriation bill—and I desire to impress particularly on the mind of the Chairman this point—if you can increase by one officer in the Navy, then you can increase the officers in the Navy unlimited. You could put upon this appropriation bill, if you please, 10 admirals, 50 vice-admirals. To be sure it is the extreme, but the House has rules to protect itself against the excitement of the times. The excitement of the times might impel the House to adopt measures on an appropriation bill where in its calm moments it would not. I hope the Chair, if he has not made up his mind, will see what overruling the point of order might lead to.

The CHAIRMAN. The Chair does not disagree with the gentleman from Alabama in his statement as to the duty of the Chair. The Chair does think that it is the duty of the Chairman to decide points of order as they appear and to disregard entirely his individual hopes and desires in reference to the subject-matter under consideration. And the present occupant of the Chair has always been so guided in deciding points of order. On more than one occasion he has been obliged to rule against his inclinations and desires. The Chair also thinks it is the duty of members of the committee and the House to sustain the Chair when they believe he is right. The Chair thinks there have been occasions when that has not been followed. [Laughter and applause.]

The ruling in reference to the construction of a battle ship is one which the present occupant of the chair has heretofore followed, although he did not originally make it, and is frank to say that, although he has great respect and regard for the gentleman who did make it, he doubts if he had been in the chair when the question arose if he would have made it. He has never been in sympathy with it. But that was a provision to increase the number of battle ships when the number was not specifically defined by statute. Likewise, so far as the Chair has been able to ascertain from a hurried reading and inspection of the statutes, there was no specific provision as to the number of seamen. Both of these questions, then, were decided upon the broader ground whether or not it was increasing the general naval establishment.

In the case now presented there is a statute, section 1513, which reads:

There shall be allowed at said Academy one cadet midshipman for every Member and Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large.

There is a specific, general statutory provision as to the number of cadets at the Naval Academy. The amendment to which the gentleman from Alabama has raised the point of order changes the number of cadets and changes existing law, which is clearly and unequivocally against the provision of the rule, section 2 of Rule XXI, which provides: "Nor shall any provision changing existing law be in order on any general appropriation bill." The Chair therefore sustains the point of order.

Mr. UNDERWOOD. Mr. Chairman, I desire to be recognized on a new point of order as to other lines on this same proposition.

The Clerk read as follows:

Each Senator and each Member and Delegate of the House of Representatives, according to the apportionment fixed by the act approved January 16, 1901, shall nominate 1 cadet and a sufficient number of alternates, and 24 cadets shall be appointed at large by the President.

Mr. UNDERWOOD. I make the same point of order against this paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Of the whole number of additional cadets hereby authorized 125 shall be appointed annually during the four years next succeeding the passage of this act.

Mr. UNDERWOOD. I make the same point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WATSON. Mr. Chairman, it seems to me that the remainder of page 63, together with the first two lines of page 64, might as well go out. It all has reference to the appointment of these cadets. I ask unanimous consent that we pass on and read the paragraph, beginning on page 64.

The CHAIRMAN. The gentleman from Indiana [Mr. WATSON] asks unanimous consent to strike from the bill the balance of page 63 and the first two lines on page 64. Is there objection? The Chair hears none.

Mr. DAYTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 12, page 62, insert the following:
"The title of naval cadet is hereby changed to midshipman."

The CHAIRMAN. The question is on agreeing to this amendment.

Mr. GAINES of Tennessee. Why does the gentleman want to change that title?

Mr. DAYTON. Simply because the title "midshipman" was formerly used, and when it was changed a number of years ago to "naval cadet" the change was made, I think, without consideration. This is simply a proposition to recur to the old title, which is historical. This proposition has been recommended by the President, has been asked for by practically all of the officers of the Navy, and by the Department. This motion will simply restore the old nomenclature.

Mr. GAINES of Tennessee. Is this a committee amendment?

Mr. DAYTON. It is agreed to by the committee.

Mr. GAINES of Tennessee. By all the committee?

Mr. DAYTON. All the members of the committee have agreed to it, so far as I know. I called the attention of many of them to it. I think the committee intended to agree to the amendment. It was discussed at one time in the committee, but afterwards, I believe, overlooked.

The question being taken, the amendment of Mr. DAYTON was agreed to.

Mr. WATSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

That sections 8 and 9 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and the Marine Corps of the United States," are hereby repealed.

Mr. UNDERWOOD. I reserve a point of order on that amendment. I should like to hear some explanation of it.

Mr. WATSON. Mr. Chairman, sections 8 and 9 of the act of March 3, 1899, provide first for the voluntary and next for the enforced retirement of certain officers of the Navy. Those sections were originally introduced in order to get rid of a superfluity of those officers. During the civil war a very large number of officers were engaged, and subsequently, because of the fact that the Navy was diminished in size, there was an excess of officers. Consequently, sections 8 and 9, referred to in the amendment, provided for the retirement of certain officers. It was found that young men entering the Navy as officers grew old before ever reaching the period when they could command.

This resulted from the congested condition of the Navy. It is the universal opinion that men should be intrusted with commands while they are yet young, while they are in the full vigor of physical and mental activity. Because of the congested condition of the Navy young officers, as I have said, became old before they could attain the position even of commander. Consequently sections 8 and 9 were enacted for the purpose of overcoming this congested condition. Section 8 provides for the voluntary retirement of officers; section 9 for their enforced retirement. Those sections are as follows:

SEC. 8. Officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to the passage of this act, above the grade of commander, have been less than 13; above the grade of lieutenant-commander, less than 20; above the grade of lieutenant, less than 29; and above the grade of lieutenant, junior grade, less than 40, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list, with the rank and three-fourths the sea pay of the next higher grade, to cause the aforesaid vacancies for the fiscal year then being considered.

SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section 8 of this act, the Secretary of the Navy shall, on or about the 1st day of June, convene a board of not less than three nor more than five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the 1st day of July, a sufficient number of officers from the before-mentioned grades as constituted on the 30th day of June of that year, to cause the average vacancies enumerated in section 8 of this act.

Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this act. Its finding, which shall be in writing, signed by all the members, a majority governing, shall be transmitted to the President, who shall thereupon, by order, make the transfers of such officers to the retired list as are selected by the board: *Provided*, That not more than 5 captains, 4 commanders, 4 lieutenant-commanders, and 2 lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the 13th day of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the sea pay of the next higher grade.

Now, the condition which caused the enactment of those sections has passed away. Instead of having too many officers, we have not enough. It is desirable that these provisions of law, which practically put a premium on the retirement of officers at an age when they should be serving in the Navy instead of seeking retirement, should be repealed.

This measure was recommended by the Secretary of the Navy, both in his report and in the hearings before the committee, as well as on divers other occasions. I read from the hearings before the committee:

Mr. DAYTON. Does that apply to the civil war veterans?

Secretary LONG. No, sir. Clause No. 7 provides for voluntary retirement. If a man wants to get out, you give him a premium to go, and clause No. 8 refers to compulsory retirement, where if a man is so broken down that he can not do the work, you give him a premium for his inefficiency.

The CHAIRMAN. Now, you think that we ought to repeal those clauses?

Secretary LONG. Yes, sir.

I read the following from the report of the late Secretary of the Navy:

PROPOSED MODIFICATION OF LAWS RELATING TO THE PERSONNEL.

Referring to the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 2, 1899, I call your attention to sections 8 and 9, and recommend that the provision that officers retired under these sections shall be given the rank and three-fourths the sea pay of the next higher grade be so far modified that the retirement will be with the rank and three-fourths the sea pay of the grade held at the time of retirement. This modification is especially desirable in section 8, where the retirement is voluntary.

Section 8 offers a valuable and much-needed officer a premium to go on the retired list at the very time when the number of officers is far short of the number required by the needs of the service and when Congress is called upon for more. Section 9, on the other hand, gives a premium to the same end to an officer whose services are no longer of value, and who receives this premium when other officers equally deserving are retired with no such benefit. I never favored these sections.

Now, at a time when we are seeking to introduce new officers into the Navy; when there is no longer a congested condition; when we have not enough officers to command the ships we already have, saying nothing of new ships yet to be constructed, it occurs to me that this recommendation of the Secretary of the Navy should be complied with; and we ought to do away with this premium that the present law offers to officers to retire from the Navy at the very time when they should be most active in the service of their country.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana a question.

Mr. WATSON. Certainly.

Mr. UNDERWOOD. Has this question been considered in the Naval Committee?

Mr. WATSON. Well, I do not think it has been. I think I can answer that safely. If it was considered, it was at some meeting where I was not present.

Mr. UNDERWOOD. It is not acted on or recommended by the committee?

Mr. WATSON. I see the gentleman from Kentucky [Mr. WHEELER] is rising, and perhaps he can answer that question.

Mr. WHEELER. I will state that it is done for the purpose of preventing those who are able to discharge their duties as naval officers taking advantage of this provision, which puts a premium on their retirement.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. WATSON. Certainly.

Mr. FITZGERALD. This provision provides that if a man retires he retires to the next highest rank?

Mr. WATSON. Yes.

Mr. FITZGERALD. And if this provision be repealed, then he will retire under the law as it then exists. Will they have the same advantages?

Mr. WATSON. No, sir; this does not at all interfere with existing general law on the subject of retirement. It still obtains in all cases, of course. I want to say, further, to the gentleman that this simply restores the old law, that is all; but it does not enable officers to be retired at a grade higher than that held at the expiration of their terms of service.

Mr. FITZGERALD. I wish to ask the gentleman if, under the general law, when a man is retired by operation of it, he retires to a rank higher than the rank he holds in the Navy?

Mr. WATSON. Not under the general Navy law.

Mr. FITZGERALD. Then, those men who have been retired under this provision have been specially favored, have they not?

Mr. WATSON. But suppose it be wrong, would it justify the continuance of that wrong, simply because others have been favored in that respect? I do not believe, for one, that any officer should be retired, unless the circumstances are very peculiar, at a grade higher than that in which he is serving at the time of his retirement. Why should he be retired at a grade higher? He serves in the Navy for all these years; he has the pay of the Government for all these years, and he reaches a certain rank at the end of his service, and when he retires, according to my opinion, he ought to be content to retire at the grade in which he is serving at the time of his retirement. I have never been an advocate of retiring at a grade higher in either the Army or the Navy.

Mr. VANDIVER. Mr. Chairman, I would like to ask the gentleman a question.

Mr. WATSON. Certainly.

Mr. VANDIVER. I fully agree with the statements made by the gentleman, and I heartily approve of all that he has said in that connection, but I would like to ask him to state further and more explicitly what effect on that part of the law the repeal of this section will have.

Mr. WATSON. It simply prevents its being done in the future; that is all.

Mr. HULL. It does not prevent those who served in the civil war getting a grade higher.

Mr. WATSON. No; that is separate proposition. It does not affect the civil-war veterans.

Mr. VANDIVER. Then I wish to say on the statement of the gentleman from Indiana, I think it is right, and ought to be repealed. I would have preferred to have had a chance to examine it a little more fully, however.

Mr. UNDERWOOD. I wish to say, Mr. Chairman, that I do not think there is any doubt about this being new legislation and the point of order lying against the proposition, but in view of the fact that we need all the officers we can get and the legislation sought by the gentleman from Indiana merely seeks to hold serviceable officers in line and not to increase any governmental expenditures but to require men already employed by the Government to do their duty, I shall not insist on the point of order, as far as I am concerned.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman a question. Ought not this amendment to be still further amended so as to include section 10 of that act? That is the section that authorizes the retirement in the grade next above the one in which the officer is serving. I think that is an improper provision of law.

Mr. WATSON. Section 10 has reference to civil war veterans. It is not aimed to apply to them. We leave that, I will say to the gentleman from Iowa, simply because that is existing law with regard to the Army.

Mr. HULL. O, no; that is not. We are trying to get it that way, but have not been able to succeed.

Mr. WATSON. I understood that was the law with reference to the Army. I will state to the gentleman that is the reason I permitted that section to remain in.

Mr. HEPBURN. I understand the presence of that section is being urged before the Committee on Military Affairs on the part of a large number of officers of the Army, that they should have the same privilege. If we repeal this section now, which, in my judgment, never ought to have been enacted, we take away that argument and relieve my colleague, the chairman of the Committee on Military Affairs, from wrestling with that last proposition.

Mr. WATSON. I am very anxious to relieve the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HEPBURN. Mr. Chairman, I offer that amendment to insert after the word "nine" the words "and ten."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "nine" in the amendment insert the words "and ten."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

PUBLIC WORKS—MARINE CORPS.

Barracks and quarters, Marine Corps: Construction of a fireproof marine barracks, navy-yard, Norfolk, Va., and necessary sewerage and grading, $100,000; construction of a veranda on enlisted men's quarters, navy-yard, Pensacola, Fla., $3,500; installation of an electric lighting plant, marine barracks, navy-yard, New York, N. Y., $3,500; installation of electric lights, marine barracks, navy-yard, Portsmouth, N. H., $1,000; construction of a marine barracks, naval training station, San Francisco, Cal., $30,000; officers' quarters, Sitka, Alaska, erection of officers' quarters at Sitka, Alaska, $2,500, and the unexpended appropriations of $2,500 authorized in act of June 10, 1896, and $1,000 authorized in act of June 7, 1900, respectively, are hereby reappropriated for the erection of officers' quarters at Sitka, Alaska, $2,500; for the erection of light frame buildings for the accommodation and protection of officers and enlisted men of the Marine Corps stationed on the island of Culebra, Porto Rico, $5,000; in all, public works under Marine Corps, $145,500.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to publish in the RECORD a statement showing the numbers on shore duty. So many statements were made here the other day relative to the number of officers on shore duty that I think it is only just to the Navy that the exact statement should be published. This is an official statement which has just come in a few moments ago.

Table showing naval officers of line and staff corps and warrant officers employed at the different shore stations, as indicated.

Station.	Admiral.	Rear-admirals.	Captains.	Commanders.	Lieutenant-commanders.	Lieutenants.	Ensigns.	Medical directors.[a]	Medical inspectors.	Surgeons.	P. A. and A. surgeons.	Pay directors.[a]	Pay inspectors.	Paymasters.	P. A. and A. paymasters.	Chaplains.	Professors of mathematics.[a]	Naval constructors.[a]	Civil engineers.[a]	Warrant officers.	Total.
Navy Department	1	[b]10	11	11	15	22	2	5	4	4	1	...	...	3	2	..	9	5	2	..	106
Naval Academy	...	...	..	2	12	18	..	..	..	2	1	..	1	..	1	1	4	..	1	13	56
Norfolk yard	...	1	2	3	..	7	1	1	..	1	3	..	1	2	1	...	..	3	1	7	34
Port Royal station	...	...	1	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	1	1	5
Key West station	...	...	1	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	..	2	5
Pensacola yard	...	...	..	1	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	3	7
San Francisco station	...	1	..	..	1	2	..	..	..	1	1	..	..	..	..	..	..	..	..	2	8
Mare Island yard	...	1	1	4	4	1	..	1	..	1	3	1	..	..	3	1	..	2	1	5	29
Puget Sound yard	...	...	1	1	1	1	..	..	..	..	1	..	1	..	1	..	..	2	..	2	11
Portsmouth yard	...	1	2	3	1	1	..	..	2	2	..	2	..	..	2	..	..	1	1	4	22
Boston yard	...	1	2	3	2	2	..	1	1	..	2	..	..	..	1	1	..	2	1	15	34
War College	...	...	3	1	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	7
New York yard	...	1	1	6	5	..	..	2	2	2	5	1	1	3	2	..	..	4	1	20	56
League Island yard	...	...	1	3	1	2	..	..	..	2	..	..	1	1	1	..	..	2	2	9	25
Naval Home	...	...	1	1	..	..	..	1	..	..	2	1	..	..	..	1	..	..	..	1	8
Washington yard	...	1	1	1	5	4	..	2	3	..	1	..	..	2	..	1	..	..	..	9	30
Proving ground, Indian Head	...	...	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	1	4
Torpedo station, Newport	...	...	..	1	..	4	..	..	..	..	1	..	..	1	..	..	..	..	..	5	12
Total	1	27	28	43	48	70	3	13	12	15	24	5	5	15	15	4	13	21	11	99	459

[a] Not seagoing officers. Total, 67.

[b] This includes line officers and staff officers of lower grades (not seagoing) temporarily ranking as rear-admirals while chiefs of bureaus.

H. C. TAYLOR,
Chief of Bureau of Navigation.

Mr. WHEELER. Who prepared it?

Mr. FOSS. It was prepared by the Bureau of Navigation. The other day the statement was made that there was a large number of officers at the Naval Academy. I think the number 58 was mentioned. Now, this statement gives 56, but it includes in that number 13 warrant officers, who are not graduates of the Naval Academy and are not commissioned officers. It also includes 1 civil engineer, and civil engineers do not go to sea. It also includes 5 naval constructors, and naval constructors do not go to sea; and also 4 professors of mathematics.

Mr. WHEELER. Will the gentleman allow me to ask him a question right there, please?

Mr. FOSS. Yes.

Mr. WHEELER. Why are there five naval constructors at Annapolis, and what are they doing?

Mr. FOSS. I am mistaken about constructors being there.

Mr. WHEELER. Well, I remember very distinctly that the Chief of the Bureau of Construction stated before the committee that he was very much in need of constructors.

Mr. FOSS. Yes. So that from this number of 56 should be deducted the 13 warrant officers, 1 civil engineer, and 4 professors of mathematics; in all, 18 officers. According to this statement there would be 38 commissioned line officers at the Naval Academy, instead of 58, as was stated here on the floor the other day.

Now, I may say upon this general subject of the duties of the naval officers that the committee believe the field for the Navy is out on the sea. They are in thorough sympathy with the sentiment of the House relative to doing everything possible to keep the naval officers, so to speak, upon the sea. But this must be said in defense of naval officers: Away back in 1882, before we started in to build up the present Navy, we had nearly as many officers as we have to-day. We had at that time, however, only 32 cruising vessels. The largest was the *Tennessee*, about one-third as large in tonnage as the great battle ships which we propose to authorize in this bill. By reason of the fact that we had few vessels the naval officers were for the most part on the shore; but as we have built ships year after year the naval officers have gradually gone from the shore to the sea. But you can not charge naval officers with being on shore for the last twenty years because they willed it. The American Congress is responsible in some measure, because they did not give these officers ships to officer. So I think this statement ought to be made in justice to the naval officers.

Now, the whole question of duty as to the naval officer is entirely within the discretion of the Secretary of the Navy. I read from the law of the Navy and the Marine Corps. On March 3, 1883, this act was passed:

Hereafter no officer of the Navy shall be employed on any shore duty except in cases especially provided by law, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interest, and he shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue.

So this whole matter of whether the officers shall go to sea or not is entirely in the hands of the Secretary of the Navy. He is the man whom we should hold responsible for what is done under this law.

Now, I have inserted here in my report a statement received from the Navy Department showing that of 993 line officers—our present number, including the 124 cadets, who really are not line officers to-day, because they have not received their commissions—of that number 709 are performing sea duty or doing duty beyond seas——

Mr. WHEELER. What does the gentleman mean by that?

Mr. FOSS. And 272 are performing shore duty.

Mr. WHEELER. What do you mean by out on sea?

Mr. FOSS. Out on ships.

Mr. WHEELER. That includes officers on duty at the various navy-yards?

Mr. FOSS. No; out on board vessels and beyond the seas.

Now, you will see from this statement that this is a great improvement from the condition that existed five, ten, or fifteen years ago; and it is due entirely to the policy of the American Congress in building up the Navy and furnishing ships for those officers to officer and command.

Mr. RIXEY. Will the gentleman permit me to ask him a question?

Mr. FOSS. Yes.

Mr. RIXEY. Does the statement the gentleman has there show how many officers are in the navy-yards and how many of them are at the private shipbuilding yards?

Mr. FOSS. This statement will show the number of officers at the Navy Department and the Naval Academy, at the Norfolk Navy-Yard, Port Royal station, Key West yard, Pensacola yard, San Francisco station, Mare Island yard, Puget Sound yard, Portsmouth Navy-Yard, Boston Navy-Yard, the War College, New York Navy-Yard, League Island Navy-Yard, Washington Navy-Yard, etc.

Mr. RIXEY. I understand there are quite a number of officers at these great shipbuilding plants which have contracts for building battle ships and cruisers. I want to know if the gentleman's statement shows the number of officers at those places?

Mr. FOSS. Not altogether. It will show naval constructors. But they are not officers who go to sea. This is a statement of the officers who go to sea.

Mr. RIXEY. Constructors are officers of the Navy, as I understand.

Mr. FOSS. They are officers, but not seagoing officers.

Mr. RIXEY. Have you a statement showing how many constructors there are at those yards?

Mr. FOSS. I have no statement upon that.

Mr. VANDIVER. I should like to ask the gentleman a question in that connection. These constructors that you speak of are naval officers, are they not?

Mr. FOSS. Yes.

Mr. VANDIVER. And graduates of the Naval Academy?

Mr. FOSS. I was addressing myself to the number of officers at sea, doing sea duty, and the number on shore.

Mr. VANDIVER. I am very glad to have that statement published.

Mr. FOSS. Of course, the gentleman understands that there are a number of officers in the Navy, staff officers, who do not go to sea. Naval constructors do not go to sea.

Mr. VANDIVER. Why not?

Mr. FOSS. Because they have to do with the construction of ships on shore.

Mr. VANDIVER. I understand.

The CHAIRMAN. The gentleman will pardon the Chair a moment. The gentleman arose to ask unanimous consent. The Chair was waiting for him to finish his request, but it has developed into a discussion, and if continued it will have to be by unanimous consent. Shall the Chair ask unanimous consent for the gentleman to continue?

Mr. FOSS. I ask that my time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman that his time be extended five minutes? [After a pause.] The Chair hears none.

Mr. VANDIVER. I was not disputing any point the gentleman makes, but I want him to be a little more explicit in the information that he gives to the House as to those officers who do not go to sea, and why?

Mr. FOSS. Well, now, I will take, for instance, medical directors. They are not seagoing officers. Pay directors, they are not seagoing officers.

Mr. VANDIVER. But they are not graduates of the Naval Academy.

Mr. FOSS. Oh, no.

Mr. VANDIVER. But constructors are.

Mr. FOSS. Yes. For instance, take pay directors. They are not seagoing officers. The professors of mathematics, they are not seagoing officers; naval constructors, they are not seagoing officers; civil engineers, they are not seagoing officers. So when you come to make up a statement of the number of men in the Navy who should go to sea——

Mr. VANDIVER. Well, of course, I can understand why civil engineers should not be included in that list and why the naval physicians or doctors should not be included, but I would like the gentleman to explain more fully why these officers who are not might not be.

Mr. FITZGERALD. I wish to ask the gentleman if the engineer corps are not line officers?

Mr. FOSS. They are, under the amalgamation.

Mr. FITZGERALD. Many of these officers are assigned to inspect the construction of the engineering portion of the vessels. Does your statement show the number of such officers detailed to that work?

Mr. FOSS. At what yard?

Mr. FITZGERALD. Say the Bath Iron Works, Newport News Shipbuilding Yard, the Union Iron Works, the Moran Brothers, Puget Sound, and any number of them.

Mr. FOSS. No; it does not state that.

Mr. VANDIVER. I would like to have the gentleman secure that information and put it in the RECORD.

Mr. FOSS. I will ask for it.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

Mr. FOSS. Very well.

Mr. SMITH of Kentucky. I want to know how many of these naval officers there are and how many are seagoing naval officers. What is the total number of officers, and then what is the total number of seagoing officers?

Mr. FOSS. All of the line officers are seagoing officers, and there are 993 of them. Of that number 709 are at sea or doing duty beyond the sea.

Mr. VANDIVER. The statement you have relates only to the 993 who are in the line?

Mr. FOSS. Yes; only as to the line.

Mr. VANDIVER. It does not include the staff officers?

Mr. FOSS. Not the number I have just given now. Take, for instance, the Medical Corps; there are 190 in all, and from this statement here there are 12 inspectors, 15 surgeons, and 24 past assistant and assistant surgeons on shore duty; that is to say, there are 51 in the Medical Corps out of the 190 in all who are on shore duty. Gentlemen will understand that in the different navy-yards——

Mr. SMITH of Kentucky. There are 139 of the Medical Corps that are seagoing.

Mr. FOSS. Doing sea duty to-day.

Mr. SMITH of Kentucky. And are included in the 993?

Mr. FOSS. Oh, no; those are line officers. Now, I am talking about the staff officers. I have given you the condition as to the Medical Corps; that is to say, 51 out of 190 are on shore at the present time. The gentleman understands that at the different navy-yards we have naval hospitals to look out for the health of the men.

Mr. SMITH of Kentucky. I understand that.

Mr. FOSS. Now, take the Pay Corps, for instance, which is another staff corps; we have in the Pay Corps 136 officers, and 40 of them are on shore. We have 12 professors of mathematics, and they are on shore. Their business does not take them to sea. We have 24 chaplains, and 4 of them are on shore. We have 41 naval constructors, not seagoing officers, and they are on shore; 21 naval constructors and 20 assistant constructors, making 41 in all who are on shore.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMITH of Kentucky. I ask, Mr. Chairman, that the gentleman's time be extended.

The CHAIRMAN. Is there objection to the gentleman's time being extended five minutes? The Chair hears none.

Mr. FOSS. We have 21 civil engineers, and they are shore officers.

Mr. MEYER of Louisiana. Mr. Chairman, I would like to ask my colleague a question.

Mr. FOSS. Very well.

Mr. MEYER of Louisiana. Is it not a fact that under the operation of the personnel law officers of the Engineer Corps become line officers, and such of them who rank as or above commander shall perform shore duty only, and hence can not be included in the list of seagoing officers?

Mr. FOSS. Does the gentleman state that that was in the personnel law?

Mr. MEYER of Louisiana. It is under section 5 of that act.

Mr. FOSS. I do not recall whether it is in the personnel law or not.

Mr. MEYER of Louisiana. My point is, therefore, that these officers, although of the line, should not be considered or regarded as seagoing officers on shore duty.

Mr. FOSS. Now, Mr. Chairman, I have concluded all of the staff officers in the Navy, and below that come chief boatswains, the chief gunners, the carpenters, the sailmakers, and the warrant machinists and pharmacists. I have included in my explanation all of the commissioned officers of the line and all the staff. Gentlemen will, therefore, see that the Navy is in good condition in reference to this matter.

Mr. MANN. I wish to ask the gentleman, in connection with the statement of the gentleman from Illinois, whether the personnel bill operated to increase the number of officers who were on shore?

Mr. FOSS. Does the gentleman ask me the question or does he ask it of the gentleman from Louisiana?

Mr. MANN. Either one who can give the information.

Mr. MEYER of Louisiana. What was the gentleman's question?

Mr. MANN. I understood the gentleman from Louisiana to say that under the personnel bill the operation of it was to increase the number of officers designated for shore duty; that that was one of the effects of the personnel bill.

Mr. MEYER of Louisiana. No; such was not the effect. But the engineer officers thus referred to as being limited to shore duty replaced junior officers more eligible for sea service, who would otherwise have been required for shore duty in connection with engineering duties. I would add, however, that a large number of this class have been retired since that time. The law has been in operation for three years.

Mr. MANN. Does the gentleman mean by that that the officers designated for shore duty would without the personnel bill have been designated for sea duty?

Mr. MEYER of Louisiana. No; I do not mean that specifically. Engineer officers ranking as commander and above did not usually go to sea.

Mr. MANN. I would like to ask the gentleman if the operation of the personnel bill increased the number of officers on shore.

Mr. MEYER of Louisiana. No; I think not.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSS] asks unanimous consent to print in the RECORD a statement prepared by the Navy Department.

There was no objection.

Mr. JONES of Washington. I desire to occupy a moment by unanimous consent. On page 58 and several other pages of the bill the "Naval station, Puget Sound," is referred to. On one page this language was corrected so as to read "Navy-yard, Puget Sound." I ask unanimous consent that a similar correction be made wherever that phrase occurs in the bill.

Mr. DAYTON. That is right.

The CHAIRMAN. The gentleman from Washington [Mr. JONES] asks unanimous consent that wherever the words "Naval station, Puget Sound," are used throughout the bill they be corrected so as to read "Navy-yard, Puget Sound."

Mr. FOSS. I have no objection.

The CHAIRMAN. Is there objection?

There being no objection, the bill was amended accordingly.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract, except as herein otherwise provided, two first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of about 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost when built by contract, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of about 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, when built by contract, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost, when built by contract, exclusive of armament, not exceeding $382,000 each; and the contract for the construction of each of said vessels so contracted for shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery, and not more than two of said battle ships and armored cruisers and not more than one of said gunboats herein provided for shall be built by one contracting party; and in the construction of all said vessels all the provisions of the act of June 7, 1900, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made not more than one of said battle ships and not more than one of said armored cruisers and not more than one of said gunboats shall be built on or near the coast of the Pacific Ocean or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts when the same are opened and examined by him that said vessels or any of them can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the other vessels provided for in this act, he shall authorize the construction of said vessels, or any of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. BALL of Texas. I desire to offer an amendment to the paragraph just read——

Mr. MUDD. I wish to reserve a point of order upon all that part of this paragraph from and including line 14, on page 73, down to the end of the paragraph.

The CHAIRMAN. The point of order will be reserved.

Mr. BALL of Texas. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "delivery" in line 10, page 73, strike out the three following lines:

"And not more than two of said battle ships and armored cruisers, and not more than one of said gunboats, herein provided for, shall be built by one contracting party."

Mr. BALL of Texas. Mr. Chairman, the object of this amendment is to strike out the limitation as to the number of battle ships, cruisers, and gunboats that may be built at any single yard. I understand the language which I propose to strike out has been carried in the naval appropriations bills for some years past, and I have been told, upon inquiry, that this is the usuall anguage in such appropriations. If that be true, it is a custom that would be "more honored in the breach than in the observance." Clearly the effect, if not the object, of this limitation is to prevent the Government from having the benefit of full, fair, and free competition in the bids for the construction of these vessels. As I understand, there are some three shipyards in the United States that are capable of constructing battle ships. The effect of this provision, as carried in these bills heretofore, has been to prevent the Government from having the benefit of unrestricted competition.

Mr. DAYTON. Will the gentleman allow me to ask him whether he thinks it wise to strike out simply this provision. Why not strike out all the balance of the section?

Mr. BALL of Texas. I think it would be very well to do that; but what I am after now is this particular provision.

Mr. DAYTON. I simply call the gentleman's attention to the fact that all these provisions are limitations.

Mr. BALL of Texas. This is the particular point to which I object and to which, with the permission of the gentleman from West Virginia, I will address my remarks. I understand that business men pursue a different course from the one indicated in this paragraph of the bill. When Mr. Rockefeller was proposing to have constructed 12 large vessels for the lake trade, he advertised for bids for only 2. There were at that time six shipyards upon the Great Lakes capable of constructing vessels of large tonnage such as he wanted.

As I have said, he advertised for bids for only two of these vessels, and the consequence was that the agents of all these six shipyards came down to him, offering him the advantage of their lowest figures for the construction of the vessels. After they had put in their bids he retired to his office for a few minutes, and then coming back he told the agents of all these shipyards that their bids were reasonable, and therefore he would accept them all. He knew that if he advertised for the construction of 12 ships—the capacity of those shipyards being 12 only—the proprietors would get together and make such a price to him as they chose.

Now, I say the effect of such limitations—I do not charge any such purpose upon the part of the Naval Appropriations Committee—is to play into the hands of the shipbuilders and prevent the Government from getting the benefit of fair, unrestricted competition, to which it is entitled.

It may be said that a provision of this kind is necessary to secure expeditious delivery of the vessels. But there is in the paragraph just preceding that to which the amendment applies a provision allowing the Secretary of the Navy a discretion in this matter, so that he is not required to give the contract to the lowest responsible bidder, but is authorized in making the awards of the contracts to take into consideration the best result and the most expeditious delivery. So that if any one shipyard should overbid its capacity it would be within the discretion of the Secretary of the Navy to refuse to award them the contract, having his protection in this provision; and we well know that in the case of the Secretary of War, as recently disclosed, the only way not to get a contract was to make a bid for less than anybody else was willing to do the work for, as in the case of the contracts for disappearing guns.

In nearly every instance those contracts were awarded, not to the lowest bidder, but always to those who bid a higher figure than that of the lowest bidders. I do not think there should be any objection on the part of the Naval Affairs Committee to the striking out of this limitation in view of the fact that the clause immediately preceding gives the Secretary of the Treasury all the discretion that is necessary to protect him against irresponsible bidders.

Mr. TAYLER of Ohio. Will the gentleman permit a question?

Mr. BALL of Texas. Certainly.

Mr. TAYLER of Ohio. I do not know that I have any special objection to the amendment, but I rise merely for the purpose of correcting a statement of the gentleman. Does he not know that we have some ten or twelve or perhaps more shipyards in this country, private yards, that are capable or claim to be capable of building Government vessels of the largest size?

Mr. BALL of Texas. The gentleman from Ohio perfectly well understands there is no such number of shipyards in this country that are really capable of building a battle ship.

Mr. TAYLER of Ohio. I think there are.

Mr. BALL of Texas. And that very few of them have ever been able to give a satisfactory bid to the Government. Now, there can be no harm in striking out this limitation. It is nonsensical, it is unbusinesslike, it ought never to have been inserted, and it ought to go out.

Mr. GAINES of Tennessee. What is the objectionable language?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BALL of Texas. Lines 11, 12, and 13 on page 73.

Mr. DAYTON. Mr. Chairman, I think there is reason for the position taken by the gentleman from Texas; but if we are going to do this thing, I think his motion ought to extend from line 11 to the end of the section. That removes all these provisions. I want to say, in justice to the Committee on Naval Affairs, that they, in making this language, followed the provisions that have been maintained for a number of years in the authorization of the construction of naval vessels. However, it seems to me that the conditions that justified those provisions originally have passed away. We have now a very large number of private yards that are capable of entering into competition for these vessels, a much larger number of yards than we have vessels to construct, and it is next to an impossibility for there to be any combination among those yards for the small number of vessels which we authorize. In the next place, I want to call attention to the fact that this provision in regard to building ships on the Pacific coast grew out of the desire on the part of Congress to build up the shipbuilding yards on the Pacific coast.

Mr. COOMBS. Will the gentleman permit a question?

Mr. DAYTON. In a moment. It was insisted that material was higher there than it was in the East, but the experience of the last letting has shown that the shipyards on the Pacific coast have not only been able to compete under the 4 per cent advantage that the law has heretofore given them, but they were able to enter into open competition with the yards on the Eastern coast and actually got a large portion, a large number of vessels to build, on a dead level competition with the Eastern yards.

Mr. GAINES of Tennessee. What do you mean by "Eastern yards?"

Mr. DAYTON. I mean those on the Eastern coast.

Mr. METCALF. Will the gentleman please cite some instance where the Pacific coast shipbuilding concerns have received contracts in competition against Eastern shipbuilding concerns?

Mr. DAYTON. I mean to say that the last bill provided for a certain number of these ships to be built on the Pacific coast; that the two construction yards—the Union Iron Works and Moran Brothers—entered into competition and got a number more of these vessels than the bill provided the Pacific coast should have, and they got them by open competition with the others.

Mr. JONES of Washington. I desire to suggest with reference to Moran Brothers that the people of Seattle raised for them $100,000 in order to have their bid accepted. They thought that with the competition they had they could not do it without that, and the people of Seattle raised a hundred thousand dollars to help them do it.

Mr. DAYTON. That may be; I do not know anything about that, but I want to say that if this section is to be amended at all these provisions ought to go out. There have been labor troubles on the Pacific coast during the last year that have retarded the construction of the vessels there to such an extent that it seems to me they have all the work that they can possibly do, and it is unnecessary to provide here that one of each of these classes of vessels shall be built on the Pacific coast. They have more than their share, in my deliberate judgment, now, under former conditions, and while I do not want to make an amendment, I would suggest to the gentleman from Texas [Mr. BALL] that he include in his motion the striking out of the whole of the section from and after line 10.

Mr. BALL of Texas. I ask unanimous consent to include that in my amendment.

Mr. DAYTON. Subject, of course, to the point of order.

Mr. MUDD. I suggest, Mr. Chairman, that it would be well to dispose of the point of order.

The CHAIRMAN. The Chair was about to say that you could not cover the balance of the section on the motion to strike out while the point of order was pending against it. If the gentleman desires to withdraw his point of order, of course it could then be voted on.

Mr. MUDD. I will reserve the point of order in order that I may renew it, or consider it pending, in case the motion to strike out should be made. I want to be heard on the point of order.

Mr. METCALF. Before the point of order is considered, I should like to be heard on the subject of shipbuilding on the Pacific Coast.

The CHAIRMAN. The point of order is again raised, and the gentleman from Maryland [Mr. MUDD], who raised the point of order, desires to discuss it.

Mr. MUDD. If it is the desire of the gentleman from California [Mr. METCALF], I will reserve the point of order until the gentleman from California has made his remarks.

The CHAIRMAN. Does the gentleman from California desire to discuss the point of order?

Mr. METCALF. I do not. The gentleman stated that he wished to reserve his point of order until after I have said something in regard to the question of shipbuilding on the Pacific coast.

The CHAIRMAN. The gentleman reserves the point of order. The gentleman from California [Mr. METCALF] is recognized.

Mr. METCALF. Mr. Chairman, if you want to prevent the building of ships on the Pacific coast, then strike out this provision giving to the shipbuilders of the Pacific coast 4 per cent above the lowest accepted bids. This provision has been in every naval appropriation bill for a number of years, and I presume it was only inserted after the most careful examination and investigation of the conditions existing on the Pacific coast. The cost of living on the Pacific coast in some places is greater than on the Atlantic coast or in the Middle States. Coal for manufacturing enterprises costs on the Pacific coast at least $8 a ton. Skilled labor, and especially the labor of skilled machinists, costs from a dollar to a dollar and forty cents a day more on the Pacific coast than in the Eastern or Middle States' shipyards. In addition to these increased items of cost, nearly all the material used in the construction of ships on the Pacific coast is purchased in the Eastern and Middle States and sent 3,000 miles across the continent to Seattle and San Francisco.

The *Olympia*, Admiral Dewey's flagship at the battle of Manila Bay, and the *Oregon*, with a record unparalleled by any ship in any of the navies of the world, was built by the Union Iron Works of San Francisco. The battle ship *Wisconsin* was built by the same company, and the battle ship *Ohio* and the cruising battle ship *California* are now in process of construction there.

If you want to encourage the building of ships like these for the American Navy, if you want to protect a great California industry, then I ask you to vote down this amendment.

Mr. Chairman, in view of the remarks made on Saturday by two of the distinguished gentlemen from Illinois, the chairman of the Committee on Appropriations [Mr. CANNON] and the chairman of the Committee on Naval Affairs [Mr. FOSS], relative to Mare Island Navy-Yard, I ask unanimous consent to insert as a part of my remarks some recent data as to the depth of water at Mare Island Navy-Yard.

The data are as follows:

On January 18, 1900, the U. S. S. *Scindia* left Mare Island Navy-Yard for San Francisco under instructions from the commandant of the yard to make soundings for the purpose of ascertaining the depth of water. The soundings were made, and the least depth of water found was 5½ fathoms. In order to authoritatively settle the question I wrote the commandant of Mare Island Navy-Yard, Admiral Miller, and received from him the following letter:

NAVY-YARD, MARE ISLAND, CAL., *April 14, 1902.*

SIR: In compliance with your request for a statement showing the depth of water in the channel and along the quay wall, Mare Island Navy-Yard at low and high tides, also statement showing the depth of water at the lowest and highest tides during the year, I have the honor to report as follows:

From survey made last January depth in channel varies as follows: Thirty to 35 feet from steam engineering building to *Independence*; 22 to 30 feet to South Vallejo Railroad wharf; 30 to 48 feet to outer bar, and 25 feet over bar.

From survey made to-day depths along quay wall as follows: Out 20 feet depth of 20 feet; out 75 feet depth of 25 feet; out 150 feet depth of 30 feet.

Above depths all referred to mean low tide. Highest tides 8½ feet above mean low tide. Lowest tides 1½ feet below mean low tide.

Very respectfully,

H. R. STANFORD,
Civil Engineer, U. S. N.

The COMMANDANT,
Navy-Yard, Mare Island, Cal.

[Indorsement.]

NAVY-YARD, MARE ISLAND, *April 14, 1902.*

Respectfully forwarded. The depths given will all be increased to 30 feet mean low water by dredging this summer, for which money has been appropriated. If rivers and harbor would once clean out the straits we would not have to dredge for several years.

MERRILL MILLER,
Rear-Admiral, Commandant.

Mr. GAINES of Tennessee. I should like to ask the gentleman a question.

Mr. METCALF. Certainly.

Mr. GAINES of Tennessee. You said you referred to the matter in your speech the other day, but I am unable to find the RECORD containing your speech. The question is this: It seems that this chamber of commerce over in your State somewhere—I forget the name of it——

Mr. METCALF. Vallejo.

Mr. GAINES of Tennessee (continuing). Of the *Monterey*—and the *Monadnock*, which was built at the Mare Island Navy-Yard, was built cheaper than the *Monterey*, a sister ship. Now, that has been disputed. Do you know what the facts are?

Mr. METCALF. I made a statement in regard to that in my remarks on Wednesday, and since then I have ascertained that there never was any act of Congress authorizing the construction of the *Monadnock*. It was authorized by the Bureau of Navigation. The keel, as I remember, was laid some time in 1875. The old *Monadnock* was sold, and the purchaser of the old *Monadnock* was given permission to use a portion of the material for the construction of the new *Monadnock;* but for some reason he abandoned his contract, and the monitor remained exposed to wind and weather for probably eleven years without any work being done upon it. Congress then, by the act of 1886, authorized the completion of the *Monadnock*, which was completed at Mare Island Navy-Yard. The plans were changed. The hull was remodeled; and it practically cost more to remodel the old hull than to construct the new one. Notwithstanding that, I say the *Monadnock* was built for less than the *Monterey*.

Mr. GAINES of Tennessee. I understand that the officers in charge of the Mare Island Navy-Yard contend that they can build a battle ship as cheap as the private manufacturing establishments.

Mr. METCALF. I do not think there is any mistake about that. They have competed against private shipbuilding concerns on the Pacific coast. When the *Logan* was repaired they repaired it at $33,000 less than was bid by the lowest bidder.

Mr. DAYTON. Are you aware of the fact that 11 vessels are already being constructed for the United States on the Pacific coast?

Mr. METCALF. I am.

Mr. DAYTON. And that is a long way over the proportion provided by the bills heretofore authorized.

Mr. METCALF. I am not responsible for the letting of these contracts, but I suppose that the Navy Department came to the conclusion that they could build them better on the Pacific coast than at any other place, or they would not have awarded the contracts.

Mr. DAYTON. Have there not been spread all over this country statements to the effect that the cheapest vessels in the world can be built in California?

Mr. METCALF. I am not responsible for the statements that have been made, but I expect it is true.

Mr. DAYTON. If that is true, there is no use in keeping this provision in the bill.

Mr. CANNON. Respectfully, I want to dissent from one statement the gentleman made, namely, that the cost of living is higher on the Pacific coast than it is on the Atlantic coast. My information is that, if anything, it is lower.

Mr. METCALF. I am speaking from practical experience.

Mr. MANN. Of one coast.

Mr. METCALF. On the Pacific coast.

Mr. CANNON. I will take the markets.

Mr. MUDD. Mr. Chairman, I raise the point of order, and desire to discuss it.

Mr. FITZGERALD. I desire to discuss the pending amendment.

The CHAIRMAN. The point of order will first be disposed of.

Mr. MUDD. The point of order, Mr. Chairman, is to all of the paragraph under the head of "Increase of the Navy" from and including line 14, page 73, down to and including line 8, page 74. The purpose of it is clear, Mr. Chairman. This portion of the bill contains a provision, in the first place, involving a renewal for the purposes of this act of the provisions of the act of Congress "making appropriations for the naval service for the fiscal year ending June 30, 1901." I suppose it is restricted to the enactment of the terms and provisions of that act relating to the increase of the Navy. It relates, furthermore, to the subject of the number of battle ships which may be built in any one navy-yard, and limits and prescribes that number. It furthermore prescribes what battle ships or other vessels, one or more, as the case may be, must be built on the Pacific coast.

Now, all of these provisions, Mr. Chairman, to my mind, are clearly new legislation, inasmuch as they undertake to legislate anew as to this subject-matter and make legislative provisions that have no existence at law. I understand the decision has often been made that new legislation comes within the prohibition of the rule which declares against a change of existing law upon an appropriation bill. There has been a decision of that kind made by the present occupant of the chair, if I recollect

aright, upon a paragraph similar to this, which we find set forth on page 2160 of the RECORD, Fifty-fifth Congress, third session, which I will send to the Chair in a moment. The point of order was made by Mr. HOPKINS, of Illinois, following one made by Mr. Dockery, of Missouri, exactly similar in nature to that in this section against language therein, which I quote:

And not more than two of said battle ships, and not more than two of said armored cruisers, and not more than two of said protected cruisers shall be built in one yard or by one contracting party.

There is a similar provision, with an immaterial variance as to number and character of ships, in the paragraph against which I make this point of order.

Mr. HOPKINS, as to the obnoxious language of the paragraph then objected to, stated:

I claim, if the Chair please, that that is a change of existing law. We of course have a general law that provides for the increase of the Navy, but we have no general law that provides that in the construction of the vessels of the Navy any one shipyard in the country can take a contract but for two vessels.

It is precisely an analogous case. We have in the language in this paragraph, in accordance with existing law, a provision for the increase of the Navy, but we have no existing provision of law providing that any number of battle ships shall be built in any one particular yard or that they shall be built in any particular section or on any particular coast line of the country. No one will contend that the provision reasserting the provisions of the act of 1901 as to this bill is not a change of existing law, because the act making the naval appropriations for 1901, while it was made law as to that act, referred only to the ships provided for in that act. I think the ruling I have referred to was made by the present occupant of the chair, and the ruling was made in accordance with a previous ruling which the Chair will find, made in connection with the same section by Mr. Dockery, of Missouri, on page 2158 of the RECORD I send to the Chairman.

Mr. ROBERTS. Is the gentleman from Maryland through?

Mr. MUDD. Nearly so.

Mr. METCALF. To what portion of this does the gentleman make the point of order?

Mr. MUDD. I make the point of order to that portion of the paragraph from line 14, page 73, down to and including line 8, on page 74, that it is a change in existing law, and new legislation. It says in part:

And subject to the provisions hereinafter made, not more than one of said battle ships and not more than one of said armored cruisers and not more than one of said gunboats shall be built at or near the coast of the Pacific Ocean or in the waters connected therewith.

All of the paragraph is clearly obnoxious to the rule to which I refer.

Now, Mr. Chairman, I would have made a point of order, had my attention been called to it earlier, to include all from line 11 down to end of the paragraph, and I would change my point of order now, so as to take in the three preceding lines, but I apprehend I can not, because debate has taken place on the other lines—10, 11, and 12.

Mr. VANDIVER. I understood the gentleman to reserve the point of order against the whole paragragh.

Mr. MUDD. I did not mean that. In other words, I am not "up against" the provision as to building ships in the navy-yard. The gentleman from Missouri need not be disturbed, therefore, as to that as yet.

Mr. VANDIVER. I am not referring to that part of it.

Mr. MUDD. My point of order is against only that portion of the paragraph which runs from line 14, page 73, down to and including line 8, on page 74.

Mr. ROBERTS. Mr. Chairman, I submit that the point of order raised by the gentleman from Maryland is untenable on two grounds. He begins at line 14, page 73, and makes his point of order to all that follows in that paragraph. Now, Mr. Chairman, it is well known that there is no general law governing the construction of battle ships or ships of any kind authorized in the naval bill; and yet this same paragraph in the preceding lines does authorize and point out the manner in which these ships shall be constructed, to wit, by contract. That does not change existing law, but is of itself a new law. That is new legislation, and that, I submit, Mr. Chairman, would have been subject to a point of order had it been raised.

Mr. MUDD. May I interrupt the gentleman?

Mr. ROBERTS. Yes.

Mr. MUDD. Does the gentleman contend that if that was new legislation it does not contravene the rule that you can not change existing law?

Mr. ROBERTS. I maintain that there is no existing law. Then anything that makes a law is new legislation and is contrary to the rule. But the gentleman from Maryland misses the point I am trying to make. This authorizing the building of ships by contract is of itself legislation, and if the rule were to be construed according to its literal wording, then the point of order might have been raised against that authorization of construction by contract; but——

Mr. MUDD. Mr. Chairman——

Mr. ROBERTS. If the gentleman will pardon me until I explain my position he will understand it. But no point of order was raised against that part of the paragraph which authorizes the construction of these vessels by contract. Hence under the long-continued practice of Speakers of the House and Chairmen in this body, the point of order not having been raised against that part of the bill, that part of it is then open to perfecting amendments. Now, an authorization to build these ships by contract can be, I submit, Mr. Chairman, altered or amended or perfected in any way that this body sees fit. Here in the very bill is a perfecting clause on that feature of the bill. It is rather a limitation on that general power to contract.

There is another point wherein the point of order, it seems to me, is bad. From line 23 on page 73 down to and including line 8 on page 74 is a provision increasing the cost of these battle ships. You have already, in another clause, fixed the price at which these ships shall be built, and then you go farther in the paragraph and make a limitation which in this case increases the cost; and it seems to me the Chair must hold that that limitation of cost, which itself is a proper subject of legislation, is germane and in order. I understand the rulings to be that if one portion of one part of the point of order is bad, the whole point of order is bad and must fail.

Mr. MUDD. In response to the gentleman from Massachusetts [Mr. ROBERTS], I want to call attention to paragraph 557 of the Parliamentary Precedents of the House of Representatives:

The enactment of positive law where none exists is a change of existing law within the meaning of the rule.

It is hardly necessary for me to call the attention of the Chair to this ruling; but it disposes of the argument of the gentleman from Massachusetts, because he has expressly conceded that a portion of the provision against which my point of order is directed is new legislation; but, as he says, does not change existing law. It has been often held that new legislation where there was none before——

Mr. ROBERTS. The gentleman misses the whole point of my argument.

Mr. MUDD. I think the gentleman misses the point of his own argument.

Mr. ROBERTS. Not at all. I have said that the authorization of the building of these ships by contract is new legislation. Does the gentleman understand that proposition?

Mr. MUDD. I think I do.

Mr. ROBERTS. Then, no point of order having been raised against that provision, it can be perfected by amendment or limitation. That is what the remainder of the paragraph seeks to do. It may be called new legislation, but it is properly an amendment by way of limitation on new legislation, on which no point of order has been raised.

Mr. MUDD. The decision to which I have furnished a reference was as to language following a provision authorizing contracts, and related to the question of how many battle ships should be built at navy-yards, and if I recollect aright, also to where they should be built. It followed just such a clause as precedes this, which by analogy the gentleman would contend, being unobjected to, gave jurisdiction to what followed, which was of similar nature as that which follows here; but the Chair ruled otherwise.

The CHAIRMAN. The Chair thinks the gentleman from Massachusetts [Mr. ROBERTS] fails to make a distinction between a limitation upon an appropriation and a limitation upon an officer. It seems to the Chair that the limitation here is upon an officer, not upon an appropriation. Clearly this is a legislative provision. The present occupant of the chair made the ruling to which the gentleman from Maryland has referred in his argument, holding that legislation where none exists is a change of existing law. Still holding that same opinion the Chair is constrained to sustain the point of order. The question is then upon the amendment offered by the gentleman from Texas, to strike out lines 11, 12, and 13.

The amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, I desire to offer, as an amendment to what is left of this paragraph, the provision which I send to the Clerk.

The Clerk read as follows:

Provided, That the Secretary of the Navy shall build at least one of the battle ships, one of the armored cruisers, and one of the gunboats herein authorized in such Government navy-yard or navy-yards as he may designate; and for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the the construction of such ships the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. ADAMS. I raise a point of order on that amendment.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. ADAMS. I do, if necessary.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ADAMS. In the first place, I submit that the amendment is new legislation; in the second place, it changes existing law, and in the third place, it limits the discretion of the officer at the head of a department of the Government. If the Chair desires authorities on those three points, I have them here.

Mr. VANDIVER. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ADAMS] has the floor.

Mr. VANDIVER. I make the point of order that there is so much noise we can not hear what the gentleman is saying.

The CHAIRMAN. The point of order is well taken. The committee will please come to order.

Mr. ADAMS. I ask that the amendment be read again.

There being no objection, the Clerk again read the amendment.

Mr. TAYLER of Ohio. I rise to a parliamentary inquiry—whether any part of the bill on page 74 has been read.

The CHAIRMAN. This amendment, as the Chair understands, is offered to come in after line 10, page 73.

Mr. TAYLER of Ohio. Does not the gentleman from Massachusetts [Mr. ROBERTS] think that we ought to read the next paragraph before he offers this amendment?

Mr. ROBERTS. Oh, no; not at all.

The CHAIRMAN. The amendment is offered to come in at the close of the paragraph as it is, after the exclusion of what has been ruled out on a point of order, and also the portion struck out by a vote of the Committee of the Whole in adopting the amendment of the gentleman from Texas [Mr. BALL].

Mr. WHEELER. I do not know just exactly what the parliamentary situation would be under the existing circumstances, but a portion of the language embraced in the proposed amendment has already been incorporated in the bill in lines 16 to 22, which have not yet been reached in the reading.

The CHAIRMAN. That part has not yet been reached.

Mr. WHEELER. Is it in order to offer an amendment embracing that portion of the bill?

The CHAIRMAN. Oh, the Chair thinks so. If certain language is adopted by the Committee of the Whole in one part of the bill and subsequently the same language is reached in another part of the bill, the repetition of the language can be struck out. The Chair thinks the amendment is in order.

Mr. ADAMS. Then, Mr. Chairman, I would cite Rule XXI, part 2, of the House, which prohibits any new legislation in an appropriation bill. Second, I would call the attention of the Chair to section 3709 of the Revised Statutes, which provides that all purchases and contracts for supplies and services in any of the departments of the Government, except for personal services, shall be made by advertising, etc. I would state to the Chair that on first looking at this section of the Revised Statutes I did not think it applied, but when I turned and got a definition of the word "purchase" and of the word "purchases" I was compelled to come to the conclusion that this is a change of that statute. The definition of the word "purchase" is "to obtain or secure one's own by paying or promising to pay a fair price," and "to acquire [property] by one's own act or agreement, as distinguished from the mere operation of law."

You will notice, Mr. Chairman, that the term "agreement" is used here, and means the acquiring of anything by price or agreement. You will see also that in the wording of the statute that all "purchases and contracts" is the term used. In a grammatical construction it is a disjunctive, and therefore disapplies to purchases and contracts for supplies. Under that holding of the interpretation of the statute this is merely a change of existing law, and I submit that is the first point to determine why Rule XXI, part 2, should apply to this amendment which has been offered.

Mr. FITZGERALD. Will the gentleman answer how the——

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS. I would rather conclude my argument without interruption.

The CHAIRMAN. The gentleman declines to yield.

Mr. ADAMS. In the next place, it is the enactment of new law. There is a line of decisions under the same section of the rules of the House which says it is not necessary to change existing law when a new law is enacted contrary to any established custom or without any provision beyond that relating to the matter; that it comes under the head of that rule, and there is a line of decisions on that point which I would be very glad to submit to the Chair. The third point, which has been held by several different decisions, is that any amendment restraining the discretion which is given under the general law to any head of a department is also new legislation.

There is a long line of decisions on that question, beginning with the Forty-seventh Congress, down to the present time. This limitation providing that the Secretary of the Navy must build one of these ships in a navy-yard of the United States is limiting his discretion under the general right that he has as the head of the Navy Department, which he is to administer according to law and his discretion. For these three reasons, Mr. Chairman, I hold, without any doubt in my own mind, having looked very carefully into the subject, that this is out of order. I will cite the decisions on each of these points, if the Chair would like to hear them, although I think probably the Chair is as fully aware of them as I am, including one of his own, which relates to a matter involving this same principle. If the Chair desires to hear them, I will cite them.

The CHAIRMAN. The Chair would be pleased to hear them.

Mr. TATE. Mr. Chairman, I would like to ask the gentleman a question for information, and for information alone, and that is whether or not he thinks a battle ship comes under the head of supplies for the Government?

Mr. ADAMS. I have already enunciated that point. The term being disjunctive under grammatical construction, it means purchases first and supplies after, and therefore would apply to all purchases. I have already tried to state that. In regard to the decisions that this is new law I would cite Parliamentary Precedents, section 557, which is as follows:

The enactment of positive law where none exists is a change of existing law within the meaning of the rule. On February 4, 1896, the District of Columbia appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and Mr. Henry M. Baker, of New Hampshire, offered this amendment:

"For the support and medical treatment of medical and surgical patients who are destitute in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $15,000.

"For Garfield Memorial Hospital, for maintenance to enable it to provide medical and surgical treatment to persons unable to pay therefor, $15,000."

Mr. Franklin Bartlett, of New York, made the point of order that this would be a change of existing law.

After debate the chairman ruled:

"In the opinion of the Chair it is no answer to a point of order that the amendment changes existing law to say there is at present no statute law upon the subject. In the absence of statute law there is still a rule established by custom. That is the law, and any proposition which enacts positive law is a change of existing law in that respect. The enactments of law where none now exists is a change of existing law. It is acknowledged by the mover of this amendment that it does enact positive law where none now exists, and in that it changes existing law; and the point of order is sustained."

That, I think, Mr. Chairman, bears directly on the point before the House.

Mr. FINLEY. I wish to ask the gentleman a question. Is it not a fact that the Secretary of the Navy will derive his entire power with reference to building these battle ships from the provisions of this bill?

Mr. ADAMS. No; it will be limited.

Mr. FINLEY. But I say, does not this bill give him all the power and authority that he will have in reference to building these new vessels?

Mr. ADAMS. Yes.

Mr. FINLEY. Now, if that be true, when we are giving him the authority and power to build these vessels why can we not direct his discretion also?

Mr. ADAMS. Because you are taking away from him the power that he has under the Constitution and general law to exercise his discretion as to the best way of building these ships. When you limit him you take away that discretion. Under these decisions, that is against the rule.

Mr. FINLEY. What particular law does the gentleman allude to in reference to that discretion which is vested in him, which we can not direct or limit or give him by this bill?

Mr. ADAMS. The law that gives the power to the Secretary of the Navy to conduct the affairs of that Department.

Mr. FINLEY. But the gentleman has just admitted that all the authority that the Secretary of the Navy will have in reference to the building of these vessels he will derive by virtue of and under the provisions of this bill.

Mr. ADAMS. That is for this particular construction, but——

Mr. FINLEY. Well, now, does not the discretion that we propose to limit apply to the particular vessels that are to be built under the provisions of this bill?

Mr. ADAMS. But in doing that the gentleman takes away the discretion, which is not permissible, because that is a change of existing law. That is the point I make.

Mr. FINLEY. What law?

Mr. ADAMS. If the gentleman will allow me, that is the point I am now raising. The gentleman from South Carolina [Mr. FINLEY] by his question has simply emphasized in a very strong way the point I make.

Mr. FINLEY. I differ entirely with the gentleman as to that.

Mr. FITZGERALD. What discretion has the Secretary, considering the fact that this bill already provides that he shall build these vessels by contract? What discretion has he to do anything else?

Mr. ADAMS. The discretion left in him is to consider the bids of the contractors. He is not limited to the lowest bidder. He can exercise his judgment as to the capacity of a yard to construct any of the vessels bid for. He can take into consideration the responsibility of the bidders. All the discretion left in the Secretary by this bill you will take away from him in regard to one ship if you stipulate that it must be built in a Government yard.

Mr. FITZGERALD. If you provide that they all must be built by contract, you take away the discretion he would have under the law without that provision to build them all in Government yards if he desired to do so, because there is no general law providing where the Secretary shall build ships of war.

Mr. ADAMS. I have been citing to the Chair the section of the Revised Statutes that does so provide—section 3709.

Mr. FITZGERALD. Under the law, however, there is no dispute that the Secretary will have to buy all materials to be used in the building of these ships by advertising for them. If that construction be true, he can never even repair a ship in a Government yard, because that is a supply, and it would have to be obtained by contract.

Mr. ADAMS. I have heard the gentleman before on this point and I have read with great interest his remarks on the subject. He is raising now the same point that he has raised every time when this thing has come up, and the gentleman has been overruled.

Mr. FITZGERALD. The gentleman knows I was sustained the last time.

Mr. ADAMS. The gentleman was sustained by the occupant of the chair at that time——

Mr. FITZGERALD. The present Secretary of the Navy.

Mr. ADAMS. But it was not exactly on the same point that is involved now. If the gentleman will cite that case I shall be very glad to answer him.

Mr. GAINES of Tennessee. Does the gentleman hold that Congress has no right to restrain or control the discretion of the Secretary of the Navy?

Mr. ADAMS. I have not contended for any such thing. I say when you attempt to do it here on an appropriation bill it is new legislation, and therefore can not be done on that bill. It is not that we have not the power, but the point I make is that we have not the power to do it on an appropriation bill, because the proposition is new legislation and can not be considered on an appropriation bill.

Mr. GAINES of Tennessee. You were reading a statute just now. Was that, he had to build our ships in certain places.

Mr. ADAMS. I never said anything of the kind.

Mr. GAINES of Tennessee. Is there any such statute?

Mr. ADAMS. There is no such statute.

Mr. GAINES of Tennessee. Then how is this a change of "existing law?"

Mr. ADAMS. The statute that I cited was that in which it states that he must advertise for material, and that therefore the provision here which provides that he must build in a Government yard is new legislation.

Mr. GROW. What is the question now pending?

The CHAIRMAN. The committee will be in order.

Mr. GROW. I understand the question is a point of order made to a page of this bill. It seems to me my colleague, from what I can hear of the debate, is undertaking to decide it, instead of the Chair.

Mr. ADAMS. In reply to my venerable colleague, "the gentleman from Pennsylvania" is endeavoring to answer the interrogatories of his colleagues in the wish to be courteous to them.

Mr. GAINES of Tennessee. Will the gentleman please give us that statute? I am very anxious to know what the statute is.

Mr. ADAMS. It is section 3709 of the Revised Statutes.

Mr. GAINES of Tennessee. Will you read it, so that we can all know what it is?

Mr. ADAMS. I have already read it, and have submitted it to the Chair.

Mr. GAINES of Tennessee. What does it state?

Mr. ADAMS. The main part of it, to go over it again for the benefit of the gentleman from Tennessee, is this: All purchases of supplies and services in any department, except for personal services, shall be made by advertisement.

Mr. GAINES of Tennessee. Do you not know that the Secretary of the Navy has the power to advertise for iron and steel and coal and labor for the work that he may do in the navy-yards?

Mr. ADAMS. That is not the point involved. The question is not whether we can restrain the power of the Secretary of the Navy, but whether, under Rule XXI, clause 2, any amendment which changes existing law can be introduced, and this is undoubtedly a change of existing law.

Mr. GAINES of Tennessee. The question is, Is there any change of law? How is he going to get such things except by bids for material and for labor, because the Government has no coal or iron or timber lands?

Mr. ADAMS. This makes him build one of the ships in the navy-yards, and it takes away his discretion of where he shall build them.

Mr. GAINES of Tennessee. Is there a law providing that he shall build them at a certain place?

Mr. ADAMS. This very question was decided in the last Congress, in which a ruling was made, but not exactly on this point. It was an expansion of a provision already given.

Mr. GAINES of Tennessee. Oh, then, it is expansion that has given you the trouble. If that is so I am satisfied.

Mr. ADAMS. I am glad the gentleman has got the information he desires.

Mr. GAINES of Tennessee. From a source that I never received information before, I will say to the gentleman.

Mr. ADAMS. The gentleman had not gone to the reliable place to seek it. That is the reason that he is making these arguments in the House. I wish to cite two decisions upon this point, one made when the gentleman from New York [Mr. PAYNE] occupied the chair, which was exactly on this point. Mr. FITZGERALD, who shows how well posted on this question he is, offered an amendment, which is as follows:

Amend by inserting before the word "three," in line 22, page 62, the following:

"To be constructed under the supervision and direction of the Secretary of the Navy in such of the navy-yards of the United States as are best adapted therefor."

Thereupon the gentleman from Illinois [Mr. FOSS] made the point of order on that amendment, and the Chair sustained the point of order. That is just exactly this question which I submit.

Mr. FITZGERALD. Does not the gentleman know that this amendment differs from the amendment just read? The language of the pending amendment does not use these words, but says such yards as he may designate.

Mr. ADAMS. I wish to say to the gentleman that that to my mind only makes it stronger.

Mr. FITZGERALD. But if the gentleman will allow me, the former decision held that it would direct the Secretary of the Navy to have our vessels constructed in yards without certain equipments.

Mr. ADAMS. Exactly the same point.

Mr. FITZGERALD. This does not limit him to any particular navy-yard. He can build them in any navy-yard.

Mr. ADAMS. But it limits his discretion, and puts in a stringent restriction which says he must build in one of the navy-yards.

Mr. FITZGERALD. It says in one or the other.

Mr. ADAMS. The same question precisely.

Mr. FITZGERALD. I think it is entirely different.

Mr. ADAMS. I will have to differ with the gentleman on that.

Now, Mr. Chairman, the authorities that I have cited, well known as they are, all fall away before the one I am about to quote—of an eminent parliamentarian who has occupied the chair here often and rendered so many able and learned opinions, Mr. SHERMAN, of New York. [Laughter and applause.]

Mr. HOPKINS. Now, Mr. Chairman, the points which I desire to be heard upon just for a moment only will be found in lines 19, 20, 21, and 22 on page 59, and not more than two of said battle ships, and not more than two of said armored cruisers, and not more than two of said protected cruisers shall be built in one yard or by one contracting party.

After debate the Chair sustained the point of order, and that is exactly the principle involved in this question.

Mr. Chairman, I have more authorities here, but I really think I have submitted sufficient to call the attention of the Chair to the position I hold.

Mr. ROBERTS. Mr. Chairman, the gentleman from Pennsylvania alleges three grounds upon which his point of order should be sustained—first, that the amendment under discussion changes existing law, and he cites as the existing law the following words: "All purchases and contracts for supplying the service in any department of the Government, except for personal services, shall be made by the department." Then he goes into a long and complicated dissertation prying out hidden meanings of words, trying to make it appear that building a battle ship is purchasing supplies for the Government. It seems to me, Mr. Chairman, that that proposition is too ridiculous for further consideration. I maintain that under that section of the Revised Statutes read by the gentleman from Pennsylvania there is no law whatever on the subject of how, when, where, and by whom a battle ship shall be built in the United States. He then alleges as another reason that the amendment proposed is new legislation.

Well, now, Mr. Chairman, suppose he is correct in that. I think he is nearer correct in that proposition than any other he has advanced. Suppose he is correct; suppose that it is new

legislation if it stood by itself. But it does not stand by itself. The amendment under discussion is an amendment to a part of this bill which, if the point of order had been raised, would have been ruled out as new legislation. I believe there is no question that the limitation and the instructions given to the Secretary of the Navy in lines 7, 8, 9, and 10 in this bill are new legislation, because there is no law on the statute book instructing the Secretary of the Navy how, where, and when he shall build battle ships, and when you say to him that the contracts for the construction of each of said battle ships so contracted for shall be awarded by the Secretary of the Navy to the lowest responsible bidder, having in view the best results and most expeditious delivery, you are creating a law for his guidance.

There is no statute that controls that; that language is entirely new legislation. The point not having been raised on that topic of new legislation, it is within the province of this committee to go ahead and by proper amendment change, alter, and perfect that provision which, if the point of order had been raised, would have been ruled out.

Mr. ADAMS. Is there any existing law that says that he shall build battle ships in the navy-yards?

Mr. ROBERTS. No law whatever in regard to the building of battle ships.

Mr. ADAMS. Then it is new legislation.

Mr. ROBERTS. I say it is new legislation. Lines 7, 8, 9, and 10 on page 73 are new legislation.

Mr. VANDIVER. I want to call the gentleman's attention to the fact that that provision of letting them by contract is new legislation.

Mr. ROBERTS. That is what I said. All the provisions in regard to contracts either by the President or by the Secretary of the Navy are new legislation and would be subject to a point of order had it been raised, but nobody rose on the floor to make the point of order against this provision; and the point of order not having been raised, these matters in the bill are subject to amendment.

I want to call the attention of the gentleman from Pennsylvania and of the Chair to section 1068 of the Parliamentary Precedents of the House.

On June 14, 1884, the House was considering Senate amendments to the post-office appropriation bill, among which was the following: "For special facilities in trunk lines, $185,000."

It was moved to recede and concur in the amendment with an amendment making the same $250,000.

Mr. William S. Holman, of Indiana, made the point of order that this amendment was not in order.

The Speaker held:

While the Chair supposes there is no permanent provision of law authorizing this expenditure, still the proposition to expend a certain amount of money for that purpose is now properly before the House, and the Chair thinks that the proposition, being properly before the House, is amendable without regard to the rule applying to an original amendment proposed in the House. In other words, as an illustration, if the Committee on Appropriations should report a bill containing within it a provision not directly authorized by law, amendments proposed to such a provision should not be ruled out upon the point of order, because the subject upon which they are predicated, being virtually before the House, is a legitimate subject of amendment, either by increasing or diminishing the amount of the appropriation. The Chair therefore overrules the point of order.

Again, on the 21st of December, 1896, the same decision was made when a point of order was raised under the same conditions. The whole gist of the decision being that matter which is subject to a point of order if raised in time, and a point of order not being raised, was properly before the House, and could then be amended, and that no point of order could be raised against the amendment simply because the amendment, if it stood by itself, was new legislation. On March 17, 1898, the same ruling was again made, that the matter being properly before the House, although subject to a point of order if raised in time, was open to amendment, and the point of order could not be raised that the amendment changed existing law or was new legislation.

Mr. ADAMS. I would like to call the attention of the gentleman to the language of the section that follows.

Mr. ROBERTS. I do not care about the section that follows. We are not discussing that. We are discussing the amendment offered to this section. The section which follows has nothing to do with the matter before the House or before the Chair for decision. I do not care anything about that language. I know it. I drafted it myself.

Now, there is one other ground upon which the gentleman from Pennsylvania [Mr. ADAMS] rests his point of order; that, thirdly, the amendment I have proposed limits and restricts the discretion of the Secretary of the Navy. Where does the gentleman find the law which specifies what is to be the discretion of the Secretary of the Navy? Where does he find any provision which limits or enlarges the discretion which that officer has?

But whether there is a law defining that discretion or whether the Secretary of the Navy gets his discretion under the Constitution of the United States, the language in lines 7, 8, 9, and 10 of this bill is a limitation on his discretion; and if the point of order is good against my amendment, it would have been good against those lines. The point was not raised. Therefore the discretionary power of the Secretary of the Navy contained in these lines is open to an amendment.

Just one concluding statement. When the last appropriation bill from the Naval Committee, which carried an authorization of ships, was under discussion the gentleman from New York [Mr. FITZGERALD] offered an amendment providing that ships should be built in the navy-yards; and after debate, and after the reading of the statute of the United States which is said to regulate the building of these ships, but which I think all sensible and reasonable men must conclude has no bearing whatever upon the subject, Mr. Moody, then occupying the chair, made this decision:

The amendment offered by the gentleman from New York seeks to amend this section in such a way that the President be authorized to construct these ships enumerated in the section either by contract or in the navy-yards of the United States. The provision reported by the committee only authorizes the construction of the ships by contract. There has been no general law suggested to the Chair which would be altered by the amendment proposed by the gentleman from New York. The Chair, therefore, is compelled to think that it is in order, in the absence of any such statute, and therefore overrules the point of order. The question is upon agreeing to the amendment.

But, Mr. Chairman, I want to pursue that just a little bit further. Suppose that the section of the Revised Statutes does regulate the building of ships in the navy-yards; will anybody tell me wherein any of the terms of that statute will be contravened by ordering ships to be built in navy-yards? Why, sir, if we put the building of ships into navy-yards, they have to be built under that section; all supplies must be advertised for. We do not contravene or change the law in that respect—not in the slightest degree. The work will go on in the navy-yards in the construction of the ships just exactly as it goes on to-day in the repair of ships. When they want material or supplies for repairs they advertise and get them by public proposals, and when they want material and supplies for the building of ships in the navy-yards they will still be regulated and governed by that law; there will be absolutely no change of existing law.

Mr. CANNON. Mr. Chairman, it seems to me that the provision extending from line 14 to the end of the paragraph upon which the point of order was raised, and upon which the Chair has just ruled, is "on all fours" with the provision in this amendment. If the point of order lay in one case it ought to lie in the other case. I can see no difference in principle.

It is not necessary to discuss what the Chair might have decided in the event that a point of order had been made against the whole paragraph; nor is it necessary to discuss whether this question was originally decided wrongly under the rules of the House, embracing a line of decisions under which the Navy has been practically constructed.

The only possible claim or excuse under which any part of this provision could at any time have been in order is that the law authorizes a navy, and this is an incident of that authorization. Now, take the provision as it stands. If enacted, there is no question that under it a navy could be further constructed. It is not necessary to hold this exact amendment in order to enable a navy to be constructed—to carry out the general provisions of the law. But this provision goes on and amends the law aliunde the construction of a navy, providing right upon its face that the Secretary of the Navy shall build at least one battle ship, etc.

Mr. TATE. Will the gentleman tell us what the statute means?

Mr. CANNON. Whatever the statute may mean, this amendment proposes to make new law. It undertakes to prescribe what the Secretary of the Navy shall do. Now, what do you want to accomplish by this? You want to force the building of three or more of these ships in navy-yards. That is what you want to accomplish. Now, under the law as it is to-day, can you do that? If so, then there is no use of this amendment. The very object of the amendment is to change the law.

Mr. ROBERTS. Will the gentleman pardon me——

Mr. TATE. Will the gentleman allow me——

Mr. CANNON. I decline to yield in toto until I finish this sentence—absolutely.

The CHAIRMAN. The gentleman declines to yield.

Mr. CANNON. And unqualifiedly. I say again the amendment—in my judgment, the whole of it—is subject to the point of order, but under the practice of the House, for the purpose of constructing a Navy—the general law authorizing a Navy—we have heretofore held it in order to provide for the construction of ships. Well, now, when that point is accomplished, in my judgment the Committee of the Whole ought not to go along in the whole field of legislation. I think the Chair had that in view a few moments ago when he sustained the point of order from line 14 or 13, whichever it was, to the close of the paragraph.

Mr. TATE. Will the gentleman allow me in that connection?

Mr. CANNON. Yes; in a minute.

Mr. TATE. Do you mean to convey the idea that the Congress has a right to provide for the building of ships, and yet it

has not the right to provide where and how those ships shall be built?

Mr. CANNON. I mean to convey the idea that this whole line of appropriations is vicious and against the rules of the House, and it should be held strictly, and we should not go one step beyond the point that Congress or the House or the Committee of the Whole went when it held this kind of appropriation and legislation in order. It is vicious, it is against the rules, and it ought to be strictly held. Now, if the chairman did not have that view of it, how in the world did the Chair just sustain the point of order from line 14 to the end of the paragraph?

Mr. ROBERTS. Does the gentleman want me to answer that for him?

Mr. CANNON. Oh, I am not hungering and thirsting for the gentleman to answer it. [Laughter.]

Mr. TATE. Surely my friend from Illinois does not mean to say that the power to authorize the building of a battle ship does not carry with it the power to say where and how it shall be built?

Mr. CANNON. Well, I think under that law that the President has certain power, but this steps in and changes that power; it makes it mandatory upon the Secretary that he shall do so and so. It is legislation from the crown of its head to the sole of its foot, in my judgment, and unwise legislation, legislation against the rules of the House, and from every standpoint of proper construction I believe the point of order ought to be sustained.

Mr. TAYLER of Ohio. Mr. Chairman, the observations just made by the gentleman from Illinois [Mr. CANNON], that the ruling that the Chair made a moment ago on the point of order made by the gentleman from Maryland [Mr. MUDD] made it necessary that he should sustain this point of order, indicates what I have apprehended from the beginning of this discussion, that one very important consideration in this matter has been overlooked. Whatever may be done with this point of order, it will not be sustained because the Chair sustained the last one, for the reason given by the gentleman from Illinois.

Now, I am not much of a parliamentary sharp, but I understand that the paragraph down to the point whereto the amendment is proposed is passed. It is no longer subject to the point of order, but only to amendments. Now, that paragraph differs from every paragraph similar to it that has yet appeared in a naval appropriation bill, and it differs from it in a particular so important that it seems to me that it settles the question of the propriety of this amendment. That paragraph stands now subject to proper amendment, and necessarily subject to every provision needful to perfect it. Now, this proposition does not declare that the Secretary of the Navy shall construct by contract alone. It says he shall construct by contract "except as herein otherwise provided," so that the provision that is already passed, that is beyond the reach of any point of order, makes it necessary that we shall provide some other way of building a naval vessel than by contract.

Now, then, whatever there may be in the original proposition that was wrong, it stands, and whatever is necessary to make that perfect must be as proper as the original paragraph itself. Now we go on to perfect this provision. The point of order that the Chairman sustains related to portions of this section that are not referred to in the phrase "except as herein otherwise provided." The provisions thus stricken out were limitations merely on the method of contracting. The provision that is sought to be inserted by this amendment is to comply with that limitation upon the contract, not as to its methods, but that some of these vessels should be otherwise built than by contract. Such alone is the purpose of this amendment. It is not only proper; it is necessary. The bill as it stands now demands the addition of some provision for building ships otherwise than by contract.

Mr. ROBERTS. Mr. Chairman, if the committee will bear with me just a moment, I would like to give it information that the gentleman from Illinois [Mr. CANNON], not now in his seat, was so anxiously inquiring for a few moments ago. He says, Why did the other lines of the bill go out on a point of order? They went out on a point of order because they were contrary to the rule, and the point of order was raised. But the point of order has not been raised on lines 7, 8, 9, and 10, and can not now be raised, and under the rule those lines, and all that precede in that paragraph, are subject to proper amendment. And there is where the Chairman of this committee can very properly distinguish between the two rulings on a point of order, which at first blush might seem to involve the same ultimate decision.

Mr. MUDD. Mr. Chairman, just a word. The gentleman from Ohio [Mr. TAYLER] argues, if I understand him correctly, that the jurisdiction to entertain the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] is given by the words following the words—

constructed by contract—

Those words being—

except as herein otherwise provided.

The gentleman from Ohio will hardly contend seriously, I think, that an exception of that kind gives to the committee the jurisdiction to make an illegal or unparliamentary amendment. That language must be read to mean, except as otherwise provided in accordance with law and the rules of the House. It can not mean anything else, and can not give any further authority and jurisdiction than that.

Now, Mr. Chairman, it seems to me that gentlemen lose sight of the point here. No one is arguing against this, because it is a provision not previously authorized by law. That is not the point wherein we contend this is obnoxious to the rule, but the point is that this provision is a change of existing law.

Mr. TATE. Will the gentleman please state what law it changes, if any?

Mr. MUDD. I do not understand the gentleman.

Mr. TATE. I should like to know what existing law it changes. I have heard that statement made on that side, and I should like to know what law the gentleman refers to.

Mr. MUDD. I will answer that question as to what existing law it changes. Gentlemen seem to think that in some way this is a limitation upon an appropriation. That is not the case at all. If this provision were a mere limitation upon the quantum of appropriation, or a limitation upon expenditure, it would be in order; but it is not that. It is a limitation upon the discretion of an officer of the law, and that is wherein it changes existing law. The discretion of the President of the United States, not only in a legal sense, but in an actual sense, is an existing fact and is an existing law, wherein he is authorized to exercise it; but a new provision, where none had existed before, limiting by mandatory requirement the exercise of that discretion, is clearly a change of existing law.

Mr. TATE. Will the gentleman allow me to suggest that the President does have this discretion until this bill becomes a law?

Mr. MUDD. Even if it be seriously contended that because there is now in the bill, unobjected to, a provision authorizing the President to have these vessels constructed by contract, there being no point of order made against that provision, it can not be contended that a provision abrogating that discretion by a mandatory clause, saying that the authority and discretion are entirely taken away, is in order.

Now, I will not argue this further, except to call attention to an authority upon this point. I read from section 531 of Parliamentary Precedents, a work written by the gentleman who furnishes parliamentary information to so many of us in this House and who aids the Chair as well as the rest of us.

Section 531 is to the following effect:

It has generally been held that provisions giving a new construction of law—

That is not this case—

or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

That is the authority that governs this case and upon which I think the Chairman may safely rely. This amendment does limit and circumscribe the discretion of the Secretary of the Navy in the most mandatory way in which it could be done.

Mr. RIXEY. As the matter now stands, there is no discretion in the Secretary of the Navy. He has to build by contract. This amendment proposes to direct him to build in another way.

Mr. MUDD. That is a change of existing law.

Mr. RIXEY. Suppose the amendment does not prevail, then there is no discretion.

Mr. MUDD. If it does not prevail, it does nothing. If it does, it is making a new law as to how he shall exercise his discretion, different from the free exercise of it or the usual exercise of it or the character of exercise of it authorized in the bill. It is in no sense akin to or germane to the manner or scope of the authority committed to him by the provisions of the bill as proposed, and is, in my judgment, against the letter and the spirit of the rule.

The CHAIRMAN. The Chair thinks that the section of the Revised Statutes to which the gentleman from Pennsylvania [Mr. ADAMS] refers does not control in this case. In the opinion of the Chair that section does not cover such a provision as is included in this section of the bill; but the universal holdings of Speakers and Chairmen—that in the absence of any statute the creation of a statute is a change of existing law—does apply in this case. Now, the gentleman from Massachusetts [Mr. ROBERTS] argues, and properly argues—to that extent—that this provision was susceptible to a point of order, had the point of order been raised.

That point of order not having been raised, his contention is that it can be amended in any way, and he cites, amongst other rulings in support of that contention, a ruling of Mr. Speaker Carlisle, a most eminent parliamentarian; but the Chair notices in reading that decision that Speaker Carlisle expressly says that a provision before the committee which would have been out of

order had the point been raised, the point not having been raised is amendable; but he says that that amendment may be made either by increasing or diminishing the amount of the appropriation, clearly showing that in Speaker Carlisle's mind there was this idea, that the section could be amended in any germane manner within its original scope.

Nothing in Speaker Carlisle's opinion indicated any thought that the scope of an amendment could be enlarged by an amendment if the provision originally would have been susceptible to a point of order. Now, the amendment offered by the gentleman from Massachusetts, as a separate proposition, clearly would be susceptible to a point of order. The Chair thinks the gentleman from Massachusetts himself would admit this. Therefore it seems to the Chair that the question has resolved itself into this: Can the committee do by indirection that which it can not do directly? It seems to the Chair it is a very dangerous precedent to establish to permit such a thing to be done.

The Chair admits that the disposition of this point of order is embarrassing to him. As the Chair remembers, this is the first time he has disposed of a point of order while occupying this chair about which he did not feel absolutely clear, and certainly the Chair must admit that there is some little doubt in his mind about this question; and yet he thinks that the fact that the committee ought to be prevented from doing by indirection that which it can not do directly ought to prevail. This amendment, had it originally been in the text of the bill, unquestionably would have been held out of order. Therefore the Chair sustains the point of order against the amendment.

Mr. ROBERTS. Mr. Chairman, in view of the doubt in the mind of the Chair, I would respectfully beg leave to appeal from the decision.

The CHAIRMAN. The gentleman from Massachusetts appeals from the decision of the Chair; and the question is: Shall the decision of the Chair stand as the judgment of the committee.

The committee divided, and there were—ayes 85; noes 73.

Mr. TATE. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. TATE] and the gentleman from Illinois [Mr. FOSS] will please act as tellers.

The committee again divided, and tellers reported—ayes 86; noes 109.

So the appeal from the decision of the Chair was sustained.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was put.

Mr. FOSS. Mr. Chairman, I call for the reading of the amendment.

The CHAIRMAN. If there be no objection, the amendment will be read.

Mr. FITZGERALD. I make the point of order that the committee is dividing.

Mr. WILLIAMS of Mississippi. I object.

The CHAIRMAN. Objection is made.

Mr. PAYNE. The gentleman arose and addressed the Chair for the purpose——

The CHAIRMAN. The gentleman made the request that the amendment be read. The amendment can not again be reported except by unanimous consent. The Chair will recognize the gentleman to debate the amendment.

Mr. BALL of Texas. A parliamentary inquiry.

The CHAIRMAN. The committee will be in order.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The CHAIRMAN. All gentlemen will please cease conversation. The committee will be in order before any business is transacted.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas first rose.

Mr. BALL of Texas. Did not the Chair declare that the amendment of the gentleman from Massachusetts carried?

The CHAIRMAN. The Chair did not so declare.

Mr. FITZGERALD. The Chair announced one side.

Mr. WILLIAMS of Mississippi. Did not the Chair announce the vote—the numbers in the affirmative and the numbers in the negative?

The CHAIRMAN. That was on the appeal from the decision of the Chair. The question is on the amendment. The gentleman from Illinois is recognized in opposition to the amendment.

Mr. FOSS. I desire the House to pause for a moment to hear what this amendment is. I will ask the Clerk to read the amendment in my own time.

The CHAIRMAN. The gentleman from Illinois asks that the amendment be read in his time.

The Clerk read as follows:

Provided, That the Secretary of the Navy shall build at least one of the battle ships, one of the armored cruisers, and one of the gunboats herein authorized in such Government navy-yard or navy-yards as he may designate; and for the purpose of preparing and equipping the navy-yard or navy-yards as may be so designated for the construction of such ships the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. FOSS. I desire to have the committee completely and fully understand what this proposition means. We have already experimented upon building ships in the navy-yards, and we have found by past experience that it costs anywhere from 25 to 50 per cent more. That was true in the case of the *Texas* and the *Maine*, the *Raleigh* and the *Cincinnati*. Now, it has been said that our navy-yards at that time were not in as efficient condition as they are at the present time. That is undoubtedly true. But I wish to have the committee hear a statement of Admiral Bowles, the last expression which he has made to the committee upon this question, as to the relative cost between building ships in Government yards, as they are to-day, and under private contract. Here is a letter which he directed to the Secretary of the Navy. He says:

In case it is decided to build a battle ship or an armored cruiser in any navy-yard, it would be necessary to have a simultaneous appropriation of $175,000 to provide a slipway, traveling crane, and to carry electric and pneumatic power to the building slip in order that the navy-yard plant should be on an equality with private yards in mechanical facilities for shipyard work.

After we have made appropriations for every navy-yard in which a ship is to be built, he says:

In my judgment, a vessel built in a navy-yard under existing conditions, as to administration, wages, hours of labor, leaves of absence, etc., would cost, by the least estimate, 25 per cent more than if built by contract.

That is the judgment of Admiral Bowles, the Chief of the Bureau of Construction and Repair. So I call the attention of the committee to it at this time because I wish them to understand that if the battle ship or armored cruiser or gunboat costs, as Admiral Bowles says it will cost, 25 per cent more to build in a Government navy-yard——

Mr. CLAYTON. May I interrupt the gentleman?

Mr. FOSS. What is it?

Mr. CLAYTON. Does Admiral Bowles give any facts or detailed statement or specific reason for the basis of that opinion which you have quoted?

Mr. FOSS. He has given it in previous hearings.

Mr. CLAYTON. Has he not in previous hearings expressed the contrary opinion to that you have read?

Mr. FOSS. No; not on the subject of cost.

Mr. CLAYTON. I am so informed.

Mr. TATE. He did advocate the building of ships in the navy-yard two years ago.

Mr. FOSS. When he was constructor at the New York Navy-Yard he advocated the building of ships in the navy-yards, but he never said in his hearing at that time that it would cost less to build a ship in a navy-yard than under private contract.

Mr. FITZGERALD. I want to call the gentleman's attention to the fact that he did say that, and I will read it. He said:

I will guarantee, if I had three months to start it, I could do in the New York Navy-Yard what can not be done in any organization in this country. I could build ships cheaper than anyone can, and I know it.

He has never produced any facts as a basis upon which to change his opinion since that time. That was in 1897, and since that time the navy-yards have been equipped to a much higher point of efficiency.

Mr. FOSS. Admiral Bowles said, substantially, "if you will let me make the conditions I will build a ship cheaper in the Government yard, or as cheap, as under private contract.

Mr. CLAYTON. Mr. Chairman——

Mr. FOSS. I do not care to be interrupted further. I want to answer this question.

Mr. RIXEY. Mr. Chairman, I want to ask the gentleman if he will permit me to read from Admiral Bowles's statement.

Mr. FOSS. I am going to take——

Mr. CLAYTON. You called Admiral Bowles as a witness, now let us cross-examine him.

Mr. FOSS. After the direct examination is finished, and not until then. We are proceeding with the direct examination, and the cross-examination always comes afterwards. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5381. An act to correct errors in dates of original appointments of Capt. James J. Hornbrook and others;

S. 1022. An act for the relief of Alvin M. Ryerson;

S. 4515. An act granting an increase of pension to Alfred O. Blood;

S. 959. An act granting an increase of pension to William H. Green;
S. 3212. An act granting a pension to Ellen A. Sagar;
S. 3617. An act granting a pension to Leonora V. Stacy;
S. 5141. An act granting an increase of pension to Charles Barrett;
S. 4064. An act granting a pension to Betsy Gumm;
S. 4766. An act granting a pension to James P. McClure;
S. 5403. An act granting a pension to Lyman Hotaling;
S. 4348. An act granting an increase of pension to James Thompson;
S. 5152. An act granting an increase of pension to Marcellus M. M. Martin;
S. 4809. An act granting a pension to Henry J. McFadden;
S. 5206. An act granting an increase of pension to John M. Wheeler;
S. 5466. An act granting an increase of pension to Edgar T. Chamberlain;
S. 5669. An act granting an increase of pension to Charlotte M. Howe;
S. 4912. An act granting an increase of pension to Maggie L. Reaver;
S. 5227. An act granting an increase of pension to Elizabeth Whitty;
S. 5670. An act granting an increase of pension to Samuel H. Chamberlin;
S. 5650. An act granting an increase of pension to William R. Raymond;
S. 5133. An act granting an increase of pension to Augusta Neville Leary;
S. 5007. An act granting an increase of pension to James Irvine;
S. 2535. An act granting an increase of pension to Annie E. Joseph;
S. 5759. An act granting an increase of pension to Charles T. Crooker;
S. 3819. An act granting a pension to William A. P. Fellows;
S. 4934. An act granting an increase of pension to Francis McAdams;
S. 5079. An act for the relief of George P. White;
S. 4764. An act granting an increase of pension to Queen Esther Grimes;
S. 4509. An act granting an increase of pension to Robert Lemon;
S. 3292. An act granting a pension to Henry L. Reger;
S. 1908. An act to authorize the establishment of a biological station on the Great Lakes under the control of the United States Commission of Fish and Fisheries;
S. 4204. An act relating to grants of land to the Territory and State of Washington for school purposes;
S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;
S. 5316. An act providing for an additional circuit judge in the eighth judicial circuit;
S. 4995. An act to establish an additional life-saving station on Monomoy Island, Massachusetts;
S. 2162. An act to increase the efficiency and change the name of the United States Marine-Hospital Service;
S. 1694. An act to provide for compensation for certain employees of the Treasury, War, and Navy departments; and
S. 1115. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10144. An act to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo.

The message also announced that the Senate had insisted upon its amendments to the bill H. R. 8587, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. TELLER, and Mr. MASON as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, I ask that the time of the gentleman from Illinois be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Admiral Bowles says, substantially, "You let me make the conditions and I think I can build your ships just as cheaply as they can be done under private contract."

Mr. GAINES of Tennessee. Where is that testimony?

Mr. FOSS. How did Admiral Bowles want to change the present conditions in order to do that? In the first place, he wanted to make the hours of labor the same in the Government yards as in the private yards. Now, there is a difference of between eight and ten hours. He wanted to wipe out the leaves of absence, which cost the Government in the navy-yards a million and a half dollars, at least, a year. Not only that, but he said he wanted to work the labor in the navy-yard by the piece and not by the day, the same as in private yards. What more? He wanted to wipe out all the holidays. Then he said, "I want to reduce all the wages which we are paying 30 or 40 per cent." We are paying 30 or 40 per cent more in the navy-yards than we are in the private yards, and he wanted to reduce them down to the level of the private yards.

Mr. CLAYTON. That is the object in your position here to-day?

Mr. FOSS. I am giving you what Admiral Bowles said. Let me make the conditions and I will build your ships as cheaply in the Government yards as they can be built under private contract. But under the present conditions, with the hours of labor different, with the wages 30 and 40 per cent more, with two weeks' leave of absence, with seven or eight holidays during the year, it will cost 25 per cent more. There is his statement. In other words, gentlemen, if you vote for this provision, you must do it with your eyes open. You will add to the appropriation for the cost of construction of ships 25 per cent to the cost of the battle ship which is to cost seven and a half million dollars. You will add 25 per cent more to the cost of an armored cruiser which will cost under private contract six and one-half million dollars. If the Admiral is right, you will add $3,000,000 to the cost of the construction of your ships provided for in this bill.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. FOSS. No, I will not yield to anyone. I do not want to be discourteous, but I want to finish my argument.

Now, you will do that. I call your attention to this matter, because, if you do this, I want you to do it with your eyes open to all the facts of the case. It is costing money to build up the American Navy. It costs $6,000,000 or $7,000,000 to build a battle ship, and it costs a thousand dollars a day to maintain it after it is built. Can we, as representatives of the people, charged with the duty of guarding with jealous care the public Treasury—can we consistently appropriate two or three million more for the construction of these ships simply to satisfy a demand which has largely been manufactured for the construction of ships in our navy-yards?

Why, sir, the men in our navy-yards are well employed to-day. As we proceed with the construction of ships they will have more and more to do. You are not helping them out by such a measure as this at all. If they are not employed in the navy-yards, they will be employed in the private yards. But all of them are well employed to-day. By this provision you are, in my judgment, simply adding to the cost of the construction of your ships. You are voting against the interests of the taxpayer, and in the end you will bring public condemnation upon the Navy for extravagant appropriations. These are serious questions for you to consider, and I desire simply to call your attention to them before you come to a vote.

As I said the other day, I have given some consideration to this question. In England, in France, in Germany, where the conditions in private yards and in Government yards are on a basis of equality, even in those countries, ships can not be built as cheaply in the Government yards as they can in the private yards. In Germany, with conditions equal, the cost is at least 10 to 25 per cent more to build in Government yards. Now, with all the experience before you of our own country, and also in foreign countries, in the building of ships, will you add to the cost of the construction of these ships, according to the statement of our best naval authority upon this subject, 25 per cent, to be taken out of the pockets of the American people?

Mr. DAYTON. Mr. Chairman, I want to call the attention of the committee to the fact that there is already in this bill a provision for the building of a ship in one of our navy-yards. The purpose of that provision (and the provision is full and complete) is that there may be an honest contest, and an honest account kept, to determine whether or not ships can be built in the navy-yards as cheaply as by private contract. That provision, I repeat, is already in the bill.

Now, this amendment provides that three of these ships shall be built in navy-yards. If the friends of the project of building ships in our navy-yards are honest and sincere and want this experiment made in a fair way, and if they are not afraid of the result of that experiment, why do they demand that this experiment shall be made with more than one ship, when, according to the highest authority, it is shown that each experiment of this kind upon a battle ship will cost a million dollars to this Government? I ask this Committee of the Whole, in all fairness and

all reason, that if we are to test this question, it be done in a businesslike way. Let us not proceed in this matter extravagantly.

I have tried my very best to bring myself to the conclusion that ships can be built in navy-yards as cheaply as by contract. I have honestly come to the conclusion that it can not be done. There are very many others who have reached that conclusion. The Secretary of the Navy reached that conclusion, and I may say that substantially every chief of bureau in the Navy Department has reached that conclusion. Those who have given the subject the most careful and thorough consideration have reached that conclusion. Why? Because, in the first place, the hours of daily labor are eight in the navy-yards, while they are ten where the work is done under private contract. Then, again, wages are from 15 to 30 per cent higher in the navy-yards. Then, also, two weeks' vacation, with pay, is given in the navy-yards. All the conditions point to the fact that it must necessarily cost more to build a battle ship in a navy-yard than by private contract.

But in order to settle this question the Naval Committee, in its wisdom, has provided in this bill that one of the ships should be built in a navy-yard, and that a full and accurate account should be kept by the Secretary of the Navy of the expenditures in the construction of this ship, and also in the construction of similar ships by contract, so that we could make a comparison fairly and squarely. Now, is not that enough? Why should there be an insistance upon the amendment of the gentleman from Massachusetts that three of these vessels shall be built in Government navy-yards, when the result must be that if it should turn out that it cost $1,000,000 more, as the weight of authority indicates, to build one of these ships in a Government yard the experiment will cost us $3,000,0000 instead of $1,000,000?

Mr. TATE. The reason for urging this amendment is that the question of relative cost is now before us, and we must dispose of it. If we provide for building one vessel of each class by contract, and one of each class in the navy-yards of the country, we can arrive at the exact cost in each case and settle this question.

Mr. DAYTON. I have the very highest regard for the judgment and good business sense of my friend from Georgia, with whom I have been associated for a number of years; but I submit that his logic on this question will not hold at all. If you can make an accurate comparison by building three, you can make such a comparison by building one. Certainly we do not want to take any more risk of loss than is necessary.

Answer me this question: If in your ordinary business affairs you were contemplating a change of this kind, under such circumstances that you had absolutely no reason for reaching the conclusion in advance that you would save money, if you were in doubt whether by making the change you could do as well as you had been doing and lose no money, would you embark upon such a change in a wholesale manner or tentatively? What we want to do is to get at the facts in regard to this. My friends are greatly mistaken when they think that this is in the interest of the laboring men of this country. It simply means this: The navy-yards of this country can employ only a limited number of laboring men in them, and when that limit is reached no more can be employed. It is taking the labor from one class of men and giving to those who already have, giving one an abundance of work, but at the expense of the other.

Mr. CLAYTON. Does it not take the same amount of labor to construct a ship in a navy-yard as in a private yard?

Mr. DAYTON. That is true, if the yards had the room to do it, but you understand it is the question of capacity.

Mr. CLAYTON. Does it not take the same construction and capacity in one place as in the other?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I ask to be permitted to continue two minutes in order to answer this last question.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for two minutes. Is there objection?

There was no objection.

Mr. DAYTON. Here is the question: There must necessarily be in the navy-yard a considerable number of men engaged in repair work. That must go on, and then there is only a limited capacity in the yard for these additional laborers to continue the work of construction on the ship.

Mr. CLAYTON. I hope the gentleman does not charge the repair work to the construction of a new vessel.

Mr. DAYTON. Oh, no; not at all. I say it is a question of the capacity of the yard. What would be the result? The work will continue for a long number of years—the construction—twice as long as it would in a private yard, and the select few in that yard will have labor continuously which otherwise would have gone to the workmen in the private yards.

Mr. HANBURY. Will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. Yes.

Mr. HANBURY. Will the gentleman answer this question? Where will the enormous profits derived from the building of ships by private corporations go if the battle ships are built in the Government navy-yards?

Mr. GAINES of Tennessee. They will stay in the pockets of the people; that is where they will go.

Mr. DAYTON. I want to answer the gentleman that I do not think there are enormous profits. I think when it is taken into consideration that a shipbuilder furnishes us the completed product, carries all questions of insurance, and guarantees that that ship shall be a perfect machine, which has to be tested and tried before acceptance, the profits in the shipbuilding industry are less than in any other in this country.

[Here the hammer fell.]

Mr. ROBERTS. Mr. Chairman, it is very pathetic indeed to hear the gentleman from West Virginia [Mr. DAYTON] pleading with this committee in the interests of the laboring man and asking us to direct where work shall be done solely for the benefit of the laboring man. Why, Mr. Chairman, the laboring men of this country, through their national organizations of the skilled trades interested in shipbuilding, came before the gentleman from West Virginia, sitting in committee, and they did not plead to have this work done in private yards because it would be for their benefit or that they would be better off if it should be done there. They were men working in both public and private yards, and they are supposed to know the conditions that apply in those two yards.

Mr. DAYTON. Will the gentleman permit me?

Mr. ROBERTS. And they say if they are to be consulted they would like to have at least some of this work done in the Government yards.

Mr. DAYTON. Will my friend permit me to ask him a question? Did not those representatives distinctly state that they did not want all the work done in the navy-yards, but they wanted a test, an experiment made, and that this would be satisfactory?

Mr. ROBERTS. Why, my dear sir, I have not made any statement that the laboring men wanted all the work done in public yards. If the gentleman will listen to what I am saying he would know I made no such statement and said nothing from which such an inference could be drawn. Now, the chairman of our committee, a gentleman whom I esteem very highly, has what seems to me one of the most peculiar consciences I have ever seen. You will find in his speech made the other day that he favors building one battle ship or one armored cruiser in a navy-yard, and he then went on to explain to this House that it might cost 50 per cent more to build it in that public yard than in a private yard. His conscience would stretch to the extent of a 50 per cent excess of cost of one ship in order to do this work, while to-day it can not stretch to the extent of a 50 per cent excess of cost of two ships.

Mr. CLAYTON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman yield?

Mr. ROBERTS. Oh, I will yield to the gentleman.

Mr. CLAYTON. I merely wish to suggest that the chairman of the committee has changed his opinion, like Admiral Bowles, who has changed his, and it makes us busy keeping track of the changes of opinion of those in authority.

Mr. FOSS. Mr. Chairman, my colleague on the committee does not certainly wish to put me in a bad light here.

Mr. ROBERTS. Oh, no; not at all. I have too high a regard for the gentleman.

Mr. FOSS. I have said that I am in favor of building one ship in the navy-yard as an experiment, to find out——

Mr. ROBERTS. That is all I said. I have said only that.

Mr. FOSS. To find out whether we have been paying exorbitant prices to shipbuilders, and as a sort of guide for the future policy of the construction of the Navy; but I was in favor of building only one, not three.

Mr. ROBERTS. I decline to yield, Mr. Chairman. I have the floor and I have only five minutes.

The CHAIRMAN. The gentleman declines to yield further.

Mr. FOSS. I thank the gentleman for yielding to me.

Mr. ROBERTS. What I said was that the chairman was willing to stretch his conscience in this robbery of the taxpayers to the extent of 50 per cent of the cost of one battle ship, but it was so tender that he could not stretch it to rob them of 50 per cent of the cost of two battle ships.

Mr. TATE. Will the gentleman allow one question?

Mr. ROBERTS. I have only five minutes.

Mr. TATE. I want the gentleman to state the matter fairly and to say further that the chairman of the committee [Mr. FOSS] was in favor of giving discretion to the Secretary of the Navy to build all these battle ships in public yards.

Mr. ROBERTS. I was coming to that. I wish the gentleman would let me make my own speech. It would please me better.

Mr. TATE. I beg the gentleman's pardon.

Mr. ROBERTS. However, since the gentleman has informed

the committee that the chairman of the committee [Mr. Foss] in committee and on the floor of this House was willing to give the Secretary of the Navy discretion to build all the ships in public yards where, as he says, the cost will be 50 per cent more than in a private yard, his attitude when we attempt to instruct the Secretary as to the exact number he shall build seems to me rather peculiar.

Now I want to call attention to one thing in the amendment which is now pending. If the members of the committee will examine it they will see that the discretionary feature which appeared in the bill originally has been eliminated, and if the amendment is adopted then the Secretary of the Navy must build one of each class of vessels authorized by contract and one of each class in a Government yard.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from Massachusetts [Mr. ROBERTS] if he does not think that the bill as originally reported from the committee gives a discretionary power to the Secretary of the Navy to build all these ships in a Government navy-yard if he wants to?

Mr. ROBERTS. Oh, yes, Mr. Chairman; I have just stated that that was what the bill originally contemplated; but my amendment has done away with that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. I ask that my time be extended ten minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, just one moment.

Mr. ROBERTS. I want to answer the gentleman from Michigan [Mr. WM. ALDEN SMITH] first. Now, Mr. Chairman, if the amendment I have offered is not adopted, when you come to the provision authorizing one ship to be built in a Government yard and giving discretion to the Secretary of the Navy to build them all, when you reach that stage, it will all go out on a point of order, and you will have nothing built in a navy-yard, and you will leave no discretion in the Secretary of the Navy.

Mr. WM. ALDEN SMITH. I should like to know if it would not be to the interest of the Government to leave this discretionary rather than mandatory upon the Secretary of the Navy?

Mr. ROBERTS. Mr. Chairman, I am not so clear in my own mind about that. I think that is a matter of individual opinion. I think I know the state of mind of the Secretary of the Navy, and if I understand his state of mind, he does not want this discretion vested in him, because it may mean all sorts of complications, and all sorts of pressure brought to bear upon him. He would prefer definite action one way or the other on this question of building ships in public or private yards.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from Massachusetts if, in making that statement, he is authorized to say that the Secretary of the Navy does not desire it.

Mr. ROBERTS. I am not, and I did not say that I was authorized. I said that I thought I knew the state of mind of the Secretary of the Navy, and that if I did know it, that was the fact. I did not say I was authorized to make any statement. Now, I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Is it not a fact that in the private yards they are crowded with work, being from twenty months to three years behind?

Mr. ROBERTS. I do not know anything about the private yards. I have not the slightest knowledge about that. They may be crowded with work and they may not be, but that has no bearing on my view of the case.

Mr. GAINES of Tennessee. I was about to state to the gentleman——

Mr. ROBERTS. If the gentleman wants to get in, will he kindly let me conclude? Then he will get his opportunity all the sooner.

Mr. GAINES of Tennessee. If the gentleman does not want to be interrupted, I am perfectly willing to wait. I merely desired to give him a little information.

Mr. ROBERTS. I have been interrupted so much that I prefer not to be interrupted further. I have only a few moments.

Now, one or two facts with regard to building ships in public or private yards. It must be evident to the members of this committee, from the debate which has gone on here for days on this subject, that there is at present in the possession of the Navy Department and in the possession of members of this body no definite information upon which we can base our decision as to a final and settled policy in this respect. It is asserted here that this is going to cost anywhere from 25 to 70 per cent more to build a ship in a Government yard than to build the same ship in a private yard.

Gentlemen can not seem to agree upon what this excess of cost is going to be. But mark this, not one of these gentlemen who have been in favor of building these ships in private yards has risen on this floor and told this committee that in addition to the contract price which we must pay the private builders, this Government is paying out on each and every one of our great battle ships built in a private yard, where the cost runs up to three or four million dollars, anywhere from one hundred and fifty to two hundred thousand dollars in addition, an amount which goes, not to the constructor of that ship in the private yard, but paid in wages to Government employees who are stationed in these private yards inspecting the construction of that ship, and you only get at the cost of the Government ship built in the private shipyards when you add on all this cost of inspection to the contract price. Then you get at the sum total you pay for the ship.

Now, as to my private opinion, I want to state to this committee that personally I am not committed to the continued policy of this Government building all its ships in its own yards, nor to the policy of all our ships being built in private yards. There is a great sentiment, I believe, throughout this country that the Government of the United States, with a hundred million dollars invested in navy-yards, should do something in those yards besides the mere repairing of ships now in existence or that may be built hereafter. I believe, and my belief is strengthened by the diverse contentions on each side of the proposition, that it is in the interest of the Government, although the cost of these ships may perhaps exceed slightly the cost that would be incurred if they were built in private yards, to undertake the experiment.

You can not find a case where the Government has built a ship in a public yard that you can get an exact comparison with one built in a private yard, for the reason that never have two ships of the same size, the same class, and the same cost been constructed one in a public yard and the other in a private yard at the same time, when conditions would be absolutely equal. And that, Mr. Chairman, is my reason for offering the amendment now before the committee, in order that this experiment may be tried fully and completely. We have some figures of ships built in Government yards, but you can not find anywhere a sister ship built in a private yard at that or any other time.

The comparison must be a relative one, and on such a comparison this question will never be settled. But if we authorize one of each class to be constructed simultaneously, one in a Government yard and one in a private yard, we shall have the conditions as to price of labor, price of materials, the time which it takes to construct the ships, and everything else exactly equal, and then we can get the results on which a future House can pass judgment as to what shall be the policy of the Government.

Something was said the other day as a reason why we should not build the ships in Government yards that if the ship was a failure the Government must suffer the loss, whereas if it was built in a private yard and the ship was a failure the loss would fall upon the private contractor. I would like to ask the chairman of the committee, or any member of this House, if he will point out an instance where a ship built in a private yard has not been ultimately accepted by the Government? The silence, Mr. Chairman, which pervades this Chamber in not answering my inquiry must settle that question. The Government pays a good round price for the ship whether it is built in private yard or a public yard.

As a further, and the last, reason for the building of these ships in a Government yard, I do not believe it is a good policy for this Government to go on maintaining these great navy-yards, representing enormous investments of money, simply for the purpose of repairing ships, leaving the original construction entirely in the hands of private contractors. I believe, too, if the Government can build a ship in its own yards at a little increased cost, it is well to do so, in order that it may ultimately have the trained, skilled, and competent force of men who, in emergency or in a time when the private contractor will not do the work cheaply for the Government or within the time the Government wants it done, the navy-yards may step in and relieve the Government of this embarrassment and build its ships. Even should the cost of this experiment run up somewhere near the figures named by the gentleman from Illinois, it is well to make the trial, for thereby we can get information which will settle once and for all the question of the policy to be involved hereafter.

Mr. RIXEY. Mr. Chairman——

Mr. FOSS. Will the gentleman yield to me for a moment?

Mr. RIXEY. Certainly.

Mr. FOSS. There are a number of members who would like to talk upon this amendment on this side of the House, and I understand there are some on that. I would suggest to my colleague from Massachusetts that we have, say, two hours of debate upon this question, one hour to be controlled by him and one hour by myself, and then take a vote——

Mr. ROBERTS. It seems to me, I will say, so far as I am concerned personally, this question has thoroughly been thrashed out in the general debate.

Mr. CANNON. But we have not said our pieces, and the gentleman has his.

Mr. ROBERTS. We are under the five-minute rule, and I think no gentleman will find any trouble in getting an extension of his time. With the number who want to speak a limit of two hours would not give more than five minutes to each.

Mr. CLAYTON. Regular order!

Mr. FOSS. I simply wanted to make the suggestion.

Mr. CLAYTON. The gentleman would not answer my question.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Virginia is recognized. The regular order being called for, this will be the last speaker on this amendment.

Mr. RIXEY. Mr. Chairman, it seems to me the shipbuilding plants in the country should not object to the test proposed by this amendment. This bill carries provision for only 6 ships, as follows: Two battle ships, 2 armored cruisers, and 2 gunboats. The contractors are now building 59 ships for the Government. We are now building under contract 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, a total of 27 war ships, and 30-odd of the smaller craft. The 27 larger ships will cost $117,000,000, and all the ships which contractors now have will probably foot up $150,000,000.

In this bill we are providing for only four large ships, and the amendment provides that two of these large ships and one gunboat shall be built in the navy-yards to secure a fair comparison. So far as I am concerned, I would be glad to see all of the four larger ships go to the navy-yards, because the contractors now have 29 battle ships, cruisers, and monitors to build. Four ships given to the navy-yards would not more than furnish us a fair comparison.

Admiral O'Neil states in regard to these battle ships now under contract by the shipbuilding plants that they will not be completed for two or three years. This is as good a time as we could have to try the experiment of building ships in the navy-yards. The private contractors have a number of them. Let us build at least one battle ship and one armored cruiser and one gunboat in the navy-yards.

Now, Mr. Chairman, something has been stated about the opinion of Admiral Bowles, and the chairman of the Committee on Naval Affairs brought in his statement that it would cost 25 per cent more in the navy-yards, and it was read for the first time during this debate.

I will read here a part of the testimony of Admiral Bowles taken before the Committee on Naval Affairs, when he could have been interrogated on all points in regard to it. I read only a few brief extracts. Admiral Bowles said, in reply to questions:

Mr. WHEELER. If I understand you correctly, it is your judgment that the service would be promoted if the Government should construct some ships in the navy-yards, regardless of cost?

Admiral BOWLES. I should not like to put it that way. I would say notwithstanding the handicap of some increased cost.

Mr. WHEELER. You spoke of the maintenance of these yards, with the ultimate view of getting them into better condition, so that in case of emergency, or otherwise, the Government would be ready to construct its ships at any time it should see proper?

Admiral BOWLES. Yes.

Mr. WHEELER. And you stated that at such navy-yards as Norfolk and New York you are now in condition to construct ships with a few additional changes?

Admiral BOWLES. Yes.

Mr. WHEELER. And as to the difficulties which you have suggested in the way of insurance, is it not true that the ships are now almost entirely constructed of steel?

Admiral BOWLES. Yes, sir.

Mr. WHEELER. Then, in your judgment, the Government can construct ships in its own navy-yards well-nigh as cheaply as ships can be constructed in private yards?

Admiral BOWLES. If it undertook it as a matter of regular practice.

Mr. WHEELER. And, in your judgment, it should do so?

Admiral BOWLES. To a limited extent; yes.

Mr. WHEELER. And the service would be promoted by reason of it?

Admiral BOWLES. I think it would, considerably.

In addition to this we have the testimony of another bureau chief, not second in importance to Admiral Bowles himself. Admiral O'Neil, of the Bureau of Ordnance, said in his hearing:

Yes; I think they can build ships now in the navy-yards as cheap as outside, because there is no question of profit; there is no question of interest on the investment, which is a great feature in private work. * * *

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FOSS. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Again he says: "Yes; I think we could get a better product. It may cost a little more, but it ought not to if the work is carried on conscientiously."

In addition to this Admiral O'Neil makes the statement that the navy-yard can build the ships as cheaply as the contractor. Admiral O'Neil also states, in regard to the last contracts, that the shipbuilders evidently got together on prices. I take it that he ought to know; I take it that that fact is a justification for this House to direct that the experiment shall be made by practical test so as to show what it will cost to build in the navy-yards of the country.

Now, Mr. Chairman, it has been stated in the hearings that it cost $50,000 per annum to keep up the inspection at one of the private shipbuilding yards; that it costs the Government $50,000 to inspect the work which is being done there. I want to say here in regard to the intimation that was made a few days ago, that we would have to have more officers on shore if we built in the navy-yards than we have now, that I think the contrary is true, because now we have constructors, and inspectors, and draftsmen, and other assistants both in the private yards and in the navy-yards. If we built in the navy-yards we would not have to have this double corps of inspectors, draftsmen, and constructors.

Mr. Chairman, it was stated, I believe, by the chairman of the Committee on Naval Affairs a few moments ago that the experience of England was that it cost more to build in the navy-yards than in the private shipyards. The gentleman is mistaken in that statement. The opposite is true. According to witnesses before the Naval Committee it was shown that England, Russia, France, and Germany are all building, largely in some instances, more than one-half of their war ships in their navy-yards. And the statement was that England is building ships more cheaply in her navy-yards than she could build them under contract.

I charge here that the gentlemen who now say that they favor the construction of only one ship in one of our navy-yards as an experiment are the same gentlemen who favored none until they were obliged to take this, and now they fear more. The friends of the proposition for navy-yard construction favor the amendment which is for one of each. So far as I am concerned, Mr. Chairman, the proposition is so reasonable that I can not conceive that it will not be adopted by the House.

Mr. CLAYTON. Is not the weight of the testimony and authority in favor of the conclusion that ships can be built more cheaply, or certainly as cheap, in the navy-yards as in private yards?

Mr. RIXEY. I think the testimony to that effect is overwhelming. So far as I know, Admiral Bowles is unsupported by any other witness—any other expert witness, certainly. It is true that ex-Secretary Long expressed his opinion against building ships in the navy-yards; but so far as I know the last statement of Admiral Bowles is unsupported in any way by any of the testimony before the Naval Committee.

Mr. FOSS. Did the gentleman hear the letter which I read, a letter of the Secretary of the Navy, which was part of the hearings before the committee?

Mr. RIXEY. I remember that letter.

Mr. FOSS. That was a letter which the Secretary of the Navy laid before the committee saying that the expense would be 25 per cent more in Government yards than in private establishments.

Mr. RIXEY. That is true.

Mr. GAINES of Tennessee. Is it not a fact that Constructor Stahl and Constructor Baxter, in the hearings before the committee of the last Congress, also recommended the building of these ships in our navy-yards?

Mr. RIXEY. Yes. Now, if I can have the attention of the gentleman from Illinois [Mr. FOSS] I want to say that Admiral Bowles figures out the additional cost in this way:

I have also added 10 per cent to the material cost to the Government.

I ask why should it cost the Government 10 per cent more for its material than it does a contractor? The Government has the money appropriated in advance; it is in the Treasury ready to be paid out.

Mr. CLAYTON. In answer to the last question propounded, I should like to say that if it costs the Government more than it does individuals there is something wrong, "something rotten up the creek," and we ought to know about it.

Mr. RIXEY. Admiral Bowles then adds "70 per cent to the contract cost of labor, instead of 40 per cent, as given in the card." This, to my mind, is not a fair statement of the relative cost.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BUTLER of Pennsylvania having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills and a joint resolution of the following titles:

On May 15, 1902:

H. J. Res. 189. Joint resolution making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington.

On May 16, 1902:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba.

On May 17, 1902:

H. R. 7018. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. I move that all debate on this paragraph and amendments thereto be now closed.

Mr. FOSS. I trust not.

The question was put, and those voting in the affirmative answered.

Mr. CANNON rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois [Mr. CANNON] rise?

Mr. CANNON. I move as an amendment that the debate on this paragraph be closed at 4 o'clock and 30 minutes.

The CHAIRMAN. The gentleman from Illinois moves that the debate on this paragraph be closed at half past 4 o'clock.

Mr. GAINES of Tennessee, Mr. UNDERWOOD, Mr. TATE, and others addressed the Chair.

The CHAIRMAN. If gentlemen will contain themselves while the Chair states the proposition, he will be obliged. The gentleman from Illinois has moved as an amendment that all debate upon the section and the amendments thereto be closed at 4 o'clock and 30 minutes.

Mr. GAINES of Tennessee. I make the point of order that we were taking the vote when the gentleman from Illinois made his motion.

The CHAIRMAN. The gentleman from Tennessee is attempting to state a point of order, and meanwhile the Chair will be obliged if the other gentlemen will take their seats.

Mr. GAINES of Tennessee. I make the point of order that the House was taking a vote when the motion of the gentleman from Illinois [Mr. CANNON] was made.

The CHAIRMAN. Will the gentleman from Tennessee wait until there is sufficient order to allow him to be heard? The Committee of the Whole will come to order.

Mr. GAINES of Tennessee. I make the point of order that the affirmative vote on the motion of the gentleman from New York [Mr. FITZGERALD] had been taken and the committee was dividing, and therefore the motion of the gentleman from Illinois was not in order.

The CHAIRMAN. The point of order is overruled.

Mr. UNDERWOOD. I desire to make a point of order that a motion to close debate absolutely is not amendable by a motion to close debate a later time.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from Illinois is in order.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. For the purpose of making a parliamentary inquiry, and possibly a point of order. Was not the House dividing at the time the gentleman from Illinois made his motion, and are we not operating under the five-minute rule, and does it not require unanimous consent to extend the time?

Mr. CANNON. I want to say——

The CHAIRMAN. The motion of the gentleman from New York [Mr. FITZGERALD] had been made. The Chair had asked those in favor of the motion to say "aye." The gentleman from Illinois [Mr. CANNON] was upon his feet—the Chair did not know for what purpose. Without declaring the vote, the Chair recognized the gentleman from Illinois to the extent of inquiring for what purpose he rose. Whereupon he stated that he rose for the purpose of offering an amendment. The Chair recognized him for that motion, for which, the Chair understood, he had been trying to get recognition all the time. This is a very common occurrence in the House and in Committee of the Whole. The question is on the motion of the gentleman from Illinois to amend the motion of the gentleman from New York by closing debate at 4 o'clock and 30 minutes.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I now move an amendment that debate close in ten minutes.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 71, noes 96.

Mr. CANNON. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. CANNON and Mr. FITZGERALD were appointed.

The committee divided; and the tellers reported—ayes 85, noes, 99.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from New York to now close debate on this paragraph and amendment.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

Mr. WM. ALDEN SMITH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WM. ALDEN SMITH. I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment to the amendment, which the Clerk will report.

Mr. ROBERTS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. Debate is closed.

The CHAIRMAN. That does not preclude the offering of an amendment.

The amendment was read, as follows:

It is further provided that the Secretary of the Navy may, in his discretion, and so far as may in his judgment be practicable, direct that any or all of the vessels herein authorized be built in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build at least one of the battle ships or one of the armored cruisers herein authorized in such navy-yard as he may designate.

Mr. ROBERTS. Mr. Chairman, I make the point of order that it is new legislation, not germane to the bill, and that it is the same thing that has been ruled out by the Chair heretofore, with the exception of one ship.

Mr. WM. ALDEN SMITH. Mr. Chairman, I will state that I offered the amendment in the nature of a substitute for the amendment of the gentleman from Massachusetts.

The CHAIRMAN. Will the gentleman from Massachusetts again state what his point of order is?

Mr. ROBERTS. The amendment offered by the gentleman from Michigan is new legislation. It violates existing law, and it is a limitation on the discretion of the Secretary of the Navy.

Mr. RIXEY. Mr. Chairman, I desire to state, as I understood that amendment, it is exactly what the text of the paragraph is now.

Mr. ROBERTS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws his point of order. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS. Mr. Chairman, to save time I move that the paragraph now being read and the succeeding paragraph be stricken out.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that so much of the bill as is included between lines 9 and 22, inclusive, be stricken out. Is there objection?

Mr. CANNON. Mr. Chairman, let the paragraphs be read,

The CHAIRMAN. The gentleman from Illinois objects.

The Clerk read as follows:

It is further provided that the Secretary of the Navy may, in his discretion, and so far as may in his judgment be practicable, direct that any or all of the vessels herein authorized be built in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build at least one of the battle ships or one of the armored cruisers herein authorized in such navy-yard as he may designate.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois.

Mr. CANNON. I believe I have five minutes.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CANNON. I first move to strike out the last word. [Laughter.] Mr. Chairman, I do not believe that this paragraph ought to be stricken out. Perhaps it ought to be amended. We have, in round numbers, in this country 10 navy-yards. This provision authorizes the Secretary of the Navy to build any or all of these ships in the 10 navy-yards, an important provision, because while by the amendment just adopted he must build 3 in the navy-yards, it is mandatory as to the others authorized. The private yards, perchance, might combine, and he would be at their mercy. This clause in the naval bill has always, as I recollect, so far as I recollect, been in it as a check against combination upon the part of the private yards. Therefore, in my judgment it should not be stricken out. Now, one further word.

Now, one further word. I am quite as anxious as any gentleman of this committee to protect all the labor in the United States. The ten navy-yards, some of them anxious to branch out, were in favor of the amendment adopted a little while ago. The organizations of labor about those navy-yards were anxious to have that provision adopted. It is alleged, and I think the facts show it to be the case, that the construction of ships in the navy-yards will cost more than the construction would cost if it was open to competition. If that be so, in the name of protected labor you protect one-tenth of 1 per cent of it, and you tax the 99.9 per cent who have to take the smaller wage, without pay for holidays, without leave of absence of two weeks in the year. You make them support themselves and work at the smaller wage, and then turn around and tax them for the benefit of the one-tenth of 1 per cent. I am quite willing to risk my vote touching this question upon that statement.

Mr. HEPBURN. Mr. Chairman, I think this is an occasion when we might indulge in a few reflections with reference to the consistency of the gentlemen on the other side of this House. For the last two or three years they have upon all occasions been discussing militarism, the fear of the dominance of the military arm of this Government; and doubtless it has kept many of them awake at night, as they have had visions of the phantoms that come up before them, of the direful results that would follow when this nation of ours was dominated by the military arm of the Government.

Now, these gentlemen, in order to subserve some purpose or other, are willing to invade the domain of labor in this country. They are willing to make the Government dominate that great interest in this land. I insist that it is no part of the business of this Government, and especially no part of the business of the Navy Department, to interfere in any way with labor and labor lines in the country. Here they propose that the Government shall be one of the great employers of labor. Is that democracy? Is not that a departure from all this prating of yours during the last three or four years on this vexed question of militarism? Suppose you can do that, what can you not do? I believe that the Government of the United States ought not in any way to interpose itself as an employer of labor as against other employers of labor. It is a new function of Government. It is one that has been abandoned by the Government in the years past—abandoned because it was not a function of government and because experience has shown that it was unwise.

Do you not remember that in the old days, when the Government was the builder of its own ships, there was a ship that stood upon the stocks for seventy-one years unfinished? That is a truth. It stood upon the stocks until it rotted there, housed as it was. Every experiment of this kind that has been made has been disastrous to the interests of the Government. It has cost more money; it has interfered with labor; it has been harmful in all aspects.

I believe that the true policy of this Government is to divorce as far as possible the military part of this Government from civil affairs. I had something to say a day or two ago about the influence of the Navy in the government of the Navy and the influence of the Army in the government of the Army in the gradual usurpation of places of civil character by military personages.

I believe it is wrong, and that instead of enlarging the civil field for naval and Army officers we ought to curtail it. Instead of having in the Navy Department here more than a hundred officers engaged in the control of the Navy and in the War Department more than a hundred officers in control of the Army they ought to be sent to their proper stations rather than to attempt their own government. And I am opposed now and at all times to enlarging their field. This is a step in that direction. Who can tell, under the influences that have manifested themselves here to-day, where this will end.

I notice as a singular fact that the gentleman from Massachusetts [Mr. ROBERTS], the gentleman from New York [Mr. FITZGERALD], the gentleman from Virginia [Mr. RIXEY], and the gentleman from California [Mr. METCALF] are all earnest advocates of this departure; and the strange coincidence exists that each one of those gentlemen has in his immediate vicinity, to look after and to secure the political benefits of, a navy-yard whose influence he wants to extend and make still greater. Who does not remember the old political scandals that used to exist under whatever Administration we had with reference to these navy-yards—how they were used politically? Are we not liable to the same influences again? Therefore I am opposed to this.

[Here the hammer fell.]

Mr. FINLEY, Mr. CLAYTON, and Mr. GAINES of Tennessee rose.

The CHAIRMAN. The gentleman from South Carolina is recognized. Debate on the amendment has been exhausted.

Mr. FINLEY. I move to strike out the last word.

The CHAIRMAN. That was the amendment.

Mr. FINLEY. I move to strike out the last two words. Mr. Chairman, when this bill was reported to the House it carried in it a provision that at least one battle ship or one of the armored cruisers authorized by the bill should be built in one of the navy-yards of the Government. There was no outcry then by the gentlemen on the other side who are now so much opposed to the amendment of the gentleman from Massachusetts [Mr. ROBERTS], which provides that one each of the battle ships, armored cruisers, and gunboats authorized by the bill to be built shall be constructed at the Government navy-yards.

Gentlemen of the committee, you have heard the debate and have the data before you, and are able to judge as to whether or not it is advisable that a trial should be given to the Government navy-yards (which cost, as I remember, about $100,000,000 for their construction and equipment) in building some of the vessels authorized by the bill. The burden of the speeches on the other side is to the effect that the amendment proposed is an attack on labor, and will necessarily result in loss of wages and injury to the laboring class. Is this true?

In the Government navy-yards the hours of labor are only eight hours a day, while in the private shipyards, where those who are opposed to this amendment would have all the vessels authorized by this bill to be built, the hours of labor are ten hours a day. The private shipyards require 25 per cent more time each day from the laborer. As I see it, Mr. Chairman, this amendment is in the interest of the laboring men in the Government navy-yards, and if it prevails there will be a great deal more work for them to do.

It is stated that where tests have been made, and notably in the construction of the monitors *Monterey* and the *Monadnock*, that the difference in the cost of construction in favor of the Government navy-yards amounts to about 25 per cent. The money appropriated by Congress to pay for the construction of vessels is expended largely for labor. Now, does it not follow that if vessels can be constructed at the Government navy-yards at a less cost than under the contract system, when the hours of labor in the private shipyards are 25 per cent greater, that the profit is to the contractor and the loss is to the Government and the laborer?

I submit, Mr. Chairman, that the contention is unfounded; that no assault is being made upon labor. The amendment is in the interest of the laboring men employed in the Government navy-yards. Many people contend that the test made in the construction of the *Monterey* and the *Monadnock* will hold good as to the construction of all vessels built in the Government yards as compared with the cost of the same vessels built by contractors at the prices heretofore paid.

The contention is that more money has been paid for the construction of ships for the Navy than should be paid. Now, I ask, first, if this contention should not be settled, and second, if there is any better way of ending the discussion than to give a fair test and an equitable trial to the navy-yards of the Government and to the shipyards of the private contractors by giving to the Government navy-yards one vessel to build of each type authorized by the bill. Can there be anything fairer than this? Can the men who own the private yards ask for more? I submit that the amendment offered by the gentleman from Massachusetts will at least settle the question, and if it prevails, we can have a fair trial, and then a correct basis upon which to make estimates for the future.

The present bill will not end the construction of ships for the Navy. This will continue as long as the Government shall stand, and we will go on building up the Navy and increasing its efficiency. I am in favor of this because I believe it necessary, but I am also in favor of obtaining the most efficient work and the best results in an economical manner, doing justice alike to the Government and to those employed by it. The advocates of this amendment, I repeat, are making no war upon labor. On the contrary, they are endeavoring to do that which, from an economical point of view, will benefit the Government and be of great benefit to the laboring class.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I move to close debate upon the pending amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment. If there be no objection, the pro forma amendments will be considered as withdrawn. [After a pause.] The Chair hears none. The Clerk will read.

Mr. BALL of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

After the word "designated" on page 74, line 15, add: "*Provided further*, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. BALL of Texas. I shall not make any speech in support of this amendment. It simply provides——

Mr. CANNON. I think the gentleman has cut his time off. Is this subject to amendment or debate?

The CHAIRMAN. Certainly. The motion of the gentleman from Missouri was to limit debate upon the amendments, which were pro forma amendments. It was not to limit debate upon the paragraph.

Mr. VANDIVER. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. BALL of Texas. If the gentleman will possess himself with patience, I shall not occupy more than two minutes. The object of this amendment is that in case it shall be apparent to the naval authorities that the parties who shall enter into contract for the construction of these vessels may enter into an agreement or an understanding by which competition is to be shut off, that then all the vessels shall be built in the navy-yards under the direction of the Secretary of the Navy. I ask for a vote on the amendment.

Mr. FOSS. Mr. Chairman, I desire to say that I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, I move to strike out all the words from line 9 to 15, inclusive, on page 74 as amended.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out of the bill the paragraph beginning at line 9 and ending in line 15, page 74, as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

And for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of such ship or ships the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. ROBERTS. Mr. Chairman, that exact language has been incorporated in an amendment, and I move that those lines from 16 to 22, inclusive, be stricken out.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of such ship or ships, whether built in Government yards or by contract, and report thereon to Congress at each session the progress of work and cost thereof, including the inspection of all the material going into the construction of such ship or ships, and upon the completion thereof to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract.

Mr. SIBLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert on page 75, after the end of line 7, the following:

"The sum of $150,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of purchasing a subsurface torpedo boat, to be constructed under the patent of Clarence L. Burger, of the city of New York, in accordance with the plans and specifications presented to the board on construction of the Navy Department by the Subsurface Torpedo Boat Company through its president, Clarence L. Burger, and one of its naval architects, Mr. Clinton Crane, of the city of New York, on the 2d of May, 1902, and upon which the said board on construction reported to the Secretary of the Navy 'that the said plans and specifications are feasible.'"

Mr. FOSS. To that, Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the amendment.

Mr. CANNON. I want to suggest to the gentleman that as this amendment is liable to lead to debate, why not move that the committee rise?

Mr. SIBLEY. Mr. Chairman, if the gentleman raises the point of order, I can not but recognize the fact that it is subject to a point of order. I do not wish to discuss it if the point of order is raised.

Mr. WILLIAMS of Mississippi. Does the gentleman from Illinois make the point of order?

Mr. FOSS. I reserve the point of order. I would like to hear the merits of the proposition.

Mr. WILLIAMS of Mississippi. Then, Mr. Chairman, I make the point of order.

Mr. SIBLEY. I am informed——

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. I make the point of order against the amendment.

The CHAIRMAN. The point of order has been reserved by the gentleman from Illinois and the gentleman from Pennsylvania has been recognized.

Mr. WILLIAMS of Mississippi. I understood the gentleman from Pennsylvania to say that he did not want to discuss it.

Mr. SIBLEY. I stated, Mr. Chairman, that I did not wish to discuss the point of order. I do not consider myself competent to measure lances with the distinguished parliamentarians whom I see upon all sides of me. [Laughter.] If I could have the attention of this committee to the merits of this proposition for the next hour [laughter] I should like to go into it.

The CHAIRMAN. The Chair is ready to rule.

Mr. SIBLEY. I would be glad if an opportunity was presented to discuss this amendment upon its merits. I think the attention of the country should be directed to the merits of this newly designed craft, which probably is one of the most valuable that has ever been called to the attention of Congress. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, and that is on the point of order raised by the gentleman from Illinois. In the form in which the amendment is presented the Chair sustains the point of order.

Mr. BALL of Texas. Mr. Chairman, I am informed that the amendment which I offered, which was to the paragraph stricken out by the motion of the gentleman from Massachusetts, was inadvertently stricken out. Now, I ask that it be inserted as a separate section.

The CHAIRMAN. The gentleman states that the amendment to the amendment of the gentleman from Massachusetts was stricken out by inadvertence, and he now asks unanimous consent that it be inserted in the bill. Let the amendment be reported.

The Clerk read as follows:

Add as a new section the following:

"*Provided further*, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, unrestricted competition in letting contracts for the construction of any of said vessels."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk proceeded and completed the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, there is an undisposed-of amendment on page 21, line 17.

The CHAIRMAN. There is an undisposed-of matter previous to that. The provision of line 7, page 20, was passed over. The Chair thinks the gentleman from Illinois [Mr. CANNON] desired to amend it.

Mr. FOSS. A point of order was reserved by my colleague from Illinois, but he informs me that he does not wish to press it.

Mr. CANNON. Well, I think that while all the boys are getting the pork they better have this pork, but I doubt if the service requires it. I am willing that it should pass on its merits.

Mr. ROBERTS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. The point of order having been reserved on that paragraph and the gentleman from Illinois not wishing to press it, is it open for anybody else to make it?

The CHAIRMAN. Yes.

Mr. ROBERTS. Then I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. I have now the information of which I spoke.

The CHAIRMAN. Without objection, the Clerk will first report the proposed amendment to the provision on page 21.

The Clerk read as follows:

After the word "diem" in line 17, page 21, insert "including Sundays employed."

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] now presents a letter, which the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., May 17, 1902.

MY DEAR MR. FITZGERALD: Referring to your inquiry of to-day in regard to the pay of superintendent of teams at the New York Navy-Yard, I would state that I think it would be entirely proper to provide in the naval act for compensating him for Sundays when actually employed, he being a per diem employee.

In such case the total for civil establishment under that yard should be increased by $208.

Very truly,

MORDECAI J. ENDICOTT,
Chief of Bureau of Yards and Docks.

Mr. CANNON. This amendment applies, as I understand, to the civil establishment at the navy-yard in New York. I believe this is a proposed change of existing law. I do not think we should encourage these "knights of the quill" in this way.

A MEMBER. No point of order was raised when the amendment was offered.

Mr. FOSS. I reserved a point of order upon it.

Mr. CANNON. I raise the point of order.

The CHAIRMAN. The recollection of the Chair is that no point of order was reserved upon this amendment.

Mr. FOSS. I reserved a point of order.

Mr. FITZGERALD. I believe a point of order was reserved until the information could be obtained; but I wish the point might be withheld until I can explain the purpose of the amendment.

Mr. CANNON. Oh, you have been so courteous on that side toward this side that, though it pains me greatly, I must insist upon the point of order. [Laughter.]

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] concedes that the point of order was reserved, and the gentleman from Illinois insists upon the point of order. The Chair sustains the point.

Mr. FOSS. Mr. Chairman, I move that the committee rise and report the bill with the amendments and with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back with amendments and with the recommendation that the bill be passed as amended.

Mr. FOSS. I move the previous question on the amendments and on the bill to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] In the absence of such a demand the Chair will take the question on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time and passed.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

EIGHT-HOUR LAW.

Mr. GARDNER of New Jersey. Mr. Speaker, I move to suspend the rules and pass, with the amendments reported by the Committee on Labor, House bill No. 3076, known as the eight-hour law.

The bill, with the amendments reported by the committee, was read, as follows:

A bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted, etc., That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of $5 for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, or flood, or due to danger to life or loss to property. Nothing shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New Jersey [Mr. GARDNER] to suspend the rules and pass the bill with the amendments.

Mr. RICHARDSON of Tennessee. Was not this bill reported from the Committee on Labor with these amendments?

Mr. GARDNER of New Jersey. It was.

The SPEAKER (having put the question). In the opinion of the Chair, two-thirds have voted in the affirmative. The motion of the gentleman from New Jersey is agreed to, and the bill is passed.

MINING LAWS IN SPOKANE INDIAN RESERVATION.

Mr. SHERMAN. I move to suspend the rules and pass with amendments reported by the Committee on Indian Affairs the joint resolution (H. Res. 192) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

The joint resolution as amended by the committee was read, as follows:

Resolved by the Senate and House of Representatives, etc., That that provision in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," which relates to the subjecting to entry under the mining laws of the United States certain lands in the Spokane Indian Reservation, in the State of Washington, shall not take effect and be operative until December 31, 1902.

Mr. RICHARDSON of Tennessee. In order that we may have some explanation of this measure, I ask for a second.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. SHERMAN. The amendment to which this joint resolution relates having reference to the opening up of mineral lands on the Spokane Indian Reservation, was put upon the Indian appropriation act in the Senate. When the matter came up in conference, one of the Senators from the State of Washington stated to the conference committee that the conditions existing in the Spokane Reservation were identical with those in the Colville Reservation, to which we had applied the same provision a year ago.

The Commissioner of Indian Affairs in a note to the Senator from Washington stated that the Department had no objection to the amendment. Subsequently it developed that the allotment had not yet been made to the Indians on the reservation, and the purpose of this provision is to delay the opening of the mineral lands upon the reservation until the 1st of next January, so that in the meantime the allotments which we supposed had been made might be made. That is all there is of it. It is specially asked by the Secretary of the Interior, and it is unanimously reported by the Indian Committee after a very full discussion.

Mr. RICHARDSON of Tennessee. A few days ago did not the gentleman have a similar joint resolution in respect to some other section in this bill?

Mr. SHERMAN. I did not present such a resolution.

Mr. CURTIS. That was in regard to section 8, and the time was extended until July 1.

Mr. RICHARDSON of Tennessee. Of this same bill?

Mr. CURTIS. Yes.

Mr. RICHARDSON of Tennessee. Therefore we will have to pass the bill itself, and the joint resolution which the gentleman from Kansas refers to, and this joint resolution of the gentleman from New York before we get it passed and the bill signed.

Mr. CURTIS. The President will sign the bill as soon as this resolution is passed. The conferees were clearly misled in this. The House conferees hung out against the amendment until it was stated to them that the allotments had been made, and until a letter was obtained from the Commissioner of Indian Affairs, and it was not developed until Friday night——

Mr RICHARDSON of Tennessee. I am not resisting this resolution, but I want to understand if it would be necessary to pass two joint resolutions after a bill is passed in order to make the bill intelligible.

Mr. CURTIS. Oh, the bill was intelligible without that.

Mr. SHERMAN. It was not necessary to pass two joint resolutions to make the bill intelligible. The conferees had been misled by misstatements, unintentional, I assume—I have no sort of doubt but what they were unintentional—as to the facts, and having passed something in which we find an error before it is too late to correct it, we simply ask to correct it in this way.

Mr. JONES of Washington. I want to suggest also that the land of this reservation has not yet been surveyed even.

Mr. SHERMAN. They have not been allotted and of course they could not be surveyed.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York, which is to suspend the rules and pass the House joint resolution with amendments.

The question was taken, and (two-thirds voting in favor thereof) the bill was passed.

NATIONAL SANITARIUM AT HOT SPRINGS, S. DAK.

Mr. MARTIN. Mr. Speaker, I move to suspend the rules and pass the following Senate bill with amendments.

The Clerk read as follows:

An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

Be it enacted, etc., That $150,000 be, and the same is hereby, appropriated for the erection of a national sanitarium for disabled volunteer soldiers at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which sanitarium, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers: *Provided*, That such sanitarium shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named sanitarium, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said sanitarium as over other realty held by said board until further enactment by the Congress of the United States.

SEC. 2. That the further sum of $20,000 is hereby appropriated, to be used for the transportation to and from said sanitarium of such patients as may be ordered to said sanitarium by said Board of Managers and for equipping and maintaining said sanitarium, subject to the aforesaid rules and regulations of said Board of Managers: *Provided*, That any member of the National Home for Disabled Volunteer Soldiers who shall be certified to said sanitarium by the medical and legal authorities of said Board of Managers shall be admitted and treated thereat until discharged therefrom or returned to some Branch of the National Home by order of said Board of Managers.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. The second is demanded by the gentleman from Tennessee.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the second may be considered as ordered.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee; and the Chair will appoint the gentleman from South Dakota, Mr. MARTIN, and the gentleman from Tennessee, Mr. RICHARDSON, as tellers. The gentlemen will please take their places.

The House divided; and the tellers reported—ayes 119, noes 3.

Accordingly a second was ordered.

The SPEAKER. The gentleman from South Dakota [Mr. MARTIN] is entitled to twenty minutes and the gentleman from Tennessee to twenty minutes for debate. The gentleman from South Dakota is recognized.

Mr. MARTIN. Mr. Speaker, this bill has been pending before Congress now for four terms. It proposes to establish a sanitarium in connection with the National Home for Disabled Volunteer Soldiers.

The bill as originally prepared designated it as a branch of the National Home. The purpose of the bill from the start has been a national sanitarium. The amendments offered simply change the phraseology of the bill from a national Home or branch Home to a sanitarium. The way in which that got in that form in the first place was by the recommendation of General Franklin, then one of the board of managers. The bill as now amended corresponds with the original intention of the act.

Mr. CANNON. Mr. Speaker, may I ask the gentleman a question?

Mr. MARTIN. Certainly.

Mr. CANNON. In the amendments which the gentleman proposes, I ask him if the amount appropriated for this hospital or sanitarium is $150,000?

Mr. MARTIN. Yes, sir.

Mr. CANNON. Now, is it contemplated by the terms of the act that this shall be a hospital and that $150,000 shall construct it?

Mr. MARTIN. Yes, sir. I may say in that connection that the bill provides that the site for the sanitarium, and also one of the medicinal or hot springs, must be furnished by the people of the place free of charge to the Government. The $150,000 must go entirely into the construction of buildings, and it is estimated that they can house 500 patients with that amount.

Mr. CANNON. And it is not contemplated by this legislation that there shall be a larger expenditure than $150,000?

Mr. MARTIN. No, sir; with the sole exception of $20,000, which is provided in this bill for maintenance.

Mr. CANNON. Oh, yes; for maintenance, but not for additional construction.

Mr. MARTIN. That is all.

Mr. CANNON. The $150,000 is to finish it?

Mr. MARTIN. Yes; that is the purpose of the bill. Now, I will say that this bill has four times passed the Senate, in four different Congresses. It has been twice reported in this House from the Military Committee, and this time unanimously.

The overcrowded condition of the various Homes of the country, and the further fact that it has been discovered and known for years that something like 50 per cent or nearly half of the old soldiers in the National Homes are afflicted with rheumatism and kindred troubles, early attracted the attention of the Board of Managers to this proposition.

An experiment was made by the Board of Managers in the sending of a number of members of the National Home at Leavenworth in 1893 to this place. The worst cases of rheumatism were selected. The surgeon and the committee appointed for the purpose of examination report that of the 30 cases sent there, 44 per cent were absolutely cured, completely cured in a period of sixty days, and others very materially improved.

From that time forth the Grand Army of the Republic and the managers of the Soldiers' Homes in various parts of the country have urged this bill upon the attention of Congress. The Grand Army of the Republic, in national encampment at Cincinnati in 1898, unanimously passed a resolution urging upon Congress the passage of this bill. From that time the Grand Army has kept a committee in the field, appointed from year to year, to advocate the bill. Although it has passed the Senate four times, it has now for the first time received the attention of the House.

I might say, Mr. Speaker, that during last month General Torrance, the commander in chief of the National Grand Army of the Republic, visited Hot Springs. He has, as recently as the 12th of April, written a letter in which in the most cordial and positive way he urges Congress to pass this act and from personal inspection testifies to the efficacy of these waters in the cure of these cases.

General Torrance's letter is dated Minneapolis, Minn., April 12, 1902. He says:

I have just returned from a trip to the Hot Springs, South Dakota, where I went to personally examine the place as to its suitableness for the location of a sanitarium for the benefit of the surviving Union soldiers of the civil war.

I was accompanied by Mrs. Torrance and my daughter, and while the weather was somewhat against us we were more than pleased with what we saw, and I have no hesitancy in indorsing the strongest recommendations that have been made as to the suitableness of the place for such a sanitarium and the efficacy of the climate and the springs to alleviate and in many cases heal diseases common to our aged and unfortunate comrades.

This project has been indorsed over and over again by the national encampments of the Grand Army of the Republic and by a great many departments, including Colorado, Wyoming, Nebraska, Kansas, Missouri, Iowa, Minnesota, and North and South Dakota. The Senate has passed the bill four times, and, as I am informed, it has received the unanimous vote of the Military Committee of several Congresses.

We have in our Minnesota Soldiers' Home a great many inmates who would, I am sure, be greatly benefited if a national sanitarium was established at the Hot Springs, and it seems to me that with the expenditure of a comparatively small sum of money a vast amount of good could be done to those who should receive our prompt and kindest consideration.

The plan is that from the Home at Leavenworth and the Home at Milwaukee and also from other Homes patients shall be sent who are most seriously afflicted with rheumatism, and receive care and attention there and be cured wherever possible.

I have studied the situation, so far as it relates to Leavenworth, and I find that 1,025 patients have been treated during the past twelve months for rheumatism. Some of them have been relieved, others are constantly in course of treatment and suffering.

Now, remember that for the next few years this Government sanitarium quite probably will be supplied with its patients from this Home, and many of them may be cured, which would be a saving of a large expense to the Government, besides contributing to the comfort of the old soldiers.

Mr. WILLIAMS of Mississippi. Is this sanitarium only to be used for soldiers or sailors?

Mr. MARTIN. It is to be used for the soldiers and sailors—veterans of the wars of the country, including the Spanish war.

Mr. WILLIAMS of Mississippi. The soldiers and sailors and veterans, and not in any sense to be a public sanitarium?

Mr. MARTIN. Not at all.

Mr. WILLIAMS of Mississippi. No compensation to anybody?

Mr. MARTIN. No, sir. The sanitarium will be maintained by the Government.

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. MARTIN. I do.

Mr. ROBINSON of Indiana. Mr. Speaker, I am in accord with the views of the gentleman in stating that this will be a saving to the Government. I am in favor of the project. But I want to state to the gentleman an instance where I was compelled to get quarters for a soldier of my district 200 miles away or to the Soldiers' Home of Illinois, though we have a large and splendid Soldiers' Home at Marion, Ind., 40 miles away from my home and from the home of the soldiers. We had to go to the Home in Illinois to be provided with quarters by reason of the overcrowded condition of the Homes at Marion, Ind., and Dayton, Ohio.

Mr. MARTIN. I will say to the gentleman that I have investigated as to the capacity and membership of the various branches of the National Home.

Col. Thomas T. Knox, inspector of National Home, in his report of December 7, 1901, referring to the combined membership of the eight Branches of the National Home, states as follows:

Population.—The total number of members, present and absent, at the several Branches of the Home on June 30, 1901, was 26,441, of whom 18,859 were present and 7,582 were absent. As compared with the same date of the preceding year there was a gain at four Branches and a loss of four; but the gains exceeded the losses by 902, which represents the net gain in membership. The largest gain was at the new Danville Branch, followed in order by the Pacific, Western, and Eastern Branches. Taking the average number of members on the rolls for the year and the total is reported as 26,290.

Of this number 20,011 was the average present and 6,277 the average absent, and there was a total of 31,884 members cared for. The gain in the average present during the past year as compared with the preceding year was 786, and there was also a gain of 1,154 in the total number cared for. The maximum number present was reported as 21,414 and the minimum as 17,981, thus giving an extreme range of 3,433 members.

At date of inspection the civilian employees numbered 369, consisting of 273 males and 96 females. As compared with the previous year, this is an increase of 31 males and a decrease of 5 females, being a net gain of 26 employees. As the age and bodily infirmities of the inmates increase the number able to do any kind of work will necessarily diminish, and this will necessitate the employment of civilians in constantly increasing numbers.

Housing.—The records show a total of 120 barracks at the several Branches, and so far as reported they are occupied at all of the Branches but one by more members than they were originally intended for. The exception is at the most recently established Branch at Danville, where there is room for more occupants. The average number of occupants per barrack in excess of what they were originally intended for ranges from 4 at the Central Branch to 74 at the Pacific. At another Branch each barrack has an excess of 46 members, and at still another there is an average excess of 17 occupants. Nearly all of the barracks have basements, and at three of the Branches some of the basements are used for sleeping purposes by the members.

The number of members sleeping in places other than dormitories is reported as 2,128, or about 10 per cent of the number constantly present. Of this number, 1,215 were sleeping in attics, 472 in basements, 41 on floors, and 400 in other places not intended for that purpose. At the dates of inspection all but the Central Branch had vacant beds in barracks, the aggregate being reported as 627, and ranging from 22 at the Eastern to 310 at the Southern Branch. Generally these beds were retained for men who were absent on furlough and those sick in hospital, and will doubtless be all occupied as the winter season approaches and the furlough men return.

The average number of members of the National Home for the year 1891 was 17,528, and for 1901, 26,255, showing an increase in ten years of 8,727, or an average yearly increase of 872. The increase for 1901, as shown by the report of Colonel Knox, was 902. The gain in the average number present in the Home for the past three years is as follows: 1899, 290; 1900, 382; 1901, 786; showing that the gain in the average number present last year more than doubled. This demonstrates that as the members grow older they are absent on furlough less, and that the full daily capacity of the Home is more and more taxed to its limit.

The probable number of survivors of the Union Army and Navy in the war of the rebellion on June 30 for a series of years is estimated in a table prepared by Col. F. C. Ainsworth, Chief Record and Pension Office, War Department, as follows:

1902	930,380	1910	626,231
1903	894,585	1915	429,727
1904	858,002	1920	251,727
1905	820,687	1925	116,073
1906	782,722	1930	37,033
1907	744,196	1935	6,296
1908	705,197	1940	340
1909	665,832	1945	0

When we remember that as these veterans of the war advanced in years a large proportion of them must seek the privileges of the National Home, it is not unreasonable to consider that the membership of the Home will inevitably increase for the next twenty years. This conclusion is the more assured from the fact that provision must be made for caring for disabled soldiers from the Spanish war. Under the recent decision of the Board of Managers to admit soldiers from the Spanish war temporarily and conditionally, 343 of these men had already been admitted to the several Branches of the Home at the time of the official inspection by Colonel Knox in 1901.

Of the survivors of the war of the rebellion, estimated as of date June 30, 1902, at 930,380, it is estimated that practically 200,000 reside in the States and Territories between the Mississippi River and the Rocky Mountains. In all this vast territory there is but one Branch of the National Home, known as the "Western Branch," located near Leavenworth, Kans. This Branch has been for years in an overcrowded condition. The membership on June 30, 1900, was 3,424, and on June 30, 1901, was 3,601, showing an increase during the year of 177. Of this number, 296 at time of last inspection were sleeping in places other than dormitories, 256 sleeping in basements, and 40 in other unsuitable places.

It is true that the Branch Home now being constructed in Tennessee will provide for the increasing membership east of the Mississippi River for a time, but it is doubtful whether the capacity of the entire National Home will not be overcrowded before there will be any material decline in membership.

But the important fact is that in our entire system of National Homes we have no sanitarium where our disabled soldiers can have the benefit of natural medicinal springs for the cure of rheumatism and kindred diseases. The location named in this bill possesses advantages that can not elsewhere be acquired—advantages provided by nature and so rare in their combination that they are duplicated in only a few instances in the world.

Hot Springs is situated in the mountain region in the southwestern portion of South Dakota at an elevation of 3,400 feet above sea level. It is in a sheltered valley on the southern slope of the Black Hills Range, a branch of the Rocky Mountains. The surroundings are attractive and beautiful. The climate is healthful and entirely free from malaria. It is the site of the State Soldiers' Home of South Dakota, and is already a noted health and pleasure resort.

There are in our National Home thousands of men who are kept there solely because they are afflicted with rheumatism. Hundreds of these may be cured annually and discharged from the Government's care to follow the pursuits of civil life for some years to come. This would be a great saving to the Government. Inspector-General Averell, who investigated this subject thoroughly, estimated that such a sanitarium at Hot Springs would in this manner pay for itself in five years.

But higher and more humane considerations urge the passage of this bill. From the earliest period in our history the valor of the American soldier in time of war has purchased for us the conditions of peace under which the political institutions of the Republic have been established and developed, and the industries of the country have realized their marvelous growth. We can never fully pay the debt of gratitude we owe the veterans of our wars. An opportunity is here afforded to add something to the number of their years and to relieve them from pain and suffering brought on by diseases contracted, in many instances, by exposure endured while fighting the battles of the nation.

The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I wish to say that the Committee on Military Affairs reported two bills, one for a sanitarium or Soldiers' Home at Deadwood and the other for a Soldiers' Home at Denver, Colo. I wish to say that, in my judgment, a soldiers' home at Denver would be one of the best selections that could possibly be made and far better than the location now being considered, and I am sorry that the gentleman from South Dakota receives the recognition and the gentleman from Colorado does not.

Yet, Mr. Speaker, I must say that I have no word of complaint against the gentlemen from South Dakota. They are doing their best in getting some recognition for the great West, and I will vote in favor of this measure. [Loud applause.] I want to call attention to the fact, Mr. Speaker, that there is no Soldiers' Home in that vast domain extending from the Missouri River to the Pacific Ocean, except one on the Pacific coast and one in the valley of the Missouri River; although more than 20,000 soldiers live within a radius of 400 miles from Denver, and the climatic conditions of Colorado are such that the building of a Home there would be of inestimable advantage compared to the Soldiers' Homes that have been constructed in other parts of the United States.

The Committee on Military Affairs reported my bill in the Fifty-sixth Congress, and again reported it this Congress. I hope, Mr. Speaker, to continue to press my measure until I do get recognition in behalf of the same. I feel that the place for a Soldier's Home in that broad portion of the United States is somewhere in that State, where the soldiers that are afflicted in later life with pulmonary diseases may go and by the mere being there may be cured and end their days in a condition free from pain. I feel that there ought to be a Home there. But I want to say that I can not play dog in the manger and that I have no objection to this measure, and will vote for it, and in every way expedite its passage. [Loud applause.]

Mr. MADDOX. Why is it you can not get recognition for your bill?

Mr. SHAFROTH. I do not know.

Mr. MADDOX. Have you asked for it?

Mr. SHAFROTH. I think we have as favorable a place for a Soldiers' Home as any place in the United States.

Mr. MADDOX. But, I say, have you asked for it?

Mr. SHAFROTH. I have.

Mr. SULZER. How many times? [Laughter.]

Mr. SHAFROTH. The Speaker treated me very frankly. He said he would consider the matter. [Laughter.] He wanted information as to the number of Homes——

Mr. CLAYTON. He said you were a good boy! [Laughter.]

Mr. SHAFROTH. He has not said he would not recognize me, and I am in hopes he will recognize me yet. [Laughter and applause.]

The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Does the gentleman from Illinois want some time?

Mr. CANNON. Just a minute or two.

Mr. RICHARDSON of Tennessee. I yield to the gentleman.

Mr. CANNON. Mr. Speaker, I should have opposed this proposition for Mammoth Hot Springs, S. Dak., in the shape it passed the Senate. Under its provisions it would have been quite competent for the Board of Managers to construct a Home with capacity for 5,000 people. The bill has been so amended as to cover a sanitarium, and the intention expressed is that the $150,000 is to complete the sanitarium, and that is all the expenditure contemplated.

I would have no objection to a complete Home, with a holding capacity of two or three or four thousand people, at Mammoth Hot Springs, if it needed it. Now, then, I want to call attention just a moment to another thing. I did not think a complete Home was needed at Mammoth Hot Springs. It is a sparse settlement, and not a large soldier population there or elsewhere. At any rate the people who go there will be people east of the Mississippi River or that locality.

Now, then, there is much room already in the Homes already completed that is not occupied. The Home in Tennessee about which the various Grand Army posts were exceedingly anxious, from the standpoint of health and also pulmonary trouble, was authorized a year ago, and it is now in the process of construction. When complete it will care for 3,000 people. I am satisfied that with the completion of that Home and the building of this sanitorium that in the future, unless we have further war, which I trust we will not have, the capacity of the various Homes is ample to care for the people entitled to admission.

Mr. SHAFROTH. According to that the gentleman from Illinois wants to exclude me entirely. [Laughter.]

Mr. CANNON. Well, I would prefer to vote for a mint or something of that kind that Colorado really needs [laughter], because this I do not think she does need.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill and amendments were passed.

LEAVE TO PRINT.

Mr. PAYNE. Mr. Speaker, I yield a moment to the gentleman from South Dakota.

Mr. MARTIN. Mr. Speaker, I desire to ask leave to print for my colleague in this matter of the sanitarium, and also for myself.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that he and his colleague may be permitted to print remarks in the RECORD upon the bill that has just passed. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 959. An act granting an increase of pension to William H. Green—to the Committee on Invalid Pensions.

S. 1022. An act for the relief of Alvin M. Ryerson—to the Committee on Claims.

S. 1115. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry—to the Committee on Military Affairs.

S. 1694. An act to provide for compensation for certain employees of the Treasury, War, Navy, and Executive departments—to the Committee on War Claims.

S. 1908. An act to authorize the establishment of a biological station on the Great Lakes, under the control of the United States Commission of Fish and Fisheries—to the Committee on the Merchant Marine and Fisheries.

S. 2162. An act to increase the efficiency and change the name of the United States Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

S. 2535. An act granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

S. 3212. An act granting a pension to Ellen A. Sager—to the Committee on Invalid Pensions.

S. 3292. An act granting an increase of pension to Henry Loor Reger—to the Committee on Invalid Pensions.

S. 3819. An act granting an increase of pension to William A. P. Fellows—to the Committee on Invalid Pensions.

S. 4064. An act granting an increase of pension to Betsey Gumm—to the Committee on Invalid Pensions.

S. 4204. An act relating to grants of land to the Territory and State of Washington for school purposes—to the Committee on the Public Lands.

S. 4348. An act granting an increase of pension to James Thompson—to the Committee on Invalid Pensions.

S. 4509. An act granting an increase of pension to Robert Lemon—to the Committee on Invalid Pensions.

S. 4515. An act granting an increase of pension to Alfred O. Blood—to the Committee on Invalid Pensions.

S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes—to the Committee on the Public Lands.

S. 5403. An act granting an increase of pension to Lyman Hotaling—to the Committee on Invalid Pensions.

S. 5759. An act granting an increase of pension to Charles T. Crooker—to the Committee on Invalid Pensions.

S. 5670. An act granting a pension to Samuel H. Chamberlin—to the Committee on Invalid Pensions.

S. 5669. An act granting an increase of pension to Charlotte M. Howe—to the Committee on Invalid Pensions.

S. 5650. An act granting an increase of pension to William R. Raymond—to the Committee on Invalid Pensions.

S. 5466. An act granting an increase of pension to Edgar T. Chamberlin—to the Committee on Invalid Pensions.

S. 5381. An act to correct errors in dates of original appointments of Capt. James J. Hornbrook and others—to the Committee on Military Affairs.

S. 5316. An act providing for an additional circuit judge in the eighth judicial circuit—to the Committee on the Judiciary.

S. 5227. An act granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

S. 5206. An act granting an increase of pension to John M. Wheeler—to the Committee on Invalid Pensions.

S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin—to the Committee on Pensions.

S. 5141. An act granting an increase of pension to Charles Barrett—to the Committee on Invalid Pensions.

S. 5079. An act for the relief of George P. White—to the Committee on Claims.

S. 5007. An act granting an increase of pension to James Irvine—to the Committee on Invalid Pensions.

S. 4995. An act to establish an additional life-saving station on Monomoy Island, Mass.—to the Committee on Interstate and Foreign Commerce.

S. 4934. An act granting an increase of pension to Francis M. McAdams—to the Committee on Invalid Pensions.

S. 4912. An act granting an increase of pension to Maggie L. Reaver—to the Committee on Invalid Pensions.

S. 4809. An act granting an increase of pension to Henry J. McFadden—to the Committee on Invalid Pensions.

S. 4766. An act granting an increase of pension to James P. McClure—to the Committee on Invalid Pensions.

S. 4764. An act granting an increase of pension to Queen Esther Grimes—to the Committee on Invalid Pensions.

S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes—to the Committee on Public Lands.

S. 3617. An act granting a pension to Leonora V. Stacy—to the Committee on Pensions.

S. 5133. An act granting an increase of pension to Augusta Neville Leary—to the Committee on Invalid Pensions.

S. 5047. An act granting a pension to Eljeroy C. Curtis—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8409. An act granting increase of pension to Cyrenus Larrabee;

H. R. 8401. An act granting a pension to Henry E. Murphy;

H. R. 8106. An act granting increase of pension to Daniel J. Mahoney;

H. R. 7918. An act granting increase of pension to James C. Pettee;

H. R. 307. An act granting increase of pension to John L. Branson;

H. R. 671. An act granting increase of pension to Orra H. Heath;

H. R. 750. An act granting a pension to Martin Essex;

H. R. 1046. An act granting increase of pension to John J. Martin;

H. R. 1129. An act granting increase of pension to William H. Shaffer;

H. R. 1695. An act granting increase of pension to Christopher C. Perry;

H. R. 1715. An act granting increase of pension to Henry P. Hudson, formerly Henry P. Dow;

H. R. 1696. An act granting increase of pension to Frederick A. Condon;

H. R. 2661. An act granting increase of pension to Oswald Ahlstedt;

H. R. 3829. An act granting a pension to Mary Ann Merrow;

H. R. 4089. An act granting a pension to Ada L. McFarland;

H. R. 4204. An act granting a pension to Hester A. Furr;
H. R. 5020. An act granting increase of pension to Courtland C. Matson;
H. R. 5553. An act granting a pension to Nancy E. Hardy;
H. R. 5554. An act granting a pension to Egbert A. Stricksma;
H. R. 5911. An act granting increase of pension to Gilbert G. Gabrion;
H. R. 6021. An act granting a pension to William Kaste;
H. R. 6063. An act granting increase of pension to John Brill;
H. R. 6663. An act granting a pension to John York;
H. R. 6721. An act granting increase of pension to Andrew Ray;
H. R. 6750. An act granting increase of pension to William H. Hoxie;
H. R. 7085. An act granting a pension to Hannah H. Graham;
H. R. 7401. An act granting increase of pension to William Brown;
H. R. 7541. An act granting a pension to Annie Shinn;
H. R. 7897. An act granting increase of pension to Michael J. Daly;
H. R. 5219. An act granting increase of pension to Daniel Donne;
H. R. 2563. An act granting increase of pension to Robert R. Strong; and
H. R. 3292. An act granting increase of pension to Arthur H. Perkins.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 89. An act to construct a road to the national cemetery at Dover, Tenn.; and

S. R. 99. Joint resolution fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

And then, on motion of Mr. PAYNE (at 5 o'clock and 15 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, reported the same without amendment, accompanied by a report (No. 2103); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., reported the same without amendment, accompanied by a report (No. 2105); which said bill and report were referred to the House Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4850) to increase the pension of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same, reported the same with amendments, accompanied by a report (No. 2106); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the joint resolution of the Senate (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," reported the same with amendments, accompanied by a report (No. 2107); which said bill and report were referred to the House Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the joint resolution of the House (H. J. Res. 191) to authorize the officer in charge of the new building for the Government Printing Office to pay full wages to per diem employees carried on the pay rolls of said building on September 17, 18, and 19, 1901, when work was suspended out of respect to the memory of the late President of the United States, reported the same without amendment, accompanied by a report (No. 2112); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 192) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect, reported the same with amendments, accompanied by a report (No. 2117); which said report was ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due, reported the same without amendment, accompanied by a report (No. 2104); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 4785) to confer jurisdiction upon the Court of Claims to hear and determine claim for damages arising from the death of Carl Zabel, reported the same without amendment, accompanied by a report (No. 2108); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8343) for the relief of Robert D. Benedict, reported the same without amendment, accompanied by a report (No. 2109); which said bill and report were referred to the Private Calendar.

By Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased, reported the same without amendment, accompanied by a report (No. 2110); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 688) for the relief of David H. Lewis, reported the same without amendment, accompanied by a report (No. 2111); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 612) for the relief of John H. McLaughlin, reported the same without amendment, accompanied by a report (No. 2113); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York, reported the same without amendment, accompanied by a report (No. 2114); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6229) for the relief of Samuel H. Sentenne and Paul Boileau, reported the same without amendment, accompanied by a report (No. 2115); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1749) for the relief of Katie A. Nolan, reported the same without amendment, accompanied by a report (No. 2116); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 13262) granting an increase of pension to James M. Spencer—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14483) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and for his services therein—Committee on Appropriations discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14509) to regulate the operation of street railways in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: A bill (H. R. 14510) to authorize the board of commissioners for the Connecticut River bridge and highway district to construct a drawless bridge across the Connecticut River at Hartford, in the State of Connecticut—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 14511) to authorize the relinquishment to the United States of patented lands and claims, and so forth—to the Committee on the Public Lands.

By Mr. BOWIE: A bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884—to the Committee on the Judiciary.

By Mr. LESSLER: A bill (H. R. 14513) to provide United States registry for the steamer Success—to the Committee on the Merchant Marine and Fisheries.

By Mr. RUCKER: A bill (H. R. 14577) to promote the circulation of reading matter among the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. TONGUE: A bill (H. R. 14578) to establish a fish-hatching and fish station in the State of Oregon—to the Committee on the Merchant Marine and Fisheries.

By Mr. WARNER: A bill (H. R. 14579) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory—to the Committee on the Judiciary.

By Mr. MERCER: A bill (H. R. 14580) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to the city limits of South Omaha, Nebr., and appropriating money therefor—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 14514) granting an increase of pension to Timothy D. McGillicuddy—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 14515) reserving certain lands in the town site of Enid, Oklahoma Territory, for public buildings and public use—to the Committee on the Public Lands.

Also, a bill (H. R. 14516) for the relief of John Kingston—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 14517) for the relief of Calvin L. Childress—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 14518) granting an increase of pension to James D. Kiper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14519) granting an increase of pension to Samuel Alexander—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 14520) granting an increase of pension to J. M. Tyree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14521) granting a pension to James H. Jobe—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14522) granting a pension to Catherine Pixley—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 14523) granting a pension to Fred J. Henesey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14524) granting a pension to Louise G. Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14525) granting a pension to Samuel M. Doolittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14526) granting a pension to Benjamin Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14527) granting a pension to O. P. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14528) granting a pension to Charles W. Landree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14529) granting a pension to Henry J. Ackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14530) granting a pension to Anna McNamara—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14531) granting a pension to Zenobia Bueb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14532) granting a pension to Samuel Vance Conner—to the Committee on Pensions.

Also, a bill (H. R. 14533) granting a pension to Charles A. Sewall—to the Committee on Pensions.

Also, a bill (H. R. 14534) granting a pension to Catharine L. Edgar—to the Committee on Pensions.

Also, a bill (H. R. 14535) granting a pension to Samuel Ackroyd—to the Committee on Pensions.

Also, a bill (H. R. 14536) granting a pension to Allen Neighbors—to the Committee on Pensions.

Also, a bill (H. R. 14537) granting an increase of pension to Isaac L. Blaisdell—to the Committee on Pensions.

Also, a bill (H. R. 14538) granting an increase of pension to Henrietta J. Hazel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14539) granting an increase of pension to Samuel W. Bryning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14540) granting an increase of pension to Charles Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14541) granting an increase of pension to John J. Overton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14542) granting an increase of pension to Theodore Kluge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14543) granting an increase of pension to Charles M. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14544) granting an increase of pension to Thomas Bunford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14545) granting an increase of pension to John W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14546) granting an increase of pension to James H. Whitny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14547) granting an increase of pension to Emmer Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14548) granting an increase of pension to Isaac D. Stine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14549) granting an increase of pension to Albert W. Birkbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14550) granting an increase of pension to Dotha J. Whipple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14551) granting an increase of pension to Charles Charnock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14552) granting an increase of pension to John A. Lennon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14553) granting an increase of pension to Susan A. Volkmar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14554) for the relief of Morgan Everts—to the Committee on Military Affairs.

Also, a bill (H. R. 14555) for the relief of Estaloee H. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14556) for the relief of Elisha D. W. Shekell—to the Committee on War Claims.

Also, a bill (H. R. 14557) to remove charge of desertion against James Dorsey—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 14558) granting an increase of pension to Jacob A. Hetrick—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 14559) granting a pension to Jonathan Rea—to the Committee on Pensions.

By Mr. NEVIN: A bill (H. R. 14560) granting a pension to Elizabeth Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14561) granting a pension to Georgiana Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14562) granting a pension to John Mendenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14563) granting a pension to James C. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14564) granting an increase of pension to Charles T. McCallister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14565) granting an increase of pension to Samuel M. Guy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14566) granting an increase of pension to Theophilus Eppelman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14567) granting an increase of pension to James Quilkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14568) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14569) granting an increase of pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14570) granting an increase of pension to W. H. H. Taylor—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14571) granting an increase of pension to Henry Ott—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14572) granting an increase of pension to Robert G. Couch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14573) granting a pension to Alice F. Crawford—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 14574) granting an increase of pension to John W. Sealock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14575) granting an increase of pension to Anthony Allbery—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 14576) for the relief of Wells & Zerwck—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 14581) granting a pension to Margaret M. Kollock—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 14582) granting a pension to Alice A. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14583) granting a pension to Warren Casaday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14584) granting an increase of pension to Hiram Booth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14585) granting an increase of pension to Brinsley Ball—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14586) granting a pension to William Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14587) granting a pension to Francis M. Burke—to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 14588) granting an increase of pension to Marcena C. S. Gray—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Winstead Distilling Company and others of Henderson, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of Dewey Lodge, No. 3, Knights of Fidelity, of Macon, Ga., urging the immediate reduction of the internal-revenue tax on alcohol to 70 cents a gallon—to the Committee on Ways and Means.

By Mr. BEIDLER: Papers to accompany House bill granting a pension to Timothy D. McGillicuddy—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Petition of distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BROWN: Resolutions of common council of Milwaukee, Wis., for the suppression of the beef trust—to the Committee on the Judiciary.

Also, resolution of the common council of Kenosha, Wis., urging the passage of House bill 163, to pension employees and dependents of Live-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Resolutions of National Encampment of Service Men in the Spanish War, favoring the Bell bill, allowing travel pay to volunteers from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

By Mr. CASSINGHAM: Resolutions of United Mine Workers' Union No. 774, of Somerdale, Ohio, favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. COUSINS: Petition of Eugene Springer Post, No. 420, of Norway, Grand Army of the Republic, Department of Iowa, for the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolutions of National Association of Manufacturers, Philadelphia, Pa., in relation to the ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Board of Trade and Transportation, in favor of the enactment of the Lovering bill in relation to the export trade—to the Committee on Ways and Means.

Also, resolutions of Unity Camp, No. 10152, Central Federation of Labor; Columbia Association, No. 20, and common council of Troy, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: Papers to accompany House bill 13793, granting an increase of pension to Solomon A. Alexander—to the Committee on Pensions.

By Mr. FOERDERER: Resolutions of National Association of Manufacturers of Philadelphia, Pa., in relation to ship subsidies, isthmian canal, reciprocity, and other bills pending in Congress—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of Isaac Tipton, of Knoxville, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GOLDFOGLE: Resolutions of the American Paper and Pulp Association, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Woman's Republican Association of New York City, and Bricklayers' Union of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Rochester (N. Y.) Credit Men's Association, and petition of C. A. Auffmordt & Co., of New York, in favor of House bill 13679, to amend the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Shoe Wholesalers' Association, asking for the repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of Mine Workers' Union No. 365, of Hollister, Ohio, for restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of 27 citizens of Sterling, Ill., for an amendment to bill to prevent the desecration of the flag, etc.—to the Committee on the Judiciary.

Also, resolutions of city council of Evanston, Ill., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Petition of St. Louis Live Stock Exchange of East St. Louis, Ill., favoring the passage of House bill 12002—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of D. S. Cowles Post, No. 540, Grand Army of the Republic, Department of New York, favoring a bill relating to the modification of the pension laws—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of the Iowa Retail Grocers Association in regard to the bankruptcy law—to the Committee on the Judiciary.

By Mr. MAHON: Papers to accompany House bill for the relief of Jacob A. Hetrick—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of the National Business League, Chicago, Ill., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McLACHLAN: Papers to accompany House bill granting a pension to Samuel Ackroyd—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Susan A. Volkmar—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of Carl F. Heinzen and others, of Boston, Mass., favoring the passage of bill for reduction of duty on Cuban imports—to the Committee on Ways and Means.

Also, resolutions of the National Business League of Chicago, for the establishment of a Department of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of Pennsylvania: Resolutions of Allison Brothers Post, No. 144, of Port Carbon, and Jere Helms Post, No. 26, of Schuylkill Haven, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Union No. 1514, of Lost Creek, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, affidavits of Joel A. Dinger and 9 others to accompany House bill granting a pension to Joseph Johnston—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of F. J. Smith and other citizens of Rochester, N. Y., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill 13377, for the relief of D. B. Jeffers—to the Committee on Military Affairs.

Also, papers to accompany House bill 4359, for the relief of certain officers and men—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a Department of Commerce and Industries—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Resolutions of Joy Post, No. 152, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolutions of board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: Resolutions of Encampment No. 118, Union Veteran Legion, Zanesville, Ohio, protesting against the passage of special acts granting pensions—to the Committee on Invalid Pensions.

Also, resolutions of Flint-Glass Workers' Union No. 39, of Byersville, and Cigar Makers' Union No. 173, of Zanesville, Ohio, and citizens of Marietta, Ohio, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Bricklayers' Union No. 26, and Trades Labor Assembly, of Marietta, and Glass Bottle Blowers' Association No. 20, of Zanesville, Ohio, favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

Also, resolutions of Carpenters' Union No. 245, and Painters and Decorators' Union No. 196, of Cambridge, Ohio, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany House bill for the relief of Anthony Allbery—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *May 20, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FOSTER of Washington, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER. The Chair presents a resolution in the nature of a petition addressed to the President of the Senate from District Grand Lodge No. 1, Independent Order Benai Berith, of New York City, relative to the discrimination made by the Government of Russia against Jewish-American citizens visiting or attempting to visit Russia, because of their religious faith. The petition will be referred to the Committee on Foreign Relations, if there be no objection.

Mr. KEAN presented a petition of the German Liquor Dealers' Association of Trenton, N. J., and a petition of the Liquor Dealers' Association of West Hoboken, N. J., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the board of trustees of the Free Public Library of Hoboken, N. J., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Robert Campbell Post, No. 58, Department of New Hampshire, Grand Army of the Republic, of Bradford, N. H., and a petition of A. K. Skaro Post, No. 37, Department of Minnesota, Grand Army of the Republic, of St. Peter, Minn., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. QUARLES presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation to prevent the use of interstate telegraph and telephone lines for the promotion of gambling; which was referred to the Committee on the Judiciary.

He also presented a petition of 184 citizens of Milwaukee, Wis., praying for the adoption of certain amendments to the internal-revenue law relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Winnebago Lodge, No. 412, Brotherhood of Locomotive Firemen, of Fond du Lac, Wis., and a petition of E. R. Knowlton Lodge, No. 357, Brotherhood of Locomotive Trainmen, of Fond du Lac, Wis., praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Western Central Labor Union, American Federation of Labor, of Seattle, Wash., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of the congregation of the First Methodist Episcopal Church of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented a resolution adopted at a meeting of the Turnverein of Milwaukee, Wis., expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 46, Order of Railway Conductors, of Milwaukee, Wis., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of the Convention of Congregational Churches of Eau Claire, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Soldiers' Homes and immigrant stations; also to establish a post exchange in each Army camp; to prohibit gambling by telegraph, and for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of John F. Reynolds Post, No. 33, Department of Colorado and Wyoming, Grand Army of the Republic, of Cheyenne, Wyo., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

Mr. HOAR presented a petition of the Common Council of Boston, Mass., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented petitions of the Woman's Christian Temperance Union of King's County, N. Y.; of Sarah M. Perkins, of Cleveland, Ohio, and of William B. Merritt, of Staten Island, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Richmond, Ind., praying for the adoption of certain amendments to supplement the anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of Charity Murphy and 6 other citizens of Huron, Ind., praying for the enactment of legislation increasing the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

He also presented a petition of Lodge No. 262, Brotherhood of Railroad Trainmen, of Michigan City, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 1479) granting an increase of pension to Thomas L. Caughey, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3678) granting an increase of pension to John Washburn, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9723) granting an honorable discharge to Levi Wells, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3236) to correct the military record of Hays Gaskill, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3241) granting an increase of pension to Hinkley G. Knights;

A bill (H. R. 351) granting an increase of pension to Robert Carpenter; and

A bill (H. R. 1741) granting an increase of pension to Griffith Evans.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1944) granting an increase of pension to Ann E. Tillson; and

A bill (S. 5782) granting a pension to Nannie B. Turner.

PUBLIC BUILDINGS.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, to report it with amendments, and submit a report thereon.

I desire to give notice that to-morrow morning after the routine morning business I shall ask the Senate to consider the bill.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. FAIRBANKS. I ask that 400 extra copies of the bill just reported by me may be printed.

The order was reduced to writing, and agreed to, as follows:

Ordered, That 400 additional copies of H. R. 14018 as reported be printed for the use of the Senate.

EGGS OF GAME BIRDS.

Mr. BURTON. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 10995) to regulate the introduction of eggs of

game birds for propagation, to report it without amendment, and I ask unanimous consent that it be put upon its passage now.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. FORAKER introduced a bill (S. 5898) to correct the military record of Ephriam P. Abbott, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5899) granting a pension to Sarah Frisbee;

A bill (S. 5900) granting an increase of pension to J. B. Winter;

A bill (S. 5901) granting an increase of pension to Orange Sells;

A bill (S. 5902) granting an increase of pension to Samuel Cramer;

A bill (S. 5903) granting an increase of pension to William W. Prather; and

A bill (S. 5904) granting an increase of pension to William R. Partridge.

Mr. PLATT of New York introduced a bill (S. 5905) to provide for Federal inspection and taxation of mixed goods and the proper marking of the same; which was read twice by its title, and referred to the Committee on Finance.

Mr. COCKRELL introduced a bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY (for Mr. JONES of Arkansas) introduced a bill (S. 5907) to correct the military record of William C. Patten; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. JONES of Arkansas) introduced a bill (S. 5908) granting an increase of pension to Barbara A. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5909) for the extension of Euclid avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5910) granting an increase of pension to Sarah A. D. Merrill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5911) granting an increase of pension to Edson Newbury; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 5912) for the relief of the heirs of Lemuel J. Bowden, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5913) granting a pension to Cherstin Mattson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DIETRICH introduced a joint resolution (S. R. 102) authorizing the Secretary of War to furnish one condemned cannon for a monument to be erected to the memory of the late Hon. James Laird, member of Congress from the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

DISTRICT COURT IN ROANOKE CITY, VA.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City; which was referred to the Committee on the Judiciary, and ordered to be printed.

SIGNATURE OF ENROLLED BILLS.

Mr. SPOONER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Hon. O. H. PLATT, a Senator from the State of Connecticut, designated by the President pro tempore to perform the duties of the Chair during his temporary absence, be empowered to sign as Acting President pro tempore the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States, and that the President be notified hereof.

COMPILATION ON INDIAN AFFAIRS.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Nevada [Mr. STEWART] to a resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. STEWART, as follows:

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of all treaties, laws, and Executive orders now in force relating to Indian affairs.

The PRESIDING OFFICER. An amendment is pending, proposed by the gentleman from Maine [Mr. HALE], which will be read.

The SECRETARY. It is proposed to add at the end of the resolution the following:

But no extra expense shall be allowed for any work covered by this resolution.

Mr. STEWART. Mr. President, the Secretary of the Interior has recommended for several years a compilation of treaties and Executive orders. Such a compilation has not been made, I think, since about 1870. There is great labor in disposing of any one of the cases before the committee. The committee have had to search specially with regard to almost every question that comes up and the information is scattered through many books, the legislation having taken place generally in an appropriation bill, and then in laws ratifying agreements, and it is an exceedingly great labor. Certainly this compilation ought to be made, and it ought to be thoroughly indexed and well done. If it is not it will be useless. It can not be done for nothing. We shall have to pay for it. I think the committee will scrutinize it and will not pay more than the work is worth. I do not propose to have any kind of a job in it.

Mr. HALE. Mr. President, I offered the amendment yesterday to the resolution of the Senator from Nevada because it has been my observation that pretty much everything of this kind in the way of a special collection of statutes relating to a particular matter has resulted in the clerk of some committee dumping together all the statutes, all the Executive orders, and pretty much everything pertaining to the bureau or department or the subject, and instead of being a work of advantage to anybody it only adds confusion to confusion. It has become almost a practice, there is so much of it done, of eking out the pay of clerks who are already well paid by providing them with these little jobs, that it ought to be stopped.

I can understand that on this subject, pertaining to all the treaties with the Indians and the action of the Department upon them, a good, well-edited, well-indexed document might be very valuable, and the index is the most valuable part of it all. Half of the works that have been prepared heretofore under resolutions of this kind have no index at all, and of those that have indexes they are very poor and afford no light to anyone; they do not cut short the work which they were intended to do, and they are useless. Any Senator who looks at such a book once never looks at it again.

If I do not insist on this amendment (because the Senator says that unless there can be some small extra expense it can not be done) it is with the assurance of the Senator that he will see to it. He has had great experience in the Indian Bureau and on these subjects, and is an old lawyer and in the habit of going to reports and statutes for citations and for information. I should like to have the Senator's assurance that he will look after this matter personally. I do not expect him to do the clerical work, but to see that it is done in a good businesslike, methodical fashion. Otherwise we shall have another of these dumping performances, everything huddled together and good for nothing.

I wish to know if the Senator is prepared to say that he will look after this work. Moreover, before any bill is brought in here to pay for it the work ought to be submitted to the Commissioner of Indian Affairs and the index ought to be submitted to him, so that he may know whether it is to be a book that will be of value not only to us, but to him. If the Senator will give me the assurance that all this shall be done before any bill is presented here, I will withdraw the amendment; and unless he gives me that assurance I shall insist upon its adoption.

Mr. STEWART. I shall certainly present no bill here unless the compilation is accurate and well indexed and has the approval of the Interior Department. I will bring it before the committee. I realize the force of what the Senator has said with regard to many of these publications. I have referred to them and found them entirely useless and too cumbersome. If we can not get something that will be useful I shall not give my consent to the payment for any paper that is prepared.

Mr. HALE. The work has not been already prepared?

Mr. STEWART. There has been some work done, but it has not been prepared.

Mr. HALE. It is not completed?

Mr. STEWART. Oh, no.

Mr. HALE. The Senator will look after that himself?

Mr. STEWART. Yes. There has been some work done by clerks and by other persons, parts of which can be taken and made useful. The work is not completed, and it can not be completed for some time to come. We shall have it for another session of Congress, I hope.

Mr. HALE. Under these circumstances, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The proposed amendment is withdrawn.

Mr. HALE. Now, let the resolution be read; and let us see if it covers just what it ought, and no more.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of all treaties, laws, and Executive orders now in force relating to Indian affairs.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

The PRESIDING OFFICER announced his signature to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 1724) granting an increase of pension to Daniel F. Thompson;

A bill (H. R. 3238) granting an increase of pension to Lorenzo Weeks;

A bill (H. R. 4451) granting an increase of pension to George K. Thompson;

A bill (H. R. 5865) granting an increase of pension to John C. Campbell;

A bill (H. R. 6172) granting an increase of pension to Friedrich Weimar;

A bill (H. R. 7228) granting an increase of pension to Christian Christianson;

A bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning;

A bill (H. R. 8341) granting a pension to Hannah C. Chase;

A bill (H. R. 10488) granting an increase of pension to Kate W. Milward;

A bill (H. R. 10821) granting an increase of pension to Abby T. Daniels;

A bill (H. R. 11133) granting an increase of pension to James D. Lafferty;

A bill (H. R. 11170) granting an increase of pension to William Kunselman;

A bill (H. R. 12054) granting a pension to Elizabeth A. Burrill;

A bill (H. R. 12978) granting an increase of pension to Charles F. Smith;

A bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton;

A bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh; and

A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer.

PER DIEM SERVICE PENSIONS.

Mr. GALLINGER. Mr. President, on the 12th day of the present month the Committee on Pensions gave a hearing to certain gentlemen who appeared in behalf of the bill (S. 1890) granting per diem service pensions to honorably discharged officers and enlisted men of the Union Army in the civil war. The committee have had the usual number of copies of the hearing printed under the law, which I think is 50, and as there is a great demand for it I now ask that 500 additional copies be printed for the use of the Committee on Pensions.

The PRESIDING OFFICER. Does the Senator from New Hampshire desire that 500 copies shall be printed for the use of the committee or as a Senate document?

Mr. GALLINGER. I think it would be better to have them printed for the use of the committee. However, some number ought to go to the document room. I would inquire if the usual number might not be printed for the use of the document room and 500 additional copies for the Committee on Pensions.

The order was reduced to writing, and agreed to, as follows:

Ordered, That 500 additional copies of the hearing before the Committee on Pensions relating to per diem service pensions be printed for the use of the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes; and

A joint resolution (H. J. Res. 192) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Presiding Officer:

A bill (S. 89) to construct a road to the national cemetery at Dover, Tenn.;

A bill (H. R. 307) granting an increase of pension to John L. Branson;

A bill (H. R. 671) granting an increase of pension to Orra H. Heath;

A bill (H. R. 750) granting a pension to Martin Essex;

A bill (H. R. 1046) granting an increase of pension to John J. Martin;

A bill (H. R. 1129) granting an increase of pension to William H. Shaffer;

A bill (H. R. 1695) granting an increase of pension to Christopher C. Perry;

A bill (H. R. 1696) granting increase of pension to Frederick A. Condon;

A bill (H. R. 1715) granting increase of pension to Henry P. Hudson, formerly Henry P. Dow;

A bill (H. R. 2563) granting increase of pension to Robert R. Strong;

A bill (H. R. 2661) granting increase of pension to Oswald Ahlstedt;

A bill (H. R. 3292) granting increase of pension to Arthur H. Perkins;

A bill (H. R. 3829) granting a pension to Mary Ann Merrow;

A bill (H. R. 4089) granting a pension to Ada L. McFarland;

A bill (H. R. 4204) granting a pension to Hester A. Furr;

A bill (H. R. 5020) granting increase of pension to Courtland C. Matson;

A bill (H. R. 5219) granting increase of pension to Daniel Donne;

A bill (H. R. 5553) granting a pension to Nancy E. Hardy;

A bill (H. R. 5554) granting a pension to Egbert A. Stricksma;

A bill (H. R. 5911) granting increase of pension to Gilbert G. Gabrion;

A bill (H. R. 6021) granting a pension to William Kaste;

A bill (H. R. 6063) granting increase of pension to John Brill;

A bill (H. R. 6663) granting a pension to John York;

A bill (H. R. 6721) granting increase of pension to Andrew Ray;

A bill (H. R. 6750) granting increase of pension to William H. Hoxie;

A bill (H. R. 7085) granting a pension to Hannah H. Graham;

A bill (H. R. 7401) granting increase of pension to William Brown;

A bill (H. R. 7541) granting a pension to Annie Shinn;

A bill (H. R. 7897) granting increase of pension to Michael J. Daly;

A bill (H. R. 7918) granting increase of pension to James C. Pettee;

A bill (H. R. 8106) granting increase of pension to Daniel J. Mahoney;

A bill (H. R. 8401) granting a pension to Henry E. Murphy;

A bill (H. R. 8409) granting increase of pension to Cyrenus Larrabee; and

A joint resolution (S. R. 99) fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

SPOKANE INDIAN RESERVATION LANDS.

Mr. STEWART. I ask the Chair to lay before the Senate the joint resolution in relation to the Indian appropriation bill which has come from the House of Representatives.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution from the House of Representatives; which will be read.

The joint resolution (H. J. Res. 192) fixing the time when a certain provision of the Indian appropriation act for the year

ending June 30, 1903, shall take effect, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That that provision in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," which relates to the subjecting to entry under the mining laws of the United States certain lands in the Spokane Indian Reservation, in the State of Washington, shall not take effect and be operative until December 31, 1902.

Mr. STEWART. Instead of passing our joint resolution, the House of Representatives have sent us an independent resolution, which it is necessary should be passed now. I therefore ask that it may be put upon its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes, was read twice by its title, and referred to the Committee on Education and Labor.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BACON. Mr. President, in a colloquy which occurred in the Senate a few days since, while this bill was under consideration, the honorable Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on the Philippines, felicitated himself with the statement that he had made a most complete and exhaustive explanation to the Senate of the provisions of the pending bill. The self-gratulation of the Senator went to the extent of broadly implying that if there was anything not understood in the bill that fact was due to the fault, or deficiency rather, of the one who heard and not from lack of clear and exhaustive explanation on the part of the one who spoke.

At the risk, Mr. President, of falling under this criticism of the honorable Senator, I desire to call attention to some few things connected with or involved in this bill relative to which I think one would search in vain in the speech of the Senator to find any explanation. I say that not only after having heard the speech of the Senator, but after having read it very carefully since its publication. The Senator in the course of his speech said:

The main object of the bill, Mr. President, is, in a word, to replace military by civil government—to advance civil government.

The fact to which I wish to call attention in connection with that declaration on the part of the honorable Senator is that there is now civil government in part in the Philippine Islands, organized under the authority of the war power, which, with the exception of the right to grant permanent franchises and to dispose of lands and the timber thereon and the minerals therein, is, with one or two other exceptions of a trifling nature, full in all the powers which are conferred or sought to be conferred by this bill.

It is true that that is a civil government organized under the war power. In addition there is also upon the statute book to-day a law, which we commonly know as the Spooner law—although it was adopted ultimately as an amendment, we speak of it as the Spooner law—which in all of its particulars and in all of its powers, with the one or two trifling exceptions that I shall mention hereafter, is as full and complete as the bill now sought to be enacted into law, excepting only the provisions with reference to the disposition of lands, or timber thereon and the minerals therein, and the granting of franchises in the islands.

The Senator from Massachusetts further said in the same connection and on the same page of his speech that in the framing of this bill the utmost pains were taken "that there should be no opportunity given for undue or selfish exploitation," speaking of the islands. The particular point to which I desire to call the attention of the Senate in this connection is that the only difference of a material character between the civil government now organized in part in the islands under the war power and the powers proposed to be given to the Government in this bill is that in the present civil government there is not the power for the exploitation of the islands, and that in the proposed law there is the power for the exploitation of the islands.

I desire to call attention further, Mr. President, because it is still more important, that in the Spooner amendment, which is now the law, are found all the powers sought to be conferred by the proposed law, except that under the special law there can be no exploitation of the islands, but that in the proposed law there can be their unlimited exploitation.

The Senator said that there were two purposes in the framing of this bill which it is proposed to make law, first, to authorize civil government; second, to prevent undue exploitation. It is beyond the possibility of dispute that it does not enlarge the scope of civil government except in the one particular which the Senator says it was intended to guard against, to wit, the furnishing of the opportunity for the exploitation of the properties of the islands.

It is in the lands of a country, in the timber of a country, in the minerals of a country, and in the franchises of a thousand kinds in a country that there are found the opportunities for exploitation. Under the law as it now exists, under which civil government has been organized under the war power, there is no opportunity for exploitation of a permanent character. Under the civil law as it exists upon the statute books—to wit, the Spooner law—there is no opportunity for the exploitation of these resources, but under the proposed law, I repeat, there is every opportunity for its exploitation.

It occurs to me, sir, that the Senator from Massachusetts might have employed some of his time, of which there has been a superabundance, in explaining to the Senate and to the country why it is that there should be such urgency for the passage of a bill, such imperative demand for the passage of a bill, when the only difference of a practical or material character between the law as it will stand after the bill is passed and the law as it now stands is that opportunities will be afforded for exploitation which do not now exist.

Mr. President, the opportunities for exploitation in this bill are very much greater than I imagine Senators generally think. For instance, in conversation with Senators who occupy the Republican side of this Chamber I have had them to frankly admit to me that they thought the provision in the bill which gave to corporations the right to acquire 5,000 acres of land and limiting individuals to 160 was wrong, and yet I imagine that very few of those Senators, possibly not any of them, realize the fact that there is not even the limitation of 5,000 acres on corporations in the bill, but that it is unlimited, and that a corporation under the bill can get 1,000,000 acres as easily as it can get 5,000 acres.

Well, Mr. President, I will read and see. The 5,000-acre limitation, unless I have read it very incorrectly, and, if so, I shall certainly admit it as frankly and as freely as I now state it—the 5,000-acre limitation is upon the temporary disposition of land, which shall be made pending the ordaining of the permanent regulations under which the public domain is to be disposed of.

Section 11 of the bill reads as follows:

That the government of the Philippines, subject to the provisions of this act and except as hereinafter provided, shall make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, by and through the Secretary of War, and they shall also be submitted to Congress—

Quite an afterthought, apparently—

and unless disapproved or amended by Congress at the next ensuing session after their submission they shall at the close of such session have the force and effect of law in the Philippine Islands when they shall have received the approval of the President, as hereinbefore provided.

There is no limitation there. It is a broad, unlimited grant to the Philippine Commission, subject to the approval of the President, to make any rules and regulations with reference to the disposition of the public domain, without any limitation as to quantity or as to the terms upon which that disposition shall be made.

That is the provision of the bill. Now, let me read the succeeding section in order to show that there is no intention to limit it. It may have been an oversight on the part of the committee, but certainly there is nothing expressed in the bill which I have been able to find to indicate an intention to limit it.

SEC. 12. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands not exceeding 160 acres or its equivalent in hectares, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto yet failed to secure conveyance of title; and the President of the United States is authorized, upon the recommendation of the Philippine Commission, to issue patents, without compensation, to any native of the Philippine Islands, conveying title to any tract of land not more than 160 acres, or its equivalent in hectares, which had been actually occupied by such native or his ancestors prior to the 13th of August, 1898.

Mr. President, that is the full and complete provision with reference to the permanent disposition of lands in this connection. There may be in some part of the bill out of its ordinary place something which limits it, but there is nothing in the proper place which limits it. If there is anything else I should be glad to have it pointed out.

Mr. LODGE. I understand the Senator has evidently made a very close examination of the bill, and that he is very familiar

with its limitations. I can see that by the way he is analyzing it, but will he kindly read section 77.

Mr. BACON. I will, with pleasure; but I will state, Mr. President, that I do not profess to be as familiar with it as the Senator from Massachusetts.

Mr. LODGE. That section limits corporations absolutely; and, if the Senator will kindly read it, it may throw some light on the situation.

Mr. BACON. I want to say, in reply to the learned and honorable Senator, that I do not claim to have made an exhaustive examination of the bill. I am not on the committee. But, Mr. President, when this bill was presented to the Senate, before a word was said upon it, when the Senator presented it, I asked him to make an explanation of the bill, and he declined to do it, and stated that he had no explanation to make except the report of the committee. When he did ultimately undertake to make the explanation, I repeat he felicitated himself and the Senate upon the explanation, which was exhaustive and complete; but he made no word of mention as to this important matter. So that if I am not informed it is the fault of the Senator.

Mr. LODGE. The Senator is undertaking to instruct the Senate. I did not suppose he was waiting on me. He is talking about the bill as if he understood it thoroughly, and he has left out one of the most important sections.

Mr. BACON. In the first sentence I uttered was that the Senator had expressed his very great pleasure to the Senate in a recent colloquy that he had explained this bill so thoroughly and so exhaustively that if it was not understood by everybody it was the fault of the party who failed to understand it. I was calling attention to a very important matter, upon which I thought we ought to have had the explanation of the Senator; and we are getting that explanation now for the first time.

Mr. LODGE. I am not making any explanation. I am simply calling attention to a provision in the bill which any Senator who had read the bill would have seen in section 77. I did suppose that before discussing the bill the Senator would read it.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Certainly.

Mr. PATTERSON. In section 77 of the bill there is a limitation upon the amount of land that any corporation may hold; but I call the attention of the Senate and of the Senator from Massachusetts to the fact that so far as the limitation is concerned it is wholly nugatory, as has been demonstrated time out of mind in dealing with corporations in this country where limitations of that character have existed.

Mr. LODGE. That is a different proposition of the Senator.

Mr. BACON. I am going to stand on the original proposition, Mr. President.

Mr. LODGE. That is a different proposition, I contend. There is an absolute limitation in section 77. The Senator from Colorado [Mr. PATTERSON] puts a different interpretation upon it. I will read the section.

Mr. BACON. I have it before me, if the Senator will pardon me.

Mr. LODGE. Very well. I hope the Senator will read it. He evidently has not heretofore read it.

Mr. BACON. I will read it; and I say the Senator from Massachusetts is mistaken. If I read the section correctly, there is no limitation of any corporation to 5,000 acres of land except a corporation engaged in agriculture.

Mr. LODGE. Any other corporation not engaged in agriculture is limited to the actual amount of land needed for their purposes, and all such laws are drawn in that way.

Mr. BACON. Mr. President, the Senator from Massachusetts has called my attention to section 77 of this bill, which he says is a limitation upon all corporations in the Philippines holding land. I will read it and see whether or not it is. I stated that it was a limitation upon corporations holding land for the purpose of agriculture. Here is section 77:

SEC. 77. That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created—

Now, Mr. President, there is practically a complete sentence; and I will pass on and subsequently return to that—

and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed 5,000 acres of land; and this provision shall be held to prevent any corporation engaged in agriculture from being in anywise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds on real-estate security and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in the Philippine Islands, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

That is the section. I am very glad that most of those whom I address are lawyers. Will any lawyer say that there are more than two limitations in that section as to the amount of land which shall be held by a corporation? In the case of agricultural corporations there is an express limitation of 5,000 acres.

Mr. BEVERIDGE. That is complete.

Mr. BACON. That is complete. But as to all other corporations there is no limitation except that which may be found in the domain of reason.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. Certainly.

Mr. BEVERIDGE. The Senator is a lawyer of learning and distinction. I ask the Senator whether he thinks the limitation in the first sentence of the section, which ends with the word "created," in line 22, is not a limitation such as the Senator himself would draw in limiting the holdings of land by a corporation, such as a manufacturing or any other corporation, except an agricultural one, to only the land necessary for its buildings and operations?

Mr. BACON. Mr. President, the question of what shall be the amount of land necessary for the purposes of a corporation depends altogether upon what are the purposes of the corporation.

Mr. BEVERIDGE. Certainly.

Mr. BACON. And we have these days some very expansive purposes. We have a corporation here now that has for its purposes the ownership of all the steel-producing plants in this country. According to the purposes of that corporation, if that be the only limitation, if the only limitation is that which is reasonably within the purposes of the corporation, this steel corporation would be authorized to hold every steel plant in the United States, because that is the purpose of the corporation.

Now, Mr. President, suppose there was chartered a corporation organized for the purpose of holding all the mineral lands in the Philippine Islands—you may say that would be an unreasonable expectation, but still it is not an impossible one—if a corporation should be organized, which would certainly be an infant compared to the great steel corporation in point of size, if such a corporation should be organized and authorized to hold all the mineral lands in the Philippine Islands, would not that be within the purview of that corporation?

Mr. BEVERIDGE. I will ask the Senator if, in his extensive corporation practice as a lawyer, he ever heard of a corporation which was chartered and specifically authorized to hold all the mineral lands in any State or Territory?

Mr. BACON. Whether I did or not matters not.

Mr. BEVERIDGE. The proposition is, if the Senator will permit an interruption, an impossible proposition; but take as an illustration the steel trust, of which he speaks. I will ask him whether, as a lawyer, he thinks under the first limitation here, if the steel trust were operating under the first limitation, the steel trust could be permitted, for instance, to buy a farm of a thousand acres of land?

Mr. BACON. I do not think that is a pertinent question, because it is something outside of the proposition we are discussing.

Mr. BEVERIDGE. That is just the point. This limitation limits the holding of land by other than agricultural corporations to the land necessary for their business; and, therefore, the Senator admits that the steel trust could not buy a farm of 1,000 acres or 10,000 acres of land, because that would be outside of its business. So if the steel trust existed in the Philippine Islands it could own under this limitation, according to what the Senator now says, only such lands as would be necessary for its plant, and that is precisely the point of limitation.

Mr. BACON. I do not think the explanation of the Senator explains.

Mr. BEVERIDGE. I will ask the Senator another question, with his permission.

Mr. BACON. I hope the Senator will permit me after asking such a long, intricate, and involved question to make some reply.

Mr. BEVERIDGE. I did not know the Senator was going to make a reply. I understood him to say that the question was not pertinent, and so I thought I would put another question by way of illustration.

Mr. BACON. I was going to reply anyway, because courtesy demanded that I should do so.

Mr. BEVERIDGE. If the Senator is not disposed to answer an application of his own illustration, I should like to make another illustration.

Mr. BACON. Go ahead.

Mr. BEVERIDGE. Suppose a manufacturing corporation were to exist in the Philippine Islands and was incorporated for the purpose of manufacturing cigars, we will say, or cotton, or anything else, does the Senator, as a lawyer, think that under the first limitation of section 77 such a corporation as that could be permitted to buy and own a farm of 1,000 acres?

Mr. BACON. Most distinctly not.

Mr. BEVERIDGE. Or any other land except such as is necessary for its factories?

Mr. BACON. Undoubtedly not.

Mr. BEVERIDGE. If that is true, is it not also true that there is a very definite and clear limitation in the first part of this section, which the Senator says is unlimited?

Mr. BACON. Now, if the Senator is through——

Mr. BEVERIDGE. Yes, I am through.

Mr. BACON. Mr. President, the proposition is too plain. Of course a corporation is bound in its acts by the limitations of its charter. If it is chartered for the purpose of manufacturing cigars, outside of this particular limitation it would have no right to go into the farming business, and with this limitation there would certainly be no opportunity for it to do so.

Mr. BEVERIDGE. So there is a limitation?

Mr. BACON. Nor if there were a charter to any other manufacturing corporation would there be any power for it to engage in any other business than that, except such incidental business as was essential to the purposes of its creation. But the point I am after, and which goes clear beyond the question of the learned Senator, is this: that there may be corporations which are not mere manufacturing corporations, and there may be corporations which are not sugar-refining corporations or any other corporations in the manufacturing line; they may be corporations for mining purposes, and if——

Mr. BEVERIDGE. Mr. President——

Mr. BACON. If the Senator will pardon me——

Mr. BEVERIDGE. Certainly; go ahead.

Mr. BACON. And if for mining purposes—of course, if they were able to obtain a charter sufficiently expansive to cover all the islands—they would have a right to own all the lands in the islands upon which minerals might be found, according to their charter, would they not?

Mr. BEVERIDGE. Taking the illustration of a mining corporation, supposing a mining corporation were incorporated for the purpose of mining, would it, under this limitation, be authorized to buy a thousand acres of agricultural land for farming purposes?

Mr. BACON. No, Mr. President; not to go into the business of farming.

Mr. BEVERIDGE. No, Mr. President; but would they be authorized to buy a thousand acres of timber land for mining purposes?

Mr. BACON. No.

Mr. BEVERIDGE. So that the Senator thinks, after all, this is a limitation in section 77.

Mr. BAILEY. They might need timber with which to conduct their mining operations, and would they not then have the right to buy timber land?

Mr. BACON. Yes.

Mr. BEVERIDGE. I will ask the Senator from Texas [Mr. BAILEY] a question, then.

Mr. BACON. I hope the Senator will confine all of his inquiries to me.

Mr. BEVERIDGE. I will be delighted to follow the suggestion, and ask the Senator from Georgia, or the two Senators, whether or not, under the first limitation in section 77, a mining corporation would be permitted to acquire any more timber land than was necessary for the conduct of its mining operations?

Mr. BACON. I am going to exclude the question of timber.

Mr. HOAR. I should like to ask the Senator from Georgia a question.

Mr. BACON. If the Senator from Massachusetts will excuse me, I should like first to answer the question of the Senator from Indiana [Mr. BEVERIDGE].

I exclude all these incidentals which, of course, we all recognize as entirely within the proper range of consideration, but, for the purposes of simplification, I exclude them, and exclude all other uses of the land except those specified in the charter of a mining corporation, for instance, which is mining, and I say that a company which has a charter to hold all the mineral lands in the Philippine Islands is authorized to go forward and buy any land in which it may reasonably understand mineral to exist, and if it be 1,000,000 acres or 10,000,000 acres, under the purview of this bill and its limitations, it can hold that much land.

Now, I shall be very glad to yield to the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. I do not desire to interrupt the Senator.

Mr. BACON. I had no objection in the world to yielding to the Senator, but I desired before yielding to him to answer one at a time. I shall be very glad to hear the Senator.

Mr. HOAR. I will put my question to another member of the committee.

Mr. BACON. I am not a member of the committee.

Mr. HOAR. I will not trouble the Senator at this time.

Mr. FORAKER. Mr. President, I simply wanted to suggest to the Senator from Georgia that, as I understand the provisions of this bill, timber and mineral lands are exempted from the general provisions upon which the Senator has been commenting. So that there can not be the case of a corporation acquiring mineral lands to the extent indicated, and I can not think of any other kind of a corporation that could legitimately acquire land for the purposes of its business.

Mr. BACON. Mr. President——

Mr. CARMACK. I should like to ask the Senator from Georgia if there is anything to prevent the same persons from organizing themselves into as many different corporations with as many different names as they choose and holding land separately as different corporations?

Mr. BEVERIDGE. There is.

Mr. BACON. There is none, I think.

Mr. FORAKER. I understand there is an express provision prohibiting that.

Mr. BEVERIDGE. There is.

Mr. BACON. I will come to that.

Mr. FORAKER. There is a provision that no corporation shall be interested in more than one tract.

Mr. BACON. I hope the Senators will take me one at a time.

Mr. QUARLES. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. With pleasure. I hope I may be allowed to discharge my duty to the Senator from Wisconsin first, and my obligation, which I am most delighted to recognize, before undertaking to reply to anybody else.

Mr. QUARLES. I simply want to call attention to section 31, which, it seems to me, will require the Senator to modify the proposition he made a few moments ago regarding mining corporations.

Mr. BACON. So far as mining corporations are concerned, I only used that for an illustration; but the Senator from Ohio [Mr. FORAKER] is mistaken, as is the Senator from Wisconsin [Mr. QUARLES], in the implied approval of that, and also in supposing that those are the only classes of corporations in which parties could hold land. Does the Senator forget the building and loan associations which hold real estate ad libitum? I do not know whether there are any building or loan associations in the Philippine Islands, but there might be such associations there for the purpose of buying and selling lands. Would not that be within the purview?

Mr. FORAKER. I call the Senator's attention to the fact that that is expressly prohibited by the provisions of this bill.

Mr. LODGE. It is expressly prohibited by section 77.

Mr. BEVERIDGE. Certainly it is.

Mr. BACON. Building and loan associations are not prohibited in that section; but that is simply an illustration. But, Mr. President, I mean to say that, except where expressly limited, there is no limitation upon the amount of land which may be owned; and those express limitations, instead of being comprehensive, are specific. Why is it that the committee do not say that no corporation shall hold exceeding 5,000 acres? That is simple. That would leave no doubt. What motive can there be in omitting to say so plainly, in so many words, if the purpose is that no corporation shall hold exceeding 5,000 acres of land?

Mr. LODGE. I agree with the Senator that where it is unlimited it is unlimited, and where it is limited it is limited. I agree with the Senator that far.

Mr. BACON. I have often heretofore been greatly illuminated by the Senator from Massachusetts [Mr. LODGE], and on this particular occasion most especially so.

Mr. LODGE. I beg the Senator's pardon. I thought he yielded. I had no desire to interrupt him or to protract his speech.

Mr. BACON. When the Senator from Massachusetts made his speech he was very particular to ask Senators not to interrupt him, and I, on the contrary, invite Senators to interrupt me as much as they wish.

Mr. BEVERIDGE. As the Senator asked a question and looked at me, I wondered whether he wanted an answer from me.

Mr. BACON. I have no objection, of course, though I think it might be well for me to proceed with some degree of continuity; but if it pleases the Senator to interrupt me, I will yield.

Mr. BEVERIDGE. I do not want to interrupt the Senator.

Mr. BACON. It is no interruption in the least. The Senator knows I will yield to him as quickly as to anyone else.

Mr. BEVERIDGE. The Senator asked the question, "Why was it that it was not provided that no corporation should hold more than 5,000 acres of land?" The reason, I think, is clear from the section itself, that in the case of manufacturing or other than agricultural corporations they can not hold more land than is necessary for their factories and works; whereas if we merely said that no corporation, agricultural or otherwise, could own more

than 5,000 acres of land, we could permit a manufacturing corporation or any other corporation to own 5,000 acres of land, which would be against public policy. Is that satisfactory to the Senator?

Mr. BACON. If there were a simple line in this section to the effect that no corporation should hold exceeding 5,000 acres of land, it would be an end of the whole matter; but when the bill, while it goes forward and makes specifications, fails to make such a prohibition, the question is, Why does it fail to do so?

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. With pleasure.

Mr. BEVERIDGE. I desire to ask the Senator from Georgia whether, if such a provision was inserted in this bill, limiting the holdings of any corporation of any kind to 5,000 acres of land, it would not be true that a manufacturing corporation under that might own 5,000 acres of land?

Mr. BACON. Not at all. There is an express prohibition against manufacturing corporations holding anything except what they actually need for the purposes of their business. If they actually need it, under the bill as it now stands they are authorized to hold it.

Mr. BEVERIDGE. The Senator suggested that there should be a provision here that corporation holdings should be limited to 5,000 acres.

Mr. BACON. No; I beg your pardon.

Mr. BEVERIDGE. If the limitation was to be effective, perhaps, he said. Then, I will ask the Senator, as a lawyer, according to the very well-known maxim, which he will readily recall, whether, if that limitation was put in the bill, a manufacturing corporation might not own 5,000 acres of land if it wanted to?

Mr. BACON. I understand that under the bill, as it now stands, if a manufacturing corporation needs land in its business it is authorized to hold it.

Mr. BEVERIDGE. Certainly.

Mr. BACON. I understand, under the bill as it now stands, if a corporation needs more than that amount, it is authorized to hold it. There is no doubt about that. I understand that, with the exception of agricultural corporations, any corporation which needs in the proper and fixed performance of the functions of its corporate powers more than 5,000 acres, it is authorized to hold them. That is true, I think.

Mr. BEVERIDGE. But, Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Certainly.

Mr. BEVERIDGE. If the limitation that the Senator suggests were put in here, then a manufacturing corporation might own exceeding 5,000 acres of land, although it did not need it in its business. That is the point.

Mr. BACON. Mr. President, I am delighted to see the interest which Senators on the Republican side of the Chamber are developing in this bill. They have heretofore been strangely indifferent to it. They have not only had nothing to say themselves, except when some one of them had a set speech to make, but they have, following the lead of the distinguished Senator from West Virginia [Mr. SCOTT], considered that there was nothing that could be said on this side which could possibly change any opinion, and they have not listened to what has been said upon this side. I am delighted, although it has subjected me to some little disarrangement of my argument, to have them suddenly awaken to the fact that there are questions as to which we on this side of the Chamber are entitled to have discussion and explanation from the other side of the Chamber.

I return now, however, to the original proposition which I made, and that is, whereas it was within the power of the framers of this bill to have put the limitation of 5,000 acres upon all corporations, which would have relieved any question as to whether any corporation had any right to hold over 5,000 acres, they have studiously refrained from putting that general limitation upon it, and have endeavored to show by construction that it is not probable that a corporation will have more than 5,000 acres.

I do not wish to be understood as recognizing the propriety of the 5,000-acre limit, or the explanation of it on that point; that is entirely too much; but I think that the most objectionable part of this proposed legislation is that it affords an opportunity for the exploitation of those islands before the people themselves have the opportunity to say what they wish done with them; that the majority here are taking advantage of a time when the people have no voice in the disposition of their properties or in the determination of matters which are to influence and control their future; that in hot haste those now in control of legislation are sacrificing—I will not use that word—subordinating everything to the passage of this bill, the only feature of which, in which, or by which the law will be changed from its present condition in any material point is that it gives an opportunity for the exploitation of the islands.

That is not all, Mr. President. It is giving a power to this Commission of an unlimited character with reference to the disposition of lands and with reference to the disposition of franchises which ought not to be committed to anybody, and which ought not even to be exercised by Congress, in my opinion, at this time, before the status of those islands is definitely decided and before the people have been admitted to a participation in their government. It is not simply an unlimited power which is given, but there is a most remarkable provision in this bill with reference to the rules and regulations which are to be made by this Commission in the disposition of this immense public domain.

It may be that there are some precedents for the peculiar feature of the bill to which I now wish to call attention and which the distinguished Senator from Massachusetts did not think worthy, in his exhaustive explanation, of any comment whatever. That is this: The power of Congress over the public domain is generally considered to be primary. It is generally considered to be the highest power. This I simply call attention to in passing. These—

> Regulations shall not go into effect or have the force of law until they have received the approval of the President, by and through the Secretary of War—

Why that is put in there it is beyond my imagination to conceive—"By and through the Secretary of War"—

> and they shall also be submitted to Congress—

The point to which I wish to call attention is the succeeding part of the paragraph—

> and unless disapproved or amended by Congress at the next ensuing session after their submission they shall at the close of such session have the force and effect of law in the Philippine Islands, when they shall have received the approval of the President, as hereinbefore provided.

In other words, it emancipates the Philippine government from the control of Congress in this most important function of the disposition of this immense territorial domain, for unless there is affirmative action by Congress within the first session these regulations become law. In other words, if by some chance—some of the Senators who do me the honor to give me their attention doubtless think it is a small chance, but still it is a possibility—the House of Representatives should pass under the control of the present minority party, the Senate of course remaining under the control of the dominant party, although the House of Representatives should disapprove of the regulations thus made, the Philippine Commission would be supreme, and the regulations they made for the disposition of the public lands would be law without the approval of Congress and in spite of the disapproval of the House of Representatives. In other words, instead of having the approval of Congress, they are simply subject to the negative of Congress, and that negative must be applied during the first session of Congress thereafter. Now, if there is a precedent for that——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I will yield with pleasure, although I should very much like to have the pleasure of hearing the Senator from Indiana in one of his entertaining speeches after I get through.

Mr. BEVERIDGE. The Senator is very kind. He made a remark a moment ago about Senators on this side, from which I now trust he will exclude me. I have listened with patience and interest to the speeches on the other side.

Mr. BACON. I most cheerfully accord that to the Senator.

Mr. BEVERIDGE. And further, I have not made any set speech, but have confined myself to the debates which have occurred on the spur of the moment.

Mr. BACON. That is absolutely true.

Mr. BEVERIDGE. I wish to know if the Senator by his last remark means that Congress could not, after the passage of this bill, pass any act with reference to the Philippine Islands?

Mr. BACON. Undoubtedly not.

Mr. BEVERIDGE. I am afraid the Senator did not weigh his last remark.

Mr. BACON. I do weigh it. I say that upon so grave a matter as the disposition of all the public lands in the Philippine Islands, there ought to be the approval of Congress of whatever is done by the commissioners, and I say this bill does not provide for the approval of Congress, but, on the contrary, makes what is done by the commissioners final unless at the first session of Congress there shall be a disapproval by Congress. Now, I have weighed those words, and I think they are correct words when weighed. I do not know whether or not the Senator from Indiana heard me.

Mr. BEVERIDGE. I will say that my attention was temporarily diverted by a remark made to me by our mutual good friend, the Senator from Massachusetts, and I will be very glad indeed to hear the Senator repeat his remark, because he never does it.

Mr. BACON. I will, for the benefit of the Senator from Indiana. It may not be necessary to repeat it in the RECORD.

Mr. BEVERIDGE. No.

Mr. BACON. I said that in the disposition of this immense public domain there ought to be either the direct action of Congress, which should prescribe the manner in which it should be done, or there ought to be the approval by Congress of the acts of those to whom this duty is delegated; that this provision of the pending bill does not require either. It takes the matter away from Congress, it delegates it to the Commission, and does not make it subject, so far as a requirement would go, to the approval of the Congress; but it provides that when they have made a rule, if it shall be approved by the President, in the absence of the approval or disapproval by Congress, the immense public domain shall be disposed of according to the individual judgment of the several commissioners.

Mr. BEVERIDGE. You mean their collective judgment?

Mr. BACON. Individual and collective.

Mr. BEVERIDGE. Yes.

Mr. BACON. That is the criticism which I make, and if there is a precedent for that in the administration of the disposition of the public domain, I am not informed of it. I may be in error in that regard, but I am not in doubt as to one proposition, and that is if there is a precedent for it it is open to the same criticism I make upon this, and that it is not a proper thing to do.

Mr. President, there are a great many things in the bill which I could spend time in discussing. I will allude to two or three only, because I want to talk about some other matters, and I would have been at it a half hour ago if the suggestion I made had not attracted the antagonism of Senators on the other side of the Chamber.

I said there were one or two qualifications to the general statement which I had made that this bill conferred no governmental powers which were not already found in existence under the civil government organized under the war power and under the civil government authorized by the Spooner bill, except as to these matters of the public lands, timber, minerals, and franchises. Now, there are these several changes in the proposed law. It makes the commissioners, hereafter appointed by the President, subject to confirmation by the Senate; but the important fact, so far as I am able to ascertain, is that there is no limitation to the terms of the present commissioners and that this measure confirms them in their office without limitation. It appoints them for life. If I am incorrect in that respect, I shall be very glad to be corrected.

It also provides that the highest court shall be composed of judges who shall be confirmed by the Senate. In the hasty examination which I have been able to give, I may also be in error in that regard, but as I read it, there is no limitation upon the terms of those judges, and therefore this proposed act tends to the confirmation for all time of those judges now in office. But those are minor matters. As I have said, those are things which are not urgent.

The urgent feature of the bill is that which confers upon the civil government the power to dispose of the properties of which I speak, in the disposition of which there is the opportunity for the exploitation of the islands. I will call attention in this connection to the Spooner bill.

The Spooner bill as originally introduced in Congress was one which had no limitation upon the power of exploitation, and that bill was not only introduced in Congress but it was pressed under whip and spur. Everything was subordinated to it. We were threatened with extra sessions and everything else if it were not passed, and when it was passed, and the provision was put upon it which limited the power of exploitation, it was immediately dropped as a useless piece of furniture, and there has never been any action taken under it.

There has never been any government organized under it. When this provision was put upon it, offered by the senior Senator from Massachusetts [Mr. HOAR], all interest in the bill ceased. As originally introduced it gave to the President the most unlimited power to organize any government which, in his opinion, might seem to be fit and proper. There was no limitation upon his powers. Life, liberty, property, franchises—everything which could be imagined within the range of governmental power—was confided in the President. It was a most important and valuable bill as long as it stood in that shape, but this provision was put upon it.

> That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

When that amendment was put upon the bill it ceased to be of value, and it has rested in the archives of this Government from that day to this as a piece of worthless paper.

I remember, sir, that when the Spooner bill was pending in the first session of the Fifty-sixth Congress we had from those in civil office in Manila cablegrams to the effect that it was extremely important that the Spooner bill should be passed as quickly as possible. It rested during that session of Congress, and it was not passed. It was taken up in the short and last session of the Fifty-sixth Congress and put through, as I said, under whip and spur, and when in the last moment this amendment was put upon it all interest in it ceased, and there has never been anything done under it since that time.

Mr. President, I will not say that Senators have a purpose in this matter, because that would be offensive to them, and I will not say it outside of the fact that it would be offensive to them, but I do say that the effect of this proposed legislation is what I have described. The effect of this proposed legislation found in the pending bill, and its only material effect, is to put in the power of those who wish to exploit these islands the opportunity for this exploitation, which does not exist under the present law.

Now, sir, there are a great many reasons why this should not be done. I have suggested that it is not a proper thing to do while this embryonic condition lasts, while these people are not in a position to say what they want done with their own country, and the property and franchises of their own country; and I wish to call the attention of Senators to the fact that so high an authority as General MacArthur himself says that a provision which promotes the opportunity for the exploitation of the islands will defeat the very purpose which they say they have in view in the passage of this bill, and that is to promote the pacification of the islands.

I read from page 887 of the hearings before the Philippine Committee, it being a part of General MacArthur's testimony. The Senator from Tennessee [Mr. CARMACK] is asking him a question:

> I mean people selected by the Filipinos themselves and an assembly sharing the government—those men selected by the Filipinos themselves—when it comes to the matter of granting franchises for railroads and things of that sort and for distributing the public lands.
>
> General MACARTHUR. I should like to see that thing deferred as long as possible, except in one instance, and that is in regard to railroads. All other franchises I should like to see held in abeyance until the evolution has progressed a little further. Railroads are essential for everybody's interests.

The part which I read now comes before that. It is on the preceding page, 876:

> Senator CARMACK. General, in one of your reports—I have forgotten which one now, whether it was your first or your later report—you speak of the bad effect upon the people—its effect as being a great obstacle to the pacification of the islands—of the effort toward too rapid exploitation of the country. I would be glad for you to tell the committee a little more about that—what you meant by that statement.
>
> General MACARTHUR. I stated pretty clearly in my report that one of the great apprehensions of the people there is that the effect of exploitation will be to deprive them of their resources and relegate them eventually to a position of social inferiority, about which they are very sensitive.

Then comes the part which I have just read, in which he says that he thinks that exploitation of the islands will tend to prevent their proper pacification.

I repeat, I do not intend to charge any purpose upon Senators; I acquit them of purpose; but I want to say to them that the hungry vultures which expect to strike their talons into this prey have been wheeling and circling about this Capitol, and during this debate have perched in the galleries of this Chamber.

Mr. President, I had no idea of occupying so much time upon these features of the bill. I was led to do so—and I have not more than touched some of its important features—by the fact that the statement had been made to the Senate that there had been an exhaustive explanation of the bill, whereas I do not think any has been made at all, except to call attention to the provisions of the bill, which anybody would find out who had the opportunity and the inclination to read it.

But there is no doubt about it that as to the general features of the bill, outside of the matter of exploitation, everything which was said with reference to the Spooner bill, which gave unlimited power to a few men over these islands and of the people of the islands, is true as to this, and what is still more important, the limitations upon that bill preventing exploitation are removed, and now there is practically no limitation whatever. When this bill is passed the matter practically passes from the domain of Congress.

Sir, it is a strange fact that so important a matter as the organization of a government for the Philippine Islands should attract so little attention from the Congress of the United States. It is a strange matter that Senators are willing to take a bill and pass it upon the simple recognition of the fact that it is presented by their party, and as I have every reason to believe, a great many of them have never even read the bill. I say I have reason to believe it, because numbers have stated to me that they have never even read the bill. They are willing to take the judgment of the committee.

The question, What kind of a bill should be passed, is one which should be very largely influenced by the question to which the Senator from Ohio [Mr. FORAKER] alluded in his opening remarks in his recent speech on this subject, and that is whether or not it is the purpose of the United States to retain permanent dominion over these islands; whether it is the purpose to maintain them in a position of colonial dependency, or whether it is the purpose to invest them with free government.

There has been in this regard a great deal of criticism about the debate on the pending bill. Senators have said that the discussion which has been had on that subject really had nothing to do with the question as to the kind of government we ought to provide for the people of those islands, whereas the truth is that it is the great central question about which all other questions with reference to the organization of a government for the islands must necessarily revolve. If it is our purpose permanently to retain these islands, one kind of a government should be framed for them. On the other hand, if it is our purpose not permanently to retain them, if it is the purpose to do what so many Senators said three and four years ago was the intention of this Government, to erect a free government there, then another kind of a government should be framed by us for them at this time.

There is no doubt about the fact that if we are to retain permanent dominion of the Philippine Islands there is but one kind of government which we can have for them. If we are to permanently retain the Philippine Islands it is an impossibility that they can ever occupy any other relation to the people of the United States than the relation of colonies, and their people can only be subjects. It is an impossibility that they can ever have the relation of equals with us in this Government. It is an impossibility that they should ever participate with us in the control of this Government. It is an impossibility that they can ever become States. That would involve, with the population they have, 40 or 50 or 60 Filipino Representatives in the other branch of Congress, according to the apportionment which might be made, and at least two, if not more, Senators in this Chamber, and would involve 50 or 60 electoral votes. The people of the United States would never consent to that. It is an impossibility.

And, sir, his is no new suggestion. It was the foundation upon which was rested the great opposition which was made to the acquisition of these islands, and that was that it presented to the people of the United States the alternative propositions, if we were to acquire and hold these islands, first, whether they would ever consent that they should be incorporated in our body politic as parts of our self-governing community; and second, whether if that were not done the United States would go into the business of colonial government of people who were not and could not be citizens, but who in the nature of things could only be subjects.

Mr. President, I repeat that the proposition made in the beginning is a vital proposition to-day, and if Senators can see any middle ground, I should be glad for them to point it out. The American people are not divided upon the question whether the Filipinos are to be admitted either now or hereafter into equal participation with us in the control of our governmental affairs. They do not propose that the Philippines shall ever be admitted as one or several States of this Union. The real division among us is not as to that determination by the American people.

The real division is as to what shall be done in view of that determination. You say that the islands should not become a part of the United States and that their people should not be citizens of the United States, and that therefore the islands should be held as colonies and their people as subjects. We say also that the islands should not become part of the United States and that their people should not be admitted to participation with us in the control of our Government, and that being so, we say we should not hold the islands as colonies but should have no political connection with them. In other words, that we should in an orderly and proper way, having due regard to all of our obligations, give the Filipinos a government of their own.

Unless snap judgment is taken upon the people, unless it is done by some act of Congress some time when the people do not know it and have not the power to arrest it, the time will never come when the people of the United States will consent that the Philippine Islands shall become incorporated as a part of our body politic equal with us in the administration and control of this Government.

That being the case, we are remitted to the proposition that if they are not to be so admitted they must be controlled as colonists and as subjects. Mr. President, the term "subjects" is not a pleasant term in our ears. I have never yet seen any Senator who, in discussing our Philippine policy, meets and answers squarely the question whether a man residing in a subject territory who is denied the rights of citizenship in the sovereign country, denied the privilege of taking part in the Government, can be anything else than a subject.

I know that some of the learned Senators who are to follow me—if not immediately, before the close of this debate—can solve that question, if anybody can, and I would be delighted to hear from them a discussion of that proposition and to have them say whether or not it is correct, and whether any man who is subject to the jurisdiction of the United States, living in a part of the territory, if you please, of the United States not incorporated as a part of the United States, who is denied the rights of citizenship, can be anything else but a subject, and if so, what is the relation which he occupies?

If it be true that it is our purpose to hold this people in colonial dependence under circumstances which make it impossible that they can ever be admitted with us in equal participation in the control of this Government, then it is an important fact to be ascertained and to be considered in determining the question what kind of a government we shall give them. If that is our purpose, then our attention should be directed to the framing of a government which shall have that end in view. If we are going to be permanently committed to a colonial career, if we are going to be permanently committed to the proposition of holding people as subjects who shall never be citizens, then let us in an intelligent way address ourselves to the proposition as to what kind of government it shall be which we shall give them, having that purpose in view.

But if, on the other hand, we have the high and the noble purpose which was entertained and expressed by leading members of the Senate at the time of the acquisition of these islands to establish them in their own nationality and to give them free government, then now is the time for us to act upon that purpose, and we should in acting upon that purpose do one of two things. If the time has not come when we can safely start in that direction, then we should have now no legislation.

I recollect when the Senator from Wisconsin in a speech in the Senate said that we would not be in a position to legislate for these islands until a committee of Congress had gone to the islands and had correctly informed themselves and were prepared to inform Congress of the conditions there. I thought the statement of the Senator was eminently wise, and with a much better knowledge of conditions now I am convinced that there should be this investigation and report by a Congressional committee before we attempt to legislate for the islands. But I submit as sound another proposition.

Unless we have made up our minds that we intend to hold these islands as permanent colonial dependencies of the Government, one of two things ought to be done. We either ought to let things stay as they are—in the control of the civil government, of which we have heard so many very flattering accounts—or we ought to begin with the formation of a government, out of which there shall be ultimately evolved the free government which we design for this people.

So I submit, Mr. President, that the Senator from Ohio [Mr. FORAKER], while he was not, as I thought, altogether correct in his conclusions as to the particular influence which the decision of that question would have upon us, was entirely correct in the statement that the question as to what was our intention in reference to the ultimate disposition of these islands is a most important question for us to consider in determining what shall be the frame of government which we shall make for those islands.

Now, sir, there is another consideration, one I confess that I do not approach with any degree of pleasure, but still one that I think we can not in any recognition of duty turn away from. The character of the war which is waged there is one necessarily to be considered in determining the question whether we shall retain those islands as colonial dependencies of the United States Government.

I will state my reason for that statement. Some of us would be opposed to a colonial government under any circumstances, because we think it is inconsistent with the genius of our institutions; because we think that any advantages which may result from the colonial system will be far outweighed by the evils which must attend such a system; because we believe that a colonial system is not only inconsistent with our form of government, but that it endangers our free institutions in the fact that those things which are necessary to maintain colonial government are antagonistic to the fundamental free principles upon which our Government was formed, and upon which it has heretofore rested. So under any circumstances there are those of us who would oppose the formation of any colonial government or the holding of colonies as dependencies.

But there are others, Mr. President, who might favor colonial government if it were not attended by any horrors or atrocities or cruelties, who would be opposed to it if colonial dominion can only be secured and maintained by such atrocities and such cruelties as we can not possibly approve.

Therefore, sir, it is most important when we come to the question as to whether or not we will maintain colonial government

in the Philippines to consider what has been the means necessary in order to set up the authority of the United States there—to crush out opposition to that authority—and what will be the means necessary in order to maintain hereafter the authority of the United States.

The experience which we have had there in that regard teaches a lesson which can not be misunderstood. That lesson is that the subjection of inferior races is always accomplished only through the much shedding of blood, and that after it has been accomplished such dominion is only maintained through the continued repetitions of the shedding of blood. It is a dominion which is only maintained through the drawn sword. There is nothing new in this. The lesson now presented to us has long since been learned by other nations.

I do not desire, sir, to say anything to the disparagement of the English people, and what I now say has no such purpose. With her colonies England has girdled the globe, and the shedding of their blood is with her a daily work. Most of these are of inferior races, and it is doubtless true that not in many decades has the sun arisen on its mission of life but before it has set it has witnessed the shedding by England of the blood of the people of foreign lands which it thus dominates; and within a time not long ago there was one day when the blood of over 13,000 of those people was shed in order to maintain this policy of the British Government.

It so happened that last year I was at Aden, in Arabia, a British fortress. The first news that we had on landing was that an expedition of British troops had been sent to attack some Arabs in an adjoining province who had defied the British authority, and while we were there the expedition returned, bringing its wounded swinging on the backs of camels, their dead left out on the sand, their blood mingled with that of the Arabs whom they had slain in their expedition.

As I said, I do not say this, Mr. President, in disparagement of the British people. They are among the most civilized and Christian people of the whole earth. But it is an absolute essential of the success of the colonial policy of their Government. There may be some excuse for them, because they are upon a little island and they have to go out to the world. Shut up in their own island, they would famish. But there is no excuse for us.

We have had in the past four years an unfortunate amount of the same experience, and if we are to continue in it; if we are to continue in the policy of colonialism; if we are to endeavor to hold inferior races against their will, it will be necessary for the American people to hold up their hands every day and repeat the prayer of David to be delivered from blood-guiltiness.

Mr. President, I do not desire to discuss at length the subject which we have heard discussed so much of late in this Chamber as to the cruelties and atrocities which have been perpetrated in the Philippine Islands by our troops, and I only allude to it for the purpose of drawing a lesson. I only allude to it for the purpose of drawing the lesson which I have already stated—that it is an invariable, if you please, a necessary, feature of colonial government, of the domination of inferior races by the superior race, of holding them in subjection against their will, that there shall be continued bloodshed and the opportunity and the exercise of the most shocking cruelties and barbarities.

We have all been shocked at these atrocities and cruelties. I thought at one time I would be able to say that there was no one who would justify and defend them, but I am compelled to say that in this Chamber some have come perilously near it. I want to ask Senators what is the difference between Senators on that side of the Chamber and this? No, I will not put it that way, Mr. President, because it ought not to be that side of the Chamber and this side. What is the difference between Senators who approve of the Philippine policy as it is now exercised and those who disapprove of it on the question of these atrocities?

Of course we know there are vast differences between us as to other matters, but I want to put my finger on the point. What is the difference between Senators who are in favor of the colonial policy and the domination of this people against their will and Senators who are opposed to that policy and who are opposed to the domination of the people against their will? What is the difference between those two classes of Senators on the question of these atrocities?

Do Senators approve of the atrocities there? I can answer for them that they do not. There is not a Senator who will rise in his place and say here that he approves of them. If Senators do not approve of them, by what right do they condemn those who utter their disapproval of them? Would Senators, if these atrocities have been committed, prefer that they should not be disclosed? Would Senators, if those atrocities have been committed, prefer that there should be still opportunity and license for their continuance through their being undiscovered and unknown, or would Senators prefer, the atrocities being perpetrated, that they should be known? And being perpetrated and being known, would Senators prefer that they should be condemned, or would they prefer that they be justified and approved?

Is there an issue of fact between Senators on the other side of this question and ourselves? If there is, there is room for argument. If we charge the atrocities and they deny them, then there is room for question. But when there is no dispute as to the atrocities, when there is no question of fact, the only question is, What shall be our utterance in view of the admitted facts?

Shall we justify and applaud them? If we are to justify these acts, then we are to say that torture, cruel, physical torture, even unto the verge of death, in order to extort information, is justifiable. If we are to justify them, then we are to say that in order to compel the coming in and the surrender of the insurrectos in the mountains, who can not otherwise be reached, it is right to kill and destroy the noncombatant population, to burn all their cities and towns, to destroy all their food supplies, and to make the land a howling wilderness. If Senators do not justify these acts, what is the explanation of their vehement assault upon Senators who condemn them? If they justify them, let them say so plainly and defend them as right and proper. If torture terrible and many times inflicted be not right, and if Senators are not ready to say so in plain, unmistakable language, then the attention of the Senate is not to be diverted and the ears of the American people are not to be stopped by the uproar and din of declamation concerning the honor and glory of the Army.

Now, do Senators differ with us, in view of the fact of these admitted atrocities, as to whether or not they should be approved or condemned? If they are approved, what is the effect? If they are approved, then it is not the act of a part of the Army, but it is assumed as the act of the whole Army and defended as a proper act. Are Senators ready to take that position? If, Mr. President, they are approved, is there any difference between the guilty and the innocent? If they are approved, is there any vindication of the innocent? Can there be any vindication of the innocent except in the condemnation of the guilty?

Sir, who is the friend of the Army? I ask these Senators who assume to be the defenders of the Army the question, Who is the defender of the Army, the man who denounces these atrocities and says they are unworthy of the Army, and the man who denies that they are acts of the Army, and who says that they are the acts of an unworthy part of the Army? Is he the friend of the Army, or is the Senator the friend of the Army who defends the acts and makes no distinction between the guilty and the innocent?

What right have Senators to stand here and assume that they represent the Army? Those of us who represent the policy against colonialism belong to no section. We represent no section. We are here from North and from South, from East and from West. I am glad to say that we are not even confined to one party, and I wish to God it were so that there were nothing to indicate party lines, because it is a question more important than party.

By what right do Senators assume that they represent the Army? Have they any greater interests in the Army than we? Their sons, their brothers are in the Army; so are ours. The sons of their neighbors, and their neighbors themselves, are in the Army; so are ours, and the honor of that Army and of those sons, and brothers, and neighbors is as dear to us as it is to them. The honor of that Army can not be held dearer by them than it is by us, and the honor of the flag it bears can not be dearer to them than it is to us.

They will not rush to its defense more promptly or more eagerly than will we. Their sacrifices in its defense will not be more freely made than will our own. To maintain, to keep it high advanced on every field, those of us representing, I repeat, not one section, but all sections, who are opposed to this policy and who denounce the atrocities which have grown out of it, are as ready as they when that flag is in trouble or in peril to pour out our blood and our treasure, not only in equal amount or proportion with theirs, but without stint and without measurement. Senators on the other side of this question can say no more for themselves or for their people. Who dares take issue with the truth of this statement?

Mr. President, Senators who stand here and denounce these acts and denounce the perpetrators of them, and who claim that they are the acts of an unlicensed minority who have simply had the opportunity given them by this pernicious policy, and that they are not the acts of the great body of the American Army, are the friends and the champions of the Army, and not those who simply shelter themselves behind a general defense of the acts and draw no distinction between the innocent and the guilty.

Now, sir, I know a great many of those soldiers; I know a great many of those officers. I am not hazarding anything in saying that there are just as many from my State in proportion to the population as from any other State of the Union, and the honor of those men and those officers, some of whom have in their veins my

own blood, is as dear to me and to others who stand like I do as it is to those who are opposed to us.

We denounce these acts, Mr. President, not against the Army, but in the name of the Army, and we denounce them in order that the innocent men who are above any such thing should not be confounded with the guilty. We denounce these acts in the name of the Army in order that those whose authorization of and acquiescence in their perpetration, be they high or low, may be arraigned before the great bar of public justice and adjudged in the high court of the American conscience.

Are these atrocities right? If they are, no defense is needed; all that is necessary is to say that they are right. If they are right, there is no need why anybody should be court-martialed or why a cablegram should go across the waters directing that they should be court-martialed. If they are right, then simply say so, and defend them and assume them as the acts of the Army. If they are wrong, condemn them, and condemn those who perpetrated them and let the innocent be vindicated.

Now, it will be said, if that is so, what application has the perpetration of these fiendish tortures to this question? What application has it to this question if they are simply the acts of an unbridled and unlicensed minority? Well, I say that is exactly what I conceive them to be, and the application which I make of it is that we, a free, liberty-loving people, we, the great exponents of republican institutions and free institutions, by sending an army across the ocean to another hemisphere to subjugate and dominate a weak people of an inferior race, have given the opportunity for these acts of atrocity and outrage. And further, Mr. President, the great fact for the consideration of the American people and to be in the present moment applied by them is that the continuance of this policy of colonial subjection and domination gives license and opportunity in the future for the practice of these atrocities.

Mr. President, I submit to Senators that they have not been entirely candid with the Senate and with the country in the discussion of this question. Senators have discussed the question whether or not torture was a legitimate retaliation, when torture and outrage had been inflicted by others, against whom this torture is now directed. The greater part of the speech of the Senator from Massachusetts [Mr. LODGE] was taken up with a recitation of the outrages which had been committed by the Filipinos. Well, who defends them? Who does otherwise than execrate them and condemn these atrocities?

It is possible that there may be such an outrage perpetrated that the party suffering the outrage, or his friends, may be driven by madness to retaliate. He may be even driven to torture, for which, while there can be no excuse, there may be palliation under such circumstances. But unfortunately for Senators that was not the question. That was not the question, and Senators evaded the true question in the case. The evidence which is upon our tables, taken by the Philippine Committee—and I am going to speak about no facts outside of what have been brought here by testimony—was not as to torture inflicted in retaliation, but as to torture inflicted for the purpose of extorting information and extorting confession.

Now, I ask Senators—they have ample time for reply—is there any justification or palliation for torture inflicted for the purpose not of retaliation, but of extorting information or extorting confession?

That is the question. That is the evidence which is piled up here. Evidence is piled up here that the torture has been inflicted not for retaliation, not in the heat of blood to avenge an outrage, but for the purpose of extorting information and for the purpose of extorting confession. If that is right, Mr. President, let us have the manhood to say so. If it is wrong, let us have the equal manhood to say so, and let us in the pursuit of this matter take such steps as will find out and condemn the guilty and thus vindicate the innocent. If it is right, then we have gone back to the days of the thumbscrew and the rack. If it is wrong, the ears of the American people are not to be stopped by an uproar as to the honor of the Army.

Senators admit the atrocities, but set up the honor of the Army. The attitude of Senators on the other side would seem to be this: The American Army has achieved great glory and honor in the past. It has achieved great glory and honor in the Philippines. It is true that cruel physical torture to extort information is wrong. It is true that it has been largely practiced by some of the army in the Philippines. It is wrong to burn and to devastate a whole country; it is wrong to kill and burn indiscriminately and to convert the land into a howling wilderness. It is true all this is wrong and that all this has been done in the Philippines; but nothing must be said about it; there must be no word of condemnation, because the Army has achieved honor and glory. When, in answer to the charge of atrocities, the cry of the honor of the Army is raised, this is what it means and nothing more.

I repeat, we stand for the real honor of the Army—for the honor of the part of it that has been guilty of no dishonor—and in endeavoring to saddle this upon the guilty and to vindicate the innocent we are doing more for the honor of the Army than Senators who simply propose to make no distinction between the innocent and the guilty and ascribe everything that is said on this subject to an attack upon the Army.

Mr. President, regardless of what we may think about the Philippine question, regardless as to whether we approve of the war in the Philippines or not, we all of us accord full meed of praise to the soldiers who are there doing their duty. It is not for them to ask questions as to the cause in which they fight. It is for them simply to obey orders. The American Army has achieved honor not only elsewhere, but in the Philippine Islands. I stand here, Mr. President, not claiming any special right to defend the Army more than others, but I do stand here to avow my championship of men whom I know in that Army whom I believe incapable of the atrocities which have been charged against some of them.

Sir, there is a very much more serious question to my mind in this Philippine question than the water torture. When we are arraigned before the bar of public opinion—as we necessarily must be on the question of our responsibility for this torture, this going back three hundred and odd years to torture for the purpose of extorting information and extorting confessions—when we are arraigned for that, I say, before the bar of public opinion the world over, our reply is going to be, and properly, that this was not an act authorized by those high in command; that it was done either by individuals or by small detachments under the charge of subordinate officers, and that we repudiate it and condemn it.

That is going to be the reply. There is nothing else to save our own conscience. But the rejoinder will be that we ought not to have put ourselves in a position where this shame and dishonor could be brought upon us—because it is a shame and a dishonor—even though done without our authority. It is a shame and a dishonor that it is done, but it is a tenfold greater shame and dishonor if done and not condemned by us. In any event the stain is deep, but it is indelible if we do not disclaim it and condemn it. But, as I say, that is our reply. We need not think we are going to escape the judgment of history. We have got to meet this charge at the bar of history just as Spain has had to meet at the bar of history the charge of the atrocities committed by the Duke of Alva. That is to be our reply. Whether it is a good defense or not, it is the defense we will make.

I join in making it, and I join in making it with more confidence because I condemn these acts and I condemn their perpetrators, and because I seek to vindicate those who are innocent of any participation in these crimes. I make the defense with the more confidence because I disclaim it for the Army, and I make it with a consciousness of fault in the fact that we have given the opportunity for these crimes—an opportunity always embraced in every similar condition the world around whenever people put themselves in a position of turning out to take possession of people against their will and of dominating inferior races and controlling them by the sword.

But, Mr. President, I say there is another feature of this case that is a very much more serious one, to my mind, than the torture feature, and the answer that we thus make, and will make, at the bar of public conscience, the answer which we will record in the annals of history—for arraigned we will be, and plead as we must—is that which I have indicated. But there is another feature in which I am afraid we can not make that plea or sustain it if we do make it.

I think that the question of our responsibility for the reconcentrado camps and all that goes with the reconcentrado camps is a very much more serious question than the question of water torture or any other torture inflicted by individuals or small detachments, because there is no possible escape from the fact that the reconcentrado policy has had the direct acquiescence and approval of those in authority, and whatever goes with that necessarily devolves as a responsibility upon those who have thus authorized it and justified it. The burning of houses, the devastation of a country, the destruction of all food crops in a country, the driving of the people out of wide areas into restricted bounds, can not be done by individuals, it can not be done by small detachments, but it must be done under general authority.

Not only so, but we have here the orders of the generals in the field authorizing and directing the creation of reconcentrado camps and prescribing the details under which they shall be organized and maintained. We are apt to think about the reconcentrado camps simply in connection with sufferings which may be endured by those within the camps and, in the case of the Cuban reconcentrado camps, where there was not food, then, of course, all the added horrors of that tropical climate constituted one of the features of the reconcentrado camps; but the greatest

horror and the greatest suffering which are occasioned by the reconcentrado camps is not the horror and the suffering within the camp but the horror and the suffering without the camp.

When a general prescribes a certain limited area, within which he says all the people must congregate, there must be the corresponding direction which will enforce that order, and the corresponding direction is that everything outside of those prescribed limits shall be without protection, and both as to property and life be subject to destruction. Only in that way can people be carried within the limits of the reconcentrado camps.

It is because life is unsafe out of them; because life is almost certain to be sacrificed out of them; because all property left outside is to be destroyed; because all houses are to be burned; because the country is to be made a desert waste; because within a camp is a zone of life and without the camp a widespread area of death and desolation. That is what a reconcentrado camp means. Do you suppose, if there is an invitation to people to come within a reconcentrado camp, that they are going to come there unless they are forced there? Is there any way to force them except to say that it is death to remain outside?

Why, Mr. President, when the limited area of a reconcentrado camp is prescribed, the people can not be collected and driven in there. The soldiers can not go out and find them and drive them in as you would a drove of horses. It is only by putting upon them this order, this pressure of life and death that they are made to flee within the limits of the reconcentrado camps to escape the torch and the sword that destroys all without. When a general prescribes a reconcentrado camp—and I am going, before I get through, to read Bell's order to show that that is what it means—when a general prescribes a reconcentrado camp, he practically says that everybody outside must come inside or die; he practically says to his soldiers, those who do not get inside shall be slaughtered; and the practical operation is that those who do not get inside are slaughtered.

Mr. President, I want to read to you a description of a reconcentrado camp. I will say that this letter is written by an officer whom I know personally, and for whom I vouch in my place in the Senate as a high-toned man and a courageous and chivalric officer, one who does his duty regardless of whether he approves of the cause in which he is told to fight or not, and one in every way worthy of confidence and esteem. This was a letter written by him with no injunction of secrecy in it, because he had no idea or thought that it would ever be made public. I make it public now simply for the information of the Senate, in order that they may have some idea of what a reconcentrado camp is.

I omit the name of the place from which the letter was written for the same reason that I omit the name of the officer. I will not say any more of him than that he is a graduate of West Point and a professional soldier. I will state further that there is some allusion in the letter to vampires. A vampire in those islands is a bird about the size of a crow, which wheels and circles above the head at night and which is plainly visible at night. As I have said, I know the officer personally and vouch for him in every way. Senators will see from the reading of this letter that it is simply the casual and ordinary narration of a friend writing to a friend. He says:

On our way over here we stopped at —— in peaceful —— to leave our surplus stuff so as to get into—

I have left out these names—

light shape, and as we landed at midnight there they weren't satisfied with bolos and shotguns, but little brown brother actually upon us with brass cannon in that officially quiet burg under efficient civil government. What a farce it all is.

That is his comment on that fact.

Well, consider, 10 miles and over down the coast, we found a great deposit of mud just off the mouth of the river, and after waiting eight hours managed to get over the bar without being stuck but three times—and the tug drew 3 feet.

Then 8 miles up a slimy, winding bayou of a river until at 4 a. m. we struck a piece of spongy ground about 20 feet above the sea level. Now you have us located. It rains continually in a way that would have made Noah marvel. And trails, if you can find one, make the "Slough of Despond" seem like an asphalt pavement. Now, this little spot of black sogginess is a reconcentrado pen, with a dead line outside, beyond which everything living is shot.

This corpse-carcass stench wafted in and combined with some lovely municipal odors besides makes it slightly unpleasant here.

Upon arrival I found 30 cases of smallpox and average fresh ones of 5 a day, which practically have to be turned out to die. At nightfall clouds of huge vampire bats softly swirl out on their orgies over the dead.

Mosquitoes work in relays and keep up their pestering day and night. There is a pleasing uncertainty as to your being boloed before morning or being cut down in the long grass or sniped at. It seems way out of the world without a sight of the sea—in fact, more like some suburb of hell.

If that is a suburb of hell, Mr. President, what must hell be! That is a description that applies to more than one, and if you would order an investigation of what has occurred in the Philippine Islands it would, I have no doubt, be found that that was a picture of many. Talk about the hardships of the American soldiers! We do not know anything about them unless we go there and see what they are going through with; and I say it is doubly an outrage if men who are subjected to lives of that kind have to be confused and contaminated with the wretches who have dishonored their uniform in the perpetration of these atrocities of which we hear every day; and it is for those honorable men whom I know that I have raised my voice to-day in condemnation of the perpetrators of these outrages, in order that the innocent may be vindicated and justified and relieved from the imputation of participation in acts that would disgrace not only barbarians, but the very devils in hell themselves.

I say I read that in order that we might have some idea of what a reconcentrado camp is, and the picture of one is in the main feature doubtless a picture of all, with, probably, the smallpox in one case but not in another, with a healthy camp in one case and not in another, etc.; but it is a picture of all as to being a limited zone of life surrounded by a wide area of absolute death and desolation.

Am I right or am I wrong in saying that the question of the responsibility for the reconcentrado camps is infinitely greater and more serious than the question of the responsibility for these outrages of the water torture or any other kind of torture? In one case it is the act of the unlicensed minority, for whom we disclaim all responsibility except that we have given them the opportunity to do these things, and for whom we can disclaim any further responsibility unless we continue by the pursuance of this policy to give to this element the opportunity for the perpetration of these atrocities.

But when we come to the reconcentrado camps, when we come to plead at the bar of the great conscience of the civilized world, we can not put in any such plea. We can not plead that this was without authority; we can not plead that this was done by some straggler or some indiscreet young lieutenant and a detachment under his command. We are obliged to plead that we did it, and then put in a plea of justification, if we can find it.

It is not pleasant, Mr. President, to talk about these things. I said that when I began. God knows there is not a word that I utter that does not give me pain, and which does not bring a tinge of shame to my cheek. If there were no duty connected with it, I would rather cover it all up out of sight. I would rather, Mr. President, like the dutiful son told of in the Bible story, walk backward that I might not see the nakedness, and cover with my own mantle the shame and the dishonor. But, Mr. President, there is a duty in the matter, a high duty, a duty not to be ignored. What is the duty? The duty is not in the wholesale condemnation of the Army; the duty is not in the justification of those who perpetrate these wrongs; the duty is in the denial of them as the acts of the Army and the denunciation of them as the acts of the minority, so far as the water torture is concerned—the exposure and condemnation of the guilty and the vindication of the innocent.

What is the duty as to the reconcentrado camps? I know of no duty that we can perform relative to them except that of presenting a lesson to the people of the United States in order that they may learn, not only now, but as to all time in the past and for all time in the future, that the domination of inferior races, the holding of weak and unwilling people in unwilling bondage by the terror of the sword has been invariably and will be invariably the history of successive chapters, all of which are chapters of blood.

I have but one purpose, one desire, in saying a single word upon this painful subject, and that is the hope that some feeble word spoken by me may bring the American people to a realization of that fact, that it may be brought to their serious consideration whether or not they will halt on this path of blood or return to their legitimate sphere as a peaceful, a civilized, and a humanitarian people.

Mr. President, there is but one answer to be made to the fact that this reconcentrado business, with all its unutterable and unspeakable horrors, the magnitude and extent and number of which will never be known, for the mountain fastnesses and the jungles will never give up their secrets—there is but one answer to be made, and the American people should look that answer square in the face; and that answer is, it was necessary to accomplish the work which their Army was assigned to do. If it was not necessary in order to accomplish the work, they were acts of unparalleled and unmitigated barbarity, the condemnation of which can not be uttered too loudly or pronounced too emphatically and severely.

But, Mr. President, that is the answer that will be made, that the task assigned them in that difficult country under difficult conditions, with people difficult of identification, and with men who are soldiers and amigos on the same day, with secret contributions, with a people, as stated by the officers of the Army, united, practically unanimous, in their support of what we call insurrection—there is no way to reach those men except by reconcentrado camps.

I say, "what we call insurrection." It is properly called insurrection, because whether we ever had title to that country or not at one time, we have, according to all the laws of nations now a title—

a title written by the sword in the blood of that people. There is no doubt about it. We have got now, by the subjugation of that people, a perfect and indefeasible title according to all the laws of war and of nations. So it is "insurrection." It is not always, Mr. President, that such titles are founded in right. I do not undertake to go into that question, but I admit, and not only admit, but assert, that the title of the United States to the Philippine Islands by conquest, if in no other way, is absolute and perfect, and that, therefore, those who oppose the domination of the United States are in insurrection.

And thus so it is, Mr. President, the answer will be made that there is no other way of dealing with the insurrection except by this reconcentrado order. And from these conditions have come the remarkable and astounding evolution that events which had their origin in the utter abhorrence and detestation of the people of the United States with the reconcentrado camps in Cuba have resulted in reconcentrado camps in the Philippine Islands as a necessary policy of the United States; therefore it is that the question is presented directly to the American people, which they should look squarely in the face. Conceding that it is necessary—and there is no other position we can take in honor—are the people of the United States ready and willing to continue a policy which commits them not only to the practice, but which demands of them the justification, of the reconcentrado policy with all its horrors?

If we are to continue in that which caused it, we can not escape by saying that we did not expect this when we went into it, and now it is past; for if it has been necessary in the past it will be necessary again in the future. We may announce that the Philippine question is ended, and all parties in this country may acquiesce in it; we may try to make an end of it; but, Mr. President, 10,000,000 people, in whom there is an almost absolute unanimity—if the soldiers and officers in that country, those who are most directly brought in contact with the people, are to be credited—in their desires for nationality will bide their time, and there will be insurrections; and those insurrections will present again the same conditions as those that now exist, and there must again be barbarities, there must again be reconcentrado camps, a zone of life and a wide area of death and desolation.

And, sir, so long as there is continued the present effort to hold and dominate against their will 10,000,000 people of a different race strongly imbued, not only with the sentiment of nationality but with the passion for nationality, a sentiment so universal and so strong that they are ready to die for it, so long will there be with us the great issue agitating the American people, Shall we keep them in bondage or shall we set them free? The cause for this agitation will not end with the crushing out of the present resistance to American authority. With the widespread and deep-seated passion for Filipino nationality evidenced by their struggle of centuries with the Spaniards and by their determined resistance to American rule, each crushing of rebellion, each pacification by the sword will be followed in time by renewed uprisings and in their turn by bloody repressions.

But, sir, I have hope that this condition will not always continue. For years the ears of our people have been deafened by the roar of victorious cannon, and their eyes have been blinded by the glare of successful war. But at last their attention has been arrested. They are beginning now both to hear and to see. If to maintain American rule there must be these recurring scenes of bloodshed, if to enforce subjection there must be the slaughter of the people and the burning of their cities and towns and the destruction of all their food supplies, the hearts and consciences of at least a part of the American people will cry out against the policy of colonial dominion at so fearful a cost.

Mr. President, I have no excuse or palliation to offer for Filipinos who have been guilty of atrocities upon American soldiers or upon Filipinos who have adhered to the American cause. I have no doubt there have been atrocities and barbarities committed by the Filipinos, and for them I have only execration and condemnation. I make every allowance and give every consideration for harsh measures adopted by American soldiers in retaliation for such cruelties and outrages. But such allowance and such consideration do not furnish the excuse or the palliation set up by the Senator from Massachusetts [Mr. LODGE] or the Senator from Ohio [Mr. FORAKER], for unfortunately for the argument of these Senators the testimony does not show that the water torture has been inflicted to avenge those cruelties and outrages; but it does show its frequent infliction to extort information or to extort confession from the victim. It is a revival of the tortures of the barbaric and middle ages, the purpose of which was by physical torture, by the infliction of inhuman and unbearable physical pain, to wring from the agonized and frenzied victim the confession which was demanded—a confession which the poor wretch finally gives regardless of whether it be true or false—anything to be rid of the excruciating agony, anything to stay the hand of the torturer.

Have our torturers in the Philippines equaled the torturers of the bygone age, when they racked the bones and tore the flesh and snapped the quivering nerves? Mr. President, I know not. I turn from it all in unspeakable horror. I sympathize with the soldier who had been in the Philippines and whose testimony was given before the Senate committee and is found printed in their report. He had not looked upon the torture when inflicted, but he could not shut his ears, and he had heard the agonized groans of the victims. Sir, one can understand how cruelty and outrage on the one hand can provoke and in some cases even justify swift vengeance on the part of the other. One can understand how in the fury of retaliation human life may be ferociously destroyed. But, sir, no outrage can justify deliberate and cruel physical torture. It is from human weakness, true, that cruelty and outrage inflicted by others may so arouse the mighty passions of hate and vengeance that they constitute a palliation for those who in the fury of their passions inflict physical torture upon the perpetrators of these cruelties and outrages. If the tortures inflicted in the Philippines have been inflicted in the outburst of passion in retaliation for cruelties and outrages perpetrated upon American soldiers, then the argument of palliation presented by Senators would be good to the extent of palliation. But, I repeat, these tortures have not been inflicted in retaliation for such cruelties and outrages. The testimony in print and upon our desks is that these tortures were inflicted to extort information and confessions.

Sir, is not this a fearful price? Is it a price the magnitude of which the people of the United States realize? Is it not possible to hope that when they see this river of blood and this country blackened and desolated, the American people will say, "We will not do that which disregards any obligation, but we will find an honorable and safe path out of this horrible situation?"

Mr. President, I am not going to discuss the question which has been raised as to whether or not the atrocities and the outrages and the enormities and the cruelties which have been perpetrated in the Philippine Islands find their justification in precedents created in our civil war. I am not going to discuss it further than to deny it, and I deny it not only for the Southern army, but for the Northern army also.

Sir, as an humble participant in that mighty struggle, a part of the time in the Army of Northern Virginia, I deny it for the Confederate army; and, sir, when I deny it for the Confederate army, is there any Union soldier here who will deny me the right to deny it for the Union Army? Does the Senator from Wisconsin [Mr. SPOONER], a gallant soldier in that Army, dispute the correctness of it when I say there was nothing of that kind within the Union Army? Does the Senator from Ohio [Mr. FORAKER], who followed Sherman across my State in the historic march to the sea, take issue with me in making that denial for the Union Army? Or will the venerable Senator from Connecticut [Mr. HAWLEY], who bore a general's commission in that war, or the Senator from Vermont [Mr. PROCTOR], or the Senator from Pennsylvania [Mr. QUAY], or the Senator from Wyoming [Mr. WARREN], or any other of those who were gallant soldiers upon the Union side, deny me the right to dispute the proposition that any such atrocities were perpetrated by the Union Army in that struggle?

Mr. President, I have a little excerpt which I will read, from the Washington Post of Sunday last, entitled "A question of national honor," and it is as follows:

> Those Republicans in Congress who have seen fit to condone the alleged atrocities in the Philippines by comparing them with the work of Grant, Sherman, and Sheridan during the civil war can hardly be complimented upon their taste or their regard for the truths of history. Even if their proposition had any warrant in fact, the argument would be beneath contempt. An act of barbarism committed forty years ago does not excuse inhuman cruelty to-day. As well set up the bloody Duke of Alva as a screen for Hell Roaring Jake Smith to hide behind.
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> It is not true, however, that the Union armies in the South, or even Quantrell's Confederate guerrillas on the Kansas border, ever practiced such hideous savagery as is charged against certain of our officers in the Philippines. The accusations in question may or may not be well founded—we hope not—but such as they are, true or otherwise, they far exceed in horror anything ever dreamed of in the war of 1861-1865 between the North and South. Every survivor of that tremendous conflict knows that we speak the truth herein. It was a war—a desperate and sanguinary war, a struggle of the Titans—and death and desolation were its fruits. But it was not a ruthless and barbaric orgie, a carnival of ghouls and fiends. To say it is to slander the living and the dead of both sides—the bravest men that ever fought.
>
> War is a fierce and terrible game—a game where life is staked against life, a game which arouses and sets ablaze all the passions of all the furies of hell. Where the battle rages its flame consumes everything in its path. There is no doubt about that. I have no doubt about the fact that after each army, both North and South, there were camp followers who were guilty of outrages, but as to there having been any suspicion of authority for the infliction of tortures for the purpose of eliciting information or extorting confession or any possibility of official acquiescence therein, or as to there ever having been anything like a reconcentrado camp, with its zone of life and its widespread area of death, nothing of the kind ever occurred in the civil war, and I am prepared here to denounce the insinuation as untrue.

I wish to narrate two little occurrences in that war which indicate the spirit of those who there contended in that high and fearful drama. One of them relates to our honored friend the Senator from Alabama [Mr. PETTUS], and I narrate it by his consent. In one of the battles before Vicksburg he was captured and carried as a prisoner before General Grant. He was then Colonel Pettus, and as he appeared before General Grant, the General said to him, "Colonel, what are those troops out in front of me?" Colonel Pettus, with the courtesy which so distinguishes him here, said, "General, I must decline to answer that question." General Grant looked him in the eye a moment, and then in a kindly tone said: "You are right, sir," and turning to an officer by his side he said, "Take this gentleman to the rear and treat him kindly." That was General Grant.

Mr. President, the other is an incident which I have seen narrated about General Lee. It comes from Northern sources. I can not give its exact source, but I have no doubt there are many who are familiar with it, as it has been published a number of times. I first saw it in one of a series of war papers published a number of years ago, I think, in Scribner's or the Century; I have forgotten which—probably in the Century. It was at the close of the battle of Gettysburg, and as General Lee rode from that field, so fateful in the cause of which he was the great pillar and support, he came by a young Federal soldier, a mere boy, lying in the grass wounded. The boy, though wounded and unable to rise, still had in him the fire of battle, and, as he recognized that it was a Confederate general, raised himself upon his elbow and shrieked out a cry for the Union.

General Lee, in that moment of a torture of mind that I presume it is difficult for any of us to realize, got down from his horse and went up to the poor boy, laid his hand tenderly upon his head, and said: "My son, I hope you are not much hurt and that you will soon be well."

There was the spirit with which the North and the South fought in that Titanic war and fought to the death. That there were instances of outrage is true of that war as of all other wars, but in the name of the whole country I deny that they deliberately and avowedly disregarded the laws of civilized warfare and set a precedent for the horrors that have been sworn to as the frequent occurrences in the Philippines. I repudiate the charge, and I hope the American people will repudiate it. I say not only that they have never set and precedent in the past, but they will not approve of or condone it in the present; that they hold the honor of their Army too high to defend the act and thereby assume that it is the act of the Army. But they will stamp upon it as the act of an unlicensed minority of the Army which should be driven from its ranks. That is where the judgment of the whole American people should put it. There is no reason why the aisle in this Chamber should separate Senators in the decision of that question.

Mr. President, it is a difficult thing for me, I confess—it may be that I am what may be considered erratic on the subject—to understand how anybody can regard the Philippine question as a light matter. It is difficult for me to understand how Senators can regard it with levity, as some of them do. It is a difficult thing for me to understand how some Senators, when this great question is in the balance, can consider it a matter not worthy of their time in order that they may be present in the Senate.

But I have passed over one matter about which I wish to say a word. I stated the fact—the most painful and reluctant fact—and which I wish most sincerely could be shown was not the fact, that the reconcentrado policy which had been adopted was necessarily adopted by authority, and I stated that I regarded the reconcentrado policy, with all of its necessary horrible attendants, as on this account a very much more serious matter than the torture business. I stated that in the nature of things it was necessarily a matter within the cognizance of those in authority. But we have more than that. We have the direct authority, sent to the Senate by the Secretary of War, for the statement that they were organized by authority; and I am going to show what that is.

The Senator from Texas [Mr. CULBERSON] introduced a resolution, which the Senate adopted, as a direction to the Secretary of War to send to the Senate certain orders which had been issued in the Philippine Islands relative to the reconcentrado business. I will read the direction. It is embraced in a letter which the Secretary of War sent to the Senate in response thereto, addressed to the President of the Senate.

WAR DEPARTMENT,
Washington, May 7, 1902.

SIR: I have the honor to reply to the following resolution of the Senate, dated May 1, 1902.

Now it quotes the order.

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information:

First—

I beg Senators will mark the particular information called for by the resolution—

First. Whether the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8 and 9, 1901, on the subject of reconcentration, addressed to all station commanders, have been officially received by the War Department; and if so, when they were received, by whom they were forwarded, whether they were issued by authority of the major-general commanding in the Philippines or were approved by him, and whether they have been approved or acquiesced in by the War Department.

Second. A copy of the order or orders issued by Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, pleaded by the latter in defense before the recent court-martial which tried him at Manila, if the same were in writing, or the date and substance thereof if they were verbally given. Also (*a*) whether said order or orders were authorized or have been approved by the major-general commanding in the Philippines; and if so, when they were so approved; (*b*) when said order or orders were received by the War Department, if they have been received, or when it was first known to the War Department that such order or orders were issued, and (*c*) whether said order or orders have been revoked or countermanded; and if so, when and by whom, giving the terms of the order of revocation.

The Department says:

First. Two orders by Brig. Gen. J. F. Bell, dated Batangas, December 8 and 9, 1901, addressed to all station commanders, copies of which are annexed hereto, were received by the War Department on the 17th day of January, 1902, from Maj. Gen. Adna R. Chaffee, commanding the division of the Philippines. At the same time the following order by General Bell, dated December 13, 1901, was received at the War Department.

Then there follows in the body of the letter the order of December 13, 1901, but the orders of December 8 and 9, which were specifically called for in the direction of the Senate, are not set out and are not there printed in the RECORD. Now, whether that was an inadvertence or not I do not know. I presume it was. At any rate, the order of December 13 was set out. The orders of December 8 and 9 were not set out, and thereupon a week thereafter the Senator from Texas, noting the fact that the orders had not been set out, procured them and, by request made of the Senate, had them inserted in the RECORD and they are to be found in the RECORD of May 16, 1902.

The order of December 13, 1901, is bad enough, but the orders of December 8 and 9 are infinitely worse. I wish to call attention to the fact that the order of December 8 is an order directly providing for the creation of reconcentrado camps. It is directly in the terms which we used to see published four years ago, issued by Weyler in Cuba. I wish to call attention to the fact, in the reading of this order, that the implication is plain and unavoidable that the reconcentrado camps were to be formed, and that all outside of them was practically doomed to death and destruction. There is practically little difference between the order of General Bell and the order of General Smith, except that Smith went to the extent of prescribing ages, whereas Bell did not make such specification.

Now, it will be seen from the reading that it is a clear order for the creation of reconcentration camps and that the terms of it plainly imply that outside of that it shall be as it is outside this camp, the description of which I read to the Senate, an area in which everything is to be shot, and not only so but an area in which all property is to be destroyed.

BATANGAS, *December 8, 1901.*

To all Station Commanders:

In order to put an end to enforced contributions now levied by insurgents upon the inhabitants of sparsely settled and outlying barrios and districts by means of intimidation and assassination, commanding officers of all towns now existing in the provinces of Batangas and Laguna, including those at which no garrison is stationed at present, will immediately specify and establish plainly marked limits surrounding each town bounding a zone within which it may be practicable with an average-sized garrison to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents. These limits may include the barrios which exist sufficiently near the town to be given protection and supervision by the garrison, and should include some ground on which live stock could graze, but so situated that it can be patrolled and watched. All ungarrisoned towns will be garrisoned as soon as troops become available.

Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of towns over which they exercise supervision, informing them of the danger of remaining outside of these limits, and that unless they move by December 25 from outlying barrios and districts with all their movable food supplies, including rice, palay, chickens, live stock, etc., to within the limits of the zone established at their own or nearest town, their property (found outside of said zone at said date) will become liable to confiscation or destruction. The people will be permitted to move houses from outlying districts should they desire to do so, or to construct temporary shelter for themselves on any vacant land without compensation to the owner, and no owner will be permitted to deprive them of the privilege of doing so.

In the discretion of commanding officers the prices of necessities of existence may also be regulated in the interest of those thus seeking protection.

As soon as peaceful conditions have been reestablished in the brigade these persons will be encouraged to return to their homes and such assistance be rendered them as may be found practicable.

J. F. BELL,
Brigadier-General, Commanding.

Replying to the direction of the Senate in the resolution of May 1, 1902, that he report, among other things, whether the foregoing order of December 8 by General Bell and the succeeding order on the next day, December 9, "have been approved or acquiesced in by the War Department," the Secretary of War in his communication to the Senate of May 7, 1902, says as follows:

The War Department has not disapproved or interfered in any way with the orders giving effect to this policy, but has aided in their enforcement by directing an increase of the food supply to the Philippines for the purpose of caring for the natives in the concentration camps.

There is one expression in that order by General Bell of December 8, 1901, which may tend to mislead. I say to mislead; I mean according to my view of its meaning. I refer to that portion which says:

Furnish protection to inhabitants * * * against the depredations of armed insurgents.

As if that were to be done for the protection of the people. But that is strangely inconsistent with a subsequent paragraph, in which a limited time is set within which this must be done or else destruction shall follow without. That is on the 8th.

Then, on the 9th, General Bell follows it with an order which it is too long for me to read in full and which I may ask to put in my remarks at length. I will, however, read part of it, and that much of it will go in:

BATANGAS, *December 9, 1901.*

To all Station Commanders:

A general conviction, which the brigade commander shares, appears to exist that the insurrection in this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire but in reality do not want peace.

He is not speaking there of soldiers, of course. He is speaking of the people—those who pretend to want peace.

That when all really want peace we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace, and want it badly.

He is not talking about soldiers. He is not talking about armed people. He is talking about people at home who are pretending to be peaceable and pretending to want peace, and he proposes that what is prescribed in this order shall be perpetrated, not against soldiers, but against the populace.

Then it goes on for a column and a half of fine print with every possible encouragement to license and violence, and enjoining upon the commanding officers not to restrain the young officers, recognizing the fact that the purpose of the order is that the innocent shall suffer with the guilty, and that there shall be a general destruction of all within that zone, where it is intended to make them want peace, and want it badly, saying what I shall read.

Now, continuing this order, the first paragraph of which I have read—

It is an inevitable consequence of war—

This follows the paragraph in which it is said that the purpose is to make the people who pretend to want peace to really want it and to want it badly. Following immediately after the provision in the order of the day before requiring that there should be concentrado camps—not one, but around every station—it proceeds:

It is an inevitable consequence of war that the innocent must generally suffer with the guilty, for when inflicting merited punishment upon a guilty class it is unfortunately at times impossible to avoid the doing of damage to some who do not individually deserve it. Military necessity frequently precludes the possibility of making discriminations. This is regrettable, but it should be borne in mind that the greatest good to the greatest number can best be brought about by putting a prompt end to insurrection. A short and severe war creates in the aggregate less loss and suffering than benevolent war indefinitely prolonged. For reasons here indicated, which are well known to all, and chief of which is the delay and difficulty in ascertaining the exact truth, it will be impossible to wage war efficiently and at the same time do abstract justice in operations unquestionably essential to putting down an insurrection which has long continued in the territory of this brigade.

Natural and commendable sympathy for suffering and loss and for those with whom friendly relations may have been maintained should therefore take a place subordinate to the doing of whatever may be necessary to bring a people who have not as yet felt the distressing effect of war to a realizing sense of the advantages of peace.

Another paragraph from this order indicates particularly the class of people to be, with their property, specially devoted to destruction:

Another dangerous class of enemies are wealthy sympathizers and contributors, who, though holding no official positions, use all their influence in support of the insurrection, and, while enjoying American protection for themselves, their families, and property, secretly aid, protect, and contribute to insurgents. Chief and most important among this class of disloyal persons are native priests. It may be considered as practically certain that every native priest in the provinces of Batangas and La Laguna is a secret enemy of the Government and in active sympathy with insurgents. These are absolutely our most dangerous enemies—more dangerous even than armed insurgents—because of their unqualified influence. They should be given no exemptions whatever on account of their calling.

Mr. President, read between the lines and taken in connection with the reconcentrado order of the previous day (December 8), what does that mean? What can it mean but an order to every station commander to make a reconcentrado camp, and beyond the limits of that camp to devote to death and destruction all, regardless whether they are innocent or guilty, or whether they are from kindly relations entitled to commiseration and sympathy. It means a destruction so general that it will involve the innocent as well as the guilty, and that the troops must not be deterred in accomplishing this wholesale destruction by the fact that it will involve and destroy the innocent.

It means the organization of a reconcentrado camp at every post within the territory of that brigade, and beyond it everything is to be destroyed in the way of life and property. There is warrant for the opinion that there is little difference between the order of Bell and the order of Smith. Of the order of Smith the Senator from Massachusetts [Mr. LODGE] says in his speech, page 21:

We shudder, and naturally, at the order which is said to have been given, and quoted in the Waller trial, by General Smith.

I wish to read a few sentences from Governor Taft's testimony, which indicate the idea which obtains there as to the extent to which the destruction of property should go. Governor Taft in his testimony, on page 139 of the testimony taken before the committee, in speaking about loyalty required in Batangas, the very territory to which this order of General Bell's particularly applies, said what I shall read:

Governor TAFT. It would seem to follow——

Senator CARMACK. If that were so, then you might excuse such very harsh measures, but only upon that assumption.

Governor TAFT. It would seem to follow, and I think it is more true in Batangas than anywhere else—a reasonable presumption—that if a man's property exposed to the action of the insurgents had not theretofore been destroyed by the insurgents, he had some relation to them which prevented it.

What does that necessarily mean? It means that every vestige of property in that district must be destroyed. If the insurgents destroyed it it was evidence that the man was not in sympathy with the insurgents, but nevertheless his property was destroyed. If it was not destroyed by insurgents it must be destroyed by the Americans, because it was evidence that he was in sympathy with the insurgents. Consequently, according to that rule, the absolute destruction of all property must necessarily follow.

The view stated by Governor Taft was doubtless the view entertained and acted upon by General Bell and his subordinates in the enforcement of this order in the province of Batangas and elsewhere.

Right in this connection I wish to say one word about Governor Taft. I know Governor Taft personally and esteem him very highly. Personally he is a most lovable man. I think him a man of very great ability. I believe him to be a man of absolute integrity. Of course, Governor Taft, charged as he is with a mission in which there is a very fierce contest and a very huge responsibility, must necessarily become a partisan, and I think he has become a partisan and that his views and opinions about matters in the Philippines are necessarily colored by that fact.

I differ from Governor Taft as to a great many of his views and as to a great many of his conclusions. It has been my fortune to have many long conversations with him, and for that reason I know of the difference there is between us. But as to his integrity, as to his truthfulness, as to his loyalty of purpose I have not the slightest misgiving, and as to any statement of fact which he would make I would give him the most unlimited credence. As to his judgment, as to his conclusions, the chances are that we would not agree relative to the Philippines. As an illustration, I know that I differ from him greatly as to his views and opinions of conditions in the Philippines, not on account of what I may know personally, because that is necessarily limited, but because of what I have heard from others who have had the most favorable opportunities for correct observation and information in the islands.

I make this statement in justice to Governor Taft because I believe I know him better than most of the Senators in this Chamber—at least on this side of it—and from my reading of this that he has testified to, and from my criticism upon it it might be thought that I entertained a different opinion. Governor Taft differs most radically in his views of the situation in the Philippine Islands from the vast majority of the officers of the Army in those islands. I have no doubt that he is honest in giving his conclusions, but the fact nevertheless exists that as to the situation there Governor Taft is an optimist and a very enthusiastic one, and that in that he is at variance with the large majority, almost amounting to unanimity, of the officers of the Army who are scattered through the various islands.

I wish to say also with regard to General Chaffee that I know him personally. General Chaffee is a very stern and rugged soldier, but I believe he is an absolutely honest man, and that he is honest in his purposes to attempt to do his duty as he sees it.

It must necessarily be true that both Governor Taft and General Chaffee knew of and indorsed this reconcentrado policy. Governor Taft practically says so in his testimony. Those are matters of opinion as to duty with which I most radically differ from them. I have no doubt in the world that Governor Taft and General Chaffee both take their position upon the ground of necessity. They can only be justified upon the proposition that in order to perform the task which was given them this was necessary.

Personally I do not agree with them as to the necessity justifying those means, but in anything I say I do not wish to impugn the motives or the integrity of either the one or the other. On the contrary, I wish to bear my testimony to what I believe to be the integrity and loftiness of purpose of each of these men. I think they have been placed in a most unfortunate position. I think that it is the fault of the United States Government that

these men have been brought face to face with a situation where, in their opinion, they either had to adopt the course they have pursued or stand convicted before the world for the failure of the task which they had undertaken.

Mr. RAWLINS. Will the Senator permit me?

Mr. BACON. Certainly.

Mr. RAWLINS. In connection with what he has said in relation to General Chaffee, the Senator having met him personally and known his character, I will state that I do not think any of us desire to do him any injustice, but I wish to invite the attention of the Senate to the order or letter of instructions given to General Hughes, and especially to this part of it:

It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable.

Prior to this for some two years the torture known as the water cure had been applied for the purpose of getting information as to whereabouts of arms. When I read this order of General Chaffee to General Hughes it seemed to me that it necessarily included a direction to General Hughes to employ torture for the purpose of ascertaining the whereabouts of arms. Perhaps the Senator can give us some information upon that subject.

Mr. BACON. I certainly could not. If I had it I would not give it. I could not appear in the Senate as a witness. I will state, however, that I do not know anything connecting General Chaffee with torture of any kind. I hope and trust, and until I have evidence to the contrary, I will believe that General Chaffee himself has not sanctioned the infliction of torture upon anybody for the purpose of eliciting information.

Mr. SPOONER. That is where the Senator from Georgia differs from the Senator from Utah.

Mr. BACON. The Senator from Utah asked me a question, and I am answering it. I will not believe it, Mr. President. Whether or not there was such a general notoriety of the fact that this torture was inflicted as to make all officers responsible in a degree for the continuance of it, in that they did not suppress it, is another question.

As the Senator asked me about General Chaffee, as I have said, it is a very serious position to put him in—that he had to resort to measures which were not approved by the American people or to stand confessed as a failure. I am very free to say that possibly I would not have so much pride in a question of success as he. I would undoubtedly have said to the American people: "It is impossible to subjugate these people without resorting to these measures, and I will not take the responsibility of doing it." That is what I would have said, and I wish General Chaffee had said it.

Mr. President, I will take opportunity to say one or two things about General Chaffee that I have heard. I do not know whether they are true or not, but in the hope that they are true I should like to put them into the RECORD. One of them I know is true—at least, I have had it from his own lips—but not the one I am now about to relate.

It is a known fact that we have upon our statute books a law which says that no officer of the Army shall receive any pay or emoluments—I am not quoting the exact language—except his pay and such other things as may be provided by law. It is an admitted fact that while in Cuba a number of our officers had been receiving pay in addition to the pay provided by law. I have been informed, and I hope it is true, that when such money was offered to General Chaffee he refused to receive it, and said that the law provided what he should receive and he would take no more. That I have simply heard. I do not know it to be a fact. If it is true, it should go on the record to his lasting honor.

But, Mr. President, I have no doubt about another fact, that in the campaign in China, when other armies and the officers of other armies disgraced civilization by the rioting and the looting and the massacring of the Chinese people, General Chaffee sternly set his influence and his power against it; and while the officers of other armies not only permitted looting, but had the loot collected together and sold at auction and the proceeds divided out, he condemned it without stint and refused to allow anything of that kind to be done by the American army under his command.

Now, Mr. President, I state that because it is due to him. I regret that he has been put into the position he has, and I regret that he took the view of it which he possibly did take. I have no right to say he took it. I repeat, I would have preferred that he had said, "This work can not be done except by the institution of the reconcentrado policy, and I will not permit it."

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. For a question, certainly.

Mr. BEVERIDGE. From the splendid reputation which the Senator has given General Chaffee as to his conduct in China, I judge that the Senator does not agree with the Senator from Utah [Mr. RAWLINS] that General Chaffee was schooled in savagery in China?

Mr. BACON. I do not know that that is a legitimate question for the Senator to ask me right now.

Mr. BEVERIDGE. Of course if the Senator does not want to answer, I will not insist.

Mr. BACON. I will state that I have a high respect for General Chaffee, and I have very great confidence in his integrity. I think he has viewed matters differently from what I would view them, and I very much regret that he did not take the other course.

Mr. RAWLINS. Mr. President, I should like to say a word, if it does not interfere with the Senator?

Mr. BACON. Not in the least.

Mr. RAWLINS. The Senator from Wisconsin took occasion to remark, in view of the question I propounded to the Senator who has the floor, that doubtless I differed with the Senator as to his estimate of General Chaffee. It is fair to say in this connection that I have no personal acquaintance with General Chaffee.

Mr. SPOONER. That is evident.

Mr. RAWLINS. That might be evident, but I do not know that the Senator has any warrant for making an insinuation of that kind. In the course of the remarks which I made I let General Chaffee speak for himself, by his own orders, and I drew no inference from those orders except that which is necessarily implied.

Mr. SPOONER. Mr. President——

Mr. RAWLINS. Wait until I have completed what I have to say. I shall only be too glad to know that the inference which seemed to be necessarily drawn from those orders was an untrue inference. The Senator from Georgia was speaking in commendation of General Chaffee, being personally acquainted with him, and I called his attention to the language of this order in view of the circumstances under which it was issued. All I care to say in relation to it is that if the order is authentic, and no one denies it, is not the inference inevitable, and can it be disputed?

Mr. SPOONER. What does the Senator say?

Mr. RAWLINS. I say if the inference from this language in the order is inevitable, whatever it may be——

Mr. SPOONER. That is the Senator's opinion.

Mr. RAWLINS. No; because I am giving no opinion. If the inference from the language of the order, which is authentic, is inevitable, I think the Senator understands that it is not any condemnation of General Chaffee; because I have no reason to condemn General Chaffee, but it is General Chaffee's own order which operates to his condemnation.

Mr. SPOONER. I understand the Senator says that the inference is inevitable.

Mr. CARMACK. If it were inevitable.

Mr. SPOONER. Oh!

Mr. RAWLINS. I said if the inference is inevitable. In the question I propounded I read the language, "any means are advisable which will result in the disarmament of the people."

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. RAWLINS. I do not wish to take the Senator from Georgia off the floor.

Mr. BACON. All right.

Mr. RAWLINS. I yield, with the permission of the Senator from Georgia.

Mr. SPOONER. Had not General Chaffee called the attention of the commanders to General Order 100?

Mr. RAWLINS. General Chaffee and all the officers are presumed to know——

Mr. SPOONER. I did not ask that. Had not General Chaffee called attention in his orders to General Order 100?

Mr. RAWLINS. I do not recall any specific case of that kind. If the Senator says he did I will accept his version of it.

Mr. SPOONER. Does not General Order 100 forbid torture in order to extort confession?

Mr. RAWLINS. Unquestionably it does.

Mr. SPOONER. Then why does the Senator construe that language as a violation by General Chaffee of General Order 100?

Mr. RAWLINS. I have never yet so construed it.

Mr. SPOONER. I think the Senator did.

Mr. RAWLINS. No.

Mr. SPOONER. I know the Senator did in the language he used, although he may have used language he did not intend.

Mr. RAWLINS. What language?

Mr. SPOONER. In the question I put to the Senator I thought he said——

Mr. RAWLINS. No; not to that point.

Mr. CARMACK. It is a very fair inference, in my judgment.

Mr. SPOONER. I expected you to say that.

Mr. CARMACK. I do not care what you expect; it is what I do say.

The PRESIDING OFFICER. The rules of the Senate do not permit that kind of an interruption.

Mr. SPOONER. I agree entirely with the Chair.

Mr. RAWLINS. I think the Senator from Wisconsin will not mistake my meaning. I read this language from the order of General Chaffee:

It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable.

If I may have the Senator's attention, because I do not wish to be misunderstood by him or misinterpreted by him——

Mr. SPOONER. If the Senator will allow me a moment, I should construe that to mean any means consistent with the rules of civilized warfare.

Mr. RAWLINS. And so would I.

Mr. SPOONER. The Senator prefers to construe it to be inconsistent with the rules of civilized warfare and to have been so intended. That is where we differ.

Mr. RAWLINS. The Senator has no warrant for stating that I intended to so construe it. In the remarks which I delivered to the Senate I construed it as the Senator says ordinarily it would be construed, but I invite attention to the circumstances in the light of which the order might be interpreted. For two years prior to the issuance of the order in almost every part of the archipelago torture had been employed for the purpose of obtaining information as to the whereabouts of arms. This was known to Governor Taft; it was known to General Hughes, to whom these instructions were given; it was a matter of common knowledge in the army in the Philippines at the time these instructions were given.

What I wanted was if I could to obtain some light as to what would be the understanding of this language by General Hughes, to whom it was addressed, when he says "Any means to that end is advisable." Did he mean by that to say that the continuance of a practice which had been prevalent to that end would be advisable? With the permission of the Senator from Georgia I ask the Senator from Wisconsin, who is a lawyer who understands well the rules that every written document must be construed in the light of the circumstances under which it is written, if that language would not afford reasonable ground for subordinate commanders to put upon it a construction that thereby the commander in chief of the forces in the islands authorized the employment of torture as a means of disarming these people and keeping them disarmed, that being one of the means which had been employed to that end at the time and prior to the issuance of the instructions themselves.

Mr. BACON. Mr. President, I do not wish to enter into a discussion on matters suggested by the inquiries of Senators. I repeat that I have a very high regard for General Chaffee, and I think he has been placed in a most unfortunate position. If I am in error about this I would be delighted, but I think the record shows that General Chaffee must have known of the reconcentrado order.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I have no objection in the world. I shall be more than gratified if the Senator can relieve me of that impression.

Mr. FORAKER. I dislike exceedingly to interrupt the Senator from Georgia, because he has been interrupted so much that it would seem like we might wear out his patience; but General Chaffee is on record with respect to the reconcentration order, and if it would not interrupt the Senator too much——

Mr. BACON. I will be delighted if the Senator can show that the General did not know about it.

Mr. FORAKER. In Senate Document 347, at page 22, is found a full report from Arthur L. Wagner, colonel, Adjutant-General's Department, of an inspection of the reconcentrado camp, and following the report in this printed document is an indorsement by Gen. Loyd Wheaton, who was the commanding general there, and then following that is an indorsement by General Chaffee, major-general, United States Army, commanding. This matter covers two or three pages, which I want to put in the RECORD, I intended really to read it, but I do not think it would be fair to the Senator for me to read it at this time.

Mr. BACON. I suggest to the Senator that I would be perfectly willing to put it in as an appendix to my remarks, so that it all may come out together.

Mr. SPOONER. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. SPOONER. Why does the Senator use the word "reconcentrado?"

Mr. FORAKER. Because that is the word that is used by the Senator from Georgia.

Mr. SPOONER. Yes; but it was not a reconcentrado policy.

Mr. BACON. That is what it was called in Cuba.

Mr. SPOONER. It was so called in Cuba, but——

Mr. CARMACK. The Senator from Wisconsin wants to Americanize the word as he has the policy.

Mr. SPOONER. The Senator from Tennessee is wittier than he is wise in that observation.

Mr. FORAKER. Inasmuch as the Senator from Georgia gives me permission, I will read the report of the adjutant-general who inspected the concentration camps.

Mr. BACON. I will consent on condition that the Senator will put it in as an appendix to my remarks—not in the body of my speech.

Mr. FORAKER. I will put it in as an appendix.

Mr. BACON. I have no objection to that.

Mr. FORAKER. I will read it now.

Mr. BACON. The Senator may do it now.

Mr. FORAKER. It is rather lengthy. It covers two or three pages, and if the Senator is not very forbearing it may wear out his patience, and I do not want to do that.

Mr. BACON. I will suggest to the Senator that he read the paper when I get through, and it may then appear in connection with this debate. I have no objection to the Senator reading what he desires, though I do not know what it is.

Mr. CARMACK. Will the Senator not read certain portions now in order that we may see the point he desires to make?

Mr. FORAKER. I want to show the nature of these concentration camps and to show that they are as widely different from the Weyler concentration or reconcentration camps, whichever you may see fit to call them, as civilization is from barbarism. Here now is an official report, and I want to read it in answer to the letter which the Senator from Georgia [Mr. BACON] read a while ago. The Senator's letter was written by some officer of the Army for whom he vouches, but the name of that officer has not been given to us.

I propose to read an official report made by an officer whose standing in the Army no one can question, an officer of high rank, and it is manifest from what he says here that his statement is a carefully prepared one and an absolutely truthful one. Then I want to show, following his report, what General Chaffee and General Wheaton indorsed upon it, as to the necessity for doing what they did do, and that what they did do was intended as an act of mercy, and that was the result of it. Nobody suffered any harshness on account of it, but it was done to protect people who were otherwise defenseless from people from whom they needed protection; but as the Senator suggests that he does not care to have this report interpolated in the middle of his speech I will wait until he concludes, and then I will put it in the RECORD.

Mr. BACON. Mr. President, I presume it is true that there have been precautions taken in the Philippine Islands which have not permitted the famines which occurred in the reconcentrado camps in Cuba.

As I before stated, I can not be led into making any statement upon my own responsibility, and will not, but I am very anxious that there shall be an examination of this matter and other matters connected with it by committees of Congress who shall go to the Philippine Islands. I am perfectly satisfied that a full and complete understanding of the situation there and all the occurrences there will never be had from any source until an investigation is made in that way.

The impression I have, and to which I directed the attention of the Senate, which horrified me at the idea of reconcentration or concentration—if the Senator prefers that word—being adopted as the policy of the American Army and justified as a proper method of warfare—I say that that impression is not so much as to what occurs in the camp as to what occurs out of it. But I hope, in justice to ourselves, in order that the American people may know what they are doing, in order that they may guide themselves aright—and they will guide themselves aright if they know—that the Senate and the House of Representatives will see to it that the legislative branch of the Government, through its own members, shall visit the spot and learn the full truth.

Why, Mr. President, there are a good many little things that are beginning to crop out that cast light on this question. The Senator from Ohio [Mr. FORAKER] the other day read, I think, from Dr. Schurman a statement of the humanity of the American Army. I am not prepared to state anything of my own knowledge, but whenever there is an investigation made I have absolute confidence that it will be found that up to the time and after the time that Dr. Schurman wrote, and while he was there, the methods of warfare which were pursued were the methods of warfare practiced among civilized nations, confined to those methods, and that afterwards, for the reasons stated, the conditions were such, the impossibility of dealing with the situation was such, that this changed process was adopted.

Now, there is a little matter here which sheds great light on that.

Mr. BEVERIDGE. Mr. President, does not the Senator think that Governor Taft is an equally credible man with Dr. Schurman?

Mr. BACON. I certainly do. I know Governor Taft, while I do not know Dr. Schurman.

Mr. BEVERIDGE. Governor Taft has also made statements quite as strong as has Dr. Schurman regarding the humanity of the American soldiers since the time that Dr. Schurman spoke of. So that if Governor Taft is equally credible with Dr. Schurman, and the Senator accepts Dr. Schurman's statement, he is bound likewise to accept Governor Taft's statement.

Mr. BACON. Mr. President, I am just stating what I believe. I have no doubt Governor Taft stated what he believed. Governor Taft was in Manila; he was not out on the firing line or the burning lines either.

Mr. BEVERIDGE. He has been all over the islands.

Mr. BACON. Yes, I know; but, Mr. President, as I say, there are little matters which drop out which point pretty unerringly to what the conditions are and what the occurrences have been.

The Senator from Massachusetts [Mr. LODGE] in his speech the other day incorporated something that I had not seen before, which casts some light on this question, about reconcentration and about the zone of death outside of the zone of life, the burning of houses, the destruction of life and of property. It is an extract from the report of Brig. Gen. J. F. Bell, commanding First District, Department of Northern Luzon, Part 3, Report of Lieutenant-General Commanding the Army, 1901, pages 34, 35. This I read from the pamphlet copy of the speech of the Senator from Massachusetts, delivered on the 5th of May, and appearing on page 26. This is what General Bell says in his report:

I have been in Indian campaigns—

That was in 1901. Possibly, if the report was in 1901, this was the preceding winter—

I have been in Indian campaigns where it took over 100 soldiers to capture each Indian, but the problem here is more difficult on account of the inbred treachery of these people, their great number, and the impossibility of recognizing the actively bad from the only passively so. If it was deemed advisable—

This is the sentence to which I call attention—

If it was deemed advisable to pursue the methods of European nations and armies in suppressing rebellions among Asiatics, the insurrection could have been easily put down months ago; even now, although the seeds of rebellion have permeated all classes, such methods would soon put an end to all active insurrection

Sir, what does that mean? It simply means that up to that time the American Army had been pursuing methods recognized as legitimate in warfare between civilized nations. We all know what is meant by the methods pursued by European nations and European armies in dealing with insurrections in Asia. We know the harshness, the cruelties, the wholesale slaughter, and the absolute indifference to life in the wholesale with which European nations deal with insurrections among Asiatics; and here is the distinct proposition from General Bell in his official report.

He practically says we are waging war along civilized lines and according to civilized rules and we can not put down this insurrection; but if you will throw aside these restraints, if you will turn us loose to burn and slaughter and to massacre and to perpetrate all species of cruelty and barbarity known to the history of wars in Asia, we will put down this rebellion and this insurrection. What else can it mean? If it was not intended that there should be a threat of throwing aside the rules of civilized warfare, why make the suggestion? What else can the suggestion mean but that we shall put aside the rules of civilized warfare which had been observed theretofore, and

Come hot from hell,
Cry "Havoc," and let slip the dogs of war.

Mr. President, I do not desire to turn to that branch of the question suggested by Senators, because my purpose in alluding to it was not through any desire to bring condemnation upon these officers. I should be only delighted in every vindication that can be made of them, consistently with what has actually occurred. But I am not willing that the lesson, which I think should be drawn from this matter, should be lost by failing to mention whatever is necessary to bring it home to the American people.

In connection with this order of General Bell, I simply wish to point the Senate to a statement as to the character of the people in Batangas Province, to which these orders were made to apply and to which they most directly applied.

Mr. BEVERIDGE. By whom was that statement made?

Mr. BACON. This statement is made by the friend of the Senator—Señor Calderon.

Mr. BEVERIDGE. I am very glad to have the Senator establish a relationship of which I was not aware until he stated it.

Mr. BACON. I beg the Senator's pardon. I understood from what the Senator said to me that there was a relation of friendship between them.

The book from which I read is the report of the first Philippine Commission. It is part of the testimony which that Commission took. Señor Calderon, with whom I am not personally acquainted, but who is personally known to the Senator from Indiana, was examined under oath on the 27th of April, 1899. This is his testimony. I am only going to read one or two questions and answers.

Examined by Professor Worcester:

Q. What is your profession?
A. Lawyer and farmer.
Q. Where do you live?
A. I have always lived in Manila, but I have property in the provinces of Batangas and Cavite.
Q. What proportion of the people of Batangas can read and write?
A. Seventy-five or 80 per cent. The province is the most cultured in the archipelago. I have some 600 laborers on my plantation in Batangas, and of those there are certainly not more than 20 who can not read and write.

I am reading from page 67, volume 2, Report of the Philippine Commission, 1900—the first Schurman Commission.

Mr. President, it is very warm and I am physically very much exhausted. I have not completed what I wish to say. If the Senate will permit me to conclude in the morning, I will try not to be unduly lengthy, and I shall esteem it as a favor.

Mr. LODGE. Mr. President, of course I do not want to press the Senator to continue; but the Senator from Maryland [Mr. WELLINGTON] notified me that he would like to go on to-morrow morning after the routine morning business.

Mr. BACON. I do not think it makes any special difference. If the Senator from Massachusetts thinks that the notice requires that the Senator from Maryland shall proceed in the morning, I shall be willing to complete my speech after the Senator from Maryland shall have concluded.

Mr. LODGE. Very well.

Mr. FORAKER. Mr. President, I do not wish to make any extended remarks, but I do wish to do, as the Senator from Georgia [Mr. BACON] does not desire to proceed further to-day, what I announced a few moments ago I would take occasion to do whenever he yielded the floor.

Mr. BACON. Very well. I have yielded the floor for to-day.

Mr. FORAKER. I wanted, when I interrupted the Senator, to call his attention to the report of which I then spoke, made by Colonel Wagner, of the Adjutant-General's Department, of an inspection which he had made of these concentration camps. The Senator from Georgia read the order of General Bell under which these camps were established. I wish to call attention to the fact that in this order General Bell sets out the necessity for it, and that I may give the exact language I want to read that portion of his order. He says:

[Telegraphic circular No. 2.]

BATANGAS, *December 8, 1901.*

To all Station Commanders:

In order to put an end to enforced contributions now levied by insurgents upon the inhabitants of sparsely settled and outlying barrios and districts by means of intimidation and assassination, commanding officers of all towns now existing in the provinces of Batangas and Laguna, including those at which no garrison is stationed at present, will immediately specify and establish plainly marked limits surrounding each town bounding a zone within which it may be practicable with an average-sized garrison to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents. These limits may include the barrios which exist sufficiently near the town to be given protection and supervision by the garrison, and should include some ground on which live stock could graze, but so situated that it can be patrolled and watched. All ungarrisoned towns will be garrisoned as soon as troops become available.

The Senator from Georgia read that order and put it into the RECORD—an order which sets forth that it was issued for those reasons to which I have just called attention—and then the Senator proceeded to say that, in pursuance of that order, concentration camps had been established in the Philippines, which he likened to the concentration camps established by Weyler in Cuba. He elaborated that statement; but I content myself with simply referring to it, and now with reading a description of Weyler's concentration camps, in order that we may have in mind that to which the Senator from Georgia likened the concentration camps established by General Bell.

I read from page 349 of The History of Our War with Spain, by Henry B. Russell. On this page he gives a descriptive account of the concentration camps as they existed under Weyler. He says:

The helpless people were alloted ground near the towns, almost invariably in low-lying, swampy, and malarious places. The Spanish residents would not be burdened with them and generally cared not how soon they died. They were concentrated in greatest numbers where the accomodations were least adequate, as if extermination were the main object. There was nothing for them to do and there was less and less for them to eat, and finally they stretched out upon the damp ground, gazing vacantly before them as the weary days dragged by. Mothers lay listless with dead babes in their arms. The quick and the dead lay side by side till the latter were taken out and thrown into the dead carts and carried off into the country, where lay the half-buried bodies of hundreds of victims of this system of warfare. The huts of these people were jammed together in rows, with but a few inches of space between, and the ground was covered with filth. Diseases of malignant types claimed their victims everywhere and every day. There was no medical attendance; it was fortunate if there were half rations. In the different stations of concentration there were estimated to be over 400,000 of these helpless people, and by the summer of 1897 the death rate had become terrible. The beautiful island was a plague spot upon earth.

Mr. President, everyone familiar with the literature of that time, the official as well as the unofficial literature, giving us an account of what was going on in Cuba, will recognize that the statement I have read is not exaggerated. The concentration camps of Weyler were even more barbarous and more revolting and more horrible than this description gives us an idea of. I call attention to this, Mr. President, in order that we may have the measure of that to which the Senator from Georgia has likened the concentration camps established by J. Franklin Bell.

General Bell in his order has told of the necessity for it; that it was not in order that he might better protect American troops, but it was solely that he might protect the friendly Filipinos who did not want to go to war with us from assassination and murder at the hands of the insurrectionists who infested that district. That was his reason. As to whether it is a good one or a bad one men may differ, but I do not differ from General Bell about it. I think it was a wise and proper order for him to make and a wise and proper provision for him to make under the circumstances. No man can judge what is wise and proper until he calls to mind what the circumstances were and the necessities for such an order.

Mr. President, I do not mean when I say that to justify General Bell in establishing and maintaining such concentration camps as Weyler established and maintained in Cuba, but concentration camps such as the concentration camps that in fact he did establish.

Now, what were those concentration camps? Were they such barbarous and revolting camps as those the description of which I have just read? Not at all, Mr. President. Here is an official description of these concentration camps, and I want to read it. It is a little bit lengthy, but there is not an unnecessary or superfluous line in it, and every line in it is a refutation of the statement made by the Senator from Georgia in this regard. This is the official report of Arthur L. Wagner, colonel, Adjutant-General's Department, adjutant-general, and it is dated "Headquarters Department of North Philippines, Manila, P. I., March 22, 1902." It is addressed to General Wheaton, commanding the Department of North Philippines, Manila, P. I. It says:

SIR: I have the honor to report that, in accordance with your verbal orders, I proceeded on the 16th instant on the gunboat *Napindan* to Calamba, and thence overland to Santo Tomas and Tanauan, at which points I inspected the concentration camps of the natives. I inspected the camp at the former place on the 16th instant and the two camps at the latter town on the following day. On the 18th instant I returned to Manila.

The camp or village at Santo Tomas contains about 8,000 people and covers a space about 2 miles long by 1 mile wide. The people are not unduly crowded, their houses are clean and comfortable, and the streets and grounds of the camp are well policed and scrupulously neat. The houses are in every respect as good as those in the barrios evacuated by the natives, with the exception that in most instances they are smaller. There is, however, no uncomfortable crowding, as the native houses in this archipelago are a mere protection from sun and rain and are generally sufficiently open to allow a very free circulation of air. The people from the same barrios are quartered on the same streets, the communities being kept together and the people having the same neighbors they have been accustomed to at home.

The health of the people in the camp at Santo Tomas was very good, sickness being practically nil. The camp is under the general charge of the medical officer at Santo Tomas, with a practicante as assistant in each barrio.

There is sufficient food on hand to last until the 1st of May, and the reserve of palay in the church will probably provide subsistence for another month. There are plenty of pigs about the camp, though chickens are getting scarce. Many of the chickens in the barrios were not brought to the concentration camp, but were left behind, and have since become wild. Many of them will probably be available for food when the people get back to their barrios. The people will also be able to get fruits (principally bananas) in abundance, besides squashes and a species of bread fruit. The stock is allowed to graze within the dead line, and they evidently find good grazing in this space, as they seem to be in good condition.

Care is taken to provide against fire by having sections of bamboo, filled with water, resting in a rack at each end of each barrio, and in case of a long street at convenient points between. There are also sections of bamboo filled with water resting on the roofs of nearly all the houses, two sections of bamboo being tied together and slung across the ridgepole of the roof. Hooks on long poles are also provided for the rapid demolition of houses in case of fire.

The people in the camp at Santo Tomas had all been inspected and vaccinated.

Then he goes on to describe the camps at other places in substantially the same manner. I will not stop to read the whole of this report, but will insert it in full. He further says:

Each barrio—

I commence to read now about the awful dead line of which we have been told so much—

Each barrio has an outpost, marked with a flag, on the dead line. Each outpost consists of four natives, and is relieved every twenty-four hours. The outposts have orders in case they see any natives trying to go beyond the line to turn them back, and there is a saddled pony at each outpost to give warning in case anyone gets beyond the line. While natives beyond the dead line are liable to be shot, such a measure is never resorted to if it is possible to arrest them and turn them back to the camp. No cases—

I wish every Senator to note this—

No cases of shooting people passing the dead line have yet been reported, and, as nearly as I can ascertain, none have occurred.

I omit to read a portion of the report at this point, and call attention now to the following. Remember I am reading this to contrast our concentration camps with the concentration camps established by Weyler. This report further says:

There is a school in each barrio, where instruction is given by native teachers acting under the general supervision of the teacher at Tanauan. These children look as happy and contented as any school children in the United States. As we rode through the village they were given a recess to meet us, and called out cheerily, smilingly, and in good English, the salutation "Good morning," which had been taught them.

I was unable to find among these people anywhere any evidences of misery or neglect. The hombres or common people are perfectly contented and have no desire to leave. They have scarcely more power of intelligent initiative than the same number of cattle; they are accustomed to doing what they are told, whether the order comes from Spaniard, American, or one of the gentes finas of their own race; they accept the present conditions without complaint, and I am informed that it will be a matter of considerable difficulty to break up these barrios when the time comes to do so. It is gratifying to know that such hardships as exist fall upon the wealthy classes, and that it can no longer be said of the insurrection that it is "a rich man's war and a poor man's fight."

So it goes on to the end. There is only one other paragraph which I will stop to read:

The term "concentration" has doubtless become odious to the people of the United States, because of the course pursued in Cuba under the administration of Weyler. There is, however, one very important difference between the Spanish system of concentration and that used at these camps, namely, that while many of the Cuban reconcentrados were starved, in these camps all are well fed. I was unable to find in any of these great camps any evidence in the slightest degree of the want, misery, and squalor that are so evident in our best-managed and presumably humane Indian agencies within the limits of the United States, where the policy of concentration has long been carried out by our Government in opposition to the wishes of the Indians, who preferred to run wild and conduct war at their own pleasure.

I ask that the whole of this report may be printed in the RECORD. The report referred to is as follows:

HEADQUARTERS DEPARTMENT OF NORTH PHILIPPINES,
Manila, P. I., March 22, 1902.

SIR: I have the honor to report that, in accordance with your verbal orders, I proceeded on the 16th instant on the gunboat *Napindan* to Calamba, and thence overland to Santo Tomas and Tanauan, at which points I inspected the concentration camps of the natives. I inspected the camp at the former place on the 16th instant and the two camps at the latter town on the following day. On the 18th instant I returned to Manila.

The camp or village at Santo Tomas contains about 8,000 people and covers a space about 2 miles long by 1 mile wide. The people are not unduly crowded, their houses are clean and comfortable, and the streets and grounds of the camp are well policed and scrupulously neat. The houses are in every respect as good as those in the barrios evacuated by the natives, with the exception that in most instances they are smaller. There is, however, no uncomfortable crowding, as the native houses in this archipelago are a mere protection from sun and rain and are generally sufficiently open to allow a very free circulation of air. The people from the same barrios are quartered on the same streets, the communities being kept together and the people having the same neighbors they have been accustomed to at home.

The health of the people in the camp at Santo Tomas was very good, sickness being practically nil. The camp is under the general charge of the medical officer at Santo Tomas, with a practicante as assistant in each barrio.

There is sufficient food on hand to last until the 1st of May, and the reserve of palay in the church will probably provide subsistence for another month. There are plenty of pigs about the camp, though chickens are getting scarce. Many of the chickens in the barrios were not brought to the concentration camp, but were left behind, and have since become wild. Many of them will probably be available for food when the people get back to their barrios. The people will also be able to get fruits (principally bananas) in abundance, besides squashes and a species of bread fruit. The stock is allowed to graze within the dead line, and they evidently find good grazing in this space, as they seem to be in good condition.

Care is taken to provide against fire by having sections of bamboo, filled with water, resting in a rack at each end of each barrio, and in case of a long street at convenient points between. There are also sections of bamboo filled with water resting on the roofs of nearly all the houses, two sections of bamboo being tied together and slung across the ridgepole of the roof. Hooks on long poles are also provided for the rapid demolition of houses in case of fire.

The people in the camp at Santo Tomas had all been inspected and vaccinated.

At Tanauan there are two camps—one, known as the north town, being approximately in the form of a square about one-third of a mile on each side. The south town covers a space about one-half of a mile long by one-third of a mile wide. There are 11 barrios in the former and 15 in the latter. In the two camps there are about 19,000 people, of which number 11,000 are in the south town and the rest in the other camp. In these camps, as in the one at Santo Tomas, each barrio is assigned to a street by itself, so that neighbors are not separated from each other.

There has been considerable sickness among the children in the camps at Tanauan, measles having broken out, followed in many cases by pneumonia. The death rate, however, is not greater than the native villages under ordinary conditions, and the mortality from pneumonia has been largely due to the unusually cold weather of last month. Of course, the term "cold weather" is a relative term, but it should be borne in mind that the poor people in this climate probably suffer as much from cold in a temperature of 50° or 60° above zero as the people in Minnesota or the Dakotas would in a temperature of 30° or 40° below. Great care is taken to guard against disease, the camp being under the personal supervision of the medical officer stationed at Tanauan, who also has a native practicante in each barrio, the native practicante having in some cases several assistants. These practicantes, I may state, seem to understand their work and to conduct it with intelligence. Here, at Santo Tomas, all the people have been inspected in regard to smallpox and vaccinated with most satisfactory results.

There is food enough in the camps at Tanauan to last until the 31st of March—perhaps until the middle of April. The rich people have plenty of rice, which they will be compelled to sell as soon as the rice of the poor people is exhausted. It is believed that this reserve rice will be sufficient for the people until the 30th of April. Pigs and chickens are still to be seen around the camps, the former in considerable numbers, though the latter are said to have become rather scarce. The people are allowed to take their cattle out every day beyond the dead line * to graze, and they are also allowed to gather forage and bring it in.

Each barrio has an outpost, marked with a flag, on the dead line. Each outpost consists of four natives, and is relieved every twenty-four hours. The outposts have orders in case they see any natives trying to go beyond the line to turn them back, and there is a saddled pony at each outpost to give warning in case anyone gets beyond the line. While natives beyond

*The dead line is from 300 to 800 yards from the outer boundaries of the camp.

the dead line are liable to be shot, such a measure is never resorted to if it is possible to arrest them and turn them back to the camp.

No cases of shooting people passing the dead line have yet been reported, and, as nearly as I can ascertain, none have occurred. In the church and inclosure at Tanauan there are 127 female prisoners, all of whom are legitimate prisoners of war, who could be tried by military commission under the provisions of General Orders, No. 100, for their work as spies, collectors, etc. Forty women with children are provided with separate quarters, having been given the best available house for this purpose in town. Any woman becoming ill is released on parole. In the guardhouse there are 270 military prisoners, who are fed on the Government ration allowed prisoners, and who are probably getting better food than they have ever before had in the course of their entire existence.

There is a school in each barrio, where instruction is given by native teachers acting under the general supervision of the teacher at Tanauan. These children look as happy and contented as any school children in the United States. As we rode through the village they were given a recess to meet us, and called out cheerily, smilingly, and in good English the salutation "Good morning," which had been taught them.

I was unable to find among these people anywhere any evidences of misery or neglect. The hombres or common people are perfectly contented and have no desire to leave. They have scarcely more power of intelligent initiative than the same number of cattle; they are accustomed to doing what they are told, whether the order comes from Spaniard, American, or one of the gentes finas of their own race; they accept the present conditions without complaint, and I am informed that it will be a matter of considerable difficulty to break up these barrios when the time comes to do so. It is gratifying to know that such hardships as exist fall upon the wealthy classes, and that it can no longer be said of the insurrection that it is "a rich man's war" and "a poor man's fight."

Caste is strongly marked among the Tagalos, and the upper-class aristocrats do not fancy their enforced association with the democratic herd. As far as possible, however, neighbors are kept together and the caste spirit is shocked just enough to excite amusement rather than pity in the mind of an American. The rich people have lost heavily because they have not been able to harvest their orange crop and can not give their personal attention to their estates. They undoubtedly yearn earnestly for peace, and for the first time they are trying to bring it about. They deserve but little sympathy in their unhappiness, for it is they who have sustained the war, and it is but just that the pinch of the concentration should be felt by them. It should be repeated with emphasis that the distress incident to war falls in this case not upon the poor, but upon the rich, who have been perfectly willing to oppose the Americans so long as the hardships and dangers fell almost exclusively upon the hombres, while the distinction and position of "patriot" leaders were monopolized by themselves.

The term "concentration" has doubtless become odious to the people of the United States, because of the course pursued in Cuba under the administration of Weyler. There is, however, one very important difference between the Spanish system of concentration and that used at these camps, namely, that while many of the Cuban reconcentrados were starved, in these camps all are well fed. I was unable to find in any of these great camps any evidence in the slightest degree of the want, misery, and squalor that are so evident in our best-managed and presumably humane Indian agencies within the limits of the United States, where the policy of concentration has long been carried out by our Government in opposition to the wishes of the Indians, who preferred to run wild and conduct war at their own pleasure.

The effect of this system has been to produce practically a condition of peace in the provinces to which it has been applied. The insurgent leaders who are still out have scarcely any followers, being in small parties and in concealment, living in caves, hiding by day, prowling by night, and claiming to be the titled representatives of a government. It is said that they are largely sustained by the hope of material financial assistance from the junta of Hongkong, and there is no doubt that they are morally supported and strongly sustained by the public expressions of sympathy made by certain prominent persons in the United States.

In conclusion, so long as it is impossible to adopt the Sermon on the Mount as a guiding treatise on the art of war a certain degree of misery will be inseparable from a condition of war; but as far as the concentration camps are concerned, misery is reduced to a minimum, and the management of the military authorities has been so beneficent that I believe that the common people in the camps are actually more happy and comfortable than they were in their own villages.

Very respectfully,

ARTHUR L. WAGNER,
Colonel, Adjutant-General's Department, Adjutant-General.

Maj. Gen. LOYD WHEATON, U. S. A.,
Commanding Department of North Philippines, Manila, P. I.

Mr. FORAKER. Now, on this report is the following indorsement by General Wheaton:

[First indorsement.]

HEADQUARTERS DEPARTMENT OF NORTH PHILIPPINES,
Manila, P. I., March 24, 1902.

Respectfully forwarded to the Adjutant-General of the Army, Washington, D. C.

This report illustrates the conditions existing in the towns where the inhabitants have been assembled. This concentration was made for the purpose of protecting the natives from the guerrilla bands in the provinces of Laguna and Batangas.

After more than two years' occupation of these provinces it has been found impossible to exterminate these bands or capture their leaders, owing to the reign of terror which they exercised over the inhabitants. Their systematic assassination—sometimes of burying alive—of natives who refused to contribute to the support of the insurrection, enabled them to wring a steady war revenue from people presumably enjoying the privileges of free government and the protection of the United States. This has now terminated; nearly all the arms in the hands of guerrillas have been captured or have been surrendered, and there is a prospect of an early termination of disturbed conditions in provinces under military control. It is expected that within sixty days people assembled in the towns can be returned to their several places of former abode.

LOYD WHEATON,
Major-General, Commanding.

Now, Mr. President, we are officially informed that in less than sixty days from the time when he wrote this, as he predicted, they were able to dismiss those people to their homes and to abandon those camps, the work which they were designed to do when they established those camps having been accomplished. Now, what was that work? I have already read what it was. What was the purpose of this act which has been charged to be an act of brutality, but which I think is officially reported to be an act of mercy and an act of gentleness and an act of kindness?

Its sole purpose was to enable our Army to rid those provinces in which these concentration camps were established of the banditti and guerrillas and murderers and assassins who were carrying on war not alone against our Army, but also and even more particularly against the people of their own island for no other offense committed by them than acts of friendship to the American cause. That was the whole purpose, in order that the Army might, all friendly people having been gathered within the protection of the American Army, sally out and pursue those people and put an end to that kind of depredation and to that kind of savagery and to that kind of uncivilized warfare. It was successful. There is the indorsement of General Wheaton. There are the reasons assigned by General Bell in giving his order.

Who is to question these statements? Are not these officers of high rank in the American Army honorable men? Is not their statement to be accepted in the United States Senate against the statement of any man whose mere letter is read and whose name is withheld? I would not disparage at all the officer whose letter the Senator from Georgia read, because the Senator from Georgia has vouched for him, but until he gives his name and we know who he is I am going to accept the statement of General Wheaton and the statement of General Bell, men known all over the United States and men who have the confidence and the esteem and the regard of the American people, not only as efficient and capable soldiers, not only as commanding generals of merit, but as men of high character and men whose word the people of the United States will accept.

They tell us why they established these concentration camps. They point out that it was a matter of necessity and a matter of mercy, and they point out the character of the camps, and that instead of establishing them in low, swampy ground, as Weyler established his camps, and instead of denying medical attendance and full rations and adequate room and all the necessaries to enable them to be comfortable, they were supplied with everything of the sort; their camps were put upon high and healthy ground; they were given an abundance of room; houses were built especially for them; streets were laid out; people of the same community were gathered together in the same neighborhood in the camps of concentration so established, in order that the neighborly communication to which they had been accustomed might be continued under the new conditions enforced by the Army.

Not only were they supplied with medical attendance, but there was a medical officer in charge of each camp and a medical practitioner in each barrio or subdivision of the camp. They were given every kind of attention, and the health of the camp was as good as the health of the people at their own homes, and in order that they might be provided against the contagious disease of smallpox everyone was vaccinated. Every care that humanity and mercy could suggest was exercised with respect to them.

Now, following General Wheaton's indorsement comes this indorsement from General Chaffee. I desire it to go into the RECORD, and therefore I will read it.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 25, 1902.

Respectfully forwarded to the Adjutant-General of the Army.

It is useless for me to make an attempt to show the necessity for the course adopted in the Third and Sixth Brigades to put an end to the active insurrection existing there in such a way that all persons will agree that right action has been taken.

He knew there would be Senators who would not agree with him, no matter what he might say. I suppose that is what he had reference to. Then he goes on:

It is impossible, of course, for me to do this. I will state, however, that personal contact with the people, a knowledge of their methods and sentiments, a personal acquaintance with the terrain and what may be done by an enemy as by troops are all essential to determine what should be done before condemning what has been done. It is also necessary that some other method be suggested and positive proof submitted that had it been followed more success correspondingly would have followed its adoption than has been secured by the present course.

I do not understand that the authority of the United States in these islands can be indefinitely disputed by armed forces without efforts to terminate the resistance to that authority. On the other hand, I understand that all means which are justified by the laws of war are to be applied in such form as will meet and defeat the method of warfare adopted by the enemy. If desperate in the last case, more desperate must be the attack to end it.

Every care has been taken that people required to remain under military surveillance shall not unduly suffer for food, shelter, or medical attendance, if needed.

ADNA R. CHAFFEE,
Major-General, U. S. A., Commanding.

On page 5 of the same document is another report to the Commissary-General of Subsistence by the chief commissary of the Division of the Philippines, March 17, 1902. He also was familiar with the camps and had occasion to report upon them, and I wish to read briefly from what he says:

We are getting along very nicely in supplying rice to the natives who are concentrated in Batangas and Laguna provinces. Last week, in company

with General Wheaton, I visited Binan, Calamba, Santo Tomas, Tanauan, and Lipa, and the way the concentration of the natives is carried out up there is a credit to the United States Army. Generals Wheaton and Bell both deserve a great deal of credit.

Instead of being called "camps of concentration" the proper name would be "camps of instruction and sanitation." The different barrios, or little villages, are gathered—each barrio—on a street or avenue by itself. Then these different avenues are separated by about 200 feet from their back yards, where they do their cooking, burn up the offal, etc. They have their fire brigades, armed with buckets of bamboo about 6 or 8 feet long. These are grouped on racks every 200 or 300 feet, and every house is required to keep two of these filled at night. The houses are about as comfortable as those they were required to vacate. They all have an abundance of food, either collected by themselves or furnished by the military authorities.

The inhabitants are most respectful and very cheerful looking. They all have the appearance of being well fed. No indications of sullenness or discontent. Their herds are taken out to graze, and I really think, outside of a military standpoint, the natives will be decidedly improved by virtue of having lived in these well-regulated camps of instruction and sanitation. The very poor are much better off in every way than they ever were before, and they are subject by the military to less tyranny than formerly by the headsmen. From a military standpoint, of course, the concentration has been most valuable and has resulted in bringing in nearly every gun and every insurgent behind it who has not fled to the province of Cavite and Tabayas, which are under the control of the civil government.

Following that, and as vindicating the prophecy made by Colonel Wagner in his report that within sixty days from the time he wrote they might be able to send the people back to their homes, I read the following:

MANILA, *May 5, 1902.*

ADJUTANT-GENERAL, *Washington:*

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With reference to your telegram of the 3d, natives Laguna Province collected under orders Brig. Gen. J. Franklin Bell allowed to return home more than a month ago. Batangas Province, Luzon, last of natives relieved of all army surveillance April 16.

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CHAFFEE.

So on the 16th day of April it had become unnecessary, because of the beneficial results of this policy, for the Army longer to hold the people of these infested provinces under surveillance, and the camps of concentration which had been established were broken up and the people were allowed to go to their homes, where they are to-day living in peace, while the war in the Philippines goes on in the Senate of the United States, but in no other place on the face of the earth.

Mr. President, when we have an official report showing the character of the camps established and showing that they were just such camps and that the people in them were accorded just such treatment as we might expect would be accorded by American officers and American soldiers to a helpless people of that character, it is not only without any warrant whatever, but absolutely inexcusable, and a slander on the American Army and the American people, for Senators to stand up here and say that the concentration camps we have established in the Philippines are to be likened to the concentration camps established by Weyler in Cuba. There is no comparison whatever.

The concentration camps in Cuba were established by Weyler for the express purpose, as all the world knows, of exterminating the population of the island of Cuba, while on the other hand the concentration camps in the Philippine Islands were established by the American Army for no other purpose than to give friendly protection to the people who were entitled to it, while the Army might, without injury to them, proceed against those who were in hostility to them as well as to us, and suppress an insurrection, without the suppression of which there could be no peace, no prosperity, and no civil government.

Mr. DIETRICH. Mr. President, I should like to add a little more testimony to that which has been quoted by the Senator from Ohio [Mr. FORAKER] as to the contrast between reconcentration in the Philippine Islands and Weyler's reconcentration in Cuba. In the testimony of General Hughes he has the following to say:

I know it as it is practiced there—

That is, in the Philippine Islands—

I know it as it is practiced there. It is a misnomer to call it a policy of concentration, because the world has learned to put a significant meaning to that word. The policy as practiced in the Philippines has no element of cruelty in it. It is simply an order to the inhabitants of a particular locality to move from one portion to another, and there they reside and carry on their operations and business. If the locality into which they have moved does not afford them ample support, the United States Government provides them with food and shelter. The people are pleased with it, because they are permitted to lead an easy life, much easier than at home. There is no element of punishment or deprivation. They are simply requested to come into a certain district.

They are moved out of danger, then, for their own benefit?

Exactly; because those who are inclined to favor the Americans are assailed by the ladrones or the rebels, and unless they came within the lines of the American Army they would be compelled to pay tribute to the insurgents. These people largely accept this concentration, as it is practiced, as a relief instead of a punishment. It is a relief from a punishment inflicted upon them by the insurgents, with whom they have no sympathy.

I also wish to read a few lines from the testimony of Professor Barrows, who has been head of the bureau on uncivilized tribes.

Senator BEVERIDGE. You were pretty well over the island of Luzon, as I judge from your answers to questions, particularly in those provinces going northward from Manila to the north portion of the island. Did you observe in the prosecution of your work the operation at any point of the reconcentration policy, of which so much has been said? If you did, tell the committee what it was with reference to its cruelty or the reverse. Describe it.

Mr. BARROWS. I was in one province which was reconcentrado, and I think I visited all but one town in the province. I think the matter has been very greatly misunderstood. In this case the population was in no sense confined within barriers inimical to its well-being. There was no barbed-wire fence business at all. They were simply required to dwell and to work along a great cultivated stretch which made up the arable land of the province, within a certain distance of a military road that traversed it. They had to stay there. They could not go out to the mountains. They could not take to the woods. Of course within those limits they could pass, and pass for miles; harvest their rice, fish, do anything they wanted to do; but they must stay in the territory capable of patrol by the military forces.

Senator BEVERIDGE. But within those limits their personal action was free?

Mr. BARROWS. Yes, sir.

Senator DIETRICH. There was no starvation?

Mr. BARROWS. No, sir; that was impossible.

Senator BEVERIDGE. Did you observe any cruelties in those lines?

Mr. BARROWS. None whatever.

Senator BEVERIDGE. It is just as you have described it?

Mr. BARROWS. Yes, sir. For example, after the rice was cut they had to bring it in the vicinity of this military road and stack it there and thrash it there and harvest it there. They could not do as they had been doing—stack it way out in the country where the insurgents could come in and carry it off. It was simply a measure adopted to prevent the contribution to the insurgent cause of supplies and the rendering to it of assistance in many ways by a population that was supposedly and professedly peaceful.

I thought it would be well to add to the testimony and the reports of other officers these words from General Hughes and Professor Barrows.

Mr. HOAR. Mr. President, I do not propose to-night to enter into a discussion of the point which has been discussed between the Senator from Georgia [Mr. BACON] and the Senator from Ohio [Mr. FORAKER]. The Senator from Georgia, if I understand it, read a letter from an officer of high rank in the American Army, stating with great minuteness what he had personally seen. Now, unhappily——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. HOAR. Certainly.

Mr. FORAKER. I did not understand the Senator from Georgia to indicate the rank of the officer. He said he was a commissioned officer and a graduate of West Point. He did not say, so far as I remember, that he was an officer of high rank.

Mr. HOAR. I did not hear the statement on that particular point, but I understood he was said to be an officer of high rank.

Mr. ALLISON. He did not mention the rank.

Mr. HOAR. He did not mention the rank?

Mr. BACON. I will say he was not a subaltern.

Mr. FORAKER. Was he a field officer?

Mr. BACON. I have answered all I care to.

Mr. LODGE. I was not present when the letter was read. Was it anonymous?

Mr. FORAKER. Mr. President——

Mr. HOAR. I was just about to state what would be an answer to that question.

Mr. FORAKER. I will state for the benefit of the junior Senator from Massachusetts, if the senior Senator from Massachusetts will allow me, that the Senator from Georgia read a letter in the course of his speech which he said he had received from an officer who was serving in the Philippines. He did not give the name, and he did not identify him in any manner except only to say that he was a graduate of West Point Military Academy.

Mr. HOAR. I am very happy to have the various Senators state how they understood it, but I was about to state how I understood it. I had better make my statement——

Mr. ALLISON. Mr. President——

Mr. HOAR. If the Senator from Iowa prefers to proceed, he may go ahead.

Mr. ALLISON. I merely wanted to ask the Senator from Massachusetts to give us the date of the letter which the Senator from Georgia did not give, and also to state whether this officer is now serving in the Philippines. I understood the Senator from Massachusetts to state that fact, which was not stated by the Senator from Georgia.

Mr. HOAR. I did not state that fact, so far as I remember.

Mr. ALLISON. Then I misunderstood the Senator from Massachusetts.

Mr. HOAR. Now, Mr. President——

Mr. ALLISON. Now I yield to the Senator from Massachusetts.

Mr. HOAR. I am very happy to have the Senator from Iowa yield to me, considering the fact that I have the floor.

Mr. ALLISON. Yes.

Mr. HOAR. I will go on and state what is my understanding, if I may.

I understand that the Senator from Georgia read a letter, wherein the writer described with some minuteness what he had

personally seen, from an officer of high rank in the Army, personally known to him, and for whose high character as an officer and a gentleman he vouched. The Senator now says that the officer was not a subaltern, and whatever difference between those two statements there may be is proper for consideration. But everybody knows, and it is useless for anybody to disguise the fact, that it is very difficult indeed to get officers in the Regular Army to testify under their own names and openly to matters which reflect on the administration of a war. Brave men who will go up to the cannon's mouth for honor or for their country flinch from that. They are apt to fear that somehow or other promotion——

Mr. FORAKER rose.

Mr. HOAR. I wish I could make this statement. Still I will yield to the Senator.

Promotion is the object of their life. Honor is to them as the breath of their nostrils. Their power of taking care of those whom they have to take care of for life is affected. Now, that I believe—and I am making no criticism on the honor of American soldiers or sailors—to be the universal law of military life throughout all history.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. HOAR. If the Senator thinks he would like to have me interrupted——

Mr. FORAKER. I would be very much gratified if the Senator would yield to me just at that point.

Mr. HOAR. For what purpose?

Mr. FORAKER. I understood the Senator to say that it was difficult to have Army officers testify to anything that was in the nature of criticism. What I wanted to ask the Senator was whether he thought it was at all difficult for Army officers to state the truth in making official reports of facts ascertained.

Mr. HOAR. I am not dealing with that point now. I do not question the veracity of these gentlemen at all, but I am stating what I believe. It is just like in another way the propensity of Senators and Representatives—a propensity of which I am as thoroughly conscious and of which I have been charged all my life with carrying very far by people who have occasion to make political attacks on me—to stand by their own party in civil affairs.

Now, the Senate of the United States, I think unanimously, has ordered an investigation into the conduct of the war, and the investigation is apparently hardly over the threshold. I do not know how far it has gone, and I do not think it is quite fair to make impassioned and indignant claims that we must take the evidence of the persons under investigation as settling this question before we have gone any further. I think there is very grave matter proved already. I hope, and in regard to some matters I believe, that the prima facie evidence against the conduct of the war is to be rebutted. I have within four or five days, within ten days certainly, taken great personal pains to investigate two of the worst charges which have been made and which have been publicly believed to a large extent. In one of them I think the conduct of the war was completely vindicated and acquitted, and in the other—I shall speak of it next Thursday, if I am heard then—I am afraid in the other case the charge was established.

I do not propose to enter now upon a general discussion of a subject which I shall have something to say about in a day or two. I wish just to call attention to the point between the Senator from Ohio and the Senator from Georgia as it has been left by the brilliant and impassioned speech of my honorable friend, always so brilliant and always so impassioned. He says that under this reconcentrado policy, or however you pronounce it (I have not been able to pronounce a Spanish word correctly since my honorable friend John Sherman, who used to tell us how to do it, left the Senate) they have been compelled to take people from their own homes over great districts of country, put them where they are under military power, where he says they are fed as well as any flock of lambs who are being prepared for the market in the spring are fed, and they are kept there.

Why? What is the object of this humane gathering together of a whole population from their homes and putting them under the military authority of a power 10,000 miles off? It is because some guerrillas or insurgents or men in arms are attacking those people and making their lives not only unhappy, but in great danger on account of the friendship of the people so selected to the United States. And it is a matter of humane and kindly protection that this is done.

Mr. President, we had a picture of the condition of things before we claimed our right to buy the sovereignty over that people or to get it as the spoils of battle or booty of war from Spain. Admiral Dewey sent out men who he says have given the best report of the condition of things in those interior districts, I dare say, the very districts to which this report refers, though I have not looked to see.

That was three years ago or thereabouts. The people were then living in peaceful and quiet villages, governing themselves, with their schools, and their libraries, and their kindly hospitality, and their musical instruments, and their Christian churches, and they were forty times as friendly to the United States as they are now, were they not? They received our people as a Newfoundland dog follows his master—with love and worship. There were not any guerrillas attacking them for that. They did not have to be protected against their own countrymen then. There was all the friendliness there and none of the danger from guerrillas.

Now, what has wrought the change? How does it happen that now men who are not so friendly as they used to be by a great deal can not live in peace in their homes because of guerrillas who attack them, because they are friendly to the United States? Who brought about that, I should like to know? It was brought about by that which brings it about everywhere on the face of the earth, which has brought it about, or something like it, from the beginning of time, and which will bring it about until time shall be no more, if the nature of man remains the same.

It was brought about by the fact that an alien government, without right and without justice and without title, has undertaken to deprive those men of the peaceful self-government which they were enjoying and to baffle and trample out the aspiration for their national independence which they had. This guerrilla warfare, the barbarity, so far as the people were partly savage, the civilized warfare so far as they were partly civilized, follows what we did when we attempted to impose our authority on that people by the inevitable law which God has planted in the heart of man, and which follows it as surely and as inevitably as the night follows the day.

I do not care whether the guerrilla began it or the man who administers the water torture began it. When you made that unfounded claim of sovereignty, if you heeded the warning of England in India, or of England in South Africa, or of human nature everywhere the round world over, you knew exactly that this condition of things would happen, and the reconcentration camp and the guerrilla and the danger and discomfort in their homes to that peaceful people, and barbarity on one side or the other, are the fruits of the tree you planted when you ratified the Spanish treaty.

Mr. CLAPP. Mr. President, while the discussion of the pending bill has occasioned a great deal of debate the bill itself has been very little debated.

At the threshold of every disputed question there lies an initial fact and as to that fact there can be no halfway decision. The first thing for us to consider is whether to-day, without further ceremony, we will withdraw our troops from the Philippine Islands or whether we will remain there until American authority is recognized and peace is restored.

Now, there is no dodging that issue. You may talk about colonial policies; you may talk about the ultimate solution of this question; but to-day in the decision of this bill we have to decide whether we shall go on or whether we shall retreat. I do not believe that there are any considerable number of people in this country who want to beat a retreat. I shall do the Democratic party the credit of saying that in my humble judgment they believe, as we do, that the first thing to do is to establish the supremacy of the American Government in the Philippine Islands.

The gentleman who so eloquently addressed the Senate this afternoon [Mr. BACON] addressed this body only as late as last February, and in that speech he enunciated the Democratic doctrine as consisting of the proposition that the first thing for the Filipinos to do and that which would best serve the interests and the welfare of the Filipinos is to lay down their arms and recognize the American authority; and he declared that that was then Democratic doctrine.

Then I say with that at the threshold of this inquiry, the next question is, What shall be done with reference to the temporary government of those islands? At this point there is a difference of opinion. Some say that we ought to announce to those islands that when peace is restored, when American authority is recognized, they shall be independent.

But, Mr. President, we have before us to-day the mistakes that have been made in the last three years. When war broke out with Spain a declaration was made by Congress which has embarrassed us at every step of the solution of the Spanish problem. No sooner was war over with Spain than the claim was made that we were violating our plighted faith in not immediately and at once giving Cuba her independence, and we were embarrassed from that time on by the fact that we had made a legislative declaration prematurely. In the light of that experience is it not wise to wait until the development of time

demonstrates what must be the ultimate outcome of the Philippine question?

Now, it is said that there is no occasion for legislation in regard to the Philippine Islands. I think there can be no question but what the resolution passed at the last session of Congress conferring power upon the President was no enlargement of his constitutional power. It seems to me that it is a wise proposition to get as rapidly as we can from the military to the civil arm, and by the enactment of a civil code in part by Congress and in part by the authority constituted by Congress in the Philippine Islands to teach those people that we are as rapidly as we can getting away from the military arm and approaching the civil.

Now, there is another proposition to be stated. If the Cuban Republic proves a success it will be largely due to the fact that for three years she had the guiding protection of a nation which has been drilled and schooled to government. It seems to me that it would be absurd to suppose for one moment that to-day the Filipinos are capable of governing themselves. But this bill by a gradual process places in the hands of the Filipinos an ever-extending self-government as they develop their capacity for that purpose.

Objection is made that the bill leaves the status of the Filipino undefined. Of course, we must all recognize the fact that in the breast of the Filipino, as in the breast of the Anglo-Saxon, there is an inborn desire to rule and regulate; but we say in all candor to the Filipino, in view of the sacrifice that we have made, in view of the cost of blood and treasure in the securing to the Filipino that which he enjoys to-day, he might well content himself in patience for a little while as long as we bear a larger proportion of the burden than he does. When we look back and reflect that only a few years ago the hateful and palsied hand of Spain rested on those islands, when we realize that for three centuries the Filipino had no participation in government, it seems to me that he might well be asked to restrain his patience for a little time while we, bearing the heavier part of the burden, solve that part of this problem which devolves upon us.

Mr. President, the Filipino is an incident in this problem. If we fail in finally bringing salvation to the Philippine Islands it means loss and failure to human history. On the other hand, if this Republic of ours works out the problem wisely, judiciously, and successfully, it is a contribution to the cause of human progress worth more in the end than the welfare of any one people, whoever the people may be.

I say, then, in dealing with this question, while we must not lose sight of the Filipino, we can not lose sight of the obligation which rests upon us, and we must ask the Filipino to wait with patience until the time comes when other promises and other conditions may be his lot and his fortune.

Mr. President, this debate has presented a strange spectacle. It presented a most strange spectacle this afternoon, in keeping with the character of the debate from its very inception. When the debate commenced we began to be regaled with stories of atrocities of American soldiers. The horrors of all history were paraded, and in all history no parallel found to the atrocious conduct of the American soldiers in the Philippine Islands.

Mr. President, there is a law of nature recognized in the administration of human law, and that is that there is a cause for every human action. That cause may be simply a cause; it may be a palliation; it may be an excuse; it may amount to an absolute justification.

Why, then, were Senators so swift to present the character of the atrocities committed by the American soldier and so slow to present the cause for whatever that cause might be worth?

We have been practically told in this debate that it made no difference; in other words, when a man is charged with an offense the fact is proved, and when he begins to present the evidence of the conditions surrounding that act he is told that that is immaterial. Already they rely upon the presumption—and if they did it was a safe presumption—that in the American people and in the Republican party there would come a swift vindication, not in the performance of a duty, but in the exercise of a great privilege.

Again this afternoon we witnessed the same spectacle. We are told of these camps, and yet the evidence from which all the stories of those camps is taken contains the orders, the story of the condition of those camps, the justification for their existence, if it is a justification, a cause if it is only a cause.

During the early part of the debate we were informed that the half had not been told, and some who did not have time day by day to read the proceedings of the committee sat in breathless alarm waiting for the other half to be told. It was told one day when the junior Senator from Massachusetts [Mr. LODGE] gave the other half of the story; and from that moment there came up a muttering of disapproval by the people of this country for the unwarranted attack upon the Army until the men who had made that attack shifted their base and said that it was not a question of responsibility with the soldier, but the responsibility rested upon the Senator from Massachusetts and the Republican Senators of this body.

Yesterday we listened to a most eloquent address from the junior Senator from Iowa [Mr. DOLLIVER], and, while we could say "amen" to all that he said, with all due deference to him, with all due respect for him, I propose to go one step further in the discussion of the question of responsibility. All human nature demonstrates the truth that while individuals may be considered as factors in history the fact is that as a rule they are nothing more nor less than instruments. It has been said by some that our career which ended in our getting in the Philippine Islands was destiny. It has been said by others that it was the act of God himself. If we adhere to the maxim, vox populi, vox Dei, then it was the voice of God, for it was the voice of the American people.

I would detract nothing from the credit that is due to William McKinley, but from the time some dastard hand fired the *Maine* in the harbor of Habana and hurled American seamen into eternity, neither McKinley nor any other man was great enough to stay the course and progress of events in this country. War was then as inevitable as the ebb and flow of the ocean's tide. Much as he regretted it, much as he deplored it, it would have been impossible for him or anyone else to have prevented it.

I would detract nothing from the credit due to the men who signed the treaty of peace in Paris. They were presented to us yesterday as men of standing, of patriotism, of learning, and of courage. It is true that that commission had it in their power to deal with the details of the treaty, but that commission, when we take into consideration the force of a developed public sentiment, was powerless to bring about any other result than the expulsion of Spain from those islands and the retention of the islands by the United States until in the process of time an ultimate determination as to the islands themselves could be arrived at.

That commission, I say, recognizing this power as the force of public sentiment, was powerless to have reached any other conclusion.

About the time that the treaty of peace was signed an event occurred in the Philippine Islands. It may be difficult to fix just where the responsibility was for the conflict that broke out between the followers of Aguinaldo and the American soldiers; but wherever that responsibility lay, whichever side inaugurated that conflict, the greatest power and the wisest judgment on earth—for the wisest judgment on earth is the deliberate judgment of the American people—pronounced a verdict as to what should be done in view of the conditions that arose from that outbreak, and at the last Presidential election, in no unmeaning terms, they pronounced their verdict as to the condition then confronting us—that the policy of the American people in the restoration of peace and in the establishment of the national authority in those islands should go on until they were both accomplished.

Then, I say, if you want to fix the responsibility for our being in the Philippine Islands to-day, you have got to fix it upon the American people. From start to finish, from the day when the *Maine* was blown up until to-day, there has been no time when the men who assumed to shape and mold public affairs could have abandoned the general policy which has been pursued with reference to those islands.

But, Mr. President, there is another responsibility. We have just listened to the eloquent senior Senator from Massachusetts [Mr. HOAR]. He has asked us how it is that at one time the Filipino was a friend, and how it is that to-day we find him in arms against our Government. With all due respect to the distinguished Senator, let me remind this body that there is a reason for that change. If the words of the Senator from Georgia [Mr. BACON], thundered into the ears of the Filipinos in 1901, had been continuously echoed down to this day, peace would have been established in the Philippine Islands.

It was my fortune to enter this Senate one afternoon in January, 1901, and to listen for a few moments to the gentleman who temporarily preceded me in this body. He spoke in eulogy of Aguinaldo, comparing Aguinaldo, if I remember correctly, to Washington himself.

That is not all. There has been thundering into the ears of the Filipinos, from the time the controversy began down to within five minutes of this moment, the threat and the prophecy that in the end the Filipino is doomed to be enslaved by the American people. If it is desired that peace shall come to the Philippine Islands, if it is desired that American authority shall be established in the Philippine Islands, it would rather be the part of wisdom if not of patriotism to cease dinning into the ears of the Filipinos that they stand in danger of being ultimately enslaved by the American nation.

Mr. President, there is nothing in the history of this nation to warrant that threat or to warrant that prophecy. Instead of holding up to the Filipino the danger that some day he will be the slave of this Government, how much better, how much wiser, how much more patriotic, how much more true to the history of our own people, would it be to point the Filipino to the history of our nation in dealing with this great problem of liberty. Our first struggle was a struggle for liberty; then there was our great struggle with ourselves in the great civil war. When in the annals of history was a conquered people treated with more generosity than on the occasion of the conclusion of that war? Is there anything in the conduct of the American people at the close of that struggle upon which to predicate the threat or the prophecy that the American people have in their hearts a desire and a purpose to enslave a people, to enslave a nation?

Ah, Mr. President, but there is another picture that we might with profit hold up day after day and night after night to the gaze of the Filipino as a suggestion to him that in the patience required for the solution of this problem he must have faith and confidence in the American people. A few years ago the people of this country, reaching a degree of impatience where they could hardly be restrained, were finally precipitated into a war with Spain. It would have been no trouble at all to have acquired Cuba and annexed it to our own country. But what did we do? Did we enslave Cuba? No; we not only lifted from Cuba the dark and heavy weight of Spanish misrule, but we threw around that island our great, strong arm, and while in the path of peace and the methods of orderly administration the people of that island were enabled to form their own government, and to-day Cuba stands out among the nations of this earth; and there is no one on this earth to-day more glad that Cuba has been born among the nations of the world than are the American people.

It is a travesty upon history, it is unfair to the history of the American people, to hold dangling forever before the Filipinos the picture of an enslaved people. Our history does not warrant it. On the other hand, we should hold before them the picture of our achievements and what we have done in the cause of human liberty. Instead of encouraging them constantly by the threat of colonization and the threat of enslavement, let us lead them to believe that in the patience required they must have faith and confidence in a nation that never has given token of anything but the most kind and generous treatment of every foe, great or small. [Manifestations of applause in the galleries.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1346) granting a pension to Adelbert L. Orr;

A bill (H. R. 2857) granting an increase of pension to Frances J. Haughton;

A bill (H. R. 6625) granting an increase of pension to Mary P. Downing;

A bill (H. R. 7397) granting a pension to Louisa White; and

A bill (H. R. 9606) granting an increase of pension to Charles Litz.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland.

The message further announced that the House had passed with amendments the bill (S. 593) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House, with instructions not to agree to the amendments of the Senate numbered 13, 14, and 15 to the bill, relating to the construction of permanent buildings at established military posts, except as authorized by section 1136 of the Revised Statutes.

The message also announced that the House had disagreed to to the amendment of the Senate to the bill (H. R. 9544) granting an increase of pension to George W. Barry, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. KLEBERG, and Mr. GIBSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUMPLE, Mr. DEEMER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4103) granting a pension to William C. Hickcox, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. SAMUEL W. SMITH, and Mr. NORTON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchey; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. KLEBERG, and Mr. SAMUEL W. SMITH managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. DARRAGH, and Mr. MIERS of Indiana managers at the conference on the part of the House.

HOUSE BILL REFERRED.

The bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

ARMY APPROPRIATION BILL.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. Pending that motion, I wish to ask, Mr. President, if all the messages from the House of Representatives have been laid before the Senate.

Mr. LODGE. I will withdraw my motion for the present.

The PRESIDING OFFICER. There is the action of the House of Representatives on the bill making appropriations for the support of the Army, but the Senator who reported the bill and who had charge of it is not present in the Senate. The Chair understands he will be here to-morrow morning.

Mr. SPOONER. I do not wish to call the bill up to-day, but I should like to have the message from the House of Representatives read.

The PRESIDING OFFICER. The message will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 20, 1902.*

Resolved, That the House disagrees to the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HULL, Mr. CAPRON, and Mr. HAY be the managers of the conference on the part of the House, with the following instructions:

Whereas Senate amendments numbered 13, 14, and 15 to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year 1903 makes the proposed appropriation of $4,000,000 for barracks and quarters available for the construction of such permanent buildings at established military posts as the Secretary of War may deem necessary, and reappropriates from unexpended balances of former appropriations for barracks and quarters $350,000 for construction of necessary garrison buildings, notwithstanding appropriations for said objects are made, in accordance with the rules and practice of the House, in the sundry civil appropriation bill for said year; and

Whereas said amendments are subversive of the rules of the House, duplicate appropriations, and tend to confusion in the methods of making appropriations for the support of the Government, and will, if agreed to, give rise to a practice that will inevitably result in extravagant and wasteful expenditures: Therefore,

Resolved, That the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804 are instructed not to recommend an agreement to said amendments Nos. 13, 14, and 15, or to any modification thereof that will, under authority of said Army appropriation act, permit the expenditure of any sum for construction of permanent buildings at established military posts, except as authorized by section 1136 of the Revised Statutes.

Mr. SPOONER. I only wanted that message read, so that it might appear in the RECORD.

Mr. SCOTT. I hope that the subject will go over until the chairman of the committee is here.

The PRESIDING OFFICER. The message will lie on the table until to-morrow, unless some motion is made in regard to it.

Mr. HOAR. Mr. President, I do not wish to make a motion on this subject, but I should like to say that I think we ought to have from some competent committee—from the Committee on Rules or the Committee on Appropriations, who have such great

experience on this question—some carefully considered report, which would instruct the Senate as to the proper proceeding in these matters. Questions of this character are apt to come in at the close of the session, when we are all anxious to adjourn or anxious to dispatch business, and we can not deal with them carefully and deliberately.

Without making a motion now, I should like to suggest to the Senators who have these matters especially in charge that we ought to have a pretty carefully considered statement of the limitations under which the two Houses shall proceed in this matter of conference.

I thought the other day that instructions of this kind prevented the conferees from having a free conference, but the Senator from Iowa [Mr. ALLISON] made a very instructive and suggestive statement about it, which rather led me to modify the opinion which I had previously expressed in regard to that particular report; but it is obvious that we can not transact business with comfort and with due self-respect by sending our conferees absolutely untrammeled on the one side to meet gentlemen on the other side who have such instructions as these.

The object of a conference committee is to have each House hear the reasons of the other, communicated by the committee on the one side and reported to the House by its own committee on the other. Now, we appoint such a committee, and we are informed that the other branch says to its conferees: "Do not you listen to anything they say to you; do not agree to anything, and do not ask us to do so." It is a very strange attitude we are getting into.

Mr. ALLISON. Mr. President, I wish to say to the Senator from Massachusetts that he expressed during the last Congress the same view that he now expresses. He then introduced a resolution instructing the Committee on Appropriations to make such an inquiry as that which he has just stated. The inquiry was carefully made by the committee, through our very competent clerk, Mr. Cleaves, who hunted up all the precedents, and I was ready to make a report at the close of the last Congress, but in the hurry of the closing hours I did not get it in. So a few days ago I made a report on the subject, which is now in print in Document No. 1545.

I think this is a very important question, both as respects the honor and dignity of the Senate and the proper consideration of these great public measures, which must pass during every session of Congress.

I shall be very glad if the Senator from Wisconsin [Mr. SPOONER] will allow this matter to lie over. This particular bill is in charge of the senior Senator from Vermont [Mr. PROCTOR]. I hope this question, which we all agree is a very important one, will lie over until he appears in his seat. He has not been here to-day, and I am not sure that he is in the building at this time.

Mr. SPOONER. If the Senator will permit me, I merely asked for the reading of the message. I am not a member of the committee having the bill in charge, and I had no thought whatever of asking the Senate to act upon it now.

Mr. ALLISON. I understand that.

Mr. SPOONER. But I desired to have the message read, so that it might be embodied in the RECORD, in order that Senators might read it.

I do not know what the practice has been hitherto. I am not very much of a parliamentarian, and I do not know what is in the report of the Committee on Appropriations, to which the Senator from Iowa [Mr. ALLISON] has referred, but it is a very extraordinary proposition to me that the House of Representatives should send us a message requesting us to grant a free conference upon a bill, accompanied by instructions to their conferees not to enter into a full and free conference. If they can do that as to one amendment, they can do it as to every amendment which the Senate has adopted. The suggestion contained in that message that we are to legislate here with reference to the rules of the House is one that is rather startling.

Mr. HOAR. May I call the Senator's attention to one proposition which is laid down in the report to which the Senator from Iowa [Mr. ALLISON] has just alluded?

Mr. SPOONER. Certainly.

Mr. HOAR. It is paragraph No. 55.

Mr. SPOONER. On what page?

Mr. HOAR. Page 20, paragraph 55:

It is in order in the Senate to recommit a conference report to a committee on conference, but not with instructions.

Now, then, we bind ourselves in this way; we can not instruct our conferees; and it leaves us in a peculiar position.

Mr. ALLISON. I do not now express any opinion upon this subject except the opinion that it ought to be postponed. I agree with the Senator from Wisconsin [Mr. SPOONER] that it is an important question.

Mr. SPOONER. I do not express any opinion on the subject, except that it does seem strange, and it will be impossible, if this proposition be carried to its logical result, that we can transact business. I have always been very anxious and very careful about any reference to the House of Representatives; but it is, of course, of vital importance to the people that we should cooperate, each branch with the other, and arrange all these matters without the slightest friction.

The other day the Senator from Maine [Mr. HALE] was very confident that there would not be a repetition of such a message as that which has come to us again to-day. I think it important, just as the Senator from Massachusetts [Mr. HOAR] thinks it important, that we should take this matter up and consider it carefully.

Mr. CULLOM. It is a little bit surprising that so soon after the other instructions from the House of Representatives to its conference committee there should follow another apparently more specific than the first. It seems to me, if the Senate has any rights at all, we had better assert them at once.

Mr. FORAKER. I should like to inquire of some of the older Senators, the Senator from Massachusetts [Mr. HOAR], the Senator from Iowa [Mr. ALLISON], or the Senator from Illinois [Mr. CULLOM], how long the Senate has had the benefit of instructions of this character from the other House? Is this a practice of antiquity?

Mr. TELLER. It is a practice of about three days.

Mr. LODGE. Of about a week, apparently.

Mr. CARMACK. It would be well if we could have some assurance from the House of Representatives that there will be no further repetition of it.

Mr. TELLER. This is the second time within a week.

Mr. FORAKER. This is the second time only, I understand, that it has been done.

Mr. CULLOM. The second time at this session.

Mr. LODGE. Mr. President, I now renew my motion——

Mr. FORAKER. I wish to make an announcement.

Mr. LODGE. Very well. I yield to the Senator for that purpose.

Mr. FORAKER. I wish to announce that the Senator from Vermont [Mr. PROCTOR] who has the Army appropriation bill in charge will, he informed me, be in his seat to-morrow morning, and then the matter can be taken up and we can learn to what extent we are to benefit by the instructions of the House of Representatives.

EXECUTIVE SESSION.

Mr. LODGE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 21, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 20, 1902.

ASSISTANT TREASURER.

Julius Jacobs, of California, to be assistant treasurer of the United States at San Francisco, Cal. (Reappointment.)

ASSISTANT AGENT OF SALMON FISHERIES.

John J. Coyle, of Pennsylvania, to be assistant agent at the salmon fisheries of Alaska, to succeed A. D. Harlan, resigned.

MARSHALS.

William M. Hanson, of Texas, to be United States marshal for the southern district of Texas, commencing July 1, 1902. An original appointment, as provided in the act approved March 11, 1902, entitled "An act to divide the State of Texas in four judicial districts."

Andrew J. Houston, of Texas, to be United States marshal for the eastern district of Texas, vice John Grant, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1902.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert Goldsmith Squiers, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to the Republic of Cuba.

ASSISTANT AGENT OF FISHERIES OF ALASKA.

John J. Coyle, of Pennsylvania, to be assistant agent at the salmon fisheries of Alaska.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 20, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 8587, for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act. And I ask unanimous consent that the reading of the report be omitted and that the statement be read.

Mr. RICHARDSON of Tennessee. If the report is not long I would like to have it read.

The SPEAKER. The gentleman from Tennessee demands that both be read. The Clerk will read.

The Clerk read the conference report, which will be found in the Senate proceedings of May 19, on page 6053 of the RECORD.

The Clerk read the statement, as follows:

Statement to accompany conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The bill as it passed the House provided for the payment of claims recommended by the Court of Claims under the terms of the Bowman Act, and carried an appropriation of $213,105.67.

The Senate amended the title by adding at the end of same the words "and for other purposes" (amendment numbered 2) and struck out all after the enacting clause (amendment numbered 1), and inserted in lieu thereof certain claims certified from the Court of Claims under the provisions of the Bowman and Tucker acts.

The bill as it passed the Senate contained:

Bowman and Tucker act claims amounting to	$502,759.10
French spoliation claims	799,675.88
Selfridge board claims	1,072,424.30
Churches and colleges	62,974.96
State claims	472,241.98
Miscellaneous claims	232,281.29
Total direct appropriation	3,142,357.60

The Selfridge board claims were stricken from the bill in conference.

The claims of the States of California and Oregon were stricken from the bill in conference for the reason that these claims were referred to the Treasury Department for investigation and settlement by a provision in an urgent deficiency bill approved February 14, 1902. The claim of the State of Nevada was stricken from the bill and a clause inserted in lieu thereof sending the claim to the Treasury Department for investigation and settlement, as in the cases of California, Oregon, and other States.

The bill as agreed to in conference carries a direct appropriation of $1,618,498.86. The Senate receded from $1,553,172.74.

The Senate struck out of the bill as it passed the House seven claims. Three have been restored to the bill.

The SPEAKER. The question is on agreeing to the conference report.

The report was agreed to.

On motion of Mr. MAHON, a motion to reconsider the vote by which the report was agreed to was laid on the table.

URGENT DEFICIENCY BILL.

Mr. CANNON. By direction of the Committee on Appropriations, I report the urgent deficiency bill which I send to the desk. I ask that it be read, and request unanimous consent for its immediate consideration in the House.

The bill was read, as follows:

A bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year 1902, namely:

DEPARTMENT OF JUSTICE.

United States courts: For fees of jurors, $25,000.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their offices, including the arranging and collecting of evidence where the United States is or may be a party in interest, and removing of records, $35,000.

CIVIL SERVICE COMMISSION.

For necessary traveling expenses, including those of examiners acting under the direction of the Civil Service Commission, and for expenses of examinations and investigations held elsewhere than at Washington, $1,000.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, $20,000.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I should like to ask the gentleman—repeating the question which I put to him last week—whether we are to have a deficiency bill every week of this session? I suppose that we may safely assume that if this thing is to be kept up we shall have no general deficiency bill, but that all the deficiencies are to be taken care of in these urgent bills.

Mr. CANNON. Mr. Chairman, in reply to the question of the gentleman I will say we passed an urgent deficiency bill——

Mr. RICHARDSON of Tennessee. Will the gentleman tell us how many of these bills have been passed in this Congress?

Mr. CANNON. In a moment. We passed an urgent deficiency bill in January, which carried, in round numbers, $20,000,000. It was supposed at the time that that would be the principal deficiency bill, apart from the general deficiency bill, the intention being, later on, just at the close of the fiscal year, to bring in the ordinary general deficiency bill.

Now, at the time the first bill of this character was passed, we supposed we had included what was necessary; but from time to time, from the House and from the Senate, on account of contingent expenses, and from the several departments, on account of printing and other expenses absolutely necessary, if the business of the country was to continue, we have been notified of urgent items, and we have appropriated for them. In this case it will be necessary for the courts of the United States to shut up if we do not give the $25,000 here proposed to be appropriated for juries.

Mr. RICHARDSON of Tennessee. May I ask the gentleman why was not that put in the regulation appropriation bill? Why is it necessary that we should have these repeated urgent deficiency bills? We had an urgent deficiency bill in the beginning of this session——

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. We had another urgent deficiency bill—No. 2—which came here about the 3d of April.

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Then, later, we had an urgent deficiency bill No. 3; and now comes urgent deficiency bill No. 4.

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Now, how many more of these bills are we to have? And let me ask the gentleman why it was not possible to provide for these appropriations at the regular time?

Mr. CANNON. I trust that we shall have but one more bill of this character. It is possible, however, that before the general deficiency bill is reported some item may come up that may render it necessary for carrying on the public service that something like this be provided for.

Mr. RICHARDSON of Tennessee. One more question, if the gentleman will permit me. Has he, in all his experience, ever known so many urgent deficiency bills as we have had presented to us at this session—at one session of Congress?

Mr. CANNON. Oh, this is not at all out of the ordinary course.

Mr. RICHARDSON of Tennessee. Does the gentleman think we have ever had urgent deficiency bill No. 4 by the 20th of May in a regular session of Congress?

Mr. CANNON. Yes, sir. [After a pause.] After verifying my recollection, yes.

Mr. RICHARDSON of Tennessee. Well, I have very great faith in the source from which the gentleman "refreshed his recollection." [Laughter.]

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the bill (H. R. 12804) making appropriations for the support of the Army, with Senate amendments, with the recommendation that the amendments all be disagreed to, and asking for a conference.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, by direction of his committee, reports back the military appropriation bill, being directed by that committee to ask disagreement to all the Senate amendments, asking for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not see on this side any members of that committee present.

Mr. HAY. Mr. Speaker, I will state to the gentleman that it is simply to nonconcur in the Senate amendments.

Mr. RICHARDSON of Tennessee. It is to nonconcur in all the amendments?

Mr. HAY. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered; and the Chair announces the following conferees on the part of the House——

Mr. CANNON. Mr. Speaker, pending that I offer the following resolution.

The SPEAKER. In this connection the gentleman from Illinois offers the following resolution, which the Clerk will report.

The Clerk read as follows:

Whereas Senate amendments numbered 13, 14, and 15 to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year 1903, makes the proposed appropriation of $4,000,000 for barracks and quarters available for the construction of such permanent buildings at established military posts as the Secretary of War may deem necessary, and reappropriates from unexpended balances of former appropriations for barracks and quarters $350,000 for construction of necessary garrison buildings, notwithstanding appropriations for said objects are made, in accordance with the rules and practice of the House, in the sundry civil appropriation bill for said year; and

Whereas said amendments are subversive of the rules of the House, duplicate appropriations, and tend to confusion in the methods of making appropriations for the support of the Government, and will, if agreed to, give rise to a practice that will inevitably result in extravagant and wasteful expenditures: Therefore,

Resolved, That the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804 are instructed not to recommend an agreement to said amendments numbered 13, 14, and 15, or to any modification thereof that will, under authority of said Army appropriation act, permit the expenditure of any sum for construction of permanent buildings at established military posts, except as authorized by section 1136 of the Revised Statutes.

Mr. CANNON rose.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. HULL. If the gentleman wishes to discuss his resolution, yes; but I shall oppose his instructions, Mr. Speaker. Does the gentleman desire to say anything?

Mr. CANNON. Yes.

Mr. HULL. How much time does the gentleman want?

Mr. CANNON. Well, I can not tell. I do not want any undue time, but I want time enough to put the House in possession of the resolution which I want to ask it to adopt.

Mr. HULL. Well, we have an hour. How much does the gentleman think he ought to have?

Mr. CANNON. I do not think I want but a few minutes.

Mr. HULL. Ten minutes?

Mr. CANNON. Possibly I can get through in ten minutes. I may, after I hear my friend, want ten minutes more. I do not know.

Mr. HULL. Very likely. Mr. Speaker, I yield ten minutes to the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois is recognized for ten minutes on his resolution.

Mr. CANNON. Mr. Speaker, this is a matter of some importance touching the orderly procedure, jurisdiction of committees as to appropriations, and I desire very briefly the attention of the House while I speak to the resolution. There are certain things that I apprehend the gentleman from Iowa and myself will not disagree about. One is that the estimates for barracks and quarters, repairs of same, and construction of buildings, not to exceed $20,000 in cost at existing posts, have always, under the rules of the House, been referred to and recommended by the Committee on Military Affairs; that the estimates for constructions, for buildings at and enlargement of military posts, in the discretion of the Secretary of War, have always been referred to the Committee on Appropriations and appropriated for on the sundry civil bill. I pause for a contradiction, if there is to be any disagreement as to the facts. Now, section 1136 of the Revised Statutes is as follows:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same.

Except when constructed by troops.

Now, what are the facts? The Secretary of the Treasury, in transmitting the estimates for permanent improvements, barracks and quarters, and military posts, transmitted them to Congress and asked $2,000,000. That was referred to the Committee on Appropriations. The sundry civil bill carried an appropriation of a million and a half as it passed the House. It went to the Senate. The Senate increased the amount by $300,000, and the matter is now in conference. The Secretary of War forwarded his estimates for repairs, such as went to the Committee on Military Affairs—the usual estimate—and asked $3,000,000. The House Committee on Military Affairs recommended the $3,000,000. It passed the House and went to the Senate. Thus far the matter has proceeded under the rules of the House.

For temporary repairs and buildings under $20,000 the Committee on Military Affairs recommended the whole amount. For the permanent improvements the Committee on Appropriations recommended $500,000 less than was estimated for, which was amended by the Senate, as I have indicated, increasing it $300,000.

The procedure up to this point was known, and was along the line of the rules of the House and the practice that has existed for a generation. Now, the Army bill was taken up in the Senate, and they offer the following amendment, and pass it, and send it to the House. Listen. As it passed the House it was as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts.

I have read the House provision. Now, the Senate struck out, in lines 15, 16, 17, and 18, the words:

Temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts.

And inserted the following words:

The construction and repair of such permanent or temporary buildings at established posts as the Secretary of War may deem necessary.

In other words, by that language they make it all that the Army bill usually carries, and make it for every purpose that the sundry civil bill under the rules of the House has heretofore always carried. Not content with that, they increase the appropriation by $1,350,000. Now, mind you, the estimate upon which this bill passed the House was $3,000,000. The House gave $3,000,000, and that was all that was ever asked for by the Secretary of War. The Senate amendment accepts the $3,000,000, enlarges the purpose for which it was appropriated, and recommends $4,350,000, or $1,350,000 that the Secretary of War and the Executive never estimated for.

Now, what have we? One great committee of this House recommending permanent improvements under the rules for a miliion and a half dollars. Another great committee of the House is asked under this amendment to make the Army bill appropriation precisely like the sundry civil bill appropriation. In other words, both bills treat the same subject-matter and appropriate for the same purpose against the rules of the House, duplicating appropriations and increasing the amount $1,350,000 more than the Executive has estimated for.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if the gentleman will yield, has there been any precedent for such practices as that heretofore?

Mr. CANNON. No; it is without precedent.

Mr. RICHARDSON of Tennessee. How does it happen at this time that this precedent is attempted to be established?

Mr. CANNON. Speaking respectfully of another body, it is perfectly patent at this session of Congress, and for many sessions of Congress, in my judgment, that this House, coming from the people, in close touch with the people, in nine cases out of ten has to be the conservative body and to protect the Treasury.

Mr. RICHARDSON of Tennessee. How much is added to the bill without proper estimates?

Mr. CANNON. One million three hundred and fifty thousand dollars.

Mr. RICHARDSON of Tennessee. That is not done in this body, as I understand.

Mr. CANNON. Oh, no; I am trying to keep it from being done in this body.

Mr. RICHARDSON of Tennesse. I understand.

Mr. CANNON. By expressing the sense of this House that it ought not to be done.

Mr. RICHARDSON of Tennessee. Now, is it too late for a point of order to accomplish that purpose?

Mr. CANNON. A point of order, I will say to my friend, would not be effective at this stage, because this is a Senate amendment, and would not go out upon a point of order.

Mr. RICHARDSON of Tennessee. I recognize that fact, and having great confidence and faith in the ability of the gentleman, will he tell us how we can avail ourselves of an opportunity to correct this error?

Mr. CANNON. I know of no way but for the House in good temper, but with great firmness, to express its opinion by this instruction to the conferees who represent the House, that the law is not to be changed.

Mr. RICHARDSON of Tennessee. Now, one other question. Does the gentleman anticipate that our conferees will object to such instruction?

Mr. HULL. Yes. He has a right to.

Mr. CANNON. Well, the gentleman in charge of the bill says "Yes;" and, reading between the lines, I am satisfied that the Committee on Military Affairs ought to be informed by a majority vote of this House that this practice will not be permitted. I speak in perfectly cool temper about the matter. And having said that much, I will yield the floor.

Mr. SNODGRASS rose.

Mr. CANNON. Does the gentleman want to ask me a question?

Mr. SNODGRASS. Yes. The Committee on Military Affairs having disagreed to the Senate amendment, does not the gentleman think that they can be trusted as conferees by this House without passing a resolution of this nature, practically suggesting in advance they are not to be trusted?

Mr. CANNON. This is the orderly procedure of the House. It is perfectly parliamentary. It is quite customary in this and former Congresses to take this course. In my judgment, the Committee on Military Affairs by its own motion ought to have invited this action. But I think it is proper for me to say that the chairman of the committee, in talking with him, informed me that his committee had instructed him to resist a motion of this kind. Well, now, here is the issue, and the House will have it to settle.

Mr. SNODGRASS. Will the gentleman yield to another question?

Mr. CANNON. Certainly.

Mr. SNODGRASS. Does he not think it would have been ridiculous on the part of the conferees to come in here and ask the House to instruct them not to agree?

Mr. CANNON. Possibly so, and possibly not; but let me say to my friend that it is perfectly competent that where it is to be about a matter of difference, the manly way, in due courtesy and without feeling, is to settle the matter by calling the attention of the House to it and let the House determine it.

Mr. HULL. Mr. Speaker, I disagree with the gentleman from Illinois as to this being the ordinary way of going into conference. I think the ordinary way is for the conferees to be appointed, and for them to come before the House with their report, and not to have lectures read to the conferees in advance. The challenge of the gentleman from Illinois as to the action of the Senate requires no answer on my part, because it is a comparatively everyday occurrence for the Senate to put amendments on bills that the House can not put on, amendments contrary to the rules of the House; but it does seem to me his action and contention this morning is ill-timed and out of place. The Committee on Military Affairs took this matter up and considered it in the committee, and with a good many of the amendments we were willing to agree; the larger number of Senate amendments the committee was perfectly willing to agree to, but some of these amendments, including those mentioned by the gentleman from Illinois, we were not willing to agree to at that time.

Part of these amendments that he refers to the conference committee may bring in an agreement on; others they would disagree on. But the views of the committee were, in order to have a full and free conference, and that we might have something to go into the conference on, as all you gentlemen understand who have been on conference committees, to have some trading stock, to give and take on, we disagreed to all of them. Now, after this committee brings in a report, then the sentiment of the House would be tested; but it seems to me ill-timed for us in the House to pass resolutions upon matters that are referred to the conference committee. I can not believe that the gentleman from Illinois regarded it as so absolutely necessary for him at this time to bring in the resolution unless it was that he feared that we might disagree entirely, and thus deprive him of the opportunity to deliver a very fine speech on the floor of this House and lecture the members.

Mr. CANNON. If my friend will allow me just at this point. I would not have done it if my friend had not informed me that his committee was for this amendment.

Mr. HULL. No. I do not want the gentleman to misunderstand me, and I know he would not misstate what I said.

Mr. RICHARDSON of Tennessee. I do not want to interfere with the gentleman, but I understood the gentleman to say that a moment ago when I interrogated the gentleman from Illinois.

Mr. HULL. To a large part of this amendment the committee had by a direct vote said they would not agree to it; to other parts they did not so express themselves, and I could not speak for the committee, but the committee had instructed me to report the bill to the House, to disagree to all of them. Further than this, I may say for myself, I can go into the private conversation had with the gentleman from Illinois and submit it to the House if necessary.

Mr. CANNON. If my friend will allow me. Let us have no misunderstanding.

Mr. HULL. That is right.

Mr. CANNON. The three matters that I propose to ask the House to instruct on are the matters that are referred to. There are three matters in these amendments that I do not ask instructions on. Now, then, I will ask my friend right now if his committee is not in favor of this change of language?

Mr. HULL. I do not know.

Mr. CANNON. And if he himself is not in favor of this change of language?

Mr. HULL. So far as I am concerned, I stated in the committee room in talking to the gentleman that unless the language is changed there is no excuse for the additional amount being put in the bill. The limitation of $20,000 was placed in the law, I think, first in 1859, and in the seventies amended.

The demands of the country were entirely different from what they are to-day. There is no question, gentlemen of the House, but what the Committee on Military Affairs and the Committee on Appropriations have a little clash of jurisdiction on many matters. Take an instance. The rules of this House give the Committee on Military Affairs, absolute jurisdiction over every appropriation connected with the line of the Army, and yet there is constant friction as it applies to the artillery; and the rules of this House have been set aside by the Committee of the Whole House, where it provides specifically for jurisdiction for the Committee on Military Affairs, and has allowed the Committee on Appropriations to carry it. I do not deny that I believe it would be better if we were to remove the restriction of $20,000, because of the changed conditions that have come in the last forty years in this country. But whether it is true or not, whether the committee of conference will agree to that or not, whether they will agree to any of these propositions or not, first have the committee make its report, and then let it be challenged in this House. It does seem to me that this resolution now is ill timed and out of place, and the time for this test to be made is after we have had one conference.

Mr. STEPHENS of Texas. Will the gentleman allow me a question?

Mr. HULL. Certainly.

Mr. STEPHENS of Texas. I would like to ask whether or not the Senate put in an amendment to the bill permitting the Secretary of War to lease certain grazing land in Oklahoma, known as the Fort Hill Reservation?

Mr. HULL. No.

Mr. HAY. Mr. Speaker, I want to say that this is an unprecedented resolution, to instruct conferees before there has been any conference. Now, no one can be injured, nor can any jurisdiction be taken away from the great Committee on Appropriations unless it is the will of the House after the conferees return here with their report. Then if it is the sense of the House to instruct the conferees not to agree to these amendments of the Senate, it can be done; but to violate now the rules of the House, not only of this House but of the two Houses, to violate the precedents which obtain, it seems to me would be most remarkable, and the effort on the part of the gentleman from Illinois to bind our hands, or the hands of the conferees in this conference, is to leave us without any discretion whatever.

I do not think that the members on this side of the House should heed the remark of the gentleman from Tennessee, that we ought to support the resolution of the gentleman from Illinois, until the House has had an opportunity to receive the report of the conferees. We are now asking not to concur, and the House has refused to concur in these very amendments. What more can they ask? If we do not do our duty in the opinion of the House, then the House will have an opportunity to instruct us what our duty is, and of course the conferees will obey the instructions of the House.

Mr. HULL. I will now yield to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the principle involved in the decision of this matter goes very far beyond the question arising upon this particular bill. The House passes a bill; the Senate, for reasons known to itself, makes amendments to that bill. The House disagrees to those amendments. They then ask for a conference. For what purpose is a full and free conference between these two Houses asked? Manifestly that by meeting the members of the Senate the House may inquire, as is right, as is courteous, why those amendments were put in, and find out the reasons that urged the Senate to make them. Until that is done we can not know those reasons that influence a coordinate body.

But to pass a resolution that, before knowing or asking for those reasons, we should tell our conferees that no matter what these reasons may be we will not concur is not, in my opinion, conducive to good legislation, because all good legislation depends upon courtesy. It is a statement, not after inquiry, but before, that no matter what is urged by the Senate we will have nothing to do with what they propose.

Now, I do not expect to be upon this conference committee and I do not have anything to do with the conference, but I may say on the floor of this House that the question of barracks and quarters, when we are establishing new posts or moving posts or changing posts where we can get a healthy place for our soldiers to live, is not a question that under all circumstances ought to be controlled by section 1136.

I am astonished that the gentleman from Illinois thinks that the statute passed in 1859 for an army of 10,000 men might certainly and under all circumstances be applicable to our present Army.

Section 1136 says that barracks and quarters for our troops in the Philippines shall not be established until the detailed estimates, including and stating the particular place, have first been submitted to Congress. It may be a necessity to move troops,

This section provides also that the estimate must first be submitted by the Secretary of War, approved by Congress, and an appropriation made by Congress for that purpose. There may be a need to move and give permanent quarters instantly, and to buy land therefor. The section provides that no building, the cost of which shall exceed $20,000, shall be erected except by special authority of Congress. Meanwhile, the cost of building has so advanced and the style of quarters for soldiers has so changed, with plumbing, solid walls, and sanitary conveniences, that $100,000 would be a better sum to name now, than $20,000 was for our Army of 10,000.

The statute further says that nothing shall be done until the title has been reported upon by the Attorney-General. Is the soldier to wait three months for titles to come from the Philippines and then three months for it to go back again?

Mr. CANNON. May I interrupt the gentleman right there?

Mr. PARKER. Certainly.

Mr. CANNON. I want to suggest to the gentleman that the amendment he refers to in no way affects the service in our outlying possessions. They are cared for elsewhere. A million and a half dollars upon this bill, and he is not fair to the House.

Mr. PARKER. If I am mistaken I am glad to be corrected. I do not mean to be unfair to the House. But I will say that the establishment of posts promptly, as our men come home from the Philippines, so that we can take care of 70,000 men, is the other branch to which I was going to direct the attention of the House. It has to be done as the troops arrive.

Mr. HEMENWAY. The gentleman will allow me to ask whether the four and a half million dollars appropriated by the House is not sufficient for that purpose?

Mr. PARKER. The question is not whether the sum of four and a half million dollars already appropriated is sufficient or not. The question is whether the Secretary of War shall have this discretion. Now, I am not going to argue this question beforehand——

The SPEAKER. The time of the gentleman from New Jersey [Mr. PARKER] has expired.

Mr. PARKER. I trust I may have one minute more.

Mr. HULL. I yield to the gentleman for a moment.

Mr. PARKER. The questions involved here are too important to be disposed of beforehand, and the Senate has a right to ask as a matter of common courtesy that we first ascertain their reasons for putting this special provision in the bill before we undertake to assume any position of this kind.

Mr. RICHARDSON of Tennessee. I should like to occupy about two minutes.

Mr. HULL. In connection with what the gentleman from New Jersey [Mr. PARKER] has said, I wish to say that there is nothing in the contention on this amendment affecting the discretion of the Secretary of War to establish a post anywhere. The question here involved is only the question to which the gentleman from Illinois [Mr. CANNON] has addressed himself—the question of discretion as to the amount which may be expended in buildings out of our appropriations. The argument of the gentleman from New Jersey would seem to indicate that the question is one as to the discretion of the Secretary of War in the establishment of posts. I do not know whether he intended to convey that impression.

Mr. PARKER. I did not.

Mr. HULL. Now, Mr. Speaker, how much time have I remaining?

The SPEAKER. Thirty minutes.

Mr. RICHARDSON of Tennessee rose.

Mr. HULL. I first yield ten minutes to the gentleman from Indiana [Mr. HEMENWAY]. I will yield to the gentleman from Tennessee [Mr. RICHARDSON] afterwards.

Mr. HEMENWAY. Mr. Speaker, I have just read in the newspapers this morning a portion of an address delivered by the gentleman from Missouri [Mr. CLARK] last night on the waning influence of the House of Representatives and the increasing influence of the Senate. I fear there is a great deal of truth in what the gentleman from Missouri said; and it is the duty of the House right now, at the first opportunity, to demonstrate that the House of Representatives is going to stand for its rights and that the Senate can not absorb the power of this House.

Now, what is proposed by this amendment? As stated by the gentleman from Illinois [Mr. CANNON], the Committee on Military Affairs has heretofore provided for the improvement of quarters at the different Army posts. The sundry civil bill has carried appropriations for permanent improvements. Now, what did we appropriate? The military bill as it passed this House appropriated $3,000,000 for improvements at our different military posts—an enormous sum, is it not? But the Senate is not content that that $3,000,000 shall go for improvements. It wants to take off the limit of $20,000 to be expended on any one building and add $1,350,000 to the appropriation and allow the Secretary of War to spend the money as he pleases. Why? At any one of the different posts throughout the country to-day the Secretary of War can not expend more than $20,000 in constructing officers' quarters or any other kind of buildings. But some of our officers believe that they ought to have mansions for quarters; they want buildings costing $40,000 or $50,000 or more.

Now, what does this amendment do? It takes off the limit. It allows the Secretary of War to construct officers' quarters that may cost $100,000, if he sees fit to expend that amount. That is "the milk in the cocoanut." That is what is behind this proposition—to allow the Secretary of War, if he so wishes, to construct officers' quarters at New York or any other place, that may cost $100,000, without any estimate and without any recommendation coming in from any committee of this House.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. HEMENWAY. Yes; if it is brief.

Mr. MONDELL. The gentleman, I believe, wants to be entirely fair with the House.

Mr. HEMENWAY. Please put your question at once; I have only ten minutes.

Mr. MONDELL. The gentleman knows that the appropriation of one million and a half carried on the sundry civil bill could be used for buildings of any cost. And is there any objection to this amendment that does not also apply to the appropriation carried on the sundry civil bill?

Mr. HEMENWAY. There is objection even to the million and a half carried on the sundry civil bill. But that amount being for expenditures at the different posts of the country, the pressure brought upon the Secretary of War by the different Members of Congress and Senators in favor of their respective localities prevents the expenditure of any very large sums of that appropriation in any one place; whereas if this amendment proposed by the Senate be adopted there will be nearly $6,000,000 at the discretion of the Secretary of War, to be expended at any place he may select, the result of which will be that expensive and extravagant quarters for officers may be constructed at the different posts all over these United States.

Now, let the House stand by its rights. Let us not by our action verify the story going through the newspapers every day that the House is losing its power, and that the Senate is absorbing the prerogatives of this House and crowding legislation down our throats in spite of the fact that we are the representatives fresh from the people.

I would not advocate this instruction but for the fact that it is reasonably certain that the Committee on Military Affairs favors this amendment. Why, sir, every member of that committee is here opposing this instruction.

We provide by statute that the limit shall be $20,000, yet they seek, by this appropriation and by this amendment, to remove that limit and allow the Secretary of War to construct buildings at these different points at any price he sees fit. It certainly is right and proper that the House at this time should instruct these conferees, and at the very first opportunity say that the Senate can not take up this legislation and place it on the wrong bill and give to the Secretary of War this power that every member of this House knows he ought not to have.

Mr. HULL. Mr. Speaker, I yield two minutes to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Give me five minutes.

Mr. HULL. I have not got the time.

Mr. CANNON. I hope my friend will be a little lenient about time.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the time of debate on this question be extended thirty minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Iowa be extended thirty minutes for the purpose of this debate. Is there objection?

There was no objection.

Mr. HULL. I yield five minutes to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I had not intended to say anything on this question. I have no personal feeling in the matter whatever. It is simply a question of proper legislation. That is all that is involved in it. This proposition comes in a most unusual way. To enact the Senate provisions or amendments as is proposed is in violation of the rules of this House, as well as those of the Senate and the Revised Statutes. It could not be put here under our rules. It has no business here under the revised statute, which the gentleman from Illinois [Mr. CANNON] read, and which the gentleman from New Jersey [Mr. PARKER] also read. The gentleman from New Jersey states that that statute is directly in the face of this legislation. He says that the limit upon the Secretary of War, or the sum he may expend under the conditions provided for or the contingencies mentioned, should be $100,000 instead of $20,000.

Now, if that be true, and we want to enlarge the discretion of

the Secretary of War, let us amend that section of the Revised Statutes. The gentleman from Illinois has quoted the statute, and the gentleman from New Jersey says it is insufficient. The proposed legislation could not be put here under the rules of the House. They come and ask us to give this discretion to the Secretary of War to build these permanent barracks. The Senate makes this enormous increase of—say a million or a million and a half of dollars—I have not the exact figures in my mind. I do not care whether it is meritorious or not, this legislation is not proper, and the resolution of Mr. CANNON should be adopted. It is a question of correct and proper legislation, and we ought not to yield to the Senate the right to put this appropriation here.

Mr. HAY. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON of Tennessee. I will in a minute. The revised statute requires that it shall be made after a proper estimate shall be submitted, and there have been no estimates submitted by the Department, and if so, that estimate would have gone to the Committee on Appropriations, placed on file there, and the Committee on Appropriations would have reported the proper amount for the required work in the sundry civil bill. I understand the gentleman from Illinois to say his committee has the estimates from the Department for the work, and has made the appropriation regularly. The Military Committee in the Senate, or the Senate for that committee, usurped the right that belongs to the Appropriations Committee, and without proper estimate comes and increases the expenditures over a million of dollars.

Now, I am not going into the details. I did not purpose going into the merits of the question except to say that it is the duty of the House of Representatives, it is the duty of this side of the House, it seems to me, in matters of this kind, to stand by the rules of the House, for in that only is the safety of the House, and especially the protection of the minority of the House. I hope the instructions contained in the pending resolution will be given. They are not unusual, as my friend from Virginia thinks. Why, it has not been a week since we saw a conference committee appointed here and instructions given before the conferees left this floor.

Mr. HAY. No, the gentleman is mistaken about that.

Mr. HULL. Will the gentleman yield?

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Virginia. I am not mistaken.

Mr. HAY. I will ask the gentleman if it was not a fact that before the conferees on the omnibus claims bill, to which the gentleman refers, were instructed, that the House had gone into Committee of the Whole and had voted down the Selfridge claims?

Mr. RICHARDSON of Tennessee. Yes.

Mr. HAY. Now, you are proposing to instruct the conferees upon questions which have not been acted upon by the House at all.

Mr. RICHARDSON of Tennessee. Neither had that been acted upon by the House at all, but simply by a committee of the House—the Committee of the Whole.

Mr. HAY. Yes, it had. It had been voted out of the bill.

Mr. RICHARDSON of Tennessee. I will answer my friend. I understand his question. It has been done by the committee of the House. The Committee of the Whole is but a committee of the House, and the Committee of the Whole took the action which my friend indicates. That is true, but the House of Representatives ranks the Committee of the Whole and all the committees of the House of Representatives. We had a perfect right when the House saw fit to do it to instruct the conferees not to agree to the Selfridge-board claims, and they did do it. There is no disrespect in giving instructions, and there is no discourtesy to the committee.

Mr. HAY. Now, I will ask the gentleman this question——

Mr. RICHARDSON of Tennessee. I will yield.

Mr. HAY. Upon what premise does the gentleman assume that the conferees are going to yield to the demands of the Senate?

Mr. RICHARDSON of Tennessee. I do not have to assume it. I have a right to assume it, however, I think, when I see every member of the Military Committee, every member of the majority and every member of the minority of that committee undertaking to prevent these instructions.

Mr. HAY. I object to it upon the ground that they should not be instructed at this time.

Mr. RICHARDSON of Tennessee. If you want to do what you say, why object to the instructions?

Mr. HAY. For the very reason that if we are instructed on those amendments it will prevent any appropriation at all passing for the temporary barracks which we provided for in the House bill.

Mr. RICHARDSON of Tennessee. Oh, I think not.

Mr. HAY. It does. It instructs us not to agree to the fourteenth amendment to the bill, which provides for the temporary barracks.

Mr. RICHARDSON of Tennessee. They are taken care of elsewhere.

Mr. HAY. They are not taken care of elsewhere.

Mr. RICHARDSON of Tennessee. There is no trouble about that.

Mr. HAY. Will the gentleman tell me where this subject is taken care of elsewhere?

Mr. RICHARDSON of Tennessee. I am not familiar with all the provisions of the bill. The gentleman from Illinois [Mr. CANNON] stated a moment ago that that question of barracks was taken care of. The gentleman from Indiana [Mr. HEMENWAY] made the same statement. The gentleman from Illinois is now on his feet. He made that statement a few moments ago, and I will yield to him to state whether it is true.

Mr. HAY. I will ask the gentleman from Illinois where the temporary barracks are taken care of except in the House bill?

Mr. CANNON. The temporary barracks in the House bill are taken care of by the appropriation of $3,000,000, every dollar that was asked for in the estimate.

Mr. RICHARDSON of Tennessee. Yes.

Mr. HAY. I want to make it plain that if the conferees on this bill are instructed against the fourteenth amendment, proposed by the Senate, we could not take care of the temporary barracks which were provided for in this bill.

Mr. CANNON. My friend is in error about that.

Mr. RICHARDSON of Tennessee. I only want to say, Mr. Speaker——

Mr. HULL. How much time does the gentleman from Tennessee want?

Mr. RICHARDSON of Tennessee. Only a sentence. I wanted to say further that the instructions ought to be given, because it is in conformity with our rules and the statute to give the instructions. The legislation which these instructions will prevent ought not to be enacted, and therefore the instructions ought to be given.

Mr. SNODGRASS rose.

Mr. HULL. How much time does the gentleman from Tennessee desire?

Mr. SNODGRASS. I think five minutes will be enough.

Mr. HULL. I yield five minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, it seems to me that this discussion at this time is irrelevant. As I understand the purposes of the committee, they are only contending for the usual courtesies which should obtain between two legislative bodies.

Gentlemen seem to apprehend that if this committee of conference should agree to the Senate amendments it would foreclose this House from disagreeing to their report. If that were so, then this discussion here at this time would be proper, but it seems to me that the remarks of the gentleman from New Jersey [Mr. PARKER] are well timed. We ought to remember that the Senate has the right to proceed under its rules, and we ought to assume that if it has made an amendment upon this bill it had the right to do it under its rules, and it will be only courteous and proper for us before disagreeing thus emphatically with what the Senate has done to inquire of them as to their reasons, and if our conferees should agree to those reasons and report an agreement with the Senate amendments, it would then, as I understand it, be entirely proper for the House to disagree with that and ask for a new conference, and then to instruct the conferees if the House is not satisfied with the reasons given.

Mr. CANNON. My friend does not want to mislead the House. This Senate amendment is not only against the rules of the House, but is flatly against the rules of the Senate as well.

Mr. CLAYTON. And against the law, too.

Mr. SNODGRASS. If that is true, then upon the report of our conferees we can insist upon our right to disagree, and then instruct our conferees. As a member of the Military Committee, Mr. Speaker, I wish to say that I am opposed to this Senate amendment; but I am also opposed to our making ourselves ridiculous by getting unduly alarmed at amendments coming from the Senate. I think they are entitled to be treated with reasonable and courteous consideration.

Mr. CLAYTON. May I interrupt the gentleman? Does he think that it makes the House ridiculous to insist upon standing by the rules and the law now upon the books?

Mr. SNODGRASS. Is it not ridiculous to say to the other body, "We will not consider your amendments at all?"

Mr. CLAYTON. Not when we have had our attention called to the law.

Mr. PARKER. Is not this making law?

Mr. SNODGRASS. It seems to me that is the very way to get up a feeling of hostility between the two Houses and to destroy that courteous consideration which should exist between them.

If we say here now that we will not consider the Senate amendment, and neither will we hear any report from the conference committee, because any report from that committee will be irrelevant if we make these instructions—at least in the particulars to which the instructions relate—it therefore seems to me that to adopt these resolutions at this time would be to make ourselves ridiculous.

That is the reason I have resisted the instruction of the committee at this time. I will say frankly, as I stated a while ago, that I am opposed to this Senate amendment and shall vote against agreement to it; but it seems to me that we ought to have this full and free conference before any further action is taken on the part of the House other than disagree to the Senate amendments.

Now, the Committee on Military Affairs have had this bill under consideration, and it is fair to assume that the conferees will stand by the position of the House and report a disagreement to this amendment. If it is considered that this amendment is in violation of the rules of the House, it is not fair to assume that they will act otherwise; but if they should do so it is entirely within the province of this House to disagree with their report and emphasize the position of the House by instructing other conferees not to agree to the amendment.

Mr. HULL. I yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I dislike very much to disagree with my colleagues in a matter which affects their committee, but I think that the orderly procedure of this House is very seriously involved in this matter. If it was merely a matter of instructing the conferees on the committee in reference to a subject-matter over which they properly had jurisdiction, I grant that it would not be courteous to them, in the first instance, to give them instructions with reference to the matter. There is no question about that, but that is not the question involved in this case. Nobody for a moment has raised that point.

Mr. SNODGRASS. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. SNODGRASS. If the conferees should agree to this amendment, that does not preclude the House from disagreeing to their report?

Mr. UNDERWOOD. I will answer my friend's question——

Mr. SNODGRASS. I say if the conferees should agree to this Senate amendment, if it does override the rules of this House, which gentlemen on this floor seem apprehensive that it will, it does not foreclose the House of its right to disagree to their report?

Mr. UNDERWOOD. It certainly would not, and if they should come back with such a report the House would still have jurisdiction and could overturn the committee when they come back here. But that is not the question that is submitted. If the conferees of this House are allowed to go out and carry this question back into the conference, they are, by the silence of the House, allowed to assume jurisdiction either to approve or to disapprove a proposition that every member of the Committee on Military Affairs recognizes that their committee has not jurisdiction of.

Now, it is not a question of construction. That is not where it is going to. If it was a question of whether the Committee on Military Affairs has jurisdiction, it would be very proper to instruct them if they did not show any disposition to abide by the will of the House. That is not the question here. Here is a proposition that was put in the bill, which comes here from the Senate with a proposition that every member of the Committee on Military Affairs recognizes that that committee has not jurisdiction of, and the object is for us to say to the Senate that you can not——

Mr. HULL. I want to correct the gentleman there——

Mr. UNDERWOOD (continuing). You can not put a provision in this bill that the Committee on Military Affairs has not jurisdiction of.

Mr. HULL. That is where I want to correct the gentleman. You are not stating it correctly, because there is no question as to the jurisdiction of the committee up to the amount of $20,000.

Mr. UNDERWOOD. Certainly; but that is not the question.

Mr. HULL. We could change the language and still go up to four millions.

Mr. UNDERWOOD. But the gentleman recognizes the Senate amendment has gone beyond the jurisdiction of his committee.

Mr. HULL. There is no question but what the Senate amendment is a change of existing law.

Mr. UNDERWOOD. And gone beyond the jurisdiction of your committee. Now, I say it is of the utmost importance to the orderly procedure of this House, and to the protection of the funds in the Treasury, that the line of demarcation between the jurisdiction of the various committees and appropriations should be clearly maintained. Why? Because if you are going to allow two committees of this House to have equal jurisdiction over appropriations coming from the great departments, if the head of a department can not get what he wants from one committee of this House, then he carries it to another committee; and then you have rivalry between the two committees to serve the department, which creates lax appropriation. It takes away the power of the House to hold down the appropriations and protect the Treasury.

This is the only way that you can do, and it has been recognized. There is a time in which the Committee on Military Affairs can ask for this jurisdiction, and they can take it. They can come to the House and ask for it. Every gentleman in the House knows that when the President sends his message here at the beginning of the session that message is accompanied by reports from the various officers of the Government. The Speaker of the House takes those reports and assigns a certain portion of that report to one committee and a certain portion to another, thereby defining the jurisdiction of the various appropriation committees in this House. In this instance he has always assigned all matters involving permanent barracks and permanent buildings of the Army to the Committee on Appropriations.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. I would like to have one minute more.

Mr. HULL. I yield one minute more to the gentleman.

Mr. UNDERWOOD (continuing). These matters have always been referred to the general Appropriations Committee. They have always had jurisdiction of it, and carried these matters in the sundry civil appropriation bill. As to matters of small repair and improvements, these matters have been assigned to the Committee on Military Affairs, and it was done in this instance. But under the law they are limited in their expenditures and their appropriations to $20,000.

Now, here is a case where the Senate has violated the law, assumed jurisdiction that does not belong to them, and it is merely an effort on the part of this House to say that we are going to maintain the line of demarcation between the jurisdiction of these two committees that we established in the beginning of the session. In the beginning of the session, when these various portions of the President's message were assigned to committees, the gentleman from Iowa could have arisen and insisted that the House give his committee jurisdiction instead of the Appropriation Committee. But he did not do it. The Appropriation Committee took it up and did not give the Department all the money it wanted, or did not think they ought to have it; and now the Department goes to another committee and seeks to give them jurisdiction over the matter without estimates.

Mr. STEVENS of Minnesota. At this time it seems rather strange to hear the chairman of the Committee on Appropriations urge in support of his resolution that it grants to the Committee on Military Affairs jurisdiction over matters that such committee would not have without the adoption by the House of these amendments of the Senate. I venture to say that the sundry civil appropriation bill, now in conference, in charge of the gentleman from Illinois, and the bill reported in the last House contain many provisions that change existing law. All of these contain provisions over which the Committee on Appropriations in this House would have no jurisdiction at all but for the adoption of Senate amendments, and this House has always passed them without question, and the gentleman from Illinois has never yet been known to object at this jurisdiction being thrust upon him. It comes with poor grace from him to raise that question.

It seems to me the point the House should consider is this: This bill comes back to the House with a Senate amendment which changes existing law. The Committee on Military Affairs favored nonconcurring with the amendments, and the House has voted to disagree to the amendments. This requires there should be and will be a full and free conference with the Senate. If there be a full and free conference the conferees will be bound by the mandate of the committee and of this House to disagree with these propositions. Then they should bring it back to this House, when can be fully considered the necessity for changing existing law. This amendment does not violate any existing law; it contemplates the change of existing law.

Whether or not that change ought to be made should not now be considered. Undoubtedly there are reasons why the change should be made. Undoubtedly there are reasons why the change should not be made. The House now should not consider what those reasons are on either side of the proposition. There is only one thing that now should be considered, and that is whether or not there should be a full and free conference with the Senate. The House yields none of its prerogatives. On the other hand, by following and adopting the pending resolution the House does tie the hands of the conferees. It ties their hands so that the conferees of the House can not have a fair chance to settle the various points of difference with the conferees of the Senate.

Now, it is useless to talk about putting legislation on this or

any other bill that violates the rules of this House. The Senate does it frequently and we adopt it constantly. It is done more on the bills handled by the gentleman from Illinois than upon any other bills which come before the House. That matter should not now be considered, and least of all upon a motion made under these circumstances. The legislation should be considered upon its merits when it comes before the House in a proper way, when it comes before the House so that all facts and all arguments can be properly weighed. When it does come back on the report of the conferees, such report can be adopted or it can be rejected or it can be modified. All of these reasons that may be applicable can be considered in Committee of the Whole upon the coming back of the conference report. Right now the thing for this House to do to uphold its dignity is to give the conferees the power for a full and free conference, and for that reason the resolution of the gentleman from Illinois should be disagreed to.

Mr. PRINCE. Mr. Speaker, there seems to be some contention as to whether the House should stand by the Military Committee or whether it should stand by the resolution introduced by the chairman of the Committee on Appropriations. What really is the status of this measure? The bill was originally introduced into this House and referred to the Committee on Military Affairs. The committee had originally jurisdiction of this question. The Committee on Military Affairs prepared a measure, properly presented it to the House, and the House passed it, and it went to the Senate. Up to this time no question of jurisdiction can possibly be raised as against the measure. The Senate makes some amendments to the measure, of which the House Committee on Military Affairs has original exclusive jurisdiction.

Now, the question is presented whether because something else has been inserted in that measure in the form of an amendment the House Committee on Military Affairs loses jurisdiction on this measure in part, and must be instructed by members of the Appropriation Committee as to how to proceed in the matter which legitimately belongs to the Committee on Military Affairs. Amendments have been made by the Senate. We must take it for granted, gentlemen of the House, that the Military Committee of the Senate had a reason, or reasons, for making the proposed amendments and sending them to this body. If they had, why should we not hear them in an orderly way through the properly constituted committee of conference?

Is there any harm in these conferees being appointed untrammeled to go to the other body and then reporting to this body the result of the conference? It is divulging no secrets of this House to say that when this bill was brought back amended and referred to the Military Committee that that committee unanimously directed the conferees, when appointed, to resist all of these amendments specifically and so report to this House. After the reasons of the Senate have been heard, let the matter be brought before the House so that we may understand those reasons fully.

Let me say to the House that we have never known the Military Committee or a conference committee formed from the members of that Committee to go against the wishes of this House. They have never stood here pretending to do one thing and doing another. They have ever been amenable to the wishes of the House. They have ever sought to carry out those wishes. Why then at this time should the House want to trammel this committee in this way? I say that a distinguished committee of the House, such as this committee, ought not to be so treated by their fellow-members. I ask gentlemen upon both sides of the House, irrespective of party questions, to stand by the Military Committee, to stand by the ordinary method of procedure, to see that the conferees are appointed in the regular orderly method, and our action conveyed in that way to the other Chamber. When these conferees return to the House, then, if they have in any respect violated the judgment of the House, we can go against them, but not till then.

Mr. HULL. Mr. Speaker, how much time is there remaining?

The SPEAKER. Twenty-seven minutes.

Mr. HULL. I yield five minutes to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, I am not a member of either the Appropriations Committee or the Committee on Naval Affairs. I think it only fair that members should take into consideration the judgment of members who have no feeling as connected with either of these committees.

I shall express no opinion as to the merits of the amendments which the Senate has placed upon this military appropriation bill. I believe, Mr. Speaker, that when a committee of conference has been given jurisdiction of a great subject involving millions of dollars it is entitled to enter into a fair and free conference without in the first instance receiving instructions from the House.

Mr. HEMENWAY. Will the gentleman yield for a question? I wish to ask how the committee got jurisdiction of this subject—whether under the rules of the Senate or the House?

Mr. OVERSTREET. It had jurisdiction under the rules of the House regulating our action upon the Army appropriation bill.

Mr. HEMENWAY. Is this the Army appropriation bill?

Mr. OVERSTREET. The gentleman must not take up more of my limited time. He refused to entertain questions himself.

Mr. HEMENWAY. Oh, no; I answered every question.

Mr. OVERSTREET. I think the only question for us to consider now is this: Shall the Military Affairs Committee have one free conference? We have not before us now a conference report. This question comes back to us for the first time since the passage of the bill by the House. The appointment of conferees has not even been asked until now, when it is asked by the chairman of the Committee on Military Affairs. I do not know what this committee may do, and I will be fair and say I do not care, so far as the amendment in which the gentleman from Illinois is interested may be concerned.

But, Mr. Speaker, when one committee, even though it be the great Appropriations Committee, sees fit to establish itself as a censor over all the other committees, it is not treason for us to ask that another committee be enabled to exercise its ordinary privileges under the rules of this House which created both committees. [Applause.]

I believe, Mr. Speaker, that the membership of the Committee on Military Affairs consists of gentlemen as careful in their examination of bills, as patriotic in their motives, as cautious in reference to the expenditure of money as the great Appropriations Committee of the House. Let us give them the same fair treatment that we accord to other committees. If after the first conference they should come back having violated any of the trusts which we have committed to them, having fallen short of that care and attention which we expect from them, then will be the opportunity for the guardians of the Treasury to interpose objections and ask instruction on the part of the House.

The gentleman from Tennessee cited the action of this body a few days ago in instructing the conferees representing the Committee on War Claims upon a bill then pending. Aye, there was such action; and though I voted for those instructions it was not until after those conferees had had an opportunity for free conference. I would oppose as much for one committee as for another the imposition of instructions before there has been any opportunity for the conferees to act. But when, having had such opportunity, they have failed to measure up to it this House can afford to impose instructions.

I concede, Mr. Speaker, that the doubt having been raised here might be construed as a vote on the part of this House in favor of the Senate committee; but that is an unfair construction. We are discussing procedure and not the merits of this amendment. We are discussing the action of a committee of equal privileges on this floor and not the usurpation of rights and power by the Senate. We can leave those discussions for their proper time.

I think, Mr. Speaker, that we ought, in the first instance, to accord to this great committee of the House an opportunity for a fair and free conference. If they should come in here later reporting this amendment struck out it would only prove the justice and propriety of this action. If, on the other hand, after considering the merits of the question, they should recommend in favor of the amendment that will be a time and an opportunity for instruction if it be deemed necessary. But I appeal to members of all parties to see to it that one committee shall not establish the criterion for the conduct of all.

Mr. CANNON rose.

Mr. HULL. How much time remains?

The SPEAKER. Twenty-two minutes.

Mr. HULL. How much time does the gentleman from Illinois [Mr. CANNON] desire?

Mr. CANNON. Only a little; five minutes, or perhaps a little more.

Mr. HULL. I yield to the gentleman five minutes.

Mr. CANNON. Mr. Speaker, let us take our bearings. This is not a question of committees. What is a committee? Is it larger than the power that creates it? I always supposed the committees of this House were the servants of this House, to proceed under rule and register the will of the House. If the contrary is true, then we have 50 committees that are bigger than the House is.

Now, then, this is no question of committee jealousy. It is a question of this House registering its decree that shall bind the committee, aye, shall bind even my fair-haired friend from Indiana [Mr. OVERSTREET], who does not care the snap of his finger, as he snaps them in my face, about the merits of this proposition. Oh, no. What is the proposition? It is to go against the rules of the House and the rules of the Senate, against existing law, and to give, without being asked for by the Executive, $1,350,000, not authorized by law, and change the law. Who asks it? The Secretary of War? No. The President of the United States? No. Yet, my friend, eminent in the councils of his party, does not care

three hurrahs in the hot place about the merits of this proposition. [Laughter.] Oh, sir, I will tell you, you and I will need a better record than we are making touching expenditures when we go on the hustings next fall.

Now, the roll has been called of the gentlemen on this Committee on Military Affairs—there is my friend there, my two or three friends over there, my estimable friend from Minnesota, and my estimable colleague from Illinois. The roll has been called and they say, do not reflect on this committee. Nobody wants to reflect on it. It is acknowledged on the floor of this House that the disagreement with the Senate is pro forma, like nearly all disagreements upon Senate amendments. It is acknowledged by this committee that they are for the Senate amendments.

Mr. OVERSTREET. That is not true.

Mr. HEMENWAY. Of course it is true.

Mr. OVERSTREET (addressing Mr. HULL). Why, you do not acknowledge that you are for this amendment?

Mr. HULL. No; I do not.

Mr. CANNON. The committee has, as I understand the gentleman, declared it is in favor of this amendment.

Mr. HULL. Oh, no; it declared that it is against it.

Mr. CANNON. Oh, well, pro forma against it, but you yourself will not rise in your place and say you are against it.

Mr. HULL. I will rise in my place presently.

Mr. CANNON. Nor will the gentleman from Virginia on that side of the House rise in his place and say he is against it.

Mr. HAY. Yes; I will say that I am against increasing this appropriation one dollar.

Mr. CANNON. Well, but the change in the law.

Mr. HAY. Oh, that is an entirely different proposition.

Mr. CANNON. That is the material thing.

Mr. HAY. Yes; it is the material thing to the Committee on Appropriations; that is what it is.

Mr. CANNON. Are you against the change of the law as proposed in the amendment of the Senate?

Mr. HULL (addressing Mr. HAY). What do you want to go on the stand now for? [Laughter.]

Mr. CANNON. That is right. Is there another mourner present? [Laughter.]

Mr. HAY. I am not afraid to answer the question of the gentleman. I will say to the gentleman when that question comes up that I will debate it with him.

Mr. CANNON. What is the practical effect of all this? We offer this resolution to tell this committee that the House creates, as it creates all other committees, what the opinion of the House is about this. It is not uncommon; it is not unparliamentary; it is not improper. On the contrary, it is highly proper. How do these great bills become settled? By going to conference. When will it be reported? Probably in the last twenty minutes——

The SPEAKER. The time of the gentleman has expired.

Mr. HULL. I yield two minutes more to the gentleman.

Mr. CANNON. Well, the gentleman has twenty-two minutes. Let me have two minutes.

Mr. HULL. I have.

Mr. CANNON. Well, now, on the last day of the session this bill is to come back, when the House is pressed from every standpoint and can have no time to consider it, and my friend from Iowa [Mr. HULL] will go around and say, "Oh, stand by us; it is not just right, but we have no time, the time for adjournment is fixed." That is a very common thing. By this kind of proceeding the Senate puts the House at a disadvantage, and this practice is responsible for multiplying tens of millions of bad appropriations and bad legislation. To-day we have the time. The question has been discussed. I believe this House ought to be, and I hope is, against duplicating this appropriation and changing this law in this way. Therefore I have offered this resolution and asked the House to adopt it.

Now, suppose you do not adopt it. The negative is that the House is for it, and the conferees would be justified in agreeing to the $1,350,000 increase and the change in the law. There it is. I am in entirely good temper over it, although sometimes I get very much in earnest about it. Sometimes I think, when somebody tries to avoid the merits of a question and opens his mouth and throws his head back and says, "May the Almighty Father damn this Committee on Appropriations that is trying to boss us," that such method of warfare is awfully cheap, I will say to my colleague from Illinois.

Mr. HULL. I yield three minutes to the gentleman from Rhode Island [Mr. CAPRON].

Mr. CAPRON. Mr. Speaker, in the three minutes which have been yielded to me I propose to address myself principally to the gentleman from Illinois [Mr. CANNON], the distinguished chairman of the Committee on Appropriations, and at the end of that time I expect the gentleman from Illinois will ask permission of this House to withdraw this resolution. [Laughter.]

Mr. HEMENWAY. Why not speak to the merits of the resolution instead of to the gentleman from Illinois?

Mr. CAPRON. The argument we have heard here has been interesting; perhaps it is instructive, but it ought not to result in instructions. I will ask you, gentlemen, in all seriousness, you who have walked from here to the other end of the Capitol until you have worn down the flagstones going to and coming from conference committees, I will ask you if you feel that at the first going forth from this House you go instructed you would be in any different attitude from the Senate conferees if they were to meet you, saying "the Senate has placed an amendment on this bill and the Senate has instructed us by a vote not to recede from that amendment?" I know what the gentleman from Illinois [Mr. CANNON] would say under those circumstances. He would say: "Gentlemen of the Senate conferees, we will go back to the House, because there is nothing upon which to confer;" and I hope the House does not propose to put its conferees in that attitude.

Mr. CANNON. And then the Senate would back down or the bill would fail.

Mr. CAPRON. And if your conferees meet the Senate conferees upon the 17 or 18 amendments that the Senate have placed upon this bill and can not find the Senate conferees ready to yield upon those which the conferees shall consider contrary to our rules and to the law, then I suppose the gentlemen representing this House will say the same thing in the same words which my friend from Illinois [Mr. CANNON] has used; but you propose to deprive them of ever having that opportunity, and I do not believe any conferees ever ought to be sent from this body without the opportunity to have a full and free conference. I do not believe they ought to go over there with their hands tied behind them and their tongues tied in their mouths, because that is not conference at all. We might as well send over a phonograph and unwind it and let that talk to the Senate conferees.

I believe your conferees ought to be appointed from those in whom the House has confidence, and then if we come back, having failed to discharge our duty, it will be ample time to say, and I hope that at that time the gentleman from Illinois will say, as has been said in the past upon a bill, as I very well remember, "These conferees are not acting according to the will of the House," and then there will be other conferees appointed.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield five minutes to me?

Mr. HULL. Mr. Speaker, I should like to close the debate. I have promised to yield to the gentleman from Virginia three minutes.

Mr. HAY. I will yield that time to the gentleman from Iowa.

Mr. HULL. If the gentleman will do that, then I will yield to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, I think there is one view of this situation that has not been presented to the House. This resolution does not impart censure to this committee, and it is necessary in my view, because of an evil habit that has grown up in this House with regard to matters of this kind.

The House has not considered one of the Senate amendments. The rules of this House contemplate that they should be considered. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the House do not consider them, that the House nonconcur in them and turn them over to the conference committee without one word having been uttered as to what the preference of the House is with regard to those matters. They are Senate amendments. They have not been discussed in the House. The committee of conference will have nothing to guide them as to the will of the House, and therefore this resolution that does signify the preference of this House is, in my judgment, entirely proper to be given to them.

I might go a step further and say that I believe this House is the victim of two forces—two bodies constantly encroaching upon the prerogatives and rights of the House. One is the Senate of the United States. The other is the conference committees of this House. [Applause.] How many times has this House been betrayed by its own committees? How many times have things important to the House been surrendered by its conferees and the House placed in a position where it could not protect itself? I think it is time that something should be done; that the conference committees of the House should be given to understand their duties in this matter. And, mind you, the House does not select the conference committees. Mind you, the Speaker does not select them. They are selected through a custom, and before a conference committee is appointed we always know who will be on that committee.

If it is an amendment put on in the House, in almost every instance it is an amendment against the preference of the committee; and if they maintain the views of the House, they surrender their own. So it often happens that these gentlemen, beaten in the House, get their revenge by surrendering to the Senate amendment [applause], often possibly securing their reenactment in order that they may agree to them.

Mr. CLARK. I will ask the gentlemen from Iowa if he does

not think the custom ought to be adopted by the House that has been adopted in the Senate—to appoint conferees in favor of the thing that this body adopts, without reference to rank on the committee?

Mr. HEPBURN. It often happens the conferees appointed by the House are opposed to the will of the House as expressed in legislation on their bill. The committee brings in a bill. We have the right to assume that they are in favor of it. It is the pleasure of the majority of the House to change it. It is against their will, and they right themselves, not here, but in the conference committee. Now, I do not think it is disrespectful when I vote for this resolution offered by the gentleman from Illinois. I am not disrespectful to my colleague from Iowa. I respect him; I honor him; but he does not know at this moment what the will of this House is, because he has taken the means himself of precluding himself from having that information by asking that a pro forma disagreement be indulged in and the whole subject referred to himself.

Mr. HULL. Mr. Speaker, the gentleman from Iowa [Mr. HEPBURN] simply does not understand anything about the action of the Committee on Military Affairs when he speaks about the mere pro forma disagreement. The course of action that this bill has undergone is the almost universal action in the House, practically, of disagreeing to all the amendments and the appointment of a conference committee. If we had gone into Committee of the Whole House and had passed upon these amendments, unless we had agreed to the amendments there would have been no difference in the action so far as the House is concerned as to this bill other than that already taken by the House.

The proposition that measures are offered in the House and voted down, and then conferees appointed and give away the contention of the House, has no application in this matter at all, because these amendments were put on the bill in the Senate, and no member of the House has put himself on record as in favor of them. Now, so far as the jurisdiction is concerned, that is not in issue and can not be in this House, because you can not limit by the rules of the House what the Senate may put upon a bill. But if the conferees on the part of the House come back here with a report that in the judgment of the House is surrendering any of its prerogatives, then the House has the power, as it did with the Committee on War Claims, to vote down the report and instruct the conferees. I think every member of the House realizes that a thoughtful member will be very careful not to bring in a report that he feels is contrary to the judgment of the House.

Now, as to the proposition of my friend from Illinois that it is common to hold back these great bills until the last hours of the session and then bring them here under whip and spur with the threat that unless they are adopted in a conference report by the House there will be no bill passed, I think he must speak from experience of his committee in that respect and not of matters coming from the Committee on Military Affairs.

Mr. CANNON. I do.

Mr. HULL. I say to this House that no bill reported by a conference committee from the Committee on Military Affairs has ever been held back until the closing hours, or that we have ever undertaken in any way to get snap judgment on the House.

Mr. CANNON. I do speak from experience, and respectfully, of a body in another place, that it is a part and parcel of its policy to hold these great measures until they are driven through in the last twelve or twenty-four hours of the session.

Mr. HULL. On that theory, you could instruct your committee so that it could not go into a free conference, and the Senate could hold back, and say that they will not have any conference at all if they can not discuss these matters, and hold the matter up to the last of the session; and they would have some reason for such action.

Mr. CANNON. But if we instruct the conferees, you will be powerless to ever agree.

Mr. HULL. That is true; we are powerless to agree, and the bill would fall on the same theory. So there is nothing in that argument one way or the other.

The gentleman from Indiana seemed to be terribly frightened over this idea that we were giving too great jurisdiction to the Secretary of War.

Mr. SHATTUC. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. SHATTUC. Will this be the last opportunity that we will have to show our independence of the Senate?

Mr. HULL. Oh, no; I should think not. I think it would be a terrible thing if so. The gentleman from Indiana submits——

Mr. GROW. Will the gentleman allow me?

Mr. HULL. I have only two or three minutes. I want to conclude the suggestion I was making. The gentleman from Indiana made his argument on the theory that we were giving the Secretary of War such an enormous jurisdiction over appropriations. I want to say to this House that that is not a fair argument, because there is no appropriation passed by the Appropriations Committee that limits the Secretary of War to any amount of money that he may spend or that he will put into a building, and I think the idea that he will put in any more than will erect the building is an absurdity.

The gentleman from Illinois, the chairman of the Committee on Appropriations, has based almost his entire argument on the theory that here is a million and a half dollars proposed by the Senate, not asked for by any Department, and that, of course, we are going to give it to them. I submit to the House, Is it fair for any man, even for the chairman of the Committee on Appropriations, to assume that this committee is inclined to give beyond the amount asked for by the Department? Is that fair? I want to say to you that I have not heard a member of the committee advocate the theory of giving the extra million and a half dollars. There is no reason to believe that the conferees will ever agree to giving more than is asked for by the Government. The gentleman's argument on that subject is, to my mind, absolutely without force. If we were to do that and come before the House, the argument he makes would then be pertinent. He could say that we had tried to give more money than the Government wanted for certain purposes.

I do not know—and I assume that no other member knows—why the Senate wanted to increase that so largely. But I do know this, that the Committee on Military Affairs in place of giving beyond the estimates of the Government, have pared them down in almost every case. It is fair to assume that they will do the same in this.

Mr. Speaker, my contention now, as it has been from the beginning, is, not to argue as to the merits of the amendment until it comes before the House. The proposition now is not whether we shall adopt them or not; my proposition is that it is unusual, it is not right to instruct the committee of the House before it has had a conference. It is not fair to assume that they are going to violate any of the proprieties until they have had an opportunity to bring before the House their work, and let the House see whether they are violating them or not. I do not believe, after what the gentleman from Illinois has said, that I am violating any confidence when I state that I offered to bring in a disagreement on the measure so that it might be voted upon directly and independently by the House if the gentleman would allow it to go to conference without instructions, but it was not thought best to do it. Now, Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. CANNON) there were 107 ayes and 50 noes.

So the resolution was adopted.

Mr. HULL. Mr. Speaker, would it be in order now for me to change my motion that the House nonconcur in the amendments, and agree to certain amendments and let it go without a conference?

The SPEAKER. The House has already voted to ask for conferees.

Mr. HULL. Then, Mr. Speaker, I move to reconsider that vote so that we may dispose of it in the House without a conference. I move to reconsider the vote.

Mr. CANNON. I move to lay that motion on the table.

The SPEAKER. The gentleman from Iowa moves to reconsider the vote by which the conference was asked for, and the gentleman from Illinois moves to lay that motion on the table.

Mr. HULL. Will the gentleman allow me to say——

Mr. RICHARDSON of Tennessee. I call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Illinois to lay the motion of the gentleman from Iowa on the table.

The question was taken; and the motion to lay the motion on the table was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HULL, Mr. CAPRON, and Mr. HAY.

PENSION BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House the following pension bills with Senate amendments, which amendments were severally read, and, on motion of Mr. SULLOWAY, concurred in:

A bill (H. R. 2857) granting an increase of pension to Frances J. Haughton;

A bill (H. R. 7397) granting a pension to Louisa White;

A bill (H. R. 1346) granting a pension to Adelbert L. Orr;

A bill (H. R. 6625) granting an increase of pension to Mary C. Downing; and

A bill (H. R. 9606) granting a pension to Charles Blitz.

The SPEAKER also laid before the House the amendments of the Senate to House bills of the following titles, when, on motion of Mr. SULLOWAY, the House nonconcurred in the amendments, respectively, and asked a conference with the Senate; whereupon the appointment of House conferees was announced in each case as indicated:

A bill (H. R. 4103) granting a pension to William C. Hickox; House conferees, Mr. SULLOWAY, Mr. SAMUEL W. SMITH, and Mr. NORTON.

A bill (H. R. 8794) granting an increase of pension to Henry I. Smith; House conferees, Mr. RUMPLE, Mr. DEEMER, and Mr. MIERS of Indiana.

A bill (H. R. 8840) granting an increase of pension to John H. Lauchly; House conferees, Mr. GIBSON, Mr. KLEBERG, and Mr. SAMUEL W. SMITH.

A bill (H. R. 9544) granting an increase of pension to George W. Barry; House conferees, Mr. SULLOWAY, Mr. KLEBERG, and Mr. GIBSON.

A bill (H. R. 10505) granting an increase of pension to Solomon P. Brockway; House conferees, Mr. GIBSON, Mr. DARRAGH, and Mr. MIERS of Indiana.

LEAVE OF ABSENCE.

By unanimous consent, Mr. CURTIS obtained leave of absence for ten days, on account of important business.

OLE STEENSLAND.

Mr. GIBSON. I rise to present a conference report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

A. G. FOSTER,
J. C. PRITCHARD,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill originally passed the House granting a pension of $24 per month; the Senate, by amendment, reduced the rate of the pension to $12 per month.

The result of the conference is that the Senate recedes from its amendment, and this leaves the rate of the pension at $24 per month, as fixed originally by the House.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

The report was agreed to.

INAUGURATION OF CUBAN REPUBLIC.

Mr. HITT. Mr. Speaker, I ask the unanimous consent of the House for the consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives of the United States of America, That this House views with satisfaction, and expresses congratulation at, the appearance this day of the Cuban Republic among the nations of the world.

[Loud applause.]

The SPEAKER. Is there objection to the consideration of this resolution? [A pause.] The Chair hears none.

Mr. HITT. Mr. Speaker, it is evidently unnecessary that there should be any debate on this resolution. I will merely say that it was suggested by the gentleman from New York [Mr. SULZER] [applause]; and I know that all members on both sides of the House will welcome the opportunity to vote for it.

The question being taken, the resolution was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

PASSPORTS.

Mr. ADAMS. Mr. Speaker, under the special order made by the House, I call up House bill 8129.

The SPEAKER. The Clerk will report the order of the House.

The Clerk read as follows:

On motion of Mr. ADAMS, by unanimous consent, it was ordered that immediately after the disposition of the bill H. R. 12543, "A bill to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States," the House shall proceed to the consideration of the bill H. R. 8129, "A bill to amend sections 4075, 4076, and 4078 of the Revised Statutes."

The SPEAKER. The Clerk will report the bill referred to in the order of the House.

The bill as amended by the committee was read, as follows:

Be it enacted, etc., That section 4075 of the Revised Statutes of the United States is hereby amended by inserting after the phrase "consular officers of the United States" the following: "and by such chief or other consular officer of the insular possessions of the United States."

SEC. 2. That section 4076 of the Revised Statutes is hereby amended so as to read as follows: "No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States."

SEC. 3. That section 4078 is hereby amended so as to read: "If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport to or for any person owing allegiance, whether a citizen or not, to the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

Mr. ADAMS. Mr. Speaker, before proceeding to submit to the House the reason for the passage of this bill, I would like to move an amendment to correct a typographical error. On page 2, line 7, amend by striking out the word "consular" and inserting the word "executive;" so as to read "executive officer" instead of "consular officer." It is a typographical error in the printing of the bill.

The SPEAKER. If there is no objection, the amendment referred to will be agreed to.

There was no objection.

Mr. ADAMS. Mr. Speaker, I simply would state for the information of the House that this is a bill that came from the Department of State and is reported unanimously by the Committee on Foreign Affairs. The sole object of the measure is to enable the State Department to issue passports to all the citizens of the United States and those of our recent possessions. As the law now stands it reads that the State Department has authority to issue passports to citizens of the United States, but in the opinion of that Department it prohibited them from issuing passports to the citizens of the islands of Porto Rico and the Philippines. In order to overcome this difficulty this bill has been drafted with great care, having been submitted to the Attorney-General, and, after careful consideration by the Foreign Affairs Committee, as I have already said, is unanimously reported.

The inhabitants that have come under the dominion of the United States, being under its sovereignty, are entitled to its protection, and as a sequence to that are entitled to evidences in the form of passports to show for their protection wherever they may go. It has been the custom of the State Department sometimes to issue certificates in lieu of passports, but as the laws of some of the countries demand passports for admission thereto, or in recognition of the citizenship of the people of the other countries, it is necessary this should be done in order to enable the State Department to give these people evidence that they are under the protection of the country and to exhibit it wherever they may go. The amendment simply revises the statute in that respect and has no other object.

Mr. SMITH of Kentucky. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. ADAMS. Yes. How much time does the gentleman want?

Mr. SMITH of Kentucky. I would like to have five or ten minutes.

Mr. ADAMS. I yield ten minutes to the gentleman.

The SPEAKER. The gentleman from Kentucky is recognized for ten minutes.

Mr. SMITH of Kentucky. Mr. Speaker, my attention had never been called to this bill until it was reported some ten or twelve days ago, and as I heard it read from the Clerk's desk it occurred to me as one that proposed to make some rather radical if not dangerous changes in our statutes relative to passports. It seems to have come at the suggestion of the Secretary of State. Indeed, sir, the bill before the committee, as I understand from their report, was drafted by the Secretary of State himself.

But the question arises as to whether the change proposed by this bill is an advisable one. The Secretary of State sent in a bill to the chairman of the committee which proposed to strike from the existing statute the words "citizens of the United States" in one section and "citizen of the United States" in another section, and to insert "persons owing permanent allegiance to the United States" in the place of the one and "person owing permanent allegiance to the United States" instead of the other. The present statute, section 4076, reads as follows:

No passport shall be granted or issued to or verified for any other person than a citizen of the United States.

Now, Mr. Speaker, I shall not undertake to discuss the political status of the people in the Philippine Islands. I take it that there is no one to deny that the residents of Porto Rico and Hawaii are at present citizens of the United States. So that this bill, in its practical application, has reference solely to the residents of the Philippine Islands. I may say, briefly, that I

believe that the residents of the Philippine Islands are citizens of the United States. I believe that they owe permanent and unqualified allegiance to the United States, and I believe, on the other hand, that the Government of the United States owes an absolute duty to these people, as they owe a permanent allegiance to that Government, to protect them as it does other citizens.

I believe that the present statute upon the books is broad enough to authorize the issuing of passports to the citizens of the Philippine Islands; but there are gentlemen on the other side and perhaps some on this side who disagree with me upon that proposition. I would be willing to unite with them on some expression that would clearly embrace the citizens of the Philippine Islands, without compromising the position of either party. I believe that if the committee had adopted the bill as proposed by the Secretary of State, it would have served their purpose and would not have compromised anybody's views upon the question as to the status of the Filipinos.

The proposition of the Secretary of State was that you should strike out the word "citizen" and authorize the issuing of passports to all persons "owing permanent allegiance to the Government of the United States." You could have supported that proposition; I could have supported it. But the committee have seen proper to change that language, and they propose to say that passports may be issued to persons who owe allegiance to the United States, whether they be citizens or not. In other words, the position of the committee is that there may be people who owe permanent allegiance to the United States but who are not citizens thereof.

Now, my criticism upon the language proposed by the committee is that there are different kinds of allegiance owing to the Government. There is what is known as a temporary allegiance, as well as that of permanent or unqualified allegiance. There are a great many people in this country who owe temporary allegiance to the United States who are not citizens of the United States. Every man knows this to be true. So that under this bill you propose to authorize the Secretary of State to issue passports to people who are not citizens of the United States and who do not owe permanent allegiance to its Government. So far as I am advised, there is not a government under the shining sun that undertakes to issue passports to people who are not citizens of that government. If you pass this bill, you place your Government in the attitude of authorizing passports to people who owe but temporary allegiance to your Government, because you use merely the expression "allegiance," whereas the Secretary of State used the expression "permanent allegiance."

Now, as I said, I would be perfectly willing to accept the proposition of the Secretary of State. I believe that the residents of the Philippine Islands owe permanent allegiance to the Government of the United States, and, believing that, I would be willing to pass a law that would authorize the issue of passports to all persons who owe permanent allegiance to the United States. But you ask me to go further by your amendment; you ask me to vote for a proposition that will authorize the Secretary of State to issue passports to everybody that owes any kind of allegiance to the Government of the United States, and I am unwilling to support that kind of a proposition. It will bring about confusion and perplexity to the Secretary of State in the administration of your passport laws, and I believe that it is an inadvisable amendment. I believe that it ought to be voted down and that the provision as drafted by the Secretary of State ought to be passed by the House in lieu of it.

Mr. ADAMS. In regard to the objection of the gentleman from Kentucky [Mr. SMITH] I would state that the word "permanent" is only an adjective; that all allegiance is permanent until it is broken by the Government or broken by the citizen. The word "permanent" does not reenforce the fact of allegiance. It is simply an adjective.

Mr. SMITH of Kentucky. Will the gentleman yield?

Mr. ADAMS. Certainly.

Mr. SMITH of Kentucky. If the gentleman will refer to the case of Radich *v.* Hutchins (95 U. S.), and to the case of Carlisle *v.* The United States, reported in 16 Wallace, he will see that the court says:

As a foreigner domiciled in the United States he was bound to obey all the laws of the United States not immediately relating to citizenship and was equally amenable with citizens to the penalties prescribed for their infraction. He owed allegiance to the Government of the country so long as he was therein.

So that there is such a thing as a temporary allegiance.

Mr. ADAMS. Mr. Speaker, passports are not issued to foreigners temporarily residing in any country.

Mr. SMITH of Kentucky. Yes; but you are proposing to pass a law that will authorize it.

Mr. ADAMS. Not at all.

Mr. SMITH of Kentucky. I think I have demonstrated it.

Mr. ADAMS. Not at all. The kind of allegiance referred to in that case is what you may call a police allegiance, which simply is imposed on foreigners temporarily residing in any country, that they will be amenable to the laws and do no act that would bring discredit or warfare upon that country.

Mr. SMITH of Kentucky. It is a temporary allegiance.

Mr. ADAMS. That may be, but it is a specified kind, understood in international law between different countries, and has no reference to the allegiance due between the inhabitants of any country and the government thereof.

Mr. SMITH of Kentucky. Let me ask you this question: You authorize the issuing of a passport to anyone who owes allegiance to the United States. Now, does not that cover any kind of allegiance that a person may owe?

Mr. ADAMS. No, sir.

Mr. SMITH of Kentucky. Why does it not?

Mr. ADAMS. Simply because residents and inhabitants of a foreign country are never granted passports in the country in which they temporarily reside.

Mr. SMITH of Kentucky. But if you pass this bill you authorize this Government to do so.

Mr. ADAMS. Then you will fall from the established rule that prevails in all nations of the world.

Mr. SMITH of Kentucky. Now, the gentleman knows that they can not secure passports at all under the law at present.

Mr. ADAMS. And they will not under this law. They are citizens of a foreign country temporarily residing, and they can not be granted passports and can not apply for them.

Mr. SMITH of Kentucky. The gentleman has abandoned the expression of our present statute, "citizens," and designated people who are entitled to passports "persons owing allegiance to the United States," which is a change of the entire system. You are undertaking to say that any person who owes allegiance to the United States shall be entitled to a passport, and this will cover persons owing temporary allegiance.

Mr. ADAMS. The gentleman does not distinguish between foreigners and residents that owe temporary allegiance; referred to here is permanent allegiance, but not necessary to say that. All allegiance is permanent until forfeited or broken by act of disloyalty. It is permanent in its very nature. The adjective adds no force to the temporary allegiance.

Mr. SMITH of Kentucky. You say the allegiance referred to in this bill is permanent?

Mr. ADAMS. Yes.

Mr. SMITH of Kentucky. What objection can there be to accepting the proposition of the Secretary of State, and saying "permanent?"

Mr. ADAMS. That is the Secretary's opinion, but it adds no force. When this question was before the Committee the provision in this measure that the gentleman from Kentucky refers to was changed in the language of this bill so as to meet expressly the views of gentlemen on that side of the Chamber, and every member of the committee was perfectly satisfied with this bill. It is a unanimous report, and when it was discussed before the arguments in favor of this bill were made entirely by gentlemen on that side of the Chamber, as we thought it was the better way. Now, Mr. Speaker, I call for a vote on the bill.

Mr. OLMSTED. I wish to suggest an amendment, to which, I think, my colleague will agree.

The SPEAKER. Is it an amendment to the committee amendment?

Mr. OLMSTED. It is.

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. ADAMS. I yield.

The SPEAKER. The gentleman will send up his amendment.

The Clerk read as follows:

Strike out, beginning with the word "owing," near the end of line 20, page 2, down to and including the word "verification," in line 23, and insert in place thereof the word "whomsoever."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. CLARK. What is the amendment?

The SPEAKER. Without objection, the amendment will be reported again. The Chair hears no objection.

The Clerk read as follows:

After the word "persons," in line 20, page 2, strike out the words "owing allegiance, whether a citizen or not, to the United States, or to for any person claiming to be or designated as such in such passport or verification," and insert in lieu thereof the word "whomsoever."

Mr. OLMSTED. I would like to explain the amendment just a moment.

The SPEAKER. Does the gentleman desire to discuss the amendment?

Mr. OLMSTED. Yes, sir.

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. ADAMS. I do.

The SPEAKER. How much time?

Mr. ADAMS. Five minutes.

Mr. OLMSTED. This amendment is to that portion of the bill which provides penalties for violations of its provisions. It seems to me there has been a slight omission. There are two penal provisions. The first is where a passport is issued by any person not having the authority to issue a passport at all. It provides a penalty if any such unauthorized person shall issue a passport to a person owing allegiance to the United States. The second provision is that persons authorized to issue passports shall be punished if they issue passports to any persons not owing allegiance. My amendment simply provides that any person not authorized to issue passports shall be punished if he issues passports to any person whatever, whether owing allegiance or not. As the bill now reads, an unauthorized person may be punished for issuing passports to persons owing allegiance, but can not be punished for issuing them to persons not owing allegiance.

Mr. CLARK. I do not think the gentleman's amendment accomplishes the purpose he is seeking.

Mr. OLMSTED. It simply provides that any unauthorized person who issues passports to any one whomsoever shall be subject to the penalty.

Mr. DINSMORE. I would suggest to the gentleman the language according to section 2 of the bill is equally objectionable:

No passport shall be granted or issued to or verified by any other person than those owing allegiance, whether citizens or not, to the United States.

Mr. OLMSTED. That is all right. The bill provides that no person shall issue a passport to any person not owing allegiance. And then it provides that no person not having authority to issue a passport at all may be punished if he issues a passport to anybody who does owe allegiance. My amendment makes him liable if he issues a passport to anybody at all, whether owing allegiance or not.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Pennsylvania a question.

Mr. ADAMS. I yield for a question.

Mr. SMITH of Kentucky. As I understand, the third section follows the present statute, with the exception that it strikes out "citizens of the United States" and inserts "persons owing allegiance to the United States."

Mr. ADAMS. It does.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The question was considered, and the amendment was agreed to.

The committee amendments as amended were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMS, a motion to reconsider the last vote was laid on the table.

PRIVATE CLAIMS.

Mr. GRAFF. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, under the special order heretofore made.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. HOPKINS in the chair.

ELEANORA G. GOLDSBORO.

The first business on the Private Calendar was the bill (H. R. 10469) for the relief of Eleanora G. Goldsboro.

Mr. GRAFF. Mr. Chairman, the gentleman that reported this bill, who is a member of the committee, is not present, and the gentleman who introduced the bill is not present. I therefore ask that this bill be passed without prejudice.

The CHAIRMAN. Without objection, the bill reported will be passed without prejudice.

There was no objection.

MELLERT FOUNDRY AND MACHINE COMPANY.

The next business on the Private Calendar was the bill (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time.

The Clerk read the bill as follows:

Be it enacted, etc., That the sum of $2,427.84 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the Mellert Foundry and Machine Company, Limited, of Reading, Pa., for money retained as a penalty by the United States by reason of a failure to complete a contract within a specified time.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, this is a bill which has been favorably reported upon by the committee and the Secretary of War. The matter was referred to Gen. Thomas L. Casey April 16, 1892, and he states as follows:

It can not be stated that the failure of the contractors to deliver the material on time caused any loss to the United States except as follows: Inspector's pay for one month and seven days, $154.16, and master calker's pay for eight days, $40; a total of $194.16.

The contract was entered into July 12, 1890, and under the penalty clause $2,622 was retained by the United States. Deducting from this amount the $194.16, actual loss suffered by delay, there would remain in the Government's hands $2,427.84, which, without exacting the pound of flesh, as per clause in the contract, would be equitably due the contractors.

Before acting upon the measure the committee deemed it advisable to refer the matter to the Secretary of War, asking for facts and information relative to the same; also an opinion of the War Department as to the merits of the case, and for opinion received the following reply:

"The Comptroller of the Treasury has decided in recent cases of a like kind that 'one of the recognized rules of construction applicable to this case is that when damages are easily ascertainable the sum mentioned as a forfeiture will usually be treated as a penalty, even if stated to be for liquidated damages (5 Comptroller Decisions, 317), and that the courts usually show a disposition to lean toward that construction which excludes the idea of liquidated damages and permits the party to recover only the damages which he has actually sustained.' (Comp. decision of Sept. 25, 1900.)

"In view of the above decisions of the Comptroller, it would appear, if this matter is to be settled without a judicial determination, that the proposed payment might be authorized by Congress without injustice to the United States, as the amount in question ($2,427.84) represents a sum earned by the contractors over and above the actual loss or expense of the United States.

"JOHN M. WILSON,
"*Brigadier-General, Chief of Engineers, U. S. A.*"

The penalty was a peculiar penalty. They were very large pipes and very small pipes, and the large pipes were got out first. This had reference to the laying of sewers. They got out the large pipes first, and there was slight delay on the small pipes, which were not ready to use by the time the contract expired, but they were furnished in time for the work to go on. The actual loss to the Government was only $192.

If this case had been two or three months later, it never would have been here, because the ruling was immediately changed on this matter. Now, this is money that was deducted from really what belonged to these people under the contract, and was deducted, as I say, under these peculiar circumstances.

Mr. PAYNE. How long ago was this transaction?

Mr. GREEN of Pennsylvania. It was a few years ago—it was in 1892. This bill was passed by the last Congress and the Congress before that. It has not been reached before this session on the Calendar. This is the first time that we have had the opportunity to take it up before the House.

The bill was laid aside with a favorable recommendation.

ANGUS A. M'PHEE.

The next business on the Private Calendar was the bill (H. R. 367) for the relief of Angus A. McPhee.

The Clerk read the bill, as follows.

Be it enacted, etc., That the Treasurer of the United States pay to Angus A. McPhee the sum of $676.85, the same being the amount of a certain judgment recovered by the United States against said McPhee on the 30th day of April, 1894, in the circuit court of the western district of Wisconsin, for $616.85, and $30 expended for costs by said McPhee in defending the action, and which judgment was paid in full by said McPhee, it being for the value of timber cut from certain lands in sections 1, 13, 11, and 23, township 45 north, of range 4, Ashland County, Wis., by said McPhee, and claimed by the United States, and which lands were subsequently determined by the Supreme Court, in the case of Wisconsin Central Railroad Company *v.* Forsythe, to be owned by the said railroad company under the grant of May 5, 1864.

Mr. GRAFF. Mr. Chairman, the facts of this case are that Congress by an act passed June 3, 1856, granted to the State of Wisconsin for railroad purposes alternate sections 6 miles on each side of the proposed railroad for railway purposes. By an act of Congress passed May 5, 1864, a similar grant was made for similar purposes alternate sections for a width of 10 miles.

After this legislation had been passed the railroad who came into the possession of the property leased the land and sold the pine timber located on the land, and then the United States set up a claim of title to the land as against the railroad company, who derived the title through this legislation I have referred to and through the investment of the men who cut the timber under authority obtained by the railroad company. He obtained a judgment in the United States court of $676.85. I read from the report:

In the meantime one Forsythe, claiming that said lands were subject to public entry, made application to enter the same, and the title to the lands conveyed by the State of Wisconsin, through its governor, became involved, and the said Forsythe took steps to obtain said lands from the United States, and was confirmed in his right by the Secretary of the Interior. The Wisconsin Central Railroad Company brought an action of ejectment in the circuit court of the United States for the western district of Wisconsin for the purpose of determining its title to said lands, and the case finally reached the Supreme Court of the United States, and will be found reported as Wisconsin Central Railroad Company *v.* Forsythe (vol. 159, p. 46), and the opinion thereon was filed June 3, 1895; and in that case it was decided by the Supreme Court of the United States that the Wisconsin Central Railroad Company obtained the title to said lands and was the owner of the lands hereinbefore particularly described under said grant, thereby showing and proving that the said Angus A. McPhee obtained the legal title to said timber by his purchase aforesaid, and that the action brought against him was wrongly

decided; and he asks the United States now to return to him the money that he paid on the judgment and his necessary costs in defending said action, all of which at this time aggregates the sum of $676.85.

This bill proposes simply to pay this man back the sum of money which was wrongfully adjudged against him, because the settling of the title in the railroad company confirmed his right to cut the timber on the land.

I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

ROBERT D. M'AFEE AND JOHN CHRATOVICH.

Mr. NEWLANDS. I ask unanimous consent for the present consideration of Senate bill No. 169, for the relief of Robert D. McAfee and John Chratovich; it is No. 1249 on the Private Calendar. I think it can be very quickly disposed of.

Mr. WEEKS. I object. I think we should follow the order of the House.

Mr. NEWLANDS. Then I move that the bill be taken up.

The question being taken on the motion of Mr. NEWLANDS, it was rejected.

W. J. TAPP & CO.

The next business was the bill (H. R. 1360) for the relief of W. J. Tapp & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. J. Tapp & Co. the sum of $240.10, as a refund of duties erroneously exacted on certain machinery for the manufacture of jute, at Louisville, Ky., in the year 1876.

Mr. GRAFF. I yield to the gentleman from Virginia [Mr. RIXEY] to explain this case.

Mr. RIXEY. Mr. Chairman, this bill was referred some years ago to the Committee on Ways and Means and by that committee reported favorably. It grows out of the fact that Tapp & Co. paid certain duties on what was known as jute machinery. The Secretary of the Treasury subsequently held that the duties ought not to have been collected. Tapp & Co. therefore procured the introduction of a bill for their relief, which was referred to the Committee on Ways and Means. That committee, after going over the whole subject, made this recommendation:

In view of the fact that the Supreme Court had decided that "a payment made to a public officer in discharge of a fee or tax illegally exacted is not such a voluntary payment as will preclude the party from recovering it back" (111 U. S., 22), your committee are of the opinion that the parties are entiled to the relief asked for, and recommend the passage of the accompanying bill.

I do not suppose it is necessary to read the report made in favor of this bill.

Mr. PAYNE. Is there a letter from the Secretary of the Treasury?

Mr. RIXEY. There does not seem to be any such letter. This report is based upon the report of the former Ways and Means Committee.

Mr. PAYNE. I understood the gentleman to say that the Secretary of the Treasury recommended the bill.

Mr. RIXEY. I said that a former Secretary of the Treasury, after the duty had been collected, held that it ought not to have been paid.

Mr. PAYNE. And this bill simply provides for the reimbursement of the amount of duty paid?

Mr. RIXEY. Yes. The amount is only $240.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHAMBLIN, DELANEY & SCOTT.

The next business was the bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board be, and it is hereby, authorized to pay to Messrs. Chamblin, Delaney & Scott, of the city of Richmond, State of Virginia, the sum of $2,125 out of the appropriation for Marblehead light-house made by the Fifty-third Congress.

The amendments reported by the committee were read, as follows:

In line 5, after the words "the sum of," strike out "two thousand one hundred and twenty-five dollars" and insert $1,704.46, in full for all claims against the United States on account of their contract for the metal work for the Marblehead, Mass., light station."

Amend the title so as to read: "A bill to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46."

Mr. GRAFF. Mr. Chairman, the facts of this case are stated in a letter which will be found in the report:

TREASURY DEPARTMENT, *Washington, D. C., April 11, 1900.*

SIR: This Department has the honor to acknowledge the receipt of a letter from your committee dated March 5, 1900, inclosing a copy of H. R. bill 3531, to authorize the Light-House Board to pay to Messrs. Chamblin, Delaney & Scott the sum of $2,125, being the amount of the penalty charged against them for delay in delivery of the metal work for the Marblehead, Mass., light station, and asking that your committee be furnished with information in the matter.

In reply the Department begs leave to state that the Light-House Board, to whom the matter was referred, reports as follows:

A contract was entered into between the before-named firm and the United States on June 25, 1895, for the metal work specified, in the total sum of		$8,786.00
The work to be completed on or before November 29, 1895. By Department authority the time for the completion of the metal work was extended to December 29, 1895. Penalty provided in the contract, $25 for each and every day's delay after December 29, 1895. The work was actually completed and delivered March 23, 1896, after a delay of eighty-five days.		
The cost of inspection from December 29, 1895, to March 23, 1896, was	$686.97	
Payments were made to the contractors by the engineer of the Second light-house district on account of the contract in the total sum of	6,394.57	
		7,081.54
Balance unpaid		1,704.46

In other words, if the amount charged against this claimant—the amount of the expense which the Government actually incurred by reason of the delay—should be deducted, there would still be left the sum of $1,704.46, which the United States withheld in excess of any damage really incurred.

The board states that the damage to the United States on account of the delay in the completion of the metal work for this light station consists wholly in the increased cost of inspection, amounting, as before stated, to $686.97, which, being charged against the contractors, leaves an unpaid balance of $1,704.46 due them.

For these reasons, in which the Department concurs, the board recommend that this H. R. bill be amended so as to reduce the amount from $2,125 to $1,704.46, and to add after the latter amount the words "in full for all claims against the United States on account of their contract for the metal work for the Marblehead, Mass., light station," and that as so amended the bill be passed.

The committee will notice that it would be a great hardship on these people to have deducted, as has been, the amount of $1,704.46 on a contract which aggregated only $8,786 for the entire work. I therefore move that the bill be laid aside with a favorable recommendation as amended by the Committee on Claims.

The CHAIRMAN. The Clerk will read the first amendment.

Mr. GRAFF. The amendments are in the report.

The Clerk read as follows:

In lines 5 and 6 strike out $2,125 and insert $1,704.46, and amend the title.

The CHAIRMAN. Without objection, the amendments proposed by the committee will be adopted.

There was no objection.

The bill was laid aside to be reported to the House with a favorable recommendation.

STEPHEN B. HALSEY.

The next bill on the Private Calendar was the bill (H. R. 10279) for the relief of Stephen B. Halsey, which the Clerk read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50, to be paid to Stephen B. Halsey for the damage done to his dock at Astoria, Long Island, by the United States steamship Canby on August 21, 1899.

Mr. MADDOX. Mr. Chairman, is there no report with that bill? I think we ought to have somebody to explain these matters.

Mr. GRAFF. I yield to the gentleman from New York [Mr. STORM].

Mr. STORM. Mr. Chairman, the bill explains itself. It is to pay damages that were inflicted by a United States steamer to a dock at Long Island City. The estimate was that it would cost the Government $60. The man had it done for $50, and this is to reimburse him and pay this $50.

Mr. MADDOX. I can not hear the gentleman. I do not know whether anybody else can or not.

Mr. GRAFF. Well, I will state that the claim is in the sum of $50 for damages to a dock done by a vessel under the control of the United States, operated by the United States, although I believe the vessel did not belong to the United States. There is a whole volume of correspondence here which is incorporated in the report, and there is no question about the fact that the fault was on the part of those controlling the vessel and not the dock owner.

Mr. MADDOX. It is a unanimous report?

Mr. GRAFF. Yes.

Mr. MADDOX. Now, let me say this to the chairman of the committee, that I do not see a man on this side of the House representing the minority of that committee, and some of us want to know what we are voting for.

Mr. BUTLER of Pennsylvania. There is Mr. KITCHIN.

Mr. GRAFF. I will say to the gentleman that I have just yielded to the gentleman from Virginia, who is on that side of the House, and to the gentleman from Pennsylvania, who is on that side of the House, to explain bills.

Mr. MADDOX. The gentleman did not understand me. I say I see no member of his committee on this side of the House. There is no one here to say anything about it.

Mr. GRAFF. I would be glad to see the gentlemen here.

Mr. STORM. There is Mr. KITCHIN.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the bill was laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 10995. An act to regulate the introduction of eggs of game birds for propagation; and

H. J. Res. 192. Joint resolution fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

The message also announced that the Senate had passed with amendments joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested.

H. J. Res. 113. Joint resolution authorizing the use and improvement of Governors Island, Boston Harbor; and

H. J. Res. 172. Joint resolution authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5213. An act providing for the selection and retirement of medical officers in the Army.

BRITISH STEAMSHIP FOSCOLIA.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 5121) for the relief of the owners of the British ship *Foscolia* and cargo, which the Clerk read, as follows:

Be it enacted, etc., That the claim of the owners of the British steamship Foscolia, sunk by collision with the U. S. S. Columbia on the evening of May 28, 1898, near Fire Island light-ship, for and on account of the loss of said vessel and cargo, may be submitted to the United States district court for the southern district of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and said court shall have jurisdiction to hear and determine and to render judgment thereupon: *Provided, however*, That the investigation of said claim shall be made upon the following basis: First, the said court shall find the facts attending the loss of the said steamship Foscolia and her cargo; and second, if it shall appear that the responsibility therefor rests with the U. S. S. Columbia, the court shall then ascertain and determine the amounts which should be paid to the owners, respectively, of the Foscolia and her cargo, in order to reimburse them for the losses so sustained, and shall render a decree accordingly: *Provided further*, That the amounts of the losses sustained by the master, officers, and crew of the Foscolia may be included in such decree.

SEC. 2. That should such decree be rendered in favor of the owners of the Foscolia and her cargo, the amount thereof may be paid out of any money in the Treasury not otherwise appropriated.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE A. ROGERS.

The next business on the Private Calendar was the bill (H. R. 6703) for the relief of George A. Rogers.

The Clerk read as follows:

Be it enacted, etc., That there be appropriated, out of money not otherwise appropriated in the Treasury of the United States, the sum of $1,951.01, to pay the damages inflicted upon George A. Rogers, a contractor with the Government, while drilling from the lighter Daylight, in the East River, New York Harbor, said damages being occasioned by the running of the United States torpedo boats at an unwarranted and illegal rate of speed.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY THIERMAN AND WHITE FROST.

The next business was the bill (H. R. 9579) for the relief of Thierman & Frost.

The bill was read, as follows:

Be it enacted, etc., That it be lawful for Henry Thierman and White Frost, late partners, doing business as Thierman & Frost, to institute an action against the United States in the Court of Claims for the recovery of such sum as they may in said action show themselves entitled to by reason of the seizure and sale of their distillery, located at Concordia Landing, in the county of Meade, State of Kentucky, the United States hereby waiving the defense of limitation, but reserving to themselves all other defenses.

The amendment was read, as follows:

Strike out all that has been read and insert the following:

"That jurisdiction is hereby given the Court of Claims, any statute of limitations to the contrary notwithstanding, to hear, try, and determine the claim of Henry Thierman and White Frost, late partners, doing business under the firm name and style of Thierman & Frost, by reason of the alleged unlawful seizure and sale by the revenue officers of the United States of the distillery property of the said Thierman & Frost in Concordia, in the State of Kentucky; and the said court shall have full power to determine whether said property was unlawfully seized and sold; and if the same were unlawfully seized or sold, then the said court shall try and determine whether, under the then existing laws of the United States, the said Thierman & Frost sustained any damages by reason thereof and whether the Government is or was liable under such laws for the damages sustained, limiting such damages to the reasonable value of the property seized and sold at the time of such seizure and sale; said case to be tried and determined under the laws, rules, and regulations governing proceedings in said court and upon such evidence as is legally admissible under the ordinary laws and rules of evidence as pursued in the practice of said court, hereby reserving to the Government the right to interpose any defense, whether legal or equitable, that it may have to said cause of action, except only the defenses based on the jurisdiction of the court and the statute of limitations: *Provided, however*, That said action shall be commenced within six months after this act shall go into effect: *And provided further*, That in said action the said court shall try and determine the question, notwithstanding any adjudication that may heretofore have been had, whether at the time of said seizure and sale there was any special tax due or owing by the said Thierman & Frost to the Government of the United States pertaining to said distillery, or growing out of the operation of the same, or on the output or product thereof; and if any such tax was then due or owing to the Government of the United States, the said court shall determine the amount thereof and apply the same as a set-off to any amount that may be found to have been due the said Thierman & Frost as damages sustained by them by reason of the wrongful seizure and sale of said distillery property, and shall only enter a judgment in favor of the said Thierman & Frost for such balance, if any, as may be found to be due after applying as an offset any tax as aforesaid that may be found to be due without awarding any interest to either party: *And provided further*, That either party to such action shall have the right of appeal to the Supreme Court of the United States under the rules, laws, and regulations governing appeals in other cases from the Court of Claims."

Mr. MADDOX. Mr. Chairman, I call for the reading of the report on that bill.

The CHAIRMAN. Without objection, the Clerk will read the report.

Mr. GRAFF. I would say to the gentleman that the larger portion of the report is the amendment which is incorporated in the report. It is simply that the claimants are residents of Louisville, Ky. The matter was examined into carefully by Judge THOMAS and Mr. Otey, of Virginia. Judge THOMAS is not here, and Mr. Otey, as the gentleman knows, has passed away. It is simply a reference to the Court of Claims for the adjudication of this matter and was very carefully considered.

Mr. MADDOX. I have no reason to doubt that, but I think there ought to be something on record here to show what we are doing.

Mr. GRAFF. Well, the gentleman does not desire to have that amendment reread?

Mr. MADDOX. No; if you make a statement of these matters as we come to them, as I suggested, I think it will be satisfactory.

Mr. GRAFF. I am willing to do that whenever called upon.

Mr. MADDOX. I think we ought to have some explanation as we go along.

Mr. GRAFF. I think I can shorten the matter by giving that portion of the report that does not include the text of the amendment. This bill has been pending in Congress for a good many years, and has been reported at various times. The Judiciary Committee of the House, in the Forty-seventh Congress, to whom the petition of Thierman & Frost was referred, reported as follows:

Henry Thierman and White Frost, the claimants, were distillers in Kentucky, and were assessed a deficiency bond, for per diem and special tax, of $29,100.75, from December 8, 1868, to May 26, 1869. Payment of the assessments having been refused, the distillery property was distrained. Suits were also brought on their distiller's bonds. The property was sold on distraint in July, 1870, for $1,000, from which $889 was realized as the net amount above cost and expenses.

Out of these net proceeds $438.35 was applied to the payment of an amount due for warehouse stamps, and the remainder to February, 1869, list assessments. The property sold was assessed at $4,000. In March, 1874, the suits on the bonds came to trial. The United States attorney having erroneously claimed in his declaration the whole sum due as deficiency tax, and failing to prove that a copy of the survey had been delivered to the defendants, judgment was rendered in their favor. In one of the suits, however, judgment was rendered against Henry Thierman for $100, but not against his sureties, on which execution was entered and returned nulla bona.

The petitioners ask for compensation for the value of their property sold under the distress on the ground that the subsequent judgments show that the taxes were illegal and the distress and sale void, and that the Government ought to make reparation for the damages resulting from the illegal seizure and sale. In support of their claim to establish the amount of damages they rely upon affidavits asserting a large speculative value in the property.

The Commissioner of Internal Revenue reports to the committee that in this case no appeal was taken against the assessment or collection, nor any suit ever brought to recover back the tax alleged to have been illegally assessed and collected, nor did the petitioners offer to pay the taxes and charges, or to redeem the land after the sale by paying, as is required, only the amount for which the property was sacrificed, as is alleged. The claimants have failed to pursue any of the remedies provided by law; they come directly to Congress for relief. (See House Report No. 510, Forty-fourth Congress, first session.)

A careful examination of the records in the Internal-Revenue Bureau shows that the petitioners claimed in 1869 exemption from the deficiency tax for the following, among other reasons: In this, that the estimate of the yield of the distillery per bushel of grain was too high in view of the fact that their machinery was old and defective; that there was an insufficient water supply; that a series of breakages caused suspensions aggregating thirty-eight days and six hours, for which no allowance was made them.

They did not claim their suspensions were legal suspensions. In the affidavits filed by the petitioners with the Commissioner they admitted their liability for the amount against them, but alleged that if an allowance was made for the thirty-eight days and six hours' time lost by suspension, occasioned, as they say, by unavoidable accidents, the assessments against them would be reduced some $18,207.50, and the balance of $11,067.50 they offered to pay. And they stated the account thus:

And then follows the account. Now, it can be seen that in regard to this claim, which involves complex facts and the examination of the law, the best thing that this committee could do

was to draft a careful amendment to the bill and refer the matter to the Court of Claims for a full examination, with the right of appeal by either party.

I move that the bill when amended be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN A. MASON.

The next business was the bill (H. R. 1733) for the relief of John A. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the accounts of John A. Mason, collector of internal revenue for the second collection district of New York, with the sum of $430,249.83½, being the value of internal-revenue stamps destroyed by fire at the office of said collector, No. 114 Nassau street, New York, N. Y., on the night of February 11, 1898.

The CHAIRMAN. The question is on laying this bill aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, this is a pretty large claim, and I should like to have a word of explanation about it.

Mr. GRAFF. While it appears on its face to be large, it simply relates to the destruction by fire of a lot of internal-revenue stamps, and there is a recommendation here by G. W. Wilson, Commissioner of Internal Revenue, on some two or three different occasions, and by O. L. Spaulding, Acting Secretary of the Treasury, on another. I will read the one from Mr. Spaulding.

Mr. PAYNE. Will you not read the one from Mr. Wilson?

Mr. GRAFF. I will read the one from General Spaulding and then the one from Mr. Wilson:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1900.

SIR: I have the honor to transmit herewith copy of a letter of the Commissioner of Internal Revenue, calling attention to a bill for the relief of John A. Mason, late collector of internal revenue for the second district of New York, for $430,249.81, the sum being the value of internal-revenue stamps destroyed by fire.

You will notice that the Commissioner recommends the speedy passage of the bill; and in this recommendation I concur.

Respectfully,
O. L. SPAULDING,
Acting Secretary.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, May 26, 1900.

SIR: A bill is pending in Congress for the relief of John A. Mason, late collector of internal revenue of the second district of New York, for the sum of $430,249.81, the same being the value of internal-revenue stamps destroyed by fire in the office of the collector of the second district of New York during Mr. Mason's term of office. In view of the fact that Congressional action must be taken before accounts of Mr. Mason pending in this Department can be adjusted, and the further fact that such action is eminently just and proper, I have the honor to respectfully recommend the speedy passage of the bill for the relief of Mr. Mason, in order that his accounts pending in this Department may be properly adjusted.

Respectfully,
G. W. WILSON,
Commissioner.

The SECRETARY OF THE TREASURY.

Mr. SULZER. Mr. Chairman, just a word or two, supplementary to what the gentleman from Illinois has said. Mr. John A. Mason was an internal-revenue collector in one of the districts in New York City. The building in which he had his office was owned by the late Vice-President of the United States, Hon. Levi P. Morton. It was burned, and in the conflagration the stamps of the Government were destroyed. This bill is simply to settle the accounts on the books of the Treasury Department. The Government has substantially lost nothing, but the Treasury Department can not settle the matter of the stamp account until this bill passes. That Department has recommended the passage of this bill, the committee has unanimously reported it to the House, and it is in all respects unobjectionable. There can be no objection to it, and it should pass without division. I am familiar with the matter, and if anyone desires more information I will be glad to give it.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

F. R. LAUSON.

The next business was the bill (H. R. 807) for the relief of F. R. Lauson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to issue to F. R. Lauson, of Tionesta, Pa., a duplicate of United States 4 per cent bond No. 10044, the original having been burned; but before issuing said duplicate bond the Secretary of the Treasury shall take from said Lauson a bond in the sum of $300, with two satisfactory sureties, conditioned to indemnify the United States against said original bond No. 10044, and all claims therein.

The following amendment recommended by the committee was read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to F. R. Lanson, Tionesta, Pa., a duplicate in lieu of a United States 4 per cent coupon bond, funded loan of 1907, No. 10044, for $100, with interest coupons attached dated January 1, 1887, and subsequently, said bond and interest coupons alleged to have been destroyed: *Provided*, That the said F. R. Lanson shall first file in the Treasury a bond in the penal sum of double the amount of the destroyed bond and the interest thereon from January 1, 1887, to the date of its maturity, with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim on account of the said destroyed bond and interest coupons."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK NOLAN.

The next business was the bill (H. R. 6443) for the relief of Patrick Nolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Patrick Nolan, of Newport, R. I., the sum of $34.20, in full compensation for damages caused to the property of said Nolan by a runaway team belonging to the United States Government on November 6, 1899.

Mr. PAYNE. Mr. Speaker, in this case the amount is small; but I think there ought to be some reasons stated for paying even that amount. A man is not always responsible for damages done by a runaway team.

Mr. GRAFF. I have the report here, and it will probably delight the gentleman to know that the report is six pages long, and that there is a letter here from the Secretary of War, and from the claimant, from Capt. Charles G. Treat, captain, Second Artillery, and from Capt. W. P. Stone, captain, Seventh Artillery. The claim has gone through all the various military channels.

Mr. PAYNE. Does any of this mass of evidence show any carelessness or negligence on the part of any agent or servant of the United States?

Mr. GRAFF. I will read you the letter of Capt. W. P. Stone, which appears in the correspondence of the War Department:

LIGHT BATTERY C, SEVENTH ARTILLERY,
Fort Adams, R. I., November 24, 1899.

Respectfully returned to the adjutant.

On November 6, 1899, Corpl. John McKenzie, Light Battery C, drove a team to Newport to take to the station the box of Private Low, of this battery, who had been transferred to the Signal Corps and ordered to Fort Myer.

After Private Low had gotten out of the wagon and his box had been removed, and while Corporal McKenzie was in his seat and holding the reins, the team bolted from a halt. One of the lines got caught, probably under the end of the pole, and broke. Corporal McKenzie fell from his seat, but continued to hold the lines, allowing himself to be dragged for more than a block, when he succeeded in stopping the team. Corporal McKenzie borrowed a pair of lines and returned the team to the post, reporting on arrival to me and relating the facts as above stated. He was considerably bruised and shaken, but wanted to return immediately to town to return the borrowed lines and report to the owner of the damaged property. He did so, but could not find the owner of the property.

He has been on furlough since November 15, and will be in Topeka, Kans., from November 26, for about fifteen days, as a witness in a case before the United States circuit court. I was satisfied from Corporal McKenzie's statement, on account of his character, which is excellent in every respect, that he had done his full duty and was in no way to be blamed for the accident, and so informed him at the time.

On receipt of the inclosed letter from W. H. Mowrey I publicly commended Corporal McKenzie to the battery for his bravery and devotion to duty. From the circumstances and the soldier's uniform carefulness and efficiency, I conclude that there was no fault or negligence on his part.

W. P. STONE,
Captain, Seventh Artillery, Commanding Battery.

I had not the pleasure of being at the meeting of the committee at which this bill was reported. It was reported by Mr. OTEY. So far as the amount of damages is concerned, the War Department made a thorough examination of it, and there appears a three-page affidavit as to the items in the bill.

Mr. PAYNE. I was not asking about the amount. I was only trying to have it ascertained whether the Government was in any way liable. What the gentleman has read so far goes to show that it was not.

Mr. GRAFF. I was not there, and I will leave the consideration of the bill to the House.

Mr. PAYNE. There does not seem to be any reason for paying that small bill, so far as the report shows.

The bill was ordered to be laid aside with a favorable recommendation.

STANLEY & PATTERSON.

The next business on the Private Calendar was the bill (H. R. 11591) for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check.

The bill was read, as follows:

Whereas it appears that Henry M. Denniston, pay director in the United States Navy, did, on the 5th day of February, 1901, make and issue a check, numbered 458714, bearing date of the said 5th day of February, 1901, upon the assistant treasurer of the United States at New York, in favor of Stanley &

Patterson, for the sum of $2,680.21, being in payment for electrical supplies furnished the United States Navy Department; and

Whereas said check was, on the said 5th day of February, 1901, mailed by the said Henry M. Denniston to Stanley & Patterson, at 32 Frankfort street, New York City, N. Y., and was lost in transmission through the mails and has never been received by the said Stanley & Patterson; and

Whereas the provision of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn for $2,500 or less: Therefore,

Be it enacted, etc., That said Henry M. Denniston, or his successor in office, be, and hereby is, instructed to issue a duplicate of said original check to Stanley & Patterson, under such regulations in regard to its issuing and payment as have been prescribed by the Secretary of the Treasury for the issuing of duplicate checks under the provision of section 3646, Revised Statutes of the United States.

Mr. PAYNE. I suppose the usual safeguard in the way of bonds is provided for in this bill.

Mr. TOMPKINS of New York. It provides for the giving of bond?

Mr. GRAFF. Yes, sir.

The bill was ordered to be laid aside with a favorable recommendation.

AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

The next business on the Private Calendar was the bill (H. R. 1114) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

The bill was read, as follows:

Be it enacted, etc., That the claim of Aaron Van Camp and Virginius P. Chapin against the United States (Congressional case No. 1049), the findings of fact in which were transmitted to the House of Representatives by House Miscellaneous Document No. 81, Fifty-first Congress, second session, is hereby referred to the Court of Claims, to hear and determine the question of the liability of the United States for the losses found by said court in its said sixth finding of fact, with jurisdiction to hear and determine the same upon the principles of law and equity and in compliance with the rules and regulations of said court.

And in the event the said court shall be of the opinion that the United States are justly liable, under all the circumstances of the said case, for the losses and damages sustained by the said decedents by reason of the acts of their officers in the premises, the said court shall render judgment in favor of the claimants for the amount found to be due by its sixth finding of fact in the said Congressional case No. 1049, as set forth in the report of the said court to the Speaker of the House of Representatives on January 8, 1891: *Provided*, That no statute of limitations shall be pleaded in bar of the recovery of said claim: *And provided further*, That in determining the question of the liability of the United States the said court shall consider the testimony submitted to it in the investigation of said Congressional case No. 1049, together with all affidavits, documents, and reports of Congressional committees touching the question of liability of the United States and heretofore filed in any of the departments of the Government; also the reports of officers of the State and Treasury Departments of the United States in the settlements of accounts of the officers of the United States in connection with the said claim.

And furthermore, that if the judgment shall be rendered against the United States for the amount found and fixed by said court in said sixth finding of fact, to wit, the sum of $60,100, the same shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, to the legal representatives of the said Aaron Van Camp, deceased, and the said Virginius P. Chapin, deceased, as their respective interests may appear, and the new action to be brought under the provisions of this act shall be in the name of said legal representatives.

The amendments recommended by the committee were read, as follows:

Strike out the word "justly" in line 2, page 2, and insert "legally." Strike out all between lines 10 and 23 on page 2, commencing with word "Provided," in line 10.

Mr. PAYNE. Mr. Chairman, I am a little curious to know what was in this Congressional case No. 1049, recited so often in the bill. I have learned that there is $60,000 in it, and I want to know what else there is in it.

Mr. GRAFF. I must confess, Mr. Chairman, that I am not familiar with the facts in this claim. I was not present when the committee reported the bill. I think the gentleman from Vermont [Mr. FOSTER] made the report, and he is not present at this time.

Mr. PAYNE. I suppose it had better be passed over.

Mr. WEEKS. I thought Mr. SALMON made that report.

Mr. GRAFF. The gentleman from Vermont [Mr. FOSTER] made the report. I ask that it may be passed without prejudice.

The CHAIRMAN. Unanimous consent is asked that the bill just read by the Clerk be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

OFFICERS AND CREW OF THE U. S. S. CHARLESTON.

The next business on the Private Calendar was the bill (H. R. 5776) for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899.

The bill was read, as follows:

Be it enacted, etc., That to reimburse the officers and crew of the U. S. S. *Charleston*, destroyed on a coral reef off Camiguin Island, in the Philippines, November 2, 1899, for losses incurred by them, respectively, in the destruction of said vessel, there shall be paid to each of said officers and crew or to the personal representatives of any which may be deceased, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the losses so sustained by them: *Provided*, That the accounting officers of the Treasury shall in all cases require a schedule and certificate from each person making a claim under this act, such schedule to be approved by the Secretary of the Navy, who may require other satisfactory proof of said losses, and reimbursements shall be made for such losses as are of a character and value suitable and appropriate to the rank, rating, or duty of the person suffering such loss: *Provided, however*, That in no case shall the aggregate sum allowed any claimant or person for such loss exceed the amount of twelve months' sea pay (without rations) of the grade or rating held by such person at the time the losses were incurred, and there shall be deducted therefrom any sum heretofore paid any of them under section 290 of the Revised Statutes.

SEC. 2. That the relief granted by the provisions of this act shall be in full satisfaction of any and all claims whatever against the United States on account of losses by the destruction of the U. S. S. Charleston, and any claim which shall be presented and acted upon under the autority of this act shall be held to be finally determined, and shall not in any manner thereafter be reopened, reconsidered, supplemented, nor be subject to appeal in any form.

SEC. 3. That no claim for losses by reason of the destruction of said vessel not heretofore presented shall be allowed under the provisions of this act which shall not be presented within two years after the date of its passage.

The amendment recommended by the committee was read, as follows:

Add as an additional section the following:

"SEC. 4. That any amounts that have been paid under sections 288, 289, and 290 of the Revised Statutes shall be deducted in the settlement of all claims under this act."

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I would ask for the reading of the report of the committee, which goes into the facts.

The CHAIRMAN. The report will be read as a part of the remarks of the gentleman from Pennsylvania.

The report (by Mr. SALMON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5776) for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899, beg leave to submit the following report and recommend that said bill do pass with an amendment:

This is a bill enacting that to reimburse the officers and crew of the U. S. S. *Charleston*, destroyed on a coral reef off Camiguin Island, in the Philippines, November 2, 1899, for losses incurred by them, respectively, in the destruction of said vessel, there shall be paid to each of said officers and crew, or to the personal representatives of any who may be deceased, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the losses so sustained by them.

The facts regarding the losses referred to are as follows: On November 2, 1899, about 6 p. m., this ship, *Charleston*, was wrecked upon an uncharted reef about 12 miles off Camiguin Island, in the Philippines. The charts and sailing directions furnished the captain of the vessel indicated that there was a clear channel 6 miles in width at the point where the accident occurred. The vessel had a large hole opened in the bottom by striking the reef and the in-rushing water quickly put out the fires, so that there was no steam to run the dynamos, thus making complete darkness below deck. This, together with the short time allowed the officers and crew for getting the boats launched and getting away from the fast-sinking ship, prevented them from securing their clothing and other property.

The *Charleston* was lost by reason of imperfect charts furnished its officers. These charts were furnished by the Government through the Bureau of Navigation, and, while being the best then to be had, were misleading, and by reason thereof the officers and men sustained a loss which your committee believes should be borne by the Government instead of by the unfortunate individuals.

A court of inquiry to examine into the matter of the loss of the *Charleston* was convened, which reported that the evidence before it showed that every precaution was taken to insure the safety of the vessel against accident; that proper lookouts were stationed: leadsmen were in both chains keeping the leads in constant use; that the captain and navigator were on the bridge; that the charts furnished by the Bureau of Navigation showed clear water where the ship struck; and that the sailing directions gave no information of any danger to navigation in that immediate locality, and exonerated the officers from all blame or responsibility for the accident.

A bill similar to the one under consideration was introduced during the last Congress and referred to the Committee on Claims, but owing to the lateness of the term when the same was introduced no report was made by the committee.

The following communications from the Secretary of the Navy regarding the loss of the *Charleston* have been received by your committee:

NAVY DEPARTMENT,
Washington, February 18, 1902.

SIR: The Department is in receipt of your letter of the 15th instant, inclosing copy of bill (H. R. 5755) "for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899," and requesting to be furnished with the facts as determined by the court of inquiry and such other information in its possession which may be deemed pertinent to a careful consideration of this matter.

In reply I have the honor to transmit herewith copy of a letter dated February 7, 1901, addressed to the chairman of the Committee on Claims, House of Representatives, expressing its views in regard to a similar measure (H. R. 13017), in the Fifty-sixth Congress.

It is learned that claims of some officers and men of the *Charleston* have been adjusted, and under sections 290 and 288 of the Revised Statutes have been paid—to officers one month's pay and to enlisted men $60. It is therefore suggested that the proposed measure be amended by providing that the amounts which have been paid to persons in the naval service under said sections, or to their heirs under section 289, shall be deducted in the settlement of all claims under this act.

A form of an additional section, to be added at the end of the bill for this purpose, is transmitted herewith.

The report of the court of inquiry convened to inquire into the circumstances attending the loss of the *Charleston* has been bound with a number of other records into a large volume, which will be sent to your committee at such time as may suit its convenience, in charge of an official from this Department, who will aid it in its examination.

Very respectfully,

JNO. D. LONG,
Secretary.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

NAVY DEPARTMENT,
Washington, February 7, 1901.

SIR: Referring to the bill (H. R. 13017) "for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippines November 2, 1899," and to your request of the 5th instant for facts, information, and opinion in

regard to the merits of the case, I have the honor to state that the *Charleston*, while on passage from Kasiguran to San Pio V., Kamiguin, Philippine Islands, on the morning of November 2, 1899, ran upon an unmarked and unknown shoal and was lost. The court of inquiry, convened by order of the commander in chief of the naval force on Asiatic station to inquire into the circumstances connected with the loss by grounding of the *Charleston*, found, inter alia, that every precaution required by the United States Navy Regulations was taken by the commanding officer to insure the safety of the vessel under his command against accident, and in its opinion no blame or responsibility for the accident to the vessel should be attributed to the officers and crew.

The commanding officer of the *Charleston*, in his report dated November 28, 1899, to the commander in chief, states: "I regretted very much the necessity for anybody to leave personal effects behind, but as the boats were deeply laden with the crew, arms, and ammunition, and provisions, and had about 18 miles to go, most of it in the open sea, I considered it necessary. The officers and crew deserve the greatest commendation for faithful and zealous work at this time, and their readiness to cheerfully leave personal effects." The circumstances, other than those hereinafter mentioned, attending the loss of the *Charleston* were such as would, under the provisions of the act approved March 2, 1895, entitle the officers and crew to reimbursement for the loss of their personal effects.

The Comptroller of the Treasury, in a decision dated January 22, 1901, held that as the *Charleston* was at the time of her loss engaged in cooperation with the land forces of the United States in the suppression of a local insurrection in the Philippine Islands, reimbursement for losses could not be made under the act by reason of its second proviso, "that this act shall not apply to losses sustained in time of war."

As the bill follows the lines of the general law on the subject of losses, and is similar to the act of March 30, 1898, to reimburse the survivors of officers and crew of the *Maine* for losses incurred by them, the Department perceives no objection to the bill and commends it to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

Your committee have added, by way of amendment, a fourth section, as suggested by the Secretary of the Navy, and with this amendment recommend that the bill do pass.

Mr. WRIGHT. Mr. Chairman, the wreck of the *Charleston* was caused by imperfect charts. The officers supposed they had some 5 miles leeway, and this bill remunerates the officers and crew for the loss incurred in that wreck. I think the precedent has been established in the matter of the wreck of the *Tallapoosa* and several other vessels, and unless other gentlemen desire to debate the bill I shall ask for a vote.

Mr. LOUD. Mr. Chairman, before this bill is voted on I want to make a few suggestions, if the gentleman yields the floor. I do not care to ask any questions. I want the floor to make a few suggestions before a vote is taken on this bill.

The CHAIRMAN. The Chair will recognize the gentleman from California.

Mr. LOUD. The gentleman from Georgia wants to ask a question.

The CHAIRMAN. That is a matter for the gentleman to decide.

Mr. MADDOX. Let the gentleman proceed.

Mr. LOUD. Mr. Chairman, some years ago I had some experience upon the Committee on Claims. At that time there were large accumulations of claims of this character which caused the committee some annoyance, because, I think, they wanted to do justice to the Government and justice to the men. My memory on the subject is—and if I am not correct I hope the Chairman will correct me—at that time we framed a law, or an amendment to a law that had been in existence for some years, fixing the amount of money which the officers might recover on account of the loss of a war vessel at sea. It is apparent from the reading of this bill that the officers and men of this ship have been paid the full limit of the law, and here is an attempt, an attempt made many times before, Mr. Chairman, sometimes successfully and other times unsuccessfully, but an attempt is made here to override a law that Congress many times has considered, because it became necessary for Congress to protect the Government against the actions of the officers of the Department.

Now, the only limitation put upon the amount of money allowed here is one year's sea pay. I do not know how much that may amount to in this case; but in some cases it might amount to twelve or thirteen thousand dollars. Now, then, by the passage of the law limiting the amount of allowance that may be made to officers and seamen, certain regulations prescribe the amount of clothing the officers and men shall and must have, and while it is not specifically in the law, yet it is generally understood that no officer or man shall take on board ship any more than the law provides that he shall have. Up to the amount of clothing the law permits the officer to have, this law reimburses him.

These officers and men come in after they have exhausted the remedy at law to say, "I had a dress suit costing me $100; I had five dress suits; I had two dozen white shirts which cost $4 or $5 apiece;" I had this and that. You will see that a natural sympathy exists between one officer and another who must adjudicate these claims; you permit in this bill the allowance to a commander of that vessel—and I assume he was a commander—of $3,000 or $4,000 for personal wearing apparel. After Congress has spent so much time in the past in endeavoring to frame a law, and has framed a law, to reimburse every officer and man for everything he should have on the ship, I do not believe Congress should make an exception in this case.

Mr. MADDOX. Will the gentleman allow me to ask him a question?

Mr. LOUD. Yes.

Mr. MADDOX. Do I understand you that the law has limited the liability of the Government to officers and seamen as to loss of clothing?

Mr. LOUD. Yes.

Mr. MADDOX. And this is for the excess?

Mr. LOUD. Yes. Evidently they have gone to the Department and got all the law permits them to have, and the law permits them to be reimbursed for all that is necessary for them to have at sea, all that they should have.

Mr. SHAFROTH. How much is that?

Mr. LOUD. I can not say. I took part in framing the bill when the gentleman from Pennsylvania [Mr. BRUMM] was chairman of the committee. I will say that we took carefully into consideration every article that every officer and man should have upon that vessel while at sea.

Mr. GRAFF. Will the gentleman yield to me a minute?

Mr. LOUD. Yes; certainly. I do not want to do an injustice to anyone.

Mr. GRAFF. I would not have the gentleman from California give a false idea of what this bill is.

Mr. LOUD. I do not mean to.

Mr. GRAFF. I want to suggest that the bill does say that the losses shall be of such a character and value as are suitable and appropriate to the rank, rating, and duty of the person offering such loss.

Mr. LOUD. I understand all that.

Mr. GRAFF. There is a limitation as to the amount.

Mr. LOUD. Yes; a year's sea pay. I do not think I have misstated anything. I want to state again to the gentleman that the committee at that time had this measure under consideration some months, because there was before the committee at that time twenty-five or thirty cases of this kind. In years that have gone by claims have been made in certain cases. As you all know, a case may be passed to-day that will not be passed to-morrow. Exceptions have been made, and the committee realized that it was necessary to lay down a law or a rule whereby these men could be reimbursed.

Mr. GRAFF. I want to say that I am not familiar with the laws pertaining to officers and seamen in the Navy, but I do know that the limitation for losses to those in the Army is practically as follows: Those articles which are useful and necessary in connection with the performance of their duties. That is the existing law with reference to the losses that occur in the Army. It seems to me that is almost the language in this bill as applied to the Navy.

Mr. LOUD. You make the limitations there one year's sea pay; that is, for a commander it might be three or four thousand dollars.

Mr. GRAFF. It does not follow that one year's sea pay is to be the basis.

Mr. LOUD. The result always is that they allow officers all that you permit them to allow. There is that natural sympathy between officers. We considered all these matters and framed a law, and now why not abide by it?

Mr. WRIGHT. Under the general law the man can receive one month's sea pay; that is the general law.

Mr. LOUD. Oh, no; the gentleman is entirely mistaken about that. The gentleman has not got the law. I have not got the law here, but there is an allowance for wearing apparel.

Mr. WRIGHT. That was fixed at a minimum, and any allowance that has been made to them is to be deducted from the amount carried by this bill. It is understood that under the regulations officers have to provide themselves with everything they need while on the voyage, both on sea and on shore. They are obliged to have civilian's clothes when on shore leave and to attend social functions. They also have to have their uniform. This is not a new thing. The officers and crew of the *Kearsarge* and of the *Maine* and other vessels have been reimbursed for such losses, so that this is not inaugurating any new policy. The sufferers of the steamship *Ashuelot*, wrecked in the China Sea, were likewise reimbursed. Similar bills have been passed for the relief of naval officers, giving precisely the same relief as in this bill.

The act of March 2, 1885—the one referred to, I believe, by the gentleman from California—says that the act shall not apply to losses incurred in time of war. Is that the one that the gentleman referred to?

Mr. LOUD. Oh, no.

Mr. WRIGHT. I feel that there would be great injustice done to these people if they were not allowed something for the losses

which they incurred; and the limit is placed at one year's pay without rations.

Mr. BUTLER of Pennsylvania. Does the gentleman from California remember the year in which the law was passed?

Mr. LOUD. I do not. I think it was 1894, or before that—perhaps in 1891 or 1892.

Mr. BUTLER of Pennsylvania. The gentleman thinks it was prior to 1894?

Mr. LOUD. That would be my recollection; I can not speak positively, but that is immaterial. I say that these men have received all that the law allows them. I will say, too, that a month's pay, I think, is as much as they ought to have.

Mr. GRAFF. Let me say that these losses unfortunately occurred in such a manner that the claims arising therefrom could not come under the general law with reference to losses. I will read a letter from the Secretary of the Navy, embraced in the report:

NAVY DEPARTMENT, *Washington, February 7, 1901.*

SIR: Referring to the bill (H. R. 13017) "for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippines November 2, 1899," and to your request of the 5th instant for facts, information, and opinion in regard to the merits of the case, I have the honor to state that the *Charleston*, while on passage from Kasiguran to San Pio V., Kamiguin, Philippine Islands, on the morning of November 2, 1899, ran upon an unmarked and unknown shoal and was lost.

The court of inquiry, convened by order of the commander in chief of the naval force on Asiatic station to inquire into the circumstances connected with the loss by grounding of the *Charleston*, found, inter alia, that every precaution required by the United States Navy Regulations was taken by the commanding officer to insure the safety of the vessel under his command against accident, and in its opinion no blame or responsibility for the accident to the vessel should be attributed to the officers and crew.

The commanding officer of the *Charleston*, in his report dated November 28, 1899, to the commander in chief, states: "I regretted very much the necessity for anybody to leave personal effects behind, but as the boats were deeply laden with the crew, arms, and ammunition, and provisions, and had about 18 miles to go, most of it in the open sea, I considered it necessary. The officers and crew deserve the greatest commendation for faithful and zealous work at this time, and their readiness to cheerfully leave personal effects."

The circumstances, other than those hereinafter mentioned, attending the loss of the *Charleston* were such as would, under the provisions of the act approved March 2, 1895, entitle the officers and crew to reimbursement for the loss of their personal effects.

That is the very act to which the gentleman has referred.

The Comptroller of the Treasury, in a decision dated January 22, 1901, held that as the *Charleston* was at the time of her loss engaged in cooperation with the land forces of the United States in the suppression of a local insurrection in the Philippine Islands, reimbursement for losses could not be made under the act by reason of its second proviso, "that this act shall not apply to losses sustained in time of war."

So that the act to which the gentleman has referred would not apply to this case; and there is no existing law under which these people can secure recompense for the losses of their effects. The only relief which the Secretary of the Navy has been able to give them was simply one month's pay.

Mr. PAYNE. Why does not the gentleman amend his bill so as simply to place these men under the general law—allowing them to make recovery under that law, notwithstanding the fact that they were engaged in war?

Mr. GRAFF. I am willing this bill should be so amended.

Mr. LOUD. How much has already been paid them?

Mr. GRAFF. Simply one month's pay. Recourse was had to that inadequate remedy simply because there was no existing law applying directly to the case and which would enable the Secretary of the Navy to recompense them for the loss of their personal effects. I have no doubt that the act of March 2, 1895, provides the same thing as is provided in this bill—that reimbursement shall be made only for things necessary in connection with the performance of their duty.

Mr. LOUD. Why should not that act apply to this case?

Mr. GRAFF. I am willing that it should.

Mr. LOUD. No one would object to that.

Mr. BUTLER of Pennsylvania. I understood the gentleman from California to say that the act was passed at the time he was a member of the Committee on Claims.

Mr. LOUD. Does it make any difference whether "the gentleman from California" went off that committee in 1894 or in 1895? I do not think that is material.

Mr. BUTLER of Pennsylvania. I do not think it is either. We are simply making an effort to locate the act of Congress.

Mr. GRAFF. Let me read further from this letter of the late Secretary of the Navy:

As the bill follows the lines of the general law on the subject of losses, and is similar to the act of March 30, 1898, to reimburse the survivors of officers and crew of the *Maine* for losses incurred by them, the Department perceives no objection to the bill and commends it to the favorable consideration of the committee.

The Secretary of the Navy says in effect that this bill follows the lines of the general law on this subject.

Mr. LOUD. It does?

Mr. GRAFF. Yes.

Mr. LOUD. Was there not special relief in the case of the *Maine*?

Mr. GRAFF. Yes.

Mr. LOUD. Why should there have been special relief if it came under the general law?

Mr. GRAFF. The gentleman is attempting to confuse me.

Mr. LOUD. No, I do not want to do that.

Mr. GRAFF. The Secretary of the Navy makes two separate propositions. One of them is that this bill we are now considering was framed on the same basis as the general law.

Mr. LOUD. I think the Secretary is mistaken; that is all.

Mr. GRAFF. I presume he means that the method of adjudication of the amount of property to which they will be entitled to be considered is the same under the general law as in the bill we are considering. Then the Secretary of the Navy puts the second proposition, that the bill is framed exactly as was the bill which gave relief to the survivors of the *Maine*.

Mr. LOUD. It surely would not have required any bill, because there was no war. I do not think the Comptroller held there was a war at the time the *Maine* was blown up.

Mr. GRAFF. I do not know about that. The bill giving relief to the survivors of the *Maine* is not before us at the present time.

Mr. MADDOX. Will the gentleman yield for a question?

Mr. GRAFF. Yes.

Mr. MADDOX. I understand the gentleman that there has been only one month's pay given to these officers.

Mr. GRAFF. Yes.

Mr. MADDOX. They have not been supplied with it under the law referred to by the gentleman from California [Mr. LOUD].

Mr. GRAFF. No; and the Secretary of the Navy says this bill is practically the same as the general law with reference to the adjustment of the amount due to these officers and men.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill as amended be laid aside with a favorable recommendation?

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

The next business was the bill (H. R. 5113) for the relief of William R. Wheaton and Charles H. Chamberlain, of California.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Wheaton, ex-register, $64.37, and to Charles H. Chamberlain, ex-receiver, of the United States land office at San Francisco, Cal., $108.50, for the amount of money by them paid for services of janitor for the United States land office at San Francisco, Cal., from July 1, 1877, to June 30, 1878, and for the amount of money by them paid for the rent of the United States land office at San Francisco, Cal., for the months of July, August, and September, 1877.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. MADDOX. Mr. Chairman, that carries the large amount of $64, and I think we would like to hear something about that. [Laughter.]

Mr. GRAFF. It is an explanation of man's inhumanity to man. This bill has evidently been thoroughly digested by our committee, there being 42 pages in the report.

Mr. PAYNE. I was about to suggest to the gentleman from Georgia that if he would read the report he would know all about it.

Mr. GRAFF. The report goes on as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5113) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, have had the same under consideration and respectfully submit the following report:

A similar bill was reported favorably by the Senate Committee on Public Lands in the Forty-ninth Congress; also by the same committee and by the Committee on Claims of the House in the Fiftieth Congress; and in the Fifty-first Congress a similar bill was twice passed by both Houses. In the first session it failed because of adjournment, and it was vetoed in the second session. The Senate passed the same notwithstanding the veto of the President, but Congress adjourned before the House could act upon the veto.

Mr. Chairman, I move that the bill be passed without prejudice.

The CHAIRMAN. Without objection, the bill just read by the Clerk will be passed without prejudice.

There was no objection.

GEORGE RUSHBERGER.

The next business was the bill (H. R. 6642) for the relief of George Rushberger.

The bill was read, as follows:

Be it enacted, etc., That the sum of $5,000 be paid, out of any money in the Treasury of the United States not otherwise appropriated, to George Rushberger, of Johnstown, Pa., for discovering and capturing Santa Ana's money at Cerro Gordo, Mexico, 1847.

The amendment was read, as follows:

In line 9 strike out the words "ten thousand" and insert in lieu thereof the words "five thousand."

Mr. BUTLER of Pennsylvania. Mr. Chairman, the report in this case is quite a lengthy one. It states all the facts that I could state. It might, perhaps, be well to read it, or that I should have permission to read it in my own time. Yet for the benefit of any gentleman who may have some doubt about the propriety of the bill I will make the following statement:

George Rushberger, according to the account I have of him, has stood around this Capitol, like many another old claimant, for fifty years, presenting to each Congress a claim for certain moneys that he says the Government of the United States owes him. The report shows that at various Congresses action has been taken toward rewarding this man for what the Committee on Claims concluded was a faithful service which he had performed for his Government in turning over to the Government money that he captured from Santa Anna's army many years ago during the war with Mexico. As I have already said, for years this old man has presented to Congress his claim, and the Committee on Claims concluded that it would pass upon his rights and report a bill favorably to the House.

Now, Mr. Chairman, the Committee on Claims was unanimously satisfied on two propositions: First, that the claimant here is the exact George Rushberger who did capture, along with some other soldiers, $200,000 of Santa Anna's money; secondly, the committee was also persuaded and unanimously concluded that this money was turned over to Gen. Winfield S. Scott. It further concluded, and it was not difficult to come to that conclusion, that all this money was not returned to the United States Government, and that the records show that on the day this money was captured ten or twelve thousand dollars was turned over to the quartermaster and returned to the Treasury of the United States, or at least to the Quartermaster's Department, at Washington. He has always claimed that all this money, amounting to $200,000, should have been returned to the Government. With that he had nothing to do, and neither have we.

It is plain the whole amount was not reported to the Government. Here are the facts submitted; and I may say, gentlemen of the committee, that I have no earthly interest in the result except to do what is right. I repeat it was easy for this committee to find that this man had performed some service. The testimony was submitted to us, and from it we adopted this report. I am not breaking any rule of the committee when I say I believe out of the 15 members on the committee there were certainly 13 or 14 present, and that their action was unanimous. We concluded, as the precedent had been established on many occasions of rewarding men for honest performance of their duties, that this old man was as much entitled to his reward as any other person ever claiming a reward of a similar character.

The Supreme Court of the United States has held, in what is known as the sugar-bounty case, that while such a claim is not a debt, it has been recognized time and again that such conduct was a sufficient inducement for reward. During the time that ex-Governor Curtin, of Pennsylvania, was a member of this House this report says that he made some effort to have this old man compensated. He is a somewhat historical figure in the State of Pennsylvania, and that is one reason why I am interested in having a careful examination made of his claim. The Senate of the United States, as I recollect, from the fact shown by the report, has reported this bill favorably two or three times. Whether the Senate has acted upon it I am unable to state. I have not any further explanation to offer; but I will say to my friend who has risen all the facts I know of are in this report.

Mr. MADDOX. Do I understand the gentleman to say that while $200,000 was captured, only $12,000 was turned in to the Government?

Mr. BUTLER of Pennsylvania. Those are all the facts, I will state to the gentleman from Georgia. It is further said, if my friend will permit me, that this beautiful property north of Washington was purchased by money that this old man and his comrades captured.

Mr. DALZELL. But the $200,000 was turned over?

Mr. BUTLER of Pennsylvania. I am satisfied of that; I may say to the gentleman that it never reached the Quartermaster-General's Department at Washington. This statement is to be considered as no reflection upon the honesty of anybody. I am simply giving the facts as they appeared to us.

Mr. MADDOX. If I understand the gentleman, if he turned over the $200,000 he would have had a claim of the amount set out in the bill.

Mr. BUTLER of Pennsylvania. As I understand the gentleman from Georgia, old Mr. Rushberger claims that this money that they captured was turned over to their superior officer. The money found in these bags that he turned over amounted to $200,000. If that amount had appeared in the Department at Washington, I assume that, if he is entitled to any reward at all he would have been entitled to the reward now asked. It is proposed to reward him according to the service performed and for his honest way in performing it. As my friend from North Carolina says, this is not a legal question. The proposition is, Will the United States Government, in a case of this kind, reward a man for faithful services? That is all there is in the controversy.

Mr. MADDOX. Do the committee think that this amount was really captured and turned over?

Mr. BUTLER of Pennsylvania. We have not the slighest doubt about it.

Mr. PAYNE. What evidence is there, any more than the statement of the claimant that he had captured this $200,000 and turned it over? If he had taken $200,000 it would have taken a long time to count that much gold—at least it would have taken me a long time to count it. Certainly the presumption would arise that he should have turned over more than $12,000 of it if he captured that amount.

Mr. BUTLER of Pennsylvania. I would be very much pleased to give the gentleman from New York the benefit of such information as we had. Affidavits have been submitted to the Senate committee. They have been incorporated into the Senate report, made by the committee, and they are from the comrades of the claimant. One of them was John W. McCully, who testified that he was along with Rushberger at the time the money was captured. Further, there are the affidavits of James Russell, Charles W. Mowry, William H. Barker, Charles H. Bryson, and William Brindle. I will say to the gentleman from New York, of course, these questions of fact are determined upon such testimony as is submitted to us, and the testimony of Rushberger corroborated by the evidence of four or five men, whom we assume to be reputable, who say that the money was captured, induced favorable action.

Mr. PAYNE. I did not notice anything showing the amount of this money in any of these affidavits. Now, there is another question I would like to ask.

Mr. BUTLER of Pennsylvania. There is no testimony except the testimony of Rushberger himself of the amount of money. That is vague and uncertain, but there is testimony which satisfied us and would satisfy my friend from New York that he did turn over between eleven and twelve thousand dollars to the Government, and that much money was reported to the Quartermaster-General.

Mr. PAYNE. I agree with the gentleman on that.

Mr. BUTLER of Pennsylvania. But, Mr. Chairman, it is a fact, as I believe, I may say, that it has always been understood that there was a certain amount of money brought from Mexico, with which this beautiful property to the north of the city, known as the Soldiers' Home, was bought, the most beautiful part of the city, but I do not know whether it is true or not.

Mr. WARNER. Is it claimed that this man did any more than his duty as a soldier?

Mr. BUTLER of Pennsylvania. No, sir; it is not.

Mr. PERKINS. How many were there present when this money was captured.

Mr. BUTLER of Pennsylvania. The report says that he was a sergeant, I think, and there were present three or four others, or there were three or four others who were aware of the capture, if not present.

Mr. PERKINS. Why have not the other men claims, also; why should this man get $10,000 and they get nothing?

Mr. BUTLER of Pennsylvania. I understand these other men are not now living.

Mr. PERKINS. Their heirs will come here; do not be afraid.

Mr. MANN. This man won't be living much longer if he has been here for fifty years.

Mr. BUTLER of Pennsylvania. I do not know whether he has been here all that time, for I have not been here myself.

Mr. MANN. Will the gentleman allow me a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. MANN. Was there any report of any officer of the Army in reference to this money at the time it was turned over?

Mr. BUTLER of Pennsylvania. I believe none except what appears in the quartermaster's report saying so much money had been returned.

Mr. MANN. Is the gentleman quite sure that that officer of the Army returned $12,000 to the Government without making a report as to where it came from and how it was taken?

Mr. BUTLER. There is no report at all. It seems that $11,791.19 appears to have been turned over April 26, 1847.

Mr. MANN. That appears from the records of the War Department?

Mr. BUTLER of Pennsylvania. From the records of the War Department.

Mr. PERKINS. As I understand it, the committee are willing to allow this man $10,000.

Mr. BUTLER of Pennsylvania. I want to correct the gentleman in that. We reduced the amount in the committee; we cut it in two.

Mr. PERKINS. You make it $5,000?

Mr. BUTLER of Pennsylvania. Yes; we amended the bill by cutting it in two.

Mr. PERKINS. If all the money that was captured was $11,000, you would not think it proper to pay him $5,000 reward, would you? Assuming that he captured $11,000 or $12,000, would the committee pay a soldier $5,000 reward for turning that amount of money over?

Mr. BUTLER of Pennsylvania. That is a fair question, and I will answer it the best I know how. We assumed that he had captured a much larger sum of money, and we used the sum of $11,791 as a means of identifying the balance of the money.

Mr. PERKINS. Then the committee must necessarily find that he turned over a large sum of money to his superior officers, and they stole that money. That must be the position the committee takes—that the commanding officers received the money which this man had found and turned over to them and embezzled it. It went somewhere.

Mr. BUTLER of Pennsylvania. Does the gentleman put that in the form of a question?

Mr. PERKINS. Yes.

Mr. BUTLER of Pennsylvania. What the committee has found they have stated in the report. I do not understand the committee charged anyone with theft.

Mr. PERKINS. Where did they find that the money had gone to?

Mr. BUTLER of Pennsylvania. For the purchase of the property to which I have referred, and the committee used, as one of the means of reaching that conclusion, the letter written to this old man by ex-Governor Curtin, of Pennsylvania, at the time he and Mr. Samuel J. Randall undertook to have this man recompensed for his services.

Mr. PERKINS. Who bought the property? I know nothing about it. It seems to be a serious matter to charge here that officers of the United States in the Mexican war received $50,000 or $100,000 and stole it, and on the basis of that finding allow this man $5,000 for finding money which we must conclude was dishonestly used. I do not want to vote for it without I know the facts.

Mr. BUTLER of Pennsylvania. I do not want anybody to vote for it. I am stating the facts as my duty compels me to do. I do not charge anybody with having stolen anything. The gentleman from New York may in his technical way, but he knows, and I know, that it has always been understood that that property which I have referred to was purchased with money that came from Santa Ana's army.

Mr. PERKINS. I do not know it at all. I am ignorant of the facts.

Mr. BUTLER of Pennsylvania. I refer to the Soldiers' Home.

Mr. CLARK. May I ask the gentleman a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. CLARK. On what kind of a basis does the gentleman come to the conclusion that a soldier ought to be paid a premium on property that he gets from the enemy and pays over to the United States?

Mr. BUTLER of Pennsylvania. There is, of course, no legal liability. It is sometimes done. I am told, I do not vouch for it, that property has at times been taken—I have heard of it—and has neither been turned over to the Government as it should have been nor returned to parties from whom it was taken after hostilities ceased.

Mr. CLARK. But one wrong does not justify another.

Mr. BUTLER of Pennsylvania. Honest men who return property are always rewarded if the party that owns it is liberal.

Mr. CLARK. It is the soldier's business to capture the enemy's property; that is what he is there for. Suppose this bill passes—and it is the first I ever heard of—this is made a precedent, and every soldier in the United States Army that captured any property from somebody through the civil war comes in here and files a claim for reward. How much do you suppose it would amount to?

Mr. BUTLER of Pennsylvania. Does the gentleman put that as a question for me to answer?

Mr. CLARK. Well, you can guess it off, or you need not answer it at all. [Laughter.]

Mr. BUTLER of Pennsylvania. Then let the gentleman answer his own question. I do not know what the House would do.

Mr. CLARK. If this man is entitled to his percentage as a collector of this money, every man that served in the Federal Army during the civil war and captured any property and turned it over to the Government would be equally entitled to his commission or percentage.

Mr. BUTLER of Pennsylvania. The gentleman is able to answer that question for himself.

Mr. CLARK. I want the gentleman to answer it.

Mr. BUTLER of Pennsylvania. I suppose so.

Mr. CLARK. Let me ask the gentleman still another question. If that is true, then are not the soldiers who captured property over in China during the late "ruction" there—are they not——

A MEMBER. They have not turned it over.

Mr. CLARK. But they ought to be made to turn it over, and the Government ought to be made to return it to the people from whom it was taken.

Mr. BUTLER of Pennsylvania. The gentleman from North Carolina has answered that question. Those soldiers have never turned that property over to the Government.

Mr. CLARK. They ought to be made to do so.

Mr. BUTLER of Pennsylvania. I have no way of making them turn it over to the Government. [Laughter.] I am talking about this claim, which I have presented here by the unanimous authority of the Committee on Claims.

Mr. MADDOX. Let me say that property amounting to about $48,000,000 was turned into the Treasury as "captured and abandoned property," and about eleven millions of that was captured by the United States troops. Now, if we start out with this precedent——

Mr. BUTLER of Pennsylvania. Does the gentleman refer to property captured during the war with Mexico?

Mr. MADDOX. No; the civil war. The United States troops captured that property and it is in the Treasury now. If we start out with a precedent of this sort, where are we going to end?

Mr. BUTLER of Pennsylvania. Was that property in cash?

Mr. MADDOX. It was "captured and abandoned property." It was so entered on the books.

Mr. BUTLER of Pennsylvania. Would it have to be converted into cash?

Mr. MADDOX. It is already converted into cash, long ago.

Mr. BUTLER of Pennsylvania. Of course, this case may set a precedent; I am not here to say it will not. I have tried to say half a dozen times that I present the facts as they are. I have never yet been afraid of committing myself to any proposition which I thought right, because I apprehended I might afterwards be confronted with it as a precedent. I believe that every case ought to stand on its own merits.

Mr. MADDOX. How many other men were with this man when he was captured?

Mr. BUTLER of Pennsylvania. I have already answered that question two or three times; there were four or five. The gentleman from New York says there were more. I have said there were four or five, and I say so still. I may say, further, that if I have misstated the facts I shall be glad to have the gentleman from New York show my error.

Let me say to my friend from Georgia [Mr. MADDOX] that I am not here urging any person to vote for this claim. I think it should be settled. I am making, as instructed by the committee, the best argument that I know how to make in favor of the claim. [Laughter and applause.]

Several MEMBERS. There is no doubt about that.

Mr. BUTLER of Pennsylvania. I was authorized to present this to the House for consideration.

Mr. BOWERSOCK. Is this soldier a pensioner?

Mr. BUTLER of Pennsylvania. Yes; he has been drawing a pension. He is pensioned as a soldier of the Mexican war. We had an examination of the record made. In that way we were able to identify him as having been in General Scott's army.

Now, Mr. Chairman, if anybody wants to ask any further questions——

Mr. PAYNE. Just one question. In view of the fact that the gentleman is not able to cite any precedent of a private bill similar to this; in view of the fact that Congress has never, from the foundation of the Government, passed any general law giving prize money to the Army, and in view of the further fact that Congress has recently by an overwhelming vote repealed all laws giving prize money to officers and men in the naval service, does not the gentleman think he had better withdraw this bill for repairs. [Laughter.]

Mr. BUTLER of Pennsylvania. No, Mr. Chairman. Let me say to the gentleman from New York that while there will be no prize money paid hereafter under the law, it is a fact that all men who performed service similar to that of this old man have been already provided for. I say to the gentleman further that there is precedent for the allowance of such a claim as this; and as I endeavored to state in the first part of my argument, that was one of the things that induced us to make a favorable report on this claim. Now, I am willing that the House should dispose of it as it deems proper.

The question being taken on the amendment reported by the committee, it was agreed to.

The question being taken, Shall the bill as amended be laid

aside to be reported favorably to the House? it was decided in the negative.

Mr. BUTLER of Pennsylvania. What effect has that on the bill?

The CHAIRMAN. The bill will remain on the Calendar.

Mr. PAYNE. I move that the bill be reported with a recommendation that the enacting clause be struck out.

The motion of Mr. PAYNE was agreed to.

Mr. HILL. Mr. Chairman, I ask unanimous consent that only such bills be taken up hereafter during the remaining three-quarters of an hour as are represented by members present on the floor of the House now.

Mr. HULL. Mr. Chairman, I ask for information as to whether or not that would cut out Senate bills. There is one Senate bill here that I would like to see passed upon.

Mr. HILL. Well, if the member refers to Senate bills, all right. I represent a Senate bill here myself.

The CHAIRMAN. Is there objection?

Mr. PAYNE. I object, Mr. Chairman.

The CHAIRMAN. Objection is made by the gentleman from New York.

F. Y. RAMSAY.

The next business was the bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States is hereby authorized and directed to pay, out of any funds in the United States Treasury not otherwise appropriated, the sum of $430.42 to F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, being balance due the said Joseph Ramsay, deceased, as collector of customs and superintendent of lights in the district of Plymouth, N. C., from March 1, 1859, to April 30, 1861.

Mr. PAYNE. Mr. Chairman, I am getting curious about these bills, and I would like to know about this one.

Mr. GRAFF. The facts can be shown in this case by a letter from the Secretary of the Treasury, which I will read:

SIR: Referring to your communication of the 12th instant, making inquiry regarding a claim due to Mr. Joseph Ramsay as collector of customs at Plymouth, N. C., about April, 1861, in the sum of $430.42, I have the honor to advise you that an examination of the books of the office of the Auditor for this Department shows that there appears to be due the above-named person, under settlement report No. 23978, the sum of $430.42.

Your attention is invited to section 3480, Revised Statutes of the United States, under which it would seem payment of this and similar claims by the Department is prohibited.

L. M. SHAW, *Secretary*.

I now yield to the gentleman from North Carolina [Mr. CLAUDE KITCHIN].

Mr. CLAUDE KITCHIN. Mr. Chairman, this claim is for the balance due, as appears on the books of the Treasury Department, for services of Mr. Joseph Ramsay, deceased, as collector of customs at the port of Plymouth, N. C.—for services rendered prior to 1861, found to be due on the books of the Treasury Department.

Mr. GRAFF. What provision of the statute is it that this has reference to?

Mr. CLAUDE KITCHIN. After the war a statute was passed which prohibited any officer of the Government paying any demand or claim to any person who was not loyal to the Union, if that claim arose prior to April 13, 1861. Joseph Ramsay performed these services from 1840 to 1861, and the only reason the Department did not pay it was because of this statute which prohibited such demand being paid to any person unless he showed that he was loyal to the Union during the war. This gentleman could not do that. He took no part in the war, but he could not and did not attempt to show that he was loyal to the Union. The money is due him, admitted by the Treasury Department, and we thought it ought to be paid, and ought to have been paid long ago.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. LOUD. Mr. Chairman, I was not able to get the statute of March 2, 1895, to which the gentleman from Illinois [Mr. GRAFF] referred a short time ago. That is in relation to this relief of the *Charleston*. I will not read all the act. I will state that the liability of the Government under this act shall be limited to such claims of personal property as are required by the necessary naval regulations. Notwithstanding the gentleman assumed to say that the statement from some department official that this bill was in accordance with that law, at that time I took occasion to contradict him without knowing the fact.

Now, I contradict it, knowing that the statement was absolutely false. The limitation put in that bill was one year's pay. The limitation here is to such personal property as is required, and that is the relief that ought to have been granted in this case, I believe very foolishly denied by the decision of the Comptroller that it was a time of war, and I want to call attention to the fact that the position I assumed was correct. There has been a misrepresentation to the House, not by the gentleman, but by the Department. They have here placed the limitation in the bill so high that they can relieve the officers and crew of the *Charleston* in an amount five or six times as large as they could have recovered if they had been paid under the law of March 2, 1895.

Mr. GRAFF. But the bill confines the amount to be paid to the losses actually incurred up to that minute.

Mr. LOUD. Yes; but it is not paid them under this statute. The bill is very cunningly drawn; there is no doubt about that.

Mr. WEEKS. Mr. Chairman, I call for the regular order.

Mr. LOUD. Oh, well; the gentleman will get along just as fast without being too much in a hurry. I only desire to correct the statement I made.

Mr. GRAFF. I move that the bill before the House at the present time be laid aside with a favorable recommendation.

Mr. PAYNE. Before that is done I want to suggest to the gentleman from Illinois [Mr. GRAFF] that he ought to correct the action that was taken through the false impression that the committee obtained from the letter from the Navy Department. The committee was given to understand that this bill which was laid aside was in exact terms the same as under the general law. If that is not done, I hope the House will kill the bill when they get it into the House.

Mr. GRAFF. I base my information on the letter of the Secretary of the Navy.

Mr. PAYNE. Certainly; I know that.

Mr. GRAFF. I am willing that the bill should be amended so as to provide that such losses shall be estimated upon the basis of property allowed to these officers under the Navy Regulations, and if the gentleman from California [Mr. LOUD] will prepare an amendment while we are discussing these other bills, for myself I guarantee to him that I will have no objection to it. But the present bill is not involved in this discussion, and I ask that it be laid aside with a favorable recommendation.

The question was taken; and the bill was laid aside to be reported to the House with a favorable recommendation.

HENRY C. NIELDS.

The next business on the Private Calendar was the bill (H. R. 9867) for the relief of the estate of Henry C. Nields, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Henry C. Nields, deceased, late lieutenant-commander in the United States Navy, the sum of $960, the difference between other duty and sea pay, for service on the receiving ship Potomac from December 2, 1870, to December 26, 1870, and from September 14, 1874, to January 12, 1877, which sum was adjusted and allowed by the Auditor for the Navy Department January 10, 1889.

Mr. GRAFF. I yield to the gentleman from Pennsylvania.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would be very glad to answer any question asked. This bill is for the relief of Mrs. Nields and her children. Gentlemen of the committee will pardon me for saying that I requested permission to make the report on this bill, and I requested it because this widow and her children live in my town and I am very well acquainted with them and I personally know their worthiness. Lieutenant-Commander Nields was perhaps one of the most distinguished sailors from eastern Pennsylvania. I had set out in the report as a matter of history his wonderful performance in Mobile Bay, while that does not bear upon the facts in this case, nor would I have asked the committee to report favorably on this claim by reason of it.

The committee reported this bill to allow the sum of $960, the difference between other duty and sea pay. Under a ruling of the Supreme Court of the United States he was entitled to that difference in pay, but he did not present his claim, as we find, because he was away off at sea when this ruling of the Supreme Court was made. He came home and died shortly after. His widow did not discover that he was entitled to it until 1886 or 1888; and when she made an effort to obtain it, it was found to be necessary to do so by a special bill. I introduced the bill for her relief. Let me say, gentlemen of the committee, that it was supposed, and I do not wish to make any reflection upon anybody, that the bill had been introduced by my predecessors in Congress.

There was no doubt sensible reasons assigned for the failure. I certainly hope there will be no objection to this claim. The Secretary of the Navy says, in substance, the estate is entitled to the money. The Supreme Court of the United States has held that the sailor was entitled to the difference in pay between an officer performing shore duty and one performing sea service. I would be very much pleased to answer any question that any gentleman may desire to ask, but to avoid detaining the committee and to get along with the business, I will ask that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

MORGAN'S LOUISIANA AND TEXAS RAILROAD AND STEAMSHIP COMPANY.

The next business on the Private Calendar was the bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 30003 and 149003 during the period between July 1, 1878, and February 21, 1892, both inclusive, in which he shall credit said company with nonland-grant rates over that portion of its route between New Orleans and Morgan City, La., in accordance with the decision of the Court of Claims in case No. 15877, and shall pay to said company, out of any money in the Treasury not otherwise appropriated, such sum as shall remain due upon such adjustment.

Mr. GRAFF. Mr. Chairman, the facts in this case are these: Under the law, for any services rendered by a railroad to the various departments there shall be a 20 per cent deduction made for that portion of the railroad which is land-grant right of way over which the article passes in transportation. For a number of years the United States Government had entered up against this railroad company a certain number of miles of railroad as a land-grant road, and deductions made proportionately from the contract rates of transportation. The railroad company finally prosecuted claims for these deductions in the Court of Claims, and it was decided that the United States Government had no right to make this deduction for this portion of the right of way, because it was not a land-grant right of way.

The facts were that the United States had given to this railroad a right of way, under the provision, however, that the road must be completed within ten years. The road failed to complete its railway within the ten years, and the land grant was forfeited. The road was compelled to go ahead afterwards and pay for its right of way, and condemn it in the usual way. This bill is simply for the purpose of having the Department adjudicate that portion of the claim which the Court of Claims did not pass upon because it was barred by the statute of limitations.

That the Secretary of the Treasury is hereby authorized and directed to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 30003 and 149003 during the period between July 1, 1878, and February 21, 1892, both inclusive, in which he shall credit said company with nonland-grant rates over that portion of its route between New Orleans and Morgan City, La., in accordance with the decision of the Court of Claims in case No. 15877, and shall pay to said company, out of any money in the Treasury not otherwise appropriated, such sum as shall remain due upon such adjustment.

Mr. PAYNE. I understand this company settled with the Government annually at least for fourteen years, and took up what balance they had, and it is to be assumed that they gave a receipt in full to the Government.

Mr. GRAFF. Yes, sir; I suppose that is true.

Mr. PAYNE. I suppose it was twenty years before they discovered the facts that some time must have appeared—if it was a fact—that this was not a land-grant road because the land grant had been forfeited and they had been compelled to buy by condemnation proceedings.

Mr. GRAFF. They obtain no benefit by reason of the land grant.

Mr. PAYNE. It is a most remarkable case. How much does it involve?

Mr. GRAFF. Between $23,000 and $24,000, or thereabouts.

Mr. MADDOX. How does the statute of limitation run in this case?

Mr. GRAFF. It does in this case, as I remember; six years is the period of limitation.

Mr. MADDOX. Why should they want to come to Congress now and ask to be relieved of the effects of the statute of limitation? Was the decision of the Supreme Court of the United States made before they were barred or was the decision made after they were barred?

Mr. GRAFF. Of course, they had commenced their suit. They perhaps did not know whether they would be able to recover at all until the final adjudication would determine what their rights were under the law, and in the meantime the statute of limitations was running, and when the case was finally decided, why, they were not able to recover for anything prior to six years before the commencement of the suit.

Mr. PAYNE. It seems that they waited about twenty years before they began.

Mr. GRAFF. There is nothing unusual about removing the statute of limitations.

Mr. MADDOX. There is something unusual about it. I know of thousands of claims that would be here before Congress now if it was not for the statute of limitations, claims fully as just as this; and if you are going to remove the statute of limitations in this instance, we will ask you to remove it in others.

Mr. GRAFF. There is hardly a case that comes before Congress that we are not asked to remove the statute of limitations in regard to it.

Mr. MADDOX. If there was any equitable cause or reason why we should allow these parties to come into court, it might put a different look on it, but I take it that there was nothing to keep them from claiming their rights at any time, and if the statute of limitations means anything it ought to apply to this case.

Mr. GRAFF. These parties had deducted from their contract constantly the amount of transportation over this portion of the road, because it was claimed that it was a land-grant road. It turned out by the decision of the Supreme Court that this railroad had wrongfully withheld from it through the United States this sum of money. This matter was adjudicated——

Mr. MADDOX. Let me cite the gentleman some cases. If you pay this bill, let me show you what is liable to come up. In 1869 and 1870 this Congress passed a law taxing all cotton raised in the South 1¼ or 2 cents a pound. That law was clearly unconstitutional, and the case was brought to the court in which it was so decided. But by the time this case was decided all these parties were barred by the statute of limitations. Now, if there is any reason why we should come in here and relieve this railroad company of the statute of limitations, in the name of high heaven, why shouldn't these people have a right to come here and ask that the statute of limitations be removed and they get the money that was taken from them by the Government unlawfully, and so decided by the late income-tax decision. It is as clear as a noonday sun.

Mr. GRAFF. I will read a portion of this report, which will show why the parties seek this relief:

The claimant, Morgan's Louisiana and Texas Railroad and Steamship Company, operated said road between New Orleans, La., and Morgan City, La., a distance of 80.37 miles, and have, since July 1, 1878, been carrying the United States mails over its road, under regulations made with the Postmaster-General. During this time it received for transporting such mails only 80 per cent of the statutory price, that being the price paid to land-grant companies, the 20 per cent having been withheld because it was alleged that it was a land-grant road, and it was so treated in its payment by the United States.

Said company, claiming that it was entitled to full nonland-grant rates for carrying the mails, on the 5th day of June, 1888, commenced an action in the Court of Claims against the United States for the purpose of recovering the 20 per cent which it claimed it was entitled to receive for carrying the mails over the lines of this road for the fiscal years ending June 30, 1882, 1883, and 1884.

No action was taken on this petition until during the year 1898. On the 21st day of February, 1898, the claimant filed a supplemental petition alleging that it was entitled to the 20 per cent withheld by the Government, or, in other words, that it was entitled to compensation for carrying the mails at nonland-grant rates from July 1, 1878, to December 31, 1897.

On the original petition, filed June 5, 1888, and the supplemental petition of February 21, 1898, the court, after hearing and trial, made a return in that case of a finding of law and fact, a copy of which is appended to this report and made a part of it.

By that decision it was determined by the court that the road was a nonland-grant road, and that the claimant was entitled to recover for carrying the mails at full contract prices allowed to nonland-grant roads, and that it was therefore entitled to recover the 20 per cent of compensation that had been retained by the Post-Office Department, but, the original petition in that case only having claimed compensation for the years 1882, 1883, and 1884, gave judgment for the claimant for the sum of $6,348.04, the amount still due the company for those years; and the supplemental petition having been filed more than ten years after the original petition, the court further held that it only had jurisdiction on the supplemental petition to determine the amount due the claimants for the six years immediately preceding the filing of the said supplemental petition, and on that basis gave judgment for the plaintiff for the sum of $22,396.79 as additional compensation due for the six years from February 21, 1892, up to December 31, 1897, leaving undetermined the additional compensation due the claimants for all that period from July 1, 1878, up to February 21, 1892, except for the years 1882, 1883, and 1884, which were adjudicated under the litigation on the original petition filed in said case, on the ground that the same were barred by the statute of limitations.

Mr. SULZER. This is a unanimous report from the committee, is it not?

Mr. GRAFF. Yes. Now, I am not in favor of giving any greater rights to railroad companies than to a private individual, but there is not a single claim scarcely, I venture to say, that is considered in this Congress that, if the statute of limitations of six years was applied to it so that the statute would begin to run immediately after the claim became due, would not have to be turned out without relief.

Mr. MANN. Does the gentleman from Illinois say that people make no effort to get their claims allowed within six years of the time they accrue? Ordinarily, does the gentleman mean to say that in all these claims cases that come before his committee the claimant allows more than six years to go by before anything is done?

Mr. GRAFF. Oh, I suppose they do make some effort.

Mr. MANN. The only method of getting relief in ordinary cases is through Congress; but in this case the parties had a right to obtain relief through the courts.

Mr. GRAFF. There are hundreds of bills passed by this Congress authorizing the sending of claims to the Court of Claims for adjudication and waiving the statute of limitations.

Mr. MANN. But that is not the case here. There was no necessity for sending this case to the Court of Claims. The

parties had the right to go in the courts, as proven by the fact that they did go into court.

Mr. GRAFF. I am not sure——

Mr. MANN. They did go into court to get relief.

Mr. GRAFF. The facts show that these people did give notice by filing the original petition——

Mr. MANN. And waited ten years without pressing it in any way whatever. If there was ever a case where a client or the party was guilty of gross laches it is this case. The gentleman has just stated the history of it. While I believe in standing by the gentleman and his committee, I do not believe he will say that people guilty of such gross negligence ought to receive any favor whatever.

Mr. GRAFF. I think the fact that they filed their claim in 1888 was notice to the Government that they proposed to hold the Government liable, by reason of the fact that the Government had withheld 20 per cent of the contract rate by reason of what was claimed to be a land-grant right when in fact it was not.

Mr. MANN. Does the gentleman think that the Government would not have a right to assume, after receiving that notice, and nothing was done under it for ten years, that the notice has been waived?

Mr. GRAFF. I suppose the Government would assume that if the parties did not file their proof; but I do not know but that it may be true that there was some proof taken under this petition that was filed in 1888.

Mr. MANN. The gentleman, I know, is a good lawyer. Now, if he himself had filed a claim of this sort and proposed to let it pend ten years, would he have not filed a supplemental claim every year thereafter? And does he not think that this railroad company in the present case ought to sue its attorneys for their neglect, instead of coming here and begging from Congress relief to which they are not entitled?

Mr. GRAFF. The railroad company in this case is not asking anything except what is due them under the law.

Mr. MANN. Oh, the gentleman is mistaken. Under the law they are entitled to nothing.

Mr. GRAFF. I mean under the law outside of the statute of limitations.

Mr. MANN. Then the gentleman means under a part of the law, after the rest is wiped out.

Mr. GRAFF. I do not think that the Government can afford to take the position that it proposes to insist upon keeping money which it has wrongfully withheld from a railroad company or anybody else. And I have no doubt that the officials in the Post-Office Department, who charged up this portion of this railroad right of way as land-grant road, did so under the supposition that it was land-grant road, and no doubt it was quite a surprise to them when the fact was developed that this portion of the road was wrongfully charged up against this company.

Mr. MANN. The gentleman, as I understand, does not claim that in this case the Government took any advantage of the railroad company. And is there anything in this case which would take it out of the line of every other case coming under the statute of limitations?

Mr. GRAFF. In this case, undoubtedly, money was paid by mistake—mistake on the part of the Government officers. I do not think that the Government moved these officials to make this claim wrongfully.

Mr. MANN. If the statute of limitations should be waived in this case, can the gentleman conceive any reason why it should be enforced in any other case?

Mr. GRAFF. I think there would be a peculiar hardship if we should place this railroad company on the same basis as we would a private individual and deny to this company reimbursement for this sum of money which was withheld from them for dates which intervened between the dates which were allowed by the court.

Mr. MANN. If this application is a meritorious one, why should we not repeal the statute of limitation? There was no surprise here; no advantage was taken; there was no excusable ignorance of the law.

Mr. GRAFF. The gentleman from Illinois knows that, as the law books tell us, the reason for a statute of limitations is upon the theory that after the expiration of the period provided by the statute the presumption of law should be that the claim has been paid. In other words, it would be a serious hardship after an interval of time, which we fix by statute, for people to be called into court and compelled to litigate.

Mr. MANN. That is not the theory of the statute of limitations as I learned it. The theory of that statute, according to what I learned, is that litigation after a certain period must cease.

Mr. WM. ALDEN SMITH. That controversies should be brought to trial while the parties are alive.

Mr. GRAFF. That is exactly what I said.

Mr. MANN. The theory of the law is that a man who sleeps upon his claim for a great number of years either acknowledges that he has no claim or is guilty of such laches that he is entitled to no consideration. That is exactly the case which the gentleman presents here.

Mr. GRAFF. As has been well suggested by the gentleman from Michigan [Mr. WM. ALDEN SMITH], one of the reasons why the statute of limitations is passed is because it is assumed that in the course of time parties or witnesses concerned in the controversy necessarily die; and hence it would operate as a peculiar hardship if parties were required to litigate a matter after the expiration of so long a period. Another of the moving causes for such a statute is that there must after a certain length of time be an end of litigation.

Now, in this case the parties are living. There is nothing about the proofs which makes it a hardship on either party that this relief should be granted. On the contrary, the essential facts stand out to-day conclusively established by the admission of the parties. There is nothing in this record to show that the delay in the trial of the petition which was filed in 1888 was not the fault of the Government. There is nothing to show but that the Government itself might have been the party in fault for the delay in the trial of the suit; and, indeed, I may say, as a matter of information from those who have had some experience in the Court of Claims that it is difficult to obtain a speedy trial in that court.

Mr. MADDOX. I will ask the gentleman if he called upon the Attorney-General, or, in other words, notified him of the pending of this claim.

Mr. GRAFF. No; I did not; but I addressed a letter to the Post-Office Department, to the head of the Department who had charge of these contracts and who is supposed to be the guardian of the interests of the Government in this case, and there was no objection on the part of the Post-Office Department to the passage of this legislation. The Department itself had no right to pay this claim until it was recognized by Congress, and this bill is simply a reference to the Treasury Department for the purpose of adjusting this account between the railroad company and the United States.

It is not the kind of a case where the lapse of time is to do any injury to either party; it is not the kind of a case where there is any conflict about the fact. There is not any difference at all between the case which was adjudicated and the one which we are considering. It is admitted right along to-day that the Government did withhold from this railroad company this 20 per cent excess over right of way, upon the theory that it was a land-grant right of way, when in fact it was not. The only trouble was the fact that it was not a land-grant road did not develop from a legal standpoint until the adjudication by the court.

Mr. PAYNE. Will the gentleman yield me five or ten minutes?

Mr. GRAFF. Yes.

Mr. PAYNE. Mr. Chairman, this bill goes a little further than my friend says. It not only opens these accounts and waives the statute of limitations, but it requires the officials to settle the claims in accordance with the decision—that is, at the same rate as the decision of the Court of Claims for the other years which were adjudicated. Now, what are the facts about this case, as stated by the gentleman? In 1888 this railroad company commenced an action in the Court of Claims against the Government, and in its petition claimed for only three years, although it had been carrying these mails for ten or twelve years under the same conditions—presumably under the same conditions. I do not know, it does not appear that the counsel for the railroad company knew that there was a statute of limitations. They may have thought it was only for three years instead of six. They may have thought that.

I notice, Mr. Chairman, generally in passing upon these claims, we do not waive the statute of limitations unless there is some excuse for the laches on the part of the claimant for not bringing his claim to the attention of the proper officials in the proper time, and also bringing it to the attention of the court within the proper time, within the six years. If he has a reasonable excuse——

Mr. SULZER. Let me suggest——

Mr. PAYNE. Just wait a moment and I will permit a question. If he has a reasonable excuse I know Congress generally or frequently, perhaps too frequently, waives the statute of limitations. Now, why is it that these eminent lawyers who brought this case into the Court of Claims did not claim for more than three years? It does not appear on the face of these papers. The chairman of the committee does not appear to be able to tell us. He says this was originally a land-grant road, but that the road was not completed in time, and that the Government forfeited the land grant.

Mr. GRAFF. That the railroad company forfeited it.

Mr. PAYNE. Well, the Government declared it forfeited.

Mr. GRAFF. Yes.

Mr. PAYNE. As they did by act of Congress along in the eighties, in reference to several of these roads. I presume the difficulty with the gentleman who presented this petition was this, and this is what he had in mind, that this land grant was forfeited about the year 1882. As I remember, a number of land grants were forfeited then under the lead of Mr. Payson, of Illinois, who was then in the House. Up to that time it had been a land-grant road.

Mr. GRAFF. No. Will the gentleman yield?

Mr. PAYNE. I state the facts just as the gentleman did, that it was originally a land-grant road.

Mr. GRAFF. Will the gentleman allow me just a suggestion, and that is that Congress declared this land grant forfeited on July 4, 1870.

Mr. PAYNE. Then there is absolutely no excuse under heaven, Mr. Chairman, for these gentlemen not going back and claiming six years when they commenced this action in 1884, and it is their own laches and their own fault that they did not claim for that.

Mr. MANN. My colleague from Illinois [Mr. GRAFF] stated that the original action was commenced in 1888 and they did claim for six years.

Mr. PAYNE. No; only for three years.

Mr. MANN. You stated 1888.

Mr. PAYNE. Then he made a misstatement. Was it not in 1870 that the land grant was given to the railroad?

Mr. GRAFF. Yes.

Mr. PAYNE. Exactly, and it was afterwards forfeited.

Mr. GRAFF. A petition was filed in 1888, but the road was not to be built——

Mr. PAYNE. Well, Mr. Chairman, I say I was right in my original statement of facts in this case. Instead of being 1870 that the land grant was forfeited, it was in 1870 that the land grant was obtained, and they went on and built the road. But they did not build it in time, and in 1882, according to my recollection, Mr. Payson was performing on these land grants here in the House, and he had passed a good many bills, and I presume this was one of them, and that is the reason, because the land grant was not forfeited up to 1882, that these lawyers—and I presume they were profound lawyers—did not claim back of 1882.

Mr. GRAFF. The land grant was forfeited in 1870.

Mr. PAYNE. The gentleman said a moment ago that the land grant was made in 1870.

Mr. GRAFF. I did not.

Mr. PAYNE. I understood the gentleman to make that statement. But, Mr. Chairman, under the present statement there is no excuse for any claim. For six years they filed their petition, and there is no excuse for them not commencing away back of the year of 1870 to obtain this claim if they thought they had an honest claim. Nor do they give any reason for it. They allowed their rights to sleep for twenty years. Now the statute of limitation is not only passed for the living party. It was on account of the living witnesses and for the perpetuation of testimony that we have the statute of limitations. We can not allow them to come in and prove up a state of facts when the Government of the United States can not meet them.

Mr. SULZER. Is it not a fact that the statutes of limitation will not run against the Government?

Mr. PAYNE. Will my friend contain himself? They commenced this action in the Court of Claims in 1884, as I remember the statement of the gentleman, and then they have allowed it to sleep from then until 1898.

Mr. GRAFF. They commenced in 1888.

Mr. PAYNE. And from that time down to 1898, ten years, when they filed their supplemental petition. Why did they not file a supplemental petition every year, or every six years, and keep their claim alive? That has not been explained.

Now, Mr. Chairman, we can not go into a wholesale repeal of the statutes of limitation in favor of this Government. If we had repealed that law, it would vitalize claims amounting to millions and hundreds of millions of dollars that could easily be brought in the Court of Claims. If there is no more reasonable excuse for the laches of the parties than has been given in this case, I think the bill ought not to pass.

Mr. MANN. Mr. Chairman, no one has a greater respect for the present Committee on Claims than I have, or for the chairman of that committee. I believe that the House itself has a very great deal of confidence in the committee, which has been proven this afternoon by the number of claims which have been passed—certainly more than have been passed on any other day since I had the honor of a seat on this floor. But here is a case where a new precedent is proposed to be set. The distinguished gentleman who is the chairman of the Committee on Claims has stated that in almost every case which is reported from that committee and passed by the House the statutes of limitation are directly or indirectly waived.

I will call the attention of the gentleman to the great distinction between that class of cases and this. The ordinary case upon which this House passes is not a case which could be prosecuted either in the Court of Claims or any other court in the first instance at all. The claims are personal claims, which are equitable, and not a legal claim that could go to the Court of Claims, and by the time they have obtained authority to present those claims to the Court of Claims it becomes necessary to waive the statute of limitations in a number of cases. Here is a different proposition, where the parties had originally the right to enter the Court of Claims.

Now, what are the facts? This railroad company carried the mails in 1878. There was a dispute between the railroad company and the Government as to the rate of pay. For ten years this railroad company held this claim without going to the Court of Claims. They might have filed a claim at any time. But they waited ten years before commencing any proceedings in the Court of Claims. They first filed their claim in 1888, and waited ten years longer, not to try the case, but without taking any proceedings in the case at all. They waited twenty years, and then filed an amended petition in the Court of Claims.

If this bill passes waiving the statute of limitations, then, Mr. Chairman, the statute of limitations as applied to the Court of Claims ought to be repealed. There is no justice or reason in a case like this, and the statute of limitations ought not to be waived. Nothing is shown here as an equitable reason for paying the claim. No excuse is given here as a special reason for waiving the statute of limitations, but simply the fact that the parties did not prosecute their rights. That is the case always with the statute of limitations. But the time for obtaining evidence is passed. Who knows here whether these parties were entitled to the extra 20 per cent in 1878? There is absolutely no evidence of any evidence being secured. I hope the House will not set the precedent of waiving the statute of limitations on a purely legal claim where the parties could have protected their rights absolutely in the Court of Claims.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. SULZER) there were 40 ayes and 23 noes.

So the bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES T. CULVER.

The next business on the Private Calendar was the bill (H. R. 678) for the relief of the heirs of the late Charles T. Culver.

The Clerk proceeded to read the bill.

Mr. GRAFF. Mr. Chairman, I ask that that bill be passed without prejudice.

The CHAIRMAN. Without objection the bill will be passed without prejudice. [After a pause.] The Chair hears none.

CHARLES E. SAPP.

Mr. GRAFF. Mr. Chairman, there is a bill here which the gentleman from Kentucky [Mr. IRWIN] has asked me to ask unanimous consent to have taken up. It does not involve an appropriation, and I ask unanimous consent that it may be considered. It is a question of some lost stamps. It is H. R. 10775, for the relief of Charles E. Sapp.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Charles E. Sapp, late collector of internal revenue for the fifth district of Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $300, to reimburse him for special-tax stamps for "worms manufactured," charged to him, which were never received by him.

The CHAIRMAN. Unanimous consent is asked that the bill just reported be now considered.

Mr. BARTLETT. Mr. Chairman, I understood the gentleman from Illinois to say that this did not carry any appropriation.

Mr. GRAFF. Well, it is a formal matter. I am wrong about that, but there can be no objection to the bill.

Mr. PAYNE. Is it recommended by the Commissioner of Internal Revenue?

Mr. GRAFF. Yes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, I had risen for the purpose of objecting.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and on a division (demanded by Mr. BARTLETT) there were 35 ayes and 4 noes.

Mr. BARTLETT. Mr. Chairman, I make the point of no quorum.

Mr. PAYNE. I ask the gentleman from Georgia to withdraw

that point, and the gentleman from Illinois will ask unanimous consent to withdraw the bill.

Mr. BARTLETT. I do not want to make the point of no quorum, but I undertook to find out about the bill and was ruled out. Members must be decent about this.

Mr. IRWIN. I rose, Mr. Chairman, to explain about the bill, but did not succeed in getting the attention of the Chair. I would like to ask, Mr. Chairman, the privilege of stating the facts about the bill.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Kentucky be permitted to address the committee on this bill.

Mr. BARTLETT. I have no objection to that.

Mr. IRWIN. The gentleman can raise the point of no quorum afterwards.

Mr. BARTLETT. I understood the gentleman from New York to say that if I would withdraw the point of no quorum the gentleman from Illinois would withdraw the bill. I am perfectly willing to do that. I have no objection to the gentleman from Kentucky being heard either.

Mr. PAYNE. I ask the gentleman to withdraw the point and then the gentleman from Kentucky can explain his bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. BARTLETT. Has unanimous consent been asked to withdraw it?

The CHAIRMAN. Unanimous consent is asked for its consideration.

Mr. BARTLETT. Unless I know some reason why the bill should be taken up out of order I shall object.

Mr. PAYNE. I suggest that the gentleman reserve his objection.

Mr. BARTLETT. I have no objection to reserving it.

Mr. IRWIN. Mr. Chairman, the only reason that I have asked that this bill be taken out of its order is this: There was a book of special-tax stamps for "worms manufactured," that was received by the collector of internal revenue and charged against him. The affidavits are filed with the report, showing that this book of stamps was destroyed, and he is still charged with them. The Treasury Department is now urging him to settle his account, and the Commissioner of Internal Revenue says that the only way he can have relief is by a special act of Congress. I introduced this bill. I explained the circumstances of the case fully to the Speaker and to the chairman of the committee—that the settlement of this man's account is being held up on account of this matter of $200, the value of the book of stamps lost and never used.

By the passage of this bill no money at all goes out of the Treasury. It is simply a matter of bookkeeping—to relieve this man from the payment of $200 for stamps which were destroyed and lost. I asked the Speaker for the privilege of calling the bill up out of its order, and he said he thought it proper that the chairman of the committee should ask it, and he hoped he would do so. The consideration of this case will not take more than a moment. Here is the report, and here are the affidavits, which show that this book of stamps was lost. The passage of this bill is important in order that the ex-collector's accounts may be promptly settled.

Mr. BARTLETT. Do I understand the gentleman to say that the Commissioner of Internal Revenue has recommended the passage of this bill?

Mr. IRWIN. Yes, sir. At least the letter of the commissioner is embraced in the report of the committee, and it suggests the introduction of a special act as the only means of relief. The report of the committee was unanimous in favor of the bill.

Mr. CANDLER. How was this book lost—in passing through the mails?

Mr. IRWIN. No; it was received, but was covered up in some waste paper and by mistake was taken down into the cellar at the custom-house and burned.

Mr. CANDLER. Then the collector received this book of stamps?

Mr. IRWIN. Yes, sir.

Mr. CANDLER. And after he had received the stamps, they were burned by mistake?

Mr. IRWIN. Yes, sir—destroyed as shown by the affidavits.

Mr. CANDLER. And this man got no benefit from the stamps?

Mr. IRWIN. No benefit whatever.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOHN DONAHUE.

The next business was the bill (H. R. 10142) for the relief of John Donahue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Donahue, of Emmett, St. Clair County, Mich., out of any money in the Treasury not otherwise appropriated, the sum of $1,074.14, due him in lieu of 40 acres of land patented to him by the United States and afterwards granted by the United States to the State of Michigan, causing a loss to the said John Donahue of the above-mentioned sum, and that interest at 6 per cent per annum be added from the date of the conveyance to the State of Michigan.

The amendment reported by the Committee on Claims was read, as follows:

Strike out all after the word "sum," in line 11, down to and including the word "Michigan," in line 13.

Mr. WEEKS. Mr. Chairman, this is a unanimous report, in which the facts are fully stated. John Donahue, the beneficiary in this bill, was the purchaser by homestead entry of a 40-acre piece of land in the county of St. Clair, Mich., for which he received a patent from the United States Government. Under that patent he took possession of the land and made improvements upon it. He spent a considerable number of years there improving and residing on the land. But later on the United States made a grant of swamp lands to the State of Michigan. The dates of these transactions are also set forth in the report. By some inadvertence on the part of the Government this little tract of land, which was the homestead of this man, which had been patented to him, was included within the description of a swamp-land grant to the State of Michigan. Later the grantee of the State began suit in ejectment against Donahue, and though Donahue prevailed in the circuit court, yet on appeal the supreme court of the State of Michigan, in a case which is reported in 31 Michigan Reports, held that the grant of the Government to the State in presenti gave a title, and the grantee of the Government was ousted in favor of the grantee of the State.

This man now asks Congress to restore to him the value of this land, which is shown by the report and proofs to be about $1,200. The committee, instead of allowing the value of the land, $1,200, proposes to allow him the lesser sum of $1,074.14, being the cost of the homestead and expenses in defending his title, etc.

Mr. PAYNE. Was not the value of the land considerably less than that?

Mr. WEEKS. The value of the land at the time this man received his patent was probably somewhat less than $1,074, but the value of the property at the time it was taken away from him was upward of $1,200. The committee thought that in fairness he ought to be paid back at least what the land had cost him. So the committee has unanimously reported in favor of $1,074.49.

Mr. PAYNE. I do not think we ought to pay this amount of money for that land. I suggest to the gentleman from Michigan that he insert an amendment fixing, say, $500. That would be four or five times what the man paid for the land.

Mr. WEEKS. The Government patented this land to this man, and some years afterwards, when it had advanced in value—after he had made his home there and spent his time and money upon it—the Government took it away from him by granting it to the State. Why should he now be asked to take $500 as its value? This is not a poor or an unjust Government——

Mr. PAYNE. Between individuals the measure of damages would be what he had paid for the land.

Mr. MANN. May I ask the gentleman from Michigan a question?

Mr. WEEKS. Yes, sir.

Mr. MANN. What did this man pay for the land?

Mr. WEEKS. I do not know. I know that what he paid altogether, including expenses, taxes, etc., amounted to $1,074.49. The Government, after patenting the land to this man, took it away from him by conveying it to the State of Michigan by an act of Congress.

Mr. GRAFF. After he had spent his time in improving it—after he had put work upon it?

Mr. WEEKS. Yes, sir—after he had cleared it up. The land as he received it was located in an almost impassable swamp. I have been through that country and know something about it.

Mr. MANN. How much were the taxes he paid?

Mr. WEEKS. The taxes which were paid amounted to——

Mr. MANN. To whom were they paid, the State of Michigan?

Mr. WEEKS. I suppose so. Land is taxed by the State and not by a general government.

Mr. MANN. If the State of Michigan has a law under which a man pays taxes, why should that man come to the United States Government to get those taxes back?

Mr. WEEKS. Because the United States gave him by patent that land, and afterwards caused the title, after he had improved the land, to pass away from under the man's feet, and impoverished him. It was the negligence of the Government in granting over again land that they had formerly conveyed to this man.

Mr. MANN. Does the gentleman understand that where the Government gives land it guarantees the title of a patent?

Mr. WEEKS. I do not so understand; but I understand that there is some—or should be—sense of honor to be observed on the part of the Government, as well as individuals, and if it makes

such a mistake as that that it is in honor bound to make it good, and I am sorry to hear any gentleman invoking harsh technicalities in behalf of the Government against a poor man who has been defrauded by an act of the Government.

Mr. MANN. Did this man ever call on the Government to defend his title?

Mr. WEEKS. Oh, yes; when the case was in the courts in Michigan. I so understand it.

Mr. MANN. Whom did he notify to defend his title?

Mr. WEEKS. I do not know about that. He had lawyers who were representing him at the time, and I suppose the Government was notified if such notice was required by law to be given.

Mr. MANN. Now, I do not want to ask the gentleman embarrassing questions, but I understand that he says that he does not know what the man paid for the land; he does not know how much taxes he paid, and he does not know whom he notified to defend his title——

Mr. WEEKS. Oh, I do know this, that this great Government accepted the man's homestead entry, and he made his improvements, and he paid the Government the fees, and so forth, which were required by law; that he went on and completed his homestead entry and the Government gave him a patent, and relying on that he went to much expense in building and clearing and fencing, and did a great amount of labor on the land.

Mr. MANN. Does not the gentleman know that the Government of the United States does not guarantee a title when it issues a patent upon homesteads, and that it is a constant matter of litigation as to who the owner of those titles is.

Mr. WEEKS. I know that the Government of the United States does a great many things which it ought not to do toward creditors and claimants. I know that.

Mr. MANN. Well, the proposition to pay this bill is one of them.

Mr. WEEKS. Three years' experience on the Committee on Claims has demonstrated that fact to my satisfaction, and most thoroughly. This I consider as just a claim as——

Mr. MANN. Who did own this land at the time the patent was issued?

Mr. WEEKS. At the time the patent was issued to Donohue the title was in the United States.

Mr. MANN. And the United States granted a patent to it.

Mr. WEEKS. Yes; and afterwards it granted title to the State of Michigan, long after it had patented to John Donohue.

Mr. LACEY. Under what law in the State of Michigan?

Mr. WEEKS. Under a swamp-land grant of Congress, not under a law of the State of Michigan.

Mr. LACEY. The State got it under a swamp-land grant?

Mr. WEEKS. Some time about 1855, if I remember correctly.

Mr. LACEY. Then the State of Michigan really robbed this man of his land?

Mr. WEEKS. No; the Government deeded it to the State.

Mr. LACEY. Why did not the State of Michigan make it good to him?

Mr. WEEKS. The State of Michigan not knowing of the previous grant granted it to another person and that grantee ousted the grantee of the United States.

Mr. MANN. Does the gentleman say that after the patent had been issued the Government conveyed the land to the State of Michigan?

Mr. WEEKS. Yes.

Mr. MANN. Is it not a fact that it gave the State of Michigan authority to select swamp lands which had not been conveyed by the Government, and that the State of Michigan located on this land, and the supreme court of Michigan, violating any idea of law, decided that the Michigander obtaining from the State of Michigan was more entitled than the other man, and you want the Government of the United States to make good to him.

Mr. WEEKS. If the gentleman will permit me, the case was tried by lawyers in Michigan, quite as able as is the gentleman from Illinois, and the supreme court of Michigan understood the law perhaps quite as well as the gentleman from Illinois.

Mr. MANN. "The gentleman from Illinois" does not pretend to understand the law. Would the gentleman consent to an amendment providing that the State of Michigan shall pay this claim?

Mr. WEEKS. No; I would not. [Laughter.]

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, to strike out the enacting clause.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WEEKS. I call for a division on that.

The committee divided; and there were—ayes 34, noes 17.

So the enacting clause was stricken out.

Mr. GRAFF. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills and had directed him to report the same back to the House, some with amendments, with the recommendation that the amendments be agreed to, and some without amendments, with the recommendation that the bills as amended and those reported without amendments be passed. The committee had also directed him to report back to the House the bill H. R. 6652 and the bill H. R. 10142 with the enacting clause stricken out.

The SPEAKER. The first question is on the recommendation of the Committee of the Whole striking out the enacting clause in the bill H. R. 6652.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the amendment recommended by the Committee of the Whole to strike out the enacting clause of the bill H. R. 10142.

The question was taken, and the motion was agreed to.

HOUSE BILLS WITHOUT AMENDMENT PASSED.

The following bills, reported back from the Committee of the Whole House without amendments, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

H. R. 2492. A bill to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

H. R. 367. A bill for the relief of Angus A. McPhee;

H. R. 1360. A bill for the relief of W. J. Tapp & Co.;

H. R. 10279. A bill to pay the claim of Stephen B. Halsey;

H. R. 6703. A bill for the relief of George A. Rogers;

H. R. 1733. A bill for the relief of John A. Mason;

H. R. 6443. A bill for the relief of Patrick Nolan;

H. R. 11591. A bill for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check;

H. R. 11273. A bill to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 9867. A bill for the relief of the estate of Henry C. Nields, deceased;

H. R. 4636. A bill to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails; and

H. R. 10775. A bill for the relief of Charles E. Sapp.

BRITISH SHIP FOSCOLIA.

The next business reported from the Committee of the Whole was the bill (H. R. 5124) for the relief of the owners of the British ship Foscolia and cargo.

Mr. GRAFF. Mr. Speaker, there is a Senate bill, and I ask unanimous consent to substitute the Senate bill for the House bill.

The SPEAKER. The gentleman asks unanimous consent to substitute the Senate bill for the House bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk reported the Senate bill 173, for the relief of the owners of the British ship *Foscolia* and cargo; which was ordered to a third reading, and it was accordingly read the third time, and passed.

House bill 5124 was ordered to lie on the table.

HOUSE BILLS WITH AMENDMENTS PASSED.

On the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally considered and agreed to, the bills as amended were ordered to be engrossed for a third reading; and being engrossed, they were accordingly read the third time, and passed:

H. R. 989. A bill to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125 (title amended);

H. R. 9597. A bill for the relief of Thierman & Frost; and

H. R. 807. A bill for the relief of F. R. Lauson (title amended).

RELIEF OF OFFICERS AND CREW OF U. S. S. CHARLESTON.

The next business reported from the Committee of the Whole was the bill (H. R. 5756) for the relief of the officers and crew of the United States steamer Charleston, lost in the Philippine Islands, November 2, 1899.

Mr. LOUD. Mr. Speaker, I offer an additional amendment to the bill, which is accepted by the chairman of the committee.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2 strike out lines 10, 11, and 12, down to and including the word "incurred," and insert: "Value of such articles of personal property as were required by the United States naval regulations in force at the time of such loss."

The SPEAKER. The first question is on agreeing to the committee amendment.

The question was taken, and the amendment recommended by the committee was agreed to.

The SPEAKER. The question is now on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GRAFF, a motion to reconsider the various votes by which the several bills were passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FOSTER, for four days, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting results of preliminary examinations and surveys of sites for military posts—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiency appropriation for surveying Fort Buford abandoned military reservation—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hugh P. Akin, administrator of estate of Hugh B. Porter against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutionz of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14411) to regulate commutation for good conduct for United States prisoners, reported the same with amendment, accompanied by a report (No. 2145); which said bill and report were referred to the House Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor, reported the same without amendment, accompanied by a report (No. 2155); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 14083) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to provide for a Delegate to the House of Representatives of the United States from Porto Rico, reported the same with amendments, accompanied by a report (No. 2158); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11711) granting an increase of pension to Isaac Gibson, reported the same without amendment, accompanied by a report (No. 2118); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13684) granting an increase of pension to Charles F. Wright, reported the same with amendment, accompanied by a report (No. 2119); which said bill and report were referred to the Private Calender.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5480) granting a pension to John C. Nelson, reported the same with amendments, accompanied by a report (No. 2120); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13505) granting an increase of pension to William F. Stanley, reported the same without amendment, accompanied by a report (No. 2121); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12410) granting an increase of pension to Mary Nichols, reported the same with amendment, accompanied by a report (No. 2122); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10856) granting a pension to Jacob Findley, reported the same without amendment, accompanied by a report (No. 2123); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12326) granting an increase of pension to John Kirkham, reported the same with amendments, accompanied by a report (No. 2124); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14374) granting a pension to Samantha Towner, reported the same with amendments, accompanied by a report (No. 2125); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11252) granting an increase of pension to Edwin M. Gowdey, reported the same without amendment, accompanied by a report (No. 2126); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10824) granting an increase of pension to George E. Bump, reported the same with amendments, accompanied by a report (No. 2127); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley, reported the same with amendment, accompanied by a report (No. 2128); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6186) granting a pension to Carrie B. Farnham, reported the same with amendment, accompanied by a report (No. 2129); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14241) granting an increase of pension to Peter Dugan, reported the same with amendments, accompanied by a report (No. 2130); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13450) granting an increase of pension to Henry F. Hunt, reported the same with amendments, accompanied by a report (No. 2131); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13052) granting an increase of pension to Charles K. Batey, reported the same with amendments, accompanied by a report (No. 2132); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13665) granting an increase of pension to George R. Baldwin, reported the same with amendments, accompanied by a report (No. 2133); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3986) granting a pension to Martha A. Cornish, reported the same with amendment, accompanied by a report (No. 2134); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14184) granting an increase of pension to Andrew J. Fogg, reported the same with amendment, accompanied by a report (No. 2135); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 2457) granting an increase of pension to Warren Y. Merchant, reported the same without amendment, accompanied by a report (No. 2136); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5209) granting an increase of pension to Hannah A. Van Eaton, reported the same without amendment, accompanied by a report (No. 2137); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3551) granting an increase of pension to John P. Collier, reported the same without amendment, accompanied by a report (No. 2138); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4240) granting an increase of pension to Calvin N. Perkins, reported the same without amendment, accompanied by a report (No. 2139); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 712) granting an increase of pension to John Housiaux, reported the same without amendment, accompanied by a report (No. 2140); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4759) granting an increase of pension to Martha Clark, reported the same without amendment, accompanied by a report (No. 2141); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4638) granting a pension to Helena Sudsburg, reported the same without amendment, accompanied by a report (No. 2142); which said bill and report was referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge, reported the same without amendment, accompanied by a report (No. 2143); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11374) granting an increase of pension to William McCord, reported the same without amendment, accompanied by a report (No. 2146); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13886) granting an increase of pension to Henry Rogers, reported the same with amendment, accompanied by a report (No. 2147); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5759) granting an increase of pension to Charles T. Crooker, reported the same without amendment, accompanied by a report (No. 2148); which said bill and report was referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5669) granting a pension to Charlotte M. Howe, reported the same without amendment, accompanied by a report (No. 2149); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4642) granting an increase of pension to Anne Dowery, reported the same without amendment, accompanied by a report (No. 2150); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2535) granting an increase of pension to Annie E. Joseph, reported the same without amendment, accompanied by a report (No. 2151); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5670) granting a pension to Samuel H. Chamberlin, reported the same without amendment, accompanied by a report (No. 2152); which said bill and report were referred to the Private Calendar.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11879) to correct military record of Michael Mullet, reported the same with amendment, accompanied by a report (No. 2153); which said bill and report were referred to the Private Calendar.

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 11340) for the relief of McClure & Willbanks, reported the same without amendment, accompanied by a report (No. 2156); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11878) to correct the military record of Carl W. Albrecht, reported the same without amendment, accompanied by a report (No. 2157); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7655) to provide for the construction of a submarine tunnel under the bay of San Francisco, with air shafts and openings on the United States military reservation on Yerba Buena Island (Goat Island), bay of San Francisco, Cal., reported the same adversely, accompanied by a report (No. 2154); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5068) granting a pension to Nelson L. Belle-Isle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5084) granting a pension to Emma L. Ferrier—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 14590) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Sarpy, in the State of Nebraska, and the county of Mills, in the State of Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A joint resolution (H. J. Res. 193) to permit the erection and use for lighting purposes of overhead electric wires outside of the fire limits, east of Rock Creek, District of Columbia—to the Committee on the District of Columbia.

By Mr. HEATWOLE: A resolution (H. Res. 264) for the printing of 2,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session Fifty-seventh Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 14591) granting an increase of pension to Adam Bax—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14592) granting a pension to Benjamin F. Barrett—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 14593) granting an increase of pension to James J. Daugher—to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 14594) granting an increase of pension to Francis White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14595) granting an increase of pension to Frank Lovely—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 14596) for the relief of the legal representatives of Sarah J. Montgomery, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14597) granting a pension to Margaret Welch—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 14598) for the relief of William G. Keats—to the Committee on War Claims.

Also, a bill (H. R. 14599) granting an increase of pension to William H. Vickers—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 14600) granting an increase of pension to Anthony Walich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14601) granting an increase of pension to Carl Engel—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 14602) to remove the charge of desertion from the military record of John Lawton—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 14603) granting a pension to Anna Armstrong—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 14604) granting an increase of pension to Asa C. Hill—to the Committee on Pensions.

By Mr. KYLE: A bill (H. R. 14605) granting an increase of pension to John T. Knoop—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14606) for the relief of William Edward Bailey—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 14607) for the relief of Clifton Lodge, No. 173, Free and Accepted Masons—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 14608) granting an increase of pension to Philo S. Darling—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 14609) granting a pension to Andrew Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14610) granting an increase of pension to George Thomas Eberly—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 14611) granting a pension to Edward D. Lockwood—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 14612) granting an increase of pension to Findley Brandon—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 14613) granting an increase of pension to Alpheus W. Simpson—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 14614) to remove the charge of desertion from the record of Henry East—to the Committee on Military Affairs.

Also, a bill (H. R. 14615) granting a pension to Augustus A. Rhodrick—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 14616) granting an increase of pension to Marion P. Downey—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14617) granting an increase of pension to George W. Painter—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 14618) granting a pension to Philo Lynch—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 14619) granting a pension to Lizzie C. Casey—to the Committee on Pensions.

By Mr. ROBERTS: A bill (H. R. 14620) granting an increase of pension to Samuel F. Oliver—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14621) to remove the charge of desertion from the record of William Ridge—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Kentucky: Resolutions of United Mine Workers' Unions No. 1749, of Dawson Springs; No. 630, of Island, and No. 1173, of Adair, Ky., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. CONRY: Resolutions of the Boston Marine Society, in favor of legislation against "outside towing" for barges, etc.—to the Committee on Rivers and Harbors.

Also, resolutions of the same society, in favor of legislation to pension the members of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Paper to accompany House bill 14597, granting a pension to Margaret Welch—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolutions of Rock River Lodge, Janesville, Wis., Brotherhood of Railroad Trainmen, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CREAMER: Resolutions of the New Century Study Circle of the City of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Paper to accompany House bill 14602, to amend the military record of John Lawton—to the Committee on Military Affairs.

By Mr. DINSMORE: Petition of George A. Rawlins, for a pension—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the National Business League of Chicago, for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Citizens' Union of the Twentieth assembly district of Kings County, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FOERDERER: Petitions of United Mine Workers' Unions, Nos. 1049, 1535, and 1725, of Shamokin; No. 1599, of Larberry, and No. 453, of Germantown, Philadelphia, Pa., favoring the prohibition of immigrants other than wives and children who can not read—to the Committee on Immigration and Naturalization.

By Mr. FOSS: Resolution of the city council of Evanston, Ill., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Resolutions of United Mine Workers' Union No. 1634, of Petersburg, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HEPBURN: Resolutions of Iowa Retail Grocers' Association asking for the repeal or amendment of the bankruptcy law—to the Committee on the Judiciary.

By Mr. McCALL: Petition of the Marine Society, of Boston, Mass., in favor of a law to prohibit barge towing—to the Committee on Rivers and Harbors.

Also, Resolutions of the common council of Boston, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Massachusetts protesting against the taking of the lands of the Sioux Indians—to the Committee on Indian Affairs.

Also, petitition of the Marine Society of Boston in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Papers to accompany House bill No. 14492 granting a pension to Marvin H. Thomas—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Papers to accompany House bill 14559, granting a pension to Jonathan Rea—to the Committee on Pensions.

By Mr. PERKINS: Petition of John W. Thompson and other citizens of Rochester, N. Y., favoring Senate bill 5002 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to George Thomas Eberly—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Resolution of the Chamber of Commerce of New Haven, Conn., approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. WM. ALDEN SMITH: Resolutions of the Board of Trade of Grand Rapids, Mich., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. WACHTER: Paper to accompany House bill granting a pension to Augustus A. Rhodrick—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Papers to accompany House bill granting a pension to Marion P. Downey—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to George W. Painter—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of William Ridge—to the Committee on Military Affairs.

By Mr. WOODS: Resolution of the Chamber of Commerce of San Francisco, Cal., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 21, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

STATUE OF MARSHAL DE ROCHAMBEAU.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Chair lays before the Senate a communication from the Secretary of State, addressed to the President pro tempore, which will be read.

The Secretary read the communication, as follows:

WASHINGTON, D. C., *May 17, 1902.*

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

SIR: The undersigned, to whom was committed, by the act of Congress approved February 14, 1902, the selection of a site and the supervision of the erection thereon of a statue of Marshal de Rochambeau, commander in chief of the French forces in America during the war of Independence, and of the unveiling of said statue, respectfully report that they have discharged the duty imposed upon them; that the site selected is the southwest corner of Lafayette square, where the pedestal has been erected, and that on the 24th day of May, instant, at 11 o'clock a. m., the statue of Marshal de Rochambeau will be unveiled with appropriate ceremonial, Senator HENRY C. LODGE delivering the address. Seats have been reserved for the Senators and Representatives in Congress.

We remain, sir, very respectfully, yours,

JOHN HAY, *Secretary of State.*
ELIHU ROOT *Secretary of War.*
GEO. PEABODY WETMORE,
Chairman Committee on the Library, Senate.
J. T. McCLEARY,
Chairman Committee on the Library, House.

The PRESIDING OFFICER. This being a final report, the communication will lie on the table, and be printed.

Mr. CULLOM. Mr. President, in view of the statement made in the communication from the Secretary of State as to the ceremony which is to take place on next Saturday, I move that when the Senate adjourns on Friday it adjourn to meet the following Monday at 12 o'clock.

Mr. HOAR. The adjournment to be for the purpose of attending the ceremony.

Mr. CULLOM. I will add that the purpose of the motion to adjourn over is that the Senate may be enabled to attend the ceremony, as I supposed I had already stated.

The PRESIDING OFFICER. The Senator from Illinois moves that when the Senate adjourns on Friday it adjourn to meet on Monday following, at 12 o'clock meridian.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo;

A bill (S. 3129) for the authorization of the erection of buildings by the International Committee of Young Men's Christian Associations on military reservations of the United States;

A bill (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation in the State of Nebraska; and

A bill (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain lands in the city of Newport, R. I.

The message also announced that the House had passed with amendments a joint resolution (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 367) for the relief of Angus A. McPhee;

A bill (H. R. 807) for the relief of F. R. Lanson;

A bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46;

A bill (H. R. 1360) for the relief of W. J. Tapp & Co.;

A bill (H. R. 1433) for the relief of John A. Mason;

A bill (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

A bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails;

A bill (H. R. 5756) for the relief of the officers and crew of the United States steamer Charleston, lost in the Philippine Islands, November 2, 1899;

A bill (H. R. 6443) for the relief of Patrick Nolan;

A bill (H. R. 6703) for the relief of George A. Rogers;

A bill (H. R. 8129) to amend sections 4075, 4076, and 4078 of the Revised Statutes;

A bill (H. R. 9597) for the relief of Thierman & Frost;

A bill (H. R. 9867) for the relief of the estate of Henry C. Nields, deceased;

A bill (H. R. 10279) to pay the claim of Stephen B. Halsey;

A bill (H. 10775) for the relief of Charles E. Sapp;

A bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

A bill (H. R. 11591) for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check; and

A bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo; and

A joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 192) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect; and it was thereupon signed by the Presiding Officer.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of sundry business firms of Nashua, N. H., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. BURROWS presented a petition of Lodge No. 533, Brotherhood of Locomotive Firemen, of Opechee, Mich., and a petition of the Trades Council of Battlecreek, Mich., praying that the appropriation for the United States Geological Survey be increased from $100,000 to $200,000, and also for the adoption of a proposed amendment to the irrigation bill; which were referred to the Committee on Appropriations.

He also presented petitions of the Local Lodge of West Bay City; of Lodge No. 240, Brotherhood of Locomotive Firemen, of Jackson, and of Lodge No. 508, Brotherhood of Locomotive Firemen, of Detroit, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Grand Rapids, Mich., and a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the reorganization of the consular service; which were ordered to lie on the table.

He also presented a petition of Local Division No. 39, Order of Railroad Telegraphers, of East Saginaw, Mich., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the city council of South Haven, Mich., praying for the enactment of legislation granting pensions to those employed in the Life-Saving Service of the United States who are disabled by disease or injury incurred in the performance of their duties; which was referred to the Committee on Pensions.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Flint, Mich., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Michigan, remonstrating against the enactment of legislation to establish a Government Pacific cable; which was referred to the Committee on Naval Affairs.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions of Local Division No. 118, Order of Railway Conductors, of Streator; of sundry citizens of La Salle County and of Local Division No. 512, Brotherhood of Locomotive Engineers, of East St. Louis, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. HALE (for Mr. FRYE) presented petitions of the common council of Boston, Mass., and of the board of aldermen of Chelsea, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN presented a memorial of the Catholic Mutual Benefit Association, of Port Huron, Mich., remonstrating against the purchase by the United States of the lands belonging to the friars in the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Central Labor Union of Flint, Mich., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the common council of South Haven, Mich., praying for the enactment of legislation granting pensions to employees of the Life-Saving Service; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Grand Rapids, Mich., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a resolution adopted by the Detroit Branch of the Transvaal League, of Detroit, Mich., expressing sympathy

with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 33, Brotherhood of Locomotive Engineers, of Battle Creek; of Gilbert Lodge, No. 240, Brotherhood of Locomotive Firemen, of Jackson; of Wilkinson Lodge, No. 182, Brotherhood of Railroad Trainmen, of Escanaba; of Local Division No. 2, Brotherhood of Locomotive Engineers, of Jackson; of Grand River Lodge, No. 265, Brotherhood of Locomotive Firemen, of Grand Rapids; of Delta Division, No. 86, Order of Railway Conductors, of Escanaba; of Maine Lodge, No. 533, Brotherhood of Locomotive Firemen, of Opechee; of Detroit Division, No. 1, Brotherhood of Locomotive Engineers, of Detroit; of Wayne Lodge, No. 508, Brotherhood of Locomotive Firemen, of Detroit, and of Saginaw Valley Lodge, No. 188, Brotherhood of Railroad Trainmen, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the adoption of the proposed plan of the Park Commission for the improvement of the park system of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. QUAY. I present a memorial of the Cherokee Nation of Indians, favoring an appropriation for the payment of certain claims, together with the interest thereon. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PROCTOR presented the petition of J. F. McAllister and 42 other citizens of Fair Haven, Vt., praying for the repeal of the duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

Mr. PLATT of Connecticut presented petitions of Semaphore Lodge, No. 551, Brotherhood of Railroad Trainmen, of East Hartford, and of Elm City Lodge, No. 284, Brotherhood of Locomotive Firemen, of New Haven, in the State of Connecticut, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 5531) for the relief of James F. McIndoe, reported it without amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Public Lands, to whom was referred the bill (S. 3953) granting additional lands adjacent to its site to the University of Montana, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2342) for the relief of the executrix of the estate of George W. Curtis, deceased, reported it with an amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Claims, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 1468) for the relief of Henry Bash; and

A bill (S. 1668) for the relief of Custis Parke Upshur.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 1801) granting an increase of pension to James K. Van Matre, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1193) granting an increase of pension to Jane M. Meyer; and

A bill (S. 1205) granting a pension to Isabelle H. Irish.

Mr. PLATT of New York, from the Committee on Finance, to whom was referred the bill (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York, reported it with an amendment.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 2924) for the relief of the legal representative of Maj. William Kendall, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 2865) for the protection of fish and game in the Indian Territory, reported it with an amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board of trustees, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 93) to authorize the removal of certain greenhouses and plants from the grounds of the Executive Mansion, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. PLATT of Connecticut, from the Committee on Finance, to whom was referred the bill (S. 641) to establish an assay office at Portland, Oreg., reported it with amendments.

HEIRS OF JAMES W. FENNELL, DECEASED.

Mr. McLAURIN of Mississippi, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claim represented by S. 104, for the relief of the heirs of James W. Fennell, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of said act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. CLARK of Montana introduced a bill (S. 5915) to provide for Federal inspection and taxation of mixed goods and the proper marking of the same; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 5916) granting an increase of pension to Alonzo Dill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5917) granting a pension to William Norton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5918) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 5919) to regulate the operation of street railways in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5920) prescribing license taxes in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 5921) reenacting section 2515 of the Revised Statutes of 1873, exempting from duty certain goods of Indians; which was read twice by its title, and referred to the Committee on Finance.

Mr. MARTIN introduced a bill (S. 5922) to authorize the Potomac Western Railroad Company to construct a railroad through the Arlington Reservation, and over, upon, and through certain streets and reservations in the District of Columbia, and over and upon the new highway bridge across the Potomac River; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5923) for the purchase, for a national park, of a tract of land upon which the Natural Bridge in Virginia is situated; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5924) granting an increase of pension to Edwin Young; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 5925) granting an increase of pension to James D. Kiper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5926) to finally adjust the swamp-land grants, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT of Connecticut introduced a bill (S. 5927) to authorize the board of commissioners for the Connecticut River bridge and highway district to construct a drawless bridge across the Connecticut River at Hartford, in the State of Connecticut; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER of Washington introduced a bill (S. 5928) to establish an assay office at Tacoma, Wash.; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment authorizing the Secretary of the Treasury to advance, on requisition of the Commissioners of the District of Columbia in the manner now provided

by law, such sums as may be necessary to meet the expenses of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment relative to certain proposed changes in the electrical department of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the salary of the sanitary and food inspector of the health department of the District of Columbia from $1,600 to $2,400, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DIETRICH submitted an amendment intended to be proposed by him to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table, and be printed.

NATIONAL SANITARIUM IN SOUTH DAKOTA.

Mr. GAMBLE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the Committee on Enrolled Bills, in the enrollment of the bill (S. 593) for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, are hereby authorized to strike out the words "Branch Home" from line 12, page 1, and insert in lieu thereof the word "sanitarium."

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 593) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

The amendments were, on page 1, line 4, to strike out all after "of" down to and including "Home," in line 5, and to insert "a national sanitarium."

On page 1, line 9, to strike out "Branch Home" and insert "sanitarium."

On page 2, line 2, to strike out "Home" and insert "sanitarium."

On page 2, line 7, to strike out "Home" and insert "sanitarium."

On page 2, line 12, to strike out "Home" and insert "sanitarium."

On page 2, line 13, to strike out "Home" and insert "sanitarium."

On page 2, line 14, to strike out "Home" and insert "sanitarium."

On page 2, line 17, to strike out "Home" and insert "sanitarium."

On page 2, line 20, to strike out "other."

And to amend the title so as to read: "An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota."

Mr. GAMBLE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SPOKANE INDIAN RESERVATION LANDS.

Mr. QUARLES. I move to reconsider the votes by which the joint resolution (S. R. 101) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect was passed, the reason being that the Senate has passed a joint resolution which came from the House in almost the identical language, so that the Senate joint resolution is no longer necessary.

The PRESIDING OFFICER. The Senator from Wisconsin moves to reconsider the votes by which the joint resolution indicated by him was reported to the Senate and passed.

Mr. COCKRELL. Let it be read.

The Secretary read the joint resolution.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. Shall the joint resolution be indefinitely postponed? The Chair hears no objection, and such will be the action of the Senate.

PUBLIC BUILDINGS.

Mr. FAIRBANKS. Mr. President, I gave notice yesterday that I would ask for the consideration this morning, after the close of the routine business, of House bill 14018, known as the omnibus public-buildings bill. I understand from the Senator in charge of the Philippine government bill that he has arranged with some Senators to speak upon that measure during the morning hour. Therefore I shall not ask for the present consideration of the public-buildings bill this morning, but I shall take the first opportunity to bring it to the attention of the Senate; I hope possibly later to-day

Mr. HOAR. I will inquire of the Senator whether there is likely to be any debate or discussion on the public-buildings bill.

Mr. FAIRBANKS. I should think not. It will take some time to read the bill, of course. That will consume the greater part of the time that will be occupied, I presume, in its consideration.

The PRESIDING OFFICER. The morning business is closed.

INAUGURATION OF REPUBLIC OF CUBA.

Mr. FAIRBANKS. Mr. President, I wish to say but a word. We have heard much criticism by the opposition of the course of the Administration with respect to the territory which came to the United States following the Spanish-American war. We have heard few words of commendation from the opposite side of the Chamber, though there has been and is much worthy of approval. We hear little else than charges of broken faith, though our faith is inviolate.

I do not rise to discuss the Philippine question, which is under debate, for I have spoken at length upon that subject and expressed to the Senate my views with respect to our course in the Philippine Islands. I rise now to direct attention to what transpired yesterday in the island of Cuba. In the history of this country and of civilized government there has never been an event of such splendid significance as that which was witnessed in that island yesterday. A solemn national pledge has been redeemed. A Republic has been erected under the authority of the United States, and the possession of the island has been surrendered to that Republic under happy auspices.

A great work has been accomplished in the cause of human liberty. Where there was monarchical power and tyranny four years ago a Republic has arisen and starts peacefully upon her career with the congratulations of the nations of the earth. The freedom of Cuba is accomplished—accomplished through the valor of American arms and the wisdom of American statesmanship. No suggestion of territorial aggrandizement swerved the nation from its self-imposed and arduous task.

I think it is proper that we should have printed in the RECORD the report of the important historic incident as it is found in the Associated Press dispatches of this morning. The report, which I hold in my hand, is a graphic but temperate one, and it will prove, I have no doubt, of interest to those who shall in the future study the history of the United States in its relation to the territory which came to its control at the conclusion of the Spanish-American war. I ask that the report may be printed in the RECORD.

Mr. HOAR. And as a document I hope it may be likewise printed. That is a very convenient form.

Mr. FAIRBANKS. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana, that the report shall be printed in the RECORD, and also as a document? The Chair hears none.

Mr. HALE. Before the matter passes from the consideration of the Senate, I call attention to a resolution passed yesterday by the House of Representatives. It is found on page 5697 of the CONGRESSIONAL RECORD. It is on the same subject the Senator from Indiana has so happily alluded to, and I now offer for consideration the same resolution that passed the House of Representatives yesterday striking out the words "this day," and appending a resolution directing the Secretary of State to transmit the same to the Cuban Government.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Maine will be read.

The Secretary read as follows:

Resolved, etc., That the Senate views with satisfaction and expresses congratulation at the appearance of the Cuban Republic among the nations of the world.

Resolved, That the Secretary of State be directed to transmit to the President of the Cuban Republic a copy of these resolutions.

Mr. HALE. I ask for the immediate consideration of the resolutions.

The resolutions were considered by unanimous consent, and agreed to.

Mr. HOAR. I suggest that the document just ordered printed, containing the matter laid before the Senate by the Senator from Indiana [Mr. FAIRBANKS], shall contain also the resolution passed yesterday by the House of Representatives and those just adopted by the Senate.

Mr. FAIRBANKS. I think that is a very proper suggestion, and I accept it.

The PRESIDING OFFICER. The resolutions will be appended to the paper.

The matter referred to is as follows:

THE REPUBLIC OF CUBA—ACCOUNT OF THE INAUGURATION OF ESTRADA PALMA AS PRESIDENT OF THE REPUBLIC OF CUBA—THE DEPARTURE OF THE AMERICAN TROOPS, THE END OF AMERICAN RULE, AND THE HOISTING OF THE CUBAN FLAG IN THE ISLAND, AND ALSO RESOLUTIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES IN RESPECT THERETO.

[By the Associated Press, Howard N. Thompson.]

HABANA, *May 20, 1902.*

The United States has redeemed her promise to the world. Habana and Santiago de Cuba to-day were evacuated by American troops, the reins of power were handed over to President Palma, and now the Government of Cuba is free, and to-night the whole island is delirious with joy.

Dramatic as was the remarkable demonstration when the flag of the United States was lowered and the flag of the new Republic hoisted in its place at noon to-day on the palace from whence Spain had ruled the island for centuries, it was hardly more stirring than the magnificent friendly demonstration which attended the departure of the cruiser *Brooklyn* as she sailed out of Habana Harbor a few minutes before 4 o'clock this afternoon.

A flotilla of harbor craft loaded to the guards with people and dressed with bunting from stem to stern escorted her to sea. The water front was a solid mass of people, and the old fortifications at La Punta, which, with Morro Castle opposite, guards the entrance to the narrow neck of the harbor, was a human hillock. The *Brooklyn* had waited until the Ward Line steamer *Morro Castle* and the tug *Eagle* sailed before weighing anchor. As became a commander, Gen. Leonard Wood desired to be the last to leave. The *Brooklyn's* anchorage was near the wreck of the battleship *Maine*, whose black shrunken skeleton was decorated to-day with American and Cuban flags by order of the city council.

When the beautiful cruiser steamed slowly by this pitiful memory the American ensign at her taffrail was dipped and the sailors generally doffed their caps. As she passed the grim walls of Cabanas and Morro Castle the *Brooklyn* moved swiftly, the American flag at her fore and the Cuban flag at her main peak, sailors manning her sides and the flag at her stern dipping continually to the storm of vivas from ashore and afloat. The Cuban colors on both the fortresses were lowered three times in salute, although it is not military etiquette for a fort to salute except with guns. But an army four hours old is not expected to know this. General Wood stood on the bridge of the cruiser and acknowledged the ovation he received by bowing and touching his cap.

The flotilla of small craft kept on in the wake of the *Brooklyn* until she was hull down on the horizon, then the boats turned back and the people at the entrance of the harbor returned to their jubilations.

The enthusiasm in the city was boundless. Many persons were literally mad with joy over their new-born liberty. The streets were full of surging, cheering men and women. Motley processions paraded the plazas.

Firecrackers, of the giant variety, were exploded on the sidewalks and even in the cafés. It was like a combination of an old-fashioned American Fourth of July and a national convention.

One hundred thousand visitors were said to be in the city, and the police were utterly unable to cope with the joy-intoxicated people.

But President Palma and his cabinet did not give way to rejoicing. There was stern business ahead for them, and they went early to work. As soon as the new Government was installed Congress met and proclaimed the constitution and appendix. President Palma reviewed 14,000 school children before the palace, and at 4 o'clock he went to the cathedral where a Te Deum was sung for the new Republic. It was an imposing ceremony. President Palma then devoted an hour before dinner to attending to some urgent matters, among which was the postal relations with the United States.

By his direction Washington was informed that Cuba would like to continue the present arrangement temporarily.

This evening the city is illuminated as never before, and a great pyrotechnic display is being given on the walls of Morro Castle and Cabanas across the bay.

The natal day of the new Republic found Habana arrayed like a queen to await the coming of her lord. She seemed reinvested for the occasion with the dignity of the prosperous days of her power and wealth. The decorations were universal. In some cases men had worked all night, by the light of torches, to complete elaborate designs. There was not a residence, pretentious or humble, that did not bear upon its quaint façade some emblem in honor of the event. The many arches erected at the entrances of plazas by political societies, fraternal clubs, residences of various civil divisions of the city, and business organizations had an air of real grandeur.

The scaffolding was covered with canvas painted in imitation of marble, and from a distance the illusion was complete. Bunting, spread on Venetian masts, canopied the deep, narrow streets from the rays of the sun. Beneath these canopies the Cuban colors and palms graced the open doorways, through which glimpses could be caught of luxuriant gardens, in cool, inner courts. Many of the balconies jutting from the white-walled buildings were adorned with roses. Nature seemed in harmony with the spirit of the festivities. The parks were literally aflame with tropical flowers, and the vaulted sky above might have been chiseled out of turquoise. Above every red-tiled roof rose a Cuban flag. The whole city seemed suddenly buried beneath a forest of waving banners.

The decorations along the water front were exceedingly lavish, and all the shipping in the harbor was dressed in gala attire. The majority of the ships flew the American ensign at the main and the Cuban colors at the fore or mizzen. The United States armored cruiser *Brooklyn* which was to take General Wood away, and the steamer *Morro Castle*, of the Ward Line, on which the troops were to embark, as well as the foreign war ships which had been sent by their governments to be present at the birth of the new Republic, were dressed with streams of signal flags fore and aft, man-of-war fashion. The American colors, which were to be hauled down in a few hours, still floated above the grim walls of the fortresses which guard the entrance of the harbor. Not another bit of color showed upon them.

The early morning was cool and delightful, and the entire population, reenforced by thousands of visitors, was abroad soon after daylight. All was animation and expectancy. The streets were swarming with people and were filled with a ceaseless din. The babble of voices was drowned by the sharp cries of drivers and the clamor of warning bells. As the coachmen drove their carriages madly over the stony pavements pedestrians had a busy time keeping out of the way of the wheels. There are 4,000 public carriages in Habana, and this morning each one of them seemed racing somewhere on a life or death mission.

Much curiosity was aroused by a statue of freedom which had been raised during the night in Central Park upon the pedestal where for centuries a statue of Queen Isabella had stood. During the morning a bountiful breakfast was given to several thousand poor children by Mr. Payne, of Boston, who has passed the winter in Habana for many years.

As the day advanced the heat of the sun became intense and the weather grew hotter every minute. Hot air from the hot streets quivered in the hot sky until the whole landscape wavered.

The actual transfer of the control of the island was scheduled to occur exactly at noon, Habana time, which is 12.30 p. m. Washington time, but those invited to witness the ceremony were requested to be at the palace at 11.30 a. m. They included, besides the American officers and the members of President-elect Palma's cabinet, the members of Congress, the supreme court judges, the governors of the provinces, the officers of the visiting war ships, the foreign consuls, William Jennings Bryan, the other visiting American statesmen, several of Señor Palma's Central Valley (N. Y.) neighbors, Horatio Rubens, counsel for the former Cuban junta; Col. William Astor Chanler, and a few other specially invited guests.

The palace is an imposing yellow stone structure, the upper stories of its front being built over a stone colonnade, giving it a fine architectural effect. For centuries it was the residence of the captains-general of Spain. Since the American occupation it has been the official headquarters of the military governor. It fronts an exquisite park, the Place de Armas, with its stately royal palms and species of banyan trees called "laurels of India." In the center is a fine marble statue of Ferdinand VII. Through the center of the building an archway leads, as in all Spanish palaces, to the patio, or court, where a statue of Columbus rises from a mass of palms and flowering plants.

On either side of the entrance marble stairways ascend to the audience room, which opens through balconied windows upon the plaza. In this chamber the actual transfer occurred. It is an imposing room, oblong, with a lofty ceiling and marble floor. It formed a fine setting for the historic occasion. The chamber to-day is exactly as it was when the Spaniards departed, except that the portraits of the captains-general which hung upon its walls are gone. They were taken back to Spain, but coats-of-arms of Spain, with their royal quarterings, still hang above the windows, which are screened by the same scarlet curtains that were hanging during the Spanish régime. The decorations, white and gold, with the superb mirrors, have also been preserved just as they were left by the Spaniards. The chair, with a gold crown above its back, which was reserved for the Spanish monarch himself, was visible in an adjoining apartment.

Owing to the limited space, the people were to have no sight of the ceremony to be enacted here, which was to constitute them a nation before the world, but outside they were to witness a spectacle which would stir their pulses, for they were to see the beloved five-barred and single-starred flag which Cespedes first threw to the breeze in 1868, at the opening of the ten years' war, raised by the act of the United States above the palace. This thing which was to happen had been the dream of their lives and their ancestors' for generations. Their parents, brothers, and friends had gone to their deaths to accomplish it. No strange wonder, then, that hours before the time set they began flocking here from all quarters of the city. Many were already before the palace with the rising sun, and some even slept in the park, to be certain not to miss the sight.

A portion of the plaza was kept clear by the police very early. The remainder was packed with people so thick that the ground seemed alive.

Soon all the side streets running into the plaza were choked into a solid mass of humanity and every door and window fronting the square was walled in with faces, white and black, old and young, male and female. Then crowds sought the roofs, overflowing every building that commanded a view of the flagstaff on the palace. As far as the eye could see the roof of the lines were fringed with human freight. It was a sight to live forever in memory.

The first demonstration occurred at about 11 o'clock, when eight dismounted troops of the Seventh Cavalry, under the command of Colonel Baldwin, marched into the plaza, preceded by the regimental band. The cavalrymen were arrayed in khaki uniforms and carried carbines. They formed in three sides of an oblong square, facing the palace, their center resting on the statue of King Ferdinand. The greeting the American soldiers received was cordial, but real enthusiasm was first manifested upon the appearance of two batteries of native artillery, who, coming up at double-quick time, wheeled into line and grounded arms in the street directly below the balconies of the palace. The maneuver was executed smartly and the crowd cheered with pride.

Shortly after the guests began to arrive, and a state occasion of a first-class European power could not have commanded more ceremony. Officers of the Army and the Navy of the United States, officers of Italian and English war ships in the harbor, as well as foreign consuls, were arrayed in all the splendor of their full uniforms. The British consul-general, Lionel Edward Gresley Carden, who has been appointed minister to Cuba, wore the embroidered diplomatic uniform of his new rank. The Chinese consuls came in flowing silks, the judges in their ermine, and the archbishop of Habana in the purple robes of his high ecclesiastical office. Gen. Maximo Gomez, the idol of the Cuban people, with his hawk-like head and shoulders erect in spite of his seventy-eight years, came attended by some of his old companions in arms. The President-elect, attired simply in a black suit with frock coat, with Jeffersonian simplicity walked over from the Senate chamber at the head of the members of Congress. There was an air of distinction in Señor Palma's carriage notwithstanding his slight figure.

General Wood entered the chamber after all were assembled. Greetings were exchanged informally, and the best of good feeling was displayed. For twenty minutes the gathering waited, during which time photographers made several flash-light pictures and the click of camera shutters sounded like the popping of small arms.

The transfer occurred exactly at noon. The ceremony was brief and simple. General Wood and Señor Palma faced each other. General Gomez stood immediately behind his future President in an open space around which clustered the other witnesses of the birth of the Republic. Mr. Bryan was in the front row of spectators. In a low but clear voice General Wood read his letter from the President and proclamations turning over the island to the Cuban Government, as follows:

WHITE HOUSE, *Washington, D. C., May 10, 1902.*

To the President and Congress of the Republic of Cuba.

SIRS: On the 20th of this month the military governor of Cuba will, by my direction, transfer to you the control and government of the island of Cuba, to be thenceforth exercised under the provisions of the constitution adopted by your constitutional convention as on that day promulgated; and he will thereupon declare the occupation of Cuba by the United States to be at an end.

At the same time I desire to express to you the sincere friendship and good wishes of the United States, and our most earnest hopes for the stability and success of your Government, for the blessings of peace, justice, prosperity, and ordered freedom among your people, and for enduring friendship between the Republic of the United States and the Republic of Cuba.

THEODORE ROOSEVELT,
President of the United States.

Proclamation "B" was issued by General Wood as military governor. It recites in due form that the Cuban Congress convened in Habana May 5, examined the credentials, and certified to the election of the senators and representatives now in the Congress, and also found Thomas Estrada Palma and Cuba Luis Esteves Romero to have been elected, respectively, President and Vice-President of the Republic; that on May 20, at noon, the Cuban constitution will go into effect. Therefore the document reads:

"Thereupon and at that time the occupation of Cuba by the United States and the military government of the island will cease and determine, and the

government and control of the island will be transferred to the President and Congress so elected, to be held and exercised by them under the constitution so promulgated.

"Such transfer will be upon the understanding and condition that the new Government does thereby and by the acceptance thereof, pursuant to the provisions of the said appendix to the constitution, assume and undertake all and several the obligations assumed by the United States with respect to Cuba by the treaty between the United States of America and Her Majesty the Queen Regent of Spain signed at Paris on the 10th day of December, 1898."

Proclamation "C" simply declares the new constitution to be in full force after the date thereof, and recites its provisions.

Then comes the following:

"D."

HEADQUARTERS DEPARTMENT OF CUBA,
Habana, May 20, 1902.

To the President and Congress of the Republic of Cuba:

SIRS: Under the direction of the President of the United States, I now transfer to you as the duly elected representatives of the people of Cuba the government and control of the island, to be held and exercised by you under the provisions of the constitution of the Republic of Cuba heretofore adopted by the constitutional convention and this day promulgated; and I hereby declare the occupation of Cuba by the United States and the military government of the island to be ended.

The transfer of government and control is upon the express condition, and the Government of the United States will understand that by the acceptance thereof you do now, pursuant to the provisions of the said constitution, assume and undertake, all and several, the obligations assumed by the United States with respect to Cuba by the treaty between the United States of America and Her Majesty the Queen Regent of Spain, signed at Paris on the 10th day of December, 1898.

All money obligations of the military government down to this date have been paid as far as practicable. The public civil funds derived from the revenues of Cuba transferred to you this day, amounting to $689,191.02, are transferred subject to such claims and obligations properly payable out of the revenues of the island as may remain. The sum of $100,000 has been reserved from the transfer funds to defray anticipated expenses of accounting, reporting, and winding up the affairs of the military government, after which any unexpended balance of said sum will be paid into the treasury of the island.

The plans already devised for the sanitation of the cities of the island and to prevent a recurrence of epidemic and infectious diseases, to which the Government of the United States understands that the provision of the constitution contained in the fifth article of the appendix applies, are as follows:

(1) A plan for the paving and sewering of the city of Habana, for which a contract has been awarded by the municipal of that city to McGivney, Rokeby & Co.

(2) A plan for waterworks to supply the city of Santiago de Cuba, prepared by Capt. S. E. Rockenbach, in charge of the district of Santiago, and approved by the military governor, providing for taking water from the wells of San Juan canyon, and pumping the same to reservoirs located on the heights to the east of the city.

(3) A plan for the sewering of the city of Santiago de Cuba, a contract for which was awarded to Michael J. Dady & Co., by the military governor of Cuba, and now under construction.

(4) The rules and regulations established by the President of the United States on the 17th of January, 1899, for the maintenance of quarantine against epidemic diseases at the ports of Habana, Matanzas, Cienfuegos, and Santiago de Cuba, and thereafter at the other ports of the island, as extended and amended and made applicable to future conditions, by the order of the military governor, dated ——, published in the Official Gazette of Habana on the —— day of April, 1902.

(5) The sanitary rules and regulations in force in the city of Habana (and in any other city having official rules, etc.).

It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government, pending the settlement of the title to said island by treaty pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1901.

I am further charged by the President of the United States to deliver to you the letter which I now hand you.

LEONARD WOOD,
Military Governor.

General Wood then handed Señor Palma President Roosevelt's letter. President Palma, who hardly reached to General Wood's shoulder, had listened patiently to the reading and he immediately replied in Spanish, reading, as General Wood had done, the formal acceptance of the conditions imposed.

The President's voice rose until it rang through the chamber as he declared his Government accepted the responsibilities of sovereignty. He spoke as follows:

"I receive in this act the Government of the island of Cuba, which you transfer to me in compliance with the orders communicated to you by the President of the United States, and I recognize that in this act the military occupation of the island ceases. In accepting this transfer I declare that the Government of the Republic of Cuba assumes, in conformity with what is determined in the constitution, each and all of the obligations that the Government of the United States took upon itself in regard to Cuba by virtue of the treaty signed on the 10th day of December, 1898, between the United States and Her Majesty the Queen Regent of Spain.

"I note that all financial responsibilities contracted by the military government up to this date have been paid; that $100,000 has been set aside to attend, in so far as is necessary, to the liquidation and settlement of the obligations contracted by said government, and that there have been transferred to the Government of the Republic $689,191.02, which constitutes the balance in cash to the credit of the nation.

"In all that Article V of the constitutional appendix be applicable the Government will take care to facilitate the execution of the work of sanitation planned by the military government. The Cuban Government will also endeavor, as far as possible and as far as depends on it, to comply with the necessity of sanitation and of the observance of the system established by the military government of Cuba.

"It is understood that the Isle of Pines continues de facto under the jurisdiction of the Government of the Republic pending what will be agreed upon between the United States and Cuba and in conformity with what is ordered in the Cuban constitution and by the law voted by the Congress of the United States passed March 2, 1901.

"I receive with great satisfaction the letter which President Roosevelt has addressed to the Congress of the Republic and to me on account of the sentiments of friendship therein expressed for the people of Cuba.

"I take advantage of this solemn occasion when there is fulfilled the honest promise of the Government and of the people of the United States in regard to the island of Cuba, and when the personality of our country is established as a sovereign nation, to express to you as a worthy representative of that great nation the immense gratitude that the people of Cuba feel for the American nation, for its illustrious President, Theodore Roosevelt, and to you personally, for the efforts which you have made for the attainment of that cherished ideal."

The formal transfer was now over, but President Palma added a few words in English expressive of his deep sense of gratitude to the American Government and of his personal thanks to General Wood, to which the latter responded in a most cordial spirit. Then came the congratulations. Everybody crowded about the new President to shake his hand and wish him success. General Gomez embraced him according to the Spanish custom. There were tears in the eyes of many persons present, and many of the Cubans hugged each other for very joy.

In the meantime there transpired a scene outside the palace to stir the pulses and live forever in the memory of those who witnessed it. For one hour before noon a hundred thousand people had stood with eyes glued on the American flag floating over the palace.

As the time approached for the flag to be lowered, several premature demonstrations occurred. Bells rang, steam sirens in the harbor shrieked, and rockets and aerial bombs were exploded. But these were mere whispers compared with the volume of sound which burst forth when the American flag came down at 10 minutes past 12. Lieutenant McCoy, of General Wood's staff, was on the roof of the palace, and two troopers of the Seventh Cavalry were in charge of the halyards which hung down to the balcony in front of the palace, it having been General Wood's original intention personally to hoist the Cuban flag in the name of the United States. When the signal was given that the ceremony inside was over, the halyards were loosed and the American colors floated slowly down. The American cavalry below saluted, and the cavalry band played The Star Spangled Banner. A roar which rolled over the entire city went up from the populace, and like an echo came the distant boom of one of the great guns at the Cabanas fortress across the bay, the first of 45 such detonations, one for every State in the Union.

The American flag had been lowered at Cabanas and from Morro and the other forts around the city simultaneously with the one over the palace. Then all the bells in the city added to the din. Giant firecrackers were exploded until a pall of smoke arose over the city. All this was kept up for five minutes, until the Cuban flag was hoisted. As it blew free over the palace and rose on the forts to the view of the assembled thousands, the roar was redoubled again. The guns of Cabanas spoke this time with the national salute of 21 guns. The United States cruiser *Brooklyn* and the English and Italian warships in the harbor set the flag of the new Republic at the main and also saluted it with 21 guns. The Cuban bands stationed on the plaza at Malacon, Morro, and in other places in the city, blared forth in pride of their country, while the guns of the ships thundered the strength of war.

But it was the demonstration of the people that overshadowed all the rest. Their vivas were like the roar of the ocean. They rose and fell. Women waved handkerchiefs, fans, and parasols. Men jumped up and down for joy, and everybody embraced his neighbor. Tears flowed from many eyes, but the shouting did not cease. The crowds shouted vivas for the United States, for President Palma, for General Gomez, and for General Wood, and it was ten minutes before the storm of sound began to subside, and there was another wild roar as General Wood and the American officers left the palace for the pier.

In the meantime the troops of cavalry in the plaza had quietly marched to the wharf and embarked on the Ward Line steamer *Morro Castle*. General Wood and his aids were escorted to the pier by President Palma, the entire cabinet, the Cuban Congress, and the consular corps. They also were accompanied by the best Cuban band in Habana. The demonstration they received all along the route was remarkable, and left no doubt of the gratitude and the good will of the Cubans toward the Americans. General Wood and the other officers then entered the steam launch and were taken across the shining waters of the bay to the *Brooklyn*.

As General Wood climbed up the side of the cruiser and set foot on her deck the marine guard on board was paraded and the former governor-general of the island was given a salute of 21 guns.

During the early morning many troops of school children marched into the plaza de Armas, ranged themselves before the palace, and sang an American anthem.

At 10 o'clock a delegation from the Central Veterans' Club presented General Wood with a handsome machete having a beautifully engraved hilt. It has the Cuban coat of arms and a single gold star on one side and the General's initials on the other in gold.

President Loubet, of France, has sent the following cablegram to President Palma:

"At the moment when your excellency takes official possession of your high duties I send my sincere congratulations, and I pray for your personal happiness and the prosperity of Cuba."

President Palma has received other congratulations from the presidents of Guatemala and Santo Domingo and from the Mexican House of Representatives. He also received several congratulatory messages from Spain and hundreds from the United States.

OFFICIAL ACTION IN WASHINGTON.

[By the Associated Press.]

WASHINGTON, *May 20.*

Secretary Hay, according to the plan arranged some time ago, took the final step to-day of acquainting the nations of the globe that the United States Government has redeemed its solemn pledge to make a free people in the island of Cuba. This was done by the dispatch by cable to every capital where there is resident either an ambassador or minister for the United States of the following identic note:

DEPARTMENT OF STATE, *Washington, May 20, 1902.*

SIR: I am directed by the President to inform you that the military occupation of the island of Cuba by the United States has this day ceased, and that an independent government, republican in form, has been inaugurated there, under the Presidency of His Excellency Señor Don Tomas Estrada Palma.

You are instructed to convey this information through the appropriate channel to the government to which you are accredited.

I am, sir, your obedient servant, JOHN HAY.

In issuing this notice Secretary Hay also takes upon himself the burden of looking after Cuban affairs, so far as they are yet placed under the observation of the United States by the terms of the Platt amendment wrought into the Cuban constitution. Secretary Root lays down his work, having no further official interest in the island save in the maintenance of the small force of United States soldiers who are taking care of the defenses of Habana until the Cubans are themselves trained to this work. President Roosevelt this afternoon received the following cablegram from the President of the new Republic:

HABANA, *May 20, 1902.*

THEODORE ROOSEVELT, *President, Washington:*

The Government of the island having been just transferred, I, as Chief Magistrate of the Republic, faithfully interpreting the sentiments of the

whole people of Cuba, have the honor to send you and the American people testimony of our profound gratitude, and the assurance of an enduring friendship, with wishes and prayers to the Almighty for the welfare and prosperity of the United States.

T. ESTRADA PALMA.

President Roosevelt also has received the following cablegram from President Loubet, of France, dated at Kronstad to-day:

"At the time when the Cuban Republic is proclaimed under the mighty ægis of the United States of America, I make it my duty to offer to Your Excellency my very sincere felicitations and to send you the wishes that I form for the prosperity of the young Republic.

"EMIL LOUBET."

The following dispatch was received at the White House to-night from General Wood at Habana:

To the President of the United States, Washington:

I have the honor to report to you that in compliance with instructions received I have this day at 12 o'clock, sharp, transferred to the President and Congress of the Republic of Cuba the government and control of the island, to be held and exercised by them under the provisions of the constitution of the Republic of Cuba. Documents sent to me were read, and Mr. Palma, in accepting the responsibilities on behalf of the island, expressed himself in kind and endearing words and thanks, and thanked the Republic of the United States and its officials for all that has been done for Cuba and for the fulfillment of promises made. The ceremony was most impressive, and I embark on the *Brooklyn*, with my staff, for the United States.

WOOD.

Secretary Root sent the following congratulatory telegram to President Estrada Palma:

"*President of the Republic of Cuba:*

"Believe in my heartfelt congratulations upon the inauguration of the Republic which the people of Cuba and the people of the United States have fought and labored together to establish. With confidence in your unselfish patriotism and courage and in the substantial civic virtues of your people, I bid you godspeed, and on this happy day wish for Cuba for all time liberty and order, peace and prosperity."

To continue the present postal relations between Cuba and this country President Palma, of Cuba, and President Roosevelt to-day issued proclamations, both of which were promulgated from this city in accordance with an understanding reached between them some weeks ago. President Roosevelt's formal order follows:

"*Ordered*, The postal administration of the United States having concurred therein, that pending the conclusion of a postal convention between the Republic of Cuba and the United States the status prescribed by Order No. 395 of the Postmaster-General of the United States, dated March 30, 1901, relative to the exchange of mails between Cuba and the United States, be maintained: that is to say, articles mailed in Cuba addressed for delivery in the United States, and articles mailed in the United States addressed for delivery in Cuba, shall continue to be subject to the postage rates, conditions, and classification applicable to articles circulating in the domestic mails of the United States.

"And it is further ordered that the arrangement now in force regarding the exchange of money orders between the United States and Cuba shall continue and be in effect until a formal convention shall be signed between the two countries covering further exchange of money orders between the two countries."

President Palma's order is identical with the above except that it reverses the order in which the two countries are named.

[From the Congressional Record, May 20, 1902, page 6086.]

INAUGURATION OF CUBAN REPUBLIC.

Mr. HITT. Mr. Speaker, I ask the unanimous consent of the House for the consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

"*Resolved, etc.*, That this House views with satisfaction, and expresses congratulation at, the appearance this day of the Cuban Republic among the nations of the world."

[Loud applause.]

The SPEAKER. Is there objection to the consideration of this resolution? [A pause.] The Chair hears none.

Mr. HITT. Mr. Speaker, it is evidently unnecessary that there should be any debate on this resolution. I will merely say that it was suggested by the gentleman from New York [Mr. SULZER] [applause]; and I know that all members on both sides of the House will welcome the opportunity to vote for it.

The question being taken, the resolution was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

RESOLUTIONS ADOPTED BY THE SENATE MAY 21, 1902.

Resolved by the Senate of the United States of America, That the Senate views with satisfaction, and expresses congratulation at, the appearance of the Cuban Republic among the nations of the world.

Resolved, That the Secretary of State be directed to transmit to the President of the Cuban Republic a copy of these resolutions.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13395) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 21, 40, 55, 65.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 57, 61, 63, 64, 67, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $110,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$612,730;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$254,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$291,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: On page 40 of the bill, in line 16, after the word "report" insert the words ", giving his reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$796,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$796,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WM. B. BATE,
Managers on the part of the Senate.

J. W. WADSWORTH,
E. S. HENRY,
H. D. ALLEN,
Managers on the part of the House.

The PRESIDING OFFICER. The question is, Will the Senate agree to the report of the conference committee?

Mr. HALE. I wish to ask the Senator in charge of the bill, who has made the report, whether there has been put in by the conferees any new matter whatever not considered by either House?

Mr. PROCTOR. Not anything at all. There were three words inserted in an amendment which we proposed.

Mr. HALE. That is the amendment "giving his reasons?"

Mr. PROCTOR. "Giving his reasons." I believe those are the only additional words which have been put in.

Mr. HALE. They do not touch the merit of the appropriation.

Now, one thing further. So far as I could gather from listening to the reading of the report, the amendments are where the amounts have been fixed by the conferees. Is there any case here where the conferees have put in amounts larger than the amount fixed by one or the other House of Congress?

Mr. PROCTOR. There is not. In every case where they have agreed to one of our amendments with an amendment it has been to reduce in part the addition that we made.

Mr. HALE. Thus being a compromise between the amounts given in the bill as it came from the House and the amounts given in the Senate amendments?

Mr. PROCTOR. In every case.

Mr. HALE. And in no case has the conference exceeded the amounts of appropriation fixed either by one House or the other?

Mr. PROCTOR. In no case.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 367) for the relief of Angus A. McPhee;

A bill (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

A bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails;

A bill (H. R. 6443) for the relief of Patrick Nolan;

A bill (H. R. 6703) for the relief of George A. Rogers;

A bill (H. R. 9597) for the relief of Thierman & Frost;

A bill (H. R. 10279) to pay the claim of Stephen B. Halsey; and

A bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 807) for the relief of F. R. Lanson;

A bill (H. R. 1360) for the relief of W. J. Tapp & Co.;

A bill (H. R. 1733) for the relief of John A. Mason; and

A bill (H. R. 10775) for the relief of Charles E. Sapp.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 5756) for the relief of the officers and crew of the

United States steamer Charleston, lost in the Philippine Islands November 2, 1899:

A bill (H. R. 9867) for the relief of the estate of Henry C. Nields, deceased; and

A bill (H. R. 11591) for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check.

The bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46 was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8129) to amend sections 4075, 4076, and 4078 of the Revised Statutes was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 16th instant approved and signed the joint resolution (S. R. 74) relating to publications of the Geological Survey.

The message also announced that the President of the United States had on the 19th instant approved and signed the joint resolution (S. R. 82) providing for the printing annually of franks required for sending out seed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. ALLISON. In the temporary absence of the Senator from Massachusetts [Mr. LODGE], who has charge of the Philippine government bill, I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. WELLINGTON. Mr. President, I rise to speak upon the bill now under consideration without the hope of in any way affecting the foregone conclusion as to the action of this body upon the measure. I know that the fiat of the Administration has gone forth that the bill must pass, and the minority in the Senate can not by any effort honorably made prevent the consummation of an act which is but a part of one of the most extraordinary and indefensible policies ever pursued by any nation of whom history hath made record.

Three months ago, after prolonged debate, in which the minority party made a gallant struggle for the preservation of the principle upon which this nation is founded, the Senate passed a bill temporarily to provide revenue for the Philippine Islands. It was the beginning of attempted civil legislation for the Philippine Archipelago, and was in contravention of the organic law of our nation, the spirit of our institutions, and the generous, liberal, and statesmanlike policies which have obtained in our Republic for a century and a decade of years. By the passage of that act the Congress of the United States for the first time made a partial attempt to govern the islands by civil law, and, in my humble judgment, disregarded every principle of law which should have bound the American Congress.

It is but a natural and logical sequence that within a few weeks thereafter there should be introduced into the Senate another bill which should carry the policy, thus begun, further on its way and to add another exemplification of the historic fact that a nation which commits a wrong in its transaction with another people will endeavor to perpetuate, confirm, and firmly establish it by doing additional wrongs.

When the revenue bill was passed the Senator from Massachusetts [Mr. LODGE], whose task it was to present and defend the measure, contended that there should be no settled policy announced, and that as the exigencies of environment and the necessities of occasion required we should, month after month and year after year, content ourselves in temporizing with the situation.

These bills pretend that they are temporary measures, but, sir, they have committed this Government beyond a peradventure, and unless there is an awakening of the conscience of the nation there will be fastened and irrevocably placed upon us the policy of colonial expansion, of imperial armies, of unjust, horrible, and criminal wars, and above all a surrender of the most precious heritage that the American people have possessed—that of being a free people, standing first and almost alone for self-government, not only for themselves but for every nationality in every clime.

The Senator spoke truly when he said there would probably be transformations in the situation and many changes in our mode of dealing with the Filipinos who had come into our hands as it were through the providence of God. Three months have wrought a most remarkable change. Three months ago, when the policy of conducting an unauthorized and therefore unconstitutional war for the subjugation of these people was debated, when charges were made and conclusive proof was offered that our Army had in the progress of this war, which was to be conducted to the bitter end and not to be given up until there be abject and complete submission or extermination of the people, been guilty of criminal warfare, the majority party flung back with scorn the accusation, contending that it was little short of treason for any Senator to have the temerity of accusing the Army of indulging in modes of war which Christian civilization should forever prohibit to a nation professing its tenets.

We were taught to believe that the American soldier and the officer commanding him were immaculate, that they could do no wrong, and that the attacks made upon the Army were not only unjust, but of such a character as should be reprobated by every fair-minded American. The trend of every speech delivered upon the floor of the Senate favoring the passage of the Philippine revenue bill was in this direction. The idea that the conduct of our Army was reprehensible was scouted, and the Senators who made it were violently attacked for encouraging insurrection and accused of infidelity to the American Government and of disloyalty to the State.

When it was charged by the minority that in the conduct of the war the American Army had been guilty—descending in its commission of crime step by step until it had reached a degradation almost beyond belief, the majority rose up and smote us by declaring that the men who would thus attack soldiers of the Union, fighting under the flag for their country in a far-off land, should be buried in obloquy and stand in the pillory of public scorn. Yet, sir, within this short time which has elapsed since the passage of that bill the majority has been forced to abandon this position and to acknowledge that the American Army has committed indefensible crimes against a people who have the same right to liberty that we ourselves have.

They have been forced to acknowledge that the American Army has step by step departed from the broad highway of honorable warfare—honorable modern warfare as recognized by civilized nations—and has adopted methods of barbarism and savagery such as the wild natives of the unconquered Philippine Islands themselves could not approach. For, sir, as the damnable evidence of these transactions forced themselves into publicity, against the desire and effort of the Administration, there arose before the American people a picture of warfare such as could not be outdone if his Satanic majesty were to lead the hordes of hell upon an orgy of blood and rapine.

John Milton many years ago, when he was blind, sitting in the darkness which covered him and surrounded him, wrote in his imagination the picture of Lucifer, the fallen angel, leading the hordes of hell against God. He there gave the description that strikes with horror the reader when he peruses the book. It would need another Milton to describe the fall of the American people from the original height of their Government and their descent into the hell of this war.

Now, sir, the majority can no longer deny these facts, and they have therefore been forced to change their programme, and under such circumstances it is indeed a most advantageous thing to commit yourself to any policy or profess any stated belief.

What is the present policy? It is one of admission of the crimes and cruelties and defense for the crime. When this debate began it was the obvious determination of the majority party to shorten debate by making no reply to the charges, the reproaches, and the recommendations of the minority. But, sir, they were forced to change front once more. Silence would not do. The Senator from Utah [Mr. RAWLINS], the Senator from Tennessee [Mr. CARMACK], the Senator from Colorado [Mr. TELLER], and others had drawn such an indictment as must be answered, if answer there could be made, because upon this indictment the Administration will be tried in the next Presidential election.

Gradually there was an awakening, and one by one Senators were prevailed upon to enter the debate. But, sir, in all the debate from this side of the Chamber there was not one Senator who addressed himself directly to the subject-matter under consideration, saving the Senator from Massachusetts [Mr. LODGE], who was in charge of the bill, and therefore it became his duty to make explanation of the measure. I might perhaps except the Senator from North Carolina [Mr. PRITCHARD], who argued upon the commercial advantages that would come through the permanent occupation of the Philippine Archipelago, but even he departed from the path which he should have trodden and introduced sectional politics and the race war in the South. It does not belong here. It is outside of this question. The people of the South and the people of this country can solve that problem in the future. We are now dealing with the Philippine question.

Mr. DUBOIS. Would it interrupt the Senator if I should say a word?

Mr. WELLINGTON. Not at all.

Mr. DUBOIS. I should like to remind the Senator that the Senator from North Carolina [Mr. PRITCHARD] also is the only one on the majority side of the Chamber who has stated plainly what the policy of the Republican party is to be. He said that, so far as he was concerned, they intended to hold those islands for all time to come.

Mr. WELLINGTON. I thank the Senator for the interjection. I desire to say that as my argument goes on I think I can demonstrate that it does not need any further evidence than this bill to prove that the Administration intends to hold perpetually the Philippine Archipelago.

The Senator from Massachusetts also gave in his accustomed scholarly and logical manner an explanation of the details of the bill; and yet even he, before he came to the end of his argument, devoted quite a part of it to justifying the action of the American Army in the conduct of the war by the plea that they were driven into these scenes which would have done credit to an Alva, a Tilly, a Piccolomini, an Illo, or a Tertzky, or a Wallenstein three centuries ago, as one after another they led imperial forces in the Netherlands and Germany, with the avowed purpose of shooting to death religious liberty. He said they were justified by reason of the fact that the Filipinos themselves had begun uncivilized warfare, and that it was by revenge for this that the American Army had gradually been drawn into it. It will be seen by this that the majority has been forced from its original high position to intrench itself behind the plea of necessity.

If there were needed at this time any proof that imperialism is advancing its banners and sapping the very foundations of our liberty, it can be found in the contentions upon this bill by the majority.

The great danger to a republican form of government is the increase of executive power, invested with the command of a regular army. I have made this assertion before, and I now repeat it, though doubtless it will be said that I am not only attacking the Army, but the administration of civil government in our own country as well. I believe the time has come when the American people should once more be awakened.

The time has been when they were resting under the baneful influence and torpor of national sleep, when it took the hammer stroke of approaching revolution to awaken the conscience of our people. It may be so now, and I believe it is so now. In this time, when there is entire forgetfulness of our struggle for liberty, when the Declaration of Independence is sneered at and the Constitution violated and set aside, it is time that there should be men who have the moral courage to speak the truth and give the needed warnings. That the legislative branches of the Government are slowly but surely parting with their preponderance in the Government is a fact which can not successfully be denied.

That the Executive power can, by persuasion and judicious application of the party lash, force the Congress of the United States to adopt measures which are in themselves apparently unjust, upon the declaration of the majorities in both branches, has been evidenced of late in several sessions of Congress. And, sir, in the passage of this bill under the whip there is another exemplification of the same fact, and there will be yet another before the close of this session—I look forward to it now—when Executive power will enter this Chamber and cause a departure by many Senators from what is now their deep-seated conviction that they should adhere to the principle of protection and not entirely surrender it to the policy of reciprocity.

Not only is it done, but many seem to be eager to rush forward and obey the mandate of the chief. In my humble judgment, we are fast advancing to the time when it will be possible in this country for a Chief Executive, vested with his almost boundless power, to call to his aid the Army and enact the selfsame scene which Cromwell did in England when he appeared with his soldiers and prorogued the Rump Parliament.

You may smile at this, but evidences of its coming are beyond question. Executive power and the Army; these are the two dangerous elements. Doubtless I shall be severely reproved for sounding the warning and proclaiming the truth.

In combination with this increase of Executive power it is sought to make the Army a sacred thing that should not be touched by the criticism of the civilian. Is not this the spirit of the majority in the Senate now?

I for one reserve to myself the right to criticise what I deem to be wrong anywhere in any branch of the Government. I believe it to be my duty, and for this reason I have made the charge that the Army is sought to be idolized, its officers encouraged to despise the civilian, and taught to deem themselves the only essential feature of the Government—aye, the sacred thing which must not be touched in any way whatever. Its guilt must be condoned, its crimes defended, and any man who feels and speaks otherwise is criticised as being in sympathy with the insurgents in the Philippines and disloyal to his own country. I am quite willing to accept the decoration of disapproval of my course by this element of our political and national life.

That our Army has in this war been guilty of reprehensible conduct no Senator, I trust, upon this floor will attempt to deny. It is not my purpose to produce a mass of testimony. It is unnecessary. It has already been done. By evidence which dare not be disregarded it has been proven that we have departed from the civilization of to-day and in our method of war returned to the barbarism of Attila and Alaric. We have adopted the tactics of Arminius, the Cheruscan chief, when, to preserve his nationality, he lured the Roman legions into the Teutonic forests and there surrounded, defeated, and annihilated them.

Not a single Roman soldier of the Five Legions escaped. That was a barbarous war, and yet Arminius did not approach, in his savage warfare, to the orders, to the mandates, and to the action of the American Army in the Philippine Islands. There were no children there, but there were women, and he preserved their lives that they might take back to Rome the news of the annihilation of the Roman army. Rome had forced her yoke upon every nation in Europe until she reached those Teutonic forests and the Caledonian Mountains. There she met with reverse, a reverse which ended in her total discomfiture and downfall by the very forces which she had attacked.

It has been proven that our Army has resorted to the killing of the wounded and of defenseless prisoners. It has been proven that our Army was ordered to shoot and kill men, women, and children, whether armed or nonresisting. It has been proven that provinces have been destroyed and converted into wildernesses and the inhabitants who were not under arms driven together into camps of concentration. It has been proven that the methods of warfare disapproved of in Weyler have been adopted and executed by the American Army.

Sir, when I make these statements doubtless I will be accused of being in sympathy with the Filipino. Be it so. I am in sympathy with the Filipino. I am in sympathy with any people anywhere upon God's footstool who desire liberty and have the courage and manhood to stand up and fight for it and die for it.

I am not in sympathy with the American Army when it is to be used for base and infamous purposes. But, sir, is the Army responsible for the conditions of the struggle? To a certain extent, yes. And yet, no. I am not unfair enough to charge the Army with the entire responsibility. The soldier in the ranks must come and go as he is commanded. He must execute the orders of his superior. The noncommissioned officers are of a higher grade and degree, but they must obey the subaltern officers.

The colonel of the regiment commands that regiment, and yet in turn he has to obey the orders of the general of the brigade, of the division, or of the Army corps in which that regiment happens to be. These generals in turn are in obedience to and must carry out the commands of the commander in chief of the Philippines. So that, after all, upon him would seem to rest the responsibility for this conduct, but not entirely so. He would not dare to carry on a war which was in contravention of the policy of the home Government.

General Bell would not have issued his famous or rather his infamous order, and General Smith would not have dared to send forth a proclamation which is a disgrace forever to the American Army and to American civil government as well. Who is responsible for General Bell and General Smith? The commander in chief of the Philippine Islands. Who is responsible for him? Some men may act for themselves when they are in an inferior capacity, and I doubt not some of them have.

We have had references to General Bell, General Smith, and to General Funston in this debate as exemplars of the American Army officers in the Philippines. The Senator from Kansas [Mr. BURTON] felt himself called upon to defend General Funston against what he deemed unjustifiable criticism from some of the Senators of the minority. I desire to state that I can not indorse all that has been said upon either side concerning these matters. I can no more agree with the terrific outpourings of wrath which have come from the Senator from South Carolina [Mr. TILLMAN] than I can give assent to the many harsh and drastic sentences of the Senator from Kansas. I do not think that either expresses what should be the sentiment of our people concerning this question.

General Funston is a brave soldier of the Republic. It is most unfortunate that his courage and valor, his intrepid bravery, have been called into action in a war that is foreign to the higher and better aspirations of the American people. I admire him for his achievements in the Philippine war, while I must condemn the cause for which he fought. I can not but give praise and laudation to the splendid spirit which made him one of the great features of that war. He showed he had a dauntless bearing, and he gave evidence of almost reckless bravery upon yonder bridge in the far-off archipelago, in the river, and on the farther

shore, when he made the brilliant dash and attack upon the enemy. So much I think should be granted him by all.

I admire him, too, for the reason that he was not himself guilty of conceiving the plan in which forgery and its attendant criminal proceedings were used to entrap Aguinaldo and secure his capture. General MacArthur, I think, seems proud of the strategy thus employed and claims it as his own. I believe that Funston was too brave a man to indulge in the coward's trade of forging letters and documents. He did execute the orders of his superior officer, and if there is anything creditable in the whole of that shameful act of war upon the part of this great nation it is the manner of Funston's carrying it out.

But, sir, the soldier must not forget that he is only the servant of the Republic, and not the critic and mentor of its governing power. Whatever he has in honors he owes to the American people through the executive power and the confirmation of the Senate of the United States.

These honors were freely given him, yet when he returns to his native land crowned with laurels, if laurels they be, he so far forgets himself that he endeavors to enact the roll of hero and to call to task the men who have been chosen by their States to regulate one part of the legislative and another part of the executive power of this land.

To be a hero requires more than physical courage or military strategy. To be a hero there should be a sentiment of right, of justice, of mercy. To be a hero a man must have the ability not only to do battle courageously, but to honor the institutions of his country and bow in humble submission to the power which he serves. These qualities General Funston does not seem to possess. It ill became this officer to speak disparagingly of those who are opposed to the Philippine war, and he reached the very height of his insolence when, at a banquet in New York, he uttered the following words, and was applauded by many of those who sat with him. Doubtless, inspired by the fumes of wine, he forgot his position and dared attack those whose duty and task it is to examine into national affairs and to pass upon matters of great consequence in the Government of the country:

I read from the report of his remarks as quoted to us by the Senator from Kansas, his apologist. These are the words that General Funston used. They are at the conclusion of his address:

> I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands; I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now; but all those men who have been writing and talking about this thing and keeping this warfare alive and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason, hanged for giving aid and comfort to the enemy—than see the humblest soldier in the United States Army lying dead on the field of battle.

These are the exact words as they are reported to us of this great hero, General Funston. I for one will not stand idly by without protest and without resentment and listen to the words which have been uttered by a man like General Funston when they read as they do in the RECORD. I take him as an example of what this war has produced in the Army.

At the beginning of the contest I said there were dangers that the Army, after they had robbed a weaker people of their liberties, would be so impregnated by the spirit needful to that occupation that the day would not be far distant when they would forget themselves and endeavor, under an imperialistic law, to crush the power that made them.

You can not use an army in a war which is to subjugate, subdue, and exterminate a liberty-loving people without throwing upon liberty itself the weight of this action, and it will recoil upon you, and the very armies that once fought for the Republic will lend themselves willingly to repeat the infamous attacks upon the very citadel of liberty at home which they were permitted to make in foreign lands. The danger is that, having learned this lesson, he ceases to be an American in the sense and in the way in which we understood it in the last century.

General Funston is an example of this condition in his native land. It is true that he has been cautioned, I may say even reprimanded, by his superior officers for the use of this discourteous and unwarranted language. His tone, as evidenced, is one that bespeaks the mind that has already learned to despise civil authority. No man will deny that in the day when the military power assumes greater dignity and takes upon itself the censorship of civil life there is danger to the Republic.

Funston! I care but little for his opinion concerning those who oppose this war. It is a matter of indifference to me. It bears no more importance than the yell of any one of the members of an infuriated street rabble, but he asserts a doctrine which, if accepted in this country, means that freedom of speech has already disappeared and Senators and Representatives must have a care, for he presents to us anew the Jesuit doctrine that we "may think as we please, but must not think aloud." Think of the spectacle of an officer whom we have created, upon whom we have showered honors, so far forgetting himself as to speak in this manner.

If he voices the spirit of the American Army, then it is well that cognizance should be taken of it at once. Aye, as a Senator of the United States I am at liberty, according to the Funstonian theory, to think as I please, but I must be silent in the Senate Chamber and allow the liberties of my country to be taken away without raising a voice in their defense. I may think that the war is wrong, but I must not openly given expression to that thought.

This man is not a hero. He has so small a conception of the country which he has served that the very courage which he has shown serves him but little, and while I admire that courage I must say that I detest and despise the spirit which he has shown at home. And, in my judgment, if in his sober senses and calm afterthought he can give expression to such sentiment it is full time for the military authorities to authorize a court-martial for conduct unbecoming an officer of the American Army. And, sir, in this matter I have not spoken for the Filipino nor adverted to the wrongs which he may have done toward him, but I have spoken for my own countrymen and for the time-honored institutions which every man should reverence.

A hero! Do not let us so belittle the word. There are few real heroes in the world. Let me, if you please, give you the portrait of a great national hero of this country, as it was drawn by Charles Phillips, the British orator, in his splendid speech at Dinas Island in the Lakes of Killarney in the early part of the last century:

> *Washington.*—No people can claim, no country can appropriate him. The boon of Providence to the human race, his fame is eternity, and his residence creation. Though it was the defeat of our arms and the disgrace of our policy I almost bless the convulsion in which he had his origin. If the heavens thundered and the earth rocked, yet when the storm passed how pure was the climate that it cleared; how bright in the brow of the firmament was the planet which it revealed to us! In the production of Washington it does really appear as if nature was endeavoring to improve upon herself, and that all the virtues of the ancient world were but so many studies preparatory to the patriot of the new.
>
> Individual instances no doubt there were, splendid exemplifications of some single qualifications. Cæsar was merciful, Scipio was content, Hannibal was patient. But it was reserved for Washington to blend them all in one, and, like the lovely *chef d'œuvre* of the Grecian artist, to exhibit in one glow of associated beauty the pride of every model and the perfection of every master. As a general he marshaled the peasant into a veteran and supplied by discipline the absence of experience. As a statesman he enlarged the policy of the Cabinet into the most comprehensive system of general advantage; and such was the wisdom of his views and the philosophy of his counsel that to the soldier and the statesman he almost added the character of the sage. A conquerer, he was untainted with the crime of blood. A revolutionist, he was free from the stain of treason, for aggression commenced the contest and his country called him to the command. Liberty unsheathed his sword, necessity stained, victory returned it. If he had paused here, history might have doubted what station to assign him, whether at the head of her citizens or soldiers, her heroes, or her patriots.
>
> But the last glorious act crowns his career and banishes all hesitation. Who, like Washington, after having emancipated a hemisphere, resigned its crown and preferred the retirement of domestic life to the adoration of a land he might be almost said to have created!
>
> How shall we rank thee upon glory's page,
> Thou more than soldier and just less than sage?
> All thou hast been reflects less fame on thee,
> Far less than all thou hast forborne to be.
>
> Such, sir, is the testimony of one not to be accused of partiality in his estimate of America. Happy, proud America! The lightnings of heaven yield to your philosophy! The temptations of earth could not seduce your patriotism.

If Funston be a hero we must find a different class from this. Even to the young Briton, standing amidst the beauties of Killarney's Lakes, there had come an appreciation of the character of Washington and the true heroism which it exemplified. A true hero hath liberty to unsheath his sword, necessity to stain it, and victory to return it to its scabbard. He will never draw it in inglorious cause or press it against those who are weak and unprotected. He will not stain it by the blood of those who seek that which nature and nature's God entitles them to.

And, sir, I desire to call attention to the closing sentence of this eloquent tribute:

> Happy, proud America! The lightnings of heaven yield to your philosophy! The temptations of earth could not seduce your patriotism.

Is that the tribute we deserve now? Have we not, for a shadow and a dream, imperiled the essence of our liberty, and have we not by the temptations of conquest and imperial aggrandizement been seduced from our patriotism?

What does Washington, the great hero, say? I wish to cite a hero concerning war. With prophetic vision he saw what might be coming to his country, and he reaches the case of Funston after a century has passed. "He being dead yet speaketh." Washington, in his Farewell Address, used these remarkable words, and they apply to the situation of to-day as though they had been written in this hour:

> It is important likewise—

He says in this address—

> that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate

of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position.

The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

It would seem that this hero, a century ago almost, had some idea of what other heroes in a later age and of a different class might attempt to do with the American people.

But, sir, generals like Funston and Bell and Smith are not responsible in the end, nor are generals like Wheaton and Otis and MacArthur. They are responsible to the home Government. What is that? First in order would be the General of the Army. But he in this instance is free from all blame; and why? From the beginning of the Spanish war the military coterie subscribed to by the Administration prevented any attempt of his to command the Army. His counsel was not accepted. His mode of warfare was cast aside.

Sir, what is the one bright spot concerning the ending of the war begun against Spain? Take all the American military operations. It is the subduing of Porto Rico. The Administration did not wish General Miles to gather laurels in Cuba or in the Philippines, but the time came when they needed some one to command an army in Porto Rico. General Miles went there. What was the result? By his policy of peace, with an army back of him, he induced the Porto Ricans, without a single engagement and, I believe, without the loss of a single man, not only to submit to the American Government, but to ask that they be permitted to come into the body politic of this nation. His splendid proclamation, which does him honor and credit as a man, as a civilian, and as an officer, was that which inspired the Porto Ricans in this direction. True it is that afterwards the promises made by the General were broken. True it is that the Porto Rican was much disappointed in his hopes and aspirations for local self-government and for the privilege of statehood.

General Miles was prevented from active participation in the war in the Philippines. He saw the progress of the war. He saw, as every American must see, even though he be not in the Army and views the struggle from a distance, and was impressed with the fact that we were losing sight of all that is defensible in war. He saw the false representations that were made, and after months of consideration this superb soldier, knowing what war is, determined to make an effort on his own account, as General of the Army, to gain the ear of the Administration and bring about peace in the Philippines. He offered to go to the Philippine Islands and promised to bring order out of chaos and out of most horrible war peace.

But, sir, the Administration treated him with contempt, refused his counsel, and were almost persuaded when he spoke, as an American officer should, in defense of another brave American officer who was deprived of his just honors, to commit upon him the greater indignity of forcibly retiring him from the Army. No, General Miles, the brave soldier who knows when a battle is necessary, who knows how to fight as a Christian soldier should, was not to be given charge of the Philippine war. The Administration preferred such officers as Bell and Smith and their compeers in subordinate command, and Otis and MacArthur as commanders in chief.

Sir, who was the authority above and beyond General Miles? The Secretary of War. And he is responsible for this condition, because it was known at the war office, but the Department did not take prompt action. All the orders issued by these generals were known. All the action taken was known at the war office, and it did not take the action that was necessary to prevent the furtherance and the carrying out of this evil policy.

But even he is not responsible for all. There is above him another power, a higher power—that of the President of the United States, Commander in Chief of the armies. He became responsible when, without the action of Congress, he began this unconstitutional war. He was responsible for the actions which were committed for a while to a certain degree and extent, but his responsibility ceased after a while.

Above the President of the United States there is in this country another and a higher power. It is the people of the country. Every four years they are appealed to, and by the battle of the ballots they decide who is to be the Chief Executive and what kind and manner of policy shall be pursued in this country. The war was going on. Congress sat silent. Then the appeal was made to the country. What was the result?

The ballot was taken upon this issue It was whether or not the permanent acquisition of the Philippine Islands was a constitutional, just, and fair measure; whether or not it was well for the American people further to engage in it, or whether we should reverse our policy and return to the policy which we had followed for over a century. What was the result?

Notwithstanding the fact that this was the great issue at stake, that it was so pronounced in every section of the Union, the people were well content, though they had eyes not to see and were diverted from the great issue. They placed the dollar above the man, and in that election, obscuring the great issue which should have been voted upon, they were induced by the majority party to vote upon a principle and an issue that had been decided for many, many years to come in the campaign of 1896.

But the people were led away, and upon the shoulders of the majority of the people of the United States rests the responsibility for the war since that election. There it belongs after all. It does not rest with the soldier in the ranks; it does not rest upon the commissioned officer; it does not rest upon the colonel commanding his regiment, the subordinate general, or the commander in chief, or the War Office, or the President, but it rests upon our people and upon them altogether. Sir, the people, being led away from the issue, did not decide the issue in my opinion, but they did decide for the time being in favor of the policy which had been inaugurated, the policy of foreign conquest, the policy of colonial acquisition and expansion.

I for one am not chargeable with such a vote, and I for one decline to bear or help to bear the responsibility of the majority of the American people. I enter my solemn protest against it. I did enter it against it. I would not allow my party to dictate, and stood against it because I believed that if the American people reelected the then President of the United States it would be an indorsement of this policy; and it was an indorsement of the policy, and the evils that have resulted are thus chargeable.

I for one must not bear it with you, but declare here and now that since I entered into political life and came from the House to the Senate it has been my effort to avert at every step and every stage of the march which has been entered upon the catastrophe that awaits us at the end, and for that reason I speak to-day to finally enter my solemn protest against this responsibility. I do not know that I shall speak upon this subject again. I would not have done so now but for the fact that it appeared to me that in this last act, in the crowning of this inglorious and unfortunate departure from our principles, I should at the end proclaim, as I did at the first, my adherence to the Government of the Fathers, my adherence to that great maxim of the Nazarene philosopher when he said, "Do unto others as you would have them do unto you;" my adherence to the noble precepts of that immortal document which, whether you will adhere to it or not, will live among the nations of the earth forever as the noblest declaration of principles ever enunciated by any nationality in the history of the world; my adherence to the Constitution of the United States—a document that can have no force saving and alone that which is given it by the lawful obedience of the people whom it is to govern.

I heard the other day an avowal in the Senate Chamber that finds a responsive echo in my heart, when the Senator from Alabama [Mr. PETTUS], in the debate upon a question which has not yet been decided, said that "for himself he preferred to hold in his hands and place himself upon the shreds of the Constitution which has been left us."

Oh, it may be sneeringly said that the man who wants to prevent progress appeals to the Constitution. That may be so at times, but I would rather that progress should for a time be at a standstill than see it advance over the prostrate body of the supreme law of this land, especially when there is at issue the underlying principle, the corner stone of the foundation upon which the superstructure of our nationality has been erected.

I adhere to the Constitution, but more than that I stand in sorrow in the hour in which I see our people departing from the policy which has made us not only great in wealth but great in manhood, and respected the world over as the embodiment of liberty and of freedom. I stand in sadness to see the surrender of this high character in our people, and yet it is so.

There is with us now a materialism that has forgotten the past and its honors, is blind to the future and its possibilities, and seeks only the gross advantage of the present hour; that is ready to sacrifice the illustrious history of a century for the questionable success of the present moment. But, sir, this is a Government, on the other hand, of a majority, in which the minority must submit to the majority, and in the moment of that submission, made by reason of insufficiency of strength further to make honorable contention and contest, the majority becomes responsible. Upon their heads and shoulders may "lie the white man's burden," so far as this nation is concerned. I for one will not carry it longer, and you must assume it.

Sir, beyond the question of the conduct of the war, above the

methods employed by the Army, there is another question as to the war itself—whether or not there should have been war. I have always said, and say now, that there should have been no war whatever.

Before I began my address the Senator from Indiana [Mr. FAIRBANKS] proclaimed that he wished spread upon the RECORD and printed an account given by the press of the beginning of free government in Cuba. Sir, I said, and I say now, that without any war, without the loss of a single American life, without the expenditure of a single American dollar, without all the difficulties and dangers that have come, Cuba would have been free three years ago and she would have had a much larger measure of freedom than she has now. You have given her freedom, but you have hedged that freedom about and hemmed it in and limited it by your amendments so that in a short time possibly you may bring her back by force of arms to an embrace she does not desire. So much for that war.

But now for the war that came out of that, one of the evils of the Pandora's box which I said three years ago would be opened upon the nation. I have amply and at different times explained my reasons for that faith, and I have seen these reasons justified by the passage of time and the evidences it brought forth. If we view the strange and remarkable pictures which have been painted on the canvas of time since 1898, I see a justification more and more enlarged and intensified for the opinion I then held and the cause I then espoused. Sir, as the months and years and the intent and the purpose of the Administration are made clear by the silent language that these pictures speak, I am more than ever convinced that there was not a noble motive, but that of foreign conquest and colonial expansion.

I do not intend again to advert in detail to the beginning of the Cuban war, nor to relate the history of its progress and conclusion. That has been done heretofore. Nor shall I describe the strange fortunes which found an American fleet in the Orient and caused us to make war there. It would be useless to again recount the struggle of the Filipinos against the Spaniard; the magnificent victories obtained; the conquest of Luzon by native troops under Aguinaldo and his generals; the turning of friendship into hate, and the breaking of national promises. So far as we were concerned I shall not speak of the first clash of arms, so often misrepresented, and yet, perhaps, some few words should be said upon it.

After the battle of Manila Bay the great American Admiral lay before the city. He had no soldiers to land upon Philippine shores and take the city. He must wait until they came across the Pacific from the Golden Gates of our Western slope. But, sir, he had no fear of disaster in the meanwhile, for his allies were fighting bravely in the interior, defeating the Spaniards and driving before them, from all sections of Luzon, those whom they did not kill or capture. When the American army arrived there was nothing for them to do against the Spaniards save to receive the surrender of Manila.

The Filipinos occupied all the island of Luzon saving the city and a cordon extending across the narrow neck of land from water to water about 8 miles from the walls of Manila. They had alone, without the aid of the American army, reconquered their native island from their masters and oppressors. They had been taught to look forward to the coming of the Americans as the advent of their day of liberty and self-government. What other expectation could they have. The Admiral had prevailed upon them to recommence the struggle, aiding them by guns, ammunition, and money, giving them consideration as allies, encouraged them to fight for a larger measure of freedom than they had contemplated in the previous insurrection. They had heard that the Americans sought to aid all peoples in their desire for freedom.

The history of a century had given abundant proof of it. The Cuban war was but another example of their high purpose. What other expectation could they have than that the Americans would plant the standard of self-government for them, when they had valorously done their part? But they were mistaken; in a most rude and ungenerous manner they were awakened from their trust and dream. The American Administration and Army fell before the temptation of the position in which they were placed. Who tempted them? Two agencies are most prominent. The Spanish and the English. The Spaniard hated the Filipino; he had spent three centuries in attempting their conquest, and had now forever lost the islands. He hated the American who had caused this loss, as also that of Cuba. He could not obtain revenge by force, he must obtain it by poisoning the mind of the American against the Filipinos and causing the Filipinos to lose faith in American promises by their unfavorable action.

The Spaniard gave information of the fabulous wealth hidden and undeveloped, of the splendid opportunities for trade, of the open door to China, and many other suggestions of interest of like nature.

The Briton had begun his unrighteous plot against the South African Republics to rob them of their country and liberty. He knew he could not stand alone in this aggression, therefore English diplomacy urged the American Republic to engage in the same undertaking against the Filipino. They whispered we had become a world power and must act accordingly by adopting her colonial policy.

We succumbed to temptation. We turned upon our allies. But, sir, we could not attack them without some charge or complaint. We claimed the islands by cession and purchase from Spain. The Filipino claimed his own inheritance by right of reconquest from Spain.

He had not been permitted to enter his capital city that he had not conquered, but the generosity of his allies should have permitted him to do so. He resented this, but bore it patiently. Then came days of idleness, in which the two armies faced one another. The work intended for the Americans had been done by the Filipinos before they came. The island was no longer occupied by the Spaniard. The Americans occupied the line of the Spaniards and the Filipinos occupied the position they had held when Manila surrendered.

Then the attack. I do not know who was the attacking party. I can not tell who committed the offense of firing the first shot. The Senator from Kentucky [Mr. DEBOE] made a most labored effort to prove in detail that the Filipinos had fired upon the Americans. On the other hand, there is evidence as substantial, and perhaps more so, that an American soldier fired the first shot against the Filipinos.

Mr. PATTERSON. Will the Senator from Maryland permit me to interrupt him?

Mr. WELLINGTON. With great pleasure.

Mr. PATTERSON. I think that in the investigation before the Committee on the Philippines the testimony of General MacArthur has put that question at rest forever. His statement is in brief that on the night of February 4, at about 8.30 o'clock, a patrol guard of four Filipinos crossed the forbidden line, when they were shot at by the American outpost; that two of the Filipino soldiers were killed, and that the two living retreated to the blockhouse, and then a general firing commenced along the line.

Mr. WELLINGTON. I have heard of that evidence, and I believe that that is the real truth concerning the first attack.

Mr. PATTERSON. It is General MacArthur's own statement.

Mr. WELLINGTON. But, sir, be that as it may, as I said, shots were exchanged. But what harm would a few shots exchanged between wandering parties of either army have done? They might have disturbed an evening, but should they cause a war that the commanding general of the American army says would be continued until there was abject submission or extermination of the Filipino?

The American commander determined upon moving on the Filipino lines and the war began. A change had come o'er the spirit of our dreams, and instead of giving the Filipino the self-government he had expected and desired we determined to hold him subject to our policy and inflict upon him such a government as we chose to grant. After this exchange of shots it will be remembered that the Filipino commander endeavored to hold communication with the American general, but it was impossible to do so.

Now, sir, with this explanation before us, how can any fair-minded American justify the beginning of that war and its continuance year by year, each campaign furnishing more of the infamous story, every chapter of which is revolting? First, the wholesale slaughter of the Filipinos; second, the burning and pillaging of their cities, towns, and villages; third, the infliction of tortures, not for revenge, but to extract information; fourth, the order for concentration camps; fifth, the most infamous of all proclamations ever issued by an American general, or, I believe, a general of any other nation at any time, which commanded the shooting down of men, women, and children, whether they were armed and resisting or otherwise.

It has been attempted to justify the conduct of the war in the Philippines upon our part, not only by the assertion that its cruelties were the result of Filipino atrocities, but that Great Britain was employing the same tactics, in which we are engaged, in South Africa.

For the first part of this contention I can say that the Filipino must not be judged by our standards of civilization and morality. He is an Oriental and it is his nature, after centuries of oppression, which he believed had been ended by the coming of American power, to resent in his own way the breach of faith to which he has been subjected and the train of events which have arisen from it. There could be little astonishment if he had, in his resentment and disappointment, revenged himself upon the American soldiery. But, sir, the fact is that he did not do so.

Have a court of inquiry if you will and cite the generals of your army before it and they will tell you that the Filipinos did not

begin the atrocities, but that they were begun by the American army itself. It was not the Filipino. There may have been in some part of the island bandits who committed acts of wrong and crime, as there are bandits in every country of the world who transgress the law, but the Filipino army did not commit any outrages of this kind. They had considered us as their friends. They were loath to part with us. They were kindly in their reception of us, and I repeat they were not guilty of the charge which was made against them.

It was only after the American army had transgressed that, adding to his resentment and his disappointment the loss of his liberty, his country, the loss of his people, the Filipino, too, may have determined at some point to pay evil for evil. It was only after the wholesale shooting of his people that the spirit of revenge was loosened and the Filipino, too, tried to tread the path which had been marked out for him by the greatest nation in Christendom.

Sir, it had been the boast of this country that we warred only in defense of our liberties, and ever in a generous manner toward our foes, but the scutcheon of our national banner has been stained and we can no longer say—

Swordless foeman's blood or life
Ne'er dyed our gallant blade.

For the second part of this contention I maintain that Great Britain has been guilty of a national crime in her flagrant abuse of the war power in the Transvaal, in the Orange Free State, in Natal, and in Cape Colony, but whatever may have been her course she never pretended to the doctrine we have professed, and we can not hide behind her error. We stand on higher ground; we stand alone.

It seems to be most appropriate in this hour to recall the gaunt figure and melancholy countenance of Abraham Lincoln, when he stood upon the battlefield at Gettysburg in 1863, and said:

Fourscore and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we can not dedicate, we can not consecrate, we can not hallow this ground.

The brave men, living and dead, who struggled here have consecrated it far above our power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.

Is the speech of the great emancipator and martyred President still remembered by our people? To my mind it is the embodiment of the highest patriotism and eloquence produced by any American statesman. It contains the epitome of what should be the aspiration and striving of our people. Are we following the path pointed out, or do we realize the true import of the closing sentences of this memorable address? Do we join the spirit of this immortal in the invocation addressed to the Divine Power which rules and guides the destiny of nations? If we do so remember; if we join in his patriotic exclamation; if we have faith in his prophecy and a desire for the consummation of his wish, can we so far wander from the path he has marked as to justify this war?

Charles Sumner, the great Massachusetts Senator, who was ever in the forefront of the battle for the highest ideals of national life, in his oration on The True Grandeur of Nations, which was an appeal for universal peace, speaking of war, uttered the following memorable words:

I need not dwell on the moral debasement of man that must ensue. All the passions of his nature are unleashed like so many bloodhounds and suffered to rage. All the crimes which fill our prisons stalk abroad, plaited with the soldiers' garb and unwhipt of justice. Murder, robbery, rape, arson, theft are the sports of this fiendish Saturnalia, when

"The gates of mercy shall be all shut up
And the fleshed soldier, rough and hard of heart,
In the liberty of bloody hand shall range
With conscience wide as hell."

Such is the foul disfigurement which war produces in man; man, of whom it has been said, "How noble in reason, how infinite in faculties. In form and moving, how express and admirable; in action, how like an angel; in apprehension, how like a god!

Thus he spoke in the intensity of his feeling of war—war under any condition, even when justified. And in conclusion he spoke of the mission of this country among the nations of the earth:

It is a beautiful picture in Grecian story that there was at least one spot—the small island of Delos—dedicated to the gods and kept at all times sacred from war, where the citizens of hostile countries met and united in common worship. So let us dedicate our broad country. The temple of honor shall be surrounded by the temple of concord, so that the former can be entered only through the portals of the latter; the horn of abundance shall overflow at its gates; the angel of religion shall be the guide over its steps of flashing adamant; while within justice, returned to the earth from her long exile in the skies, shall rear her serene and majestic front. And the future chiefs of the Republic, destined to uphold the glories of a new era, unspotted by human blood, shall be "the first in peace and the first in the hearts of their countrymen."

Such was the magnificent picture his imagination furnished of the future of his native land. As I read these words I look about me upon the cold fact that stares us in the face, upon the immutable truth which we have failed to hold safe as a nation, I feel sorrow and chagrin that Charles Sumner should have been so far mistaken in his countrymen, and if perchance from that far-off country, unknown to mortals, it be his fortune to look upon us now, how deep must be the sorrow of his spirit for the dereliction of those who should have upheld the aspirations he indicated and brought into fruition the hopes which made his latter days, surrounded by the beauty and the glory of the vision which cast off party bondage and dwelt in the higher atmosphere of noble citizenship, satisfied and happy.

Now, let me quote his closing words as an appeal for the ceasing of war whenever it be possible:

But while we seek these blissful glories for ourselves let us strive to extend them to other lands. Let the bugles sound the truce of God to the whole world forever. Let the selfish boast of the Spartan women become the grand chorus of mankind, that they have never seen the smoke of an enemy's camp. Let the iron belt of martial music which now encompasses the earth be exchanged for the golden cestus of peace, clothing all with celestial beauty. History dwells with fondness on the reverent homage that was bestowed by massacreing soldiers on the spot occupied by the sepulchre of the Lord. Vain man! to restrain his regard to a few feet of sacred mold. The whole earth is the sepulchre of the Lord; nor can any righteous man profane any part thereof. Let us recognize this truth, and now, on this Sabbath of our country, lay a new stone in the grand temple of univeral peace, whose dome shall be as lofty as the firmament of heaven, as broad and comprehensive as the earth itself.

Have we reached the high ideal of the noble Sumner? Or do we hunger and thirst for the woes of war as he has so graphically described them? It must indeed be the latter if we long continue in our present course.

Do we seek "these blissful glories for ourselves" and "strive to extend them to other lands?" If we do so strive we have indeed a most strange way of pursuing the national highway to this end. Are we not endeavoring the opposite in this accursed war, in which we have not been content with the usual terrors, but go beyond the ancients in the carnival of blood and make infamous the American name by enactment of every license of the unbridled passions?

Daniel Webster, the great expounder of the Constitution, whose name and fame will be as imperishable as the English language, in one of his great orations described the duties, tasks, and dangers of this nation. His great mind seemed to grasp the pathway of the generations that were yet to come, and he saw the development of our people through the years and decades unborn. In words which should bear to us a message of solemn import he described the struggle for liberty by the American people, its triumphant conclusion, the advancement and development of the country, and the debt of gratitude for our heritage of liberty which we must pay by sending to all the ends of the earth the message of self-government.

The great wheel of political revolution began to move in America. Here its rotation was guarded, regular, and safe. Transferred to the other continent from unfortunate but natural causes, it received an irregular and violent impulse; it whirled along with a fearful celerity, till at length, like the chariot wheels in the races of antiquity, it took fire from the rapidity of its own motion, and blazed onward, spreading conflagration and terror around.

We learn from the result of this experiment how fortunate was our own condition and how admirably the character of our people was calculated for making the great example of popular governments. The possession of power did not turn the heads of the American people, for they had long been in the habit of exercising a great portion of self-control.

Although the paramount authority of the parent state existed over them, yet a large field of legislation had always been open to our colonial assemblies. They were accustomed to representative bodies and the forms of free government; they understood the doctrine of the division of power among different branches and the necessity of checks on each. The character of our countrymen, moreover, was sober, moral, and religious, and there was little in the change to shock their feelings of justice and humanity, or even to disturb an honest prejudice. We have no domestic throne to overturn, no privileged orders to cast down, no violent changes of property to encounter. In the American Revolution no man sought or wished for more than to defend and enjoy his own. None hoped for plunder or for spoil. Rapacity was unknown to it; the ax was not among the instruments of its accomplishment, and we all know that it could not have lived a single day under any well-founded imputation of possessing a tendency adverse to the Christian religion.

It need not surprise us that under less suspicious political revolutions elsewhere, even well intended, have terminated differently. It is indeed a great achievement—it is the master work of the world—to establish governments entirely popular, on lasting foundations; nor is it easy, indeed, to introduce the popular principle at all into governments to which it has been altogether a stranger. It can not be doubted, however, that Europe has come out of the contest in which she has been so long engaged with greatly superior knowledge, and in many respects a highly improved condition. Whatever benefit has been acquired is likely to be retained, for it consists mainly in the acquisition of more enlightened ideas.

And although kingdoms and provinces may be wrested from the hands that hold them in the same manner they were obtained; although ordinary and vulgar power may in human affairs be lost as it has been won, yet it is the glorious prerogative of the empire of knowledge that what it gains it

never loses. On the contrary it increases by the multiple of its own power; all its ends become means; all its attainments help to new conquests. Its whole abundant harvest is but so much seed wheat, and nothing has been ascertained and nothing can ascertain the amount of ultimate product.

Under the influence of this rapidly increasing knowledge the people have begun, in all forms of government, to think and reason on affairs of state. Regarding government as an institution for the public good, they demand a knowledge of its operations and a participation in its exercise. A call for the representative system wherever it is not enjoyed and where there is already intelligence enough to estimate its value is perseveringly made. Where men may speak out they demand it; where the bayonet is at their throat they pray for it.

When Louis XIV said "I am the state" he expressed the essence of the doctrine of unlimited power. By the rules of that system the people are disconnected from the state; they are its subjects; it is their lord. These ideas, founded in the love of power and long supported by the excess and abuse of it, are yielding in our age to other opinions, and the civilized world seems at last to be proceeding to the conviction of that fundamental and manifest truth—that the powers of government are but a trust and that they can not be lawfully exercised but for the good of the community. As knowledge is more and more extended this conviction becomes more and more general. Knowledge, in truth, is the great sun in the firmament. Life and power are scattered with all its beams. The prayer of the Grecian combatant, when enveloped in unnatural clouds and darkness, is the appropriate political supplication for the people of every country not yet blessed with free institutions.

> Dispel this cloud; the light of heaven restore;
> Give me to see—and Ajax asks no more.

We may hope that the growing influence of enlightened sentiment will promote the permanent peace of the world. Wars, to maintain family alliances, to uphold or cast down dynasties, to regulate succession to thrones, which have occupied so much room in the history of modern times, if not less likely to happen at all, will be less likely to become general, and involve many nations, as the great principle shall be more and more established, that the interest of the world is peace, and the first great statute that every nation possesses the power of establishing a government for itself. But public opinion has attained also an influence over governments which do not admit the popular principle into their organization. A necessary respect for the judgment of the world operates, in some measure, as a control over the most unlimited forms of authority.

It is owing, perhaps, to this truth that the interesting struggle of the Greeks have been suffered to go on so long without a direct interference, either to wrest that country from its present masters and add it to other powers or to execute the system of pacification by force and, with united strength, lay the neck of Christian and civilized Greece at the foot of the barbarian Turk. Let us thank God that we live in an age when something has influence beside the bayonet and when the sternest authority does not venture to encounter the scorching power of public reproach. Any attempt of the kind I have mentioned should be met by one universal burst of indignation; the air of the civilized world ought to be made too warm to be comfortably breathed by anyone who would hazard it.

It is, indeed, a touching reflection that, while in the fullness of our country's happiness we rear this monument to her honor, we look for instruction in our undertaking to a country which is now in fearful contest, not for works of art or memorials of glory, but for her own existence.

I desire to impress these words upon the Senate. It was the great Webster, under the shadow of Bunker Hill monument, addressing his fellow-countrymen upon the mission of the American nation, who used these words:

> We look for instruction in our undertaking to a country which is now in fearful contest, not for works of art or memorials of glory, but for her own existence.

That was in 1825, in speaking of the Greek people when they were attempting to cast off the yoke of their Turkish masters. What did he then say? He said:

> Let her be assured that she is not forgotten in the world; that her efforts are applauded, and that constant prayers ascend for her success. And let us cherish a confident hope for her final triumph. If the true spark of religious and civil liberty be kindled, it will burn. Human agency can not extinguish it. Like the earth's central fire, it may be smothered for a time; the ocean may overwhelm it; the mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land, and at some time or other, in some place or another, the volcano will break out and flame up to heaven.

Ah, he spoke truly. When the spark of liberty is once kindled, no matter how many armies may attempt to smother it, no matter how long the war against it may last, in the end the people who aspire to liberty and deserve it will succeed in establishing and maintaining it.

Now, listen further to what Webster said. These words seem applicable to the present situation:

> Among the great events of the half century we must reckon, certainly, the revolution of South America; and we are not likely to overrate the importance of that revolution, either to the people of the country itself or to the rest of the world.

He was speaking of the revolt in the Spanish colonies in South America.

> The late Spanish colonies, now independent states, under circumstances less favorable, doubtless, than attended our own revolution, have yet successfully commenced their national existence. They have accomplished the great object of establishing their independence; they are known and acknowledged in the world, and although in regard to their systems of government, their sentiments of religious toleration, and their provision for public instruction they may have yet to learn, it must be admitted that they have risen to the condition of settled and established states more rapidly than could have been reasonably anticipated.
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> They already furnish an exhilarating example of the difference between free governments and despotic misrule. Their commerce at this moment creates a new activity in all the great marts of the world. They show themselves able, by an exchange of commodities, to bear a useful part in the intercourse of nations. A new spirit of enterprise and industry begins to prevail, all the great interests of society receive a salutary impulse, and the progress of information not only testifies to an improved condition, but constitutes itself the highest and most essential improvement.

These were the words of Webster, the great expounder of the Constitution. They were delivered three-quarters of a century ago. The spirit of the Revolutionary patriots had not entirely disappeared. Their ideals were still bright and lustrous before our people, and the great statesman, as he described the progress of the American nation toward eventual liberty and self-government, tells us, in a measure, the wishes and ambitions of the Revolutionists themselves. But more important for the present are his reflections upon the events which were then transpiring in other countries.

Wherever men longed for liberty, there the spirit of Webster clasped hands with them and bid them godspeed. Whether it was in Greece, where a struggling people was seeking to be freed from its Turkish masters, or in South America, where the Spanish colonists were in revolt and created one state after another founded in imitation of our own, upon both hemispheres he saw and lauded these undertakings. His greeting to Greece was, "Let her be assured she is not forgotten in the world, that her efforts are applauded, and that constant prayers ascend for her success."

For the South American States he expressed unbounded sympathy, and described accurately and prophetically their progress toward free government and their gradual advance from the low estate in which they then stood. The South American colonies of Spain in the beginning of the last century stood no higher in the grade of human civilization than do the Filipinos of to-day. It is an exact comparison; it is a second picture of the same situation. They are a hundred years later by circumstances, but the Filipino in Luzon and in the greater islands is as much entitled to self-government as were the colonists in South America when they rebelled against Spain and founded those free States.

In 1825 the American people sympathized with their brethren in all the ends of the earth when they desired liberty, and with pæns of exultation heralded their opinion of the right of those peoples to govern themselves; and it will be observed that Mr. Webster, as he continued, proclaimed to the world not only that we welcomed self-government everywhere, but that "we were not propagandists, and that wherever other systems are preferred as being thought better in themselves, or as better suited to existing conditions, we leave the preference to be enjoyed."

If we apply this principle to present affairs, how can we continue this war of subjugation further? Either it must cease and we must acknowledge the wrong we have done, or we must depart now and forever from the high estate which we once held as a people and a nation.

If we recognized the right of the Greek to aspire to freedom; if we recognized the right of the South American States to cast off Spanish allegiance and to oppose Spanish power, that they might have self-government of their own choosing, then how can we in this day deprive the Philippine people of the self-same consideration?

Mr. President, I have not quoted to you from the newspapers of to-day, and there can not be any quibbling as to their political opinions. I have sought to trace the spirit of our institutions and the desire of our people in the past. I have caused you to hear the voice of the dead who yet speak, of the men who fashioned our policy in the past, who caused the nation to live, who sent it forward upon its advancement, who preserved it in the day of the crucible test and left our heritage unimpaired to the present generation.

I have from the first declared that the war must cease. I emphasize that declaration now, and reiterate and reaffirm the faith which has been abiding with me from the first hour of the new policy. I, for one, demand the withdrawal of the American troops from the islands and the granting to those people the self-government to which they aspire.

It has been said that while the opposition oppose the war, while the minority exclaim against it, it offers no solution to the difficult problem. More than three years ago I proclaimed the same proposition and declared the same faith which I hold to-day. If it had been followed then, peace would long have reigned in the Philippines.

But, Mr. President, it is of no avail to speak of the mistakes of the past. Rather let us do at this moment what to defer would be another error. Do not hesitate; do not attempt to untie the knot, but cut it by announcing to the Filipino people that the original intention will be adhered to, that they themselves shall govern themselves; give them an opportunity to gather together in a convention or a congress such as our forefathers held in the City of Brotherly Love, which caused the Declaration of Independence, enacted the Articles of Confederation, and later still in a convention which gave us the Constitution.

Give them an opportunity to meet in the different provinces and governments, to select their representatives, to hold counsel together, and to formulate the plan of their own government. If they prefer a dictator let them have a dictator; they are responsible, and let us remember we are not propagandists. If they desire a different form of government from ours, let that be their

concern, for the government must be of their own choosing and by their own consent. Help them if you will, direct their faltering steps toward the goal they seek to attain, but do not longer continue this war under the pretense that it is done for the benefit of the Filipino people, either for their civil or religious liberty. They are capable of self-government. There will be many disappointments. There will be troublous times. There will be, as there was in South America and as there was in our own land, sedition, revolution, rebellion, but out of them all they will work their own salvation and at last rest in peace under beneficent laws well adapted to their own conditions which they themselves have enacted. There can be no loss to us and great gain is certain.

If you speak of trade, sir, the English and the Germans are reaping the benefits of trade while we are attempting conquest. Let us endeavor to retrieve the error of the past; let us endeavor to make these people our friends, and, whether there be financial advantage or not, we can afford to be just and generous.

Had this policy been adopted $500,000,000 of treasure could have been saved, 10,000 young Americans would still be living and ready to do the work for which they were intended in their own native land, and God's sun would be shining in the fair islands of the east upon at least 100,000 more Filipino people who would be living and breathing and free. The burthen which we bear would be lighter, and the stains of blood upon our hands would not be there. But let us endeavor to wash them out by the high and noble purpose which demands greater courage than that of going into battle—the courage of frankly acknowledging that an injustice has been done, and that, God willing, as a nation we are willing to make amends, to pay the debt, and retrace our steps.

Withdraw your troops. It will not be necessary to keep them there many months; let them come back from the Orient ere it be too late, ere there be a sapping of the health, a brutalizing of the mind, and a lowering of the spirit and morals of these men. Let us endeavor to forget the horrible history which this war has written upon the islands and our share in the wretched condition. Let us return again to our own land, to our own institutions, to the principles which made us beloved, and all will be well.

But, sir, why these words of appeal? They are as fruitless as the idle song of an empty day. The wrongs will not be retrieved or undone. You of the majority are determined upon your course. You are impatient to pass this bill, which will be but another step on the road that leads to national dishonor, and perhaps eventually to the loss of our own liberties. You have already arranged for the passage of this bill. I am against every paragraph and sentence of it, because I believe no such legislation should be had. Yet I believe that in order to impress my views it is necessary to show that I have examined the measure article by article, paragraph by paragraph, and I find it to be in opposition to what I consider the fundamental principles of our Government. It is, I fear, too late to obliterate the legislation of the past. The first and desperate step was made in the passage of the Philippine revenue bill. This but fastens upon us further complications.

The import of the first clause of this bill is of an extraordinary nature. By it Congress approves the action of the President of the United States in creating the Philippine Commission, and authorizes said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission. Further, that the islands shall continue to be governed by said Commission, and that all laws hereafter passed shall have an enacting clause, as follows: "By authority of the United States be it enacted by the Philippine Commission."

To my mind the President never had the right, under the Constitution, to create the Philippine Commission, and it seems to me rather late to ask the Congress to legalize the action of the President. The President of the United States had no right to attempt government in the Philippine Islands save and alone under his power as Commander in Chief of the Army and Navy of the United States. As such, holding the islands by the military power, he could appoint military governors and set up a military administration. Under the Constitution he could do nothing more. Yet, after the war had begun and the military power was supreme in the Philippines, he attempted to, and did, set up another government, which he called a civil government. We have here an astonishing problem of a military authority establishing civil government when the exact reverse should be the case in a republic, where the military power must always be subservient to the civil power, unless where martial law has been proclaimed.

I am quite willing that the Chief Executive should enjoy all the power vested in him by the organic law of the land. And while at times I believe this supreme military power of which he is possessed is an element of danger, yet there are many arguments that may be made for its continuance in the Chief Executive. But he should not at any time, or under any circumstance, endeavor to usurp, for a civil government which he has builded outside the Constitution without the authority of the Congress, functions which are not for him to perform in his civil character. There was no constitutional provision for the creation of the Philippine Commission; it was an unconstitutional act, and I am not in favor of attempting to legalize in any way or manner the usurpation of the Executive nor to continue in power, for civil purposes, the Commission thus created, nor to recognize their right to make further enactments of law under the name and title indicated.

The Philippine Islands are, by the decision of the Supreme Court, a part of the United States. That being true, the inhabitants of the Philippine Islands who can fulfill the conditions of citizenship are entitled to be citizens and as such to provide for their local self-government, subject only to the authority of the law-making power of the United States. Until the time comes when they can erect territorial government there can be no exercise of power of the President of the United States except as Commander in Chief of the Army, and I again emphasize the contention that he must either act in one capacity or the other—either as Commander in Chief of the Army and Navy of the United States or as the Chief Executive of the civil power.

Let us go a step farther. If military power still exists upon the islands then the jurisdiction of civil courts must necessarily be restricted, and whatever courts there be must be of a Territorial character, appointed by the President of the United States and confirmed by the Senate.

Passing the third section, which approves the action of the President of the United States, heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy concerning the tariff dues and taxes, I would say that such action was evidently within his province and does not need the approval of the Congress of the United States.

We now come to the fourth section, which is an important addition to the position that I have heretofore maintained. During the debate upon the passage of the Philippine revenue bill I contended that the act was unconstitutional, because it endeavored to tax a people who had become a part of the United States; who lived in a territory of the United States; taxed in a manner different from that which was made use of in the various other Territories and States of our Government. But it was contended in opposition that a person might be an inhabitant of territory of the United States and yet not a citizen of the United States. Pursuing the argument further, I held that under the Constitution we had no right to hold dependencies and make subjects of men who should be citizens, but the majority was inclined to intrench itself behind the doubt. The bill was passed and we taxed the inhabitants of the Philippine Islands in a way different from other portions of our territory.

In the present bill the declaration is made that all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in the Philippine Islands, and their children born subsequent thereto, shall be admitted and held to be citizens of the Philippine Islands, except such as elect to preserve their allegiance to the Crown of Spain.

Mr. President, if there was any doubt as to the position occupied by the inhabitants of the Philippine Islands as to their qualifications for citizenship, of their being citizens of the United States, this bill will at once remove it, for it declares that certain persons are citizens of the Philippine Islands. The Philippine Islands have been decided to be territory of the United States, and, therefore, being citizens of the Philippine Islands, they are citizens of the United States of America, and your previous action of taxing them in the former bill is now unconstitutional, if it was not then, if this bill pass, and it will pass, of which there is no doubt in my mind.

Citizens of the United States are persons who become citizens of the several States and Territories under due form of law and have the requisite qualifications for such citizenship. To become a citizen of the United States, unless I reside in the District of Columbia, I must first become a citizen of a State or Territory. I am a citizen of the State of Maryland, and by virtue of that fact I become a citizen of the United States. The Filipino, if he have the qualifications of citizenship, is primarily a citizen of the Philippine Islands, and again, by virtue of that citizenship, he is a citizen of the United States of America; and if this is admitted the tariff act passed a few months ago is, what I then declared it to be, unconstitutional and unjust.

Beginning with section 5, we have a plan of the substitute government to be founded at such time as may please the President of the United States upon such conditions as he may require; in other words, a government such as we may choose to grant when, according to our judgment, the islands are fit and ready for the establishment of popular representative government.

The Filipino is entitled to self-government when he in his own opinion is fitted for it, and he is entitled to such a government as he may choose for himself. This is in direct opposition to the terms intended to be given by this bill, which grants him only the right of government at our pleasure and of such a character as we may choose for him.

I have endeavored to state this in simple, plain language, so that he who runs may read and understand. I oppose this portion of the bill because it is in direct antagonism to the principles which we permanently established in the Declaration of Independence. The proposition we make in this bill is such a proposition as the Czar of Russia might make to his subjects. The Great White Father tells his children that he will give them so much of self-government as in his opinion they are fit to have and capable of enjoying. This means just so much government as he is willing to give them for his own benefit, or any government whatever, even a military despotism, if that be to his advantage.

If we were a government such as Russia, which is an autocracy, instead of a republic; if we held the opinion that we have, as has the sovereign of all the Russias, the right to dominate and control the persons, property, life, and privileges of all of his subjects, then it would be absolutely just to pass such a bill as we are now engaged in debating; but, being, as we are, a democracy, based upon the proposition that all men are equal, and that self-government receives its powers by the consent of the governed, our position presents a marked contrast, and we must give a different solution to the problem. It is our duty to grant to the Filipino immediately, if he desires it, as quickly as it can be accomplished, self-government. Not at a time to be set by us, but when he demands it. Secondly, it must be a government of his own choosing, and not of our creation. He may not select a government that, in our judgment, is of an elevated character such as our own, and yet it may be, for his environments and conditions, a better government than ours.

We must not forget that the Filipino belongs to the East, and not to the West. The further fact of his being capable of maintaining an existence, of perpetuating his race in the Tropics, where it is impossible for a white man to do so, shows that he is physically different, and, as a logical consequence, he can not be mentally the same as we are. I have held from the beginning of the controversy that we should not claim authority, that we should not have the islands a moment longer than was necessary to establish law and order, prevent foreign interference, allowing the gathering of a representative convention, the formation of a constitution, and the establishment of a government such as was selected by the inhabitants of the archipelago; and when this time arrived it was our duty to depart, to leave a portion of the world in which we should never have sought power either by consent or conquest.

These conditions and requirements are substantially set forth in the substitute of the minority for this bill, intended to be offered by the Senator from Utah. I am not sure that even this substitute grants all that is desired for the Filipino, for I believe it is defective in that it places in the hands of the President of the United States the authority to issue a proclamation announcing that armed resistance has ceased. There is no time set when this shall be done, except by the condition that armed resistance shall have ceased.

I believe that if the substitute of the minority were passed that armed resistance would cease at once, but the question is, When will such reports be made as would cause the issuance of the proclamation of the President. This substitute, however, comes nearer my idea than anything that has been offered at this time. I shall therefore give it my vote and thereby register my protest against the bill presented by the majority.

But, sir, there is another complication by the Administration in self-government for the Filipino in the near future, as demonstrated by the additional sections of this bill, relating as they do to the lands of the Philippine Islands classified as timber lands, mineral lands, farming lands, and lands for other uses. I doubt not that most of the rules and regulations provided therein would be advantageous and effective, but once and for all I believe that the Filipino himself should deal with the lands that belong to him. If the Philippine government to be established chooses to enact a homestead law granting a hundred and sixty acres of land to individuals, let them attend to that for themselves.

I do not believe that they will grant 160 acres, because it has been demonstrated by those who know the fertility of the Philippine Islands that one-quarter of that much would be an abundant concession to any Filipino as a homestead. Nor do I believe that they would concede to any great company 5,000 acres of land, because this would, in a very short period, allow a few individuals forming different corporations and companies to hold the larger part of the best lands in Luzon or the other great islands; but if it be the will and pleasure of the Filipino, under his own government, to do so, it is a matter that he himself should arrange and for which he himself must stand responsible if harm should come to the public good. But if this bill passes and we continue to hold the archipelago perpetually, as I believe it is the intention of this Administration to do, it will be one of the many misfortunes with which we shall burden that people.

I know that we have no power here to strike out these provisions or to amend them in such a way as to protect Philippine interests, and therefore there must be submission to the will of the majority in this, as well as in other matters at issue.

Again, a further provision concerning these lands is the authority to purchase the lands of religious orders and others and to issue bonds for the purchasing price. I can see no greater harm in a religious body holding a great body of land than in another corporation doing the selfsame thing.

I believe both are wrong, and for that reason I would prevent the large holdings of corporations under this act, and for that reason also I should be pleased to see arrangements perfected by which the religious orders, principally the friars, in the Philippine Islands could be divested of their immense holdings of valuable agricultural lands. But, sir, how is it to be accomplished? There is a legal way in which it can be done by the Philippine government, if it should exist, and that is by making payment for the lands to the friars, obtaining from them their title in it. But this bill intends to acquire the real estate of the religious orders by exercising the right of eminent domain. They will not buy from the friars the lands they hold at a price to be accommodated between the two parties who buy and sell, but propose to exercise the right of eminent domain—that is to say, of condemning it at their own price and setting it aside as public land.

Now, the great question arises, would any government which acknowledges any system of modern law have a right to condemn private property for public purposes and then, as is proposed to be done by this bill, sell it again to private individuals? I do not believe such a right could be exercised; but I presume there is but little use to discuss law or constitution, rules or regulations, methods or customs in this matter. The majority wills that the bill pass. And whenever the Constitution stands in its way it is quietly brushed aside, and whenever there be advantage in obliterating or for the time being covering up the law it must be done for the purpose of carrying out this scheme of government.

Following these provisions come the schemes relating to franchises which, in my judgment, are most dangerous and reprehensible in many parts. But I pass them over, for it is necessary that I should hasten to a conclusion.

I desire, however, to advert to two propositions contained in the bill, which relate to finances. It is proposed to establish in the Philippine Archipelago two standards of value, the one for the bondholder and the other for the people. In that section which provides for the acquirement of lands of religious orders there is power granted to the Philippine Government and the Commission to issue bonds for the payment of the purchase price of these lands. The bonds are payable, principal and interest, in gold coin of the United States. In a latter section of the bill there is the establishment of the silver standard of value, the unit being the Philippine silver dollar.

When the bill was first read I reserved the right, at the proper time, to oppose or to amend these sections relating to the establishment of the silver standard. I have been, and am now, in favor of the gold standard of value, and I was therefore inclined to insist that if our Government claimed sovereignty over, and perpetually held, the Philippines, that the standard of value there should be the same as upon the mainland of the United States. But, sir, I desire to confess that upon investigation I was forced to the conclusion that it was not possible, without great endamagement to the Philippine people, to force upon them the gold standard. And, sir, if this be true, why inflict upon them a law which demands the issuance of bonds which will be payable in the gold standard of value?

There is only one reason. I have seen through the whole of this bill, though there is no positive declaration of it, and that is, that it is the intention of the present Administration and of the advocates of this bill to perpetually hold and dominate the Philippines. They know that these bonds will be taken in the United States, because they are to be sold at par and bear 4½ per cent interest, that will be practically guaranteed by the United States, and naturally the holders of the bonds desire a guaranty that it shall be paid in the gold standard of value. The Filipino is not considered in the matter. While they have left to him the silver standard, they insist that his debt must be paid in the gold standard or its equivalent.

I believe these two enactments taken together will cause more disturbance and do more harm to the Philippine financial system than there would have been in the single proposition of the silver standard and bonds payable in that standard of value.

But, sir, I dare not longer detain the Senate upon these interesting, though they be futile, arguments concerning the various propositions of this bill. In its consideration I have at least found the answer of the majority and the Administration as to their purpose regarding the archipelago. The policy of drifting has ceased. One principle at least is now abundantly proven by circumstantial evidence: Whatever may happen, the Administration does not intend to grant to the inhabitants of the archipelago that which is their God-given right and for which they are struggling.

I attempted to force a declaration upon this some three years ago, but without avail, and from that time until now there has been a hesitancy to avow the purpose of the Administration, and there has been nothing but equivocal declarations concerning the matter.

The provisions of this bill, however, so clearly indicate the purpose to establish an arbitrary government and hold the lands, liberties, persons, and privileges, as well as the lives, of the Filipinos in charge, considering them subjects of the empire and not citizens of the Republic, that I hoped that my countrymen would awaken from the dream of conquest, from the infatuation of territorial expansion, the increase of her commerce, at the expense of truth, justice, equity, but I was mistaken.

I frankly admit that my confidence was misplaced, and the ruling power of the country to-day, upheld by a majority of her citizenship, is willing to barter away the glorious heritage of a century of honorable achievement for the mess of pottage which consists of a group of islands far away in the Pacific, which have caused us to expend half a billion of treasure and thousands of American lives, and yet we have them not. But we are ready to proceed to any extremity to finish their conquest. Our descent has been most rapid.

If five years ago any man would have declared that we would send our fleets, men, and money to the Torrid Zone to conquer an unwilling people and put a yoke of unauthorized government upon them he would have been esteemed insane. And if he had, in addition to that, predicted that the nation would be willing to part with its honor, to stain its hands with innocent blood, he would have been declared a traitor. And yet, in the mutations of time, even though it be but five years, there has come this transformation. The nation seems to be mad, drunken with success. It turns itself from the ancient landmarks and goes down into the valley of dishonor to gather false glories and riches that will prove dross and not pure gold.

Be it so, Mr. President, the responsibility must rest with them who commit these acts in defiance of every principle of law, of rule, of honor, and conduct which we have known in the past. Though it be of no effect, I register my protest. Though I know the battle is lost and the victory is won by the Administration, I am willing, if need be, to stand alone and still enter one plea that you listen to the warning ere it be too late. God's ways are wondrous ways. Under His providence and divine benediction we have risen and wrought as no nation hath risen and wrought in all the annals of time. But you have disregarded the high principles which, under God's favor, produced these conditions, and who may tell but in a little while the wrongs of the Filipino will be avenged upon us at the hands of the very instruments which we have made use of for their defeat, their humiliation, and tortures.

I trust it may not be so, and I hope that in some way, ere the final seal shall have been placed upon this action which you now contemplate, some interposition may arise and call a halt upon the path which we are now treading. Has honor departed, and is generosity dead among us? If so, then indeed we have reached the level when we can march abreast with England in her attempt to despoil a free, a courageous, a brave people, and, after a century and a quarter, find ourselves clasping hands with the natural enemy of this country, congratulating each other upon the joint accomplishment of an infamy which they attempted upon us in 1776, and which we justify in 1902.

Mr. President, I oppose this bill for the reason that it is contrary to the aspiration which induced the patriarch of the Revolution to begin his struggle against England. I oppose this bill because it is in contravention to every principle of that great charter of civil liberty, which was the document of the Continental Congress and proclaimed the independence of the United States. I oppose this bill because it is at variance with the expressed commands of the Constitution and with the spirit of the laws which have been enacted under it.

I oppose this bill because it is in direct opposition to the opinions held and expressed by Washington, the Father of his Country; by Webster, the expounder of the Constitution; by Sumner, the champion of peace, whose voice in the antebellum days awakened the conscience of our nation; of Abraham Lincoln, the greatest of all Americans and Republicans, the savior of the Union and the emancipator of a race. I oppose this bill because it is an act of usurpation upon the part of the American people as against a weaker nation whom they should cherish, love, and establish in self-government.

I oppose this bill because it attempts to do for the Filipinos those things which they can better do for themselves, relieving us of the responsibility and charge of self-interest. I oppose this bill because it will continue an unconstitutional, unnatural, and infamous war, the conduct of which has brought our nation to shame. I oppose this bill because it will fasten upon us a policy which is alike unjust to ourselves and the Filipinos. I oppose this bill, finally, because in my judgment it is antagonistic to the laws of nature and nature's God and to the equality of peoples which we have ever maintained.

I intended to speak somewhat longer, but time has sped and I have already taken more than I should. Therefore I gladly leave the matter with the Senate.

Mr. BACON. Mr. President, when I yielded the floor on yesterday I was engaged in the discussion, and had about concluded it as I then intended, which grew out of the reconcentrado order and the reconcentrado camps in the Philippine Islands. I do not know that I should return to the subject but for some things which were said by the Senator from Ohio [Mr. FORAKER] after I had yielded the floor. I may misunderstand him, but I do understand the Senator from Ohio in the view which he presents to practically maintain two propositions. One is that the order of General Bell is in harmony with the rules of civilized warfare, and the other is that as practiced the reconcentrado policy in the Philippine Islands is one of humanity and mercy and not one of cruelty.

In furtherance of this proposition the Senator from Ohio reads the order of General Bell of December 8, and draws from the words of that order a conclusion that the purpose of the order was not to inflict cruelty upon the people of Batangas Province and other provinces which were within the territory of his brigade, but that really the purpose of the order was to protect the people against bandits, guerrillas, and brigands. I am sorry the Senator is not in his seat, because if I misstate him I would be glad to be corrected. That I think is the plain import of the language used by the Senator, and the Senator reads the order of General Bell in substantiation of the construction which he put upon it. I will read again the part read by the distinguished Senator from Ohio:

BATANGAS, *December 8, 1901.*

To all station commanders:

In order to put an end to enforced contributions now levied by insurgents upon the inhabitants of sparsely settled and outlying barrios and districts by means of intimidation and assassination, commanding officers of all towns now existing in the provinces of Batangas and Laguna, including those at which no garrison is stationed at present, will immediately specify and establish plainly marked limits surrounding each town bounding a zone within which it may be practicable with an average-sized garrison to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents.

After going on a few lines prescribing the extent of the limits, the order resumes:

Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of towns over which they exercise supervision, informing them of the danger of remaining outside of these limits, and that unless they move by December 25 from outlying barrios and districts, with all their movable food supplies, including rice, palay, chickens, live stock, etc., to within the limits of the zone established at their own or nearest town, their property (found outside of said zone at said date) will become liable to confiscation or destruction.

The words "confiscation or destruction" evidently imply that all movable property which may be useful or desirable will be forcibly seized and carried away, and that all other property, immovable or movable, after that date found in the proscribed zone of death will be destroyed.

I have not read the entire order. It is not necessary, because it has already been read since I have been upon the floor and is in full in the RECORD. Those particular parts of the order are the parts from which the Senator from Ohio draws the conclusion, as stated by him yesterday with very great emphasis and earnestness, that this was a humanitarian order, and that the purpose of it was to protect the peaceably disposed people of those provinces from the barbarities and cruelties of bandits and brigands.

It is true that the order uses this very strange language, when we come to construe it in connection with the remaining portion of the order:

Bounding a zone within which it may be practicable with an average-sized garrison to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents.

The suggestion of the Senator from Ohio would indicate that the expedition of General Bell into the provinces named was in the nature of a merciful expedition, a sort of a Sunday-school expedition, if I might so term it, in which it was designed to protect good and peaceful people against the outrages of those who were nothing but outlaws. Why that should have been put in there it is difficult to imagine, unless it was the intent of the author of

the order to produce the impression which the Senator from Ohio says he has received from it.

But if that be the case, I wish to call attention to what is a most remarkable fact. If the purpose of this order was to protect the inhabitants of these provinces from outlaws, ladrones, and brigands, how is it that the commanding general states a date beyond which it would be unsafe for the people to remain outside of these limits? If he is issuing an order for the purpose of protecting against outlaws, will it be pretended for a moment that the general had an agreement with the outlaws that they would permit these people to remain in safety until the 25th of December, and that if they did not get within certain limits by that time the outlaws would withdraw the agreement?

Is the limit of time against outlaws and the danger from outlaws, or is the limit of time against what General Bell intended that his armed forces should inflict on the people who remained outside of the zone? What other construction can possibly be put upon it? It says people must come within a certain time. The purpose is to protect them against outlaws. "You can stay out in safety until the 25th, but if you do not come in by the 25th your property is liable to confiscation and destruction." From whom? From the outlaws? No; clearly from General Bell. Seventeen days were given, and then on Christmas day, among a people to whom that day was sacred, all his forces of death and devastation were to be turned loose for the desolation and destruction by fire and sword of every person and thing found outside of the reconcentrado limits.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. With pleasure.

Mr. BEVERIDGE. Does the Senator say that everybody who did come within the lines marked out by General Bell suffered thereby?

Mr. BACON. No; I do not.

Mr. BEVERIDGE. Only the people who stayed out suffered?

Mr. BACON. I did not say who suffered or who did not. I am talking about what the order said would occur.

Mr. BEVERIDGE. I should like to ask the Senator this further question, then. Does he understand these lines to exist now—does he understand this concentration camp to now exist?

Mr. BACON. I think I saw a statement to the effect that the order had been withdrawn, but that does not affect this question.

Mr. BEVERIDGE. I was simply calling——

Mr. BACON. I am talking about the order which was passed, not about the present existing condition.

Mr. BEVERIDGE. Without intending to interrupt the course of the Senator's very able argument, I wish to call his attention to the fact that the lines have been disestablished, that the insurgents have been captured, that the insurrection has been suppressed, and that no person who came within the lines drawn by the Government has suffered thereby.

Mr. BACON. What has that got to do with the point I am making?

Mr. BEVERIDGE. I should like to know what the Senator's point has to do with the question under discussion?

Mr. SPOONER. What is his point?

Mr. BEVERIDGE. The Senator from Wisconsin wants to know what is the Senator's point.

Mr. BACON. I will state it again for the benefit of both Senators. The Senator from Ohio on yesterday presented the proposition to the Senate that the purpose of this order was to protect peaceably disposed Filipinos from outlaws and brigands in that province.

Mr. SPOONER. That was one purpose.

Mr. BACON. The Senator from Ohio went on and made that the exclusive purpose. The Senator was antagonizing the proposition which I had suggested that this order, read between the lines and taken in connection with the order which was issued on the very next day, meant but one thing, and that was that people within certain prescribed limits could be safe, and that outside of those limits life and property were to be destroyed. That was my proposition, and the Senator from Ohio was antagonizing that proposition. The Senator from Ohio said that, on the contrary, it was not intended for the purpose of reaching those who were hostile and who were antagonistic to the United States Government outside of those lines, but it was for the purpose of protecting those who were peaceably disposed and who might be outside, and who would be protected when they came inside of the lines. That was the proposition of the Senator from Ohio. He did not say it was the only purpose.

The Senator asks what is the point. The point I am making is that while that language is used in the first paragraph, the plain, unmistakable purpose is to warn people that if by the 25th they did not come within this zone, death and destruction would follow in all the area outside that zone. From whom? From the brigands or from the forces of General Bell? If from the brigands, by what right or what authority would General Bell assume to say that the brigands would allow them to be unmolested until the 25th, and that they must therefore stay beyond that date at their own peril? What other construction is there but the one that he intended that he who fixed the date should be the one who would inflict the penalty? There is none other. The Senator may laugh about it, but he will have to do something more than laugh to get rid of it.

Mr. SPOONER. To whom does the Senator refer?

Mr. BACON. To the Senator from Wisconsin.

Mr. SPOONER. I did not laugh about it.

Mr. BACON. Well, the Senator smiled pleasantly, then. [Laughter.]

Mr. SPOONER. That is quite different.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. With very great pleasure.

Mr. BEVERIDGE. Assuming the construction which the Senator from Georgia admits that he reads between the lines in General Bell's order, I should like to know whether the Senator from Georgia does not consider that order, in case the people within those lines have their liberty and are well cared for, a proper military order?

Mr. BACON. Mr. President, I stated yesterday and I repeat now that where the reconcentrado camp is properly provisioned and properly policed and parties are comfortable, the evil, the iniquity of a reconcentrado order is not so much what is within the zone of life, but is in the desolation in the wide area of death outside of it. It is the burning, the destruction of life, and the destruction of property outside of these prescribed limits which constitute the evil and make the principal horror.

Mr. SPOONER. Will my friend allow me to ask him a question?

Mr. BACON. I never have failed, during my service in the Senate, to do so, and I am very glad to do so now.

Mr. SPOONER. That is true. Why does my friend from Georgia persist in calling this a reconcentrado order?

Mr. BACON. I do not know——

Mr. SPOONER. Is it not an attempt to fasten upon the American Army the odium of Weylerism in Cuba?

Mr. BACON. Mr. President, I have stated as plainly as I could, and I think the Senator has not misunderstood me, that the purpose in my reference to this matter is not to fasten odium upon the Army, but in the hope that the people of the United States may see what are the inevitable consequences of this policy in order that they may abandon it.

I understand the Senator's question to be directed to a certain point on which I am going to answer him very frankly. The Senator's question would imply that my purpose is to use an odious term in order that the act may be more odious than it would be outside of the use of that term. I will say frankly to the Senator——

Mr. SPOONER. Pardon me; I do not say that.

Mr. BACON. I know the Senator does not say that, but I say the Senator's question implies it.

Mr. SPOONER. No, I do not say, and I will not say, that that is the Senator's purpose, but I say the use of that phrase, which is utterly inapplicable to this case, has the effect (I will not say the Senator intends it; I will not say that there are some who do not intend it) to fasten upon the army in the Philippines all the odium which attaches, and justly attaches, to the reconcentrado policy of Weyler in Cuba.

Mr. BACON. The Senator asked me originally why I did so and so, and if it was not to accomplish a certain purpose. That was his first inquiry of me, and it was for that reason that I put the construction upon his language which I then did.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. I hope the Senator will pardon me until I answer the Senator from Wisconsin.

Mr. BEVERIDGE. I thought the Senator was through with that, and I wanted him to answer the question which I put.

Mr. BACON. I will with great pleasure when I get through with this point. I want to say to the Senator from Wisconsin that—not being a Spanish scholar—I have always understood the word "reconcentrado," as used in Cuba, to mean the concentration of people in camps, and if there was any difference in my understanding of the word "reconcentrado" and the word "concentration" I had no consciousness of the fact. I want to say to the Senator that never until yesterday had I ever heard any other term used, when the Senator himself suggested "concentration."

I have not been present at any of these examinations, and I did not know that the word "concentration" was being used as a softening of the word "reconcentrado." It does not make any difference to me whether it is reconcentrado or concentration, if

they mean the same thing, and if they mean differently I should be glad to be informed. If "reconcentrado" does not mean "concentration," and I can be shown how this is "concentration" and not "reconcentrado," I shall be very happy to use the word "concentration."

Mr. SPOONER. Mr. President——

Mr. BACON. If the Senator will pardon me just a second, I shall be very happy to use the word "concentration," if I can always think to do so. It is a matter of habit simply with me. If the word "reconcentrado" is unpleasant to the ears of my friend, I will with great pleasure try to use the word "concentration." Now I will hear the honorable Senator.

Mr. SPOONER. The word "reconcentrado" is unpleasant to the ears of the Senator's friends.

Mr. BACON. Very well; I will use "concentration," unless I inadvertently say "reconcentrado."

Mr. SPOONER. The term "reconcentrado" stands for a policy of infamy. It stands for a policy of extermination. It stands for a policy in Cuba which shock the entire American people. Does the Senator contend that that was the spirit or purpose of the order of General Bell in the Philippines?

Mr. BACON. Well——

Mr. SPOONER. Or the effect of it?

Mr. BACON. Mr. President, I do not think the Senator ought to ask me that question, and I will state to him the reason why.

Mr. SPOONER. If the Senator does not think I ought to ask it I excuse the Senator from answering it.

Mr. BACON. No; I will state my reason why before the Senator excuses me.

The Senator well knows that I could not answer some questions which would be asked me without appearing to assume to speak from personal knowledge, and I do not wish to be put in that position in this debate.

Mr. SPOONER. Oh, well, if the Senator has any personal knowledge, I hope he will not conceal it.

Mr. BACON. No; the Senator is not right about that. I do not claim to have personal knowledge to the extent that his remark would justly impute, but the Senator, I am sure, will realize the fact that whatever I might say, whether I knew it or not from personal knowledge, might be and would be attributed by some to an effort on my part to appear as a witness, and that I am studiously avoiding, so far as concerns any act committed by anyone in the Philippines.

Now, if the Senator will consider it not to be inconsistent, I hope, before I conclude, to give some impressions which I may have as to conditions in those islands.

Mr. SPOONER. If the Senator will pardon me, I hope if he personally knows of anything in the Philippines which the people of the United States ought to know he will in his place testify to it.

Mr. BACON. Well, the Senator will not be accommodated in that regard.

Mr. SPOONER. The Senator ought to be.

Mr. BACON. No; I ought not, and I will not.

Mr. BEVERIDGE. Now, Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. With pleasure.

Mr. BEVERIDGE. The Senator did not intend to evade——

Mr. BACON. No.

Mr. BEVERIDGE. But, nevertheless, he did not answer the question which I put to him, and I should be pleased if he would answer it, since he is discussing the order of General Bell. I ask him if in case of the line drawn by General Bell the people brought within it were properly cared for, fed, and attended, does he regard that as a proper war measure?

Mr. BACON. Of course, bringing parties within the line, if they were properly attended to and taken care of, and if there is no destruction of property in consequence of it, where the circumstances required it, would not be an impropriety. I can conceive of circumstances which might require it within a small area, and in some such circumstances it might not be improper.

Mr. BEVERIDGE. It would not be an impropriety?

Mr. BACON. No; not under the circumstances I have in mind.

Mr. BEVERIDGE. Now, then, if the bringing of people within the lines and thus caring for them is a proper war measure, is not the reverse of that shield also true, that war may be carried on outside those lines, and therefore is not the whole order of General Bell, I ask the Senator, a proper war measure?

Mr. BACON. I think most distinctly and decidedly not.

Mr. BEVERIDGE. Why not?

Mr. BACON. Will the Senator permit me to state the case with some degree of continuity? I say it is not a proper measure because, as I read the order and as I understand the testimony taken before the committee, it was not simply an order which gathered within certain limits certain people who were thereafter well taken care of, but, as I have said repeatedly, it was an order which depended for its efficiency and for the accomplishment of that very purpose upon the destruction of property and of life outside of those limits. The concentration policy was dependent upon that for its efficiency. I discussed that yesterday and showed that the destruction of life and property outside of the reconcentrado limits was absolutely necessary in order to force people into the reconcentrado limits, and that without that destruction of life and property, and without the fear of that destruction, the reconcentrado policy would be a farce.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. I can not yield to the Senator while I am answering his question.

Mr. BEVERIDGE. But I did want to ask a question right on that point.

Mr. BACON. I am going to yield to the Senator in a moment.

Mr. BEVERIDGE. The Senator will see why it is proper right here that I should ask him the question, if I am going to ask it at all.

Mr. BACON. Very well; I yield to the Senator.

Mr. BEVERIDGE. If the people are all gathered in, which the Senator says is a proper measure, and those living outside of the line would be opponents of the Government, would be insurgents, would be hostile—that being the case, is it not a proper war measure to take against them?

Mr. BACON. But not to the extent of the burning of their houses and the killing of the people regardless of age, sex, or condition. Not to convert the country into a howling wilderness.

Mr. BEVERIDGE. Do you find any such thing as that in General Bell's order?

Mr. BACON. I think that is what it means.

Mr. BEVERIDGE. Oh!

Mr. BACON. I will read it, so as to show why I think so.

Mr. SPOONER. The Senator is reading between the lines.

Mr. BACON. No; I am not. I am reading the words and I will read the lines themselves, and I will show that they can mean nothing else but that, as I said on yesterday, the concentration order is one which can only be enforced by this rule which destroys everything outside of the lines; that it is impossible to go out and gather up all of the people and bring them in, as I said yesterday, as you would a drove of horses. You have got to apply to them some compulsion which will make them come in. When you prescribe limits, and say that these are the limits of the concentration camp, the method by which people are made to come in there is to say that outside of that they are not safe, and to say to them that "your houses will be burned and your property destroyed"—is that reading between the lines, or are those the words of General Bell? We do not have to read between the lines to find that.

> Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of the towns over which they exercise supervision, informing them of the danger of remaining outside of these limits.

What danger?

Mr. BEVERIDGE. Does the Senator think——

Mr. BACON. Let me conclude the reading. I have not finished reading the paragraph.

Mr. BEVERIDGE. I wondered whether the Senator did not consider that that notice to the people was very humane.

Mr. BACON. Well, that may be, but not in my opinion. I will begin the reading over again.

> Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of towns over which they exercise supervision, informing them of the danger of remaining outside of these limits, and that unless they move by December 25 from outlying barrios and districts with all their movable food supplies, including rice, palay, chickens, live stock, etc., to within the limits of the zone established at their own or nearest town, their property (found outside of said zone at said date) will become liable to confiscation or destruction.

From whom?

Mr. BEVERIDGE. From us.

Mr. BACON. Certainly; and by what influence is it sought to make these people come within this zone of life, as I have called it, in contradistinction to the zone of death? Is it not by saying that "within here is life and protection and out there is death and destruction; here is the hand that will inflict death and destruction?"

This order is not limited to men with arms in their hands; it is not directed only to men with arms in their hands; but it is directed to the entire population, and the order issued on the next day, on the 9th, which is practically a part of the same order, goes on to say to those to whom it is addressed, it may be a hard thing, but the innocent must suffer with the guilty; it may be a hard thing, but those who claim pleasant and friendly relations must not be considered; they must all fall within this order of destruction if they do not come in by the 25th day of December. Is not that so?

Does any Senator say that while it might be a legitimate matter to get within certain limits people who are thereafter to be kindly cared for, it is also legitimate that those who will not come within these limits shall be—regardless of whether they are combatants or noncombatants, men, women, or children—subjected to death because they will not come within those limits? Will it be said, because it may be right to bring within certain limits people who can be gotten there, that those who stay without shall not only have to do so at the risk of life but shall be told, in so many words, that their property is to be destroyed, and we know how destroyed—destroyed by fire?

Mr. President, has it come to this, that for the purpose of maintaining our sovereignty over that distant people, for the purpose of carrying out these ideas which have taken hold of us in the past four years, we are to go back to the age of barbarism, and, in order to defend our acts, to absolutely renounce the teachings of civilization and revert to the time when war was barbarity without any of the ameliorations of civilization? If so, Mr. President, that of itself would be curse enough to follow upon what we have done in this matter without looking for any other. If so, that of itself is sufficient to cause the American people to shrink back in horror from this path of blood.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. For a question, yes.

Mr. BEVERIDGE. Just a question. I understood the Senator to say that he regarded it as proper for the military authorities to bring people within the lines as a war measure.

Mr. BACON. Properly, and under proper circumstances, but I do not mean thereby that their houses should be burned and their lives taken as a penalty for refusal to obey the order.

Mr. BEVERIDGE. What I desire to ask the Senator is this: What would be the use of bringing people within the lines if the people without the lines are going to be treated precisely in the same way as those inside? What would be the use of doing this proper thing, which the Senator says is proper, if people outside of the lines are to be treated precisely in the same way as those inside?

Mr. BACON. I mean to say it is proper if it is done in a humane manner and under circumstances that require it; then it is all right, if there is no cruelty. I do not, however, mean to admit, but, on the contrary, I absolutely deny, the proposition that any inhumanity is justified to get them within the lines, for instance, by saying, "If you stay out you will be shot, regardless of sex or age, and your houses will be burned, therefore come in." Nobody admits any such proposition as that. It is, as I was about to say——

Mr. BEVERIDGE. I think the Senator again very unintentionally, of course, evades the question. I understand the Senator again to say that it is a proper war measure to bring people within the lines if they are treated properly within the lines. The main thing, I ask the Senator, is, What would be the use of doing that proper thing if we were going to treat people outside precisely the same as the people inside?

Mr. BACON. Mr. President, while it may be proper to get people within the lines in a proper way without inhumanity, I do not admit that that relieves a commanding officer in the field from all obligations to observe the rules of civilization and humanity as to those who do not come in.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Certainly.

Mr. HOAR. I desire to ask the Senator a question, because I think his answer slightly susceptible of a double construction, which perhaps he did not perceive in the question—I do not mean purposely, but an actual double meaning. Does the Senator mean to say that the assembling of a whole population of a country into a reconcentrado camp is a proper war measure as a means of warfare upon them?

Mr. BACON. No; I do not. I mean that it may be a proper war measure as a means of protecting them, they being friendly, against the common enemy.

Mr. HOAR. Very well. Then is not the whole point of this thing—I expect to use the word "reconcentrado" when I discuss this question, if I have an opportunity to do so—is not the whole point of this thing whether they have undertaken to carry on this war against this people, who are said to be lawfully subject to our authority, by assembling them, taking them in whole districts away from their homes and dwellings, and crowding them into camps remote from where they live, on the penalty of having their property destroyed, and perhaps themselves slain if they do not go?

Mr. BACON. Mr. President, I expressly said that, of course, such measures must be in a proper case and not be accompanied by any inhumanity.

Mr. HOAR. But my proposition was in regard to the purpose——

Mr. BACON. I understand that.

Mr. HOAR. Let me put one other question to the Senator in order to bring out this thing. Is there any writer or authority on the law of nations or the law of war which justifies the getting of a whole population of a country into compact and close camps of this kind, taking them from their dwellings, as a means of warfare against them?

Mr. BACON. I do not think there is, and in order that the Senator may not misunderstand me I will make an illustration of one of the matters in my mind. I realize that there might be circumstances under which, not the whole population but the population of a particular neighborhood, might for a single purpose——

Mr. HOAR. To get them out of the range of the guns if a battle were in progress.

Mr. BACON. If there were going to be a battle, if the country was going to be within range of the guns, and men, women, and children, noncombatants, were to be exposed to that danger, I could understand very readily how an Army officer might require them to get within certain limits where they would be safe; but I do not recognize, as is suggested by the question of the Senator from Massachusetts [Mr. HOAR], as I might have been understood to say, that it is a legitimate war measure to say to the people of a county or a province, "You have got to come within certain limits and do so by a certain day, and if you fail to do so, then all you who so fail will be subject to the destruction of your property and the loss of your lives." That I absolutely repudiate and condemn.

Mr. SPOONER rose.

Mr. BACON. If the Senator will pardon me a moment, as he sees I am speaking with great difficulty from serious throat trouble——

Mr. SPOONER. I shall not interrupt the Senator at present.

Mr. BACON. This question has come to a very important stage; and if this is the feeling and the opinion of Senators, it is well that the country should know it, in order that the issue may be joined, that it is considered legitimate warfare to say to a people "Come within certain limits;" and then, as implied by the inquiry of the Senator from Indiana [Mr. BEVERIDGE], it is equally legitimate warfare thereafter to treat everybody as hostile, and to destroy everybody and all the property outside of those limits. What else does concentration mean?

In what other way can the order of our general be construed when he says, "Come within certain limits by the 25th day of December, and those of you who do not obey this order take your lives in your hands and subject your property to destruction?"

Mr. President, I said that I understood the distinguished Senator from Ohio [Mr. FORAKER], who was not in his seat at the time I said it, to maintain the proposition that the order of General Bell was in accordance with the laws of civilized warfare. I said that, and if I misquoted him, I should be glad to be corrected in that regard.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. Certainly.

Mr. FORAKER. The Senator has substantially restated what I said heretofore. I was referring to what had been the practice of this Government ever since its beginning with respect to our Indians, for instance, and the well-known practice of other governments in conducting military operations under such circumstances.

Mr. BACON. If I correctly stated the Senator, that is all I desire to know at this time. The Senator from Ohio differs from the Senator from Massachusetts in that regard.

Mr. SPOONER. In what?

Mr. BACON. As to General Bell's order.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. Of course no one would claim, I think, that it was justifiable to force a concentration of people within certain limits in order to make war upon them. I am not aware that there is any element of that kind in this case, but would it not be legitimate——

Mr. BACON. The Senator will observe that I was simply about to call attention to the fact that the Senator from Massachusetts did not agree with the Senator from Ohio, and now the Senator from Wisconsin returns to the question which I left.

Mr. SPOONER. Yes; but suppose there is an outlying——

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. PETTUS. I make a question of order, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SPOONER. What is the point of order which the Chair sustains?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SPOONER. What is the point of order which the Chair sustains?

Mr. PETTUS. My point of order, Mr. President, is that the Senator from Wisconsin, without leave from the Chair, carries on a conversation with the Senator from Georgia, and it disturbs business, and it is very disagreeable at that.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Chair understood the Senator from Georgia [Mr. BACON] yielded to the Senator from Wisconsin [Mr. SPOONER], and the Chair thought the Senator from Alabama [Mr. PETTUS] made the point of order that the Senator from Wisconsin did not address the Chair.

Mr. SPOONER. Mr. President, I am very sorry to "disturb business," but I am much more sorry to be "disagreeable" to the distinguished Senator from Alabama [Mr. PETTUS].

Mr. BACON. I yield to the Senator from Wisconsin.

Mr. SPOONER. In addition to that, I will apologize to my friend from Georgia.

Mr. BACON. But I hope the Senator will ask the question which he desires. I made no objection.

Mr. SPOONER. I supposed, as the Senator made no objection, that no one else would do so. I was about to ask the Senator whether it was not an entirely legitimate method of warfare, if there was an outlying inhabited district from which an enemy obtained food supplies and information, that an officer, after giving due notice, should order the concentration of the inhabitants within certain lines, and then destroy, after that date, all supplies and means of supplies from which the enemy had been from time to time supported?

Mr. BACON. I do not understand that it is legitimate warfare to destroy the private property of a country occupied by an army to the extent of making it useless to the people, nor do I admit that there is any rule of war by which can be done legitimately that which the Senator asks me if it can be done, and I ask the Senator, in his own time, to point to the precedent upon which he bases any such question. As the Senator states it, as every army draws supplies from its country the enemy is justified in destroying all the supplies in the whole country.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Oh, yes; I yield, of course.

Mr. SPOONER. Mr. President, am I recognized?

The PRESIDING OFFICER. The Chair recognizes the Senator.

Mr. SPOONER. I want to be quite certain that I am neither "disturbing business" nor making myself "disagreeable."

The Senator from Georgia has asked me if there is any instance of the kind to which he has just referred.

Mr. BACON. I did not ask the Senator to give it now, because I think I ought to be allowed to continue my speech; but if the Senator has a question to ask I will yield.

Mr. SPOONER. No; I thought the Senator had asked me a question.

Mr. BACON. I will with great pleasure yield to the Senator.

Mr. SPOONER. I thought the Senator asked me a question?

Mr. BACON. I knew the answer would take some time; and so I asked the Senator to give it in his own time.

Mr. President, did anybody suppose when this Congress met that there would be any proposition advanced in either House of Congress that would sustain a mode of warfare such as is disclosed by the testimony which is now being taken by the Philippine Committee of the Senate? Does not everybody know that it would have been regarded with horror that we should have assumed for one moment that such things were within the range of the possible approval of Senators and Representatives?

Is it not a fact that since this debate began Senators have changed their positions with reference to this matter? Is it not a fact that when this debate began they, without exception, condemned these acts? Is there any Senator who had the hardihood to get up and approve them? Is it not because matters have gone to that point where the facts can not be disputed that they have either themselves got to join in the condemnation or to take a new position and to say that the acts are not to be condemned?

Why, we remember that when the Philippine debate was on under the former bill Senators on the other side resented with the utmost heat as a slander upon the Army the suggestion that such things were occurring. Well, if they were legitimate, why should they resent them as they did then, charging Senators on this side with slandering the Army and some of them almost with treason? Now, when the evidence has disclosed the fact as beyond dispute, they have advanced, where I never expected to see Americans advance, to a justification of such outrages and cruelties and barbarities as are shown by the testimony which is now being taken.

Senators go to the point of calling that civilized warfare which the perpetrators themselves of these acts condemn as not being civilized warfare. I say they condemn—that word is not proper—but they admit that that which they do is not civilized warfare, and they seek to justify their acts on the ground that they are fighting with those who are not themselves civilized.

I will read something to show that that is so. General Hughes was before the Committee on the Philippines, and he gave testimony on the subject which shows the way in which he regards it; and doubtless the way in which the Army, or those of them who have authorized and required this thing, regard it. They do not say what the Senator from Wisconsin [Mr. SPOONER] intimates by his inquiries, that these were legitimate acts within the range of recognized rules of civilized warfare. They do not say so.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BACON. With pleasure.

Mr. SPOONER. Is guerrilla warfare civilized warfare?

Mr. BACON. Yes; within certain limits.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. Yes.

Mr. FORAKER. Are murder and assassination, as recited in these orders, civilized warfare?

Mr. SPOONER. "Within certain limits."

Mr. BACON. No; I do not say so. I am not to be diverted by such inquiries from the point I am on.

Mr. FORAKER. But do not these orders recite that murders and assassinations have been committed? Are they not mentioned in the orders?

Mr. BACON. Mr. President, I am not to be diverted by Senators. I will state again the proposition I was about to state. I say that the class of warfare which the Senators by their inquiries indicate as being civilized warfare in their opinion, is warfare that the officers in the Philippine Islands themselves say is not civilized warfare. We are talking about the fact that it is not civilized warfare, and when the fact is admitted that it is not civilized warfare the question is answered.

Mr. SPOONER. Did they not say that it was because they were not carrying on a war——

Mr. BACON. I have not yet read what I want to read.

Mr. SPOONER. Did they not say it was because the war against which they were contending is not civilized warfare?

Mr. BACON. They said it was not civilized warfare because the people were not civilized, or rather they abandoned civilized warfare because the people were not civilized, thereby implying that they were not entitled to have the rules of civilized warfare applied to them.

Mr. President, yesterday I read this language, but now, in order that it may be in connection with what I am going to read from General Hughes, to show how it was that these officers came to the conclusion that these people were not to be dealt with as civilized people, and the rules of civilized warfare were not to be observed, I will read it again. I read yesterday from the speech of the Senator from Massachusetts [Mr. LODGE] an exhibit, which is an extract from the report of General Bell, which is found in Part 3 of the Report of the Lieutenant-General Commanding the Army, 1901, pages 34 and 35, in which General Bell uses this language in his report:

> I have been in Indian campaigns where it took over 100 soldiers to capture each Indian, but the problem here is more difficult on account of the inbred treachery of these people, their great number, and the impossibility of recognizing the actively bad from the only passively so. If it was deemed advisable to pursue the methods of European nations and armies in suppressing rebellions among the Asiatics, the insurrection could have been easily put down months ago. Even now, although the seeds of rebellion have permeated all classes, such methods would soon put an end to all active insurrection.

That implies what I will show directly from the testimony of General Hughes, that up to that time the rules of civilized warfare had been observed, and that it was suggested that if they could abandon the rules of civilized warfare and adopt the rules European nations had adopted in dealing with Asiatic peoples, the perpetration of these horrible barbarities, these wholesale slaughters and burnings of property—if they could adopt such methods, then the insurrection could be put down. If it did not mean that it meant nothing; if it did not mean that there should be an abandonment of the rules of civilized warfare and the adoption of the harsh and cruel measures which were condemned by civilized warfare, what did it mean?

Mr. President, what is General Hughes's testimony on that line?

It is found on page 558 of the hearings before the Philippine Committee. The Senator from Utah [Mr. RAWLINS] asked this question:

In this connection, in burning towns, what would you do? Would the entire town be destroyed by fire or would only offending portions of the town be burned?

General HUGHES. I do not know that we ever had a case of burning what you would call a town in this country, but probably a barrio or a sitio; probably a half a dozen houses, native shacks, where the insurrectos would go in and be concealed, and if they caught a detachment passing they would kill some of them.

Senator RAWLINS. What did I understand you to say would be the consequences of that?

General HUGHES. They usually burned the village.

Senator RAWLINS. All of the houses in the village?

General HUGHES. Yes; every one of them.

Senator RAWLINS. What would become of the inhabitants?

General HUGHES. That was their lookout.

Then continuing the examination:

Senator RAWLINS. If these shacks were of no consequence, what was the utility of their destruction?

General HUGHES. The destruction was as a punishment.

Mr. SPOONER. Will the Senator give me the page?

Mr. BACON. Page 558. I had already announced it.

Mr. SPOONER. I did not hear it.

Mr. BACON. It continues:

General HUGHES. The destruction was as a punishment. They permitted these people to come in there and conceal themselves, and they gave no sign. It is always——

Senator RAWLINS. The punishment in that case would fall not upon the men, who could go elsewhere, but mainly upon the women and little children.

General HUGHES. The women and children are part of the family, and where you wish to inflict a punishment you can punish the man probably worse in that way than in any other.

Senator RAWLINS. But is that within the ordinary rules of civilized warfare? Of course, you could exterminate the family, which would be still worse punishment.

General HUGHES. These people are not civilized.

Senator RAWLINS. Then I understand you to say it is not civilized warfare?

General HUGHES. No; I think it is not.

Senator RAWLINS. You think it is not?

Senator DIETRICH. In order to carry on civilized warfare both sides have to engage in such warfare.

General HUGHES. Yes, sir; certainly. That is the point.

I think, if I am allowed to go on, I will come to a place where I shall have something to say that will bear directly on this subject.

CONDUCT OF THE WAR BECOMES STERNER.

Senator HALE. You made a very interesting statement some time ago that from year to year, or from summer to summer, the conduct of the war was sterner, stiffer, as you called it. You are describing what took place the second summer, not the first?

General HUGHES. Yes.

Mr. President, what words are strong enough to condemn the utterance by an American general that women and children are burned out of house and home as a punishment on the husbands and fathers, because by the suffering inflicted on the women and children the worst punishment is inflicted on the husbands and fathers. I call the attention of the Senator from Ohio to what I am about to read, in connection with the statement I made yesterday as to the change in the methods in the progress of the war.

Mr. FORAKER. Mr. President——

Mr. BACON. I hope the Senator from Ohio will let me read this.

The PRESIDING OFFICER. The Senator from Georgia declines to yield at present.

Mr. FORAKER. I think the Senator would not decline if he knew what I wished to say.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I think I ought to be allowed to finish reading this.

Mr. FORAKER. I merely wish to call the attention of the Senator to the fact that I made that statement myself before he did. Last Monday I called attention to the fact that after the war had been prosecuted for two years in the most humane way, with the great success that had attended it in these four provinces where was this bitter resistance, it became necessary to resort to the measures which the Senator was criticising.

Mr. BACON. Very well; the Senator agrees to that. The Senator read the statement of Professor Schurman, and the statement was not qualified, and it would leave the impression that it applied to the entire course of the Army during the war, and in response I made the statement that it was doubtless true of the first year of the war, but that it had changed very materially thereafter.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. FORAKER. Immediately following——

Mr. BACON. I want to read this. I do not think I am unreasonable in the matter of submitting to interruptions, but Senators should not make it utterly impossible for me to proceed with any continuous argument. It seems to me I am not unreasonable in requesting that unless there is a necessity to ask questions I be allowed to proceed with some degree of continuity.

The PRESIDING OFFICER. Does the Chair understand the Senator from Georgia to decline to yield?

Mr. BACON. No, I do not decline to yield, but I was right in the midst of the reading.

Mr. FORAKER. The Senator yields, I understand. The Senator will agree that I have not unnecessarily interrupted him. In fact, I have interrupted him very little. I only interrupted him when he appealed to me and commented upon some remarks I had made.

I interrupted him a moment ago simply to call his attention to the fact that I myself recognized that there had been a change, so far as the prosecution of the war in these particular provinces was concerned, and now the Senator calls attention to the fact that I read the report of Dr. Schurman, as though I left it there without any comment to indicate that there had been a change afterwards. The Senator will find, if he will consult my remarks as they appear in the RECORD, that I then called attention to the fact that following that was this change, the same about which he speaks in these particular provinces, and for the reasons set forth in the order which I then read, and I read the orders and called attention to the reasons therein assigned to show why there had been a change in Batangas, Laguna, Samar, and Leyte.

Mr. BACON. I will now resume the reading.

Mr. SPOONER. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Certainly.

Mr. SPOONER. I want to tell the Senator why I took the liberty of interrupting him.

Mr. BACON. The Senator need not make any explanation or apology.

Mr. SPOONER. It is apologetic, in a way. It was because I do not know any man who is less disconcerted by an interruption than the Senator, nor anyone better able always to take care of an interruption than the Senator from Georgia.

Mr. BACON. I am very much obliged to the Senator.

Mr. SPOONER. If I had thought for a moment that it was distasteful, I would not have done so.

Mr. BACON. It is not. But it is a fact that yesterday, while I was upon the floor a very long time, almost half of the time was occupied by other Senators, not the Senator from Wisconsin, because he did not interrupt me. It is true that I have been on the floor an hour to-day, and I have not been able to make five minutes consecutive talk in that time. There will be a long ways, when anybody comes to read the RECORD, between two lines of what I was reading. I will read over the question of the Senator from Maine [Mr. HALE], because the answer to it was interrupted right in the middle.

Senator HALE. You made a very interesting statement some time ago that from year to year, or from summer to summer, the conduct of the war was sterner—stiffer, as you called it. You are describing what took place the second summer, not the first?

General HUGHES. Yes.

In the first campaign the rules of civilized warfare were rigidly enforced. The fact is there was a building burned the first two or three days I was out, and I issued an order that any man caught setting fire to a building should be promptly arrested, and if he ran and could not be stopped in any other way, shoot him. I could not tell whether these fires were started by some of our own men or by Chinamen with our command, who were there for the purpose of transporting the wounded and the sick, etc., but anyway in nearly every encampment up to that time there was some little fire somewhere. That stopped it—

That is, the order to shoot the people who did the burning—

and from that time on I do not think there were any fires or anything of that kind, and there was none, so far as I can recall, in that year's operations. But the next year we found it necessary to adopt more stringent methods in order to reach these people.

What does that mean? It means that General Hughes says they observed the rules of legitimate warfare in the first year; that he does not think the burning of houses is within the rules of civilized warfare, and he departed from those rules thereafter, and that from that time on until the present they have been pursuing warfare which is not civilized warfare, in the burning of the cities and towns and the houses of people.

But the Senators by their questions would seem to indicate that they thought that that which is now being testified to as being done is within the rules of civilized warfare. There is no doubt about the fact of the particular acts being done, because the testimony shows it, and if they are not within the rules of civilized warfare and Senators approve and defend them, then the only thing to be said is that they approve this policy of pursuing warfare in a manner which is not civilized and which is in violation of the rules of civilized warfare.

If Senators are ready to take that position before the American people, we know where they stand. One of two things must necessarily be true. If, as General Hughes says, and as the testimony proves beyond possibility of successful contradiction, cities and towns and houses are burned in violation of the rules of civilized warfare, either those actions are to be condemned or to be approved. If Senators who take issue with us who condemn them approve them, then there is no issue between us as to anything

but the question of right and wrong in such burnings. There is no question of fact.

I wish to read a little more from what General Hughes says:

Senator RAWLINS. Is it not true that operations in the islands became progressively more severe within the past year and a half in dealing with districts which were disturbed?

General HUGHES. I think that is true. I would not say it is entirely so. The severities depend upon the man immediately in command of the force that he has with him. In the department I suppose I had at times as many as a hundred and twenty commands in the field. Each commander, under general restrictions, had authority to act for himself.

In other words, he had authority to burn or not to burn as he might see proper, in his own judgment, and, consequently, as some thought proper to burn a little more freely than others, the rule and practice, according to what he said, varied. He goes on to say:

These commanders were changed from time to time. The new commanders coming in would probably start in very much easier than the old ones.

In other words, they would not burn the cities and towns and houses quite as much as the old ones. They had not got to be so callous. They had not got to be so absolutely indifferent to all rules of civilized warfare, and consequently they were easier, as General Hughes says:

These commanders were changed from time to time. The new commanders coming in would probably start in very much easier than the old ones.

Senator HALE. Very much what?

General HUGHES. Easier. They would come from this country with their ideas of civilized warfare, and they were allowed to get their lesson.

Mr. HOAR. From whom does the Senator read?

Mr. BACON. From General Hughes. General Hughes says that these proceedings were not in accordance with civilized warfare. He says they abandoned the rules of civilized warfare after the first year. He says that with the vast number of commands under him he gave to each man a discretion to do as he pleased; that while they were started easy as time progressed they became more callous, and they burned more freely. Then when new men came there they brought with them ideas of civilized warfare, and they were permitted to progress and get their lesson, although as time progressed they, too, would abandon all civilized warfare and burn and destroy, without regard to the rules of civilized warfare.

Now, let me read what one of the witnesses said about that. There was before the committee a witness by the name of Grover Flint, whose testimony is found on page 1765, and on page 1784 there is this testimony:

Q. In that connection I will ask you to state if you saw any Filipino towns burned by American soldiers.

A. Yes; I have seen hamlets, small towns of 50 or 60 houses, burned.

Q. How many houses?

A. Fifty or sixty houses; what they call barrios.

Q. Were the people who lived in these houses engaged in peaceable pursuits?

A. Apparently; yes.

Q. And they were burned by the American troops?

A. They were.

Q. By whose orders?

A. I don't know; I never happened to be in command of the column that went out to burn.

Q. Did you know of the burning of your own knowledge?

A. Absolutely.

Q. You saw it?

A. I saw it.

Q. By American soldiers?

A. Yes; I saw it.

Senator PATTERSON. What became of the men, women, and children that were occupying those hamlets?

The WITNESS. I think the idea was at that time that the burning of these villages would drive the people to the woods or to the towns; a policy of concentration, I think.

This witness is from Massachusetts, a commissioned officer, a man of education, position, and character.

That is the Sunday-school performance, that is the act of humanity, that is the process of kindliness and mercy that the Senator from Ohio spoke about yesterday, when it was not for the purpose of inflicting punishment or cruelty upon the people outside of the zone of life, but was for the purpose of kindly taking them in out from danger. It occurs to me that if it was a religious proceeding at all, it must have been for the purpose of having these people have some little realization of what would come to them hereafter if they were not good in this life—to see what fire was.

Mr. President, I said—and I was diverted by the inquiry which has led me off on this line—that the Senator from Ohio had stated substantially that he regarded the order of Bell as an order in harmony with the rules of civilized warfare, and I stated that the Senator from Massachusetts did not agree with him, and I was about to read the remark of the Senator from Massachusetts with regard to that matter. On the 29th of April the Senator from Texas [Mr. CULBERSON] asked the Senator from Massachusetts [Mr. LODGE] this question:

I should like to ask the Senator if he indorses that order of General Bell, issued on the 8th day of December, 1901? It is a question, Mr. President, to which I desire an answer from the Senator from Massachusetts if he is disposed to give one.

Mr. LODGE. Does the Senator ask if I indorse the order of General Bell?

Mr. CULBERSON. Yes.

Mr. LODGE. No, sir; I do not indorse cruel methods of waging warfare.

So the Senator from Massachusetts and the Senator from Ohio do not agree, and I repeat that two weeks ago there was no Senator to be found in this Chamber who would defend the acts which they now defend boldly before the American people. It has gotten to a point where they either have to defend them as proper acts or condemn those who perpetrated them.

Mr. President, I regret very much that I have consumed so much time on this particular part of the matter, because I intended simply to allude to it and to pass to some other things which I wish to say; but before passing to them I desire to repeat that the great purpose which I had is that there may be a lesson pointed to the American people, that they may see what is the necessary, unavoidable result to flow from the effort which is being made to dominate an inferior race and to control them against their will, and that the history of all nations shows that that effort is always attended by cruelties and barbarities such as would not be recognized in warfare between people of equal rank in the civilized world.

Mr. President, this matter was pointed out when this policy was first entered upon. When the question was up as to the acquisition of the Philippine Islands, predictions were made that there would be this lamentable consequence flow from the effort of the American people to dominate the Philippine Islands and to subject them to our sway. Speeches were made both in the House of Representatives and in the Senate in which that was predicted, and our people were warned that such would be the case. In a speech which I made in the Senate on the 18th day of January, 1899, before the ratification of the treaty of peace, I had something to say on that subject, which I will now read not for the purpose of showing that I said it, but because it is applicable now to the question whether the people of America will continue in this course or whether they will change. In that speech I read from a book which was written by Mr. John Russell Young, entitled "Around the World with General Grant," and in it I said this:

It is a brief account of the treatment of one regiment of Sepoys, not all of them; a regiment which had been disarmed; a regiment which had tried to make its escape; a regiment which, it is true, had murdered some of its officers. Now I am going to read the account of this as given by Mr. Young in the second volume of that work, on page 93:

"The Twenty-sixth Native Infantry"—

Speaking of the Indian infantry—

"The Twenty-sixth Native Infantry had been disarmed in May and kept under guard. On July 30 some madman in the regiment killed the major. The author of this murder was a favorite named Prakash Pandy, who rushed out of his hut, called upon his comrades to rise, and, seeing the major, killed him. The sergeant-major was also slain. The Twenty-sixth had served with distinction in many campaigns, notably in the Afghan campaign of 1842. It was thought that the fugitives would run south to Delhi to join the king.

"But they took a northern direction, away from the war, anxious to reach Cashmere, to be out of India. They had no guns. There was a drenching rain, and the country was almost flooded. The troops came up with them, shooting 150 and driving them into the river, drowned inevitably, 'too weakened and famished, as they must have been after their 40 miles' flight, to battle with the flood.' The main body escaped, swimming and floating to an island, 'where they might be descried crouching like a brood of wild fowl.' Mr. Cooper started out to capture them."

After stating the fact of the capture, it goes on:

"The doomed men, with joined palms, the Hindoo attitude of entreaty, crowded into the boats and were brought on shore. 'In utter despair forty or fifty dashed into the stream and disappeared.' No order was given to fire, and the fugitives, says Mr. Cooper in a spirit of playfulness, became possessed of a 'sudden and insane idea that they were going to be tried by a court-martial after some luxurious refreshment.'"

So they were brought on shore, one by one, tightly bound, their decorations and necklaces ignominiously cut off. "Some begged that their women and children might be spared, and were informed that the British Government did not condescend to war with women and children." They were marched to the town, "the gracious moon," Mr. Cooper informing us, coming out through the clouds, and reflecting herself in myriad pools and streams to "light the prisoners to their fate."

They arrived at midnight. Next morning at daybreak Mr. Cooper took his seat. He had 282 prisoners, besides numbers of camp followers. He sent his Mohammedan troops, fearing they might hesitate to shoot Mohammedans, to a religious festival, and, alone with his "faithful Sikhs," proceeded to do justice. "Ten by ten," says Mr. Cooper, "the Sepoys were called forth. Their names having been taken down in succession, they were pinioned, linked together, and marched to execution, a firing party being in readiness."

And so it goes on and describes how that entire regiment—and I will not stop to read it now, because the hour is getting late and it is too long—were shot without trial, some of them blown from the mouths of cannon. That is only one of a great many instances of the same kind which could be cited. In commenting on that I said this:

Mr. President, I do not read that for the purpose of casting any reflection upon the English people. On the contrary, I recognize them as the most Christian and the most humane nation of Europe. But only with the sword and gun can millions of the semicivilized be kept in subjection. The very best that can be said, and what is proper to be said, is that it was necessary that the English should perpetrate this cruelty, this butchery, if they would maintain their dominion in India, and that is the purpose for which I have read it.

And in commenting on this I added:

If we are to maintain dominion over this foreign, alien people, these Mohammedans, these people accustomed to revolution and to blood and to disorder, if you please, we will be compelled to do it with iron hand, regardless of the shedding of blood.

I went on to speak——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. Certainly.

Mr. BEVERIDGE. Does not the Senator from Georgia think that, on the whole, the British occupation of India has been a benefit to that country?

Mr. BACON. I am not now going to discuss that question. I am not prepared to discuss it, and if I were I certainly would not take the time to discuss it now. There have been expressions in my hearing to the effect that it has not been, but I am not going to discuss it. It is certainly not in the line of the speech I am endeavoring to make.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. BACON. Certainly.

Mr. CARMACK. I want to say very positively that that is my opinion, and I think it is an opinion that can be justified.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. I hope the discussion will not run on. It certainly is not just to me that it should.

Mr. BEVERIDGE. I merely wish to say that while I am always delighted to have the opinion of the Senator from Tennessee, I asked for the opinion of the Senator from Georgia.

Mr. BACON. I am not going to give my opinion——

Mr. BEVERIDGE. All right.

Mr. BACON. Because it is not pertinent to the point I am discussing; but I do say that the Senator may conceive it to be as beneficial to the Hindoos in their material interests as he pleases, or that it is as beneficial as the Senator may conceive it to be to the English people, but that nothing will compensate in that regard for the cruelties and the inhumanities that have in the past been heaped upon the people of India in order that British rule might be maintained.

And so, sir, I say, with reference to the Philippine Islands, that our retention of sovereignty there, the keeping of those people in subjection against their will, has not only been attended by brutalities in the past, but it will be attended by brutalities in the future, ever recurring; and it is for the purpose of pointing that lesson, for the purpose, if possible, of attracting the attention of the American people to what is before us in that regard, that I dwell upon the question of these atrocities.

Mr. President, is there anybody in the United States with a heart within his bosom and any regard for the good name of the United States who rejoices at the present situation? While Senators may defend what has been done, is there a Senator who would not rejoice if it had not been done? When we think of all that has occurred; when we think of the soldiers from this country who have died there, and of those who have been killed there, and the homes in this country which have been desolated on that account; when we think of the tens of thousands of Filipinos who have been slaughtered; when we think of the hundreds of thousands of Filipinos who have died in consequence of the war; when we think of the numbers of soldiers who have or are to come back ruined in health; when we think of the strain that has been put upon our institutions—the wrench, if you please, of our Constitution—in order to adapt our situation to this new colonial policy, how many of the American people—viewing not only that, but looking forward to the dreary future which is before us in this connection, the blush that is to come hereafter, the hundreds of millions of dollars that have already been spent, and the vast treasure which must be spent—how many, what proportion of the American people, are glad we are in the Philippine Islands?

How many Senators are there who in their hearts would not be glad if there were a way in which we could, in their opinion, be honorably quit of them? Mr. President, when you present to them the great sacrifices that we have made, when you talk to them about the great injury to the free institutions of this country, when you talk to them about the horrible task that is before us, how many are there who say they can not dispute that, and add, "We are there, and what are we to do about it?" As if a great evil, a great misfortune, is to be recognized and admitted, and yet we are to sit supinely, as if we had not the wit or the wisdom to move hand or foot in the effort to rescue ourselves from the evil.

Mr. President, what is to be done about it? Whenever we ask the question what is to be done, or whenever we propose to do anything, we are met by two stereotyped answers. Senators will not discuss the question as to practical methods of procedure. They will not endeavor to agree with you upon any plan by which this unfortunate situation may be relieved. And there are but two replies. One is that it is an inglorious retreat which is proposed. Whenever you speak about any solution of this matter which shall have for its ultimate purpose the design to rid this country of the incubus, if I may so call it, to rid us of this great burden, the reply is that we are there and that to leave there is to ingloriously retreat and leave the islands to anarchy.

Not only that, but Senators endeavor to use opprobrious terms, and the favorite one is "scuttle." They say to those who advocate such a disposition as will in any way relieve the United States of this connection that we propose the game of scuttle, and that it is an inglorious abandonment of an enterprise undertaken.

The other answer is that it is proposed to ingloriously withdraw the army before it has established the authority of the United States and put down armed opposition to it. Now, sir, I wish to say that there has been no proposition to do either of these things, and there is no such proposition now. Every proposition is based on the establishment of peace and order and of the authority of the United States as a prerequisite to our action.

I will ask Senators to state when they come to discuss this question whether or not it is an inglorious retreat or whether it is scuttle to do that which was proposed to be done in the beginning. I assert that the leading Senators on this floor in the beginning proposed to do exactly the thing that we have proposed to do ever since, which was not to retain the islands, but to take them temporarily and thereafter to establish free government for that people and to leave them alone. If that is true, then for us now to do that is no inglorious retreat, it is no abandonment.

There have been certain things said by Senators here which have been read very frequently in the Senate, and I read them again, not for the purpose of calling attention to any inconsistency on the part of Senators between their utterances of that day and their positions now, but to establish the proposition which I make, that Senators in the beginning announced the purpose to do what we now ask them to do, and that what they denominate now as "scuttle," as opprobrious, is exactly what they said in the beginning they intended should be done.

When I read speeches of that kind I am generally called on to read some from the Senator from Wisconsin [Mr. SPOONER], because he has been about as emphatic on that subject as any man could be. I hope the Senate will bear in mind the purpose for which I read these extracts, and the application which I ask shall be made of them. The purpose which I have is to show that the very thing which we ask to be done is the thing which they said in the beginning should be done, and if there has been any change it has been in them and not in ourselves.

In the speech by the Senator from Wisconsin [Mr. SPOONER] on the 2d day of February, 1899, which was published by him in pamphlet form, on page 31, the Senator used the following language:

> But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work, under labor conditions of necessity which we would not permit to exist in the United States.
>
> Every argument which has been made in support of this doctrine of territorial expansion—and by "territorial expansion" I mean permanent territorial expansion—seems to me to be superficial, some of them sentimental, and some of them fantastic.

I have to skip along, because otherwise as it is all of it very much on the line, I would read the entire speech, but I have not time to do that and I only select certain parts. Speaking of the flag and the pulling down of the flag, the Senator said:

> To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked *Maine* at Habana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds.

I only read that for the connection of the next sentence:

> I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

Again, in the same speech, the Senator said:

> I can not say, in view of the history of the country, that time may not change my views, but I must say that, as I now feel, if the ratification of this treaty involved permanent dominion by the United States over the archipelago and its people as a Territory of the United States, irrevocably committed us to the policy of territorial expansion, I could not give it my vote.

I hope the Senator will, unless he recollects this very well, give me his attention, because I want to recall it to him.

Mr. SPOONER. I recollect it perfectly.

Mr. BACON. Then I am reading it for the benefit of others. I am delighted to know that the Senator recollects it, because if he does he must admit the application I am going to make of it.

Mr. SPOONER. I will wait until I hear your application.

Mr. BACON. The Senator from Wisconsin further said:

> Again, Mr. President, the whole matter will be within our own hands. If we find we can not get on with the Filipinos; if, after studying the conditions over there, our people find we can not without strife and intolerable burdens do them any good, we can then cede the sovereignty to them and sail away. We will not then be running away from a responsibility at first sight. We will not subject ourselves to possibly the just charge of cowardice by other nations. We will have left them then, after having made every honest effort in our power, upon the solid foundation of Spain's sovereignty and title, to help them to benefits which they would not have. We will have attempted to shower upon them blessings which long-continued tyranny has deprived them of the power to appreciate.

Mr. President, I commend to all who may feel an interest in the subject the entire speech of the Senator, much of which is on that line.

Now, for the application which I make of it, and I am going to make the application not only as to the Senator from Wisconsin, but to a half a dozen others whose utterances to the same effect I am going to read. The charge is that to leave the Philippine Islands is an abandonment of the purpose for which we went there; that it is what is commonly and opprobriously denominated scuttle; in other words, backing out.

That speech was made before the ratification of the treaty of peace, and it was made in advocacy of the ratification. I say that before the ratification in that speech the Senator from Wisconsin committed himself to the proposition plainly that so far as he was concerned the purpose was not the permanent retention of the islands, and that so far as he was concerned if that were the purpose he would not vote for it, and he recognized that it would be a legitimate act after we had ratified it to establish a government there for the benefit of the people and leave them there. It does not lie in his mouth to say that it is "scuttle," that it is backing out, that it is an abandonment of the original purpose, when the minority now advocates the course which the majority then said would be pursued. That is the application which I make of it and which I think is an absolutely legitimate one.

But the Senator was not alone in that statement. As I said, the speech from which I have quoted abounds in repetition in one way or another of that same thought. It was only because of the fact that those statements were made by Senators that the ratification of that treaty was secured, and there are Senators now members of this body who have stated, and will continue to state, that in the absence of those assurances that it would be considered a proper thing to leave the Philippine Islands they would never have voted for the ratification of the treaty, and without their votes it could not have been ratified.

The Senator from Ohio [Mr. FORAKER] used language which I shall also read. I want to say that the Senator from Wisconsin, if I do not err, has in this Congress, certainly if not in this in the last, affirmed that he still approved of everything he then stated. If so, upon what possible grounds can the Senator assume that those who now propose to do what he then said he would favor and which he would approve are guilty of a base abandonment of a purpose to the contrary.

The Senator from Ohio used this language on that subject in the same debate:

I do not understand anybody to be proposing to take the Philippine Islands with the idea and view of permanently holding them and denying to the people there the right to have a government of their own, if they are capable of it and want to establish it. I do not understand that anybody wants to do that. I have not heard of anybody who wants to do that. The President of the United States does not, I know, and no Senator in this Chamber has made any such statement.

Now, Mr. President, there is a statement from the Senator from Ohio to the same effect.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. With pleasure.

Mr. FORAKER. I submit that if the Senator gives a part of a statement of that character he ought to give all of it. What the Senator has quoted from a speech I made on the occasion referred to is only a part of what was said by me at that time. I was interrogated by the Senator from Massachusetts [Mr. HOAR] and others, and in connection with that, as a part of the same colloquy, occurs what, if the Senator will allow me, I should like to insert here. I think it is only fair that it should be so inserted.

Mr. BACON. If the Senator will insert it without reading, I have no objection.

Mr. FORAKER. It will take but a minute.

Mr. BACON. I think I ought to be allowed to proceed.

Mr. FORAKER. I do not think it is unreasonable, inasmuch as the Senator did not quote all of it, that I should insist upon its being inserted here.

Mr. BACON. Very well.

Mr. FORAKER. I then said:

I think when we come to consider the question of policy with respect to the Philippines, the conditions there existing, their feeling of friendship, or their feeling of consent or of objection will have much to do with determining Congress in that respect. I say I do not know of anybody, from the President of the United States down to his humblest follower in this matter, who is proposing by force and violence to take and hold those islands for all time to come. That is all I can say in answer to the Senator.

Mr. BACON. Mr. President, I do not think that changes the proposition. I will not reread it. It will be in juxtaposition, and people can judge for themselves.

The Senator from Massachusetts [Mr. LODGE] used the following language in that debate:

Suppose we ratify the treaty. The islands pass from the possession of Spain into our possession without committing us to any policy. I believe we shall have the wisdom not to attempt to incorporate those islands with our body politic or make their inhabitants a part of our citizenship. I believe we shall have the wisdom, the self-restraint, and the ability to restore peace and order in those islands and give their people the opportunity for self-government and for freedom under the protecting shield of the United States until the time shall come when they shall stand alone.

Mr. President, that is all we are asking now. If Congress will simply announce that it is the purpose to let these people stand alone, and that it is the purpose to proceed in a safe and leisurely manner, if you please, to accomplish that end, but that the ultimate end is to cut off from us this excrescence of colonialism and to give freedom to that people, we will not quarrel with them as to the time within which it shall be done or the particular methods. What we object to is a policy which adheres to colonialism, which refuses to say that it is not the purpose to maintain it as the permanent policy of this Government, and which step by step, in the absence of a declared policy, has a tendency to fasten it upon the country with more and more indissoluble bonds.

But that is not the point I am now after. The point I am after is that these Senators at the time announced that they did not consider that the permanent retention of the islands was the policy, and that therefore the proposition now not to hold them is not entitled to the condemnation of being scuttle or any other improper abandonment.

The Senator from Massachusetts [Mr. LODGE] also said:

I want no subject races and no vassal States. That we had by the fortunes of war assumed a great responsibility in the Philippines; that we ought to give to those people an opportunity for freedom, for peace, and for self-government.

I want to get this country out of war and back to peace. I want to get the disposition and control of the Philippines out of the hands of the war power and place them where they belong—in the hands of Congress and the President. I want to enter into a policy that shall enable us to give peace and self-government to the natives of those islands.

Both by the Senator from Ohio and the Senator from Massachusetts, as well as by the Senator from Wisconsin, there is a distinct declaration that the ratification of that treaty and the acquisition of those islands were not, in their opinion, acts which committed us to the permanent retention of the islands. That being so, the proposition in a proper way to be rid of the islands is not an abandonment of the original purpose.

Now, Mr. President, there are similar extracts which I have here from the Senator from Colorado [Mr. TELLER], who has been consistent from the beginning and who is consistent now:

There are few people in the world incapable of self-government. I believe the people of Luzon are capable of self-government now. I believe the people of some of the islands are? I do not know but all are. Mr. President, I keep in view this truth which I have stated, which I believe to be a truth, that the people are entitled to a government of their own making, and that we have no right to say, "Your standard is so low you will create a government which we can not affirm; therefore you can not have a government of your own." They are entitled to only such a government as they themselves can maintain; it must be one producing order and protection to persons and property, for otherwise it is not a government at all.

He continued:

We shall make a mistake if we make up our minds that we are going to govern these people from here, that we are going to govern them with Anglo-Saxons whom we send out there from here to administer the affairs of that country. You will need 50,000 soldiers; in a little while you will need more, for they are a great people. They are a people who are willing to contend for their liberty, and I believe it also to be an axiom that a people who will fight for their liberty and who are willing to die for it are capable of maintaining it.

I also read one from the Senator from Vermont [Mr. PROCTOR], as follows:

I am not in favor of annexation, not because I would apprehend any particular trouble from it, but because it is not a wise policy to take in any people of foreign tongue and training and without strong guiding American elements.

Also one from Mr. Thurston, then a Senator from Nebraska, as follows:

I am unalterably opposed to any departure from the declared policy of the fathers, which would start this Republic, for the first time, upon a career of conquest and dominion utterly at variance with the avowed purpose and manifest destiny of our republican Government.

And one from the Senator from South Carolina [Mr. MCLAURIN], as follows:

It is idle to speak of Americanizing a tropical country 8,000 miles away. Our people will never consent for the people of that far-off land to ever have a voice in the affairs of our country. Therefore, to govern them we must inaugurate a military or colonial system utterly at variance with the principles of our Republic. But even if by a strained construction of the Constitution the power is vested in the United States to inaugurate a colonial system, I am utterly opposed, as a matter of policy, to the acquisition of any territory that can not be Americanized and brought into harmony with our institutions. I believe the time is not far off, and I gladly welcome its approach, when our flag will float over every foot of North American soil, but it must come naturally and peacefully—by the consent of the governed, not by the rude hand of war.

But when it comes to thrusting our rule upon 10,000,000 people on another continent by force of arms, I hold that such a policy is unwise as well as at variance with the principles upon which our Government is founded. Taxation without representation is as much tyranny as when King George's tea was dumped into Boston Harbor. To govern the people of the Philippines without their consent is as much government without the consent of the governed as it was when we were under the rule of Great Britain.

In a commercial point of view, I believe the importance of the Philippines per se is greatly exaggerated. They are chiefly valuable as the key to the Orient, but we need not colonize to obtain that advantage. The exports of the Philippines, according to the statistical abstract, in 1896 amounted to

$30,806,250. If this entire trade was monopolized by us it would be insignificant. We will have to teach them to wear shirts and breeches before we can trade with them much.

And one from Mr. Gray, of Delaware, as follows:

Now we have them, it does not follow that we are committed to a colonial policy or to a violation of those great principles of liberty and self-government which must always remain American ideals if our own free institutions are to endure. No country, and this country least of all, can afford to trample on its ideals. I have no fear that it will do so.

He went further:

I assure you, with some knowledge of whereof I speak, that the President is committed to no policy calculated to discourage, much less strike down, the aspirations of liberty-loving people all over the world.

Mr. President, in this connection the point to which I wish to call the attention of Senators is that there is no set of resolutions that has ever been introduced into the Senate by anyone who was opposed to the imperialistic policy which ever proposed that we should leave those islands without ceremony, without regard to the question whether there was a government there which could protect the people from any disorder. Every set of resolutions which has ever been presented, whether by a committee or by an individual Senator, has declared as the basis of the proposition that there should first be erected in those islands a stable government.

The purpose thus declared by Senators in the extracts from their speeches is the purpose which the opponents of the present bill now seek to accomplish. Not only so, but every effort which has been made by the minority in opposition to an enforced colonial policy has been consistent with the purpose thus declared by those Senators and by others. There has never been any effort or purpose to make a dishonorable or inglorious retreat from the islands. There has never been any purpose that our Government should leave those islands until order was restored and a stable government was established in them. There has never been a purpose that the flag of the United States should be taken down until it was taken down voluntarily and in honor, just as it has been taken down voluntarily and in honor in Cuba.

What is proposed by the minority is to aid the Filipinos in establishing a free government for themselves, just as we have done in Cuba, and one of the principal objections to the pending bill is that it takes no step in that direction.

We have sent two commissions to govern the islands. Both of these commissions have been composed of men of distinguished ability. Each of these commissions, after great labor in investigating conditions, has recommended that the Filipinos be authorized to participate through representative bodies in the control of their own central government.

Admiral Dewey, in a letter to the Secretary of the Navy, June 27, 1898, said the Filipinos were far superior to the Cubans. This letter is found in the report of the Secretary of the Navy for 1898, vol. 2, page 103. August 29 he wrote the Secretary of the Navy that further intercourse with them had confirmed him in that opinion. I have made a similar inquiry of numbers of officers who have served both in the Philippines and in Cuba, and their testimony is uniformly to the same effect.

We have adjudged the Cubans as capable of self-government. We have spent four years in preparing them for their task, and finally we have established them as an independent republic. Why should we deny this to the Filipinos? We have a right to the greatest pride and self-gratulation upon our disinterested and noble work in Cuba. Through all the ages it must redound to our honor and glory. And still greater will be the honor and the glory if we shall give a free government to the Philippines.

Mr. President, I want to say to the Senate that I had no expectation of consuming the time which I have this afternoon. I have not finished, but I want to say that I have not been permitted to pursue any connected and continuous line of argument, and the interruptions have been so constant that it has been impossible for me to continue the argument which I began on yesterday with any degree of satisfaction to myself or, I am sure, with any pleasure to those who attempted to listen to me. I am not saying this in the way of complaint against interruptions. I am simply stating the fact.

Mr. FAIRBANKS. If the Senator desires to suspend his remarks for the day, I think he should be permitted to do so. He has spoken long and vigorously. I would suggest, if it be agreeable to him, that he resume his remarks at a later date, and that the Senate now take up the public buildings bill, in which many are interested.

Mr. BACON. I should like to complete what I was just saying. I really feel that I owe an apology for the very lame and imperfect manner in which I have presented my views to the Senate. In the first place, as must be apparent to the Senate, I am laboring under considerable physical disability. I have spoken with very great effort, but still, if I had been permitted to pursue any continuous line of thought, I believe I might possibly have gotten through with some degree of satisfaction; but my remarks have been so broken up and so disjointed that that is to-day an utter impossibility.

I am anxious to present some matters to the Senate and will ask their indulgence to do so hereafter. I do not feel that I can this afternoon pursue the subject with any degree of satisfaction whatever.

PUBLIC BUILDINGS.

Mr. FAIRBANKS. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of House bill 14018, known as the public-buildings bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. FAIRBANKS. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the Committee on Public Buildings and Grounds to be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Public Buildings and Grounds was, in section 1, on page 2, line 11, before the word "thousand," to strike out "thirty" and insert "five;" so as to make the clause read:

United States post-office and court-house at Fort Smith, Ark., from $130,607.96 to $205,607.96.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "hundred," to strike out "seven" and insert "eight;" so as to make the clause read:

United States mint at Denver, Colo., from $500,000 to $800,000.

The amendment was agreed to.

The next amendment was, on page 2, line 17, before the word "thousand," to strike out "fifty" and insert "ninety;" so as to make the clause read:

United States post-office and court-house at Beaumont, Tex., from $75,000 to $190,000, and the Secretary of the Treasury is hereby authorized, in his discretion, to acquire additional ground adjoining the present site sufficient in size to accommodate the necessary enlargement of the present building, said additional ground to cost not exceeding $15,000.

The amendment was agreed to.

The next amendment was, on page 4, line 12, before the word "thousand," to strike out "forty-six" and insert "sixty-six;" and in line 14, before the word "changes," to insert "extension and;" so as to make the clause read:

United States post-office at Burlington, Iowa, from $126,213.79 to $166,213.79, and the Secretary of the Treasury is hereby authorized to make the necessary extension and changes in said building within the limit of cost hereby fixed.

The amendment was agreed to.

The next amendment was, on page 5, line 3, before the word "thousand," to strike out "fifty-nine" and insert "thirty-four;" so as to make the clause read:

United States post-office, court-house, and custom-house at Augusta, Me., from $209,176.06 to $334,176.06.

The amendment was agreed to.

The next amendment was, on page 6, line 9, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

United States post-office and court-house at Joplin, Mo., from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 6, line 12, before the word "thousand," to strike out "two hundred and seventy-five" and insert "three hundred and fifty;" so as to make the clause read:

United States post-office and court-house at Butte, Mont., from $225,000 to $350,000.

The amendment was agreed to.

The next amendment was, on page 6, line 21, before the word "thousand," to strike out "fifteen" and insert "ten;" so as to make the clause read:

United States post-office at New Brunswick, N. J., from $100,000 to $110,000.

The amendment was agreed to.

The next amendment was, on page 7, line 9, after the word "million," to insert "five hundred thousand;" so as to make the clause read:

United States custom-house at New York City, N. Y., from $3,000,000 to $4,500,000.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word

"thousand," to strike out "twenty" and insert "twenty-five," and in line 12, after the word "*Provided*," to strike out:

That said building shall be erected upon the site in said city now owned by the Government of the United States.

And insert:

That the Secretary of the Treasury is authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, a new site in said city, and to erect thereon the public building heretofore authorized, payment for said new site to be made from the appropriation heretofore made for said public building. That the Secretary of the Treasury is further authorized and directed, in the event of the acquisition of a new site, to sell at public or private sale, at such time and on such terms as he shall deem best, the land heretofore acquired in said city as a site for said public building, and to deposit the net proceeds of such sale in the Treasury of the United States, to be expended in the construction of said building.

So as to make the clause read:

United States post-office and court-house at Elizabeth City, N. C., from $100,000 to $125,000: *Provided*, That the Secretary of the Treasury is authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, a new site in said city, and to erect thereon the public building heretofore authorized, payment for said new site to be made from the appropriation heretofore made for said public building. That the Secretary of the Treasury is further authorized and directed, in the event of the acquisition of a new site, to sell at public or private sale, at such time and on such terms as he shall deem best, the land heretofore acquired in said city as a site for said public building, and to deposit the net proceeds of such sale in the Treasury of the United States, to be expended in the construction of said building.

The amendment was agreed to.

The next amendment was, on page 11, line 6, before the word "hundred," to strike out "five" and insert "six;" and in line 8, after the word "cents," to insert:

For the purpose of enlarging said building so as to make the same suitable for the further accommodation of the post-office and United States courts which shall continue therein, and to provide for said courts an additional court room, jury room, judges' chambers, toilet accommodations, and other necessary conveniences.

So as to make the clause read:

United States post-office and court-house at Portland, Oreg., from $404,305.74 to $654,305.74, for the purpose of enlarging said building so as to make the same suitable for the further accommodation of the post-office and United States courts which shall continue therein, and to provide for said courts an additional court room, jury room, judges' chambers, toilet accommodations, and other necessary conveniences.

The amendment was agreed to.

The next amendment was, on page 11, line 23, before the word "hundred," to strike out "seven" and insert "eight;" so as to make the clause read:

United States post-office, court-house, and custom-house at Memphis, Tenn., from $606,323.53 to $856,323.53.

The amendment was agreed to.

The next amendment was, on page 12, line 3, before the word "thousand," to strike out "three hundred and ninety-six" and insert "four hundred and forty-six;" so as to make the clause read:

United States post-office and court-house at Dallas, Tex., from $296,054.75 to $446,054.75.

The amendment was agreed to.

The next amendment was, on page 12, line 17, before the word "sixty," to insert "not less than;" so as to make the clause read:

United States post-office, court-house, and custom-house at St. Joseph, Mo., from $373,140.66 to $390,140.66: *Provided*, That the Secretary of the Treasury acquires by purchase, condemnation, or otherwise a tract of ground immediately adjoining the present site with a frontage of not less than 60 feet on Eighth street and a depth of 140 feet, within a limit of cost of $18,000, hereby fixed.

The amendment was agreed to.

The next amendment was, on page 13, line 6, before the word "thousand," to strike out "fifty-seven" and insert "fifty-nine;" and in line 9, before the word "thousand," to strike out "six" and insert "eight;" so as to make the clause read:

United States post-office and court-house at Rome, Ga., from $51,104.48 to $59,104.48, and the Secretary of the Treasury is hereby authorized in his discretion to expend a sum not in excess of $8,000 for a tract of land immediately adjoining the post-office site in said city having a frontage of 88 feet on East First street and a depth of 182 feet.

The amendment was agreed to.

The next amendment was, on page 13, line 18, before the word "thousand," to strike out "four hundred and eighty-one" and insert "five hundred and thirty-one;" so as to make the clause read:

United States post-office and court-house at Springfield, Ill., from $381,864.22 to $531,864.22.

The amendment was agreed to.

The next amendment was, on page 13, line 24, before the word "thousand," to insert "and fifty;" so as to make the clause read:

United States post-office, court-house, and custom-house at Seattle, Wash., from $750,000 to $950,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to insert:

United States post-office and custom-house at Jacksonville, Fla., from $238,281.85 to $438,281.85.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to insert:

United States post-office at Kalamazoo, Mich., from $72,119.54 to $132,119.54.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

United States court-house, custom-house, and post-office at Omaha, Nebr., from $1,800,000 to $1,845,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to insert:

United States court-house and post-office at Greensboro, N. C., from $58,457.49 to $133,457.49.

The amendment was agreed to.

The next amendment was, on page 15, line 14, after the word "dollars," to strike out ": *Provided*" and insert a period; so as to make the clause read:

United States post-office and court-house at Norfolk, Va., from $250,000 to $258,000.

The amendment was agreed to.

The next amendment was, on page 15, line 18, after the word "respectively," to strike out:

And the building in each of said cities, respectively, when completed, as herein provided, shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

And in line 22, after the word "*Provided*," to strike out "*further;*" so as to make the clause read:

That the present site in each of the cities heretofore mentioned shall not be enlarged by the acquisition of ground under the provisions of this act, unless the Secretary of the Treasury is given specific authority herein to enlarge said sites, respectively: *Provided*, That the limits of cost hereinbefore respectively fixed shall include all necessary changes in, alterations and repairs of, the above-named buildings, and of the heating, ventilating, and plumbing systems and elevators therein, which may become necessary by reason of, or incident to, the extension or enlargement of said buildings.

The amendment was agreed to.

The next amendment was, on page 16, after line 3, to insert:

That where any of the public buildings hereinbefore mentioned have been completed, the increase in the limit of cost as to such buildings provided by this section shall be taken and understood to be an authorization for repairs, alterations, and additions to the same within said limit of cost, in accordance with plans and specifications heretofore drawn or hereafter to be drawn by the Supervising Architect of the Treasury, and for the purchase of additional grounds for the sites of said buildings where authority is given by law for the purchase of such additional grounds.

The amendment was agreed to.

The next amendment was, in section 2, on page 16, line 23, before the word "dollars," to strike out "seven hundred thousand" and insert "one million;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the United States custom-house at San Francisco, Cal., shall be erected upon the old post-office site on Battery street, between Washington and Jackson streets, and be provided with elevators.

So as to make the clause read:

United States custom-house at San Francisco, Cal., $1,000,000: *Provided*, That the United States custom-house at San Francisco, Cal., shall be erected upon the old post-office site on Battery street, between Washington and Jackson streets, and be provided with elevators.

The amendment was agreed to.

The next amendment was, on page 17, line 8, before the word "thousand," to strike out "forty-one" and insert "fifty;" so as to make the clause read:

United States post-office at Emporia, Kans., $50,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 8, to insert:

United States post-office and other governmental offices at Oklahoma City, Okla., $50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 12, before the word "thousand," to strike out "one hundred" and insert "fifty;" and in the same line, after the word "*Provided*," to strike out:

That the United States custom-house at San Francisco, Cal., shall be erected upon the old post-office site on Battery street, between Washington and Jackson streets, and be provided with elevators: *And provided further*.

So as to make the clause read:

United States post-office and court-house at Guthrie, Okla., $50,000: *Provided*, That the United States post-office and court-house at Guthrie, Okla., shall be erected upon that portion of the northwest corner of block 56 of the official plat of the town site of Guthrie, Okla., known as the "Government acre," more particularly described as follows: Beginning at the northwest corner of said block, running thence east on the north line of the block 168.1 feet; thence south parallel with the east line of said block 168.1 feet; thence west parallel with the south line of said block 168.1 feet; thence north along the west side of said block 168.1 feet, to the place of beginning, and containing 23,375.28 square feet.

The amendment was agreed to.

The next amendment was, in section 3, on page 18, line 24, before the word "thousand," to strike out "one hundred and twenty-five" and insert "two hundred;" so as to make the clause read:

United States post-office and court-house at Ogden, Utah, $300,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to strike out:

United States post-office at Oil City, Pa., $00,000.

The amendment was agreed to.

The next amendment was, on page 19, line 12, before the word "thousand," to strike out "seventy" and insert "seventy-five;" so as to make the clause read:

United States post-office and custom-house at Muskegon, Mich., $75,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to strike out:

United States post-office at Rock Hill, S. C., $35,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to strike out:

United States post-office and revenue office at Martinsville, Va., $35,000.

The amendment was agreed to.

The next amendment was, on page 19, line 21, before the word "thousand," to strike out "thirty" and insert "thirty-five;" so as to make the clause read:

United States post-office at Atlantic, Iowa, $35,000.

The amendment was agreed to.

The next amendment was, on page 19, line 25, before the word "thousand," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office and court-house at Florence, S. C., $90,000.

The amendment was agreed to.

The next amendment was, in section 4, on page 20, line 21, before the word "thousand," to strike out "seventy-five" and insert "seventy;" so as to make the clause read:

United States post-office and court-house at Harrison, Ark., $70,000.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "thousand," to strike out "fifty" and insert "seventy;" so as to make the clause read:

United States post-office and court-house at Batesville, Ark., $70,000.

The amendment was agreed to.

The next amendment was, on page 20, line 24, after the word "post-office," to strike out "and court-house;" so as to make the clause read:

United States post-office at Colorado Springs, Colo., $135,000.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "thousand," to strike out "thirty-five" and insert "twenty-five;" so as to make the clause read:

United States post-office at Waterbury, Conn., $125,000.

The amendment was agreed to.

The next amendment was, on page 21, line 6, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

United States post-office at Torrington, Conn., $50,000.

The amendment was agreed to.

The next amendment was, on page 21, line 8, before the word "thousand," to strike out "seventy-five" and insert "one hundred;" so as to make the clause read:

United States post-office and court-house at Athens, Ga., $100,000.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "thousand," to strike out "sixty" and insert "sixty-five;" so as to make the clause read:

United States post-office at Jacksonville, Ill., $65,000.

The amendment was agreed to.

The next amendment was, on page 21, line 12, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Ottawa, Ill., $60,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

United States post-office at Meriden, Conn., $100,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

United States post-office at Oil City, Pa., $60,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

United States post-office at Kirksville, Mo., $40,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to insert:

United States post-office at Marblehead, Mass., $40,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

United States post-office at Oak Park, Ill., $35,000.

The amendment was agreed to.

The next amendment was, on page 21, line 24, before the word "thousand," to strike out "seventy" and insert "sixty;" so as to make the clause read:

United States post-office and revenue office at Pekin, Ill., $60,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

United States post-office at Moberly, Mo., $40,000.

The amendment was agreed to.

The next amendment was, on page 22, line 8, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Stillwater, Minn., $60,000.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "thousand," to insert "and ten;" so as to make the clause read:

United States post-office and court-house at Greenville, Tenn., $110,000.

The amendment was agreed to.

The next amendment was, on page 22, line 12, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

United States post-office at Maysville, Ky., $40,000.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Natchez, Miss., $60,000.

The amendment was agreed to.

The next amendment was, on page 22, line 18, before the word "thousand," to strike out "seventy" and insert "sixty;" so as to make the clause read:

United States post-office at Kankakee, Ill., $60,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to insert:

United States post-office at Columbia, Mo., $40,000.

The amendment was agreed to.

The next amendment was, on page 22, line 22, before the word "thousand," to strike out "seventy-five" and insert "eighty-five;" so as to make the clause read:

United States post-office at Elkhart, Ind., $35,000.

The amendment was agreed to.

The next amendment was, on page 23, line 2, before the word "thousand," to strike out "seventy-five" and insert "eighty;" so as to make the clause read:

United States post-office at Muncie, Ind., $80,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

United States post-office at Dekalb, Ill., $65,000.

The amendment was agreed to.

The next amendment was, on page 23, line 6, before the word "thousand," to strike out "seventy-five" and insert "eighty;" so as to make the clause read:

United States post-office at Richmond, Ind., $80,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

United States post-office at Anderson, Ind., $80,000.

The amendment was agreed to.

The next amendment was, on page 23, line 14, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

United States post-office and court-house at Hammond, Ind., $140,000.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the word "thousand," to strike out "eighty-five" and insert "eighty;" so as to make the clause read:

United States post-office at Marshalltown, Iowa, $80,000.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury in selecting a site in the city of Waterloo, and State of Iowa, shall confine its location within the First or Second wards of said city as now constituted.

The amendment was agreed to.

The next amendment was, on page 23, line 24, before the word "thousand," to strike out "one hundred" and insert "eighty;" so as to make the clause read:

United States post-office at Boone, Iowa, $80,000.

The amendment was agreed to.

The next amendment was, on page 24, line 6, before the word "thousand," to strike out "fifty" and insert "seventy;" so as to make the clause read:

United States post-office at Lawrence, Kans., $70,000.

The amendment was agreed to.

The next amendment was, on page 24, line 14, before the word "thousand," to insert "and fifty;" so as to make the clause read:

United States post-office and court-house at Sherman, Tex., $150,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to insert:

United States post-office at Rock Hill, S. C., $35,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 18, to insert:

United States post-office and revenue office at Martinsville, Va., $35,000.

The amendment was agreed to.

The next amendment was, on page 24, line 22, before the word "thousand," to strike out "eighty" and insert "one hundred and ten;" so as to make the clause read:

United States post-office at Battlecreek, Mich., $110,000.

The amendment was agreed to.

The next amendment was, on page 24, line 24, after the word "thousand," to insert "and twenty-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Biloxi, Miss., $125,000.

The amendment was agreed to.

The next amendment was, on page 25, line 2, before the word "thousand," to strike out "eighty" and insert "ninety;" so as to make the clause read:

United States post-office at Nassau, N. H., $90,000.

The amendment was agreed to.

The next amendment was, on page 25, line 4, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

United States post-office at Atlantic City, N. J., $125,000.

The amendment was agreed to.

The next amendment was, on page 25, line 8, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

United States post-office and revenue office at Durham, N. C., $50,000.

The amendment was agreed to.

The next amendment was, on page 25, line 12, before the word "thousand," to strike out "and ten;" so as to make the clause read:

United States post-office at Zanesville, Ohio, $100,000.

The amendment was agreed to.

The next amendment was, on page 25, line 14, before the word "thousand," to strike out "twenty-five" and insert "eighty;" so as to make the clause read:

United States post-office and court-house at Grand Forks, N. Dak., $180,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 17, to strike out:

United States post-office at Geneva, N. Y., $75,000.

The amendment was agreed to.

The next amendment was, on page 26, line 4, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at West Chester, Pa., $60,000.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the word "thousand," to strike out "sixty" and insert "sixty-five;" so as to make the clause read:

United States post-office at Washington, Pa., $65,000.

The amendment was agreed to.

The next amendment was, on page 26, line 12, before the word "thousand," to strike out "seventy-eight" and insert "eighty;" so as to make the clause read:

United States post-office at Norristown, Pa., $80,000.

The amendment was agreed to.

The next amendment was, on page 26, line 16, before the word "thousand," to strike out "seventy" and insert "sixty-five;" so as to make the clause read:

United States post-office at Ithaca, N. Y., $65,000.

The amendment was agreed to.

The next amendment was, on page 27, line 2, before the word "thousand," to strike out "forty" and insert "sixty;" so as to make the clause read:

United States post-office and custom-house at Georgetown, S. C., $60,000.

The amendment was agreed to.

The next amendment was, on page 27, line 8, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

United States post-office at Flint, Mich., $75,000.

The amendment was agreed to.

The next amendment was, on page 27, line 10, before the word "thousand," to strike out "seventy-five" and insert "one hundred;" so as to make the clause read:

United States post-office and court-house at Charlottesville, Va., $100,000.

The amendment was agreed to.

The next amendment was, on page 27, line 13, before the word "thousand," to strike out "one hundred and seventy-five" and insert "two hundred and twenty-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Superior, Wis., $225,000.

The amendment was agreed to.

The next amendment was, on page 27, line 15, before the word "thousand," to strike out "thirty-five" and insert "forty-five;" so as to make the clause read:

United States post-office at Baraboo, Wis., $45,000.

The amendment was agreed to.

The next amendment was, on page 27, line 17, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Wausau, Wis., $60,000.

The amendment was agreed to.

The next amendment was, on page 27, line 21, before the word "thousand," to strike out the word "sixty" and insert "sixty-five;" so as to make the clause read:

United States post-office at Fond du Lac, Wis., $65,000.

The amendment was agreed to.

The next amendment was, on page 27, line 23, before the word "thousand," to strike out "seventy-five" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office and court-house at Huntington, W. Va., $150,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 4, to insert:

United States post-office and other governmental offices at Crookston, Minn., $75,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to insert:

United States post-office at Gainesville, Tex., $80,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to insert:

United States post-office at Laramie, Wyo., $100,000.

The amendment was agreed to.

Mr. FAIRBANKS. After line 10, on page 28, on behalf of the committee, I move to insert:

United States post-office at Scranton, Pa., $100,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 28, line 12, to increase the appropriation for United States post-office, court-house, and custom-house at Laredo, Tex., from $25,000 to $60,000, and in line 13, after the word "dollars," to strike out the following proviso:

Provided, That the limit of cost of site in each city mentioned in this section shall not exceed 15 per cent of the total limit of cost for site and building herein fixed, respectively, and the Secretary of the Treasury shall not purchase a site in either of said cities until satisfied that the price therefor will permit the execution of all the provisions of this section in each of said cities within said limit of cost for site and building, respectively: *And provided further*, That the Secretary of the Treasury in selecting a site in the city of Waterloo, and State of Iowa, shall confine its location within the First or Second wards of said city as now constituted.

The amendment was agreed to.

The next amendment was, on page 29, after line 5, to insert:

United States post-office at Yankton, S. Dak., $7,500.

The amendment was agreed to.

The next amendment was, on page 29, after line 7, to insert:

United States post-office at Muscatine, Iowa, $15,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 17 on page 29.

Mr. FAIRBANKS. In line 17, page 29, I move to strike out "five thousand" and insert "seven thousand five hundred dollars."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 29, line 17, it is proposed to strike out "five thousand" and insert "seven thousand five hundred dollars;" so as to read:

United States post-office and court-house at Pierre, S. Dak., $7,500.

The amendment was agreed to.

The next amendment was, on page 29, line 21, before the word "thousand," to strike out "sixty" and insert "one hundred;" and in the same line, after the word "dollars," to strike out the following proviso:

Provided, That the site selected shall consist of an entire block or square of ground in said city.

So as to read:

United States post-office, court-house, and custom-house at Spokane, Wash., $100,000.

The amendment was agreed to.

The next amendment was, on page 29, line 25, before the word "thousand," to strike out "sixty" and insert "one hundred;" and after the word "dollars," in line 25, to strike out:

Provided, That the site selected shall consist of an entire block or square of ground in said city.

So as to read:

United States post-office, court-house, and custom-house at Tacoma, Wash., $100,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 4, to strike out:

United States post-office and custom-house at Sault Ste. Marie, Mich., $6,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to strike out:

United States post-office and custom-house at Calais, Me., $6,000.

The amendment was agreed to.

The next amendment was, on page 30, line 12, before the word "thousand," to strike out "twelve" and insert "twenty;" so as to make the clause read:

United States post-office at Hamilton, Ohio, $20,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 12, to strike out:

United States post-office at Sterling, Ill., $5,000.

Mr. CULLOM. I desire to call the attention of the chairman of the committee to this amendment. The committee propose to strike out lines 13 and 14, providing an appropriation of $5,000 to buy a site at Sterling, Ill. I hope the Senator from Indiana will allow that provision to remain in the bill. It is a small sum, and Sterling is about as large as a good many of the towns wherein we are erecting buildings.

Mr. FAIRBANKS. The subject will be considered in conference. The committee acted upon the matter.

Mr. CULLOM. If it were a new matter, I should not insist upon it; but inasmuch as it is in the bill as it came to us from the House, I hope the Senator will agree to allow it to remain.

Mr. FAIRBANKS. I can not accept any modification.

Mr. CULLOM. I am inclined to insist that this item shall remain in the bill. I hope the Senator will not drive me to the necessity of having a vote upon it.

Mr. FAIRBANKS. I hope the Senator will not drive the committee to the necessity of opposing the provision further. They gave consideration to the subject, and they did not think, in view of the demands of other places, particularly in the State of Illinois, that they could authorize an appropriation at the present time for the purchase of a site at Sterling.

Mr. CULLOM. Unless the Senator is willing to allow the proposition to be favorably considered in conference, if the House insists upon it, I should like to have a vote upon it. If the Senator will agree, with whatever pressure there may be on the part of the House for the retention of the item, to consider it fairly, I will allow the matter to pass by.

Mr. FAIRBANKS. I will say to the Senator that the committee will be disposed to consider it fairly in conference.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 30, after line 14, to insert:

United States post-office at Champaign, Ill., $15,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 16, to insert:

United States land office at Natchitoches, La., $5,000.

The amendment was agreed to.

The next amendment was, on page 31, line 9, after the word "Treasury," to insert "and the Commissioners of the District of Columbia, jointly," and in line 10, after the word "and," to strike out "he is" and insert "they are;" in line 11, after the word "acquire," to strike out "by purchase, condemnation, or otherwise" and insert "for a sum not exceeding $550,000;" in line 24, after the word "company," to insert:

And jurisdiction is hereby conferred upon the supreme court of the District of Columbia upon petition of said company to inquire into, hear, and determine the amount of all actual damage sustained by said company by reason of the provisions herein contained, and to enter judgment against the District of Columbia in such sum as may be so ascertained as aforesaid.

So as to read:

SEC. 6. That the Secretary of the Treasury and the Commissioners of the District of Columbia, jointly, be, and they are hereby, authorized and directed to acquire, for a sum not exceeding $550,000, for the joint use of the United States and the District of Columbia, for the erection thereon of a municipal building for said District, square 255 in the city of Washington, District of Columbia, and that portion of E street lying between said square and Pennsylvania avenue is hereby appropriated and made a part of said square for the purpose of erecting thereon the municipal building, and the Commissioners of the District of Columbia are hereby authorized to change the route of the Washington, Alexandria, and Mount Vernon Electric Railway in such a manner as to cause said portion of E street to be vacated by the tracks of said company, and jurisdiction is hereby conferred upon the supreme court of the District of Columbia upon petition of said company to inquire into, hear, and determine the amount of all actual damage sustained by said company by reason of the provisions herein contained, and to enter judgment against the District of Columbia in such sum as may be so ascertained as aforesaid, etc.

Mr. FAIRBANKS. I wish to offer an amendment to the amendment. Beginning in line 16 I move to strike out all after the words "District of Columbia," down to and including the word "aforesaid" in line 5, page 32.

The SECRETARY. On page 31, it is proposed to strike out all after the word "Columbia" in line 16, down to and including the word "aforesaid" in line 5, page 32, as follows:

And that portion of E street lying between said square and Pennsylvania avenue is hereby appropriated and made a part of said square for the purpose of erecting thereon the municipal building, and the Commissioners of the District of Columbia are hereby authorized to change the route of the Washington, Alexandria, and Mount Vernon Electric Railway in such a manner as to cause said portion of E street to be vacated by the tracks of said company, and jurisdiction is hereby conferred upon the supreme court of the District of Columbia upon petition of said company to inquire into, hear, and determine the amount of all actual damage sustained by said company, by reason of the provisions herein contained, and to enter judgment against the District of Columbia in such sum as may be so ascertained as aforesaid.

The amendment to the amendment was agreed to.

Mr. FAIRBANKS. Then in line 8, page 32, after the word "said," I move to strike out the words "square 255" and insert in lieu thereof the word "site."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Indiana to the same words found in line 16, on page 32.

Mr. FAIRBANKS. The same amendment to the amendment should be made.

The SECRETARY. It is proposed in line 16, page 32, to strike out the words "square 255" and to insert in lieu thereof the word "site."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 33, line 16, after the word "city," to strike out:

Provided, That the Secretary of the Treasury shall not accept any bid or sum of money for said old custom-house building and site which does not furnish a sufficient sum of money to enlarge the United States post-office, court-house, and custom-house in said city so as to furnish suitable accommodations for all governmental offices in said city entitled to space in said building.

In line 22, after the word "*Provided*," to strike out "further," and in line 24, before the word "thousand," to strike out "three hundred" and insert "two hundred and sixty;" so as to make the section read:

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized to sell the old custom-house building and the site thereof at the corner of Ninth and Walnut streets, in the city of Kansas City, Mo., at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser thereof, and to apply the proceeds of the sale of said property, or so much thereof as may be necessary, to the completion of the post-office and court-house building in said city: *Provided*, That said building and site shall not be sold for a sum less than $200,000.

The amendment was agreed to.

The next amendment was, on page 34, line 9, before the word "thousand," to strike out "and fifty;" in line 10, before the word "thousand," to insert "and seventy-five;" in line 11, after the word "selected," to strike out "shall be an entire block or square of ground, with a street on each side thereof, consisting in" and insert "shall consist of an," and in line 14, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the section read:

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office in the city of St. Louis and State of Missouri, the cost of said site and building not to exceed $500,000, and the limit of cost of site is hereby fixed at $275,000: *Provided*, That the site selected shall consist of an area of not less than 75,000 square feet, and shall be located as near as possible to the Union Railway Station in said city.

The amendment was agreed to.

The next amendment was, in the provision for a public building at Wheeling, W. Va., on page 36, line 21, after the word "fixed," to strike out the following proviso:

Provided, That the site selected shall consist of an entire block or square of ground bounded on each side by a street, and shall cost not to exceed the sum of $40,000, which sum is hereby fixed as the limit of cost of said site.

The amendment was agreed to.

The next amendment was, in the same provision, on page 37, line 13, before the word "thousand," to strike out "sixty" and insert "twenty-five;" so as to make the clause read:

Provided, That said building and site shall not be sold for any sum less than $125,000.

The amendment was agreed to.

The next amendment was, on page 37, line 25, after the word "third," to strike out "street" and insert "and Mulberry streets;" on page 38, line 4, before the word "thousand," to strike out "seventy-two" and insert "one hundred and fifty-six;" in line 5, after the word "Provided" to strike out:

That the additional ground to be acquired on Third street shall have a frontage thereon of about 70 feet and a depth of about 118 feet and the limit of cost of said additional land shall not exceed the sum of $6,000.

And insert:

That the limit of cost of said additional land and site shall not exceed $31,000;

So as to make the section read:

SEC. 12. That "An act to provide for enlarging and improving the United States Government building at Macon, Ga., and to appropriate $58,000 therefor, approved March 2, 1899," is hereby amended so as to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the post-office and court-house building at Macon, Ga., to be extended and enlarged so as to provide necessary accommodations for the post-office, courts, and other branches of the Government service, and

to purchase additional ground on Third and Mulberry streets, in his discretion, for this purpose, and that the total cost of all said improvements, changes, and repairs, including the purchase price of an additional site, shall not exceed the sum of $156,000: *Provided*, That the limit of cost of said additional land and site shall not exceed $31,000."

The amendment was agreed to.

The next amendment was on page 39, line 21, before the word "thousand," to strike out "seventy" and insert "eighty-two;" so as to make the section read:

SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of Toledo and State of Ohio upon which to erect a building for the use and accommodation of the United States post-office and other governmental offices in said city: *Provided*, That the site selected shall consist of an entire block or square of ground, bounded on each side by a street, and shall consist in area of not less than 70,000 square feet, within a limit of cost of $125,000, hereby fixed: *And provided further*, That if the Secretary of the Treasury shall be unable to obtain a site as above described, then and in that case he is hereby authorized, in his discretion, to acquire, by purchase, condemnation, or otherwise, a tract of land fronting on St. Clair street, immediately adjoining the present post-office site, having an area of 14,400 square feet, said tract of land being 120 feet square, within a limit of cost of $82,000, hereby fixed.

The amendment was agreed to.

The next amendment was, on page 40, line 13, before the word "thousand," to strike out "twenty-five" and insert "sixty-five;" and in line 17, before the word "thousand," to strike out "eighty" and insert "seventy;" so as to make the section read:

SEC. 15. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of Des Moines and State of Iowa upon which to erect a building for the use and accommodation of the United States post-office, court-house, custom-house, and other governmental offices in said city, and the limit of cost of site is hereby fixed at $165,000; *Provided*, That the site selected shall consist of an entire block or square of ground, bounded on each side by a street, and shall have an area of not less than 70,000 square feet. When the Secretary of the Treasury has acquired a site in said city, as herein provided, he shall make a report to Congress, stating the location, dimensions, and cost of the same, and recommend to Congress the character and size of building that should be erected upon said site, and submit an estimate of the cost of said building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches.

The amendment was agreed to.

The next amendment was, on page 41, line 15, before the word "of," to insert "all that portion;" in line 16, after the word "block," to insert "lying west of the alley;" in line 18, before the word "thousand," to strike out "and fifty;" and in the same line, after the word "dollars," to strike out:

Or, in his discretion, to acquire a site elsewhere, by purchase, condemnation, or otherwise, and for this purpose may exchange the present site, should he deem such action advantageous, in full or part consideration for such new site.

On page 41, line 23, after the word "enlarged," to strike out "or upon the new site elsewhere acquired;" on page 42, line 4, after the word "cost," to strike out "including any amount expended for the enlargement of the present site or the purchase of a new site;" in line 7, after the word "thousand," to strike out "five hundred" and insert "seven hundred and fifty;" and in the same line, after the word "dollars," to strike out:

Such building, when completed, to be so located as to be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet on all sides, including streets and alleys.

So as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and empowered to enlarge the public building site belonging to the United States in the city of Los Angeles, Cal., by the acquisition, by purchase, condemnation, or otherwise, all that portion of the remainder of the block lying west of the alley in which said public-building site is located, provided the same can be acquired at not to exceed $100,000.

That upon the present site, when so enlarged, the Secretary is authorized and directed to cause to be erected a suitable and commodious fireproof building for the use and accommodation of the United States courts, post-office, and other Government offices in said city, at a total cost of not to exceed $750,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 10, to strike out the following words:

That in the event of the purchase of a new site, if the present site is not exchanged in full or part consideration therefor, the Secretary of the Treasury is authorized and directed to sell the present site at such time and upon such terms as in his judgment shall be to the best interests of the United States, and to deposit the proceeds of said sale in the Treasury as a miscellaneous receipt.

The amendment was agreed to.

The next amendment was, on page 43, line 5, after the word "hereby," to strike out:

reappropriated and made immediately available for the purposes of this act, but said appropriation shall remain available for the payment of outstanding liabilities, including the liquidation of damages caused by the abrogation of any existing contracts, entered into under said appropriations and authority.

And insert "covered into the Treasury as miscellaneous items. Authority;" in line 12, before the word "any," to strike out "pay" and insert "settle and adjust;" in line 13, before the word "contracts," to strike out "such" and insert "certain," and in the same line, after the word "contracts," to insert "under former appropriations for a public building at Los Angeles;" in line 16, after the word "and," to strike out "the" and insert "a sum of money sufficient to cover such adjustments and settlements is hereby appropriated. The;" so as to make the clause read:

That the unexpended balance of the appropriation of $100,000, contained in section 3 of the act of Congress approved March 3, 1899, entitled "An act to increase the limit of cost for the erection of a public building at Stockton, Cal., and making provision for the acquisition of additional land, or a new site therefor, and to provide for an addition to the public building at Los Angeles, Cal., and appropriating money therefor," together with the unexpended balance of the appropriation for "court-house and post-office at Los Angeles, Cal.; for completion of addition to present building under present limit, $150,000," are hereby covered into the Treasury as miscellaneous items. Authority is hereby given to the Secretary of the Treasury to settle and adjust any claims for damages due to the abrogation of certain contracts under former appropriations for a public building at Los Angeles, provided the amounts thereof can be liquidated for such sums as in his opinion are just and reasonable, and a sum of money sufficient to cover such adjustments and settlements is hereby appropriated. The Secretary of the Treasury is hereby further authorized and empowered to enter into contracts for the erection of the building herein authorized, within the limit of cost hereby fixed.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to insert a new section, as follows:

SEC. 19. That the sum of $100,000 is hereby appropriated to be used and expended by the Secretary of the Treasury of the United States for the following purposes and no other: One hundred and thirty-five thousand dollars of this appropriation for the purchase from the county of Forsyth, State of North Carolina, of a lot of land 200 feet long by 200 feet wide, lying and being in Winston, N. C., and bounded as follows: On the north by Fourth street, on the east by Main street, on the south by Third street, and on the west by Liberty street, together with the public building now standing on said lot, and occupied as a county court-house. Twenty-five thousand dollars of this appropriation to be used and expended under the direction of the Secretary of the Treasury in making all necessary alterations and modifications of the above-described building, and furnishing the same, so as to make the said building suitable and available for a post-office of the United States for Winston-Salem, N. C., and for such other Government offices and purposes as may be required and deemed necessary.

That the Secretary of the Treasury, for and in consideration of the sum of $3,00), to be paid by the county of Forsyth, State of North Carolina, is hereby authorized and directed to sell and properly convey by a deed in fee simple to the county of Forsyth all the right, title, and interest of the United States in and to a certain lot of land lying in the city of Winston, N. C., and bounded as follows: Beginning at an iron stake at the intersection of Fifth and Liberty streets, thence north with Liberty street 125 feet to an iron stake, thence west 125 feet to an iron stake, thence south 125 feet to an iron stake on Fifth street, thence east with Fifth street 125 feet to the beginning, being the lot purchased by the United States from Joseph Jacobs, and recorded in Book 62, page 422, in the office of the register of deeds of Forsyth County. The proceeds of this sale to be deposited in the Treasury as a miscellaneous receipt.

That so much of the act of March 2, 1899, appropriating $60,000 for the erection of a public building for a post-office in Winston-Salem, N. C., and requiring the Secretary of the Treasury to erect a Federal building on the lot purchased, is hereby repealed, and the amount appropriated, and the purpose for which it is to be used and expended, shall be as provided for and set forth in this act.

The amendment was agreed to.

The next amendment was, in section 23, page 49, line 1, after the word "Treasury," to strike out "the Postmaster-General, and the Attorney-General;" in line 5, after the word "Michigan," to strike out "Jacksonville, Fla.;" in the same line, after the word "Texas," to strike out Kalamazoo, Mich;" in line 7, after the word "Tennessee," to strike out "Greensboro, N. C.; Columbus, Ohio;" in line 9, after the word "make," to strike out "reports" and insert "report;" in line 13, after the word "The," to strike out "reports" and insert "report;" and in line 22, after the word "building," to insert:

and the Secretary of the Treasury is hereby authorized to have prepared plans and specifications for the enlargement of the United States post-office and court-house, or for the construction of a new post-office and court-house, at Columbus, Ohio, as he may deem advisable, at a cost not to exceed $5,000.

So as to make the section read:

SEC. 23. That the Secretary of the Treasury of the United States shall cause to be examined the Government buildings in the following cities, to wit: Watertown, N. Y.; Grand Rapids, Mich.; Houston, Tex.; South Bend, Ind.; Duluth, Minn.; Lima, Ohio; Jersey City, N. J.; Knoxville, Tenn.; Syracuse, N. Y., and make report to Congress at its next session showing in detail the condition of the building in each city named, whether of insufficient capacity to transact public business, and if so the most economical and best method of affording relief. The report should show the value of each building and site, the cost of purchasing additional ground and size thereof, the cost of constructing an addition, if one is necessary, or the cost of a new site and building, showing cost of each separately in case that is the only remedy; and the Secretary of the Treasury is hereby directed to investigate the postal situation at Yonkers, N. Y., and report to Congress at its next session the probable cost of a suitable site in said city upon which to erect a post-office building; and the Secretary of the Treasury is hereby authorized to have prepared plans and specifications for the enlargement of the United States post-office and court-house, or for the construction of a new post-office and court-house, at Columbus, Ohio, as he may deem advisable, at a cost not to exceed $5,000.

Mr. FAIRBANKS. I move to amend the amendment by inserting, in line 6, before the words "South Bend," the words "Hilo and Honolulu, Territory of Hawaii; Albuquerque, N. Mex."

Mr. FORAKER. Let Honolulu come first. It is the capital.

Mr. FAIRBANKS. I accept the suggestion of the Senator from Ohio. Let it read "Honolulu and Hilo."

Mr. SPOONER. Are both to be court-houses?

Mr. FAIRBANKS. These are simply instructions to the Department to make an investigation as to Government buildings.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 6, before the words "South Bend," insert:

Honolulu and Hilo, Territory of Hawaii; Albuquerque, N. Mex.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Public Buildings and Grounds was, on page 50, after line 17, to insert the following as a new section:

SEC. 25. That all buildings authorized to be constructed under the provisions of this act shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That in exceptional cases and for good cause shown the Secretary of the Treasury may, in his discretion, reduce the open space to less than 40 feet and to any dimensions which he shall deem sufficient to afford fire protection.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FAIRBANKS. I ask the Senate to reconsider the vote by which the amendment of the committee was adopted, on page 21, that I may move to substitute for the word "fifty" the word "sixty" before "thousand."

The PRESIDING OFFICER. In the absence of objection, the amendment will be reconsidered. The amendment now proposed by the Senator from Indiana will be stated.

The SECRETARY. In line 6, on page 21, strike out "fifty" and insert "sixty," so as to read:

United States post-office at Torrington, Conn., $60,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FAIRBANKS. On page 29, line 17, I ask the Senate to disagree to the amendment of the committee.

Mr. WARREN. It was offered in error.

Mr. FAIRBANKS. It was offered in error.

The PRESIDING OFFICER. The Senator from Indiana asks the Senate to agree to disagree to the amendment of the committee in line 17, page 29, whereby after "South Dakota" the words "five thousand" were stricken out and "seven thousand five hundred" were inserted. In the absence of objection the amendment is agreed to.

The PRESIDING OFFICER. It now stands, "United States post-office and court-house at Pierre, S. Dak., $5,000."

Mr. FAIRBANKS. It stands at "$5,000."

After line 19, on page 29, I move to insert:

United States post-office at Albuquerque, N. Mex., $15,000.

The amendment was agreed to.

Mr. FAIRBANKS. On page 37 I move to strike out all of section 12, as it has been agreed to, and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. If there be no objection, section 12 as heretofore amended will be stricken out, and the Senator from Indiana proposes to insert in lieu thereof what will be read by the Secretary.

The Secretary read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to erect in the city of Macon, Ga., under the rules and regulations as now prescribed by law, and on such plans as he may determine, a public building to be used as a United States court-house and post-office building and for occupancy by such United States officials as may be located in said city of Macon, to be located upon the property and site in the city of Macon, Ga., whereon is situated the present United States court-house and post-office building, and to expend therefor, out of any money in the Treasury not otherwise appropriated, the sum of $300,000.

That the Secretary of the Treasury is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise in his discretion, such additional land adjoining said United States court-house and post-office building on Third and Mulbery streets as may be necessary; and in the erection of such new building he shall use such material from the present building as may be suitable.

That the appropriation heretofore made on March 3, 1899, for the enlargement, making additions to, and improvement of the present public building in the city of Macon, Ga., shall be available and used for the purposes of this act; and that the Secretary of the Treasury shall also be authorized to use the net balance arising from the sale of the present site and building owned by the United States and occupied and used as a post-office building and United States court-house in the erection of said new building. That the limit of cost of said additional land and site shall not exceed $31,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. PETTUS. Mr. President, I have proposed an amendment to the bill which I should like to have acted upon. Two years ago the Senate and House of Representatives passed a bill for the erection of a building in the city of Anniston, Ala. The Senate put the appropriation at $75,000, but the House cut it down to $50,000. I ask the Secretary to read the amendment which I have proposed.

The SECRETARY. On page 2, after line 7, insert the following:

For the public building in Anniston, Ala., in addition to the sum heretofore appropriated, $25,000.

Mr. FAIRBANKS. I will ask the Senator if he has an estimate from the Treasury Department upon that item.

Mr. PETTUS. Yes, sir; and I propose to state the case to the Senate in only a few words.

The Senate thought the building ought to be erected for $75,000. The House cut down the appropriation to $50,000. The Treasury Department, in their efforts to erect a building there, found that a suitable building could not be constructed for $50,000, and the Secretary of the Treasury has written a communication to the committee of the Senate on the subject. It is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 16, 1902.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: This Department is in receipt, under date of the 15th instant, of a communication from your committee, requesting a report in connection with an amendment intended to be proposed to H. R. 14018, said amendment being "for the public building in Anniston, Ala., in addition to the sum heretofore appropriated, $25,000."

In reply I have the honor to advise you that under the present condition of the market with relation to building material and labor a suitable building of the size necessary to meet the needs of the service at Anniston can not be constructed with the balance available, and it is estimated that an increase of limit from $50,000 to $75,000 will be necessary.

In this connection it is deemed proper to advise you that Anniston is somewhat remote from centers of production of building materials.

Respectfully,

H. A. TAYLOR, *Assistant Secretary.*

Anniston is on the Southern Railroad.

Mr. FORAKER. By whom is the letter signed?

Mr. PETTUS. By the Assistant Secretary of the Treasury.

I think that this is not only a modest request, but that it is a reasonable one. The Secretary of the Treasury has not made any start to erect a building because he said he did not have money enough, and I ask that the amendment be agreed to.

Mr. FAIRBANKS. I accept the amendment.

Mr. ALLISON. I do not wish to interfere with the Senator from Alabama, but I suggest to him that I am afraid the amendment will not quite cover what he desires. What the Senator desires, as I understand it, is that the limit of cost shall be increased from $50,000 to $75,000.

Mr. PETTUS. Yes, sir.

Mr. ALLISON. The preamble is all right, but it should not go into the amendment.

Mr. PETTUS. I am very much obliged to the Senator for his suggestion, and I will ask the Secretary to change the amendment so as to conform to the wording of the increases in other cases.

Mr. WARREN. Is the Senator certain as to what the present limit of cost is?

Mr. ALLISON. It is $50,000.

Mr. WARREN. If the Senator knows the limit of cost to be $50,000, he ought to say, "the amount is hereby increased from $50,000 to $75,000."

Mr. ALLISON. I have made that suggestion to the Senator from Alabama.

The PRESIDING OFFICER. The amendment of the Senator from Alabama [Mr. PETTUS] will he stated as it has been modified.

The SECRETARY. On page 2, after line 7, it is proposed to insert:

The limit of cost of the public building in Anniston, Ala., is hereby increased from $50,000 to $75,000.

Mr. WARREN. That is correct.

Mr. PETTUS. I am very much obliged to the Senator.

The amendment was agreed to.

Mr. FAIRBANKS. On page 10, after line 24, I move to strike out the period after the word "fixed" and insert a comma, and then to insert in addition what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 10, line 24, after the word "fixed," it is proposed to strike out the period and insert a comma and the words "unless a higher value be fixed in the condemnation proceedings hereinbefore authorized."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 22, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 21, 1902.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Edward L. Adams, of New York, to be secretary of legation and consul-general of the United States at Stockholm, Sweden, to take effect June 2, 1902, vice Joseph Muir, resigned.

SECOND SECRETARY OF LEGATION.

Henry P. Fletcher, of Pennsylvania, to be second secretary of the legation of the United States at Habana, Cuba, to fill an original vacancy.

DISTRICT JUDGE.

Alfred S. Moore, of Pennsylvania, to be judge of the district court of the district of Alaska, to be assigned to division number two, vice Arthur H. Noyes, removed.

MARSHALS.

George I. Cunningham, of South Carolina, to be United States marshal for the district of South Carolina, vice Lawson D. Melton, whose term expired March 13, 1902.

Edwin R. Durham, of Missouri, to be United States marshal for the western district of Missouri. A reappointment, his term expiring June 30, 1902.

POSTMASTERS.

W. S. Waite, to be postmaster at Eastman, in the county of Dodge and State of Georgia, in place of Chauncey G. Brown. Incumbent's commission expired June 15, 1901.

L. L. Whitestone, to be postmaster at Culpeper, in the county of Culpeper and State of Virginia, in place of Robert Lee Rosson. Incumbent's commission expired March 17, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 21, 1902.

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, to be secretary of the legation of the United States at Habana, Cuba.

UNITED STATES ATTORNEY.

George Randolph, of Tennessee, to be United States attorney for the western district of Tennessee.

INDIAN INSPECTOR.

John E. Edwards, of Junction, Mont., to be an Indian inspector.

RECEIVERS OF PUBLIC MONEYS.

Austin B. Dorsey, of Waterville, Wash., to be receiver of public moneys at Waterville, Wash.

Louis W. Eldridge, of Montana, to be receiver of public moneys at Lewistown, Mont.

C. H. Benton, of Montana, to be receiver of public moneys at Great Falls, Mont.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont.

REGISTERS OF THE LAND OFFICE.

Frank D. Miracle, of Montana, to be register of the land office at Helena, Mont.

Edward Brassey, of Montana, to be register of the land office at Lewistown, Mont,

James M. Burlingame, of Montana, to be register of the land office at Great Falls, Mont.

POSTMASTERS.

Albert Brittson, to be postmaster at Decatur, in the county of Adams and State of Indiana.

Daniel E. Keen, to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois.

Isaac L. Trowbridge, to be postmaster at Naugatuck, in the county of New Haven and State of Connecticut.

John W. Fitzgerald, to be postmaster at Grand Ledge, in the county of Eaton and State of Michigan.

Newton H. Fogg, to be postmaster at Sanford, in the county of York and State of Maine.

William Stackpole, to be postmaster at Saco, in the county of York and State of Maine.

Winthrop C. Fogg, to be postmaster at Freeport, in the county of Cumberland and State of Maine.

Delbert W. Wilmarth, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota.

William J. Richards, to be postmaster at Union City, in the county of Branch and State of Michigan.

John Culbertson, to be postmaster at Sumner, in the county of Lawrence and State of Illinois.

George J. Castle, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois.

Charles W. Farrow, to be postmaster at Snow Hill, in the county of Worcester and State of Maryland.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 21, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MARSHAL DE ROCHAMBEAU CEREMONIAL.

The SPEAKER. By the order of the House the Chair lays before it the report of the committee on the Marshal de Rochambeau statue and the programme for Saturday next, to be printed in the RECORD for the information of the House. The Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *May 17, 1902.*

Hon. D. B. HENDERSON,
Speaker of the House of Representatives.

SIR: The undersigned, to whom was committed, by the act of Congress approved February 14, 1902, the selection of a site and the supervision of the erection thereon of a statue of Marshal de Rochambeau, commander in chief of the French forces in America during the war of independence, and of the unveiling of said statue, respectfully report that that they have discharged the duty imposed upon them: that the site selected is the southwest corner of Lafayette Square, where the pedestal has been erected, and that on the 24th day of May, instant, at 11 o'clock a. m., the statue of Marshal de Rochambeau will be unveiled with appropriate ceremonial, Senator HENRY C. LODGE delivering the address. Seats have been reserved for the Senators and Representatives in Congress.

We remain, sir, very respectfully, yours,

JOHN HAY, *Secretary of State.*
ELIHU ROOT, *Secretary of War.*
GEO. PEABODY WETMORE,
Chairman Committee on the Library, Senate.
JAMES T. MCCLEARY,
Chairman Committee on the Library, House.

The SPEAKER. It will be unnecessary to read the programme, but it will be printed with the paper just read in the RECORD.

The programme is as follows:

The unveiling of the statue will take place at 11 a. m. There will be a battalion of French seamen, with their band, a battalion of United States engineers, and a battalion of United States marines and sailors, with the Marine Band, present at the statue. After the ceremonies these troops, together with a battalion of cavalry, a battery of field artillery, and a brigade of District of Columbia militia, will pass in review before the President.

Maj. Gen. S. B. M. Young, United States Army, will be in command of the troops.

The programme for the ceremonies of unveiling is as follows:

1. Invocation by Cardinal Gibbons.
2. Welcome by the President of the United States.
3. Unveiling of the statue by the Countess Rochambeau. Music, "The Marseillaise," by the Marine Band.
4. Presentation of the sculptor, M. Hamar.
5. Remarks by the French ambassador (in French).
6. Selection by the French band.
7. Remarks by Gen. Horace Porter, United States Ambassador to France.
8. Selection by the Marine Band.
9. Address by Senator Lodge.
10. "Star-Spangled Banner," by the French band.
11. Remarks by General Brugére.
12. Benediction by Bishop Satterlee.

Mr. MCCLEARY. Mr. Speaker, for the information of the members of the House I will say that one entire stand has been reserved for the membership of this House. Ours is the west stand, the one on Jackson Place, on the farther side of the park. It will seat 700 persons. No one will be admitted without a ticket. Two tickets for each Representative, one being for himself, will be sent to him by mail, probably to-morrow. The exercises begin at 11 o'clock. There will be three entrances to the statue grounds. The entrance to the stand for the members of this House is on Jackson Place. As the crowd will be large, it is very important that members seek admission at the proper entrance.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn on Friday next it adjourn to meet on the following Monday.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. KYLE, indefinitely, on account of sickness in family.

To Mr. FORDNEY, for ten days, on account of important business.

APPLICATION OF THE STATUTE OF LIMITATIONS IN CERTAIN CASES.

Mr. BOWERSOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all actions brought in any State court or United States court by any patentee, his heirs, grantees, or any person claiming under such patentee, for the possession or rents or profits of lands patented in severalty to the members of said tribe under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, where a deed has been approved by the Secretary of the Interior to the land sought to be recovered, the statutes of limitations of the States in which said land is situate shall be held to apply, and it shall be a complete defense to such action that the same has not been brought within the time prescribed by the statutes of said State the same as if such action had been brought for the recovery of land patented to others than members of the Shawnee tribe of Indians.

SEC. 2. That this act shall not apply to any suits brought within one year from and after its passage.

The following amendments, recommended by the Committee on the Judiciary, were read:

Line 3, page 1, strike out "State court or."

Page 1, strike out lines 7 and 8 and "Shawnee tribe of Indians" in line 9 and insert in lieu thereof the following: "any tribe of Indians under any treaty between it and the United States of America."

Page 2, lines 4 and 5, strike out "the Shawnee" and insert in lieu thereof the word "any."

Amend the title so as to read: "An act providing that the statute of limitations of the several States shall apply as a defense to actions brought in the United States courts for the recovery of lands patented in severalty to members of any tribe of Indians under any treaty between it and the United States of America."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like some explanation of the bill.

Mr. BOWERSOCK. Mr. Speaker, this bill is for the relief of bona fide settlers or purchasers of Indian lands in two or three counties in my State. These lands were sold by parties who had a right to sell them, and the titles were confirmed by the Secretary of the Interior. The purchasers have been in undisputed possession for a quarter of a century or more, but now there are parties who for some claimed defect bring suit, or threaten to bring suit, against these bona fide settlers, and then after disturbing their titles or casting a cloud upon them offer to settle for some nominal sum. The object of the bill is simply to have the statute of limitations apply in these cases and protect from speculators actual purchasers.

Mr. FLYNN. I would like to ask the gentleman, does this only apply to lands which have been confirmed by or received the approval of the Secretary of the Interior?

The SPEAKER. This conversation is for the benefit of the House, and gentlemen must speak louder if they wish to be heard.

Mr. BOWERSOCK. It is the intention that this shall only apply to those titles that have been approved by the Secretary of the Interior. There is a letter printed in the report from the Secretary of the Interior.

Mr. CLAYTON. Mr. Speaker, I have been requested on this side of the Chamber to make a statement in connection with the statement made by the gentleman from Kansas. I was on the subcommittee of the Judiciary Committee that investigated this matter, and it met the unanimous approval of the subcommittee and also of the full committee. The object of the bill is to prevent that sort of a system of levying blackmail against these bona fide settlers, the owners of the land, and that is the whole object of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEPHENS of Texas. Mr. Speaker, I should like to know something about the bill. I have not understood the situation at all.

The SPEAKER. The gentleman from Texas wants some information about the bill. He has not heard a word that was said. [Laughter.]

Mr. BOWERSOCK. As I have already stated, Mr. Speaker, the bill is to allow the statute of limitations to apply to quiet some Indian titles in two or three counties in the State of Kansas where deeds were approved by the Secretary of the Interior long years ago.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOWERSOCK. Mr. Speaker, there was misapprehension in reporting the first amendment recommended by the committee, and I desire that that be disagreed to.

The SPEAKER. A vote will be taken on all the committee amendments except the first.

The question was taken, and the amendments recommended by the committee, with the exception of the first, were agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

In line 3, page 1, strike out "State court or."

The amendment was considered, and disagreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BOWERSOCK, a motion to reconsider the last vote was laid on the table.

IMPROVEMENTS ON NOXUBEE RIVER, MISSISSIPPI.

Mr. FOX. I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 14109) to authorize the Macon Ice, Light, and Power Company to construct certain improvements on the Noxubee River in the State of Mississippi.

Be it enacted, etc., That the Macon Ice, Light, and Power Company, a corporation chartered under the laws of the State of Mississippi, be, and they are hereby, authorized, at a point on the Noxubee River just below and within 200 feet of the iron bridge on said river at and near the city of Macon, in the county of Noxubee and in said State, to construct a dam across and on said river, and to erect at or near said dam such buildings and machinery as may be necessary and suitable for the generation of electric light, the manufacture of ice, and such other products as the said corporation may be authorized by law to manufacture, and to place in said river at said dam such power wheels and other appliances as may be necessary to propel said machinery: *Provided*, That said buildings, dams, and machinery shall be constructed and erected according to such plans and specifications as may be authorized by law: *And provided further*, That the construction of said dam, buildings, etc., shall be commenced within one year from the passage of this act.

The following amendments, reported by the Committee on Interstate and Foreign Commerce, were read:

In line 3, page 1, after the word "That," insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out the words "be, and they are hereby, authorized" and insert "to construct."

In line 8, page 1, strike out the words "to construct."

Strike out the word "That," in line 2, and all of lines 3, 4, 5, 6, and 7, page 2, and add the following:

"That the structures herein authorized shall be built in accordance with such plans as may be approved by the Chief of Engineers and the Secretary of War, and until the said plans are so approved the structure shall not be commenced: *Provided further*, That any change or modification of said structures which the Secretary of War at any time in the future shall deem necessary in the interest of navigation shall be promptly made by the said company at its own expense, and the Secretary of War shall have authority to require the complete removal of the structures, if in his judgment the interests of navigation demand it, and such removal shall be made by the company at its own expense.

"SEC. 2. That the said company shall provide, in connection with said dam, such suitable fishways as may be required by the United States Fish Commission.

"SEC. 3. That this act shall be null and void unless the construction of said dam and the works incident thereto shall be commenced within one year and completed within two years from the date hereof.

"SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABANDONED MILITARY RESERVATIONS IN WYOMING.

Mr. MONDELL. I ask unanimous consent for the immediate consideration of the bill which I ask the Clerk to read.

The Clerk read as follows:

An act (S. 5908) granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing land.

Be it enacted, etc., That each person who has exercised the right of homestead entry on the abandoned Fort Bridger Reservation, or on the Fort Sanders or the Fort Laramie abandoned military reservations, in the State of Wyoming, and is now residing on said reservations under the provisions and requirements of the homestead law, or who is the owner in fee of 160 acres thereon by purchase, shall, upon proper proof of settlement, homestead, or other legal title upon said reservations, be entitled to the right to purchase, under such rules and regulations as the Secretary of the Interior may prescribe, at $1.25 per acre, not exceeding one quarter section of the public lands on said reservations as pasture or grazing land not otherwise disposed of: *Provided*, That land so purchased be unfitted for cultivation and homestead entry by reason of lack of water for irrigating purposes or otherwise: *And provided further*, That said purchase of pasture or grazing land shall not, with the land heretofore entered by the applicant, exceed in the aggregate 320 acres.

The amendments reported by the Committee on the Public Lands were read, as follows:

In line 3, page 1, strike out the word "exercised" and insert in lieu thereof the words "or may hereafter exercise."

In line 6, page 1, after the word "reservations," insert "or the abandoned Fort Laramie Wood Reservation, to which the homestead laws are hereby extended."

In line 6, page 1, strike out the word "now."

In line 8, page 1, after the word "is," insert the words "a resident and."

Amend the title by adding after the word "reservations," in line 2 of the title, the words "and Fort Laramie Wood Reservation;" and by adding to the title the words "and for other purposes."

Mr. RICHARDSON of Tennessee. Reserving the right to object, I ask the gentleman in charge of this bill how much land is involved in it? What is the area of these several reservations?

Mr. MONDELL. Mr. Speaker, this bill applies to four abandoned military reservations in Wyoming. The area of vacant land on the Fort Sanders Reservation is 5,000 acres; on Fort Bridger Reservation, 4,800 acres; on Fort Laramie Reservation, 25,000 acres, and on Fort Laramie Wood Reservation, about 30,000 acres. These reservations were opened to entry under the homestead law from eight to twelve years ago. Settlers went upon them and took as homesteads practically all the land which was fit for cultivation. There is no way in which settlers can acquire any additional land on the reservations adjacent to their homesteads. They now desire to purchase at $1.25 an acre, not exceeding 160 acres for each settler, vacant land unfit for cultivation or homestead entry, provided that the aggregate of land which any settler shall own shall not exceed 320 acres, including the purchase he may make from the Government.

This is an opportunity for the Government to sell some land which is practically worthless—fit only for grazing purposes, not fit for settlement—for $1.25 an acre.

The bill also provides for opening to homestead settlement a small abandoned reservation which has recently been surveyed, but not opened to settlement; and the law relative to the purchase of grazing lands, not exceeding 160 acres to each settler, is to apply to this reservation also.

Mr. SHAFROTH rose.

Mr. MONDELL. I yield to the gentleman from Colorado.

Mr. CLAYTON. Before the gentleman from Colorado proceeds, let me ask a question. Does this bill meet the approval of the Interior Department?

Mr. MONDELL. The Interior Department does not object to it. That Department was not disposed to pass on the question at all. In the last Congress we passed a similar bill applying to an

abandoned military reservation in Wyoming, and that act has worked very well indeed.

Mr. CLAYTON. This bill comes here as the unanimous report of the Committee on the Public Lands?

Mr. MONDELL. It does.

Mr. SHAFROTH. This bill provides, as I understand, Mr. Speaker, that the land to be taken up under it shall be grazing lands. Such land in the arid region is not worth a great deal of money unless it is contiguous to some man's farm, in which case it may be worth $1.25 or $1.50 an acre. But grazing land off by itself is worth very little money indeed.

Now, here is an opportunity, it seems to me, for the Government to get the full value of its land and at the same time accommodate some settlers. The very fact that the land has not been located upon for homesteads demonstrates conclusively that it is not valuable land. This being grazing land, of course a person can not erect a house there and make a living on it. It seems to me the bill ought to pass.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question. At what price was this land originally sold to the settlers?

Mr. SHAFROTH. Under the homestead act they got it free—the 160 acres—and now they want some more land, probably for the purpose of accommodating the stock that is on their land, on their own 160 acres. This land is lying there and will likely lie there for years without the Government getting a nickel for it.

Mr. STEPHENS of Texas. How long since they took up the original tracts of land?

Mr. SHAFROTH. The first of these military reservations was opened about twelve years ago, and they have had all that time to locate homestead entries upon it and they have not done it, and the very fact that no one wants it demonstrates it is not very valuable land.

Mr. STEPHENS of Texas. Has the land been subject to entry all this time?

Mr. SHAFROTH. Yes; as I understand.

Mr. STEPHENS of Texas. As free homesteads?

Mr. SHAFROTH. As free homesteads.

Mr. STEPHENS of Texas. And no one has taken it?

Mr. SHAFROTH. No one.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was read a third time, and passed.

By unanimous consent, the title was amended so as to read as follows:

An act granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie Military reservations and Fort Laramie wood reservation, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing land, and for other purposes.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill (S. 2782), which the Clerk will report.

The Clerk read as follows:

Senate bill 2782, to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. DAVIS of Florida, a motion to reconsider the last vote was laid on the table.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3129) for the authorization of the erection of buildings by the International Committee of Young Men's Christian Associations on the military reservations of the United States, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That authority is hereby given to the Secretary of War, in his discretion, to grant permission by revocable license to the International Committee of Young Men's Christian Associations of North America to erect and maintain, on the military reservations within the United States or its island possessions, such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require, under such regulations as the Secretary of War may impose.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill (S. 3129) which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question now is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. ESCH, a motion to reconsider the last vote was laid on the table.

Mr. ESCH. Mr. Chairman, I ask unanimous consent that the bill H. R. 9969, similar in its provisions to the one just passed, lie on the table.

The SPEAKER. Without objection, that order will be made. There was no objection.

FORT NIOBRARA MILITARY RESERVATION.

Mr. NEVILLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska, which I will ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to the village of Valentine, Nebr., the northwest quarter of section 29, and the northeast quarter of section 30, and the east one-half of the southeast quarter of section 30, and the east half of section 31, all in township 34 north of range 27 west of the sixth principal meridian, Cherry County, State of Nebraska, now a part of the Fort Niobrara Military Reservation, for the sum of $1,440.

SEC. 2. That upon payment of said sum by the said village of Valentine the patent of the United States shall issue conveying the said lands to the said village in its corporate name, or to its duly constituted official board, as may be desired, and thereupon and thereafter title to the said land described shall be in said village of Valentine.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this bill has been recommended by the Secretary of War.

Mr. NEVILLE. Yes. There are 720 acres involved. It was abandoned for the purpose of being sold under the act of 1885, with reference to abandoned and useless military reservations. The sale has been recommended by the Secretary of the Interior. The sale was postponed for the purpose of having this act go through Congress, in order that the village of Valentine might obtain it for a park.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. NEVILLE, a motion to reconsider the last vote was laid on the table.

DAM ACROSS ST. LAWRENCE RIVER.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River, which I will ask to have read.

The Clerk read as follows:

Whereas it is represented that the government of the Dominion of Canada, with a view of improving the navigation of the channel excavated through the rapids at the head of Les Galops Island, in the St. Lawrence River, proposes to construct a dam from Adams Island, in Canadian territory, to Les Galops Island, in United States territory; and

Whereas the consent of the United States to the construction of that part of the work which will be upon United States territory is desired: Therefore,

Be it enacted, etc., That consent is hereby given for the construction of the portion of the aforesaid dam which crosses or abuts upon the territory of the United States: *Provided*, That the type of the proposed dam and the plans of construction and operation thereof shall be such as will not, in the judgment of the Secretary of War, materially affect the water level of Lake Ontario or the St. Lawrence River or cause any other injury to the interests of the United States or any citizen thereof: *And provided further*, That the work of construction on United States territory shall not be commenced until plans and details of the work shall have been submitted to and approved by the Secretary of War.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

COMMUTATION OF SENTENCES OF UNITED STATES PRISONERS.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners.

The bill was read, as follows:

Be it enacted, etc., That each prisoner who has been or shall hereafter be convicted of any offense against the laws of the United States, and is confined, in execution of the judgment or sentence upon any such conviction, in any United States penitentiary, or in any penitentiary, prison, or jail of any State or Territory, for a definite term, other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of his arrival at the penitentiary, prison, or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence of more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated.

SEC. 2. That in the case of convicts in any United States penitentiary, the Attorney-General shall have the power to restore to any such convict who has heretofore or may hereafter forfeit any good time by violating any existing law or prison regulation such portion of lost good time as may be proper, in his judgment, upon recommendations and evidence submitted to him by the warden in charge. Restoration, in the case of the United States convicts confined in State and Territorial institutions, shall be regulated in accordance with the rules governing such institutions, respectively.

SEC. 3. That this act shall take effect and be in force from and after thirty days from the date of its approval, and shall apply only to sentences imposed by courts subsequent to the time that this act takes effect, as hereinbefore provided. Prisoners serving under any sentence imposed prior to such time shall be entitled and receive the commutation heretofore allowed under existing laws. Such existing laws are hereby repealed as to all sentences imposed subsequent to the time when this act takes effect.

The following amendment recommended by the Committee on the Judiciary was read:

On page 1, in line 6, after the word "penitentiary," insert the words "or jail."

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

SANTA FE PACIFIC RAILROAD COMPANY.

Mr. WM. ALDEN SMITH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its property and franchises, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Santa Fe Pacific Railroad Company, a corporation incorporated under the act of Congress approved March 3, 1897, entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," be, and it hereby is, authorized and empowered to sell or lease its railroad and other property, including all rights, powers, privileges, grants, and franchises, to the Atchison, Topeka and Santa Fe Railway Company, a corporation of the State of Kansas, its successors and assigns; but such purchaser or lessee shall take, hold, and use the railroad and property sold or leased subject to all duties, obligations, conditions, and restrictions relating thereto which at the time of such sale or lease shall be binding upon said Santa Fe Pacific Railroad Company as fully as though such sale or lease had not been made; and thereupon such purchaser or lessee shall have and enjoy all rights, powers, privileges, grants, and franchises relating to said railroad and property, or any part thereof, that were conferred by Congress upon said Santa Fe Pacific Railroad Company: *Provided, however*, That said railroad shall remain as heretofore a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, and subject also to all other rights of the United States.

The following amendments, recommended by the Committee on Pacific Railroads, were read:

Page 1, line 11, strike out the word "immunities," and insert in lieu thereof the word "grants."

On page 2, line 8, strike out the word "immunities," and insert in lieu thereof the following words: "powers, privileges, grants."

Also the adding of the following new sections:

"SEC. 2. That from and after the passage of this act the said Santa Fe Pacific Railroad Company, its successors or assigns, shall pay an annual tax at the rate of $175 per mile to the Territories of New Mexico and Arizona for each mile of track in said Territories, the same to be apportioned among the counties of said Territories in which said railroad is located according to the mileage in each county, respectively, and said taxes shall be in lieu of all other taxes on said property hereby authorized to be leased or sold, except the land-grant lands, and the shops as hereinafter otherwise provided, and the payment of said tax shall be made on or before the 1st day of December of every year after 1902, until the said Territories, or either of them, have been admitted into the United States of America as States; and that upon the admission of the said Territories of New Mexico and Arizona, or either of them, as States, the property hereby authorized to be transferred, situated therein, shall be subject to all the laws and regulations of either of the said States of New Mexico or Arizona, in the same manner and to the same extent as any other railroad property situated therein. The payment of the said $175 a mile shall not extend to or apply to any of the land-grant lands owned by the said Santa Fe Pacific Railroad Company which are in no wise connected with the right of way and station grounds of said company, said land-grant lands to remain as now chargeable with taxes as assessed and collected under and by virtue of the laws of the said Territories of New Mexico and Arizona, and the shops situated at Albuquerque, N. Mex., including the machinery therein, and the lands upon which the same are situated, shall be assessed separately and the taxes thereon paid annually according to the laws of New Mexico.

"SEC. 3. That the sale or lease herein authorized shall be made on or before January 1, 1904; otherwise this act shall become inoperative for all purposes.

"SEC. 4. Congress shall at all times have power to alter, amend, or repeal this act."

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. We should like to have some explanation.

Mr. MADDOX. Mr. Speaker, reserving the right to object, I should like to hear this bill explained by somebody.

The SPEAKER. An explanation is desired.

Mr. WM. ALDEN SMITH. Mr. Speaker, this bill comes unanimously from the Committee on Pacific Railroads, having been very carefully considered and several hearings given. The members were present. The bill gives no new power or authority to the Atchison, Topeka and Santa Fe Railroad. It enables that company to take formally what it really owns.

The only question that has ever arisen regarding the propriety of this bill has come from the Territories of Arizona and New Mexico, which were directly affected by it. An agreement has been arrived at between the company and the Delegates from Arizona and New Mexico, which agreement is amicable and satisfactory.

I will say, if the gentleman from Georgia [Mr. MADDOX] desires, that, in 1866, the Atlantic and Pacific Railroad Company was chartered by Federal law to build a railroad to the Pacific Ocean. That company never completed the road. In fact, the company failed, and but a small portion of the line was built. The Government has no claim whatever upon it.

No one is interested in it save the present owners of the property, the Atchison, Topeka and Santa Fe Railroad Company. The Atlantic and Pacific Railroad Company failed, was sold out, and bid in by the Santa Fe Pacific Company, with no power under the law to assign or sell it again. The stock has been acquired by the Atchison, Topeka and Santa Fe, and they now hold and own it. This is simply to enable them to take it over formally, in order that their securities may extend over the entire property and in order that it may be more economically administered. It affects 550 miles of road, 153 miles in New Mexico and 397 miles in Arizona, and it concerns no other part of the line. Now, as I have said, the only people directly affected were the Territories of Arizona and New Mexico.

Mr. MADDOX. The Government has no interest in it?

Mr. WM. ALDEN SMITH. None whatever. I will say to the gentleman from Georgia [Mr. MADDOX] further, for I think it is my duty, that under the original act the Atlantic and Pacific Company were exempt from taxation. When the Santa Fe Pacific acquired the Atlantic and Pacific, they contended that they also were exempt from taxation and that the Territories of Arizona and New Mexico had no power to tax them; but, in order that the Territories might be assisted, and with a willingness to pay whatever was reasonable and fair, the owners of the Santa Fe Pacific have paid for several years to the Territories of Arizona and New Mexico taxes upon which both parties have agreed. This bill fixes the rate of taxation in this enabling act—for it is purely an enabling act—and gives them no additional power. Indeed, it compromises somewhat their original rights, because it agrees with the Territories as to the measure of taxation in the future.

Now, my friend from Arizona [Mr. SMITH] will no doubt be able to explain to the gentleman from Georgia and his colleagues his position in reference to the matter.

Mr. MANN. May I ask the gentleman a question?

Mr. WM. ALDEN SMITH. In just a minute. The unanimous report of the committee on this bill is as follows:

The Committee on Pacific Railroads, to whom was referred the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes, beg leave to submit the following report and recommend that said bill do pass with amendments:

The Santa Fe Pacific Railroad Company was incorporated under act of Congress approved March 3, 1897, entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company."

The road of the company extends from a connection with the rails of the Atchison, Topeka and Santa Fe Railway Company at Isleta, N. Mex., to the Colorado River, on the western boundary of Arizona, and thus forms part of the transcontinental Atchison, Topeka and Santa Fe Railway system.

The object of the bill is to permit the Santa Fe Pacific Company to sell or lease its railroad and other property to the Atchison, Topeka and Santa Fe Railway Company. The latter company is now the owner of all the capital stock and all of the outstanding bonds of the Santa Fe Pacific Company. The transfer thus authorized is intended simply to provide for a more economical administration of the property. It will enable the real owner—the Atchison, Topeka and Santa Fe Railway Company—to make a large saving in the keeping of accounts and avoid the duplication of offices, etc., and will be to the manifest advantage of the public in dealing with one single corporation, operating in its own name the entire system.

The original act of Congress creating the Santa Fe Pacific Company, above cited, does not authorize such sale or lease, and hence this additional authority is desired. As the proposed legislation will in no manner enlarge any rights held by the Santa Fe Pacific Company under existing law, nor confer any additional rights and privileges whatsoever upon the Atchison, Topeka and Santa Fe Railway Company not now possessed by the Santa Fe Pacific Company under its present charter, and as the transfer is in the line of essential economy and public convenience, the committee strongly favor its passage. The bill is recommended for the further reason that, with the amendments suggested below, the question of taxation of this railroad property in the Territories of New Mexico and Arizona, which has caused much trouble and dispute in said Territories, is removed.

While the Santa Fe Pacific Company is claimed to be exempt from taxation under the provisions of the original Atlantic and Pacific charter, it has been voluntarily paying $125 per mile per annum tax in said Territories under

agreements with the Territorial authorities. The amendment noted below provides that the Santa Fe Pacific Company and its proposed successor in the record ownership of this property—the Atchison, Topeka and Santa Fe Company—shall hereafter pay taxes at the rate of $175 per mile until each of said Territories is admitted as a State. The legislation as proposed is entirely satisfactory to the Delegates from the Territories. The authorities of the counties through which the railroad now runs in each of the Territories are urging the passage of this measure (as shown by dispatches and letters on file with your committee), so as to give them more revenue from these increased taxes and settle all questions of possible dispute.

Your committee recommend the passage of the bill as amended.

I now yield to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, the Atlantic and Pacific Railroad Company claims exemption from taxation under the transfer to it by the Santa Fe Pacific. I have contended that the exemption held by the Santa Fe Pacific did not pass to the Atlantic and Pacific. The Atchison, Topeka and Santa Fe, in extending its system, bought the Atlantic and Pacific, the road now in question here, which passes through a part of New Mexico and all of Arizona. In the transfer of the road in the first instance, as above stated, the question arose as to whether or not this road was exempt from taxation under the purchase. The Atchison, Topeka and Santa Fe have purchased the Atlantic and Pacific stock and desire to have title passed under this bill. That has been the question between me and the railroad here, I contending that that transfer did not exempt the road from taxation, and the road contending that it did. But in this compromise it is agreed, and the bill provides, that the company shall pay to the counties through which it passes a tax of $175 a mile on the road, beside a tax on the railroad land grants. So that this law is better for the Territories than the present conditions.

Mr. FINLEY. I would like to ask the gentleman a question.

Mr. SMITH of Arizona. I yield to the gentleman.

Mr. FINLEY. The rate of taxation heretofore has been $125 a mile?

Mr. SMITH of Arizona. Yes, sir; the road has paid a compromise tax of that amount.

Mr. FINLEY. And this bill increases it to $175 a mile?

Mr. SMITH of Arizona. Yes, sir; it increases it to $175 a mile on the railroad, and settles all further dispute in the courts over the question of exemption. If the court should finally decide that the road had no exemption, we would then get very little more than the $175 per mile, as this is nearly the rate paid by roads having no exemption.

I can not say that I am entirely satisfied with the bill, but considering the necessities of the counties through which the road passes, and having received resolutions from the boards of supervisors of several of the counties favoring a bill providing for the payment of $150 per mile, and having obtained a settlement at $175 per mile, I was constrained to give my assent to this measure. This bill provides that when these Territories become States the railroad shall make no claim to any exemption whatever, but submits itself without controversy to the taxing power of the State as other railroads are subject.

The SPEAKER. Is there objection?

Mr. WM. ALDEN SMITH. I yield to the gentleman from New Mexico.

Mr. RODEY. Mr. Speaker, in behalf of New Mexico in reference to this bill I would like to state that New Mexico agrees to it also, and further I would say that in the act of 1866 creating the Atlantic and Pacific Railroad Congress exempted in the two Territories the right of way of this railroad from taxation. It was contended by the Territories that the right of way did not include anything but the mere land, and did not include the superstructure, the ties and the rails, the station grounds, etc. Litigation arose over the question and a case went to the Supreme Court of the United States, and it was held that the superstructure was included in the term "right of way," and therefore wholly exempted this railroad as to that property from all taxation.

After this transfer—after the foreclosure of the suit of the bondholders against the railroad, as just mentioned by the chairman of the committee—an act of Congress was passed permitting the Santa Fe Pacific Company to purchase the road, but the word "immunities" was omitted from it, so we contended thereafter that the right of way in the hands of the new company was subject to taxation. The railroad resisted this contention, but still compromised its taxes annually. In the present act, as first introduced, the missing word was supplied, but the Delegates from both Territories were not satisfied with it. That is the reason the amendment is suggested by the committee, as just read, leaving out the word "immunities," so that they will be in just the same position as before, and as we contend will not be exempt; and further, this agreement to pay $175 tax per mile will be a reasonable tax in the future. This matter has been fully considered and agreed to by the county commissioners of the counties through which the road runs in each of the Territories, as well as by the prominent officials of New Mexico, and is recommended by the counsel who prosecuted the tax suits against the company. The people most interested and who know best about it in New Mexico have agreed to it as a reasonable measure, and have advised me not to resist its passage, but have urged me to help its passage. The chairman has fully explained the reasons why such an act is necessary at all. Congress, by the closing section of the act, retains control of the matter should it be found to work any injury.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WM. ALDEN SMITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

LORILLARD SPENCER.

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3848.

The bill was read, as follows:

A bill (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, a deed of quitclaim and release to Lorillard Spencer, of Newport, R. I., his heirs and assigns, of all the right, title, and interest which was granted to the United States of America by a deed from Elisha Brown to the United States of America, dated the 15th day of November, A. D. 1808, and recorded in volume 11 of the Land Evidence of the city of Newport, in the county of Newport, in the State of Rhode Island, at pages 11 and 12, in and to the land described in said deed, upon the payment by him of the sum of $25.

Mr. PAYNE. Reserving the right to object, I ask for an explanation of this bill.

Mr. RAY of New York. Mr. Speaker, I will explain to my colleague, if the gentleman from Arkansas permits. The bill was introduced by Mr. BULL of Rhode Island. During the war of 1812 the Government of the United States obtained from the then owner of a little piece of land where the city of Newport now stands, on Halidon Hill, the right to erect a battery on about a quarter or half an acre of land, and the right to take the sod from the adjacent land, comprising about an acre or two. The United States never availed itself of the right. It never erected a battery there, and never has used it up to this time. The ground has all been built over, and passed into other hands.

The present owner of the property, in trying to negotiate a sale or borrow money, I have forgotten which, found this cloud upon the title, and we have inserted in the bill a provision that they shall pay the United States, I think, $25 or $50. The bill removes that cloud from the title. It is recommended by the War Department and the engineers in charge of all the fortifications in that section. They say it will never be used, can not be used, and is of no earthly value. But it creates a cloud on the title of the owner. That is all there is of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION OF DISTRICT SUPERINTENDENTS IN THE LIFE-SAVING SERVICE.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 1026.

The bill was read, as follows:

A bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service.

Be it enacted, etc., That from and after the passage of this act the compensation of district superintendents in the Life-Saving Service shall be $2,000 per annum each: *Provided, however*, That in case the Secretary of the Treasury deems it necessary for any superintendent to employ a clerk, he may allow a sum not exceeding $500 per annum for the compensation of such clerk in addition to the salary paid the superintendent.

SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection?

Mr. CLAYTON. Reserving the right to object, I would like to ask the gentleman this question. How much does this increase the salary of the superintendents of the Life-Saving Service?

Mr. LOVERING. The superintendents now receive from $1,600 to $1,800 a year.

Mr. CLAYTON. What reason is there for this increase?

Mr. LOVERING. To promote the efficiency of the Life-Saving Service.

Mr. CLAYTON. It is found necessary to give more to these men——

Mr. LOVERING. Yes; it is found necessary to increase their compensation.

Mr. CLAYTON. In order to better the efficiency of the service?

Mr. LOVERING. Absolutely.

Mr. CLAYTON. One more question. Does this come from your committee with a unanimous report?

Mr. LOVERING. It comes with a unanimous report.
Mr. CANNON. Mr. Speaker, I object.
The SPEAKER. Objection is made.

HOUSE DIGEST AND MANUAL OF RULES AND PRACTICE.

Mr. HEATWOLE. Mr. Speaker, by direction of the Committee on Printing, I call up House resolution 264.

The Clerk read the resolution, as follows:

Resolved, That there be printed 2,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-seventh Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House.

The resolution was considered, and agreed to.

USE OF NEW PUBLIC-PRINTING BUILDING BY THE GRAND ARMY.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to call up the bill (H. R. 14189) to permit the occupancy of the public-printing building by the Grand Army of the Republic.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Public Printer of the United States and the engineer officer in charge of the construction of the public-printing building are hereby directed and authorized to permit the soldiers of the Grand Army of the Republic to occupy the new public-printing building for sleeping purposes from the 5th day of October, 1902, to the 13th day of October, 1902, both days inclusive.

The Grand Army of the Republic to furnish the same for sleeping purposes at their own expense and to leave the building in as perfect state of cleanliness and repair as when they took it. The occupancy of the same to be under the control of the Public Printer and the engineer officer in charge.

The following committee amendments were read:

In line 4, before the word "public-printing," insert the word "new."

Also, in the same line, after the word "public-printing," insert the word "office."

Strike out the word "the" in line 5 and the word "soldiers" in line 6, and insert in lieu thereof the words "duly accredited members."

In line 7, after the word "public-printing," insert the word "office."

Also, in the same line, after the word "purposes," insert the word "only."

In line 11, before the word "Grand," insert the words "officers of the;" and in the same line strike out the word "to" and insert in lieu thereof the words "or members thereof shall."

In line 12, after the word "purposes," insert the word "only;" in the same line, after the word "expense," insert the words "and properly police and protect the same," and in the same line strike out the word "to."

In line 14 strike out the word "to" and insert in lieu thereof the word "shall."

In line 15, after the word "control," insert the words "and supervision;" so that the bill will read as follows:

"*Be it enacted, etc.*, That the Public Printer of the United States and the engineer officer in charge of the construction of the new public-printing office building are hereby directed and authorized to permit duly accredited members of the Grand Army of the Republic to occupy the new public-printing office building for sleeping purposes only from the 5th day of October, 1902, to the 13th day of October, 1902, both days inclusive.

"The officers of the Grand Army of the Republic or members thereof shall furnish the same for sleeping purposes only at their own expense, and properly police and protect the same and leave the building in as perfect state of cleanliness and repair as when they took it. The occupancy of the same shall be under the control and supervision of the Public Printer and the engineer officer in charge."

The SPEAKER. This requires unanimous consent. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to ask the gentleman from Minnesota if this bill contemplates that the Public Printing Office building will be used by the Grand Army prior to the occupation by the Government Printing Office itself?

Mr. HEATWOLE. Yes.

Mr. RICHARDSON of Tennessee. It is not supposed that by the date mentioned here it will be in such a state of completion as that the Printing Office itself can be moved into it?

Mr. HEATWOLE. No; the Public Printer and the engineer officer in charge have been consulted, and they have agreed to it.

Mr. RICHARDSON of Tennessee. It will be occupied by the Grand Army in its unfinished condition and before its occupation by the Printing Office?

Mr. HEATWOLE. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONSOLIDATED REPORTS OF GETTYSBURG NATIONAL PARK COMMISSION.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to call up the Senate joint resolution No. 46.

The Clerk read the joint resolution, as follows:

Joint resolution to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

Resolved, etc., That there be printed 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive, of which 2,000 shall be for the Senate, 2,000 for the House of Representatives, 1,000 for the office of the Secretary of War, and 1,000 for the Gettysburg National Park Commission.

The Clerk read the following amendments recommended by the committee:

In line 3 strike out the word "six" and insert in lieu thereof the word "five."

In line 6, between the words "which" and "thousand," strike out the word "two" and insert in lieu thereof the word "one."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

COPIES OF CONGRESSIONAL RECORD.

Mr. TATE. Mr. Speaker, I am directed by the Committee on Printing to report back and ask for immediate consideration the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing.

The Clerk read the bill, as follows:

Be it enacted, etc., That the tenth paragraph of the printing act of March 2, 1895, following the paragraph which reads, "The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitously no others in addition thereto," be amended so that such tenth paragraph shall read as follows: "To the library of each of the eight Executive Departments, and to the Naval Observatory, Smithsonian Institution, United States National Museum, the Department of Labor, and Civil Service Commission, one bound copy."

Mr. TATE. I would like to have the report read.

The Clerk read the report, as follows:

Your Committee on Printing, having had under consideration Senate bill No. 2296, being an act to amend an act relating to public printing, beg to submit the following in lieu thereof, with the recommendation that it do pass:

Be it enacted, etc., That the first and tenth paragraphs of the printing act of January 12, 1895, following the paragraph which reads "The Public Printer shall furnish the CONGRESSIONAL RECORD as follows and shall furnish gratuitously no others in addition thereto," be amended by striking out of said first paragraph the word "forty-four" between the word "Senator" and "copies" in the first line and insert in lieu thereof the word "eighty-eight;" and by striking out the word "thirty" betwcen the words "Delegate" and "copies" in the fourth line of said paragraph and insert in lieu thereof the word "sixty;" and by inserting in the ninth line of said first paragraph, after the word "copies" and before the word "to," the following: "and to the Clerk for the use of members of the House of Representatives 50 copies." And amend said tenth paragraph by inserting in the third line thereof, between the words "Museum" and "one," the words, "the Department of Labor and Civil Service Commission," and further amend said tenth paragraph by striking out in the second line the word "and" between the words "Institution" and "the."

The SPEAKER. This requires unanimous consent. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were considered, and agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the bills and resolutions from the Committee on Printing were passed, was, upon his motion, laid on the table.

DONATION TO ALABAMA OF SPARS OF CERTAIN SHIPS.

The SPEAKER laid before the House the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, with Senate amendments.

The Senate amendments were read.

Mr. CLAYTON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LOAN OF REVOLUTIONARY TROPHIES.

The SPEAKER also laid before the House the amendment of the Senate to the joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

The amendment was read, as follows:

After the word "Morgan," in line 9, insert "in such manner that their safety from unlawful removal will be assured, and their return if called for by Congress."

Mr. HAY. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

PAY OF SUPERVISORS IN THE LIFE-SAVING SERVICE.

Mr. CANNON. Mr. Chairman, I objected a few moments ago to a bill which the gentleman from Massachusetts [Mr. LOVERING] asked to have passed—the bill (S. 1026) to fix the compensation of district supervisors in the Life-Saving Service. I objected under a misapprehension. I now withdraw my objection.

The SPEAKER. Is there further objection?

Mr. LOUD. Mr. Speaker, the districts of these supervisors differ very materially in extent—some not exceeding 50 or 75 miles in length; others extending over a coast line of 1,500 miles. The law as originally passed gave these supervisors graded rates of salary. This bill proposes to put them all upon the same grade. I think that a bill of this kind should not pass. The duties of these supervisiors are by no means identical in extent.

A MEMBER. Oh, do not object.

Mr. LOUD. Yes; I will object to a bill of this character. I would not object to a bill increasing the salaries of these men upon a graded basis. I believe they should have an increase of salary, but I do not believe they should all receive the same salary.

Mr. LOVERING. May I be permitted to make a statement?

Mr. LOUD. I am willing to reserve the right to object.

Mr. LOVERING. It is well known that the duties of these district superintendents have increased within the last twenty years, being three or four times greater than they formerly were. In this bill as first drawn it was proposed to give these officers $500 extra; that is, to make their salaries $2,500 instead of $2,000. The Senate cut down the amount to $2,000, with a provision for an extra allowance of $500 for clerk hire in certain cases. It is agreed on all hands—by the Department and by everybody else familiar with the circumstances—that these men are not overpaid at $2,000; and it would be only proper that they should all be brought up to that grade, with a provision for extra clerk hire where the circumstances justify it.

Mr. LOUD. If the gentleman's bill proposed an increase of $200 for each of these supervisors, I would not object. I believe they should have additional compensation, but I do not believe they ought all to be put upon the same plane.

The SPEAKER. Objection is made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LONG, for ten days, on account of important business.

To Mr. MILLER, for ten days, on account of important business.

BOMBARDMENT OF TAKU FORTS IN CHINA.

Mr. HITT. I desire to present a privileged report from the Committee on Foreign Affairs. I report back with an amendment the resolution of inquiry which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish this House copies of the complete correspondence, including cable messages, between the Navy Department and Rear-Admiral Kempff, then in command of the American naval forces, in relation to the bombardment of the Taku forts in China.

The amendment reported by the Committee on Foreign Affairs was read, as follows:

After the word "hereby," in line 2, insert "if not incompatible with the public interests."

The amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

NORTH CAROLINA ELECTION CONTEST—FOWLER V. THOMAS.

Mr. OLMSTED. By direction of the Committee on Elections No. 2, I call up for present consideration the privileged resolutions accompanying the report of that committee upon the contested-election case of Fowler *v.* Thomas, from the Third Congressional district of North Carolina.

The report, with the accompanying resolutions, is as follows:

The Committee on Elections No. 2, to which was referred the contested-election case of John E. Fowler *v.* Charles R. Thomas, respectfully present the following report:

The Third Congressional district of North Carolina is composed of the nine counties of Bladen, Craven, Cumberland, Duplin, Harnett, Jones, Moore, Onslow, and Sampson.

The returns of the Congressional election of November 6, 1900, as certified, show that Charles R. Thomas, the contestee, received 13,541 votes, and John E. Fowler, the contestant, received 11,632 votes; scattering, 10. Mr. Thomas received an apparent plurality of 1,909 over Mr. Fowler, and a majority of 1,893 over all.

At an earlier election held in North Carolina in August, 1900, State officers were elected and a new constitution was, or is said to have been, adopted, containing provisions intended to greatly restrict the right of suffrage in said State. It did not, however, and was not intended to, take effect upon the Congressional election of that year, which was held under the preexisting constitution and laws of the State, and therefore no question arising under the new constitution is involved in this controversy.

Mr. Fowler, the contestant, was the nominee of the Populist party. Mr. Thomas, the contestee, was the nominee of the Democratic party. The Republican party had no candidate and did not, as an organization, indorse the nominee of either the Populist or Democratic party.

The contestant submits that the true result, according to the evidence and the law, should be declared as follows:

Reject the returned vote of Craven County, which gave contestee a majority of	911
Reject the returned vote of Duplin County, which gave contestee a majority of	810
Simpson County:	
Give Fowler a net gain in North Clinton of 60 votes	60
Add to contestant's vote in Honeycutts precinct 2 votes	2
Add to contestant's vote in South Clinton 4 votes	4
Add to contestant's vote in Newton Grove	6
Reject the returns from Franklin Township, a majority for contestee of 39	39
Cumberland County:	
Reject Cross Creek No. 1, which returned for contestee a majority of 89	89
Reject Cross Creek No. 2, which returned a majority for contestee of 166	166
Reject Cross Creek No. 3, which returned a majority for contestee of 170	170
Reject Cross Creek No. 4, which returned a majority for contestee of 192	192
Reject Eureka, which returned a majority for contestee of 30	30
Total	2,480

Showing a majority for contestant of 574 votes.

The above statement of contestant's contention, as quoted from his brief, shows that in order to support his claim it is necessary to reject the entire vote of Craven County and also of Duplin County.

The first reason given for excluding the entire vote of Craven County is "that the county board of elections of Craven County, in appointing judges of election for the various voting precincts under the law of the State of North Carolina, which provides that each party shall have representation among the said judges, ignored those who had been recommended by the Republican executive committee in all the precincts in said county except Maple, Cypress, Truitts, Dover, Fort Barnwell, Core Creek, Lees Farm, First Ward, and Third Ward."

The vote in these excepted districts, as to which contestant concedes that the judges were properly appointed, was as follows:

	Thomas.	Fowler.
Maple Cypress	61	67
Truitts	154	35
Dover	99	76
Fort Barnwell	117	29
Core Creek	91	19
Lees Farm	59	106
First Ward	133	3
Third Ward	201	22
Total	915	357

Thomas over Fowler, 558.

There is evidence that in some or all of the other precincts the election officers were all Democrats, or that if Republicans they were not those recommended by the Republican executive committee. We are not satisfied that the consolidation of some of the other precincts, so as to crowd more Republican and Populist voters into one precinct than could readily vote and be counted in a single day if attempts were made to delay the voting, was done for an honest purpose. But if we were to throw out all of those districts Mr. Thomas would still have a majority in the unattacked districts as above stated, and we have been shown no reason why the vote of the unattacked districts should be rejected. Therefore, notwithstanding the evidence of considerable irregularity in some parts of this county, we are unable to reject the entire vote as requested by contestant.

We are asked to reject the entire vote of Duplin County principally upon the ground that in various precincts there were in the summer of 1900 bodies of men banded together, and known as "Red Shirts," the purpose of whose organization was, by public demonstration with guns and pistols, to terrorize and intimidate Republicans and Populists and prevent them from voting. There is some evidence of such organizations and such conduct at or prior to the August election, at which the proposed new constitution was voted upon and State officers elected, but the evidence is meager as to the extent of such terrorization, and we can hardly find that it extended throughout the entire county, even in August. There is little or no evidence that the terrorization and intimidation in August had any material effect upon the Congressional vote in November.

No evidence has been submitted from which we can compare the vote in Duplin County at the August election with the vote at the November election, but in Craven County, for which we have been given the figures, the total vote for governor in August was 1,843, while the total Congressional vote in November was 3,483. In Duplin County the total vote for Congressman in 1900 was 2,778, which is undoubtedly considerably larger than the total vote at the State election in August, the exact figures for which have not been supplied.

Contestant also complains that in Duplin County the election boards were either composed entirely of Democrats, or where Republicans or Populists were appointed they were not those recommended by the recognized authorities of said respective parties. It does not appear from the evidence that the Republican party submitted any list of those whom it desired placed upon the respective election boards. The Populists did, and asked for the appointment of a Populist on each election board. The county board, however, in some instances appointed Republicans and in others appointed Populists, but not always the persons named by the party authority.

There is evidence tending to show that in some of the districts the so-called Republicans or Populists who were appointed were of doubtful allegiance to the parties they were supposed to represent and sometimes voted mixed tickets, but we have not been pointed to any evidence that they worked or voted against the contestant.

As to some districts no cause has been shown for complaint as to the complexion of the election boards, and upon the whole we are not satisfied that the vote of the entire county can properly be rejected.

There is some evidence of a conspiracy in Craven County to so arrange certain election precincts, and in both Craven and Duplin counties to so constitute election boards as to help the Democratic party and operate to the disadvantage of Populists and Republicans.

In some parts of the district there is evidence of carelessness and irregularity and probable fraud in the conduct of the election and counting and return of the votes. The Republican party, as already stated, had no candidate. There is evidence that some Republicans voted for the contestee, and there is some evidence of Republican dissatisfaction with contestant.

The testimony in this case is voluminous. In its examinations we have not been assisted by the oral argument of counsel, the opportunity afforded by your committee having been declined. The printed brief submitted by contestant's counsel does not, in our judgment, sustain his contention.

Upon the whole case we find that the frauds and irregularities shown are not sufficient to overturn contestee's majority, and we therefore recommend the adoption of the following resolutions, viz:

Resolved, That John E. Fowler was not elected to the Fifty-seventh Congress from the Third Congressional district of the State of North Carolina, and is not entitled to a seat therein.

Resolved, That Charles R. Thomas was elected to the Fifty-seventh Congress from the Third Congressional district of the State of North Carolina, and is entitled to a seat therein.

M. E. OLMSTED, *Chairman*.
J. M. MILLER.
GEO. SUTHERLAND.
HENRY D. GREEN.
J. M. ROBINSON.
SAM'L L. POWERS.
F. D. CURRIER.
JOHN J. FEELY.

Mr. OLMSTED. Mr. Speaker, the Third district of North Carolina is composed of 9 counties. At the Congressional election in 1900 the sitting member, Mr. Thomas, received a plurality of 1,909. His seat was contested by Mr. Fowler, a Populist, who

alleged numerous frauds, irregularities, etc., all of which charges the committee has carefully considered.

We find that it would be impossible to unseat the contestee without throwing out the votes of two entire counties. Craven County we are asked to throw out because the members of the election boards were all of one political party. But we find that 8 districts of that county are unattacked. No objection lies to the composition of the election boards in those 8 districts. If we were to throw out the balance of the county, the contestee would still have a majority of 574 in that county in those 8 districts. We see no reasonable ground for throwing out the districts unattacked.

Again, in Duplin County, which we are asked to throw out, there is some evidence of what is called "redshirtism," intimidation, etc., by organized bands of "Red Shirts." The evidence upon that point is very meager, but so far as it goes it shows that the disorder occurred at the August election, at which State officers were elected and a State constitution is said to have been adopted. There is evidence of such an organization in August and of acts done which probably did affect the result of the August election. but the evidence is very meager as to the extent of territory embraced in this Congressional district in which intimidation prevailed even in August, and there is no evidence of such organizations operating at the November election—the Congressional election. As the vote at the November election was nearly double what it was in August, we are unable to find that anything of that sort occurring in August affected materially the November election. The Congressional election held in November, 1900, was not held under the State constitution said to have been adopted in August, and therefore no questions arising under that constitution or concerning the August election are involved in this contest.

There are evidences of some frauds and some irregularities, but granting to the contestant all that he claims in other particulars, we could still not give him a seat without throwing out the entire two counties of Craven and Duplin. He has not shown us sufficient ground for throwing out the whole vote of those two counties and disfranchising voters in those districts against which there is no charge of wrong. We therefore find by unanimous vote of the committee, the report being signed by every member save one, the gentleman from Maine [Mr. LITTLEFIELD], who did not sit, that the contestee, Mr. Thomas, is entitled to his seat. I will yield to the gentleman from Indiana [Mr. ROBINSON], but unless he desires to say something, I call for a vote upon the resolution.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions agreed to.

OHIO ELECTION CONTEST—LENTZ V. TOMPKINS.

Mr. OLMSTED. Mr. Speaker, I call up for present consideration privileged resolution No. 206, in the contested election case of Lentz *v.* Tompkins, which I will ask to have read.

The Clerk read as follows:

Resolved, That John J. Lentz was not elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of the State of Ohio, and is not entitled to a seat therein.

Resolved, That Emmett Tompkins was elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of the State of Ohio, and is entitled to a seat therein.

Mr. OLMSTED. Mr. Speaker, the Twelfth Congressional district of Ohio is composed of the two counties of Fairfield and Franklin, embracing the city of Columbus. The election in that district resulted in giving, as appeared from the returns, a plurality of 18 to the sitting member, the contestee, Mr. Tompkins. At the election the Australian form of ballot was used. The law of Ohio provides that where there is any dispute about a ballot as to how it should be counted the ballot shall be put in an envelope with evidence showing whether or not it was counted, and if counted, for whom. Twenty-five only of such ballots were disputed at this election, at which over 51,000 votes were cast.

The committee has carefully considered those ballots and the laws of Ohio relating thereto, and had no difficulty in arriving at the unanimous conclusion that, counted as they should have been counted, they gave the contestee an addition of 1 vote, making his plurality 19. There are in the notice of contest sweeping charges of bribery. Because particularly of the closeness of the vote in this district we have given to the testimony and to arguments of counsel the most careful and thorough consideration possible. We find that one witness testified that he received $200 for reporting any Republican disaffection. He testified, however, that he did not use that money to secure any Republican vote or any vote against the contestant, but that he himself voted for Mr. Lentz and used part of the money in securing another Democratic vote. Another witness testified that he received $30 to work for Mr. Tompkins and Mr. Wickham, he being a candidate for a local office, but he testified he voted for Mr. Lentz.

Another witness testified that he received $5 for similar purposes, but it does not appear whether he voted for anybody. In addition to those things there is evidence of a club, rejoicing in the classic title of "The Pig's Ankle," composed of ten colored gentlemen, who testified that ordinarily they vote the Republican ticket and were inclined to do so in this election, but that, in the language of one of them, they were "out for the dough." These men testified that one Walter Thomas, commonly called "Plut," who himself testified that he was working in the interest of the contestant, offered them $2 apiece to vote for Lentz. There is, however, no evidence that Mr. Lentz knew of that offer or that any of them voted for Mr. Lentz.

On the other hand, we do not believe that they did. There is some evidence showing that some of them received sums varying from 50 cents to $3, presumably to vote for Mr. Tompkins, but the evidence is of such character that we are almost compelled to throw it out entirely. This same "Plut" Thomas, working for the contestant, procured affidavits from these witnesses, taking them before one of the counsel for the contestant, who was introduced to them under an assumed name and claimed to be Republican, telling them that there were considerable sums of money to be paid that they ought to have received, and if they would make these affidavits and give testimony accordingly they would see that they received compensation.

They made affidavits. It is apparent from their testimony afterwards that they did not know what was in the affidavits. One says that he did not know any more about what was in them "than a hog knows about olives." Upon the witness stand they contradicted their own affidavits and their own testimony. We are of opinion that their testimony, procured by improper means, and in itself contradictory, and in some particulars manifestly untrue, is not worthy of serious consideration. But if we believed it all, it would not change the result. As to at least half of them there is no evidence that they voted at all for anybody. As to others, two or three of them, there is evidence that they voted for Mr. Tompkins, but we are not told in what precincts they voted nor even in what counties, except as we might take judicial knowledge of the fact that the city of Columbus is in a certain county. We could not throw out the precincts in which they voted, as we have not been shown in what precincts they did vote, nor have we been shown the total vote in any precinct. If we were to accept all the evidence as true, in the light most favorable to contestant, we could not do more than throw out the 10 votes, which would still leave the contestee entitled to his seat.

There is no allegation against the integrity of any election officer or any election return. There is no allegation, and much less is there any evidence, of any improper conduct whatever on the part of the contestee. The report of the committee is unanimous. Unless the gentleman from Indiana [Mr. ROBINSON], to whom I will yield, desires to make a statement, I will call for a vote upon the resolutions.

Mr. ROBINSON of Indiana. I do not desire to take up the time of the House, but the report of the committee, as unanimously indorsed by all the members of the committee, gives a fair résumé of the evidence. It is brief, and the conclusions of the committee are set forth. So I ask unanimous consent that it may be printed in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the report in this case may be printed in the RECORD. Is there objection?

There was no objection.

The report is as follows:

The Committee on Elections No. 2, to which was referred the contested election case of John J. Lentz *v.* Emmett Tompkins, from the Twelfth Congressional district of the State of Ohio, submit the following report:

The Twelfth Congressional district of Ohio consists of the counties of Fairfield and Franklin. As shown by the official returns, the vote in said district at the Congressional election November 6, 1900, was as follows, viz:

County.	Republican—Emmett Tompkins.	Democrat—John J. Lentz.	Union Reform—George F. Ebner.	Prohibition—John S. Wilkins.	Social Labor—Charles C. Pomeroy.
Fairfield	3,725	5,463	42	79	.....
Franklin	21,980	20,224	114	270	0
Total	25,705	25,687	156	349	0
Plurality	18	.....	.....	.....	.....

Mr. Tompkins, having an apparent plurality of 18, received the official certificate, and in pursuance thereof was sworn as a member of the Fifty-seventh Congress, and holds his seat subject to the result of the pending contest.

The ballot in use in Ohio is of the form known as Australian, and under the laws of that State each ballot about which there is any dispute or question is required to be placed by the election officers in a sealed envelope with evidence showing whether it was counted or not, and, if counted, for whom. It is remarkable that in an election at which 51,903 votes were polled there were only 25 such ballots. Some of them were counted for contestant, some for contestee, some were not counted at all, and as to others there is no evidence showing whether they were counted or not, or if counted, for whom.

Having carefully examined these ballots and the law relating thereto, your committee finds that a proper counting of them shows an increase of one vote in favor of contestee, increasing his plurality to 19.

Contestant, in his notice of contest, makes sweeping charges of bribery, and we have given careful consideration to the testimony upon this branch of the case. The most important and apparently the most reliable witness called testified that he received in all $200 from a person upon whom he called upon the advice of contestant. As a consideration he was to give to the person who paid him the money any information that he could gather "concerning Republicans who were out of the traces," etc. He did not "use a cent of the money * * * in any manner to influence either a Democrat or a Republican or Populist or anybody else to vote against Mr. Lentz." But, on the contrary, voted for Mr. Lentz himself and used part of the money in registering a Democratic vote.

Another witness testified that he received $30 "for work for Tompkins and Wickham" (the latter being a candidate for recorder), but voted for Mr. Lentz. Another received $5 for the same purpose. The evidence shows that he voted, but does not show for whom, nor in what precinct.

We are unable to see that the facts elicited from these witnesses can be given such effect as to reduce contestee's plurality.

The testimony of other witnesses upon the subject of bribery related mainly to an organization of colored men known by the classic title of "The Pig's Ankle." These men, about 10 in number, ordinarily vote the Republican ticket, and were inclined to do so in the Congressional election of 1900, but, in the picturesque vernacular of one of the members, they were "out for the dough." One of them testified that a colored man named Walter (commonly called "Plut") Thomas, whose own testimony shows that he was working for contestant, offered the members of this club $2 each to vote for Mr. Lentz, which offer was refused.

There is no evidence to show that any of them did vote for Mr. Lentz, and no evidence to show that more than half of them voted for Mr. Tompkins. Several of them have given some testimony to the effect that they received sums ranging variously from 50 cents to $3, presumedly to vote for Mr. Tompkins. Several of them made affidavits alleging that they and other persons belonging to the organization had been paid or promised certain sums in consideration of voting for him. In some instances the affidavits were prepared in advance and they were induced to sign them. In other instances they were signed when the affiants were drunk. One of them testified that he knew no more about what was in the affidavit he signed "than a hog does about olives." Upon the witness stand they contradicted, either in whole or in part, the affidavits they had previously made, and in some instances, upon cross-examination, contradicted the statements they had made in direct examination. There is abundant evidence to show that these affidavits and the testimony of these witnesses was procured by the abovementioned "Plut" Thomas upon promise of compensation for their testimony.

The affidavits were apparently secured in advance in the hope that they would assist in holding the witnesses upon the stand to the corroboration of the statements therein contained. Thomas took the witnesses before one of the attorneys of contestant, who was introduced to them under as assumed name. He wrote the affidavits and the several persons signed them with the expectation, as they testified and as Thomas himself admits, that they were to derive pecuniary advantage from so doing. These ex parte affidavits have been submitted to your committee, but are not admissible as evidence. (Foster *v.* Covode, 2 Bart., 524; Jones *v.* Mann, 2 Bart., 474; Knox *v.* Blair, 1 Bart., 536; Wiggington *v.* Pacheso, 1 Ells., 14; Holmes *v.* Wilson, 1 Ells., 323; Hill *v.* Catchings, Rowell, 806.)

The most of the testimony of these witnesses, even upon the witness stand, was hearsay, and as such inadmissible under the common-law rules of evidence, which ought to be, and have been, applied by the House in election cases. (Watley *v.* Cobb, 53d Cong., Report 267; Arnold *v.* Lea, C. & H., 602; Ingersoll *v.* Naylor, 1 Bart., 34; Whyte *v.* Harris, 1 Bart, 257-267.)

"The vicious tendency of hearsay evidence in election cases needs no demonstration." (Wallace *v.* McKinley, Mobley, 189; Hurd *v.* Romeis, Mobley, 425.)

The testimony of these witnesses is so contradictory in character, and they have so manifestly sworn falsely, either in their affidavits or in their testimony upon the stand, or both, that but little credence can be given to any of their statements.

But, in the opinion of your committee, a still stronger and a controlling reason why their testimony must be disregarded is that not only the affidavits, which some of them made, but their testimony upon the witness stand, was procured as a result of bribes, or the offer of bribes, by said Plut Thomas.

But if the ex parte affidavits and the hearsay testimony were all admitted and all the testimony accepted as true according to the construction most favorable to contestant, it could not be found that more than 10 persons had received or been promised, either directly or indirectly, compensation to vote for Mr. Tompkins.

The integrity of the election returns is in no way attacked. No election officer has been proved, or even charged, with any irregularity whatever. No such general bribery in any precinct has been shown as ought to require the entire return to be rejected. But if there had we could not tell what precincts to throw out, as the evidence as to some of the said 10 persons does not show in what precinct or precincts they voted, and as to others does not show that they voted at all. Furthermore, as to some of the 10 who are shown to have voted, it does not appear whether they voted for Tompkins or Lentz.

If we were convinced that any precinct ought to be thrown out entirely we could not say whether to throw it out would benefit the contestant or contestee, as we have not been furnished evidence showing the vote by precincts. We have the vote by counties only. Surely we could not throw out a whole county, even if it were clearly shown that the 10 persons had been bribed and had voted.

The injustice of disfranchising more than 50,000 honest voters will at once appear. There is authority in the minority report in Delano *v.* Morgan, 2 Bart., 204, written by a former Speaker of the House, that as the law of Ohio provides only for the punishment of persons offering or receiving bribes, but does not declare their votes illegal, therefore they must be counted. But we can not consent to this doctrine, holding, as we do, that to receive and count a vote clearly shown to have been cast as the result of a bribe would be in violation of the spirit, if not the letter, of all laws tending to secure the freedom and purity of the ballot.

If satisfied from the evidence that these ten persons had been paid to vote for contestee and had so voted, your committee would not reject the entire vote of the respective precincts in which they deposited their ballots, even if we knew which precincts they were, or had returns by precincts so that we might act upon them. We would not throw out the entire precinct, but exclude the illegal votes, following Robinson *v.* Harrison, Fifty-fourth Congress, Report No. 1121; Bowen *v.* Buchanan, Rowell, 196. But the throwing out of such votes would not change the result of the election.

There is evidence of one John Tincher that he and another person went to the office of the chairman of the State Republican committee, and, giving assumed names and representing themselves to be voters of Westerville, secured orders for railroad tickets to that place and return. They then attempted to secure money, but, failing to do so, did not obtain the railroad tickets and did not go to Westerville. They both voted for Lentz. Their testimony simply discloses an unsuccessful scheme to obtain money fraudulently from the Republican committee.

There is also the testimony of two colored persons, residing near Washington, D. C., that they went to Columbus before election. They could not, upon cross-examination, give the name of any hotel or boarding house at which they had stopped in Columbus nor the name of any person whom they had there met. They aver that they received $25 each for going there and $25 each after they got there. One of them testifies that he was asked to intimidate colored voters from voting against Tompkins by threatening them with social ostracism. The other testifies that he felt that he was also expected to bribe them. They both testify that they promptly and virtuously returned to their homes and performed no service whatever in Columbus.

We are unable to see that the testimony of these witnesses, even if believed, ought to influence the case. But not only is it upon its face of doubtful verity, but there is the fact that one of them, some time before going upon the witness stand, wrote to the contestee a letter from Washington, in which he said:

"I have in my possession information that will send some of Mr. Lentz's friends to prison for intimidation and false swearing. Them people who are in this conspiracy are now in your city trying to do this mean, dirty trick. I know who these people are, and I will put myself at your disposal to show these people up to their face. Please let me hear from you at once. I am in a short ride to Washington, and would be glad to see you and have a talk with you. I await an early reply."

He also wrote a letter of like import to one of the Ohio Senators, who, he assumed, might be interested in the case. Failing to hear from the contestee, they endeavored to help the cause of the contestant.

We find that 1 vote was cast for contestee by a person having no legal residence in the precinct in which he voted.

The statute governing contested Congressional elections provides that the contestant shall, within a specified time, give notice to the member whose seat he designs to contest, "and in such notice shall specify specifically the grounds upon which he relies in the contest." The member whose seat is contested must, "within thirty days after the service thereof, answer such notice admitting or denying the facts alleged therein and state specifically any other grounds upon which he urges the validity of his election." (R. S., secs. 105, 106.)

This notice and answer constitute the pleadings of the case and are intended to present clearly the issue to be determined.

The notice filed by the contestant in this case contains 29 specifications, 18 of which were declared by his counsel to have been abandoned, no testimony whatever having been offered in support of any of them. They embraced charges against persons and matters in no wise connected with the Congressional election. They were evidently not intended to have any bearing upon the contest, but simply to place upon record slurs, insinuations, and direct charges against persons not parties to the proceedings and having no opportunity to defend themselves. The reply of the contestee also contains much that is objectionable and wholly unjustifiable, except as it may be stated to be a reply in kind to the notice of contest. Contestant then filed an additional paper, not authorized by law, containing matter still more scurrilous and abusive. All three of these papers would, if contained in pleadings in any court, be suppressed as scandalous and impertinent.

Your committee has no authority to suppress or alter them, but desires as earnestly as possible to condemn the manifestly improper use of papers which are intended by the act of Congress to be the means of enlightening the committee and the House as to the precise points at issue in the contest by making them vehicles of abuse and vilification of each other by the parties to the contest and particularly of third parties in no way connected therewith.

We have carefully considered all the evidence in the case, as well as the printed arguments and typewritten briefs of counsel, and have listened to oral argument without limitation as to time. Owing to the closeness of the vote in this district, we have given unusual attention to every detail. There is no allegation in the notice of the contestant and not even an insinuation to be found in the testimony that Mr. Tompkins, the contestee, was in any way concerned in any illegal, improper, or even irregular act. As the result of the most careful consideration possible to be given to this case, we conclude that the contestee received a plurality of the legal votes cast, and therefore recommend the adoption of the following resolutions:

"*Resolved*, That John J. Lentz was not elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of the State of Ohio, and is not entitled to a seat therein.

"*Resolved*, That Emmett Tompkins was elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of the State of Ohio, and is entitled to a seat therein."

M. E. OLMSTED, *Chairman.*
J. M. MILLER.
GEO. SUTHERLAND.
FRANK D. CURRIER.
J. M. ROBINSON.
HENRY D. GREEN.
JOHN J. FEELY.
SAML. L. POWERS.

I did not have an opportunity to hear this case, but I do not dissent from the findings of the committee.

C. E. LITTLEFIELD.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the report in the case of Fowler and Thomas be printed.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the report of the committee in the North Carolina case may be printed in the RECORD. Is there objection?

There was no objection.

[The report is printed elsewhere in these proceedings.]

CONTESTED-ELECTION CASE—WALKER V. RHEA, NINTH DISTRICT, VIRGINIA.

Mr. WEEKS. Mr. Speaker, I am directed by Committee on Elections No. 3 to ask consideration of the privileged report of that committee in the case of James A. Walker *v.* William F. Rhea, the case coming from the Ninth district of Virginia.

The SPEAKER. The gentleman from Michigan calls up the following resolutions, which the Clerk will report.

The Clerk read as follows:

Resolved, That James A. Walker was not elected a Representative in the Fifty-seventh Congress from the Ninth district of the State of Virginia.

Resolved, That William F. Rhea was duly elected a Representative in the

Fifty-seventh Congress from the Ninth district of the State of Virginia, and is entitled to a seat therein.

Mr. WEEKS. Mr. Speaker, the committee in this case had before it a volume of evidence, and many questions were raised; but we deem it entirely unnecessary to go over them, as the report gives a full statement of all the facts in the case. The report is signed by all the members of the committee except one, who was absent, but who assents to the report. I think all that is necessary for me to do at this time is to move the adoption of the report.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That immediately on the adoption of this rule and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and after due consideration in the Committee of the Whole the same shall be reported to the House with amendments, if any, and become a continuing order until disposed of.

With the following amendment:

In lines 9 and 10 strike out the words "and become a continuing order until disposed of" and insert "this order not to interfere, however, with the consideration of revenue bills, appropriation bills, or conference reports."

Mr. DALZELL. Mr. Speaker, this resolution simply provides for the consideration of the immigration bill without any limitation as to time of debate or any interference with privileged matters.

Mr. MIERS of Indiana. Mr. Speaker, will that interfere with the special order for pension bills on Friday?

Mr. DALZELL. It will not.

Mr. BARTHOLDT. I understand that it puts no limitation on the offering of amendments?

Mr. DALZELL. No limitation on debate or amendment.

The amendment recommended by the committee was agreed to.

The resolution as amended was agreed to.

IMMIGRATION.

Mr. SHATTUC. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the bill H. R. 12199, the immigration bill, and pending that motion I should like to ask my friends of the committee if we can come to an agreement as to time.

Mr. RUCKER. A number of gentlemen on this side have indicated their desire to speak on this bill, and I should prefer not to make any agreement at this time. Let the debate proceed two or three hours, and then I think we can agree.

Mr. SHATTUC. I accept the proposition of the gentleman.

The SPEAKER. The Chair did not hear one word that was said. The House will please be in order.

Mr. SHATTUC. The gentleman from Missouri suggests that we go on with the debate for three or four hours, and then, perhaps, we may come to an agreement.

The SPEAKER. The question is on the motion of the gentleman from Ohio, that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of a bill on the Union Calendar, H. R. 12199, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12199) to regulate the immigration of aliens into the United States.

Mr. SHATTUC. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SHATTUC. Mr. Chairman, the bare statement that the number of immigrants received into the United States during the past eighty years equals more than one-quarter of the present population, and that more than one-half (nearly two-thirds) has been received in the last thirty years, presents in a concrete form the magnitude of the immigration problem.

In the years gone by this constant stream of immigrants has been welcomed to our shores, partly as a valuable contribution to the brawn and brain that peopled the prairies of the West and transformed them into the rich and powerful States that delight our pride and strengthen our nation to-day, and partly because a large number of them came to escape wrong, oppression, and human suffering akin to that from which the Pilgrim Fathers fled when they crossed the ocean to found in a new and unknown land a government wherein they could have homes and worship God according to the dictates of their own consciences.

In later years, it has developed, new elements have been purposely injected into the stream which, unless checked, threaten not only to seriously pollute it, but also to thrust upon our nation and the States burdens they should not be called upon to bear.

By reason of this change the feeling of welcome which had hailed the incoming immigrant from 1821 to 1875 changed to one of alarm lest "the unguarded gate" might allow entrance too freely to elements discordant and not easily assimilatod, as well as burdensome and harmful to the best interests of the country.

Hence there has arisen the demand, growing more and more insistent, that restrictive measures should be enacted to regulate the influx and sift the quality of the incoming aliens. This demand has been partly pacified by legislation of a restrictive nature during the past twenty years having the purpose, first, to prevent assisted immigration brought here under contract to perform the labor done by and take the places of workmen already here and employed in mine and field and factory; and, second, to prohibit and prevent the practice of foreign countries making the United States the dumping ground for the pauper, vicious, insane, and criminal classes of other nations.

To meet and check the importation of labor under contract the alien contract-labor law of February 26, 1885, was passed, mainly at the demand of the Knights of Labor, then the most powerful of the national organizations representing the labor of the country.

To correct the other evils realized and complained of various statutes have been enacted during the past thirty years from which results more or less beneficial have been attained.

The report and evidence submitted by a commission appointed by the Secretary of the Treasury June 17, 1891, to investigate into "the causes which operate in the several countries of Europe to incite immigration to this country" named the following as the chief causes promoting said immigration:

1. The efforts of emigration aid societies, supplemented by associations, public and private, for aiding criminals and paupers to emigrate.
2. The increased facilities, speed, and profits of alien steamship and transportation companies, who, through their numerous agents, advertise the marvelous beauty of this country, the high rate of wages that range here for labor, and the alleged quantities of land that can be had gratis from the Government, and thus make an impression on persons who do not own and can not in reason expect to secure the homes in which they live.
3. The contract-labor importers, who induce emigration for the sake of cheap labor.

This report showed that large numbers of homeless children of both sexes below the age of 16 were being shipped to the United States.

It also fully described the methods by which criminal and pauper emigrants were shipped to this country, and gave a list of 69 societies actively engaged in such work.

The findings of the investigation were summarized in the following words:

From the foregoing report it will be seen that there are many persons engaged in the business of transferring from the moribund systems of European misgovernment vast numbers of their dangerous, pauperized, diseased, decrepit, and criminal population, not only as a safety valve to their overstrained machinery, but to serve as an element of weakness in this Republic, the greatness of which they view with growing alarm. Some of these persons are the occupants or the heirs apparent to thrones, officers of charitable societies and boards, and agents of carriers by land and sea, many of the latter subsidized by foreign Governments to monopolize the ocean carrying trade. Others are within the bounds of the United States who distribute the human detritus as contract laborers, imported by them to increase dividends at the expense of wages and the dignity of labor. Still others organize these malcontents into groups to wage war on our system of government, and endeavor to bury popular sovereignty beneath a mass of un-American jargon and bomb-throwing anarchy.

The facts thus reported are amply sustained and corroborated by information gleaned by investigations of Congressional committees, special commissions, etc.

The testimony is overwhelming as to the volume of undesirable immigration even now being admitted. The demand for effective restriction is universal and imperative, and the legislation herewith submitted will be a step in the direction of meeting and correcting the evil.

Brief consideration may be properly given to the course of immigration from 1821 to 1901, as shown by official statistics and records of the Government. Examination will show a fluctuation between wide extremes at different periods.

The tide of immigration may be said to have begun in 1820, when 8,385 immigrants arrived, while by 1830 the number had increased to 23,322, with a total between 1820 and 1830, inclusive, of about 150,000.

From 1831 to 1840 almost exactly 600,000 were received.

From 1841 to 1850 there came 1,713,251.

From 1851 to 1860 the number reached 2,598,214.

In the next decade, in spite of the civil war, 2,314,824 came.

From 1871 to 1880 we received 2,812,191.

From 1881 to 1890 the high-water mark was reached, the total being 5,246,613, the number in one year, 1882, being 788,992.

In the last decade of the century, 1891 to 1900, the number was

3,687,564, while the grand total from 1820 to 1900 was 19,123,596. Add to this the immigration for the fiscal year 1901, which was 487,918, and we have a total of 19,611,514.

It must also be borne in mind that in this computation no account is taken of the cabin-passage immigrants, of whom there came last year alone about 80,000. It would be a conservative estimate to say that for the eighty years covered by the statistics fully 2,500,000 immigrants were of this class.

Nor are there adequate records of the immigration through and from Canada, which, since 1885, would doubtless add many hundreds of thousands, thus giving a grand total not far from 22,500,000.

It is safe to assume that at least 5,000,000 alien immigrants have entered the United States since 1890. We calculate that there has been at least 80,000 cabin passengers annually who were alien immigrants and 70,000 annually from Canada. Neither the cabin passengers nor the Canadian passengers have been taken into our accounts.

The tide ebbed and flowed as the conditions for employment varied in the United States, or as famine or pestilence in foreign lands incited an exodus.

This is clearly shown by the table annexed, wherein is given the influx each year for the entire time named as far as recorded.

Number of alien passengers arrived in the United States, 1820 to 1855, and number of immigrants arrived, 1856 to 1901.

1820	8,385	1861	89,724
1821	9,127	1862	89,007
1822	6,911	1863	174,524
1823	6,354	1864	193,195
1824	7,912	1865	247,453
1825	10,199	1866	314,917
1826	10,837	1867	310,965
1827	18,875	1868 (6 months)	138,840
1828	27,382	1869	352,768
1829	22,520	1870	387,203
1830	23,322	1871	321,350
1831	22,633	1872	404,806
1832 (15 months)	60,482	1873	459,803
1833	58,640	1874	313,339
1834	65,365	1875	227,498
1835	45,374	1876	169,986
1836	76,242	1877	141,857
1837	79,340	1878	138,469
1838	38,914	1879	177,826
1839	68,069	1880	457,257
1840	84,066	1881	669,431
1841	80,289	1882	788,992
1842	104,565	1883	603,322
1843 (9 months)	52,496	1884	518,592
1844	78,615	1885	395,346
1845	114,371	1886	334,203
1846	154,416	1887	490,109
1847	234,968	1888	546,889
1848	226,527	1889	444,427
1849	297,024	1890	455,302
1850 (15 months)	369,980	1891	560,319
1851	379,466	1892	579,663
1852	371,603	1893	439,730
1853	368,645	1894	285,631
1854	427,833	1895	258,536
1855	200,877	1896	343,267
1856	195,587	1897	230,832
1857	246,945	1898	229,299
1858	119,501	1899	311,715
1859	118,616	1900	448,572
1860	150,237	1901	487,918

An interesting fact is shown by comparing the immigration with the population.

By this test the maximum was in 1854, when the ratio was 16.2 immigrants to each 1,000 of population, while the average from 1847 to 1854, inclusive, was 13.65 per 1,000.

The ratio ran down rapidly until 1862, when it was 2.7 per 1,000, the lowest ratio from 1839 to 1901.

In the year 1882, when the largest number in the history of the country was received, the number per 1,000 of population was exactly 15, and in 1898, when the lowest number since 1879 came, the ratio was exactly 3 per 1,000.

For the year 1901 the ratio was 6.1 per 1,000.

There has been a marked change in the character of the immigration.

Prior to 1880 western Europe, including England, Scotland, Ireland, Wales, Germany, and the Scandinavian countries, furnished more than three-fourths of the immigration from all countries, while eastern Europe, including Italy, Austria-Hungary, Russia, and Poland, furnished less than 1 per cent thereof.

These comparisons are made with no intent to reflect upon the nationalities named, but merely to show the marked change in the source of immigration during recent years.

One other important fact remains to be mentioned. Prior to 1880 the larger portion of the immigration went inland to the farms and assisted in building up the great States of the West and Northwest.

The immigration since 1880, and especially for the past decade, has remained almost wholly in the Atlantic States and in the cities thereof; and thus, while perhaps not of such vital importance in comparison with the total population of the country, it has brought a heavy pressure of competition upon special localities, thereby giving a spur to the demand for restriction which comes to Congress with such insistence.

The significance of this phase of the question is apparent when it is noted that the census of 1900 shows nearly 40 per cent of the population of the United States living in cities of 4,000 or more population.

According to Dr. True, of the Department of Agriculture—

Between 1870 and 1890, speaking relatively and in round numbers, 2,000,000 men gave up farming and went to join the great army of toilers in our cities. Taking their families into account, 6,000,000 people from the farm were added to the population of the town.

In the single year 1895, as shown by the report of the Commissioner of Labor, of 343,267 immigrants, 224,650 went to New York, Pennsylvania, and Massachusetts, or nearly 70 per cent of the total. That same year 36 per cent of immigrants, including women and children, had no occupation and 42 per cent were farm laborers, laborers, or servants. The percentage of the same classes, respectively, for 1901 were 30.5 per cent and 53.1 per cent.

This tendency of concentration in certain States and in the cities is strikingly shown by the tables given, as follows:

TABLE I.—*Relative proportions of foreign to native born, by States and Territories, arranged geographically: 1890 and 1900.*

States and Territories.	Number of foreign born to each 100,000 native born.	
	1900.	1890.
The United States	[a]15,886	17,314
North Atlantic Division	29,248	28,761
Maine	15,526	13,564
New Hampshire	27,237	23,781
Vermont	14,971	15,291
Massachusetts	43,201	41,543
Rhode Island	45,749	44,442
Connecticut	35,543	32,631
New York	35,400	35,447
New Jersey	29,748	29,479
Pennsylvania	18,531	19,167
South Atlantic Division	2,112	2,411
Delaware	8,080	8,473
Maryland	8,585	9,946
District of Columbia	7,780	8,870
Virginia	1,061	1,122
West Virginia	2,398	2,598
North Carolina	238	229
South Carolina	414	548
Georgia	563	665
Florida	4,722	6,223
North Central Division	18,753	22,126
Ohio	12,402	14,295
Indiana	5,986	7,145
Illinois	25,079	28,229
Michigan	28,882	35,089
Wisconsin	33,223	44,220
Minnesota	40,553	55,444
Iowa	15,884	20,044
Missouri	7,486	9,609
North Dakota	54,884	74,379
South Dakota	28,272	35,355
Nebraska	19,950	23,548
Kansas	9,427	11,547
South Central Division	2,606	2,967
Kentucky	2,396	3,299
Tennessee	886	1,146
Alabama	804	986
Mississippi	517	620
Louisiana	3,981	4,654
Texas	6,251	7,345
Indian Territory	1,255	.....
Oklahoma	4,008	3,618
Arkansas	1,101	1,280
Western Division	26,081	33,067
Montana	38,050	43,170
Wyoming	23,184	31,302
Colorado	20,322	25,509
New Mexico	7,490	7,555
Arizona	24,553	27,093
Utah	24,118	33,645
Nevada	31,304	45,043
Idaho	17,997	24,554
Washington	27,380	33,681
Oregon	18,905	22,012
California	32,853	43,243
Alaska	24,859	108,387
Hawaii	148,592	87,023

[a] Includes persons in the military and naval service of the United States (including civilian employees, etc.) stationed abroad, not credited to any State or Territory.

TABLE II.—*Increase, by geographical divisions, in foreign-born population, comparing 1890, 1890, and 1900, and showing the percentage of increase for the last two decades; also showing the rapid increase in the North Atlantic Division.*

Geographical divisions.	1900.	1890.	1880.	Increase from 1890 to 1900.		Increase from 1880 to 1890.	
				Number.	Per cent.	Number.	Per cent.
The United States	10,341,276	9,249,547	6,679,943	1,091,729	11.8	2,569,604	38.5
North Atlantic Division	4,702,706	3,888,177	2,814,520	874,619	22.5	1,073,657	38.1
South Atlantic Division	216,099	208,525	174,258	7,505	3.6	34,267	19.7
North Central Division	4,158,474	4,060,114	2,916,829	98,360	2.4	1,143,285	39.2
South Central Division	357,055	321,821	274,274	35,894	11.1	47,547	17.3
Western Division	846,321	770,910	500,062	75,411	9.8	270,848	54.2

TABLE III.—*Percentage of native and foreign born of total population, by States and Territories, arranged geographically, 1890 and 1900, Census of 1900.*

States and Territories.	1900.		1890.	
	Native.	Foreign.	Native.	Foreign.
The United States	[a]86.3	[a]13.7	85.2	14.8
North Atlantic Division	77.4	22.6	77.7	22.3
Maine	86.6	13.4	88.1	11.9
New Hampshire	78.6	21.4	80.8	19.2
Vermont	87	13	86.7	13.3
Massachusetts	69.8	30.2	70.6	29.4
Rhode Island	68.6	31.4	69.2	30.8
Connecticut	73.8	26.2	75.4	24.6
New York	73.9	26.1	73.8	26.2
New Jersey	77.1	22.9	77.2	22.8
Pennsylvania	84.4	15.6	83.9	16.1
South Atlantic Division	97.9	2.1	97.6	2.4
Delaware	92.5	7.5	92.2	7.8
Maryland	92.1	7.9	91	9
District of Columbia	91.8	7.2	91.9	8.1
Virginia	99	1	98.9	1.1
West Virginia	97.7	2.3	97.5	2.5
North Carolina	99.8	0.2	99.8	0.2
South Carolina	99.6	0.4	99.5	0.5
Georgia	99.4	0.6	99.3	0.7
Florida	95.5	4.5	94.1	5.9
North Central Division	84.2	15.8	81.9	18.1
Ohio	89	11	87.5	12.5
Indiana	94.4	5.6	93.3	6.7
Illinois	79.9	20.1	78	22
Michigan	77.6	22.4	74	26
Wisconsin	75.1	24.9	69.3	30.7
Minnesota	71.1	28.9	64.3	35.7
Iowa	86.3	13.7	83.1	16.9
Missouri	93	7	91.2	8.8
North Dakota	64.6	35.4	57.3	42.7
South Dakota	78	22	73.9	26.1
Nebraska	83.4	16.6	80.9	19.1
Kansas	91.4	8.6	89.6	10.4
South Central Division	97.5	2.5	97.1	2.9
Kentucky	97.7	2.3	96.8	3.2
Tennessee	99.1	0.9	98.9	1.1
Alabama	99.2	0.8	99	1
Mississippi	99.5	0.5	99.4	.6
Louisiana	96.2	3.8	95.6	4.4
Texas	94.1	5.9	93.2	6.8
Indian Territory	98.8	1.2	100	
Oklahoma	96.1	3.9	96.5	3.5
Arkansas	98.9	1.1	98.7	1.3
Western Division	79.3	20.7	75.2	24.8
Montana	72.4	27.6	69.8	30.2
Wyoming	81.2	18.8	76.2	23.8
Colorado	83.1	16.9	79.7	20.3
New Mexico	93	7	93	7
Arizona	80.3	19.7	78.7	21.3
Utah	80.6	19.4	74.8	25.2
Nevada	76.2	23.8	68.9	31.1
Idaho	84.8	15.2	80.3	19.7
Washington	78.5	21.5	74.8	25.2
Oregon	84.1	15.9	82	18
California	75.3	24.7	69.8	30.2
Alaska	80.1	19.9	48	52
Hawaii	41.1	58.9	53.5	46.5

[a] Includes persons in the military and naval service of the United States (including civilian employees, etc.) stationed abroad, not credited to any State or Territory.

TABLE IV.—*Native and foreign born population, by geographical divisions, of the 161 cities of the United States having over 25,000 population each, and of the States or Territories in which they are situated, 1900.*

Cities.	Total population.	Native born.	Foreign born.	Per cent of total population.	
				Native born.	Foreign born.
North Atlantic Division.					
Maine	694,466	601,136	93,330	86.6	13.4
Portland	50,145	39,710	10,435	79.2	20.8
New Hampshire	411,588	323,481	88,107	78.6	21.4
Manchester	56,987	32,730	24,257	57.4	42.6
Vermont	343,641	.....	44,747	.....	13.0
Massachusetts	2,805,346	1,959,022	846,324	69.8	30.2
Boston	560,892	363,763	197,129	64.9	35.1
Brockton	40,063	30,579	9,484	76.3	23.7
Cambridge	91,886	61,420	30,466	66.8	33.2
Chelsea	34,072	22,869	11,203	67.1	32.9
Fall River	104,863	54,821	50,042	52.3	47.7
Fitchburg	31,531	20,614	10,917	65.4	34.6
Gloucester	26,121	17,353	8,768	66.4	33.6
Haverhill	37,175	28,645	8,530	77.1	22.9
Holyoke	45,712	26,791	18,921	58.6	41.4
Lawrence	62,559	33,982	28,577	54.3	45.7
Lowell	94,969	53,995	40,974	56.9	43.1
Lynn	68,513	50,771	17,742	74.1	25.9
Malden	33,664	24,151	9,513	71.7	28.3
New Bedford	62,442	36,913	25,529	59.1	40.9
Newton	33,587	23,519	10,068	70	30
Salem	35,956	25,054	10,902	69.7	30.3
Somerville	61,643	44,411	17,232	72	28
Springfield	62,059	47,678	14,381	76.8	23.2
Taunton	31,036	21,896	9,140	70.6	29.4
Worcester	118,421	80,769	37,652	68.2	31.8
Rhode Island	428,556	294,037	134,519	68.6	31.4
Pawtucket	39,231	26,144	13,087	66.6	33.4
Providence	175,597	119,742	55,855	68.2	31.8
Woonsocket	28,204	15,686	12,518	55.6	44.4
Connecticut	908,420	670,210	238,210	73.8	27.2
Bridgeport	70,996	48,715	22,281	68.6	31.4
Hartford	79,850	56,092	23,758	70.2	29.8
New Britain	25,998	16,705	9,293	64.3	35.7
New Haven	108,027	77,225	30,802	71.5	28.5
Waterbury	45,859	30,491	15,368	66.5	33.5
New York	7,268,894	5,368,469	1,900,425	73.9	26.1
Albany	94,151	76,433	17,718	81.2	18.8
Auburn	30,345	24,909	5,436	82.1	17.9
Binghamton	39,647	35,375	4,272	89.2	10.8
Buffalo	352,387	248,135	104,252	70.4	29.6
Elmira	35,672	30,161	5,511	84.6	15.4
New York	3,437,202	2,167,122	1,270,080	63	37
Rochester	162,608	121,860	40,748	74.9	25.1
Schenectady	31,682	24,513	7,169	77.4	22.6
Syracuse	108,374	84,617	23,757	78.1	21.9
Troy	60,651	46,267	14,384	76.3	23.7
Utica	56,383	42,913	13,470	76.1	23.9
Yonkers	47,931	33,297	14,634	69.5	30.5
New Jersey	1,883,669	1,451,785	431,884	77.1	22.9
Atlantic City	27,838	24,649	3,189	88.5	11.5
Bayonne	32,722	21,936	10,786	67	33
Camden	75,935	65,838	10,097	86.7	13.3
Elizabeth	52,130	37,360	14,770	71.7	28.3
Hoboken	59,364	37,984	21,380	64	36
Jersey City	206,433	148,009	58,424	71.7	28.3
Newark	246,070	174,707	71,363	71	29
Passaic	27,777	14,877	12,900	53.6	46.4
Paterson	105,171	66,380	38,791	63.1	36.9
Trenton	73,307	56,514	16,793	77.1	22.9
Pennsylvania	6,302,115	5,316,865	985,250	84.4	15.6
Allegheny	129,896	99,680	30,216	76.7	23.3
Allentown	35,416	32,422	2,994	91.5	8.5

TABLE IV.—*Native and foreign born population, by geographical divisions, of the 161 cities of the United States, etc.*—Continued.

Cities.	Total population.	Native born.	Foreign born.	Per cent of total population.	
				Native born.	Foreign born.
North Atlantic Division—Cont'd.					
Pennsylvania—Continued.					
Altoona	38,973	35,672	3,301	91.5	8.5
Chester	33,988	28,914	5,074	85.1	14.9
Easton	25,238	23,103	2,135	91.5	8.5
Erie	52,733	40,776	11,957	77.3	22.7
Harrisburg	50,167	47,674	2,493	95	5
Johnstown	35,936	28,618	7,318	79.6	20.4
Lancaster	41,459	37,967	3,492	91.6	8.4
McKeesport	34,227	24,878	9,349	72.7	27.3
Newcastle	28,339	23,015	5,324	81.2	18.8
Philadelphia	1,293,697	998,357	295,340	77.2	22.8
Pittsburg	321,616	236,738	84,878	73.6	26.4
Reading	78,961	73,021	5,940	92.5	7.5
Scranton	102,026	73,053	28,973	71.6	28.4
Wilkesbarre	51,721	39,533	12,188	76.4	23.6
Williamsport	28,757	26,529	2,228	92.3	7.7
York	33,708	32,404	1,304	96.1	3.9
South Atlantic Division.					
Delaware	184,735	170,925	13,810	92.5	7.5
Wilmington	76,508	66,030	10,478	86.3	13.7
Maryland	1,188,044	1,094,110	93,934	92.1	7.9
Baltimore	508,957	440,357	68,600	86.5	13.5
District of Columbia	278,718	258,599	20,119	92.8	7.2
Washington	278,718	258,599	20,119	92.8	7.2
Virginia	1,854,184	1,834,723	19,461	99	1
Norfolk	46,624	44,919	1,705	96.3	3.7
Richmond	85,050	82,185	2,865	96.6	3.4
West Virginia	958,800	936,349	22,451	97.7	2.3
Wheeling	38,878	33,417	5,461	86	14
North Carolina	1,893,810	----------	4,492	----------	0.2
South Carolina	1,340,316	1,334,788	5,528	99.6	0.4
Charleston	55,807	53,215	2,592	95.4	4.6
Georgia	2,216,331	2,203,928	12,403	99.4	0.6
Atlanta	89,872	87,341	2,531	97.2	2.8
Augusta	39,441	38,446	995	97.5	2.5
Savannah	54,244	50,810	3,434	93.7	6.3
Florida	528,542	504,710	23,832	95.5	4.5
Jacksonville	28,429	27,263	1,166	95.9	4.1
North Central Division.					
Ohio	4,157,545	3,698,811	458,734	89	11
Akron	42,728	35,601	7,127	83.3	16.7
Canton	30,667	26,649	4,018	86.9	13.1
Cincinnati	325,902	267,941	57,961	82.2	17.8
Cleveland	381,768	257,137	124,631	67.4	32.6
Columbus	125,560	113,232	12,328	90.2	9.8
Dayton	85,333	75,280	10,053	88.2	11.8
Springfield	38,253	34,942	3,311	91.3	8.7
Toledo	131,822	104,000	27,822	78.9	21.1
Youngstown	44,885	32,678	12,207	72.8	27.2
Indiana	2,516,462	2,374,341	142,121	94.4	5.6
Evansville	59,007	53,381	5,626	90.5	9.5
Fort Wayne	45,115	38,324	6,791	84.9	15.1
Indianapolis	169,164	152,042	17,122	89.9	10.1
South Bend	35,999	27,398	8,601	76.1	23.9
Terre Haute	36,673	33,721	2,952	92	8
Illinois	4,821,550	3,854,803	966,747	79.9	20.1
Chicago	1,698,575	1,111,463	587,112	65.4	34.6
East St. Louis	29,655	25,735	3,920	86.8	13.2
Joliet	29,353	20,817	8,536	70.9	29.1
Peoria	56,100	47,155	8,945	84.1	15.9
Quincy	36,252	31,291	4,961	86.3	13.7
Rockford	31,051	21,714	9,337	69.9	30.1
Springfield	34,159	29,505	4,654	86.4	13.6
Michigan	2,420,982	1,879,329	541,653	77.6	22.4
Bay City	27,628	19,143	8,485	69.3	30.7
Detroit	285,704	189,201	96,503	66.2	33.8
Grand Rapids	87,565	63,669	23,896	72.7	27.3
Jackson	25,180	21,337	3,843	84.7	15.3
Saginaw	42,345	30,910	11,435	73	27
Wisconsin	2,009,042	1,553,071	515,971	75.1	24.9
La Crosse	28,895	21,673	7,222	75	25
Milwaukee	285,315	196,324	88,991	68.8	31.2
Oshkosh	28,284	20,928	7,356	74	26
Racine	29,102	19,860	9,242	68.2	31.8
Superior	31,091	19,672	11,419	63.2	36.7
Minnesota	1,751,394	1,246,076	505,318	71.1	28.9
Duluth	52,969	31,986	20,983	60.4	39.6
Minneapolis	202,718	141,697	61,021	69.9	30.1
St. Paul	163,065	116,246	46,819	71.3	28.7

TABLE IV.—*Native and foreign born population, by geographical divisions, of the 161 cities of the United States, etc.*—Continued.

Cities.	Total population.	Native born.	Foreign born.	Per cent of total population.	
				Native born.	Foreign born.
North Central Division—Cont'd.					
Iowa	2,231,853	1,925,933	305,920	86.3	13.7
Cedar Rapids	25,656	21,178	4,478	82.5	17.5
Council Bluffs	25,802	22,079	3,723	85.6	14.4
Davenport	35,254	26,775	8,479	75.9	24.1
Des Moines	62,139	54,193	7,946	87.2	12.8
Dubuque	36,297	29,342	6,955	80.8	19.2
Sioux City	33,111	26,519	6,592	80.1	19.9
Missouri	3,106,665	2,890,286	216,379	93	7
Joplin	26,023	25,130	893	96.6	3.4
Kansas City	163,752	145,342	18,410	88.8	11.2
St. Joseph	102,979	94,555	8,424	91.8	8.2
St. Louis	575,238	463,882	111,356	80.6	19.4
North Dakota	319,146	----------	113,091	----------	35.4
South Dakota	401,570	----------	88,508	----------	22
Nebraska	1,066,300	888,953	177,347	83.4	16.6
Lincoln	40,169	34,872	5,297	86.8	13.2
Omaha	102,555	79,003	23,552	77	23
South Omaha	26,001	20,394	5,607	78.4	21.6
Kansas	1,470,495	1,343,810	126,685	91.4	8.6
Kansas City	51,418	45,041	6,377	87.6	12.4
Topeka	33,608	30,407	3,201	90.5	9.5
South Central Division.					
Kentucky	2,147,174	2,096,925	50,249	97.7	2.3
Covington	42,938	37,615	5,323	87.6	12.4
Lexington	26,369	25,445	924	96.5	3.5
Louisville	204,731	183,304	21,427	89.5	10.5
Newport	28,301	24,220	4,081	85.6	14.4
Tennessee	2,020,616	2,002,870	17,746	99.1	.9
Chattanooga	30,154	29,160	994	96.7	3.3
Knoxville	32,637	31,742	895	97.3	2.7
Memphis	102,320	97,210	5,110	95	5
Nashville	80,865	77,828	3,037	96.2	3.8
Alabama	1,828,697	1,814,105	14,592	96.2	.8
Birmingham	38,415	36,639	1,776	95.4	4.6
Mobile	38,469	36,358	2,111	94.5	5.5
Montgomery	30,346	29,680	666	97.8	2.2
Mississippi	1,551,270	----------	7,981	----------	0.5
Louisiana	1,381,625	1,328,722	52,903	96.2	3.8
New Orleans	287,104	256,779	30,325	89.4	10.6
Texas	3,048,710	2,869,353	179,357	94.1	5.9
Dallas	42,638	39,257	3,381	92.1	7.9
Fort Worth	26,688	24,895	1,793	93.3	6.7
Galveston	37,789	31,450	6,339	83.2	16.8
Houston	44,633	40,228	4,405	90.1	9.9
San Antonio	53,321	43,973	9,348	82.5	17.5
Indian Territory	392,060	----------	4,858	----------	1.2
Oklahoma	398,331	----------	15,680	----------	3.9
Arkansas	1,311,564	1,297,275	14,289	98.9	1.1
Little Rock	38,307	36,208	2,099	94.5	5.5
Western Division.					
Montana	243,329	176,262	67,067	72.4	27.6
Butte	30,470	20,260	10,210	66.5	33.5
Wyoming	92,531	----------	17,415	----------	18.8
Colorado	539,700	448,545	91,155	83.1	16.9
Denver	133,859	108,558	25,301	81.1	18.9
Pueblo	28,157	23,452	4,705	83.3	16.7
New Mexico	195,310	----------	13,625	----------	7
Arizona	122,931	----------	24,233	----------	19.7
Utah	276,749	222,972	53,777	80.6	19.4
Salt Lake City	53,531	40,790	12,741	76.2	23.8
Nevada	42,335	----------	10,093	----------	23.8
Idaho	161,772	----------	24,604	----------	15.2
Washington	518,103	406,739	111,364	78.5	21.5
Seattle	80,671	58,668	22,003	72.7	27.3
Spokane	36,848	29,015	7,833	78.7	21.3
Tacoma	37,714	26,682	11,032	70.7	29.3
Oregon	413,536	347,788	65,748	84.1	15.9
Portland	90,426	64,550	25,876	71.4	28.6
California	1,485,053	1,117,813	367,240	75.3	24.7
Los Angeles	102,479	82,515	19,964	80.5	19.5
Oakland	66,960	49,704	17,256	74.2	25.8
Sacramento	29,282	22,559	6,723	77	23
San Francisco	342,782	225,897	116,885	65.9	34.1
Alaska	63,592	----------	12,661	----------	19.9
Hawaii	154,001	63,221	90,780	41.1	58.9
Honolulu	39,306	21,871	17,435	55.6	44.4

TABLE V.—*Source of immigration, by countries of origin, since 1821, showing the marked change in the last two decades.*

Countries.	Number of immigrants.						
	Total.	1891-1900.	1881-1890.	1871-1880.	1861-1870.	1851-1860.	1821-1850.
Aggregate	19,115,221	3,687,564	5,246,613	2,812,191	2,314,824	2,598,214	2,455,815
Canada and Newfoundland	1,049,939	3,064	392,802	383,269	153,871	59,300	57,624
Germany	5,009,280	505,152	1,452,970	718,182	787,468	951,667	593,841
Great Britain	3,026,207	*272,004	807,357	548,043	606,896	423,974	387,933
Ireland	3,869,268	*388,194	655,482	436,871	435,778	914,119	1,038,824
Norway and Sweden	1,246,312	321,281	568,362	211,245	109,298	20,931	15,195
Total	14,201,006	1,489,695	3,876,973	2,297,610	2,093,311	2,370,000	2,073,417
Austria-Hungary	1,027,195	592,707	353,719	72,969	7,800	----------	----------
Italy	1,040,457	651,899	307,309	55,759	11,728	9,231	4,531
Russia and Poland	926,902	602,010	265,088	52,254	4,536	1,621	1,393
Total	2,994,554	1,846,616	926,116	180,982	24,064	10,852	5,924
All other countries	1,919,661	351,253	443,524	333,599	197,449	217,362	376,474

Countries.	Per cent of total immigrants at each period.					
	1891-1900.	1881-1890.	1871-1880.	1861-1870.	1851-1860.	1821-1850.
Aggregate	100	100	100	100	100	100
Canada and Newfoundland	.1	7.5	13.6	6.7	2.3	2.3
Germany	13.7	27.7	25.6	34	36.6	24.2
Great Britain	7.4	15.4	19.5	26.2	16.3	15
Ireland	10.5	12.5	15.5	18.8	35.2	42.3
Norway and Sweden	8.7	10.8	7.5	4.7	.8	.6
Total	40.4	73.9	81.7	90.4	91.2	84.4
Austria-Hungary	16.1	6.7	2.6	.4	----------	----------
Italy	17.7	5.9	2	.5	.3	.2
Russia and Poland	16.3	5	1.8	.2	.1	.1
Total	50.1	17.6	6.4	1.1	.4	.3
All other countries	9.5	8.5	11.9	8.5	8.4	15.3

*Estimated for year ending June 30, 1899.

The distribution of the increase of foreign-born population by geographical divisions of the country is shown in compact form by the following table:

Geographical division.	1890-1900.	1880-1890.
The United States	*Per cent.* 100	*Per cent.* 100
North Atlantic Division	80.1	41.8
South Atlantic Division	.7	1.3
North Central Division	9	44.5
South Central Division	3.3	1.9
Western Division	6.9	10.5

From this table of percentages it appears that of the total increase in foreign born from 1880 to 1890, 44.5 per cent was in the North Central Division, whereas for the decade ending in 1900 only 9 per cent of the increase is found to be in the North Central Division as compared with 80.1 per cent in the North Atlantic Division.

This concentration in the latter division of four-fifths of the increase of the foreign-born element since 1890 is due to a very decided change in the character of the immigration in recent years, a change which began to be apparent in 1890, but which has progressed since at a very rapid rate.

Even up to 1890 the natives of Germany, Ireland, Great Britain, Canada and Newfoundland, Norway, Sweden, and Denmark practically dominated the immigration to this country, these five classes combined having contributed nearly 13,000,000 (12,853,828) out of a total of 15,427,657 immigrants to June 30, 1890.

From 1891 to 1900, however, they have contributed, out of a total of 3,687,564 immigrants, only 1,539,926, or a little more than two-fifths, as against three-fourths for the ten-year period ending in 1890, more than four-fifths for that ending in 1880, and fully nine-tenths for those ending in 1870 and 1860, respectively.

While the 161 principal cities of the country contained more than one-fourth, or 25.9 per cent of the total population in 1900, they had very nearly one-half, or 49.2 per cent, of all the foreign born.

The proportion of foreign born in the principal cities is nearly three times the proportion found in the remainder of the country outside of these cities, comparison being with the total population in both cases.

The North Atlantic Division contained 70 of the principal cities in 1900, with 48 per cent of the total population in the division, while the foreign-born population represented 64.7 per cent of the foreign born in the division. The proportion of foreign born to total population in the cities of the division is also very large, being 30.5 per cent, or practically twice the proportion (15.4) shown for the remainder of the division.

The 12 principal cities in the State of New York contain more than three-fifths of the total population of the State and fully four-fifths of its foreign-born population.

The principal cities of Massachusetts and Rhode Island represent very nearly as large a proportion of the total population, or 58.4 per cent and 56.7 per cent, respectively, but the cities of Massachusetts contain two-thirds of its foreign element, while those in Rhode Island contain only three-fifths of all the foreign born in that State.

New Hampshire has 42.6 per cent of its foreign born in cities, compared with 34.6 per cent for Massachusetts, 34.1 per cent for New York, and 33.5 per cent for Rhode Island.

The proposed law now under discussion does not afford adequate protection in the matter of closing the Canadian frontier against the entrance that way into the United States of prohibited alien immigrants and others. This immigration comes in two classes—first, those manifested to Canadian ports from Europe, but destined for the United States, and second, those manifested from European ports to interior places in Canada, but intending secretly to cross the border and enter the United States contrary to law.

The first come openly, because they would have little difficulty of entrance at our own ports. The second come that way because, in proportion as inspection and enforcement of the laws become effective at United States ports they are driven to seek that means of evasion.

Even with the first class the inspection is lax, because upon foreign soil there is no authority to deport therefrom. With the second class the United States authorities are practically defenseless, since the immigrant is ostensibly destined to Canada and not to the United States.

Having landed in Canada, there is no authority to inspect, as the immigrant is manifested to a Canadian interior point. If he subsequently sneaks across the border and is arrested by the United States commissioner, he can not be deported through Canada, for lack of legal authority. It is abundantly proved that the greater part of the infirm people who come to us, the aliens who drift into our institutions, come by way of Canada.

Indeed, immigrants rejected at American ports have been subsequently found in New York City, Philadelphia, Baltimore, etc., having returned to this country through the Canadian loophole.

Whatever inspection there is in Canada or at European ports exists by the sufferance of the steamship companies, and has no legal binding force.

It has proved an entire failure and even a disadvantage in the enforcement of the immigration laws.

The immigration laws of this country are flagrantly violated. These Canadian steamship agencies in Europe do not hesitate to advertise openly and guarantee to their passengers (the good, bad, and indifferent ones) that they shall be safely delivered into the United States and no questions asked if they will only take passage via Canada. I have their bills so advertising.

I will read for the benefit of the House a letter I received March 14, this year, from the Secretary of the Treasury on this matter. It is self-explanatory.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 13, 1902.

Hon. W. B. SHATTUC,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR SIR: As it is understood that your committee has under consideration various measures with relation to the immigration of aliens into the United States, I have the honor to inclose herewith for your information copy of a letter from the United States Commissioner of Immigration at St. John, New Brunswick, together with a circular setting forth the agreement referred to therein, from which you will see some of the difficulties, from an administrative point of view, in enforcing the existing immigration laws as to aliens coming through foreign contiguous territory.

Very truly, yours,
L. M. SHAW,
Secretary of the Treasury.

And now I will read the letter referred to by the Secretary of the Treasury:

No. 1276.] TREASURY DEPARTMENT,
OFFICE OF UNITED STATES COMMISSIONER OF IMMIGRATION,
St. John, New Brunswick, March 11, 1902.

COMMISSIONER-GENERAL OF IMMIGRATION,
Washington, D. C.

SIR: I have the honor to report the following facts in connection with the difficulties experienced here and at Halifax in having excluded immigrants deported:

On February 24 the steamship *Tunisian* arrived at Halifax, bringing, among others, three Finlanders who were suffering with trachoma and who were excluded. Marias Anderson, a Dane, also came on this vessel and was allowed to proceed to this port, where he was examined by Dr. Heiser, who stated that Anderson was suffering with lupus of the skin, whereupon he was excluded as likely to become a public charge and ordered deported.

Last Monday, upon arrival of the steamship *Tunisian* at Halifax on her outward trip, we had these three Finlanders locked up in a room of the immigration building and requested the company's agent to carry out the order of deportation. He said that under instructions from Messrs H. & A. Allan he could only ask the immigrants if they were willing to return, and if they were, to inform them that the company would return them free of charge; if not, that the company could not and would not force them to be deported.

As soon as Anderson was excluded at this port the company was served with an order of deportation, but it appears that they never made any attempt to detain him here, and he was allowed by them to go at his pleasure and has disappeared.

The Allan Company persistently insists that under the present agreement they are not compelled to use force in deporting excluded immigrants, and that their whole duty is performed when they tell the immigrant that if he desires to return they will take him back free, but that nobody can compel him to return.

This scene has been enacted here and at Halifax time and again, and especially with Allan Line passengers.

When the steamship *Lake Superior* arrived here on February 24 I had the doctor examine the passengers at the gang plank before leaving the vessel, and the objectionable ones were not permitted to land, but were locked up and kept on board until the vessel sailed for Liverpool, on the 1st instant. In this manner we were able to deport the eight immigrants pronounced objectionable by the doctor, but since then it has been stated in the public press that the * * * Immigration Society have engaged counsel and that if anyone is held on board the vessel and not permitted to land a suit will be instituted to compel the steamship company to release them and permit them to land.

However, it is my intention to have the passengers examined by the doctor on board again on the arrival of the steamship *Lake Ontario*, due about the 13th or 14th instant.

Notwithstanding this, I desire to invite attention of the Department to the fact that it is absolutely impossible to secure any deportations at the hands of the Allen Line unless the immigrant is willing to return, which condition is of course ridiculous to consider, as no immigrant will voluntarily consent to deportation.

The Elder-Dempster Company claim that when the passengers are once landed they can not use force to get them back on board, as there is no authority for doing so in the Canadian law.

These facts are furnished for the information of the Department, and it is requested that instructions be given as to the proper course to pursue relative to excluded immigrants when the company refuses to force them to return, as this office has noted under the supposition that section 3 of the present agreement contemplated that the "steamship company bringing such aliens shall be required to return them to the countries from which they respectively came."

Respectfully, JOHN THOMAS, *Commissioner.*

There is no doubt at all that these immigrants are by this time across the border into the United States; and this is no isolated case. Had these immigrants been posted on the other side of the ocean they would have purchased their steamer tickets only to some Canadian place, and then they would not have been inspected by our people at all. Our representatives are permitted to inspect only such immigrants as are named in the manifest which is furnished by the steamer (a list of the names of those coming to this country). Yet this very steamship company which refused to deport these rejected immigrants has a paid representative in this city for the purpose of influencing legislation so it may continue to dump at our borders the scum and refuse of Europe and Asia.

It is a fact that most of the steamship companies delivering passengers at New York, Philadelphia, etc., are doing all they can do to keep immigrants likely to be denied entrance into the United States from securing passage on their boats, while these Canadian lines solicit the undesirable and vicious to be taken, with a view of entrance to this country. This is not all. It can be proven that one of the Canadian railways is in the Chinese passenger traffic regularly, and is assisting the smugglers by stopping its passenger trains several miles outside of a certain city and discharging the Chinese in the country, where wagons, built especially for the purpose, take whole gangs over the border under cover of the night, and in this way thousands of Chinese enter the United States annually.

And how natural it is that these Canadian railways and the steamship lines doing business to and via Canada, as well as the very few American railways interested in this Canadian business, should select as their representative the same gentleman who represents the American Asiatic Association before the House and Senate committees in trying to secure by law what notoriously is done in the face of the law—free entrance of the Chinese to this country without restraint. It appears to be a consolidation of all the interests antagonistic to our laws and to the manifest wishes of the American people.

If the Immigration Restriction League of Boston, Mass., which is working hard to secure the passage of a law which will require every alien immigrant coming into this country to be able to read, would lend its aid in securing legislation which will close the "unguarded gates" on the Canadian frontier against the free and easy entrance to this country from Europe of alien immigrants who are idiots, insane persons, paupers, persons likely to become a public charge, persons afflicted with a loathsome or with a dangerous contagious disease, persons who have been convicted of a felony or other crime, polygamists, anarchists, prostitutes, or persons who have been induced to come to the United States by promises of securing work, then I am sure this House would be more likely to agree to legislation for a still further restrictive feature of our immigration laws which could and would be enforced in New York and elsewhere. But it is useless and foolish to further add restrictive measures to our immigration laws until this Government is enabled to enforce its present laws at the Canadian frontier.

I am well aware that the representatives of the transportation lines which are benefited by this "unguarded gate" (the Canadian frontier) assert that the number of those entering the United States via Canada is greatly overestimated.

The answer to that statement is that there is no record at all as to how many come in illegally by that route.

As many may come in as desire to come in, for there is little, if anything, to prevent them from so doing. The very best evidence that there are very many persons coming that way is that the transportation managers interested are violently opposed to any change in the laws which will close the Canadian "unguarded gate" or interfere with the present state of affairs.

If this business is of no value, if there are very few immigrants coming into the United States that way, why is it that the representatives of these corporations should become excited when new legislation is proposed, legislation which will change even in a very minor way the present status as to that business? A personal experience of over thirty years with these transportation gentlemen and their representatives justifies me in asserting that not one of them ever becomes alarmed without just cause; and, besides, they would not object to any new legislation unless they were injured by it, and they could not be injured unless the corporations they represent who are now doing a profitable illegitimate business, were to lose that business. Legislation will follow shortly with a view of controlling the Canadian frontier. It will then be interesting to see just how many gentlemen who are now enthusiastic on the subject of the educational test as it would apply at ports of the United States will vote against closing the Canadian frontier.

Voting to close the ports of the United States against the entrance to this country of good, strong, honest, healthy young men and women because they can not read a few words in any language and then refusing to vote to effectually close the Canadian frontier against the entrance into this country of criminals, prostitutes, anarchists, insane, and persons sure to become a public charge, will constitute a record such as few men would care to make.

This open discrimination in favor of Canadian steamship companies and Canadian railroads as against our own railroads and steamers landing at our shores should not longer be permitted. That the managers of our own corporations complain is but natural; that the managers of the Canadian corporations and the managers of the American railroads affiliated with them are perfectly satisfied is the best evidence obtainable that a great wrong is permitted to exist.

What little is being accomplished by this Government in controlling the immigration coming via Canada is dependent entirely

upon the good faith and by the permission of the officers of the Canadian steamship companies and officers of the Canadian railroads. This country should not depend upon any corporation either at home or elsewhere for the execution of its immigrant laws, for it is no secret that the railroad and steamship companies do not always keep their promises when entered into between themselves.

Attention is also called to the migratory character of immigration from Canada itself, by which is meant mainly the French-Canadian element engaged largely in lumbering and in the mills and factories of New England.

It is estimated that this migratory immigration from Canada to New England points is not far from 70,000 annually.

Perhaps 10 per cent of it remains and by intermarriage forms part of the permanent population.

The remaining migrationists are birds of passage, coming and going with the seasons, and filling the places in mill and factory from which they have ousted their English and Irish predecessors.

There seems to be no good reason why immigration across the Canadian border should not be subject to inspection, record, and restriction just as rigid as that enforced at ports of entry along the seacoast of the United States. It is manifestly unwise to leave unguarded a wide-open back door through which undesirable immigration, excluded elsewhere, finds easy entrance, thus nullifying the restrictive laws of our own country and exposing us to all the evils we wish to prevent.

The amendments to the law herewith suggested will, if adopted, go a long way toward reaching these evils and preventing such thwarting of our laws.

The designation of exclusive ports of entry along our boundary lines through which alone aliens may be admitted may prove effective, especially if the Government is given authority to employ an adequate police force of inspectors to guard the frontier, as well as to deport all who should enter at other than said designated ports of entry.

The expense of this service would be charged to the immigration fund and the per capita tax collected would much more than pay the expense of the service. It is estimated that there are many thousands who come via Canada annually who pay no head tax at all. It is shown that many aliens debarred from entrance at United States ports come into this country via Canada after having been refused admission at ports of the United States.

With almost unanimous voice the labor interests of the country have asked from Congress legislation for further and more effective restriction of immigration.

Nor is the demand confined to this one division of the people. It is sustained by the press, urged by economists and publicists, and indorsed by the platforms of the political parties.

Opinions differ as to specific methods to be applied, some asking measures more drastic than others, but all unite upon the need of immediate action that shall at least perfect the present laws and regulations and make them more effective for the purposes intended.

The concentration of such a large portion of the total immigration, and of almost all the undesirable immigration, in a comparatively few localities causes an immediate competition in the labor market, from which has sprung the insistent demand for restriction.

The testimony of all representatives of labor is uniformly in favor therefore, as stated, of further and more effective restriction, however much they may differ as to the method best for immediate trial.

It is alleged that immigration causes an oversupply of labor and displaces higher standards of living; that labor fails to get the share of general prosperity otherwise obtainable, because a constantly increasing supply of workmen makes demands for increase in wages in times of prosperity ineffective, and that while this competition is felt less in times of business activity it will act with crushing force if a period of depression should come.

Thus two powerful forces, immigration and machinery, operate jointly to prevent a rise in wages and a consequent increase in the consuming power of labor. The kind of immigration received during the last decade recruits the ranks of the unskilled, from which is constantly drawn the supply to supplant higher-priced labor in the skilled trades. Machinery makes it possible to subdivide processes of labor and use women and children in place of men formerly employed.

Organized labor understands this and therefore stands as a unit in demands upon Congress for further restriction.

Statistics show that immigration ebbs and flows with the movement of wages in this country.

In 1882 immigration reached 788,992, and fell to 334,203 in 1886.

In 1892 it rose to 579,663, and fell to 229,299 in 1897, the lowest number since 1864.

During 1901 (including cabin passage immigration) it rose to over 560,000.

Could accurate figures be given for the influx across the Canadian border, undoubtedly at least another hundred thousand would be added to this last total.

While labor representatives urge more effective restriction because of this competition for employment and consequent effect upon increase and even maintenance of present rates of wages, economists also urge it upon the ground of the deleterious effect upon the standard of living and civilization.

Investigation proves conclusively that in general wages in the United States are very much higher than in European countries, ranging from 50 per cent to 500 per cent.

It is generally claimed by immigrants that their wages in American cities are from four to five times as high in money as the wages in the rural districts whence they came.

By the reverse of this proposition, the immigrant in his native country was compelled to exist on an income only 20 to 25 per cent of that received by American labor,

Hence, what the standard of the American mode of living requires and the wages demanded to secure it seem paradise and princely compensation to the new arrival.

The effect of this displacement of labor by immigrants is strikingly shown by the following extract from the report of the Industrial Commission recently submitted to Congress:

> There is another effect introduced by immigration different from that which would proceed from a natural increase in population. This is the unequal distribution of immigrants in the several occupations and localities. From unskilled and unorganized occupations and from the Canadian border come more urgent complaints of the depressing effect of foreign-born competition than from elsewhere. Certain unions, such as glass blowers, charge an initiation fee higher for aliens than for citizens. This and various other reasons have caused the immigrants to crowd with concentrated effect upon the unprotected occupations, like those of common labor, coal mining, clothing and textile manufactures. In these trades there has been overcrowding and displacement of native workmen or of earlier immigrants and reduction of wages without directly depressing wages in other employments.
>
> The displaced classes take two different courses. Some of them fall in the moral scale and increase the number of hoodlums and tramps. Others seek other occupations or become the foremen or employers of immigrants where a higher standard can be maintained. It may be said on this account that the fate of the displaced classes turns upon the general prosperity of the country, since in time of prosperity the upward transition is comparatively easy and in times of depression exceedingly difficult. But at this point it should be noted that the method by which the original American stock or the earlier immigrants are able to rise above the new immigrants who displace them is in itself open to objection. It consists in that restriction of numbers, through late marriages and smaller families, by which the pressure of competition is lessened.
>
> In this way the original stock and the earlier immigrant stock from western Europe, though rising in scale, becomes less productive and proportionately smaller as the years go by. For this reason it was contended by the late Francis Walker, Superintendent of the Ninth and Tenth Censuses, that from the time when immigration first assumed large proportions it has amounted not to a reinforcement of our population, but to a replacement of native by foreign stock.

Economists claim that when once labor-saving machinery is introduced and unskilled men can do the work formerly requiring skilled workmen it is largely the immigrant who receives the employment, and the former workman must accept less wages by reason of the competition or seek other employment, only to meet, in all probability, similar conditions therein.

By this means, it is further claimed, the displacement named results in the introduction of continuous successions of lower and lower standards of living, as in the cotton textile industry, wherein the native educated American has been displaced successively by the English, the Irish, the French-Canadian, the Armenian, and the Syrian.

It is noticeable that where women have entered factory production they are usually the wives and daughters of immigrants.

Taking in view all these facts and factors, the inquiry is pertinent, shall the standard of citizenship and living in the United States be permanently depressed or shall rigorous methods be adopted to more carefully sift the immigration coming to our shores?

Could some means be devised whereby the stream of immigration would flow to the farm instead of to the factory, much of the burden and danger would be removed.

Unfortunately, as has been shown, the same powerful inducement that draws the farmer's son to the city acts with tenfold force upon the immigrant, whose controlling impulse is, first, immediate employment as near as possible to Ellis Island, and, second, the largest return possible for his toil.

Both these can best be got in the city, and to the city he gravitates.

If employment is immediately obtained, he becomes, in a measure, self-supporting.

The statistics of the various States present some startling revelations concerning the great burden placed by immigration upon the penal and charitable institutions of this country, the larger percentage of the inmates of jails, insane asylums, and charitable institutions having been furnished by the immigration, and investigation has proved the existence of organized effort in foreign countries to unload upon the United States their pauper, insane, and criminal classes.

It is evident from what has been stated that legislation proposed must be carefully considered and be along conservative lines.

While no undesirable immigrant should be admitted, room may be found for immigration such as from 1860 to 1880 contributed so largely to the growth and development of our country.

Existing laws are weak in many points and silent on others where restriction can be strengthened, and there are many loopholes for evasion.

There has been no codification of the various laws affecting immigration enacted during the past twenty-five years.

Even without suggesting new legislation, it is apparent that great improvement would result if the laws can be so compiled as to remove inconsistencies, ambiguities, and conflicts of authority now existing.

Legal interpretation of existing laws has hampered administration by close construction in some instances, making proof of violation difficult and inflicting unnecessary hardships in enforcement.

Tickets are furnished usually upon correspondence from immigrants already here, describing their own success in finding employment and good wages and the demand for labor.

Then, again, migration is no longer promoted by corporations employing labor, but by importing agencies of the several races.

They have branches in their own country and in America, and thus furnish labor to employers upon order, their long experience teaching them the loopholes in the law and the surest manner of evasion.

The immigrants are collected in squads, forwarded to ports of deportation, and coached effectively in the answers to be given to the American inspectors.

At the same time wholesale bargains and understandings are made with the steamship companies for their transportation.

Upon landing they are met by American agents whom they have means of recognizing.

In due time they are turned over to the employing contractors.

It will be seen how difficult it is to prove a contract under such conditions, and a contract, within the meaning of court interpretation, does not exist.

To meet this difficulty changes are made in the law, so as to more clearly define what shall be construed as a contract.

In framing this law it is believed that due regard has been had for all the interests involved. Undue injury to labor by ruinous competition with imported contract labor will be made more difficult while at the same time avoiding measures so drastic as to cripple American industry, agriculture, and the great shipping and transportation interests.

If the suggested law proves effective within its intended scope and in its administrative features, it can be made the basis of such additions hereafter as public sentiment may warrant or future conditions demand. While special interests may ask for more radical action at the present time, that course is best for all which is the safest and which conserves the interests of our whole country.

Having, by the bill proposed, established a harmonious code for the enforcement and administration of restriction as a general principle, it will be easy and appropriate from time to time to add supplementary features as necessity requires.

A summary of the more important changes, additions, and improvements embodied in this new bill may be appropriately given here.

The principal object of the bill is to codify in concise form all the legislation of this character heretofore enacted from the act of March 3, 1875, to the act of 1894, and to arrange the legislation in regular order and sequence according to the various specific subjects dealt with in the bill.

It is the object also of the bill to eliminate from the laws concerning immigration all those parts which have become obsolete as a result of subsequent legislation and to amend all portions of the laws which have been found inadequate to accomplish the plain purpose intended by them because of judicial decisions and interpretations and because of lack of authority for their administration.

The bill further embraces legislation which seemed to be demanded by enlightened public opinion, besides necessary enactments to cover the recent territorial acquisitions of the United States in the Philippines, Porto Rico, Hawaii, etc.

The bill increases the amount of the head tax on aliens coming into the United States by land transportation as well as by water from $1 to $1.50. The increase is justified by the greater cost of administering the law, which proposes to deal in a more effective way with the dangers of an already large and rapidly growing alien population, not only by rejecting at our ports before landing those who are found to be inadmissible, but by following up those who have effected an entrance and afterwards become criminal or pauper burdens upon the local municipalities, and within three years after their arrival returning them to their own countries.

The head tax, by the way, is also required to be paid by aliens coming into the United States across the land boundaries, and the proposed law imposes a penalty for the nonpayment of the same.

The present bill consolidates with the general immigration laws existing legislation with regard to the importation of aliens under contract to perform labor in the United States, thus making the money from the head tax available for funds in payment of expenses for the enforcement of those laws instead of securing the necessary funds for the purpose through a special annual appropriation.

The proposed law excludes from admission to the United States, or any place subject to the jurisdiction thereof, the following classes of alien immigrants: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists; anarchists or persons who believe in or advocate the overthrow by force or violence of all government or of all forms of law or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; persons whose migration to the United States has been induced by offers, solicitations, promises or agreements, parol or special, express or implied, of labor or work or service of any kind in the United States, and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes. Persons living in the United States are not prevented from sending for a relative or friend who is not of these classes mentioned, nor are persons convicted of a purely political offense excluded. It is also provided that skilled labor may be imported if labor of like kind unemployed can not be found within the United States. Professional actors, artists, etc., are not excluded.

The new law in relation to the insane was introduced in this bill to relieve our State and municipal institutions from the burdens they have been made to bear by these immigrants obtaining admission to them and remaining there indefinitely. The provisions concerning anarchists were adopted upon the theory that an effective way to deal with this evil was by refusing admission to the United States to the teachers and disciples of such a system or belief.

The part of the bill in relation to prostitutes and procurers is to complete the evident purpose of the act of March 3, 1875, which makes the importation of such aliens a felony, but omits to provide for rejection at ports of the United States.

The wisdom of the proposed law in regard to contract alien labor can not be questioned. It is for the protection of the American workingman. He deserves all that we can legally do for him, and no law which will keep alien contract labor out of competition with him can be too strict. The old law is strengthened in this respect by dropping the word "contract" and inserting in its place the words "offer, solicitation, promise."

This change has been made to meet the rulings of the courts, which held that in every case of alleged violation of the law the elements of a binding contract must be proven to bring offenders within the meaning of the act. Now, the "contract" does not have to be proved under the proposed bill, only the "offer, solicitation, or promise."

Certain rulings of courts have destroyed the value of the act as far as its protection was concerned, because under such rulings aliens could be imported with impunity upon the suggestion or assurance that employment awaited them in this country. Besides, Congress has already recognized, in section 3 of the act of March 3, 1891, the necessity of broadening the language of the act so as to cover the evil, for in this measure referred to it makes a violation of the law the migration of any alien to the United States in consequence of an advertisement in any foreign country promising work in this country. Therefore throughout the bill the words "offer, solicitation, promise" are used in lieu of the word "contract," as at present.

In this connection, what was considered by the committee as a necessary exception was embodied in this act. It provides that where skilled labor of the kind desired can not be found unemployed in this country, then, under such circumstances, skilled labor may be imported. The practicability and propriety of this is obvious. The imported alien contract laborer injures the American workman only by displacing him. If labor of the kind desired can not be found in this country and is imported, no one is displaced.

Another change in this bill is in the substitution of the word "attempt" for "aid," the courts having in effect held that the word "aid" involved the actual landing of the prohibited aliens. Of course, when a steamship company willfully tried to land such class of aliens and the inspectors discovered they were illegally here, then they were immediately rejected and (technically) not allowed to land. Therefore the steamship companies could not be held liable, because they had not aided the alien to land in view of the fact that he had not landed at all. Hence the word "attempt," so as to cover even the effort of the company to land such a person, whether he is rejected by the inspector or not.

What is considered a fair and equitable provision is also included, which provides that if an alien immigrant who is really not entitled under the law to enter this country should be admitted by the immigrant inspector, and is afterwards found to be here unlawfully, the fact that the inspector admitted him relieves the steamship company of the penalty of a fine of not more than $1,000 provided for attempting to land such aliens, but does not relieve the steamship company from taking such alien back at the expense of the company if found here within one year after his arrival. Many safeguards are thrown around the actions of inspectors under the proposed law, and it will be very difficult for an immigrant who should not be admitted to get through safely.

The provision also covers those immigrants who secure entrance into the country without inspection. The bill further provides that any alien contract laborer, rejected as such, may be detained, if such detention is necessary, to be used as a witness in behalf of the Government in any suit which may be brought against the person or persons inducing his unlawful immigration to the United States, the expense of such detention to be paid by the immigrant fund. The necessity for this legislation is due to the fact that the immediate return of such alien robs the Government in many cases of the sole witness it has to successfully maintain an action against a contractor.

The present bill makes it unlawful for any transportation company or vessel to bring to any port of the United States any alien afflicted with a loathsome or dangerous contagious disease.

The company which brings such alien under this bill is subject to a fine of $100 for each alien so brought if the Secretary of the Treasury is satisfied that the disease existed at the time of foreign embarkation and that its existence then could have been discovered. To enable the collection of such fine the law prohibits the issuance of clearance papers to any vessel which has incurred such fine or refused or neglected to pay it, and it furthermore provides that such fine shall not be remitted. As before stated the deportation of any such alien is provided for. This new legislation, by punishing the taking on board ship, will, it is believed, abate the evil under discussion, for the owners of vessels will avoid the payment of any such fine by a more careful examination at the port of embarkation. The exclusion, at the port of departure, of all diseased persons will prevent the thousands of passengers on board ship en route to this country from becoming inoculated with any disease which would not manifest itself until days after such passengers had become distributed throughout the country. It is not at all unjust to the owners, for they can easily protect themselves by careful examination before embarkation of aliens and by the refusal of passage to those so afflicted.

Another feature provides for the return, with any rejected alien who is helpless from infancy or physical inability, of any person who has accompanied such helpless alien to this country.

A most important part of the system of supervision of immigration in this country is the examination at the port of arrival by physicians. Provision is therefore made in the bill for thoroughly competent physicians who are qualified within all reasonable limits for this particular work.

The time within which an alien who has become a public charge may be deported is extended by the bill from one to three years. The reason for this extension of time is found in the frequent complaints of communities charged with the burden of maintaining helpless aliens, such complaints being supported by an array of figures which leave no room for doubt that the extension of time is imperative. It is a fact that many aliens of this particular class have come here, remained the one year formerly prescribed, and then, safe from deportation, entered the charitable institution in the community in which they then happened to be, to remain there permanently a public charge and burden upon that community.

The old laws make a distinction between those aliens who become public charges from causes existing previous to their landing here and those who become so from causes arising after such landing. The new bill is the same in this respect. It provides that any alien who shall become a public charge from causes existing prior to landing shall be deported to the country whence he came at any time within one year after his arrival at the expense of the steamship company bringing such alien here, and to this is added in the proposed law one-half the cost of inland transportation to the port of deportation.

Formerly the steamship company was merely required to take the alien back on its ship. The added penalty of one-half the inland transportation (which is to be paid by the steamship companies) will no doubt increase the vigilance of the companies and cause them to refuse passage to persons of this character from the other side. It is not a severe penalty, but since it involves some actual outlay it should be more effective than the mere return of such alien on ships regularly plying to foreign ports; which return is made at an inappreciable cost.

Under the proposed bill it is provided that an alien who has become a public charge from causes existing before he landed may be deported within three years after the first year after arrival, the immigrant fund paying the cost of his ocean transportation to the country whence he came, and the corporation or municipality relieved of such burden paying the expense of delivering such alien at the port of deportation, including inland transportation, care, etc.

Under the proposed law those aliens who become public charges from causes arising after landing may be deported if found here within three years after arrival in the same way, the immigrant fund paying the cost of ocean travel and the corporation or municipality paying the expense of delivering the alien at the port of departure.

In order to keep track of them in our institutions the proposed law improves the system whereby undesirable aliens may be traced, and this information will be carefully taken and preserved. Heretofore these immigrants have been lost sight of and have actually filled many of our institutions. Careful periodical inspection of all these institutions is to be made also with this end in view. What is generally considered one of the best features of the proposed law in this connection is the requirement that the passenger manifests of vessels carrying immigrants shall be full, detailed, and explicit in all data that may serve in personal identification.

The Secretary of the Treasury is given power to arrest and deport aliens found to be unlawfully in the United States and their return is required by the transportation lines bringing them here, to the country whence they came, or if that can not be done, as in the case of tramp steamers, then at the expense of the immigration fund. The time within which such arrest may be made is extended to three years, to correspond with the parts of the proposed bill just above referred to.

The foregoing comprises briefly all the proposed legislation that is essentially new in this act, that is, all that is not already on the statute books, and the entire codification is really and simply a fuller application of the principle of existing laws. Of this there is certainly much need, and the committee believe such changes and improvements to be necessary and imperative.

Mr. Chairman, I am very sure there is not a gentleman in this House who will not heartily and fully approve of the purposes of this bill. We may differ, and properly so, as to the methods of securing desired results, but I am sure there will be no objection to the general object of the bill. Little, if any, legislation would be enacted if every one of the 356 members was to have every bill in all respects to his liking. Legislation is largely a matter of compromise, as every well-informed person understands.

Few bills have been more carefully considered by a committee than has this measure, and it was at its final hearing unanimously agreed to by the committee (of 11 members). The bill meets the approval of the Secretary of the Treasury, who has charge of the Department which will administer it, and it may be added that the bill is substantially in accord with the conclusions of a conference of experts in the employ of the United States Industrial Commission, some of the greatest alienists in the country, the Commissioner-General of Immigration, and the commissioners of immigration at the ports of New York, Boston, Philadelphia, Baltimore, and San Francisco. It may be said, therefore, to embody the best expert suggestions obtainable, and that it contains the best of what such a law ought to contain in order to give a conservative yet effective instrument for the exclusion or regulation of undersirable immigrants.

Consider and analyze carefully the statistics given in this table. These figures speak volumes. They are correct so far as they go. There is not included in these statements the number of immigrants who illegally come into the United States by the Canadian frontier. It is claimed by perfectly competent authority that the number who have been debarred at our ports, together with the number who avoided our ports of entry altogether and who sneaked in by the Canadian frontier, is many times the number of the debarred who are recorded in this report. [Prolonged applause.]

Report of immigration at ports of the United States and Canada for the year ending June 30, 1901.

Race.	Sex.		Total.	Ages.			Debarred.								Returned in 1 year after landing.	Relieved in hospital.	Illiteracy, 14 years and over.		Immigrants bringing—		Total amount of money shown.	Have been in the United States before.
	Male.	Female.		Under 14 years.	14 to 45.	45 and over.	Idiots.	Insane persons.	Paupers, or likely to become public charges.	Loathsome or dangerous contagious diseases.	Convicts.	Assisted immigrants.	Women for immoral purposes.	Contract laborers.			Can read, but can not write.	Can neither read nor write.	$30 or over.	Less than $30.		
African (black)	299	295	594	120	416	58	...	...	16	...	...	...	...	5	1	...	13	167	33	497	$3,290	297
Armenian	1,364	491	1,855	242	1,534	79	...	...	14	7	...	...	...	...	1	39	2	344	128	1,002	22,053	109
Bohemian and Moravian	1,943	1,823	3,766	757	2,663	346	...	...	8	...	...	...	...	1	3	31	6	39	513	1,906	86,795	217
Bulgarian, Servian, and Montenegrin	499	112	611	54	540	17	...	...	70	...	...	...	...	...	...	4	4	208	93	323	14,242	15
Chinese	2,413	39	2,452	56	2,309	87	...	...	...	...	...	42	3	42	17	...	125	39	309	1,180	22,088	2,239
Korean	46	1	47	1	43	3	...	...	...	1	...	...	...	...	...	...	1	...	35	4	12,345	7
Croatian and Slovenian	15,492	2,436	17,928	745	16,576	607	...	...	53	1	...	...	...	8	2	36	41	6,773	1,822	14,807	222,185	1,083
Cuban	1,019	603	1,622	560	1,085	177	...	1	6	...	...	1	...	1	1	5	16	103	173	1,447	23,261	951
Dalmatian, Bosnian, and Herzegovinian	630	102	732	40	664	28	...	...	...	...	...	...	...	2	...	1	...	202	164	273	14,500	57
Dutch and Flemish	2,149	1,150	3,299	769	2,232	298	...	...	16	5	...	...	...	1	...	31	10	189	662	1,073	98,412	355
East Indian	18	2	20	1	19	...	...	...	1	...	...	...	...	...	...	1	...	5	12	7	1,163	3
English	8,041	5,447	13,488	2,105	9,702	1,681	1	3	93	5	...	...	...	2	28	44	47	161	4,849	3,802	542,293	4,267
Finnish	6,458	3,541	9,999	1,099	8,557	343	...	...	16	10	...	...	...	...	7	49	34	163	876	7,254	136,719	906
French	2,526	1,510	4,036	432	3,253	351	...	...	13	1	...	...	...	1	4	13	8	132	1,500	1,216	164,644	1,608
German	20,214	14,528	34,742	6,490	25,706	2,546	...	...	120	12	3	...	...	6	26	414	67	1,160	7,163	14,752	1,056,850	3,882
Greek	5,754	165	5,919	506	5,238	175	...	...	70	10	...	...	...	2	2	31	3	1,398	509	4,925	92,145	306
Hawaiian	3	2	5	...	5	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	120	...
Hebrew	82,345	25,753	58,098	14,731	99,830	3,537	2	2	243	40	1	...	...	9	69	555	135	10,119	3,111	19,394	487,787	1,373
Irish	12,807	17,597	30,404	1,347	27,821	1,236	...	4	73	11	...	...	...	2	59	106	72	867	3,691	20,230	487,733	5,908
Italian (north)	17,852	4,251	22,103	1,830	19,156	1,117	...	...	51	10	...	...	...	9	1	27	77	3,122	7,147	10,820	505,974	3,017
Italian (south)	90,395	25,309	115,704	15,794	90,317	9,593	2	4	1,292	30	2	...	...	67	52	708	540	58,493	5,656	78,747	1,017,310	11,524
Japanese	4,887	362	5,249	53	5,079	117	...	...	158	30	...	6	...	125	2	...	53	293	4,856	117	269,989	458
Lithuanian	6,499	2,316	8,815	712	7,986	117	...	...	14	7	...	...	...	...	4	65	402	3,635	481	6,615	79,917	233
Magyar	9,627	3,684	13,311	1,108	11,620	583	...	...	40	2	...	...	...	...	18	53	53	859	616	10,751	143,550	1,614
Mexican	217	133	350	42	278	31	...	...	5	...	...	...	...	...	...	...	...	68	142	84	10,070	112
Pacific Islander	20	4	24	1	21	2	...	...	4	...	...	...	...	...	...	...	2	3	14	2	951	4
Polish	29,581	14,036	43,617	4,520	37,904	1,193	...	...	98	50	...	...	...	3	22	266	931	13,739	1,725	33,075	429,032	2,323
Portuguese	2,240	1,936	4,176	1,030	2,774	372	...	...	7	...	...	...	...	...	2	11	123	1,884	310	2,274	45,842	671
Roumanian	704	57	761	23	684	54	...	...	2	1	...	...	...	3	3	2	...	274	25	668	8,322	36
Russian	474	196	670	147	495	28	...	...	...	2	...	...	...	...	...	1	3	166	87	358	16,929	90
Ruthenian (Russniak)	3,903	1,385	5,288	252	4,850	186	...	...	23	...	...	...	...	...	...	18	45	2,634	158	4,169	50,402	509
Scandinavian (Norwegians, Danes, and Swedes)	23,503	16,774	40,277	3,185	34,796	2,296	1	2	45	5	1	...	...	4	18	68	92	196	5,596	25,455	690,708	7,218
Scotch	1,202	802	2,004	311	1,482	211	...	...	15	...	...	...	...	...	4	4	5	15	622	681	60,897	524
Slovak	21,227	8,116	29,343	2,582	25,756	1,005	...	...	77	14	...	...	...	8	13	114	132	8,086	1,771	23,678	356,942	5,157
Spanish	1,072	130	1,202	105	1,020	77	...	...	21	1	...	...	...	18	...	11	2	150	395	655	54,291	337
Syrian	2,729	1,335	4,064	708	3,080	186	...	...	82	28	...	...	...	7	3	113	9	1,825	520	2,055	70,436	370
Turkish	123	13	136	8	125	3	...	...	5	...	...	...	...	...	...	...	...	61	22	100	3,296	9
Welsh	391	283	674	113	485	76	...	...	1	...	...	...	...	...	...	1	5	18	240	190	21,424	337
West Indian	62	20	82	9	72	1	...	...	34	...	...	...	...	1	1	4	...	10	37	10	3,235	24
Spanish-American	200	76	276	40	210	17	...	...	1	...	...	...	...	...	...	...	...	41	158	60	44,134	112
Filipino	105	33	138	31	104	3	...	...	9	17	...	...	...	...	...	...	...	...	16	11	1,206	...
Esquimaux	10	13	23	4	15	4	...	...	...	...	...	...	...	...	...	...	...	...	...	13	260	...
Arabian	11	...	11	...	11	...	...	...	2	...	...	...	...	...	...	...	...	6	...	...	...	...
Swiss	1	...	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	1	...	30	...
Total	331,055	156,863	487,918	62,562	396,516	28,840	6	16	2,798	309	7	50	3	327	363	2,826	3,058	117,587	56,312	294,860	7,383,822	58,182

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Ohio a question before he sits down.

Mr. SHATTUC. I yield for a question.

Mr. OLMSTED. Or rather a suggestion. It seems to me that without amendment the bill that your committee has reported will not read as you had intended. I understand this tax of $1.50 per person is to be paid by the vessel or the passenger?

Mr. SHATTUC. There is an amendment to be offered there.

Mr. OLMSTED. It reads to be paid by the—

master, agent, owner, or consignee of every such vessel, or by the alien passenger, if such passenger comes overland within twenty-four hours after the arrival of such vessel in port.

What vessels come overland?

Mr. SHATTUC. If you will wait until the amendment is reported you will find that it is straightened out.

Mr. BARTHOLDT. I would like to ask the gentleman a question.

Mr. SHATTUC. I yield to the gentleman for a question.

Mr. BARTHOLDT. I would like to ask the gentleman whether this bill restricts immigration?

Mr. SHATTUC. Not to any greater extent than before, but we have anarchists in there, and the insane and lepers, and I think that is about all.

Mr. BARTHOLDT. The argument made by the gentleman from Ohio——

Mr. SHATTUC. I thought the gentleman was asking me a question.

Mr. BARTHOLDT. I am coming to my question now, if you will permit me. I will not take up your time. The argument of the gentleman from Ohio was to the effect that immigration was injurious——

Mr. SHATTUC. I beg your pardon. I call the gentleman to order. I yielded for a question. That is not a question.

Mr. BARTHOLDT. If the gentleman will not permit me to put the question in my way, I shall not ask a question.

Mr. SHATTUC. Under the five-minute rule you can ask it, but not now.

Mr. CLARK. I would like to ask the gentleman a question.

Mr. SHATTUC. I yield to the gentleman for a question.

Mr. CLARK. That is what I am trying to get at. Is this bill substantially the same bill that Cleveland vetoed or not?

Mr. SHATTUC. Not at all. Mr. Cleveland vetoed the educational test.

Mr. CLARK. Has this any educational test?

Mr. SHATTUC. It has not; and I hope it will not have when it goes through the House.

Mr. WILLIAMS of Mississippi. I should like to ask the gentleman a question.

Mr. OLMSTED. I would like to ask the gentleman a further question.

The CHAIRMAN. To whom does the gentleman yield?

Mr. SHATTUC. I yield to my friend from Mississippi.

Mr. WILLIAMS of Mississippi. I want to know if any agreement has been made about the length of general debate?

Mr. SHATTUC. Not yet.

Mr. WILLIAMS of Mississippi. Could not an agreement be made?

Mr. SHATTUC. We did not try very hard.

Mr. OLMSTED. I want to ask whether this bill has a provision that relates in any way to the coming of persons into our home ports from our insular possessions?

Mr. SHATTUC. It has.

Mr. OLMSTED. That is covered by the bill?
Mr. ROBINSON of Indiana. Mr. Chairman——
The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?
Mr. SHATTUC. I do.
Mr. ROBINSON of Indiana. I see that by a section of the bill that it provides "United States" shall be construed to mean territories over which the United States has jurisdiction. What is the operation of the law, first, with reference to Hawaii?
Mr. SHATTUC. It takes in Hawaii.
Mr. ROBINSON of Indiana. With reference to the immigration from the Territory of Hawaii how would it apply?
Mr. SHATTUC. I would like to call upon some of the great lawyers upon the committee to state that.
Mr. KLEBERG. It would apply.
Mr. ROBINSON of Indiana. Would it apply to immigration to the Philippine Islands?
Mr. SHATTUC. Not from the United States.
Mr. ROBINSON of Indiana. From other countries?
Mr. SHATTUC. It applies to all other countries equally and to all of our new possessions equally.
Mr. ROBINSON of Indiana. Then under it you can not either receive Japanese or Chinese in the Philippine Islands?
Mr. SHATTUC. No.
Mr. ROBINSON of Indiana. The provision excludes them as it would from the United States.
Mr. SHATTUC. Certainly.
Mr. MANN. Is there anything in this bill with reference to the Japanese or Chinese?
Mr. SHATTUC. I have not agreed to yield to the gentleman from Illinois, Mr. Chairman. Have you read the bill?
Mr. MANN. I have not, or I should not have asked.
Mr. SHATTUC. You have not asked me to yield. [Laughter.]
The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois for a question?
Mr. SHATTUC. With pleasure. [Laughter.]
Mr. MANN. May I ask if the gentleman has read the bill? [Laughter.]
Mr. SHATTUC. Have I read it? I reserve the balance of my time. [Laughter.]
The CHAIRMAN. The gentleman has seventeen minutes remaining.
Mr. WATSON. With the permission of the gentleman, I would like to ask him a question.
The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?
Mr. SHATTUC. For a question.
Mr. WATSON. Do I understand that by a provision of your bill you strengthen the existing laws?
Mr. SHATTUC. That is the simple purpose of the bill—only.
Mr. WATSON. And by its terms and provisions do you exclude any persons not now excluded?
Mr. SHATTUC. Yes—no nationality, no—but we exclude those who come here insane and those who are anarchists.
Mr. LANDIS. Paupers.
Mr. SHATTUC. No; they are already excluded, and epileptics.
Mr. WATSON. Do you exclude persons coming across the Canadian border that are not now excluded?
Mr. SHATTUC. The theory of the committee is that we ought not to take up the question of the Canadian border and we ought not to take up the educational test, nor should we take up the question of selling liquor on the Government reserves in this bill, but that we ought to get some good legislation and put it on our statute books and then take up these several meritorious measures by themselves.
The fact is that we have not been able so far to get any good immigration legislation because there are three or four different classes of people here in this House who are not satisfied to have some good, first-class legislation passed, but they want better legislation, and they want to tack onto the bill the educational test if they can, and others will tack on, if they can, the question of the Canadian border, and that is the worst trouble we have to deal with. Then, too, our good prohibition friends want to tack on the liquor question, and so the bill gets loaded up and is defeated. I hope that this bill will receive the support of all of our good friends, those who desire the educational test, those who want no liquor sold anywhere within a thousand miles of any place where the Government owns land, and those who want nobody to come over the Canadian frontier. The committee considered all of those questions, and has reported this bill with the hope of getting something done in the House.
Mr. WATSON. I understood a good portion of the gentleman's argument to be directed to excluding people from coming over the Canadian border who now come.
Mr. SHATTUC. Oh, no; because we do not want to endanger the passage of this bill.
Mr. WATSON. Then, I understand that that was just a general observation.
Mr. SHATTUC. Yes.
Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield for a question?
The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?
Mr. SHATTUC. Yes; for a question.
Mr. BARTHOLDT. This bill, of course, excludes anarchists?
Mr. SHATTUC. Yes.
Mr. BARTHOLDT. I should like to have the gentleman state what machinery is provided for the identification of anarchists?
Mr. SHATTUC. The same machinery that is used when they try to find out whether a woman is a bad woman or not. They ask her.
Mr. BARTHOLDT. All the means, then, at their disposal is to ask questions?
Mr. SHATTUC. Yes; as to whether or not the man is an anarchist.
Mr. BARTHOLDT. Does the gentleman think a man will admit that he is an anarchist when he is asked the question?
Mr. SHATTUC. Yes; lots of them do.
Mr. BARTHOLDT. Is there nothing more to prevent his coming?
Mr. SHATTUC. We can get a great deal of information from our consuls and our diplomats and our agents whom we send abroad.
Mr. BARTHOLDT. Is it not possible that if some one intends to keep a man out of this country, all he would have to do under the provisions of this bill would be to write to the immigration authorities in New York and denounce the man as an anarchist? I will state that in my judgment a single postal card or a single letter would be sufficient to keep a man out of this country.
Mr. SHATTUC. Well, now, is that a question?
Mr. BARTHOLDT. That is a question which I ask you.
Mr. SHATTUC. Well, I will say to the gentleman that the bill will not let one more come in than could come in otherwise. It is our disposition to keep them out. We keep out a great many other people where we have no greater facility for finding out their objectionable qualifications under the law than we have with the anarchists. I will state to the gentleman that he need not worry about the anarchists.
Mr. POWERS of Maine. Does not this bill prevent people from coming into the United States from the Republic of Cuba?
Mr. SHATTUC. Yes; it does now.
Mr. POWERS of Maine. Why should we admit people from the Republic of Mexico and not from the Republic of Cuba, for which we wish to do so much?
Mr. SHATTUC. Well, because in Mexico they are right along our borders and they can step right over.
Mr. POWERS of Maine. Oh, no; but they may come from some portion of Canada.
Mr. SHATTUC. One is practicable and the other is not.
Mr. POWERS of Maine. This applies to those coming by vessel, as I understand it, from Mexico and the Dominion of Canada. Now, from a large portion of the maritime provinces immigrants come by vessel.
Mr. SHATTUC. Yes; but about 70,000 come across on foot right up in your country, where we are trying to stop it.
Mr. POWERS of Maine. I want to know why we should exclude people from the Republic of Cuba and admit them from the Republic of Mexico?
Mr. SHATTUC. Because it is not contiguous territory.
Mr. POWERS of Maine. It does not seem to me that that is a very satisfactory answer.
Mr. SHATTUC. Well, I know; but it is to the committee. [Laughter.] Now, Mr. Chairman, I reserve the balance of my time and yield the floor to the gentleman from Missouri [Mr. RUCKER].

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GRAFF having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:
On May 19, 1902:
H. R. 53. An act for the protection of cities and towns in the Indian Territory, and for other purposes; and
H. R. 13076. An act to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii.
On May 20, 1902:
H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.

IMMIGRATION.

The committee resumed its session.

Mr. RUCKER. I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, some months ago the gentleman from Indiana [Mr. WATSON] introduced a bill in this House that has not been yet reported from the committee in favor of an educational test for immigration. After consulting with Mr. WATSON, and with his permission, before commencing my remarks, I desire to offer that bill substantially as an amendment to the pending bill, and have it pending at this time. I send it to the Clerk's desk to have it read.

The CHAIRMAN. The Chair thinks that at this time it will not be in order as an amendment.

Mr. UNDERWOOD. Then I ask to have it read to go in the RECORD, and I will offer it at the proper time when the paragraph is reached.

The Clerk read as follows:

Amend the bill by adding as a new section, between lines 14 and 15, on page 4, the following:

"SEC. 3. That in addition to the persons excluded under the foregoing section, admission into the United States shall be denied to all persons over 15 years of age and physically capable of reading who can not read the English language or some other language; but an admissible immigrant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

"That for the purpose of testing the ability of the immigrant to read the inspection officers shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrants in double small pica type. Each immigrant may designate the language in which he prefers the test shall be made, and shall be required to read the words printed on a slip in such language. No two immigrants listed on the same manifest shall be tested with the same slip. An immigrant failing to read as above provided shall not be admitted, but shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him."

Mr. UNDERWOOD. Mr. Chairman, there are many people in the United States who believe that there are some restrictions on immigration into this country intended to prevent our receiving any but the better class of immigrants from an intellectual standpoint; but the bill that is now reported by the committee and now before the House is practically a compilation of the old statutes on the question of immigration, with some few changes. There is nothing in it as it stands without the amendment I have offered that restricts immigration, except as to criminal classes and as to pauper classes and certain restrictions in regard to contract labor. The policy of the country has been heretofore simply to say that the deaf and dumb, the blind, the idiotic, the insane, or pauper and criminal classes shall not have entrance into this country; then stop and admit all other classes of immigrants without restriction. In other words, we have not heretofore attempted to say that we will only bring in competition with the standard of American life, the standard of American wage-earners, the standard of American principles and ideas, people from other countries who are qualified and fit to maintain and uphold that standard. We have left our gates open to receive all that come, whether they uplift us or whether, through ignorance or racial tendencies, their admission will result in pulling down our civilization, the standard of American life, and the standard of American wage-earners.

I say the time has come in this country when the duty that the American Congress owes to the American people is far greater to protect the American laborer against the pauper labor of Europe than it is to protect the American laborer against the pauper-made goods of Europe. The first is far more dangerous to his welfare and well being than the latter.

You may say that this country is over 100 years old, that we have passed through four generations since the birth of our Republic and that no such innovation as this has been necessary heretofore; that it is laying down a new rule, but I say to you that the time has come in the history of this country when a new rule should be laid down; that to leave the gates of our country open to any class of people who want to come here in the future endangers our civilization, and the hour has come when we should call a halt and only admit as citizens of this country those people who are capable of understanding our form of government and maintaining the high position of the American citizen and wage-earner.

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. UNDERWOOD. Yes; if it is only a question.

Mr. BARTHOLDT. The gentleman said the evil of immigration was greater than the danger of free trade.

Mr. UNDERWOOD. Oh, my friend wants to be facetious, and I do not care to yield for that purpose.

Mr. BARTHOLDT. No; I am very serious.

Mr. UNDERWOOD. I stated that I believed the competition of the pauper labor of Europe coming into our country was more dangerous to the wage-earner than the pauper-made goods coming from Europe.

Mr. BARTHOLDT. Yes; that is the proposition. As to that I would like to ask the gentleman whether it is not true that the men who come here for the purpose of working on American soil are not consumers of our goods, the same as they are producers, and if it is not more beneficial for the country to have them here in this country as consumers than to allow them to remain in Europe and be consumers over there, and then bring their productions to this country under free-trade regulations?

Mr. UNDERWOOD. I am not going into a tariff argument; that has nothing to do with this bill. I merely mean this: I read in the papers not long ago where a certain number of immigrants landed in this country without money, without property, with nobody to give them employment, and they were driven from the refuse dumps in New York, where they were sleeping and eating the refuse of that great city because they had no place to go. These men, if brought here and allowed to remain here, must come eventually into competition with the great American wage-earner of this country; and I say he is entitled to be free from competition from such a source. That is my position.

Now, why should we make this change? Why, the reason is evident. In the beginning of our Government we had vast prairies and forests to the west of us. The great Western reserve was unsettled. There were miles and miles and hundreds of miles of fertile soil there waiting for the woodman's axe and the farmer's plow. We had no steamship companies in those days to hunt among the slums of Europe and gather anyone that had money enough to pay a fare and bring them here for profit.

The immigrant from whom you and I and most of the great American people are descended came from the north of Europe. He was not brought here by anyone else, but he came here to better his condition. He had to save the money at home to buy his own passage. He came here with the courage and nerve to go into an unknown and an untried wilderness and build a great republic. We were glad to welcome that kind of immigrants; and they were the only ones that came in that day. They were the men of brawn and sinew. They are the men who have left their mark on the American Republic. They were a different class of men from the class gathered to-day and dumped here by the millions in the great cities of this country, not for the purpose of developing it, but with the effect (I do not say for the purpose) of dragging down our own standards here at home.

Mr. BARTHOLDT. Will the gentleman permit another question?

Mr. UNDERWOOD. Certainly.

Mr. BARTHOLDT. Does my friend think the educational test is a cure for the evil that he speaks of?

Mr. UNDERWOOD. Well, I will come to that in a moment. I ask my friend to wait. I am coming to that.

Mr. BARTHOLDT. Is it not true that the man who comes here——

Mr. UNDERWOOD. Now, I ask my friend not to inject an argument into my speech. I have been willing to yield to him for a question. I say I am coming to the discussion of the educational test a little later. If the gentleman desires then to interrupt me for a question, I will yield; but not now. I have not reached that point in my remarks.

Mr. BARTHOLDT. Yes, you have. You made a statement that such a man——

Mr. UNDERWOOD. Well, I must decline to yield. I have tried to treat the gentleman from Missouri with courtesy; but if he will not accept it in the spirit in which I offer it, I must simply refuse to yield.

Now, Mr. Chairman, between the years 1790 and 1830, when the foundation stones of this Republic were laid, there were only a few hundred thousand immigrants coming into this country; yet the nation of itself developed in those years from 4,000,000 to 13,000,000 of people. What did that demonstrate? It demonstrated that the reproductive powers of our own people, the opportunities for growth, the opportunities for the development of our own people, responded to the needs of the country, and the body of American citizenship developed along natural channels. But if you intend to stifle the people of our own country by making the struggle and the battle for life harder by bringing the pauper labor of Europe here in competition with them, you are of necessity, as all history points, going to cut off the growth of the American citizen himself; you are going to crowd out the people who have built the country; you are going to pull down the standard of living thereby, and you are going to undertake the task of assimilating a class of people that may endanger your republican institutions.

In the beginning of the century we had full opportunity to take care of all the immigrants that came to this country. The homestead laws between 1860 and 1880 allowed immigrants to come to

this country and buy small homesteads at $1.25 an acre, and build their homes there and develop the country. The result is, as we find from the statistics, that between 1860 and 1880, when the great West was developing, there were 5,100,000 immigrants landed in this country. Most of them went to the West to build their homes and make their living. What has been the result? The great West was practically developed by 1880, but in the twenty years succeeding—from 1880 to 1900—we find that 9,100,000 immigrants have come to this country. And where have they settled? Not in the great West. Most of them have crowded the already overcrowded cities of the North. Notwithstanding our country had been filled up in the West, the opportunities for free homesteads practically gone, the steamship lines continued to foster the business of bringing immigrants to this country. Naturally these companies selected as the field from which to draw these immigrants portions of Europe where they could be obtained most readily, and that was where the people were most dissatisfied with the conditions that confronted them. So that instead of the high class of immigrants that we had up to 1880, the character of our immigration has been gradually growing lower and lower, until to-day it is a threat to the American Republic.

There is another reason why the immigrants that we had in the beginning do not come now, and why the poorer classes of immigrants are coming to this country. In the first two decades that I spoke of after the civil war, agricultural prices were at their highest point. There was full opportunity and inviting opportunity for the best classes of the farming population of Europe to come here as immigrants and make a good living. Since that time there has been a gradual fall in agricultural prices. To-day agriculture is more profitable than it was a few years ago; nevertheless, it has had a downward tendency for many years, and the better classes of European immigrants have not found the field inviting.

The object of bringing this immense number of immigrants to this country now is to supply the demands for labor. But even to-day, when the demand for labor is at its height, the field for employment is overcrowded in almost all the cities and manufacturing districts. There is no place for this surplus of laboring population to go except to the farms; and we know that there is very little of homestead land left to absorb this supply.

As I said, in the beginning of the century the immigrants who came here depended upon their own energy, thrift, and pluck to fight their own way. The class of immigrants who are coming here to-day depend alone on the agents of the steamship companies to bring them and depend on any opportunity at any price to make a living after they come here. Now, what is the difference in the class of immigrants we then received and receive now? I wish to call the attention of the House to the difference in the class of immigrants who have come into the country.

In the first place, in the early part of the century almost the entire immigration into this country came from Great Britain and Ireland, Germany, Sweden, Norway, France, and northern Europe. To-day we are receiving the larger portion of our immigration from Austria-Hungary, Italy, Poland, and Russia.

In 1869 the immigrants from the latter countries equaled only about one one-hundredth of the number that we received from the United Kingdom, France, Germany, and Scandinavia. In 1880 the immigration from eastern Europe amounted to about one-tenth of the number coming from northern Europe. In 1894 it nearly equaled the number coming from northern Europe, and in 1901 it was three times as great as the immigration coming from northern Europe. In other words, the immigration from northern and western Europe in 1899 amounted to 130,000 immigrants, or 41 per cent of the total, and from eastern Europe 175,000 immigrants, or 56 per cent.

The next year the immigrants from northern and western Europe amounted to 149,000, or 33 per cent of the total, and from eastern Europe 276,000, or 61 per cent. The next year, 1901, the immigration from western Europe amounted to 164,000, or 33 per cent, and the immigration from eastern Europe amounted to 309,000, or 62 per cent.

Of these—that is, of those coming in from eastern and southern Europe—the larger percentage were as follows: In the year 1900, southern Italians, 115,000; Poles, 43,000; Slovacs, 29,000. So, of the immigrants that came in in that year, you can see that the greater proportion were from southern and eastern Europe.

Now, to determine what class of immigrants we want, we all know that it is much more difficult for us to assimilate the Slovac and the Pole and the Italian from southern Europe than it is to assimilate and build up the country with the Irishman, the Englishman, the German, or the Frenchman, people of our own blood and our own kin.

Mr. WACHTER. I should like to ask the gentleman whether it is not a fact that the larger part of these immigrants of the class the gentleman has just mentioned remain in the cities instead of going to the rural districts?

Mr. UNDERWOOD. I stated that a few minutes ago. That is a fact. Now, Mr. Chairman, as to which of these immigrants are best for our country is a question about which we can have no doubt here. We know that when the German, the Scotchman, the Irishman, the Englishman, or the Frenchman comes here he builds a home, he develops the country, he adds to our prosperity; but we know that when the Slovak or the Pole or the Italian from Southern Italy comes here he stays in the larger cities. He does not build a home and he does not develop our country. He is difficult of assimilation.

I have some figures here showing the amounts of money that each of these classes of immigrants brought here in the year 1900, as showing the different kinds of immigrants coming to the country. I find that the average Scotchman immigrating to this country in that year had $41; the Englishman had $38; the Frenchman, $37; the German, $28, and so on. But the average Slovak who came into this country that year had $11; the Pole had $9; the Italian from southern Europe had $8. That shows the distinction in the classes coming in that year.

But the question then is whether an educational test will in any way affect this question. You say, if this class of immigrants are undesirable, why should you apply the educational test to keep them out. You may say that education is no test of intelligence. I grant it. A man may have the highest natural intelligence and yet be unable to read and write because he has not had the opportunity to learn. I grant you that an education is merely a tool that can be used successfully in the hands of an intelligent man; but I do say that an intelligent man will seek education, and the fact that a man has education implies that he has intelligence.

Well, how would an educational test affect the citizens of this country? What effect would it have on the class of immigrants now coming in? I find that in 1890 the percentage of illiteracy of the total immigration over 15 years was 20 per cent; in 1896 it was 29 per cent; in 1897 it was 23 per cent; in 1898, 23 per cent; in 1899, 19 per cent; in 1900, 24 per cent; in 1901, 27 per cent. So that as shown in these figures the illiteracy among the immigrants that come into this country is constantly increasing. I have shown that in the figures I have already read that in these years the number of immigrants coming from northern Europe has greatly diminished, and the number coming from southern and eastern Europe has largely increased, keeping pace with the illiteracy that is shown.

I also find that the number of persons in each hundred immigrants, over 14 years of age, who can not read or can not read and write their own language, from those races which contributed 2,000 immigrants to the United States during the years 1899, 1900, 1901 are as follows. I will merely read the difference for the year 1901 and insert the balance in the RECORD. There was eight-tenths of 1 per cent among the Scandinavians who could not read; among the English, 1.8 per cent; Scotch, 1.2; Irish, 3.2; among the French, 3.9; among the Germans, 4.1.

Now, coming down to the races that come from southern Europe and eastern Europe, where the greater proportion of our immigrants are coming from to-day, I find that among the Hebrews there were 23 per cent who could not read and write; among the Greeks, 25 per cent; the Slovaks, 30 per cent; Polish, 37 per cent; Slavonians, 39 per cent; Ruthenians, 53 per cent; Italians from southern Italy, 59 per cent, and Portuguese, 63 per cent. In other words, the illiteracy shown by the immigrants coming from northern Europe for the year was only 5.6 per cent—a little over five men out of every hundred men who landed from northern Europe were unable to read or write—but when you come to the immigration from southern and eastern Europe we find that there was an average of 43.2. In other words, that of the lower class of immigrants that are now coming into this country by the hordes, the greater proportion are immigrants coming from eastern and southern Europe, 43 per cent of whom can not read and write; and if you add to them the other races that are coming in, which are the Japanese and Chinese and Assyrians, you make it 50 per cent of these races that come into this country who can not read and write as against 5.6 per cent from northwest and western Europe.

Those who come here are entitled to all the benefits of our laws, all the benefits of our country. Are we doing the southern Italians, Slovaks, and Poles any good by bringing more from their country, in their present condition, to compete with them and fight in our cities for their daily bread? I say not. I say that those who are already here can not complain against our discriminating against the further importation of that class of labor. But when you come to the men from whom you and I are descended, whether they came yesterday or a hundred or two hundred years ago—I mean the Englishman, the Welshman, the Irishman, the Scotchman, the Frenchman, the German, the men from

northern Europe, the men whose blood we bear, whether they are citizens of to-day or descendants of citizens of a hundred years ago—can you say that they will complain against a test that excludes as immigrants from their countries only five men out of every hundred men that come here?

Can any man say that the great German citizenship of this country, that citizenship that has lent its aid so greatly to build up the Republic, to develop our broad acres, to build its homes, that they will complain against a test that only excludes from coming here four men in every hundred that wish to come to this country, and yet protect them from the competition of the Slovaks, the Polish, and the Hungarians, of which 50 per cent who come here can not read or write? I say no. I say that the great German citizenship of this country love their adopted country. They love the American flag and love the American standard of living. They love American protection to the wage-earner in this country too well to fight a law which will protect them and their country from indiscriminate immigration, because forsooth four out of every hundred citizens who seek to come here from Germany are stopped at the gates.

Mr. RAY of New York. Mr. Chairman, if the gentleman will permit me, I would like to ask if he has looked at the statistics on this point? The gentleman has referred to the fact that in the neighborhood of 50 per cent of the Italians when they come here can not read or write, and about the same per cent of Poles and Russians. Now, I would like to ask if he has looked at all to the figures and statistics to ascertain whether or not these people who come to the United States from southern and eastern Europe avail themselves, after they have settled in this country, of our institutions, our public schools, to the end that their children may become educated.

Mr. UNDERWOOD. I will say to my friend that I have not searched the statistics as to how many immigrants of that class go to American schools, or avail themselves of that opportunity in this country, but from my general knowledge I know that that class of immigrants come here in such a destitute condition both as to money and native ability to earn a living and to lift themselves up toward the American standard, that I presume their children have but little opportunity to take the advantages of education. In other words, I know from general observation that since this class of immigrants have lately been coming to this country the sweat houses in the great cities have been heard of, and the degrading situation that we find and read about in the papers as to the way the immigrants to this country are being herded and driven along as though they were cattle.

You never hear of the better classes of immigrants coming from northern Europe being herded and driven about as are these poor people coming from southern Europe, where they have been held down and oppressed by poverty and hard living for hundreds of years, for centuries back, and have become so degraded that they are unable to lift themselves up to the high plane of American citizenship. They are descendants of dying races. They have not got the blood that is in the veins of the immigrants of northern Europe, that is reaching out and developing and extending and upbuilding our great Republic. They are like the Egyptians of old that at one time stood proud possessors of the highest civilization of the world, but to-day we find them mere hewers of wood and drawers of water, and unable to rise above that condition. Their course has run, their destiny is complete.

Mr. WATSON. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Certainly.

Mr. WATSON. On the very question asked by the gentleman from New York there is an interview in the Washington Post of this morning. There is a great deal of testimony on that proposition, but this is valuable, coming as it does from the president of the University of Prague, a member of the Austrian Reichsrath, who gives his observations on this country. He says that the greatest peril to our institutions is immigration; and on the very proposition that the gentleman has asked about, he says:

> Go to New York and you find them fairly swarming about the streets of the East Side from early morning until late in the evening. Then go to the other section of the city and you notice the contrast. In the one place thousands of ignorant children playing in the filth of the smaller streets and alleys, and in the other neatly clad children with school books in their arms.
>
> It is safe to say that the condition in the former case, under the present circumstances, when no care is manifested for the welfare of the offspring of the foreigners, will not naturally become alleviated in less than the third to the fifth generation.
>
> There is only one remedy that I can think of, and that is to organize a movement to take care of these children, educate them, and by so doing elevate their moral condition.

That is in answer to the question put by the gentleman from New York whether or not the children of these immigrants take advantage of the public schools.

Mr. RAY of New York. If the gentleman from Alabama will permit me, I did not care to interrupt him and he went right on. I have made a careful study of that question, and my study has run through some years, for the purpose of ascertaining whether or not these people from south and eastern Europe avail themselves or show a disposition to avail themselves of our institutions and our free schools after arriving in this country. I came to the conclusion that they not only do not do it, but do not care to do it.

In New York, where we are experimenting with the compulsory-education law, we find it very difficult to enforce that law against the children of that class of people, whereas with the other classes—the Irish, the Scandinavian, the English, the Scotch, the French, and German—we have no trouble at all; however ignorant their parents are when they come to this country, they are ready, anxious, and willing to embrace the opportunities for education afforded by our common schools.

Mr. UNDERWOOD. Now, Mr. Chairman, I wish to state that the amendment that has been read, and which will be offered by me when the bill is read under the five-minute rule, providing for the educational qualification for immigrants merely provides that an immigrant wishing to enter this country must be able, either in the English language or his own language, to read some clause of the Constitution of the United States, but his children under the age of 18 years, or his wife, or his parents, or grandparents over the age of 50 years can be admitted with him or sent for by him without being able to read, so that there will be no separation of families and no hardships established. There might be other tests, there might be other ways of lessening the immigration into this country. It has been suggested by some that we adopt a consular service examination, but if we do that it requires a good deal of machinery, and, besides, it is very expensive to the Government. The consul, before the immigrants leave their country, must pass upon whether he is a suitable person, and one consul may have one idea in reference to some class of immigrants, and another may have another judgment in reference to another class. There would be no uniformity of system, and in the end, when the immigrant lands at Ellis Island, New York, or the port of entry, he would have to be met with another examination and possibly sent back.

I do not say that this educational test is a perfect test. It is not perfect by any means. But I do say that, as shown by the statistics I have read, it will stop the immigration of over 50 per cent of the immigrants that we do not want, and it will stop the immigration of only 4 per cent of that class that we do want.

Now, if we can adopt a system which, although not perfect, costs the Government nothing, a system that will never turn back the immigrant after he lands on our shores (because under the amendment I offer the steamship companies are responsible for his return passage if he can not pass the test, and they will apply the test before he gets here), why is not such a system desirable? It puts us to no expense—it turns back no man—it does not separate the members of a family, yet it excludes 50 per cent and more of the undesirable immigrants that are coming into this country to-day. I say that under these circumstances, even if this system is not perfect—if it is not all that we might desire—if in some instances it may work disadvantageously to a small extent, it will certainly work greatly to the advantage of our country in other respects, and I say that the wise thing for us to do at this time is to adopt this test so far as it goes.

More than that, a man who, coming to this country, does not understand our institutions, our theory of government, our mode of living is a menace to the American Republic, because after he is here a very short time—in some of the States only a year—as soon as he declares his intention to become a citizen of the United States you put into his hands the most sacred power of government; you enshrine him in the highest office of the world; you give him the power of an elector of the American Republic. Now, while you and I and our constituency are fighting a battle for good government in this country, can we properly say that when so many as 9,000,000 immigrants are coming here in the space of twenty years, and the number is increasing every year, it is fair to them, it is fair to ourselves, to let this condition go on without attempting to restrict this immigration in some way?

Mr. COOPER of Wisconsin. I observe that among the classes of aliens included in section 2 are all persons convicted of crime. Does the gentleman know of any provision of law by which that clause of the bill could be enforced?

Mr. UNDERWOOD. I will say to my friend from Wisconsin [Mr. COOPER] that I am not discussing the general provisions of the bill. I am not on the Immigration Committee. I have offered as a separate section an amendment proposing to apply the educational test, and that is the proposition I am discussing.

Mr. COOPER of Wisconsin. I thought the gentleman from Alabama was a member of the committee.

Mr. UNDERWOOD. No, sir; I do not know whether there is adequate machinery for carrying out that provision of the bill; but I do know that in this amendment there is a provision for

enforcing this educational test. And as I was saying a moment ago, if we are going to admit this class of immigrants into this country in competition with the American wage-earner of to-day, giving them the ballot, and thereby the right to govern this country as well as ourselves, is it not fair and just to our own people, the people who make up the great mass of American citizens, to say that when those men come here they must be provided with enough education to read the Constitution of the United States and to acquire some intelligent idea of our form of government.

Mr. BARTHOLDT. Will the gentleman yield now for a question?

Mr. UNDERWOOD. I will; but I hope the gentleman will not introduce anything in the way of argument. For a question, I cheerfully yield.

Mr. BARTHOLDT. I will move to have the gentleman's time extended.

Mr. UNDERWOOD. Very well.

Mr. BARTHOLDT. If a man coming from any country of Europe has not had the opportunity of education, but is otherwise acceptable as a citizen—if he comes here with two strong arms and a healthy mind and a willingness to identify himself with our institutions, and if under your educational test that man is excluded, is it not true that we punish lack of opportunity; and is such a thing in harmony with true Americanism?

Mr. UNDERWOOD. I will answer my friend so far as I am able. As I said some time ago, I do not believe that education is a test of intelligence. I admit, for instance, that there might come from the great Empire of Germany many men or some men as immigrants into our country who would be unable to read, and yet with intelligent and healthy minds and healthy bodies, and able to bring themselves up to the American standard of living and American citizenship. On the other hand, as I said a while ago, when a man can not read or write the presumption is that he has not the intelligence to bring himself up to that standard; yet an intelligent man will seek the opportunity of education, and he does not have to go very far in the line of education to be able to read the Constitution of the United States, which is the only test we prescribe here. But I do say that you can not write any law upon the statute books—none has ever been written—that may not produce a hardship in some cases.

Hard cases often make bad laws, but you can not legislate justly for the whole people by bringing down your standard of legislation to take care of the hard cases. You must fix your standard at the top. You must fix your standard where it is just and right to the great body of the people you are legislating for, and then if some unfortunate falls below the standard, why it is his misfortune. It does not make the law unjust. I will say to my friend from Missouri [Mr. BARTHOLDT] that he looks at it from the standard of the immigrant who is coming here. He looks at it from the standpoint of the man who seeks to come here and find an asylum.

I will say that I would be very glad for the great American Republic to open its arms to the distressed of all the world if we could do so without danger to ourselves, but I think our first duty is to our citizens at home and our next duty may be to citizens of other countries whom we are willing to welcome and to uplift in the standards of our civilization, but when our own people are threatened by indiscriminate immigration into this country, the hour has come when we must first be just to them, and the only way to be just to them is in some way to prescribe limitations on the importation into this country of all classes of immigration from Europe, regardless of what may be the effect on us. In the decades to come we have got to assimilate these people. Their blood will be joined with our blood; and if they are not up to the standard of the rest that are already here, they will pull us down toward their standard.

Mr. SNOOK. Mr. Chairman, I would like to ask a question.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Ohio?

Mr. UNDERWOOD. Yes.

Mr. SNOOK. The gentleman from Missouri [Mr. BARTHOLDT] asked the gentleman from Alabama the question whether or not he thinks an immigrant should be barred from coming to this country because he could not read and write if he intends to become a citizen of the United States. I will ask the gentleman from Alabama if he has carried his investigation far enough to know what percentage of these people of whom he has been talking, who come to this country from southern Europe, come here with the intention of making their home in this country and what percentage come here with the intention of acquiring a few hundred dollars and then going back to Italy or to the different countries there?

Mr. UNDERWOOD. I will say that I have been unable to find any satisfactory figures on that, because under the loose laws in many States, where they allow a man to take out his papers of intention and then vote, after he has been here a year, it is usual for that class of immigrants to do so, which raises the presumption that they are going to stay here. But I do know from my own experience and what investigation I have made, although I say it has not been satisfactory, that the greater portion of the people who return to their former homes are from those countries of eastern and southern Europe, and that it is very rare that you find an immigrant coming from northern Europe who does not settle here permanently, raise his children here, and become a permanent American citizen.

Mr. SNOOK. Then it is true that a very large percentage of these people from southern Europe do come to acquire a few hundred dollars and then go back?

Mr. UNDERWOOD. I know a great many of them go back.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. Yes.

Mr. MANN. Do I understand the gentleman from Alabama to say that the large proportion of Italians, Bohemians, and Polanders return to their former homes?

Mr. UNDERWOOD. I did not state that. I said I did not know what percentage did, but I knew the percentage was much larger among those coming from southern and eastern Europe than those coming from northern Europe.

Mr. MANN. Will the gentleman permit me to say that from personal knowledge in my own city, Chicago, there is an extremely small percentage of those people who return, and I think a smaller percentage even than those who come from the northern countries?

Mr. UNDERWOOD. Well, I have not found that from my own observation or from my investigation of the question, but as I stated to the gentleman from Ohio, I have not been able to find satisfactory statistics, and therefore did not assert it, but from my own observation and what I have been able to gather on the question, my information is that the percentage of those from southern Europe and eastern Europe who return is far greater than those who come from northern Europe.

Mr. RYAN. Mr. Chairman, I would like to interrupt the gentleman a moment.

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. RYAN. I will state that the statement made by the gentleman from Illinois is also true of my section. Very few of those people return. We have more than 60,000 Polanders in Buffalo and they make good citizens and come here with the intention of remaining.

Mr. WACHTER. I will say the same condition exists in Baltimore. They live so well here after they come that they want to stay here.

Mr. UNDERWOOD. Well, Mr. Chairman, I am perfectly willing for all my friends from the large cities to clear their consciences and put themselves on record. [Laughter.] If there is any other gentleman from a large city who desires to do so I will give him the opportunity.

This is a fight for home and country; for the peace, contentment, and prosperity of our own people, for the protection of the American wage-earner and the maintenance of our civilization.

I hope the amendment will be adopted, and I feel sure that it will meet with the approval of all classes of our citizens, whether native or foreign born, who love their country and who desire peace and prosperity at home.

APPENDIX.

GENERAL FIGURES AS TO TOTAL IMMIGRATION.

1. Immigration by decades, 1821 to 1900.

[From Report of United States Industrial Commission, p. 267.]

1821 to 1830	143,439
1831 to 1840	599,125
1841 to 1850	1,713,251
1851 to 1860	2,598,214
1861 to 1870	2,314,824
1871 to 1880	2,812,191
1881 to 1890	5,246,613
1891 to 1900	3,867,564
Total	19,115,221

2. Immigration by years from 1885.

[From reports of Superintendent, and Bureau of Immigration.]

1885	395,346	1894 [b]	285,631
1886	334,203	1895 [b]	258,536
1887	490,109	1896 [b]	343,267
1888	546,889	1897 [b]	230,832
1889	447,427	1898	229,299
1890	455,302	1899	311,715
1891	560,319	1900	448,572
1892	579,663	1901	487,918
1893 [a]	439,730		

[a] The cholera year. [b] Period of commercial depression.

RECENT CHANGES IN THE NATIONALITY OF IMMIGRANTS.

[Specially prepared from Quarterly Report Bureau Statistics, No. 2, series 1892-93, and reports of Commissioner-General of Immigration.]

1. Comparison of certain groups.

Year.	Per cent of immigrants from Austria-Hungary, Italy, Poland, and Russia to total immigration.	Per cent of immigrants from United Kingdom, France, Germany, and Scandinavia to total immigration.
1879	0.9	73.8
1880	8.5	64.5
1890	34	57.7
1891	39.6	52.1
1892	44.8	53.9
1893	42.7	48.2
1894	42.6	47.9
1895	39.8	52.9
1896	52	39
1897	52	38
1898	57	33
1899	64	27
1900	66.7	25.3
1901	68.6	22.5

2. Immigration from eastern and western Europe and per cent of total immigration.

Year.	Western Europe.		Eastern Europe.	
	Immigrants.	Per cent of whole.	Immigrants.	Per cent of whole.
1899	130,160	41.7	175,270	56.2
1900	149,442	33.3	276,793	61.8
1901	164,792	33.7	309,301	62.7

3. Total immigration of Asian races.

1899	8,972
1900	17,946
1901	13,698

4. The largest elements in immigration at present.

Race.	1899.	1900.	1901.
Southern Italian	65,639	84,346	115,704
Hebrew	37,415	60,764	58,098
Polish	28,446	46,938	43,617
Scandinavian	23,249	32,952	40,277
Irish	32,345	35,607	30,404
German	26,632	29,682	84,742
Slovak	15,838	29,243	29,343

CONDITIONS OF IMMIGRATION.

Average money shown by immigrants.

1896	$11
1897	15
1898	17
1899	17
1900	15
1901	15

Money brought by the several races, 1900.

[Report of the United States Industrial Commission, p. 284.]

Races.	Amount of money shown per capita.	Races.	Amount of money shown per capita.
Scotch	$41.51	Syrian	$14.31
Japanese	39.59	Chinese	13.98
English	38.90	Finnish	13.06
French	37.80	Croatian and Slovenian	12.51
Greek	28.78	Slovak	11.69
German	28.53	Ruthenian (Russniak)	10.51
Bohemian and Moravian	31.12	Portuguese	10.47
Italian (northern)	22.49	Magyar	10.39
Dutch and Flemish	21.00	Polish	9.94
Cuban	19.34	Italian (southern)	8.84
Scandinavian	16.65	Hebrew	8.67
Russian	14.94	Lithuanian	7.96
Irish	14.50		

Illiteracy in general.

Per cent of illiterate in total immigration:	
Over 15 years of age—	
1895	20
1896	29
1897	23
Over 14 years of age—	
1898	23
1899	19.7
1900	24.3
1901	27.7

Number of persons in each hundred immigrants over 14 years of age who can not write or can not read and write their own language, from those races (not nations) which contributed upward of 2,000 immigrants to the United States during the last three fiscal years.

Races.	1899.	1900.	1901.
Western Europe:			
Scandinavian	0.6	0.6	0.8
English	1.7	1.2	1.8
Scotch			1.2
Bohemian and Moravian	0.8	3	1.5
Finnish	2	2.7	2.2
Irish	3.9	3.3	3.2
French	3.5	3.9	3.9
German	3.2	5.8	4.1
Dutch and Flemish		9.6	7.8
Italian (north)	11.4	11.2	15.7
Average of above	3.6	4.2	5.6
Eastern Europe (with Spain and Portugal):			
Magyar	10.8	16.8	7.5
Hebrew	20.3	22.9	23.6
Greek	23.4	17.1	25.9
Slovak	27.6	27.9	30.7
Polish	31.3	31.2	37.5
Croatian and Slovenian	20.1	57.4	39.7
Lithuanian	32.4	31.7	49.8
Ruthenian		49.0	53.2
Italian (south)	57.2	54.6	59.1
Portuguese	65.5	59.9	63.8
Average of above	37.6	36.4	43.2
Other races:			
Cuban		6.8	
Japanese	4.7	8.9	6.7
Chinese			6.9
Syrian	56.2	55.9	56.1

Letter of Mr. Gompers in reference to an educational test.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., May 16, 1902.

Hon. JAMES E. WATSON,
House of Representatives.

DEAR SIR: I have observed with much pleasure your activity in the cause of the regulation of immigration, and in particular your introduction of a bill providing that no adult immigrant shall be admitted to our country till he has acquired the first rudiments of education. It is for this reason that I now address you with regard to pending and prospective legislation.

The organized workers of the country feel that the existing immigration laws, while not without their value, are of trifling effect compared with the needs and the just demands of American labor.

The elaborate bill reported to the House by the Committee on Immigration is for the most part a simple codification of the existing laws, and modifies them only in some few details. I believe that the changes proposed are for the most part desirable. They are, however, comparatively unimportant. If it is worth while to take up the question of immigration at all, it is worth while to introduce a genuine and effective regulation.

The strength of this country is in the intelligence and prosperity of our working people. But both the intelligence and the prosperity of our working people are endangered by the present immigration. Cheap labor, ignorant labor, takes our jobs and cuts our wages.

The fittest survive; that is, those that fit the conditions best. But it is the economically weak, not the economically strong, that fit the conditions of the labor market. They fit best because they can be got to work cheapest. Women and children drive out men, unless either law or labor organization stops it. In just the same way the Chinaman and others drive out the American, the German, the Irishman.

The tariff keeps out cheap foreign goods. It is employers, not workingmen, that have goods to sell. Workingmen sell labor, and cheap labor is not kept out by the tariff. The protection that would directly help the workers is protection against the cheap labor itself.

The Nashville convention of the American Federation of Labor, by a vote of 1,858 to 352, pronounced in favor of an educational test for immigrants. Such a measure would check immigration in a moderate degree, and those who would be kept out by it are those whose competition in the labor market is most injurious to American workers. No other measure which would have any important effect of this kind is seriously proposed.

The need of regulation may be less sharply felt at the present time, when there are less men out of work than there were a few years ago. But the flood of cheap labor is increasing, and its effect at the slightest stagnation in industry or in any crisis will be fearful to the American workmen.

A fall in wages or a relative fall of wages makes the workers unable to buy as large a share as before of the goods they produce. This hastens the time when overproduction or underconsumption will show itself. That means hard times; and when hard times come the mass of immigrants that prosperity attracted will be here to increase the burden of unemployment.

For these reasons the American Federation of Labor believes that the present opportunity ought not to be allowed to pass without the adoption of an effective measure for the protection of American labor.

I earnestly hope that you will be able to procure the embodiment of an illiteracy test for immigrants in the bill (H. R. 12199) which the House now has under consideration.

I have the honor to remain, yours, very respectfully,

SAM. J. GOMPERS,
President American Federation of Labor.

Following is a copy of the amendment offered by Mr. UNDERWOOD, and adopted in the Committee of the Whole House by vote of 86 yeas and 7 nays on May 22, 1902:

"Mr. UNDERWOOD. Mr. Chairman, it has been an hour or more since my amendment was read, and I would like to have it again reported.

"The CHAIRMAN. Without objection, the amendment will be again reported by the Clerk.

"The Clerk read as follows:

"'Amend the bill by adding as a new section, between lines 14 and 15 on page 4, the following:

"'"SEC. 3. That in addition to the persons excluded under the foregoing

section, admission into the United States shall be denied to all persons over 15 years of age and physically capable of reading who can not read the English language or some other language; but an admissible immigrant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

"'That for the purpose of testing the ability of the immigrant to read the inspection officers shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrants in double small pica type. Each immigrant may designate the language in which he prefers the test shall be made, and shall be required to read the words printed on a slip in such language. No two immigrants listed on the same manifest shall be tested with the same slip. An immigrant failing to read as above provided shall not be admitted, but shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him.'"

ENROLLED JOINT RESOLUTION SIGNED.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. J. Res. 192) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

IMMIGRATION.

The committee resumed its session.

Mr. SHATTUC. Mr. Chairman, I ask unanimous consent that I be permitted to print some statistics in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print statistics in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. Mr. Chairman, I do not want to object, but I would like to ask the gentleman what statistics they are?

Mr. SHATTUC. Immigration statistics.

Mr. BARTHOLDT. Furnished by the Immigration Bureau?

Mr. SHATTUC. No.

Mr. BARTHOLDT. I want it understood that on the question of illiteracy the figures cited by the gentleman from Alabama [Mr. UNDERWOOD] are not official figures, because those statistics are not authorized by law and have never been taken officially, so we will simply have to take the statements of the immigration officials on these subjects for what they are worth.

Mr. UNDERWOOD. I will say to the gentleman that some of these statistics that I have read were gathered by me from the census reports and others I have gathered from the reports of the Bureau of Immigration.

Mr. SHATTUC. Did the Chair put my request for unanimous consent to print in the RECORD some statistics?

The CHAIRMAN. There was no objection to the gentleman's request, and it was granted.

Mr. SHATTUC. Now, Mr. Chairman, I ask my colleague from Missouri [Mr. RUCKER] if we can not agree on the matter of closing debate?

Mr. RUCKER. Mr. Chairman, I have requests for about forty-five or fifty minutes' time on this side. That is the extent to which I have been requested to yield time. I am willing to make any reasonable agreement.

Mr. SHATTUC. Then, Mr. Chairman, I suggest that the gentleman take his forty-five minutes this afternoon, and that I have thirty-five minutes to-morrow afternoon, after the morning hour.

The CHAIRMAN. The Chair will state to the committee that according to his recollection of what took place in the House this morning, no order for the division of time was made. The gentleman from Ohio [Mr. SHATTUC] was recognized, as chairman of the committee, and consumed fifty minutes, having ten minutes remaining. The gentleman from Missouri [Mr. RUCKER] was then recognized, as a member of the committee, and yielded one hour, which was entirely consumed by the gentleman from Alabama [Mr. UNDERWOOD].

Mr. SHATTUC. That all grew out of the fact that I did not ask the House to carry out an agreement that I had made with my colleague on the committee [Mr. RUCKER]. I wish now to put it on the basis on which it would have been had I asked the House to allow my friend to control the time on that side. I therefore renew my request.

The CHAIRMAN. The gentleman from Ohio will restate his request.

Mr. SHATTUC. I ask unanimous consent that the general debate close in one hour and a half, forty-five minutes to be allotted to each side.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that general debate close in an hour and a half—forty-five minutes to be consumed on each side.

Mr. WATSON. I should like to ask the gentleman from Ohio how the time on this side is to be distributed?

Mr. SHATTUC. One-half of the forty-five minutes on this side to go to the gentleman from Indiana.

Mr. WATSON. Give me thirty minutes and I will agree to it.

Mr. SHATTUC. I will do it.

Mr. RUCKER. I shall make no objection to the request unless some other gentleman on this side signifies a desire to speak, and I have heard of none.

The CHAIRMAN. The Chair will then state the request of the gentleman from Ohio, which is that general debate be continued for one hour and a half—forty-five minutes to be controlled by the chairman of the committee and forty-five minutes to be controlled by the gentleman from Missouri [Mr. RUCKER]. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Chairman, I now yield fifteen minutes to the gentleman from Texas [Mr. KLEBERG].

The CHAIRMAN. The gentleman from Texas [Mr. KLEBERG] is recognized for fifteen minutes.

Mr. KLEBERG. Mr. Chairman, in looking over this bill I find nothing especially objectionable. Possibly the clause in section 21 which authorizes the deportation of aliens to be made within five years should be limited to one year or two years. I believe the law now is one year. Of course there may be some details of the bill to which I would object and to which I may offer amendments as the bill is read; but as a general scheme of intelligent control of undesirable immigration to this country, I believe that upon the whole it is a measure that should meet the support of this body.

Mr. RAY of New York. May I ask the gentleman a question right on that point?

Mr. KLEBERG. I have only fifteen minutes, but I will yield to the gentleman.

Mr. RAY of New York. You were speaking of the deportation feature of the bill. I should like to have you state, if you can, how this Government can enforce a provision of law providing for the deportation of a man whom we have permitted to land in this country and stay for one or two years or three years, whom we then deport for some offense. Of course, we could send the man away, but how can we compel the foreign country to receive him if that country objects? I should like some suggestion on that point.

Mr. KLEBERG. I am not referring to the legal question, and I do not want to enter into any controversy with the gentleman from New York, because my time is limited and I want to address my remarks to other subjects in the bill; but I will state that my information is that deportation has taken place under the one-year clause. I do not know how many have been deported, but I understand that some have been.

Mr. CLARK. We are deporting Chinamen all the time.

Mr. KLEBERG. Now, aside from this, I will address myself principally to the amendment which will be offered by the gentleman from Alabama, possibly, or some of the friends of that measure; and I wish to enter my protest now, because I may not have the time when the bill is read under the five-minute rule, to the so-called educational test. I think that a test of that kind would be an absolute bar to all further immigration in the United States. A test which required the reading of a part of our Constitution in some language will have the effect of practically barring all immigrants who are now employed for manual labor, and yet who will make desirable immigrants.

I do not wish it to be understood that I do not want to have people immigrate who are able to read and write. But let us remember that while the United States is the greatest country under the sun, we do not have our gates open simply for educated men, for professors, or for artists, or for singers, and sculptors, and classes of this kind. This country, let it be remembered, is still a new country. Seventy millions of people upon an area as large as that of the United States is simply a drop in the bucket to what it ought to be and likely will be fifty or a hundred years hence.

Let us remember that this is not a matter of national pride. We do not stand here simply either as the descendants of Germans, or Frenchmen, or of Italians, of Irishmen, or of Englishmen, or Poles, or what not. We stand here as American legislators, legislating for the American people, and for the Aryan race the world over, so far as immigration to this country is affected.

Now, my friend has alluded to the fact of illiteracy as an objection to intelligent or patriotic citizenship. I grant that. But that, gentlemen and Mr. Chairman, is a question of naturalization. I have no objection to making naturalization laws which will only admit to citizenship people who understand our institutions and who are amenable to our institutions. But while that is a question as to the naturalization law, is it any reason why we should object to a man, as illustrated by my colleague from Missouri, who has two strong hands and is sane in body and mind, who is willing to do and to work and to build up the stratum

from which we will have to draw our citizenship in the future? Let it be remembered that not only statistics but the opinions of eminent economists teach us the fact that citizenship must constantly reinforce its ranks from the lower strata of society, provided it has the necessary racial characteristics.

Now, I have advocated Chinese exclusion, and I am against the amalgamation of inferior races with the race of people which is naturally designated American. But can it be said that we will confine our selection to the immigrants from Germany or France or England? Shall we exclude Italy, a people with as illustrious and glorious a history as any in the world? Shall we exclude the Italians, the descendants of proud Rome? Shall we exclude the Greeks, the descendants of the proudest nation of ancient times; or the Poles, who have an illustrious ancestry, or any other like people? I say, Mr. Chairman, that any people who can trace their ancestry to the Aryan race are a valuable acquisition to American citizenship. It will not do to shut out the hardy laborer, the man who is willing to work, and who brings here a healthy body and mind, and who is not a criminal or a pauper.

Many of our citizens, or at least the ancestors of many of our citizens, came to these shores possibly not able to read and write a technical document such as the Constitution of the United States, yet their descendants are among the most eminent and most successful citizens in this country. As long as there is a good race, as long as the right kind of people—or rather historic ability in the race of people—that come to American soil, they should not be excluded. Our industrial development will march on by leaps and bounds, and while it is right that we should protect our laborers, the time will come when we need more laborers, these men who are to do the manual work of this great nation, to build up and develop our industrial resources as they will develop in the future.

Are we to shut ourselves in by a Chinese wall, and say that only our children, our posterity, shall work, that only those inside of our citizenship shall do the work of this great nation, industrially and intellectually? Should we not open our gates to all desirable immigration, to workmen, to laborers, as well as men of science, and artists? It is those people that we need; the people who will come here and develop and build the railroads, clear the forests, open the mines, and do the work that some of our citizens are now not necessitated to do. The time will soon come when we will have to look for these laborers to do the work of our great industrial enterprises in every direction.

Every new enterprise will create a new demand for labor and new opportunities. As the population of this nation increases, the means of subsistence will increase; the more people, the more to do for them; the wider the field of cooperation, the quicker the progress of civilization, the greater the comfort and happiness of the individual, the healthier the growth of industrial, social, and political institutions. This is the law of evolution, to which all municipal and national legislation must conform. As our industrial system expands our population must expand likewise, and be invigorated by the influx of new people racially kindred to the resident population. Invention, skill, energy, and intelligent organization of both capital and labor will develop our industrial life in the near future as it has never been anticipated before.

And then, if we are simply drawing on our own population we can not look for the intelligent development and for the necessary development that we are to make in the coming generations. Now, the idea of excluding these people, who come here healthy, willing, and who will make law-abiding citizens, who wish to better their condition and our condition, who come here to work, and who will labor and who will be amenable to our institutions, and who will continue to add to our growth and progress—it is preposterous; it is folly. It is foreign to the genius of our Government.

The gentleman from Indiana who read the extract from the Post, from the eminent Austrian professor, only emphasized one side of that question. If you will read the able editorial in the Washington Post, it points to the fact that our educational system—the system of public schools—should be extended over that kind of population and embody it in our American citizenship. Go and build the schoolhouses, open the doors of the schoolhouses, make the necessary legislation, if necessary, compulsory, and in one generation the children of the Italian, of the Pole, of the Slav, or whatever kindred race will be an intelligent and useful American citizen. There is no objection to admitting that class of immigration. Why, our laborers and labor unions and labor organizations do not object so much to the people who will come here and do manual labor as they do to the artisans, to the men who can read and write and who will enter into active competition with them in the factories. That is the class of laborers against whom they inveigh—the artisan who can read and write.

I do not go to the extent of excluding intelligent people, artisans who can read and write; I am willing to let them come in under reasonable regulations, provided they come voluntarily and are not brought here under contract and introduced into this country as so many cattle. If they come of their own free will, whether they can read or write is not the question; we shall need them all in our economic, industrial, and in our political system. We shall have room for them in the future as in the past.

We need the leaven of immigration; we need the new blood from year to year. The gentleman from Alabama says in a few years our blood or that of our posterity will run down and be degenerated by such immigration. I reply to him that if we shut ourselves in by a Chinese wall and do not have the influx of new blood and new immigration, always confining it, of course, to the right kind of races—to the Aryan race—the time will come when this great people will degenerate because of the want of new blood and new incentive. That is the lesson history teaches, exclusion of new blood means decay.

The only way this nation can go forth and work out its great destiny is by the same step and the same gait it has taken from the beginning, and that is to open its gates to all desirable immigrants, to those men who are willing to work; men who are honest; men who are not paupers; men who are not criminals, no matter whether they can read or write or have money; and they are the stratum from which we must draw our magnificent citizenship in the future, as we have drawn it in the past. New blood, fresh people from the parent stock of the Aryan race, brought under our free institutions, under the Constitution, under our ideas of government, will, together with our resident population, build up this Western continent and nation so that it will truly set the pace, not only in political life, but in the industrial, commercial, and moral life of the nations of the world.

Talk about morality, why, is it not true that you find immorality under the cloak of persons who can read and write? Frequently and in most instances you will find anarchy, the spirit which is against and inimical to our institutions, under the velvet cover of the so-called educated gentry who come into this country and afterwards become editors of anarchistic papers and agitators, political and otherwise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KLEBERG. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

[After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, I do not rise to oppose the educational test of fitness of immigrants into this country, but I want to point out what minute and unimportant value, in my judgment, will grow out of such a proposition. Nobody appreciates the value of education more highly than those men who never had an opportunity for education. There is no man holding membership in this House who knows better than I know what a weight it is to put upon a young man to be deprived absolutely of all means of education, and be compelled to make his own way by the best available sources of knowledge and information that he can get without the benefit of schools.

The difficulty that grows up in the discussion of this question is the failure to distinguish between nonintelligence and illiteracy. Therefore, the proposition to submit an educational test of any character that is properly covered by the words "educational test" is valueless, in my judgment, and harmful, in my opinion. I have not the time to work this subject out, except to point out some teaching of history on that subject.

The gentleman from Texas, in the closing remarks he made, pointed to the very suggestion I want to make. If we have any purpose in these exclusion acts, it is to benefit our country, to benefit the aggregation of our population, to protect our country from the dangers that follow the promiscuous immigration of foreigners into our land.

Now, history ought to teach us something on this subject, and I presume that the advocates of this measure will say that their object in this proposition is to exclude illiterate people from the United States in the interest of a better condition to us than would follow the promiscuous introduction of illiterate people into the country. I think there is no greater stumbling block in the way of an intelligent study of this question than the idea that education—a literary education, an education in books and letters—fits a man especially to be a citizen of the United States, and that the absence of that sort of education unfits him.

Now, looking over the history of my country, I do not find any justification for the theory that illiterate men have been especially harmful to the American Republic. Going back to the very dawn of our national existence, I find that the men who led the forces, the intellectual power, that created the great organization of Tories in this country, were all of them the very best educated men. I am going to point out now that no evil came to this country, no evil ever menaced this country, from ignorant men, and on

the other hand I affirm that such menace did come from the educated men.

Look at the teachings of the Tories of the Revolution; and I always look to those people with a kind of sympathy, for they were the "regulars" of that day, and we were the "rebels." They were the "Loyalists," as they always called themselves. But they do not stand very high in the estimation of the historian or of the American people. The leaders of that class were all of them educated in the New England colleges. Four men of one single family who were the outspoken leaders of Toryism were graduates of three of the New England colleges of that period; and some of the educated people of New England and New York and Pennsylvania and New Jersey were among the leaders of the Tory party of that day.

Coming down to 1812, when the illiterate people of this country were standing by the Government, what was happening along the coast of New England? We had a nation then, and treason consisted in just what it does now, for the Constitution had been adopted. The Hartford convention was born of the machination of college-bred men.

I had occasion to go down to that particular country on a certain occasion not many years ago, looking for some evidence of a character that might be disclosed by the muster rolls of certain regiments of New England troops. There were some regiments called out in Connecticut to defend our coast at Stonington and other points against the threatened invasion of the British army that had been attracted there by the disloyalty of the Hartford convention advocates and the men of the colleges of New England who denied that we were rightfully at war with Great Britain. And when I got hold of the muster roll of one of the companies of one of those regiments I found a wonderful sprinkling of men who signed the pay roll with a mark. There was a pretty good exhibition. One was the loyal man, who could not write his name, fighting to protect his country, and the other was the educated man, who had laid the plans that brought the enemy there and caused the necessity for calling those men out.

Who laid the foundation upon which was builded the superstructure of the idea of the right of a State to secede and go out of the Union? Who was it that educated the people of the South, and who was it that declared that he had been thirty-five years educating the people of the country, through speeches and the press, up to such a condition of opinion as at last opened the way for the great rebellion? Was that rebellion the result of ignorance and illiteracy? I am not here to discuss the right of it or the wrong of it; but whatever there was of evil in it came through the educated people who had trained the people of the South to that belief.

Now, let us look at the question in more modern times. Who have been guilty of the murders that have startled the world? Who have formed the conspiracies that reddened the ground with the blood of some of the best people of the earth? Was it an educated man who drove the dagger of death into the heart of that lovely woman, the Empress of Austria? Or was it a man educated in not less than three languages, who could have passed this educational test and come into this country? Who slaughtered the King of Italy? Who destroyed the President of France? All of them educated men. Who struck the blow that killed Lincoln? Who fired the shot that killed Garfield? Who laid the plan and murdered McKinley? Was there an ignorant man among them, judged from the standpoint of literacy or illiteracy?

Was there ever a menace of harm to the Government of the United States, either in the formation of anarchistic societies or in the development of outbreaks against the authority of law, that did not come from conspirators who were educated men? They could all have come in under this educational test, they could all have come here and taken seats, most of them, as professors in our colleges and universities, and yet you would put up that test against the harmless man who comes over here to earn his living and who has no idea of rebellion against the Government, who comes here to take what he can get and be content with that, and you would drive him out while you held out a premium in your own statute, your own legislation, to the organized conspirator against the Government—the educated criminal class who come to this country to use their educational strength and power to undermine and overthrow the liberties of their country.

Mr. Chairman, I have other views upon this particular topic and other illustrations. I know the time is very short for debate, and I shall say no more at this time, but ask unanimous consent to extend my remarks in the RECORD along this particular line and upon the direct topic about which I have spoken.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. Oh, Mr. Chairman, I understand perfectly well the cheap demagogy of any attack upon a member of Congress because he does not believe in the sovereign remedy of the exclusion of illiterates. No man has a higher regard for the common-school education and the collegiate course of education in this country than I have, and I will not stop to reply to the assault made by the gentleman from Indiana. It is unworthy of a man who has had the opportunities that he has to assault others under the circumstances that surround this situation, and I regret that he should have done so.

The argument which the gentleman has made in favor of the unfitness of the illiterates to participate in American citizenship would apply with equal force and potency in justification of the disfranchisement of the colored men of the South, and I congratulate my friend from Indiana [Mr. WATSON] that he has at last planted himself upon an argument that is absolutely irresistible in justification of the disfranchisement of the colored people of the South.

If the test of illiteracy is the true test of intelligence and the true test of the fitness of the foreigners to participate in our Government, it is by like argument and by like effect and reason a conclusive argument why the colored men of the South and the white men of the South and the white men of the North and the colored men of the North who can not read and write should be excluded from citizenship, and my friend from Indiana has at last planted himself upon the indestructible argument, if his premises are correct. I do not believe any of this.

I can not better define my own position than by reproducing an address which I had the honor to make on two separate occasions last summer at certain Chautauqua assemblies. It embodies my views of to-day, and for what they are worth I here insert them under the order of the House.

THE ELECTIVE FRANCHISE.

The question of greatest moment to the future of the United States and to the people thereof has grown out of the question of the elective franchise of the States of the Union. The basis of our Government and its admitted claim of right to live is based upon the consent of the governed. The Declaration of Independence put that proposition in few words when it was said that among the inalienable rights of man are those of "life, liberty, and the pursuit of happiness," and then followed those words which have been so often wrested to the undoing of the man who tinkers with them, "That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Here was the fundamental declaration of our forefathers, which we have from time to time by innumerable acts and declarations cordially and earnestly indorsed and ratified.

Acting upon this fundamental basis the States of the Union have, from time to time, fixed and altered laws and regulations touching the qualifications of voters. It has grown to be a settled factor of law in our history that Congress can not interfere to regulate or define the right of citizenship and the right to vote in the States, and that practically the only foothold Congress has that in anywise affects the relation of the voter to the Government and that fixes the qualification of a voter is to provide that unless the American citizen is allowed to vote in the several States, and if any disqualification of such citizen shall be by reason of color, race, or previous condition of servitude, that person shall not be counted to make up the representation of the State in the Congress and in the electoral college.

Here, then, is a most important and salutary provision. The State is left free to fix the qualifications of the voter absolutely. It may disqualify a man from the electoral franchise because of the color of his hair, perhaps, unless there is something in the constitution of the State which forbids it; but if the disqualification touches or is affected by or is based upon the color, the race, or the previous condition of the voter, then Article XIV of the Constitution applies, and here is the wording:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Now, the law of the country, it seems to me, and I think there is no dispute about that, is very plain and simple. If a State of the South sees fit to say that the colored man of the South shall not vote because he is a colored man it has a perfect right to do so, but such State must submit to a reduction of representation in Congress and in the electoral college. The brave old Senator, JOHN T. MORGAN, of Alabama, a man who has no idea of indirection and no toleration for quirks and quibbles, presented in the Alabama convention a clean-cut proposition to disfranchise the

colored man because he is a colored man, and to submit to the terms of the Constitution of the United States and stand the reduction.

But throughout the country, mainly at present limited by the Mason and Dixon line, the wit of man is being brought into action to devise a system that shall not be obnoxious to this provision of the Constitution, and which shall at the same time operate to disfranchise the colored man. Hence all sorts of schemes have been devised, and the false and fraudulent pretense that education and intelligence is to become more fully than heretofore the basis of the right to franchise is being insisted upon. In some instances no doubt this is an honest and sincere proposition, but in many other instances the humbug of it and the fraudulent character of it is too manifest.

I have no time to discuss at full length and in great detail the fraudulent character of the attempts that have already been made, and I do not wish to interfere and discuss and to express opinions in regard to matters and measures which are purely within the legitimate purview and jurisdiction of the States themselves. That is to say, I want to discuss the question from the standpoint of what is best for the nation at large, and what is fair and just to the individuals affected, but by no means denying to the States a perfect right to deal just as they see fit with this very mighty question. But the people of the whole country have a right to be heard. They have a right to discuss the question which, in my opinion, is fraught with mighty consequences of evil to the body politic of the United States itself.

On this occasion I shall mainly give consideration to the discussion of the claim set up that it is at this late date wise and proper to take from men already exercising the right of franchise the ballot because of their supposed unfitness to be trusted, because of their ignorance and hence their lack of intelligence. First, I may say that it is a dangerous thing to take from a man that immunity and that privilege which he holds dearest of anything on earth. It is one thing to provide that the man coming to this country in the future shall have to comply with a new outfit of qualifications or that he shall not begin to vote. It is one thing to say when the youth becomes 21 years of age he shall not vote unless he possesses certain qualifications, but it is a widely different and other thing, based upon widely different and other questions and affecting other and widely different interests, when you take away from a man who has been for years a voter the right and privilege to vote.

In so many words I put it, a punishment, a penalty without conviction, and he goes forth stripped of his privilege and branded as an unfit and incompetent man. Can you imagine anything more horrible to the mind of a man, even though he may not be versed in the literature of his country or able to read in the various languages of modern education, who for thirty-odd years has been steadily voting at the polls for or against men and measures, and suddenly, without notice to him, without his consent and without his day in court, the right to vote, the great immunity, the great prerequisite and privilege of an American citizen, is taken from him.

The man of the South when upbraided on this question calmly says to you, "Look at Massachusetts, the model of States, and the home of model statesmanship; they have disfranchised men by reason of their illiteracy." I answer that two wrongs do not make a right; but there is this mighty distinction between the legislation of Massachusetts and the legislation proposed here and now under discussion. In Massachusetts no man who had been a voter was disfranchised by reason of illiteracy, but it was the coming man, the coming voter, who was coming to the polls upon whom the test was fixed. There is a vast difference. In one case you fix a qualification upon the claim of the voter and in the other case you strip from a person a privilege which he has for years and years enjoyed.

Here is the great difference and here is the fundamental outrage of this whole transaction. It is the taking away from the man of the right which he has enjoyed. But I will not go into details. I want to discuss another proposition. It is that this system now being sought to be introduced into the Southern States is a plan to take from the voting list the men who are dangerous to the welfare of the Commonwealths because of their illiteracy, and therefore because of their unfitness to discharge the duty of citizenship in this direction.

It has not been said at any time that the ignorance of a man should relieve him from taxation. It has not been said that because he can not read he need not pay taxes. It has not been said that because he can not read a statute and does not know of its existence he shall not be punished for a violation of that statute. By no means. That would startle and shock the very souls of these men. Ah, no. The man, however ignorant, however illiterate, however unfortunate in this regard, must nevertheless pay his full share of the cost of running the government.

Why should a man be put to the expense of citizenship and be debarred from participation in the affairs of citizenship? Why should a man be punished for violating a statute that he has never read and can not read and the existence of which he never knew anything of, and yet be refused the right to vote for a man to alter, amend, or repeal that statute? I leave the questions naturally incident to this phase of the discussion to be solved by the statesmen of to-day who are seeking to undo the history of the past and to write into the new constitutions a guaranty against the unfavorable operation of existing statutes.

But I want to discuss another phase of it. Is the ignorant man necessarily unfitted to be a voter? By the word "ignorant" I mean illiterate, uneducated, not versed in letters, not able to read the English language or the French language or the German language; not able to translate Greek and Latin, even as ignorant of Greek and Latin as 99 out of every 100 graduates of American colleges are at the end of ten years after their graduation; not capable of understanding the Constitution of their country.

Permit me here to deflect for a moment. The condition upon which franchise is based in one of the States is that the person claiming the right to vote shall be able to understand the constitution of the State in which he lives, and yet there is not a day passes in that State that there is not more or less discussion among the best educated men of the State as to what the constitution of the State means.

Why, think of it. As I have already shown, for one hundred and twenty-odd years the best legal ability of this country, the ablest lawyers of the country, have been arrayed on two sides of the mightiest question of constitutional construction that has ever fallen to the lot of man to be affected, and generations have come and gone and the discussion has gone forward, and decision after decision of the Supreme Court has been made and overruled, and quarrels have risen and gone forward as to what the decisions of the Supreme Court meant, and the poor old Constitution has been kicked and cuffed about in the highways and byways of the country almost unceasingly. And yet here is a qualification of the voter that he must understand what the Constitution means.

Why, take our Supreme Court, with the nine great judges, and ask them to say what is the meaning of the words "the United States" in the taxing power, or rather the limitation of the taxing power, in the Constitution, and we will have three different opinions from that august body as to what the real meaning is, and yet the man who belongs to the class that builds the wealth of the earth and delves in the earth and brings forth the blessings of Providence as the result of his toil is to be deprived of his right to vote because he differs with a set of partisan judges about the interpretation of the Constitution.

But I am not through on that head. No man appreciates more highly the value of education than I do. No man appreciates more keenly the disadvantages of no education than I do. No man need tell me how weak is the man who, because of poverty in his youth, was unable to secure the blessings of a liberal education. No man need to tell me how valuable to him has been any scrap of education that he may have acquired in any way. Our forefathers, when they established the Northwestern Territory and set the greatest example of patriotic legislation that has ever been established among men by the passage of the ordinance of 1787, which was in point of fact the keynote of all these constitutional discussions, put into that immortal instrument that "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

No truer words were ever uttered, and time has developed and made unimpeachable their wisdom. But the real question is not involved in that opinion nor in the experience that has grown therefrom. The question that we are here to solve is this: Shall it be established in the United States that because a man can not read and write, he is therefore necessarily and for that reason alone unfit to vote at the elections? That is the whole of it. It narrows itself right down. It does not broaden out, but it grows more and more narrow as you investigate it.

If that be true, if the illiterate man is not fit to be a voter, if the true test of fitness is the power of the individual to read and write, there ought to be some reason shown for it. No honest man will say that the right to vote should be taken from these illiterate persons unless it can be shown that there is a public necessity for it. To strip a man of the right to vote must be based upon some public reason, and it must appear to be a duty that is due to the public at large, or else it is wrong, and will be so held by all thinking men.

What is, therefore, the public reason, if there be one, why the man who can not read ought not to be allowed to vote? Is it something that he and the men like him have done? I take it that it will hardly be said that because some of these men have voted a different ticket from that which the constitutional tinkers vote, that therefore the power of the majority to disfranchise may be rightfully exercised. I think that the most energetic exponent of

the idea of disfranchisement by the majority of the minority will concede that the ground for it must be a different ground from that. I assume that it will be said that per se the man who can not read can not be intelligent, and therefore ought not to vote.

My answer is that the record of the voting that has been hitherto done in this country does not bear out the suggestion, and voting in the United States is a record of wisdom. By some means we have nearly always voted right in the United States. Has it been a triumph of education and intelligence over illiteracy and ignorance? Has it? Will the supporters of this new idea assume that responsibility? When the people of the United States by an overwhelming majority of those who voted decreed that Abraham Lincoln should be the President of the United States, and with it that the dogma that the Constitution went everywhere and upheld slavery in the Territories should be wiped off the slate of American ideas, was that a bad vote?

When the American people voted that the war for the upholding of the Union was not a failure, and that Grant and Sherman and Sheridan and Lincoln should be upheld, was that a bad vote, an unwise vote? When down through the whole period from 1864 to 1896 the American people voted as one man to uphold the credit of the Government and dig up by the roots the fallacy of financial humbuggery that was invented, and voted to destroy the idea of irredeemable paper money, and voted to destroy the idea of two coins in this country, one of 100 per cent value and another to be half that ratio, was that bad voting? Was it?

When the people of the United States in 1896 and 1900 voted to tear from the throat of demagogy the doctrines of anarchy, the doctrines of bad money, the doctrines involved in all the isms that pervaded those two campaigns, was that bad voting? When the people of the United States, with the cry of imperialism ringing in their ears, were told that the Constitution was being overthrown, that imperialism and czarism were to absorb the Republic, and that the Government of the United States must be withdrawn from the islands of the sea and our flag come trailing home in disgrace and dishonor, and the people of the United States by an overwhelming majority voted the other way, was that bad voting?

So you see you must look elsewhere than at the general results to establish the proposition. If during the next thirty-six years this country shall progress with one-half the ratio that it has during the last thirty-six years it seems to me that it will be idle to appeal to the people of the country to recognize the voting force of the country because harm has come to the country by reason of illiteracy and ignorance among the voters. This brings me to a point in which I feel great interest. First, has it been the ignorant and illiterate that have menaced harm to the United States, been disloyal and unfaithful in the hour of her need? And second, is it the ignorant and illiterate that to-day menace the future of the Republic?

Let us see. It was not the illiterate men of the old thirteen States that stood by King George and became Tories and perpetrated war and murder against the loyal people of the colonies in the great struggle for independence. Take the history of the Loyalists of New England and you will find that a large proportion of them were men of liberal education, graduates of the colleges; all of their leaders men of education, men who could read and write, and, therefore, wholly qualified, under this new system of salvation, to be great citizens of a country. Benedict Arnold was not an illiterate man. He was an educated man, and this statement applies with truthfulness to the whole body of men who stood by King George.

In 1812 the men who sought to weaken the power of the United States in the prosecution of the war, were they illiterate men, or were not the men who stood by the Government in 1812, many of them, illiterate men? History tells us that there was a period of time when there was a convention held somewhere in this country to take the side of Great Britain in the struggle of 1812, and history tells us that during that critical period of time the British fleet off the coast had opportunity furnished them to beware of the proximity of danger by certain signal lights which were given a flaunting in their interest. So says history.

Were those men of the Hartford convention ignorant men? That was a critical time in our history, that was a time that tried men's souls, that was a time when the line was sharply drawn. Were the men who took the side of Great Britain illiterate? I think not. But I will give you an illustration. Right when this treason was being enacted the British ships had been lured to the destruction of certain towns on our seacoast and the men of the country surrounding were called upon for patriotic duty and organized themselves into companies and regiments and flew to the seacoast to fight John Bull and prevent the burning of the cities, and not very long ago I had occasion in another interest and for another purpose altogether to hunt up the pay roll of one of those regiments and I was amazed at the large per cent of men who signed those pay rolls for the meager pay they got with the badge of illiteracy, their mark, but they were loyal men and they were standing by their Government, and they were seeking to counteract the treason of the men of education who had plotted against their country. Let us go forward. I only point to these landmarks, by no means exhausting the subject.

Go to the controversies of 1860 and back of that and trace the period of time when it was made possible that a great war that should devastate the homes and destroy the best fruits of our civilization should spring up for the overthrow of the Union, was it ignorant and illiterate men who plotted? Was it men who could not read and men who did not understand the Constitution and who had never graduated from schools or colleges that sowed the seed that blossomed and bloomed into a million untimely graves and sent off to struggle with life a long somber column of widows and crying children and broken firesides?

Was that horror brought about by illiteracy? Was it ignorant men who denied the right of this Government to protect itself? Was it? Was it ignorance and illiteracy that inculcated and instilled in the minds of the people of the South the doctrine of Calhoun? In other words, was there ever a great question of law, a great question of morals, a great question of patriotism against which was hurled the thunderbolts of opposition and that opposition did not come from educated men, men of the colleges, men of the universities, men of the high schools, men of the common schools, men in every walk of educated life, men from the newspaper offices, men from the professions, men from the educated columns of men?

These were the men that sowed those seeds. These were the men that sowed the dragon's teeth from which the crop of horrors was harvested. Who stood by the Government? Who carried the musket? Who held the plow? Who made it possible in all these wars, from the Revolution to this day, that this Government—founded upon intelligence, founded upon the principle of equal rights, founded upon the principle of individual liberty—might by its power at the ballot box, in the halls of legislation, and behind the guns, typical of the great power of government, uphold itself and enforce the principles involved in its organization?

Who were they who in the war against Spain, a war for humanity, a war dictated by the almost unanimous voice of the American people, invaded the armies of our soldiers and sought to promote disruption and crime? Illiterate men, ignorant men, were they? Men who did not understand the Constitution? Who were they who sent forth to the world that Aguinaldo was a second George Washington, and that the result of the election would be the withdrawal of the troops and the disgrace of the American armies? Were they ignorant men? Were the men who fulminated these doctrines and disgraced American manhood—were they illiterate?

But let us go to another phase. This country is threatened in more or less degree by an element which I shall call, for the want of a more comprehensive and condensed term, anarchy, liberty, and license combined—the doctrine of the red flag, the anarchistic doctrine that all governments are wrong, and in favor of organized or perhaps unorganzied resistance to law. It is tapping, tapping, tapping at the foundation stone of our Republic. This hideous monster is insidiously pervading our land. In large part its advocates and devotees are coming from the old country. In large part they have been driven from there by reason of their crimes or by reason of their incendiary suggestions and opinions.

They are filling the press of our country, a certain portion of it, with their infamous doctrines. They are sapping and mining like moles underneath our labor system. They are teaching that resistance to government is the law of God. Are these men illiterate men? Are they uneducated men? They read and write. Do they come under the bane of the Maryland statute or the Mississippi constitution? Far from it. They are educated men. They are capable, so far as educational qualification is concerned, to take chairs in our colleges and universities, very many of them. They are posted upon history. They are familiar with the literature of the day. Many of them are men of unequaled education. Their danger consists in their complete education.

Was it an ignorant man who slew the President of France because he was making the Government so popular that it might dethrone anarchy? Was it an ignorant man that drove a knife into the gentle, liberal, and benevolent heart of the Queen of Austria? Was it an ignorant man who slew the King of Italy a few months ago? Was it an ignorant man who sought the life of the Prince of Wales in the railroad station at Brussels? Was it an illiterate man who shot to death Abraham Lincoln in Ford's Theater in the city of Washington? Was Guiteau illiterate and ignorant, or would both those men have been entitled to vote under any of the restrictive phases of any of the legislation upon that subject to which the country has been treated during the last two years?

The answer to all this is that under the restrictive laws of the United States, residence having been acquired, every one of these

men might have voted, while thousands of men who carried muskets in defense of the country would have been turned aside. This illustrates Mr. Gladstone's suggestion that the most dangerous man, if he be an immoral man, is the best educated man. Who are standing to-day in the United States of America as a great insurmountable bulwark of patriotism and protection to these institutions of our country that we love? A great army of educated men, I admit, but also a great army of men who would be disfranchised under the Maryland law.

Who carried the muskets that saved this Union and all its blessings? Educated men? Certainly. Illiterate men? Who dare deny it? There was no test made in 1860 and 1861 when the Government cried out in its agony, "Save, or we perish." The soldier who was enlisted and who put down his name was not asked to define the principles of the Constitution, and when he marched to battle and fought for his country and came home bearing the old flag in triumph it was not a condition of the warm reception of the people that he should stand a literary examination, and his pay was handed over to him with the same cordiality of the paymaster when he signed his name with a mark as though he had signed it in the most flowing chirography.

Who was it, when the wise Americans believed that the best institutions and purposes of our country were menaced by the falsest of all false dogmas of politics, came forward in response to the demands of patriotism and none other and voted to strike down the hideous monster that threatened the welfare of the community? Were they educated men? A vast proportion of them were, but a contingent without which victory was impossible were the men who could not read or write. But you say the number is small; then I say, Why disfranchise them? If you say that all these great things have been worked out, all these achievements have been the result of the action of educated men, then I say, Why strike this cruel blow? By that argument you destroy the proposition of necessity and you lead a crusade of cold-blooded cruelty when there is no need of it.

Let me put the argument in its concrete form. All these glorious results have been worked out from the first by the greatness and glory of the education of the country or by the cooperation and patriotism of the illiterate men of the country. If by the latter, then they should not be punished, for they have been true and patriotic. If by the former, then there is no need of this legislation. Either we have come to this condition of glory by the help of these ignorant men and because they were powerless to do harm, or else we have come to this condition over and against their power to do harm, and in either event the argument is simply unanswerable.

Thus it will be seen that this crusade, at this late date, when for thirty-odd years, under present conditions, we have tested this question, is purely an unnecessary assault and an unnecessary changing of conditions suggested by no demand of the hour.

There is another phase of this matter that is worth considering. You can not have a disfranchised class in a free government without making of that class enemies of the government. Take the State of Maryland as an illustration. There is no more patriotic State than Maryland; no State whose citizenship is more in harmony with the institutions of the country than Maryland. By the Gorman act it is proposed to disfranchise about 30,000 of the voters of Maryland, men who now and for many years have been voting.

These men are to be taken up and, without a day in court, are to be stripped of the highest right of an American citizen, a right vested, as I say, by every principle of humanity and common decency. It is to be done in the interest of a political party, as it will be done everywhere in that interest, if done at all. Think you that the disfranchised men will be fond of and faithful to the institutions of Maryland and the United States, or will they stand aside branded, condemned, assailed, a class second only to the imprisoned and the criminal and the vicious, and will they not hate a Government that thus treats its citizenship?

There will be men go to the polls in Maryland next November who, within a generation, have marched to the muzzle of the enemy's guns in the war for the Union, and they will be turned aside as unfit to vote because they can not read. Think you that they will love the country for which they formerly fought, or will they be an organization of enemies of the country, enrolled, organized, sent forth? And there is more than that. They have sons and sons-in-law. Think you that the son or the son-in-law of the man known to be faithful and honest and upright who is thus deprived of citizenship will be friendly to the power that disfranchised the father or the father-in-law? Will the coming young man love a country that took the services of his father in the war that saved the Union from destruction and then turned around and forbade that man to vote? Think you that that son will be a loyal and loving citizen of the commonwealth, or will he and his boy go to the polls to punish the party that has dared to thus stigmatize his father?

I have thus far not discussed the subject of the negro, but I may say that all I have said of the loyalty and faithfulness to the Government of the illiterate white man can be said as truly in as large degree, at least, of the colored man. He is loyal to this Government. He believes in it. He will follow the men who are loyal. I wish here to incorporate a statement taken from official figures in regard to what the colored man has done. I quote from a recent speech by Mr. George H. White, a colored man and an ex-member of Congress from North Carolina.

In the past thirty years the illiteracy of the colored race has been reduced 45 per cent. They have written and published nearly 500 books. We have nearly 300 newspapers, 3 of which are daily. We have in practice nearly 2,000 lawyers and as many doctors. We have accumulated over $12,000,000 worth of school property, and $40,000,000 worth of church property. We have about 140,000 farms and homes, valued at $750,000,000, and personal property valued at $170,000,000. We have raised $11,000,000 for educational purposes.

We are operating successfully several banks and commercial enterprises in the Southland, including a cotton mill and a silk mill. We have 32,000 teachers in the schools of the country; we have built 20,000 churches, and support 7 colleges, 17 academies, 50 high schools, 5 law schools, 5 medical schools, and 25 theological seminaries. We have done this under the most adverse circumstances, in the face of lynching, burning at the stake, disfranchisement of our male citizens, and the violation of our women; with the factories closed against us, no negro permitted to be an engineer or conductor of any railroad train, most of the mines and the labor unions closed against us, and few negroes permitted to be employed in our mercantile stores.

And I further quote a statement of what the colored man is doing from the business standpoint in the United States from a statement made by Hon. Judson W. Lyons, the Register of the Treasury:

The colored race is playing a much more prominent part in the industrial activities of the country than is ordinarily supposed. It is producing 80 per cent of all the cotton grown. The crop of last year was 10,000,000 bales, at an average price of 10 cents a pound, making $400,000,000 as the value of the cotton produced by the colored people. On this cotton crop of America is dependent every person employed in cotton manufacturing in either this country or abroad—millions of families who are dependent for their chance to earn their daily bread upon the production of American cotton, not to speak of the uncounted millions in China, Japan, and Europe, who wear cotton goods and are therefore dependent upon the labor of those who produce the cotton from which these goods are manufactured.

The colored people of America produce easily 75 per cent of all the rice that is produced in this country; 90 per cent of all the sugar and molasses, and 75 per cent of all the rosin and turpentine in the raw state; 65 per cent of all the corn that is grown in the South, and a like proportion of the output of all the iron and coal mines of the South. In every industry that entails outdoor labor in the South the colored man is doing the major part. Without him the great wave of prosperity and industrial progress that is now sweeping over that section would be impossible.

Thus it appears that the colored race has reduced the condition of illiteracy 45 per cent, and that, too, under all the troubles and turmoils under which they have labored, and if left alone and encouraged the cry of illiteracy among the colored men will gradually and indeed at last rapidly diminish.

Mr. SHATTUC. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. WATSON].

[Mr. WATSON addressed the committee. See Appendix.]

Mr. ROBINSON of Indiana. Mr. Chairman, seldom will a member or committee of the House be called to defend when legislation is unenacted and plead in justification that they have done all that can be done under the rules of the House in the line of a public duty.

I speak for myself rather than for the Committee on the Territories, of which I am an humble member, but what I say applies as well to it and to all its members. The action of the committee speaks for itself. The Democrats and the Republicans should cease talking of the Louisiana purchase, should not hold expositions to commemorate it, should not refer to it in partisan debate till the last unorganized vestige of it, Indian Territory, is given an organized form of government worthy of the name.

It is a reflection on the Republic when any part within its borders has no civilized government, and it is a no less reflection when known that the only part where anarchy practically prevails is a part of the Louisiana purchase.

The people of Indian Territory desire the security and benefits that a Territorial form of government will give them, the protection to their rights and the safeguarding of their interests—such as an American citizen deserves and ought to have.

If these people who are asking you all by letter to give them this do not receive it at this session of Congress, it is not the fault of the members of the Territory Committee, or of that committee which has unanimously expressed its judgment in favor of it. That committee has performed its duty, and the burden now rests upon the House, upon all its members, and you must answer to your thousands of former constituents who have gone there and to those who favor it who have remained at home for this failure to give the rights due to American citizens. You talk of cruelties in foreign lands, you have something akin to cruelty and oppression near at home, within continental United States itself. Members without number have received letters. Members of the committee have been besieged by them, asking

us to help an unfortunate people, to remove the bonds of oppression that keep them from the guarantees of life, liberty, and the pursuit of happiness, and to give them the simple and usual form of Territorial government that will enable them to educate their children, to care for their poor, their insane, and incorrigible.

Indian Territory, 400,000 strong in people, three-fourths of whom but a short time ago were your constituents and mine, is asking it. These people are the best yeomanry from every State of the Union. Eleven thousand of them alone born in the State of Illinois, and other States, according to conditions, likewise represented; thousands from Maine, Massachusetts, and the Eastern States.

Why deny these people some civilized government when they had good governments back at home?

Of the 400,000 inhabitants of this Territory 75,000 are Indian and mixed blood; but these are not Indians as many of us understand the term. One going there can scarcely pick out, from their appearance and by their action, 10,000 as Indian, they are so mixed with the white—so like them in their pursuits and conduct. There are scarcely any blanket Indians in the Territory—not nearly as many as in the State of Kansas. There are fewer blanket Indians than confessed dudes in the streets of Washington or New York or the larger cities, each of which class is equally baneful, one to the upper and the other to the lower stratum of society.

Indian Territory is the land of the Five Civilized Tribes—the Cherokee, Choctaw, Chickasaw, Creek or Muscogee, and the Seminole—originally from Alabama, Georgia, Mississippi, and Tennessee.

The men are active in every avenue of business. They were made citizens of the United States by an act of the last Congress.

They are educated and alert, and people from the States to their country must understand this, or going there they will, by their intelligence, thrift, and industry, be driven from the field of the professions, from business, from the farm, and the ranch. Indian Territory in agricultural lands is one of the richest places in the world.

Each one of these five nations has a fairly good government of its own. There are, however, 325,000 of other people in this domain, which is about the size of Indiana and but little less in size than Maine.

In 1874 the Mansfield Digest of Laws of Arkansas was compiled in that State, and by acts of Congress subsequently was in part carried to the Indian Territory. Without codification or revision these remain, and, coupled with the Curtis Act of 1898, gave some measure of relief to towns of 200 or more people, giving these towns school facilities. These towns comprise a school population of 30,000 and a total population of 75,000.

Those in towns have some facilities and a partial though crude form of organized government. The laws, respectively, of the Five Civilized Tribes take care, in a crude way, of their children and their people.

But outside of the Five Civilized Tribes and the 90 incorporated towns, the 100,000 school children have no schools and no means of public education, and the people have no government that gives them protection or secures their rights save the practical rule of anarchy that might makes right, and brute force and violence triumphs over all.

So far as the government is concerned they are left to grow up in ignorance and vice, to fill the houses of corrections and prisons, and if they are not treated better in after life than their Government treated them in youth and adolescence they will become wanderers and outcasts on the face of the earth. The executive government is made up of three United States marshals, and in the enforcement of law they are aided by three United States attorneys.

These people have no laws to give them public roads or bridges or ditches; they have no schools; they have no asylums or eleemosynary institutions. Twenty-five daffy, demented, and silent witnesses from the Indian Territory in the Government Insane Asylum across the Potomac River from Washington, D. C., speak more eloquently than words can tell of the woes of 400,000 American citizens. They were railroaded 1,500 miles away from friends and home to get the only treatment that this Congress furnish to these unfortunate people, and thus you see the injustice of government.

Untold scores of these unfortunates are scattered throughout the eleemosynary institutions of the border States, shifted away to other States to get treatment for them and protection for those who remain.

Within two weeks three insane came to the Washington Asylum, sent by the court of the Indian Territory, and in each case the criminal charge was assault, and they were acquitted because insane. It does not require a shrewd guesser, and I suspect that the court in desperation at the intolerable conditions stultifies itself and twists the law to get the refuge of asylum for those who maybe should never have been charged with crime.

Let me read what was said by Mr. S. B. Bradford in January, 1902, who was then United States commissioner, and since deceased, in his testimony before the committee:

> I wish to give you a few facts only. We have 50 national banks in Indian Territory and we have 37 private banks. We have 75,000 school children absolutely without any school privileges. We have insane people chained down like wild beasts, in their little cabins, because there are no laws for their relief. We have no public roads in Indian Territory except those voluntarily constructed by the people themselves. We have no bridges or schoolhouses outside of the organized towns and the cities except those built by private subscription. There is no law to build a bridge and not a syllable of law for the issuance of bonds to build schoolhouses, waterworks, or anything for the purpose of saving property, except in the Creek Nation.

The Committee on the Territories had hearings at that time, which were printed and may be had by members.

That committee considered the bills before it and authorized the distinguished gentleman from Tennessee [Mr. MOON] to report favorably the bill, which he did in a report that will convince the impartial of the needs and necessity for this legislation.

This report was made on March 14, 1902, and provides the usual and simple form of Territorial government. Since then the bill has hung on the Calendar, between heaven and earth, like Mahomet's coffin, not in silence, while those people suffer, but while they clamor loud and long for the United States laws to protect them from the oppressive conditions under which they are living.

The report by the gentleman from Tennessee [Mr. MOON] is a succinct and careful statement of facts and reasons, and I will append it to my remarks. Some guardians, self-constituted, may claim that the people are not ready for or able to bear self-government, but this is refuted by the universal expression of the people themselves and the press, expressed publicly and in a private way. It is refuted by the nearly 400,000 of people, by the richness of the soil, by its 50 national and 37 private banks, with a capital and surplus of over $3,000,000 and deposits of over $7,000,000; by its $60,000,000 of assessable personal property, $4,000,000 in coal mining and coke ovens, 1,500,000 cattle, 400,000 horses, 65,000 mules, 400,000 swine, 25,000 sheep, and 1,500 miles of railroad in operation and 300 more under construction, not to mention wheat, corn, oats, and cotton, the last year's crop of the latter aggregating over 200,000 bales.

There are 3,000 miles of telegraph and telephone lines in operation.

Yet, in this theater of modern endeavor and civilized work, if a man die suddenly or mysteriously the law does not give him the poor privilege of a coroner's inquest to ascertain the cause of death. And here it is that the insane are chained to a tree or to the floor in their little cabins.

Talk to me of the discontent in Ireland, tell me of the woes in foreign countries, but rather give me encouragement for this Territory so near to home.

President Harrison recommended a reform, a change of government, and that these people should be represented by a delegate in Congress. He said that "the cattle syndicate now occupying the land for grazing purposes" interfered with the negotiations with the Cherokee Nation.

Are they still there? I understand they are, and are as perverse and arrogant as ever.

The exploiters are the ones who declaim against this relief, this act of justice to these people. The governor of Oklahoma in his last report recommended the enactment of legislation that would remove the chaotic state there existing. He said:

> Affairs in the Indian Territory are somewhat chaotic. It is a question of legislation and not of administration which presents itself. The Administration, under the present laws and conditions, must necessarily move slowly. There are too many questions to consider and difficult problems to solve for the executive department of the Government to be charged with the responsibility of solving them at long range, and it is practically impossible for these questions ever to be satisfactorily solved until representatives of these people, who are responsible to the people and community directly, are elected to Congress with the responsibility of working out these difficult problems. The Indian Territory situation is without precedent in this country. * * * What the Indian Territory most needs is wise legislation, which will lay the foundation of an American community with proper provisions for schools, churches, convenient highways, and the exercise of political rights and individual responsibility.

I am not certain what the course of events will bring forth, but, speaking for myself, I believe that the policy of uniting at some future time Indian Territory to Oklahoma will be wise and well. The omnibus Territorial admission bill recently passed provides for that, and the giving of Territorial government under the Moon bill to Indian Territory, it seems to me, will be a long and wise step in the accomplishment of that desired end. This bill has slumbered on the Calendar for months, not in silence or in peace, but in a dreadful nightmare, for every breath it drew measured the loss of education by 100,000 American school children in the Indian Territory; every sigh brought up the discontent over the injustice of Congress. This bill is bound no closer to the Calendar than are the unhappy and violent insane, chained to the trees and the floors, awaiting to be carted, if their

relatives will permit it, 1,500 miles away to the asylum in Washington, D. C., or to asylums of sister States that will charitably receive them.

It is on the Calendar, ready for the action of the House.

If the Speaker and the gracious Master above do not help those 400,000 people and these unfortunates, it will be because their prayers have gone unanswered. [Loud applause.]

APPENDIX.

[House Report No. 956, Fifty-seventh Congress, first session.]

TERRITORY OF JEFFERSON AND GOVERNMENT FOR THE SAME.

The Committee on the Territories, to whom was referred the bill (H. R. 12268) to create the Territory of Jefferson and to provide a temporary government for the same, and for other purposes, respectfully report:

The committee believe that a Territorial form of government, such as this bill provides, will put in the hands of the people of the Territory now known as the Indian Territory the machinery for correcting the evils there existing, satisfy their present needs, and go far toward giving them the legislation demanded by the population and resources of the country. There exist conditions in the Territory that can not be adequately and timely met by Congress, and can be responded to only by a local legislature.

The lands embraced in the boundaries of the Indian Territory are a part of the Louisiana Purchase made under the Administration of President Jefferson. This Territory, excepting that part embraced within the Quapaw Agency, was created by a number of treaties entered into at different times between the United States, the Cherokee Indians, the Muscogee or Creek Indians, and the Choctaw and other Indians. The detailed provisions of these treaties may be found, together with a history of the statutes and departmental orders, and the relation of the Government to the various Indian tribes now occupying the Territory in part, in Senate Executive Document No. 78, Fifty-first Congress, first session, being a letter from the Secretary of the Interior, dated March 12, 1890, to the President of the Senate. Previous to the immigration of the tribes specially mentioned to the Territory during the years 1831-1838, under the treaty stipulations, they resided in the States of Alabama, Georgia, Mississippi, and Tennessee.

The act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, tended greatly toward alleviating the deplorable conditions then existing in that Territory; it enabled the development of the Territory to increase, as well as afforded greater security for life and property, but is inadequate to meet the present conditions which are constantly changing. The act authorized the organization of towns having 200 inhabitants or more to possess the powers and rights of similar towns in the State of Arkansas, but made no provision for the protection of life and property and educational facilities outside of the corporate limits of the towns. The people who live outside of incorporated towns are afforded no police protection except through the United States marshal's office; in fact, the only executive government in the Territory is a government by United States marshals.

The Indian Territory, which comprises an area of 31,400 square miles, by the census of 1900 has a population of 391,960, of which only about 75,000 are Indians or connected with the Indian tribes. The people are intelligent, industrious, enterprising, and law-abiding, accustomed to live in a different state of society and to participate in the affairs of local self-government.

According to the census, there are in the Territory 159,125 persons of school age, of which 32,000 are Indian children, and the remainder are not members of the Indian tribes. Of this class, 29,900 live in the incorporated towns and have the advantages of free school facilities (public schools being maintained in incorporated towns under power conferred by the Curtis Act), and the remainder, 97,225, have no free school facilities whatever, there being no means by which they may be maintained in the rural districts.

The real estate in the Indian Territory is at present exempt from taxation, the title to the whole body of the lands outside of the towns being yet in the Indians, but the taxable property is sufficient to support a Territorial government. The following data, obtained from reliable sources, give a conservative estimate of some of the property subject to taxation:

Ninety incorporated towns, including only about 75,000 of the population, have an assessed valuation of taxable property of $20,000,000. A conservative estimate of the taxable value of unincorporated towns is $5,000,000. There are 1,500,000 head of cattle; 400,000 head of horses; 65,000 head of mules; about 400,000 hogs, and 25,000 head of sheep. There is invested in coal-mining and coke-oven properties about $4,000,000. There are 1,415 miles of railroad in operation, and about 300 miles now under construction. A conservative estimate of the entire taxable wealth of the Territory could not be less than $50,000,000. No estimate is made of corn, wheat, oats, and cotton, which are also extensively produced in the Territory.

The Commission to the Five Civilized Tribes, in its report to the Secretary of the Interior, speaking of what the Commission found in the Territory when it went there in 1893, said:

"Instead of an arid Western plain, occupied by the savage of tradition, as many suppose, the Commission found a Territory not greatly smaller than the State of Maine, rich in mineral and agricultural resources and in valuable timber; a country which has been occupied and cultivated for over half a century, whose fertile valleys yield bountiful harvests of Southern products, and whose prairies graze 250,000 cattle yearly; where cities have sprung up, through which railroads have been constructed, and where five distinct modern governments existed independent of the sovereignty of the United States."

In 1891 President Harrison, in a message to Congress, called attention to the conditions existing there and to the need for some organic change in the relation of these Indian tribes to the United States, and recommended that the change involve the acceptance of citizenship by the Indians and representation in Congress.

Congress, by act approved March 3, 1901, conferred citizenship on every Indian in the Indian Territory.

With each year there is a large influx of people from almost every State in the Union seeking homes and occupations in that country, vastly and rapidly increasing the population, so that the necessity for organic change and representation in Congress is much greater than when President Harrison first called attention to it.

This bill gives to the Indian Territory the name of Jefferson. It seems fitting that from the vast tract of land included within the limits of the Louisiana purchase, possessing such wonderful resources, some portion should commemorate the name of the President who brought it under our flag.

The government provided for in the bill is in general similar to that provided for other Territories in the United States. The treaty rights and land titles of the Indians are fully respected, and it does not conflict with the Indian tribal organizations as secured to them by law. The Indians are protected in all of their rights. The judicial system now in the Territory and the laws now in force are continued.

The people of the Territory are without adequate roads; they have no schools in the rural districts; they have no asylums for the unfortunate, for the deaf, dumb, blind, and insane, and not even provisions for the holding of coroners' inquests. They can not have these because of no law for local self-government. The laws in force there are totally inadequate and necessitate a continual clamoring at the doors of Congress for new and needful legislation, making their claims in the lobby for lack of representation on the floor—of a body unfamiliar with their conditions. This manner of securing legislation is fraught with obvious objections, as is evidenced by the long and persistent petitioning of Congress for such laws as have been heretofore enacted.

Those who prosper under the chaotic conditions are sufficiently influential to prevent the enactment of many needful laws, to the great injury of the majority of the people. Whereas with a local legislature composed of persons directly interested and familiar with the conditions and wants, and directly responsible to the people, the embargo on the enactment of necessary and useful laws is removed. This idea is further impressed by a message of President Harrison to Congress in 1889. Referring to the negotiations for opening what was known as the "Cherokee Strip," now a part of the Territory of Oklahoma, he said:

"The cattle syndicate now occupying the lands for grazing purposes is clearly one of the agencies responsible for the obstruction of our negotiations with the Cherokees."

The governor of Oklahoma, in his last report to the Secretary of the Interior, says:

"Affairs in the Indian Territory are somewhat chaotic. It is a question of legislation and not of administration which presents itself. The administration, under the present laws and conditions, must necessarily move slowly. There are too many questions to consider and difficult problems to solve for the Executive Department of the Goverment to be charged with the responsibility of solving them at long range, and it is practically impossible for these questions ever to be satisfactorily solved until representatives of these people, who are responsible to the people and community directly, are elected to Congress with the responsibility of working out these difficult problems. The Indian Territory situation is without precedent in this country. * * * What the Indian Territory most needs is wise legislation, which will lay the foundation of an American community with proper provisions for schools, churches, convenient highways, and the exercise of political rights and individual responsibility."

In the opinion of the committee it is certainly an anomalous situation, which demands prompt relief, that a section of country almost as large as the State of Indiana and occupied by 400,000 people should be left without the protection of civil government.

The committee believe that this bill will correct all of these evils and grant to 400,000 American citizens rights to which they are entitled.

The committee therefore recommend the passage of this bill without amendment.

THE PRESS OF INDIAN TERRITORY ON THE PROPOSED TERRITORY OF JEFFERSON—FREE SCHOOLS, SELF-GOVERNMENT, REPRESENTATION IN CONGRESS—H. R. 12268—PRESS ACCEPTS MOON BILL.

It will be seen that these newspapers represent all sections of the Territory, all political beliefs and of various convictions regarding ultimate statehood, yet in unison they speak for their people in demanding local self-government of the present Congress:

CHEROKEE NATION.

[Chelsea Commercial.]

The question of single and dual statehood has been a long-discussed one that has not of itself evolved a solution or even approached one. * * * In the meantime we will see the Moon bill passed and the B. I. T. started on a new era of prosperity. It is the duty of all to put our shoulders to the wheel for the Moon bill and stay with the fight until we win.

[Claremore Progress.]

Prospects of legislation for the Indian Territory all point to the adoption of the Moon bill and the Territory of Jefferson. So let it be. As Messenger has pointed out before, there are many grave errors in the Moon bill, but it is at least a step in the right direction, and the other steps will come a little later on. After the ice is once broken it will not be so difficult to secure the legislation of which the country actually stands in need of. We can not expect to get just what we want on the first throw of the dice. We are in favor of the Moon bill, not so much because of what is in it at present, but in spite of that. Other things will follow.

[Tahlequah Arrow.]

The bill introduced in the House of Representatives providing for a Territorial form of Government for Indian Territory is conceded by the Territory press as the best measure, by far, ever offered for the relief of the inhabitants generally of this country, and when Congress adopts the measure it will be the taking of the initial step to place one of the brightest gems in the starry crown of American liberty and thus honor and guarantee the perpetuation of the name of one of the greatest statesmen and patriots in history. If this bill is passed, and every indication is that it will be, it will be an assurance that at some future time a great Commonwealth will bear the name of the illustrious Jefferson, and that Commonwealth will be the most beautiful country on God's footstool—Indian Territory.

CHICKASAW NATION.

[Sulphur Springs Journal.]

The South McAlester Capital is red hot for the Moon bill, as it and every other paper in the Territory should be. This is about all we can hope to receive at this session of Congress.

[Ada News.]

The Moon bill, creating Jefferson Territory, is favorably accepted by the people. It's the unanimous verdict of those with whom we've talked that it's the best yet proposed except statehood itself.

CREEK NATION.

[Wetumka Herald.]

The hope of the people of the Indian Territory is again aroused over the prospects of a Territorial form of government, and to-day those prospects are bright. The people of the Territory have succeeded in convincing many Congressmen that not only does this Territory need a government, but that it deserves it. The justice of our cause is what makes it strong—makes it irresistible. And while many are convinced and favor the enactment of a law giving us a real government, yet there is a strong opposition. The pie counter is large and profitable, and only the most persistent efforts should be our motto until the Moon bill has been passed by both Houses and approved by President Roosevelt.

[Checotah Times.]

The passage of the Moon bill will be welcomed by Territorial people generally as a long step forward. We believe a majority of the people interested will be very well satisfied with its provisions, realizing that it gives the best form of government that can be expected by Territory people under present conditions. The greatest concern just now is that it may be held up in the Senate and not reach a final passage during the present session. It seems to us that such tactics by either branch of Congress, in the face of existing circumstances, would be little short of criminal, and it is certainly to be hoped that the pleading going up from this Territory for some remedial legislation will be heeded and the necessary relief be granted speedily.

[Tulsa Democrat.]

The amended Moon bill, giving the Indian Territory a Territorial form of government, is acceptable to all factions in the former statehood fight. Until a few days ago there was a division of sentiment regarding legislation that would remedy present conditions, but on the refusal of the House Committee on the Territories to report favorably on either single or double statehood for Indian Territory and their substitution of the Moon bill all former convictions were cast aside and a united campaign is being waged for the passage of the Moon measure.

Thousands of letters are being written by people all over the Territory to their former Congressmen and Senators pleading for the recognition of Indian Territory. No one but a resident of the Territory can appreciate the possibility of release from departmental rule. Business circles are feeling the pressure very strongly, and there are few who are not in accord with acceptance of any legislation that will release the Territory from bondage.

In several towns public meetings have been called to draft memorials to Congress, and the papers are filled with reasons for recognition. The impression prevails that the House will pass the Jefferson Territory bill without much debate and with a few amendments, but the Senate is expected to make a fight on the measure.

CHOCTAW NATION.

[Durant Citizen.]

One of the most interesting topics agitating the minds of the Indian Territory people this week is the Moon bill providing for a Territorial form of government. The bill has been introduced in the House, referred to the Committee on the Territories, indorsed by that committee, and referred back to the House with recommendation that it become a law. It is now up to the House as to what it shall do with it. It is confidently believed by some that the House will pass it; but next, what will the Senate do? The people of this Indian Territory are breathlessly waiting to applaud the act of Congress that will bring relief.

[Hugo News.]

Eternal striving for the unattainable is wasted energy; therefore, let us direct all our efforts for the betterment of our present condition toward something we can get. There is no doubt that the present Congress will give us a half loaf—if we cease trying to capture the entire bakery. The Moon bill just at present seems to have the best chance of becoming a law, especially if it is properly urged by the residents of the Territory. Let us take what we can get until something better is offered.

[Spiro Gazette.]

The Moon bill will be very acceptable to the people of Indian Territory, and the people will always remember Congressman MOON as a friend of Indian Territory.

[Ardmore Appeal.]

There is no possible chance of getting any kind of statehood at this session of Congress. Even the persistent advocates of statehood, both single and double, have given up their hopes of securing the passage of a statehood bill.

Such being the facts, then the people should take the next best thing, the Moon bill, which provides a Territorial form of government for the Territory. However, they can not get the bill through without hard work. While it is true that the Moon bill has been indorsed by the House Committee on Territories and that it will undoubtedly be passed by the House, yet there is a fight ahead in the Senate. The bill will greatly relieve the conditions here and will place us several milestones nearer the statehood goal.

It provides for a skeleton form of territorial government. It gives us governor and other territorial officers besides a Delegate to Congress and a legislature, which shall be composed of 15 members in the upper and 39 in the lower house. According to its provisions the present laws and acts of the Indian tribal governments shall be repealed and the collection of permit taxes prohibited. On a whole, this bill is the best piece of legislation which we can hope to get, and we had better get it. Write to the members of Congress and urge them to pass the bill. Don't delay. Write to-day. Here is an opportunity for us to take advantage of. Shall we do it?

[Choctaw Gazette.]

If we can not get a "whole loaf" we had better take what is offered. Visions of statehood, like mirage, is always just ahead of us. If we can get a territorial form of government, however light, it is paving the way to something better. Under existing conditions the wheels of progress are clogged, enterprise crippled, and golden opportunities slipping by. There is no reason why this Territory, with its vast undeveloped mineral resources, its farming, grazing, and timber lands, should not become one of the brightest in the Southwest. It is the duty of every one to use their influence to bring about these conditions. Politics should be put out of sight and all join hands for a measure that will bring about the greatest good to the greatest number.

[Marietta Monitor.]

As the House Committee on Territories has recommended the modified Moon bill, every citizen of the Indian Territory who desires a change from our present form of government should go to work in earnest and urge its passage in the Senate. There is little doubt that the measure will pass the House by an overwhelming majority, and the only danger of it becoming a law is in the Senate. No sane man can longer expect statehood at this time; consequently we should all strive to secure the next best thing to it, which is a full-fledged form of Territorial government, the same that is provided for by the Moon bill.

[Chickasha Democrat.]

Mr. MOON, in his Jefferson bill, names South McAlester as the capital. Anything will do for the chief city so we get a change in affairs.

[Sulphur Journal.]

The people of the Territory are ready and willing to accept the Moon bill, and were it left to a vote of the people it would meet with almost unanimous indorsement.

[Spiro Gazette.]

It is thought that Congress will adjourn about June 15. The Moon bill is about the most important measure that body has on hand now, and unless it runs up against something more substantial than the Soper-Quarles bill it will go through both Houses in less time than it took Nancy Hanks to win her race.

[Vinita Chieftain.]

The Moon bill provides a partially satisfactory introduction to future enfranchisement. Congress evidently believes in acquainting the people of the Territory with liberty in gradual doses; but the little taste will be very, very palatable. The only opposition to the Soper home bill comes from the 400,000 residents of the Indian Territory, who want to know who gave him authority to barter their liberties for a carpetbag machine.

[Webber Falls Monitor.]

A Territorial government for the Indian Territory at the present session of Congress seems to be a possibility. Many think that is the thing to do. Statehood would entail a very heavy expense on an undeveloped country and unsettled conditions. Under the proper Territorial incorporation the people in a short while could launch the proud ship of a great State.

[Pryor Creek Clipper.]

Much has been said in the past of the Indian Territory's wonderful progress. We are transforming a waste into a busy province. Persons seeking investments in property or business locations should investigate the opportunities that are remaining undiscovered in this section. A vast domain of land so rich in natural wealth is yawning to be producing profitable grain, not weeds. The Moon bill is the only restorer at present for it.

[Vinita Chieftain.]

The absurd argument that all of the Territories are clamoring for statehood is used by the opponents of the Moon bill to prove that a Territorial form of government is unsatisfactory. The American people are so constituted that nothing less than complete self-government will ever satisfy them. The Territorial government is the natural stepping-stone to statehood and was never intended to be a permanent condition. The Territory of Jefferson will make itself heard on the statehood question when the appointed time arrives.

[Checotah Times.]

Those who believe that the Moon bill would afford the Territory temporary relief from the galling conditions that now prevail, and that it would be a stepping-stone to statehood, not a hindrance, should espouse their belief and throw their influence in support of its passage. The Times sincerely believes that the benefits to be derived from the enactment of this bill would a hundredfold outweigh the added burden of taxation that it would impose. For this reason we believe that no community can afford to place obstacles in the way of the passage of this legislation, more especially when opposition is clearly evoked from purely selfish or personal motives.

[Coalgate Courier.]

Quite a number of papers are condemning the South McAlester Capital for so actively championing the Moon bill—the relief bill for Indian Territory. We are unable to see the objectionable features of the Moon bill that seems to be so prominent with these calamity howlers. We say give us the Moon bill and give it to us now. The Moon bill is far preferable to anything else that is on the list of "probables" for the settlement of the existing complications in Indian Territory. The Capital expects South McAlester to be benefited by the passage of this bill, but we feel sure that this is not the only motive that prompts the Capital to fight for the passage of the bill. It will probably benefit South McAlester more than any other town, but then every town can not expect to be the seat of the government, and therefore should not condemn the bill because it does not name their particular town. Let the Moon bill come, it is just what we want.

[Chickasha Democrat.]

Say, Brother Walker, do not make any fight on the Moon bill. It is not what we want, but it will be one step toward statehood.

[Marietta Monitor.]

With a Territorial form of government such as is provided for in the Moon bill the masses of the people of the Chickasaw Nation will soon be prosperous and happy.

[Lehigh Leader.]

The Moon bill is the only measure that has ever been introduced in Congress that has no element of selfishness, politics, or favoritism. It is the fairest measure that has ever been introduced for the relief of the people of the Indian Territory, and has met with the approval of the people from one side of the Territory to the other.

It provides for a form of government to be established by the voice of the people, for a Delegate in Congress, for schools, for public roads and improvements, and in fact about everything that can be done under the present state of affairs. It is urged by a few people that we want no form of government until the Territory comes in as a State with Oklahoma. But it seems this can not be until the allotment question is completed, and with no chance to settle the citizenship question, it seems certain that the four years yet allowed in the Atoka agreement for the winding up of the tribal governments will be consumed before statehood is possible. At the present rate of determining citizenship contests, it seems possible to make a greatly developed country of this territory under the provisions of the Moon bill long before it can be made a State and titles be given or tribal governments dissolved.

[Coalgate Courier.]

The Ardmoreite says that it doesn't want a Territorial form of government, but wants this country to remain as it is until we have statehood. Just think how unwise such a remark is. Every schoolboy knows that such a course is impracticable and without precedent. A Territorial form of government is the stepping-stone to statehood. Just think of any intelligent person being opposed to a Territorial form of government. The Ardmoreite must undoubtedly know better than this, but of course it is in favor of continuing departmental rule in Indian Territory for reasons known by all, or else it is opposing a Territorial form of government because it thinks the capital will be located at South McAlester. Ardmore is on a direct railroad line from Coalgate, and it might be that a compromise could be made by having the capital located at Coalgate. We are sorry to know that any paper would oppose local self-government which promises to give to the thousands of children in Indian Territory school privileges.

[Cherokee Wigwam.]

The Moon bill, which, if it becomes a law, will give the Territory a home government embracing many of the rights of statehood, is universally favored by those who are not interested in making it a tool for the accomplishment of some scheme. This bill meets the fullest approbation of the people of this section. Let it come. It will be warmly welcomed.

[Nowata Advocate.]

Excessive taxation is the bugaboo now held out by the opponents of the Moon bill. It is the cry of the single-State advocates and is as nonsensical as it is unreasonable. Under the adequate system of government proposed by the Moon bill we would be placed on a basis where we could intelligently prepare for early statehood. The taxes proposed are adequate for our temporary needs and far less burdensome than the taxes that are now being paid by the people of Oklahoma. Why should we be attached to a Territory that has no interests in common with ours when we are big enough and intelligent enough to promulgate and maintain a State government without the aid or consent of a lot of cheap-screw politicians?

[Spiro Gazette.]

In the closing paragraph of a letter received at this office a few days ago from Hon. FRANCIS W. CUSHMAN, a member of the House Committee on the Territories, he says: "I also note your request that I help boost the Moon bill when it come, up in the House. I know Congressman MOON very well, and I am a member of the House Committee on the Territories. I assure you that I will give this matter my attention."

[Stillwell Standard.]

The Standard is for single statehood for Indian Territory and Oklahoma first, last, and all the time, but it prefers Moonshine to no light at all; and the Moon bill is far preferable, a thousand times over, to the carpetbag rule in this country.

[Sulphur Journal.]

The Territory is getting tired of being made the dumping ground for the political misfits, cranks, and reformers, the flotsam and jetsam of the Republican party, and wants relief and home government. The Moon bill will give us the right to elect our own officers.

[Fort Gibson Post.]

The Moon bill is all right—that is, about as near right as Territorial people can expect, and a great improvement on present conditions. With the Moon bill in operation, the people of this Territory would be in paradise compared with present conditions.

[Checotah Times.]

With home rule, a fair field, and no favors, the Indian Territory will establish a new record of development not previously attained in any part of the civilized world.

[Stillwell Standard.]

The Moon bill is the only halfway decent government offered the Indian Territory by the present Congress, outside of the bill offered to give us statehood with Oklahoma. The other measures are all political schemes of pie-hunters and carpetbaggers to make a lot of soft berths in this country. In saying this and swallowing the Moon bill as the best thing in sight, right now the Standard is forced to remark that it can eat crow, but danged if it hankers after it.

[Spiro Gazette.]

What the people want is relief from their downtrodden, helpless condition; relief from our inability to own our homes, educate our children, improve our towns, transact business, elect our officers, enact our own laws, and a thousand and one other things needed. The Moon bill furnishes the relief needed, and unless this miserable gang of chronic office-seekers and heelers can bring a strong influence to bear upon the Senate we may expect to hear of the passage of the Moon bill in the very near future. Then for the grandest ratification ever heard of.

[Boswell City News.]

We are highly in favor of the Moon bill in all its principles of legislation, and we will always be in favor of any bill passed for the relief of the people of the Indian Territory, but we do not like the change of name to that of Jefferson. We honor and revere the name of that noble statesman, and we desire that his memory be held sacred for future generations, but in the name of this, the last small refuge donated to the former possessors of nearly half a confiscated continent, we would commemorate the name of the red man. Call it Tuscahoma (Red Warrior) and let the ages to come see the true picture, implied in a name of a race that could not exist long in the confines of civilization, and whose original cast was faded out by the greed of the white man.

[Hugo News.]

It is a lamentable fact that there are a few papers in the Territory that prefer to have matters remain as they are rather than become a Territory with a Territorial form of government without some proviso for an ultimate attachment to Oklahoma. We can get along a whole lot better without Oklahoma than with it, but that fact does not seem to make any difference. However, the majority of the papers are in favor of a change of some kind, although it may not embody all that we desire, and we suppose that these papers reflect the sentiments of the people. If this be true, there should be no difficulty in securing some sort of relief in the way of a Territorial form of government, and the Lord knows we need it.

[Tahlequah Arrow.]

The Moon bill has been favorably reported by the House Committee on Territories, and as it stands it is by far the most desirable relief measure ever offered in Congress for Indian Territory. It may be a little repugnant to the single-staters, but it is free from the taint of carpetbagism, and has already received the approval of the press of the Territory.

[Ada News.]

The Moon bill is now being ventilated by the press of the two Territories. Its merits and demerits are set forth in such a way that no one can remain on the fence. You are either for it or against it. As for us, we should like to see it become a law.

[Hugo News.]

The call to "get together" on a bill giving us a Territorial form of government is being generally observed by Indian Territory papers—but who in thunder is going to get Walker together?

[Miami Record.]

Nearly everybody in the Territory is Moon-eyed when it comes to a Territorial form of government.

[Denison Herald.]

"Lo" is not worried about names, but he is worried about conditions. If Congress will give the Indians a Territorial form of government, they will accept most any old name.

Every commercial club or other body in the Indian Territory should indorse the Moon bill. It is one of the best measures ever introduced for the benefit of the people of the Indian Territory.

[Antlers American.]

It is evident that the dissension in the Territory will be a great barrier to legislation for our "relief" passing the Senate. That body has openly charged that the different kinds of legislation asked for is evidence that we want something but we do not know what. The Indian Territory people know one thing to a certainty—they have had a good and plenty of departmental rule—government by "hand out" as it were—and will welcome a change. It now appears since the declaration of that kaleidoscopic body that it is up to the Territory people to agree on what they want or stay in the pillory until another session. Congress has decreed that no kind of statehood is coming this session. That eliminates the issue which has divided the Territory, and every man in it should stand up and make himself heard.

The Committee on Territories has recommended the modified Moon bill to the House, and there seems no doubt but that it will pass the House. The danger will be in the Senate, and the Territory should bring all possible pressure on that body. It is the final lift, and if it fails we fall back into the old rut for two more years at least. The Moon bill is the most liberal of the proffered legislation. We can get that by united effort of the press and different organizations. Regardless of party affiliations or former efforts for statehood, the relief of 500,000 people demands a solid front.

The Senate openly says "we do not know what we want." Let us take the hint and agree on the "next best" to statehood, and convince them that while we differ on homeopathy and allopathy we never doubted we had the disease.

PROPOSED TERRITORY OF JEFFERSON.

[Globe-Democrat.]

By a unanimous vote the House Committee on Territories has decided to recommend the organization of the Territory of Jefferson, now Indian Territory. The name selected could not be improved. It would honor a statesman whose national achievements deserve to be commemorated in the list of States, and also give his name to a part of the Louisiana purchase—a most felicitous idea. Indian Territory needs the attention and speedy action of Congress. Its development has been surrounded with many peculiar difficulties, due to its exceptional status under old tribal treaties. In the course of time these conditions have become a burden and hindrance to all the inhabitants of the Territory, regardless of race lines. For one thing, public education is paralyzed, and when a great number of children in an American community are growing up without public schools the case is simply intolerable.

Sensible members of the various tribes in Indian Territory want their children to be educated and also know that the present confused and insufficient government is hurtful to all its citizens alike. Provision is made in the bill approved by the House committee to adjust, in a spirit of fairness, the questions upon which treaty issues have a proper bearing. Details ought to be arranged in a conciliatory manner. The main point is to get away from the present deadlock and create a Territorial form of government, able to meet the demands of intelligent progress. Every person in the Territory will be benefited by the proposed new order of things, which will be directed by a legislature chosen by the inhabitants themselves. The people of the country in general are ready to say: "All hail to Jefferson Territory."

THE MOON BILL.

[Denison Herald.]

The South McAlester Capital, in urging the people to go to work for the Moon bill providing for a Territorial form of government for Indian Territory, says that the Congressmen complained that the trouble Congress has in doing anything for the Indian Territory is caused by a lack of knowledge of what the people of the Territory want. They ask for so many things that the minds of Congressmen are confused, and they can not figure out just what the people want.

It appears that in the very nature of things there should be no confusion in the minds of Congressmen as to what the people really want.

The people have spoken, and they have said every time they have spoken that what they wanted is a form of local self-government.

That was the cry of the Oklahoma-Indian Territory convention at Muskogee.

That was the cry of the "Double statehood" convention at Muskogee.

Both conventions expressed a desire for a form of local self-government as soon as in the wisdom or discretion of Congress the people were ready for it. That is, the double statehooders asked that, but the single Staters wanted a local self-government right now, immediately, without waiting for the tedium of winding up Indian affairs, which they said might be done as well, as safely, and speedily under a form of State or Territorial government as under the present arrangement.

Every organization, every convention that has spoken on Territorial matters, has stated that what the country needs and wants is a form of local self-government.

That is what the people want. What are Congressmen and Senators for if they are not elected for the purpose of going into the meat of things and producing results? The statesman is elected for office because the people have confidence that he may select the best form of law or government that may be had. The Congressman who applies his attention to a plan of local self-government for the Territory, and secures the passage of a bill, is entitled to the thanks and praise of the people of that country.

The Moon bill is a good measure, on the whole, and having been approved by the committee, it stands a good show to pass. It is well enough for the people to go to work to secure its passage, and if it is secured, it will do more to advance the Territory in every conceivable sort of prosperity than anything that the Territory has had since it became a part of the map of the Southwestern country.

[Antlers American.]

S. C. Treadwell, of Tishomingo, is out in a strong letter urging the people of the Chickasaw Nation to meet in the towns and neighborhoods in the nation and thoroughly discuss the Moon bill and indorse it. It would be a good way to get Congressional action.

FAVORS THE MOON BILL—VIEWS OF AN INDIAN CONCERNING LEGISLATION FOR THE TERRITORY.

[Ardmore special to the Dallas News.]

The Moon bill, providing for a Territorial form of government, is being advocated by the leading papers of the Indian Territory, which are urging the people to accept the proposed legislation. With some changes in the bill, it would be acceptable to the noncitizens.

The Indians would rather see the lands allotted before Congress passes a measure of this kind, although at the Atoka meeting the Indians were silent on the proposition of Territorial government.

F. F. Fox of this city, who is an Indian, speaking of the Moon bill, said to the News correspondent:

"Those people who are still agitating single statehood for the Indian Territory are fighting for a hopeless cause, as far as the present is concerned. Not only that, but they are retarding the chances of getting relief from the present anomalous, unsatisfactory conditions provided for by the Moon bill,

which has received a favorable report from the House Committee on Territories. Wisdom dictates an acceptance of the best form of government that can be had, not a blind devotion to that which is impossible. It bids us not take what we want, but what we can get. The enemies of the Moon bill oppose it, not on the ground that it is a bad, unsafe, inefficient, vicious measure, but because those who have been instrumental in having it framed are not friends of single statehood. They affect to believe that because it is favored by the advocates of double statehood it will ultimately be the means of defeating single statehood.

"These arguments are fallacious. They are not based on reason, but on mere fears and idle suppositions. The enemies of the Moon bill oppose the bill, not because of its provisions, but because its promoters and advocates are double statehooders. But instead of making it more difficult to secure single statehood, the Moon bill, in my opinion, will be the greatest means of securing it. It will, in giving an opportunity to establish counties and county seats, to elect a Delegate to Congress, to provide for county schools, a Territorial legislature, a judiciary, and many other important changes, hasten the time for Congress to bestow upon us the rights of statehood along with Oklahoma. There is no necessity for the Indian Territory to refuse the benefits which the Moon bill offers in order to be absolutely certain of statehood with Oklahoma in three or four years from now.

"Considerable opposition is manifesting itself against the Moon bill because the capital is located in South McAlester. This opposition is inspired by bitter enmity and envy of the Black Diamond City. South McAlester is the logical capital of the Indian Territory, not only on account of its geographical position, but on account of its being the center of population. Such talk will not appeal to any man who is looking out for the best interests of the Indian Territory rather than for some personal hobby.

"I understand that many who are fighting the bill are doing so for the reason that it contains a provision for the Territorial legislature. Their objections are rather queer, in the face of the fact that they are working in the interest of a statehood bill which embraces a legislative feature. Why a legislature under a Territorial form of government is objected to and a legislature under a State form of government is favored I am at a loss to understand. If a legislature can be maintained under statehood it can be maintained under Territorial government. To say that it can not convicts one of dealing in absurdities.

"What the people of the Indian Territory want is relief. It is offered in the Moon bill, in opposing which we invite a continuation of the present state of affairs, and in accepting which we summons a new era of prosperity and progress—an era of unprecedented increase in population and commercial wealth."

MOON BILL IN A NUT SHELL.

Schools for the schoolless thousands.
Good roads and bridges.
Elimination of tribal tax.
County government.
Legislature to enact laws that fit local conditions.
Accessibility to records.
A delegate to Congress.
Better laws and more officers to enforce them.
Continuation of present Federal judiciary.
The freeman's sacred privilege—suffrage.
Preparation for statehood.

WETUMKA WANTS A CHANGE—RINGING RESOLUTIONS ADOPTED BY THE COMMERCIAL CLUB OF THAT CITY—APPEAL.

An appeal by the Commercial Club of the town of Wetumka in relation to the establishment of a Territorial form of government in the Indian Territory.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The Commercial Club of the town of Wetumka, Ind. T., would respectfully and earnestly urge upon you the great necessity of establishing some form of Territorial government for this Territory at this session of Congress.

In support of this appeal we call your attention to the fact that there are now in this Territory half a million people without any form of government except such as the courts may afford; that there are, at the lowest estimate, over 100,000 white children of school age without the slightest opportunities for education; that the people of this Territory are intelligent, industrious, prosperous, and law-abiding; that they are ready, willing, and anxious to bear their share of the burdens of taxation which may be necessary in case such Territorial government is established; that any report, petition, or appeal stating that the people of this Territory are not ready to assume the expense and responsibility of a Territorial government is untrue and a misrepresentation so far as the wishes of this community are concerned.

Passed by unanimous vote of the Commercial Club of Wetumka, Ind. T., April 14, 1902.

H. H. HOLMAN, *President.*

Attest:
N. T. GILBERT, *Secretary.*

MORE MASS MEETINGS—CITIZENS MEET AND PASS RESOLUTIONS IN REGARD TO THE MOON BILL.

The following are resolutions adopted at Ada:

Whereas a bill has been introduced in Congress, known as the Moon bill, providing for a Territorial government for Indian Territory; and

Whereas the said bill in its present form provides the most satisfactory relief from the present hardships, inconveniences, and chaotic conditions in the Indian Territory of any measure yet proposed: Therefore, be it

Resolved by the citizens of Ada, Ind. T., in mass meeting assembled, That we fully indorse the said Moon bill, and respectfully urge upon Congress the necessity for its immediate passage without amendment.

Be it further resolved, That a copy of these resolutions be furnished the Ada Star and the Ada News for publication, and that a copy be sent the Hon. JOHN A. MOON, M. C., Washington, D. C.

U. G. PHIPPEN, *Chairman.*
J. L. SKINNER, *Secretary.*

ROFF RESOLUTIONS.

Whereas a bill is now pending in the Congress of the United States, commonly known as the Moon bill, which provides relief from the unsatisfactory conditions prevailing in the Indian Territory more than any other proposed: Therefore we, the citizens of Roff, Ind. T., in mass meeting assembled, do hereby resolve—

That we urge upon the Congress of the United States the immediate passage, in its present form and without amendment, of what is known as the Moon bill.

Resolved further, That a copy of these resolutions be furnished to the Hon. JOHN A. MOON, M. C., and that a copy be furnished to the Roff Tribune for publication.

JOE T. ROFF, *Chairman.*
B. C. KING, *Secretary.*

KREBS WANTS LEGISLATION—RESOLUTIONS ADOPTED FAVORING TERRITORY OF JEFFERSON BILL.

Whereas the repeated and just claims of 400,000 American citizens, residing in the Indian Territory, demanding that they be relieved of the present anomalous and chaotic condition of affairs existing in this Territory, and that they be provided with a better and more stable form of government, in order that they may enjoy the blessings of civil liberty and local self-government, rights inherently American and vouchsafed to them by the immortal Declaration of Independence, have at last attracted the serious attention of Congress; and

Whereas the Committee on Territories of the lower House of Congress have unanimously approved and recommended for passage a bill known as the Moon bill, which proposed legislation is carefully considered, and is well calculated to cure the many existing evils and abuses prevalent in this country; and

Whereas we believe that said legislation is well adapted to the present needs of the Indian Territory, and that treaty rights and the land titles of the Indians are fully respected, and that said proposed legislation does not conflict with the Indian tribal organizations as secured to them by law, and that the Federal judiciary system is in no wise changed and that the work of the Dawes Commission and the various town-site commissions engaged in work of fulfilling treaty stipulations is in no wise interfered with, curtailed, or abridged; and

Whereas that said proposed legislation provides the necessary means by which more than 97,000 American children of school age in the rural district may have the benefit of free school education, the boon of every American citizen; and

Whereas said legislation furnishes a complete and adequate system of government for the 400,000 intelligent, industrious, enterprising, law-abiding, and patriotic American citizens residing in Indian Territory: Therefore, be it

Resolved, That we, the people of the town of Krebs, Ind. T., in mass meeting duly called and assembled, do hereby approve and indorse said proposed legislation known as the Moon bill and earnestly ask and petition Congress to enact the same into law as early as possible in its present form.

Resolved, That a copy of these resolutions be forwarded to each member of the Committee on Territories of the United States Senate and House of Representatives, and that a copy be furnished to the press for publication.

W. G. OGLESBY, *Chairman.*
TAL MILLWEE, *Secretary.*

MASS MEETING AT ALLEN.

Whereas Congressman J. A. MOON, of Tennessee, has introduced in the Congress of the United States a bill providing a Territorial form of government for the Indian Territory; and said Territorial government, we consider, is adapted to the needs of the people and the Commonwealth generally:

Resolved, That we, the citizens of Allen, Ind. T., in mass meeting assembled, do heartily petition and most humbly invoke the Congress of the United States that they pass the Moon bill without amendment.

Mr. SHATTUC. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and had come to no resolution thereon.

THE "MORALS OF JESUS OF NAZARETH."

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), Whereas it has been ascertained that the authorities of the National Museum Library have expressed their willingness to permit private parties to publish the volume in said library known as the "Morals of Jesus of Nazareth," by Thomas Jefferson, and that private publishers have expressed their purpose to do so, House concurrent resolution No. 15 of the present Congress is hereby rescinded.

The SPEAKER pro tempore. Is there objection?

Mr. SHATTUC. Mr. Speaker, reserving the right to object, I should like to have the gentleman explain the purpose of the resolution.

Mr. LACEY. Mr. Speaker, at the request of a good many persons interested in the publication, I introduced the resolution which passed here the other day. Subsequent arrangements have been made by which this book will be published privately, and therefore there is no necessity for its publication by Congress.

Mr. WARNOCK. This is to be done without expense to the Government?

Mr. LACEY. Without expense to the Government. That being the case, I simply ask to have the former resolution rescinded.

Mr. SHATTUC. Do we become responsible for its publication?

Mr. LACEY. Not at all. We simply withdraw this resolution, and private parties will publish it without any expense to the Government.

Mr. BALL of Texas. That is true of pretty nearly all the publications that we distribute, is it not, that private parties would publish them?

Mr. LACEY. The reason this was offered was because Congress had the control of the manuscripts in that collection, and

this book not having been published, and some of the other manuscripts having been published, it was thought Congress ought to authorize this publication, as it had authorized the others; but as it will be published in any event, even if Congress has it printed, we might as well save the expense and let it be published by private parties.

Mr. BALL of Texas. If that is the purpose of this resolution, I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is made?

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SCARBOROUGH, for three days, on account of important business.

To Mr. CALDERHEAD, for fifteen days, on account of important business.

And then, on motion of Mr. SHATTUC (at 5 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James W. Vaughan, administrator of estate of Turner Vaughan, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors, reported the same without amendment, accompanied by a report (No. 2162); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city, reported the same without amendment, accompanied by a report (No. 2163); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes, reported the same with amendments, accompanied by a report (No. 2164); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14511) to authorize the relinquishment to the United States of patented lands and claims, and so forth, reported the same with amendment, accompanied by a report (No. 2165); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14280) providing for national trophy and prizes for rifle competition, reported the same with amendments, accompanied by a report (No. 2168); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14380) to authorize the construction of a bridge across Waccamaw River, at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company, reported the same with amendments, accompanied by a report (No. 2169); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier, reported the same without amendment, accompanied by a report (No. 2159); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4766) granting an increase of pension to James P. McClure, reported the same without amendment, accompanied by a report (No. 2160); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 4306) for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased, reported the same with amendment, accompanied by a report (No. 2161); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13790) relating to the San Francisco and Piedmont Railway, a railroad corporation organized and existing under the laws of the State of California, and granting to said corporation the right to use for terminal purposes a part or portion of Yerba Buena or Goat Island, in the Bay of San Francisco, California, reported the same adversely, accompanied by a report (No. 2166); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8191) relating to the San Francisco and Piedmont Railway, a railroad corporation organized and existing under the laws of the State of California, and granting to said corporation the right to use for terminal purposes a part or portion of Yerba Buena or Goat Island, in the Bay of San Francisco, California, reported the same adversely, accompanied by a report (No. 2167); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 14622) to establish a fish-hatching and fish station in the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: A bill (H. R. 14623) to establish a division in the Department of Agriculture for the study of the criminal, pauper, and defective classes and the influence of agricultural life upon them—to the Committee on the Judiciary.

By Mr. HOPKINS: A bill (H. R. 14643) to provide for the taking of a census of agricultural statistics in the year 1905 and every tenth year thereafter—to the Select Committee on the Census.

By Mr. RAY of New York: A joint resolution (H. J. Res. 194) providing for the printing of the constitutions of the several States with marginal notes and index—to the Committee on Printing.

By Mr. HEPBURN: A resolution (H. Res. 266) providing for a new rule of the House of Representatives—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 14624) for the relief of Louis R. Newlands—to the Committee on War Claims.

By Mr. ALLEN of Kentucky: A bill (H. R. 14625) granting an increase of pension to William H. Castlen, of the Mexican war, now a pensioner under certificate No. 338—to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 14626) for the relief of Mrs. L. E. Boatwright—to the Committee on War Claims.

Also, a bill (H. R. 14627) for the relief of the representatives of the estate of Reuben Dawkins, deceased—to the Committee on War Claims.

By Mr. COOMBS: A bill (H. R. 14628) granting a pension to Timothy Hanlon—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 14629) referring the claim of the legal representatives of William T. Duvall, deceased, against the United States to the Court of Claims—to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 14630) granting a pension to Edgar N. Sleeper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14631) granting an increase of pension to George Wolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14632) for the relief of David S. Dorland—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 14633) for the relief of heirs of Antoine Decuer—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 14634) granting an increase of pension to Francis Kittel—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 14635) for the relief of the city of Boston—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 14636) granting an increase of pension to Frederick S. Pritchard—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14637) to increase the pension of Henry Jeffers—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 14638) for the relief of Henry Priest, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 14639) granting an increase of pension to Herbert A. Whitworth—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14640) for the relief of Joseph B. Banks—to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 14641) granting a pension to I. Winslow Ayer—to the Committee on Invalid Pension.

By Mr. ZENOR: A bill (H. R. 14642) granting a pension to Mary A. Craig—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill 14624, for the relief of Louis R. Newland—to the Committee on War Claims.

By Mr. BELL: Resolutions of Victor Post, No. 100, of Victor, Colo., Department of Colorado and Wyoming, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Union No. 1772, of Palisade, Colo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Pueblo Trades and Labor Assembly, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Resolution of the town council of North Kingston, R. I., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CREAMER: Resolutions of the Social Reform Club of the City of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolutions of the Chamber of Commerce of Troy, N. Y., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FEELY: Petition of M. Gindorff and other citizens of Chicago, Ill., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of the city council of Evanston, Ill., in favor of legislation to pension the members of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Petition of citizens of Reading, Pa., urging the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. HITT: Resolutions of Carpenters and Joiners' Union of Rockford, Ill., urging the passage of the Senate amendment to the sundry civil bill increasing the appropriation to the United States Geological Survey—to the Committee on Appropriations.

By Mr. HOWELL: Petition of William H. Sabin Post, No. 780, of Stonington, Grand Army of the Republic, Department of Illinois, for the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. KERN: Resolutions of Mine Workers' Union, No. 7434, of Lebanon, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Cigar Makers' Union No. 250, of Belleville, Ill., protesting against reduction of duty on imported cigars—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of citizens of Carolington, Ind. T., urging the passage of the Moon Territorial bill—to the Committee on the Territories.

By Mr. MANN: Resolutions of the common council of Evanston, Ill., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: Resolutions of the common council of Boston, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RIXEY: Papers to accompany bill for the relief of Henry Priest—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Turnverein, advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, resolutions of the Social Reform Club of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of city council of Evanston, Ill., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Petition of citizens of Wagoner, Ind. T., praying for the passage of a bill authorizing the appointment of three additional United States commissioners and constables for the western district and two additional United States commissioners and constables for the northern district of the Indian Territory—to the Committee on the Territories.

By Mr. SULZER: Resolutions of the Church Association for the Advancement of the Interests of Labor, New York, for the suppression of the beef trust—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of Joseph B. Banks—to the Committee on War Claims.

By Mr. WEEKS: Resolutions of the Michigan Sugar Manufacturing Association, relative to reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolutions of a meeting of citizens of Detroit, Mich., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, resolutions of Catholic Mutual Benefit Association of Port Huron, Mich., relative to condemnation and purchase of certain lands in the Philippine Islands—to the Committee on Insular Affairs.

SENATE.

THURSDAY, *May 22, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation granting pensions to officers and enlisted men of the Life-Saving Service; which was referred to the Committee on Pensions.

He also presented a petition of sundry ex-Union soldiers, inmates of the Soldiers' Home of California, praying for the enactment of legislation granting per diem service pensions; which was referred to the Committee on Pensions.

Mr. CLAPP presented a petition of Duluth Division, No. 336, Order of Railway Conductors, of Duluth, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. DOLLIVER. I present a concurrent resolution of the legislature of Iowa, relative to the enactment of legislation to finally adjust the swamp-land grants. I ask that the concurrent resolution be read and referred to the Committee on Public Lands.

The concurrent resolution was read and referred to the Committee on Public Lands, as follows:

CONCURRENT RESOLUTION.

Be it resolved by the house of representatives of the State of Iowa (the senate concurring), That,

Whereas the act of Congress of September 28, 1850, granted to the State of Iowa and other States all swamp lands situated within the several States; and

Whereas the second section of said act directed the Secretary of the Interior to withdraw from sale the swamp lands within said States and to furnish the governors of said States a list of said swamp lands; and

Whereas the Secretary of the Interior failed to comply with the requirements of said law and proceeded thereafter to sell a great amount of land that was swamp and overflowed land, and under such sales the United States caused patent to issue for said lands; and

Whereas the State of Iowa was thereby deprived of title to a great amount

of land that was swamp and overflowed land, and which had been granted to said State by the aforesaid act of Congress; and

Whereas there is now pending in the Congress of the United States a bill entitled "A bill to finally adjust the swamp-land grant, and for other purposes," said bill being H. R. 8325; and

Whereas said bill provides for the adjustment of the swamp-land grant, directing the Secretary of the Interior of the United States Government to refund the money received by the Government of the United States for the sale of swamp and overflowed lands to the State of Iowa and other States; and

Whereas the several counties of the State of Iowa have claims filed with the Secretary of the Interior against the Government of the United States for the purchase price of various tracts of swamp lands sold and patented by the Government of the United States, which claims could be fully adjusted under said bill now pending before the Congress of the United States: Therefore, be it

Resolved by the legislature of the State of Iowa, That the United States Senators and Representatives from the State of Iowa are respectfully and earnestly requested and urged to use all honorable means to secure the passage and enactment in a law of the bill now pending before the House of Representatives of the United States, being designated H. R. 8325. Be it further

Resolved, That the governor of the State of Iowa is hereby requested to cause a copy of this concurrent resolution to be furnished to the United States Senators and Representatives in Congress from the State of Iowa.

Mr. DOLLIVER presented a petition of Robert Jackson Post, No. 192, Department of Iowa, Grand Army of the Republic, of Corydon, Iowa, praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented a petition of the Iowa State Retail Grocers' Association, of Des Moines, Iowa, praying for the repeal of the national bankruptcy law, or to so amend it as to better protect the retail merchant against his debtors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Iowa State Retail Grocers' Association, of Des Moines, Iowa, praying for the enactment of legislation to prohibit the use of trading stamps, checks, and other gift enterprises; which was referred to the Committee on the Judiciary.

He also presented a petition of Federal Labor Union, No. 4146, American Federation of Labor, of Boone, Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented resolutions of the Turnvereins of Holstein, Waterloo, Elkader, Ottumwa, and Guttenberg, all in the State of Iowa, expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Lodge No. 104, Brotherhood of Railroad Trainmen, of Moulton; of Lodge No. 520, Brotherhood of Railroad Trainmen, of Council Bluffs; of Local Division No. 117, Brotherhood of Locomotive Engineers, of Mason City; of Local Division No. 203, Brotherhood of Locomotive Engineers, of Perry; of Lodge No. 86, Brotherhood of Railroad Trainmen, of Perry; of Local Division No. 211, Brotherhood of Locomotive Engineers, of Junction City; of Lodge No. 138, Brotherhood of Railroad Trainmen, of Boynton; of Lodge No. 183, Brotherhood of Railroad Trainmen, of Clinton, and of Lodge No. 311, Brotherhood of Locomotive Firemen, of Belle Plains, all in the State of Iowa, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. PLATT of New York presented petitions of the Social Reform Club of New York City; of the Citizens' Union of the Twentieth assembly district of Kings County, Brooklyn; of the Republican Club of the Twenty-sixth assembly district, of New York City, and of the Chamber of Commerce of Troy, all in the State of New York, praying for the enactment of legislation to increase the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented a petition of the Prohibition State Central Committee of Indianapolis, Ind., praying for the adoption of certain amendments to the so-called anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Fort Wayne Encampment, Union Veteran Legion, of Fort Wayne, Ind., praying for the enactment of legislation granting per-diem service pensions; which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union of Jonesboro, Ind., of the congregation of the Trinity Methodist Episcopal Church, of West Brighton, N. Y., and of the Woman's Home Missionary Society of the Methodist Episcopal Church of Delaware, Ohio, praying for the enactment of legislation to prevent the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

Mr. SCOTT presented a petition of Ashton Division, No. 186, Order of Railway Conductors, of Huntington, W. Va., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. KEARNS presented a petition of Hall of Division No. 124, Order of Railway Conductors, of Ogden, Utah, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy," and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. DEPEW presented a petition of the National Afro-American Council, praying for the creating of a commission to inquire into the condition of the colored people of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of the Citizens' Union of the Twentieth assembly district of Kings County, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE (for Mr. FRYE) presented a petition of the Board of Trade of Thomaston, Me., praying for the enactment of legislation granting pensions to officers and enlisted men of the Life-Saving Service; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Finance, to whom was referred the bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer, United States Signal Service Corps, in favor of the Bishop Gutta Percha Company, reported it with amendments.

Mr. SIMON, from the Committee on the Judiciary, to whom was referred the bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions, reported it without amendment, and submitted a report thereon.

Mr. McLAURIN of Mississippi, from the Committee on Claims, to whom was referred the bill (S. 2764) for the relief of the Mobile and Ohio Railroad Company, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 473) granting an increase of pension to Mabry H. Presley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3910) granting a pension to Dennis J. Kelly;

A bill (H. R. 3733) granting on increase of pension to Israel Haller;

A bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge; and

A bill (H. R. 10773) granting a pension to Archer Bartlett.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 13398) granting an increase of pension to George G. Sabin, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (S. 5928) to establish an assay office at Tacoma, Wash., reported it with amendments.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 5229) to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of North Carolina, reported it without amendment, and submitted a report thereon.

REPORTS OF GETTYSBURG NATIONAL PARK COMMISSION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom were referred the amendments of the House of Representatives to the joint resolution (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive, to report them back and move concurrence.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The amendments will be stated.

The SECRETARY. In line 3, before the word "thousand," strike out the word "six" and in lieu thereof insert the word "five;"

In line 6, before the word "thousand," strike out "two" and insert in lieu thereof "one;" and

Amend the title so as to read: "A joint resolution to provide for the printing of 5,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive."

The PRESIDING OFFICER. The Senator from New York moves that the Senate concur in the amendments of the House.

The motion was agreed to.

BINDING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution provididing for the binding and distribution of public documents held in the custody of the superintendent of documents, unbound, upon orders of Senators, etc., and I ask for its present consideration.

The joint resolution (S. R. 103) providing for the binding and distribution of public documents held in the custody of the superintendent of documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the documents reserved for binding upon orders of Senators, Representatives, Delegates, and officers of Congress, as provided in paragraph 6, section 54, of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, if not called for and delivered within two years after printing, shall be bound in first grades of cloth and delivered to the superintendent of documents for distribution to libraries; and the Public Printer is hereby authorized and directed to bind in cloth all such documents heretofore delivered to the superintendent of documents for like distribution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HOAR. I do not exactly understand the joint resolution. I understand that the documents which are to be delivered to Senators are bound in a particular way—in calf.

Mr. PLATT of New York. No; they are not bound at all. I will ask the Secretary to read a letter from the Public Printer on the subject.

The PRESIDING OFFICER. The letter of the Public Printer will be read.

The Secretary read as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., May 21, 1902.

Hon. T. C. PLATT,
Chairman Committee on Printing, United States Senate.

SIR: In accordance with provisions of paragraph 6 of section 54 of the act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, there have been delivered to the superintendent of documents about 175,000 volumes of the reserved documents. These documents are in loose sheets, tied in bundles. The superintendent of documents states that, in their present condition, they can not be distributed or sold. There are, therefore, only two methods of disposing of them; they must either be bound so they can be distributed to libraries, or condemned and sold as waste paper, as they should not be stored at great expense to the Government, as is now the case. It would appear to be almost a crime to dispose of them as waste paper when so many libraries desire them.

I have the honor to inclose herewith a draft of a bill providing for the binding and distribution of the documents which have been turned over to the superintendent of documents, as well as the binding of all such documents in the future, and have to request that, if it meets with your approval, you introduce it in the Senate and request its early consideration.

The estimated cost of binding the documents now on storage is $35,000.

Respectfully,

F. W. PALMER, *Public Printer.*

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHAMBLIN, DELANEY & SCOTT.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46, to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Messrs. Chamblin, Delaney & Scott, of Richmond, Va., $1,704.46 out of the appropriation for Marblehead light-house made by the Fifty-third Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSISTANT CLERK TO COMMITTEE ON MILITARY AFFAIRS.

Mr. PROCTOR, from the Committee on Military Affairs, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs of the Senate is hereby authorized to appoint an assistant clerk at the compensation of $1,440 per annum, to be paid from the contingent fund of the Senate, until otherwise provided by law.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. BACON introduced a bill (S. 5929) granting a pension to Margaret J. McCranie; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5930) for removing the wreck of the battle ship Maine, and recovering the bodies therefrom; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5931) granting an increase of pension to Clara E. Daniels; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 5932) granting an increase of pension to William Kirkpatrick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 5933) granting an honorable discharge to Jacob Neibles; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KEARNS introduced a bill (S. 5934) granting a pension to Alfred Kent; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5935) granting an increase of pension to Thomas J. O'Reilly;

A bill (S. 5936) granting an increase of pension to Samuel Crawford; and

A bill (S. 5937) granting an increase of pension to William O. Eagle;

Mr. CULLOM introduced a bill (S. 5938) granting an increase of pension to Henry O. McClure; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5939) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, and defining the qualifications of electors in said Territory; which was read twice by its title, and referred to the Committee on Territories.

Mr. DEBOE introduced a bill (S. 5940) for the relief of Henry P. Montgomery; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Claims.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5941) for the relief of K. H. Lewis and W. F. Lewis; and

A bill (S. 5942) for the relief of the heirs of C. H. Foy.

Mr. HALE introduced a bill (S. 5943) to correct the naval record of George Nelson Armstrong; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a joint resolution (S. R. 104) authorizing the Tacoma Spring Water Company to lay pipes in certain streets; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. CLARK of Montana submitted the following amendments, intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed:

An amendment proposing to increase the salary of the justices of the peace in the District of Columbia from $2,000 to $3,000;

An amendment proposing an appropriation to pay a justice of the peace designated to serve as judge of the police court $5 a day while so serving;

An amendment to strike out, on page 44, lines 4, 5, 6, 7, and 8, relative to the fees of notaries public; and

An amendment proposing to appropriate $275 each to justices of the peace acting as ad interim judges in the police court.

Mr. STEWART submitted an amendment authorizing the Secretary of the Navy to contract with the Holland Torpedo Boat Company for 30 of its most improved type of submarine torpedo boats, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CHARTERS AND CONSTITUTIONS.

Mr. LODGE. I move that Senate Document No. 76, Fifty-fourth Congress, second session, being in the nature of a petition,

praying for the publication of a new edition of charters, constitutions, and organic laws of the United States, with accompanying letters, be reprinted with corrections.

The motion was agreed to.

PAY OF THE NAVY.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed, at as early date as is practicable, to furnish to the Senate detailed items of all expenditures under the head of "Pay of the Navy," in the naval appropriation bill for the year ending June 30, 1902, said detailed statement to cover the separate expenditures under each item in said appropriation bill under the head of "Pay of the Navy."

CHANNELS AT NAVY-YARDS ON PACIFIC COAST.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed to furnish full information to the Senate respecting the depth of water at different places at low tide in the channel leading from the sea to the Mare Island Navy-Yard, and to state whether or not any first-class battle ship has ever been taken to said navy-yard, and also to furnish full information as to the depth of water near and about the navy-yard in Puget Sound.

EXPENDITURES OF NAVY DEPARTMENT IN THE PHILIPPINES.

Mr. CULBERSON. Mr. President, the resolutions which have just been adopted remind me that on the 17th day of April the Senate passed a resolution directing the Secretary of the Navy to report the expenditures of the Navy Department in the Philippines. That has been more than a month ago, and I should like to inquire if the resolution has yet been answered.

The PRESIDING OFFICER. The Chair is informed by the clerks that they have no memorandum of an answer to the resolution.

RENTAL OF BUILDINGS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Interstate Commerce Commission, the Civil Service Commission, and the Department of Labor are hereby directed to transmit to the Senate, at the earliest practicable day, detailed information concerning quarters rented by each of said departments and commissions, giving the location, area of floor space occupied, and the annual rental in each case.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. If the morning business is concluded, I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. HOAR. Mr. President, I have something to say upon the pending bill. I will say it as briefly and as compactly as I may. We have to deal with a territory 10,000 miles away, 1,200 miles in extent, containing 10,000,000 people. A majority of the Senate think that people are under the American flag and lawfully subject to our authority. We are not at war with them or with anybody. The country is in a condition of profound peace as well as of unexampled prosperity. The world is in profound peace, except in one quarter, in South Africa, where a handful of republicans are fighting for their independence, and have been doing better fighting than has been done on the face of the earth since Thermopylæ, or certainly since Bannockburn.

Yet the Filipinos have a right to call it war. They claim to be a people and to be fighting for their rights as a people. The Senator from Ohio [Mr. FORAKER] admits that there is a people there, although he says they are not one people, but there are several. But we can not be at war under the Constitution without an act of Congress.

We are not at war. We made peace with Spain on the 14th day of February, 1899. Congress has never declared war with the people of the Philippine Islands. The President has never asserted nor usurped the power to do it. We are only doing on a large scale exactly what we have done at home within a few years past, where the military forces of the United States have been called out to suppress a riot or a tumult or a lawless assembly, too strong for the local authorities. You have the same right to administer the water torture, or to hang men by the thumbs, to extort confession, in one case as in the other, You have the same right to do it in Cleveland or Pittsburg or at Colorado Springs as you have to do it within the Philippine Islands. I have the same right as an American citizen or an American Senator to discuss the conduct of any military officer in the Philippine Islands that I have to discuss the conduct of a marshal or a constable or a captain in Pittsburg or in Cleveland if there were a labor riot there.

That duty I mean to perform to the best of my ability, fearlessly as becomes an American citizen, and honestly as becomes an American Senator.

But I have an anterior duty and an anterior right to talk about the action of the American Senate, both in the past and in the present, for which, as no man will deny, I have my full share of personal responsibility.

The Senator from Ohio, in his very brilliant and forcible speech, which I heard with delight and instruction, said that we were bound to restore order in the Philippine Islands, and we can not leave them till that should be done. He said we were bound to keep the faith we pledged to Spain in the treaty, and that we were bound, before we left, to see that secured. He said we were bound, especially, to look out for the safety of the Filipinos who had been our friends, and that we could not, in honor, depart until that should be made secure.

All that, Mr. President, is true. So far as I know, no man has doubted it. But these things are not what we are fighting for; not one of them. There never was a time when, if we had declared that we only were there to keep faith with Spain, and that we only were there to restore order, that we were only there to see that no friend of ours should suffer at the hands of any enemy of ours, that the war would not have ended in that moment.

You are fighting for sovereignty. You are fighting for the principle of eternal dominion over that people, and that is the only question in issue in the conflict. We said in the case of Cuba that she had a right to be free and independent. We affirmed in the Teller resolution, I think without a negative voice, that we would not invade that right and would not meddle with her territory or anything that belonged to her. That declaration was a declaration of peace as well as of righteousness; and we made the treaty, so far as concerned Cuba, and conducted the war and have conducted ourselves ever since on that theory—that we had no right to interfere with her independence; that we had no right to her territory or to anything that was Cuba's. So we only demanded in the treaty that Spain should hereafter let her alone. If you had done to Cuba as you have done to the Philippine Islands, who had exactly the same right, you would be at this moment, in Cuba, just where Spain was when she excited the indignation of the civilized world and we compelled her to let go. And if you had done in the Philippines as you did in Cuba, you would be to-day or would soon be in those islands as you are in Cuba.

But you made a totally different declaration about the Philippine Islands. You undertook in the treaty to acquire sovereignty over her for yourself, which that people denied. You declared not only in the treaty, but in many public utterances in this Chamber and elsewhere, that you had a right to buy sovereignty with money, or to treat it as the spoils of war or the booty of battle. The moment you made that declaration the Filipino people gave you notice that they treated it as a declaration of war. So your generals reported, and so Aguinaldo expressly declared. The President sent out an order to take forcible possession, by military power, of those islands. General Otis tried to suppress it, but it leaked out at Iloilo through General Miller. General Otis tried to suppress it and substitute that they should have all the rights of the most favored provinces. He stated that he did that because he knew the proclamation would bring on war. And the next day Aguinaldo covered the walls of Manila with a proclamation stating what President McKinley had done, and saying that if that were persisted in he and his people would fight, and General MacArthur testified that Aguinaldo represented the entire people. So you deliberately made up the issue for a fight for dominion on one side and a fight for liberty on the other.

Then when you had ratified the treaty you voted down the resolution in the Senate, known as the Bacon resolution, declaring the right of that people to independence, and you passed the McEnery resolution, which declared that you meant to dispose of those islands as should be for the interest of the United States. That was the origin of the war, if it be war. That is what the war is all about, if it be war; and it is idle for my brilliant and ingenious friend from Ohio to undertake to divert this issue to a contest on our part to enable us to keep faith with our friends among the Filipinos, or to restore order there, or to carry out the provisions of the treaty with Spain.

Now, Mr. President, when you determined to resort to force for that purpose, you took upon yourself every natural consequence of that condition. The natural result of a conflict of arms between a people coming out of subjection and a highly civilized people—one weak and the other strong, with all the powers and resources of civilization—is inevitably, as everybody knows, that there will be cruelty on one side and retaliation by cruelty on the other. You knew it even before it happened, as well as you know it now that it has happened; and the responsibility is yours.

If, in a conflict between a people fighting for independence and

liberty, being a weak people, and a people striving to deprive them of their independence and liberty, being a strong people, always, if the nature of man remains unchanged, the war is converted in the end into a conflict in which bushwhacking, treachery, and cruelty have to be encountered, the responsibility is with the men who made the war. Conflicts between white races and brown races or red races or black races, between superior races and inferior races, are always cruel on both sides, and the men who decree with full notice that such conflict shall take place are the men on whom the responsibility rests. When Aguinaldo said he did not desire the conflict to go on, and that it went on against his wish, he was told by our general that he would not parley with him without total submission. My friend from Wisconsin declared in the Senate that we would have no talk with men with arms in their hands, whether we were right or wrong. The responsibility of everything that has happened since, which he must have foreseen if he knew anything of history and human nature, rests upon him and the men who acted with him.

We can not get rid of this one fact, we can not escape it, and we can not flinch from it. You chose war instead of peace. You chose force instead of conciliation, with full notice that everything that has happened since would happen as a consequence of your decision. Had you made a declaration to Aguinaldo that you would respect their title to independence, and that all you desired was order and to fulfill the treaty and to protect your friends, you would have disarmed that people in a moment. I believe there never has been a time since when a like declaration made by this Chamber alone, but certainly made by this Chamber and the other House, with the approval of the President, would not have ended this conflict and prevented all these horrors.

Instead of that gentlemen talked of the wealth of the Philippine Islands, and about the advantage to our trade. They sought to dazzle our eyes with nuggets of other men's gold. Senators declared in the Senate Chamber and on the hustings that the flag never shall be hauled down in the Philippine Islands, and those of you who think otherwise keep silent and enter no disclaimer. The Senator from Ohio says our policy has not been in the dark, but it has been a policy published to the world. Has it? Has it? I want to ask, What was it which created the war, which keeps it up, and which created and keeps up the hatred, and will make war break out again and again for centuries to come, unless human nature be changed or be different in their bosoms from what it is in ours? It is because our policy has not been published to the world. It is because you keep a padlock on your lips.

This debate for the last three years has contained many audacities. One thing, however, no Senator has been audacious enough to affirm, and that is that if he were a Filipino, as he is an American, he would not do exactly, saving only acts of cruelty, as the Filipino has done.

I find myself beset with one difficulty whenever I undertake to debate this question. I am to discuss and denounce what seems to me one of the most foolish and wicked chapters in history. Yet I am compelled to admit that the men who are responsible for it are neither foolish nor wicked. On the contrary, there are no men on the face of the earth with whom on nearly all other subjects I am in general more in accord, to whose sound judgment or practical sagacity I am more willing to defer, or to whose patriotism or humanity I am more willing to commit the honor or the fate of the Republic.

It may be that it is presumption to act on my own judgment against that of my valued and beloved political friends. But we do not settle questions of righteousness or justice on any man's authority. Still less do we settle them by a show of hands. Each man is responsible only to his own conscience, which is the only authority he must obey. Besides, Mr. President, I have on my side in this great debate the fathers of the Republic, the statesmen who adorned its first century, the founders of the Republican party, every one of whom declared and lived by and died by the doctrine you are now repudiating. I have also your own authority, your own declaration, made only three years ago, at the beginning of the Spanish war. When you declared that Cuba of right—of right—ought to be a free and independent State, and that the United States would not acquire her territory as the result of the war with Spain, you settled as a matter of duty and of justice this whole Philippine question.

I have, however, at least, to congratulate my friends who differ from me on an increased sobriety in dealing with this matter.

We are not flourishing nuggets of gold in the Senate just now. The devil imperialism is not promising us all the kingdoms of this world and the glory thereof, if we will fall down and worship him. You have just hauled down the American flag in China where it once floated, and you have just hauled it down day before yesterday in Cuba where it has floated for three years.

For the words, "interests of the United States," which the McEnery resolution declared were to determine our actions in governing these islands, you substitute in this bill the declaration that "the rights acquired in the Philippine Islands under the treaty with Spain are to be administered for the benefit of the inhabitants of those islands."

SEC. 10. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, 1898, are hereby placed under the control of the government of the Philippine Islands, to be administered for the benefit of inhabitants of the islands.

SEC. 7. There are to be municipal and provincial governments as far and as fast as the governments are capable, fit, and ready for the same, with popular representative government.

The share to which you propose to admit these people in your scheme of government, is an admission that a large number of them are fit for self-government. You propose for them—to take effect in the near future—a constitution, not very different from that of Canada, where the Crown of England appoints the Governor-General, and the Governor-General appoints the senate, and there is a veto on every provincial law by the Governor-General, and a veto on every law of the Canadian congress, not only by the Governor-General, but by the Government at home.

The Senator from New Hampshire called a witness the other day to the effect that every Filipino would take a bribe. Sir Robert Walpole said that of England. I acquit the majority of the Senate and the committee who report this bill from believing the charge made by my honorable friend from New Hampshire. They affirm that there are many Filipinos who are sincerely our friends. They admit, if I understand them, that there are in those islands many citizens accomplished and well educated, lawyers and merchants, conducting large affairs in trade, and they themselves propose to commit to these people at once, as soon as may be, large powers of government, retaining for us little more than the power of a veto.

What you have been fighting for all this time as your right, if you expect to enact this bill into law and to carry it out in practice, is to substitute a constitution of your making for one of their making; to have a dependency, which is what you want, instead of a republic, which is what they want; to have fitness for the elective franchise determined by an authority which has its source 10,000 miles away, instead of with the people at home; and to deny them independence, even if they are fit for it, so long as you please, without any regard to their desire.

This investigation, I suppose, is yet upon the threshold. Your chief witnesses, so far, have been soldiers and governors who are committed to policies of subjugation. The investigation has been conducted by a committee of that way of thinking.

Yet we have got already some pregnant admissions, and some remarkable facts have already come to light. Governor Taft, if I understood him, concedes that nothing so far indicates that the existing policy has been good for the United States. It is only the benefit of the people of the Philippine Islands, in saving them from anarchy, or from foreign nations, in establishing schools for them, that vindicates what you have done so far. What you have done so far has been to get some few thousand children actually at school in the whole Philippine dominion. To get this result, you have certainly slain many times that number of parents.

It would be without avail to repeat in the Senate to-day what was said at the time of the Spanish treaty, and afterwards when you determined to reduce the Philippine people by force to submission.

What your fathers said when they founded the Republic; the declarations of the great leaders of every generation; our century of glorious history, were appealed to in vain. Their lessons fell upon the ears of men dazzled by military glory and delirious with the lust of conquest. I will not repeat them now. My desire to-day is simply to call attention to the practical working of the two doctrines—the doctrine of buying sovereignty or conquering it in battle, and the doctrine of the Declaration of Independence. For the last three years you have put one of them in force in Cuba and the other in the Philippine Islands. I ask you to think soberly which method, on the whole, you like better. I ask you to compare the cost of war with the cost of peace, of justice with that of injustice, the cost of empire with the cost of republican liberty, the cost of the way of America and the way of Europe, of the doctrine of the Declaration of Independence with the doctrine of the Holy Alliance. You have tried both, I hope, to your heart's content. But before I do that I want to call attention to one important fact in our history not generally known. It is very interesting in its connection with this debate.

John Quincy Adams, as everybody knows, was the father of what we call the Monroe doctrine. He secured its adoption through the weight of his great influence, by a hesitating President, and a reluctant Cabinet. It is not so well known that he placed the Monroe doctrine solely upon the doctrine that just

governments must rest upon the consent of the governed. That, he declared to be its only foundation, and that so founded it rested upon the eternal principle of righteousness and justice.

A thorough examination has lately been made by an accomplished historical scholar, Mr. Worthington C. Ford, aided by Mr. Charles Francis Adams, grandson of John Quincy Adams, of the unpublished Adams manuscripts at Quincy, the archives of the Department of State, and the papers of President Monroe, lately published by Congress.

I can relate this story in a moment. I think it an important contribution to this debate.

Mr. President, I discussed some time ago, and more than once, this attempt to buy sovereignty with money of a dispossessed tyrant, or to get it as booty or spoils of battle. I showed that it is in contradiction of the great American doctrine that just governments rest only on the consent of the governed—in flat contradiction of the doctrine on which this Government is founded and of the uniform tradition of all our statesmen from 1776 to the adoption of the Spanish treaty. I do not mean to repeat that argument now. It was met by the affirmation that Jefferson disregarded it when we bought Louisiana, and that John Quincy Adams disregarded it when we acquired Florida, and that Abraham Lincoln disregarded it when he put down the rebellion, and that Charles Sumner disregarded it when he urged the purchase of Alaska.

It was never denied that we could acquire territory and that we could govern it after it was acquired. The doctrine was that if the territory be inhabited by that vital and living being we call a people, as distinct from a few scattered and unorganized inhabitants, neither controlling it nor governing themselves, that people have a right to govern themselves and to determine their own destiny after their own fashion. This is the American exposition of the law of nations. Thomas Jefferson never departed from it. He regarded the Louisiana Territory as something not worth taking. He declared that it would not be inhabited for a thousand years. He only wanted New Orleans. The rest of the Territory was forced upon him by Napoleon. There was no people, in the sense of the law of nations, either in New Orleans or in the Louisiana Territory. There was no people there that could make a government or a treaty.

Abraham Lincoln put down the rebellion, because by his and our interpretation of the Constitution we were one people and not two—to which doctrine the Southern people had consented when they adopted the Constitution; and besides, if you had counted the whole people, black and white, there was never a majority on the side of secession in any single Southern State. Sumner again and again declared that there was nothing in Alaska which could be called a people, and that if there were the United States would never be willing to acquire them without their consent; and that we would never take Canada, if we could get it, except with the full approbation of her people. If my friends of the press or in the Senate who still stick to this ten hundred times refuted fallacy are not content, they will never be persuaded, though Thomas Jefferson and John Quincy Adams and Abraham Lincoln and Charles Sumner rise from the dead.

I do not wish to detain the Senate by renewing that debate. But I wish to cite a chapter of the history of this country, which shows that your present policy is in contradiction of the Monroe doctrine, as it is in contradiction of the Declaration of Independence. It is well known that John Quincy Adams was the author of the Monroe doctrine. He carried his point over the opposition of the Cabinet and reluctance on the part of the President.

When Canning proposed that the United States join England in asserting that the Holy Alliance should not reduce any South American country under the dominion of Spain, Mr. Adams said that we would not join England, although she asked us to do it. He said we were not to be a little cockboat in the wake of the British man-of-war. He counseled the President, and his advice was taken, that this country should make its declaration to Russia, the head and strength of the Holy Alliance, and he put that declaration expressly and solely on the doctrine of the consent of the governed, affirmed in our Declaration of Independence. He declared that doctrine was a doctrine of absolute right and righteousness.

It will take but a moment to tell the story as it appears in the archives in our Department of State, in the Monroe papers lately published, in Adams's Diary, and in the Adams manuscripts at Quincy, which have been made public within a few days.

In August, September, and October, 1823, there came to the State Department of Washington from Mr. Rush dispatches containing letters from Mr. Canning. These letters suggested designs of the Holy Alliance against the independence of the South American colonies, and proposed cooperation between Great Britain and the United States against that alliance.

President Monroe asked the advice of Mr. Jefferson and Mr. Madison, and suggested that we should make it known that we should view an attack by the European powers upon the colonies of Spain as an attack upon ourselves. But in the meantime the Russian minister, Baron Tuyll, on the 16th of October, communicated to the Secretary of State a declaration of the Emperor of Russia that the political principles of that Power would not permit him to recognize the independence of the revolted colonies of Spain.

Mr. Adams saw and seized his opportunity. He gave this advice to President Monroe, as appears by his diary, on November 7, 1823:

I remarked that the communications recently received from the Russian minister, Baron Tuyll, afforded, as I thought, a very suitable and convenient opportunity for us to take our stand against the Holy Alliance, and at the same time decline the overtures of Great Britain. It would be more candid and more dignified to avow our principles explicitly to Baron Tuyll than to go in as a cockboat in the wake of the British man-of-war. This idea was acquiesced in on all sides.

At the Cabinet meeting of November 15, 1823, the subject was again discussed.

Letters were read from Mr. Jefferson, who was for acceding to the pending proposal. Mr. Madison was less decisively pronounced, but thought the movement on the part of Great Britain impelled more by her interest than by a principle of general liberty. President Monroe was quite despondent.

Adams proceeds:

I soon found the source of the President's despondency with regard to South American affairs. Calhoun is perfectly moonstruck by the surrender of Cadiz, and says the Holy Allies, with 10,000 men, will restore all Mexico and all South America to the Spanish dominion. I did not deny that they might make a temporary impression for three, four, or five years, but I no more believe that the Holy Allies will restore the Spanish dominion upon the American continent than that Chimborazo will sink beneath the ocean. But, I added, if the South Americans were really in a state to be so easily subdued, it would be but a more forcible motive for us to beware of involving ourselves in their fate. I set this down as one of Calhoun's extravaganzas. He is for plunging into a war to prevent that which, if his opinion of it is correct, we are utterly unable to prevent. He is for embarking our lives and fortunes in a ship which he declares the very rats have abandoned. Calhoun reverts again to his idea of giving discretionary power to our minister to accede to all Canning's proposals, if necessary, but not otherwise. After much discussion, I said I thought we should bring the whole answer to Mr. Canning's proposals to a test of right and wrong. *Considering the South Americans as independent nations, they themselves, and no other nation, had the right to dispose of their condition. We have no right to dispose of them,* either alone or in conjunction with other nations. Neither have any other nations the right of disposing of them without their consent. This principle will give us a clue to answer all Mr. Canning's questions with candor and confidence, and I am to draft a dispatch accordingly. (Adams's Memoirs, p. 186.)

Before Mr. Adams prepared the draft, two more dispatches were received from Rush, dated the 2d and 10th of October, indicating a decided change in Canning's tone, and almost an indifference on his part to pursue his project of united action. Meantime, there came a new communication from Russia, which gave Adams his opportunity. He put his reply on the express and impregnable ground of the consent of the governed, as declared in our Declaration of Independence. On the 25th of November, he made, for the President's use, a draft of observations upon the communications recently received from the Russian minister. The paper begins as follows:

The Government of the United States of America is essentially republican. By their Constitution it is provided that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect them from invasion."

The principles of this polity are: 1. That the institution of government to be lawful, must be pacific, that is, *founded upon the consent and by the agreement of those who are governed;* and 2, that each nation is exclusively the judge of the government best suited to itself, and that no other nation can justly interfere by force to impose a different government upon it. The first of the principles may be designated as the principle of liberty, the second as the principle of national independence; they are both principles of peace and of good will to men.

A necessary consequence of the second of these principles is that the United States recognize in other nations the right which they claim and exercise for themselves of establishing and modifying their own governments, according to their own judgments and views of their interests, not encroaching upon the rights of others. (Ford, p. 38.)

Mr. Adams states later in the same document:

In the general declarations that the allied monarchs will never compound and never will even treat with th revolution, and that their policy has only for its object by forcible interposition to guarantee the tranquillity of all the States of which the civilized world is composed, the President wishes to perceive the sentiments, the application of which is limited, and intended in their results to be limited to the affairs of Europe. (Ford, p. 40.)

Mr. Monroe and Mr. Calhoun hesitated in regard to the insertion of this paragraph in the answer to Russia, but neither of them, as appears from the full narrative in Mr. Adams's diary, objected to the doctrine. They thought it might be offensive to Russia. Accordingly Mr. Adams read the paper to Baron Tuyll, omitting that paragraph, but received a letter from the President a little later, yielding his objections and consenting to its retention.

Mr. Worthington C. Ford, in an interesting paper contained in the Proceedings of the Massachusetts Historical Society for January, 1902, narrates the whole story, and says in conclusion:

That the timidity of the President was awakened, that record shows; but the persistence of Adams and the very weighty arguments he advanced in its favor induced Monroe to yield, but not until it was too late for the purpose intended. (Ford, p. 40.)

Mr. Ford adds, after citing the Russian minister's communication:

This gave Adams his opening. If the Emperor set up to be the mouthpiece of Divine Providence it would be well to intimate that this country did not recognize the language spoken and had a destiny of its own, also under the guidance of Divine Providence. If Alexander could exploit his political principles, those of a brutal repressive policy, the United States could show that another system of government, remote and separate from European traditions and administration, could give rise to a new and more active political principle—the consent of the governed—between which and the Emperor there could not exist even a sentimental sympathy. (Ford, p. 15.)

So, Mr. President, if you have your own way, and keep on in the path you are treading, you have not only repealed the Declaration of Independence, but you have left for the Monroe doctrine only the principle of brutal selfishness. You have taken from that doctrine, which is the chief glory of this country, from the time of the treaty of peace in 1783 till the inauguration of Abraham Lincoln in 1861, its foundation in righteousness and freedom, and you found it only upon selfishness. You say not that it is right, but only that it is for our interest. If hereafter you go to war for it—if you have your way—it will not be for the glory of the liberator or for the principle on which the Republic is founded. You will only have Ancient Pistol's solace:

I shall sutler be unto the camp,
And profits will accrue.

John Quincy Adams lived to see the great doctrine he had been taught from his cradle, which he had drawn in with his mother's milk, derided and trampled under foot by a people drunk with conquest and dazzled by military glory. He lived to see the President take soldiers and not statesmen for his counselors. He lived to see slavery entrenched in every department of the Government—in the White Hous e, in court, in Congress, in trade, and in the pulpit. But he never wavered nor faltered in his sublime faith. He faced the stormy and turbulent waves of the House of Representatives at eighty. He took for his motto: Alteri Seculo—a motto which his son inscribed at his burial place at Quincy.

But the new age came sooner even than the faith of John Quincy Adams had predicted. In less than thirteen years from his death, Abraham Lincoln, whom the people sent to the White House, had declared on his way thither the sublime doctrine of the consent of the governed to be that on which the Republic is founded, and for which, if need be, he was willing to be assassinated. I think, therefore, modestly I hope and humbly, that the men who differ from their political associates, and even from majorities, may find something of consolation and something of hope in the company of John Quincy Adams and in the company of Abraham Lincoln.

When we ratified the treaty of Paris we committed ourselves to one experiment in Cuba and another in the Philippine Islands. We had said already that Cuba of right ought to be free and independent. So when in the treaty Spain abandoned her sovereignty the title of Cuba became at once complete. We were only to stay there to keep order until we could hand over Cuba to a government her people had chosen and established.

By the same treaty we bought the Philippine Islands for $20,000,000 and declared and agreed that Congress shall dispose of them. So, according to those who held that treaty valid, it became the duty of the President to reduce them to submission, and of Congress to govern them.

Here the two doctrines are brought into sharp antagonism.

In Cuba, of right, just government, according to you, must rest on the consent of the governed. Her people are to "institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

In the Philippine Islands a government is to be instituted by a power 10,000 miles away, to be in the beginning a despotism, established by military power.

It is to be a despotism where there is treason without an overt act and elections, if they have them, without political debate, and schools where they can not teach liberty. It is to be established by military power, and to be such, to use the language of the McEnery resolution, such as shall seem "for the interest of the United States."

You have given both doctrines a three years' trial. Three years is sometimes a very long time and sometimes a very short time in human affairs. I believe the whole life of the Savior, after He first made His divine mission known, lasted but three years. Three years has wrought a mighty change in Cuba, and it has wrought a mighty change in the Philippine Islands. We have had plenty of time to try both experiments.

President Roosevelt a day or two ago very truly and eloquently recited the story of what we had done for Cuba, and claimed, and surely he was right, that it was one of the chief glories of the Republic in all our glorious history. When he had finished the recital he said, "That is one deed consummated to-day; and now for the other." I do not believe that brave and honest man will content himself to match this glorious instance of self-denial and good faith, which has so stirred his enthusiasm, by putting against it the gift of $200,000 from the Treasury to relieve suffering Martinique, a gift which, in proportion to our resources, is as if a man with $60,000 had given a two-dollar bill. There can be but one other deed which his Administration can do which can match the glories of the liberation of Cuba, and that will be the liberation of the Philippine Islands.

Now, what has each cost you, and what has each profited you?

In stating this account of profit and loss I hardly know which to take up first, principles and honor or material interests—I should have known very well which to have taken up first down to three years ago—what you call the sentimental, the ideal, the historical on the right side of the column; the cost or the profit in honor or shame and in character and in principle and moral influence, in true national glory; or the practical side, the cost in money and gain, in life and health, in wasted labor, in diminished national strength, or in prospects of trade and money getting.

I should naturally begin where our fathers used to begin. But somehow the things get so inextricably blended that we can not keep them separate. This world is so made that you can not keep honesty, and sound policy, and freedom, and material property, and good government, and the consent of the governed, apart. Men who undertake to make money by cheating pay for it by failure in business. If you try to keep order by military despotism you suffer from it by revolution and by barbarity in war. If a strong people try to govern a weak one against its will, the home government will get despotic, too. You can not maintain despotism in Asia and a republic in America. If you try to deprive even a savage or a barbarian of his just rights you can never do it without becoming a savage or a barbarian yourself.

Gentlemen talk about sentimentalities, about idealism. They like practical statesmanship better. But, Mr. President, this whole debate for the last four years has been a debate between two kinds of sentimentality. There has been practical statesmanship in plenty on both sides. Your side have carried their sentimentalities and ideals out in your practical statesmanship. The other side have tried and begged to be allowed to carry theirs out in practical statesmanship also. On one side have been these sentimentalities. They were the ideals of the fathers of the Revolutionary time, and from their day down till the day of Abraham Lincoln and Charles Sumner was over. The sentimentalities were that all men in political right were created equal; that governments derive their just powers from the consent of the governed, and are instituted to secure that equality; that every people—not every scattering neighborhood or settlement without organic life, not every portion of a people who may be temporarily discontented, but the political being that we call a people—has the right to institute a government for itself and to lay its foundation on such principles and organize its powers in such form as to it and not to any other people shall seem most likely to effect its safety and happiness. Now, a good deal of practical statesmanship has followed from these ideals and sentimentalities. They have builded forty-five States on firm foundations. They have covered South America with republics. They have kept despotism out of the Western Hemisphere. They have made the United States the freest, strongest, richest of the nations of the world. They have made the word republic a name to conjure by the round world over. By their virtue the American flag—beautiful as a flower to those who love it; terrible as a meteor to those who hate it—floats everywhere over peaceful seas, and is welcomed everywhere in friendly ports as the emblem of peaceful supremacy and sovereignty in the commerce of the world.

Has there been any practical statesmanship in our dealing with Cuba? You had precisely the same problem in the East and in the West. You knew all about conditions in Cuba. There has been no lack of counselors to whisper in the ear of the President and Senate and House the dishonorable counsel that we should hold on to Cuba, without regard to our pledges or our principles, and that the resolution of the Senator from Colorado [Mr. TELLER] was a great mistake. "Ye shall not surely die," said the serpent—

Squat like a toad, close at the ear of Eve.

I do not know how other men may feel, but I think that the statesmen who have had something to do with bringing Cuba into the family of nations, when they look back on their career, that my friends who sit around me, when each comes to look back upon a career of honorable and brilliant public service, will count the share they had in that as among the brightest, the greenest, and the freshest laurels in their crown.

I do not think I could honestly repeat all the compliments which the Senator from Wisconsin is in the habit of paying to the Senator from Colorado. The Senator from Colorado has gone against my grain very often, especially when he voted for the Spanish treaty and when his vote defeated the Bacon resolution. But I doubt whether any man who has sat in this Chamber since

Charles Sumner died, or whether all who sit here now put together, have done a more important single service to the country than he did in securing the passage of the resolution which pledged us to deal with Cuba according to the principles of the Declaration of Independence.

You also, my imperialistic friends, have had your ideals and your sentimentalities. One is that the flag shall never be hauled down where it has once floated. Another is that you will not talk or reason with a people with arms in their hands. Another is that sovereignty over an unwilling people may be bought with gold. And another is that sovereignty may be got by force of arms, as the booty of battle or the spoils of victory.

What has been the practical statesmanship which comes from your ideals and your sentimentalities? You have wasted six hundred millions of treasure. You have sacrificed nearly 10,000 American lives—the flower of our youth. You have devastated provinces. You have slain uncounted thousands of the people you desire to benefit. You have established reconcentration camps. Your generals are coming home from their harvest, bringing their sheaves with them, in the shape of other thousands of sick and wounded and insane to drag out miserable lives, wrecked in body and mind. You make the American flag in the eyes of a numerous people the emblem of sacrilege in Christian churches, and of the burning of human dwellings, and of the horror of the water torture. Your practical statesmanship, which disdains to take George Washington and Abraham Lincoln or the soldiers of the Revolution or of the civil war as models, has looked in some cases to Spain for your example. I believe—nay, I know—that in general our officers and soldiers are humane. But in some cases they have carried on your warfare with a mixture of American ingenuity and Castilian cruelty.

Your practical statesmanship has succeeded in converting a people who three years ago were ready to kiss the hem of the garment of the American and to welcome him as a liberator, who thronged after your men when they landed on those islands with benediction and gratitude, into sullen and irreconcilable enemies, possessed of a hatred which centuries can not eradicate.

The practical statesmanship of the Declaration of Independence and the Golden Rule would have cost nothing but a few kind words. They would have bought for you the great title of liberator and benefactor, which your fathers won for your country in the South American Republics and in Japan and which you have won in Cuba. They would have bought for you the undying gratitude of a great and free people and the undying glory which belongs to the name of liberator. That people would have felt for you as Japan felt for you when she declared last summer that she owed everything to the United States of America.

What have your ideals cost you, and what have they bought for you?

1. For the Philippine Islands you have had to repeal the Declaration of Independence.

For Cuba you have had to reaffirm it and give it new luster.

2. For the Philippine Islands you have had to convert the Monroe doctrine into a doctrine of mere selfishness.

For Cuba you have acted on it and vindicated it.

3. In Cuba you have got the eternal gratitude of a free people.

In the Philippine Islands you have got the hatred and sullen submission of a subjugated people.

4. From Cuba you have brought home nothing but glory.

From the Philippines you have brought home nothing of glory.

5. In Cuba no man thinks of counting the cost. The few soldiers who came home from Cuba wounded or sick carry about their wounds and their pale faces as if they were medals of honor. What soldier glories in a wound or an empty sleeve which he got in the Philippines?

6. The conflict in the Philippines has cost you $600,000,000, thousands of American soldiers—the flower of your youth—the health and sanity of thousands more, and hundreds of thousands of Filipinos slain.

Another price we have paid as the result of your practical statesmanship. We have sold out the right, the old American right, to speak out the sympathy which is in our hearts for people who are desolate and oppressed everywhere on the face of the earth. Has there ever been a contest between power and the spirit of liberty, before that now going on in South Africa, when American Senators held their peace because they thought they were under an obligation to the nation in the wrong for not interfering with us? I have heard that it turned out that we had no great reason for gratitude of that kind. But I myself heard an American Senator, a soldier of the civil war, declare in this Chamber that, while he sympathized with the Boers, he did not say so because of our obligation to Great Britain for not meddling with us in the war with Spain. Nothing worse than that was said of us in the old slavery days. A great English poet before the civil war, in a poem entitled "The Curse," taunted us by saying that we did not dare to utter our sympathy with freedom so long as we were the holders of slaves. I remember, after fifty years, the sting and shame I felt in my youth when that was uttered. I had hoped that we had got rid of that forever before 1865.

Ye shall watch while kings conspire
Round the people's smouldering fire,
And, warm for your part,
Shall never dare, O, shame!
To utter the thought into flame
Which burns at your heart.

Ye shall watch while nations strive
With the bloodhounds—die or survive—
Drop faint from their jaws,
Or throttle them backward to death,
And only under your breath
Shall ye bless the cause.

Sometimes men are affected by particular instances who are not impressed by statistics of great numbers.

Sterne's starling in its cage has moved more hearts than were ever stirred by census tables.

Let me take two examples out of a thousand with which to contrast the natural result of the doctrine of your fathers with yours.

I do not think there ever was a more delightful occurrence in the history of Massachusetts since the Puritans or the Pilgrims landed there, than the visit to Harvard two years ago of the Cuban teachers to the Harvard Summer School. The old University put on her best apparel for the occasion. The guests were manly boys and fair girls, making you think of Tennyson's sweet girl graduates, who came to sit at the feet of old Harvard to learn something which they could teach to their pupils, and to carry back to their country and teach their own children undying gratitude to the great Republic. It was one of the most delightful lessons in all history of the gratitude of a people to its liberator, and of the affection of the liberator-Republic to the people it had delivered. Was there ever a more fitting subject for poetry or for art than the venerable President Eliot, surrounded with his staff of learned teachers and famous scholars, the foremost men in the Republic of letters and science, as he welcomed them, these young men and women, to the delights of learning and the blessings of liberty?

Contrast this scene with another. It is all you have to show, that you have brought back, so far, from the Philippine Islands. You have no grateful youth coming to sit at your feet. You do not dare to bring here even a friendly Filipino to tell you, with unfettered lips, what his people think of you, or what they want of you. I read the other day in a Nebraska paper a terrible story of the passage through Omaha of a carload of maniacs from the Philippine Islands.

The story, I believe, has been read in the Senate. I telegraphed to Omaha to the editor of a paper, of high reputation; I believe, a zealous supporter of the policy of Imperialism, to learn if the story was authentic. I am told in reply, and I am glad to know it, that the picture is sensational and exaggerated, but the substantial fact is confirmed that that load of young soldiers passed through that city lately, as other like cargoes have passed through before, maniacs and broken in mental health as the result of service in the Philippine Islands.

It is no answer to tell me that such horrors exist everywhere; that there are other maniacs at St. Elizabeth, and that every State asylum is full of them. Those unhappy beings have been visited, without any man's fault, by the mysterious Providence of God, or if their affliction comes from any man's fault it is our duty to make it known and to hold the party guilty responsible. It is a terrible picture that I have drawn. It is a picture of men suffering from the inevitable result which every reasonable man must have anticipated of the decisions made in this Chamber when we elected to make war for the principle of despotism instead of a policy of peace, in accordance with the principles of the Declaration of Independence.

Mr. President, every one of these maniacs, every one of the many like freights of horror that come back to us from the Philippine Islands, every dead soldier, every wounded or wrecked soldier was once an American boy, the delight of some American home, fairer and nobler in his young promise, as we like to think, than any other the round world over. Ah! Mr. President, it was not $20,000,000 that we paid as the price of sovereignty. It was the souls of these boys of ours that entered into the cost. When you determined by one vote to ratify the Spanish treaty; when you determined by one vote to defeat the Bacon resolution; when you declared, in the McEnery resolution, that we would dispose of that people as might be for the interest of the United States; when the Senator from Wisconsin said we would not talk to a people who had arms in their hands, although they begged that there should be no war, and that we would at least hear them; when some of you went about the country declaring that the flag never should be hauled down where it once floated, you did not know, because in your excitement and haste

your intellectual vision was dazzled with empire, you did not know that this was to come. But you might have known it. A little reflection and a little reason would have told you. I wonder if the Republican editor who made that known was attacking the American Army. I wonder if those of us who do not like that are the friends or the enemies of the American soldier.

I can not understand how any man, certainly how any intelligent student of history, could have failed to foretell exactly what has happened when we agreed to the Spanish treaty. Everything that has happened since has been the natural, inevitable, inexorable result of the policy you then declared.

If you knew anything of human nature you knew that the great doctrine that just government depends on the consent of the governed, as applied to the relation of one people to another, has its foundation in the nature of man itself. No people will submit, if it can be helped, to the rule of any other people. You must have known perfectly well, if you had stopped to consider, that so far as the Philippine people were like us they would do exactly what we did and would do again in a like case. So far as they were civilized they would resist you with all the power of civilized war. So far as they were savage they would resist you by all the methods of savage warfare.

You never could eradicate from the hearts of that people by force the love of liberty which God put there.

> For He that worketh high and wise,
> Nor pauseth in His plan,
> Will take the sun out of the skies
> Ere freedom out of man.

This war, if you call it war, has gone on for three years. It will go on in some form for three hundred years, unless this policy be abandoned. You will undoubtedly have times of peace and quiet, or pretended submission. You will buy men with titles, or office, or salaries. You will intimidate cowards. You will get pretended and fawning submission. The land will smile and smile and seem at peace. But the volcano will be there. The lava will break out again. You can never settle this thing until you settle it right.

I think my friends of the majority, whatever else they may claim—and they can rightly claim a great deal that is good and creditable for themselves—will not claim to be prophets. They used to prophesy a good deal two years ago. We had great prophets and minor prophets. All predicted peace and submission, and a flag followed by trade, with wealth flowing over this land from the Far East, and the American people standing in the Philippine Islands looking over with eager gaze toward China. Where are now your prophets which prophesied unto you? I fear that we must make the answer that was made to the children of Israel: "They prophesied falsely, and the prophets have become wind, and the word is not in them."

An instance of this delusion, which seems to have prevailed everywhere, is stated by Mr. Andrew Carnegie in the May number of the North American Review. He says:

> The writer had the honor of an interview with President McKinley before war broke out with our allies, and ventured to predict that if he attempted to exercise sovereignty over the Filipinos—whom he had bought at $2.50 a head—he would be shooting these people down within thirty days. He smiled, and, addressing a gentleman who was present, said: "Mr. Carnegie doesn't understand the situation at all." Then turning to the writer, he said: "We will be welcomed as their best friends." "So little," says Mr. Carnegie, "did dear, kind, loving President McKinley expect ever to be other than the friendly cooperator with these people."

A guerrilla warfare, carried on by a weaker people against a stronger, is recognized and legitimate. Many nations have resorted to it. Our war of the Revolution in many parts of the country differed little from it. Spain carried it on against Napoleon when the French forces overran her territory, and mankind sympathized with her. The greatest of English poets since Milton, William Wordsworth, described that warfare in a noble sonnet, which will answer, with scarcely the change of a word, as a description of the Filipino people:

> Hunger, and sultry heat, and nipping blast
> From bleak hilltop, and length of march by night
> Through heavy swamp or over snow-clad height—
> These hardships ill-sustained, these dangers past,
> The roving Spanish bands are reached at last,
> Charged, and dispersed like foam; but as a flight
> Of scattered quails by signs do reunite,
> So these—and, heard of once again, are chased
> With combination of long-practiced art
> And newly kindled hope; but they are fled,
> Gone are they, viewless as the buried dead:
> Where now? Their sword is at the foeman's heart!
> And thus from year to year his walk they thwart,
> And hang like dreams around his guilty bed.

I believe the American Army, officers and soldiers, to be made up of as brave and humane men, in general, as ever lived. They have done what has always been done, and until human nature shall change, always will be done in all like conditions. The chief guilt is on the heads of those who created the conditions.

One thing, however, I am bound to say in all frankness. I do not know but my statement may be challenged. But I am sure that nearly every well-informed man who will hear it or read it will know that it is true. That is, that you will never get officers or soldiers in the standing Army, as a rule, to give testimony which they think will be disagreeable to their superiors or to the War Department.

I have letters in large numbers myself. I believe every Senator in this body, who is expected to do anything to inquire into these atrocities, has had abundant letters to the effect which I state. The same evil of which we are all conscious, which leads men in public life to be unwilling to incur unpopularity or the displeasure of their constituents by frankly uttering and acting upon their opinions, applies with a hundredfold more force when you summon a soldier or an officer to tell facts which will bear heavily on the administration of the war. I have had letters shown me by members of this body who vouched personally for the absolute trustworthiness of the writers, who detailed the horrors of the water torture and other kindred atrocities, which no inducement would lead them to make public.

The private soldier who has ended his term of service or who expects to end it and return to private life, is under less restraint. But when he tells his story he is met by the statement of an officer, in some cases, that it is well known that private soldiers are in the habit of "drawing the long bow," to use the phrase of one general whose name has been brought into this discussion. In other words, these generals are so jealous of the honor of the Army, and their own, that they confine their jealousy to the honor of the officers, and expect you to reject these things on the assertion that the soldier is an habitual liar, and then they reproach the men who complain with being indifferent to the honor of the Army.

Was it ever heard before that a civilized, humane, and Christian nation made war upon a people and refused to tell them what they wanted of them? You refuse to tell these people this year or next year or perhaps for twenty years, whether you mean in the end to deprive them of their independence, or no. You say you want them to submit. To submit to what? To mere military force? But for what purpose or what end is that military force to be exerted? You decline to tell them. Not only you decline to say what you want of them, except bare and abject surrender, but you will not even let them tell you what they ask of you.

The Senator from Ohio [Mr. FORAKER] says it is asserted with a show of reason that a majority of the people favor our cause. General MacArthur denies this statement, and says they were almost a unit for Aguinaldo. Mr. Denby and Mr. Schurman, two of the three commissioners of the first Filipino Commission, deny the statement. General Bell, in his letter of December 13, 1901, says "a majority of the inhabitants of his province have persistently continued their opposition during the entire period of three years, and that the men who accept local office from the governor and take the oath of allegiance do it solely for the purpose of improving their opportunity for resistance." That statement is concurred in by every department commander there. Certainly Major Gardener's apparently temperate and fair statement—about which we are to have no opportunity to examine him until Congress adjourns—does not say any such thing as that suggested by the Senator from Ohio.

But what is your cause? What is your cause that they favor? Do you mean that a majority of the Filipino people favor your killing them? Certainly not. Do you mean that a majority of the Filipino people, or that any one man in the Philippine Islands, according to the evidence of Governor Taft himself, favors anything that you are willing to do?

The evidence is that some of them favor their admission as an American State and others favor a government of their own under your protection. Others would like to come in as a Territory under our Constitution. But is there any evidence that one human being there is ready to submit to your government without any rights under our Constitution, or without any prospect of coming in as an American State? Or is there any evidence that any single American citizen, in the Senate or out of it, is willing that we should do anything that a single Filipino is ready to consent to?

I have no doubt they will take the oath of allegiance. Undoubtedly they will go through the form of submission. Undoubtedly you have force enough to make the whole region a howling wilderness, if you think fit. Undoubtedly you can put up a form of government in which they will seem to take some share, and they will take your offices and your salaries. But when you come to getting anything which is not merely temporary; when you come to announce anything in principle, such as those on which governments are founded, you have not any evidence of any considerable number of people there ready to submit to your will unless they are compelled by sheer brutal force.

I do not wish to dwell at length on the circumstances which attended the capture of Aguinaldo. But as they have been elaborately defended in this body, and it is said that the officer who

captured him had a good record before, and especially as he has been decorated by a promotion by the advice and consent of the Senate, I can not let it pass in silence.

I understand the facts to be that that officer disguised the men under his command in the dress of Filipino soldiers; wrote, or caused to be written, a forged letter to Aguinaldo, purporting to come from one of his officers, stating that he was about to bring him some prisoners he had captured, and in that way got access to Aguinaldo's headquarters. As he approached he sent a message to Aguinaldo that he and his friends were hungry; accepted food at his hands, and when in his presence threw down and seized him; shot some of the soldiers who were about Aguinaldo, and brought him back a prisoner into our lines. That is the transaction which is so highly applauded in imperialistic quarters.

I do not believe that the Senate knew what it was doing when it consented to General Funston's promotion. The nomination came in with a list of Army and Navy appointments and promotions—2,038 in all—and the Senate assented to that at the same time with 1,828 others. I doubt very much whether there were 10 Senators in their seats or whether one of them listened to the list as it was read. It is, I suppose, betraying no secret to say that these lists are almost never read to the Senate when they come in or when they are reported from the committee; that the only reading they get is at the time of the confirmation, when they commonly attract no attention whatever. I do not mean to say that if the Senate had had its attention called to the transaction the result would have been different. I only mean to say that I believe many Senators did not know it. I suppose the question whether the Senate would have approved it might have depended on the character and the quality of the general service of that officer and not on the estimate we formed of this particular transaction, which seems to have been done under orders. I did not know myself that the nomination had been made till long after the Senate had assented. But I incline to think, with General MacArthur's testimony before the investigating committee that the act was done by his direction and with his approval, I should not have thought it fair to hold the officer responsible for it by denying him an otherwise deserved promotion.

I think we are bound in justice to General Funston to take the declaration of General MacArthur that he ordered and approved everything that officer did. If that be true we have no right to hold the subordinate responsible, however odious the act. If it turn out that that still higher authority has approved the act, then it becomes still more emphatically our duty to point out its enormity.

The Senator from Ohio [Mr. FORAKER], whom I do not now see in his seat, asked me day before yesterday whether I did not believe that the reports of the military officers were to be trusted. If he were in his seat, I would ask him to put me that question again, and if he should I would put this question to him: When Theodore Roosevelt, an officer of volunteers, told his story about the canned beef and the military supplies, and every officer in the Regular Army, who knew the facts just as he did, contradicted him in the investigation, does he believe that Theodore Roosevelt or the officers of the Regular Army told the truth?

Mr. President, I want to say something on the circumstances which attended the capture of Aguinaldo. They have been elaborately defended in this body, and the officer who did it has been decorated with a promotion. I do not suppose 10 Senators knew what they were doing. The name came in with several thousand names of sailors and soldiers in one day, and nearly 2,000 were confirmed the next day. As everybody knows, they are never read except at the time of the confirmation. But although I did not know anything about it myself, I am bound to say, in all fairness, that since General MacArthur, the superior officer, has testified that he approved the act and takes the responsibility for the act, the subordinate is acquitted so far as that act is concerned; and I do not see how we could have refused General Funston his promotion if his record in other respects entitled him to it, if he acted as General MacArthur says he did, under orders. But the higher the responsibility for the act the more it is our duty to examine it.

Mr. President, we have two guides for the conduct of military officers in such circumstances. They apply not only to this act of General Funston, but they apply to most of the conduct of our military officers, of which complaint has been made. One of these is Instructions for the Government of Armies of the United States in the Field, prepared by Dr. Francis Lieber and promulgated by order of Abraham Lincoln.

The other is the convention at The Hague, agreed upon by the representatives of this Government with the others on the 29th day of July, 1899, and ratified by the Senate on the 14th of March, 1902.

Observe that this convention was agreed upon before all these acts happened, and was unanimously adopted after they had all happened.

I extract from the Instructions for the Government Regulation of Armies in the Field the following paragraphs:

Paragraph 148 is this:

> The law of war does not allow proclaiming either an individual belonging to the hostile army or a citizen or a subject of the hostile government an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such intentional outlawry. On the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority. Civilized nations look with horror upon offers of rewards for the assassination of enemies as relapses into barbarism.

Now, Mr. President, is it denied that hundreds upon hundreds of Filipinos have been put to death without trial? Has any soldier or officer been brought to trial by our authority for these offenses? Now, if it be an outrage upon which "nations look with horror," to use the language of that paragraph, and which "the law of war * * * abhors," is it any less a crime to be abhorred when it is done without such proclamation? The proclamation does not, according to this authority, justify the officer or soldier who acts in obedience to it. On the contrary, his conduct is abhorrent to all civilized mankind. And yet these things pass without condemnation, without punishment, without trial. Gentlemen seem to be impatient when they are asked to investigate them, or even to hear the story told in the Senate of the United States.

Paragraph 16 is:

> Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confession. It does not admit of the use of poison in any way nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy, and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

The rule says:

> It admits of deception, but disclaims acts of perfidy.

That also follows the prohibition of the use of poison, with which it is associated.

Now, perfidy is defined later in paragraph 117, which declares:

> It is justly considered an act of bad faith, of infamy, or fiendishness to deceive the enemy by flags of protection. * * *

Paragraph 65 is:

> The use of the enemy's national standard, flag, or other emblem of nationality for the purpose of deceiving the enemy in battle is an act of perfidy. * * *

Is not the uniform an emblem of nationality? If it be an act of perfidy—the use of that emblem of nationality to deceive the enemy in battle—is it any less an act of perfidy to use it to steal upon him and deceive him when he is not in battle and is in his own quarters?

This is also prohibited by the convention of The Hague, which must have been well known to all our officers, which had been signed by the representatives of this Government, although its formal approval by the Senate took place this winter.

I suppose if it be perfidy now, according to the unanimous opinion of the Senate, and was perfidy before, according to the concurrent action of 24 great nations, the question when we formally ratified the treaty becomes unimportant.

Article 23 of the convention declares:

> (f) To make improper use of a flag of truce, the national flag, or military ensigns, and the enemy's uniform—

is specially prohibited. That is classed in that article also with the use of poison and poisoned arms.

So, Mr. President, the act of General Funston—not General Funston himself, if he acted under orders of his superior—but the act of General Funston is stamped with indelible infamy by Abraham Lincoln's articles of war, to which the Secretary of War appeals, and the concurrent action of 24 great nations, and the unanimous action of the Senate this winter.

Let me repeat a little: What is an act of perfidy, as distinguished from the deception which General MacArthur thinks appropriate to all war, as defined by both these great and commanding authorities?

That is defined in paragraph 65, which declares that—

> The use of the enemy's national standard, flag, or other emblem of nationality for the purpose of deceiving the enemy in battle is an act of perfidy, by which they lose all claim to the protection of the law of war.

If that be true, is it less an act of perfidy to use the uniform of the enemy—his emblem of nationality—to steal upon him when no battle is going on?

One hundred and seventeen is to like effect:

> It is justly considered an act of bad faith, of infamy, or fiendishness to deceive the enemy by a flag of protection. Such act of bad faith may be good cause for refusing to respect such flag.

Such deception is of the same kind as that practiced on the unsuspecting Aguinaldo, which the rule "justly," as it declares, "considers an act of infamy or fiendishness."

Rule 60 is:

> It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter.

Observe this is not justified even by revenge.

No body of troops has the right to declare that it will not give, and therefore will not accept, quarter.

56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

So, Mr. President, in this attempt to force your sovereignty by this process of benevolent assimilation, we have been brought to the unexampled dishonor of disregarding our own rules for the conduct of armies in the field and to disregard the rules to which our national faith has just been pledged to substantially all the civilized powers of the earth.

I understand the facts to be that this officer, with the approval of his superior officer, disguised himself or some of his men in the Filipino uniform, stole upon Aguinaldo unawares under that guise, deceived him by a forged letter representing that they were hungry, received food at his hands, and then threw him down and made him captive.

Now, if that be not the perfidy twice denounced and expressly ranked with poisoning and other like barbarities I can not understand the meaning of human language or the force of human conduct.

But this act of General Funston's, approved by his superior officer, was in violation, not only of the laws of war, but of that law of hospitality which governs alike everywhere the civilized Christian or pagan wherever the light of chivalry has penetrated. He went to Aguinaldo under the pretense that he was ahungered, and Aguinaldo fed him. Was not that an act of perfidy? It violated the holy rite of hospitality which even the Oriental nations hold sacred?

In Scott's immortal romance of the Talisman, the Sultan Saladin interposes to prevent a criminal who had just committed a treacherous murder from partaking of his feast by striking off his head as he approached the banquet. "Had he murdered my father," said the Saladin to Richard Cœur de Lion, "and afterwards partaken of my bowl and cup, not a hair of his head could have been injured by me."

In this case it was not the host sparing the guest, it was not Conrad de Montserat partaking of the bowl and the cup of Saladin, but it was the guest who had partaken of the hospitality of the host who betrayed his benefactor, and in doing it represented the United States of America in the Philippines.

Mr. President, the story of what has been called the water torture has been, in part, told by other Senators. I have no inclination to repeat the story. I can not help believing that not a twentieth part of it has yet been told. I get letters in large numbers from officers, or the friends of officers, who repeat what they tell me, all testifying to these cruelties. And yet as in the case cited by the Senator from Georgia [Mr. BACON] the other day the officer, or the officer's friends or kindred, who send the letters to me, send them under a strict injunction of secrecy. Other Senators tell me they have a like experience. These brave officers, who would go to the cannon's mouth for honor, who never flinch in battle, flinch before what they deem the certain ruin of their prospects in life if they give the evidence which they think would be distasteful to their superiors. I do not undertake to judge of this matter. Other Senators can judge as well as I can. The American people can do it better.

I suppose, Mr. President, that those of us who are of English descent like to think that the race from which we come will compare favorably with most others in the matter of humanity. Yet history is full of the terrible cruelties committed by Englishmen when men of other races refused to submit to their authority. I think my friends who seek to extenuate this water torture, or to apologize for it, may perhaps like to look at the precedent of the dealings with the Irish rebels in 1799.

In Howell's State Trials there will be found the proceedings in a suit by Mr. Wright against James Judkin Fitzgerald, a sheriff, who ordered a citizen to be flogged for the purpose of extorting information. I believe 50 lashes were administered and then 50 more by Fitzgerald, and in many other cases the same course was taken. It was wholly to extract information, as this water torture has been to get information, Fitzgerald, the sheriff, told his own story. He pointed out the necessity of his system of terror. He said he got one man he had flogged to confess that the plaintiff was a secretary of the United Irishmen, and this information he could not get from him before; that Mr. Wright himself had offered to confess, but his memory had been so impaired by the flogging that he could not command the faculty of recollection. Notwithstanding he had by the terror of his name and the severity of his flogging succeeded most astonishingly, particularly in one instance, where, by the flogging of one man, he and 36 others acknowledged themselves United Irishmen.

Now, that was abundantly proved; and the sheriff who had tortured and flogged these men who were only fighting that Ireland should not be ruled without the consent of the governed had the effrontery to ask for an act of indemnity from the House of Commons against the damages which had been recovered against him, and that claim found plenty of advocates. The ministry undertook to extenuate the action of this monster by citing the cruelties which the Irish people had inflicted in their turn, and by saying that very material discoveries were made relative to concealed arms as the result of these tortures. The defenders of the administration said the most essential service had been rendered to the State and to the country by Mr. Fitzgerald. The attorney-general trusted the House would cheerfully accede to the prayer of the petition. Mr. Wright, the man who had been tortured, was a man of excellent character and education, and a teacher of the French language. As soon as he knew there were charges against him he went to the house of the defendant to give himself up and demand a trial. I will not take the time of the Senate to read the debates. The argument for the Government would do very well for some of the arguments we have heard here, and the arguments we have heard here would have done very well there. The House passed a general bill to indemnify all sheriffs and magistrates who had acted for the suppression of the rebellion in a way not warranted by law, and to secure them against actions at law for so doing. The sole question at stake was the right of torture to extort information. The bill passed the House, and afterwards Fitzgerald got a considerable pension, and was created a baronet of the United Kingdom.

Now, I agree that this precedent, so far as it may be held to have set an example for what has been done in the Philippine Islands, may be cited against me. I cite it only to show that such things are inevitable when you undertake by brute force to reduce to subjection an unwilling people, and that, therefore, when you enter upon that undertaking you yourselves take the responsibility for everthing that follows.

Mr. President, it is said that these horrors which never would have come to the public knowledge had not the Senate ordered this investigation, were unknown to our authorities at home. I hope and believe they were unknown to the War Department. I know they were unknown to President Roosevelt, and I know they were unknown to President McKinley. But I can not think, perhaps I am skeptical, that the recent declaration of that honorable gentleman, the Secretary of War, made on a memorable occasion, that the war on our part has been conducted with unexampled humanity, will be accepted by his countrymen.

Let us not be diverted from the true issue. We are not talking of retaliation. We are not talking of the ordinary brutalities of war. We are not talking about or inquiring into acts of vengeance committed in the heat of battle. We are talking about torture, torture—cold-blooded, deliberate, calculated torture; torture to extort information. Claverhouse did it to the Scotch Covenanters with the boot and thumb-screw. It has never since till now been done by a man who spoke English except in Ireland. The Spanish inquisition did it with the slow fire and the boiling oil. It is said that the water torture was borrowed from Spain. I am quite ready to believe it. The men who make the inquiry are told that they are assailing the honor of the American Army. How do the defenders of the American Army meet the question? By denying the fact? No. By saying that the offenders have been detected and punished by military power? Some of these facts were reported to the War Department more than a year ago. So far as I can find there have been but two men tried for torture to extort information. They were two officers who hung up men by the thumbs, and they were found guilty. The general officer who approved the finding said "that they had dishonored and degraded the American Army," and then they were sent back to their command with a reprimand. I agree with the Senator from Wisconsin that the men who have stolen, and committed assaults for the gratification of brutal lusts have been punished, and punished severely.

My honorable friend from Wisconsin [Mr. SPOONER] said something about this matter the other day. That is the only case of a punishment to be found in our records so far as I have seen them. I agree with my friend from Wisconsin that the men who have stolen and committed assaults for the gratification of brutal lusts have been punished, and punished severely, but what we are talking about is torture.

Mr. SPOONER. Did I say anything about the number?

Mr. HOAR. The Senator said there were two or three hundred cases, quoting the record before him.

Mr. CARMACK. Was it not the Senator from Iowa [Mr. DOLLIVER]?

Mr. HOAR. No; it was the Senator from Wisconsin, unless my memory deceives me. I will change it if I am mistaken, but I think I am not mistaken.

We are talking about torture committed in the open day by men who were not drunk, but sober; men who had not just come out of battle, but torture for the purpose of getting information, on which, according to one of this committee, the tribunals acted.

What we are talking about is the torture committed in the presence of numerous witnesses for the purpose of extorting information, and orders from high authority to depopulate whole districts, and to slay all inhabitants, including all boys over 10 years old.

Is it denied that these things have been done? Is it denied that although you are still on the threshold of this inquiry, and have only called such witnesses as you happen to find 10,000 miles away from the scene, that these things have been proved to the satisfaction of the majority of the committee, and that no man has yet been punished, although they were going on considerably more than a year ago? Now, how do our friends who seek, I will not say to defend, but to extenuate them, deal with the honor of the American Army? Why, they come into the Senate and say that there have been other cruelties and barbarities and atrocities in war. When these American soldiers and officers are called to the bar our friends summon Nero and Torquemada and the Spanish inquisition and the sheeted and ghostly leaders of the Ku Klux Klan and put them by their side. That is the way you defend the honor of the American Army. It is the first time the American soldier was put into such company by the men who have undertaken his defense.

It has been shown, I think, in the investigation now going on that the secretary of the province of Batangas declared that one-third of the 300,000 of the population of that province have died within two years—100,000 men and women.

The Boston Journal, an eminent Republican paper and a most able supporter of the imperialistic policy, printed on the 3d of May, 1901, an interview with Gen. James M. Bell, given to the New York Times—not the General Bell who has been discussed here, but Gen. James M. Bell is his name, an officer who came back from the Philippines in May, 1901.

Mr. SPOONER. James F. Bell is the one there now.

Mr. LODGE. James Franklin Bell.

Mr. HOAR. This one is James M. Bell, unless I have the initials wrong. I have taken great pains to make inquiry. I have heard from the man to whom the interview was given, a newspaper correspondent of high character, and I have applied to the gentlemen of the Boston Journal to know if they ever heard it contradicted. He said in May, 1901, and he advocated the policy in the interview, too, that one-sixth of the natives of Luzon have either been killed or have died of the dengue fever in the last two years. Now, what is the population of Luzon? It is about 3,000,000, is it not?

Mr. ALLISON. That or thereabouts.

Mr. HOAR. Then one-sixth is 500,000.

I suppose that this dengue fever and the sickness which depopulated Batangas is the direct result of the war, and comes from the condition of starvation and bad food which the war has caused. The other provinces have not been heard from. If this be true we have caused the death of more human beings in the Philippines than we have caused to our enemies, including insurgents in the terrible civil war, in all our other wars put together. The general adds that—

the loss of life by killing alone has been very great, but I think not one man has been slain except where his death served the legitimate purposes of war. It has been necessary to adopt what in other countries would probably be thought harsh measures, for the Filipino is tricky and crafty and has to be fought in his own way.

I have made careful inquiry and I am satisfied that this interview is genuine. Now, all this is because you will not tell what you mean to do in the future, as I understand it.

Where did this order to make Samar a howling wilderness originate? The responsibility unquestionably, according to the discipline of armies in the field, rests with the highest authority from which it came.

We used to talk, some of us, about the horrors of Andersonville, and other things that were done during the civil war. We hope, all of us, never to hear them mentioned again. But is there anything in them worse than that which an officer of high rank in the Army, vouched for by a Senator on this floor, from personal knowledge, as a man of the highest honor and veracity, writes about the evils of these reconcentrado camps in the Philippine Islands? Now all this cost, all these young men gone to their graves, all these wrecked lives, all this national dishonor, the repeal of the Declaration of Independence, the overthrow of the principle on which the Monroe doctrine was placed by its author, the devastation of provinces, the shooting of captives, the torture of prisoners and of unarmed and peaceful citizens, the hanging men up by the thumbs, the carloads of maniac soldiers that you bring home are all because you would not tell and will not tell now whether you mean in the future to stand on the principles which you and your fathers always declared in the past.

The Senator from Ohio says it is not wise to declare what we will do at some future time. Mr. President, we do not ask you to declare what you will do at some future time. We ask you to declare an eternal principle good at the present time and good at all times. We ask you to reaffirm it, because the men most clamorous in support of what you are doing deny it. That principle, if you act upon it, prevents you from crushing out a weak nation, because of your fancied interest now or hereafter. It prevents you from undertaking to judge what institutions are fit for other nations on the poor plea that you are the strongest. We are asking you at least to go no further than to declare what you would not do now or hereafter, and the reason for declaring it is that half of you declare you will hold this people in subjection and the other half on this matter are dumb. You declared what you would not do at some future time when you all voted that you would not take Cuba against the will of her people, did you not? We ask you to declare not at what moment you will get out of the Philippine Islands, but only on what eternal principle you will act, in them or out of them. Such declarations are made in all history. They are made in every important treaty between nations.

The Constitution of the United States is itself but a declaration of what this country will do and what it will not do in all future times. The Declaration of Independence, if it have the practical meaning it has had for a hundred years, is a declaration of what this country would do through all future times. The Monroe Doctrine, to which sixteen republics south of us owe their life and their safety, was a declaration to mankind of what we would do in all future time. Among all the shallow pretenses of imperialism this statement that we will not say what we will do in the future is the most shallow of all. Was there ever such a flimsy pretext flaunted in the face of the American people as that of gentlemen who say, If any other nation on the face of the earth or all other nations together attempt to overthrow the independence of any people to the south of us in this hemisphere, we will fight and prevent them, and at the same time think it dishonorable to declare whether we will ever overthrow the independence of a weaker nation in another hemisphere.

If we take your view of it we have crushed out the only republic in Asia and put it under our heel and we are now at war with the only Christian people in the East. Even, as I said, the Senator from Ohio admits they are a people, he only says there are several peoples and not one, as if the doctrine that one people has no right to buy sovereignty over another, or to rule another against its will, did not apply in the plural number. You can not crush out an unwilling people, or buy sovereignty over them, or treat them as spoils of conquest, or booty of battle in the singular, or at retail, but you have a perfect right to do it by wholesale. Suppose there are several peoples in the Philippines. They have population enough to make a hundred and twelve States of the size of Rhode Island or Delaware when they adopted the Constitution.

I suppose, according to this modern doctrine, that if, when the Holy Alliance threatened to reduce the colonies which had thrown off the yoke of Spain in South America, not a wit more completely than the Philippine people had thrown off the yoke of Spain in Asia, if they had undertaken to subdue them all at once, John Quincy Adams and James Monroe would have held their peace and would at least have said it was not wise to say what we would do in the future. If we had the right to protect nascent republics from the tyranny of other people and to declare that we would do it in the future, and if need be would encounter the whole continent of Europe single-handed in that case, is it any less fitting to avow that we will protect such peoples from ourselves? How is it that these gentlemen who will not tell you what they will do in the future in regard to the Philippine Islands were so eager and greedy to tell you what they would do and what they would not do in the case of Cuba when we first declared war on Spain? You can make no distinction between these two cases except by having a motive, which I do not for one moment impute, that when you made war upon Spain you were afraid of Europe, if you did not make the declaration.

These people are given to us as children, to lead them out of their childhood into manhood. They were docile and affectionate in the beginning. But they needed your kindness and justice, and a respect in them for the rights we claimed for ourselves, and the rights we had declared always were inherent in all mankind. You preferred force to kindness, and power to justice, and war to peace, and pride to generosity.

You said you would not treat with a man with arms in his hands. You have come, instead, to torture him when he was unarmed and defenseless. Yet you said you would make his conduct the measure of your own; that if he lied to you, you would lie to him; that if he were cruel to you, you would be cruel to him; that if he were a savage, you would be a savage also. You held an attitude toward him which you hold to no strong or to no civilized power. You decorate an officer for the capture of Aguinaldo by treachery, and the next week ratify The Hague convention and denounce such action, and classify it with poisoning and breaking of faith.

You tell us, Mr. President, that the Philippine people have practiced some cruelties themselves. The investigation has not yet gone far enough to enable you to tell which side begun these atrocities. One case which one of the members of the majority of the committee told the Senate the other day was well established by proving that it occurred long before April, 1901, and was so published, far and wide, in the press of this country at that time. I do not learn that there was any attempt to investigate it, either by the War Department or by Congress, until the beginning of the present session of Congress. But suppose they did begin it. Such things are quite likely to occur when weakness is fighting for its rights against strength. Is their conduct any excuse for ours? The Philippine people is but a baby in the hands of our Republic. The young athlete, the giant, the Hercules, the Titan, forces a fight upon a boy 10 years old and then blames the little fellow because he hits below the belt.

I see that my enthusiastic friend from North Carolina seeks to break the force of these revelations by saying that they are only what some Americans are wont to do at home. It is benevolent assimilation over again. It is just what the junior Senator from Indiana predicted. He thought we should conduct affairs in the Philippine Islands so admirably that we should pattern our domestic administration on that model. But did I understand that the Senator from North Carolina proposes, if his charge against the Democrats there is true, to make North Carolina a howling wilderness, or to burn populous towns of 10,000 people, to get the people of North Carolina into reconcentration camps, and to slay every male child over 10 years old? I know nothing about the truth of the Senator's charges. They have never been investigated by the Senate so far. We had some painful investigations years ago by committees in this body and of the other House, notably one of which the senior Senator from Colorado was chairman. But I never heard that you undertook to apply to Americans the methods which, if not justified, at least are sought to be extenuated, in the Philippine Islands.

Mr. President, if the stories which come to me in private from officers of the Army and from the kindred and friends of soldiers are to be trusted; if the evidence which seems to be just beginning before the Senate Committee can be trusted, there is nothing in the conduct of Spain in Cuba worse than the conduct of Americans in the Philippine Islands. If this evidence be true, and nobody is as yet ready to deny it, and Spain were strong enough, she would have the right to-morrow to wrest the Philippine Islands from our grasp on grounds as good, if not better, than those which justified us when we made war upon her. The United States is a strong and powerful country—the strongest and most powerful on earth, as we love to think. But it is the first time in the history of this people for nearly three hundred years when we had to appeal to strength and not to the righteousness of our cause to maintain our position in a great debate of justice and liberty.

Gentlemen tell us that the Filipinos are savages, that they have inflicted torture, that they have dishonored our dead and outraged the living. That very likely may be true. Spain said the same thing of the Cubans. We have made the same charges against our own countrymen in the disturbed days after the war. The reports of committees and the evidence in the documents in our library are full of them. But who ever heard before of an American gentleman, or an American, who took as a rule for his own conduct the conduct of his antagonist, or who claimed that the Republic should act as savages because she had savages to deal with? I had supposed, Mr. President, that the question, whether a gentleman shall lie or murder or torture, depended on his sense of his own character, and not on his opinion of his victim. Of all the miserable sophistical shifts which have attended this wretched business from the beginning, there is none more miserable than this.

You knew—men are held to know what they ought to know in morals and in the conduct of States—and you knew that this people would resist you; you knew you were to have a war; you knew that if they were civilized, so far as they were civilized and like you, the war would be conducted after the fashion of civilized warfare, and that so far as they were savage the war would be conducted on their part after the fashion of savage warfare; and you knew also that if they resisted and held out, their soldiers would be tempted to do what they have done, and would yield to that temptation.

And I tell you, Mr. President, that if you do not disregard the lessons of human nature thus far, and do not retrace your steps and set an example of another conduct, you will have and those who follow you will have a like experience hereafter. You may pacify this country on the surface; you may make it a solitude, and call it peace; you may burn towns; you may exterminate populations; you may kill the children or the boys over 10, as Herod slew the firstborn of the Israelites. But the volcano will be there. You will not settle this thing in a generation or in a century or in ten centuries, until it is settled right. It never will be settled right until you look for your counselors to George Washington and Thomas Jefferson and John Quincy Adams and Abraham Lincoln, and not to the reports of the War Department.

There is much more I should like to say, but I have spoken too long already. I have listened to what many gentlemen have said—gentlemen whom I love and honor—with profound sorrow. They do over again in the Senate what Burke complained of to the House of Commons.

> In order to prove that the Americans have no right to their liberties we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate without attacking some of those principles or deriding some of those feelings for which our ancestors have shed their blood.

I wish to cite another weighty maxim from Burke:

> America, gentlemen say, is a noble object—it is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for the want of this knowledge, my opinion is much more in favor of prudent management than of force—considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable connection with us.
> There is nothing—

Says Gibbon, the historian of the Decline and Fall of the Roman Empire—

> more adverse to nature and reason than to hold in obedience remote countries and foreign nations in opposition to their inclination and interest. A torrent of barbarians may pass over the earth, but an extensive empire must be supported by a refined system of policy and oppression; in the center, an absolute power, prompt in action and rich in resources; a swift and easy communication with the extreme parts; fortifications to check the first effort of rebellion; a regular administration to protect and punish; and a well-disciplined army to inspire fear, without provoking discontent and despair.

Lord Elgin, Governor-General of India and formerly Governor-General of Canada, well known and highly esteemed in the United States, declared as the result of his experience in the East: "It is a terrible business, however—this living among inferior races. I have seldom from man or woman since I came to the East heard a sentence which was reconcilable with the hypothesis that Christianity had ever come into the world. Detestation, contempt, ferocity, vengeance, whether Chinamen or Indians be the object. One moves among them with perfect indifference, treating them not as dogs, because in that case one would whistle to them and pat them, but as machines with which one can have no communion or sympathy. When the passions of fear and hatred are ingrafted on this indifference, the result is frightful—an absolute callousness as to the sufferings of the objects of those passions, which must be witnessed to be understood and believed."

The glowing narrative of Macaulay, the eloquence of Burke and Sheridan have made the crimes committed in India under the rule of Warren Hastings familiar to mankind. Yet I believe the verdict of history has acquitted Hastings, as the tribunal that tried him acquitted him. He was dismissed, exculpated, from the bar of the House of Lords, and decorated. He was sworn of the Privy Council and received at court. A large purse was made up for him by the East India Company. Yet no man doubts the truth of Burke's terrible indictment. He was acquitted because England, and not he, was the criminal. When England undertook to assert her rule in India what followered was the inevitable consequence of the decision.

Lord Erskine, the foremost advocate who ever spoke the English tongue on English soil, placed with unerring sagacity the defense of Hastings on this ground alone. He admitted that Hastings, in ruling India, "may, and must, have offended against the laws of God and nature." "If he was the faithful viceroy of an empire wrested in blood from the people to whom God and nature had given it, he may and must have preserved that unjust dominion over timorous and abject nations by a terrifying superiority." "A government having no root in consent or affection, no foundation in similarity of interests, nor support from any one principle which cements men in society together could only be upheld by alternate stratagem and force." Erskine adds: "To be governed at all, they must be governed with a rod of iron; and our empire in the East would long since have been lost to Great Britain if civil skill and military prowess had not united their efforts to support an authority which Heaven never gave—by means which it never can sanction."

Mr. President, this is the eternal law of human nature. You may struggle against it, you may try to escape it, you may persuade yourself that your intentions are benevolent, that your yoke will be easy and your burden will be light, but it will assert itself again and again. Government without the consent of the governed—an authority which Heaven never gave—can only be supported by means which Heaven never can sanction.

The American people have got this one question to answer.

They may answer it now; they can take ten years, or twenty years, or a generation, or a century to think of it. But it will not down. They must answer it in the end—Can you lawfully buy with money, or get by brute force of arms, the right to hold in subjugation an unwilling people, and to impose on them such constitution as you, and not they, think best for them?

We have answered this question a good many times in the past. The fathers answered it in 1776, and founded the Republic upon their answer, which has been the corner stone. John Quincy Adams and James Monroe answered it again in the Monroe doctrine, which John Quincy Adams declared was only the doctrine of the consent of the governed. The Republican party answered it when it took possession of the forces of Government at the beginning of the most brilliant period in all legislative history. Abraham Lincoln answered it when, on that fatal journey to Washington in 1861, he announced that the doctrine of the consent of the governed was the cardinal doctrine of his political creed, and declared, with prophetic vision, that he was ready to be assassinated for it if need be. You answered it again yourselves when you said that Cuba, who had no more title than the people of the Philippine Islands had to their independence, of right ought to be free and independent.

The question will be answered again hereafter. It will be answered soberly and deliberately and quietly as the American people are wont to answer great questions of duty. It will be answered, not in any turbulent assembly, amid shouting and clapping of hands and stamping of feet, where men do their thinking with their heels and not with their brains. It will be answered in the churches and in the schools and in the colleges; and it will be answered in fifteen million American homes, and it will be answered as it has always been answered. It will be answered right.

A famous orator once imagined the nations of the world uniting to erect a column to Jurisprudence in some stately capital. Each country was to bring the name of its great jurist to be inscribed on the side of the column, with a sentence stating what he and his country through him had done toward establishing the reign of law in justice for the benefit of mankind.

Rome said, "Here is Numa, who received the science of law from the nymph Egeria in the cavern and taught its message to his countrymen. Here is Justinian, who first reduced law to a code, made its precepts plain, so that all mankind could read it, and laid down the rules which should govern the dealing of man with man in every transaction of life."

France said, "Here is D'Aguesseau, the great chancellor, to whose judgment seat pilgrims from afar were wont to repair to do him reverence."

England said, "Here is Erskine, who made it safe for men to print the truth, no matter what tyrant might dislike to read it."

Virginia said, "Here is Marshall, who breathed the vital principle into the Constitution, infused into it, instead of the letter that killeth, the spirit that maketh alive, and enabled it to keep State and nation each in its appointed bounds, as the stars abide in their courses."

I have sometimes fancied that we might erect here in the capital of the country a column to American Liberty which alone might rival in height the beautiful and simple shaft which we have erected to the fame of the Father of the Country. I can fancy each generation bringing its inscription, which should recite its own contribution to the great structure of which the column should be but the symbol.

The generation of the Puritan and the Pilgrim and the Huguenot claims the place of honor at the base. "I brought the torch of Freedom across the sea. I cleared the forest. I subdued the savage and the wild beast. I laid in Christian liberty and law the foundations of empire."

The next generation says: "What my fathers founded I builded. I left the seashore to penetrate the wilderness. I planted schools and colleges and courts and churches."

Then comes the generation of the great colonial day. "I stood by the side of England on many a hard-fought field. I helped humble the power of France. I saw the lilies go down before the lion at Louisburg and Quebec. I carried the cross of St. George in triumph in Martinique and the Havana. I knew the stormy pathways of the ocean. I followed the whale from the Arctic to the Antarctic seas, among tumbling mountains of ice and under equinoctial heat, as the great English orator said, 'No sea not vexed by my fisheries; no climate not witness to my toils.'"

Then comes the generation of the Revolutionary time. "I encountered the power of England. I declared and won the Independence of my country. I placed that declaration on the eternal principles of justice and righteousness which all mankind have read, and on which all mankind will one day stand. I affirmed the dignity of human nature and the right of the people to govern themselves. I devised the securities against popular haste and delusion which made that right secure. I created the Supreme Court and the Senate. For the first time in history I made the right of the people to govern themselves safe, and established institutions for that end which will endure forever."

The next generation says, "I encountered England again. I vindicated the right of an American ship to sail the seas the wide world over without molestation. I made the American sailor as safe at the ends of the earth as my fathers had made the American farmer safe in his home. I proclaimed the Monroe doctrine in the face of the Holy Alliance, under which 16 Republics have joined the family of nations. I filled the Western Hemisphere with Republics from the Lakes to Cape Horn, each controlling its own destiny in safety and in honor."

Then comes the next generation: "I did the mighty deeds which in your younger years you saw and which your fathers told. I saved the Union. I put down the rebellion. I freed the slave. I made of every slave a freeman, and of every freeman a citizen, and of every citizen a voter."

Then comes another who did the great work in peace, in which so many of you had an honorable share: "I kept the faith. I paid the debt. I brought in conciliation and peace instead of war. I secured in the practice of nations the great Doctrine of Expatriation. I devised the Homestead system. I covered the prairie and the plain with happy homes and with mighty States. I crossed the continent and joined together the seas with my great railroads. I declared the manufacturing independence of America, as my fathers affirmed its political independence. I built up our vast domestic commerce. I made my country the richest, freest, strongest, happiest people on the face of the earth."

And now what have we to say? What have we to say? Are we to have a place in that honorable company? Must we engrave on that column, "We repealed the Declaration of Independence. We changed the Monroe doctrine from a doctrine of eternal righteousness and justice, resting on the consent of the governed, to a doctrine of brutal selfishness, looking only to our own advantage. We crushed the only republic in Asia. We made war on the only Christian people in the East. We converted a war of glory to a war of shame. We vulgarized the American flag. We introduced perfidy into the practice of war. We inflicted torture on unarmed men to extort confession. We put children to death. We established reconcentrado camps. We devasted provinces. We baffled the aspirations of a people for liberty."

No, Mr. President. Never! Never! Other and better counsels will yet prevail. The hours are long in the life of a great people. The irrevocable step is not yet taken.

Let us at least have this to say: We too have kept the faith of the Fathers. We took Cuba by the hand. We delivered her from her age-long bondage. We welcomed her to the family of nations. We set mankind an example never beheld before of moderation in victory. We led hesitating and halting Europe to the deliverance of their beleaguered ambassadors in China. We marched through a hostile country—a country cruel and barbarous—without anger or revenge. We returned benefit for injury, and pity for cruelty. We made the name of America beloved in the East as in the West. We kept faith with the Philippine people. We kept faith with our own history. We kept our national honor unsullied. The flag which we received without a rent we handed down without a stain. [Applause on the floor and in the galleries.]

The PRESIDING OFFICER. The Chair wishes to remind Senators that the manifestations of applause are in violation of the rules of the Senate, and that those rules can not be enforced in the galleries if they are neglected on the floor of the Senate.

Mr. BACON. I think it should be noted that the main applause was on the floor of the Senate.

The PRESIDING OFFICER. That is what the Chair was calling attention to—a violation of the rules of the Senate on the floor.

Mr. FORAKER. And on the Democratic side.

Mr. BACON. I beg pardon of the Chair. I did not know that the Chair had noticed the fact which he has just stated. I thought the Chair was reproving the occupants of the galleries, and I wished the Senate to take the responsibility.

The PRESIDING OFFICER. The Chair took occasion to remark that the rules could not be enforced in the galleries unless they were observed by Senators.

Mr. BACON. That is all right.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 6330) granting an increase of pension to William D. Tanner;

A bill (H. R. 12418) granting a pension to Matilda E. Clarke; and

A joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor.

The message further announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing;

A bill (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company;

A bill (S. 3908) granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one-quarter section of public land on said reservations as pasture or grazing lands; and

A bill (S. 4264) providing that the statute of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes;

A bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River;

A bill (H. R. 14109) to authorize the Macon Ice, Light, and Power Company to construct certain improvements on the Noxubee River, in the State of Mississippi;

A bill (H. R. 14189) to permit the occupancy of the public-printing building by the Grand Army of the Republic; and

A bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners.

The message further requested the Senate to reconsider the vote whereby it passed the bill (H. R. 12576) granting an increase of pension to Thomas Wells.

The message also announced that the House had passed the bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.

The message further announced that the House had agreed to the resolution of the Senate to correct an error in the enrollment of the bill (S. 593) for the establishment, control, operation, and maintenance of a National Sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 173) for the relief of the owners of the British ship *Foscola* and cargo;

A bill (S. 3129) for the authorization of the erection of buildings by the international committee of Young Men's Christian Associations on military reservations of the United States;

A bill (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska;

A bill (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.;

A bill (H. R. 8466) granting a pension to Lucinda A. Sirwell;

A bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes;

A bill (H. R. 8921) granting increase of pension to Jesse C. Rhodabeck;

A bill (H. R. 9226) granting a pension to Elizabeth I. Ogden;

A bill (H. R. 9249) granting a pension to Amos Allport;

A bill (H. R. 9437) granting increase of pension to Elias A. Calkins;

A bill (H. R. 9569) granting increase of pension to Albert Deits;

A bill (H. R. 9926) granting increase of pension to James F. Patton;

A bill (H. R. 9928) granting a pension to Benjamin E. Styles;

A bill (H. R. 10165) granting increase of pension to Delia E. Slocum;

A bill (H. R. 10201) granting increase of pension to Otis R. Freeman;

A bill (H. R. 10731) granting increase of pension to Samuel P. Milburn;

A bill (H. R. 11285) granting increase of pension to William Sheldon;

A bill (H. R. 11343) granting a pension to Mary Louise Lowry;

A bill (H. R. 11644) granting a pension to Edgar A. Hamilton;

A bill (H. R. 11921) granting increase of pension to George W. De Graw;

A bill (H. R. 12012) granting increase of pension to Walter C. Tuttle;

A bill (H. R. 12458) granting increase of pension to William M. Barstow;

A bill (H. R. 12562) granting increase of pension to William H. Temple;

A bill (H. R. 12685) granting a pension to Hiram J. Springfield;

A bill (H. R. 12778) granting increase of pension to Edward R. Blain;

A bill (H. R. 12780) granting increase of pension to William H. Wheeler;

A bill (H. R. 13132) granting increase of pension to Annie Cotter;

A bill (H. R. 13162) granting increase of pension to Augustin M. Adams;

A bill (H. R. 13249) granting increase of pension to Ada Trowbridge;

A bill (H. R. 13265) granting increase of pension to John Whalen;

A bill (H. R. 13268) granting increase of pension to Elbert N. Remson;

A bill (H. R. 13350) granting a pension to Presley P. Medlin;

A bill (H. R. 13503) granting increase of pension to Charles Haltenhof;

A bill (H. R. 13807) granting a pension to Jeremiah Horan;

A bill (H. R. 13822) granting a pension to Hannah T. Knowles;

A bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin; and

A joint resolution (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. DUBOIS. I desire to ask the Senator from Massachusetts if there is anyone on his side of the Chamber who desires to speak?

Mr. LODGE. No; there is nobody on this side. The Senator knows that the Senators on this side who were to speak have spoken, except the Senator from Wisconsin [Mr. SPOONER].

The PRESIDING OFFICER. There is no amendment pending. If there are no amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. LODGE. The understanding certainly was—although there was not an understanding about the time—that the debate should proceed continuously. The understanding was with the Senator from Idaho and was made in open Senate. I supposed, of course, some one on the other side would be ready to go on to-day.

Mr. DUBOIS. There are Senators on our side who desire to go on, and they will do so. I myself intended to speak day before yesterday and yesterday, but I am not ready to go on this afternoon. The Senator from Colorado is ready.

Mr. TELLER. Mr. President, I do not think anybody ought to be required to go on for at least some little time. There are a number of Senators who desire to be absent from the Chamber for twenty or thirty minutes; and I move that the Senate take a recess for thirty minutes.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate take a recess for thirty minutes.

Mr. LODGE. I have no objection to that, unless the Senator from Vermont [Mr. PROCTOR] would like to dispose of his conference report.

Mr. HALE. I hope the Senator from Vermont will not call up the report at the present time.

Mr. LODGE. I shall be glad, unless the Senator from Vermont desires to go on with his conference report, to have the Senate take a recess, as suggested.

Mr. TELLER. If the Senator from Vermont desires to call up the report, I hope he will. I did not know that he wished to do so.

Mr. PROCTOR. I have no desire to hasten it. I think it is well that it lie over for a day, certainly.

Mr. TELLER. If the proposition as to a recess is objectionable to the Senator from Massachusetts, I will withdraw it.

Mr. LODGE. It is not in the least. The motion the Senator proposes will be extremely convenient to me personally.

Mr. TELLER. And to some others.

Mr. LODGE. And to a number of other Senators, as I am well aware.

Mr. TELLER. Certainly.

Mr. LODGE. I should be very glad, so far as I am concerned, to have the Senate take the recess proposed by the Senator from Colorado.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado, that the Senate take a recess for thirty minutes.

The motion was agreed to; and (at 2 o'clock and 52 minutes p. m.) the Senate took a recess for thirty minutes, at the expiration of which time it reassembled.

THOMAS WELLS.

The PRESIDING OFFICER. The Chair takes this opportunity to lay before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 22, 1902.*

Whereas the House has been informed that since the passage of the bill (H. R. 12576) granting an increase of pension to Thomas Wells the said Thomas Wells has died: Therefore,

Resolved, That the bill H. R. 12576 be transmitted to the Senate with the request that it reconsider the vote whereby it passed the said bill.

Mr. GALLINGER. Mr. President, as I understand the matter, the bill has not been signed by the presiding officer of either branch of Congress.

The PRESIDING OFFICER. It has not.

Mr. GALLINGER. Under those circumstances it strikes me that the message is rather an extraordinary one. The other body could have finally disposed of the measure. I move that the matter lie on the table.

Mr. HOAR. Let the message be read again.

The Secretary again read the message from the House of Representatives.

Mr. HOAR. What is the position of the bill?

The PRESIDING OFFICER. The Chair understands that it is a House bill passed by the House; that it came to the Senate, and that the Senate concurred in its passage and returned it to the House with a statement of that action. The House enrolled the bill, but the enrolled bill was not signed by the Speaker, and now a resolution is passed by the House sending the bill back to the Senate and asking the Senate to reconsider the vote by which it was passed. The Senator from New Hampshire moves that the message lie on the table.

Mr. HOAR. What becomes of the bill?

Mr. GALLINGER. It will lie there also.

Mr. HOAR. How does the message put the bill upon the table?

Mr. GALLINGER. The bill, if the Senator will permit me, is in the possession of the House of Representatives, if it has not been signed by the Speaker; and it strikes me the House can make a final disposition of it without instructing the Senate how to proceed to dispose of a House bill.

Mr. HOAR. I think the Senator is entirely right. The message then simply lies on the table and the House deals with the bill as it sees fit.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to.

COLUMBIA RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company, which was, on page 2, line 19, to strike out "ten" and insert "six."

Mr. MITCHELL. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

A bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River; and

A bill (H. R. 14109) to authorize the Macon Ice, Light, and Power Company to construct certain improvements on the Noxubee River in the State of Mississippi.

The bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes, was read twice by its title, and referred to the Committee on Pacific Railroads.

The bill (H. R. 14189) to permit the occupancy of the public-printing building by the Grand Army of the Republic was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners was read twice by its title, and referred to the Committee on the Judiciary.

LIEUTENANT ARNOLD AND SERGEANT EDWARDS.

Mr. CULBERSON. The Senator from Colorado [Mr. TELLER] has kindly yielded to me to offer a resolution for information on a matter relative to the Philippine question, for which I ask present consideration at this time.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to offer a resolution. It will be read.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate all official papers in his possession which relate to charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, including the report of Capt. P. W. West, United States Army, of date August 21, 1901.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FORAKER. I was about to make an inquiry. As the resolution was read I would suppose that it calls for the original papers. I do not suppose that the Senator wants to have the original papers sent from the War Department to the Senate. I rose to make that inquiry.

Mr. CULBERSON. The original papers, of course, are not desired, and the Secretary of War I think will properly construe the resolution to mean copies. I have no objection to inserting the word "copies."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "Senate" insert "copies of;" so as to read:

Send to the Senate copies of all official papers.

Mr. SPOONER. I ask that the resolution be read.

Mr. BEVERIDGE. Let it be read again.

The PRESIDING OFFICER. The resolution will be read as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official papers in his possession which relate to charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, including the report of Capt. P. W. West, United States Army, of date August 21, 1901.

Mr. SPOONER. I should like to inquire if these charges resulted in a court-martial?

Mr. CULBERSON. I will state that my information is that certain charges were made by Andrew K. Weir against this officer and that a report thereon was made by Captain West. I am not advised as to whether a court-martial resulted or, if so, the result of the court-martial. The object of the resolution is to elicit those facts.

Mr. SPOONER. When was the resolution introduced?

The PRESIDING OFFICER. It was just introduced.

Mr. SPOONER. I object to its present consideration.

The PRESIDING OFFICER. The Senator from Wisconsin objects to the present consideration of the resolution.

ASSAY OFFICE AT PORTLAND, OREG.

Mr. MITCHELL. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. Certainly.

Mr. MITCHELL. I ask for the consideration of the bill (S. 641) to establish an assay office at Portland, Oreg.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TELLER. If there is to be no debate, I shall not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments, in line 11, after the word "thousand" to strike out "five hundred," and insert "two hundred and fifty;" in line 13, after the word "thousand" to strike out "five" and insert "four;" and in line 5, page 2, before the word "thousand" to strike out "twenty" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States at Portland, in the State of Oregon; said assay office to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873; that the officers of the assay office shall be an assayer in charge, at a salary of $2,250 per annum, who shall also perform the duties of melter; chief clerk, at a salary of $1,400 per annum. And the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the admin-

istration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. TELLER. Mr. President, as no one seems disposed to debate the merits or the demerits of the pending measure to-day, I wish to submit a few facts to the Senate, because it seems to me to be a proper time to do it, with reference to the proceedings of Congress when we entered upon the war with Spain. I do not intend to go into a thorough, detailed statement of what occurred, but at least several Senators in the course of the debate on the pending measure have referred to the declaration made in the bill we passed with reference to intervention and to the fourth resolution. The junior Senator from Minnesota [Mr. CLAPP] the other day referred to it as having been an embarrassing question for the Government during this whole treatment of the subject. The Senator from Nevada [Mr. STEWART], who addressed us a day or two ago, referred to it also as an embarrassing question.

Mr. President, not being closely connected with the Administration, as those Senators are, I am not able to say that it was not an embarrassing feature, but I can not see how it was embarrassing, and I do not believe that it in any wise embarrassed the administration of public affairs.

The question what we should do with reference to the war in Cuba was before the Senate at least something like two years before we took any action. It was also before the House. It would be interesting to take the various resolutions, both in the House and in the Senate, commencing in 1896 and continuing up to 1898, when we made our final movement. I can not say how many resolutions were introduced, but I should say not less than forty or fifty all told. I have, I believe, gone over every one of them.

Mr. SPOONER. On Cuba?

Mr. TELLER. On Cuba, with reference to the war going on in Cuba, and with reference to our duties and our obligations. I believe I can say that every one that proposed anything to be done affirmatively by the Government of the United States went upon the theory that we were to encourage and aid the establishment of a free and independent government. I think I may say, without fear of contradiction, that every Senator who took the floor on that subject, either by resolution which he introduced, or by speeches which he made, committed himself to the doctrine that whatever we should do to get rid of Spain must eventuate in the independence of the island of Cuba.

In many cases it was declared that the purpose was to secure the establishment of the Republic of Cuba; in some cases it was simply an independent government, and in other cases the government then in existence was recognized and referred to—for instance, we said, "war having existed between Spain and the government which had been created and maintained in Cuba for some time," which meant, of course, the insurrectionary government there. When we came to finally act, there was a very strong and decided movement in this body in favor of recognizing the Republic of Cuba as it then existed; and I should like to say, Mr. President, that whilst I feel we are very happily out of the difficulties by which we were surrounded in Cuba, I believe now it would have been better if we had in the beginning recognized the independence of Cuba, as we have now recognized it. We have done that through the military power, and we have recognized the independence of the people of that island through the House of Representatives and through the Senate by the resolutions passed yesterday and the day before.

The President of the United States in an address made at a gathering in New York a day or two ago—on the 20th instant, I think—congratulated the people and congratulated the Government on the fact that we had carried out the promise we made in the spring of 1898, and that the people of Cuba had established, with our aid, a government.

Mr. President, I think that is a matter of congratulation. I do not know of anything which has occurred in my public life which has given me more pleasure than the result of our interference in Cuba, and the fulfillment of the pledge we made to those people. Before I proceed further, I want to say that nobody thought of anything else but independence for the island of Cuba.

I want now to say a word about the probable result, in my opinion, of the movement established and consummated on the 20th instant. I know it is said that the Latin race is a turbulent race, and that in Cuba they have some elements which are calculated perhaps to create friction between the races. That there may be danger of some kind of turbulence, I admit, but I feel morally certain that the Republic of Cubic has come to stay, to exist.

If, as has been sometimes suggested, Cuba is ever to be a part of the United States, the Supreme Court of the United States having declared that it is not now, it will be only when the people of that island indicate and express their desire to be admitted into the Union; but that is a question, in my judgment, so far in the future that it is not worth while now to consider it. I believe they will maintain peace and order, though that there may be occasional commotions there I have no doubt.

Now, I wish to call the attention of the Senate to the action of Congress in 1896 with reference to this question. On the 28th of February, 1896—that was a little more that two years before our final action—the Senate passed this resolution:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

That resolution came from the Committee on Foreign Relations; and that is a declaration, if it is possible to make a declaration, that there was a government in Cuba at that time.

On the floor of the Senate this amendment was made:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

When the vote was taken on the adoption of that resolution, the yeas were 64 and the nays were 6. So it will be seen that the vote was practically unanimous.

It would be very interesting, Mr. President, if it were now but 12 or 1 o'clock in the day, to go over some of the speeches made by prominent members of this body. I think that no action of the Senate I can recall was conducted with more unanimity and with a more general agreement on all sides than this. I recall that the junior Senator from Massachusetts [Mr. LODGE] made two speeches at some length on this subject, in which he took very decided ground in favor of a free government for Cuba, and I believe in every utterance he made he did the same. The senior Senator from Ohio [Mr. FORAKER] also took very decided ground; and the then Senator from Nebraska, Mr. Thurston, was very active in the same direction. I think I might name almost all the members of the Senate who voted for this resolution in some shape or other and expressed their approval of it before the vote was taken.

That resolution went to the House of Representatives on the same day. The entire action can be found in the RECORD. When the resolution was read to the House of Representatives the RECORD shows that there was "loud applause." Later the chairman of the Committee on Foreign Relations in the House of Representatives reported a substitute for the Senate resolution. This was on the 2d day of March, 1896. The substitute resolution was as follows:

Resolved, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary.

Mr. President, the wording of that is different from the Senate resolution. Both of them recognized that there was to be an independent government of Cuba. In other words, we did not take the position that Spain should have any control over it, or should establish a better government, or anything of that kind. All our action looked to the ultimate and entire release of Cuba from Spanish domination; and nowhere at no time was there a suggestion which I can find in any of the speeches made—and I have gone over them with some care—by anyone, either in the House of Representatives or in the Senate of the United States, that we wanted any other relation than that which exists between us now, when Cuba is an independent Republic.

The House of Representatives on the same day voted on the proposition which I have just read, and the yeas were 262 and the nays 17. There was some disagreement between the two Houses. Finally a conference committee was appointed and an agreement was arrived at.

The resolution as it became a law, which it did on the 6th day of April, 1896, will be found in the twenty-ninth volume of the Statutes at Large, on page 10 of the appendix. It passed the Senate February 28, 1896, and passed the House of Representatives April 6, 1896. As it finally became a law it reads:

Resolved by the Senate (the House of Representatives concurring therein), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba—

I call especial attention to the fact that everywhere we recognized the existence of a government of some kind in Cuba—

and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. SPOONER. Will the Senator kindly give me the reference to that?

Mr. TELLER. It will be found in volume 29 of the Statutes at Large, on page 10 of the appendix. I will send it to the Senator.

Mr. President, that was our first act. That the public were interested in this question, and that the public sentiment was in accord with the sentiment of Congress, I can show, I think, by reference to the platform of the Republican party in 1896. I will say, while I did not agree with all the provisions of that platform, this is one in which I heartily concurred, and it was unanimously passed by the committee on the platform, and unanimously adopted by the convention. That plank in the Republican platform reads:

CUBA.

From the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other American peoples to free themselves from European domination. We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty. The Government of Spain, having lost control of Cuba, and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

The Democrats said in their platform:

CUBA.

We extend our sympathy to the people of Cuba in their heroic struggle for liberty and independence.

The Populists said:

We tender to the patriotic people of Cuba our deepest sympathy in their heroic struggle for political freedom and independence, and we believe the time has come when the United States, the great Republic of the world, should recognize that Cuba is and of right ought to be a free and independent State.

If there were any other political conventions that failed to indorse the independence of Cuba they have escaped my attention. I do not believe there was any sentiment anywhere against the expressions in these three platforms.

On the 29th of January, 1896, the Committee on Foreign Relations presented a resolution, out of which grew ultimately the one which I have read. There was a minority report made by several members of the committee, who agreed with everything that the majority did, except that they wanted to go further and recognize the Republic of Cuba.

On the 24th day of February, on the motion of the Senator from Alabama [Mr. MORGAN], the resolution presented by him on the 5th of February, which was for the recognition of Cuban independence, was, without objection, substituted for the resolution presented on the 29th of January. If any Senator has the curiosity to examine it, he will find that on page 2054 of the RECORD of that session. Senator White, of California, offered as a substitute another resolution, which was as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the suffering and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

That resolution was never voted on. On the 28th day of February, 1896, Senator J. Donald Cameron, of Pennsylvania, offered this resolution:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

On February 28 the concurrent resolution was amended so as to include the provisions of Senator Cameron's resolution of that date, and as thus amended it passed the Senate by a vote of 64 yeas to 6 nays. I have at an earlier point in my remarks read the language of the resolution in the form in which it was finally passed.

Mr. President, during that session and up to the spring of 1897 this question was frequently before the Senate of the United States. The Senator from Alabama [Mr. MORGAN] introduced at various times several resolutions, which were not passed by the Senate; but on the 1st day of April, 1897, that Senator introduced the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America shall maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

That resolution passed the Senate on May 20, 1897, by 41 yeas to 14 nays. I have gone carefully over all the debates, and I can find only one place in the debates from 1896 up to 1898 where anybody suggested the annexation of Cuba to the United States. I understand that is what the Senator from Minnesota [Mr. CLAPP] and the Senator from Nevada [Mr. STEWART] mean when they say the Government was embarrassed because the reported resolution precluded annexation.

The Senator from New Hampshire [Mr. GALLINGER] said on March 3 that he favored the annexation of Cuba, but if that could not be accomplished to let Cuban independence speedily come.

On the 29th of March, 1898, Senator Allen introduced a joint resolution for the independence of Cuba. The Senator from Utah [Mr. RAWLINS] also introduced one. The Senator from Ohio [Mr. FORAKER] also introduced one. Every one of those resolutions directly or indirectly recognized a government in Cuba, and also recognized the fact that the Cubans were fighting for independence, and the resolutions approved it.

I do not think it is improper for me to say that the senior Senator from Ohio took a great deal of interest in this matter, and appeared before the Senate on several occasions urging that something should be done, and he always insisted that we should recognize the Republic of Cuba. I recall that he made some very able and very interesting remarks on that subject. He discussed the question in a statesmanlike manner, and he had the support in those views, I think, of a great majority of the Senate, as was shown by the subsequent action when we came to pass upon that question in the passage of the act. I have prepared and purposed to present some extracts not only from the Senator from Ohio but from other Senators. However, I shall not do so now.

I see the Senator from Pennsylvania [Mr. QUAY] sitting in front of me——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. FORAKER. I do not want to interrupt the Senator from Colorado.

Mr. TELLER. I yield.

Mr. FORAKER. I do not know what purpose the Senator has in view by making remarks of the character he is now making and citing the RECORD as he does, but I will say to him that he need not go to trouble to make out by statement the case he makes out against me, for I surely did do all that the Senator has said, so far as I was able.

Mr. TELLER. I hope the Senator does not misunderstand me. I did not mean to make any complaint against him or anybody else. I meant to establish the fact, which I want to do before I close, that the fourth resolution which I offered, and which was criticised by the Senator from Minnesota and by the Senator from Nevada, and has been frequently criticised in newspapers, even to the extent of saying that it was a Democratic snap taken on the Senate, that it was absolutely in accord with the sentiment on both sides of the Senate. When I refer to the Senator, I do not refer to him in the way of criticism, but by way of approbation, for he was very potent and influential in securing the final result.

Mr. FORAKER. Will the Senator allow me to interrupt him for a moment at this point?

Mr. TELLER. Certainly.

Mr. FORAKER. I will say that the fourth resolution, which was offered by the Senator from Colorado, was, at the time when it was offered, accepted by the committee without any objection.

Mr. TELLER. I was going to come to that. The Senator from Ohio was a member of the committee.

On the 3d day of April, 1898, the Senator from Pennsylvania [Mr. QUAY] offered the following resolution:

Resolved, That the Committee on Foreign Relations be, and is hereby, instructed to report on or before the 5th instant a bill for the recognition of the independence of the republic of Cuba.

The Senator from Georgia [Mr. CLAY] said:

Let Spain know that no settlement will ever be satisfactory to us that does not give absolute independence to these people.

The Senator from Georgia also said:

If Spain would not accept our mediation, or in case she did, and failed to harken to the voice of reason and humanity and give these people absolute independence, then we would have exhausted all peaceable means to accomplish our policy. Then we should at once acknowledge the independence of Cuba. If Spain resisted it, we should drive her army and navy from Cuban soil.

Mr. SPOONER. What is the date?

Mr. TELLER. The 3d of April, 1898.

I want it distinctly understood that I am not reading these extracts to find fault with any Senator, for I do not know that any

Senator ever departed from it. I only read them as a justification of the fourth resolution, to show that it was not inconsistent with the sentiment of the Senate nor was it inconsistent with the sentiment of the country.

The Senator from Utah [Mr. RAWLINS] on the same day said:

Mr. President, I rose simply for the purpose of setting forth in this desultory and informal way the reason why I thought we ought to pass a resolution recognizing the independence of Cuba and declaring war against Spain. (P. 3501, second column.)

On April 5 Senator Chandler said:

The United States ought immediately to declare war against Spain and to maintain that war until the people of Cuba are made free from Spanish starvation and cruelty and the government of the island firmly established as an independent republic. (Pp. 3547-3548.)

Senator Turpie, on the 5th of April, said:

More than a year ago I addressed the Senate in favor of the recognition of the independence of the Cuban Republic.

The Senators who are here will recall that address. It was, as we would expect from the author of it, a very remarkable address, and met, I think, the approbation of the great majority of this body.

The Senator from Nevada [Mr. STEWART], referring to the platform of 1896, declared that it expressed the sentiment not only of the convention, but the sentiment of the country. In that I think he was nearer correct than he was the other day when he said that the resolution had been an embarrassment.

Senator Butler on the 11th of April offered a resolution which, among other things, contained this:

The Government of the United States hereby recognizes the Cuban Republic as a separate and independent nation.

And he said:

These resolutions express my feelings and sentiments, and I believe they express the feelings and sentiments of the American people. (P. 3703.)

On April 12, 1898, Senator Allen introduced a joint resolution requiring the President to take such steps as necessary to secure the immediate termination of hostilities in Cuba and an independent and stable government by the people thereof. (P. 3729.)

On the 13th of April the Senator from Virginia [Mr. DANIEL] offered the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested, if compatible with the public interest, to transmit to the Senate all diplomatic correspondence between the Government of the United States and the Government of the Kingdom of Spain respecting affairs in Cuba; and is also requested to inform the Senate whether or not this Government has ever submitted to the Government of Spain the proposition of Cuban independence, and if so, in what form such proposition was made, and under what conditions. (P. 3773.)

On the 13th day of April, 1898, Senator Davis, who was then chairman of the Committee on Foreign Relations, offered the following resolution, with a report, which I will not stop to read:

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating as they have in the destruction of a United States battle ship with 266 of its officers and crew while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved, etc., First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect. (P. 3773, with report.)

In the report the committee say:

The recognition of the independence of the people of Cuba is justified and demanded by the highest considerations of duty, right, and policy. (P. 3774.)

Also:

It is the opinion of your committee that the United States ought at once to recognize the independence of Cuba and ought to intervene. (P. 3774.)

The committee also state:

We have been assured by the same authority [Senators PROCTOR, GALLINGER, THURSTON, and MONEY] that the native Cubans, by superiority in education, are better qualified than the Spaniards, and are thoroughly capable to administer the government of the island. (P. 3774.)

The committee closed their report with the following:

First. That the people of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States to such an extent as may be necessary to carry these resolutions into effect.

Senators Turpie, Mills, DANIEL, and FORAKER concurred in the report, but expressed the opinion that the United States should immediately recognize the Republic of Cuba.

On the 13th of April, speaking on the committee report, the Senator from Ohio [Mr. FORAKER] said:

If a people be free and independent, as we have in this first proposition declared that the people of the island of Cuba are, they, and they alone, have power to establish their government. Independence and sovereignty go hand in hand, and any people who have independence have the capacity and the right to exercise sovereignty, and it is a denial of independence to say in the next breath after you have declared it that we will undertake, or we do hereby reserve the right and power, to establish for that independent people a government such as in our judgment and opinion may be stable.

I mention these points of difference because it is absolutely essential to an intelligent discussion that we should know what are the issues which have been joined. Without knowing what are the questions of difference we are groping in the dark.

Mr. President, the question before the Senate was whether we would declare that the Republic of Cuba existed.

On the same day the Senator from Massachusetts [Mr. LODGE] said:

What kind of government can alone observe international obligations? Only an independent government, Mr. President. Therefore the President of the United States asks us to authorize him to use the Army and the Navy to stop the fighting in Cuba and establish an independent government in that island. (P. 3782, first column.)

Mr. President, not only was it the sentiment here, but the message which the President sent here, as claimed by the Senator from Massachusetts and not denied by anybody, was a declaration for the independence of Cuba and intervention on our part for its independence.

Senator Lindsay of Kentucky said:

The joint resolution declares that the people of Cuba are, and of right ought to be, a free and independent people, and to that extent I agree with the committee. (P. 3784, second column.)

He introduced a joint resolution, in part as follows:

That all such military operations should be carried on to the end that the independence of the Cuban Republic may be secured.

He recognized a government of some sort there.

Mr. President, there was some discussion at that time as to what might be our obligations if we recognized the Cuban government as a government. It was said by some Senators that the great debt Spain owed on account of Cuba, amounting to $600,000,000, might be saddled upon the new government of Cuba if we recognized her as a successor to the Spanish Government.

The Senator from Massachusetts [Mr. HOAR] said:

I will not undertake to detain the Senate further than to say, with his leave, that I do not believe the President of the United States or any 10 men out of our 70,000,000 of population understand that the constraint which is spoken of is expected to be carried to the degree of assuming the government or control of that island.

There was some claim that one clause of the President's message might indicate that he proposed to put constraint both upon the Spaniards and upon the Cubans and to act as a mediator. I did not myself ever give that construction to it. I do not think that is what the President ever meant.

The Senator from Massachusetts continued:

We, as it seems to me, can no more be chargeable with the debts of Cuba or with the debts of Spain secured upon Cuba, if they are secured, than a fireman who puts out a fire in a house is liable for a mortgage on the house or a policeman who stops a row in a house and turns out an intruder is liable for the debts of the owner. (P. 3786, first column.)

On the 13th of April the Senator from Maine [Mr. FRYE] offered a resolution directing the President to take steps to terminate hostilities in Cuba and to secure a stable and independent government for and by the people thereof.

On the same day Mr. ADAMS, in the House of Representatives, on behalf of the Committee on Foreign Affairs, reported the following resolution:

Resolved, etc., That the President is hereby authorized and directed to intervene at once to stop the war in Cuba, to the end and with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the island of Cuba; and the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution. (P. 3810, first column.)

The minority of the House Committee on Foreign Affairs reported another resolution, and section 1 was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled—

SECTION 1. That the United States Government hereby recognizes the independence of the Republic of Cuba. (P. 3811.)

In it they urged the recognition of the Cuban republic. Without going to the RECORD, for I think I can state it accurately, on that proposition there were 150 yeas and 190 nays. It was not because the House did not believe that Cuba was to have a government of her own, but because some of the members of the House believed, as did some members of the Senate, that it might be embarrassing to us to recognize the government of Cuba and be compelled to conform our operations to its will and wishes. That was really the only complaint that was made, and the only reason, I may say, in my judgment, why we did not recognize that republic; and if any Senator thinks that I am mistaken about that I shall be very glad to hear what he has to say about it, because I regard it as an important point in this matter.

Mr. FORAKER. I remember that that point was insisted upon, but I never agreed that it was well taken.

Mr. TELLER. No. If the Senator from Ohio——

Mr. FORAKER. It always seemed to me to be an absurdity——

Mr. TELLER. The Senator from Ohio made a very interesting speech against that theory.

Mr. FORAKER. It always seemed to me an utter absurdity that an intervening power must take orders from either of the powers between whom it intervened.

Mr. SPOONER. But if you recognize independence before you intervene you are intervening then to assist a government which you have declared independent.

Mr. FORAKER. It never occurred to me that that changed the legal aspect of the situation. It seemed to me we had the right to intervene if we saw fit. If we simply intervened between Spain and her own subjects in rebellion, that was one thing in a legal aspect, and if we first recognized the independence of the Cubans and then intervened, it was the ordinary case of intervening between two belligerents, both of whom had recognized governmental organizations; and I do not understand that an intervening power is ever expected to take orders from either of the belligerents. I never conceded that point. I know it is a debatable proposition, and it was debated. I only wanted to avoid, by sitting here in silence, the inference that I acquiesced in that theory.

Mr. SPOONER. If the Senator from Colorado will allow me, I do not think anybody will ever accuse the Senator from Ohio of having acquiesced.

Mr. FORAKER. Well.

Mr. TELLER. No.

Mr. SPOONER. But that proposition was elaborately debated——

Mr. FORAKER. I know it was.

Mr. SPOONER. And some of us sincerely entertained the opinion——

Mr. FORAKER. Yes.

Mr. SPOONER. That there was a very wide difference between intervening between a parent State and a revolting colony for the purpose of aiding it to secure its independence and an intervention which was preceded by recognition of independence. It was the opinion of the President, which is quite clearly stated, that to recognize first the independence of Cuba before intervention would place us in a position which when we did intervene, would be subordinate and extremely embarrassing. Of course the Senator from Ohio had his view, and the rest of us had ours, and we were equally in favor of the independence of Cuba.

Mr. FORAKER. Yes.

Mr. SPOONER. Although——

Mr. FORAKER. I would not have thought it necessary to say anything if the Senator from Colorado had not called upon Senators to express themselves or otherwise forever hereafter to hold their peace, I suppose. I simply wanted to keep the record straight.

Mr. SPOONER. If the Senator will allow me——

Mr. FORAKER. If I may be allowed another word, it is one of those propositions about which there is plenty of room for legitimate difference of opinion and ground for argument. I took the view which I have stated, and the Senator from Wisconsin, with more success than I had, took the other view.

Mr. SPOONER. The Senator from Ohio and I differed about it. I expect him always to think I am wrong and I know I shall always think he was wrong. But anyway we came out of it. But if my friend the Senator from Colorado will permit me a moment——

Mr. TELLER. Certainly.

Mr. SPOONER. This proposition was stated in the debate, and abundantly sustained by authorities—writers upon international law—and although I may be mistaken, I have always supposed it had some influence with the Senator from Colorado in introducing what is called the fourth resolution, the wisdom of which I never have seen any reason to question, and that was this. I do not understand it was introduced as a pledge to the people of Cuba.

Mr. TELLER. No; it was not.

Mr. SPOONER. Because the people of Cuba demanded no pledge from the United States. They were in no position to demand a pledge from the United States. They had every reason to suppose that the people of the United States, intervening in the matter, did it with a high purpose to secure in the end the independence of the people of Cuba. But it is a principle of international law, well stated by Professor Lawrence, and important to all governments of the earth, most of which have colonies, that when a government intervenes by armed force between a parent state and a revolting colony, it must proceed upon the highest possible grounds and exclude all ulterior and selfish purposes. I so understood it, and on that theory I voted with great pleasure for the resolution offered by the Senator from Colorado as wise, as statesmanlike, and from my point of view it was of infinite consequence. We declared to the world that in stepping between Spain and her revolting colony we had no purpose in the end to make of Cuba an American asset. It is important to a government which holds colonies that this principle of international law should be strictly observed, and I believe, if my friend the Senator from Colorado will pardon me just a moment longer, that the resolution introduced by the Senator from Colorado, and its adoption by the Senate, had more to do than all other things in preventing a combination against us among the nations which held colonies.

Mr. PLATT of Connecticut. Will the Senator from Colorado permit me for a moment?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I believe everybody in the Senate voted for the insertion of the resolution of the Senator from Colorado in the resolution which had been proposed by the committee. I believe the vote was unanimous.

Mr. TELLER. I should like to say to the Senator from Connecticut that the other day the Senator from New Hampshire [Mr. GALLINGER] stated that he dissented, but there was no roll call, and I supposed, as does the Senator from Connecticut, that everybody voted for it. It went nem. con., as it did when it got into the House.

Mr. PLATT of Connecticut. I want to state what were my feeling and impression about it at the time. I felt that it was entirely unnecessary, and if I had any objection in my own mind to it at the time it was simply that it was unnecessary and perhaps indicated that there had been in the minds of some people an idea that we ourselves would acquire Cuba. That was the only objection I ever had to it, but I did not express that.

Mr. TELLER. On the 14th day of April——

Mr. FORAKER. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. FORAKER. I do not know that it is important, but my recollection is that there was no vote by roll call taken in the Senate on this particular resolution.

Mr. TELLER. There was not.

Mr. PLATT of Connecticut. There was no division?

Mr. FORAKER. No. The Senator from Colorado offered it, and the Senator from Minnesota, Mr. Davis, having in charge the resolutions reported by the Committee on Foreign Relations, announced that he accepted it. It was accepted, and it was voted upon with the other resolutions when we finally reached them.

Mr. TELLER. That is practically correct, although not quite.

Mr. PLATT of Connecticut. There was no roll call.

Mr. SPOONER. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. SPOONER. I had the honor to address the Senate on this subject on the 15th day of April.

Mr. TELLER. That is the day I offered the resolution.

Mr. SPOONER. Yes, sir. Upon that proposition I read from Lawrence, and it is well sustained, philosophical, logical, and reasonable in itself, this statement of the law of nations. May I read it?

Mr. TELLER. Certainly.

Mr. SPOONER. It is as follows:

> In the opinion of some writers, interventions undertaken on the ground of humanity and interventions for the purpose of putting a stop to religious persecutions are also legal. But we can not venture to bring them within the ordinary rules of international law. It certainly does not lay down that cruelty on the part of a government renders it liable to be deprived of its freedom of action, nor does it impose upon States the obligation of preventing either ordinary barbarity on the part of their neighbors or that special kind of inhumanity which takes the form of religious persecution.
>
> At the same time it will not condemn—

That is, international law—

> such interventions if they are undertaken with a single eye to the object in view and without ulterior considerations of self-interest and ambition. Should the cruelty be so long continued and so revolting—

As was this case—

> that the best instincts of human nature are outraged by it, and should an opportunity arise for bringing it to an end and removing its cause without adding fuel to the flame of the contest, there is nothing in the law of nations which will condemn as a wrongdoer the state which steps forward and undertakes the necessary intervention. Each case must be judged on its own merits.

And so, to put the Government on high ground and the intervention which brought about the independence of Cuba upon grounds which would justify us before the world, the Senator from Colorado introduced a resolution declaring that we would not take Cuba to ourselves, but that our object was to put an end to outrage and savagery and cruelty there, establish a government, and leave that people to control its own destiny. That is what they have wrought out.

Mr. TELLER. Mr. President, on the 14th instant, the day before I introduced the resolution, I discussed that question of international law, and declared, as the Senator has shown now, that we could not, according to the law of nations, without discrediting ourselves before the world, take any profits or have any advantage out of that intervention. At that time the public press of Europe was filled with declarations that we were not going to intervene in the interest of humanity, but we were going to intervene because we were aggressive and avaricious, and that we meant to take the island and appropriate it to our own use.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. HALE. The Senator has been interrupted so much that I dislike to interrupt him further, but——

Mr. TELLER. I yield to the Senator.

Mr. HALE. What the Senator from Connecticut said a moment ago leads me now to make a statement. The Senator said he voted for the resolution, as nearly everybody did, and his only hesitation was that the situation was such that it seemed to be almost or quite superfluous to take any such attitude by a formal declaration of the Senate.

I do not quite agree with the Senator from Connecticut in that regard. I look upon it as a most providential thing in the course of this whole matter that the Senator from Colorado had the forethought, the prescience, to submit that resolution and attach it to the proceedings, and thereby make it for us a constraining force from that day to this. I believe that had it not been for that declaration always standing before us as an outright and express pledge and agreement Cuba to-day would not be a free Republic. Even with that declaration it is not until lately that I have been in my mind assured that we should speedily depart from Cuba and leave her to her own resources and to her own government.

The Senator from Wisconsin [Mr. SPOONER] and I had a colloquy on this subject a little more than a year ago, in which I expressed the gravest doubt about the result, and the fear that the lust for empire, acquisition, and subjugation would get the better of us, and that we should not leave Cuba. I remember very well that I held the Senator as squarely as I could to it, and he was very frank in reply to state his position upon the question; and he did state then and there that he believed, and had the right to believe, and no one else had the right to have skepticism to the contrary, that we would not let that declaration be proven a legislative lie.

Mr. SPOONER. I was right, was I not?

Mr. HALE. And the Senator was right. My declaration would not have helped, but the Senator's declaration, made squarely and explicitly, did have an immense effect upon events, and it was a warning that was taken to all those who had secretly and determinedly set themselves against our departing from Cuba. The Senator from Colorado, for initiating this most beneficent proposition, and the Senator from Wisconsin, with the attitude that he held at that time, almost equal with him, are more to be thanked than any others for our having first made this promise and then kept it.

I do not agree that there never was any danger to the contrary, and if we had put on another declaration that under no circumstances should the war result in subjugation and conquest and the acquiring of territory, everybody would have voted for it. Nobody had the wisdom to put it on.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. HALE. Yes.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I do not want to yield for a speech. If the Senator wishes to ask a question I will yield, but I wish to conclude to-night.

Mr. BEVERIDGE. It was not necessary for the Senator to have said that at all. I had obtained the permission of the Senator from Maine to ask him a question.

Mr. TELLER. If the Senator wishes to ask a question, I will yield.

Mr. BEVERIDGE. I will not take the Senator's time.

The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. TELLER. I was saying, when interrupted, that the press of all Europe was filled with denunciations of us and declarations that we were pretending to be moved by a spirit of humanity, but that we were really moved by a spirit of greed. I introduced the resolution without the slightest idea that there was any necessity to have any restraint upon ourselves. I never dreamed that there would arise in this country any number of people who would think of our taking the island in spite of the law that I, and subsequently the Senator from Wisconsin, laid down as binding. I see the senior Senator from Illinois [Mr. CULLOM] before me. I remember that he took the same position we did. All were for the independence of Cuba and nobody was for the annexation of the island or holding it in a Territorial condition or in subordination except as the resolution declared, until there had been a proper pacification of the island.

Now, Mr. President, it was a question for the Administration to determine when there was a proper pacification, and I did not share the fear of the Senator from Maine. I felt all the time, as the Senator from Wisconsin did, that under no circumstances was it possible for the American people, in the face of this well-known principle of international law, in the face of that declaration which went out to the world—and I believe it did have some influence upon foreign thought and foreign sentiment—ever to think of holding those people by annexation.

Mr. President, since those events there has been considerable discussion in the public press as to what our danger was at that time. I think the danger was perhaps greater than we anticipated then. I believe there was considerable danger of a combination of powers of the world against us in a way that probably would not have prevented our intervention, but it would have been exceedingly embarrassing to us at least.

I did not mean to say this—it comes in a little incidentally—but I will say that I am not one of those who believe very much in the friendship of nations. In all my reading I have never found a nation forgetting its interest. I have never found a nation anywhere that forgot its own interest and that did not put its interest ahead of that of anybody else. That is what every nation must do. You may talk about unity of blood and of language and of religion and all those things. They do not count in the struggle between nation and nation, and never have done so in the history of the world. We saw in our day and generation the people of the United States divided into two hostile camps. We have seen other people, speaking the same language, worshiping at the same altar, having the same traditions, going into a contest with each other when their interest demanded it.

I felt then that we were in some danger, but I believe we were in greater danger than I had ever supposed.

Mr. SPOONER. Will the Senator allow me just a moment?

Mr. TELLER. Certainly.

Mr. SPOONER. I wish to call the attention of the Senator to this. There can not be among nations any principle of international law more vital than that principle which is enunciated in his resolution. The nations of the earth which hold colonies, and which are confronted from time to time by insurrections, could not tolerate at all the doctrine that a separate independent nation could intervene between them and a revolting colony for purposes of annexation. It could not be tolerated at all. So I repeat I have looked upon the resolution of the Senator from Colorado as having prevented foreign concert against us in our Cuban intervention.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. TELLER. Certainly, I yield.

Mr. BACON. With the permission of the Senator from Colorado, I think the narrative now being made by him—a résumé of what occurred at that important period—is not only very interesting, but very valuable, and I desire, with his permission, to make a slight contribution to a part of that history. I have reference particularly to the part of it which relates to the danger the United States were then in of becoming involved in war with European powers.

I have no definite knowledge, of course, as to how great that danger was, but the particular thing I desire to contribute in this connection is the fact which was within my personal knowledge, and I presume within the personal knowledge of a number of other Senators, that Mr. McKinley very gravely apprehended such a danger at that time. He was extremely reluctant to have us enter upon a war. At that period there was a greater disregard, of course, of that usual recognition of differences in party lines than at other times, and Mr. McKinley was in the habit of sending for Senators and Representatives for the purpose of conferring with them as to what the best course might be to be pursued.

On one day he sent for the then Senator from West Virginia, Mr. Faulkner, and myself, and we met him by appointment in what is known as the Cabinet room, where there was a very free interchange of views, more particularly an expression from him, of course, which lasted possibly for an hour. In that interview Mr. McKinley very strongly impressed us the apprehension which he felt that the European nations might become so alarmed at what they considered to be the aggressive policy of the United States, and regarding it as a move for the purpose of depriving Spain of one of her colonies, they might unite in a war against us. That view was very plainly expressed and repeated by him. I remember very distinctly what occurred as we left. When walking toward the front door of the room he walked with us, and as he

stood by the open door I shall never forget his last words, which I remember not only in substance, but in accurate verbiage, which were: "Remember, Senators, if this war breaks out it may be a world's war."

That was his expression made to us, and I thought possibly in connection with the statement and narration made by the Senator from Colorado this statement might not be without some value.

Mr. TELLER. Mr. President——

Mr. CLAPP. I should like to ask the Senator from Colorado a question.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. I yield.

Mr. CLAPP. These questions are not asked in any captious spirit, but they arise upon the merits of the Senator's discussion. I believe the Senator from Colorado opposed the so-called Platt amendment a year ago last March. Am I correct in that supposition?

Mr. TELLER. Yes.

Mr. CLAPP. Now, I will ask the Senator if one of the reasons for opposing that amendment was not the fact that in his opinion it would be inconsistent, we having passed the so-called Teller resolution?

Mr. TELLER. I gave as one of the reasons, perhaps, that it was inconsistent with the resolution.

Mr. CLAPP. I call it the Teller resolution; it is known as the Teller resolution. Now, I will ask the Senator if he is not satisfied that the present condition involving the Platt amendment and such recognition as was made of it is better than to have acknowledged the independence of Cuba without the restraint or restriction or relation involved in the so-called Platt amendment?

Mr. TELLER. Mr. President, that has nothing to do with what I have been saying, and I do not intend to enter into a discussion of it at all.

On the 14th day of April, 1898, having discussed this question of international law, I also declared that I hoped somebody would offer a resolution of the general character I offered on the subsequent day. Nobody having offered it on the 15th of the month, I offered it. On the 14th day of April the senior Senator from Massachusetts [Mr. HOAR] said:

> Mr. President, I am therefore prepared to support the resolutions of the House, if I have correctly interpreted them. I should like a little better the form which has been drawn up, I understand, by the honorable Senator from Colorado [Mr. TELLER]. It appeared in the papers, and I suppose I violate no propriety in saying that it appeared with his consent or his authority. I like that, which, I think, is a perfect expression of the limits and the extent to which it is necessary for us to go, and I think when we go that far, all other things will be added to us and all other things will be added by the inevitable and inexorable logic of events that are desired by the friends of freedom in Cuba (p. 3835, first column).

On the same date the then Senator from South Dakota, Mr. Pettigrew, offered a resolution, the first part of which is as follows:

> First. That the people of the island of Cuba are, and of right ought to be, free and independent, and the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of the island (p. 3840, second column).

On the same day the then Senator from Delaware, Mr. Gray, said:

> We can not guard against every human eventuality, but we can take care that a government formed under our supervision and care and tutelage shall be such a government as will be just not only to this country, but to those for whom we have concern on the score of humanity in the territory over which that government extends. I do not believe that there is any thought now or that there ever has been any thought that we are forever, after this matter shall be accomplished, to exercise a protectorate or suzerainty over that island or any government which may be set up there under our auspices (p. 3842, second column).

Again, he said:

> I agree that the people of the island of Cuba of right ought to be free and independent. I wish to God that I could say that they are. I do not believe it (p. 3843, second column).

On the 14th of April the senior Senator from Indiana [Mr. FAIRBANKS] said:

> Sir, no one will distrust our motives in taking this step. We do not intervene for revenge, for the acquisition of territory, for the extension of our authority and power. Our past history is ample proof of this (p. 3846, first column).

On the same date House joint resolution No. 233, which subsequently became the law, was laid on the table, to be taken up on motion (p. 3847).

Senator Gray said, on the 15th:

> If out of intervention on that account shall come, as it must come, the independence of the Cuban republic, then every American heart will rejoice and every American will applaud (p. 3888, first column).

Again he said, quoting from the President's message, wherein the President asked Congress to take steps to terminate hostilities:

> That can mean nothing else than a government free and independent from the control of Spain or from the control of any other country whatever, and on that account I was willing to take the President's recommendation, etc. (p. 3888, second column).

The Senator from South Carolina [Mr. TILLMAN] on the same day called attention to the Senate resolution concerning Cuba in 1896 and the House resolution (p. 3889, first column). He also called attention to the joint resolution of the Senate of May 20, 1897, declaring, by a vote of 64 to 14, that a state of war existed between Spain and the government of Cuba.

On the same day the then junior Senator from Colorado [Mr. Wolcott] said:

> All these things we must count in advance, and we have counted them. And when the day of the result shall come and Cuba is free, as we must make her free, we will have fought a country which can never indemnify us by land, for we want no land beyond our border; a country which can never indemnify us in money, for she has got no money. We must find our only satisfaction, and it must be the supreme satisfaction of a free people, in this, that we have poured out our blood and our treasurers to relieve the cry of suffering humanity.
>
> The war which is already upon us, whatever the phraseology of our resolutions, must be fought because it is the manifest destiny of this Republic to stand forever upon the Western Hemisphere a sentinel of liberty. It must come, because if we fail to listen to the voice of the suffering or the cry of the downtrodden upon this continent, we shall be untrue to those principles of liberty, humanity, and Christianity, upon which this country is founded as upon a rock (p. 3893, first column).

On the 16th of April I offered to amend the resolution of the committee by what has since been known as the fourth resolution of the joint resolution. In the second resolution of the committee I moved to add, "hereby disclaiming any disposition or intention to exercise jurisdiction or control over said island except for the pacification thereof, and a determination when that is accomplished to leave the government and control of the island to the people thereof" (p. 3954.)

This is as the law now stands, except the word "sovereignty" is added before the word "jurisdiction" and the words "asserts its" are added before the words "a determination."

On the same day Senator Pasco said:

> We can make no better beginning than by declaring at the outset that the republic is free and independent (p. 3909, second column).

On the same day the then Senator from Nebraska, Mr. Thurston, said:

> When the Stars and Stripes go up on Cuban soil, I want our flag to share equally the free air of Cuba with another flag that bears a single star. Under the flags of two Republics, acknowledged before all the world, humanity and liberty will be safe and secure.

The RECORD of the Senate of April 16 shows that the committee resolution was, by a vote of yeas 51, nays 37, amended by adding:

> And the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful Government of that island.

After this vote was taken, Senator Davis of Minnesota, the chairman of the committee, offered the fourth resolution, which is in the exact language of the amendment I had given notice of, except, as I before stated, the word "sovereignty" was inserted before "jurisdiction," and the word "asserts," which I had omitted, was inserted to make the resolution read properly, otherwise the resolution of Senator Davis is exactly as I introduced it. That resolution of mine was made, as the Senator from Ohio has said, the action of the committee. I did not offer it, but I had given notice that I would offer it, and I introduced it and had it printed; but the Senator from Minnesota, then chairman of the Committee on Foreign Relations, presented the resolution to the Senate, of course with my approval.

I had said to him that I thought its effect abroad would be better if the resolution came from the Committee on Foreign Relations than if it came from a single Senator; that I had no pride of authorship in the matter; that all I was desirous of doing was to secure results, and that if he would introduce the resolution as coming from the committee, in my judgment it would be very much better than for me or any other Senator to introduce it. He said, "I should like to insert the word 'sovereignty' before the word 'jurisdiction,'" and he did add the word "sovereignty," and I added the word "asserts" before the words "its determination," to make the resolution read properly; and it so passed.

Mr. ALLISON. Has the Senator examined the RECORD carefully as to the final disposition of that resolution?

Mr. TELLER. I have examined the RECORD carefully, and the RECORD shows that Senator Davis took up the matter. He did not say that he reported it in behalf of the committee, but I understood at the time that he had consulted the committee regarding it.

Mr. ALLISON. I am very glad to have the Senator say that, because otherwise I should have said the Senator from Colorado had in his place in the Senate offered the resolution, and the then Senator from Minnesota [Mr. Davis] stood in another part of the Chamber and said he accepted it. As, however, the Senator from Colorado has examined the RECORD, I will yield to him; but that would have been my testimony if I had been called on as a witness before hearing the Senator's statement.

Mr. TELLER. I could turn to it; but it is so late that it is hardly worth while to do so now.

Mr. ALLISON. I do not ask the Senator to turn to it. I have no desire to have him do so to-night. I understood the Senator from Colorado offered that resolution in open Senate.

Mr. LODGE. Does the Senator refer to the resolution known as the Teller resolution?

Mr. ALLISON. I do.

Mr. TELLER. On the day we voted I find this in the RECORD:

So Mr. Turpie's amendment was agreed to.

Mr. DAVIS. I offer an amendment to the pending joint resolution.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota [Mr. Davis] will be stated.

The SECRETARY. At the end of the joint resolution add the following paragraph:

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. Davis.]

The amendment was agreed to.

Mr. FRYE. I move to strike out in line first of the joint resolution the words "are, and;" so that, if amended, the paragraph would read:

"First. That the people of the island of Cuba of right ought to be free and independent," etc.

Mr. DAVIS. I move to lay the amendment of the Senator from Maine [Mr. FRYE] upon the table.

The yeas and nays being taken on the motion, the yeas were 55 and the nays 33; so that the amendment of the Senator from Maine was laid on the table.

Mr. ALLISON. I yield to the Senator. The RECORD seems to be in his favor, but I know perfectly well there was no debate upon the resolution at that time.

Mr. TELLER. No; but there had been some debate on it before then, though there was no debate when the vote was taken.

Mr. ALLISON. It was well understood in the Chamber by all of us that the resolution was really the amendment of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. That is true.

Mr. ALLISON. And that it was agreed to when offered by the then Senator from Minnesota, Mr. Davis.

Mr. CULLOM. Will the Senator from Colorado allow me one remark?

Mr. TELLER. I will.

Mr. CULLOM. I remember very well the whole story of the connection of the Senator from Colorado with this amendment and of the connection of the Committee on Foreign Relations with it. I have always thought and believed that that amendment, while it seemed at that time to be somewhat questionable, would do, as it has done, more to keep this country from insisting upon the annexation of the island of Cuba, and also to keep other nations from insisting that we had some selfish purpose in our course in reference to it, than anything else that could have been done, except the war itself.

Mr. TELLER. Mr. President, I have but a few more words to say. We added to the House resolution a recognition of the Republic of Cuba. The House disagreed to the amendment; and when it came back to the Senate, the Senate adhered to its amendment by a vote of 42 to 35, which ultimately we receded from. There was some debate upon that, which it is not worth while, perhaps, now to insert.

Mr. SPOONER. If the Senator will allow me, he will remember that all of us in the debate agreed to the declaration that Cuba of right ought to be free and independent, but many of us denied it to be a fact that Cuba was free and independent.

Mr. CULLOM. That is so.

Mr. TELLER. There was a motion to strike out the words "are, and;" so that the amendment would read:

That the people of the island of Cuba of right ought to be free and independent.

That was voted down. We insisted that the Cubans not only had a right to be, but they were, free and independent.

Mr. SPOONER. I recollect I claimed that if they were free and independent there would be no occasion for us going to war, but that they ought of right to be free and independent, and that we were going to war to make them free and independent.

Mr. TELLER. In that connection I want to call attention to what the Senator from Ohio [Mr. FORAKER] said, because I think it represents the views of those who wanted to recognize the independence of Cuba, as I did. In the debate on the 20th of April he said:

I felt in dealing with this question at this time we had a right to recognize that Government, and that it was our duty to recognize that Government. I think it was unfortunate that we did not recognize it, but it may not be as unfortunate as I imagined, for I think quickly, speedily, possibly even now, on the very day when the ultimatum has been sent to Spain pursuant to the resolutions that passed here, this Government has practically recognized the Republic of Cuba, and I think possibly it is true—we will all know it by to-morrow morning—that that Government is to-day being officially dealt with by the official representatives of this Government, as it should be (p. 4065, second column).

The Senator from Ohio also read a very interesting statement from a speech made by Senator Sherman as to the condition of the government in Cuba in 1896, which I shall not put in.

Mr. SPOONER. Will the Senator allow me once more, and I will not interrupt him again? I want to read what President McKinley said in his message upon the question.

Mr. TELLER. The Senator may do that.

Mr. SPOONER. This is what President McKinley said:

To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized. In case of intervention our conduct would be subject to the approval or disapproval of such government. We would be required to submit to its direction and to assume to it the mere relation of a friendly ally.

Mr. FORAKER. I do not want to too much interrupt the Senator from Colorado——

Mr. TELLER. I yield to the Senator.

Mr. FORAKER. The Senator from Wisconsin [Mr. SPOONER] has stated the views that he and other Senators contended for as expressed by the President in his message. There is one other feature of that message which I think it is due to history that attention should be called to in this connection, if this is to be a historical review of that time, as it seems to be.

The great point of difference between the President and some of the Senators, of whom I was one, was as to the character of our intervention. The President, as I understood him, favored neutral intervention, as contradistinguished from intervention in hostility to Spain, his idea being, as I understood from his message and as I understood from private interviews I had with him, that, if we intervened at all, it should only be to go down to Cuba and say to the belligerents: "Cease fighting, abide together in peace, and restore order;" and in support of that view I want to read a paragraph or two from the same message which the Senator from Wisconsin has read, if I will not too much interrupt the Senator from Colorado.

Mr. TELLER. Go on.

Mr. FORAKER. Following immediately after where the Senator from Wisconsin left off, President McKinley said, in his message of April 11, 1898, as follows:

When it shall appear hereafter that there is within the island a government capable of performing the duties and discharging the functions of a separate nation, and having, as a matter of fact, the proper forms and attributes of nationality, such government can be promptly and readily recognized and the relations and interests of the United States with such nation adjusted.

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants, or as the active ally of the one party or the other.

As to the first, it is not to be forgotten that during the last few months the relation of the United States has virtually been one of friendly intervention in many ways, each not of itself conclusive, but all tending to the exertion of a potential influence toward an ultimate pacific result, just and honorable to all interests concerned. The spirit of all our acts hitherto has been an earnest, unselfish desire for peace and prosperity in Cuba, untarnished by differences between us and Spain, and unstained by the blood of American citizens.

The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring States have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however, hostile constraint upon both the parties to the contest as well to inforce a truce as to guide the eventual settlement.

Mr. President, I understood the message of President McKinley at the time to mean that if we went into Cuba we were to go there for the purpose of exercising hostile restraint to whatever extent might be necessary against the Cubans as well as against the Spaniards. That is the reason I could not consent to that proposition, and that is a proposition I combat now. That I am not mistaken in that I want to show by just reading one extract from the annual message of the President of December 5, 1898, in which, reviewing the steps leading up to the war, which had in the meanwhile occurred and been concluded, the President said, speaking of this message of April 11, 1898:

I again reviewed the alternative courses of action which had been proposed, concluding that the only one consonant with international policy and compatible with our firm-set historical traditions was intervention as a neutral to stop the war and check the hopeless sacrifice of life, even though that resort involved "hostile constraint upon both the parties to the contest, as well to enforce a truce as to guide the eventual settlement."

Before the President made that recommendation, found as I have read it in his message of April 11, 1898, I had learned from personal interviews with him what his view was, and that, when coming to address Congress in that regard, he would so express himself. It was in anticipation of that, on the 29th day of March, 1898, after I had learned what we were to expect, that I introduced the resolution of that date, which I should like to put into the RECORD, if the Senator from Colorado does not feel that I am trespassing too far at this point.

Mr. TELLER. I have no objection to the Senator reading the resolutions.

Mr. FORAKER. The resolutions are as follows:

Be it resolved by the Senate and the House of Representatives of the United States of America:

1. That the people of the island of Cuba are, and of right ought to be, free and independent.

2. That the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

3. That the war Spain is waging against Cuba is so destructive of the commercial and property interests of the United States, and so cruel, barbarous, and inhuman in its character as to make it the duty of the United States to demand, and the Government of the United States hereby does demand, that she at once withdraw her land and naval forces from Cuba and Cuban waters.

4. That the President of the United States be, and he hereby is, authorized, empowered, and directed to use, if necessary, the entire land and naval forces of the United States to carry these resolutions into effect.

In other words, Mr. President, in view of what I have said, it will now be perfectly plain to everybody that it was my purpose, in so far as I had any capacity to control events at that time, to so order events here in the Congress of the United States that instead of having a neutral intervention, so that the Cubans and the Spaniards were both to remain there, as suggested, the intervention of the United States should be an intervention in hostility to Spain and to drive her out. That drew the line and raised the question over which there has been so much controversy.

Mr. TELLER. I do not desire to detain the Senate longer, except to say that as to the fourth resolution, it was adopted here by practically a unanimous vote, and when it went to the House of Representatives it was unanimously adopted there. I understand that portion of the resolution never was in controversy, but the whole controversy between the House and the Senate was as to the recognition of the Cuban Republic.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. FAIRBANKS. I have not followed the Senator's discussion to-day all the way through. I have been detained from the Chamber until now. I wish to take this opportunity, by the courtesy of the Senator, to say that I thought when the Senate adopted the fourth resolution, which was drafted by the Senator from Colorado [Mr. TELLER] and presented by the late Senator from Minnesota, Mr. Davis, it was an eminently wise and timely measure.

Events have since confirmed my judgment as to its wisdom, and I think the American people will approve of it in the future. It was a declaration to all the world of the high motives that inspired the Government of the United States in entering upon a war with Spain to free Cuba. No matter what the future of Cuba may be, our record is above and beyond reproach. The Congress meant what it said, and we have kept the faith. We went to Cuba to free her people from Spanish misrule, not to seize the island. We declared war in the name of humanity and with no purpose of territorial aggrandizement nor with any ulterior designs. Our exalted purpose was frankly proclaimed, and to it we have steadfastly adhered.

Mr. TELLER. Mr. President, in my public life—and it has not been a very short one—I have never seen greater unanimity than was exhibited on the occasion of the passage of the resolutions to accomplish what the President had declared. Everybody felt that it was an important and a somewhat critical period. We knew we were going into a war. The feeling in the Senate was—of course I can not speak of the feeling in the other body, but I believe it was the same there—the feeling in the Senate was universal that we would stand by the Government in its efforts to carry out the provisions of those resolutions.

I want to read what I said at that time. After we had voted there was some question raised as to whether there was to be any partisanship in the matter. I disclaimed any desire to secure any partisan advantage out of anything in connection with the entire affair, and I disclaim it now, Mr. President. The then Senator from Maryland, Mr. Gorman, made a very patriotic speech, stating that it was his desire, and that he hoped it would be the desire of everybody here, to stand by the Administration, although we might not agree with everything that the Administration had done or might do.

I felt if war came I was not responsible for it. I had not done anything in my public relation to the Administration that could possibly be construed into impatience or pressure upon it.

I had waited with patience and with confidence that the Government in the examination as to who was responsible for the blowing up of the *Maine* would act justly and intelligently, and it ultimately did. I had said to the President of the United States that no act of mine and, so far as I could prevent it, no act of the party with which I was cooperating should embarrass him in any effort he wished to make to bring about a solution of that difficulty without war. I said to him that we would wait. When he said to me, "How long will you wait?" I said: "Mr. President, we will wait just so long as you say there is hope of bringing freedom to those people and relieving them of their distress by negotiations." We did wait until the President sent his message of the 11th of April, in which he said he had exhausted every effort.

Now, I will read what I said. This was the language I used:

Mr. President, I am going to do as the Senator from Maryland [Mr. Gorman] said the other day he was going to do. I am going to forget that William McKinley was elected President on the Republican ticket. More than that, I am going to forget the methods by which he was elected; I am going to forget the class of men who stood back of him and by him; I am going to forget a hundred things that I have criticised; I am going to put them back of me, and I am going to stand up for every effort of his to maintain the integrity, honor, and dignity of the American people, and I believe every Senator on this floor has the same sentiments that I utter (p. 4099, second column).

That was true. If we have had controversies arising since, which we have, we had none then; and if we had been fortunate enough to escape a conflict of arms in the Asiatic sea we should have no controversy now. I disclaim for myself any desire to make any partisan profit or advantage out of that unfortunate condition in the Asiatic islands. I glory in the act of the Administration in finally putting in operation the Republic of Cuba. I think it is a great thing, and I think it is worth boasting of, if any nation is entitled to boast, that we have put back of us the cry of greed and avarice, which would have induced us to forget not only our obligations under international law, but our obligations under a solemn promise, not made, as the Senator from Wisconsin says, to Cuba, but made to all mankind—made as much to our own people as it was to Cuba and made as much to every nation on the face of the earth as it was to Cuba.

Mr. President, I have waited patiently, sometimes feeling that there was too much tardiness in this matter, and yet I believe I can say that I have never made public criticism of any kind touching the delay of the Government in regard to the matter. The final happy solution of our occupation and of our attempt to put those people in order for a government of their own I think I may say has justified the delay, and I have no complaint to make of it.

I prepared to make a speech on this subject immediately after the Platt amendment passed, because I was somewhat sensitive when I saw in the great public press that I was charged with having put in the resolution with the purpose of embarrassing the Administration and taking a snap on the Senate, and that it was an indication of my hostility to the Republican Administration. I looked up the speeches of Senators—every one of them—and was prepared to make a speech probably twice or three times as long as my speech to-day has been, when the present Presiding Officer [Mr. PLATT of Connecticut] and the Senator from Wisconsin [Mr. SPOONER], on my saying to them that I was going to make it, said: "We fear if you make that speech it will embarrass the situation in the island of Cuba." I should have made a very different speech from that I have made to-day. I was somewhat sensitive over the criticism, and I should probably have said some things that might not have been wise and which I have no occasion to say now. When the Senators said that I said to them: "I have no desire to add any embarrassments. On the contrary, it is my anxiety not to do so, and I will refrain from saying anything about it until the conditions are such that I can do so."

I never could do it better than now, when the American flag has come down from Cuba, but, better still, a flag for Cuba has gone up. The American flag is the best flag in the world for Americans. It is not the best flag for men who do not want it. It is not the best flag for Cuba. Cuba's flag, not representing a hundredth part of the power or glory of ours, is the flag for Cuba, and when the Filipinos shall put up their flag and ours shall come down, as I believe it will some day, it will be a better flag to them than ours can be, although you may administer your Government with all the kindness and all the wisdom of which human beings are capable. The best flag is the flag that the men themselves put up. It is the only flag that ought to command the admiration and the love and the affection of the men who live under it, and it is the only flag that will. Liberty-loving men will never have any love for a flag that they do not create and that they do not defend.

During the course of Mr. TELLER's speech,

Mr. CULLOM said: Mr. President, I desire to ask unanimous consent of the Senate that I be allowed, after the remarks of the Senator from Colorado shall have been concluded, to have inserted in the RECORD an article from the North American Review of April, 1901, written by the Senator from Indiana [Mr. BEVERIDGE], giving a history of the whole Cuban affair from start to finish. I should like to have it inserted in the RECORD, so that it may be referred to hereafter.

Mr. TELLER. The Senator can insert it in the RECORD without any objection on my part.

Mr. CULLOM. Very well. I ask that the article may be printed in the RECORD after the remarks of the Senator from Colorado. It consists of some 14 or 15 pages.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for permission to print in the RECORD the article referred to by him after the remarks of the Senator from Colorado. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

[From the North American Review, April, 1901.]

CUBA AND CONGRESS.

[By ALBERT J. BEVERIDGE, United States Senator from Indiana.]

To appreciate the moderation and restraint of the Cuban legislation of Congress, it is necessary to consider the previously defined national policy of the United States respecting Cuba. To this national policy American statesmen of all political parties have given continuous expression. Jefferson led off in 1808 by deprecating the acquisition of Cuba by any other power than Spain. In 1809 he was discussing whether Napoleon would "consent to our receiving Cuba into our nation." The thought steadily grew with him until in 1823 he announced the settled conviction of the country, which every American statesman has followed. He said:

"I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico and the countries and isthmus bordering on it would fill up the measure of our political well-being. Her addition to our confederacy is exactly what is wanting to advance our power as a nation to the point of its utmost interest."

Monroe suggested the ownership of Cuba as a military necessity. The acquisition of Cuba was the chief aim of Pierce's foreign policy. The main effort of Polk's Administration was to purchase this island. The movement was confined to no one political party. John Quincy Adams, in a formal letter, as Secretary of State, said, in 1823, of Cuba:

"Its commanding position with reference to the Gulf of Mexico and the West India seas, the character of its population, its situation midway between our southern coast and the island of Santo Domingo, its safe and capacious harbor of Habana, fronting a long line of our shores destitute of the same advantage, the nature of its products and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial—give it an importance in the sum of our national interests with which that of no other foreign territory can be compared and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time and even now (1823) verging to maturity, that, looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself."

Mr. Adams then showed that at that particular time we were not prepared for this event, but added:

"If an apple, severed by the tempest from its native tree, can not but fall to the ground, Cuba, forcibly disjointed from its own unnatural connection with Spain and incapable of self-support, can gravitate only toward the North American Union, which by the same law of nature can not cast her from its bosom."

Henry Clay, as Secretary of State, in 1825, nervously anxious as he then was, for political reasons, to state his views mildly, nevertheless said in a formal letter as Secretary of State:

"If the war should continue between Spain and the new republics, and those islands (Cuba and Porto Rico) should become the object and theater of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations the performance of which, however painful it should be, they might not be at liberty to decline."

Even Mr. Van Buren, that fox of American statesmanship, who never said anything that was not susceptible of different meanings, said as Secretary of State in 1829:

"The Government of the United States has always looked with the deepest interest upon the fate of those islands, but particularly upon Cuba. Its geographical position, which places it almost in sight of our southern shores, and, as it were, gives it command of the Gulf of Mexico and the West India seas, its safe and capacious harbors, its rich productions, the exchange of which for our surplus agricultural products and manufactures constitutes one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter."

In 1848 Buchanan in a formal letter, as Secretary of State, said:

"If Cuba were annexed to the United States we would not only be relieved from the apprehensions which we can never cease to feel for our own safety and the security of our commerce while it shall remain in its present condition, but human foresight can not anticipate the beneficial consequences which would result to every portion of our Union. This can never become a local question. With suitable fortification at the Tortugas, and in possession of the strongly fortified harbor of Habana as a naval station on the opposite coast of Cuba, we could command the outlet of the Gulf of Mexico, between the peninsula of Florida and that island. This would afford ample security both to the foreign and coasting trade of the Western and Southern States, which seek a market for their surplus productions through the ports of the Gulf. Under the Government of the United States Cuba would become the richest and most fertile island of the same extent throughout the world."

In 1859 the Committee on Foreign Relations of the United States Senate reported favorably a bill "to facilitate the acquisition of the island of Cuba," in which report the committee said:

"The ultimate acquisition of Cuba may be considered a fixed purpose of the United States; a purpose resulting from political and geographical necessities, which have been recognized by all parties and all administrations, and in regard to which the popular voice has been expressed with a unanimity unsurpassed on any question of national policy that has heretofore engaged the public mind. The purchase and annexation of Louisiana led, as a necessary corollary, to that of Florida, and both point with unerring certainty to the acquisition of Cuba."

And further on, in considering the question of constitutional power, the committee quoted the famous words of Thomas Jefferson:

"I am persuaded that no constitution was ever before so well calculated as ours for extensive empire and self-government."

The slavery question was at this juncture thrust into this national movement; but even that was not sufficient to make the minority of the committee, headed by Mr. Seward, protest against the acquisition of Cuba. That was the most remarkable circumstance in this whole discussion, for if anything could have induced Mr. Seward and the abolitionists to attack the proposition its advocacy by the slave power would have done it. But in expressing the views of the minority of the committee Mr. Seward merely reported a short bill as a substitute for the majority bill, directing the President—

"To communicate to the Senate the condition of the relations which shall then (next session) be subsisting between the United States and Spain, and of any negotiations that may then be pending for the cession of Cuba to the United States, together with such statements of the conditions of the Treasury, and also of the effective condition of the Army and Navy of the United States, as may enable Congress to judge whether at that time it will be necessary to adopt any extraordinary measures to maintain the rights and promote the interests of the United States, connected with or growing out of their relations to Spain."

In the same year Judah P. Benjamin demonstrated that the United States must possess Cuba as a measure of safety. He said:

"Her harbors not only furnish points of rendezvous for hostile fleets, but secure harbors of refuge in which they could refit and repair, and prepare themselves for fresh attacks on our unprotected coasts. It was those harbors that afforded refuge for the British fleet after its descent on New Orleans; and in them did the French fleet refit after its bombardment of the castle of San Juan d'Ulloa. In the event of a rupture with Great Britain, this would be, in her possession, a tremendous point of vantage for attack. It is for these reasons that the instincts of the American people have already taught them that we shall ever be insecure against hostile attack until this important geographical and military position is placed under our protection and control."

Benjamin was a proslavery man, but Edward Everett was an antislavery man; and yet, as Secretary of State, in a formal letter in his official capacity, Everett said:

"Cuba lies at our doors. It commands the approaches to the Gulf of Mexico, which washes the shores of five of our States. It bars the entrance to that great river which drains all of the North American continent. Geographically and commercially Cuba would, in our hands, be an extremely valuable possession. Under certain contingencies it might be almost essential to our safety."

But he says that, for "domestic reasons (slavery)," the acquisition of Cuba "at the present time" (1852) was impracticable.

Stephen A. Douglas (Democrat) was earnestly for annexation in 1851, and Clayton (Whig) spoke of the future annexation of Cuba as a certainty. William L. Marcy believed that if he could secure the acquisition of Cuba while Secretary of State that single stroke would make him President. And the effort of the life of the "great Secretary" was directed to this end.

The tremendous internal questions following the civil war diverted the attention of the American people for almost a generation from their national policy of expansion, and for thirty years there was a dearth of expression upon the subject. But the instinctive purpose of the people asserted itself as soon as conditions within the present boundaries of the Republic had become normal. Accordingly, during the last ten years, expressions similar to the above, and directed to expansion generally, have begun to come again from men of weight and judgment, growing in volume and vigor up to the present hour. With these the public is so familiar that space can not be spared to quote them.

The fact back of these expressions and giving them meaning and vitality is that they were the voice of the American people. This whole historic movement has been the expression of the purpose of the people and not the plan of politicians. As early as 1739 the American colonists petitioned England to let them capture Cuba, which they called in their petition "that key to all America."

In 1762, when the English captured Habana, they did it with the aid of American troops; and the event caused great rejoicing throughout the American colonies, the greatest public demonstration of all being held by the people of Boston. During our Revolutionary war our ships and fleets found harbor and refuge in Cuba. From the beginning it has been with the greatest difficulty that our Presidents have held our impatient people in leash. Taylor and Fillmore issued proclamations forbidding American expeditions against Cuba. De Bow, in his Commercial Review, at the period of its greatest influence, declared that "public opinion is uniform and unanimous that the safety and security of the United States demand the annexation of Cuba." And yet De Bow himself was hostile to the proposition. He was merely recording a fact as an editorial observer. Democratic newspapers in the South and Whig newspapers in the North, agreeing on nothing else, agreed upon this. The Whig New York Times, in an editorial in 1852, criticised Fillmore for not acquiring Cuba, and the New York Tribune quoted the Times editorial on November 25, 1852. The State of Kentucky even went so far as to present to the Senate a formal petition praying for the acquisition of Cuba.

That the consummation of this national policy of the American people was inevitable has been the uniform opinion of political thinkers of foreign countries—even of Spain itself. Speaking of 1854, Rhodes, in his History of the United States, says: "The most sensible men of Spain were convinced that Cuba must sooner or later belong to the United States." In 1887, Froude, that keenest observer of all English historians, called America "the residuary legatee of all the West Indies."

Such was the current of American opinion and policy, and such was the view of the world, down to the moment when the Teller resolution was attached to the declaration of Congress demanding that Spain withdraw from Cuba. That resolution is as follows:

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

This resolution was reported to the Senate by the committee immediately before a vote was taken on the declaration to which it was attached, and was adopted as a part thereof without discussion.

If it means that the United States should utterly withdraw from Cuba, leaving that people, without aid, guidance, or restraint, to work their ruin and our injury, this resolution is destructive of the unanimous conclusion of American statesmanship and public opinion from before the foundation of our Government. It can not mean such withdrawal, therefore, since it is a rule of interpretation, familiar to courts, that no law must be construed as repealing all former laws on the same subject if it admits of a meaning in harmony with them. And it is not within rational belief that Congress intended such a sudden reversal of the unbroken line of expressions of American purpose on this subject.

If the Teller resolution means the unconditional abandonment of the Cuban people by the United States without having taken measures to secure a stable government, it was intended to prevent Cuban liberty and retard Cuban progress, for that such would be the result of such entire American desertion of Cuba I shall presently demonstrate. Such a meaning, therefore, can not be attributed to Congress, whose purpose in going to war with Spain was to aid and not to injure the Cuban people.

If this resolution means that we were to cast Cuba adrift, a derelict on our very coasts, it was intended to impair the interests, paralyze the Cuban commerce, and imperil the safety of the United States; for that such would be the result is known of all men. But a purpose so unpatriotic we dare not attribute to Congress, which, while inspired by an earnest friendship for every other people, owes its first and highest duty to the American people.

But if such be the meaning of this resolution, let us frankly admit that it was a mistake; and between the consummation of such a mistake with its ruinous consequences, on the one hand, and the frank and brave correction of it by the establishment and protection of liberty, order, right, and law, on the other hand, there is no choice. In individual morals and in national statesmanship the latter is the only course possible.

But does not a study of the whole subject give this resolution a different meaning? Must it not be read in the light of our entire history, of which it is a part? Must it not be interpreted by the geographical, industrial, social, and human conditions inherent in the situation? Such construction is natural, customary, essential. No act of American statesmanship stands alone. All that is enduring is the result of growth and outgrowth. Submitted to these usual and ordinary principles of interpretation, construed by these admitted standards of wisdom and justice, the Teller resolution does not deny, but demands, that the United States shall take measures to insure, on the one hand, the realities and not the mockery of liberty to the Cuban people and to insure, on the other hand, the welfare of the American people. Interpreted by these principles and measured by these standards, this resolution requires that the United States shall see to it that a stable Cuban government is established and maintained, and that the island is protected from all foreign interference or attack.

Is any other interpretation sane? Would not any court, construing the expression of the purpose of an individual, consider the whole case of which that expression is a part? And can this result in injury to Cuba? Who so concerned as the United States that Cuba shall have law, order, prosperity, and peace within and be secure from molestation from without? Who so interested as Cuba in the safety of the United States, upon whose markets, investments, and active friendship Cuba's welfare depends? The resolution can not be interpreted in hostility to the American people who made possible a Cuban government of any kind. And to construe it as requiring us to abandon the Cuban people to their fate is to do them irreparable wrong. Such construction would annul the resolution's very letter and defeat its expressed purpose. Considered even as an isolated statement, such construction is impossible; impossible, considered as a part of the unbroken current of American statesmanship; impossible, considered as a rule of procedure by which Congress was to solve the practical problem confronting it.

What was that problem? The facts define it.

Cuba was not able to expel Spain. Not all the Cuban people wanted Spain expelled. The United States ejected Spanish government from that island. In doing this, the United States expended many scores of millions of dollars. Our soldiers gladly gave their lives. And when the Spanish flag was hauled down and the American flag had taken its place, the Administration found property destroyed, roads few and poor, schoolhouses scanty and abandoned.

It found a postal service hardly superior to that of Spain a hundred years ago. It found an appalling illiteracy. It found cities without sanitation. It found poverty, starvation, demoralization, and all but anarchy. And yet these conditions were very little inferior to those which existed before the insurrection of the Cubans against Spanish authority. No more instructive study can be found than that of the sanitary situation reported in the American census of the island for 1899.

A separate article might be devoted to a statement of the vital statistics of Cuba. One or two facts may serve as a suggestive searchlight in passing. The population of the island is 1,572,797. Of this population, 1,108,709 are single, 246,357 are married, and 131,732 are living together by mutual consent. Of this population, 1,067,354 are whites and 505,443 are colored. Of the whites almost all are of Spanish descent.

Of these more than 1,000,000 whites, 50 per cent can neither read nor write; and of the more than half a million colored, more than 70 per cent can neither read nor write. This is the statement of our census, taken by Cuban collectors. A gentleman of unquestioned reliability, and of thorough personal familiarity with the Cuban people, informs me that at least 70 per cent of the whites and more than 90 per cent of the colored population can neither read nor write. And yet, under our military administration order has been restored and maintained, property and life protected, and sanitary revolution has been effected in Habana, Santiago, and the other considerable cities of the island. An excellent postal service has been established, and is now in operation in every province. Under the Spanish régime, at its best estate, scarcely 10,000 children were in school. At the time we took possession there were less than 4,000 children in school. The education was slothful, fragmentary, unscientific. To-day there are more than 150,000 Cuban children in school, and education is systematized and conducted on approved and modern principles.

And these items are only the landmarks of what has really been accomplished. All this, too, has been done by American authority in two year's time. It is a record of administrative capacity to which history shows no parallel. Of the remarkable achievements of the present Administration, not one is more brilliant than its conduct of affairs in the island of Cuba.

How best to preserve and continue this progress of Cuba; how, at the same time, to secure the safety and protect the interests of the United States; how to interpret the historic purpose of the American people, who had sacrificed so much treasure and blood for the Cuban people, and how to act so that the Teller resolution would not defeat itself and so that a steady government might exist in Cuba were the profound, complex, and most delicate questions which Congress was called upon to answer and which the Cuban Committee of the United States Senate, with ORVILLE H. PLATT, of Connecticut, at its head, answered so well in the Cuban amendment to the Army bill.

Let us consider this amendment:

That no foreign power shall establish any but trade relations with Cuba is necessary to both Cuba and the United States. It is intolerable that any foreign power shall obtain jurisdiction over an inch of Cuban soil. It is intolerable even to think of the government of Cuba giving to Germany or England or France or any other great power a naval station. And yet, without restriction, the Cuban government could give any foreign power rights amounting to that and keep within the Monroe doctrine. Think of the consequences! From Tortugas to Habana is only 90 miles, from Cuba to Yucatan is little more than 100 miles. A foreign squadron with naval rendezvous in Habana Harbor and a small patrol along the difficult Yucatan Passage could blockade the Gulf of Mexico, the Isthmian Canal, the Mississippi River, and absolutely cut off our immense foreign commerce from and to our Gulf and Mississippi River ports and our immeasurably greater coastwise trade much more completely than the same naval strength could blockade the harbor of New York. Accordingly, the Cuban amendment to the Army bill provides:

"That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island."

But it is also necessary that the United States shall actually possess such naval stations along the Cuban coasts as may be necessary to our national defense and to the defense of Cuba. The Cuban people, numbering only a million and a half, unassisted by us, could not properly fortify or equip their harbors. Certainly they could not build a fleet necessary to the island's protection; and if they could, such a fleet, in certain contingencies apparent to all men, might be a menace to the American Government. But with the United States in possession of the necessary naval stations, the independence of the island and its people from every foreign power and every combination of foreign powers is assured, and the American Republic secured from attack in the Gulf, at the mouth of the Mississippi. Accordingly, the Cuban amendment to the Army bill provides:

"That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States."

Even this is not broad enough for the protection of the Cuban people and of American interests and safety. A familiar method by which a power secures practical control of a desirable point inhabited by a weak people is to seize that people's ports in order to collect the revenues for payment of debt.

The first necessity of a new government is money. Its earliest condition is financial obligation. Without restriction and guidance by a friendly and experienced government whose interests are the interests of the Cuban people it was inevitable that the new and experimental government of the island would contract debts beyond the ability of the Cuban people to pay. This has been the experience of nearly all new governments. If such a debt were contracted in England or Germany or France, it was inevitable that upon default of payment either of those powers would seize the revenues of the island to indemnify their citizens against loss. And the United States could not prevent this unless the United States would guarantee such debt or go to war with the creditor power to prevent its just collection. Every one of these contingencies is inconsistent with American safety and interests, and even more inconsistent with the interests, liberty, and independence of the Cuban people. Therefore the Cuban amendment to the Army bill provides:

"That said government (Cuba) shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate."

It will be helpful to recall that the debt Spain contracted for Cuba was $400,000,000; and this debt the Cuban amendment prevents Cuba from ever paying or being compelled to pay. The bonds issued by the revolutionary government in the insurrection preceding the last, and still held somewhere by some one, are supposed to reach into the hundreds of millions. The amount of bonds issued by the last insurrectionary government, held by persons in Cuba and the United States, is unknown; but I have heard it estimated at from $100,000 to $300,000,000. No accurate information can be had concerning the quantity of these bonds, or of the bonds of the former insurrectionary government. What part, if any, they play at present can only be surmised. It is doubtful if they affect the question; but they are useful as indicating the financial certainties of an unrestrained Cuban Government.

Even with all the above, the welfare of the Cuban people was still open to attack from another enemy and at their weakest point. That point was within, and that enemy themselves. The right of the United States to intervene for the maintenance of the realities of Cuban freedom is the measure of all measures most in the interests of the Cuban people. Would it have been wise and just to neglect this most important and immediate obligation of all? If it is our business to see that the Cubans are not destroyed by any foreign power, is it not our duty to see that they are not destroyed by themselves? It was a far-seeing benevolence which inspired Congress to provide that we may preserve the Cuban Government from the hands of warring factions, and protect the individual liberty, the property, and the rights of Cuban citizens. Congress actually bestowed upon Cuba the same guaranty of social order and governmental stability which our Constitution guarantees to every one of the States of the Union. This great provision of the Cuban amendment is as follows:

"That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a Government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba."

The sanitation of Cuba was the pressing problem which confronted the Administration upon our occupation of the island, and it is the immediate question which will confront the island's new government. In this vital business even the best-equipped Cubans are unschooled. And yet, upon proper sanitation depends the security of the Cuban people from pestilence. Upon it depends the safety of our own people from yellow fever. New Orleans, Mobile, Tampa, all our Southern ports, have time and again been infected, and the disease has spread northward even to the Ohio. It is a subject which admitted and admits of no trifling. It is a business to be dealt with practically and on the instant. To enthrone a plague in a permanent home at the very gates of the Republic would have been an act which a volume of resolutions, no matter how interpreted, never could have excused. And Congress never wrought more wisely than when it provided in the Cuban amendment:

"That the Government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein."

That the sinister situations, which the Cuban amendment are designed to prevent, would have been the results of a Cuban Government unaided by the United States, is not an open question. Were no examples at hand, the character and history of the Cuban population itself proves this. But examples are at hand, and the men to whom the American people have intrusted their interests, and those of the Cuban people also, had to consider them.

These examples are the Central and South American Republics. Review them, taking the most advantageously situated first.

The Argentine Republic has the best climate, the most fertile soil, and the richest resources of any portion of South America, and, with perhaps two exceptions, of the entire surface of the earth. It has a larger percentage of solid, self-governing people of Europe than any other South American State. But its history bristles with revolt. There have been two revolutions within the last ten years. The killing and wounding of two or three thousand people in a political riot has occurred more than once. Schemes of financial idealists have been put into reckless practice. And yet the paper constitution of this Republic is admirable, its schools numerous, and its system of education, in theory, excellent.

To the north of the Argentine Republic lies Brazil. It became a republic in 1890 by bloodless revolution. In one year another revolution placed Peixoto in the President's chair, and in less than two years more another revolution, with the army supporting one side and the navy the other, continued until Admiral Benham, in command of the war ships of the United States, threatened to fire on the insurgent navy in the harbor of Rio de Janeiro, thus ending the revolt. To the north of Brazil is Venezuela. From 1821, when independence was established, until 1870 Venezuela was in a state of almost continuous convulsion. And although peace has been more assured since that time conditions have been anything but settled.

Of Colombia, from which Venezuela seceded after Bolivar had wrested independence from Spain, Hamblen Sears declares: "Its history to the present day has been one of the sudden rise of one or another of the popular leaders and his sudden fall." This, too, is largely true of Costa Rica, although the government of that State has been and is more stable than that of most Spanish-American republics.

Guatemala has been the red field of revolution and the hotbed of impracticable dreams. Of Honduras, Mr. Sears declares that, "like the other Central American republics, Honduras has been full of bloodshed and internal war." And he says that "Nicaragua, since 1860, has been most of the time in a state of war, interrupted with a change of Presidents and numerous pronunciamentos." The history of Peru is the narrative of the rise and fall of dictators. Those who think that the ability of the Cuban people to frame a paper constitution with rapidity is an evidence of capacity for self-government should remember that Peru surpasses Cuba as a rapid constitution maker, having produced three separate constitutions in little more than ten years—one in 1828, one in 1833, and still another in 1839. And Mr. Sears despairingly writes: "The Salvadorian constitution has been so often changed that it is impossible to follow it." Until recent years Chile has been in a state of recurrent revolution and violence.

The condition of public order was illustrated by the attack upon the peaceful seamen of the American ship *Baltimore*, still fresh in the memory of all. Not a single Spanish-American republic brightens this melancholy chronicle. Paraguay has been the scene of so much strife that its male population was at one time almost extinct. And Uruguay has been called the "Battlefield of the La Plata." All these countries show a languid progress toward settled conduct and self-restraint; but every forward step has been made at terrible cost, a cost which the aid and instruction of a friendly and experienced government might have saved to each while accelerating that progress incalculably.

It must be repeated and again repeated that the paper constitutions of these countries have been fine examples of government by manuscript. This clarifying fact must not be forgotten by those who think that government by manuscript is equivalent to government by practice.

These political phenomena, common to all Spanish-American republics, whether in the tropic, semitropic, or temperate zone, unvaried by climate or character of soil, and occurring in spite of excellent paper constitutions, are object lessons which Congress dared not disregard. The character of the people of these republics is similar to that of the people of Cuba. Their racial origin is the same. Their history has been the same. Their tutelage under Spanish misrule has been the same. If there is any element of difference, that element is the greater proportion of blacks in Cuba. But history and contemporaneous fact do not justify the belief that this element, left to itself, increases the Cuban capacity for self-government, unaided, unguided, and unrestrained.

Haiti, directly across from Cuba, is an instance. When under the rule of the French all writers agree that, in spite of the drawback of slavery, Haiti was a prosperous colony. But from the time French power was overthrown its condition has been serious. A late writer says that "the atrocious administration of the Government all through the Haitian history of this century has been unequaled in the world." On the contrary, British Guiana and British Honduras, with government administered by those who have a capacity for administration, have enjoyed a steadiness of order and a respect for law unequaled elsewhere in South or Central America; and New Mexico, with a population racially similar to those of Spanish America, has, under our administration, given us no trouble.

In dealing with Cuba, Congress could not ignore all this. Congress was compelled to consider the character and inexperience of Cuba's population; the history of the attempts of similar populations to govern themselves; the present condition of such experimental governments on the one hand, and the situation of the same populations, guided and restrained by the protection of an administrative people, on the other hand. Congress had to consider, too, the facts of the last two years—the expulsion of Spain from Cuba by American arms; the occupation of the island by American authority, law, and order; the feeding of starving Cuban thousands with American bread; the establishment of Cuban schools, posts, and sanitation upon modern methods by American administrators; the Amer'can purification of the Cuban customs service; the impartial American administration of Cuban justice; the protection of Cuban life and property by an American and Americanized police; the beginning of the development of the richest agricultural, mineral, and timber resources on the face of the globe, under the faith of American protection; in a word, the American foundation in Cuba of civilization and of that liberty regulated by law which is the end and purpose of all free government.

Congress had to consider, too, the American people. The sacrifices of the American people in blood and treasure and administration deserved such consideration. The geographical position of Cuba demanded it. The historian of a century hence would have properly denounced any action on the part of the American Congress which, by any possibility, might result in delivering this gateway to the American Mediterranean, to any and all isthmian canals, to the mouth of that great artery of American commerce, the Mississippi River, to our whole Gulf seaboard of 3,551 miles, over into the hands of those who, by treaty or purchase or any circumstances of peace or war, might possibly become our national foes.

Thus it appears that our Cuban legislation deprives Cuba of nothing that can help her, but bestows every benefit and erects every safeguard necessary to her settled and orderly self-government. It insures the development of the island's resources and the highest happiness possible to its people. Against the enemies of Cuba, foreign and domestic, is drawn the sword of the great Republic; and under its protection the infant state may grow in peace and wax strong in a sure security. It is an inspiring scene with which the young century begins—the newest government of the world aided, guided, and protected by the freest.

We are not depriving Cuba of liberty; we are helping her to liberty. Landowners are not to be robbed; they are to be protected. Cities are not to be sacked; they are to be defended. Equal rights are not to be violated; they are to be preserved and enforced. Free speech is not to be suppressed; it is to be fostered. Education is not to be destroyed; it is to be built up. But anarchy is to be kept down, foreign powers kept at bay, and the elements that oppose Cuban progress held in check. All this is not the denial of liberty; it is the bestowal of liberty; for liberty can not live without order and law.

The Cuban people and the American people are not and are not to be enemies or strangers. We are and are still more to be friends, "close friends," to use the President's felicitous phrase. We are not yet united into a single nation as the fathers hoped we should be; and such a union may never occur; but, while establishing Cuba's independent governmental identity, the United States has given her our permanent counsel, aid, and comfort.

Whether that relation shall develop into a still closer connection depends upon the Cuban people. It is a question which time alone can adequately answer. No wisdom equals the wisdom of events. And the Cuban legislation of Congress permits the wisdom of events to work out its results in its own time. Meanwhile the relation established by that legislation is admirable, considered from the view point of the present; and it may prove the permanent solution of this hitherto vexed and vexing problem. But whether this is the final development, or whether it is an epoch in an historical evolution, growing ever happier as it proceeds, the welfare of the Cuban people and the safety of the American people are secure.

ALBERT J. BEVERIDGE.

ABANDONED MILITARY RESERVATIONS IN WYOMING.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator from Illinois withhold the motion until I can call up a bill which is on the Presiding Officer's desk?

Mr. CULLOM. I yield.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House on Senate bill 3908.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3908) granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing lands, which were, on page 1, line 3, to strike out "exercised" and insert "or may hereafter exercise;" on page 1, line 6, before "in," to insert "or the abandoned Fort Laramie Wood Reservation, to which the homestead laws are hereby extended;" on page 1, line 6, to strike out "now;" on page 1, line 8, after "is," to insert "a resident and;" and to amend the title so as to read:

A bill granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, and Fort Laramie Wood Reservation, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing land, and for other purposes.

Mr. WARREN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. SPOONER. I wish to ask the Senator from Wyoming to explain the amendments.

Mr. WARREN. The main amendment includes the Fort Laramie wood reservation with the other reservations mentioned. That is the only amendment, except a change of language.

Mr. SPOONER. Is the inclusion of this reservation recommended by the Interior Department?

Mr. WARREN. I so understand from the House. If there is any question about it I will withdraw the motion to concur.

Mr. SPOONER. I do not know anything about it. The Senator from Iowa may.

Mr. ALLISON. I do not. That is the reason why I inquired of the Senator from Wisconsin.

Mr. CULLOM. I hope the matter may go over.

Mr. WARREN. I do not object to that. It is a matter which relates to Wyoming.

The PRESIDING OFFICER. By unanimous consent the vote will be reconsidered, and the question will be regarded as open.

Mr. WARREN subsequently said: The objection to the concurrence in the House amendments to Senate bill 3908 has been withdrawn, and I therefore move that the Senate concur in the amendments of the House of Representatives.

Mr. CULLOM. I will withdraw the motion for an executive session if the Senator from Wyoming is certain he will get the bill through.

The PRESIDING OFFICER. The Chair again lays before the Senate the bill referred to. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

CATHARINE F. EDMUNDS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. H. GALLINGER,
J. R. BURTON,
PARIS GIBSON,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 23, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1902.

PROMOTIONS IN THE NAVY.

Asst. Surg. Holton C. Curl, to be a passed assistant surgeon in the Navy, from the 14th day of October, 1901, to fill a vacancy existing in that grade.

Lieut. Walter J. Sears, to be a lieutenant-commander in the Navy, from the 17th day of December, 1901, vice Lieut. Commander Robert I. Reid, retired.

Lieut. John A. Bell, to be a lieutenant-commander in the Navy,

from the 15th day of January, 1902, vice Lieut. Commander Carlos G. Calkins, promoted.

Lieut. Commander Edward F. Qualtrough, to be a commander in the Navy, from the 9th day of February, 1902, vice Commander Henry B. Mansfield, promoted.

Pay Inspector Ichabod G. Hobbs, to be a pay director in the Navy, from the 28th day of April, 1902, vice Pay Director Edward Bellows, retired.

POSTMASTERS.

John T. Lindley, to be postmaster at Ontario, in the county of San Bernardino and State of California, in place of John T. Lindley. Incumbent's commission expired May 4, 1902.

Benjamin J. Maltby, to be postmaster at Northford, in the county of New Haven and State of Connecticut, in place of Benjamin J. Maltby. Incumbent's commission expired May 4, 1902.

William E. Stouffer, to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in place of Maude E. McLean. Incumbent's commission expired May 4, 1902.

George S. Avery, to be postmaster at Galena, in the county of Jo Daviess and State of Illinois, in place of George S. Avery. Incumbent's commission expired May 4, 1902.

William H. Whitehouse, to be postmaster at Mount Olive, in the county of Macoupin and State of Illinois, in place of Philip Rodenberg. Incumbent's commission expired February 18, 1902.

Frank Rockwell, to be postmaster at St. Charles, in the county of Kane and State of Illinois, in place of Frank Rockwell. Incumbent's commission expired May 6, 1902.

Joseph S. Morgan, to be postmaster at Dubuque, in the county of Dubuque and State of Iowa, in place of Joseph S. Morgan. Incumbent's commission expired May 4, 1902.

Harry E. King, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa, in place of Harry E. King. Incumbent's commission expired May 20, 1902.

Benjamin A. Nichols, to be postmaster at West Liberty, in the county of Muscatine and State of Iowa, in place of Benjamin A. Nichols. Incumbent's commission expires May 28, 1902.

Joel P. Deboe, to be postmaster at Clinton, in the county of Hickman and State of Kentucky, in place of James A. Deboe. Incumbent's commission expired February 16, 1902.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine, in place of Joseph W. Gary. Incumbent's commission expired March 4, 1902.

Thomas G. Herbert, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine, in place of Thomas G. Herbert. Incumbent's commission expires May 24, 1902.

William H. Foote, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts, in place of William H. Foote. Incumbent's commission expired May 4, 1902.

Charles McKerlie, to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan, in place of Erastus T. Parker. Incumbent's commission expired May 6, 1902.

James H. Williams, to be postmaster at Whitehall, in the county of Muskegon and State of Michigan, in place of James H. Williams. Incumbent's commission expired May 16, 1902.

Frank B. Lamson, to be postmaster at Buffalo, in the county of Wright and State of Minnesota, in place of Frank B. Lamson. Incumbent's commission expired May 5, 1902.

Charles E. Callaghan, to be postmaster at Rochester, in the county of Olmsted and State of Minnesota, in place of Charles E. Callaghan. Incumbent's commission expired March 4, 1902.

Fred A. Swartwood, to be postmaster at Waseca, in the county of Waseca and State of Minnesota, in place of Fred A. Swartwood. Incumbent's commission expired March 22, 1902.

Ira L. Kirk, to be postmaster at Bozeman, in the county of Gallatin and State of Montana, in place of William B. Burket. Incumbent's commission expired January 10, 1902.

E. D. Turner, to be postmaster at Delamar, in the county of Lincoln and State of Nevada, in place of Alexander I. Harrison. Incumbent's commission expired March 9, 1902.

Abram W. Boss, to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey, in place of Abram W. Boss. Incumbent's commission expires May 24, 1902.

Edward W. Martin, to be postmaster at Hoboken, in the county of Hudson and State of New Jersey, in place of Leonard Schroeder. Incumbent's commission expires May 28, 1902.

William O. Armbruster, to be postmaster at Weehawken, in the county of Hudson and State of New Jersey. in place of William O. Armbruster. Incumbent's commission expires July 7, 1902.

Charles Eichhorn, to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey, in place of Charles Eichhorn. Incumbent's commission expires July 1, 1902.

Marcus L. Wood, to be postmaster at Frankfort, in the county of Herkimer and State of New York, in place of Marcus L. Wood. Incumbent's commission expired May 5, 1902.

George T. Salmon, to be postmaster at Lima, in the county of Livingston and State of New York, in place of George T. Salmon. Incumbent's commission expired May 6, 1902.

Amanda E. Morris, to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina, in place of Amanda E. Morris. Incumbent's commission expired May 6, 1902.

Thomas N. Tarbox, to be postmaster at Cedarville, in the county of Greene and State of Ohio, in place of Thomas N. Tarbox. Incumbent's commission expired February 25, 1902.

Henry Thomas, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio, in place of Henry Thomas. Incumbent's commission expired May 5, 1902.

John P. Barden, to be postmaster at Painesville, in the county of Lake and State of Ohio, in place of John P. Barden. Incumbent's commission expired February 25, 1902.

John W. Morris, to be postmaster at Piqua, in the county of Miami and State of Ohio, in place of John W. Morris. Incumbent's commission expired May 16, 1902.

Thomas L. Flattery, to be postmaster at Wooster, in the county of Wayne and State of Ohio, in place of Thomas L. Flattery. Incumbent's commission expired March 30, 1902.

William W. Henderson, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania, in place of William W. Henderson. Incumbent's commission expired May 4, 1902.

David W. Morgan, to be postmaster at Franklin, in the county of Venango and State of Pennsylvania, in place of Elisha W. Smith. Incumbent's commission expired April 25, 1902.

Charles A. Dunlap, to be postmaster at Manheim, in the county of Lancaster and State of Pennsylvania, in place of Christian J. Reiff. Incumbent's commission expired January 14, 1902.

James Ewart, to be postmaster at Colfax, in the county of Whitman and State of Washington, in place of James Ewart. Incumbent's commission expired May 4, 1902.

Lewis S. Patrick, to be postmaster at Marinette, in the county of Marinette and State of Wisconsin, in place of Lewis S. Patrick. Incumbent's commission expired May 4, 1902.

John P. Bennett, to be postmaster at Yazoo City, in the county of Yazoo and State of Mississippi, in place of James E. Everett, removed.

Alexander Y. Jones, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania, in place of Robert N. Roberts, deceased.

Allen H. Webster, to be postmaster at Cuba, in the county of Fulton and State of Illinois. Office became Presidential April 1, 1902.

George E. Sapp, to be postmaster at Pecos, in the county of Reeves and State of Texas. Office became Presidential January 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1902.

SECRETARY OF LEGATION.

John Gardner Coolidge, of Massachusetts, to be secretary of the legation of the United States at Pekin, China.

SECOND SECRETARY OF LEGATION.

Henry P. Fletcher, of Pennsylvania, to be second secretary of the legation of the United States at Habana, Cuba.

POSTMASTERS.

J. W. Stauffer, to be postmaster at Pittsfield, in the county of Pike and State of Illinois.

Adele E. Barnes, to be postmaster at Delavan, in the county of Walworth and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 22, 1902.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

Our Father, who art in heaven, we thank Thee for that inherent love of liberty which from time immemorial has inspired men to deeds of heroism and glory, and which gave to our fathers the spirit of 1776, which added a new nation to the world, a government of the people, by the people, for the people, and that under its benign influence and guiding hand a new republic has just been born in the Western Hemisphere. God grant that the people of Cuba may appreciate the right to think for themselves, to act for themselves, and enjoy the fruit of their own labors; that they may use, but never abuse, those precious privileges; that they may grow intellectually, morally, and spiritually, and become an added instrument in Thy hands for the spread of Thy Kingdom upon the earth. In the name of Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

THOMAS WELLS.

Mr. RIXEY. Mr. Speaker, since the passage of House bill 12576, to increase the pension of Thomas Wells, the beneficiary has died. Therefore there seems to be no necessity for this bill going to the President, and I offer the following resolution.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Whereas the House has been informed that since the passage of the bill (H. R. 12576) granting an increase of pension to Thomas Wells the said Thomas Wells has died: Therefore,

Resolved, That the said bill (H. R. 12576) be transmitted to the Senate with the request that it reconsider the vote whereby it passed the said bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken and the resolution was agreed to.

USE AND IMPROVEMENT OF GOVERNORS ISLAND, BOSTON HARBOR.

The SPEAKER laid before the House House joint resolution 113, authorizing the use and improvement of Governors Island, Boston Harbor, with a Senate amendment, which was read.

Mr. CONRY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WILLIAM D. TANNER.

The SPEAKER also laid before the House the bill (H. R. 6360) granting an increase of pension to William D. Tanner, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MATILDA E. CLARKE.

The SPEAKER also laid before the House the bill (H. R. 12418) granting a pension to Matilda E. Clarke, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CATHERINE F. EDMUNDS.

Mr. LOUDENSLAGER. Mr. Speaker, I present a conference report, and I ask that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to dispense with the reading of the report and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1172) "An act granting an increase of pension to Catherine F. Edmunds," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.
J. H. GALLINGER,
J. R. BURTON,
PARIS GIBSON,
Managers on the part of the Senate.

The statement of the conferees was read, as follows:

This bill originally passed the Senate at $35 per month, but was amended in the House to $30 per month. The result of the conference is that the House recedes from its amendment, and your conferees recommend that the bill pass at $35 a month, as it originally passed the Senate.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

IMMIGRATION.

Mr. SHATTUC. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the immigration bill; and, pending that motion, I desire to state that I have agreed with my colleague on the other side that general debate should cease at this time. I now ask unanimous consent to confirm our agreement.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12199, being the immigration bill; and pending that motion asks unanimous consent that general debate be now closed. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12199. General debate having been closed, the Clerk will proceed with the reading of the bill by paragraphs.

The Clerk read as follows:

That there shall be levied, collected, and paid a duty of $1.50 cents for each and every passenger not a citizen of the United States, or of the Dominion of Canada, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel, or by the alien passenger, if such alien passenger comes overland, within twenty-four hours after the arrival of such vessel in port, or by such overland alien passenger upon application for admission.

The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy; and if any such alien seeking admission overland refuses or neglects to pay such duty as hereinbefore provided he shall be refused admission to the United States, and if found subsequently to have obtained admission thereto after such neglect or refusal, he shall be deemed and adjudged to be unlawfully therein and may be deported, as is provided hereinafter for the deportation of other aliens found unlawfully in the United States: *Provided*, That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, by agreement with foreign transportation lines, as provided in section 33 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

The amendment recommended by the committee was read, as follows:

In line 25, page 2, after the word "immigration," insert the words "under the direction of."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 593) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 43.

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills, in the enrollment of the bill (S. 593) for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, are hereby authorized to strike out the words "Branch Home" from line 12, page 1, and insert in lieu thereof the word "sanitarium."

IMMIGRATION.

The committee resumed its session.

Mr. SHATTUC. I send up the amendments of the committee.

Mr. POWERS of Maine. I desire to be recognized after it is offered.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. PERKINS. What is the amendment?

The CHAIRMAN. The committee amendment has already been read by the Clerk, but without objection the Clerk will again report it.

The Clerk read as follows:

On page 2, line 25, after the word "immigration," insert the words "under the direction of."

The CHAIRMAN. The question is on agreeing to the Committee amendment.

Mr. HEPBURN. I would like to have some explanation why this should be done.

Mr. SHATTUC. The amendments are to section 1, page 1, line 8; insert after the word "States" a comma instead of a period. And after the same word insert the following: "Or by any railroad or any other transportation." It is suggested that by

using the word transportation we might include all means of transportation, including steamboat, railroad, or omnibus, or whatever kind of transportation used. Then in line 12, section 1, after the word "vessel," strike out the words "or by the alien passenger if such alien passenger comes overland, within twenty-four hours after the arrival of such vessel in port or by such overland alien passenger upon application for admission" and insert in lieu thereof the words "or transportation lines." This is done at the request of the Secretary of the Treasury.

Then, on line 25, page 2, after the word "immigration," insert the words "under the direction or;" that is to take the initiative away from the Commissioner-General and leave it with the Secretary of the Treasury as it is now.

Mr. PERKINS. Are those all the amendments offered?

Mr. SHATTUC. That is all that has been offered up to this time.

Mr. PERKINS. Mr. Chairman, I would like to be heard for a moment, to ask the chairman of the committee a question.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. SHATTUC. Yes.

Mr. PERKINS. I would like to ask in reference to one question which I could not understand in the bill as it is printed. I presume it will be explained by the chairman of the committee.

Mr. SHATTUC. Does it pertain to this question?

Mr. PERKINS. Yes.

Mr. SHATTUC. What is it?

Mr. PERKINS. The bill as it reads says:

There shall be levied, collected, and paid a duty of $1.50 for each and every passenger.

That first section as it reads would impose a tax of $1.50 on each and every passenger that comes to this country, whether he comes here to reside or whether he comes here for the purpose of business only. I have looked through the act to see if there was not some explanation by which this section should be modified so that it would only impose the tax upon those persons who are aliens coming here to reside, and not upon anyone who came here simply for the purpose of business. I have not found it in the act, but I am not as familiar with the act as my friend from Ohio, and I ask him where is the provision?

Mr. SHATTUC. What provision?

Mr. PERKINS. Which says that the tax is to be levied only on aliens coming here to reside.

Mr. SHATTUC. If the gentleman will read the bill which he has in his hand he will see that it excepts American citizens, citizens of the United States, of the Dominion of Canada, and of the Republic of Mexico.

Mr. PERKINS. But suppose the man comes from England?

Mr. SHATTUC. Then he would pay a dollar and a half tax.

Mr. PERKINS. The intention is to tax every man who comes from England on business, every traveling agent, every member of an embassy, or a tourist from England, and to say that he shall pay a dollar and a half to get into the United States?

Mr. SHATTUC. The passengers do not pay it; the steamship companies pay it.

Mr. PERKINS. Is that the law now?

Mr. SHATTUC. That is the effect of it. I presume it has been so for twenty-five years.

Mr. PERKINS. And the tax is collected on every traveler?

Mr. SHATTUC. Yes.

Mr. PERKINS. A dollar and a half a head?

Mr. SHATTUC. Not a dollar and a half, but a dollar. If the gentleman will look at the type in which the language is printed, he will see that it is the old law.

Mr. PERKINS. I do not care what type it is printed in; I want to know what these provisions are.

Mr. SHATTUC. If I have my way, the law will be that every passenger pays, or the company pays, a dollar and a half on every passenger that comes to the country, except citizens of the United States, citizens of the Republic of Mexico, and of Canada. For all others that come here we will collect from the company one dollar and a half apiece.

Mr. PERKINS. That would apply to everyone that comes here by railroad?

Mr. SHAUTUC. It is so now.

Mr. PERKINS. The railroads pay a dollar and a half a head?

Mr. SHATTUC. The railroad company.

Mr. PERKINS. Is there any other civilized country outside of China that levies a tax of this sort upon people coming into the country?

Mr. SHATTUC. Yes; $5 a head.

Mr. PERKINS. What country?

Mr. SHATTUC. Australia.

Mr. PERKINS. Oh, very likely.

Mr. HILL. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Connecticut?

Mr. SHATTUC. Yes.

Mr. HILL. Do I understand that a person coming from England to spend a week in the United States for business purposes or for pleasure that a tax is laid of a dollar and a half for coming into the country?

Mr. SHATTUC. Yes; but the steamship company pays it.

Mr. HILL. They pay a penalty for coming into the country?

Mr. SHATTUC. No. They pay their share of the police expenses, expenses attending inspection, and other expenses attending it.

Mr. HILL. Is it not about time we stopped it?

Mr. SHATTUC. No; I think not.

Mr. RAY of New York. Let me inquire of the gentleman from Ohio.

Mr. SHATTUC. Well.

Mr. RAY of New York. Do you say that if a man comes in here by railroad he pays a tax?

Mr. SHATTUC. I have answered that ten times, and it seems to me that a great constitutional lawyer like the gentleman from New York should not ask the question again.

Mr. RAY of New York. Will the gentleman kindly answer my question? I do not see it.

Mr. SHATTUC. The gentleman does not see what?

Mr. RAY of New York. It says every passenger who shall come by steam, sail, or other vessel from any foreign port to a port in the United States.

Mr. SHATTUC. That refers particularly to vessels.

Mr. RAY of New York. The bill does not say so.

Mr. SHATTUC. That is in the middle of the bill. The gentleman will find it if he reads the bill through. Mr. Chairman, I ask a vote on the amendment.

Mr. KLUTTZ. I see that this proposition exempts persons from the Dominion of Canada and the Republic of Mexico. I do not know from whence, except from those two places, anybody could come into the country by rail.

Mr. SHATTUC. The persons coming in pay this tax without knowing it, because it is paid by the steamship companies, who charge it over to the passenger.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SHATTUC] has expired.

Mr. PERKINS. I should like to ask a question. Suppose an Englishman, residing at some city on the other side of Lake Ontario, comes to the city of Rochester, where I reside. The fare on the steamer is $1; but coming from Toronto, he would under this bill, as I understand, be obliged to pay an additional $1.50, though his only purpose in coming to Rochester may be to buy something from Rochester merchants. In other words, if this proposed law should be enforced—I do not know that it will be—it is going to cost a man who is not born in Canada $1.50 in addition to the $1 fare in order to come to Rochester and do business. This is my understanding of the bill, and I would like to know whether it is correct.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. I should like to hear the amendment read.

The Clerk read as follows:

After the word "immigration," in line 25, page 2, insert "under the direction or."

Mr. BARTHOLDT. That is not the amendment.

The CHAIRMAN. The amendment just read is an amendment proposed by the committee. The Chair will state that a good deal of the discussion has apparently been directed to a series of amendments which the gentleman from Ohio [Mr. SHATTUC] has sent to the Clerk's desk, but which have not yet been reported. The question is now on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Ohio [Mr. SHATTUC] presents a series of amendments, the first of which will now be read.

The Clerk read as follows:

Amend section 1, page 1, line 8, by inserting after "United States," a comma instead of a period, and then inserting after the word "States" the following: "Or by any railway or by any other mode of transportation from foreign contiguous territory to the United States."

Mr. McCALL. I should like to ask the gentleman who proposes this amendment whether it is necessary for a person coming into this country by rail, if he is not a citizen of Mexico or Canada, to pay $1.50 under the existing law?

Mr. SHATTUC. A citizen of Canada will not have to pay it.

Mr. McCALL. Then, would not the effect of the amendment which the gentleman proposes be to require the payment of that tax in order to come into this country by railroad?

Mr. SHATTUC. Not at all.

Mr. McCALL. Then I did not understand the amendment as it was read.

Mr. SHATTUC. I have stated distinctly that citizens of the Dominion of Canada, citizens of Mexico, and citizens of the United States are to be exempt.

Mr. McCALL. But, as I understand, anyone else than a citizen of Canada or of Mexico or the United States coming to this country by rail would, under the operation of the gentleman's amendment, have to pay $1.50 tax, and that is not the existing law.

Mr. SHATTUC. I said that $1.50 was not the existing law; they pay $1 now. We increase the tax by adding 50 cents. The old law provides a tax of $1.

Mr. McCALL. I may have a wrong copy of the bill; but as I understand, the bill now before the House provides simply for this tax upon those who come by steam, sail, or other vessel; and the gentleman from Ohio proposes as an amendment to add those who come in by any transportation line.

Mr. SHATTUC. That is the law now.

Mr. McCALL. That is what I would like to have explained, because I do not see in the present law (which is printed in Roman type in connection with this bill) the provision to which the gentleman refers.

Mr. SHATTUC. An amendment will be offered correcting that—inserting in lieu thereof "or transportation lines," which will include railroad lines. That part of the bill is not very plain and will be corrected.

A MEMBER. How is the tax collected?

Mr. SHATTUC. The tax is collected by agreement of the Canadian lines, and they pay the tax themselves.

Mr. McCALL. Is there anything in the existing law including transportation lines in that general way?

Mr. SHATTUC. There is nothing that specifically provides who shall collect the tax on the Canadian lines. It is made permissive with the Canadian lines to make an arrangement with our Government officials, and they have been making such an arrangement for twenty years.

Mr. McCALL. Is that by law or by agreement?

Mr. SHATTUC. By law they are authorized to make the arrangement. In another part of this bill it is provided that this may be done.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. POWERS of Maine. Mr. Chairman, there are some things about this amendment that I want to be heard upon. Under the existing law of to-day, if a man not a citizen of Canada, if I may use that term, or subject of Canada, living in Canada, crosses over into the State of Maine to do any trading or visiting, he does not pay a dollar and a half every time he or any of his family come across the line. I live in a town right opposite the city of Woodstock, where we interchange visits frequently, and parties cross the line between the two countries for trade purposes every day. Nobody ever thinks of collecting a dollar and a half for the visitors or persons coming over to trade or for any other temporary purpose.

Mr. SHATTUC. Does the gentleman know why not?

Mr. POWERS of Maine. There is no law authorizing it.

Mr. SHATTUC. We do not make them pay here in this country, because they would retaliate at once and make our people pay over there.

Mr. POWERS of Maine. This amendment would make it imperative upon them to pay a dollar and a half if they were not citizens of Canada, as the bill calls the subjects of Great Britain living in Canada.

Mr. SHATTUC. Not at all.

Mr. POWERS of Maine. Then I can not understand the meaning of the English language.

Mr. SHATTUC. Then the gentleman can not understand the English language. He ought to. It is very plain there that the citizens of Canada are exempt from the operation of the law.

Mr. POWERS of Maine. The term "citizen of Canada" is used. I was not aware that there is any such term as "citizen of Canada." If you will change that to "resident of Canada"——

Mr. SHATTUC. It is subjects of the Dominion.

Mr. POWERS of Maine. They are subjects of Great Britain and residents of Canada. If the gentleman will change that to "residents of Canada," excepting all persons residing in Canada, then I think the bill may not be subject to so much objection as it now is.

Mr. SHATTUC. I will say to the gentleman that long before he and I became statesmen this was the law as it is now.

Mr. POWERS of Maine. I think not. There is no such law that I ever had my attention called to, and I have been a collector of customs along the frontier for some years, and had something to do with these matters.

Mr. SHATTUC. The gentleman means about the citizens of the United States and those of the Dominion of Canada. That is the law now.

Mr. POWERS of Maine. I believe that if you were to apply this to persons who crossed our border as they do up in the vicinity of the home of my friend from New York [Mr. PERKINS], and as they are doing in my own place, that instead of having it read "citizens of Canada," for there really is nothing of that kind, it should read "residents of Canada."

Mr. BARTHOLDT. Offer that amendment.

Mr. POWERS of Maine. I will, perhaps, when the time comes——

Mr. BARTHOLDT. Now is the time.

Mr. POWERS of Maine. After this amendment has been adopted I may offer an amendment to change the word "citizen," in line 5, to "resident."

Mr. LESSLER. Offer it now! Offer it now!

Mr. ADAMS. Mr. Chairman, the adoption of this amendment would destroy the restrictive character of this bill. All a man would have to do would be to move into Canada, where he becomes a resident, not a citizen, and then he would be free to cross the border into the United States, and the whole scope and object of this bill would be nullified. The term "resident" would impose no length of residence in order to establish it as the term "citizen" might under the laws of the country, and it would simply open the doors to the migration into this country which we are now trying to restrict and nullify the object of this bill, and especially the new features which have been engrafted on it at the request and demand of the laboring classes of the country. You might as well not pass this bill as to say that every resident of Canada—not a citizen, but a resident—can cross the boundary lines of the United States and come in. Why, all migrations from Europe would come to Canada and become residents and then cross the border.

Mr. GILLETT of Massachusetts. Does the gentleman think anybody would become a resident of Canada to save a dollar and a half. [Laughter.]

Mr. ADAMS. They would become a resident of Canada for one day——

Mr. GILLETT of Massachusetts. That would cost a dollar and a half, would it not?

Mr. ADAMS. The gentleman thinks the steamship tax of a dollar and a half is of no importance. I will state that it is of such importance that it is diverting the passenger traffic to the Dominion lines of Canada, and the matter that interests the gentlemen from New England so much is the transportation on their railways down into the interior of the country. It is of sufficient importance to do that. A man will remain a resident of Canada for one day, come in in that way and escape the tax, and it will nullify entirely the purposes of this bill, which are to stop the migrations through the open doors of Canada, which is one of the great evils of which the Treasury Department now complains.

Mr. POWERS of Maine. Mr. Chairman, I do not raise the objection for any such purpose as is indicated by the gentleman from Pennsylvania [Mr. ADAMS]. I raise the objection for the reason that I believe it will prevent persons from coming across the border for trading or visiting or anything of that kind, whether it be up on the northern border of New York or on the border of Maine. And at the proper time I purpose to offer an amendment to strike out the word "citizen," in line 5, and insert instead thereof the words "subjects of Great Britain, bona fide residents of Canada."

Mr. ADAMS. What is a bona fide resident?

Mr. POWERS of Maine. One who has his home honestly there; not one who has gone there, as the gentleman seems to think they would, to escape the payment of a dollar and a half and expend $25 in doing it.

Mr. ADAMS. Oh, no.

Mr. POWERS of Maine. Now, I should like to ask the gentleman, who is on the Committee on Foreign Affairs, as well as the Immigration Committee, and knows much more than I do about matters of this kind, what do we understand by citizens of Canada? Is there any such class of persons? I live on the border, and I never heard of them. I have heard of subjects of Great Britain residing in Canada and I have heard of Canadians.

Mr. ADAMS. I will say in reply to the gentleman that this very House has put that term into the Porto Rican bill and declared the inhabitants of the island of Porto Rico to be citizens of Porto Rico.

Mr. POWERS of Maine. That is an entirely different case.

Mr. ADAMS. So we have that distinction, which has been made by the House of Representatives. I will say to the gentleman, so far as the question of international law is concerned, that the term "citizen" is well understood to be a man who owes allegiance to a country and is subservient to its laws. The term "resident" has no such significance.

Mr. RUCKER. Will the gentleman permit an interruption?

Mr. POWERS of Maine. Certainly.

Mr. RUCKER. The language of this bill complained of by the gentleman from Maine is existing law and has been in the immigration laws of the United States since 1882 at least. I have a copy of it here.

Mr. POWERS of Maine. Does it apply to railroads?

Mr. RUCKER. It applies to the class of people in Canada that this bill applies to.

Mr. POWERS of Maine. Will you please answer the question? Does the existing law apply to persons coming over the frontier on railroads?

Mr. RUCKER. It says:

That there shall be levied a duty of 50 cents for each and every passenger not a citizen of the United States who shall come—

I see it says—

by steam or sailing vessels.

Mr. POWERS of Maine. I thought so. They cross back and forth—hundreds of them every day—on the railroad, to and from my town.

Mr. MCCALL. As there seems to be a question here as to what the existing law is, I would suggest to the gentleman from Ohio [Mr. SHATTUC] that he permit this amendment to be temporarily passed over, in order that we may find out just what the existing law upon this point is. Of course if it is existing law I should be inclined to vote to reenact it; but if it is not existing law, then I think the committee should consider it more carefully.

Mr. PERKINS. It is not existing law.

Mr. MCCALL. If it is not existing law, the committee has not been correctly informed.

Mr. ADAMS. I will say to the gentleman from Massachusetts [Mr. MCCALL] that this provision has been put in the bill in order to cure the great evil that now exists, the coming in through the door of Canada of persons whom we desire to keep out. Unless I am very much mistaken it is a new provision of law, and it is put in for the very purpose which this bill is trying to accomplish, which the amendment of the gentleman from Maine [Mr. POWERS] will almost utterly destroy.

The information which comes to us from the Treasury Department to-day is that the law is being evaded through the transportation facilities by way of Canada. So great is this evil that recently the Treasury Department has sent additional inspectors to the various points of transportation on the Canadian frontier to stop it. The laws to-day are being almost nullified by the abuse of the open door through Canada, and the attention of the committee having been called to this fact, this provision was put on the bill both at the request of the Treasury Department and of the labor organizations of the country, to remedy this evil. I do not wish to repeat, but it is a very important matter; and if the amendment of the gentleman from Maine [Mr. POWERS] is engrafted upon this bill and residents of Canada are allowed to come in, it would defeat the purpose of the bill, which is to try to remedy this ingress through the ports of Canada into our country.

Mr. MCCALL. Mr. Chairman, the gentleman from Pennsylvania [Mr. ADAMS] admits now that the provision embodied in this amendment is not a part of the existing law. It seems to me that it should not become a part of the existing law. It is an absurdity on the face of it that any person desiring to come into this country from abroad would come around by way of Canada and stop there in order to acquire a legal residence for the sake of saving a dollar and a half.

Now, if the gentleman can draw up an amendment so that people who come here from abroad—I mean from across the seas—by way of Canada shall pay $1.50, there can be no objection. But in New England we have very intimate trade relations with Canada. We have a great border commerce, and people are crossing back and forth constantly, and we do not care to have the annoyance of citizenship being inquired into and this special tax levied on passengers who are traveling, for instance, from Chicago to Boston by way of Canada or in returning to Boston also by way of Canada. It seems to me an unreasonable provision to put in this bill, that people coming to and from Canada upon business or for only a temporary purpose, should be required to pay this tax of $1.50. I hope that this provision will not be embodied in the law.

Mr. HEPBURN. Mr. Chairman, I do not know that this particular phraseology is the happiest that might be inserted in this bill, but something ought to be done, in my judgment, for the restriction of immigration. Almost every proposition that we have had that would have been restrictive has been defeated in this House by the local interests of gentleman who do not want to interfere with the trade of their particular towns. [Applause.] Now, I think that the word "passenger" is the better word. I think it will tend to keep out these people who are coming now through Canada. A gentleman near me just now told me that one Canadian steamship line has advertised that immigrants who can not get through at the port of New York can through Montreal, and it is because we have not this real restrictive provision that ought to be in the law.

Again, Mr. Chairman, there is a large number, a very large number, of people who come here every spring from the Mediterranean ports. They come in February and March. They work during the summer season, and in the fall they go back by the thousands. I think that those people ought to be kept out. If you try to do it by the use of the word "immigrants," they say they are not immigrants; they are "tourists;" they are "visitors;" it is not their intention to reside here, and hence the steamship company will not pay this fee. I want something done that will be restrictive of this immense immigration.

I received in my mail yesterday a communication that I suppose contains a statement of facts. Among others is a comparison for January, February, March, and April of 1900 and 1901 and 1902 of the immigrants coming into this country. In the four months of the first year 149,000 came, in the second year 154,000, and thus far this year—I am speaking of the four months this year—230,000 have already come.

If that ratio is kept up, 700,000 of these people will come here during this year. Now nearly half of them are laborers—men and women. They are adults. We are giving to these people a participation to that extent in our labor field. Mind you, they are not the class of immigrants that we used to have. Years ago, when the immigration was large, it came from Great Britain, from Germany, and from the northern States of Europe; all welcome here, making good citizens; but now the immigration in a large degree is coming from the eastern borders of Europe and from the south, and in very many instances—in the majority of instances—they are not desirable additions to our population. Five years from now under a lax administration of the naturalization laws these people would be voters. I do not want the voting power of the United States diluted in that way. I want to see everything that is restrictive in this bill retained in it, and would be glad if much could be added to it. I would rather double that tax than to add simply the 50 cents that this bill proposes to the present law.

Mr. PERKINS. Mr. Chairman, I agree with every word that has been said by the gentleman from Iowa, and I go a great deal further. I think the immigration question is the most serious question before this country; but I believe that this tax of $1.50 will not keep one single immigrant out of the United States of America. I do believe that this tax of $1.50 on persons coming from Toronto to Rochester is a mere incumbrance of trade, and at the same time it will not keep out one immigrant, desirable or undesirable. Let this committee do what they should do, if they want to check immigration, and have some means by which they can do so without requiring a tax of $1.50. What does that amount to in the way of keeping an undesirable immigrant from coming in? To prevent this undesirable class of immigrants coming in you must provide some other means than this tax. I say that this provision of a $1.50 tax on every passenger will not stop a single one from coming in.

You simply have a provision which, if enforced, may be annoying, and interfere with legitimate trade between Canada and the United States, and will no more stop the tide of immigration than it will stop the tide of the Atlantic Ocean. So do not let my friend divert us from the question, which is a proper question to be decided here. Let him bring in an amendment by which immigrants will be turned back, and I will join with him, but when it comes to a mere annoying trade provision which, if enforced, will create incalculable annoyance to business and will not stop one immigrant coming in here, I see no reason for it. There is no reason for foolish legislation because we can not get wise legislation.

Mr. HEPBURN. Will the gentleman allow me?

Mr. PERKINS. Certainly.

Mr. HEPBURN. Does the gentleman not know that the great difficulty is in distinguishing, in the hurry of this investigation, between the passenger and the immigrant? You can not distinguish, you can not get the evidence to show that a man is an immigrant if he, who knows all about it and is a stranger, asserts that he is here for a temporary purpose—that he is going back. The only way you can make it exclusive is to recognize him in the character that you know he is; you know he is a passenger and you can not know that he is an immigrant. His friends are with him and they can all join in the same statement that he is coming here for a temporary purpose. There is no possible way of overcoming that without you keep tab on these men during a period of five years, and that is utterly impossible. So that if you change that word, in my judgment you take the substance out of this bill.

Mr. ALEXANDER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. PERKINS. I want to answer the gentleman from Iowa first. But first, I would like to ask him a question. Does the

gentleman from Iowa think that any man who desires to be an immigrant and come into this country to live will be turned back because he is required to pay 12 shillings for the privilege?

Mr. HEPBURN. I do not know, but I know that many and many a family coming here have expended everything they had to get here.

Mr. PERKINS. Quite right.

Mr. HEPBURN. I think if there was an additional cost put upon their passage perhaps they would not come, and it is in the hope that they would not, that is, the class I have heretofore spoken of from eastern and southern Europe, that I favor this provision. I hope that they will not come, and it is because of that that I want this as one of the restrictions. It is not sufficient in itself, but it is one restriction, however, and I would multiply them to keep them out if I could.

Mr. ADAMS. Will the gentleman allow me?

Mr. PERKINS. I would like to answer the question of the gentleman from Iowa. One at a time is sufficient.

Mr. ADAMS. It is a hard question.

Mr. PERKINS. It is a hard question. If the gentleman from Iowa will join in voting to impose an educational test, he will find it will stop many more than a tax of 12 shillings. He says no man can tell an immigrant from a man that is coming here on business. If my friend lived in New York he would not have made that statement. The great body of immigrants——

Mr. HEPBURN. Why, I spent three months in investigating this matter, and I have seen thousands of these people where the gentleman has seen one.

Mr. PERKINS. If a man can not tell a man coming from Italy and Poland or Hungary when he comes in on the train from Canada and reaches the port of New York—if the inspector can not tell the difference between such a man and that of an English-speaking man living in Canada—he must be a dull inspector.

Mr. HEPBURN. Oh, he could tell that; but he could not tell from his appearance how long he was going to sojourn in the United States, and that is the real question.

Mr. COCHRAN. Mr. Chairman, this bill is a mere police and sanitary measure. It excludes beggars and insane persons, anarchists, and other classes inimicable to the public peace, public morality, and public health. It aims at that and nothing else. It does not aim to prevent the incursion of the hordes that annually come to this country for the purpose of temporarily engaging in mining, working in the lumber camps, and manufactories, and in railroad construction, intending to return to their own country when they have saved a small competence. It does not pretend to prohibit or prevent the addition of these hundreds and thousands of stalwart, able-bodied laborers to the number already at work in this country. Its enactment would not prevent the owners of our coal mines from populating the regions in which they are located with classes of alien laborers socially unfit for citizenship, who care nothing about citizenship, and are therefore essentially disqualified from becoming Americans.

Its enactment would not put an end to the systematic promotion of undesirable immigration by the steamship companies. As for the provision forbidding the owners of the trans-Atlantic lines from thus promoting undesirable immigration we all know it will not have a feather's weight in preventing the evil practice. As long as the law tolerates the addition of undesirable alien laborers to the laboring classes already here, the steamship companies will continue to promote the business they have heretofore fostered so carefully.

When this bill shall become a law (if it does become a law), how easy it will be for the Congress responsible for it to claim credit for the passage of a more stringent immigration law? From the beginning of this controversy down to this hour the demand of the workers in this country has been that the stalwart 6-foot laborer, capable of competing in the labor market with those already toiling for a living here—not the organ grinder or the beggar—shall be excluded. No effort has been made to meet this demand. This bill does not even squint at it. It is a wise police regulation.

In the interest of the maintenance of the public peace it excludes the anarchist, felons, and in general the lawless classes. In the interest of the public health it excludes those suffering from noxious diseases. But what have these restrictions to do with the greater and graver question involved? Absolutely nothing. From the beginning the laborers of this country have demanded the prevention of immigration, which is adding vast hordes of the lowest classes of European pauper labor to our population. We all know that this incursion of undesirable classes among the laboring classes is reducing the standard of living and the level of civilization in every city in the country and among all callings in which manual labor engages. Not only the seaboard cities, but all our large cities and the mining camps of Pennsylvania, Illinois, Ohio, Kansas, Colorado, and other mining States and nearly all places where there are manufacturing communities will soon cease to be American communities and become mere colonies of brutalized aliens, thousands of whom do not seek to learn our language or desire to learn the nature of our institutions. They are tempted to come to our shores by the one consideration that they can obtain a little better wages, save a little money, and return to their native countries after a term of years. Is the American Congress going to respond to the demand for the suppression of this kind of immigration?

The time is coming when a mere stump speech on the hustings by a lawmaker, citing the passage of such a measure as this, will not be received in quittance of our obligation to limit the immigration, not of beggars, cripples, organ grinders, and thieves, but of able-bodied laborers, most of whom are brought here by the great corporations and "captains of industry."

Mr. Chairman, I need not cite any proof that the complaints of the American laborer, who is the sufferer from this great evil, are just.

The tenement houses of our cities are infested by classes unknown in America a quarter of a century ago. Everywhere we see evidences of a change in the character of our laboring population. In every mining camp, in the industrial hives in our cities, on the construction trains—everywhere—we see men on whose countenances are stamped unmistakable evidences that they are not and can not become useful American citizens.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. I ask an extension.

Mr. BARTLETT. I hope the gentleman will be granted unanimous consent to continue his remarks for five minutes.

There was no objection.

Mr. COCHRAN. Mr. Chairman, who will point out in this measure a single section, a single line, a single syllable that aims at more than mere police and sanitary regulations? Is there a just demand for nothing more? Is there necessity for nothing more than this?

I believe the time is coming when, nothwithstanding the danger of being subjected to the criticism of demagogues who will seek to array the worthy elements of our foreign-born population against those who undertake to stand in the pathway of this evil, the time is coming when we must face the responsibility, when the American Congress must see to it that classes who in the very nature of things can not be Americanized shall be prohibited from taking up their domicile in the United States.

And in this connection another question arises. Our present naturalization laws were passed at a time when our immigration consisted of the very cream of the population of Europe. The large immigration between 1848 and 1860 was caused by political complications abroad. The great revolutionary movement of 1848 had provoked disquietude through all Europe, and had caused the general migration from the Germanic States of men who came here because they desired to live in a republic. They came here because they were republicans and sought the blessings of republican institutions. In those days those who came to our shores were compelled to make great sacrifices. If they were poor, it required years of economy to accumulate the necessary funds. Only the fittest came. Since that time the sources of European immigration have changed entirely. The immigration from Germany absolutely fell off between 1890 and 1900, while the immigration from other countries, of people who are confessedly less desirable as citizens, increased enormously.

The question which, sooner or later, must be answered by the American Congress is whether we are going to close the doors against the brutalized classes of alien laborers which until recently was almost unknown but which now form a large part of the annual addition to our population. I believe there is no civilized country on earth that has not within its borders persons who would be desirable as citizens of this country. Let them come. I think thousands are coming here every year whose presence will work injury to the welfare of the country. Bar them out. The question raised may be difficult, but if the Congress had done its duty long ago it would have been made utterly impossible for a shipload of laborers to come here from a European country, nine-tenths of them leaving their families behind them, not one in ten intending to settle in the country, and who, having worked one, two, or three years at the most, take their savings and return to their homes in the old country.

If this is to continue, the level of the wages and the standard of living of the laborer will continue to fall until finally under "the iron law" of wages, which allots to the laborer only the wage necessary to maintain him in such condition that he can continue to work and propagate his species, the American laborers as a class will sink to the level of their alien competitors—the level of European pauperism.

The question is whether the American citizen, native or naturalized, whether born here or in Germany, Holland, France,

Sweden, Norway, or Switzerland, is to be submitted to unlimited competition with the most debased classes of the Old World? Shall this unlimited competition against the pauperized classes of the Old World fix the standard of living, and thereby the standard of respectability of the American laborer? Shall we continue to permit alien laborers to leave their families behind, come here as mere sojourners, live and labor under conditions repulsive to all our ideas, hundreds occupying a single building, sleeping in bunks ranged on the wall much as the shelves in a store, and subsisting at nominal expense—are we to permit them to drag down the standard of living and the standard of self-respect hitherto prevailing among American wage-earners? If so, farewell to every hope and aspiration which labor has a right to indulge.

As a police measure this bill improves existing laws and I favor its passage. It does not even aim to prevent the immigration of able-bodied pauper laborers. Therefore it does not meet the necessities of the situation as they appear to the wage-earners of the country.

[Here the hammer fell.]

Mr. ALEXANDER. Mr. Chairman, I desire to ask the chairman of the Committee on Immigration if he will accept this amendment: In line 7, after the words "foreign port," insert these words, "other than those on the Great Lakes," so that it will read "who shall come by steam, sail, or other vessel from any foreign port other than those on the Great Lakes to any port within the United States."

Mr. Chairman, at Niagara Falls visitors come in by rail across bridges; at Detroit they cross in ferry boats as well as on the cars, hundreds of travelers, not immigrants, who wish to visit and travel in our country. Under this bill they must pay a dollar and a half for the privilege of being in the country perhaps for an hour or two.

There is a line of boats running from Toronto to Wolcott on Lake Ontario, which is just below Lockport; also a line running from Toronto to Charlotte, 6 or 7 miles from Rochester, and a line of boats running from Toronto to Lewiston, at the mouth of the Niagara River, and during the summer these boats are filled with travelers from England, Germany, France, and other countries, passengers who land in Canada and want to visit Niagara Falls. They come, also, by way of the St. Lawrence from Quebec and Montreal for the purpose of visiting that historic and picturesque spot. Now, it seems absurd that these passengers, travelers, pleasure seekers for the moment, should be compelled to pay a dollar and a half each simply for landing in the country for two or three days to visit Niagara Falls and the other places of interest in that vicinity.

Mr. POWERS of Maine. I will state to the gentleman that the amendment makes it apply equally to railroads as it does to steamboats.

Mr. ALEXANDER. It has not been accepted yet.

Mr. POWERS of Maine. No; that is what we are discussing, that amendment making it apply to every passenger who crosses by rail, as well as boat, to your city or any other.

Mr. RUCKER. Does the gentleman understand that this language does not apply to any citizen of Canada?

Mr. ALEXANDER. Certainly; but there are hundreds of English people, Scotch people, and other foreigners, who visit Canada in the summer, who go over to Niagara Falls and other places of interest on this side for a day or two, and the word "passenger" would compel them to pay a dollar and a half for the privilege of crossing from Clifton to Niagara Falls, just to spend an hour or two.

Mr. SHATTUC. If it were my own money that was at stake, and the gentleman asked for this contribution to his people, I would give it, but the United States Government needs this money.

Mr. ALEXANDER. Oh, no; it does not.

Mr. SHATTUC. Besides this, the administration of this law will be in the hands of our Secretary of the Treasury, and he will not make rules that will be obnoxious at all.

Mr. HILL. Oh, well, let us have it a matter of law.

Mr. ALEXANDER. What would the gentleman from Ohio say if the English Parliament should assess every American coming across the Channel to Dover a dollar and a half additional to his fare, simply for the privilege of visiting England?

Mr. SHATTUC. I should say they were a very enterprising set of people. [Laughter.]

Mr. BUTLER of Pennsylvania. Business people.

Mr. ALEXANDER. I move this amendment in line 7, after the words "foreign people," to insert the words "other than those on the Great Lakes," so that, with the other pending amendment, all visitors entering this country from Canada, other than citizens of Canada, may come without the payment of a dollar and a half, whether they come by rail or by boat.

[Here the hammer fell.]

The CHAIRMAN. The Chair will state to the gentleman from New York and the gentleman from Maine who have referred to amendments that they wish to offer, that the chairman of the committee [Mr. SHATTUC] has furnished the series of amendments which he desires to offer, and it will be in order first to pass upon the amendments submitted by the chairman, in order to avoid confusion. These amendments having been passed upon, the section can then be perfected by disposing of other amendments. Debate on this amendment is now exhausted, and the question is on agreeing to the amendment.

Mr. HILL. Mr. Chairman, I call for the reading of the amendment that we are voting on.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amend section 1, page 1, line 8, by inserting after the word "States" a comma instead of a period, and by inserting after the word "States" the following: "or by any railway or any other mode of transportation from foreign contiguous territory to the United States."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

In line 12, amend by striking out after the word "vessel" the words "or by the alien passenger, if such alien passenger comes overland, within twenty-four hours after the arrival of such vessel in port, or by such overland alien passenger upon application for admission" and insert in lieu thereof the following: "or transportation line;" in line 25, page 2, after the word "immigration," insert the words "under the direction or;" so that it will read:

"That there shall be levied, collected, and paid a duty of $1.50 for each and every passenger not a citizen of the United States or of the Dominion of Canada or of the Republic of Mexico who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or other mode of transportation from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line: * * * *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, etc."

The amendment was agreed to.

The CHAIRMAN. All the amendments submitted by the gentleman from Ohio [Mr. SHATTUC] have now been agreed to.

Mr. ALEXANDER. Mr. Chairman, I have sent up an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

In line 7, page 1, after the words "foreign ports," insert "others than those on the Great Lakes."

The amendment was rejected.

Mr. SHATTUC. I move that debate on this section and all amendments thereto be closed.

The motion was agreed to.

Mr. PERKINS. Mr. Chairman, I move to amend the section as amended by inserting immediately after the words "United States," in line 8, the words "upon every alien immigrant coming," and to strike out the word "or."

I would state, Mr. Chairman, the effect of that amendment if adopted.

The CHAIRMAN. The Chair will state that all debate on this section and amendments has been closed.

Mr. PERKINS. I move to strike out the last word.

The CHAIRMAN. After a motion to close debate has been agreed to, debate on the motion to strike out the last word is not in order.

Mr. PERKINS. I merely desire to explain the amendment, and I ask unanimous consent that I may be allowed to do so.

The CHAIRMAN. The Chair would state that the committee has determined that no debate shall be in order upon this section.

Mr. CANNON. Unanimous consent can always be given.

Mr. PERKINS. I ask unanimous consent.

The CHAIRMAN. The gentleman from New York asks unanimous consent to be permitted to explain the amendment.

Mr. SHATTUC. What is it that the gentleman wants to explain?

Mr. PERKINS. I merely want to explain it, not to say one word in the way of argument.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. Mr. Chairman, if this amendment should be adopted the result is this: The bill imposes upon every passenger that lands on the seaboard $1.50. This is not changed by the amendment. The operation of the law, which is the present law, remains. The provision of new law, which has been offered by the committee, is to impose a tax of $1.50 on every passenger who comes into this country from Mexico and Canada by rail. I think it is an unfair provision to impose that tax upon every "passenger," and the amendment is that the tax shall be imposed on every "immigrant" who comes by rail from Canada or Mexico.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SHATTUC. I simply desire to say that the amendment ought not to pass.

The question was taken, and the amendment was rejected.

Mr. POWERS of Maine. I have an amendment to offer.

After the word "Canada," in line 5, insert the following: "the Republic of Cuba.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. POWERS of Maine. Division.

Mr. LESSLER. What is it all about?

Mr. POWERS of Maine. To give the Republic of Cuba the same rights that we grant to Canada and Mexico, it being the only other country on this continent that we want to give it to.

The committee divided; and there were—ayes 50, noes 22.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next section.

The Clerk read as follows:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind in the United States; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country; and the provisions of this section shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Mr. UNDERWOOD. Mr. Chairman, I offer the following amendment.

Mr. SHATTUC. Does not the chairman of the committee take precedence?

The CHAIRMAN. If the gentleman from Alabama will withhold his amendment, the chairman of the committee has an amendment recommended by the committee.

Mr. UNDERWOOD. I ask for recognition when the committee is through.

The CHAIRMAN. The gentleman from Ohio offers the following amendment on behalf of the committee, which the Clerk will report.

The Clerk read as follows:

In section 2, page 3, line 23, strike out the semicolon after the word "States" and insert a comma in lieu thereof, and insert "and those who have been, within one year from the date of application for admission to the United States, deported as being under offers, solicitations, or promises or agreement to perform labor or service of some kind therein."

The question was taken; and the amendment was agreed to.

Mr. UNDERWOOD. Mr. Chairman——

The CHAIRMAN. The gentleman from Alabama submits an amendment which the Clerk will report.

The Clerk read as follows:

Amend the bill by adding as a new section, between lines 14 and 15, on page 4, the following:

"SEC. 3. That in addition to the persons excluded under the foregoing section, admission into the United States shall be denied to all persons over 15 years of age and physically capable of reading who can not read the English language or some other language; but an admissible immigrant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

"That for the purpose of testing the ability of the immigrant to read the inspection officers shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrants in double small pica type. Each immigrant may designate the language in which he prefers the test shall be made, and shall be required to read the words printed on a slip in such language. No two immigrants listed on the same manifest shall be tested with the same slip. An immigrant failing to read as above provided shall not be admitted, but shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him."

Mr. UNDERWOOD. Mr. Chairman, on yesterday in general debate I made——

The CHAIRMAN. The Chair would like to say to the gentleman from Alabama and the committee that other gentlemen of the committee desire to offer amendments to section 2, and without objection those amendments will be considered before this.

Mr. SHATTUC. I make the point of order, Mr. Chairman.

Mr. UNDERWOOD. I would like to ask the gentleman from Ohio what is his point of order?

Mr. SHATTUC. I consider that it is not germane.

Mr. UNDERWOOD. The gentleman makes the point of order that it is not germane. All I have to say is, that this is a bill for the restriction of immigration. The amendment offered restricts immigration, and I think it must be clearly germane.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that he is informed that there are other amendments to section 2. Section 2 ought to be perfected before it is passed.

Mr. UNDERWOOD. Well, no gentleman claimed the floor, and therefore I offered my amendment.

The CHAIRMAN. The Chair understands the gentleman from California has an amendment to present to section 2.

Mr. UNDERWOOD. I yield the floor with the amendment pending, Mr. Chairman, until section 2 is perfected.

The CHAIRMAN. Without objection, the amendment will be considered as pending as a new section while section 2 is being perfected.

The gentleman from California [Mr. COOMBS] sends up an amendment which the Clerk will report.

The Clerk read as follows:

Strike out on page 4, line 7, all after the word "turpitude" and all of lines 8, 9, 10, 11, 12, 13, and 14.

Mr. SHATTUC. Mr. Chairman, I would like to hear the amendment read. I could not hear it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. BARTHOLDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTHOLDT. Is this amendment offered by the gentleman from California an amendment to the amendment offered by the gentleman from Alabama?

The CHAIRMAN. It is not. The amendment offered by the gentleman from California is an amendment to perfect section 2. The amendment offered by the gentleman from Alabama is a new section to the bill.

Mr. BARTHOLDT. And not an amendment to section 2?

The CHAIRMAN. No.

Mr. CLARK. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. The amendment has been twice reported; but without objection, it will be again read.

The Clerk again reported the amendment.

Mr. COOMBS. Mr. Chairman, I think that section 2 is intended to comprehend completely the classes of people who are to be excluded from coming into this country under this bill. The language which this amendment seeks to strike out, if left in, is such a qualification of the exclusion which is intended by the section, as, in my mind, to entirely invalidate and vitiate it.

Section 2 provides that idiots, insane persons, epileptics, paupers and those who may become a public charge, those infected with loathsome and contagious diseases, convicted of a felony or other crime not involving moral turpitude, polygamists, anarchists, prostitutes, etc., shall be excluded from coming into the United States. Now, on page 4, it is provided, as an exception to that rule, that those who may be professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants, are excepted, although they may be within the class prohibited. That is a fair construction of it, although, of course, it is not intended so by the committee.

Mr. PERKINS. It does not read that way.

Mr. COOMBS. An anarchist, if he is an artist, may be admitted. Learned professors may come in although they might be preachers of the doctrine of anarchy in their own country.

Mr. BARTHOLDT. I would like to ask the gentleman a question.

Mr. COOMBS. Very well.

Mr. BARTHOLDT. If a man comes into the country as an artist and he was found to be an anarchist at some time, under the provisions of this section he would be admitted as an artist but excluded as an anarchist, because there is a specific section in the bill which excludes anarchists.

Mr. COOMBS. That is the point of it; it would admit him as an artist, but it could not exclude him as an anarchist. He has a peculiar exemption under the provisions of this bill; and, though he is an artist, although he has all of the traits of character inhibited in the first provisions of the bill, yet being an artist, he has a right to come in. It is my opinion that this exception should be

provided for in some other portion of the bill. I think the bill is faulty in that respect.

There is another part which I think must be stricken out.

Mr. GROW. Suppose it read "anarchists in any profession or business should be excluded."

Mr. COOMBS. That might perhaps be sufficient, I do not know. In lines 7 and 8 of this bill, on page 4, it is provided that skilled labor may be imported if the labor of a like kind not employed can not be found in this country.

I understand, Mr. Chairman, that at one time that may have been a necessary part of the material progress of this nation, when industries were in their infancy, when in the formative condition, it might have been material to our progress to bring men in here skilled in a particular line. That time has gone by. I see no occasion now, under our present system, of continuing in force a provision the reason for which has gone by and has become obsolete.

Mr. ALEXANDER. Will the gentleman allow me?

Mr. COOMBS. Certainly.

Mr. ALEXANDER. I desire to ask the gentleman from California if his attention has ever been called to the manufacture of lenses used in large telescopes. In Buffalo we have a manufactory of that kind, the only one, I think, in the United States.

Our people have found it absolutely necessary to go to Germany to find skilled workmen who can grind those lenses. This is an infant industry; it is a growing industry; it is a most important industry; and if the Secretary of the Treasury had not found some way of allowing skilled laborers in that line of work to come in under existing laws, the factory to which I refer would have been seriously crippled.

[Here the hammer fell.]

Mr. ADAMS obtained the floor.

Mr. CLARK. I should like to ask the gentleman from Pennsylvania [Mr. ADAMS] a question. Is he on this committee?

Mr. ADAMS. I have that honor.

Mr. CLARK. Then I want to ask him about two lines in section 2—lines 8 and 9 on page 4, which are printed in italics:

If labor of like kind unemployed can not be found in this country.

Now, will not that provision open the flood gates to the importation into this country of all kinds of contract labor?

Mr. ADAMS. I think not, because if there should be skilled labor unemployed in the country, capable of doing the work in question, the skilled labor from abroad could not be imported. On the other hand, if there is no unemployed labor suitable for that class of work, then we need these skilled laborers from abroad.

Mr. CLARK. Now, let me ask the gentleman another question. Who is to determine whether there is in this country unemployed skilled labor of the kind which it is proposed to bring in under contract?

Mr. ADAMS. The facts of the case would be submitted to the officers of the United States, and it would be for them to determine the operation of this provision, as in the case of other provisions with respect to immigrants.

Now, Mr. Chairman, I was about to reply to the gentleman from California [Mr. COOMBS]. I am afraid that gentleman's mind has been in such a state of excitement and tension regarding the Chinese-exclusion bill during the present session that he is unduly apprehensive in regard to any legislation which may undertake to regulate immigration in this country. I think he has stretched the language of this section of the bill in a way which unduly arouses his apprehensions, and might lead to misjudgment on the part of other gentlemen, unless proper explanation be made. The gentleman certainly does not wish to stop the development of our country in the arts or sciences or manufactures by preventing the importation of skilled laborers, when there is a stringent provision that such importation shall not take place unless we need such labor, and unless there is in this country no such labor unemployed.

Mr. COOMBS. Is it proposed in this bill that the importation of skilled laborers shall be regulated by the Secretary of the Treasury—that he shall determine in what cases such importation is proper?

Mr. ADAMS. This whole bill will be put into execution under regulations laid down by the Secretary of the Treasury for its enforcement.

Mr. COOMBS. If that is the case, then of course I should not be insistent with regard to that particular part of my amendment.

Mr. ADAMS. Then I will proceed to answer the other part of the gentleman's argument.

Mr. ROBINSON of Indiana. In response to the suggestion of the gentleman from Missouri [Mr. CLARK], I would like to state an instance that came within my knowledge where skilled mechanics were required in certain knitting mills, and no laborers of the necessary kind could be found unemployed in this country. Mechanics who were being brought in to meet that necessity were held up in the city of New York, but upon the presentation of the case to the Commissioner of the Bureau of Immigration and showing the facts those laborers were admitted to the country for that special and infant industry.

Mr. ADAMS. I could mention half a dozen of such industries. For instance, the silk industry, or the designing of patterns for cotton prints, etc. There are innumerable cases in which it may be necessary to import skilled labor to aid us in carrying on infant industries. I need not say to my friend from California that the genius of the American people is such that they are constantly creating new industries that demand development, and these new industries are entitled to the same protection that has been accorded to similar industries under similar circumstances in the past.

On one other point I would like to relieve the apprehension of the gentleman. He supposes that there may apply for admission as an immigrant some one who is a sort of Dr. Jekyll and Mr. Hyde—who is, we will suppose, an anarchist on one side and a play actor on the other. But in such a case, if there should be found on any side of the man's character any unfitness for his entrance into this country, he may be excluded.

Mr. COOPER of Wisconsin. Will the gentleman allow me a question?

Mr. ADAMS. Certainly.

Mr. COOPER of Wisconsin. I notice that this bill provides in section 2 that no person "convicted of a felony" shall be admitted. Now, I wish to ask whether there is any provision of the existing law or any proposed provision in this bill which will be effective in excluding persons of that class?

Mr. ADAMS. The provision of the law or of this bill on that subject will be just as effective as any law can be.

Mr. COOPER of Wisconsin. Does this bill amend the existing law in that respect? Does it make the present remedy applicable in such a case any more effective?

Mr. ADAMS. I think not.

Mr. COOPER of Wisconsin. Well, will the gentleman permit me to state briefly an incident that came under my notice showing the necessity for the amendment of the existing law in order to secure the exclusion of ex-convicts?

Mr. ADAMS. Certainly.

Mr. COOPER of Wisconsin. If it is simply proposed to leave the law as it is now, I think this incident will show the absolute necessity for some sort of remedy. I was in Chicago to see a friend, a lawyer, and was told that he was at the criminal court. I went there and he was engaged in the trial of a murder case. The defendant, Frank Mulkowski, was on the stand, a very intelligent appearing man about 40 years of age. He was convicted and hanged for murder. He had been in this country six months, had gone to his boarding house and murdered the wife of the man with whom he boarded, robbed her of her jewelry, rings, and a little watch or something of that kind. He had come straight from Europe, straight from a penitentiary after having served twenty years of a life sentence for a murder committed there when he was 19 years of age. So that the law to-day, if not to be amended by this bill, permits ex-convicts, ex-murderers to be pardoned in Europe and have free access to this country.

Mr. BARTHOLDT. But it does not permit it.

Mr. ADAMS. I will call the attention of the gentleman to the provision contained in line 13, page 3, which excludes "persons who have been convicted of a felony or other crime."

Mr. COOPER of Wisconsin. But it does not exclude them. You say they shall not be admitted, but they are admitted. Why was not that man kept out?

Mr. ADAMS. Of course you can not enforce a law anywhere unless you know that its provisions have been broken.

Mr. COOPER of Wisconsin. There is no provision of the law by which you can determine whether the man has been an ex-convict. Why is not some provision made requiring the man to bring a certificate from the mayor or some other officer of the town in which he resides that he is a person of good moral character before he is permitted to get on the ship, and not permit a man to come direct from the doors of a penitentiary, as Frank Mulkowski did, in Chicago, and commit murder six months after he comes here?

Mr. ADAMS. The gentleman may not be aware of the fact, but we have agents in Europe who are supposed to look into the records of these people who do come.

Mr. COOPER of Wisconsin. Will the gentleman from Pennsylvania permit me to call his attention to section 13 of this bill? The section provides generally for a list or manifest to be made out by the master of the vessel, showing the character of the person whom he is shipping over here, and it says that list or manifest shall be verified "by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of

said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor," etc.

That is the only provision in this bill to exclude ex-convicts from our shores, that the captain of the ship, interested in getting all the money he can from the people whom he brings over here, sends the surgeon of his own ship down to examine the people and see whether they have loathsome diseases, and on the report of that physician this officer makes oath that he thinks the man has never been convicted of a felony. It is a perfect farce on the face of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMS. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. ADAMS. I will say as a matter of practice, because the law stands to-day as proposed by this bill, that the Treasury Department has what you might call detectives in Europe whose sole business is to look into the moral character of emigrants who may come out, and they keep track of the criminals and try to stop them. It would be impossible for this Government to have a recognized officer in Europe, under international law, to hunt these people up or to look into their records any more than in general, and as for demanding a certificate from the mayor or other officer of the place from which the emigrant comes, I think that would be a very stringent provision and would be casting a slur on every honest emigrant that comes to this country—that he must bring a certificate of character. It is not required.

Mr. COOMBS. May I interrupt the gentleman a minute, just to say that since the consideration of this proposed amendment the members of the committee sitting here have agreed upon an amendment which, I think, will meet my ideas and cure the objections I have urged. If it is agreeable to the committee, I should like to withdraw my amendment, in order that they may introduce theirs.

Mr. ADAMS. Being a member of the committee, I shall be very glad to acquiesce in the action of the committee.

Mr. BARTHOLDT. Will my friend from Pennsylvania permit me a moment?

Mr. ADAMS. Yes.

Mr. COOMBS. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his proposed amendment. Is there objection?

There was no objection.

Mr. RUCKER rose and was recognized.

Mr. BARTHOLDT. Mr. Chairman, I understand that time has been yielded to me by the gentleman from Pennsylvania [Mr. ADAMS].

The CHAIRMAN. The gentleman from Pennsylvania can not yield time under the five-minute rule.

Mr. ADAMS. I had five minutes allowed to me, and I yield the balance of my time to the gentleman from Missouri.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that under the five-minute rule he can not yield his time.

Mr. BARTHOLDT. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER], a member of the committee, was to have been recognized next.

Mr. RUCKER. Mr. Chairman, I believe we have framed an amendment which will meet all of the objections that have been urged to this section thus far. I will send it to the Clerk's desk and let the Clerk read the amendment.

The Clerk read as follows:

Amend by striking out all between "country," in line 9, to the word "shall," in line 10, and insert the following: "*And provided further*, That the provisions of law applicable to contract labor."

The CHAIRMAN. The gentleman from Missouri submits this amendment to be read in his remarks?

Mr. RUCKER. Yes. Now, Mr. Chairman, the qualifying clause of this proviso had reference to the contract-labor feature of this section, and with this amendment I think it is unobjectionable.

Mr. CLARK. How will that make it read?

Mr. RUCKER. It will make it read as follows:

And provided further, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

It makes them amenable to all the other provisions of this law, excluding objectionable classes, but admits professional men and those engaged in skilled trades, ministers of the gospel, etc., even though they are under contract. Ministers of the gospel, as I understand, are sometimes contracted with and brought here to take charge of churches. Under the legal construction of the contract-labor law they are contracted with, and therefore can not come. A theatrical troupe or company can not be brought here under contract for the same reason; but with this provision, exempting them from the operations of the contract feature of the law, it still leaves them amenable to all other provisions, and if they are afflicted with a contagious disease or if they are anarchists or in any other way objectionable to this law or come within any of the other excluded classes, then they could not come at all.

Mr. RAY of New York. If the gentleman will permit, I simply desire to call his attention to the fact that the words "and provided further" are equivalent to the word "except," and therefore, under section 2 as it stands, and under the language that you have inserted, under the pretense that a man's labor was skilled labor and that labor of a like kind unemployed can not be found in this country, or that he was an actor, or an artist, or a lecturer, or a singer, or a minister of the gospel, or a professor of a college, he would have to be admitted, even if an anarchist, a felon, diseased, insane, etc. In other words, such a person would not be within the meaning of the law or the provisions of section 2, even if he had all the diseases and defects—physical, mental, and moral—that you have described in the section because the exception is absolute and would not be excluded; and while I do not care to interfere with the bill in any way, I simply call attention to it, because you nullify the real purpose of the entire section by putting in those words and exceptions in the form the section now assumes. These exceptions are made by treaties, generally, and such persons should be admitted if not diseased, or if sound mentally and morally, etc.

Mr. RUCKER. Mr. Chairman, I can not accept the interpretation and the definition of the gentleman from New York, even if the provision of the contract-labor law shall not be held to include these gentlemen.

Mr. RAY of New York. Now, why not remove any objection or any question about it by adding an amendment at the end of that section. You provide that skilled labor shall come in. You provide that it shall not exclude actors, etc. Why not add at the end of the section, "if not within the other prohibited classes hereinbefore mentioned."

Mr. RUCKER. That is the purpose of it.

Mr. RAY of New York. Then say so.

Mr. RUCKER. I have no objection to that.

Mr. RAY of New York. Then I ask to add at the end of the section "if not within the other prohibited classes hereinbefore mentioned."

Mr. MANN. Is not one of the prohibited classes those who are under contract?

Mr. RAY of New York. Not in that section.

Mr. MANN. It is all in the same section.

Mr. RAY of New York. I would say, then, that perhaps that ought to be looked to a little more closely, and we can return to it hereafter.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SHATTUC. I ask unanimous consent that the time of my colleague may be extended for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of his colleague be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOMBS. May I interrupt the gentleman? I would make this suggestion. When the amendment of the gentleman from Missouri is accepted, and then the amendment of the gentleman from New York is accepted, it will cure it entirely. One should precede in its acceptance and the other should follow.

Mr. RUCKER. I would like to have the amendment read again.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. WACHTER. I would like to have the amendment reported again.

The CHAIRMAN. The gentleman from Maryland asks that the amendment be reported. Without objection the Clerk will report the amendment. The Chair would suggest to the gentleman from Missouri that the Clerk is unable to make the amendment coincide with the language of the bill. Will the gentleman

from Missouri kindly follow the reading of the amendment by the Clerk?

The Clerk read as follows:

Amend by striking out all after "country," in line 9, to the word "shall," in line 10, and insert the following:

Mr. RUCKER. Wait a minute, Mr. Clerk. That is on page 4.

The Clerk read as follows:

Amend by striking out all after "country," in line 9, to the word "shall," in line 10.

Mr. RUCKER. That ought to be amended so as to read between the word "country," in line 9, and the word "shall," in line 10.

The CLERK. To and including the word "shall?"

Mr. RUCKER. To the word "shall." Between "country" and "shall."

The Clerk read as follows:

And insert the following: *Provided further*, "That the provision of law applicable to contract labor," so that it will read: "*And provided further*, That the provisions of law applicable to contract labor shall not be held to include professional actors," etc.

The CHAIRMAN. Without objection, the Clerk will correct the amendment.

There was no objection.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Unless there are further amendments to section 2——

Mr. RAY of New York. Now, I understood the amendment I suggested was to be accepted, to add at the end of the section, "Provided such persons are not within the other prohibited classes herein before specified."

The CHAIRMAN. Does the gentleman from New York offer his amendment?

Mr. RAY of New York. I do.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York, which the Clerk will report:

The Clerk read as follows:

Add at the end of the section: "*Provided*, That such persons are not within the other prohibited classes hereinbefore specified."

Mr. CURRIER. Are not contract laborers in the prohibited classes?

Mr. RAY of New York. You say "that skilled labor may be imported if labor of like kind unemployed can not be found in this country." Now, you say that the provisions of this section shall not be held to exclude "professional actors, artists, lecturers, singers, ministers of religious denominations, professors of colleges, or persons belonging to any learned profession or persons employed strictly as personal or domestic servants," and then the amendment added to that would be "if not within the other prohibited classes hereinbefore specified."

Mr. CURRIER. But contract labor would be within the prohibited class.

Mr. MANN. In the beginning of the section are the words "that the following classes of aliens shall be excluded from admission into the United States."

Mr. RAY of New York. That is right.

Mr. MANN. One of those classes is composed of persons whose immigration into the United States has been induced by "offers, solicitations, promises, or agreements, etc., to labor and work," so that we could have this one prohibited class. Now, probably the court would construe your amendment only applied to the other prohibited class, because this is one of the classes in this section.

Mr. MCCALL. The gentlemen can frame it so as not to make such a strain on the semicolon. [Laughter.]

Mr. RAY of New York. Mr. Chairman, I ask unanimous consent that we may go on with the bill and return to this paragraph at a future time, and I will put my amendment in such shape as to be unobjectionable.

The CHAIRMAN. The gentleman from New York asks unanimous consent that when this paragraph is perfected it may be passed without prejudice as far as returning to it is concerned.

Mr. SNODGRASS. I object, Mr. Chairman. I have an amendment that I wish to offer.

The Clerk read as follows:

Amend by adding, after the word "classes," in line 2, page 4, the following: "*Provided*, That all persons immigrating to the United States above the age of 16 years shall produce a certificate of good character from the local municipal authority of the country in which they last resided, or of some official representing the United States in such country."

Mr. SHATTUC. Mr. Chairman, I hope this amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was considered, and the amendment was not agreed to.

Mr. BARTHOLDT. Mr. Chairman, I do not know whether I am in order at this time, but I would like to offer an amendment to this bill which appears to me to be of great importance. It would take the place, in my judgment, of what is going to be proposed by some gentleman on the other side as an amendment, called the educational test. My amendment will much more effectually exclude undesirable immigrants.

Mr. UNDERWOOD. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. I understood from the Chair that as I yielded for amendments to the section I was to be recognized when it came to an amendment for a new section. If the gentleman from Missouri rises to offer a new provision, I think I should have precedence.

The CHAIRMAN. The gentleman from Alabama is correct in his statement. The Chair was listening to hear the full statement of the gentleman from Missouri to be sure that the Chair was right. No amendments are in order except the amendments to perfect section 2.

Mr. BARTHOLDT. Very well, Mr. Chairman; I am willing to withhold my amendment.

Mr. UNDERWOOD. Mr. Chairman, it has been an hour or more since my amendment was read, and I would like to have it again reported.

The CHAIRMAN. Without objection, the amendment will be again reported by the Clerk.

The Clerk read as follows:

Amend the bill by adding as a new section, between lines 14 and 15 on page 4, the following:

"SEC. 3. That in addition to the persons excluded under the foregoing section, admission into the United States shall be denied to all persons over 15 years of age and physically capable of reading who can not read the English language or some other language; but an admissible immigrant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

"That for the purpose of testing the ability of the immigrant to read the inspection officers shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrants in double small pica type. Each immigrant may designate the language in which he prefers the test shall be made, and shall be required to read the words printed on a slip in such language. No two immigrants listed on the same manifest shall be tested with the same slip. An immigrant failing to read as above provided shall not be admitted, but shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him."

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I understood this was offered as a new section—as section 14.

The CHAIRMAN. No; section 3.

Mr. UNDERWOOD. It is offered as a new section between lines 14 and 15 on page 4.

Mr. SHATTUC. Mr. Chairman, I make the point of order that the amendment is not germane, and I will not take up the time of the committee to discuss it.

Mr. UNDERWOOD. Mr. Chairman, I think the amendment is so purely germane that I will not occupy the time of the committee, and I ask for a ruling by the Chair.

The CHAIRMAN. The Chair would point out in passing on this question that an examination of this bill shows that it is a general immigration measure, the title being "to regulate the immigration of aliens into the United States." Section 35 repeals all other laws inconsistent with this law. Any amendment to this bill, in the opinion of the Chair, which is clearly and distinctly connected logically with the general scope and intent of the bill would be germane.

Section 2 provides restrictions upon which aliens shall enter this country; it limits the number of aliens by classes who may enter this country. This amendment provides for a new section, adds a new restriction, an additional restriction, to the class of persons who may enter under our immigration laws.

It is not the province of the Chair to pass on the merits or demerits of any amendment, or its wisdom or justice. It appears to the Chair that this amendment is clearly, distinctly, and logically connected with the general scope of a bill regulating the immigration of aliens into the United States, and under these circumstances the Chair feels constrained to overrule the point of order and hold that the amendment is germane to the bill.

Mr. UNDERWOOD. Now, Mr. Chairman, on yesterday I explained to the House what this amendment was. There may be some members here this morning that were not present yesterday afternoon, and I merely desire to occupy the time of the committee for a very few moments, to state what is the object and purpose of this amendment.

Mr. GIBSON. Mr. Chairman, I want to call the gentleman's attention——

Mr. UNDERWOOD. If the gentleman from Tennessee will wait until I have finished, I will answer his question. There is

an impression in some portions of the United States and with a large number of people that there are some restrictions on immigration to this country other than paupers, criminals, and persons unhealthy and blind and disabled, but as a matter of fact there are none. Now, this provision merely is intended to provide for an educational test as to the admission of immigrants into the United States.

It is a very liberal test, it is a very fair test, and it is not harsh or restrictive in any particular. It merely provides that the man who is coming to this country to become a citizen of the United States, to have a voice in the management of our Government, and to exercise the right of governing us as well as himself, shall be able to read the Constitution of the United States when he enters our country for that purpose, either in the English language or in his own language.

It further allows that man to bring with him his children who are under the age of 18 years, whether they can read and write or not, and allows him to bring with him his parents and grandparents, whether they can read or write or not, if they are over 50 years of age, thereby providing that families shall not be separated, allowing the whole family to come here together.

Now, why should we adopt such an amendment? It is certainly liberal; it is certainly reasonable so far as it goes. Why should we say that an educational test shall be established instead of adopting some other method? Simply because the educational test comes nearer to accomplishing what we want to do with as little risk, as little expense to the Government of the United States as any other method that can be devised.

I recognize, as I said yesterday, that the educational test is not always a test of intelligence; but what we want to do is to encourage immigration to this country from northern Europe. We want the Swedes, the Norwegians, the Frenchmen, the German, the Irishmen, the Englishmen, the Scotchmen, and persons from intelligent Europe to come here. We want to keep our lands open for them. Now, sir, the statistics show that of the people coming from that portion of the world as immigrants to this country only about 5 per cent can not read, 95 per cent can. Therefore, of the select class of immigrants that we want, we shall, if this amendment be adopted, get 95 per cent and shall only reject 5 per cent. On the other hand, of the class of immigrants that we do not want—the people from southern Italy—43 per cent of those can not read or write, as the statistics show; but really the percentage is greater, because these statistics have been gathered by simply taking the word of the immigrants when they come here, without making any actual test.

We have simply taken their own statements. Therefore if we are right in wanting to exclude that class from admission into the United States, then by the adoption of this amendment we exclude 43 per cent of this undesirable class and only 5 per cent of the desirable class of immigrants. This test is to be made at the port when they arrive here; but the steamship company that gathers them up and brings them here—the steamship company and their agents—will apply the test before they leave the country on the other side, because under the provisions of this amendment if the immigrant can not comply with the test the steamship company must return him to the land whence he came. Therefore very few who can not comply with the test will come here and need be returned.

Now, why should we adopt the amendment? I say it is as much our duty to protect our country against undesirable immigrants from Europe as it is to protect the children in our homes from undesirable society.

[Here the hammer fell.]

Mr. KLEBERG. Mr. Chairman, in addition to the reasons which I gave yesterday to show that this amendment should not be adopted—that it would tend to exclude a desirable class of immigrants, men who would do the drudgery that this country requires and which possibly the American laborer refuses to perform—in addition to that reason as showing that it would be unwise and impolitic to adopt the amendment, I wish to state this additional reason: That it will not only exclude people who can not read or write, but will have the effect of frightening away from our shores the desirable class of immigration described by my friend from Alabama [Mr. UNDERWOOD]. He admits that under his amendment it will be necessary that the test be applied on the American shore.

Now, if this threat be held out to the German immigrants (to whom it seems bouquets have been thrown by various speakers), I predict that very few Germans, unless they are professors or scientific men, will be willing to undergo an examination on this side of the Atlantic upon a technical document like the Constitution, whether it is to be read in one language or another. Such people—people who come over here to earn an honest living and who are conceded to be a desirable addition to our citizenship—will ponder a long time before they will make a long journey across the ocean in order to submit themselves to an examination by some "smart Aleck" of an inspector who may refuse them admission because they have not read with the proper emphasis or with the proper observance of punctuation a technical document like the Constitution of the United States. I warn gentlemen on the other side of the House as well as on this that if they are going to insert any drastic restrictions like this in the present bill, they may just as well put in the bill the declaration "We do not want any immigration of any class."

I agree perfectly with the ruling of the Chair; I have no complaint to make on that score. But I hope that unless this amendment be properly amended—and I do not see how it can be amended, because I believe the nature of the provision is such as to place it beyond the power of surgery—it may be voted down, because when you make that kind of a threat and say that people before they can emigrate to this country must submit to a kind of teacher's examination upon the shores of the United States, you will have very few to emigrate to this country, and we shall see the stream of hardy immigrants who have been coming to our shores for all these years turned toward South America or some other country where they will not be pestered with such drastic restrictions as these.

Mr. MANN. Mr. Chairman, the amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD] which provides that no person shall hereafter come into this country who is unable to read and write the Constitution of the United States is a most dangerous and selfish proposition. I am opposed to it, and I am opposed to the bill with that proposition in it. I am surprised that it should be offered by one of the leading Democrats of this House, and apparently favored by nearly all of the Democrats. Slurs have been cast by some gentlemen against the immigration to our country from southern Europe. The Italian, Polish, and Bohemian immigrants have been harshly denounced. I rise again to say a word in their favor.

I assert that they do not make bad citizens. I say, on the contrary, that they make good citizens. Most of them are hard working and economical. They come to this land partly for greater liberty and partly because they can do better here. They leave home and friends and family on the other side of the ocean, and, enduring all sorts of hardships, they come here because of the hope that their children may enjoy greater comforts and a better education than they or their fathers were permitted to enjoy. I do not care whether they can read or write when they come here or not. The love of liberty is not confined to those who can read and write. The love of children is not denied to those who can neither read nor write. Reading and writing do not determine intelligence. These immigrants coming here to us have learned how to do their work and do it well. That is sometimes better than knowing how to read and write. In my opinion it would be better to keep out the mechanic who can read and write and who comes here in competition with the mechanic in our country rather than to keep out the laborer who, after he arrives here, will consume with his family his share of the products produced by others.

I am not in favor of a narrow-minded, selfish, stingy view of immigration.

Mr. Chairman, I understand very well that there is quite a prevailing impression upon the part of the people of our country of American descent who have not come in contact with the foreign-born population or their children that the foreign-born population, or a very large proportion of it coming here—possible ignorant so far as reading and writing are concerned—is a menace to the future of our country. Now, I happen to represent from the city of Chicago what would be known there as a silk-stocking district, but I deny all of those charges concerning the foreign-born population and their descendants, and I say without hesitation that an observation of some years in our city, largely composed of foreign-born population, and more than half composed of people foreign born and their children, has convinced me that the children of these people coming here from other countries, attending the public schools, taking an interest, as they do, in public affairs, make just as good citizens as those whose ancestors came over in the *Mayflower*.

Observation everywhere in these large cities, where you come in practical daily contact and experience with the descendants of the foreign-born population, is to the effect that they take a greater interest in public affairs, oftentimes, than the Americans themselves; that they give as great attention to every question of public policy; that they become the very best of citizens, the children almost invariably attending public schools. I heard the gentleman here yesterday read an editorial from the Post of this city, purporting to quote a statement by some gentleman from the Austrian Parliament. That statement, if ever made, was untrue. You go into the city of New York and you will find with their books under their arms, going to school, the descendants of the children of the foreign-born population in larger proportion than you will find in the purely American neighborhoods.

Our American people have gotten to the point in many places where the wealthy think it is unwise to send their children to the public schools, but the foreign-born citizen sends his children to the public school, where they come in contact with all classes and where they are prepared to become good public-spirited citizens. The city of Chicago is composed largely of the foreign-born people. We have a population of the Polish larger than any other city in the country; we have a population in many of the nationalities larger than the cities in the countries from which they came. They are among the best citizens we have in the city of Chicago. It is true that to a certain extent they yield a preference to their own nationality, but I have yet to see a native of a foreign country who is more clannish than the native of America itself.

There is less cry on their part of nationality than there is on the part of the American citizens. Oh, yes, perhaps they may have been ignorant when they came. Their children are not ignorant after they have been raised here and sent to the public schools, and the first generation makes good citizens, the second generation makes better citizens, and there is no occasion for the gentleman from Alabama [Mr. UNDERWOOD], whom I highly respect, to offer the proposition that he has. I have a few Polish people in my district, and the only evidence of ignorance that I find on their part is that almost without exception they vote the Democratic ticket [laughter], but I have belief and hope that as their children go to the public schools and become educated, as they will, that they will become wise enough to abandon not merely the leadership of my friend upon this proposition but upon the other heresies of government which he constantly advocates. [Applause and laughter.]

Mr. McCALL. Mr. Chairman, when the amendment was being discussed imposing a tax of a dollar and a half upon people coming into this country from Canada and Mexico and other countries, the gentleman from Pennsylvania [Mr. ADAMS] said that an amendment materially affecting that amendment——

Mr. SHATTUC. Mr. Chairman, I rise to a point of order. We are not discussing that question of a dollar and a half.

Mr. McCALL. If the gentleman will have patience I will, in my own way, get to a discussion of the question. It was said that it would have an adverse affect upon the bill to change it in that particular. Now, that proposition to impose a tax of a dollar and a half upon immigrants would have no more effect in restricting immigration to this country than a mere cobweb; it would keep out nobody whom it was not desired to have here.

The amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD], which is now pending, is an amendment that will restrict. It will shut out a great number of immigrants. I am not opposed to those people to whom this amendment would apply—I am not hostile to them, but I believe it would be wise for us to pass some measure that would have the effect of restricting to a certain extent immigration to this country. Some six years ago I offered a bill in substance in the form of this amendment. It was considered by the Committee on Immigration; it was exhaustively debated in the House of Representatives; it came to a vote, and it passed this House by 195 to 26.

At that time we had been having hard times in this country. There was a great industrial depression. The labor market was overstocked, and the cry of labor to Congress was for some measure that would give relief. We are not in that condition to-day; but I want to call the attention of this committee to this consideration: We protect the products of labor; our great corporations that are engaged in manufacturing have their products protected; but the labor, that which is the chief element in that production, they get free of duty; and they are entirely willing, while their product is protected, that they be permitted to bring into this country almost unlimited numbers of laborers to diminish the cost of production.

Now, I fear we shall at some time in the future see industrial depression again. We shall have overproduction; we are going to have hard times, and then we shall have the same cry of labor again. I submit that the time for us to treat this subject is now, so that we may not have a menace to our labor; so that our laborers, perhaps in the near future, may not be compelled to enter a grinding competition with each other and thus induce a ruinous decline of wages.

Mr. ADAMS. Are we protected against the capital of Europe?

Mr. McCALL. No; we do not need any protection against the capital of Europe. But I would like to ask my friend if he has not repeatedly held forth to the people of this country that we needed to protect our labor against the laborers of Europe?

Mr. ADAMS. Yes; we do.

Mr. McCALL. And I would like to ask my friend further if he did not vote for this bill six years ago?

Mr. ADAMS. We do need to protect our labor against the laborers of Europe, but that is no reason why we should not allow others to come here to enjoy the privileges of this country; and then we will protect them. I should like to ask the gentleman a question. If his object is to restrict immigration to this country, either in toto or any particular race, why not meet the issue fairly and squarely, and pass a law stopping all immigration, if that is the evil? Or, if it is against any particular race or class of people, why not pass a law against them, and not try by indirection, by an educational test, to get that done which you do not meet fairly and squarely? Do not keep out the honest, healthy man, who loves liberty as much as the most highly educated man in the world. Do not keep him out simply because he can not read and write. Let him contribute to the country his labor, which is just as valuable as money or any other consideration.

Mr. McCALL. I did not yield to the gentleman for a speech, but I asked him if he did not vote for this proposition when it was before the House six years ago.

Mr. ADAMS. I think not.

Mr. McCALL. I should be very much surprised to find that the RECORD showed he did not.

Mr. ADAMS. I think not.

Mr. SHATTUC. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD].

The CHAIRMAN. The gentleman from Ohio offers an amendment to the amendment of the gentleman from Alabama, which the Clerk will report.

The Clerk read as follows:

Amend by adding:

"*Provided*, That all persons, whether able to read the English language or some other language or not able to do so, who shall enter the United States except at the seaports thereof, or at Vanceboro, Me.; Newport or St. Albans, Vt.; Plattsburg, Niagara Falls, or Buffalo, N. Y.; Detroit or Sault Ste. Marie, Mich.; Pembina, N. Dak.; Sumas, Wash.; Laredo, El Paso, or Eagle Pass, Tex., or Nogales, Ariz., shall be adjudged to have entered the country unlawfully and shall be deported as by law provided."

Mr. GROW. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio [Mr. SHATTUC] desire to be heard in favor of the amendment which he has offered?

Mr. SHATTUC. Yes; I do.

The CHAIRMAN. The gentleman from Ohio.

Mr. SHATTUC. It is held out to us that it is the desire of a large number of gentlemen in this House to restrict immigration. If we take their word for it, that seems to be all they want; that they are honest in their declaration that they want to keep out undesirable immigration, or, as I put it, undesirable aliens. Now, to put up the barriers at New York and on the Atlantic seaboard, as is proposed by the amendment of the gentleman from Alabama [Mr. UNDERWOOD], is simply to send these rejected people around, to come in over our frontier through Canada. There is no question about this at all, that there are a hundred thousand who come in in that way every year.

There is no question at all but what at least 50 per cent of the paupers, the insane, and the people who are fit subjects for our penal and charitable institutions who are turned away from our shores at New York come in through Canada. Before we get through with this I am determined to know just what part of this House is absolutely sincere and acting in good faith in relation to these matters. I do not propose to let it go without a record. I propose to find out who these people are who stand here and brag all the while that a good German, a good Englishman, or a good Irishman should not come to this country when they are willing to turn the paupers and harlots and insane and thieves away from our Atlantic ports, only to allow them to go around through Canada and come into our country in that way.

Mr. UNDERWOOD. Will the gentleman from Ohio allow me to ask him a question?

Mr. SHATTUC. Certainly.

Mr. UNDERWOOD. Your amendment to my amendment is merely intended to designate the places at which immigrants shall come into this country?

Mr. SHATTUC. Certainly.

Mr. UNDERWOOD. I am perfectly willing to accept that.

Mr. SHATTUC. Now, I want to say this, gentlemen: I see no objection to taking the question of an educational test up by itself, but it is my candid judgment that this bill ought not to meet with any riders at all. You also know that we have not revised the immigration laws for the last twenty-five years because certain elegant gentlemen of the East who have so many of these special features on their mind have persisted for years in forcing them to the front, and they kill every good measure by loading good bills down.

Now, I believe, with the advice of some distinguished attorneys of this House—the most distinguished, because I have never heard one of them deny it—that we can have an educational-test bill that would be satisfactory to every person here, and we can do it in such a way that it will not interfere with the treaty obligations that the United States has with other countries. I want

to urge you now to consider first one thing. Would it not be better to defeat this educational-test amendment now, entirely, and let it go back to the committee, and I will promise you a bill either for or against it? I do not know at this moment whether the members of the Committee on Immigration are for it or against it.

Now, I want to correct a statement made by the gentleman from Indiana yesterday, when he said he had it from me that my committee was against it. He never came before the committee. I do not want to impute to him any wrong. He did not intend to do so. He is one of those good attorneys that would not deliberately prevaricate and would not misrepresent. I do not now know how the committee stands. But I do protest in the interest of honest, fair play not to pile a lot of new issues on it and defeat the bill.

Mr. WATSON. I would like to ask the gentleman one question.

Mr. SHATTUC. I yield to the gentleman.

Mr. WATSON. The gentleman says they will bring in a report either favoring an educational test or opposing it. How can the committee bring in a report opposing a bill and have it considered in this committee?

Mr. SHATTUC. You can tell better than I can, for you went to the Speaker and found out how.

Mr. WATSON. I found out that you could not do it.

Mr. SHATTUC. We could report.

Mr. WATSON. But the gentleman says he will bring in a report.

Mr. SHATTUC. I did say something of the kind.

Mr. WATSON. Whether the House is for it or is opposed to it; and if the committee is opposed to it, it stands on no ground.

Mr. SHATTUC. I said I would submit it to the committee and see if they would not do one thing or the other.

Mr. WATSON. If they do the other, we will be out.

Mr. SHATTUC. If you will get our great constitutional lawyers, and we have a great many of them here, to bring in a proper bill in favor of the educational test, I will guarantee that we will consider it in the committee, but I ask you, gentlemen, to let us pass this bill without any riders.

Mr. RAY of New York. I would like to ask a question in that connection. Have you discussed this matter of an educational test in connection with this bill in the committee? I do not ask what you said.

Mr. SHATTUC. We invited everybody that wanted to to come before that committee.

Mr. RAY of New York. Was the question of the educational test discussed in your committee?

Mr. SHATTUC. We went over the matter. We have had hearings, but it was our understanding that it was better for us not to report one way or the other upon an educational test or on the questions affecting the Canadian frontier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHATTUC. I ask for five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHATTUC. Now, this bill that is presented by these two distinguished lawyers—and I guess they are, for both of them admit it, the gentleman from Alabama and the gentleman from Indiana—is the most loosely drawn measure ever presented to this House, so far as I know. If I had a clerk 15 years of age who could not draw a better bill than that I would discharge him, and I have had many. Neither one of these gentlemen drew up this bill; neither one of them wrote a word of it. It says:

> In addition to the persons excluded under the foregoing sections, admission into the United States shall be denied to all persons over 15 years of age and physically capable of reading who can not read the English language or some other language.

I want to state to these gentlemen who have been talking about Canada, in discussing another section of this bill, that you will have to have a man standing at the border with a primer and spelling blocks to see whether the immigrant is educated. "Every person coming into the United States must be able to read." That means a man coming from Canada or Mexico, and you could not enforce it if it passed.

Now, in my time I would like to have the gentleman from Iowa [Mr. HEPBURN] state what he thinks about this proposed amendment. He was solicitor of the Treasury, and if you have any doubt about the constitutionality of this bill, refer to him. The Speaker having no confidence in me, because I was a plain ex-railroad man, did submit it to the gentleman from Iowa. Now, as an educational test, I would like to have the gentleman from Iowa analyze this proposed amendment and see if he does not think it is a monstrosity. [Laughter.]

Mr. WM. ALDEN SMITH. I would like to ask the gentleman a question.

Mr. SHATTUC. Very well.

Mr. WM. ALDEN SMITH. Section 2, the one under consideration, provides that idiots and insane persons and epileptics, etc., shall be excluded; and also persons afflicted with diseases, etc.; and then at the end of the section is this proviso——

Mr. SHATTUC. That proviso has been amended.

Mr. WM. ALDEN SMITH. Very well; that was done while I was out.

Mr. BARTHOLDT. Mr. Chairman, as I said before, I propose at the proper time to offer an amendment, or rather a substitute, for the educational test, which in my judgment, and in the judgment of those who have given some attention to the great problem of immigration, will more effectually meet the evils of undesirable immigration than the amendment of my friend from Alabama. Before I offer it, however, I hope the committee will bear with me while I say a few words in regard to the educational test.

The amendment proposed means this, that every man or woman coming to the United States must show his or her ability to read 20 or 25 lines of the Constitution of the United States, and not until then will he or she be accorded the privilege of admission to this country.

Let us see what a President of the United States said on this proposition. I will read it myself. The same bill was before Congress a few years ago and a Democratic President vetoed it, and in doing so he used this language:

> The best reason that could be given for this radical restriction of immigration is the necessity of protecting our population against degeneration and saving our national peace and quiet from imported turbulence and disorder.
>
> I can not believe that we would be protected against these evils by limiting immigration to those who can read and write in any language twenty-five words of our Constitution. In my opinion it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write, but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult. Violence and disorder do not originate with illiterate laborers. They are rather the victims of the educated agitator. The ability to read and write, as required in this bill, in and of itself, affords, in my opinion, a misleading test of contented industry and supplies unsatisfactory evidence of desirable citizenship or a proper apprehension of the benefits of our institutions. If any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly, instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint can not be alleged.

This, Mr. Chairman, states the case in a nut shell.

Mr. LEVER. Will the gentleman yield to me for a moment?

Mr. BARTHOLDT. Yes; if the committee will extend my time.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have fifteen minutes, reckoning from the time he started.

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from Missouri may use fifteen minutes for his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. I would like to ask the gentleman to let me read a few sentences from the message of another President in this connection.

Mr. BARTHOLDT. How much time does the gentleman want?

Mr. LEVER. Half a minute.

> The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

That is from the message of President Roosevelt December 3, 1901.

Mr. BARTHOLDT. Mr. Chairman, I do not object to that sentiment expressed by President Roosevelt in his great message, but it will be noted that the President carefully refrained from indorsing a proposition such as is offered by the gentleman from Alabama.

Mr. LEVER. Now, will you allow me to read from the Republican platform of 1896?

Mr. BARTHOLDT. Oh, no; we know all about that. [Laughter.]

Mr. MANN. Perhaps it would do more good if the gentleman would read it to the other side of the House. [Laughter.]

Mr. WACHTER. Mr. Chairman, I would like to have the gentleman from Missouri offer his amendment. I do not know what it is he is talking about.

Mr. BARTHOLDT. Mr. Chairman, the effect of this amendment will be, in my judgment—and I have devoted twenty years to the study of the question of immigration—the effect of it, in my humble judgment, will be to shut out those whom we do want and to let in those whom we do not want. It will let in the soft-handed, easy-going fellow, and exclude the horny-handed son of toil. It welcomes the lazy, half-educated good-for-nothing who goes around asserting that the world owes him a living without condescending to work for it, and shuts the door of the Republic in the face of the honest, industrious, and struggling man who, though not able to read, comes here with two strong arms, a

healthy mind, and a determination to make this country his and his children's home, and to earn his citizenship as well as his daily bread by the sweat of his brow.

One is perhaps driven to these shores against his will and by circumstances he does not care to explain—I refer to the educated immigrant—while the other comes voluntarily, with the hope of a better future in his heart and with the expectation that by honest toil, to which he is accustomed, by thrift and frugality, he will succeed in making his lot a happy one, because he is in the land of civil and religious liberty of which he has heard so much and which has filled his dreams for many a day. Yet it is proposed here to extend the hand of welcome to the former and not only withhold it from the latter but to send him back to the dungeon whence he came.

Do you know what this means—the deportation of a man? It means that you brand him for life. When he goes back to his old surroundings the question will be naturally asked by his neighbors, "Why did you return? You must have committed some overt act, some crime or other which caused the great country beyond the seas to return you to your old home." Nobody in the whole civilized world will believe that this country would return an honest man merely because he has not had the opportunity of learning how to read. My friends, by adopting this amendment you would go on record as making it the standard of Americanism that a man, no matter whether he is honest, if he has not had the opportunity to learn, will be punished on account of the lack of that opportunity on his part and be sent back where he came from.

Heretofore the rule recognized by the American people has been that an honest man, with an honest willingness to become a good American citizen, and by honest work to help build up our great country, that such a man should be welcomed by us; and it is due to this policy, my friends, that our country has been built up.

Such arguments as those used to-day by my friend from Iowa [Mr. HEPBURN] we heard advanced in the early fifties, when the Know-Nothing party attempted to shut out all immigration for all time to come. Supposing, my friends, that that party could have had its way, supposing at that time all immigration should have been stopped, what would have been the result? Is there anyone here who believes that the United States would have made the strides that they have made? Or is it not a fact that since the Know-Nothing party was voted down and out, and because of the fact that the doors were kept open to worthy immigrants, the last fifty years have been the most prosperous and the most glorious period in the history of our country?

Mr. Chairman, I shall offer, when the proper time comes, the following substitute:

An examination, physical and other—

Meaning a mental as well as a physical examination.

Mr. WATSON. Why not say mental?

Mr. BARTHOLDT (reading):

An examination, physical and other, of every immigrant shall be made at the port of embarkation by the American consul at such port and by a medical officer designated by the Treasury Department for such purpose.

Mr. WACHTER. Why does not the gentleman include the word "mental" in describing the examination?

Mr. BARTHOLDT. I am willing to put that in.

Mr. LIVINGSTON. And you ought also to insert the word "moral."

Mr. BARTHOLDT. I am willing to accept the suggestions of these gentlemen and make the language of the amendment read:

An examination, physical, mental, and moral.

Now, Mr. Chairman, I want to read, in support of this substitute, an extract from a letter written by a gentleman who is now in the consular service of this country, and who now enforces, without authority of law, this very provision. Here is his language:

This is probably the only United States consulate where for some years there has been a consular inspection of emigrants. Let me tell you how this work is being done, with a view to encouraging an effort to have this system of inspection extended to all seaports whence emigrants leave for the United States. In the height of the season from three to four steamers of the North German Lloyd Steamship Company leave this port every week and each steamer requires from two to three inspections of the steerage passengers. At first all the bedding of these people is ordered into the disinfecting chamber, then each person is vaccinated and his or her physical condition carefully examined into, special care being taken to detect diseases of the eyes, skin, lungs, and mind, etc. The examination takes place in the presence of the United States consul or one of his assistants, and is in charge of Dr. Peltzer, a sworn medical officer of our Government, who is assisted by one or two physicians of the Lloyd Steamship Company.

[Here the hammer fell.]

Mr. MANN. I ask unanimous consent that the gentleman from Missouri may continue his remarks for five minutes longer.

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, he continues:

As soon as trachoma, lupus, pulmonary phthisis, and certain other diseases or any mental trouble is discovered the person so afflicted is rejected, and the consul regularly sends the list of all rejected emigrants to the Commissioner of Immigration at New York or Baltimore or Galveston, whither the steamer may be bound. At the same time the steamship company is also at once notified as to which passengers have been rejected at the consular inspection, whereupon they may, if they choose, investigate the cases more closely and determine for themselves whether or not they will risk taking such rejected passengers to the American port.

The system of consular inspection here at Bremen was introduced without any order from the State Department, but with its full sanction. If I am correctly informed, it was begun at the request of the Lloyd people themselves, who evidently were prompted by a humane desire to have the fate of unfortunate emigrants decided at the earliest possible moment, and also by their own business interests, for it undoubtedly has saved them considerable sums of money to have people retained on this side who probably would have been excluded by the Treasury officials at our ports of entry and deported at the expense of the steamship company. And, as is well known also to the Department, the North German Lloyd Steamship Company spare neither pains nor money to have the inspection done right, and they regularly reimburse this consulate for the salary paid the examining physician.

Now, this is without authority of law. What we want is to get the authority of law for a system of this kind and pay the medical officer out of our own pocket. My friend writes further:

The records at the various immigration bureaus will show, I believe, that the work done at this port by the present system of consular inspection of emigrants has been fairly successful. I know that among the deported steerage passengers there are but very few that have passed the consular inspection at Bremen. In looking over the lists of such deported aliens which are regularly sent me I rarely ever find a person returned to Bremen on account of some physical disability, etc.

Mr. WACHTER. The main thing is not having a sufficient amount of money, is it not?

Mr. BARTHOLDT. Mr. Chairman, I propose that this substitute be adopted in place of the educational test. After deliberately thinking the matter over; after months of consultation with people who know all about the question of immigration, and after a practical test such as is described in this private letter, I have come to the conclusion that if you examine the emigrant on the other side, before you allow him to come over to this side and run the risk of inhuman treatment by having to deport him, we will meet all the evils that are now being complained of with relation to immigration.

Mr. WACHTER. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. Yes.

Mr. WACHTER. Does my friend not believe that if this educational test as proposed were adopted it would practically amount to an examination on the other side by the steamship owners? Would they not provide themselves with these cards, knowing that if they brought an undesirable person over here, one not admissible under the rule, that they would be compelled to take that person back? Would not they themselves make the examination on the other side in order to know that the person brought over here was admissible before bringing him?

Mr. BARTHOLDT. Undoubtedly such would be the result, but I for one would prefer to have this system under the control and supervision of United States officers instead of leaving it to any steamship company or any of their agents.

Mr. WACHTER. The gentleman does not mean to do way with the examination on this side?

Mr. BARTHOLDT. Not at all. The examination on this side will take place just the same.

Mr. WACHTER. And be of the same character as the examination on the other side?

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Alabama?

Mr. BARTHOLDT. Yes.

Mr. RICHARDSON of Alabama. I wish to merely suggest this to the gentleman: Does he not think that his foreign requirement or test would operate very seriously in excluding that German element who come to our country—young men who try to escape military duty? They come here for the purpose of escaping the military law, and if the test is put on them, as is proposed in your substitute, it would exclude that most worthy class. It would give notice of his purpose to come to the United States, and he would be stopped. That is what I mean.

Mr. LESSLER. They have an educational test at home. They can not get into the army without knowing how to read and write.

Mr. WACHTER. Oh, yes, they can.

Mr. RICHARDSON of Alabama. I am not so certain. I do not want to put any obstruction in the way of a young German coming to our country. They can stand the educational test.

Mr. BARTHOLDT. I think the gentleman confuses my proposition with another proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may continue for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Missouri be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. I want to say to my friend on the other side [Mr. RICHARDSON of Alabama] that a suggestion has been made frequently in connection with the question of immigration, looking to the inauguration of a system of consular inspection—a general system of inspection to be applied by all our consuls on the other side. That would not be desirable, Mr. Chairman, for this reason, that no man could get a certificate from an American consul to allow him to emigrate to the United States who would be subject to military duty, because an American consul accredited to any European country would have to refuse such a permit to persons who were amenable to the laws of that country.

Mr. RICHARDSON of Alabama. That is what I think. I think that any notice that was required to be given on the other side by a consul will accomplish a thing that will not be desired in this respect, that it might exclude a number of young Germans who possibly can not read and write, who leave that country for the purpose of escaping military duty, and come to this country. That is what I mean.

Mr. BARTHOLDT. I assure the gentleman that the adoption of my amendment will not militate against the coming here of any such desirable immigrants as those. The inspection under my system would be made by the consuls at the seaports only, and would not require the issue of certificates.

Mr. RICHARDSON of Alabama. It does not, then, go to the effect that any particular notice or publication would have to be given by the consul. I am opposed to having the test made at a foreign port. We must have the test made here at home.

Mr. BARTHOLDT. Not at all.

Mr. RICHARDSON of Alabama. If that test is to be given on the other side of the waters, I should object to it, for the reason that it would tend to exclude, in my opinion, a desirable element of German young men who very properly seek this country for the purpose of avoiding military duty, and ought to be allowed to come to our country. This country needs and demands a fair and reasonable immigration test and qualification. I shall support such a test and qualification.

Mr. WATSON. Will the gentleman permit a question?

Mr. BARTHOLDT. Certainly.

Mr. WATSON. This amendment provides that there shall be a test, "physical and mental." What mental test?

Mr. BARTHOLDT. That would be left to the discretion of the Treasury Department and the State Department, under whose control the consuls are operating.

Mr. WATSON. Would they have the right, under the provisions of your amendment, to offer an educational test?

Mr. BARTHOLDT. I suppose a consul, in determining whether an immigrant is worthy to become an American citizen, would go into the question of his mental qualifications certainly, even if, as is suggested by the other amendment, he would not require him to read the Constitution of the United States, an instrument which even very few of us thoroughly understand.

Mr. SNODGRASS. I will state to the gentleman that I am in hearty sympathy with what he has said——

Mr. BARTHOLDT. I want to offer my substitute before my time expires.

Mr. SNODGRASS. What I wish to know is whether your amendment includes an examination as to moral qualification?

Mr. BARTHOLDT. Yes; physical, mental, and moral.

Mr. SNODGRASS. That was the purpose of my amendment that I offered a while ago; but the gentleman has much better apprehended the scope of the evil to be avoided. I would ask him now if he has considered the cost of this medical examination?

Mr. BARTHOLDT. I will say in reply to the gentleman that there are only five or six ports of embarkation in Europe. Consequently the expense would be very little, comparatively nothing.

Mr. CLARK. Really the expense under your system would not be as much as the expense under the present system.

Mr. BARTHOLDT. Certainly not.

Mr. WACHTER. Is it provided that the present system of examination on this side is to be retained?

Mr. CLARK. Yes; but retaining it theoretically is not retaining it practically; and if Mr. BARTHOLDT's amendment is adopted, nine-tenths of the undesirable classe will not get on the ships to come to this country at all.

Mr. BARTHOLDT. Now, Mr. Chairman, I ask for the reading of my substitute.

The CHAIRMAN. The gentleman from Missouri sends to the Clerk's desk a substitute for the amendment of the gentleman from Alabama [Mr. UNDERWOOD], with the proposed amendment of the gentleman from Ohio [Mr. SHATTUC], and the Clerk will report the substitute.

The Clerk read as follows:

Substitute for amendment providing for an educational test the following: "An examination, physical, mental, and moral, of every immigrant shall be made at the port of embarkation by the American consul at such port and a medical officer designated by the Treasury Department for such purpose."

Mr. WACHTER. Would it not be proper to put the word "political" in there, in order to ascertain if they are anarchists?

Mr. BARTHOLDT. That is covered by another section.

[Here the hammer fell.]

Mr. RAY of New York. Mr. Chairman, the remarks of the gentleman from Ohio [Mr. GROSVENOR], made by him yesterday in the discussion of this bill, left the impression that the American Revolution, which resulted in the establishment of this nation, was the outgrowth of the action of ignorant and illiterate men, and that the literate or educated men of the country were substantially a unit in opposing opposition to the British Crown.

Possibly that is not the idea the gentleman intended to convey, but his remarks made that impression upon my mind and upon the minds of others. He used the following language:

Now, looking over the history of my country, I do not find any justification for the theory that illiterate men have been especially harmful to the American Republic. Going back to the very dawn of our national existence, I find that the men who led the forces, the intellectual power that created the great organization of Tories in this country were all of them the very best educated men. I am going to point out now that no evil ever came to this country, no evil ever menaced this country from ignorant men, and, on the other hand, I affirm that such menace did come from the educated men.

Look at the teachings of the Tories of the Revolution, and I always look to those people with a kind of sympathy, for they were the "regulars" of that day and we were the "rebels." They were the "loyalists," as they always called themselves. But they do not stand very high in the estimation of the historian or of the American people. The leaders of that class were all of them educated in the New England colleges. Four men of one single family, who were the outspoken leaders of Toryism, were graduates of three of the New England colleges of that period, and the educated people of New England and New York and Pennsylvania and New Jersey were the leaders of the Tory party of that day.

I desire to combat, and do combat, most earnestly the general idea conveyed by the remarks quoted.

The leading Tories of Revolutionary times were not men of the highest education, although some of them were college graduates. In New England the ministers of the Episcopal Church were largely college graduates, and the Episcopal Church quite largely adhered to the Crown and opposed the Revolution. On the other hand, the members of the Congregational Church and the ministers of that denomination, and I include all churches except the Episcopal, almost uniformly espoused the cause of the Revolution. There had been much contention between the churches, and the Episcopal Church took sides with the Crown and against the colonies mainly because other churches opposed the Crown.

Who were the Tories? Says Ryerson in his work on The Loyalists of America and their Times, volume 1, page 505:

Many men of property and character in Massachusetts were in favor of England, partly from conviction and partly from fear. That large and often cultivated class called "conservatives," who hold by the past rather than hope for the future and are constitutionally timid, feared change; they were naturally Tories.

Ryerson defended the so-called Loyalists or Tories and was prejudiced in their favor, and nowhere does he claim or indicate that the Tories embraced the highly educated or even the highly educated classes of New England.

Says Hosmer in his life of Samuel Adams:

Though Boston lost before the Revolution the distinction of being the largest town in America, it remained the intellectual head of the country. Its common schools gave every child a good education, and Harvard College, scarcely out of sight and practically a Boston institution, gave a training hardly inferior to that of European universities of the day. * * * The churches were thronged on Sunday and at Thursday lecture as they have not been since. All classes were readers; the booksellers fill whole columns in the newspapers with their lists; the best books then in being in all departments of literature are on sale and in the circulating libraries. * * * Of course the folkmote of such a town as this would have spirit and interest. Wrote a Tory in those days (Saggittarius): "The town meeting at Boston is the hotbed of sedition. * * * Massachusetts was unquestionably the leader in the Revolution. * * * There is no way of determining how many New England militia took the field during the strife; the multitude was certainly vast. The figures, however, as regards the more regular levies have been preserved and are significant. With a population comprising scarcely more than one-third of the inhabitants of the thirteen colonies, New England furnished 118,251 of the 231,797 Continental troops that figured in the war. Massachusetts alone furnished 67,907, more than one-quarter of the entire number. * * * As Massachusetts led the thirteen colonies, the town of Boston led Massachusetts."

And Samuel Adams, a college graduate, led Boston. The leaders in the American Revolution against the British Crown, both those in civil life and those who won distinction in the Army fighting against Great Britain, were nearly all college graduates. I give a list of some of the more prominent, with the names of the colleges from which they graduated, and I include New York because the gentleman from Ohio in his remarks included New York with New England.

John Adams, graduate of Harvard; John Hancock, graduate of Harvard; Samuel Adams, graduate of Harvard; James Otis, graduate of Harvard; Joseph Warren, of Massachusetts, graduate of Harvard; Gen. Henry Knox, well educated; Gen. Artemas Ward, graduate of Harvard; Gen. Timothy Pickering, graduate of Harvard; Roger Sherman, of Connecticut, well educated; Gen. David Wooster, of Connecticut, graduate of Yale College;

Capt. Nathan Hale, of Connecticut, graduate of Yale; Alexander Hamilton, Kings College, New York, now Columbia (did not graduate); Robert R. Livingstone, Kings College; John Jay, Kings College; George Clinton, De Witt Clinton, graduate of Columbia College, of New York; Patrick Henry, not illiterate; Thomas Jefferson, College of William and Mary; James Madison, Princeton College; James Monroe, William and Mary College (did not graduate); George Washington, of Virginia; Gen. Nathaniel Greene, Rhode Island, highly educated; Gen. Thomas Mifflin, Pennsylvania, graduate of Philadelphia College.

It is true that in the years immediately succeeding the close of the Revolutionary war less attention was given to education throughout New England and the entire thirteen colonies than formerly. This grew out of the fact that the eight years' war had impoverished the country, and the people were neither able to support the common schools or send their children to college or give much, if any, attention to education. All their energies were bent to the restoration of material prosperity.

The opposition in New England to the war of 1812 was not due to the ignorance of her people, but to the exposure of her coasts to the ravages of British fleets and armies and to the crippling of her merchant marine and business interests.

No man can point to a single Tory who won distinction in the Revolutionary war fighting against the cause of the colonies who was a highly educated man. On the other hand, as the list shows, those who won the highest distinction in the Revolutionary war fighting for American independence and managing the civil affairs of the governments of the colonies were highly educated men and mainly college graduates.

Equally absurd is the claim of the gentleman from Pennsylvania [Mr. ADAMS] that only the ignorant should or do perform ordinary manual labor.

What are we to say of Lincoln, the rail splitter; Garfield, the canal driver, and Grant, the farmer and tanner? These men studied and read beneath the stars or behind the chinks of log cabins, and despised not manual labor, and won their way to the very highest places among their fellow-citizens.

To-day in all the walks of life we find the boys who have not the advantages of school or college educating themselves, and they despise not manual labor, nor do they regard it as degrading. Toil in the ditch or behind the plow, if it be necessary to earn an honest living, is no disgrace to any man, whether he be ignorant or educated. In the South to-day, where factories are springing up, the owners open schools and give the children and young men and women an opportunity to gain education, because educated labor is the more desirable and the more valuable.

I repudiate the idea that education lifts a man above honest manual labor or that honest manual labor degrades the educated man. Perish the thought that we must keep men in ignorance if we would have workers in wood and toilers in the field and mechanics in the workshops, or import ignorant labor if we would have our ditches dug, our crops planted, and our factories kept in operation.

We have not forgotten the learned blacksmith nor the hewer of stone who in old Scotland revolutionized the science of geology. Hugh Miller, with more learning than many a king, thought it no disgrace to fashion and place the stone as a common mason.

No more dangerous doctrine can be taught in this Republic than that which implies that the educated young man is above placing his hand to the plow or fashioning the machinery that moves the world. If anything makes a nation great and free and independent it is educated labor—men and women who are self-reliant because intelligent and well educated, who are willing and able to work with both hands and mind when occasion arises. That man is successful in life who, knowing how, is willing and not ashamed to do any work that ought to be done. The man who knows the qualities of iron and steel takes delight in fashioning them into useful implements, while the ignorant man beats into shape because it brings him bread. While doing his work the ignorant man is discontented and surly because his mind is indolent and unfed and unthinking. He wonders why others who work by his side are cheerful and contented. He does not appreciate that the difference comes from the broader views given the one above the other by reason of education and an understanding of the results to be accomplished and the good to come from the labor performed.

I insist that the prominence of our institutions of free government depends not on our wealth, but on the intelligence of the educated masses, and that if we would escape revolution we must see to it that our common-school system is perpetuated and extended and that well-educated men and women fill every department of life, high and low, and take pride in pursuing any and every avocation necessary to the existence and growth and development of a prosperous people and nation.

I have always believed and I still believe that our patriot fathers who fought at Lexington and Concord and Bunker Hill; at Bennington and Saratoga; at Trenton, Princeton, King's Mountain and Yorktown, were intelligent and as well educated as the times would permit. I am of the opinion that the more education a man has the more he loves and longs for and appreciates liberty and good government—republican government—the more he desires to have a hand in governmental affairs.

Absolute monarchies exist because of the ignorance of the people. With the growth and spread of education has departed the glory of the throne and crown and scepter. Educated people repudiate the doctrine of the divine right of kings and teach the divine right of men to organize and govern themselves, in accordance with the intelligent popular will.

Educated men understand and respect law and good government. Ignorance bows to force because it fears, but neither understands nor appreciates the government under which it exists.

Mr. PERKINS. Mr. Chairman, it seems to me that the amendment of the gentleman from Missouri [Mr. BARTHOLDT] by no means meets the object that will be accomplished by the amendment of the gentleman from Alabama [Mr. UNDERWOOD]. The one will not lessen immigration and the other will.

The gentleman from Illinois [Mr. MANN] said much about the quality of the immigrants that have come into this country, and of course we are all immigrants or the descendants of them. But I want to say to the committee that the most important question is not about the quality, but about the quantity, of the immigrants that are coming into this country.

We have had before us, in reference to various measures, remonstrances and delegations from trades unions that represent the great mass of wage-workers in this country, and I say, Mr. Chairman, that this measure that we are voting on now is of more importance to the wage-earners of this country than all the other bills that will be passed at this session a hundredfold over.

The one thing of greatest importance in the future development of this country, for its prosperity, and even for its safety and preservation, is that the great mass of the people should receive sufficient wages to maintain a reasonable standard of comfort and orderly living. It is not a question of quantity in the number of our people, but of quality; it is not how many millions of population shall we have, but what sort of a population shall it be.

No man can deny that the question of wages has got to be decided by the law of supply and demand. Why did we vote almost unanimously for the Chinese-exclusion bill? Because every man said and every man believed that to bring in possibly five or ten million Chinese immigrants would sooner or later reduce the price of wages in this country. Is there anyone who believes that this great body of five or six hundred thousand immigrants can continue to come in yearly without reducing the average price paid to wage-earners as soon as bad times come, and come they will, necessarily. And if there shall be in this country, whose Government rests upon universal suffrage, large masses of men who are not paid sufficient sums to satisfy their needs and to enable them to maintain their present condition of comfort, discontented, half paid, and half employed—is there any man in this committee who does not believe we shall have social troubles far more dangerous than those which arose from the existence of slavery fifty years ago? The advantage of the amendment of the gentleman from Alabama [Mr. UNDERWOOD] is that it will, to a very considerable extent, lessen the body of immigration coming into the country by excluding those who can not read.

It is idle to say, no matter what the condition of prosperity may be, that any employer of labor pays more than he must pay. I do not care how much any man is making, he does not pay the wage-earner $2 a day if any other man turns up who is willing to accept a dollar a day. If you have more laborers than labor, prices for work will go down and no one can help it. The theory on which protection is based is that it keeps up the price of wages, and that the salvation, safety, and prosperity of the country depends upon a reasonably high standard of wages and of general comfort and well-being.

Now, Mr. Chairman, does anyone believe that you can permanently keep up a high scale of wages by keeping out the product of pauper labor and letting in the pauper laborer himself? My friend from Missouri said that this country should be the asylum of the distressed of all nations. A great immigration was beneficial when we had 3,000,000 people in this country and untold millions of acres of vacant land. Now we have 80,000,000 people and the land still vacant is arid.

Mr. SNODGRASS. Will the gentleman permit me to ask him a question?

Mr. PERKINS. Certainly.

Mr. SNODGRASS. Do not the provisions of this bill prevent the immigration of paupers?

Mr. PERKINS. The term pauper labor is figurative. It means the men who work for a price materially less than the workingmen of this country are willing to take, or ought to be asked to take.

Now, what we should consider, Mr. Chairman, is not the distress of other nations, but to do the most we can to avert distress in this nation. There is a natural increase with 80,000,000 of population of over 500,000 every year, and unless we see to it that those children that every day are coming into the world, American born, who will be American bred, shall have the facilities for comfort that their parents had, unless we see to that we will leave behind us a bad heritage. We must see to it for their sake and for our own sake. Their prosperity and the national safety are linked together.

Mr. HEPBURN. Mr. Chairman, I want to say in regard to the general features of this bill, I approve it. I believe it is a good bill. I believe that the chairman of the committee is entitled to the thanks of this House for the perseverance with which he has labored to prepare it and get it before us. I approve of the bill, however, because of its prohibitory features; because it restricts immigration; and I am not averse to amending it and making it better by still further prohibition.

I want to say to the gentleman from Missouri that he is mistaken in the opinion he expressed about "the gentleman from Iowa" being a Know-nothing. I lived in the days of Know-nothingism. I was opposed to all of the ideas of that party at that time. The questions that were presented then are not the questions of to-day. At that time, as the gentleman from New York has said, there were thousands and tens of thousands of square miles of prairie inviting the settler. We wanted immigration; and I am opposed to immigration now in part because there are no more lands; because immigration congests itself in the cities; because the people that come often are disappointed and are not benefited.

I do not object to immigration simply because of the degenerating effects upon our population. After a little time that difficulty is effaced. But I am opposed to it, among other things, because it is harmful, as I believe, to the very best interests of the United States and the very perpetuity of the United States. What sacrifices do we make in order to enlarge the labor field of the people of the United States? Every Republican who votes for a tariff proposition does it for what reason? Not simply that it will benefit us for a moment in extending, possibly, our commerce and give us a home market, but to enlarge the labor field and make more places where Americans can work, to raise the wage and keep it up to its standard. That is why we make these sacrifices, and that is what I think to-day is the great labor of statesmanship for the American people—to see to it that the labor field of the United States furnishes a place where every laborer may work and receive a fixed wage for his day's work.

As long as that can be done there will be contentment in our homes; as long as that can be done that contentment gives permanency, perpetuity, to our institutions. No man seeks a change who is prosperous under present conditions; and therefore I am unwilling to jeopardize that labor field that we have built up and extended at so great a cost to ourselves by flooding it with irresponsible people that we have no interest in. Every one of these 250,000 laborers that have come into the United States this year, and the number will be larger than that, is here to seek the place of some American laborer, to seek a place in this labor field even now too restricted. I do not want to subject our own people to this competition.

Mr. BARTHOLDT. Will the gentleman permit me an interruption?

Mr. HEPBURN. Yes, if it is a question.

Mr. BARTHOLDT. If the argument of the gentleman is true, then would he not be willing to propose a bill to shut the doors of the Republic against all immigration?

Mr. HEPBURN. That is impractical—that would disrupt the pleasant relations that exist between ours and other nations. But I want to approach to that point as rapidly and as completely as we can. I do not want to be offensive to other nations—I do not want to excite reprisals in other directions on the part of other nations, but I do want to keep this labor field of America for Americans. [Applause.] That is the reason why I want to keep these people out.

We could do it if it was not for the congested condition of the cities. The gentleman from Missouri has a large German population in his city, and for some reason or other these gentlemen want their associates—their old friends—to share with them the blessings that they have. Another gentleman has an immense Polish population in his city, and he wants to conciliate their kindly feelings or secure them by letting their friends and their relatives come in and share with them.

Now, I think we ought to take a broader view than that; we ought to look at the situation as it is, as it affects the whole country and as it affects this labor field of ours, because that is the one thing that the Democrats and Republicans alike ought to look to. I can see a gradual change in the opinions of very many gentlemen on the other side of this House. The importance of the labor field and the necessity for preserving it for our own people has impressed itself on them.

Mr. STORM. Will the gentleman allow me an interruption?

Mr. HEPBURN. Yes, if it is a question.

Mr. STORM. As I understand, a laborer is different from a mechanic. A mechanic comes here and is educated and can read and write, but laborers we do not raise in this country; we do not raise American laborers, as I understand it, nor American domestic servants, and, therefore, the remarks of the gentleman that they come in competition with ours does not apply.

Mr. HEPBURN. Oh, I think that is a distinction too refined for the comprehension of anybody except from the gentleman's own locality. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. IRWIN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Iowa be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. I will occupy it to answer the question of the gentleman.

Mr. MANN. I want to ask the gentleman from Iowa whether, in his opinion, the turning out of the noneducated laborers would affect the field of labor where there is a great surplus of labor as much as it would the farm laborers, and whether there is a great surplus in that direction now?

Mr. HEPBURN. No man that comes to this country or that ought to come to this country comes here with the expectation of always being a laborer. While that may be his vocation when he comes, if he is such a one as is fit to come, he aspires to other places speedily, to fitting himself for competition with the higher classes.

Mr. MANN. If that is true, it would have the effect to restrict immigration.

Mr. HEPBURN. If it does that, it pleases me. I was going to say that the gentleman from Illinois did not vote against it before, but I believe he was not here.

Mr. MANN. Oh, the gentleman is mistaken. I was here and voted against it before. I know I did on one or two occasions, at least.

Mr. HEPBURN. That may be, but the RECORD I had before me did not show that.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the gentleman from Iowa a question.

Mr. HEPBURN. Very well.

Mr. BARTHOLDT. The question may seem academical, but it is in the light of history very real indeed. Is it or not true that every immigrant who comes here is not only a producer, but also a consumer; and that, in the language of one whom I consider the greatest Speaker the House of Representatives ever had, Mr. Thomas B. Reed, "every immigrant practically brings his job with him?"

Mr. HEPBURN. And he does not take some other man's job?

Mr. BARTHOLDT. He does not.

Mr. HEPBURN. I supposed he did.

Mr. BARTHOLDT. He does not, and he furnishes a job for somebody else. In that light, if the gentleman looks at it he will see it with entirely different eyes from what he does now.

Mr. HEPBURN. Does the gentleman refer to that as a question? [Laughter.]

Mr. BARTHOLDT. I asked if he is not a consumer.

Mr. HEPBURN. Right here I want to call attention to that portion of the veto message of a President which the gentleman did not name, and as a comment upon that I want to call attention to the fact that this House by a vote of 195 to 37 registered their disagreement with the opinion that the gentleman quoted with so much confidence.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. HEPBURN. Certainly.

Mr. SHATTUC. That measure to which you now refer as having received so large a vote—is that now a law?

Mr. HEPBURN. Probably not.

Mr. SHATTUC. What became of it?

Mr. HEPBURN. I do not remember now. I think it was lost in the Senate.

Mr. WATSON. It failed in the Senate.

Mr. HEPBURN. But it passed the House originally by a vote of 217 to 36.

Mr. SHATTUC. The contention that I now make with the gentleman from Iowa is that this bill, if you tack this amendment on it, will meet the same fate exactly as that did.

Mr. HEPBURN. I think not; I hope not. If I thought that was true I would not vote for it.

Mr. SHATTUC. I am trying to persuade you that it is true.

If you gentlemen would only wait and let your committee bring in its bill, constructed on proper lines, I guarantee that the House will pass this bill and that one too; and that will be a great improvement on your amendment. That is my argument.

Mr. GROW. Mr. Chairman, in reference to immigration into this country the great question as to the welfare of the country is as to the character of the immigrant. Whatever test of character may be applied, the desirability of the immigrant as a citizen of the United States is the all-important question.

Is education—the ability to read and write—any test of real character? I know some people who can read a good many languages, yet who in what we call common sense and wisdom are great fools. To exclude from this country a class of immigration that would depreciate the quality of our civilization is proper. For that reason we exclude the Chinese. The Chinese people in character and in all the elements that go to make up good society as we understand it, would not be a desirable part of our population. Hence Congress has by law excluded that class of foreign people.

I am in favor of Asia for the Asiatics, for the reason that the Almighty, in His providence, has placed different races on different portions of the earth. Paul, on Mars Hill, said to the Athenians that God "hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation."

Asiatic civilization is peculiar. The Asiatic people have characteristics that it will take long generations to change so as to adapt them to our civilization. Hence there is a propriety in their exclusion. But the races that can be assimilated with our population and become a part of the society in which we live, whose characteristics make them desirable citizens, why should they be excluded on a mere educational test? Our Republic stands, the great beacon light on the shores of time, beckoning all the races of men on to a higher and more glorious destiny.

Why should we exclude them from a home on our shores when they are in all the elements of character fitted to become a part of the great elements of our strength and of our wealth—pioneers in the wilderness in time of peace and soldiers in time of war—ready when the rights or welfare of their adopted country are at stake to peril their lives, the same as the native born? Education has nothing to do with the great elements of character. The man surrounded by his family at his humble fireside is growing up in American society, under the influence of American schools, and his offspring in the first or second generation can not be distinguished from native-born Americans.

Why exclude that class of people, whose only defect is their condition in life, made so under the governments under which they were born? Why shut them out? Why deprive them of the opportunity of working out a better and a higher destiny for themselves and their children when they can not injure our civilization, but are calculated to aid like other citizens in advancing it?

A test applied to the human brain that would determine its intelligence, if there was such a test, might be desirable. But there is no yardstick or scales that can determine the question of a man's common sense, his honesty, his integrity, his frugality. A man who possesses these qualifications is a good citizen, though he may not be able to write his name or to read a word of the Constitution. If he is law-abiding, peaceable, ready to discharge the duties of a citizen, why should he be excluded from our shores?

Our fathers all came from abroad. They sought this New World, bequeathed by Columbus to mankind, and why exclude the unfortunate portion of the race, guilty of no crime and possessed of the same elements—energy, enterprise, and frugality—as the best of their fellow-citizens, who in their adopted country become as patriotic as any others?

Why, then, apply any test except that which may be applied as tests of character, not of acquisitions of learning? Make the qualification for voting what you please, but let there be no qualification which will exclude a man of good character and morals from the opportunity to earn his livelihood with his own right arm under God Almighty's sunshine on the face of any portion of God's earth. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I now ask unanimous consent that the debate on the pending amendment and the amendment thereto close in ten minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks that debate on the amendment presented by him and on the amendment to the amendment offered by the gentleman from Ohio and the substitute offered by the gentleman from Missouri close in ten minutes.

Mr. ADAMS. Mr. Chairman, will the gentleman make that twenty minutes, so that I may have ten minutes?

Mr. UNDERWOOD. I will suggest to the gentleman from Ohio that we agree to twenty minutes, one-half to be controlled by the gentleman in charge of the bill and one-half by myself.

The CHAIRMAN. The gentleman from Alabama amends his request and asks that debate on the amendment and the substitute be closed in twenty minutes, one-half of the time to be controlled by himself and the other half by the chairman of the committee.

Mr. HILL. I shall not object to this request, but I shall object to any extension of time after this on any portion of the bill.

The CHAIRMAN. The Chair hears no objection.

Mr. GOLDFOGLE. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. UNDERWOOD. Then, Mr. Chairman, I move that debate on the pending section and amendment thereto be closed in twenty minutes.

The CHAIRMAN. The gentleman from Alabama moves that debate on the two amendments and the substitute be closed in twenty minutes.

Mr. CORLISS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CORLISS. Will the adoption of that motion bar additional amendment to this section?

The CHAIRMAN. Any additional amendments may be offered, but debate on the section and all amendments thereto will be closed.

Mr. CORLISS. Then I submit I should object.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that ample opportunity will be given to all members of the committee to offer amendments.

Mr. CORLISS. I would like to ask if that motion would debar debate on my amendment which I propose to offer and which has no relevancy to the question under discussion?

The CHAIRMAN. The motion was to close debate on the section and all amendments.

Mr. CORLISS. I propose to offer an amendment to an entirely different section on a different subject, which will be in the nature of an additional section to the bill.

The CHAIRMAN. I will state to the gentleman from Michigan that this motion would not affect debate on his proposed amendment. The motion of the gentleman from Alabama does not relate to any other than the question included in his motion. The question recurs on the motion of the gentleman from Alabama to close debate on the amendment and the substitute in twenty minutes.

The question was taken, and the motion agreed to.

Mr. UNDERWOOD. Mr. Chairman, as there was no division of time, I ask recognition, and I yield ten minutes of my time to the gentleman from Ohio [Mr. SHATTUC].

Mr. SHATTUC. Where did you get ten minutes?

Mr. UNDERWOOD. Well, there was no division of time, and I ask recognition.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that we are still under the five-minute rule. His motion did not take it out of the five-minute rule. The Chair will recognize the gentleman from Alabama for five minutes.

Mr. UNDERWOOD. Then, Mr. Chairman, I wish to state my objections to the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT]. I did not intend to address the committee further, but I wish to state this: that the gentleman has offered a substitute to the educational test proposed by me, a provision that all immigrants who come to this country must stand a mental test, a physical test, and a moral test by the consular service of the United States. Now, if you are opposed to an educational test, why should you be in favor of this test, because you leave it entirely to the Department to determine what the test would be, and it would probably be along the same lines?

Why should you accept this other test and put the Government to the expense of appointing the consuls to do this work, appointing the examining physicians to do this work, requiring them to go to the consular officer and get their certificate, and as the gentleman from Alabama [Mr. RICHARDSON], my colleague, said, if that is the case, if they are required to go to a consular office, that consular office could not give a certificate without violating the comity between this country and other countries to a young man running away from there in violation of the military laws or any other laws, regardless of this test; but if you accept the amendment that I offer, the emigrant does not have to go to any consular office; he does not have to stand an educational test until he comes here to make a living. He may leave there because he does not want to serve in the army, but when he comes here there is no question raised if he can pass the educational test; he is admitted.

No one of them would be brought over here unless he was qualified, and why? Because the amendment provides that the

steamship company must carry the emigrant back who can not pass the test. Therefore, the steamship companies, in order to protect themselves, will apply the test to them before they start; not because of their regard for our law, but as a protection to themselves, so that they will not have to carry the immigrants back at their own expense.

As far as the Germans are concerned, I believe my friend stated yesterday that only about 2 per cent or 2½ per cent of the people of that nationality are illiterate. The figures I had showed a little more than that; but of the German immigrants coming to this country it would only exclude about 2 or 3 out of every 100, whereas it would exclude 43 or 45 per cent of the undesirable classes.

Now, I say, in reference to this amendment, the question simply is whether you are going to stand for home and country, or whether you are going to stand as a matter of sentiment for the indiscriminate, uneducated classes of Europe. You may give your sympathy and your sentiment to those poor unfortunate people, but are you going to bring them here to uplift them at the expense of your own people? I say that this proposition is to uplift the American wage-earner, to hold up the standard of American living, to hold up the American standard of civilization, and no self-respecting voter in this country will ever reprove a man who stands here and votes to uphold the American standard in that respect.

Mr. SHATTUC. Mr. Chairman, a great many members of the committee have asked me how the Committee on Immigration and Naturalization stand on this amendment. I have no doubt there are several members of the committee who agree with my friend from Alabama [Mr. UNDERWOOD] as to the merits of the amendment that he has introduced. The difference of opinion begins right here. They want to see some legislation pass this House that will become a law. They want to do something that will amount to something. The gentleman from Alabama [Mr. UNDERWOOD] professes great regard for the American workingman, but he is pursuing such a policy that it will do the American workingman no good at all, but will do him harm instead, because the measure that the gentleman advocates will not become a law, and he will also defeat the bill on which the committee have worked so hard to perfect it and get it before the House for action.

Now, what you ought to do is to reject this educational test as an amendment to this bill. Set it aside; pass this bill that has been so favorably spoken of by my friend from Iowa [Mr. HEPBURN]. No man in this House understands the value of it better than does the gentleman from Iowa, because he was for a long time the Solicitor-general of the Treasury Department, and it is admitted by everyone that he was the best one the Government ever had, and he is familiar with this subject, and he speaks advisedly when he says it is an excellent bill. Now, I say to you gentlemen in good faith that if you follow the lead of the gentleman from Alabama [Mr. UNDERWOOD] and of the distinguished lawyer from Indiana [Mr. WATSON] and attach this amendment to this bill, you may pride yourselves that you have accomplished a great result; but I ask you to watch and see if this bill does not go into a pigeonhole in the Senate, never to be heard of again.

On the other hand, reject this educational test, report this bill favorably to the House, let the House pass a properly constructed, legal bill, one that the Supreme Court of the United States will uphold, and we will send such a bill to the Senate as will receive favorable action there. If the House will do this, I pledge you that my committee, because I have just this moment consulted with the members of it, will report to this House within ten days a bill on the subject of the educational test, drawn on proper lines, in a way that will give no offense to other nations, and that will reach that class of people whom we want to reach. Now, I ask you in good faith to vote against this amendment. Vote against both of them; but if you must vote for either one of them, vote for the one introduced by the gentleman, my friend from Missouri [Mr. BARTHOLDT].

Mr. SNODGRASS. Mr. Chairman, I am sorry that this amendment offered by the gentleman from Missouri was offered as a substitute for the proposition of the gentleman from Alabama [Mr. UNDERWOOD], because the two amendments are not in conflict, and the amendment offered by the gentleman from Missouri might just as well have been offered as an independent section; so that the friends of the educational qualification might have voted for his amendment, because I think it will serve a good purpose. It is to provide for an inspection and examination of those immigrants in order to determine, in advance of their landing on our shores, as to whether or not they would be qualified for citizenship when they come here. The amendment offered by the gentleman from Alabama is to attach an educational restriction or qualification. For that reason I shall have to vote against the substitute offered by the gentleman from Missouri, because it is offered as a substitute for the proposition of the gentleman from Alabama.

The CHAIRMAN. The Chair will state that there are ten minutes remaining of the time allowed for debate on this section.

Mr. WATSON. Mr. Chairman, in answer to what my genial friend from Ohio [Mr. SHATTUC] has said, I want to read the Republican platform of 1896.

> For the protection of the quality of our American citizenship and of the wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

That is a specific indorsement of the pending proposition. And in 1900 the Republican national platform contained this clause:

> In the further interest of American labor we favor a more effective restriction of cheap labor from foreign lands.

Mr. SHATTUC. We have that.

Mr. WATSON. Who is disputing that?

Mr. SHATTUC. Nobody.

Mr. WATSON. Then, in further answer to my friend, I will state that in the Fifty-fourth Congress this very proposition passed the House, passed the Senate, and went to the President of the United States, but he vetoed it, and the House then passed it by a two-thirds vote over his head, and it went to the Senate where it failed of the required vote.

Subsequently, when Senator LODGE was chairman of the Senate Committee on Immigration, this very proposition was presented and passed. Subsequently, when Senator FAIRBANKS, from my own State, was chairman of the Committee on Immigration of the Senate, this very proposition was presented to that body and passed. Now, what right has the gentleman from Ohio to assume, when this measure has passed the Senate once when it was Democratic and twice when it was Republican, that the proposition as now stated would not pass the United States Senate?

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. WATSON. Certainly.

Mr. BARTHOLDT. It is not the same proposition, if I may so state to the gentleman. The bill that passed the House and was vetoed by President Cleveland was afterwards passed over the veto of President Cleveland by this House and failed finally in the Senate, was a bill which only applied to male immigrants. It excluded females, and it contained a number of other modifications which, in my judgment, are absolutely necessary to perfect legislation of this kind. It was not to strike down the proposition which is now submitted.

Mr. WATSON. The bill was practically the educational qualification as provided in this bill, because when I drew the bill I went back to the original Lodge bill, as presented in the Fifty-fourth Congress, and took almost identically the same language; and my friend from Missouri was on the committee at the time the bill was reported.

Mr. BARTHOLDT. I was chairman of the committee.

Mr. WATSON. Was chairman of the committee.

Mr. BARTHOLDT. And I reported it by instructions of the committee.

Mr. WATSON. I did not know how that was; but I know the gentleman reported the bill, and I believe in the passage of the bill and voted for it, but refused to pass it over the President's veto, if I remember correctly. However that may be, I am in favor of the qualification as provided in this proposition, because it accomplishes what ought to be accomplished. And in answer to my friend, the distinguished and venerable gentleman from Pennsylvania, permit me to say we do not exclude any great number of Germans. It will exclude but a small number of Swedes and Norwegians and English and Scotch and Irish and Welsh, but it will have the result of excluding great hordes of Italians and Huns who come in year after year, undermining the very principles of this Republic and interfering with labor all over this country. Labor everywhere is in favor of this. I have a letter from Samuel Gompers, who is president of the American Federation of Labor, that has just reached me, and I will send it to the Clerk's desk and ask to have it read in my time as the conclusion of my remarks.

The CHAIRMAN. The time of the gentleman has expired.

Several MEMBERS. Ask unanimous consent to have it read.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to have the letter read.

Mr. WATSON. I understand my friend from Connecticut said that he would not agree to any unanimous consents, and I do not care to run against any Connecticut snags.

Mr. HILL. I ask unanimous consent that the letter may be printed in the RECORD.

The CHAIRMAN. The gentleman from Connecticut asks

unanimous consent that the letter may be printed as a part of the remarks of the gentleman from Indiana.

Mr. ADAMS. I object.

Mr. SULZER. I ask unanimous consent to have the letter read.

Mr. ADAMS. The gentleman from Connecticut said that he would not grant any more unanimous consents. Why should he, therefore, be entitled to the courtesy?

The SPEAKER. The gentleman from New York asks unanimous consent that it may be read. Is there objection?

Mr. MANN. Well, Mr. Chairman, the time has been limited already to twenty minutes. It will take about five minutes to read the letter. I ask unanimous consent that the gentleman from Missouri be allowed five minutes after the reading of the letter.

The CHAIRMAN. The Chair would state that there are five minutes of the twenty minutes of limitation still remaining. The Chair is of the opinion that the unanimous consent will not take away the time given for debate. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection, and the Clerk will read the letter.

The letter was read, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., May 16, 1902.

Hon. JAMES E. WATSON,
House of Representatives.

DEAR SIR: I have observed with much pleasure your activity in the cause of the regulation of immigration, and in particular your introduction of a bill providing that no adult immigrant shall be admitted to our country till he has acquired the first rudiments of education. It is for this reason that I now address you with regard to pending and prospective legislation.

The organized workers of the country feel that the existing immigration laws, while not without their value, are of trifling effect compared with the needs and the just demands of American labor.

The elaborate bill reported to the House by the Committee on Immigration is for the most part a simple codification of the existing laws, and modifies them only in some few details. I believe that the changes proposed are for the most part desirable. They are, however, comparatively unimportant. If it is worth while to take up the question of immigration at all, it is worth while to introduce a genuine and effective regulation.

The strength of this country is in the intelligence and prosperity of our working people. But both the intelligence and the prosperity of our working people are endangered by the present immigration. Cheap labor, ignorant labor, takes our jobs and cuts our wages.

The fittest survive; that is, those that fit the conditions best. But it is the economically weak, not the economically strong, that fit the conditions of the labor market. They fit best because they can be got to work cheapest. Women and children drive out men, unless either law or labor organization stops it. In just the same way the Chinaman and others drive out the American, the German, the Irishman.

The tariff keeps out cheap foreign goods. It is employers, not workingmen, that have goods to sell. Workingmen sell labor, and cheap labor is not kept out by the tariff. The protection that would directly help the workers is protection against the cheap labor itself.

The Nashville convention of the American Federation of Labor, by a vote of 1,858 to 352, pronounced in favor of an educational test for immigrants. Such a measure would check immigration in a moderate degree, and those who would be kept out by it are those whose competition in the labor market is most injurious to American workers. No other measure which would have any important effect of this kind is seriously proposed.

The need of regulation may be less sharply felt at the present time, when there are less men out of work than there were a few years ago. But the flood of cheap labor is increasing, and its effect at the slightest stagnation in industry or in any crisis will be fearful to the American workmen.

A fall in wages or a relative fall of wages makes the workers unable to buy as large a share as before of the goods they produce. This hastens the time when overproduction or underconsumption will show itself. That means hard times; and when hard times come the mass of immigrants that prosperity attracted will be here to increase the burden of unemployment.

For these reasons the American Federation of Labor believes that the present opportunity ought not to be allowed to pass without the adoption of an effective measure for the protection of American labor.

I earnestly hope that you will be able to procure the embodiment of an illiteracy test for immigrants in the bill (H. R. 12199) which the House now has under consideration.

I have the honor to remain, yours, very respectfully,

SAM. J. GOMPERS,
President American Federation of Labor.

Mr. BARTHOLDT. Mr. Chairman, I merely desire to give expression to one thought in answer to the argument of my distinguished friend from Alabama [Mr. UNDERWOOD]. The difference between the substitute offered by myself and the amendment offered by the gentleman from Alabama is that my substitute tends to relieve the American people and this country from the stigma and the meaning of the word "deportation." That is a word not contained in the lexicon of American history, a word not employed as yet by any American statesman whose lessons we care to obey and follow, a word comparatively new in the politics of this country. If you adopt my substitute the undesirable immigrant will be barred upon the other side. If you adopt the amendment of the gentleman from Alabama he will come across the ocean, and the American people will stand charged in the face of the civilized world with attempting to brand for life, and send back to his old home, a man merely because he is unable to read, because perhaps he has not had the opportunity of acquiring that knowledge.

Mr. ADAMS. Mr. Chairman——

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. To which gentleman does the gentleman from Missouri yield?

Mr. BARTHOLDT. "How happy I would be with either if the other dear charmer was away." [Laughter.] I yield to the gentleman from Pennsylvania.

Mr. ADAMS. Perhaps we are both to ask the same question. I should like to ask whether the gentleman from Missouri has looked into the question of how the foreign governments would regard the provision that our consuls were to pass on the qualifications of their people?

Mr. BARTHOLDT. I have, and there is absolutely no objection on the part of any government on the face of the earth, because the same practice is now in vogue in several ports of embarkation without the authority of law. I want to give that practice the authority of American law. And I will say that while the examination will take place practically upon foreign soil, it will really take place within the jurisdiction of the American consul. As soon as the American consul begins the examination and inspection of the immigrant, from that moment the immigrant is practically within the scope of our jurisdiction. Now I will yield to the gentleman from New York.

Mr. SULZER. On page 10 of the pending bill, line 11, in italics, it provides that the officer at the ports of arrival shall make the examination, and the present law provides for an examination to be made at the place of embarkation. If the present law were incorporated into this, will the gentleman state how an immigrant entitled to admission to this country could be returned?

Mr. BARTHOLDT. Mr. Chairman, I regret to say that my friend from New York has misunderstood the remarks which I have submitted. It is not the fact that the present law provides for any inspection and examination on the other side of the ocean. Not at all. It is only a practice which has been tried in several ports of embarkation and has worked very satisfactorily, so much so that no immigrant who has come to this country has been rejected on this side, because he has already passed a rigid examination on the other side.

Mr. SULZER. Does not the gentleman think that the examination ought to be made at the place of arrival as well as at the place of embarkation?

Mr. BARTHOLDT. My substitute does not exclude an examination on this side at all.

Mr. SULZER. It only provides for an examination at the place of embarkation?

Mr. BARTHOLDT. Yes.

The CHAIRMAN. The time of the gentleman from Missouri has expired, debate on the amendment is exhausted, and the Chair will state the present parliamentary situation.

There is pending an amendment offered by the gentleman from Alabama inserting a new section in the bill after section 2, on page 4. To the amendment offered by the gentleman from Alabama the gentleman from Ohio, chairman of the Committee on Immigration, has submitted an amendment. The gentleman from Missouri has offered a substitute for the amendment of the gentleman from Alabama. The question, therefore, will first be upon the amendment offered by the gentleman from Ohio. When this amendment is disposed of, whether adopted or rejected, the question will recur on the substitute offered by the gentleman from Missouri.

Mr. SMITH of Kentucky. Mr. Chairman, I ask that the amendment offered by the gentleman from Ohio be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

The question was considered; and on a division (demanded by Mr. WACHTER) there were 54 ayes and 13 noes.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Missouri.

Mr. LITTLE. Mr. Chairman, I have an amendment that I want to offer to the pending amendment which I think will take the precedence of the substitute.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate passed without amendment bill of the following title:

H. R. 989. An act to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46.

The message also announced that the Senate had passed, with amendments, bill of the following title; in which the concurrence of the House was requested:

H. R. 14018. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

IMMIGRATION.

The committee resumed its session.

The amendment proposed by Mr. LITTLE was read, as follows:

In the amendment of Mr. UNDERWOOD strike out "eighteen" and insert "twenty;" so as to read "under twenty years of age."

The question being taken, the amendment was rejected.

Mr. LACEY. Mr. Chairman, I offer the substitute of the gentleman from Missouri as an amendment to the amendment.

The CHAIRMAN. The Chair suggests to the gentleman from Iowa that the vote now about to be taken——

Mr. LACEY. I offer as an amendment the same language which the gentleman from Missouri has offered as a substitute. If the proposition of the gentleman from Missouri be adopted as a substitute, of course the original goes out.

Mr. BARTHOLDT. I submit that the amendment has already been perfected by the adoption of the amendment of the gentleman from Ohio——

Mr. LACEY. It has not been perfected.

Mr. BARTHOLDT. And the vote now recurs on the substitute offered by myself, which can not now be offered as an amendment to the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Missouri [Mr. BARTHOLDT] that the amendment of the gentleman from Alabama is still before the House, subject to perfection by amendment. The gentleman from Iowa offers an amendment to the amendment of the gentleman from Alabama.

Mr. LACEY. I offer it in the same language as the substitute of the gentleman from Missouri, but as an amendment, not as a substitute.

The CHAIRMAN. The Chair will suggest to the gentleman from Iowa that he offer his amendment in writing as an amendment to the amendment of the gentleman from Alabama.

Mr. LACEY. Very well. I move to amend the amendment of the gentleman from Alabama by adding the following at the end thereof:

An examination, etc.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that there is now pending before the House the amendment of the gentleman from Alabama——

Mr. LACEY. And I offer an amendment to that amendment.

The CHAIRMAN. The gentleman from Missouri has offered a substitute to that amendment; and the Chair suggests that the gentleman from Iowa can not in the way he proposes appropriate the paper pending as a part of the files of the House. [Laughter.]

Mr. LACEY. I do not understand that there is any patent on it. The proposition is now offered in the nature of an amendment. This is a different proposition.

The CHAIRMAN. As the Chair understands the rule, the amendment offered by the gentleman from Iowa should be reduced to writing and offered by him as an amendment to the amendment of the gentleman from Alabama.

Mr. LACEY. That point was not made. [Cries of "Regular order!"]

Mr. BARTHOLDT. I call for a vote on the substitute.

Mr. LITTLE. As an amendment to the amendment of the gentleman from Alabama, I move the language which I send to the desk, to come in at the end of that amendment.

The Clerk read as follows:

Provided, That the educational examination herein provided for may be made by the consul of the United States at the port of embarkation, under such rules and regulations as shall be prescribed by the Secretary of the Treasury.

The CHAIRMAN (having put the question). The ayes appear to have it.

Mr. UNDERWOOD. I ask for a division.

The question being again taken, there were—ayes 43, noes 53.

The CHAIRMAN. The amendment of the gentleman from Arkansas [Mr. LITTLE] is rejected. The question is now on agreeing to the substitute offered by the gentleman from Missouri, unless the gentleman from Iowa [Mr. LACEY] has his amendment ready to offer.

Mr. LACEY. The gentleman from Arkansas [Mr. LITTLE] offered the same thing substantially.

The CHAIRMAN. The question is then on the substitute offered by the gentleman from Missouri for the amendment of the gentleman from Alabama.

Mr. SULZER. I ask that the substitute be reported.

The Clerk read as follows:

Substitute for the amendment of Mr. UNDERWOOD providing for an educational test the following:

"An examination, physical, mental, and moral, of every immigrant shall be made at the port of embarkation by the American consul at such port and by a medical officer designated by the Treasury Department for such purpose."

Mr. UNDERWOOD. The regular order.

The CHAIRMAN (having put the question on the substitute of Mr. BARTHOLDT). The ayes seem to have it.

Mr. UNDERWOOD. I call for a division.

Mr. ADAMS. I rise to a parliamentary inquiry. If this substitute is adopted, does that pass it finally?

The CHAIRMAN. If the substitute be adopted, the amendment offered by the gentleman from Alabama falls.

The question being again taken on the substitute of Mr. BARTHOLDT, there were ayes 34, noes 75.

So the substitute was rejected.

Mr. SNODGRASS. Mr. Chairman, is it in order now to offer the substitute of the gentleman from Missouri as an independent section?

The CHAIRMAN. The Chair thinks not.

Mr. UNDERWOOD. Mr. Chairman, I would suggest that until this section is disposed of an independent section can not be taken up.

The CHAIRMAN. It would not be in order at the present time. This section is now being perfected, and the vote recurs on the amendment of the gentleman from Alabama.

Mr. UNDERWOOD. I call for a vote, Mr. Chairman.

Mr. SNODGRASS. Then I desire to offer it after the section is disposed of.

The CHAIRMAN. The question is on agreeing to the amendment by the gentleman from Alabama.

The question was taken.

The CHAIRMAN. The ayes seem to have it.

Mr. SHATTUC. I call for a division, Mr. Chairman.

The House divided.

The CHAIRMAN. Eighty-six gentlemen vote in the affirmative.

Mr. SHATTUC. Mr. Chairman, I withdraw my demand.

The CHAIRMAN. The gentleman from Ohio withdraws his demand for a division.

Mr. MANN. Mr. Chairman, I renew the demand.

The CHAIRMAN. The gentleman from Illinois renews the demand for a division. Those opposed will rise and remain standing until counted.

The division was completed.

The CHAIRMAN. On this question the ayes are 86 and the noes are 7, so the amendment is agreed to.

Mr. SNODGRASS. Mr. Chairman, I now offer the substitute of the gentleman from Missouri as an independent section.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to the present section.

The CHAIRMAN. The Chair will state to the gentleman from Texas that this present section, section 3, has been agreed to. No other amendments to that section are now in order.

Mr. STEPHENS of Texas. I understand it is not completed until all amendments are disposed of.

The CHAIRMAN. All amendments and the substitute and the new section offered by the gentleman from Alabama have been disposed of.

Mr. STEPHENS of Texas. I had an amendment to the first part of the section.

The CHAIRMAN. All sections have been disposed of. The gentleman from Tennessee offers as a separate section the substitute of the gentleman from Missouri, which the Clerk will report.

The Clerk read as follows:

SEC. 3. An examination, physical, mental, and moral, of every immigrant shall be made at the port of embarkation by the American consul at such port and a medical officer designated by the Treasury Department for such purpose.

Mr. SNODGRASS. Mr. Chairman, the effect of that amendment is to add an additional moral qualification, which is not provided for in this bill, I think. It also operates for the convenience of the emigrant, and as it can be carried out with very little additional expense, I think it ought to be adopted as an independent section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee, which is a new section, as section 4 of the bill.

The question was taken; and on a division (demanded by Mr. GLENN) there were—ayes 33, noes 41.

So the amendment was rejected.

Mr. RUCKER. Mr. Chairman, when section 2 was passed unanimous consent was given to recur to that section for the purpose of offering the amendment which I now send to the desk and ask to have read.

The Clerk read as follows:

At the end of section 2, page 4, add the following:

"Provided that such persons are not within other excluded classes in this section specified."

Mr. RUCKER. That amendment will perfect that section.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri.

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous

consent to return to that section for the purpose of offering the following amendment, which I will ask to have read.

The clerk read as follows:

Amend by adding at the end of line 7, page 3, the words "and habitual drunkards."

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to section 2 of the bill for the purpose of offering the amendment which the clerk has read. Is there objection?

Mr. SHATTUC. I object.

The CHAIRMAN. The gentleman from Ohio objects. The Chair will state that the amendment offered by the gentleman from Alabama is a new section, known as section 3. The Clerk will now proceed to read section 3 of the bill.

The Clerk read as follows:

SEC. 3. That the importation into the United States of any woman for the purposes of prostitution is hereby forbidden; and whoever shall knowingly and willfully import or attempt to import any woman into the United States for the purposes of prostitution, or shall knowingly or willfully hold or attempt to hold any woman for such purposes in pursuance of such illegal importation or contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding $5,000.

Mr. CORLISS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk, to come in as two independent sections.

The Clerk read as follows:

Amend between lines 24 and 25, page 4, by adding two sections, as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States, or citizens of countries in North America."

Mr. SHATTUC. Mr. Chairman, I reserve a point of order on that amendment.

Mr. CORLISS. Mr. Chairman, that amendment, with the exception of the last three or four words——

Mr. MANN. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Ohio, chairman of the Committee on Immigration, has already reserved a point of order.

Mr. HEPBURN. Mr. Chairman, I want to make a parliamentary inquiry. What is the parliamentary situation? If I understand it, the gentleman from Tennessee [Mr. SNODGRASS] offered an additional section. Now, the gentleman from Michigan offers two additional sections. His amendment is not an amendment to the one offered by the gentleman from Tennessee.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that the amendment offered by the gentleman from Tennessee was a section before section 3 of the bill. Section 3 of the bill has now been read. No amendment being offered to that section, the gentleman from Michigan [Mr. CORLISS] was recognized to offer an amendment covering two sections to follow section 3 of the bill.

Mr. HEPBURN. I thought some gentleman offered the substitute previously offered by the gentleman from Missouri [Mr. BARTHOLDT] as a new section.

The CHAIRMAN. That was voted down.

Mr. MANN. I make the point of order that the gentleman from Michigan can not offer two sections at once.

The CHAIRMAN. The Chair will state, in response to the gentleman from Illinois, that a division may be demanded on the amendment and only one section be voted on at a time.

Mr. CORLISS. I have no objection to that, Mr. Chairman. That amendment, with the exception of the last three or four words, is identical with the bill that passed this House and the Senate in the Fifty-fourth Congress. It covers the two sections having reference to what are known as "birds of passage." Now, it was shown in the debate on that bill in the Fifty-fourth Congress that many thousands of able-bodied men, who are aliens, come to this country between the 1st of March and the 1st of December every year, many of them skilled artisans, earning in the aggregate millions of dollars, and, having families in foreign lands, take the fruits of labor in this country to their foreign homes at the end of each labor season. It was shown by the statistics from the immigration department that from 50,000 to 75,000 persons in different years come for that purpose.

These two sections were incorporated in that bill, and I have cut them out bodily. That bill was vetoed by President Cleveland. I have amended the section by adding the words "or citizens of countries of North America," making an exception of such persons. I want the Clerk to read the reference of President Cleveland to this paragraph, showing the only objection that he made to this provision. As will be observed, President Cleveland's only objection was that the provision barred out citizens of adjoining countries, and I have eliminated that feature.

The Clerk read as follows:

When we consider these provisions of the bill in connection with our long northern frontier and the boundaries of our States and Territories, often but an imaginary line separating them from the British Dominion, and recall the friendly intercourse between the people who are neighbors on either side, the provisions of this bill affecting them must be regarded as illiberal, narrow, and un-American.

The residents of these States and Territories have separate and especial interests which in many cases make an interchange of labor between their people and their alien neighbors most important, frequently with the advantage largely in favor of our citizens. This suggests the inexpediency of Federal interference with these conditions when not necessary to the correction of a substantial evil affecting the general welfare. Such unfriendly legislation as is proposed could hardly fail to provoke retaliatory measures, to the injury of many of our citizens who now find employment on adjoining foreign soil.

Mr. CORLISS. Now, Mr. Chairman, President Cleveland called attention to the possible evil of the bill in that it might affect citizens of Canada and Mexico, countries contiguous to our own. That was the only objection he made to the paragraph. In the amendment that I have offered I expressly except citizens of countries adjoining ours in North America.

Mr. HEPBURN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Iowa?

Mr. CORLISS. Yes.

Mr. HEPBURN. If you have excepted all on our northern and southern borders, who are left?

Mr. CORLISS. I will say to the gentleman that I have statistics from the Immigration Bureau which show that not less than 15,000 Europeans come into the port of New York and into Boston Harbor every spring and engage work about the coast as stone masons, bricklayers, and carpenters, as skilled artisans, earning from $2 to $5 a day, and at the end of the season they take the fruits of such labor to their foreign homes on foreign soil; every American labor organization in this country has asked Congress to recognize this evil and to stop it. You say you desire to stop immigration. Here is an opportunity to protect American labor, and American labor has asked us to unite on some immigration bill that will stop foreign aliens, nonresidents, from coming here to compete with him on our soil. This provision will protect them.

Mr. HEPBURN. I agree with what the gentleman stated, but these come from European points.

Mr. CORLISS. That is all my amendment.

Mr. HEPBURN (continuing.) But why exempt the Canadians and why exempt the Mexicans, when ten come from Canada to the United States for one that comes from a foreign port?

Mr. CORLISS. There is a good reason for exempting Canadians and Mexicans, because American interests are closely allied with theirs. The conditions by water and by rail are such as to necessitate a constant exchange of American citizens with Canadians. It does not particularly interfere with or menace the earnings of the laborer, as it did some years ago, not near as much, because the overflow of Canada is here now. Many young men of Canada have moved to our country and make the best citizens. Now, we want to stop the foreigner, the man in Europe and other lands, from coming here.

Mr. HEPBURN. In this debate from time to time I have heard the statement made that hundreds of thousands of Canadians come from Canada in the morning, take the place of some laborers of the United States during the day, and at night go back with the money and spend it over there.

Mr. CORLISS. Undoubtedly to some extent that is true; and it is true in my city and at Buffalo; but our citizens go there, and there is a distinction in effect that was seen and recognized; and appreciating the interest of labor, I have offered this amendment which eliminates the only possible objection that can be to it. It may interfere with the American citizens in Canada and in Mexico and not permit the free exchange between citizens of the United States and citizens of Canada, and between citizens of Mexico and the citizens of the United States, but it reaches the element which is the most dangerous and menacing to the labor of our country.

I can show you, for I have the statistics certified to by the immigration commissioner at Boston and New York, that 15,000 in one year entered those harbors and engaged employment as skilled laborers; that 75 per cent of them were men with families. I had the names of several who lived in Scotland and who every year for nearly fifteen years left their families in Scotland and came to the city of Boston and there worked in one factory as stonecutters. They got $5 a day. They were the best artisans of their trade. They did not live in this country. Their families were in Scotland. I had the names and the addresses and the facts to show that these men came here and engaged in work for four or

five months, living in boarding houses, cheap places, and taking the fruits of their labor in America back to their foreign families on foreign soil and there educate their children and there purchase the supplies necessary to support their families.

I want the House to recognize the interests of American labor, who have asked repeatedly for this provision and who protested against the veto. To avoid any complications I have added the exception with reference to citizens of the two countries, Canada and Mexico, and I sincerely hope that there will be no objection to this provision.

Mr. WEEKS. Men come from Windsor over to Detroit to find employment there, and I would like to ask if the gentleman's amendment covers that?

Mr. CORLISS. It does not affect that question at all.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CLARK. Mr. Chairman, I move to amend the amendment offered by the gentleman from Michigan [Mr. CORLISS] by striking out the words "citizens of any country in North America." If there is any wisdom at all in the amendment that the gentleman has offered, and I think there is, it consists in this: That no foreign citizen that has no intention of becoming an American citizen shall come here and crowd an American laborer out of his job and take the proceeds of his labor back to his foreign home and enjoy them there. If that is a sound position, and I think it is, no man can give a good reason why a Canadian or a Mexican shall be permitted to cross the border, come here and earn wages, crowd out an American laborer and take his wages back to his foreign home and enjoy them in Canada or Mexico any more than he can come over from England, Germany, Russia, or the Lord knows where.

Indeed, the reason of the rule applies more to Canadians and Mexicans than it does to the other nationalities, because it is easier for them to get in here; and the proposition of the gentleman from Michigan illustrates the evil of making exceptions to the general rule. If you say that no foreigner shall come here, crowd out one of our laborers and take his earnings out of the country—and they do it by the thousands—you can go before an intelligent constituency and stand on it, but I would like very much to see any man in this House address an intelligent audience in the United States and undertake to defend the proposition that foreign laborers not intending to become citizens shall come in and crowd out an American from his job and take his wages away from him, unless they be Canadians or unless they be Mexicans, in which two cases they may come in ad libitum.

Mr. CORLISS. Will the gentleman permit an inquiry?

Mr. CLARK. Yes.

Mr. CORLISS. Are you not aware that the character of the laborer and his wages in Canada are relatively very much higher than the laborer of Europe?

Mr. CLARK. That may be true.

Mr. CORLISS. And that the demand for labor in Canada is much higher, and that therefore the danger of the laborer from European competition is greater than that of Canada?

Mr. CLARK. That is partly true and partly not true. The traditional American position is in favor of welcoming honest, industrious, moral, healthy, law-abiding white people who come to this country to become citizens and establish homes—to remain here and to become part and parcel of us. Many of our best citizens are foreign-born persons and their children; but the laborers of this country do not believe anybody who does not intend to become an American citizen has a right to come over here and stay and labor in this country and earn wages and take them back to the foreign country and there spend them.

If you would add this amendment of the gentleman from Michigan, as amended by my amendment, to this bill it will keep out nine-tenths of the undesirable people that come to this country simply to make money without becoming citizens, because the statistics of the last census show, notwithstanding the flood of immigration in the country, in 1900 there were fewer people in the country of foreign birth, and fewer people one remove from foreign birth, than there were in 1880; and there is not a man living that can give any reason for an exception to this proposition in favor of Canadians and Mexicans.

Mr. SHATTUC. Mr. Chairman, I want to be consistent, and I want to pass this bill. This putting on of so many riders will have a tendency to hurt the bill. Without discussing the merits of these amendments I want to get rid of them, because I want the bill to finally pass the House and the Senate, and therefore I insist on the point of order that the amendments are not germane.

The CHAIRMAN. The gentleman from Michigan [Mr. CORLISS] submits an amendment, or rather two amendments, in the form of two sections, to which the point of order was made and reserved by the gentleman from Ohio [Mr. SHATTUC]. The debate has been exhausted, and the gentleman from Ohio [Mr. SHATTUC] calls for a decision on the point of order.

Mr. ALEXANDER. Mr. Chairman——

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. ALEXANDER. Mr. Chairman, I do not care to discuss the point of order, but I want to address myself to the amendment of the gentleman from Missouri for the moment.

The CHAIRMAN. The Chair will first dispose of the point of order made upon these two amendments. The bill before the House is a bill regulating the immigration of aliens into the United States. The scope of the measure is exceedingly broad, and any amendment relating directly to the general scope and intent of the bill would be germane.

These amendments bring in an entirely new subject not alluded to in the bill, but relating to contract labor and contract-labor laws. If the Chair did not feel convinced in his own mind on this point of order, he would feel inclined to follow the decision made by Mr. Speaker Reed in the Fifty-fourth Congress, which the gentleman from Michigan [Mr. CORLISS] will undoubtedly recall. On an immigration bill similar to the pending bill amendments similar to the pending amendments were offered, and points of order were made against them. The points of order were sustained by Mr. Reed on the ground that the amendments relating to contract labor were not germane to an immigration bill. In view of the precedent established by Mr. Speaker Reed, and in accordance with what seems to the Chair to be correct parliamentary practice, the point of order is sustained on the ground that the amendments are not germane to the subject-matter of the bill.

Mr. SHATTUC. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12199) to regulate the immigration of aliens into the United States and had come to no resolution thereon.

NATIONAL SANITARIUM AT SOLDIERS' HOME, HOT SPRINGS.

Mr. BURKE of South Dakota, by unanimous consent, called up from the Speaker's table the following concurrent resolution of the Senate; which was read, considered, and adopted.

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills, in the enrollment of the bill (S. 566) for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, are hereby authorized to strike out the words "Branch Home" from line 12, page 1, and insert in lieu thereof the word "sanitarium."

LIFE-SAVING STATION AT MONOMOY ISLAND, MASSACHUSETTS.

Mr. LOVERING. I ask unanimous consent for the present consideration of the bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish an additional life-saving station on Monomoy Island, Massachusetts, at such point as the General Superintendent of the Life-Saving Service may recommend.

Mr. RICHARDSON of Tennessee. Has this bill been reported by any committee of the House?

Mr. LOVERING. It has been reported unanimously by the Committee on Interstate and Foreign Commerce.

Mr. RICHARDSON of Tennessee. I should like to know how much expense is involved?

Mr. LOVERING. Practically no expense. It is simply for the reestablishment of a station which it was contemplated to abandon, but recent disasters have proved that it is necessary to have this station reestablished.

Mr. RICHARDSON of Tennessee. The bill provides for no expenditure whatever, as I understand.

Mr. LOVERING. None but for mere repairs. That is all.

Mr. RICHARDSON of Tennessee. What is the necessity, may I ask, for the passage of the bill?

Mr. LOVERING. The necessity for the reestablishment of this station grows out of the recent disaster at Monomoy Island, where 12 lives were lost. It has been proved that had this station been in operation at the time there would have been no loss of life. There were more lives and more property rescued on this island than at any other point in the whole United States.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. LOVERING. I ask unanimous consent that a bill which has passed the Senate, absolutely identical with this House bill, be substituted.

Mr. RICHARDSON of Tennessee. As I understand, the Senate bill is identical?

Mr. LOVERING. It is.

The SPEAKER. Has the Senate bill been reported back from the Committee on Interstate and Foreign Commerce? It does not seem to be in the possession of the Clerk.

Mr. LOVERING. Then I ask that the House bill be passed.

The question being taken, the bill of the House was passed.

BRIDGE ACROSS SAVANNAH RIVER.

Mr. JOHNSON. I ask unanimous consent for the present consideration of Senate bill No. 5406.

The bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga., was read.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. JOHNSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDINGS.

Mr. MERCER. I ask unanimous consent that the House nonconcur in the amendments of the Senate to House bill 14018, the public-buildings bill.

There being no objection, it was ordered accordingly.

The SPEAKER announced the appointment of Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD as conferees on the part of the House.

COMMITTEE ASSIGNMENTS.

The SPEAKER announced the following committee assignments:

District of Columbia—Mr. MCANDREWS of Illinois.

Library—Mr. MCCLELLAN of New York.

Labor—Mr. RYAN of New York.

Expenditures in the Department of Justice—Mr. STEPHENS of Texas.

Immigration and Naturalization—Mr. FLOOD of Virginia.

Claims—Mr. GOOCH of Kentucky, and Mr. RHEA of Virginia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RANDELL of Texas, for three days, on account of important business.

To Mr. THOMAS of North Carolina, for ten days, on account of important business.

To Mr. GAINES of West Virginia, for two days, on account of important business.

To Mr. SCOTT, for ten days, on account of important business.

To Mr. WILLIAMS of Illinois, for this week, on account of illness.

AMENDMENT OF HOUSE RULES.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Tennessee calls up the following privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution numbered 266, have had the same under consideration and report in lieu thereof the following:

"*Resolved*, That the following be added to the rules of the House as section 2 of Rule XXIX:

"'It shall not be in order to consider the report of a committee of conference until such report and the accompanying statement shall have been printed in the RECORD, except on either of the six days preceding the end of a session.'"

Mr. RICHARDSON of Tennessee. Mr. Speaker, this substitute is for the resolution introduced by the gentleman from Iowa [Mr. HEPBURN]. It simply provides that conference reports must be first printed in the daily RECORD before they are to be called up for consideration in the House. It does not affect their privileged character when called up, but simply postpones their consideration until they shall have been printed in the CONGRESSIONAL RECORD. The exception is made in favor of the last six days of the session, because at that time it is supposed we may be more or less hurried, and the exception is made that those reports will not have to be first printed.

Mr. MCRAE. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. Yes.

Mr. MCRAE. I would ask if the gentleman does not think, if we are to have these printed, that they should be printed in bill form. Printing a report in the RECORD does not show us at once what the committee has done.

Mr. RICHARDSON of Tennessee. We not only print the report in the RECORD, but the rule requires the printing of the accompanying statement.

Mr. MCRAE. When a long conference report is printed in the RECORD, it often takes a man half a day to get at what is done. In bill form it would be of some use to us. I think the printing of it would be of no benefit practically unless it is printed in bill form, to show what is done and proposed.

Mr. UNDERWOOD. Mr. Speaker, I would state to my friend from Arkansas that the object of printing the report in the RECORD is to call the attention of the House to what the conferees have done.

Mr. MCRAE. I understand that, yes; but unless attention is called to what is done by printing the amendments and changes proposed we can not tell whether the report is correct or not.

Mr. RICHARDSON of Tennessee. It is right there for them to see.

Mr. MCRAE. You may take a conference report on any of the large appropriation bills, and I undertake to say there are not ten men in the House who in half a day can tell what it means by reading the report in the RECORD. It will take considerable time to ascertain what these amendments mean unless they are printed in bill form in connection with the text of the bill.

Mr. RICHARDSON of Tennessee. The gentleman will observe that this requires the printing of the accompanying statement, and it is the statement which gives the information, anyway, as to what the report of the conferees includes. I think there will be no difficulty. It will be just as easy to make the comparison with the printed copy in the RECORD as if it were in bill form.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question. Does this provide that the conference report shall be printed in the RECORD?

Mr. RICHARDSON of Tennessee. Yes.

Mr. MANN. Upon presentation, without asking unanimous consent?

Mr. RICHARDSON of Tennessee. They shall be printed; yes, sir.

Mr. MANN. Does it say they shall be printed in the RECORD?

Mr. RICHARDSON of Tennessee. I will ask that the Clerk report the rule again. I so understood it.

Mr. CANNON. They are always printed in the RECORD.

Mr. MANN. They are when called up for consideration.

The SPEAKER. If there is no objection, the Clerk will again report the resolution.

The Clerk again read the resolution.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Upon presentation of a conference report, is it a matter of right that it shall be printed in the RECORD, without an order of the House?

The SPEAKER. It is an absolute duty under this rule, the Chair thinks.

Mr. RICHARDSON of Tennessee. It can not be considered until it is.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. CANNON] if the exception there is not too ample. Originally, as the resolution was introduced, it made an exception of those reports that were made during the last three days of the session, and the reason for that was the statement that often the business was perhaps purposely delayed on the part of some person until the last few days for the very purpose, possibly, of the House not having as full an understanding as it otherwise might. I do not know that that was his language, but it was the inference that I drew, and I am fearful that as the rush comes just at the last we are going to have too much room in that exception, and I would prefer the resolution as it originally read.

Mr. RICHARDSON of Tennessee. I understand that the question is addressed to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. The resolution says six days. Now, in the last six days it is in order to move to suspend the rules, as the gentleman is aware. I do not consider it very important whether it is three days or six days. I should have been entirely content if it had been three days instead of six, because if there had been any special pressure the House undoubtedly would suspend the rules for the first three days of the six. There is an abuse almost unavoidable that is liable to happen in the last six days or the last three days of the session, when everything is crowding for consideration, and you do as much business ordinarily in six days as you would do in a month or six weeks at another stage of the session. I would be perfectly willing to see it three days instead of six.

Mr. LACEY. I should like to call the attention of the gentleman in charge of the measure to one possible difficulty, and ask him what he thinks about this: In the last Congress, if I remember right, there were no last six days. There was only one of those days.

Mr. RICHARDSON of Tennessee. You mean in the long session?

Mr. LACEY. In the long session. In other words, in the long session, until a resolution of adjournment has passed the two Houses, we do not know when the six days will begin, and in the last long session we did not agree to the adjournment resolution until the last day. Consequently, there were no last six days. Might this not give us some trouble?

Mr. RICHARDSON of Tennessee. I will state to the gentleman that the Committee on Rules considered that very carefully.

That was suggested while the committee were considering this proposed rule, and we thought that if the difficulty which the gentleman from Iowa suggests should arise that the Committee on Rules could very well bring in a proposition to vacate this rule during the remainder of the session. We could obviate the difficulty by simply bringing in a rule abrogating this rule for the remainder of the session.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table..

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 307. An act granting an increase of pension to John L. Branson;

H. R. 671. An act granting an increase of pension to Orra H. Heath;

H. R. 1046. An act granting an increase of pension to John J. Martin;

H. R. 1129. An act granting an increase of pension to William H. Shaffer;

H. R. 1695. An act granting an increase of pension to Christopher C. Perry;

H. R. 1696. An act granting an increase of pension to Frederick A. Condon;

H. R. 1715. An act granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow;

H. R. 1724. An act granting an increase of pension to Daniel F. Thompson;

H. R. 2661. An act granting an increase of pension to Oswald Ahlstedt;

H. R. 2563. An act granting an increase of pension to Robert R. Strong;

H. R. 3238. An act granting an increase of pension to Lorenzo Weeks;

H. R. 3292. An act granting an increase of pension to Arthur H. Perkins;

H. R. 4451. An act granting an increase of pension to George K. Thompson;

H. R. 5020. An act granting an increase of pension to Courtland C. Matson;

H. R. 5219. An act granting an increase of pension to Daniel Donne;

H. R. 5865. An act granting an increase of pension to John C. Campbell;

H. R. 5911. An act granting an increase of pension to Gilbert G. Gabrion;

H. R. 6063. An act granting an increase of pension to John Brill;

H. R. 6172. An act granting an increase of pension to Frederick Weimer;

H. R. 6721. An act granting an increase of pension to Andrew Ray;

H. R. 6750. An act granting an increase of pension to William H. Hoxie;

H. R. 7228. An act granting an increase of pension to Christian Christianson;

H. R. 7229. An act granting an increase of pension to Edwin M. Dunning;

H. R. 7401. An act granting an increase of pension to William Brown;

H. R. 7897. An act granting an increase of pension to Michael J. Daly;

H. R. 7918. An act granting an increase of pension to James C. Pettee;

H. R. 8106. An act granting an increase of pension to Daniel J. Mahoney;

H. R. 8401. An act granting an increase of pension to Henry E. Murphy;

H. R. 8409. An act granting an increase of pension to Cyrenus Larrabee;

H. R. 10488. An act granting an increase of pension to Kate W. Milward;

H. R. 10821. An act granting an increase of pension to Abby T. Daniels;

H. R. 11133. An act granting an increase of pension to James D. Lafferty;

H. R. 11170. An act granting an increase of pension to William Kunselman;

H. R. 12978. An act granting an increase of pension to Charles F. Smith;

H. R. 13019. An act granting an increase of pension to Marietta Elizabeth Stanton;

H. R. 13036. An act granting an increase of pension to John B. Greenhalgh;

H. R. 13371. An act granting an increase of pension to Charles D. Palmer;

H. R. 12054. An act granting a pension to Elizabeth A. Burrill;

H. R. 750. An act granting a pension to Martin Essex;

H. R. 3829. An act granting a pension to Mary Ann Merrow;

H. R. 4089. An act granting a pension to Ada L. McFarland;

H. R. 4204. An act granting a pension to Hester A. Furr;

H. R. 5553. An act granting a pension to Nancy E. Hardy;

H. R. 5554. An act granting a pension to Egbert A. Stricksma;

H. R. 6021. An act granting a pension to William Kaste;

H. R. 6663. An act granting a pension to John York;

H. R. 7085. An act granting a pension to Hannah H. Graham;

H. R. 7541. An act granting a pension to Annie Shinn;

H. R. 8341. An act granting a pension Hannah C. Chase; and

H. J. Res. 192. Joint resolution fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

ENROLLED BILLS SIGNED.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8587. An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes;

H. R. 8466. An act granting a pension to Lucinda A. Sirwell;

H. R. 8921. An act granting increase of pension to Jesse C. Rhodabeck;

H. R. 9226. An act granting a pension to Elizabeth I. Ogden;

H. R. 9249. An act granting a pension to Amos Allport;

H. R. 9437. An act granting increase of pension to Elias A. Calkins;

H. R. 9569. An act granting increase of pension to Albert Deits;

H. R. 9926. An act granting increase of pension to James F. Patton;

H. R. 9928. An act granting a pension to Benjamin E. Styles;

H. R. 10165. An act granting increase of pension to Delia E. Slocum;

H. R. 10201. An act granting increase of pension to Otis R. Freeman;

H. R. 10731. An act granting increase of pension to Samuel P. Milburn;

H. R. 11285. An act granting increase of pension to William Sheldon;

H. R. 11343. An act granting a pension to Mary Louise Lowry;

H. R. 11644. An act granting increase of pension to Edgar A. Hamilton;

H. R. 11921. An act granting increase of pension to George W. De Graw;

H. R. 12012. An act granting increase of pension to Walter C. Tuttle;

H. R. 12458. An act granting increase of pension to William M. Barstow;

H. R. 12685. An act granting a pension to Hiram J. Springfield;

H. R. 12778. An act granting increase of pension to Edward R. Blain;

H. R. 12780. An act granting increase of pension to William H. Wheeler;

H. R. 13132. An act granting increase of pension to Annie Cotter;

H. R. 13162. An act granting increase of pension to Augustin M. Adams;

H. R. 13249. An act granting increase of pension to Ada Trowbridge;

H. R. 13266. An act granting increase of pension to Elbert M. Remson;

H. R. 13265. An act granting increase of pension to John Whalen;

H. R. 13350. An act granting a pension to Presley P. Medlin;

H. R. 13503. An act granting increase of pension to Charles Haltenhof;

H. R. 13807. An act granting a pension to Jeremiah Horan;

H. R. 13822. An act granting a pension to Hannah T. Knowles;

H. R. 14099. An act granting a pension to Samantha B. Van Brocklin; and

H. R. 12562. An act granting increase of pension to William H. Temple.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 3848. An act granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain lands in the city of Newport, R. I.;

S. 3129. An act for the authorization of the erection of buildings by the International Committee of Young Men's Christian Associations on military reservations of the United States;

S. 3666. An act to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska;

S. R. 46. Joint resolution to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive; and

S. 173. An act for the relief of the owners of the British ship Foscolia and cargo.

Mr. UNDERWOOD. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for various deficiencies—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Spencer Vaughan, administrator of estate of Asa Tucker, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11656) to incorporate The Society of the Army of Santiago de Cuba, reported the same with amendments, accompanied by a report (No. 2187); which said bill and report were referred to the House Calendar.

He also, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3108) to provide a home for aged and infirm colored people, reported the same with amendments, accompanied by a report (No. 2188); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the joint resolution of the Senate (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902, reported the same without amendment, accompanied by a report (No. 2191); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia," reported the same with amendment, accompanied by a report (No. 2192); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13233) granting a pension to William A. Nelson, reported the same with amendments, accompanied by a report (No. 2174); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13178) granting a pension to William F. Bowden, reported the same with amendment, accompanied by a report (No. 2175); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8644) granting a pension to John W. Thomas, reported the same with amendments, accompanied by a report (No. 2176); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11893) granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga., reported the same with amendments, accompanied by a report (No. 2177); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14224) granting an increase of pension to Margaret S. Tod, reported the same with amendments, accompanied by a report (No. 2178); which said bill and report were referred to the Private Calendar.

Mr. BALL of Texas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14251) granting an increase of pension to Hugh J. Reynolds, reported the same with amendments, accompanied by a report (No. 2179); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14234) granting a pension to John Williamson, reported the same with amendment, accompanied by a report (No. 2180); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14359) granting a pension to Luther G. Edwards, reported the same with amendment, accompanied by a report (No. 2181); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2783) granting a pension to William Dixon, reported the same with amendment, accompanied by a report (No. 2182); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5202) granting an increase of pension to Jennie M. Wagner, reported the same without amendment, accompanied by a report (No. 2183); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5152) granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin, reported the same without amendment, accompanied by a report (No. 2184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13683) granting an increase of pension to Ella S. Mannix, reported the same with amendments, accompanied by a report (No. 2185); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2186) granting an increase of pension to Hattie M. Whitney, reported the same with amendment, accompanied by a report (No. 2186); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 13536) for the payment of C. Edward Artist, Edward F. Stahle, and Stahle & Artist of balances due for surveying public lands, reported the same without amendment, accompanied by a report (No. 2189); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6414) granting an increase of pension to William W. H. Davis, reported the same with amendments, accompanied by a report (No. 2190); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 14644) for the erection of an equestrian statue to the memory of Baron Steuben at Washington, D. C.—to the Committee on the Library.

By Mr. LOVERING: A bill (H. R. 14645) to amend chapter 11 of the laws of 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committtee on Ways and Means.

By Mr. JOHNSON: A bill (H. R. 14647) relating to future contracts in agricultural products—to the Committee on Interstate and Foreign Commerce.

By Mr. LATIMER: A bill (H. R. 14648) for the relief of the Interstate and West Indian Exposition, in the city of Charleston, S. C.—to the Select Committee on Industrial Arts and Expositions.

By Mr. FINLEY: A bill (H. R. 14690) providing for the erection of a monument at Cowpens battle ground, Cherokee County, S. C., commemorative of Gen. Daniel Morgan and those who participated in the battle of Cowpens on the 30th day of January, 1781—to the Committee on the Library.

By Mr. LACEY: A concurrent resolution (H. C. Res. 52) to rescind the passage of House concurrent resolution No. 15, authorizing the printing of "The Morals of Jesus of Nazareth," by Thomas Jefferson—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. METCALF: A bill (H. R. 14646) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. BULL: A bill (H. R. 14649) granting a pension to Dillana B. Fitts—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14650) granting a pension to Francis M. Hassler—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 14651) granting a pension to Rudolph Kals—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 14652) granting an increase of pension to Thomas I. Madge—to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 14653) granting an increase of pension to William L. Reck—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 14654) granting an increase of pension to John Williams—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 14655) granting an increase of pension to Thomas L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14656) granting an increase of pension to Charles A. Scott—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 14657) granting a pension to Mrs. M. A. Durkee—to the Committee on Pensions.

Also, a bill (H. R. 14658) granting a pension to John M. Leader—to the Committee on Pensions.

Also, a bill (H. R. 14659) granting a pension to Harriett A. Tappan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14660) granting an increase of pension to Mary (Fox) Everett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14661) granting an increase of pension to Lieut. Benjamin C. Harter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14662) granting an increase of pension to John Dick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14663) granting an increase of pension to James F. Cosgro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14664) granting an increase of pension to James Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14665) granting an increase of pension to William W. Herron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14666) granting an increase of pension to John Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14667) granting an increase of pension to John H. Volckmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14668) granting an increase of pension to Henry C. Small—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14669) granting an increase of pension to Edward F. Charnock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14670) granting an increase of pension to Edward M. Heaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14671) granting an increase of pension to Franklin De R. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14672) granting an increase of pension to G. K. Glenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14673) granting an increase of pension to Albert E. Meigs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14674) for the relief of Sarah A. Cady—to the Committee on Military Affairs.

Also, a bill (H. R. 14675) to correct the military record of Henry S. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 14676) to correct the military record of Peter L. Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 14677) to correct the military record of George Hare, alias Frank Waters, alias George F. Waters—to the Committee on Military Affairs.

Also, a bill (H. R. 14678) to remove the charge of desertion from the military record of John Sullivan—to the Committee on Military Affairs.

Also, a bill (H. R. 14679) to remove the charge of desertion from the military record of Charles R. Stevens—to the Committee on Military Affairs.

Also, a bill (H. R. 14680) to remove the charge of desertion from the military record of Robert Fairman—to the Committee on Military Affairs.

Also, a bill (H. R. 14681) to remove charge of desertion against Benjamin F. Moore, alias Henry F. Hunt—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 14682) granting a pension to Georgiana Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14683) granting a pension to Rosa Gudgeon—to the Committee on Pensions.

Also, a bill (H. R. 14684) granting an increase of pension to David W. Swigert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14685) to remove the charge of desertion from the record of Madison Waldron—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14686) for the relief of John Till—to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 14687) granting a pension to Margaret Brennan—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 14688) granting a pension to Harriet S. Packard—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14689) to grant American registry to the steamship Arab—to the Committee on the Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., favoring the enactment of bill (H. R. 10793) forbidding railroad officials to separate passengers on account of race or color—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of H. Lachtrop and other citizens of Cincinnati, Ohio, urging the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. BULL: Statement of Rev. G. E. Strobridge, relative to the status of chaplains of the Navy—to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: Resolution of W. M. Rogers Post, No. 159, Grand Army of the Republic, of Ladelle, S. Dak., favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. CROMER: Resolutions of Trades Council of Anderson, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Roosevelt Republican Club, of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDFOGLE: Resolutions of Central Federated Union, indorsing bill to prohibit enlisted men in the service of the United States competing with civilians—to the Committee on Labor.

Also, resolutions of the New York Produce Exchange, Stereotypers' Union No. 1, Social Reform Club, New Century Club, and Chambre de Commerce Française, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Resolutions of Melville Thomas Post, No. 515, Grand Army of the Republic, Department of Indiana, in support of House bill granting an increase of pension to Daniel A. Roberts—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Stephen A. Kennedy—to the Committee on Pensions.

By Mr. HANBURY: Papers to accompany House bill 14480, to remove the charge of desertion against the record of George W. Smith—to the Committee on Military Affairs.

By Mr. IRWIN: Paper to accompany House bill 3742, granting an increase of pension to Lafayette L. Griffiths—to the Committee on Pensions.

Also, petition of citizens of Louisville, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill 12318, to correct the military record of Conrad Brandaberry—to the Committee on Military Affairs.

By Mr. JOHNSON: Petition of A. B. Woodruff and 49 other citizens of South Carolina, praying for cheaper postage—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Petitions of Commercial Dock Store, Tacoma Fish Company, R. W. Jamieson, and others, of Tacoma, Wash., in relation to gasoline-propelled launches—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Tacoma Chamber of Commerce, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Resolutions of the Chamber of Commerce of San Francisco, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 14032, granting a pension to Gustav Jansen—to the Committee on Pension.

Also, resolution of Merchants' Association of San Francisco, favoring the payment of the claims of Hawaiian citizens whose property was destroyed in the effort to stamp out the bubonic plague in 1899 and 1900—to the Committee on Claims.

By Mr. KNOX: Petition of Bottlers' Union No. 190, of Lawrence, Mass., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAYNARD: Petition of Ocean Lodge, No. 76, Locomotive Firemen, Norfolk, Va., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolutions of the trustees of the Free Public Library of Hoboken, N. J., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McLACHLAN: Papers to accompany House bill relating to the correction of the military record of P. L. Moore—to the Committee on Military Affairs.

Also, papers in support of House bill granting a pension to Mary Fox, now Everett—to the Committee on Pensions.

By Mr. MERCER: Papers to accompany House bill 12570, granting an increase of pension to Sylvester Beezley—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 12516, granting a pension to J. H. Morris—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Resolutions of Carpenters' Union No. 501, of East Stroudsburg, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of F. W. Bell Circle, No. 107, Easton, Pa., Ladies of the Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of General J. Kilpatrick Post, No. 233, Sons of Veterans, Easton, Pa., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of United Mine Workers' Unions Nos. 1595, of Beaver Meadow; 1494, of Colerain, and 1745, of Summit Hill, Pa., favoring the prohibition of immigrants other than wives and children who can not read—to the Committee on Immigration and Naturalization.

By Mr. NEVIN: Petition of Abraham Heed and others, of Montgomery County, Ohio, favoring the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 14631, granting an increase of pension to Henry Jeffers—to the Committee on Invalid Pensions.

Also, petition of John Till, of Lauderdale County, Ala., for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of Central Federated Union of New York, in reference to the employment of enlisted men in competition with local civilians—to the Committee on Labor.

By Mr. SIBLEY: Petition of citizens of Kane, Pa., and other places, asking that certain kinds of meat be placed upon the free list—to the Committee on Ways and Means.

Also, petition of the Journeymen Barbers' Union of Glade Run, Pa., in relation to immigration—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Resolutions of Central Federated Union of New York, indorsing the bill prohibiting enlisted men in the service of the United States competing with civilians—to the Committee on Labor.

By Mr. THAYER: Petition of Justus H. Wright and others, in the State of Massachusetts, in relation to jurors' fees in the United States courts—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of Dudley Donnelly Post, No. 133, of Niagara Falls, Grand Army of the Republic, Department of New York, for the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. ZENOR: Petition of 570 members of the Union Veteran Legion of Floyd County, Ind., praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also (by request), petition of Cherokee Nation, praying for appropriation to pay claim against the United States, in compliance with findings of Court of Claims—to the Committee on Indian Affairs.

SENATE.

FRIDAY, *May 23, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

DISTRICT INDUSTRIAL HOME SCHOOL.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting an estimate of appropriation in the additional sum of $3,000 for the enlargement of the girls' dormitories of the Industrial Home School, District of Columbia, together with the reappropriation of $5,000 for this purpose, provided by the District appropriation act of March 1, 1901; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDING OFFICER announced his signature to the following enrolled bills and joint resolution; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo;

A bill (S. 3129) for the authorization of the erection of buildings by the international committee of Young Men's Christian Associations on military reservations of the United States;

A bill (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska;

A bill (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.;

A bill (H. R. 8466) granting a pension to Lucinda A. Sirwell;

A bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes;

A bill (H. R. 8921) granting increase of pension to Jesse C. Rhodabeck;

A bill (H. R. 9226) granting a pension to Elizabeth I. Ogden;

A bill (H. R. 9249) granting a pension to Amos Allport;

A bill (H. R. 9437) granting increase of pension to Elias A. Calkins;

A bill (H. R. 9569) granting increase of pension to Albert Deits;

A bill (H. R. 9926) granting increase of pension to James F. Patton;

A bill (H. R. 9928) granting a pension to Benjamin E. Styles;

A bill (H. R. 10165) granting increase of pension to Delia E. Slocum;

A bill (H. R. 10201) granting increase of pension to Otis R. Freeman;

A bill (H. R. 10731) granting increase of pension to Samuel P. Milburn;

A bill (H. R. 11285) granting increase of pension to William Sheldon;

A bill (H. R. 11343) granting a pension to Mary Louise Lowry;

A bill (H. R. 11644) granting a pension to Edgar A. Hamilton;

A bill (H. R. 11921) granting increase of pension to George W. De Graw;

A bill (H. R. 12012) granting increase of pension to Walter C. Tuttle;

A bill (H. R. 12458) granting increase of pension to William M. Barstow;

A bill (H. R. 12562) granting increase of pension to William H. Temple;

A bill (H. R. 12685) granting a pension to Hiram J. Springfield;

A bill (H. R. 12778) granting increase of pension to Edward R. Blain;

A bill (H. R. 12780) granting increase of pension to William H. Wheeler;

A bill (H. R. 13132) granting increase of pension to Annie Cotter;

A bill (H. R. 13162) granting increase of pension to Augustin M. Adams;

A bill (H. R. 13249) granting increase of pension to Ada Trowbridge;

A bill (H. R. 13265) granting increase of pension to John Whalen;

A bill (H. R. 13268) granting increase of pension to Elbert N. Remson;

A bill (H. R. 13350) granting a pension to Presley P. Medlin;

A bill (H. R. 13503) granting increase of pension to Charles Haltenhof;

A bill (H. R. 13807) granting a pension to Jeremiah Horan;

A bill (H. R. 13822) granting a pension to Hannah T. Knowles;

A bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin; and

A joint resolution (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

PETITIONS AND MEMORIALS.

Mr. KITTREDGE presented the petition of Owen Hoep and 31 other citizens of Ragged Top, S. Dak., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DILLINGHAM presented a petition of sundry citizens of Fairhaven, Vt., praying for the repeal of the tariff duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented a petition of Lumpers, Boxers, and Derrick Men's Local Union No. 9584, American Federation of Labor, of Barre, Vt., praying for the enactment of legislation providing an educational test for immigrants; which was referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of

legislation granting pensions to certain officers and enlisted men in the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. FAIRBANKS presented the petition of Francis Richmond and 14 other citizens of Newfane, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was referred to the Committee on Immigration.

Mr. PROCTOR presented a memorial of Stannard Post, No. 2, Department of Vermont, Grand Army of the Republic, of Burlington, Vt., remonstrating against the attacks made on the reputation of our soldiers and sailors serving in the Philippines; which was referred to the Committee on the Philippines.

Mr. ALLISON. I present a concurrent resolution of the general assembly of the State of Iowa in favor of the passage of House bill 8325, relating to the adjustment of the swamp-land grant to the State of Iowa. I understand that a similar concurrent resolution was presented yesterday by my colleague [Mr. DOLLIVER] and printed in the RECORD. I therefore simply move that this duplicate copy be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CARMACK presented petitions of Forked Deer Lodge, No. 72, International Association of Machinists, of Jackson; of the United Mine Workers' Local Union, of Knoxville; of United Mine Workers' Local Union No. 253, of Wooldridge; of Federal Labor Union No. 7600, of Victoria, and of United Mine Workers' Local Union No. 399, of Jellico, all in the State of Tennessee, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Tennessee, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. PENROSE presented petitions of Chippewa Lodge, No. 410, of Abbottsford; of Altoona Division, No. 241, Brotherhood of Locomotive Engineers, of Altoona; of Ashland Division, No. 379, Brotherhood of Locomotive Engineers, of Ashland; of F. O. Tarbox Lodge, No. 303, of Ashland; Division No. 176, Brotherhood of Locomotive Engineers, of Baraboo; of Baraboo Division, No. 68, of Baraboo; of Baraboo Lodge, No. 177, of Baraboo; of Division No. 259, Order of Railway Conductors, of Fond du Lac; of Division No. 297, of Green Bay; of La Crosse Division, No. 61, Order of Railway Conductors, of La Crosse; of Division No. 66, Brotherhood of Locomotive Engineers, of Milwaukee; of Division No. 46, of Milwaukee; of Lodge No. 191, of Milwaukee, and of Division No. 273, of West Superior, all of the State of Wisconsin, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of 20 citizens of Barkeyville, Pa., praying for the adoption of an amendment to the Constitution providing for the election of Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Philadelphia Maritime Exchange, of Philadelphia, and of the Board of Trade of Philadelphia, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, their widows and minor children; which were referred to the Committee on Pensions.

He also presented a petition of the Engineers' Society of Western Pennsylvania, Pittsburg, praying for the adoption of the metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented petitions of 318 citizens of Indiana County, 23 citizens of Lancaster, 39 citizens of Philadelphia, in the State of Pennsylvania, praying for the passage of Senate bill 1890, providing a service pension for those who served in the Army of the Union during the civil war; which were referred to the Committee on Pensions.

He also presented a petition of 380 citizens of Philadelphia, Pa., praying for the enactment of legislation providing for the outage allowance on whisky made subsequent to January 1, 1899; which was referred to the Committee on Finance.

He also presented petitions of McPherson Post, No. 1, Grand Army of the Republic, of Little Rock, Ark.; of Union Veteran Legion, of Manayunk, Pa., praying for the enactment of legislation providing a service pension for those who served in the Army of the Union during the civil war; which was referred to the Committee on Pensions.

He also presented a memorial of Mount Chestnut Grange, No. 133, of Butler County, Pa., remonstrating against the passage of bill providing for the irrigation of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of 34 citizens of Easton, Pa., praying for the repeal of the duty on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented resolutions adopted by 250 citizens of Philadelphia and at a meeting of the Liederkranz of Scranton, in the State of Pennsylvania, expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of Colonel P. B. Hansom Post, No. 309, Department of Pennsylvania, Grand Army of the Republic, of Chambersburg, Pa., praying for the enactment of legislation providing for the improvement and extension of the post-exchange system; which was referred to the Committee on Military Affairs.

He also presented petitions of 92 citizens of Williamsport, Pa., and of the Gospel Temperance Union of Oshkosh, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Soldiers' Homes of the country; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Division No. 45, Brotherhood of Locomotive Engineers, of West Philadelphia; of Jersey Shore Division No. 168, Order of Railway Conductors, of Jersey Shore; of Lodge No. 259, Brotherhood of Locomotive Engineers, of Easton; of Lackawanna Division No. 12, Order of Railway Conductors, of Scranton; of Division No. 162, Order of Railway Conductors, of West Philadelphia; of Packer Lodge No. 85, Brotherhood of Railroad Trainmen of Easton; of Lodge No. 174, Brotherhood of Railroad Trainmen, of Altoona; of Lodge No. 228, Brotherhood of Railroad Trainmen, of Bradford; of Division No. 310, Brotherhood of Locomotive Engineers, of Derry Station; of Butler Lodge No. 591, Brotherhood Railroad Trainmen, of Butler; of Lodge No. 383, of Harrisburg; of Lodge No. 451, Brotherhood of Railroad Trainmen, of Foxburg, all in the State of Pennsylvania, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PLATT of Connecticut presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 253, United Mine Workers, of Wooldridge, Tenn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of the Lemonweir Convention of Congregational churches of Nekoosa, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army posts and immigrant stations; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 15th instant, proposing to increase the appropriation for the purchase of text-books and school supplies for use of pupils of the first eight grades, etc., intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7704) granting an increase of pension to Christiana Leach;

A bill (H. R. 11831) granting an increase of pension to John W. Acker;

A bill (H. R. 7076) granting an increase of pension to Leath Gilliland; and

A bill (H. R. 8003) granting an increase of pension to Louisa M. Macfarlane.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 12828) granting a pension to Mary E. Culver, reported it with an amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, to report it with an amendment, and to submit a report thereon. I am directed by the same committee to ask that Senate bill 4553, being a bill with the same title, heretofore reported and on the Calendar, be indefinitely postponed.

The PRESIDING OFFICER. The House bill will be placed on the Calendar and the Senate bill indefinitely postponed if there be no objection. The Chair hears none, and it is so ordered.

Mr. CULLOM. May I ask the Senator whether the Senate bill first reported is the bill we are receiving so many letters about? That is Senate bill 1118, I think.

Mr. HOAR. There was a former report on that bill, but of course the House having passed a bill, which is now reported with an amendment, the Senate bill can be indefinitely postponed.

Mr. CULLOM. Is that the bill all these organizations desire to have passed?

Mr. HOAR. Yes.

Mr. CULLOM. The Senator's committee recommend its passage.

Mr. HOAR. With an amendment.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 5679) to authorize the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C.; and

A bill (S. 5749) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1206) for the relief of Frank J. Burrows, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 604) for the relief of Frank J. Burrows, asked to be discharged from its further consideration and that it be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 622) for the relief of Frank J. Burrows, asked to be discharged from its further consideration, and that it be postponed indefinitely; which was agreed to.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 4202) to regulate the sale of intoxicating liquors in the District of Columbia, reported it with amendments, and submitted a report thereon.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. From the Committee on Appropriations I report back with amendments the bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902; and I ask that it may be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Appropriations was on page 2, after line 7, to insert:

Public printing and binding: For the Department of the Interior, including the Civil Service Commission, $42,000.

The amendment was agreed to.

The next amendment was to add the following:

For the Navy Department, including the Hydrographic Office, $22,500.

The amendment was agreed to.

The next amendment was to add the following:

SENATE.

For expenses of maintaining and equipping horses and mail wagons, for carrying the mails, $500.

The amendment was agreed to.

The next amendment was to add the following:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $2,500.

The amendment was agreed to.

The next amendment was to add the following:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $30,000.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. It has been suggested to me that I move a conference on these amendments and that the conferees upon the part of the Senate be instructed, but I do not think there is a necessity for anything of that kind. I am entirely willing to trust to the discretion and good sense of the House in dealing with the amendments. Therefore I shall not make any such motion.

Mr. SPOONER. Is it the request of the House for a conference?

Mr. HALE. No; it is certain amendments made by the Senate to a House bill. The Senate can, if it chooses, ask for a conference and instruct its conferees not to agree to a change in the amendments, but that I do not think would be good parliamentary practice. I think we can put the amendments into conference and trust the House to deal in a reasonable way with them.

Mr. SPOONER. I agree entirely with the Senator in his proposition.

ARTHUR J. BUSHNELL.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 13395) granting a pension to Arthur J. Bushnell, to report it without amendment.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from North Dakota.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Arthur J. Bushnell, late of Company A, First Regiment South Dakota Volunteer Infantry, war with Spain, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5945) granting an increase of pension to Jeremiah S. Alexander; and

A bill (S. 5946) granting an increase of pension to Edward Walsh.

Mr. BLACKBURN introduced a bill (S. 5947) for the relief of Elias J. Riley, administrator of John Riley, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TURNER introduced a bill (S. 5948) to amend an act entitled "An act to prohibit the coming into, and to regulate the residence within, the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent," approved April 29, 1902; which was read twice by its title, and referred to the Committee on Immigration.

Mr. DUBOIS introduced a bill (S. 5949) for the relief of certain naval officers and their legal representatives; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5951) to establish a laboratory for the study of the criminal, pauper, and defective classes; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. McMILLAN introduced a bill (S. 5952) granting an increase of pension to Henry L. Davenport; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5953) granting a pension to Ann M. Green; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5954) for the relief of William H. H. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 5955) for the relief of the representatives of M. F. Merritt, deceased; which was twice read by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5957) for the relief of the estate of H. J. Binkley, deceased;

A bill (S. 5958) for the relief of the heirs of R. G. Rawley; and

A bill (S. 5959) for the relief of Clifton Lodge, No. 173, Free and Accepted Masons.

Mr. COCKRELL introduced a bill (S. 5960) granting a pension to Ella G. Day; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Ella G. Day for pension, together with the decision of the Secretary of the Interior affirming the rejection of her claim. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PENROSE introduced a bill (S. 5961) granting an increase of pension to Mary P. Sheets; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5962) granting a pension to Sarah

J. Cline; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5963) granting a pension to Sarah Jane Gibson Ogden; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

INDIAN RESERVATION LANDS.

Mr. STEWART. I introduce a joint resolution and ask for its present consideration. It removes certain objections that the President has to the Indian appropriation bill recently passed. The subcommittee have considered it, and I hope it will pass.

The joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate, etc., That the provisions of the act "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," are hereby supplemented and modified as follows:

The Secretary of the Interior is directed to make allotments in severalty to the Indians of the Spokane Indian Reservation in the State of Washington, and upon the completion of such allotments the President shall by proclamation give public notice thereof, whereupon the lands in said reservation not allotted to Indians or used or reserved by the Government, or occupied for school purposes, shall be opened to exploration, location, occupation, and purchase under the mining laws.

In addition to the allotment in severalty of lands in the Walker River Indian Reservation, in the State of Nevada, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of 80 acres to each head of a family, and 40 acres to each other Indian, and no more. The grazing land selected and set apart as aforesaid in the Uintah Indian Reservation for the use in common of the Indians of that reservation shall be equally open to the use of all Uncompahgre Indians receiving allotments in said reservation of the reduced area here named.

In so far as not otherwise specially provided all allotments in severalty to Indians outside of the Indian Territory shall be made in conformity to the provisions of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and other general acts amendatory thereof or supplemental thereto, and shall be subject to all the restrictions and carry all the privileges incident to allotments made under said act and other general acts amendatory thereof or supplemental thereto.

The item of $70,064.48 appropriated by the act, which is hereby supplemented and modified, to be paid to the Uintah and White River tribes of Ute Indians in satisfaction of certain obligations named in said act, shall be paid to the Indians entitled thereto without awaiting their action upon the proposed allotment in severalty of lands in that reservation and the restoration of the surplus lands to the public domain.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. RAWLINS. I did not hear the reading of the joint resolution. I should like to know what it is before I consent to its consideration. I ask the Clerk to send it to me.

Mr. STEWART. Can it be postponed for a moment and other business taken up while the Senator from Utah is reading it?

The PRESIDING OFFICER. The Chair avails itself of this opportunity to lay before the Senate sundry messages from the House of Representatives.

Mr. RAWLINS subsequently said: Mr. President, I do not object to the present consideration of the joint resolution introduced by the Senator from Nevada.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. RAWLINS. I move to amend the joint resolution on page 3, in the last paragraph, by striking out the word "obligations" and inserting in lieu thereof the word "claims." It is the clause in regard to the payment of $70,000 "in satisfaction of the claims mentioned in said act."

Mr. STEWART. I have no objection to that amendment.

The PRESIDING OFFICER. The amendment is accepted by the Senator who introduced the joint resolution.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. HICKCOX.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the bill (H. R. 4103) granting a pension to William C. Hickcox and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER were appointed.

JOHN H. LAUCHEY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchey and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. DEBOE, Mr. SCOTT, and Mr. GIBSON were appointed.

HENRY I. SMITH.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. FOSTER of Washington, Mr. BURTON, and Mr. CARMACK were appointed.

GEORGE W. BARRY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9544) granting an increase of pension to George W. Barry, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I make the same motion in regard to this bill.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SCOTT, and Mr. PATTERSON were appointed.

SOLOMON P. BROCKWAY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I make the same motion in regard to this bill.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. MCCUMBER, Mr. SIMON, and Mr. TALIAFERRO were appointed.

DISTRIBUTION OF CONGRESSIONAL RECORD.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing; and it was referred to the Committee on Printing.

J. G. HOWELL.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of J. G. Howell, alias Gideon Howell, accompanying Senate bill No. 3415, Fifty-sixth Congress, first session, copies of the same to be left in the files as provided by clause 2 of Rule XXX.

LIEUTENANT ARNOLD AND SERGEANT EDWARDS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CULBERSON, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official papers in his possession which relate to charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, including the report of Capt. P. W. West, United States Army, of date August 21, 1901.

Mr. LODGE. Before the resolution is adopted I should like to know whether these charges are the foundation of a court-martial, and whether the court-martial is in progress. It seems to me we can hardly call for papers if a court-martial is pending. I myself know nothing whatever about the case.

Mr. CULBERSON. These charges are of long standing. The report was made on the 21st or 22d of August, 1901. Whether there has been a court-martial as a result of the charges I am not advised, as I stated yesterday in answer to the suggestion of the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. Will not the Senater let the resolution go over until to-morrow?

Mr. CULBERSON. The Senate will not meet to-morrow.

Mr. SPOONER. Until Monday. I intended to inquire about it, but I have had no opportunity to do so.

Mr. CULBERSON. I will state to the Senator from Wisconsin and the Senator from Massachusetts that my information, which, by the way, is quite meager, of course, is that no court-martial has been ordered in this case. We desire to have copies of all official papers from the War Department concerning the matter. The resolution could go over in order that the information suggested by the Senator from Wisconsin might be obtained, but I state to him, as I did a moment ago, that my information is that no court-martial has been ordered. However, that information is necessarily of a meager character.

Mr. SPOONER. The Senator from Texas is a lawyer and a good one. I know that if there is any investigation being conducted by the War Department preliminary to a court-martial, he would not wish the Senate to interfere with the matter. I want no concealment. I think the Senator will be willing to admit that. I intended to inquire, after our colloquy yesterday, what is the status of this matter, but I have had no opportunity to do so. If the Senator insists upon action on the resolution this morning, I hope the chairman of the Committee on the Philippines will move to refer it to that committee, in order that we may ascertain the status of the matter.

Mr. LODGE. I shall make that motion unless the resolution can be laid over.

Mr. CULBERSON. If it is the desire of the Senator from Wisconsin and the Senator from Massachusetts simply to inquire at the War Department whether court-martial proceedings are pending, I am willing that the resolution shall lie over until this afternoon in order that the inquiry may be made.

Mr. SPOONER. I think a court-martial had better be ordered in the usual way rather than to be conducted before the committee. So I think it might be just as well and wholly as fair to have the resolution lie over until Monday, if that course is agreeable to the Senator.

Mr. LODGE. If the resolution can go over until Monday I will make inquiry in regard to it in the meantime, but if action is desired to-day, then I will make a motion to refer it to the committee.

Mr. CULBERSON. Under the circumstances I will let the resolution go over until Monday, it being the best I can do.

The PRESIDING OFFICER. The resolution goes over until Monday, remaining on the table at the call of the Senator from Texas.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD managers at the conference on the part of the House.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. If the morning business is closed, I ask that the Army appropriation bill and the message from the House asking for a conference on the bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *May 20, 1902.*

Resolved, That the House disagrees to the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HULL, Mr. CAPRON, and Mr. HAY be the managers of the conference on the part of the House, with the following instructions:

Whereas Senate amendments numbered 13, 14, and 15 to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year 1903 makes the proposed appropriation of $4,000,000 for barracks and quarters available for the construction of such permanent buildings at established military posts as the Secretary of War may deem necessary, and reappropriates from unexpended balances of former appropriations for barracks and quarters $350,000 for construction of necessary garrison buildings, notwithstanding appropriations for said objects are made, in accordance with the rules and practice of the House, in the sundry civil appropriation bill for said year; and

Whereas said amendments are subversive of the rules of the House, duplicate appropriations, and tend to confusion in the methods of making appropriations for the support of the Government, and will, if agreed to, give rise to a practice that will inevitably result in extravagant and wasteful expenditures: Therefore,

Resolved, That the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804 are instructed not to recommend an agreement to said amendments Nos. 13, 14, and 15, or to any modification thereof that will, under authority of said Army appropriation act, permit the expenditure of any sum for construction of permanent buildings at established military posts, except as authorized by section 1136 of the Revised Statutes.

The PRESIDING OFFICER. The bill and message are before the Senate. What action will the Senate take?

Mr. ALLISON. I ask the Senator from Vermont, who is in charge of the bill, what he proposes in answer to this message?

Mr. PROCTOR. Mr. President, it presents an unusual and certainly a new condition to me. I in the first instance asked to have it laid before the Senate to learn, if possible, what it is the disposition of the Senate to do in the matter.

Mr. BURROWS. Is the Senator going to make any motion?

Mr. PROCTOR. There seems to be a backwardness about coming forward, and to bring the matter before the Senate, without the expression of an opinion on my part as to whether it is wise or not, I will move that the Senate insist upon its amendments and agree to the conference asked by the House.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate insist upon its amendments to the bill and accede to the request of the House for a conference. The question is on agreeing to the motion of the Senator from Vermont.

Mr. SPOONER. I hoped the Senator from Massachusetts [Mr. HOAR] and other Senators, who have been here very much longer than I, would have something to say upon this question, and I rather infer that they will, unless I am wrong in the view which I take of it.

It does not need to be said that it is of the utmost consequence in the public interest that there should be perfect harmony between the two Houses and that each House should, in order to that end, meet the other with entire courtesy. I admit the right—I assume it to be established—of either House to instruct its conferees. I have always understood, however, that that was not customary at the time of requesting the first conference.

I know nothing about the merits of the particular amendments to which the House in advance have disagreed—I will not say "nothing," but not much. I am not sure that those amendments ought to have been incorporated in the bill, and I am not at all sure that I would not vote, if that question were here, that the Senate recede from the amendments. I rather think I would.

But, Mr. President, it seems to me that the procedure is entirely inadmissible and one which, if persisted in—my friend from Maine [Mr. HALE] prophesied the other day that there would be no recurrence of this procedure——

Mr. HALE. I was mistaken.

Mr. SPOONER. The Senator was mistaken then. If the Senate acquiesces now there will be no end, I think, to the recurrence.

Our conferences are free conferences, not limited conferences, which are sometimes, in other countries and perhaps in this, invoked. For one House to request a full and free conference of another, and accompany the request with a resolution, sent with a message to us or by us to the other House, that the conferees on the part of the body requesting the conference have been precluded by instruction from a full and free conference, seems to me not only offensive, but absurd.

If the House or the Senate can courteously and properly take this course as to one amendment made by the other, it can take it as to all amendments. If it is proper to pursue this course as to the particular amendments to which this message applies, it is entirely proper, if the House so choose, to embody in such instructions every amendment put upon the bill by the Senate; and it would not be very long until practically the Senate's power of amendment, so far as that is worked out through conferences, would be at an end, and so, not as a matter of etiquette, but as a matter in the interest of the people, the general public interest, I feel that the Senate ought not to agree to a conference requested under such circumstances.

There is projected into this message another proposition, which, with all proper respect for the House of Representatives—and I entertain it, as they must for this branch of the legislative department of the Government—and that is, that either is to be restrained or influenced in the exercise of its power of amendment by the rules of the other. Each House, Mr. President, is given by the Constitution the power to adopt rules for its own government; neither House is given power to adopt rules for the government of the other; and the proposition that an amendment adopted to a bill by the Senate, by unanimous consent, if you please, is to be excluded in the other House without regard to the merits of the proposition, but because under the rules of the House it could not have been offered there, is one which I think we ought not to concede.

So, if I had my way about it, desiring as much as any man here can desire perfect harmony between the two Houses, but realizing, as I think everyone here must realize, that in order to that harmony each House must be permitted to proceed in accordance with its own rules and the conferees of each House in the beginning be at liberty to insist or recede and report to their respective Houses their decision. I think this request ought not to be granted.

We have not, that I know of, any joint rules.

Mr. ALLISON. We have not.

Mr. SPOONER. The Senator from Iowa says we have no joint rules; and possibly we ought to have them, but that is a matter for mutual conference and consideration.

I should not be willing that the Senate in any abrupt way should decline this conference, but I think the Senate ought respectfully, under the circumstances, to submit the reasons for its action and to decline the conference. I think the Senate should appoint a committee of three—I would say of the older members of the body—to confer with the proper authorities of the House of Representatives with a view to some adjustment of the procedure which would do two things: First, leave each House to operate under its own rules, and second, lead to full and free conferences, with the right of each House at the proper time to instruct for itself, and in that way to bring about and perpetuate that necessary harmony between the two Houses which we all desire.

I may be all wrong about this. I have no feeling about it in the world except one of regret; but I believe that if the Senate acquiesce in this proposition, there will be no end of it. I believe that within limits we ought to have done it the other day. We ought to present this matter in a dignified, courteous, and proper way to the House, in order that we may be unembarrassed hereafter by similar suggestions.

I want to repeat what I said in the beginning, that I should be quite willing, from what I know of these amendments, to recede from them, but I protest against this method.

Mr. FORAKER. Mr. President, I do not know how I can add anything to what has been so well said by the Senator from Wisconsin [Mr. SPOONER], unless it be the suggestion of a remedy for the difficulty in which we find ourselves. I understand that the Senator from Wisconsin has suggested no way out, except only that in some proper way we communicate with the House our objections to being instructed.

Mr. SPOONER. I said appoint a committee to confer. I only suggested that. I do not know that that is the best way.

Mr. FORAKER. I have another suggestion in my mind which I will say was suggested to me—it did not originate with me—but one that I approve, not knowing of anything better to suggest, unless it is what the Senator from Wisconsin has just now suggested, and that is that we divide the motion which has been made by the Senator from Vermont [Mr. PROCTOR] and instead of agreeing to the conference, as that motion provides, that we simply insist upon our amendments and send the bill back to the House in that form. That will give the House another opportunity to act. It does seem to me that the House, when it comes to consider what has been done and the character of that action, will reconsider it and take a different action. I do not contend that their action is without precedent. There is perhaps a precedent for it, but, if so, what I am about to read will apply and express very well the character of the action that has been taken. I read from the note found on page 12 of Senate Report No. 1545 at this session of Congress:

> In Section XLV, Jefferson's Manual, it is stated that "either House is free to pass over the term of insisting and to adhere in the first instance, but it is not respectful to the other. In the ordinary parliamentary course there are two free conferences, at least, before an adherence."

I am sure, Mr. President, that the House does not want to be disrespectful to the Senate.

Mr. SPOONER. I have no doubt of that.

Mr. FORAKER. And the House could not have supposed that taking that action would be regarded by the Senate as disrespectful, and yet I think the House will agree with the Senate and with everybody else, when second thought is taken, that the action is disrespectful and that the Senate can not disregard it and pass it over without sacrificing its own dignity, its own honor, and its own feeling of respect for itself, which it always should maintain.

I do not understand that the Senator made any motion, and in order that I may get an expression of the sense of the Senate in regard to it, as affording a way out of the difficulty and as giving the House an opportunity to recede, which I think the House will when it comes to consider the matter, I ask that the motion made by the Senator from Vermont [Mr. PROCTOR] be divided—that is the proper way, I suppose, to put it—so that we may vote first on that part of the motion which provides that the Senate shall insist on its amendments, with the idea that we will vote down the other part of it, that we agree to a conference; because, Mr. President, it is useless to talk about a full and free conference with such instructions to the House conferees as the House has given. It may be full and free as to certain of the differences, but it can not be full and free, and therefore it can not be a conference at all, as to the three amendments specified.

I am a little differently situated from the Senator from Wisconsin [Mr. SPOONER] with respect to these amendments. I am a member of the Committee on Military Affairs and participated in the action of that committee, as well as in the action of the Senate, in drafting and reporting and adopting these amendments; but I do not stop here to consider the merits of the amendments. This is entirely aside from the merits of the amendments.

Mr. CULLOM. I wish to inquire whether the amendments referred to, as to which instructions were given to the House conferees, were placed in the bill before it was considered in the Senate, or were the amendments offered in the Senate and adopted by the Senate itself?

Mr. PROCTOR rose.

Mr. FORAKER. The Senator from Vermont [Mr. PROCTOR] rises to answer that question, and I yield to him.

Mr. PROCTOR. Mr. President, the amendments to which the Senator from Illinois refers were adopted by the Committee on Military Affairs, and they were passed by the Senate as reported by the committee.

While I am explaining that matter, permit me to say that I question somewhat the wisdom of the amendments in their entirety. All the principle involved, as I have suggested, is just this: There is an old statute which prohibits the erection of any building costing more than $20,000 from the appropriation for barracks and quarters.

Aside from that prohibition, this appropriation for barracks and quarters and for military posts is used in large measure indiscriminately for the same purposes; and where they are repairing or rebuilding a post building or constructing a new one, if there is a building to cost more than $20,000—and some of them frequently do cost more, as in the case of artillery parks, and occasionally where there are double sets of quarters—they sometimes have to straddle, if I may use that expression; that is, they take part of the money for such expensive buildings from the barracks and quarters appropriation, and wherever a building cost more than $20,000 they go over to the appropriation in the sundry civil bill for military posts. That is sometimes an inconvenience; and this amendment I suppose did that, so far as this appropriation was concerned, with that prohibition. I question whether it ought to be done away with entirely; but I thought it was wise, in view of the contingencies just now, that it should be removed so far as that part of this appropriation was concerned. I have no question but what, if the bill went into a free conference, the differences could be adjusted without any violation of the practice or any injury to the views of the House.

Mr. FORAKER. I am very much obliged to the Senator from Vermont [Mr. PROCTOR] for interrupting and answering the question of the Senator from Illinois [Mr. CULLOM]; but I was about to proceed to answer it, so far as the question related to the action of the committee, just as the Senator from Vermont has done. These amendments were discussed and agreed upon in the Committee on Military Affairs and reported from that committee in the ordinary way. They were not put upon this bill without full consideration. I am unlike the Senator from Vermont in this, that I do not question the wisdom of these amendments. I think there was a necessity for the increased appropriation that these amendments embody, and the wisdom of our providing that we would not be bound in the expenditure of this money by the $20,000 limit to which the Senator refers is easily demonstrated, it seems to me.

We have a perfect right in legislating in connection with this appropriation bill so to legislate as to make a new law in that particular, just as Congress has a right to repeal any other statute or to repeal any other provision. We found that there was a provision as a general law which was bound to hamper the Department in the expenditure of money which we proposed to authorize them to expend, and that they could not proceed as common sense and as common economy required they should. So we changed the law in such a way as to give to the War Department the authority necessary to judiciously and wisely expend this money.

Mr. President, I do not propose now to discuss this particular amendment. I shall contend for that amendment as a proper one, as one of which I entirely approve when the proper time comes for that; but what we are concerned about now is simply the action of the House. I do not want, although I think the action of the House has been exceedingly disrespectful to this body, to show any disrespect to it in turn, for I do not feel any. I think the action taken by the House, so far as we can criticise it, was taken without proper thought and proper consideration, and I think we ought to give the House an opportunity to correct it. I should be very much surprised if the House should insist

upon the course which we all regard as disrespectful, whether they would so regard it or not; but if they have for this body the respect which this body entertains for that, I am sure they will try to avoid any conflict with even an erroneous opinion of this body as to how in a mere matter of courtesy we should proceed, for the members of that body and the members of this body and the members of every other legislative body must be of the opinion that, in order that there may be efficient and satisfactory legislation, there must be polite intercourse between the two bodies; there must be respectful consideration on the part of each body for the other; there must be no intentional giving of offense and no proceeding that is in the nature of an affront on the part of one body toward the other.

Therefore, I shall insist upon the motion of the Senator from Vermont being divided so that we may insist upon our amendments and send the bill back without agreeing to a conference, and then I think perhaps the House will give us a chance to have a full and free conference—a conference in which we can consider not only the amendments which they have agreed their conferees may consider, but also the ones which they have instructed their conferees not to consider, and that it may be free from any restriction or restraint.

Mr. HOAR. Mr. President, I think the suggestions of the Senator from Ohio [Mr. FORAKER] seem to hit the case exactly, but it occurred to me that possibly we might very slightly vary the method which he has proposed, by simply making our insistence known, without adverting to what the House has done in its message, and that we might very properly pass this vote, that the Senate insists on its amendments and requests a conference, making an original request for a conference as if nothing had happened on that subject before, and then let the House agree to that if they see fit. That will end the whole thing and then this irregular proceeding drops. I think myself, personally, I should like that a great deal better, but I do not think it is of much importance.

Mr. FORAKER. I will say to the Senator from Massachusetts, if he will allow me, that I have no objection at all to accepting his suggestion. I merely made the suggestion I did as a way out of the difficulty.

Mr. HOAR. I will make that motion, if it be in order, as a substitute for that of the Senator from Vermont, or perhaps the Senator from Vermont will accept it.

Mr. PROCTOR. Yes.

Mr. HOAR. I move that the Senate insists on its amendments and ask the House for a free conference, the conferees to be appointed by the Chair.

Mr. FORAKER. Mr. President, before the Senator from Massachusetts takes his seat, I was about to suggest this: That if we act as he has suggested, then the instructions of the House to their conferees stand.

Mr. HOAR. No; they would take a new action on our request for a free conference and let us know they have agreed to that.

Mr. FORAKER. I do not want the conferees of the House to come into conference feeling that they are bound by that previous action of the House, but I want them to come feeling that they are free from it.

Mr. LODGE. If I may ask a question, it is not proposed that we should appoint conferees, is it?

Mr. FORAKER. No.

Mr. LODGE. But simply that we ask for a free conference?

Mr. HOAR. That is all; a free conference.

Mr. LODGE. That we should insist on our amendments and ask for a free conference?

Mr. FORAKER. Yes.

Mr. PETTUS. Mr. Presiden' I have been looking at this question, not in the light of my experience, because it has been too small, but by a reference to the book I notice one proceeding that I merely suggest; and that is that the Senate appoint a committee—not of conference in the ordinary sense—but a committee of conference for the purpose of considering the request of the House for a conference.

I notice that that has been done on several occasions in the Parliament of England. It is not an acceptance of the committee of conference, but it is a committee to confer with the House on the terms which they propose for a conference, instead of a committee of conference itself. I notice that that led to some good results on one or two occasions; and I merely suggest to the venerable Senators who have had experience on this subject that that might be a way out of this difficulty. If that is not done, the proposition of the Senator from Massachusetts [Mr. HOAR] merely ignores the action of the House, which is not considered, according to the authorities, a respectful mode of proceeding.

The PRESIDING OFFICER. The Chair will state the motion of the Senator from Massachusetts as it is understood by the Chair, which is that the Senate insist on its amendments to House bill 12804 and ask for a full and free conference with the House of Representatives on the disagreeing votes of the two Houses thereon. That is what the Chair understands the motion to be.

Mr. ALLISON. Mr. President, I understand the situation of this bill to be that the Senate made sundry amendments to it and returned the bill to the House of Representatives without asking for a conference—a proper procedure. The House took up that bill, and whoever was in charge of it made a motion that the House disagree to the amendments of the Senate.

Mr. HALE. To all of them?

Mr. ALLISON. Yes; to all of them, and ask the Senate for a conference on those amendments and those disagreements. Thereupon it was moved in the House that the conferees when appointed—I think that motion was made before the conferees were appointed—that those conferees, when appointed, should be instructed not to agree to certain amendments. With that instruction accompanying the bill the bill is now before the Senate.

What I fear respecting the motion made by the honorable Senator from Massachusetts [Mr. HOAR] is that, if we wholly ignore—on that I agree with the Senator from Alabama [Mr. PETTUS]—if we wholly ignore the usual request of the House for a conference, accompanied by an unusual proceeding on the part of the House, we may complicate the difficulty rather than unlock it.

I think it is fairly well understood in the parliamentary law and practice of these two Houses that either House can instruct itscon ferees in any particular manner. The form of that instruction, of course, is a matter for the House giving it to consider in the first instance, and the reason for that instruction, of course, can not be known here. The House say, in the preamble to the resolution they present to this House, that the Senate amendments are in violation of their rules. That may be a good reason for them, but it is not binding at all upon us. So we are now confronted with what we regard as a discourteous statement on their part as the reason they give for the passage of that resolution.

We are not to be disturbed by such resolutions, as it seems to me. As I understand our powers here, they are certainly coequal with the powers of the other House. There is no restraint upon our power of amendment that I know of. We can amend any bill that comes here as we choose to amend it, either under our rules or by unanimous consent. We had put on here the particular amendment—I do not wish to discuss the amendment—that is now in dispute, which was an amendment that was in violation of our rules, because it changed the existing law, but it was done without objection. Therefore, we can not raise that question, and certainly the House can not raise it as against us, because we do not allow them to deal with our rules any more than they allow us to deal with theirs.

So protesting, as I think we have a fair right to do, that this resolution is not in a form that is agreeable to us, and my judgment is—it may be taken for what it is worth—that we should, after this protest we are making, agree to the conference. Suppose we do agree to it. The conferees then meet, and the House conferees are confronted with their instructions, which they must in some way impart to our conferees.

Mr. SPOONER. It is not necessary that they shall impart them to our conferees because the House has imparted them to us.

Mr. ALLISON. Very well. Then we have them now.

Mr. SPOONER. I should like to ask the Senator a question.

Mr. ALLISON. I shall be glad to answer it if I can.

Mr. SPOONER. If the Senator from Iowa and I had a difference about some matter, which we never have had——

Mr. ALLISON. And I hope never will have.

Mr. SPOONER. And we never will have, and I invited him to a conference to determine whether we might not agree, and notified him that I was prepared to agree if he surrendered, and not otherwise, would he come?

Mr. ALLISON. I would, probably, feeling kindly, as I do, to the Senator, and I should say to him, "I will not refuse, certainly, to come and talk to you about this"——

Mr. SPOONER. Yes.

Mr. ALLISON. "But I want you to understand in the beginning, if that is your attitude, there will be no change in our situation."

Mr. SPOONER. That is not this case. We understand it in the beginning. The Senator would come and shake hands with me——

Mr. ALLISON. I would.

Mr. SPOONER. And he would flatter me, and make me feel good, as he does everybody else——

Mr. ALLISON. I try to.

Mr. SPOONER. But that would be the end of it.

Mr. ALLISON. I would try to persuade the Senator. Suppose our conferees get into this conference. I take it we can trust almost any of our brethren here, especially do I think we can trust our distinguished neighbor, the Senator from Vermont [Mr. PROCTOR], to deal with this matter frankly and justly, and persistently, according to his own notion. I think he would.

Mr. SPOONER. How could the Senator from Vermont deal with it persistently when he knew before he was appointed on the conference committee that the House had instructed its conferees not to agree to a certain amendment?

Mr. ALLISON. There are several methods of doing it. In the first place, he could say what Mr. Reed, the ex-Speaker of the House, has often said, and what I believe is well understood, that when the House instructs its conferees and those conferees get into conference, it is still a full and free conference: that the conferees are not bound by those instructions, and that the House conferees, notwithstanding the instructions, if they are so minded, can act differently. They do not settle the question in conference. They settle it in the House when the conferees come back and make a report violating their instructions.

Mr. SPOONER. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. I will.

Mr. SPOONER. I admit the right of the House to instruct its conferees. Has the Senator known, except within the last ten days, of a request for a conference accompanied by a message that the body requesting the conference had instructed its conferees not to recommend to it an agreement to a particular amendment?

Mr. ALLISON. I do not know of any instance prior to the last ten days, but that is a matter we can not avoid. I shared the prophecy of my friend the Senator from Maine the other day when he said this would not occur again. But it does not change the attitude of this proceeding, so far as the House is concerned, that they have notified us what they have done.

Mr. SPOONER. Will the Senator yield?

Mr. HOAR. I wish to ask the Senator from Iowa a question, if I may?

Mr. ALLISON. Certainly.

Mr. HOAR. It is whether this is a free conference and whether Speaker Reed's authority goes this far. Undoubtedly you may have a free conference, as in the case supposed by the Senator from Wisconsin in his question, when you have a resolution in your mind that you are never going to yield. That is a free conference still as between the conferees; and when the House instructs its conferees, that is a resolution in its own mind, and still so far Speaker Reed is undoubtedly right. But when you tell the other party that you are not going to yield ever, and that the party who is your organ in considering whether you shall yield has not any right to yield or to propose to yield, is that a free conference?

I did not mean, when I got up, to do more than to call the Senator's attention to a point, but perhaps he will allow me to state one sentence more, so that he can answer it. It seems to me that is the distinction, and that it is not a free conference which the House has asked.

Now, the Senator from Ohio proposed a motion which ignores, as the Senator from Iowa thinks mine does, the request of the House.

Mr. ALLISON. Undoubtedly.

Mr. HOAR. He proposes to insist and say nothing about it. My proposition is to insist and to tell the House before we act upon their final proposition at all that we would like first a free conference. It does not seem to me to be disrespectful to them as ignoring what they ask. The free conferences precede, in the putting of motions, a motion to adhere, I believe. The more lenient proposition, if moved from the floor of either House, the proposition more likely to lead to an agreement, is always put before the stricter proposition. That is, you would put the motion to insist before you put the motion to adhere, if I am not mistaken in my memory.

I wish to call the attention of the Senator from Iowa to this point: Has the House invited us to a free conference, and does Mr. Reed's expression, which is undoubtedly true, that an instruction to its own agent, kept in its own bosom—as we are not supposed to know what happens in the House—apply in this case? That is what I want to put to the Senator from Iowa.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. ALLISON. I do; but I had a pretty long question put to me by the Senator from Massachusetts which I should like to answer.

Mr. FORAKER. I would not interrupt the Senator from Iowa at this point, knowing he wants to answer the question of the Senator from Massachusetts, if it were not for the fact that while this discussion has been going on I have been trying to consult authorities on the subject, and I believe I have found a case precisely in point, occurring in the House, in complete support of the motion made by the Senator from Massachusetts and a way out of this difficulty.

Mr. ALLISON. If the Senator from Ohio has such a case I shall be glad to know it.

Mr. FORAKER. As I understand it, it is, and I thought the Senator would be glad to have the benefit of it.

I read from paragraph 1381 of House Documents, volume 80, No. 576, Parliamentary Precedents of House, Fifty-fifth Congress, second session, 1897–98:

On March 2, 1891, Mr. E. H. Funston—

We have recently heard that name here—

of Kansas, as a privileged question, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, reported that they had been unable to agree.

The Speaker laid before the House the following resolution of the Senate:

"*Resolved*, That the Senate insist upon its amendments to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, disagreed to by the House of Representatives, including the amendment numbered 17, referred to in the message from the House, and agree to a free conference on the disagreeing votes of the two Houses thereon."

Then Mr. Funston submitted the following resolution:

"*Resolved*, That the House ask for a free conference."

After debate, Mr. Robert M. La Follette, of Wisconsin, moved that the House recede from its disagreement to the amendments of the Senate and agree to the same. After further debate, Mr. La Follete withdrew the motion.

The question recurring on agreeing to the resolution of Mr. Funston, the previous question was ordered, and under the operation thereof the resolution was agreed to.

Mr. CANNON submitted the following resolution:

"*Resolved*, That it is the sense of the House of Representatives that said conference shall not agree to the amendment of the Senate numbered 17."

Mr. Funston made the point of order that, being in direct conflict with the resolution just adopted, the resolution submitted by Mr. CANNON was not in order.

The Speaker sustained the point of order, and the resolution was not received.

That, as I understand it, is a complete support of the motion which has been made by the Senator from Massachusetts. The only difference between the cases is that there the trouble originated in the Senate in sending instructions to the House instead of the House instructing its conferees in the way indicated.

Mr. ALLISON. I do not read that quite as the Senator from Ohio reads it. After the conference was ordered in that case, which was a full and free conference, then Mr. CANNON undertook to have the House instruct the conferees, and as I understand that case as read by the Senator the Speaker ruled that it was inconsistent with the former resolution and therefore not in order. Of course that is leather and prunella.

The question with which we are confronted is, what we shall do now to show to the other body that we do not take kindly to their asking of us a conference and before we agree to it instructing their conferees what they shall do at that conference. That is an unusual proceeding, as I understand the authorities. But it is a proceeding that either House may engage in, I understand. Although it is exceptional, it has been done.

My objection to the suggestion of the Senator from Massachusetts is that if we intend to show the House that we disagree with them as respects their power and right to notify us of these instructions I think we should do it in some other form than by ignoring a resolution which has come to us from the House. I think that is true, and it applies as well, in my judgment, to the proposition of the Senator from Ohio as it does to the proposition of the Senator from Massachusetts.

Mr. FORAKER rose.

Mr. ALLISON. If the Senator from Ohio will allow me a moment more, the prime object of the two Houses must be to do whatever can be done to facilitate the passage of bills that are necessary to carry on the Government. That is the primary object. Whatever the House may do, that is our primary duty. It is so to act, judiciously and fairly, preserving the dignity and the privileges of the Senate, as, if we can, to bring the two Houses together upon the Army appropriation bill. In order to do that, it seems to me, having made a protest against the action of the House, we can reach this end very well by agreeing to the conference and trusting our conferees to deal with this question when they get into conference with the House.

I do not know what our conferees will do, but if I were a conferee I should say to the conferees on the part of the House, "Gentlemen, you seem to be handicapped here, and until we are all upon a par, we must have a disagreement, not only upon the amendment about which you speak, but upon every other amendment." Then the two Houses would be in disagreement, and they can untangle and unravel this thing without any trouble, unless it is the purpose of one or the other of the Houses to have a quarrel, and that bodes no good to the interests we all have at stake in passing these bills, which must be passed through at this session of Congress.

I am willing to adopt any suggestion that can be made, but it seems to be we should have a care that we do not, in presenting resolutions upon this subject, get ourselves into further difficulty.

Mr. COCKRELL. Will the Senator from Iowa yield for one moment to a question?

Mr. ALLISON. I will.

Mr. COCKRELL. Many other amendments were made by the Senate to the Army appropriation bill?

Mr. ALLISON. Many.

Mr. COCKRELL. Will not all the other amendments be in a free conference?

Mr. ALLISON. I suppose they will.

Mr. COCKRELL. Necessarily so.

Mr. SPOONER. Will the Senator from Missouri allow me to ask him a question?

Mr. COCKRELL. Wait until I get through questioning and then I will answer your question. Now, when the conference committee have met and they have agreed upon some and disagreed upon other items, this amendment is disagreed to. Does not the House have to consider and vote upon it?

Mr. ALLISON. Undoubtedly.

Mr. COCKRELL. Necessarily so.

Mr. ALLISON. As we do.

Mr. COCKRELL. As we do the same. So it does not preclude any final action. When it comes back to the House the House can move to agree to the amendments, just as we can move to recede from the amendment. They can do that, can they not?

Mr. ALLISON. Undoubtedly.

Mr. COCKRELL. Certainly. If they were to move to agree to the amendment that would set aside this resolution.

Mr. ALLISON. Of course. It may be a long road or a short one, but it is a proper road to travel——

Mr. COCKRELL. Certainly.

Mr. ALLISON. And one that has often been traveled before.

Mr. SPOONER. Will the Senator from Iowa allow me to ask the Senator from Missouri a question?

Mr. ALLISON. I yield the floor.

Mr. SPOONER. I do not want the floor. If this resolution, passed by the House of Representatives and sent to us with the request for a full and free conference, had embraced all the amendments proposed by the Senate——

Mr. COCKRELL. That is not a debatable proposition.

Mr. SPOONER. It is a debatable proposition.

Mr. COCKRELL. Not at all.

Mr. SPOONER. It is a debatable proposition, because if the House has a right to make such an instruction in limine, and to send it to us as to one amendment, it has the right to do it as to all.

Mr. COCKRELL. That would mean there would be no legislation; that is all.

Mr. SPOONER. Why?

Mr. COCKRELL. I do not presume the House would ever take such a position. I suppose it is a reasonable legislative body, and that is not a supposable case.

I did not rise to make a speech upon this question. In my judgment, beyond any question the House has the technical right to pass an instruction, and I do not see that it makes much difference, except as a mere matter of courtesy, whether that is done before it has been thrown into conference or after; and I hold that the Senate has the right to instruct. I remember only a few years ago when the Senate did take a very decided position. While they did not act openly upon it, the Senate Committee on Appropriations very frankly told the members of the House conference committee that there would be no legislation until the amendment was agreed to. It was to pay the clerks of Senators, and in the end it was agreed to. The House had been refusing to agree to pay the clerks of Senators or to make any appropriation for them, and the Senate took that position. It was a controversy which extended for a little while; but it came to an end, as all those things must come to an end.

Mr. TELLER. I suggest to the Senator from Missouri that that was simply what is done frequently in conference. That is quite a different thing from the House instructing its agents that they shall not confer upon a subject. At this conference, if it is appointed, under the motion of the Senator from Vermont, the House members will be precluded from any discussion of this one amendment, if they pay attention to their instructions.

Mr. COCKRELL. The great trouble seems to be that the House has sent us a copy of the instructions. If they had them to themselves there would not have been a word said about it.

Mr. TELLER. If they had done that, I suppose it would have been within the precedents. It would not have seemed quite so discourteous as this proceeding seems to be.

Mr. SPOONER. Will the Senator allow me to call his attention to a case in the volume cited by the Senator from Ohio?

Mr. TELLER. Certainly.

Mr. SPOONER. I will read it.

On February 28, 1891, the House was considering the bill (H. R. 10881) to amend the laws relating to copyrights, with amendments of the Senate thereto, and a request for a conference with the House on the bill and amendments.

Mr. William E. Simonds, of Connecticut, moved that the House nonconcur in the Senate amendments and agree to the conference asked by the Senate.

The House voted to nonconcur and agreed to the conference. Thereupon Mr. Lewis E. Payson, of Illinois, submitted the following resolution of instructions to the conferees:

"*Resolved*, That the conference committee be instructed to insist on inserting upon the bill in conference the principles involved in the following bill." [Here followed the text of a new bill.]

Mr. Simonds made the point of order against the instructions proposed: First, that these instructions, if adopted, would do away with the sole text of the bill, to which both Houses had already agreed, and were not permissible under the practice and the precedents of the House. Again, that it was not permissible to instruct the conferees in the first instance and before they had met and disagreed.

The Speaker sustained the point of order.

Mr. TELLER. Who was the Speaker?

Mr. SPOONER. Mr. Reed. Then there was a first conference, which was a full and free conference, and a disagreement reported. Then follows the case cited by the Senator from Ohio.

Mr. TELLER. Each House is a judge for itself of what is courteous and proper. No law ever has been made, and I suppose none could be made, that could bind them in matters of that kind, but there ought to be no proceeding which can be considered by the other body as disrespectful. When a body, the House of Representatives or the Senate, appoints conferees for the first time and then says to them, "You are to stand against this particular amendment or these certain amendments and allow the bill to fail rather than yield," I think that is discourteous and disrespectful treatment of the other body.

I think you might just as well start in and determine what is the right of the House and what is ours. Of course I do not care about referring to what occurred in the House, but I looked over the proceedings, and it seems to me the real controversy is that we have not the right to make amendments; that if we put on an amendment which interferes with the statute it is a violation of the rules of propriety. We have done that a hundred times since I have been in the Senate. We have set aside statutes by provisions in appropriation bills and other bills. I believe the wise thing would be in some way to get into conference with the House as to their rights and as to ours. I think this matter ought to go to some committee like the Committee on Appropriations or the Committee on Rules and a courteous statement be made to the House of what we think is due us and what we are going to insist upon in the future.

Now, when the House voted not to accept our amendments it was an instruction enough, it seems to me, to the conferees at least for the time being. I know that sometimes when there has been a controversy lasting for some time between conference committees both bodies have given instructions either to recede or to adhere. But what I am particularly interested in is to get some ruling which shall not allow these things to be done in the future. The other day we had the same thing. We were told then that the attention of the House having been called to it we probably would not have any more trouble of this kind. Here within a week comes another. I believe if the motion of the Senator from Vermont is accepted you will have this thing repeated indefinitely, and it will be a source of continual friction between the House and the Senate, a source of continual irritation, I may say, and ill will, and in some way we ought to bring the matter to a head.

Mr. LODGE. Mr. President, the Senator from Missouri [Mr. COCKRELL] said if the House had not sent this instruction over to us nothing would have been heard of it. The sending of it over to us is the entire point, as it seems to me. They have a right to instruct their conferees; we have a right to instruct our conferees; but when the House by solemn message say to us as the Senate that they will not accept a given amendment or a number of given amendments the full and free conference is at an end. It does not matter whether it is an amendment of one word or whether it is every amendment offered. It is the principle. If they send us a message to that effect, a full and free conference is at an end.

There is more than that. The point to which the Senator from Colorado [Mr. TELLER] has called attention—the right of the Senate to amend—is involved, in my judgment, in this controversy. If we keep on yielding to messages from the House, as we yielded the other day, we shall soon find our entire right of amendment questioned whenever the House does not happen to fancy any particular amendment which we put on. We had the case the other day, and Senators wiser and more experienced than I said it was an unprecedented thing and that it was better not to take notice of it; that it never would happen again. We followed that advice, and the matter went into conference. We took no notice of it, and within ten days the unprecedented thing happens again. If we do not meet it at the threshold, we shall have to meet it in a very short time in a much worse form.

It seems to me we ought to take up this question through our Committee on Rules, which is the organ of procedure of the Senate, and discuss the question with the House as to this matter of general instructions sent in the form of a message to the Senate. I think we ought to have that decided. I care nothing about the amendment involved in this particular case, but I think we ought to have that broad question decided. If the House is going to send a message to us saying "We will not take an amendment that you have put on," the day is not far distant when the Senate will begin to send messages of a similar kind to the House, and there you breed deadlocks and controversies, when the very

object of our rules and of all parliamentary law is to bring the two Houses to an agreement.

I hope, Mr. President, that we shall adopt either the motion made by my colleague or do what I myself think would be much better. I advance the idea with hesitation, but I think it would be better to refer this question to our Committee on Rules to take up and report to the Senate, and to ask, perhaps, a conference with the House on the question of one House sending instructions to the other body notifying the other body beforehand that they will not agree in a conference.

Mr. COCKRELL. Will the Senator yield to a question?

Mr. LODGE. With pleasure.

Mr. COCKRELL. Would not that revive the old celebrated question that came up in the First Congress between the Senate and the House and which consumed a vast deal of time in discussion as to how messages should be sent from the Senate to the House and from the House to the Senate? Would it not open that old question of courtesy between the two Houses and the reports made upon it as to how the messages of the House should be delivered to the Senate and how the Senate should send messages to the House and all that? It seems to me that it would revive the old question which took Congress a good long while to decide as to how the two Houses would communicate with each other.

Mr. LODGE. It is perfectly easy as to how the Houses shall communicate with each other. The question is whether in asking conferences either House in instructing its conferees shall notify the other body beforehand that it will not agree to a specified amendment. If that is to be the practice, it must be the practice for us as it is for them. We do not want it to be the practice. We hope we can get them to agree that it shall not be the practice. We hope that action shall be taken, as before in the House and in the Senate, in regard to conferees, and not have one body send a formal notice to the other body that no agreement is possible. It is as bad as a motion to adhere.

Mr. PETTUS. I desire to call the attention of the Senator from Massachusetts to the fact that this is not only telling us that they will not agree to anything, if it stopped at that it would possibly be bearable, but it tells us "You have no right to put it on."

Mr. LODGE. Certainly; it goes much further than that.

Mr. PETTUS. It seems to me we ought to have a conference on the message.

Mr. SPOONER. I think that is right.

Mr. CULLOM. Now, what is the motion?

Mr. BATE. Meanwhile what is going to become of the motion of the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont allowed the Senator from Massachusetts to present a motion as a substitute for his, and the motion of the Senator from Massachusetts is that the Senate insist upon its amendments to the bill and ask for a full and free conference on the disagreeing votes of the two Houses thereon.

Mr. LODGE. Then, as a substitute to the motion of my colleague, I move that the message of the House which accompanied the Army appropriation bill be referred to the Committee on Rules to consider and to report, and if necessary to confer with the other House in regard to it.

Mr. HOAR. That motion is not in order technically. That is not one of the motions which can be made when a measure is pending. It will have to be an independent resolution of itself, leaving this matter still untouched and undisposed of. My colleague might move to commit the bill with all the pending motions to such a committee.

Mr. LODGE. Very well; that is better. I move, then, to commit the bill and the message of the House and all pending motions to the Committee on Rules.

Mr. FORAKER. I hope the senior Senator from Massachusetts [Mr. HOAR] will insist upon his motion. I believe it is the best way out of this difficulty. It does not seem to me possible that the House will hesitate to respond favorably to a respectful request of the Senate for a conference. I think it is the best way to meet the message, which we regard as disrespectful. We simply ignore it. It is not necessary to have a controversy about it. If this matter is referred to the Committee on Rules for that committee to take up and consider, you will give rise to a parliamentary inquiry and parliamentary questions about which we may be debating here for nobody knows how long. I think the best way is simply to ask the House for a full and free conference on the bill and pay no attention to the message.

Mr. TELLER. I should like to have the motion of the senior Senator from Massachusetts read again.

Mr. FORAKER. I want to say in just one word that the point of the authority I cited a moment ago was just that. That is all the House did. They asked for a conference.

Mr. LODGE. I have no desire to press the motion for a reference to the committee. My object is to avoid assenting to a conference on the present terms, and the sooner we bring it to an end the better. I withdraw my motion.

The PRESIDING OFFICER. The junior Senator from Massachusetts withdraws his motion.

Mr. FORAKER. I quite agree with the junior Senator from Massachusetts in that respect. If our request should not be favorably acted upon, we can then, if necessary, resort to this further action which has been suggested. I think the simplest and easiest way out of it is to adopt the motion made by the senior Senator from Massachusetts.

The PRESIDING OFFICER. The junior Senator from Massachusetts withdraws his motion to commit the bill with the message and the motions to the Committee on Rules, and the question is on the motion submitted by the senior Senator from Massachusetts.

Mr. TELLER. Let it be read.

Mr. ALLISON. I should like to ask the senior Senator from Massachusetts what he proposes to do with the message that accompanied the bill from the House. What motion, if any, does he make respecting that, or does he ignore it?

Mr. HOAR. I do not understand that we make the motion upon a message which comes from the House here as such. That is not the way we make the motion. The motion is one of the motions that is in order in a certain stage of the bill. I suppose that it ignores the message, of course, just as the motion of the Senator from Ohio that we insist and say nothing about it ignored the message. Suppose the House had asked us something else? Suppose the House had asked us to join them in services in commemorating any public event—the Fourth of July—on a certain day and at a certain time in their Chamber, and without saying anything about joining in that celebration of the House we asked the House for a conference on that subject? When we ask for a conference, whether free or otherwise, we are not bound either to dissent or assent from the thing we are conferring upon. The House sent here in substance a message saying that "we have disagreed to your amendments," and ask for a kind of a conference which, in our judgment, is not free. Without saying anything about having a kind of conference which in our judgment is not free, we send over to the House a message saying, "We ask you to give us a free conference," leaving the message of the House in abeyance until we hear what comes of the free conference. It seems to me that there is no parliamentary difficulty about the proposition.

Mr. ALLISON. I did not ask my question with a view of suggesting a parliamentary difficulty. I was wondering what the House might say to our message, we ignoring theirs.

Mr. HOAR. I should think from the experience of the last two weeks whatever happens we may well wonder what the House will think. Nobody can tell about that.

The PRESIDING OFFICER. The question is on the motion of the senior Senator from Massachusetts. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. PETTUS. If that motion is to be put, I would want to move an amendment to it. I want it to say "in reply to the message from the House," and then follow the motion as made. I want it for an answer, sir. I do not think the Senate ought to ignore the message of the House and add rudeness to rudeness.

Mr. HOAR. It does not seem to me that it is rudeness. It seems to me that when we are asking for a free conference on the situation and everything we want to have that free conference before we decide on the message. We do not say whether we will assent or dissent. It is a preceding step. The House has sent us a message, and we reply that we would like to talk the matter over with you freely. That is all there is of it.

Mr. TILLMAN. Mr. President, the Chair not having announced which way the vote was, I should like to have the motion or resolution of the Senator from Massachusetts read, so that we may vote more generally, or have the yeas and nays, if necessary.

The PRESIDING OFFICER. The Chair understands the motion of the Senator from Massachusetts to be that the Senate insists upon its amendments to the Army appropriation bill and asks a full and free conference with the House on the disagreeing votes of the two Houses thereon. That is what the Chair understands the motion to be.

Mr. HOAR. That is it.

Mr. TILLMAN. Then I should like to have some further light as to whether that would be notice to the House that their request for a conference is not for a full and free conference, but one under limitations.

Mr. CULLOM. That is exactly what it means.

Mr. TILLMAN. We simply return to them a message without any action, and ask for a full and free conference; and if they do not grant that then we will consider their message and take such further steps as will subserve the purposes of maintaining Senatorial dignity and right.

Mr. SPOONER. The way it stands is this: The Senator asked for light.

Mr. TILLMAN. I want light.

Mr. SPOONER. I am not sure that I can give it to the Senator, but the way it seems to me, and I may need light myself, is this: The House insists upon its disagreement to the Senate amendments, and asks for a conference. In reply to that we send back to them a message that we insist upon our amendments, and ask for a conference.

Mr. TILLMAN. But did not the House instruct its conferees?

Mr. SPOONER. I am not speaking of that. I am speaking about the parliamentary situation.

Mr. TILLMAN. It seems a little tangled.

Mr. SPOONER. That is the way it stands.

I have a notion, Mr. President, that the Senator from Alabama [Mr. PETTUS] has the true solution of this difficulty, and he finds authority for it in the parliamentary proceeding of England.

The PRESIDING OFFICER. The Senator from Alabama will prepare any amendment to the motion he may desire.

Mr. SPOONER. In a situation of this kind we appoint a committee, pending the action of the Senate on the message of the House, to confer with the House as to the privileges and rights of the two Houses.

Mr. LODGE. That is the motion I proposed.

Mr. FORAKER. The suggestion, and it has been repeated, is based upon the idea that in adopting the motion made by the senior Senator from Massachusetts we are not making answer to the House message. I think that is a mistake. I think we are answering it. The House sends us a message and this is our answer to it. We want a full and free conference. It is not necessary for us to specify that we send you this in answer to your message, in answer to your letter of instructions, and your letter communicating to us knowledge of your rules by which you are bound. It is not necessary for us to specify that that is the office of the communication we send. That will, necessarily, be so understood. They have asked for a full and free conference, and at the same time have sent us a message which reveals the fact that they have denied to us a full and free conference. Three of the amendments they have instructed their conferees not to agree with us about. Now, we simply answer in a polite, reasonable way, requesting a full and free conference. It seems to me that that will unravel the whole difficulty, for I can not believe that the House will hesitate to grant a full and free conference.

Mr. SPOONER. Will the Senator from Ohio allow me to say that that ignores, so far as the Senate is concerned, absolutely the request of the House. Does the Senator think that is calculated to promote harmony?

Mr. FORAKER. I differ from the Senator when he says that that ignores it. I do not think it is an ignoring of it. I do not think that we have to refer to it in specific terms in order to answer it. They send us this request and we send back a message that we want a full and free conference.

Mr. HOAR. May I suggest to the Senator right there that it is the common practice. The House sends over a bill and requests for it the assent of the Senate. We send back a request asking for a conference before we decide whether we assent to it or not. We have a perfect right to do it. It is not ignoring anything. It is the common way of stating that on the whole situation, as we understand it, we would like to talk it over with you. That is the whole of it.

Mr. FORAKER. I am obliged to the Senator for his suggestion. There can not possibly be any misunderstanding of our message from the fact that it has direct relation to the communication they have made to the Senate, and it does seem to me to be the surest way to avoid any friction or lack of harmony in this proceeding. But on this we are lacking in harmony just now, and we do not want to make it worse.

The PRESIDING OFFICER. The Senator from Ohio will allow the Chair to state the condition of the motion. The Chair put the question and called for the ayes and noes, and not being able to decide, debate sprung up. The Chair will put the motion again, if it is desired.

Mr. TILLMAN. I should like to ask for a little more light before I vote.

Mr. LODGE. Mr. President, I think the hour of 2 o'clock has arrived.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. The Senator from Idaho [Mr. DUBOIS] gave notice that he would speak to-day, and he has waited very patiently during the whole morning hour. I hope nothing more will be done to prevent him from taking the floor.

Mr. TILLMAN. We will wait and get light in the morning.

Mr. CULLOM. On Monday morning.

The PRESIDING OFFICER. The Chair at this time, with the permission of the Senator from Idaho, will lay before the Senate some matters on its table.

Mr. DUBOIS. Certainly.

STATUTES OF LIMITATIONS IN CERTAIN LAND CASES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians."

The amendments were, on page 1, to strike out all after line 6, down to and including "Indians," in line 9, and to insert "any tribe of Indians under any treaty between it and the United States of America."

On page 2, line 4, to strike out "the" and insert "any."

On page 2, line 5, to strike out "Shawnee."

And to amend the title so as to read: "An act providing that the statute of limitations of the several States shall apply as a defense to actions brought in the United States courts for the recovery of lands patented in severalty to members of any tribe of Indians under any treaty between it and the United States of America."

Mr. HARRIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PUBLIC BUILDINGS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FAIRBANKS. I move that the Senate insist upon its amendments and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. FAIRBANKS, Mr. WARREN, and Mr. RAWLINS were appointed.

FOOD ADULTERATION, ETC.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. MCLAURIN of South Carolina, and Mr. HARRIS were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 22d instant approved and signed the act (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes."

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 2951) granting an increase of pension to Maria J. Wilson; and

An act (S. 1295) to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway, street railway, vehicle, pedestrian, and other highway purposes over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. DUBOIS. Mr. President, there are two propositions before

the Senate, and we are called upon to decide for the people of the United States which one we will indorse by our votes.

One is presented by the majority of the Committee on the Philippines, representing the views of the Republicans, the other by the minority of that committee, reflecting the views of the Democrats of this Chamber.

It is quite likely that the majority proposition does not meet the approval of all the Republicans and that the minority substitute is not satisfactory to all the Democrats. It is quite certain, however, that the policy outlined in the majority bill is satisfactory to the Republicans, as the policy marked out in the minority bill is satisfactory to the Democrats in the Senate.

The main question is as to which policy we shall adopt in dealing with the Philippine Archipelago. This is the question, then, which the two bills plainly present.

The difference is so clear and well defined that no one here or elsewhere need be in doubt.

For the very first time the question is plainly submitted to the people of the country and their verdict is asked.

Let me state the difference in simple language between the policy of the Republicans and Democrats before entering into an argument.

The Republicans intend to hold the Philippines subject to the United States in all things, without giving any hope, much less a promise, of ultimate independence. So far as anywhere appears, the Filipinos are to remain a colony of the United States for all time to come. For the immediate present, and for the indefinite future, all of their possessions, lands, timber, mines, and waterways are to be parceled out to our own people under such restrictions only as we ourselves shall impose. The Filipinos are to have no voice in the disposal of their own. They are to be taxed as we will, but have nothing to say as to the disposition of the taxes collected. After we have become satiated, after we have exploited the country, we are at liberty to remain or to leave as seems best to us. Our own wishes are to guide and control our future actions. There is nothing in the policy of the Republicans which is anywhere apparent to indicate that the wishes or desires of the Filipinos are to be taken into consideration now or in the future.

The policy of the Democrats is to give the Filipinos an independent government at the earliest practicable moment. This is clearly set forth and solemnly guaranteed. In the meantime, and until the Filipinos establish such a government for themselves as is suitable to their conditions, we propose to keep and protect their country and their possessions for their own use.

The contrast between the two policies is sharp and well defined. There can be no such thing as mistaking the difference between the two propositions before you. The majority intend to hold the islands for all time as a colony. The minority intend to give them an independent government as soon as possible. The majority intend immediately, and in the future, to exploit the islands for the advantage and gain of our own people. The minority intend to hold the archipelago for the Filipinos, and turn it over to them when they have established a government of their own.

I shall endeavor to demonstrate that I have correctly stated the difference as to the policy between the two parties, as shown in the two bills before us, although I am not certain that anyone objects to the accuracy of my comparison.

I take the bill of the majority. Its title is "A bill temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." There certainly is nothing in that title to hold out any hope of independent government for the Filipinos, and nowhere in the bill do you find any language conveying any more hope. Who is to provide for the administration of the affairs of civil government in the Philippine Islands? It is plainly set forth in all the succeeding sections of the bill that the United States is to administer the affairs of civil government of the Philippine Islands, utterly regardless of the wishes, suggestions, or protests of the inhabitants of the islands.

There is no intimation anywhere in the bill that at any time in the future or under any circumstances will the United States cease to administer the affairs of civil government in the Philippine Islands. It must be assumed, then, and can not be controverted, dodged, or evaded, that the United States intends to make a perpetual colony of these islands. No Republican Senator has denied this in this debate, and some have exultingly proclaimed it.

The title of the bill is "temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes." Let us see what some of the other purposes are.

Section 5 of the bill provides for the taking of a census. Section 6 of the bill says:

That after the report of such census the Philippine Commission shall fully report to the President and to Congress their recommendations based upon such census and upon the operation of the local governments hereinafter provided for, whether or not all or certain of the Philippine Islands are capable, fit, and ready for the establishment of a permanent popular representative government.

There is nothing in this section which would compel Congress to act. They are simply to report to the President and Congress their recommendations, and there is nothing in the section which says it shall be a permanent popular representative government of the Philippines or an independent government. They simply report to Congress, giving Congress the power to act if they want to do so. There is nothing compelling Congress to act, and it does not intimate in the slightest degree that an independent government is to be given.

Section 7 confers certain powers on the Philippine Commission which are no greater than the powers already conferred on that Commission. They are about the same, certainly not greater, in the light of the contention I make, which is that there is nothing in the bill or in the utterances of Senators looking to the independence of those islands.

Section 13 authorizes the government of the Philippines to lease, let, and demise to actual occupants and settlers and others, for a term of not more than five years, such parts of the public domain other than timber and mineral lands of the United States in the Philippine Islands as it may deem wise, not exceeding 160 acres, or its equivalent in hectares, to any one person, nor more than 5,000 acres to any corporation or association of persons.

I call attention to that to emphasize the fact that we are doing there what we have never been able to do in the United States. As one of the representatives in the other branch of Congress and in this of a portion of the Western section of the country, I have been confronted with this proposition many times. It is now in the air that some Senators favor the leasing of public lands; but Congress has never shown the slightest disposition to lease public lands in large tracts. We can demonstrate at any time that such a policy always has been and always will be very injurious to the country. Yet in the Philippine Islands we make provision for the leasing of lands in tracts of 5,000 acres.

The mineral-land provision of the bill is a most excellent one. It is all right as a law for the United States, and it is almost identical with our own mineral-land law, but its effect will be to encourage foreign people to take possession of these mineral lands against the wishes of their true owners. As a section it is all right, but my contention is that we ought not to adopt such a provision for the Philippine Islands, to take the mineral lands away from those people and allow our own people to take them.

On page 41 of the bill will be found section 68, which provides for the issuance of bonds for betterments and improvements in municipalities, etc. Who is to decide whether it will be wise to issue bonds for such improvements or not?

Mr. SPOONER. Does it not define the purposes for which the bonds are to be issued?

Mr. DUBOIS. Yes.

Mr. SPOONER. What are they?

Mr. DUBOIS. I will read the section:

SEC. 68. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may permit any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value) registered or coupon bonds in such amount and payable at such time as may be determined by the government of the Philippines, with interest thereon not to exceed 5 per cent per annum.

Then there is this proviso to the section:

Provided, That the entire indebtedness of any municipality under this provision shall not exceed 5 per cent of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void.

Who is to determine whether bonds shall be issued and for what purposes? The white men or the foreigners who are there exploiting the country will be the ones who will reach the ears of the Commission. There will not be an improvement made or a bond issued at the suggestion of the natives themselves. It is so in regard to Manila, where we allow the municipality to borrow $4,000,000 in addition to what these other municipalities are allowed to borrow. The American Chamber of Commerce, the exploiters, and the foreigners who are there exploiting that country will be the ones who will determine whether or not these bonds are to be issued; it will not be the Filipinos, because they are given no voice under this bill in the management of their own affairs or in the disposition of their own property.

Here is a long section in regard to franchises offering extraordinary inducements to foreigners to go there—franchises for cutting timber, for building electric railroads and steam railroads, and for acquiring mineral lands. The majority of the committee in their report say:

The committee feel that it is of the greatest importance for the proper development of the islands that capital be encouraged to enter the islands.

So there is no disguising the fact they want capital to go there.

The Senator from Massachusetts [Mr. LODGE] presented a petition from Mr. H. L. Wheatley, representing certain business interests of Chicago and New York. He makes a long argument, and I will ask to have it printed, without reading, as a part of my remarks.

The paper referred to is as follows:

[Senate Document No. 306, Fifty-seventh Congress, first session.]

Mr. LODGE presented the following petition of Mr. H. L. Wheatley, representing certain business interests of Chicago and New York, praying that Senate bill 2295 be changed so as to allow corporations to own and control 20,000 instead of 5,000 acres of land in the Philippine Islands:

The Committee on the Philippine Islands, United States Senate.

SIRS: Your petitioner was formerly a resident of the State of Illinois, but for the past three years has been in the Philippine Islands, representing a syndicate of Chicago and New York gentlemen seeking investments in plantation and railway enterprises. Having traveled over 5,000 miles in the archipelago and studied the conditions existing there, your petitioner realizes the vast importance, from a business standpoint, of the two bills now before the Congress, known as S. 2295 and H. R. 9725, and would respectfully call the attention of your honorable body to what your petitioner considers serious defects in said S. bill 2295; defects which, if not remedied, will continue the present serious business stagnation in the islands and effectually stop the investment of American capital, thus, for years to come, leaving the islands in their present backward state, with their vast natural resources undeveloped.

The Philippine Islands to-day, after over three hundred years of Spanish occupation, contain more undeveloped arable lands, in proportion to size, than any other tropical country in the Far East, and to develop even a fraction of this vast area, estimated at nearly 80,000,000 acres of agricultural lands, will require the most liberal inducements to planters by the Government, whether acting singly or by association with others as corporate bodies. In spite of this, a fact well known to any business man in the Far East familiar with the subject, section 13 of S. 2295 prohibits the leasing of lands by the Government for more than five years, and not to exceed 5,000 acres to any corporation or association of persons, and section 77 prohibits any corporation organized to engage in agricultural pursuits from owning or controlling more than 5,000 acres of land.

If section 13 is passed and becomes a law, the Commission having no power to sell lands, it will be impossible to enlist capital to lease and start development of any public lands in the islands. All forms of tropical agriculture require a large outlay of money before any returns may be expected, as even the quick-maturing crops (a planter starting with raw land) require from eighteen months to two and one-half years before returns can be had, and at a cost of $75 to $150 per acre, to say nothing of the planter's time and living expenses.

It may be argued that section 11 covers this point by allowing the Commissioners to "make rules and regulations for the lease, sale, or other disposition of the public lands," but such "rules and regulations," if framed by the Commission before the next ensuing session of Congress, do not help the matter any, for the Congress may disapprove the "rules and regulations" so made, thus putting off indefinitely any further opportunity to acquire the necessary lands either by purchase or extension of lease, and no sane man will invest his money under such unsatisfactory and unstable conditions.

It is not reasonable to suppose that, with the vast area of cultivable lands in the islands, companies or associations would attempt to lease lands other than lands they expected to ultimately use in their development work, and the experience of England and Holland in their equally fertile tropical colonies proves conclusively that inducements rather than restrictions are essential to influence men with the necessary capital to develop their resources. Even were the term on leased lands limited to ninety-nine years, and the amount of land held by any one company unlimited by law, your petitioner feels safe in asserting that leaseholds aggregating less than 1,000,000 acres would be the maximum during the next ten years, and your petitioner does not believe it possible that even that figure would be reached, for that would mean the formation of 50 corporations leasing 20,000 acres of land each, with a necessary capital of $200,000,000, an unprecedented and improbable hypothesis.

From personal experience and observation your petitioner is prepared to prove that it is impossible for an agricultural corporation to successfully (from a financial point of view) produce many of the products of the Philippines if their holdings are limited to 5,000 acres of land. The expenses for buildings, mills, machinery, and management are practically the same with 5,000 acres under cultivation as with 20,000 acres, and the experience of the sugar planters in Hawaii goes to prove this. Here in the Philippines, with vast sections of lands as they were since known by man, where the expense of even making the journey to inspect them is an insurmountable obstacle to the average citizen dependent upon his own resources, it is proposed to restrict the holdings of corporations composed of not one large but many small investors, who would have no other way to invest their money in the islands, to an acreage which has been proven to be too small to return to investors adequate returns upon their money, the investment of which is so far removed from their personal attention, and an investment in which they have to rely so entirely upon the integrity and ability of their brother man.

In the Hawaiian Islands to-day the successful plantations, such as Oahu, Ewa, Wailua, Hawaiian Commercial Company, Waimea, Olaa, Hakalau, Puna, and many others which your petitioner can mention, are paying investments with from 10,000 to 20,000 acres each, while many if not all of the smaller plantations are either losing propositions or are just holding their own, hoping almost against hope for a raise in the price of sugar to put them again upon a paying basis. These large plantations are not owned by one nor by a dozen men, but the stock is held by many thousands of small investors, who thus reap the advantages of combination it would be impossible to obtain were they to attempt it each man for himself, and your petitioner feels safe in saying that with this provision a law the further development in these islands of sugar, copra, cocoa, hemp, tobacco, rubber, and other tropical products will be greatly retarded if not absolutely destroyed.

The conditions governing the development of lands in tropical countries is so entirely different from our own, either in our thickly settled Eastern States or upon the broad and fertile prairies of the West, that were the laws governing the settlement of lands in the Philippines the same as in the States the islands would be in the primitive condition they are to-day one hundred years hence. The average agricultural native would not know what to do with 160 acres of land if he had it, and would make no attempt to cultivate more of it than would bring in sufficient to sustain the meager necessities of his family and himself, while to the average homesteader of the United States or any European country there is no other place on earth where failure is more certain. That this latter condition applies to all tropical countries no man who has made a study of the conditions necessary to successful tropical agriculture will deny.

Your petitioner would further call the attention of your honorable body to section 16 in the proposed bill. Were this section to be literally construed it would confine all future agricultural operations to three or four valleys in the islands, thus leaving undeveloped practically all of the island of Mindoro, the greater part of the beautiful island of Mindanao, and millions of acres of lands in other islands, in which the clearing away of a part of the timber would not only be of no financial loss to the Government, but would be of decided improvement in the healthfulness of the surrounding country. The east, south, and west coasts of Mindanao are practically a virgin forest to the water's edge, and to make possible the development of the wonderful agricultural possibilities of this island your petitioner would respectfully suggest that some latitude be allowed the authorities who are on the ground and so thoroughly understand and recognize the importance of this matter.

Your petitioner would further respectfully represent that the lack of laws for the disposition of the public lands, the granting of franchises, and the disposal of other matters of a public or semipublic nature has already had a most deplorable effect. The interest taken in the Philippines by investors of every class, from the man with his few hundred of dollars to the large investor with his millions, has changed considerably in the past two years. It is a difficult matter even under the most favorable conditions to interest capital in a country so remote from our own shores as the Philippine Islands, and with legislation which deters rather than encourages or induces the investing public it is impossible. After nearly four years of American occupation, your petitioner, after careful investigation, is aware that less than $125,000 of American capital has been invested in permanent improvements in the islands.

Any future development must come from the United States or Europe, there being no local capital not already employed, and it may be stated as a business proposition that the future development, peace, and prosperity of the islands depends upon the liberality of the laws framed by Congress, and while it is undoubtedly wise to provide restrictions, still, in fairness to those who are willing to go so far from home, and to the inhabitants of the islands, to whom the investment of more money in local enterprises, thus stimulating trade and commerce, means so much, it would hardly seem fair to make these restrictions more rigid and discriminating than in any State or Territory of the United States.

Your petitioner, as previously stated, also represented American capital asking for railway franchises in the islands, but without some concessions by the Government the necessary lines of railroads, so essential to the internal development of the islands, are at the best but a remote possibility, and your petitioner firmly believes that with the rapidly waning interest taken by the people of the United States in these islands unless some relief is afforded by this session of Congress another year will make it impossible to interest the American public in business enterprises in the archipelago.

Your petitioner bases the foregoing upon his personal knowledge of several millions of dollars which was ready for investment there in the spring of 1901, but which has since been diverted elsewhere, and to numerous enterprises of considerable financial magnitude now waiting for and depending upon just and equitable legislation which if not had, as expected, will be prevented from making investments and improvements which would be of the greatest benefit to the Philippines.

Realizing the inestimable value these islands may become to the United States, and, with their wonderful resources developed, the happiness and prosperity which will accrue to their inhabitants, and feeling that this desired end depends so much upon just, wise, and liberal legislation, your petitioner feels justified in asking your honorable body to give these subjects your further consideration.

Respectfully submitted.

H. L. WHEATLEY.

Mr. DUBOIS. I will not take up any more time in reading or commenting upon the bill, but will refer to it hereafter and will address myself now to the commercial aspect of this whole business as it affects the United States.

If it was perfectly manifest that we would be greatly injured commercially by continuing the policy marked out by the majority, if we were absolutely sure that retaining the Philippine Islands would entail great and constantly increasing loss to our own people, we could find some way to let go. If it could be demonstrated that oriental trade was a myth, and the exploiting of the Philippine Islands would injure our own people more and more as we exploited them, then quickly it would become our "manifest destiny" to allow them to have and manage their own country in their own way.

I am so certain that great danger to the white laborer of the United States and world will attend the attempt to awaken the Chinese to industrial activity and competition, and that the development of the Philippine Islands by our capital will work great hardship and inflict serious damage to our own industries and laborers, that I shall have the temerity to attempt to prove it.

In the first place, we can not compete with Japan for the oriental trade.

Japan is about the size of Montana in square miles, and has more than half as many people as the United States.

Up to 1868, when the revolution occurred which overthrew the Shogunate, or the feudal lords, and restored the civil and military power to the Emperor which had been wrested from him by the Shoguns, Japan had been the most isolated country in the world. For the two hundred and fifty years prior to 1868 foreigners were rigidly excluded and the Japanese lived entirely within themselves. Their progress since 1868 has been the wonder of the world.

All kinds of minerals are found there. Gold, silver, copper, lead, mercury, and tin are abundant, and iron is found in many parts of the country.

The lands are highly cultivated, and the Japanese raise sufficient of all agricultural products for their own use and have considerable left for export.

In Tokyo, the capital, nearly every kind of manufacturing is carried on. Osaka reminds one of Pittsburg. Cotton goods, telescopes, microscopes, matches, knives, spoons, watches, woolen goods, and everything you can think of almost is manufactured there.

If you take into consideration that up to 1870 there was no manufacturing to speak of in Japan, you can comprehend how apt these people are.

At first they employed Americans and Europeans to superintend their factories and to teach them how to produce all these different articles. To-day there is not a white man or any foreigners in any of the manufacturing establishments of the country.

Railroads now span the Empire. Electric-light plants are erected in all the cities. Telegraph lines are scattered throughout the whole country.

The first railroad was built in 1872 between Yokohama and Tokyo, a distance of 18 miles. Railroads are now built in all portions of the Empire.

There is not a white laborer employed, from the general superintendent down to the switch tender, including the train dispatchers, and their railroad system is as perfect as that of any country.

Everything necessary for the construction and equipment of a railroad, excepting locomotives, is made in Japan, and it will be but a short time before they will construct their locomotives, as they have the iron, coal, and the ingenuity. Japan now has nearly 2,000 miles of railway in operation and over 1,000 miles of telegraph lines.

In twelve years they have perfected a telegraph system which for organization, dispatch, reliability, and low rate of service is not excelled by any nation of the globe.

Mr. HALE. Is that a governmental telegraph?

Mr. DUBOIS. No, it is under private ownership. Twenty-five years ago not a mile of this system existed, and, as I said, the entire service is performed by Japanese, and, I will say to the Senator, owned entirely by Japanese.

When they first started on their career of development every ton of material had to be imported, mostly from Great Britain. Now, everything necessary to build and equip the best modern telegraph system is manufactured in Japan, and their workshops and factories supply these materials to their neighbors.

There are 8,000 factories in the Empire of various kinds.

As I stated before, minerals abound. Gold and silver are found in paying quantities. There is lead in the north and copper, tin, iron, and quicksilver in the other portions.

Coal is the most profitable mining industry in Japan. Three hundred years ago it was systematically mined in three or four districts, but up to 1876 only the most primitive methods of coal mining were in use. Twenty-five years ago the output was 300 tons per day. Now it is 2,000 tons per day and more, the output being nearly 1,000,000 tons per year, and the supply is apparently inexhaustible. It is equal in quality to the coal of almost any other country.

All of the firearms and ammunition used in the army of Japan are manufactured in the country.

There are 41 cotton-spinning companies, and in a short time, it is confidently stated, the number of spindles in their cotton mills will be quadrupled.

Cotton was introduced into Japan from India, the first cotton seeds being brought there in a boat by accident from India in 799. It did not secure a firm footing until 1570, and was not very extensively cultivated until a century later. The supply has never equaled the demand, and hence Japan imports cotton. The Japanese have no name for cotton in their own language. There are three varieties—yellow, white, and red. They call cotton wata. The average production of cotton per acre is 360 pounds, while the average of the Southern States is one-half bale, or about 250 pounds. A bale of cotton in the Southern States, as I understand, ranges from 400 to 500 pounds.

Mr. CARMACK. Five hundred pounds is the standard bale.

Mr. DUBOIS. Five hundred pounds is the average bale, as I am informed by the Senator from Tennessee.

The number of laborers in the regular cotton mills of Japan in January, 1901, was about 11,000 males and 40,000 females.

Mr. Gouderau, the French consul at Yokohama, in an official report stated that the weaving industry in Japan during 1896 was followed as a trade in 660,408 dwellings or establishments, containing 924,123 looms, and that of the 1,042,866 persons engaged in this industry 57,980 were men and boys and 985,016 were women and girls.

These looms are hand looms of Japanese make, costing about $2.50 each and occupy but little space. They are operated chiefly in dwelling houses, and produce textiles of cotton, silk, and silk cotton mixed. More than one-half of these looms are engaged on cotton goods.

The present number of looms and operatives of the kind mentioned is about the same now as when Mr. Gouderau made his report.

Alfred B. Stephenson, in his article on "Cotton manufacture in Japan," in the volume Cotton Facts, edition of December, 1901, says:

> The extent to which weaving is carried on demonstrates even more forcibly than the mill statistics the importance of the cotton manufacturing industry of Japan. Only about 60,000 bales of cotton are grown in Japan.
>
> I think Japan's exports of cotton manufactures will continue to increase when trade is fully resumed with China. The labor cost of the manufactured product is greater in proportion as the quality of the manufactured product advances, and the cheap labor of the Japanese mills would undoubtedly give them a great advantage over countries in which labor is dear.

CHINESE V. JAPANESE COTTON YARN.

Consul Miller sends from Niuchwang, August 19, 1901, a clipping from the Japan Weekly Times, as follows:

"JAPANESE COTTON YARN'S RIVAL.

"While our yarn is quoted at a considerable price in the Chinese market, owing to its excellent quality, a powerful rival in the form of the Shanghai yarn has begun its career. At present the only Chinese market where Japanese yarn is reigning supreme is that of Hankau, while its rival is steadily gaining ground in various places in North China, in Niuchwang especially. At Chinkiang the Indian yarn has been much in demand, but of late it has, in a manner, been replaced by the Chinese yarn.

"It is said that the Shanghai yarn is not only pretty good in quality, but it sells at a comparatively low price, so that when sufficient improvements are made it may command the cotton-yarn market in China in the not distant future. In short, the Shanghai yarn is now beginning to be the 'rage' all over the Celestial Empire, and the result will be most painfully felt by Japan."

"Inasmuch," says the consul, "as the United States supplies a large amount of raw cotton for Japan and does not export it to China, this change in the markets for Japanese cotton yarn is of considerable interest to our cotton exporters."

According to the Financial Annual of Japan, No. 1, issued by the department of finance for 1900, factory operatives receive from 8 to 15 cents per day; carpenters, 28 cents; tailors, 23 cents; plasterers, 28 cents; stone masons, 33 cents; shoemakers, 25 cents; blacksmiths, 26 cents; compositors, 20 cents; farm hands, 15 cents; male weavers, 20 cents; female weavers, 13 cents; day laborers, 19 cents; servants, per month, $1.65, and maid servants, $1.07 per month. Children receive 3½ cents per day. All operatives work from eleven to twelve hours per day.

Mr. HALE. In what currency is that paid?

Mr. DUBOIS. That is in silver currency.

They have in Japan the raw material out of which to manufacture almost all of their products, and when they have not, with few exceptions, the material is near at hand. For their wool they can go to Australia or to the Mongolian plains of China.

With their vast deposits of coal and iron, both in China and Japan, it will not be long before they will manufacture all the products of iron.

They import their cotton, and a good portion of this comes from the United States. For the seven months ending January, 1902, there were exported from the United States to Japan 64,266,000 pounds of cotton, or 121,578 bales, valued at $6,564,587.

The Japanese get their machinery for their different factories from Europe and the United States, but it will not be long before they will manufacture their own.

With this condition of affairs in Japan how chimerical and utopian it is almost for us to talk about our great trade in the Orient. The Japanese understand the needs and tastes of the oriental people, and with their skilled mechanics and cheap labor they are already supplying not only their own people, but are sending goods into China and other oriental countries. We can not compete with them in these markets.

They are raising some cotton in Japan, and no doubt will go more extensively into this production.

The industrial development of Japan during the past twenty-five years, starting from nothing, ought to be a sufficient object lesson to convince us that extended trade with the Orient is an idle dream.

Now let us turn to China.

China is about one-third larger in area than the United States and has about six times as many people. China has great resources and is well supplied with agricultural and mineral wealth. The alluvial lands produce cotton in large quantities.

Consul Covert, in his report to the State Department under the date of December 6, 1897, as quoted from the Treasury Bureau of Statistics, December, 1899, page 1651, says:

> The Commission sees a great agricultural future in store for Tonkin, Cambodia, and Cochin China. The exceedingly rich soil is capable of producing incalculable quantities of cotton. Of the 5,000,000 acres of cultivable land in Cochin China, only 1,700,000 acres have been cultivated.

Tobacco is grown in many of the provinces, and sugar is grown with considerable success in the southeast.

The coal fields of China are very extensive, and the quality of the coal is good. The deposits of coal in Shansi are said to be the most extensive in the world. They extend over many thousands of square miles and could supply the world all the coal it could use in thousands of years.

Iron deposits are as extensive as coal, and lead, tin, mercury, and copper are found. Gold is mined in Manchuria and is found in some of the southern provinces.

The Chinese are the most industrious workers in the world, and when working can exist on what a white man would starve.

The Chinese have always been very conservative. They have always been opposed to railroad building, and to the opening up of their country to foreigners, and to the development of their own resources. Foreign nations are now vying with each other to arouse the nation to industrial activity. Many railroads are projected.

There was but little commercial intercourse between China and the outside world, and none at all to speak of with the United States, until after the war between China and Japan.

Modern commercial methods began with the treaty between China and Japan in 1895, made at Shimonoseki, at the close of the war between these nations, which was followed by a commercial treaty in 1896. These treaties opened the waters of the principal rivers and canals to the citizens of other nations, allowing all foreigners the right to buy and sell in the interior of China, to engage in manufacturing in treaty ports, and also to bring in all kinds of machinery.

This marked the beginning of the commercial awakening of China. The railroad from Pekin to Teintsin was completed by the Chinese Government. Arrangements were made for the construction of railroads by foreign capital. Telegraph lines were constructed. Electric roads, electric lights, and telephones were introduced in the principal concession towns. Mining and manufacturing concessions were granted. The effect of this was the establishment of factories and business houses, the building of railroads, the multiplication of steam navigation lines, and the opening up of iron and coal mines, which are said to be the largest in the known world.

There has been a rapid development in the manufacturing industries of China in the past few years. There has been an enlargement of factories and an introduction of modern machinery, especially for the manufacture of cotton goods. Already cotton manufacturing is a very important industry. Shanghai has three foreign-owned cotton mills worked by Chinese labor.

The North China Herald publishes a list of the cotton-spinning factories in central China which are chiefly owned by Chinese, which shows that 378,052 spindles were running and 525,252 projected.

I will present a table, without reading it, showing the present status of the cotton-spinning industry of central China, taken from the North China Herald of January 28 last:

Cotton spinning in central China.

	Spindles.	
	Projected.	Running.
MILLS IN SHANGHAI.		
	Number.	*Number.*
The Ewo Cotton Spinning and Weaving Co., Limited	100,000	29,600
The Laou Kung Mow Cotton Spinning and Weaving Co., Limited	25,000	25,000
The International Cotton Manufacturing Co., Limited	45,000	34,000
The Soy Chee Cotton Spinning Co., Limited	40,040	40,040
The Hua Sheng Chong Cotton Cloth and Yarn Co	65,000	65,000
The Ta Sheng Chong Cotton Cloth and Yarn Co	25,000	25,000
The Yah Loong Cotton Spinning Co., Limited	20,000	16,000
The Chinese New Cotton Spinning Co	15,000	15,000
The Yu Yuen Cotton Mill	40,020	40,020
	375,060	289,660
MILLS AT OUTPORTS, ETC.		
Tung Kau Yuen Mill, Ningpo	10,000	10,000
Hupeh Government Cotton Mill	30,000	30,000
Wuchang Cotton Mill	50,000	20,000
Soochow Cotton Mill	30,000	18,200
Wusieh Cotton Mill	10,192	10,192
Hangchow Cotton Mill	20,000	
Total in central China	525,252	378,052

All the employees of these factories are Chinese men and boys. Females do not work in the factories of China at all. In this respect they differ from Japan, where girls are employed in large numbers.

I myself went into a cotton mill in Hankau, on the Yangtze River, about 800 miles above Shanghai, and saw 2,500 men and boys employed.

Woolen mills are springing up on all sides, and the wool can easily be secured from Mongolia, where there are immense flocks of sheep.

Some cotton is exported from our Southern States to China. About 10,500 bales were exported in the year 1899–1900; but China itself is a cotton-producing country, and with their surplus labor and millions of acres of fertile alluvial lands it is certain that they will not only produce cotton for their own use, but for Japan and the balance of the Orient as well. If Japan can not supply China with what it needs, China, if aroused to commercial activity, can supply itself.

Consular reports and the reports of others familiar with the labor conditions in China show that the rate of wages of laborers range from 3 to 10 cents per day. Skilled laborers receive from 18 cents to 22 cents per day. The 2,500 men employed in the cotton mill at Hankau, which I visited, received $1.75 per month as their wages and boarded themselves. Consul Gracy, of Fuchau, in his report in 1897 said that cooly labor could be hired for 7 cents per day or $1.50 per month. Good mechanics receive from 10 to 15 cents per day in gold or 20 to 30 cents in silver. The official reports of the State Department for 1895 give the wages of barbers at 3 cents per day; tailors, 10 cents; carpenters, 11 cents; cabinetmakers and blacksmiths, 13 cents; brass workers, 16 cents; cotton factory hands, 18 cents, and cotton mechanics and machinists, 21 cents.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. DUBOIS. I do.

Mr. SPOONER. I suggest the absence of a quorum.

Mr. DUBOIS. I would not do that.

Mr. SPOONER. No; the Senator would not do it, but I do.

The PRESIDING OFFICER. The Senator from Wisconsin suggests the absence of a quorum.

Mr. HALE. I hope the Senator from Wisconsin [Mr. SPOONER] will insist on his demand for a quorum. The speech the Senator from Idaho [Mr. DUBOIS] is making ought to be listened to by every Senator in the body. It has more real facts of importance in it than almost any speech that has been delivered here.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dubois,	Kittredge,	Pettus,
Bacon,	Elkins,	Lodge,	Quarles,
Bard,	Fairbanks,	McComas,	Quay,
Bate,	Foraker,	McEnery,	Rawlins,
Berry,	Foster, Wash.	McLaurin, S. C.	Simmons,
Beveridge,	Gallinger,	McMillan,	Simon,
Burnham,	Gamble,	Mallory,	Spooner,
Carmack,	Hale,	Martin,	Teller,
Clark, Mont.	Hansbrough,	Mitchell,	Tillman,
Cockrell,	Harris,	Nelson,	Warren.
Culberson,	Heitfeld,	Patterson,	
Dillingham,	Kearns,	Perkins,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho will proceed.

Mr. DUBOIS. Mr. President, I appreciate the fact that the day is sultry; that the debate has been continuous, and that I am making what I hope is an argument—and arguments are always more or less dry. All these things being taken into consideration, I do not wonder that Senators do not care to stay in the Chamber all the time. It is not any personal reflection at all.

Mr. SPOONER. Everybody knows that.

Mr. DUBOIS. I appreciate the kindly word of the Senator from Wisconsin.

I can not share with the enthusiasm of our people who are looking to great trade in the Orient, when as a necessary concomitant of that trade we must stir up China to active industrial competition. They are as skillful as the Japanese, and more industrious than any people on the face of the globe. Under the tutelage of Americans and Europeans they learn to manufacture anything as well as anybody. It seems to me that we are stirring up a great competition with the white laboring classes of the world which must inevitably make the outlook for the laboring man dark and foreboding. There is nothing these Chinese want which we produce, and in a very few years, with their iron, coal, minerals, wool, cotton, and their extensive agricultural lands, they will not only produce everything that they want for themselves, but they will flood the markets of the world with their surplus products. They have the resources, the ability, and the labor, and they are so trained—through centuries of privation and endurance, through centuries of struggle for a bare existence—that no labor can compete with them.

The fact that the exportation of flour from the United States to China and Japan has very largely increased during the past several years has misled many of our people, especially on the Pacific coast, into believing that our trade generally with the Orient would be of great advantage to all sections, and especially to the Pacific coast. This is another idle dream. The Chinese have learned that flour is very nutritious and that it takes the place of a variety of food products, and they will raise all they want for themselves, and more too. Their country is peculiarly adapted to wheat raising, and the only reason they have not raised it before is that they did not know the value of it. They not only can and will raise enough wheat for themselves, but soon they will supply the balance of the Orient with their flour. When once a Chinaman finds out, no matter where he is, whether in the Philippines, the United States, Europe, or China, that any enterprise is a profitable one and he can engage in it he will proceed at once to devote his energies to that enterprise. He has found out that flour is a good thing, and he has the labor and the lands and will proceed to raise wheat. I quote from report of Harry B. Miller, United States consul at Chungking, December 29, 1900:

Wheat is grown to some extent in nearly every section of China. It is grown more extensively throughout the northern and western than in the central and southern portions, and in the north and west it is generally used for food. In these sections the grain is ground in small stone mills operated by hand or animal power and in some places by water power. Throughout the north each family owns its own mill and grinds its own flour. A small stone mill is a part of each farmer's outfit.

The tall millet, growing to a height of 20 feet in some places, does not produce much food per acre, perhaps not more than a fourth as much as

wheat; but the stalk is a necessity as a fuel, and it is grown largely for that purpose. The grain is used for animal as well as for human food.

If the Chinese get to using coal, instead of vegetable growths, for fuel, this great area of country, now given up to tall millet, will no doubt be given over to wheat growing; and as this section produces a good quality of wheat, it may be within the possibilities that China will produce the grain to supply most of her flour.

It is a very common misunderstanding of the agricultural and horticultural resources of China to believe that their full possibilities of food production have been reached.

Although agriculture is more highly developed than other industries, its full capabilities in food production are far from being realized. It is conceded that the northern part of China produces the best wheat, and it is claimed that it is as good as the average raised in the United States.

TRANSPORTATION OF GRAIN.

The vast water ways (rivers, creeks, and canals) covering such a large area, reaching in many sections almost every 40 acres of land, with the cheap labor engaged in transportation, make the carrying of grain an insignificant factor in its cost at the mill, and provide every means for its cheap distribution.

PLANTING, HARVESTING, AND THRASHING.

The greater part of the wheat is winter wheat planted in the fall. It is not sown in large tracts as in the United States, but planted in small lots of a fraction of an acre. It is in many cases planted by dropping about three grains in a hole and putting a few ashes in each hill. It is hoed and weeds are pulled out by hand. When ripe, it is cut close to the ground or pulled out by the roots.

The thrashing is done by flails on the ground. The grain is gathered up, with a large percentage of dirt, and sold without being cleaned, so that the dirt adds much to the quantity. Another method of thrashing is to whip the grain over a row of sticks placed on a box.

The wheat is not cleaned before it reaches the mill, and when ground in the native mills much of the dirt is ground into the flour, so that it is gritty. All native mills are of small capacity, made of stone rollers over a stone base, and the product is a coarse, dark, and dirty flour. These mills are generally operated by animals, such as are used in that particular section of China.

There are no good modern plows or agricultural machinery anywhere in China, and animals are little used in proportion to the work done. Hand labor is employed in growing, harvesting, thrashing, and transporting grain to market.

WHEAT PRICES AND WHEAT PESTS.

The usual price paid for wheat delivered at the mills is $2.20 Mexican ($1.10 gold) for 133⅓ pounds.

A large amount of the wheat is found to be injured by weevil, or something like it, that eats out the inner part of the grain and leaves the hull.

FLOUR MILLS IN CHINA.

There have been 3 modern flour mills constructed in China—1 at Tientsin, which was recently destroyed by the Boxers, and 2 at Shanghai. One of the Shanghai mills is furnished with English machinery and has a capacity of 250 barrels per day. This mill is now in operation.

AN AMERICAN FLOUR MILL.

The increasing production of wheat in this part of China and the corresponding rise of a new industry is undoubtedly one of the signs of the advancement of Western ideas among the Chinese people. In the center of the great rice-growing region it is not a little astonishing to find that Chinese enterprise has seized so promptly on wheat as an article of food. The idea of the promoters of the flourishing and beautifully constructed Fou Foong flour mill, beyond the end of the Markham road, is, of course, to supply the foreign communities of northern China with flour which fully equals in quality the imported article.

The Fou Foong is the first modern American flour mill in China, and has been fitted by the Edward P. Allis Company, of Milwaukee, under the personal supervision of that company's representative, Mr. F. G. Morse, of Minneapolis. Its location is on the Shanghai bank of the Soochow Creek. It is a four-story stone and brick building of very pleasing exterior and thoroughly American in appearance and style. The main building is 72 feet long and 40 feet wide. A separate house, 40 by 40 feet, with two large godowns and a handsome, commodious structure alongside for the manager and head miller, completes the building equipment. The appliances for the numerous processes through which the wheat passes until it emerges in snowy flour are of the most modern description.

The mill has 8,000 bushels capacity, and can easily turn out 1,200 sacks of flour of 50 pounds per sack per day.

The power plant consists of a magnificent Corliss engine (Reynolds patent) of 200 horsepower, made by the Edward P. Allis Company, steam being supplied by two large tubular boilers, one large belt condenser, one duplex boiler feed pump. Lighting for night work is furnished by a Sprague electric dynamo.

The entire mill was erected by Mr. Morse with only unskilled cooly labor to help him. The flour turned out is of splendid quality, and we have not seen better or whiter bread than that made from the Fou Foong flour.

This mill turns 75 per cent of the wheat into flour; 84 per cent of this is first-grade patent flour and 11 per cent baker's grade. The grain used is red winter wheat.

The bran is sold for $80 Mexican ($10 in United States currency) per ton, and goes to Japan to be used as a fertilizer.

HENRY B. MILLER,
Consul at Chungking.

SHANGHAI, *December 29, 1900.*

Also the following from the same writer in regard to Manchuria:

GRAIN FOOD IN MANCHURIA.

Wheat.—This is considered a good wheat country and a quantity is grown and sold, and some little is exported from this port; but the staple food is millet. The natives in grinding wheat produce two grades of flour. One tou (48 pounds) of wheat produces 17 pounds of white, or first-grade flour, and 18 pounds of yellow, or second grade, making 35 pounds in all. Native wheat sells at 2 to 2.25 cents (0.9 to 1.1 cents) a pound, and the flour from 3.5 to 4 cents Mexican (1.7 to 1.9 cents) per pound at retail.

Foreign flour.—This has never been very extensively imported for native use until last year, and then it entered because of troubles in the interior that kept the natives from securing their usual food supply. This year the importation has fallen off to a small quantity. The retail price of foreign flour is the same here as at Shanghai, ranging from $1.70 to $1.90, Mexican (83.3 cents to 86.1 cents), per 50-pound sack. Chinese flour, ground from Chinese wheat in the modern foreign style—roller process—at Shanghai sells here for $1.60 Mexican (78.4 cents) per sack; considerably less than American flour. The native flour brings a higher price than foreign flour, and is for most purposes preferred by the natives, because it is more sticky or tenacious.

I could read many more extracts from reports from our consuls in Asia and from consular reports from all parts of the world which are valuable. It makes no difference what the politics of our consuls in Asia may be, you will find no encouragement in their reports for profitable trade for the United States between the United States and the Orient. The tenor of their reports is sufficient to justify the statement that the Orientals not only can produce and manufacture everything they want, but when stirred into activity will have a surplus to send to the markets of the world, where they will be in competition with the products of white labor.

My fears of Chinese competition are shared by others much more competent to speak than I. I quote the following from a book published in London two years ago, written by Alexis Krausse, entitled "China in Decay:"

What will be the share of China in the world's history, when split up into segments? She, who has held half of Asia as a suzerain power, will have become resolved into a series of dependencies. What is the future in store for the 400,000,000 of people who to-day offer the finest opening for trade with the West that has ever been known?

The question is an absorbing one, and suggests material for study which may startle the student. What will happen when this people, able, energetic, imitative, and industrious, learn to follow the example set by Western nations and take to manufacturing goods and raising produce at a cost which, while it will pay them, will not find a Western laborer in bread? How will it be when China supplies the world with manufactures at a tithe the cost of their production in Western countries? What will become of our Chinese trade when the Celestial supplies his own requirements and undersells his teachers in his own markets? For whatever the fate of China, the people will remain, with their marvelous resources and adaptability, and they only need the education and training we are endeavoring to give them in order to hold their own against the world.

I will also quote the following:

ASIATIC COMPETITION IN THE GREAT MANUFACTURING INDUSTRIES.

Consul-General Jernigan, writing from Shanghai to the State Department, discusses the question of Asiatic competition in the great manufacturing industries of the world as follows:

"The influence of the cheap labor of Asia and its products upon future prices has become a subject of international importance, but the products of this labor in China in its competitive bearing upon the products of American labor is of more interest to us. The American laborer is very properly protected against the competition of the Chinese laborer on American soil, and such protection in no sense discredits the industry of the former; but whether the products of the Chinese laborer will seriously compete in American markets with the products of the American laborer is more the question of the hour.

"In this report I have indicated the belief that competition is not so much to be apprehended in our home markets as it is in the markets of China for our home products, and the plain facts would seem to justify the belief. There has been and is now a valuable demand in the markets of China for the products of British and American looms, but when the desired quality of cotton goods at present imported from Great Britain and the United States can be manufactured in China from the products of her soil, it is unreasonable to expect the importation from foreign countries to continue in such large quantities; and when the products can be produced in necessary quantity on the soil of China and at a far cheaper price, as well as manufactured in China also at a far cheaper price, it is no longer a question that cotton made and manufactured in China will supply the demand of Chinese for cotton goods.

"It will: and it therefore follows that the competition will first begin in the markets of China. The prices—elsewhere given in this report—paid a Chinese laborer are starvation prices to the American laborer, but the price of Chinese food is in proportion to the price of Chinese labor, and the money is received and the food eaten with contentment. Another consideration tending to cause this competition to be more energetic is that the machinery in the cotton mills of China is of the most improved pattern, and that quality as well as the quantity of the cotton goods will enter into the competition. It is certain that there can be produced in China a much superior grade of cotton to that now produced, and with improved machinery Chinese cotton mills will be able to supply the demand for a finer quality of cotton goods, as they are now supplying the demand for the more inferior quality."

Some of our Southern friends seem willing to forget everything else connected with the colonial policy and our trade in the East because of the fact that the Southern States now are selling about $6,000,000 of raw cotton to Japan each year and about $500,000 of cotton to China. It is plain that this demand for raw cotton in these countries will steadily diminish if we teach those people the art of trading. And what is to become of the manufacturers? It is absurd to discuss the feasibility of our sending manufactured cotton goods into that country, and it will be but a short time before our manufactures are confronted in every market of the world with the goods produced by China.

Mr. BEVERIDGE. Will the Senator from Idaho permit a question?

Mr. DUBOIS. Certainly.

Mr. BEVERIDGE. I should like to ask the Senator whether it is not a fact that as the cotton mills in China have increased, the cotton importations into China from America have also increased instead of diminished?

Mr. DUBOIS. It would not make a particle of difference what sort of an answer I made so far as concerns the contention I am trying to make.

Mr. BEVERIDGE. I do not want to interrupt the Senator——

Mr. DUBOIS. No answer I could make would at all disturb the line of argument which I am pursuing.

Mr. BEVERIDGE. I understood the Senator's argument, and I have been deeply interested in it——

Mr. DUBOIS. My argument is that they will produce it themselves.

Mr. BEVERIDGE. Yes; I understood the Senator's argument

to be that as cotton machinery in China increased, necessarily they would more and more supply their own demand, and therefore our imports into China, instead of increasing, would diminish. That is the argument of the Senator, is it not?

Mr. DUBOIS. No, sir.

Mr. BEVERIDGE. Then I have misapprehended the Senator.

Mr. DUBOIS. My argument is that the Chinese and the Japanese could raise sufficient of this stuff not only for their own consumption but to supply other nations.

I am supposing all of the time, of course, in my argument that these gentlemen who talk so flippantly in regard to our great trade in the Orient mean what they say, and intend to teach the people of the Orient to manufacture goods and to produce articles through the exchange of which they can trade with us. They can not trade with us. They have not any money. How are they going to trade with us except through an exchange of goods? Once arouse their activity and demonstrate to them the advantages of trading, the advantages of manufacturing, allow foreigners to develop the country, and China will expand as quickly and to a much larger extent than Japan. You will find after a lapse of twenty-five years the same condition in China as exists in Japan, that not a white man will be employed in any of the different enterprises.

It may be of interest to make a statement in regard to the cotton industries of the world. In closing this portion of my subject I wish to state that in 1901 the number of working cotton spindles in the United States was 20,000,000, of which 14,000,000 were in the Northern States and 6,000,000 in the Southern. Of the 20,000,000 spindles now operating in the United States the New England States have 76 per cent. In 1890 Massachusetts had 41 per cent of all of the spindles of the United States, and the proportion has not been very greatly changed since then.

On August 1, 1900, there were over 1,000,000 cotton spindles in operation in Japan. I can not get accurate statistics, but believe there are not less than 500,000 spindles in operation in China. It does not take a wizard to foretell that the spindles in Japan and China will increase tremendously, and all the time to the detriment of our own spindles, especially those of the New England States. I do not wonder that, dealing with this question purely as a commercial one, the people of Massachusetts are not enthusiastic for oriental trade and development.

The cotton mills of Japan in 1901 used 81,178 bales of Chinese cotton.

If I have raised a doubt in the mind of any Senator that there can be profit to the United States in trade with the Orient, I believe I can satisfy such Senator that there can be no hope of profitable trade relations with the Orient or the Philippines if we hold the Philippines and manage and exploit them as contemplated in the bill now under consideration. A few individuals may reap a profit, but it will be at an enormous expense to the people of the United States, and especially to the laborers and manufacturers and farmers.

In discussing the Philippine question we are met at the threshold with the statement that those who do not want to hold these people as a colony are in favor of "scuttle." The word "scuttle" is used as an offensive epithet. I have taken some pains to look up the derivation of the word; also the meaning. The intransitive verb "scuttle" means to run hurriedly—to hurry. I think the opponents of this bill, the opponents of the imperial policy, are in a hurry to abandon it. "Scuttle," the noun, is a quick pace. I take the first definition. Webster gives the definition of "scuttle," transitive verb, to cut a hole or holes through the bottom or sides of a deck of a ship; to cause a ship to sink by making holes in the bottom.

I imagine that those who apply the word "scuttle" to us as a term of reproach do not mean this definition. We surely do not want to sink the Philippine Islands. On the other hand, we want to remove our deadly pressure so that they may rise. There are many other definitions of "scuttle," as, for instance, the noun "scuttle" sometimes means a small opening or hatchway in the roof of a house or deck of a ship; also a lid closing such a hole.

This, of course, can have no significance as the imperialists apply the word to us. "Scuttle," the noun, is also defined: First, a metal vessel for holding coal—called also a coal scuttle or hod; second, a form of swabber used by bakers in cleaning ovens; third, a flat, shallow basket or dish—platter. This does not apply, of course.

They must mean in the use of the word "scuttle," which they apply so freely, the intransitive verb "scuttle," which means "to hurry." As far as I am concerned, I am content to have that definition apply to me, for I am in a hurry, in the interest of the American people, to get away from the Philippine Islands, believing that no good, but tremendous harm, must come to the American people if we remain there.

Turning to the majority bill again, we find that the public lands are to be sold to corporations and syndicates in tracts of 5,000 acres. It will not be difficult for any syndicate, if they so desire, to control 100,000 or 1,000,000 acres.

I imagine that many Senators have no idea of the vast extent of public lands in the Philippine Islands. It is not disputed that there are about 72,000,000 acres all told, and 5,000,000 acres only are owned by anybody. The balance are public lands. Of these 67,000,000 acres of public lands it is clear to my mind that at least 40,000,000 acres are agricultural lands. The testimony varies as to the proportion of these public lands which are agricultural, but no one has put it less than 50 per cent, or some 35,000,000 acres. I should think that there are nearer 50,000,000 acres than 35,000,000 acres. The soil is exceedingly rich.

Allow me to institute a comparison in order to make clear how much land 40,000,000 acres represent.

The number of acres of farm lands in Massachusetts is 3,147,064; in all the New England States the number is 20,548,999, as follows, by States:

	Acres.
Maine	6,299,946
New Hampshire	3,609,864
Vermont	4,724,440
Massachusetts	3,147,064
Rhode Island	455,603
Connecticut	2,312,085
Total	20,548,999
California	28,828,951
Oregon	10,071,323
Washington	8,499,297
Idaho	3,504,903
Montana	11,844,454
Utah	4,116,951
Wyoming	8,124,536
Colorado	9,474,588
Nevada	2,565,647
Total	86,730,655
Nebraska	29,911,779
Kansas	41,662,970
South Dakota	19,070,616
North Dakota	15,542,640
Total	106,188,005
New York	22,648,109
Pennsylvania	19,371,015
Illinois	32,794,728
Indiana	21,619,625
Iowa	34,574,337
Total	131,007,812

From this comparison you can gain some idea of the immense acreage of these lands which capitalists under this bill are invited to take. The only answer which is made when the iniquities of this bill are pointed out, which allows corporations to acquire these immense tracts of land, is that capitalists will not go there and develop and exploit these lands. I have heard Senators on the other side say that if they thought they would, they would oppose this feature of the bill.

Our American capitalists have taken immense tracts of land in Cuba for sugar-raising purposes since the Spaniards were driven out, and they own all of the available agricultural lands in the Hawaiian Islands, which they use for sugar production. Being familiar with the rich soils of the Philippine Islands, it seems to me that capitalists will take advantage of this opportunity and will rapidly take up and cultivate these lands for the raising of sugar, tobacco, cotton, and the natural and exclusive products of the islands.

If they will not do this, and the Senators are right who say they will not, why not strike this provision out of the bill allowing syndicates and corporations this tremendous privilege. It is plain to me that we are deliberately inviting and encouraging a tremendous production of cane sugar in that country, and encouraging a production of cotton and tobacco.

A part of my argument has been on the assumption that corporations would enter the Philippines, obtain vast tracts of land and exploit the country. They would be induced to do this by the large profits that will accrue to them. I now desire to show that one big corporation has been doing this already, and that it has made large profits by its undertakings, especially in the cultivation of sugar.

I obtain my information from a protest of the Philippine Sugar Estates Development Company, Limited, against the sale of their possessions to the Government, accompanied by reports regarding the value of the land. This protest is found in "Hearings on the Philippines," commencing on page 2353.

The report and protest were made December 9, 1901.

This company owns 8 plantations in the Philippine Islands—3 in Cavite Province, 3 in Laguna, 2 in Bulacan, and 1 in Bataan—purchased from the Dominican friars, paying therefor 3,830,000 pesos, or $1,915,000.

Mr. Richard Andrews afterwards succeeded in organizing a French company with a capitalization of $2,000,000. Mr. Barry Baldwin, the Manila representative of a leading commercial firm of the United States, agreed, on behalf of his firm, to place $100,000 in the shares of this company.

It is now called the "Philippine Sugar Estate Company, Limited," the object of which is to cultivate these 8 plantations, representing about 140,000 acres of land, including land devoted to other purposes besides sugar culture.

They protest againt the sale of these lands to the Government to be parceled out among the tenants, and use as an argument the immense profits accruing and to accrue from the cultivation of these lands.

The report says:

The estates acquired by the company are without doubt the richest and the most valuable property in Luzon.

It further says:

The quality of the land, its cultivation and the products which could be derived from it, the increase in area of productive lands, which would be gained by extending the important system of irrigation established by former owners, the cultivation of land never before cultivated, methods in handling field hands and mechanics, would so increase the present value of the plantations that it is difficult for the company to calculate what price should be put upon them by the least grasping of all who have looked into the matter. It must be remembered that those who have bought stock have done so in the hope of making large profits from the projected development of the plantations as planned in the report referred to.

The lands are devoted principally to the culture of rice and sugar.

To show the wonderful productiveness of these lands, the report states, page 2364, that 2½ acres were measured off and planted in the usual way in cane. It produced 12,775 pounds of raw sugar, valued at $273.75. Deducting all expenses, it left a net profit of $45.50 per acre. The report shows further that in the estates of Calamba, Santa Rosa, Binaan, Naic, and Santa Cruz there are cultivated 37,931 acres, 22,000 acres of which, in round numbers, produce 37,000 tons of sugar annually, valued at $1,586,268, and an additional 12,190 acres, that can be turned to sugar-cane culture with excellent results. This makes in all 50,121 acres in these provinces which would yield an annual profit according to the above estimates of $2,280,505.

The report goes on to say that in only three of the estates situated on the Laguna there are 45,000 acres excellently suited to the culture of sugar cane. "Supposing," it says, "that of this number only 30,000 acres were kept constantly under the culture of sugar cane and the balance of 15,000 acres kept for the supply of alternate plantings to give the land time to rest, the 30,000 acres under constant production would give a result annually of 75,000 tons of raw sugar of a market value of $3,285,000 at the rate of $42.86 per ton. Deducting all expenses of planting, labor, milling, etc., the result leaves a profit of $1,369,000."

The report says:

This result could be easily doubled by a systematic and scientific farming by using European plows, helping the ground with fertilizers, and extracting all the juice from the cane by modern machinery.

There are other corporations owning large tracts of land and all apparently making large profits.

The yield of sugar is so great in tropical countries that we can not compete with them in this country if their acreage is greatly increased. The tropical countries can and will, in my opinion, supply the sugar of the world if white capitalists enter actively into this industry.

The average production of sugar per acre in Louisiana is from 1 to 1½ tons, or from 2,000 to 3,000 pounds. Texas is slightly under Louisiana. The average per acre in Porto Rico is about 4½ tons, or three times that of Louisiana. The average production in Cuba is about 4 tons. The average production in Hawaii is about 4 tons, running as high as 11 tons per acre on one large plantation, which is in a high state of cultivation and where the most modern methods are used for extracting the sugar. Before the war between the Philippines and the United States the normal crop of sugar in the Philippines was about 250,000 tons.

General Taft estimates this year's crop at from 175,000 to 200,000 tons. I think he is wrong about this, as from the best information I can gather the crop was only about 75,000 tons last year. There is no way to find out the average production per acre. The methods used for treating the cane are primitive and the extraction low. With our machinery the output per acre will be at least doubled, and I think it is no flight of the imagination to say that the number of tons per acre which will be raised when white men engage in the occupation will equal that of Hawaii.

The following will show the sugar tonnage exported from the Philippines:

Year.	Pounds.	Long tons.
1861	118,975,780	59,487
1871	195,920,760	97,960
1881	470,760,080	135,375
1890	585,801,440	*292,400
1897		105,000

*More than Hawaii, which produced 243,470 tons in 1899. Hawaii, however, produced 308,450 tons in 1901.

German Consul Paasche, writing in 1888, placed the area in sugar in the Philippines at 58,172 hectares, equal to 143,685 acres.

The sugar industry in the Philippines, with a few exceptions, is in a very low stage of development.

Soil and climate are excellent, but mode of cultivation and method of extraction are primitive and wasteful.

In the island of Negros alone, where the soil is volcanic, like Hawaii, and especially adapted for sugar, only one-fifth of the cultivable area is said to be under tillage. In that island 13,786 hectares, or 33,350 acres, are in sugar. One hundred and seventy thousand two hundred and fifty-seven acres are susceptible to the sugar industry on this island alone. Properly cultivated, with 25 tons of cane to the acre and only 250 pounds of sugar from 1 ton of cane, the crop of Negros alone would amount to 106,400,000 pounds, or 475,000 tons, of sugar.

A writer, speaking of sugar possibilities in the Philippines, says:

With the application of rational methods of cultivation and improved technical processes of production (i. e., extraction) there is good reason to believe that the Philippine Islands may approximate the position held by Java in the international sugar market.

In 1900 Java produced 710,150 tons. Java produces 3.82 tons per acre, as against 1½ tons for Louisiana.

The Taft report of November 30, 1900, page 58, says:

Agriculture is in its infancy here, and the tools and machinery in use are for the most part crude in the extreme. While there are some steam sugar mills in Luzon and Negros, yet the machinery employed is out of date when compared with that in use in Hawaii. In very many instances cane is still crushed between stone and wooden rollers turned by draft animals. If sugar can be advantageously grown and marketed with such machinery and methods as are at present employed, it is certain that profits would be enormously increased were thoroughly modern machinery and methods introduced.

In the Schurman-Dewey-Denby-Worcester Commission report, December 20, 1900, page 246, we find this:

In the Philippines the cultivation of sugar cane is generally carried on with little care and intelligence, and this is one of the reasons why the quantity and quality of the crop has diminished.

In the report of the Philippine Commission to the President, volume 4, 1900, pages 51–52, we find this:

In the manufacture of sugar the best methods are not generally employed. The natives extract the juice by means of mills of stone, wood, or iron, these being called apiches. The juice is then collected and boiled in (open) kettles, a little lime being added to purify it. When the boiling has reached a certain point, which is recognized by an expert, it is passed into another kettle, where the boiling is continued until it reaches a certain temperature. It is then poured into conical molds, which are placed upright so that the molasses may drain off. These molds are placed over small jars, where they remain until the sugar has formed, it being then free from molasses. It will be seen, therefore, that there is great opportunity for improvement in these methods.

From same report, page 12:

From 1889 to 1893 the average sugar exportation from the Philippines amounted to about 11,570,000 pesos per annum; about $6,950,000.

In the same report, page 553, we read, concerning sugar in the island of Negros:

Some of the planters say that there are large tracts of fine sugar land belonging to the government on the southeast and northwest coasts. Negros is considered the best sugar country of the entire archipelago.

The sugar crop is of more value than all of the other products of the island combined. The yield of sugar is from 1½ to 4½ tons per acre, under the most primitive methods. The lesser amount is from some of the older plantations along the coast which have been cultivated for nearly thirty years. On these the yield was said to be double that mentioned at first. Even on the best-equipped plantations little attention is paid to the saving in labor; the laborers have to carry the cane 10 feet and step up 3 feet to get from the truck to the moving table that carries it to the crusher.

The laborers get 6½ cents a day and only two meals of rice and maize, but when making sugar 12½ cents a day and three meals. It has been so easy to grow a profitable crop of sugar on this fertile new land that little careful study has been given the subject by most planters.

Planters spend their money in Manila or Hongkong having a good time, and they borrow money at from 12½ to 25 per cent. This is the old Cuban way also.

Beet sugar averages in the United States from 1 to 1½ tons, and sometimes as high as 1½ tons, per acre. The total beet-sugar yield in the United States for the year 1901–2 was 183,000 tons. The yield of Louisiana in 1901 was about 350,000 tons. The yield of Louisiana was nearly all of the cane sugar raised in the United States. So that the total of the beet-sugar and the cane-sugar crop in the United States was about 550,000 tons.

The production of sugar in Hawaii in 1901 was 350,000 tons. In 1897 the production was only 220,000 tons; so that in the four years since annexation and since American capital has, without incumbrance, exploited Hawaii the output has increased 50 per cent—from 220,000 tons to 350,000. If there was more available agricultural land in the Hawaiian Islands, with American capital and Chinese and Japanese labor, the output would continue to increase. The total production of sugar in Cuba for 1901 was about 800,000 tons. With American capital being invested largely in the sugar lands, we can look for a much greater increase from Cuba.

The total production in Porto Rico for 1899 was 60,000 tons.

The following table gives the sugar output of the United States and her possessions:

	Tons.
Cane sugar in the United States	350,000
Hawaii	350,000
Porto Rico	60,000
Philippine Islands (estimated)	125,000
Total cane sugar	885,000
Beet sugar in United States	183,000
Sum total of all sugar	1,068,000

The total amount of sugar consumed in the United States during the year 1901 was 2,372,316 tons. The United States proper produced in cane and beet sugar one-fourth of the amount consumed in the United States. It would not be difficult for us in a reasonable time to produce all the sugar we use in the United States, which would be an advantage to our own capitalists, farmers, and consumers.

We are starting in a path that will prevent this and be detrimental to every class of people in our country except the few capitalists who desire to go into the tropical countries and cultivate sugar with Japanese and Chinese labor to put in competition with the product of our country.

Beet sugar constitutes 60 per cent of the world's sugar crop. In 1901 the world's production of beet sugar was 5,510,000 tons and of cane sugar 2,908,000 tons. With the exploitation of cane sugar in the tropical countries by American capitalists our own cane-sugar and beet-sugar interests must inevitably be sadly crippled, if not destroyed.

There is another thing which may be interesting one of these days to our Southern planters and also to our manufacturers who see in the Philippines an imaginary place for "trade." In the report of the Philippine Commission to the President (1900), volume 4, page 11, we find these observations on cotton:

Some time ago cotton obtained some importance in the Philippines because it was the principal material of the domestic weaving industry, now reduced to very limited proportions on account of the competition of English and Spanish cotton cloths, which are imported to the amount of $2,500,000, and because of the tax on looms.

Spain did not want to encourage cotton weaving in the Philippines.

COTTON CULTURE IN THE PHILIPPINES.

From Report of the Philippine Commission, dated November 30, 1900, page 60:

These islands produced cotton in some quantity before the days of the Spanish Government tobacco monopoly, when the cultivation of cotton necessarily fell into neglect. It is now raised in a very small way in some of the northern provinces of Luzon, but tobacco is still the important crop of this region, and the people are slow to abandon an industry which is yielding them steady returns and embark in a new one with which they are not familiar, so that it is hardly likely that there will be much increase in the local cotton crop in the near future. It can be profitably woven into fabrics here, however, on account of the abundance of suitable and cheap labor, and the Commission is informed that there are several projects on foot for the establishment of extensive cotton mills in the islands, those interested intending to import raw American cotton.

Geographically, the Philippines lie about in the same degrees of latitude as the country south of the City of Mexico—south of the Isthmus of Panama. The northerly point in the Philippines is some 5 degrees of latitude south of the southerly point of Texas.

In Circular No. 17 of the Agricultural Department, dated May 15, 1899, the following is found on this subject:

Cotton occupies a peculiar position in the Philippines. It was the first raw fiber used locally in the manufacture of textile fabrics, but it has recently lost much of its former importance, partly because of the excessive taxation that has for some time been imposed on the textile industry of the islands, but principally because of the competition of British fabrics.

The cotton plants cultivated in the Philippines are chiefly of the herbaceous varieties. They yield a fine white staple of superior quality and strength. One variety, however, known under the name of cayote, produces a cinnamon-colored fiber. There is also a species called bubuy that grows like a shrub. The fiber it produces can not be employed in weaving, but is used for stuffing mattresses, pillows, cushions, etc.

Another textile plant that occurs is the amiray. This plant is found only on the Batanes Islands north of Luzon. It closely resembles ramie and yields a fine, white fiber of great tensile strength.

Various other fiber plants are found in the Philippines, such as the pita (a kind of aloe), the balibago, the dalanct, or nettle-tree, the pineapple, and the cabonegro (a species of palm tree), as well as many other varieties more or less unknown outside of the archipelago.

Professor Worcester (The Philippine Islands, page 505) writes:

A species of tree cotton grows wild on many of the islands. The fiber is too short to be of value for weaving, but it is used for stuffing pillows and the like. Before ripening its pod the tree sheds all its leaves.

Long-staple cotton was at one time successfully raised in Ilocos Norte, but its cultivation was discouraged by the authorities, who preferred to have the natives grow tobacco.

Senate Document No. 171, Fifty-sixth Congress, first session, says of "Coffee and cotton in the Philippines:"

Coffee and cotton were formerly produced in large quantities, the former for export and the latter for home consumption; but the coffee plant has been almost exterminated by insects, and the home-made cotton cloths have been driven out by the competition of those imported from England.

Witnesses before the Commission (vol. 2, first Philippine Commission Report, pp. 274 and 426) testified that cotton could be raised to good advantage, and named Ilocos Sur and Ilocos Norte and Norte Island as localities especially adapted to its growth.

As confirming the foregoing it will be found upon examination of reports from the islands that the value of cotton exported is but nominal, whereas the importation of cotton in its varied conditions have been as follows (see Philippine summaries):

Value of cotton goods imported in—	
1893	$5,866,819
1894	5,877,138
1899	4,600,488
1900	8,783,076
1901	7,110,319

We have not the slightest doubt—

Says Dr. Sam Martin, who has written a valuable little book on the cultivation of cotton in the Philippines—

that with a good choice of land, with the adoption of seed best adapted to the quantity and quality harvested, and with the use of American cotton-working machines, either worked by hand or motor, and without omitting anything essential, the greatest success would crown the work undertaken by cotton raisers.

And this, it says, would lead to factories in Manila.

There is not a question in my mind that China and the Philippines, when the one is aroused and the other exploited, will be as serious competitors to our cotton raisers of the South and manufacturers of cotton goods in the New England States as to our cane producers of the South and beet-sugar raisers of the West.

Manufacturing establishments will be erected in the Philippines under the encouragement of this majority bill. Factories will spring up as they have in Japan and as they are being created in China. These factories will get their raw material which is not produced in the islands from other countries. Woolen mills can secure their wool from China and Australia, and the cotton mills their cotton from the United States until it is produced in the Philippines and China, which, in my judgment, will not be long, and their other raw materials from the same sources from which the Japanese draw their supplies. It is not reasonable to doubt that they will manufacture not only for the trade of the islands, but also for China and the Straits Settlements.

It alarms me, even if it makes no impression on my Republican friends, to contemplate that they will produce woolen goods, cotton goods, and other articles which they will sell in our own markets, because their labor will be so cheap that we can not compete with them even when they pay the cost of transportation. It is not a good argument to answer that when we find they are manufacturing goods and putting them in competition with our own manufactures and underselling us that we can exclude them by our tariff laws.

I am aware of the fact that Congress and the Supreme Court has decided that we can levy a tax on goods coming from Porto Rico and the Philippines. It will not avail us, however, if we put the tariff so high as to exclude the manufactures and other articles produced in the Philippine Islands from the United States. We can not control the tariff laws of the other nations of the world, and these goods, manufactured by this cheap labor under experienced superintendents and foremen from America, will meet and compete with our goods in all of the markets of the world.

It does seem to me we can not escape the conclusion if there is industrial activity and manufacturing carried on in the Philippines by the capital of corporations and syndicates in this country that our own people must suffer. If there is to be no industrial activity, and our capitalists will not go there, then your entire contention is a myth, and we had better stop the tremendous expense which is weighing down on us for nothing and let the natives establish a government of their own. These lands will be cultivated by corporations and syndicates, and these factories will be established by corporations and syndicates, else there will be no cultivation of the lands or establishment of factories.

The majority evidently expect capitalists to form corporations and syndicates for the exploitation of these islands, for they mention them specifically in the bill and offer them the greatest inducements to go there. As I have said before, and I repeat it again, if these islands are exploited by corporations and syndicates it will be to the tremendous disadvantage of the people of the United States. If they are not to be exploited, why not strike these provisions out of the bill?

It must be perfectly plain to anyone who has kept pace with current history that the labor in the fields and in the factories of the Philippines must be performed by Chinese coolies. There is no other labor fit to do this work.

In Hawaii, which is less tropical, Japanese and Chinese coolies perform all of the labor on the sugar plantations, and there is an incessant demand from Hawaii that we amend our immigration laws so that contract Chinese and Japanese labor can be procured for their sugar plantations. The Hawaiian planters say that without Chinese or Japanese labor they can not exist. The same argument applies to the Philippines. The Filipinos themselves

do not object to the Chinese as laborers. Nowhere does it appear that they have an antipathy to the Chinese on account of competition with them as laborers.

The Filipinos, like all other tropical people, are averse to manual labor and will not and can not perform it. The Filipinos object to the Chinese because up to the present time the most of them have become small shopkeepers, and the Filipinos can not compete with them as shopkeepers, a favorite occupation of the ambitious Filipino. White men can not and will not labor in the Philippines or in any other tropical country. They never have done it and they never will. All the testimony, without exception, proves that white men can not and will not perform manual labor in the Philippines. There is nothing left, then, but Chinese cooly labor. In this connection I desire to present some testimony which has come to Congress and the Philippine Committee of the Senate.

The American Chamber of Commerce of Manila. An appeal to Congress for the enactment of laws allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

To the Congress of the United States of America:

The American Chamber of Commerce of Manila, P. I., respectfully represents to your honorable body:

That by authority and under instruction of resolution adopted at a full meeting of this chamber held on the 3d day of January, 1902, this chamber does petition and earnestly request the enactment of laws by Congress allowing cooly labor to enter the Philippine Islands, under such restrictions and laws as the Philippine Commission may from time to time enact.

The present restrictive law does not benefit the Filipinos, nor is it of benefit to anyone. This labor will not enter into competition with American labor, and its entry into the Philippine Islands is imperatively needed.

Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations and to cultivate them upon lines far in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed.

Building in the city of Manila has been retarded for months, and only since the quarantine has been raised and those Chinese entitled to land have returned to these islands has building actively revived.

For the development of these islands the urgent necessity for the immediate enactment of such laws can not be placed too strongly before Congress. For which relief this chamber, composed of American citizens representing the commercial interests of the Philippines, does most respectfully pray.

F. E. GREEN, *President.*
ROGER AP C. JONES, *Secretary.*

The American Chamber of Commerce of Manila. A memorial to Congress suggesting needed legislation for the Philippine Islands.

To the Congress of the United States of America:

The American Chamber of Commerce respectfully represents to your honorable body.

* * * * * * *

For the immediate passage of laws for the admission of cooly labor, as the native labor is inadequate and insufficient for the development of the resources of the islands.

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Adopted at a full meeting of the American Chamber of Commerce held on the 6th day of February, 1902.

F. E. GREEN, *President.*
ROGER AP C. JONES, *Secretary.*

I desire at this point to quote from the testimony of Governor Taft before the Philippine Committee, to be found on pages 96 and 97 of the hearings:

CHINESE AND FILIPINO LABOR.

Senator HALE. Do you think it is a possibility or a probability that in expending this large amount of money on public works you will be driven to the necessity of bringing in Chinese?

Governor TAFT. That is what the contractors say.

Senator HALE. You think it may come to that?

Governor TAFT. I hope not. Some of the quartermasters in the Army, Captain Butt, particularly, think it is possible by care to secure labor and teach it constancy. But if you talk with the business man in Manila, who is usually not very friendly toward the Filipino, he scouts the idea; and I think possibly you have already had a petition from the American Chamber of Commerce of Manila to allow the entrance of Chinese, because the labor of the Filipinos is so unsatisfactory.

CHINESE LABOR.

Senator CARMACK. Is there not considerable prejudice among the Filipinos against the introduction of Chinese?

Governor TAFT. Yes, sir. It is a political question as well as an industrial question. It is one upon which the Commission has made no recommendation, because it is such a delicate question.

The Chinaman comes into the country and labors, say, at 12 silver dollars a month and 15 silver dollars a month. Out of that, the local saying is, he saves $16 or $18. At any rate, he is not there for more than three or four months before he has capital enough out of what he has earned to set up a store, and when he sets up a store the Filipino who has a store next to him is driven out of business. It is not so much his competition as a laborer that attracts the hostility of the Filipino as it is his competition as a merchant.

I also quote from the testimony of General Hughes, to be found on pages 643 to 648 of the hearings:

LABOR CONDITIONS IN THE ISLANDS.

Senator DUBOIS. Yes, sir. Yesterday I presented to the Senate and had read an appeal from the American Chamber of Commerce of Manila. I think almost every Senator received the same appeal.

The CHAIRMAN. It was presented to the Committee on Immigration, too.

Senator DUBOIS. I will not read it all unless you desire me to, but it says:

"Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations and to cultivate them upon lines in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed."

The legislation they ask for is the repeal of the laws of Congress in regard to Chinese immigration, so that cooly labor shall be allowed to enter the Philippine Islands. Can white labor develop the agricultural lands in the Philippine Islands?

WHITE LABOR A TOTAL FAILURE IN THE ISLANDS.

General HUGHES. My own opinion is that white labor will be a total failure. I mean the actual labor.

Senator DUBOIS. In cultivating the fields?

General HUGHES. Yes, sir.

Senator DUBOIS. And doing the manual labor?

General HUGHES. The white man who expects to work his own land will die in a very short time.

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LABOR IN CULTIVATION OF LANDS.

Senator DUBOIS. What labor can cultivate those lands? Take timber, for instance. When they fell the trees and do the manual labor in cutting the timber, what labor is necessary to do it?

General HUGHES. The native is not good at anything that is heavy. He is a weak man when it comes to lifting or anything of that kind. I can illustrate it. I had to rebuild the bridge at Iloilo, and I could not stop traffic, because the troops had to be supplied by way of that bridge. I detailed one of my aids in charge of it, gave him all the natives that could work conveniently, with his means, and he finally came to me and said he could not do it. The only way I got it done, without stopping the traffic and delaying everything, was to make a promise to a dozen American prisoners who were held there that if they would build that bridge—that is, drive the piles for it, which was the hard work, which it was estimated would take thirty days—they should be pardoned and sent home. They took it and carried out their contract to the hour.

CHARACTERISTICS OF FILIPINOS.

Senator DUBOIS. Are they not like all Latin races, or all people who come under the domination of the Spaniards, indolent; and if they do not go to a bullfight, will they not go to a cockfight? Will they not go off for two or three days if they get two or three dollars? Can you depend upon them as laborers, even if they had the physical ability?

General HUGHES. They are lazy. They want at least three days in a week, if you give it to them, and they want to go to cockfights, and they want to gamble, and they want to whet up their bolos.

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LABOR IN THE ISLANDS.

Senator DUBOIS. Our bill provides for franchises. We invite capital over there. You are a pretty robust American yourself. Americans will go there with capital. They will want some labor. They are not going to sit around and theorize and wait for the development of the Filipino mind. They want action for their money. Where are they going to get their labor? What labor is there for them?

General HUGHES. I should not be surprised if they could get the negro from America. I have looked into this matter. They can get labor from Japan without any trouble at all.

Senator DUBOIS. They can get the Japanese. There is no restriction against them.

General HUGHES. They can get millions, of course, from China.

Senator DUBOIS. You can not get the negro, if you will pardon me. We can not deport the negro. He will not go. There is nothing left except Japanese and Chinese labor, is there?

General HUGHES. That is about the way I figured it up. The Chinaman is a very much superior man to the Filipino.

The CHAIRMAN. For labor, you mean?

General HUGHES. For labor. We used them altogether in our carpenter work and anything of that kind which had to be done in our building operations.

The CHAIRMAN. That is, skilled labor?

General HUGHES. Skilled labor. The native is a very poor carpenter or general workman. He is quite apt in machinery. He has deft fingers and can manipulate things excellently. As a machinist he is quite apt to be a success, and we use him on quite a number of our boats, and if he was not too lazy to keep it in order——

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WHITE LABOR OUT OF THE QUESTION.

Senator DUBOIS. You have stated that white labor is out of the question?

General HUGHES. It is, in my opinion. I think the man would die as soon——

Senator DUBOIS. There is nothing left, of course, except some dark labor?

General HUGHES. Yes.

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WHAT LABOR WILL THE ISLANDS GET?

Senator DUBOIS. Let me ask you a question which you can answer directly. What labor do you think they will get there, white labor being excluded?

General HUGHES. And you also want the Japanese left out?

Senator DUBOIS. No. What labor will they get?

Senator PATTERSON. Outside of white labor?

Senator DUBOIS. White labor being excluded.

General HUGHES. I hope Japanese. They have a good deal of Chinese labor there now.

Senator DUBOIS. What do you believe?

General HUGHES. I have no doubt that will increase.

The CHAIRMAN. It is now restricted. The Chinese are shut out.

General HUGHES. But you can not keep them out.

Senator DUBOIS. I am coming to that, if you will allow the General to answer my question, if he will. White labor being excluded, what labor is going there?

General HUGHES. I think it is mainly Chinese.

I now turn to the testimony of General MacArthur, who differs a little from the other witnesses. He deprecated the exploitation of the islands by Americans. He was very much opposed to corporations getting large tracts of land. If I interpreted him correctly from his testimony, he desired that the Filipinos themselves should develop their own country slowly and gradually. I quote from him, pages 1379, 1380, and 1383:

Senator DUBOIS. These lands under this bill which we are now considering are to be leased or sold in tracts of not less than 5,000 acres. That is the bill that we are considering.

The CHAIRMAN. Not exceeding 5,000 acres?
Senator DUBOIS. Not exceeding 5,000 acres.
General MACARTHUR. You mean the undeveloped public lands?
Senator DUBOIS. The undeveloped public lands; yes. Now, it is a reasonable supposition that if Americans go over there to cultivate those lands, to put them into sugar, in organizing companies they will take 5,000-acre tracts. Suppose they should take them in large tracts, can the Filipinos do the farm labor and cultivate those lands?
General MACARTHUR. I think so. They can do it to the extent of necessity so far as the public interest requires, most decidedly.
Senator DUBOIS. Can they do it to the satisfaction of the Americans who go over there?
General MACARTHUR. Not to the satisfaction of the American or European exploiters, no; but they can do it to the limit of necessity and the beneficial interests of the nation, both American and Philippine.
Senator DUBOIS. I can not quite understand that answer, General. You of course are very familiar with Americans and their methods. You know, as all of us do, that the Americans have now advanced in industrial life to such an extent that nobody can compete with them.
Senator DIETRICH. Could I ask the General a question right there——
Senator DUBOIS. I do not care to be interrupted right in the middle of a question.
Senator DIETRICH. It is along that line.
The CHAIRMAN. It had better wait until Senator Dubois finishes his question.
Senator DUBOIS. And knowing the enterprise of our capitalists, if they go over there and put their money in, they will want returns for it, and they will want labor which is satisfactory to them. Will the Filipinos, in your opinion, perform this labor to their satisfaction?
General MACARTHUR. They will perform the labor. Whether it will be to the satisfaction of those people you describe I do not know. From my own point of view I deprecate the idea advanced in your question, that we are going to sell public lands there in blocks of 5,000 acres, with a view to rapid exploitation. That I should regard as disastrous both to American and Filipino interests, absolutely.
Senator DUBOIS. That is in the bill which we are considering, which is going to pass.
General MACARTHUR. Well, I should answer your question with a modification stating that the Filipinos would furnish the labor.
Senator DUBOIS. Would not?
General MACARTHUR. Would. They would have to be paid to do it, though, on the basis of American labor.
Senator DUBOIS. What would the Filipino farm hands charge for their labor?
General MACARTHUR. They would charge what they could get, and if that kind of work was undertaken they would charge a great deal; they would charge about what they do in Montana, probably.
Senator DUBOIS. They would charge what farm hands would in Montana?
General MACARTHUR. Yes.
Senator DUBOIS. Do you think these American capitalists would employ them?
General MACARTHUR. I do not think they would.
Senator DUBOIS. You know the Filipinos and their capacity for work. Do you think they would employ those Filipino hands?
General MACARTHUR. I do not think they would.
Senator DUBOIS. Then, they would not open up the land?
General MACARTHUR. Then that would be a good fortune to everybody concerned.

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Senator PATTERSON. Then, under the most favorable auspices at the present time, a Filipino is willing to work for one-third of what the American is willing to work for?
General MACARTHUR. I should say so offhand; yes.

I quote from the testimony of General Otis, to be found on pages 837–841 of the hearings:

HOW ISLANDS TO BE DEVELOPED.

Senator DUBOIS. Let me ask you this question: If we have any object in view at all it is to develop those islands. If we develop those islands, will we not have to do it with some labor outside of the Filipinos?
General OTIS. Yes; if we develop them rapidly. If the development is slow, the Filipino might furnish sufficient labor.
Senator DUBOIS. Then if we do not get some labor outside of the Filipino labor the islands will not be developed, will they?
Senator BEVERIDGE. He does not say that.
General OTIS. No rapid development; probably no satisfactory development.
Senator DUBOIS. I am perfectly sincere, as these gentlemen know. I am very much interested in this branch of the question and its connection with the civil bill which we have under discussion. Now, that being so, these men, I assume, if they go over there with their capital, will want to get some returns for their investments. Now, white labor being excluded and Filipino labor not being adequate and satisfactory, what labor do you think would most naturally be demanded?
General OTIS. They wish cooly labor undoubtedly.

JAPANESE SATISFACTORY LABORERS.

Senator DUBOIS. The Japanese, of course, could come in. There is no exclusion law against them?
General OTIS. No.
Senator DUBOIS. Would the Japanese be as satisfactory as the Chinese cooly labor?
General OTIS. They would be very satisfactory, I think.
Senator DUBOIS. The Japanese would be as satisfactory as the Chinese cooly?
General OTIS. They affiliate with the Filipino.
Senator DUBOIS. And stand the climate well?
General OTIS. Yes; they stand the climate well.

PETITION FOR REPEAL OF EXCLUSION LAW.

Senator DUBOIS. Now, this is the second petition that has come from the American Chamber of Commerce insisting that Congress shall remove the restrictions in regard to Chinese cooly labor, and in addition to that, in the Hawaiian Island they are pressing us constantly to allow Chinese and Japanese labor to come in; they say that otherwise they can not cultivate their sugar fields. Do you not think that when this American Chamber of Commerce is augmented by these capitalists, whom we induce to go over there to put in their capital, that the demand will be incessant on us to allow Chinese cooly labor to come in?
General OTIS. I think you will receive constant demands from these companies. You see, it is for their pecuniary benefit, and I have no doubt you will get demands constantly.
Senator DUBOIS. I can not see what we are going to do——
General OTIS. I should say Chinese labor under restrictions, limiting the number.
Senator DUBOIS. It must be Chinese labor or Japanese labor?
General OTIS. Yes; there is no other foreign labor there, I think, that could remain for any length of time under the conditions of climate.

INDUSTRIAL CONDITIONS IN CHINA AND JAPAN.

Senator DUBOIS. That would be the same if, for instance, great manufacturing establishments like they have in Japan—have you been to Osaki?
General OTIS. No.
Senator DUBOIS. Well, they have great manufacturing establishments in China and Japan.
General OTIS. Yes; I am aware of that.
Senator DUBOIS. If our capitalists would erect a great manufacturing establishment, woolen mills and cotton mills, like they have in Japan, employing 2,500 or 3,000 hands, would not the same difficulties of labor present themselves?

CHINESE POPULATION OF ISLANDS.

General OTIS. That is not that class of labor, to a certain extent. I estimate the Chinese population at about 85,000, and a large part of it is concentrated in Manila. And we never have had any difficulty in getting all the Chinese labor we wanted.
Senator DUBOIS. Some estimate it as high as 150,000.
General OTIS. I do not think there are that number of them.
Senator DUBOIS. Say 85,000.
General OTIS. That would be a very large supply to draw from, and of course it would run a great many factories, and possibly it would be some time before we would have to let the cooly labor in.
Senator DUBOIS. But that would be the labor they would get, would it not—either that or the Japanese?

FILIPINO LABOR.

General OTIS. And also Filipino labor. Now, some of those large establishments are carried on entirely by Filipino labor to-day. Take the cigar manufacturers, for instance.
Senator DUBOIS. How many hands do they employ?

TOBACCO INDUSTRY.

General OTIS. Oh, I suppose there are 10,000 people employed in the tobacco industry in Manila at the present time. The Filipinos came to me after I had been there for a short time, and they wished to know if they could establish a tobacco manufactory. I had quite a long conversation with them, and I replied that they could, but to keep all the stock in the hands of the Filipinos; not to let the Europeans or anybody else outside have any of the stock. They went to work and built up quite a large establishment, and I suppose that stock to-day is worth 200 or 300. They employ 300 or 400 men.
Senator DUBOIS. That work is not nearly so heavy, however, as the work in woolen mills and cotton factories, and is not so constant?
General OTIS. I think there is a great deal of Chinese labor in the islands at the present time; a good deal of Filipino labor. All the work on the railroads is done by Filipinos. All the officials are Filipinos except a few of the most important officers.

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Senator DUBOIS. Now, General, you have stated that white labor is out of the question, and that the Filipino labor is inadequate and insufficient, and that there must be some other labor, either Chinese or coolies or Japanese.
General OTIS. Asiatic labor; yes.

In addition to the accepted facts known to us, that labor can not and will not be performed by white men in the Philippine Islands, is the testimony of the representative men of the Army and the Administration, that the labor must be performed by Chinese coolies. General MacArthur thinks if the lands are opened in small tracts that the Filipinos could do the labor. He would not admit that it was in contemplation to sell the lands in 5,000-acre tracts. General MacArthur did say that a Filipino would work for one-third what a white man would demand.

There are some things so patent, so inevitable, that men of common intelligence can not fail to comprehend them. There is not a Senator on this floor who does not know that when our capitalists go to the Philippines and start up these great industries, of the factories and of the field, their demands for labor will be so incessant that they will be heard. There was a strong sentiment, and there is a growing sentiment among the leaders of the Republican party against rigid laws for Chinese exclusion, even in the United States.

Those most familiar with the menace to our labor in this country by Chinese competition, those most familiar with the habits of the Chinese—I mean the Representatives in the other branch and the Senators from the Pacific coast States—were unable at this session to pass such a Chinese-exclusion law as was demanded and as is necessary. So far as this body is concerned, the Chinese-exclusion act passed at this session was to extend only for a few years.

Until the Chinese cooly is allowed to go into the Philippines the Japanese cooly will go there and perform the labor. There is no law to exclude them. The Chinese cooly is preferable, and with such extended coast they will be smuggled in in as large numbers as are wanted. At the present time there are, so far as I can ascertain, about 150,000 Chinamen in the islands, who can do an immense amount of work, and will do it if they have constant employment and certain wages, which they will receive from the capitalists who start enterprises there.

Mr. MCCOMAS. If the Senator will permit me, has he been able to estimate the number of Japanese coolies now in the Philippines?

Mr. DUBOIS. I did not try to ascertain the number.

Mr. CARMACK. If the Senator from Idaho will permit me, I will call his attention to the fact that General Hughes, in his testimony, said that if we did pass laws to exclude Chinese from the

islands it would be impossible to keep them out of the Philippine Islands; that we could not keep them out.

Mr. DUBOIS. I suggested that in view of the great extent of the coast we can not keep them out, judging from the difficulty we have had in keeping them out of this country.

Mr. BEVERIDGE. Does the Senator understand that the Chinese are increasing in numbers there now?

Mr. DUBOIS. In the Philippine Islands?

Mr. BEVERIDGE. Yes. That question is brought out by reason of the remark made by the Senator from Tennessee.

Mr. CARMACK. Does the Senator from Indiana ask me the question?

Mr. BEVERIDGE. I will ask the Senator.

Mr. DUBOIS. I do not know whether or not they are increasing now.

Mr. GALLINGER. If the Senator from Idaho will permit me, I presume I am correct in the recollection that the Chinese legistion of the present session of Congress absolutely prohibits Chinese going into the Philippines?

Mr. DUBOIS. I never questioned that at all.

Mr. GALLINGER. So if they get in, they get in just as they do in the United States, by fraud or in some other objectionable way.

Mr. TELLER. They will get in.

Mr. CARMACK. If the Senator will allow me I will suggest the difference. One is ,that they can more easily get into the Philippine Islands, with its extent of coast line, and in addition to that there is the almost general sentiment among Americans in the Philippine Islands in favor of letting them in. It would be practically impossible to keep them out, with no effective public sentiment to enforce the law.

Mr. BEVERIDGE. Will the Senator from Idaho permit me to ask the Senator from Tennessee a question? I have refrained from interrupting the Senator from Idaho, because I have perceived that he was making a connected argument, although several times I wanted to ask a question. But the Senator from Tennessee has made a statement which calls for a question which is pertinent.

Mr. DUBOIS. I yield.

Mr. BEVERIDGE. Does the Senator from Tennessee understand that the Chinese population of the Philippines is increasing or has increased since General Otis's order excluding them?

Mr. CARMACK. I have not taken any census of the Chinese population over there and I do not know anything about it.

Mr. BEVERIDGE. No; but you have made a statement to the effect that the necessary operation of the geographical location and other conditions there would be that Chinese-exclusion laws would not be effective. Therefore it is pertinent to ask the Senator whether he has any facts to show that there has been an increase in the Chinese population. As a matter of fact there has not been.

Mr. CARMACK. I am simply drawing an inference. I do not suppose the Senator from Indiana knows.

Mr. BEVERIDGE. I will be glad to submit to the Senate what I know.

Mr. CARMACK. I am drawing a logical inference as to what would be the natural result.

Mr. DUBOIS. I have been attempting to prove that if the majority bill passes and capitalists go there the islands can not escape Chinese labor. If I have not proved it, of course Senators will not accept my conclusions. I should not think the Chinese would go there much now, and I have not said they would until the majority bill passes and becomes operative.

As I have said before, and I repeat it again, if there is anything needed by the Chinese which they themselves or the Japanese do not supply, it will be supplied by the Philippines, and raised or produced by as cheap labor almost as they have in China and Japan. The outlook, if this bill passes, is not promising for anyone except the capitalists, except the corporations and syndicates. The only trade the United States now has, or will have in any event, with the Philippine Archipelago is with our own people and with the foreigners who go there.

There is nothing that we have which the Filipinos will care for. This trade will increase about in the same proportion as the foreigners will increase in the islands, and the number of foreigners will be small. This has been the case in all tropical countries in the past, and will, of necessity, be the case in the future. The only Americans and foreigners who will go there will be officeholders and those who are investing capital. These will constitute a small class. They will, however, practically be our only consumers. The total trade of the United States with the Philippine Islands is about $5,000,000 per year.

I can not see how this trade can be very greatly increased. We have spent more money in the prosecution of the war in the Philippine Islands than the profit of all the trade with those islands will amount to in the next one hundred and fifty years. If this war should stop now it would take us over two hundred years to get even through profit on our trade with these islands. Every day we remain in the islands the greater our loss will be. I will, with the consent of the Senate, present, without reading, for the information of the Senate and the country, a detailed statement of the commerce of the Philippine Islands with every nation in the world with which they trade:

COMMERCE OF THE PHILIPPINE ISLANDS.

Exports, by countries, excluding gold and silver.

Countries.	Twelve months ending December—		
	1899.	1900.	1901.
Europe:			
United Kingdom	$3,531,995	$8,105,220	$11,126,226
Germany	24,360	126,729	81,432
France	574,929	2,533,607	1,323,513
Spain	977,106	1,566,972	1,263,150
Italy	1,720	5,131	15,057
Austria-Hungary	750	406,865	80,150
Belgium		20	11,778
Gibraltar		12,802	3,481
Malta		5,919	
Netherlands	1,300		1,543
Portugal		185	
Russia			4,034
Switzerland	343	18,498	210
Total Europe	5,112,503	12,781,888	13,910,574
Asia:			
Arabia			167
China	4,013,506	238,827	118,003
Hongkong		3,870,994	2,924,974
Japan	1,022,020	794,453	1,584,218
Korea		520	400
Aden			92
Siam		42,304	432
Turkey		191	
British East Indies	368,345	1,009,388	728,163
Dutch East Indies	22,244	16,027	18,599
French East Indies		396	1,622
Portuguese East Indies		434	263
Total Asia	5,426,115	5,973,534	5,376,933
Africa:			
British	3,341	16,059	30,152
Egypt	41,119	612,340	282
Total Africa	44,460	628,399	30,434
North America:			
United States	3,935,255	2,960,851	4,546,292
Canada	4,721	15,605	11,241
Total North America	3,939,976	2,976,456	4,557,533
Central America—Guatemala		349	155
Total Central America		349	155
South America:			
Argentina		1,307	356
Bolivia			210
Brazil		1,920	
Uruguay		238	300
Total South America		3,465	866
West Indies—Cuba		100	
Total West Indies		100	
Oceania:			
German	606		101
Spanish	2,822		
Australasia	320,103	621,892	621,200
Hawaii		4,290	2,806
Guam			2,751
Total Oceania	323,528	626,182	626,858
Total, all countries	14,846,582	22,990,373	24,503,353

Mr. HALE. Right here, touching the question of oriental trade, has the Senator in his investigations seen the figures showing the proportion of Great Britain's trade with her great colony, India, with about 250,000,000 people?

Mr. DUBOIS. I will say to the Senator that I have looked up those statistics, but did not see any place to use them.

Mr. HALE. England's trade with her great Indian colony of 250,000,000 people, the oriental trade of Great Britain, is only about 7 per cent of her trade. Compared with her other trade it is as nothing.

Mr. DUBOIS. I should think that would be the case wherever white people dominated orientals or dark people. White people will not go there to live. About the only trade that the mother country can have with the colonies is with the white people who are there. As a general rule I think that will hold good.

Some Senators on the other side state that they have never said, nor will they say, that they intend holding the Philippine Islands

permanently. Some, like the Senator from North Carolina [Mr. PRITCHARD], state in plain terms and with emphasis that we will never give them up. The great majority on that side, however, and those who are in sufficient numbers and have sufficient influence to determine the policies, announce that there is no necessity to say what they will do in the future. The policy is, as announced by these leaders, who constitute the majority of the Republicans, to meet every question as it arises, to do the best they can for the present, and to solve future difficulties and questions as they may arise in the future.

I have tried, in what I have said, to be temperate in language. I have endeavored to argue the question presented by this majority bill fairly, with good temper, and honestly. I do not think it will be easy to get out of the Philippine Islands, should future events demonstrate the wisdom and necessity of doing so, after American capital has gone there and is being employed under the tempting opportunities presented by this bill.

Do they not know, if this bill passes, the difficulties in our path will be multiplied many times, provided in the future it is deemed patriotic and wise to allow the Filipinos their own independent government? The granting of these extra privileges and unusual inducements which are offered to corporations and syndicates, it seems to me, contemplates a fixed purpose on the part of the advocates of this bill to retain the islands for all time to come as a colony, as a dependency of the United States.

Under the bill which we are now discussing, not only are these enormous tracts of land to be turned over to syndicates and corporations, but all kinds of franchises are to be granted. Capitalists are invited there with the offer of unusual inducements.

Under this bill the Philippine Commission, appointed by the President, some of whom are natives, and who have been appointed commissioners because they proved themselves traitors to their own people, and who have been rewarded with high and responsible positions on the Commission for their subserviency to the American powers, are to grant these franchises to whom ever they see fit, receiving in return for the same such compensation or no compensation, as they choose to determine.

The Commissioners, some of whom, as I said, are subservient natives, who have abandoned their own people in their great fight for independence, are given the power to lease lands in immense tracts to corporations for whatever rental they may fix upon. They can grant the privilege of cutting timber to such corporations as they may choose to befriend and on such terms as they may be disposed to make.

The Americans on the present board of commissioners are men of high character, but they may all be dead within a month, or they may come home. It is not reasonable to suppose that men of the character of Judge Taft can always be secured to undertake the task which he has imposed upon himself. As a general proposition, it is evident that the best men of the United States are not going to forsake their homes and their business and go over to the Philippines in order to administer the affairs of the islands on high and philanthropic planes. The men who seek these positions will be the usual class of place hunters, who regularly besiege each President when he comes into office for positions which carry handsome salaries. The passage of this bill must result in scandals which will cause us all kinds of humiliation.

Under the wise policy of the Republican party, before the Democratic slogan of the "markets of the world" took possession of that party, and they commenced buying foreign markets by buying islands for money or subduing them with the sword, we had become the greatest commercial nation in the world. I was fond of saying on the stump, when I occupied a seat on the other side of the Chamber, that the "home market" was the greatest market for the United States, and I assert now that within six months after you admit Arizona, New Mexico, and Oklahoma to statehood the profit to the manufacturers of the United States on their trade with any one of these new States will be greater than their combined profits on all of their trade with the Philippines and other oriental countries.

Our farm and manufactured products have become so great that they not only supply us, but go abroad. It has been demonstrated that no nation can compete with us in trade. Our trade has gone to the countries where there is a natural demand for our products, and it will continue to go to those countries which are similar to ourselves, who desire the things we desire, and who are not able to produce these things in sufficient quantities to supply their own wants.

We can not force trade with a people who can raise the things we offer to sell them and in greater quantities than is necessary to supply their own wants. We can not force oriental people into taking our goods, which they do not want and have no use for.

I commenced my remarks with the statement that if it could be demonstrated that there could be no commercial benefit to the United States in retaining the Philippine Islands as a colony, and if it could be demonstrated that the oriental trade was a menace and not a blessing, that we would quickly see our way clear to aiding the Filipinos to establish an independent government of their own.

I have not touched on the other very interesting phases of this great proposition which confronts us, but have contented myself with endeavoring to demonstrate that the oriental trade is a delusion and the advantage of the Philippines to us commercially is an idle Eutopian dream. Mr. President, it seems to me that the mission of our great Republic is to ameliorate the condition of the white man of the world. We started out by inviting all those who loved freedom of speech and conscience and liberty to pursue their own plans of life, under wise restraints, to come among us. We asked them to participate in our Government and to help us to administer it in justice to themselves and to all people. We stood as a beacon light of hope to the civilization of Europe and Asia, an inspiration to both. We held aloof from the political affairs of both. The hope of the white race of the world is not in tropical countries; it is not in Asia, in Africa, or in Europe.

Mr. President, the last refuge and inspiration to the struggling white people is in the United States and in British Columbia, to our north. West of the Missouri River and in British Columbia is enough rich, undeveloped country to sustain a population four times as large as the United States now contains. As this country and the South, with its undeveloped resources, is reclaimed by capital, substantial markets will be opened for all worthy business enterprises. Let us continue to invite the sturdy German, Swede, Norwegian, English, Welsh, Irish, and other white people to come to us and aid in opening up our great natural resources. Let us not seek to force trade with Orientals by making subjects of Malayans.

Who is to be benefited by this new departure? When we talk about trade with the Orient and the riches of the Philippines, which are to be opened to the investment of capital, who is to be benefited? The answer is quick and ready and admits of no denial. The capitalist is the one who will reap the harvest, and he will do it at the expense of all of the other people of the United States.

The advocates of the majority bill urge as one reason for its passage, and as one reason for holding the Philippine Islands and exploiting them, that they will be an open door to Chinese trade. We had better pause and ponder well before entering this new field. The dragon is sleeping quietly now. The monster is inert, surrounded with the conservatism of centuries of time, without motive to arouse itself, drugged with the philosophy of Mencius and Confucius, which deadens competition and ambition. Is it wise for us to pull this dragon's teeth and sow them broadcast over the Empire? The one monster has no desire to have dealings with us; has no desire to be stirred from his lethargy. For every tooth of this monster which we pluck and plant, thousands of active, irresistible dragons will spring up, whose energies will be devoted to devouring the world. All the earth outside of China will be their prey. Looking to the interest of the white laboring race of the world, are we pursuing a wise course in disturbing this sleeping dragon? [Manifestations of applause.]

The PRESIDING OFFICER (Mr. PLATT of Connecticut) rapped with his gavel.

Mr. BEVERIDGE. Mr. President, I shall not at this late hour detain the Senate long, and indeed the many points made by the honorable Senator from Idaho [Mr. DUBOIS] deserve a reply at greater length than the time of day affords. But some points have been made which to my mind demand answer on the instant.

The Senator in his concluding remarks seemed to admit the proposition that the retention of the Philippine Islands would be an open door for the entry of American trade into China, but he said that there resided a dragon in China which we must not awaken. The whole argument has been an effort to frighten the American people with the dragon of China, and with that one dragon I had supposed the Senator's fertile imagination would pause. But no. One dragon was not sufficient. He must arouse a thousand dragons, though I do not know whence they are to come. "If you arouse the sleeping dragon of China," said the honorable Senator, "and pluck out and sow his teeth, you will create a thousand dragons." He referred by that, Mr. President, to the imaginary danger to American industries from Chinese competition—a danger as imaginary as the Senator's dragons.

The subtile argument of the Senator rests upon one fundamental misconception, the error of which it will not take very long to demonstrate. The Senator said that the Chinese, when they learned how to employ modern industry, when they imported modern machinery and modern methods of manufacture, would not only supply themselves, but would produce a surplus which would be a menace to our own production and trade, and that therefore instead of there being a possibility of increase for American exports to China and the Orient the exact reverse would be the consequence of any effort to extend our oriental commerce.

And so it was stated by the Senator from Idaho that it was our duty, so far as in us lay, not to encourage the development of China, because to the extent to which China was developed our own foreign trade would be menaced. Mr. President, is that true? If it is true at all, it is universally true. If it is true of one country, it is true of another country. If it is true that the development of China would not increase but decrease American trade with China, it is equally true that the development of Germany would not increase but decrease American trade with Germany. If it is true that, for a people whose labor is paid less wages a day than ours, to increase their agriculture, to increase their manufactures, to diversify their industries in general would be a menace to our trade, because we could not sell as much to them as before, but instead they would invade our own markets, then it would have been far better for us if Germany, instead of having developed into the magnificent industrial organization into which she has developed, had remained the forest land and the roaming people of a thousand years ago. The argument of the Senator from Idaho is that it would have been better for the American farmer and the American manufacturer, so far as trade with Germany is concerned, if Germany had remained without a factory and had remained without modern methods of agriculture.

But, Mr. President, is that the case? Certainly not. Steadily and rapidly our exports to Germany have increased. I looked up the figures while the Senator from Idaho was talking. In 1892 we sold to Germany $105,551,000 worth of American products, and in 1901 we sold Germany $191,780,000 worth of products.

According to the argument of the Senator from Idaho our trade with Germany ought to have decreased, because every day Germany's manufacturing industries and Germany's agricultural productiveness have increased. The argument of the Senator from Idaho is that when a foreign country to which we may export increases its industries our trade with it must decrease. Yet our trade with Germany steadily and rapidly increases, and it increases in proportion to the increase of German internal industry.

If this is true of Germany it is also true of France, and so the figures show. It is also true of England and of every country, and so the figures show. Up to a certain point the greater their internal development the larger our sales to them. If true of these countries, will the Senator from Idaho tell me why it will not also be true of China?

Apply the Senator's argument to our own conditions here at home. The Senator's argument is that the farmers of Illinois will be endangered by the prosperity of the farmers of Iowa; that as the farmers of Iowa increase their industrial productiveness they will more and more compete with the farmers of Illinois, and therefore that it is to the disadvantage of the farmers of Illinois for Iowa to be developed. Who believes that? And who can believe that it is to the disadvantage of the manufacturing industries of the United States for Germany to be developed; that it is to the disadvantage of the exporters of the United States for China to be developed? Yet that is the argument of the Senator from Idaho, an argument refuted by all the facts, because the places where our export trade has increased most rapidly are the places where the internal industries of those countries have increased more rapidly. And up to a certain point this is a universal truth of commerce.

So it is that following the example of Germany, of England, of France, as their internal development and that of every country increases, their purchases from us increase.

Yet the converse of that plain proposition is the sophistry upon which the whole argument of the Senator from Idaho rests. Upon the surface it looks plausible and reasonable that if a country to whom we are selling our products increases her products of course our sales to her must decrease. But it is not true, Mr. President, as a matter of fact, nor is the reason hard to find, because as a country to whom we sell our goods diversifies its industries, increases its productiveness the wants of its people also increase, and the capacity of that people to purchase what we make also increases.

And so it is that if Germany, France, England, and every other country increases in intelligence, increases in productiveness, increases in diversification of industry, our sales to them also increase. They want more and they have more money wherewith to supply their expanding desires.

Can any Senator point out to me why this same law would not work with China? Of course it will work with China. As her mines are opened, as railroads are builded, as industries are diversified, as the best methods of agriculture call from her soil those products for which they are most fitted, as schools enlarge her people's intelligence, the wants of those people will increase as the wants of the German people increased, with the increase of their internal industry and intelligence, and as those wants increase our opportunity to supply them will increase.

I was very glad that the Senator afforded me an excellent illustration to support this plain law of commerce in using an illustration for himself to support his proposition. He spoke of Japan; and yet everybody knows that Japan's productiveness has increased more in the last twenty-five years than in all her history, so far as her exports are concerned. Has that meant a decrease of American exports to Japan? I was out for a moment, but I understood that the Senator said while I was absent that our trade was falling off with Japan; and it was necessary for his argument that he should so state. But while he was speaking I looked up that point, and I will read for the information of the Senator and of the Senate the facts about it. In 1892 our exports to Japan were $3,000,000 and a little over.

Mr. DUBOIS. Mr. President, of course I am quite willing that the Senator shall read it. I did not make such a statement, however. So there will be no point in the Senator reading it in answer to a statement which was not made.

Mr. BEVERIDGE. Very good. Then I will simply sum up the facts about it for the argument that I am now making, to show the fallacy of the Senator's proposition that the development of China means the destruction of American exports to China. Japan has developed, and as Japan has developed our exports to Japan have increased. It is true that in 1901 there was a decrease of $10,000,000, but the increase from 1892 to 1900 had steadily grown from $3,000,000 a year to $29,000,000 a year.

Does not the Senator know why there was a falling off in 1901? The world knows it so well that I shall not take the time of the Senate to animadvert upon it. We know the troubles in China just at that time. We know the paralysis of trade in the East at that time. We know the closing of the markets to much of Japan's exports to China at that time, and therefore the decrease of her demands from us. That is one explanation of that falling off. But generally our exports to Japan have increased so that where we sold Japan $3,000,000 worth of our products, in 1900 we sold Japan $29,000,000 worth of our products.

Now, Mr. President, if it is true that as Germany industrially and manufacturally has developed our sales to her have increased, if it is true that as Japan has industrially developed our sales to her have increased, why would it not also be true that as China develops industrially our sales to China will increase?

As a matter of fact, Mr. President, that is precisely what has occurred. Within ten years our sales to China alone have increased more than 100 per cent. The whole trade in exports by all the nations of the world to China is from $250,000,000 to $285,000,000. By reason of our geographical location at least 50 per cent of that trade ought to be ours. The Senator admits that the Philippines, if China's trade is worth having, is an open door to that trade. It being established that 50 per cent of an export trade of $250,000,000 to $285,000,000 is worth having, it is therefore demonstrated that the Philippines, as a door to that trade (which the Senator admits), are also worth having. And if China now buys $250,000,000 from the world, developed China will buy $1,000,000,000 from the world.

Mr. President, I was interested in the question of the Senator from Maine [Mr. HALE] and the remarks made thereon in support of the general proposition of the Senator from Idaho about the trade of England with India. I shall not go into that at large to-night any further than to illustrate the general proposition which I am now arguing. The hour is too late for comprehensive comment. But one fact may be noted in passing. England sells to India every year something in the neighborhood of $200,000,000 worth of English exports. Is that little item of trade worth having? To the Malay Straits Settlements England sells every year something over $15,000,000 worth of exports. To the little island of Ceylon England sells every year something over $10,000,000 worth of exports. England sells to her dependencies and through her trade centers to the Orient something over $500,000,000 of English exports every year.

I should like to ask the Senator or any person who holds the opposite view what he thinks would become of the English factories if that export trade of $500,000,000 a year was taken away from them. I fancy that if England was suddenly bereft of her opportunity to sell $500,000,000 worth of goods a year which goes to her dependencies and the Orient and not to her self-governing colonies there would be a bankruptcy throughout commercial and manufacturing England within a few months that would largely resemble the bankruptcy in manufacturing and commercial circles some years ago in this country. And yet, the Senator tells us that oriental trade is a dangerous dream.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. Does the Senator assume that if England did not hold those countries as dependencies she would have no trade with them?

Mr. BEVERIDGE. I assume that she would not have nearly so great a trade with them, and the facts so prove.

Mr. CARMACK. If the Senator will permit me——

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. The facts prove that England's exports to practically every one of her colonies and dependencies have been decreasing for a number of years, while the trade of the United States with the colonies and dependencies of Great Britain has been increasing.

Mr. BEVERIDGE. Yes; and, Mr. President, the causes of the beginning of the decline of English trade are well known, I doubt not, to so careful a student as the Senator. The Senator well knows that it is too late an hour in the evening to enter into a large and extended discussion of the causes for that decline. I would have been glad if this matter had been taken up earlier in the debate in order that upon a subject so interesting all the facts could be given. The main ones, however, may be summed up briefly.

England enjoyed a monopoly of trade so long that she ceased to fear competition. She rested on her oars; she ceased to cater to the desires of the people to whom she sold as to the quality and style of the goods or how they should be shipped and all the other points of commercial advance and supremacy whereas other nations, more modern, more active, sought out what goods the people wanted and how they wanted them delivered. Thus in spite of England's advantage her more alert rivals began to undermine her trade. Does the Senator mean to say that the beginning of the decline of England's trade is due to her policy of holding dependencies?

Mr. CARMACK. No; what I mean to say is that it simply enforces the lesson that it is not necessary to have dependencies in order to increase the foreign trade of a country.

Mr. BEVERIDGE. Now, let us see about that, Mr. President. England sells to China every year $120,000,000 worth of English products. Most of those she sells through her distributing center at Hongkong.

Mr. CARMACK. Mr. President——

Mr. BEVERIDGE. I yield to the Senator.

Mr. CARMACK. If the Senator will permit me I will state further that for a series of years Great Britain's exports to Hongkong have been steadily declining.

Mr. BEVERIDGE. Yes, and for the reason stated and many more, none of which have anything to do with the holding of dependencies. I will state to the Senator that if it had not been for the conserving influence of her dependencies, of her great distributing centers, England's trade, with her ancient methods of catering to the people, would have been abolished a decade ago because of the advance of modern methods in merchandising by her rivals.

Mr. President, it is very fashionable to say in some scholastic quarters that the way to get trade is to make goods well and sell them cheap, and that you do not need distributing posts. There is not a grocery store, there is not a merchandise establishment in any town of this country that can not tell the Senator better than that. Suppose you take the best goods made in this country and sell them at the cheapest price, and put them at some inaccessible portion of any county in this country, will their quality and their cheapness of price sell the goods?

No; but if while you are doing that another more enterprising merchant should take an inferior quality of goods at a higher price and locate them conveniently to the people and allow the people to know about them, he would sell his inferior goods and be prosperous while you would keep your superior goods and go into bankruptcy.

So this simple illustration shows that quality and price are not the only elements in the sale of goods, either by men or firms or nations. Accessibility, location, advertisement, convenience, spheres of commercial influence, are qualities quite as important and quite as immediate in their effects and results as quality and price. But those are items of practical moment which scholasticism refuses to consider; and so it is that the practical judgment of merchants and the practical instincts of merchants and mercantile nations are much better than the theories of theorists.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. Do I understand the Senator's argument to imply that it is necessary for the United States to follow the example of England and hold possessions and territories throughout the world in order to extend its foreign trade?

Mr. BEVERIDGE. Mr. President, I am answering the argument of the Senator from Idaho. I do not want to continue long, but I will take the time to answer the question of the Senator from Tennessee.

My argument on this point is sufficiently put when I say that the American people are at least not willing to give up the vantage point of commerce when once events and honor have thrown it into their hands.

I did not originally refer to the commercial advantages of dependencies, Mr. President. The commercial aspects of this case were brought up by the opposition. But when the opposition brings them up; when the Senator from Idaho attempts to show to the people of this country that in seeking oriental trade we are not acquiring a mine of commercial wealth, but that we are plunging into commercial disaster; when he attempts to frighten the American merchants by imaginary Chinese dragons, it becomes pertinent for me to point out the advantages that accrue to us.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. The Senator from Indiana, I think, was one of the first men to bring up the question of the commercial advantages of colonialism in the very remarkably able speech which he made here on the floor of the Senate two or three years ago. I wanted to know whether the Senator still held to the opinion which he then seemed to hold, that this country, in order to extend its foreign trade, ought to enter upon a general colonial policy. I do not know that I understand him now; but that was his argument at that time.

Mr. BEVERIDGE. The Senator caught but one phase of the speech which he is so good as to compliment. This I will say upon that question, that whatever conduces to the commercial welfare of this country and whatever keeps the American workingman employed is a subject worthy of consideration in the determination of a nation's policy. And when——

Mr. CARMACK. Mr. President——

Mr. BEVERIDGE. Pardon me; I want to get through.

Mr. CARMACK. I have no power to pardon the Senator, but still——

Mr. BEVERIDGE. Go ahead and ask the question.

Mr. CARMACK. No.

Mr. BEVERIDGE. Go on. The only point about it was I did not want to take so much time.

Mr. SPOONER. I hope the Senator from Tennessee will proceed.

Mr. BEVERIDGE. I hope he will. I only wanted to get through.

Mr. CARMACK. I should like to have the Senator answer my question.

Mr. BEVERIDGE. What is that?

Mr. CARMACK. The Senator was arguing in favor of the advantages of a general colonial policy. I asked him the question two or three times, which he has not yet answered, as to whether for the purpose of extending its foreign trade this country ought to enter and would be justified in entering upon a general colonial policy?

Mr. BEVERIDGE. Mr. President, a sufficient answer to that question is that such a proposition is not before the Senate or the American people, and when it arises we will answer it quite as frankly as we answer the policy in reference to the Philippine Islands. When it is attempted to be shown that the Philippines should be given up because they are a commercial danger, and when after stating that fallacious proposition the experience of England in India is given to support it, then it becomes pertinent for me to point out the advantages to England from holding India, Malay Straits Settlements, and all her dependencies.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. The Senator has spoken of India. I am not going to enter into an argument on that subject this evening, of course. I wish simply to suggest to the Senator that India, speaking of it in a commercial point of view, with 250,000,000 people, buys from all the world just about twice as much as the 5,000,000 people in Canada. I will say, further, that it is the opinion of a number of English statesmen and students that the possession of India is a positive disadvantage to Great Britain.

Mr. BEVERIDGE. I wish the Senator would keep on the floor, because I think I will answer that by asking him a question. Would he say that because Canada consumes more than India that therefore England ought not also to embrace the market of India; that is, would he say that because a merchant had exploited one field he should not also advance to another? Is not this rather the correct inference to be drawn from the Senator's statement—Canada buys so much because the consuming capacity of her people is so great?

Mr. CARMACK. Of course.

Mr. BEVERIDGE. The consuming capacity of her people

rises with diversified industries and increased intelligence. Therefore it follows that it is a very good thing for commerce to educate the people of India and diversify their industries and increase their intelligence. Thus we see that, working along the lines of Providence or nature, or what you please to call it, commercial advantage and the highest duty travel on parallel lines.

Mr. CARMACK. The point I was making was that India, considering all the vast expense and trouble and liability which it imposes upon the British Empire, is a very poor market.

Mr. BEVERIDGE. How much expense does it impose upon England?

Mr. CARMACK. It has imposed on England a great deal.

Mr. BEVERIDGE. How much now?

Mr. CARMACK. I do not know exactly how much in the past, but it has imposed a good deal.

Mr. BEVERIDGE. Does not the Senator know India is self-supporting?

Mr. CARMACK. No; I do not know that it is self-supporting. I know that during a period of famine, which frequently occurs, it is not self-supporting.

Mr. BEVERIDGE. India pays every cent of her expenses and costs England nothing, and the same is true of the Philippines. Every dollar of the expense of civil government in the Philippines is paid exclusively out of the Philippine revenues, and civil government in the Philippines does not cost the American people a penny. Famines? Famines have occurred in India, but what bearing have famines in India on the question of expense?

Mr. CARMACK. Of course——

Mr. BEVERIDGE. Famines drain every country that has a heart of generosity; but that has nothing to do with the commercial feature we are discussing. We ourselves help every famine-stricken people. What has that to do with this commercial question and the other question of expense of India to England?

Mr. CARMACK. It has a great deal to do with India, because famine is one of its particular industries.

Mr. BEVERIDGE. That is witty, and I will not say what I was about to remark, because I think too much of the Senator.

Mr. PETTUS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Alabama will state his point of order.

Mr. PETTUS. I think that this discussion as carried on is contrary to the rules of the Senate and ought to be stopped.

Mr. BEVERIDGE. I am very willing for the Senator from Tennessee to interrupt me.

Mr. CARMACK. With the permission of the Senator from Indiana——

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. My point was that the people of India live always upon the verge of famine and after one hundred and fifty years of British rule that is the permanent condition of the people. Even in times of plenty they earn barely enough to keep soul and body together, and a year of ordinary scarcity, which would simply mean a little enforced economy for other people, means a famine in India. Therefore it is a natural burden upon Great Britain.

I will say, furthermore, and the fact can be demonstrated, that the people of India are in no whit better condition to-day than they were the day they came under the rule of the British Empire. The wages paid to a laborer in India to-day are about 6 cents, and they never could have been much less than that. The people there live constantly upon the very verge of starvation.

Mr. BEVERIDGE. The Senator said that two times. I yielded to him to say it once, and he has repeated it twice.

Mr. President, if there is any pertinency in the Senator's remarks about famine in India it is to compare India with the Philippine Islands. Before the Senator makes his case about India being a drain on England because there is famine there he must establish the parallel proposition that there is continual famine in the Philippines, which will therefore be a drain upon us, because the Senator is drawing the parallel of India against us, and he must make the parallel complete.

Mr. CARMACK. The Senator drew the parallel of India; I did not.

Mr. BEVERIDGE. No; the Senator from Idaho and the Senator from Maine drew the parallel of India in establishing what they said was a fact, that oriental trade was not worth having.

Mr. SPOONER. Will the Senator from Indiana allow me to ask the Senator from Tennessee a question?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. Does the Senator from Tennessee suppose that we ratified the treaty and took the Philippines for the dollar?

Mr. CARMACK. Yes, sir; exactly.

Mr. SPOONER. So far as I am concerned——

Mr. CARMACK. I acquit the Senator from Wisconsin. I do not believe he did.

Mr. SPOONER. So far as I am concerned, that is a defamatory impeachment.

Mr. CARMACK. As I did not impeach the Senator, he has no right to say it is defamatory.

Mr. SPOONER. And I want to say that, so far as I know, that is not true of any member of the Senate.

Mr. CARMACK. I know what is in the RECORD. I know what Senators said.

Mr. SPOONER. Who?

Mr. CARMACK. The Senator from Montana, Mr. Carter, at that time a great leader of the Republican party.

Mr. BEVERIDGE. Mr. President——

Mr. CARMACK. And I know what the Senator from Indiana said.

Mr. BEVERIDGE. The pertinency of this discussion at this time is the point which the Senator from Idaho attempted to make, that the Philippines were an open door to China and that the Chinese foreign trade, instead of being an advantage to us, was a menace. Therefore it became necessary very briefly to show how it was an advantage. That is the pertinency of this debate, and that is its logical sequence.

Mr. SPOONER. I quite agree with my friend from Indiana that the argument is pertinent and legitimate, but for one I protest, and I think on behalf of every man almost in the Senate, against the assumption by the Senator from Tennessee that in ratifying the Paris treaty the Senate attempted to reduce the question to the standard of the dollar.

Mr. BEVERIDGE. Mr. President——

Mr. CARMACK. Will the Senator permit me a moment?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. In reply to what the Senator says about defamatory impeachment, I do not know that that is exactly parliamentary, but we are not in the habit of calling people to order on this side of the Chamber for saying unpleasant things and I do not care for it myself. I pass it by with indifference. But I say it was proclaimed upon the very floor of the Senate by distinguished Republican Senators—by Senator Carter from Montana—that the question of sentiment or religion had nothing to do with it; that it was simply a question of the dollar. I remember the language used by Senator Carter of Montana, and I could quote also to the Senator the statement recently made by the new Secretary of the Treasury, that it was selfishness as much as anything else that led us into this business.

Mr. SPOONER. That is the opinion of an individual.

Mr. BEVERIDGE. Every man will speak for himself.

Mr. CARMACK. He was a very distinguished leader of the Republican party, however.

Mr. BEVERIDGE. Mr. President, if the Senators are through——

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. DUBOIS. I have listened to the Senator from Indiana with a great deal of pleasure, but he is utterly mistaken about my argument. He has been misquoting me constantly, and basing his argument on misquotations.

Mr. BEVERIDGE. I shall be glad to be corrected by the Senator if I have misquoted him.

Mr. DUBOIS. For instance, I said that the argument the advocates of this bill use as one reason why we should pass it is that it would be an open door to China. I did not undertake to prove that it would be an open door to China. In every other respect the Senator has utterly mistaken my argument, but I can not attempt now to go into the argument again.

Mr. BEVERIDGE. I am delighted to have the Senator set himself right in my mind, and I will say in the minds of many others. But I will ask the Senator if he did not devote one-third of his speech to showing that in respect to trade with China, instead of being a benefit to us, it would be a menace, and that the development of that country would be a misfortune to the United States; is not that correct?

Mr. DUBOIS. Absolutely.

Mr. BEVERIDGE. That is absolutely correct. Therefore I started out to show if that was true as to China it must also be true as to Germany and France and Japan, for the figures show that as those countries develop industrially our exports to them increase; and if that be true as to them the same thing must necessarily be true as to China. The Senator's argument, as now corrected by him, is that even if our contention is true, that the Philippines are a doorway to China's trade, that trade is not only not worth having, but actually dangerous.

Mr. DUBOIS. I agree with the Senator from Wisconsin [Mr. SPOONER] that there are a few things left in this world outside of the profits in dollars and cents.

Mr. BEVERIDGE. And the reason I am now speaking of the

profits in dollars and cents is because the whole argument of the Senator from Idaho was devoted to that point, to show that this experiment was not profitable, and for the reason of the expense in dollars and cents we should give up the Philippines.

Now, the Senator says that we do not want to consider the argument of dollars and cents, although his whole speech was made to show that because of the argument of profit and loss we ought to leave the Philippines. His argument was exclusively commercial. I heard no moral appeal of any sort in the Senator's address, but I heard a very careful and a very subtle argument to show that this whole business was unprofitable; and that is what I am answering now.

It is very late and there have been many interruptions, so I shall not go on with much I had noted down here; but I wish to refer to just one thing which appears to show inconsistency on the Senator's part. He spoke of syndicates taking these lands, and yet the Senator knows that in this bill it is provided that no corporation shall own more than 5,000 acres of land, and that it is within the power of the Commission absolutely to prevent them owning more. He knows that, as to private holdings, there is an absolute prohibition in the bill that any person having those holdings shall sell or lease or demise them; and yet the Senator says that this whole scheme is a scheme of exploitation by corporations and syndicates.

But the Senator refuted himself, as is often the case in oversubtle arguments, because he cited as an illustration the protest of the Philippine Development Company, was it not?

Mr. DUBOIS. Yes.

Mr. BEVERIDGE. They protest against what, Mr. President? Is it the protest that they are not going to get more land of which the Senator complains? No; it is a protest against our Government taking these vast quantities of land from this corporation to give to small private holders.

The only instance, Mr. President, that the Senator was able to show in support of this alleged danger of the great holdings of land by syndicates was an illustration of precisely the reverse; and that is that one great syndicate is now protesting that the Government is about to take away its vast holdings and distribute them amongst small holders.

Mr. DUBOIS. Why were they protesting, I will ask the Senator?

Mr. BEVERIDGE. The Senator is more familiar with their protest than I am. Will the Senator state why they are protesting?

Mr. DUBOIS. They are protesting because the Government is selling these lands, claiming that they are friars' lands, when, as a matter of fact, they claim that the land belongs to them.

Mr. BEVERIDGE. Does the Senator mean to say that the protest would not have been made if the Government had merely taken their lands and distributed them among small holders, irrespective of the friars? Would not they have protested just the same?

Mr. DUBOIS. How could the Government take lands belonging to me, for instance, over in the Philippines?

Mr. BEVERIDGE. That is not the question. The question that I desire to hold the Senator to is this: He complained because the bill was going to make this a great scheme for corporate exploitation, and the only illustration he offered was the case of a corporation that was protesting against its lands being taken from it and distributed among the people, which is a destruction by his own example of his original proposition.

Now, Mr. President, only one point more——

Mr. DUBOIS. We are just simply going round and round again. They are protesting because the Government said these lands belong to the friars, whereas they claim the Government was selling lands which belonged to this company.

Mr. BEVERIDGE. Mr. President, the Government was breaking up a great land monopoly in the islands; and yet the Senator says it is the business of this bill to create corporate monopolies, and cites in support of his criticism the protest of this land company against our taking its lands and distributing them among the people. The Senator says we go round and round, and I think that is true. The Senator goes round and round, and I am following him as rapidly as possible. That is why we are going round and round. I am trying to reply to the Senator as fast as I can.

There is just one other point to which I shall refer among the many which I had noted but shall not mention. The Senator, with a gravity which amounted to pathos—and I should like to be honored with the Senator's attention, as I honored him with mine.

Mr. DUBOIS. I am listening to the Senator.

Mr. BEVERIDGE. I say that the Senator, with a gravity that rose to the tremulous point of pathos in his voice, said we have nothing the Filipinos want; that the natives of India wanted nothing that England had, and that trade with the Orient is not only a myth, but a destructive delusion. That is what the Senator said.

Mr. President, the whole world sells to the Philippine Islands every year, and did while Spain was there, something like $30,000,000 worth. The Senator from Idaho said that all of that was consumed by the foreign residents. He said that everything we would sell to the Philippines would be consumed by the foreign residents. He said that exports to tropical regions were consumed by the foreigners living there. I ask the Senator from Idaho to consider the enormous consuming capacity of those few Spaniards and Englishmen there who could consume $30,000,000 worth of imports that every year were sold to the Philippines. Does he not think, on reflection, that the Filipinos consumed some of that $30,000,000 of imports; that the people of India consumed a little of the $200,000,000 of England's exports to India? Does not the Senator really think that the few hundred Englishmen in the Straits Settlements could hardly use all of the $15,000,000 of products imported there from England? The $30,000,000 worth of exports to the Philippines when those people are educated, when their trade and commerce amounts to something more than barter, which, as the testimony shows, is all they have now, when roads traverse those islands, when plantations are joined together where it is now a wilderness, when the whole country is developed—not exploited, as you choose to name it—when there are schools in every place as there are here, the consuming capacity of that people will rise to the high average of civilized life, and the $30,000,000 of imports which now go to the Philippine Islands will rise at least to ten times that amount.

Ought we not to have the bulk of that trade in the Philippines? We have an illustration to show that we shall have all of it. Before Hawaii came to us she bought something like $15,000,000 worth of imports from all the world. We sold her less than one-third. She came beneath our flag, and to-day we sell her practically the whole of her importations. Suppose only one-half of that result should be true of the Philippines; suppose that education, roads, railroads, the development of the country lift the consuming capacity of that people only five times, that would be $150,000,000 a year; and if we get only one-half of that that would be $75,000,000 of American exports to the Philippines alone. But a little thing like that is of no consequence to the Senator from Idaho.

I am showing, Mr. President, with great brevity that it is not true that the goods imported into the Philippine Islands, into India, and into the Malay Straits Settlements are not consumed by the foreign residents among those people, but by the people themselves. Do the few thousand Englishmen who live in India consume the entire $200,000,000 worth of English exports to that country? Do those few hundred Englishmen who live in the Malay Straits Settlements consume the entire $15,000,000 worth of exports which England alone sells to those people? Do the few Englishmen in England's dependencies consume the hundreds of millions of dollars' worth of English exports sent to them? The Senator said so, but is it possible, does the Senator think?

I put it to the Senator again, or to any Senator, that this oriental trade is worth getting. What would happen to England's commerce, to England's manufactures, to England's industry, if the $500,000,000 that her dependencies and the Orient purchase from her yearly was suddenly taken away from her?

I repeat again that there would be something in that country of bankruptcy, commercially and industrially, which we witnessed in this country under a recent unfortunate régime.

I do not wish to take more time of the Senate, but I want to suggest to the Senator from Idaho that the opposite of his views is held by the shrewdest merchants of the world and by the shrewdest mercantile nations of the world, and is their settled policy. The opposite of his views is held by the commercial communities of Germany, by the commercial communities of England, and by the commercial communities of every modern industrial nation.

Can it be true, Mr. President, that all of those men, and not one, but all modern and advancing commercial nations, are wrong, and that it has been left to the Senator from Idaho to discover the real truth of this matter? Can it be that the greatest commercial nation of the world, England, that the most advancing commercial nation of the world to-day, Germany, or that even France, who has had to prosecute the same policy—that all of their merchants were so unanimous in this matter that it became national—have made a profound mistake, and that Germany, England, and all successful commercial nations should abandon their mistaken ideas and now take advice upon foreign commerce from the distinguished Senator from Idaho? Yet that is the proposition which his speech must meet.

Mr. HOAR. May I ask the Senator a question?

Mr. BEVERIDGE. Certainly, gladly.

Mr. HOAR. I ask it in absolute good faith, as, of course, I do not suppose the Senator will doubt. I do not ask it with the view of making a point against his argument.

Mr. BEVERIDGE. I shall be very much honored to have the Senator ask me any question he desires.

Mr. HOAR. I ask the Senator the question simply for light on the subject, no matter how or where it cuts. The question is, Do England's dependencies furnish her more trade than is furnished by the free nations of similar populations with whom she deals?

Mr. BEVERIDGE. No, sir. I see the Senator's proposition.

Mr. HOAR. The question is whether a dependency or a free customer is better.

Mr. BEVERIDGE. I see the Senator's proposition, Mr. President, and I answered it before the Senator came into the room, for the same point was raised before. The answer is this: Because her self-governing colonies, peopled by her own people, with their vast consuming capacity, purchase more of her than her dependencies which have people of a lower consuming capacity, is no reason why she should abandon the latter market. The answer is, Mr. President, that a merchant, if he is progressive and prosperous, after he exploits one market proceeds to another and exploits that.

Mr. HOAR. But the proposition I put went a little farther and a little deeper than that; and that is whether for England the free customer is not better than the dependency. For instance, suppose England governed us to-day——

Mr. BEVERIDGE. I understand the Senator's proposition, if he will pardon me——

Mr. HOAR. Would we be a better customer for her governing us than we are governing ourselves?

Mr. BEVERIDGE. No; if the Senator will pardon me, that was hardly the former question. Here is the converse of the Senator's question, and I put it to the Senator: Did England sell more to India when England's flag did not fly over India than England sells India to-day? That is the question, Mr. President.

Mr. CARMACK. Will the Senator allow me?

Mr. BEVERIDGE. I will; but I intended to get through before this time. I will yield to the Senator, however.

Mr. CARMACK. In reply to the question put by the Senator from Massachusetts [Mr. HOAR], I believe it to be a fact, although I will not state it with absolute confidence, that England sells more of her manufactured goods to Germany and France than to all her colonies and possessions combined.

Mr. BEVERIDGE. Mr. President, the greatest per cent of England's trade is with her colonies. The Senator is not correct. But granting that the Senator were correct——

Mr. CARMACK rose.

Mr. BEVERIDGE. I am going to grant the Senator's statement for the sake of the argument. Suppose, Mr. President, that the Senator's statement were true, does the Senator draw from that the conclusion that England should therefore abandon her colonial markets and the markets of her dependencies?

Mr. CARMACK. Not at all, Mr. President.

Mr. BEVERIDGE. Then, where is the pertinency of the inquiry?

Mr. CARMACK. It is this: That England is not compelled to hold countries as dependencies in order to trade with them. She might have just as great a trade with those countries which she holds as dependencies if they were not her depencencies.

Mr. BEVERIDGE. Ah, Mr. President, there is the usual opposition "might." But what is the fact? Let the Senator not argue on the "mights" and "supposes" and "it would be's," but on what is true.

Mr. CARMACK. Then, Mr. President, I will tell the Senator what is true.

Mr. BEVERIDGE. Well, I shall be glad to be instructed by the Senator from Tennessee as to what is true at any time. It will be a novelty.

Mr. CARMACK. And that is, that the United States and Germany, which have no authority at all over England's possessions, have for many years been steadily increasing their exports to those possessions, while England's own exports to her own possessions have been steadily declining.

Mr. BEVERIDGE. Mr. President, at this late hour the Senator suggests a fact here, of which I doubt not he knows the causes, and which he knows it is impossible to intelligently go into at this late hour, just as he did a while ago about the decline of England's trade, but does the Senator not know that the reason why France, Germany, and ourselves can go into the ports of England's dependencies and compete there with her is because she opens those ports freely to us, and because of the fact that for thirty years England enjoyed a monopoly of that trade, and through overconfidence has fallen into such a state of commercial lethargy that she does not make goods that the people want any more, she does not ask them how they want them delivered, but Germany does that, France does that, and we do that, and we enter her ports with equal freedom with her, and therefore her trade has decreased and ours has increased. Those are some of the reasons.

Mr. CARMACK rose.

Mr. BEVERIDGE. If the Senator will pardon me, if he had at an earlier time in the day suggested these complex questions I should have been delighted to have gone into it. I am ready to discuss this engaging subject at any time when it is sufficiently early in the day to go exhaustively into it.

But, Mr. President, one more point, one more fallacy, which it occurs to me was the crowning fallacy and the final and ultimate sophistry of the speech of the Senator from Idaho, and I think it was the most pathetic point of the many pathetic points he made, and it was this:

He said it stands against reason that we can furnish men like Governor Taft; it stands against reason that if Taft was to die there could be another man like Taft produced. He said our Commission may be dead in thirty days; they are splendid men; who knows but they may die, and because they may die we had better give up the Philippine Islands. Why, he said, where can you produce another Taft? Why, Mr. President, no man on earth admires Governor Taft more than I. Yet there is another equally successful administrator, and not far away. Indeed he will arrive here next week. Gen. Leonard Wood, of Cuba, is another like Taft. Gen. Luke Wright is another like Taft; and, Mr. President, all over this great Republic of 80,000,000 people will be found men like Taft and Wood and Wright, the best administrators in the world. And the fact that they are American administrators is not against them.

Mr. President, we do not fail when a railroad company's president dies to find in some place a man of equal ability and equal energy to engineer that great enterprise, and yet the argument of the Senator from Idaho would cause us to dismantle every railroad in this country, because he would say, "Where can you get another president like this?" The argument of the Senator from Idaho would cause us to disestablish this Republic, because he would say, "Where can you find another President like Lincoln or McKinley, or like any other great and wise President?" Mr. President, the American people is the greatest reservoir of intelligence, power, and moral force and energy in this world, and when one man steps out of this great host of 80,000,000 of the mightiest, noblest, and best people in the world an abundance of the best administrators of the world can be found to take the vacant place and to carry on the great work of law, order, civilization, and the regeneration of our dominions wherever floats our blessed flag.

Mr. TELLER. I offer an amendment to the pending bill, which I ask to have printed.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Colorado will be received, printed, and ordered to lie on the table.

JAMES W. LONG.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (S. 282) providing for the appointment of James W. Long, late a captain in the United States Army, a captain of infantry, and for placing his name on the retired list.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "battle," to strike out "with the rank and pay of a captain of infantry, retired;" so as to make the bill read:

Be it enacted, etc., That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James W. Long, late captain in the United States Army, a captain of infantry, and to thereupon place his name upon the unlimited retired list of the Army, in the class whose disabilities result from wounds received in battle.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until Monday, May 26, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1902.

APPOINTMENTS IN THE ARMY.

ARTILLERY CORPS.

To be first lieutenants, to rank from September 23, 1901.

Frank E. Hopkins, at large, late first lieutenant, Forty-sixth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Homer B. Grant, of Massachusetts, late first lieutenant, Twenty-sixth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

John W. C. Abbott, at large, late first lieutenant, Thirtieth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

John McBride, jr., at large, late first lieutenant, Thirtieth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Harrison S. Kerrick, of Illinois, late captain, Thirtieth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Frank J. Miller, at large, late first lieutenant, Forty-first Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Charles L. Lanham, at large, late first lieutenant, Forty-seventh Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

John S. Johnston, of Indiana, late first lieutenant, Forty-first Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Albert U. Faulkner, at large, late first lieutenant, Twenty-seventh Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Francis W. Ralston, of Pennsylvania, late first lieutenant, Thirtieth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Cleveland C. Lansing, of Virginia, late first lieutenant, Thirty-fourth Infantry, United States Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Willis R. Vance, at large, late lieutenant, Fifteenth Pennsylvania Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Harry W. McCauley, at large, late corporal, Company E, First Colorado Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

Charles M. Bunker, at large, late first sergeant Company B, Fifteenth Minnesota Volunteers (now second lieutenant, Artillery Corps, United States Army), to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1902.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Gordon Paddock, of New York, to be secretary of legation and consul-general of the United States at Seoul, Korea, from July 1, 1902.

ASSISTANT TREASURER.

Julius Jacobs, of California, to be assistant treasurer of the United States at San Francisco, Cal.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Abram A. Harbach, First Infantry, May 16, 1902.
Col. William F. Spurgin, Fourth Infantry, May 16, 1902.

INFANTRY ARM.

Burton J. Mitchell, of Kansas, late first lieutenant, Fortieth Infantry, United States Volunteers (now second lieutenant, Twenty-second Infantry, United States Army), to be first lieutenant, February 2, 1901.

ARTILLERY CORPS.

To be first lieutenants, to rank from September 23, 1901.

Frank E. Hopkins, at large.
Homer B. Grant, of Massachusetts.
John W. C. Abbott, at large.
John McBride, jr., at large.
Harrison S. Kerrick, of Illinois.
Frank J. Miller, at large.
Charles L. Lanham, at large.
John S. Johnston, of Indiana.
Albert U. Faulkner, at large.
Francis W. Ralston, of Pennsylvania.
Cleveland C. Lansing, of Virginia.
Willis R. Vance, at large.
Harry W. McCauley, at large.
Charles M. Bunker, at large.

POSTMASTERS.

John L. Goddard, to be postmaster at Maryville, in the county of Blount and State of Tennessee.

Irwin G. Lukens, to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania.

Benjamin Jacobs, to be postmaster at Pencoyd, in the county of Montgomery and State of Pennsylvania.

John S. Buchanan, to be postmaster at Ambler, in the county of Montgomery and State of Pennsylvania.

Henry C. Connaway, to be postmaster at Berlin, in the county of Worcester and State of Maryland.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 23, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, a privileged report.

The SPEAKER. The gentleman from New York calls up a privileged report.

Mr. WADSWORTH. I offer the report of the conference committee on the Agricultural appropriation bill, which I ask to have printed in the RECORD, and I give notice that I will ask for its adoption on Monday.

The SPEAKER. The gentleman calls up the conference report on the Agricultural appropriation bill. The report and statement will be printed in the RECORD in pursuance of the rule adopted yesterday.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman did not state that he had a statement to accompany the report, but I assume that there is one.

Mr. WADSWORTH. Yes; the statement accompanies it.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 21, 40, 55, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 57, 61, 63, 64, and 67, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$612,730;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$254,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$291,860;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "report," insert the words: ", giving his reasons;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$796,000;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$796,000;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
H. D. ALLEN,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WM. B. BATE,
Managers on the part of the Senate.

Statement to accompany conference report on H. R. 13895.

The increases in salaries (covered by amendments numbered 5, 7, 8, 9, 24, 32, 37, 42, and 45) agreed to by your conferees are as follows:

No. 5. The zoologist of Bureau of Animal Industry increased from $2,250 to $2,500.

No. 7. The Chief of the Bureau of Plant Industry increased from $3,000 to $4,000.

Nos. 24, 32, and 37. The chiefs of the bureaus of Forestry, of Chemistry, and of Soils each increased from $3,000 to $3,500.

Nos. 42 and 45. The chiefs of the divisions of Entomology and Biology increased from $2,500 to $2,750.

No. 8. The assistant chief of the Bureau of Plant Industry from $2,500 to $2,750.

No. 9. The chief clerk of the Bureau of Plant Industry from $1,800 to $2,000.

These increases were agreed to because your conferees believe them just and proper and not above the amounts paid for similar services by public and private institutions throughout the country. One additional cataloguer was allowed in the Library (amendment 54) at $1,000.

The following increases in the lump-sum appropriations (covered by amendments Nos. 14, 29, 58, 60, and 66) were agreed to:

No. 14, for pathological investigations	$10,000
No. 29, for Bureau of Forestry	9,000
No. 58, for Library	1,000
No. 60, for experiment stations	4,000
No. 66, for irrigation investigations	15,000

These increases, after further investigation and consideration, were not considered excessive, and were agreed to.

The item (amendment No. 3) for the construction of 6 buildings and the purchase of sites for same for use as Weather Bureau observatories, stricken from the bill in the House on a point of order, was reinserted by the Senate, and agreed to by your conferees.

The clause directing the Secretary of Agriculture to transfer to the Weather Bureau the Division of Statistics was amended (amendment No. 50) so as to direct the Secretary of Agriculture to report at the next session of Congress whether it is advisable to consolidate under the Weather Bureau all work of the Department of Agriculture relating to the gathering and compilation of crop reports and statistics, and if so to submit a plan for such consolidation.

All the other amendments were immaterial, being mere corrections of totals and slight typographical alterations.

The net increase in the amount carried by the bill as agreed to above the amount carried by the bill as it passed the House is $93,920, and the increase over the appropriation for the current fiscal year is $631,040.

STORM-WARNING STATIONS, SOUTH MANITOU ISLAND, LAKE MICHIGAN.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan.

The bill was read, as follows:

Be it enacted, etc., That the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, maintaining, repairing, and operating, under the direction of the Secretary of Agriculture, telegraph or telephone lines between Glenhaven, Mich., and South Manitou Island, Lake Michigan, and for the establishment, equipment, and maintenance of storm-warning stations at those points.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I was under the impression that this bill or a similar one was presented a few days ago. Reserving the right to object, I should be glad if the gentleman would give us some explanation about it.

Mr. BISHOP. This is the same bill that I spoke to the gentleman about the other day. It was not called up at that time.

Mr. Speaker, I move to amend the bill——

The SPEAKER. Let us have unanimous consent first.

Mr. RICHARDSON of Tennessee. I shall not object to its consideration, Mr. Speaker. It is a bill which belongs to a class that, it seems to me, the majority should take care of.

Mr. PAYNE. I should like to have an explanation of the bill.

Mr. BISHOP. I will ask the Clerk to read the report, which gives a full explanation.

The Clerk read as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1464) to establish wind-signal display stations at South Manitou Island, Lake Michigan, make a favorable report on the same.

Several years ago wind-display signals were established on the islands of Thunder Bay, Lake Huron, by laying a cable from the mainland to the islands and thus establishing telephonic communication with the light-house. This service proved so advantageous to lake traffic that the vessel owners have petitioned to have a like service established in Lake Michigan.

South Manitou Island is a harbor of refuge for vessels going to and coming from Chicago, and in stormy weather as many as a dozen large vessels seek shelter under the lee of that island. There is now no way in which these vessels can be reported or by which they can get assistance when it may be necessary.

Moreover, South Manitou signals would be in the highest degree important for vessels that traverse Lake Michigan, since they would be the only available signals between the Straits of Mackinac and Chicago.

The demand is great, the cost (not over $15,000) is small, and the operating expenses would be nothing, because the light-house keeper would perform the necessary work.

A petition, as follows, has been signed by hundreds of vessel owners and navigators of Detroit, Milwaukee, Chicago, Cape Vincent, N. Y.; South Haven, Mich.; Ogdensburg, N. Y.; Grand Haven, Mich., and Oswego, N. Y.:

The Congress of the United States, Washington, D. C.:

The undersigned, residents of Port Huron, Mich., and vicinity, owners, managers, and masters, representing the maritime interests of the Great Lakes, respectfully petition you for the establishment of cable service from South Manitou Harbor light-house, Lake Michigan, to the mainland at Glen Haven, by telephone connecting with the Western Union Telegraph Company at latter place, which, if established, will be of material benefit to shipping interests. South Manitou Harbor is one of the most natural on the lakes, and is about the only one between the Straits of Mackinac and Chicago which vessels, especially of the larger class, can safely enter.

The island is also a dangerous one for wrecks, which, occurring generally in stormy weather, makes it impossible to reach mainland to secure assistance, the result of which is at times very disastrous. It is also used extensively by vessels seeking shelter who are without means of communicating their whereabouts to their owners, managers, or others interested. Vessels lay there storm bound for days at a time. In fact, in the early and latter part of the season of navigation crafts are always at anchor there. A report kept for one season showed in the neighborhood of 400 vessels making use of it. The fact, too, that a life-saving station has been located on Sleeping Bear Point, 1¼ miles west of Glen Haven, and which assurance from the Department has been given will be erected the coming spring, makes the proposed line the more necessary. Glen Haven is also a station for the display of wind signals.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., December 18, 1901.

MY DEAR SENATOR: I have the honor to return herewith Senate bill 1464, to establish wind-signal display stations at South Manitou Island, Lake Michigan, and to recommend that the title of the bill be changed so as to provide for the establishing of "storm-warning stations" instead of "wind-signal stations." We have recently adopted the term "storm-warning" instead of "wind-signal."

In my opinion the establishing of storm-warning stations at South Manitou Island would prove of great value to lake marine interests, and I recommend that the sum of $15,000 be favorably considered by your committee.

Very respectfully,

JAMES WILSON, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

LIFE-SAVING SERVICE,
ASSISTANT TO SUPERINTENDENT OF CONSTRUCTION,
Glen Haven, Mich., December 18, 1901.

MY DEAR BISHOP: Having in mind the project of connecting South Manitou Island with the mainland, I wish to say that it has been my lot to be employed a good share of the fall on South Manitou Island, and during such sojourn I have become somewhat familiar of the inconvenience of being isolated from the world. I have been a week at a time without being able to communicate with the mainland on account of storm. During such storms I witnessed as high as 18 vessels taking shelter at the South Manitou Harbor during one storm. Every storm there were more or less vessels seeking safety in the harbor—there to lie, watch, and wait, with no means of knowing what the conditions were outside.

Many at times would willingly give most any price for the privilege of sending the one word "safe" to friends and owners, who alike are deeply interested. And no one can estimate the additional number of vessels that would take shelter there during storms if there were some means of hearing from the outside, that now take the risk of weathering the storm, and many times meeting with disaster, rather than to take shelter and be where they could have no communication with friends and owners. This is a vital question and interests the thousands of sailors employed on the Great Lakes as well as every owner of a dollar's worth of vessel property, and every shipper who has a dollar's worth of freight to move by vessels, not mentioning the anxiety of countless numbers of friends of those whose lives are imperiled in every storm that sweeps the Great Lakes.

No one knows whose vessels or whose friends may be benefited, as all the traffic of the Great Lakes that enters Lake Michigan is compelled to pass close to the islands, and the passage between the islands and the mainland is filled with points and numerous shoals which are a continual menace to navigation in thick weather, when every now and then a careful master is brought to grief by having his vessel suddenly brought up upon some shoal or point when he supposed he was in the regular channel. This has occurred many times in the past, and will continue to occur as long as vessels continue to navigate the great waterways. And who can estimate the thousands of dollars' worth of property that now is lost which might be saved if there were some means of communicating with the mainland so wrecking outfits might be summoned at once? An hour's delay many times loses all. And as our lake carriers increase in size the danger of striking shoals increases. And, further, if the assistance of life-savers were needed two stations could be brought to the rescue at once.

In view of this array of facts no appropriation carrying the same expense would have more merit than the one for the cable from Sleeping Bear Point to South Manitou Island. The Government has just completed two life-saving stations, one located on Sleeping Bear Point, the other on South Manitou Island. They will be manned in the spring of 1902; then there will always be some one on duty at these points. Weather signals could be displayed at the islands and vessels get information that would be of essential value in time of storm. Relying on their own judgment, as masters are now compelled to do, they many times move too soon or wait too long, when they could have much more safety and much better dispatch could they be served with the information obtained from the weather bureaus.

Yours, truly,

D. C. WICKHAM.

Hon. R. P. BISHOP,
Washington, D. C.

Mr. PAYNE. I am satisfied, without any further reading.

Mr. BISHOP. Mr. Speaker, the report is an ample explanation. South Manitou Island lies some distance from the mainland. Upon this island there is a life-saving station and light-house. There is also one on the main island. The south end of this island is called the graveyard of vessels for Lake Michigan. I presume there is more traffic passes this island than almost any other point on the Great Lakes, except through Detroit River. It is of very great importance to the shipping interests. Personally my district is not interested. I only speak on behalf of the vessel owners and great shipping interests of the lakes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BISHOP. I simply want to insert one word in line 8 as an amendment. After the word "telegraph" insert the word "cable."

The Clerk read as follows:

In line 8, after the word "telegraph," insert the word "cable."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BISHOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

REDIVISION OF THE DISTRICT OF ALASKA.

Mr. SMITH of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions.

Be it enacted, etc., That the district of Alaska be, and the same is hereby, divided into three recording and judicial divisions, as follows:

The first division shall include all that portion of said district east of the one hundred and forty-first degree of west longitude.

The second division of said district shall consist of all that territory lying west, northwest, and north of that certain line described as follows: Commencing at the mouth of the Colville River, on the north coast of the district of Alaska; thence following the Colville River south and west to a point where said river crosses the one hundred and fifty-fourth meridian line the second time; thence following the one hundred and fifty-fourth meridian line south to the west side of Tohtankella Mountain and to the Yukon River; thence in a southeasterly direction to the western side of Mount McKinley; thence in a southwesterly direction to the most northern point of Lake Clark; thence along the northwest side of Lake Clark to the sixtieth degree of north latitude; thence west along said degree of latitude to Kuskokwim Bay. This division shall also include the mainland west of said bay and all the islands north of the fifty-ninth degree of north latitude.

The third division shall consist of all that portion of the district of Alaska not included within the first or second divisions of said district as hereinbefore described.

This act shall take effect and be enforced from and after July 1, 1902.

The SPEAKER. Is there objection?

Mr. LACEY. Reserving the right to object, I would like to ask the gentleman to explain what changes this makes in the present district of Alaska. Does it make any change in the numbers?

Mr. SMITH of Kentucky. No, sir; there is no increase in the number.

Mr. LACEY. There is a No. 1, a No. 2, and a No. 3?

Mr. SMITH of Kentucky. There is a No. 1, No. 2, and No. 3 in this bill.

Mr. LACEY. Are they substantially the same?

Mr. SMITH of Kentucky. It enlarges the third district. On account of the population filling up the country, it has developed that the work in the second district has become something like two or three times like that in the third district.

Mr. LACEY. Does this transfer Nome to any other district?

Mr. SMITH of Kentucky. I think not. That is my recollection of it. There is no transfer to any other district. It leaves Nome where it now is.

Mr. LACEY. I would like to ask the gentleman a still further question. Have the committee investigated the propriety of remodeling the law in some respects, so as to take away political powers from the court, so as to relieve the court from the necessary taint that is liable to attach to any court that exercises political jurisdiction?

Mr. SMITH of Kentucky. No, sir; the committee did not investigate that question.

Mr. LACEY. I will ask the gentleman if he does not think there ought to be an amendment in this bill which will require that these recorders, which are purely political officers, shall be appointed by the governor or executive rather than by the judges, so as to relieve the judges of the political complications that have arisen there by reason of the political power given to them that does not properly and should never belong to a court.

Mr. SMITH of Kentucky. Mr. Speaker, I am not prepared to express an opinion on this subject. Generally speaking, I may say, I am not in favor of vesting political power with the judges, but this measure came to the committee with the recommendation of the Attorney-General and the whole of the judges of the district of Alaska.

Mr. LACEY. I would commend to my friend the propriety of taking out of the courts of Alaska the political powers that have given so much trouble there.

Mr. SMITH of Kentucky. I am quite sure if such a bill were introduced and referred to the Committee on the Judiciary it will take pleasure in giving it a full and fair consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

NATIONAL BUREAU OF CRIMINAL IDENTIFICATION.

Mr. JENKINS. Mr. Speaker, by the direction of the Committee on the Judiciary, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 10068) for the creation of a national bureau of criminal identification.

Be it enacted, etc., That there shall be established and maintained in Washington, D. C., in connection with the Department of Justice of the United States, a division to be known as the national bureau of criminal identification, where shall be collected and filed, so far as may be practicable for record and report, plates, photographs, outline pictures, descriptions, information, and measurements of all persons who have been or may be convicted and imprisoned for violating any of the military, naval, or criminal laws of the United States, including the laws in force in any of the Territories or possessions of the United States, violations of which are punishable by the United States courts.

In said bureau shall also be collected and filed for record and report, so far as may be practicable, such plates, photographs, pictures, measurements, information, and descriptions of persons who have been or may be convicted and imprisoned for crimes committed in any State or Territory: *Provided*, That the constituted authorities of the several States and Territories, or of the municipalities thereof, shall provide the same for such purposes: *And provided*, That all such plates, photographs, outlines, measurements, information, and descriptions shall be transmitted to the director of said national bureau of criminal indentification, with a duly prepared certificate from an authorized officer or officers of the law having in charge such convicted person or persons: *And provided*, That the plate, photograph, outline, measurement, information, or description of any person wanted by the United States or State authorities for violation of any military, naval, or criminal law of the United States or any State or Territory may also be filed in said bureau as aforesaid: *And provided*, That before receiving, filing, or recording any such plates, photographs, outline pictures, measurements, information, or descriptions the director of said bureau shall be furnished for record with a certificate from the executive of any such State or Territory, or the mayor, town clerk, or recorder of any municipality therein, setting forth the fact that such State, Territory, or municipality is duly authorized by law or ordinance to cooperate and exchange such plates, photographs, outline pictures, measurements, information, and descriptions of persons who have been or may be convicted and imprisoned for crimes with said national bureau of criminal indentification. Said certificate shall also contain the name of the official or officials who may transmit such plates, photographs, outline pictures, measurements, information, or descriptions as duly authorized to provide the same, and to receive such in return as said national bureau of criminal identification may have to furnish.

That all such plates, photographs, outline pictures, measurements, information, or descriptions which may be received, filed, and recorded shall be placed in a systematic manner for ready consultation and comparison, and any information pertaining to the same, or any identification of person upon description furnished by any official aforesaid, through comparison with such plates, photographs, outline pictures, measurements, information, or description already filed and recorded, shall be furnished on request to any United States official duly authorized to receive the same, or to any State or municipal official, as aforesaid, who shall certify that the same is wanted in the interests of public justice and not for any private or personal use.

The several departments of the United States Government shall forward for record and file in said bureau any plates, photographs, outline pictures, descriptions, or information pertaining to any person who has or may in any way design or indicate that he or she may contemplate the violation or is known to have violated any military, naval, or criminal law of the United States or the criminal law of any State or Territory, when it shall have been determined by the principal official of any such department that the same is necessary for the prevention or detection of crime, or in the interests of the public welfare.

That there shall be a director of said bureau who shall be appointed by the Attorney-General of the United States, who, in order to better secure harmonious cooperation in the prosecution of the work herein contemplated, shall first confer with the chiefs of police composing the board of governors, as appointed by the National Association of Chiefs of Police of the United States, together with the Chief of the Secret Service and the chief inspector for the Post-Office Department, after each of whom shall have been legally qualified to participate in the privileges of said bureau as hereinbefore contemplated, and said director may be removed for cause at any time by the Attorney-General after an opportunity has been given him to be heard on written charges.

Said director shall be experienced in criminology, and have a general knowledge of professional criminals, and shall be expert in the several kinds of criminal measurements which may be in use in the United States.

He shall receive a salary of $3,000 per annum, be furnished with 1 stenographer at $1,200, 3 clerks, 1 of whom shall be a practical photographer, at $1,000 per annum each, and a messenger at $900 per annum, and shall be authorized and empowered to employ 4 skilled operators in the detection and prevention of crime, at a salary of $1,500 each per annum, who may be assigned to any confidential work in the prevention and detection of crime, securing of information, etc., in connection with said bureau which may be necessary, and actual traveling expenses incurred shall be paid from the fund provided for the general expenses of said bureau, and all requisite furniture, stationery, and apparatus for maintaining such bureau, at a cost not to exceed $10,000, which several sums are hereby appropriated out of any moneys in the United States Treasury not otherwise appropriated.

The amendments recommended by the committee were read, as follows:

Amend page 2, line 22, by inserting after the word "mayor" the words "town clerk, or recorder."

Amend page 4, lines 11 and 12, by striking out of said lines, after the word "who," in line 11, the following: "in order to better secure harmonious cooperation in the prosecution of the work herein contemplated."

Add at the end of the bill the following:

"The records and information in possession of said bureau shall be open to the inspection and examination of all persons engaged in scientific investigations, or in the study of criminology, under the direction of the Attorney-General."

The SPEAKER. Is there objection?

Mr. ROBINSON of Indiana. I do not desire to object, but I should like a full explanation of the operations of the bill.

Mr. FITZGERALD. I object,

The SPEAKER. Objection is made.

JOSEPH M. SIMMS.

Mr. CONRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to advance Lieut. Joseph M. Simms, Revenue-Cutter Service, one grade, from first lieutenant to that of captain, on the "Permanent waiting orders" list in the Revenue-Cutter Service, for meritorious acts of public service and wounds received in the United States service as appears upon the public records of the volunteer service of the Army and Navy and of the Revenue-Cutter Service.

The amendment recommended by the committee was read:

At the end of the bill insert:

"*Provided*, That this act shall not increase the pay of said Simms above that provided for a first lieutenant on the retired list, to wit, $1,875.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have some explanation of the bill.

Mr. CONRY. Mr. Speaker, the explanation is that the bill passed a short time ago providing for the Revenue-Cutter Service gave no power to the President of the United States to make the same promotion as in the naval and Army service. The gentleman from New York will understand that this carries no possible increase in salary whatever. The lieutenant is receiving $1,890 per annum, and it is merely a reward for his services in promoting him to the rank of captain. It has the unanimous support of the Committee on Interstate and Foreign Commerce, and is believed to be due him as a recognition of the meritorious services of the gentleman during the war of 1861–1865.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. CONRY. Mr. Speaker, I have an amendment I wish to offer.

The SPEAKER. Is it an amendment to the committee amendment?

Mr. CONRY. It is.

The Clerk read as follows:

On page 2, line 2, in the committee amendment, strike out the word "seventy-five" and insert the word "ninety."

Mr. CONRY. That is merely to cure a clerical error.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be read a third time; was read the third time and passed.

On motion of Mr. CONRY, a motion to reconsider the last vote was laid on the table.

RETIREMENT OF AN ARMY OFFICER.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5213) providing for the selection and retirement of medical officers in the Army.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to select one from such medical officers of the Army as have served forty-one years or more, nine years of which shall have been as Surgeon-General, and, by and with the advice and consent of the Senate, appoint him a major-general of the United States Army, for the purpose of placing him on the retired list.

Mr. HULL. Mr. Speaker, the House bill was reported in the same language by the Committee on Military Affairs after conference with the War Department. Very briefly, it places the Surgeon-General of the Army on the same basis as the Surgeon-General of the Navy. General Sternberg will be the beneficiary of the bill. He has served over forty years and rendered distinguished services. By an act of Congress the Surgeon of the Navy has been retired with increased rank. The medical profession all over the United States has asked the same recognition for the Surgeon-General of the Army, the War Department has recommended it, and it seems to me but an act of justice to a man who has rendered such conspicuous service during all his life to give him the same recognition that has been accorded to a like officer of a sister branch of the service.

Mr. UNDERWOOD. I will state to the gentleman from Iowa that the House a few days ago repealed as far as the House is concerned the statute by which naval officers were retired at a higher grade.

Mr. HULL. That is true; but it will not affect those already retired. I will say that in my judgment the services rendered by General Sternberg during his life, not only for the Army but for the cause of science, make this recognition a fit one for Congress, notwithstanding the House has repealed the provision put in the personnel bill. The officers largely who would receive the benefit of such a provision have received it, and that is especially true in the case of the Surgeon-General who retired last year and was succeeded by Dr. Rixey. Of course, Dr. Rixey would not come in under the provisions of the bill even if it had not been repealed. It seems to me in the interest of justice and fair dealing that this bill should pass in order that the Surgeon-General of the Army may receive the same benefit as is accorded to the Surgeon-General of the Navy.

Mr. UNDERWOOD. Did all the Democrats on the committee vote in favor of it?

Mr. HULL. I think they were all in favor of it, as far as I know; there was no yea-and-nay vote.

Mr. UNDERWOOD. Did it meet the approval of all the Democrats?

Mr. HAY. Mr. Speaker, as far as I am concerned, it meets with my approval, and, as far as I know, it met with the approval of all the Democrats that were present when the bill was up. This bill has a peculiar basis. General Sternberg has rendered peculiar services to the cause of science, notably in the case of yellow fever and discoveries of that character, and I really believe that the bill ought to pass, and I hope my friend from Alabama will not oppose it.

Mr. LACEY. Mr. Speaker, pending unanimous consent for its consideration, I would like to ask the chairman of the committee in regard to the Greenleaf bill and the Smith bill. Those are two men both of whom have had over forty years of service, and the cases are pending before the Military Committee. Both of them have the same record that Dr. Sternberg has, and they only ask to be made brigadiers. The Sternberg bill is called up to make him a major-general. I will ask if these bills have been considered and why they can not be reported and considered together?

Mr. HULL. Mr. Speaker, they do not stand on the same basis, because these gentlemen are on the retired list, and while the cases have been discussed informally, there has been grave doubt as to the advisability of invading the retired list. It opens up a much larger field—one that will give a great deal more trouble. The measure involves different questions, which are not all to be considered in the same connection.

Mr. UNDERWOOD. I wish to say to the gentleman from Iowa [Mr. HULL] that I think this is unquestionably a class of legislation that ought not to be indulged in—the singling out of particular men as favorites and promoting them above other men. As I understand from what the gentleman from Iowa has just said, there are other officers in the Army and in this corps who are now seeking this class of promotion, and if we pass this bill they will expect similar action in their cases, and if they do not get it they will feel that injustice has been done to them. I ask the gentleman to let this matter go over for the present. I would like an opportunity to look into the report further.

Mr. HULL. Then I will withdraw the report. The gentleman's request is equivalent to an objection.

Mr. UNDERWOOD. I put it in the form I did because I did not wish to imply that I intended necessarily to insist upon the objection.

The SPEAKER. Is there objection?

Mr. HULL. I withdraw the request until the gentleman from Alabama may have time to examine the report.

The SPEAKER. That is equivalent to an objection.

WATER POWER AT MUSCLE SHOALS, ALABAMA.

Mr. RICHARDSON of Alabama. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 14051) granting to N. F. Thompson and associates the right to erect a dam and construct power station at Muscle Shoals, Alabama, was read.

The SPEAKER. Is there objection?

Mr. GROSVENOR. I object.

FALSE MARKING OF FOOD PRODUCTS.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 9960) to prevent the false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

The amendments were read.

Mr. SHERMAN. I ask unanimous consent that the amendments of the Senate be nonconcurred in and a conference with the Senate asked.

There being no objection, it was ordered accordingly; and the Speaker announced the appointment of Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

The SPEAKER. In connection with the bill just acted on the Chair desires to state that the rule adopted last evening does not apply in a case of this kind; and it would have been in order to bring up the bill by a motion. The Chair makes this statement in order to avoid any misapprehension on the subject.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

GEORGE F. GREGG.

The first business on the Private Calendar was the bill (H. R. 4990) granting an increase of pension to George F. Gregg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension rolls the name of George F. Gregg, late private in Company G, Third Minnesota Volunteer Infantry, and pay him a pension of $30 a month from and after the passage of this act in lieu of the pension he is now receiving under certificate No. 90579.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Gregg, late of Company G,

Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY WELCH.

The next business on the Private Calendar was the bill (H. R. 5152) granting a pension to Mary Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Welch, widow of Richard Welch, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES B. MARTIN.

The next business on the Private Calendar was the bill (H. R. 8149) granting an increase of pension to James B. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Martin, of Henry County, Mo., late a private in Company C, Tenth Regiment Kentucky Infantry Volunteers, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Martin, late of Company C, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MURPHY.

The next business on the Private Calendar was the bill (H. R. 14146) granting an increase of pension to John Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABNER H. LESTER.

The next business on the Private Calendar was the bill (H. R. 12430) granting a pension to Abner H. Lester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner H. Lester, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of any former erroneous payments of pension.

The amendments recommended by the committee were read, as follows:

In line 11 strike out the word "any."

In same line, after the word "former," insert the words "alleged overpayments or."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA B. SHURTLEFF.

The next business on the Private Calendar was the bill (H. R. 13063) granting a pension to Julia B. Shurtleff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia B. Shurtleff, widow of Edward Selfridge Shurtleff, late acting master, United States Navy, and to pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Selfridge" and insert in lieu thereof the letter "S."

In line 7 strike out the word "to."

In line 8, after the word "month," add the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Julia B. Shurtleff."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 22, 1902:

H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

H. R. 4393. An act reserving from the public lands in the State of Oregon as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc.; and

H. R. 9037. An act to allow the commutation of and second homestead entries in certain cases.

On May 23, 1902:

H. R. 1681. An act granting a pension to Emma G. Harvey;

H. R. 3277. An act granting a pension to Frances J. Abercrombie;

H. R. 4622. An act granting a pension to Frank W. Lynn;

H. R. 4927. An act granting a pension to George Tucker;

H. R. 4993. An act granting a pension to Mary Shelton Huston;

H. R. 6434. An act granting a pension to Mary J. Fitch;

H. R. 7901. An act granting a pension to Dewitt Clinton Letts;

H. R. 8351. An act granting a pension to Matthew V. Ellis;

H. R. 9777. An act granting a pension to Helen F. Lasher;

H. R. 10496. An act granting a pension to James T. Steele;

H. R. 11181. An act granting a pension to Alice D. H. Krause;

H. R. 11787. An act granting a pension to John J. Manner;

H. R. 11894. An act granting a pension to Hannah A. Timmons;

H. R. 12552. An act granting a pension to Erwin A. Burke, alias Burt A. Erwin;

H. R. 12788. An act granting a pension to Elizabeth McDonald;

H. R. 13093. An act granting a pension to Eliza A. Brownlow;

H. R. 1380. An act granting an increase of pension to Mary Tate;

H. R. 1479. An act granting an increase of pension to Michael Marname;

H. R. 2129. An act granting an increase of pension to Warren W. H. Lawrence;

H. R. 2436. An act granting an increase of pension to James W. Roath;

H. R. 2486. An act granting an increase of pension to William Matthews;

H. R. 3756. An act granting an increase of pension to James C. G. Smith;

H. R. 5110. An act granting an increase of pension to William H. Dixon;

H. R. 5183. An act granting an increase of pension to William Holdridge;

H. R. 5190. An act granting an increase of pension to Alvin J. Hartzell;

H. R. 5217. An act granting an increase of pension to Elizabeth P. Sigfried;

H. R. 5254. An act granting an increase of pension to Enos G. Budd;

H. R. 5600. An act granting an increase of pension to John G. Sanders;

H. R. 5870. An act granting an increase of pension to Oscar W. Lowery;

H. R. 6441. An act granting an increase of pension to William H. Wood;

H. R. 6645. An act granting an increase of pension to Ann E. Austin;

H. R. 7507. An act granting an increase of pension to James M. Ashley;

H. R. 7840. An act granting an increase of pension to Oliver Kerr;

H. R. 7982. An act granting an increase of pension to William T. Peterson;

H. R. 8007. An act granting an increase of pension to James W. Lewis;

H. R. 8016. An act granting an increase of pension to Hannibal C. Saint Clair;

H. R. 8788. An act granting an increase of pension to Jacob Weidel;

H. R. 8913. An act granting an increase of pension to Rachel S. Lyman;

H. R. 9156. An act granting an increase of pension to Uriah Garber.

H. R. 9656. An act granting an increase of pension to Lunsford Y. Bailey;

H. R. 9819. An act granting an increase of pension to Robert A. Pinn;

H. R. 10122. An act granting an increase of pension to John S. Burket;
H. R. 10396; An act granting an increase of pension to Elvin A. Esty;
H. R. 11051. An act granting an increase of pension to Henry E. Williams;
H. R. 11117. An act granting an increase of pension to William T. Hamilton;
H. R. 11325. An act granting an increase of pension to James Merrick;
H. R. 11662. An act granting an increase of pension to Albion P. Stiles;
H. R. 11665. An act granting an increase of pension to Cable C. Briggs;
H. R. 11695. An act granting an increase of pension to George W. Hatton;
H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;
H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;
H. R. 11920. An act granting an increase of pension to George W. Wertz;
H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;
H. R. 12145. An act granting an increase of pension to Caleb W. Story;
H. R. 12148. An act granting an increase of pension to Frederick O. Clark;
H. R. 12239. An act granting an increase of pension to Agnes Clark;
H. R. 12713. An act granting an increase of pension to Bernard McCormick;
H. R. 12855. An act granting an increase of pension to Milton Brown;
H. R. 12899. An act granting an increase of pension to William H. Rightmire;
H. R. 13416. An act granting an increase of pension to Isabella H. Thompson; and
H. R. 13439. An act granting an increase of pension to William Blanchard.

JOHN L. MOORE.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 10339) granting an increase of pension to John L. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John L. Moore, late a sergeant in Company A, Second Regiment Pennsylvania Cavalry Volunteers, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Moore, late of Company A, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LOUD. Mr. Chairman, I do not know that I have any particular objection to the bill that is now before the committee, or to probably ninety-nine out of every hundred that is considered by the committee. There was a time when I devoted some little effort in endeavoring to call the attention of the House to a character of legislation which, to say the best, is vicious. I speak upon this claim particularly, because I picked this claim out among a dozen or fifteen others. It is no worse than many that have gone before; it is no worse than many probably that will follow after it; but I can not refrain from calling the attention of the country—not of the committee, because the committee does not care—to this particular claim, which is a sample, I believe, and a fair sample, of the pension claims which Congress is now considering.

This is a bill to give John L. Moore a pension of $30 a month. No allegation is made that John L. Moore contracted disability in the service. Two or three other reports contain similar language to this. I quote:

Following established precedents to increase to $30 a month the pension of those who are shown to be helpless and in destitute circumstances, your committee recommends a like increase in this case and reports the bill back with the recommendation that it pass after the same shall have been amended as follows.

Now, John L. Moore, as I said, it is not claimed was ever disabled in the service of his country. It is claimed that some twenty years ago he was injured while mining coal, and I am perfectly willing to admit that the man is totally disabled. I accept the report upon that, but when the committee say here, as they say in other reports that I have, "following established precedent"—that is, the Committee on Invalid Pensions have established the precedent, and Congress has indorsed that precedent to give, not in all cases, but in such cases as can be brought before the Committee on Invalid Pensions, a gratuity of $30 a month—I think it is going too far. I think that that legislation is absolutely wrong. If John L. Moore is entitled to $30 a month because he is at present disabled, after Congress shall adopt it, then I say Congress is recreant to the duty that it owes to every soldier who is at present totally and permanently disabled, and it is a character of legislation which a self-respecting body, in my opinion, never should countenance.

Mr. MIERS of Indiana. Mr. Chairman, may I interrupt the gentleman?

Mr. LOUD. Certainly.

Mr. MIERS of Indiana. I want to suggest to the gentleman from California that there is now a favorable report by the Invalid Pensions Committee, a unanimous report, recommending the passage of a bill that obviates this class of legislation, giving all old soldiers of at least one year's service who are totally disabled by reason of paralysis, locomotor ataxia, or blindness, to the extent of requiring the constant aid of an attendant, a pension of $30 a month. That is now pending.

Mr. LOUD. Pending where?

Mr. MIERS of Indiana. In the House.

Mr. LOUD. Been reported from the committee?

Mr. MIERS of Indiana. Been reported from the committee, yes; and it is now on the Calendar, and it is the policy of the committee to press that to final action.

Mr. LOUD. Then why is it not called up and passed?

Mr. MIERS of Indiana. The Speaker had not recognized us, and that is the only reason.

Mr. LOUD. Well, I apprehend that he never will.

Mr. MIERS of Indiana. He has promised that he will, and I have no doubt that he will early next week.

Mr. LOUD. And if he shall, I apprehend that Congress will hesitate long before it will pass any such legislation.

Mr. MIERS of Indiana. I hope not.

Mr. LOUD. Well, I know the gentleman has honest views regarding men who served in the Army from 1861 to 1865. I have watched the course of the gentleman here and I have found him always honest, earnest, and sincere. He never has failed in his duty to the old soldier as he sees it, and never to my recollection when he has been upon the floor of the House has there been a rule adopted or a motion made to make a special order that the gentleman has not arisen in his place, in order that the House may know that he is ever vigilant, and asked if this order about to be made will in any way interfere with pension day.

As one member of this House, Mr. Chairman, I never should advocate any such legislation. It is not right simply from the fact that a man has rendered service in the rank and file or shall have had a commission and shall in ten or twenty or thirty or forty or fifty years afterwards become disabled—it is not right that he should be entitled to any more consideration than the man who never entered the service, and I speak as a man who saw some service, comparable, I think, with the average soldier who performed his duty in the ranks.

I know that has been doubted. I know that my record has been examined in the War Department no less than 12 separate times. I know that the rule of the War Department will not permit the average citizen to go and endeavor to ascertain what the record of any soldier shall have been. The Committees on Pensions, however, are accorded the privilege, and I believe that is as far as it extends. They have been accorded the privilege of calling up the record of any person. Now, why, in God's name, any member of the Committee on Pensions or of the Committee on Invalid Pensions ever should desire to call up the record of E. F. LOUD I can not understand. He never has yet been an applicant for a pension before either of those committees. So it must have been with the evident intent to see if something could not be found in the record of E. F. LOUD whereby he could be attacked on the floor of this House.

Now, this is not new. It is a year or two old. I say again, as a man who rendered some little service—small, it is true, one of two million seven or eight hundred thousand—lost in that great mass of men, I speak regarding what I believe a country owes its soldiers. A man volunteers in defense of his flag, it is claimed, out of patriotic motives. He only returns to that government which protects him and his what little service he can in time of danger. If during his service he shall receive any disability that will in any manner prevent him from earning a livelihood, then the rest of the people of the country should be taxed to repay what has been taken away in defense of that country's flag. But if the man shall come out of the service as good as he went in, he has simply rendered a duty that every man owes his country and the debt is canceled.

I believe the act of 1890 was going to the very extreme of madness. I hope the act the gentleman contemplates may never receive the sanction of Congress; but perhaps it may. We have been going along step by step. We will go, perhaps, far enough so that the people of this country may ultimately rise up in their might and madness and retire to private life men who are implicated in acts of that kind, where, in my humble opinion, they should be permitted to reside for the rest of their lives. We have in our charge here the interests of seventy-five or eighty millions of people.

No nation on the face of the earth has ever rewarded as beneficently as we have those who rendered service during wars. I say again we have gone beyond the point of reason in rewarding men who did their duty to their country. When I rose here I was unaware that even the Committee on Invalid Pensions had the nerve and hardihood to attempt legislation that the gentleman from Indiana says they have reported, and a measure that is now upon the Calendar. I would like to ask the gentleman what rate per month the bill proposes?

Mr. MIERS of Indiana. Thirty dollars a month.

Mr. LOUD. That bill proposes to put upon the pension roll ultimately at $30 a month 95 per cent of the living ex-soldiers. When the average man arrives at the age of 65 he is incompetent to earn a livelihood, wholly incompetent by reason of natural physical conditions. Many become incompetent long before that, and under your bill they will be put on the pension roll at $30 a month, to swell a roll now larger than the amount of money spent by any nation of Europe to support its whole army and its pension roll.

I will say this to the Committee on Invalid Pensions: That if they have reported a measure of this kind they have done what was their duty, because if John Smith is entitled to $30 a month because he is unfortunate and disabled then every man who serves his country, when he reaches that condition, is entitled to the same. Pension legislation, to my mind, has become a disgrace to this legislative body. During this session of Congress we have, on eight days, passed 1,169 pension bills, probably not exceeding twenty hours having been spent to pass 1,169 bills. Most of these cases have been examined by the Pension Bureau very carefully, by a body that we constitute, that have used deliberation with all the means at their command and have rejected them. They come to Congress.

Now, what is the routine? Let us be fair with ourselves and frank with the country. Representative Smith or Jones is entitled to so many bills. He goes to the member to whom his bills are referred, and I think I am speaking correctly of what is actually done, and says: "I wish you would report that bill." I think in ninety-nine cases out of a hundred that bill is reported, and the man himself selects the bill which shall be reported; and without desiring to criticise particularly the Committee on Invalid Pensions, let us see how it works there? A member of the Committee on Invalid Pensions introduces a bill. He refers it to himself. He orders a report made. It goes upon the Calendar. It has there in front of it or back of it 100 or 150 other bills.

The chairman of the Committee of the Whole works as if he was working for a thousand dollars a minute [laughter] and speaks as fast as he can; the Clerk begins, the perspiration showing in his face, and his actions show that he feels that "We have got this day and we must get through as many as we can," and the bill is passed; and one member of Congress and no more knows the merits or demerits of that bill.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. KLEBERG. Does not the gentleman think that for that reason it is best to have some general legislation and submit a bill upon which this body can pass, and, if it has a mind to, pension soldiers of that character; that we should have some general legislation, and that that is the very reason that a bill of this kind should be reported by that committee and have an opportunity to be considered?

Mr. LOUD. I want to commend the Committee on Invalid Pensions for having the courage of their convictions.

Mr. ROBINSON of Indiana. I will say to the gentleman that it is easier for a camel to go through the eye of a needle than to get an unmeritorious bill through that committee. I have had some experience in trying to get good cases favorably reported, and know whereof I speak.

Mr. LOUD. I am not making any statement against the Committee on Invalid Pensions. But there is but one member on the floor of this House that has any conception of the merits or demerits of a claim that we pass upon here on Fridays. Now, I may be mistaken.

Mr. OVERSTREET. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. OVERSTREET. Do you know of any bill reported from the Committee on Invalid Pensions to this House that has not been supported by affidavit, proof filed, and considered by that committee?

Mr. LOUD. I do not know anything about that. I know it is a physical impossibility, my friend from Indiana, for any one committee, sitting as a committee, to investigate the evidence which must be submitted in a case of this kind to pass upon eleven hundred and sixty-nine cases in less than four months.

Mr. OVERSTREET. Does not the gentleman think it is quite unfair to make a wholesale charge that nobody knows anything about the merits of these bills; and does he not think that for his charge to have any respectful consideration, either in this committee or by the country, that he ought to be prepared to cite some case out of the eleven hundred which has been passed without proof?

Mr. LOUD. Why, the case we brought up here has no proof in the world, not even an allegation that the man is entitled to a pension.

Mr. OVERSTREET. I think it is proper that the gentleman thoroughly understand that this wholesale charge ought not to go unchallenged, when he says we do not know anything about these cases. I do know something of the situation in that committee, and can say that not a single bill reported by that committee is not known to more than one.

Mr. LOUD. I did not say anything of the kind.

Mr. OVERSTREET. A bill is not reported by the committee until it has been considered by the committee and is substantiated by affidavit proof.

Mr. LOUD. I do not care anything about that. I say as a rule the bill is referred to one member of the Committee on Invalid Pensions, and as a matter of fact it is a physical impossibility for the Committee on Invalid Pensions to consider with care or an attempt at care 1,169 pension bills.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. RICHARDSON of Alabama. I have been on the Committee on Pensions in the Fifty-sixth Congress and in this Congress, and I can say for that committee that whenever a bill is introduced and sent to that committee it is referred to a subcommittee, and all the facts are gone into and laid before the entire committee and the chairman, discussed, considered, and weighed properly before any action is taken relative to any single bill. There has not been an exception.

Mr. LOUD. That committee has not reported more than 125 cases.

Mr. RICHARDSON of Alabama. You named both committees.

Mr. LOUD. I am talking about the Committee on Invalid Pensions.

Mr. RICHARDSON of Alabama. You said Committee on Pensions, too.

Mr. LOUD. If I said Pensions, I did not so intend it. My information is that the Committee on Pensions do examine the cases that come before them with some care.

Mr. RICHARDSON of Alabama. I am obliged to you. You did say Pensions. I know it was an accident.

Mr. LOUD. If I said Pensions I am perfectly willing to withdraw so far as that committee is concerned.

Mr. LOUDENSLAGER. Did you say, "with some care?"

Mr. LOUD. I said "with some care."

Mr. LOUDENSLAGER. Only some.

Mr. LOUD. Well——

Mr. LOUDENSLAGER. I desire to suggest to the gentleman that they are examined with great care in that committee.

Mr. LOUD. Well, I do not care to discuss the technical meaning of "great" or "some."

Mr. RUCKER. May I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. RUCKER. Has the gentleman introduced any private pension bills?

Mr. LOUD. I have not.

Mr. RUCKER. I want to say to the gentleman if he had and either of these committees treated him the same as they do me, he would not get a bill reported from the committee until he had produced all the proof necessary to show the merits of the bill.

Mr. LOUD. I do not doubt that. I have not claimed that there was not proof required to be presented. Oh, I have claimed from information in my possession that the rule of the Invalid Pension Committee is to have a case referred to one member, and he is a subcommittee, and the report to the committee is formal.

Mr. LANDIS. Will the gentleman permit me an interruption?

Mr. LOUD. Yes.

Mr. LANDIS. I was going to ask the gentleman if, in his judgment, there is more than one committee in this House that gives careful consideration to all the questions that come before it?

Mr. LOUD. Yes; possibly two. [Laughter.]
Mr. LANDIS. The Committee on Post-Offices and Post-Roads is one, and which is the other?
Mr. LOUD. I was not positive about more than one. [Laughter.]
Mr. ROBINSON of Indiana. Let me suggest to the gentleman from California that the committee have rules governing the granting of pensions, and the individual member who first considers it, the subcommittee that thereafter considers it, and the Pension Committee that considers pension cases are governed by the rules, which have practically the force of law in this House, and none will be granted unless they are within those rules, these rules regulating the consideration of the cases presented.
Mr. LOUD. I admit that. But what right has the Committee on Invalid Pensions to establish a rule that they will pay $30 a month to a man that is disabled and not the result of service?
Mr. ROBINSON of Indiana. It is rendered necessary because we have no general law to pension in cases equally meritorious, it seems to me, as those class of cases rejected by the Bureau of Pensions.
Mr. LOUD. Why did not you have a general law years ago?
Mr. ROBINSON of Indiana. I think it is ample if we have it at this time, if we can secure it and relieve Congress.
Mr. LOUD. Yes; and if you pass these bills on the Calendar your Committee on Invalid Pensions will continue to grind as long as there is water to turn the wheel.
Mr. GIBSON. I wish to state to the gentleman that his informant is very much mistaken about the practice and the rule of the Committee on Invalid Pensions.
Mr. LOUD. Well, let us see about that. How many days a week does your committee meet?
Mr. GIBSON. Twice a week.
Mr. LOUD. How long are they in session?
Mr. GIBSON. Two hours. That is, while the committee is in session. Many of us are in there a large part of the day.
Mr. LOUD. I do not doubt it at all.
Mr. GIBSON. We investigate the cases, and instead of the case being referred to 1 member it is referred to 3 members, and then it is reported to the full 15 members, who all pass upon the case.
Mr. LOUD. Now, if that is all of the gentleman's statement, at the best he states that they are in session four hours between pension days. I know it has been my experience on committees that it is seldom a quorum appears before 11 o'clock, but I suppose the Committee on Pensions are always there at 10 o'clock sharp. Well, there are eight hours in which you have reported to this House on some occasions more than 100 cases, and I say it is a physical impossibility for the committee to give any consideration whatever to at least 25 pension cases an hour.
Now, I only take the conditions as they are. It does not make any difference what anybody may have said to me, I believe that to be the policy of your committee, because it is impossible for it to give due consideration to every one of these cases. Every one of the committee knows and must know that it takes time to examine the history of one of these cases and read the testimony and understand what it is. I know that when the committees that I have the honor to be on pass a bill a day we are doing pretty well. We more frequently take one, three, four, and five days to consider a bill than we do when we pass one bill a day.
Mr. MANN. May I ask the gentleman a question?
Mr. LOUD. Yes; if you have not asked me one already.
Mr. MANN. Is it not a fact that the Post-Office Committee is required to consider the expenditure of more money and nearly as many items in preparing the Post-Office appropriation bill as the Invalid Pension Committee is in preparing all of these pension bills?
Mr. LOUD. I do not think so.
Mr. MANN. That committee decides how many clerks you have in a great many different offices, and you have to decide a great many questions upon which you do not have a full hearing, and you have to take the opinion of somebody.
Mr. LOUD. We have fifteen thousand clerks this year and the increase in the business of the Post-Office Department has been so much, and we always increase by percentage. So in carrying it on from year to year the work is not done in the detailed case.
Mr. MANN. I am not criticising the gentleman in the work of the Post-Office Committee; quite the contrary. If the gentleman supposes the Invalid Pension Committee takes up a particular pension claim and refers it to a member of the committee, and that that bill is therefore reported with a favorable recommendation, the gentleman is entirely mistaken, because I dare say that more than one-half of the bills are reported with amendments.
Mr. LOUD. There is no doubt about that; they correct things that are palpably wrong.
Mr. MANN. Well, a very large proportion are reported with the amounts decreased.
Mr. LOUD. Perhaps so; I do not know anything about that.
Mr. RUCKER. Will the gentleman let me make a statement?
Mr. LOUD. Certainly.
Mr. RUCKER. Does the gentleman from California know that the Invalid Pensions Committee and also the Pensions Committee have constantly in their employ an expert to make up the abstract of each of these cases so as to present it to the committee in a concrete and compact form?
Mr. LOUD. Yes; and I know that this very case has been through the hands of several experts, has been examined time and again by a department which costs us some million dollars a year to run, and that they have reported against the case. The expert in the room down here in the corner of this building can take up these cases and brief ten or fifteen of them a day and pass upon them. I will venture the assertion that the expert has mighty little to say as to whether a case shall be reported favorably or not.
Mr. RUCKER. That is the gentleman's opinion.
Mr. LOUD. Well, I will venture that assertion.
Mr. RUCKER. My observation has been very much the other way.
Mr. LOUD. I will venture the assertion that when he is told to make up a favorable report he makes it favorable.
Mr. RUCKER. With all respect to the gentleman from California, I want to say that I believe that remark is absolutely and totally unwarranted with reference to either of these gentlemen. I have found them to be technically accurate and very conscientious with every report that they have passed upon within my knowledge.
Mr. LOUD. Well, then, let us take the other supposition—that the expert passes upon these cases against the judgment of the committee. It must be either one way or the other.
Mr. RUCKER. He submits the facts to the committee.
Mr. CLARK. I will tell you what this expert does. He goes to the Department and hunts up evidence. I was on the old Pension Committee a few years ago, and I know they could hardly get along without such assistance as a man in this position rendered.
Mr. LOUD. I am not condemning the assistant; I think he is very valuable. I think that if we only had a few more such men we could pass more pension cases.
Mr. CLARK. You and I were both on that committee some years ago.
Mr. LOUD. Oh, no; not I.
Mr. CLARK. I mean on the old Pensions Committee.
Mr. LOUD. Oh, no; do not charge me with that. [Laughter.] I have been charged with enough things. I was on the Committee on Claims, I think, with the gentleman from Missouri [Mr. CLARK] some years ago; and that was bad enough. [Laughter.]
Mr. GIBSON. I wish to inform the gentleman from California that if our expert were told in any case that he was expected to write a favorable or an unfavorable report, he would insult the man who undertook to tell him so, even if he were a Congressman; and the Invalid Pensions Committee would sustain him.
Mr. LOUD. Now, let us take the other horn of the dilemma—that this expert runs the committee. It must be either one way or the other. Either the committee directs him to make the report or this man directs the committee how to make the report. Which way do you gentlemen choose to have it? The gentleman from Tennessee [Mr. GIBSON] says that this man would scorn to make out a report in the manner he was directed to make it.
Mr. GRAFF. Is it not possible for this expert assistant to make a report of the facts and then for the committee to make up its mind whether or not the proposed beneficiary is, on the facts, entitled to the pension?
Mr. LOUD. Well, at the end of every report, as my friend from Indiana knows, there is a recommendation written by somebody. Now, are we to suppose that this expert, if he were told to write out a certain recommendation, would not do it?
Mr. GRAFF. I know this, giving my own personal experience: I have had a number of bills submitted to this expert and he has gone over the evidence submitted. In a number of those cases I have been satisfied in my own mind that the beneficiary was entitled to a pension, and have been very anxious to have the bill favorably reported; yet this man has reported adversely time and again.
Mr. LOUD. And you had nothing to say about it?
Mr. GRAFF. No; I am not expected to have anything to say about it.
Mr. LOUD. Then the expert is the committee?
Mr. GRAFF. No; the expert reported the facts, and reported that in his judgment the evidence did not justify the committee in making a favorable report.
Mr. LOUD. Well, I want to say that I would have been

through half an hour ago if gentlemen had let me alone. They will have their own opportunity to put themselves on record.

Mr. KLEBERG. The gentleman stated a while ago his belief that the experts in these cases are instructed to make up a report that will suit the member or the committee making the request. Now, in that proposition the gentleman from California is laboring under a total mistake. The expert of course makes up the case—makes up the brief of the facts; he states the facts as they are, for nothing escapes him. That is his business, and we have a very efficient man in that position. Then he answers every question that any member or the entire committee may raise, and the committee decides whether the bill shall be reported favorably or unfavorably.

Mr. LOUD. Now, which makes up the report—the individual member or the committee?

Mr. KLEBERG. The committee makes the report.

Mr. LOUD. Which is it that examines the report of this expert—the individual member or the committee?

Mr. KLEBERG. Any individual member and the committee, too. This man is constantly in the room of the committee.

Mr. LOUD. What is the custom in that respect?

Mr. KLEBERG. Well, every member has a right to make an examination for himself and report it to the full committee or to a subcommittee.

Mr. LOUD. Are you on the Invalid Pensions Committee?

Mr. KLEBERG. Yes, sir.

Mr. LOUD. Well, I have great respect for you as a member of Congress, although I believe that good men's judgments may be warped. I think we have pursued this subject until even the best men in Congress have lost their judgment and have forgotten that there are seventy-five or eighty millions of people who must earn this money by the sweat of their faces to pay men and women a gratuity to which under the law they are not entitled.

Mr. KLEBERG. Now, I wish to reply to that. Does the gentleman call this a gratuity?

Mr. LOUD. I do.

Mr. KLEBERG. Then you must charge the entire Congress with passing these gratuities for the last twenty-five years.

Mr. LOUD. So I have.

Mr. KLEBERG. And do not charge the members of the committee with it.

Mr. LOUD. Well, the committee reports it.

Mr. KLEBERG. This is a precedent that has been established by Congress, and we are following the precedent.

Mr. LOUD. The committee starts it.

Mr. KLEBERG. And the country would condemn a man who would not stand by that precedent. [Applause.]

Mr. LOUD. Well, so far as the "gentleman from California" is concerned, he will take care of his part of the country, and the gentleman from Texas may take care of his.

Mr. KLEBERG. I am able to do it.

Mr. LOUD. And when the gentleman from Texas shall have been here as long as I have, he will probably think he has been here long enough.

Mr. KLEBERG. I think so.

Mr. LOUD. I have characterized this character of legislation in years gone by as vicious. I am of the same opinion to-day. Now, let us see. There are in my district men who have written me this year—36 up to the present time—who claim to be totally disabled, unable to earn a livelihood—disabled not as the result of their service. As a member of Congress, looking at my duty in my own way, I believe that the Government has no right to take money out of the public Treasury unwarranted by law. Now, these men are unfortunate. Men that never have been in the service are unfortunate, and they are around us everywhere. Every place you go you find cripples, you find paralytics, and men wholly unable to support themselves.

Now, should Congress go into the business of relieving every person in the United States who has been unfortunate? Oh, you say, no; but if he happened to have been in the Army for ninety days, however, he has got a claim upon the whole people, which is what I deny. I hold that he has no claim on the whole people, because he has done only his duty; and if he were in the Army for ninety days or a hundred days or for six months, he has done but a small portion of it. My God, if every person in this country must be paid in dollars and cents for doing his duty, where are you going to find the people to tax to pay for it?

Mr. RUCKER. Will the gentleman permit me?

Mr. LOUD. Certainly.

Mr. RUCKER. The gentleman speaks of a gratuity.

Mr. LOUD. Yes.

Mr. RUCKER. Now, I want to suggest to him that every dollar paid out by reason of one of these special bills is paid by reason of enactment of law.

Mr. LOUD. Yes.

Mr. RUCKER. That is law. It is not a gratuity. It is a law passed by Congress, and is just as binding and effective as the law under which the gentleman draws his salary and I draw mine.

Mr. LOUD. Oh, yes; but my law happens to be general, however. I am not paid any more than the gentleman is paid as a member of Congress. It is a law general in its character, and there is a law general in its character which applies to men who served in the Army and received injuries who, under the law of 1890, are paid a maximum pension of $12 a month, but to pension a man who is disabled, whether it be the result of his being in the Army or not, is vicious.

Mr. BOWIE. Will the gentleman permit an interruption?

Mr. LOUD. Yes.

Mr. BOWIE. I want to ask the gentleman a question, if he thinks the Commissioner of Pensions never makes any mistakes down yonder in examining these cases?

Mr. LOUD. I think, as a matter of fact, that the Commissioner of Pensions knows but very little of the individual pension case that goes through that office.

Mr. BOWIE. Then the man that examines the file. Do you think that he never makes mistakes?

Mr. LOUD. Certainly those men do. Man is not infallible.

Mr. BOWIE. Does the gentleman not think that Congress ought to have the jurisdiction to correct it?

Mr. LOUD. Ah, but my friend perhaps does not know anything about the history of pension claims.

Mr. BOWIE. Yes; I know a good deal about it.

Mr. LOUD. John Smith applies for a pension to-day. He is examined by a board of medical examiners. His case goes up to the office here and he is examined by wholly disinterested parties. He is rejected——

Mr. BOWIE. Yes.

Mr. LOUD. Now, one moment. Is that the end of it? No, he goes, and he goes, and he goes, and his case is not submitted to the same man. He is refused. His case has been before the office for years; it is rejected by many medical boards and examining boards and examiners, and yet he comes to Congress, and his case is submitted to one man, substantially, with only the evidence that all these men have had before who rejected his claim, and this one man says, "All these who examined his case before were wrong; I am infallible; I am right."

Mr. BOWIE. Is not that exactly what is done in every case in an appellate court, where an appeal is taken from the judgment of a lower court. The Supreme Court corrects the errors of the lower court.

Mr. LOUD. But I do not believe a legislative body is a proper appellate court.

Mr. BOWIE. Does the gentleman not think jurisdiction ought to rest somewhere to correct mistakes in the office of the Commissioner of Pensions?

Mr. LOUD. Not in a legislative body, my friend.

Mr. DINSMORE. I will ask the gentleman from California if he ever knew of a case that was rejected where the man did not come to Congress immediately?

Mr. LOUD. I would not say about that; perhaps some. I never investigated that phase of the case.

Now, Mr. Chairman, if our friends have gotten through I will now in a word close. This House, or gentlemen who have been members of this House for years, have known my position upon pensions for some years. My principal object to-day was to again enunciate what I believe to be the truth: That this legislation is debauching the nation—debauching the nation because it teaches people to look to the Government to care for them. The act of 1890 taught people to look to the Government because they had rendered some service until that sentiment has permeated substantially the body politic, and it surrounds us on every hand.

The cry that comes to us to increase salaries and to put upon the pension roll and to care for the unfortunates who have been compelled during their lifetime to labor for Uncle Sam is the result, in my humble opinion, of the adoption of this character of legislation. John Smith, in a community, comes to Congress with a bill for a pension, and he gets $20, $30, or $50 a month. It excites every other man who ever was in the Army to the same action; and when there are so many men in a community who are receiving the gratuity, I say again, of this great Government it dissatisfies those who have to work from sun to sun to earn the money to pay the gratuity that these people receive.

Mr. SULLOWAY. Mr. Chairman, the gentleman from California [Mr. LOUD] attacks the Committee on Invalid Pensions and their method of doing business. I have heard him do it before. There is nothing new or original to me in what he has stated here to-day; but I feel that it ought not to go to the country unchallenged, and I want to say to him that there is not a committee connected with this House that devotes as much time, that gives as careful attention to the consideration of bills before it, in my judgment, as the Committee on Invalid Pensions.

I do not like to speak of myself, but as a matter of fact I think

there has not been a day during this session, after the committee was appointed, that I have not been in that committee room at 8 o'clock in the morning, if I was able to be outdoors, and I know that members of that committee, or the examiner connected with it, have been there at 11 and 12 and 1 and 2 o'clock the next morning examining these matters; and to have a gentleman who knows nothing about our work evidence the fact that he is absolutely ignorant on the subject by making charges such as have been made here to-day against us is certainly enough to make us feel that those charges at least should be contradicted and denied.

Mr. LOUD. If the gentleman will allow me, I do not desire to reflect on any member of the committee. I know that you are a hard working, too hard working, if it can be, body of men. I know that the gentleman from New Hampshire labors early and late in his committee. I condemn the work that comes from the committee, not the gentleman himself.

Mr. SULLOWAY. Then the gentleman condemns the fact that we consider these bills carefully.

Mr. LOUD. Oh, no.

Mr. SULLOWAY. And that they are reported after deliberate and careful consideration, and his complaint is that we are too careful, and that we accomplish too much, if I understand him.

Now, the gentleman from California asserts that only one member reports bills. Nothing could be further from the fact. The country is divided up territorially among the committee, and a bill coming from a certain section goes to a subcommittee of three members. The bill goes to that subcommittee when it comes into the committee room and is referred to them, because it comes from their territory. Those gentleman have the examiner call up the evidence from the Pension Bureau. He is of that Bureau, and he is the most expert man in that Bureau—a man who can tell you every act that has ever passed this Congress with reference to pensions; a man who can tell you every ruling that any Commissioner ever made or that any Secretary ever made; a man who in my experience with him has never erred or made a mistake. That man goes over the evidence that comes from the Pension Bureau. He briefs any additional evidence that is filed, and without any recommendation or suggestion makes a plain, strightforward statement of the facts as they appear.

Then the subcommittee, if they think there is merit in it, recommend that bill to the full committee, and it does not take a great while to read the statement of facts, in which we have learned to place such confidence. Usually that statement does not make more than a couple of pages. It may be one page or it may be three. That is the manner by which we do business in our committee.

The gentleman says that when a beneficiary here has been turned down time and again by the examining board, he comes here and says to a member of Congress, "I want you to get me a pension by a subcommittee acting," and that that is all that is necessary to be done. I challenge him or any man living to point to a case where, if a man had a pensionable status, there has not been a recommendation by one, two, three, or four examining boards in favor of the pension. Yet they were turned down at the Bureau by the late Commissioner of Pensions. Those are the cases that we consider, those are the cases that we recommend when the evidence satisfies us that we ought to.

The gentleman alludes to a bill that has been referred to here. I do not propose to discuss general legislation. He says that that bill would let in 90 per cent of all the soldiers; that 90 per cent of them will soon be pensioned at $30 a month. I want to say here and now that there is not a day that this Congress is in session when so little money is appropriated or ordered to be expended as on the days when you are working on these private pension bills. The appropriations made on those days are the smallest and most economical of all.

Mr. RUCKER. I want to say this: The small appropriations paid on these bills that we pass on Fridays carry more sunshine into the homes of more people and produce more joy than any other appropriations made by Congress. [Applause.]

Mr. SULLOWAY. I believe that, or I would not put in so many hours at work on these bills. The gentleman has attacked this bill, and I am not going to take time to defend it at length. What are the facts? Here was a soldier for three years. For three years he gave service to his country, as did the gentleman from California. He differed from the gentleman from California, and his condition differs from the condition of the gentleman from California, who is receiving $5,000 a year as salary and mileage across the country. If he did so he might not be a claimant here to-day. I do not know him. He is a stranger to me. He gave his service to his country, and is a pensioner at $12 a month under the act of 1890, which act the gentleman from California denounces as vicious. The evidence shows that he is totally unable to labor; not only that, but that he is unable to move about, as the report shows. He has no property whatever. He is a total wreck. He is transported in an armchair. I am one of those who believe that those men who preserved and perpetuated this Government ought not to be paupers.

Mr. GIBSON. He is totally paralyzed from the waist down.

Mr. SULLOWAY. Certainly, the report shows that. I do not regard the pension as a gratuity. I regard its payment as a matter of duty. The veterans are the wards of the nation, and this nation ought to care for them. They should never cross the threshold of the almshouse, nor should they ever be obliged to ask any town, city, or neighborhood to contribute to their support. This is a meritorious bill; it is like those we have passed for years; and I do trust the gentleman from California will be the only gentleman on the floor who will vote against it.

Mr. MIERS of Indiana. Mr. Chairman, I do not desire to defend the Invalid Pensions Committee. I believe it needs none. I do not desire to discuss general legislation, but I propose to do so in the committee and on the floor when it comes upon its passage. I simply want to call the attention of the House for two minutes to this particular bill, as I do not wish to take the time of the House.

This old soldier served from May 31, 1862, to June 4, 1865. The last medical examination, made on January 28, 1891, found him to be suffering from paralysis of the lower extremities, with nearly complete anchylosis of all joints on the lower extremities from want of use, and that he uses a chair or the walls as a means of locomotion, with legs extended at full length in front of him. His physician, Dr. Augustus F. Culley, of Brazil, Ind., who attended him nearly all the time, states that his lower extremities are paralyzed from the effect of an injury of the spine, rendering him wholly helpless, and that he has no property from which to derive any income whatever.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. MIERS of Indiana. Certainly.

Mr. GROSVENOR. What is the rate of pension that is allowed in the Pension Office?

Mr. MIERS of Indiana. Twelve dollars.

Mr. GROSVENOR. What reason is assigned in the Pension Office for not allowing him more?

Mr. MIERS of Indiana. Because he was unable to prove that his present disability is of service origin, and he is allowed $12, the full limit under the act of June 29, 1890.

Mr. LOUD. He has never claimed that his injury was due to service origin.

Mr. MIERS of Indiana. He never claimed it.

Mr. GROSVENOR. He has never presented any proof that it was of service origin.

Mr. MIERS of Indiana. He has never claimed that his present disability is attributable to service origin. He simply presents the case that he has been in his present condition for fifteen or twenty years. Here is an old soldier who served his country from 1862 to 1865. He is now totally helpless and can not move about. One of two things has to be done. He has either to be taken over the hill to the poorhouse, or else Congress has to recognize the right and give him $30, as we have been doing this entire session and last, to my certain knowledge.

For one, I am not willing to see any old soldier who served his country for three years, who is totally helpless, is entirely blind, who has to have some one to feed and move him about, turned down or put off by a meager pension of $12. I believe the American people demand, not simply of the Pension Bureau, but if it is not done there, it demands that this House shall give him a small pittance, not as a gratuity, but as one of the highest duties that comes to it. My motto is fair treatment to the old soldier, and one who gave his country's cause three years of his life shall now be kept out of the poorhouse. I want to say that not only in this case, but in every other like it, as long as I remain on the Committee on Invalid Pensions, I shall not only vote for it in the committee, but I will do it on the floor of the House. I believe this to be a very meritorious bill. [Loud applause.]

Mr. SULZER. Mr. Chairman, it is not my purpose at this time to occupy the attention of the committee for more than a few moments. My sense of duty compels me to rise in my place in this House now to enter my protest against the wanton attack the gentleman from California [Mr. LOUD] has made on the old soldiers of the Union—the men who saved the Union. I deprecate that attack. It comes with bad grace from the gentleman from California, and is most unfortunate.

In my opinion the soldiers who saved the Union and who are now destitute and in poverty ought to be cared for by a grateful Government.

The Republic owes its life to the soldiers of the civil war. These brave and patriotic men went to the front and sacrificed their lives; they went to the front amid the rain of shell and became maimed, wounded, and diseased in defense of their country, and in their old age, during their last days on earth, when they

have no friends to care for them, no relatives to support them, when it is simply a question of their going to the poorhouse and the potter's field, it seems to me that every patriotic representative of the people in this House ought to stand by the old soldiers of the Union and vote to make the Government suitably provide for them.

Let me say, sir, that I am now, always have been, and always hope to be a friend of the soldier, of the soldier who carried our flag to victory, of the soldier who saved the Union and fought for its preservation in the darkest hour of its trial. I would be false to myself, false to every principle I hold dear, false to every sentiment of my heart, if I did not rise in my place and enter my emphatic protest against the slander uttered by the gentleman from California against the brave men who have fought our country's battles in every war. [Applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, upon an occasion of the Printing Committee asking for the passage of a resolution authorizing the printing of extra reports of the Commissioner of Pensions on the 7th day of March, 1902, an objection was made by reason of the fact that it contained pictures that were inappropriate to be printed. I merely rise now to place against the distinguished member of the Appropriation Committee [Mr. LOUD], for whose services and ability we have the highest respect, the statements then uttered by the distinguished chairman of that committee [Mr. CANNON], upon the subject which shows the necessity for Congressional action in many of these cases and the reason why it is needed. Mr. CANNON said:

I was going to inquire if there is anything in the illustrations that shows the medical board of the Pension Office as it is engaged in the daily performance of its duties casting every possible doubt against the applicant for a pension. If there is any illustration of that kind it ought not to be omitted.

WILLIAM M'DANIEL.

The next business was the bill (H. R. 8573) granting a pension to William McDaniel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McDaniel, late of Green County (Mo.) Home Guards, Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "Of William McDaniel, late of Captain Alred's company, Greene County, Mo., Home Guards, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES OLSON.

The next business was the bill (H. R. 12305) granting an increase of pension to Charles Olson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Olson, late of Company K, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $32 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-two" and insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNIE REARDON.

The next business was the bill (H. R. 14012) granting a pension to Fannie Reardon, widow of Patrick Reardon, alias Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Reardon, widow of Patrick Reardon, alias Dunn, late of Company B, Second New York Cavalry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Dunn," insert the word "Patrick."
In line 7, after the word "York, insert the words "Provisional Volunteer."
In same line, before the word "New York," insert "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."
Amend the title so as to read: "A bill granting a pension to Fannie Reardon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER MURDOCK.

The next business was the bill (H. R. 14208) granting an increase of pension to Alexander Murdock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Murdock, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. UPSHAW.

The next business was the bill (H. R. 8576) granting a pension to John S. Upshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Upshaw, late captain of independent cavalry company, Douglas County, Mo., Home Guards, in the war of secession, 1861, and also late private in Captain Jay's company, Missouri Volunteers, Osage Indian war of 1837, and pay him a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Upshaw, late captain Independent Cavalry Company, Douglas County, Mo., Home Guards, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN T. MULL.

The next business was the bill (H. R. 12968) granting an increase of pension to John T. Mull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, auth rized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Mull, late of Company H, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT HARGREAVE.

The next business was the bill (H. R. 13594) granting an increase of pension to Robert Hargreave.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Hargreave, late of Company H, First Regiment Pennsylvania Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hargreave" and insert in lieu thereof the word "Hargreaves."
In same line strike out the words "of Company H" and insert in lieu thereof the words "principal musician."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Robert Hargreaves."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET ANN WEST.

The next business on the Private Calendar was the bill (H. R, 13944) granting a pension to Margaret Ann West, a nurse of United States Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Ann West, a nurse in the United States Volunteers, and pay her a pension of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6 and 7, and insert in lieu thereof the following: "Margaret Ann West, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month."
Amend the title so as to read: "A bill granting a pension to Margaret Ann West."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN ZANE.

The next business on the Private Calendar was the bill (H. R. 2477) granting an increase of pension to Benjamin Zane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Zane, late of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMELIA ENGEL.

The next business on the Private Calendar was the bill (S. 2551) granting a pension to Amelia Engel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia Engel, widow of Valentine Engel, late of Company G, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM HARRINGTON.

The next business on the Private Calendar was the bill (S. 4706) granting an increase of pension to William Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Harrington, late of Company I, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. HAZZARD.

The next business on the Private Calendar was the bill (S. 4732) granting an increase of pension to Charles H. Hazzard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Hazzard, late of Company G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and paymaster's clerk, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA L. KIMBLE.

The next bill on the Private Calendar was the bill (S. 3998) granting an increase of pension to Emma L. Kimble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Kimble, widow of Thomas V. Kimble, late of Company F, Third Regiment Indiana Volunteer Infantry, war with Mexico, and major Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HELEN M. WORTHEN.

The next business on the Private Calendar was the bill (S. 4871) granting an increase of pension to Helen M. Worthen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Worthen, widow of Harry N. Worthen, late lieutenant-colonel Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN W. SMOOT.

The next business on the Private Calendar was the bill (S. 4983) granting a pension to John W. Smoot.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Smoot, late of Company A, Washington Light Infantry, Fourth Battalion District of Columbia Volunteers, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVER K. WYMAN.

The next business on the Private Calendar was the bill (S. 4655) granting an increase of pension to Oliver K. Wyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver K. Wyman, late of First Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES WELCH.

The next business on the Private Calendar was the bill (S. 4862) granting an increase of pension to James Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Welch, late of Company G, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NANCY J. M'ARTHUR.

The next business on the Private Calendar was the bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy J. McArthur, widow of James R. McArthur, late captain Company A, Fourteenth Regiment Indiana Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, the same to date from the death of her late husband, which occurred on the 17th day of December, 1899.

Mr. KLEBERG. Mr. Chairman, I offer the following amendments, which I will ask to have read.

The Clerk read as follows:

Amend by striking out, in line 13, the word "twelve" and inserting in lieu thereof the word "twenty."

Amend also by adding the word "captain" before the word "of," in line 12.

Mr. KLEBERG. I would state, Mr. Chairman, that I have consulted the members of the committee in regard to the amendments, and they are practically committee amendments. I hope they will be adopted.

The amendments were agreed to.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "of Company A, Fourteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUSTUS BLOUNT.

The next business on the Private Calendar was the bill (H. R. 11339) granting a pension to Augustus Blount.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus Blount, father of Alfred Blount, late of Company C, Thirty-fifth Regiment United States Colored Troops, and pay him a pension at the rate of $12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the word "father," insert the word "dependent."

In line 7 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE FREEMAN.

The next business on the Private Calendar was the bill (H. R. 11453) granting a pension to Catharine Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Freeman, dependent mother of Daniel W. Freeman, late of Company H, Ninth Regiment Pennsylvania Volunteers; Company B, One hundred and twenty-ninth Regiment Pennsylvania Volunteers, and Company G, Forty-eighth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $25 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "of Catharine Freeman, dependent mother of Daniel W. Freeman, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. ROBERTSON.

The next business on the Private Calendar was the bill (H. R. 11865) granting an increase of pension to John A. Robertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of John A. Robertson, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALLACE K. MAY.

The next business on the Private Calendar was the bill (H. R. 12424) granting an increase of pension to Wallace K. May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Wallace K. May, late of Company K, Twenty-fifth Regiment of New York Volunteer Infantry, and pay him a pension of $40 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace K. May, late of Company A, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BAILEY O. BOWDEN.

The next business on the Private Calendar was the bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Bailey O. Bowden, of Livingston, Tenn., lieutenant in Company A, One hundred and twenty-second Illinois Infantry, in the war between the States, and to pay him a pension at the rate of $25 per month in lieu of the one he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bailey O. Bowden, late of Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE FUSSELMAN.

The next business on the Private Calendar was the bill (H. R. 14052) granting an increase of pension to George Fusselman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Fusselman, late private, Company E, One hundred and twenty-sixth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Fusselman, late of Company E, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH J. EMERY.

The next business on the Private Calendar was the bill (H. R. 13227) granting a pension to Elizabeth J. Emry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth J. Emry, widow of Merrell D. Emry, late of Company M, Third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Elizabeth J. Emery, widow of Maril D. Emery, late of Company M, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Elizabeth J. Emery."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 3768) granting an increase of pension to John W. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Campbell, late regimental quartermaster Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Campbell, late regimental quartermaster Seventh Kentucky Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM S. LEFFINGWELL.

The next business on the Private Calendar was the bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram S. Leffingwell, late surgeon, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ESEK B. CHANDLER.

The next business on the Private Calendar was the bill (H. R. 6991) granting an increase of pension to Esek B. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the interior be, and he hereby is, authorized and directed to place on the pension roll the name of Esek B. Chandler, late of Company F, Fifty-second Illinois Infantry Volunteers, at the rate of $72 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esek B. Chandler, late principal musician, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS M. OWENS.

The next business on the Private Calendar was the bill (H. R. 8146) granting increase of pension to Thomas M. Owens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Owens, late private in Company G of the Forty-fifth Regiment of Ohio Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of the pension which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Owens, late of Company G, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. TRAVIS.

The next business on the Private Calendar was the bill (H. R. 5446) granting a pension to James M. Travis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James M.

Travis, late of Company D, Seventy-ninth Illinois Volunteer Infantry, and pay him a pension of $15 per month from the date of the passage of this act.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Travis, late of Company D, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James M. Travis."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH J. EAGON.

The next business on the Private Calendar was the bill (H. R, 9710) granting an increase of pension to Elizabeth J. Eagon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth J. Eagon, widow of Lafayette A. Eagon, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the words "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. DICKEY.

The next business on the Private Calendar was the bill (H. R. 3770) granting a pension to J. E. Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. E. Dickey, who served in Capt. Joe McClintock's company of Kentucky Home Guards, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Dickey, late of Captain McClintock's company, Kentucky Home Guards, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to James E. Dickey."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PIERSON L. SHICK.

The next business on the Private Calendar was the bill (H. R. 8780) granting an increase of pension to Pierson L. Shick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pierson L. Shick, late of Company G, One hundred and ninety-second Pennsylvania Volunteers, and pay him a pension at the rate of $50 per month in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Pennsylvania," insert the word "Regiment."

In same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE BAKER.

The next business on the Private Calendar was the bill (H. R. 12009) granting an increase of pension to George Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Baker, late of Company K, Twenty-third New York Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Twenty-third," insert the word "Regiment."

In line 7, before the word "Infantry," insert the word "Volunteer."

In same line, after the word "pension," insert the words "at the rate."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM LOWE.

The next business on the Private Calendar was the bill (H. R. 12019) granting an increase of pension to William Lowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William Lowe, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $— per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lowe, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LIZZIE DUNLAP.

The next business on the Private Calendar was the bill (H. R. 14087) granting a pension to Lizzie Dunlap.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lizzie Dunlap, daughter of James W. Dunlap, late a soldier of Company B, Two hundred and fourteenth Regiment Pennsylvania Volunteers, on the pension roll and to issue her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Dunlap, helpless and dependent daughter of James W. Dunlap, late of Company B, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNIE S. CROSS.

The next business on the Private Calendar was the bill (H. R. 14144) granting an increase of pension to Fannie S. Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. Cross, widow of William Cross, colonel Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "colonel," insert the word "late."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JENNIE M. HARRIS.

The next business on the Private Calendar was the bill (H. R. 10174) granting a pension to Jennie M. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of of Jennie M. Harris, widow of the late John E. Sawyer, private, Company H, Second Colorado Cavalry, and grant her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Jennie M. Sawyer, former widow of John E. Sawyer, late of Company H, Second Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARTHUR L. CURRIE.

The next business on the Private Calendar was the bill (H. R. 11250) granting an increase of pension to Arthur L. Currie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Arthur L. Currie, late of Company F, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur L. Currie, late of Company F, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN RUSSELL.

The next business on the Private Calendar was the bill (S. 1797) granting an increase of pension to Benjamin Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Russell, late of Company E, Fifth Regiment Rhode Island Volunteer Artillery, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JESSE H. HUBBARD.

The next business on the Private Calendar was the bill (S. 3888) granting an increase of pension to Jesse H. Hubbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Hubbard, late second lieutenant Company H, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JONATHAN O. THOMPSON.

The next business on the Private Calendar was the bill (S. 5371) granting an increase of pension to Jonathan O. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan O. Thompson, late of Company G, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. HUDSON.

The next business on the Private Calendar was the bill (H. R. 5038) granting an increase of pension to William H. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hudson, late captain of Company H, Third Regiment Kentucky Volunteer Infantry, war of the rebellion, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hudson, late captain Company H, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES O. BALDWIN.

The next business on the Private Calander was the bill (S. 2168) granting an increase of pension to Charles O. Baldwin.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles O. Baldwin, late second lieutenant Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, to be paid to his legally constituted guardian.

The bill was ordered to be laid aside with a favorable recommendation.

CAPT. STEPHEN B. TODD.

The next business on the Private Calendar was the bill (H. R. 13946) granting an increase of pension to Capt. Stephen B. Todd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Stephen B. Todd, late of Company D, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the word "Stephen," strike out the word "captain."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Stephen B. Todd."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL BROWN.

The next business on the Private Calendar was the bill (H. R. 14055) granting an increase of pension to Samuel Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Brown, late of Company B, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH F. BALDWIN.

The next business on the Private Calendar was the bill (S. 2697) granting an increase of pension to Sarah F. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah F. Baldwin, widow of William O. Baldwin, late surgeon Second Regiment District of Columbia Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS GRAHAM.

The next business on the Private Calendar was the bill (H. R. 7760) granting a pension to Thomas Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Graham, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Thomas Graham."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. WHITE.

The next business on the Private Calendar was the bill (H. R. 13675) granting an increase of pension to George W. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. White, late of Company D, Fourth Regiment Arkansas Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

VESTA A. BROWN.

The next business was the bill (S. 4415) granting an increase of pension to Vesta A. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vesta A. Brown, widow of William A. Brown, late of Company F, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM P. SCHOTT.

The next business was the bill (H. R. 5866) granting an increase of pension to William P. Schott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Schott, alias Jacob Schott, late of Company F, Fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Schott," insert the words "alias Jacob Schott."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to William P. Schott, alias Jacob Schott."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY L. DOANE.

The next business was the bill (S. 4758) granting an increase of pension to Mary L. Doane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Doane, widow of Gustavus C. Doane, late captain, Second Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES G. HOWARD.

The next business was the bill (H. R. 13613) granting an increase of pension to Charles G. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Howard, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL A. HALL, ALIAS WILLIAM KNAPP.

The next business was the bill (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel A. Hall, alias William Knapp, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DENNIS COSIER.

The next business was the bill (H. R. 13999) granting a pension to Dennis Cosier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Cosier, of Union City, Mich., late of Company K, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Union City, Mich."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Dennis Cosier."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NIMROD HEADINGTON.

The next business on the Private Calendar was the bill (S. 4829) granting an increase of pension to Nimrod Headington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nimrod Headington, late major, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AMOS MOULTON.

The next business was the bill (S. 4853) granting an increase of pension to Amos Moulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Moulton, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIPHLET NOYES.

The next business was the bill (S. 4712) granting an increase of pension to Eliphlet Noyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliphlet Noyes, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ERI W. PINKHAM.

The next business was the bill (S. 5153) granting an increase of pension to Eri W. Pinkham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eri W. Pinkham, late of Company E, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM PHILLIPS.

The next business was the bill (S. 2511) granting an increase of pension to William Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Phillips, late of Company G, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GUSTAVUS C. PRATT.

The next business was the bill (S. 1038) granting an increase of pension to Gustavus C. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus C. Pratt, late captain Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WARNOCK having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 105. Joint resolution supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903;

S. 641. An act to establish an assay office at Portland, Oreg.; and

S. R. 103. Joint resolution providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FAIRBANKS, Mr. WARREN, and Mr. RAWLINS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 9544) granting an increase of pension to George W. Barry, disagreed to by the House of Representatives, had agreed to the conference asked by the House on

the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SCOTT, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DEBOE, Mr. SCOTT, and Mr. GIBSON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 4103) granting a pension to William C. Hickox, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. 3908. An act granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing land;

S. 2782. An act to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company; and

S. R. 46. Joint resolution to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 13395. An act granting a pension to Arthur J. Bushnell.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. MCLAURIN of South Carolina, and Mr. HARRIS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SIMON, and Mr. TALIAFERRO, as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSTER of Washington, Mr. BURTON, and Mr. CARMACK as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 14589. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

HORACE L. RICHARDSON.

The committee resumed its session.

The next business on the Private Calendar was the bill (S. 5106) granting an increase of pension to Horace L. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace L. Richardson, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

STEPHEN A. SEAVEY.

The next business on the Private Calendar was the bill (S. 4790) granting a pension to Stephen A. Seavey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen A. Seavey, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. YOUNGS.

The next business on the Private Calendar was the bill (S. 4730) granting an increase of pension to George W. Youngs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISAAC GIBSON.

The next business on the Private Calendar was the bill (H. R. 11711) granting an increase of pension to Isaac Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Gibson, late major Second Battalion, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES F. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 13684) granting an increase of pension to Charles F. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Wright, late of Company C, Thirty-first Regiment Massachusetts Volunteers, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. NELSON.

The next business on the Private Calendar was the bill (H. R. 5480) increasing the pension of John C. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Nelson, late captain of Company I, Eleventh Tennessee Cavalry, war between the States, and pay him a pension at the rate of $24 per month in lieu of the one he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company, strike out the word "of."
In same line, after the word "Eleventh," insert the word "Regiment."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the words "war between the States."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."
In line 9 strike out the words "the one" and insert in lieu thereof the word "that."
Amend the title so as to read: "A bill granting an increase of pension to John C. Nelson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. STANLEY.

The next business on the Private Calendar was the bill (H. R. 13505) granting an increase of pension to William F. Stanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Stanley, late of Company G, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY NICHOLS.

The next business on the Private Calendar was the bill (H. R. 12410) granting an increase of pension to Mary Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Nichols, widow of Richard Nichols, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bennett R. Nichols, the helpless and dependent child of said Richard Nichols, the

additional pension herein granted on account of such child shall cease and determine.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 8, 9, 10, 11, and 12 and insert in lieu thereof the following: "pay her a pension at the rate of $20 per month and $2 per month additional on account of a minor child of said soldier until such child shall have arrived at the age of 16 years: *Provided, however*, That in the case of the death of the helpless child, Bennett R. Nichols, on whose account the pension of Mary Nichols is increased, the pension of said Mary Nichols shall continue only at the rate of $8 per month from and after the date of death of said helpless child."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB FINDLEY.

The next business on the Private Calendar was the bill (H. R. 10856) granting a pension to Jacob Findley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Findley, late of Company F, One hundred and thirty-fifth United States Colored Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 insert after the word "fifth" the word "Regiment," and in same line insert after the word "Colored" the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN KIRKHAM.

The next business on the Private Calendar was the bill (H. R. 12326) granting an increase of pension to John Kirkham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kirkham, late of the First Indiana Militia, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of John A. Kirkham, late of Captain Young's company, Fourth Regiment Indiana Legion, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to John A. Kirkham."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMANTHA TOWNER.

The next business on the Private Calendar was the bill (H. R. 14374) granting a pension to Samantha Towner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha Towner, widow of Justin D. Towner, late captain Company B, Twelfth Illinois Infantry, and pay her a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Twelfth," insert the word "Regiment."

In same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN M. GOWDEY.

The next business on the Private Calendar was the bill (H. R. 11252, granting an increase of pension to Edwin M. Gowdey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin M. Gowdey, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE E. BUMP.

The next business on the Private Calendar was the bill (H. R. 10824) granting an increase of pension to George E. Bump.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Bump, late of Company A, First Regiment Heavy Artillery Connecticut Volunteers, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7 strike out the words "Heavy Artillery, Connecticut Volunteers," and insert in lieu thereof the words "Connecticut Volunteer Heavy Artillery."

In line 8, after the word "pension," insert the words "at the rate."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EBENEZER W. OAKLEY.

The next business on the Private Calendar was the bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer W. Oakley, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CARRIE B. FARNHAM.

The next business on the Private Calendar was the bill (H. R. 6186) granting a pension to Carrie B. Farnham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie B. Farnham, widow of Wilson H. Farnham, late of Company F, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER DUGAN.

The next business on the Private Calendar was the bill (H. R. 14241) granting an increase of pension to Peter Dugan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Dugan, late of the United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the words "United States," insert the words "United States steamship *Mound City*."

In line 7 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY F. HUNT.

The next business on the Private Calendar was the bill (H. R. 13450) granting an increase of pension to Henry F. Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Hunt, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the word "Hunt," strike out the letter "F."

In same line strike out the letter "I" and insert in lieu thereof the letter "E."

Amend the title so as to read: "A bill granting an increase of pension to Henry Hunt."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES K. BATEY.

The next business on the Private Calendar was the bill (H. R. 13052) granting an increase of pension to Charles K. Batey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles K. Batey, late of Company A, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7, after the word "Infantry," insert the words "Company D, Seventieth Regiment New York Volunteer Infantry, and Company C, Eighty-sixth Regiment New York Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE R. BALDWIN.

The next business on the Private Calendar was the bill (H. R. 13665) granting an increase of pension to George R. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Baldwin, late of Company C, Eighth Regiment Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee on Invalid Pensions were read, as follows:

In line 7, before the word "Mounted," insert the word "Tennessee."

In same line strike out the words "Mounted Volunteer Infantry" and insert in lieu thereof the words "Volunteer Mounted Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-five."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA A. CORNISH.

The next business on the Private Calendar was the bill (H. R. 3986) granting a pension to Martha A. Cornish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Cornish, widow of James M. Cornish, late of Company G, Tenth Regiment of New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 4, strike out the word "upon" and insert in lieu thereof the word "on."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. FOGG.

The next business on the Private Calendar was the bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Fogg, late of Company B, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 6 strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WARREN Y. MERCHANT.

The next business on the Private Calendar was the bill (S. 2457) granting an increase of pension to Warren Y. Merchant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren Y. Merchant, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HANNAH A. VAN EATON.

The next business on the Private Calendar was the bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah A. Van Eaton, widow of Flavel H. Van Eaton, late surgeon, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN F. COLLIER.

The next business on the Private Calendar was the bill (S. 3551) granting an increase of pension to John P. Collier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Collier, late of Company A, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CALVIN N. PERKINS.

The next business on the Private Calendar was the bill (S. 4240) granting an increase of pension to Calvin N. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin N. Perkins, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN HOUSIAUX.

The next business on the Private Calendar was the bill (S. 712) granting an increase of pension to John Housiaux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Housiaux, late of Company K, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA CLARK.

The next business on the Private Calendar was the bill (S. 4759) granting an increase of pension to Martha Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Clark, widow of James P. Clark, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elmo J. Clark, helpless and dependent son of said James P. Clark, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

HELENA SUDSBURG.

The next business on the Private Calendar was the bill (S. 4638) granting a pension to Helena Sudsburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helena Sudsburg, widow of Joseph M. Sudsburg, late colonel Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY J. EDGE, ALIAS JASON EDGE.

The next business on the Private Calendar was the bill (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Edge, alias Jason Edge, late of United States steamer Benton, United States Navy, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM M'CORD.

The next business on the Private Calendar was the bill (H. R. 11374) granting an increase of pension to William McCord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCord, late of Company F, One hundred and forty-fifth Regiment New York Volunteer Infantry, and Company I, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY ROGERS.

The next business on the Private Calendar was the bill (H. R. 13886) granting an increase of pension to Henry Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Rogers, late of Company D, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five," and insert in lieu thereof the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES T. CROOKER.

The next business on the Private Calendar was the bill (S. 5759) granting an increase of pension to Charles T. Crooker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Crooker, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and Company C, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLOTTE M. HOWE.

The next business on the Private Calendar was the bill (S. 5669) granting a pension to Charlotte M. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte M. Howe, widow of Rufus S. Howe, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ANNE DOWERY.

The next business on the Private Calendar was the bill (S. 4642) granting an increase of pension to Anne Dowery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne Dowery, widow of Edward Dowery, late of Company L, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE E. JOSEPH.

The next business on the Private Calendar was the bill (S. 2335) granting an increase of pension to Annie E. Joseph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Joseph, widow of Bvt. Brig. Gen. Charles S. Russell and also widow of George W. Joseph, late private, Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL H. CHAMBERLIN.

The next business on the Private Calendar was the bill (S. 5670) granting a pension to Samuel H. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Chamberlin, late second lieutenant Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MICHAEL MULLETT.

The next business on the Private Calendar was the bill (H. R. 11879) to correct the military record of Michael Mullett.

The bill was read, as follows:

Be it enacted, etc., That the military record of Michael Mullet, late a private in Company C, One hundred and fourth Regiment New York Volunteers, be, and the same is hereby, so corrected as to remove the charge of desertion, and the War Department is hereby authorized and directed to grant him an honorable discharge from said service.

The amendment recommended by the committee was read, as follows:

In line 4 strike out the word "fourth" and insert the word "sixty-fourth."

Mr. HULL. Mr. Chairman, I call for the reading of the report.

The report (by Mr. SULZER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11879) to correct the military record of Michael Mullett, report the same back to the House with the recommendation that it do pass.

This is a worthy and meritorious case. The facts are fully set forth in the accompanying papers, which are hereby made a part of this report.

No. 576 ELEVENTH AVENUE,
New York City, N. Y., December 31, 1901.

SIR. I have the honor to submit for your consideration a brief history of my service in the New York Volunteers and the United States Navy during the war of the rebellion.

On the 26th day of August, 1862, I enlisted at Buffalo, N. Y., as a private in Company C, One hundred and sixty-fourth New York Volunteer Infantry, and served with said company and regiment in every battle and skirmish in which it was engaged up to the 3d day of June, 1864, when, at the battle of Cold Harbor, Va., I received a gunshot wound in the left arm, between the wrist and elbow, and also a gunshot wound in the left hip. I was taken to the field hospital, where my wounds were treated, and after several days was sent to a hospital located about 1 mile outside of the city of Washington, D. C.

As soon as I was well enough to travel was given a furlough for forty days; went to New York City, where I stopped with an old friend by the name of John Kelly, who resided in West Forty-second street. During my stay with Kelly I went down town one day to see some old acquaintances and drank pretty freely. While under the influence of liquor I was strolling along South street, where I fell in with a party of strange men, who asked me to drink with them. After either getting me drunk or drugging me they took me to a recruiting office and shipped me in the United States Navy. This was on the 16th of July, 1864, about fifteen days before my furlough expired. When I became sober I found myself dressed in a sailor's rig and on board the United States receiving ship *North Carolina*, stationed at the Brooklyn Navy-Yard.

When the crew was called to muster, the officer of the deck called the name of Michael Murphy. I did not answer and did not know that I had been enlisted under that name until the officer told me that Michael Murphy was the name borne on my enlistment papers and that I must answer to that name, which I continued to do while in the service.

The next day a strange man came on board the ship and handed me $300. I do not know who he was, but suppose he must have been a State agent. He was dressed in citizens' clothes. I did not remember ever having seen him before, and I know that I never met him afterwards. At the time of my enlistment I could not have been examined by a board of surgeons, as my wounds were still running and bandaged, and no medical examining officer would have accepted me into the service in the condition that I was in at the time.

Soon after I was transferred to the U. S. gunboat *Fort Jackson*, on blockade duty off Wilmington, N. C. Was in the battle of Fort Fisher, N. C. (first attack), December 25, 1864; also in the second attack and capture of Fort Fisher, January 15, 1865. Was with the crew of second cutter and sent ashore with storming party.

After the capture of the fort at 10 p. m. on the night of January 15 I was detailed to assist in conveying the wounded in our boat to the several ships in the fleet to which the men belonged. In performing this duty I was drenched through and through, as we had to carry all of the wounded through a heavy surf to the boat.

Our boat's crew had to remain on the beach all night, and I contracted a severe cold that resulted in inflammation of the lungs, for which I was treated on the *Fort Jackson* by Surgeon Wales, United States Navy. I remained on said ship until she arrived at the Brooklyn Navy-Yard, when I was sent to the marine hospital at that place. Remained there nearly two months, when I was sent to the receiving ship *Vermont* and honorably discharged on account of disability contracted in the service, on the 20th day of October, 1865.

I did not know, until a few years ago, that I had a charge of desertion standing against me at the War Department. I made an application to have the charge removed, and the same was denied on the ground that I had enlisted in the Navy for the purpose of securing a bounty or other gratuity to which I would not have been entitled had I completed my term of original enlistment. This is evidently an error, as I had no reason whatever for deserting from the Army, as my relations were always pleasant with my officers and comrades, and I fully intended to rejoin my company and regiment on the expiration of my furlough. I had no knowledge of my enlistment in the Navy or that I was enlisted as a substitute until I was handed the $300 by the strange man, as heretofore stated.

I served my adopted country honestly and faithfully for over three years and still suffer from the wounds that I received at the battle of Cold Harbor, June 3, 1864, so much so that I frequently am obliged to lay off from my work for weeks at a time. I am now an old man, over 68 years of age, and have a family of grown-up sons and daughters who love and honor me, and for their sake, more than my own, I would like to have this charge of desertion, which I feel to be an unjust one, removed from my record.

Very respectfully,

MICHAEL MULLETT,
Late Provost Company C, One hundred and sixty-fourth New York Volunteers, alias Michael Murphy, Late U. S. S. Fort Jackson, U. S. Navy.

The SECRETARY OF WAR, *Washington, D. C.*

The above statement was subscribed and sworn to before me this 3d day of January, 1902.

[SEAL.] JOHN QUINN,
Notary Public, New York County.

General affidavit.

STATE OF NEW YORK, *County of Cattaraugus, ss:*

In the matter of Michael Mullett, of Company C, One hundred and sixty-fourth Regiment New York Volunteers:

On this 21st day of September, A. D. 1901, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, James L. Vallely, aged 52 years, a resident of Ellicottville, in the county of Cattaraugus, State of New York, whose post-office address is Ellicottville, N. Y., and ——— ———, aged ——— years, a resident of ———, in the county of ———, State of ———, whose post-office address is ———, and who, being duly sworn according to law, depose and say, in relation to aforesaid case, as follows:

That he was first sergeant of Company C, One hundred and sixty-fourth Regiment New York Volunteers; that he knew Michael Mullett, of said Company C, One hundred and sixty-fourth Regiment New York Volunteers; that said Michael Mullett was enlisted at Buffalo, N. Y., on the 26th day of August, 1862, by Capt. T. W. Kelly, for three years, and was mustered into the United States service by Lieutenant Sturgeon at Buffalo, N. Y., and that he served with the company and regiment until the 3d day of June, 1864, when he was wounded at the battle of Cold Harbor, Va., and was sent to hospital.

On or about the 22d of July, 1864, Capt. T. W. Kelly received information that the said Michael Mullett had enlisted in the United States Navy at New York City, and he, Capt. T. W. Kelly, gave me orders to report him on the company roll as a deserter.

Some time, I think in August, 1863, said Michael Mullett made application to be transferred to the Navy. Captain Kelly never forwarded the papers, but destroyed them.

Michael Mullett was last paid by Major Williams to April 30, 1864. I seen Mullett after he was wounded and gave him a drink.

Affiant further declares that he has no interest in said case and is not concerned in its prosecution.

JAMES L. VALLELY.

STATE OF NEW YORK, *County of Cattaraugus:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with

its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

THOS. R. ALLDRICH,
Notary Public.

(Certificate on file in Pension Office.)

NEW YORK, *February 1, 1902.*

DEAR SIR: I beg to recall my old-time acquaintance with you to ask the favor that you will listen to the bearer, Michael Mullett, otherwise Murphy, whom I have known for many years as an employee of my father and an honest, reliable sailor man. He has a matter of war record (civil war) which he desired to have made conform to the facts. Oblige me by seeing if you can advance his interests, as he is practically destitute of political friends, and I have to rely on those of old times.

Thanking you for any trouble, I am, with regards,

Yours, very truly,

WM. HENRY WHITE.

Hon. WILLIAM SULZER,
Member of Congress, United States, City.

SIR: I have the honor to submit the following additional statement in regard to my enlistment in the United States Navy, and request that the same may be filed with other papers now before the Committee on Military Affairs, House of Representatives, in connection with the bill that is now pending for a correction of my military record.

On or about the 16th of July, 1864, while at my home in New York City on furlough, on account of wounds received in the battle of Cold Harbor, Va., I was drugged and taken to the naval recruiting station in Cherry street, New York City, where I was enlisted under the name of Michael Murphy.

When I became sober the next day, I found myself on board the U. S. receiving ship *North Carolina*. And when the name of Michael Murphy was called by the officer of the deck I did not answer, as I did not know that I had been enlisted under that name until the officer told me that that was the name borne on my enlistment papers and I must answer that name. I protested strongly against this, and told him that I was a member of Company C, One hundred and sixty-fourth New York Volunteers; that I had been severely wounded while with my company and regiment at the battle of Cold Harbor, Va., June 3, 1864, and that I was at home on furlough, and that my name was Michael Mullett, and not Michael Murphy; that I had met several friends the day before, who got me under the influence of liquor; that I was later on "shanghaied" by a lot of "bounty brokers," who were well known in South street, and asked to be allowed to go to my home, so that I could rejoin my regiment when my furlough expired.

The officer would not pay any attention to my explanation, but replied that I must stay where I was; that it did not make any difference whether I served under my right name or not. Neither did it make any difference whether I served in the Army or Navy; that I had been regularly enlisted and brought on board that vessel, and there I must stay. So, finding it useless, I made no further protest, but served faithfully, which the records of the Navy Department will show, until October 20, 1865, when I was honorably discharged, at the Brooklyn Navy-Yard, on account of disability.

The party referred to in my letter addressed to the Secretary of War in December last, that handed me the $300, told me that it was "Government bounty," that it was mine and I must take it. I protested, and told him that my wounds were running and that no fair-minded medical officer would have accepted me into the service. He said, "Well, you are here now and here you will have to stay," and left the ship after handing me the money. I heard afterwards that this same man got $1,500 for sending me as a substitute.

I will also add that the facts as here related have come to my mind since writing my former statement, and that they are absolutely true in every respect, and that I never thought of deserting from the One hundred and sixty-fourth New York Volunteers and did not enlist for the purpose of securing Government or any other bounty.

MICHAEL MULLET,
576 Eleventh avenue, New York City.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

Sworn to and subscribed before me this 17th day of May, 1902.

[SEAL.] CHARLES HAAG,
Notary Public, New York County.

WAR DEPARTMENT,
Washington City, March 11, 1902.

SIR: In reply to your request for information upon House bill 11879, Fifty-seventh Congress, first session, for the relief of Michael Mullett as a private of Company C, One hundred and sixty-fourth Regiment New York Infantry Volunteers, I have the honor to inclose a report from the Chief of the Record and Pension Office of this Department.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Case of Michael Mullett, late of Company C, One hundred and sixty-fourth New York Volunteers.

It is shown by the records that Michael Mullett was enrolled August 26, 1862, as a private in Company C, One hundred and sixty-fourth New York Infantry Volunteers, to serve three years. The muster-in roll of the company, dated November 19, 1862, reports him "deserted October 10, 1862, from Buffalo," and the bimonthly muster roll, dated December 31, 1862, "present; returned to duty December 1, 1862." He appears to have served faithfully with his company, after his return thereto, until June 3, 1864, when he received a gunshot wound of left hip and arm (contusion) at the battle of Cold Harbor, Va.

He was admitted to depot field hospital, Second Army Corps, White House Landing, Va., June 4, 1864, with gunshot wound left arm, slight, and left hip, disposition not stated; admitted to Finley general hospital, Washington, D. C., June 8, 1864, with gunshot wound left forearm, upper one-third, and gunshot wound left hip, and was furloughed June 25, 1864. Failing to return to hospital or to rejoin his command, which was not mustered out until July 15, 1865, he was reported on the records of his company as having deserted July 22–August 4, 1864.

He reenlisted under the name "Michael Murphy" in the United States Navy July 16, 1864, at New York City, and was discharged October 20, 1865, at the same place. Upon his enlistment he was credited to the First Ward, Brooklyn, Kings County, Third Congressional district of New York, as a substitute for James Monroe.

Applying for removal of the charge of desertion and for an honorable discharge as of Company C, One hundred and sixty-fourth New York Volunteers, Mullett testified January 7, 1892, as follows:

"That he served faithfully until on or about the 3d day of July, 1864, when, without any intention of deserting, he left the regiment under the following circumstances: He enlisted August 26, 1862, for three years, and served faithfully until wounded in the battle of Cold Harbor, Va., July 3, 1864, and was sent to a hospital. Having received a furlough from the hospital, he enlisted in the Navy, July 16, 1864, on the U. S. man-of-war *Fort Jackson*, and served faithfully thereon until the close of the war. About August, 1865, he made application to be transferred to the Navy, but his papers were destroyed by Captain Kelley.

"He prays that he may be relieved of the charge of desertion and granted an honorable discharge."

On January 25, 1892, the applicant testified that he enlisted in the Navy under the name Michael Murphy, and was discharged in that name on October 20, 1865.

The application for removal of the charge of desertion and for an honorable discharge in this case has been denied, and now stands denied, on the ground that the enlistment of this soldier in the United States Navy (as a substitute) appears to have been made for the purpose of securing bounty or other gratuity to which he would not have been entitled had he remained under his term of enlistment in the One hundred and sixty-fourth New York Infantry Volunteers, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 11, 1902.

The SECRETARY OF WAR.

Mr. HULL. Mr. Chairman, I feel that, in justice to the Committee on Military Affairs and to the Committee of the Whole, I should explain the case now pending before the committee. The evidence that was submitted by this party was largely his own testimony, and the committee, if they paid attention to the reading of it, will remember that it was to the effect that this claimant was on furlough after serving more than a year in the Army, that he got drunk, that he was impressed into the service by naval officers, and that he accepted the bounty money under protest, without any evidence that he ever undertook to pay it to any party or appeal to the proper authorities for relief.

I can not believe, Mr. Chairman, that any naval officer would impress a Union soldier who had served over one year in the Army and out on furlough. The evidence submitted by the claimant to the War Department differs from that presented to the committee. The evidence, which is of his own witnesses, is to the effect that he had applied for a transfer to the Navy, and it was refused. The whole case, to my mind, is one which indicates that he deliberately went into the Navy as a substitute for the purpose of securing the bounty money.

There are before the committee 1,000 bills of this character, where, if the testimony of the parties themselves can be taken, great wrongs have been perpetrated upon them by having them all these years charged as deserters, and where they are now knocking at the doors of Congress for the purpose of getting relief so that they may have the benefit of the act of 1890, granting pensions.

Mr. KLEBERG. Was this a unanimous report of the committee?

Mr. HULL. Not at all. My judgment does not bind me as chairman of the committee at all, nor several other members of the committee. In fact, I will say that it was never recommended by any member of a subcommittee that had the matter in charge. Now, Mr. Chairman, if we are to adopt this class of cases——

Mr. MADDOX. I would like to ask the gentleman how the bill came here.

Mr. HULL. It was passed by the full committee.

Mr. MADDOX. Recommended by the full committee?

Mr. HULL. Yes; by a majority of the committee. It was recommended after several sessions and much solicitation. I want to say to you gentlemen on the Democratic side that your record has been consistently to oppose cases of desertion in almost every case and especially where it was not of the very clearest evidence that the desertion was technical rather than real. Why are you now in favor of this bill? If this is to be passed by the committee, in justice to other members of the House having bills of like character before the committee their bills should be reported and passed.

I want the House in this matter to make a record of what it desires in such cases as this, where a man served in the Army up to 1864, when large bounties were paid, and deserted from the hospital or otherwise, many of them from the hospitals, as this man has, and enlisted in other regiments or in the Navy under another name for the purpose of securing the large bounty from cities like New York and elsewhere. If this bill shall be passed, it is only fair to other members of Congress who have similar bills that the committee should cease to turn them down and give them the same treatment as is accorded in this case.

Mr. SULZER. Mr. Chairman, the uncalled-for opposition of the gentleman from Iowa [Mr. HULL] to this meritorious and commendable bill does not surprise me. The gentleman is the chairman of the Military Affairs Committee of this House, and

many here know that on his account it is almost impossible to get a bill reported favorably from that committee to correct the military record of an old soldier. The gentleman is opposed for some reason or other to a favorable report on almost every bill in that committee to remove an unjust charge of desertion against an old soldier, no matter whether the charge is true or false, no matter whether it is right or wrong.

As a member of that committee I have investigated several of these cases now before the committee, honest and just cases, in my opinion, where a stigma has been placed on the record of a worthy soldier, but on account of the influence of the gentleman from Iowa the bills are not reported to this House and will not be reported.

Mr. HULL. Mr. Chairman——

Mr. SULZER. Mr. Chairman, I decline to be interrupted at this time. I did not interrupt the gentleman from Iowa. I believe I know of another reason why he is opposed to this bill. I was one of the men who voted the other day for the resolution of the gentleman from Illinois [Mr. CANNON] to instruct the conferees of the House to strike out of the Army appropriation bill an item that I thought was wrong. I voted then as my judgment dictated, and now the gentleman from Iowa is trying to punish me by endeavoring to defeat this bill.

The CHAIRMAN. The Chair will ask the gentleman from New York to avoid criticising the chairman of the committee.

Mr. SULZER. Indeed, I did not know a chairman of a committee in this House was above criticism.

Mr. KLEBERG. Mr. Chairman, I would like to have some reason why this bill should be passed. I shall want pretty strong evidence to secure my vote for it.

Mr. SULZER. If the gentleman will read the report, I believe he will support the bill. Now, Mr. Chairman, let us inquire what are the facts in this case. The complete record is before the committee. This old soldier, Michael Mullett, enlisted at Buffalo, N. Y., on the 26th day of August, 1862, as a private in Company C, One hundred and sixty-fourth New York Volunteer Infantry. He served in his regiment faithfully until he was badly wounded at the battle of Cold Harbor, Va., July 3, 1864, when he was sent to the hospital, and during his convalescence he received a furlough of forty days to visit his home in New York City. He returned to the city of New York.

On or about the 16th of July, 1864, while at his home in New York City on furlough, on account of wounds received in the battle of Cold Harbor, Va., he was drugged and taken to the naval recruiting station in Cherry street, New York City, where he was enlisted under the name of Michael Murphy.

When he became sober the next day he found himself on board the United States receiving ship *North Carolina*. And when the name of Michael Murphy was called by the officer of the deck he did not answer, as he did not know that he had been enlisted under that name until the officer told him that that was the name borne on his enlistment papers and he must answer that name.

He protested strongly against this, and told him that he was a member of Company C, One hundred and sixty-fourth New York Volunteers; that he had been severely wounded while with his company and regiment at the battle of Cold Harbor, Va., July 3, 1864, and that he was at home on furlough, and that his name was Michael Mullett, and not Michael Murphy; that he had met several friends the day before, who got him under the influence of liquor; that he was later on "shanghaied" by a lot of "bounty brokers," who were well known in South street, and asked to be allowed to go to his home, so that he could rejoin his regiment when his furlough expired.

The officer would not pay any attention to his explanation, but replied "that he must stay where he was; that it did not make any difference whether he served under his right name or not. Neither did it make any difference whether he served in the Army or Navy; that he had been regularly enlisted and brought on board that vessel and there he must stay. So, finding it useless he made no further protest, but served faithfully (which the records of the Navy Department will show) until October 20, 1865, when he was honorably discharged at the Brooklyn Navy-Yard on account of disability. That is substantially the sworn record in this case.

Mr. MADDOX. Does the record show that he served through the war in the Navy and was honorably discharged?

Mr. SULZER. Yes, the record in the Navy Department shows that he served faithfully to the end of the war, and he was honorably discharged then for disability. He was badly wounded in the Army and also while in the Navy. This bill corrects his record in the War Department, and, all things considered, it should be corrected in this case. It is one of the most meritorious cases ever considered by the committee.

Mr. KLEBERG. Was the testimony of the man whose substitute he was obtained, or is it obtainable?

Mr. SULZER. I will say to the gentleman that it is impossible to obtain it. We do not know positively if he was a substitute. There is no evidence.

Mr. KLEBERG. Is he dead?

Mr. SULZER. I do not know, but it is impossible to obtain it.

Mr. MIERS of Indiana. Is the record from which you are reading—is that the testimony of the claimant, or is it corroborated by other facts?

Mr. SULZER. It is corroborated by other statements of fact and by the records in the War and Navy Departments.

Mr. PALMER. What are the facts corroborated?

Mr. SULZER. I suggest the gentleman read the report.

Mr. MIERS of Indiana. I think it would be important if there were other facts, and the committee ought to know it.

Mr. SULZER. There is no doubt the statements set forth in the report are true, and they make out a most worthy case, entitling this old soldier to the relief prayed for. There should be no opposition to this bill. Similar bills are frequently passed to correct military records. In the report you will find an affidavit made by Mr. James L. Vallely. He swears:

That he was first sergeant of Company C, One hundred and sixty-fourth Regiment New York Volunteers; that he knew Michael Mullett, of said Company C, One hundred and sixty-fourth Regiment New York Volunteers; that said Michael Mullett was enlisted at Buffalo, N. Y., on the 26th day of August, 1862, by Capt. T. W. Kelly, for three years, and was mustered into the United States service by Lieutenant Sturgeon at Buffalo, N. Y., and that he served with the company and regiment until the 3d day of July, 1864, when he was wounded at the battle of Cold Harbor, Va., and was sent to hospital.

On or about the 22d of July, 1864, Capt. T. W. Kelly received information that the said Michael Mullett had enlisted in the United States Navy at New York City, and he, Capt. T. W. Kelly, gave me orders to report him on the company roll as a deserter.

Some time, I think in August, 1863, said Michael Mullett made application to be transferred to the Navy. Captain Kelly never forwarded the papers, but destroyed them.

Michael Mullett was last paid by Major Williams to April 30, 1864. I seen Mullett after he was wounded and gave him a drink.

Affiant further declares that he has no interest in said case and is not concerned in its prosecution.

And here is a letter from a well-known citizen of New York City. I will read it from the report:

NEW YORK, *February 1, 1902.*

DEAR SIR: I beg to recall my old-time acquaintance with you to ask the favor that you will listen to the bearer, Michael Mullett, whom I have known for many years as an employee of my father and an honest, reliable sailor. He has a matter of war record (civil war) which he desired to have made conform to the facts. Oblige me by seeing if you can advance his interests.

Thanking you for any trouble, I am, with regards,

Yours, very truly,

WM. HENRY WHITE.

Hon. WILLIAM SULZER,
Member of Congress, United States, City.

Mr. PALMER. What fact does that corroborate?

Mr. SULZER. That proves that he is an honest man; that he was a brave soldier and sailor for his country, and is entitled to credence, is worthy of belief in all he has sworn to.

Mr. PALMER. The question I asked was whether there was any affidavit——

Mr. SULZER. I have already stated that, and I read the affidavit made by Mr. Vallely, corroborating Mullett's affidavit. It is all in the report. Read it yourself.

Mr. PALMER. I did not observe that there was any testimony except the man's own statement that he was "shanghaied," as it was called, and enlisted when he was drunk. On the other hand, I noticed in the report that the man had asked to be transferred into the Navy and did not get permission, and then deserted and went there.

Mr. SULZER. That is not correct. I will read again the last affidavit that Mullett makes. It ought to be sufficient.

On or about the 16th of July, 1864, while at my home in New York City on furlough, on account of wounds received in the battle of Cold Harbor, Va., I was drugged and taken to the naval recruiting station in Cherry street, New York City, where I was enlisted under the name of Michael Murphy.

When I became sober the next day, I found myself on board the U. S. receiving ship *North Carolina*. And when the name of Michael Murphy was called by the officer of the deck I did not answer, as I did not know that I had been enlisted under that name until the officer told me that that was the name borne on my enlistment papers and I must answer that name.

I protested strongly against this, and told him that I was a member of Company C, One hundred and sixty-fourth New York Volunteers; that I had been severely wounded while with my company and regiment at the battle of Cold Harbor, Va., June 3, 1864, and that I was at home on furlough, and that my name was Michael Mullett, and not Machael Murphy; that I had met several friends the day before, who got me under the influence of liquor; that I was later on "shanghaied" by a lot of "bounty brokers," who were well known in South street, and asked to be allowed to go to my home so that I could rejoin my regiment when my furlough expired.

The officer would not pay any attention to my explanation, but replied "that I must stay where I was; that it did not make any difference whether I served under my right name or not. Neither did it make any difference whether I served in the Army or Navy."

Now, that tells the whole story—and it is a sad one—one that appeals to me.

Mr. KLEBERG. What the gentleman reads would imply that the naval officer in command received into the service a man who was drunk and who was bound, possibly, hand and foot and brought to the ship. Is that what we are to understand?

Mr. SULZER. I have read the sworn statements. You can draw your own conclusions.

Mr. KLEBERG. But the implication is that an officer of the Navy——

Mr. SULZER. I am not discussing "implications." I read the affidavits of a man whom I know, and I believe him. I know Mr. Mullett, and I believe he tells the truth.

Mr. KLEBERG. I am simply asking for information.

Mr. SULZER. Quite so, and you can draw any conclusion that you desire from these affidavits. I say I know Mullett, and I know he is an honest man—a truthful man. I believe all he says. If I did not, I should not have introduced this bill.

Mr. KLEBERG. We would naturally have to assume from this testimony that that naval officer of the Government permitted an abuse and a crime of this kind to occur under his eye and participated in it.

Mr. SULZER. In those days during the civil war it was a matter of frequent occurrence in the North to "shanghai" men and enlist them. There were bounty brokers galore in New York City who made it a business to get men under the influence of liquor or drugs and while they were insensible to "shanghai" them, as it was called, and enlist them in the Army or Navy. These criminals would get the bounty; and sometimes, on account of their conscience, they would give the enlisted man probably a quarter or a tenth of the bounty that they had received for enlisting him, and say it was Government money.

Mr. MANN. Will the gentleman allow me?

Mr. SULZER. I must decline to yield further at present. When I have finished I shall be very glad to yield to the gentleman, but at present I wish the members here to comprehend the facts in this case as they are in the record.

Now, sir, Mullett swears that the naval officer on the recruiting ship said to him, when he protested, that it did not make any difference whether he served in the Army or the Navy. The affidavit continues:

So, finding it useless, I made no further protest, but served faithfully (which the records of the Navy Department will show) until October 20, 1865, when I was honorably discharged, at the Brooklyn Navy-Yard, on account of disability.

Mr. Chairman, this man Mullett served his country practically during the entire civil war, in the Army and in the Navy. While in the Army he was badly wounded at Cold Harbor. While in the Navy he was also wounded in several engagements. There is not a scintilla of evidence in the War Department or the Navy Department that this man Mullett was not an honest, brave, and faithful soldier and sailor, who served during the war from 1862 to 1865.

He was "shanghaied" into the Navy, and he should not be held responsible for what the naval officer on the recruiting ship said to him or did to him. He was enlisted in the Navy, and he had to obey orders. He could not go back to his regiment when he wanted to go back. This naval officer told him it made no difference whether he served in the Army or the Navy. In those days a poor soldier, or a poor sailor, had to obey orders. Theirs was not to reason why—any disobedience met with prompt punishment. Under all the circumstances Mullett did all he could, and failing to get back to his regiment served his country bravely and faithfully in the Navy until the war was over and he was honorably discharged.

Mr. KLEBERG. I do not want to be captious, but I would like to inquire if that naval officer is still living?

Mr. SULZER. That we could not ascertain.

Mr. KLEBERG. Or any of the officers of that ship?

Mr. SULZER. I could not state; we could not learn.

Mr. WARNOCK. What effort, if any, did he make between the period of 1864 to October, 1865, to have this great wrong done him rectified? Did he make any?

Mr. SULZER. He says he did, and Mr. Vallely swears to it also, but it was unavailing. He protested against his enlistment in the Navy. He protested against it at the beginning and protested against it afterwards. The affidavit of Mr. Vallely corroborates this statement of Mullett's.

Mr. WARNOCK. Does anybody say that he made a protest to him?

Mr. SULZER. Yes; Mr. Vallely swears to it. I will read again that portion of the affidavit.

On or about the 22d of July, 1864, Capt. T. W. Kelly received information that the said Michael Mullett had enlisted in the United States Navy at New York City, and he, Capt. T. W. Kelly, gave me orders to report him on the company roll as a deserter.

Some time, I think in August, 1863, said Michael Mullett made application to be transferred to the Navy. Captain Kelly never forwarded the papers, but destroyed them.

He also made the protest to officers in command at the time he was forced into the Navy, and there is proof—absolute proof—that he did all he could in his power to rejoin his regiment, but without avail.

Mr. WARNOCK. Did he make any effort that is of record to right this great wrong, immediately after the war, or within twenty-five years after the war?

Mr. SULZER. As a matter of fact, when he was discharged from the Navy—honorably discharged, which discharge he still has—he thought that honorable discharge was all that was required and all that he could get, and he never knew that he was marked as a deserter on the records of the War Department until, I think, about 1892. When he discovered it he began immediately to take steps to have it removed. General Ainsworth denied his application for lack of authority. Mr. Mullett is a man well along in years now, I know him very well, and he is a worthy, industrious citizen of the city of New York.

He is married and has several children. He does not want this charge of desertion on the Army records removed against him in order to get a pension. He does not need a pension and cares nothing about it. His children are capable of taking care of him for the few years he has yet to live; but as an old soldier of the Union, as a man who fought in the Army and in the Navy for the old flag and for his country, he does not want to go to his grave with the stigma of a deserter on his record. He feels this keenly and he wants to leave his children a clear record as their greatest heritage when he dies, and I appeal to every man here to right this wrong and to give this grand old soldier who shed his blood for the Union on land and sea what he craves in his expiring days as his greatest boon—as honorable a record in the Army as he has in the Navy.

I know it is easy to be technical; I know anyone can be captious; I know it is easy for lawyers here to spin fine distinctions of fact, to get up in their places and find fault with an honest report like this, to pick to pieces the affidavits of a poor old soldier and sailor, now broken in health and tottering on the brink of the grave; but I tell you that every man who will read the affidavits of this poor old soldier and sailor, every man who will look into the record of this battle-scarred veteran, will have no hesitation in supporting this bill, and will never in the future have occasion to square his conscience with the proper performance of duty.

I know, and we all know, that there are many cases where men on the muster rolls of the Army and Navy have been marked unjustly as deserters, and in those cases it is the duty of Congress to remove the charge and to give the brave old soldier or sailor a clear pass of honor as he marches forward to that undiscovered country from whose bourn no traveler returns. [Loud applause.]

Mr. HULL. Mr. Chairman, I think I am entitled to one word of personal explanation. The gentleman makes a charge that I am opposed to all bills for the removal of the charge of desertion. He is only partially correct. I am, as a rule, opposed to them, but there is no case on record since I have been a member of that committee where I have tried to keep any bill from being considered by the committee when it was properly brought before the committee by one of the subcommittees charged with the investigation of the case, and the statement of the gentleman from New York [Mr. SULZER] that I am opposing this bill because, forsooth, he voted a certain way in the House the other day is utterly absurd and untrue, because the vote was taken on this bill in the Committee on Military Affairs and had practically voted down, almost without a division, a proposition to report this bill, and it was only after the personal eloquence and personal talk of the gentleman from New York that as a personal favor he secured even a majority of the committee at the next vote.

I want to say to this committee that I have never tried to prevent the consideration of any of these bills, but I do believe as a Union soldier that the line of demarcation between the man who served his country without desertion and the man who deserted to get a bounty should be preserved and not wiped out by the Congress of the United States. This man, by his own confession, took the bounty and kept it. He uttered no word of complaint that can be substantiated from 1864 to 1892. He rested under his alleged wrongs for twenty-eight years.

Now, Mr. Chairman, I want to make one more statement.

Mr. KLEBERG. I want to ask the gentleman one question.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HULL. Certainly.

Mr. KLEBERG. Is it not possible that in this case we can get more light? That is, can not the investigation be extended and other proof had, so as to make it more clear? And what effort has the committee made to clear up the matter?

Mr. HULL. Mr. Chairman, the committee considered everything that the gentleman could submit to us. As a matter of fact, there is no question but that the officers of the ship can be found, if they are living; but that was not even asked for by the attorney for the claimant in the case. We took all the evidence he could give.

Mr. KLEBERG. Are the officers of the ship now living?

Mr. HULL. I do not know whether they are living or not; but if they are living, the Naval Record will show who they were and where they are.

I want to say one word further in answer to the gentleman's attack on me in this matter. No subcommittee recommended this to the full committee and, in fact, the subcommittee having the matter in charge, anxious to accommodate the gentleman from New York [Mr. SULZER], after full investigation refused to make a report in favor of the bill, and submitted it simply with a statement of the facts.

So that if you will take the case as it is there has been nothing that I have done that is open to the criticism of the gentleman from New York. There is nothing in the case that differs from at least a thousand other cases before the committee that we have not reported favorably, and many of which have been reported unfavorably, and you are making a record in this case by a vote of the committee first, and if reported favorably by a record vote in the House as to what instructions you will give the Committee on Military Affairs in regard to this class of bills that the committee heretofore have declined to consider favorably.

Mr. ROBINSON of Indiana. If the gentleman will hold the floor a minute, I should like to ask him a question.

Mr. HULL. Certainly.

Mr. ROBINSON of Indiana. It is something unusual for a member of the committee to fly in the face of his committee in a matter of correcting a military record or granting a pension. The other day when the House had a matter under consideration, involving an instruction which I thought was entirely proper, the gentleman took a contrary view to the one he takes to-day.

Now, after hearing the reading of the report in this case, I want to ask the gentleman if this case is in any substantial way dissimilar to many cases favorably reported by the sanction of the gentleman from Iowa? And I should like to ask him if cases of no greater merit than this have not been favorably reported by his committee without any objection from him?

Mr. HULL. Mr. Chairman, I want to say to the gentleman from Indiana that this is the first case where it has been proven that a man deserted from the Army to go into another branch of the Army or into the Navy, where he received a bounty, that has ever been favorably reported within my knowledge.

Mr. ROBINSON of Indiana. The gentleman recognizes that there were very many cases where there was a misuse of power by Army officers during the war of the rebellion, whereby men were placed in unfortunate predicaments from which they ought to be relieved.

Mr. HULL. There is no question about that in my mind, Mr. Chairman.

Mr. ROBINSON of Indiana. And plenty of such cases are now pending before the gentleman's committee with no chance to get a favorable report.

Mr. HULL. But in my judgment a man who was outraged as this man now claims he was outraged would not have rested quietly under that from 1864 down to 1892 without ever making a protest that could be acted upon and the facts determined.

Mr. ROBINSON of Indiana. Has not the gentleman's committee largely placed itself as a barrier against the relief of those cases?

Mr. HULL. Not at all.

Mr. ROBINSON of Indiana. And are not members of the House constantly entreating that committee favorably to report those cases?

Mr. HULL. All the evidence is before the House that is before the committee.

Mr. ROBINSON of Indiana. Let me ask the gentleman how many cases for the removal of charges of desertion are now before his committee?

Mr. HULL. I should imagine fifteen hundred, and probably more.

Mr. ROBINSON of Indiana. How many have you reported this session?

Mr. HULL. I should think from twenty-five to thirty; and I want to say to the gentleman from Indiana that before the act of 1890 was passed there were not 200 cases of that character before the committee.

Mr. ROBINSON of Indiana. I will ask the gentleman how many such bills were favorably reported in the last Congress?

Mr. HULL. I should say probably thirty or forty in the last Congress.

Mr. ROBINSON of Indiana. How many the Congress before that?

Mr. HULL. More than that. But on account of the careful attitude of gentlemen on this side of the Chamber you gradually caused the Committee on Military Affairs to be more conservative; and wherever there is a case there of desertion more technical than real, where the man performed service during the war, where he performed service in the same command or had left his command for another, they report it favorably in every case, or where it is shown that the officers—and there are many such cases—have been guilty of overbearing conduct and outrageous conduct toward men, in every case of that kind the committee has given the man the benefit of the doubt.

Mr. ROBINSON of Indiana. That is in the cases reported. But does not the gentleman know that there are hundreds of these cases on hand that the committee has failed to report on?

Mr. HULL. No; I do not; and if there is a case of that kind in the knowledge of the gentleman from Indiana and he will bring it to the attention of the proper subcommittee I have no doubt that it will be promptly considered.

Mr. ROBINSON of Indiana. Does the gentleman think that out of eleven hundred cases only 20 or 30 cases ought to be favorably acted on by the committee?

Mr. HULL. I want to say that there is a very much larger number acted upon—not all favorably.

Mr. ROBINSON of Indiana. I wanted to ask the gentleman whether he thought that was a proportion that ought to be acted upon favorably by the committee out of eleven hundred.

Mr. HULL. In the committee each stands on its merits.

Mr. ROBINSON of Indiana. But you do not consider them.

Mr. HULL. They consider every case where a member of Congress presses it.

Mr. ROBINSON of Indiana. I do not so understand it.

Mr. HULL. There are two subcommittees working constantly. Mr. MONDELL is on one of them and Mr. ESCH on the other. I believe you will find that they have reported more bills than any Congress ever did.

Mr. PALMER. I would like to ask the gentleman if every man who deserted for the sake of taking a bounty could not have presented as good a case as this man?

Mr. HULL. They all do it. A man would not go about this without making good affidavits.

Mr. PALMER. If this man's bill passes, ought not every man who deserted to take a bounty have his record amended?

Mr. HULL. I think so. That is why I want the House to make a record.

Mr. MANN. Mr. Chairman, the gentleman from New York [Mr. SULZER] did me the honor of refusing to yield to me to ask him a question, and if he is not too busy I would crave his attention long enough to answer a question.

Mr. SULZER. I shall be glad to answer any question the gentleman may ask, if I can. The only reason I declined to be interrupted at the time the gentlemen asked me to yield was because I wanted to state all the facts to the House.

Mr. MANN. I understood the gentleman at that time was undertaking to make a speech to the House of the same kind that he does to his constituents and did not want to be interrupted, and I did not blame him.

Mr. SULZER. That is kind of the gentleman.

Mr. MANN. It was a good speech, and I would like to hear it again.

Mr. SULZER. It never hurts an old song to sing it twice. [Laughter.]

Mr. MANN. No, sir; it was a good speech. What I wanted to ask the gentleman was, Did this man actually receive a bounty?

Mr. SULZER. No; he did not actually receive a bounty.

Mr. HULL. He says he did.

Mr. SULZER. I am answering the question, not the gentleman from Iowa. [Laughter.]

Mr. HULL. He says he did.

Mr. SULZER. He did not so swear, and if the gentleman will read the report he will see that he did not.

Mr. MANN. He got the $300.

Mr. SULZER. Let me read from the report—the sworn statement of Mullett. He said a man came on board the receiving ship the next day and handed him $300, and told him that it was Government money, that it was his, and that he must take it. He says he protested and told this man that his wounds were running, and that no fair-minded medical officer would accept him in the service. The man answered: "Well, you are here now, and here you will have to stay," and left the ship. It is well known bounties were paid at that time, and I do not suppose Mullett in those days, and especially after his experience of the night before, was the brightest man in the world.

Mr. MANN. Well, now, if the gentleman will please wait. He says that the man "protested." But did he take the money?

Mr. SULZER. As testified to, the $300 was left with Mullett as Government money. That is all there is to it.

Mr. MANN. Does the gentleman believe that this man, leaving one command and entering another and receiving $300, thought that he was receiving this as Government money from this man?

Mr. SULZER. He swears he was told it was Government money, and, knowing the man, I believe him.

Mr. MANN. The man had been in the employ of the Government for some time?

Mr. SULZER. He had been a brave soldier from the time that he enlisted in August, 1862, until then, and when he went in the Navy he was a gallant sailor.

Mr. MANN. Does the gentleman think that this man was of the opinion that the Government was sending $300 around to its soldiers and giving it to them?

Mr. SULZER. He certainly did, and he swears so; and it is very natural for him to do so; very natural, indeed. Bounties were paid, I believe, in those days by the various States and cities.

Mr. MANN. How long had this man been in the service of the Government in the Army?

Mr. SULZER. From the 26th of August, 1862, until July, 1864. He was badly wounded at the battle of Cold Harbor on the 3d day of July, 1864, and sent to the hospital. He was comparatively a young man at that time.

Mr. MANN. I have no doubt there are many circumstances in favor of giving this man a pension.

Mr. SULZER. He is not an applicant for a pension. I am willing now to accept an amendment to this bill that Mullett does not want a pension and that he will never apply for one.

Mr. MANN. I say I should have no objection to giving this man a pension as a matter of charity, but what he asks is justice, and so far as justice is concerned he was a deserter and a bounty jumper, and if the gentleman from South Carolina were here he would be called a coffee cooler and a camp follower. [Laughter.]

Mr. SULZER. That is the opinion of the gentleman from Illinois. I have heard criminal lawyers draw similar conclusions from truthful affidavits.

Mr. MANN. My judgment is that it takes a criminal lawyer to understand this case, because the applicant was guilty of a crime.

Mr. SULZER. The crime was committed against Mullett.

Mr. MANN. This man was a deserter——

Mr. SULZER. He was not. I deny it. The record disproves it——

Mr. MANN (continuing). Not only a deserter, but he took money for desertion and entered into another branch of the service. You might well claim that he got drunk and was shanghaied into the Navy, but when he received over his protest—oh, yes, protest—$300, which he put in his pocket and spent, it is nonsense to say that he did it without knowing what he was doing. He has the character of a deserter, and if the gentleman from South Carolina, who is now attending to his duties as candidate for governor in that State, were here he would denounce this bill as being of that character that brings disgrace on this Congress for attempting to pass it.

Mr. SULZER. Let me say this to the gentleman from Illinois. If this man Mullett was not an honest man, if what he says was not true, do you suppose he would put that statement about the $300 in his affidavit? He could have left it out. Had he been dishonest in the matter he would have left it out and no one would have been the wiser. The fact that he put it in stamps it all over with truth.

Mr. BROMWELL. In other words, if he was guilty of being a bounty jumper he must be an honest man for stating it in the affidavit. [Laughter.] That is the argument of the gentleman from New York.

Mr. SULZER. No; that is not my argument. My contention is that if Mullett was a bounty jumper he would not testify to it under oath, when it was not necessary to mention it, but we see he tells the whole truth and nothing but the truth regarding all the facts of his case. He conceals nothing.

Mr. MANN. Mr. Chairman, I suppose the reason the man put these facts in his affidavit, which the gentleman from New York says he would not have put in if he was not honest, was because he was relying on the eloquence and the specious argument of the gentleman from New York to work all around the truth and never once hit the center of it. [Laughter.]

Mr. SULZER. This case is submitted on the record. I know Mullett, and I say he tells the truth. I rely on the sworn statements and on all the surrounding circumstances, and I appeal to every member to vindicate this brave but now broken soldier, and take from his record as the grave opens to receive him this stain put there by others without his knowledge or consent.

Mr. HAY. Mr. Chairman, I think since the chairman of the Committee on Military Affairs has seen fit to go into what occurred when this bill was reported out of the committee, that it is but due to the House to say that the chairman of the subcommittee who had this bill under consideration voted for the bill in committee. I refer to the gentleman from Wisconsin [Mr. ESCH].

Mr. HULL. I want to say to the gentleman from Virginia that the reason I referred to it was because of the assault made on me by the gentleman from New York [Mr. SULZER].

Mr. HAY. I was not present at that time.

Mr. HULL. I want to ask the gentleman if it was not true that Mr. ESCH stated that the subcommittee and himself would decline to recommend it?

Mr. HAY. It is true when the case first came up Mr. ESCH stated what the gentleman from Iowa has said; but the gentleman from Wisconsin stated that he desired the gentleman from New York to procure further evidence, and the gentleman from New York was going to procure some evidence, and when that additional affidavit was secured the gentleman from Wisconsin brought the case up and voted for it himself.

Mr. HULL. But he never claimed that the subcommittee was in favor of it.

Mr. HAY. No; he did not. I do not know that the subcommittee, after the additional evidence was obtained, ever had a meeting or acted upon it. Now, this case is, in my judgment, a very fair case. I do not see that there is any great difference between this case and a great many others that have been reported and passed upon by this House. This man has rendered four years' service in all—two years in the Army and two years in the Navy.

The man was wounded and rendered faithful service. He was impressed in the Navy under circumstances which should at least give him some consideration before this House. I am not one of those who want to assume that every man who makes an affidavit in attempting to correct his military record is necessarily a liar and a scoundrel as some gentlemen seem to think that he is. I went over this case carefully in the Committee on Military Affairs, and after reporting it believed it to be a fair case, and trust that the committee will sustain the Committee on Military Affairs in the report they have made.

Mr. GAINES of Tennessee. Did the committee, when they passed upon the bill, have before them this affidavit?

Mr. HAY. Undoubtedly.

Mr. GAINES of Tennessee. And the subcommittee did not have it?

Mr. HAY. They did not.

Mr. GAINES of Tennessee. Then at that time the gentleman from Wisconsin [Mr. ESCH] was opposed to the bill, but when he got this evidence his doubts were cleared away?

Mr. HAY. And he voted for the bill.

Mr. GAINES of Tennessee. And the committee reported the bill?

Mr. HAY. Yes, sir.

Mr. GAINES of Tennessee. And you have examined the bill and approve it?

Mr. HAY. Yes, sir. [Cries of "Vote!" "Vote!"]

The question being taken, the amendment reported by the committee was agreed to.

The question being taken on laying aside the bill as amended with a favorable recommendation, there were—ayes 54, noes 24.

Mr. HULL. I call for tellers.

Tellers were not ordered.

So the bill was ordered to be laid aside to be reported favorably to the House.

JAMES P. M'CLURE.

The next business on the Private Calendar was the bill (S. 4766) granting an increase of pension to James P. McClure.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. McClure, late of Company H, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PUBLICATIONS FOR THE BLIND.

Mr. RUCKER. Mr. Chairman, I ask the indulgence of the Committee of the Whole for a moment to make a statement.

A bill introduced by Senator ELKINS is pending in the Senate, an exact duplicate of which has been introduced in the House, providing for the free transmission through the mails of all books, pamphlets, and other publications, printed in raised characters or point letters, for the use of the blind. As is known to all gentlemen here, every State in the Union has institutions or schools for the instruction of the blind.

These schools are provided with books and libraries, furnished by the States and the United States, especially adapted to the wants and necessities of the pupils who attend these institutions. Frequently the blind girls and boys are bright and quick to learn and receive an education. But, when the school year ends and these children separate and return to their respective homes to spend the vacation; or when they have completed the course at

school and can no longer remain there, they are practically denied recourse to books. These books are expensive, and but few of the blind can afford to own them. The purpose of this bill is to permit schools and institutions having libraries printed in raised characters to send such literature to blind people through the mails free of postage.

I will content myself at this time with this mere reference, and ask unanimous consent to print in my remarks for the benefit of the members the bill referred to, together with an article written by Mr. H. H. Johnson, of Romney, W. Va., who is a man of magnificent intellectual attainments, and one of the most distinguished representatives of these unfortunate people.

The documents referred to by Mr. RUCKER are as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 19, 1902.*

Mr. RUCKER introduced the following bill; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed:

A bill (H. R. 14577) to promote the circulation of reading matter among the blind.

Be it enacted, etc., That books, pamphlets, and other reading matter in raised characters for the use of the blind, whether prepared by hand or printed, in single volumes or in packages, unsealed and not exceeding 4 pounds in weight, when sent by public institutions for the blind as a loan to blind readers, or when returned by the latter to such institution, shall be transmitted in the United States mails free of postage.

SEC. 2. That all acts or parts of acts repugnant to this act are hereby repealed, and the Postmaster-General shall prescribe such regulations as he may deem necessary to carry this act into effect.

A PLEA FOR FREE POSTAGE ON BOOKS FOR THE BLIND.

The bill to promote the circulation of reading matter among the blind is still in the hands of the Senate Committee on Post-Offices and Post-Roads, awaiting the kindly touch that will bring it back to the Senate with favorable recommendations.

An act of Congress, entitled "An act to promote the education of the blind," approved February 27, 1879, sets apart the sum of $250,000 to be permanently invested in securities of the United States, the proceeds of which shall be forever applied, through the American Printing House for the Blind at Louisville, Ky., to the making of books and apparatus used in the education of the blind, to be annually distributed to the schools for the blind in the several States in the proportion of the attendance of pupils.

For almost a quarter of a century this magnificent but just benefaction has been available for the youthful blind of the country in the schools; and the books in embossed characters have multiplied amazingly. The catalogues now embrace nearly or quite every title in popular literature and technical subjects. We have fiction from Robinson Crusoe to The Marble Faun; in allegory, from the Pilgrim's Progress to the Tale of a Tub; in short tales, a rapidly multiplying variety; in history and biography, a range of choice which would have been well-nigh unimaginable fifty years ago; in poetry, a collection which, in whole or in part, illustrates every considerable writer, and in miscellaneous reading, scores and hundreds of books.

Careful, judicious, conservative men are charged with the selection of the books to be printed, and the consequence is that we have in these special catalogues only the very cream of the world's best thought. I believe it would do no violence to the truth to suppose that the entire catalogue of books in raised letters would, in the ink editions, constitute the finest and very best library of equal numbers in the world. At the least, that is what ought to be the fact.

With these advantages for the young blind in the schools, the natural thought would be: "With these well-cultivated tastes, they will go on reading and improving themselves all their lives." Here the delightful prospect suddenly and sadly changes. The pupils retire from the schools to bookless homes. Some of the more fortunate and sprightly ones have gained one or possibly two books at school as prizes. The securing of more is barred by the prices at which the books have to be sold on account of the expensive processes used in their production and the small editions that are required to supply the demand. Worcester's small pocket dictionary of some 18,000 words makes three large volumes and is quoted at $14.

It is entirely safe to put the cost at from ten to twenty times that at which like books in the ink editions are sold. The size of these books is also against their accumulation, for few houses could spare the room that any considerable number of them would occupy. The 11 volumes of the Bible in the New York point fill a box more than 3 feet long, 14 inches wide, and 13 deep. Fortunately, their weight does not keep pace with their size.

When to these considerations the further one is added that the blind in the very great majority of cases are poor beyond the possibility of paying transportation charges on books that might be borrowed, it will be seen that the return of a blind pupil to the humble home from which he was taken with no appreciation of books, but to which he returns with his faculties all aglow with the enthusiasm of further required acquisitions in knowledge, it requires no great flight of the imagination to conceive the depths of the wretchedness to which he will rapidly gravitate in a very short time, when the whole secret of any possible happiness in life will consist in his ability to forget his taste, his culture, his noble aspirations, which can no longer be fed by the spring of his school-day delights, the books that he may no longer read.

Is the Government's benefaction complete? We are not asking for action of questionable propriety that the Government may show itself sentimentally kind or romantically generous. Is there not a measure of justice in it? Free text-books for the children in the common schools, with circulating free libraries at their very doors and a market in which for their mature years the price of a good cigar will buy almost any, even the best books, are advantages so common as no longer to attract notice or comment. How different with the blind, relegated to their native darkness when their school days are past, without a ray of light to follow them and light their ways, and the necessity of forgetting all the past to make life tolerable! It is difficult to imagine a privation so absolute. How we chafe if the morning paper is a little late on the breakfast table. Even a short outing is intolerable without a book.

These matters are not referred to with any desire of arousing a feeble thrill of sickly sentimentality or a sudden spasm of morbid benevolence. Is there not a propriety in trying to remedy a condition so serious? Would it not be just and righteous to clothe the schools for the blind with this incidental power of continuing the education of their pupils through their whole lives in the interest of a better citizenship for them, to say nothing of greater happiness they would enjoy?

Now, good friend, to whom these words may come, consider yourself specially charged with the responsibility of determining this plain question of mingled justice and mercy. If it strikes you as reasonable, fail not to use the influence you may have with your Senators and Representatives in Congress to push this small, inexpensive bit of legislation to the realization of long-cherished hopes.

Mr. ELKINS introduced the bill in the Senate at the former session and secured its favorable recommendation from the Committee on Education. He informs me that it finally passed the Senate, but was held up in the House. Shall it not fare better this time? May not the favorable report on the bill in the last Congres facilitate like action in the present?

There is other legislation in the interest of the blind, in contemplation, looking to their higher education. I can not feel that this measure, however meritorious in many respects, ought to divert attention from the bill for the free postage on books. The latter will bless every blind reader in the country, and ultimately in the world. Canada has a like law, and it will spread among the nations; and postal agreements may some day give to each the benefits of all in the matter of books for the blind. The other measure can be postponed without injury to anyone; for the blind who want the higher learning will get it with or without assistance, while the impecunious blind can not get books without aid.

Should the frank for books in raised letters fail of favorable consideration at this session of Congress on account of the volume of more widely and more generally important business, let us not doubt either the wisdom or generosity of the members, but rely upon the gentle, respectful activity of those who know and feel the deep significance of the proposed legislation to keep it before Congress till the auspicious time shall come.

H. H. JOHNSON,
Senior Teacher, Blind Department, West Virginia Schools for D. and B.

MAY 15, 1902.

MINE DISASTER IN TENNESSEE.

Mr. GAINES of Tennessee. Mr. Chairman, I beg the indulgence of the Committee of the Whole to speak for a moment about a matter of charity. A few days ago—on the 19th of this month—there was in Tennessee a terrible mine explosion, in which about 225 miners lost their lives. The bodies of these unfortunate men are being gradually taken from this mine. Their wives and many children are left penniless and dependent.

The governor of Tennessee, over the official seal of the State, has appealed to the people of Tennessee and I appeal to the country at large for aid for these widows and orphans.

I wish to take this opportunity of placing in the RECORD the short appeal of Governor McMillin, together with a brief report of the disaster, printed in another column of the same paper, the Nashville American. This appeal of the governor, which I will take the liberty of reading, is as follows:

STATE OF TENNESSEE, EXECUTIVE CHAMBER,
May 21, 1902.

To the People of Tennessee:

On Monday morning, May 19, a fearful disaster occurred at the Fraterville mines, in the Coal Creek mining region. Two hundred and twenty-six miners engaged in laboring for themselves and those dependent upon them were, by fearful explosion in the mine, killed. By reason of this disaster hundreds of poor, helpless women and children are left with poverty and want added to the grief caused by the death of loved ones. It is reported to me that assistance is badly needed. Subscriptions have been opened at different places for the purpose of aiding the unfortunates.

The legislature is not in session, and hence no contribution can be made by the State. I therefore appeal to the citizens in every part of the State to contribute generously to the needs of the people afflicted by this misfortune, and I feel confident that all that is necessary to secure succor is to call attention to the matter. Let those who have not been personally visited by the disaster generously help those who have.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at Nashville, on the 21st day of May, 1902.

[SEAL.] BENTON McMILLIN.

By the Governor:

JOHN W. MORTON,
Secretary of State.

Now, Mr. Chairman, I ask unanimous consent to place in the RECORD, along with what I have just read, a full statement of this calamity as given in another column of the Nashville American of May 22. My object in doing this is that people throughout the country may know the facts of the case and may understand to whom contributions may be sent. R. M. Lindsay, of Cold Creek, Tenn., is the chairman of the relief committee, who will gladly receive and properly apply any contributions sent him. I had contributed through Governor McMillin before I knew of their relief committee.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent to print in the RECORD the newspaper article to which he has referred. Is there objection?

There was no objection.

The article is as follows:

FAREWELLS PAINFULLY INDITED—MESSAGES FROM ENTOMBED MEN AT COAL CREEK WRITTEN WHILE THEY WERE BEING GRADUALLY STRANGLED TO DEATH BY NOXIOUS VAPORS SURROUNDING THEM—FOUND WITH THE BODIES IN FRATERVILLE MINE—EVIDENCES THAT THEY, AND PERHAPS MANY OTHERS, LIVED FOR HOURS AFTER THE TERRIBLE EXPLOSION, THE TORTURE UNDERGONE BEING INTENSE—WORK OF RECOVERING THE BODIES GOES ON UNDER DIFFICULTIES—FAMILIES OF VICTIMS IN WANT.

KNOXVILLE, TENN., *May 21, 1902.*

The latest estimates as to loss of life in the Fraterville coal-mine disaster at Coal Creek is 236, including contract miners, day laborers, and boy helpers. One find reported to-day was that of 13 bodies in an entry. With these 13, all of whom were dead, were found 6 letters written by 5 men before life became extinct. One of these letters gave the time of day it was written as 2.30 o'clock Monday afternoon, thus indicating that these and perhaps other entombed men lived many hours after the terrible explosion, which occurred Monday morning at 7.30 o'clock.

The letters gave a general suggestion of the suffering that was undergone, indicating that the men were gradually being strangled to death by the foul and gaseous air that was entering and filling the mine. One piteously read: "My God, for another breath."

The letters, in the main, were directions to families as to what disposition should be made of the writer's body and his business affairs and instructions as to raising his family. One unfortunate, who leaves neither father, mother, brother, nor sisters, addressed his letter "To Everybody," and pleaded that they change their way of living.

UNITED MINE WORKERS.

President J. W. Howe, of the United Mine Workers of America for district 19, went into the mines to-day to make an inspection as the representative of that organization, and to assist in the rescue work. He has received a message of condolence from President John Mitchell of the Mine Workers of America, who stated he had sent $100 for the relief fund. Mr. Howe to-day announced that the Mine Workers of America would at once expend $1,000 for the needy families of its members who died in the mine, and that more would be available if necessary.

State Mine Inspector R. A. Shiflett has announced that he will postpone his official inspection until the bodies are rescued and the mine is cleared of some débris. Mr. Shiflett is physically impaired on account of his recent hard work in inspecting the Nelson Mine, at Dayton, Tenn., where he was exposed to noxious gases.

Mrs. George Atkins, wife of the mine foreman who was lost in the disaster, has completely lost her mind. She is raving, and is kept in custody with great difficulty, so intense is her grief for her husband. The rescuing parties that went in Monday are completely exhausted and new men were sent into the mines to-day. Physicians positively forbade any of the first rescuers returning. They have been in contact with the gaseous air for so long that they have become weakened, and it is feared that they could not survive the arduous work. Many hardy miners from other sections are here, and from these the rescue parties were made up this morning.

MONEY THE CRYING NEED.

There are hundreds of people at Coal Creek, and everyone is ready to do all possible for the relief of the suffering. Money is the crying need, and the outside world is urged to send in contributions to R. M. Lindsay, chairman of the relief committee, Coal Creek, Tenn.

The inquest was resumed this morning, but upon request of Maj. E. C. Camp, president of the Coal Creek Coal Company, it was postponed, and the coroner fixed June 9 as the date for it to be reconvened.

Then an investigation will be made as to the cause of the deaths of the men and as to the cause of the explosion. It is now generally believed that on last Saturday a wall between an abandoned mine of the Knoxville Iron Company and the Fraterville mine was punctured by a miner, and this permitted the foul gas from the old mine to enter Fraterville. The fans not operating Sunday enabled the mine to become permeated with the gas, and the explosion Monday was the result when men went in with their lamps and the fresh air began to flow. Up to noon to-day 141 bodies had been removed from the mine.

WILLIAM A. NELSON.

The next business on the Private Calendar was the bill (H. R. 13233) granting a pension to William A. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Nelson, Company A, Second New Jersey Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Nelson," insert "late of," and in the same line, after the word "Second," insert "Regiment."

Strike out the words "and pay him a pension at the rate of $50 per month" in lines 7 and 8.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. BOWDEN.

The next business on the Private Calendar was the bill (H. R. 13178) granting a pension to William F. Bowden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Bowden, late of Company K, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The amendment recommended by the Committee on Pensions was read, as follows:

In line 8 strike out "twenty-five" and substitute therefor the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. THOMAS.

The next business on the Private Calendar was the bill (H. R. 8644) granting a pension to John W. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John W. Thomas, late a member of Company D, Seventh Regiment of the United States Army, during the Indian wars, and pay him a pension of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "a member."

Strike out all in lines 6 and 7 after the word "Regiment" in line 6, and substitute therefor the following: "United States Infantry, and pay him a pension at the rate of $16 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORNELIA A. DENNIS.

The next business on the Private Calendar was the bill (H. R. 11893) granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Mrs. Dennis, of Turin, Coweta County, Ga., on the pension roll, subject to all the provisions and limitations of the existing pension laws, and pay her in lieu of the pension she now receives the sum of $25 per month.

The amendments recommended by the Committee on Pensions were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Cornelia A. Dennis."

Strike out all after the enacting clause and substitute the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Dennis, widow of Green K. Dennis, late of Company F, First Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HUGH J. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 14251) granting a pension to Hugh J. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh J. Reynolds, late of Company G, Palmetto Regiment South Carolina Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Pensions were read, as follows:

In line 7, after the word "Infantry," insert "war with Mexico," and in line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WILLIAMSON.

The next business on the Private Calendar was the bill (H. R. 14234) granting a pension to John Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Williamson, late of Company G, Seventh Regiment United States Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out the word "Volunteer" in line 7.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET S. TOD.

The next business on the Private Calendar was the bill (H. R. 14224) granting an increase of pension to Margaret S. Tod.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Margaret S. Tod, widow of Samuel B. Tod, late sergeant, Company E, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $20 a month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Infantry," insert "war with Mexico;" and in line 7 strike out the word "twenty" and substitute therefor the word "sixteen;" and in the same line change "a month" to "per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUTHER G. EDWARDS.

The next business on the Private Calendar was the bill (H. R. 14359) granting a pension to Luther G. Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther G. Edwards, late of United States Navy, and pay him a pension at the rate of $40 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "Edwards," in line 6, and insert in lieu thereof the following: "late landsman, U. S. S. *Lancaster*, United States Navy, war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM DIXON.

The next business on the Private Calendar was the bill (H. R. 2783) granting a pension to William Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, authorized and directed to place on the pension roll the name of William Dixon, a scout, who was wounded in a fight with the Indians on September 10, 1874, while serving under General Miles on the frontier, and to pay him the sum of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dixon, late a scout and guide, United States Army, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARCELLUS M. M. MARTIN.

The next business on the Private Calendar was the bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcellus M. M. Martin, alias Marion M. Martin, late of Company F, United States Mounted Riflemen, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JENNIE M. WAGNER.

The next business on the Private Calendar was the bill (S. 5202) granting an increase of pension to Jennie M. Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie M. Wagner, widow of Max Wagner, late second lieutenant Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Max Wagner until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

ELLA S. MANNIX.

The next business on the Private Calendar was the bill (H. R. 13683) grantimg an increase of pension to Ella S. Mannix.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella S. Mannix, widow of Capt. D. Pratt Mannix, late of the United States Marine Corps, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments recommended by the Committee on Pensions were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Ella B. S. Mannix."

Strike out all in the bill in lines 6, 7, 8, and 9, and substitute therefor the following: "of Ella B. S. Mannix, widow of Daniel Pratt Mannix, late captain, United States Marine Corps, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HATTIE M. WHITNEY.

The next business on the Private Calendar was the bill (S. 4927) granting an increase of pension to Hattie M. Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie M. Whitney, widow of Folliot A. Whitney, late major Sixth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Folliot A. Whitney until he reaches the age of 16 years.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. H. DAVIS.

The next business on the Private Calendar was the bill (H. R. 6414) granting an increase of pension to William W. H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the penson roll, subject to the provisions and limitations of the pension laws, the name of William W. H. Davis, late colonel One hundred and fourth Regiment Pennsylvania Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In lines 8 and 9 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. This concludes the business on the Private Calendar from the Pensions and Invalid Pensions Committees.

Mr. SULLOWAY. Mr. Chairman, is there not a Calendar No. 1643?

Mr. MIERS of Indiana. That was laid aside to be favorably reported.

Mr. SULLOWAY. I move that the committee do now rise and report the bills favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration certain private pension bills and other bills under the special order for this day, and had directed him to report the same back to the House, some with and some without amendments, as follows:

HOUSE BILLS AMENDED.

H. R. 4990. A bill granting an increase of pension to George F. Gregg;

H. R. 8149. A bill granting an increase of pension to James B. Martin;

H. R. 14146. A bill granting an increase of pension to John Murphy;

H. R. 12430. A bill granting a pension to Abner H. Lester;

H. R. 13063. A bill granting a pension to Julia B. Shurtleff (title amended);

H. R. 10339. A bill granting an increase of pension to John L. Moore;

H. R. 8573. A bill granting a pension to William McDaniel;

H. R. 12305. A bill granting an increase of pension to Charles Olson;

H. R. 14012. A bill granting a pension to Fannie Reardon, widow of Patrick Reardon, alias Dunn (title amended);

H. R. 8576. A bill granting a pension to John S. Upshaw;

H. R. 12968. A bill granting an increase of pension to John T. Mull;

H. R. 13594. A bill granting an increase of pension to Robert Hargreave (title amended);

H. R. 13944. A bill granting a pension to Margaret Ann West, a nurse of United States Volunteers (title amended);

H. R. 2477. A bill granting an increase of pension to Benjamin Zane;

H. R. 14221. A bill granting an increase of pension to Nancy J. McArthur;

H. R. 11339. A bill granting a pension to Augustus Blount;

H. R. 11453. A bill granting a pension to Catharine Freeman;

H. R. 11865. A bill granting an increase of pension to John A. Robertson;

H. R. 12424. A bill granting an increase of pension to Wallace K. May;

H. R. 12632. A bill granting an increase of pension to Bailey O. Bowden;

H. R. 14052. A bill granting an increase of pension to George Fusselman;

H. R. 13227. A bill granting a pension to Elizabeth J. Emry (title amended);

H. R. 3768. A bill granting an increase of pension to John W. Campbell;

H. R. 5205. A bill granting an increase of pension to Hiram S. Leffingwell;

H. R. 6991. A bill granting an increase of pension to Esek B. Chandler;

H. R. 8146. A bill granting an increase of pension to Thomas M. Owens;

H. R. 5446. A bill granting a pension to James M. Travis (title amended);

H. R. 9710. A bill granting an increase of pension to Elizabeth J. Eagon;

H. R. 3770. A bill granting a pension to J. E. Dickey (title amended);

H. R. 8780. A bill granting an increase of pension to Pierson L. Shick;
H. R. 12009. A bill granting an increase of pension to George Baker;
H. R. 12019. A bill granting an increase of pension to William Lowe;
H. R. 14087. A bill granting a pension to Lizzie Dunlap;
H. R. 14144. A bill granting an increase of pension to Fannie S. Cross;
H. R. 10174. A bill granting a pension to Jennie M. Harris (title amended);
H. R. 11250. A bill granting an increase of pension to Arthur L. Currie;
H. R. 5038. A bill granting an increase of pension to William H. Hudson;
H. R. 13946. A bill granting an increase of pension to Capt. Stephen B. Todd (title amended);
H. R. 14055. A bill granting an increase of pension to Samuel Brown;
H. R. 7760. A bill granting a pension to Thomas Graham (title amended);
H. R. 13675. A bill granting an increase of pension to George W. White;
H. R. 5866. A bill granting an increase of pension to William P. Schott (title amended);
H. R. 13613. A bill granting an increase of pension to Charles G. Howard;
H. R. 13999. A bill granting a pension to Dennis Cosier (title amended);
H. R. 13684. A bill granting an increase of pension to Charles F. Wright;
H. R. 5480. A bill increasing pension of John C. Nelson (title amended);
H. R. 12410. A bill granting an increase of pension to Mary Nichols;
H. R. 10856. A bill granting a pension to Jacob Findley;
H. R. 12326. A bill granting an increase of pension to John Kirkham (title amended);
H. R. 14374. A bill granting a pension to Samantha Towner;
H. R. 10824. A bill granting an increase of pension to George E. Bump;
H. R. 12507. A bill granting an increase of pension Ebenezer W. Oakley;
H. R. 6186. A bill granting a pension to Carrie B. Farnham;
H. R. 14241. A bill granting an increase of pension to Peter Dugan;
H. R. 13450. A bill granting an increase of pension to Henry F. Hunt (title amended);
H. R. 13052. A bill granting an increase of pension to Charles K. Batey;
H. R. 13665. A bill granting an increase of pension to George R. Baldwin;
H. R. 3986. A bill granting a pension to Martha A. Cornish;
H. R. 14184. A bill granting an increase of pension to Andrew J. Fogg;
H. R. 13886. A bill granting an increase of pension to Henry Rogers;
H. R. 11879. A bill to correct military record of Michael Mullet;
H. R. 13233. A bill granting a pension to William A. Nelson;
H. R. 13178. A bill granting a pension to William F. Bowden;
H. R. 8644. A bill granting a pension to John W. Thomas;
H. R. 11893. A bill granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga. (title amended);
H. R. 14224. A bill granting an increase of pension to Margaret S. Tod;
H. R. 14251. A bill granting a pension to Hugh J. Reynolds;
H. R. 14234. A bill granting a pension to John Williamson;
H. R. 14359. A bill granting a pension to Luther G. Edwards;
H. R. 2783. A bill granting a pension to William Dixon;
H. R. 13683. A bill granting an increase of pension to Ella S. Mannix (title amended); and
H. R. 6414. A bill granting an increase of pension to William W. H. Davis.

SENATE BILL WITH AMENDMENT.

S. 4927. An act granting an increase of pension to Hattie M. Whitney.

SENATE BILLS WITHOUT AMENDMENT.

S. 2551. An act granting a pension to Amelia Engle;
S. 4706. An act granting an increase of pension to William Harrington;
S. 4732. An act granting an increase of pension to Charles H. Hazzard;
S. 3998. An act granting an increase of pension to Emma L. Kimble;
S. 4871. An act granting an increase of pension to Helen M. Worthen;
S. 4983. An act granting a pension to John W. Smoot;
S. 4655. An act granting an increase of pension to Oliver K. Wyman;
S. 4862. An act granting an increase of pension to James Welch;
S. 1797. An act granting an increase of pension to Benjamin Russell;
S. 3888. An act granting an increase of pension to Jesse H. Hubbard;
S. 5371. An act granting an increase of pension to Jonathan O. Thompson;
S. 2168. An act granting an increase of pension to Charles O. Baldwin;
S. 2697. An act granting an increase of pension to Sarah F. Baldwin;
S. 4415. An act granting an increase of pension to Vesta A. Brown;
S. 4758. An act granting an increase of pension to Mary L. Doane;
S. 4729. An act granting an increase of pension to Daniel A. Hall, alias William Knapp;
S. 4829. An act granting an increase of pension to Nimrod Headington;
S. 4853. An act granting an increase of pension to Amos Moulton;
S. 4712. An act granting an increase of pension to Eliphlet Noyes;
S. 5153. An act granting an increase of pension Eri W. Pinkham;
S. 2511. An act granting an increase of pension to William Phillips;
S. 1038. An act granting an increase of pension to Gustavus C. Pratt;
S. 5106. An act granting an increase of pension Horace L. Richardson;
S. 4790. An act granting a pension to Stephen A. Seavey;
S. 4730. An act granting an increase of pension to George W. Youngs;
S. 2457. An act granting an increase of pension to Warren Y. Merchant;
S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;
S. 3551. An act granting an increase of pension to John P. Collier;
S. 4240. An act granting an increase of pension to Calvin N. Perkins;
S. 712. An act granting an increase of pension to John Housiaux;
S. 4759. An act granting an increase of pension to Martha Clark;
S. 4638. An act granting a pension to Helena Sudsburg;
S. 3063. An act granting an increase of pension to Henry J. Edge, alias Jason Edge;
S. 5759. An act granting an increase of pension to Charles T. Crooker;
S. 5669. An act granting a pension to Charlotte M. Howe;
S. 4642. An act granting an increase of pension to Anne Dowery;
S. 2535. An act granting an increase of pension to Annie E. Joseph;
S. 5670. An act granting a pension to Samuel H. Chamberlin;
S. 4766. An act granting an increase of pension to James P. McClure;
S. 5202. An act granting an increase of pension to Jennie M. Wagner; and
S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin.

HOUSE BILLS WITHOUT AMENDMENT.

H. R. 5152. A bill granting a pension to Mary Welch;
H. R. 14208. A bill granting an increase of pension to Alexander Murdock;
H. R. 11711. A bill granting an increase of pension to Isaac Gibson;
H. R. 13505. A bill granting an increase of pension to William F. Stanley;
H. R. 11252. A bill granting an increase of pension to Edwin M. Gowdey; and
H. R. 11874. A bill granting an increase of pension to William McCord.

And that the recommendation of the Committee of the Whole be concurred in, and the bills do pass.

Mr. SULLOWAY. Mr. Speaker, I move the previous question on the bills and amendments to their final passage.

The SPEAKER. The gentleman from New Hampshire moves the previous question on the bills and amendments to their final passage.

The motion was agreed to.

Accordingly the previous question was ordered.

GRAZING LANDS ON INDIAN RESERVATIONS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which has just come over from the Senate and is now on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act "Making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," are hereby supplemented and modified as follows:

The Secretary of the Interior is directed to make allotments in severalty to the Indians of the Spokane Indian Reservation in the State of Washington, and upon the completion of such allotments the President shall by proclamation give public notice thereof, whereupon the lands in said reservation not allotted to Indians or used or reserved by the Government, or occupied for school purposes, shall be opened to exploration, location, occupation, and purchase under the mining laws.

In addition to the allotment in severalty of lands in the Walker River Indian Reservation in the State of Nevada, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of 80 acres to each head of a family and 40 acres to each other Indian, and no more. The grazing land selected and set apart as aforesaid in the Uintah Indian Reservation for the use in common of the Indians of that reservation shall be equally open to the use of all Uncompahgre Indians receiving allotments in said reservation of the reduced area here named.

In so far as not otherwise specially provided, all allotments in severalty to Indians outside of the Indian Territory shall be made in conformity to the provisions of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and other general acts amendatory thereof or supplemental thereto, and shall be subject to all the restrictions and carry all the privileges incident to allotments made under said act and other general acts amendatory thereof or supplemental thereto.

The item of $70,064.48 appropriated by the act which is hereby supplemented and modified, to be paid to the Uintah and White River tribes of Ute Indians in satisfaction of certain claims named in said act shall be paid to the Indians entitled thereto without awaiting their action upon the proposed allotment in severalty of lands in that reservation and the restoration of the surplus lands to the public domain.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I should like to know what this means?

Mr. SHERMAN. I will attempt to tell the gentleman.

Mr. RICHARDSON of Tennessee. It is a very unusual proceeding, it seems to me.

Mr. SHERMAN. I will attempt to inform the gentleman briefly.

Mr. Speaker, this resolution refers entirely to amendments to the Indian appropriation bill, which amendments were put on in the Senate. They were none of them agreed to by the House conferees until it appeared to such conferees that we could not persuade the Senate conferees to recede. They were not provisions that the House had put into the bill originally at all. They were provisions that were not accepted by the House conferees until after a considerable struggle over them.

Finally the House conferees receded, as the gentleman from Tennessee knows conferees often have to do, even when the provisions on which they recede do not entirely accord with their views. Subsequently——

Mr. RICHARDSON of Tennessee. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. SHERMAN. Yes.

Mr. RICHARDSON of Tennessee. When and how has it been discovered now that there is something obnoxious in the bill?

Mr. SHERMAN. I was just about to get to that.

Mr. RICHARDSON of Tennessee. Has the Senate reconsidered its amendments?

Mr. SHERMAN. The Senate has. The Senate has passed this resolution.

Mr. RICHARDSON of Tennessee. I understand the Senate has passed this resolution, but has the bill passed the Senate and gone beyond the power of the Senate to reconsider it?

Mr. SHERMAN. It has.

Mr. RICHARDSON of Tennessee. Then the Senate has not reconsidered it?

Mr. SHERMAN. The Senate has passed this resolution, as I stated to the gentleman.

Mr. RICHARDSON of Tennessee. The Senate has passed this resolution, but the bill itself has passed beyond the control of the Senate?

Mr. SHERMAN. The bill itself is in the hands of the President.

Mr. RICHARDSON of Tennessee. How has it been discovered now that there is something wrong with this bill?

Mr. SHERMAN. I was about to tell the gentleman when he interrupted me with his interrogatory, and, if he will permit me, I will gladly tell him now.

Mr. RICHARDSON of Tennessee. Before the gentleman answers that will he also state if we have not already, since this bill passed beyond the control of the House and the Senate, passed a resolution through both Houses of Congress to correct errors in the bill?

Mr. SHERMAN. Not errors.

Mr. RICHARDSON of Tennessee. Well, we did so.

Mr. SHERMAN. It was then believed that would cover all the Senate amendment. Now, here the same provision is included in this resolution, because the House and the Senate had not got it in mind in the resolution which was passed the other day.

Mr. RICHARDSON of Tennessee. Now, then, you passed one resolution to do that. Now, the gentleman in a few days brought in a second resolution to correct errors in this bill.

Mr. SHERMAN. It was not to correct errors; it was to change the bill.

Mr. RICHARDSON of Tennessee. If there is no error in the bill, what is the use of correcting it?

Mr. SHERMAN. Why, my friend will not claim that everything must be an error that requires change.

Mr. RICHARDSON of Tennessee. Why has not the President approved the bill and let it become law?

Mr. SHERMAN. If the gentleman would content himself a moment, I was about to state.

Mr. RICHARDSON of Tennessee. The gentleman knows very well that three joint resolutions have been brought in here to correct errors in a bill which this House passed.

The SPEAKER. The gentleman from Tennessee has asked the gentleman from New York a question and does not wait until he can answer.

Mr. RICHARDSON of Tennessee. Well, "the gentleman" will stop this by objecting.

The SPEAKER. The gentleman is not in order. The gentleman from Tennessee will allow the Chair——

Mr. RICHARDSON of Tennessee. "The gentleman from Tennessee" will respect the authority of the Chair and stop this dialogue by objecting.

The SPEAKER. The gentleman from Tennessee asked the gentleman from New York a question and will not allow him to answer.

Mr. RICHARDSON of Tennessee. "The gentleman" objects to any answer.

The SPEAKER. Objection is made. That settles the question. The Clerk will report the first bill.

Mr. SHERMAN. I would be glad to answer any question.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 641. An act to establish an assay office at Portland, Oreg.—to the Committee on Coinage, Weights, and Measures.

S. R. 103. Joint resolution providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing—to the Committee on Printing.

S. R. 105. Joint resolution supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903—to the Committee on Indian Affairs.

PENSION BILLS PASSED.

The following House bills with amendments favorably reported from the Committee of the Whole were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 4990. A bill granting an increase of pension to George F. Gregg;

H. R. 8149. A bill granting an increase of pension to James B. Martin;

H. R. 14146. A bill granting an increase of pension to John Murphy;
H. R. 12430. A bill granting a pension to Abner H. Lester;
H. R. 13068. A bill granting a pension to Julia B. Shurtleff (title amended);
H. R. 10339. A bill granting an increase of pension to John L. Moore;
H. R. 8573. A bill granting a pension to William McDaniel;
H. R. 12305. A bill granting an increase of pension to Charles Olson;
H. R. 14012. A bill granting a pension to Fannie Reardon, widow of Patrick Reardon;
H. R. 8576. A bill granting a pension to John S. Upshaw;
H. R. 12968. A bill granting an increase of pension to John I. Mull;
H. R. 13594. A bill granting an increase of pension to Robert Hargraves (title amended);
H. R. 13944. A bill granting a pension to Margaret Ann West, a nurse of United States Volunteers (title amended);
H. R. 2477. A bill granting an increase of pension to Benjamin Zane;
H. R. 14221. A bill granting an increase of pension to Nancy J. McArthur;
H. R. 11339. A bill granting a pension to Augustus Blount;
H. R. 11453. A bill granting a pension to Catherine Freeman;
H. R. 11865. A bill granting an increase of pension to John A. Robertson;
H. R. 12424. A bill granting an increase of pension to Wallace K. May;
H. R. 12632. A bill granting an increase of pension to Bailey O. Bowden;
H. R. 14052. A bill granting an increase of pension to George Fusselman;
H. R. 13227. A bill granting a pension to Elizabeth J. Emery (title amended);
H. R. 3768. A bill granting an increase of pension to John W. Campbell;
H. R. 5205. A bill granting an increase of pension to Hiram S. Leffingwell;
H. R. 6991. A bill granting an increase of pension to Esek B. Chandler;
H. R. 8146. A bill granting an increase of pension to Thomas M. Owens;
H. R. 5446. A bill granting a pension to James M. Travis (title amended);
H. R. 9710. A bill granting an increase of pension to Elizabeth J. Eagan;
H. R. 3770. A bill granting a pension to J. E. Dickey (title amended);
H. R. 8780. A bill granting an increase of pension to Pierson L. Shick;
H. R. 12009. A bill granting an increase of pension to George Baker;
H. R. 12019. A bill granting an increase of pension to William Lowe;
H. R. 14087. A bill granting a pension to Lizzie Dunlap;
H. R. 14144. A bill granting an increase of pension to Fannie S. Cross;
H. R. 10174. A bill granting a pension to James M. Harris (title amended);
H. R. 11250. A bill granting an increase of pension to Arthur L. Currie;
H. R. 5038. A bill granting an increase of pension to William H. Hudson;
H. R. 13946. A bill granting an increase of pension to Capt. Stephen B. Todd (title amended);
H. R. 14055. A bill granting an increase of pension to Samuel Brown;
H. R. 7760. A bill granting a pension to Thomas Graham (title amended);
H. R. 13675. A bill granting an increase of pension to George W. White;
H. R. 5866. A bill granting an increase of pension to William P. Schott (title amended);
H. R. 13613. A bill granting an increase of pension to Charles G. Howard;
H. R. 13999. A bill granting a pension to Dennis Cosier (title amended);
H. R. 13684. A bill granting an increase of pension to Charles F. Wright;
H. R. 5480. A bill increasing pension of John C. Nelson (title amended);
H. R. 12410. A bill granting an increase of pension to Mary Nichols;
H. R. 10856. A bill granting a pension to Jacob Findley;
H. R. 12326. A bill granting an increase of pension to John Kirkham (title amended);
H. R. 14374. A bill granting a pension to Samantha Towner;
H. R. 10824. A bill granting an increase of pension to George E. Bump;
H. R. 12507. A bill granting an increase of pension to Ebenezer W. Oakley;
H. R. 6186. A bill granting a pension to Carrie B. Farnham;
H. R. 14241. A bill granting an increase of pension to Peter Dugan;
H. R. 13450. A bill granting an increase of pension to Henry F. Hunt (title amended);
H. R. 13052. A bill granting an increase of pension to Charles K. Batey;
H. R. 13665. A bill granting an increase of pension to George R. Baldwin;
H. R. 3986. A bill granting a pension to Martha A. Cornish;
H. R. 14184. A bill granting an increase of pension to Andrew J. Fogg; and
H. R. 13886. A bill granting an increase of pension to Henry Rogers.

MICHAEL MULLET.

The bill (H. R. 11879) to correct the military record of Michael Mullet, reported favorably by the Committee of the Whole House with amendment, was considered, and the amendment agreed to.

Mr. HULL. Mr. Speaker, I ask unanimous consent that this bill may go over until the other pension bills are passed.

Mr. SULZER. I object.

Mr. HULL. Then, Mr. Speaker, I ask for the yeas and nays on the passage of the bill.

The SPEAKER. That is not in order yet.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage, and the gentleman from Iowa demands the yeas and nays.

Mr. HULL. I withdraw the call for the yeas and nays and ask for a vote.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 34, noes 17.

Mr. HULL. Mr. Speaker, I raise the point of no quorum.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 15, noes 14.

So the motion to adjourn was agreed to.

LEAVE OF ABSENCE.

Pending the announcement, by unanimous consent, leave of absence was granted as follows:

To Mr. MARSHALL, for ten days, on account of important business.

To Mr. FOX, for ten days, on account of important business,

And then (at 4 o'clock and 12 minutes p. m.) the House, under its previous order, adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting a request for authority to expend from the immigrant fund a sum for improvement at Ellis Island Station—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WARNOCK, from the Committee on Labor, to which was referred the bill of the House (H. R. 12940) creating a commission to inquire into the condition of the colored people of the United States, reported the same without amendment, accompanied by a report (No. 2194); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, reported the same with amendments, accompanied by a report (No. 2195); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, reported the same with amendments, accompanied by a report (No. 2197); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 2317) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to, reported the same without amendment, accompanied by a report (No. 2196); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BURKETT: A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa—to the Committee on Insterstate and Foreign Commerce.

By Mr. GIBSON: A joint resolution (H. J. Res. 195) for the relief of the families of the miners recently killed by explosion of mines at Coal Creek, Tenn.—to the Committee on Appropriations.

By Mr. NAPHEN: A resolution (H. Res. 268) requesting information from the Secretary of the Interior relating to leased Indian lands—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A resolution (H. Res. 269) that the United States should not accept from any foreign nation or erect in any public place any statue of any king, emperor, prince, or potentate who has ruled or is now ruling—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BELL: A bill (H. R. 14692) granting an increase of pension to Ferdinand K. Capansky—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14693) granting a pension to William Mathis—to the Committee on Invalid Pensions.

By Mr. STORM: A bill (H. R. 14694) to provide an American register for the auxiliary schooner Grilse—to the Committee on the Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Central Trade and Labor Council of Connellsville, Pa., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Resolutions of North Fork Post, No. 86, of Hotchkiss, Department of Colorado and Wyoming, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolutions of Board of Aldermen of the city of Boston, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Resolutions of Musicians' Mutual Benefit Association No. 41, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolutions of Shirt, Waist, and Laundry Workers' Union No. 16, of Cohoes, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Petition of J. N. Hart, heir of John S. Hart, late of Robertson County, Tenn., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. GORDON: Papers to accompany House bill 14653, granting an increase of pension to William L. Reck—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Resolutions of United Mine Workers' Union No. 111, of Diamond, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JACK: Resolutions of Encampment No. 55, Union Veteran Legion, Clarion, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of G. A. McLain and others of Indiana County, Pa., urging the passage of Senate bill 1890, the per-diem pension bill—to the Committee on Invalid Pensions.

By Mr. McCALL: Resolutions of the board of aldermen of the city of Boston, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McDERMOTT: Petition of F. Randolph and other citizens of Jersey City, N. J., favoring the enactment of bill (H. R. 10793) forbidding railroad officials to separate passengers on account of race or color—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGSLEY: Resolutions of Tammany Hall Democratic Club of the Eleventh district of New York, Social Reform Club, and Clothing Cutters and Trimmers' Association, all of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: Resolutions of the Boston (Mass.) city government, urging the passage of House bill 7930, to regulate the hours of labor of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of the Connecticut Electric Medical Association, favoring the establishment of a psychophysical laboratory—to the Committee on the Judiciary.

By Mr. SULZER: Resolutions of United Garment Workers and Clothing Cutters and Trimmers' Union of New York City and vicinity, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. THAYER: Resolutions of the board of aldermen of Boston, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Resolutions of Mitchell Post, No. 593, Grand Army of the Republic, of Byhalia, Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *May 26, 1902.*

Prayer by Rev. W. E. PARSON, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

THE TRANSPORT SERVICE.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 21, 1902, certain information relative to the Government transports and the transport service; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 22d instant, a detailed statement relative to rented buildings occupied by the Treasury Department in the city of Washington; which, with the accompanying papers, was, on motion of Mr. GALLINGER, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by the Department of Labor in the city of Washington, giving the location, floor space occupied, and annual rent thereof; which, on motion of Mr. GALLINGER, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan; and

A bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2477) granting an increase of pension to Benjamin Zane;

A bill (H. R. 3768) granting an increase of pension to John W. Campbell;

A bill (H. R. 3770) granting a pension to James E. Dickey;

A bill (H. R. 3986) granting a pension to Martha A. Cornish;

A bill (H. R. 4990) granting an increase of pension to George F. Gregg;

A bill (H. R. 5038) granting an increase of pension to William H. Hudson;

A bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell;

A bill (H. R. 5446) granting an increase of pension to James M. Travis;

A bill (H. R. 5480) granting an increase of pension to John C. Nelson;

A bill (H. R. 5866) granting an increase of pension to William P. Schott, alias Jacob Schott;

A bill (H. R. 6186) granting a pension to Carrie B. Farnham;

A bill (H. R. 6991) granting an increase of pension to Ezek B. Chandler;

A bill (H. R. 7760) granting an increase of pension to Thomas Graham;

A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;

A bill (H. R. 8149) granting an increase of pension to James B. Martin;

A bill (H. R. 8573) granting a pension to William McDaniel;

A bill (H. R. 8576) granting a pension to John S. Upshaw;

A bill (H. R. 8780) granting an increase of pension to Pierson L. Shick;

A bill (H. R. 9710) granting an increase of pension to Elizabeth J. Eagon;

A bill (H. R. 10174) granting a pension to Jennie M. Sawyer;

A bill (H. R. 10339) granting an increase of pension to John L. Moore;

A bill (H. R. 10824) granting an increase of pension to George E. Bump;

A bill (H. R. 10856) granting a pension to Jacob Findley;

A bill (H. R. 11250) granting an increase of pension to Arthur L. Currie;

A bill (H. R. 11339) granting a pension to Augustus Blount;

A bill (H. R. 11453) granting a pension to Catharine Freeman;

A bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions;

A bill (H. R. 11865) granting an increase of pension to John A. Robertson;

A bill (H. R. 12009) granting an increase of pension to George Baker;

A bill (H. R. 12019) granting an increase of pension to William Lowe;

A bill (H. R. 12305) granting an increase of pension to Charles Olson;

A bill (H. R. 12326) granting a pension to John A. Kirkham;

A bill (H. R. 12410) granting an increase of pension to Mary Nichols;

A bill (H. R. 12424) granting an increase of pension to Wallace K. May;

A bill (H. R. 12430) granting a pension to Abner H. Lester;

A bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley;

A bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden;

A bill (H. R. 12968) granting an increase of pension to John T. Mull;

A bill (H. R. 13052) granting an increase of pension to Charles K. Batey;

A bill (H. R. 13063) granting an increase of pension to Julia B. Shurlett;

A bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts;

A bill (H. R. 13227) granting an increase of pension to Elizabeth J. Emery;

A bill (H. R. 13450) granting an increase of pension to Henry Hunt;

A bill (H. R. 13594) granting an increase of pension to Robert Hargreaves;

A bill (H. R. 13613) granting an increase of pension to Charles G. Howard;

A bill (H. R. 13665) granting an increase of pension to George R. Baldwin;

A bill (H. R. 13675) granting an increase of pension to George W. White;

A bill (H. R. 13684) granting an increase of pension to Charles F. Wright;

A bill (H. R. 13886) granting an increase of pension to Henry Rogers;

A bill (H. R. 13944) granting a pension to Margaret Ann West;

A bill (H. R. 13946) granting an increase of pension to Stephen B. Todd;

A bill (H. R. 13999) granting an increase of pension to Dennis Cosier;

A bill (H. R. 14012) granting a pension to Fannie Reardon;

A bill (H. R. 14052) granting an increase of pension to George Fusselman;

A bill (H. R. 14055) granting an increase of pension to Samuel Brown;

A bill (H. R. 14087) granting a pension to Lizzie Dunlap;

A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross;

A bill (H. R. 14146) granting an increase of pension to John Murphy;

A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg;

A bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur;

A bill (H. R. 14241) granting an increase of pension to Peter Dugan; and

A bill (H. R. 14374) granting a pension to Samantha Towner.

The foregoing House pension bills were subsequently read twice by their titles and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, of Gouverneur, N. Y., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Church Association for the Advancement of the Interests of Labor, of New York City, remonstrating against the operations of the so-called beef trust; which was referred to the Committee on the Judiciary.

He also presented a petition of the United Garment Workers' Local Union of New York City, praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions of Local Division No. 83, Order of Railway Conductors, of Galesburg; of Local Division No. 294, Brotherhood of Locomotive Engineers, of Chicago, and of Lodge No. 470, Brotherhood of Locomotive Firemen, of Murphysboro, all in the State of Illinois, praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

Mr. MASON presented a petition of the board of directors of the Women's Club of Peoria, Ill., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the repeal of the duty on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented petitions of Lodge No. 285, Brotherhood of Railroad Trainmen, of Chillicothe; of sundry citizens of La Salle; of Local Division No. 302, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 138, Brotherhood of Locomotive Firemen, of Freeport; of Lodge No. 116, Brotherhood of Railroad Trainmen, of Mattoon, and of Lodge No. 4, Brotherhood of Railroad Trainmen, of Chicago, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. HARRIS presented a petition of Local Union No. 444, United Mine Workers of America, of Frontenac, Kans., praying for the passage of the so-called anti-injunction bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Wholesale Liquor Dealers' Association, of St. Louis, Mo., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the Woman's Christian Temperance Union, of Alexandria, Ind., praying for the adoption of certain amendments to the so-called anticanteen law; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report accompanied by a bill (S. 5964) to provide for rebuilding the Aqueduct Bridge, District of Columbia; which was read twice by its title.

He also, from the same committee, to whom was referred the joint resolution (S. R. 84) to permit the erection and use for lighting purposes of overhead electric wires outside of the fire limits, east of Rock Creek, District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 21st instant, authorizing the Secretary of the Treasury to advance, on requisition of the Commissioners of the District of Columbia, in the manner now provided by law, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary from time to time to meet the expenses of the District of Columbia, as already provided by law, etc., intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on March 10, 1902, proposing to appropriate $10,000 for fireproof bookshelves and file cases in the office of the recorder of deeds, and also $10,000 for reindexing old records and for tract or property indexes, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 3d instant, proposing to appropriate $100,000 for the purchase of a site and toward the erection of a building for a business high school, intended to be proposed to the District of Columbia appropriation bill, reported it with an amenement, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5893) granting an increase of pension to Willie Thomas;

A bill (H. R. 11686) granting a pension to Eleanore F. Adams; and

A bill (H. R. 13296) granting an increase of pension to Francis Scott.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5361) granting an increase of pension to Martha A. Johnston, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5491) granting a pension to John R. Sandsbury, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. McMILLAN on the 29th ultimo, proposing to appropriate $25,000 to aid in the reconstruction of the building for the Homeopathic Hospital, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. McMILLAN on the 17th ultimo, proposing to appropriate $5,500 for 11 medical inspectors of public schools at $500 each, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. McMILLAN on the 6th instant, proposing to appropriate $4,300 for paving Wyoming avenue west of Connecticut avenue, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, authorizing the Commissioners of the District of Columbia to grant not more than thirty days' leave of absence to each per diem employee who has been continuously in the service of the District for one year, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 12th ultimo, authorizing the Commissioners of the District of Columbia to acquire for and in the name of the District of Columbia Analostan Island, in the Potomac River, near the city of Washington, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. STEWART on the 21st instant, proposing to increase the salary of the sanitary and food inspector of the health department, District of Columbia, from $1,600 to $2,400, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BARD, from the Committee on Fisheries, to whom was referred the bill (S. 3248) to establish a fish hatchery and fish station in the State of Maryland, reported it without amendment, and submitted a report thereon.

Mr. MORGAN. I am directed by the Committee on Interoceanic Canals, to whom was referred the bill (S. 5676) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, to submit an adverse report thereon. I move at the request of the senior Senator from Massachusetts [Mr. HOAR], who introduced it, that the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the 500 copies of Senate Document No. 330, Fifty-seventh Congress, first session, heretofore ordered printed for the use of the delegates to the Second International Conference of American States, be bound 100 copies in half morocco and 400 copies in cloth.

EDWIN YOUNG.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5924) granting an increase of pension to Edwin Young, to report it with an amendment, and, as this is a very urgent case, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in line 6, after the word "Company," to strike out "C" and insert "A;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Young, late of Company A, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5965) granting an increase of pension to John Wilder;

A bill (S. 5966) granting an increase of pension to Charles F. Leimer; and

A bill (S. 5967) granting an increase of pension to Mary E. Craig.

Mr. QUAY introduced a bill (S. 5968) to authorize the promotion and retirement of the present senior major-general of the Army; which was read twice by its title.

Mr. QUAY. In connection with the bill I present a transcript of the military record of John R. Brooke, major-general, United States Army. I move that the transcript be printed as a document, and that it be referred, with the bill, to the Committee on Military Affairs.

The motion was agreed to.

Mr. GALLINGER introduced a bill (S. 5969) construing the provisions of the act approved March 3, 1879, exempting from the limitations named therein the claims to pension by or in behalf of children under 16 years of age; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. McMILLAN) introduced a bill (S. 5970) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 5971) for the relief of the

Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5972) granting an increase of pension to D. Rodney Browne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5973) for the relief of the widow of Joseph Culley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5974) granting an increase of pension to Joseph Wardle (with accompanying papers);

A bill (S. 5975) granting a pension to Sarah A. Adams; and

A bill (S. 5976) granting an increase of pension to Milton Frazier (with accompanying papers).

Mr. MALLORY (for Mr. VEST) introduced a bill (S. 5977) for the relief of the estates of William Curry, William Pinkney, and James Filor, all deceased, partners in the ownership in real estate; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 5978) granting a pension to G. F. Duke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5979) granting a pension to Katie L. McBane;

A bill (S. 5980) granting an increase of pension to Jechonias Rutledge; and

A bill (S. 5981) granting an increase of pension to Harvey Miller.

Mr. FAIRBANKS introduced a bill (S. 5982) to correct the military record of George R. Sturgeon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. DIETRICH submitted an amendment intended to be proposed by him to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table, and to be printed.

Mr. MCMILLAN submitted an amendment proposing to appropriate $100,000 for grading, regulating, and improving Sixteenth street NW. from Morris street northward, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000, to be expended under the direction of the Secretary of Agriculture for the improvement of that portion of Potomac Park lying south of the railway tracks, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000, to be expended under the direction of the Board of Education for vacation schools, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to prohibit the sale of intoxicating liquors by any person on board a vessel belonging to the Navy or within the limits of navy-yards and stations or marine barracks, etc., intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WETMORE submitted an amendment proposing to appropriate $200,000 toward the erection of a plant for housing and storing torpedo vessels, naval coal depot, Narragansett Bay, R. I., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the salaries of 11 supervising principals of the public schools in the District of Columbia from $2,000 to $2,500 each, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

JOSEPH M. SIMMS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

Mr. MARTIN. I move that the Senate disagree to the amendment of the House and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. FRYE, Mr. MCMILLAN, and Mr. MARTIN were appointed.

STORM-WARNING STATIONS AT SOUTH MANITOU ISLAND.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan; which was, in line 8, after the word "telegraph," to insert "cable."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 13168) to establish an additional life-saving station at Monomoy Island, Massachusetts, was read twice by its title, and referred to the Committee on Commerce.

STATEMENTS BY FILIPINOS.

Mr. HOAR. I introduce a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to inform the Senate whether there be any law or regulation in force in the Philippine Islands which will prevent any native of those islands who may so desire, not under arrest and against whom no charge of any offense against the United States is pending, from coming to the United States and stating his views or desires as to the interest of his people to the President or either House of Congress.

Mr. LODGE. I ask that the resolution may go over. I have simply heard it read, and I should like to examine it.

Mr. HOAR. I should like to state that it is merely an inquiry, there being a good deal of public want of understanding on the subject as to whether there is now any law in force in the Philippine Islands which will prevent any peaceable Filipino, against whom there is no pending charge whatever, either of resistance to the United States or anything else, from coming to the United States if he sees fit.

Mr. LODGE. I have no doubt that the resolution is absolutely desirable and unobjectionable, but it is an important one, and I should like to have an opportunity to look at it. I should like to have it go over for a day.

The PRESIDING OFFICER. The resolution will go over.

PROPOSED INQUIRY INTO SUBJECT OF LYNCHINGS.

Mr. GALLINGER. Mr. President, I offer a resolution, and after it is read I will ask the unanimous consent of the Senate to be permitted to make some brief observations on the subject.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary is hereby directed to make inquiry into the subject of lynchings in the United States and to report to the Senate whether, under the laws and Constitution of the county, there is any remedy for the evil.

Mr. GALLINGER. I ask unanimous consent, before the resolution shall be disposed of, to make some brief observations on the subject.

The PRESIDING OFFICER. If there is no objection to the present consideration of the resolution, it is before the Senate, and the Senator from New Hampshire is recognized.

Mr. GALLINGER. Mr. President, in offering the resolution that has just been read I am not unmindful of the fact that I take the risk of being charged with a purpose to precipitate a sectional controversy, but I beg to assure the Senate that nothing is farther from my thoughts. Indeed, statistics which I shall submit will show that lynchings have not by any means been confined to the South, several horrible cases having occurred in the North, and it is equally true that white men as well as black have been lynched. The truth is that all over our land there is intense interest in this matter, many good people bitterly complaining that the strong arm of the Federal authority should be used to suppress the evil, and, in view of that fact, it seems to me important that the Judiciary Committee of this body shall take the matter into careful consideration, with a view to giving the country definite information on that point. If the strong arm of the Federal power can be reached out and take cognizance of this abnormal sociological condition, it is well that the country should know that fact, and if we are powerless to do anything, except under the operation of State laws, it is equally desirable that that fact should be made known to all our people. During the entire period of my service in this body I have been receiving letters on this subject, and it will be a relief to me personally, as I doubt not it will be to other Senators, to be able to furnish an authoritative statement to those who desire accurate information concerning the relations of the Federal Government to this heinous crime.

While the number of lynchings in the years 1885, 1886, 1888, 1889, 1891, 1892, 1893, 1894, 1895, and 1897 were greater than last year, the reports show an increase in 1900 of 8 over those of 1899. A still further increase must be noted in 1901, an increase in brutality as well as in number, the record standing 107 in 1899, 115 in 1900, and 135 in 1901. The following table, taken from the Chicago Tribune of January 1, 1902, shows the number of lynchings in the last seventeen years, and will be of value to those engaged in the study of this branch of criminology:

1885	184	1895	171
1886	138	1896	131
1887	122	1897	166
1888	142	1898	127
1889	176	1899	107
1890	127	1900	115
1891	192	1901	135
1892	235		
1893	200	Total	2,658
1894	190		

The lynchings in the various States and Territories were as follows:

Alabama	15	New York	0
Arkansas	5	Nevada	0
California	6	North Carolina	1
Colorado	0	North Dakota	0
Connecticut	0	Ohio	0
Delaware	0	Oregon	0
Florida	7	Pennsylvania	0
Georgia	14	Rhode Island	0
Idaho	1	South Carolina	5
Illinois	0	South Dakota	0
Indiana	1	Tennessee	12
Iowa	0	Texas	11
Kansas	2	Vermont	0
Kentucky	7	Virginia	2
Louisiana	15	West Virginia	1
Maine	0	Wisconsin	0
Maryland	0	Washington	0
Massachusetts	0	Wyoming	0
Michigan	0	Arizona	1
Minnesota	0	District of Columbia	0
Mississippi	16	New Mexico	0
Missouri	6	Utah	0
Montana	4	Indian Territory	1
Nebraska	0	Oklahoma	2
New Jersey	0	Alaska	0
New Hampshire	0		

I am glad to note that not a single lynching has occurred in the New England States.

Of these lynchings, 121 occurred in the South and 14 in the North. Of the total number, 107 were negroes, 26 whites, 1 Indian, and 1 Chinaman. The alleged crimes for which they were lynched were as follows: Murder, 39; criminal assault, 19; theft, 12; murderous assault, 9; attempted criminal assault, 8; cattle and horse stealing, 7; complicity in murder, 6; quarrel over profit sharing, 5; arson, 4; suspected murder, 3; suspected criminal assault, 1; murder and criminal assault, 1; train wrecking; 1; alleged theft, 1; keeping a gambling house, 1; suspected of killing cattle, 1; resisting arrest, 1; insulting a white woman, 1; burglary, 1; forcing a white boy to commit crime, 1. Besides these, 9 were lynched because of race prejudice, 3 for unknown reasons, and there was 1 case of mistaken identity.

It will be observed, Mr. President, which I think is contrary to the general opinion, that a comparatively small proportion of the lynchings were for criminal assault, the only offense that, so far as I know, has been considered of sufficient gravity by anyone to justify such action. Many of them were for comparatively mild offenses, the fury of the mob being entirely without reason or justification. The terrible cruelties inflicted upon the wretched creatures who were helpless in the hands of infuriated men and women have been such as to shock the moral sensibilities of our people, and to lead many thinking persons to almost despair of the efficacy of law and order in our country.

The papers of this morning contain an account of the lynching of a white man in Missouri, the victim being a murderer. He was in custody, awaiting trial, but was summarily dealt with by a mob, who apparently could not wait to have the law take its usual course.

As an illustration of the horrible cruelties sometimes inflicted by those who take the law into their own hands, I beg to request that the Secretary shall read the following account from the Washington Post of Friday last.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

Mr. GALLINGER. Read headlines and all.

The Secretary read as follows:

ATROCITY IN TEXAS—NEGRO BURNED TO DEATH BY PITILESS EXECUTIONERS—SLOW TORTURE AT STAKE—CLAMOROUS CROWD NUMBERING THOUSANDS WITNESS THE BURNING—HUNTED DOWN AND IDENTIFIED, DUDLEY MORGAN ADMITS HIS GUILT, AND THE HUSBAND OF THE PRISONER'S VICTIM APPLIES THE TORCH—CHARRED REMAINS EAGERLY SOUGHT BY SOUVENIR HUNTERS—HIS CAPTORS HELD UP OVER HEADS OF CROWD AND PHOTOGRAPHED.

LONGVIEW, TEX., *May 22, 1902.*

The culmination of a man hunt which has been in progress since last Saturday was reached to-day when Dudley Morgan, colored, who assaulted Mrs. McKee, wife of a Texas and Pacific foreman, at Lansing, Tex., was burned at the stake near Lansing.

It was learned this morning that the negro had been captured and was being taken to Lansing for identification, and by 11 o'clock great throngs had gathered at the Lansing switch and, looking over the ground, decided to make arrangements to burn the negro about a quarter of a mile away on the line of the county road.

The place of execution decided upon was an open plot, smooth and covered with grass, being hedged in by high trees, which formed an opening 200 yards wide and 300 yards long. The trees were literally lined with people an hour before the negro arrived.

At 11 o'clock the train bringing the negro and his captors arrived in Marshall, near which place he was captured, and was met by a great crowd of people. Many more boarded the train at intermediate points and when it arrived at Lansing every car was crowded. Waiting at Lansing was another large crowd from Long View and the surrounding country.

HIS IDENTITY ESTABLISHED.

The prisoner was taken from the train to the section house, which stands close to the track, and positively identified by Mrs. McKee and several negroes who worked on the section with Morgan. The negro was escorted by 200 men, armed with Winchesters, to the place of execution. As he was chained to the stake he said he desired to make a statement. The crowd surged around him, and those in charge tried in vain to make them stand back and keep quiet while the negro talked. The negro made a statement in which he implicated another negro named Franklin Heard, saying he (Heard) was to get part of the money which was to be stolen.

Morgan confessed to having committed the crime, and after having been securely tied to the stake with his hands and legs free, the members of the mob began to take railroad ties from a fire already started and burn out his eyes. They held the burning timbers to his neck, and, after burning his clothes off, to other parts of the body. The negro screamed in agony. He was tortured in a slow and painful manner, with the crowd clamoring continuously for a slower death, and the negro, writhing and groaning, begged piteously to be shot.

Mrs. McKee was brought to the scene in a carriage, accompanied by four other women, and an effort was made to get the carriage close enough for her to see the negro. The crowd was so dense, however, that it was impossible.

CREMATION FOLLOWS TORTURE.

Persons held each other on their shoulders, taking turn about looking at the awful sight. The negro's head finally dropped and the ties were piled around and over him. In half an hour only the trunk of the negro remained. As soon as the heat would permit, parts of his skull and body were gathered up by some and carried away. As the fire died down the crowd took the two men who first caught the negro and held them up over their heads, while they held their Winchesters in their hands, and were photographed.

Section Foreman McKee, husband of the woman assaulted, applied the match to the faggots. Many women were present from the surrounding country, but owing to the great crush they had very little opportunity to see the negro until the heat forced the crowd to widen the circle and the flames leaped over him.

The railroads brought crowds of people to Longview Junction, where they boarded a limited train which does not ordinarily stop at Lansing. The engineer was forced at the point of a Winchester to stop at the scene of the lynching, however, and the mob disembarked.

Mr. GALLINGER. Mr. President, the Spanish inquisition does not furnish a case exceeding in horrible and inhuman torture the one just read, and Fox's Book of Martyrs is tame in comparison. It will be noted that it did not occur in the interior of Africa or in the islands of the sea, but in Christian America, where the highest principles of an enlightened civilization are supposed to be exemplified. The whole wretched business is a disgrace to American manhood, in face of which the alleged atrocities in the Philippine Islands pale into insignificance. I apprehend that it will be said that the Government is powerless and that the State has exclusive jurisdiction over such offenses. Very likely that is so, and if so, it places upon the American people the responsibility of arousing public sentiment, in the North as well as in the South, to the end that such inhuman and barbarous cruelties may come to an end and the majesty of the law be upheld and vindicated.

Now, Mr. President, I beg to express the hope that the resolution may be passed, and that the Committee on the Judiciary may in due time make report on the subject.

The PRESIDING OFFICER. The Senator from New Hampshire asks for the adoption of the resolution. Is there objection?

Mr. TILLMAN. Let it be read.

The PRESIDING OFFICER. It will be again read.

The Secretary again read the resolution.

Mr. BAILEY. I understand the Senator from New Hampshire has asked unanimous consent for the present consideration of the resolution?

The PRESIDING OFFICER. He asks for the present consideration of the resolution.

Mr. GALLINGER. I do, of course.

Mr. BAILEY. I think I should like to say something on the resolution before it is adopted. I will say now that I have no idea of being drawn into any sectional debate by the Senator from New Hampshire or any other Senator on this floor.

Mr. GALLINGER. The Senator from Texas will permit——

Mr. BAILEY. I am more than content to let the country judge the men who seek to provoke that kind of a controversy. But the legal inquiry whether Congress has any power to go into the States and take charge of their peace and good order presents a question which I shall probably desire to discuss, and I ask that the resolution may lie over.

Mr. GALLINGER. Mr. President, two points in answer to the Senator from Texas.

First, the Senator from New Hampshire explicitly disclaimed

any desire or wish to provoke a sectional discussion, and undertook to make that statement very clear in the moderate observations he made on the subject.

As to the power of the Federal Government, the Senator from New Hampshire ventures to say that he very much questions it, but in view of the fact that many good people in the country felt that the Federal power ought to be exercised he would be glad if the Committee on the Judiciary would give an authoritative statement on that point.

That was all the purpose I had in view. The Senator is wrong in suggesting that I had any purpose of introducing anything that would result in a sectional controversy. I had no such purpose, and I beg for the third time to disclaim having had any such purpose.

Of course, Mr. President, if the Senator wishes to be heard on the resolution it ought to lie on the table. I had hoped the Senate would let it go to the committee, and when the committee made its report if there was any reason then for discussion it might be had at that time, but of course I wish to do whatever the Senator from Texas desires to have done with the matter.

Mr. BAILEY. Mr. President, there can be no reasonable objection, I take it, to a report from the Committee on the Judiciary on this subject, because I am sure that there could be but one conclusion reached by that committee. But if in the course of its investigation and its report it is undertaken to parade before the country all the lynchings and burnings that have occurred in one section for a nameless offense and the murders of women and the abductions of children that have occurred in other sections of the country, it seems to me the only result would be to make us think less of ourselves as a people, and I have little disposition to indulge in that work. For that reason I shall probably resist the adoption of the resolution.

The PRESIDING OFFICER. The resolution lies over.

Mr. CULBERSON subsequently said: In my absence from the Chamber the Senator from New Hampshire, I am informed, read or caused to be read, a newspaper account of an act of mob violence in my State, to which my colleague has responded. I desire in this connection to have read at the desk a dispatch in the Washington Post from Leavenworth, Kans., dated January 15, 1901. I ask that it may be read and that it be taken in connection with what has been read by the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that there may be read a dispatch in a newspaper which he sends to the desk. Is there objection?

Mr. ALLISON. I ask the Senator from Texas whether it relates to the same matter which we have had under consideration?

Mr. CULBERSON. It relates to a similar matter. It bears upon the subject the Committee on the Judiciary is requested to investigate.

Mr. ALLISON. I shall make no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NEGRO BURNED BY MOB—BOUND TO STAKE, SATURATED WITH OIL, AND SET ON FIRE—SAVAGE DEED AT LEAVENWORTH—JAIL DOORS FORCED AND FRED ALEXANDER DRAGGED TO SCENE OF HIS ATTACK ON MISS EVA ROTH, WHERE A CROWD OF 8,000 PERSONS WITNESSED HIS DEATH IN FLAMES—AUTHORITIES SEEMINGLY HELPLESS TO STEM THE OUTBURST OF PUBLIC FURY.

LEAVENWORTH, KANS., *January 15, 1901.*

Fred Alexander, the negro who on Saturday evening attempted to assault Miss Eva Roth, and who was supposed to have assaulted and killed Pearl Forbes in this city in November last, was taken from the sheriff's guard by a mob to-day and burned at the stake at the scene of his crime, half a dozen blocks from the center of the city. Probably 8,000 people witnessed the lynching.

The negro was taken from his cell at the State penitentiary at 3 o'clock this afternoon, placed in a hack, and brought to town. Fifty deputy marshals surrounded him, and Deputy Sheriffs Stance, Myers, and Thomas Brown sat in the hack on either side of him. There were 50 buggies and wagons in the procession which followed the hack. The trip to town was made quietly, and there was no attempt to create a disturbance on the road.

When the corner of Fourth and Olive streets was reached, the police who were in the hack following the one in which Alexander was concealed jumped out and chased several negroes. This created a diversion, which attracted the attention of everyone, and during the excitement the hack in which Alexander was concealed was frantically driven to the county jail, where he was locked in a cell just as the mob reached the doors. All the doors of the jail were then locked.

FORCED AN ENTRANCE TO THE JAIL.

The crowd first attempted to gain admission by peaceful means, but Sheriff Everhardy refused to deliver the negro. Then the crowd pushed its way to the side door, and, using one man as a battering ram, the door was forced from its hinges. Then the crowd surged into the corridors by the narrow doorway. A huge iron bar was secured and the iron door of the cell room attacked. This was finally bent so that it could be forced far enough back for men to climb over it. Several gained an entrance in this manner. In the meantime the crowd had pushed down the side gate of the stockade, and in a moment there was a yelling pack in the jail yard.

The side door, which was made of heavy sheet iron, was then next the object of attack. Several men had provided themselves with sledge hammers and chisels, and it was the work of only a few moments before the hinges were cut from inside, and off came the door. More men pushed inside, the iron bar was again called into play, and the doors of the cell room broken down. Then the cry went up:

"He is not here; he has escaped."

"Search the court-house; there is a tunnel between, and he has been taken out that way."

Then a man with sharp eyes espied a shapeless mass crouched down in one corner of the dark cell. An exultant cry went up:

"He is here; we've got him; bring the keys."

STRUGGLE IN THE NEGRO'S CELL.

Several keys were found lying around the corridors, and these were passed in to the crowd. They would not work. Then again a sledge hammer was called into action, and in five minutes the heavy lock had been broken off. A yell of terror issued from the cell. The tension at this time was so great that strong men filled the corridors with hysterical laughter. Outside the crowd was yelling itself hoarse. Then into the cell rushed those who were nearest the door.

The mob issued forth in a moment, dragging the negro by the coat collar. He had been struck over the head with a hammer, but was still conscious. Men fought to get at him, and, infuriated, struck savagely at him, hitting only his captors, who guarded him well.

"Don't hurt him," they cried.

"We'll burn him!" was the response.

Alexander and his captors were surrounded by a solid wall of human flesh. Across Third street and up the hill into the court-house yard they dragged him.

"Confess before we harm you," said they.

DECLARES HIS INNOCENCE.

"I am innocent. I am dying for what another man did. I see lots of my friends here; they know I did not do it. If I had been guilty I would have said so at the penitentiary, and would have stayed there for life. The warden told me so. The policemen told me so. Would not I have told them if I was guilty?"

"You lie!" they cried, and one huge fellow struck Alexander in the forehead with his fist three times. This seemed not to have the slightest effect on the negro.

When he had finished talking a move was made for a large cottonwood tree in a corner of the court-house yard. The negro was backed up against it and a chain was hunted for. One could not be found, and while they waited Alexander was given another chance to confess.

"My God, men!" he cried in his agony, "I have told you that I am innocent. I can't tell you any more. I didn't do it."

"He lies! Burn him!" cried the mob.

"Take him where he committed the murder," suggested one.

The suggestion met with instant approval, and the crowd, carrying the negro, pushed on toward Fourth street. There were many wagons standing about, and into one of these they threw him. The wagon was started for the vicinity of Lawrence avenue and Spruce street, followed by the crowd.

WHERE PEARL FORBES WAS SLAIN.

At 5.15 o'clock Alexander was brought to the scene of the murder of Pearl Forbes, at the corner of Lawrence avenue and Spruce street. The exact spot where the murdered girl was found was located by the leaders of the crowd, and there a semicircle was formed. Alexander was brought up in a wagon with a dozen men. The wagon was stopped in front of the ravine, and, surrounded by the crowd, the leader of the men, who held Alexander, called for silence. The roar ceased and Alexander was shoved forward into full view of the crowd. A howl went up, which was quickly hushed, as the prisoner raised his shackled hands and began to speak. Twice he started, but the crowd drowned his trembling voice.

"You are going to kill me, whatever I say," he said, "but you men are wrong. I want to tell you right now you've got the wrong man. I did not do that, and some day you men here will run up against the man who did. I know it ain't any use to say so, for you're going to kill me, but I didn't do it."

The men standing behind Alexander then shoved him from the wagon, and the roar from the crowd drowned every other sound. The negro was quickly driven down the embankment to the pile of wood, with his hands still shackled, and there bound to the stake.

Long before the wagon containing the doomed man arrived at the place a crowd had gathered. Many carried rails and boards. Several seized railroad irons and carried them to the ravine. The spot chosen for the stake was the exact one on which Pearl Forbes's body was found on the morning of November 7.

The first thing done was to plant a railroad iron upright in the mud. This was made fast to cross irons, firmly bound to the upright iron with wire. Around the improvised stake wood and boards were piled. To this the man was dragged and chained in a standing position to the upright railroad iron. Chains and irons were wrapped about him, and, with his hands still shackled, he was made fast to the post. Coal oil was then poured over him.

Before the match was applied John Forbes, father of the murdered girl, stepped up to Alexander and said:

"Are you guilty of murdering my daughter?"

"I don't know what you have me here for," said Alexander.

Forbes replied: "For killing my girl on this very spot."

"Mr. Forbes, if that's your name, you have the wrong man," said the negro.

"Burn him; burn him!" cried the crowd.

"Gentlemen, you've got lots of time," said Alexander. "You're burning an innocent man. You took advantage of me. You gave me no show. Can I see my mother?"

A man in the crowd called for the mother, but she was not present.

Alexander then said: "Will you let me shake hands with all my friends?"

"You have no friends in this crowd, you d——d beast," said one of the men having charge of the negro. "If you have anything to say, say it in a hurry."

Another man then stepped up and said to Alexander: "Make your peace with your God, nigger, for you will surely die."

MATCH APPLIED BY PEARL'S FATHER.

Coal oil was then applied for the second time, and while it was being done Alexander called to acquaintances in the crowd and said good-bye to them. He did not seem to realize that he was to be burned at the stake, and talked rationally until John Forbes, the father of the murdered girl, lighted a match. Again Alexander was asked to make a confession, but he replied that he had nothing to say.

As the flames leaped about him Alexander turned a ghastly hue and, clasping his hands together, began to sway to and fro while the crowd yelled.

In five minutes the negro was hanging limp and lifeless by the chains that bound him. As soon as the crowd saw that life was extinct it began to slowly disperse. Hundreds, however, stayed to the last.

Men kept piling on wood all the time until about 7 o'clock, when the flames were allowed to die down. From 6 to 8 o'clock there was a continuous stream of people going to the scene of the burning. These were persons who had been unable to get away from their work in the afternoon and who were determined not to miss seeing the awful spectacle.

When the fire had died down sufficiently to allow the crowd to approach the remains of Alexander there was a wild scramble to obtain relics. Bits of charred flesh, pieces of chain, scraps of wood, everything that could possibly serve as a souvenir, was seized on with morbid eagerness.

After Alexander's arrest he was taken before Miss Roth, who identified

him. Since then a mob has surrounded the penitentiary day and night. To-day the crowd became so formidable that Governor Stanley, in response to a telegram from Warden Tomlinson, ordered two companies of militia to be in readiness to start for Leavenworth at a moment's notice.

Governor Stanley ordered Warden Tomlinson to refuse to turn Alexander over to the sheriff unless he agreed in writing to protect him.

About 9 o'clock the coroner and two policemen took the remains to an undertaker's establishment. The coroner's jury has been named, but the inquest will not be held for a few days.

The remains were viewed by thousands, and up to the time they were taken away carriages and vehicles were continually passing by the spot.

PROMISED TO PROTECT PRISONER.

The sheriff was taken sick during the excitement at the county jail and is now confined to his bed. Admittance to the room is denied, and a statement from him to-night is unobtainable. The sheriff asked the governor for the State militia by telephone, and the governor replied that he would send the militia, but would require a written request or a telegraph message. This, for some reason, it is said, was not sent.

There was no request made for the protection of United States troops from Fort Leavenworth. The sheriff, upon requesting the delivery of Alexander to him, said that he thought he would be able to protect the life of the prisoner, and the warden, upon this assurance, turned him over.

Just before the party left the penitentiary for the jail the warden requested and received the following receipt for the delivery of Alexander:

"Received from J. B. Tomlinson, warden of Kansas State penitentiary, the body of one Fred Alexander, who has been in custody of said warden for safe keeping since 10 p. m. January 12, 1901. I hereby represent to said Tomlinson that I am prepared to and will give protection to the life and body of said Alexander against mob violence to the full extent of the powers vested in me by law.

"PETER EVERHARDY, *Sheriff*."

Mr. GALLINGER. Just a word, Mr. President. I supposed that the resolution which I introduced had gone over, and I left the Senate Chamber. I observe that what has just been read are the details of a case of burning, I think, in the State of Kansas. Am I correct? I will ask the Senator from Texas.

Mr. CULBERSON. You are correct.

Mr. GALLINGER. In the observations I made I stated that lynchings had occurred in the North as well as in the South, of white men as well as of colored men. I cited the fact that there had been lynchings in several of the Northern States. I did deprecate the practice, the evil, as I called it, and I certainly am quite as much opposed to it in one section of the country as in another. It is not a sectional matter, and I certainly did not intend to make it appear that such was the fact.

I am glad the Senator from Texas has put this case in the RECORD. It is a horrible case, as I recall it, and shows what the passions of men will do when they take the law into their own hands, which I always deprecate.

Mr. CULBERSON. I am certainly glad to hear the condemnation of this lynching in Kansas by the Senator from New Hampshire, but I regret exceedingly that he saw fit to present the horrible details of only one case, and that reported from my State.

Mr. GALLINGER. I will say that that is the only one I had at hand. If I had had this one, which I had a vague recollection of, I should certainly have put it into the RECORD likewise, because, perhaps, in atrocity it excels the one I did put into the RECORD.

Mr. CULBERSON. I will further say to the Senator that if he has occasion hereafter to make any remarks upon this subject I can furnish him detailed accounts in other Northern States of similar occurrences, which he can read in connection with his remarks if he desires.

Mr. GALLINGER. I shall be obliged to the Senator for any help he may render me, but I think when the Senator reads the RECORD he will not be very much disturbed over what I have done on this question. I did it on my own responsibility and in answer to the demands of as good people as there are in this country. If my word is not to be taken that I had no purpose of doing injustice to any section of the country or any State in the country, of course the matter must go without further discussion on my part.

Mr. HOAR. I ask leave to say one or two words on this matter, as it has been proposed to send the subject to the Judiciary Committee.

The PRESIDING OFFICER. The resolution is not before the Senate, and debate is proceeding by unanimous consent.

Mr. HOAR. I so understand.

The PRESIDING OFFICER. If there be no objection, the Senator from Massachusetts will proceed.

Mr. HOAR. Mr. President, I suppose all the members of this body would sincerely regret any necessity for reciting in any large numbers the details, so terrible and revolting, of transactions such as have been referred to. The Senator from New Hampshire [Mr. GALLINGER], with great propriety and moderation, confined himself to one single example of the evil which he seeks to reach, if it can be reached under the constitutional authority of Congress. I suppose the representative of no State and of no section, if there be such in this country, will, after reflection, be willing to treat the allusion to an offense of that kind as a sectional attack. It would be a terrible plea of guilty, which, I am sure, the representatives of no part of the American Union will ever make or could ever justly make. So I hope that if the Senate or the Judiciary Committee find it a duty to discuss our constitutional power over this matter, it will be discussed as a question of constitutional law, of constitutional power, of constitutional duty, without heat and without anger; and I am sure that no Senator will question what I say when I say that such a recital such as that we have listened to, coming one from one side of this Chamber and the other from the other, thrills with horror every generous and brave heart. I would not do my worst enemy the wrong to doubt what must be his feeling on such a matter as that.

Mr. President, I perhaps ought to state what did not at the time come with much emphasis to the attention of the Senate, that the Judiciary Committee have had before them this question in one of its branches at the present session. A bill directly providing for the trial and punishment of this class of offenses in the courts of the United States was presented to the Senate, drawn by a very able and eminent lawyer, formerly an attorney-general of Massachusetts, with a very able brief, which he prepared. He thought if Congress were to determine that the States did not in fact provide for the victims of such offenses the protection of the law, that that opinion entertained by Congress would be a proper foundation for the exertion of authority here. The committee were not able to take that view, and I think unanimously—though I can not affirm now what members of the committee were and were not absent—I was instructed to make a report by all the members who were present to that effect, and to recommend the indefinite postponement of the measure; which was done by the Senate.

Of course we all remember the decisions of the Supreme Court of the United States in regard to the kindred question, if it be a kindred question, at any rate a question which has come up as affecting the colored people primarily, that the mere fact, if it were found to exist, that the colored people in some cases were deprived of their right to vote would not warrant a taking jurisdiction of that subject by Congress, unless something were established which enabled the court to affirm in support of such legislation that by the concerted purpose and affirmative action of the State they were deprived of the right because of race, color, or previous condition of servitude. That is in general the doctrine which I understand our Supreme Court have asserted.

The question whether that leaves to Congress any power at all over those two cases, the denial of the right to vote at elections and the inflicting without law cruel and unusual punishments, or any punishment at all, upon offenders of a particular race, is a very serious one.

I have been inclined to think, without committing myself now to an opinion, that we might pass a law which should provide for a trial of such an offense in the United States court, making it, however, essential to conviction that the jury who tried the case should, so far as the matter was a question of fact, find also that the State where the offense was committed in fact denied to the person who was the victim of the offense the equal protection of the law; that, so far as the matter was a matter of law, it ought to be taken judicial notice of by the court that the court where the trial took place should find the same thing, and that by that mode we might possibly come to some remedy. But the question is beset with difficulty. It is a very profound and difficult question; and if this resolution be adopted, I think I may say—and I hope I am not presumptious in saying it—for every member of the Judiciary Committee, whether he come from the East or the West or the South or the North, whether he be a Democrat or a Republican, or by whatever other political appellation he may like to be called, he will approach the question without anger or heat or without being disturbed by present excitement as a pure question of constitutional law and of permanent policy which is to survive the special exigencies of a particular generation.

LIEUTENANT ARNOLD AND SERGEANT EDWARDS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read:

The Secretary read the resolution submitted by Mr. CULBERSON on the 22d instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official papers in his possession which relate to charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, including the report of Capt. P. W. West, United States Army, of date August 21, 1901.

Mr. LODGE. Mr. President, I was unable to go to the War Department on Saturday, but I saw the Secretary of War, and I understood him to state, as to this case, that these charges had been investigated; that a court-martial had been ordered as to one of the officers against whom charges were made, and that it was not yet determined whether a court-martial should be ordered as to the other; that the papers have been sent back for further investigation. The Secretary informed me that he would write me an official letter, to be laid before the Senate this morning, in

regard to what had been done by the Department. I have not yet received that letter, but I make this statement of what I understood from my conversation with the Secretary of War. I ask that the resolution may go over until to-morrow, by which time I shall undoubtedly have the official statement of the Secretary of War in regard to it.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the resolution go over until to-morrow, retaining its place.

Mr. CULBERSON. I wish to inquire of the Senator from Massachusetts when that court-martial was ordered?

Mr. LODGE. I do not know.

Mr. CULBERSON. Does the Senator suppose that that information will be given in the letter he expects to receive from the Secretary of War?

Mr. LODGE. I suppose it will be given in that letter.

Mr. CULBERSON. In view of the statement made by the Senator from Massachusetts I have no objection to the resolution going over until to-morrow morning, if the information I desire can then be obtained.

The PRESIDING OFFICER. The resolution will go over, retaining its place.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 9, 11, 19, 20, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 8, 12, 13, 14, 15, 16, 18, 21, 22, 23, and 25; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interests of the Government to purchase all land on Cushings Island, Portland Harbor, Maine, necessary to be used to erect additional batteries, and for buildings for the troops, $225,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until a valid title to said land and property shall have been acquired by the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In line 2 of said amendment strike out the word "bill" and insert in lieu thereof the word "act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "States," insert the following: ", except the contract of November 7, 1891, for 100 8, 10, and 12 inch guns."

In line 8 strike out the words "security in proper" and insert in lieu thereof the words "good security in same."

And in line 10 strike out the words "according to the true intent and meaning thereof."

And the Senate agree to the same.

GEO. C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. McRAE,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

The message further announced that the House had passed a concurrent resolution authorizing the Committee on Enrolled Bills to correct an error in the enrollment of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The message also announced that the House had passed the following bills:

A bill (S. 712) granting an increase of pension to John Housiaux;

A bill (S. 1038) granting an increase of pension to Gustavus C. Pratt;

A bill (S. 1797) granting an increase of pension to Benjamin Russell;

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 2511) granting an increase of pension to William Phillips;

A bill (S. 2535) Granting an increase of pension to Annie E. Joseph;

A bill (S. 2551) granting a pension to Amelia Engel;

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin;

A bill (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge;

A bill (S. 3551) granting an increase of pension to John P. Collier;

A bill (S. 3888) granting an increase of pension to Jesse H. Hubbard;

A bill (S. 3998) granting an increase of pension to Emma L. Kimble;

A bill (S. 4240) granting an increase of pension to Calvin N. Perkins;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 4638) geanting a pension to Helena Sudsburg;

A bill (S. 4642) granting an increase of pension to Anne Dowery;

A bill (S. 4655) granting an increase of pension to Oliver K. Wyman;

A bill (S. 4706) granting an increase of pension to William Harrington;

A bill (S. 4712) granting an increase of pension to Eliphlet Noyes;

A bill (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp;

A bill (S. 4730) granting an increase of pension to George W. Youngs;

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard;

A bill (S. 4758) granting an increase of pension to Mary L. Doane;

A bill (S. 4759) granting an increase of pension to Martha Clark;

A bill (S. 4766) granting an increase of pension to James P. McClure;

A bill (S. 4790) granting a pension to Stephen A. Seavey;

A bill (S. 4829) granting an increase of pension to Nimrod Headington;

A bill (S. 4853) granting an increase of pension to Amos Moulton;

A bill (S. 4862) granting an increase of pension to James Welch;

A bill (S. 4871) granting an increase of pension to Helen M. Worthen;

A bill (S. 4983) granting a pension to John W. Smoot;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson;

A bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin;

A bill (S. 5153) granting an increase of pension to Eri W. Pinkham;

A bill (S. 5202) granting an increase of pension to Jennie M. Wagner;

A bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson;

A bill (S. 5669) granting a pension to Charlotte M. Howe;

A bill (S. 5670) granting a pension to Samuel H. Chamberlin; and

A bill (S. 5759) granting an increase of pension to Charles T. Crooker.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295, known as the Philippine bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. MORGAN. I desire to offer an amendment, intended to be proposed by me to the pending bill, which I ask to have printed and laid upon the table.

The PRESIDING OFFICER. The amendment will be received, printed, and ordered to lie on the table, in the absence of objection.

Mr. PATTERSON. Mr. President, I very much desired that some other Senator would be ready to proceed this morning, but as there is none, in order that the agreement about the debate on our side shall be carried out, I will say now what I have to say.

At the commencement of the session, in common with many others, I feared that the public conscience had become so seared in the fight of the country for commercial supremacy that it was

quite useless to continue the struggle for justice for the Filipinos and the return of the country to the high standard of public conduct that had come down to us from the fathers. The most disquieting evidence was the seeming indifference of the press and the church. It seemed as though the Philippine iniquity would be allowed to petrify with the public conscience and hang around the neck of the country an everlasting hindrance and disgrace.

But, Mr. President, neither the press nor the church was indifferent. They had been lulled into quietude by false reports of conditions in the Philippines from the War Department and the misleading statements of those conditions in censored press dispatches. They were living in a fool's paradise, like most of the country, and they continued there until the late developments. There is no longer any room to fear the indifference either of the press or of the church. Both of these great estates now seem to be exercising all their great power toward giving publicity to the awful conditions in those far-distant islands and to restoring the country to its earlier desire for humanity and justice.

The work of the press is evident upon every hand, the work of the ministers has but just commenced; but it has commenced, and in many sections of the country both the press and the ministers are engaged in doing what they can to arrest the career that is bringing shame to patriotic Americans and to restore the old-time desire for liberty and independence for all peoples that has been the distinguishing feature of American political life.

APPEALS OF MINISTERS FOR JUSTICE TO THE FILIPINOS.

To prove that such is the case as to the latter estate, Mr. President, I have within the last few days collected statements of some of the work that Christian ministers are performing.

The efforts of the ministers originated in the great centers, and their influence is very rapidly spreading to the churches in the smaller localities.

I have here a copy of an appeal, addressed to the ministers of all denominations throughout the country, signed by 21 of the pastors of the leading churches of New York. I will take the time to read it.

APPEAL OF NEW YORK MINISTERS TO MINISTERS OF THE UNITED STATES.

We, the undersigned, ministers of religion, appeal to our brethren of all denominations throughout the United States to protest against the conditions in the Philippines revealed by testimony (before the Senate Committee on Affairs in the Philippine Islands) from which the following are extracts. [The testimony quoted will be found in an appendix.]

We also urgently beg our brethren in the ministry to inform themselves fully in regard to the position of the United States in the Philippine Islands, in order that they may advise the American people as to their duty in regard to this matter, of which Dr. J. G. Schurman, president of the first Philippine Commission, writes as follows in the April number of Gunton's Magazine:

"The future of the Philippines is an open question. The American people have never passed upon the ultimate destiny of the archipelago. * * *

* * * * * * * *

"Now, the Philippine question is one of the most difficult, and in its consequences far-reaching, that has ever come before the American people. In gravity and political pregnancy it yields, I suppose, among all national issues, to slavery alone. It is of supreme importance, therefore, that the American people should ascertain the facts, understand the material considerations and the moral and political principles involved, weigh the consequences both to ourselves and the Filipinos of the different lines of policy proposed, and endeavor to reach some conclusion in regard to what it is right and expedient for us to do in the premises."

NEW YORK, *May 1, 1902.*

This appeal is signed by the following ministers:

John C. Bliss, pastor Washington Heights Presbyterian Church; Robert Collyer; D. W. Couch, pastor Epworth Methodist Episcopal Church; John Hopkins Denison; W. T. Elsing, 250 Bivington street; John H. Elliott, D. D.; Eugene G. Fuessle, pastor Evangelical Reformed Church, St. Paul's, 874 East One hundred and forty-first street; Maurice M. Harris; Conrad E. Hermstaedt, pastor Second Moravian Church, 636 Sixth street; Arthur C. Kimber, S. T. D., 105 East Houston street; P. F. McSweeny, D. D., pastor of St. Brigid's; H. Pereira Mendes, minister Spanish and Portuguese Congregation, New York City, president of the Union of Orthodox Jewish Congregations of United States and Canada, president New York Board of Jewish Ministers; Rev. John McQuirk, D. D., LL. D., pastor St. Paul's Church, East One hundred and seventeenth street; Harry P. Nichols, rector Holy Trinity Church, 18 West One hundred and twenty-first street; C. H. Parkhurst, pastor Madison Square Presbyterian Church; William L. Penny; John J. Reed; J. B. Romensnyder, D. D., pastor St. James Lutheran Church, 900 Madison avenue; Henry A. Stimson, pastor Manhattan Congregational Church; William T. Sabine, 910 Madison avenue; Rev. Paul Sommerlatte, Harbor Mission Reformed Church; John F. Steen; Leighton Williams, Amity House, 312 West Fifty-fourth street; Rev. H. M. Warren, D. D., chaplain of the hotels of New York City.

To this appeal is attached a letter signed by the Rev. Joseph R. Duryee, as follows:

139 EAST THIRTY-SIXTH STREET, *May 2, 1902.*

My sense of justice to the American troops in the Philippines will not permit me to sign the protest. The tendency of this Senate inquiry is to make the Army bear the blame of an immoral policy of subjugation begun four years ago. The conduct of our soldiers as a whole has been, under the horrible conditions of life in the islands, remarkably praiseworthy. I have been in correspondence with officers and men in different sections and know that the cases of savagery are not general.

I only wonder that under the stress of the climate and contact with the natives our men have maintained the discipline and self-restraint that has in the main characterized them. If the Administration and Congress—representing a majority of our people—have not learned by this time that tropical possessions in the East are not the destiny of our people, they are blind to the facts of nature these four years of experience have taught.

If it will be of the slightest use, you are at liberty to publish this letter.

I am, sincerely, yours,

JOSEPH R. DURYEE.

MINISTERS OF CAMBRIDGE, MASS.

Mr. President, evidently acting upon the invitation contained in the document I have just read, the Christian ministers of Cambridge, Mass., very recently met and adopted a series of resolutions, which are signed by 41 of them. The resolutions are brief, and, I think, may be read with profit. They are as follows:

Whereas it is credibly reported that soldiers of our Army in the Philippine Islands, acting under the command of their officers, have treated the native people in ways abhorrent to the spirit, not only of religion, but of civilization itself:

Resolved, That we, citizens of Cambridge, Mass., and Christian ministers, representing, as we believe, the mind of the Christian citizens of this place, do hereby express our earnest reprobation of such acts, and assure the President of the United States of our sincere sympathy in his present endeavor to learn the truth and bring the guilty to punishment.

Resolved, That a copy of these resolutions be sent to the President of the United States.

The names of the ministers signed to these resolutions are as follows:

Theodore F. Wright, Church of the New Jerusalem; Wilbur N. Mason, Epworth Methodist Episcopal Church; Alexander McKenzie, First Church (Congregational); Samuel Crothers, First Parish Church (Unitarian); Prescott Evarts, Christ Protestant Episcopal Church; George Hodges, dean Episcopal Theological School; Francis G. Peabody, dean Harvard Divinity School; John J. Ryan, assistant rector St. Paul's Catholic Church; C. Burditt Williams, Inman Square Baptist Church; R. A. Beard, Prospect Street Church; J. A. Alexander, First United Presbyterian Church; F. J. McConnell, Harvard Street Methodist Episcopal Church; B. M. Osgood, First Free Baptist Church; Morton W. Plummer, Broadway Baptist Church; C. H. Williams, Wood Memorial Church; Thomas Scully, P. R., rector Catholic Church of the Annunciation, and William J. Dwyer and Patrick H. Riley, assistant rectors; C. C. Johnson, Swedish Baptist Church; George W. Bicknell, First Universalist Church; Richard B. Grover, Hope Congregational Church; J. H. Duckrey, Mount Olive Baptist Church; S. Timothy Tice, St. Paul's African Methodist Episcopal social settlement; Benning Jacobson, Southwest End Lutheran Church; A. P. Reccord, Third Congregational Church; Frank O. Hall, Third Universalist Church; Charles A. Skinner, 67 Mount Vernon street; Daniel Evans, North Avenue Congregational Church; Woodman Bradbury, Old Cambridge Baptist Church; James Sherrin, assistant minister St. James's Protestant Episcopal Church; John B. Halloran, rector St. John's Catholic Church; W. Scott, Hollis street; Edward Abbott, St. James's Protestant Episcopal Parish; Arthur H. Gordon, Immanuel Baptist; Oliver W. Hutchinson, Grace Methodist Episcopal Church; Will H. Spence, Pilgrim Congregational Church; John O'Brien, Catholic Church of the Sacred Heart; George Whitaker, Trinity Methodist Episcopal Church; Robert Walker, Church of the Ascension (Protestant Episcopal); T. A. Harlow, Second Baptist Church; Theodore A. Fischer, Second Universalist Church.

BOSTON MINISTERS MEET IN TREMONT TEMPLE.

On last Thursday evening, the evening of the day on which the venerable and patriotic Senator from Massachusetts [Mr. HOAR] made that wonderful plea in behalf of liberty and humanity, there was a ministers' meeting held in Tremont Temple, in the city of Boston, in response to a call to come together in a generous spirit free of passion, prejudice, and partisanship to lend their influence in favor of replacing the present methods of coercion in the Philippines with a truly American policy of conciliation and good will. Boston clergymen representing nearly all creeds and denominations met in Tremont Temple to consider the Philippine situation in the light of recent revelations of the horrors incidental to our Government's possession of the islands. The Boston Herald states that—

The Rev. Dr. Donald called the meeting to order shortly after 8 o'clock. On the platform with Dr. Donald were the Rev. R. J. Johnson, of the Church of the Gate of Heaven, South Boston; the Rev. Frank O. Hall, representing the Universalist Church, of Boston; the Rev. Francis H. Rowley; the Rev. Benjamin F. Trueblood, of the American Peace Society; Rabbi Charles Fleischer, of Temple Adath Israel; the Rev. A. A. Berle, of the Brighton Congregational Church; the Rev. Scott F. Hershey, of the First Presbyterian Church, and the Rev. Paul Revere Frothingham, of the Arlington Street Unitarian Church.

From the published accounts of that meeting we learn that before it commenced a printed slip was handed to each of the invited speakers, which stated the rules under which the meeting was to be conducted and the purpose its originators had in view. It read:

Remember the demands of the President: (1) Searching exposure of all wrongs, and no shielding of wrongdoers; (2) no barbarities pardoned or permitted under our flag; (3) ultimate self-government for the Filipinos, after the fashion of the really free nations; (4) generous trade relations with Cuba.

The conscience of the country urges these demands in their fullest and strongest sense and will tolerate no influences which tend to weaken or obscure them.

Contrast the degree of joy and gratitude in Cuba to-day with the despair and resentment in the Philippines, and learn the lesson of the contrast.

DR. DONALD'S OPENING ADDRESS.

The spirit of the meeting was well illustrated in the opening remarks of Rev. Dr. Donald. I would not indulge in the reading of these extracts were it not that what is quoted from each is short, while every one of the quotations is pregnant with the highest patriotism and the strongest humanity. The account says that in opening Dr. Donald said:

This meeting is not for the condemnation or even the denunciation of the Government. It is rather for the purpose of giving the Administration encouragement and support in the task of investigating the charges contained in the report of Major Gardener, received on the 9th of last February by the Secretary of War.

Very recently the President has in the most explicit terms publicly expressed his determination to discover and to punish all cases of barbarities by our soldiers in the Philippine Islands. We are here to express our deep gratification at the publication of this letter.

As the accredited and appointed teachers of religion and morals in the community, we feel it to be our duty to let the nation know that we present

a united front against barbarity, atrocity, cruelty committed by any man anywhere where the flag of the United States shall float. If any man, to achieve his purpose, finds it absolutely necessary to adopt the instruments of dishonor, we affirm that that man has no right to entertain or prosecute that purpose. [Applause.] If any nation which has come into possession of territory finds it necessary to descend to barbarity and inhumanity and torture and unmentionable cruelties, then we do not hesitate to declare that that nation has no right to occupy or retain that territory. [Applause.]

My friends, there is serious danger lest this cry of exaggeration which is heard may have the effect of dulling the public conscience. It is no longer possible for us to deny that atrocities have been committed in the Philippines, at which the whole nation blushes and hangs its head in shame.

Who has committed these atrocities? We don't know, but we are extremely anxious to find out. Until the responsibility is laid at the door of those who are guilty the stain of dishonor upon the national flag will not be removed.

We are not here to say that President Roosevelt will not do his duty, but to say we believe he will do his duty. [Applause.] We are not here to say the Secretary of War will not do his duty, but that we believe he will do his duty. Our plain duty is to assure the President and his Secretary of War that the conscience, support, and conviction of the people of the United States are behind them when they are seriously, earnestly, and devotedly engaged in investigating upon whose shoulders should rest the responsibility of having disgraced our American flag. [Applause.]

I will now read extracts from the addresses of other speakers:

REV. B. F. TRUEBLOOD.

He began by reading a telegram from Philadelphia, as follows:

Cordial greetings. Truth is mighty and will prevail. Herbert Welsh, Lyman Ward.

He went on to say:

It is reported from Washington that, with cynical glee, men are playing the game of politics over these articles, though this is to descend to the last depths of unworthiness.

President Roosevelt, who feels the gravity of the situation and is anxious to remove the ugly spot from the nation's honor as far as possible, ought to have the active and unequivocal support in this direction, whatever you may think of him in other directions, of all persons, of all parties and creeds, in searching out and exposing all the wrongs and barbarities which have been committed by American men under the American flag.

We must lay the responsibility for this tragedy of horrors where in the last analysis it belongs—upon the shoulders of the people. The people of this country are the rulers of this country, and their officials are our agents and servants. It is we who are responsible for the nation's policies and enterprises and for the methods of carrying them out. We have been silent when we ought to have spoken. We have cherished the vulgar notion that we were being swept on by a destiny over which we had no control. We have allowed false notions of patriotism to smother criticism of the proper sort and to persuade us that the nation can do no wrong. Now, we shall be deeply guilty if we allow ourselves any longer to be hoodwinked, and if we do not insist that these atrocities be stopped at once and forever and the direct perpetrators brought to account.

In my judgment, we must go a step further. The punishment of the wrongdoers will not undo the wrongs. There is only one course worthy of the nation at the present time. No international law can give any right to that which is contrary to the plainest and simplest dictates of righteousness and justice. We should demand the immediate inauguration of the policy suggested in President Roosevelt's message, which we believe he honestly meant—self-government for the Filipinos after the fashion of really free nations; the same policy for the Philippines as that which we conceded to Cuba.

REV. DR. ROWLEY.

The Rev. Dr. Rowley was even more plainly outspoken. Among other things, he said:

Better that such a party as the Republican should go down forever than that the flag which holds in its folds all that we hold dear as a nation should receive a single stain. It is not a political issue that confronts us. It is a moral issue. It peers above the question of parties as Sinai towers above the wandering hosts at its base. A war begun in the interests of humanity has passed into a war of conquest. Our army is engaged in reducing to subjection a people who sought no quarrel with us; a people fighting not to infringe upon any moral right which was ours to claim, who have never threatened to invade our territory, to destroy our liberties, to overthrow our institutions, but a people fighting to defend what they hold to be their inalienable rights and to resist the foreign foe.

I am inclined to think that the atrocities that have accompanied this bitter conflict of our Army with a people said to be absolutely and hopelessly alien in race, temperament, and civilization have been inevitable. The chances are that the American soldier has been as humane as any other soldier in war would have been. The moral responsibility comes back upon the people, whose will the nation must obey. Through this whole sorry business I believe there may be detected the spirit of fancied race superiority, which, as it is imagined, gives us the right to ride roughshod over men and women and children. Had we risen to the sublime conception of what it means when we say that man is brother to his fellow-man, irrespective of race, color, or previous condition, we should have borne ourselves differently toward those who have been made with us in the image of Almighty God.

I would that from this gathering here there might go out a great, solemn appeal in behalf of peace, and that we should affirm our unalterable conviction that our nation should say to the Filipinos, frankly and without reservation, as we said to Cuba, "We promise you independence. Lay down your arms and we guarantee you, at the first possible moment, a fair chance to work out your destiny, and to that end we assure you of our assistance and support."

Such a declaration, issued from Washington, would bring us back to the only foundation upon which, as I see it, we can ultimately take our stand, if we are to show ourselves true to the sacredest principles in our Constitution. It is honor, not disgrace, to withdraw the flag from every foot of ground it has floated over in violation of the rights of man. Never has that flag looked more worthy of our devotion than when it was hauled down from the flagstaff over the palace in Cuba. That was a sight to thrill the heart of humanity.

What were our lives without thee?
What all our lives to save thee?
We recked not what we gave thee,
We will not dare to doubt thee,
But ask whatever else and we will dare.

REV. FRANK O. HALL.

The Rev. Frank O. Hall made a wonderfully thrilling speech. He said:

There is no longer any reasonable doubt that we are engaged in the Philippine Islands to-day in exactly the same business that Butcher Weyler was engaged in in Cuba six years ago, only we have enlarged upon the business and perfected his methods. [Applause.] There is no longer any doubt that we have caused the destruction in these last three years of more lives in the Philippines than was caused in any one century of Spanish misrule.

We have destroyed more homes, made more widows, more children fatherless, than the volcano in St. Pierre, and the Filipinos might well thank Almighty God to send the volcano there if only he would withdraw the American forces. [Applause.]

Where did our soldiers learn the hideous devices with which they have tortured the Filipinos? Not at West Point. We know they have been training men there a good deal as they train bulldogs to fight, but they do not teach the water cure. That was learned from the Macabebes, and the Macabebes are men who have been enlisted to fight under the American flag.

If you know anything about the law of heredity, you know what the effect of this course will be on the future citizenship of the country. You may have no son in the Philippines, but you may have a daughter who will marry one of those soldiers, and thus the curse will be brought into your home and into every home in the American Republic.

I have unlimited confidence in President Roosevelt. There is not money enough in the world to buy him, and not men enough to frighten him. He means to do right. But President Roosevelt believes in the strenuous life, and the strenuous life means to fight. He believes in party, and that nothing can accomplish without party.

He is surrounded by politicians 10 deep, who are constantly whispering in his ear: "Nothing must be done that shall hazard the next political campaign." And outside of that ring of politicians you will find another ring with shoulder straps and brass buttons, each one looking for promotion, who are whispering in his ear that these things are excusable in any war.

What we want to do is to let President Roosevelt know that we do not belong to the politicians, but that they belong to us; that we do not belong to the Army, but that the Army belongs to us; and that the thing to do is to let President Roosevelt—our President, and, therefore, our servant—know the will of the soverign American people.

REV. ROBERT J. JOHNSON.

The Rev. Robert J. Johnson, among other things, said:

When word comes to us from across the seas that, in a land 11,000 miles away, men, women, and children are being tortured, slaughtered, and their homes laid in ashes, under orders given by officers of the United States, then, indeed, it is time for all of us who are jealous of our country's honor to make a stern protest and do all in our power to arouse the strong moral sense of a free American people, which, though it sometimes seems to slumber, is never dead.

The atrocities have been committed in the province of Samar. The people of Samar are not savages, but civilized, Christian people, who have their laws, their schools, and their churches. Are we Christians, and shall we sit silent, making no protest? I think not; I am sure not.

I am aware that there is a distinction drawn between war and murder. But you shall not burn homes, you shall not violate women, slay children, and cause desolation everywhere, and call that Christian warfare. If you do, the line between war and murder disappears.

REV. DR. HERSHEY.

The Rev. Dr. Hershey began by citing President Roosevelt's words at the recent Presbyterian meeting in New York, that "the vital thing to a nation is the spiritual, and not the moral;" also, that "we must look to the church to make the standard for morals and righteousness for the whole land."

Those people in the Pacific—

He continued—

are our brothers, belonging to us by ties of the human race. The treatment meted out there to men, women, and children has been simply brutal and savage. The treatment has been un-American.

We have made a record, especially in these later years, of being generous, just, and humane, and the American soldiery will stand comparison for these distinctive characteristics with the best soldiery of the best nations of the earth. Why can not we do in the Philippines what we have done in Cuba? America, as a leading nation, should set an ideal before the world in three things—justice, liberty, humanity—which are things that make for righteousness in national life.

REV. DR. BERLE.

The Rev. Dr. Berle said:

I speak with no desire to temporize or to make it easy for those who have violated the fundamental principles of religion. I have absolutely no disposition to choose the easiest terms for those who have sanctioned what I believe to be murder and slaughter—terms which will make them sleep more easily and be better satisfied with the results of their work in the Philippine Islands.

I wish to call President Roosevelt's attention to the fact that three years ago, in this house, the missionaries then present at a Congregationalist gathering, one after another, got up and declared that the putting into practice of the theory of Lyman Abbott that before the doctine of love can be preached to natives a regenerative army with the gospel of force must prepare the way would destroy every Christian mission abroad.

Representing the Christian church, we demand that the sword which was drawn in the interest of humanity be now sheathed in the interest of humanity; that the sword which we hoped would express the righteousness and the righteous resolution of the American people to end a grievous and distressing state of affairs in the island of Cuba shall not be made the bloody symbol of eternal shame by being bathed in the innocent blood of women and children in the Philippine Islands.

I am here also to protest in the name of the American veteran soldier of the civil war against the monstrous misrepresentation that the cruelties and atrocities in the Philippine Islands are to be laid at the door of Abraham Lincoln. I have received, to-day, a letter from a distinguished officer of the Sixth Army Corps who was in that whole campaign of Sheridan in the Shenandoah Valley, and he says:

The attempt to put upon Abraham Lincoln responsibility for these outrages is shameful in the extreme. It is absolutely false, and a dastardly piece of cowardice. I saw what was done under that Order No. 100. Barns were burned, but not all; gristmills were destroyed, but not all. A humane construction was put upon the order. That I knew as a positive fact. I saw many burning buildings, but I saw many saved. We were not fighting against old men, infirm people, and not at all against women and children.

In the name of the veteran soldier I protest against the blasphemy of bringing the hideous shadow of all this slaughter and shame upon the author of the emancipation proclamation.

RABBI FLEISCHER.

Rabbi Fleischer said:

We are expecting on the average just so much murder and pillage and rape and drunkenness and all sorts of exhibitions of moral rottenness. I would

not have one word I say, however, be regarded as condonement of any of the offenses committed by our soldiers in the Philippines. Every man guilty of any one of these immoralities should be brought to book and visited with condign punishment. But after that, let us recognize our responsibility.

These acts of our soldiers are simply the poison fruit growing upon a poison tree. [Applause.] Our business is to destroy the fruit, but also to extirpate that poison tree, to destroy it, root and branch. [Applause.]

We should no longer tolerate the use of our Army as the football of politics of one party or another. Both are wrong in thus using the Army. We do not mean merely to criticise the Army, party, or President, but to insist that these, our servants, shall do our bidding and do it according to our most righteous desires.

REV. MR. FROTHINGHAM.

The Rev. Mr. Frothingham concluded by offering a resolution that related to the senior Senator from Massachusetts [Mr. HOAR]. Dr. Donald, in introducing Mr. Frothingham as the last speaker, remarked that the speeches had been singularly a unit in their ethical apprehension of the situation. He said he thought the declaration made in opening, that the meeting was to be temperate, had been lived up to.

The Rev. Mr. Frothingham said:

This is the firing of the last shot, but it is not a shot of defiance nor yet of defence; it is rather a salute of courage and hope, looking to something full of life and encouragement in the future.

I have come here to-night with my mind full of that grand, true, and eloquent speech of our senior Senator in Washington; and with those things thrilling in my heart and filling my mind, I have felt that you and I and, as I believe, the people of this country have gone down into the last depths of our valleys and our humiliation, and it has been a low valley and a dark one. I believe the time will come when the people of America will look back on this period of our history as one of the worst periods and one of the most degraded. There was a degraded time in our country's life—it was when we held slaves; but it is a worse time when we try to make slaves.

I ask this meeting to accept the resolution I now offer, and send it to Washington:

"*Resolved*, That this meeting tends to Senator HOAR its expression of profound gratitude for the speech which so eloquently voiced the conscience and the religious sense of his native State."

The resolution was promptly put by the presiding officer, and was as promptly carried by acclamation.

Mr. Frothingham went on to say:

These tortures, these cruelties, and abuses have not been sporadic expressions of overheated zeal, of animal passions that have leaped out on the part of the individual soldier. They have been shown to come from some superior officer. I wonder whether our American Army is really to blame for this situation. I do not believe that the soldiers of our Army are.

Who, then, is to blame? Well, we are to blame who sent those men over there to crush those people, to make them submit, to crush their rebellious spirit, to say you shall not be free, you shall not have your liberties. We sent them, indirectly, to do a miserable, a selfish, an un-American thing, and the result is that they have done it in a cruel, a low and beastly and un-American way. I am inclined to think that the evils and abuses have been less with our soldiers than they would have been with any others.

But we must look behind the individual to the policy. I believe there is only one thing for President, Senate, Congress, and people to do, and that is to admit we have been led into error, and to redeem ourselves—to say that the Philippine Islands shall have the same rights that we have accorded to Cuba.

The meeting closed with the singing of "America."

I have a number of other sermons and statements delivered by ministers of different denominations in other parts of the country, but I have read enough to show the awakening that is going on among Christian and humane people—an awakening that carries hopeful promise to all the country that the night of ignorance and indifference is past and that the sun of liberty and justice is about to rise to flood our beloved land with the spirit of the departed framers of the Constitution and the immortal Declaration of American Independence.

Mr. President, I read these resolutions, petitions, and utterances, not to make them a part of the remarks that I originally intended to make, but because I thought they should go into the RECORD that the change in sentiment going on in the minds of the clergymen, without respect to church or creed, should be more widely known; and I have no doubt in the world that the ministers of the various denominations all over this country will, before this question is settled, unite in utterances like unto those I have just called to the attention of the Senate.

But, Mr. President, before I proceed to discuss in my own way the questions involved in the two bills before the Senate I should give some attention to a part of the speech made by the Senator from Ohio [Mr. FORAKER] some two or three weeks ago, in which for a perfectly proper purpose, as he expressed it, certain editorials printed in a newspaper that I control were read.

SENATOR FORAKER AND THE DENVER NEWS.

The purpose, as I understood the honorable Senator from Ohio, was to show the influences that were brought to bear upon the President from different sections of the country which induced him to insist upon the cession to the United States of the Philippine Islands.

If that was the sole purpose of the Senator I can not complain because he read editorials from the newspaper I control; for whatever may be said to operate upon the minds of public men to induce in them a line of conduct upon great public questions is legitimate matter for presentation and discussion. But I am inclined to think that the learned Senator had another end in view, doubtless a desire to bring a little humiliation to the person supposed to be responsible for those editorials and to embarrass him somewhat in a further discussion of the questions to which the editorials referred.

I am frank to say, Mr. President, that where anybody filling a public position is found to have suddenly and inexplicably changed front upon some great governmental or moral question without an adequate cause, his sincerity may well be called in question, and where a man's sincerity is doubted his influence can weigh for little.

The Senator from Ohio imagined that he had a great deal of fun at my expense in the reading of those editorials, and the Senator from Wisconsin [Mr. SPOONER] and the worthy Senator occupying the President's chair [Mr. BEVERIDGE] joined in the merriment. By way of illustration, the Senator from Ohio having read a quotation from the News, as follows:

Whatever may be the motives of the Republican leaders, the policy which they enunciate is the correct policy for this country to pursue. The United States must take its place as a world power, confident of its ability to bear its share of whatever burdens may come upon it and to reap its share of the honors and profits.

The following occurred:

"What," said Senator SPOONER, "profits?" The Senator from Ohio replied with a satisfied smile "Profits"—"p-r-o-f-i-t-s," at which the veritable CONGRESSIONAL RECORD shows there was laughter. He read another extract in which the word "spoil" was used by the writer, when in response to the exclamation of the Senator from Ohio, "Think of it!" the Senator from Wisconsin immediately exclaimed:

"Spoil?"

"Yes," replied the Senator from Ohio. "Yes; spoil;" and again there was laughter. And so it continued until, toward the close of that part of the Senator's speech he read an editorial, the closing paragraph of which was: "And so Providence appears to have ordered it that we shall participate in the affairs of the Far East," the Senator from Wisconsin said:

Was there not something about "Providence" in the last one the Senator read?

Mr. FORAKER. Oh, yes; Providence figures rather conspicuously here.

When the Senator from Indiana now in the chair suggested—

And fate?

To which Mr. FORAKER replied:

Yes, "fate." "Providence," "fate," "destiny," and "commerce"—all the elements of national greatness.

It is a matter of little moment who wrote the editorials in question. It is sufficient for me to say that I control the paper. I was then and I am now responsible for all its editorial utterances.

But, Mr. President, I have something to say about those editorials in addition to what the Senator from Ohio has said. Until about the 1st day of December, 1898—some two months before the ratification of the Spanish treaty—I favored holding the Philippines and I advocated the government of the Philippines by the United States.

I would not take any time upon this subject were it not that I feel I am but a type of hundreds of thousands of the American people in their changing views upon our duty in the Philippines, commencing with the destruction of the Spanish fleet in Manila Bay, proceeding with the treaty of peace, the annexation of the islands, and the government of those islands, accompanied by their subjugation. It would be a waste of time upon my part to continue reference to these matters if I could not in a proper way show how the views of the many came to be held and what brought about a change in them.

I said that up to the 1st day of December the News consistently advocated the holding of the Philippine Islands, but from that time, commencing with the 2d day of December, two months before the ratification of the treaty, the News and I, to the best of our ability, advocated a change of policy and stood for the independence of the Philippine Islands and in opposition to all of the conduct that has marked the possession of them by the United States since.

I call the attention of the Senator from Ohio to the fact that at the time the change I referred to occurred there was no election pending. The election of 1898 had but just occurred and none was to be held for nearly two years.

There was no Democratic President in office; there was no patronage to seek; there were no friends to reward; it was almost two years from a Presidential election. I can say with truth that the change was made out of no other cause than that of an honest conviction that the policy the Administration had adopted was a bad one both for our country and the archipelago.

Mr. President, it may be stated without the possibility of successful contradiction that commencing with the taking of Manila, if not almost with the destruction of the Spanish fleet in the harbor of Manila, there was a very wide-spread sentiment, almost universal, in favor of holding the Philippine Islands. Was there a reason for it? It seems to me that there was.

The war had been commenced for the liberation of Cuba. It had been prosecuted with great honor and credit to the American Army and Navy. An unexampled naval victory had been won by the American fleet under Commodore Dewey. Following that a censored press, as I have reason to believe, deliberately guided by the powers at Washington, commenced a series of misrepresentation of events and of the true conditions in the islands.

Mr. President, until the close of 1898 but few of us living at home knew the true story of the relation of Aguinaldo to Admiral Dewey, the capture of Manila, and the Philippines. None of us knew that he had been requested to visit Hongkong by and to confer with Admiral Dewey, and it was only because the Admiral sailed for Manila a day or two before he reached Hongkong that the conference was not there held. That about the middle of May Aguinaldo was sent for by United States authorities and carried to Manila Bay upon an American war vessel, was landed at Cavite, and at the request of Admiral Dewey raised the Filipino flag and called Filipino patriots to rally under itt folds.

None of us then knew that commencing with the 15th of May and going on and on and on through June and July and into the middle of August Aguinaldo had constructed his lines from shore to shore, holding in the city of Manila within their iron grasp the entire Spanish army; that assault after assault had been made by him on the Spanish fortifications, and that thousands of Filipinos were killed and wounded in their struggle to destroy the common Spanish foe; that by those efforts in the neighborhood of 4,000 Spanish prisoners were captured by Aguinaldo and his troops; and that when the American soldiers first reached Filipino shores in July, 1898, so completely were the Spanish garrison surrounded and held by the Filipino army that General Anderson was compelled to negotiate with General Aguinaldo for a place in the fighting line.

To secure this position he addressed Aguinaldo as the commanding general of the Filipino army and spoke of the American and Filipino forces as "cooperating" to overthrow a common enemy. Anderson was granted position in the Filipino lines, less than a quarter of a mile in extent, and when Manila surrendered the American army occupied less than three-quarters of a mile of the line of battle, extending from the shore inland, while the Filipino army held more than 8 miles of intrenchments, surrounding the rest of the city of Manila.

We did not then know, Mr. President, of the arrangement between General Merritt and the Spanish general by which when Manila surrendered Aguinaldo and the Filipinos were restrained from participating in the glory of the victory, nor did we know that with a forbearance and denial rare indeed even among the generals and armies of the most civilized nations, Aguinaldo and the Filipino army had from August, when Manila was taken, until the night of the fateful 4th of February following, submitted with dignity and forbearance to the most exasperating requirements of the American commander, for the sake of preventing conflicts between the Filipino and American forces.

All the information we got, until news of the disclosures made in Paris during the treaty negotiations, was that Aguinaldo was a little detestable, grasping, selfish, would-be despot. We had been taught to believe that the great body of the Filipino people were yearning for the care and protection of the great American nation and that were it not for Aguinaldo and a few such coconspirators as he the Filipino people and the Philippine Islands would come peacefully and thankfully to our arms.

This, Mr. President, was undeniably the character of the information that was furnished to the American people between the day in May when the Spanish fleet was destroyed and the attack made upon the 4th day of February, 1899. It was about that time that the true state of affairs commenced to come out; and when thousands and thousands of American people, of whom I was one, learned the true situation, the real struggle, the true attitude of the Filipino army to their islands, their people, and the American Army and Navy, then, without an Administration to reward us, without an election pending, out of which we might hope to gain advantage, with no other purpose or motive than an earnest desire to do the right, we changed front, and from that time ever since have consistently and earnestly stood for justice to the Filipino and the preservation of our country from the curse of imperialism.

Mr. FORAKER. The Senator will excuse me for interrupting him. I was unavoidably occupied for the moment, and I did not get the date of the change given by the Senator.

Mr. PATTERSON. The latter part of November, or early in December.

Mr. FORAKER. Eighteen hundred and ninety-eight.

Mr. PATTERSON. Yes, sir; in 1898.

Mr. FORAKER. I understood the Senator to state that he himself and his paper, the Denver News, advocated the acquisition and retention of the Philippine Islands down to November or the beginning of December, 1898.

Mr. PATTERSON. Yes.

Mr. FORAKER. And that at that time both changed?

Mr. PATTERSON. Yes.

Mr. FORAKER. But that neither the Senator, as the owner and the responsible party connected with the paper, nor the paper itself, has advocated that policy since?

Mr. PATTERSON. Never since; and I say that in the face of the editorials printed in the Denver News in the month of February and read by the Senator; and I will show to the Senate that in reading these editorials the Senator from Ohio was not candid, for he omitted editorials and omitted parts of editorials that would have shown the matter differently from what he sought to convey.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I did not pretend to read all the editorials in the Denver News, nor I did not pretend to read all of those I did read from. I simply called attention to such parts of the very voluminous writings I found there as I thought it proper to call attention to, as showing the view expressed by that paper. When the Senator says I was not frank about it, I trust he will give a little consideration to that language. I do not think he is justified in making any such remark.

Mr. PATTERSON. I will say——

Mr. FORAKER. I undertook to be entirely frank with the Senator and the Senate. There is nothing whatever in the editorials referred to that is in conflict with anything I read, as, I am sure, any unbiased man will agree. I had no thought of misleading the Senate by anything I read, and surely I read nothing except the language there found and just as it was found there, but I did not see fit to read all of the editorials that occupied a column and some of them perhaps more than a column. In that I did not do anything unusual, and certainly I did not do anything to justify the remark made by the Senator. If the remark stands I shall take a great deal of pleasure at the proper time in putting into the RECORD in connection with what I did read what the Senator complains that I have omitted.

Mr. PATTERSON. I will let the remark stand until I am through with this portion of my remarks, and then I will let the Senate judge whether I was justified or not in making the statement I did. As to the putting of other editorials in the RECORD, I will say that until the latter part of November, 1898, the Senator will find many editorials in the News that he did not read along the same line as those that he did read; but after the latter part of November he will find none that point in that direction. Those that he read and many that he omitted, printed after November, 1898, show beyond peradventure the attitude of the paper to be as I state. I find in going over the pages of the Denver News that the identical articles I have in mind bore somebody's check mark, as if whoever had gone over the files for the purposes of the Senator from Ohio had checked them off and knew what they were.

Now, Mr. President, let me not be misunderstood. Until the latter part of November, 1898, it was as I have stated; but on the 2d day of December the first editorial opposing expansion was printed, and that editorial had a check mark upon it which indicated that it had been seen; but that editorial was not quoted. The honorable Senator skipped the editorial of December 2 and went to the editorial of December 7. Let me read the editorial in the Denver News of December 2, so that Senators may pass judgment upon it. It is entitled "Management of the Philippines."

MANAGEMENT OF THE PHILIPPINES.

The treaty with Spain conveying to the United States among others the Philippine group of islands will soon be executed by the high contracting parties, and within a reasonable time will be ratified by the American Senate. This is right. Manila and its bay were captured and are being held as the legitimate spoils of war. The United States has a right to demand that they be transferred, Spain surrendering sovereignty and this country taking it. When the Senate ratifies the treaty the Philippines will be Spanish soil no longer, but the property of the United States, to be dealt with as it will determine.

It is how to deal with them that puzzles statesmen. Just what their relations to the United States will be is the political conundrum. They can not be received as a State, nor can they be molded into a Territory. Either one or the other carries with it to its inhabitants the right to go and come at will, no restrictions upon commerce, the same tariff duties, and absolute free trade between them and the rest of the United States. The labor of the islands is servile or semiservile. Without restrictions that are impossible under our fundamental law there would soon be an inundation of the United States by the hordes of Malays, Kanakas, and Creoles that populate the islands. The better wages here and better living would be a lodestone they could not resist. Its effect upon American wages would be a national disaster, to say nothing of the tainting of the blood and complications of the present race problems caused by the juxtaposition of whites and blacks in the Southern States.

It follows as a corollary that if the Philippines are retained by the United States it must be as captured provinces in which a state of war exists, which justifies an exclusion of their people from the protection afforded to American citizens by the Federal Constitution.

It will be borne in mind that this legal statement was made before the Supreme Court of the United States had passed upon

those questions, and when it was generally conceded that the only method by which the Philippines could be held without extending to them the Constitution would be by holding them in a so-called state of war, and that it could only be while that state existed that the discrimination suggested by the editorial could continue:

The Constitution extends to the inhabitants of Territories as well as of the States. The preamble to the Constitution declares that "We, the people of the United States," for the purpose set forth, "do ordain and establish this Constitution for the United States of America." The United States of America embraces all of its territories. Alaska, though not within a State, is part of the United States of America; so are Arizona and the other organized Territories. The Constitution is, therefore, established for all the territory of the United States. Some fiction must be devised that will, while the sovereignty of the United States is extended over the islands, exclude their inhabitants from the enjoyment of the rights and privileges of American citizens. It must be a military or semimilitary goverment. The law must be either that of the camp or of Congress, without reference to constitutional limitations or restrictions.

This anomaly will exist: A great republic and a despotism side by side; countries subject to the same sovereignty—the despotism organized, controlled, and manipulated by and for the benefit of the republic.

The first startling proposition that confronts Americans is that the law of Congress fixing customs duties can not apply or be applied to the Philippines. It is operative over every other foot of American soil. But the very treaty ceding us the islands, which, if ratified by the Senate, becomes the supreme law of the land, establishes the "open door"—that is, while the Dingley tariff is operated over every other square inch of American soil, it can not exist for the Philippines. There must be for them either absolute free trade or a tariff law as applicable to the United States as to England or to any other foreign country. In the Philippines the American manufacturer will have no advantage over the British or French. All must pay duties on their goods alike on entering their ports. Americans can not fence off the Philippines and say products of the United States shall enter free of duty, while those of other countries must pay the duties.

These are but a few of the perplexing questions connected with the possession of our new accessions. What to do with them or how to manage them is, therefore, a problem worthy of the best thought of the best Americans. There are those who suggest that what should be done is, having ratified the treaty, we proceed as rapidly as possible to give freedom to the Philippines. Establish an American protectorate, make person and property secure, require political and religious freedom, and their people, in the setting up of a republic, see that the republic is maintained, obtain reasonable commercial and other advantages to the United States that shall be perpetual, retain ample facilities for coaling stations and cable terminals there and in the Ladrones and Carolines. Startle the civilized world with the most sublimely grand and magnanimous national deed that history has ever recorded. Wrest a nation from its oppressors and say to it, "Now you are free."

This, Mr. President, was an editorial published in the Denver News on the 2d day of December, 1898. The Senator from Ohio read but part of an editorial printed in the News of December 7, five days after the one I have read. The title of that editorial is "Hawaii and the Philippines." The entire editorial reads as follows:

HAWAII AND THE PHILIPPINES.

A measure for the future government of Hawaii, which will probably be adopted by Congress in the main, is recommended in the report of the Commission appointed by the President to submit, among other things, a system of government appropriate for the Hawaiian situation.

It creates of the Hawaiian Islands a Territory of the United States in all respects like the rest of the American Territories. It is to be such a Territory as was Colorado before admitted as a State and as are now New Mexico, Arizona, Oklahoma, and the Indian Territories. To manage its affairs there will be a governor, secretary of state, courts—supreme and district—and other territorial officers. The legislature—senate and house—will be elected by the voters.

All whites, Portuguese, negroes, and their descendants, with native Hawaiians, who were residents of the islands immediately before Congress accepted them as a present, are made citizens of the United States and qualified electors of the Territory. Thus, with the adoption of the commissioners' recommendation, Hawaii will become full-fledged a part of the United States of America, one of its organized Territories and equipped to knock at the door of Congress regularly each session for admission to the Union as one of the sovereign States. All of the internal-revenue and custom laws of the country will immediately be applicable to Hawaii. There will be unqualified freedom of trade between the islands and the rest of the United States. Citizens of Hawaii must come and go, whether on pleasure bound or to settle here permanently, without let or hindrance. All products of the islands, whether of the field or shop, including sugar of every grade, will come to us free of duties, and all products of the States will go to Hawaii in the same unrestricted way. Neither Chinese nor Japanese are to be allowed citizenship. By this exclusion these yellow heathen can not come to the American mainland through Hawaii as a gate.

If the measure of the commission finds favor with Congress, the future of of Hawaii will be provided for in a natural, simple, and truly American manner. The Philippines can not be so readily provided for.

Then was printed the part that the Senator from Ohio read. The Senate will see that the entire article was simply a discussion of legal and economic questions as applied to the Philippine Islands. I will now read the part read by the Senator from Ohio:

It is accepted that the cession of the Philippines to the United States comes handicapped with the "open door." Their annexation is impossible under any other condition. Great Britain's moral backing in our demand for the Philippines has been upon condition that the "open door" is maintained. France and Germany have reluctantly submitted, but only because of Britain's attitude and the "open door." This "open door" means that our custom laws do not and can not apply to the Philippines.

As to exportations from the United States to them, whether it is American grain or meat, or American manufactures or American anything else, they must enter the Philippines upon the same terms as like articles from foreign countries, and none other. If there is free trade between the United States and the Philippines, then all other countries must have free trade with them. If importations must pay customs duties, then those from the United States must pay them as well as those from other countries. This is the price paid for permission from England, Germany, and France to annex the islands. It is a dear price—a much higher price than the $20,000,000 paid in cash to Spain. It forbids making the Philippines an integral part of the United States of America. They can be held only as captive "foreign" territory. This contemptible fiction must remain a contanuing element of the American system. The "open door" means that the Constitution of the United States has no place in shaping legislation for the islands. All laws for them must be extra-constitutional. They can not, as is proposed for Hawaii, become a Territory. They are and will remain spoils of war, held as "foreign" territory, and therefore subject to such exceptional and extraordinary methods of control as are permissible where martial law exists.

The Senator from Ohio read the foregoing extract, and that alone, out of the editorial of December 7, omitting entirely the editorial of December 2. Did the Senator aim to convey the idea from the extract he read that the News urged it to be our duty to hold those islands as spoils of war? No such idea could be gathered from the entire article. It was in nowise conflicting with the article of December 2. Its sole purpose was to show the unusual and anomalous conditions arising out of attempting to hold the Philippines, conditions that we could not and should not tolerate.

The editorial concludes as follows:

It is claimed that the President believes that this "open door" may be maintained under a decision by the Supreme Court of the United States given many years ago. It was the case of Fleming et al. v. Page. The question at issue in that case was whether Tenpico while in the military occupation of the United States in 1847 ceased to be a "foreign" country within the meaning of the revenue laws. Chief Justice Taney delivered the opinion of the court. In it it was declared that territory held in the military possession of the United States as a result of conquest and not yet finally and definitely held as United States territory must be treated as foreign territory under the revenue laws. The court recited that after Florida had been ceded to the United States and the forces of the United States had taken possession of Pensacola it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district and authorizing the appointment of a collector were liable to duty; that is, that although Florida had by cession actually become a part of the United States and was in our possession, yet under our revenue laws its ports must be regarded as foreign until they were established as domestic by an act of Congress.

Commenting upon the decision, the special Washington correspondent of the New York Herald says: "Under the decision it is believed that ports in territory held by the United States can be considered as foreign ports indefinitely as far as the revenue and navigation laws of the United States are concerned. If this is true, it is clearly within the power of the Government to establish for such ports an entirely different tariff system from that in the United States, and to enforce the United States tariff on goods from those ports, while collecting their tariff on goods from the United States. This is what will be done under the 'open-door' policy as it is proposed by the Administration to have it in force in the Philippines."

It is gradually growing clear to the thoughtful that unless extraordinary care is taken in Congress in providing for the future of the Philippines, either the fundamental law of the land must be overhauled and radical changes made or the lie must be given to it in legislation, and a contemptible and un-American subterfuge adopted and perpetuated, which will prove a disgrace to republican government.

I will now read the conclusion of the editorial of December 2, the editorial which the Senator from Ohio saw fit to omit:

It is becoming a burning question whether the true solution of the situation may not be to grant independence to the Philippines under American protection, securing ample commercial advantages as consideration for the grant of independence, with ample coaling station and cable terminals. In any event no such fiction as holding the Philippines perpetually as "foreign" territory in military possession should be indulged in.

OHIO SENATOR'S PURPOSE IN READING THE EDITORIALS.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. With pleasure.

Mr. FORAKER. I read the part of that editorial which I did read for no other purpose than to show the familiarity of the writer of that editorial with the great legal questions involved in the acquisition of the islands, which acquisition he subsequently contended for in advocating the ratification of the treaty. The other speculation of the Senator in his editorial is very interesting, no doubt, but it does not change the purpose I had in view, nor does it change at all the point for which the editorial was used.

Mr. PATTERSON. With that explanation I am entirely satisfied.

Mr. FORAKER. One other thing. It must be quite manifest to the Senate, in view of the length of the editorials, as evidenced by those now read to the Senate, that when I was undertaking to read editorials from Democratic newspapers all over the country, I would have been here two or three days occupying the time of the Senate if I had undertaken to read all the editorials printed in all these papers, and had undertaken to read all of them in full. I was simply undertaking to show that there was a common thought the whole country over, and I was undertaking to quote enough from the various newspapers to support the proposition. I was not undertaking to read everything that everybody had said on the subject.

Mr. PATTERSON. That explanation—and I will accept it in the spirit in which it is made—certainly removes a cause of pain to me, because, while I said nothing at the time the editorials were being read, conscious of the real situation, I knew that the time would come when I might legitimately make full exposition of the truth.

Mr. FORAKER. Mr. President, I was not aware until the Senator made the announcement that he had suffered any pain

on account of my reading the editorials. I certainly made a perfectly legitimate use of them, and then stated that I was only undertaking to defend the action of the Administration by showing that its action, whether wise or unwise, was upheld at the time by the sentiment prevailing all over the country, among Democrats as well as Republicans. I had no use for them other than the fact that the Senator had written on that subject. I read his editorials with a very great deal of pleasure, because, as I stated, I regarded them as the ablest expositions of that subject at the time they were written. I can not recall any editorials in any paper that dealt as interestingly and with such ability as the Senator showed in the editorials which he has just read with the constitutional questions involved. I am only sorry the Senator denies responsibility for any of them in any way whatever or evades responsibility for them in any way whatever.

Mr. PATTERSON. I have denied no responsibility. On the contrary, I assume the full responsibility.

Mr. FORAKER. That is true. I recall to mind that the Senator in a conversation I had with him, as I understood him, did say that he did not write all the editorials.

Mr. PATTERSON. I did not write all of them.

Mr. FORAKER. I told the Senator then that I would never let that be made public, because it would detract greatly from the credit to which he was entitled.

Mr. PATTERSON. It is quite immaterial, as I suggested, whether I wrote all of the editorials or whether other people wrote them; nor would it add to the interest of the discussion if I were to discriminate and show which I wrote and which I did not write; but I said I was responsible for all of them, and I shirk no responsibility. I simply presented the state of the public mind at that time and what produced that state, for the purpose of showing that the public mind, then dark as to the truth, had greatly changed, in my judgment, since light had been shed upon the 'till then secret history of Philippine transactions.

The Senator from Ohio, as I said, read a portion of an editorial of December 7 and omitted the editorial of December 2. There were a number of editorials in January, not one of which did the Senator read, nor will I undertake to read them; but I will read short extracts from them to show my attitude and the attitude of the paper.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. I do.

Mr. FORAKER. Inasmuch as the Senator persists in calling attention to the fact that I did not read all of his editorials, I hope he will allow me to ask him—and I hope he will be kind enough to answer the question—whether or not I read anything that did not appear in his paper?

Mr. PATTERSON. You did not, certainly not; and as far as you read you read with absolute accuracy.

Mr. FORAKER. That is all right.

Mr. PATTERSON. In the editorial of January 7, 1899, this appeared:

> Whatever disposition we may make of the Philippines after the treaty is ratified, it is not consistent with national honor or reputation to allow ourselves to be driven out of them by Aguinaldo and his followers.

That was based upon the reports that were coming from the Philippines at that time, that Aguinaldo and his army were in an aggressive attitude, that the American Army was not strong enough to resist an attack, and that at any moment war as the result of the action of Aguinaldo and his army was imminent.

FURTHER EDITORIALS READ.

Then, again, I read from another editorial of January 11, 1899:

FILIPINOS AS ENEMIES.

> There is little doubt that the situation in the Philippines is ominous of danger. Aguinaldo and his followers are bent on trouble and determined not to recognize the authority of the United States. Our army at Manila, considering the force of the insurgents, is barely large enough to successfully maintain a defensive attitude, assisted by the guns of Dewey's fleet. It can not take the offensive, and for this the War Department must be held responsible. As soon as the Administration determined on the policy of holding all the Philippines it ought to have placed itself in a position to handle the forces of Aguinaldo in a prompt and vigorous manner. That it has not done so is evidence of the fact that it has been caught napping.
>
> It is undoubtedly true that this trouble has been stirred up by the agents and representatives of foreign governments, with Hongkong as the center of their plots. The idea has been to give the United States all the trouble possible and to compel it to inherit the rebellion with which Spain has been long contending. The conspiracy has succeeded, because of the general imbecility that reigns in the War Department. Whatever views may be held as to the policy of expansion and the future disposition to be made of these islands, one thing is certain, the United States can not afford to be driven out of them by a lot of half-armed, half-clad natives.
>
> Furthermore, if nations opposed to our entrance into the Orient have instigated this trouble in the hope thereby of preventing us from so doing, they have taken the best possible policy to unite public sentiment in favor of it. One disaster to our forces in the Philippines will raise a blaze of indignation in this country that will be hard to quench. To hand the islands over to the inhabitants with the gift of freedom, independence, and assured protection is one thing; to be driven out by force of arms is quite another.

Here is an editorial of January 12. These editorials simply reflect the public mind as it was molded by the censored telegraphic dispatches from the islands, which placed the American Army in a position of defense and the Philippine army in one of aggression; the American Army in constant and imminent danger of being attacked by the Filipino army and driven into the sea, and the Filipinos occupying an aggressive attitude.

> The Filipinos intrenched at Iloilo and those gathering near Manila could be immediately transformed into friends were Congress to attach to the treaty a declaration that it is not the purpose of the United States to permanently hold the Philippines, but simply to protect them until a stable government, republican in form, shall be adopted by their inhabitants, and that thereafter it would stand by them as a friend to protect them from the greed of other nations.
>
> The warfare made by the antiexpansionists is having marked results. FORAKER's plea for the President is one of them. They are tributes to the foresight, courage, and patriotism of Mr. Bryan. The work has been mainly done and the sentiment crystallized since his resignation from the Army, and the plain avowal that while he favored immediate ratification of the treaty, he would insist that the United States should hold the islands only until their inhabitants formed a stable government, and that we would protect it in its infancy.

SENATOR FORAKER EDITORIALLY DISCUSSED.

What I now read is an editorial written on the strength of the speech made by the Senator from Ohio in the Senate of the United States on the 11th of January, and it commences as follows:

> The most important utterance in the debate on the treaty began in the Senate is that of Senator FORAKER, made yesterday. He said that American occupation of the Philippines is but temporary. "I do not understand," he said, "that anyone desires anything but the ultimate independence of the Philippines—not the President, nor anyone in this Chamber."

That is how I first got acquainted with the Senator from Ohio—by reading in the dispatches of the day that wonderfully eloquent patriotic speech to which reference has often been made. He said: "American occupation of the Philippines is to be but temporary." I quote from his speech:

> I do not understand—
>
> He said—
>
> that anyone desires anything but the ultimate independence of the Philippines—not the President nor anyone in this Chamber.

Then the editorial continues:

> Senator FORAKER is close to President McKinley. When he speaks upon subjects of policy in which the President is involved he is regarded as speaking for the President.
>
> FORAKER himself is a red-hot expansionist. In the speech from which the quotation is made he maintained the constitutional right of the United States to obtain foreign territory and their populations by purchase, gift, or war, and to establish colonial governments over them. But, maintaining this, he declared that American occupation of the Philippines was "not to be permanent."

Then the editorial proceeds to eulogize the humane and statesmanlike attitude of the honorable Senator from Ohio.

The Senator from Ohio quoted some editorials printed in February. It was immediately after the fight of February 4, and it seems that I may very well talk about that to account for the attitude assumed generally by the press of the country immediately after that alleged attack occurred.

WHO MADE THE 4TH OF FEBRUARY ATTACK?

The Senators who were in this Chamber at that time will bear witness, those who were led to change from opposing the treaty to friendship for it will bear witness, that the news which came of the attack of February 4 was that it was a wanton, an unjust, and an unprovoked attack upon the American Army by the Filipinos. Mr. President, before I get through, when I reach that part of my remarks, I will undertake to demonstrate from official records, from the sworn testimony of American officers, from the situation as it then existed, that so far from the Filipinos having attacked the American Army on the 4th of February the attack was made by the Americans upon the Filipinos, and so far as one may judge by the circumstances of it the attack was brought on to so inflame the minds of Senators that enough Senators would be led to change their votes to secure ratification of the treaty.

I think I can demonstrate from the official records and from the sworn testimony of American officers, taking into consideration the situation as it was and the ends to be gained, that the attack was deliberate, and was made to secure the ratification of the treaty which, without the attack, could not in all human probability have been ratified.

Mr. President, let me read briefly the telegraphic dispatches that came giving to the country the account of that battle. On Sunday morning, February 5, this dispatch was printed broadcast over the country:

> WASHINGTON, *February 4.*
>
> President McKinley shortly before midnight received a report that the insurgents had attacked Manila.
>
> He was about retiring. He at once sent a cable to General Otis asking him for either a confirmation or denial.
>
> At this writing the President is awaiting a reply with his personal secretary, Mr. Cortelyou.
>
> This is the report:
>
> "MANILA, *February 5 (Sunday morning).*
>
> "The long-looked-for clash between the Philippine army and the American forces has occurred. The insurgents made an attack upon the city of Manila at 8.30 o'clock Saturday evening. They fired upon the outposts all around the city.

"At this hour, 9 o'clock Sunday morning, the fighting continues.

"The American troops have been successful in repelling the assault of the native troops.

"The cruiser *Charleston*, *Monadnock*, and gunboat *Callao*, which latter vessel was captured by Admiral Dewey during the war, are throwing shells into the insurgents' ranks north and south of the city, from which the severest attacks were made.

"The American wounded number 20 at this writing. The loss of the insurgents is not known, but is believed to be far greater.

"There has been no outbreak among the natives of the city. The American women in the city, wives of the officers and others, have been taken on board the United States transports.

"Spent balls from the insurgent lines are falling into the city.

"General Otis has the situation well in hand."

That was the first news the telegraph gave us of that fight. Then, on February 5, we have the following:

WASHINGTON, D. C., *February 5, 1.30 a. m.*

The impression to-night is that the outbreak at Manila makes the ratification of the treaty with Spain a certainty. Strange as it may seem, there is a suspicion that the Filipinos have calculated on exactly the opposite result. They may have imagined that American popular sentiment would revolt against shooting down natives avowedly struggling for freedom. But while there may be considerable of such sentiment, there is no possibility that it will prevail against the feeling that the national honor requires the submission of those who have chosen the arbitrament of arms. In the words of the old toast:

"My country, may she always be right, but my country, right or wrong."

That expresses Washington sentiment. In other words, we shall have to whip the Filipinos, no matter what view we may have as individuals about the merits of their claims.

Here is another Associated Press dispatch:

CHICAGO, *February 5.*

A special from the Times-Herald from Washington says:

"Instructions will be sent to Major-General Otis to-morrow directing him to follow up his victory over the insurgents and to crush the power of Aguinaldo in the Philippines.

"This was the decision reached at an important Cabinet meeting held in the White House to-night, attended by the President, Secretaries Hay and Alger, Attorney-General Griggs, and Adjutant-General Corbin.

"It was further decided, now that Aguinaldo has thrown down the guantlet, that Iloilo shall be taken, and the islands of the archipelago occupied as rapidly and to the extent that General Otis's forces will permit."

Here is another Associated Press dispatch from the islands:

MANILA, *February 6, 9 a. m.*

The Filipinos have apparently reached the conclusion that the Americans mean business, now that the barriers are removed, as there were no further hostilities last night and no attempt was made to recover the lost ground. It is possible, however, that they are following the tactics they employed against the Spaniards and will merely lie off for a few days to recuperate their forces before returning to the attack.

It is impossible to ascertain as yet how the news has been received at Malolos, the seat of the insurgent government, but the Filipinos in Manila express the opinion that the movement for independence had received its death blow, and that annexation will soon be welcomed generally.

I read yet another Associated dispatch, dated Manila, February 5:

The following dispatch from General Otis was made public at 12.25:

MANILA, *February 5.*

ADJUTANT-GENERAL: Fourth of February insurgents opened attack on our outer lines at 8.45; repeated attack several times during the night; at 4 o'clock this morning entire line engaged; all attacks repulsed; at day break advanced against insurgents and have driven them beyond the lines they formerly occupied, capturing several villages and their defense works; insurgent loss in dead and wounded large; our own casualties thus far estimated at 175—very few fatal. Troops enthusiastic and acting fearlessly. Navy did splendid execution on flanks of enemy; city held in check and absolute quiet prevails. Insurgents have secured a good many Mauser rifles, a few fieldpieces and quick-firing guns, with ammunition, during last month.

OTIS.

1.30 A. M.

The following dispatch was received at 1.15 this morning:

MANILA, *February 5.*

To ADJUTANT-GENERAL:

Situation most satisfactory; no apprehension need be felt. Perfect quiet prevails in city and vicinity. List of casualties being prepared and will be forwarded as soon as possible. Troops in excellent health and spirits.

OTIS.

Mr. President, can there be any doubt as to what influenced the minds of the American people and the minds of some American Senators when the reports of the attack of February 4 came to them in such form, pictured at all times as a deliberate and unprovoked attack, as one prosecuted with fierceness and with determination, an attack which for the time placed the American lines in danger and made the heart of every American mother and sister and father throb with fear and anxiety? So far from that being the truth, as I will demonstrate, but not now, the attack was made by the Americans upon the Filipinos. The first shots were fired by American outposts.

RETURNS TO THE NEWS EDITORIALS.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. FORAKER. I dislike to interrupt the Senator.

Mr. PATTERSON. I yield.

Mr. FORAKER. It is only that I may understand the Senator. I have understood him to say that, beginning in November, 1898, he and his paper changed their attitude with respect to the acquisition of the Philippines, and did not after that time favor their acquisition and did not favor the ratification of the treaty until this attack was made.

Mr. PATTERSON. Oh, no. I always favored the ratification of the treaty.

Mr. FORAKER. Oh! Then I have been under a misapprehension. Notwithstanding, the Senator said a while ago he always continued an advocate of the ratification of the treaty. Therefore this attack on the 4th of February, whether made by the Americans on the Filipinos or by the Filipinos on the Americans, did not change the Senator's attitude with respect to the question of ratification?

Mr. PATTERSON. Oh, no. If the Senator from Ohio understood it otherwise he was mistaken.

Mr. FORAKER. I did so understand it.

Mr. PATTERSON. To make myself clear, I will say that until the latter part of December I not only urged the annexation, but the retention of the Philippine Islands. After that time I urged the ratification of the treaty, but only that the United States dealing with the Philippine Islands as property of its own would give to the Filipinos their independence, set them up in government, and thereby do a grand and a noble deed.

Mr. FORAKER. I am still at a loss to understand the Senator's position. I understand him to be pointing out, with very great elaboration and detail, the nature of this conflict, and I understood him to be doing it for the purpose, as he certainly did announce in the course of his remarks, of showing why there was a change of attitude with respect to the ratification of the treaty and with respect to the whole question. Was there, or not, any effect—that is all I want to know—produced upon the Senator and his newspaper by this attack?

Mr. PATTERSON. There was——

Mr. FORAKER. Or did they continue the same?

Mr. PATTERSON. There was to this extent, as shown by the two editorials which the Senator from Ohio read. In view of the alleged unprovoked and unwarranted attack by Aguinaldo and the Filipino army upon the troops of the United States, I then felt and said that the American Army could not retreat from the islands until those who had assaulted it, as they were represented to have done, had been compelled to sue for peace.

Mr. FORAKER. That continued only, however, until the Senator got correct information?

Mr. PATTERSON. Yes, sir; practically.

Mr. FORAKER. Has the Senator stated, and if not I suppose he will, when he got this better light and learned that he was imposed upon by the first advices from the Philippines?

Mr. PATTERSON. It was a long time, but so that there may be no misunderstanding, and I hope the Senator will not be required again to say that he is not intending or attempting to place me in an undesirable light before the Senate, but that he simply quoted those editorials for the purpose of showing how they would operate upon the mind of the Executive and also to create public opinion——

Mr. FORAKER. I have not said anything about not desiring to place the Senator in an unpleasant attitude in the Senate, nor about desiring to place him there. I have not, strange as that may seem, had in mind particularly the personality of the Senator. I have been endeavoring to discuss in a proper way a great question and to account for action that was assailed, and to account for it consistently with correct views as to men's transactions and governmental actions; that is all. If I ask the Senator for specific information on points upon which I understand him to be trying to inform us, it is not for the purpose of confusing the Senator or embarrassing the Senator; and if the Senator has any such idea I will not interrupt him again.

I only want to understand what it is that the Senator is saying. The Senator was making a point, and I was a little bit surprised, in view of the editorials I had read from his paper, to hear him make that point. I thought it was quite natural that I should desire to understand him correctly. To do so it was necessary that I should ask him the question. Perhaps I should have waited until the Senator's remarks were printed in the RECORD and then read them over, but we hurry along here so rapidly that I always find it very difficult to go back and read a Senator's speech. So I would rather understand it as he makes it.

MR. BEVERIDGE WANTS TO KNOW.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes, sir.

Mr. BEVERIDGE. I do not desire to interrupt the Senator, but now that he has been interrupted I wish to ask him a question. I assume that the Senator favored the policy of retaining the Philippine Islands for the large and statesmanlike reasons given in the editorials from his paper, read by the Senator from Ohio. He changed, he says. I now desire to know whether his change of opinion upon that great question of statesmanship, an opinion based upon the large reasons he gave, was merely because of the conflict between our forces and those of Aguinaldo at Marila?

Mr. PATTERSON. The Senator from Indiana does not quite comprehend what I am saying.

Mr. BEVERIDGE. That is the reason why I asked the question.

Mr. PATTERSON. It is probably my lack of clearness and not his lack of perception. What I say is that never after the early part of December, 1898, did I advocate, either in the paper or elsewhere, anything but the ultimate and immediate independence of the Filipinos.

Mr. BEVERIDGE. Mr. President——

Mr. PATTERSON. One moment. Let me get through with this sentence. But when there came to this country the false reports of an atrocious and unwarranted attack by the Filipinos upon the American army I said then that the United States could not afford to retreat from the islands, but that its first duty was to fight and defeat or compel the Filipino army to surrender; that in the face of the reported unwarranted and unjustifiable and villainous assault upon those who had been regarded as the deliverers of the Filipinos the army had to continue the struggle until the Filipino army was defeated. But that did not include, directly or indirectly, a suggestion that the Filipinos were not to have their independence, to have self-government, and to have the freedom for which they were struggling. I hope I make myself clear to the Senator from Indiana.

Mr. BEVERIDGE. The Senator from Colorado is very fortunate in the perspicuity of his remarks, but I submit that the Senator hardly meets the question I asked. He says he was for the retention of the Philippine Islands, and he gave some very comprehensive and very statesmanlike reasons why he favored that broad national policy. The question I asked of him was, in view of the fact that he changed his attitude and was explaining the change, whether that change, upon a great question of national policy, was caused merely by the incident of the beginning of the battle, or what did cause this change in the Senator's attitude concerning the retention of the Philippine Islands. I understand he has changed.

Mr. PATTERSON. There was no change in my attitude as to the retention of the islands. It was simply that the United States could not afford to stand before the world and be driven out of the islands.

Mr. BEVERIDGE. Does the Senator want to retain them now?

Mr. PATTERSON. No; of course I do not.

Mr. BEVERIDGE. Then the reason——

Mr. PATTERSON. Yet if it were true that the Filipinos had assaulted the American Army and defeated it or endangered it, I would be to-day maintaining what I maintained then—that the United States could not afford to withdraw until the enemy sued for peace.

Mr. BEVERIDGE. Simply because the Filipinos had begun the attack we should retain the islands? If they had not, you would give them up?

Mr. PATTERSON. The Senator insists upon the use of the word "retain" with respect to the islands. In the Republican sense it means one thing; in the broad sense of not leaving the islands by being driven from them by force of arms it means another.

Mr. BEVERIDGE. I used the word "retain," having taken it out of the Senator's mouth just a moment or two ago, when he used the word "retain." We can narrow the inquiry down to this: Did the Senator ever favor the retention of the Philippine Islands?

Mr. PATTERSON. I told you I did.

Mr. BEVERIDGE. Do you now?

Mr. PATTERSON. I do not.

Mr. BEVERIDGE. Why?

AFTER THE BATTLE OF FEBRUARY 4.

Mr. PATTERSON. I can not now stop to answer the question. Before I get through the Senator will know.

It may be quite well enough to read the two dispatches, part of which was read by the Senator from Ohio, published in the News immediately after the fight of February 5, as these are all that even tend to show any change of attitude upon the subject. That of February 6 is as follows:

THE FIGHT AT MANILA.

No matter what individual Americans may think about the policy of expansion or the claims of the Filipinos to independence, the fight at Manila leaves us no other cause than to inflict summary chastisement upon those who have been rash enough to invite armed conflict with the Army of the United States. If the Filipinos had been sensible enough to behave decently and to appeal to the principles of liberty which are deeply implanted in the American heart, they would have created an increasing volume of sentiment in favor of granting them virtual if not complete independence at an early moment.

That was not read by the Senator from Ohio.

From the editorial of February 17 the Senator from Ohio read this extract:

The ratification of the treaty with Spain and the passage of the McEnery resolution have not solved the Philippine question. That is more perplexing to-day than it was the day that Admiral Dewey sailed into Manila Bay. It has been complicated by the action of Aguinaldo and his army of insurgents. First we broke the Spanish power in the islands, then we bought them. Now we are fighting with the natives to hold them. We could not withdraw from them without disgrace, no matter how much we might desire to do so. To be driven out is a very different thing from a voluntary evacuation.

It is only necessary to read from the two editorials which the Senator from Ohio quoted for the purpose of showing the real attitude of the paper from which he quoted.

Mr. FORAKER. Then the Senator's attitude, as expressed in this editorial, was due to the fact that he was, as he now thinks, imposed upon in regard to the opening of hostilities there—that is, he was of opinion at the time when the hostilities were reported that the Filipinos were the aggressors, and that now he is of the opinion, and proposes to demonstrate it, that, on the contrary, the Americans were the aggressors, and that it was part of the settled plan to make sure of the ratification of the treaty?

Mr. PATTERSON. I draw that inference.

Mr. FORAKER. Yes. Then I want to ask the Senator while he is doing that to explain to us why it was, for such is the fact, as I believe he will agree, that Agoncillo and Sixto Lopez, who were both here in this country at that time, the day before the fight commenced, left this country without anybody knowing at the time of their leaving and fled to Canada, where they were when the news came that fighting had commenced. In other words, does the Senator imagine that as a part of the American plan to bring about this conflict to effect the ratification of the treaty, they notified the representatives of Aguinaldo so that they could get out of the country before the commencement of the fighting which we were to precipitate?

Mr. PATTERSON. In the first place, the statement of the Senator from Ohio that these men fled to Canada is his conclusion.

Mr. FORAKER. Does the Senator deny that they went to Canada?

Mr. PATTERSON. I do not know anything about it.

Mr. FORAKER. Does the Senator deny that they left Washington in a surreptitious way, in the nighttime——

Mr. PATTERSON. They may have gone upon a night train. I do not know.

Mr. FORAKER. And went to Canada by the most direct route possible, and never stopped even to check their baggage, hardly, until they got into Canada?

Mr. PATTERSON. Those are matters with which I am not familiar; but whatever significance the Senator or anybody else may attach to them, to those who had inside information it was perfectly apparent that from the date of President McKinley's proclamation of December 21, which General Otis changed, so fearful was he of the result of declaring the sovereignty of the United States over all the Philippine Islands, and that whatever opposition there was in the way of preventing its complete exercise should be swept aside—from that time until the fight of the 4th and 5th of February trouble was near at hand, and if the Filipino army did not give way it would be assaulted.

Whether that or anything else may have had anything to do with the reported surreptitious flight of the gentlemen to whom the Senator refers I do not know. I am simply stating facts.

Mr. FORAKER. I have called the attention of the Senator to it because it has always seemed to me to be practically a controlling fact upon that question, which nobody ever raised until long after the conflict began, because at that time everybody accepted the word of our officers, our generals, our representatives in the Philippines. But when their word was questioned and the facts of that time were recalled, it always seemed to me to be a controlling fact. That is why I called the Senator's attention to the fact that these representatives of Aguinaldo here in Washington should have left and gone by the night train, never stopping until they got out of the country and got safely into Canada, and did it just in time to be safely in Canada before the fighting commenced. It looked on the face as though they had notice of it.

FACTS WHICH SHOW THAT AMERICANS COMMENCED ATTACK OF FEBRUARY 4.

Mr. PATTERSON. Very small facts acquire great significance in the minds of some when they have some purpose to attain. Let that stand as stated by the Senator from Ohio until I come to the undeniable facts, and I may tell the Senator some of them now.

According to the testimony of General MacArthur, General Aguinaldo on the 3d of February had moved back at his command from a position that he occupied and did it cheerfully. On the 4th of February, at the request of General Otis, General Aguinaldo sent back into the American lines four Americans who had been detained by the Filipino forces. That was the attitude of Aguinaldo, according to the official reports, up to the very moment of the alleged attack. On the night of February 4, at half past 8 o'clock, a mere Filipino patrol consisting of four men, a guard that usually does police duty, was going toward the little town from which Aguinaldo's forces, on demand of General Otis, had retired the day before, probably looking for stragglers who had gone to the town during the day.

Then the American outpost fired upon them and killed 2. General MacArthur in his report tells of the occurrence. He says this Filipino patrol was approaching the American outpost. Being observed, they were twice commanded to halt, and not halting the Americans fired upon them and killed 2. In his testimony before the committee the General stated that the rule before firing was to command halt three times, and the language to be used was "Halt; who goes there?" Whether the 4 Filipinos or any of them understood English nobody knows. Then there was intermittent firing between the two lines until daylight, when the American lines were ordered to advance and the battle commenced. Both Generals MacArthur and Hughes testify that if there was an American soldier killed or wounded that night they have no knowledge of it. There is no report of a single casualty in the American army on the night of February 4. Since it is undenied that the first hostile act was the firing upon the patrol and killing 2 of the number, and no American soldier was killed during the night, and the Filipinos made no advance or attack, if there had not been an order to push a battle would not some explanation have been sought before the American lines were ordered to charge when daylight came? The battle thus commenced ended with the horrible result of 250 American soldiers killed and wounded and more than 3,000 Filipinos killed and wounded.

This is the true and the official story of that so-called attack by the Filipinos upon the American lines on the night of the 4th of February. No Filipino testimony was asked for. The testimony of no one was sought outside of the American Army. The details are given in the official reports of American officers and their testimony before the Committee on the Philippines.

ASSOCIATED PRESS ACCOUNT OF THE BATTLE.

Contrast, Mr. President, these facts with the stories that came to the American people through Associated Press dispatches upon February 5, 6, 7, and 8. One can hardly refrain from saying that there was a design behind it all. Somebody with a deep purpose had dictated the attack and shaped the character of the news. This treaty was hanging in the balance in the Senate. It yet lacked two votes of the requisite two-thirds, and when the vote came the day after the news of this alleged outrageous attack upon the American army, enough votes were changed as the result to ratify the treaty, and it was ratified by but 1 vote more than the requisite number. If a single vote given for the treaty had been cast against it it would have been defeated.

I take it, Mr. President, that if this was a case before a jury, and circumstantial evidence was to determine the jury's verdict, and the question was who commenced and was responsible for the 4th or 5th of February assault, that simply upon the testimony and reports of the high American officers alone the verdict would be that the Filipinos did not commence the assault, and that the Americans did.

There is one other fact that I might recall now. Both General Hughes and General MacArthur admitted that they knew the Filipinos were not ready for a fight; that on the night of February 4 their principal officers were far distant from the lines at Malolos, holding a conference, and that it was not their purpose to then make an attack. Then again: If the treaty had not been ratified, what a plight would President McKinley and his party have been left in. The President had declared the sovereignty of the United States over all the archipelago. He had ordered General Otis to assert and establish it against all opposition. Otis had been directed to take possession of all the islands and overcome whatever opposition existed to his doing so. Had the treaty not been ratified, McKinley and his party would have been the laughing stock of the country, if not of the world, for McKinley had ordered Otis to take possession of all the islands and overcome all opposition at a time when the United States had authority under the protocol only in the city, bay, and harbor of Manila. Had there been a failure to ratify the treaty, those orders would all have had to be undone. It would have been a case of marching up the hill and marching down again. So the treaty had to be ratified, and there was no way to bring that about except by precipitating the battle of February 4 or 5, and it was precipitated. It was but another case of American duplicity. This time it was practiced upon the American Senate and the American people, and not alone upon the Filipinos, as had so often been the case before.

It is idle to say, under these circumstances, that that awful fight, with its awful results, upon the night of the 4th and the morning of the 5th of February can be traced to the doors of Aguinaldo and his army.

SENATOR FORAKER FOR FILIPINO INDEPENDENCE.

But, Mr. President, in the reading of the editorials it appears that the Senator from Ohio made a speech upon January 11, 1899, and that the News quoted that speech and approved it and dwelt upon it. I wish to call attention to what further the Senator from Ohio said in that speech. I will not do it to show that the Senator from Ohio is inconsistent, but only to show what it was that led many persons who originally favored the retention of the Philippines to oppose their retention. Said the Senator from Ohio on January 11:

I am willing to trust the Administration—

That was the difference between the Senator from Ohio and myself. I had no Administration to trust—

I am willing to trust the institutions of this Government and the people of this Government to do justice by the Filipinos. I have no sympathy whatever, Mr. President, and I do not believe the Administration has, with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence——

Mr. CARMACK. Whose language is that?

Mr. PATTERSON. It is the language of the Senator from Ohio [Mr. FORAKER]. He said further in that speech:

and I have no sympathy whatever with the talk that is indulged in in some places about making war on Gomez and his followers who have been struggling for the liberation of Cuba.

Thus placing the struggle of the Filipinos on a par with the struggle of the patriots in Cuba, declaring that he had no sympathy whatever, and he did not believe the Administration had, with the war which some people talked about waging on Aguinaldo and his followers. In what? In "their struggle for liberty and independence."

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. FORAKER. This was, as the Senator has said, on the 11th of January, nearly a month before the fighting commenced, at a time when I really did not think there ever would be any fighting, but at a time when such papers as I quoted from the other day were talking about its being the duty of this Government to suppress all opposition and to resort to war if necessary. Some of the editorials from the News are directly in point. I did not have any sympathy with that kind of talk. I did not think it was necessary to have any war. I supposed we could get along without it. Later we had the war, and that changed the situation, and we have had to deal with it accordingly.

Mr. PATTERSON. On the 11th of January the proclamation of the President declaring the sovereignty of the United States over the Philippines, and commanding the American officers to sweep out of the way all who opposed that sovereignty, had been proclaimed and was public. It was that war that was being talked about. It was the express declaration that if Aguinaldo did not yield and depart from in front of the American Army, and if he stood by his attitude for the liberty and independence of the islands, war would be made upon him and the Filipino army. It was having in mind that condition that the Senator from Ohio said, "I have no sympathy whatever, I do not believe the Administration has, with the war which some people talk about making upon Aguinaldo and his followers in their struggle for liberty and independence."

Mr. FORAKER. Mr. President——

Mr. PATTERSON. The Spanish power was broken. The only opponent before the Filipino army was the American Army. The Filipinos were under arms there for liberty and independence. Certain elements in the United States were urging that the American Army attack the Filipino army, that its stand for independence might be defeated, and the Senator from Ohio said, "I have no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence."

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. FORAKER. The Senator could not have made the quotation from my speech of January 11, 1899, that he has made, I take it, without consulting the RECORD; and if he did consult the RECORD, he must have found on the same page as that from which he quotes a quotation by me of the order of the President to which he referred. I give the order as an expression of the President's policy, to show that it is not the purpose of the Administration or of anybody connected with it to make war on the Filipinos. Therefore the Senator must have known that when I said I had no sympathy with the war that it was proposed to make on the Filipinos I could not have had reference to any declaration, official or otherwise, that President McKinley had made.

I call the Senator's attention also to the fact that he can not find in President McKinley's order any such language as that which he has purported to quote from it. There is nothing of that nature in it. All that President McKinley says is in the nature of an expression of our kindliness and good will toward the Filipinos, our desire to establish law and order and civil government, and then at the conclusion of it he uses this language,

which is the only language that justifies the quotation the Senator has made:

In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

Mr. PATTERSON. I will demonstrate when I reach that proclamation——

Mr. FORAKER. If the Senator will pardon me just one moment——

Mr. PATTERSON. The Senator could not have read that proclamation, or else he would not make that statement.

Mr. FORAKER. If the Senator will pardon me for one further moment, I want also to call attention to the fact, as I now recollect it—if I am in error about it, the Senator can correct me—that the Denver News called attention to this proclamation and commented on it with approval.

Mr. PATTERSON. I do not recall whether it did or not. The Senator from Ohio can have it here to-morrow, if he desires it, or to-night, either.

Mr. FORAKER. I do not know whether I can or not, for I sent for the paper and I found that the Senator from Colorado had it. If he will turn it over to me, I shall be glad to look at it.

Mr. PATTERSON. The Senator can read it carefully and prayerfully.

THE PRESIDENT'S PROCLAMATION OF WAR.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Will the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. CARMACK. I should like to ask the Senator from Ohio if he thought the President's proclamation was consistent with his own ideas of liberty and independence for the people of the Philippine Islands?

Mr. FORAKER. Entirely so.

Mr. CARMACK. There the Senator is laboring under a misapprehension.

Mr. PATTERSON. Let me call the Senator's attention——

Mr. FORAKER. Mr. President, I ask the Senator to wait just a moment.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. Along with what the Senator has quoted from my speech of January 11, 1898, there should be quoted also as a part of the same statement made at he same time, as follows:

It is for the Congress of the United States to investigate and find out about the islands of the Philippines, what kind of inhabitants they may have, whether or not they are capable of government, and whether or not they want government or whether or not only a few want government.

What is the feeling of the population? You can not tell that in the short time we have had to deal with them. At least I have not been able to satisfy my mind about it. I hope in the near future to be able to do so, and I hope that in due course at no distant day we can act intelligently, and I know we will act justly.

That is the expression I used on that occasion.

Mr. PATTERSON. Mr. President, I have no doubt in the world but that the mind of the Senator from Ohio was not at that time altogether clear as to the character and the capacity of the Filipino people, and I have no doubt in the world but that he felt at that time that an investigation would throw light upon these important questions. But what had that to do with his unqualified declaration that "I have no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence?"

Mr. FORAKER. Will the Senator allow me? I had no sympathy then—I have not any now—with the war that was at that time being talked about. The Senator and I differ as to what happened afterwards when war did occur between the two peoples, and there we take our departures—he going his way, I going mine.

Mr. PATTERSON. The only war that was talked about was a war by the United States to deprive Aguinaldo and his followers of liberty and independence, and that was the war the Senator from Ohio had no sympathy whatever with. I might say to the Senator, as he said to me, that in later years, as he rereads and reflects upon that speech, he will be far prouder of it than he will be of those that have fallen from his lips since.

Mr. FORAKER. Mr. President, the Senator from Colorado is quite at liberty to entertain that opinion. I have no objection to that. What I want to say about it is this: They had been struggling for their liberty and their independence from Spain, and at that time we had not yet, except only to commence, asserted any authority there. I had no idea at that time that there would be war, and said I had no sympathy with such talk as the newspapers were indulging in, and that I did not believe the Administration had any such sympathy. I did not dream of what was to happen. And yet we were compelled to talk about war; we were compelled to think of it. And later it came. Whether it was our fault or their fault, it did come; and when war came then the question thrust upon us was how we would deal with it; what would be our attitude; and I agreed with other Senators in the belief that it was our duty, before we undertook to deal with them otherwise, to restore law and order; to suppress insurrection; to assert our authority. And there has never been a minute from that day until this that I have not been willing, whenever we reached the point where we can do it with any assurance of satisfactory results or whenever the conditions are such as to warrant it, that we shall consider what is to be their ultimate condition; but as long as there is a war going on, until law and order are restored, until a government is established, I believe with the Denver News, as it expressed itself prior to November, 1898, and, as I think I can show, long after December, 1898, that it is our duty first to restore law and order, establish the government that we have set about establishing, and then we can determine what we shall do.

Mr. PATTERSON. I thank the Senator from Ohio for constantly referring to the Denver News. I have the assurance of the business manager that the notoriety it has given the paper has been a very large commercial advantage to it. [Laughter.]

Mr. FORAKER. Mr. President, I note again with proper appreciation that the Senator's mind runs on commercialism to-day as it did when he was writing these editorials. [Laughter.]

Mr. PATTERSON. There is one thing that the Senator from Ohio may be proud of. When he made the speech of January 11 his mind was not running on the commercial aspects of the case, but on the righteousness and the honesty and the patriotism of the question.

NO WAR THREATENED BETWEEN SPAIN AND THE FILIPINOS.

When the Senator from Ohio suggests that he had in mind the war for liberty and independence that the Spaniards were making against the Filipinos, I want him to bear in mind that when he made that speech that war had ended long before. Manila had been captured, the Spaniards had been sent back to Spain, there was not a single armed Spaniard left in the islands, and the Filipinos and Americans were in undisputed possession of the entire Philippine Archipelago. There was no more danger, Mr. President, of a hostile Spanish gun being fired then, no matter what the outcome of the treaty negotiations might have been, than there was of Spanish legions sailing to the United States to capture the city of Washington.

The only war that was spoken of was the war that seemed imminent between the American army upon the one side, which then occupied the very intrenchments that had been built and occupied by the Spaniards, and the Filipino army upon the other. It was that war the Senator referred to when he said he had "no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence."

So, Mr. President, I regret on account of the high esteem in which I hold the Senator from Ohio that he even seeks or seems (I know he does not intend to do it) to evade the real meaning and scope of that magnificently patriotic utterance.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I do not like to interrupt the Senator unduly, and I do not like to suffer in the Senator's esteem. I rise only to tell him I have not taken any issue with him as to the war about which I was talking at that time. If he wants to say that it was not the war made by the Spanish upon the Filipinos, but a war that was to be made by somebody else to suppress the resistance of the Filipinos to our authority, he is exactly correct. They had been struggling against Spain for their liberty and their independence and my sympathies were with them; but when it became a struggle between the Filipinos and the United States my sympathies were with the United States, and they have been there ever since. They will be there until the last gun has been fired and the flag floats in triumph over all enemies of the country.

Mr. CARMACK. What then?

Mr. FORAKER. Then I am ready to talk business with them or anybody else, but not until then.

Mr. PATTERSON. Will the Senator from Ohio be so kind as to tell the Senate what war he had reference to when on the 11th of January he said he had "no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence?"

Mr. FORAKER. Mr. President, I was talking about, as I said a while ago, the war that such newspapers as the Denver News were talking about making upon the Filipinos. In editorial after

editorial we were told that our authority must be asserted and all resistance to our authority must be suppressed. That I was not talking about a war that was in contemplation to be made by President McKinley is evidenced by the fact that I quoted President McKinley's proclamation to show that his purposes were purposes of peace and had no thought of war.

WHAT AMERICAN GENERALS SAID ABOUT THE PROCLAMATION.

Mr. PATTERSON. Does the Senator know that General MacArthur when asked upon the witness stand what he understood by that order of President McKinley's, if the Filipinos did not get out of the way what it would be his duty to do, he said without hesitation it would have been his duty to drive them out of the way. Can there be any question——

Mr. FORAKER. The Senator asks me if I know. I have not read General MacArthur's testimony, but I think that anybody can know who reads President McKinley's proclamation that he did not have any thought about making war upon anybody. I do not think anybody here in the Senate, except only very few, seriously contemplated that there would be war. I think the Senator from Massachusetts [Mr. HOAR] did. He talked in such a way as to indicate that he thought there was likely to be a clash.

Mr. HOAR. I did not want to mix in this discussion, but I am compelled to do so, as the Senator from Ohio [Mr. FORAKER] has referred to me, and as he has read some passages in regard to the President's purpose from documents before him. Will he read the sentence in President McKinley's proclamation which General Otis suppressed, and which he suppressed because he said if it was published it would bring on war, and which the next day—in fact, within a few hours—was brought out by General Miller, at Iloilo, and which Aguinaldo posted that night over all the walls of Manila, and replied, "If that is done we shall fight?" Will the Senator read that sentence from the President's proclamation?

Mr. FORAKER. I do not know the sentence to which the Senator refers, but if the Senator does, I will gladly turn over to him the proclamation, and he can find it and read it.

Mr. HOAR. I supposed the Senator had got it all in his mind.

Mr. FORAKER. No; I have not. If the Senator will point it out, I shall be glad to have him read it.

Mr. HOAR. If I understand the Senator, he says that President McKinley did not expect or desire war—I am not going to discuss that—but that he made a pacific proclamation and that nobody, except the Senator from Massachusetts, at that time thought there would be war.

Mr. FORAKER. Oh, no; I did not say that. I said that if there was anybody that then expected war I thought it was the Senator from Massachusetts.

Mr. HOAR. Very well, the Senator said that I was one of them.

Mr. FORAKER. I thought so.

Mr. HOAR. Before I had spoken in the Senate, when there had been no debate except a constitutional discussion by some Senator, which was merely on abstractions as to authority and international law in such circumstances, President McKinley sent a proclamation to General Otis and ordered him to proclaim it.

General Otis took a most extraordinary authority upon himself, for a general dealing with his superior, to suppress a sentence in that proclamation and to substitute for it what I understand to mean an assurance of independence and what I think the Filipino people understood to mean an assurance of independence. He did not use the word "independence," but he said that they should have that measure of liberty—which, to my mind, is the same thing—enjoyed by the freest provinces on earth or the freest countries on earth, or something of that kind. That he did. He thought—and he said he thought in his official report of what he had done—that if he had published the exact language of the President it would bring on war. If I remember the sentence aright, it was direction to go on and enforce the authority of the United States. That was not mere speculation, because General Miller, who was spoiling for a fight at Iloilo, as appears in his report, got the proclamation also and published it. So Aguinaldo had this declaration from Otis, apparently coming from President McKinley, that the Filipinos should have all the liberties of the freest provinces on earth, and apparently coming from President McKinley on the same day a direction to go on and subjugate them; and Aguinaldo thought that that proclamation, as originally written, was—and in my opinion it was—a declaration of war.

Aguinaldo took it so, and he immediately that night covered the walls of Manila with that proclamation of the President. He accompanied it with a statement that his people would fight.

THERE WERE PEACE AND ORDER THROUGHOUT THE ISLANDS.

The Senator says we are going to restore law and order. If I am not mistaken, there was not (except in those places amongst the mountains where the tribes are always barbarous) in the civilized and Christian portions of the Philippine Islands an inch of that country where law and order did not exist, except in the two camps, and there military law and military order existed. Everywhere, except close to Manila, there was orderly, peaceful self-government, recognizing the authority of Aguinaldo's constitution of a republic. In Manila there was, on the other hand, the order kept by the United States forces, and the two hostile armies were confronting each other outside of Manila.

Now, speaking for one, and deferring to the very great intellectual grasp of my honorable friend from Ohio—and I never pay mere compliments to anybody; and I say that with absolute sincerity—I can not understand how any intelligent man who will read that history can say or think that that was a war to restore law and order.

President McKinley and those who thought with him thought that we had lawfully bought sovereignty over that people, and it did not make any difference whether they practically affirmed their independence and got shaken off from Spain or not. They thought also that we had another title to rule them; that we had in war beaten Spain, who had formerly claimed to rule them, and we got possession of the islands as booty, and it was that title that President McKinley asserted and that Aguinaldo denied. That is what the war was begun for and it is what the war has been about ever since.

As the Senator referred to me, I have thought it proper to state my view here on that subject.

Mr. FORAKER. Mr. President, the Senator certainly appreciates that I did not refer to him in any improper sense.

Mr. HOAR. Oh, no; I am sure of the kindness——

Mr. FORAKER. I simply desired to recall the events of that time.

Mr. HOAR. I wish to say, if I may add one sentence, that I know, with as absolute knowledge as any man can know, the purity of purpose, the intellectual superiority, and the intelligence of my Republican friends who differ with me on this subject. I would rather lay my right hand down on the block and have it cut off by the executioner than have to say what I have had to say and what I say now on this subject; but I am so made by the Power that created my soul and intellect that I can not see this thing in any other way. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair admonishes the galleries that it is against the rules of the Senate either to manifest approval or disapproval of what is said on the floor of the Senate; and if the offense is repeated, the galleries will be cleared.

Mr. FORAKER. If the Senator from Colorado will bear with me a moment——

Mr. PATTERSON. Certainly; with pleasure.

Mr. FORAKER. I rise more to say to the Senator from Massachusetts [Mr. HOAR] than for any other purpose, that he certainly must know that all Senators in this body, without regard to whether they are Democrats or Republicans, have for him only the highest regard and esteem. We esteem him and appreciate him not only for his ability, which is very great, but also for his most lovable character and disposition. Therefore, when we make reference to him in debate, no one ever does it except for legitimate purposes of debate. I am sure I am not the only one who can say that, but that every Senator here can say it.

I referred to the Senator only because I remembered that when I was making a speech on the 11th day of January, 1898, I had a very interesting colloquy with the Senator from Massachusetts, and I remembered also while he was sitting there and looking at me, that he had made a speech only two or three days before to which I was in part replying when the colloquy started, and recalling all those matters, I remembered that he did seem at that time to fear that there would be war in the Philippine Islands, and that there would be a clash such as some of the newspapers had been talking about. I did not fear it at that time. I had no sympathy with that idea. I say I did not anticipate that there would come a clash, but I believed as others did when the clash did come that the Filipinos were at fault and that it was precipitated without any provocation to justify it. I believed that then, and I believe it still. Inasmuch as they precipitated that clash, and war was the result of it, necessarily the whole situation was changed and since then we have had to deal with it as a condition that was changed by their action, and war has obtained there ever since. It is idle to talk now about the conditions that then obtained with a view of getting a criterion for what we are to do under the changed conditions.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PATTERSON. With pleasure.

GENERAL OTIS'S TESTIMONY.

Mr. CARMACK. Mr. President, General Otis was examined before the Philippine Committee with reference to the changes he made in the President's proclamation. He argued that it was not a proclamation which was sent to him by the President, but simply

a letter of instructions, and that he had a right to use that as a basis and change the language as he pleased. In the course of the examination he spoke of the word "sovereignty" as having a meaning attached to it by certain Filipinos that conveyed an offensive idea to them. The examination upon that question proceeded somewhat as follows, if the Senator from Colorado will excuse me for reading a little of it.

Mr. PATTERSON. Certainly.

[The quotations which Senator CARMACK read from General Otis's testimony will be found in the appendix.]

Mr. CARMACK. I beg pardon of the Senator from Colorado for consuming so much time, but I wanted to get these facts before the Senate, with his permission.

Mr. PATTERSON. I think the time has been very well occupied, because just that portion of the testimony is needed for historical accuracy.

I will not dwell longer upon the consistency or inconsistency of the Senator from Ohio.

But, Mr. President, changes about that time were not at all infrequent. The junior Senator from Iowa [Mr. DOLLIVER] in his very strong and able speech the other day referred to a change of heart that he placed upon the plane of the miraculous. That I may not be misunderstood, I will quote directly from the Senator's speech, and you will see, Mr. President, that we have changes both ways. We have changes upon the part of some who at one time believed in the Declaration of Independence, that all men are created equal and that all just powers of government are derived from the consent of the governed, to the dogmas of imperialism. Changes from the cardinal doctrine of individual liberty and national independence to the proposition that no man is entitled to liberty except that which is conceded to him and that all powers in government are derived from the consent of the strongest.

ANOTHER AND DIFFERENT CONVERSION.

That seems to have been the character of a conversion upon the part of the gentleman whom the Senator from Iowa named in the very graphic description he gave of the event. The Senator said:

> To Governor William H. Taft, more than to any other man, belongs the credit of this benign interpretation of the national policy.
>
> Unlike my friend the Senator from Colorado [Mr. PATTERSON], who does me the honor to listen to me this moment, he was not an original enthusiast on the acquisition of the islands. The President sent for him, and he carelessly boasted, before he had had an opportunity to see him, that he had not the slightest intention of going into any such business. He was judge of a circuit court of the United States, and before him there was a prospect clear as day to sit in the Supreme Court of the United States. He said he was opposed to the policy, and knew nothing about it, and cared nothing about it. He thought it was a blunder and a course of political stupidity.

He referred to the policy then being pursued by the Administration in the Philippine Islands. Then the Senator from Iowa continued:

> President McKinley pressed his duty upon him. He was five hours in the President's private apartments, and when he came out he had been over the road to Damascus, a road which Victor Hugo says every man must travel who looks to any great achievement in this world, for he himself told me that in those five hours he received an altogether new revelation of the significance of a man's relation to the world in which we are living. And so, easily and happily, he turned his back on the emoluments of a great profession, laid aside the ambitions of a great career, gathered his wife and children about him, and went out from among his kindred and his countrymen to become the servant of a strange people in their blind struggle toward a larger and a better opportunity.

It will be admitted, Mr. President, that the conversion of Governor Taft occupied a much longer time than did the conversion of Saul of Tarsus. Saul was on the road to Damascus, and in the highway a great light shone about him and he fell to the earth. He was converted, and from that good moment his service was given to the Lord. He went about in poverty and hunger; he endured privation and peril; he was put in jail; he visited all parts of Asia and went to Europe, responding to the Christians' call from Macedonia. In the end he was beheaded. But Governor Taft's conversion required five hours spent in the private apartments of the President. As a result of that conversion he stepped out of an official position that brought him but $6,000 a year into one that brought him $20,000 a year and a palace to live in at Malacabang.

There could not have been a wiser selection for that position than Governor Taft. He is a diplomat in every sense of the word, plausible, with wonderfully developed social qualities, extremely well read, and with a large amount of worldly experience. Naturally, in my opinion, he is a man with a kindly heart; but I am inclined to the belief that he went upon a mission in which his heart was not; for if he went into the President's private apartments opposed to the policy of imperialism and came out at the end of five hours professing different views, I can not conceive how a change from an abiding faith in the Declaration of Independence, in liberty and independence for every people, to the tyrannical doctrines of imperialism could have been honestly produced. Nevertheless, Mr. President, I believe that if Governor Taft were removed from the position in the Philippines he occupies, the greatest bulwark that exists against yet greater oppressions and outrage being imposed upon the Filipino people than they have been compelled up to this time to endure, would be removed.

ABOUT GOVERNOR TAFT'S CONVERSION.

I am positively glad that Governor Taft has returned to the Philippines, that his personality and his humanity and natural desire for justice may continue to interpose between those poor people and those who would treat them as beasts of the field. I simply refer to this for the purpose of showing that men are men, that few men are angels, and that conversions may sometimes come from other than a desire to unselfishly work out the Master's will.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. Speaking about the conversion of Governor Taft, the Senator has no doubt now that Governor Taft is thoroughly converted, as he says, to the policy the Senator has announced. I ask the Senator that question.

Mr. PATTERSON. I do not know what that has to do with this question.

Mr. BEVERIDGE. I will show you in a moment.

Mr. PATTERSON. The Senator can proceed, if he will not occupy too much time.

Mr. BEVERIDGE. I will not occupy very much of your time. Does the Senator now think that Governor Taft is for the policy which he is upholding?

Mr. PATTERSON. My opinion is that Governor Taft would do everything in his power to make the policy he has adopted win. I have no doubt about it.

Mr. BEVERIDGE. The point I was getting at is this, and that is the reason why I asked the question.

The Senator has spoken about the conversion of Governor Taft. He was quoting the Senator from Iowa [Mr. DOLLIVER] as saying that before Governor Taft's conversion he knew nothing about the policy and was against it, but now that he has informed himself by two years' of experience he does know something about the policy and is for it.

Mr. PATTERSON. As the result of that five hours' interview I have no doubt in the world that Governor Taft went to the Philippine Islands determined to do his best to make the Administration policy a success. It would not be possible that a man of Governor Taft's standing, no matter what his real views were, would undertake a mission without a full determination to do everything in his power to make that mission successful.

Mr. McCOMAS. Am I to understand that the Senator would have us believe that Governor Taft, moved by the hope of a larger salary and of living in a palace, changed his mind? Does the Senator say he did not change his mind seriously and honestly?

Mr. PATTERSON. I do not know.

Mr. McCOMAS. You said something. Do you mean that thing or the other thing?

Mr. PATTERSON. I have simply read the eloquent account of his conversion given by the Senator from Iowa—that he came to Washington opposed to the President's policy; that he went to the private apartments of the President and was there five hours, and in the mean time had passed over the road to Damascus.

Mr. McCOMAS. The Senator now says he is speaking of the statement of the Senator from Iowa. Both the Senator from Colorado and I heard Governor Taft's statement on that subject. I now ask the Senator whether he means to state here that Governor Taft, for hope of increase of salary and the chance to live in a palace, changed his mind and did not honestly change his purpose.

Mr. PATTERSON. Many things may have operated to influence his mind.

Mr. McCOMAS. Do you mean that that did?

Mr. PATTERSON. The questions that are involved in the Philippine question are great and fundamental.

Either the doctrine that all just powers are derived from the consent of the governed is true or else it is a despicable fallacy. And when men permit their minds to be changed from a position sustaining a fundamental truth to one that is its opposite and that even its own friends are not enthusiastic over, we ought to be forgiven if we do not immediately admit that it was purely a matter of conviction, and that for that conviction they would be willing even to enter the dens of wild beasts and suffer martyrdom.

Mr. McCOMAS. I do not want to interrupt the Senator further, but I am glad he stopped short of making what I would consider and what I think the American people would consider a very unworthy imputation upon an able and a sacrificing man. I am glad that the Senator from Colorado, unlike others who abuse the Army, still stops short in terms in saying of Governor Taft, with his long service and his great and splendid career, that

he had, for the hope of living in a palace and an increase of salary, changed his mind and his plan and his conviction.

Mr. PATTERSON. That was the suggestion of the Senator from Maryland and not mine.

ATTACKS UPON THE ARMY.

Mr. CARMACK. The Senator from Maryland says the Senator from Colorado is unlike other Senators who have abused the Army. Who on this side has abused the Army?

Mr. McCOMAS. If the Senator will examine the RECORD and will read the speeches, including that of the Senator himself, I think he will find it.

Mr. CARMACK. The Senator will find a number of false statements and false accusations to that effect from others. He will not find any abuse of the Army uttered by any Senator on this side of the Chamber or of its officers or its men.

Mr. McCOMAS. Of its officers?

Mr. CARMACK. You will find no abuse; you will find some just accusations against some of its officers.

Mr. McCOMAS. Against Chaffee and Funston and all the generals in the Army, nearly.

Mr. CARMACK. Not nearly all by a great deal.

Mr. McCOMAS. A great many of them.

Mr. CARMACK. Several of them; yes, sir.

Mr. McCOMAS. And by the Senator from Tennessee——

Mr. CARMACK. Yes, sir.

Mr. McCOMAS. In the RECORD.

Mr. CARMACK. In the RECORD. You will find it there and you will find it there again.

Mr. McCOMAS. Then the Senator confirms my statement.

Mr. CARMACK. The Senator has spoken about Senators upon this side abusing the Army. There has not been a single Senator on this side who has abused the Army.

Mr. McCOMAS. Take the speech of the Senator from Tennessee and several other speeches.

Mr. CARMACK. And I say it is not true.

Mr. McCOMAS. I think the RECORD——

Mr. CARMACK. I say that is not true.

Mr. McCOMAS. I think the RECORD will bear out the exact verity of my statement.

Mr. CARMACK. The RECORD will prove that the statement of the Senator is not according to the truth.

Mr. McCOMAS. I will convict the Senator by his own statement.

Mr. CARMACK. I will convict the Senator by——

Mr. McCOMAS. The Senator is rash, and is not speaking what is true by the RECORD.

WHAT GENERAL CHAFFEE SAID.

Mr. DUBOIS. Mr. President——

Mr. PATTERSON. I will yield to my amiable friend the Senator from Idaho, who can never be disturbed. His equilibrium is always perfect.

Mr. DUBOIS. I wish to ask the Senator from Maryland if he thinks General Chaffee abused the Army, according to the Associated Press report which came to us this morning?

Mr. McCOMAS. I think the Army is safe in the hands of General Chaffee, and if the discipline of the Army is left to him and other good officers it will not be overdone and supervised in bad temper on the floor of the Senate.

Mr. DUBOIS. My judgment is that General Chaffee has said more severe things about the Army, according to the Associated Press dispatch which appears in the morning paper, than has been said by anyone on this side of the Chamber—that it is the blackest page in our history, and that the officer ought not to have obeyed the order.

Mr. McCOMAS. Does not the Senator from Idaho think that he is the man who may well say it; and may we not trust him and others, after that dispatch, to uphold the good name of the Army?

Mr. DUBOIS. I quite agree with that in a measure, and I do not think that General Chaffee villifies or abuses the Army——

Mr. McCOMAS. No; he did not.

Mr. DUBOIS. Any more than Senators did who called attention to flagrant acts of violence committed by individual members of the Army under orders issued by a general of the Army.

Mr. McCOMAS. He said of one brave man that he had erred while sick. He made an excuse for him, but still he made an error. Chaffee will do his duty.

Mr. PATTERSON. It seems to me Senators on this side of the Chamber ought not to deprive those upon the other side of the only refuge left to them when under an order of the Senate an investigation was commenced and witnesses gave testimony before the committee that has startled the country, to the discredit of certain men connected with the Army. Republican Senators at first denounced the barbarisms, but instead of continuing to unite with good men of all parties in denouncing them, they conclude that it may be of greater political advantage to turn upon this side of the Chamber and charge us with abusing the Army, hoping thereby to close the ears of old soldiers and the later ones to the truths that they realize are scandals upon the Army of which they themselves once were brave and honored members and of which they are justly proud, to induce them, from prejudice, to forego the good name of the Army for political advantage.

I think our friends upon this side of the Chamber should be quite willing to extend to those upon the other side the last and the only refuge in such a case when the purpose they have in view must be regarded as a little ignoble.

I simply alluded to the conversion of Governor Taft and its circumstances to show that men stopped short of being angels, and that strong and good and worthy men sometimes change their positions even when it might seem to be to their great personal advantage to do so.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. I will ask my honorable friend the Senator from Colorado whether what he just read about Governor Taft and the remarks he has made do not show this, rather: That when he knew nothing about the policy he was against it; when he learned all about the policy he was for it?

Mr. PATTERSON. Oh, Mr. President——

Mr. BEVERIDGE. Does it not show——

Mr. PATTERSON. I have too much regard for Governor Taft's intelligence and public spirit and knowledge of what is going on in his own country to suppose for a single instant that when he went to the President's Mansion he was not familiar with common public history. No, Mr. President; for Governor Taft's credit I am bound to assume that he had full knowledge of what the President's policy was, and, knowing the policy he opposed it, and then, induced by the President, he changed his views and became an aider and abettor of his Administration in the Philippines.

Mr. BEVERIDGE. The question is, Does he know more about the policy now than he did when he was against it?

Mr. PATTERSON. To suggest that he does not would be even a greater outrage upon the intelligence of Governor Taft.

Mr. BEVERIDGE. He does.

Mr. PATTERSON. It is a suggestion which would impugn Governor Taft's intelligence.

Mr. BEVERIDGE. He does, then——

Mr. PATTERSON. Now, I ought not to be asked to answer——

Mr. BEVERIDGE. He does know more about the policy than when he opposed it.

Mr. PATTERSON. I am glad the Senator recognizes it and announces it officially.

Mr. BEVERIDGE. Very good. It comes down to the point that when he was not personally familiar with the situation he was against the policy, and when he had personal familiarity with the policy he is for it.

Concerning the intelligence of Governor Taft and those who take his view of the policy, I will say to the Senator that he seems to confuse the word "intelligence" with agreement with the Senator.

Mr. PATTERSON. The matter is too unimportant for the Senator from Indiana or me to consume much time over it. I have said all I wanted to say about it, and, as I said before, I formed a great admiration for Governor Taft, and all I want to add now is that he stops far short of being an angel. He is not quite ready for translation, as my friend from Iowa would have had it appear in his very eloquent description of the conversion.

I am sorry the Senator from Wisconsin [Mr. SPOONER] is not here. He indulged with the Senator from Indiana and the Senator from Ohio in the merriment I have referred to, and I want to say a few words to him. Perhaps before I conclude he will be here.

Mr. President, I feel quite tired, and I should like permission to proceed to-morrow.

Mr. LODGE. Of course, I do not desire to press the Senator, if he is now feeling tired. I do not know whether there is any other Senator who cares to go on at this late hour.

Mr. PATTERSON. I will go on to-morrow.

Mr. LODGE. There is no one on our side to speak except the Senator from Wisconsin [Mr. SPOONER], who is prepared to speak when the Senator from Colorado concludes. There is no one else on this side.

Mr. FORAKER. Mr. President, if no one else cares to speak and the Senate is not too much fatigued, I should like to make an inquiry which I intended to make at the conclusion of the reading by the Senator from Tennessee [Mr. CARMACK] of General Otis's testimony, but I was unfortunately called from the Chamber, and when I returned the Senator had concluded and

the Senator from Colorado had resumed the floor and I did not care to interrupt then.

The Senator from Tennessee read his examination of General Otis when he was before the Philippine Committee as a witness as to why he had made any changes and the extent to which he made changes in the order or proclamation, whatever we are to call it, issued by President McKinley on the 21st of December, 1898. The pertinency of the question I want to put is due to the fact that I understood the Senator from Massachusetts [Mr. HOAR] to say that that was really a cause of war, and I understood the Senator from Colorado to say that that could not mean anything else than war, or words to that effect.

I am not trying to quote the language. Assuming that I am correct in stating what I understood, that that was the meaning of what they said, I want to ask the Senators this question: If it was in the mind of the President, when he issued that order or that proclamation, thereby to make war upon the Filipinos and to bring about the conditions that have since obtained, why was it that the general, through whom he promulgated the order, should have so amended it as to remove from it, as far as he could, every expression and every word that in his opinion would be obnoxious to the Filipinos? It seems to me that if the President was issuing an order with a view to making war, with a view to creating hostile sentiment and feeling and hostile action, the general in command of the army where the fighting was to be done would have had some intimation of it, and that he, furthering that purpose of the Administration at Washington, certainly would not have tried to remove from the order the vexatious and aggravating expresssions to which attention has been called, if there are any such.

Mr. HOAR. I suppose——

Mr. FORAKER. I am not asking in a controversial spirit, but I simply want to learn the mental processes by which the conclusion announced has been arrived at.

Mr. HOAR. Of course nobody likes to go very far into the question what was the motive in another mind, even so exalted an intelligence as that of the late President McKinley, and possibly this question which the Senator now puts might receive a different answer on more careful reflection and inquiry. But as at present advised I suppose President McKinley did not expect any considerable forcible resistance. I suppose at that time he thought the order to go on and reduce that people to our authority would be yielded to. It was, as the Senator will agree with me certainly, if he believes them a civilized people, believing themselves entitled to independence and believing themselves to have achieved it, a delaration of war. Such a declaration made by France after the British treaty of 1783 would have been instantly followed by a declaration of defiance and hostility.

I suppose that President McKinley at that time underestimated the power of purpose of the Filipino people. General Otis knew it better, and he saw that what the President meant only as an order to compel submission would result in a very different way. He did not at that time want a fight, I suppose. General Miller, it is notorious, did. He had been saying in his letters "Let us attack now, for these people are every day getting stronger and stronger in front of me, and I should like an order to attack at once." He saw the point, and he instantly made known the proclamation. Whether you call it an order or a proclamation it was something intended to be made public.

Now, that belief of mine about President McKinley's intention at that time—I give it for what it is worth and perhaps somebody may produce something which will show I am wrong—is confirmed by the very significant testimony of Mr. Andrew Carnegie, who says in his recent article that he was at the White House; I do not remember the exact day, but just about that time; probably after the proclamation had left; I am not sure about that, but shortly before the hostilities came about. He said to President McKinley: "You will be shooting these men within thirty days." President McKinley turned to a gentleman who was present at the interview and said: "Mr. Carnegie does not understand the situation the least in the world. These Filipinos think we are their best friends, and in thirty days there will not be"—I am not giving the language, but only the substance—"a vestige of opposition there."

That is my answer to the question which I understand the Senator from Ohio to put to me. The President said, "These people must submit," and he made this proclamation to them that they had to. General Otis said, "They will not submit, and the only way to keep the peace is to tell them we are going to give them their independence," or whatever the language means. So he suppressed it. Miller produced it, and Aguinaldo met it with an instant, angry, and spirited defiance.

Mr. FORAKER. The proclamation of President McKinley, referred to, issued on the 21st day of December, 1898, was transmitted to the Philippine Island, before it was promulgated in the United States.

Mr. HOAR. Of course.

Mr. FORAKER. But it was published in the United States as early as about the 2d of January. The New York Journal had an editorial on it in its issue of January 6, 1899.

Mr. HOAR. It was published or made public in the Philippine Islands on the 7th of January.

Mr. FORAKER. What is that?

Mr. HOAR. The date of General Miller's publication of it, unless I am mistaken, was the 7th of January; perhaps it was the 6th. There was Aguinaldo's reply to it, and then came war.

Mr. FORAKER. The only point I want to make about it all is this: If Senators think that proclamation was intended by President McKinley to aggravate and arouse the Filipinos to a spirit of resistance——

Mr. HOAR. I do not.

Mr. FORAKER. I do not understand how they can reconcile it as consistent with the action of General Otis, the commanding general there, through whom it was promulgated, in eliminating what he thought might be offensive words or phrases.

Mr. HOAR. I do not think so the least in the world.

Mr. FORAKER. I do not think the Senator from Massachusetts thinks either that President McKinley had a thought of stirring up strife in the Philippines when he issued that proclamation.

Mr. HOAR. I do not think he did.

Mr. FORAKER. I think the Senator from Massachusetts—for I know his spirit of fairness—will agree with me when I say that President McKinley had but one thought in issuing that proclamation, and that was to disarm all who were distrustful, to give them assurance that they would be fairly and generously and kindly dealt with, and that there would be no resort to force, no employment of power, except only such as might be necessary to maintain order and suppress disturbance. There was no occasion for anybody to be talking about war.

Mr. HOAR. I entirely agree that that was President McKinley's feeling——

Mr. FORAKER. Undoubtedly.

Mr. HOAR. So far as I know and believe. But there was one thing he did not appreciate. He thought we had a right to make those people submit, and he undervalued the spirit of liberty in that people, and did not understand any more than some Senators in this Chamber have understood the fact that that is a principle which is born in humanity everywhere.

Mr. FORAKER. Whether or not President McKinley made a mistake of judgment I do not propose to discuss. I rose merely for the purpose of ascertaining a fact, and that was whether or not we are to understand that the charge is made that that war was brought on in a way for which President McKinley is directly responsible, and that the first overt act, the declaration of war, for that expression has been employed here, was in this proclamation of December 21, 1898.

Mr. PATTERSON. Mr. President——

Mr. FORAKER. If the Senator will pardon me just a moment until I conclude the sentence, I will yield.

It has always been my understanding, and I have not any question at all but that I am right about it, that President McKinley had no thought whatever of exciting hostility or of making war when he issued this proclamation, but that, on the contrary, he was inviting the confidence of that people. He may have proceeded in a mistaken way, but as to his purpose, as to his motive, there can not be any question, for nearly every Senator here now who was a member of this body at that time knows of his own personal knowledge that nothing was further from the mind and purpose of President McKinley than to bring about any kind of a conflict or clash of authority in the Philippine Islands. He was, by issuing this proclamation in anticipation of the ratification of the treaty, inviting the Filipinos to trust to our authority and to await our action in confidence that they would be properly and justly dealt with. If they had done so, a very different chapter might possibly have been written. Nobody can tell as to that. That is all speculation. Now I yield to the Senator.

Mr. PATTERSON. In the course of my remarks I did not say a word about President McKinley or what was in President McKinley's mind at the time the proclamation was issued. It was issued very early in January. It was on February 4 that the attack was made to which I directed both my attention and my remarks. The treaty had been signed by the commissioners in Paris at the time of the issuance of this proclamation, and as I understand it, the treaty was then before the American Senate. I doubt if it was clearly understood what the mind of the American Senate was at that time upon the treaty. I am inclined to think, although I was not a member of the Senate, that there were many executive sessions in which the treaty was discussed in secret, and in which much information pro and con was given, and that much enlightenment resulted.

I fully agree with the Senator from Massachusetts that in all

human probability when President McKinley issued that proclamation he did it under the impression, at least in the hope, that the Filipinos, recognizing the power and the purpose of the United States not only to claim sovereignty over the islands but to exercise it and to do whatever might be necessary to secure it, would not oppose what must have seemed to the Filipinos and to President McKinley the inevitable outcome. Resistance to the proclamation meant war, as a matter of course. There was no doubt about that. So the commanders of the American army in the Philippines clearly recognized, and they so said.

But President McKinley probably did not expect war. He hoped there would be no war. What he desired at that time was to secure recognition upon the part of Aguinaldo and his army of the sovereignty of the United States, clear and undisputed, over their islands. Not anticipating and not believing, as the Senator from Massachusetts says, that the spirit of liberty and the desire for independence were as deeply planted in their hearts as subsequent events have demonstrated, he issued the proclamation and took the chances, hoping that it would be recognized and acted upon. But as time went on, as the struggle grew fiercer in the Senate—I have no idea that President McKinley was a party to it, and I can not say that it is so except as I am impressed with a pretty strong belief—there were influences at work which brought about that conflict just at that particular time, when so much was in the balance, and when but one result could follow and that result did follow. That is the view I take of it.

Mr. FORAKER. Mr. President, my object is accomplished. I only wanted to have an explicit understanding to the effect, if Senators agreed with me, as I thought they would when their attention was called to it, that the proclamation or order of President McKinley was not issued as a declaration of war on the Filipinos, and it was quite a mistaken view for anybody so to regard it.

Mr. HOAR. I should like to ask a question just there.

Mr. FORAKER. Well.

Mr. HOAR. I ask the Senator if, in his judgment, whether it was so intended by President McKinley or not, it would not be accepted by any brave and spirited people who conceived themselves entitled to their independence as a declaration of war?

Mr. FORAKER. Well, I do not know how people would regard it.

Mr. HOAR. If that had been made to the people of Ohio, being a people, or the people of the United States by any other power on earth, would not the Senator have resented it as a declaration of war?

Mr. FORAKER. It would depend, in the case put by the Senator, entirely on circumstances and conditions. The circumstances and conditions and facts obtaining in the Philippines at the time when the President issued the proclamation must determine whether or not he was justified in issuing it.

Mr. HOAR. Will the Senator be good enough to state any conceivable condition in which if that declaration were made to the people of Ohio, he being alive, would not have been resented as a declaration of war?

Mr. FORAKER. No such condition as that which obtained in the Philippines at the time when this proclamation was issued could be thought to exist under any conceivable circumstances with respect to the people of Ohio. But if the Senator wants to know a condition under which it might be issued where a people would not have a right so to regard it, I point him to the case of the Philippines. The Filipinos had no right whatever, in my judgment, so to regard this proclamation, and all the leading Democratic papers in this country, as well as the leading Republican papers, so declared at the time, for they nearly all praised it as an appropriate and opportune action on the part of the President. I was going to read just one expression which is characteristic of all of them. The New York Journal on the 6th day of January, 1899, speaking of this proclamation, said:

> President McKinley's proclamation to the people of the Philippines, through General Otis, ought to insure their hearty cooperation in our work of regeneration. * * *
>
> It is beyond reasonable doubt that the inviting prospect of peace, order, liberty, and prosperity under the American flag will be welcomed with joy by the masses of the Filipinos.

Mr. HOAR. But that is the proclamation with the suppressed passage out. It came out here first, and they did not get the real one until later.

Mr. FORAKER. It is not the proclamation with the suppressed passage out, but the proclamation as issued.

Mr. HOAR. Very well.

Mr. FORAKER. The proclamation was published in this country as the President issued it, and the copy I am reading from was attached——

Mr. HOAR. What is the date?

Mr. FORAKER. December 21, 1898. I was about to say it is attached to the speech I made in the Senate on the 11th day of January. We had it under discussion here as early as the 6th day of January. It was given out here in Washington just as the President issued it. That identical proclamation was issued by the President, received the approbation of the New York Journal and of nearly all the papers that I quoted from the other day, representing, I think, the best Democratic thought in this country. They thought it a wise and opportune action on the part of the President.

But, Mr. President, the point I wanted to get at was to secure what I understand I have secured—an explicit admission from those with whom I do not agree about the Philippine question that this proclamation of the President was not a declaration of war, intended so on his part, but that it was issued in good faith for the purpose of promoting and making sure that we would have no war.

Mr. HOAR. If the Senator will pardon me, I do not like his word "admission" very well.

Mr. FORAKER. Well, put it "concession."

Mr. HOAR. I do not like the word "concession" very well. When I am talking about President McKinley anywhere I do not "admit" or "concede" that he meant to do what he thought was right; I affirm it.

Mr. FORAKER. The Senator has said now more than I asked him to say.

Mr. HOAR. I have said it a great many times.

Mr. FORAKER. I said "admit" or "concede" simply because the Senator referred to it as a proclamation of war by the President, and I wanted the Senator to recall that. I wanted him to admit that it was not a declaration of war. Now he affirms that it was not a declaration of war. With that I am very well satisfied.

Mr. HOAR. My friend misunderstands me again.

Mr. FORAKER. No; within the intention of the President.

Mr. HOAR. That is another point. I say that, according to the law of nations, according to the practice of all civilized men, according to the practice of all brave nations who are not civilized, such a statement of a purpose to enforce submission in whatever phrase you put it is a declaration of war, coming from another nation. That I affirm. I think that President McKinley did not believe they were a brave and spirited nation capable of that emotion, and therefore he did not mean it as a declaration of war. If he had believed it, what Otis believed when he suppressed it, he would not have made it. Now, I do not like to be spoken of as admitting or conceding, as if something were forced out of me.

Mr. FORAKER. Mr. President, I recall those words.

Mr. HOAR. What I have said I have said forty times before.

Mr. FORAKER. I have not any disposition at all to put the Senator in an attitude that he does not like. I only want it understood that no one here is charging President McKinley with intentionally issuing a declaration of war.

Mr. HOAR. That is true.

Mr. FORAKER. But his purpose was just the opposite of it. Everybody knows that, and I think everybody ought to concede it.

Mr. PATTERSON. But, Mr. President, I think it will be admitted, even by the Senator from Ohio, that the effect of that proclamation was, no matter with what purpose it was issued, if the Filipinos did not submit to that asserted sovereignty then war must inevitably follow. Either it was an idle declaration not to be enforced by the American Army or it was a declaration which meant what it said, that the officers to whom it was addressed shall see that sovereignty is recognized and that armed opposition to it is gotten out of the way.

Mr. FORAKER. That is a different proposition, which I am not discussing. I want to understand whether or not the motive of President McKinley is assailed or whether it is conceded or affirmed to be what I affirm it to be.

Now, that being the case, the further fate of this order is pointed out to us by the testimony given before the Commission as to what was done when it fell into the hands of General Otis. The Senator from Tennessee has made us familiar with that. He has shown that when General Otis acted with respect to this order some time in January, after it had been received at Manila, he eliminated from it every word or expression that he thought could give any offense or any excuse for hostilities. I suppose in view of that Senators will agree that we may all affirm that General Otis was not trying to use this order so as to make war, but that his purpose was to purchase peace instead. I want to know when the war commenced.

Mr. HOAR. But the trouble was, if the Senator will pardon me, that General Otis put into it a declaration absolutely inconsistent with the language he had suppressed. Both went to the Filipino people at the same moment, and they said, as far as our President is concerned, "Of course these people are not dealing with us in good faith; this general tells us we are to have all the privileges that belong to the most favored peoples on earth, all the liberty, which, of course, includes independence in the ordinary

estimate of man, when he has got an order from the ruler of his people in his pocket saying that we are to be subjugated." That is the trouble. Further (and this confirms what my honorable friend said, that President McKinley did not mean a declaration of of war, which I join him in affirming), President McKinley showed that he did not mean it, because he did not reprove or rebuke Otis for the act, but he quietly acquiesced in it.

Mr. CARMACK and Mr. PATTERSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. PATTERSON. Who has the floor?

Mr. FORAKER. I have had the floor. The Senator from Colorado suspended for the day, I understand.

Mr. PATTERSON. That is right.

Mr. FORAKER. Then I took the floor and I have been trying to hold it ever since. I do not care how many interruptions there are, but of course I can not yield to more than one at a time.

Mr. PATTERSON. The Senator from Ohio is right.

Mr. FORAKER. I only want to say one word in answer to the Senator from Massachusetts. I do not understand that General Otis put into this proclamation by the President anything that was inconsistent with the text. The Senator used the expression that he inserted phrases which were inconsistent. If he did, I remain to be corrected. I am not aware that he did. Certainly he has never admitted that he did, so far as I know.

Mr. HOAR. The Senator will pardon me. He struck out the declaration saying that our generals were to go on and reduce them to submission. I have not got the words, but that is the substance. And he put in instead a declaration that they were to have all the liberties which were enjoyed by the most favored people.

Mr. FORAKER. I have that order.

Mr. HOAR. I have not the language, but that is the substance of it.

Mr. FORAKER. I will say to the Senator from Massachusetts he will not find in the order the President issued any such direction to our generals.

Mr. HOAR. No; but that is the substance of it.

Mr. FORAKER. He will simply find there a direction to take steps to institute civil government and restore law and order, and then in concluding he does speak about the necessity of having authority respected, and that in a proper way such force will be employed as may be necessary to suppress disturbance.

Mr. CARMACK. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. CARMACK. The proclamation as sent by the President, or the letter of instructions, contains the word "sovereignty" and a number of words indicating the purpose of the United States to establish their sovereignty over the Philippine Islands. General Otis struck out of that proclamation the word "sovereignty" and every word that bore a meaning similar to the word "sovereignty."

Mr. HOAR. That was the very purpose.

Mr. CARMACK. That was the very purpose. It indicated a purpose to maintain a future political domination over the people of the Philippine Islands. That was the question I put to him. He first said that he struck out the word "sovereignty" because that word had come to have a peculiar and a sinister meaning to the people of the Philippine Islands; but it appeared that he not only struck out the word "sovereignty," but he struck out the words "supreme authority," "supremacy of the United States," "lawful government of the United States," and every word that indicated a purpose to maintain the sovereignty of the United States over the Philippine Islands.

Now, the point for which I had that testimony read was not to show that President McKinley had any evil, or violent, or warlike purpose with reference to the Philippines; but I believe, as the Senator from Massachusetts has said, that the President did not realize the situation. As he said in one of his addresses, and I have no doubt he believed it, "the people in the Philippines who are loyal to the United States and who want to support the authority of the United States outnumber its opponents in the ratio of a thousand to one." I have no doubt he believed that. But, as a matter of fact, that proclamation was a declaration of war. It was a declaration on the part of the President to destroy the liberty and the independence of the people of the Philippine Islands.

Mr. GALLINGER. Mr. President, I ask the Senator from Ohio if he desires to go on further to-night with the discussion of the unfinished business?

Mr. FORAKER. I understand the Senator from New Hampshire has some pension bills to be considered, and I will suspend for the present.

Mr. GALLINGER. If no one else desires to go on with the unfinished business, I ask unanimous consent that it be temporarily laid aside and that the Senate proceed to consider unobjected pension bills and bills to correct the records of soldiers.

Mr. MCLAURIN of Mississippi. Before that is done, if the Senator will permit me, I wish to insert in the RECORD a couple of letters.

Mr. GALLINGER. I yield for that purpose.

Mr. MCLAURIN of Mississippi. Mr. President, eight or ten days ago I read from the Springfield Republican and stated that I understood it to be a Republican newspaper. That statement was denied. The senior Senator from New Hampshire [Mr. GALLINGER] stated that it was a Democratic newspaper. I took occasion immediately afterwards to write to the editor of the Springfield Republican, and I have his reply. I have had it for some time and I have been waiting an opportunity to insert it in the RECORD at a time when no one else desired to occupy the floor to debate the pending bill. I will read the letter:

THE REPUBLICAN, ESTABLISHED IN 1824 BY SAMUEL BOWLES,
Springfield, Mass., May 19, 1902.

Hon. A. J. MCLAURIN,
Senator of the United States—

Mr. ALDRICH. Mr. President, it is impossible to hear the Senator from Mississippi on this side of the Chamber. I suggest that the letter either be read at the desk or that we have better order. I should like very much to hear the communication read.

Mr. MCLAURIN of Mississippi. The letter is as follows:

THE REPUBLICAN,
ESTABLISHED IN 1824 BY SAMUEL BOWLES,
DAILY, SUNDAY, WEEKLY,
Springfield, Mass., May 19, 1902.

Hon. A. J. MCLAURIN,
Senator of the United States.

MY DEAR SIR: In reply to yours of May 17, would say: Since 1872 the Springfield Republican has been an independent newspaper in the full sense of the term, owning no allegiance to either or any political party, but supporting those candidates and policies which at any given time have seemed to its conductors to give promise of best serving the interests of the people of the United States. In pursuit of this broad purpose we have kept in mind the ideal of service and republicanism which Lincoln and Sumner and John A. Andrew of this State represented in the period of their activity before 1872, when this journal was reckoned a Republican newspaper, given to an honest freedom of expression. In 1872 its entire independence was declared, and its motto has been "All the news and the truth about it."

The Republican believes that the office of a public journal is so far judicial as to call for entire freedom from party trammels or partisan bias, leaving it in a position to make the public interest its supreme concern, and so no party can claim it or have any claim upon it save by the virtue of good works.

In exposition of the paper's independence it may be added that in the Presidential contests since and including 1872 the Republican has supported Greeley, Hayes, Garfield, Cleveland, McKinley, and Bryan—three Democrats and three Republicans. In the election of governors and Congressmen our support has been most often given, dominated by the merits of the case, to the Republican candidates.

I am, very sincerely, yours,

S. B. GRIFFIN, *Managing Editor.*

It will be noticed that the editor reckons Greeley among the Democratic candidates supported for President. Greeley never was a Democrat and never claimed to be a Democrat; he was a Republican.

Mr. HOAR. He was nominated by a Democratic convention.

Mr. MCLAURIN of Mississippi. He was nominated first by a Republican convention in 1872, and afterwards by the Democratic convention, but he never did claim to be a Democrat, and his nomination was first by a Republican convention.

Again, it will be noticed that in the election in 1896 the Springfield Republican supported Mr. McKinley. After the Republican party had entered upon its imperialistic policy it supported Bryan in 1900.

I also wrote at the same time to the editor of the Philadelphia North American. I will read what he says in reply:

THE NORTH AMERICAN, NORTH AMERICAN BUILDING,
Philadelphia, May 16, 1902.

Hon. A. J. MCLAURIN,
United States Senate, Washington, D. C.

It will be remembered that when I read from the Philadelphia North American it was stated by the senior Senator from Connecticut [Mr. PLATT] that that was a Democratic paper, or he denied that it was a Republican paper and stated that it was such a paper as the New York Journal. He admitted, however, that it was owned and edited by the son of John Wanamaker.

THE NORTH AMERICAN, NORTH AMERICAN BUILDING,
Philadelphia, May 18, 1902.

Hon. A. J. MCLAURIN,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your letter of inquiry, I will say that the North American is a Republican newspaper, and has been such since the formation of the party. Its Republicanism is of that old-fashioned kind which finds its foundation in a deep veneration for the principles of the Declaration of Independence. In this connection I may also say that this journal was the first daily newspaper in America to publish and approve the Declaration of Independence.

As throwing additional light on the politics of the North American, I inclose the editorial statement of principles printed May 15, 1899, when the paper came into the possession of the present proprietors. From the lines marked out in this editorial there has been no deviation.

I will say, in conclusion, that although it is a Republican newspaper, as between commercialized Republicanism and right, the North American is for the right.

Very sincerely, E. A. VAN VALKENBURG,
Editor.

I do not know that this clipping throws any light upon the matter, but it is possible that the editor intended that it should

go in as a part of his answer to the question I propounded. Therefore I will read the following editorial from the Philadelphia North American of May 15, 1899:

In politics, while maintaining its traditional Republicanism, it will nevertheless support honest candidates against dishonest ones, pure causes against corrupt ones, and the people against the bosses, regardless of party name or party effect. Above all, it will stand for the rights of the many against the power and aggression of the privileged few. Democratic civilization in the largest sense and the promotion of equality and social equity will be its mission and its hope.

The guiding star of its existence will be the truth. The truth it will publish, no matter whom it helps or whom it hurts. Its columns will always be hospitable to truthful news. The primary function of a newspaper is to record interesting and important happenings in the life of its particular community and of the world. This function the North American will discharge fearlessly, impartially, and faithfully. It will be a live, clean, up-to-date newspaper, as free from sensationalism on the one hand as from Puritanism on the other. It will be a journal to be trusted for truth, accuracy, completeness, and honesty. No exigency will induce a departure from any of these canons of worthy journalism.

In writing to ask the editors of these papers their political views, I stated that I intended to put their answers into the RECORD, and that is what I have done.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Now, I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate may proceed with the consideration of unobjected pension bills and bills correcting military records on the Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order is made.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved, etc., That the Committee on Enrolled Bills in the enrollment of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

Mr. PROCTOR. The object of that resolution is to correct a clerical error of $3,000 in adding up the items in one of the lines of appropriation.

Mr. BATE. Is it merely to correct an error in addition?

Mr. PROCTOR. It is precisely the agreement arrived at, and it is to correct a clerical error in adding up different items.

Mr. BATE. And not in any way changing any of the provisions adopted in the bill?

Mr. PROCTOR. It does not change anything at all beyond correcting the addition of figures.

I move that the Senate concur in the resolution of the House of Representatives.

The motion was agreed to.

The PRESIDING OFFICER. The bills on the Calendar under the order just adopted will be proceeded with.

WILLIAM C. HOLCOMB.

The bill (H. R. 6037) granting an increase of pension to William C. Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Holcomb, late of Company E, Fifth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHARINE RAINS PAUL.

The bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Rains Paul, widow of Charles Rodman Paul, late lieutenant-colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES H. DUNN.

The bill (H. R. 8134) granting an increase of pension to James H. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Dunn, late captain of Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI MAXTED.

The bill (H. R. 357) for the relief of Levi Maxted was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "Infantry," to insert "and that he be granted an honorable discharge as of September 1, 1865;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion against Levi Maxted, late of Company H, First Regiment Nebraska Volunteer Infantry, and that he be granted an honorable discharge as of September 1, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL F. HALL.

The bill (S. 1343) to correct the military record of Samuel F. Hall was considered as in Committee of the Whole. It directs the Secretary of War to amend the records of the War Department so as to show that Samuel F. Hall was mustered into service a private of the Thirty-third Regiment New York Volunteer Infantry July 6, 1861, and was honorably discharged as of that grade on August 5, 1861, and that he shall be held and considered to have been a member of that regiment on and between the dates specified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM WILLIAMS.

The bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Abram Williams, formerly a private in Company B, Seventh Michigan Cavalry Volunteers, so as to show that he died February 6, 1865, and that he be held as not having deserted from the military service of the United States: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FREDERICK KROPF.

The bill (S. 4401) granting an increase of pension to Frederick Kropf was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Kropf, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MELISSA BURTON.

The bill (H. R. 13211) granting a pension to Melissa Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melissa Burton, widow of William Burton, late of Company A, First Regiment Tennessee Volunteer Light Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVALINE JENKINS.

The bill (H. R. 9695) granting an increase of pension to Evaline Jenkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evaline Jenkins, widow of David B. Jenkins, late sergeant, Company F, Second Regiment Tennessee Volunteer Infantry, and first lieutenant Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST SCHILL.

The bill (H. R. 5475) granting a pensien to August Schill, alias August Silville, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Schill, alias August Silville, late of Company M, Fourth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH G. GETTY.

The bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth G. Getty, widow of George W. Getty, late brigadier-general, United States Volunteers, and colonel, United States Army, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ETNA POOLE.

The bill (H. R. 2286) granting an increase of pension to Mary Etna Poole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Etna Poole, widow of David Poole, late captain Company F, Eleventh Regiment Kentucky Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BUTLER.

The bill (H. R. 7560) granting an increase of pension to George W. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Butler, late of Company G, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. BALL.

The bill (H. R. 11288) granting an increase of pension to William E. Ball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Ball, late of Company H, United States Mounted Rifles, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ZEBULON A. SHIPMAN.

The bill (H. R. 9794) granting a pension to Zebulon A. Shipman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zebulon A. Shipman, late private, United States Marine Corps, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW R. JONES.

The bill (H. R. 6718) granting an increase of pension to Andrew R. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew R. Jones, late of Company D, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES EDWARD PRICE LANCE.

The bill (H. R. 5551) granting an increase of pension to Charles Edward Price Lance, alias Edward Price, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Edward Price Lance, alias Edward Price, late of Company E, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PITSAR INGRAM.

The bill (H. R. 2289) granting an increase of pension to Pitsar Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. THOMAS.

The bill (S. 7) granting an increase of pension to William H. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

R. SHERMAN LANGWORTHY.

The bill (S. 1132) granting a pension to R. Sherman Langworthy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. Sherman Langworthy, late of Company B, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to R. Sherman Langworthy."

HENRY W. TRYON.

The bill (S. 2051) granting an increase of pension to H. W. Tryon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "W. Tryon," to strike out the initial "H." and insert "Henry;" in the same line, before the word "Company," to strike out "of" and insert "first lieutenant;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Tryon, late first lieutenant Company G, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry W. Tryon."

FREDERICK BULKLEY.

The bill (S. 5648) granting an increase of pension to Frederick Bulkley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bulkley, late of Company A, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SMITH.

The bill (H. R. 2623) granting an increase of pension to John Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Smith, late of Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and Troop A, Fifth Regiment United States Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES A. TILLOTSON.

The bill (H. R. 5248) granting a pension to Frances A. Tillotson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances A. Tillotson, widow

of William T. Tillotson, late of Company B, First Regiment Connecticut Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SCOTT.

The bill (H. R. 11124) granting an increase of pension to Mary Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Scott, widow of Daniel L. Scott, late an unassigned private of the Eightieth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WHITE.

The bill (H. R. 13614) granting an increase of pension to William H. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. White, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. WEST.

The bill (H. R. 4542) granting a pension to Eliza J. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. West, widow of Elisha B. West, late of Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, and to pay her a pension of $12 per month, and $2 per month additional for each of the minor children of the soldier until such children shall have arrived at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. ANDERTON.

The bill (H. R. 13037) granting an increase of pension to Francis W. Anderton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Anderton, late first lieutenant Company I, Eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES H. ANTHONY.

The bill (H. R. 7319) granting an increase of pension to Frances H. Anthony was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the word "child," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances H. Anthony, widow of De Witt C. Anthony, late lieutenant-colonel Twenty-third and colonel Sixty-sixth Regiments Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Myrtilla H. Anthony, on whose account the pension of Frances H. Anthony is increased, the pension of said Frances H. Anthony shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELEANOR EMERSON.

The bill (H. R. 12983) granting an increase of pension to Eleanor Emerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eleanor Emerson, widow of Warren C. Emerson, late major and additional paymaster, United States Volunteers, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KELLEY.

The bill (S. 2265) granting an increase of pension to William Kelley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kelley, late of Companies A and B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDEREKA SEYMORE.

The bill (S. 4190) granting a pension to Fredreka Seymore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredereka Seymore, widow of George Seymore, late of Company F, Twentieth Regiment United States Infantry, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of each of the minor children of the said George Seymore until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Fredereka Seymore."

FANNIE FROST.

The bill (S. 5263) granting a pension to Fannie Frost was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the words "New York," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Frost, widow of Robert Frost, late of Company B, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'CUEN.

The bill (H. R. 9833) granting an increase of pension to Margaret McCuen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret McCuen, widow of Alexander McCuen, late captain Company E, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID TOPPER.

The bill (H. R. 12422) granting an increase of pension to David Topper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Topper, late of Company C, One hundred and sixty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. CRIST.

The bill (H. R. 8487) granting an increase of pension to John M. Crist was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Crist, late of Company K, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE CHAMBERLIN.

The bill (H. R. 12779) granting an increase of pension to George Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Chamberlin, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. TURNER.

The bill (S. 5856) granting an increase of pension to Elizabeth A. Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Turner, widow of James A. Turner, late of Company B, Fourth Regiment United States Artillery, Seminole Indian war, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA E. KENDRICK.

The bill (S. 5741) granting a pension to Mrs. William H. Kendrick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Kendrick, widow of William H. Kendrick, late second lieutenant Captain E. E. Mizell's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Martha E. Kendrick."

THOMAS D. UTTER.

The bill (S. 5748) granting an increase of pension to Thomas D. Utler was considered as in Committee of the Whole.

The bill was reported to the Committee on Pensions with an amendment, in line 6, after the name "Thomas D.," to strike out "Utler" and insert "Utter;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Utter, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas D. Utter."

FLETCHER J. WALKER.

The bill (S. 484) granting an increase of pension to Fletcher J. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to insert "Regiment;" in line 7, before the word "Cavalry," to insert "Volunteer," and in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fletcher J. Walker, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS HANNAH.

The bill (S. 1981) granting a pension to Thomas Hannah was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Hannah, late of Company F, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Hannah."

SARAH A. WHITCOMB.

The bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Whitcomb, widow of Asahel D. Whitcomb, late first lieutenant Company E, First Regiment Missouri Volunteer Engineers, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANGUS CAMERON.

The bill (S. 5500) granting an increase of pension to Angus Cameron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in line 8, after the word "he," to strike out "now receives" and insert "is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angus Cameron, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 p. m.) the Senate adjourned until to-morrow, Tuesday, May 27, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1902.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Robert S. McCormick, of Illinois, now envoy extraordinary and minister plenipotentiary there, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary, to fill an original vacancy.

SECRETARY OF EMBASSY.

Chandler Hale, of Maine, now secretary of legation at that place, to be secretary of the embassy of the United States at Vienna, Austria, to fill an original vacancy.

SECOND SECRETARY OF EMBASSY.

George Barclay Rives, of New Jersey, now third secretary of the embassy at Berlin, to be second secretary of the embassy of the United States at Vienna, Austria, from July 1, 1902, to fill an original vacancy.

THIRD SECRETARY OF EMBASSY.

Charles Richardson, of Massachusetts, to be third secretary of the embassy of the United States at Berlin, Germany, from July 1, 1902, vice George Barclay Rives, nominated to be second secretary of the embassy at Vienna.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Samuel B. Grubbs, of New York, to be a passed assistant surgeon, to rank as such from May 19, 1902, in the Marine-Hospital Service of the United States.

Asst. Surg. John McMullen, of Maryland, to be a passed assistant surgeon, to rank as such from May 17, 1902, in the Marine-Hospital Service of the United States.

MARSHAL.

William M. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri, vice Louis C. Bohle, whose term expired April 17, 1902.

RECEIVER OF PUBLIC MONEYS.

George A. McKenzie, of California, to be receiver of public moneys at Stockton, Cal., to take effect June 17, 1902, at expiration of his present term. (Reappointment.)

APPOINTMENTS IN THE ARMY.

ARTILLERY CORPS.

Sergt. Emmett R. Harris, Troop L, Eighth Cavalry, United States Army, to be second lieutenant, September 23, 1901, to fill an original vacancy.

TO BE SECOND LIEUTENANTS.

Cavalry Arm.

Hamilton Bowie, of Alabama, late first lieutenant, Fortieth Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Thomas E. Cathro, of Indiana, late corporal, Company D, One hundred and fifty-eighth Indiana Volunteers, February 2, 1901, to fill an original vacancy.

Artillery Corps.

Frederick E. Gignoux, of Nevada, late first lieutenant, Eleventh Cavalry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Guy B. G. Hanna, of Iowa, late sergeant, Company D, Porto Rico Regiment, United States Volunteer Infantry, September 23, 1901, to fill an original vacancy.

George P. Hawes, jr., of Virginia, late private, Company A, First Cavalry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Charles F. Donnohue, of Indiana, late first lieutenant, One hundred and fifty-ninth Indiana Volunteers, September 23, 1901, to fill an original vacancy.

William B. Brister, of New Jersey, late first lieutenant, Fourth New Jersey Volunteers, September 23, 1901, to fill an original vacancy.

Roger O. Mason, of Delaware, late second lieutenant, First Delaware Volunteers, September 23, 1901, to fill an original vacancy.

Harrie F. Reed, of New York, late second lieutenant, Two hundred and first New York Volunteers, September 23, 1901, to fill an original vacancy.

Walter C. Baker, of Pennsylvania, late sergeant, Company C, Sixth Pennsylvania Volunteers, September 23, 1901, to fill an original vacancy.

Charles A. Clark, of Illinois, late sergeant, Company I, Fourth Illinois Volunteers, September 23, 1901, to fill an original vacancy.

Avery J. Cooper, of Oregon, late private, Company L, Second Oregon Volunteers, September 23, 1901, to fill an original vacancy.

Robert Davis, of New York, late first sergeant, Company F, Two hundred and first New York Volunteers, September 23, 1901, to fill an original vacancy.

Frank Geere, of Wyoming, late sergeant, Company G, First Wyoming Volunteers, September 23, 1901, to fill an original vacancy.

Natt F. Jamieson, of Vermont, late sergeant, Company L, Twenty-sixth Infantry, United States Volunteers (now private, Company C, First Battalion of Engineers, United States Army), September 23, 1901, to fill an original vacancy.

Richard I. McKenney, of Minnesota, late private, Company C, Thirteenth Minnesota Volunteers, September 23, 1901, to fill an original vacancy.

Andrew W. Jackman, of Illinois, late private, Company F, First Illinois Volunteers, September 23, 1901, to fill an original vacancy.

George L. Wertenbaker, of Virginia, late sergeant, Company D, Third Virginia Volunteers, September 23, 1901, to fill an original vacancy.

Richard P. Winslow, of Mississippi, late corporal, Company F, First Tennessee Volunteers, September 23, 1901, to fill an original vacancy.

Nelson E. Margetts, of Utah, late corporal, Battery A, Utah Volunteer Artillery, September 23, 1901, to fill an original vacancy.

John V. Spring, of Texas, late sergeant, Company I, First Texas Volunteer Cavalry, September 23, 1901, to fill an original vacancy.

Infantry Arm.

Robert O. Ragsdale, of Tennessee, late first lieutenant, Thirty-seventh Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Augustus F. Dannemiller, of Ohio, late private, Company I, Eighth Ohio Volunteers, February 2, 1901, to fill an original vacancy.

Algernon E. Sartoris, of the District of Columbia, May 22, 1902, vice Kerr, Twenty-second Infantry, promoted.

Charles A. Hunt, of New Hampshire, May 22, 1902, vice Cabell, Fifth Infantry, promoted.

Leo B. Dannemiller, of Ohio, May 22, 1902, vice Game, Eleventh Infantry, promoted.

Harry Griffin Leckie, of Virginia, May 22, 1902, vice Stuart, Seventh Infantry, promoted.

Claire R. Bennett, of Washington, May 22, 1902, vice Patten, Thirteenth Infantry, promoted.

Charles Wells, of Pennsylvania, May 22, 1902, vice Major, Fourteenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1902.

MARSHAL.

Andrew J. Houston, of Texas, to be United States marshal for the eastern district of Texas.

POSTMASTERS.

Benjamin J. Maltby, to be postmaster at Northford, in the county of New Haven and State of Connecticut.

William H. Foote, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine.

Thomas G. Herbert, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 26, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Our Father, who art in heaven, we thank Thee for Thy silent, yet potent influence, which Thou art ever exercising in the minds and hearts of Thy children, and which is ever leading them onward and upward to higher attainments. Grant that we may be more susceptible to Thy influence, until we all come into the measure of the stature of the fullness of Christ. Hear us, O Lord, when we pray for the friends and bereaved family of the late Lord Pauncefote, who so long, so faithfully, and efficiently served his country among us, and won the esteem and respect of our people by his generous and courteous methods, socially and officially. Comfort all who mourn his loss, and they are legion, by the blessed hope of the immortality of the soul, as revealed in the life and resurrection of Thy Son our Lord Jesus Christ. Amen.

The Journal of the proceedings of Friday last was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I call up for present consideration the conference report on the Agricultural appropriation bill, which was printed in the proceedings of Friday last. I ask for the adoption of the report.

Mr. SULZER. I call for the regular order.

The SPEAKER. The conference report is the regular order.

Mr. WADSWORTH. I ask that the statement of the House conferees be read and the reading of the report omitted.

There was no objection.

The statement, as published in connection with the report, in the House proceedings of May 23 was read.

The conference report was agreed to.

Mr. WADSWORTH. I ask unanimous consent to offer a resolution for the purpose simply of correcting in the bill an error in arithmetic.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution bearing upon the Agricultural appropriation bill. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills, in the enrollment of House bill 13395, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

Mr. RICHARDSON of Tennessee. Reserving the right to object——

Mr. WADSWORTH. I ask the gentleman to let me make an explanation before he objects.

Mr. RICHARDSON of Tennessee. I am asking now for some explanation. I do not like this idea of correcting bills after they have passed the House and before the ink is dry.

Mr. WADSWORTH. The error in the present case arose in this way: We agreed upon a lump sum of $296,000 for the agricultural experiment appropriation. By an oversight we failed to rearrange the items making up that aggregate sum; and the object of this resolution is simply to cut down one of those items from $40,000 to $37,000—simply to correct an error, if I may so call it, in arithmetic.

Mr. RICHARDSON of Tennessee. Who made the error? Who is responsible for it?

Mr. WADSWORTH. It is a joint error of the conferees. We agreed upon a lump sum, but we failed to rearrange the items forming that lump sum.

Mr. RICHARDSON of Tennessee. Are you sure that the conferees agree that this is an error that should be corrected?

Mr. WADSWORTH. The items call for $3,000 more than the lump sum agreed upon; and we simply cut down the items to accord with the sum—$296,000.

Mr. RICHARDSON of Tennessee. And the Senate conferees now agree with the conferees of the House that the addition was wrong; and this is simply to correct the addition?

Mr. WADSWORTH. That is all.

Mr. RICHARDSON of Tennessee. And there can be no further call for resolutions correcting this bill?

Mr. WADSWORTH. No, sir.

There being no objection, the House proceeded to the consideration of the resolution; which was adopted.

ADDITIONAL CLERKS FOR COMMITTEE ON ENROLLED BILLS.

Mr. JOY. I desire to report back a privileged resolution from the Committee on Accounts.

The Clerk read House resolution No. 243, as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee to serve during the remainder of the present session, to be paid out of the contingent fund of the House at the rate of $6 per day.

The resolution was adopted.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. By direction of the Committee on Appropriations, I ask unanimous consent to take from the Speaker's table the amendments of the Senate to the urgent deficiency appropriation bill and to move that they be concurred in.

The amendments of the Senate to the bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, were read.

The SPEAKER. The gentleman from Illinois asks the consent of the House to take this bill from the Speaker's table for present consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to concur in the amendments of the Senate.

The question was taken and the amendments agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I will send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the following bill for consideration:

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Is not the regular order the disposition of pension bills which were undisposed of on Friday afternoon, the previous question having been ordered on them?

The SPEAKER. The demand for the regular order would bring up the undisposed of private bills which were reported from the Committee of the Whole on Friday last, and on which the previous question was ordered.

Mr. SULZER. I call for the regular order.

Mr. BABCOCK. Mr. Speaker, I would ask the gentleman from New York if he would kindly withhold that motion for a short time?

Mr. SULZER. It will take only a few moments to dispose of this matter.

Mr. BABCOCK. The District Committee will get through with its work on the floor in less than an hour.

Mr. SULZER. It will take only a few moments to dispose of these bills.

MICHAEL MULLET.

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will report the bill which the House had under consideration at the adjournment on Friday last, the question being on the passage of the bill, which the Clerk will report by its title for the information of the House.

The Clerk read as follows:

House bill 11879, to correct the military record of Michael Mullet.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 48, noes 50.

Mr. SULZER. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 73, answered "present" 41, not voting 162; as follows:

YEAS—75.

Adams,	De Armond,	Livingston,	Ruppert,
Alexander,	Draper,	Lloyd,	Ryan,
Allen, Ky.	Emerson,	McCulloch,	Selby,
Ball, Tex.	Esch,	McDermott,	Shafroth,
Bell,	Foster, Ill.	McLain,	Shallenberger,
Blackburn,	Glenn,	Mickey,	Sherman,
Boutell,	Goldfogle,	Minor,	Snook,
Bowie,	Hay,	Moody, N. C.	Stark,
Brantley	Hopkins,	Mudd,	Stewart, N. Y.
Brundidge,	Jack,	Mutchler,	Storm,
Burnett,	Jenkins,	Pierce,	Sulloway,
Candler,	Jett,	Powers, Me.	Sulzer,
Clark,	Kahn,	Powers, Mass.	Tirrell,
Cochran,	Kern,	Randell, Tex.	Wanger,
Conry,	Kitchin, Claude	Ransdell, La.	Williams, Ill.
Coombs,	Knapp,	Reid,	Williams, Miss.
Cooper, Wis.	Lanham,	Richardson, Tenn.	Wilson,
Cowherd,	Lessler,	Rixey,	Zenor.
Davis, Fla.	Lewis, Ga.	Rucker,	

NAYS—73.

Babcock,	Eddy,	Lacey,	Patterson, Pa.
Ball, Del.	Finley,	Landis,	Payne,
Bartholdt,	Fletcher,	Latimer,	Ray, N. Y.
Bishop,	Gardner, Mich.	Lever,	Rumple,
Bromwell,	Gibson,	Littlefield,	Shattuc,
Brownlow,	Graff,	Loud,	Sims,
Burk, Pa.	Greene, Mass.	McCleary,	Snodgrass,
Burke, S. Dak.	Hedge,	McLachlan,	Sperry,
Butler, Pa.	Hemenway,	Mann,	Spight,
Cannon,	Henry, Conn.	Martin,	Stevens, Minn.
Capron,	Henry, Miss.	Metcalf,	Tawney,
Cassel,	Hill,	Mondell,	Tompkins, Ohio
Clayton,	Holliday,	Moody, Oreg.	Tongue,
Conner,	Howell,	Morgan,	Underwood,
Corliss,	Hull,	Moss,	Warner,
Cousins,	Jones, Wash.	Otjen,	Woods.
Cromer,	Joy,	Overstreet,	
Currier,	Kleberg,	Palmer,	
Dalzell,	Kluttz,	Parker,	

ANSWERED "PRESENT"—41.

Bartlett,	Grow,	McRae,	Smith, Ky.
Burleson,	Hamilton,	Maddox,	Stephens, Tex.
Cassingham,	Hepburn,	Miers, Ind.	Sutherland,
Cooper, Tex.	Hitt,	Morris,	Tate,
Dinsmore,	Hooker,	Naphen,	Taylor, Ala.
Driscoll,	Irwin,	Padgett,	Thomas, Iowa
Evans,	Johnson,	Pou,	Trimble,
Foster, Vt.	Kitchin, Wm. W.	Rhea, Va.	Wheeler.
Gaines, Tenn.	Lawrence,	Richardson, Ala.	
Gilbert,	Little,	Robinson, Ind.	
Griffith,	McClellan,	Slayden,	

NOT VOTING—162.

Acheson,	Deemer,	Knox,	Schirm,
Adamson,	Dick,	Kyle,	Scott,
Allen, Me.	Dougherty,	Lamb,	Shackleford,
Aplin,	Douglas,	Lassiter,	Shelden,
Bankhead,	Dovener,	Lester,	Sheppard,
Barney,	Edwards,	Lewis, Pa.	Showalter,
Bates,	Elliott,	Lindsay,	Sibley,
Beidler,	Feely,	Littauer,	Skiles,
Bellamy,	Fitzgerald,	Long,	Small,
Belmont,	Fleming,	Loudenslager,	Smith, Ill.
Benton,	Flood,	Lovering,	Smith, Iowa
Bingham,	Foerderer,	McAndrews,	Smith, H. C.
Blakeney,	Fordney,	McCall,	Smith, S. W.
Boreing,	Foss,	Mahon,	Smith, Wm. Alden
Bowersock,	Fowler,	Mahoney,	Southard,
Breazeale,	Fox,	Marshall,	Southwick,
Brick,	Gaines, W. Va.	Maynard,	Sparkman,
Bristow,	Gardner, N. J.	Mercer,	Steele,
Broussard,	Gill,	Meyer, La.	Stewart, N. J.
Brown,	Gillet, N. Y.	Miller,	Swanson,
Bull,	Gillett, Mass.	Moon,	Talbert,
Burgess,	Gooch,	Morrell,	Taylor, Ohio
Burkett,	Gordon,	Needham,	Thayer,
Burleigh,	Graham,	Neville,	Thomas, N. C.
Burton,	Green, Pa.	Nevin,	Thompson,
Butler, Mo.	Griggs,	Newlands,	Tompkins, N. Y.
Calderhead,	Grosvenor,	Norton,	Vandiver,
Caldwell,	Hall,	Olmsted,	Van Voorhis,
Connell,	Hanbury,	Patterson, Tenn.	Vreeland,
Cooney,	Haskins,	Pearre,	Wachter,
Creamer,	Haugen,	Perkins,	Wadsworth,
Crowley,	Heatwole,	Prince,	Warnock,
Crumpacker,	Henry, Tex.	Pugsley,	Watson,
Curtis,	Hildebrant,	Reeder,	Weeks,
Cushman,	Howard,	Reeves,	White,
Dahle,	Hughes,	Robb,	Wiley,
Darragh,	Jackson, Kans.	Roberts,	Wooten,
Davey, La.	Jackson, Md.	Robertson, La.	Wright,
Davidson,	Jones, Va.	Robinson, Nebr.	Young.
Dayton,	Kehoe,	Russell,	
De Graffenreid,	Ketcham,	Scarborough,	

Mr. CAPRON. I would like to ask if my colleague, Mr. HILL, is recorded as voting?

The SPEAKER. He is not recorded.

The Clerk will report the pairs.

The following pairs were announced:

Until further notice:

Mr. REEDER with Mr. WHITE.

Mr. LONG with Mr. BELMONT.

Mr. IRWIN with Mr. GOOCH.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

Mr. THOMAS of Iowa with Mr. BANKHEAD.

Mr. STEELE with Mr. COOPER of Texas (except revenue cutter).

Mr. BARNEY with Mr. MCRAE.

Mr. SOUTHARD with Mr. NORTON.

Mr. SKILES with Mr. TALBERT.

Mr. SMITH of Iowa with Mr. PADGETT.

Mr. BINGHAM with Mr. CREAMER.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. CURTIS with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. JOHNSON.

Mr. LOVERING with Mr. CONRY.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. GORDON with Mr. SCOTT.
Mr. BURKETT with Mr. SHALLENBERGER.
Mr. GILL with Mr. ROBB.
Mr. DAVIDSON with Mr. FEELY.
For one week:
Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.
Mr. BEIDLER with Mr. HOOKER.
Mr. DARRAGH with Mr. MIERS of Indiana.
Mr. ROBERTS with Mr. VANDIVER.
Mr. CRUMPACKER with Mr. GRIFFITH (except on currency and banking bills).
Mr. DAHLE with Mr. THOMPSON.
Mr. BROWN with Mr. FITZGERALD.
Mr. BATES with Mr. BELLAMY.
Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.
On this vote:
Mr. DEEMER with Mr. GRIGGS.
Mr. DICK with Mr. BURLESON.
Mr. MORRIS with Mr. SPARKMAN.
Mr. HITT with Mr. DINSMORE.
Mr. HAMILTON with Mr. LITTLE.
Mr. BRISTOW with Mr. RHEA of Virginia.
Mr. MARSHALL with Mr. ADAMSON.
Mr. CALDERHEAD with Mr. DAVEY of Louisiana.
Mr. FOSTER of Vermont with Mr. POU.
Mr. DOVENER with Mr. EDWARDS.
Mr. MERCER with Mr. WOOTEN.
Mr. NEEDHAM with Mr. SCARBOROUGH.
Mr. NEVIN with Mr. SHACKLEFORD.
For the session:
Mr. YOUNG with Mr. BENTON.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. WRIGHT with Mr. HALL.
Mr. BOREING with Mr. TRIMBLE.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. HEATWOLE with Mr. TATE.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. BULL with Mr. CROWLEY.
For ten days:
Mr. MILLER with Mr. THOMAS of North Carolina.
Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.
Until Tuesday, May 27:
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. GARDNER of New Jersey with Mr. MOON.
Until May 29:
Mr. EVANS with Mr. JONES of Virginia.
May 26, 27, and 28:
Mr. GROSVENOR with Mr. BARTLETT.
On this day:
Mr. ACHESON with Mr. BREAZEALE.
Mr. BRICK with Mr. BROUSSARD.
Mr. BURLEIGH with Mr. BURGESS.
Mr. BURTON with Mr. LESTER.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. CUSHMAN with Mr. CALDWELL.
Mr. DOUGLAS with Mr. COONEY.
Mr. FOERDERER with Mr. ELLIOTT.
Mr. FORDNEY with Mr. FLEMING.
Mr. FOSS with Mr. FLOOD.
Mr. GILLET of New York with Mr. FOX.
Mr. GRAHAM with Mr. HENRY of Texas.
Mr. HAUGEN with Mr. HOWARD.
Mr. HUGHES with Mr. KEHOE.
Mr. VREELAND with Mr. LAMB.
Mr. KETCHAM with Mr. LASSITER.
Mr. KNOX with Mr. LINDSAY.
Mr. KYLE with Mr. MAHONEY.
Mr. LEWIS of Pennsylvania with Mr. MCANDREWS.
Mr. LITTAUER with Mr. NEWLANDS.
Mr. MAHON with Mr. NEVILLE.
Mr. LITTLEFIELD with Mr. PATTERSON of Tennessee.
Mr. WATSON with Mr. PUGSLEY.
Mr. WADSWORTH with Mr. ROBINSON of Nebraska.
Mr. PEARRE with Mr. THAYER.
Mr. WARNOCK with Mr. SHEPPARD.
Mr. SCHIRM with Mr. SMALL.
Mr. SHELDEN with Mr. WILEY.
Mr. SOUTHWICK with Mr. SWANSON.

The SPEAKER. On this question the yeas are 73, the nays are 73, present 40. The bill is lost.

Mr. HULL. I move to reconsider and to lay that motion on the table.

The SPEAKER. The gentleman from Iowa moves to reconsider the last vote and lay that motion on the table. Without objection, the latter motion will be agreed to.

There was no objection.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be permitted to finish its business at this time.

Mr. WANGER. I call for the regular order.

The SPEAKER. The regular order is demanded, and the Clerk will report the first bill.

HOUSE BILLS WITH AMENDMENTS PASSED.

On the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally agreed to, and the bills as amended were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

H. R. 13233. A bill granting a pension to William A. Nelson;
H. R. 13178. A bill granting a pension to William F. Bowden;
H. R. 8644. A bill granting a pension to John W. Thomas;
H. R. 11893. A bill granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga. (title amended);
H. R. 14224. A bill granting an increase of pension to Margaret S. Tod;
H. R. 14251. A bill granting a pension to Hugh J. Reynolds;
H. R. 14234. A bill granting a pension to John Williamson;
H. R. 14359. A bill granting a pension to Luther G. Edwards;
H. R. 2783. A bill granting a pension to William Dixon;
H. R. 13683. A bill granting an increase of pension to Ella S. Mannix (title amended); and
H. R. 6414. A bill granting an increase of pension to William W. H. Davis.

PENSION BILLS WITHOUT AMENDMENTS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 5152. A bill granting a pension to Mary Welch;
H. R. 14208. A bill granting an increase of pension to Alexander Murdock;
H. R. 11711. A bill granting an increase of pension to Isaac Gibson;
H. R. 13505. A bill granting an increase of pension to William F. Stanley;
H. R. 11252. A bill granting an increase of pension to Edwin M. Gowdey; and
H. R. 11374. A bill granting an increase of pension to William McCord.

The following Senate bill with amendment, favorably reported from the Committee of the Whole, was considered, and the amendment recommended by the Committee of the Whole agreed to. The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed:

S. 4927. An act granting an increase of pension to Hattie M. Whitney.

SENATE BILLS WITHOUT AMENDMENTS PASSED.

The following Senate bills without amendments, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read the third time, and passed:

S. 2551. An act granting a pension to Amelia Engle;
S. 4706. An act granting an increase of pension to William Harrington;
S. 4732. An act granting an increase of pension to Charles H. Hazzard;
S. 3998. An act granting an increase of pension to Emma L. Kimble;
S. 4871. An act granting an increase of pension to Helen M. Worthen;
S. 4983. An act granting a pension to John W. Smoot;
S. 4655. An act granting an increase of pension to Oliver K. Wyman;
S. 4862. An act granting an increase of pension to James Welch;
S. 1797. An act granting an increase of pension to Benjamin Russell;
S. 3888. An act granting an increase of pension to Jesse H. Hubbard;
S. 5371. An act granting an increase of pension to Johathan O. Thompson;
S. 2168. An act granting an increase of pension to Charles O. Baldwin;
S. 2697. An act granting an increase of pension to Sarah F. Baldwin;
S. 4415. An act granting an increase of pension to Vesta A. Brown;
S. 4758. An act granting an increase of pension to Mary L. Doane;
S. 4729. An act granting an increase of pension to Daniel A. Hall, alias William Knapp;

S. 4829. An act granting an increase of pension to Nimrod Headington;
S. 4853. An act granting an increase of pension to Amos Moulton;
S. 4712. An act granting an increase of pension to Elphlet Noyes;
S. 5153. An act granting an increase of pension to Eri W. Pinkham;
S. 2511. An act granting an increase of pension to William Phillips;
S. 1038. An act granting an increase of pension to Gustavus C. Pratt;
S. 5106. An act granting an increase of pension to Horace L. Richardson;
S. 4790. An act granting a pension to Stephen A. Seavey;
S. 4730. An act granting an increase of pension to George W. Youngs;
S. 2457. An act granting an increase of pension to Warren Y. Merchant;
S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;
S. 3551. An act granting an increase of pension to John P. Collier;
S. 4240. An act granting an increase of pension to Calvin N. Perkins;
S. 712. An act granting an increase of pension to John Housiaux;
S. 4759. An act granting an increase of pension to Martha Clark;
S. 4638. An act granting a pension to Helena Sudsburg;
S. 3063. An act granting an increase of pension to Henry J. Edge, alias Jason Edge;
S. 5759. An act granting an increase of pension to Charles T. Crooker;
S. 5669. An act granting a pension to Charlotte M. Howe;
S. 4642. An act granting an increase of pension to Anne Dowery;
S. 2535. An act granting an increase of pension to Annie E. Joseph;
S. 5670. An act granting a pension to Samuel H. Chamberlin;
S. 4766. An act granting an increase of pension to James P. McClure;
S. 5202. An act granting an increase of pension to Jennie M. Wagner;
S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin; and
S. 4927. An act granting an increase of pension to Hattie M. Whitney.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

MICHAEL MULLET.

The SPEAKER. The Chair announces to the House that the clerks, upon a careful reexamination of the roll call recently completed, find that there was a name transposed, which made a change in the number voting, so that the yeas are 74 and the nays 73, present 40. This error, of course, must be corrected, and does not require unanimous consent. Therefore the bill was passed. [Laughter and applause.]

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE USE OF TELEPHONE WIRES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill H. R. 12865.

The Clerk read as follows:

A bill (H. R. 12865) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes.

Be it enacted, etc., That all telephone poles and the wires attached thereto not the property of the United States or the District of Columbia now upon the streets and avenues within the section of the District of Columbia bounded by a line beginning at Second and B streets southeast and running thence along B street south, Third street west, Missouri avenue, Sixth street west, B street north, Twenty-third street west, Rock Creek, Cincinnati street, Columbia road, Thirteenth street west, R street north, New Jersey avenue, C street north, and Second street east to the point of beginning, except as hereinafter provided, shall from time to time, as may be prescribed by the Commissioners of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Commissioners, and it is hereby made the duty of said Commissioners to enforce compliance with the provisions of this act as expeditiously as may be consistent with the public interests; and the said Commissioners are hereby empowered and directed from time to time to authorize any individual, company, or corporation now operating and maintaining a telephone plant or system, partly overhead and partly underground, in the District of Columbia, to extend and enlarge its system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said city and District as may be requisite and necessary for the purposes of this act and for the reception of such other cables and wires as may be reasonably required in the future by the growth of such individual, company, or corporation or to adequately meet the requirements of the public for telephone service.

SEC. 2. That upon the approval of this act, and from time to time thereafter, any individual, company, or corporation now maintaining and operating a telephone plant or system in said District, partly overhead and partly underground, shall prepare and submit to the said Commissioners a plan or plans, or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof, and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Commissioners. Said Commissioners are empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Commissioners of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the section in said District described in section 1 of this act the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be, without impairing the efficiency of the telephone service in said District, the individual, company, or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and wires except such as said Commissioners may, in accordance with the provisions of this act, permit to remain for the purpose of distributing wires for house connections.

SEC. 3. That any individual, company, or corporation owning and maintaining such poles and wires attached thereto on or over any street or avenue within the section of the District described in section 1 of this act who shall willfully neglect or refuse to remove the same, as provided in section 2 hereof, shall be liable to a penalty of not more than $25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

SEC. 4. That said Commissioners be, and they are hereby, empowered to authorize the erection and maintenance of poles in the alleys of said city and District and the stringing thereon of telephone conductors from alley poles or house-top fixtures in one square to alley poles or house-top fixtures in another square for the purpose of enabling house connections to be made, and also to authorize the erection of telephone poles in the District of Columbia outside the limits of the section of said District described in section 1 of this act and the stringing thereon of telephone conductors for house connections or for connection with lines outside the District of Columbia; also to authorize the erection of such poles and the stringing thereon of such wires in the streets and avenues of said city and District in the parts thereof in which there are no public alleys, and in such other places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Commissioners impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in section 1 of this act said Commissioners are also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, but where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Commissioners; but in issuing such temporary permits said Commissioners shall bear in mind the purpose and policy of this act, which is to cause to be removed from the streets and avenues within the section of said District described in section 1 of this act all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telephone service in said District and without denying to the public reasonable telephone facilities at all times.

SEC. 5. That all subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this act shall be subject to such reasonable regulations as the Commissioners of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires: *Provided*, That in all conduits so constructed such space shall be furnished to the District of Columbia as may be necessary for its fire-alarm or police-patrol wires or cables, carrying low potential currents of electricity, free of charge: *And provided further*, That the number of ducts so reserved in any one conduit shall not be more than three.

SEC. 6. That the said Commissioners are empowered to authorize any such individual, company, or corporation now owning and operating any lines of street poles and wires and any alley poles or alley-pole line within the District of Columbia and outside of the section described in section 1 of this act to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for the purpose of making house connections or for connecting with telephone lines outside the District of Columbia.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The amendments recommended by the committee were read, as follows:

Amend title of bill so that it shall read as follows: "A bill regulating the use of telephone wires in the District of Columbia."
Page 2, line 8, strike out the words "and directed."
Page 4, line 12, strike out the words "and directed."
Page 6, line 9, strike out the words "and directed."
Add a new section, as follows:
"SEC. 7. That Congress reserves the right to alter, amend, or repeal this act."

Mr. BABCOCK. Mr. Speaker, I have sent to the Clerk's desk two amendments that I wish to have pending for the information of the House.

The SPEAKER. The Clerk will report the amendments.

The amendments were read, as follows:

Amend section 1 by striking out in the tenth line thereof "Thirteenth street west" and inserting in lieu thereof the following: "Sixteenth street west (extended), Park street, Whitney avenue, and Eleventh street west."

Amend the title so as to read: "A bill to regulate the use of telephone wires in the District of Columbia."

The SPEAKER. The question is on agreeing to the amendments reported by the committee.

Mr. HEPBURN. Mr. Speaker——

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the amendments offered by the gentleman from Wisconsin.

Mr. HEPBURN. Mr. Speaker, I ask for some explanation of this bill on the part of the gentleman from Wisconsin.

The SPEAKER. Does the gentleman desire to have that before the amendments are adopted?

Mr. HEPBURN. Yes.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, the purpose of this bill is to provide, first, for the removal of all overhead wires in the thickly settled portion of the city, and to provide also for underground conduits to take their place. The bill in its provisions gives to the Commissioners of the District of Columbia the same authority to grant permits to the telephone company that the electric-light companies and the gas companies now have under the present law. At this time the Commissioners and the telephone company are confronted with a peculiar condition of affairs. There are now some 700 applications on file for telephones that the company is unable to install for the reason that they can build no more underground conduits without the authority of Congress. The Commissioners have also issued all the permits that they are authorized to do and can give no further permit for construction, either underground or overhead. We have had in the committee a number of complaints, not only from citizens of Washington but from members of Congress, who wanted to know why they can not get telephones put in. These are the facts as presented to the committee, not only by the Commissioners but by the telephone company themselves.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. TAWNEY. Will not the effect of this section, or the section which authorizes the construction of these conduits, be to virtually give the telephone company that to-day controls the business in this city an absolute monopoly in the city of Washington? Would it not be better, in the interest of the users of the telephones, to have this so arranged that if there is another company that might want to install a telephone a telephone exchange in this city they may, upon paying reasonable compensation therefor, be permitted to use these conduits we are now authorizing the construction of?

Mr. BABCOCK. I want to say to the gentleman from Minnesota that that is the very condition that the District Committee and the Commissioners have guarded against. This bill does not grant a single right or privilege to this telephone company. It simply authorizes and empowers the Commissioners to do cartain things in their discretion and judgment, and interferes in no manner whatever with any other company.

Mr. TAWNEY. But the gentleman knows very well that the discretion given to the Commissioners will inure wholly to the benefit of the existing telephone company. They will be the company designated and authorized to construct these conduits. Now, after the construction the only way that a new company or a competing company can get into this city is by building additional conduits, tearing up the streets, etc., which may be objectionable to the Commissioners or the District, and for that reason the right would not be granted, whereas when you are building these conduits you ought, in my judgment, to reserve to any competing company that might want authority to install a telephone system the right to use these conduits, subject to the conditions that they shall pay a reasonable compensation for the benefit of that right. Then there would be no opportunity for the existing telephone company to extort unreasonable prices, as they are doing from the telephone users of this city.

Mr. BABCOCK. Is the gentleman through with his question? [Laughter.]

Mr. TAWNEY. Yes.

Mr. BABCOCK. I want to say if the gentleman had given attention to the work done by the committee and by the House during past sessions in struggling with the conduit question perhaps he would not have made that statement. I myself, or the committee I have the honor to represent, have for more than one session endeavored to perfect a measure by which one system of conduits would accommodate all of the wires necessary in the city, but after a great many hearings and a great many efforts and a great many propositions were considered it all fell down. That was several years ago, and since that time no legislation has been enacted by the House, except the telephone bill we passed during the last session to a company that proposed to make rates of $36 and $54 for telephones. The House passed the bill and it went to the Senate and was defeated.

Mr. HEPBURN. May I remind the gentleman of another bit of legislation we indulged in? Did not Congress impose upon this telephone company a certain system of rates that they have contemptuously ignored and refused to pay any attention or obedience to? Was not there legislation of that kind?

Mr. BABCOCK. Mr. Speaker, in answer to the gentleman I will say that there was legislation of that kind.

Mr. HEPBURN. Which the gentleman overlooked.

Mr. BABCOCK. No; I did not overlook it. In reference to that amendment adopted by the House, it was one making all telephone charges the same, a flat rate of $50. It was an amendment to an appropriation bill. That was taken into the courts here in the District of Columbia, and the court decided that the rate was inadequate for service rendered. It is now pending in the Supreme Court of the United States, and this legislation has been delayed and deferred waiting for that decision from the Supreme Court.

The demand, Mr. Speaker, has become such for telephones, and the necessities of the public of the growing city are such that some action must be taken, and I have been personally urged by the Commissioners to take some action, and take it promptly.

Now, I want to say to the gentleman from Iowa that I voted for that amendment, that I supported the telephone bill that passed the House; and I want to say further, Mr. Speaker, that at the time we passed the bill chartering another telephone company they received a charter from the city of Baltimore, and that to-day they have applied to the city council of Baltimore, after installing 8,000 telephones at $36 and $54, for permission to change their rates. In common parlance they have thrown up the sponge, and say they can not conduct the business at those rates because they are not sufficient for the ordinary expenses of the company. If the gentleman wants it I can furnish him with the facts and the data.

Mr. HEPBURN. I would like to see the facts contradistinguished from the statements made by these companies. I want to remind the gentleman of this fact—that all over the country, in all villages of this country, people are having telephone service of the best character at one-half the rates, in some instances, that were fixed in this statute of ours, and that, if my friend will permit me to say it, I think that whenever it was established that the rate of $50 in the city of Washington was a confiscatory rate, that there was some scoundrelism somewhere along the line that established that proposition.

Mr. BABCOCK. Mr. Speaker, this bill does not propose to do with rates.

Mr. HEPBURN. No, if the gentleman will permit me; but it proposes to enlarge the powers, through the action of the Commissioners, of this telephone company that is rendering this inadequate service and is standing here in contempt of an act of Congress.

Mr. BABCOCK. I would like to ask the gentleman from Iowa a question. Does he believe that it is desirable and good public policy for a telephone company to come to Congress when they want to make a house connection, when they want to cross the sidewalk, when they want to install a wire to reach and accommodate certain sections of the city?

Mr. HEPBURN. Certainly not; and if the gentleman will let me continue my answer, neither do I think it wise to waive the policy of excluding overhead wires from this city, having refused over and over again to grant privileges of that kind to railway companies, and when we have required wires to be removed from a street, neither do I think it is wise to put the power into the hands of the Commissioners and fill your alleys with these wires. I do not think that is policy, and that is what is done. I do not think it is policy to grant a company now in contempt, now refusing obedience to law, one iota of privilege, and while I would do anything I could to compel them to a proper observance of fair dealing with their customers and with the people, I would not extend one privilege to them until they had complied with the law already made.

Mr. BABCOCK. Well, Mr. Speaker, the gentleman overlooked one fact, and that is that the overhead wires and poles can not be taken down until Congress has authorized some substitute. Under the present law this company can not build a foot of conduit in the city of Washington. Now, this bill authorizes the Commissioners to give them authority to build conduits and to put in wires. How would the gentleman accomplish results differently? Will he suggest in his wisdom some way of disposing otherwise of the wires?

Mr. HEPBURN. You propose to give them here in this bill the power to extend conduits. You give them the power to maintain these poles, and you impose no limitation as to how long they shall maintain these poles. You put upon them no requirement to place conduits in lieu of these poles. There is not in this bill a word of prohibition on the one hand or of requirement on the other. You give the Commissioners the amplest power to grant to this company all the further privileges that they may want, and you put no restraining hands upon them at all.

Mr. BABCOCK. Mr. Speaker, the gentleman evidently takes a view of this bill that is farfetched. Now, this is a bill which requires certain things to be done. It requires conduits to be built; it authorizes the Commissioners to require certain work to be done, and to put the wires into the conduits.

Mr. HEPBURN. That is, in the streets, not in these alleys. It is a power to enlarge their business, to increase their service, and all that; and yet you have not done anything whatever to compel

them to observe the law. Why do you not put a condition in here that these privileges shall be available to them when they have complied with the statute now on the statute book?

Mr. BABCOCK. Would the gentleman vote for a law that the Supreme Court would say confiscates the property of this company?

Mr. HEPBURN. I would not care what the supreme court of this District might have said on a question of this kind.

Mr. BABCOCK. I mean the Supreme Court of the United States.

Mr. HEPBURN. Who tried this case? Who made up the case? What was there tried? The case was prepared, I undertake to say, in all its features in the interest of the telephone company; and the court under such circumstances has held that a $50 rate is confiscation. Does the gentleman believe that? He voted for this bill. Does he not know that there was some chicanery, some fraud, some deceit, brought to bear upon that court?

In the town where I live, in all the villages of this country, we are getting to-day the very best telephone service, with the very best appliances and with long-distance phones, for $25 a year, where there are only three or four hundred subscribers. The gentleman knows that is being done; yet, in a city like this, where there are eight thousand, ten thousand, or fifteen thousand subscribers, paying $125 or $150 a year these gentlemen constituting this company are saying that there is confiscation if you add new lines and require a $50 rate. I think the gentleman knows that that is only a pretense.

Mr. BABCOCK. I am astonished, Mr. Speaker, that the gentleman should suggest that the courts here are guilty of chicanery.

Mr. HEPBURN. I did not say the courts were guilty of chicanery, but that imposition was practiced upon them.

Mr. BABCOCK. The parties who defended this suit were the Commissioners or other officers of the District of Columbia; and never in all my experience as chairman of the District Committee have I found one circumstance upon which it could be charged that there had been chicanery or dishonest acts on their part. And certainly I do not believe that the gentleman from Iowa wants to make that broad charge. I believe that they have done their duty honestly and faithfully. This matter of rates has gone to the Supreme Court of the United States; and as I stated before, the officials of the District of Columbia have waited and waited for this decision, and the committee has waited without taking any action, until we have reached the point where some action is necessary.

I believe I may say here that no member of this House has done more than I have to secure the rights of citizens on the rate question. I supported the amendment to which the gentleman has referred.

Mr. HEPBURN. Then you believed in it?

Mr. BABCOCK. I did.

Mr. HEPBURN. And you believed in it from observation?

Mr. BABCOCK. I believed in it from observation, but not from information.

Mr. HEPBURN. Were you not informed?

Mr. BABCOCK. No, sir; I am not informed. And is the gentleman from Iowa informed what this service can be rendered for?

Mr. HEPBURN. I have not a bit of doubt but that the gentleman is informed; and while he has not studied this matter from the statements of interested telephone people he has observed what other companies are doing in other places. He has observed at what rates this valuable service is rendered to other communities, and therefore he takes the position of believing that when a man says it costs four times as much to render the service in the city of Washington as it does to render it in the villages of this country of four and five and six thousand inhabitants that man simply lies in his own interest and he does not believe him, and therefore he is not willing to foster his interests while he is imposing upon the public in that way. Now, I say that this bill does nothing but to increase the value of this franchise to this company that is now contumacious of an act of Congress, that is now robbing the people of this District every day, and that ought to be brought in some way or other to a speedy reckoning with the people. [Applause.]

Mr. BABCOCK. Mr. Speaker, I am very sorry that the gentleman from Iowa finds so many robbers and conspirators this morning.

Mr. HEPBURN. No; he has found but one; he has found only one.

Mr. BABCOCK. I want to call his attention to a few facts——

Mr. HEPBURN. And that is the telephone company.

Mr. BABCOCK. I desire to call his attention to a few facts that evidently he is not advised about. First, I wish to ask him a question, as to whether he can state to this House what the telephone rates are here to-day.

Mr. HEPBURN. I know this. I know that I tried to get the service in my house and I could not do it for less than $75 or $80.

Mr. BABCOCK. Now, I will state a few facts in reference to these matters, which will probably be a matter of news to the gentleman from Iowa. The rates that were in force in the District of Columbia at the time this amendment was passed on the appropriation bill were $96 flat for private residences and $125 for business houses?

Mr. HEPBURN. When?

Mr. BABCOCK. At the time the amendment was passed on the appropriation bill. I do not remember the date. Now, the present rate runs from $36 to $120 for the year. The highest rate in the city is in the largest business houses, $120 for unlimited service, and it runs down to $36 in private houses.

Mr. HEPBURN. The gentleman ought to explain that $36 business. It is simply a delusion and a snare.

Mr. BABCOCK. I will explain it, if the gentleman will permit me.

Mr. WACHTER. With about 12 on a line.

Mr. BABCOCK. Here is the rate which is published by the company, and anybody can see it. I will say, Mr. Speaker, that since that time the telephone rates have been reduced more than 35 per cent.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Is it to be a question or a speech?

Mr. TAWNEY. Is it not a fact that the $36 rate is the rate given to people who will go on to a party wire?

Mr. BABCOCK. A party wire.

Mr. TAWNEY. Where there are from four to eight subscribers?

Mr. BABCOCK. No; four.

Mr. TAWNEY. Four is the limit?

Mr. BABCOCK. Yes.

Mr. TAWNEY. So that the company is getting out of the service of one wire four times $36 a year.

Mr. BABCOCK. That is hardly a fair statement, Mr. Speaker, because there are four telephones.

Mr. TAWNEY. That is a question.

Mr. BABCOCK. The rates, as I stated before, since this discussion in the House, have been reduced more than 35 per cent. Now, Mr. Speaker, the amendment that I offer increases the area of the proposed underground system in the city, and includes Washington Heights, Columbia Heights, and all of the thickly settled part of Washington. It meets the views of the Citizens' Association and of the District Commissioners; and I would ask, Mr. Speaker, that that amendment be read—the amendment that I offered to the first section.

The SPEAKER. The Chair will state that the committee amendments in the bill have been adopted, but the amendments offered by the gentleman from Wisconsin have not yet been voted on. If there is no objection, they will again be read to the House.

The Clerk again read the amendments.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

Mr. COWHERD. Mr. Speaker, I would ask that the gentleman yield to me for a few minutes.

The SPEAKER. Does the gentleman yield?

Mr. BABCOCK. Certainly.

The SPEAKER. How much time does the gentleman yield?

Mr. COWHERD. I desire about five minutes.

Mr. BABCOCK. I will yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I suppose I violate no confidence of the committee in saying that when this matter first came up in the committee I opposed the passage of the bill at that time, not because I opposed any particular provision in the bill, but I thought the time was not ripe for legislating on this subject. As everyone knows the history of this telephone case, there is now pending in the Supreme Court of the United States a case appealed first from the supreme court of the District, and then again from the court of appeals of the District.

That case arose upon the law under which we fixed the rates at $50 a year. As I understand it, the supreme court of the District held the rate fixed by Congress to be unreasonable. The court of appeals of the District reversed the supreme court and sustained the law. The case is now pending in the Supreme Court of the United States. I thought we should wait until that case was determined. The matter has been argued and submitted there and has been held by the court now for something more than a month. If nothing is done in the passage of this bill, or this bill amended as it may be by the House, the people of the District will be unable to obtain additional telephone service until Congress shall act upon the matter at the next session. Now, the matter has been held here before the House since it was reported by the committee, something over a month, I think, or nearly two months. I do not feel like opposing the passage of this bill any longer. I am not opposed to the provisions of the

bill. As I understand the provisions of the bill, they simply give to this company the right to extend its wires and conduits under the authority of the Commissioners of the District without coming to Congress for a special act.

Now, I fully agree with the gentleman from Iowa that this company is to-day charging entirely too much for its service; so much so in fact that its charges are little less than robbery. But we have attempted to regulate those charges. I do not know how we can further regulate them until the court acts upon that case; that is, I do not know how we could act further intelligently in regulating them until the Supreme Court acts upon that case. If the Supreme Court holds that regulation was valid, no further action of Congress would be needed. If they hold that regulation was invalid or unreasonable, then in the light of the decision of the court it will be the duty of the District Committee and this House to proceed to pass some bill that is just and valid, fixing the rates of that company. In this bill we reserve the right to change, alter, or amend. And while I believe, and so stated in the committee, that it would have been better to await the decision of the court, and while I have done what I could to delay action on this bill for some time, because I believed that it was better for us to regulate the rate at the same time that they were asking for an extension of their lines under the authority of Congress, yet I do not believe that we would be acting justly toward the people of the District of Columbia in refusing to give any further right for the extension of lines and letting the matter go over for some six or seven months until Congress should meet again.

Mr. BARTLETT. This company, as the gentleman from Missouri says, has absolutely refused to carry out the requirements that Congress placed upon it in the act that we passed as an amendment to the appropriation bill. Now, why should these gentlemen come here and ask additional privileges from Congress until they either comply with the law or until the law is held to be invalid? This is a privilege which they are asking.

Mr. COWHERD. Undoubtedly.

Mr. BARTLETT. Why should we grant any additional privilege to the company under the circumstances?

Mr. COWHERD. I would not grant it by reason of anything that the company asks or does. The company has no equities whatever worthy of consideration; but the people of the District of Columbia have. There are some 700 applications now pending, I understand, where the people are asking for additional telephone service. Several of them have come to me and to other members of the committee and asked us to withdraw our opposition to this bill in order that they might get telephones in their houses.

Mr. BARTLETT. At the exorbitant rates now asked?

Mr. COWHERD. At the exorbitant rates now being charged. Still the people are demanding the service, notwithstanding the charges for it are too high. It seems to me it is our duty to permit them to put these telephones in. It is our duty to proceed to regulate those rates. If the Supreme Court of the United States upholds the present law, we have regulated them, and no further legislation will be necessary. If it holds the present law bad, then we should pass another.

Mr. SHAFROTH. What are the rates now imposed in the District?

Mr. COWHERD. I can not give them exactly. We have had that up a time or two. There is no law fixing the rates, and the company fixes them at what it pleases.

Mr. SHAFROTH. Do you know how much the rates are at present?

Mr. COWHERD. About a hundred dollars a year, I think, for a metallic circuit in a business house.

Mr. SHAFROTH. How long since the rate was fixed at $50 by Congress?

Mr. COWHERD. I think it was in 1898.

Mr. SHAFROTH. An appeal has been taken to the Supreme Court of the United States.

Mr. COWHERD. The case has been argued and submitted in the Supreme Court of the United States something more than two months ago.

Mr. SHAFROTH. Does that go upon the regular calendar, to be reached in its regular order, or is it preferred by reason of it being District business?

Mr. COWHERD. I know of no reason why it should be preferred.

Mr. McDERMOTT. It has been reached, and has been argued and submitted.

Mr. COWHERD. It has been reached and argued and submitted, and I inquired of the clerk of the court some two weeks ago when we might hope for a decision.

Mr. SHAFROTH. What did he say?

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. I want about two minutes more.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman may be extended.

Mr. BABCOCK. I yield two minutes more to the gentleman.

Mr. SHAFROTH. What did the clerk reply?

Mr. COWHERD. The clerk said, when I inquired when this decision would be rendered, that he could give us no information whatever—that there might be a decision in a week or it might not be decided for months.

Mr. SHAFROTH. Another question.

Mr. COWHERD. Just one moment. I understand from the gentleman from Tennessee that it will be decided on Monday next.

Mr. GAINES of Tennessee. A press representative stated to me just a while ago, and he is very reliable, that a decision was looked for next Monday,

Mr. SHAFROTH. Can the gentleman state whether if these rates shall be held by the court to be legal will the people get back the money that they have been compelled to pay the telephone company?

Mr. COWHERD. I am unable to answer that question. That is a question of law, and I would rather rely upon the opinion of the gentleman from Colorado.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. COWHERD. I yield first to the gentleman from Minnesota.

Mr. TAWNEY. The gentleman has stated that there were 700 applications for telephones which could not be considered because of the want of this legislation. How many of these applications are dependent upon the conduit system which is authorized in this bill?

Mr. COWHERD. I can not answer that question. I only know that several gentlemen have come to me—one of them Senator Blackburn—and stated that they could not get telephones, because the Commissioners had no authority to permit the company to extend their wires and stretch them across any street or alley except by special act of Congress.

Mr. TAWNEY. That is the fact I wanted to bring out. Now, this authorizes the Commissioners in their discretion to grant the extension of existing lines or ducts necessary to give connection with the residences of the applicants for these phones. Is that what is necessary to get the service to the 700 people for which they apply? It is not necessary to extend the conduit system in order to accomplish that, but to stop taking down the poles and wires that are now standing and which are required to be taken down by direction of the Commissioners.

Mr. COWHERD. I want to say, in reply to that, that so far as the telephone company is concerned, it has no franchise in the city of Washington, but they have come in from time to time and got authority to lay a duct or extend their poles here and there; and I want to say that I think they ought to have authority to build this duct system and authority to extend it from time to time, but when the act is passed giving them that authority there ought to be a reservation of the right to regulate the rates. If Congress passes an act regulating the rates charged, I am not in favor of a competing company. I have never been in favor of that except in order to regulate the rates.

Mr. WADSWORTH. Is there anything in the bill which will prevent Congress from regulating the rates?

Mr. COWHERD. This bill especially reserves the right to alter or amend or repeal.

The SPEAKER. The time of the gentleman has again expired.

Mr. COWHERD. I just wish to have time for this question.

Mr. BABCOCK. I yield to the gentleman to answer this question.

Mr. GAINES of Tennessee. I understood that this proposition has been deferred until the Supreme Court could render its decision in this matter.

Mr. COWHERD. I stated that I opposed action in committee until a decision should be rendered by the Supreme Court. It has been held up since the committee voted to report it for about two months, waiting and expecting I suppose—I know that that was what I had in mind—that there would be a decision made. And now, unless some decision is made at this time, the chances are that no action will be taken at this session which will give these people an opportunity to be furnished with the service which they desire to have. For this reason I have decided to vote for the bill.

Mr. BABCOCK. It will be impossible to pass a bill before Congress adjourns.

Mr. GAINES of Tennessee. Congress is not going to adjourn, Mr. Speaker, before the middle of July, and the case will be decided before then. I am informed that it will be decided next Monday.

Mr. SWANSON. Will the gentleman permit me to ask him a question? If I understand, if this bill does not pass it will

preclude affording any additional telephone service until we do pass a bill.

Mr. BABCOCK. That is it exactly. No additional service can be given where ducts are required or wires are required. The Commissioners have issued all the permits they can under existing law.

Mr. SWANSON. If Congress adjourns without passing this bill, the chairman of the committee gives it as his understanding that during the summer, and until Congress reconvenes, these people will not get this additional service that they require?

Mr. BABCOCK. They will get none at all.

Mr. TAWNEY. The gentleman has stated that unless this bill passes 700 applicants for telephones will be deprived of that service until Congress convenes.

Mr. BABCOCK. Until the company has the right or authority given them to make connections.

Mr. TAWNEY. Well, now, the passage of this bill is not essential, is it, to give these people that telephone service that they want?

Mr. BABCOCK. Well, there is no authority to reach them by wire.

Mr. TAWNEY. Can not we authorize the Commissioners, by resolution or bill, to give to the telephone company authority to so extend its overhead wires to make the necessary residence connections, and extend the conduits that are at present laid.

Mr. BABCOCK. Congress has acted time and again against any extension of overhead wires. And I want to say to the gentleman that no resolution could pass Congress authorizing an extension of overhead wires in the city of Washington.

Mr. TAWNEY. There is an existing law; why can not they put on the additional wires on the poles that are now up?

Mr. BABCOCK. It is not a question of existing law; it is a question of whether they can be reached from the present poles and from the conduits that they have.

Mr. SWANSON. Does this bill specifically reserve the right in the future for Congress to fix the rates?

Mr. BABCOCK. The bill specifically reserves the right to alter, amend, or repeal.

Mr. SWANSON. As I understand, Congress has already fixed the rate?

Mr. BABCOCK. Yes.

Mr. SWANSON. And the question of rates and the fixing of rates is still pending in the United States courts?

Mr. BABCOCK. Yes.

Mr. SWANSON. If they decide that the rates are constitutional and legal, these new privileges given under this bill will be subject to the rates previously fixed?

Mr. BABCOCK. Yes.

Mr. SWANSON. If it is decided legal, this bill reserves the right to fix the rates in the future so they can not be exorbitant?

Mr. BABCOCK. It does.

Mr. SWANSON. Then what is the contention about here?

Mr. BABCOCK. I must say that I hardly understand it myself. [Laughter.] Now, Mr. Speaker, I ask for a vote on the amendments.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

Mr. BABCOCK. They take in the thickly settled part of Columbia Heights.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have the amendments reported again.

The Clerk again reported the amendments.

The amendments were agreed to.

Mr. BABCOCK. Now, I yield to the gentleman from Tennessee [Mr. SIMS] ten minutes.

Mr. SIMS. Mr. Speaker, if I was to make a statement here about the progress of the bill it would be a repetition of what the gentleman from Missouri [Mr. COWHERD] has stated. I have asked all along on every occasion that action be deferred until the Supreme Court rendered its decision. The court now has the case under advisement, having heard it, and we do not know of course what moment they may decide it or how long they will hold it up. I was anxious to-day to further delay the action on the bill in order that we might get the benefit of the decision of the Supreme Court; but the argument is made to me that if there is any further delay action will not be taken on the bill at all at this session, and therefore no additional telephones can be put up. I thought, and think yet, that the bill may be rendered unobjectionable by making an amendment, and here is the amendment which I will propose at the proper time. I want to say, further, that I would be glad if any gentleman that is acquainted with the matter more than I am will perfect it, because I am not sufficiently acquainted with telephone matters to undertake to perfect the bill. I believe this amendment which I will offer as a separate section would make the bill unobjectionable in every way. This is the amendment I propose:

Any telephone company operating under the provisions of this law shall charge not exceeding $50 a year for telephones.

If the present law is sustained there will be no use for this amendment; if it should go down, this amendment will be needed. This amendment, it seems to me, can not be objectionable.

Mr. HEPBURN. I would like to ask the gentleman how this amendment changes the law that is now in force?

Mr. SIMS. It does not change it.

Mr. HEPBURN. I thought we provided for two classes of service, for a business house and for private houses.

Mr. SIMS. I have no objection to this amendment being perfected, as I am not familiar with these matters. This puts the rate at $50, which I understand to be the maximum rate under existing law.

Mr. HULL. That is the law now, as I understand the gentleman's statement.

Mr. SIMS. Yes.

Mr. HULL. And that question is now before the court?

Mr. SIMS. Yes.

Mr. HULL. Wherein does it benefit the people to put it in the statute again? If Congress holds it is a legal rate under existing law, it already applies. If the court holds it is confiscation, would not they hold the same thing in this case?

Mr. SIMS. The point is this: I am intending to make the granting of privileges under this bill conditional upon the idea that they shall not exceed $50, making it in the nature of a contract, so that they must comply with it.

Mr. TAWNEY. The gentleman's intention is to make this in the nature of a contract?

Mr. SIMS. Yes; in the nature of a contract.

Mr. TAWNEY. And it would be perpetual?

Mr. SIMS. Yes.

Mr. TAWNEY. So they could charge that rate for all time? No matter what improvements were made in the service, they would continue to charge for residence phones as well as for business phones $50 a year?

Mr. SIMS. Not exceeding $50.

Mr. TAWNEY. Not exceeding $50. Does not the gentleman think he ought to classify the service or the charges, so as to make the charge for the resident phones not to exceed thirty-six and the business phone not to exceed fifty dollars?

Mr. SIMS. That might be very proper. As I have stated, I am not sufficiently familiar with this business to perfect the amendment, but I do want substantially this amendment to go upon the bill, because it makes this measure in the nature of a contract, so that whether the law now existing is sustained or not by the courts this act will remain valid. If the gentleman from Minnesota [Mr. TAWNEY] can offer an amendment to my amendment so as to better accomplish the object I have in view, I certainly have no objection.

Mr. SWANSON. If I understand the gentleman from Tennessee correctly, this amendment will simply apply to new extensions of the telephone service.

Mr. SIMS. New extensions granted under this bill.

Mr. SWANSON. Then this is a new extension?

Mr. SIMS. Certainly.

Mr. SWANSON. And if anybody is willing to pay more than $50 for additional service, and the company refuses to furnish it, such a person can not get a phone until Congress sees proper to adopt new legislation on the subject. Suppose a man is willing to pay more than $50 for a phone, and the company is not willing to grant him the service, then he can not have this new extension under the present bill.

Mr. SIMS. My intention is that there shall be no charge exceeding $50 for the extended service which may be granted under this bill.

Mr. SWANSON. Then there may be two or three different rates for similar service.

Mr. SIMS. I am undertaking to deal with this bill now before us—not with reference to making a classification of the service heretofore established.

Mr. GAINES of Tennessee. My colleague [Mr. SIMS] says, if I understand him, that this amendment is to apply only to new routes. Now, if $50 should in the future prove to be too high a charge——

Mr. SIMS. Then it can be lowered.

Mr. GAINES of Tennessee. If the company should want a further extension of its privileges, we can say "You must grant a reduction upon the $50 rate or we will not grant you the privileges you ask."

Mr. SIMS. Certainly. There can be no law, of course, to keep the company from reducing its rates, but this will simply fix a maximum. I have nothing more to say on the amendment. I will send it up to the desk as soon as it is written out.

The SPEAKER (after a pause). The Clerk will read the amendment for the information of the House.

The Clerk read as follows:

Add to the bill a new section, to be section 8, to read as follows:
"Any telephone company operating under the provisions of this bill shall charge not to exceed $50 per year for telephones."

Mr. BABCOCK. I make a point of order against the amendment.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Tennessee [Mr. SIMS] for the purpose of offering the amendment?

Mr. BABCOCK. I yielded to the gentleman ten minutes, without stating any specific purpose.

The SPEAKER. The gentleman from Tennessee has no right to offer any amendment unless the gentleman from Wisconsin yielded to him for that purpose.

Mr. BABCOCK. I did not yield for that purpose.

Mr. GAINES of Tennessee. There was no objection made.

The SPEAKER. The gentleman from Tennessee has not offered the amendment; it has been read now for the information of the House. Does the gentleman from Wisconsin yield to the gentleman from Tennessee for the purpose of offering the amendment now?

Mr. BABCOCK. Yes; but I will make a point of order upon the amendment. There is no provision whatever in this bill in reference to rates; there is no provision granting any rights to any telephone company. The bill simply grants authority to the Commissioners to do certain things that only Congress is authorized at the present time to do. The amendment is not germane at all to the bill.

Mr. SIMS. I have offered the amendment, the gentleman from Wisconsin yielding to me for that purpose.

The SPEAKER. The Chair will hear the gentleman from Tennessee on the point of order. The point of order is made that the amendment is not germane.

Mr. SIMS. Does the gentleman from Wisconsin hold that this amendment is not germane to the purposes of the bill? Well, Mr. Speaker, I do not suppose it is necessary to make an argument on that matter. If we are granting to this company the privilege of laying wires through streets and alleys, we certainly may couple with that privilege conditions under which it may be done.

Mr. BABCOCK. We are not granting privileges to any company. We are authorizing the Commissioners, a separate branch of the Government, to do this thing.

Mr. MUDD. Mr. Speaker, I want to be heard on the point of order.

The SPEAKER. The gentleman will proceed.

Mr. MUDD. Mr. Speaker, I am frank to say that I am in favor of this amendment. In the committee I reserved——

The SPEAKER. That is not an argument on the point of order.

Mr. MUDD. Mr. Speaker, I am going to argue on the point of order. This is not an appropriation bill upon which legislation can not be attached. This is a bill giving privileges in the way of extensions to the telephone company, and I can not imagine under what theory of the rules it can be argued that we can not annex conditions as to the exercise of the rights which we vote here to grant. I do not think the point is susceptible of argument as against the amendment. There is nothing in the rule that applies to it. It is simply annexing conditions to the grant and user of the rights which we undertake to give, or, rather, it is stronger than that. We are undertaking here not to give an absolute right but a conditional one, and Congress, it seems to me beyond question, can always do that.

Mr. BARTLETT. Mr. Speaker, I desire simply on this point of order to call the attention of the House to a decision made by the Chair at the last Congress, to be found on page 1262 of the RECORD. A bill which was then being considered on Monday, the day on which bills relating to the District of Columbia were under consideration, and it had for its purpose the authorizing of the laying of mains in the streets by the gas company. An amendment was offered to that bill fixing the price of gas to be charged by the company, which was then seeking to obtain the right and privilege to lay its mains in the streets and to extend its mains in the streets, and on a point of order it was held the amendment was germane to the bill. It was so held in the second session of the Fifty-sixth Congress, and the decision will be found on page 1262 of the RECORD and on page 319 of the Manual. I think that is exactly in point, from my recollection of the case. The authority reads that the bill referred generally to affairs of the gas company, and the amendment introducing the subject of the price of gas was held to be germane. Now, this is a bill in which they ask Congress to permit them to extend their wires along the streets.

The SPEAKER. The Chair would ask the gentleman to give the citation to which he refers. Page 319 does not give the case. What is the RECORD page?

Mr. BARTLETT. It is in the second session of the Fifty-sixth Congress, RECORD page 1262. I will hand up to the Chair the Manual from which I am reading.

Mr. BABCOCK. Mr. Speaker, I want to say to the gentleman that the bill he refers to was an entirely different proposition. It authorized an increase of capitalization; it granted certain and specific rights in the streets of the District. This bill does nothing of the kind. It has nothing to do with the capital or with any specific rights, but simply grants authority to a coordinate branch of the Government to do a specific thing. It gives the Commissioners authority to do certain things, which authority is not now possessed by them.

Mr. BARTLETT. In reply to that suggestion of the gentleman from Wisconsin, it occurs to me that there is a similarity, and that the case is on all fours with the case referred to. In that case the gas company came to Congress asking it to permit it to do certain things in the District of Columbia, either to increase its capital stock or to extend its mains, dig up the street and extend them along the streets, which it had not then the authority to do. The present bill proposes to give this telephone company authority and rights which it did not possess, authority to extend its lines and mains along the streets——

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. BARTLETT. Certainly.

Mr. BABCOCK. This statement is misleading. This bill does not do anything of the kind. It authorizes the Commissioners to do certain things, but it does not confer upon the telephone company any rights. They can not do a single act by the passage of this bill except by applying to the Commissioners and getting permission from them.

The SPEAKER. The Chair is ready to rule on this question. The Chair finds the authority cited by the gentleman and remembers the case very well. The title of that bill was a bill referring generally to the affairs of a gas company, and an amendment introducing the subject of the price of gas was held to be germane. On January 21, 1901, the House was considering a bill (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes. Mr. William W. Grout, of Vermont, moved to recommit the bill to the Committee on the District of Columbia with instructions to report the bill back with this amendment:

Provided further, That on and after July 1, 1902, the Washington Gaslight Company shall furnish gas to the people of the District of Columbia for 90 cents per 1,000 cubic feet; on and after July 1, 1903, for 80 cents per 1,000 cubic feet, and on and after July 1, 1904, for 75 cents per 1,000 cubic feet.

Mr. JOSEPH W. BABCOCK, of Wisconsin, made the point of order that the bill did not deal with the price of gas, and that therefore the amendment proposed would not be germane.

The Speaker said:

The Chair has not read the bill through, and the confusion of this morning made it almost impossible to hear it. Still the Chair sees that this is for the purpose of giving a franchise to this company, and here is a proviso:

"That the Commissioners of the District of Columbia may require said company to lay such mains or conduits in any graded street, highway, avenue, or alley in the District of Columbia not already provided therewith, as may be necessary."

It seems to be a general bill regulating the gas business and this gas company, and the Chair is of opinion that the point of order is not well taken and that the instructions of the gentleman from Vermont are in order.

Now, here was a general bill going into the question of the regulation of the gas company. As is stated in the decision, it treated of a franchise; but there is nothing of that character in the present bill. It does not grant any corporate rights. It does not establish a company or clothe it with power. It does not treat of stocks, bonds, or any of the elements connected with the organizing of a corporation, but treats of a corporation in existence and franchises and powers that the corporation already possesses. How? By authorizing the Commissioners of the District of Columbia to regulate this matter. It does not go into the question of prices or rates in any shape or form, nor does it invite anything of that kind. When you come to treat of incorporating a company, these are limitations that should be put on and enforced, but not on a bill of this kind, which treats wholly of the question of conduits.

The Chair thinks that the point of order is clearly well taken.

Mr. BABCOCK. Mr. Speaker——

Mr. HEPBURN. Mr. Speaker, I ask the gentleman to yield to me for the purpose of offering an amendment.

Mr. BABCOCK. Mr. Speaker, I believe that the bill has been pretty thoroughly discussed, and I rose for the purpose of asking the previous question.

The SPEAKER. The gentleman has that right, but he has no right to control the floor and prevent the offering of amendments, after having yielded to the gentleman from Tennessee to offer an amendment.

Mr. BABCOCK. I did not understand the Speaker.

The SPEAKER. The gentleman has the right to demand the previous question, but he can not control the floor to prevent amendments, after having yielded to the gentleman from Tennessee to offer an amendment.

Mr. BABCOCK. I will withhold the demand for the previous question.

The SPEAKER. The gentleman does not demand the previous question?

Mr. BABCOCK. Not now.

Mr. HEPBURN. I move to amend the bill by adding at the end of section 6——

The SPEAKER. The gentleman from Iowa is recognized.

Mr. HEPBURN (reading):

Provided, That the privileges herein authorized to be extended to persons or corporations shall be exercised on condition only that service shall be furnished on the terms and at the prices now authorized by law.

Mr. BABCOCK. I make the same point of order against that amendment.

Mr. HEPBURN. Mr. Speaker, I drew that amendment——

The SPEAKER. The amendment has not been reported by the Clerk.

The Clerk read as follows:

Add at the end of section 6 the following:

"*Provided*, That the privileges herein authorized to be extended to persons or corporations shall be exercised on condition only that service shall be furnished on the terms and at the prices now authorized by law."

Mr. BABCOCK. Mr. Speaker, I make the point of order, the same as to the other amendment, that the bill does not deal with rights or franchises, and that the amendment is not germane to the bill.

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, this bill originally bore this title:

To provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes.

The amended title, however, reads:

A bill regulating the use of telephone wires in the District of Columbia.

Now, the bill gives to the Commissioners certain powers. It gives them the right to authorize this corporation to extend its conduits, and to establish poles in the alleys in the city and on the highways in the District, to renew those poles, to use them in house connection and otherwise. Now, here is simply another limitation upon the power of the Commissioners that they shall not give that privilege to any corporation except a corporation that furnishes service in accordance with the provisions of existing law. It is only an additional limitation upon the exercise of power on the part of the Commissioners.

The SPEAKER. The amendment offered by the gentleman from Iowa is substantially the same as the one that has just been ruled upon, although framed in a different way. The Commissioners can not be treated from any standpoint except that which is tendered by the bill under consideration. The gentleman from Iowa can offer amendments affecting these conduits, the depth that they may be placed in the ground, the size of them, or anything bearing upon the propositions in the bill; but when he attempts to instruct the Commissioners and to bind them on a matter that is purely reached by the incorporating acts themselves, he steps entirely outside of the province of the bill, and offers a proposition that is not germane thereto.

Mr. HEPBURN. I thought, Mr. Speaker, it would be entirely legitimate to state by law the number of wires that may be used in a cable, the number of compartments that may be in a conduit; and if that is so, then can not we go a step further and say how and under what terms one of these 10, 15, or 20 wires in a cable may be used.

The SPEAKER. The distinction is a very sharp one. It is a pure conduit-planting bill, and anything bearing upon that question is legitimate and germane; but when you go back to the constituting instrument and the questions therein this bill does not permit it. If that should be permitted, then you could in this bill take up the question of capital stock. The Chair is very clearly of the opinion that this amendment is not germane.

Mr. HEPBURN. That would be a matter of organization; this is a matter of the use of a franchise after granted.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BABCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 26.

Mr. HEPBURN. Mr. Speaker, I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 56, answered "present" 20, not voting 166; as follows:

YEAS—109.

Adams,	Dalzell,	Knapp,	Payne,
Alexander,	Draper,	Lacey,	Powers, Me.
Allen, Me.	Eddy,	Landis,	Powers, Mass.
Babcock,	Emerson,	Latimer,	Rhea, Va.
Ball, Del.	Esch,	Lessler,	Richardson, Tenn.
Bates,	Fletcher,	Lewis, Pa.	Ruppert,
Blackburn,	Flood,	Lloyd,	Ryan,
Blakeney,	Fowler,	Loud,	Shattuc,
Bowersock,	Gibson,	Loudenslager,	Sherman,
Bowie,	Goldfogle,	McCleary,	Sibley,
Bromwell,	Graff,	McDermott,	Smith, Ill.
Brownlow,	Greene, Mass.	McLachlan,	Southwick,
Burk, Pa.	Grow,	Mahon,	Sperry,
Burke, S. Dak.	Hamilton,	Mann,	Stewart, N. Y.
Butler, Pa.	Hay,	Metcalf,	Storm,
Cannon,	Hitt,	Mondell,	Sulloway,
Capron,	Holliday,	Moody, N. C.	Sulzer,
Cassel,	Howell,	Moody, Oreg.	Swanson,
Clark,	Hughes,	Morgan,	Tirrell,
Connell,	Hull,	Morris,	Tompkins, Ohio
Coombs,	Irwin,	Moss,	Wachter,
Cooney,	Jack,	Mudd,	Wadsworth,
Cooper, Wis.	Jenkins,	Mutchler,	Warner,
Cousins,	Jett,	Needham,	Watson,
Cowherd,	Jones, Wash.	Otjen,	Woods.
Creamer,	Joy,	Overstreet,	
Cromer,	Ketcham,	Palmer,	
Cushman,	Kleberg,	Patterson, Pa.	

NAYS—56.

Adamson,	Driscoll,	McLain,	Sims,
Allen, Ky.	Foster, Ill.	Maddox,	Small,
Ball, Tex.	Gaines, Tenn.	Neville,	Smith, Ky.
Bartlett,	Gilbert,	Perkins,	Snodgrass,
Bell,	Henry, Miss.	Randell, Tex.	Snook,
Bishop,	Hepburn,	Ransdell, La.	Sparkman,
Brundidge,	Hill,	Ray, N. Y.	Spight,
Burleson,	Hopkins,	Robinson, Ind.	Tawney,
Candler,	Howard,	Rucker,	Underwood,
Cochran,	Kehoe,	Rumple,	Vandiver,
Conner,	Kitchin, Claude	Scarborough,	Williams, Ill.
Davis, Fla.	Lanham,	Selby,	Williams, Miss.
De Armond,	Lever,	Shackleford,	Wooten,
Dinsmore,	Little,	Shafroth,	Zenor.

ANSWERED "PRESENT"—20.

Boreing,	Griffith,	Meyer, La.	Richardson, Ala.
Boutell,	Henry, Conn.	Miers, Ind.	Shallenberger,
Cassingham,	Johnson,	Naphen,	Stephens, Tex.
Cooper, Tex.	McClellan,	Padgett,	Thomas, Iowa
Evans,	McRae,	Reid,	Trimble.

NOT VOTING—166.

Acheson,	Dovener,	Knox,	Robertson, La.
Aplin,	Edwards,	Kyle,	Robinson, Nebr.
Bankhead,	Elliott,	Lamb,	Russell,
Barney,	Feely,	Lassiter,	Schirm,
Bartholdt,	Finley,	Lawrence,	Scott,
Beidler,	Fitzgerald,	Lester,	Shelden,
Bellamy,	Fleming,	Lewis, Ga.	Sheppard,
Belmont,	Foerderer,	Lindsay,	Showalter,
Benton,	Fordney,	Littauer,	Skiles,
Bingham,	Foss,	Littlefield,	Slayden,
Brantley,	Foster, Vt.	Livingston,	Smith, Iowa
Breazeale,	Fox,	Long,	Smith, H. C.
Brick,	Gaines, W. Va.	Lovering,	Smith, S. W.
Bristow,	Gardner, Mich.	McAndrews,	Smith, Wm. Alden
Broussard,	Gardner, N. J.	McCall,	Southard,
Brown,	Gill,	McCulloch,	Stark,
Bull,	Gillet, N. Y.	Mahoney,	Steele,
Burgess,	Gillett, Mass.	Marshall,	Stevens, Minn.
Burkett,	Glenn,	Martin,	Stewart, N. J.
Burleigh,	Gooch,	Maynard,	Sutherland,
Burnett,	Gordon,	Mercer,	Talbert,
Burton,	Graham,	Mickey,	Tate,
Butler, Mo.	Green, Pa.	Miller,	Tayler, Ohio
Calderhead,	Griggs,	Minor,	Taylor, Ala.
Caldwell,	Grosvenor,	Moon,	Thayer,
Clayton,	Hall,	Morrell,	Thomas, N. C.
Conry,	Hanbury,	Nevin,	Thompson,
Corliss,	Haskins,	Newlands,	Tompkins, N. Y.
Crowley,	Haugen,	Norton,	Tongue,
Crumpacker,	Heatwole,	Olmsted,	Van Voorhis,
Currier,	Hedge,	Parker,	Vreeland,
Curtis,	Hemenway,	Patterson, Tenn.	Wanger,
Dahle,	Henry, Tex.	Pearre,	Warnock,
Darragh,	Hildebrant,	Pierce,	Weeks,
Davey, La.	Hooker,	Pou,	Wheeler,
Davidson,	Jackson, Kans.	Prince,	White,
Dayton,	Jackson, Md.	Pugsley,	Wiley,
De Graffenreid,	Jones, Va.	Reeder,	Wilson,
Deemer,	Kahn,	Reeves,	Wright,
Dick,	Kern,	Rixey,	Young.
Dougherty,	Kitchin, Wm. W.	Robb,	
Douglas,	Kluttz,	Roberts,	

So the bill was passed.

Mr. LITTLE. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. LITTLE. I desire to vote. I have been in my seat.

The SPEAKER. Was the gentleman present in the Hall of the House?

Mr. LITTLE. In my seat.

The SPEAKER. Listening when his name was called and failed to hear it?

Mr. LITTLE. Yes, sir.

The SPEAKER. Call the name of the gentleman from Arkansas.

The name of Mr. LITTLE was called, and he voted "nay."

The following additional pairs were announced:

Until further notice:

Mr. DAYTON with Mr. DAVEY.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. MERCER with Mr. STARK.

For this day:

Mr. BRISTOW with Mr. PUGSLEY.

Mr. BOUTELL with Mr. GRIGGS.

Mr. DOVENER with Mr. EDWARDS.

Mr. GARDNER of Michigan with Mr. FINLEY.

Mr. MARSHALL with Mr. KERN for balance of day.

On this vote:

Mr. DICK with Mr. RIXEY.

Mr. DEEMER with Mr. BURNETT.

Mr. GROSVENOR with Mr. CLAYTON.

Mr. CALDERHEAD with Mr. WHEELER.

Mr. CORLISS with Mr. FINLEY.

Mr. WM. ALDEN SMITH with Mr. BRANTLEY.

The result of the vote was then announced as above recorded.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

OCCUPATION OF STREETS IN THE DISTRICT OF COLUMBIA BY CERTAIN RAILROADS DURING ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of Senate resolution 87, to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the encampment of the Grand Army of the Republic in October, 1902: *Provided*, That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners.

The resolution was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask to take up House bill 12805, requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Anacostia and Potomac River Railroad Company, of the District of Columbia, be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system, such as is now in use on its Eleventh street line, over and along the following route, namely: Beginning at the northern terminus of its Eleventh street line at Eleventh street and Florida avenue north, by double track, along Eleventh street to Lydecker avenue; thence easterly, by single track, along Lydecker avenue to Morgan street; thence northerly along Morgan street to Lamar place; thence west along Lamar place to Eslin street; thence south along Eslin street to Lydecker avenue, connecting at that point with the tracks herein authorized.

SEC. 2. That the extension herein authorized shall be completed and the cars operated thereon within two years from the date of the issuance of a permit by the Commissioners of the District of Columbia.

SEC. 3. That the extension herein provided for shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

SEC. 4. That the said Anacostia and Potomac River Railroad Company shall have over and respecting the route herein provided for the same rights, powers, and privileges it has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and of law.

The Clerk read the following amendments, recommended by the committee:

In line 14, page 1, strike out the words "Lamar place" where they occur and substitute therefor the following: "Spring street."

Add as a new section to the bill, to be designated "Section 5," the following:

"SEC. 5. Congress reserves the right to amend, alter, or repeal this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 282. An act providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. MCMILLAN, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask to take up the bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, be, and the same is hereby, amended to read as follows: "That on and after the passage of this act the emission of dense or thick black or gray smoke or cinders for a continuous period of three minutes from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed and is hereby declared to be a public nuisance: *Provided*, That nothing in this act shall be construed as applied to chimneys of buildings used exclusively for private residences.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

CHURCHES IN DISTRICT OF COLUMBIA OUTSIDE OF FIRE LIMITS.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, be amended by adding thereto the following: "*Provided*, That this requirement shall not apply to churches erected outside of the fire limits as now or hereafter established within the District of Columbia."

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

DOGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (S. 4792) relative to the control of dogs in the District of Columbia. The House committee reported a substitute for the Senate bill, and I ask that the substitute be read instead of the Senate bill.

The SPEAKER. Without objection, the amendment by way of substitute will be read.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That sections 3, 4, and 9 of the act of Congress approved June 19, 1878, entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," be, and the same are hereby, amended so as to read as follows:

"SEC. 3. That the pound master of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax tag issued by the collector aforesaid attached, and all female dogs in heat found running at large, and shall impound the same; and if within forty-eight hours the same are not redeemed by the owners thereof by the payment of $2 they shall be sold or destroyed, as the pound master may deem advisable, and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all courts of the District of Columbia.

"SEC. 4. That any dog wearing the tax tag hereinbefore provided for, except female dogs in heat, shall be permitted to run at large within the District of Columbia, and any dog wearing the tax tag hereinbefore provided for shall be regarded as personal property in all the courts of said District, and any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing, may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modifications as the particular circumstances of the case may make proper.

"SEC. 9. That if any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the District of Columbia, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants, he shall, upon conviction thereof, be punished by a fine not exceeding $20; and if such animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be punished by a fine not exceeding $50, and in addition to such punishment the court shall adjudge and order that such animal be

forthwith delivered to the pound master, and said pound master is hereby authorized and directed to kill such animal so delivered to him.

"If any owner or possessor of a female dog shall permit her to go at large in the District of Columbia while in heat he shall, upon conviction thereof, be punished by a fine not exceeding $20."

The SPEAKER. The question is on agreeing to the amendment by way of substitute.

The amendment was agreed to.

The bill was ordered to be read a third time; and it was read the third time, and passed.

REFUNDING OF CERTAIN LICENSE TAXES BY THE COMMISSIONERS OF THE DISTRICT.

Mr. BABCOCK. Mr. Speaker, I ask to take up the bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to refund to wholesale and retail liquor dealers who were engaged in business in said District on March 3, 1899, moneys erroneously collected as license taxes for the license year ending October 31, 1899.

SEC. 2. That for the purpose of carrying into effect the provisions of the preceding section the Commissioners of the District of Columbia are hereby authorized to adjust the amounts found to be equitably due by the accounting officers of the District, and pay the same out of the fund provided for the erroneous payment of taxes.

The bill was ordered to be read a third time; was read the third time, and passed.

AMENDMENTS TO DISTRICT CODE.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia." I ask that the substitute reported by the House committee may be read in lieu of the Senate bill.

The SPEAKER. The gentleman from Wisconsin asks that the substitute reported by the Committee on the District of Columbia of the House be read instead of the Senate bill. Without objection, this course will be proceeded with.

Mr. CANNON. Mr. Speaker, what does this bill call for?

The SPEAKER. This is the District code bill.

Mr. CANNON. I think that bill is subject to consideration in Committee of the Whole House. It increases the salaries in some instances. I do not care anything about making the point provided it can be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. JENKINS. We have no objection to that, Mr. Speaker, but I want to say to the gentleman from Illinois, to avoid any misapprehension, that there is no increase of salary in the bill.

Mr. CANNON. There is on the face of the bill. For instance, it increases the salary of some insurance officer from $2,500 to $3,500.

Mr. JENKINS. The gentleman is mistaken about that.

Mr. CANNON. Well, I merely read the part in italics.

The SPEAKER. Does the gentleman from Wisconsin [Mr. JENKINS] admit the point made by the gentleman from Illinois?

Mr. CANNON. I think we can adjust this question. I think this matter ought to be considered in the way I have suggested.

Mr. JENKINS. Very well; I ask that the bill be considered in the House as in Committee of the Whole.

There was no objection.

Mr. JENKINS. Now, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection; and it was ordered accordingly.

The Clerk, proceeding to read the bill by paragraphs, read the following:

Amend section 3 by adding at the end of said section the words: "No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

Mr. CANNON. Mr. Speaker, I suppose that section 3 is subject to amendment. I do not see why it should not be, under the rules. Section 3, which was embraced in this code as passed, starts out—

There shall be ten justices of the peace in the District.

Now, this part of the bill proposes to amend section 3 by declaring that these officers shall not practice law. I think there ought not to be more than four justices of the peace in this District.

Mr. CLARK. How can four transact the business?

Mr. CANNON. Well, the whole ten have not much business. These are salaried officers, at the rate of $3,000 per annum, and they earn in fees only a small part of their salaries.

I am not very particular about the number. It may be that there ought to be five of these officers. I have no objection to that number. But I would like to have it settled whether the section is subject to amendment. It is proposed in the bill to amend section 3 in one particular. Now, why is it not subject to amendment in another? It seems to me that it ought to be.

Mr. CLARK. Why not put the justices of the peace on a fee basis and then allow them to practice law for all it is worth?

Mr. CANNON. Formerly the justices of the peace in this District were on a fee basis, but the new code puts them on a salary basis, with salaries of $3,000 each, and gives them an allowance of, I think, two or three hundred dollars for ordinary expenses.

A MEMBER. Two hundred and fifty dollars.

Mr. CANNON. Yes; they are quite lordly gentlemen.

Mr. CLARK. I am not in favor of having more than four of them, if they are salaried officers.

Mr. CANNON. I do not wish to speak disrespectfully of them. In a few minutes I can get a statement of the amount of fees that they earn. The amount is a very small part of what it costs to pay them their salaries.

Mr. CLARK. If these officers are going to receive salaries at all, ought not the salaries to be on the basis of the fees? That is the way it is everywhere else.

Mr. CANNON. It would seem so; yet a different arrangement was adopted in this codification, which was made last year. I think it might be well that these should be feed officers, provided they turn in their fees in excess of $3,000.

Mr. CLARK. I know of only one place where justices of the peace get salaries, and that is St. Louis. I was a member of the legislature that helped pass the law allowing them salaries, and they were allowed salaries amounting to about one-half what they had received in fees. The reason for fixing salaries was the contention that those officers were receiving too much as fees—that they were making more than the circuit judges.

Mr. CANNON. Well, I will move as an amendment to strike out, in line 1, section 3, the word "ten" and insert the word "four."

Mr. JENKINS. It seems to me the gentleman's motion ought to be to amend the amendment.

Mr. CANNON. I do not know how to offer my amendment otherwise than I am doing. The Clerk is now reading what you propose to do. You propose to substitute for the pending bill what is printed in italics. Now, I propose to amend your substitute. I ask the Clerk to put my amendment in shape.

Mr. MUDD. Allow me to say that this bill consists of certain specific amendments to the code, and we can not well amend anything which is not in the bill.

Mr. CANNON. This proposed substitute does that.

Mr. MUDD. It seems to me that the proper thing for the gentleman from Illinois to do would be to ascertain the section of the code which fixes the number of justices of the peace.

Mr. CANNON. I have done so; it is section 3.

Mr. MUDD. There is another thing which, perhaps, ought to be provided for if this amendment is to be adopted. I do not know just what shape it is in, but if I understand correctly, there is a provision in this code that each justice of the peace shall have a deputy marshal, this officer taking the place of the constable under the old law.

Now, if the gentleman thinks it is proper to reduce the number of justices of the peace, I submit to him that he better consider whether or not he wants each justice of the peace to have three or four deputy marshals or whether he wants to reduce the number of marshals.

Mr. CANNON. Well, we will reach that when we get to it.

Mr. MUDD. We must be consistent in our economy as we go along.

Mr. CANNON. That is right.

Mr. MUDD. Suppose we pass that for the present.

Mr. CANNON. Oh, no; there are a whole lot of them. I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

After the word "office," in line 17 of the bill, amend by striking out the word "ten," in line 1 of said section, and inserting the word "four."

Mr. CANNON. So that it will then read: "There shall be four justices of the peace in the District."

Mr. JENKINS. Now, Mr. Speaker, if the gentleman from Illinois will yield to me for a moment, just for the purpose of asking a question——

The SPEAKER. The gentleman from Wisconsin will suspend a moment. The Chair is at a loss to know just the mode of procedure that the gentleman from Illinois is seeking to pursue. We have before us the code of law for the District of Columbia, approved March 3, 1901. The Senate brought in a bill proposing certain amendments to that code. The House committee in this case has adopted section 3 by way of a substitute, the same section that the Senate has. It seems to the Chair that all we can do now is to consider these amendments and that they must be germane to the proposition in the bill, not to the code itself. The gentleman's amendment is aimed at the code.

Mr. CANNON. Yes.

The SPEAKER. And there is nothing in the amendments here that touches the code so far as the amendment of the gentleman is concerned. The amendment must be germane to the bill, not to the code, and the bill does not take up the subject of the

number of justices of the peace at all, neither the Senate amendment nor the amendment recommended by the committee. The Chair is of opinion that in considering this bill we have to consider the bill and not the code. Now, if the gentleman has any views on that subject, the Chair will be glad to hear him.

Mr. CANNON. I have not. I supposed the object of this bill was to amend the code. It might as well have read in this way, after reading section 3 of the code, adding what is contained in lines 15, 16, and 17. Then, undoubtedly, it seems to me it would have been subject to amendment, but that is certain which can be rendered certain. Now, the proposition is to amend section 3 by adding at the end of said section the following words:

No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office.

That is the proposition. This is to amend the code—a bill to amend the code. The first thing to amend is section 3. I say, very well. Now, this entire amendment to section 3, it seems to me, is germane. It is true that it is unhandy to get at.

Mr. HILL. It is to amend the code.

Mr. CANNON. Yes; the title is "To amend an act entitled 'An act to establish a code of law for the District of Columbia.'" It seems to me any amendment from section to section, as this is being considered under the five-minute rule, and paragraph to paragraph, is apt, that amends the act. Of course, you have got to refer to the act to do that, otherwise we would deal strictly within very narrow limits in revising this act, and that is what it is, amending the whole act. We run from one section to another, and this, as I understand it, is a House substitute for the Senate bill.

Mr. JENKINS. If the gentleman from Illinois will yield a moment, I want to call his attention to the fact that the section would then be very imperfect. Section 3 provides for the appointment of 10 justices of the peace.

Mr. CANNON. Yes.

Mr. JENKINS. It further provides that the Supreme Court shall divide the district into 10 subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office, etc. Now, it would still need further change.

Mr. CANNON. Undoubtedly.

Mr. JENKINS. I would suggest that the gentleman take time to prepare a substitute for the pending proposition here on page 63, providing that section 3 of the act is hereby amended so as to read as follows, etc., and then embrace his amendment. Then the whole matter will be in harmony.

Mr. CANNON. I think that is wise, because these words ought to be stricken out:

By and with the advice and consent of the Senate.

It is getting so now that you can not appoint somebody to attend an ash-hopper——

Mr. MAHON. Or a pound catcher.

Mr. CANNON. Or a pound catcher, but what under the law as it creeps in through the carelessness of the House he has got to be appointed by the President, by and with the advice and consent of the Senate. [Laughter.] I think a substitute ought to be prepared, and I will say to my friend, if he is willing, I think I can in five minutes prepare a substitute for section three.

Mr. JENKINS. I want to say to the gentleman and to the House that I feel it to be my duty to state, inasmuch as this matter has been brought up here, that when the code passed the House we were of opinion that five justices of the peace were all that were required; but the bill as finally passed provided for ten. The gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, has called the attention of the District Committee to this matter, and insists that according to his information ten justices of the peace are too many at a fixed salary of $3,000 a year apiece. Now, I do not see how I can possibly make any objection to the proposed amendment of the gentleman from Illinois; but I want the legislation harmonious. I therefore ask unanimous consent that we pass this section without prejudice, to return to it when it is convenient for the gentleman from Illinois to present his amendment.

Mr. CLARK. Mr. Speaker, I should like to ask the gentleman a question or two. What sort of jurisdiction do these justices have, criminal and civil both, or simply civil jurisdiction?

Mr. JENKINS. Civil jurisdiction.

Mr. CLARK. Then four are enough.

The SPEAKER. If the Chair can have the attention of the gentleman from Illinois a moment, the Chair sees what the gentleman from Illinois is seeking to accomplish. There have been a number of decisions bearing upon this question, some by the Chair in the last Congress, and others before that. It seems to the Chair that the gentleman can reach the matter that he seeks to reach by an amendment to this bill in section 3, where the justices of the peace are treated of, by a proviso that there shall not be more than eight, or whatever number he wishes, so long as the amendment is aimed at the pending bill. Of course, the House can revise the code if it wants to; but it has here simply the amendments of the Senate. Those amendments are the subject-matter now before the House.

Mr. JENKINS. Then, I will ask unanimous consent to pass over this section.

Mr. CANNON. I think I have it ready now.

Mr. JENKINS. Then I withdraw my request, as the gentleman says he has his amendment prepared.

Mr. CANNON. I will read it. I propose this amendment by way of a substitute:

SEC. 3. Appointment and qualifications.—There shall be four justices of the peace in the District, who shall be appointed by the President of the United States for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into four subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require.

And then add the words that appear in this bill.

Mr. JENKINS. I should like to say to the gentleman from Illinois that I do not think his proposed amendment will operate as a repeal to section 3 of the code.

Mr. HOPKINS. Then why not put that in there?

Mr. JENKINS. The code provides for ten justices of the peace, while the proposed amendment provides for four. It might make fourteen, instead of reducing the number.

Mr. CANNON. No; my proposition is to amend section 3——

Mr. JENKINS. Amend section 3 "so that the same shall read as follows."

Mr. CANNON. That is what I propose to do—to amend section 3 so as to read as follows; and then if the Clerk will just add to the amendment those words——

The SPEAKER. The Chair understands that the gentleman means to strike out lines 14, 15, 16, and 17, after figure 3, and to insert.

Mr. CANNON. Yes.

The SPEAKER. The Clerk will make it conform.

The Clerk read as follows:

Strike out after the figure 3, in line 14, all of the paragraph and insert the following: "So as to read as follows:

"SEC. 3. Appointment and qualifications.—There shall be four justices of the peace in the District, who shall be appointed by the President of the United States for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into four subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows;

Amend section 7 so that it will read as follows:

"SEC. 7. Jury trials: Trial by jury before justices of the peace is hereby abolished. Each justice of the peace is authorized and required on complaint under oath or actual view to issue warrants free of charge returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof in a book to be kept for that purpose."

Mr. RAY of New York. Mr. Speaker, I move to strike out the entire section and to insert in lieu thereof the words "Section 7 is hereby repealed." The District code by another section gives the justice's court——

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of lines 3 to 10, inclusive, on page 64.

Mr. RAY of New York. No; 4 to 10, inclusive.

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. RAY of New York. It is simply to strike out section 7.

The SPEAKER. The gentleman will please reduce his amendment to writing.

The Clerk read as follows:

Line 3, page 64, after the word "trial," in line 2, strike out all down to the word "amend," in line 11, and insert "and section 7 of said act is hereby repealed."

Mr. RAY of New York. Now, Mr. Speaker, section 7, as it now stands, reads, "jury trials, trial by jury before justices of the peace is hereby abolished." That is all there is in it now. The jurisdiction of these justices of the peace extends to controversies involving the sum of $300 or less, and replevin cases, etc., involving the same amount, and then in certain cases they have concurrent jurisdiction with other courts. Now, these cases may involve substantially all that the parties are worth who are compelled to go into these courts to have their rights determined; and I simply say that, in my judgment, it is an outrage upon the people of this District, the poorer classes of people, to deny to them the right of trial by jury. Their all is as sacred to them as is the property and property rights of the more prosperous citizens.

Now, the bill proposes to amend further—and it is the gist of this amendment—that each justice of the peace is authorized and required "on complaint under oath or actual view"—I do not know what view; but on view of something, I do not know what—"to issue warrants free of charge, returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof and in a book to be kept for that purpose." In other words, it is proposed to give jurisdiction to these justices of the peace to issue criminal process. While they are deprived of all criminal jurisdiction, they may issue criminal process either on written complaint or do it "on view," whether it is "view of the crime," "view of the complainant," "view of the defendant," "view of the heavens," or "view of the adjacent property," or what they do not say. But I am opposed to this provision, and I hope this House is opposed to it. If they are unworthy to have criminal jurisdiction to hear and determine the merits of a complaint, they ought not to have the right to issue criminal process. Let the complainant go to the criminal courts or police justices.

In the State of New York a criminal process can not be issued by any officer until he has before him a complaint reduced to writing, until witnesses have been sworn to ascertain whether there is some cause to believe that a crime has been committed. Then the police justice or a judge or officer having criminal jurisdiction may issue process and make it returnable before himself or in certain contingencies before some other criminal officer. Now, in the first place, these two subjects-matter ought not to be confounded in the same section. In the second place, we ought not to deprive these people of a jury trial where so much to them is involved. It may seem a small amount to some of us and to the rich men of the District, but to thousands of citizens the sum is large.

Mr. CLARK. Mr. Speaker, there is another thing about this jury business. Article 7 of the amendments of the Constitution says:

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

I do not believe if we put that in the law it is of any account after we put it in. Surely there is not a man in this country that ought not to have a jury trial if he wants one.

The SPEAKER. The question is on the amendment.

Mr. JENKINS. Mr. Speaker, I desire to oppose the amendment. Now, I want so say to the House that the only opposition that is made to this amendment is made by the gentleman from New York, who says he does not want it passed. I would like to accommodate the gentleman from New York whenever it is convenient and let his judgment prevail, but I ask that this House be informed before it votes on this question. I want to say to my friend from Missouri that he need not have any fears with reference to the right of trial by jury. Any man can now have a trial by jury. But I do not want the gentleman from Missouri to be misled by anything that the gentleman from New York has said. It is very evident that the gentleman does not understand this from what he has said.

In the first place, the policy of Congress has been to have all these criminal proceedings tried in the police court, where every advantage and opportunity is given for the trial of any case brought there. It is deemed much better for the administration of justice to have all these cases tried there. The judges are excellent men, men of experience, and men of judgment, and have the confidence of this community. They have their arrangements for the trial of all these cases. They have the officers there to assist them in the execution of their duty, and convenient rooms for the trial of all cases. All criminals now brought for trial, if they so desire, can be tried by jury. I want to say to the House and the gentleman from New York that this amendment that he is so bitterly opposed to is placed here before this House by the earnest and unanimous request of the Commissioners of the District of Columbia, and does not prevent justice being done, and does not deprive any man of his legal rights.

Mr. RAY of New York. May I interrupt the gentleman? Have not the people of the District anything to say whether they shall have a trial by jury in civil cases involving $300 or less, or not? Are we going to deprive several hundred thousand people of a trial by jury because the District Commissioners want it done?

Mr. JENKINS. The gentleman does not ask any question.

Mr. RAY of New York. Yes, I do; I ask that question.

Mr. JENKINS. There is no one complaining. If anyone has complained to the gentleman from New York, he has not communicated the complaint to the Committee on the District of Columbia.

Mr. RAY of New York. May I interrupt again?

Mr. JENKINS. I decline to yield.

Mr. RAY of New York. Let me say——

The SPEAKER. The gentleman from New York is out of order; he does not address the Chair.

Mr. RAY of New York. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS. No; not at this time. I was saying to the members of the House, for their information, that if anyone has uttered any complaint no complaint has come to any member of the Committee on the District of Columbia with reference to this matter. Everybody that is charged with an offense can be tried by a jury in the police court of this District. The amendment is introduced at the request of the Commissioners in the interest of justice, because it is not always convenient for a person who knows when a crime has been committed to come down to the police court and make complaint, but it was deemed advisable, after considering the question, to recommend to this House that this amendment be adopted, because it simply gives any person who knows, or who has reason to believe, that a crime has been committed, an opportunity to go before one of the justices of the peace and make complaint, so that that party can be arrested; the warrant is returnable to the police court.

It makes no difference to the committee whether the amendment is struck out, but I want the House to understand that it does not deprive anyone of any right under the Constitution of a trial by jury; they are tried the same, but it is recommended because it may prevent the escape of criminals.

It might as well be understood that the people of Washington labor under a great many embarrassments here that no other community in the country labors under.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. RAY of New York. Now, Mr. Speaker, the gentleman has stated over and over again that every person may have a jury trial under the provisions of this law, and he criticises the gentleman from New York for suggesting something to the contrary. Now, let us read the law that they propose to put upon the statute book:

Amend section 7 so that it will read as follows:

"SEC. 7. Jury trials: Trial by jury before justices of the peace is hereby abolished. Each justice of the peace is authorized and required on complaint under oath or actual view to issue warrants free of charge returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof in a book to be kept for that purpose.

Mr. JENKINS. That is the present law.

Mr. RAY of New York. And I move to strike it out and restore jury trial; that is my amendment. The gentleman from Wisconsin has stated over and over again that the people are not deprived of a jury trial, but are entitled to it. In that he is mistaken. I say that in my judgment, and I submit it to the judgment of the men of this House, that here in the District of Columbia the people who have $300 or even less at stake have a right to a jury trial and ought to have it if they see fit to demand it. If they do not demand it, then they can go to trial before a justice of the peace without a jury. Strike this out and they can have a jury trial or not, as they see fit. Strike this out and the man with $300 or even less at stake may have his case submitted to a jury.

Leave it in and you and I here in this District seeking justice are compelled to go to trial before one of these justices of the peace, who may be an enemy of ours, and we can not have a jury. You deny one of the greatest privileges sought to be guaranteed to these people by the Constitution of the United States. If it is $350, you can have a jury trial; but if it is $300 or less, no. If it is $3,000, a part of what the rich man has, he may have the jury trial; but all that the poor man has may be swept away from him without a jury trial.

If a Republican House in the twentieth century desires to write that infamy on the statute book, I want them to do it; but I will give you a fair chance to go on record before it is done. [Applause.]

Mr. KLEBERG rose.

Mr. RAY of New York. I yield to the gentleman.

Mr. KLEBERG. I agree with the gentleman from New York, but I wish to bring out this fact: Is it not a fact that this amendment has reference to civil cases as well as criminal?

Mr. RAY of New York. Certainly. They propose the section as it stands with an amendment to the section which gives a justice of the peace who has no criminal jurisdiction the power to issue warrants in criminal cases, even on a view; some indefinite view, and the amendment does not say what. It may be a view of the crime itself; that is what is meant, probably. It may be a view of the criminal; it may be on a view or inspection of the complainant. I say the section as it stands is ill-advised; I say it is wrong; I say it is a violation of the principles of our Government, a violation of the liberties of the people of the District of Columbia, and I trust the amendment will be agreed to. It strikes the section—section 7—from the law—the District code.

Mr. BARTLETT. I agree thoroughly with the gentleman on the proposition that we ought to have jury trials in the District of Columbia. The gentleman remembers that I have a bill before his committee to give trial by jury to other citizens who are charged——

Mr. RAY of New York. Well, we will take care of that when we get to it. Let us correct one evil at a time.

Mr. BARTLETT. I am with the gentleman on the present question; but I hope he will remember his present views about jury trials when he comes to frame a report on that bill.

Mr. RAY of New York. Well, you will get no promises out of me now. [Laughter.]

Mr. BARTLETT. I do not want any "promises" from the gentleman. I merely ask that he shall carry out his views consistently in other cases in reference to jury trials.

Mr. RAY of New York. I can not say what the committee will do with the gentleman's bill when it is reached; but I do not think there is any such statute as that I am now discussing anywhere on any of our statute books.

Mr. JENKINS. Mr. Speaker, I desire simply to say what my limited time prevented me from saying a moment ago—that the law to which the gentleman from New York [Mr. RAY] seems so bitterly opposed now, in the interest of the poor man, is the existing law; and the gentleman from New York voted for it if he was present in the House discharging his duty at the time the measure was under consideration. And this provision of law was recommended unanimously by the bar of this District; and I think the bench also approved of it. But, at any rate, section 7 as it now reads here in the code was pending here before Congress for at least six months, and not a single individual in or out the city of Washington, in or out of Congress, raised any objection to the proposed law, and it received the approval of both Houses and the approval of the President of the United States; and I repeat, up to this time not a single person has uttered a complaint against it.

Mr. BARTLETT. Will the gentleman allow me a single suggestion? As everybody knows, the Constitution secures to every individual a jury trial in all cases involving more than $20. Now, on what authority do we undertake to change that provision by making the limitation $300 instead of $20?

Mr. JENKINS. Well, I have not time to enlighten my friend from Georgia with reference to the Constitution. If he will only read it, he is capable of understanding it himself.

Mr. BARTLETT. I want to know the gentleman's construction.

Mr. JENKINS. Now, the only amendment that has been recommended by the committee is to permit a justice of the peace to issue a warrant for the arrest of an offender and to have that warrant returnable to the police court. That is the amendment.

Mr. BARTLETT. Have I the gentleman's permission for a single further suggestion? I understood the gentleman from New York [Mr. RAY] to refer to a jury trial in civil cases.

Mr. JENKINS. Well, that is the law in the District now; and the gentleman from Georgia [Mr. BARTLETT] voted for it.

Mr. BARTLETT. Well, if I did, I did not know it.

Mr. MANN. Nobody voted for it; it passed by unanimous consent.

Mr. CLARK. Will the gentleman from Wisconsin [Mr. JENKINS] allow me to ask him a question?

Mr. JENKINS. I yield for a question.

Mr. CLARK. Suppose that the law is now as the gentleman states, why not change it? The House has power to do that.

Mr. JENKINS. I have not the slightest objection, if it is at present the opinion of Congress that the law ought to be changed. I simply want the House to understand the question. We are not now recommending that provision.

Mr. CLARK. What reason do the proponents of this proposition to take away the trial by jury give for it?

Mr. JENKINS. Well, this was passed nearly two years ago, I believe.

Mr. CLARK. I do not care when it was passed. What reason is there for taking away the trial by jury? There must be some reason or the provision ought not to be sanctioned.

Mr. JENKINS. I do not know anything about that question at this time.

Mr. RAY of New York. I can answer that question if the gentleman from Wisconsin will permit.

Mr. JENKINS. Very well.

Mr. RAY of New York. The object of putting that provision in was to make it easy for these gentlemen—these 10 justices of the peace in the District of Columbia—to draw their salaries out of the public Treasury. That was the object—to do away with the labor of drawing a jury, to give these 10 justices of the peace more personal power, more dignity.

Mr. CLARK. How does taking away the trial by jury help them to draw their $3,000 a year?

Mr. RAY of New York. They get their salaries more easily—don't you see?

Mr. CLARK. I do not.

Mr. RAY of New York. They do not have the work of impaneling a jury, or their power or influence lessened. The law makes them both judge and jury.

Mr. CLARK. Let me ask another question. Is not this abolition of trial by jury directly and squarely in the face of the seventh amendment of the Constitution of the United States?

Mr. JENKINS. Now, Mr. Speaker——

Mr. CLARK. Wait a minute. I desire the gentleman to answer that.

The SPEAKER. The gentleman from Wisconsin has the floor.

Mr. RAY of New York. I think it is unconstitutional, I will state to the gentleman from Missouri. It is unjust. It may be held that the District of Columbia is not entitled to the benefit of the constitutional provision referred to, but subject to such arbitrary acts as Congress sees fit to enact.

Mr. JENKINS. As I say, Mr. Speaker, I simply want the House to understand the question. I have no personal pride about it, and I do not think any gentleman on the committee has. I simply want them to understand that some year and a half ago the law was passed in this District that trial by jury before justices of the peace be abolished. Now, then, if Congress wants to change it, I have not the slightest objection. I am simply saying that up to this time no citizen of this District or any person else has come and made any complaint to the committee on the question. I will ask for a vote on the amendment, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by the gentleman trom New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Amend section 39 so that it will read as follows:

"SEC. 39. Retiring justices, and removal, resignation, and death.—It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office, or the expiration of his commission, and in case of his death, it shall be the duty of his executor or administrator, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death, to his successor in office."

Mr. RAY of New York. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 22, page 65, after the word "administrator," insert the following: "if such dockets or papers have come to his possession or are within his control."

Mr. RAY of New York. Now, Mr. Speaker, I desire the attention of the House to what this section as it reads provides. It is as follows:

It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office or the expiration of his commission, and in case of his death it shall be the duty of his executors or administrators, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death to his successor in office.

Then the following:

Upon failure of any person to deliver such dockets and papers as in this section provided, he shall forfeit to the United States the sum of $500, to be recovered as other penalties are recovered.

Now, of course it is presumed that on the death of the justice of the peace these papers would be in his possession, but months may expire before an administrator is appointed. Other people may have access to the papers and remove or destroy them, but when the administrator or executor is appointed, so that he has power to take possession, he may not find these dockets, he may not find these papers, and they may never come into his possession or under his control; but still the law makes it the absolute duty of the executor or administrator to deliver them over, and if he does not he is subject to a penalty of $500. The amendment simply provides that it shall be the duty of the executor or administrator, etc., adding as follows:

If such docket or papers have come into his possession or are within his control.

Now, you can not answer that by saying that the law would

not be enforced against him if he does not have the possession, because it is his duty, as the proposed law reads, to deliver them whether he has them or not. He is the executor or the administrator, and the law that you have written here would be absolute. Therefore the amendment makes it safe for the executor or administrator, even if some might argue that it is unnecessary that the court would give a more favorable construction.

Mr. JENKINS. Mr. Speaker, the committee has no objection to the amendment. It does not change the law. This amendment was drawn by the Bar Association, and certainly any lawyer on earth would know that if the books and papers never came into the hands or keeping of the administrator he certainly could not be punished for failure to deliver them over; but as I say, the committee has no objection to the hypocritical amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Amend section 42 by substituting for said section the following:

SEC. 42. Constitution.—There shall continue to be a police court in the District as at present constituted, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, or until their successors are appointed, who shall each receive a salary of $3,000 per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the acts of said court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States.

Mr. OVERSTREET. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out in line 4, page 67, the word "three" and insert in lieu thereof the word "four."

Mr. OVERSTREET. Mr. Speaker, there are at present in the District of Columbia two police judges who, under existing law, receive a salary of $3,000 per year. The amendment proposes an increase of this salary from $3,000 to $4,000 a year. I appreciate that there are those who think that it is unwise to offer to increase any of these salaries, and yet if it is right there should be no objection. If they are not receiving what they are entitled to for the work performed, Congress should see that they are properly paid.

There have been tried in this court in the District of Columbia, covering the last several years, an average of over 16,000 cases per year. There have been on an average from 150 to 175 jury cases each year. These judges are given no holidays, because, gentlemen, understand that, unfortunately, holidays produce a large amount of police-court business. They are not paid in proportion to the time they are at work nor the amount of business which they discharge. They are two of the best men in the District, who have served a long time, who are familiar with the law, and who by their acts have proven that they understand the proper discharge of their duties.

Now, Mr. Speaker, the fines paid have something to do with evidencing the amount of work done; not the fines assessed, but the fines paid. The fines paid during the last several years have averaged between thirty-five and fifty thousand dollars per year in this court, and I submit that in justice to these men, who work without holidays, who are allowed only a little sum extra over and above their salary of $3,000, namely, $300 a year to cover emergencies when they are obliged to employ some one to sit for them when they are incapacitated from illness or otherwise, they should receive this increase, which does not go beyond the amount usual in cities of this size. I understand that in other cities of about equal population and equal business, perhaps, the salaries are larger than those proposed by this amendment.

I want to suggest, Mr. Speaker, that for the first four months of this year, January, February, March, and April, the fines actually paid in the police court of this District amount to over $20,000. The cases have averaged a larger number than for the preceding three or four years, so that the amount of work is increasing constantly, and I trust that gentlemen will not undertake to be parsimonious with these men, but will recognize that as men of high character and good qualifications, of long experience in this business, a most delicate and embarrassing business for any jurist to transact, gentlemen will see to it that these men are properly paid, under the custom prevalent in such courts. I have here a little statement showing the business for the last few months only. If this average should continue, the business of this court will greatly increase this year over any preceding year in the history of the District.

I speak of this only as an evidence of the constantly growing business of the court. I will not detain the House, but will ask that this statement be printed, showing the growth of the business in the District, and that it thoroughly and completely warrants this slight increase in the pay.

Number of cases disposed of in the police court from January 1, to December 31, 1901.

United States branch	6,621
District of Columbia branch	12,581
Total	19,202
Committed to jail and reform school	2,065
Committed to workhouse	4,408
Committed to board of Children's Guardians	451
Total committed	6,924

Fines paid.

United States branch	$16,304.87
District of Columbia branch	39,463.13
Total	55,768.00

Fines paid in 1902, by months.

Date.	United States branch.	District of Columbia branch.
January	$1,082.37	$3,828.67
February	1,148.72	3,535.98
March	1,704.96	4,558.42
April	1,324.04	4,304.38
Total	5,260.09	16,227.45

Total both branches	$21,547.54
Estimating 1902 at the above rate	64,642.62

The appropriation for the police court for the next fiscal year as passed the House of Representatives is:

For salaries	$30,840.00
Witness fees	4,000.00
Jurors' fees	8,000.00
Feeding jurors	100.00
Repairs to building and furniture	1,000.00
Rent of ground occupied by police-court cells	600.00
Total	34,540.00
Receipts over expenditures for all purposes, more than	30 000.00

Mr. ALEXANDER. Mr. Speaker, will the gentleman allow me a question?

Mr. OVERSTREET. Yes.

Mr. ALEXANDER. How many police courts have you in Indianapolis?

Mr. OVERSTREET. Only one.

Mr. ALEXANDER. We have one in Buffalo. How many have they in Pittsburg?

Mr. OVERSTREET. I think Pittsburg has magistrates.

Mr. ALEXANDER. Why do they need two police justices in this quiet, orderly city of Washington?

Mr. OVERSTREET. The fact that there are over 16,000 cases a year, and that fines actually paid amount to $50,000 a year, would show that this city is not always a quiet one.

Mr. ALEXANDER. Why not have one police justice, as there is in most cities, I apprehend, and then give him a salary of $4,000?

Mr. OVERSTREET. This is a larger city than Indianapolis and a larger city than Buffalo, and upon the merits of the case I think the amendment is entirely proper.

Mr. DALZELL. I will say to the gentleman from New York that there is no police court in Pittsburg, but that justices of the peace attend to all that sort of thing.

Mr. DAYTON. May I suggest in answer to the gentleman from New York that the justices of the police court here have a double jurisdiction—one as regards offenses against the city and the other offenses against the United States.

Mr. COWHERD. Mr. Speaker, I desire to be heard for a moment. I regret to oppose any amendment offered by my friend from Indiana [Mr. OVERSTREET], but it seems to me that these judges are certainly paid enough in comparison with the pay that is given to judges of the United States courts and judges of the different State courts. The gentleman talks about the great amount of business they transact. This is simply an ordinary police court, and the gentleman knows in what way they transact business there. They try twenty, thirty, or forty cases a day with as much ease or more ease than a circuit judge tries one case that comes before him. The trials ordinarily are very informal. A man is brought up, a policeman testifies and the man testifies, and perhaps one or two other witnesses, but more frequently none, and that is all there is of it. I venture to say four-fifths of the defendants plead guilty. These men now get $3,000 a year.

The average judge of a circuit court in the States of the Union does not get more than that, although he tries both civil and criminal cases of the utmost importance. The judges of the United States district courts, who, as we all know, transact the circuit court business, also get only $5,000 a year.

It seems to me it would be a piece of folly for the Congress of the United States to give a police judge in the city of Washington $4,000, when the salary given to judges of the United States district courts is only $5,000. It would be out of all harmony with

the action of Congress in reference to the judges of the United States courts. I hope the amendment will be defeated.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Speaker, I desire to move an amendment. I move to strike out in line 2 the following words:

The SPEAKER. What page?

Mr. CANNON. Page 67. "By and with the advice and consent of the Senate." This is the criminal justices of the peace.

The SPEAKER. Does the gentleman desire to be heard?

Mr. CANNON. No; I am ready for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend section 51 by substituting for said section the following:

SEC. 51. DISABILITY OF JUDGE.—In cases of sickness, absence, disability, expiration of the term of service of or death of either of the judges of said court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for the judge of the police court and shall receive the sum of $5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court.

Mr. JENKINS. Mr. Speaker, I offer the following amendment for the committee.

The Clerk read as follows:

Strike out lines 22, 23, 24, and 25 on page 67:

"And shall receive the sum of $5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court."

Mr. JENKINS. I desire to further amend by striking out all after the word "court," in line 22. In preparing the amendment I observe that I did not include enough. The object and purpose of the amendment, I will say, Mr. Speaker, is to prevent paying a justice of the peace $5 a day when called to preside when the police judge is absent. Under the present law each justice of the peace gets $3,000 a year salary and an allowance of $250 for stationery, office rent, etc. The police judge gets $3,000 a year only.

Now, if the police judge happens to be sick or desires to be absent, one of the justices of the supreme court can designate one of the justices of the peace to act temporarily during the absence of the police judge; but under the present law the justice of the peace gets $5 a day extra for this service. The object and purpose of the amendment is to prevent that and to compel that officer to perform those duties without extra compensation.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend section 65 by inserting in the fourteenth line thereof, after the word "auditor," the words "and also," and by striking out the comma in said line 14 after the word "crier;" also by adding at the end of said section the words "*Provided*, That nothing in this section contained shall affect the jurisdiction of the supreme court of the District of Columbia in special or general term in the case of the United States *v.* Martin F. Morris and others, now pending therein, but the jurisdiction of the said court, both in special and general term, and the jurisdiction of the Supreme Court of the United States shall remain and continue as to said cause, under the act of Congress entitled 'An act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia,' approved August 5, 1886, and an act of Congress approved January 7, 1895, entitled 'An act supplementary to an act entitled "An act establishing a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893,' and an act of Congress entitled 'An act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats,' approved March 2, 1901, as if the act entitled 'An act to establish a code of law for the District of Columbia,' approved March 3, 1901, had not been passed."

Mr. RAY of New York. It may be all right, but I desire to inquire of the gentleman in charge of the bill about amendment 65. You say nothing shall affect a certain suit. What suit is that? Of course, special legislation that might not affect other suits, but only one particular suit, or the contrary, ordinarily would be objectionable.

Mr. JENKINS. The gentleman from New York will remember that the Committee on the Judiciary last Congress passed a bill with reference to the case known as the United States against Morris, affecting some land down here. The amendment to the code is not to affect that suit, after that law was passed.

The Clerk read as follows:

Amend section 102 so that it will read as follows:

"SEC. 102. Process against infants.—Whenever an infant is party defendant in any suit, in equity or at law, the subpœna or summons issued in such suit shall be served upon him personally, if within the District, and said infant shall in such case be produced in court, unless, for cause shown, the court shall dispense with his appearance; and it shall be the duty of the court to appoint a suitable and competent person guardian ad litem for such infant, to appear for and defend such suit on his behalf, and whenever in the judgment of the court the interests of such infant shall require it the court shall assign a solicitor or attorney to represent such infant, whose compensation shall be paid by the plaintiff, or out of the estate of such infant, at the discretion of the court."

Mr. RAY of New York. Mr. Speaker, I can not find in the code adopted for the District of Columbia any provision anywhere that provides for the service of process where a suit is brought against an infant of tender years, upon his guardian, next friend, parent, or person with whom he resides. I do not think there is any such provision in the act. Of course, if the gentleman can assure me that there is such a provision elsewhere, then I will not offer this amendment. But in the State of New York and in all the States where I am familiar with the practice the code provides, not only for personal service upon the infant of tender years, but for service upon the parent of such infant or person with whom he resides.

Mr. JENKINS. I have no objection to that amendment.

Mr. RAY of New York. I do not want to duplicate the law. I send the following amendment to the desk.

The Clerk read as follows:

In line 14, page 70, after the word "personally," insert the following: "And also the person with whom he resides, if under 16 years of age."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 115b. Estates of lunatics.—The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.

Mr. RAY of New York. Mr. Speaker, I submit the following amendment:

The Clerk read as follows:

In line 18, page 72, after the word "persons," insert the following: "After hearing the nearest relatives of such person or some of them if residing within the jurisdiction of the court."

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, it has been proposed that we adjourn from Thursday of this week to Monday next on account of Decoration Day. Many members have been asking me about it. and I move that when the House adjourn on Thursday of this week, it adjourn to meet on the Monday following.

Mr. KEHOE. Mr. Speaker, would not that interfere with war claims day?

Mr. PAYNE. I think the gentleman had better leave that open. The truth is by passing the omnibus bill the Committee on War Claims have had a pretty good chance already.

Mr. KEHOE. We have had only one day.

Mr. PAYNE. Well, that was a pretty good day.

Mr. KEHOE. We have no objection to it if you will give us another day for war claims.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MADDOX) there were—49 ayes and 4 noes.

Mr. MADDOX. Mr. Speaker, I make the point of no quorum. If we can get unanimous consent to have Tuesday next for war claims, I will withdraw the point, but we will never get it unless we have some understanding about it.

Mr. PAYNE. In the absence of the chairman of the Committee on War Claims I do not feel like making any agreement. If I can withdraw the motion now, I will do so. I ask unanimous consent to withdraw my motion.

The SPEAKER. That can be done if the gentleman from Georgia withdraws the point of no quorum.

Mr. MADDOX. I will withdraw the point, Mr. Speaker.

The SPEAKER. The point is withdrawn, and the motion is withdrawn.

Mr. PAYNE. I desire to give notice, Mr. Speaker, that I will make the motion to-morrow morning immediately after the reading of the Journal.

AMENDMENTS TO THE DISTRICT CODE.

The Clerk read as follows:

Amend section 121 so that it will read as follows:

"SEC. 121. The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court, may take probate of claims against the estates of deceased persons that are proper to be brought before him, and pass any claims not exceeding $300; may take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court. It shall be his duty to make full and fair entries of the proceedings of said court, and also to make a fair record in a strong bound book or books of all wills proved before him or said court, and of all other matters by law directed to be recorded in said court, and to lodge every original paper filed with him in such place of safety as the court may appoint. He shall make out and issue every summons, process, and order of the court, and in every respect act under its control and direction in reference to matters coming within the jurisdiction of said court. He shall be, and hereby is, authorized to appoint two deputies, who may do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of

wills; *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public treasury, but shall, together with his own compensation, be paid out of the revenues of the office of register of wills.

Mr. BABCOCK. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Insert in line 17, page 77, after the word "compensation," the following: "which shall be at the rate of $4,000 per annum."

Mr. COWHERD. Mr. Speaker, I would like to ask the gentleman if that is a change of existing law or the same salary that he has now?

Mr. BABCOCK. This is the salary of the register of wills.

Mr. COWHERD. But is it the same salary that is provided by law or is it an increase?

Mr. BABCOCK. The salary of the register of deeds is $4,000, and this will equalize them and make them the same—the register of wills and the register of deeds.

Mr. COWHERD. It seems to me, Mr. Speaker, that when this matter was considered in the subcommittee we came to the conclusion that his salary was sufficient at present, and it did not require any increase. It seems to me that if the register of wills, who, I admit, sometimes acts somewhat in the capacity of a probate judge—that the salary is sufficient and that we ought not to increase these salaries.

Mr. BABCOCK. Just a word, Mr. Speaker, in reference to that. The salary of the register of wills is $3,600, and of the register of deeds, $4,000. As a matter of fact, the register of wills ought to have a greater salary than the register of deeds.

Mr. COWHERD. Could they not be equalized by reducing it at the other end?

Mr. BABCOCK. That might be done. But, as I say, the register of wills ought to have a larger salary than the register of deeds for the reason that the register of wills is acting in the capacity of a probate court.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was considered; and the amendment was disagreed to.

The Clerk read as follows:

Amend section 175 by striking out the proviso at the end and inserting in lieu thereof the following:

"*Provided*, That for proceedings in the probate court deposits and fees shall be paid to the register of wills, who shall be entitled to demand and may require, upon the presentation for filing of a petition or a caveat to a will, a deposit for his fees to be charged for the proceedings under such petition or such caveat; and upon such deposit becoming exhausted in the liquidation of his fees so charged, he may demand and require a further deposit from the original petitioner or caveator; but such deposits shall not be required in excess of $10 at any one time."

Mr. JENKINS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 12, page 81, strike out the word "ten" and insert the word "fifteen."

The amendment was agreed to.

The Clerk read as follows:

Amend section 275 so that it will read as follows:

"SEC. 275. Special bond.—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the court, in such penalty as the court may consider sufficient, conditioned for the payment of all the debts and claims against the deceased, and all damages which shall be recovered against him as administrator; and where the administrator shall file the consent in writing of those entitled to the residue and they shall all be of full age, the court may, if it see fit, direct that only such special bond be given, and in such cases the administrator shall not be required to return any inventory or account, but shall be personally answerable for all debts, claims, and damages that may be recovered against him, in like manner as the executor who gives a similar bond: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof."

Mr. RAY of New York. Mr. Speaker, I move to strike out the last word. I desire to call the attention of this House to the legislation being written on the statute book. Here we have a special section in relation to estates of deceased persons. Now, if a person dies, the creditors have a lien on all the property, real and personal, for the payment of debts, and the executor or administrator, after it came to his possession, should he waste it, is liable criminally.

This section that you are about to adopt, or amend—it has already been adopted in the District code—simply does away with the criminal liability where the executor or administrator is a residuary legatee or principal devisee, and the property can all pass to his hands as owner. He may dissipate it, he may spend it, but if he has given the bond here provided the creditors of the estate must look to the bond for their protection for the payment of their debt. They are without the other, the usual remedies, the remedies the law has heretofore given creditors of deceased persons.

And if the bond turns out to be bad, uncollectible, then they have no remedy against the executor or administrator, as the case may be.

I shall not now occupy the time of the House to oppose the provision or to attempt to strike it out, but I want to enter my protest against it, because I dare say there is no such provision anywhere in any State of this Union.

Mr. McDERMOTT. Is there any State in the Union where a residuary legatee, being an executor, can not waive the ordinary duty of filing an account?

Mr. RAY of New York. So far as the account is concerned——

Mr. McDERMOTT. That is all this section does.

Mr. RAY of New York. I beg the gentleman's pardon.

Mr. McDERMOTT. My reading of the section is this——

Mr. RAY of New York. What the section does is this: It substitutes a special bond for the liability, civil and criminal, of the executor or administrator and does away with the ordinary bond protecting the creditors, if he wastes the estate and does not pay the debts. This permits him to give a bond, and he is released from all criminal responsibility, whether the creditors get their pay or not.

Now, in nearly every State of this Union—every State with whose laws I have any familiarity—an executor or administrator remains liable criminally; and if he dissipates or wastes the property, then his bondsman is liable to the creditors. Not only are they liable to the creditors, but the executor or administrator may be prosecuted criminally.

Mr. McDERMOTT. There is nothing in the proposition of this section that relieves the executor or administrator from criminal liability.

Mr. RAY of New York. Certainly there is.

Mr. McDERMOTT. Well, where is it?

Mr. RAY of New York. Why, it is in the language of the section——

Mr. McDERMOTT. I would like to have it pointed out.

Mr. RAY of New York. Because this substitutes a bond, upon the assumption——

Mr. McDERMOTT. There is no proposition in section 275 as amended that relieves the executor or administrator of criminal liability. Such a proposition has never been placed in any statute.

Mr. RAY of New York (reading):

If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved, etc.

And then the section goes on to provide that he then becomes the owner of the property; and the only protection to the creditor is the bond which has just been given. He can not misappropriate his own money or property. The creditors lose their lien.

Mr. McDERMOTT. If he is the residuary legatee there is no necessity for his filing an account. All that the section provides is that in any civil procedure for the administration of the estate he may and shall file a bond. That is the procedure in every State of the Union. On filing that bond to carry out the terms of the trust that rests upon him under the law, he is released from the necessity of filing an account, he being the residuary legatee. That, in my opinion, is the law in every State in the Union.

Mr. RAY of New York. Now, let me ask the gentleman——

Mr. McDERMOTT. The proposition that he is released from criminal liability is unwarranted.

Mr. RAY of New York. Criminal liability attaches for the wasting of the property and not applying it, first, to the payment of the debts and funeral expenses, and second, in the case of a will, to the payment of legacies, or, where there is no will, to the payment of the distributive shares. Now, the bond protects that, and the creditors, legatees, devisees, or distributees, as the case may be, have another remedy, which is to prosecute the executor or administrator criminally, if he wastes the property. But the trouble with this section is that it does away with the criminal liability and allows the executor or administrator to give a bond for the payment of the debts and become the owner of the property. Then he can not be made liable for wasting his own property, because the lien of the creditors, the distributees, the devisees, or the legatees is gone. That is the point of my objection. Also the bond may be insufficient in amount. The court may be deceived as to the amount of debts.

Mr. McDERMOTT. The proposition that an executor or an administrator is relieved from criminal liability for abuse of his trust by the filing of a bond under this section is preposterous. There is no word of the section which warrants any such construction. On the contrary, this section provides that within the District of Columbia one who is appointed an executor and is a residuary legatee under the will shall give an additional security to that called for in any State of the Union. If the gentleman will read any part of this section which relieves a man under such circumstances from criminal liability I shall be glad to hear it.

Mr. RAY of New York. The exemption is conveyed in express

terms. It is not a question of construction; it is a question of words written in the law.

Mr. McDERMOTT. What words give any exemption from criminal liability?

Mr. RAY of New York. If the executor or administrator gives this bond, he becomes the owner of the property; and the creditors, if he does not pay, must look to what? The bond.

Mr. McDERMOTT. He becomes the owner of the residuary property; and in addition to his obligation as executor his payment of the legacies is further secured, and he being the residuary legatee, that is all that is required of him.

Mr. RAY of New York. I have offered no amendment. I simply call attention to it for the benefit of the future, but the gentleman simply ignores the express language of the law.

Mr. Speaker, I ask unanimous consent to withdraw the pro forma amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw the pro forma amendment. Without objection, it is so ordered.

There was no objection.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the House now take a recess until to-morrow morning at 11 o'clock for the purpose of completing this bill.

Mr. PAYNE. Mr. Speaker, pending that, I would like to renew the motion I made a few moments ago, that when the House adjourn on Thursday next it adjourn to meet on the Monday following.

The SPEAKER. The question is on the motion of the gentleman from New York, that when the House adjourn on Thursday next it adjourn to meet on the following Monday.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House take a recess until 11 o-clock to-morrow morning.

Mr. PAYNE. Is it the understanding that no business be considered except this bill?

Mr. JENKINS. Yes.

The SPEAKER. With the understanding that no other business be considered except this bill.

Mr. UNDERWOOD. Mr. Speaker, is it a unanimous consent that is asked?

The SPEAKER. That is what is asked.

Mr. UNDERWOOD. I did not hear it and I came over here to try and hear. What is asked?

The SPEAKER. That the House take a recess until to-morrow morning at 11 o'clock for the purpose of concluding this bill.

Mr. UNDERWOOD. And no other business to be considered?

Mr. JENKINS. No.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. HOLLIDAY, for eight days, on account of important business.

Mr. SKILES, for ten days, on account of important business.

Mr. DAVEY of Louisiana, for ten days, on account of important business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13503. An act granting an increase of pension to Charles Haltenhof;

H. R. 13266. An act granting an increase of pension to Elbert N. Remson;

H. R. 13265. An act granting an increase of pension to John Whalen;

H. R. 13249. An act granting an increase of pension to Ada Trowbridge;

H. R. 13162. An act granting an increase of pension to Augustin M. Adams;

H. R. 13132. An act granting an increase of pension to Annie Cotter;

H. R. 12780. An act granting an increase of pension to William H. Wheeler;

H. R. 12778. An act granting an increase of pension to Edward R. Blain;

H. R. 12562. An act granting an increase of pension to William H. Temple;

H. R. 12458. An act granting an increase of pension to William M. Barstow;

H. R. 12012. An act granting an increase of pension to Walter C. Tuttle;

H. R. 11921. An act granting an increase of pension to George W. De Graw;

H. R. 11644. An act granting an increase of pension to Edgar A. Hamilton;

H. R. 11285. An act granting an increase of pension to William Sheldon;

H. R. 10731. An act granting an increase of pension to Samuel P. Milburn;

H. R. 10201. An act granting an increase of pension to Otis R. Freeman;

H. R. 10165. An act granting an increase of pension to Delia E. Slocum;

H. R. 9926. An act granting an increase of pension to James F. Patton;

H. R. 9569. An act granting an increase of pension to Albert Deits;

H. R. 9437. An act granting an increase of pension to Elias A. Calkins;

H. R. 8921. An act granting an increase of pension to Jesse C. Rhodabeck;

H. R. 14099. An act granting a pension to Samantha B. Van Brocklin;

H. R. 13822. An act granting a pension to Hannah T. Knowles;

H. R. 13807. An act granting a pension to Jeremiah Horan;

H. R. 13350. An act granting a pension to Presley P. Medlin;

H. R. 12685. An act granting a pension to Hiram J. Springfield;

H. R. 11343. An act granting a pension to Mary Louise Lowry;

H. R. 9928. An act granting a pension to Benjamin E. Styles;

H. R. 9249. An act granting a pension to Amos Allport;

H. R. 9226. An act granting a pension to Elizabeth I. Ogden; and

H. R. 8466. An act granting a pension to Lucinda A. Sirwell.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5406. An act to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, of South Carolina, to the mainland of Richmond County, Ga.;

S. 4264. An act providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians;

S. 3908. An act granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservation as pasture or grazing land, and for other purposes;

S. 1172. An act granting an increase of pension to Catharine F. Edmunds;

S. 593. An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; and

S. 2782. An act to authorize the construction of a bride across the Columbia River by the Washinghton and Oregon Railway Company.

EDWIN A. WILSON.

By unanimous consent, at the request of Mr. FLYNN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edwin A. Wilson, Fifty-sixth Congress, no adverse report having been made thereon.

C. AUGUSTA URQUHART.

By unanimous consent, at the request of Mr. MEYER of Louisiana, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of C. Augusta Urquhart, Fifty-sixth Congress, no adverse report having been made thereon.

RECESS.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the House take a recess until 11 o'clock to-morrow morning? [After a pause.] The Chair hears none.

Accordingly at 4 o'clock and 57 minutes the House took a recess until 11 o'clock to-morrow morning.

AFTER THE RECESS.

The recess having expired, the House at 11 a. m. Tuesday, May 27, 1902, resumed its session.

The SPEAKER. The Clerk will report the next paragraph.

Mr. JENKINS. Mr. Speaker, before that is done I desire to ask unanimous consent to return to page 81 of the bill, between lines 21 and 23. When we passed this yesterday no amendment was offered, as was originally intended, because we had not an understanding with the Appropriation Committee with reference to it, and I desire now to offer the following amendment.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to recur to page 81 of the bill for the purpose of offering an amendment. If there is no objection, this will be done. [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 182 so it will read as follows:

"SEC. 182. If a balance be found due from the United States to the clerk, the same shall be paid (out of the appropriations for fees of clerks of United States courts), upon presenting to the Treasurer a copy of the decree duly certified. The clerk shall, as in other cases to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree immediately after it is pronounced."

Mr. JENKINS. Mr. Speaker, the reasons, I will say to the House, for asking for the adoption of the amendment are these:

Section 182 of the code provides for the payment of the clerk of the supreme court of the District of Columbia and his assistants, but makes no appropriation for the purpose when a balance is found due the clerk.

The Comptroller of the Treasury has decided that without an appropriation the section would be inoperative.

The expenses of the clerk's office, including salaries, are paid out of the fees of the office. Usually there is a balance due the United States, which is paid into the Treasury. Sometimes it occurs, however, that there is a balance due the clerk, in which case the expenses can not be paid without an appropriation.

The proposed amendment simply provides that when there is a balance due the clerk's office it shall be paid out of the current appropriation for fees of clerks of United States courts.

The proposed amendment has been submitted to and is not objected to by the chairman of the Committee on Appropriations of the House, and is approved by the Committee on the District of Columbia of the House.

Mr. KLEBERG. Mr. Speaker, I would ask what is the salary of the clerk and how it is paid now?

Mr. JENKINS. The clerk's salary is paid by the fee system. This is to render it unnecessary to have an appropriation when the amount is insufficient to pay him at that time; it rests in abeyance, so to speak, and when the fees come in he is then paid.

Mr. KLEBERG. Out of the fees?

Mr. JENKINS. Yes.

Mr. SMITH of Kentucky. He is paid a salary?

Mr. JENKINS. Yes; he is paid a salary out of the fees.

Mr. SMITH of Kentucky. But the fund is created by charging fees?

Mr. JENKINS. Yes; and he is paid out of the fees only. I will ask for a vote on the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Add after section 826 a new section, as follows:

"SEC. 826a. Offenses against property.—Whoever shall connect or disconnect any electrical conductor belonging to any company using or engaged in the manufacture and supply of electric current for purposes of light, heat, and power, or either of them, or makes any connection with any such electrical conductor for the purpose of using or wasting the electric current, or who in any wise tampers with any meter used to register current consumed, or who interferes with the operating of any dynamo or other electrical appliance of such company, or tampers with or interferes with the poles, wires, conduits, or other apparatus used by such companies, unless such person or persons shall be duly authorized by or be in the employ of such company, shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or both."

Mr. RAY of New York. Mr. Speaker, I desire to offer an amendment. I notice that section reads:

Whoever shall connect or disconnect any electrical conductor belonging to any company—

And so forth.

It makes him guilty of a crime. I move to insert after the word "shall," in line 15, page 101, the word "knowingly;" so that it will read "whoever shall knowingly connect or disconnect."

The amendment was agreed to.

The Clerk read as follows:

Insert following section 845 the following additional section:

"SEC. 845a. Whoever having no title or color of title to the land affected shall maliciously cause to be recorded in the office of the recorder of deeds of the District of Columbia any deed, contract, or other instrument purporting to convey or to relate to any land in said District with intent to extort money or anything of value from any person owning such land, or having any interest therein, shall be fined not less than $500 or imprisonment not more than two years, or both."

The SPEAKER. The Chair calls the attention of the gentleman from Wisconsin [Mr. JENKINS] to line 13, page 103. It seems that the letter "d" should be inserted in the word "recorded."

Mr. JENKINS. I ask that that correction be made.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Amend section 921 so that the first sentence thereof will read as follows:

"When two or more persons are jointly prosecuted, the court, before a defendant has gone into his defense, may direct any such defendant to be discharged that he may be a witness for the prosecution."

Mr. JENKINS. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out lines 19 to 24, both inclusive, page 107.

The amendment was agreed to.

The Clerk read as follows:

Amend section 962 so it will read as follows:

"SEC. 962. When lands escheat.—Any lands in the District of Columbia of which any person shall hereafter die seized in fee simple intestate, without any heir capable of inheriting, shall escheat to the United States."

Mr. MUDD. Mr. Speaker, I have an amendment to offer.

The SPEAKER. The gentleman from Maryland offers the following amendment.

The Clerk read as follows:

On page 106, after line 24, insert the following:

"Amend section 963, by adding at end of section the following:

"*Provided, however*, That all petitions for divorce pending on the 31st day of December, 1901, may be proceeded with and disposed of under the provision of the statutes in force on said date."

Mr. JENKINS. We have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

At the end of chapter 25, following section 1073, insert the following additional section:

"SEC. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness, such party may, in the discretion of the court, be allowed to prove for the purpose only of affecting the credibility of the witness that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such proof can be given the circumstances of the supposed statements sufficient to designate the particular occasion must be mentioned to the witness and he must be asked whether or not he has made such statements."

Mr. RAY of New York. Mr. Speaker, on page 117, commencing with the word "whenever" in line 23, I move to strike out all down to line 9, page 118, and insert the following.

The SPEAKER. The gentleman from New York offers the following, which the Clerk will report:

The Clerk read as follows:

On page 117, commencing with the word "whenever" in line 23, strike out all down to line 9, page 118, and insert the following:

"The party producing a witness shall not be allowed to impeach his credit by evidence of bad character, but may contradict him by other evidence, and may also prove that he has made at other times statements inconsistent with his present testimony; but before such last-mentioned proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he made such statements, and, if so, allowed to explain them."

Mr. RAY of New York. All I desire to say in regard to that is that the proposed amendment is the Massachusetts statute, which has worked very well, I am informed, but it is not the rule of law in my State and in some other States. I will consent to it as a compromise, however.

The amendment was agreed to.

The Clerk read as follows:

Amend the caption of section 1141 by adding thereto the words "or lunatic." Amend section 1141 by inserting in the eighth line thereof, after the word "copies," the words "of so much;" also by striking out in the same line the word "showing" and inserting in lieu thereof the words "as shows."

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Strike out in lines 17 to 22, inclusive, page 119:

"Amend the caption of section 1141 by adding thereto the words 'or lunatic.' Amend section 1141 by inserting in the eighth line thereof, after the word 'copies,' the words 'of so much;' also by striking out in the same line the word 'showing' and inserting in lieu thereof the words 'as shows.'"

And insert the same between lines 19 and 20 on page 121.

The amendment was agreed to.

Mr. SHAFROTH. Mr. Speaker, I desire to ask unanimous consent to return to page 91, for the purpose of offering an amendment.

The SPEAKER. The gentleman from Colorado asks unanimous consent to return to page 91 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. It is only a few words. Insert the words "not having a seal" after the word "Territory" in line 22 of said page.

The Clerk read as follows:

Page 91, line 22, after the word "Territory," insert the words "not having a seal."

Mr. JENKINS. I have no objection.

The SPEAKER. Without objection, the amendment will be agreed to. The Chair hears none.

The Clerk read as follows:

Amend section 1180 so that it will read as follows:

"SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per cent per annum, or shall contract, in writing, to pay a greater rate than 10 per cent per annum, such person or corporation shall forfeit the whole of the interest so contracted to be received: *Provided*, That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved March 2, 1889, relating to pawnbrokers."

Mr. UNDERWOOD. Mr. Speaker, I desire to offer an amendment. I wish to strike out the word "ten," in line 1, page 122, and insert the word "six." This provides that the legal rate of interest by written contract shall be 10 per cent in the District, whereas the same chapter only provides for 6 per cent where verbally made.

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will read.

The Clerk read as follows:

In line 1, strike out "ten" and insert "six."

Mr. JENKINS. I have no objection to the amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk continued the reading of the bill.

Mr. JENKINS. Mr. Speaker, on account of the shortness of the time, I desire to ask unanimous consent that the further reading of the bill be omitted, with the privilege that any gentleman on the floor who has an amendment to any part of the bill not read shall offer it and have it considered.

The SPEAKER. The gentleman from Wisconsin, by reason of the brevity of the time, asks unanimous consent that the rest of the bill be considered as read, reserving to each member the right to offer an amendment now that he has to offer to the remaining part of the bill.

Mr. UNDERWOOD. I would like to ask if there is any provision in that part of the bill that has not been read providing for an increase of salaries?

Mr. JENKINS. None whatever. We have just passed one, I will say to the gentleman, for a warden down here, but it has already passed the House, and we do it at the request of the Senate to keep it altogether uniform.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. JENKINS. I yield to the gentleman from Missouri to offer an amendment.

The SPEAKER. Every gentleman has the right to offer an amendment to the remaining part of the bill without being yielded to.

Mr. COWHERD. I want to call the attention of my colleague to page 90, an amendment to section 462.

The SPEAKER. It will require unanimous consent to go back to that part of the bill.

Mr. COWHERD. I want to call the gentleman's attention to it first, and then ask unanimous consent to go back. That amendment should be stricken out. It is an amendment put in by the Senate, and if it stays there, then it will have passed both the Senate and the House——

Mr. JENKINS. I have no objection to that being stricken out.

The SPEAKER. Without objection, unanimous consent will be given to return to that part of the bill.

There was no objection.

Mr. COWHERD. What I want stricken out is the words "except in cases before a justice of the peace." But strike out the amendment.

The Clerk read as follows:

Strike out lines 4, 5, and 6 on page 90.

The SPEAKER. Without objection, this amendment will be agreed to.

There was no objection.

Mr. COWHERD. I also desire, on page 92, to strike out section 498.

The SPEAKER. Without objection, that amendment will be agreed to.

Mr. JENKINS. I have no objection to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the amendments on lines 16, 17, 18, and 19, page 92.

The SPEAKER. Without objection, this amendment will be agreed to. The Chair hears none.

Mr. COWHERD. One other amendment, please, Mr. Speaker. I want to call my colleague's attention to the word "hirelings," on page 112. I think it was intended to be "hirings." The letters "el" should be stricken out of the word "hirelings."

Mr. JENKINS. The gentleman is correct.

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. RAY of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Insert in line 5, page 124, after the word "age," the following: "except for necessaries."

Mr. JENKINS. I have no objection to the amendment being agreed to.

There was no objection, and the amendment was agreed to.

The SPEAKER. Is there any other amendment? If not, the question is on the substitute amendment as amended.

The question was taken, and the substitute amendment as amended was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAM W. KITCHIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM W. KITCHIN. I desire to correct the RECORD.

The SPEAKER. That will be in order after this day's adjournment takes place.

The motion was agreed to; and accordingly (at 11 o'clock and 55 minutes a. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers relating to the claim of Herman Uthoff—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting recommendation of an appropriation for payment of the claim of John Stewart, civil engineer—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, reported the same without amendment, accompanied by a report (No. 2243); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants, reported the same with amendments, accompanied by a report (No. 2244); which said bill and report were referred to the House Calendar.

Mr. GROW, from the Committee on Education, to which was referred the bill of the Senate (S. 4419) to incorporate the general education board, reported the same without amendment, accompanied by a report (No. 2245); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, reported the same without amendment, accompanied by a report (No. 2240); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 14353) to authorize the United States Commissioner of Fish and Fisheries to establish fish-cultural stations, including the purchase of sites, construction of buildings and ponds, and equipment; to establish in the State of Florida on the Gulf of Mexico a station for the investigation of problems connected with the marine fishery interests of that region; to provide for an investigation to determine the best available locality in Oregon or Washington at which to establish a biological station, making appropriations therefor, and for other purposes, reported the same with amendments, accompanied by a report (No. 2246); which said bill and report were referred to the Committee of the Whole on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11258) granting a pension to William F. Randolph, reported the same with amendment, accompanied by a report (No. 2198); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4710) granting a pension to Anna May Hogan, reported the same without amendment, accompanied by a report (No. 2199); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 14024) granting an increase of pension to John R. Curry, reported the same with amendment, accompanied by a report (No. 2200); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5402) granting an increase of pension to Hiram H. Thomas, reported the same without amendment, accompanied by a report (No. 2201); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14355) granting an increase of pension to Timothy Donohoe, reported the same with amendment, accompanied by a report (No. 2202); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3567) granting an increase of pension to Peter J. Osterhaus, reported the same without amendment, accompanied by a report (No. 2203); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14136) granting an increase of pension to John D. Thompson, reported the same with amendment, accompanied by a report (No. 2204); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4783) granting an increase of pension to Mary Breckons, reported the same without amendment, accompanied by a report (No. 2205); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13411) granting an increase of pension to Clarence D. Hess, reported the same with amendments, accompanied by a report (No. 2206); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3041) granting an increase of pension to Emma F. Shilling, reported the same without amendment, accompanied by a report (No. 2207); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14273) granting a pension to John H. Whidden, reported the same with amendments, accompanied by a report (No. 2208); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5424) granting an increase of pension to Cynthia J. Shattuck, reported the same without amendment, accompanied by a report (No. 2209); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9691) granting an increase of pension to James H. Joseph, reported the same with amendment, accompanied by a report (No. 2210); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committttee on Invalid Pensions, to which was referred the bill of the Senate (S. 5141) granting an increase of pension to Charles Barrett, reported the same without amendment, accompanied by a report (No. 2211); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13848) granting an increase of pension to James H. Chedister, reported the same with amendments, accompanied by a report (No. 2212); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1184) granting a pension to Mary Florence Von Steinwehr, reported the same without amendment, accompanied by a report (No. 2213); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10214) granting an increase of pension to Henry Thomas, reported the same with amendments, accompanied by a report (No. 2214); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 896) granting an increase of pension to James E. McNair, reported the same without amendment, accompanied by a report (No. 2215); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13722) granting a pension to Edd Lodge, reported the same with amendment, accompanied by a report (No. 2216); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5227) granting an increase of pension to Elizabeth Whitty, reported the same without amendment, accompanied by a report (No. 2217); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2483) granting a pension to James A. Clifton, reported the same with amendment, accompanied by a report (No. 2218); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5214) granting an increase of pension to Charles F. Smith, reported the same without amendment, accompanied by a report (No. 2219); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13598) granting a pension to John J. Southerland, reported the same with amendment, accompanied by a report (No. 2220); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2048) granting an increase of pension to Lewis G. Latour, reported the same without amendment, accompanied by a report (No. 2221); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 636) granting an increase of pension to Benjamin S. Bogardus, reported the same with amendments, accompanied by a report (No. 2222); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4934) granting an increase of pension to Francis M. McAdams, reported the same without amendment, accompanied by a report (No. 2223); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11979) granting an increase of pension to William W. Anderson, reported the same without amendment, accompanied by a report (No. 2224); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2050) granting an increase of pension to Edward N. Goff, reported the same without amendment, accompanied by a report (No. 2225); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11485) granting a pension to Julia McCarthy, reported the same with amendments, accompanied by a report (No. 2226); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2289) granting an increase of pension to Benjamin S. Harrower, reported the same without amendment, accompanied by a report (No. 2227); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10876) granting an increase of pension to Joseph Mote, reported the same with amendment, accompanied by a report (No. 2228); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5650) granting an increase of pension to William R. Raymond, reported the same without amendment, accompanied by a report (No. 2229); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10005) granting an increase of pension to William A. Henderson, reported the same with amendments, accompanied by a report (No. 2230); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5466) granting an increase of pension to Edgar T. Chamberlin, reported the same without amendment, accompanied by a report (No. 2231); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14477) granting a pension to John Bruff, reported the same with amendment, accompanied by a report (No. 2232); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5007) granting an increase of pension to James Irvine, reported the same without amendment, accompanied by a report (No. 2233); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7013) granting an increase of pension to Jason E. Freeman, reported the same

with amendment, accompanied by a report (No. 2234); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3825) granting an increase of pension to Lizzie I. Rich, reported the same with amendments, accompanied by a report (No. 2235); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5920) granting a pension to Washington T. Filson, reported the same with amendments, accompanied by a report (No. 2236); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13547) granting a pension to David B. Wood, reported the same with amendments, accompanied by a report (No. 2237); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12563) granting an increase of pension to Horace Fountain, reported the same with amendment, accompanied by a report (No. 2238); which said bill and report were referred to the Private Calendar.

Mr. JOY, from the Committee on Accounts, to which was referred the House resolution (H. Res. 243) providing two additional clerks for the Committee on Enrolled Bills, reported the same without amendment, accompanied by a report (No. 2239); which said report was ordered printed.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8260) for the relief of F. H. Driscoll, reported the same without amendment, accompanied by a report (No. 2241); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the Senate (S. 4903) for the relief of Emma Morris, reported the same without amendment, accompanied by a report (No. 2242); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 831) granting an increase of pension to Fannie M. Lorain; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14695) for the protection of the President, Vice-President, and any person acting as President of the United States—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: A bill (H. R. 14696) for the relief of the widows and orphans left destitute by the recent mine explosion in Tennessee—to the Committee on Appropriations.

By Mr. FOSS: A bill (H. R. 14697) regulating the duties and fixing the compensation of the customs inspectors of the port of Chicago—to the Committee on Ways and Means.

By Mr. FOWLER: A bill (H. R. 14698) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States"—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 14699) for the erection of a monument to the memory of Brig. Gen. Nathaniel Lyon at St. Louis, Mo.—to the Committee on the Library.

By Mr. McCLEARY: A bill (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska—to the Committee on the Public Lands.

By Mr. SHERMAN: A resolution (H. Res. 270) for a rule for the consideration of S. R. 105, supplementing and modifying certain provisions of the Indian appropriation act—to the Committee on Rules.

By Mr. MOODY of North Carolina: A resolution (H. Res. 271) for a rule for the consideration of H. R. 13523—to the Committee on Rules.

By Mr. COCHRAN: A resolution (H. Res. 272) requesting the President to furnish information of the investigation of the alleged maintenance of the British military supply camp in the State of Louisiana—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURK of Pennsylvania: A bill (H. R. 14700) granting a pension to Frederick Agastoff—to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 14701) granting a pension to Mary A. Peters—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 14702) for the relief of the heirs of A. G. Compton and J. R. Herndon—to the Committee on Claims.

Also, a bill (H. R. 14703) for the relief of the heirs of A. G. Compton—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 14704) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14705) to increase the pension of Lucien Bonapart Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14706) granting a pension to Harrison N. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14707) granting an increase of pension to Albertus Leovisin Paine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14708) granting a pension to James W. McCune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14709) granting a pension to James R. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14710) granting a pension to John Snay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14711) granting a pension to John Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14712) granting a pension to Alice Harrison—to the Committee on Pensions.

Also, a bill (H. R. 14713) granting a pension to Emma A. Baxter—to the Committee on Pensions.

Also, a bill (H. R. 14714) to enable Fredrich Burckhardt to make application to the Commissioner of Patents for the extension of letters patent—to the Committee on Patents.

By Mr. COUSINS: A bill (H. R. 14715) granting an increase of pension to Edward Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14716) granting an increase of pension to Jeremiah S. Alexander—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 14717) for the relief of John W. Foster—to the Committee on War Claims.

By Mr. FLETCHER: A bill (H. R. 14718) granting a pension to Martin H. Gerry—to the Committee on Pensions.

By Mr. GOOCH: A bill (H. R. 14719) granting a pension to Nettie Hume, widow of W. R. Hume—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14720) granting a pension to William R. Buford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14721) granting a pension to Jasper Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting a pension to C. H. Conn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14723) to remove the charge of desertion against W. H. Liter—to the Committee on Military Affairs.

Also, a bill (H. R. 14724) to remove the charge of desertion against Jordon Kidwell—to the Committee on Military Affairs.

By Mr. HANBURY: A bill (H. R. 14725) to correct the military record of Michael Keegan—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 14726) granting an increase of pension to Hiram Booth—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14727) granting a pension to Eliza A. McWilkie—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14728) granting a pension to John Maldoon—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 14729) granting an increase of pension to Lee P. Garrett—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 14730) granting an increase of pension to John M. Koffenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting a pension to Martha Day, widow of Harrison Day—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 14732) granting an increase of pension to Grace M. Read—to the Committee on Pensions.

By Mr. COCHRAN: A bill (H. R. 14734) for the relief of John F. Tyler—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 14735) granting an increase of pension to Samuel H. Crawley—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14736) for the relief of Thomas B. Bird—to the Committee on Military Affairs.

Also, a bill (H. R. 14737) granting an increase of pension to James A. Cilley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of William T. Campbell Post, No.

375, of Normalville, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. ADAMS: Resolution of the Shoe Manufacturers' Association of Philadelphia, Pa., in favor of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of members of the bar of Muscogee superior court, favoring the sitting of circuit court of appeals at Atlanta, Ga.—to the Committee on the Judiciary.

By Mr. BURK of Pennsylvania: Resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Shoe Manufacturers' Association of Philadelphia, Pa., against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of citizens of Ragged Top, S. Dak., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CLARK: Petition of Vandalia Post, No. 466, Grand Army of the Republic, Department of Missouri, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. CONRY: Resolution of the Norwood, Mass., Board of Trade, in favor of a permanent exposition at Shanghai, China—to the Select Committee on Arts and Expositions.

Also, resolutions of the city councils of Malden and Somerville, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the Keokuk Dental College, Keokuk, Iowa, favoring the passage of House bill 13971, in relation to dental surgeons in the Navy—to the Committee on Naval Affairs.

By Mr. CROMER: Resolutions of the common council of New Britain, Conn., and Yonkers Republican general committee, of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Petition of John W. Foster, of the State of Arkansas, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of D. W. Evans and other citizens of Boone County, Ark., for relief—to the Committee on Appropriations.

Also, petition of J. L. Longroith, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FOSS: Resolutions of thirty-sixth annual encampment of the Department of Illinois, Grand Army of the Republic, in relation to the perpetuation of the Vicksburg Military Park—to the Committee on Military Affairs.

By Mr. GOOCH: Resolutions of Turn Gemeinde, of Covington, Ky., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, resolution of North American Gymnastic Union of Covington, Ky., favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Petition of Hon. S. A. Barnes and 150 other citizens of Seymour, Ind., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of North American Gymnastic Union of Evansville, Ind., in opposition to the passage of House bill 12190—to the Committee on Immigration and Naturalization.

By Mr. JONES of Washington: Resolutions of the city council of Tacoma, Wash., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of W. H. D. Blake and 20 others, of Ettinge Post, Grand Army of the Republic, New Paltz, N. Y., favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of sundry citizens of Maysville, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Resolutions of the Central Trades and Labor Union of East St. Louis, Ill., in support of House bill 3057, for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

Also, memorial of Department of Illinois, Grand Army of the Republic, favoring the retention of three commissioners for national military parks, etc.—to the Committee on Military Affairs.

By Mr. MANN: Resolutions of thirty-sixth annual encampment of the Department of Illinois in relation to Vicksburg Military Park—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the board of aldermen of the city of Boston, Mass., and city council of Malden, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petitions of citizens of the State of Wisconsin in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PADGETT: Petition of Julia Gailey, widow of Hiram Gailey, of Wayne County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Resolutions of United Mine Workers' Union No. 1687, of Seek; No. 1688, of Delaware; No. 1638, of Mount Pleasant, and No. 1464, of Girardsville, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Petition of the heirs of Thomas Cooksey, deceased, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions of Atlantic Coast Firemen's Union and Clothing Cutters and Trimmers' Association, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of the common council of New Britain, Conn., favoring the letter carriers' classification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Petition of citizens of Ohio County, Ky., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of the common council of New Britain, Conn., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Connecticut Electric Medical Association, favoring a physiological and psychological laboratory—to the Committee on Agriculture.

By Mr. SULZER: Resolutions of Atlantic Coast Marine Firemen's Union of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Resolution of the Fitchburg Benevolent Union, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *May 27, 1902.*

Prayer by Rev. W. E. PARSON, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

NONDISAPPEARING CARRIAGES.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 10th instant, tables prepared by the Chief of Ordnance, showing the number of barbette carriages which have been manufactured in each year since July 1, 1893, with the price paid for manufacture, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

EXPENSES OF NAVAL OPERATIONS IN THE PHILIPPINES.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 17th ultimo, a statement prepared by the Paymaster-General of the Navy relative to the amount of money expended, the amount for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and naval operations in the Philippine Islands each year from May 1, 1898, to the present time. The Chair is in doubt as to what committee this communication should be referred, and suggests that, if there be no objection, the communication, with the accompanying papers, will be ordered printed and referred to the Committee on the Philippines.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes; and

A joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

The message also announced that the House had passed with an amendment the bill (S. 4927) granting an increase of pension to

Hattie M. Whitney; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2783) granting a pension to William Dixon;

A bill (H. R. 5153) granting a pension to Mary Welch;

A bill (H. R. 6414) granting an increase of pension to William W. H. Davis;

A bill (H. R. 8644) granting a pension to John W. Thomas;

A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey;

A bill (H. R. 11374) granting an increase of pension to William McCord;

A bill (H. R. 11711) granting an increase of pension to Isaac Gibson;

A bill (H. R. 11879) to correct the military record of Michael Mullet;

A bill (H. R. 11893) granting an increase of pension to Cornelia A. Dennis;

A bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

A bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia;

A bill (H. R. 13178) granting a pension to William F. Bowden;

A bill (H. R. 13233) granting a pension to William A. Nelson;

A bill (H. R. 13505) granting an increase of pension to William F. Stanley;

A bill (H. R. 13683) granting an increase of pension to Ella B. S. Mannix;

A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia;

A bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899;

A bill (H. R. 14208) granting an increase of pension to Alexander Murdock;

A bill (H. R. 14224) granting an increase of pension to Margaret S. Tod;

A bill (H. R. 14234) granting a pension to John Williamson;

A bill (H. R. 14251) granting an increase of pension to Hugh J. Reynolds; and

A bill (H. R. 14359) granting a pension to Luther G. Edwards.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Presiding Officer:

A bill (S. 593) for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota;

A bill (S. 1172) granting an increase of pension to Catharine F. Edmunds;

A bill (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company;

A bill (S. 3908) granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, Wyo., the right to purchase one-quarter section of public land on said reservations as pasture or grazing land;

A bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians; and

A bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.

PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Ohio County, Ky., praying for the enactment of legislation to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. KEAN presented a petition of the Retail Liquor Dealers' Association of Rahway, N. J., and a petition of the Liquor Dealers' Protective Association of Orange, N. J., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the Central Trades Council, American Federation of Labor, of Bridgeton, N. J., and a petition of the Essex Trades Council, American Federation of Labor, of Newark, N. J., praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FORAKER presented petitions of 316 citizens of Cincinnati and of 8 citizens of Sandusky, in the State of Ohio, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of 124 citizens of Cincinnati, Ohio, praying for the passage of a per diem pension service bill; which was referred to the Committee on Pensions.

He also presented petitions of 550 members of St. John's African Methodist Episcopal Church, of Cleveland; of the Second Baptist Church, of Urbana, and of 60 members of the First Baptist Church, of Fostoria, all in the State of Ohio, praying for the enactment of legislation to make effective the provisions of the Constitution relative to reduced Congressional representation by reason of the disfranchisement of certain citizens; which were referred to the Committee on the Judiciary.

He also presented petitions of the Christian Endeavor Society of Hunts Corners, of the members of the Sunday school of the Universalist Church of Norwalk, of the Christian Endeavor Society of the Presbyterian Church of Norwalk, of the Woman's Christian Temperance Union of Norwalk, of the Young People's Society for Christian Endeavor of Norwalk, and of members of the Sunday school of the Congregational Church of Norwalk, all in the State of Ohio, praying for the adoption of certain amendments to the so-called anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Division No. 73, Order of Railway Conductors, of Ashtabula; of Local Division No. 457, Brotherhood of Locomotive Engineers, of Toledo; of Safety Lodge, No. 142, Brotherhood of Locomotive Firemen, of Toledo; of Lodge No. 105, International Association of Machinists, of Toledo, and of Deer Lick Division, No. 292, Order of Railway Conductors, of Chicago, all in the State of Ohio, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the city council of Tacoma, Wash., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service and their widows and minor children; which was referred to the Committee on Pensions.

Mr. NELSON presented a petition of Lodge No. 82, Brotherhood of Locomotive Firemen, of Minneapolis, Minn., and a petition of Local Division No. 144, Brotherhood of Locomotive Engineers, of Staples, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 236, Order of Railway Conductors, of Melrose; of Local Division No. 215, Order of Railway Conductors, of Austin; of Local Division No. 144, Brotherhood of Locomotive Engineers, of Staples; of Local Division No. 90, Order of Railway Conductors, of Waseca; of Local Division, Order of Railway Conductors, of Duluth, and of Local Division No. 494, Brotherhood of Locomotive Engineers, of Minneapolis, all in the State of Minnesota, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. QUARLES presented a petition of Local Division No. 536, Brotherhood of Locomotive Engineers, of Antigo, Wis., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

He also presented a petition of Local Division No. 46, Order of Railway Conductors, of Milwaukee, Wis., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. HOAR presented a petition of the city council of Malden, Mass., and a petition of the board of aldermen of Boston, Mass., praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS (for Mr. BURTON) presented petitions of sundry citizens of Cherryvale, Chetopa, Galena, Osawatomie, Manchester, Longford, Talmage, and Huron, all in the State of Kansas,

praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CLAY presented a petition of sundry members of the bar of Muscogee County, Ga., praying for the enactment of legislation requiring the circuit court of appeals for the fifth circuit of the United States to hold at least one term of court during each year in the city of Atlanta, Ga.; which was referred to the Committee on the Judiciary.

Mr. MCCOMAS presented a petition of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Lafayette Square Presbyterian Church, of Baltimore, Md., praying that an appropriation of $1,000,000 be made to establish reading and recreation rooms for the soldiers of the United States Army; which were referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of the Wyoming Audubon Society, of Cheyenne, Wyo., praying for the enactment of legislation to protect game and birds of all kinds, and to prohibit the exportation of birds for commercial purposes from the Territory of Alaska; which was ordered to lie on the table.

He also presented a petition of Lodge No. 88, Brotherhood of Locomotive Firemen, of Evanston, Wyo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. HALE (for Mr. FRYE) presented a petition of Robert T. Wilson Post, No. 597, Department of Ohio, Grand Army of the Republic, of New Albany, Ohio, praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also (for Mr. FRYE) presented a petition of the city council of Malden, Mass., and a petition of the board of aldermen of Boston, Mass., praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3309) to remove the charge of desertion against Ephraim H. Gallion, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 13613) granting an increase of pension to Charles G. Howard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1743) granting a pension to Cornelia F. Whitney, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. COCKRELL, proposing to appropriate $13,500 to grade and macadamize New Hampshire avenue, Whitney avenue (Jackson street) to Seventh street (Brightwood avenue), intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. CLARK of Montana, proposing to appropriate $2,000 for grading, regulating, and macadamizing Kansas avenue, in Petworth subdivision, from Trenton to Utica streets, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. MCMILLAN, relative to certain proposed changes in the electrical department of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. BLACKBURN, relative to the appointment of an inspector of meters, intended to be proposed to the District of Columbia appropriation bill, to submit an adverse report thereon. The Commissioners of the District of Columbia have reported adversely upon the amendment, and I move that it be postponed indefinitely.

The motion was agreed to.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 12796) providing for free homesteads in the Ute Indian Reservation in Colorado, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them each with amendments:

A bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; and

A bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes.

Mr. MARTIN, from the Committee on Naval Affairs, to whom was referred the bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy, reported it without amendment, and submitted a report thereon.

CHERSTIN MATTSON.

Mr. FOSTER of Washington. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5913) granting a pension to Cherstin Mattson, to report it favorably, without amendment.

Mr. NELSON. I ask unanimous consent for the consideration of the bill just reported by the Senator from Washington.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BATE. I ask the Senator why the bill should be acted on now. There are times set apart for bills from the Committee on Pensions. Is there any special reason why it should be acted on this morning? I am not here to oppose the bill.

Mr. NELSON. The widow is in needy condition; it is near the close of the session, and I am anxious to get the bill to the House in order to secure speedy action.

Mr. BATE. I do not want to raise an objection, but we have times set apart for the consideration of just such claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Cherstin Mattson, widow of Hans Mattson, late colonel Third Regiment Minnesota Volunteer Infantry, and to pay her a pension at the rate of $30 per month.

Mr. TILLMAN. I should like to ask the Senator from Minnesota if this lady is not pensionable under the general law?

Mr. NELSON. No; she is not pensionable under the general law.

Mr. TILLMAN. Has she not a pensionable status at the Pension Bureau?

Mr. NELSON. She has not been able to secure the necessary technical evidence. It is one of those cases where we grant pensions when the case shows merit, but the applicant is not able to supply all the technical proofs needed in the Pension Office.

Mr. BATE. Has this claim been referred to the Pension Bureau?

Mr. NELSON. The case has been considered like other cases.

Mr. BATE. And did the Pension Bureau decide against granting her a pension?

Mr. NELSON. Yes; it has been considered in the Pension Bureau.

Mr. BATE. They decided against giving her a pension, though a very meritorious case?

Mr. NELSON. They decided on technical grounds against granting her a pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN VIRGINIA.

Mr. PETTUS. From the Committee on the Judiciary I report back favorably, with an amendment, the bill (H. R. 12648) establishing a regular term of the United States district court in Roanoke City, Va., and I ask that it be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and insert:

That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held each year at Danville on the Tuesday after the second Monday in April and November, at Lynchburg on the Tuesday after the second Monday in March and September, at Abingdon on the Tuesday after the first Monday in May and October, at Harrisonburg on the Tuesday after the first Monday in June and December, at Charlottesville on the second Monday in January, and at Roanoke City on the second Monday in February.

SEC. 2. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg shall appoint two deputy clerks, each of whom shall be deputy clerk both of the circuit and district courts, and one of whom shall reside and keep his office in the city of Charlottesville, and the other in the city of Roanoke, for the purpose, in said respective cities, of taking charge and custody of the court records and papers, attending the sessions of the said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts.

SEC. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

SEC. 4. That this act shall be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to establish a regular term of the United States district court in Roanoke City, Va., and for other purposes."

ELECTION OF UNITED STATES SENATORS.

Mr. BURROWS. I am directed by the Committee on Privileges and Elections to report back to the Senate that the majority of the committee is adverse to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States, and that a majority of the committee favored an amendment to the resolution, known as the Depew amendment, which provides that—

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

And, thirdly, I am directed to report that a majority of the committee is opposed to the joint resolution when thus amended.

I make the report for such action as the Senate may see fit to take.

The PRESIDING OFFICER. The Chair is uncertain what the action of the Senate should be. Will the Senator make any motion?

Mr. BURROWS. I make no motion. I make the report.

The PRESIDING OFFICER. The Senate has heard the report made by the chairman of the Committee on Privileges and Elections. What order will the Senate take?

Mr. HOAR. I understand the report will go on the Calendar. I suppose, although it is verbally made, it is to be taken as a report of the committee, and it will go on the Calendar.

Mr. BURROWS. Let it take its place on the Calendar as the report of the committee.

Mr. BATE. We did not understand the report made by the committee. We could not hear it on this side. There was no formal report made by the Senator from Michigan?

The PRESIDING OFFICER. A verbal report was made by the chairman of the committee.

Mr. BATE. That is what I supposed; but we could not hear it over here.

The PRESIDING OFFICER. It was a report stating the action of the committee.

Mr. TELLER. What action is proposed to be taken? We can not hear over here anything that is going on upon the other side of the Chamber.

The PRESIDING OFFICER. Will the Senator from Michigan state it again?

Mr. TELLER. I could not hear what the Senator said, although I gave my best possible attention.

Mr. BURROWS. I supposed my voice would reach every part of the Chamber.

Mr. TELLER. It was not the fault of the Senator from Michigan at all.

Mr. BATE. It was owing to confusion in the Chamber.

Mr. BURROWS. I stated to the Senate that I had been directed by the Committee on Privileges and Elections to report to the Senate that a majority of that committee was opposed to House joint resolution No. 41, proposing an amendment to the Constitution providing for the election of Senators of the United States; secondly, that a majority of the committee was in favor of what is known as the Depew amendment being added to that resolution; and, thirdly, I was directed to report to the Senate that a majority of the committee was opposed to the joint resolution when thus amended, and, having made that report, to leave the matter in the hands of the Senate for such action as it should see fit to take; and I ask that the matter may be placed on the Calendar.

The PRESIDING OFFICER. The Chair supposed that the House joint resolution with the amendment suggested by the committee should be placed upon the Calendar with an adverse report. If there be no objection, that will be the order of the Senate.

Mr. BERRY. The chairman stated that there was an adverse report on the joint resolution itself.

The PRESIDING OFFICER. And on the joint resolution as amended.

Mr. BERRY. Then I think it would go on the Calendar with the adverse report.

Mr. JONES of Arkansas. Certainly.

Mr. FORAKER. There was no such report as the Senator from Arkansas suggests. The committee did not instruct the chairman to make such a report and the chairman did not make such a report. The chairman reported that a majority of the committee were opposed to the House joint resolution as it came to the committee, but a majority of the committee were also in favor of amending the resolution by adding to it the Depew amendment, and, thirdly, that a majority of the committee were opposed to the resolution when so amended.

Mr. BERRY. If the Senator from Michigan states that a majority of the committee are opposed to the House resolution, that is unquestionably adverse, and so I did not misstate the meaning of the report of the Senator from Michigan. He did not use the word "adverse," but he said a majority of the committee were opposed to the House joint resolution which was referred to them. That is all I said about it.

Mr. FORAKER. A majority of the committee refused to favorably report the House joint resolution, but the committee did not take any action as to reporting it adversely, because a majority of the committee, when there had been a refusal to act favorably on the joint resolution itself as it came to them, wanted to hold the resolution to amend it in the committee.

Mr. BURROWS. Although I have stated it, I think accurately, in obedience to the instructions of the committee in this matter, I ought to state that a majority of the committee by a vote is opposed to the resolution of the House.

Mr. BERRY. That is what I said.

Mr. BURROWS. Secondly, a majority of the committee was in favor of what is known as the "Depew amendment," and it was voted on as an amendment, and after so amending it a majority of the committee was against the resolution; upon a vote to report the resolution to the Senate with the Depew amendment it was voted down, and upon a vote to report it to the Senate adversely with the Depew amendment it was voted down.

Mr. WELLINGTON. Under the circumstances, would it not be proper to discharge the committee from the further consideration of the joint resolution and place it upon the Calendar without any recommendation? I make that motion, if it be in order.

Mr. HOAR. That must be a separate motion, to go over one day on objection.

The PRESIDING OFFICER. The Senator from Maryland moves that the committee be discharged from the further consideration of the House joint resolution and that it be placed on the Calendar. The question is on agreeing to the motion of the Senator from Maryland.

Mr. TELLER. I rose to find out what is the parliamentary situation. I think the motion of the Senator from Maryland to put the joint resolution on the Calendar is a proper motion. I do not understand that the committee, under the statement made by the chairman, have really disposed of this case. I do not see how it gets here. How did they report it? Did they report it without any recommendations?

Mr. TILLMAN. No; with a personal explanation.

Mr. TELLER. As I understand the chairman, it is equivalent to an adverse report, and the joint resolution can go on the Calendar with the adverse report. It is entitled to go on the Calendar with the adverse report if anybody wants to have it placed there, and I think the Senate does desire to take that course.

Mr. BATE. I submit that the committee are already relieved from any further consideration of it by their own action. It is an adverse report, and it is now to receive an expression of the Senate.

The PRESIDING OFFICER. The Chair is of the impression that the joint resolution should be placed on the Calendar as being adversely reported by the committee.

Mr. BERRY. That is right.

Mr. TELLER. That is correct, I think.

The PRESIDING OFFICER. If there is no objection, that course will be pursued.

Mr. DEPEW. As the committee has perfected the joint resolution, it will be placed on the Calendar, I take it.

Mr. JONES of Arkansas. The committee did not recommend any action to the Senate.

Mr. SPOONER. Should it not be reported favorably with an amendment?

The PRESIDING OFFICER. The chairman of the committee stated that the committee had declined to report it favorably with an amendment.

Mr. SPOONER. What is the report of the committee? I ask to have it stated.

Mr. TELLER. They bring back the joint resolution, and we are entitled to have it go on the Calendar without any amendment, because they have declined to make any amendment.

Mr. SPOONER. What is the report?

Mr. TELLER. The committee could have recommended an amendment, but they declined to do that.

Mr. HOAR. They recommend an amendment.

The PRESIDING OFFICER. The Chair will endeavor to state what the chairman of the committee reported. He reported that a majority of the committee were opposed to the House resolution; that a majority of the committee were in favor of adding to the House resolution what is known as the Depew amendment; and then that having been added, that the committee were opposed to the resolution as thus amended and that he had been directed not to report the resolution.

Mr. BURROWS. Mr. President, there ought not to be any misunderstanding about it. The majority of the committee directed its chairman to report these facts to the Senate.

Mr. TILLMAN. The facts, but not the resolution.

Mr. BURROWS. That is the report made by the committee for such action as the Senate may see fit to take.

Mr. JONES of Arkansas. May I ask the Senator from Michigan a question? Did the committee direct the chairman of the committee to report the joint resolution back to the Senate?

Mr. BURROWS. It did not. I have reported precisely what the committee directed me to report.

Mr. JONES of Arkansas. Then the motion of the Senator from Maryland is strictly in order, in my judgment.

Mr. FORAKER. I think the report of the committee, as the committee directed the chairman to make it and which the chairman has made, is the equivalent in substance and effect of a report that the committee is unable to agree. That is all it amounts to in legal effect, as I understand it, and I participated in that action. I think the motion made by the Senator from Maryland would be in order as one way of dealing with it.

Mr. WELLINGTON. I merely desire to say that I understood the committee was unable to make any report whatever. That was practically the result of what the Senator from Michigan stated. For that reason I moved that the committee be discharged from the further consideration of the joint resolution, and that the joint resolution itself shall go upon the Calendar without recommendation. I think that motion is in order.

The PRESIDING OFFICER. The Chair will entertain the motion.

Mr. HOAR. Now let the motion go over.

Mr. SPOONER. As the committee makes it I do not know what right the Senate has to deal with the report of the committee. The committee reported the House joint resolution with an amendment.

Mr. JONES of Arkansas. No; they did not.

Mr. TELLER. They have not done so.

Mr. SPOONER. As amended they reported against it.

Mr. JONES of Arkansas. They declined to make any report at all. As I understood the chairman, he only reported to the Senate how the committee stood on the joint resolution, retaining the joint resolution in the committee.

Mr. BURROWS. Let me state to the Senator from Wisconsin that the joint resolution of the House is before the Committee on Privileges and Elections now. I was not directed to report it to the Senate, but to state to the Senate the condition in which the joint resolution stands.

Mr. BACON. May I ask the Senator a question?

Mr. BURROWS. Certainly.

Mr. BACON. I should like to know whether the committee in directing that report to be made intended to indicate to the Senate that the committee deemed it a hopeless undertaking to come to an agreement?

Mr. BURROWS. I am not able to state what the committee intended by it, but I think I may say that the committee has labored diligently and persistently to reach an agreement by the majority as to what ought to be done, and, in my judgment, it will be impossible for the committee to reach a conclusion.

Mr. BACON. I will ask the Senator, with his permission, while I am on the floor, if he understands the committee to mean to indicate to the Senate that it recognizes the propriety of the committee being discharged from the further consideration of the subject?

Mr. BURROWS. Well, there was no discussion about that, and I have no opinion about it.

Mr. FORAKER. Mr. President, in relation to the motion under which the chairman of the committee acted, I think I am better entitled to answer the question of the Senator from Georgia than anyone else. I would say in answer to it that the committee recognized that there was a good deal of anxiety among Senators to know what progress we were making. There was a week or two ago a motion made to discharge the committee, and it was announced then in the utterance in the Senate Chamber that unless action was speedily taken there would be a renewal of that motion. The committee felt that it was in duty bound, under all the circumstances, to report to the Senate exactly the state of this matter as it is in committee. They do not know whether they can agree or not. No one is, I suppose, authorized to do anything more than speculate about that. All we know is that we have not yet been able to agree. When it was simply a question whether we would accept the House resolution there was a majority against it.

Mr. MORGAN. It is a mere report of progress.

Mr. FORAKER. It is a mere report of progress. Then when the majority added the Depew amendment the scene shifted and the vote of some of the Senators changed, and there was a majority against the resolution as so amended. That is all we know. Whether we will be able to get out of it if you leave it with us I do not know.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. If Senators will permit the Chair, the Chair on reflection thinks that the committee has not brought back the resolution to the Senate.

Mr. TELLER. That is what we first understood the Senator from Michigan had done. Now we understand he has not done so.

The PRESIDING OFFICER. Therefore the suggestion the Chair made that the resolution should be placed on the Calendar is withdrawn.

Mr. TELLER. Certainly.

The PRESIDING OFFICER. The Senator from Maryland [Mr. WELLINGTON] moves that the Committee on Privileges and Elections be discharged from the further consideration of the joint resolution and that it be placed on the Calendar. The Senator from Massachusetts [Mr. HOAR] asks that that motion shall go over until to-morrow.

Mr. HOAR. I do not understand that that motion or resolution is at present in order. The time for motions or resolution in the order of business has not yet come. So the motion can not be made now because we are on reports of committees. I do not care, as the Senate has had it all before it, to raise any such question as that, because it is only putting off for five minutes what might as well be done now; but if the motion is treated as being in order now, I desire to claim the right that it shall go over.

The PRESIDING OFFICER. The Senator from Massachusetts is technically correct. The motion can not be made at this time, and when made, it can only be considered by unanimous consent.

Mr. TELLER. I ask unanimous consent that the motion may now be made as if made in the proper time.

The PRESIDING OFFICER. Is there objection?

Mr. BATE. Before that is done, I wish to state that the objection made to the motion of the Senator from Maryland was upon the idea that the matter had been consummated and was not to be considered further in the committee room. Therefore I withdraw my suggestion.

The PRESIDING OFFICER. If there be no objection, the Chair will entertain the motion of the Senator from Maryland [Mr. WELLINGTON]. The Senator from Massachusetts [Mr. HOAR] asks that the motion may go over. That order will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. KEAN introduced a bill (S. 5983) granting an increase of pension to Lydia A. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5984) granting an increase of pension to David B. Turnipseed;

A bill (S. 5985) granting an increase of pension to Freeman Stoddard; and

A bill (S. 5986) granting a pension to Edwin M. Harley.

Mr. FORAKER introduced a bill (S. 5987) to remove the charge of desertion from the military record of John Bollong; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRIS (for Mr. BURTON) introduced a bill (S. 5988) to provide the manner of perfecting appeals and effecting supersedeas in cases where judgments are rendered against municipal corporations and quasi municipal corporations; which was read twice by its title and referred to the Committee on the Judiciary.

He also (for Mr. BURTON) introduced a bill (S. 5989) for the relief of F. C. Schrader; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also (for Mr. BURTON) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5990) granting an increase of pension to Lewis W. Dennen;

A bill (S. 5991) granting an increase of pension to William Barrett;

A bill (S. 5992) granting an increase of pension to Norman A. Rupe;

A bill (S. 5993) granting an increase of pension to James G. Davis; and

A bill (S. 5994) granting an increase of pension to Jane I. Clark.

Mr. HARRIS (for Mr. BURTON) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5995) granting an increase of pension to Milton Spence;

A bill (S. 5996) granting an increase of pension to Thomas D. Morris; and

A bill (S. 5997) granting an increase of pension to Gilead M. Shell.

Mr. SCOTT introduced a bill (S. 5998) for the relief of the heirs of Edmund H. Chambers; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 5999) for the relief of the estate of Dr. J. E. Prestridge, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6000) for the relief of Thomas W. White; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 6001) granting an increase of pension to Horace D. Baker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCCOMAS introduced a bill (S. 6002) for the relief of Charles R. Hooper; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6003) to remove the charge of desertion standing against James McGreevey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 6004) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, and so forth; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAILEY (by request) introduced a bill (S. 6005) for the relief of Lafayette D. Settle, administrator of Marcus Settle; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6006) for the relief of the heirs of David C. Williams; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAPP introduced a joint resolution (S. R. 106) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in townships, immediately upon the survey thereof in the field and prior to the approval and filing of the plat and survey thereof; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER (for Mr. MCMILLAN) submitted an amendment proposing to appropriate $5,000 for paving and grading Mintwood place, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUARLES submitted an amendment directing the Secretary of the Navy to appoint a board of naval officers to recommend a suitable site for a naval training station at some point on the shores of the Great Lakes, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BAILEY submitted an amendment authorizing the President to appoint a commission of two competent naval officers and one competent Army officer of the Engineer Corps to make a thorough examination of Sabine Pass, the Neches and Sabine rivers, and contiguous territory in the State of Texas, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLESTON (S. C.) NAVY-YARD.

Mr. GALLINGER. I submit a resolution which relates to a matter that is now being considered by the Committee on Naval Affairs, and I ask for its adoption.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy is hereby directed to send to the Senate, at as early a day as is practicable, estimates in detail covering such public works as can either be erected or started during the next fiscal year at the United States navy-yard at Charleston, S. C.

LIFE-SAVING STATION ON MONOMOY ISLAND, MASSACHUSETTS.

Mr. LODGE. About ten days ago the Senate passed a bill establishing an additional life-saving station on Monomoy Island, in Massachusetts, and before the bill reached the House the House passed a bill in identically the same words. The bill came over yesterday. I had asked that it be laid before the Senate for action when it came, but it came with about a hundred pension bills and was not held over. By mistake it was referred to the Committee on Commerce, which had reported the identical bill favorably and it had passed the Senate. I ask that the Committee on Commerce may be discharged from the further consideration of the House bill and that it be put upon its passage.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the Committee on Commerce may be discharged from the further consideration of the bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts, and that it may be placed upon its passage. If there be no objection, the Committee on Commerce will be discharged. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move that the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts, be recalled from the House of Representatives, and when returned I shall ask that it be indefinitely postponed.

The motion was agreed to.

HATTIE M. WHITNEY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney.

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House, and ask for a conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

A bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia;

A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia; and

A bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

The bill (H. R. 11879) to correct the military record of Michael Mullett was read twice by its title, and referred to the Committee on Military Affairs.

LIEUTENANT ARNOLD AND SERGEANT EDWARDS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on the 22d instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official papers in his possession which relate to charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, including the report of Capt. P. W. West, United States Army, of date August 21, 1901.

Mr. LODGE. Yesterday, after I asked to have the resolution go over, I received a letter from the Secretary of War, which I send to the desk.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, May 26, 1902.*

DEAR SIR: In response to your inquiry regarding the charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, and the report of Capt. P. W. West thereon, of August 21, 1901, I have to inform you that since the report of Captain West, who had made a partial investigation in the Philippine Islands as inspector-general, further investigation has been had, leading to a direction that Sergeant Edwards should be tried by court-martial, and preparation for that trial is now being made; but the investigation has failed to develop facts justifying the trial of Lieutenant Arnold, and a further investigation in this country by an inspector-general authorized to examine witnesses under oath has been ordered.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. H. C. LODGE,
Chairman Committee on Philippines, United States Senate.

The PRESIDING OFFICER. The question is, Shall the resolution pass?

Mr. LODGE. Under those circumstances, a court-martial being pending in the case of the noncommissioned officer and an investigation proceeding, with a view to a court-martial probably, in the case of the commissioned officer, we ought not to ask for those papers at this time.

Mr. CULBERSON. Mr. President, I again ask the Senator the question I asked him yesterday, when that court-martial was ordered?

Mr. LODGE. I do not know, and I do not think it is of importance, though it will be easy to find out.

Mr. CULBERSON. I have no objection to the resolution going over until to-morrow if the Senator will advise us then.

Mr. LODGE. I think if the Senator means to press this resolution we might as well vote on it now. I move that the resolution be referred to the Committee on the Philippines.

The motion was agreed to.

PROPOSED INQUIRY INTO SUBJECT OF LYNCHINGS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read the resolution yesterday submitted by Mr. GALLINGER, as follows:

Resolved, That the Committee on the Judiciary is hereby directed to make inquiry into the subject of lynchings in the United States and to report to the Senate whether, under the laws and Constitution of the country, there is any remedy for the evil.

Mr. GALLINGER. Mr. President, that is the resolution I offered. As the junior Senator from Texas [Mr. BAILEY] suggested a wish to be heard upon it, and as he is not now present, I ask unanimous consent that the resolution may go over until to-morrow.

The PRESIDING OFFICER. In the absence of objection, the resolution will lie over.

STATEMENTS BY FILIPINOS.

The PRESIDING OFFICER. The Chair lays before the Senate another resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to inform the Senate whether there be any law or regulation in force in the Philippine Islands which will prevent any native of those islands who may so desire, not under arrest and against whom no charge of any offense against the United States is pending, from coming to the United States and stating his views or desires as to the interest of his people to the President or either House of Congress.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I ask that the action of the House of Representatives in relation to the Army appropriation bill may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives in relation to the Army appropriation bill, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 20, 1902.*

Resolved, That the House disagrees to the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HULL, Mr. CAPRON, and Mr. HAY be the managers of the conference on the part of the House, with the following instructions:

Whereas Senate amendments numbered 13, 14, and 15 to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year 1903 makes the proposed appropriation of $4,000,000 for barracks and quarters available for the construction of such permanent buildings at established military posts as the Secretary of War may deem necessary, and reappropriates from unexpended balances of former appropriations for barracks and quarters $550,000 for construction of necessary garrison buildings, notwithstanding appropriations for said objects are made, in accordance with the rules and practice of the House, in the sundry civil appropriation bill for said year; and

Whereas said amendments are subversive of the rules of the House, duplicate appropriations, and tend to confusion in the methods of making appropriations for the support of the Government, and will, if agreed to, give rise to a practice that will inevitably result in extravagant and wasteful expenditures: Therefore,

Resolved, That the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804 are instructed not to recommend an agreement to said amendments Nos. 13, 14, and 15, or to any modification thereof that will, under authority of said Army appropriation act, permit the expenditure of any sum for construction of permanent buildings at established military posts, except as authorized by section 1136 of the Revised Statutes.

The PRESIDING OFFICER. The Chair will state the parliamentary condition of the question. When it was last before the Senate, the Senator from Massachusetts [Mr. HOAR] made a motion that the Senate insist on its amendments to the bill disagreed to by the House of Representatives, and ask for a full and free conference with the House on the disagreeing votes of the two Houses thereon. The Chair had put the question, but had not decided it, and will treat it as still open.

Mr. SPOONER. Mr. President, I want to say a word about the motion of the Senator from Massachusetts [Mr. HOAR]. That motion ignores the action of the House of Representatives, and is somewhat offensive to the House. I have no thought that the House intended to be disrespectful to the Senate. I believe that this matter can be accommodated if appropriate means shall be adopted by the Senate.

On reflection I am more and more inclined to think that the suggestion made by the distinguished Senator from Alabama [Mr. PETTUS], which finds precedent in the proceedings of the English Parliament, for the appointment of a committee to confer as to this request for a conference, is the better way out of the difficulty, and the best way out of it. I hope that the Senate, under the circumstances, will not grant this conference. If it does, it will be called upon to grant a great many more such conferences.

I have no feeling about it. It is a matter of no consequence to me, but it is not a mere matter of etiquette. It is a matter of very great consequence to the people, because it involves the harmony and cooperation of the two Houses. I believe if we pass a resolution like that which has accompanied this request for a conference the House will regard it as an invasion of its dignity and as an affront, and I think the House would be right. I am quite certain that such a proposition would not get one vote in this body. I am not a stickler for mere matters of procedure or form; but I do not think, while I have the profoundest respect for the Senator from Massachusetts, that in this situation it is exactly wise to ignore the action of the House.

The House has requested this conference, but the House has requested it with a message to us that it has instructed its conferees not to agree or to participate in a full and free conference. It is no adequate answer to that, in my opinion, for the Senate, entirely ignoring that request, to insist upon its amendments and request a full and free conference from the House. Why request a full and free conference from the House as to amendments made by the Senate, when already the House, the body requesting the conference, has notified us that it has not only disagreed to the amendments of the Senate, but has instructed its conferees never to recommend to the House, after the conference, an agreement to those amendments?

It is almost an impossible situation, and it ought to be accommodated. I believe the way to accommodate it and adjust it is not by ignoring the action of the House; not by substituting for the request of the House for a conference a request of the Senate for a full and free conference, but the appointment of a committee on the part of the Senate to talk this matter over with a similar committee from the House, to the end that we may get at something which is right and which conserves the dignity of both Houses.

I may be wrong about it, and very likely I am. If I differ from the Senator from Massachusetts [Mr. HOAR] on a proposition of this kind, I suppose I ought to feel I am wrong about it; but that is the way I feel, and therefore that is what I have to say.

Mr. HOAR. I am sorry to say, Mr. President, that while I reciprocate the great respect which the Senator from Wisconsin has so kindly expressed for me, although the Senator thinks he ought to feel that he is in the wrong whenever he differs from me, I notice he never backs down.

Mr. SPOONER. What is that?

Mr. HOAR. I say that while I reciprocate the expression of regard made by my honorable friend, when he says that he supposes when he differs from me he ought to feel that he is wrong, I have noticed that he never backs down from his own position.

Mr. SPOONER. I said on a question of this kind.

Mr. HOAR. I notice, in fact, the Senator never does that. I want simply to say that I am not very strenuous about the method of doing this thing; but I do not interpret the motion as the Senator from Wisconsin interprets it. Perhaps the fact that he interprets it otherwise may be a good argument against it, as other people may so interpret it.

As I understand it, the parliamentary practice is now completely established that either body may ask a conference on amendments. If we want to make amendments to bills coming from the House we can send down with the first notice of the amendments a request for a conference. That was stated by the Senator from Maine [Mr. FRYE], the President pro tempore of the Senate, and the Senate thought that was a proper practice, and it has been a very common one. So that there is no difficulty, so far as the mere asking of the conference is concerned, as to which House asks for it.

Now, then, the House has disagreed to an amendment of ours and asks for a restricted conference. Before acting upon that restricted conference we say to the House, "We should like to talk the whole matter over with you freely, including, of course, the whole situation as it is made." So that our conference will be a free conference, and will enable our conferees to talk over not only the merits of the amendment, but the request of the House. We do not ignore it; we do not deny it; we do not accede to it; but we say, before going into this restricted conference of yours, let us have a free one. That is all we say. It seems to me that that is the simplest method of doing it. Of course, if the Senate prefers not to act at all upon the Army bill and to put it off and have this or some other conference on the general subject, perhaps, first, I shall not very much object to it. I do not think there is much choice between the two methods.

The purpose of my motion, and I think the parliamentary position of it is exactly what it ought to be. We do not want to express ourselves about this request of the House until we talk it over with them and see whether they adhere to their action. That is what I had in mind. I do not care about this method. I will be governed, Mr. President, in adhering to this motion or withdrawing it by the desire of the Senator who has the bill in charge, the Senator from Vermont [Mr. PROCTOR], and if he likes another way better I will follow him.

Mr. PROCTOR. In asking to have this bill laid before the Senate the other day, I did so without any expression of opinion. I hoped that what the late lamented Senator from New Hampshire used to call "the best thought of the Senate" would converge upon some method that would be satisfactory to all; but instead of that, "the best thought of the Senate" seems to diverge somewhat. I have therefore prepared a concurrent resolution in the line of the suggestion of the Senator from Alabama [Mr. PETTUS], and I will ask that it may be read for information.

Mr. HOAR. I will withdraw my motion and let the Senator move his resolution, if he likes that better.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his motion, and the Senator from Vermont submits a concurrent resolution, which will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That a committee of three, the chairman of which shall be the chairman of the Committee on Rules, and two Senators, to be named by the President of the Senate, be appointed to meet with a committee of the like number to be appointed by the Speaker of the House of Representatives to confer on the matter of conferences between the two Houses, and especially upon the matter of instructions to conferees.

The PRESIDING OFFICER. The Senator from Vermont offers a resolution for which he asks present consideration. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. GALLINGER. Mr. President, before action is taken on the resolution, I wish to submit an observation or two concerning the question which is in controversy between the two Houses.

I notice that the Senator from Wisconsin [Mr. SPOONER] assured the Senate that, in his opinion, the House did not intend to be offensive to the Senate in sending the message that is now before us. The reading of that message will reveal the fact that the House does suggest that the action of the Senate will lead to extravagance, which, I think, is an offensive suggestion.

Mr. President, if you will go back to the debates in the House you will find that a very distinguished member of that body used these words:

Now, let the House——

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. GALLINGER. Certainly.

Mr. PETTUS. I rise to a question of order, Mr. President; and that is that the Senator is proceeding to discuss what occurred in the other House.

Mr. GALLINGER. Well, Mr. President, this is a controversy between the two Houses, and I have, under those circumstances, I think, a right to do it.

Mr. PETTUS. It is a controversy between the two Houses, but it is a controversy as to which the Senate is not informed officially, except by the message which it received from the House, and I submit, Mr. President, that the very thing that rule is aimed at is arising now; that is, that we shall not refer to what is said in the other House.

Mr. GALLINGER. Mr. President, we are all acquainted with that rule, and in what I have said I have been simply following what has been said by the chairman of the Committee on Rules and by other Senators.

Mr. PETTUS. That was his opinion.

Mr. GALLINGER. However, I will change my language so that I think it will suit the Senator from Alabama. I will say, Mr. President——

Mr. SPOONER. Will my friend allow me to say a word?

Mr. GALLINGER. Certainly.

Mr. SPOONER. The Senator referred to my utterances. I want to say that is perhaps the only instance in my career where I could be successfully charged with having been diplomatic in my utterances. As to matters pending between the two Houses, I thought we ought not to show that the House had deliberately challenged the Senate; that it would not be wise to enter into that phase of the subject. I might not disagree with the Senator as to what he has said and what I imagine he will say, but I thought it would not tend to harmony and an arrival at the result we all desire to attain if we were to say that.

The PRESIDING OFFICER. If the Chair may be permitted, there is no formal rule of the Senate relating to the point of order just raised by the Senator from Alabama [Mr. PETTUS]. There is, however, in Jefferson's Manual a parliamentary suggestion that it is a breach of order in debate to notice what has been said on the same subject in the other House or to refer to the particular vote or majority on it there. The Chair understands the entire effect of the rule to be that reference should not be made to what has been said on the same subject in the other House—and the Chair supposes that refers to the present session—or to notice the votes or majorities on it in the other House.

Mr. GALLINGER. Mr. President, I have been very thoroughly acquainted with that suggestion in Jefferson's Manual for a good many years. I presume it ought to be observed; but, unfortunately, it is not observed in this body or in a certain other body; but I will say that in sending a message to the Senate from another body, suggesting that the Senate in its action was advising extravagance in the appropriation of the public money, is something that may properly be called in question.

I will not state what I was about to state as having been observed in that body, but I will refer Senators to the debates on the subject that is now before the Senate for enlightenment upon that point, and they will find, if they will take the trouble to go over those debates, some things that I think do not tend to harmony between the two Houses of Congress, that ought not to occur in either House of Congress.

Mr. President, what are the facts? The House, exercising its constitutional prerogative, passes a bill, it comes to the Senate. The Senate, in the exercise of its constitutional prerogative, amends that bill, and it is sent to the other House with those amendments. There is a well-recognized mode of procedure in such cases; that is, for the other House to either accept those amendments or to disagree to those amendments and ask a committee of conference thereon. Instead of doing that, the other body proceeds to instruct, before a conference is held, its conferees not to agree to the Senate amendments.

Now, supposing the Senate, in its constitutional right, should at this moment instruct its conferees to adhere to the Senate amendments, then what becomes of your conference; indeed, what becomes of your bill? It is absolutely destroyed. No action can be taken on the bill under those circumstances.

It does seem to me, Mr. President, that we are face to face with a proposition that has in some way got to be untangled, or else the legislation of Congress is going to come to a standstill. If the effect of a free and full conference, which has always been recognized in parliamentary bodies, can be destroyed by the action of one House before the conference is held, the other House can then take action that will absolutely prohibit the holding of a conference, and in that way destroy the bill.

Mr. President, I do not care how this thing is reached. I certainly have no feeling about it. I have regretted very much to observe the tendency during the present session of Congress to involve us in trouble on this matter of conferences. Nobody calls in question the rights of the other House, and the other House has no right to call in question the rights of this body.

If this matter can be adjusted by a committee such as is proposed by the resolution offered by the Senator from Vermont [Mr. PROCTOR], very likely that is the best method of procedure. I certainly have no disposition to utter a word or to cast a vote that will in the least degree be offensive toward the body in which this bill originated; and while I held a different view in the first place and had prepared a resolution which I thought I should offer, upon reflection I am of opinion that the original suggestion made by the distinguished Senator from Alabama [Mr. PETTUS]—who is very properly, I think, holding us down to an observance of the rules of the body, whether they are found in our rules or in Jefferson's Manual—and the plan perfected by the Senator from Vermont [Mr. PROCTOR] who has charge of this bill—I say, upon reflection, I think that will be the wiser course, and I shall be very glad indeed to vote for the resolution offered by the Senator from Vermont.

In closing, Mr. President, I will make the suggestion that hereafter I shall endeavor to not forget that Jefferson's Manual denies us the right of discussing what has happened in the other House, and I trust that Senators who have been here much longer than I have been here will be equally discreet in their utterances.

The PRESIDING OFFICER. The Chair does not think that Jefferson's Manual prevents a Senator from discussing action which has been taken in the other House.

Mr. TELLER. Neither do I think it does, Mr. President, except that we have no right, as I understand, to refer to a vote taken in the other House for the purpose of affecting the vote here; that is one of the things that is forbidden, but when a matter has passed into history the rule does not apply. We can discuss, for instance, what has happened in the last Congress. I understand the rule is simply to prevent friction between the two bodies, and that is all there is about it. Keeping that always in view of course the rule is a safe one.

The PRESIDING OFEICER. The question is on the resolution presented by the Senator from Vermont. The Chair understands the Senator from Vermont to modify his resolution.

Mr. PROCTOR. Yes; I have modified it in two or three particulars. Let the resolution be read as modified.

The PRESIDING OFFICER. The resolution as modified will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That a committee, consisting of three Senators, be appointed by the Presiding Officer of the Senate to meet with a committee of like number, to be appointed by the House of Representatives, to confer upon the matter of conferences between the two Houses, and especially upon the matter of instructions to conferees."

Mr. PETTUS. Mr. President, I move to amend that resolution by striking out all after the words "upon the matter of," and inserting what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Alabama [Mr. PETTUS] will be stated.

The SECRETARY. After the words "upon the matter of" it is proposed to strike out "conferences between the two Houses, and especially upon the matter of instructions to conferees," and to insert "the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903.'"

The PRESIDING OFFICER. The resolution will be read as it will stand if the amendment be agreed to.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That a committee, consisting of three Senators, be appointed by the Presiding Officer of the Senate to meet with a committee of like number, to be appointed by the House of Representatives, to confer upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903."

Mr. PROCTOR. Mr. President, I think that answers the same purpose as the original resolution, and I will accept the amendment of the Senator from Alabama.

The PRESIDING OFFICER. The amendment of the Senator from Alabama [Mr. PETTUS] is accepted by the mover of the resolution. The question is on the adoption of the resolution as modified.

The resolution as modified was agreed to.

The PRESIDING OFFICER. The Chair will appoint as the committee required by the resolution the Senator from Wisconsin [Mr. SPOONER], the Senator from Vermont [Mr. PROCTOR], and the Senator from Alabama [Mr. PETTUS].

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. If the morning business is concluded, I move that the Senate proceed to the consideration of Senate bill 2295.

The PRESIDING OFFICER. The morning business is concluded, and the question is on the motion of the Senator from Massachusetts [Mr. LODGE].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PATTERSON. Mr. President, before I proceed with my remarks this morning I desire to lay before the Senate, in response to the request of the president and secretary of the San Francisco Labor Council, the resolutions adopted by that council. They were telegraphed to me under date of 24th instant:

SAN FRANCISCO LABOR COUNCIL OPPOSES.

Whereas information about the Philippine Islands given to the American people in reluctant driblets shows a condition too bad to be permitted even in the Philippines; and whereas it appears there is at present neither power nor inclination to stop these islands from being used as a bridge over which Chinese may come into the United States: Therefore, be it

Resolved, That the San Francisco Labor Council, in regular session assembled, May 23, 1902, is opposed to any legislation about the Philippines being enacted until the public knows the real conditions in these islands and the real status of their inhabitants under our flag.

SENATOR FORAKER AND THE FILIPINO JUNTA.

I supposed, Mr. President, when I concluded yesterday, that there would be no further room for debate of any kind between the honorable Senator from Ohio [Mr. FORAKER] and myself, but I desire, for the purpose of setting history aright, if the Senator from Ohio is wrong, and if the Senator is right, then that the Washington Post may be set aright, to read certain extracts. For that purpose, and that there may be no mistake about what was said by the Senator from Ohio when we were disputing upon the proposition that the attack on the night of the 4th of February, 1899, had been made upon the Filipinos instead of by the Filipinos upon the Americans, as was claimed immediately following that attack by all the press dispatches that were permitted to come from Manila, I will read what occured yesterday. I read from the official stenographer's notes.

Mr. FORAKER. Then the Senator's attitude, as expressed in this editorial, was due to the fact that he was, as he now thinks, imposed upon in regard to the opening of hostilities there. That is, he was of opinion at the time when the hostilities were reported that the Filipinos were the aggressors, and that now he is of the opinion, and proposes to demonstrate it, that, on the contrary, the Americans were the aggressors, and that it was part of the settled plan to make sure of the ratification of the treaty.

Mr. PATTERSON. I draw that inference.

Mr. FORAKER. Yes. Then I want to ask the Senator while he is doing that to explain to us why it was, for such is the fact, as I believe he will agree, that Agoncillo and Sixto Lopez, who were both here in this country at that time, the day before the fight commenced, left this country without anybody knowing at the time of their leaving and fled to Canada, where they were when the news came that fighting had commenced. In other words, does the Senator imagine that as a part of the American plan to bring about this conflict to effect the ratification of the treaty they notified the representatives of Aguinaldo, so that they could get out of the country before the commencement of the fighting which we were to precipitate?

Mr. PATTERSON. In the first place, the statement of the Senator from Ohio that these men fled to Canada is his conclusion.

Mr. FORAKER. Does the Senator deny that they went to Canada?

Mr. PATTERSON. I do not know.

Mr. FORAKER. Does the Senator deny that they left Washington in a surreptitious way, in the nighttime——

Mr. PATTERSON. They may have gone upon a night train; I do not know.

Mr. FORAKER. And went to Canada by the most direct route possible, and never stopped even to check their baggage, hardly, until they got into Canada?

* * * * * * * *

Mr. FORAKER. I have called the attention of the Senator to it because it has always seemed to me to be practically a controlling fact upon that question, which nobody ever raised until long after the conflict began, because at that time everybody accepted the word of our officers, our generals, our representatives in the Philippines. But when their word was questioned and the facts of that time were recalled it always seemed to me to be a controlling fact. That is why I called the Senator's attention to the fact that these representatives of Aguinaldo here in Washington should have left and gone by the night train, never stopping until they got out of the country and got safely into Canada, and did it just in time to be safely in Canada before the fighting commenced. It looked on the face as though they had notice of it.

Mr. PATTERSON. Very small facts acquire great significance in the minds of some when they have some view to uphold. Let that stand as stated by the Senator from Ohio until I come to the undeniable facts; and I may tell the Senator some of them now.

Mr. President, not questioning the truth of what the Senator from Ohio said upon the subject, I want to call the Senator's attention to a short extract taken from the Washington Post of February 5, 1899, the day following the night of the fighting. This is one item:

[From Washington Post, February 5, 1899.]

Señor Lopez, of the Philippine junta, is still at the Arlington with four other members of the commission, and in regard to the absence of Agoncillo asserted that his superior had gone to Baltimore to spend Sunday and would return either to-night or to-morrow morning. The Filipinos have not received any news from Manila, although Señor Lopez says that had an attack been made by the insurgents he certainly would have heard of it. His people, he said, are awaiting the action of Congress on the peace treaty, and have been very patient, and he placed no credence in the report that they had attacked the American troops. He did not think there could be any conflict unless the American forces had attacked the Filipino outposts.

In the Washington Post of February 7 I find this item:

[Washington Post, February 7.]

The three Filipinos at the headquarters of the junta at the Arlington will not leave Washington for the present. Señor Losado is suffering with inflammatory rheumatism, and Señor Sixto Lopez and Señor Luna will remain with the sick man.

I wanted to read those two items from the Post simply to show that either the Senator from Ohio or the Post labored under a serious mistake.

Mr. FORAKER. When I said what I did yesterday as to the action of Agoncillo and Lopez I was speaking simply from my recollection and upon a suggestion that was made to me which recalled that incident. My recollection is a very distinct one that they did leave here the night before the fighting, they did go to Canada, and that they did not remain in Washington, as that newspaper article seems to indicate they did. I may be in error about it. I stated it in entire good faith, thinking I was recalling an incident about which there was common knowledge and concerning which there was no dispute or room for dispute.

I will take pleasure in looking up the matter, and if I am mistaken about it I will, of course, recall it; but I stated what I did in entire good faith. I am quite surprised that the Senator has found such statements as he has read from the Washington Post.

Mr. PATTERSON. I will hand these to the Senator from Ohio.

Mr. FORAKER. I have no doubt that the Senator has quoted the newspaper correctly.

Mr. PATTERSON. The Senator from Ohio will agree that it was perfectly proper for me, under the circumstances, to call his attention to the matter?

Mr. FORAKER. Entirely so. I am very much obliged to the Senator for having done so, because I would not want to inject into the debate any statement not absolutely correct. I will look into the matter further before I say more about it.

Mr. PATTERSON. If the statement I have read is true, then I suppose one of the main props upon which the Senator rested in taking issue with the proposition I made about the commencement of the attack on the night of February 4 has been removed.

Passing from that——

Mr. HOAR. I should like to ask the Senator from Colorado in this connection if it is not a well-known and undisputed fact that a large number of Filipino officers were in Manila at that time in the power of our troops?

Mr. PATTERSON. It is true that a number were in Manila, but the principal officers of the Filipino army that night, as admitted by Generals MacArthur and Otis and Hughes, were at

Malolos, far distant from the army lines, and those American officers gave it as their opinion that it was not the purpose of the Filipinos to commence an attack that night. That is most solemnly admitted in the testimony given before the Senate committee.

SENATOR SPOONER'S CONVERSION.

I think, Mr. President, before I leave the question of changes of views, I may well refer to the views once entertained by the Senator from Wisconsin [Mr. SPOONER], especially in view of the fact that he has repeatedly stated that he has not, even to this day, changed the views as expressed in a speech he made upon the 2d day of February, 1899. He said in that speech:

Mr. President, some gentlemen waltz up to this proposition of territorial expansion as gaily as "the troubadour touched his guitar." I can not do it. I have not been able to persuade myself that the best interests of this country, in the long run—and we ought to study its interests for the long run—are to be subserved by a policy of territorial expansion—permanent dominion over far-distant lands and peoples.

In the same speech the Senator from Wisconsin shrinks from connecting ourselves with an alien people in the following language:

But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work, under labor conditions of necessity which we would not permit to exist in the United States.

PERSONAL LIBERTY IN THE UNITED STATES AND THE PHILIPPINES.

Before going on with the speech of the Senator from Wisconsin, my mind recurs to the singular phenomenon presented by the presence of Sixto Lopez and Agoncillo, and other members of the Filipino junta, in the city of Washington and in the United States at the time of the attack upon the 4th day of February, and by the presence of some of the members of the Filipino junta who have remained here ever since. It is this: In the United States these men are entirely free from molestation or arrest. They were and are in thorough sympathy with the efforts of the Filipinos. They are native Filipinos. They were here in the United States advocating their cause. They addressed public meetings upon the subject of Filipino independence. Yet they remain in the United States free from molestation, whereas if they had been in the Philippine Islands they would have been sent to jail, deported, or possibly hanged.

Mr. SPOONER. Will the Senator allow me to ask him a question?

THE PHILIPPINE JUNTA IN THE UNITED STATES.

Mr. PATTERSON. Certainly.

Mr. SPOONER. The Senator refers to the presence of Agoncillo and Lopez, representing the Filipinos, at the capital. They left one night. They folded their tents like the Arabs, and silently stole away.

Mr. PATTERSON. That is what the Senator from Ohio said.

Mr. SPOONER. That is what I say.

Mr. PATTERSON. Then you will have to take issue with the Washington Post.

Mr. SPOONER. I do not care anything about that. They left so as to be in Canada or as near Canada as they could be when we received or could receive notice of the attack of the Filipinos on our troops at Manila. However, that is not the point about which I wish to ask the Senator.

Mr. PATTERSON. Let me make a suggestion——

Mr. SPOONER. No, no; wait.

Mr. PATTERSON. The Senator from Wisconsin does not desire to be in error.

Mr. SPOONER. I am not in error.

Mr. PATTERSON. Let me suggest that I have just read two articles from the Washington Post showing that Sixto Lopez and at least three other members of the Filipino junta were at the Arlington Hotel as late as February 7.

Mr. SPOONER. Perhaps Sixto Lopez. I do not know. One of them had the rheumatism and could not get off his bed.

Mr. FORAKER. Mr. President——

Mr. SPOONER. If the Senator will pardon me a moment——

Mr. GALLINGER. Agoncillo?

Mr. SPOONER. No; Agoncillo left. The Senator from Colorado said, as I understood him, that other members of the junta had remained here ever since without arrest. Did I correctly understand the Senator?

Mr. PATTERSON. Yes, sir; I said so. Sixto Lopez is in Boston now.

Mr. SPOONER. I thought the Senator meant at the capital.

Mr. PATTERSON. Oh, no. He is in Boston. That is even preferential to the capital, I imagine.

Mr. SPOONER. Yes; from one standpoint.

Mr. PATTERSON. And I will say to the Senator from Wisconsin that we have done our best to get the Committee on the Philippines to summon Sixto Lopez to come before the committee, that he let us know what he knows about the hopes and aspirations of the Filipino people and affairs in those islands, and we have been unable to succeed.

Mr. FORAKER. Before the Senator passes from this subject I want to make a remark. I have read over the quotations which the Senator from Colorado has put into the RECORD from the Washington Post. I heard them read by the Senator, but until I read them, he kindly having sent them to my desk, I did not get a clear idea of just what the statements were. I find now that I was in error in saying that Lopez and Agoncillo both left here in the manner I stated. I think it is quite clearly indicated by what is here, however, that Agoncillo did so leave, but Lopez remained here a day or two only because one of their party was confined to his bed with inflammatory rheumatism and could not leave the city. I remember that at the time the newspapers were full of it, and that Agoncillo did leave. He did not go to Baltimore with the idea of returning, but went on to Canada, and never stopped, as I understand it, until he got into Canada.

Mr. SPOONER. If the Senator will allow me, the people at the hotel did not know he had left.

Mr. FORAKER. He left surreptitiously. He left in the nighttime. He left without anybody knowing it until his whereabouts were discovered in safe territory.

Mr. SPOONER. He left obviously, if the Senator will permit me, in order that he might be beyond our jurisdiction when the news came to us that the Filipinos had attacked our outpost at Manila.

Mr. FORAKER. The Senator from Colorado smiles about that in a way which indicates he does not appreciate it, but nevertheless it is the fact that for some reason or other he did leave. Lopez, who was his secretary, remained behind. I should not have coupled Lopez with him in saying, as I did, that Agoncillo and Lopez left at that time.

Mr. SPOONER. The Senator made this mistake: Lopez would have left if he could.

Mr. FORAKER. He would have left if it had not been for a sick companion, on account of whom he was bound to remain behind. There is no question—I will have it looked up; I have sent already to have it looked up—that in all the papers it was published that he had fled from here in that way. He left before anybody here knew there was any conflict on at Manila. That is the point to it all. He left before the fighting commenced. That is my recollection about it very distinctly. I will look it up, though, and whatever is the exact truth, as reported in the papers, I will take pleasure in stating.

Mr. PATTERSON. I am glad the Senator is going to look it up. Those two extracts were handed to me by a gentleman this morning who told me he had taken them from the files of the Washington Post last night, of the dates that appear upon the extracts, and I have no doubt in the world he speaks the truth.

Mr. FORAKER. One of the extracts is of date the 5th, the day after the fighting commenced, and it shows that Agoncillo had left.

Mr. PATTERSON. Oh——

Mr. FORAKER. He was not here on Sunday, the 5th. Agoncillo was gone. They undertook to account for his absence by saying he had gone to Baltimore and intended to return, but he did not return, and went on and never stopped until he got to Canada.

Mr. RAWLINS. The Senator from Ohio says Agoncillo left on the 5th.

Mr. FORAKER. He left before the 5th. This article was published on the 5th. It is an interview given on the night before, in which they attempt to account for his absence from here.

THE TIME OF THE FEBRUARY 4 ATTACK.

Mr. RAWLINS. I rose simply to say that the notice of the commencement of hostilities was published in New York before 12 o'clock on Saturday, the 4th, and was telegraphed——

Mr. SPOONER. What was that statement?

Mr. PATTERSON. Gentlemen, I trust——

Mr. SPOONER. The Senator from Colorado is not in it.

Mr. PATTERSON. I know that the Senator from Wisconsin has a chip on his shoulder. However, go ahead; I am enjoying it.

Mr. SPOONER. No; not at all. What did the Senator from Utah say?

Mr. RAWLINS. I stated that the news of the commencement of the hostilities was published in New York before 12 o'clock on Saturday, the 4th.

Mr. SPOONER. I will say this to the Senator——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. I do not know anything about the newspapers, but I know that the first intimation our Government had of the outbreak was at 5 minutes after 8 on the morning of the 5th of February.

Mr. RAWLINS. If——

Mr. PATTERSON. Just one moment. There is a great mistake upon both sides.

Mr. SPOONER. I——
Mr. PATTERSON. Let me suggest——
Mr. SPOONER. Yes; I think somebody ought to suggest.
Mr. PATTERSON. The Denver papers of Sunday morning, February 5, contained special dispatches from Washington which stated that shortly before midnight the President had received notice of an attack made upon the American lines by the Filipinos. So the Senator is mistaken when he says that the first intimation this country had of it was on 8 o'clock Sunday morning.
Mr. SPOONER. I am not.
Mr. PATTERSON. Well, now, let me state this. I think to a certain extent the Senator from Utah is in error. This is the fact about it: The news arrived here on Saturday just before midnight, but the news that got here on Saturday at midnight did not leave Manila until Sunday morning at 8 o'clock. It is by reason of the difference in time that that seeming contradiction arises. Dispatches that leave Manila one morning, say at 8 o'clock, will reach Washington midnight the night before, according to time.
Mr. RAWLINS. If the Senator from Colorado will permit me, I have here a dispatch from New York, published in the Morning Post of Sunday, February 5. I will read it, if the Senator has no objection.
Mr. PATTERSON. Very well.
Mr. RAWLINS. It is as follows:

[Special to the Washington Post.]

NEW YORK, *February 5, 1899.*

The New York World has a dispatch from Manila which says Aguinaldo and the insurgents attacked American outposts at Manila, but were successfully held at bay by the American forces. The attack, the dispatch says, was made at 8.30 o'clock Saturday night, and at 9 o'clock Sunday morning the firing is still continuing. The American vessels, *Monadnock*, *Callao*, and another, fired on the insurgents in aid of the American forces. Twenty Americans were wounded. As yet no fatalities are reported. American women and children were taken aboard the American war ships.

The dispatch adds that General Otis has the situation well in hand.

No confirmation of the World's dispatch had been received by the Associated Press or by any other New York papers up to 3 o'clock this morning. The story was telegraphed west shortly after midnight, and the Pittsburg Press and other papers printed extra editions. The Brooklyn Citizen also issued an extra containing the substance of the World's dispatch. All efforts to communicate with Manila after midnight were unavailing. It was asserted positively that no official messages had come over the wires.

Then follows these local comments:

The news of the alleged attack upon Manila by the insurgents reached Washington soon after 12 o'clock last night and was discredited because it had no official corroboration. At the White House, at 1 a. m., the President, who had been at work with his secretary, stated positively that no such news had been received from General Otis or Admiral Dewey.

Mr. SPOONER. Will the Senator pardon me? What does the article say about Admiral Dewey?
Mr. RAWLINS. It says:

At the White House at 1 a. m. the President, who had been at work with his secretary, stated positively that no such news had been received from General Otis or Admiral Dewey.

Mr. SPOONER. When was that?
Mr. RAWLINS. That was 1 o'clock on Sunday morning.
Mr. SPOONER. One o'clock Sunday morning?
Mr. RAWLINS. The 5th.
Mr. SPOONER. The 5th?
Mr. RAWLINS. That was the 5th.
Mr. SPOONER. That was true.
Mr. RAWLINS. I will continue:

Adjutant-General Corbin left the War Department at 7 o'clock in the evening and did not return. Secretary Alger could not be reached at the time the news was received.

It was learned later that no official advices had been received over the wires from Manila the past twenty-four hours.

These last comments are made by the Washington Post of Sunday morning, the 5th. They reported the news as having reached New York at 12 o'clock Saturday night.
Mr. SPOONER. I want to say this——
Mr. TILLMAN. Mr. President——
The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield to the Senator from South Carolina?
Mr. PATTERSON. Certainly.
Mr. TILLMAN. My recollection of the matter is that we had extras of the evening papers here some time between 9 and 12 o'clock giving the information.
Mr. SPOONER. What night?
Mr. TILLMAN. Saturday night. The difference in time being twelve hours, it had reached here. That is my recollection. I may be off.
Mr. SPOONER. You are off.
Mr. PATTERSON. Well, Mr. President, that we had news of the fighting in all of the Western papers in their Sunday morning issues there is no question.
Mr. FORAKER. Mr. President——
Mr. PATTERSON. It struck me at first——
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?
Mr. FORAKER. It is just to make an inquiry, so that I may not be mistaken. I understood the Senator from Utah to fix by the dispatch he read from the World that the receipt of the news was about 1 o'clock Sunday morning.
Mr. RAWLINS. No; it was about 12 o'clock Saturday night.
Mr. FORAKER. The article recited that here in Washington inquiries were being made at 1 o'clock Sunday morning.
Mr. RAWLINS. The news came here about 12 o'clock.
Mr. FORAKER. Saturday night?
Mr. RAWLINS. Well, Saturday night or Sunday morning.
Mr. FORAKER. Very well. I only wanted to make sure it was not Friday night. It was Saturday night. That is the only point I wanted to make sure of.
Mr. RAWLINS. It was Saturday night.
Mr. FORAKER. Yes, sir.
Mr. RAWLINS. But the news reached New York prior to 12 o'clock Saturday night.

WASHINGTON POST ARTICLES AGAIN.

Mr. FORAKER. I was wondering when the interviewer from whom the Senator from Colorado read in the Washington Post had interviewed Mr. Lopez. He did not interview him until after the news came. That was Saturday night, and Agoncillo had already gone.
Mr. PATTERSON. He interviewed Lopez and three or four others of the junta on the 7th.
Mr. FORAKER. There were two others on the 7th.
Mr. PATTERSON. I am not claiming to be mathematically correct, but then I am nearer correct than the Senator was last night.
Mr. FORAKER. No; I was mistaken only to this extent, that I included Lopez with Agoncillo. Now I think we have it straightened out.
Mr. PATTERSON. The way the Senator from Ohio impressed me yesterday was that the representatives of the Filipino junta here in Washington, Sixto Lopez, Agoncillo, and Luna, had fled the country in anticipation of this struggle. Now it turns out——
Mr. FORAKER rose.
Mr. PATTERSON. I trust the Senator from Ohio will allow me to finish one sentence. It turns out now that Agoncillo, according to the newspaper reports and the statement of Lopez or some other of the junta, had gone, but apparently he went before——
Mr. FORAKER. Mr. President——
Mr. PATTERSON. I must insist on being permitted to finish one sentence. I will not ask to finish my speech, but to finish my sentence. It turns out that Lopez and two others at least of the junta were here, and continued here until after the 7th. I am quite unable to discriminate between Agoncillo and Lopez and the other two members of the junta. If one was in danger the other three were in danger, because they were all engaged in the same missionary work. I am perfectly satisfied if the Senator from Ohio had known as much about it as he does now, and if those facts are correct, as I believe they are, he would not have made the statement that he made last night.
Mr. FORAKER. Mr. President——
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?
Mr. PATTERSON. I do.
Mr. FORAKER. I rose simply for the purpose of qualifying the statement in this way, and I would be obliged to the Senator from Colorado if he will allow me to do it.
Mr. PATTERSON. Yes; I said I would yield as soon as I finished the sentence.
Mr. FORAKER. I would not ask to interrupt the Senator if it were not a personal matter. Agoncillo, as I understand it, was the real representative. Lopez was simply his secretary. The others were in still more subordinate positions. Three of them remained behind because of the illness of one, but Agoncillo, the representative, did leave, and the impression we all had at that time—I do not think there was any different opinion about it—was that he left because he had advance warning in some way what to do. That always seemed to me to be a controlling point in settling the question whether or not the Filipinos were intending to make a hostile attack on us.

THE CHANGE IN AMERICAN INSTITUTIONS.

Mr. PATTERSON. They were all members of the Filipino junta. There was no necessity for Agoncilla or any of the junta leaving, because it is one of the singular conditions that we find existing in the United States growing out of this unfortunate situation that men in the United States are free from arrest and interference by reason of any political views they entertain or express touching the relations and doings of this Government to the Philippines, while if those same gentlemen had been in the Philippines they would have been cast into prison under a system inaugurated by the Administration. We find Sixto Lopez.

nearly the ablest man of all the native advocates of Filipino independence here, practically making the United States his home, at all times asserting his loyalty to the cause of his country, while his three sons are in prison in the Philippine Islands, and, as the family maintained, kept in prison simply because they are members of the Lopez family and are in sympathy with the Filipino cause.

I say it is a most extraordinary condition, and one that members of the Senate five years ago did not think could possibly arise. It could never until now have been conceived that men could live in the United States in perfect safety from interference, protected by the Constitution, and when they went to the colonies they could be cast into prison for saying and doing what they did in the United States with impunity, and there was no agency in this great Government to relieve them. Our possessions! Our colonies! This one simple fact, Mr. President, discloses the tremendous change that has taken place in the institutions of this country since the controversy with Spain arose.

SENATOR SPOONER'S POSITION.

But, Mr. President, this controversy was put in between paragraphs of this splendid speech by my friend from Wisconsin. He said in the speech I before referred to:

> The jingle of words which we read every day about "hauling down the flag" does not in the least either thrill me or impress me. Our flag has been hauled down before, Mr. President. It will be hauled down again. Where we raise it we will permit no other power on earth to haul it down, but with us it may be as honorable to haul it down as it was to raise it. It was hauled down in Mexico when hostilities ended there. If we had sent our fleet across the sea to the peninsula of Spain and captured Barcelona, raising our flag above it, it would not have been there to stay; we would have hauled it down.
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> * * * * * * * * *
>
> It is insisted that we must have permanent territorial expansion in order to extend our trade.

Mr. SPOONER. Is that all I said?

Mr. PATTERSON. Oh, no.

Mr. SPOONER. I said something about the flag in Cuba.

Mr. PATTERSON. The Senator said "to-day it floats in Cuba."

Mr. SPOONER. Why did not the Senator read that?

Mr. PATTERSON. I will read it. The Senator said:

> To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked *Maine* at Habana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds. I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

I suppose the Senator from Wisconsin still entertains those views?

Mr. SPOONER. Is that intended to be a question?

Mr. PATTERSON. Yes.

Mr. SPOONER. I depart in no wise whatever from what I there stated, nor have I ever departed at all from what I there stated.

Mr. PATTERSON. Now I will read this paragraph to the honorable Senator from Wisconsin:

> It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, non-assimilable peoples in order, through permanent dominion, to force our trade upon them seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world, and we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?
>
> I think, Mr. President, the trade of the world will go where its interest leads it in the long run, and the best avant-courier of civilization is a merchant ship carrying the products of civilization and teaching the wants of civilization.

Does the Senator from Wisconsin still entertain those views?

Mr. SPOONER. Does the Senator from Colorado adopt that?

Mr. PATTERSON. I do. Does the Senator from Wisconsin still entertain those views?

Mr. SPOONER. I think that is just about as good a speech as the Senator from Colorado ever made. I have never departed at all from it, nor do I now.

Mr. PATTERSON. Mr. President, I recall listening to a songstress, the most beautiful voice that ever fell upon my ears, but when I looked at the artist the ecstacy was gone, for she was both colored and homely. I could close my eyes and enjoy the music. It was ecstatic and blissful. When the Senator from Wisconsin was making this speech I might have shut my eyes, and if I had not known his voice I would have believed that the most ardent Democratic opponent of territorial expension was engaged in pleading the case of the downtrodden Filipino.

Mr. SPOONER. It is important for the Senator to pay some regard to circumstances. When I was making that speech the Senator was writing editorials.

Mr. PATTERSON. The Senator from Wisconsin is mistaken. The Senator from Colorado had ceased writing editorials of the kind he refers to two months before. The Senator from Ohio and I fought that out yesterday. The Senator from Wisconsin was right on this great question and I had been wrong, and I want to say right now that I believe with the senior Senator from Massachusetts [Mr. HOAR] that the gravest mistake this country ever committed was when that treaty was ratified. Probably if I had been in the Senate, with my views, I would have voted for it; but, Mr. President, experience is a school in which all men learn lessons that never can be forgotten. I am free to say now that to have originally entertained the views of the senior Senator from Massachusetts upon this gravest of all questions and to have maintained them at all times as stoutly and consistently as he has would be, in my estimation, a crown of greater glory than is the crown vouchsafed to the elect in the world beyond.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. The Senator from Massachusetts [Mr. HOAR] asked me as I rose not to contradict that statement, and I will not do so publicly; but the Senator commends my song and also delivers himself upon my color and my ugliness. I am still of the same color and I am still as homely as I was then.

Mr. PATTERSON. The reference to looks had reference to political aspects.

Mr. SPOONER. But I still sing the same song. I have never yet found it necessary to withdraw one word of what I said in that speech. Senators on the other side read it over and over and over again; the oftener I hear it the better I like it, and I have not departed from it, while the Senator from Colorado has gone far, far afield from his editorials.

THE DIFFERENCE BETWEEN SENATORS.

Mr. PATTERSON. Mr. President, the difference, I think, between the Senator from Colorado and the Senators from Wisconsin and Ohio is simply this, that finding out my error I frankly admit it. The two Senators I refer to, finding out their error, do not admit it. They are fighting against the logic of their own language. They are struggling against the noblest convictions they ever expressed upon the floor of the Senate. They, in effect, say, "We once stood for the principles of the Declaration of Independence, for the independence of the Filipinos; we once maintained that all just powers are derived by governments from the consent of the governed; but now, instead of maintaining those eternal truths, we stand for the very opposite, and we strive to convince ourselves and the public that we have not changed."

Mr. SPOONER. Did the Senator ever read the Declaration of Independence until after he had written those editorials, or did he never understand it until after?

Mr. PATTERSON. Mr. President, I think that a question of that kind is hardly worthy of the Senator from Wisconsin. If he had been here yesterday he would have learned what I had to say upon that subject, and if it would not have satisfied him it would simply have been the fault of the speaker.

But, Mr. President, on the 22d of May, 1900, the Senator from Wisconsin made another speech.

SENATOR SPOONER'S 22D OF MAY SPEECH.

Mr. SPOONER. Will the Senator allow me to ask him a question before he passes? What regenerated the Senator from Colorado? What light was it that led him to reason?

Mr. PATTERSON. It was not the light that fell upon Governor Taft.

Mr. SPOONER. It was the light that fell upon non-President Bryan, was it not?

Mr. PATTERSON. Mr. President, at the time I changed there was no election on hand.

Mr. SPOONER. There was going to be.

Mr. PATTERSON. There was not. It was in the latter part of November, 1898. The fall elections were over. I had fought the campaign in the State of Colorado upon the line found in the editorials read by the Senator from Ohio. After that election was over, when we were two years away from another election, and when there was no President to apply to for patronage or otherwise, calmly and deliberately I changed my views, and so announced it.

Mr. FORAKER. Mr. President, if I may interrupt the Senator there——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. I will have to, Mr. President.

Mr. FORAKER. In the latter part of November, or not later than the 2d day of December, 1898——

Mr. PATTERSON. Yes, sir; the 2d day of December, 1898.

Mr. FORAKER. I understood the Senator to say yesterday (and I say this for the benefit of the Senator from Wisconsin, who was not in the Chamber at the time) the Senator announced

that never after the 2d day of December, 1898, was there ever published in his newspaper or uttered by him any expression that even pointed in the direction of the editorials that I read, and that he stated in the face of the editorials appearing therein in February, in connection with the breaking out of hostilities, which I did read. If the Senator said——

Mr. PATTERSON. What I said is in the RECORD. I am a little astonished that the Senator from Ohio would make a statement of that kind in view of the controversy that occurred yesterday. My statements, in substance, were that while I did not in anywise change my attitude in favor of the independence of the Philippines after November 1, 1898, yet, in view of the false reports that were made charging that the Filipinos had wantonly made an attack upon the American army on the night of February 4, honor required that the American army should not be driven out.

Mr. FORAKER. I do not know what it is that the Senator takes exception to in my statement. I had before me the stenographer's official report of the remarks that were made yesterday, and I was quoting his exact language as nearly as I could recall it as appearing in the official report made by the stenographer when I said that he did not, according to his statement, after December 2, publish anything in his paper that pointed in the direction of the editorials that I read.

Mr. PATTERSON. The RECORD was made up last night, and it is going to stand just as it was made up.

Mr. FORAKER. Of course it will stand just as it was made up. I suppose I have a right, inasmuch as we have a RECORD, to avail myself of it and to make use of it.

Mr. PATTERSON. The Senator from Ohio will admit——

Mr. FORAKER. I do not know what it is that the Senator took such exception to in the remark I made.

Mr. PATTERSON. We fought that out yesterday afternoon.

Mr. FORAKER. No; this is new matter.

Mr. PATTERSON. I believe this is really uninteresting to the Senate, and I do not want to dwell upon it too long.

Mr. FORAKER. But the Senator expressed surprise that I should have made the remark I did in view of what occurred yesterday, and I do not know what it was in my remark which surprised the Senator. I was quoting his own language as nearly as I could. But out of deference to the Senator's desire, I do not want to interrupt him unnecessarily. I will wait until after the conclusion of his remarks, when I can take it up.

Mr. PATTERSON. Certainly.

Mr. SPOONER. If the Senator from Colorado will permit me, he said something about his former opinion. I would not want the Senator to think——

Mr. PATTERSON. That simply had reference to myself.

Mr. SPOONER. I know; but I would not want the Senator to think that I thought or suggested that any change of opinion against him was influenced by anything like that. I do not mean that or intend to suggest it.

Mr. PATTERSON. Oh, no.

THE COUNTRY NOT IN THE MISSIONARY FIELD.

Now, Mr. President, we have heard a great deal in support of this measure along this line, that in the cause of humanity we will stay in the Philippines; that we have a great work of regeneration to do there; that we should be in the attitude of missionaries bearing the burdens of the Filipinos upon our shoulders until by our teaching and example they have risen to the stature that fits them for independence. The Senator from Wisconsin had something to say about that on the 29th of February, 1900. It was this:

I suppose, Mr. President, it will be admitted that had there been no war with Spain and she had tendered to us "without money and without price" a cession of the Philippine Archipelago and a treaty accepting that cession had been transmitted to the Senate for its action, it would have received hardly a vote in this body, and would have proved entirely unattractive to the great body of our people. The suggestion in advocacy of it that we are "trustees" to lead the nations of the earth in the work of civilization could not have been at all persuasive.

The quick and sufficient answer to that would have been that while this is a missionary people, this is not and can not become a missionary government, and that it is not our function, philanthropic as we may be and as this people is, that their Government shall police the world, seeking for people oppressed, living in the darkness of ignorance and half civilization, in order to uplift them.

Mr. SPOONER. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. With pleasure.

Mr. SPOONER. In order to obviate the necessity of the Senator entering into any argument upon that, I will state to the Senator that I have never departed from it in the slightest degree, nor do I now.

Mr. PATTERSON. Then, Mr. President, we have this very peculiar picture presented. The Republicans of this Chamber are supporting measures that have for their object the taking away every vestige of independence and self-government from the Filipino people, the enactment of tariff and internal-revenue laws without their consent, proposing to sell their lands and to plaster their country with taxes, and to sell and dispose of all their franchises, and to burden their cities with millions upon millions of gold interest-bearing bonds; yet the Senator from Wisconsin, who is opposed to everything of that kind, is the one selected (and it is a great compliment to the Senator from Wisconsin) to champion those measures and through his great intellect rally the weak-kneed Republicans to their support.

Mr. SPOONER. Will the Senator allow me?

Mr. PATTERSON. Certainly; with pleasure.

Mr. SPOONER. That is an imputation upon me that I do not think the Senator ought to indulge in.

Mr. PATTERSON. Oh, I did not intend it as an imputation.

Mr. SPOONER. I have never been selected by anybody to advocate any proposition. I am not without some criticism of the bill which is presented by the majority of the committee. In due time I will say what I have to say about that, but I would not want the Senator or anyone else to think that I act here by dictation or selection from anyone. I do not.

Mr. PATTERSON. Mr. President, that would be utterly impossible.

If what the Senator were to do was not congenial, he would not say it under any circumstances. I undertake to say that every speech he has made and every attitude that he has assumed is entirely congenial to his views and desires. But what I said was that it presented a very unusual situation to have—I will not say the Senator from Wisconsin selected—but to have affairs so ordered, or the majority of the Senate so order affairs, as that whenever questions of this kind come up in the Senate the Senator from Wisconsin brings up the rear and strengthens the cause of the majority by his logic and eloquence. And yet, Mr. President, taking the Senator from Wisconsin at his word, and no one would dispute it, he is distinctly opposed in this Philippine matter to everything that the great majority of his Republican colleagues insist upon.

THE MORAL RESPONSIBILITY.

Now, Mr. President, we will pass from that. I want to take up other features of this controversy to discover, if we can, if there is a great moral responsibility resting upon the American people in dealing with the Filipinos. I take it that, if it is true that before Admiral Dewey went to the bay of Manila to attack the Spanish fleet he sought the assistance of Aguinaldo, and after he destroyed the fleet that Aguinaldo was brought there upon an American war vessel, and at the suggestion of Admiral Dewey he landed at Cavite, raised the Filipino standard, and called beneath its folds Filipino patriots to fight the battle of liberty for the Filipinos as against the Spaniards, and if they played their part well and valiantly, if they did practically all the fighting that was done upon the land; if it were the Filipino forces with the aid of the fleet in the bay that hemmed in and ultimately forced the Spanish troops to surrender—if they did that without pay, if they did it expecting to achieve the independence of their archipelago as compensation for their valor and sacrifices, and if they did nothing thereafter to forfeit the right they thus acquired, it seems to me that, independently of the Declaration of Independence and the basic principles of the American Government, there is a moral obligation resting upon the American people to see that they are granted their independence.

THE QUESTION SHOULD BE CONSIDERED IN CHURCHS AND UNIVERSITIES.

This is a question, Mr. President, that should find discussion in every pulpit and in all our colleges and universities. Men who are moved by a high moral standard of public duty should take the question into serious consideration and use their great powers toward having justice done by the country. There is no longer any dispute upon the things I suggested. Aguinaldo was brought to Manila upon an American war vessel. Aguinaldo did land at Cavite at the request of the American commodore; he did raise the Filipino flag; he did purchase arms with money belonging to the Filipino people, and some arms were furnished to him by the American admiral; he did surround the Spanish forces; he fought many battles. The Filipino troops captured more than 4,000 prisoners, and when the first American soldiers arrived in Manila Bay they found the Spaniards completely hemmed in by Filipino earthworks. The supply of water for the Spanish army had long before that time been cut off, and by Filipino valor the Spanish army was compelled to resort to the use of horeflesh for sustenance.

That being the case, what occurred after the American troops reached Manila? I ask the Senate whether Aguinaldo was upon the muster roll of the War Department; whether any Filipino general held a commission from the United States, or whether any Filipino soldier received a dollar in payment of the services he rendered? On the contrary, Mr. President, they were there as an independent army, supplying their own commissary, and looking

for compensation only through independence after, as allies of the United States, they had done their share in conquering their common foe. Have they done anything to forfeit that compensation? Through death and wounds and the fire and smoke of battle they did their share of the work that had to be done to conquer the land forces of Spain in the islands.

THE SURRENDER OF MANILA.

Mr. President, it is a fact now beyond dispute that had it not been for an agreement between General Merritt and the Spanish commander the Filipino army would have been in the very thick and front of the assault that would have been necessary for the capture of Manila. The American line extended from the shore but three quarters of a mile inland. The Filipino line was more than 7 miles in length, extending to the shore end north of the city.

That there may be no mistake about the fact I assert, that the city of Manila was practically surrendered without a fight under an agreement between the American commanders upon the one side and the general in command of the Spanish forces upon the other, I will read from the current history of those times. I have here notes from the diary of Mr. Edouard Andre, who at the time was the Belgian consul at Manila, and who was the medium of communication between the officers to the compact by which Manila was surrendered without a serious fight. The article appeared in McClure's Magazine for the month of June, 1899, and concludes as follows:

It will be remembered that the attack consisted simply of firing a few shells at the old fort at Malate—

Speaking of the apparent attack made upon the city of Manila on the 13th day of August, 1898—

and that none of the city guns or of the Luneta guns fired a shot at our ships. The thoroughness of our fire can be understood from the fact that on the *Raleigh* the ranges were given at the start by the captain himself as 7,000 yards, but after a few shots had been fired, although the ship had not changed position materially, one of the gun captains found the range to be 1,700 yards.

In other words, the range of the guns, by order of the commander of the fleet, was placed at 7,000 yards, in order that the shots might not be effective and might fall beyond the city of Manila.

He had just passed the word along to the other guns in that battery when the captain ordered the bugle to sound, "Cease firing."

After the shelling was over André saw his recall go up on the *Olympia* and steamed back to the flagship, where he found Mr. Brumby and Lieutenant-Colonel Whittier, who represented General Merritt, and took them into the city. According to the arrangement the signal had been set on the *Olympia* and the white flag had been flown above the city. In response also to the signal from the *Olympia* the Spaniards had flown a signal expressing their desire to have a conference; and it was to this conference that Mr. Brumby and Colonel Whittier went in. At the conference the preliminary terms of the surrender were settled, which afterward were extended and ratified. This is the real story of the surrender of Manila.

I also read a short extract from an article which was published in the Century Magazine for April, 1899, written by Mr. John T. McCutcheon upon the same subject. He said:

Even then, when the gallant Colorado troops were tearing along through the surf in open view of the fort, with the band at their heels playing "A hot time in the old town," there came no sound of Spanish cannons. It was then thought that the guns of the fort had been disabled. The soldiers were seen to scale the enemy's embankments, and at 5 minutes to 11 a storm of cheers swept along the decks of the *Olympia* as the Spanish flag fluttered down and the Stars and Stripes went up in its stead.

This marked the beginning of the end. The fort had succumbed after only a meager resistance, and the troops could be seen advancing along the beach toward the walled city and along the road between Fort San Antonio and the suburbs of Malate.

Captain Lamberton turned his glasses on the walled city, and said, reflectively, "They were to raise a white flag on the southeast corner, but I don't see it yet." The Admiral said that it had been there for some time, and by close observation it was discovered at the appointed place, and had evidently been raised according to programme and at the proper moment. This was part of the agreement. The Spaniards would not give up the city without a theatrical show of resistance, which could be reported to Madrid, but they had arranged to fly a white flag when the Malate fort was taken. In the meantime it was tacitly understood that the guns of the fleet should not be turned on the walled city, and that the guns of Manila should not be turned on the Americans.

According to the testimony of General Otis, the night before our troops marched into Manila Aguinaldo was informed for the first time that the so-called fight to occur the next day would be exclusively between the Spaniards and Americans. That was a part of the agreement reached between the Americans and the Spaniards, and it was made because the Spaniards hated Aguinaldo far more than they did the Americans. The Spaniards had felt the strength of his arms, they had lost thousands of prisoners to him, he had beseiged them for nearly three long months, and they determined to deprive him, if they could, of all glory in a surrender in which he had a right to participate if anyone in the islands had.

WHAT OTIS SAID TO AGUINALDO.

Mr. President, after Manila surrendered, for a period of about a month the Filipinos held the lines that they occupied at the time of the surrender. Then a correspondence occurred between Aguinaldo on the one side and General Merritt upon the other. Aguinaldo's letter was written to Merritt, but it was answered by General Otis. It was in response to a demand previously made by General Merritt that Aguinaldo should retire with his troops from a part of the line the Filipinos had themselves constructed and held before Manila surrendered. The correspondence is very significant as showing the esteem in which Aguinaldo was held by General Otis, the sacrifices he had made, and the views of General Otis about the part the troops of the respective countries were to play. This letter was written to General Merritt by Aguinaldo in response to Merritt's demand that Aguinaldo should remove his forces from a section of his own intrenchments. In the letter Aguinaldo said:

If I have permitted the use of the waters before the promulgation of the treaty, it was more to demonstrate that I am disposed to sacrifice to friendship everything that does not prejudice too much the rights of the Philippines. I comprehend, as well as yourself, the inconvenience of a dual occupation of the city of Manila and its suburbs, given in the conditions stipulated in the capitulation with the Spaniards; but you ought to understand that without the long siege sustained by my forces you might have obtained possession of the ruins of the city, but never the rendition of the Spanish forces, who could have retired to the interior towns.

Then, again:

But before I retire to this line I pray you to reclaim from Admiral Dewey the protection of our ships for free navigation, and permit me to insist, if you will, upon the restitution of the positions that we now are going to leave, if in the treaty of peace to be celebrated between Spain and the United States they acknowledge the dominion of Spain in the Philippines. I expect as well that you order the American forces outside of above line to retire within the city, as already agreed to.

OTIS ACKNOWLEDGES THAT THE FILIPINOS FOUGHT FOR CIVIL LIBERTY.

I have read so much of Aguinaldo's letter to call attention to the letter that was written by General Otis in reply. General Otis writes to Aguinaldo on the 8th of September, nearly a month after the American troops took possession of Manila, in which letter the following recognition of the Filipino's great services are acknowledged:

Second. I note with pleasure your allusion to your very friendly disposition toward my Government, as manifested by your prompt attendance to our request for a supply of water; also your expression as to the inconvenience of the dual occupation of the city of Manila, and I do not forget that the revolutionary forces under your command have made many sacrifices in the interests of civil liberty and for the welfare of your people, and to this I will be pleased to allude hereafter.

"Sacrifices in the interests of civil liberty!" Whose civil liberty? Not that of the inhabitants of the United States. Their civil liberty was not even in danger. It was the civil liberty for which Aguinaldo raised his army and for which that army fought the common Spanish foe. General Otis thus officially recognizes the claims and hopes of the Filipinos when they took up arms and the United States cooperated with them in driving the Spaniards from the islands.

Again, in this letter he said, and he was the American commander at that time:

It is well known—

Referring to the Filipinos—

It is well known they have made personal sacrifices, endured great hardships, and have rendered aid. But is it forgotten that my Government has swept the Spanish navy from the seas of both hemispheres; sent back to Spain the Spanish army and navy forces recently embarked for your destruction and the secure holding of the Philippine possessions; that since May 1 last its navy has held the city of Manila at its mercy, but out of consideration of humanity refused to bombard it, preferring to send troops to demand surrender, and thereby preserve the lives and property of the inhabitants? Is it forgotten that the destruction of the Spanish navy and the retention of Spanish armed men in its European possessions has opened up to you the ports of the island of Luzon and held Spain helpless to meet its refractory subjects?

GENERAL OTIS DECLARES AGAINST SUBJUGATION.

And, again, in this letter of September 8 is a most extraordinary statement, and I call the attention of the Senate to it, because it discloses that at that time General Otis had no conception that it was the purpose of the United States to hold the islands and the waters of the archipelago against the will of the Filipinos. Mark his language:

Rather than see the ships of the Navy of the United States controlling the navigable waters of these islands and its Army devastating their territory, I would greatly prefer to advise my Government that there is no longer need to send more of its troops to this section of the country, and that those whom it holds waiting on its Pacific slope can be remanded to their homes or employed elsewhere, as it may determine.

Most significant language, Mr. President, coming from the general of the American forces one month after they had taken possession of Manila.

I have shown that on the 15th of September, in response to a demand from General Merritt, Aguinaldo retired, as he was requested to do, from the lines he had before occupied; but that was not enough. In October another demand was made upon Aguinaldo to retire still farther, and at that time it was disclosed that while the United States troops were entitled under the protocol to hold only the harbor, the bay, and the city of Manila, Aguinaldo and his forces were required to retire beyond the line that the American officers could not and did not at that time say was within the city. I turn to Major-General Otis's report, where, on page 15, he says:

In a former portion of this report I stated the fact that the insurgent authorities had received permission to continue in occupancy of certain suburbs of the city for a short time, when they, on September 15, withdrew

their troops from its interior portions. They did not subsequently remove their troops in accordance with agreement, but appeared to be determined to retain Paco and Pandacan, as they believed them to be advantageous military positions, south of the Pasig River. The assertion was made and became current that these suburbs were not within the jurisdiction of Manila, and it became advisable to make search and survey to gain desired information on that point. These were made by Lieutenant-Colonel Potter, chief engineer of the corps.

The survey showed that the city had never been correctly mapped, especially as concerned the trend of the Pasig River and the lines of outlying districts. The best opinion did not consider the suburbs still occupied by the insurgent troops beyond city limits, but no decree could be found which fixed their political status.

Thus it is seen that General Otis had to make resurveys and run new lines to find grounds upon which to command Aguinaldo's further withdrawal.

That was not all, Mr. President. They made a third demand upon Aguinaldo to retire just immediately before the attack of February 4. I can not now find the reference to it, but I hope to do so later.

SKILL AND BRAVERY OF THE FILIPINOS.

I desire to read, in this connection, General MacArthur's testimony of the situation in and about Manila when he reached there in June, 1898. This was nearly two months before Manila was taken. General MacArthur was asked this question:

Senator PATTERSON. So that you found when you got there the American fleet in the bay?

General MACARTHUR. Yes.

Senator PATTERSON. On the water front in Manila; and the Filipino army, whatever its size, in trenches and intrenched themselves on the land side, besieging the Spanish forces within the city?

General MACARTHUR. That is correct.

Senator PATTERSON. That was the situation?

General MACARTHUR. That was the situation.

The CHAIRMAN. There were American troops there before you got there, were there not?

General MACARTHUR. There were American troops there, yes. General Anderson and General Greene had preceded me with a command that amounted to about 6,000 men.

Senator PATTERSON. When had they arrived there?

General MACARTHUR. Some two or three weeks earlier, I think; some time in July.

The CHAIRMAN. Where were you posted?

General MACARTHUR. Part in Cavite and part in the neighborhood of Parañaque.

Senator PATTERSON. They are all south of the Pasig River?

General MACARTHUR. All south of the Pasig River; yes.

Senator PATTERSON. And they occupied comparatively a very small front facing the Spaniards?

General MACARTHUR. The Americans, you mean?

Senator PATTERSON. Yes; the Americans.

General MACARTHUR. A very small front; yes.

Senator PATTERSON. When you got there did the American front opposing the Spaniards extend more than from a quarter to half a mile from the water front?

General MACARTHUR. A little more than that.

Senator PATTERSON. Between that and three-quarters of a mile?

General MACARTHUR. It was less than a mile, and I should say less than three-quarters of a mile.

Senator PATTERSON. What was the length of the Filipino line?

General MACARTHUR. They extended from our right to the town of Malabon, on the bay.

Senator PATTERSON. That was what distance?

General MACARTHUR. I should say that was, in round numbers, 7 miles. That is all a matter of easy reference on the map.

Senator PATTERSON. I understand that. We have simply to approach it; we can not stop for close details; we want to get it as nearly correct as we can, however. So when you got there the latter part of July, which was about two weeks before you occupied the city, I believe——

General MACARTHUR. Almost exactly. I got in the bay on the 31st of July and marched into Manila on the 13th of August.

Senator PATTERSON (continuing). You found the American lines extending about three-quarters of a mile fronting the besieged Spaniards, and you found the Filipino lines extending for about 7 miles fronting the besieged Spaniards. That is correct, is it?

General MACARTHUR. That is correct; yes.

Senator PATTERSON. What was the state of amity and friendship at that time existing between the Americans and the Filipino forces?

General MACARTHUR. It seemed to me very good.

Senator PATTERSON. In what way were you met by the Filipinos generally?

General MACARTHUR. Cordially, as far as I was individually concerned.

Senator PATTERSON. And the American soldiers?

General MACARTHUR. Apparently with cordiality.

Senator PATTERSON. Did they not regard you and treat you as deliverers?

General MACARTHUR. They looked upon us somewhat in that light, I thought.

That was the frame of mind of the Filipinos at that time, and those were the attitudes of the respective armies.

Mr. President, upon the subject of the number of Spanish prisoners that had been captured by the Filipinos at the time the American Army reached Manila I read the following from the testimony of General MacArthur:

Senator PATTERSON. How many Spanish soldiers had the Filipinos captured up to the time you got there?

General MACARTHUR. That I can only answer as an historical fact; but offhand I would say something more than 3,000.

Senator PATTERSON. They had captured those in their war operations?

General MACARTHUR. As I understand it; yes.

Senator PATTERSON. Spanish soldiers with Spanish arms?

General MACARTHUR. Yes.

Senator PATTERSON. Did you discover or learn how the Filipinos were treating those Spanish prisoners?

General MACARTHUR. I did not see them.

Senator PATTERSON. But as an historical fact, learned on the ground after you got there, General, what was the general repute through the Army at that time of the manner in which the Filipinos were treating these 3,000 Spanish soldiers?

General MACARTHUR. The rumor that passed through the Army was to the effect that Aguinaldo was treating them rather harshly; that his supplies were inadequate anyway, and the Spanish prisoners were suffering in consequence of short rations. General Anderson can tell you all about that, because he was in contact with them.

It is pretty difficult, Mr. President, to comprehend more marked, valuable, and important services that could be rendered by any ally than those that were rendered the United States in its war with Spain by the Filipinos up to the time the attack of the 4th of February was made.

THE PRESIDENT'S DECLARATION OF WAR.

In connection with what I previously said about the attack of February 4 I will read an extract from the proclamation of President McKinley, which shows that it was no less than a declaration of war and could only be considered such by the Filipino forces. It is as follows:

In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed the actual occupation and administration of the entire group of the Philippine Islands become immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

There is no misunderstanding that language, and that the American officers understood it to be a declaration of war it is only necessary to refer to General Hughes's testimony. I will not take time to find his exact language, but this question was propounded in substance to General Hughes, and this was his answer—if I misstate it, the majority members of the committee will correct me: "What did you understand by this proclamation of the President?" And the exact language I have just quoted was read to him. He said, "I understood it to mean what it said." Then he was asked if the Filipinos did not retire in response to its demands and permit him to obtain possession and to exercise the sovereignty of the United States over the country they occupied what he would have been compelled to do. He said, "I would have been compelled to use force."

There is the proclamation of the President; there is the understanding of that proclamation by the generals in command in the Philippines, and I ask again in what attitude would the United States have been placed and in what attitude would the President of the United States have been placed when, having made this proclamation and having commanded the American officers to sweep away all opposition and secure possession of the entire archipelago, the treaty should not have been ratified? It is perfectly plain that there was an overwhelming necessity for the ratification of the treaty. Having taken these steps wholly without right, for the treaty had not at the time been ratified by either party to it, it might be expected that the politicians who had determined to annex the Philippines at every hazard would do anything, however desperate, to succeed.

FIRING UPON THE PATROL.

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Does the Senator claim that the sentry had no right to fire upon the patrol which presented itself to him?

Mr. PATTERSON. No; I would not say that, but I would say there was no necessity to do so. Very clearly there was no danger to be apprehended from the patrol squad of four men going from the blockhouse at half past 8 in the evening over to the little village that the Filipinos had evacuated but the day before. Since Filipinos only had been killed and no Americans had been as much as wounded, if the desire on the part of the Americans had not been to force a fight, instead of ordering with daylight the entire American line to advance, with the terrible slaughter that followed, some effort would have been made to smooth over whatever misapprehension existed. It was as clear to the American officers then as it was afterwards that it was not the purpose of the Filipinos to attack.

I put it to the Senator from Wisconsin whether, in the face of these undisputed facts, if General Otis had desired to maintain peace and to prevent war, he would not when daylight came have sought to reconcile the very simple matter instead or ordering an advance which resulted in the death and wounding of 3,000 Filipino soldiers and of about 250 Americans. Would not some effort have been made to discover what was the real cause of the trouble of the night before?

No, Mr. President; this treaty was hanging in the balance. Two votes were yet required for its ratification. Somebody well understood American temper, the mental attitude of American Senators, and the mental susceptibility of the American people. Someone knew that if there should be an attack and it could be made to appear that the attack was made upon the American Army by the Filipino army public sentiment would force enough Senators who were opposed to the treaty to vote for its ratification.

Mr. SPOONER. Then it is the Senator's statement that it

was not a Filipino outbreak, but one which was provoked and brought on by the American authorities in order to influence the ratification of the treaty. Is that the Senator's statement?

Mr. PATTERSON. The undisputed testimony is that it was not a Filipino outbreak, and I infer that the object of forcing a fight was to influence the Senate on the treaty.

Mr. SPOONER. But is that the Senator's statement?

FILIPINOS HAD EVERYTHING TO LOSE.

Mr. PATTERSON. My statement is that that is the inference I draw from the situation and from the things that transpired. The Filipinos were not ready to attack. The American officers all admit that it was not the Filipinos' purpose to attack. The Filipinos had nothing to gain by an attack. They were yet waiting and hoping, Mr. President, that the Senate of the United States would not ratify a treaty by which the sovereignty that had been Spain's would be transferred to the United States.

They were yet hoping and praying and waiting for the treaty to be rejected, so that when there was an amended treaty the provisions of the treaty concerning the Philippines would be similar to those that were in the treaty concerning Cuba. In an attack at that time the Filipinos had everything to lose and nothing to gain, and those whose interest it was to secure the ratification of the treaty had everything to gain and nothing to lose by forcing a battle at that time.

From Hongkong, on the 6th of February, this dispatch was published in the Washington papers:

The Filipino junta here has issued a statement setting forth that the fighting at Manila was designed to influence the vote in the United States Senate to-day on the peace treaty.

Aguinaldo and all the Filipino soldiers declared that the attack was commenced by the American Army. There was, in fact, nothing that could be magnified or dignified into an attack until the American forces were ordered to advance on the morning of the 5th of February.

That course, Mr. President, is in keeping with the bad faith which has been manifested upon the part of the Administration toward the Filipino patriots from the time they first set foot in the Philippine Islands in aid of Admiral Dewey until this very hour, when the war of subjugation is yet going on.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. PATTERSON. With pleasure.

Mr. RAWLINS. May I invite the attention of the Senator from Colorado in this connection to what General Otis says on page 96 of his report? He uses this language:

The engagement was one strictly defensive on the part of the insurgents and of vigorous attack by our forces, although during the night it was confined to an exchange of fire between the opposing lines on the north from the Pasig River to the Lico road, a distance of about 2 miles, with an occasional shot on the south, in the vicinity of Paco, and a few straggling shots on the extreme left, in the direction of Caloocan.

Mr. PATTERSON. There is no room to question that that is the truth of history.

Mr. SPOONER. I should like to ask the Senator from Colorado why he omits from his extremely interesting historical statement the fact that Aguinaldo, on the 9th of January, had issued a very elaborate order for an attack by his troops upon Manila, including an uprising in the city, and why, on the 7th day of January, he wrote to Legardo, advising him to leave the city with his family, saying that the hour of the day was not fixed, but he substantially advised him as a friend to leave the city?

Mr. PATTERSON. As to whether or not the particular order mentioned by the Senator from Wisconsin was issued is questioned. Certainly there was no such attack made or attempted.

Mr. SPOONER. Not a bit.

Mr. PATTERSON. I beg your pardon.

Mr. SPOONER. Except by the Senator from Colorado.

Mr. PATTERSON. The statement is now made, and is a part of the unquestioned history, that the proclamation to which he refers was withdrawn and the one that the Senator from Massachusetts [Mr. HOAR] referred to was issued in its place almost immediately after the first was issued.

Mr. SPOONER. I am not referring to any proclamation which was withdrawn. I am referring to an order in Aguinaldo's handwriting, issued on the 9th of January, for an attack upon Manila the 9th of January—a 2,000-word order—including an uprising in Manila. Does the Senator say that it was withdrawn?

Mr. PATTERSON. I do not believe any such order was issued at that time. That is what I say. May I ask why, if such an order was issued in January, 1899, we have no account of any action being taken under it?

THE FORGING OF DOCUMENTS.

Mr. SPOONER. The Senator is like all the rest of these people. They believe everything that tells against the honor of the United States and the Army of the United States and nothing that tells for it.

Mr. PATTERSON. Do they?

Mr. SPOONER. I think so.

Mr. PATTERSON. Ah, let us see, Mr. President. Upon a par with the proclamation the Senator from Wisconsin refers to is a document printed by order of the Senate, coming from the War Department, which purports to set forth a photographic copy of an order issued by General Luna for an uprising in Manila and the slaughter of all foreigners within its limits. General MacArthur is referred to in the communication of the Secretary of War as having been connected with the bringing to light of that alleged Luna proclamation.

When General MacArthur was upon the stand before the committee I took the very documents that constitute the communication of the Secretary of War and read them to him one by one. I asked what he knew about it, and from the communications from other officers whose names had been mentioned what they could know about it. At the end I asked him: "General MacArthur, would you hang a yellow dog upon testimony of that kind?" And he replied: "That would depend upon the value of the dog."

No man can read that document sent to the Senate, published as authentic, and read the accompanying documents and analyze them without being convinced that it is a base forgery, sent to this country, communicated to the Senate, and used as a public document for the purpose of slandering the Filipino people and creating hatred in the hearts of Americans against them.

Mr SPOONER. I care nothing about these details. But is it not true that there was testimony before the committee that Aguinaldo examined the original and pronounced it the writing of General Luna?

Mr. PATTERSON. Mr. President——

Mr. SPOONER. Answer.

Mr. PATTERSON. I ask the Senator from Wisconsin not to be alarmed. I will answer him quite as fully as he desires. Somebody wrote a letter to the effect that he showed this letter to Aguinaldo, and Aguinaldo said he thought it was Luna's handwriting. But it will be borne in mind, Mr. President, that according to the authentic recital by General Funston of his capture of Aguinaldo he wrote a letter to Aguinaldo, purporting to be signed by one of Aguinaldo's best known and most trusted officers, and according to Funston's own testimony that was a base forgery concocted and carried out under his direction, and that Aguinaldo was completely deceived by it.

Mr. SPOONER. It often happens in time of war that men acting really in the capacity of spies forge passes in order to get within the enemy's lines. But does it follow, because the papers referred to as having been used by General Funston were forged, which is admitted, I understand, that this letter or order referred to was forged?

Mr. PATTERSON. Except just this far: There were documents before the Philippine Committee, sent from the War Department, which disclosed that forgery as a fine art among the Spaniards in the Philippines, was constantly invoked by them. If the Senator would read the document to which I refer—and he can obtain it by sending a page for it——

Mr. SPOONER. I have read it.

Mr. PATTERSON. And read the testimony in connection with it——

Mr. SPOONER. I have.

Mr. PATTERSON. I think he would answer, as General MacArthur did, that before he would hang a yellow dog upon such testimony he would want to know the value of the dog.

Mr. SPOONER. I have wandered through it all. Forgery may have been a fine art among the Spaniards, but the Senator is always insisting that it was a fine art among the Americans; that is, that General Funston——

Mr. PATTERSON. General Funston says that himself.

Mr. SPOONER. Yes.

Mr. PATTERSON. He did not do the forging.

Mr. SPOONER. There is no doubt about that.

Mr. PATTERSON. But General Funston got a Spaniard to do it for him.

Mr. SPOONER. Does the Senator charge here that the order to which I have referred, of date January 9, alleged to have been issued by Aguinaldo, for an attack upon our Army and upon Manila, is a forgery?

Mr. PATTERSON. I do not know anything about it.

Mr. SPOONER. That is what I think. [Laughter.]

Mr. PATTERSON. And my opinion is from reading the testimony and from hearing the testimony that no such order was issued. But let me call the Senator's attention——

Mr. SPOONER. Will the Senator kindly refer me to the pages of the testimony—he is a member of the committee—where anybody challenges the issuance of this order by Aguinaldo?

Mr. PATTERSON. No one presented the order, so far as I have knowledge. It was never in discussion.

Mr. SPOONER. Therefore there is nothing in the evidence challenging its authenticity.

Mr. PATTERSON. But there is a vast amount of testimony that would go to show that such a thing is almost impossible.

Mr. SPOONER. Well.

Mr. PATTERSON. And then, again, as the senior Senator from Massachusetts [Mr. HOAR] well expressed it, the proclamation of December 21, which was made public in the Philippine Islands on or about the 4th of January, was in the nature of a declaration of war, and General Aguinaldo joined issue with it, stating in his own proclamation that it would be necessary for the Philippine patriots to defend their homes from their new and would-be oppressor.

Mr. SPOONER. Will the Senator allow me to ask him another question?

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. I am asking for information only, and if it bothers the Senator I will not ask the question at all.

Mr. PATTERSON. Go ahead.

LETTER OF AGUINALDO TO LEGARDO.

Mr. SPOONER. Is there any evidence before the committee which leads anybody to challenge the authenticity of that letter alleged to have been written by Aguinaldo in person on the 7th of January to Legardo in Manila, advising him and his family to leave there, saying that the hour of the day was not fixed, but to leave there?

Mr. PATTERSON. I would not be at all astonished if a letter of that kind was written. And why should it not have been written?

Mr. SPOONER. Why should it have been?

Mr. PATTERSON. I will tell you, if you will give me an opportunity, and I know you will. The proclamation or declaration of war had been issued by the President. At that time it had become public.

Mr. SPOONER. It had not.

Mr. PATTERSON. On the 7th of January? Then the Senator from Wisconsin is not at all familiar with the history of those days in connection with the Philippine controversy. It was made public on the 4th of January, and almost immediately following General Aguinaldo notified the Filipino people that war was inevitable; that the United States had taken the place of Spain; that the United States was about to make war upon them for the purpose of exercising sovereignty and taking possession of their islands. He might well anticipate that the first trouble would come in and about Manila, where the lines of both armies were drawn and where any conflict, whenever it did come, was almost certain to rage.

There is no trouble about those matters, nor are the incidents on or about the 4th day of February longer in controversy. We do know that all the American generals stated under oath that the Filipinos did not expect to attack and were not ready to attack, that their officers were at Malolos, and the affair was brought to a crisis in the manner I have described.

THE MEASURES BEFORE THE SENATE.

It is my desire to discuss the two bills now before the Senate, and I desire to discuss them with some deliberation. Attention has not yet been given to their provisions quite so fully as their importance deserves. As was well said by the Senator from Maryland [Mr. WELLINGTON], for most of the provisions there is no existing necessity.

THE MAJORITY BILL.

The first section simply legalizes the acts of the President under the Commission. The second section provides for the jurisdiction of judges and the like. The third section approves certain orders of the President touching the matter of duties. The fourth declares that the inhabitants of the islands and their children shall be citizens of the Philippine Islands. The fifth provides for a census of the islands after there shall be a proclamation of peace by the President. The sixth provides for a report as to who are fit for the franchise. The seventh section provides that the Commission may establish additional municipal governments. The eighth that the President may, when the authority of the United States encounters armed resistance, regulate commercial intercourse. By section 9 the Commission is authorized to continue improving harbors, etc.

No one will deny that the things provided for in the first nine sections of the bill can either be dispensed with for a number of years to come without inconvenience or may be accomplished by the Philippine Commission under the authority it now possesses.

The next provisions of the bill relate to the public lands, and it is to these that I desire to explicitly call the attention of the Senate. Section 10 places all the property and rights which may have been acquired by the United States in the Philippine Islands under the treaty under the control of the Commission, to be administered by the Commission except as in the measure provided, and those exceptions relate to franchises, public lands, and bonds.

DISPOSITION OF LANDS.

Section 11 permits the government of the islands, subject to the provisions of the act, to make rules and regulations for the sale or other disposition of the public lands other than timber or mineral lands. Section 11 gives authority to the Commission to make all rules and regulations for the sale and leasing of all grazing lands, of all agricultural lands, of all the timber—not timber lands, but all timber—reserving from that general power authority to sell mineral lands except as provided in the bill, and the friars' lands except also as the bill provides.

Without going into many details, I call attention to the provision which authorizes the Commission to dispose of the public lands in tracts of 5,000 acres. The claim is made that there are provisions in the bill which prevent corporations from securing more than 5,000 acres. I maintain that the provisions in the bill will permit one individual of a corporation to secure title to hundreds of thousands of acres, and there is nothing in the bill that can prevent it. Authority is given to the Commission to grant to corporations public lands in quantities of 5,000 acres. A corporation may consist of but three members. One of the members may be the moneyed man, the others mere nonentities.

It will require three to create a corporation. Those three can organize themselves into as many corporations as they see fit. Three men may call a corporation they organize by one name and file articles of incorporation. They may organize another corporation under another name and file other articles of incorporation. They may keep up this process without limit, organizing as many corporations as they wish. By adopting such a course each body corporate is a separate and independent corporation. The man with money may be the principal man in all of them; and since 5,000 acres may be bought by each corporation, this one moneyed man may, for all practical purpose, become the owner of hundreds of thousands of acres. One man, the principal stockholder in 20 such corporations, will practically become the owner of 100,000 acres of land under the provisions of the bill, and you have only to multiply the number of corporations to determine the number of acres that one, two, or three men may become the owners of under this proposed law.

How is it proposed to check this? If the honorable chairman of the committee will indicate to the Senate how this may be prevented, or will show to the Senate that my claims are not well founded, then the Senate will have something upon which to rest when it comes face to face with this proposition.

ONLY THE STATE CAN QUESTION TITLE.

There is another matter, Mr. President. Under the law of nearly every State, corporations are prohibited from holding lands except such as may be necessary for the business of such corporations; and yet I venture the assertion that there can not be found five cases in the court reports in which a corporation has been attacked for holding more lands than it was entitled to hold under its charter.

I do not know of more than one case in which a corporation has been thus successfully attacked, and the reason is this: Only the sovereign itself can wage a suit against a corporation for holding lands in violation of its charter. A private individual will not be heard in a court, no matter in what form he appears, for the purpose of having a court declare that the holding of lands by a corporation is illegal. That has been decided by the Supreme Court of the United States in National Bank *v.* Matthews, in 98 U. S.; also in 14 Peters, in the case of Runyon *v.* Coster, and in almost an innumerable number of cases by the different State courts.

This is the rule upon that question:

> Where a corporation is incompetent by its charter to take a title to real estate, a conveyance to it is not void, but only voidable, and the sovereign alone can object. It is valid until assailed in a direct proceeding instituted for that purpose.
>
> The impending danger of a judgment of ouster and dissolution was, we think, the check, and none other, contemplated by Congress.
>
> That has always been the punishment prescribed for the wanton violation of a charter, and it may be made to follow whenever the proper public authority shall see fit to invoke its application. A private person can not directly or indirectly usurp this function of government.

I also cite the following cases to the same proposition: National Bank *v.* Matthews, 98 U. S., 628-9; Leasure *v.* Hellegas, 7 Serg. and R., 313; Runyon *v.* Coster, 14 Peters, 122; The Banks *v.* Poitian, 3 Rand, Va., 136.

So, though it were not true that three or four individuals may organize themselves into a hundred and more different corporations, and each corporation may take 5,000 acres of land, and some one man in the entire number may get nearly all the benefits, nevertheless, unless the Government itself should move against the corporation for violating its charter in the amount of land it takes title to, the corporations would be permitted to continue in the enjoyment of all that they were able to secure.

Mr. President, that has been the history in the United States and elsewhere of corporations taking unto themselves land in violation of the terms and provisions of their charters.

In my State corporations are prohibited from dealing in real estate, and yet we have numerous corporations whose express purpose is to deal in real estate, and they buy and sell and convey title to real estate and no question is ever made by the State, and no private individual will be heard to complain. So it would be by the United States Government. The Government could not be induced to move, at least it would not be likely to move, against any corporation simply because the corporation was holding lands in violation of the terms of its charter. There is no case reported, except it may be that of the Government against the Church of Latter Day Saints in Utah, where a corporation has been interfered with under the pretext that it held lands in violation of its charter.

THE BILL ENCOURAGES EXPLOITATION.

So we see what may be done, notwithstanding the provisions in section 77; and I will go to that section and read it from the printed bill, for it is upon that section the majority of the committee profess to rely:

That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed 5,000 acres of land; and this provision shall be held to prevent any corporation engaged in agriculture from being in anywise interested in any other corporation engaged in agriculture.

But that does not prevent the stockholders of one corporation being the stockholders in another corporation, and each corporation holding 5,000 acres of land, and one single set of stockholders getting the benefit of all the lands these corporations own. This would not be the case of one corporation becoming interested in the lands of another corporation, but the stockholders of a number of separate and distinct corporations owning stock in all of them. This latter situation the bill does not profess to reach.

I have no doubt but that in some way the majority members of the Committee on the Philippines have been imposed upon. I can not believe that the majority would knowingly present to the Senate a measure which they claim will prevent consolidation in the hands of a few individuals of more than 5,000 acres of land in the Philippines when there is, in fact, no preventive whatever.

I ask the majority members of the committee why it is that while a private individual can, under this bill, take no more than 40 acres of land, three individuals may organize themselves into a corporation and take 122 times 40 acres of land? Why will the Senate of the United States place a premium of that magnitude upon doing business through the agency of a corporation? Why do they thus invite capitalists to organize corporations and hold out to them the privilege of purchasing 5,000 acres for doing so, while a private individual can buy no more than 40 acres?

There must be a reason for this. There must be unknown agencies and hidden powers urging forward legislation of this kind. When the character of the legislation is known, it seems to me that every claim that has been made by the minority members of the Senate, that this measure is to make easy the exploitation of the Philippines for the purpose of turning loose upon them adventurers from the States to gobble up all their lands to the exclusion of the native inhabitants of the islands, has been clearly established.

THE ISLAND'S FRANCHISES TO BE GRABBED.

We take one step more, Mr. President, and what do we find? That all the franchises of the islands may be granted through laws enacted by the Philippine Commission. Then, again, the Philippine Islands may be covered over with 4½ or 5 per cent gold interest-bearing bonds. The city of Manila is authorized to issue $4,000,000 of bonds for public works. Under the provisions of this bill any municipality to which the Commission will give permission may issue bonds up to a certain amount of the value of their property for the construction of public works.

Mr. President, if a measure of this kind is enacted, within five years all the lands of these people worth having will be taken from them; the municipalities of the island will be loaded down with gold interest-bearing debts; the city of Manila will have upon its shoulders four million more of an indebtedness evidenced by gold interest-bearing bonds; and thus, without the people of the Philippine Islands having a voice, without a right to be heard, they will have their lands stolen—practically stolen; they will have their franchises disposed of, and their municipalities covered with these bonds, and all held and owned by American capitalists.

THESE PROPOSED LAWS MORE CRUEL THAN TORTURES.

Mr. President, the cruelties about which testimony has been given, of which the newspapers of the country have been filled for months, would be mild in comparison with such barbarism as this. Here are eight or nine millions of people occupying the islands in which they were born, not heathen people or savages, but Christian people, and according to the testimony of those best acquainted with them—of American generals and the Philippine Commission, who have visited the United States—an agreeable and a liberty-loving people. These people regard the lands in their islands as their heritage, yet they are to be robbed of them by this process of "benevolent assimilation," their franchises are to be granted to foreigners, and their municipalities are to be loaded down with bonded indebtedness without one of them being consulted upon the subject.

I repeat, this measure is a monstrous one; monstrous in its conception, cruel in its provisions, one which should bring the blush to the cheek of any fair-minded, honest American.

I do not believe, Mr. President, that a bill such as this can be adopted in the American Senate, much less do I believe that it can be adopted by both branches of Congress and receive the approbation of the President.

THE PLAN OF SUBMISSION TO CONGRESS.

What is the clog that is put upon this wholesale spoliation of a people of their lands and franchises, and this effort to cover them with gold interest-bearing indebtedness? It is that measures for doing these things after their enactment by the Philippine Commission shall be submitted to Congress at its ensuing session, and if Congress fails to annul or amend them during that session, if they receive the approval of the President they become laws.

It was an ingenious device, Mr. President. I do not know who is the author of it. But think about it for a moment. Legislation is enacted by the Philippine Commission disposing of the lands, the timber, and the franchises and providing for the sale of bonds, and it is submitted to Congress. That legislation happens to be in harmony with the views of a majority of either the Senate or the House, or it happens to be in harmony with the views of the committee to which the legislation will be referred. All that is necessary to enact it into laws is that by hook or by crook either House of Congress shall be prevented from repealing them during a single session.

We know from the experience of the proposed constitutional amendment providing for the election of Senators by the people how long a provision may be kept in a committee without being reported. We know by many experiences how measures may be kept in committee by an adverse majority and neither the Senate nor the House be permitted to express their views upon them. The proposed plan is no safeguard, Mr. President. It is more a mockery than a safeguard.

It may be said, Mr. President, that the Commission will know better than Congress. Let us say that such is the case; then let the Commission be made advisory to Congress. Let the Commission send to Congress its suggestions in the form of laws touching the lands and franchises and the indebtedness of the islands; and then, with the information the Commission will send to Congress, Congress will be in position to determine whether it should approve the laws or not. In any event no such rules should ever become laws until Congress itself approves them.

The impediments that are said to be here are simply mockeries. The whole bill, Mr. President, is either filled with such provisions or is not needed. The coinage provisions are not needed. You are practically giving to the Filipinos the same monetary system that they have to-day, except that you stamp upon their silver coins the insignia of perhaps the sovereignty of the United States, or something that will indicate the relation of the islands to them; but after all there is no substantial change in the financial system of the islands as proposed by this bill.

THE MINING PROVISIONS.

So far as the mineral provisions of the bill are concerned there is no need for them. We do not learn of miners upon the outskirts of the counties waiting for permission to prospect for mines. We know that where there is gold and silver the miners of the United States have never yet been estopped from discovering and working and owning them. We know that in California and other localities near the Pacific coast, long before there was a mining law upon the statute books, the miners went there and adopted their own rules and regulations, and became mine owners under the title conferred by possession, and they waited patiently, and they did not wait in vain for regular title from the Government, yet they waited a good many years before Congress confirmed their titles.

TIMBER PROVISIONS.

You talk about the timber. The present Commission has the right to make reasonable rules and regulations for the cutting and removal of timber. So whether we have in mind the mineral lands, or the timber lands, or the grazing lands, or any other kind of lands, there is either no hurry for action or the power to act is already vested in the Commission.

Mr. President, if, as is asserted here by some members of the

majority, the Filipinos are to ultimately receive their independence, they will receive it, if this bill goes into effect, with their islands simply a sucked orange. Their lands will be gone, their franchises will be gone, their municipalities will be covered with debt—all this without the inhabitants of the islands having had any voice in the laws.

ABSENTEE LANDLORDISM.

Mr. President, one other matter may well be taken into consideration by the Senate in considering this bill. It is what the relations will be between the landowners and the mass of the population if it goes into effect.

All authorities agree that white people can not live in the islands. General Hughes gave us a very graphic proof of that. He said that after the Spanish prisoners were turned over to him, although they lived in quarters with good sanitary regulations, there was extraordinary mortality among them. He became alarmed at the extent of the mortality, and he inquired of the Spanish officers whether there was any unusual cause for the extraordinary death rate. The Spanish officers said there was not; that the sole reason was that the soldiers had been kept in the Philippine Islands longer than the usual time. They had been there over two years, and it was the rule that those who remained in the islands under ordinary conditions for more than two years became so enfeebled by the climate that they could not resist attacks of ordinary sickness or disease.

The uniform testimony is that the character of the climate is such that white people not only can not labor there, but they can not live there for any considerable length of time.

What must be the result? The lands and franchises will be purchased by American exploiters. But they can not live there. They will place their business in the hands of overseers, while they will remain away. Most of the population, the labor of the islands, will become a restless, besotted, and slavish race of peasants, their lands gone, and their masters seven or eight or nine thousand miles away, while the wealth of the islands will be carried across seas to enable the absent landlords to live in luxury and idleness.

What must be the outcome of such a system upon the mass of the Filipino population? Mr. President, you will have a condition in those islands that will put to blush the deplorable conditions of the Irish peasantry in the days of their very worst state—a rich absentee-landlord class, and a poor, enslaved, hopeless mass, consisting of the millions of the islands' population. And this, Mr. President, is "benevolent assimilation!"

There can be no assimilation with these people. There can be no assimilation that will ever bring the Anglo-Saxon and the Filipino upon the same plane of equality. The Filipino is the inferior race. The Anglo-Saxon or the American is the superior race. To speak seriously of assimilation between the races is to slander our ancestry and commit a crime against our posterity.

THE MINORITY MEASURE.

Mr. President, I desire to say something about the bill offered by the minority. It voices, I believe, the sentiments of the Democrats of the Senate and of a few of the Republicans. They are in favor of giving the Filipinos their independence at such reasonable time and under such reasonable restrictions as will secure a stable government and permanent peace and prosperity in the islands. The minority bill provides in section 3:

That ninety days after the President of the United States shall have proclaimed that all armed resistance to the United States has ceased in said archipelago.

Under that provision there can be no claim that we are granting independence to a people in arms. The initiative of the government will only be after the President of the United States has proclaimed that armed resistance to the United States had ceased. The bill then provides that—

The United States Philippine Commission shall make and promulgate rules and regulations for the holding of an election in the provinces of said archipelago for members of a convention, which convention when organized shall proceed to the adoption of a constitution for the government of said archipelago.

It further provides that all who can speak and write either the English or the Spanish language, or any of the native languages, and have resided therein for one year, shall be qualified voters, and that those who possess such qualifications shall be qualified for membership of the constitutional convention.

It then provides that the members of the convention, when elected, shall, at a time to be fixed in the election proclamation of the Philippine Commission, meet in the city of Manila to frame a constitution and to organize a government; and it provides that the said convention shall fix by ordinance irrevocably certain things which can only be changed with the consent of the United States. One of them is:

That there shall belong to the United States and continue to be the property thereof such lands and waters as the President of the United States shall designate to the said convention for naval, military, and coaling stations and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

MANILA BAY AND CITY IN EXCHANGE FOR INDEPENDENCE.

The Senator from Ohio asked, "Suppose the United States wishes to retain the bay and harbor of Manila, who can for a moment suppose that the Filipinos would surrender them?" If the United States shall ask for the bay and the harbor, or, at least, the harbor and the city of Manila, who will say that the Filipino government would not, in exchange for independence and liberty to all the rest of the islands, give to the United States what it asks?

There are other bays, Subig Bay, for instance, that are of great capacity and very desirable. But let us try the experiment, Mr. President. I do not believe that the generous people of the United States would demand Manila and the harbor—the gems of those beautiful islands—but if they were demanded I have no question but that they would be surrendered, reluctantly though they might be, also with such coaling stations and terminal facilities as we might desire. These would be gladly given by the Filipinos in return for their liberty and independence.

The second ordinance irrevocable is:

To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under the authority of the United States.

There are two objections urged against this minority bill. One is that we can not intrust to the Filipinos the duty of observing our treaty obligations with Spain insofar as they relate to the Philippine Islands. Mr. President, when the treaty of peace was signed Spain gave to us the islands and their sovereignty. It reserved no right to interfere with any disposition we might wish to make of them. All we need to do is to see that the proposed Filipino government carries out in the islands what the United States promised to do. As was pointed out by the honorable Senator from Mississippi [Mr. MCLAURIN], the treaty was not ratified by the Spanish Cortes until the 11th day of April, and it was ratified in the full knowledge of practically the unanimous declaration of the Senate of the United States, an integral part of the treaty making power, that some time, how soon not being stated, the Filipinos were to be granted their independence. That objection, Mr. President, is an afterthought. The power of the United States to provide for carrying into effect its treaty stipulations is absolutely unlimited.

It is the United States that has the burden cast upon it, and the United States may adopt its own plan to observe its treaty obligations. It may look after them itself directly, or see to it that some other government established in the Philippine Islands shall do so. It is precisely what was provided for with reference to Cuba. The same treaty obligations were placed upon the United States in that treaty as to Cuba that were imposed upon it for the Philippine Islands.

THE FILIPINOS ARE A PEOPLE.

Then, again, the claim is made that the Filipinos are not a People; that they consist of numerous tribes, and I believe, on the authority of the Schurman Commission, it is claimed that there are some 80 tribes.

Sixto Lopez published a little pamphlet—and one reason we wanted Sixto Lopez before the Philippine Committee was because he knows so much about Philippine conditions and their different languages—and he declared in this little pamphlet that by different methods of spelling the names of tribes two or three tribes had been magnified into a dozen or more. Then again several tribes were each known by several different names, and each name had been made to constitute a distinct tribe. He illustrated by "America," and "the United States," and "Yankee," and "American." While they all meant the same thing, ignorant historians would make all such names do duty as indicating separate tribes in the Philippines.

After speaking of about one-thirtieth of the population in the islands of Mindanao and the Sulus, he declared that the rest of the population of the Philippine Islands was a homogeneous population; that they all came from the same Malay stem; that while there were different dialects, yet they were so nearly akin that one who spoke one dialect would soon learn to speak another; that there was little or no difficulty of communication between them all. He further spoke of a fact that everybody seems to lose sight of, that when Aguinaldo set on foot his last insurrection against the Spanish power and against American aggressions his allies were in all of the provinces and all of the islands, and their populations were imbued with one great patriotic motive. They sent their generals and their captains and their men to rally under the same banner and fight for the same cause.

It is further shown by indisputable testimony that, commencing with a period shortly after the sinking of the Spanish fleet and continuing for nearly nine months, there was no power in the Philippine Islands except that of the Filipino priests and the officials in command of the insurrection, and that there was peace and quietude and order throughout the island until the Americans commenced the war which has been raging ever since.

THEY ARE A CHRISTIAN PEOPLE.

Mr. President, the people of the Philippine Islands are a Christian people. It may be said that theirs is a primitive Christianity, but they were taught of the Saviour, of His sufferings, and His teachings. They believe in the virtues that marked the Saviour's life, and while there may be a form and ceremonial, that is simple of its kind, it is Christianity, and such Christianity as you find in many of the rural districts, at points away from large cities, in the provinces of France and of Great Britain, simple in its character, but straight, pure, and direct in its teachings; and I say there never was a Christian people that was not fit for self-government. There are in such people the underlying sentiment and desires that fit them for independence.

They have confidence in leaders; they observe authority; they display regard for law, for order. When you find these traits ingrained in any people, however simple may be their lives, when you find them safely grounded in the domestic virtues, when they love their children, and they cherish the virtue of their wives and daughters, when they stand ready to sacrifice life and property for an ideal in government similar to our own, then such people may at least be trusted until they demonstrate that they are not fit for self-government.

Whenever you find such a people all presumptions are in their favor, and it should not be declared that they are unfit for self-government until a fair trial has demonstrated that they are not fit for self-government.

We have the testimony of Admiral Dewey that they are better qualified for self-government than are the Cubans, and he knows both people well. I am willing to take the opinion of Admiral Dewey upon any subject he has investigated when he himself feels that he is competent to express a sound opinion.

So I say, Mr. President, the lands should not be taken from those people; they should not be robbed of their franchises; they should not be buried in debt; and something should be left to them until they are given the opportunity to set up a government of their own, something that nearly every Senator says they will be permitted some time to do.

SHOULD PREVENT SUCH LEGISLATION.

Mr. President, if it were left to me alone, with the convictions I have upon the subject, I would stand here and exhaust every power, constitutional, legal, and parliamentary, before I would permit an enormity such as this to be imposed on 10,000,000 people 8,000 miles away. Legislation of this kind for a foreign people is different from legislation for our own people. We represent the people of the United States; the will of the majority is supposed to govern, and when in both branches of Congress a measure for the United States has a majority, it may be said that that measure is the will of a majority of the people of the United States, and such a measure should be voted upon when fair argument upon it is concluded.

But, Mr. President, we are not now legislating for the American people. We are legislating for eight or ten million people eight or ten thousand miles away, who have no voice either at this side of the Capitol or at the other. We are legislating away their homes and lands and giving away their franchises, while their voice has not been heard. It is monstrous, Mr. President. In the face of an enormity of this kind I stand almost appalled, and I do not believe it is possible that both branches of Congress and the President of the United States will sanction this proposed enormity. Somewhere and somehow in the providence of God this contemplated outrage will be defeated.

I shall not dwell longer upon the measures. I want to say something upon the investigations before the Philippine Committee and then I am through. I do not love to dwell on atrocities for which men wearing the uniform are arraigned. I agree with my fellow Senators that the Army of the United States is not the wrongdoer. It is not the Army; it is the cause. I have no question in the world but that, under the circumstances, the Army of the United States has borne itself as bravely and humanely as would the army of any other country sent on such a mission. No English army would have done any better, neither would any French or Russian army; and yet, Mr. President, we find a record made by soldiers of the Army harrows up the feelings of Americans.

THE CHARACTER OF THE WAR.

This is not a war of an army against an army; it is a war of an army against a people; it is not like the Franco-Prussian war or our war against Spain, or the late civil war.

The Franco-Prussian war was between the French army and the German army, and when the French army was defeated the treaty was made and the war ended. The German army withdrew and the people of each country were left to themselves, except that two of the French provinces which had formerly belonged to Germany, those of Alsace and Loraine, were by the treaty reannexed to and became a part of Germany, the inhabitants of those provinces being given all the rights and privileges that are granted to every other German subject.

THE WAR WITH SPAIN.

As to the war between our own country and Spain, when we met their ships upon the sea and sunk them, when our armies clashed at Santiago and we defeated them, when the Spanish flag was hauled down, the war was over. It had been a fight between the armies; it had not been a fight between peoples, nor a fight by our army against the people of Spain. When that war ended the Spanish soldiers were sent back to their homes at American expense.

OUR CIVIL WAR.

The civil war, while it was an internecine war, was not a war of conquest; but at all times it was a war for the maintenance of the Union, and though it was a long and bitter struggle, when at last at Appomattox General Lee surrendered his sword to General Grant, General Lee and the Southern army and the Southern people knew that there was no subjugation to follow, for the seceded States would be restored to their orbits as American States, with all the rights of the other States, each and all of them covered by the protecting ægis of the Constitution. So, Mr. President, there was no guerrilla war; there was no invasion of towns and cities; the torch of the incendiary was not applied; there was no torturing; both sides laid down their arms, and the soldiers of both armies returned to the vocations of peace. It had been a war between armies, and not a war of the North against the people of the South, nor a war of one people against another.

THE NATURE OF THE PHILIPPINE WAR.

But our war in the Philippines is a war by an army against a people. When the Filipino army was defeated and scattered that did not and could not end the war, because the mission of our Army was to subjugate the people and not alone to destroy the armed forces of the Philippine government. So the Philippine people were pursued to their homes, to their convents, and to their churches, into their fields, and into their mountains, and those who did not recognize our sovereignty and take the oath of allegiance and, as commanded by the orders of Bell and other American officers, go to the front and by active work against their families, their friends, their neighbors, and their townspeople show that they were thoroughly loyal to the United States were treated as enemies.

We know now, Mr. President, what war of that kind means. It means pursuit and slaughter in the unpacified provinces, and it means jails in the pacified provinces under the provisions of the so-called sedition laws. I was reading in a newspaper the other day that one of the judges of the court of first instance was hastening to the place where his court was to be held because there were 500 people to be tried there for violations of the infamous sedition laws. And so we have the sheriff and the jailer moving through the pacified provinces arresting every man who dares to lisp his aspiration for the independence of his native land, and we have armed forces moving through the unpacified provinces with fire and sword making the people "want peace and want it badly."

Mr. President, a people battered into peace, a people shot and burned into peace, are not loyal subjects, and never will be loyal citizens. They may profess peace, but a fire of hate is forever smoldering. They may profess love, but it is false love. A people who have acquired from the United States in its better days an ideal of government, an ideal that embraces liberty and independence, never will, except while subdued by fear, submit as conquered subjects to the United States.

When we read of the insurrection of 1896, of the writings and teachings of Rizal, of his martyrdom for the liberty for his people; when we read of the Filipino constitution, a part of which was drafted before the insurrection of 1896 had been entirely subdued, we know that the Filipinos have a high ideal of government, and that they did all that was in their power to do to reach that ideal. And we who inspired it, whose Constitution suggested it, who cheered every effort by all people for liberty throughout the world, are the nation that is pursuing them with savage warfare to make them relinquish it.

SPAIN CONQUERED US.

It is well said that though we defeated Spain, Spain in the end conquered us, since we followed in the footsteps of Spain. Spain overran Mexico in the early days, conquering a people by slaying them almost indiscriminately. Then she overran Peru and other of the present States of South America and conquered them with the same methods. We take one of the Spanish colonies, having bought it from Spain, with its seven or eight millions of Christian people, and, following the example of Spain, we overcome them with fire and sword. It is the truth, Mr. President, that Spain, though defeated, has gained the victory over us. We adopt her sedition laws; we establish our courts upon the basis she established hers. There is no trial by jury. The judge to pass upon

all controversies affecting property and life and liberty is subject to removal by the appointing power.

THE TESTIMONY ABOUT CRUELTIES.

Mr. President, much has been said about the testimony before the committee. I will not go into the details of it. I may ask to insert some of it in my remarks. But I wish to call attention to official warnings of the horrible conditions that the testimony establishes. It is quite clear from official orders that in 1899 and 1900 the same class of outrages of which we now read was being practiced. I turn to a communication from the War Department, which contains a great number of orders, of which I will read but a few.

OFFICIAL STATEMENT OF BARBARITIES.

Here is one dated Manila, P. I., January 28, 1899, signed by Thomas H. Barry, assistant adjutant-general.

It states:

By taking advantage of the ignorance and trust of numerous native tradesmen of Manila, many enlisted men of this command have seriously injured the reputation of the citizens of the United States for honesty. These unscrupulous men, instead of insuring the rights and property of a defenseless people under their protection, have resorted to a despicable species of robbery more dangerous than looting, because less open. This should be corrected. Company commanders will be instructed to see to it that just bills due native tradesmen by men of their commands are paid, collecting at the pay table, if necessary, the sums owed.

All honor to the American officer who wrote and issued that order—Thomas H. Barry, assistant adjutant-general. Oh, no, Mr. President, presenting these details is not an attack upon the American Army. As compared with the whole, I believe that the soldiers engaged in these outrages are the few, but we find that after all they are very widespread, for a relatively few can do a vast amount of wrong.

Here is another order dated February 7, 1899. You discover they commenced very early in the war:

HEADQUARTERS DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, P. I., February 7, 1899.

The burning of the houses or other property of the natives or other inhabitants of this island is prohibited.

There must have been a necessity for this order. Soldiers must have been engaged in burning houses of the natives. So the same officer—Thomas H. Barry, assistant adjutant-general—declares that it must be prohibited.

Here is another order, signed by E. B. Cassatt, major, Twenty-seventh Infantry Volunteers, acting adjutant-general. It is dated at El Deposito, Luzon, P. I., August 9, 1899:

It having been reported to the brigade commander that a number of cases of looting, robbery, and other misconduct on the part of United States troops have recently taken place, attention is again invited to the existing orders in regard to such acts.

I say honor to E. B. Cassatt, major of the Twenty-seventh Volunteers.

Then here is another order, dated October 12, 1899, signed by W. R. Smedberg, jr., first lieutenant, Fourth Cavalry, aid-de-camp:

Complaints of looting have already been received. It is belived that company commanders do not exercise sufficient control over their men, or such disgraceful acts could not occur.

Honor again, I say, to Lieutenant Smedberg for his attempt to curtail this propensity.

Here is another—Nueva Caceres, P. I., April 28, 1900—signed by Peter Murray, captain, Eighteenth Infantry, acting assistant adjutant-general:

The troops of this district will exercise the greatest care and judgment in firing upon natives—

Peculiar language, is it not?

The troops of this district will exercise the greatest care and judgment in firing upon natives, in order that they may not fire upon women and children.

They must exercise care in firing upon natives. They may fire upon natives, but they must do it in such a way that they will not kill women and children. Even for that much humanity I say honor to Captain Murray.

Then again, Manila, P. I., June 5, 1900:

Rumors having reached these headquarters to the effect that unjustifiably harsh measures have been employed in some instances to extort information from captured ladrones, officers of this command are reminded that General Orders, No. 100, War Department, series 1863, provide ample and lawful methods for the treatment of prisoners, spies, and other persons not entitled to the rights of recognized belligerents, and all departures from the provisions of said orders are strictly prohibited.

I imagine that the unjustifiable and harsh measure condemned in this order is the water torture. It is the nearest approach I find in any of the utterances by American officers in condemnation of this horror.

Let me read this:

TACLOBAN, LEYTE, P. I., *June 26, 1900.*

1. Reliable information having been received by the district commander that native women and children have lately been killed or wounded by indiscriminate shooting on the part of troops of this command, the district commander takes occasion to notify all officers under his command that we are at war with armed insurgents and their supporters only, and that indiscriminate firing upon natives seen in the country surrounding towns will not be tolerated.

Here is an official declaration of indiscriminate firing by some of the American soldiers upon the natives of the Philippine Islands in which women and children were killed. The killing of women and children commenced early in the struggle. Some noble officers did their best to prevent it, but the tragedies grew and grew until, as the testimony shows, they became prevalent in a number of the provinces.

Then again on July 14, 1900, First Lieutenant Knabenshue, of the Fifteenth Infantry, was compelled to issue the following warning:

Owing to a large number of complaints, reported to these headquarters, of ill treatment of natives on the part of scouting parties in this district, commanding officers are hereby directed to caution their officers and men against harsh and illegitimate treatment of natives at all times.

Here, Mr. President, are official indications of what was going on in the Philippine Islands in the first year of the war and early in its second year. General Hughes tells the Philippine Committee that after the first year of the war the conduct of the war grew "stiffer," and became "stiffer" and "stiffer" each succeeding year. His reason was that the Filipino people were not civilized, wherefore the Army resorted to conduct denounced by the rules of civilized warfare. The war has continued to grow "stiffer," until we find an American officer of the highest rank ordering all natives over the age of 10 years to be slaughtered and their country to be made a howling wilderness.

ONLY NINE OFFICERS COURT-MARTIALED.

Mr. President, let me call attention to a remarkable condition. In all the courts-martial of American soldiers—officers and privates—for cruelties, for violations of the rules of honorable warfare, and for maltreatment of native Filipinos there have been but nine officers brought to court-martial, and but two of those were punished except by reprimand.

Of all the colonels, of all the majors, of all the captains, of all the lieutenants who have transgressed during the three years and more of this Philippine war, but nine of them have been arraigned for their misdeeds. That does not include Major Waller nor General Smith; but until those two courts-martial only nine American officers of any rank had ever been compelled to answer to a court-martial. Is it to be wondered at that so many of the privates in the Army have fallen from the standard of the real American soldier?

Mr. President, the officers make the army. After all, the army is a machine. It obeys orders. To paraphrase—

Theirs not to reason why,
Theirs but to obey and die.

The officers make the army, and when you find lieutenants and captains leading men upon forays to burn towns of 10,000 people and towns with populations of six and eight thousand and towns without number known as barrios—the villages of the people—applying the torch and driving their inhabitants out into the mountains and the wilderness, and there is no court-martial, you can expect nothing else than demoralized ranks. It is as inevitable as that day shall follow night.

GENERAL BELL'S ORDER.

This, Mr. President, is the real meaning of the testimony that brings shame and sorrow to those who love the Army and take pride in its victories.

I will, before I close, refer to a few of the things we find in General Bell's celebrated order. It ought not to be passed over. It is called Telegraphic Circular No. 3, issued from Batangas on the 9th of December, 1901. Much of it I will pass over, but I come to one or two paragraphs I should not forbear to read:

The only acceptable and convincing evidence of the real sentiments of either individuals or town councils should be such acts publicly performed as must inevitably commit them irrevocably to the side of Americans by arousing the animosity and opposition of the insurgent element.

If you are to consider a Filipino friendly it can only be by such affirmative acts upon his part as will arouse the enmity of all his fellow-countrymen.

Such acts are reliable evidence, but mere words are worthless. No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops to the camps of the enemy, who publicly identify insurgents, who accompany troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers, those in fact who publicly array themselves against the insurgents and for Americans, should be trusted and given credit for loyalty, but no others.

What greater enormity was ever inserted in an order of a general of a civilized army?

NONCOMBATANTS CAN NOT BE TOLERATED.

Here is a people with an all-pervading desire for independence and liberty. Some have submitted by being battered into submission. But the submission on their part is not sufficient. They

may take the oath of allegiance. They may profess by words, and they may be content to lead quiet lives. They may wish to return to their homes and work upon their little farms and allow the war to go on regardless of their assistance. But that is not enough. They must publicly array themselves against their fellow Filipinos who are still engaged in the struggle for liberty. They must do it in such a way as to incite the anger and hatred of their own countrymen. They must guide the invading American Army to the camps of their own countrymen to betray them, and unless they do all of this they are to be treated as enemies. What more dastardly order was ever promulgated by a soldier, civilized or barbarian?

No person should be given credit for loyalty solely on account of his having done nothing for or against us so far as known. Neutrality should not be tolerated.

What does that mean? The man who seeks to live peacefully upon his farm should not be tolerated. The man who desires to live with his family should not be tolerated. The man who desires to ignore the war should not be tolerated. That is neutrality. That must not be tolerated. Then what is to occur? If the Army shall not let him alone, what is the Army to do? Is it not an invitation as strong as an official order could make it to treat all the noncombatants as public enemies? Here we get a glimmering of the cause of the tremendous disparity in the mortality in two armies. More than twenty Filipinos killed for every one American, and from ten to twenty Filipinos killed to one that is reported wounded.

NATIVE PRIESTS WORSE THAN ARMED INSURGENTS.

Presidentes and chiefs of police against whom sufficient evidence can be found to convict them before a court of violating their oaths by acting as agents for insurgents, or by aiding, assisting, or protecting them in any way, should be arrested and confined.

Then again:

Another dangerous class of enemies are wealthy sympathizers and contributors, who, though holding no official positions, use all their influence in support of the insurrection, and while enjoying American protection for themselves, their families, and property secretly aid, protect, and contribute to insurgents.

Now listen:

Chief and most important among this class of disloyal persons are native priests.

Not the Spanish priests, not the friars, but chief among disloyal persons are the native priests. Now let us see what is to be done with them:

It may be considered as practically certain that every native priest in the provinces of Batangas and La Laguna is a secret enemy of the Government and in active sympathy with insurgents.

Every priest, without exception, must be so considered.

These are absolutely our most dangerous enemies—

These native priests, without exception, without limit of numbers—

These are absolutely our most dangerous enemies, more dangerous even than armed insurgents.

How do they treat armed insurgents? Shoot them down on sight without mercy; but a native priest, without regard to the individual or his sentiments, is to be held by our soldiers to be more dangerous even than an armed insurgent.

They should be given no exemption whatever on account of their calling.

Think of it! Is it any wonder that, following an order such as this, we find recounted persecutions of members of this sacred calling that remind us of the persecution of the Christians by the pagans of ancient Rome?

Here is a letter from the Columbus (S. C.) Banner, sent to the Senator from South Carolina [Mr. TILLMAN] by a friend, whose letter I have. The printed letter was written by Wade Kitchens from the Philippine Islands, giving an account of what he saw of the dealings with native priests. When we remember that priests are denounced by General Bell as more dangerous than armed insurgents, we can well understand the license given the army under Bell to persecute them to the death. Wade Kitchens writes:

MANILA, P. I., *December 20, 1901.*

DEAR MOTHER: It seems as though I write my letters in bunches. This makes three in one week. I sent two handkerchiefs to Luler and the baby in one of the letters. I hope you received them.

This leaves me all right, and I trust will find you the same. I am having some novel experiences at present. All things are in a stir. Everything is in an unsettled condition. All people in the country are pouring into the towns garrisoned by American soldiers. It is an order from the head of the Philippine division of the Army. Imagine everyone around Waldo for several miles pouring into the town carrying everything they possess. That is the way they are doing here now, and you can not imagine the stuff that is being brought in. The roads are solidly lined with men, women, and children. The women, with big loads on their heads, come dragging in. Some are very poor and have no means of transportation. They have to get all their property out of the country by the 25th of December. Then the soldiers are going to burn and kill everything in sight.

You see, at present there are two governments in this province, the insurrecto, General Malvar, has his tax collectors and officers in every town, but they act secretly. The Filipinos have to pay tribute to them or else Malvar will have them put to death. There was a Filipino boloed to death on the streets here a few days ago because he refused to pay tribute. So you see these people are bluffed; they have to pay two governments.

You see, he is quite impartial in his statements of what he saw.

Yesterday I saw a company of soldiers from an adjoining town with the priest and chief men of the town as prisoners. They gave this dignified old priest the water cure. Did I tell you what the water cure is? I will tell you again, anyway. They take a prisoner, let him be priest or what not, and they tie him down and pour water into him until he can hold no more. Then a soldier jumps up and down on his stomach and packs the water, so to speak, and more water is poured into him and (poco tiempo) in a short time he is swelled to a tremendous proportion compared to his size. He will soon tell all he knows, and oftentimes more than he does know. I could not keep from feeling a little bad to see a dignified, solemn old priest with black robes used in such a manner, but this has been done with priests in two cases to my knowledge. It does a soldier good to do such things as that. This water cure is used when a fellow will not talk or tell what he knows.

There was a very rich old Filipino woman here, and she is about as large as Charles Nickols, something unusual for a Filipino. Nevertheless, she is very large. She has been giving all kinds of aid to the insurrectos, but it was a hard proposition to catch her. She runs a drug store and saloon as fine as you can see in the States. Well, she made a proposition to a soldier who was always wanting something to drink, but had no money, that if he would get her two guns and ammunition she would furnish him in what he could drink. The soldier tells an officer, the officer gets the soldier to take the ammunition and guns and sell them to her, and then they would have her trapped. She bought them, and last night started a Filipino hombre (man) out to the mountains with them for the insurrectos. He was nabbed in short order and was given the water cure to make him tell where he was going to. He says he is carrying them to another town to a padre (priest), who will give them to the insurrectos. The officer gets the padre and gives him the water cure to tell what he knows. This morning that priest presented a horrible appearance, with his face all bruised up and his fine silk robes covered with mud and torn. We are over here in the name of humanity and civilization, but I have another name for it. We are treating and oppressing them worse than the Spaniards ever did.

I have here other accounts of horrible tortures practiced upon other priests, but I will content myself with reading one more. These two will suffice to outline the cruel picture. Only the imagination can fill it in:

WINTHROP, *May 13.*

A summons to Washington to give testimony in the "water-cure" hearing is expected to arrive at Fort Banks any day, and it would be no surprise if there should be two demands for the presence of soldiers now serving here.

There are two men who were with the Twenty-sixth Infantry in the Philippines, and one of them has been told to hold himself in readiness to go to Washington at any time. If he testifies as he expected to, his testimony will be the first given in the hearing by a man now in the service of the United States. All who have made their statements heretofore have left the Army.

The names of the ex-Twenty-sixth men are Bernard Garrity and James Prendergast, and it is the latter who expects to receive word to foregather at the capital.

Both were mustered out of the Twenty-sixth June 1, 1901, but soon after reenlisted. Prendergast was a sergeant in Company D, while Garrity was in Company G.

The chief affair concerning which Prendergast can give testimony is the alleged murder of Father Augustine, a Philippine sympathizer, by a number of Americans at Panay. He has also seen numerous cases of water-cure administration.

"I was sergeant of the guard the night Father Augustine was killed," he said to a reporter of this paper. "The priest had been kept in a room by himself until the day of that night. They said they had been giving him the water cure all day, but couldn't kill him that way.

"Soon after I came on duty Capt. C. M. Brownell appeared with a squad and took the priest to an empty house in the city, saying they were going to give him some more water cure.

"After a while they came back, saying he had died. It was common talk all day that they were trying to kill him with the water, but he wouldn't die.

"But it was known to those who saw the man killed that the water didn't put him out. They saw he could stand that all right and threw a powder down his throat which poisoned him.

"The officers were in this. There was something in private between the priest and the officers for which they wanted him out of the way—between the generals and captains, I mean. The priest had a lot of receipts for money and different papers, which they got, and they didn't want him to tell who took them.

"That the water cure was commonly administered was known to every one, I suppose. I think it saved the lives of thousands of Americans.

"It was used both to extort confessions of where arms and ammunitions were hid and to teach the Filipinos what they might expect if they didn't behave.

"It would be administered to one native in front of a lot of others, to frighten them into subjection.

"I do not think the water cure killed anybody unless the person was predisposed to something like heart disease. It would swell their stomachs up and make them sick for a few days, but it was really only a good washing out for the most of them.

"The way this story of the killing of the priest, which I may have to testify to, came out was through ill feeling between then Capt. C. M. Brownell, of Company D, and Corpl. Albert Bertrand, of the same company.

"The corporal was made a company clerk and was afterwards reduced, at the instance of Captain Brownell, he claimed.

"He knew about the Father Augustine business and revealed it to Senator LODGE and some others when he got to the United States."

STARTLING DISPROPORTIONS.

As evidence of the character of Philippine warfare that is carried on under the command of some American officers, I call attention to these startling figures from the report of General Hughes, page 239, found in General MacArthur's report. They show that for the period stated there were 40 Americans killed and 72 wounded, and during the same time there were 801 Filipinos killed and 38 wounded. The significance of these figures is not so much that there were twenty times more Filipinos killed than Americans, but that of the Americans there was but 1 killed to 3 wounded—and the usual proportion in civilized warfare of killed to wounded is from 1 to 3 or 1 to 5 or 6—while of the Filipinos there

were 801 killed and 38 wounded, or more than 20 Filipinos killed to 1 wounded. This is the official report.

When General MacArthur was questioned about it, after giving these startling official figures, he was asked by the honorable Senator from Vermont [Mr. PROCTOR] to state some reason for the disparity. Senator PROCTOR wanted to know if the Filipinos carried off their wounded. General MacArthur thought that might be the case.

But, Mr. President, the absurdity of that is clear, in view of the fact that the battle of February 4 and 5 was practically the only battle in which the Filipinos ever made a stand. All the reports of attacks by American soldiers upon the Filipinos agree to this effect, that the American soldiers always rush the enemy. If they are assailed from ambush the American soldiers rush the enemy, and the enemy invariably run away. How is it possible under such circumstances for the Filipinos to carry off their wounded?

Then again, Mr. President, we have another report from General MacArthur of killed and wounded in the two armies. Between November 1, 1899, and September 1, 1900, there were 268 Americans killed and 750 Americans wounded. There were during the same period 3,227 Filipinos killed and 694 wounded. Of Filipinos there were 12 killed where 1 American was killed. The ratio of the American killed to wounded was 1 to 3, about the average ratio; but the ratio of Filipinos killed to wounded was 4½ to 1. Four and one-half times more Filipinos were killed than there were Filipinos wounded, according to the official reports of our own highest officers.

Take the mortality of the first battle, as testified to by Hughes, MacArthur, and Otis. There were but about 250 Americans killed and wounded and upward of 3,000 Filipinos killed and wounded. Over 750 Filipinos were buried upon the field of battle. There were but from 14 to 20 American soldiers killed—the rest of the number given were wounded—and General Hughes states that was the only battle in which the Filipinos attempted to make a stand.

I hardly know how to express myself, but, Mr. President, these startling figures call for reflection. Are not these terrible results the natural outgrowth of the kind of war urged by General Bell, and war that, according to General Hughes, grew stiffer upon the part of the American Army from year to year?

There was reference made by the Senator from Massachusetts [Mr. HOAR] to an interview with Brigadier-General Bell. As I understood him, he stated that he made special inquiry to determine the correctness of this interview, and he was satisfied that it was correct. It is dated Washington, May 1, and was sent to the New York Times.

I will read part of it:

WASHINGTON, *May 1.*

"One-sixth of the natives of Luzon have either been killed or have died of the dengue fever in the last two years," was the remarkable statement of Brigadier-General Bell, who arrived in Washington to-day direct from the Philippines, where he was in command of four departments of Southern Luzon.

"The loss of life by killing alone has been very great," continued the General, "but I think that not one man has been slain except where his death served the legitimate purposes of war. It has been necessary to adopt what in other countries would probably be thought harsh measures, for the Filipino is tricky and crafty, and has to be fought in his own way.

* * * * * * *

"The insurgents also caused us much trouble by tampering with our telegraph, and for a while we were obliged to treat everyone outside of our lines as an enemy."

And that is what General Bell advised all his soldiers and officers to do:

If a man was caught within 150 yards of a telegraph pole he was shot. On one occasion six Filipinos were found dead holding to a wire which they had wrapped around a tree. No one knew who shot them, but their fate was sufficient to keep any of their comrades from tampering with the lines again.

FROM THE MANILA FREEDOM.

Mr. President, I hold in my hand a comparatively late issue of the Manila Freedom, a newspaper printed in Manila. It reached the United States but a day or two ago. Suffice it to say that unless it was loyal it could not be printed in Manila, because that is the land of the alien and sedition laws initiated by Spain and adopted by the Philippine Commission. From this paper, which is edited by Edward F. O'Brien, under the date of Tuesday, April 22, 1902, I read the following editorial upon the subject of torture:

THE USE OF TORTURE.

Public feeling at home regarding the rumors of tortures inflicted on Filipinos by American officers and soldiers is described by press dispatches to be at the boiling point. General Smith, Major Glenn, and a score of other officers are to be tried by court-martial in case grounds are found, and the matter is to be cleaned up. This is the inevitable result of warfare. Mankind is human, and in the heat of a desperate contest are liable to go to extremes. The provocation is at times enormous, and the individuals can usually fully justify their acts to their own consciences. They are, however, liable to forget that the time is surely coming when they will be compelled to justify their acts to their compatriots at home, who are not viewing the matter from the passionate view point engendered by warfare, but from the view point of the fellow at home, who has not seen his comrades murdered and tortured and who, therefore, can not justify retaliation.

As a matter of fact there has been extensive employment in these islands of the "water cure" and of various other measures for the extortion of confession. There is not the slightest use of denying the fact. There are a thousand witnesses ready to testify to it in case it becomes compulsory or necessary. In a great majority of cases no permanent harm has been done by the employment of these measures, but, on the contrary, information has been gained which has been of the greatest service in bringing about peace. The enemy has been treacherous in the extreme, and sometimes the safety and very lives of the garrisons have depended upon knowing the truth. As a measure of self-protection the truth has been extorted, even by the employment of the most extreme measures.

The evil of the employment of these measures had been in the irresponsibility of many who have applied them; many baby lieutenants, who should have been back under the corrective influence of their parents, have had the lives of many people in their hands, and if one happened to be vindictive or naturally cruel, the evil which resulted has been great. The innocent have suffered in many instances. The most revolting cases are, sad to say, more than rumors.

At the end of all wars there comes a time of recrimination. It came at the end of the Spanish-American war, it came at the end of the rebellion, and it has come at the end of every war known to creation. The excesses committed in the heat of the strife have been expiated in the after-cooling of public sentiment. This is one of the penalties of the military profession. A few officers will undoubtedly be cashiered, more will be reprimanded, the matter will be the sensation of the day, and then it will be forgotten. The Army will writhe under the lash, but the time for healing will not be far off.

It is deplorable that the water cure and many worse tortures have been employed by the American forces in the Philippine insurrection, but the fact remains that they have been employed. There is only one thing to do. Stand up like men and show the provocation and the necessity for retaliatory measures of the sort. There is no use for generals in the States to deny that the reports are true. There is no use to attempt to gloss over the facts. They have been buried at the bottom, but in course of time they have risen near to the top. They will eventually proclaim the truth to the world, and it is better to meet the issue like men than evade it and finally have the truth arise and confront us.

In admitting the fact that these measures have been employed, the fact must not be lost sight of that they were never officially permitted, and that there is no one really responsible except the individuals who employed them. The fact must be also realized that, while there were many officers who used these measures and openly bragged of them, there was an overwhelming majority of the officers of the United States Army who never for a moment countenanced this sort of thing, and who conducted warfare in their districts like gentlemen, like Americans, and like Christians.

So say I, Mr. President. There is no doubt in the world but that the majority of the American officers and privates conducted the war after the fashion, and only after the fashion of civilized nations and like gentlemen. There were enough of the other kind, under lax discipline, under the tutelage of such men as Bell and Smith and Waller, who carried desolation in their wake, leaving nothing but a trail of fire and blood wherever they went.

ONE-THIRD OF THE POPULATION OF ONE PROVINCE DEAD.

Mr. President, we also have the official report of the acting governor of Batangas, I think it was. More than one-third of the people of that province, he declares, have died since the war commenced, died from battle and wounds and starvation and disease.

Think of it! As the logical outcome of the kind of war that has been carried on 100,000 Filipino people of one province are now in their graves out of a population of but 300,000.

MAJOR GARDENER'S REPORT.

Then we have the story of Major Gardener. I look for Major Gardener to be made an example of. I have little question but that mysteriously the word has gone forth from headquarters that the truth must not be made known. Those who have been before us have given pretty clear evidence that there is a reign of terror over officers and privates as regards the methods of warfare which prevents those in the service from telling what they know.

SENATOR HALE'S INTERVIEW.

How long, Mr. President, are these things to continue? That this was to be a war of subjugation was foretold. In going over the files of newspapers I came across an Associated Press telegram from Washington, dated February 7, 1899, sending an interview with the broad-minded, humane, and generous Senator from Maine [Mr. HALE]. He at that time predicted what this war was to be. I read it because it may recall to the minds of many Senators the things that were said and thought in those days when the news of the first conflict was flashed beneath the ocean to this country. It reads:

WASHINGTON, *February 6.*

Senator HALE gave to-day to the Associated Press his impressions concerning the effec tof the battle of Manila on the treaty. He said:

"I am not surprised at the occurrence. If the treaty had been made as it ought to have been made, putting the Philippines on the same basis as Cuba, no trouble would have arisen, or if the managers of the treaty had consented to an amendment on this line there would have been no trouble of this kind. Or, still further, if they had agreed to the passage of a joint resolution declaring that Congress did not expect permanent occupation, trouble would have been avoided. But the truth is that underneath the expansion newspapers and back of the movements of the leaders of the expansion cause is the determination to be content with nothing but permanent annexation."

The foresight of a prophet, the knowledge of a sure reader of human nature and conduct. He continues:

This means a protracted war of subjugation against the people of the Philippine Islands. The ratification of the treaty means no peace, but immediate war. We must send more troops and more ships to Manila and must undertake the immense job of conquering the people who are trying to establish a government of their own.

THE WAR FOR SUBJUGATION SHOULD CEASE.

Mr. President, if these things are to cease, if the American mind is to be restored to its normal state of love for country and liberty and independence not alone for ourselves, but for all struggling peoples; if the high standard of national duty shall be raised again, this curse upon our country must be stopped. The method is plain and simple. Give to the Filipino people what more than one hundred and twenty-five years ago we demanded for ourselves. Give to the Filipino people that for which they gathered together, at the request of Dewey, under the banner of Aguinaldo, as an ally of the United States, in the expectation of the freedom for which they yearned. They did more than their share in the struggle that followed to drive the Spaniards from their islands.

Grant them the simple right to elect their own officers, to enact their own laws, to struggle under their own flag, and to work out their own destinies.

If that shall be done, Mr. President, there will be no further discord between the Filipino millions and ourselves. There will be nothing but rejoicing in every American village and hamlet and at every American fireside. The glad shoutings of admiration for American greatness and magnanimity that went up when the American flag was hauled down from Cuba and the new republican government was inaugurated will be repeated in every republic of the world and by every human being who loves and sighs for liberty.

NEUTRALITY AND INVIOLABILITY.

Mr. President, before closing I will refer briefly to the section in the minority bill by which the President is invited to enter into an agreement with Great Britain, France, Russia, and such other powers as he may think fit, for the purpose of securing to the Philippine Islands neutrality and absolute inviolability of their soil. I intended to read from the history of Switzerland to show that it is enjoying its present independence largely as the result of just such an agreement between the great powers of Europe in 1815 at the close of the great wars against the French nation. But I will now simply refer to it.

When, after the wars against France, they were settling the boundaries of nations, the ministers of the five great powers entered into an agreement in which they declared that Switzerland should be neutral and its soil remain inviolate forever. As a result of that agreement Switzerland has grown and prospered, and no adventurous nation has laid its hand upon it. Later, in 1839, nearly the same nations entered into an agreement by which the inviolability and neutrality of Belgium were established, and from that time that little country has stood with head erect, free from fearing interference from any of the greater powers.

We prefer to declare for such an agreement rather than for a United States protectorate. It has been well said that giving the Filipinos independence and yet holding ourselves responsible for their course toward other nations would be liable to drag our country into war and future troubles. So we concluded, if they shall receive their independence, to enter into an agreement between this country and other nations, by which the Philippine Islands shall be declared neutral territory and their soil made inviolate forever.

It is idle to say that such an agreement might not be readily secured. I have no question—when we consider our country's present prestige among the nations and their desire to win our favor, when such an agreement would make perpetual the open door such as exists in the Philippines to-day and must continue if we hold them—but that such an arrangement may be made. Then, with that accomplished, who can doubt that the Filipinos, freed from foreign interference, faced with the example of Cuba's success, and with the strong incentives existing for forbearance and heroic struggles, who can doubt but the Filipinos will establish an independent government quite commensurate for their purposes and quite equal to their qualifications, and that is all the government that should be expected from any people.

If we are to hold the Filipino people until they are our equals in intelligence, in self-control, and respect for authority, then the time for their independence will never come, for, as we advance, our standard will advance, and the same objection will exist 500 years from now that exists to-day.

So, Mr. President, the minority of the Philippine Committee come before the Senate asking the Senate's support for the measure which it presents. It is based upon the American principle of self-government; it is reasonable in all of its provisions; it saves the Philippine Islands from foreign interference; it gives to the people of the islands an opportunity to experiment in the art of governing themselves without danger to any other nation or any other people.

No one can doubt, Mr. President, but if the minority bill should become a law, that within less than a year, aye, within less than ninety days, an opportunity would exist for the President of the United States to declare that absolute peace reigns in the islands.

In my mind's eye, Mr. President, I can see Governor Taft or Admiral Dewey or General Miles, with the president of the new republic by his side, hauling down the American flag at Manila, and hoisting the flag of the new republic in its stead. And then, as was the case with Cuba, the President of France and the presidents of all other republics will send congratulations, and the Senator from Indiana [Mr. FAIRBANKS] will, as he did the other day, read the Associated Press account of that inspiring scene, and have it made a part of the records of this body, to the glory of the American people forever. [Manifestations of applause in the galleries.]

APPENDIX 1.

The extracts of cruelties in the Philippine Islands quoted in the petition of New York clergymen to the ministers of the country.

[Appendix No. 11.]

EXTRACTS FROM REPORT OF MAJ. FRANK B. M'KENNA, INSPECTOR-GENERAL, UNITED STATES VOLUNTEERS, ON CHARGES AGAINST MACABEBE SOLDIERS IN MONTALBAN.

MANILA, P. I., *March 5, 1901.*

* * * A great many more witnesses were anxious to be heard, but I ascertained that their testimony was generally of the same character as the above, and consisted of assaults, extortions, rape, and attempted rape, but in no cases except those mentioned could the assailants be identified, but all stated positively they were Macabebe soldiers.

Among other witnesses, seven young women from Montalban appeared before me at San Mateo, and said they were afraid to return to their homes in Montalban; that upon the arrival of the Macabebe soldiers propositions were made to them which they declined; unless they consented, they were told, they would be killed and the houses of their families burned. They were afraid to complain and in fright fled to San Mateo. * * *

Capt. F. H. Cameron, Philippine cavalry, commanding officer at Montalban, believes that the greater part of the complaints on the part of the people are fabricated, by reason of their intense hatred for his soldiers and because on the night of February 25 a number of the friends and relatives of the principal people were found among the alleged insurgent recruits discovered. There may be something in this, but I hardly think it would cause over 300 families to leave town, as the presidente of San Mateo declared to me was the case. Moreover, the witnesses that I examined impressed me for the most part with their earnestness, and on some were still visible the bruises of alleged assault. At least 200 people desired to make complaints, and I examined over 50, until I found that the evidence was merely cumulative. There can be no doubt, whatever the cause, that the utmost dislike and hatred is felt on the part of the people toward the present Macabebe garrison at Montalban. It probably had its origin in the fierce tribal rancor that exists between Tagalo and Macabebe, but has unquestionably been largely increased by the conduct of the soldiers themselves, und unless the sternest discipline is imposed upon these native troops by the American officers their usefulness as a pacifying agent for the United States in the vicinity of Montalban or San Mateo is gone.

* * * * * * * * *

In conclusion, I find, if the almost unanimous testimony of the natives is to be considered, that the Macabebe garrison at Montalban has committed numerous outrages against them; that these acts of violence commenced almost with the arrival of the Macabebes and occurred at intervals until the night of February 25, when on that night they must have indulged themselves in a saturnalia, almost, of rapine and violence under the guise of looking for insurgents; that the responsibility for the acts on the night of February 25 belongs to First Lieut. Dennis P. Quinlin; that the subsequent responsibility for not making searching investigation and bringing to punishment the guilty is due to Captain Cameron, Philippine Cavalry.

The sternest discipline should henceforth be imposed upon the Macabebe soldiers to prevent repetition of the acts that have been related.

[Senate proceedings, p. 1761.]

Capt. Duncan Henderson, Forty-second Infantry, United States Volunteers, commanding San Mateo, being duly sworn, states that he knows from his own knowledge nothing of the reported acts of aggression of the Macabebes, but that it is his firm belief that the people are afraid of them on account of their many acts of robbery and violence. He has known the people about here for some time, and believes their statements in this respect. In the last week he reports that the presidente of San Mateo told him that between 200 and 300 families had left Montalban and are now residing in San Mateo, Mariquina, or Manila. He states that if some investigation had not been made into the constant reports that he heard of acts of violence toward the people in the post of the Macabebes he deemed it his duty to report the matter to the district commander.

[Proceedings Senate committee, p. 1753, accompanying above reports.]

HEADQUARTERS DEPARTMENT NORTHERN LUZON,
Manila, March 14, 1901.

* * * I do not agree with the district commander in the opinion that these crimes are the result of the bitter feeling between Macabebes and Tagalos. All native troops, when they can escape the immediate control of their officers, are liable to commit murders, and many will rob and ravish whenever they will have the opportunity.

The squadron of Philippine Cavalry was sent to Montalban, San Mateo, and vicinity to replace the Twenty-seventh Infantry, United States Volunteers, when withdrawn, to be sent home for muster out. No other troops were available for duty there. The necessity of affairs here oblige us to employ native troops, and these Malay savages will always be liable to commit crime alike disgraceful to our service and an outrage upon humanity. All engaged in the crimes related in these reports will be punished to the full extent of military law, after due trial and conviction.

In this connection I desire to call attention to the necessity for the greatest care and caution in the organization of native troops. We can rely in some measure upon the loyalty of the Macabebes. There are, so far as I know, no other tribes that would not be liable to turn against us whenever they imagined that there was any prospect of successful treachery or treason.

LOYD WHEATON,
Brigadier-General, Commanding.

[Proceedings Senate committee, p. 1750—Transmitting above reports.]

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 16, 1901.

SIR: The accompanying record is submitted as indicating the difficulties in disciplining native troops and suggesting that the organization thereof, as provided by recent law, should be conducted under very conservative restrictions and very careful administrative control. The employment of a large number of natives has been absolutely necessary in order to relieve the volunteers and return them to the United States in time. The Macabebes, as far as loyalty to the United States is concerned, are absolutely reliable. I therefore authorized the employment of 1,500 as an emergency measure of temporary nature to tide over the transitory period, well knowing at the time that we were taking considerable risk as to their getting out of hand and committing excesses.

In spite of every precaution the deplorable incidents occurred which are narrated in accompanying papers, and all that is left for us to do in the premises is to apply punitive remedies, which will be done without mercy to the guilty parties. * * *

Very respectfully,

ARTHUR MACARTHUR,
Major-General, U. S. A., Commanding.

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

[Proceeding Senate committee, pp. 1727-1730.]

TESTIMONY OF EDWARD J. DAVIS.

Q. When did you first arrive at Igbaras?

A. I had charge of that detachment at Igbaras. I do not remember the date I went over there. I was in Igbaras myself about seven months, and I had charge of the detachment there, a detachment of 15 men.

* * * * * * *

Q. About how large a town was Igbaras?

A. I should say it had about 10,000 inhabitants.

Q. Were there any regulars there at your station?

A. No, sir.

Q. Did any arrive on or about the 27th of November?

A. Yes, sir.

Q. How many?

A. Well, I should judge that there were 75 or more.

* * * * * * *

Q. You may state whether or not the president or mayor of Igbaras was taken into custody that day.

A. He was.

Q. And where was he brought?

A. He was brought to the convent. I went for him myself.

Q. By whose order was he arrested?

A. Orders from Captain Glenn.

* * * * * * *

Q. After he arrived there, about what time in the morning was it?

A. It was about 7 o'clock, I should judge.

Q. After he was taken there what was done with him?

A. He was taken out into a big hall in the convent there, his clothes were all taken off, his hands were tied behind him, and he was asked for information in regard to runners being sent up into the mountains; asked if the scouts had arrived there. He would not give this information, so they took him to this water tank. It was a tank holding about a hundred gallons of water. They held him under the faucet, and he was made to take this water into his mouth at the command of Captain Glenn.

* * * * * * *

By Senator RAWLINS:

Q. How was his mouth kept open?

A. It was kept open with a stick; but I can not describe just how the stick was, because they had their hands over his mouth most of the time.

Q. And after he was filled up with water what else was done with him?

A. After they filled him up with water he swelled way up, and then these two soldiers would roll the water out of him. They had an interpreter over him, and they asked him if he would tell what information they were after. He told some, and then after they released him and he had walked away and they were going out in the mountains somewhere, and they got down stairs, they wanted further information out of him in regard to these runners going out into the mountains, and he would not give it. So they took him down right there, and they took a syringe and squirted water up his nostrils. He would not give the information then, and they put salt in the water. Then he was willing to tell.

Q. Was he thrown down the last time?

A. Yes, sir; his clothes were not taken off, but he was thrown down on the outside of the convent.

* * * * * * *

Q. Sergeant Davis, you had been there how many months prior to this time? How long had you been at this town?

A. I should judge about seven months.

Q. Had you had any trouble there?

A. No, sir; we had no trouble there at all.

Q. Had any attack been made on your troops?

A. No, sir.

Q. Any American soldiers killed or wounded?

A. No, sir.

Q. Had any of the inhabitants, as far as you know, given any offense?

A. No, sir.

* * * * * * *

Q. You say there were about 10,000 people in this town of Igbaras?

A. Yes, sir; the town was burned——

Q. How soon was it burned?

A. After the column went up into the mountains, and about half an hour after they returned the town was burned.

Q. Do you know by whose order it was burned?

A. By order of Captain Glenn.

Q. Were any of the houses left unburned?

A. Yes, sir; there were, I should judge, 15 houses left in the town.

Q. What became of the occupants of those houses that were burned?

A. They were driven out into the lots.

Q. Were they men, women, and children?

A. Yes, sir.

By Senator RAWLINS:

Q. Were there a good many women and children?

A. Yes, sir; there were.

[Proceedings Senate committee, pp. 1706-1774, 1778, 1780, 1781-1784.]

TESTIMONY OF GROVER FLINT IN RELATION TO THE "WATER CURE."

* * * * * * *

The WITNESS. I witnessed quite a number of cases, because I was acting as a sort of an aid to the the officer in command of our two companies, Major Geary. The Macabebes who were detailed with us were not under a commissioned officer at this time. They were with us, and they were under a sergeant.

The CHAIRMAN. Was he a Macabebe?

The WITNESS. He was a white man. He was an American.

Senator BURROWS. Was he in the United States service?

The WITNESS. Yes; he was a regular soldier, but detailed. I do not remember his name, sir. And I saw this being done, and I told Major Geary. I went over and said to Major Geary that no commissioned officer seemed to be in charge there or seemed to be observing it, and that I would stay there for a while if he wished me to. He said: "All right, if you want to." So in that way I happened to see this performed on about, I would say, something over twenty men. This was on the second morning. * * *

The CHAIRMAN. Did the men subjected to this torture die?

The WITNESS. I never saw a man die. But I saw a man who I thought was going to die once, and I had indirect evidence that a man had died in another case; but nothing that I could testify to. * * * I saw men thrown down and heard their groans and that sort of thing.

Q. Please tell the committee what you actually saw.

A. That is, you want me to describe one individual case of a man being put through the water cure? * * * A man is thrown down on his back and three or four men sit or stand on his arms and legs and hold him down, and either a gun barrel or a rifle barrel or a carbine barrel or a stick as big as a belaying pin * * * is simply thrust into his jaws and his jaws are thrust back, and, if possible, a wooden log or stone is put under his head—under his neck, so he can be held firmly. * * * He is simply held down, and then water is poured onto his face, down his throat and nose from a jar, and that is kept up until the man gives some sign of giving in or becomes unconscious, and when he becomes unconscious he is simply rolled aside and he is allowed to come to. That is as near a description as I think I can give. All the cases were alike I saw on that occasion.

By Senator CULBERSON:

Q. Is the water allowed to remain in the man, or is it in any way expelled from him by any method?

A. Well, I know that in a great many cases, in almost every case, the men have been a little roughly handled; they were rolled aside rudely, so that water was expelled. A man suffers tremendously; there is no doubt about it. His suffering must be that of a man who is drowning, but who can not drown. * * *

By Senator BEVERIDGE:

* * * * * * *

Q. Nor did you give any orders to our soldiers who participated to stop their participations?

A. No. All I did was in one or two cases where men who were obviously not insurrectos were being put through this I gave orders to let them go; but simply my whole witnessing it was rather in the nature of seeing that it did not go to any gross extreme. * * *

By Senator BURROWS:

Q. In this case, where you say the water cure was administered to some 20 persons, I want to ask you what offense these people had committed.

A. They were supposed to be insurrectos. I did not at the time know enough of the language to understand the conversation between them and the Macabebes who were putting them through this ordeal. All I know is that they would take a man and throw him down and work on him for a while, and then he would run off and get a gun or a bolo. * * *

By Senator PATTERSON:

Q. About how many were subjected to this torture the first night?

A. According to my best judgment, I should think about 30 were put through it the first evening, because it kept on for a long time until daybreak. I should say 20 the next morning, under my personal observation.

* * * * * * *

The CHAIRMAN. Did you see it done on any other occasion?

A. Yes; once up north of San Miguel.

Senator CULBERSON. On how many people was it done there?

The WITNESS. I think about 15 men were put through on that occasion.

Senator BEVERIDGE. Did they get the guns there?

The WITNESS. No; they did not get any guns at all.

* * * * * * *

By Senator BURROWS:

Q. Was any inquiry made before the torture was inflicted as to whether or not they had arms?

A. I do not know. No; they seemed to be put through as a matter of routine. * * * Finally the man would give some sign that he had yielded, and then he would be allowed to get up and two of them would run off with him to his house or little bamboo thicket, and they would then come back with a gun or bolo or some ammunition.

Q. He would be able to get up and run with these two men, would he, directly after this treatment?

A. He would unless he was put through a very hard siege. * * * What I mean to say is that some men would yield almost instantly, and would not be put through as brutal methods as I have described, while other men would have more courage or, perhaps, would be more ignorant, and they would be put through to the stage where they were unconscious or almost drowned.

By Senator MCCOMAS:

Q. Did that happen to a few or many of these men?

A. A rather small proportion, because by far the greater part, I should say probably two-thirds, of the people I saw did not get this severest treatment. In those cases it did not get to the point of great brutality. They simply would get up and run off and get their guns; and other men fought it out and would not yield until they had been subjected to severe treatment, and there was one man who absolutely refused.

Senator DIETRICH. You think it was the men who were the most ignorant who resisted the hardest, and those who seemed more intelligent yielded quickly and did not receive such harsh treatment?

The WITNESS. No; I think the men who were more courageous or perhaps did not have any guns suffered the most. By ignorant I mean that they did not really know anything to tell us.

Senator CARMACK. You say you saw one man who never did yield?

* * * * * * *

The WITNESS. One man was pointed out to me as being an alleged insurgent lieutenant, and he was pointed out as being absolutely unyielding.

Senator MCCOMAS. You did not see that?

The WITNESS. I saw his condition. They had worked pretty hard on him. He was pointed out simply as being a most gallant man.

Senator BEVERIDGE. When this man was pointed out, what condition was he in?

The WITNESS. He was almost fainting. I did not see him worked upon, but I simply saw him being led around, and I think Major Geary sent word

not to have anything to do with that man any more. I mean to let him pass, not to bother him any more, to let him go.

* * * * * * *

Q. You say that in the cases of old men their teeth were knocked out?
A. Yes; I saw that in one or two cases.
Q. On account of the gag?
A. Yes; it was thrust in pretty roughly in that instance.
Q. When they got this gun barrel or stick in a man's mouth, how did they hold that there?
A. Two men would get on either side of him.
Q. And hold it in?
A. Simply hold it down, and half a dozen men would sit over a man.

* * * * * * *

Senator BEVERIDGE. * * * I ask you why, in these instances, you did not stop it, since you did stop it in instances where you thought it improper?
A. The only reason I thought it was improper was because I thought it seemed to me that the men who were being subjected to this treatment were not men who could give any assistance or advice or had any guns; they were men who appeared to me to be obviously noncombatants.
Q. Those men were let off?
A. Yes, sir.

* * * * * * *

The WITNESS. The whole attitude of Major Geary's command, from top to bottom, was absolutely passive in this matter. We were not interfering at all. These Macabebe scouts went there and watered these men. * * * We sat around and watched it, and in some cases our men volunteered to help it along.

* * * * * * *

By Senator CULBERSON:

Q. In that connection I will ask you to state if you saw any Filipino towns burned by American soldiers?
A. Yes; I have seen hamlets, small towns of 50 or 60 houses burned.
Q. How many houses?
A. Fifty or sixty houses—what they call barrios.
Q. Were the people who lived in these houses engaged in peaceful pursuits?
A. Apparently, yes.
Q. And they were burned by the American troops?
A. They were.
Q. Did you know of the burning of your own knowledge?
A. Absolutely.
Q. You saw it?
A. I saw it.
Q. By American soldiers?
A. Yes; I saw it.

Senator PATTERSON. What became of the men, women, and children that were occupying those hamlets?

The WITNESS. I think the idea was at that time that the burning of these villages would drive the people to the woods or to the towns; a policy of concentration, I think.

By Senator CULBERSON:

Q. Do you know who they borrowed that method from?
A. Yes, sir; I saw it done in Cuba.

* * * * * * *

Q. Under whose authority?
A. Under General Weyler, I believe.
Senator BEVERIDGE. Were you in Cuba?
The WITNESS. Yes; I was there in 1893.

[From proceedings Senate committee, p. 884.]

REPORT OF MAJ. CORNELIUS GARDENER, PROVINCIAL GOVERNOR OF TAYABAS.

DECEMBER 16, 1901.

Since I have been governor I have traveled all over this province with no other escort than natives. * * * As civil governor I feel it my duty to say that it is my firm conviction that the United States troops should at the earliest opportunity be concentrated in one or two garrisons, if it is thought desirable that the good sentiment and loyalty which formerly existed to the United States Government among the people of this province should be conserved and encouraged.

Being in close touch with the people, having visited all the pueblos one or more times, having lived with them in their homes, I know that such a sentiment once existed. Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents can not occupy it, the torturing of natives by so-called "water cure" and other methods in order to obtain information, the harsh treatment of natives generally, and the failure of inexperienced, lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment above referred to is being fast destroyed and a deep hatred toward us engendered. If these things need be done they had best be done by native troops, so that the people of the United States will not be credited therewith. * * *

The course now being pursued in this province and in the provinces of Batangas, Laguna, and Samar is, in my opinion, sowing the seeds for a perpetual revolution, or at least preparing the people of these provinces to rise up in revolution against us hereafter whenever a good opportunity offers. Under present conditions the political situation in this province is slowly retrograding, and the American sentiment is decreasing and we are daily making permanent enemies.

In the course above referred to, troops make no distinction often between the property of those natives who are insurgents or insurgent sympathizers and the property of those who heretofore have risked their lives by being loyal to the United States and giving us information against their countrymen in arms. Often every house in a barrio is burned.

APPENDIX 2.

Quotations from General Otis's testimony read by Senator Carmack in the course of Mr. Patterson's speech, and referred to therein.

REASONS FOR DEVIATING FROM PRESIDENT'S INSTRUCTIONS.

Senator CARMACK. The point I was coming at was this: That you thought it better to eliminate all such expressions referring to sovereignty and right of occupation, and so forth, from that report?
General OTIS. Yes.
Senator CARMACK. And in your report you said, "After considering the President's proclamation." Of course, technically, it was not a proclamation?
General OTIS. No, it was not; that word is not properly used, if I used it.
Senator CARMACK. I understand. And you said you felt you would be justified in so amending the paper, and so on?
General OTIS. Yes.
Senator CARMACK. And leaving out those expressions?
General OTIS. Yes.
Senator CARMACK. I want to ask you if it was your object in doing that to eliminate any words significant of future political domination, as you say here in your report? Was that your idea in suppressing the word "sovereignty," for instance?
General OTIS. I suppressed the word "sovereignty" on account of the peculiar meaning that the Filipinos attached to it.

FILIPINO UNDERSTANDING OF "SOVEREIGNTY" AND "PRESTIGE."

Senator ALLISON. They did not understand it as you understood it?
General OTIS. Aguinaldo immediately said: "You are coming now right under a domination equal to that of Spain and you will be in the same condition." "Sovereignty" was a word that was used and "prestige" was a great word they used. They had peculiar significance for them.
Senator CARMACK. You think, then, they attach some peculiar and sinister meaning to the word "sovereignty?"
General OTIS. They endeavor to attach the meaning which the word conveyed to them while under the domination of Spain.

INSTRUCTIONS OF THE PRESIDENT AND PROCLAMATION OF GENERAL OTIS COMPARED.

Senator CARMACK. I notice here, in comparing the instructions of the President with your proclamation, that you not only struck out the word "sovereignty," but all language that bore an equivalent meaning or that seemed to suggest sovereignty. You not only struck out the word "sovereignty," but all language that seemed to be suggestive of sovereignty or of control and domination by the United States. For instance, in the President's——
General OTIS. I want the two compared, if I could get hold of the President's instructions.
Senator CARMACK. I thought you said you had them.
General OTIS. No; I have my proclamation, but not the President's instructions.
Senator ALLISON. The clerk is trying to find them.

INSTANCES OF ELIMINATION OF LANGUAGE OF PRESIDENT'S PROCLAMATION.

Senator CARMACK. According to this report I have here before me, there occurs in the President's proclamation this language:
"With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant, and as a result of the victories of the American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States."
All that language you struck out?
General OTIS. All that language, yes. That is a sort of a preamble to the President's instructions. After finishing with the preamble, then he directs us to issue a proclamation stating to the people so and so. That proclamation was issued.
Senator CARMACK. You inserted in place of that:
"That in the war against Spain the United States forces came here to destroy the power of that nation and to give the blessings of peace and individual freedom to the Philippine people."
Further on in the proclamation you strike out the following language:
"All others will be brought within the lawful rule we have assumed."
Before that there is recited in the President's instructions:
"All persons who, either by active aid or by honest submission, cooperate with the Government of the United States to give effect to these beneficent purposes will receive the reward of its support and protection."
That appears in your proclamation also, and after that you strike out:
"All others will be brought within the lawful rule we have assumed, with firmness, if need be, but without severity in so far as may be possible."
You strike out that language from the President's instructions.
You also strike out the following from the President's instructions:
"Within the domain of military authority, which necessarily is and must remain supreme in the ceded territory until the legislation of the United States shall otherwise provide."
General OTIS. Is that in the preamble, or is that in the proclamation?

INSTANCES OF CHANGES IN LANGUAGE OF PRESIDENT'S PROCLAMATION BY GENERAL OTIS.

Senator CARMACK. It can hardly be called the preamble. You say instead of that—
"The President of the United States has assumed that the municipal laws of the country in respect to private rights and property and the repression of crime are to be considered as continuing in force in so far as they be applicable to a free people."
You insert these words:
"In so far as they may be applicable to a free people."
Then again, after reciting, in the language of the President, that the municipal laws of the territory in respect to private rights and property and the repression of crime are to be considered as continuing in force and be administered by the ordinary tribunals so far as practicable, and that the operation of civil and municipal government is to be performed, and so on, you then strike out the words referring to these officers, "as may accept the supremacy of the United States by taking the oath of allegiance."
You substitute therefor the language:
"Are to be performed by such officers as wish to accept the assistance of the United States"—
Striking out the words "supremacy of the United States" and the reference to the oath of allegiance.
Senator ALLISON. Why would it not be a good idea to have the General explain about this as you go along?
Senator CARMACK. I want you to have it all together; I want to put in the whole thing and then ask him about it.
Then, again, reading from the instructions of the President:
"All ports and places in the Philippine Islands in the actual possession of the land and naval forces of the United States will be opened to the commerce of all friendly nations."
You strike out the words "actual possession of the land and naval forces of the United States," and you simply say:
"The ports of the Philippine Islands shall be open to the commerce of all foreign nations."
Further on, reading from the President's instructions:
"In the fulfillment of the high mission, supporting the temperate administration of affairs, for the greatest good of the governed, etc."
The language of your proclamation is:
"In the fulfillment of this high mission, while upholding the temporary administration of affairs for the greatest good of the governed."
And then you add——
General OTIS. The President concludes his instructions in the following language, and I quote from the President's instructions——
Senator CARMACK. And then you insert:
"It is also my belief that it is the intention of the United States Government to draw from the Filipino people so much of the military force of the

islands as is possible and consistent with a free and well-constituted government of the country, etc."

Concluding your proclamation with this language:

"I am also convinced that it is the intention of the United States Government to seek the establishment of a most liberal government for the islands, in which the people themselves shall have as full representation as the maintenance of law and order will permit, and which shall be susceptible of development, on lines of increased representation and the bestowal of increased powers, into a government as free and independent as is enjoyed by the most favored provinces of the world."

You change the President's language also by inserting other language in several places. For instance, you say:

"The United States forces came here to destroy the power of that nation and to give the blessings of peace and individual freedom to the Philippine people."

That is inserted in your proclamation. The words "freedom to the Philippine people" are inserted.

And again, in speaking of the continuance of the local or municipal laws, you add the words "in so far as they may be applicable to a free people."

General OTIS. That was most necessary in order to free prisons.

Senator CARMACK. You not only omit the word "sovereignty," but you omitted, did you not, all words that seemed to be significant of future political domination and inserted words suggestive at least of a contrary purpose?

General OTIS. No. You find this language here:

"I am also convinced that it is the intention of the United States Government to seek the establishment of the most liberal government for the islands, in which the people themselves shall have as full representation as the maintenance of law and order will permit, and which shall be susceptible of development, etc."

FILIPINOS' HORROR OF THE WORD SOVEREIGNTY.

Senator CARMACK. I understand that; but you say that the Filipinos have been taught to regard the word "sovereignty" with a peculiar horror.

General OTIS. Yes.

Senator CARMACK. What about the words "control," "disposition," and "government," which are also struck out of the President's instructions?

General OTIS. Will you permit me to make a few remarks right here?

Senator CARMACK. Certainly.

Further on the following occurred:

General OTIS. I was fighting very hard for peace, and I struck out words which I thought Mabini might use to excite the people.

Senator CARMACK. That meant that any words that could convey to the people the idea that they were to be under the political control and domination of the United States would excite the people, and you did not want that idea to get to them? Is that your meaning?

General OTIS. Yes; that is, I did not wish to make use of words by which Mabini might excite the people just at that time. This proclamation was issued long before the ratification of the treaty, if you will notice.

APPENDIX 3.

AN EPITOME OF HISTORICAL EVENTS, WITH OFFICIAL AND OTHER CORRESPONDENCE CONNECTED WITH THE ACQUISITION OF THE PHILIPPINE ISLANDS.

[Prepared by Erving Winslow, secretary of the New England Anti-Imperialistic League.]

HISTORY OF THE PHILIPPINE POLICY.

PREFATORY NOTE.—Prof. Theodore S. Woolsey, in an article on "Our relations with China," printed April 28, 1900, recalled that—

"The importance of retaining the Philippines, when the treaty of peace with Spain was being negotiated, and later when its ratification was in question, was urged not only on account of their own fertility and resources, but also and particularly because their fortunate situation would aid this country in extending its trade with China."

No one can understand the genesis of the Philippine acquisition by the United States who does not recall to mind the Chinese situation in the fall of 1897 and the winter of 1897-98. For, as Professor Woolsey has intimated, China furnished the chief motive for the McKinley Administration's Philippine policy.

In his annual message to Congress, December 5, 1898, President McKinley said:

"The United States has not been an indifferent spectator of the extraordinary events transpiring in the Chinese Empire, whereby portions of its maritime provinces are passing under the control of various European powers."

Those events are worth recalling. On October 18, 1897, the news was telegraphed over the world that the Russian fleet had entered Port Arthur with the intention of wintering there. In November, 1897, some German missionaries were murdered by Chinese in the province of Shantung, with the result that the German Government took forcible possession at once of Kiao Chou Bay, and then secured, by coercion of the Chinese Government, a ninety-nine years' lease of the same, and practically established a protectorate over Shantung Province. The United States Government was officially informed by Minister Denby, in a dispatch dated March 29, 1898, that a convention had been signed between Russia and China by which Port Arthur and Talienwan were ceded to Russia under a lease; and earlier still, on March 9, 1898, the Government was informed by Minister Denby of the terms of the settlement between Germany and China regarding Kiao Chou Bay.

A dispatch from Mr. Denby, dated April 5, 1898, stated that China had ceded Weihaiwei to Great Britain, and on April 20, 1898, Mr. Denby informed the Washington Government concerning the French occupation of Kwangchou Bay. All this information reached Washington in official form before the outbreak of the Spanish war (see diplomatic correspondence concerning China in House Doc. No. 1, Fifty-fifth Congress, third session), but the main facts were in the newspapers and before the public, in their most important bearings upon the status of China, as early as the autumn of 1897 and the winter of 1897-98. The threatened partition of China was a conspicuous topic of discussion during those months among publicists, statesmen, and diplomats. The commercial interests of the United States in China were repeatedly pointed out. The New York Tribune, on January 1, 1898, said editorially:

"The United States, too, has great interest in China and hopes to have greater when the annexation of Hawaii and the laying of the telegraphic cable shall have helped this country into the dominant rank in Pacific commerce to which it is naturally entitled."

There was even talk of going to war to prevent China's dismemberment by protectionist powers. Senator TELLER, of Colorado, in an interview January 3, 1898, said:

"It is our duty to prevent the dismemberment of China. We should join with Great Britain in a notice to Russia and Germany that dismemberment will not be permitted."

Thus the general oriental question was in the minds of the ruling statesmen of America in the winter preceding the Spanish war. The Administration, as President McKinley said later on to Congress, was not an "indifferent spectator" of the important events that took place on the coast of Asia. Meanwhile our relations with Spain concerning Cuba concentrated public attention, and these relations were growing more acute. In the same month, November, 1897, that German war ships entered Kiao Chou Bay the Government at Washington had been pointedly reminded of the interesting relation that existed between the Chinese question and the Cuban question through Spain's sovereignty in the Philippine Islands, an archipelago lying off the Chinese coast.

On November 3, 1897, Consul-General Wildman, at Hongkong, called the attention of the Department of State to the offer of an alliance that had been made by Agoncillo, agent of the Filipino insurgent junta, the alliance to be between the Philippine republic and the United States in the event of a war between the United States and Spain. (See p. 333, Senate Document No. 62, part 1, Fifty-fifth Congress, third session.) This offer was declined by the United States Government in a dispatch by Mr. Cridler to Consul-General Wildman, dated December 15, 1897. The correspondence is important as showing that some five months, at least, before the outbreak of war with Spain our Government realized the delicate situation in the Philippines, and was also considering Philippine affairs at a time when the Chinese question was stirring the public mind of Europe, America, and Japan. It may also be asserted that the Washington Administration was at that early date also considering the possibilities of a military campaign in the Philippines, for in McClure's Magazine of October, 1899, Governor Roosevelt, who was Assistant Secretary of the Navy prior to the Spanish war, wrote as follows:

"It has been said that it was a mere accident that Dewey happened to be in command of the Asiatic Squadron when the war with Spain broke out. This is not the fact. He was sent to command it in the fall of 1897, because, "to use the very language employed at the time, it was deemed wise to have there a man 'who could go into Manila if necessary.'"

Having sketched the background in the Far East as it appeared to the Administration in the autumn of 1897 and the winter of 1897-98, we may now review the successive steps in the actual development of the policy of conquest and territorial acquisition in the Philippines.

1.

Explosion of the *Maine* in Habana Harbor February 15, 1898.

2.

Assistant Secretary of the Navy Roosevelt, Secretary Long being absent from duty, on February 25, 1898, sent a dispatch to Commodore Dewey, of the Asiatic Squadron, in which he said:

"Order the squadron, except *Monocacy*, to Hongkong. Keep full of coal. In the event of declaration of war with Spain your duty will be to see that the Spanish squadron does not leave the Asiatic coast, and then offensive operations in the Philippine Islands."

[NOTE.—So far as is known this dispatch to Commodore Dewey, sent two months before the declaration of war, was the first sent by the United States Government with regard to a conquest of the Philippine Islands. Its historical importance is evident, since it proves that an offensive campaign in the archipelago was early planned to follow the destruction of the Spanish fleet.]

3.

Commodore Dewey, March 31, 1898, cabled from Hongkong to Washington:

"About 15,000 soldiers of all arms in all the islands, of which the majority are in the vicinity of Manila. The islands are now in a state of insurrection and my informants state that even Spanish soldiers, which constitute only a small part of the whole, are disaffected. Both ships and ports are in need of ammunition. I believe I am not overconfident in stating that with the squadron now at my command the vessels could be taken and the defenses of Manila reduced in one day. There is every reason to believe that with Manila taken, or even blockaded, the rest of the islands would fall either to the insurgents or ourselves, as they are only held through the support of the navy and are dependent upon Manila for supplies. Information has just reached me that there are 5,000 armed rebels in camp near Manila who are ready to assist us."

[NOTE.—This dispatch shows that Commodore Dewey, several weeks before war began, was placing bright assurances before the Government at Washington of a conquest of the archipelago that should take place after a naval battle. This dispatch is in harmony with the February instructions of the Government to the Commodore; it also foreshadows cooperation with the Filipino insurgents against Spain. It is worth nothing, too, that the Government, after the receipt of this dispatch, sent no word to Dewey cautioning him to limit his operations to establishing control of the sea. Meanwhile let us observe the course of the diplomatic correspondence between the Washington Government and its minister at Madrid, Gen. Stewart L. Woodford, bearing, at the same time, Dewey's dispatch of March 31 in mind. On that same day, March 31, Minister Woodford cabled to the President:

"Spanish pride will not permit the ministry to propose and offer an armistice (to the Cuban insurgents) which they really desire. * * * The ministry have gone as far as they dare to-day."

On April 3 Minister Woodford wrote to Washington:

"The Spanish minister for foreign affairs assures me that Spain will go as far and as fast as she can. The Austrian ambassador * * * says that he will guarantee that Spain will do this."

The diplomatic correspondence (House Document No. 1, Fifty-fifth Congress, third session) shows that the Spanish Government was moving as rapidly as possible to meet American demands regarding Cuba, and were delaying in the matter of the armistice in order not to outrun the movement of Spanish public opinion. Only a few days, however, were required for Spain to meet the Washington Government regarding the armistice which Secretary Day had suggested, and this was to be done in a way shrewdly calculated to gain the support of a Catholic people like the Spaniards. On April 5 Minister Woodford cabled to the President:

"Should the Queen proclaim the following before 12 o'clock noon of Wednesday, April 6, will you sustain the Queen, and can you prevent hostile action by Congress?

"'At the request of the Holy Father in this Passion Week, and in the name of Christ, I proclaim immediate and unconditional suspension of hostilities in the island of Cuba.

"'This suspension is to become immediately effective so soon as accepted by the insurgents in that island, and is to continue for the space of six months, to the 5th day of October, 1898.

"'I do this to give time for passions to cease, and in the sincere hope and belief that during this suspension permanent and honorable peace may be obtained between the insular government and those of my subjects who are now in rebellion against the authority of Spain. I pray the blessing of heaven upon this truce of God, which I now declare in His name and with the sanction of the Holy Father of all Christendom.'

"Please read this in the light of all my previous telegrams and letters. I believe that this means peace, which the sober judgment of our people will approve long before November, and which must be approved at the bar of history."

The reply to Minister Woodford, sent that same night, was remarkably cool and unresponsive, being as follows:

"The President highly appreciates the Queen's desire for peace. He can not assume to influence the action of the American Congress beyond the discharge of his constitutional duty in transmitting the whole matter to them with such recommendations as he deems necessary and expedient. * * * If armistice is offered by the Government of Spain, the President will communicate that fact to Congress. The President's message will go to Congress to-morrow. It will recount the conditions in Cuba. * * * He will not advise the recognition of the independence of the insurgents, but will recommend measures looking to the cessation of hostilities."

The important point in this connection is that this virtual breaking off of negotiations with Madrid for a peaceable solution of the Cuban problem (as was clearly implied in the announcement to General Woodford that the President's war message would go to Congress the next day, despite Spain's effort to meet American demands regarding an armistice) followed Dewey's dispatch of March 31, painting brightly the prospects of an easy conquest of the Philippines within five days. The inference is that Dewey's dispatch regarding the easy Philippine conquest had direct effect upon Washington diplomacy and made strongly for war.]

4.

Meeting at Singapore between United States Consul-General Pratt and Emilio Aguinaldo, April 24, 1898. On the same day Mr. Pratt cabled to Dewey at Hongkong:

"Aguinaldo, insurgent leader, here. Will come to Hongkong arrange with Commodore general cooperation insurgents Manila, if desired. Telegraph."

On the same day Dewey answered:

"Tell Aguinaldo to come soon as possible."

[NOTE.—In a cable to Secretary Day, dated April 27, 1898, Consul-General Pratt said:

"General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila."

On April 28, the next day, Mr. Pratt wrote to Secretary Day:

"I think that in arranging for his [Aguinaldo's] direct cooperation with the commander of our forces I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines."

Now, although Aguinaldo was in Hongkong as late as May 17, the Washington Government, already informed by Mr. Pratt of the new relations between Commodore Dewey and Aguinaldo, made no effort to prevent the Filipino leader from being transported to Luzon on an American ship and under American auspices.]

5.

Cable from Secretary Long to Commodore Dewey, April 24, 1898:

"War has commenced between the United States and Spain. Proceed at once to Philippine Islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy. Use utmost endeavors."

[NOTE.—This dispatch is notable in one respect. It implies that the "operations" to be begun are more comprehensive than the capture or destruction of the Spanish fleet. Thus it is in entire harmony with the instructions sent to Dewey February 25 and with Dewey's conception of the conquest of the archipelago, after having fought the sea fight.]

6.

War with Spain officially declared April 26, 1898.

7.

Battle of Manila Bay, May 1, 1898, in which Spanish sea power in the Orient is annihilated.

8.

General Miles, on May 3, 1898, immediately upon receiving the news of Dewey's naval victory, writes to the Secretary of War recommending that some 5,000 troops, under command of Gen. T. M. Anderson, "be sent to occupy the Philippine Islands." On May 4, 1898, the President approves General Miles's recommendation, as follows:

"EXECUTIVE MANSION, *May 4, 1898.*

"The troops designated by General Miles, if approved by the Secretary of War, should be assembled at San Francisco, Cal., for such service as may be ordered hereafter.

"WILLIAM MCKINLEY."

9.

On May 16, 1898, after seeing Commodore Dewey's dispatch of May 13, General Miles makes a second recommendation, increasing the size of the army to be sent to the Philippines, "in order to make the United States forces as strong and effective as possible, with a view to its maintaining our possession and our flag on the Philippine Islands."

10.

On May 17, 1898, Gen. Wesley Merritt, who had been appointed commander of the military force to be sent to the Philippines, writes to the War Department, protesting that the force to be given him is—

"Unsuited to the ends to be accomplished and insufficient in efficiency * * * when the work to be done consists of conquering a territory 7,000 miles from our base, defended by a regularly trained and acclimated army of from 10,000 to 25,000 men and inhabited by 14,000,000 people, the majority of whom will regard us with intense hatred born of race and religion."

11.

The President communicates his instructions to General Merritt on May 19, beginning as follows:

"The destruction of the Spanish fleet at Manila, * * * the paroling of the garrisons, and acquisition of the control of the bay have rendered it necessary * * * to send an army of occupation to the Philippines for the twofold purpose of completing the reduction of the Spanish power in that quarter and of giving order and security to the islands while in the possession of the United States."

[NOTE.—The foregoing letters and memoranda by Generals Miles and Merritt and the President are significant of this, namely, that when the news of Dewey's expected naval victory was received in Washington there was no hesitation whatever displayed, either by the General Commanding the Army or by the President himself, in proceeding at once to the next step—the military occupation of the Philippines—which had been first distinctly foreshadowed in the February instructions to Dewey. It is evident also that General Merritt's earliest idea of his own work was that of a conquest. The President's own instructions to Merritt show that at that date, May 19, he did not regard Dewey's naval victory as effecting a conquest of the islands, for he describes Merritt's task as "completing the reduction of the Spanish power," which is a recognition of the fact that the Army was necessary to destroy the Spanish power in the archipelago after the Navy had done its work.

Gen. R. A. Alger, Secretary of War during the Spanish-American war, says in his recently published book, on page 328:

"Although the determination to send an army of occupation to the Philippines was reached before Dewey's victory occurred, and orders for assembling volunteers at San Francisco with this object in view had been given as early as May 4, the news of the success of Manila Bay greatly hastened the preparations for this army."

This statement proves conclusively that the design of sending an army of conquest to the Philippines existed in the Administration prior to Dewey's victory in Manila Bay, and it demolishes utterly the contention which apologists for the Administration have made that there was no thought of acquiring, conquering, or occupying the islands until the naval battle unexpectedly placed Manila in our power.]

12.

Aguinaldo lands at Cavite from the U. S. S. *McCulloch* May 19, 1898.

13.

Aguinaldo issues proclamation to Filipinos, May 24, 1898, prohibiting conduct by them contrary to the laws of war.

14.

Secretary Long cables to Dewey "not to have political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future," May 26, 1898.

[NOTE.—This dispatch is consistent with the original determination of the United States Government to effect a conquest of the Philippines or some portion of them.]

15.

Insurgents isolate Luzon from other islands as early as June 2, and on June 5 they form a circle around Manila, "thus effectually cutting us off from every means of relief." (Testimony of Spanish General Jaudenes.)

16.

Aguinaldo issues proclamation organizing a military government, June 18, 1898.

17.

Aguinaldo issues proclamation establishing an independent revolutionary government June 23, 1898, and on same day issues a message to foreign powers, including United States, announcing establishment of that government.

18.

First American troops, under General Anderson, land at Cavite June 30, 1898.

19.

General Anderson July 4, 1898, writes to Aguinaldo asking that "your people cooperate with us in military operations against the Spanish forces."

20.

Filipino republic proclaimed July 9, 1898.

[NOTE.—During this period the United States Government, while being fully informed, made no protest against the course of Aguinaldo in establishing and proclaiming to the world an independent republic.]

21.

Captain Coghlan, commanding the *Raleigh* and *Concord*, on July 7, 1898, takes Grande Island, in Subig Bay, and turns the Spanish garrison over to Aguinaldo to be kept as prisoners of war. By this act Admiral Dewey treated Aguinaldo as a civilized combatant, and also treated him as an ally, since the act in question took place after Aguinaldo's proclamation of the establishment of an independent native government.

22.

Gen. Wesley Merritt, American commander in chief of the Philippine expedition, arrives in Cavite July 25, 1898.

[NOTE.—General Merritt refrained from the day of his arrival from direct relations with Aguinaldo, whose force had encircled the city and hemmed in the Spanish garrison. See General Merritt's official report, dated August 31, 1898, in which he says:

"As my instructions from the President fully contemplated the occupation of the islands by American land forces and stated that the powers of the military occupants are absolute and supreme and immediately operate upon the political condition of the inhabitants, I did not consider it wise to hold any direct communication with the insurgent leader until I should be in possession of the city of Manila."]

23.

Upon the request of the American generals Aguinaldo withdraws his forces from the sea beach and the "Calla Real" on July 29, so that American troops under Greene could move against the city.

24.

Aguinaldo, August 6, issues an appeal to the foreign powers for the recognition of the belligerency and the independence of the Philippine revolutionary government.

25.

General Merritt and Rear-Admiral Dewey, on August 9, make a formal demand on Spanish general for the surrender of Manila, in which they point out to him that the city is "surrounded in all parts" "by a constantly harassing force."

[NOTE.—The phrase "surrounded in all parts" contained a reference to the insurgents, who held the Spaniards closely invested, except where, on request, they had yielded their positions at one or two points to the American troops. This shows that the American commanders used the fact of the insurgents' military position to influence the Spanish general to surrender.]

26.

Peace protocol between Spain and the United States signed at Washington August 12, 1898.

27.

After a mock assault upon the defenses of Manila by the American troops, which was prearranged with the Spaniards, the city of Manila was surrendered to General Merritt August 13. The insurgent troops were not permitted by General Merritt to enter the city.

[NOTE.—The peace protocol provided that "the United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of the treaty of peace which shall determine the control, disposition, and government of the Philippines."]

There is nothing in that stipulation inconsistent with the assumption that a conquest of the Philippines, or some part of them had been designed by the Administration a considerable time before the war with Spain broke out. When Spain's appeal for terms of peace reached the President, July 26, General Merritt had reached Luzon only the day before, and it was obvious that he could do no more than take the city of Manila within the next few weeks. For the Administration to have declined to offer peace terms to Spain at that time would have been condemned by all the civilized world no less than by our own people.

Although General Merritt had not taken Manila when the peace protocol negotiations were in progress, the Administration achieved its ulterior purposes by indirection, namely, by the terminology of article 3 of the peace protocol, as quoted above. It secured the city of Manila by negotiations even before Merritt captured it, and it also secured an advantage in the protocol—the relegation of the whole question of "the control, disposition, and

government" of the Philippines to the treaty commissioners at Paris—which advantage Merritt was not able to gain by the terms of the capitulation under which Manila was surrendered by General Jaudenes. As will be seen later on, the President, when the permanent treaty of peace was under negotiation at Paris, set up a claim to the whole Philippine Archipelago, by right of conquest, and personally urged it with extraordinary persistency in private and public, although his treaty commissioners declined to accept his views, since they were not supported by international law.

It is a curious, and perhaps significant, fact that as early as July, 1898, the Government of the United States thought it worth while to send a geologist and mineralogist to study the geology and mineral resources of the archipelago. See introduction by George F. Becker to the Report on the Geology of the Philippine Islands, published by the United States Geological Survey, Department of Interior, 1901, in which he says, on page 8:

"In July, 1898, I was ordered to report to the military governor of the Philippines for duty as geologist, and I accompanied Gen. E. S. Otis to Manila. I remained in the Philippines fourteen months."

It may be asked, of what use was a geologist in waging war? He had no military value. Yet when he was sent out to the Philippines the American Army had not even occupied the city of Manila. Obviously the geologist and mineralogist was sent out at that very early day to study the natural wealth of the islands, as his final report shows, and the step was entirely in harmony with the policy of territorial acquisition. Had there been no design of taking territory in the Philippines as a result of the war, then it is difficult to understand the reason for sending out a Government geologist.

28.

Gen. E. S. Otis succeeds General Merritt in command, August 29, 1898.

29.

Insurgents, in response to General Otis's demands, evacuate the suburbs of Manila, September 15, 1898.

[NOTE.—There was controversy between General Otis and Aguinaldo as to the extent of the zone around Manila which the native forces should evacuate. (See General Otis's annual report of August 31, 1899, pp. 19–22.) General Otis finally admitted that Aguinaldo's claim that Pandacan was beyond the "suburbs" of Manila had been recognized by General Merritt. It followed that, under the Washington protocol, the American forces had no right to occupy the district of Pandacan. Aguinaldo, however, being threatened with the forcible removal of his men by the American Army, withdrew from the district of Pandacan on October 25, and General Otis's forces occupied it. The armed collision on the night of Febuary 4 took place in that same district of Pandacan.]

30.

Filipino Congress meets at Malolos, September 15, 1898.

31.

President McKinley, on September 16, 1898, instructs the American peace commissioners that "the United States can not accept less than the cession in full right and sovereignty of the island of Luzon" in the coming peace settlement at Paris.

32.

Peace commissioners of the United States and Spain meet at Paris, October 1, 1898.

33.

The President, on October 26, instructs his peace commissioners at Paris to demand the cession by Spain to the United States of the whole Philippine Archipelago.

34.

The President, on October 28, directs his commissioners not to yield the position that the Philippines "can be justly claimed by conquest."

35.

The President is informed, in a cablegram from Mr. Day, November 3, that "the majority of the commission are clearly of the opinion that our demand for the Philippine Islands can not be based on conquest."

36.

The President, on November 3, answers Mr. Day, declaring that "the destruction of the Spanish fleet on May 1 was the conquest of Manila, the capital of the Philippines," and assuming that the commissioners had not yielded the claim to the whole archipelago "by right of conquest."

37.

Commissioners at Paris, on November 4, again inform the President that the conquest claim is not valid or sound.

38.

The President, on November 5, accepts the peace commissioners' judgment in this matter.

39.

The Spanish commissioners, on November 28, 1898, accept American terms and agree to cede the Philippine Archipelago in consideration of the payment of $20,000,000 by the United States.

[NOTE.—This transaction was afterwards described by Judge Day, chairman of the American Commission, as a "purchase." (See his letter to D. K. Watson, of Columbus, Ohio, in October, 1899.)]

40.

Treaty of peace signed in Paris December 10, 1898.

41.

Agoncillo, agent of the Filipino government in Paris, publishes a protest against the treaty December 12, because it fails to recognize the independence of the Filipino nation.

42.

The President, in his message to Congress, December 5, 1898, again advances the claim that the Philippine Archipelago had been conquered. Describing the operations, he writes:

"The last scene of the war was enacted at Manila, its starting place. On August 13, after a brief assault upon the works by the land forces, * * * the capital surrendered unconditionally. * * * By this the conquest of the Philippine Islands * * * was formally sealed."

43.

The President, on December 21, 1898, issues an order to General Otis directing him to extend, "with all possible dispatch," to the whole archipelago "the military government heretofore maintained by the United States in the city, harbor, and bay of Manila." He begins this order as follows:

"The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein."

[NOTE.—The President's reassertion of the right to the Philippines by conquest in his annual message of December 5, and his order to Otis of December 21, took place within a few weeks after his treaty commissioners at Paris had notified him that the conquest claim was not valid, and after he himself had yielded to their view, so far as framing the treaty was concerned. Now, if this extraordinary performance by the President be interpreted in the light of all that has gone before, dating from the instructions to Dewey in February, 1898, what is the reasonable conclusion the student of history must come to? Surely, he must first conclude that the President had the idea of a conquest of the Philippines deeply embedded in his mind, that the idea had been planted there some time before the war with Spain began, and that he persisted in holding to it even after the theory of conquest as a claim to territory had been abandoned by his treaty commissioners.]

The final conclusion must be that the Administration had entertained the design of a parmanent conquest of the Philippines or a part thereof as early as the late winter of 1897–98, when the situation in China and the situation in Cuba combined to direct the thoughts of statesmen to the possibilities of a war between the United States and Spain. This conclusion is strengthened, moreover, by the haste and prematureness of the order to General Otis to extend his territory over the whole archipelago. When this order was issued, December 21, 1898, the Paris treaty had not been ratified and none of the territory outside of Manila and its suburbs was yet in any sense subject to American jurisdiction. The order of December 21, therefore, was unlawful and a clear usurpation of power by the Executive in order to occupy with his military forces, at the earliest possible moment, territory which he claimed on a false basis. It is clear that the Chief Executive's mind was saturated with the idea of conquest.

44.

The President on December 23, 1898, orders that United States troops be sent to occupy the city of Iloilo in the island of Panay.

45.

The Spanish General Rios, on December 24, 1898, surrenders Iloilo to the armed forces of the Malolos government, which thereupon takes possession of the place and maintains law and order.

46.

American force, under command of Gen. M. P. Miller, reaches Iloilo Harbor on December 28, 1898. General Miller demands the surrender of the city.

47.

The "federal government of the Visayas" refuses, December 30, to surrender Iloilo to General Miller. Iloilo merchants petition General Miller not to attack.

48.

General Otis, on December 29, sends to General Miller, by a British cruiser, a copy of the President's proclamation of December 21, ordering the immediate extension of American authority over the entire archipelago. In a note to General Miller, accompanying the President's proclamation, General Otis writes:

"You can remain in the harbor with your forces. If you meet with decided or strong opposition, await there further instructions and, if necessary, I can direct a portion of your force to other ports in the southern islands, where you will not meet much, if any, opposition."

[NOTE.—This proves that General Otis already contemplated executing the President's order of December 21 at once by diverting some of General Miller's troops to the more southern islands.]

49.

General Miller, on January 1, 1899, sends a verbatim and true copy of the President's proclamation or order of December 21 to the native authorities in Iloilo, and, at the same time, asks that they withdraw the native army and allow his troops to enter the city. In a letter to the native authorities General Miller tells them:

"As indicated in the President's cablegram, under existing conditions, the people of Panay Island owe obedience to the political authority of the United States."

He also directs their attention specifically to that portion of the President's proclamation ordering the extension "with all possible dispatch" of the United States military rule over the whole archipelago.

50.

The native authorities of Iloilo, on January 9, 1899, acknowledged the receipt of the verbatim copy of the President's proclamation, but refused to surrender the city.

[NOTE.—The special historical significance of the Iloilo expedition is that it actually and physically began the war between the United States and Filipinos and marks the United States Government, under the personal direction of President McKinley, as the aggressor in that war. When General Miller appeared with a strong military and naval force in Iloilo Harbor and demanded the surrender of the city by the native authorities, who acknowledged allegiance to the Malolos government, he committed an act of war upon that government. When he sent to the Iloilo authorities the President's order directing the immediate extension of American military rule over the whole archipelago he gave notice to the native Filipino government of what was unequivocally an act of war by the President of the United States. We only need to apply these facts to other conditions to understand their true import. If the Emperor of Germany should order his generals to extend German authority over France "with all possible dispatch," the French would be justified in regarding the order as a declaration of war.

There has been considerable controversy as to whether President Kruger, of the South African Republic, was justified in issuing his ultimatum to the British Government. No human being would contend that Mr. Kruger would not have been justified in regarding as the first act of an invasion, and, therefore, as an act of war, an order by the British Government directing its general in South Africa to extend at once British authority over the Transvaal. In the Philippines, in addition to such an order, there was a formal demand by an American general, commanding a military and naval force, for the surrender of a city occupied by the native government. These acts by the President of the United States and an American general were committed at a time when the United States had no shadow of legal jurisdiction over any part of the Philippines outside of Manila Bay, the city of Manila, and its suburbs, as was afterwards admitted by the President, McKinley himself, in a speech at Pittsburg, Pa., August 28, 1899, when he said:

"Until the treaty was ratified we had no authority beyond Manila—city, bay, and harbor."

Now, the treaty did not pass the United States Senate until February 6, 1899, a full month after General Miller's demand for the surrender of Iloilo, and the ratifications were not exchanged between Spain and the United States, the act which alone gave any legal force to the treaty, until April 11, 1899. So far as the Filipino people and their government de facto were concerned, the proclamation of December 21, 1898, and General Miller's demand for the surrender of Iloilo were acts of aggression—acts of war—notwithstanding that the Malolos government had not been officially recognized by any of the powers and had no acknowledged international standing. The fact that actual bloodshed did not begin until February 4, 1899, in no wise invalidates the fact that an aggressive war was begun by the United States Government a full month at least before that date.]

51.

General Otis, on January 4, 1899, issues the President's proclamation of December 21, in a new form, revised by himself, so as to omit the passages most offensive to the feelings of the Filipino people.

[NOTE.—This step on General Otis's part was unavailing, first, because even in the amended form the proclamation indicated the immediate assumption by the United States of full authority over the whole archipelago; second, because the literal version had already been published broadcast by General Miller in Iloilo, whence it was communicated to the headquarters of the native government at Malolos, the telegraph lines of the archipelago being at that time under the control of the natives.]

52.

Aguinaldo, on January 5, 1899, issues a counter proclamation and protest.

[NOTE.—Aguinaldo, in issuing this proclamation, was cognizant of the acts of war that had already been committed by the United States Government, for he said:

"My government can not remain indifferent in view of such a violent and aggressive seizure of a portion of its territory."]

53.

General Otis, on January 9, 1899, appoints a commission of Army officers—General Hughes, Colonel Smith, and Lieutenant-Colonel Crowder—to meet a commission of three appointed by Aguinaldo, in conformity with Aguinaldo's request "to confer with regard to the situation of affairs."

[NOTE.—Nothing came of this joint commission's meeting. General Otis, in his official report of August 31, 1899, said:

"They (Filipino commissioners) beg for some tangible concession from the United States Government; one which they could present to the people and which might serve to allay the excitement. Nothing could be accomplished without the sacrifice of some of the attributes of sovereignty (by the United States), and certainly that could not be done by any existing authority."

General Otis added:

"Finally the conference became the object of insurgent suspicion."

That was true. On January 17, 1899, the Independencia, the organ of the Malolos government, printed an editorial in which the following appeared:

"The Filipinos are disillusioned, and believe that the appointment of this commission is for nothing more than to gain time and allow the arrival of more forces (from the United States)."]

54.

Fighting between the American and Filipino armies begins around Manila February 4, 1899, continuing February 5. Filipinos defeated and driven back after suffering very severe losses. General Otis reported:

"Their loss was estimated at 3,000, and, considering the number who died upon the field of battle, might be deemed conservative."

[NOTE.—General Aguinaldo was in Malolos, 18 miles away, when the battle of Manila took place, and it is conceded on all sides that no attack on the American lines that night had been ordered by Aguinaldo or any of his generals. General Otis, in his official report, said:

"It is not believed that the chief insurgent leaders wished to open hostilities at this time, as they were not completely prepared to assume the initiative."

The armed collision on the night of February 4 was clearly unpremeditated. A Filipino, trespassing on territory then held by the American army, was shot and killed by an American sentry, Private Grayson, of the Nebraska Volunteers. From this "first shot" further fighting developed between the outposts of the two confronting armies until after about one hour and a half the engagement became general along the whole line. There was no deliberate "attack" by either army. The situation had become so strained, however, since the acts of war committed by the President of the United States in his proclamation of December 21, and by General Miller in demanding the surrender of Iloilo, that a general battle was easily precipitated when the collision at the Nebraska outpost occurred. It is altogether probable that the generals on both sides had prepared plans of attack for some future date, since, under the circumstances prevailing, the preparation of such plans was simply a part of the professional business of a general in command. Especially natural would it have been for Aguinaldo to have prepared plans of attack on Manila, since acts of war had already been committed against his government by the Government of the United States.

On the other hand, General Otis must have attacked the Filipino army around Manila whenever he had set out to establish American authority over Luzon. All points concerning "what might have been" aside, the essential facts as they took place are as follows: The United States Government committed acts of war in the President's proclamation of December 21 and the expedition to Iloilo, which the Filipino government, according to all civilized usage, would have been completely justified in treating as the initiation and the declaration of war, yet the Filipino government refrained from any warlike act in reprisal calculated to precipitate actual fighting: and actual fighting having accidentally broken out, the Filipino authorities, as is conceded by the American general, had wished at least to postpone it until a later and more opportune time. It is clear, therefore, that the Filipinos did not initiate the war. It is clear, also, that the primary responsibility for that war is deeply rooted in the policy of conquest which has been traced back through the acts of the Administration of President McKinley to a period prior to the war with Spain. The President was now face to face with the logical result of his policy, which was a prolonged and sanguinary war for the actual conquest of the people of the Philippine Archipelago.]

55.

Treaty of peace between the United States and Spain, under which Spain ceded her rights in the Philippine Archipelago, passes the United States Senate February 6, 1899.

[NOTE.—This treaty would not have passed the Senate had not news of the battle of Manila reached Washington before the vote was taken. The change of two votes would have defeated the treaty, and there were two opposition Senators—JONES of Nevada and MCLAURIN of South Carolina—who declared in the Senate that they voted aye because of the outbreak of hostilities. It was represented at that time in this country that the Filipino army had "attacked" the American lines.]

56.

Battle of Caloocan February 10, Filipinos to the number of about 4,000 being defeated, with heavy losses.

57.

General Miller bombards Iloilo February 11 and takes the city.

58.

The Schurman commission reaches Manila March 4.

59.

First northern campaign for the conquest of Luzon, under General MacArthur's immediate command, begins March 24.

60.

Malolos, Filipino government's first capital, occupied by General MacArthur March 31.

61.

The Schurman commission issues a proclamation to the Filipino people April 4. Recites the American claim to full sovereignty over the archipelago and the American purposes.

62.

General Lawton captures Santa Cruz of La Laguna Province April 10.

63.

General Lawton captures San Isidro, 65 miles north of Manila, May 17.

[NOTE.—General Lawton abandoned both Santa Cruz and San Isidro soon after occupying them.]

64.

Filipinos attack MacArthur's line at San Fernando, whither he had advanced from Malolos, but are repulsed, with heavy loss, May 24.

[NOTE.—While MacArthur held his advanced position at San Fernando, Lawton was ordered to retreat, and thus Lawton's turning movement proved unsuccessful.]

65.

Lawton, June 2, starts on an expedition to the east and takes the towns of Morong and Antipolo.

[NOTE.—Not much of this territory was held long as the result of this expedition.]

66.

Lawton, June 7, ordered to move south from Manila with about 4,000 men. He takes Calamba and Los Baños, on Laguna Bay, and occupies the territory south as far as Imus.

67.

Filipinos attack MacArthur again, June 15, at San Fernando, and are again defeated.

[NOTE.—The rainy season had now begun, and there was no further campaigning of consequence by the American Army until the autumn.]

68.

Treaty with the Sultan of Jolo, commonly known as the Sultan of the Sulu Islands, negotiated by General Bates and signed on August 20, 1899.

[NOTE.—This treaty recognized slavery in the Sulu Islands and stipulated that the Sultan and his chief subordinates should be paid monthly pensions or salaries by the United States.]

69.

Second northern campaign by American forces begins in October, 1899. MacArthur marches up the railroad October 22.

[NOTE.—The general plan of this campaign was as follows: MacArthur to move north to Dagupan, Lawton to go east to San Jose, Young to proceed from San Jose to the northwest, and Wheaton, coming down from the northern seacoast at San Fabian, to effect a junction with Young. Thus the Filipino army, with its leaders, was to be hemmed in and the war ended. The campaign, while well conceived, did not succeed in ending the war because, owing to rains and transportation difficulties, the enveloping movements could not be accomplished in time to prevent the Filipinos in arms from escaping east and still farther north into the mountains.]

70.

MacArthur's troops captured Tarlac, Filipino capital, November 12, 1899.

71.

Filipino leaders hold a council of war November 13, at Bayambang, and decide to disband the organized army, which was "incapable of further resistance in the field," and resort to guerrilla warfare.

72.

General MacArthur enters Bayambang, last capital of the Filipino government, November 19.

[NOTE.—The Filipino government was now entirely disrupted except in so far as Aguinaldo, who remained in the field for over a year thereafter, directed the guerrilla warfare.]

73.

General Lawton killed December 18, 1899, south of Manila, on the first day of an expedition to strike Filipino forces in the southern provinces of Luzon.

74.

Engagement at Cavite Viejo January 7, 1900. Native force annihilated.

75.

General Otis is succeeded as military governor and commander of the American Army by General MacArthur May 5, 1900.

76.

Expedition under Major March starts from Manila to run down Aguinaldo May 6, 1900.

[NOTE.—This expedition was unsuccessful.]

77.

The Taft Commission arrives in Manila June 3, 1900.

78.

General MacArthur issues a proclamation of amnesty June 21, 1900, to all who renounce the Filipino aspiration for nationality and accept American sovereignty.

[NOTE.—Throughout the summer and autumn of 1900 guerrilla warfare continued. After the reelection of President McKinley in November, 1900, there was a marked revival of the guerrilla warfare, and a complete failure of the prediction of the Taft Commission that war would end sixty days after McKinley's reelection.]

79.

The Federal party, organized under inspiration of the Taft Commission and composed of natives disposed to be reconciled to American authority, issues a manifesto to the Filipino people December 25, 1900.

80.

General Delgado, Filipino leader in Panay, surrenders January 11, 1901.

81.

The Spooner amendment, so called, conferring upon the President substantially absolute power to govern the Philippines and other islands, passes the United States Congress in February, 1901, and becomes a law by March 3, 1901.

82.

Capture of Aguinaldo through methods not sanctioned by the laws of war, March 23, 1901, by General Funston.

83.

Aguinaldo takes the oath of allegiance to the United States April 2, and on April 19 there is issued an address signed by him advising his compatriots in the struggle for Filipino nationality and independence to accept American rule.

84.

General MacArthur is succeeded by General Chaffee as military governor and commander of the American Army on July 4, 1901, and Judge Taft on the same date assumes the office of civil governor of the archipelago under the authority of the Secretary of War.

[NOTE.—General MacArthur, in his last annual report, dated July 4, 1901, pronounced the military conquest of the Philippine Archipelago substantially complete. He said in a kind of retrospect:

"The presence of America in these islands is simply one of the results, in logical sequence, of great material prosperity."

That is to say, their acquisition was due to commercial and not to humanitarian or accidental or providential causes. The acquisition of the islands was a deliberate conquest, having its conception in the commercial phases of the Chinese situation of 1897-98. And that it was purely a military conquest, which trampled upon the aspirations and sentiments of the bulk of the Filipino people, even as the extinction of Poland and the destruction of the South African Republics violated the dearest traditions of nationality held by the inhabitants of those unhappy countries—that point is clearly conceded in another passage of the same MacArthur report; for, after reviewing the military situation in the Philippines on July 4, 1901, General MacArthur said:

"It is respectfully submitted that the very gratifying conditions herein briefly recapitulated have not been brought about entirely by the hand of Providence, neither must the attitude of the people who have declared for peace, or even that of the leaders of the Federal party, be attributed entirely to unreserved pro-Americanism. It would, therefore, be unsafe to assume these conservative forces as constant factors, the friendly operation of which can be relied upon, irrespective of external influences. * * * The holding force in the islands must be a well-organized Army and Navy. Anything in the immediate future calculated to reduce the efficiency of these instruments will not only be a menace to the present, but put in jeopardy the entire future of American possibilities in the archipelago."]

Mr. LODGE. Mr. President, I shall be glad if the Senator from Idaho [Mr. DUBOIS] or the Senator from Utah [Mr. RAWLINS] will give me any information about the number of speeches which remain to be made in opposition. There is only one Senator on this side who desires to speak in the general debate—the Senator from Wisconsin [Mr. SPOONER], as I said yesterday.

Mr. DUBOIS. I do not know how many Senators will speak on the other side.

Mr. LODGE. The Senator from Wisconsin is the only one who is going to speak at length on our side.

Mr. DUBOIS. Mr. President, it seems to me that the general debate on this bill ought not to occupy, at the outside, more than three days. The minority of the committee, and, I think, the minority Senators generally, would be glad if the general debate could be closed in two days.

The leader of the debate on this side, the Senator from Utah [Mr. RAWLINS], I think does not want me to make this statement, but we all feel here that he has conducted the debate, so far as our side of the Chamber is concerned with great ability, and has given a great deal of time and thought to it. He desires to go away on Wednesday next to see his boy graduated, and I think the feeling on this side is that, in order that he may be able to do so, we should like to have the vote on Tuesday.

So far as the minority of the committee have been able to ascertain, after diligent inquiry, there are but three Senators on our side who desire to debate the bill at length, the two Senators from Georgia and the Senator from Tennessee [Mr. CARMACK]. If there is to be a session of the Senate on Saturday, so far as I know, after the most diligent inquiry, the general debate ought to close on Saturday, if we have a session on Saturday. I can not say that the three Senators on our side who desire to speak—I know of no more, and but one on the other side—will take more than two days, and I presume the Senator from Massachusetts can not say any more than can I whether those Senators will take more than two days. I am, however, quite sure that they will not take more than three days. One of the Senators, the Senator from Wisconsin, told me he certainly would not speak more than a day.

Mr. SPOONER. That is true. I said I would not under any circumstances speak more than a day, and I hope to take very much less time. In fact, I should rather not speak at all. I shall be just as brief as I can.

Mr. TELLER. Mr. President, I want to suggest that we only have three days remaining of this week, as we are not to have a session on Friday, I understand.

Mr. HALE. Why not?

Mr. WARREN. Friday will be Decoration Day.

Mr. TELLER. I do not know why we should sit on that day; but there seems to be an understanding that we shall not, as it will be Decoration Day.

Mr. DUBOIS. Mr. President, of course I shall be very glad to be corrected by any Senator on this side of the Chamber if I have made a misstatement, but I think there are only the three Senators whom I have mentioned who desire to speak at length on the bill. That being so, it seems to me that in three days of this week the general debate can be closed.

Mr. TELLER. I want to suggest that there are some amendments to be proposed to this bill, and I have several myself.

Mr. SPOONER. But this arrangement refers to the general debate.

Mr. TELLER. If we have but two days next week we shall not have time to debate the amendments. Some time ago I called the attention of the committee to what I think are serious defects in the bill, even from their standpoint. If the committee are not intending to make some changes in the amount of land that is to be held in the Philippines, there will be some considerable debate on that question, and it might just as well be had under the general debate as afterwards. We might take up that question to-morrow.

Mr. LODGE. In connection with what the Senator from Colorado [Mr. TELLER] has just been saying, I will say, referring to what he said in debate the other day about the amount of land, that it is the intention of the committee to consider that question, and, I think, to make the change the Senator suggested.

Mr. TELLER. Well, Mr. President, I reserve the right to return to that subject, and I mean to return to it without any reference to any agreement, for I will not consent that the bill shall be passed in that shape without a pretty general discussion of that feature of it. If the committee are not prepared to say by to-morrow, at least, what they are willing to do, I think we ought to wait until they do indicate their intention before we make any agreement as to when we are going to vote; and then I shall want to discuss the matter.

Mr. LODGE. If the Senator will allow me, I was not asking to fix a time for a vote. My intention was to suggest that we should have one day under the half-hour rule and one day under the fifteen-minute rule, voting on the second day, so that we shall have time to take up these amendments and discuss all of them. The amendment to which the Senator from Colorado [Mr. TELLER] refers, I agree with him about entirely. I think that provision in the bill ought to be changed, and I think such an amendment will be made; but there are many amendments, and there ought to be time to discuss them. My desire was, as I have stated, to have two days—one under the half-hour rule and one under the fifteen-minute rule—for the purpose of discussing the amendments to the bill. What I am anxious to arrive at is an agreement as to the termination of the general debate. I think that if there is a general agreement of two days, such as I have described, that will be enough.

Mr. DUBOIS. I of course was simply trying to state the condition on this side of the Chamber.

Mr. LODGE. I understand.

Mr. DUBOIS. I was not intending to enter into any agreement as to when we should vote.

Mr. LODGE. I understand that entirely.

Mr. DUBOIS. I simply wanted to inform the Senator from Massachusetts how we were situated on this side of the Chamber.

Mr. LODGE. I was not asking for any agreement myself.

Mr. HALE. I wish the Senator from Massachusetts would state what he has in contemplation about giving up one or two days of this week—because that is a very serious consideration—in view of getting through with the bill by next Wednesday. I suppose, after having gone so long, after having spent so much time on this bill, and there being such a desire to dispose of it, certainly by Tuesday of next week, the Senate could do nothing better than to spend its time upon this bill through the whole of this week.

There is no precedent for adjourning over Decoration Day. Sometimes, when we have had plenty of time, we have adjourned over Decoration Day and other days; but at other times, when the Senate has been crowded, the Senate has determined that the best interests of legislation would be subserved by continuing in session during any of these days. I do not just now remember whether we have ever remained in session on the Fourth of July.

Mr. LODGE. Yes; we sat once on the Fourth of July since I have been in Congress.

Mr. BACON. And we have sometimes sat on Sunday.

Mr. HALE. Yes; we have sometimes sat on Sunday. I hope the Senator from Massachusetts will see that this measure is kept before the Senate constantly each day until it is finally disposed of.

Mr. LODGE. I certainly intend to pursue the course suggested by the Senator from Maine [Mr. HALE]. I have said in conversation with the Senator from Idaho [Mr. DUBOIS] that if we could get an agreement to vote at an early day next week and Senators did not desire to continue the general debate perhaps we could adjourn over Decoration Day, but of course we can not do that if there are a number of Senators who are desirous of speaking at length on the bill.

I have myself suggested no day on which to terminate the debate, as the Senator from Idaho knows. I did hear this afternoon of the matter to which he refers in connection with the Senator from Utah [Mr. RAWLINS]. Of course, I should be glad to accommodate him, and I am free to say I have a personal reason also which would lead me to desire the same thing, but I do not desire to press my personal wishes, and I know the Senator from Utah would not desire to press his either. At the same time, the debate has run for a long time, and I hope when the general debate is concluded that we may make an agreement as

to the time for voting. The reason I am anxious for an agreement is because that it is but fair to Senators that they should have notice when the vote on this important bill is to be taken, and we ought to give some notice of the time.

Mr. TELLER. I have no doubt that we can vote by next Tuesday; but I think to do that we should have all of this week.

Mr. LODGE. I agree with the Senator from Colorado.

Mr. TELLER. And there should be no adjournment over either Friday or Saturday?

Mr. HALE and Mr. LODGE. That is right.

Mr. TELLER. Then I feel very certain we can vote by next Tuesday. I shall be very anxious to accommodate the Senator from Utah [Mr. RAWLINS], who I know wants to go away; and it seems to me by that time we ought to be able to vote without any agreement in advance.

Mr. GALLINGER. Mr. President, I desire simply to say a word before the matter just under consideration passes from the Senate.

We have patiently listened for five weeks to the discussion of the Philippine bill, and it seems we are to wait at least another week. Under those circumstances, Mr. President, I simply want to enter my mild protest against a session of the Senate on Memorial Day. It is a day that a very large number of people in this country feel is not one for labor; the States observe it as a rule, and I think there is an inappropriateness about the Senate sitting on that day, inasmuch as it will mean at best that we shall remain in Washington only one day longer before the final adjournment of Congress. That is all I desire to say.

Mr. McCOMAS. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. McCOMAS. I am informed that the other House has already agreed to adjourn over Friday and Saturday next.

Mr. HALE. They are not pushed as we are.

Mr. BURROWS. Mr. President, I want to supplement what the Senator from New Hampshire [Mr. GALLINGER] has said in relation to the observance of Decoration Day. By law it is a national holiday. If there is any one event that this nation ought to recognize it is that, and I think it will be an unfortunate example to set to the American people that the Congress of the United States will utterly disregard that day and go on with its ordinary business.

Mr. GALLINGER. And when there is no need for it.

Mr. BURROWS. If, as the Senator from Maine [Mr. HALE] has suggested, we are crowded, that is the fault of the Senate; but we are not crowded. There is ample time to conclude whatever business it is necessary to conclude during the session, and certainly we are not so crowded as to give an example to the whole country of absolute indifference to that day, which is set apart by national enactment as a day sacred to the memory of the men who saved this country.

Mr. HALE. Mr. President, there are not three men in the Senate who will participate in any exercises on Decoration Day. The whole country will participate in the observance of that day, as it ought to do and as it is glad to do; but in emergencies, which have been considered imperative, while the whole country has been engaged in Sunday exercises, attending divine worship, repeatedly the Senate has sat here in this room and attended to public business—the business of the people, the business that we are sent here to do; and if the emergency now is not sufficient to justify a Sunday meeting, it certainly is sufficient to justify us in going on as we have been going on, and giving to the country the best of our work here in this Chamber. I have no fear, if we do that, that fault will be found with us. The soldiers of the country, to whom Memorial Day is dedicated, will assemble, as they have for years, with ranks thinned from year to year and growing rapidly less, but they will none the less, Mr. President, take pleasure in the exercises of that day because we, in the exercise of our duty, are attending to the public business.

Mr. BURROWS. Mr. President, I simply wish to say that, to my mind, it is no argument why Decoration Day should not be observed by the American Congress because the American Congress has repeatedly desecrated the Sabbath, and generally when it was wholly unnecessary. The desecration of the Sabbath by the Congress of the United States is not generally approved by the American people. But I wish to say that in regard to this day——

Mr. BAILEY. Will it interrupt the Senator from Michigan if I ask him if he does not use too strong a word when he says we desecrate the Sabbath by attending to our public duties? It strikes me that it is rather a strong expression.

Mr. BURROWS. The Senator can modify it then.

Mr. BAILEY. I should like the Senator from Michigan to do that, because such sessions never occur more than once every two years.

Mr. BURROWS. I think there is no reason for the Senate or the Congress of the United States to be in session on the Sabbath. In the early part of our sessions we generally drift along and along, and toward the last we hold sessions day and night to rush measures through. A little foresight would avoid all that.

Mr. BAILEY. If the Senator will permit me, I will ask him if he has ever known either House of Congress to sit on the Sabbath when it was reasonably certain we could dispose of the public business without doing so?

Mr. BURROWS. Oh, no.

Mr. BAILEY. Then it must be a necessary work.

Mr. BURROWS. But there is no occasion for this. This is, as I said before, a national holiday, and I think the Congress of the United States ought to set an example of observing it. On that day the President of the United States is to deliver an address at Arlington which will attract the attention of all the soldiers here and of the country, and for the Congress of the United States to be in session while that ceremony is being performed, it seems to me, is not in good taste. That is all I desire to say about it.

Mr. LODGE. Mr. President, I did not intend in what I said to imply that I was pressing for a session on Memorial Day. I had hoped that we could arrange this matter so as to adjourn over Memorial Day and possibly over Saturday, and yet get a vote on the bill early in the ensuing week; but if we are to have so much more general debate I think we ought to sit as constantly as possible. I remember the Senate sat here one session on the Fourth of July when the public business was very pressing.

Mr. President, I do not regard attendance upon public duties and the performance of public duties by men charged with them as a desecration either of the Fourth of July or of Memorial Day. I hold those days quite as sacred as anyone. I do not believe the soldiers of the country or American citizens generally would regard it as a desecration if the Congress of the United States on the Fourth of July, or on Memorial Day, or any other great national holiday, should perform the public duties which they were chosen to perform. The duties the soldiers performed were public duties to the country; and if our duty calls us to sit upon a national holiday, I protest against its being said that some of us are engaged in desecrating such a day. I have no desire to press for a session on Memorial Day. But the fact is, as I have stated, that I once sat here on the Fourth of July. I believe there have been sessions of both Houses held on Memorial Day and on the Fourth of July, and I think it is rather harsh to those who feel it incumbent upon them to perform their public duties on those great days to say that they are desecrating them.

Mr. BURROWS. I did not make the slightest allusion to or statement that by being in session on Decoration Day we are desecrating that day. That remark was made in relation to sessions of Congress on the Sabbath and to that alone.

Now, so far as this matter is concerned, it is perfectly apparent that this debate can close Tuesday or Wednesday of next week, and there is no occasion whatever for sitting on that day, in my judgment, and we might as well adjourn from Thursday until Saturday and observe that day as an example to the American people. There are members of the Senate and the House who were in the Army and who would be glad to have that day observed and would be glad to participate in the ceremonies. But if the majority say that that day shall not be observed, of course we will have to bow to the will of the majority. However, I think it would be a mistake.

Mr. SPOONER. Mr. President, why may we not agree upon a day when a vote shall be taken on the Philippine bill?

Mr. DUBOIS. Mr. President——

Mr. SPOONER. Will the Senator from Idaho permit me?

Mr. DUBOIS. Certainly.

Mr. SPOONER. There has been an elaborate debate upon it. I would not be willing at all that the vote upon it should be delayed by any remarks that I might otherwise desire to make. I think Decoration Day ought to be observed. The old soldiers will meet, of course; but I want to say to my friends that as they meet year after year they are fewer and fewer in number.

Mr. HALE. That has already been referred to.

Mr. SPOONER. I know that, but I refer to it again without making any apology. It would be a very sweet thing to them to have some official recognition of the day. I know they would be very glad indeed if, when they meet, thinking of the men who are gone—and most of them are gone—they should see present some members of the Senate. I think they would be glad to see there my friend the Senator from Maine, and I know he would be glad to be there.

Mr. HALE. I should certainly, if I were at home, be present at the exercises of the chapter of the Grand Army of the Republic, because there would be no public duty that would interfere with it. I would allow no public duty to interfere.

I do not wish to go over the ground I have been over once. If Senators feel that it is not their duty to stay here in this condition, when the time comes they will vote the other way. I shall certainly not vote that way.

Mr. SPOONER. I seldom differ with my friend the Senator from Maine, but I do not regard it as a local matter. It is a national matter. The men who fought for the preservation of the Union, from my standpoint—I do not say the war between the States; I say for the preservation of the Union—fought for the North and they fought for the South, for it was one of the wars in which those men who in a sense were vanquished were in the long reach of time the victors. So I believe that as the days go on we can not as a nation pay too much respect to the old soldiers who, as Memorial Day rolls around, grow less and less in number. I think our friends on the other side feel that just as we do. There is no partisanship about it.

Under the leadership of General Grant the Grand Army of the Republic was foremost in obliterating the bitterness of the war and reconciling the old and bitter differences between the sections.

The other day we attended the reburial of General Rosecrans, and present were members who fought under him, as the Senator from Ohio [Mr. FORAKER] did, and men who fought against him, and the one no more than the other paid honest tribute to his memory. I have a sort of notion, although I may be wrong about it, that as the days go on it is more and more the duty of the Republic to pay some attention to Memorial Day.

Now, so far as the vote on the Philippine bill is concerned in its relation to this subject, I hope we may agree upon a day. It has been said that I have been selected to close the debate upon the majority side of it. I have been no party to that, and I am quite willing if we may have an early vote upon it not to speak on it at all, although I have some views about it.

Mr. CARMACK. We will agree to that.

Mr. SPOONER. If the Senators will agree to that, I will agree.

Mr. GALLINGER (to Mr. SPOONER). If they stop, too.

Mr. SPOONER. What does the chairman of the committee say about that?

Mr. LODGE. What was it?

Mr. SPOONER. I know that is a compliment, and I appreciate it. I am quite willing to vote now. What do Senators say about that?

Mr. KEAN. Let us vote now.

Mr. TELLER. We do not care to vote now.

Mr. BAILEY. Suppose the Senator from Wisconsin submits this request. If he does not desire to do so and will yield, I will submit it: That we take the vote on the Philippine bill next Tuesday and the vote on the Nicaragua Canal bill that Tuesday a week.

Mr. SPOONER. Oh, well.

Mr. BAILEY. I think we can reach an agreement.

Mr. SPOONER. They are not Siamese twins. [Laughter.]

Mr. BAILEY. No; but if the time of the Senate is so important we can save it by a double agreement.

Mr. SPOONER. We can save it without a double agreement.

Mr. BAILEY. It is not so sure you can. If we are to have the same kind of a debate on the Nicaraguan Canal bill that we have had on the Philippine bill, we will be here until the dog days, and the country will take just about as much interest in the debate upon the canal bill as it does in the debate on the Philippine bill.

Mr. SPOONER. I think the Senator is quite right about that, as he is quite right about a great many other things.

Mr. HALE. Let me make a suggestion, if the Senator from Wisconsin will allow me.

Mr. SPOONER. Certainly.

Mr. HALE. As we are now engaged——

Mr. SPOONER. In securing harmony.

Mr. HALE. In making suggestions that will tend to harmony, which would give us a chance to observe Memorial Day and attend to other matters——

Mr. SPOONER. Business.

Mr. HALE. In answer to the suggestion of the Senator from Texas I suggest that upon next Tuesday we vote upon this bill, that upon Tuesday following on the Nicaraguan bill, that upon Tuesday following on the Cuban bill, and on the Tuesday following that we adjourn.

Mr. BAILEY. I will agree to that.

Mr. HALE. That is fair.

Mr. SPOONER. I ask that the proposition be submitted to the Senate.

Mr. TELLER. What is it?

Mr. HALE. That takes all of these questions out of the way.

Mr. SPOONER. Meanwhile we will adjourn over Decoration Day?

Mr. HALE. Undoubtedly. I will agree to adjourn over Saturday also if we make this agreement.

Mr. DUBOIS. Under that arrangement would the Senator from Wisconsin speak?

Mr. SPOONER. No, not if anybody else wants to speak, and I surely do not want to——

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER], aided by the suggestion——

Mr. SPOONER. Aided by the Senate——

The PRESIDING OFFICER. Of other Senators——

Mr. SPOONER. Oh, no. The Senator from Texas, aided by the Senator from Wisconsin——

Mr. HALE. Let the Senator from Wisconsin keep its paternity.

Mr. SPOONER. Oh, no. I did not make the request.

The PRESIDING OFFICER. Asks unanimous consent that the Senate vote on Tuesday next, no hour being stated.

Mr. SPOONER. I ask the father of this proposition to name the hour.

Several SENATORS. No.

Mr. SPOONER. Three o'clock?

Mr. BACON. Do not fix any hour.

Mr. LODGE. Do not name any hour.

Mr. BAILEY. Tuesday——

Mr. SPOONER. Before we adjourn.

Mr. BAILEY. Tuesday is definite enough, because we will take the vote before we adjourn on that day.

The PRESIDING OFFICER. The Chair will endeavor to state the request, which is that the Senate agree unanimously that it will on Tuesday next vote upon the so-called Philippine bill; that a week from that day, the Tuesday following, it will vote upon the Nicaraguan canal bill——

Mr. SPOONER. The isthmian canal bill.

The PRESIDING OFFICER. The isthmian canal bill; that on Tuesday of the week following it will vote upon what is known as the Cuban reciprocity bill, and that on Tuesday of the week succeeding it will adjourn. Is there objection?

Mr. WELLINGTON. It requires the consent of the House for a final adjournment. We had better see them about it first.

Mr. HALE. That will be attended to.

Mr. LODGE. Of course.

The PRESIDING OFFICER. The Chair stated the request as it was made. Is there objection?

Mr. BAILEY. Of course it is not seriously proposed that we adopt in that way a resolution for adjournment, because it must be by the concurrent action of the two Houses. But it is practically certain that if the other three agreements were made we could then adjourn without any trouble. In order to relieve it of that difficulty and embarrassment, and in order to make it a plain proposition, I ask the Senator from Maine to withdraw the adjournment suggestion——

Mr. HALE. I am entirely willing to do that.

Mr. BAILEY. And just let the other three stand.

Mr. HALE. If it is agreed to, we will adjourn that week, I have no doubt.

Mr. BAILEY. Undoubtedly we can.

Mr. TELLER. As there is no Cuban bill before the Senate, I do not suppose it would be proper to agree to that proposition.

Mr. SPOONER. There will be.

Mr. HALE and Mr. ALLISON. The House bill is before the Senate.

Mr. BAILEY. The Cuban bill is before us just as much as the Nicaraguan Canal bill. No; I believe the latter bill has been reported.

Mr. TELLER. It has been reported.

Mr. BAILEY. It has been reported.

Mr. TELLER. I do not suppose anybody is serious in making these suggestions.

Mr. BAILEY. I was never more serious in my life than in suggesting the original proposition, that we vote next Tuesday on the Philippine bill and on the following Tuesday on the canal bill, and I submit that request for unanimous consent.

Mr. CLAY. Mr. President, I desire to say to the Senator from Texas that I know that the junior Senator from Louisiana [Mr. FOSTER] is exceedingly anxious to be present when a time is fixed for a vote on the Cuban reciprocity bill. He is not present this evening, and I could not myself consent——

Mr. BAILEY. I did not submit a request for a vote on the Cuban reciprocity bill. It is merely for the Philippine bill and the Nicaraguan Canal bill.

Mr. CLAY. I have no objection to that, sir—none in the world. I am willing to vote this evening.

The PRESIDING OFFICER. The Chair stated the request as he understood it was made. If there is any modification of it, he will endeavor to state that modification.

Mr. BAILEY. I understood the Senator from Colorado to object to the triple request, and then I modified it so far as to reduce it to a double request.

Mr. TELLER. I object to the Cuban arrangement, of course.

Mr. BAILEY. And I modified it, for that was not originally my suggestion. I accepted it in the hope of reaching an agreement.

Mr. HALE. Let the proposition be put. Of course it can only go through by unanimous consent. If there is objection made, then let any other proposition be made. I should like the proposition to be stated covering the three bills—a vote on the Philippine bill, on the isthmian bill, and on the Cuban bill.

Mr. TELLER. I suggest that this matter go over until to-morrow morning. Several Senators would like to be heard, I think, who are not present.

Mr. SPOONER. On what?

Mr. TELLER. On the submission of a proposition to vote within a week on a measure so important as the canal bill.

Mr. SPOONER. How about limiting it to the Philippine bill?

Mr. BURROWS. Take one bill at a time.

Mr. TELLER. We are willing to vote Tuesday or Wednesday on the Philippine bill, depending upon what we do this week. I have made no objection to voting on it next Tuesday if we sit all the week. If we do not, we ought to take another day.

Mr. CULLOM. If the Senate is going to vote on anything I am quite ready to vote.

Mr. TELLER. It is not a vote. It is a request for unanimous consent.

Mr. LODGE. It is not a question of a vote. It is on a request for unanimous consent.

Mr. CULLOM. I understand that, and if there is any likelihood of agreeing on a proposition to get unanimous consent I am willing to let it be submitted. If not, I propose to make a motion. I will wait and see.

Mr. DUBOIS. The minority of the committee are not ready to fix a time for a vote, because some Senators on this side are not willing. So far as the minority of the committee are concerned, I am quite sure that we can vote on Tuesday or Wednesday, and perhaps we can fix a time before that.

Mr. LODGE. I understand there is objection to all three bills—the canal bill, the Philippine bill, and the Cuban bill.

Mr. BAILEY. It seems to me that for a bill which has been discussed so often and so long in both branches of Congress and which has passed both branches by such overwhelming majorities as has the canal bill, a week's debate is ample.

Mr. SPOONER. Both branches?

Mr. BAILEY. It has, in one form or another, for a particular route, passed both branches of Congress at different times by majorities equal to 42 to 8 in this body and correspondingly as great in the other. At one time there were only three votes against it in this Chamber, though it has happened that in some inexplicable way—at least inexplicable to the great body of the people—the bill has never been able to get through both branches at the same session in reasonably near the same shape.

I believe the hope of the nation in that respect is to be realized. At any rate, I assume that gentlemen on the other side of the Chamber are willing to take a vote on the bill, and I am more than willing to give them on the pending bill as early a vote as will answer the requirements of those who desire to address the Senate on this side if they will give us a time for voting on that bill in which we feel so great an interest.

Mr. LODGE. I should like to ask if the proposition of the Senator from Texas has been put. I have not heard it. I for one am quite ready to assent to it, and I should like to have it put.

The PRESIDING OFFICER. The Chair stated the request as it was made.

Mr. SPOONER. Was there objection?

The PRESIDING OFFICER. The Chair does not feel at liberty to vary the statement of the request, which included the three measures.

Mr. LODGE. No; but I understood the Senator from Maine made a request to which objection was made by the Senator from Colorado. That was the request including the Cuban reciprocity measure. The Senator from Texas, who made the original request, I understand now renews it.

Mr. BAILEY. I have renewed it.

Mr. LODGE. And I have not heard that request put. I should like to have it put.

The PRESIDING OFFICER. Does the Chair understand the Senator from Colorado to object to the request as it was stated by the Chair?

Mr. TELLER. When it included the Cuban bill, which is not before the Senate, I did object.

Mr. LODGE. Very well, Mr. President——

The PRESIDING OFFICER. Then the Chair will put the request of the Senator from Texas.

Mr. SPOONER. State it, if you please.

The PRESIDING OFFICER. The request is that the vote on the pending bill shall be taken on next Tuesday, and that the vote on the canal bill shall be taken on the Tuesday following. Is there objection to the request?

Mr. BURROWS. Mr. President, I am not on the committee in relation to the isthmian canal, but in view of what the junior Senator from Ohio [Mr. HANNA] said to me recently in relation to his interest in the matter and his desire to be heard at length upon it I do not feel that the Senate would be doing justice, in the absence of the Senator from Ohio, who is necessarily absent, in making such an arrangement. I do not feel as though the arrangement ought to be made in his absence, and I therefore object.

Mr. BAILEY. Then I will make it two weeks from next Tuesday for the vote upon the canal bill, if the Senator from Michigan is ready to consent to that.

Mr. SPOONER. I ask the Senator from Texas to limit his request to a vote on the Philippine bill.

Mr. BAILEY. I frankly say to the Senator from Wisconsin that I do not feel at liberty to do that. I am straining a point on this side even to make the double request.

Mr. SPOONER. Does it hurt the Senator?

Mr. BAILEY. No; but it might hurt some of my friends who desire to speak on it.

Mr. President, as I understand, the Senate will not decide with respect to the bills referred to, I ask leave out of order to introduce some bills and have them properly referred.

The PRESIDING OFFICER. In the absence of objection, the bills will be received.

(The bills appear under the heading "Bills introduced.")

Mr. SPOONER. I hope we will be able to dispose of the Philippine bill, of the isthmian canal bill, and of the Cuban reciprocity bill, and I think we ought now to be able to agree upon a time to dispose of the Philippine bill.

It has seemed sometimes as if, without any fault of mine, I were a sort of obstruction to fixing a time for a vote upon the Philippine bill. I have had no desire to make any observations to the Senate on the Philippine bill if it would delay at all a vote upon it, but I have my notions about it, as Senators have, and I would be glad under ordinary circumstances to say something to the Senate about it, although I have more than once spoken about it, and I hope never more than once to speak about it again to the Senate.

I am frank to say, and I find no fault at all with the other side, that to me it has been rather a humiliating thing to see the Senator from Massachusetts, chairman of the Committee on the Philippines, who is in charge of this bill, rise day after day and week after week and appeal to Senators on the other side to fix a time—one week or two weeks or three weeks ahead—for a vote upon this bill. I know there is no man on this side who would delay a vote upon it for a moment in order to speak on it. There has not been, so far as I have seen, at any time a greater or more specific proposition that we do business in the Senate, not by vote of the majority, but by consent of the minority, than has occurred as to this bill.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. I say, Mr. President——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SPOONER. I do not decline to yield.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. RAWLINS. I simply rose to say that there has been no definite proposition emanating from either side to fix a time to vote on this bill. There has been a general understanding that the debate should proceed as rapidly as possible, and that as soon as Senators on both sides had debated it we would vote upon it, and that without any purpose whatever to delay it for a single moment beyond the time that is necessary for its discussion in the estimation of Senators. We on this side have no control, and you on that side, I think, have no control of the disposition or ability of Senators to speak who may desire to discuss this measure. I hope the Senator from Wisconsin will not imply, as I inferred he did in what he said, that there has been any disposition to protract this debate unnecessarily.

Mr. SPOONER. I did not say that, but I did say and I do say that over and over again in this debate the Senator from Massachusetts who has charge of the bill has appealed to Senators on the other side to fix a day for the vote upon the bill.

Mr. RAWLINS. The Senator from Massachusetts, if I remember correctly, has never made any definite proposition. The matter has been discussed and it has been mutually agreed between Senators upon the committee that the discussion should proceed as rapidly as possible. We felt that that was a satisfactory arrangement, and I understand that to be the case now. As far as I am personally concerned, I think that is true of members of the committee on this side. There has been no disposition to delay the bill, and we have been unable to fix a time definitely on either side because of the uncertainty as to the time which would be occupied in the discussion.

Mr. SPOONER. Mr. President, when the Philippine tariff bill was pending Senators stated explicitly to us that they intended to debate the general Philippine proposition on that bill, because they claimed it was involved in the discussion of that bill, and that they did not intend to take overtime in the discussion of the Philippine government bill. And here we have spent weeks in the discussion of the Philippine tariff bill and weeks in the discussion of the Philippine government bill. I do not mean to be understood as saying to the Senator from Utah that the time has been wasted; that it has been unduly prolonged; that there has

been obstruction or filibustering. I do not say that. It is a matter of the gravest possible consequence. The bill is a complicated bill, worthy of debate.

But, Mr. President, I do say as one member of this body that there ought to be some time fixed for a vote upon this bill without regard to other bills, some of which have been reported and others of which have not been reported. It is humiliating—that is the truth about it—to transact business here forever, the responsibility of which is upon the majority in the Senate, solely by consent of the minority.

Mr. BACON. Will the Senator pardon an inquiry?

Mr. SPOONER. Certainly.

Mr. BACON. I could recognize the force of what the Senator is saying but for the fact that from the assurances given on this side the Senator must feel confident that the vote can be reached on Tuesday or Wednesday; and I do not see why there should be any very great complaint about it.

Mr. SPOONER. The Senator feels confident that the vote can be reached on Tuesday or Wednesday on the Philippine bill?

Mr. BACON. Yes.

Mr. SPOONER. If——

Mr. BACON. No.

Mr. SPOONER. If——

Mr. BACON. No "if" on my part, and I do not think there has been any "if" in the assurance given on both sides.

Mr. SPOONER. Well, on this bill, coupled with a vote at a certain time on the canal bill.

Mr. BACON. No; on this bill.

Mr. SPOONER. That is the proposition, as I understand it.

Mr. BAILEY. The statement that a vote probably can be taken on Tuesday or Wednesday was made before I made the double request, but in response to a specific request for a particular day from the other side, I said I would submit a request for the two propositions.

Now, permit me, while on my feet, to say to the Senator from Wisconsin that it was not a suggestion of mine to include with that request a vote on a measure that has not been reported. That came from the other side. I simply assented to it.

Mr. SPOONER. I think the Senator is right about that. Mr. President, we ought to fix a time for a vote on the Philippine bill. It has been elaborately debated.

Mr. TELLER. May I interrupt the Senator?

Mr. SPOONER. Certainly.

Mr. TELLER. I stated and I state again that if the committee will dispose of some questions that have no concern with this bill, and that we want to debate and will debate if they remain as they are, you can easily get a vote on Tuesday, in my opinion.

Mr. SPOONER. What does the Senator mean that we can get a vote on by Tuesday?

Mr. TELLER. I refer to the question of land holdings by corporations and other things in the bill. We want to know what the bill is before we agree to fix a day, and we will know, too.

Mr. SPOONER. That is not a question for the committee. The committee has reported this bill, and it is a question for the Senate. I think there ought to be two days of thirty minutes' debate on the bill and the provisions of the bill. I think there ought to be a time fixed for the termination of the general debate and a time fixed for a vote on the bill itself, giving abundant opportunity for debate upon the provisions of the bill in detail.

But the notion, Mr. President, that forever and forever, at the will of the minority and not the majority, we are to go on with this bill, not simply in reference to the Philippine bill, but in relation to other measures, is to me (I do not know how it may be to other Senators) extremely humiliating.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. PETTUS. I ask the Senator to allow me a suggestion.

Mr. SPOONER. I do.

Mr. PETTUS. It is settled now by an objection that we can not agree at this time, and I want to make a motion, if the Senator will allow me.

Mr. SPOONER. I will hear what the motion is.

Mr. PETTUS. It is to adjourn.

Mr. SPOONER. Mr. President, I appeal to Senators on the other side to fix a time.

Mr. TELLER. There is not any use of wasting time here.

Mr. SPOONER. You will not fix a time?

Mr. TELLER. The intimation the Senator has just made that we have been delaying this bill purposely——

Mr. SPOONER. I did not say that. I expressly excluded it.

Mr. BACON. The Senator said we had done it to such an extent that it was absolutely humiliating.

Mr. TELLER. He said it was humiliating that the minority continued this debate.

Mr. SPOONER. That is not what I said. The Senator from Georgia who is usually accurate ought not to have said what he did.

Mr. BACON. If I misstated the statement the Senator made I shall be very happy to be corrected. I certainly so understood him.

Mr. SPOONER. I said it was humiliating, and it is, for a Senator who represents the majority in this body, which is responsible for legislation, to rise again, and again, and again, and ask the minority vainly to fix some time, not to-day or next week or week after next, but some time for a vote upon this bill. That is what I said.

Mr. TELLER. Mr. President——

Mr. SPOONER. If the Senator from Colorado will permit me, I said distinctly that this bill had not been delayed by any obstruction.

Mr. TELLER. Then, if I may be allowed——

Mr. SPOONER. I said that the debate had been thus far a fair debate; but we ought to be able, in view of the fact that we should be approaching the end of the session, to fix some time, without reference to other bills, when we might have a vote upon this bill.

Mr. TELLER. I should like to interrupt the Senator, if he will allow me.

Mr. SPOONER. Certainly.

Mr. TELLER. Mr. President, there is one way that the majority can always bring a vote.

Mr. SPOONER. How?

Mr. TELLER. It has been done here repeatedly in the last twenty-five years, to my certain knowledge. It is simply to say, "We are going now to consider this bill until its final conclusion."

Mr. SPOONER. Mr. President, that means night sessions, and I have never known yet, although I have been here only eleven years, a proposition to have night sessions except toward the end of a short session which was not objected to on the other side as tyrannical; and I agree with the other side on that proposition.

Mr. TELLER. If the Senator will allow me to interrupt him again——

Mr. SPOONER. I do.

Mr. TELLER. The Senator is asking for unanimous consent. I said frankly to him and to his side that I had no doubt we could vote on Tuesday, but there were some things that would make it certain we should vote on Tuesday; that is, if we knew whether the committee were going to recommend some changes of the bill that I think the committee will probably recommend.

Mr. SPOONER. I want to ask my friend from Colorado if he thinks that a vote on Tuesday ought to be dependent on the recommendations of the committee.

Mr. TELLER. I think whether we vote on the bill on Tuesday or not may depend upon whether there is some change made in the bill which we could make to-morrow if it was considered proper by the committee to make it. We can not make it unless the committee and the other side of the Chamber agree to it. No matter whether it is good or bad, unless it has the approval of the committee it is not going to pass any amendment. We know that; and until we do know whether that is going to be done it is not worth while for us to waste our time here to-night. We shall not come to any agreement. That is not said in the way of a threat or anything. I state to the Senator from Wisconsin a simple fact.

Mr. BURROWS. Then let us adjourn.

Mr. SPOONER. I hope the Senator from Massachusetts who has charge of this bill will ask for a vote on a day certain, say on Thursday, and that the two preceding days be devoted to thirty-minutes' debate.

Mr. HOAR. Thursday of next week?

Mr. SPOONER. Thursday of next week.

Mr. LODGE. Mr. President——

Mr. CARMACK. It seems to me the Senator——

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] is recognized.

Mr. LODGE. I merely desire to say that I think Senators on the other side will do me the justice to admit that I have not been unreasonable in pressing for a vote, and I do not mean to be so now. When I made that inquiry of the Senator from Idaho at the beginning of this discussion, I did not intend to ask then for an agreement, but I hoped we could reach one later. I have desired above all things to refrain from meeting early and sitting late. I wish to avoid all that. I think we have had a genuine debate. I not only have never suggested otherwise, but I do not think there has been anything but genuine debate on this bill from the beginning.

I was in hopes at one time, when the Senator from Texas made his proposition, that the Senate would be willing to dispose of these two great measures (on which we are going to vote, and vote before this session ends) in reasonable time, and I was very sorry that the request of the Senator from Texas, which would have greatly advanced public business, in my judgment, was not

accepted. But I made no request myself. I did not intend to press it now. I was in hopes that we might conclude the general debate on Thursday. I intended, and I have intended all along, as the Senator from Idaho well knows, as I have talked with him, to ask the Senate to adjourn over Decoration Day. I never had any other idea. I did not want to come back here on Saturday. But I could not consent to adjourn over Saturday also unless we could have some assurance for a vote next week. That was my own position, stated perfectly frankly.

I hope now, Mr. President, that after this discussion Senators will be willing on Thursday, perhaps—day after to-morrow—to fix a date for taking a vote. I hope by that time the general debate will be concluded, or very nearly concluded, and that we can then agree upon a time. Only one Senator remains to speak on this side. I have heard of only two, or at most three, on the other. I should think that we ought to dispose of those speeches to-morrow and Thursday, and, if need be, on Saturday, and that we shall then be able to vote on Tuesday.

Mr. BERRY. That is all right.

Mr. LODGE. I did not ask for an agreement. I had a talk with the Senator from Idaho. I do not wish to bring private conversations in here, but it is unavoidable to say that he and I talked this matter over. I told him then that I would not ask for any time at present and I did not mean to do so and I do not mean to do so now; but I merely express the hope that Senators will be willing on Thursday to fix a day next week. If we get along well to-morrow and Thursday, we may be able to adjourn over both Friday and Saturday. If we do not, then we shall have to sit on Saturday and go on with the general debate until it is concluded.

Now, Mr. President, unless some Senator desires to discuss further this matter of agreements, I will move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator from Massachusetts withhold the motion for a moment, that I may give a notice?

Mr. LODGE. I will yield for that purpose.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I desire to give notice that I shall ask the Senate to take up House bill 13676—the Military Academy appropriation bill—at some convenient time during the day on Thursday of this week.

EXECUTIVE SESSION.

Mr. CULLOM. I renew the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 28, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 27, 1902.

APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

Francis J. Bailey, of Oregon, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, May 26, 1902, vice Fogg, honorably discharged.

PROMOTIONS IN THE NAVY.

Commander William Swift, to be a captain in the Navy, from the 9th day of February, 1902, vice Capt. Philip H. Cooper, promoted.

Lieut. (Junior Grade) Roscoe C. Bulmer, to be a lieutenant in the Navy, from the 9th day of February, 1902, vice Lieut. John H. Gibbons, promoted.

Lieut. Martin Bevington, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902, vice Lieut. Commander Asher C. Baker, promoted.

Lieut. Robert F. Lopez, to be a lieutenant-commander in the Navy, from the 11th day of April, 1902, vice Lieut. Commander John L. Purcell, an additional number in grade.

UNITED STATES ATTORNEY.

Charles C. Haupt, of Minnesota, to be United States attorney for the district of Minnesota, in the place of Robert G. Evans, deceased. Mr. Evans's term would have expired May 5, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1902.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Robert S. McCormick, of Illinois, now envoy extraordinary and minister plenipotentiary there, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary.

SECRETARY OF EMBASSY.

Chandler Hale, of Maine, to be secretary of the embassy of the United States at Vienna, Austria.

SECOND SECRETARY OF EMBASSY.

George Barclay Rives, of New Jersey, now third secretary of the embassy at Berlin, to be second secretary of the embassy of the United States at Vienna, Austria, from July 1, 1902.

MARSHAL.

Edwin R. Durham, of Missouri, to be United States marshal for the western district of Missouri.

DISTRICT JUDGE.

Alfred S. Moore, of Pennsylvania, to be judge of the district court of the district of Alaska, to be assigned to division No. 2.

UNITED STATES ATTORNEY.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota.

POSTMASTERS.

Holly C. Clark, to be postmaster at Mount Morris, in the county of Ogle and State of Illinois.

Zachary Taylor, to be postmaster at Colfax, in the county of McLean and State of Illinois.

Thomas L. Green, to be postmaster at West Union, in the county of Fayette and State of Iowa.

James F. M. Greene, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois.

George W. Dicus, to be postmaster at Rochelle, in the county of Ogle and State of Illinois.

John P. Herrick, to be postmaster at Bolivar, in the county of Allegany and State of New York.

John H. Tower, to be postmaster at Sutton, in the county of Clay and State of Nebraska.

Samuel A. Stacy, to be postmaster at Ord, in the county of Valley and State of Nebraska.

Lewis C. O'Connor, to be postmaster at Geneseo, in the county of Livingston and State of New York.

William J. Cornell, to be postmaster at Chautauqua, in the county of Chautauqua and State of New York.

Melvin E. Horner, to be postmaster at Belmont, in the county of Allegany and State of New York.

Joseph S. Morgan, to be postmaster at Dubuque, in the county of Dubuque and State of Iowa.

William H. Whitehouse, to be postmaster at Mount Olive, in the county of Macoupin and State of Illinois.

William N. Wallace, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York.

Marcus L. Wood, to be postmaster at Frankfort, in the county of Herkimer and State of New York.

Benjamin A. Nichols, to be postmaster at West Liberty, in the county of Muscatine and State of Iowa.

Harry E. King, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa.

Charles E. Carman, to be postmaster at Aiken, in the county of Aiken and State of South Carolina.

Luther McGee, to be postmaster at Joplin, in the county of Jasper and State of Missouri.

George T. Salmon, to be postmaster at Lima, in the county of Livingston and State of New York.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 27, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the legislative day of Monday was read, corrected, and approved.

IMMIGRATION BILL.

Mr. SHATTUC. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the immigration bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12199, the immigration bill, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 5. That for every violation of any of the provisions of section 4 of this act the person, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien or aliens, foreigner or foreigners, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States,

or by any person who shall first bring his action therefor in his own name, including any such alien or foreigner thus promised labor or service of any kind as aforesaid, as debts of like amount are recovered in the courts of the United States; and separate suits may be brought for each alien or foreigner thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

Mr. ALLEN of Kentucky. Mr. Chairman, I offer the following amendments:

The Clerk read as follows:

Insert in line 20, page 5, after the word "name," the following: "and for his own benefit." Strike out in line 2, page 6, after the word "suit," the following: "at the expense of" and insert the following: "when brought by."

Mr. ALLEN of Kentucky. Mr. Chairman, the existing law, as I understand, embraces the words in roman letters included in the present bill, and the words in italics are those added by the committee. The existing law includes the provision that the sums covered by this section shall be covered into the Treasury of the United States. Now, by the amendment recommended by the committee I see that a person may bring a suit in his own name. I understand by that that the purpose is that any party aggrieved by reason of being induced to come over here by false representation shall have a right to bring a suit in his own name, and I presume the committee intended that it should be for his own benefit; and in order that the intention may be carried out I offer the amendment "for his own benefit." I presume that because the words that it shall be covered into the Treasury of the United States have been omitted that therefore they mean that the amount recovered shall be for the benefit of the person who brought it.

Mr. SHATTUC. This amendment is to turn something over to the Treasury?

Mr. ALLEN of Kentucky. Oh, no; to the person who brought the suit instead of the Treasury, because you provide that he shall bring suit in his own name.

Now, the second amendment is over on page 6, line 2, of the bill, which provides for striking out "at the expense of" and inserting in lieu thereof "and brought by." Under the original bill the benefits of all these suits being for the United States the district attorney was required to prosecute it, but as the bill is changed, as I understand it is, for the benefit of the party who brings the suit, the district attorney would be required to prosecute the suit in the name and at the expense of the United States.

Mr. ROBINSON of Indiana. Are these two separate amendments connected so that they could not be separated?

Mr. ALLEN of Kentucky. They are connected, and I want them considered together, because the adoption of one means the adoption of the other.

Mr. SHATTUC. Mr. Chairman, I accept these amendments, both of them.

The question was considered, and the amendments were agreed to.

The Clerk read as follows:

SEC. 7. That it shall be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2 of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or other territory of the United States advertising the inducements they offer for immigration thereto, respectively.

Mr. COOMBS. Mr. Chairman, I move to strike out the last word. It seems to me, Mr. Chairman, that there is a looseness about this section which will be considerably confusing to the person who has finally the province of construing it. It says it shall be deemed a violation of section 4. This, mind you, is section 7. It is supposed in itself to be a piece of legislation self-operative with reference to the things contained in it. It starts out with reference to section 4. It does not say it shall be deemed unlawful, but it is deemed a violation of section 4 of this act to assist or encourage, etc. Now, it sets out the offense itself. It is an enumeration of the things which are inhibited within it and yet it makes it a violation of another section. It shall be deemed a violation of section 4 to assist or encourage the importation or migration of any alien by a promise of employment, etc.

It therefore becomes a violation of not only section 7 but also of section 4. The language is:

Through advertisements printed and published in any foreign country, and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2 of this act.

And the language continues:

And the penalties imposed by section 5 of this act shall be applicable to such a case.

Now, Mr. Chairman, we are dealing with section 7 of this bill, in which are invoked sections 2, 4, and 5. Thus we have four sections in pari materia, to be construed together; and under the ordinary rules of construction, if they are similar, if they do not conflict, the references will be useless. If they do conflict in any material way, they can not be construed together, and they must be inoperative. Now, why would it not be better for the committee to take this section and rewrite it—to make it unlawful, by the terms of this section, to do things which are supposed to be inhibited by it, and not make it unlawful by a reference to some section which is supposed to contain the very same language.

This is a consideration which it seems to me should not go unheeded, and though I offer merely a pro forma amendment, I suggest that gentlemen of the committee take back this provision and rewrite it, as I think should be done.

Mr. SHATTUC. I do not think the gentleman from California [Mr. COOMBS] need be very much concerned about this section. It has been in operation now for many years, and I do not think there can be anything very bad about it or some one connected with the Treasury Department would have found it out by this time.

Mr. HEPBURN. Will the gentleman permit me?

Mr. SHATTUC. Certainly.

Mr. HEPBURN. I think the entire difficulty can be obviated, if there is a difficulty, by inserting, after the word "be," in line 15, the words "unlawful and be;" so as to read:

That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage, etc.

The amendment proposed by Mr. HEPBURN was read by the Clerk.

Mr. SHATTUC. Before voting upon that amendment, I want to say that as a business man I should greatly prefer to take this section as it is, it having stood the test for so many years. I, however, do not object to this amendment, because it is a simple one and seems to me fair and right.

The amendment of Mr. HEPBURN was agreed to.

Mr. WHEELER. Mr. Chairman, on the 19th day of May, when the bill making appropriations for the naval service was under consideration, the gentleman from Pennsylvania [Mr. ADAMS] made some remarks, displaying some knowledge which I certainly do not possess or lay claim to—a familiarity with the rules of this House. By an error of the stenographer, those remarks of the gentleman from Pennsylvania upon a question of order are, on page 6021 of the RECORD, credited to me. I did not make that speech; and, while I would not be ashamed of it, I have no desire to deprive the gentleman from Pennsylvania of the immortality which I am sure will attend his name by reason of those utterances; and I desire that the RECORD may do him full justice and not deprive his remarks of their true paternity. They are wrongly credited to me, and I object to their going to posterity under a false name. [Laughter.]

The CHAIRMAN. The Chair will state to the gentleman from Kentucky [Mr. WHEELER] that the formal correction of the RECORD should be made in the House, not in Committee of the Whole.

Mr. WHEELER. "The gentleman from Kentucky" is aware of that, but he simply desired to call attention to the error.

The CHAIRMAN. The Clerk informs the Chair that the correction has already been made.

Mr. DALZELL. Mr. Chairman, I should like to ask the chairman of the committee [Mr. SHATTUC] what is intended by the language "or other territory of the United States" in line 24 of page 6 and line 1 of page 7—whether that language is intended to apply to our insular possessions? It seems to me, in view of the decision of the Supreme Court in our insular cases, that our insular possessions ought not to be designated in our legislation as "other territory of the United States." I therefore move to strike out those works "or other territory of the United States" and substitute the words "or place subject to the jurisdiction of the United States."

Mr. ROBINSON of Indiana. Has the attention of the gentleman from Pennsylvania been called to section 34, containing a construction of the words "United States?"

Mr. DALZELL. Yes; and I propose to offer an amendment at that place also, because the same difficulty arises there.

Mr. ROBINSON of Indiana. I simply desired to call the gentleman's attention to that part of the bill.

Mr. SHATTUC. Mr. Chairman, I will state that the committee will accept the amendment as offered by the gentleman from Pennsylvania [Mr. DALZELL].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 24, the words "or other territory of the United States" and substitute therefor the words "or place subject to the jurisdiction of the United States."

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. ROBINSON of Indiana. As to the operation now under his amendment with reference to the Territory of Hawaii.

Mr. DALZELL. That is already provided for in the first part, "that this section shall not apply to States or Territories."

Mr. ROBINSON of Indiana. Would this provision of the law as amended apply to the Territory of Hawaii, excluding undesirable immigration to that place?

Mr. DALZELL. I do not think this amendment affects Hawaii at all. I think that is already covered by the previous paragraph.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. SMITH of Kentucky. Does not the gentleman from Pennsylvania understand that the Supreme Court held that the Philippines and Porto Rico were territory of the United States, territory "appurtenant," as they designated?

Mr. DALZELL. They are not territories of the United States in the same sense that the word "territory" is used in the first part of this paragraph.

Mr. PAYNE. They are territories belonging to the United States.

Mr. DALZELL. They are territories simply belonging to the United States, but they are not territories of the United States, and the evident purpose of this is to cover all the places over which the United States has jurisdiction. The proviso sets out that the section shall not apply to "States or Territories, the District of Columbia, or other territory of the United States." Now, the insular possessions are not territory of the United States in the sense that those words are used in this paragraph.

Mr. SMITH of Kentucky. But they are in the broad comprehensive sense.

Mr. DALZELL. Oh, they are territory belonging to the United States.

Mr. SMITH of Kentucky. "Appurtenant" to the United States is the decision of the Supreme Court, whatever that may mean.

Mr. DALZELL. Well, it is the same thing.

Mr. KLEBERG. Mr. Chairman, I would like to ask the chairman of the committee a question, as to why it would not be better to strike out this entire proviso. If it be wrong to make these flaming advertisements in foreign countries in order to bring aliens over here that we do not want, why should it not be wrong to publish them in this country? There seems to be a contradiction in this paragraph.

Mr. SHATTUC. I think it has all been satisfactorily arranged for by the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. KLEBERG. Oh, that refers to the technical meaning of the word "territory."

Mr. SHATTUC. Then what is the other proposition of the gentleman?

Mr. KLEBERG. My proposition is this: That the whole proviso is in conflict with the main section.

Mr. SHATTUC. We think not.

Mr. KLEBERG. That the main section prohibits the advertising of steamship companies.

Mr. SHATTUC. But this makes an exception of States and Territories who want to advertise themselves.

Mr. KLEBERG. What would prevent their having these advertisements go over there anyway?

Mr. SHATTUC. There is nothing.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. COOMBS. Mr. Chairman, I want to ask unanimous consent to return to section 5. I was engaged in committee business when this was taken up, and I have a suggestion which I would like to offer.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to section 5 of the bill. Is there objection?

Mr. SHATTUC. I object.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. SHATTUC. But I would ask unanimous consent that we may hear the gentleman's suggestion as to section 5. We will determine the question of whether we want to return to it after hearing the statement.

Mr. COOMBS. Mr. Chairman, section 5 is subject to the same objections that are pointed out to section 7. It says, "that for every violation of any of the provisions of section 4 of this act, the person, partnership, company, or corporation violating the same by knowingly," and so on, pointing out another offense. It invokes section 4, and provides as to a violation of that section by a corporation or a person or partnership by doing something else not mentioned, it may be, in the section, or so far as it may be mentioned, a repetition only, and it seems to me that the committee really does not intend any such legislation as that, for they would simply say that it is a violation of law for a company, person, or corporation, or partnership to do a certain thing without reference to the question as to whether there is a similarity between the enumeration in section 7 and in section 4, as to whether they are consistent, or by reason of inconsistency, that one shall fall and the other not.

Mr. Chairman, there is something in this section down below which gives the United States the right to sue the person, corporation, or company engaged in the transportation of people unlawfully to this country. Not only that, but it gives the person himself unlawfully transported here the privilege of suing these companies. In line 19 it says:

Or by any person who shall first bring his action therefor in his own name, including any such alien or foreigner thus promised labor or service of any kind as aforesaid.

In other words, if an alien is induced to come to this country by reason of solicitation and promise, or an advertisement, or any of the inducements generally urged for these purposes, under this act he has an action against the company. At the same time this law provides, mind you, Mr. Chairman, that we have a right to deport that alien instantly upon his arriving here. While in one instance, under the law, we have a right to deport him, in the other instance we give him the privilege of appealing to our courts. We throw around him the protection of the law and we clothe him with all the authority and privilege that our own citizens are clothed with in this country.

Now, does that not tend to fix his status here? If he has a right to sue in our courts, has he not a right to residence to the extent of the time until his suit shall be determined? Has he not a right to appear personally in court, and does it not negative the idea that we have the right under authority of this bill to deport him immediately to the country from whence he came? I think it is a dangerous provision to leave in here, and that the alien's right will, to some extent at least, be confused, and the authority of the people having the administration of this law must stand confused until that question is decided.

Mr. SHATTUC. Mr. Chairman, that law has been in effect, I think, for twenty years.

Mr. COOMBS. I should like to say something with reference to this twenty-year business.

Mr. SHATTUC. I am very anxious to get along with the bill.

Mr. COOMBS. Does the gentleman consent to return to that?

Mr. SHATTUC. No.

The CHAIRMAN. The gentleman from Ohio declines to return to this section. The Clerk will read.

The Clerk read as follows:

SEC. 9. That it shall be unlawful for any transportation company or the owner, master, agent, or consignee of any vessel to bring to any port within the United States or its territory any alien afflicted with a loathsome or dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to a port of the United States or its territory was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

Mr. SHATTUC. There are some committee amendments to that section.

The Clerk read as follows:

On page 7, line 18, after the words "United States," strike out the words "or its territory."

On page 7, line 19, after the word "or," insert "with a."

On page 7, line 22, after the words "United States," strike out the words "or its territory."

Mr. PAYNE. What is the object of striking out those words "or its territory?"

Mr. SHATTUC. That is all taken care of in the thirty-fourth section of the bill.

Mr. PAYNE. Are the words "United States" defined?

Mr. SHATTUC. Yes. Section 34 says:

SEC. 34. That the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any territory or place subject to the jurisdiction thereof.

Mr. PAYNE. All right.

Mr. MANN. May I call the attention of the gentleman from Ohio to the fact that the gentleman from Pennsylvania [Mr. DALZELL] gave notice that he would move to strike out in section 34, in that definition, the words "and any territory?"

Mr. SHATTUC. Have we passed that yet?

Mr. MANN. No; we have not reached that yet.

Mr. SHATTUC. Then we will attend to that when we get to it.

Mr. PAYNE. If that should be stricken out, would it not be advisable to leave it in here?

Mr. SHATTUC. I am perfectly well satisfied with the bill in

the way it is reported. If any of these constitutional lawyers want to change it, they must be here to do it.

Mr. MANN. Well, the gentleman may be perfectly satisfied with the way it is reported——

Mr. SHATTUC. What section does the gentleman refer to?

Mr. MANN. Section 34. It raises an apparent question under the decision of the Supreme Court in the insular cases, which I suppose the gentleman does not wish to have involved in this case.

Mr. SHATTUC. No; I do not. This was written with all the light we had at the time it was written.

Mr. MANN. I might say to the gentleman that the decision of the Supreme Court in the insular cases can not always be considered as light.

Mr. COOMBS. You do not want to disturb the law of twenty years ago, do you?

Mr. SHATTUC. I would rather take the law of twenty years than the opinion of some attorney here. I would rather take the chance of its being sustained.

Mr. ROBINSON of Indiana. At all events it is stricken out in this section.

Mr. MANN. Why not leave it in this section if you want to cover the territory of the United States?

Mr. PAYNE. What is the matter with the language in section 34?

Mr. MANN. The Supreme Court in the insular cases held that the Territories in this country, such as New Mexico and Arizona, had become incorporated into the Union; that the Constitution had extended over them, and that because of the legislation of Congress which had caused them to be incorporated into the Union Congress could not take away from those Territories the constitutional provisions; but I take it it is not desired in this bill in any way to extend the Constitution over the Philippines if it is not already extended.

The CHAIRMAN. The question is on agreeing to the committee amendments to section 9. Is a separate vote demanded on any of these amendments? If not, they will be voted on in gross.

The committee amendments to section 9 were agreed to.

The Clerk read as follows:

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections 12, 13, and 14 of this act, there shall be paid to the collector of customs at the port of arrival the sum of $10 for each alien qualified to enter the United States concerning whom the above information is not contained in any list as aforesaid.

Mr. CLARK. Mr. Chairman, I ask unanimous consent to go back to section 13. I have an amendment I want to offer.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to section 13 for the purpose of offering an amendment. Is there objection?

Mr. SHATTUC. I object, until I can talk with him about it. What is the amendment?

Mr. CLARK. The amendment is to straighten up the language in lines 11 and 12.

Mr. SHATTUC. What is the nature of it?

Mr. CLARK. The nature of it is to have the examination made on the other side of the ocean in addition to having it here.

Mr. SHATTUC. I asked the gentleman to make a speech for the bill, and he said he would speak against it, and therefore I object. [Laughter.]

Mr. CLARK. Mr. Chairman, I move to strike out all after the word "provided," on page 12, section 16.

The CHAIRMAN. The Chair will state that section 16 has not yet been read.

Mr. CLARK. I thought it had just been read.

The Clerk read as follows:

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections 12, 13, and 14 of this act it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention until the return of such aliens to their care.

Mr. CLARK. Mr. Chairman, I move to strike out that proviso.

The CHAIRMAN. The gentleman from Missouri moves to strike out the proviso in section 16.

Mr. SHATTUC. I would like to hear the gentleman's views on that subject.

Mr. CLARK. My views are very brief. If you leave these words of that proviso in there, it will relieve the steamship companies that bring these people over here from all responsibility under the law.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. CLARK. Yes.

Mr. SHATTUC. If we take these immigrants out of their control, why should we not be responsible for them?

Mr. CLARK. For this reason: Two-thirds of this immigration that you do not want is brought about by the industry of these steamship companies, in order to make the profit that there is in hauling these people back and forward across the ocean. They bring these prohibited classes over here when they know they have no business to bring them, and after they get them over here they do everything on the face of the earth they can to evade the law in reference to that very business.

Mr. SHATTUC. Do you not know they are fined a large sum of money for the violation of this section?

Mr. CLARK. You put the provision in here and it relieves them of the fines to a large extent.

Mr. PALMER. It relieves them until they return to their care. Read the last line.

Mr. CLARK. I read the last line.

Mr. PALMER (reading):

Shall be relieved of the responsibility for their detention until the return of such aliens to their care.

As long as they are not in their care the responsibility does not attach, but after their return the responsibility attaches.

Mr. CLARK. The whole thing ought to be struck out, and all of section 10, in lines 11 and 12, which my friend the Chairman will not let me amend, ought to be changed so as to read the port of embarkation instead of the port of arrival. Now, if the gentleman won't raise the point of order I will make remarks that will give you the best reason that can be given for it.

Mr. SHATTUC. I am always glad to hear the gentleman. I move that the gentleman may have five minutes to express himself on the subject.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. CLARK. Here is the situation. It is a plain business proposition. In the first place, the traditional policy of the people of the United States has undoubtedly been, and I think is yet, to let into this country such foreign-born people as we have reason to believe will make good citizens. Until a very few years ago there was no particular effort to restrict immigration. Within the last few years a crusade has begun in this country to shut out certain undesirable criminal classes, epileptics, and diseased people, and all that. The old law has this exclusive provision in it, to exclude undesirable classes. It provides that they shall be examined. Then a great wail goes out that these people come over here that you do not want, that the steamship companies know that you do not want, about the hardships of their being examined at our ports and returned to Europe again, or wherever they come from.

Now, I say it is in the interest of the people of the United States, and not only that, but in the interest of these foreigners themselves that want to come over here, of the excluded classes, to have these examinations at the port of embarkation rather than come clear across the ocean and have them examined here and then to be sent back to Europe. It would be a positive kindness to them—a saving of time, trouble, and money—to examine them on the other side. Instead of being a hardship, it relieves the hardship to these very people themselves. The ports of embarkation are very few. We already have consuls or consular agents at every one of them. In addition to the usual consular duties we can add to that the duty of having these people examined there, and it saves the expense of bringing them across the ocean, saves the trouble of the worry and the mortification of those people having to go back across the ocean again. As matter of fact, the South American Republics have this identical provision, and it saves litigation. It is a plain business proposition enacted for the benefit of the people of the United States and for the benefit of these people who want to come over here, too.

Mr. PERKINS. May I interrupt the gentleman?

Mr. CLARK. Yes.

Mr. PERKINS. I am not at all opposed to the proposition, but I would like to ask the gentleman in what way he would have the medical examination made in the foreign port? The consul will not be qualified to make a medical examination.

Mr. CLARK. I take it that it would not be any more difficult for a consul to get a good doctor over there to make the examination at the port of embarkation than it would be to get a good doctor in New York or in New Orleans.

Mr. McCALL. I would like to ask whether the existing law does not provide that the examination shall be made at the port of departure?

Mr. CLARK. I do not know; but I think it does.

Mr. McCALL. Does not this change existing law, and is it not something regarded as valuable in the administration of the law?

Mr. CLARK. I think the old law provides that they shall be examined over there. The italicized words in the clause change it so that they are examined only on this side.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUCKER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Missouri asks that his colleague's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Has the gentleman the old law to which he refers?

Mr. CLARK. No; I have not. I think the gentleman from Massachusetts [Mr. McCALL] has it.

Mr. McCALL. I was trying to find the provision.

Mr. ADAMS. The old law refers only to the manifest of the ship. It provides that it shall be examined by the consul, but it has no relation to the emigrants at all.

Mr. ROBINSON of Indiana. I understood the gentleman from Pennsylvania to say the other day that this had been the custom at two or three ports, but there was no law to sanction it.

Mr. ADAMS. No; the gentleman from Indiana is mistaken.

Mr. ROBINSON of Indiana. Some gentleman on the floor made that statement.

Mr. ADAMS. It was not this "gentleman." The time, Mr. Chairman, for the adoption of the idea of the gentleman from Missouri [Mr. CLARK] has passed, but as long as he has raised the question I would like to reply and say why his proposition is not advisable and is not a simple business proposition which he has submitted to the House.

Mr. McCALL. Will the gentleman from Pennsylvania permit me to speak to the point to which he called my attention but a moment ago? The gentleman was mistaken in saying that this simply refers to the manifest. It provides that the "list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and from his personal inspection and the report of said surgeons he believes that no one of said passengers," etc., which is vastly broader than the gentleman had an idea it was.

Mr. ADAMS. No; the question submitted by the gentleman from Massachusetts, as I understood, was that there was a provision in the old law that the consul was to have something to do with the inspection of the immigrants, whereas I said it was simply to swear to the manifest, and he has found that the officer of a vessel must also swear to its inspection, but it is not different from my idea. The consul under the old law has nothing to do with the immigrants that come to the country; therefore it is a new proprosition.

The gentleman states that this is in the interest of economy and is simply a business proposition. When asked by the gentleman from New York if the consul could make the necessary medical examination of the immigrants who are about to sail, his reply was that the consul could get as good doctors over there as they could on this side. Why, Mr. Chairman, this country does not wish to trust the foreign inspection of the immigrants coming to this country. We want the inspection of our own physicians, upon whom we can absolutely rely. I cast no disparagement on those physicians in foreign lands, but we know we can trust our own people.

I ask the gentleman to consider what would be the expense to this country of having these immigrants examined by the consul abroad and the staff that he would be obliged to have around him. He would be obliged to have a doctor. Then he would need also an expert in criminology, such as we have on this side. At each port of departure there would need to be a complete staff, such as we have at our leading ports, in order to examine these immigrants.

Now, wherein lies the difference in expense? At our ports we have steamers arriving at a single port almost daily from all the different countries. If such an examination were attempted at the foreign port, it would be necessary to have these expensive arrangements where probably there would be a sailing only once a week. As a simple business proposition it would probably be ten or twenty times more expensive to conduct the examination over there than to have it at our own ports.

Then there is another point. Our consuls are under the police jurisdiction, under the entire police control of foreign governments. They would not be so free to act in a matter of this kind as they might desire. And, besides, any country would resent the act of the representative of a foreign nation in putting the seal of condemnation, either as to health or physical ability or criminality, upon any of its citizens or subjects who were about to sail for another country. The foreign government would say, "Is an officer of the United States Government to stamp our citizen or subject as in his judgment unhealthy or immoral and send him back to this community with the stigma upon him that he is unfit for military duty or for other service as a citizen?" I believe that any government would resent an act of this kind on the part of a foreign official.

Then there is another point. I believe that if we should undertake to endow our consuls abroad with this function their exequaturs would be withdrawn. They are there simply at the tolerance of the foreign nation. No such function as it is proposed to bestow upon our consuls is granted under international law to the consuls or other representatives of a foreign country. I refer the gentleman from Missouri to any of the text-books on the subject.

Now, Mr. Chairman, to come down to the amendment which is immediately before the House, the other is not and can not be. It is proposed to strike out the proviso at the end of section 16. The gentleman offering this amendment is an eminently fair man, as has been shown in the position he has taken on many questions in this House, but I doubt whether he has taken in fully the results that would follow if his amendment should be adopted. Surely he does not ask this House to say that when, under the law, the officer of the United States Government takes these immigrants off the ship and out of the jurisdiction and control of the ship's officers——

[Here the hammer fell.]

Mr. BUTLER of Pennsylvania. I ask that my colleague's time be extended for five minutes.

There was no objection.

Mr. ADAMS. The gentleman surely does not wish to hold any shipmaster responsible for the custody of individuals or money or other property that has been taken from his possession and controlled by authority of law. That would be such an act of injustice that I am sure the gentleman who offers this amendment would think about it very long before asking this House to adopt it.

Mr. METCALF. Does the gentleman believe that a provision requiring the examination of immigrants at the foreign ports could be efficiently enforced?

Mr. ADAMS. I doubt it very seriously. I have tried to state the objections to such a system. I may not have put the matter very clearly, but that was the tenor of my remarks.

But, as I have said, that amendment is not before the House, and can not be; and that is the reason I am laying more stress upon the amendment of the gentleman from Tennessee. If you will remove from this section the proviso which that gentleman proposes to strike out, you would hold an innocent party responsible for something which, by operation of law, you have placed beyond his control. That surely could not be right.

Mr. CLARK. I ask unanimous consent to speak for five minutes about this question of examination. It is a matter of considerable importance.

The CHAIRMAN. If there is no objection, the gentleman from Missouri will be recognized for five minutes.

There was no objection.

Mr. CLARK. Mr. Chairman, my friend from Pennsylvania [Mr. ADAMS] thinks that the examination can not be made at the foreign ports. Let me say that there are only a few ports of embarkation for immigrants from foreign countries; and I undertake to say it would in the end be absolutely cheaper for the people of the United States to have the examination conducted there; it would be cheaper and otherwise better to have a board created at every one of these foreign ports of embarkation for the purpose of conducting this examination. In order to prove this, I am going to reread to this House a letter which was read here the other day by my colleague [Mr. BARTHOLDT], which clears up this whole matter.

This is possibly the only United States consulate—

This letter is written, I understand, by some one of our consuls—my colleague can tell you who—

This is probably the only United States consulate where for some years there has been a consular inspection of emigrants. Let me tell you how this work is being done, with a view to encouraging an effort to have this system of inspection extended to all seaports whence emigrants leave for the United States. In the height of the season from three to four steamers of the North German Lloyd Steamship Company leave this port every week and each steamer requires from two to three inspections of the steerage passengers. At first all the bedding of these people is ordered into the disinfecting chamber, then each person is vaccinated and his or her physical condition carefully examined into, special care being taken to detect diseases of the eyes, skin, lungs, and mind, etc. The examination takes place in the presence of the United States consul or one of his assistants, and is in charge of Dr. Peltzer, a sworn medical officer of our Government, who is assisted by one or two physicians of the Lloyd Steamship Company.

As soon as trachoma, lupus, pulmonary phthisis, and certain other diseases or any mental trouble is discovered the person so afflicted is rejected, and the

consul regularly sends the list of all rejected emigrants to the commissioner of immigration at New York or Baltimore or Galveston, whither the steamer may be bound. At the same time the steamship company is also at once notified as to which passengers have been rejected at the consular inspection, whereupon they may, if they choose, investigate the cases more closely and determine for themselves whether or not they will risk taking such rejected passengers to the American port.

The system of consular inspection here at Bremen was introduced without any order from the State Department, but with its full sanction. If I am correctly informed, it was begun at the request of the Lloyd people themselves, who evidently were prompted by a humane desire to have the fate of unfortunate emigrants decided at the earliest possible moment, and also by their own business interests, for it undoubtedly has saved them considerable sums of money to have people retained on this side who probably would have been excluded by the Treasury officials at our ports of entry and deported at the expense of the steamship company. And, as is well known also to the Department, the North German Lloyd Steamship Company spare neither pains nor money to have the inspection done right, and they regularly reimburse this consulate for the salary paid the examining physician.

The records at the various immigration bureaus will show, I believe, that the work done at this port by the present system of consular inspection of emigrants has been fairly successful. I know that among the deported steerage passengers there are but very few that have passed the consular inspection at Bremen. In looking over the lists of such deported aliens which are regularly sent me I rarely ever find a person returned to Bremen on account of some physical disability, etc.

Mr. ROBINSON of Indiana. That is without authority of law, but it is a custom that has arisen.

Mr. CLARK. That is without authority of law, but it is a custom that that consul has established himself, it seems.

Mr. ADAMS. What is the place?

Mr. CLARK. Bremen. Now, Mr. Chairman, I say this: It is none of the business of the foreign government to decide what our consul is over there for, as long as the consul does not interfere with either the social or political arrangements of the country that he is accredited to, and all this talk about giving them their exequaturs is moonshine, to put it politely. I am credibly informed that the republics of South America have their agents at all of these ports of embarkation, and one of the representatives of the American Federation of Labor, and an intelligent man, told me the other day that he had seen at one of the ports in Italy a lot of these men come along who belonged to these excluded classes in this country, and a representative of Brazil on personal inspection could see that they fell under one of those classes and would not allow them onto the ship that was bound to South America. They then walked out across the gang plank and got onto the ship bound for the United States.

As to having a criminologist, I can not conceive of a more thoroughly useless adjunct to an office either in the United States or in Europe. There is not any criminologist living who can tell whether a man is a criminal or not with anything like certainty, and as far as ascertaining the criminal record of a man is concerned you can do it a hundred times more easily at the port of embarkation than you can here at the port where he lands, because you have access to the courts of record. For instance, if you want to know whether a man has been sent to the penitentiary—for ex-convicts are excluded—how can you tell when he gets to the American port? The chances are one thousand to one that a man who has been in the penitentiary will tell a lie or swear to it, for that matter, if it suits his convenience. Over there where he comes from you have the records of the courts to examine, and if there is any question about it the consul can find out, and there never was a proposition made in this House that was plainer or of more practical utility than the one under discussion.

Mr. DOUGLAS. Mr. Chairman, I would like to ask the gentleman from Missouri if he intends that examination to be final?

Mr. CLARK. I would not care whether they had another one over here, but I am not sure but it would be better to have one over there than one over here if you are to have only one.

Mr. BARTHOLDT. Mr. Chairman, I would like to say that I thoroughly agree with the gentleman from Missouri, my colleague, but I want to ask him whether he would vote to substitute my suggestion which I made the other day in committee, providing for an examination on the other side, abroad, in place of the examination on this side, in preference to what is usually and generally termed the educational test on this side alone?

Mr. CLARK. Why, yes, I would vote for it without any hesitancy whatever. In fact, I did vote for it the other day when my colleague [Mr. BARTHOLDT] offered it; and I will vote against this bill unless it is fixed up better than it is now, too. This bill is too loosely drawn.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. SHATTUC. Mr. Chairman, this amendment ought not to be changed. It was made after conference with all the commissioners of immigration, the Secretary of the Treasury, and with the Commissioner-General of Immigration, and there is no reason why it should be stricken out; no good reason has been given, and there is no good reason. I hope it will be left as it is.

Mr. BOWIE. Mr. Chairman, I would ask unanimous consent to print some remarks on this bill in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to print some remarks on this bill in the RECORD. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I understand that during my temporary absence from the floor the question has been raised as to whether an examination of emigrants in European ports of embarkation would in any way conflict with the rights of other governments, and whether such a system of inspection and examination would be tolerated by other governments.

Mr. ROBINSON of Indiana. As to whether there is any law for it now.

Mr. BARTHOLDT. There is no law for it, but with the permission of the German Government—to cite one instance—a system of inspection is now in vogue in the city of Bremen, where the consul personally inspects every emigrant that goes on board of any ship leaving that port. He is assisted by a United States medical officer and by two physicians appointed by the Lloyd Steamship Company. No objection has ever been raised by the German Government against that system, and if we should give it the authority of law I do not think any objection would be raised either by the German or any other European government.

The point is this, Mr. Chairman: We want, if possible, to prevent the people barred under our laws from coming across the ocean, and thus avoid the necessity of sending them back. If possible we want to make the inspection on the other side, and prevent objectionable immigrants from embarking at all. That is the advantage of the system I propose over the amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD]. I do not advocate a system of certification, because that might bring an American consul in conflict with the laws of Europe. If, for instance, a young man who is subject to military duty should come to a port of embarkation, the consul, because of the law of the land, might be compelled to reject him. He would have to refuse him a certificate, at least. But what we want is merely for the consul to ascertain officially whether a man or a woman fulfills all the requirements of American law.

Mr. ROBINSON of Indiana. Mr. Chairman, if I may interrupt the gentleman from Missouri, I should like to make a suggestion or two and would like to have his judgment upon them. His theory is to have the inspection before embarkation. That would necessitate the employment of a physician and the furnishing of the machinery to this end. Now, in addition to that, if we have a system of careful inspection here, where the officers are under the jurisdiction and control, and under the eye and in direct responsibility to the people of the United States, would not that cast the burden upon the steamship companies that are bringing these people over here in violation of our laws because of their cupidity and their promotion of immigration? Would they not be compelled in self-defense to see, before these immigrants are embarked at all, that they will not be likely to be rejected here.

Mr. BARTHOLDT. Mr. Chairman, this suggestion of mine would in no wise relieve the steamship companies from any responsibility. If an emigrant should slip through the picket line on the other side and come here and be found to be not admissible under our laws, he would be sent back and the steamship companies would have to pay the expense.

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I ask that the gentleman have five minutes more.

Mr. SHATTUC. I object.

Mr. ROBINSON of Indiana. I move to strike out the last word.

Mr. SHATTUC. I give notice now that there will be no more speaking on this bill unless it is germane. This talk has all been going on by unanimous consent. I permitted it out of regard for my friend from Missouri [Mr. BARTHOLDT], and it has gone as far as I can allow it to go.

Mr. ROBINSON of Indiana. With the courtesy of the gentleman from Missouri, I will only take a little time to ask him whether his theory is to have not only the system of inspection at the point of embarkation which he explained to us the other day, but also to have the severe United States examination at this end of the line, so as to secure the result, or would he have but one inspection?

Mr. BARTHOLDT. Mr. Chairman, in answer to that question I will say that I am not in favor of the particular educational test proposed in the amendment of the gentleman from Alabama [Mr. UNDERWOOD]. I believe that is a very large proposition.

Mr. ROBINSON of Indiana. But that is not the point I make.

Mr. BARTHOLDT. You ask an immigrant to understand and read the Constitution of the United States. That is a severe test. I might be more friendly to the proposition if you would substitute, for instance, the Bible, or some standard work on American history.

Mr. SHATTUC. A point of order, Mr. Chairman.
The CHAIRMAN. The gentleman will state it.
Mr. SHATTUC. This is not germane.
The CHAIRMAN. The gentleman will proceed in order. The pending amendment is the amendment to strike out the proviso at the end of section 16.

Mr. ROBINSON of Indiana. Now, Mr. Chairman, the question is not as to the educational test, but suppose the gentleman has his way and has an inspection with reference to morality and physical condition in Germany, for instance, would he want likewise to have the severe examination that is proposed by this bill at this end of the line?

Mr. BARTHOLDT. I will say to my friend that we now have an examination at this end, and that examination as it is now conducted is in my judgment sufficient, if we have a thorough system of inspection and examination on the other side into the moral, physical, and mental qualifications of every immigrant proposing to come to us.

Mr. ROBINSON of Indiana. Mr. Chairman, I should be loath to surrender to a foreign port, or to the officers of the United States in a foreign country, the inspection of immigrants such as we ought to have to secure the requisites desired to be accomplished by this bill. We have an inspection now, we have an inspection under the eye and espionage of the United States people at home now, a charge upon the steamship companies, who are responsible under the laws, under which they are compelled to take back all such as by careful examination shall be found not admissible; and if it was to be done in the foreign port the navigation companies would be relieved from securing at their own expense surgeons to make this inspection.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. CLARK. Is not all the hullabaloo and cutting up about the hardship of this business based on the fact of the examination here and then sending them back across the ocean?

Mr. ROBINSON of Indiana. I would suggest to the gentleman that the examination provided here, which is severe and under the espionage and under our control, more nearly makes the onus on the steamship companies not to embark the passengers, because they are to be taken back again if they are found to be not admissible.

Mr. CLARK. Will the gentleman allow me to ask him another question?

Mr. ROBINSON of Indiana. Certainly.

Mr. CLARK. Do you not think that Mr. BARTHOLDT'S amendment, providing for a mental, physical, and moral examination of these immigrants, will more certainly ascertain their fitness to come in than the so-called educational test?

Mr. ROBINSON of Indiana. The educational test has already been passed upon by the House. I would, if necessary, provide an additional examination—one at a foreign port and the other here. I think probably that the evil is so great as to warrant both examinations. Of this I am not certain.

Mr. UNDERWOOD. Mr. Chairman, I desire to be recognized in opposition to the amendment to strike out the last word. I want to say in opposition to the idea of foreign inspection that there are some very good reasons why the inspection of immigrants should be made in America and not in a foreign country. As suggested here the other day, if a young man wants to leave one of the foreign countries, such as Germany, Austria, or France, there is a law prohibiting his leaving there until he has rendered military service. If we have a consular inspection on the other side of the water, our consuls could not stay in that country and yet assist or help that immigrant in leaving his country; could not give him a certificate, no matter how well educated he was or how much we might want him here as a citizen; the consular officer of the United States could not under the comity of nations sign a certificate allowing that man to emigrate to this country while standing on foreign soil in violation of the laws of that country.

Mr. WACHTER. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. WACHTER. Do you not agree to the fact that even if the inspection takes place on this side that the qualifications necessary for the entry of such an immigrant would be known all over the world?

Mr. UNDERWOOD. But that has nothing to do with my contention. It certainly would be known. I say a consular officer of the United States could not issue a certificate to immigrants on foreign soil, whereas when the immigrant had landed on our soil he can be inspected no matter whether he came to escape military duty or for any other reason. When we would not reject him we could accept him on this soil, but our consular officer residing in the country from which he came could not issue a certificate.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. CLARK. Do you not know that the consulate where the American consul is located is American territory anywhere?

Mr. UNDERWOOD. Certainly.

Mr. CLARK. Then why could not he issue a certificate?

Mr. UNDERWOOD. Because we could not send a consular officer to a foreign country and maintain him there in violation of the laws of that country.

Mr. CLARK. It would not be in violation of any law there. It would be simply enforcing the laws of the United States on a particular subject.

Mr. UNDERWOOD. In the Empire of Germany there is a statute which provides that no young men shall leave that country until they shall have served time as soldiers of the Empire. Would it not be in violation of the laws of Germany if the consular officer of the United States residing in Germany aided one of these men to violate the laws of his own country?

Mr. CLARK. Certainly not. He simply certifies that under the laws of the United States that particular individual is a permissible immigrant to this country.

Mr. UNDERWOOD. But the consular officer knows that under the law the man is subject to military service in that country. The point that I object to is, that no immigrant shall leave his own country until he gets the certificate of a consular officer of the United States instead of having him examined on this side.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BARTHOLDT. I believe my friend from Alabama did not listen to my explanation. It is not intended, Mr. Chairman, that the consuls in the ports of embarkation shall issue certificates. It is not intended for the consuls to inquire whether the young man who offers himself as an immigrant complies with the German or the French or the English or any other law. The American consul does nothing but to say that the young man is all right as far as American law and American qualifications are concerned, or, on the other hand, he stops him then and there from proceeding any further.

Mr. UNDERWOOD. I understand all that.

Mr. BARTHOLDT. He simply passes him and says, without any special certification, "This man is all right; he can go."

Mr. UNDERWOOD. Certainly there is no difference between the gentleman from Missouri and myself as to what the consul would do. I do not pretend the American consul would stay there and certify that the man was not violating the German law in leaving the German Empire; but I say that a man maintaining a consular office in Germany, if he authorized immigrants and gave to them a certificate when they were leaving Germany in violation of German law, could not stay there, because the Emperor would say that the consul was persona non grata, and he would not allow us to maintain a consular officer there.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DOUGLAS rose.

Mr. SHATTUC. Mr. Chairman, I give notice that I shall move that debate be closed after the gentleman from New York has spoken.

Mr. DOUGLAS. Mr. Chairman, I wish to say that the committee gave careful attention to this subject, and while it is, of course, possible and feasible to make examinations on the other side, yet at the same time it would necessitate the sending abroad of a large corps of doctors in the employ of the United States Government, as we naturally would not care to depend on foreign doctors, and it would entail unnecessary expense. It seems far best to have the final examination on the shores of our own country, because then we throw the onus or the responsibility on the steamship lines to make at ports of embarkation, according to our law, most careful and critical examination of all aliens before they are allowed to go on board the steamer. If they then make mistakes, if they do not safeguard properly the law which we provide that they must follow, the responsibility rests with them, and we have the privilege of correcting that error on their part when we inspect at this end. To have the consuls of the United States hire doctors on the other side, foreign doctors, would not fill the bill at all. It would be an unwise proposition, and I have been surprised to hear the gentleman from Missouri advocate anything of that kind, intelligent man that he is. We all know immigrants are most anxious to reach our shores, and that we are receiving far more of them than we ought to, and often not a class that commend themselves to our sympathy.

Under these circumstances foreign doctors dealing with their

own countrymen would be able in many cases to give them certificates which would not be proper; whereas if final decision is left to our own physicians, when the alien arrives here, if careful selection was not made we can deport them.

If we allow the examination to be made abroad, there would be serious trouble here, because they would show certificates and claim that they had a right to land on our shores when they might not be fit to become citizens. This has been proved by the experience in other countries. The assertion has been made that other nations had this provision and it worked well. That is not quite correct. I know of no other nation that absolutely accepts the examination made in other countries, except where they offer a premium for immigration, where they desire to have certain people come to their shores, and then they even pay or partly pay for their passage. That has been done in South America and Australia and other places. But there the alien is so critically examined that there can be no question at all except so far as health is concerned, and this is also closely looked into.

Now, you take the physical examination on the other side, and it would be preposterous to accept it. It is well known that the change of the condition from land to sea will often develop diseases in a person who might be properly passed by the doctor on the other side and sail away with the most complete health, yet when he reaches our shores several weeks afterwards he will develop diseases undiscovered previously in his constitution.

Now, there are all these points which have been carefully considered and gone into by the committee, and I do not think it is advisable or wise to pass amendments to this act after it has been considered by the Department and by the committee, without giving serious thought and judgment to the question. They ought not to be offered and passed without looking them up in the most careful and critical manner.

Mr. CLARK. I would like to inquire if the gentleman knows whether President Roosevelt recommended the same identical thing that I have suggested in this amendment?

Mr. DOUGLAS. I do not object to the ideas of the President, but perhaps I would not always agree with him.

Mr. CLARK. No; but the gentleman was reflecting on my intelligence.

Mr. DOUGLAS. Oh, no; I beg the gentleman's pardon. I was applauding it. What I said, if I may answer the gentleman, was that the idea of inspection on the other side was not wise, and would cause more expense than if the work was done here.

Mr. CLARK. The question of expense cuts absolutely no figure in the matter. The efficiency of the examination is what you are after, in my judgment. I think if you had adopted the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT] the other day it would have relieved the whole situation. That provided for an entire examination—mental, physical, and moral.

Mr. METCALF. You do not propose to do away with the examination and inspection on this side?

Mr. CLARK. Oh, no.

Mr. METCALF. In other words, you provide for a double examination.

Mr. WACHTER. I should like to ask the gentleman from Missouri [Mr. CLARK] a question. Suppose an immigrant is examined at Bremen and is given a "clean bill;" and suppose something transpires on the voyage which does not permit the landing of that person. What will be the status of such a person, having received a "clean bill" at Bremen, but being rejected here? At whose charge will such a person be returned, or can he get into this country?

Mr. CLARK. I think he ought to be let in. I do not believe that travel across the ocean develops any disease except sea sickness. [Laughter.]

The CHAIRMAN (having put the question on the amendment of Mr. CLARK). The noes appear to have it.

Mr. CLARK. I call for tellers.

Tellers were ordered; and Mr. SHATTUC and Mr. CLARK were appointed.

The committee again divided; and the tellers reported—ayes 29, noes 49.

So the amendment was rejected.

The Clerk read section 17, with the amendments reported by the committee; which were agreed to.

Mr. PADGETT. I ask unanimous consent to print some remarks in the RECORD.

Mr. SHATTUC. On what subject?

Mr. PADGETT. On the subject of banking and currency.

There being no objection, leave was granted.

Mr. PADGETT. Mr. Chairman, the majority members of the Committee on Banking and Currency have submitted a report recommending the passage of H. R. 13363, commonly known as the Fowler banking and currency bill. The minority members of the committee have submitted a report adverse to said bill, setting forth reasons why said bill should not pass.

It is my purpose to call to the attention of the House the various provisions of said bill, and to set forth some of the reasons why we think the position of the minority members of the committee is well taken, and that the bill should be defeated.

This bill is very comprehensive and far-reaching in its scope, and we believe in its results will be very pernicious and destructive of the best interests of the country. The bill is exceedingly radical and will subvert the whole banking and currency system of the country, and we believe will be ruinous to the stability of our currency and subversive of the development of the banking system of the country. The bill is entitled "A bill to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws." This is a very fascinating title. If the bill would provide an elastic currency and equalize the rates of interest throughout the country without carrying with it many evils which we are persuaded would result from its enactment, it would accomplish a much-needed and very desirable purpose.

But we do not believe that the bill would result in adding either strength or benefit to the present gold standard, nor do we believe that its passage would provide a safe and sound currency or lower or equalize the rates of interest throughout the country. On the contrary, we believe that it is a cumbersome and hazardous experiment, one calculated, in a large measure, to weaken and injure the existing banking and currency system. Instead of being an improvement upon the existing system or remedying existing evils and defects, it is calculated to create unrest and distrust throughout the country and weaken the confidence of the public in our whole financial fabric. The bill provides for the abolition of the office of the Comptroller of the Currency and substitutes in his stead a board consisting of three members, whose term of office shall be twelve years, except that the terms of the first three members shall be for twelve, eight, and four years, respectively. The salary of each member of the board shall be $7,500 per annum.

While we would not emphasize or magnify with undue stress our dissent upon this provision in view of the subsequent more far-reaching evils of the bill, yet we think it proper to call attention to the fact that it increases the number of officers threefold and multiplies the salary expense nearly fivefold, not to mention such additional clerical expenses as this change will necessitate. It lengthens the term of office from five to twelve years. This we deem unwise and contrary to the fundamental ideas and practices of our Government from its foundation. For these changes we see no adequate necessity, nor do we believe any sufficient reasons exist. The contention of the majority that such a change will secure better service is fully met by the possibility of inferior service. It is easier to secure the reappointment of an efficient public servant than to get rid of an inefficient one holding by the tenure of office provided in this bill.

The provision of the bill that the salaries of the members of the board shall be paid out of the taxes collected from the banks upon their note circulation in no way meets the objection to the multiplication of public offices or the increase of public salaries. The tax upon the note circulation is only an indirect method of levying a tax upon the public.

The majority assert that one of the purposes of the bill is "to simplify and limit the Government fiscal operations." If such be true, we see no reason or necessity for increasing the number of officers and the increase of the salaries.

Section 2 of the bill provides for the issuance by the national banks of a currency based upon general assets, and also provides for the retirement and cancellation of the United States notes commonly known as greenbacks. It provides "that if any national bank shall assume the current redemption of an amount of United States notes equal to 20 per cent of its paid-up capital, it shall have the right, without depositing United States bonds as now provided by law, first, to immediately take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital by paying a tax on the first days of January and July of each year of one-eighth of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months."

Second, after the expiration of one year to take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital upon the same terms.

At any time after the expiration of the second, third, fourth, and fifth year to take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital for each of said years, upon which it shall pay a tax of 1¼ per cent per annum upon the average amount of such notes in circulation.

With the approval of the board of control, after the expiration of six years, it may take out an emergency circulation equal to 20 per cent, upon which it shall pay a tax of 3 per cent per annum, and with the approval of said board, after the expiration of seven years, may take out an emergency circulation of 20 per cent, upon which it shall pay a tax of 5 per cent per annum.

The bill provides that these bank notes shall constitute a first lien upon the assets of the bank.

While not combatting the proposition that it might be well by suitable regulations to provide for an emergency circulation properly safeguarded so as to afford a safe and sound currency to the people when needed, we are firmly persuaded that the scheme provided in this bill is unsafe, and that the currency will prove insecure and unsatisfactory in times of stress and panic.

We believe that it is apparent to all who will dispassionately consider the scheme that the large banks will hesitate to place upon themselves the burden of the current redemption in gold of the greenbacks as provided in the bill, nor do we believe that the banks in the smaller towns and villages, whose facilities for acquiring gold are limited, will inflict upon themselves the unequal and unjust burdens and discriminations which will result from the passage of this bill.

Under existing laws relative to bank reserves and the deposit thereof in the reserve cities and the central reserve cities, a very large amount of money, amounting at the present time to about $225,000,000, is derived from the banks of the other cities and villages of the United States and kept on deposit in the three central reserve cities. Under existing laws the national banks can deposit United States 2 per cent bonds and receive in circulating notes the par value of the bonds, and at the same time receive the interest on the bonds and only pay a tax of one-half of 1 per cent per annum on circulation.

Under the proposed bill, on the first 20 per cent of currency issue the tax is one-fourth per cent; on the next 40 per cent it is 1½ per cent; on the next 20 per cent it is 3 per cent, and on the next 20 per cent it is 5 per cent. In addition the bank is required to assume and maintain the current redemption in gold of an amount of greenbacks equal to 20 per cent of its capital stock.

We do not believe that the national banks would exchange the privileges of the existing law for the burdens of the proposed law, and the result would only be confusion in our monetary system and injury to the people. We believe that stability in our financial system is a condition not to be ignored and a virtue not to be despised. Especially is this true when the measure offered promises more of evil than of good.

The proposition involved in the bill is to authorize the national banks to issue a general asset currency pure and simple. We do not deem it necessary or proper at this time to discuss the propriety of authorizing national banks to issue currency, as that is not the question involved in this bill. We shall confine ourselves strictly to the propositions of this bill.

It will be noticed that the bill contains no provision requiring the maintenance of any metallic reserve of either gold or silver. In fact, by its subsequent provisions, as we shall note later on, it seeks to destroy utterly the silver dollar as standard money. The security provided for the payment of these notes of issue consists of a first lien upon the assets of the bank and a 5 per cent guaranty fund deposited in the Treasury of the United States.

We insist that it is unfair to the depositors of a bank to inaugurate a system of currency which is a first lien upon the deposits of the bank. The depositors are the best friends of every bank; they give it support and encouragement. Their deposits constitute the life blood of the institution, and we insist that it is not wise to inaugurate a system which subjects these deposits to a first lien in favor of the note holder. We know it is said that the notes are currency, and circulate as money and pass from hand to hand throughout the country to innocent holders, and that the innocent holder should be protected, and that he should not be forced to investigate the condition of the bank.

The force of this position we fully realize, but we insist that it is not necessary to institute in this country a system which will place the holder of the bank note in such a condition, and it would be unwise to inaugurate in our country any banking and currency system which would place the depositor in such a condition. It is not so in England, in Germany, or in France, which are the great commercial countries in the world; and we insist that it would be a financial outrage to inaugurate a system in this country that would place the depositors in the position of having their deposits taken to pay the notes of the bank. The depositors are as much creditors of the bank as the note holders.

These considerations only illustrate the weakness and fallacy of the position of the advocates of this bill. They assert that the 5 per cent guaranty fund will be more than adequate to secure the payment and afford ample protection to the entire bank issue. If their contention is true, why are they unwilling to allow it to constitute the guaranty for the payment of the note, and why do they insist that the deposits shall be liable under a first lien?

If the 5 per cent guaranty fund affords adequate protection, there is as much equity and justice in constituting the banks of the country a mutual and joint guarantor, through the medium of this 5 per cent guaranty fund, of the bank-note issue as there is to require the deposits to stand as such a guaranty. In fact, there is more equity and justice in the proposition, and it is better public policy. The bankers are better versed in such matters, have a more intimate and comprehensive knowledge of the situation, and have better opportunities and facilities for ascertaining and knowing the dealings and solvency or insolvency of the banks than the depositors. Moreover, such a liability would constitute every bank a lively agent to look after the solvency of the other banks, and in this way would exercise a healthy and benign influence in maintaining proper and legitimate banking.

On the other hand, the proposition of the majority to constitute the bank note a first lien upon the assets, and thereby subject the deposits to the payment of the bank notes, is an incentive to fraud and corruption, as it will be an invitation to the officers of the bank, upon its approaching insolvency, to scuttle the bank in favor of the local depositors. Especially do we consider this feature obnoxious in view of the other provisions of the bill which authorize the establishment of branch banks throughout this country and even in foreign countries. In such cases the depositor in the local branch would have no opportunity to acquaint himself with the conditions or methods of business of the parent bank or its other branches.

The provisions of the bill for the redemption of the notes of issue of the bank are at best questionable and uncertain. They will be sufficient for good times, but in seasons of financial stress and panic, when the people lose confidence in the banks and their management and hoard their money, the provisions made for the redemption of this asset currency are wholly insecure and insufficient.

The majority seek to support their contention for asset currency by reference to the history of the national-bank currency. There is no parallel between the two issues. The national banks have not in any sense issued an asset currency. The issues of the national banks have been secured by special deposit of Government securities. The public realize that the bank notes were absolutely secured and did not in any way or to any extent depend for their payment upon the solvency of the bank or the wisdom or honesty of its management. It is not difficult to perceive a wide difference between such a security and one depending for its payment upon the proper management of the bank and the honesty of its officials. In times of a general financial stress or panic, when the people lose confidence in banks and hoard their money and the bank notes return to the banks for redemption, it is not difficult to forecast the results of such a condition when the banks have to redeem their own notes in gold and also an amount of United States notes equal to 20 per cent of their capital, and there has been no provision of law for securing or maintaining a metallic reserve in the banks for redemption purposes.

The majority cite the history of European banks to support their theory of asset currency. Aside from the differences in political and social conditions, we think there is little, if any, comfort to them from these sources. The Bank of England does not issue asset currency at all. Every note in the Bank of England has behind it, in the bank, the full equivalent of gold, except about $84,000,000, which is secured by Government bonds.

In Germany the Imperial Bank is obliged to hold in its vaults, as security for its bank notes in actual circulation at any time, at least one-third in current German gold, Government certificates, or in bullion or foreign coin (the pound fine being reckoned at $348), and the balance in discounted notes which bear maturity of three months at the longest and on which the names of three, or at least two, persons known to be responsible stand as indorsers.

In France, while the law does not specifically provide for a definite metallic reserve, yet the fact is that the Bank of France holds a metallic reserve rarely, if ever, less than 75 per cent or 80 per cent of its outstanding note issue. It will be remembered that in none of these countries does free banking exist to any appreciable degree. Banking is a monopoly, and the Bank of England, the Bank of France, and the Imperial Bank of Germany not only have the practical monopoly of banking in those countries, but they are the fiscal agents of the Government and share an intimate relationship with the Government wholly at variance with our political conditions. The majority members of the Committee on Banking and Currency advocate a general asset currency for the reason, as they say, the demands of the business of the country will determine and regulate the volume thereof.

They lose sight of the fact that under the provisions of section 2 of the bill it requires five years in which to issue an amount equal to 60 per cent of the paid-up capital of the banks. This provision is a limitation upon the regulations of the business demands of the country, and is a denial of the right of the business demands to determine the volume of the currency in circulation. The emergency circulation provided for is only available after the lapse of six or seven years. The bill makes no provision for an emergency circulation during the six years following the passage of the act, and during the first five years limits the issue by the banks during any one year to 10 per cent of its paid-up capital. What assurance have we, if an emergency circulation is desirable and useful, that it will not be needed within the next six years? If it is dangerous to allow an emergency circulation to be issued during the next six years, what assurance have we that it will not be equally dangerous thereafter?

The outstanding United States notes amount to more than $346,000,000, and under the provisions of this bill, if the banks should avail themselves of its provisions and assume the current redemption of $130,000,000 of United States notes, immediately more than $216,000,000 of United States notes would be withdrawn from the circulation of the country, and only $65,000,000 of bank notes issued in lieu, and thus we would have a contraction of the currency of $151,000,000, which under the provisions of this bill could only be replaced at the rate of $65,000,000 a year upon the present basis of national bank capital. No good can result to the business interests of this country by so violent a contraction of the volume of currency and no provision available for an emergency circulation to supply its place.

After the expiration of seven years and all the provisions of the bill become operative, then it would be true, as the advocates of the bill claim, that an opportunity would be afforded for the demands of trade to regulate and determine the volume of currency. Under such conditions an asset currency encounters another danger. It is not always safe to allow the volume of currency to be determined by the borrowers of money. In such case the amount of the currency may increase or diminish according to the supposed rather than the real wants of business.

It occurs to us that under the latter conditions wild speculation or illegitimate combinations may bring about an undue inflation of the currency; and the insolvency of some large trading concerns return to the bank for redemption in gold an amount of notes which would prove embarrassing.

It occurs to us that the friends of this measure have embraced the popular misconception, which in our former history was so widespread throughout the country, "that banks in good credit can circulate a far greater sum than the actual quantum of their capital in metallic redemption money." This is the fundamental notion of all juggling with bank issues. This was the radical error in the system of banking in this country prior to 1860. The theory of the advocates of this bill seems to be that there is an amount of gold in circulation in this country adequate for all of its needs as the standard money of redemption, and that it is unnecessary to require that the banks shall keep and maintain any specific gold reserve to secure the redemption of their notes of issue. They further appear to harbor the thought that gold when employed merely as an instrument of exchange and alienation is dead stock, but when deposited in banks to become the basis of a paper circulation it acquires life and becomes active and productive.

Such was the theory and opinion of many of the bankers and financiers of former days in this country. We know of no better exposition of the fallacy of such a position than is contained in the following extract, taken from the treatise A History of Banking in all Nations:

> The bank commissioners of Ohio in 1842, in the bitter retrospect of the previous five years, quoted these words in order to say: "The experience of more than half a century since this opinion was expressed has failed to convince the American people that gold and silver are to be regarded as dead stock, except when placed in banks as a basis for the issue of their paper. This idea that gold and silver acquire life, activity, and productiveness only when placed in banks as a basis for paper issues rests upon the assumption that bank notes to an indeterminate extent may be thrown into circulation and that a proportionate increase will be given to the commercial, manufacturing, and agricultural interests of the country."

Out of the same period of sackcloth and ashes, when delusions had been dispelled and things appeared in their naked truth, the governor of Ohio said:

> The great error which prevails on this subject (banks of issue) has its origin in the common, vague impression that we are dependent on the bank-paper system for the supply of a sufficient quantity of the circulating medium, and that without bank paper commerce would not flourish, business would stagnate, and the country cease to advance in prosperity and improvement. This fallacy is the chief cause of that superstitious attachment to the paper system, which with some has become idolatry.
>
> Vain indeed would be the attempt to hedge in the circulating medium of a country and pump it up to fullness by the ministry of banking institutions.

We contend that it is neither safe nor prudent to authorize national banks to issue an asset currency as provided in this bill. We further insist that this bill fails properly to protect and safeguard the interests of the public against the dangers of an asset currency. Such a system of banking depends for its success upon the wisdom and integrity of its management, and a failure in either of these respects wrecks the bank and destroys its note circulation and is calculated to produce financial panic.

Commenting upon the Scotch system of banking, Mr. Sumner says:

> It requires vigilance, sagacity, science, and moderation on the part of the bankers. The freer any system is, the more it requires these characteristics. The Scotch banks have succeeded because their managers have possessed these qualities. The same system on a paper basis or managed by unreasoning avarice is a short road to ruin.

The same conservatism in banking does not prevail in this country as in Scotland or England or the European countries. In this country banking is conducted upon a more liberal basis, and greater risks are assumed and more extensive financial enterprises are undertaken. And, having in view these differences of conditions and the sweeping changes and insufficiently guarded and poorly protected provisions of the bill relative to the issue of asset currency, we fear this bill would prove a short road to ruin in times of panic and financial distress. The majority report embodies certain statistics showing the amount of deposits and note circulation in the banks of Scotland, of England, France, Germany, and various States in this country.

In our opinion the majority report fails to apprehend or express the proper conclusion to be drawn from these statistics. The true lesson to be learned is that in countries having large accumulations of wealth the bank deposits are large and their note circulation relatively small; while in countries not so conditioned, the note circulation is large and the deposits are small. In other words, the deposits represent the accumulation of wealth, while the note circulation represents the use of credit.

In support of the contention for an asset currency, reference is made to the history of the Suffolk system from 1840 to 1860. This was the period of financial ease and prosperity. Let us call to your attention a quotation from A History of Banking in All Countries, showing the workings of this system during the panic times from 1830 to 1840:

> Between the years 1831 and 1833 a great increase took place in the number of banks in New England. During this period 90 new banks were chartered, of which 45 were located in Massachusetts. The Suffolk bank became overloaded with redeemed bills. The banks were slow in making remittances, and the accounts of many of them were overdrawn. Accordingly, the Suffolk bank sent a circular to such of its correspondents as it allowed to overdraw, informing them that on account of the scarcity of money and in order to have some control over its own funds overdrafts must be limited to $10,000. * * * In 1834 the redemption business had increased fivefold—from $80,000 to $400,000 daily. * * * These bills poured into the Suffolk bank for redemption, and in April, 1836, it sent out a circular letter to 44 banks whose accounts were overdrawn in the aggregate sum of $864,000, saying that it would send their bills home.

As stated before, this bill fails to make any provision requiring the banks to keep and maintain a metallic reserve to insure the redemption of its notes. This we regard as a positive defect. It is unsound banking. It encourages and fosters a carelessness and looseness in banking which may prove very disastrous to the country. It is very unwise to authorize a system of banking having a general asset currency and wholly fail to provide for or require the maintenance of a metallic reserve sufficient to insure the redemption of the bank notes. "Redemption in coin on demand constitutes the essential soundness of a banking currency, and a bank should keep a coin reserve constantly in its vaults to pay depositors who desire coin, and to redeem its circulating notes. This proportion is sometimes reckoned at one-third of the demand liabilities, but is often permitted by law to be less, and is often required by prudent banking to be more. 'The intensity of the liability,' in the language of Mr. Bagehot, is to be considered as well as the amount, and 'the cardinal rule is that errors of excess are innocuous, but errors of defect are destructive.'" The foregoing is the language of Mr. Conant, in his treatise, History of Modern Banks of Issue, and is deserving of weighty consideration and serious attention in view of the failure of this bill to provide any metallic reserve.

We do not believe that the national banks of this country should be authorized to establish branch banks at such places as they may determine and issue an asset currency inadequately secured and defectively safeguarded and at the same time make the deposits of its customers security for the currency notes of the bank. No such system exists anywhere that we now recall. In the French and German system, cited by the advocates of this measure, no such preference is given. The depositors and note holders, as creditors of the bank, have equal rights.

The bill further provides for the cancellation and retirement of the United States notes known as greenbacks. It contemplates that the national banks shall assume the current redemption in gold of $130,000,000 of greenbacks and provides that $65,000,000 shall be redeemed and canceled by the Secretary of the Treasury out of the general gold in the Treasury,

It further provides that as soon as the national banks shall have assumed the current redemption of $130,000,000, and the United States has redeemed and canceled $65,000.000 of United States notes, no national bank shall thereafter pay out any United States notes, the current redemption of which has not been assumed by some national bank, but shall return the same to the United States Treasury for redemption, and the Secretary of the Treasury shall redeem the same out of the gold coin in the issue and redemption division of the Treasury, and they shall not be reissued, but shall be canceled and destroyed. And after the first presentation and cancellation of any United States note in accordance with the provisions of this law, the Secretary of the Treasury shall not pay out or issue any gold certificates. This means the early retirement of the entire issue of greenbacks except the $130,000,000 assumed by the national banks, if the banks avail themselves of the provisions of this law, and the substitution therefor of a national bank-note issue of asset currency inadequately protected and not possessing the quality of full legal-tender money.

We oppose the retirement of the greenbacks at this time and in

the manner provided in this bill. If it should be deemed necessary to retire the greenbacks, there is a safer and better way to do so. We insist that a general asset note of a national bank issued under the provisions of this bill is not any improvement upon the paper money now in existence, and we see no good to be accomplished by retiring the greenbacks in the way contemplated in this bill.

Mr. William G. Sumner, in discussing the question of the retirement of paper issue and the substitution therefor of other paper issue, uses the following language:

> If the withdrawal of the paper should be resolved upon, the best way to accomplish it is the one which is simplest and most straightforward—that is, to raise a surplus revenue and with it cancel the Government issues.
>
> It is not consistent with the present purpose to criticise the various schemes which have been proposed. They all involve some kind of conversion of one sort of paper into another, and every such change complicates a system already far too intricate, and every such change involves chances of unforeseen events or of unexpected effects, for they consist of experiments on totally untried ground.
>
> Some of these schemes involve no actual reduction of the outstanding paper, and can lead to nothing but expense and injury to the public credit.

We fail to see the right or to appreciate the justice of requiring the national banks to assume the redemption of the United States notes. The Government is able to care for and protect its own obligations, and if it is necessary to redeem these United States notes the Government can do so without shifting this obligation upon the banks.

We believe that the passage of this bill authorizing the establishment of branch banks throughout the United States would result in the formation of a few banks of large capital, which would establish branches at the desirable points throughout the country and suppress the local banks and thereby secure control of the banking of the country, and thereafter these banks would form a combination and have control of the finances of the country. In our opinion such would be the worst calamity that could befall our people. We can conceive of no condition which would equal in its disaster the placing of the money power of this country in the hands of a money trust. Such a condition would mean financial dictation such as was never experienced in this country. It would invite and lead to political intrigue and corruption that would hazard the perpetuity of our popular institutions and the preservation of our liberties.

The student of financial history will at once recall the intrigue and political corruption which characterized the old United States Bank in the early history of our country. The branch system of banking has established monopoly in banking in England, France, Germany, and the other countries where it prevails. In this country the great underlying principle or theory of government is that the power and authority of government is disseminated among and vested in the masses of the people. In the monarchies of the Old World a contrary principle prevails. There the sovereignty of government is withdrawn from the people and is vested in a sovereign ruler. Monopoly of banking may exist alongside of monopoly of sovereignty vested in a monarch. But monopoly of banking and monopolistic control of the money power is antagonistic to every principle of a republic and poisonous to its very existence.

Another consideration deserving of serious attention is if the parent bank fails it pulls down all of its branches in its ruin and spreads disaster throughout the country, and in many instances may prove a national calamity.

In 1878 the City of Glasgow Bank of Scotland, with its 131 branches, failed for about $70,000,000. Speaking of this, the American Encyclopedia says:

> The failure of the City of Glasgow Bank on October 2, 1878, amounted to almost a national disaster, reducing hundreds and thousands of families in the south of Scotland to beggary.

The failure of the Western Bank of Scotland in 1857 for about $15,000,000, together with its many branches, is another illustration. Mr. Conant says:

> The Scotch system of banks of issue comes nearer to the ideal of successful free banking than that of any other country.

If such failures and financial disasters are possible under such a system in such a small and conservative country as Scotland, what would be the limit of disaster and ruin in this country of mighty financial undertakings? Many other such instances might be cited, but we deem it unnecessary.

The friends of this bill deny that it will result in financial monopoly, and yet we find in the speech of the gentleman from Connecticut [Mr. HILL], delivered in the House of Representatives May 9, 1902, the following significant statement relative to the issue of bank notes:

> Personally, I would have preferred to have limited the issue privilege to banks of not less than half a million capital, or, better yet, to one large bank in each redemption district, or, best of all, to one bank in New York City; but none of these propositions is politically possible to-day, and can only become so by a process of evolution, a process which we must admit to be in excellent working order just now.

No one is more intimately identified with this bill or has contributed more to its construction or better comprehends its ultimate purposes and results than Mr. HILL, and in view of his close relationship with this bill, the above statement is pregnant of meaning when he says, speaking of the process of the evolution for securing one large bank of issue in New York City, "a process which we must admit to be in excellent working order just now."

A branch bank system is calculated to destroy local pride and paralyze local efforts and undermine that spirit of thrift, enterprise, and local endeavor which is of incalculable value to every community.

Manhood is of more value than money, and local pride and patriotism, coupled with a spirit of thrift and enterprise engaged in developing the country and fostering its industries, is more to be considered than interest rates. In our judgment the passage of this bill means the creation of an immense money trust, the establishment by law of a financial monopoly. No longer will a free banking system exist in this country. These free banks and free banking systems will disappear from this country with the same rapidity and unerring certainty that they have disappeared in England, France, Germany, and all the other countries where a branch-bank system has been inaugurated. It is impossible for the two systems to stand together, and to-day, as we debate this measure, we stand face to face with the proposition that the people of this country must choose between a free banking system or a monopoly banking system.

This assertion is no mere guesswork, nor is it a mere surmise. In France the contest between free banks and branch banks, or as it is denominated in history, between monopoly and liberty, has been waging since 1848, and has resulted in the complete destruction of free banks and the establishment of monopoly banking. For years this same warfare was waged in Germany and in England with the same results—the death of the free-bank system and the establishment of monopoly banking. Between these two systems there can be no affiliation and no harmony, and the testimony of history is that a branch-bank system means the death of a free-bank system and the establishment of monopoly banking. In all of these countries the local independent banks have steadily disappeared and been absorbed by the large central bank until to-day the Bank of England controls and dictates the finances of England and enjoys a practical monopoly of issuing currency. In France the Bank of France enjoys the monopoly of note issue and controls the finances of the country.

The Imperial Bank of Germany was organized in 1876, and under the law was allowed to establish branches. Since that time the decadence of the independent banks has steadily continued, and at the beginning of 1896 there remained only six banks of issue in the Empire. We have not at hand the later statistics and are not prepared to state how many banks of issue of these six still remain. A like system of monopoly banking exists in Canada, and we have it upon reliable information that the rate of interest is higher under the branch system than it is under the independent banking system across the line in this country.

The advocates of this measure claim for it that it will reduce and equalize the rate of interest throughout the country. They seem to forget that interest rates are determined largely by local conditions and the character of the security offered. They seem to forget that the conditions of the world's money market exercise controlling influences upon the interest rates, and that the rates of interest vary at different times and in different localities, as the prices of commodities. Speaking upon this question, Mr. Conant says:

> The folly of attempting to maintain a uniform rate of interest or discount is on a par with maintaining a uniform price of wheat. Money is governed by exactly the same laws as commodities.

Money and capital are regulated by the laws of supply and demand. Under a free banking system it is difficult, if not impossible, to "corner" the money of the country, but under a branch banking system the parent bank dictates and controls the financial conditions, and it can increase or diminish the money supply as it may suit the purposes of the managers. This country is not without both observation and experience as to the practical workings of monopoly. We know that the glass trust raised the price of glass, the nail trust raised the price of nails, the steel trust raised the price of iron products, the sugar trust raises the price of sugar, the Standard Oil trust fixes the price of oil at such figure as may be necessary to yield its predetermined dividends. Why should the credulity of the American people be taxed to believe that a money trust, a banking trust, having a monopoly of the banking and currency of this country, would not be actuated by the same motives and pursue the same selfish purposes as these others have done? None of them having the power or the opportunity have refused to avail themselves of every occasion to suppress competition and to secure every advantage.

Mr. Chairman, I can not refrain from again asserting that it would be a most hazardous experiment and a most dangerous piece of legislation to surrender the money power of this country into the control of any monopoly. I am unable to conceive or properly and adequately to express the evil consequences and the

direful results which would result from such a policy. Again would I call attention to the potent influences which would be exercised in the politics of this country by such an institution, and the opportunities of intrigue, fraud, and corruption which such a condition would offer are fearful to contemplate, when we bear in mind the spirit of corporate aggregation and aggrandizement abroad in the land, and the purposes manifested to subordinate all interests to these ends, so that the few may control the wealth and exercise power and influence over the many.

The bill further provides that the board of control shall have power to charter clearing houses with such charter powers and authority as the board of control may authorize and approve, and it further provides that the Government shall cease to issue gold certificates, and these clearing houses shall have the exclusive right to issue gold certificates. We deem it unwise that the Government should surrender this power to private corporations. It is another evidence which makes manifest the ease and facility of the organization of a money trust, and the completeness thereof when organized. Only to a limited extent does gold enter into active circulation. It is represented in trade and commerce by the gold certificate, and when the Government yields to these clearing houses the sole power and privilege of issuing gold certificates it clothes them with the authority and the opportunity to control and manipulate the circulation of gold in the country, and to increase or diminish the amount of gold in active circulation, as it may suit their purposes. This we regard as a dangerous innovation into the finances of this country. The Government should sacredly cherish and preserve unto itself every right and privilege and facility which relates to the coin issues of the country or which affect their circulation, and should never surrender to any private institution any portion of such rights and privileges, nor yield to them an opportunity to manipulate or limit their circulation.

The bill makes provision for the redemption, by the Secretary of the Treasury, of the standard silver dollars in gold. This we regard as a radical departure from all precedent and theory of finance, and wholly unnecessary, and not responsive to the sentiment of the country or demanded by its business interests. As far as we are informed or have been able to ascertain no other country in the world resorts to such a practice. Its friends contend that it will strengthen the existing gold standard. Of this we have grave doubts. It is our opinion that it will weaken the gold standard and place upon it unnecessary weight and burden. It will be recalled that under previous sections of the bill 150,000,000 of gold from the redemption division and 65,000,000 from the general fund in the Treasury have been consumed in the redemption of the greenbacks, and under the operation of that portion of the act relating to clearing houses the gold is diverted from the Treasury into the clearing houses, and there will only remain in the Treasury an amount of gold equal to 5 per cent of the outstanding circulation of silver.

Heretofore it has been insisted that it was necessary to maintain in the Treasury, for the redemption of the greenbacks, $100,000,000 of gold, which is nearly 30 per cent of the outstanding greenbacks, and since the act of March 14, 1900, it has been required to keep in the Treasury, for the redemption of greenbacks and Treasury notes, $150,000,000 of gold, which is about 40 per cent.

This bill proposes to maintain a redemption fund of 5 per cent to redeem the silver. If the 5 per cent guaranty fund is sufficient it demonstrates that silver does not require redemption in gold. If silver requires redemption in gold, then 5 per cent is an insufficient guaranty fund, and the bill is faulty and liable to produce financial disturbances.

France maintains a large circulation of legal-tender silver alongside of gold; the silver is not convertible into gold, yet there is no difficulty in maintaining her silver circulation on a parity with gold.

In speaking of this Lord Farrer says:

> The notes of the Bank of France are convertible into gold or silver at the option of the bank. * * * There is no difficulty in maintaining either the silver or the notes at their gold value.

From the recent edition of Mr. David K. Watson's History of American Coinage we make the following quotation:

> The following are the gold-standard countries, with the amount of gold and silver in circulation in each:
> The United Kingdom, including England, Ireland, and Scotland, has $550,000,000 of gold, with $112,000,000 of silver.
> France, $825,000,000 of gold, with $494,000,000 of silver.
> Germany, $625,000,000 of gold, with $215,000,000 of silver.
> Belgium, $75,000,000 of gold, with same amount of silver.
> Italy, $90,000,000 of gold and $30,000,000 of silver.
> Switzerland, $15,000,000 of each.
> Russia, $455,000,000 of gold and $48,000,000 of silver.
> Turkey, $50,000,000 of gold and $40,000,000 of silver.
> Japan, $88,000,000 of silver and $80,000,000 of gold.

In all of the above-named countries the gold standard is maintained and no difficulty is experienced in maintaining the silver circulation on a parity with gold, and in none of said countries is the silver currency legally convertible into gold, nor is there any legislation requiring the Government upon demand to redeem the silver in gold.

In the United States the amount of gold in circulation, including bullion in the Treasury, is about $1,183,000,000, and the amount of silver, including bullion in the Treasury, is about $537,000,000.

It will be seen that the relative amount of gold and silver in circulation in the United States is not out of proportion to that in circulation in the other countries, and there will be no difficulty in maintaining our silver circulation at a parity with gold. There is not now any demand upon the Treasury for the redemption of the silver in gold, and we deem it unwise for the majority to produce this agitation and precipitate upon the country this discussion, the tendency of which will be to produce a needless agitation of the money question and unsettle finances.

What this country needs at this time is quiet and rest and stability on financial questions and a cessation of financial disturbances.

The passage of this bill will place upon the Treasury the burden of current redemption in gold of more than $530,000,000 of silver, while it takes all of the gold out of the Treasury except a minimum of 5 per cent of the outstanding silver maintained as a guaranty fund. Instead of accomplishing the purposes of its advocates and taking the Treasury out of the banking business, it places upon the Treasury much larger banking duties and responsibilities. Instead of destroying the endless chain for depriving the Treasury of gold, it creates additional facilities for reaching the gold in the Treasury. The gold in the banks can be obtained by presenting for redemption the bank notes and the United States notes, which the banks have assumed to redeem in gold.

The gold in the Treasury can be reached by presenting silver for redemption. By these means this bill will prove a burden upon the Treasury instead of a support and relief. The facilities for acquiring gold for export are multiplied, and the Government would be powerless to protect it.

Mr. Chairman, the patriotism I bear to my country, the esteem I cherish for her institutions, the honor and the respect I have for my Government, and the affection and love I feel for my people impel me to hope that the evils of this legislation shall not be inflicted upon them.

Mr. BALL of Texas. Mr. Chairman, I move, pro forma, to strike out the last word. We are now legislating to protect this country from undesirable immigration. It may not be out of place to call attention to a recent occurrence which is certainly an imposition upon the House of Representatives, from which we should in the future be protected.

It will be remembered that some time since Congress voted an appropriation for the expenditure of certain moneys, incident to the reception of the statue of Rochambeau. For the ceremonies upon last Saturday, for the members of this House seats were provided by the committee having the matter in charge, that committee being presided over, I think, by the gentleman from Minnesota [Mr. MCCLEARY]; and we were advised by that gentleman in person, and also, as I remember, in making his report on the committee's action, that there were no reserved seats; that members of the House would be provided with two seats each; and it was so announced in the papers.

Upon arriving at the platform assigned for Representatives, their families, and friends to witness the ceremonies incident to that occasion, members of the House found that a certain number of the seats nearest the statue of Rochambeau and nearest the stand occupied by the President, the diplomatic corps, and others were in charge of an employee of the House; and members who were there with their families, having as much right as the gentleman from Minnesota or any other gentleman who is a member of this honorable body to entrance there—members who had gone early in order to obtain seats—found these most desirable seats unoccupied, and when they attempted to appropriate them they were advised by the employee of the House that they were reserved. I was unable to ascertain at the time from him, as were other members, just who were the fortunate beneficiaries of the action of the gentleman who had the matter in charge on behalf of the House of Representatives. To-day he informs me that it was by direction of the chairman of the Library Committee, the gentleman from Minnesota [Mr. MCCLEARY], and the Third Assistant Secretary of State, and upon approaching the gentleman from Minnesota he tells me that he assumes responsibility for that action.

Now, in the name of by far the major part of the membership of this House that has no desire to make exceptions in behalf of any member—that does not recognize that any members of the House are entitled to greater recognition in the distribution of the courtesies and favors which belong to this body than any other member—I desire to denounce in the most unqualified and positive manner the action of the members having this matter in charge

as a gross and flagrant indignity to the members of this House. So far as I am personally concerned, it makes very little difference to me, because, having gone very early, in order that I might secure a seat, I had personally a very fair seat upon that occasion.

But we have had a good deal of talk about flunkyism and favoritism and about sending our "emissaries" abroad to attend the coronation of a king and about our receiving statues here made in the image of an emperor, and I think we might have a little reform at home and at least express, on behalf of this House, our positive, unqualified disapprobation and disapproval of the action of the committee of arrangements on this occasion, who have attempted to favor certain members of this House upon the assumption that they are more worthy of consideration than the rest of the membership. I pronounce the action I complain of a gross indignity upon the members of the House thus discriminated against. It was indefensible and in violation of assurances given the House and its members personally. It was very reprehensible and ought to be severely condemned.

Mr. SUTHERLAND. For whom were those seats reserved?

Mr. BALL of Texas. They were reserved for certain members of the House and their friends. I do not care to call any names. I make the statement and it will not be denied.

The Clerk read as follows:

SEC. 18. That it shall be the duty of the officers and agents of any vessel bringing an alien or aliens to any port of the United States to adopt due precautions to prevent the landing of any alien from such vessel at any time or place other than that designated by the immigration officers at the port of arrival, and any such officer, agent, or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien at any time or place other than that designated by the immigration officers at the port of arrival, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than $100 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Mr. CLARK. Mr. Chairman, I move to amend section 18, in lines 18 and 19, by striking out the words "knowingly or negligently." Now, the difference in the situation that the striking out of those few words would make is this: Under the section as it is drawn it throws on the Government the burden of proving that the officer, agent, etc., of the steamship company either knew of these things or neglected to do them. If you strike out the words it throws the burden on the steamship company instead of on the Government. That is the whole tale in a nutshell.

Mr. RUCKER. Mr. Chairman, I would ask the gentleman what are the words that he wants stricken out?

Mr. CLARK. In lines 18 and 19 strike out the words "knowingly or negligently."

Mr. RUCKER. Would that read the way the gentleman wants it?

Mr. CLARK. Yes, "who shall either land or permit to land," etc.

Mr. RUCKER. My idea was that the gentleman would want to incorporate in his motion the word "either."

Mr. CLARK. Yes; strike out the word "either" also; so that my motion is to amend by striking out, in lines 18 and 19, the words "either knowingly or negligently."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. PALMER. Mr. Chairman, I would ask the gentleman if he would convict a man and put him in jail or submit him to a fine for doing a thing not knowingly or negligently?

Mr. CLARK. No; I would not do anything of the sort, but the difficulty is here that they know it, and there is no question about it. I will say that the steamship company does know and it is no hardship on it at all.

Mr. PALMER. I never would convict a man of a crime unless he knew he was committing it.

Mr. CLARK. Neither would I.

Mr. PALMER. Under the law of the United States there are certain crimes which a man can commit without knowing the fact.

Mr. CLARK. I never heard of one.

Mr. PALMER. I can tell the gentleman of one. Under the revenue laws it used to be the law that if a man had in his possession an empty barrel with a paid tax stamp upon it which was not canceled he was liable to be put into the penitentiary.

Mr. CLARK. I know, but every man is supposed to know the laws of his own country.

Mr. PALMER. Would the gentleman convict a man for violating a law that he did not know, or for committing a criminal act without knowing it? Can a man commit a crime without knowing it?

Mr. CLARK. The gentleman just cited a case where he could. [Laughter.]

Mr. PALMER. I am opposed to that kind of law.

Mr. CLARK. I did not think he could until the gentleman told me of that case.

Mr. PALMER. If the amendment offered by the gentleman passed, then he would put these people in the same category.

Mr. CLARK. All the difference is this, if the amendment is adopted it makes the steamship companies attend to their business, and if you do not adopt it they will always plead ignorance and that they did not know. They are up to their business, and there is no doubt about that.

Mr. SHATTUC. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio is recognized in opposition to the amendment.

Mr. SHATTUC. That very identical language has been in the law, if I remember correctly, for eighteen years.

Mr. CLARK. May I interrupt the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. SHATTUC. Certainly.

Mr. CLARK. The gentleman has gotten up a codification here. It is no argument in favor of a law that it has been the law. If the gentleman has simply brought the old laws here to codify them and has not made any changes in them, or if the committee had not, then the argument would be good, but the gentleman is estopped by his own action.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. CLARK. Certainly.

Mr. SHATTUC. If the gentleman were a business man, as I am——

Mr. CLARK. I am.

Mr. SHATTUC. And not a lawyer, and there was a law like this which we had been working under for eighteen years, and there never had been any trouble at all about it, I would ask the gentleman whether he would rather have that law remain as it is for the future or take the advice of an attorney who had looked at it for, perhaps, ten minutes, and suggested a new law.

Mr. CLARK. I would state to the gentleman that if I had the power I would write a new law.

Mr. SHATTUC. Undoubtedly; but that can not be done while I have the floor. Therefore, Mr. Chairman, I oppose this amendment simply on the ground that the steamship companies are entitled to certain protection. It would not be fair to fine them if they brought a passenger over here in violation of the law, when they did not know anything about it at all. I think the amendment is out of place, and I think the law is a proper one simply because there has been no trouble in enforcing it, and there would have been some trouble if it had been a bad law.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SHATTUC. Yes.

Mr. COCHRAN. The gentleman says this law has been in force for a good while, and that no trouble has been experienced.

Mr. SHATTUC. If I remember correctly, that is so.

Mr. COCHRAN. And the gentleman thinks this amendment might get the steamship companies into trouble.

Mr. SHATTUC. That is the way it looks to me.

Mr. COCHRAN. Is it not the object of the immigration laws to give them trouble every time they seek to introduce into the country emigrants prohibited by the statute?

Mr. SHATTUC. No; it is the object of the Government to be fair and manly with everybody,

Mr. COCHRAN. The gentleman thinks being fair would be not to give them any trouble if they happened to bring in a few who were prohibited by this statute?

Mr. SHATTUC. We are not here for the purpose of punishing the steamship companies. We want to do what is right by the steamship companies and by the United States as well.

Mr. COCHRAN. And you do not want them to have any trouble with this immigration law?

Mr. SHATTUC. We do not want to treat them unjustly under this immigration law.

Mr. COCHRAN. And you think it would be unjust to give them any trouble under this law?

Mr. SHATTUC. Oh, that is trifling. That is a question that I do not feel called upon to answer.

Mr. CLARK. If the chairman of the committee and the committee will adopt the amendment that I want adopted, in section 13, it would relieve the situation of all difficulty.

Mr. SHATTUC. Well, if there is any gentleman in this House who could come to us and ask us to do that, and succeed in persuading us against our will, it is Mr. CHAMP CLARK, of Missouri; and it is with great reluctance that I am forced to say we can not do it for him.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question being taken, on a division demanded by Mr. SHATTUC, there were—ayes 45, noes 38.

Mr. SHATTUC. Tellers.

Tellers were refused, 13 members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 19. That all aliens belonging to any one of the excluded classes mentioned in section 2 of this act shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than $300 for each and every such offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien or aliens found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien or aliens is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections 4 and 5 of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section 17 of this act to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

The committee amendment was read, as follows:

On page 14, lines 19 and 20, after the word "immigration," insert the words "under the direction or."

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

In lines 1 and 2, page 14, strike out the words "belonging to any one of the excluded classes mentioned in section 2 of this act" and insert "brought into this country in violation of law."

Mr. PERKINS. Mr. Chairman, the provision of the law, as it now is, is not consistent with the amendment that has been adopted. This provides that those who are brought in in violation of section 2, which contains the list of those who are sick and otherwise unfit, shall be returned. Since that the committee have adopted section 3, which provides that persons who are unable to pass an educational test shall not be allowed to enter. The law, therefore, should be changed, and should provide that all those who are brought into this country in violation of law should be returned. I think the chairman will agree with me that there is no reason why persons who are illegally brought in under one section should be returned and those illegally brought in under another section should not be returned. This is merely to correct the law to correspond with the changes the committee have already made in the law.

Mr. SHATTUC. The committee will accept that amendment.

The amendment was agreed to.

Mr. LATIMER. Mr. Chairman, we have heard a great deal of the imperialistic policy of the Republican party in annexing foreign territory without the consent of the inhabitants and in providing government therefor against and in absolute derogation of the Constitution. We have seen the gradual but sure tendency toward stronger centralization of power in every department of the Federal Government, the rights of the States becoming less and less recognized and secure and the central Government becoming more and more grasping and powerful.

To those of us who still regard as sacred the individual rights of the citizen, the reserved rights of the States, and the limitations upon the delegated powers of the General Government this departure, this changed condition, is fraught with the gravest danger. In the open and almost boastful disregard of the Constitution, which is the supreme will of the people, we see the final overthrow of our whole system, depending as it was intended it should upon the fundamental principle that all governments derive their just powers from the consent of the governed.

No policy of trade or territorial aggrandizement can repay the fearful cost of such a result. The specious pretexts of becoming a "world power" or of securing commercial supremacy, are but the fraud and deceit designed to filch from us our birthright of individual liberty and civic virtue.

The bill entitled "A bill for the promotion of commerce," but more generally and properly known as the Hanna-Payne ship-subsidy bill, presents to us the latest effort of the Republican party in its policy of imperialism, subjugation, and plunder. In the provisions of this bill is found the germ of a commercial imperialism which, if nurtured by the approval of the Congress of the United States, will have its flower and fruit in the slavery of all industry and enterprise to a well-selected and highly favored few.

The gigantic growth of trusts and monopolies in this country is, in my judgment, more dangerous, if possible, than any political policy of the Government, which, if not checked and restrained, will result in the complete control not only of the political rights of the people, but of their industrial and commercial liberty as well. It was but recently that a combination of all the large railroad interests was effected by which five companies, composed largely of the same persons, propose to divide the United States among themselves, each controlling a division, and all working for a common purpose, that purpose being the entire control of railroad business of the country and the stifling of all competition. We have about 185,000 miles of railroad, and of this all but 70,000 miles is under the control of this syndicate.

All the important roads are in the combination, the rest being for the most part secondary and remote from the great routes of travel and traffic. Five men representing these five companies can dictate rates for every bit of transportation which crosses the line of two States, as most of our traffic does. The direct outgrowth of this railroad combination is Mr. Pierpont Morgan's combination of the leading steamship lines into a union to control the carrying trade of the oceans. All traffic must be a matter of joint railroad and steamship control, and the steamship trust is an adjunct to the railroad trust. As the representatives of the steamship trust say, "the trust is meant to safeguard our other interests," referring undoubtedly to the railroad trust. There will be no competition for freight between the steamships and the railroads. They will work together, and the two interests are to have a unified head.

The effect of the combination is obvious. Freight rates and markets being the important factors in the prosperity of a country, the people will be at the mercy of this combine, being compelled to pay arbitrary rates for the transportation of their products and to send them to whatever markets are chosen for them. In this manner the toil of the masses of the people is to be fettered and enslaved for the benefit of a few plutocrats who already roll in millions wrung from the people by commercial monopoly, aided by unjust class legislation.

This bill is directly in the interest of these two combinations, proposing by its terms to present them with thousands of dollars annually for an indefinite length of time. There is no pretense that any return is going to be made for this money. It is simply a bounty.

I am opposed to this bill and all legislation of this character, upon the broad ground that it is vicious in principle. To legislate large sums of money out of the Treasury and into the pockets of certain people, without any consideration whatever, is the most abhorrent form of paternalism and special favor. This vast expenditure of public money must be raised by force of law from the people—the masses will be taxed in order to enrich the few. To demand money from the people for such a purpose is abusive of every principle of human justice, and is not taxation, but highway robbery and spoliation under the guise of law. No policy of expediency or even necessity can justify or excuse such abuse of legislative authority.

The golden rule of legislative action is found in that fundamental tenet of Democratic faith, "Equal rights to all; special privileges to none"—the protection of all men in the enjoyment of life, liberty, and the fruits of their labor, and such legislation that no one shall enjoy greater benefit from it or be subjected to heavier burdens under it than another. When we have accomplished this we have done all that can be done, and the people, left to appropriate the blessings of the Almighty, will fail or succeed in the proportion that they embrace or neglect opportunity.

I would be content to rest my objections to this measure upon these broad, general principles but for the fact that attempts have been made to make support of this bill a patriotic duty, which we as Americans owe to our love for and pride in our country. We are told that we must rouse ourselves as a nation and no longer be humiliated by the fact that 90 per cent of our foreign commerce is carried on by foreign ships. This condition can not be overcome, we are told, unless the United States Government will give to our shipowners a large subsidy in order to enable them to compete with foreign nations for the carrying trade of the world. Three reasons are given as to why this subsidy is necessary, and I propose to examine them briefly in order to demonstrate how groundless they are upon a fair statement of the facts.

In the first place they tell us it costs more to build ships in the United States than it does abroad, and that therefore it is impossible to carry on a successful shipbuilding industry in this country unless the industry is subsidized.

This proposition contains a misstatement of the facts with regard to the shipping industry, and the complete and convincing answer to it lies in stating the facts correctly. Shipbuilding in the United States is to-day among the most prosperous of our industries. Every yard from Maine to California is working full time and to the utmost of its capacity, with orders ahead for from one to five years. There is invested in this industry

$68,000,000, employing 46,000 men, with contracts on hand aggregating $114,000,000, or nearly 200 per cent of the capital invested.

In October, 1901, the Chicago Tribune, one of the leading Republican papers, sent representatives to all the shipyards of the country to investigate this reported depression in the shipbuilding industry, with the result that every yard was reported to be working overtime, with orders ahead. The Newport News yard was reported to have 145,100 tons under construction, to cost $38,350,000. This yard has $14,000,000 invested, and employs 7,000 men. I give this instance as a fair sample of the condition all over the country. The Commissioner of Navigation, one of the strongest advocates of this bill, having undergone a change of heart on the subject when the Administration changed, says in his official report:

The last three years have been prosperous years in shipbuilding. The last fiscal year was the most profitable of those three. The present fiscal year is more prosperous in its outlook than last year, so that it will be more prosperous in shipbuilding than any of the four years past, including the current fiscal year.

Here we have the official statement of the Commissioner of Navigation, who has the best opportunity for knowledge on this subject, and who, despite his desire to see this bill pass, can not hide the facts. Can we imagine less need of subsidy to stimulate an industry than is shown by these facts? What has become of the terrible depression and threatened collapse of the industry? No such condition ever existed. It is another Republican ruse to give color to hypocrisy, and instead of collapse and depression we have abundant evidence of a healthy condition and a steady growth, and a bright outlook for shipbuilding in the United States.

In the light of this business prosperity in the building of ships in the United States we are told that it costs more to build them here than abroad.

Now, let us examine that proposition closely and see what the facts are. It can not be denied that we produce the raw materials that go into the construction of a ship cheaper than any other nation on earth, in the face of the fact that we are selling those very materials in the markets of the world, and they are being bought by foreign shipbuilders for use in the construction of ships. Pig iron, which is the primary raw material of steel, and therefore of ships, is produced in larger quantities in the United States and at less cost than elsewhere in the world. We produced in 1900 14,000,000 tons of pig iron, at a cost of about $6.50 per ton, as against about half that amount produced in Great Britain, at a cost of about $9 per ton, that country being our only serious competitor in the production of iron. These facts explain why our steel plates and all grades of structural steel cross the ocean to find a market. And the same condition of affairs is plainly evident to anyone who seeks to know the truth as to all classes of materials that go into the building of a ship, but I can not take time to do more than point out the main items.

But conceding, for the purpose of this argument, that we can not produce the materials necessary for the building of ships as cheaply as other countries, it does not follow that our shipyards must stop business. Under present law all shipbuilding materials are admitted free of duty, thereby enabling our shipbuilders to go into the markets of the world and buy materials where they are cheapest and at the same price that shipbuilders of other countries secure them. So we see it is not the materials that form the expensive item of cost which, as our friends say, is going to compel our shipyards to go to the wall unless we help them.

The entire cost of a ship is embraced under two heads—materials and labor. I have shown that materials are not the cause of the alleged excessive cost of American ships. We are told, however, that American labor is more expensive, and that we have to pay higher wages for the same class of work. This question of the price of labor runs like a thread through all the arguments in favor of this bill, and the Republicans are constantly claiming that this bill is in the interest of American labor. They tell us that the cost of the labor in producing the raw materials, in fashioning it for the ships, and in operating the ships is greater in the United States than elsewhere, and that if this subsidy is granted a large part of it will come back into the hands of the American laborer.

But, like other Republican promises, it is Dead Sea fruit, which turns to ashes on the lip. Labor has had experience in voting for Republican policies on the strength of promises that the millions legislated into the hands of special classes would ultimately come to them.

American labor is intelligent, skillful, industrious, and honest. It demands and receives compensation in proportion to the work done. The American laborer is an exemplification of the well-known business maxim, "The best is the cheapest," for although he receives about 20 per cent more money for his work than any other laborer on earth, yet he turns out from 30 to 50 per cent more work.

Mr. Mulhall, the famous statistician, gives us in one of his recent books the gross earnings per capita of labor, and he shows that in England they are 20 per cent less than in the United States, although about 33 per cent greater there than in some European countries. He tells us that the rate of wages is no criterion of the relative value either to employer or laborer, that food is cheaper in the United States, that the laborer here spends one-sixth of his wages for food, whereas in England he spends one-fourth for that purpose. The total average value of a year's production in the United States is about $6,998 to each laborer as against $4,106.70 in Great Britain and $3,946 in Germany. The average wages in all industries per year in the United States is about $349.92 as against $204.12 in Great Britain and $155.52 in Germany. The difference between the wages paid and the production of the average laborer in the United States is about $1,535.76 as against $588.06 in Great Britain and $388.80 in Germany.

It will thus be seen that while the American laborer receives higher wages than the laborer of foreign countries, the output from his labor more than doubles that of the English and trebles that of the German laborer. Well-paid, well-clothed, well-fed, intelligent labor is the cheapest in the end. That is a fact which every man of business has demonstrated, and it applies more particularly to the classes of work in which skilled labor is required. But another fact which makes our labor so much more profitable than any other is the use of economical machinery, which can not be found abroad. The use of pneumatic boring, hammering, and riveting machines in the shipyards of the United States, together with other improved, labor-saving machinery, helps materially in enabling our shipbuilders to compete for the shipbuilding of the world.

The New York Journal of Commerce says:

Undoubtedly any difference in wages is more than made up in the value of the labor. That the American builder can compete needs no proof to one conversant with the facts.

It would be a waste of time to multiply the evidence of a proposition so plain that it must be apparent to any man who thinks at all.

So we find that materials are cheaper in the United States and that our laborer earns for his employer all and more than he receives in wages in excess of that of the laborers of other countries; and this being true, we can compete successfully with Great Britain—the only country we need fear—in the building of ships of every character. Hear what Mr. Cramp himself says:

For the Russian war ships we are building we competed with Germany and France. We have also built ships for the Japanese Government, and our bids were lower by 20 per cent than those of Mr. Armstrong, the English builder.

Again he says:

It is a fact that the first cost of ships is not only not a prime factor, but it is not even a serious factor in any competition that may occur between this country and Great Britain for a share of the traffic of the ocean.

Senator FRYE, who had charge of the bill in the Senate, stated that the cost of labor was the only reason why the American shipbuilder could not compete for the carrying trade. Driven to the extremity, the friends of this measure have had to abandon position after position, and now, in the light of these facts, who will say that labor has not advanced our shipbuilding industry more than anything else which has contributed to its success? Driven from this last intrenchment, there is nothing left for the plunderers to do but to admit their guilty intent and abandon a measure which so plainly bears the mark of greed and avarice.

Again, it is said that the American merchant marine can not compete for the carrying trade because the cost of operation is so much greater for our ships than those of foreign countries.

In comparing the cost of operation of steamships we have to take into consideration four items—coal, oil, provisions, and wages. These comparisons should be made with English ships because they carry the largest per cent of the trade and are our only dangerous competitors.

Now, as to coal, oil, and provisions, I understand it to be conceded that they do not constitute the excessive cost of operation, for the reason that they can be bought where they are cheapest and on equal terms with all other ships. It is the wages paid American seamen that the advocates of this bill claim necessitates the granting of this subsidy. Again, we have the question of the value and cost of labor presented. I have already demonstrated the well-known superiority of American labor, and shown by the highest authority and by the common experience of all business men that the additional cost of American labor is more than made up to the employer by the amount of output of the laborer.

These facts apply as well to the manning of a ship as they do to digging the coal and iron out of the ground or putting them into a ship, and I would rest my answer to this proposition upon those facts, except that a great show has been made by the Republican

party that this bill is in the interest of labor. They would have us believe that when we vote against this bill we are striking a blow at labor. Here, again, we detect the cloven foot of Republican hypocrisy. They know that under the provisions of this bill that American seamen are not required to be employed except to the extent of 25 per cent of the crew. When an amendment was introduced in the Senate providing for the employment of American seamen only, it was promptly voted down by the majority, and again, when an amendment was offered to the Chinese-exclusion bill providing that no Chinese should be employed as seamen on the ships of the American Navy or ships enjoying the privilege of American registry, it was also defeated. And yet the advocates of this bill claim that it is in the interest of American seamen!

But let us examine the facts and see whether the difference in the compensation of the officers and crews of American and English ships is such as to necessitate this subsidy. For the purposes of comparison I will take the American liner *St. Paul* and compare with the British liner *Campania*, which is almost a twin ship. The total amount of money paid to the officers of the *St. Paul* is $1,010, as against $995 to the officers of the *Campania*. This shows an immaterial difference of $15 in favor of the *Campania*. The wages of the crew of the *St. Paul* amount to $200, as against $216 for the *Campania*. Here we find no material difference. But when we come to the engine room we find the first material difference in favor of the British ship.

The *St. Paul* pays her engine-room men a total of $4,300, as against $3,000 paid by the *Campania*, giving a balance in favor of the *Campania* of $1,300. This illustration is a fair sample of my investigation into this subject, and will be found to represent, approximately, the difference of the wages on American and British ships in proportion to their size and the men they carry. Now, this would make a difference of $15,900 a year that the American ship pays her crew in excess of that paid by the British ship. To equalize this difference, which the advocates of this measure say is the terrible drawback to American shipping, the *St. Paul*, under the provisions of this bill, would receive a yearly subsidy of at least $40,000, instead of the actual difference of $15,000.

On this question of wages I will quote from the Commissioner of Navigation in his annual report of 1894:

> So far as able seamen are concerned, the actual competition to-day in trans-Atlantic and trans-Pacific trade is between American ships and British ships, and a comparison of the wages paid on these two different classes of vessels will show only slight disparity in wages. Any comparison of monthly wages, therefore, unless accompanied by a full statement of all the conditions under which wages are paid and of the results attained, will be misleading.

The Coast Seaman's Journal says:

> Wages are equal on vessels of all nationalities when crews are obtained in any given port. In other words, it is the rule of the port, and not the flag of the ship, that governs wages.

And again, Mr. Chamberlain says:

> The difference between American and foreign rates of wages can be, and the fact is it is, overcome by employing crews in foreign ports for the round trip.

Thus we see that there is no such difference in the wages paid American crews as would warrant this legislation. That difference only exists at all when the crews are obtained in a port of the United States, and we have the authority of the Commissioner of Navigation to the effect that all wages can be and are equalized by employing the crews at a foreign port for the round trip. It is not to be supposed that the owners of American ships will, even if this subsidy is granted, man their ships entirely with American seamen when they are only required to employ 25 per cent. The result will be that they will pocket the bounty and proceed to hire crews wherever they find them cheapest. Here we have the evidence of another bunco game at the expense of labor.

The third and last proposition upon which this bill is advocated by its friends is that American ships can not compete for the carrying trade of the world because the ships of other nations are subsidized.

More than 50 per cent of the entire commerce of the seas is carried on by English ships. They are the masters of the ocean, and other countries at present scramble for what is left. In considering this question, therefore, it is important to investigate the policy of the British Government toward its merchant marine for the purpose of seeing whether or not this mastery was obtained and is supported by subsidy.

Great Britain has never paid a subsidy to her merchant marine. She does pay, and has paid for years, about $4,000,000 annually for carrying her mails across the seas, but this can not be called a subsidy in any sense, being pay for actual service rendered, and the deficit between this amount and the amount of foreign postage, perhaps $2,000,000 annually, is a charge upon the colonial governments, and can not be said to be in the interests of British shipbuilders. Legitimate pay for actual service in the transportation of mail is not subsidy, and the word in that connection is a misnomer. But to give a clear idea of the British policy, I quote from the late consul-general of the United States at London, Mr. William Osborne. In a recent report he says:

> The Government of this country does not pursue any particular policy for the purpose of promoting its merchant marine. Subventions are paid for the use of certain vessels as armed cruisers in case of war and for the carriage of mail

The subventions referred to amount to about $300,000 annually. This, with the four millions paid for carrying the mail is all that Great Britain does for her vast shipping.

The vice-consul at London states:

> The Government does nothing to promote the merchant marine in the way of subsidizing it or the builders who construct it. Payments aggregating some $243,000 per annum are made to four companies for the call of certain steamers as armed cruisers in case of war. The mail pay for the current year amounts to $3,815,100, toward which the colonies and India contribute $850,500. This is exclusive of South Africa.

Thus we see that there is no subsidy paid by Great Britain to her ships that dominate the carrying trade of the world. That enormous trade is carried on by English iron tramp ships which do not receive one cent of the mail or subvention pay, but which are found in every port, in every ocean, competing with each other, and which furnish us the cheapest transportation we can get. England has her fast ships for mail purposes and as auxiliaries in time of war, but they do a small per cent of the vast business of which English ships are the carriers.

The example of France is often cited as an illustration of the policy of governments in subsidizing ships. The example is unfortunate for the friends of this bill, as it is but a confirmation of our own ineffectual attempt to build up the merchant marine by governmental bounty. France pays at present about $9,000,000 annually as a subsidy to her shipping interests, but, notwithstanding this, her shipping refuses to increase in any proportional measure. Her merchant marine is now about 1,000,000 tons, which is less than the United States has to show, and her shipbuilding activity is far behind our own. In the year 1901 France added 53,000 tons to her steam merchant marine, and the United States added 215,000 tons.

Mr. Thackara, our consul at Havre, says in a recent report:

> It has been shown that the support given to the steam fleet of France, by means of the bounty granted by the law of 1898, has not developed that branch of the merchant navy to the extent hoped for by the projectors of the law.

So it appears that the experience of France has been anything but satisfactory.

The same unsuccessful story is the history of Italian attempts to subsidize their ships. After spending about $6,000,000 it was given up as a failure. The Germans have their ships built abroad wherever they are cheapest, and the extent of help that their ships receive comes in the way of pay for carrying mail and subventions in case of war. I might cite example after example, and pile evidence upon evidence, but with the facts given it is plainly to be seen that the trouble with our merchant marine is not the subsidies of other countries.

This brief examination of the reasons put forth for the passage of the bill leaves them without force, and shows that they are but the subtle subterfuges relied upon by those who desire this legislation to give it plausibility and excuse. But there is no escape from the fact that this bill carries pure, naked subsidy. There is no pretense that it is paid for anything except upon the speculative idea that it would induce the building of new ships, and it has been clearly demonstrated that if it is paid for that purpose it will be nothing but a gratuity to a few shipbuilding concerns in this country.

The question will be asked, very naturally: If we can build ships as cheaply and operate them as cheaply and do not have to compete with subsidized ships, why is it that our merchant marine has declined and that England carries the large part of our foreign commerce and we only carry about 10 per cent? The answer to that question is plain. Prior to 1855 the wooden ships of the United States, the fast clippers of the ocean, were rapidly taking away the supremacy in the carrying trade from England. When this condition of affairs became apparent England began the construction of iron vessels. There is no question that for years after the war, and before 1855 even, we were unable to build iron ships as cheaply as they could be built in England. None of our great mineral resources had been fully developed, and England had coal, iron, and skilled labor, with which she soon regained her old dominion over the carrying trade of the world.

Our policy prevented the buying of ships where they were cheapest, and so we saw our merchant marine gradually give way to the improved ships of the English. A new force had come upon the sea—the iron ship. It was faster and could carry many more tons, and lasted many times as long as the old wooden ships, and it was but the natural consequence that it soon monopolized

the commerce of the seas. Our stupid navigation laws, which prevent us from buying ships where they are cheapest, forced us to build iron ships or give up our trade. We had not become sufficiently developed in our mineral resources, machinery, and labor to compete with England in the building of iron ships, and thus it was that our merchant marine began to decline and that of England began to ascend.

With this handicap upon the industry, our people turned attention to other lines of industry, and began the great industrial movement which has opened up our vast resources, making the wilderness a site for cities and railroads, and smelters, and workshops, and schools, and churches, until to-day we stand upon the pinnacle of industrial glory. The 10 per cent of our trade which we carry to-day amounts to more than the 75 per cent that we carried in 1855. The attention of the people was attracted to the larger fields of enterprise and money making in the building up and development of our country. But for ten years we have been in position to compete with England in the building of ships. Capital is again being directed to the shipping industry, and we see renewed activity in all lines of shipbuilding and shipping. It is but a matter of a few years when the United States will again challenge England for her supremacy upon the seas.

Having invaded her dominions with our coal and iron, wool and cotton, breadstuffs and tobacco, we will soon be selling her completed war and merchant ships, as we are already furnishing her large supplies of the materials. If a subsidy for ships was ever necessary that day has passed. This very bill is evidence of the renewed activity of capital in this line, and with the characteristic effrontery of the money grabber the millionaires come to the Congress of the United States and ask for thousands of dollars to enable them to live. Last year they wanted $9,000,000 for twenty years, saying that that amount was absolutely necessary. Being completely routed by the friends of honest government they gave up that claim, and come again this year asking for the amount carried by this bill, which will probably amount to at least a million dollars annually.

This is not an untried experiment. Twice before, and on a large scale, the United States has attempted to subsidize her merchant marine, but in both cases it was a dismal failure, and one of the most disgraceful chapters of our legislative history was connected with them. In 1850 the Government granted a subsidy to the Collins Line, amounting to $385,000, to ply between New York and Liverpool. From that date until 1859, when the company went to pieces in disaster, the subsidy was raised until it reached $2,000,000; yet despite it all, the project failed.

The case of the Pacific Mail Company of 1865 to 1875 was not any more successful, ending in disgrace. Experience proves that the system of bounty calls into existence unnecessary ships and diminishes the regular earnings of the company, which the Government is compelled to make up, and when its support fails the company goes to the wall. The whole question is resolved at last to the well-known economical fact that only industries adapted to our conditions and to our needs, and for which we are fitted, can succeed, notwithstanding we may try to force an artificial growth by bounties.

If shipping is to be subsidized, why not agriculture? Why not mining? Why is it that we are asked to open the doors of the Treasury to the wealthy corporations owning shipyards and at the same time close the door to the farmer, who struggles from year to year for the necessaries of life; and to the miner, who is shut in the earth digging out his meager existence from day to day? Is another burden to be laid upon the patient backs of the toiling millions, who already groan and sweat under the weight of unjust taxation?

Mr. Chairman, the American people will not forever endure such unholy abuse of their rights. Let not the friends of this measure be deceived. Long suffering, slow to anger, and prone to impute honest motives to men in high places, they will at last see in what manner they have been dealt with, and in their wrath will rise up and drive the money changers from the temple.

It will not do for them to be told that this bill will enable them to obtain new markets for their products and to send them in American ships direct to the consumer. This bill does not provide for any new lines of ships, nor will a single new market result from its passage. Complaint is already heard that our products must take circuitous and unnecessary routes to reach their market. Mill men of South Carolina complain that the cotton manufactures which they ship to the East have to go by New York and Vancouver, instead of directly. This bill will not remedy that evil, but it will increase it instead. The combination of all the carrying facilities which has already been practically accomplished will have the effect of breaking down all the direct means of transportation and compelling the producer to use the longest route and pay the most freight, and this bill is a gift to the combination in aid of their purpose.

If we would help the people and procure for them new markets and cheaper means of transportation, this bill should be defeated without division, and the question of putting some limitation upon the powers and growth of monopoly in this country taken up and dealt with at once. American shipping can safely be left to the demonstrated ability of American capital to build and operate ships in competition with any other nation, and the most that we can or ought to do for it is to repeal our restrictive and unjust navigation laws.

In my judgment, 75 per cent of our foreign trade is carried by American capital in ships which fly a foreign flag, because of the unjust requirements of these laws. Let them be repealed and American ships will take their place in the advancing column of American supremacy without the need of bounty. No enterprise can be built up by governmental bounty alone. Its growth will be superficial, and when the aid is withdrawn it will fall to the ground. On the other hand, an enterprise adapted to the genius of our people and backed by the resources and demands of the country will grow despite obstacles, as is clearly demonstrated by the history of our merchant marine.

Mr. Chairman, I am in favor of industrial expansion and advancement along every line and accomplished by every legitimate means. I would like to see American-built ships, flying the Stars and Stripes, in every port and upon every sea, manned by American seamen and ladened with American products. I would like to see direct means of transportation established to the old and new markets of the world and our trade enlarged so as to include every quarter of the globe. I would like to see our wonderful resources fully developed, giving employment to happy and contented labor. And I would like to see the American farmer, who is the corner stone of all our advancement, freed from the oppression of unjust legislation and illegal combination. But these results will never be obtained by discriminating between classes in legislation and imposing taxes upon the masses of the people in order that the few may become gorged with wealth.

In conclusion, Mr. Chairman, let me repeat that if we would aid the people in obtaining new markets and cheaper transportation let us take up the growing power of trusts and monopolies and pass legislation that will relieve the people of the burdens imposed by them. The Republican party has not the manhood to deal with that question openly. While they are in the act of making a weak prosecution of the beef trust, they are proposing by this bill to strengthen the hand of the great railroad-shipping trust. We can not expect anything in the way of relief from the Republican party, which is the creature of private monopolies and organized capital.

The existing laws against trusts should be enforced and more stringent ones enacted, providing for publicity of all the affairs of corporations engaged in interstate commerce, and requiring them to show, before being allowed to engage in interstate commerce, that they have no water in their stock and that they are not attempting to monopolize any branch of business or production, and all the powers of Congress over the mails and all modes of interstate commerce should be used to suppress and control this growing menace to the prosperity of the country.

The Republicans seem not to be interested in promoting the prosperity of the people. With the crying need of remedial legislation at home and vexed problems of vital interest demanding attention, the Administration is engaged in waging a war of extermination upon the Filipinos, the horrors and inhuman cruelty of which is being detailed to us by slow degrees. Not content with a domestic policy that robs the people of the fruit of their labors and makes them the spoil of every form of political corruption, the party in power, forgetting every principle of human justice and inspired only by lust and greed, are carrying on a war of extermination against a weak people, and laying their country open to the tender mercy of the carpetbagger, their only crime being a demand for the principles of liberty and self-government.

It is time to awake to the danger that is upon us and which, unless averted, must surely result in the overthrow of "Government of the people, for the people, and by the people." I have an abiding faith in the character and uprightness of our people, and that they will not long endure the yoke of Republican oppression and injustice.

Mr. CLARK. Mr. Chairman, I move to amend section 19, by striking out, on page 15, all after the word "act," in line 3.

The Clerk read as follows:

Page 15, line 3, after the word "act," strike out the proviso.

Mr. CLARK. This proviso simply shifts from the steamship companies to the United States Government the expense of doctoring up these excluded persons over here. I am opposed to any such performance. That is all there is to it, one way or another.

Mr. PARKER. Let me ask the gentleman a question. Does

not that proviso only apply to those who are held here for evidence?

Mr. SHATTUC. This applies to such people as come here and stay a year under the old law, and have gone into our hospitals and the like.

Mr. BARTHOLDT. Will my friend permit me just one moment? I think my colleague from Missouri does not comprehend the meaning of this proviso.

Mr. CLARK. I withdraw that amendment.

The Clerk read as follows:

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein from causes existing prior to landing, shall be deported, as hereinafter provided, to the country whence he came at any time within one year after arrival, at the expense, including one-half of the cost of inland transportation, to the port of deportation, of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, or, if that can not be so done, then at the expense of the immigrant fund provided for in section 1 of this act; and, at any time within four years after the expiration of one year following such alien's arrival he shall be deported at the joint expense of the said immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien, the former to be charged with the cost of ocean transportation and the latter to defray the expense of delivering such alien at the port of departure from the United States designated by the Commissioner-General of Immigration; and any alien who becomes a public charge from causes arising subsequent to his landing shall be deported to the country whence he came at any time within five years after such landing, at the joint expense of the immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien's support, said expense to be apportioned in the manner above stated.

Mr. SHATTUC. Mr. Chairman, I move to amend line 21 by striking out the figure "4" and inserting the figure "2;" so that it will then read "within two years."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, line 21, strike out "four" and insert "two;" so as to read "within two years."

Mr. SHATTUC. Mr. Chairman, this four years was placed in here originally as a compromise in the committee. Some wanted the figures as high as eight and ten years. We compromised at four years. Now, there is so much opposition to the section as it stands now that the committee by a unanimous vote has agreed to reduce that to two years.

Mr. BARTHOLDT. Making it three years.

Mr. SHATTUC. Making it three years in all. This particular provision is made because of a complaint that comes particularly from New York. Under the provision that they might be deported in one year, heretofore it has been found that they would be supported by friends on the outside until the expiration of one year, and then they would be put into the hospitals and poorhouses and other places and stay there the balance of their lives. Some gentleman named Brown, I do not remember his name, but a very distinguished friend of the gentleman from New York [Mr. SHERMAN], came here and gave us information on the subject, and there were those who were interested in our insane asylums interested in the matter also, and this arrangement was made all through the bill. You will find upon looking up the matter, I think, that from 25 to 35 per cent of those in the poorhouses and like institutions in all parts of the United States is made up of these immigrants. It will also be the duty of the Commissioner-General of Immigration to inform these different institutions as to the law and the means by which they can deport them back to the country from which they came.

Mr. COOMBS. What does the gentleman mean by the country from which they came?

Mr. SHATTUC. That is something that I do not care to discuss here. Anybody knows what it is.

Mr. COOMBS. Is that your answer?

Mr. SHATTUC. Yes, sir; that is my answer.

Mr. WACHTER. Why keep these people until they become a public charge?

Mr. SHATTUC. They become a public charge after they come here.

Mr. WACHTER. How long after do they become a public charge?

Mr. SHATTUC. That depends on how long they are well after they arrive.

Mr. WACHTER. How long after?

Mr. SHATTUC. After they have been in here a year they go to the poorhouse and stay there. They can not be deported after one year under the old law.

Mr. WACHTER. Why keep them two years?

Mr. SHATTUC. Let me answer your question. Will you please frame your question? and then I will answer it.

Mr. WACHTER. Why keep them two years after the one year?

Mr. SHATTUC. A man may come here and may pass the inspection, and he may become a public charge after a year and go into one of our poorhouses. Then the United States takes up the matter and sends him back.

Mr. WACHTER. But only after the expiration of two years.

Mr. SHATTUC. Any time during the two years, but not after.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. BARTHOLDT. Mr. Chairman, I think the amendment offered by the distinguished chairman of the committee is a step in the right direction. However, I should like him to go a little further. I wish to explain to this committee that this provision of the bill has nothing at all to do with the question of the restriction of immigration. It is a question affecting the right of asylum—the right of residence on American soil. It is an American question. After a man has been in this country for the first three years he may, even in accordance with the amendment proposed by the committee, be deported to his old home.

In the meantime, gentlemen, he may have had children born to him. His children, in this case, are native-born American children. What will you do with the father? Will you separate him from his children, or will you deport those innocent children, though they are born upon American soil, with him? Therefore, I say, even three years is too long a term. In three years a man quite easily can and usually does identify himself with American institutions. He may have started a business. He may have failed in that business, and, in accordance to the terms of this law, he would have to be deported because he is liable to become a public charge.

Mr. KLEBERG. This deportation takes place notwithstanding the immigrant has been admitted in the first place; but if after a year—and according to this amendment, three years—he accidentally becomes a charge on this country he may be deported, although he may have offspring born since he came to this country.

Mr. BARTHOLDT. That is correct. The law now is that a man may be deported within one year. The amendment proposes to extend this term to three years. My argument is that within the three years he may have children born to him. He might be a good American; he may have taken out his first papers; he may have signified his intention to become an American citizen. In spite of all that you propose in three years to deport him to the country whence he came.

Mr. RUCKER. Does the gentleman from Missouri understand that the whole section extends to the deportation of those only who have become a public charge within the time specified for causes existing prior to his arrival here?

Mr. BARTHOLDT. No; I do not so understand it.

Mr. RUCKER. Let me read it; I may be mistaken.

And at any time within four years after the expiration of one year following such alien's arrival he shall be deported at the joint expense of the said immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien, the former to be charged with the cost of ocean transportation and the latter to defray the expense of delivering such alien at the port of departure from the United States designated by the Commissioner-General of Immigration; and any alien who becomes a public charge from causes arising subsequent to his landing shall be deported to the country whence he came at any time within five years after such landing, at the joint expense of the immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien's support, said expense to be apportioned in the manner above stated.

Mr. PARKER. Now, will the gentleman look to lines 4 and 5 on page 16?

Mr. RUCKER. But this is not an amendment to that part of the bill.

Mr. PARKER. I see that, but I wanted to call the gentleman's attention to the fact that that is a new provision.

Mr. RUCKER. This section applies solely to conditions existing before the immigrant came to this country.

Mr. BARTHOLDT. The whole section has been read.

Mr. RUCKER. The amendment is in reference to line 21, page 15.

Mr. BARTHOLDT. If that is the case, then it is all right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. BARTHOLDT. Mr. Chairman, I now want to offer my amendment. On page 16, line 7, strike out the word "five" and insert the word "two."

Mr. PARKER. Mr. Chairman, I have an amendment which would strike out more of the paragraph, and I think it ought to come in first. I move to strike out as an amendment to the gentleman's amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, line 7, strike out the word "five" and insert the word "two."

Mr. PARKER. Now, Mr. Chairman, I move in substitution therefor to strike out the clause from the word "immigration,"

in line 4, to the end of the section; and I ask the Clerk to read the words that I desire stricken out.

The Clerk read as follows:

Strike out the following:

"And any alien who becomes a public charge from causes arising subsequent to his landing shall be deported to the country whence he came at any time within five years after such landing, at the joint expense of the immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien's support, said expense to be apportioned in the manner above stated."

The CHAIRMAN. The gentleman from Missouri offers an amendment to line 7, and the gentleman from New Jersey made a suggestion and offers an amendment by the way of a substitute. The Chair thinks that this part of the bill should first be perfected by amendment, and then the motion of the gentleman from New Jersey to strike out should be considered, and not in the nature of a substitute.

Mr. PARKER. As my amendment refers to an earlier line, should it not be first considered?

The CHAIRMAN. The paragraph to be stricken out by the motion of the gentleman from New Jersey should first be perfected by the committee.

Mr. BARTHOLDT. Mr. Chairman, I am willing to withdraw my amendment.

The CHAIRMAN. Unless objection is made, the amendment offered by the gentleman from Missouri is withdrawn.

There was no objection.

Mr. PARKER. I only want one word of explanation.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. SHATTUC. I thought we were to perfect the paragraph first.

The CHAIRMAN. No one rose to suggest another amendment——

Mr. SHATTUC. Yes, Mr. Chairman, I rose, but I did not get the attention of the Chair.

Mr. PARKER. If the gentleman from Ohio wants to offer an amendment I will wait. I do not want to take any advantage of him.

Mr. SHATTUC. I simply do not want to lose my right.

Mr. PARKER. I do not want to take any right from the gentleman.

Mr. SHATTUC. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. After the gentleman from New Jersey speaks, will it be in order for me to offer an amendment?

The CHAIRMAN. Yes; amendments will be in order.

Mr. PARKER. Mr. Chairman, I am in favor of perfecting a proper immigration bill, but this clause is not one directed to immigration. If the best man in the world comes to this country and is regularly admitted, this clause declares that if, from causes arising subsequent to immigration, he becomes a public charge within a certain number of years, he shall be deported. This is not right. It may be simply a hod carrier who falls down and is hurt, but who was a good man when he came here. It may be a man of highest character and standing, who was likewise one whom we welcomed to our shores.

There is no reason—may I add that there is no right?—in international or other law under which, if a man is hurt or disabled in this country from causes arising subsequently to his arrival, he should be deported. I understand this to be a new practice, a new provision—something entirely new in the law. We rightfully reserve the right to deport a man who gets into this country in violation of law, or who is not an acceptable immigrant, or who is without means of support, or incapable of earning his own livlihood, if he is for any reason an unsuitable person to become a citizen of this country, even if this disqualification is not discovered until a term of years has elapsed. But if he is a right man, who comes in here rightly and who is in some way disabled after arriving here so that he may be disqualified for self-support, we may have no right to deport him.

Mr. KLEBERG. If we should undertake to do so, might we not practically be deporting our own citizens? The man may have declared his intention to become a citizen, or may have been naturalized.

Mr. PARKER. Certainly. And even though he should still be an alien, he is a man who has been accepted as a suitable denizen of this country; and he has the right to come and the right to stay.

Mr. DOUGLAS. Mr. Chairman, it is a grave question whether this entire section is not unconstitutional. The United States Government beyond doubt has the right to deny admittance to its territory to any man coming here from a foreign land, but whether he may be deported if it should be proved within a year after his landing that causes existed previous to his landing which rendered him not admissible under the law is a different question. I certainly agree with the gentleman from New Jersey [Mr. PARKER] who has just spoken, that when we go still further and try to arrogate to ourselves a privilege which no other country in the world has ever assumed, of deporting a man after he has resided on our shores for five years, that we are certainly going far beyond reason, prudence, and necessity. Therefore I propose to stand by the amendment reducing the term to one year or two years.

Indeed, I hope that the gentleman from New Jersey will press his amendment so that we can take out of the bill this entire clause. I do not remember that I was in the committee when this clause was passed upon, and therefore if I was, I wish to apologize for not having made my fight in the committee. But now that I look at this question I am satisfied that to adopt such a provision would not be doing what is fair. If we are going to do this sort of a thing and deport men after five years' residence in the country, foreign nations will likely adopt similar laws, so that within a few years we may be exchanging citizens with all the countries of the world. I certainly hope the argument of the gentleman from New Jersey will prevail, and that the entire section will go out of the bill. [Loud applause.]

Mr. SHATTUC. Mr. Chairman, because of the fact that my colleague on the committee [Mr. DOUGLAS] voted on this amendment without proper information and without understanding it, I will consent to its withdrawal.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey to strike out all after the word "immigration" in line 4.

Mr. HEPBURN. Mr. Chairman, it seems to me there may be something said on the other side of this question. I do not see that great hardship is going to be imposed on anybody by retaining the language now under consideration. It is the law, the public law——

Mr. PARKER. It is not now the law.

Mr. HEPBURN. We have the right to invite whom we please into this country, and we have the right to exclude whom we please. When this provision is enacted it becomes the law, and thereafter every man who comes into this country will come with the knowledge that the provision exists. And the very fact that it does exist, the fact that there is a possibility that the immigrant may not have the right of citizenship or the right of domicile after he becomes a pauper, will be deterrent in its character and will aid in keeping away undesirable immigrants.

I understand that this is a bill in restraint of immigration; that this provision will be one of the powerful aids in that direction. The very uncertainties that are created by it will deter immigration; and I understand that that is what the gentlemen of the committee desired when this section was determined upon.

Mr. BARTHOLDT. Would the gentleman from Iowa separate father and child?

Mr. HEPBURN. Certainly not.

Mr. BARTHOLDT. You would by voting for this provision.

Mr. HEPBURN. I do not so understand. These people who may come here will come here subject to this disability, if it is a disability, that they are liable to be deported. I can not see any hardship in it, because there is notice to all the world that such is the condition of our law, and that is one of the objects of the measure.

Mr. BARTHOLDT. Does any immigrant who comes here expect to meet with accident or misfortune?

Mr. HEPBURN. No; I imagine not.

Mr. BARTHOLDT. Certainly not.

Mr. HEPBURN. But such persons come here knowing, as all other men do, that they are liable to such action on account of disability, and I can not see any reason why gentlemen should be so anxious to impose upon the people of this country the burden and labor of supporting persons of this class.

Mr. DOUGLAS. Mr. Chairman, I would like to ask the gentleman from Iowa [Mr. HEPBURN] if he really believes that any large percentage of the immigrants that come to the United States know the law that is on the statute books of the United States.

Mr. HEPBURN. Well, I hope the time will come when no one will be permitted to come here who does not know something about our laws, and I undertake to say that the man who will come without knowing how he is to be received, what is to be his status after he comes here, what disabilities are imposed on him, is that kind of an improvident man that we do not want.

Mr. ROBINSON of Indiana. Mr. Chairman, I would call the attention of the gentleman from Iowa to the fact that this will strike at the very most desirable class, who are overtaken by misfortune even, and that is not the purpose of this bill.

Mr. HEPBURN. I do not think that the gentlemen can say that it is applicable to all of the classes——

Mr. ROBINSON of Indiana. Yes, and——

Mr. HEPBURN. And I think if the gentlemen appreciate the importance that now exists for not allowing this great multitude

of people to come here as competitors for the bread that our laborers, native or those that are now here, eat, that they would not be so inconsistent.

Mr. ROBINSON of Indiana. I think if the gentleman will look at the provision he will regard it as entirely too harsh as against the desirable immigrants who come to our shores.

Mr. HEPBURN. It is one of the misfortunes, perhaps, or one of the possible disabilities that must come from general legislation. Is it not the purpose of this bill to restrict this legislation?

Mr. ROBINSON of Indiana. Yes; for causes existing at the time of the immigration.

Mr. HEPBURN. No; not necessarily for causes existing.

Mr. ROBINSON of Indiana. Yes; that is the general purpose of the bill.

Mr. HEPBURN. That is in harmony with the general provisions of it.

Mr. ROBINSON of Indiana. Yes.

Mr. HEPBURN. But the purpose of the bill is to decrease the constantly increasing number of people, undesirable in character in many instances, that are thronging our shores, and this provision, by the very uncertainties that it creates, will aid in that direction, and that is why I want it.

Mr. ROBINSON of Indiana. I hope this bill is not construed to work the harsh injustice that this provision would work.

Mr. HEPBURN. There is no injustice. We are doing no injustice to a man, a citizen of another country, when we do not invite him to come here.

Mr. ROBINSON of Indiana. He becomes a citizen of this country.

Mr. HEPBURN. There is no injustice to him in protecting our own rights and our own people.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this act he shall cause such alien, within the period of five years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section 20 of this act, or, if that can not be so done, at the expense of the immigrant fund provided for in section 1 of this act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section 19 of this act.

Mr. SHATTUC. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers the amendment which the Clerk will report.

The Clerk read as follows:

Amend section 21, page 15, line 14, after the words "period of," by striking out the word "five" and inserting in lieu thereof the word "three."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, with the approval of the Secretary of the Treasury, and prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts, with the approval of the Secretary of the Treasury, for the support and relief of such aliens as may fall into distress or need public aid. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges.

The committee amendment was read, as follows:

In line 17, section 22, page 17, after the word "aid," insert the words "all under the direction or with the approval of the Secretary of the Treasury."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. SHATTUC. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 22, page 17, line 3, by inserting after the words "under the" the words "direction of the."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, with the approval of the Secretary of the Treasury, by the Commissioner-General of Immigration, through whom alone all communications from immigration officers to the Treasury Department in regard to the immigration of aliens into the United States shall be addressed.

The following committee amendment was read:

In section 23, line 7, after the word "prepared," insert "under the direction or."

The amendment was agreed to.

Mr. SHATTUC. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 23, line 8, after the word "treasury," by striking out the remainder of the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before the board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Mr. PERKINS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out in lines 16, 17, and 18, page 18, the words "upon the recommendation of the Commissioner-General of Immigration."

Mr. PERKINS. Mr. Chairman, this is an amendment which I hope the chairman of the committee will accept. As the section now reads it says that—

Immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration.

I do not object to giving the entire authority—though it is a large authority—to appoint these employees and fix their compensation to the Secretary of the Treasury; but as this statute now reads, he is bound to appoint employees and to fix their salaries as the Commissioner-General of Immigration shall recommend. In other words, we give to the Commissioner-General of Immigration the power to direct the appointment of no matter how many employees, to fix their salaries in the interest of any person he sees fit. Now, Mr. Chairman, this is a large power to give to an official like the Commissioner of Immigration, and certainly it might lead to very serious results. I think that the chairman of the committee ought to be willing to leave this in the hands of the Secretary of the Treasury, and not in the hands of any inferior official, giving him the right to fix salaries.

Mr. SHATTUC. If there is any one thing that has bothered the Committee on Immigration, it has been the jealousies that have obtained toward the Commissioner-General of Immigration, and the objections raised against giving him any power or authority whatever. That has been carried to such a degree that there is reason to suspect that there is something wrong in other directions; that there are other parties whom they think can be worked a great deal easier than they can work the Commissioner of Immigration. I will give you names, if you want them; but I want to tell you, Mr. Chairman, and gentlemen, that if there is one place in the Government of the United States to-day that ought to have a good man in it, it is the office of Commissioner-General of Immigration in charge of the immigrant business. The present Commissioner-General will shortly leave the service of the Government because of the unpleasant conditions arising from his efforts in unearthing the biggest lot of thieves that this Government ever had in its employ. [Applause.]

Mr. PERKINS. May I ask the chairman of the committee one question?

Mr. SHATTUC. Will you get me some more time?

Mr. PERKINS. Yes.

Mr. SHATTUC. Then I will yield.

Mr. PERKINS. The irregularities or the serious wrongdoings that have been developed recently, did they not all come through the Treasury Department?

Mr. SHATTUC. Yes; through the Treasury Department—

that is, the present Commissioner of Immigration, an official of the Treasury Department, has unearthed wrongdoing to such an extent that the President of the United States secured a $25,000 man to go and run that business for $5,000 a year, and he is doing glorious work. Now, I drew this part of the bill myself, and I want to say to my distinguished friend from New York that it meets with the approval of the Secretary of the Treasury; because he did me the honor that I do not think he will ever do another member of this House—to write on the back of this bill, "Dear General, it is all right." Now, I do not believe he would have done that if it had not been all right, and I want to say that I believe the men who have been talking to the gentleman from New York about this matter are the men who have condoned the biggest lot of thieves that have ever existed in Government employ. That is what I think.

Mr. PERKINS. Nobody has talked to me about this amendment at all. I do not want in any way to reflect upon the Commissioner of Immigration. I do not know who the present Commissioner of Immigration is, but I think it is rather unusual to take any official, I do not care whether Commissioner of Immigration or not, and give him the absolute right to fix the salaries of his employees at $5,000 or $10,000 a year, if he sees fit.

Mr. SHATTUC. This is all under the civil-service law.

Mr. PERKINS. But that does not fix the salaries.

Mr. SHATTUC. I know that very well.

Mr. PERKINS. He can fix the salaries to suit his own taste.

Mr. SHATTUC. I assume that the gentleman who occupies the position of Commissioner-General of Immigration will do about what is right. He has done it so far when he has been let alone. The great trouble is that they have made a chief clerk of the Commissioner-General of Immigration.

Mr. PERKINS. The general policy of the United States is to fix the salaries of employees of the Government and not take all power and control and fix it in some other employee of the Government. But if my friend insists on that, I do not care anything about it. It is his bill, but I think it is a very bad provision.

Mr. SHATTUC. I will say to my friend from New York that I wrote this section of the bill myself, and I wrote it for the special purpose of adding dignity to the office of the Commissioner-General, so that he would have some authority and not be a chief clerk, and that he should have something to do.

Mr. PERKINS. I withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

Mr. RUCKER. Mr. Chairman, before leaving that section, I notice there is a missprint of one word on the top of page 19. The word "land" is not properly spelled there.

The CHAIRMAN. The Clerk will make the correction. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 25, lines 17 to 20, by striking out the remainder of the section, after the word "prevail," and insert "but either the alien or any dissenting member of said board may appeal to the Secretary of the Treasury, whose decision shall be final."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

Mr. ALEXANDER. Mr. Chairman, I offer the following amendment, to be numbered sections 30 and 31.

The Clerk read as follows:

Amend by adding as new sections, to be known as sections 30 and 31:

"SEC. 30. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 31. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States."

Mr. SHATTUC. A point of order on that.

The CHAIRMAN. The gentleman from Ohio makes the point of order against the amendment. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. SHATTUC. It is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be recognized on the point of order?

Mr. ALEXANDER. Mr. Chairman, this is practically the amendment introduced by the gentleman from Michigan [Mr. CORLISS] on last Thursday, with the last line stricken out, which makes it applicable to residents of Canada. I do not care to repeat here the arguments that the gentleman from Michigan presented at that time with so much fullness. But it seems to me that this amendment is entirely germane, inasmuch as it deals with Canadians entering this country the same as other sections treat passengers who enter the country.

I see no reason why this amendment should not be germane, since it provides that Canadians can not enter the country to work without having given notice of intention to become citizens of the United States. I do not see why it is not as germane as the preceding section, which requires that one coming in from Canada shall pay a dollar and a half if he be a passenger. This amendment corresponds with the amendment of the gentleman from Michigan as amended by the gentleman from Missouri [Mr. CLARK].

Mr. SHATTUC. Mr. Chairman, I do not think it is necessary to argue this question. It is parallel to the question decided by the Chair the other day, and therefore I submit that this is not germane.

The CHAIRMAN. The amendment of the gentleman from New York, with a slight variation which does not change the effect of the amendment, is the same as the amendment offered by the gentleman from Michigan [Mr. CORLISS] last week, and to which the point of order was sustained. The same question was raised in the Fifty-fourth Congress by a similar amendment to an immigration bill; and, as the Chair stated in passing upon it last week, Mr. Speaker Reed sustained the point of order on the ground, among other things, that the amendment related to contract labor, on a subject not included within the general scope of an immigration bill. One of the tests of the germaneness of an amendment would be whether if introduced originally it would go to the committee having in charge the bill before the House. Now, it seems to the Chair that the provisions contained in the amendment offered by the gentleman from New York, if submitted as an original amendment, would, under our rules, go to the Committee on Labor——

Mr. ALEXANDER. Will the Chair allow a suggestion?

The CHAIRMAN. Certainly.

Mr. ALEXANDER. The Chair will observe that there is nothing in this amendment suggestive of contract labor. It does not refer to persons coming in under contract to labor. It provides simply that corporations shall not employ Canadians or others after they arrive in this country. There is no contract labor in it, if the Chair will indulge me in the suggestion.

The CHAIRMAN. As the Chair stated, this is the same amendment that the Chair ruled upon last week, and although the word "contract" does not appear, the reading of the amendment discloses this fact, referring to those who come regularly and habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, the amendment is one which relates to the occupation or the employment of the immigrant after his arrival. So that under the circumstances, and the Chair having ruled upon it last week, the point of order will be sustained.

The Clerk read as follows:

SEC. 30. That after the 1st day of January, 1903, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe.

The committee amendment, to insert in line 18, after the word "immigration" the words "under the direction or," was agreed to.

Mr. BOWERSOCK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 21, after the word "prescribe," in line 20, insert "provided that no intoxicating liquors shall be sold in any such immigrant station."

Mr. SHATTUC. Mr. Chairman, I make the point of order to that that it is not germane.

The CHAIRMAN. Does the gentleman from Ohio wish to argue the point of order?

Mr. SHATTUC. No, Mr. Chairman; it is so simple that it does not need any argument. There is nothing said in this section about what kind of clothes the immigrant shall wear, nor how he shall comb his hair, nor what perfume he shall use; and there is nothing said as to what he shall drink. [Laughter.]

The CHAIRMAN. Does the gentleman from Kansas wish to argue the point of order?

Mr. BOWERSOCK. No, Mr. Chairman, I do not care to argue it. It seems to me that it is germane. The section applies to

eating houses and says that they shall be disposed of after public competition, etc.

Mr. ALEXANDER. Mr. Chairman, I desire to ask the Chair if the first amendment proposed by me a moment ago would, in the Chair's opinion, be germane? There were two sections, and perhaps they could be divided.

The CHAIRMAN. The Chair was of the opinion that both of these sections were not germane.

Mr. ALEXANDER. Will the Chair hear me further upon it?

The CHAIRMAN. The matter has passed, and it could only be done by unanimous consent, and then not until the pending matter has been disposed of.

Mr. ALEXANDER. Very well; I will wait until the pending matter is disposed of and then offer it.

The CHAIRMAN. The question is on the point of order raised by the gentleman from Ohio to the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK]. An examination of this bill discloses that section 30 in connection with section 32 provides in general terms for the government and regulation and the administration of the law in immigrant stations. In section 30 it is provided that eating-house privileges and other like privileges shall be disposed of by public competition under the direction of the Commissioner of Immigration and the Secretary of the Treasury. These terms are general and include the entire subject of the regulation and preservation of order in these immigrant stations. Any amendment making specific restrictions and thereby limiting the general language in this section would, in the opinion of the Chair, be clearly germane, and the point of order made by the gentleman from Ohio is therefore overruled.

Mr. SHATTUC. Mr. Chairman, I want to offer an amendment to the amendment.

The Clerk read as follows:

Provided, That beer, fermented liquor cheaply made of malt and hops, may be sold in any immigrant station owned or used by the United States Government or in the grounds appertaining to the same under the direction and approval of the Secretary of the Treasury; and that the sale, purchase, and handling of said beer shall be in every respect under the control and direction of the Secretary of the Treasury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio to the amendment offered by the gentleman from Kansas.

Mr. SHATTUC. Now, Mr. Chairman, I desire to have a letter read in my time that was written by William Williams, the gentleman who was appointed the commissioner in New York on Ellis Island by the President of the United States, and who, I understand, is a twenty-five-thousand-dollar-a-year man working simply for $5,000 per annum and for glory.

The Clerk read as follows:

UNITED STATES IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER,
New York, N. Y., May 1, 1903.

Hon. L. M. SHAW,
Secretary of the Treasury, Washington, D. C.
(Through Commissioner-General of Immigration.)

SIR: In reply to a letter of Rev. Wilbur F. Crofts, written to the President on April 22, and referred to this office for investigation, under the Commissioner-General's indorsement of the 25th ultimo, No. 30250, I beg to report as follows:

I took office on the 28th ultimo. I find that there are, outside of the restaurant, three lunch counters in this building. At one of them no liquid of any kind is served; at another only beer is served; at the third beer, as well as milk, coffee, tea, and soda water. I have directed that at each counter at which any liquid is served there shall hereafter be served milk, coffee, tea, and soda water; that the quantity of milk heretofore sold for 5 cents shall be sold for 4 cents; that it be made just as easy for immigrants to purchase these articles as beer, and that at all reasonable times and places milk shall be furnished to young children upon the mother's request. I shall also increase the facilities for procuring drinking water.

I have been here too short a time to personally observe whether or not any drunkenness occurs in this building. I am advised that it has not occurred in the past, and I have given orders that no undue amount of beer shall be sold to anyone.

Upon the question whether all sales of alcoholic beverages should be forbidden opinions will necessarily differ. Having in view the character of people who come here, practically all of them accustomed to the use of light alcoholic beverages in their own countries, I can see no reason for preventing those who may so desire from obtaining a moderate amount of beer upon landing. At any rate, I shall for the present decline to recommend a change in the existing Treasury regulations upon this subject.

The letter in question speaks of the immigrants as being "treated like cattle" and "herded." In so far as this statement may mean that they are at times crowded, and that the portions of the building set over to the use of the railroad companies are inadequate, the statement is correct. The condition is one which can not be wholly remedied, except by the creation of additional quarters. To this matter I will in due time give my attention.

Respectfully,

WM. WILLIAMS, *Commissioner.*

Mr. SHATTUC. Now, Mr. Chairman, I had that letter read to show the members of the House just how matters were conducted on Ellis Island. I also hold in my hand the contract which may be terminated at any time on thirty days' notice, and it says that beer shall be sold only by the bottle and that no other alcoholic beverage will be allowed at this island. Now, Mr. Chairman, I think it is entirely proper for an amendment of the kind offered by the gentleman from Kansas should come from the State of Carrie Nation. He has introduced Carrie Nation's resolution in the House of Congress. I do not believe there is any more harm for these Germans and other respectable immigrants coming to Ellis Island, or coming into the country, to get their beer and drink it in moderation than it is for me to go down in the restaurant of this House and drink it there if I want it.

Mr. LANDIS. I should like to ask the gentleman whether he does not think such a thing questionable in any building owned by the Government?

Mr. SHATTUC. I have a resolution right here in my desk designed to put a stop to this thing. Will the gentleman vote for it?

Mr. LANDIS. I will. I do not think that liquor should have any place in this building.

Mr. SHATTUC. Very well.

Now, those immigrants are educated very differently from our people here at home. They come from countries where it is not regarded as a disgrace to take a glass of beer, and I do think it would be a great jar on their sensibilities if they should on arriving here run up against such a code as our temperance friends wish to impose.

[Here the hammer fell.]

Mr. LITTLEFIELD. I move that the gentleman's time be extended for ten minutes.

Mr. SHATTUC. I ask unanimous consent to speak for three minutes more.

There was no objection.

Mr. SHATTUC. Mr. Chairman, I think gentlemen of the House will take it for granted that the immigrant agent in New York, a responsible, reputable gentleman, tells the truth when he says that they are limiting the sale of beer there and that it is the only intoxicating liquor sold. I think it would be an absolute hardship for us to pass a provision of this kind, to be made effective the moment these people reach our shores. Therefore I hope this amendment which I have offered, to make it legal to sell beer to immigrants under the restrictions named in the amendment, will be adopted.

Mr. KLEBERG. Mr. Chairman, I hope that the amendment offered by the gentleman from Ohio [Mr. SHATTUC] will be adopted. I do not think this House ought to go into the prohibition business and deny to these people the mild beverages which are now being sold at the immigration stations under the supervision and control of the United States authorities. Certainly no disorder of any sort would be permitted there, either by the local authorities or by the authorities of the United States. I think that an amendment such as that offered by the gentleman from Kansas [Mr. BOWERSOCK] would smack very much of prohibition and would look like an interference with the local laws of New York and of any other State in which these immigration stations may be located. I therefore hope that the amendment of the gentleman from Ohio to the amendment of the gentleman from Maine will be adopted.

Mr. BOWERSOCK. Mr. Chairman, I do not wish to take up the time of the House. It was not my intention by the amendment which I offered to protest at this time against or to prevent Germans or others who may desire beer from procuring the same. The object, and the prime object, of my amendment was that the Government of the United States in the use of its property or buildings should not be connected with the saloon or liquor-selling business. Certainly the first experience of the immigrant when he lands on our shores should not be with the liquor traffic under favor of the Government. I ask to have read in my time a newspaper clipping, which, I think, will indicate the feeling of a large portion of the people of this country on the subject.

The Clerk read as follows:

FOLLOWERS OF FATHER MATTHEW PROTEST AGAINST THE POISONING OF IMMIGRANTS.

EAST CAMBRIDGE, MASS., *May 8, 1903.*

At the regular meeting of the Father Matthew Total Abstinence Society of East Cambridge, held upon Monday evening, the following resolution was presented by ex-Alderman John T. Shea:

"*Resolved*, That in the opinion of the members of the Father Matthew Total Abstinence Society of East Cambridge, Mass., the oldest Catholic temperance society in America, Congress should forever prohibit the sale of liquor at all immigrant stations of the United States.

"It is decidedly inconsistent to enact laws that all immigrants must possess a certain amount of finances to permit their landing, and then immediately endeavor to handicap them by encouraging, enticing, or permitting them to secure liquor.

"The United States will not permit a criminal or pauper to land on our shores, yet before our incoming future citizens reach our mainland the saloon door, which leads to pauperism and crime, is thrown open for their admission and temptation.

"We protest against our immigration officials conducting a United States bar, rightly called a bar.

"In the name of humanity, we ask Congress to pass the Penrose bill, which prohibits the sale of liquor at all immigrant stations.

"As it is prohibited to sell liquor in any Government building within the District of Columbia, so should these stations be so governed that hereafter no one should be allowed to sell that which proves to be the greatest menace to home, State, country, and church."

In presenting the resolution Mr. Shea spoke at some length of the conditions existing on Ellis Island. The resolution was unanimously adopted with the hearty approval of all present, and Mr. Shea was directed to forward a copy of the same to Senator PENROSE, of the Committee on Immigration.

Mr. LITTLEFIELD. Mr. Chairman, I hope that the Committee of the Whole will vote down the amendment offered by the gentleman in charge of this bill [Mr. SHATTUC]. I have only a word to say in relation to the question. I listened with great interest to the reading of the fresh letter written by the gentleman who is contributing $20,000 a year, as I understand, to the United States Government, by rendering service for $5,000 a year when his services are worth $25,000. About all there is in that letter is the statement that the sale of beer is conceded to be injurious in immigrant stations; and it is conceded by William Williams, if I get his name right——

Mr. SHATTUC. Will the gentleman tell me how it is conceded by that letter that the sale of beer at immigrant stations is injurious?

Mr. LITTLEFIELD. It is conceded by the statement that the traffic needs regulation, that it must be controlled.

Mr. SHATTUC. Anybody knows that.

Mr. LITTLEFIELD. Of course, anybody knows that the sale of beer must be controlled, because when the sale is unlimited it is injurious.

Now, then, so far as I am concerned, I want to go on record upon this question. If the House wants to take the position that the United States Government will use its premises for the sale of beer, you have presented by this amendment the opportunity to make that declaration. If that is your position, vote for the amendment; if not, vote against it.

I am ready to go on record upon the proposition that the United States Government does not want to engage either directly or indirectly, by the use of its premises or otherwise, in the sale of beer, leaving its regulation to William Williams or any other man who happens to be Commissioner of Immigration. That is all there is to the question, and I hope the amendment will be voted down, and that the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK], notwithstanding he comes from the State of Carrie Nation, as the chairman of the committee sneeringly said, will be adopted by the House. It does not involve any great controversy. It is simply that question, Do we want the United States to stand in this position? For one, I do not.

Mr. ADAMS. Mr. Chairman, in my judgment there is another question involved than the mere sale of liquor. Nearly every argument that has been made on the floor of this House in favor of the restriction of immigration into this country has had stated as its main foundation the fact that the migration from the northern countries of Europe was falling away, and the influx was coming from the southern quarters—from Italy, Hungary, and Austria—where the class of immigration was not so desirable. Nearly every supporter of this bill, and everyone who advanced arguments, made that as the primary ground of the necessity for the restriction of migration to this country. All deplored the falling off of migration from Ireland and England, and Germany, Denmark, Sweden, and Norway.

Now, I submit to the judgment of this House that if you wish to encourage immigration from those northern countries and to stop the falling away you can not do anything more efficacious than to do something which will prompt every one of those immigrants, when he arrives in this country, to write home to his relatives and say, "Why, we have come to a land where we can not even get a glass of beer." This is not a question of temperance. It is not a question of a Government building being occupied for the purpose of selling liquor, excepting what I believe to be under the good condition. To take away from a German his glass of beer will do nothing in aid of the cause of temperance at all.

I do not think any happier sight exists in this world than to see the German, with his family, sitting in a German beer garden having feelings ennobled by listening to good music. It is the custom of the country. There is no question of intoxication or intemperance about it. It is the rarest thing to see an intoxicated man in Germany or in France, or any other country where people use the gifts of God in moderation, because it is the custom and the morality of the people so to do. Therefore I take issue with the gentleman from Maine [Mr. LITTLEFIELD]. This is not a question of temperance as regards those people who want it. It is meat and drink to them in the broadest sense of the word. Do not put a stoppage to the desirable class of migration by imposing such conditions at the port of entry that they will send home accounts of the inhospitable ways of this country and of the prejudice of the Government against what they have always been accustomed to in their own land, and in that way raise a prejudice in the minds of those people whom everyone who has spoken in favor of this bill desires to come to this country.

Mr. RUCKER. Mr. Chairman, I will not consume the time of this committee, but I do want to say on this particular matter, much as I regret to—and I do regret it profoundly—I shall have to break away from the leadership of my distinguished chairman and vote against the amendment and vote for the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK]. If it be true that it is necessary to stimulate emigrants into this country by inviting them to a glass of beer or by putting it where they may get it while on Government property, I, for one, think that we had better do without emigrants. I am in favor of prohibiting in the most rigid way that the law can be framed the sale of liquor in any form under any roof owned and controlled by the United States Government, and if that should drive it from this building I would welcome it. I believe every gentleman here will. Fortunately, in our gripsacks, we can conveniently carry enough for a day's rations. [Laughter.]

Mr. LANDIS. Mr. Chairman, I am not a follower of Carrie Nation, neither am I a professional prohibitionist; but I do believe that it is the duty of this House to vote down the amendment offered by the gentleman from Ohio. The suggestion that it is essential to present the immigrant from a foreign land to this country with a glass of beer immediately upon his arrival, to stimulate him and to enable him to continue his progress to his destination, is utterly and absolutely ridiculous.

Mr. SHATTUC. If you are taking this matter so much to heart, why is it that you do not distinguish yourself by offering a resolution to stop drinking in this Capitol? If you will do that I will vote with you.

Mr. LANDIS. I would vote this instant to abolish absolutely the sale of intoxicating liquors in this Capitol. [Applause.]

Mr. SHATTUC. Why do not you put in a resolution?

Mr. LANDIS. I do not believe that beer or whisky or anything else that intoxicates has any place in any institution owned by the Government of the United States.

Mr. SHATTUC. That will never be effective unless you put in a resolution and address your remarks to that.

Mr. LANDIS. The gentleman from Ohio knows that such a resolution would not be germane, and the gentleman from Ohio would object if I should offer it now.

Mr. SHATTUC. If you would put me in the chair I would determine it. [Laughter.] I want to give you a chance to get in your resolution.

Mr. LANDIS. I want to say to the gentleman from Ohio that I shall surely offer such a resolution if he will promise not to make a point of order against it.

Mr. SHATTUC. I will promise to be in the chair when you do it. [Laughter.] Let us see, then, how long we will have to wait to get it.

Mr. LANDIS. I shall offer such a resolution, Mr. Chairman, and I shall vote against the amendment of the gentleman from Ohio. The immigrant that we have to tempt to this country with a glass of beer is not the kind of an immigrant that we want. Nearly all the trouble that we have had with our military posts and Soldiers' Homes has grown out of the sale of liquor near those military posts and Soldiers' Homes, and if I had it in my power I would not permit the sale of liquor within ten miles of either a military post or a Soldiers' Home. [Applause.] I hope that the amendment of the gentleman from Ohio will be voted down, and I serve notice on the House now that I shall offer a resolution in response to the suggestion of the gentleman from Ohio abolishing the sale of liquor in the Capitol building of the capital city of the United States. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, this discussion strikes me as somewhat funny, and I am surprised that our prohibitionist friends see fit to inject their peculiar notions into a bill for the regulation or restriction of immigration. I frankly confess that I am a temperate man, but I for one would protest against the majority of this House depriving me of my personal liberty, of the right to indulge in a glass of healthful malt liquor if I desired it, even in this Capitol.

Mr. RUCKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. BARTHOLDT. No; I do not.

Mr. RUCKER. I wanted to ask you if it would be any deprivation of your rights to deny you the privilege of buying it in this Capitol, when you could buy it elsewhere?

Mr. BARTHOLDT. If we permit our prohibition friends to go up to Ellis Island and teach their lessons there, we might as well go a step further and permit emissaries of the Republican party to teach immigrants the meaning of protection and sound money, and we might allow emissaries of the Democratic party to teach immigrants what free trade and Bryanism means. We might admit the missionaries of the idea that all people should be drilled in military service, and we might introduce on the floor of the great halls in Ellis Island gymnasiums for the purpose of drilling and training those immigrants before they are admitted to the streets of New York, where, by the way, they can drink as much as they please.

Mr. COCHRAN. I should like to inquire if you think it would be necessary to have anybody teach the country the meaning of speeches of that kind?

Mr. MANN. Or the meaning of questions of that sort.

Mr. BARTHOLDT. I did not understand the gentleman.

Mr. COCHRAN. I ask you if you think it would be necessary to have anybody teach the country the meaning of such speeches as you are delivering?

Mr. BARTHOLDT. Mr. Chairman, I do not know what the gentleman means. He may have a little fun at my expense, but I assure him that I am serious in this matter, and if he understands the English language, I think he will understand what I said, even without a special lesson.

Mr. COCHRAN. If the gentleman will pardon me for one minute——

Mr. BARTHOLDT. Before I yield, I want to compliment the Democratic party of the great State of Missouri upon having found on this floor a champion of prohibition. If the Democratic party in Missouri stands for that, it will mean a Republican State of Missouri and a Republican United States Senator from that imperial State next time. [Applause.]

Mr. COCHRAN. Will the gentleman pardon me a moment? I want to suggest that as to resolutions prohibiting the sale of liquor in the Capitol and speeches advocating the use of liquor, or suggesting it as personal liberty, it is probably immaterial what my views are upon the subject. My opinion is, however, that the country will regard speeches on this subject as very cheap bids for the approval of constituents.

Mr. LANDIS. The gentleman will have an opportunity to go on record before his constituents.

Mr. COCHRAN. I will go on record.

Mr. BARTHOLDT. I yielded to the gentleman for a question, but not for a speech. He can speak in his own time. If he is for prohibition in his constituency he has the same right that I have, and I may say that in my own district there are a great many people who do not believe in the use of liquor. But I say this, even as a temperate man, and even if I were a prohibitionist, I would not indulge in this sort of prevention. I would not attempt to. I would look at it as any American ought to do it, and not deprive any one else of the privilege of taking a healthy glass of beverage such as described here. [Applause.]

Mr. Chairman, this is a bill to regulate immigration, if you please, and I think we can safely intrust these minor details of dealing with the immigrants upon their arrival at Ellis Island to the authorities of the Treasury Department, and if anything has convinced me that would be the proper policy to pursue, it is the letter which has been read here, offered by my friend from Ohio, from the gentleman who is in charge of that system.

The CHAIRMAN. The time of the gentleman from Missouri has expired. Debate upon the two pending amendments has been exhausted, and the question is on agreeing to the amendment of the gentleman from Ohio to the amendment offered by the gentleman from Kansas.

Mr. BISHOP. I would like to have the amendment read.

The CHAIRMAN. Without objection, the amendment of the gentleman from Ohio will again be reported.

The amendment was again reported.

The question was taken on the adoption of the amendment; and the Chairman announced that the noes appeared to have it.

Mr. SHATTUC. Division.

The committee divided; and there were—ayes 25; noes 75.

So the amendment was rejected.

Mr. SHATTUC. I offer the following substitute.

The CHAIRMAN. The gentleman from Ohio offers a substitute for the amendment offered by the gentleman from Kansas, which the Clerk will report.

The Clerk read as follows:

That hereafter it shall be unlawful to sell intoxicating liquor in any immigrant station or other building accessible to aliens owned or used by the United States Government, or in the grounds appertaining to the same.

Mr. MANN. Upon that I raise the point of order.

The CHAIRMAN. The gentleman from Illinois raises the point of order against the substitute.

Mr. MANN. That the bill before the House is a bill relating to immigration, and the amendment which is now offered as a substitute by the gentleman from Ohio would embrace every building owned by the Government of the United States. It goes far beyond the question of immigration. It would forbid the sale of liquor in the Capitol. It would forbid the sale of liquor in any building anywhere owned by the Government of the United States. It is entirely beyond the province of the present pending bill, and is in no way a restriction upon immigration, because any building in the United States is subject to entry by an alien. No amendment or substitute would cover all the buildings owned by the United States. It is not a restriction upon immigration, and, in my opinion, it is not germane to the bill.

Mr. LANDIS. I would like to ask the gentleman from Illinois a question, if he will yield.

Mr. MANN. Certainly.

Mr. LANDIS. In what building, except the Capitol, owned by the United States, is liquor sold?

Mr. MANN. I do not know, Mr. Chairman, whether liquor is sold in any building of the United States, but the point I make is that this bill, which is a bill to restrict and regulate immigration, can not be amended by putting any provision forbidding the sale of liquor in a post-office. It has nothing to do with immigration. I am talking about the point of order.

Mr. LANDIS. The manner in which you emphasized that proposition led me to believe that there must be some particular building in the United States in which liquor was sold.

Mr. MANN. If the gentleman asks my opinion concerning it, I do not know of any building in the United States outside of the Capitol where liquor is sold; and so far as I am concerned no liquor would be sold in the Capitol. There is none sold to me, I will say, in the Capitol; but I do not believe in hysterics in legislation, and this is pure hysterics at present. [Applause.]

Mr. SHATTUC. Just as I stated when the issue was made. I said to those temperance advocates that they should have an opportunity to go on record, and I was told that I would be the one to rise and object. Now I want to say that I do not drink anything at all; I do not smoke anything at all, and I do not chew at all; and I do not think I am one bit better man than the man who does all those things in moderation.

Several MEMBERS. What do you do?

Mr. MANN. Will the gentleman permit me to interrupt him?

Mr. SHATTUC. No; I will not permit you.

Mr. MANN. I want to suggest that the gentleman has one very bad habit, and that is he tells good stories. [Laughter.]

Mr. SHATTUC. It is not usual for a member of Congress to tell what he does not do. Very few come up here and tell the House what they do do, either. [Laughter.] I want to say, in good faith, that I do not think it any worse to sell beer on Ellis Island than it is to sell champagne here. I just simply want to demonstrate to this House, to these great constitutional lawyers, that they were not sincere in everything that they have said about this matter.

Mr. MANN. Does the gentleman refer to myself? Because if he does, I voted for the gentleman's amendment. [Laughter.] And if in so doing I was voting for a fanatic, I did not know it.

Mr. SHATTUC. Mr. Chairman, I withdraw the offensive remark.

Mr. MANN. Nothing the gentleman can say will be offensive to anybody in the House.

Mr. SHATTUC. I will see that that goes out of the RECORD. [Laughter.] Now, Mr. Chairman, seriously, it has been so of late when you could not get what you wanted from the Chairman, when he does not do as you want him to do, you either damn him and curse him or take an appeal. I am not going to damn him or curse him because he has not ruled as I want him to, neither will I take an appeal; but I trust in the good sober solid sense of the Chairman, that he will not let these temperance people avoid this vote. I know if I took an appeal they would overwhelmingly vote to put that thing through, and I know how easy it would be for me to teach the Chairman a lesson and tell him how small he is when we want to use him by reversing his decision, but I am not going to do it, and, Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is ready to rule. The raising of a point of order necessarily throws upon the chairman the responsibility of deciding it. This amendment offered by the gentleman from Ohio as a substitute, taken in its entirety, is certainly not germane to even the broadest scope or intent that could be given to this bill. As the Chair stated in ruling on the point of order, one test of the germaneness of an amendment that can always be made is this: Could the subject embraced in the amendment, if offered as an independent bill in the House, be referred to the committee which has reported the bill under consideration?

Now, that part of this amendment which restricts the sale of intoxicating liquor in all public buildings would certainly not be a matter which would be referred to the Committee on Immigration, and the description of these buildings as buildings which are accessible to aliens is a mere description of all public buildings by indirection or by circumlocution of words. It seems very clear to the Chair that, taken as a whole, this amendment, offered as a substitute, is not germane, and the Chair sustains the point of order made by the gentleman from Illinois.

The question is on agreeing to the amendment offered by the gentleman from Kansas. Debate on the amendment has been exhausted.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. I do it to ask the chairman of the committee a question. I would like to know whether the restaurant business at

Ellis Island is under the control of the United States officers, or whether it is under contract entered into between the Government and a private party, and whether the restaurant business is conducted by a private citizen?

Mr. SHATTUC. It is conducted by private citizens under a contract which they can terminate with thirty days' notice, and it is well conducted.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Debate upon this amendment has been exhausted.

Mr. COCHRAN. I rise Mr. Chairman, to speak to the amendment offered by my colleague from Missouri.

The CHAIRMAN. The gentleman from Missouri is recognized in opposition to the amendment to strike out the last word. [Laughter.]

Mr. COCHRAN. Mr. Speaker, every now and then an opportunity arises for speech making in favor of suppressing the rampant evils of King Alcohol, and then we have an exhibition of the avidity with which persons can signify their interest in the general welfare and the cause of temperance. A few, myself among the number, will protest against measures like this as unwarranted interference with the personal habits of the citizen. Do such discussions serve any good purpose?

I do not believe a majority of the members of this House want the House saloon closed, or it would have been closed long ago. A majority want it, or it would not be there. If we have no other power, we have power to order and enforce police regulations for the Capitol. The bar remains down stairs week after week, month after month, and year after year because we do not want it closed up.

Yet when the question arises whether liquor ought to be sold here we find a comfortable majority bobbing up and signifying indignant opposition to the sale of liquor in the Capitol. As I suggested to my friend and colleague [Mr. BARTHOLDT], the country will need no help in interpreting his speech. I arrived at the conclusion long ago that speeches on this subject are taken for about what they are worth.

Hearing on this floor a speech on this subject, one need not to know the name of the speaker or where he comes from to know the sentiments of his constituents. If he denounces "King Alcohol," I will guarantee there is a strong prohibition sentiment in his district. If on the other hand he discourses of the personal liberty of the citizen and opposes anything that would shackle his freedom of action, it is safe to assume there is a pretty large liquor interest in his district. [Laughter and applause.]

Mr. BARTHOLDT. Will the gentleman allow me a suggestion?

Mr. COCHRAN. Yes, sir.

Mr. BARTHOLDT. There was a time when the gentleman from Missouri was rather outspoken in his denunciation of the conduct of the British in buying Missouri mules; but when it was found that a British camp had been established near his district he suddenly became reticent on that subject. [Laughter.]

Mr. COCHRAN. I will say to my friend and colleague that if he knows the facts of the case he is misrepresenting the truth; and if he does not know the facts, he commits a serious indiscretion in illustrating his usual ignorance of the proceedings of this body. [Laughter and applause on the Democratic side.] When I heard that there was such a camp within 40 miles of my town, I arose on this floor and stated that if the President of the United States and the Secretary of State would perform their duty they would terminate that infamy as they ought, in good conscience, to have done long ago. [Applause.] That is what I said, and I repeat it now.

Mr. LANDIS. Will the gentleman allow me to ask whether he made that declaration because he honestly thought it, or because he thought it would be popular in his district? [Laughter and applause on the Republican side.]

Mr. COCHRAN. I expected just such a question from an Indiana politician [laughter]; and I will answer——

Mr. SHATTUC. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. The gentleman is not discussing the question before the Committee of the Whole. I want to get through with this bill this evening.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK].

Mr. BOWERSOCK. I ask that the amendment be again read.

There being no objection, the amendment was again read.

The question being taken, the amendment was agreed to, there being—ayes 83, noes 18.

The Clerk read as follows:

SEC. 33. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose: *Provided*, That any such transportation company shall agree, as far as practicable, to assume all the obligations imposed by this act on the masters, agents, and owners of vessels bringing aliens to ports of the United States or its territory.

The amendments reported by the committee were read and agreed to, as follows:

In line 24, page 22, after the word "Immigration," insert "under the direction or."

In line 10, page 23, strike out "or its territory."

The amendments were agreed to.

Mr. SHATTUC. Mr. Chairman, I move to amend by striking out the last word.

Mr. Chairman, I wish to state at this time, not only for the information of this House, but so that it may go into the RECORD for the information of others, just what obtains in the entry and inspection of aliens into the United States through the Canadian frontier, as prescribed by the Secretary of the Treasury in accordance with section 8 of an act approved March 3, 1891, entitled "An act in amendment to various acts in relation to immigration and inspection of aliens under contract or agreement to perform labor, etc."

First. All aliens arriving in Canada destined to the United States are inspected at the following ports: Halifax, Nova Scotia; Quebec; Point Levis, Vancouver; St. John, New Brunswick, and Victoria, British Columbia. Holders of certificates duly signed by the United States Commissioner of Immigration at any one of the said ports are entitled to admittance to the United States without further examination by United States immigration officers at any one of the places of entry to the United States along the border, as to their right to enter, upon the identification and their surrender of said certificates to such official. Certificates are of regulation form prescribed by the Secretary of the Treasury.

Second. Examinations at Canadian ports of aliens destined to the United States are in all respects similar to those conducted at ports of this country.

Third. Aliens arriving at said Canadian ports who are adjudged inadmissible to enter the United States, under the agreement, should be refused certificates and the steamship company bringing such aliens, under the agreement, should return them to the countries from which they respectively came.

Fourth. Under the agreement, the masters of vessels are required to furnish the United States commissioners of immigration at such ports with manifests of all passengers destined to the United States, and the masters, owners, or agents of such vessels should pay, under the agreement, the sum of $1 for each alien brought to such ports and destined for the United States. Payment is made to the United States commissioner of immigration at said ports.

Fifth. All aliens who are not provided with such certificates, as required, who shall apply at the border line between Canada and the United States within one year after arrival at a Canadian port are required to return to such port, or any designated port, for the payment of the head tax, examination, and certificate.

Sixth. That immigrants destined in good faith for Canada who shall apply as above for admission to the United States within one year after arrival in Canada who shall have settled at a point west of Quebec shall be held for investigation by the board of special inquiry at Montreal, Canada; Buffalo and Suspension Bridge, N. Y.; Detroit, Port Huron, and Sault Ste. Marie, Mich.; Pembina, N. Dak., and Sumas, Wash., under the agreement.

Seventh. Under the agreement, the railway and other transportation companies in the Dominion of Canada should not sell to any alien en route to any part of the United States tickets for their transportation or transportment in cars or vessels from the point of entry until after they have exhibited their certificates as provided by the agreement, and the agreement provides also that they shall not knowingly transport any rejected or inadmissible alien or those who are by law prohibited from entering the United States into its territory, but are to return all rejected aliens to the port at which they arrived.

Eighth. The agreement further provides that the various steamship lines, parties to the agreement, shall return through some port of the United States at their own cost and expense, such aliens as, having been brought into Canada on their respective lines, have become public charges in the United States within one year thereafter from causes existing prior thereto; in like manner as aliens who have become public charges under similar conditions are now returned by the lines that bring them to the ports of this country.

The United States Government, the Canadian Pacific Railway, the Grand Trunk Railway, the Elder-Dempster Company, the Allan Line, the Hamburg-American Line, and the Dominion Line are parties to the agreement, but the Grand Trunk Railway and the Canadian Pacific Railway are the companies that see to it that the agreement is kept, and without these two companies, I

am credibly informed, there would be no agreement. And these two companies interest themselves in seeing that the agreement is kept, not because they are legally bound to do so, but because of the fact that they know that if there was no agreement, and if the agreement was not reasonably well maintained this Government would at once put itself in such a position as to obtain desired results, so far as possible under present laws.

Now, it is shown by this agreement that there is no hardship imposed upon any one of the railways and steamship lines at all, and that there would not be any need of new legislation so far as transportation is concerned if it were not for the fact that the agreement is purely a voluntary one on the part of the Canadian lines, and that there would not be an agreement at all were it not for the action of the two Canadian railway companies, who are themselves interested in seeing an agreement made and kept and who have not themselves, under present conditions, that commanding position that they will legally be given by this bill as amended in the first section where the transportation lines are included with the steamship lines as being required to pay the head tax, unless otherwise arranged for by the Secretary of the Treasury of the United States, which is authorized by this bill. Besides, the Secretary of the Treasury at present, under the old laws, is not in a position where he can demand and enforce a contract as provided for in the last section of the bill. The old law leaves the Secretary of the Treasury without either legal or moral backing to enforce a proper agreement authorized in the last proviso of section 1 of the bill before the House.

It is understood by everyone that the Canadian steamship companies are not subject to our jurisdiction, and the only possible way we can reach them is through the Canadian railway companies, and the only possible way we can occupy an influential or commanding position with the Canadian railroad companies, such a position as we should occupy in order to secure the proper observance of our immigration laws and for reaching an agreement with the Canadian lines that would be fair to all concerned, that would protect American interests and carry out the intent of the immigration laws of this country is to allow this bill to pass as amended, including transportation lines in with steamship companies as being held responsible for the payment of the head tax. It is well understood by everybody that the Canadian railways that have no terminals is this country are not subject to our jurisdiction, but it should not be forgotten that the railways that have no terminals in the United States must necessarily, if they sell tickets to aliens to points in the United States, ticket via some American railway, and it is the connecting lines, the American railways, we will look to when necessary and hold them responsible.

Now, I have said before that if the Canadian railway lines do not do what is right in the conduct of the immigration business the Secretary of the Treasury of the United States is to place in operation the rule against the American connecting lines doing business with the Canadian lines.

This bill under discussion now does not in any essential feature change the situation as far as the Canadian frontier is concerned, except in this particular requiring that the railway lines shall be responsible for the collection of the head tax and the establishment of designated ports of entry on the Canadian frontier. It will be observed that under the present agreement the head tax is collected only once from the aliens who are in Canada who wish to run backwards and forwards to the United States and vice versa, and after that one collection there is nothing said about the head tax.

Very many of our New England friends are apprehensive that this law is going to inflict some terrible calamity upon New England interests. I respectfully call the attention of these distinguished gentlemen to the latter clause of section 1 of this bill, wherein the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, is authorized to make an agreement or agreements with foreign transportation lines to arrange in some other manner for the payment of the duty imposed upon aliens seeking admission overland, "either as to all or as to any such aliens." It will be to the interest of this country in the collection of the head tax to collect as at present from the steamers, as it can be much more easily collected from the steamship companies because of the fact that the steamship companies have facilities for collecting this tax that the railway companies do not possess.

Besides this the Government of the United States should be in a position to force, if necessary, a strict compliance, not only with the agreements but with our immigration laws as well, because it is a fact that the Canadian steamship companies have not returned debarred aliens to the ports from which they came, as they have agreed to do, and that at very recent date, and the evidence substantiating that statement can be found in my address opening the debate on this question. Thousands of these aliens who should have been returned—diseased aliens and others—those who would not be admitted at New York—have sneaked in through Canada on account of the negligence of these Canadian steamship companies and for want of proper facilities along the Canadian frontier. They have advertised in certain portions of Europe and Asia especially with a view of securing these objectionable people to come in on their lines, people who would be rejected at New York by our Government.

Now, our Government should be in a position to tell these steamship companies, through the Canadian railways, to do business in a proper way, in an American way, or that they can not do business at all to this country. Our Secretary of the Treasury should be in a commanding position where he will not have to beg and beseech of these foreigners that they treat us fairly. It is belittling; it is humiliating.

This bill gives him that position. When it is borne in mind that Canada last year paid $500,000 commission to secure alien immigrants to their country, when it is also remembered that they had no exclusion laws and that any one of these people who wanted to could come into that country, one can see at a glance what a horde of undesirable people they have induced to come to their shores, and it is not a rash statement to make that a very large number of this objectionable people have found their way across our border simply on account of the inefficient service that we have there at the present time. This state of affairs will be remedied as soon as the amendment offered by me to this bill becomes law, the amendment establishing ports of entry along the Canadian frontier, where better watch can be kept on these people than is kept at the present time, where our force of inspectors and other officials will be concentrated on the Canadian frontier.

I sincerely hope, Mr. Chairman, that our New England friends, a large number of whom did not vote for this amendment—that of establishing ports of entry—and who objected to the head tax applying to aliens who might be visiting Canada and would want to come over for a day or so to this country, will not be antagonistic to any further effort on the part of the Immigration and Naturalization Committee to close that open gate on the Canadian frontier, because I noticed that all these members regarded with astonishment that little amendment, and they feared it might interfere with free immigration to the United States from points adjacent to the homes of these gentlemen. I noticed they objected to anyone coming in at ports of this country along the Atlantic coast who could not read. It looked to me that these gentlemen were not quite so particular about reform when it affected "the home market."

This is their position: They voted in effect that a good, honest, strong, healthy German boy or girl, or Irishman, English boy or girl should not be permitted to land at Ellis Island or any port on the Atlantic coast unless they could read, but they refused to vote that the gates should be closed on the Canadian frontier against debarred classes. They refused to vote to keep out undesirable people at those places on the frontier by voting against my amendment establishing ports of entry on the Canadian frontier. They did not care if they came in by their borders whether they could read or not, whether they were insane or not, whether they were paupers or not, or whether they were anarchists. It has been claimed by responsible people that it would be impossible to get a bill finally passed that was not approved of by the New England railroads and the Canadian railroads and the Canadian steamship companies. It is claimed that this influence is so great and strong that the last time an immigration measure was taken up they had it modified before the bill was introduced and afterwards, so that every line suited them.

I insist that there should be no laws enforced or rules maintained at Philadelphia, Boston, Baltimore, New York, Ellis Island, or anywhere else along the Atlantic seaboard that are not enforced on the Canadian frontier. I do not think the Canadian lines should be exempt from laws and rules which other lines in any other part of the United States are forced to obey. It is an insult to the intelligence of every member in this House to have any other rule obtain. I for one will not sanction putting into effect any immigration laws at all that do not apply with equal force to all parts of the United States and to every port in the United States.

I can not understand how my friends the members from the New England States are so sensitive about this Canadian frontier business and the head tax, in view of the fact they voted unanimously for the educational-test amendment, which, by the way, does not even except citizens of Canada. Every citizen of Canada who comes over here will have to observe this law if it becomes a law, and it must become operative if it passes, and these citizens of Canada will have to go into the Government official's office and show their ability to read or go back home. I wish the gentlemen would explain their position in this matter. I should like to have them explain for the information of this House and the country at large how they voted for the educational test and, on the other hand, are so anxious that the railroad companies of

Canada shall not be responsible for the head tax and that there shall be no designated ports of entry on the frontier. The explanation would be undoubtedly entertaining if not instructive.

One New England gentleman said on the floor during this debate, and it is a matter of record:

I have been a collector of customs along the frontier for some years and had something to do with these matters. Nobody—

Said he, referring to the head tax—

ever thinks of collecting the dollar.

Now, this gentleman was once, the record shows, governor of Maine. He is a gentleman of mature years, evidently an honest man, and certainly a man of intelligence, yet he did not know it was his duty, under the law, to attend to this business, and he says:

Nobody ever thinks of collecting the dollar.

Citizens living along the Canadian frontier never think of abiding by the contract-labor laws or the immigration laws; in fact these laws are a dead letter in that section. They have allowed each year over 70,000 aliens to come into the United States illegally for years past, and the only evidence we have, Mr. Chairman, that there has been any "thinking" going on about this immigration business is what has been manifested on the floor of this House since this bill has been under discussion, in the effort on the part of quite a number of these gentlemen to prevent the Committee on Immigration and Naturalization, with the sanction of the House, to place the Canadian frontier on an exact parity in the enforcement of the immigration laws with the rest of the United States.

Obstacle after obstacle has been presented; suggestion after suggestion has been made; query after query has been propounded, and some of our members have been in a state of almost nervous collapse for fear there might be something in the bill that would close the Canadian frontier against the entrance of objectionable and unobjectionable immigrants, and that laws would be enacted and enforced and applied the same exactly as to the Canadian frontier as obtain at all other points of the United States.

Now, Mr. Chairman, let me say in conclusion that the Secretary of the Treasury has full authority by a provision of this bill—the last part of section 1—to arrange with the steamship and railway lines for a satisfactory method of payment of the head tax. He is also authorized in the last part of this bill to prescribe rules for the entry and inspection of aliens entering at our borders in such a way as not to delay, impede, or annoy passengers in ordinary travel between the United States and other countries, and it gives him power to enter into contracts with foreign transportation lines for the same purpose. So it will be seen that there need be no apprehension that this act in any way will prove a hardship to anyone in any direction. The Secretary of the Treasury is fully authorized to make the enforcement of the law as agreeable as can be done and at the same time insure carrying out the intent of the law.

Now, Mr. Chairman, I want to say further, and I ask the indulgence of the House a moment. My good friend from Maine [Mr. POWERS], the ex-governor of Maine, out of the kindness of his heart the other day made a motion to include in the free list of the head tax the Cubans. I wanted then to explain why that could not be done, but those around me kept saying, "SHATTUC, let it go; SHATTUC, let it go; SHATTUC, let it go." I would not say one word here if it was possible to help the Cubans in the way indicated, but it is not possible. Mr. Chairman, I call for order.

The CHAIRMAN rapped for order.

Mr. SHATTUC. If these gentlemen around here do not want to hear this eloquent speech, they had better retire to the cloakroom, for I want to explain. [Laughter.] Now, the gentleman offered that, of course, in good faith. The tax of a dollar and a half, as it will be under this law, will not affect the rates at all between here and Cuba. It will be the same as now whether this Cuban clause stands in the bill or whether it does not.

[Here the hammer fell.]

Mr. SHATTUC. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be permitted to continue for two minutes. Is there objection?

There was no objection.

Mr. SHATTUC. It does not make any difference what is done about this matter, the rates remain the same, and the result will be that you are simply instructing our collectors in New York not to collect anything from the steamship companies, and the steamship companies will collect the same for passenger tickets as at present. Therefore I ask unanimous consent to strike out this part from the bill, which was introduced by the gentleman from Maine [Mr. POWERS], because it is inoperative.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to amend the bill by striking out certain words, which he has referred to. Is there objection? [After a pause.] The Chair hears none, and the request will be granted.

Without objection, the pro forma amendment offered by the gentleman from Ohio will be withdrawn.

Mr. SHATTUC. Mr. Chairman, I also ask unanimous consent that we may be permitted to correct the numbers of the sections in the bill when it is passed.

The CHAIRMAN. The numbers of the sections will be corrected by the Clerk so that the text of the bill may conform thereto. The Clerk will read.

The Clerk read as follows:

SEC. 34. That the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any territory or place subject to the jurisdiction thereof.

Mr. LANDIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to this section.

The CHAIRMAN. The gentleman from Indiana has offered an amendment.

Mr. MANN. But I understand that that is to be a separate section.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "that," in line 11, the words "for the purposes of this act."

Mr. MANN. The section will then read, "That for the purposes of this act the words 'United States,'" etc., shall be construed to be so and so.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I also offer the following amendment.

The Clerk read as follows:

On page 23, line 13, after the word "or," amend by inserting the word "other."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to the section, the Clerk will report the amendment offered by the gentleman from Indiana, Mr. LANDIS.

The Clerk read as follows:

Add as an additional section after section 4 the following:
That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Mr. WHEELER. Mr. Chairman, I desire to offer an amendment to the amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Add to the amendment offered by Mr. LANDIS the following:
"And the collectors of revenue districts of the United States are hereby directed to refuse license to sell spirituous, vinous, and malt liquor by retail to any person living in a county or district where the inhabitants of said county or district have by vote prohibited the sale of such liquors in such county or district."

Mr. SHATTUC. Mr. Chairman, I raise the point of order on that amendment and on the other.

The CHAIRMAN. The Chair will state that it is too late to raise a point of order on the first amendment, an amendment having been offered to it. The gentleman from Ohio makes the point of order against the amendment to the amendment, offered by the gentleman from Kentucky [Mr. WHEELER].

Mr. SHATTUC. Then I withdraw the other point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment to the amendment, offered by the gentleman from Kentucky.

Mr. WHEELER. I desire to be heard on that.

The CHAIRMAN. The gentleman from Kentucky.

Mr. SHATTUC. I made the point of order on the amendment of the gentleman from Kentucky.

Mr. WHEELER. He withdrew his point of order and I have been recognized. I decline to yield to the gentleman.

The CHAIRMAN. The Chair understood that the point of order was made to the amendment to the amendment, offered by the gentleman from Kentucky, and that then the point of order made by the gentleman from Ohio was withdrawn.

Mr. WHEELER. And the Chair recognized me.

The CHAIRMAN. And that the amendment to the amendment is now pending.

Mr. SHATTUC. I did not withdraw my point of order to the amendment of the gentleman from Kentucky, but to the amendment offered by the gentleman from Indiana [Mr. LANDIS].

Mr. WHEELER. I insist on my rights, Mr. Chairman, and I

decline to yield the floor for the purpose of a point of order, or any other purpose.

The CHAIRMAN. The Chair must accept the statement of the gentleman from Ohio as correct. An amendment was offered by the gentleman from Indiana [Mr. LANDIS], inserting a new section. A point of order might then have been made to that. No point of order was raised. The gentleman from Kentucky [Mr. WHEELER] offered an amendment to the amendment. The gentleman from Ohio [Mr. SHATTUC] was then recognized, and raised a point of order against the amendment offered by the gentleman from Kentucky. He stated that he also raised a point of order to the amendment offered by the gentleman from Indiana [Mr. LANDIS]. The Chair stated that the point of order to the amendment offered by the gentleman from Indiana [Mr. LANDIS] came too late. The Chair then understood the gentleman from Ohio to say that he withdrew his other point of order, and the Chair so stated it, and recognized the gentleman from Kentucky [Mr. WHEELER] as in order to speak upon his amendment. The Chair now understands the gentleman from Ohio to state that he did not intend to withdraw the point of order made to the amendment of the gentleman from Kentucky, and the Chair must be governed by that statement. The point of order is made by the gentleman from Ohio against the amendment of the gentleman from Kentucky.

Mr. WHEELER. I desire to be heard on the point of order.

The CHAIRMAN. Will the gentleman from Ohio state his point of order?

Mr. SHATTUC. I should like to have the amendment read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Kentucky.

The amendment of Mr. WHEELER was again read.

Mr. SHATTUC. My point of order is that that amendment is not germane.

The CHAIRMAN. The gentleman from Ohio makes the point of order that the amendment is not germane to the amendment offered by the gentleman from Indiana. The gentleman from Kentucky is recognized to speak on the point of order.

Mr. WHEELER. Mr. Chairman, I scarcely deem it necessary to suggest to the chairman that while the amendment to the amendment may not be germane to the pending bill, it is certainly germane to the amendment offered by the gentleman from Indiana, against which no point of order has been made.

I desire to say, sir, that the amendment suggested by myself is offered in no captious spirit, but is the result of a sincere conviction that the Government of the United States ought not, and can not in justice to its own dignity, aid in the constant violation of the laws of the several States. It is a practice known to us all that in the various States of the Republic authority is given by the legislature to counties and communities to say whether or not liquors shall be sold at retail within certain districts.

It is also a fact, unfortunate but still true, that the average citizen of the Republic stands not so much in dread of the law of his State as he does of the Federal law, and that what has been vulgarly termed "blind tigers" are run with impunity in almost every State of the country, under the ægis of a license from the revenue collector of the district. If Congress would prohibit the issuing of licenses to parties living in districts where the inhabitants have declared that they do not desire liquor to be sold, it would tend to lessen, if it did not entirely destroy, the illegal sale of spirituous and vinous liquors. We are accomplishing but little when we prohibit the sale of liquors in this Capitol; but if there be a healthy temperance sentiment in this House, let us go to the root of the matter and prohibit the Federal Government from issuing licenses in districts where the people of the county or district have said they do not desire liquor to be sold.

Mr. KLEBERG. Will the gentleman yield for a question?

Mr. WHEELER. Yes.

Mr. KLEBERG. Do you not think that a law of this kind, taking away the revenue which the Government now derives from the sale of liquor, would simply result in a lot of "blind tigers" which would pay no license whatever to anybody?

Mr. WHEELER. On the contrary, this strikes a blow at the "blind tigers." It is for the purpose of preventing a man, when arraigned before a Federal court for a violation of the liquor law, protecting himself by exhibiting a license from the revenue collector of the district.

Mr. KLUTTZ. I did not quite catch the gentleman's amendment. Does it prohibit a license to manufacture as well as to sell?

Mr. WHEELER. No; it is not intended to interfere with the manufacture of liquor. It is not intended to interfere with the wholesaler. It is not intended to interfere with anyone who does a legitimate business; but it is intended to prohibit men living in districts where prohibition has been voted from going to the revenue collector of the district and securing a Federal license so as to protect him against prosecution in the Federal courts.

Mr. McRAE. Will my friend allow me to ask why he makes any distinction between the manufacture and the sale? I agree with you that some legislation of this kind ought to be passed; but I think it ought to go to the manufacture as well as the sale.

Mr. WHEELER. I have no right to offer such an amendment. Now, where the party is licensed by the State this amendment does not apply. If it is manufactured——

Mr. McRAE. That is what I am talking about, that in the prohibited districts we should prohibit the manufacture of whisky.

Mr. WHEELER. I would vote for such a measure if it were within my ability to secure its adoption in this body. But I believe that the members of this House will see——

Mr. SHATTUC. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. What is the question before the House?

The CHAIRMAN. The point of order raised by the gentleman from Ohio on the amendment offered by the gentleman from Kentucky.

Mr. SHATTUC. I would like to hear the gentleman, because he is a splendid man; but I have my duty to perform, and therefore I raise the point of order that he is not speaking germane.

Mr. WHEELER. I submit with all courtesy that the Chair is judge of whether or not my remarks are pertinent.

The CHAIRMAN. The Chair would be glad to hear from the gentleman on the point of order.

Mr. WHEELER. I am attempting, feebly it is true, but to the best of my ability, to explain the purpose of this amendment, and to see if it is germane. Now, I say to the gentleman from Arkansas that if the manufacturer had a license from the State this amendment would not apply; but it is intended to prohibit a man who desires to violate the State law from receiving a license from the collector. I do not think the Government ought to disregard the local statutes of the States.

Mr. McRAE. They should not do that; and they should not authorize a distillery to be set up in one of those prohibited districts, because it is from the distilleries that youth is debauched.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILEY. I move that the gentleman be allowed five minutes more.

Mr. SHATTUC. I will not object to the gentleman's time being extended at this time, but hereafter I shall object, as I want to get through with this bill.

The CHAIRMAN. The only question now pending is the point of order.

Mr. WHEELER. If the Chair will pardon me, I have been under the impression that there was no limitation upon a gentleman discussing a point of order. Now, Mr. Chairman, I have said about all I care to say. I simply desire——

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. WHEELER. Certainly.

Mr. WILLIAMS of Mississippi. I understand the purpose of your resolution merely to be this: To enable the States to execute their police regulations without interference upon the part of the Federal Government.

Mr. WHEELER. That is exactly the purpose of this amendment. And I have resorted to this method, Mr. Chairman, because in the Fifty-fifth Congress I introduced a bill embodying this idea and it found the same resting place where so many similar measures repose now.

Now, just a moment, in reply to something said by the gentleman from Missouri a while ago, that there are many times upon the floor of this House members of Congress who are disposed to drink and to have a good time generally. In justice to the present membership of this House and this Congress, and those Congresses in which I have served, I desire to say, without any purpose of advancing my own political or selfish ends, for I have voluntarily eschewed this life, I do not believe within the limits of the Republic 357 men can be found who from year to year and day to day, surrounded by the temptations that beset the average legislator in this Capitol, live more correctly than the average membership of the Houses of Congress.

I assert, sir, without fear of successful contradiction, there is no more temperate body of men within the limit of the Republic than the members of the lower House of Congress. I could enumerate on that hand the number of members I have seen under the influence of drink in the six years that I have been here. I think it is unjust to the gentlemen here and it is unjust to the American people and it is unbecoming the dignity of this great body for gentlemen to give to the country the idea that the members of this House are guilty of drinking or any other habit that will detract from their great place and high character. I do not believe it is becoming in us to say so; and for my part, as an American citizen—not as a member of Congress—I feel it my duty to pay a just tribute to the high character, morally and

intellectually, of this House upon both sides of the Chamber. [Loud applause.]

The CHAIRMAN. The Chair is prepared to rule upon the point of order made by the gentleman from Ohio to the amendment offered by the gentleman from Kentucky to the amendment proposed by the gentleman from Indiana. The amendment offered by the gentleman from Indiana provides that no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States. It will be observed that this amendment is not a general provision prohibiting or restricting the sale of intoxicating liquors on all Government property or in all Government buildings, but is simply a prohibition against the sale of intoxicating liquors in one building, and any amendment restraining the sale of liquor in any other building or any other locality controlled by the Government would not be in order under the rule. The amendment offered by the gentleman from Kentucky also affects matters relating to the revenues, and would be original matter which would go to the committee dealing with matters relating to revenue. The Chair feels very clearly, therefore, that the amendment is not germane to the amendment offered by the gentleman from Indiana, and sustains the point of order made by the gentleman from Ohio.

Mr. WHEELER. With great respect for the Chair's ruling, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kentucky appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and on a division (demanded by Mr. WHEELER) there were 102 ayes and 16 noes.

So the decision of the Chair was sustained.

Mr. BARTHOLDT. Mr. Chairman, I now desire to make the point of order against the amendment offered by the gentleman from Indiana. The committee had not entered upon the discussion of the amendment offered by the gentleman from Indiana, and therefore it is now in order to make the point of order upon it.

The CHAIRMAN. The gentleman from Missouri makes the point of order that the point of order to the amendment offered by the gentleman from Indiana can now be made. The amendment offered by the gentleman from Indiana was pending and no gentleman of the committee addressed the Chair, and the Chair recognized the gentleman from Kentucky, who offered an amendment to the amendment. It has been uniformly held that under the rule a point of order can not be made after an amendment has been considered, and an amendment offered to an amendment is consideration of the pending amendment. There seems to be no exception to these precedents, and the Chair would hold that the amendment having been offered by the gentleman from Kentucky to the amendment offered by the gentleman from Indiana, it would now be too late to raise the point of order.

Mr. BARTHOLDT. Mr. Chairman, there was no time after the gentleman from Indiana took his seat between that moment and the time when the gentleman from Kentucky was recognized to make the amendment. There were three or four gentlemen ready and willing to make that point, but before it could be made the gentleman from Kentucky was recognized to offer his amendment.

Mr. HAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. Does the gentleman from Missouri appeal from the decision of the Chair?

The CHAIRMAN. The Chair was waiting to hear the statement made by the gentleman from Missouri. The Chair does not know what the conclusion of his position will be.

Mr. BARTHOLDT. I do not know, Mr. Chairman, whether a second point of order is in order, but I submit to the consideration of the Chair that there was not time intervening for gentlemen on this side to make the point of order. The gentleman from Kentucky rose in his seat and said he had an amendment to the amendment of the gentleman from Indiana, and he was immediately recognized, and therefore it was perfectly impossible for any member to make the point of order.

The CHAIRMAN. In reply the Chair will state that during the entire consideration of this bill whenever an amendment has been offered he has been ready to recognize the chairman of the committee having the bill in charge or any member of the committee, several of whom are sitting by him, or any member of the House. The Chair has been especially careful in that direction, and, as members know, various points of order have been raised, and raised abundantly, by the chairman of the committee. When the amendment offered by the gentleman from Indiana was read, the Chair was ready to recognize the gentleman from Ohio and looked in the direction of that gentleman, but no one rose connected with the committee, and the gentleman from Kentucky rose and addressed the Chair. The Chair did not know but that the gentleman from Kentucky proposed to raise the point of order. In view of the way in which the amendment was offered, the Chair feels that a point of order would not lie against the amendment offered by the gentleman from Indiana. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. WACHTER) there were 108 ayes and 19 noes.

So the amendment was agreed to.

Mr. PATTERSON of Tennessee. Mr. Chairman, is an amendment in order to the new section just adopted, offered by the gentleman from Indiana?

The CHAIRMAN. The Chair will state that that would depend on the nature of the amendment.

Mr. PATTERSON of Tennessee. I offer the following amendment.

The Clerk read as follows:

Add thereto "or on any part of the grounds on which the Capitol building is located, or in any public building owned or used by the United States Government."

Mr. MANN. I raise the point of order against that, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. MANN. The amendment offered by the gentleman from Indiana relates only to the Capitol building, and for that reason it was held in order. This proposed amendment says no building owned or used by the United States Government. So the amendment is not germane to the bill, nor is it germane to the amendment offered by the gentleman from Indiana.

The CHAIRMAN. Does the gentleman from Tennessee wish to be heard on the point of order?

Mr. PATTERSON of Tennessee. I want to say, Mr. Chairman, that I think this amendment is germane. The amendment offered by the gentleman from Indiana refers to one building and this amendment would cover other Government buildings. It is simply extending the provision of the law and in the line of the original provision. There is no question of revenue involved in this.

Mr. MANN. I ask the attention of the Chair to the further point of order, that this amendment can not now be offered because the section to which it is offered has already been adopted by the Committee of the Whole.

The CHAIRMAN. The Chair thinks that the first point of order made by the gentleman from Illinois [Mr. MANN], that the amendment is not germane must, in the opinion of the Chair, hold. This amendment relates to other localities not alluded to in the amendment offered by the gentleman from Indiana; and in accordance with the precedent established in similar cases, that an amendment relating to one specific object does not admit of amendments relating to other and different objects, even of the same general character, the point of order must be sustained.

Mr. PATTERSON of Tennessee. I appeal from the decision of the Chair.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee, it was decided in the affirmative.

Mr. COOMBS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "repealed" in line 16, page 23, insert the following:

"*Provided*, That this act shall not be construed to repeal or in any wise interfere with the administration of laws relating to the immigration or exclusion of Chinese or persons of Chinese descent; nor shall this act relate to said Chinese."

Mr. SHATTUC. I make a point of order upon that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHATTUC. The amendment is not germane to anything in this bill. There is nothing in this bill at all about the Chinese.

The CHAIRMAN. Does the gentleman from California [Mr COOMBS] desire to discuss the point of order?

Mr. COOMBS. I will simply say that inasmuch as, according to the statement of the gentleman from Ohio, there is nothing in this bill pertaining to the Chinese, this amendment simply affirms that proposition and proposes to keep out of the bill everything relating to the Chinese question. Assuming that the Chinese question has been legislated upon in this Congress and in 1891——

The CHAIRMAN. The gentleman from California will confine himself to the question of order.

Mr. COOMBS. Confining myself to the point of order, let me say that this is proposed as an amendment to section 35, which provides that "all acts or parts of acts inconsistent with this act are hereby repealed." The effect of this amendment is that if it should hereafter be construed that the Chinese-exclusion act is inconsistent with this act, it shall not for that reason be repealed. I think that is the only question involved. I submit that the amendment is pertinent.

Mr. SHATTUC rose.

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair this amendment, which proposes to restrict the general provisions of section 35, is clearly germane and in order. The point of order is overruled. The question is on agreeing to the amendment.

Mr. SHATTUC. Mr. Chairman, there is a very serious question presented by this amendment. This bill contains provisions much more restrictive in their operation than those contained in the Chinese-exclusion act. For instance, in that act there is nothing preventing the introduction into this country of persons afflicted with smallpox or any contagious disease. This is the only law which will prevent the entrance into the country of Chinese persons who may become a public charge or who, being diseased, are liable to communicate disease to our own citizens. Therefore, I submit, the provisions of this bill ought not to be narrowed in their operation by such an amendment as that now submitted.

This bill as drawn has been carefully guarded. I very well understand who are the parties that have inspired this proposition. I do not charge anything improper upon the gentleman who offers the amendment; but there are certain transportation lines that have been moving heaven and earth in order to get just such legislation introduced into this bill. The adoption of the amendment will have the effect for which they have been working. I submit that it ought not by any means to be adopted.

Mr. ADAMS. Mr. Chairman, I should like to emphasize to this Committee of the Whole the words that have just been spoken by the chairman of our committee [Mr. SHATTUC]. The bill which we have been considering is designed in its main features to restrict inmigration to this country. But there is another feature of the bill that is much more important to the people who are already in this country—to the great body of our citizens. I refer to the restrictions which are included in this bill for preventing the introduction of disease into this country. There are no such provisions in the Chinese-exclusion act. That act was designed simply to prevent the introduction of cheap labor into this country to compete with our own working people. But the present bill includes sanitary provisions, every one of which, so far as they relate to the incoming of Chinese, will be nullified by the adoption of the amendment proposed by the gentleman from California. As is very well known doubtless to every member of the House, this danger is much more serious as connected with the immigration of Chinese than as to any other race that may enter our country. Therefore I most seriously ask the House to vote down this amendment.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS. Yes.

Mr. PAYNE. If this amendment was divided and the last clause of it stricken out, I would ask whether it would in any way interfere with the operation of the bill in regard to the particulars of which the gentleman has spoken?

Mr. TAWNEY. Move to amend by striking out the last clause, "nor shall this act relate to said Chinese."

Mr. PAYNE. If that was stricken out I do not think it would relate to the question of disease.

Mr. ADAMS. Why not?

Mr. PAYNE. Because, from the reading of the amendment, the other portion of it simply restricts the repeal so as not to repeal the Chinese law, and of course the gentleman has no objection to that.

Mr. ADAMS. No.

Mr. PAYNE. I think if this amendment were read again and the gentleman paid attention he would find that if the last clause was stricken out—and of course the amendment is divisible—that it would correct the defect that he speaks of, which is a very serious one.

Mr. ADAMS. Of course, Mr. Chairman, it is most difficult to discuss an amendment offered offhand to a bill which has been carefully prepared and to take in the full meaning of the amendment as it is read from the desk. I ask that the amendment be read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. ADAMS. Then, Mr. Chairman, I move to amend that amendment by striking out the last clause.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out of the amendment the words "nor shall this act relate to said Chinese."

Mr. COOMBS. Mr. Chairman, I will say this, that I put those words in the present amendment for the simple reason that they have been in the existing immigration laws since 1891. In the amendment of 1891 they were put in; in the amendment of 1893 they were put in, and it was with the idea of perpetuating the existing law in that respect that they were incorporated at this time. I have no objection to the striking of them out at all.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. SHATTUC. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committe rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHATTUC. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Unless a separate vote is ordered on any amendment, the Chair will submit them in gross to the House. [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SHATTUC, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5500. An act granting an increase of pension to Angus Cameron;

S. 4718. An act granting an increase of pension to Sarah A. Whitcomb;

S. 1981. An act granting a pension to Thomas Hannah;

S. 484. An act granting an increase of pension to Fletcher J. Walker;

S. 5748. An act granting an increase of pension to Thomas D. Utler;

S. 5741. An act granting a pension to Mrs. William H. Kendrick;

S. 5856. An act granting an increase of pension to Elizabeth A. Turner;

S. 5263. An act granting a pension to Fannie Frost;

S. 4190. An act granting a pension to Fredereka Seymore;

S. 2265. An act granting an increase of pension to William Kelley;

S. 5648. An act granting an increase of pension to Frederick Bulkley;

S. 2051. An act granting an increase of pension to H. W. Tryon;

S. 5924. An act granting an increase of pension to Edwin Young;

S. 1132. An act granting a pension to R. Sherman Langworthy;

S. 7. An act granting an increase of pension to William H. Thomas;

S. 4401. An act granting an increase of pension to Frederick Kropf; and

S. 1343. An act to correct the military record of Samuel F. Hall.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 6037. An act granting an increase of pension to William C. Holcomb;

H. R. 8134. An act granting an increase of pension to James H. Dunn;

H. R. 13211. An act granting a pension to Melissa Burton;

H. R. 9695. An act granting an increase of pension to Evaline Jenkins;

H. R. 5475. An act granting a pension to August Schill;

H. R. 12428. An act granting an increase of pension to Elizabeth G. Getty;

H. R. 2286. An act granting an increase of pension to Mary Etna Poole;

H. R. 7560. An act granting an increase of pension to George W. Butler;
H. R. 11288. An act granting an increase of pension to William E. Ball;
H. R. 9794. An act granting a pension to Zebulon A. Shipman;
H. R. 6718. An act granting an increase of pension to Andrew R. Jones;
H. R. 5551. An act granting an increase of pension to Charles Edward Price Lance, alias Edward Price;
H. R. 2289. An act granting an increase of pension to Pitzar Ingram;
H. R. 2623. An act granting an increase of pension to John Smith;
H. R. 5248. An act granting a pension to Frances A. Tillotson;
H. R. 13168. An act to establish an additional life-saving station on Monomoy Island, Mass.;
H. R. 11124. An act granting an increase of pension to Mary Scott;
H. R. 13614. An act granting an increase of pension to William H. White;
H. R. 4542. An act granting a pension to Eliza J. West;
H. R. 13037. An act granting an increase of pension to Frances W. Anderton;
H. R. 12983. An act granting an increase of pension to Eleanor Emerson;
H. R. 9833. An act granting an increase of pension to Margaret McCuen;
H. R. 12422. An act granting an increase of pension to David Topper;
H. R. 8487. An act granting an increase of pension to John M. Crist; and
H. R. 12779. An act granting an increase of pension to George Chamberlin.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 7319. An act granting an increase of pension to Frances H. Anthony;
H. R. 2901. An act to remove the charge of desertion borne opposite the name of Abram Williams;
H. R. 357. An act for the relief of Levi Maxted; and
H. R. 11249. An act granting an increase of pension to Katharine Rains Paul.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills, in the enrollment of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 44.

Resolved by the Senate (the House of Representatives concurring), That a committee consisting of three Senators be appointed by the Presiding Officer of the Senate to meet with a committee of like number to be appointed by the House of Representatives, to confer upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903.

And that in compliance with the foregoing the Presiding Officer had appointed, as said committee on the part of the Senate, Mr. SPOONER, Mr. PROCTOR, and Mr. PETTUS.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, presented a conference report on the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which, with the accompanying statement, were ordered to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 9, 11, 19, 20, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 8, 12, 13, 14, 15, 16, 18, 21, 22, 23, and 25; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interests of the Government to purchase all land on Cushings Island, Portland Harbor, Maine, necessary to be used to erect additional batteries, and for buildings for the troops, $225,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until a valid title to said land and property shall have been acquired by the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In line 2 of said amendment strike out the word "bill" and insert in lieu thereof the word "act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "States," insert the following: ", except the contract of November 7, 1891, for 100 8, 10, and 12 inch guns."

In line 8 strike out the words "security in proper" and insert in lieu thereof the words "good security in same."

And in line 10 strike out the words "according to the true intent and meaning thereof."

And the Senate agree to the same.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. MCRAE,
Managers on the part of the House.

GEO. C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

The report was agreed to.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications, etc., submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of said amendments, namely:

On No. 1: Appropriates $325,000, as proposed by the House, instead of $500,000, as proposed by the Senate, for installation of range and position finders.

On No. 2: Appropriates $150,000, as proposed by the House, instead of $300,000, as proposed by the Senate, for purchase and installation of searchlights.

On No. 3: Appropriates $225,000, as proposed by the Senate, to enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interest of the Government to purchase the land on Cushings Island, Portland Harbor, Maine, necessary to be used for additional batteries and buildings for troops.

On No. 4: Appropriates $300,000, as proposed by the Senate, instead of $150,000, as proposed by the House, for protection, preservation, and repair of fortifications.

On No. 5: Grants to the State of Connecticut, as proposed by the Senate, the right to occupy for purposes of a park a tract of land situated on the east shore of New London Harbor, Connecticut.

On No. 6: Appropriates $100,000, as proposed by the House, instead of $150,000, as proposed by the Senate, for construction of sea walls and embankments.

On No. 7: Divides the proposed appropriation for submarine mines between the Engineer Department and the Artillery Corps, as proposed by the Senate.

On No. 8: Appropriates $165,000, as proposed by the Senate, instead of $46,500, as proposed by the House, for the purchase of steel forgings for coast-defense guns.

On No. 9: Appropriates $250,000, as proposed by the House, instead of $406,000, as proposed by the Senate, for carriages for mounting seacoast guns.

On No. 10: Provides, as proposed by the Senate, for the further test of disappearing gun carriages.

On No. 11: Appropriates, $100,000, as proposed by the House, instead of $170,000, as proposed by the Senate, for range finders.

On No. 12: Appropriates $82,000, as proposed by the Senate, for mountain guns.

On amendments 13, 14, 15, and 16 strikes out, as proposed by the Senate, restriction as to the calibers of breech-loading rifles, siege, and breech-loading howitzers, siege, and carriages therefor.

On No. 17: Authorizes, as proposed by the Senate, the obligation of certain contracts made with the Bethlehem Iron Company to be assumed by its successor, the Bethlehem Steel Company.

On No. 18: Authorizes, as proposed by the Senate, the Secretary of War to accept the proposition of the Pneumatic Gun Carriage and Power Company for settlement of its contract to furnish a 10-inch disappearing gun carriage.

On Nos. 19 and 20: Appropriates $37,000, as proposed by the House, instead of $43,926, as proposed by the Senate, for current expenses at the proving ground at Sandy Hook, and strikes out the provision proposed by the Senate authorizing the employment of services in the Ordnance Bureau.

On No. 21: Appropriates $75,000, as proposed by the Senate, for sea wall at Sandy Hook.

On Nos. 22 and 23: Appropriates, as proposed by the Senate, $58,000 for power plant for artillery ammunition factory, and $28,000 for a box-making and packing shop at the Frankford Arsenal, Pa.

On No. 24: Strikes out the appropriation of $4,600, as proposed by the Senate, for additional battery of two boilers at the Watertown Arsenal, Mass.

On No. 25: Strikes out the provision proposed by the House authorizing payment on account of Isham shell and Tuttle thorite.

The bill, as finally agreed upon, appropriates $7,298,955, being $612,526 less

than as it passed the Senate, $736,500 more than as it passed the House, $65,056 less than the last law, and $9,100,353 less than the estimates.

J. A. HEMENWAY,
L. N. LITTAUER,
THOS. C. McRAE,
Managers on the part of the House.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 14589. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902;

H. J. Res. 172. Joint resolution authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.;

H. J. Res. 113. Joint resolution authorizing the use and improvement of Governors Island, Boston Harbor;

H. R. 13895. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

H. R. 2857. An act granting an increase of pension to Frances C. Haughton;

H. R. 12418. An act granting a pension to Matilda C. Clarke;

H. R. 10782. An act granting a pension to Ole Steensland;

H. R. 6625. An act granting increase of pension to Mary S. Downing;

H. R. 1346. An act granting a pension to Adelbert L. Orr;

H. R. 10995. An act to regulate the introduction of eggs of game birds for propagation:

H. R. 9606. An act granting a pension to Charles Blitz;

H. R. 7397. An act granting a pension to Louisa White;

H. R. 989. An act to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46;

H. R. 13395. An act granting a pension to Arthur J. Bushnell;

H. R. 10144. An act to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo; and

H. R. 6330. An act granting an increase of pension to William D. Tanner.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2168. An act granting an increase of pension to Charles O. Baldwin;

S. 712. An act granting an increase of pension to John Housiaux;

S. 1797. An act granting an increase of pension to Benjamin Russell;

S. 2511. An act granting an increase of pension to William Phillips;

S. 1464. An act to establish storm-warning stations at South Manitou Island, Lake Michigan;

S. 2535. An act granting an increase of pension to Annie E. Joseph;

S. 3063. An act granting an increase of pension to Henry J. Edge, alias Jason Edge;

S. 2697. An act granting an increase of pension to Sarah F. Baldwin;

S. 2457. An act granting an increase of pension to Warren Y. Merchant;

S. 2551. An act granting a pension to Amelia Engel;

S. 3888. An act granting an increase of pension to Jesse H. Hubbard;

S. 3998. An act granting an increase of pension to Emma L. Kimble;

S. 4240. An act granting an increase of pension to Calvin N. Perkins;

S. 4642. An act granting an increase of pension to Anne Dowery;

S. 4415. An act granting an increase of pension to Vesta A. Brown;

S. 4638. An act granting a pension to Helena Sudsburg;

S. 3551. An act granting an increase of pension to John P. Collier;

S. 5669. An act granting a pension to Charlotte M. Howe;

S. 5759. An act granting an increase of pension to Charles T. Crooker;

S. 5670. An act granting a pension to Samuel H. Chamberlin;

S. 4729. An act granting an increase of pension to Daniel A. Hall, alias William Knapp;

S. 4712. An act granting an increase of pension to Eliphlet Noyes;

S. 4706. An act granting an increase of pension to William Harrington;

S. 4655. An act granting an increase of pension to Oliver K. Wyman;

S. 4766. An act granting an increase of pension to James P. McClure;

S. 4759. An act granting an increase of pension to Martha Clark;

S. 4758. An act granting an increase of pension to Mary L. Doane;

S. 4732. An act granting an increase of pension to Charles H. Hazzard;

S. 4730. An act granting an increase of pension to George W. Youngs;

S. 5106. An act granting an increase of pension to Horace L. Richardson;

S. 4983. An act granting a pension to John W. Smoot;

S. 4853. An act granting an increase of pension to Amos Moulton;

S. 4871. An act granting an increase of pension to Helen M. Worthen;

S. 4862. An act granting an increase of pension to James Welch;

S. 4829. An act granting an increase of pension to Nimrod Headington;

S. 4790. An act granting an increase of pension to Stephen A. Seavey;

S. 5371. An act granting an increase of pension to Jonathan O. Thompson;

S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;

S. 5202. An act granting an increase of pension Jennie M. Wagner;

S. 5153. An act granting an increase of pension to Eri W. Pinkham;

S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin; and

S. 1038. An act granting an increase of pension to Gustavus C. Pratt.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1343. An act to correct the military record of Samuel F. Hall—to the Committee on Military Affairs.

S. 7. An act granting an increase of pension to William H. Thomas—to the Committee on Invalid Pensions.

S. 484. An act granting an increase of pension to Fletcher J. Walker—to the Committee on Invalid Pensions.

S. 1132. An act granting an increase of pension to R. Sherman Langworthy—to the Committee on Invalid Pensions.

S. 1981. An act granting an increase of pension to Thomas Hannah—to the Committee on Invalid Pensions.

S. 2051. An act granting an increase of pension to Henry W. Tryon—to the Committee on Invalid Pensions.

S. 2265. An act granting an increase of pension to William Kelley—to the Committee on Invalid Pensions.

S. 4401. An act granting an increase of pension to Frederick Kropf—to the Committee on Invalid Pensions.

S. 4718. An act granting an increase of pension to Sarah A. Whitcomb—to the Committee on Invalid Pensions.

S. 5263. An act granting a pension to Fannie Frost—to the Committee on Invalid Pensions.

S. 5500. An act granting an increase of pension to Angus Cameron—to the Committee on Invalid Pensions.

S. 5648. An act granting an increase of pension to Frederick Bulkley—to the Committee on Invalid Pensions.

S. 5741. An act granting a pension to Martha E. Kendrick—to the Committee on Pensions.

S. 5748. An act granting an increase of pension to Thomas D. Utter—to the Committee on Invalid Pensions.

S. 5856. An act granting an increase of pension to Elizabeth A. Turner—to the Committee on Pensions.

S. 5924. An act granting an increase of pension to Edwin Young—to the Committee on Invalid Pensions.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following communication from the Senate:

Resolved, That the Secretary be instructed to request the House of Representatives to return to the Senate the bill (S. 4995) to establish an additional life-saving station at Monomoy Island, Massachusetts.

The SPEAKER. If there be no objection, this request will be granted.

There was no objection.

SUBSIDIARY SILVER COINAGE.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania submits a report from the Committee on Rules, which will be read by the Clerk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House numbered 178, have had the same under consideration, and report the following in lieu thereof:

Resolved, That immediately after the adoption of this resolution, the House shall resolve itself into Committee of the Whole House on the state of the Union, for the consideration of the bill (H. R. 12704) to increase the subsidiary silver coinage, and after two hours of general debate the bill shall be read by paragraphs for amendment, and upon the conclusion of said reading the Committee of the Whole shall rise and report the bill with amendments, if any, to the House: *Provided*, That the motion to go into the Committee of the Whole House to consider the said bill shall continue privileged each day until said bill is disposed of, not, however, to interfere with revenue or appropriation bills or conference reports.

Mr. DALZELL. Mr. Speaker, the bill referred to in the rule is a short bill, consisting of a single paragraph, providing for the coinage of the silver in the Treasury into subsidiary coin. The necessity for the bill will appear from a short extract which I will read from a letter of the Director of the Mint, submitted to the Committee on Coinage, Weights, and Measures. He says:

The facts of the situation briefly stated are that prior to the passage of the act of March 14, 1900, the total stock of subsidiary coin in the country was limited to $80,000,000, and by that act the limit was raised to $100,000,000. The demand for subsidiary coin during the past two years has been very heavy, and the total stock in the country is now nearly $92,000,000, almost all of which is outside the Treasury in active circulation.

It seems quite probable that unless this Congress takes some action to again raise the limit the entire amount authorized will be absorbed before another Congress can act, and the Treasury will be unable to meet the legitimate wants of trade. It is, therefore, of urgent importance that some measure be passed by the Fifty-seventh Congress, and, if practicable, during the present session, to relieve the situation.

That is the opinion of the Director of the Mint as to the necessity for the passage of the bill referred to in the rule. The rule provides for a general debate limited to two hours, and then for consideration of the bill under the five-minute rule until disposed of.

Mr. UNDERWOOD. Mr. Speaker, I will ask my colleague on the committee to yield to me ten minutes, as I desire to yield to the gentleman from Colorado [Mr. SHAFROTH].

Mr. DALZELL. I yield to the gentleman from Alabama.

Mr. SHAFROTH. I will ask the gentleman whether he will not consent to allow this matter to go over until to-morrow morning.

Mr. DALZELL. I prefer not. I should like to have the rule adopted to-night, so that we can start in with the consideration of the bill to-morrow morning.

Mr. SHAFROTH. I want the full twenty minutes that we are entitled to on our side.

Mr. DALZELL. So far as that is concerned, of course I can now move the previous question and shut off debate, which I do not desire to do. I yield to the gentleman fifteen minutes.

Mr. UNDERWOOD. I yield the time to the gentleman from Colorado.

Mr. DALZELL. I understand that is in lieu of what I have already yielded.

Mr. UNDERWOOD. I desire to yield the time to the gentleman from Colorado.

Mr. SHAFROTH. Mr. Speaker, the bill sought to be considered proposes to stop the coinage of silver dollars now authorized by law, which coinage was authorized by the Sherman Act, and authorized again by the war-revenue act, adopted in 1898, and again authorized by the gold-standard act, approved March 14, 1900. It proposes to take the entire bullion that is in the Treasury and coin it into subsidiary coin. It then proposes to take the silver dollars and melt them down for subsidiary coin, in the discretion of the Secretary of the Treasury. The bullion in the Treasury was purchased for the purpose of being coined into silver dollars, and was paid for in notes issued by the Government, called Treasury notes, which notes were to be retired by the silver dollars as fast as coined.

Mr. Speaker, there are two grounds upon which I oppose the consideration of this bill. In the first place, there is no necessity for the measure. There is no occasion for any legislation whatever relative to subsidiary coinage.

Two years ago we enacted a law relative to this subject, which it was presumed would supply all the subsidiary coins needed for years. Previous to that time for twenty years the subsidiary coins of the United States had been equivalent to $80,000,000. The gold-standard act approved March 14, 1900, raised that amount $20,000,000, or to a total of $100,000,000. Previous to that time there never had been in circulation subsidiary coin amounting per capita to more than $1, and the average had been 89 cents. This additional $20,000,000 is sufficient for the needs of the people for at least fifteen years to come. Mr. Speaker, the conclusive evidence of that fact is the Treasury report which every member received this morning at his house. He will find upon examining that report that there is a redundancy of subsidiary coin in the Treasury. It seems impossible for the Treasury to put in circulation all of the subsidiary coin now issued.

We find from this morning's report that $12,793,284 are now in the Treasury, notwithstanding the fact there is a law on the statute book which provides that the Government shall pay the expense of shipping subsidiary silver to any part of the United States. It is true that before the adoption of the act which raised the limit to $100,000,000 the amount of subsidiary coin in the Treasury sank to $2,500,000 or $3,000,000, but since the twenty millions were authorized it has been climbing higher and higher, until to-day it is over $12,700,000. That same report shows that there has been issued $456,145,000 of silver certificates, of which only $7,152,837 are in the Treasury. Showing a redundancy of subsidiary coin and a shortage of silver certificates. In the last four years there has been an increase of $30,000,000 in $1 and $2 silver certificates, which has further relieved the necessity for more subsidiary coin, as such certificates form a large part of our change money.

Mr. Speaker, there is no occasion, consequently, to coin more subsidiary coin. The intention of this bill is expressed by the gentleman in his report when he says it is a slow process by which to eliminate and destroy the silver dollar as money. All of the twenty millions of subsidiary money which was authorized by the act of last Congress has not yet been coined. There are still $5,000,000 uncoined; and what is the necessity of enacting more legislation with respect to subsidiary coin when the amount authorized by the act of March 14, 1900, has not yet been issued and $5,000,000 is yet to be coined?

But, Mr. Speaker, there is another reason why this bill should not be considered, which is more potent to my mind than the one which I have given. Gentlemen of this House remember that in the last Congress we passed an act called the gold-standard act. The gentlemen remember that they had a clause in that bill which was like this, providing that the silver dollar should no longer be coined. Gentlemen will remember that the Senate of the United States was then so constituted that no such legislation could be enacted by that body.

The gentlemen knew there were certain persons there who opposed the retirement of the silver dollars or the stoppage of their coinage. The gentlemen well remember that the Committee on Finance of the Senate was so constituted at that time that it was impossible even to get a favorable report of that committee indorsing such a measure. Consequently it was necessary that a compromise should be made with reference to the matter. There were certain Senators there who were termed "silver Senators," who were willing to vote for the bill if the coinage of the silver dollars from the bullion in the Treasury was continued, and their votes could not be obtained until it was so provided and until it was further provided that the Treasury notes issued for the payment of the bullion purchased under the Sherman Act should be retired by the issuing of silver dollars in place thereof. They produced a bill that provided for the continuation of the coinage of the silver dollars until the Treasury notes were retired by the silver dollars so coined.

That was compromise legislation. They said, in other words, that we will give you the provisions of your bill. We will make the United States notes termed greenbacks payable in gold at the option of the holder; we will increase the gold reserve to $150,000,000; we will make Treasury notes directly redeemable in gold; we will give you the privilege of issuing a gold bond instead of a bond payable in coin; we will give you certain privileges in regard to national banks and in regard to the issuing of money by them, provided you give us the privilege of having this silver bullion that was purchased under the Sherman Act coined into silver dollars.

Mr. Speaker, that was the arrangement and that was the compromise. Is it right, is it fair, is it just, after having obtained all of your side of the consideration of the agreement, before the time has elapsed, when the fulfillment of your part of the agreement could be made, that you repeal the provision and enact a law that the silver dollars shall not be coined? Is it right, and is it just, having obtained by legislation the consideration as stated on your side, and having agreed in the same legislation that the silver dollar shall be coined until the Treasury notes issued in payment thereof should be redeemed, that before your agreement can be complied with that the provision should be repealed?

Mr. Speaker, it is not right; it is not fair. This bill should not even be considered by this House, because, in my judgment, it is a violation of an implied agreement of the terms of a compromise measure. I therefore contend, first, that there is no necessity for this legislation, and the Treasury report this morning shows it conclusively, and, second, that it is a breach of good faith to a compromise when the moving consideration on one side has not been complied with.

Mr. Speaker, the time that is proposed by this resolution to consider a bill of this kind is absurd—two hours' debate on a bill which involves in one provision the right of the Secretary of the Treasury to melt down silver dollars until every one is out of existence. Is that the kind of consideration to be given to a bill of so serious a character? Is that the length of time we should

take to consider a bill to change the monetary system of our Government? No wonder the House is losing its character as a deliberative body. Mr. Speaker, it seems to me that from every point of view the resolution for this rule should be defeated.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The previous question was ordered.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion, by unanimous consent, leave of absence was granted as follows:

To Mr. WATSON, for three days, on account of important business.

To Mr. BOREING, indefinitely, on account of important business.

The motion of Mr. PAYNE was then agreed to; accordingly (at 4 o'clock and 56 minutes) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for repair of the naval laboratory, Brooklyn, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting papers and the draft of a bill, with a recommendation relating to the claim of the estate of George Lea Febiger—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Chief of Ordnance, relating to the disposal of certain useless papers—to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Secretary of War, transmitting letters and documents relating to comparative tests of the Gathmann torpedo gun and the 12-inch Army service rifle—to the Committee on Appropriations, and ordered to be printed, except the accompanying Senate and House documents.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year, reported the same with amendments, accompanied by a report (No. 2247); which said bill and report were referred to the House Calendar.

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14247), to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina, reported the same without amendment, accompanied by a report (No. 2251); which said bill and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the House concurrent resolution (H. C. Res. 51) providing for the printing of 33,000 copies of a volume on farm animals, reported the same without amendment, accompanied by a report (No. 2256); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. REID, from the Committee on Claims, to which was referred the bill of the Senate (S. 111) for the relief of William J. Smith and D. M. Wisdom, reported the same without amendment, accompanied by a report (No. 2248); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7793) for the relief of Columbia Hospital and Dr. A. E. Boozer, reported the same without amendment, accompanied by a report (No. 2249); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the House resolution (H. Res. 228) referring to the Court of Claims the papers in the case of Peter Guttormson, reported the same without amendment, accompanied by a report (No. 2250); which said resolution and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8186) for the relief of John D. Chadwick, reported the same without amendment, accompanied by a report (No. 2252); which said bill and report were referred to the Private Calendar.

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 1928) for the relief of G. H. Sowder, reported the same without amendment, accompanied by a report (No. 2253); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 10808) for the relief of Thomas Monteith, reported the same without amendment, accompanied by a report (No. 2254); which said bill and report were referred to the Private Calendar.

Mr. RHEA of Virginia, from the Committee on Claims, to which was referred the bill of the House (H. R. 12896) for the relief of George T. Larkin, reported the same without amendment, accompanied by a report (No. 2255); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6992) for the relief of certain enlisted men of the Twentieth Regiment New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2257); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 14576) for the relief of Wells & Zerwck, reported the same with amendments, accompanied by a report (No. 2258); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14705) to increase the pension of Lucien Bonapart Love, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. KAHN: A bill (H. R. 14738) to divide the State of California into three judicial districts—to the Committee on the Judiciary.

By Mr. DE ARMOND (by request): A bill (H. R. 14739) declaring the Osage River not to be a navigable stream above the point where the line between the counties of Benton and St. Clair, in the State of Missouri, crosses said river—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 14740) to increase the efficiency of the Marine Corps of the Navy—to the Committee on Naval Affairs.

By Mr. BURLESON: A bill (H. R. 14741) for the erection of statues of Baron De Kalb and Count Pulaski—to the Committee on the Library.

By Mr. SNOOK: A bill (H. R. 14742) to amend an act entitled "An act to incorporate a national military and naval asylum for the relief of totally disabled officers and men of the volunteer forces of the United States," approved March 3, 1865, and all acts amendatory thereof—to the Committee on Military Affairs.

By Mr. SCARBOROUGH: A bill (H. R. 14760) to provide for the erection of a monument to Brig. Gen. Francis Marion—to the Committee on the Library.

By Mr. EDDY: A joint resolution (H. J. Res. 196) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in townships, immediately upon the survey thereof in the field and prior to the approving and filing of the plat and survey thereof—to the Committee on the Public Lands.

By Mr. GOLDFOGLE: A resolution (H. Res. 274) asking for a statement of expenditures of Gen. Leonard Wood in the island of Cuba—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CLARK (by request): A bill (H. R. 14743) granting a pension to William Dillon—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 14744) granting a pension to Smith B. Nunn—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 14745) granting an increase of pension to Thomas Reynolds—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 14746) granting an increase of pension to Francis Riley—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14747) granting a pension to Amanda Blackford—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14748) granting an increase of pension to John Oran—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 14749) granting an increase of pension to Margaret Heelan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) granting a pension to Thomas C. Kelsey—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 14751) granting an increase of pension to Regina F. Palmer—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 14752) granting an increase of pension to Gibby Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14753) granting an increase of pension to Thomas Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14754) granting an increase of pension to W. M. Houchin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14755) granting an increase of pension to Mrs. Ellen Johnson, widow of the late Capt. Oliver P. Johnson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14756) granting a pension to Robert P. Baker—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 14757) granting a pension to Sidney N. Lund—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 14758) granting an increase of pension to Mary A. Talbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14759) granting a pension to Margaret Herold—to the Committee on Invalid Pensions.

By Mr. CANNON: A resolution (H. Res. 273) to pay Rosa Nichols, mother of Charles C. Nichols, deceased, the expenses of the last illness and burial of said Charles C. Nichols in a sum not exceeding $250, and an additional sum equal to six months' pay—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDERHEAD: Petition of North American Gymnastic Union of Hanover, Kans., in opposition to the passage of House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Paper to accompany House resolution to pay Rosa Nichols expense of last illness and burial of Charles C. Nichols—to the Committee on Accounts.

By Mr. CREAMER: Resolutions of United Garment Workers and Clothing Cutters and Trimmers' Union of New York City and vicinity, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGHERTY: Papers to accompany House bill granting a pension to William Dillon—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition of citizens of St. Clair County, Mo., for legislation concerning the Osage River—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Francis Riley—to the Committee on Invalid Pensions.

By Mr. McCLEARY: Petitions of J. S. Redmon and others, of Minneapolis, and citizens of Bemidji, Minn., favoring the enactment of bill (H. R. 10793) forbidding railroad officials to separate passengers on account of race or color—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. F. Crawford and other citizens of Bemidji, Minn., favoring Senate bill 5002 and House bill 12940, designated as the "inquiry commission bill"—to the Committee on Labor.

Also, petition of American Association of Masters and Pilots, to extend the lien for mariners' wages to the masters of vessels; to amend an act relating to injurious deposits within adjacent waters of New York City, and providing for investigation of the conduct of officers of steam vessels by jury trial—to the Committee on the Merchant Marine and Fisheries.

By Mr. MERCER: Papers to accompany House bill 12722, granting a pension to Mary A. Peterson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1409, granting a pension to Charles A. Warrick—to the Committee on Pensions.

By Mr. PALMER: Resolutions of United Mine Workers' Union No. 1217, of Luzerne; No. 582, of Sandy Run, and No. 209, of Stockton, Pa., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to Jerome B. Cassavant—to the Committee on Invalid Pensions.

By Mr. SNOOK: Petitions of W. S. Edwards Camp, Spanish-American War Veterans, favoring the amendment of Senate bill 1220, so as to permit said veterans to place the name and number of their camps on the American flag—to the Committee on Military Affairs.

By Mr. THOMAS of Iowa: Petition of General Bell Post, No. 332, Grand Army of the Republic, Department of Iowa, favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

Also, petition of the board of supervisors of Sioux County, Iowa, in favor of indemnifying the State of Iowa and the counties thereof for the swamp lands granted under the act of September 28, 1850, and disposed of by the Government after the passage of said act—to the Committee on the Public Lands.

By Mr. WACHTER: Paper to accompany House bill granting a pension to Mary A. Talbott—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of the Shoe Manufacturers' Association of Philadelphia, Pa., against the passage of Senate bill 1118—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *May 28, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. GALLINGER called the Senate to order, and the Secretary read the following communication:

UNITED STATES SENATE,
Washington, D. C., May 28, 1902.

To the Senate:

The undersigned, performing the duties of the Chair during the absence of the President pro tempore, names Hon. JACOB H. GALLINGER, Senator from New Hampshire, to perform said duties during Wednesday, the 28th day of May, 1902.

O. H. PLATT.

Mr. GALLINGER thereupon took the chair as Presiding Officer for to-day, and directed the Secretary to read the Journal of yesterday's proceedings.

RECESS.

Mr. HOAR. Mr. President, the Acting President pro tempore is attending a funeral in his official capacity as a pallbearer, and the Senator who has the important pending business in charge is also there, and other Senators. I move that the Senate take a recess until 2 o'clock.

The PRESIDING OFFICER (Mr. GALLINGER). The Chair will suggest to the Senator from Massachusetts that in his opinion the Journal should first be read or its reading dispensed with.

Mr. HOAR. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Journal will stand approved.

Mr. HOAR. I renew my motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate take a recess until 2 o'clock.

The motion was agreed to; and the Senate took a recess until 2 o'clock p. m., at which hour it reassembled.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDING OFFICER (Mr. GALLINGER). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. WARREN. Do I understand there was an agreement that there should be no morning hour to-day?

Mr. LODGE. Two Senators gave notice that they are ready to speak to-day. I do not see the Senator from Tennessee [Mr. CARMACK] in the Chamber at this moment, but I understood that the

junior Senator from Georgia [Mr. CLAY] is ready to go on. I should be glad, of course, to make progress with the bill. If the Senator from Wyoming has a conference report, I will yield for that.

Mr. WARREN. I have not only a conference report, but one or two other matters even more important which ought to be acted upon this morning. It will take only a few moments, of course.

Mr. LODGE. I will yield for morning business, as the Senator from Tennessee is not here, provided it does not give rise to debate.

Mr. DUBOIS. The Senator from Georgia [Mr. CLAY] informs me that he will be ready to go on quickly. He has some notes that he expects in, and he says he understood that the Senator from Tennessee was to speak first.

Mr. LODGE. I do not see the Senator from Tennessee here.

Mr. WARREN. I assume that pending the arrival of the Senator from Tennessee it will be agreeable for me to proceed with morning business.

Mr. DUBOIS. I will telephone to the Senator from Tennessee.

Mr. LODGE. It is understood that when the Senator from Tennessee returns he will take the floor.

The PRESIDING OFFICER. The unfinished business will be temporarily laid aside, and the Senator from Wyoming is recognized for morning business.

BILLS FROM COMMITTEE ON CLAIMS.

Mr. WARREN. From the Committee on Claims, I wish to make a parliamentary inquiry, and before the inquiry to make a statement.

The Committee on Claims reported certain bills early in the session, some of which passed the Senate and others were favorably reported and are now on the Calendar. Later an omnibus claims bill was made up. The omnibus bill included bills that had passed at this session and sessions heretofore.

One Senate bill (S. 173) for the relief of the owners of the British ship *Foscolia* and cargo and one Senate bill (S. 567) for the relief of H. B. Matteosian, after passing the Senate were favorably reported by the House and placed on the House Calendar. The members of the House Committee on Claims were informally notified of the fact that these claims were included in the omnibus bill, but for some reason it seems they overlooked the matter of Senate bill 173. Possibly the House feared that the omnibus bill would fail and therefore preferred to make sure of this one claim. Of course the Senate could offer no resistance or advice until the omnibus bill was approved. In the meantime the *Foscolia* bill (S. 173) was passed by the House, came back to the Senate, was signed by the Presiding Officer, and went to the President. Pending at the same time was the same matter, included in the omnibus bill. I discovered yesterday this dual condition of the *Foscolia* bill, and upon the signing of the omnibus bill communicated it to the White House, where the former bill is now awaiting some action.

Now, Mr. President, this arises through no fault of any member on this side of the Capitol; perhaps not on the other.

The Senate and House differ in modes of business. In the House they have one Committee on War Claims and another Committee on Claims. Furthermore, many bills which we handle at this end of the Capitol in the Committee on Claims are there handled by other committees, such as the Committee on Military Affairs, the Committee on Indian Affairs, and others. Hence, from those four committees and from others come various bills and in great numbers to the one Committee on Claims on this side, and when we go into conference to consider an omnibus bill we meet conferees from only one committee, while the claims making up the omnibus bill come from numerous other committees.

If Senate bill 173 must be vetoed in order to dispose of it, it will come back to the Senate as a Senate bill vetoed, which would seem to indicate perhaps that the Senate was at fault. If there is any fault, it is on the other side, of course. I will ask the Chair if there is any prescribed way of withdrawing a bill thus situated.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Wyoming that if a concurrent resolution should be introduced, first in the Senate, and agreed to by the House of Representatives, recalling the bill from the President, it would bring the bill again before the Senate.

Mr. WARREN. I will prepare such a resolution and present it later on.

Mr. COCKRELL. I should like to suggest to the Senator that he prepare a resolution requesting the House to return to the Senate all the Senate bills which we passed and sent there and which were included in the omnibus bill.

Mr. WARREN. I thank the Senator, and I will do so, in addition to the resolution I have just mentioned.

Mr. COCKRELL. So as to cover them all.

Mr. HOAR. They ought to be named here. We ought not to require the House to pick out and see which were in the omnibus claims bill.

Mr. COCKRELL. Oh, let each bill be named by its number and title.

The PRESIDING OFFICER. The Chair will suggest in this connection that that would properly be a separate resolution from the one recalling Senate bill 173 from the President.

Mr. WARREN. Certainly.

Mr. COCKRELL. It will be entirely different. I wish to suggest that I intended to introduce a resolution to that effect in reference to certain bills I had presented so as to prevent the possibility of their being passed and sent to the President.

Mr. WARREN. Now, Mr. President, I should like to strike from the Calendar the bill (S. 918) for the relief of Alphonso M. Potvin. This claim was included in the omnibus bill. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WARREN. There are eight several bills on the Calendar under Rule VIII, commencing and running consecutively from Order of Business No. 368, being Senate bill 308, and I make the motion that they be indefinitely postponed, since they also have become laws through the approval of the omnibus claims bill.

The PRESIDING OFFICER. The bills will be read by title.

The bills were severally read by title and postponed indefinitely, as follows:

A bill (S. 308) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886;

A bill (S. 1516) for the relief of Richmond College, located at Richmond, Va.;

A bill (S. 2213) for the relief of George W. Graham;

A bill (S. 1680) for the relief of William A. Cowles, administrator of the estate of George Cowles, deceased;

A bill (S. 208) for the relief of Jeronemus S. Underhill;

A bill (S. 925) for the relief of the legal representatives of Chauncey M. Lockwood;

A bill (S. 1024) for the relief of Larrabee & Allen; and

A bill (S. 172) for the relief of the estate of Charles M. Roberts, deceased.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th instant approved and signed the joint resolution (S. R. 99) fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

PUBLIC BUILDINGS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 10, 12, 23, 33, 39, 42, 43, 47, 50, 57, 62, 63, 71, 73, 74, 82, 83, 85, 87, 88, 89, 95, 96, 112, 114, 117, 124, 125, 148, 149, 150, 151, 152, 153, 158, 159, and 161.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 8, 11, 17, 18, 19, 20, 21, 22, 26, 28, 29, 31, 32, 34, 35, 36, 37, 38, 40, 41, 44, 45, 46, 49, 51, 52, 53, 54, 55, 56, 59, 60, 61, 65, 66, 67, 68, 69, 70, 72, 76, 77, 79, 80, 81, 86, 92, 93, 94, 100, 105, 107, 109, 113, 115, 120, 122, 123, 126, 127, 128, 129, 130, 132, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 146, 154, 155, and 157, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That the Secretary of the Treasury, in his discretion, may exchange the present site for a new site without additional cost or expense therefor to the Government, and erect the said building thereon;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: After the word "value," in line 2 of the amendment, insert ", not exceeding $175,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 10, line 12, of the bill strike out the word "fifty-four" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out all of the amendment after the word "therein," in line 4 of the amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "United States post-office and custom-house at Jacksonville, Fla., from $278,881.38 to $328,881.38;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert

"United States post-office at Kalamazoo, Mich., from $78,236.74 to $128,236.74;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: After the word "from," in line 2 of the amendment, strike out the words "fifty-eight thousand four hundred and fifty-seven dollars" and insert in lieu thereof the following: "$71,807;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: After the word "drawn," in line 7 of the amendment, strike out the words "by the Supervising Architect of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in section 5, page 25, after line 12 in the bill, the following: "United States post-office at Moberly, Mo., $5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in section 5, page 25, after line 16 in the bill, the following: "United States post-office at Columbia, Mo., $5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: Strike out the word "fifty" in the amendment and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out the words "and ten" in the amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in section 5, page 25, after line 10 in the bill, the following: "United States post-office and other governmental offices at Crookston, Minn., $4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Strike out the word "eighty" in the amendment and insert in lieu thereof the word "seventy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in section 1, page 4, after line 11 in the bill, the following: "United States post-office and court-house at Scranton, Pa., from $273,190.85 to $363,190.85;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert as a paragraph the following:

"*Provided*, That the Secretary of the Treasury shall not purchase a site in either of said cities until satisfied that the price therefor will permit the execution of all the provisions of this section in each of said cities within said limit of cost for site and building, respectively."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the word "fifteen" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "*Provided*, That the site selected shall consist of not less than an entire block or square of ground in said city;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "*Provided*, That the site selected shall consist of not less than an entire block or square of ground in said city;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following: "United States post-office and custom-house at Traverse City, Mich., $6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: After the words "United States," in line 1 of the amendment, insert the words "post-office and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: Restore the words proposed to be stricken out by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and insert after the word "company," in line 16, page 27 of the bill, the following: ", and jurisdiction is hereby conferred upon the supreme court of the District of Columbia upon petition of said company to inquire into, hear, and determine the amount of the actual cost and expense to the company for the removal of its tracks from E street by reason of the provisions herein contained, and to enter judgment against the United States and the District of Columbia jointly, in such sum as may be so ascertained as aforesaid, and either party shall have the right of appeal from such judgment as in other cases;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: On page 28, line 2 of the bill, after the word "he," insert the following: "and the Commissioners of the District of Columbia acting jointly;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

'That 'An act to provide for enlarging and improving the United States Government building at Macon, Ga., and to appropriate $58,000 therefor, approved March 2, 1899,' is hereby amended so as to read as follows:

"'That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the post-office and court-house buildings at Macon, Ga., to be extended and enlarged so as to provide necessary accommodations for the post-office, courts, and other branches of the Government service, and to purchase additional ground on Third and Mulberry streets, in his discretion, for this purpose, and that the total cost of all said improvements, changes, and repairs, including the purchase price of such additional ground, shall not exceed the sum of $156,000: *Provided*, That the limit of cost of such additional land shall not exceed $31,000.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$675,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In line 2 of the amendment, after the word "settlements," strike out the words "is hereby appropriated" and insert in lieu thereof the following: "shall be paid from the amount herein authorized;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in line 19, page 42, after the word "at," the following: "Honolulu and Hilo, Territory of Hawaii; Albuquerque, New Mexico; and" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the words "have prepared" and insert in lieu thereof the word "prepare;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: Change section 25 to section 24, and in line 1 of the amendment, after the word "constructed," insert the words ", enlarged, or extended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: Change section 24 to section 25; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: Change section 25 to section 26; and the Senate agree to the same.

CHARLES W. FAIRBANKS,
F. E. WARREN,
J. L. RAWLINS,
Managers on the part of the Senate.

DAVID H. MERCER,
CHARLES W. GILLET,
J. H. BANKHEAD,
Managers on the part of the House.

Mr. WARREN. I have a statement here which I wish to have printed in connection with the report.

The PRESIDING OFFICER. The statement referred to will be printed, in the absence of objection. The Chair hears none.

The statement referred to is as follows:

STATEMENT.

Net authorization by H. R. 14018 as passed by the House	$15,820,450
Net authorization by H. R. 14018 as amended by Senate committee	$19,391,150
Net authorization by H. R. 14018 as passed by the Senate	$19,889,150
Net authorization by H. R. 14018 as reported from conference committee	$19,425,450
Number of amendments made by the Senate	164
Senate receded from	39
House concurred in	82
Amendments were	43

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

STATUE OF COUNT DE ROCHAMBEAU.

Mr. HOAR. I desire to introduce a joint resolution, and I ask unanimous consent that it may now be put upon its passage. It is a resolution providing for the printing of the proceedings in regard to the unveiling of the statue of Count de Rochambeau.

Mr. BERRY. I hope the Senator will yield to morning business.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold the introduction of the joint resolution until that order of business is reached?

Mr. HOAR. I understood that my colleague [Mr. LODGE] had yielded, but that there was no regular order of morning business to-day.

The PRESIDING OFFICER. The Senator from Massachusetts introduces a joint resolution, the title of which will be read.

Mr. BERRY. Has the regular morning business been received, the introduction of bills, etc.?

The PRESIDING OFFICER. Irregularly that order is being executed.

Mr. BERRY. I want to know what disposition was made of the motion of the Senator from Maryland [Mr. WELLINGTON] which was offered yesterday? I inquire whether anything has been done in regard to it?

The PRESIDING OFFICER. The Chair will suggest to the Senator that that matter has not yet come up. The joint resolution introduced by the Senator from Massachusetts will now be read.

The joint resolution (S. R. 107) to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That there be printed and bound in the form such as is customary in the case of eulogies 20,000 copies of the proceedings upon the unveiling of the statue of the Count de Rochambeau, of which 6,000 shall be for the use of the Senate, 12,000 for the use of the House of Representatives, 1,000 to be delivered to the ambassador of the Republic of France for such distribution as he shall think fit, the remaining 1,000, of which 200 shall be bound in full morocco, to be distributed, under the direction of the chairman of the Joint Committee on the Library, to the guests invited from the French Republic and the speakers who took part in said celebration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance submitting an additional list of papers not needed or useful in the transaction of public business and having no permanent value or interest; which, with the accompanying papers, was referred to the Joint Select Committee on the Destruction of Useless Papers in the Executive Departments, and ordered to be printed.

THE GATHMANN GUN.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting further information from the president of the Gathmann Torpedo Gun Company in connection with the report of the joint board of officers of the Army and Navy appointed to make comparative tests between the Gathmann torpedo gun and the 12-inch Army service rifle, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by the War Department, giving the location, area of floor space occupied, and the annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by the Department of Justice, giving the location, area of floor space occupied, and the annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDING OFFICER. Unless objection be raised, the Chair will receive routine morning business, beginning with petitions and memorials.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Indians of the Cherokee Nation, praying for the enactment of legislation providing for the allotment of their lands; which was referred to the Committee on Indian Affairs.

He also presented a petition of E. E. Sturtevant Post, No. 2, Department of New Hampshire, Grand Army of the Republic, of Concord, N. H., and a petition of John G. Foster Post, No. 7, Department of New Hampshire, Grand Army of the Republic, of Nashua, N. H., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

Mr. LODGE presented a petition of the board of aldermen of Boston, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Associated Board of Trade of Boston, Mass., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

Mr. RAWLINS presented a petition of sundry oil-land owners of Price, Utah, praying for the enactment of legislation providing for the manner of location of and doing annual or assessment work or labor upon placer locations for oil and hydrocarbons; which was referred to the Committee on Public Lands.

Mr. BEVERIDGE presented a petition of Local Union No. 140, Amalgamated Wood Workers' International Union, of Shelbyville, Ind., praying for the repeal of the duty on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented a petition of Harrow Post, No. 491, Department of Indiana, Grand Army of the Republic, of Mount Vernon, Ind., praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented resolutions adopted by a mass meeting of sundry miners of Clinton, Ind., favoring the enactment of legislation limiting the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of Prospect Lodge, No. 162, Brotherhood of Locomotive Firemen, of Elkhart, and of Ashley Lodge, No. 586, Brotherhood of Railroad Trainmen, of Ashley, in the State of Indiana, praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

He also presented a petition of Charles Billings Lodge, No. 262, Brotherhood of Railroad Trainmen, of Michigan City, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 949) for the relief of Charles H. Robinson, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (H. R. 621) for the relief of Daniel Cherry, reported it without amendment.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 3508) granting an increase of pension to James M. Thomas, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3493) granting an increase of pension to Charles W. Rose, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13278) granting an increase of pension to Levi H. Collins, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 8769) for the relief of S. J. Bayard Schindel; and

A bill (H. R. 10279) to pay the claim of Stephen B. Halsey.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5140) granting an increase of pension to Dudley Cary, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5719) granting an increase of pension to Sidney V. Lund; and

A bill (S. 4709) granting a pension to Nelson W. Wade.

He also, from the same committee, to whom was referred the bill (S. 1980) granting a pension to William D. Stites, reported it with amendments, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom

was referred the bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torres band or village of Mission Indians, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (S. 5774) granting a pension to Asa E. Sampson, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 7079) granting an increase of pension to Franklin Snyder; and

A bill (H. R. 12420) granting a pension to Wesley Brummett.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 7687) granting an increase of pension to Charles C. Washburn, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5186) granting a pension to John Conter;

A bill (H. R. 5273) granting an increase of pension to James Van Zant;

A bill (H. R. 6080) granting an increase of pension to William G. De Garis; and

A bill (H. R. 10752) granting a pension to Harriet T. Milburn.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 4623) granting an increase of pension to Lewis F. Ross, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13450) granting an increase of pension to Henry Hunt;

A bill (H. R. 14241) granting an increase of pension to Peter Dugan;

A bill (H. R. 14146) granting an increase of pension to John Murphy;

A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg;

A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey;

A bill (H. R. 11052) granting a pension to Nelson Johnson; and

A bill (H. R. 2430) granting a pension to Lizana D. Streeter.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5836) granting an increase of pension to Jessie Nesbit Smith, reported it with an amendment, and submitted a report thereon.

He also (for Mr. BURTON), from the same committee, to whom was referred the bill (S. 5045) granting an increase of pension to Mary A. Moore, reported it with amendments, and submitted a report thereon.

JOHN JACKSON.

Mr. TALIAFERRO, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1125) entitled "A bill for the relief of John Jackson," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

USE OF PUBLIC PRINTING BUILDING.

Mr. PLATT of New York. I am instructed by the Committee on Printing, to whom was referred the bill (H. R. 14189) to permit the occupancy of the public printing building by the Grand Army of the Republic, to report it favorably and without amendment. I ask unanimous consent for its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Public Printer and the engineer officer in charge of the construction of the new public printing office building to permit duly accredited members of the Grand Army of the Republic to occupy the new public printing office building for sleeping purposes only from the 5th day of October, 1902, to the 13th day of October, 1902, both days inclusive; the officers of the Grand Army of the Republic or members thereof to furnish the same for sleeping purposes only at their own expense and properly police and protect the same and leave the building in as perfect state of cleanliness and repair as when they took it; the occupancy to be under the control and supervision of the Public Printer and the engineer officer in charge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 6007) for the relief of the heirs at law of Isaac Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEITFELD introduced a bill (S. 6008) granting an increase of pension to David Vickers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAWLINS introduced a bill (S. 6009) granting a pension to Philander C. Burch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6010) for the relief of the estate of Jacob Lyons, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 6011) for the relief of Nye & Schneider Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6012) granting a pension to Hattie Blanche Sears; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6013) for the relief of the Atlantic Works; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WELLINGTON introduced a bill (S. 6014) for the relief of B. S. Johnson, administrator of the estate of Jacob Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 6015) granting an increase of pension to Clara M. Gihon; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. PETTUS submitted an amendment proposing to appropriate $14,443.93 to pay the Mobile and Ohio Railroad Company a balance for transportation, as ascertained by the findings of the Court of Claims, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments, and be admitted into the Union on an equal footing with the original States; which was referred to the Committee on Territories, and ordered to be printed.

FRANCIS M. CHARLES.

On motion of Mr. WARREN, it was

Ordered, That the papers on file in the office of the Secretary of the Senate in connection with a bill (S. 215, first session Fifty-sixth Congress) for the relief of Francis M. Charles be withdrawn in accordance with clause 1, Rule XXX, of the rules of the Senate.

ELECTION OF UNITED STATES SENATORS.

Mr. LODGE. Mr. President, I yielded for the introduction of morning business, which I understand is now concluded. I therefore ask that the consideration of the unfinished business, which was temporarily laid aside, may be resumed.

Mr. WELLINGTON. If the Senator from Massachusetts will yield to me for a moment, I desire to say that I yesterday made a motion which involves a question before the Senate, and I ask that that motion may now go over until to-morrow without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. HOAR. I wish to move an amendment to that motion. I wish to speak on it at length, and it will be impossible to do so in the morning hour, as it is a subject that ought to be fully dealt with. I should like to have my amendment read now, if there be no objection.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Massachusetts will be read for the information of the Senate.

Mr. HOAR. Then I think the matter should take the ordinary course.

Mr. WELLINGTON. I understand the motion yesterday submitted by me would properly come up to-day. However, I do not want to interfere with the unfinished business.

Mr. HOAR. I shall not object to the request of the Senator from Maryland that the matter go over until to-morrow, retaining the same place it had to-day, because I do not think it is fair that the recess, which has been taken for the grave reason which we all understand, should affect the right of any Senator in regard to business. I shall not, however, be willing to have the matter disposed of to-morrow or at any time in a brief morning hour. I wish to discuss it with thoroughness. I should like to have the amendment I proposed read.

Mr. BLACKBURN. May I ask whether the Senator from Massachusetts will be content to have his proposed amendment now read and printed, and then let the matter go over on the motion of the Senator from Maryland without prejudice until to-morrow morning?

Mr. HOAR. Yes, that it go over without prejudice until to-morrow morning; but I shall insist on having time for a full discussion of the matter whenever it is taken up.

Mr. WELLINGTON. That will be entirely agreeable to me.

Mr. BLACKBURN. That is satisfactory.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Massachusetts [Mr. HOAR] as a substitute for the motion of the Senator from Maryland [Mr. WELLINGTON] will be read.

The Secretary read as follows:

That the Committee on Privileges and Elections be directed to report to the Senate its opinion upon House joint resolution 41, and, further, to report an amendment to said resolution to be incorporated therewith, if it should be adopted by the Senate, providing that Congress shall make all suitable regulations for the election of Senators, including such laws as shall provide for a full and free vote and an honest ascertainment of the result; and that such elections shall be held under national authority, and also that the qualifications for voting at such elections shall be prescribed by Congress; and, further, that the committee report to the Senate its opinion as to the propriety of so amending said resolution, if it shall be enacted; and, further, its opinion as to the wisdom of passing said resolve so amended.

The PRESIDING OFFICER. Without objection, the motion of the Senator from Maryland and the proposed substitute will go over until to-morrow.

Mr. CULBERSON. I should like to have the resolution submitted by the Senator from Massachusetts again read.

Mr. LODGE. It has just been read.

The PRESIDING OFFICER. The Senator from Texas asks that the resolution of the Senator from Massachusetts be again read. Is there objection? The Chair hears none, and it will be again read.

The Secretary again read the resolution proposed by Mr. HOAR as a substitute for the motion of Mr. WELLINGTON.

The PRESIDING OFFICER. The motion of the Senator from Maryland and the proposed substitute for it will go over.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I now ask that the unfinished business, which was temporarily laid aside, may be proceeded with.

The PRESIDING OFFICER. The unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. RAWLINS. Mr. President, I desire to move, on behalf of the minority of the Committee on the Philippines, the amendment which I send to the Secretary's desk, in the nature of a substitute for the bill.

Mr. LODGE. The amendment has already been read and printed, I think. Does the Senator want in read again?

Mr. RAWLINS. It is substantially the same, with a slight change in it, as the amendment heretofore offered.

Mr. LODGE. Let the proposed amendment be printed in the RECORD as now offered.

Mr. RAWLINS. Very well; let it be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, the amendment intended to be proposed by the Senator from Utah [Mr. RAWLINS] will be printed in the RECORD.

The proposed amendment is as follows:

Amendment, in the nature of a substitute, proposed by Mr. RAWLINS, on behalf of the minority, to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

SECTION 1. That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

SEC. 2. That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof, as hereinafter provided.

SEC. 3. That ninety days after the President of the United States shall have proclaimed that all armed resistance to the United States has ceased in said archipelago the United States Philippine Commission shall make and promulgate rules and regulations for the holding of an election in the provinces of said archipelago for members of a convention, which convention when organized shall proceed to the adoption of a constitution for the government of said archipelago. That all male inhabitants of said archipelago 21 years of age and over who speak and write either the English or Spanish languages or any of the native languages of the said archipelago, and who shall have resided therein for one year, shall be qualified to vote for members of the convention, and any person so qualified as an elector shall be qualified to become a member of said convention. The members of the said convention shall number 300, and shall be apportioned by the United States Philippine Commission among the several provinces of said archipelago so that the distribution shall be in proportion to their population as near as may be; and when the said apportionment has been determined upon, the said Commission shall by proclamation order an election of the members for said convention, to be held throughout the said archipelago at such time as shall be fixed by the said Commission, which election shall be held not more than one year from the date of the proclamation by the President of the United States hereinbefore provided for, and ample time shall be given before said election to circulate said proclamation throughout said archipelago and arrange for the holding of the said election.

SEC. 4. That the members of the convention thus elected shall meet at the city of Manila on a day to be fixed by the said United States Philippine Commission not more than ninety days subsequent to the day of election, the time for which meeting shall be stated in the proclamation calling attention to the election aforesaid; and after organization the said convention shall proceed to form a constitution and organize such government as they may deem best adapted to promote the welfare and secure the peace and happiness of the inhabitants of said islands: *Provided*, That said convention shall provide by an ordinance, irrevocable without the consent of the United States:

First. That there shall belong to the United States and continue to be the property thereof such lands and waters as the President of the United States shall designate to the said convention, and agreed to by it, for naval, military, and coaling stations and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

Second. To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under the authority of the United States.

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

SEC. 5. That when the constitution and government s..all be formed for and by the people of said archipelago in compliance with the provisions of this act, the said United States Philippine Commission shall certify the fact to the President of the United States, together with a copy of said constitution and ordinances, whereupon it shall be the duty of the President to issue his proclamation declaring the independence of the people of said archipelago, and that they constitute an independent state and nation.

SEC. 6. That the President of the United States is hereby requested to negotiate an agreement between the United States, the said Philippine Archipelago, and Great Britain, Germany, France, and such other powers as he may deem best, providing for its perpetual neutrality and inviolability from all foreign interference, and also for equal opportunities of trade to foreign countries with said archipelago.

SEC. 7. That immediately after the President shall have proclaimed that all armed resistance to the United States has ceased in said archipelago, he is requested to proclaim full amnesty to all the inhabitants thereof for or on account of political offenses and the bearing of arms against the United States, and all Filipinos or inhabitants of said archipelago who have been deported shall be returned to the place from whence they were so deported: *Provided*, That such amnesty shall not apply to any who have violated the rules of civilized warfare or were guilty of murder or torture. That the latter, if any, shall be afforded a speedy trial for their offenses in the civil courts of said archipelago and be punished or acquitted, as the facts and law may warrant.

SEC. 8. That within sixty days from the election of officers under the constitution to be formed by the said Philippine Archipelago and the inauguration of said officers the President shall cause the armed forces of the United States to be withdrawn from said archipelago as speedily as may be, except such forces as may be maintained in such parts thereof as have been retained by the United States for naval, military, and coaling stations and terminal facilities for cables; and the President of the United States and the Secretary of War shall make all needful regulations to carry into effect the provisions of this act.

Amend the title so as to read: "A bill to promote the welfare and establish the independence of the Philippine Islands."

Mr. LODGE. Mr. President——

Mr. RAWLINS. Mr. President, if the Senator will permit me for a moment, when this bill was first reported to the Senate I presented a number of amendments of various provisions of the bill reported by the majority. I did this because in criticisms which I made of the bill, if the amendments which I suggested and which I presented to the Senate for consideration had been adopted, several of the criticisms and objections which I made to the bill would have been obviated.

I simply rise now to state that as those amendments were designed to perfect the bill, and as they do not involve a difference in the matter of principle or policy particularly between the majority and the minority, and, as I well know that none of those amendments can be adopted unless they be accepted by the majority of the Committee on the Philippines, I simply desire to state that I shall not press any of those amendments. I proposed them, in fact, merely as suggestions for the consideration of the committee. If they had been accepted by the majority of the committee that would have obviated a number of the criticisms which I made upon the bill, especially upon those provisions relating to the judiciary. It seemed to me that the regulation of appeals and the jurisdiction of the courts mentioned in the bill are very inadequate and imperfect; and the amendments which I offered were, in my opinion, designed to cure those imperfections. I simply now invite attention to them merely for the purpose of having them considered, if so desired, by the majority of the committee. If they do not see fit to accept them I shall not move their adoption.

The amendment which I have now presented on behalf of the minority of the committee is the only proposition that is presented by the minority of the committee which involves the question of principle or policy upon which we differ in relation to this great question.

Mr. LODGE. Mr. President, I hope that Senators on the other side are now ready to continue the debate, as I am naturally very anxious to go on with the general debate and finish it at the earliest moment. I would ask the Senator from Utah if any Senator on that side is now ready to proceed with the debate?

Mr. RAWLINS. There is no one on this side at present ready to proceed with the debate.

Mr. LODGE. If no one is ready to proceed with the debate, I ask that an agreement may be made as to the time for taking a vote.

Mr. CULBERSON. Before that is done, I should like to ask the chairman of the Committee on the Philippines if he is prepared to give us some idea about the scope of the inquiry now being conducted by the Committee on the Philippines and when that inquiry will be closed?

Mr. LODGE. On that point I can give only my personal opinion. There has been no vote taken by the committee; but I have supposed from the list now in my hands of witnesses whom the committee has voted to call that the inquiry would continue as long as the Senate was in session.

Mr. CULBERSON. Unaffected by the disposition of the government bill?

Mr. LODGE. Entirely unaffected by the disposition of the bill.

Mr. RAWLINS. What suggestion has the Senator to make as to a time for a vote?

Mr. LODGE. Yesterday when we were discussing this matter Tuesday was spoken of. I shall be glad if we can agree to take a vote on the bill and pending amendments at 4 o'clock on Tuesday next.

Mr. RAWLINS. What doos the Senator say in regard to debate upon the amendments?

Mr. LODGE. My idea, as I said yesterday when we were discussing this matter, is that one day should be given to half-hour debate, and the next day, the day on which we vote, to fifteen-minute debate, for the purpose of considering amendments and giving opportunity to Senators who wish to address themselves to particular features of the bill to do so. I am not at all set on any arrangement of that kind.

Mr. RAWLINS. The general debate to close Saturday?

Mr. LODGE. Saturday of this week.

Mr. RAWLINS. If it be desired, would there be any objection to devoting the entire time from now until Saturday to the consideration of this bill, provided Senators should desire to occupy the time?

Mr. LODGE. From now until Saturday?

Mr. RAWLINS. Yes.

Mr. LODGE. Devote the entire time?

Mr. RAWLINS. With the exception of Friday.

Mr. LODGE. That would be my understanding, of course.

Mr. BERRY. Not to interfere with conference reports.

Mr. LODGE. Conference reports are privileged. With that exception I hope the agreement would cover an understanding that all the time should be given to this bill——

Mr. ALDRICH. If required?

Mr. LODGE. Of course, if required. I trust no objection will be made to the request.

Mr. RAWLINS. And, if required, that we meet at 11 o'clock?

Mr. LODGE. Certainly.

Mr. RAWLINS. So far as I know, there is no objection to the proposition.

Mr. CARMACK. What am I to understand—that the general debate is to close on Saturday?

Mr. LODGE. That was the suggestion of the Senator from Utah, to which I am happy to agree, if he prefers it.

Mr. CARMACK. I understand that there will be fifteen-minute speeches——

Mr. LODGE. On Tuesday; and a half-hour limit on Monday.

Mr. TELLER. I desire to inquire of the chairman of the committee why we can not now take up these amendments, to which I am inclined to think the committee are going to agree, and dispose of them?

Mr. LODGE. This afternoon?

Mr. TELLER. Yes.

Mr. LODGE. I should be very glad to do it. I want to offer some amendments about which I have not consulted the majority of the committee; some I am sure the committee will agree to, and I can offer those this afternoon.

Mr. TELLER. From what the chairman said I suppose some of them are practically formal; for instance, reducing the quantity of land from 160 to 40 acres.

Mr. LODGE. That is one.

Mr. TELLER. I should like to see those disposed of.

Mr. LODGE. I will dispose of those this afternoon. I do not suppose there is any opposition to them.

Mr. TELLER. I hope the Senator will do that.

Mr. LODGE. I will.

Mr. ALLISON. I do not wish to interfere in any way, but to facilitate the final vote upon this bill. However, I should like to suggest to the Senator from Massachusetts in charge of the bill that there ought to be two full days for the consideration of amendments.

Mr. LODGE. That was my offer.

Mr. ALLISON. I understood the Senator to propose a vote at 4 o'clock. Now, I know there are some amendments which ought to be considered by the committee that have not been considered, and I think they would be agreed to.

Mr. BEVERIDGE. In committee meeting?

Mr. ALLISON. In committee; and I think that would facilitate the final action as respects the bill.

Now, I should like the Senator to allow certain amendments to be debated briefly—not a half hour. I would suggest, unless there is some special reason for a half hour on Monday, that it be made a shorter debate—a fifteen-minute debate.

Mr. LODGE. The suggestion of the Senator from Iowa is that we apply the fifteen-minute rule on Monday and Tuesday for the consideration of amendments.

Mr. ALLISON. I think that would be better.

Mr. LODGE. That is perfectly agreeable to me.

Mr. TELLER. I believe that would be better.

Mr. RAWLINS. I have no objection to that.

Mr. CARMACK. How is that—a half-hour debate on Monday?

Mr. BERRY. No; fifteen-minute debate.

Mr. ALDRICH. Fifteen minutes.

Mr. RAWLINS. Fifteen minutes instead of a half hour.

Mr. ALLISON. I also suggest to the Senator that we meet at 11 o'clock on Saturday.

Mr. LODGE. And that we meet at 11 o'clock on both of those days.

Mr. ALDRICH. And on Saturday?

Mr. LODGE. And on Saturday.

Mr. DUBOIS. And on Thursday.

Mr. LODGE. Very well, then; if I may restate the request, it is that we meet on Thursday, Saturday, Monday, and Tuesday at 11 o'clock; that general debate close on Saturday——

Mr. CULLOM. That we shall adjourn over Friday.

Mr. LODGE. I said Thursday, Saturday, Monday, and Tuesday.

Mr. CULLOM. I know the Senator did, but he did not say there would be no session on Friday.

Mr. LODGE. It is understood we are not to sit on Friday. The request is that the Senate meet on Thursday, Saturday, Monday, and Tuesday at 11 o'clock; that the general debate close on Saturday; that on Monday and Tuesday the debate shall be under the fifteen-minute rule, and that the vote be taken on the bill and all pending amendments offered or to be offered on Tuesday at 4 o'clock.

Mr. ALLISON. Without further debate.

Mr. LODGE. Without further debate.

Mr. HOAR. Mr. President, there is not a Senator on this floor, I believe, who wishes to shorten this session and to shorten the debate on the grave subjects that are left, including this one, as much as I do. I am staying here now at some personal inconvenience on account of this particular measure. But it seems to me there are two things we ought to understand, if we can, before unanimous consent is given. Of course with respect to no bill can you tell what the Senate will do with amendments that may be proposed, and you can not help the bringing in at a late hour of amendments that are of a good deal of importance. You have to run the risk of dealing with them briefly. But I think we ought to know the attitude of the two sides. We ought to know in general in what shape the majority of the committee wish to leave the bill to be presented to the Senate to vote on, or to have such modifications as they have determined to make proposed now before we agree to fixing a time for a vote. Then we ought to have what I understand we have just got, the final proposition of the minority in general, so far as they are at present advised, as to how they wish to leave the substitute which they propose. We ought not to cut off general debate on those two measures, the main scheme of each side, by an agreement of this kind until we know that.

That is one consideration, and the other is this: I should like to know when my honorable friend the Senator from Wisconsin [Mr. SPOONER] is expected to speak. The announcement was that he was to speak at length on Monday.

Mr. LODGE. It was generally supposed that the Senator from Wisconsin would speak to-morrow. The Senator from Wisconsin, I know, will not allow any speech of his to stand in the way of getting an agreement for a vote on this bill, and I am authorized to say that for him.

Mr. HOAR. Nobody on this floor would desire to lose the pleasure of hearing any contribution which the Senator from Wisconsin might make to any debate, I believe. Certainly I would not. But it may be that the very able and interesting Senator may say something in his speech to reply to which will require a little more than fifteen minutes. Indeed, the proposition is that the fifteen minutes' debate is to be devoted to amendments. I should like to know, if I may, what the present plan is as to the time when the Senator from Wisconsin will speak.

Mr. LODGE. The Senator from Wisconsin stated yesterday, it then being supposed that Senators on the other side would wish to occupy to-day, that he would go on Thursday morning.

Mr. HOAR. Very well. That is all right so far as that is concerned.

Mr. LODGE. If we have to wait and hear what may be the reply to the Senator from Wisconsin and then the reply to that, of course an agreement is out of the question.

Mr. HOAR. I say it is settled by my colleague's announcement that he expects to speak to-morrow.

Mr. LODGE. He expects to speak to-morrow.

Mr. HOAR. He does not expect, in other words, to have the general debate terminate the moment his speech does?

Mr. LODGE. On the contrary, we are to meet on Saturday, and there will be ample opportunity for that.

Mr. HOAR. That is all right. My question was put because the announcement was made yesterday that the Senator from Wisconsin would speak on Monday.

Now, in regard to the other matter. I do not speak of detail or of such things as may occur to anybody, but I should like to know, as the Senator from Colorado [Mr. TELLER] said he would like to know, whether the majority of the committee will be prepared pretty soon or are prepared to-day to make known, for the information of the Senate, the amendments to the bill which they have already determined upon, so that they will not come in at the last moment.

Mr. LODGE. We stand on the bill, in a general way, substantially as it is. The amendments go to questions of detail, just as the minority bill represents, in a general way, the views of the minority. The general views of the two sides of the committee are presented in those two measures. The modifications which the committee will propose are modifications of detail, like the reduction made in the amount of land of which the Senator from Colorado spoke.

Mr. HOAR. Not involving the assertion of any general principle of authority or policy?

Mr. BEVERIDGE. Not at all.

Mr. LODGE. I do not know at this time of any intention on the part of the majority to make any general change in the general features of the bill.

Mr. ALLISON. I hope the senior Senator from Massachusetts will not require the committee to say in advance what amendments they propose to offer.

Mr. HOAR. The Senator did not listen to my statement.

Mr. ALLISON. I listened to the statement——

Mr. HOAR. Let me repeat it, and then we will see whether or not the Senator wishes to criticise it. I said I thought so far as the committee had agreed on any amendment to the bill they should now make known the purpose to move the amendment, not referring, however, to amendments of details. I said I did not expect that they would be precluded if any new view came to them hereafter from suggesting it. In other words, I said we ought to have before the Senate now, if we can, before we commit ourselves, an understanding of the general policy proposed by the two sides. That is all I say. Now, if there is anything in that which does not suit the Senator from Iowa, I am sorry.

Mr. ALLISON. It suits me very well. But I understood the Senator from Massachusetts to say we were to offer no amendments affecting any principle.

Mr. HOAR. I did not say that. I said "general principles."

Mr. ALLISON. Then I mistook the statement.

Mr. HOAR. I think the Senator did. I ought to say that I am entirely contented with my colleague's statement on that subject.

Mr. ALLISON. Then I will make no further observations.

Mr. LODGE. I ask the Chair to submit the proposition for unanimous consent.

The PRESIDING OFFICER. The Chair will undertake to submit the proposition. It is that the Senate shall meet on Thursday and Saturday of the present week, and Monday and Tuesday of next week, at 11 o'clock; that the general debate on the pending bill shall close on Saturday; that the debate on Monday and Tuesday shall be under the fifteen-minute rule, and that the vote on the bill and amendments pending and to be offered shall be taken at 4 o'clock on Tuesday, without further debate.

Mr. RAWLINS. One other suggestion is made that the entire time on the days mentioned be devoted to the bill.

Mr. BERRY. Not to interfere with conference reports.

The PRESIDING OFFICER. Does the Senator from Massachusetts include that?

Mr. LODGE. Certainly.

The PRESIDING OFFICER. The Senator from Massachusetts includes the condition that the entire time on the four days named shall be devoted to the bill, not, however, to interfere with conference reports.

Mr. STEWART. Suppose nobody wants to talk?

Mr. TELLER. I wish to include in that an arrangement as to the disposition of the time when the fifteen-minute rule shall be in operation. I do not want to say that it should be divided between the parties, but I wish to have it provided that the Chair shall not make a list of Senators, but that Senators shall take their chance, according to the old custom of the Senate.

Mr. LODGE. I think the time ought to be equally divided, as we did before.

Mr. TELLER. I am quite willing to leave it to the Chair, if there is no list.

Mr. LODGE. Very well.

Mr. TELLER. I do not want a list of Senators, so that when a Senator rises the Chair looks over at some other Senator in his seat and recognizes him instead of recognizing the Senator who is on the floor.

Mr. LODGE. I think the Senator from Colorado is entirely right. I agree with him entirely.

Mr. TELLER. If we can have the old method which prevailed in the Senate, when Senators took the chance of obtaining recognition by the Chair, I am content to have the time evenly divided or equitably divided.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. LODGE. I now——

Mr. HOAR. Before the matter of the amendments is taken up, I ask leave to occupy two or three minutes of the time of the Senate.

In addressing the Senate the other day on this bill, Mr. President, I stated, I think in a discussion with the Senator from Ohio [Mr. FORAKER], but of that I will not be sure, for I have not looked at the RECORD to see, the circumstances which attended the making known to the people of the Philippine Islands of the original proclamation of President McKinley, which General Otis altered in what I deem a very material fashion. The effect of that proclamation, in my judgment, was to bring on this war. It was, in my judgment, a declaration of war between the two people as nations.

I stated that while General Otis saw that the various phrases—"sovereignty" and "submission" and so on—used by the President would tend to bring on war, and for that reason took the liberty of suppressing them, General Miller, at Iloilo, received the proclamation and was eager or desirous for a fight, and that he made the proclamation known, and that Aguinaldo received it as a declaration of war and instantly issued his proclamation that if that were insisted upon he and his people would fight.

I made the statement as to General Miller's purpose on the authority of reports which I have not had time to look up, but as to which my recollection is pretty distinct and which I will look up and bring to the attention of the Senate a little later, and upon the authority of letters from General Miller to his commanding officer, urging that he be permitted to attack Iloilo at once, on the ground that the strength of the men whom he called the insurgents was constantly increasing, and that the sooner that capture was made the easier and better.

I have received a letter from General Miller, and I desire that it shall be read. I have not the least question of General Miller's absolute sincerity in this letter, and that his feeling was exactly what he states. I should like to have the letter read at the desk.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

2110 R STREET NW., WASHINGTON, D. C., *May 27, 1902.*

Hon. Senator HOAR.

DEAR SIR: I have just read in the New York Tribune certain remarks reported to have been made by you yesterday in Philippine debate, in which you used my name as follows: "But General Miller, who notoriously did want an attack, produced it and Aguinaldo met it with an instant, speedy defiance." Now, dear Senator, as to my wanting to fight, and to the implied motive that I, for that reason, produced the President's proclamation, you were entirely in error. Both proclamations came to me from General Otis in the same mail, and my adjutant-general had copies of both printed in Spanish and distributed merely as a matter of routine according to orders, General Otis not having informed me that he did not want the proclamation of the President issued.

As to wanting to fight, you must have been misinformed, as it was equally notorious at Iloilo that I made every endeavor with the leaders of the insurgents to accept the sovereignty of the United States peaceably, telling them evidently we had been thrown together this way through no intentions of our own, but by those of Divine providence. We ought not fight each other about it; advised them that they should accept the sovereignty of the United States, and that later the Congress of the United States would grant them all conditions nearly that they could desire, as set forth in the President's proclamation; if one Congress did not grant them to try the next, and the next, that finally their reasonable desires would be granted. I was on most agreeable social relations with all the leaders and all the people whom I met and repeatedly said to them that my Government would greatly regret the necessity of appealing to arms and the shedding of one drop of blood between our peoples. They knew I was in earnest and agreed to all I said, always ending, "We must abide by the orders from the central government."

Later, when I saw ships being loaded with hemp and sugar and they collecting customs I advised taking the city to stop that.

Yours, respectfully,

M. P. MILLER,
Brigadier-General, United States Army.

Mr. HOAR. That is evidently the letter of a sincere and honest gentleman. Nobody can read it or hear it without being satisfied that whatever General Miller says he did or thought is

exactly what he did or thought. I wish to make that very plain. And yet it is clear that, although General Miller's motive for desiring to resort to arms then, if it were necessary, was not to prevent the Filipinos from getting their independence, but, on the contrary, he urged them to trust Congress, and if one Congress did not give them what they wanted to try again and again until they got it. He evidently seemed to think that what he calls the justice of Congress would do just what I think the justice of Congress will do some of these days. And so, unquestionably, he must be absolutely acquitted of any suggestion that he published this original order for the purpose of bringing on hostilities, and I wish, if I have said anything inconsistent with that, absolutely to withdraw and disclaim it.

Yet it is still true that General Miller desired, unless the Filipino people submitted, to have the attack made then. He said he wanted to stop them from introducing cargoes and collecting customs at Iloilo, which was their capital city, as they regarded it. He wanted it at once stopped, and, unless I am mistaken in my memory, he said also in his letter, which is in the report of the War Department, that he thought we had better make the attack then, because the rebels, as he called them, or the insurgents, the resisting power, were becoming stronger and stronger every day. So I can not see that there is any doubt that General Miller wanted the fight to begin unless Aguinaldo and his people submitted, although I am absolutely satisfied that he did not publish this proclamation with any such purpose or design.

Mr. LODGE. Mr. President, I desire to amend the bill in section 10, on page 6, line 23, after the words "eighteen hundred and ninety-eight," by a formal amendment simply covering military property. I move to insert:

Except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States.

The amendment was agreed to.

Mr. LODGE. In section 12, on page 7, line 19, I move to strike out "one hundred and sixty" and insert "forty;" so as to read:

Not exceeding 40 acres, or its equivalent in hectares.

The amendment was agreed to.

Mr. LODGE. In section 12, on page 8, line 4, I move the same amendment, striking out the words "one hundred and sixty" and inserting "forty."

The amendment was agreed to.

Mr. LODGE. In line 16, page 8, section 13, I move the same amendment, striking out "one hundred and sixty" and inserting "forty."

The amendment was agreed to.

Mr. LODGE. In section 14, on page 9, line 4, I move the same amendment, striking out the words "one hundred and sixty" and inserting "forty."

The amendment was agreed to.

Mr. LODGE. In section 68, on page 41, line 23, after the word "President," I move to insert the words "and the Congress;" so as to read:

With the consent and approval of the President and the Congress of the United States.

That is to limit the issuance of municipal bonds by municipalities outside of Manila.

The amendment was agreed to.

Mr. LODGE. In line 2, page 42, section 68, after the words "par value" and before the bracket, I move to insert:

in gold coin of the United States.

That corresponds with the other provision.

The amendment was agreed to.

Mr. LODGE. In section 72, on page 43, line 19, after the words "par value" and before the bracket, I move the same amendment, inserting the words "in gold coin of the United States."

The amendment was agreed to.

Mr. LODGE. Those are all the amendments I have to offer in behalf of the committee at the present time. There are one or two others that the majority of the committee are considering.

Mr. TELLER. I wish to call the attention of the chairman of the committee for just a moment to the fact that those are amendments I had proposed in the amendment I offered the other night, but in addition I had proposed to strike out all of section 13 after the word "person," in the seventeenth line, striking out these words:

nor more than 5,000 acres to any corporation or association of persons.

Mr. LODGE. That is the limitation on corporation holdings?

Mr. TELLER. Yes. What does the Senator say about it?

Mr. LODGE. I will say to the Senator that the question of the amount of land that corporations can hold is being considered by the majority members of the committee. I can not tell him yet what decision they will reach.

Mr. TELLER. I hope the Senator will agree to strike out that clause. I regard it as an exceedingly dangerous and objectionable feature in the bill.

Mr. BEVERIDGE. Is it the Senator's proposition to strike out all of section 13?

Mr. TELLER. Oh, no; but to strike out in section 13 the words "nor more than 5,000 acres to any corporation or association of persons." I want to get that clause out, and then if it is necessary to offer an amendment which shall prevent them from granting anything to corporations I should like to offer it.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. BURROWS. Mr. President, I did not intend to participate in the general debate upon this bill, but to content myself with the opportunity that would be afforded under the fifteen-minute limit of debate. However, as no Senator on the other side desires to proceed this afternoon, I will husband the time which I intended to take by making some observations now upon the pending measure. What I have to say will be confined to the measure under consideration and nothing else, for nothing else, to my mind, is important.

Mr. President, we have come at last to the parting of the ways. After journeying in this Philippine matter now for more than four years, the time has come when we must determine our future course. If there is to be a change it can not be decided upon too soon. If the present course is to be persisted in, it can not be too clearly pointed out or definitely understood. And after having chosen our course, whatever it may be, it is important that we pursue it with stability and without questioning.

The Committee on the Philippines present to the Senate two propositions, the bill of the majority and the substitute of the minority. These two propositions fairly represent the divergent views of the committee, and I presume of the country, as to the future government of the Philippine Islands, and we are called upon to determine which course shall be taken. It is important, therefore, at the outset to clearly understand the two proposed policies and the direction in which they lead.

The bill of the majority, in general terms, looks to the temporary, if not the permanent, occupation by the United States of the Philippine Archipelago. It proposes to establish therein what is denominated in the bill "A civil government for the Philippine Islands," under and by virtue of American sovereignty. The leading features of the bill are as follows:

There is to be appointed for the "government of the Philippine Islands" a governor, vice-governor, members of the Commission, the heads of executive departments, a chief justice of the supreme court and associate justices, all to be selected by the President of the United States, by and with the advice and consent of the Senate; a census of the inhabitants of the islands is to be taken at an early day, which shall embrace all needful information as to the conditions, character, and attainments of the people, the result of which shall be reported to the President of the United States; the Commission shall also report, in connection with the returns of such census, whether all or any portion of the Philippine people are "capable, fit, and ready for the establishment of permanent popular representative government;" additional municipal and provincial governments are to be established "with popular representative government" so far and as rapidly as "communities in such civil divisions are capable, fit, and ready for the same."

The Government is authorized to "improve the harbors and navigable waters of the archipelago;" construct and maintain "warehouses, light-houses, signal stations, and like instruments of commerce;" all "property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain are placed under control of the government of the Philippine Islands," to be administered for the benefit of their inhabitants.

The "government of the Philippine Islands" is also authorized to make rules for the leasing, sale, and disposition of public lands, "other than the timber or mineral lands," but such regulations shall not go into effect or have the force of law "until they receive the approval of the President of the United States, by and through the Secretary of War," and they shall also be submitted to Congress for amendment or disapproval; the government is authorized to make rules and regulations prescribing the terms and conditions to enable persons to perfect their title to public lands, not exceeding 160 acres, who, prior to the transfer of sovereignty, from Spain to the United States, had fulfilled all or some of the conditions required by Spanish laws, and the President of the United States is authorized to issue patents therefor; the government is authorized to lease, let, and demise to "actual occupants and settlers and others," for a term of not more than five years, such parts and portions of the public domain, not exceeding 160 acres, other than timber and mineral lands, as may be deemed wise; in the leasing, demising, or letting of any part of the public domain preference shall be given to actual occupants and settlers, and "all moneys obtained from such leasing shall be covered into the insular treasury, to be used only for insular purposes;" no

timber, trees, forests, or forest products on lands leased or demised "shall be cut, destroyed, removed, or appropriated, except by special permission of said government."

No timber lands forming a part of the public domain shall be sold or leased, but said government shall have the right and is empowered to issue licenses to cut timber under forestry regulations of the islands.

It is further provided that in all cases public lands in the islands valuable for minerals shall be reserved from sale except as otherwise expressly directed; but all valuable mineral deposits in public lands "are free and open to exploration and purchase, and the land in which they are found to occupation and purchase by citizens of the United States, natives of the Philippine Islands, and persons who have, under and by virtue of the treaty of Paris, acquired the political rights of natives of the islands," and the laws and regulations touching mineral lands shall conform, so far as applicable, to the general laws of the United States on that subject; and land districts and a mining bureau are to be established in the islands.

The government of the Philippine Islands is also authorized "to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain;" and under this provision it is expressly empowered to acquire such lands, easements, and appurtenances as on the 13th day of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels as in the opinion of the Commission injuriously affect the welfare of the people of the Philippine Islands;" and to provide the necessary funds for the purchase of such lands the government of the Philippine Islands is empowered to borrow money and issue bonds therefor upon the usual terms and conditions; and the lands so acquired shall constitute a part of the public property of the "government of the Philippine Islands," and may be disposed of by such government on such terms and conditions as it may prescribe, the proceeds to constitute a sinking fund for the payment of principal and interest.

Mr. CLAY. With the Senator's permission—he seems to be reading the bill from beginning to end, going through the different sections—the section he is on now, if I remember correctly, authorizes the Philippine Commission to permit the municipality of the city of Manila to issue $4,000,000 of bonds and any other city or town to issue bonds, and those bonds are to draw interest at the rate of 5 per cent, payable semiannually. The bill further provides that these bonds are nontaxable by the Government of the United States; and it also provides that the bonds issued by the city of Manila and the other cities in the Philippine Islands are nontaxable by any State in this Union, or by any municipality. Now, as I understand it, if the city of Manila shall issue $4,000,000 of bonds and some syndicate in Georgia or the Senator's State or New York were to buy those bonds, they would be nontaxable by the city of New York or any municipality or State where they were held. I desire to ask the Senator if he can point to a single instance where the Government of the United States has ever authorized a city or town within any of its territory to issue bonds that are nontaxable by another State or another municipality?

Mr. BURROWS. I will say in reply to the Senator from Georgia that the provisions to which he refers are not contained in the section which I was reading.

Mr. CLAY. It is in section 72, I think, or section 76.

Mr. BURROWS. It is in a section to which I shall refer in a few moments. The section I was reading is the one which authorizes the acquirement of lands belonging to religious orders and corporations and the issuing of bonds for the purpose of raising the necessary funds to provide for their purchase.

The Supreme Court of the United States is given jurisdiction in certain important cases with power to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands.

Section 68 is the one to which the Senator from Georgia called my attention, and is as follows:

> That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may permit any municipality of said islands to incur indebtedness, borrow money, etc.

Mr. CLAY. And if the Senator will read further he will find that they are nontaxable by a State or municipality.

Mr. BURROWS. Certainly; I am aware of that provision, but I am not stopping to discuss the merits of the several provisions of the measure, my only purpose being to show what the bill is, and in what manner and to what extent it asserts the sovereignty of the United States.

Mr. CLAY. I will ask the Senator if he thinks that Congress ought to authorize any city in its territory to issue city bonds that can not be taxed by any city or State in the Union where they are held. I grant you that when we issue Government bonds, they are nontaxable by the States or by any city in a State; but when Congress authorizes a city to issue bonds, does the Senator think Congress ought to provide that a syndicate owning those bonds in any State or municipality shall not be taxed?

Mr. BURROWS. Now the Senator is discussing the merits of the proposition. I am not doing that now. My purpose, as I said before, is simply to show the scope of the bill. When we come to the fifteen-minute debate, if the question made by the Senator comes up, it will then be proper to consider that question and I will be pleased to discuss it with the Senator.

Mr. QUARLES. Will the Senator permit me a moment? If it will not disturb him I should like to ask my distinguished friend from Georgia [Mr. CLAY] whether as a matter of law these bonds, issued pursuant to Federal authority under that section, do not become in some sense a Federal instrumentality to carry out a Federal policy, as much so as though they had the great seal of the United States upon them? If that is so, Mr. President, then the same principle by which a United States bond would be made nontaxable would apply to this issue of bonds.

Mr. CLAY. Now, when the Government——

Mr. BURROWS. Mr. President, if the Senator will pardon me——

Mr. CLAY. Certainly, with pleasure. I started to answer the question.

Mr. BURROWS. This debate is exceedingly interesting, but I do not wish to be diverted from the one purpose I had in view at this time, a succinct statement of the leading features of the committee's bill. The merits or demerits of these provisions I do not now propose to discuss.

Mr. CLAY. I want it to appear, then, that the Senator declined to yield. I do not want it to appear that the Senator from Wisconsin asked me a question and I refused to answer it. That is satisfactory to me.

Mr. BURROWS. I yield to the Senator.

Mr. BEVERIDGE. There are other suggestions to be made in this connection, if the Senator pleases, if we are going into it.

Mr. BURROWS. The Senator must see where it will lead if we are now to enter upon a discussion of the merits of the various propositions contained in the bill, and if persisted in I will be unable to conclude within the time I should feel warranted in occupying.

Mr. BEVERIDGE. I was about to say to the Senator from Michigan that the only reason why I do not make one or two other suggestions in addition to the one made by my friend, the honorable Senator from Wisconsin [Mr. QUARLES], was because I did not think the Senator from Michigan desired the logical sequence of his statement to be broken into.

Mr. BURROWS. I do not desire to have a discussion of any of these side issues now. All these matters can and will be considered later under the fifteen-minute debate, and I trust Senators will forego their consideration until they properly arise.

Mr. President, the bill of the majority also provides for establishing a mint at the city of Manila for coinage purposes, and for a general system of currency adapted to the commercial necessities of the people; and finally the Philippine government is authorized to grant franchises, privileges, and concessions for the construction and operation of works of public utility and service, subject always to amendment, alteration, or repeal by the Congress of the United States.

Mr. President, I have now accomplished the only purpose I had in the beginning—to place before the Senate the policy of the Government in dealing with the Philippines, as outlined in the pending measure.

It will be seen that the bill of the majority provides a most elaborate system of civil administration for the government of the Philippine Islands, which in its practical operation it is hoped and believed will develop the material resources of the islands, advance the industrial interests of their inhabitants, and promote the civilization, peace, and prosperity of the whole people. All this, it is frankly admitted, is to be done under American sovereignty, and so far as this measure is concerned without promise or expressed purpose, for the present, at least, of surrendering that sovereignty or abandoning the control of the islands.

The proposition of the minority, as frankly stated, points in another direction, and in the express terms of the substitute, to the "relinquishment of all claims of sovereignty over, or title to the Philippine Islands;" to the calling of a convention of the various peoples and tribes in the islands for the purpose of forming a constitution "for and by the people," which when formulated that fact shall be certified to the President of the United States, whose duty it shall be, in the language of the substitute, "to issue his proclamation declaring the independence of the people of the archipelago; and that they constitute an independant state and

nation; and that within sixty days from the election and inauguration of the officers provided for by such constitution, the President shall cause the armed forces of the United States to be withdrawn from the archipelago."

This proposition of the minority calls a halt in our course, and commands our forces, civil and military, to "mark time," while the proposed convention deliberates, taking no thought for the development of the islands; no thought for the establishment of industries; no thought for the betterment and uplifting of the people under the beneficent sway of American sovereignty; but is intent only upon the abandonment of the islands and consigning them to an uncertain, and I confidently believe, disastrous future.

That I may not do the minority an injustice in thus characterizing their policy, I beg to insert in this connection a copy of the proposed substitute:

Amendment, in the nature of a substitute, intended to be proposed by Mr. RAWLINS to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

SECTION 1. That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

SEC. 2. That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof, as hereinafter provided.

SEC. 3. That ninety days after the President of the United States shall have proclaimed that all armed resistance to the United States has ceased in said archipelago the United States Philippine Commission shall make and promulgate rules and regulations for the holding of an election in the provinces of said archipelago for members of a convention, which convention when organized shall proceed to the adoption of a constitution for the government of said archipelago. That all male inhabitants of said archipelago 21 years of age and over who speak and write either the English or Spanish languages or any of the native languages of the said archipelago, and who shall have resided therein for one year, shall be qualified to vote for members of the convention, and any person so qualified as an elector shall be qualified to become a member of said convention. The members of the said convention shall number three hundred, and shall be apportioned by the United States Philippine Commission among the several provinces of said archipelago so that the distribution shall be in proportion to their population as near as may be; and when the said apportionment has been determined upon, the said Commission shall by proclamation order an election of the members for said convention, to be held throughout the said archipelago at such time as shall be fixed by the said Commission, which election shall be held not more than one year from the date of the proclamation by the President of the United States hereinbefore provided for, and ample time shall be given before said election to circulate said proclamation throughout said archipelago and arrange for the holding of the said election.

SEC. 4. That the members of the convention thus elected shall meet at the city of Manila on a day to be fixed by the said United States Philippine Commission not more than ninety days subsequent to the day of election, the time for which meeting shall be stated in the proclamation calling attention to the election aforesaid; and after organization the said convention shall proceed to form a constitution and organize such government as they may deem best adapted to promote the welfare and secure the peace and happiness of the inhabitants of said islands: *Provided*, That said convention shall provide by an ordinance, irrevocable without the consent of the United States:

First. That there shall belong to the United States and continue to be the property thereof such lands and waters as the President of the United States shall designate to the said convention for naval, military, and coaling stations and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

Second. To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under the authority of the United States.

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

SEC. 5. That when the constitution and government shall be formed for and by the people of said archipelago in compliance with the provisions of this act, the said United States Philippine Commission shall certify the fact to the President of the United States, together with a copy of said constitution and ordinances, whereupon it shall be the duty of the President to issue his proclamation declaring the independence of the people of said archipelago, and that they constitute an independent state and nation.

SEC. 6. That the President of the United States is hereby requested to negotiate an agreement between the United States, the said Philippine Archipelago, and Great Britain, Germany, France, and such other powers as he may deem best, providing for its perpetual neutrality and inviolability from all foreign interference, and also for equal opportunities of trade to foreign countries with said archipelago.

SEC. 7. That immediately after the President shall have proclaimed that all armed resistance to the United States has ceased in said archipelago, he is requested to proclaim full amnesty to all the inhabitants thereof for or on account of political offenses and the bearing of arms against the United States, and all Filipinos or inhabitants of said archipelago who have been deported shall be returned to the place from whence they were so deported: *Provided*, That such amnesty shall not apply to any who have violated the rules of civilized warfare or were guilty of murder or torture. That the latter, if any, shall be afforded a speedy trial for their offenses in the civil courts of said archipelago, and be punished or acquitted, as the facts and law may warrant.

SEC. 8. That within sixty days from the election of officers under the constitution to be formed by the said Philippine Archipelago and the inauguration of said officers the President shall cause the armed forces of the United States to be withdrawn from said archipelago as speedily as may be, except such forces as may be maintained in such parts thereof as have been retained by the United States for naval, military, and coaling stations and terminal facilities for cables; and the President of the United States and the Secretary of War shall make all needful regulations to carry into effect the provisions of this act.

Amend the title so as to read: "A bill to promote the welfare and establish the independence of the Philippine Islands."

Mr. President, these are, in substance, the two measures before the Senate; and they fairly present, as I have said, the conflicting opinions of the Senate and the American people upon this great question. Which course shall be pursued is the vital and all-absorbing issue, and all other questions are incidental and insignificant as compared with this.

If the water cure has been administered to some persons in arms against the Government, that is no reason why we should abandon the islands or surrender our sovereignty.

Mr. President, I do not propose to consider or trace the various steps which led up to our occupancy of the Philippine Islands, over which the United States is to-day asserting its sovereignty. Nor will I stop now to inquire who fired the first shot or who is responsible for the inauguration of the conflict. These questions belong to the past and to history, and their consideration at this time can not, in my judgment, contribute in the slightest degree to the solution of the problem immediately confronting the American people.

We are in the Philippines, and what shall be our future policy in relation to their government is the sole question before the Senate. Shall we continue our present course, or shall we "about face" and abandon it for that course suggested by the minority?

And, first, let me say that the bill of the majority is in line with the avowed policy of the Government toward the Philippine people from the beginning—from our first occupation of the islands until this hour. It is not a hastily formed plan or an untried experiment. It is only the continuation and consummation of that policy in which there has been no variableness or shadow of turning. That policy is set forth by the Philippine Commission on page 5 of their report, which I will ask to have embodied in my remarks without reading.

The extract referred to is as follows:

1. The supremacy of the United States must and will be enforced throughout every part of the archipelago, and those who resist it can accomplish no end other than their own ruin.

2. The most ample liberty of self-government will be granted to the Philippine people which is reconcilable with the maintenance of a wise, just, stable, effective, and economical administration of public affairs, and compatible with the sovereign and international rights and obligations of the United States.

3. The civil rights of the Philippine people will be guaranteed and protected to the fullest extent, religious freedom assured, and all persons shall have an equal standing before the law.

4. Honor, justice, and friendship forbid the use of the Philippine people or islands as an object or means of exploitation. The purpose of the American Government is the welfare and advancement of the Philippine people.

5. There shall be guaranteed to the Philippine people an honest and effective civil service, in which, to the fullest extent practicable, natives shall be employed.

6. The collection and application of taxes and revenues will be put upon a sound, honest, and economical basis. Public funds, raised justly and collected honestly, will be applied only in defraying the regular and proper expenses incurred by and for the establishment and maintenance of the Philippine government, and for such general improvements as public interests may demand. Local funds, collected for local purposes, shall not be diverted to other ends. With such a prudent and honest fiscal administration, it is believed that the needs of the government will in a short time become compatible with a considerable reduction in taxation.

7. A pure, speedy, and effective administration of justice will be established, whereby the evils of delay, corruption, and exploitation will be effectually eradicated.

8. The construction of roads, railroads, and other means of communication and transportation, as well as other public works of manifest advantage to the Philippine people, will be promoted.

9. Domestic and foreign trade and commerce, agriculture, and other industrial pursuits, and the general development of the country in the interest of its inhabitants, will be constant objects of solicitude and fostering care.

10. Effective provision will be made for the establishment of elementary schools in which the children of the people shall be educated. Appropriate facilities will be provided for higher education.

11. Reforms in all departments of the government, in all branches of the public service, and in all corporations closely touching the common life of the people must be undertaken without delay and effected, conformably to right and justice, in a way that will satisfy the well-founded demands and the highest sentiments and aspirations of the Philippine people.

Mr. BURROWS. I also ask leave to print as a part of my remarks an extract from the report of the Taft Commission, found on page 148 of their report, giving the conclusions of that body, and showing that the bill of the majority is in line with and carries out in the main the suggestions of the Commission and the policy of the United States.

The extract referred to is as follows:

SUMMARY OF RECOMMENDATIONS.

The Commission recommends—

1. That Congress make appropriations to construct posts or garrisons for the army outside of the towns, so that they shall not be quartered in the towns.

2. That Congress be requested to confirm the legislation of the Commission already enacted, and vest by Congressional enactment in the civil governor, and Commission, and their successors to be appointed by the President, the authority heretofore exercised by them under the instructions of the President, with the limitations therein contained, until January 1, 1904; and that provision be made in such legislation for a government to begin on January 1, 1904, and to be composed of a governor and the heads of four executive departments, to be appointed by the President; of an executive council, to consist of the governor and the four heads of departments, and four others, to be appointed by the President (the executive council to consist both of Americans and Filipinos), and of a popular assembly of not exceeding 30 representatives, to be elected from districts to be determined after a census of the Filipino

population in the islands; that in such government the members of the popular assembly shall serve for a term of two years, and the popular assembly shall be limited to an annual session of three months, from the 1st of January to the 1st of April, except as this may be extended by call of the governor for a definite period in extra session; that the power of the popular assembly shall be that of a coordinate branch of the legislature, except that in the case of appropriation bills, if the popular assembly shall fail to vote the appropriations required by law during its regular session of three months the right to vote such necessary appropriations shall vest in the executive council; that the governor shall have the power to veto the legislation of the two chambers unless the same shall be again passed by a two-thirds vote of both houses; that Congress shall have full power to abrogate all legislation, and that by a joint vote of the popular assembly and the executive council two delegates, who shall be residents of the islands, shall be elected to represent the interests of these islands and the Filipino people before Congress and the Executive at Washington, their expenses and salaries to be paid from the insular treasury.

3. That the Commission be authorized to issue bonds of the insular government with which to buy up the agricultural holdings and other property of the religious orders, to purchase the same, and to sell lands thus acquired, preferably to the present tenants on easy payments, and be required to use the proceeds of the sales as a sinking fund with which to meet the bonds issued.

4. That an appeal be granted from the supreme court of the islands to the Supreme Court of the United States in the San José College case, and in all cases between the insular government and the Catholic Church, or any of its dependencies, in respect to the ownership or administration of trust or other property in the Philippine Islands.

* * * * *

6. That the Commission be given power to itself issue bonds for the city of Manila, or to authorize the municipal board to do so in an amount not exceeding $4,000,000, sufficient to make needed improvements in the water supply and the sewerage and drainage systems.

7. That the Commission be given power to grant street-railway, electric-light, telephone, and other municipal franchises in the towns of the islands, subject to the confirmation of the President.

8. That the Commission be given authority to pass a general public-land law, making provision for the acquisition of homestead rights, the perfecting of titles of those who have in good faith settled upon public lands and improved the same, and public auction sales of the public lands at a fixed minimum price per acre in tracts of comparatively large extent, and upon such other conditions as the Commission may impose; and that this authority shall include the right of the Commission to grant to the pueblos commons from the public lands.

9. That the Commission be authorized to continue the present regulations of the cutting of timber, with such modifications as experience may show to be wise.

10. That the Commission be authorized to pass a mining law having a general resemblance to the United States mining laws, with such modifications as the local conditions require.

11. That the Commission be given power to pass a general incorporation law for the conducting of legitimate businesses by corporations.

12. That the Commission be given special authority to issue charters to commercial railroads, with power to make donations of lands, or guarantee the interest on the investments, or both; such grants to be subject to the approval of the President of the United States.

13. That Congress enact a general coinage law providing for the establishment of a gold standard, with local silver currency, and shall confer power upon the Commission, by a gold reserve and otherwise, to maintain the parity between the gold standard and the local currency, as indicated in the body of the report.

14. That Congress shall enact a general banking law for the islands, providing for the establishment of national banks in the islands, with branches in various parts of the islands and in the United States; for the establishment of branches in these islands of national banks located in the United States; for the carrying on and supervision of other banks not national, and for the establishment of mortgage land banks; all as outlined in the body of this report.

15. That Congress shall enact a law authorizing the Commission to appropriate the Spanish and insurrectionary seized funds now in the treasury of the islands to the making of a school fund or for the use of the provinces in which such funds were captured.

* * * * * * *

17. That Congress shall enact a law appropriating a sum sufficient to reimburse the insular treasury for the amount expended in the purchase and fitting of certain Spanish gunboats turned over to the Navy and now used by that Department.

WM. H. TAFT.
DEAN C. WORCESTER.
LUKE E. WRIGHT.
HENRY C. IDE.
BERNARD MOSES.

NOTE.—The three Filipino commissioners were not installed in office until the 1st of September, 1901, and as the period covered by this report is from the 1st of December, 1900, until the 1st of October, 1901, it was agreed between the commissioners that it would be more just to make this report as the report of the original Commission rather than that of the Commission as at present constituted. The three Filipino commissioners, however, having read this report, agreed in the recommendations as to the form of a permanent central civil government to be established.

Mr. BURROWS. The bill before us is in furtherance of that end, an end to be attained, let me say, not by the harsh instrumentality of war alone, but by the gentler means of civil administration. Much has been said of the harshness of military rule, and I have been surprised that the minority, in view of their criticisms, should so persistently resist the efforts of the majority and of the Government to relieve the people of military control and put in its place civil administration.

The purpose of this Government from the beginning has been, so soon and so far as our sovereignty was established in the islands, to subordinate military rule to civil control, to employ the military only when necessary, and to establish civil authority whenever and wherever possible.

This was President McKinley's policy in the beginning, as announced in his message to Congress in December, 1899. I quote from that document:

As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands. I have believed that reconstruction should not begin by the establishment of one central civil government for all the islands, with its seat at Manila, but rather that the work should be commenced by building up from the bottom, first establishing municipal governments and then provincial governments, a central government at last to follow.

In execution of that purpose, it will be remembered that a second commission was appointed, with Judge Taft at its head, who entered upon the work of establishing civil government in the Philippine Islands under instructions from the President of the United States; which instructions set forth so clearly the purposes of the Government in this regard that I beg to quote therefrom. The President said:

It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the island, and both should be directed during the transition period by the same executive department.

Without hampering them by too specific instructions, they should in general be, after making themselves familiar with the conditions and needs of the country, enjoined to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

The next subject in order of importance should be the organization of government in the larger administrative divisions corresponding to counties, departments, or provinces in which the common interests of many or several municipalities falling within the same tribal lines or the same natural geographical limits may best be subserved by a common administration. Whenever the Commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

And further:

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor. * * *

That in all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties, they are to receive the offices in preference to any others. * * *

It will be necessary to fill some offices for the present with Americans, which after a time may well be filled by natives of the islands. * * *

It will be the duty of the Commission to promote and extend, and, as they find occasion, to improve the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. * * *

Let me supplement this with what Governor Taft said before our Committee on the Philippine Islands. I quote from page 57 of the hearings:

I have studied, of course, the instructions issued by President McKinley with a great deal of care, and have watched their operation in the development of the government of those islands, and perhaps it is my intimacy with them and my interest in their operation that make me say that I think they constitute one of the greatest state papers ever issued in operating as they were intended to operate and in bringing about a state of affairs that they intended to bring about; and their operation was this: There was insurrection in the country. How far that insurrection attracted the sympathy of all the people is of course a mere matter of opinion, upon which there will always be a substantial difference. That there were two parties, however—those who favored the exclusion of American sovereignty altogether, and a substantial party who favored the government which we are now establishing—is undoubtedly true; and that there was a large body of ignorant people who were entirely indifferent, provided peace could be established and they could be protected from oppression and violence and assault, and who had very few political ideas at all, is also true.

Senator BEVERIDGE. This third division is the great body of all?

Governor TAFT. Yes; ignorant people.

Now, the problem there was on the one hand to suppress the insurrection, and that had to be done with the Army. On the other hand, it was to teach the people that our purpose was not to continue a military government, but by object lessons to show them what civil government was by legislation and by putting it into force.

Now, here was a dual government. There was the military arm on the one hand and there was the civil arm on the other, and the effect of those instructions—you can see it operate every day—was to bring the Filipino—and I do not except anybody in that statement; I do not even except the insurrectos—to bring the people into more friendly relations with the civil government than with the military government.

The conduct of a dual form of government of that sort was of course difficult. The instructions were framed so that they have worked. But the coming into the minds of the people a consciousness of the existence of power in the civil government and its effect on them, and the gradually placing more and more power in the civil government, which the instructions contemplated, have had a marvelous effect in showing the people what our purpose was.

War is hard; war is rough; war is cruel; and when the death and the suffering that were caused to many Filipinos were known to their brethren, it is not reasonable to expect that they should love the instrument by which that punishment was inflicted. And that speaks the greatness of these instructions, that accompanying the necessary instrument in suppressing that insurrection was another instrument, the civil government, winning, almost

by contrast, you might say, the affection and confidence of the Filipino people. The hand that drew those instructions followed a brain that understood human nature, and the working out of them in the short two years is a vindication of that judgment.

But, on behalf of the Commission, I think I may say that we have had chiefly in mind always the good of the Filipino people; that we have been attempting to gain their confidence, to make them feel that we are anxious to give them the best government possible, and to secure them in the enjoyment of such rights as will enable them to progress and achieve contentment and prosperity.

Gentlemen who think that that is an impossibility—and included amongst such classes are the men whom I have mentioned—disagree with us. Whatever the cause, I assert without hesitation on my part that the Philippine people as a people sympathize with the Commission in its efforts, welcome us to every part of the islands, and have confidence in our attempt to bring good to them.

This letter of President McKinley's to which I have referred, and concerning which Governor Taft has spoken, was the chart by which we have thus far directed our course in this venturesome and, I grant you, perilous voyage. This policy of subordinating military to civil rule was further clearly and tersely set forth by the able Secretary of War in his report for the year 1901, from which I desire to make a single quotation.

The policy contemplated—

Says the Secretary—

The policy contemplated in the instructions of April 7, and followed by the War Department, has been to steadily press forward, as rapidly as it could be done safely and thoroughly, the gradual substitution of government through civil agents for government through military agents, so that the administration of the military officer shall be continually narrowed, and that of the civil officer continually enlarged, until the time comes when the army can, without impairing the peace and order of the country, be relegated to the same relation toward the government which it occupies in the United States. In this way we have avoided the premature abandonment of any power necessary to enforce the authority of the United States, and at the same time have held open to the people of every community the opportunity to escape from the stringency of military rule by uniting with us in effective measures to bring about peaceful conditions in the territory which they inhabit.

This, Mr. President, has been the wise and humane policy of the Government from the beginning. In the forceful words of the Secretary of War—

The administration of the military officer shall be continually narrowed, and that of the civil officer continually enlarged, until the time comes when the army can, without impairing the peace and order of the country, be relegated to the same relation toward the government which it occupies in the United States.

And now, Mr. President, I desire to submit, and in this connection, a chronological statement of the various acts taken by the executive branch of the Government for the establishment of general, provincial, and municipal civil government in the Philippines; to show at a glance how steadily and how rapidly we have advanced to the consummation of our purpose to supplant military rule and establish peace and order under civil control.

CHRONOLOGICAL STATEMENT OF STEPS TAKEN BY THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT FOR THE ESTABLISHMENT OF GENERAL, PROVINCIAL, AND MUNICIPAL CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

1899.

January 20.—Jacob Gould Schurman, of New York; Maj. Gen. Elwell S. Otis, of the United States Army; Rear-Admiral George Dewey, of the United States Navy; Charles Denby, of Indiana; Dean C. Worcester, of Michigan, appointed by the President as Commissioners to the Philippines.

January 21.—Secretary of State transmitted copy of instructions of the President, dated January 20, 1899, to the above-named Commissioners.

March 4.—Commissioners Schurman and Worcester arrived at Manila.

April 2.—Commissioner Denby arrived at Manila.

April 4.—Proclamation of the Commission to the people of the Philippine Islands.

1900.

March 16.—Hon. William H. Taft of Ohio, Hon. Dean C. Worcester of Michigan, Hon. Luke E. Wright of Tennessee, Hon. Henry C. Ide of Vermont, and Hon. Bernard Moses of California, appointed Commissioners to the Philippine Islands.

April 7.—Instructions of the President to the "Taft Commission."

June 3.—Taft Commission arrived at Manila.

September 1.—Commission began its legislative and executive duties under the instructions of the President.

September 19.—(No. 5.) An act for the establishment and maintenance of an efficient and honest civil service in the Philippine Islands.

September 26.—(No. 6.) An act prescribing the order of procedure by the Commission in the enactment of laws.

(No. 7.) An act for the establishment of a bureau of statistics for the Philippine Islands.

October 3.—(No. 12.) An act prescribing the method to be adopted by the insular treasurer in keeping and rendering accounts of his receipts and disbursements.

October 10.—(No. 16.) An act for the reorganization of the forestry bureau of the Philippine Islands.

(No. 17.) An act for the reorganization of the mining bureau of the Philippine Islands.

(No. 20.) An act to reorganize the office of the auditor of the Philippine Islands.

October 17.—(No. 24.) An act establishing a court of first instance for the province of Bohol.

October 24.—(No. 28.) An act establishing a court of first instance for the provinces of La Union and Benguet.

(No. 33.) An act abolishing the office of the captain of the port at every port in the Philippine Islands except Manila and transferring the duties of such office to the proper collector or inspector of customs.

October 29.—(No. 36.) An act regulating the system of keeping accounts of public revenues and the returns thereof, and repealing certain orders and circulars relating to those subjects.

October 31.—(No. 40.) An act prescribing the method to be adopted in making requisitions for funds from the insular treasury, and repealing portions of Executive order of May 8, 1899.

November 12.—(No. 44.) An act providing for the service of process in the provinces where civil courts have not been organized.

November 22.—(No. 48.) An act providing for the establishment of local civil governments in the townships of the province of Benguet.

November 23.—(No. 49.) An act providing for the establishment of a civil government for the province of Benguet.

November 23.—(No. 52.) An act providing for examinations of banking institutions in the Philippine Islands and for reports by their officers.

December 12.—(No. 58.) An act authorizing the establishment of local police in cities and towns of the Philippine Islands and appropriating one hundred and fifty thousand dollars ($150,000), money of the United States, for their maintenance.

December 14.—(No. 59.) An act regulating the sale of intoxicating liquors within the city of Manila and its attached barrios.

December 21.—(No. 62.) An act authorizing the provost-marshal-general to establish police and health regulations in the nature of municipal ordinances for the city of Manila.

1901.

January 9.—(No. 70.) An act providing for the organization of three companies of police for the city of Manila and neighboring towns.

January 16.—(No. 73.) An act providing for the examination and licensing of applicants for the positions of master, mate, and patron of seagoing vessels.

January 21.—(No. 74.) An act establishing a department of public instruction in the Philippine Islands and appropriating $40,000 for the organization and maintenance of a normal and a trade school in Manila, and $15,000 for the organization and maintenance of an agricultural school in the island of Negros for the year 1901.

January 31.—(No. 82.) A general act for the organization of municipal governments in the Philippine Islands.

February 6.—(No. 83.) A general act for the organization of provincial governments in the Philippine Islands.

Acts extending the provisions of the provincial-government act to the provinces of—

February 13.—(No. 85.) Pampanga.
February 16.—(No. 86.) Pangasinan.
February 18.—(No. 87.) Tarlac.
February 27.—(No. 88.) Bulacan.

February 28.—(No. 90.) An act reciting an Executive order of the President of the United States amending the Executive order of May 8, 1899, creating the office of auditor for the islands, of deputy auditor for the islands, and chief clerk of the auditor for the islands of the Philippine Archipelago, and enacting, with the concurrence and approval of the Secretary of War first had, the rules and instructions relative to the accounting system of the military government of the United States in the islands of the Philippine Archipelago.

March 2.—(No. 92.) An act extending the provisions of the provincial-government act to the province of Bataan.

March 9.—(No. 98.) An act to regulate commerce in the Philippine Islands.

Acts extending the provisions of the "provincial-government act" to the provinces of—

March 12.—(No. 103.) Tayabas.
March 16.—(No. 104.) Romblon.
March 18.—(No. 105.) Masbate.
April 11.—(No. 113.) Iloilo.
April 13.—(No. 114.) Antique.
April 15.—(No. 115.) Capiz.

April 18.—(No. 116.) Cebu, and incorporating the pueblo of San Nicolas in the municipality of Cebu.

April 20.—(No. 117.) Bohol.
April 20.—(No. 119.) Negros Occidental; also the Municipal Code to the same province.
April 20.—(No. 120.) Oriental Negros; also the Municipal Code to the same province.
April 22.—(No. 121.) Leyte.
April 26.—(No. 122.) Albay.
April 27.—(No. 123.) Ambos Camarines.
April 30.—(No. 124.) Sorsogon.
May 1.—(No. 125.) Marinduque.
May 2.—(No. 126.) Batangas.
May 15.—(No. 127.) Surigao.
May 15.—(No. 128.) Misamis.

May 22.—(No. 131.) An act providing for the establishment of a weather bureau for the Philippine Islands and appropriating $8,066.50 (in money of the United States) for the purchase of meteorological instruments and apparatus and the installation of the same.

May 22.—(No. 132.) An act to amend the Municipal Code, No. 82.
May 22.—(No. 133.) An act to amend the provincial-government act, No. 83.
June 11.—(No. 136.) An act providing for the organization of courts in the Philippine Islands.

Acts extending the provisions of the provincial-government act to the provinces of—

(No. 137.) Rizal.
(No. 138.) Cavite.
(No. 139.) Nueva Ecija.

June 12.—(No. 140.) An act defining the judicial districts of the Philippine Islands, prescribing the salaries of the judges thereof, and the times when and the places where terms of courts of the first instance shall be held in the several districts.

June 18.—(No. 141.) An act to amend the provincial-government act, No. 83, and the act amendatory thereof, No. 133.

June 18.—(No. 142.) An act to amend act No. 104, entitled "An act extending the provisions of the provincial-government act to the province of Romblon, as therein defined."

June 21.—Hon. William H. Taft appointed civil governor of the Philippine Islands.

June 21.—(No. 145.) An act authorizing the appointment of disbursing clerks in the various civil departments, bureaus, and offices, prescribing the duties of disbursing clerks, and fixing their compensation as such.

June 21.—(No. 146.) An act creating the office of insular purchasing agent for the government of the Philippine Archipelago, defining the duties of such officer, and making an appropriation of $100,000 for the purpose of carrying said act into effect.

June 26.—(No. 151.) An act fixing the compensation of the clerk of the court of first instance for each province.

June 27.—(No. 152.) An act providing for the lawful custody of courthouses and the public property therein, and for the appointment of stenographers, typewriters, interpreters, and translators, when necessary.

July 1.—(No. 156.) An act providing for the establishment of government laboratories for the Philippine Islands.

July 1.—(No. 157.) An act providing for the establishment of a board of health for the Philippine Islands.

July 4.—Inauguration of civil governor.

July 13.—(No. 164.) An act amending act No. 157, entitled "An act providing for the establishment of a board of health for the Philippine Islands."

July 16.—(No. 166.) An act creating a special court for the trial of certain actions, appellate and original, pending in courts of the island of Negros on and before the 16th day of June, 1901.

July 17.—(No. 173.) An act restoring the provinces of Batangas, Cebu, and Bohol to the executive control of the military governor.

July 18.—(No. 175.) An act providing for the organization and government of an insular constabulary and for the inspection of the municipal police.

July 25.—(No. 181.) An act amending that portion of act No. 102 which relates to the organization of the postal service, and for other purposes.

July 31.—(No. 183.) An act to incorporate the city of Manila.

August 7.—Charter of Manila went into effect.

August 7.—(No. 190.) An act providing a code of procedure in civil actions and special proceedings in the Philippine Islands.

August 12.—(No. 195.) An act to amend act No. 90 so as to transfer the duties of military governor respecting the expenditures of Philippine funds to civil governor.

Acts extending the provisions of the provincial-government act and its amendments to the provinces of—

August 15.—(No. 203.) La Union.

August 16.—(No. 205.) Ilocos Sur.

August 19.—(No. 206.) Abra.

August 20.—(No. 207.) Ilocos Norte.

August 22.—(No. 209.) Cagayan.

August 24.—(No. 210.) Isabela.

August 28.—(No. 211.) Zambales.

August 31.—(No. 212.) An act extending the time on which act No. 190, providing a code of procedure in civil actions and special proceedings in the Philippine Islands, shall take effect from the 1st day of September to the 1st day of October, 1901.

August 31.—(No. 214.) An act amending the Manila charter.

August 31.—(No. 215.) An act establishing and regulating accountability for public property in the Philippine Archipelago.

September 1.—Dr. T. H. Pardo de Tavera, Señor Benito Legarda, and Señor José Luzuriaga (native Filipinos) became members of the Philippine Commission.

September 2.—(No. 218.) An act creating a bureau of public lands.

September 6.—(No. 222.) An act providing for the organization of the departments of the interior, of commerce and police, of finance and justice, and of public instruction.

September 6.—(No. 223.) An act amending the provincial-government act, No. 83, as amended by act No. 133.

September 17.—(No. 230.) An act to revise and amend the tariff laws of the Philippine Archipelago.

September 24.—(No. 238.) An act fixing the limits of Cavite Harbor, vesting the admiral of the United States Navy in command of the Asiatic Station with police jurisdiction thereof, and providing rules and regulations for governing vessels anchoring therein.

October 2.—(No. 253.) An act creating a bureau of non-Christian tribes for the Philippine Islands.

October 2.—(No. 254.) An act organizing the office of the insular purchasing agent.

October 8.—(No. 261.) An act creating a bureau of agriculture.

October 17.—(No. 266.) An act creating the bureau of coast guard and transportation.

October 17.—(No. 267.) An act amending in several particulars act No. 183, entitled "An act to incorporate the city of Manila."

October 18.—(No. 268.) An act creating a bureau of architecture and construction of public buildings.

October 21.—(No. 273.) An act creating a bureau of archives.

October 29.—(No. 284.) An act establishing in Manila an insular museum of ethnology, natural history, and commerce, and appropriating $8,000, in money of the United States, for maintaining the same and for paying the expenses of collecting, caring for, and preserving the objects illustrating the ethnology of the Philippine Islands.

October 29.—Hon. Luke E. Wright appointed vice-governor.

November 7.—(No. 296.) An act creating a bureau of public printing.

November 12.—Vice-Governor Wright cabled that 765 towns had been organized under the provisions of the Municipal Code.

November 27.—(No. 309.) An act amending act No. 82, entitled "The Municipal Code," and act No. 225, amendatory thereof.

December 2.—(No. 307.) An act providing for the establishment of provincial boards of health and fixing their powers and duties.

(No. 308.) An act providing for the establishment of municipal boards of health and fixing their powers and duties.

December 4.—(No. 310.) An act regulating the practice of medicine and surgery in the Philippine Islands.

December 10.—(No. 315.) An act creating a bureau of cold storage and ice plant, and providing the method of conducting said plant and the personnel and salaries of the employees thereof.

December 20.—(No. 322.) An act repealing so much of act No. 173 as applies to the province of Cebu, and restoring that province to the executive control of the civil governor.

December 31.—(No. 325.) An act providing for the reorganization of the office of the attorney-general and for an increase in the salary of the judge for the third judicial district of the Philippine Islands, and amending acts 136, 140, and 300.

1902.

January 25.—(No. 336.) An act amending act No. 83, entitled "A general act for the organization of provincial governments in the Philippine Islands," and act No. 320, amendatory thereof.

January 28.—(No. 337.) An act providing for the organization of a provincial government in the province of Nueva Vizcaya.

January 29.—(No. 341.) An act amending act No. 183, entitled "An act to incorporate the city of Manila," and acts Nos. 214, 267, 313, and 323, amendatory thereof, by fixing new boundaries for the city of Manila.

February 6.—(No. 355.) An act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof.

February 20.—(No. 360.) An act for the reorganization of the office of the United States Philippine Commission.

March 3.—(No. 365.) An act repealing so much of act No. 173 as applies to the province of Bohol, and restoring that province to the executive control of the civil governor.

March 3.—(No. 367.) An act to reorganize the personnel of the Philippine customs service.

Mr. BURROWS. In this connection I submit a chronological statement showing the provincial governments already established, the islands or groups of islands in which they are located, their dependent islands, and their approximate areas and populations, exhibiting the extent of territory over which civil government has been established and the population of the islands brought under control of civil government.

Chronological statement showing provincial governments established by acts of the Philippine Commission; also the islands or group of islands in which they are located, their dependent islands, and their approximate areas and population May 15, 1902.

Provinces.	Island or group.	Date of act.	Area.[a]	Number of dependent islands.	Population.[a]
		1900.	*Sq. m.*		
Benguet	Luzon	Nov. 23	900		15,175
		1901.			
Pampanga	do	Feb. 13	2,200		223,923
Pangasinan	do	Feb. 16	1,316		302,178
Tarlac	do	Feb. 18	1,295		89,339
Bulacan	do	Feb. 27	841		230,221
Bataan	do	Mar. 2	436	1	50,761
Tayabas	do	Mar. 12	2,334	8	109,780
Romblon	Visayas	Mar. 16	515	32	55,389
Masbate (Masbate)	do	Mar. 18	1,815	46	23,069
Iloilo (Panay)	do	Apr. 11	2,102	80	462,444
Antique (Panay)	do	Apr. 13	1,340	6	115,434
Capiz (Panay)	do	Apr. 15	1,661	30	224,000
Cebu	do	Apr. 18	1,782	29	518,022
Bohol	do	Apr. 20	1,614	59	260,000
Negros Occidental	do	Apr. 20	3,112	14	231,512
Negros Oriental	do	Apr. 20	1,742	3	140,498
Leyte	do	Apr. 22	4,214	40	270,491
Albay	Luzon	Apr. 26	1,711	21	228,139
Ambos Camarines	do	Apr. 27	3,161	83	194,022
Sorsogon	do	Apr. 30	675	16	98,650
Marinduque	Visayas	May 1	681	13	48,000
Batangas[b]	Luzon	May 2	1,108	28	311,180
Surigao	Mindanao	May 15	13,201	83	85,125
Misamis	do	May 15	5,879	5	126,942
Rizal	Luzon	June 11	1,048	3	246,940
Cavite	do	June 11	610	7	134,569
Nueva Ecija	do	June 11	3,840		156,610
La Union	do	Aug. 15	867		110,164
Ilocos Sur	do	Aug. 16	491	2	215,792
Abra	do	Aug. 19	1,904		57,285
Ilocos Norte	do	Aug. 20	1,265	4	163,349
Cagayan	do	Aug. 22	5,291	46	96,867
Isabela	do	Aug. 24	5,395	2	48,302
Zambales	do	Aug. 28	2,210	76	87,295
		1902.			
Nueva Vizcaya	do	Jan. 28.	1,075		60,628

[a] Approximate.

[b] Restored to executive control of military governor July 17, 1901.

Mr. BURROWS. I will also submit certain memoranda taken from official sources showing the provinces, districts, and islands in the Philippine Archipelago in which conditions have been such as not to require military interference since American occupation; also a table showing the date of the last engagement, skirmish, or affair in the several provinces, districts, and islands where there have been military operations.

AMERICAN SUBDIVISIONS.

Since American occupation in the Philippines the island of Luzon has been divided into 27 provinces, in 22 of which provincial government has been established, and in 5 only is a military government now maintained.

LATEST MILITARY OPERATIONS.

Statement showing the date of the last skirmish in each of the several provinces or islands in the Philippines, in which there has been military operations, as shown by the reports received in the Adjutant-General's Office.

Province or island.	Date.	Province or island.	Date.
Masbate Island	Oct. 12, 1900	Nueva Ecija Province	May 19, 1901
Cagayan Province	Nov. 15, 1900	Paragua Island	June 25, 1901
Pangasinan Province	Nov. 28, 1900	Panay Island	July 1, 1901
Catanduanes Island	Jan. 8, 1901	Albay Province	July 4, 1901
Burias Island	Feb. 4, 1901	Camarines Sur	Aug. 15, 1901
Surigao Province	Feb. 20, 1901	Negros Island	Sept. 5, 1901
Marinduque Island	Feb. 22, 1901	Cebu Island	Oct. 30, 1901
Tarlac Province	Mar. 11, 1901	Sorsogon Province	Do.
Zambales Province	Mar. 17, 1901	Camarines Norte	Nov. 27, 1901
Benguet Province	Mar. 25, 1901	Morong Province	Nov. 29, 1901
Manila Province	Mar. 29, 1901	Ilocos Norte Province	Dec. 21, 1901
Union Province	Apr. 2, 1901	Bohol Province	Dec. 24, 1901
Lepanto Province	Apr. 3, 1901	Mindoro Island	Jan. 15, 1902
Bataan Province	Apr. 5, 1901	Cavite Province	Feb. 1, 1902
Pampanga Province	Do.	Leyte Island	Feb. 10, 1902
Ilocos Sur Province	Apr. 14, 1901	Laguna Province	Feb. 14, 1902
Bulacan Province	Apr. 24, 1901	Tayabas Province	Feb. 15, 1902
Abra Province	Apr. 27, 1901	Samar Island	Feb. 22, 1902
Infanta Province	May 5, 1901	Cotabato Province	Mar. 15, 1902
Isabela Province	Do.	Batangas Province	Apr. 16, 1902
Nueva Vizcaya Province	May 19, 1901	Misamis Province	May 3, 1902

The Adjutant-General, in referring to the above list, states:

"The engagements should be known as skirmishes, not even 'affairs,' possibly scouting parties' attacks would be better; any military phrase gives too much dignity—these of late date have been neither skirmishes, engagements, nor affairs."

PROVINCES NEVER IN INSURRECTION.

The following list comprises the provinces, districts, and islands in which there have been no military operations since American occupancy, as there has never existed any insurrection requiring aid of the military:

Amburayan, Apayaos, Balabac, Baras, Basilan, Batanes, Binatangan, Bongao, Bontoc, Butuan, Cabugoan, Calamianes, Cayapa, Concepcion, Corregidor, Dapitan, Davao, Itaves, Iligan, Lanao, Levac, Malabang, Matti,

Principe, Quiangan, Reina Regente, Romblon, Sarangani Bay and Islands, Siasi, Sulu, Tataan, Tiagan, Tucuran, Zamboanga, Rizal.[1]

Mr. BURROWS. The Senate Committee on Philippine Affairs was instructed by the Senate to investigate existing conditions in respect of both civil and military affairs in the archipelago. In carrying out those instructions the committee called for and received the reports of the governors of the several provinces into which the islands are divided. The Senator from Iowa [Mr. DOLLIVER] presented a synopsis of these reports to the Senate and they need not, therefore, be reproduced. I call attention, however, to the fact that these governors are generally natives of the islands, and were elected to their offices by the inhabitants of the provinces over which they preside. The showing made by these reports ought to be convincing proof of the success of our efforts to establish civil government, and exceedingly gratifying to every loyal American who desires to promote the general welfare of the people of the Philippines.

The following is a syllabus of these reports:

Abra.—Conditions peaceful, people prosperous, education excellent.

Albay.—Peaceful, prosperous, work plenty, crops and schools good.

Ambos Camarines.—Absolute peace, people content, good schools.

Antique.—No acts of hostility for over a year; people contented.

Bataan.—Peaceful, prosperous, schools popular, well attended.

Benguet.—Everything peaceful; sentiment favorable to Americans.

Bulacan.—Sublimely peaceful; people appreciate conditions.

Batangas.—No report from governor.

Bohol.—Conditions have been varied, becoming pacified fast.

Cagayan.—Peaceful, people busy and contented; good schools.

Capiz.—Ready to fight for peace; fine schools.

Cavite.—Peace and order prevail; civil government successful.

Cebu.—Conditions have been disturbed, becoming peaceful.

Ilocos Sur.—Completely pacified, people busy and contented.

Ilocos Norte.—General satisfaction among the natives.

Iloilo.—Could not be more satisfactory, excellent schools.

Isabela.—Peace reigns, finances strong, and conditions satisfactory.

La Union.—Uniform peace; financially, morally, otherwise strong.

Leyte.—Peace conditions satisfactory; people happy and contented.

Marinduque.—People perfectly satisfied; education flattering.

Masbate.—Peace established; people thankful for conditions.

Misamis.—Disturbed conditions; peace returning gradually.

Negros Occidental.—Era of contentment and love reigns.

Negros Oriental.—Conditions favorable, strong financially.

Nueva Ecija.—Conditions pleasant, good crops, people contented.

Nueva Vizcaya.—No report from governor.

Pampanga.—Peaceful, educated people, unexcelled conditions.

Pangasinan.—Perfect peace, great activity, good schools.

Rizal.—No report from governor.

Romblon.—Perfect tranquillity; education desired; finances good.

Sorsogon.—Peace conditions improving.

Surigao.—Perfect tranquillity, contentment, and prosperity.

Tabayas.—Governor Gardener's report only.

Tarlac.—Conditions peaceful; good crops, finances strong.

Zambales.—People express satisfaction at existing conditions.

Mr. President, such has been the progress and result of our efforts to establish civil government in the Philippine Islands and to relieve the people of military rule. When we consider the difficulties surrounding the situation, the remoteness of the islands, and the character of the inhabitants with whom we had to deal, the results attained are exceedingly gratifying and give assurance of a happy and successful termination.

As a part of this work of the Commission in the establishment of civil government on an intelligent and permanent basis, we must not overlook the fact of the inauguration and maintenance of an educational system through which we hope to lay the enduring foundations of peace, progress, and civilization. This work began in the spring of 1901 by the employment of teachers and the construction of schoolhouses in peaceful communities, and this work is still in progress and being rapidly extended.

As garrisons are withdrawn, public schools are installed in their places. During the year 1901 the advent of peaceful conditions in the Philippine Islands has been followed in close succession by the introduction of American methods of education in the hands of American instructors. In the early spring of 1901 arrangements were made for the appointment of several hundred teachers in the United States for service in the Philippine Islands, and by October 1, 1901, 743 teachers had arrived and had been distributed among the provinces as follows:

Manila	76	Nueva Ecija	15
Panay	54	Tarlac	13
Negros Occidental and Oriental	51	Sorsogon	13
Mindanao	44	Zambales	13
Cavite	40	Batangas	13
Leyte	39	Masbate	12
Bulacan	32	Bataan	12
Camarines	31	La Union	12
Pampanga	30	Benguet	11
Rizal	30	Abra	10
Tayabas	27	Bohol	8
Pangasinan	26	Isabela	8
Romblon	22	Cebu	5
Ilocos Sur	20	Marinduque	5
Ilocos Norte	19	Samar	3
Albay	15	Nueva Vizcaya	2
Cagayan	15		
Laguna	15	Total	743

Governor Taft, in the hearings before the committee, says that "835 teachers were placed in 445 towns; that 245 of those towns were garrisoned and 200 were not garrisoned," and yet the teachers in the 200 towns without garrisons are as safe as in any portion of the United States, and it is gratifying to know that the common school, both American and native, is rapidly taking the place of and supplanting the United States garrisons. No more convincing proof could possibly be adduced of the triumph of civil rule and the establishment of peace. In addition to this force of American instructors, 4,000 native Filipino teachers are engaged in this educational work.

As a further evidence, Mr. President, of the substitution of civil for military rule——

Mr. HOAR. May I inquire of the Senator if the 835 teachers are in addition to the 743, or has the number decreased to 743?

Mr. BURROWS. It appears from the table just submitted that on the 1st of October, 1901, 743 teachers had arrived in the islands and were employed as instructors in the various provinces.

Mr. BEVERIDGE. Is that the total number?

Mr. BURROWS. Yes; at that date.

Mr. HOAR. The Senator said that 743 had been employed in 1901, and then he mentioned 835 as being employed. My inquiry was whether the 835 is plus the 743.

Mr. BURROWS. The force of 743, October 1, was augmented to 835.

Mr. BEVERIDGE. There are more than that now.

Mr. BURROWS. Since that time a number have been added, as I have said, and the force has now increased to 1,000.

Mr. BEVERIDGE. That is correct—something over a thousand.

Mr. HOAR. Can the Senator state the number of pupils?

Mr. BURROWS. No; I can not.

Other evidence, Mr. President, of the progress of peaceful government and the substitution of civil for military rule is found in the reduction of the number of army posts and the withdrawal of United States troops from the archipelago. There has been so much said about the use of the Army in the Philippines and the necessity for its continued and possibly increased employment, that I desire to place before the Senate and the country the official record.

On the 8th day of this month (May, 1902) the War Department telegraphed to General Chaffee as follows:

ADJUTANT-GENERAL'S OFFICE,
Washington, May 8, 1902.

CHAFFEE, *Manila:*

Cable number posts and number American officers remaining in each province.

I have in my hand a copy of General Chaffee's reply to that cablegram which I will read, as follows:

EXTRACT OF CABLEGRAM RECEIVED ADJUTANT-GENERAL'S OFFICE.

MANILA, *May 10, 1902.*

ADJUTANT-GENERAL, *Washington:*

* * * With reference to your telegram of 8th, number stations occupied 253. Province Albay, 2 stations, 3 troops; Bataan, 1 station, 1 company; Batangas, 18, 9 troops, 5 companies; Bulacan, 3, 2 companies; Cagayan, 4, 6 companies; Camarines, 9, 2 troops, 6 companies; Cavite, 11, 2 troops, 6 companies; Ilocos Norte Province, Luzon, Ilocos Sur Province, Luzon, 7, 12 troops; Laguna, 25, 12 troops, 9 companies; Isabela, 8, 6 companies; Marinduque, 3, 3 companies; Masbate, 1, 2 companies; Mindoro, 6, 6 companies; Nueva Ecija, 5, 4 companies; Pampanga, 3, 3 troops; Pangasinan, 14, 1 troop, 11 companies; Principe, 1, 1 company; Rizal, 18, 6 artillery, 2 engineers, 2 signal, 10 troops, 20 companies; Romblon, 1, 1 company; Sorsogon, 5, 4 companies; Tarlac, 4, 4 companies; Tayabas, 15, 7 troops, 10 companies; Zambales, 3, 4 companies; Bohol, 1, 1 company; Busuanga, 1, 1 company; Capul, 1, detachment; Cebu, 4, 1 engineer, 1 signal, 5 companies; Mindanao, 21, 1 artillery, 1 engineer, 8 troops, 22 companies; Negros, 3, 2 companies; Panay, 6, 4 troops, 4 companies; Paragua, 2, 1 company; Samar, 37, 4 troops, 31 companies; Siassi, 1, 1 company; Tawi-tawi, 1, 1 company. Sixth, Ninth, Nineteenth Infantry not included; assembling Manila for shipment United States of America.

CHAFFEE.

Based upon this reply of General Chaffee, I present a table which shows at a glance the stations occupied and American troops serving in each province in the Philippine Islands May 31, 1901, and May 10, 1902.

[1] Rizal is a new province containing a portion of the territory formerly included in the province of Manila.

Stations occupied and American troops serving in each province in the Philippine Islands, May 31, 1901, and May 10, 1902.

Province.	May 31, 1901.		May 10, 1902.	
	Number of stations.	Number of companies.	Number of stations.	Number of companies.
Abra	12	9		
Albay	9	7	2	3
Batangas	13	15	18	14
Bataan	7	4	1	1
Benguet	1	1		
Bongao (island)	1	1		
Bohol (island)	5	4	1	1
Bulacan	19	10	3	2
Busuanga			1	1
Camarines	23	14	9	8
Capul			1	Det.
Cagayan	16	6	4	6
Catanduanes (island)	2	1		
Cavite	11	12	11	8
Cebu (island)	14	10	4	7
Corregidor (island)	1	1		
Ilocos Norte, Luzon	16	11	7	12
Ilocos Sur, Luzon	16	18		
Isabela	14	6	8	6
Jolo (island)	1	3		
Laguna	20	20	35	21
Lepanto	1	1		
Leyte (island)	2	1		
Marinduque (island)	4	6	3	3
Masbate (island)	1	2	1	2
Mindanao (island)	15	19	21	32
Mindoro			6	6
Morong	4	2		
Negros (island)	33	8	3	2
Nueva Ecija	18	21	5	4
Nueva Vizcaya	5	2		
Pampanga	14	12	3	3
Pangasinan	26	27	14	12
Panay (island)	51	18	6	3
Paragua (island)	1	1	2	1
Principe	1	1	1	1
Rizal	14	71	18	40
Romblon (island)	1	1	1	1
Samar (island)	6	8	37	35
Siassi (island)	1	2	1	1
Sorsogon	5	3	5	4
Tarlac	12	13	4	4
Tawi-tawi			1	1
Tayabas	19	11	15	17
Union	13	12		
Zambales	21	13	3	4
Total	469	408	245	271

NOTE.—The province of Rizal includes the city of Manila.

From this table it appears that on the 31st day of May, 1901, there were 469 military stations in the Philippine Islands, and on the 10th of May, 1902, there were only 245 stations or posts, a reduction, as it will be seen, in a single year of 224 stations.

Let me state further in this connection that of these 245 posts existing to-day, 55 are in the disturbed provinces of Samar and Batangas, leaving but 190 military posts outside these provinces to keep the peace and preserve order in the entire archipelago.

Mr. BEVERIDGE. Will the Senator from Michigan allow me to make a suggestion?

Mr. BURROWS. Certainly.

Mr. BEVERIDGE. And these are being very rapidly supplanted by native constabulary.

Mr. BURROWS. Yes. I thank the Senator for the suggestion. These remaining posts are greater in number to-day than they would be if there were facilities for housing and caring for troops at central points.

The reduction of our military force in the Philippine Islands during the last four years has been no less remarkable than the diminution of the number of posts. It appears from the official reports of the War Department that the whole number of troops serving in the Philippine Islands since the 30th of June, 1898 (the date of our first landing in Manila), to May 1, 1902, was 4,006 officers and 122,787 men.

The maximum strength, as appears by official reports in the Philippine Islands at any one time, including officers and men, was in the month of December, 1900, when it aggregated 69,420. Since that date there has been a gradual but steady retirement of our force as civil rule has been extended, and I will insert here a table showing the progressive reduction of our forces in the archipelago during last year.

Mr. BEVERIDGE. There are only 33,000 there to-day.

Mr. BURROWS. The official table I present discloses the facts.

1901.

January	67,393
February	61,924
March	55,781
April	57,940
May	55,155
June	50,074
July	49,227
August	47,354
September	43,283
October	43,145
November	43,251
December	37,072

1902.

January	36,944
February (latest report)	33,830

The estimated strength of troops there at present is about 32,000, including Hospital Corps, and exclusive of Philippine scouts.

In this connection it should be noted that orders have already been issued by the Secretary of War for the further withdrawal of troops from the Philippines, and it is safe to say that by the time Congress shall next assemble in regular session the military forces in the Philippines will be reduced to 18,000, or possibly 15,000, men.

Mr. HOAR. May I ask the Senator a question in this connection?

Mr. BURROWS. Certainly.

Mr. HOAR. I should like to ask the Senator if there is as yet any disciplined and armed force of Filipinos in the service of our Government; if, from the friendly persons whom we understand to be there in such large numbers, any force has been armed and officered by Filipinos?

Mr. BURROWS. I will say in answer that we have provided for a constabulary force.

Mr. HOAR. I am not speaking of constables. I am speaking of soldiers.

Mr. BURROWS. I do not know that we have any considerable force of enlisted natives in the military service.

Mr. HOAR. Is there as yet any body of Filipinos enlisted, armed, and disciplined, with Filipino officers, trusted with sword or gun; and if so, what is the number of such soldiers?

Mr. BEVERIDGE. Will the Senator from Michigan permit me?

Mr. BURROWS. I will yield to the Senator from Indiana.

Mr. BEVERIDGE. With the exception of the last word, "soldiers," there is. There is a force which we have recruited with great care, consisting exclusively so far as the rank and file are concerned of Filipinos, which is armed, uniformed, and drilled.

Mr. HOAR. And disciplined?

Mr. BEVERIDGE. Armed and uniformed and disciplined by American officers. My recollection upon the particular point I am going to mention now is not accurate, but I think the third-class inspectors, so called, are Filipinos.

Mr. HOAR. As to the number?

Mr. BEVERIDGE. As to the total number, the total of the armed and disciplined constabulary——

Mr. HOAR. No; I mean Filipinos.

Mr. BEVERIDGE. I am speaking of Filipinos, just as the Senator from Massachusetts speaks of Filipinos.

Mr. HOAR. I am not asking about constables.

Mr. BEVERIDGE. You used the word "soldiers."

Mr. HOAR. Yes, sir.

Mr. BEVERIDGE. The situation is that there is now, and rapidly increasing up to the maximum number of 5,000 men, an armed, uniformed, disciplined, drilled force of Filipinos under the control of American officers called inspectors.

Mr. BURROWS. I think——

Mr. HOAR. If the Senator will pardon me for a moment, I put the question to the Senator from Michigan and not to anyone else. While I am quite delighted to have an answer from any gentleman who has investigated it, it does not help me to say there is something else there than about which I inquired.

I think it would be a very interesting thing, in regard to our knowledge of the real reconciliation, to know whether or not we can have a regiment of armed, disciplined, Filipino soldiers, officered by Filipinos—whether that time has yet come. It does not help the answer to that question to get up and talk about constabulary and about men governed by American inspectors. They are not a body of men who can combine. After the war, when we had disturbed times in the South, during reconstruction, they would not, in certain places, allow the negroes to form military companies. That is power. Now, if men are on your side——

Mr. BURROWS. Will the Senator pardon me——

Mr. HOAR. And if you trust them with power, we want to know it.

Mr. BURROWS. I understand the Senator has his answer.

Mr. HOAR. It has not been made. There has not been any answer made to my question—not the slightest.

Mr. LODGE. Will the Senator from Michigan allow me?

Mr. BURROWS. Certainly.

Mr. LODGE. We have had in the Army, not in the constabulary at all, as high as 8,000 Filipino troops. I think I have the figures correct. Some of the generals before our committee were

questioned in regard to it and testified to the loyalty of those troops. General Hughes said that the percentage——

Mr. HOAR. I do not mean Macabebes, but Filipinos.

Mr. LODGE. Macabebes are Filipinos. They are Christianized Filipinos of the same race exactly.

Mr. HOAR. Oh, well.

Mr. LODGE. They are of precisely the same race as the others. There is no difference between them.

Mr. BURROWS. Mr. President——

Mr. LODGE. One moment. Not only Macabebes but others. We had at one time as many as 5,000 Macabebes. We had other enlisted Filipinos in other islands where there are no Macabebes at all. In General Hughes's division we had Filipinos enlisted, Visayans, and the General stated, whom I asked about their fidelity—said that the percentage of desertion among them was less than among the American troops, notwithstanding the fact that desertion among the American troops in those distant islands was exceedingly small. He stated that they were very loyal and very faithful and did very good work.

Mr. HOAR. That is an answer.

Mr. BURROWS. I am very much obliged to the Senator from Massachusetts, who has given his colleague the information as to the number of enlisted natives. It, however, in no way affected the statement I was making that the United States has steadily withdrawn its military force, and it will be still further reduced so that by the 1st of next December or the 1st of January, 1903, the military forces of the United States in the islands will not exceed 18,000 and probably not more than 15,000.

It will thus be seen that the inhabitants of the Philippine Islands have been almost entirely relieved of the severities of military rule and are in the full enjoyment of a large measure of civil liberty and peaceful government—larger than they ever before enjoyed during four hundred years of Spanish rule.

Mr. President, at this point with the work of pacification and the establishment of orderly government so nearly accomplished, it is proposed to abandon this policy and commit the fate of these islands to their native inhabitants. They are to be permitted to undertake the experiment of establishing an independent government. The difficulty, in my judgment, with the proposition of the minority to give independent government to the inhabitants of the Philippine Islands lies in the fact, in the first place, that they are not now capable of establishing and maintaining such a government. If I believed them capable of doing so, I would for one unhesitatingly accord it to them. I hate a tyrant, whether an individual or a nation, and I commiserate a slave, whether a man or a people.

I was profoundly impressed, as was the Senate and the country, with the recent utterances of the distinguished senior Senator from Massachusetts, whose words will not soon be forgotten; and, indeed, it will be a sad day for the Republic when such patriotic sentiments find no responsive chord in the hearts of the American people. And I believe if the time shall ever come when a majority of the inhabitants of the Philippine Islands shall desire and be able to establish an independent and stable government insuring protection to life, liberty, and property, and the performance of international obligations, the American people will gladly accord to them the full measure of national independence.

In support of the proposition that the inhabitants of the Philippine Islands are not now capable of self-government, I desire to quote some authorities which ought to come home to the Senate and the country with convincing force.

It is idle to talk and speculate about a free, independent, and stable government with a people who are not capable of forming or maintaining it. I desire to read from the report of the Taft Commission, a commission which has been on the ground, and which certainly ought to know as much about the subject as we do. I read from the report, at page 82:

> While the peoples of the Philippine Islands ardently desire a full measure of rights and liberties, they do not, in the opinion of the Commission, generally desire independence. Hundreds of witnesses testified on this subject to the Commission and its individual members, and, though they represented all possible varieties of opinion—many of them being in sympathy with the insurgents—they were uniform in their testimony that, in view of the ignorance and political inexperience of the masses of the people, the multiplicity of languages, the divergencies of culture and mode of life, and the obstacles to intercommunication, an independent sovereign Philippine state was at the present time neither possible nor desirable, even if its poverty and internal weakness and lack of coherence would not invite, and the dissatisfaction of aliens entail, the intervention of foreign powers, with the inevitable result of the division of the archipelago among them and the disappearance forever of the dream and hope of a united and self-governing Philippine commonwealth. The Philippine Islands, even the most patriotic declare, can not at the present time stand alone. They need the tutelage and protection of the United States.

The first Commission concluded their report on this subject (on page 120) by saying, among other things:

> The Filipinos are wholly unprepared for independence, and if independence were given to them they could not maintain it.

The second or Taft Commission in their first report, dated November 30, 1900, say in speaking of the investigation made by the Commission (p. 15):

> Many witnesses were examined as to the form of government best adapted to these islands and satisfactory to the people. All the evidence taken, no matter what the bias of the witness, showed that the masses of the people are ignorant, credulous, and childlike, and that under any government the electoral franchise must be much limited, because the large majority will not, for a long time, be capable of intelligently exercising it.

And on page 17 they add—

> From all the information we can get it seems clear that a great majority of the people long for peace and are entirely willing to accept the establishment of a government under the supremacy of the United States.

In the second report of the Taft Commission, so called, dated October 15, 1901, pages 19 and 20, they state, referring to this subject:

> The theory upon which the Commission is proceeding is that the only possible method of instructing the Filipino people in methods of free institutions and self-government is to make a government partly of Americans and partly of Filipinos, giving the Americans the ultimate control for some time to come. In our last report we pointed out that the great body of the people were ignorant, superstitious, and at present incapable of understanding any government but that of absolutism.
>
> * * * * * * *
>
> Meantime it is necessary by practical lessons and actual experience to eliminate from the minds of the more intelligent part of the community who form the electorate those ideas of absolutism in government and to impress the conception of a limitation upon power which is now so difficult for them to understand.
>
> * * * * * * *
>
> As the government proceeds, this association in actual government will certainly form a nucleus of Filipinos, earnest, intelligent, patriotic, who will become familiar with practical free government and civil liberty. This saving remnant will grow as the years go on, and in it will be the hope of this people.
>
> How long, it is asked, must this education be continued before real results will be accomplished? Of course it is impossible to tell. Certainly a generation—perhaps two generations—will be needed.

These are the deliberately formed and expressed opinions of both commissions sent to the Philippine Islands with instructions to inquire into the conditions of their people.

And now let me supplement the conclusion of the Commission with some testimony taken by the Commission while on the ground and in the islands as to the capacity of these people for self-government.

The first Philippine Commission, under instructions from the President, heard the testimony of numerous witnesses, and among other subjects took evidence on the question of the ability of the Filipinos to conduct self-government. I submit a few extracts from that testimony.

Señor Cayetano S. Arellano is a prominent lawyer in the Philippines, born in Manila, and is at present chief justice of the supreme court of the islands. He ought to know as much about it as we do. To him President Schurman propounded this question:

> Q. Can't we give these people a local self-government?
>
> A. In my poor opinion, no. We do not believe them capable of themselves forming a governmanent of themselves, an autonomous government. That is my opinion.
>
> By Colonel DENBY:
>
> Q. What reforms do you think the people desire, and what do you think would be advisable?
>
> A. They desired, for example, to have a representative in the Cortes in Madrid; they desired, furthermore, a part in the administrative government of the islands and the enjoyment of liberty, of which they were deprived. The question of independence was not then raised among them and not until just now—of late.
>
> By President SCHURMAN:
>
> Q. Please state whether they are capable of governing their pueblos without any intervention on the part of the general government at Manila. There are pueblos, there are provinces, and there is the general government at Manila. I am beginning with pueblos, large and small, and I ask you whether the people are capable of governing them without any intervention on the part of the government at Manila?
>
> A. No.
>
> Q. Do you think the provinces are capable of governing themselves without any intervention from the federal government at Manila?
>
> A. To a certain extent, yes. In certain provinces, as, for example, Pampanga, the people are sufficiently enlightened to govern themselves in a certain manner; but independent general government, no.

Enrique Lopez, a physician, who was born and has always resided in the Philippines, testified as follows:

> Q. Please state briefly the scheme of government which you recommend for the Philippine Islands.
>
> A. I have seen in many of the proclamations the word "autonomy." Autonomy is a word that covers a great deal of ground; it is a word of a very large scope. The American Commission undoubtedly has the greatest desire to give proper liberties to the people, and I wish to present my plan to you. If it is not exactly what the Commission desires, of course there will be various changes in it—modifications, but that is for the Commission and not for me to meddle with. The plan is to have five governors, under the sovereignty of America. The governor-general should be an American, and the sovereignty undoubtedly should be in the United States, without speaking of the army or navy, or anything else.
>
> Q. The political sovereignty?
>
> A. My plan is to have five ministers. A minister of the treasury, of internal affairs—five different ministers of the general government, and they are to be Filipinos partly, Filipinos according to the amplitude of the autonomy. According as the Commission decides, the number of employees, Filipinos and Americans, would be raised.

Señor Pablo Antonio Martinez, a lawyer, who has resided in Manila for twelve years, testified:

> Q. Do you think the Philippine people capable of self-government?
>
> A. I do not believe they are at present.

Q. Do you think they are capable of governing their own pueblos?
A. No, sir.

By Colonel DENBY:

Q. Don't you think that there could be elected to a legislature to hold its sessions in these islands enough intelligent men to pass local laws?
A. How large an assembly? I can answer your question if you will name me the number.
Q. Say 100 for all the islands.
A. I think they might be found by a careful search.

Adolph Von Bosch, a Belgian merchant, who has resided in the Philippines about ten years, testified:

Q. Are they favorable to the Americans, the people?
A. The ordinary people, yes. The workmen, the lower classes and middle classes, those who have interests there, are certainly most decidedly in favor of the Americans. The leading military men and those who call themselves the governors are decidedly not.
Q. The military men are against the Americans?
A. Yes.
Q. Because they have something to lose?
A. Yes; they would lose their positions. It is, according to my view, only a matter of interest which dictates their conduct.
Q. I suppose the great majority of people, then, favor the Americans?
A. Oh, yes; the entire mass——
Q. Eighty or 90 per cent?
A. Put it down at 60.
Q. You think safely 60 per cent?
A. Sixty per cent. I don't think the lower classes have any idea—they have no idea at all about it; no fixed idea.
Q. They have not?
A. But I am sure if they get an American government——
Q. That is to say, they want a good government?
A. Yes; they want a good government. They want to be fairly treated.
Q. Would the Vicols be capable of governing themselves?
A. I don't think so.
Q. Would the Tagalogs?
A. There are some Tagalogs who would be, but it would be a small minority. They would not have sufficient men to form a government.
Q. But the Tagalogs would be fit to occupy subordinate places in the government?
A. Yes; and even of the Vicols there would be—there are some very good men who occupied civil positions under the Spanish Government.
Q. But you think it would be necessary to have Americans at the head?
A. Yes; no government could last for six months under Tagalog rule, according to my opinion.

Angel Fabie, a native Filipino, and formerly captain of a port by appointment from Aguinaldo, and his secretary of marine, says:

Q. Are the people capable of governing themselves?
A. No, sir; they are not educated. They are not educated people, but by and by, when they are more educated after the American fashion, they will be able to govern themselves, and the people will be peaceable and orderly.
Q. And how much American intervention is necessary here to govern them now?
A. I don't know; but, in my opinion, they will be better under American supervision they will be better off with more American officials.

A. Kuensle, a Swiss merchant, importer, who had resided in Manila for fifteen years, referring to the matter of self-government, said:

By General MACARTHUR:

Q. From that you would infer they are not capable of self-government?
A. Certainly not. They would have big fights among themselves.

By President SCHURMAN:

Q. Could they govern themselves in the provinces?
A. No; never. Those who would govern would simply squeeze the people, and after a while dissatisfaction and internal squabbles would come on. They are certainly unfit for self-government.
Q. Are they capable of education in that line?
A. Certainly. I believe there are few natives so intelligent as the Filipinos; but a very small percentage have any education so far. It might be a possibility some thirty or forty years from now for them to know what self-government means.
Q. Have they ever had any example of good government here?
A. No; it has gone from bad to worse.
Q. So that they will need both example and experience?
A. Yes, sir.

Señor Benito Legarda, a resident of Manila, and at one time vice-president of the Filipino congress, so called, referring to the money paid and agreed to be paid to Aguinaldo at the time he left the Philippines for Hongkong, says—I need not read that portion of his testimony, as it relates to another subject:

Q. Did they have at any time during the course of that revolution the idea of fighting for their independence?
A. No; I never heard this word "independence" spoken, nor do I think that they are capable of understanding it even up to this time.

Señor Manuel Xerez, a Filipino, born in Manila, by profession a physician, commenting on the ability of the Filipinos to maintain a government, says:

Q. Do you believe that these people, at this time, are capable of establishing and maintaining a republican form of government, or do you think it better to wait for some years of probation?
A. I think it is too soon at present.
Q. Would you advise that for some time the government should be administered by persons appointed by the United States and that by degrees a republican form of government elected by the people should be established, or would you advise that a republican form of government should be established immediately?
A. I think it should be a mixed government; that the subordinate positions in towns and in provinces could be filled by Filipinos, but always under the supervision of another, who should be an American.
Q. Then do you think, after a given number of years, this government might be turned over to the Filipinos to run themselves?
A. Not in a few years. It would require some time, for it would be necessary to change a great many evil practices here. I think that the Filipinos will need the direction of the Americans for many years. They are educated very much in the Spanish way, and it is necessary to get the Spanish ways eradicated little by little.

This is a part and but a small portion of the testimony of prominent men formerly connected with the Aguinaldo government, who tell us that those people are not capable of self-government.

Therefore, Mr. President, to surrender our sovereignty now over the islands, as proposed by the minority, would, I believe, result most disastrously to the inhabitants and involve the future of the archipelago in revolution and ruin.

AMERICAN PROTECTORATE.

It will hardly do, with these conditions, to talk about Philippine independence under an American protectorate. We would hardly assume to answer for the acts of a people unfitted for government, over whose conduct we would have no control.

President McKinley, speaking upon this question, as you remember, in his annual message to Congress December 5, 1899, said:

The future government of the Philippines rests with the Congress of the United States. Few graver responsibilities have ever been confided to us. If we accept them in a spirit worthy of our race and our traditions, a great opportunity comes with them. The islands lie under the shelter of our flag. They are ours by every title of law and equity. They can not be abandoned. If we desert them, we leave them at once to anarchy and finally to barbarism. We fling them, a golden apple of discord, among the rival powers, no one of which could permit another to seize them unquestioned. Their rich plains and valleys would be the scene of endless strife and bloodshed. The advent of Dewey's fleet in Manila Bay instead of being, as we hope, the dawn of a new day of freedom and progress, will have been the beginning of an era of misery and violence worse than any which has darkened their unhappy past.

The suggestion has been made that we could renounce our authority over the islands and, giving them independence, could retain a protectorate over them. This proposition will not be found, I am sure, worthy of your serious attention. Such an arrangement would involve at the outset a cruel breach of faith. It would place the peaceable and loyal majority, who ask nothing better than to accept our authority, at the mercy of the minority of armed insurgents. It would make us responsible for the acts of the insurgent leaders and give us no power to control them. It would charge us with the task of protecting them against each other and defending them against any foreign power with which they chose to quarrel. In short, it would take from the Congress of the United States the power of declaring war and vest that tremendous prerogative in the Tagal leader of the hour.

What says the Commission upon this subject? Let me read a word from the report of the first or Schurman Commission upon this point—independence with an American protectorate:

The idea of a protectorate entertained by the insurgent leaders, under which they should enjoy all the powers of an independent sovereign government, and the Americans should assume all obligations to foreign nations for their good use of those powers, would create an impossible situation for the United States. Internal dominion and external responsibility must go hand in hand. Under the chimerical scheme of protection cherished by Aguinaldo, if a foreigner lost his life or property through a miscarriage of justice in a Philippine court or in consequence of a governor's failure to suppress a riot, then the United States would be responsible for indemnity to the foreigner's government, though without possessing the power of punishing the offenders, of preventing such maladministration, or of protecting itself against similar occurrences in the future. Nor could the liability to foreign nations be reduced without permitting them directly to seek redress, and such a course would, it is to be feared, speedily lead to the appropriation of the Philippine Islands by the great powers, who would not need to seek far for pretenses for intervention.

But, Mr. President, the latest and I may say the most convincing evidence upon the propriety of turning the islands over to their inhabitants to establish for themselves such a government as they may choose we find in the testimony given before our committee this very year.

EFFECT OF AMERICAN WITHDRAWAL.

Senator MCCOMAS asked this question:

What would happen to them if we withdrew in this fashion?
Governor TAFT. The personal hostility between leading Filipinos at times has been so great as to lead to bloody measures. How far they would be carried here I have no idea. That is conjectural.
I should like to say, if I may, although I had not expected to come to this part of the discussion now, that it is a very logical and reasonable proposition on its face to say, Will not the insurrection come to an end; will not there be general peace and tranquillity if you promise to give these people independence when they shall be fitted for it? That proposition, put in that way, seems to have a great deal of force.

That is the wrong paper. The paper I wanted to read is as follows——

Mr. HOAR. If the Senator will pardon me, as he is making a very interesting argument, I should like to hear Governor Taft's answer to that qestion.

Mr. BURROWS. I shall read it in a moment, on another point, but it is not on the point I am now discussing.

Mr. HOAR. Very well.

Mr. BURROWS. Upon the point of their capacity for self-government the governor was asked in relation to that provision of the minority bill which declares "that the United States shall continue to occupy and govern said archipelago until the people thereof have established a stable government." I read from page 327 of the hearings before our committee:

Senator MCCOMAS. I was going to ask how long that would take?
Governor TAFT. I doubt if the people can establish a stable government. I assume that this is without the aid of American guidance and control. If it is with the aid of American guidance and control, then the time taken must be indefinitely in the future.
Senator MCCOMAS. Generations, probably?
Governor TAFT. Yes, sir.
Senator MCCOMAS. That was to be my next question—how many years we must continue to occupy and govern the archipelago until the people had established a stable government. You have said many generations.

Governor TAFT. Yes, sir; I think if it means what it may be inferred to mean, it means that the generals of the insurrecto forces shall call together a number of delegates and shall go through the form of making a government, and then when that government has its offices filled at once the transfer of sovereignty shall take place.

There would result after that—it might last six months, it might last a year—but there would result anarchy and interference with the rights of individuals and interference with the rights of vested interests in which foreign governments are concerned, which would require the United States at once to step back and begin over the work which it had been doing, and it would find itself where it was two years ago.

I make that statement, first, on the experience of the Aguinaldo government. For eight months Aguinaldo had a government in Luzon. It consisted of the congress at Malolos, the members of which were appointed by him, many of them distinguished lawyers and educated men from Manila largely.

Thereupon he appointed governors for various provinces, and the outrages that were committed by those governors in the conduct of government and the collection of taxes, the corruption which existed through the territory over which he had control, leave no doubt as to what the result would be, that a similar government would be established—and I assume that is what this substitute means—within a short period of time, and would be followed by the withdrawal of American sovereignty.

Secondly, the local control which the educated people of each province have over the ignorant people there would enable disappointed politicians in any particular province to set up a little force by itself, and that inevitably, in the course of one or two years, would produce the state of anarchy of which I have spoken.

The CHAIRMAN. Do you think, in this connection, we having withdrawn and a state of anarchy having arisen, it would probably lead to the partition of the islands among other powers?

Governor TAFT. It is a question of opinion as to the interest which foreigners take in the islands. They are called among foreigners whom I know in Manila the gems of the Orient. The interest that Japan has taken in the islands the records of the military department will show. The interest that other governments would take in the islands may be judged of by reference to the foreign capital invested there. The Germans have a great deal of capital. The English have a good deal.

Again, on page 341, Governor Taft says:

I wish to impress the fact that were the government turned over to those who profess to be the leaders in the insurrection to-day, among the irreconcilables or intransigentes, though not in arms, the idea of civil liberty would be the last idea which would be practically carried into effect.

Senator ALLISON. That is, liberty regulated by law?

Governor TAFT. Yes, sir. The tendency of all governments under them would be toward absolutism, an oligarchy which would mean that the presidente of the village would control absolutely the village; the governor would control the province, and the head of the government would control the governors. The idea of elevation and protection to that indifferent mass of 90 per cent would be possibly professed, but would fall far short of actual realization; and, therefore, offering to them independence now is offering to them—that is, to the 90 per cent of the people to whom I have referred—a condition of things which would be as far from enjoyment of free institutions as it is possible to imagine.

But, Mr. President, although they are not capable of self-government at present, it is said, Why not fix a time now and declare the date when the United States will surrender its sovereignty over the Philippine Islands and permit their inhabitants to establish their own government in their own way and receive recognition as a separate and independent nationality? Why not now declare that at some time in the future we will leave the islands to the government of their own people?

Mr. President, to my mind the answer to that question is simple and complete.

In the first place it is impossible now to determine that date with any degree of certainty; and in the second place if it were possible, such a declaration would thwart the very purpose the advocates of such a proposition have in view—the establishment of a stable and independent government. It would arrest all development, breed innumerable dissensions, ferment discord within and invite assaults from without, and end in the absorption and division of the archipelago among the naval powers of the world and crush the last hope of independent government for the Filipino people.

Mr. BEVERIDGE. Will the Senator permit me to make a suggestion there?

Mr. BURROWS. Certainly.

Mr. BEVERIDGE. I simply wish to call the Senator's attention to the fact that Governor Taft testified before the committee when asked that very question that such a declaration would prevent that very thing.

Mr. BURROWS. I was about to allude to that.

Mr. BEVERIDGE. I beg the Senator's pardon.

Mr. BURROWS. I am very glad the Senator from Indiana called my attention to it, but before referring to that I wish to call attention to what the first Commission say upon this very question of the inexpediency of fixing a time when the United States will surrender its sovereignty over these islands:

It is, of course, a quite different proposal to relinquish sovereignty over the Philippine Islands as soon as the Filipinos are capable of governing themselves. So far as such a policy rests upon conceptions of American duty, convenience, or expediency, it does not fall to this Commission to consider it. But, from the point of view of the Philippines, it is proper and, indeed, imperative to observe that, in the opinion of the Commission, the consideration of that proposal must be qualified by two conditions: First, it is impossible, even approximately, to fix a time for the withdrawal of American sovereignty over the archipelago, as no one can foresee when the diverse peoples of the Philippine Islands may be molded together into a nationality capable of exercising all the functions of independent self-government. They are certainly incapable of such a work to-day; whether in one or more generations they can be trained to it only the future can disclose; and, second, if American sovereignty over the archipelago should ever be relinquished, if all American authority over the people should ever cease and determine, then the United States should renounce all obligations to foreign nations for the good conduct of the Filipinos. Undoubtedly the raising of the American flag in the Philippine Islands has entailed great responsibilities upon us; but to guarantee external protection while renouncing internal dominion is no way of escaping from them; on the contrary, while you pull down the flag you only pile up difficulties.

Let me now quote briefly from the testimony of Governor Taft before our committee, which the Senator from Massachusetts desired I should read, bearing upon the advisability of making a promise as to the future independence of the Philippine people.

Mr. HOAR. May I ask the Senator, before he proceeds to that point, if he will kindly answer the question, Where does the proposition which he is now attacking, of fixing a time, come from? I have not heard one as far as I know.

Mr. BURROWS. It has come repeatedly in the course of the debate from the opponents of this measure. In the course of the discussion it has been frequently asserted that it would be wise to declare when the people of the islands could expect the relinquishment of American sovereignty, and the fact that we have not done so has been the subject of severe animadversion.

Mr. HOAR. I dislike to put my recollection against that of the Senator. It has so happened, unless I am oblivious quite, that I never heard a statement to that effect.

Mr. BURROWS. My recollection is that I have heard it frequently.

Mr. HOAR. The proposition, as I understand it, and as far as I know from the beginning—I do not mean that I know personally about it, but I know generally—is that you were bound to say what the Senator from Maine [Mr. HALE] has said very frankly in his speech, with which I was much pleased, that if they were fit for a government of their own they were entitled to it on American principles. My contention has been that such a declaration would have removed the war and this whole business. Now, has anybody said that a time should be fixed?

Mr. BURROWS. I have heard it repeatedly.

Mr. HOAR. I never heard it in my life.

Mr. BURROWS. Mr. President, I shall detain the Senate but a few moments longer. Governor Taft in testifying upon this point confirmed what I say, that such a declaration at this time would be most unfortunate. I quote Governor Taft, as follows:

The condition of the people of the Philippine Islands to-day is such that the extension of the constitutional restrictions which apply in a State would very much interfere with the establishment of a stable and successful government.

A government ought to be established under American guidance which shall form a stable government, by which and under which the Filipinos shall gradually improve their knowledge of what is individual liberty and what is a constitutional government, and subsequently the time will come when the United States and the Filipino people together can agree upon what their relations shall be.

Whether a colony—I mean a quasi-independent colony, as Australia and Canada are to England—an independent state, or a State of the Union, is a question so far in the future, dependent upon the success of the operation of the stable government, that I have not myself reached a conclusion on the subject.

QUESTION OF STATEHOOD.

Senator CARMACK. You think, then, it is an open question whether the people of the Philippine Islands—islands populated with eight or ten million Asiatics—should be admitted to the full rights of American citizenship or whether or not an archipelago so populated should be admitted to statehood in the Union? You think it is an open question?

Governor TAFT. I think it is a question that I would not answer two or three generations before it will arise. I think the great evil to-day is the discussion of something that is utterly impossible of settlement to-day. The thing the Filipino people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is and training them to a knowledge of self-government, and when they have that, the question of what relations shall then exist between the islands and this country may be settled between them and the citizens of the United States.

But to attempt to decide in advance something that it is utterly impossible wisely to decide now, it seems to me, with deference to those who differ with me, very unreasonable.

Senator CARMACK. I was speaking of it from the standpoint of the people of the United States, as to whether you thought it was a question of possibility——

Governor TAFT. What the people of the United States may think, or what they ought to think, fifty or a hundred years from now I do not venture to say.

Senator PATTERSON. It is a century problem?

Governor TAFT. It is quite possible, as we say in our report, that it may take a generation, or two generations; but no matter how long it is, it is, in my judgment, the duty of the United States to continue a government there which shall teach those people individual liberty, which shall lift them to a point of civilization of which I believe they are capable, and which shall make them rise to call the name of the United States blessed.

I have thought over this subject a great deal; we have become intensely interested in the problem, and of course motives, the charge of which we can not avoid, are given to us in reaching such a conclusion; but if I ever was convinced of anything in my life it is that the problem which the United States there has is a great problem worthy of its solution, and which, when solved by establishing a stable government there under the guidance of American control, will redound to the honor and the benefit of this country, and I am proud to have to do with that work.

Senator CARMACK. You say the great trouble in all this matter has been that we are thinking about what may happen a generation or two generations from now. If the possession of the Philippine Islands by the United States involves the possibility of an archipelago 7,000 miles away, inhabited by people of an Asiatic race, becoming a State of the Union fifty or a hundred years from now, do you not think it is a question which deserves consideration now? Do you not think we ought to consider what may happen fifty years from now?

Governor TAFT. No, sir; and I will say why. Nothing that can to-day be said to the Filipino people in the nature of a promise as to the form of government which may take place after an established stable government shall be formed could be otherwise than misleading to them and confusing in establishing that government.

It would at once begin the agitation among those who desire that separation to have that separation, because, in their opinion, they are fitted for it at once. It would drive away from the support of the stable government that conservative element who are strongly in favor of American guidance and control, because they would anticipate an early change.

They would think they would early be left without the support which the presence of the American Government necessarily gives, and the promise of something in the future, instead of helping to establish, would render unstable any government which was attempted to be established.

* * * * * * * *

My proposition is that it is the duty of the United States to establish there a government suited to the present possibilities of the people, which shall gradually change, conferring more and more right upon the people to govern themselves, thus educating them in self-government, until their knowledge of government, their knowledge of individual liberty shall be such that further action may taken either by giving them statehood or by making them a quasi-independent government like Canada and Australia, or if they desire it, by independence.

My point, and the point I insist upon, if I may be pardoned for using that expression, is that the discussion to-day of independence, of statehood, of a colonial form of government, in the sense of a permanent relation of colony to mother country, is altogether aside from the questions which are now presented.

Those are, and those concern, the establishment of a firm and stable government in which the Filipino people shall learn self-government by exercising it partially.

* * * * * * * *

Senator MCCOMAS. What would happen to them if we withdrew in this fashion?

Governor TAFT. The personal hostility between leading Filipinos at times has been so great as to lead to bloody measures. How far they would be carried here I have no idea. That is conjectural.

I should like to say, if I may, although I had not expected to come to this part of the discussion now, that it is a very logical and reasonable proposition on its face to say, Will not the insurrection come to an end; will not there be general peace and tranquillity if you promise to give these people independence when they shall be fitted for it? That proposition, put in that way, seems to have a great deal of force.

Practically the effect of such a promise would be exactly the opposite from that which the argument presupposes. The promise to give them independence when they are fit for it would be accepted by them as a promise to give them independence certainly during the lifetime of the present generation. It would at once bring into a discussion of every issue the question whether now were not the people ready for independence. It would drive out capital; prevent capital from coming there; and upon the investment of capital, the building of railroads, the enlargement of vision of the Filipino people, much of our hope of progress must depend.

In addition to that, by reason of the constant agitation as to the granting of this independence in a year or two years or three years or a decade, it would at once discourage the sincere efforts of the educated Filipinos who are with us to-day in building up a stable government. For these reasons I think such a promise as that would be a great mistake.

Senator MCCOMAS. Could you, in deciding the question of leaving the sovereignty of the islands, determine now, from your several years' experience there, to which inhabitants you would leave it, with their rivalries and confusion of tongues?

Governor TAFT. Of course, if you left the islands to anybody you would leave them, I assume, to some sort of a committee or parliament, appointed or selected, who would be dominated probably by those whose violent methods have continued the guerrilla warfare; and that such a body could be created by proclamation within a reasonable time I have no doubt. But that it would not constitute a stable government; that it would give rise to anarchy and division between the tribes and between individuals of power and force, I have no doubt.

And so, Mr. President, we have the testimony of Governor Taft, that great jurist and administrator, fresh from the field of his labors in these islands, confirming the unwisdom of surrendering our sovereignty and abandoning these islands.

Mr. President, as I said in the beginning, so I repeat now, "we have come to the parting of the ways." The responsibility is upon us, and it can not be avoided or postponed. Upon the choice of this hour depends, I believe, the honor of the Republic and the future well-being of the Filipino people.

In my judgment the course proposed by the majority as outlined by their bill is the only safe and honorable way for this nation to take, committing the future to the enlightened judgment of those who are to come after us.

And let us trust that by pursuing this course with steadfastness and courage there will ultimately be realized the hope of the dead President, that "all the inhabitants of the Philippine Islands will come to look back with gratitude to the day when God gave victory to American arms at Manila, and set their land under the sovereignty and the protection of the people of the United States."

APPENDIX.

SYNOPSIS OF REPORTS OF GOVERNORS OF PROVINCES IN THE PHILIPPINE ISLANDS SUBMITTED TO THE CIVIL GOVERNOR OF THE PHILIPPINES, AS PRINTED IN THE HEARINGS BEFORE THE SENATE COMMITTEE ON THE PHILIPPINES BETWEEN JANUARY 1, 1902, AND THE PRESENT DATE, MAY 8, 1902.

ABRA PROVINCE.

On pages 429 to 433 and pages 212 and 461 to 470 of the hearings are found reports of W. H. C. Bowen, United States Army, governor of Abra Province, wherein he says:

There is a feeling of confidence and good-fellowship throughout the province. The people are hard-working, and peace and quiet reigns throughout all sections. They need and request industrial schools, especially men to teach the proper method of curing tobacco, which will be the wealth of the province. The people are contented, comparatively prosperous, and happy. The general conditions are good, and will remain so until some hot-head springs up, who, for personal reasons and private ends, may attempt to stir up strife. No people are perfect, but these people of Abra approach it as far as lies in their power.

It makes mention of one English teacher attempting to impart knowledge to 200 native children. After eight months of teaching two young men, owing to their efficiency in the English language, were appointed teachers of English, and at the end of the school year the superintendent expects to recommend at least four more for such positions.

ALBAY PROVINCE.

On pages 197 and 198 of the hearings is the report of Arlington U. Betts, provincial governor of Albay Province, wherein he says:

At present perfect peace prevails throughout the province. The constabulary have been and are doing excellent work, and their services have been highly commented upon by the military officers of this province. Both the military and civil officers are in perfect accord, there being no friction whatever.

I am informed by leading citizens that there never was a time in the history of the province when it was in so prosperous a condition as it is at present, and every man in the province who desires to work has plenty to do. The wages at present being paid are greater than they have ever been. The sale of hemp is bringing an enormous amount of money into the province, and the government has no difficulty in collecting its taxes, which give ample revenue to conduct the government on a very liberal basis. Public buildings, highways, and bridges are being put in repair and new ones erected.

Some idea of the enormous business being done can be had in the fact that in the town of Legaspi alone over $1,000,000 changes hands every thirty days. Schools have been established in all the pueblos, most of them having American instructors, and the progress they are making is exceptionally gratifying.

Governor Betts at the time of his appointment as governor was a captain in the Forty-seventh Infantry, United States Volunteers, which regiment has subsequently been mustered out of service, and he has continued to occupy the position. At the recent election he was elected to succeed himself as governor for the ensuing term, and his election has been confirmed by the Commission.

AMBOS CAMARINES PROVINCE.

On pages 474 to 484 of the hearings is found the report of Thomas Ross, governor of Ambos Camarines Province, in which he says:

Absolute peace prevails in all sections. It is certain that there is not an armed insurgent within the borders of this province, and the people are loyally supporting the government. It has for some time been evident to me, and the opinion has been strengthened by my recent tours of this province, that the people are for permanent peace and have full confidence in the civil government now in force in the archipelago. Very little is said in this locality as to the desire of the people as to the future form of government, the unanimous sentiment appearing to be to await the progress of events with full confidence in the honor and justice of the American Government and people, believing that the future will be properly provided for, and that their rights and interests will be properly guarded.

He adds:

A good start has been made in educational work; 32 American teachers have arrived, and all towns without teachers are persistently calling for them, and 20 more can be employed in this province advantageously.

Thomas Ross was appointed governor by the Philippine Commission, and was thereafter elected by the people to succeed himself for the ensuing term, and his election has been confirmed by the Philippine Commission.

ANTIQUE PROVINCE.

On pages 486 to 492 of the hearings is found a report of Capt. W. A. Holbrook, provincial governor of the province of Antique, wherein he says:

There are 114,000 to 125,000 people in the province. Since March 22, 1901, when General Fullon, with 34 officers and 255 enlisted men, surrendered, there has not been a single act of hostility against the Americans. These people were allowed to take the oath of allegiance and return to their respective homes. The inhabitants of this province greeted the Commission with triumphal arches when they came to organize civil government.

Courts of first instance and justice have been organized.

Some minerals are found in the province, and generally the people are successful and contented.

Leandro Fullon, the former General Fullon above referred to, has been elected to and accepted the position of provincial governor under United States authority, and his election has been confirmed by the Commission.

BATAAN PROVINCE.

On pages 497 and 498 of the hearings is found a report of J. H. Goldman, provincial governor of Bataan Province, who states that—

Local governments have been established in all the municipalities, and they are conducted in an active, judicious, and praiseworthy manner. There has not been a single abuse or breach of trust committed by any official since the establishment of civil government in the province.

The municipal funds are in a good condition. All the towns are accumulating money, much of which is being used in constructing schoolhouses and other improvements. English is being taught in all the towns of the province. Public schools are aided and encouraged by the people, and, with a single exception, the attendance is larger than the teachers can instruct with good results.

Governor Goldman closes by adding:

In my opinion, the province is free from any taint of insurrection and will always remain so.

BENGUET PROVINCE.

On page 361 of the hearings is a telegraphic report from Governor William F. Pack, of Benguet Province, dated Baguio, December 26, 1901, wherein he states:

Everything peaceful in this province. Just returned from tour over end province. Myself and Spanish secretary only white men in the party. No danger. This promising. Sentiment favorable to Americans.

BULACAN PROVINCE.

On page 191 of the hearings appears the report of José Serapio, governor of Bulacan Province, who says:

The province of Bulacan, under my charge, presents, politically considered, a sublime idea of its sincere gratitude and loyalty to the Government of the United States of America in the Philippine Archipelago. I am justified in this statement by that very revolutionary spirit shown by the province in past times, and the readiness with which the inhabitants recognized the laudable intentions of the Government of the great North American nation in regard to this country and the urgent need for becoming thoroughly penetrated with the transcendent importance of peace, being convinced that only under peace can the welfare and uplifting of the Philippines under American rule be effected.

He also says:

The province is enjoying unbroken peace, and its inhabitants, contented beyond measure with the establishment of civil rule in the Philippines, are doing all they can to strengthen that peace, thus showing their appreciation of the Government which now so wisely rules the destinies of this country.

Jose Serapio is a native Filipino, appointed provincial governor by the Philippine Commission.

MISCELLANEOUS.

As to the provinces of Rizal and Nueva Viscayas, no report from any officer appears in this record.

From the province of Tabayas the report of Governor Gardener has been considered elsewhere and a report from him called for as to statements made therein.

As to the provinces of Bohol, Cebu, Misámis, and Sorsogon, full reports are made, showing the disturbances which have occurred therein, with but little general information otherwise.

From the province of Batangas there is no report from the governor, the secretary submitting a general report only.

CAGAYAN PROVINCE.

On pages 361 and 362 of the hearings is a report of M. Gonzaga, governor of Cagayan Province, wherein he says:

Such is the general state of peace and tranquillity in the province, the inhabitants are busy with their usual occupations, which are mostly agricultural. A sincere proof of the affection and good will of the people toward the constituted government is their desire to learn English. In the municipalities which have American teachers the schools are assiduously visited by the children and grown-up people, not only of the pueblo, but of the neighboring pueblos which have no American teachers, and the latter are begging the superintendent of instruction to provide such teachers.

M. Gonzaga is a native Filipino, appointed governor by the Philippine Commission, subsequently reelected by the people for the ensuing term, and his election has been confirmed by the Philippine Commission.

CAPIZ PROVINCE.

On pages 210 and 211 and pages 1499 and 1512 of the hearings is found a report from S. Jugo Vidal, governor, and other officials of the province of Capiz, wherein he says:

So pronounced is the public spirit for the preservation of order and the maintenance of civil institutions that at the beginning of October last, shortly after the unhappy event at Balangiga, island of Samar, some bad patriots with perverse intentions spread a rumor that an outbreak was about to occur in this province, the result was that all the pueblos universally were vigilant in their desire to maintain peace and disposed to sacrifice themselves in the interest of order, as was reported by the presidentes of the pueblos in replying to recommendations made by this government.

Public instruction is giving very favorable results from the appointment of American teachers, and already the number of children who begin to speak English is quite large, and all of them are anxious to become acquainted with the modern American methods of instruction.

S. Jugo Vidal is a native Filipino and was appointed provincial governor by the Philippine Commission, and was subsequently elected to that position for the ensuing term by the vote of the people, and his election has been confirmed by the Commission.

CAVITE PROVINCE.

On page 199 of the hearings is found a report from Mariano Trias, provincial governor of the province of Cavite, who says:

I can assure you of the peace and order of my province, and that the civil authorities with the constabulary forces will be sufficient to maintain and preserve them.

From information gathered from a trip through the provinces organizing the municipalities, he adds:

I feel that I ought to entertain no doubt of the desire for peace by all the inhabitants.

Mariano Trias is a native Filipino; was appointed provincial governor of this province by the Philippine Commission; subsequently reelected to that position for the ensuing term by the people, and his election has been confirmed by the Philippine Commission.

Mariano Trias was a prominent Filipino, and at one time secretary of the treasury under the insurgent government. He was subsequently a general in active service in southern Luzon.

ILOCOS SUR PROVINCE.

On pages 193 and 194 of the hearings is found a report from M. Crisologe, provincial governor of Ilocos Sur Province, wherein he says:

Since the surrender of General Tinio with all his forces and of Father Aglipay with his men in May last this province has been completely pacified and all the pueblos enjoyed the tranquillity and personal security of normal times before the outbreak of the insurrection against Spain. As a consequence Americans and natives can visit all parts of the province with entire freedom and safety. The people are peacefully following their customary vocations to the extent that no one any longer remembers the war save through newspaper reports of engagements and skirmishes.

M. Crisologo is a native Filipino, appointed governor of this province by the Philippine Commission, subsequently elected to that position by the people, and his election has been confirmed by the Philippine Commission.

ILOCOS NORTE PROVINCE.

On pages 459 and 460 of the hearings is a report of Aguedo Agbayani, governor of Ilocos Norte Province, wherein he says:

The establishment of a provincial government in Ilocos Norte has caused a feeling of general satisfaction among the inhabitants, who have seen in it a favorable change in their political situation. Their conviction was furthermore confirmed by the organization of the municipalities of the province, to all of which the benefit of the new régime was extended.

Aguedo Agbayani is a native Filipino, and appointed governor of this province by the Philippine Commission.

PROVINCE OF ILOILO.

On pages 943 to 948 of the hearings is shown the report by Martin F. Delgato, governor, and other officers of Iloilo Province. The governor says:

The relations of this provincial government with the pueblos could not be more satisfactory than they are. Each of them in its own sphere is trying to do its duty.

It is true they have been compelled to suspend two presidentes (mayor), and he adds:

These are isolated cases and will serve as a caution to others, for this government is determined to enforce obedience to the law and either by admonitions or by punishments to wipe out forever from these pueblos every vestige of the past evil administration. There are schools in 51 pueblos, with an attendance of about 8,000 children. The kind welcome accorded the American teachers is demonstrated by the keen desire of the inhabitants to acquire and speak the English language, and it is desirable that there be stationed at least one teacher of English in each pueblo, so as to facilitate the diffusion of that language throughout the province.

Martin F. Delgato is a native Filipino, and was appointed governor by the Philippine Commission. He was subsequently reelected governor by the people to succeed himself for the ensuing term, and his election has been confirmed by the Philippine Commission.

ISABELA PROVINCE.

On pages 1512 to 1526 of the hearings is found a report of Capt. William H. Johnston, provincial governor of the province of Isabela, who says:

No bands of armed insurgents or ladrones have been reported within the province since the provincial government was organized. I have gone without escort from one end of the province to the other, and the provincial treasurer has made several journeys collecting taxes equally without escort. I consider that portion of the province settled by Christian tribes as perfectly tranquilized as any State of the Union. Financially the province is in a very satisfactory condition. Over $14,000 gold was collected as taxes, and they have met their obligations with a surplus.

In concluding his report, he says:

The people of this province seem to yield sincerely to American sovereignty and to have no regret over the fall of the dictatorship of the Tagalo tyrants. They boast that they took no part in the insurrection until the advent of some Tagalo officers from the Malolos government, who compelled the enrollment of home guards. They are proud to claim that no Filipino of this province ever fought in any other province, and that they surrendered bodily as soon as the presence of sufficient troops of the United States insured stable government.

LA UNION PROVINCE.

On pages 929 to 943, inclusive, are found reports of Joaquin Ortega, governor, and other officers of La Union Province, wherein the governor says:

There are 123,152 inhabitants. To demonstrate conclusively the existence in this province of uniform peace and tranquillity, he mentions two facts which alone furnish, as he says, incontestible and incontrovertible evidence of the truth. First, that since the month of February, 1900, not a single shot has been fired in combat within the jurisdiction of this province, nor has there been a report which would indicate in the vaguest way the existence of insurgents or enemies to the public order. On the 16th of August, 1901, when civil government first went into operation, 106 prisoners, then confined in the jails, were set free, and since that time, with a population as above stated, the average number of prisoners confined within the province has been but 22, and says: "Could more eloquent and irrefutable proofs be furnished than the two facts just cited, in particular the circumstances, that there are only 22 prisoners confined in the province, to demonstrate that peace and tranquillity shine forth in all their splendor in this Ilocano country."

All the municipalities have been organized and are in a prosperous condition. The provincial treasury shows a balance of $10,000 in gold at the end of the year, with all outstanding warrants paid. The value of the private property is estimated for taxation purposes at $7,770,481, and the value of municipal property in the province at $616,081. There are at present 118 municipal schools, with an attendance of 8,785 children of both sexes.

There are 14 American teachers, and the enthusiasm of the children in learning the English language is proved beyond question by the perseverance and steadiness they display while in attendance at school.

Joaquin Ortega is a native Filipino, and was appointed governor by the Philippine Commission. He was subsequently reelected governor by the people of the province to succeed himself for the ensuing term, and his election has been confirmed by the Philippine Commission.

PROVINCE OF LEYTE.

On pages 203 to 210 of the hearings is to be found the reports of Governor J. H. Grant and other officers of the province of Leyte, wherein the following is stated by those officers:

The peace conditions of this province are fairly satisfactory. There are some few marauders, but they will soon be disposed of. The people generally are anxious for civil government, and the officials elected in the various towns are developing, as a general rule, a very high degree of intelligence in the performance of their respective duties. That the great majority of the people are happy and contented with their present condition is evidenced by the renewed activity displayed in all branches of industry. Agricultural, commercial, and manufacturing industries are taking on new life throughout the province, while the people are rebuilding their towns and homes and are erecting in many instances substantial and comfortable buildings instead of nipa shacks. One of the most gratifying and encouraging indications as demonstrating their appreciation of our institutions is the intense interest manifested among the masses to acquire a knowledge of the English language. During the current year the municipalities of this province have expended about 10,000 pesos in the construction and equipment of schoolhouses. There are at present 36 American teachers on duty in the province, all of whom are doing excellent work. The treasury shows tax collections from January 1 to December 1, 1901, to have been $36,126.07 in gold.

MARINDUQUE PROVINCE.

On pages 1485 to 1495 of the hearings is found the report of Ricardo Paras, provincial governor of Marinduque Province, who says:

Every day our people better understand the importance of the mission which the liberal government of America has intrusted to them. They are afforded opportunities for observing clearly the purified justice and liberty which, linked together, palpitate in the text of every law, and have become convinced of the truth that under the present system of government only persons whose capacity and integrity render them the most worthy should fill official positions. Flattering results may be predicted for the future.

Speaking of educational matters, he says:

So many pupils presented themselves for enrollment that they were compelled to request additional teachers, and the results of the teaching in said schools under American methods are very flattering and promise at no distant date to help on materially the regeneration of the province.

It is impossible to praise sufficiently the zeal and interest displayed by the general superintendent of public instruction in developing his plans for the diffusion of the best possible kind of education in the Philippines.

Commerce is flourishing as never before.

Ricardo Paras is a native Filipino, and was appointed governor of this province by the Philippine Commission, was subsequently reelected by vote of the people, and his election has been confirmed by the Philippine Commission.

MASBATE PROVINCE.

On pages 257–258, 360, and 213 are found the reports of Bonifacio Serrano, provincial governor of Masbate Province, wherein he says:

Peace is so completely established in the province that there is not so much as a gang of robbers in the whole territory. The provincial government and the municipalities are doing their work with regularity, and the people are deeply thankful for the benefits derived from the civil régime. Agriculture and commerce are prosperous. The people have a strong desire to learn the English language and are calling for more teachers.

Bonifacio Serrano is a native Filipino, appointed governor of Masbate Province by the Philippine Commission, has been reelected for another term by the people, and his election has been confirmed by the Commission.

NUEVA ECIJA PROVINCE.

On pages 500 to 514 of the hearings can be found the report of J. F. Kreps, provincial governor, and other officials of Nueva Ecija Province, wherein the governor says:

The relations between the civil and military authorities have always been the most pleasant, and the province and its government owe great thanks to the latter for the encouragement and material aid received. Two of the pueblos were terrorized by robber bands, but they have been captured and the province is now quiet. It is worthy of note that the most prominent of the ladrone leaders were captured and brought in by the natives themselves. They have good crops. The interest of the people in local government is growing.

The provincial treasury is in a fair condition, showing a cash balance of $7,816 in gold at the end of the fiscal year.

Captain Kreps was at the time of his appointment an officer of the Twenty-second United States Infantry. His secretary was a Filipino named Epifanio de los Santos. The latter has recently been elected to succeed Captain Kreps as provincial governor, and his election has been ratified by the Commission.

OCCIDENTAL NEGROS PROVINCE.

On pages 435 to 441 is found a report of Leandro Locsin, civil governor of the province of Occidental Negros, who says:

Civil government was established nine months ago, and although this is a short period in which to appreciate the character of the political epoch, one sees already among the people the first signs of an era of contentment and love for a régime which has been so long desired which can not fail to lay for the future the stable foundations of a radical and deeply autonomous constitution.

There are 257,000 inhabitants in this province. Public instruction is receiving attention and enthusiasm by the people. The classes in English are well attended, and this province has sent more of its sons to the colleges and universities of the United States than any other province in the Visayas, thanks to the decided protection of the first military governor here, the always well-remembered General Smith.

Public order is now well assured.

Leandro Locsin is a native Filipino, and was appointed governor of this province by the Philippine Commission. He was elected by the people for the ensuing term, and his election has been confirmed by the Commission.

ORIENTAL NEGROS PROVINCE.

On pages 351 to 358 of the hearings is found a report from Demetrio Larena, provincial governor of the province of Oriental Negros, who says:

The disposition of the pueblos toward the new régime under American sovereignty is on the whole favorable.

He shows the province to have a cash balance in its treasury of $17,732 gold after paying all expenses of the year; that the 24 municipalities are all organized. There has been some difficulty in obtaining men of sufficient intelligence to properly administer the affairs of the municipalities, but that condition is improving.

Demetrio Larena is a native Filipino and was appointed governor of this province by the Philippine Commission.

PAMPANGA PROVINCE.

On page 191 of the hearings appears the report of C. Joven, governor of Pampanga Province, wherein he says:

This province is in the most peaceful condition. Many of the natives are highly educated, and since the introduction of United States public schools a great improvement is noticed among the lower classes. I believe that this province is in better condition than ever before, and under the present system of government will continue to improve, as affording an opportunity and inspiration to develop its resources.

C. Joven is a native Filipino, and was appointed governor by the Philippine Commission.

PANGASINAN PROVINCE.

On pages 484–486 of the hearings is found a report of P. Sison, governor of Pangasinan Province, wherein he says:

During the year 1901 the inhabitants of the province have enjoyed and are enjoying perfect peace.

Pueblos have all been organized and much improvement has been carried on with the greatest activity. The schools are well attended, assessments are collected with great regularity, their rice crop is plentiful, and municipalities are repairing and constructing new public buildings. He adds:

Under the present civil régime, the general conditions of the province are daily improving, as well as the private interests of the inhabitants.

P. Sison is a native Filipino, appointed governor by the Philippine Commission.

ROMBLON PROVINCE.

On page 360 of the printed proceedings of the hearings on the Philippine Islands appears a telegraphic report from Francisco Sanz, governor of Romblon Province, wherein he says:

The province enjoys perfect tranquillity and is going ahead on the road to progress and knowledge.

On pages 1496, 1497, and 1498 he further adds—

That there are 20 American teachers and 25 native teachers; that every pueblo has its own schoolhouse for both sexes; they are all in fine condition, and are sustained by their respective municipalities; in addition to full day schools, they hold evening schools three times a week for adults; that the capital of the province has introduced waterworks for general and municipal use, and suggests schools of a higher grade may be established there, and asks that they have cable communication with the outside world.

Francisco Sanz is a native Filipino, and was first appointed governor of this province by the Philippine Commission, and thereafter elected by a vote of the people and his election confirmed by order of the Philippine Commission.

SURIGAO PROVINCE.

On pages 1495 and 1496 and pages 493 to 498 of the hearings is found a report of Prudencio Garcia, provincial governor of Surigao Province, wherein he says:

Perfect tranquillity exists in the province. The inhabitants are very obedient toward the constituted authorities. All the pueblos have been organizing into municipalities, and have their courts. Gold mines are under exploitation. A large amount of hemp is being produced. There are 93,000 inhabitants who are contented and prosperous.

Prudencio Garcia is a native Filipino, and was appointed governor by the Philippine Commission.

TARLAC PROVINCE.

On page 193 of the hearings appears the report of Wallis O. Clark, governor of Tarlac Province, wherein he says:

There has been no interruption of the province since its organization under provincial-government act. On my recent visit through the province I heard expressions of the desire for peace, which were earnest and sincere. Crops are good, taxes are collected without difficulty, and the province's income exceeds its expenditures. Instruction in English is somewhat impeded by vacations required for planting and harvesting.

Governor Clark is a captain of the Twelfth Infantry, United States Army.

ZAMBALES PROVINCE.

On pages 470 to 474 of the hearings is found the report of Potenciano Lisaca, governor of Zambales, wherein he says:

The people highly appreciate the advantages of the new civil government established by the Philippine Commission—

And especially refers to the fact that—

they know that the pueblos govern themselves through the representatives whom they elect from among their own people. They see with the greatest satisfaction that the funds which they contribute, in the measure of their forces, toward the payment of the public expenses are never diverted from their legitimate object. They remark that, luckily for the province, the provincial officers are no longer what they used to be in former times—those who tyrannized the unfortunate inhabitants, disposing of their persons and of their property in an arbitrary and cruel manner, whereas the new officials work for the happiness and the welfare of the province, and faithfully perform the duties of their respective offices; that individual rights are now respected in the courts, and that justice is not bartered like merchandise and sold to the highest bidder.

Potenciano Lisaca is a native Filipino, appointed governor by the Philippine Commission, subsequently reelected by the people, and his election has been confirmed by the Philippine Commission.

Mr. MORGAN. Mr. President, if no other Senator is going to address the Senate on this bill this afternoon, I should like to take the floor on it and proceed in the morning.

Mr. BEVERIDGE. There are three or four little bills which have been waiting here on the Calendar which I should like to have considered, if the Senator has no objection.

Mr. MORGAN. I have no objection. I will take the floor on this bill, and then give way to Senators for other business.

Mr. WARREN. I ask the Senator to yield to me a moment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama [Mr. MORGAN]. Does he yield to the Senator from Wyoming?

Mr. MORGAN. Yes.

SHIP FOSCOLIA.

Mr. WARREN. I offer the concurrent resolution which I send to the desk, and I ask unanimous consent for its immediate consideration.

The concurrent resolution was read, and considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 173) "A bill for the relief of the owners of the British ship Foscolia and cargo," the same matter having been included in the omnibus claims bill (H. R. 8587) approved by the President May 27, 1902.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. MCMILLAN. I submit the report of the committee of conference on the river and harbor appropriation bill, which I ask may be printed in the RECORD and lie over until to-morrow.

The PRESIDING OFFICER. Does the Senator desire to have the report read?

Mr. MCMILLAN. I do not.

The PRESIDING OFFICER. In the absence of objection, the report of the committee of conference will be printed in the RECORD and will lie over until to-morrow.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 7, 8, 10, 14, 17, 18, 31, 36, 37, 38, 59, 60, 62, 70, 79, 80, 82, 92, 98, 101, 105, 116, 119, 120, 121, 128, 131, 147, 149, 150, 151, 154, 155, 157, 158, 160, 164, 166, 169, 176, 177, 178, 183, 184, 186, 188, 189, 190, 194, 195, 196, 198, 201, 202, 205, 206, and 207.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 9, 13, 20, 22, 23, 24, 25, 26, 27, 30, 32, 33, 34, 39, 40, 42, 43, 45, 47, 48, 49, 51, 52, 53, 54, 63, 64, 67, 68, 71, 72, 74, 76, 78, 81, 83, 84, 86, 88, 89, 91, 94, 95, 99, 100, 109, 111, 112, 113, 114, 115, 117, 118, 122, 123, 124, 132, 133, 134, 138, 139, 141, 142, 143, 144, 145, 146, 148, 152, 153, 156, 159, 161, 165, 167, 168, 170, 171, 172, 173, 174, 175, 179, 180, 182, 185, 191, 192, 193, 197, 203, and 204, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In the first line of said amendment, after the word "Harbor," insert the words "of refuge;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with amendments as follows:

First, strike out the word "sixty" and insert in lieu thereof the word "fifty."

Second, strike out the words "completing the present entrance to Point Judith Pond, Rhode Island, $15,000, and the amount hitherto appropriated and unexpended is hereby made available for this purpose" and insert in lieu thereof the following: "A board of engineers shall be appointed by the Secretary of War, who shall make an examination of the said harbors of refuge at Point Judith, Block Island, and Great Salt Pond, with a view to reporting upon the relative merits of each of said harbors, what further construction or improvement, if any, is advisable in each, and the cost of such improvement or construction as may be deemed advisable. Said board shall also make an examination of Vineyard and Nantucket sounds and the east shore of Cape Cod, with a view to reporting upon the relative merits of each of said proposed localities for harbors of refuge, and the said board shall also make an examination of Point Judith Pond, with a view to determining whether it is advisable to enlarge the entrance to said pond from the ocean, and if said enlargement is, upon examination, found to be desirable, an estimate of the cost thereof shall be made. The expense of said board shall be paid from the unexpended balance remaining to the credit of the entrance to Point Judith Pond."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out the words "New York" after the words stricken out and insert in lieu of the language stricken out "Canarsie Bay and Sag Harbor, New York, the last in accordance with the report submitted in House Document No. 77, Fifty-sixth Congress, first session;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out the word "nineteen" and insert the word "thirty-nine;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out the words "continuing improvement, two hundred" and insert in lieu thereof the words "in accordance with House Document No. 122, Fifty-sixth Congress, second session, with a view to obtaining a channel not less than 30 feet deep, ninety thousand;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out the word "heretofore" and insert in lieu thereof the word "herein;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving Biscayne Bay, Florida, with a view to obtaining a channel 18 feet deep from the wharves at Miami to the sea by way of the northerly line of the two lines north of Norris Cut, as described in the report submitted in House Document No. 662, Fifty-sixth Congress, first session, and a basin of same depth 1,600 feet long and 500 feet wide, adjacent to the wharves at Miami, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the project, not to exceed in the aggregate $250,000, exclusive of the amount herein appropriated: *Provided further*, That of the work herein contemplated the Florida East Coast Railway Company shall construct at its own expense the basin adjacent to the wharves at Miami, as herein described, and the portion of the channel from such basin to the east side of the basin proposed in the report herein mentioned, said channel to be not less than 85 nor more than 100 feet in width, as shall be determined by the Secretary of War, and said basin and channel when so constructed by the railway company shall be open to the free and unobstructed use of the public: *Provided further*, That the amounts herein appropriated and authorized shall be expended in constructing and protecting the portion of the channel extending to the sea from the terminus of the channel to be constructed by the railway company, of such approximately uniform depth and of such width as will best serve the interests of navigation and as can be constructed with the funds herein appropriated and authorized: *Provided further*, That before any part of the appropriation shall be expended the said railway company shall enter into a contract with the United States satisfactory to the Secretary of War for the performing of its part of the work, and for securing in its portion of the channel and in the said basin practicable depths at least as great as are secured in the portion of the channel to be built by the United States, and for maintaining for a period of three years after the said 18-foot channel to be constructed by the Government shall have been obtained an equal depth in the basin and the channel across the bay; and said contract shall also provide that all craft resorting to Biscayne Bay for commercial purposes may use the wharves and warehouses thereon now owned or controlled or hereafter built on Biscayne Bay by the Florida East Coast Railway Company, its successors or assigns, for reasonable rates of compensation, and that proper facilities shall be given to all persons or corporations for the shipment of freight to or from said wharves on the railway tracks of the said company in Miami for like reasonable rates and upon just and reasonable conditions, and in case of disagreement such compensation and conditions shall be determined by the Secretary of War."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the word "and," proposed to be inserted, insert the word "including;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out the words "sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the words inserted and insert in lieu thereof the following: "Improving Galveston channel in accordance with the report submitted in House Document No. 264, Fifty-sixth Congress, second session, $100,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $200,000 exclusive of the amount herein appropriated: *Provided further*, That the amount herein appropriated or authorized shall be expended in obtaining a channel from the outer end of the inner bar to Fifty-first street, 30 feet in depth and of such width in the respective portions thereof as shall best subserve the interests of commerce;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the words inserted and insert in lieu thereof the following: "*Provided further also*, That the said breakwater shall be commenced at the westerly end thereof and shall be extended eastwardly so far as the same can be completed with the money available, in one section or separate sections, as shall be most favorable for the prosecution of the work; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum of "$135,000," insert "$100,000;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with amendments as follows: Insert after each of the harbors designated, viz, Ahnapee, Port Washington, and Oconto, the word "Wisconsin;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the words inserted and insert in lieu thereof the following: "Improving Oakland Harbor, Cal., in accordance with the report submitted in House Document No. 282, Fifty-sixth Congress, second session, $100,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $150,000, exclusive of the amounts herein and heretofore appropriated;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: Strike out the words "two hundred and twenty-two

thousand dollars, exclusive of the amounts herein and heretofore appropriated," and insert in lieu thereof the words "one hundred thousand dollars, exclusive of the amount herein appropriated;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the words stricken out by the amendment insert the following: "and the right is obtained, free of charge, to deposit material dredged from said channel upon adjacent tide lands;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Reinsert the words in the House provision stricken out by the Senate and add thereto in place of the words inserted by the Senate the following: "Said board shall make its reports as above provided for to the next session of Congress;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out from the words inserted by the Senate the following: "Nothing herein shall be construed as permitting the taking or destruction of any structures or improvements in or near said river owned or used by private persons and corporations, public or private, without just compensation;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with amendments as follows: Strike out the words "is hereby authorized and directed to" and insert in lieu thereof the words "may in his discretion." Add at the end of the language inserted by the Senate the following: "And the Secretary of War shall appoint a board of engineers to examine and determine whether existing Government work in connection with the Upper Hudson improvement causes gorges and freshets between Albany and Coxsackie; to report what changes should be made, if any, provided such is the case, together with an estimate of the cost thereof;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the words "forty thousand dollars," and insert in lieu thereof the words "thirty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out the words inserted, and insert in lieu thereof the following: "Improving Anacostia River, District of Columbia, with a view to the interests of commerce and navigation, in accordance with such portions of the report submitted in House Document No. 87, Fifty-fifth Congress, third session, as relates to section 1 of said river, being the portion below the Navy-Yard Bridge, $150,000;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: Add to the words inserted the following: "*Provided*, That no part of said amount shall be expended for turning basins or areas mentioned in said report: *And provided further*, That not more than one-half of said appropriation shall be expended for the improvements above the city line of the city of Richmond;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty thousand dollars to be expended in obtaining a suitable navigable channel from Wilmington to Fayetteville" and insert in lieu thereof the following: $50,000 to be expended in obtaining suitable sites for the locks and dams designated in said report;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In the language proposed to be inserted omit the words "to be expended on Jekyl Creek and the Dividings;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "the whole or any part of which sum may, in the discretion of the Secretary of War, be expended in dredging a channel to the depth of 8½ feet into the mouth of the Escambia River;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with amendments as follows:

First. Strike out the words "twenty-five thousand dollars" and insert in lieu thereof the words "fifteen thousand dollars."

Second. Strike out the word "ten" and insert in lieu thereof the word "eight."

And the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: In lieu of the words "fifty thousand dollars" insert "twenty-five thousand dollars;" and in lieu of the words "two hundred and fifty thousand dollars, exclusive of the amounts herein appropriated," insert the words "one hundred and twenty-five thousand dollars, exclusive of the amounts herein and heretofore appropriated;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the words proposed insert the following: "In developing the proposed channel in divisions 1 and 2 to a uniform depth: *Provided further*, That not more than one-half of said amounts shall be expended upon division 2;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out the words inserted and insert in lieu thereof the following:: "Improving Trinity River, Texas, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, $125,000: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to prosecute the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $275,000, exclusive of the amount herein appropriated: *Provided further*, That $350,000 of the amounts herein appropriated and authorized shall be expended to construct locks and dams upon the river between the mouth and section 1, in those places where the most serious obstructions exist, and to procure and operate snag boats and clear the river with the purpose of permitting through navigation over the portion above described; and the sum of $50,000 of the amount herein appropriated shall be expended for the purpose of securing open-channel navigation in section 1 of said river, and a board of engineers shall be designated by the Secretary of War to examine section 1 of said river as described in said House document, and report upon the feasibility and advisability of expending the further sum of $250,000, with a view to securing not less than eight months' navigation annually upon the said section 1 to Dallas;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: At the end of the language proposed to be inserted substitute a comma in place of the period and add the following: "of which so much as may be necessary shall be used for the completion of Lock and Dam No. 1;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the word "That," being the first word in the paragraph, insert the word "And;" also omit the break indicating a new paragraph immediately preceding said word; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the words inserted insert the following: "Improving the Big Sandy River and Tug and Levisa forks of the same, West Virginia and Kentucky, the former in accordance with the river and harbor act of March 3, 1899, the latter in accordance with the report submitted in House Document No. 235, Fifty-sixth Congress, second session, $175,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute work upon the said projects, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein or heretofore appropriated. Of the said amounts appropriated and authorized so much thereof as may be necessary shall be expended for completing the two locks and dams upon the Big Sandy River; of the balance so much thereof as may be necessary shall be used in purchasing a site for a lock and dam and the construction of a lock on each of the said forks next above their junction, and any remaining sum may be expended in raising the crest of the lock and dam at or near Louisa in the Big Sandy River;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: At the end of the language proposed substitute a comma for the period and add: "so far as the same is in the interest of navigation;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: Strike out the words "For local" and insert in lieu thereof the words "Improving Ohio River, Pennsylvania: For;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the words "On pages 2608 and 2609 of the Report of the Chief of Engineers for the year ending June 30, 1901" insert "In House Document No. 336, Fifty-seventh Congress, first session;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "Flint," inserted by the amendment, strike out the words "Shiawassee and Bad rivers" and insert in lieu thereof the words "and Shiawassee Rivers and Bad River;" and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the words "the same," in the last line but one of the language proposed, insert "for so much of the same as is in the interest of navigation;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows:

First. Insert in the fourth line of the paragraph preceding said amendment, after the words "two millions," the words "two hundred thousand."

Second. Substitute for the words stricken out by amendment numbered 123 the following: "*And provided further*, That of the amounts hereby appropriated and authorized to be expended the Mississippi River Commission may expend, in its discretion, as approved by the Chief of Engineers, during a period of two years, in continuing improvements at New Orleans, La., Natchez and Vidalia, Mississippi and Louisiana; Memphis, Tenn., including Wolf River, and the rectification of the Red and Atchafalaya rivers, Louisiana, an amount aggregating $200,000; and in like manner, from said amounts hereby appropriated and authorized, during a period of four years, aggregate amounts for continuing improvements as follows: At Greenville, Miss., $50,000; at Helena, Ark., $20,000; at Caruthersville, Mo., $20,000; at New Madrid, Mo., $20,000."

And the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Substitute for the word "That" at the beginning of said amendment the word "And;" omit the break before it indicating a new paragraph, and substitute for the word "heretofore" in said amendment the word "herein;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Substitute for the words "one hundred and fifty thousand dollars" the words "one hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Strike out the words "two hundred and fifty" and insert the words "one hundred and seventy-five" and after the proposed amendment insert: "And the Secretary of War shall cause an examination to be made of said portion of said river with a view to ascertaining whether navigation can be obtained at a reasonable cost by dredging and the removal of obstacles; also at and near Hermann, West Glasgow, Wilhites Bend, Lexington, and St. Joseph, with a view to ascertaining what improvements in these localities, if any, are necessary for navigation; *Provided*, That this examination shall not be construed to prevent any improvements which might otherwise be made at the localities named in this provision;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: Strike out the words "above Lewiston," being the last two words in the paragraph, and insert in lieu thereof "between Lewiston and Pittsburg Landing;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with the following amendments:

First. Strike out the word "project" where first employed in said amendment and insert in lieu thereof the word "report."

Second. Substitute for the words "four hundred thousand" the words "one hundred thousand."

Third. Substitute for the word "excluding" the words "exclusive of."

Fourth. Add at the end of said amendment the following:

"*Provided*, That before entering upon the work herein contemplated an examination shall be made by a board of engineers with a view to modifying such project in such a way as to diminish the cost thereof, and if said proposed improvement can be so modified, then said work shall be prosecuted under such modified project; otherwise the same shall be prosecuted under the existing project as set forth in the report above referred to."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: Continuing improvement, $2,000."

And the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: After the word "necessary" insert "in the interest of navigation;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: Add at the end of the language proposed the following: "in the interest of navigation;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: Strike out the word "survey" and insert in lieu thereof the word "reexamination," and strike out the words "and shall submit an estimate therefor;" and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: Strike out the words inserted and insert in lieu thereof the following: "Waterway from Norfolk, Va., to Beaufort Inlet, North Carolina, with a view to the construction of a channel not less than 16 feet in depth, upon the most advantageous route between the points named: *Provided*, That the examination and survey shall be made by a board of engineer officers detailed by the Secretary of War, and any report made shall include the probable cost of any private waterway that it may be to the interest of the United States to acquire in connection with the proposed improvement: *Provided further*, That the total expense of the examination and of any survey which may be made shall not exceed the sum of $5,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: Strike out the word "Hiawassee" and insert in lieu thereof the word "Hiwassee:" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: Add to the language proposed the words "from its mouth to Logansport;" and the Senate agree to the same.

JAMES McMILLAN,
S. B. ELKINS,
JAMES H. BERRY,
Managers on the part of the Senate.

T. E. BURTON,
WALTER REEVES,
RUFUS E. LESTER,
Managers on the part of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia;" and

A bill (S. 4792) relative to the control of dogs in the District of Columbia.

The message also announced that the House had passed the bill (S. 2510) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.

The message further announced that the House had passed a bill (H. R. 12199) to regulate the immigration of aliens into the United States; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 712) granting an increase of pension to John Housiaux;

A bill (S. 1038) granting an increase of pension to Gustavus C. Pratt;

A bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan;

A bill (S. 1797) granting an increase of pension to Benjamin Russell;

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (S. 2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 2511) granting an increase of pension to William Phillips;

A bill (S. 2535) granting an increase of pension to Annie E. Joseph;

A bill (S. 2551) granting a pension to Amelia Engel;

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin;

A bill (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge;

A bill (S. 3551) granting an increase of pension to John P. Collier;

A bill (S. 3888) granting an increase of pension to Jesse H. Hubbard;

A bill (S. 3998) granting an increase of pension to Emma L. Kimble;

A bill (S. 4240) granting an increase of pension to Calvin N. Perkins;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 4638) granting a pension to Helena Sudsburg;

A bill (S. 4642) granting an increase of pension to Anne Dowery;

A bill (S. 4655) granting an increase of pension to Oliver K. Wyman;

A bill (S. 4706) granting an increase of pension to William Harrington;

A bill (S. 4712) granting an increase of pension to Eliphlet Noyes;

A bill (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp;

A bill (S. 4730) granting an increase of pension to George W. Youngs;

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard;

A bill (S. 4758) granting an increase of pension to Mary L. Doane;

A bill (S. 4759) granting an increase of pension to Martha Clark;

A bill (S. 4766) granting an increase of pension to James P. McClure;

A bill (S. 4790) granting an increase of pension to Stephen A. Seavey;

A bill (S. 4829) granting an increase of pension to Nimrod Headington;

A bill (S. 4853) granting an increase of pension to Amos Moulton;

A bill (S. 4862) granting an increase of pension to James Welch;

A bill (S. 4871) granting an increase of pension to Helen M. Worthen;

A bill (S. 4983) granting a pension to John W. Smoot;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson;

A bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin;

A bill (S. 5153) granting an increase of pension to Eri W. Pinkham;

A bill (S. 5202) granting an increase of pension to Jennie M. Wagner;

A bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson;

A bill (S. 5669) granting a pension to Charlotte M. Howe;

A bill (S. 5670) granting a pension to Samuel H. Chamberlin;

A bill (S. 5759) granting an increase of pension to Charles T. Crooker;

A bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46;

A bill (H. R. 1346) granting a pension to Adelbert L. Orr;

A bill (H. R. 2857) granting an increase of pension to Frances C. Haughton;

A bill (H. R. 6330) granting an increase of pension to William D. Tanner;

A bill (H. R. 6625) granting increase of pension to Mary S. Downing;

A bill (H. R. 7397) granting a pension to Louisa White;

A bill (H. R. 9606) granting a pension to Charles Blitz;

A bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo;*

A bill (H. R. 10782) granting a pension to Ole Steensland;

A bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation;

A bill (H. R. 12418) granting a pension to Matilda C. Clarke;

A bill (H. R. 13395) granting a pension to Arthur J. Bushnell;

A bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

A bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902;

A joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor; and

A joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester,

Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

PROTECTION OF GAME IN ALASKA.

Mr. KITTREDGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, which is as follows:

"*Provided further*, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

And agree to the same with an amendment as follows: At the end of said amendment add the following:

"*Provided further*, That such heads and hides as may have been taken before the passage of this act may be shipped out of Alaska at any time prior to the 1st day of July, A. D. 1902."

And the Senate agree to the same.

J. R. BURTON,
A. B. KITTREDGE,
PARIS GIBSON,
Managers on the part of the Senate.
FRANCIS W. CUSHMAN,
A. L. BRICK,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 12199) to regulate the immigration of aliens into the United States was read twice by its title, and referred to the Committee on Immigration.

LIFE-SAVING STATION ON MONOMOY ISLAND, MASSACHUSETTS.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair lays before the Senate a resolution from the House of Representatives, to which he calls the attention of the junior Senator from Massachusetts [Mr. LODGE]. The resolution will be read.

The Secretary read as follows:

Resolved, That the Clerk be directed to return to the Senate, in compliance with its request, the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts.

Mr. LODGE. I move that the vote by which the bill was passed be reconsidered, and that the bill be postponed indefinitely.

The motion was agreed to.

AMENDMENT OF DISTRICT CODE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia;" which was referred to the Committee on the District of Columbia.

CONTROL OF DOGS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4792) relative to the control of dogs in the District of Columbia; which was referred to the Committee on the District of Columbia.

SANTA CRUZ COUNTY (ARIZ.) BONDS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the board of supervisors of the county of Santa Cruz, Territory of Arizona, is hereby authorized to issue bonds on said county in the sum of $35,000 for the construction of a court-house and jail for said county and vaults for the preservation of its records.

SEC. 2. That said bonds may be in such denominations as the said board may prescribe and shall bear not more than 5 per cent interest per annum, and shall not be sold for less than their par value. Said bonds shall be made payable in thirty years, with an option on the part of the county to pay any or all of them after ten years from the date of their issue.

SEC. 3. That for the purpose of paying the interest on said bonds as it becomes due and provide for a sinking fund to pay said bonds the said board of supervisors shall levy and cause to be collected, as other county taxes are levied and collected, a sufficient tax on the assessable property in said county as will meet the interest as it falls due and provide a reasonable sinking fund to pay said bonds when due.

SEC. 4. That said bonds shall be printed with interest coupons attached thereto; each coupon shall represent one year's interest on the bond, and when the interest represented in a coupon is paid the coupon shall be detached from the bond and placed by the treasurer with his other vouchers before the board of supervisors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL LANDS IN JUNEAU, ALASKA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 4616) to grant title to the town of Juneau, Alaska, of land occupied for school purposes, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that certain real property now situated in the town of Juneau and district of Alaska, upon which the public-school building of the town of Juneau is now situated, and belonging to the United States of America, known as Government reservation No. 2, being all of block 23 except lots Nos. 5 and 6 in the town of Juneau, as the same appears of record on the official plat of the town-site trustee, be granted to the incorporated town of Juneau for school purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE SCHOOL INDEMNITY SELECTIONS.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 5505) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that all State school indemnity selections in lieu of what are known as school sections in abandoned military reservations made pursuant to the decision of the Secretary of the Interior dated January 28, 1898, and before notice of the withdrawal of that decision was received at the local land office at which the selections were made, and which are otherwise regular and free from any prior lawful claim, shall be confirmed by the Secretary of the Interior; and the lands in such school sections in lieu of which such confirmed selections were made shall be disposed of under the laws applicable to other lands in such abandoned military reservations, a preference right being accorded to those who have made and maintained a bona fide settlement or entry pursuant to said decision of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL-DISTRICT BONDS IN OKLAHOMA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 9334) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc.

The PRESIDING OFFICER. The bill will be read subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act of Congress approved July 30, 1886, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," is hereby amended so as to authorize the issuance of bonds by school districts in Oklahoma Territory having a bona fide population of not less than 5,000 persons for erecting necessary school buildings and purchasing the ground for the same. The limitations of said act of July 30, 1886, shall not apply to such school districts: *Provided*, That before any bonds shall be issued the mayor and common council of the municipal corporation composing in whole or in part such school district shall cause an election to be held in such district, and said mayor and common council shall cause to be published in a newspaper of general circulation, published in said district, a notice of the time and place or places of holding such election. Such notice shall be given at least thirty days before such election.

On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the school district. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall certify the result to the board of education, and said board shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such school district shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding 4 per cent, and the interest shall be paid semiannually, and none of said bonds shall be sold at less than their par value: *Provided further*, That no school district under this act shall issue bonds in excess of 6 per cent of the valuation according to the last preceding assessment of the school district issuing the same.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HOAR. I should like to reserve the right to object for a little while, if the Senator from Indiana [Mr. BEVERIDGE] will pardon me. I only wish to object until I know something about the bill.

It seems to me that it is a very unwise policy as to a whole Territory to provide that a school district having a bona fide population of not less than 5,000 shall issue bonds, making that an absolute condition precedent to the validity of the bond itself, without having some authentic and final and conclusive way of determining whether it has a population of 5,000. Everybody knows the wild estimates about the population of towns, especially in a newly settled territory. People are very apt to believe that the United States census underrates the population of their particular town, and so the census is frequently very disappointing to a great many.

It seems to me instead of making the possession of a certain population a condition of the validity of a bond, which may circulate and which may become a part of the resources or property of widows or orphans or trust funds, that there should be some other provision; for instance, that the governor of the Territory should certify that this school district had this bona fide population, and make that binding.

I wish the Senator would let the bill lie over, so that we may have an opportunity to examine it.

Mr. BEVERIDGE. I am very willing to let the bill lie over.

Mr. HOAR. I do not want to meddle with the Senator's bill, of course.

Mr. BEVERIDGE. The bill has had very careful consideration by the Committee on Territories. A subcommittee was appointed on the bill, consisting of the Senator from New Hampshire [Mr. BURNHAM] and others. Judge BURNHAM has made a very exhaustive report upon the bill. He is a lawyer of very great care and of great learning, and the technical portions of the bill I doubt not are perfect.

The policy involved is a very wise one. The bill relates to only three cities in Oklahoma; and the necessities of those cities with respect to the need of schoolhouses for the children are pressing. The facts are fully set forth in the report, which the Senator will probably find on his desk.

Mr. HOAR. This relates to conditions now existing?

Mr. BEVERIDGE. Yes.

Mr. HOAR. It has been held in the Departments and I think in the courts that the only authentic evidence of population is the census. The census, would, of course, relate to 1900, nearly two years ago; and I do not know whether since then there has been an increase or a decrease in population in these towns in Oklahoma.

I have no doubt that great care has been exercised by the committee; but I know I find in my committee once in a while that in some cases mistakes in phraseology occur, which immediately become obvious after suggestions have been made regarding the matter, but which escaped the attention of the committee and the subcommittee composed of able lawyers.

I think it is a very risky thing to make a bond without having some authority to settle the question of population, when the bond depends for its validity as to all customers and to all holders under all circumstances upon the fact of the amount of population.

Mr. BEVERIDGE. Mr. President, if the Senator desires the bill to lie over, of course I have no objection.

Mr. HOAR. I think that will be better.

Mr. KEAN. I think the bill had better go over.

Mr. BEVERIDGE. I do not think so, but I will let it go over. I wish to say that the proposition contained in the bill is not a novel one. It has been quite the usual thing in the past, and precisely the same provision has been adopted in three other instances in recent history.

Mr. HOAR. But if the policy is vicious, we ought to stop it.

Mr. BEVERIDGE. I will consent that the bill go over; but I have another short bill from the same committee, which I should like to have considered.

Mr. KEAN. I think it is getting pretty late to enter upon the consideration of further legislation to-night.

Mr. BEVERIDGE. Very well; I shall not ask for the consideration of the other bill at this time.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 29, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 28, 1902.

UNITED STATES ATTORNEY.

Melvin Grigsby, of South Dakota, to be United States attorney for the district of Alaska, to be assigned to division No. 2, in the place of Joseph K. Wood, resigned.

POSTMASTERS.

Thomas T. Dargie, to be postmaster at Oakland, in the county of Alameda and State of California, in place of William H. Friend. Incumbent's commission expires June 3, 1902.

Frank E. Cushing, to be postmaster at Red Bluff, in the county of Tehama and State of California, in place of Frank E. Cushing. Incumbent's commission expires May 28, 1902.

Giles P. Lecrenier, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut, in place of Giles P. Lecrenier. Incumbent's commission expires June 3, 1902.

James A. Simpson, to be postmaster at Kissimmee, in the county of Osceola and State of Florida, in place of James A. Simpson. Incumbent's commission expires June 13, 1902.

Christopher E. Head, to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia, in place of Christopher E. Head. Incumbent's commission expired May 24, 1902.

William Stickler, to be postmaster at Lexington, in the county of McLean and State of Illinois, in place of William Stickler. Incumbent's commission expires June 14, 1902.

David A. Courter, to be postmaster at Hinsdale, in the county of Du Page and State of Illinois, in place of David A. Courter. Incumbent's commission expired May 4, 1902.

Andrew E. Sheldon, to be postmaster at Paxton, in the county of Ford and State of Illinois, in place of Andrew E. Sheldon. Incumbent's commission expired January 10, 1902.

William Goodin, to be postmaster at Farmington, in the county of Van Buren and State of Iowa, in place of William F. Thero. Incumbent's commission expired May 5, 1902.

Thomas A. Hills, to be postmaster at Leominster, in the county of Worcester and State of Massachusetts, in place of Thomas A. Hills. Incumbent's commission expires June 3, 1902.

Joseph A. West, to be postmaster at Provincetown, in the county of Barnstable and State of Massachusetts, in place of Joseph A. West. Incumbent's commission expired May 24, 1902.

Clinton L. Kester, to be postmaster at Marcellus, in the county of Cass and State of Michigan, in place of Clinton L. Kester. Incumbent's commission expires June 3, 1902.

Edward L. Bates, to be postmaster at Pentwater, in the county of Oceana and State of Michigan, in place of Edward L. Bates. Incumbent's commission expires June 3, 1902.

Andrew Richmond, to be postmaster at Orleans, in the county of Harlan and State of Nebraska, in place of Andrew Richmond. Incumbent's commission expires June 2, 1902.

Robert S. Fulton, to be postmaster at Germantown, in the county of Montgomery and State of Ohio, in place of Robert S. Fulton. Incumbent's commission expired May 24, 1902.

Augustus J. Eminger, to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio, in place of Augustus J. Eminger. Incumbent's commission expired May 24, 1902.

Lewis O. Cooper, to be postmaster at Middleport, in the county of Meigs and State of Ohio, in place of Lewis O. Cooper. Incumbent's commission expires June 15, 1902.

Lynn G. Thomas, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania, in place of Charles E. Riggs. Incumbent's commission expired May 4, 1902.

George D. Shore, to be postmaster at Sumter, in the county of Sumter and State of South Carolina, in place of Emily E. Whittemore. Incumbent's commission expires June 3, 1902.

Harry L. Bras, to be postmaster at Mitchell, in the county of Davison and State of South Dakota, in place of Harry C. Clark. Incumbent's commission expires June 2, 1902.

Gale Armstrong, to be postmaster at Rogersville, in the county of Hawkins and State of Tennessee, in place of Gale Armstrong. Incumbent's commission expires June 10, 1902.

Gomer S. Williams, to be postmaster at Cisco, in the county of Eastland and State of Texas, in place of Gomer S. Williams. Incumbent's commission expires June 13, 1902.

George G. Clifford, to be postmaster at San Antonio, in the county of Bexar and State of Texas, in place of George G. Clifford. Incumbent's commission expired April 5, 1902.

John Beaty, to be postmaster at Waxahachie, in the county of Ellis and State of Texas, in place of John Beaty. Incumbent's commission expires June 13, 1902.

Alexander McCormick, to be postmaster at Berryville, in the county of Clarke and State of Virginia, in place of Alexander McCormick. Incumbent's commission expires June 14, 1902.

Allen I. Harless, to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia, in place of Allen I. Harless. Incumbent's commission expires June 13, 1902.

James H. Spencer, to be postmaster at Necedah, in the county of Juneau and State of Wisconsin, in place of James H. Spencer. Incumbent's commission expired May 10, 1902.

William H. Hilton, to be postmaster at Durant, in the Choctaw Nation, Indian Territory, in place of Amelia C. Butler, removed.

Olive L. Stauffer, to be postmaster at Gladbrook, in the county of Tama and State of Iowa, in place of Isaac Stauffer, deceased.

Pryce T. Jones, to be postmaster at Henderson, in the county of Vance and State of North Carolina, in place of Dollie W. Garrett, removed.

John E. Reynolds, to be postmaster at Redding, in the county of Shasta and State of California, in place of John E. Reynolds. Incumbent's commission expired May 16, 1902.

John M. Frew, to be postmaster at Soldiers Home, in the county of Los Angeles and State of California, in place of Francis I. Gardiner. Incumbent's commission expired January 10, 1902.

George Y. Downing, to be postmaster at Camp Point, in the county of Adams and State of Illinois, in place of Richard Seaton. Incumbent's commission expired January 10, 1902.

John A. Childs, to be postmaster at Evanston, in the county of Cook and State of Illinois, in place of John A. Childs. Incumbent's commission expired May 10, 1901.

Alonzo H. Williams, to be postmaster at Holton, in the county of Jackson and State of Kansas, in place of Moses M. Beck. Incumbent's commission expired May 19, 1902.

Frank E. Shoemaker, to be postmaster at Neodesha, in the county of Wilson and State of Kansas, in place of James K. Morgan. Incumbent's commission expires June 2, 1902.

Reuben K. Sawyer, to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts, in place of Reuben K. Sawyer. Incumbent's commission expired May 6, 1902.

John M. Hamilton, to be postmaster at Batavia, in the county of Genesee and State of New York, in place of John M. Hamilton. Incumbent's commission expired May 6, 1902.

W. L. Harris, to be postmaster at Charleston, in the county of Charleston and State of South Carolina, in place of George I. Cunningham. Incumbent's commission expires June 14, 1902.

Fred W. Miller, to be postmaster at Oakesdale, in the county of Whitman and State of Washington, in place of Ferdinand A. Davis. Incumbent's commission expired February 18, 1902.

Benjamin Webster, to be postmaster at Platteville, in the county of Grant and State of Wisconsin, in place of Benjamin Webster. Incumbent's commission expired May 4, 1902.

John Kellogg, to be postmaster at Reedsburg, in the county of Sauk and State of Wisconsin, in place of John Kellogg. Incumbent's commission expired May 4, 1902.

Thomas F. Addington, to be postmaster at Yukon, in the county of Canadian and Territory of Oklahoma, in place of Monroe C. Litteer, deceased.

Samuel G. Hanson, to be postmaster at Berea, in the county of Madison and State of Kentucky. Office became Presidential January 1, 1902.

WITHDRAWAL.

Executive nomination withdrawn May 28, 1902.

William E. Stouffer, to be postmaster at Breckenridge, in the State of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1902.

MARSHAL.

William M. Hanson, of Texas, to be United States marshal for the southern district of Texas, commencing July 1, 1902.

POSTMASTERS.

Edward W. Martin, to be postmaster at Hoboken, in the county of Hudson and State of New Jersey.

Abram W. Boss, to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey.

E. D. Turner, to be postmaster at Delamar, in the county of Lincoln and State of Nevada.

James Brizzolara, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas.

Elias H. Bird, to be postmaster at Plainfield, in the county of Union and State of New Jersey.

Charles Eichhorn, to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey.

William O. Armbruster, to be postmaster at Weehawken, in the county of Hudson and State of New Jersey.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 28, 1902.*

The House was called to order at 12 o'clock m. by the Hon. ALEXANDER MCDOWELL, Clerk of the House, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 28, 1902.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, as Speaker pro tempore for this day.

D. B. HENDERSON, *Speaker.*

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

HERMAN GAUSS.

Mr. JOY. Mr. Speaker, I present the following resolution (No. 261) from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 261, authorizing the Committee on Appropriations to provide in the general deficiency appropriation bill for the payment to Herman Gauss of $750 for services rendered to the Committee on Invalid Pensions, have had the same under consideration, and recommend the accompanying resolution in lieu thereof.

Mr. Gauss is the detailed clerk from the Pension Bureau, under the law, and has rendered extra and expert services to the Committee on Invalid Pensions. This payment is usually made in the general deficiency bill, and we therefore report the following resolution favorably:

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment of Herman Gauss $750 for services as acting assistant clerk to the Committee on Invalid Pensions.

The resolution was agreed to.

D. S. PORTER.

Mr. JOY, from the Committee on Accounts, also presented the following resolution, No. 262.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 262, have had the same under consideration, and recommend the adoption of the accompanying resolution in lieu thereof.

Mr. Porter is the detailed clerk from the Pension Bureau, under the law, and has rendered extra and expert services to the Committee on Pensions. This payment is usually made in the general deficiency bill, and we therefore report the following resolution favorably:

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment of D. S. Porter, $500, for services as acting assistant clerk to the Committee on Pensions.

The resolution was agreed to.

CLERK TO CONFERENCE MINORITY.

Mr. JOY, from the Committee on Accounts, submitted the following resolution, No. 260.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 260, authorizing the Committee on Appropriations to provide for a clerk to the conference minority at $2,000 per annum instead of a messenger at $1,200 per annum, have had the same under consideration, and recommend its adoption by the House.

A messenger was originally provided for service in the room of the minority members of the House, by resolution reported from this committee in the last Congress, and adopted by the House. Provision was afterwards, and is now made by law for the salary of this messenger, and the resolution herewith reported at the request of the minority members of the House provides for a change in law so that the minority will be provided with a clerk at $2,000 per annum instead of a messenger at $1,200 per annum.

Resolved, That the Committee on Appropriations be authorized to provide for a clerk to the conference minority at $2,000 per annum instead of a messenger at $1,200 per annum.

The resolution was agreed to.

LANDS IN SEQUOIA AND OTHER NATIONAL PARKS.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14511) to authorize the relinquishment to the United States of patent, land, and claim.

The Clerk read the bill, as follows:

Be it enacted, etc., That in cases in which a tract of land covered by an unperfected bona fide claim or by a patent is included within the limits of the Sequoia National Park, set aside by act of Congress approved September 25, 1890, and the Yosemite and General Grant National parks, set aside by act of Congress approved October 1, 1890, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of said parks, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in the forest reservations created under section 24 of the act of Congress approved March 3, 1891.

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I want some explanation of this bill.

Mr. NEEDHAM. Mr. Speaker, this bill is unanimously reported from the Committee on Public Lands. It was prepared by the Secretary of the Interior in accordance with his last annual report, pages 154 and 155. It provides that the owners of patented lands in the national parks in California may relinquish their lands to the Government and go upon the public domain and take in lieu thereof other land open to settlement. It creates no expense to the Government and has been recommended repeatedly by different Secretaries of the Interior and by superintendents of these parks, and was prepared by the Interior Department and unanimously reported from our committee.

Mr. SHAFROTH. Is it necessary in order that the national parks shall be properly carried on that private owners should be out of them?

Mr. NEEDHAM. That is the object of the bill, for the better administration of the parks.

Mr. RICHARDSON of Tennessee. How much is involved in it?

Mr. NEEDHAM. Something like 55,000 acres are held in private ownership in these parks.

Mr. SHAFROTH. But the whole of those 55,000 acres will not be exchanged; only a portion.

Mr. NEEDHAM. This is simply a privilege extended to these owners; there is nothing compulsory in it; it is simply a privilege of which they may avail themselves if they desire to do so.

Mr. LACEY. The limitation is precisely the same as in the case of forest reserves.

Mr. NEEDHAM. Exactly; this simply extends the law, so far as relinquishments are concerned, to the national parks.

Mr. MADDOX. Have the owners already cut the timber off the land?

Mr. NEEDHAM. No, sir; not to any great extent.

Mr. LACEY. Very little of the timber has been cut in these national parks.

Mr. MADDOX. Have not the parties who own this land cut the timber off?

Mr. LACEY. I think that very few of them have done so, for the reason that the lands are so inaccessible. They are away up in the heart of the Sierra Nevada Mountains.

Mr. SHAFROTH. Let me state that the same provision exists now under the general law as to forest reserves; and we have a great number of forest reserves, including many millions of acres.

The national parks ought to be, and in fact are, on a better basis than the reserves; yet by reason of the fact that the law with relation to forest reserves has not been extended to the national parks we have private ownership now in the national parks, which should not exist there.

Mr. MADDOX. Let me state my reason for asking the question. I saw a report here the other day from the Secretary of the Interior in regard to one of these parks. It stated that some parties had gone into some of these parks and cut all of the timber off; and now they want to exchange that land with the Government and go out and locate on other timber lands in order to get the timber from those also. I simply wanted to know whether that was the fact in this instance.

Mr. NEEDHAM. I do not think that condition of things is as prevalent in the parks as in the forest reserves.

Mr. SHAFROTH. A number of applications have been made for land in forest reserves for purposes of that character. But I am opposed to any such policy. It is wrong for the Government to exchange in this way good land for bad.

Mr. FINLEY. Is it not a fact that the holdings by private parties in this national park are comparatively small and are isolated, and that the parties wish to get out of the park and to take lands on the public domain elsewhere, the result of which will be beneficial not only to the Government from having its national park as a unit, but also beneficial to these private parties? The arrangement will be mutually beneficial.

Mr. NEEDHAM. That is approximately the situation. This legislation is recommended by the Secretary of the Interior.

Mr. FINLEY. The results of such a policy, I understand, will be beneficial both to the Government and to the private parties.

Mr. CANNON. How much land is held in these parks by private individuals?

Mr. NEEDHAM. About 55,000 acres.

Mr. CANNON. I believe there are two small parks, which are close together.

Mr. NEEDHAM. Yes, sir. This applies to the three national parks in the State of California.

Mr. CANNON. Does it provide for the purchase, or for the issue of lieu scrip?

Mr. NEEDHAM. Neither. It simply provides that these parties shall relinquish their claims to the Government and go upon the public domain and take other lands which are open to settlement. This is the same legislation which was before the gentleman's committee in connection with a proposed appropriation, and the committee advised this course.

Mr. LACEY. This bill embraces the same limitation which was put in the appropriation bill. It applies to nonmineral, surveyed land, open to settlement.

Mr. CANNON. Then lieu scrip can not be issued.

Mr. LACEY. No scrip is to be issued. An exchange is to be made. The owners of land in the forest reserves or in this park will convey their land with an abstract of title to the Government and then locate on surveyed, nonmineral public lands, open to settlement elsewhere.

Mr. McRAE. Just as in the case of a forest reserve.

Mr. LACEY. Precisely the same as a forest reserve.

Mr. RICHARDSON of Tennessee. Who superintends that exchange?

Mr. LACEY. The exchange is effected through the Land Office.

Mr. GAINES of Tennessee. Why do they want to make the exchange?

Mr. LACEY. I will state that these parties inside who have located lands find themselves now, by virtue of the fact that the land has been placed in perpetual reservation, in such a position so that there can be no new neighbors, schoolhouses, churches, or other conveniences. In other words, settlement has been stopped, and they want to get out alongside of people where the land is open to settlement.

Mr. McRAE. I suggest to the gentleman from Iowa [Mr. LACEY] that the purpose of the Government is to get control of the park.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. Without objection, the title will be amended.

There was no objection.

SALMON CULTURE IN ALASKA.

Mr. SULZER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9976) to encourage salmon culture in Alaska and for the protection of persons engaged in the production thereof, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That any person or persons who heretofore or hereafter may establish and maintain a hatchery for the artificial production of salmon in the district of Alaska shall be entitled to the exclusive right of all fish that such hatchery may produce in excess of the normal product of such stream for a distance of 1 mile in all directions in tide water from the mouth of the stream upon which such hatchery may be located.

SEC. 2. That when the average normal product of any stream on which a hatchery may be maintained shall have been taken within 1 mile of the mouth of said stream in any one year by any party or parties, then the remaining fish produced by said hatchery shall be the property of the owner or owners of said hatchery for a distance of 1 mile in all directions in tide water from the mouth of said hatchery stream, and for a further distance of 4 miles in all directions in tide water it shall be unlawful for any party or parties to take fish of the kind propagated by the hatchery for whose protection this law is enacted.

SEC. 3. That in case other streams producing salmon of the same kind as those produced by the hatchery so protected shall intervene within a distance of 5 miles, then the normal product of such intervening stream shall be included in and added to the normal product of such hatchery stream, subject to the same conditions as are provided in section 2 of this act.

SEC. 4. That the provisions and immunities of this act shall apply to barren streams and lakes that shall have been stocked with fish from artificial hatcheries.

SEC. 5. That in case two or more persons shall maintain hatcheries on the same stream or stock barren lakes or streams, such persons shall be entitled to their proportionate number of adult fish so produced, and each party shall file a sworn statement of his or their output of young fry with the nearest United States commissioner each year.

SEC. 6. That native Indians may at all times take sufficient fish for food or for drying for winter use as food for themselves or families, and fishing with the rod shall be open and free for all persons.

SEC. 7. That the Secretary of the Treasury is hereby authorized to grant leases in accordance with the foregoing sections of this act, for a period not to exceed twenty years from the time the product of their hatcheries shall return, to all persons producing satisfactory proof of having maintained hatcheries on any of the streams of Alaska not producing, in a normal state, more than 10,000 salmon of the kind propagated by said hatchery; such lease subject to renewal at the discretion of the Secretary of the Treasury: *Provided*, That before any such lease shall be granted the party or parties making application therefor shall accompany such application with proof sufficient to establish the normal product of such stream; and no person shall be entitled to more than one hatchery lease or the privilege of stocking more than three barren lakes or streams and being protected in the product thereof. Corporations owning and operating canneries shall be entitled to one hatchery franchise for each cannery so operated, and no more. All hatcheries that may have been started and maintained on streams producing more than 10,000 salmon of the kind propagated prior to the passage of this act shall be entitled to all immunities of hatcheries established on streams producing not more than 10,000, as provided in this section.

SEC. 8. That all rights and privileges granted by this bill are subject to the supervision and regulation and repeal by Congress.

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. Mr. Speaker, this is too important a bill to be considered otherwise than in the Committee of the Whole.

Mr. SULZER. I trust the gentleman will not object.

Mr. CANNON. Well, I will hear the gentleman.

Mr. SULZER. Will the gentleman withdraw his objection for just a few moments?

Mr. CANNON. No; I will not. I will withhold it for a moment.

Mr. SULZER. Very well. I would like to say to the gentleman from Illinois [Mr. CANNON] that this bill has been very carefully prepared. It was carefully considered by the Committee on Territories and was unanimously reported from that committee. The report is elaborate, instructive, and conclusive to every member that will read it. The committee had before it representatives from Alaska, the representative of the Treasury Department, the representative of the United States Fish Commission, and they all unanimously recommended the passage of this bill. It is a good bill of great merit and should pass immediately in order to prevent the extermination of the salmon of Alaska. Unless something is done to prevent the extermination of the salmon there, these valuable fish and that great industry will be utterly destroyed within the next twenty-five or thirty years. It is very important that this bill should speedily become a law.

Every man who has looked into this matter favors this bill. It leaves the whole matter in the control of the Secretary of the Treasury and in the control of Congress. It grants no special rights, no special privileges; it simply gives to persons who, at their expense, established hatcheries in Alaska for the artificial propagation of salmon the right to catch a portion of those fish when they come back to spawn after the expiration of nine, ten, or eleven years. That is only right and fair and just. It is not alone in the interests of the men who establish these hatcheries and propagate the salmon, but it is in the interests of the people of this country, of the people of all the world who use canned salmon as a staple diet. If the gentleman now objects to this bill, it can not pass this session, and the consequence will be that the people in Alaska who are now ready to establish these hatcheries at their own expense will abandon the enterprise.

The purpose of this bill is to maintain and increase the normal product of salmon in Alaska. The destruction of the salmon fishery on the Atlantic coast demonstrates beyond any question

that some steps are necessary to be taken to protect and preserve this great and valuable source of food supply on the Pacific coast or it will ultimately meet the same fate.

The provisions of the bill will give the necessary protection and encouragement to private citizens to invest their capital and labor in the work of propagating young salmon, which are absolutely needed to replenish and increase the natural supply which is now being steadily exhausted, and which unless some such action is taken by the Government will be finally exterminated. This law will not only keep up the present supply, but will enormously increase the normal supply.

The proposed law simply gives to parties a legal right to property they create from the wastes of nature at their own cost and without taking anything of value from the public domain. If they produced ten where nature produced but one, they surely should have the right to the increase. They also enrich the waters outside the protected zone by thousands of fish that will be public property.

No title in fee simple is asked, merely a lease that need not be renewed unless its continuation should seem just and proper.

The bill also provides that these leases shall be subject to repeal by Congress at any time in case the public interests may demand.

No person or corporation will have a monopoly of any stream. All have equal rights, as provided in section 5. And no individual can have more than one franchise, or corporation more than one for each cannery actually operated. The rights of Indians are more than protected, as they have free access for food purposes to the artificial product, and in common with others to the normal product. Fishing with hook and line is free to all.

Limiting hatchery franchises to small producing streams will prevent clashing of interests, as streams producing 10,000 or less of the valuable redfish are considered of small value and are seldom fished by more than one party, while the large producers, running as high as two and a half millions, are fished by several persons and corporations. Those who have already maintained hatcheries on streams producing large numbers should be protected, in all fairness.

There are thousands of streams and lakes that are barren because of falls near tide water which no fish can pass on the upward passage. By stocking these streams with young fry you reclaim a desert; yet this can be accomplished, and the commercial results of which would be enormous; to accomplish this, however, entails a considerable expense.

No policy will advance the settlement of Alaska more or as much as that provided for in this bill. Every industrious fisherman can, and many will, embark in salmon culture, and in connection with his hatchery will develop what there may be of agricultural resources that will never be utilized except in connection with some auxiliary industry. Nearly all the lands suitable for agricultural purposes are situated at the mouths of streams.

The 1 mile reserved to the propagator in many cases would not be sufficient protection, but a further reserve of 4 miles, as set forth in section 2 of the bill, from which all parties are excluded from taking fish of the kind propagated, will leave those which might be in transit free to pass on to their native streams unhindered, and if they are the product of the protected hatcheries they will go there also unhindered.

Fishing for all kinds of salmon, of a different species from those propagated, as well as other species of fish, is free and open to all.

Col. H. M. Kutchin, special agent of the Treasury Department for the Alaska salmon fisheries, says regarding this measure:

> This bill, which we are here to discuss, is fair and equitable. I think that any man who is disposed to put in his time and money and effort, as Mr. Callbreath and others have, should be protected, and I think this bill does it fairly and well, and that it does not encroach upon the rights of anybody. It does not give anybody the exclusive rights of streams. There will probably be contentions, where there are two men on a stream, as to how many fish each produced and how many of the returning fish are his, but that can not well be cared for in this particular bill. I think it is a good bill. So far as the preservation of fisheries is concerned, I think there should be a vital revision of law. There should probably be limitations as to the duration of the fishing seasons and the size of the pack.

Now, gentlemen, I trust there will be no objection to this bill now passing by unanimous consent.

Mr. LACEY. Mr. Speaker, I would like to state that I concur with my friend from New York [Mr. SULZER] in urging the importance of early action upon this bill, so that the legislation could go to Alaska with the opening of the shipping season, to enable the men who are planting fish there to reap the benefit of that which they plant. Some men have established hatcheries, and this gives them the opportunity to reap the fruits of the hatcheries and it will encourage the establishment of more.

Mr. SULZER. That is all it does, and it is right.

Mr. LACEY. I think it is a very urgent bill, and I hope my friend from Illinois will not object.

Mr. SULZER. It leaves the whole matter, I will state again, in the discretion of the Secretary of the Treasury. It does not take one dollar from the public Treasury, and it leaves the whole matter of granting these leases for a period not exceeding twenty years to the Secretary of the Treasury; and it also leaves the matter in the power of Congress, so that Congress can amend or repeal this legislation and regulate these hatcheries in any way it sees fit. Now, just one word more. We know to-day that in almost every State in the Union the State government has at its own expense established fish hatcheries for the purpose of keeping alive the supply of game fish by artificial propagation. This is something more far reaching than that, because these men in Alaska, who have studied this question for years, who are acquainted with the habits of the salmon, and who know all about these fish, know that the young salmon go out to the ocean from the place where they are born, and after nine, or ten, or eleven years come back to spawn to the very place where they were born. And then they die. These men know that, and they are willing to invest their own money, their own time, and their own labor in this enterprise, and all that they ask is to get a lease from the Government and have the Government in some way protect them in their rights. There should be no objection to this bill, and I hope there will not be.

Mr. CUSHMAN. Mr. Speaker——

Mr. SULZER. I yield to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. Mr. Speaker, being a member of the Committee on Territories, the committee which considered and reported this bill to the House, and also living on the coast of the State of Washington, so near to Alaska, the region affected by this proposed legislation, I feel it to be my duty to say a few words in support of this bill called up by the gentleman from New York [Mr. SULZER].

The sole object of the bill now before us for consideration is the encouragement of the artificial culture or propagation of salmon in Alaska. The remarks of some gentlemen on this floor give the impression that they fear that the provisions of this bill would in some way give to some persons or concerns a partial or total monopoly of the salmon industry in Alaska. First, let me say, if such a condition were to be created under this bill, no one would oppose it more earnestly than I.

To thoroughly understand the provisions of this bill and their practical operation, if enacted into law, it is necessary to know something of the nature and habits of the Alaska salmon. The mature salmon (a fish nine or ten years old) seeks some stream flowing into salt water, and at some suitable place in this stream spawns and dies. The Alaska salmon spawns but once and then dies. The spawn are deposited in the small stream. Here the young salmon live for eight or ten months. They then disappear from the stream; they go out to sea and remain from seven to ten years, or until they have attained their full growth. They then return—and this is the peculiar and rather marvelous chapter of fish history—they then return to the same identical stream in which they were spawned, and there in turn they deposit their spawn and die.

This rather peculiar trait of fish life has been doubted by many and denied by some. But any expert in the culture and production of young salmon will explain to you that this fact has many times been proven. They prove it in this way: At a salmon hatchery located on one stream the superintendent, before turning loose an immense school of young salmon, will mark several hundreds of the young fish by some peculiar mark. Another hatchery, located perhaps within a few miles of the first one, will also mark several hundred fish of its production by some different mark.

This practice is repeated each year as the young fish are liberated. From seven to ten years afterwards these fish, having attained their growth, return, and the fish marked with the mark of one hatchery return invariably to the stream on which they were produced, while the salmon bearing the mark of the other hatchery return to the other stream. The two streams may be very near to each other, but in the hundreds of fish so marked it is an almost unheard of incident that a fish which was marked in one stream will ever be found in the other stream. They travel in great schools, and by some instinct return in their age to the stream where they were born.

Now, the bill before this House provides that any person or persons who have established or may establish and maintain a fish hatchery in Alaska for the artificial production of salmon shall have certain rights not possessed by other people in relation to the salmon thus produced. It is very clear to me that a man who invests his time, skill, and money in the production of any useful article is entitled to greater rights in the article thus produced than the man who contributed nothing to the transaction.

Now, what are the extra rights conferred by this bill upon the man who puts his money into a fish hatchery on any stream in

Alaska? Is he given all the fish in that one stream? No. He is, however, entitled to all the fish that that one stream may produce in excess of the normal product of that stream. In other words, this law gives him a title to what his own industry and enterprise has created.

Now, how does this law give the owner of the fish hatchery an opportunity to secure ten years from now the fish which are hatched this year at his hatchery? And this is the point in the story at which it becomes important to know the habits of the salmon in order to understand the provisions of this bill.

This bill gives the man who maintains the hatchery the exclusive right within a 1-mile circuit of the mouth of the stream on which his hatchery is located, and within this 1-mile circuit he is entitled to all the fish in excess of the normal product of the stream.

After the fish have become grown and are returning to their native spawning grounds this exclusive right around the mouth of the stream enables the owner of the hatchery to secure the mature fish which his own hatchery sent forth years before. The elements of "monopoly" do not enter into that transaction in any unfair sense any more than the exclusive monopoly of spending a dollar properly appertains to the man who earns the dollar.

Now, this bill is safeguarded in a number of particulars, chief among which is that the discretion for the giving of these grants or leases is vested in the Secretary of the Treasury. This discretionary power vested in him, together with the various limitations contained in the bill, are, in my humble judgment, sufficient safeguards against the possibility of the creation of any fish monopoly.

Now, a word or two in conclusion regarding the necessity of encouraging the artificial propagation of salmon in this region. If something is not done to encourage the artificial production of salmon on the Pacific coast, and particularly in Alaska, that fish will soon be exterminated. They are caught in that region by means of immense nets stretched across some well-known channel where the fish run. These are called "traps;" and in these traps they are caught, not by hundreds or by thousands, but by hundreds of thousands.

I have seen 80,000 salmon—not 80,000 pounds, but 80,000 fish—taken out of single trap in a single day. The fish weigh anywhere from 4 to 10 pounds and even higher. Now, when you consider that that is only the catch of a single trap in a single day, and that there are hundreds of traps operating throughout the long fishing season, you can begin to form some estimate of the immensity of this industry and also of the terrific slaughter of the fish.

And, as I said before, unless something is done to keep up the supply this fish, the most valuable of all the food fishes, will become a historic memory.

There are some people who insist that the proper way to regulate this matter is to stop the wholesale taking of these fish and prevent their destruction faster than they will naturally replenish. That seems to me a foolish and indefensible idea, to stop a profitable branch of human industry which is producing a food staple for the human family, when by a little artificial aid the industry may be allowed to go on and the supply may be kept up.

I wish to insert in the RECORD, as a portion of my remarks on this subject, a table of statistics which I clipped from the Mining Journal of Ketcikan, Alaska, of the date of May 3, 1902. This table shows the amount and the value of the salmon canned by the Alaska canneries in the year 1901, and also shows the number of institutions engaged in this branch of industry.

ALASKA'S SALMON FISHERIES.

The Mining Journal is in receipt of the report of Howard M. Kutchin, special agent, on the salmon fisheries of Alaska for 1901, which is more than usually replete with interesting and valuable information. It shows that the industry last year was in the hands of 30 companies and individual packers, operating 5[illegible] canneries and 12 salteries, not including several small concerns from which no reports were secured. The aggregate capitalization of the whole number is put down at $22,313,200, and the valuation of the plants is placed at $4,915,250.

The Alaska Packers' Association operated 20 of its 22 plants, and made a pack of 958,641 cases of canned and 2,883 barrels of salted salmon, of the aggregate market value of $3,272,940. The Pacific Packing and Navigation Company turned out a product of 656,861 cases and 208 barrels, with gross earnings of $2,174,628. The product of the independent concerns ranged from 46,700 cases, worth $163,450, down to a few barrels of salted salmon worth a few hundred dollars only. The entire market value of the season's output is stated at $6,926,167, the valuation in most instances being that given by the packers themselves, and where not so given calculated on a basis of $3.50 per case and $10 per barrel.

The license taxes payable to the Government on the entire product thus reported was $87,622.95, of which sum the Alaska Packers' Association was chargeable with $38,624.31, and the Pacific Packing and Navagation Company with $31,206.60.

The shipping employed in carrying on the business consisted of 110 steamers, 55 sailing vessels, and 1,777 lighters and small boats. The aggregate amount paid in wages was $2,320,645, and the total number of hands employed is put down at 11,696, of whom 4,584 were whites, 4,664 Chinamen, and 2,388 natives.

The following table, taken from Mr. Kutchin's report, shows the output in detail of the several canneries and salting establishments last year:

Report of salmon canneries in Alaska for the year 1901.

Name of cannery.	Owned by—	Location.	Cases.	Value.
Bristol Bay Canning Co.	Alaska Packers' Association.	Nushagak River.	.....	.....
Alaska Packing Co	do	do	180,080	$630,916
Arctic Packing Co	do	do	.....	.....
Do	do	Naknek River.	75,430	264,320
Guardian Cannery	do	do	.....	.....
Ugashuk Fishing Station.	do	Ugashuk River	40,864	110,029
Bering Sea Cannery	do	do	107,845	377,728
Point Roberts Packing Co.	do	Koggiung	.....	.....
Horseshoe Fishing and Mining Co.	do	do	31,740	110,090
Egagek Fishing Sta'n	do	Egagek	40,681	142,382
Chignik Bay Packing Co.	do	Chignik Bay	41,614	145,649
Alitak Packing Co	do	Alitak	.....	.....
Karluk Packing Co	do	Karluk	196,667	690,311
Alaska Improvement Co.	do	do	.....	.....
Arctic Fishing Co	do	Kussilof	31,082	108,787
Pacific Packing Co	do	Odiak	40,665	142,327
Pyramid Harbor Packing Co.	do	Pyramid Harbor.	30,709	107,481
Glacier Packing Co	do	Wrangell	59,027	177,081
Alaska Salmon and Fur Co.	do	Loring	89,423	265,839
Whalers' Chignik Cannery.	Pacific Packet and Navigation Co.	Chignik Bay	35,516	117,203
Hume Chignik Can	do	do	29,927	104,838
Orca Cannery	do	Orca	36,530	120,549
Kenai Cannery	do	Kenai	17,725	59,152
Whalers' Uyak Can	do	Uyak Bay	20,983	166,967
Hume Uyak Cannery	do	do	33,479	117,221
Hunters Bay Cannery	do	Hunters Bay	62,000	185,000
Nushagak River Cannery.	do	Nushagak River.	76,774	257,192
Quadra Bay Cannery	do	Quadra Bay	35,141	105,000
Petersburg Cannery	do	Petersburg	58,500	226,200
Sitkoh Bay Cannery	do	Sitkoh Bay	60,000	171,920
Santa Rita Cannery	do	Dundas Bay	21,750	70,000
Taku Fish Co. Cannery.	do	Port Snettisham.	14,574	47,712
Taku Pack. Co. Can	do	Taku Inlet	24,000	78,000
Chilkoot Cannery	do	Chilkoot River	19,397	79,858
Thlinket Gerard Pt. Cannery.	do	Wrangell	26,536	92,876
Thlinket Santa Anna Cannery.	do	Santa Anna Inlet.	24,983	87,440
Yes Bay Cannery	do	Yes Bay	29,736	87,500
Kvichak R. Can. No. 1	N. Alaska Sal. Co.	Kvichak River	23,300	81,550
Kvichak R. Can. No. 2	do	do	23,400	81,900
Naknek Cannery	Naknek Pack'g Co.	Naknek	41,000	136,400
Bristol Bay Cannery	Bristol Pack'g Co	Ugashuk River	11,400	38,970
Koggiung Saltery	Northwestern Packing Co.	Koggiung	5,500	15,400
Klawak Cannery	N. P. Trading and Packing Co.	Klawak	36,412	113,000
Nushagak Cannery	Alaska Fishermen's Pack'g Co.	Nushagak River.	38,724	135,450
Chuitna River Cannery.	Alaska Salmon Association.	Chuitna River.	11,480	40,342
Ketchikan Cannery	Fidalgo Island Packing Co.	Ketchikan	49,326	155,000
Taku Harbor Cannery.	San Juan Fish and Packing Co.	Taku Harbor	25,500	76,500
Ugashuk River	Red Salmon Packing Co.	Ugashuk River	8,500	28,000
Nushagak Cannery	Columbia River Packing Assn.	Nuskagak River.	24,284	86,612
Nushagak Saltery	Alaska Fishing and Packing Co.	do	5,287	17,000
Tonka Cannery	P. C. and N. P. Co.	Wrangell Narrows.	19,432	60,682
Kell Bay Cannery	Union Packing Co.	Kell Bay	20,989	63,000
Lake Bay Cannery	Cross Sound Packing Co.	Lake Bay	13,849	36,212
Metlakahtla Cannery	Metlakahtla Industrial Co.	Metlakahtla	23,000	69,000
Nushagak River Cannery.	Alaska - Portland Packing Assn.	Nushagak River.	20,667	74,400
Do	Alaska Salmon Assn.	do	17,700	63,720
Nushagak River Saltery.	C. E. Whitney & Co.	do	20,520	65,000
Ideal Cove Saltery	Muir Glacier Packing Co.	Ideal Cove	1,765	5,300
Saakaar Saltery	C. F. Brockman	Saakaar	525	2,320
Thorne Bay Saltery	R. C. Bell	Thorne Bay	1,480	4,835
Point Barrie Saltery	F. C. Sepp	Point Barrie	467	1,122
Etoline Island Saltery	J. C. Frey	Etoline Island	135	648
McHenry Inlet Saltery.	J. C. Calfbreath	McHenry Inlet	480	1,800
South Arm Saltery	Jacob Louth	Moira Sound	216	1,736
Eagle Harbor Saltery	Oliver Smith	Eagle Harbor	1,375	3,750
Copper Harbor Saltery.	Craig Millar	Copper Harbor	1,760	5,500
Pritchard's Cove Fishery.	Great Northern Fish Co.	Union Bay	.....	.....
Beechers Pass Cannery.	Royer-Warnock Packing Co.	Beechers Pass	.....	.....
Port Althorpe Saltery	Perry Hinkle	Port Althorpe	.....	.....
Bartlett Bay Cannery	Icy Straits Packing Co.	Bartlett Bay	.....	.....
Taku Point Fishery	do	Taku Inlet	.....	.....
Sundry (estimated)	Salteries not reported.	.....	5,000	17,500
Total	.....	.....	2,076,661	6,926,167

A glance at this table shows that there are 71 canneries reported (and possibly a number from which returns were not secured). These 71 canneries produced last year over 2,000,000 cases of salmon, of the value of nearly $7,000,000. I call attention to these facts to show what a gigantic industry this is, and the vast amount of fish being produced; and unless something is done in the line of encouragement for keeping up the supply there can be but one result in the near future, and that is the fish will be exterminated.

Mr. COWHERD. I should like to ask the gentleman a question. Is there anything in existing law or in this bill that compels the man who puts up a cannery to maintain a hatchery also?

Mr. CUSHMAN. No.

Mr. COWHERD. Is not that the law of some States—either Oregon or Washington?

Mr. CUSHMAN. This is not the law in the State of Washington. I do not think it is in Oregon. Perhaps one of the Oregon members can inform the gentleman.

Mr. COWHERD. Ought it not to be included in the present bill—a provision that any man who puts up a cannery and destroys fish shall be compelled to maintain a hatchery at the same place?

Mr. CUSHMAN. That might be a good provision, but it certainly is not a necessary provision.

Mr. COWHERD. I have understood that was the law of Oregon or Washington. I have been told by persons who were interested and who were familiar with the situation in Alaska that that was the provision most needed there.

Mr. CUSHMAN. I do not consider it so. That might be a good provision—doubtless it would be, but it is not a necessary provision.

Mr. McCLEARY. Is it not required of owners of canneries that they put back four times the number of spawn that they take out fish in Alaska?

Mr. CUSHMAN. I never heard that such a regulation existed or such a law had been enacted. But be that as it may, we are now discussing the provisions of this bill before us. The provisions of this measure, in my judgment, will operate to replenish the rapidly disappearing salmon of Alaska. And it only gives the man who builds and maintains the hatchery a portion of what his own thrift produces. There is nothing more unfair in allowing the man who plants fish to reap a portion of the crop that he has planted than there is in allowing a man who plants a crop of wheat to reap all of that which he has sown.

I yield back the balance of my time to the gentleman from New York [Mr. SULZER].

Mr. PAYNE. I was going to make a suggestion. This seems to be an important bill and a bill that certainly has some merit, and which ought to be examined by the members. I was going to suggest to my colleague to let the bill go over until to-morrow morning, or some other day.

Mr. SULZER. Well, I consent to that under the circumstances, and ask to have it go over until Monday morning next.

Mr. PAYNE. Monday morning then.

Mr. SULZER. I will consent to let the bill go over until next Monday morning.

Mr. PAYNE. To remain in the same status as it now is, subject to objection.

Mr. SULZER. Let me respectfully suggest to every member here that between now and next Monday morning he get a copy of the report of the committee on this bill, and if he will read that report I know he will be in favor of this bill. It is one of the most instructive and interesting reports that has ever been made on this subject of salmon in Alaska. Its perusal will amply repay anyone for the time occupied.

Mr. CANNON. I want to say to my friend just there that we have had such disastrous experiences in the waters of Alaska and the Aleutian Islands from the agents of the Treasury Department and our legislation all along that line that I have come to regard with something of caution any proposition to confer any rights up there, on anybody's report, without the fullest possible examination. Now, I am willing that the bill shall go over until Monday, so far as I am concerned, keeping the status that it now occupies.

The SPEAKER pro tempore. The Chair will say that the bill has no status now. It is not before the House. A request has been made for unanimous consent, and objection has been made.

Mr. SULZER. Oh, no; I ask unanimous consent that the bill be made a special order for next Monday morning immediately after the reading of the Journal.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill may be considered immediately after the reading of the Journal on Monday next.

Mr. CANNON. I have no objection to his asking unanimous consent then.

Mr. SULZER. Subject to the objection of my distinguished friend.

Mr. CANNON. Or anybody else.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. I will look into the bill between now and Monday morning.

Mr. SULZER. I trust the gentleman will, and I know if he does he will favor the bill as heartily as I do.

BRIDGE NEAR OACOMA, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2510.

The Clerk read as follows:

A bill (S. 2510) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.

Be it enacted, etc., That the time for the commencement of the bridge across the Missouri River at or near the village of Oacoma, in the State of South Dakota, authorized by the act of Congress entitled "An act to authorize the construction of a bridge at or near Oacoma, S. Dak.," approved January 28, 1899, be, and the same is hereby, extended to July 1, 1903, and the time for the completion of said bridge be, and the same is hereby, extended to July 1, 1906.

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make a parliamentary inquiry. The gentleman from New York demanded the regular order, as I understood.

Mr. PAYNE. Well, I withdrew that tacitly for this bill. It seems to be only a bridge bill; but I will call up that resolution immediately after the consideration of this bill.

Mr. RICHARDSON of Tennessee. I did not understand the gentleman had withdrawn the demand.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUBSIDIARY SILVER COINAGE.

Mr. PAYNE. Mr. Speaker, I call up the rule on which the previous question was ordered yesterday.

The SPEAKER pro tempore. The regular order is the vote on the rule reported by the Committee on Rules at the last session, and the Clerk will report the resolution.

Mr. HILL. Mr. Speaker, I ask unanimous consent that the rule may be considered as adopted, that the time may be extended to four hours, to be equally divided between the two sides, to be controlled by the gentleman from Missouri [Mr. COCHRAN] on that side and myself on this side.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that the rule may be amended by extending the time for general debate to four hours, two hours to be controlled by the gentleman from Connecticut and two hours by the gentleman from Missouri, and that the rule as so amended be considered as adopted. Is there objection?

Mr. COCHRAN. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the rule.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House numbered 178, have had the same under consideration, and report the following in lieu thereof:

"*Resolved*, That immediately after the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union, for the consideration of the bill (H. R. 12704) to increase the subsidiary silver coinage, and after two hours of general debate the bill shall be read by paragraphs for amendment, and upon the conclusion of said reading the Committee of the Whole shall rise and report the bill with amendments, if any, to the House: *Provided*, That the motion to go into the Committee of the Whole House to consider the said bill shall continue privileged each day until said bill is disposed of, not, however, to interfere with revenue or appropriation bills or conference reports."

The SPEAKER pro tempore. The question is on the adoption of the rule.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAFROTH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 77, answered "present" 25, not voting 150; as follows:

YEAS—99.

Alexander,	Butler, Pa.	Draper,	Haugen,
Allen, Me.	Cannon,	Emerson,	Hedge,
Ball, Del.	Cassel,	Esch,	Hemenway,
Barney,	Connell,	Fletcher,	Henry, Conn.
Bates,	Conner,	Foerderer,	Hepburn,
Bishop,	Coombs,	Fowler,	Hill,
Blackburn,	Corliss,	Gaines, W. Va.	Howell,
Boutell,	Cromer,	Gardner, Mich.	Hull,
Bowersock,	Currier,	Graff,	Jack,
Brick,	Cushman,	Graham,	Jackson, Md.
Bromwell,	Dahle,	Greene, Mass.	Jenkins,
Brown,	Dalzell,	Grow,	Jones, Wash.
Burke, S. Dak.	Douglas,	Hamilton,	Knapp,
Burleigh,	Dovener,	Hanbury,	Lacey,

Lawrence,	Moody, N. C.	Payne,	Stevens, Minn.
Lessler,	Moody, Oreg.	Powers, Mass.	Sulloway,
Littlefield,	Morgan,	Prince,	Tawney,
Loud,	Morris,	Ray, N. Y.	Thomas, Iowa
McCall,	Mudd,	Reeves,	Tirrell,
McCleary,	Needham,	Roberts,	Vreeland,
McLachlan,	Olmsted,	Rumple,	Wachter,
Mann,	Overstreet,	Schirm,	Wadsworth,
Martin,	Palmer,	Shattuc,	Warner,
Minor,	Parker,	Smith, Ill.	Weeks.
Mondell,	Patterson, Pa.	Sperry,	

NAYS—77.

Allen, Ky.	Gilbert,	McCulloch,	Shafroth,
Ball, Tex.	Griggs,	McLain,	Smith, Ky.
Bell,	Hall,	McRae,	Snook,
Bowie,	Hay,	Maddox,	Sparkman,
Brantley,	Henry, Miss.	Mahoney,	Spight,
Breazeale,	Jackson, Kans.	Mickey,	Sulzer,
Broussard,	Jett,	Neville,	Sutherland,
Brundidge,	Kehoe,	Newlands,	Swanson,
Burgess,	Kern,	Pugsley,	Thayer,
Burleson,	Kitchin, Claude	Randell, Tex.	Thompson,
Burnett,	Kleberg,	Ransdell, La.	Vandiver,
Caldwell,	Kluttz,	Reid,	Williams, Ill.
Candler,	Lanham,	Rhea, Va.	Williams, Miss.
Clayton,	Lester,	Richardson, Tenn.	Wilson,
Cochran,	Lever,	Robinson, Nebr.	Woods,
Cowherd,	Lewis, Ga.	Rucker,	Wooten,
Creamer,	Little,	Ryan,	Zenor.
De Armond,	Livingston,	Scarborough,	
Finley,	Lloyd,	Selby,	
Fitzgerald,	McAndrews,	Shackleford,	

ANSWERED "PRESENT"—25.

Bartlett,	Johnson,	Rixey,	Steele,
Cassingham,	Kitchin, Wm. W.	Robertson, La.	Stephens, Tex.
Conry,	Metcalf,	Ruppert,	Tate,
Evans,	Meyer, La.	Shallenberger,	Taylor, Ala.
Gaines, Tenn.	Miers, Ind.	Slayden,	
Gibson,	Pierce,	Smith, Iowa	
Irwin,	Pou,	Stark,	

NOT VOTING—150.

Acheson,	Dick,	Kahn,	Russell,
Adams,	Dinsmore,	Ketcham,	Scott,
Adamson,	Dougherty,	Knox,	Shelden,
Aplin,	Driscoll,	Kyle,	Sheppard,
Babcock,	Eddy,	Lamb,	Sherman,
Bankhead,	Edwards,	Landis,	Showalter,
Bartholdt,	Elliott,	Lassiter,	Sibley,
Beidler,	Feely,	Latimer,	Sims,
Bellamy,	Fleming,	Lewis, Pa.	Skiles,
Belmont,	Flood,	Lindsay,	Small,
Benton,	Fordney,	Littauer,	Smith, H. C.
Bingham,	Foss,	Long,	Smith, S. W.
Blakeney,	Foster, Ill.	Loudenslager,	Smith, Wm. Alden
Boreing,	Foster, Vt.	Lovering,	Snodgrass,
Bristow,	Fox,	McClellan,	Southard,
Brownlow,	Gardner, N. J.	McDermott,	Southwick,
Bull,	Gill,	Mahon,	Stewart, N. J.
Burk, Pa.	Gillet, N. Y.	Marshall,	Stewart, N. Y.
Burkett,	Gillett, Mass.	Maynard,	Storm,
Burton,	Glenn,	Mercer,	Talbert,
Butler, Mo.	Goldfogle,	Miller,	Tayler, Ohio
Calderhead,	Gooch,	Moon,	Thomas, N. C.
Capron,	Gordon,	Morrell,	Tompkins, N. Y.
Clark,	Green, Pa.	Moss,	Tompkins, Ohio
Cooney,	Griffith,	Mutchler,	Tongue,
Cooper, Tex.	Grosvenor,	Naphen,	Trimble,
Cooper, Wis.	Haskins,	Nevin,	Underwood,
Cousins,	Heatwole,	Norton,	Van Voorhis,
Crowley,	Henry, Tex.	Otjen,	Wanger,
Crumpacker,	Hildebrant,	Padgett,	Warnock,
Curtis,	Hitt,	Patterson, Tenn.	Watson,
Darragh,	Holliday,	Pearre,	Wheeler,
Davey, La.	Hooker,	Perkins,	White,
Davidson,	Hopkins,	Powers, Me.	Wiley,
Davis, Fla.	Howard,	Reeder,	Wright,
Dayton,	Hughes,	Richardson, Ala.	Young.
De Graffenreid,	Jones, Va.	Robb,	
Deemer,	Joy,	Robinson, Ind.	

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. GILL with Mr. ROBB.

Mr. BURKETT with Mr. SHALLENBERGER.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. LOVERING with Mr. CONRY.

Mr. HASKINS with Mr. JOHNSON.

Mr. CURTIS with Mr. STEPHENS of Texas.

Mr. BINGHAM with Mr. CREAMER.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. MERCER with Mr. STARK.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. REEDER with Mr. WHITE.

Mr. STEELE with Mr. COOPER of Texas.

Mr. SOUTHARD with Mr. NORTON.

Mr. SKILES with Mr. TALBERT.

Mr. SMITH of Iowa with Mr. PADGETT.

Mr. HOLLIDAY with Mr. MIERS of Indiana.

Mr. IRWIN with Mr. GOOCH.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. LANDIS with Mr. CLARK.

Mr. GORDON with Mr. SCOTT.

Mr. BROWNLOW with Mr. PIERCE.

Mr. GARDNER of New Jersey with Mr. MOON.

Mr. CALDERHEAD with Mr. FOX.

For this session:

Mr. METCALF with Mr. WHEELER.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. WANGER with Mr. ADAMSON.

Mr. BULL with Mr. CROWLEY.

Mr. HILDEBRANDT with Mr. MAYNARD.

Mr. HEATWOLE with Mr. TATE.

Mr. BOREING with Mr. TRIMBLE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. YOUNG with Mr. BENTON.

Mr. KAHN with Mr. BELMONT.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

For one week:

Mr. FOSTER of Vermont with Mr. POU.

Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.

Mr. BEIDLER with Mr. HOOKER.

Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.

Mr. GIBSON with Mr. SIMS.

Mr. CRUMPACKER with Mr. GRIFFITH.

Mr. BATES with Mr. BELLAMY.

For ten days:

Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.

Mr. MILLER with Mr. THOMAS of North Carolina.

Mr. EVANS with Mr. JONES of Virginia, until the 29th.

For this day:

Mr. OTJEN with Mr. DINSMORE.

Mr. BABCOCK with Mr. RIXEY.

Mr. BARTHOLDT with Mr. LAMB.

Mr. ACHESON with Mr. BUTLER of Missouri.

Mr. JOY with Mr. UNDERWOOD.

Mr. BRISTOW with Mr. COONEY.

Mr. GROSVENOR with Mr. BARTLETT.

Mr. BURK of Pennsylvania with Mr. DAVIS.

Mr. BURTON with Mr. MCDERMOTT.

Mr. CAPRON with Mr. RICHARDSON of Alabama.

Mr. COUSINS with Mr. EDWARDS.

Mr. DAVIDSON with Mr. ELLIOTT.

Mr. DICK with Mr. FEELY.

Mr. COOPER of Wisconsin with Mr. FLEMING.

Mr. FORDNEY with Mr. FLOOD.

Mr. GILLET of New York with Mr. FOSTER of Illinois.

Mr. HOPKINS with Mr. GLENN.

Mr. LEWIS of Pennsylvania with Mr. GOLDFOGLE.

Mr. LONG with Mr. HENRY of Texas.

Mr. MAHON with Mr. HOWARD.

Mr. MARSHALL with Mr. LASSITER.

Mr. LITTAUER with Mr. LATIMER.

Mr. SHELDEN with Mr. LINDSAY.

Mr. STEWART of New Jersey with Mr. PATTERSON of Tennessee.

Mr. WATSON with Mr. SMALL.

Mr. WARNOCK with Mr. WILEY.

Mr. SOUTHWICK with Mr. SHEPPARD.

On this vote:

Mr. WRIGHT with Mr. ROBERTSON of Louisiana.

Mr. HITT with Mr. BANKHEAD.

Mr. GAINES of Tennessee. Mr. Speaker, I am paired with the gentleman from Maine [Mr. POWERS], and I desire to withdraw my vote in the negative and answer "present."

The Clerk called the name of Mr. GAINES of Tennessee, and he answered "present," as above recorded.

Mr. PIERCE. Mr. Speaker, I have a telegram from Mr. BROWNLOW stating that he is ill, and desires me to pair with him. I desire to withdraw my vote of "no" and be recorded as paired.

Mr. PIERCE's name was called, and he answered "present," as above recorded.

Mr. BARTLETT. Mr. Speaker, I notice that my name was read as paired with General GROSVENOR, of Ohio. I have voted "no" on this proposition, and I desire to withdraw that vote and be marked as "present."

The name of Mr. BARTLETT was called, and he answered "present," as above recorded.

Mr. HAUGEN. Mr. Speaker, I desire to be recorded.

The SPEAKER pro tempore. Was the gentleman in his seat and listening to his name when it should have been called?

Mr. HAUGEN. I was not in my seat, but I was listening for my name and did not hear it.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HAUGEN, and he voted "aye," as above recorded.

Mr. ROBINSON of Indiana. Mr. Speaker, I voted "no," but I find I am paired with the gentleman from Michigan, Mr. WM. ALDEN SMITH, and I desire to be recorded as present.

The Clerk called the name of Mr. ROBINSON of Indiana, and he answered "present," as above recorded.

Mr. MIERS of Indiana. Mr. Speaker, I voted "no," but I see that I am paired with the gentleman from Indiana, Mr. HOLLIDAY. I desire to withdraw that vote and be marked present.

The Clerk called the name of Mr. MIERS of Indiana, and he answered "present," as above recorded.

The SPEAKER pro tempore. On this question the yeas are 99 and the nays 75, present 23; the ayes have it, and accordingly the House resolves itself into the Committee of the Whole House for the consideration of House bill 12704, to increase the subsidiary silver coinage, and the gentleman from Minnesota, Mr. TAWNEY, will take the Chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12704) to increase the subsidiary silver coinage, and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that all members who address the committee on this bill may be allowed to extend their remarks in the RECORD.

The CHAIRMAN. That request will have to be made in the House.

Mr. HILL. I do not think there will be any objection to that when we get into the House.

The CHAIRMAN. It can be done in individual cases by the committee, but general leave to print can not be granted by the Committee of the Whole House.

Mr. HILL. Mr. Chairman, I was very much surprised last night when the gentleman from Colorado [Mr. SHAFROTH] objected to the consideration of this bill, and especially because of his reasons for objecting to it, for I find in the RECORD this morning that he declares it is a breach of good faith to bring this bill up for consideration on the ground that in the act of March 14, 1900, there was a distinct promise and agreement, forced by certain silver Senators in the Senate, that the bullion in the Treasury should be coined into silver dollars; that that promise or agreement was reached in order to strike out from the House bill of March 14, 1900, a provision stopping the coinage of silver dollars.

I will say to the gentleman that he has studied the RECORD to poor advantage; that there was no such provision embodied in the House bill. There was no such language, and is not now any such language in the act of March 14, 1900. The proposition to which he refers was in the war-revenue act, and the only promise—and I have taken pains to verify my statement this morning—the only promise that was made then in that bill was to attach the famous bimetallic amendment to the end of the act of March 14, 1900, and it stands there still, so that his charge that there is a breach of faith on the part of anybody is wholly unfounded, and there is no justification for it whatever.

Mr. SHAFROTH. May I interrupt the gentleman?

Mr. HILL. Certainly.

Mr. SHAFROTH. Did not the gold-standard act, as it passed the House of Representatives, contain a provision for the stopping of the coinage of silver dollars?

Mr. HILL. It did not.

Mr. SHAFROTH. Does the gentleman mean to say that under that act as it passed the coinage of silver dollars is to be continued?

Mr. HILL. I do.

Mr. SHAFROTH. I have not examined it.

Mr. HILL. I thought the gentleman had not when he made the statement last night.

Mr. SHAFROTH. My impression is that that is the fact.

Mr. HILL. It is not the fact; neither of the statements contained in the gentleman's charge last night are correct. The House of Representatives was held up in 1898, and a provision compelling one million and a half silver dollars a month to be coined, or else no provision would be made for the expenses of the Spanish war. That bill was passed here along toward midnight, and I had the honor to be one of five who voted against that provision, distinctly understanding that the Congress of the United States was being held up by a few men to compel the coinage of silver dollars rather than provide for the expenses of the Spanish war. It is no breach of faith, Mr. Chairman, in no sense whatever.

Now, I notice, Mr. Chairman, that when the bill was called up the number of the bill was wrongly stated, and I desire, before proceeding to discuss the merits, to remove any possible misunderstanding in regard to what bill is now before the House of Representatives. On the 13th of January the Committee on Coinage reported a bill to accomplish two things.

First, to provide for the maintenance of the gold standard, and, second, to increase the subsidiary coinage. The part relating to the increase of the subsidiary coinage is the bill now before the House. The other bill provoked discussion and involved possibly certain political considerations, and in order to avoid anything of that kind and to meet the requirements of the Treasury Department with reference to a necessary part of our currency, the disputed part of the bill was cut out, and the Committee on Coinage, Weights, and Measures reported later so much of the measure as related to subsidiary coinage only. That is the bill we have now before us.

There is involved here no question of the exchangeability of the silver dollar, no question of the redemption of the silver dollar, no question of any provision relating to the maintenance of the gold standard directly, but simply a question of providing the country with a necessary portion of the currency called subsidiary coinage.

Mr. GAINES of Tennessee. Just at this point I would be glad if the gentleman would explain to the Committee of the Whole what is omitted from this bill which is contained in what is known as "the Fowler bill."

Mr. HILL. Why, Mr. Chairman, there is no relation whatever between the two bills, except that 14 lines of this bill are found among a large number of sections in what is known as "the Fowler bill." The two bills relate to entirely different subjects.

Mr. GAINES of Tennessee. Will the gentleman state, then, what is omitted here from the original bill?

Mr. HILL. All the provisions relating to the exchangeability or the redemption of silver in gold. The bill before the House relates only to the question of subsidiary coinage.

Mr. GAINES of Tennessee. Those omitted provisions are in "the Fowler bill."

Mr. HILL. Yes, sir; the bill still on the Calendar—House bill 7645.

Mr. Chairman, the provisions of this bill are so absolutely innocent—and I will detain the House for only a short time in stating them—that when the minority of the Coinage Committee came to make up their minority report they did not even refer to the propositions contained in the bill now before the House. They expended their entire energy in controverting the proposition of the necessity of the exchangeability of the silver dollar in gold. It was therefore reasonable to suppose that when this bill should come up for action it would come up with the full consent and concurrence of the members of the minority. Its provisions are so plain and distinct that it is even questionable whether every man, no matter how strong a silver man he may be, may not happily and usefully vote for this bill. I remember that a day or two after the bill had passed through the committee——

Mr. COCHRAN. Will the gentleman allow me a question?

Mr. HILL. Certainly.

Mr. COCHRAN. Does not the bill provide for the repeal of the provision of law directing the coinage of bullion in the Treasury into standard silver dollars?

Mr. HILL. Yes, sir.

Mr. COCHRAN. Does it not also provide that the silver bullion in the Treasury may be converted, at the discretion of the Secretary of the Treasury, into subsidiary coin?

Mr. HILL. Yes, sir; so far as the public necessity may require.

Mr. COCHRAN. And does it not provide that silver dollars already in existence may be recoined into subsidiary coin?

Mr. HILL. Yes, sir; so far as the public necessities may require.

Mr. COCHRAN. And the gentleman is astonished that the minority is not perfectly satisfied with that kind of a bill!

Mr. HILL. I stated that when the minority made their report—and they had abundance of time to make it—they never referred in that report to a single provision or a single line of the bill which is now before the House. It was therefore reasonable to suppose that they had no objection to it; and a consistent silver man can not have any objection to it. Indeed, a day or two after the bill came out of the committee, I saw a paper published in Denver—the Denver News—containing large black scare headlines, in which it was charged that the gentleman from Colorado [Mr. SHAFROTH] was opposing the coinage of silver. [Laughter.] I have here before me now a paper published in Alabama accusing me of having changed over from the gold standard to the

silver standard, and declaring in an editorial a column and a half long that the Republicans had stolen the Democratic thunder.

Mr. SHAFROTH. Will the gentleman allow me a word? I wish to say that that position of the papers in the State of Colorado arose from the fact that the gentleman from Connecticut [Mr. HILL] in introducing his bill entitled it "A bill to increase the subsidiary silver coinage," leading the people there naturally to suppose that they were going to get more and more silver out there. Therefore they concluded that the gentleman from Connecticut had become a great champion of silver. Out there they did not get any account of the other provisions of the bill.

Mr. HILL. Mr. Chairman, this is purely an administrative measure, absolutely necessary for carrying on properly the business of the country, and it can be consistently voted for by every man. I do not care whether he is in favor of a single gold standard, of a gold and silver standard—either one. It being an administrative measure, I desire to read to the House the views of the Director of the Mint and the Secretary of the Treasury upon the question.

Mr. SHAFROTH. Will the gentleman refer back to the first statement that he made, Mr. Chairman?

Mr. HILL. The Director of the Mint writes me under date of March 20 as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, March 20, 1902.

Hon. E. J. HILL,
House of Representatives.

SIR: Referring to our conversation upon the subject of legislation to authorize an increase in the coinage of subsidiary silver, I submit the following statement showing the stock of subsidiary coin in circulation outside of the Treasury on the 1st day of March for the last five years:

March 1, 1897	$60,246,493
March 1, 1898	64,618,802
March 1, 1899	69,496,609
March 1, 1900	74,341,322
March 1, 1901	80,853,107
March 1, 1902	83,441,791

This shows a net absorption by the country of nearly $5,000,000 per year. The act of March 14, 1900, authorized the use of bullion purchased under the act of July 14, 1890, for this coinage, but limited the total stock in the country to $100,000,000. The stock in the country on the 1st day of the present month was $92,859,794, of which $9,418,003 was in the Treasury. These figures make it apparent that there must be further legislation at an early day. The stock in the Treasury at this time is always larger than in the more active season of trade, accumulating after January 1 and reaching its lowest point in the fall months. For several years the Treasury has been hard pressed by the fall demand and frequently obliged to fill orders in part only. Now that the new mint at Philadelphia is completed this difficulty will end if Congress will grant requisite authority to execute the coinage.

The gentleman from Colorado [Mr. SHAFROTH] last night said that we had $12,000,000 in the Treasury, and therefore needed no legislation on this subject. I want to call his attention to the fact that to-day of that $12,000,000 there are three millions that is worn and abraded and not fit for circulation, and that that amount is small compared to the average amount of worn and abraded coin in the Treasury. There is ordinarily from six to seven million of useless coin in the Treasury carried in this item of subsidiary coin on the daily statement which the gentleman holds in his hand.

Mr. SHAFROTH. The facts are, Mr. Chairman, that in 1893 there were but $2,500,000 in the Treasury of these silver subsidiary coins.

Mr. HILL. I admit it.

Mr. SHAFROTH. Now, there was a demand at that time for silver, but now, when you have got $12,870,000, as shown by this morning's report, it shows there is no necessity for it.

Mr. HILL. The Director of the Mint goes on to say:

The present amount in the Treasury is not more than a fair stock to carry at all times. It is divided between the Treasury and nine subtreasuries, and comprises half dollars, quarter dollars, and dimes. A considerable portion of it is always worn and uncurrent, and the stock on hand can not be reduced far below what it now is without being broken in some of the offices.

I beg to submit that there is no occasion for limiting the stock of this subsidiary coin to a specific amount, making legislation repeatedly necessary. The demand is continuous, increasing with the population and business of the country, and there can be no difference of opinion about the necessity for meeting it or about the amount required from time to time, for it can only be put into circulation in response to a public demand and in exchange for legal-tender money. If the Secretary of the Treasury is given authority to meet the current demand, there is no way in which the discretion can be injuriously used.

The Treasury held on March 1, 40,132,145 fine ounces of silver, which is being reduced monthly at the rate of about 1,100,000 ounces in the coinage of silver dollars and to meet the current demand for subsidiary coin. At this rate the stock on hand will last less than two years, after which the Government will be obliged to enter the market as a buyer of silver.

I will state that the Acting Director of the Mint told me the day before yesterday that if this or some similar bill was not passed the mints of the United States would have to stop on the 1st day of November next making subsidiary coin. Continuing, he says:

If all of the bullion on hand were diverted to subsidiary coinage, it would, at the average rate of the past five years, last about ten years. But the increased population and business to be expected will enlarge the demand, and if our money should enter into general circulation in the Philippines and other Territories which are likely to use it this bullion would hardly last over six or seven years.

Under these conditions it would appear to be good business policy to hold the bullion remaining in the Treasury to meet the demand. No satisfactory reason can be given for continuing the coinage of silver dollars.

I want to say that this bill does not stop the coinage of silver dollars by law. It simply gives the Secretary of the Treasury discretion to do as he sees fit—to use the bullion for the dollar or to use it for the subsidiary coin, as in his judgment he thinks best. I want to add that in my judgment, if the discretion is given him, as a wise and prudent man he never will coin another dollar, but it does not require him to take that position.

Reading further:

The purchasing act of 1890 was an experiment, its advocates hoping that the demand created would advance the price of silver to its old parity with gold and free coinage be the result. The policy was a compromise between opposing opinions, was unsuccessful, and has been definitely abandoned. If this bullion was not in the Treasury, few would advocate its purchase for dollar coinage. It is in the Treasury, but may be diverted to fractional coin, and to do this will work a saving to the Treasury of approximately $20,000,000.

Respectfully,

GEO. E. ROBERTS,
Director of the Mint.

Approved.

L. M. SHAW, *Secretary.*

Mr. GROW. Mr. Chairman, may I interrupt the gentleman for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. Yes.

Mr. GROW. The subsidiary coin now are not the proportionate parts of the silver dollar.

Mr. HILL. No.

Mr. GROW. Why should not the subsidiary coin, while we are now dealing with that subject, be made equal proportions, two halves equaling the present silver dollar and four quarters equaling it, instead of being proportionate parts of 384?

Mr. HILL. For this reason the subsidiary coin is not full legal tender and you can not compel a person to accept it in satisfaction of a contract beyond certain limited amounts of $10 to $20. A dollar is legal tender, and, as I will show you by and by, Germany has adopted precisely the position which the gentleman from Pennsylvania indicates we should take, of recoining our legal-tendar dollar into token dollars on the same basis as the subsidiary coin; but we have carried the legal-tender dollar as a dollar of intrinsic value, which my friends on the other side thought by forcing the purchase of silver would ultimately bring it up in intrinsic value, or to the value at which we carried it nominally, and for that reason, the one being a token dollar and the other a full legal-tender dollar, the proportion in each is made to vary.

Mr. GAINES of Tennessee. Why should you ever have that?

Mr. HILL. The reason that it should be changed is that the experiment that was made has been a total failure, as I will proceed to show you.

Mr. GAINES of Tennessee. The gentleman does not understand my question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. GAINES of Tennessee. I hope the gentleman will yield.

Mr. HILL. I will, after a while. I will yield first to the gentleman from Pennsylvania.

Mr. GROW. One other question. As we have the Philippine possessions now, we make a half dollar correspond with the dollar that is being used in the East Indies and in China; and would we not dispose of more silver out of the country that never would come back if our proportionate parts of the dollar were made in such shape as to meet that coinage?

Mr. HILL. I will take that up by and by. I think we would have the same experience as we had with the trade dollar. It would come back to us the same as that did. We would have to redeem it in gold as we redeemed the trade dollar in gold.

Mr. GROW. It did not correspond to any coined dollar.

Mr. HILL. I know it was larger, and more silver in it than any dollar we had.

Mr. GROW. It did not correspond with any coin in the country.

Mr. GAINES of Tennessee. The gentleman from Pennsylvania was interrogating you about the coining of the half dollars and the component parts of it now. Is it not a fact that up to 1853 we coined a half dollar, a quarter dollar, a dime, and a half dime, and made them full legal tender, as much so as gold and silver?

Mr. HILL. Yes.

Mr. GAINES of Tennessee. And did not all of those coins coined up to that date remain full legal tender down to June, 1874?

Mr. HILL. They did not "remain" full legal tender. They went out of the country full legal tender.

Mr. GAINES of Tennessee. They were reported as having been here all the time. Now, why do you make this subsidiary coinage of less value?

Mr. HILL. For the simple reason that the experience of all mankind from that day to this has utterly repudiated silver money as a full legal tender, and almost every civilized nation on earth, as I will show you, has eliminated it from its system of currency; and the very thing which the gentleman from Tennessee cites of the minor coinage or subsidiary coinage being full legal tender up to 1853 is the best illustration of it, from the fact that it all fled the country.

Mr. GAINES of Tennessee. I will not agree to that as a statement historically true.

Mr. GROW. Is not that what we would like to have happen with our surplus silver?

Mr. GAINES of Tennessee. Not at all.

Mr. COCHRAN. I call the attention of my friend to the statement just made to say that the gentlemen on this side believe that by constant purchases of silver the price of it would be appreciated to parity with gold. I call the gentleman's attention to the fact that every law authorizing the purchase of silver was a Republican law, and that the last one placed upon the statute book bears the name of the Sherman law, and was a Republican measure.

Mr. HILL. I have not the slightest dispute with the gentleman on that question, and if I had I should not inject it into this debate on the subsidiary coinage.

Mr. COCHRAN. But you said just now that such and such legislation would give us such and such results. I call your attention to the fact that this legislation has been resorted to here by Republicans, and not by Democrats.

Mr. HILL. We will see about that as we go along.

The last quotation I made from the Director of the Mint showed that this had been an experiment, its advocates hoping that the demand created would advance the price of silver to its old parity with gold and free coinage be the result. It seems to me that it is not inappropriate to refer briefly to the experience of the United States on that question. On February 28, 1878, the value of the silver in the dollar was 92¼ cents, and under the provisions of the Bland-Allison Act we went on to purchase silver, hoping to maintain the price or to bring it up to a parity with gold.

Under the provisions of that act we bought $308,279,261 worth, and continued to buy until July 14, 1890, when, the hoped for results not having been secured, we passed another law, called the Sherman law. Silver had then dropped to 83¼ cents in the dollar. Under that act we bought $155,931,002 worth of bullion, so that under the two laws we purchased $464,210,263 worth of bullion. We continued to coin up to the 1st of May, 1902, and are coining now, but the figures which I shall give you are all of them dated May 1 of this year. Under our purchases and coinage the value of the silver in our legal-tender dollar has gone from 92¼ cents down to 39.7 cents, and that is about what it is worth to-day. We have lost on this silver speculation, not between the face of the dollar and the bullion price, but we have actually lost on that silver which we have bought $282,950,000, having paid that much more for it than we would have paid for it if we had bought it on the first day of this month.

What is the situation now? On the 1st of May we had remaining bullion to the amount of $32,935,124, and the proposition of this bill is to coin that bullion, or to give the Secretary of the Treasury the power to coin that bullion into subsidiary coin rather than to continue to coin it into standard silver dollars.

Mr. SHAFROTH. Mr. Chairman, I should like to interrupt the gentleman for a moment.

Mr. HILL. Certainly.

Mr. SHAFROTH. The gentleman in the opening of his speech referred to the fact that there was nothing contained in the House bill relative to the using of the silver bullion in the Treasury for subsidiary coinage.

Mr. HILL. Oh, no; I did not.

Mr. SHAFROTH. Well, you stated this, that there was no agreement whatever between the Senate and the House except upon the bimetallic basis.

Mr. HILL. I say it now.

Mr. SHAFROTH. I want to read you——

Mr. HILL. I do not want you to do so.

Mr. SHAFROTH. Here is a statement.

Mr. HILL. The gentleman can read it in his own time. I stated distinctly that there was no proposition positively to stop the coinage of the silver dollar.

Mr. SHAFROTH. But there was a provision.

Mr. HILL. I object to you occupying my time.

Mr. SHAFROTH. Here is the compromise upon this very matter.

Mr. HILL. That is a question that can be very easily determined by the members of the conference committee who are upon the floor.

Mr. SHAFROTH. Here is the bill, and we have the Senate provision contained in it.

Mr. HILL. I have it.

Mr. Chairman, if we coin the remaining bullion now in the Treasury—$32,000,000 worth—making it into dollars, it will amount to $47,053,493 above what we now have, and will give a total, when the bullion is all exhausted, of $586,855,298, and the difference between the nominal and actual value will be $359,742,297, or so much pure fiat.

Mr. MONDELL. If the gentleman will permit me? I have not had the opportunity of hearing all of his remarks. I know he has gone into this question very carefully. What is his opinion as to the length of time that the bullion now in the Treasury, if coined into subsidiary coin, would meet the demands?

Mr. HILL. I will go into that very carefully soon, so that the House may fully understand what they are voting on.

Mr. VANDIVER. Will the gentleman repeat the figures that he gave just a moment ago as to the excess?

Mr. HILL. Three hundred and fifty-nine million seven hundred and forty-two thousand two hundred and seventy-nine dollars and sixty-seven cents.

Mr. VANDIVER. Now, will the gentleman allow me another question?

Mr. HILL. Certainly.

Mr. VANDIVER. Do these dollars circulate in this country?

Mr. HILL. I will refer to that a little later on.

Mr. VANDIVER. Why not do it now?

Mr. HILL. I would rather not be diverted from the statement I am now making.

Mr. VANDIVER. A direct answer to the question would not take as much time as it takes to evade it.

Mr. HILL. Now, Mr. Chairman, what has been the result of this kind of experiment, and what has been the effect on the circulation? I would like gentlemen on both sides to notice very briefly how much we have accomplished in this experiment or speculation which we have made and in which we have lost $359,000,000—an amount sufficient to irrigate the States of Colorado and Nevada, as those gentlemen want to have done now. If we could have saved this amount, we would have saved an amount that would have paid the expenses of the Spanish war, built the Nicaragua Canal, and the best navy in the world, if we had not adopted the foolish enactments which we have within the last twenty years.

The largest amount of silver dollars which have ever been in circulation under this experiment was in December, 1900, when we had $76,182,326 in use. The amount in May, 1892, was $69,403,330, about 12 per cent of the amount we have had coined. What has it cost us to get out the 10 per cent which we have in circulation?

Mr. SHALLENBERGER. In computing the loss in the purchase of silver bullion and the coinage into silver dollars, will the gentleman tell us how much of actual silver was represented in the money which is to-day used by us as a part of our circulation?

Mr. HILL. There was on the 1st day of May $69,403,330 in circulation.

Mr. SHALLENBERGER. But do not we also have silver certificates circulating as money?

Mr. HILL. We do, and these certificates would circulate just as readily if they were silver notes promising to pay a silver dollar with only an ordinary reserve of silver maintained against them, precisely as the greenback is a gold note with a gold reserve maintained against it. If the silver certificate was changed to a note, the great mass of silver could be sold and converted into gold and gold redemption of the notes maintained. Some have advocated this course. I do not, for I believe we can carry the silver with proper precaution and avoid this great loss.

Mr. SHALLENBERGER. Well, the gentleman admits that there are six or seven hundred million of silver represented; and that amount added to the coin is the circulating medium?

Mr. HILL. Not at all.

Mr. SHALLENBERGER. What would the circulating medium amount to——

Mr. HILL. I am coming to that.

Mr. SHALLENBERGER. If you did not have silver.

Mr. HILL. I would like to follow this through successively. Now, then, what has it cost to give circulation to 69,403,330 silver dollars which have been scattered broadcast all over this country? There have been transported over this country $600,608,000 free of cost, and all the result we have got in permanent circulation is $69,403,330. We have paid out at the expense of the United States Government $2.41 a thousand for hundreds of millions of dollars, which we have been carrying backward and forward over the United States, making a total——

Mr. COCHRAN rose.

Mr. HILL. I beg to be allowed to finish one topic at a time.

Mr. COCHRAN. I just want to ask the gentleman if it is not true that the same thing which takes place in relation to the

Government coinage and the interior of the country continually takes place between the Eastern bankers and their Western correspondents?

Mr. HILL. Absolutely not true. If the gentleman wants to prove that statement he can do it on his own time. The Government does not pay the transportation on——

Mr. COCHRAN. The gentleman from Connecticut misapprehends my question. I asked him if it is not true that the same thing takes place between the Eastern bankers and their Western correspondents?

Mr. HILL. I will take that up directly. I prefer not to answer that just now until I finish this topic that I am now on. The total cost to the United States for transportation of this silver to get 12 per cent of it into circulation was $1,450,813, and the cost of keeping in circulation $69,000,000 we have now outstanding has been $20.90 a thousand.

That is not all; that is the smallest part of it. Since the circulation of the silver dollar reached its maximum in 1900, it fell off, and in 1901 it increased a little. It increased $1,051,977, and what do you suppose it cost this Government to secure that increase in 1901 of one million and fifty-one thousand silver dollars? It cost $83.32 for every thousand dollars. So that every dollar—every silver dollar—that was added to the increased cirlation in 1901 cost the United States Government nearly 8½ cents apiece.

A MEMBER. How do you explain that?

Mr. HILL. By reason of the free transportation which the Government gives, it goes out and then right back again without the bags ever being opened. It is called for to pay debts. The Government is continually imposed upon day after day. We secured an increase in the circulation of silver dollars in 1901 at an expense of 8.3 cents on every dollar that was put into circulation. Is it not time this experiment was stopped? Is not the Director of the Mint correct in saying that there is no good reason to-day why another silver dollar should be coined?

Mr. SHAFROTH. Will the gentleman yield?

Mr. HILL. I have already yielded too much, and my time is rapidly passing.

Mr. SHAFROTH. I wanted to ask the gentleman if we do not have the same expense as to the subsidiary coinage as it is on the silver dollar?

Mr. HILL. Not at all; the subsidiary silver goes out and practically remains out. There is a slight change, but the gentleman himself would not for a moment ask such a question if he had examined the reports of the Treasurer of the United States. There is not any sort of comparison; we never have shipped $600,000,000 of subsidiary coin. The idea of its costing 8½ cents on the dollar to keep out subsidiary coin! Why, the gentleman, if he had examined the reports of the Treasury Department, would see that there could be no foundation whatever for such a question.

Now I come to another point in this matter. Is it any wonder, in view of the figures I have given of the absolute total failure of this experiment and the cost to the Government of 8½ cents on every dollar by which our circulation is now being increased, that the legal-tender dollar should go out? What has been the experience of other nations? I ask the gentlemen on this floor, if they have any interest in this question, to take the annual statistics of the monetary stocks of the different countries of the world, and they will find that Great Britain, Austria, Japan, Russia, Norway, Sweden, Spain, Switzerland, Servia, Roumania, Portugal, Cape Colony, Finland, Egypt, Denmark, Cuba, the South African Republics, Canada, and Australia, all of them, have absolutely eliminated the legal-tender silver coin from their currency and have none of it whatever to-day. The United States, with six hundred millions of it, have only got 12 per cent of the amount into circulation.

Mr. COCHRAN. Is it not true that nearly every country the gentleman has enumerated, except Germany and Switzerland and Belgium——

Mr. HILL. I beg the gentleman's pardon, but I have just been informed by the Chair that I have but fifteen minutes remaining.

Mr. COCHRAN again rose.

Mr. HILL. I decline to yield. I have already declined as courteously as I knew how.

Now, what shall we do with the 88 per cent of silver which is not in circulation? I will state what the bill proposes to do. On the 1st of May we had $32,935,124 worth of bullion. If coined into subsidiary coinage, it would make $50,320,608. We are compelled now by law to coin it into dollars at the rate of $1,500,000 a month. We might coin it into subsidiary coinage, which the people need and will circulate, instead of coining it into dollars, which they do not want and will not circulate; and the difference to the Treasury Department would be $3,500 every day in the year. That is simply the difference between coining that bullion into subsidiary coinage and coining it into standard silver dollars—$3,500 every day in the year.

A gentleman asked me a little while ago why we should not continue in circulation the silver certificates—whether they are not a part of our circulation. Yes; they are a part of our circulation; but it is not necessary to have in the Treasury the full amount of silver for those silver certificates any more than it is necessary to have in the Treasury the full amount of gold representing the greenbacks. If we take the course which Germany and other nations of the world have taken and recoin the silver dollars, the difference between the face value of that silver and the bullion value to-day would be $392,296,398, and the actual gain on recoinage would be $32,255,101.

The present legal limit of subsidiary coinage is $100,000,000. There is no reason why there should be any limit. The Acting Director of the mint advises me that the limit will be reached on the 1st day of November next, and that the mints will have to stop coining subsidiary then if the law is not changed. Now, what do we propose to do?

The amount of subsidiary coinage in circulation on the 1st of May was, in round numbers, $82,854,599. I will put the exact figures in the RECORD. The bullion could be coined into subsidiary coin, with the minting facilities we now have, in two years, and would make $50,320,608, making a total of $133,175,207. Can we absorb it? That is the whole question. Can we use it in the United States?

The Director of the Mint has shown that the normal increase is $5,000,000 annually, but in that normal increase he does not take into account Porto Rico; he does not take into account Cuba; he does not take into account the Philippine Islands.

I know there is a proposition pending in the Congress of the United States to have free and unlimited coinage of silver in the Philippine Islands. Sir, that would be a crime against civilization. [Applause on the Republican side.]

The last papers that came from Manila begged and pleaded that the first thing we should do there should be to withdraw the "bastard currency," as they called it, which they now have, and substitute American money. I know from personal observation there that American money is to-day in circulation. It would probably be a greater change in the commercial interests of the Philippine Islands to-day to put in any other form of currency than it would be to enact that American money should be legal tender there. I sincerely hope that no such proposition as I have just mentioned may be carried out, and if it is not we can put there from thirty to forty to fifty million dollars of American money, to our own advantage and the advantage of those people.

But we have in circulation $69,665,508 in silver certificates of the denomination of $1. If these were withdrawn, as they could be with great advantage to the country, from a financial point of view, taking into consideration the cost of circulation, as well as from a sanitary point of view, it would put all the bullion and twenty millions of silver dollars into circulation as subsidiary coin. Now, that is mere guesswork. The best way for us to judge as to what the United States can do with regard to the circulation of subsidiary coin is to see what other nations are doing. In 1878 we had $1.36 per capita circulation of subsidiary coin. Now we have $1.05. That is all.

Compare that with other nations. Great Britain has to-day $2.82; Denmark, $2.46; Switzerland, $3.24; Germany will have $3.50; Japan will have $2. With silver dollars in actual circulation it is doubtful whether we could expect to carry more than Japan. We ought to, a good deal more. That would be $2 per capita, and with a population of 85,000,000 in 1905, three years hence, when the bullion was coined, it would make $170,000,000 of subsidiary, or a recoinage of about $37,000,000 of the silver dollars in addition to the bullion.

Now, some gentlemen—the silver men—talk about the danger of eliminating our legal-tender silver dollar, when if you saturate this country with subsidiary, taking away only the one-dollar bills, you would still have 500,000,000 of silver dollars left. It is a common-sense proposition which this bill presents to you and not a political one in any sense whatever. Let us see whether we would be alone in carrying out this policy, and I want to call the attention of my friend from Colorado [Mr. SHAFROTH], whose judgment I admire and whose honesty I respect, to this, and beg of him that he will not simply shut his eyes to everything that is going on around him and cling to his prejudices, but that he will read facts as they come along from day to day.

What are other nations doing? During the past five years the following changes have occurred—the world is not standing still: Austria has eliminated twenty-five millions of legal tender from her currency and concurrently increased her subsidiary coin from forty million to seventy-three million. Belgium has reduced her legal tender from fifty millions to thirty millions and her subsidiary from seven to four millions. France has reduced her legal tender—now note this—from four hundred and thirty-four million to three hundred and sixty-one million in the last five years

and increased her subsidiary coinage from fifty-seven millions to fifty-nine millions.

Mr. GILBERT. You mean legal tender?

Mr. HILL. I mean legal-tender silver has cut it down from four hundred and thirty-four million to three hundred and sixty-one million. Russia has eliminated all her legal-tender silver and increased her subsidiary from forty millions to one hundred and two millions. Germany has reduced her legal tender from ninety-two millions to eighty millions and increased her subsidiary from one hundred and fifteen millions to one hundred and twenty-seven millions, and is recoining all the rest she has got into subsidiary coin.

By the convention of 1898 the Latin Union has begun the process, France agreeing to recoin 130,000,000 francs from 5-franc pieces, Belgium 6,000,000, Italy 30,000,000, and Switzerland 3,000,000. The only possible argument that can be advanced against this bill is the argument presented by the honest advocate of the silver standard, that by it the volume of silver dollars will be reduced, and from this he claims that the legal tender of the country will thereby be curtailed, and the commercial interests of the country injured. That is all that can be said.

Neither the statement nor the conclusion drawn from it is justified by the facts. With a subsidiary coinage of $3 per capita we will have left 502,967,007 silver dollars after this bill is in full effect. I am sorry to say that it is so. I wish it were not so; and I want the House distinctly to understand—and gentlemen on the other side—that when they fear that the silver circulation of legal tender is to be entirely eliminated a plain statement of facts shows that when the country is saturated with subsidiary coin up to the full amount of the average nations of the world we will still have over 500,000,000 of legal-tender silver dollars so long as the $2 bills remain outstanding.

Mr. SHAFROTH. Will the gentleman yield?

Mr. HILL. In just a minute. At the natural normal increase it would take a hundred years to eliminate that legal-tender silver from our circulation, and while some of us are young and active and vigorous, I doubt very much whether the results of a hundred years from now will affect any of us very materially. It may some of the gentlemen who are so vigorous on the other side of the House who are advocating the cause of silver.

Mr. SHAFROTH. Now, will the gentleman yield right there on his hundred-year proposition while I quote from his own report?

Mr. HILL. Yes.

Mr. SHAFROTH (reading):

> There is no question but that the convenience of the people of this country would be served by materially increasing the volume of subsidiary coin; and considering the requirements of those parts of the country where the silver dollar is preferred to its paper representative, your committee are of the opinion that if the policy of coining the bullion into subsidiary coin is followed by the recoinage of silver dollars into subsidiary coin not many years will pass before the entire volume will be disposed of.

Mr. HILL. Exactly.

Mr. SHAFROTH. Is that a hundred years?

Mr. HILL. That was a broad statement.

Mr. SHAFROTH. Is that a hundred years?

Mr. HILL. I have figured it out now accurately and brought it down to dollars and cents. There would be $502,967,007, and if the normal increase of five million a year be continued it would take a hundred years. As I said before, that eliminates the problem of the Philippine Islands, Cuba, Porto Rico, and so forth. That is a factor about which no man can do any more than guess.

Mr. FOWLER. And it eliminates the increase in population.

Mr. HILL. No; the increase in population is included. Now, another question. As I said before, the report of the minority was made on the first bill. They never referred to one of the provisions of the bill now pending. They took up and considered merely the question of exchangeability; but since this new bill was reported a report has been made bearing not at all upon the bill itself, but simply discussing the question of the withdrawal of the legal tenders.

Gentlemen, there is far more danger to this country and to the world to-day of inflation by reason of a glut of gold than there is of a scarcity of silver. The estimate of the world's production of gold the present year is $400,000,000, and I do not think that we need discuss this proposition on the basis that the business interests of the country are to be imperiled by the recoinage of the legal-tender silver dollar, which does not circulate and is locked up in the Treasury vaults.

The gentleman asked a question a little while ago in regard to the silver dollars. I will answer now from manuscript. What I would do, if I had the power, would be to abolish the silver certificates, except the five-dollar denomination, withdrawing all legal-tender silver dollars and lock them up in the Treasury against the five-dollar certificates, recoining the dollar piece as a token dollar, with limited tender qualities, for such dollar pieces as we needed for circulation, and holding the balance as a silver-bullion fund to be used for subsidiary, and redeeming the silver certificates, whenever they were presented for redemption, either in token dollars or in gold, at the will of the holder. That is what I would do.

Mr. SLAYDEN. Did not the gentleman say that there is far more danger to the world, in his judgment, from a possible glut of gold than from any scarcity of silver?

Mr. HILL. No; I did not say that. I said there was far more danger of inflation from a glut of gold.

Mr. SLAYDEN. Do you think that inflation by an increase of the quantity of gold would be harmful to the world?

Mr. HILL. Well, it would depend on circumstances. It would depend on the character of the inflation.

Mr. SLAYDEN. Well, gold inflation.

Mr. HILL. I would prefer not to take my time now to answer that.

Mr. COCHRAN. Upon whom would the harm of this inflation fall?

Mr. HILL. I say I would prefer not to discuss that question. I would prefer to speak to the bill.

Mr. SHALLENBERGER. I understood you that you were willing to take the entire amount of silver certificates and the silver dollars and make them a direct charge upon the Government, payable in gold.

Mr. HILL. They are now.

Mr. SHALLENBERGER. By law?

Mr. HILL. No; by practice, which is better than law.

Mr. SHAFROTH. Oh, no.

Mr. HILL. They are absolutely being so exchanged and have been ever since the gold standard was adopted, day after day, right straight along, and I want to say to the gentleman that one reason why I favor the exchangeability of the silver dollar for gold by law is the fear that at some time or other in the future there may be somebody in the Treasury Department who will stop that practice and bring a panic upon the country and put silver below par. That is one reason why I favor doing it by law. It is being done in practice every day, right straight along, and is the uniform current practice of the Treasury Department.

Mr. SHALLENBERGER. I have never been able to get any such statement as that.

Mr. HILL. If you go to Mr. Roberts, United States Treasurer, he will make it to you.

Mr. SHAFROTH. He told me a month ago it was not the custom, and that they would not do it, and you could not exchange one money for the other.

Mr. HILL. I am advised by the Assistant Secretary that if the one and two dollar certificates were both taken away that probably 70 per cent would circulate as subsidiary coin and the other 30 per cent as silver dollars, and if that were done the result would be as follows——

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. HILL. I would prefer not. We would then have $173,497,222 of subsidiary coin and 102,946,773 of silver dollars in actual circulation and $408,897,608 locked up in the Treasury.

Now, gentleman, I would be glad if I had the time to call your attention to just what Germany has done in this respect. We are not marking out a new course in which this Congress should go, but we are doing just exactly what other nations have done; exactly what Japan and Germany have done, who have sold very largely of their bullion, but are recoining the remainder. Now, I will read from report of the Director of the Mint:

> By the law of 1873 the German Empire adopted the gold standard. Good progress in this direction was made for several years, but, owing to the heavy fall in the price of silver, gold could only be purchased at a great loss, and the sales of silver were suspended by the Government in 1879 with the sanction of the imperial diet.
>
> Thus a large amount of silver thalers (1 thaler equals 3 marks, or 2s. 11d.) remained in circulation which, under the law of 1873, retained full discharging power the same as gold—i. e., the thalers were legal tender to any amount. The stock of thalers was somewhat reduced in subsequent years, but at the end of 1899, according to an official estimate, there were still 120,000,000 thalers left, equal to 360,000,000 marks.
>
> Therefore, although nominally the gold standard existed in Germany, a large amount of silver money enjoyed perfect equality with gold, and the standard was a limping one. When the sale of thalers was suspended in 1879 on account of the depreciation of silver, it was hoped that silver would recover, but the depreciation of this metal has continued ever since, and enormous loss would have resulted from selling the thalers, for while their face value is 2 shillings 11 pence, their market value is about 1 shilling 4 pence at a silver price of 27 pence per ounce standard.
>
> The new law provides for the abolition of the limping standard without any such loss by converting the thalers, which are legal tender to any amount, into imperial silver money, which is legal tender up to 20 marks (£1) only. This leaves the total amount of silver money practically unchanged, with this important difference, however, that when the last thaler has been recoined there will be no more silver money left which is legal tender to any amount. The whole of the silver money circulating in the Empire will then be "Scheidemuenze" (legal tender to £1).
>
> * * * * * * * * *
>
> The Imperial Bank has spared no effort to force its large stock of thalers into circulation, but they have invariably come back within a very short time.

The Government therefrom concluded that the public will not have thalers, a statement which has met with considerable opposition on the part of bimetallists in the imperial diet.

* * * * * * *

Article 4 of the new law fixes the maximum limit for the issue of imperial silver coins at 15 marks per head of the population of the Empire. The silver required for the fresh coinings is to be provided by melting down thalers, and to bring the imperial silver money up to 15 marks per head of the population the entire stock of thalers will have to be used.

The coining or recoining of the new issues of imperial silver money is to be spread over a period of about twelve years, and the yearly coinings are limited to 30,000,000 marks on the outside. It is not contemplated to exceed this figure in order not to interfere with the regular business of the mints.

Japan has done the same thing. It started in with 78,000,000 or 80,000,000 legal-tender yen. It sold 40,000,000 and is now recoining the remainder. They eliminated the one-dollar note, the one-dollar paper, both Germany and Japan, and coined the subsidiary coin. Rather than sell the remaining bullion and make a loss they are recoining it and putting it into circulation, where it remains, and so we would with much of it.

If we could do the whole thing it would be a happy day for us. But I do believe, I believe it just as honestly as my friend from Colorado believes he is right on this proposition, that we can carry with a reasonable degree of safety the enormous amount of silver we have got and not sell it as bullion, realizing the enormous loss which we have actually made. But if we will go ahead and recoin it and use the bullion in place of the dollars we can make 7 cents out of every dollar, and we can give the people of this country better satisfaction. If we eliminate the one and two dollar bills we would hurry up the process, but by this plan we could carry this enormous amount of silver until we can use it up in a legitimate and proper way, and it ought to be eliminated in some way or another. I reserve the balance of my time.

The CHAIRMAN. The gentleman has three minutes of his time remaining.

Mr. COCHRAN. I now yield ten minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Chairman, the very short time given us furnishes no one an opportunity to discuss the question at all; and it is reduced to the usual policy of cutting off debate when an important question comes up before this House——

Mr. COCHRAN. Mr. Chairman, there is no quorum in this Chamber, and this is a measure which ought to be discussed with the membership present.

Mr. BELL. I hope the gentleman will not cut that out of my time.

The CHAIRMAN. The gentleman from Colorado will proceed.

Mr. COCHRAN. I make the point that there is no quorum in the Chamber.

The CHAIRMAN. There is no question pending before the committee.

Mr. COCHRAN. I rise to the question of privilege that a quorum should be present.

The CHAIRMAN. The Chair understands that it has been held to be the right of the gentleman. The Chair will count.

Mr. COCHRAN. I thought probably the Chair would count.

The Chairman proceeded to count.

Mr. HILL (during the count). While the quorum is coming in I would like to state that I understand that there is a desire for more time upon the other side of the House. I do not think we shall use it on this side. I therefore ask unanimous consent to extend the time for general debate one hour on each side. I will say I ask it more for gentlemen on the other side than for this. If there is no objection, I ask an extension of the time for one hour on each side.

Mr. MCCALL. That can not be done in committee.

The CHAIRMAN (after completing the count). There is a quorum present.

Mr. BELL. Mr. Chairman, as I before said, this resolves itself into the old practice of no time for debate when a real issue is presented in this House and unlimited time when there is nothing of importance before the House. Having only ten minutes, I can not undertake to even enter into the discussion of this bill; but I want to say that it is well known throughout the country that our friend from Connecticut [Mr. HILL] rides two hobbies. One is the ghost of the silver dollar, in one way, and the other is the bank's paper dollar, in the other. He never gains any faith in the silver dollar; he never loses any in the bank paper. I have no doubt that he is honest in his contention, but I wish to suggest to the gentleman that just such proceedings as he continues in this body has brought on pretty near every panic that this Government has ever suffered. They have been brought on by what Webster and other great statesmen designated as "currency tinkerers."

Now, Mr. Chairman, his arguments are a mass of figures thrown in the air and stirred up, and they are stirred up in such a way as to confuse the unthinking. He could take the same figures and apply them to gold. He could take the same system of figuring and show up in some instances as to bank paper; he could show the fact that currency for any Government is enormously expensive. If our friend, who is such an advocate and believer in national banking currency, will get down and investigate with the same acumen that he uses against the silver dollar he will find that the people of the United States have lost much of their earnings by national-bank failures, and yet they do not want to give them up. They are among the necessaries of civilization. They are necessary expenses, and if you will examine some of our deficiency bills you will see why they have been so large in this House in coining these gold certificates, in coining silver certificates. The Treasury Department gives us as the reason that we must make such enormous appropriations for the issuing of silver and gold certificates and United States notes that the life of them is only about four years.

It is not a question of the cost of the silver and getting it into circulation; it is not the cost of the gold certificate; it is not the question of the cost of the silver certificate. The question is, is it a good currency and the best that the experience of mankind up to this time has devised?

Now, the silver men are not agitating these questions. You have adopted a policy which cuts off the coinage of the silver dollar. It is the bank paper man; it is not the gold man. The gentleman from Connecticut has no more love for gold than he has for silver. Neither is sacred to him. There is only one dollar known to civilization that is sacred to our friend from Connecticut and those who lead with him, and that is a piece of bank paper.

Now, you may take the argument of the gentleman from Connecticut [Mr. HILL], and I will propose to him right here that if he will take the recommendation of the Secretary of the Treasury that I will agree, and I think I can guarantee that every man on this side will agree, to stop this debate this moment and vote upon the bill. The Secretary of the Treasury, July 30 last, said in his report that there was silver bullion enough uncoined in the Treasury to pay every outstanding note for its purchase and enough left as gain or seigniorage to coin nearly $20,000,000 in fractional or divisional currency. And the suggestion was made that we coin silver dollars enough to take up the Treasury notes outstanding, and that we apply the remainder, nearly twenty million to divisional currency. I am ready and believe every man on this side is ready to give you $20,000,000 in divisional currency and let the law stand as it is to-day.

But, sir, the object of the gentleman from Connecticut [Mr. HILL] is to invade the domain of the existing silver dollar. He has, and his friends who work hand in hand with him have, three bills here, and this is the entering wedge. This is the least offensive to the country, and they only intend to pass this until after the Congressional elections, and then in the short session they propose to wipe out the greenback, to wipe out the Treasury notes, to wipe out the silver, and to put bank paper and a banking syndicate that will make the beef and the railroad trusts blush with shame, because it will be such a syndicate as was never seen before in this country, and it will be legislated upon the people by Congress itself.

Now, this bill, if the gentleman meant what he said, if he means that this is a harmless bill, why did he not say, in the language of the Secretary of the Treasury, coin the remainder of the dollars required to redeem the Treasury notes, and then you have enough to make nearly twenty millions in divisional coin, and coin that into divisional currency? That is what the Secretary of the Treasury said. The gentleman is not here for the purpose of coining divisional currency, he is here for the purpose of stopping the coinage of the silver dollar. He is here for the purpose of getting the right in the future of coining the silver dollars into divisional currency. We do not need the divisional coins. We do not need the divisional currency, but we would give you $20,000,000 of it.

There are four real points in this bill. The first is to remove the limit for the issuance of divisional coin and to permit the discretion of the Secretary of the Treasury to govern. With our long experience to guide the Secretary of the Treasury, I can see no valid objection to this change of existing custom, if the intention is in good faith, to coin what we might need only; but the onslaught by the Treasury Department for a number of years against the greenback, United States Treasury notes, and silver coin has destroyed our confidence in it. The second object is to coin what divisional currency may be needed out of the general stock of bullion on hand. I think that is quite proper under the circumstances, if the Treasury was limited to $120,000,000; but with the discretion given the Treasury, we fear it will coin $150,000,000 as a means of getting rid of our silver bullion.

The third object is to stop the further coinage of silver dollars. This I do not think wise. It is certainly not necessary, and it stops the expansion of our silver coinage while our population is constantly increasing, and it is a part of a plan to retire the silver

dollar and Treasury notes and to contract the currency, and we think this is the real object of the bill. The Treasurer asked for $120,000,000 subsidiary currency. The enemies of the silver dollar want to set aside enough bullion to make more than $150,000,000 and to cease coining the silver dollar, merely to get rid of coining more silver dollars.

The Secretary of the Treasury says, in his annual report of June 30, 1901, "The stock of bullion acquired under the act of July 14, 1890, was 51,763,642 standard ounces. If enough of this were coined into silver dollars to take up the Treasury notes issued for its cost, there would still be remaining 15,539,345 standard ounces, which, converted into subsidiary coin, would give $19,321,113." If the aims of the majority of the committee were in good faith to give the relief demanded, they would comply with the request of the Treasurer, but their main object is to stop the coining of silver dollars.

It is suggested that the limit of divisional coin be raised to $120,000,000. The act of March 14, 1900, limits the stock of subsidiary coin to $100,000,000, and the Treasurer suggests a raise to $120,000,000. This, at the request of the Treasurer, would be granted without objection, but the majority of the committee seizes the opportunity and seeks to appropriate all of the silver bullion for divisional coin and stop the coinage of silver dollars. The recommendation of the Treasurer, November 1 last, was to coin silver dollars until the Treasury notes for its purchase is redeemed; then coin the remainder of the bullion into subsidiary coin, which would make a little less than $20,000,000 more than we could absorb for many years. Doubtless the Treasurer, in his zeal to stop silver coinage, would pile up enough divisional silver to last for a generation under the provisions of the present bill.

At the time of the report of June 30, 1901, the Treasurer said: "We have a stock of $8,464,829 in the Treasury not yet used." In the Treasurer's report of November 1, 1901, he says: "The demand for subsidiary silver coin led to shipments during the past fiscal year 6.94 per cent in excess of those of 1900." The amount in circulation June 30, 1900, was $76,294,050, and a year later $79,700,088. There is no such reflux of these coins into the Treasury as of standard dollars. The increase goes on with very slight breaks, and is about 7 per cent per annum.

A hidden object in this bill is to stop the further coinage of silver dollars, and to retire the Treasury notes without replacing them with silver dollars as the law now requires. In 1891 $45,336,000 in silver was coined, and a like number of Treasury notes redeemed, thereby avoiding a contraction.

The fourth objection to this bill is that in the future no silver shall be purchased for divisional coin as heretofore purchased, but as the Government requires such it shall melt the silver dollars out of circulation and put them into subsidiary coin.

The real object of this bill is: First, under the guise of increasing the divisional currency, to stop the coinage of silver dollars; secondly, to start a raid on the coined silver and have it thrown into the melting pot and give the open field to the bankers and bank paper.

This bill will tie up what silver bullion we have for subsidiary coin, two-thirds of which is wholly unnecessary. Then the currency tinkerers will soon come along with a bill to melt down our standard silver dollars and coin them into Philippine dollars. The banking element is determined that the silver dollar shall give way to bank paper. This element is so restless under our easy money condition that it has the Calendar lined with bills, which when passed will legislate them into a money trust so flagrant that the sugar, beef, and railroad trusts will become absolutely respectable.

The Secretary of the Treasury says that on November 1 the aggregate gold in the Treasury was $542,831,849. That was never before equaled in our annals, and only for a few months some years ago has any other government ever held so much of the precious metals.

In 1901 the mints coined $136,340,781.58. The net increase of bank circulation was $99,339,457, and the per capita in circulation increased from $26.50 in July, 1900, to $28.52 to October 1, 1901, notwithstanding our great increase in population. This was the largest circulation we have ever enjoyed in actual money and bank paper in gross or per capita during our whole history, and with it we have had the greatest prosperity that we have ever enjoyed.

The Secretary of the Treasury says, in his report of November 1, 1901:

> Although the United States led the world last year in the production of gold, our imports of that metal exceeded our exports by the sum of $12,866,010. The stock of gold coin in the country, including bullion in the mints, at the close of the fiscal year, was estimated at $1,124,652,818, and the stock of silver coin at $610,447,025; United States and Treasury notes, $388,285,518; bank notes, about $360,000,000.

Why is it that the money-changing element begins to tinker with the currency every time that money becomes abundant and prosperity rife? Why is it that their move is invariably to contract the volume of all currency except national-bank notes? Why is it that their every move is to increase bank paper? Does the proposition admit of argument? Is not the cause self evident?

The money holder and dealer are affected as much by a superabundance of money as the farmer or manufacturer is affected by a great abundance of his product. The more money there is on the market in proportion to the demand the lower the price for money, just as a great crop lowers the price of cereals.

An abundant supply of money benefits the masses of the people, just as a great crop benefits the people at large. Then should the banking element be permitted to constantly keep a money famine in existence, that the owners of money may benefit at the expense of the general prosperity?

No one here can be fooled as to the object of this bill. The main object is not to increase divisional currency. There are many millions of subsidiary coin in the Treasury unused and can not be used before the December session. The subsidiary item is put forth to muddy the water while the money changers stop the further coinage of silver now going on and until they pass a provision for melting silver dollars in the future for the subsidiary coinage instead of purchasing silver for this purpose, as has always been done heretofore. It is one of the chronic contraction policies ever waged against the people as soon as they obtain a fair supply of money.

It behooves all of us to carefully look over our present condition and the probable changes of the near future. Every country in the world during the past three or four years has been running every powder mill, gun factory, navy-yard, etc., to its full capacity preparing war material; that quite a half million men of this country and of Europe have been transferred from the productive forces to the consumers; that the Spanish and Boer wars and the disturbance in China have made an unprecedented demand for our manufactured and food products, and for our horses and mules; that we have had several phenomenally large crops, and our gold production has surpassed anything ever dreamed of before; that Congress greatly increased bank paper by granting the privilege of issuing currency to the full limit of the United States bonds deposited and by allowing national banks to form on a capital of $25,000.

All of these things taken together have given us a phenomenal prosperity. It has given us such a balance of trade that we not only retained all of the gold we coined, but retained many millions imported from abroad. A change may come over our conditions; our crops may be short; peace abroad may cut off our great horse, mule, and food-product market. This would throw the balance of trade less in our favor, if not against us; would render much of our labor idle, prices would fall, and the tramp of the work hunter would be heard in the land again.

The unprecedented outburst of inventive genius, the matchless supply of labor-saving machinery, and the development of the world's resources have established standards of living that require higher wages, constant employment of labor, and remunerative business to insure peace and tranquillity throughout the country. A skilled laborer to-day earns as much in a day as a like laborer did in a week a century and a quarter ago, and has as many or more comforts to-day than the nobility had a hundred and twenty-five years ago, and his expense of living is quite as much for one day now as it was for a week a hundred and twenty-five years ago.

Sir Richard Arkwright, who did so much to establish the factory system, earned his bread in his younger days by shaving his fellows at a penny each. James Watts, inventor of the steam engine, celebrated his independence when his wages were raised to 12s. per week, less than $3 per week. Less capable artisans earn more in a day now. Those were days of low wages, cheap living, and a great scarcity of money. Sir Robert Peel, one of the first printers of calico, had quite a contention with his partner, William Yates, as to whether he should pay him for board and lodging $1.96 or $2.20 per week. They compromised on $2.08. This would not now pay for board and lodging in a third-class hotel for more than one day.

The equilibrium between money and property and the prices of labor and the expenses of living must ever be kept in mind, not according to past, but according to present conditions. The large amount of money among us for the past three years has given a great stimulus to business, to the employment of labor, to the increase of production, and to the free exchange of property. You disturb the present fortunate equilibrium and you will detrimentally affect production, labor, and exchange of property and general prosperity.

The present very favorable condition would withstand the check in silver coinage and the small shrinkage, but with a shortage of crop, peace in South Africa and the great loss of consumers we would soon receive, pacification in the Philippines and a large crop abroad, checking or turning the balance of trade against us, this check in the flow of currency would add to our troubles.

This bill, however, is but the beginning of one of those recurring policies of contraction preceding a panic. I have no doubt but this bill will be followed next session, after the fall elections are over, by the passage of the bankers' bill, retiring the greenbacks, the Treasury notes, and the silver dollars, and then with the first shake of confidence bank paper and loans will be curtailed, labor will be discharged, a panic will be precipitated, and another train of squalor, misery, and loss of property will lie at the doors of the pestiferous "currency tinkerers."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HULL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 14189) to permit the occupancy of the public-printing building by the Grand Army of the Republic.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested.

S. 5913. An act granting a pension to Cherstin Mattson.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 11535. An act for the protection of game in Alaska, and for other purposes; and

H. R. 14018. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

SUBSIDIARY SILVER COINAGE.

The committee resumed its session.

Mr. COCHRAN. Mr. Chairman, I now yield twenty minutes to the gentleman from Nebraska [Mr. SHALLENBERGER], but before he enters upon his remarks I make the point that there is no quorum in the Chamber, and I call attention to the fact that the rule ought to be obeyed by the Chairman in making the count and stating whether there is a quorum here or not, and not have the count made as it was the last time.

The CHAIRMAN (Mr. MANN). The gentleman makes the point that there is no quorum. The Chair will count.

Mr. COCHRAN. I rise to a parliamentary inquiry. Is there a quorum present?

The CHAIRMAN. The Chair is counting to ascertain whether there is a quorum present. [A pause.]

Mr. COCHRAN. I suggest that there are no doubt lightning calculators available, paid out of the contingent fund, who might facilitate the movements of the Chair. [Laughter.]

The CHAIRMAN. The Chair will remind the gentleman that there are no arithmetical machines in the House. [Laughter.] [A pause.]

Mr. COCHRAN. Mr. Chairman, I call for the regular order.

Mr. DALZELL. The regular order is to count whether there is a quorum.

The CHAIRMAN. A quorum is present. The gentleman from Nebraska [Mr. SHALLENBERGER] has been recognized for thirty minutes.

Mr. SHALLENBERGER. Mr. Chairman, the action of the Committee on Rules in reporting this Lilliputian financial measure to the House is a very apt illustration of the ancient fable of the mountain that labored and brought forth a mouse. The Committee on Banking and Currency, after a great deal of labor, has reported to this House a bill providing for a complete reorganization of our national banking and financial system, and which has come to be known as the Fowler bill. This bill, if enacted into law, would provide for the most radical departure from all our previous policies upon these questions that has ever been offered to the country. The Fowler bill, which yet remains upon the Calendar of the House, provides for the establishment of a board of governors in lieu of the present Comptroller of the Currency to have general executive control of our banking system.

It provides for great clearing-house associations established in appointed districts and operating with governmental powers. It provides for the retirement of the Treasury notes as credit money, the absolute cancellation of a large number of them, and the transfer of the rest of them into gold certificates. It provides for the establishment of great monopolistic banking corporations, operating from money centers, with branches scattered all over our own country, our possessions and dependencies, and if so desired, in foreign lands as well. It abandons our present policy of requiring the payment of national bank notes in lawful money only, and that they shall be secured by the deposit of Government bonds, and permits the issuance of hundreds of millions of bank notes based upon the faith and credit of the banks alone, and provides further that they shall be payable specifically in gold.

It provides for the redemption of silver dollars in gold at the option of the holder, the abandonment of their further coinage, and also for their final coinage into subsidiary coin. But the bill before the House now is not that bill. The chairman of the Committee on Coinage, Weights, and Measures has also reported to this House and has now upon its Calendar a bill which provides for the redemption of the silver dollars in gold, for their recoinage into subsidiary coinage at the option of the Secretary of the Treasury, and the abandonment of their further coinage; but this is not that bill.

And, finally, the Committee on Rules has laid before the House this small fragment of the entire bill, and which provides only to increase the volume of subsidiary coin by coining the silver bullion in the Treasury and the silver dollars now issued into subsidiary coin at the option of the Secretary of the Treasury. So this financial legislation, which started out with promise of revolutionizing and reorganizing our entire monetary system, has so shrunken, perhaps in view of the approaching Congressional elections, that the bill which we now have before us contains only one small part of one section of a great financial bill that originally contained 23 sections. But, Mr. Chairman, this bill is, in my judgment, the sharp end of the legislative wedge by which they hope to drive home to the heart of the American people the entire monopolistic plan which is embodied in the so-called Fowler bill.

This bill is a "John the Baptist" in legislation, so to speak—a forerunner of a much greater bill which is to follow.

This bill is but one short step in a long legislative journey upon the financial question which those who are in control of financial legislation in this House would have Congress and the American people travel. Although the bill which we are now considering is only a small sliver of the entire financial plank which has been proposed, and does not go so far as did the original bill reported to the House January 6 by the Committee on Coinage, Weights, and Measures, which provided for the redemption of silver dollars in gold, it does, in fact, attempt to accomplish the same end by providing for the coinage of the silver dollars into subsidiary silver.

In the speech of the honorable chairman of the Committee on Coinage, Weights, and Measures delivered in this House on May 9, 1902, in speaking of the entire Fowler bill, he says, in reference to that portion of section 22 which provides for the coinage of silver dollars into subsidiary silver: "The committee believe that with our rapidly increasing population the whole amount can in time be converted into change money and held in daily use among the people, and with the greenbacks retired, and with no bank notes below $10, and silver certificates restricted to $5, it can be safely carried," and indicates further that the difference between the plan of redeeming the silver dollars once and melting the same and selling it as was done by Germany, and that of coining the silver dollars into subsidiary silver amounts to a matter of $300,000,000 in saving to the Government, if the plan of recoinage of silver dollars into minor coins is adopted.

This plainly shows that by this plan of converting the silver dollar into subsidiary coin they hope to accomplish the destruction of the silver dollar as real money and transform it into a token money which is redeemable in gold as completely as though they declared in this act that the silver dollar shall be specifically exchangeable for gold upon the option of the holder of the silver.

After a study and contemplation of the principles involved and the purposes proposed in the completed Fowler bill, which has been sought to be given to the American people in sectional doses from time to time in this Congress, since the powers that rule it do not seem to be willing to attempt at this time to apply the entire treatment with one radical operation, there ought not to be any misunderstanding as to the primary motive which has been behind all of the continued assaults upon the real money of the American people for a quarter of a century. There is no longer any deception attempted upon the part of those who are continually pressing for greater personal privileges. It is the last ditch and the last fight for complete corporation control of the financial system of the Government.

The battle has really never been as to whether our standard of value should be gold or silver or paper; whether our money should be yellow money or white money or green money. The real battle has been as to whether the money of the country should be issued and controlled by the General Government as declared in the Constitution, or whether it should be issued by private corporations for personal profit, power, and privilege. The gold standard has been our established measure of value for

a quarter of a century, and in 1900 we declared that the obligations of this Government should be specifically payable in gold; but that was not satisfactory to those who would surrender to private corporations the illimitable power and profit of controlling the monetary system of the country.

What have they been fighting for? They have been fighting for the priceless privilege of controlling the volume of currency necessary to carry on the business of the richest, the most powerful, and the most commercial nation upon the face of the globe, and this prize is worth the battle of more than a quarter of a century which it has cost them if they shall finally win. Those who support the financial plan proposed in this bill are constantly contending that we can not legislate value into a dollar; that we can not legislate a nation into wealth, and that we ought not to attempt to legislate money into men's pockets, but corporations possessing special privileges have been steadily legislating the wealth of this country unto themselves.

They know the value of legislation upon the financial question and the ability to control it, for they have eaten of the fruit thereof, and if they shall succeed in their declared purpose of fixing upon the statute books of this nation the plan proposed in the Fowler bill they will, with one stroke of the Presidential pen which shall approve that bill, have legislated more power and more profit into the hands of private corporations than a million of honest men could possibly earn in a lifetime of toil.

He that does not know that with the years which are beginning the present century we have come to face a new condition both in the business and the commercial world is dead to what is passing before him, and he that does not see that we must take political action upon it is blind to the portents of the future. Syndicates and monopolistic combinations of one character or another have sprung up almost as in a single night until, like some deadly nightshade, they shadow all the land. They seek to control our State and national legislatures, if necessary to the accomplishment of their purposes.

Nay, more, it has been openly charged in the public press that they attempt at times to even soil the sacred ermine of our courts, and if their growing power is not in some way checked they may yet lay the ax at the roots of the very tree of liberty itself. They long ago found that if by means of legislation they could limit and control the volume of commercial commodities in this country they could, to a certain extent, control the price of those commodities to the public as measured in money. They also know that if by means of legislation they can limit and control the volume of money in this country or its credit substitute they can just as surely control the value of this money as measured in labor or commodities, for the great law of supply and demand, acting upon the money, the labor, and commodities at one and the same time controls alike the value of each.

And thus behind the bulwark of the tariff has grown up the industrial trust which seeks to control the price of the products of labor and of industry to the public. And now behind the protection of this so-called Fowler bill it is proposed to build up a banking trust, which by means of branch banks will rapidly absorb and centralize the banking business of this country into the large money centers and which will be more powerful than either the industrial trust or the transportation trust, because it will underlie and support them both.

In order to concentrate into the hands of a few the power to convert into a commercial asset the productive capacity and profit of this great nation of 80,000,000 people, it is necessary to organize three kinds of trusts. First, it is necessary to monopolize and control the industries of the nation, and we have in the past five years accumulated more monopolistic combinations and industrial trusts than any other nation ever accumulated in five hundred years. Second, it is necessary to control the means of transportation, whereby the products of industry and of labor are transported from one section of the country to the other, for, as our Interstate Commerce Commission has stated, it is within the power of the modern railroad trust to make or mar the fortune of any man engaged in any line of business, and not satisfied with having so merged the railroad systems of this country that five or six great corporations practically control them all, they have also gone out upon the great highway of the sea and propose to form a great ocean transportation trust as well.

Mr. KLEBERG. In that connection, will the gentleman allow me to ask whether a number of bills looking to the regulation of railroads have not been referred to the Committee on Interstate and Foreign Commerce which have never been taken up and considered by the majority of the committee?

Mr. SHALLENBERGER. I can not state of my own knowledge, but I think such is the fact.

Mr. LESSLER. Does not the gentleman know that an effort was made by the majority in the last Congress to secure the adoption of a constitutional amendment which would have permitted the Government to deal with this question?

Mr. SHALLENBERGER. Yes; and I think that those who made the effort knew very well that it was not possible to secure such an amendment, having offered it for political effect only.

Mr. Chairman, I can not yield longer, as my time is short.

Mr. SULZER. Will the gentleman allow me to ask him a question?

Mr. SHALLENBERGER. Yes, sir.

Mr. SULZER. Is not this bill another step in the course of the Republican party to create a money monopoly for the benefit of a few and against the inalienable rights of the many?

Mr. SHALLENBERGER. That is what I have been trying to demonstrate.

Mr. SULZER. Then no man opposed to monopoly can consistently vote for this bill?

Mr. SHALLENBERGER. That is my position.

And the third great source or power and profit will be to control the money and banking interests of this country. For to control the money of a people is to control the means whereby they live, the means whereby they educate their children, and whereby they maintain their independence—that spirit of individualism and American independence upon which the perpetuity and foundation of popular government must finally rest.

The provisions of this bill which we are now considering, and which empowers the Secretary of the Treasury to coin the silver dollars into subsidiary silver, have not been suggested or requested by any Department of the Government. The Secretary of the Treasury and the Director of the Mint have recommended that the 15,000,000 ounces of silver bullion now in the Treasury in excess of that required for the coinage of sufficient silver dollars to redeem the balance of outstanding Treasury notes of 1890 might profitably be coined into subsidiary money. This amount of silver bullion converted into subsidiary coin would give us an increase of about $20,000,000 of such money.

The Secretary of the Treasury further suggests that the limit of the country's stock of subsidiary coin should be raised to $120,000,000, which is sound policy, and there is no good business reason that can be given in opposition to this recommendation. But this reasonable recommendation of the Secretary of the Treasury will never satisfy the advocates of a system of branch banks and a monopoly of credit money. The advocates of the Fowler bill are logical in their attempts to have the Government retire from circulation as money all the silver certificates, silver dollars, greenbacks, and Treasury notes, to-day amounting to something like $900,000,000 of real money. They know that the vacuum in our money supply which will be thus created will have to be supplied by an equal volume of credit money to be issued by the banks through their branches.

They are anxiously urging this legislation which fosters the addition of hundreds of millions of bank-made credit money to our money supply to avoid a vindication of those who oppose currency monopoly in this country. Eastern bankers, Secretaries of the Treasury, Comptrollers of the Currency, Southern Democrats, and Western Populists are all agreed as to the fact that there is a constantly growing demand for an increase in the volume of our currency as the country increases in population and expands in commerce. The sole question for us to determine now and the only one open for discussion is of what kind of money shall this increase consist?

I have pointed to the fact that the Secretary of the Treasury has not recommended the legislation offered in this bill, and its advocates are soon going to find that the great mass of the small, independent bankers all over the country are not in favor of the monopolistic principles involved in the Fowler bill. They are holding meetings of bankers' associations, especially country banking institutions, and discussing this great question and condemning the cardinal principles which underlie this whole policy. Out in western Iowa the other day, in the city of Council Bluffs, there was held a convention of bankers of that State, and this proposed legislation was thoroughly discussed, and after sounding a note of warning as to the inflation and overloaning and ballooning of credit that had been going on for the past two or three years, they passed this resolution:

Resolved, That it is the sense of this convention of bankers that the proposed banking legislation now under consideration by Congress, known as the Fowler banking bill, will not tend, if enacted into law, to advance the best good of the business interests of the people of this country, especially that feature of the bill relating to branch banking, and we hereby request our Senators and Representatives from this State to use their influence against the enactment of this proposed bill into law.

A very large interstate convention of bankers of Missouri, Kansas, and Oklahoma was held at Kansas City a short time ago, and after full discussion of this question the following resolution was passed:

Resolved, That the members of this association have carefully listened to the recent discussion of the subject of branch banks, as advocated by the able gentlemen from the East, and combated by some of the ablest and best-known members of this State association and of our neighboring State of Nebraska, and we hereby affirm our unswerving allegiance to that view of

the proposition which condemns it in all its forms as being unpatriotic, un-American, unbusinesslike, and as tending to establish a monopoly from the great and honored business of banking in the hands of a few millionaires, to the exclusion of the men of the West, old and young, who have labored so faithfully and well to make our banking system what it is to-day, the best in the known world.

The Missourians, at their meeting, also adopted resolutions condemning the establishment of branch banking, declaring it to be unwise, unsound, and detrimental to the banking interests of the United States.

Men of national reputation addressed this assembly of representative bankers from the great Central West. Among them Mr. Henry W. Yates, of Omaha, Nebr., a well-known advocate of the gold standard, whose views upon this new financial legislation is given in the extract below, taken from the report of the proceedings:

We are all conscious of the weaknesses which prevail in our banking system, and we are desirous of having them removed and the system strengthened and improved in any manner that good judgment and wise experience will dictate. But it does not follow from this that we should conclude that our banking system is so utterly bad that the only remedy for the situation is its entire extinguishment and the creation in its place of another system. This is what I believe would result from the passage of a law which would establish among us the monarchical British and continental systems of large central banks with numerous branches.

The passage of the pending bill, by destroying the harmonious relations which now exist in our banking world and by threatening the existence of our present organized banks, would not only be disastrous to the banks concerned, but it would be a national calamity.

He is again quoted upon this subject in the public press as follows:

Branch banks was the subject for discussion at the first joint session held in the afternoon of the first day of the convention. In this discussion Mr. Horace White, of New York, supported the proposed amendment which would authorize them, and I opposed it. The vote taken at the close of the discussion was unanimous against branch banks, and the resolution to that effect which has been published was the result of the vote taken at the separate sessions of the associations represented held the following morning.

The asset-currency discussion came on at the second joint session, in which ex-Comptroller of the Currency Eckels supported that proposition and ex-Comptroller Dawes opposed it.

The vote taken at the close of the discussion was equally as emphatic against asset currency as the previous vote had been against branch banks, but the separate action taken in the latter case could not be repeated, for the reason that no further meetings were held.

And I, along with the other members from Nebraska, have received the communication below from the executive board of the bankers' association of our own State:

NEBRASKA BANKERS' ASSOCIATION,
Omaha, Nebr., May 24, 1902.

Hon. A. C. SHALLENBERGER, *Washington, D. C.*

DEAR SIR: At a meeting of the executive council of this association on the 21st instant the following resolution was adopted, and I was requested to send you a copy:

"*Resolved by the executive committee of the Nebraska Bankers' Association*, That we are opposed to the branch-bank feature of the Fowler currency and banking bill now pending before Congress, and we earnestly urge the Senators and members of Congress to uncompromisingly oppose the same."

Yours, very truly,

H. R. GOULD, *Secretary.*

Having determined that 95 per cent of the business is now transacted upon credit and without the use of money, the advocates of this asset banking currency seem to be convinced that it will only be a short time until we will find the need of any real money at all entirely unnecessary. The only consistent interpretation that can be put upon the teachings of those who make these continued onslaughts upon our stock of actual money is that as the demand for money increases all that we will have to do will be to put a little more stretch upon the elasticity of its credit substitute.

Blow the bubble a little bigger and no one will ever ask if its material substance will stand the strain. But the sequel of this specious tale of the beauties of credit money has often been told in ruin and desolation to those nations who have listened to the siren song of him who sings that there will be no date of payment. In the certainty of its convertibility into actual money lies the essence of the value and the honesty of the bank note.

And unless this convertibility is sure and certain beyond all fear or doubt it may become as uncertain in value as a political promise. It has been the fate of all bank notes that have ever been issued upon other securities than that of a deposit of a reasonable amount of the coin of redemption itself, or a substitute that can be instantly converted into the money of redemption, that sooner or later that doubt has arisen with a consequent unsettling of values and loss and disturbance of business. The plan proposed by the advocates of this bill, and also the Fowler bill, is to retire all the Government credit money and all standard silver dollars which now form an integral part of all bank reserves.

The necessary consequent that follows is that all reserves will then have to consist entirely of gold coin. The bank notes are not made a legal tender to any but the banks themselves, and any money that can be refused by a creditor of a bank in time of peril is not to be considered as any part of its reserve fund. The inevitable result would be that our silver must be redeemed in gold or a robbery of many millions will be perpetuated by the Government upon the holders of this kind of money by allowing it to depreciate in their hands.

Of course by so doing the Government will have only gotten rid of the paper gold notes to be in turn mulcted with the silver gold notes. The other horn of the dilemma will be to redeem the silver in gold once and then sell it upon the market and pocket a loss of many millions; and this is what will inevitably happen if we make the $500,000,000 of silver dollars redeemable in gold and retire the Treasury notes, because the banks will otherwise use the silver dollars for drawing the gold from the Treasury for export as they have hitherto used the Treasury note.

Supporters of the Banking Committee's plan have said that it would be a good thing to agree to a law to compel the banks to hold their entire reserve in gold, as that would please the opposition by imposing a hardship upon the banks, but the advocates of this feature have evidently not made an examination as to the amount of gold now held by the banks and available for their use under the system of complete gold reserves.

The national banks alone hold deposits approximating $3,000,000,000, to secure which with a legal reserve of 25 per cent would require $750,000,000. There was $194,000,000 of gold in all the national banks July 15, 1901, according to the report of the Director of the Mint, or less than one-third the amount of gold required should the reserves be required to be held entirely in gold. There are now over 4,000 banks of issue, and more than 5,000 State and private banks which we may presume will also rapidly become banks of issue if there is sufficient profit in the plan proposed and the attractive inducement is offered of making money upon their assets and drawing interest upon it.

So that the actual amount of gold reserve that would be required under this bill for the deposits alone may be fairly figured as larger than all the gold now in circulation in this country. And if the depositors' reserve was provided for there would still be no coin behind the prospective note issues. There are those who would be reckless enough to count the gold in their tills twice—once as depositors' security and again as note holders' security; but this is the acme of financial folly, built upon the faint hope of never having to use the reserve for both purposes at the same time.

That plan of gold note issuing that fails to take most carefully into consideration the amount of gold actually pledged for the redemption of the notes and for that purpose alone may speedily lead us into paths beset with greater trials than we have yet experienced. In order to escape perhaps an imagined evil we may fly to others we know not of. It has been the contention of the advocates of our present policy in regard to the payment of Government notes that it is dangerous to allow the gold reserve beyond our greenbacks and Treasury notes to fall below the $150,000,000 mark, or about a 40 per cent reserve.

By what sort of reasoning can we arrive at the specious conclusion that a 5 per cent reserve fund deposited with the Government will be sufficient when it is made specifically payable in gold? If the Secretary of the Treasury thinks it is necessary to divorce the note issuing from the fiscal department of the Treasury and set aside a specific reserve of gold for the redemption of our Treasury notes, how much more important is it for him to require the banks to do the same thing? He will find plenty of precedent for such a plan among the powerful financial nations of Europe.

With the pressure for furnishing the gold both for export and for hoarding placed upon the banks, as they see their gold pile diminishing they will have but one remedy to renew their store and to stop the endless chain. The Secretary of the Treasury has himself in the past pointed out their inevitable action. It is to call in loans, hold all the gold they may get thereby, deny new extensions, contract their note issues, thereby shutting off the siphon by which the gold metal is most readily drawn from them. The effect of such action will be a sharp shrinkage in our system of credit which will inevitably affect our values in just such proportion as that credit shall have been most highly utilized.

Banks now have no trouble with the demand for gold for export or for hoarding in times of panic, because they hold within themselves the option whether they will supply that demand or not. When they are bound by contract to supply the gold whether convenient or not, it may be another story. The element of absolute safety should be the paramount consideration in any note-issuing policy, but it is the fate of all bills that ask for special privileges that questions of political expediency often override questions of soundness and stability. The claim can not be made with any degree of truth that there is a lack of banking facilities anywhere within the nation.

The proposition to allow all the small banks in the country to share in the profits of credit-note issuing seems to be a rather cheap bid to catch votes for an otherwise unpopular measure. It is claimed by the advocates of the notes of issue that in comparison with other forms of money they have to a greater extent the

peculiar quality of elasticity, ebbing and flowing with the tide of business. Elasticity has a suggestive and pleasing sound, but elasticity in note issues is largely mythical under legal regulations.

Banks being conducted solely for private gain will, under a profitable system, continue to issue notes as long as the public will absorb them until the limit is reached. The fact that expansion would go on until a financial explosion would take place has compelled every nation to establish a dead-line limit beyond which expansion is impossible. When that limit is reached elasticity is only possible in one direction—that of contraction; and when contraction sets in there is only unlimited elasticity in the realm of credit and in the direction of constantly shrinking prices.

It is proposed as a recompense for the Government in part insuring the note holders against loss that it shall be given a first lien upon the assets of the failed bank, but the inequality in this provision lies in the fact that while this is a sweet sauce for the note holders, it is decidedly cold victuals for the depositor. At present the depositor often gets little enough from the failed bank, but with the entire amount of the capital stock appropriated to secure the notes he would often fare far worse.

The difficulty which the Treasury Department encountered during the last panic and the idea that the incubus of providing gold for export and for hoarding can be unloaded upon the banks seem to be the principal reasons advanced for the present agitation for this experimental banking policy. At present the notes of the bank are simply payable in lawful money. This acts as a complete check against their being used to gain gold for export or for hoarding. In times of panic gold is always hoarded. Everyone knows there is not enough for all, so each one gets and keeps all he can.

The principal difference between the present plan and the old State bank issues, under which suspension of payment by individual banks was the order of the hour, is the fact of the General Government's supervision and guaranty and making them indirectly legal tender to the Government for all purposes except duties upon imports. This only raises the hope that, as at present, they will never be asked to redeem them at all except as they become worn or mutilated. But all this will not make the act of redemption any easier. It only raises the hope that it will never be demanded. This is the only reasonable solution of the plan of those who advocate making gold alone the final money of payment in this country and the use of credit bank notes to entirely supply the vast volume of trade that must continue to expand to illimitable proportions, if the seeming destiny of this great country is to be finally fulfilled.

The policy of this Government should not be to contract the volume of its money by legislation, but rather to expand it, because only by building the base of its redemption money as broad as possible can it build the largest superstructure of safe credit. The plan proposed by the Committee on Banking and Currency is entirely experimental. Its policy is one of monopoly and concentration. Its chief supporters complain that it is not as centralizing in its tendency and absolutely monopolistic in its note-issuing powers as they would make it were it not for political expediency.

The chairman of the Committee on Coinage, Weights, and Measures has said that he would prefer a bill which would limit the note-issuing power to a few large and highly capitalized banks, with branches all over the country, absorbing through its tentacles the profit that now remains to the individual banks in the small communities. Indeed, he has said that he would himself prefer one great bank alone in New York City to monopolize the entire note-issuing function of the Government. The policy has never been demanded by any political party or platform. It is purely an imperialistic financial policy.

The policy of monopoly in note issue, underlies and supports every empire of Europe. It is the banking policy of the Empire of Russia, of the Empire of Germany, of the Empire of Austria, and of the Empire of Great Britain, attempted to be applied to free America. It is not the policy of the Republic of France, which is the soundest financial government of Europe; which has always made it the foundation of its financial policy to accumulate as much as possible of real money, both gold and silver, as a base upon which to build the superstructure of her credit. There is no demand for it from the people, and to pass it now, between elections, when the people have had no opportunity to register their judgment and their verdict upon it at the ballot box, would be an act of political injustice which has no parallel in all our history upon financial questions, unless we except the act of the demonetization of silver itself. [Loud applause on the Democratic side.]

Mr. COCHRAN. I yield ten minutes to the gentleman from Tennessee [Mr. GAINES], but before he proceeds I wish to make the point that there is no quorum in the House to hear the gentleman discuss this bill.

The CHAIRMAN (Mr. TAWNEY). The Chair will count the Committee of the Whole. [A pause.] There is a quorum present. The gentleman from Tennessee [Mr. GAINES] will proceed.

Mr. GAINES of Tennessee. Mr. Chairman, it is a great surprise to me, and doubtless to others—I am sure it is to my friend from Missouri [Mr. COCHRAN]—that the chairman of the Committee of the Whole, with the vigilant assistance of the gentleman from Missouri, has been unable thus far to keep a quorum in this House to listen to anybody discuss this question. It is a remarkable thing that while we have here before us a bill involving the destruction of the existing silver dollar—a full legal tender for any sum—the grinding of those dollars into subsidiary coins of limited legal tender "for $10 in any one payment," the seats in this House have been vacant to-day, when members know that this effort is but the entering wedge to turning this country over to the national banks for our paper money hereafter, and to further deprive the people of their Constitutional right to have "money," real money—gold and silver. Into subsidiary coin must go the silver dollar now doing full money duty, while to the national banks—panic makers—we must soon go for our paper money.

The gentleman from Connecticut [Mr. HILL] seems to have been able to apply a narcotic to the other side of the House, most of whom are now absent, when he said this was an "innocent measure." He has lulled. They are sweetly smoking or sweetly sleeping in the lobby, waiting to strike the fell stroke on the roll call. I turn back the pages of history and recall the time when the very idea of turning over the issuance of paper money of this country to the national banks not only secured a vigilant attendance to this historic Hall, but almost caused a rise "to arms" for liberty and country, and Andrew Jackson was their leader. Yet here is a bill, the purpose of which, not denied by the gentleman who reports it, is to destroy existing silver dollars, and its companion piece, the Fowler bill, is to retire all greenbacks and paper money and drive the people over to bank issues for paper money.

Mr. Chairman, I will read presently only a sentence from one of the gentleman's many long and elaborate speeches made in this House, covering, all told, as I count them, about 25 or 30 pages of the RECORD. Yet in the discussion of this question here to-day the gentleman has succeeded in closing the months of the members of this House to the extent of allowing them only a puny little two hours, one hour on a side, for the discussion of this great question. He has discussed his side of the case fully, but we are denied a chance to do so.

Mr. Chairman, what do the many speeches of the distinguished gentleman contain? Here is the gist of this bill found in a speech which the gentleman from Connecticut [Mr. HILL] delivered here on the 11th of March, 1902, which will be found on page 2814 of the RECORD. I will read a part:

From the report made it is evident that there is need for an increase in the volume of subsidiary coin in circulation to meet the needs of commerce, and in the judgment of your committee no wiser use can be made of the stock of bullion on hand than to turn it into subsidiary coinage as needed, giving the Secretary of the Treasury a free hand in reducing from time to time the volume of silver certificates or silver dollars now in circulation or lying idle in the vaults of the Treasury.

The report (No. 1425) on the Fowler bill, page 8, says:

The total amount of silver dollars and silver certificates in circulation was, on January 1, 1902, $532,955,428.

This money is "in circulation," yet it must be withdrawn from "circulation," although "necessary to the daily transactions of the business of the country," as the Fowler bill report states, page 8. I will insert the language of the bill we are now considering, introduced March 18, 1902, and reported to the House March 20, 1902:

A bill (H. R. 12704) to increase the subsidiary silver coinage.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

This bill, No. 12704, is the first section of the original Hill bill (reported to the House January 13, 1902), which I will insert in my remarks:

A bill to maintain the legal-tender silver dollar at parity with gold and to increase the subsidiary silver coinage.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the

bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

The Secretary of the Treasury is hereby directed to maintain at all times at parity with gold the legal-tender silver dollars remaining outstanding; and to that end he is hereby directed to exchange gold for legal-tender silver dollars when presented to the Treasury in the sum of $5 or any multiple thereof; and all provisions of law for the use or maintenance of the reserve fund in the Treasury relating to United States notes are, in the discretion of the Secretary of the Treasury, hereby made applicable to the exchange of legal-tender silver dollars.

About this bill the Report No. 32, page 9, says:

Your committee believe that this bill should be adopted—

First. Because it will stop the further coinage of the legal-tender silver dollar.

Second. Because it will increase the volume of subsidiary coin, which is greatly needed.

Third. Because it will in time reduce the volume of legal-tender silver, without loss to the country.

Fourth. Because it will make every legal-tender dollar in the United States the equivalent of gold, and make more sure and certain the maintenance of the gold standard as declared by the act of March 14, 1900.

This last section is omitted in the bill pending, but is in substance included in the Fowler bill, which is to follow this. I am informed, at all events, it has been reported to the House for passage.

The whole policy or purpose of this bill is to destroy the "money" of the Constitution and, more, rob by law the people of the "right" they had until 1873 to take their bullion to the mints of this country and demand that it be made into their own money.

But not satisfied with destroying that right by Republican legislation, the great majority now in power come here and try to finish up the job by destroying the "existing" full legal tender silver dollar and turning the masses over a great ocean of subsidiary limited tender—"chicken feed," Mr. Chairman, as they called it in the Coinage Committee meetings—and that, too, is the money that they say the people use, the farmers use, the laborers of this country use.

That is what they "get" as their wage money, while the wealthy class get the gold—the best. Why pay them in the cheap money or in limited tender?

No, you do not pay them gold, and you know it, but you save that for the upper class, who do not work; neither do they spin, for they have theirs laid up safe and secure in gold, and when they are paid they demand gold and get it.

You are destroying this dollar that the people love and always have in time of peace and war, and are turning it now into limited tender, when you know, Mr. Chairman, as is shown by the letter which I have from the Director of the Mint of May 15, that we have "silver bullion now in the Mint which, if made into silver dollars, the seigniorage would be $14,128,369, and if made into subsidiary coinage, $17,385,484," without touching a single silver dollar, without interfering with the circulation of money that is silver at all. The Secretary says we only need an increase in subsidiary coin of $20,000,000 more—total, $120,000,000.

The whole object is to try to make out that we need more subsidiary silver coinage, which I neither deny nor admit; but admitting that we do, and I am willing to admit it for the sake of argument—and if we need it I want it—pray tell me where is the wisdom of coining up that which is already money—that which pays our Navy, that which pays our Army, that which pays our farmer, that which pays the members of Congress, who, many of whom, as usual, are now out of their seats and a lot of whom should be out of Congress for neglecting the constitutional rights of the people—bimetallism being one, being ground into powder here to-day.

We pay ourselves with it. Why should we destroy the existing silver dollars when we have the seigniorage lying there that is a "commodity" on the market, a menace to the silver market, that is a menace, Mr. Chairman, to the raising of the price of silver by the coinage? Why not coin this seigniorage and throw it into circulation, take it off the market, that it may itself become a valuer of values, instead of being, as it is, valued by existing money—always as if it were on the market. What is the meaning of and what is seigniorage?

(1) A charge made by a government for coining bullion bought for that purpose.

(2) The difference between the cost of bullion purchased by a government for coining and the nominal or face value of the same when coined. (Webster's Unabridged Dictionary.)

This gain or seigniorage evidently indicates so much of the bullion owned by the Government as should remain after using a sufficient amount to coin as many standard silver dollars as should equal in number the dollars represented by the Treasury notes issued in payment of the entire quantity of bullion. (President Cleveland's veto message, March 31, 1894, p. 4101.)

Mr. Chairman, I will insert a table taken from the Treasury Circular No. 99, issued November 15, 1901, showing that in July, 1901, we had in actual "circulation" of silver dollars $66,921,323, and of silver certificates (which represent silver dollars) $429,643,556; and yet it is said, "Down with the silver dollar; it will not circulate."

I will insert the table here:

July 1, 1901.

[Population, 77,754,000; circulation per capita, $27.98.]

	General stock coined or issued.	In Treasury.	Amount in circulation.
Gold coin, including bullion in Treasury	$1,124,639,062	$247,811,938	$629,790,765
Gold certificates			247,036,359
Standard silver dollars	520,399,941	23,835,062	66,921,323
Silver certificates			429,643,556
Subsidiary silver	89,822,771	10,587,557	79,235,214
Treasury notes of 1890	47,783,000	258,462	47,524,538
United States notes	348,681,016	16,635,610	330,045,406
Currency certificates, act June 8, 1872			
National-bank notes	356,821,502	8,631,386	345,190,116
Total	2,483,147,292	307,760,015	2,175,387,277

Ah, Mr. Chairman, they say we need more subsidiary silver coinage. Then why not make it in full legal tender if the masses of the people of this country are the users and you say they want it? We had coined in half dollars, quarters, dimes, and half dimes $77,015,348.50—"struck" from 1792 to June 1, 1853—all full legal tender—just as much so as our gold or silver dollars were, and they remained so down to June, 1874. I will insert a table here showing this:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., December 13, 1899.

SIR: As requested by you, I append herewith a statement of the coinage of fractional silver (excluding 3-cent pieces) from 1792 to June 1, 1853, and the coinage of silver dollars from 1792 to February 12, 1873.

Coinage of fractional silver, 1792 to June 1, 1853:

Half dollars	$36,492,644.50
Quarter dollars	4,006,595.50
Dimes	4,016,731.10
Half dimes	1,899,377.40
Total	77,015,348.50
Silver dollars, 1792 to February 12, 1873	8,031,238.00
	85,046,586.50

Respectfully,

GEORGE E. ROBERTS,
Director of the Mint.

Hon. J. W. GAINES, *House of Representatives.*

In addition to this we had oceans of fine legal-tender foreign silver and gold coins, which were "money" down to 1857 and possibly later.

Here is one of the records of the Coinage Committee hearings. I will read a part of a statement printed therein which says "the dollar pieces therefore actually perform a useful function in our circulation." And yet they do not circulate! This is found on page 57 of the hearings before the Coinage Committee, placed in the hearings by the gentleman from Connecticut [Mr. HILL], who was not content to omit it. He thus preserved it for use to-day. And yet this distinguished son of Connecticut not only wants to stop the silver-dollar coinage, but he wants also to destroy those in existence—"in circulation."

Away back yonder when we were building our Constitution, the great men, understanding then what nature's money was, what the money of the common law was, what the money of the colonists was, what the money of the confederation was, what the money of the Revolution was, what should be the "money" of the Constitution, used the word "money" as meaning "gold and silver." They said Congress shall have the power to coin "money"—this "money"—"gold and silver" and more—"the States shall not make anything but gold and silver tender in payments of debts." They used the disjunctive "or"—"gold or silver or copper"—and not the conjunctive "and" at first, but they debated it for days and days, and finally they tied the two together and said "gold and silver," and who, Mr. Chairman, was one of the great men at that marriage, August 18, 1787?

The Hon. Roger Sherman, of the great State of Connecticut. He, in conjunction with that great jurist and patriot, James Wilson, of Pennsylvania, incorporated everlastingly into the Constitution these words: "Nor make anything but gold and silver coin a tender for debts." Yet the distinguished son of Connecticut, not content with destroying the conjunctive "and," not content with severing the ties which his great ancestor, I presume, was wise enough to place in the Constitution, wants now to wipe from the face of our Republic every silver dollar—divorce silver from gold and the people too—but "what is the Constitution" amongst Connecticut people——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. COCHRAN] controls the time.

Mr. COCHRAN. It will have to be additional time if that is allowed.

Mr. GAINES of Tennessee. I hope my friend from Connecticut will lend me some of his time to talk about his distinguished "ancestors" in Connecticut.

Mr. HILL. I will state to the gentleman that I asked for additional time, but the gentlemen on the other side objected.

Mr. COCHRAN. Mr. Chairman, at this point I renew my request for unanimous consent that general debate on this bill be extended one hour.

The CHAIRMAN. The gentleman from Missouri must recognize the fact that the House has fixed the time for general debate on this bill, and it is not competent for the committee to change that order.

Mr. COCHRAN. Then I ask that the committee rise informally and that we deal with that in the House.

Mr. GAINES of Tennessee. Will the gentleman yield to me a moment?

Mr. COCHRAN. Yes.

Mr. GAINES of Tennessee. The Chair will remember, and I know my genial friend from Connecticut will, that he has made a great many speeches on this subject, that this side of the House has not had a chance nor have they discussed this question, and that we even went so far a few days ago as to permit him to place in the RECORD, by unanimous consent, his great speech on this subject to people in New York.

Mr. Chairman, under the rule, by way of extending my speech, I will insert my remarks before the Coinage Committee when both the original Hill bill and a similar bill pending, introduced by the Hon. Jefferson Levy, were under discussion. I then said:

Mr. Chairman, I have stated before that I am against both of these bills here, and shall be against either if reported to the House, because I am firmly convinced that under the Constitution we have no power or right to demonetize either gold or silver or both. I am convinced that under the Constitution the two are tied together; that under the Constitution, and as treated when the Constitution was framed, the word "money" meant and should now mean and be "gold and silver;" that during the discussions on that subject it was clearly demonstrated that the word "and" was used and to be used conjunctively and not disjunctively, and that Congress has no power by a statute to disjoin or untie the two, or, as Webster says, "displace either."

In thus contending, Mr. Chairman, I am supported by the greatest legal minds this country has ever produced, if not by the adjudications of the courts of this country.

Now, I desire to read just a few words from a speech of Senator HOAR in the Senate on August 15, 1893, which saves me the trouble of reading the original authority he cites in showing "money" to mean gold and silver, not gold or silver, from a constitutional view. After saying "gold and silver" is "nature's money," he said:

You may drive out nature with your legislative fork, but again and again she comes running back. This doctrine is recognized in the Constitution: "No State shall make anything but gold and silver coin a tender." "No State shall coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts."

That the words "money" and "gold and silver" were regarded as equivalents in constitutional meaning is shown by the fact that the Constitution makes a separate provision as to bills of credit and does not include them in the sentence which applies to money. It is not gold or silver that a State may make a legal tender—

So said also Senators JOHN T. MORGAN and George Gray in the same debate. Here is a direct confession and authority, Mr. Chairman, that the States have the right to make gold and silver legal tender. They have no right to make either one or the other legal tender. They (the States) can make and have made both gold and silver tender by statute.

Senator HOAR continues:

It is not gold or silver that a State may make a legal tender, but gold and silver, the legal value of which, by another clause of the Constitution, is to be determined by Congress.

The "legal" value, mark you, of the two is to be controlled by Congress.

Senator HOAR further says:

Chief Justice Ellsworth and his associate—

His associate who signed the report, I may add, was Roger Sherman, who suggested the use of the words "nor make anything but gold or silver a tender in payment of debts" to the Convention, and they were from the great State of Connecticut, from which our learned friend Mr. HILL hails—

who represented Connecticut in the Constitutional Convention, in their report to their constituents of the proceedings of the Convention, say that the new Constitution provides that no State "shall make anything but money a legal tender for the payment of debts," showing that, in their judgment, the word "money" and the words "gold and silver" are identical or equivalents.

On May 29, 1787, Mr. Charles Pinckney laid before the convention a "Plan for a Federal Constitution," in the eleventh article of which it was ordained that—

"No State shall * * * make anything but gold, silver, or copper a tender in payment of debts." (Elliott's Debates, p. 71.)

On August 6, 1787, the committee on detail reported a draft of a constitution, in the thirteenth article of which the identical phase was copied, except that the word "specie" was substituted for "gold, silver, or copper" (p. 459).

On August 18 Mr. James Wilson, of Pennsylvania, and Mr. Roger Sherman, of Connecticut, moved jointly the adoption of the phrase "nor make anything but gold and silver coin a tender for debt" (p. 620).

September 12 the committee on style reported a draft and had transposed this provision to section 10 of article 1 identically as it had been, except the word "or" was used (p. 706).

September 17 the Constitution was finally engrossed and signed and the word "and" again inserted between "gold" and "silver," the convention again repudiating the disjunctive (p. 755).

The meager Journal does not show any discussion on this point; but on August 28, when the section defining treason was being considered, in the draft presented the two constituents of the crime "levying war" and "adhering to the enemy" were connected by the conjunction "and," when, on motion of Mr. Madison, it was changed to "or," thus showing that the convention had in mind the wide difference in meaning between the conjunctive and disjunctive. The only time the phrase in section 10, article 1, was ever especially discussed was just ten days before, to wit, August 18, and the convention therefore had it in mind, and so the language finally adopted could not have been accident (p. 564).

We know gold and silver both were "money" at common law, and the Constitution continued them so, and the States, too.

Senator HOAR continues:

Alexander Hamilton considered this question in his great report on the mint and the coinage.

Senator HOAR then goes on and shows, Mr. Chairman, that he (Hamilton) so treated money as gold and silver combined. We all know that in the great mint report that he wrote and submitted to Mr. Jefferson they put the unit on both metals; and here are his reasons. Mr. HOAR is still quoting Hamilton's words, approved by Jefferson, as follows:

To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from the comparison of the benefits of a full with the evils of a scanty circulation.

Either means one of two. Money means gold and silver. Here we see both Hamilton and Jefferson treated and called the two metals gold and silver as "money"—the "money."

Now, gentlemen, just to the extent that you burden gold with silver you increase the demand for gold—the disuse of silver and the unnecessary use of gold. You increase use of gold, and to that extent it takes more of the products of the sweat and muscle of this country to buy a dollar's worth of gold or a gold dollar, and hence prices go down just in proportion as you intensify the demand and increase the uses of gold.

Daniel Webster declared more than once—

Says Senator HOAR—

and with great emphasis, that the Constitution requires the coinage of both metals; and it would be a disobedience to our constitutional duty were Congress to discard either.

And so said the lamented lawyer and statesman, A. H. Garland, to me often and once in a letter.

Now, Mr. Webster, not only in the Senate, but as an advocate in one of his great cases, said that Congress had no power to stop the coinage of gold, nor did it have the power to stop the coinage of silver, and if it could stop either, it could stop both, and thus rob the people entirely of the money of the Constitution. Yes; Mr. Chairman, I submit, rob them of the money of the common law, the money of our colonial fathers, the money that the colonists had the right to have and have coined as colonists, and to take at their sweet will to the mints of England and coin free, and in America, as they claimed, and rightfully.

And I maintain that history proves the fact that they were denied this "right," and we rebelled; that when we wrested our independence from England we brought the common law and statutes to this country that suited us; and the law of that country then was that the people had the right to take their precious metals to the mint and have them made into money whenever they chose—not leaving it to the discretion of the King, or, if you please, to the discretion of the distinguished Secretary of the Treasury (whether he is Democrat or Republican), or any President, to say when the people—you or I—shall have money, and when we shall or shall not have our precious money metals coined into money. That would have been slavery, not liberty.

Senator HOAR had in this speech already said:

I have been, ever since I was old enough to have an opinion on the subject, a bimetallist. I think that is true of all the American people down to 1873, with a very few exceptions. But it has been the bimetallism of Alexander Hamilton, of Washington and his Cabinet, of the framers of the

Constitution, of the members of the First Congress, and of the Constitution of the United States.

* * * * * * *

Mr. President, all our great financial authorities of both parties, from the framers of the Constitution, from Alexander Hamilton, and Jefferson, and Webster, and Calhoun, and Benton, and Chase, and Fessenden, Federalists and Republicans, Whigs and Democrats, down to the disturbed period which followed the war, have agreed upon this policy.

That is, Mr. Chairman, "bimetallism" planted in the Constitution. Senator HOAR continues:

There were differences which divided political parties. Whether Congress should authorize a paper currency, under careful safeguards, redeemable in coin, or should leave that to State discretion or to private enterprise, was a question which divided parties and made and unmade Presidents and Administrations. But down to the year 1873 it never was heard in this country that the legal tender and the standard of value should be anything but gold and silver; nor was it ever claimed until 1873 that both gold and silver could not be relied upon to perform this service.

I have no doubt that the Committee on Coinage, who reported and enacted the statute of 1873, were actuated solely by a conscientious desire for the public good. * * * They selected for their single standard what was then the cheaper metal, then gold, a metal not only then the cheaper, but of which a large and constantly increasing supply was confidently expected.

Mr. Chairman, I may add gold was in 1873 cheaper than silver.

Mr. Chairman, you know well that Mr. Gage said, in my cross-examination of him, that to make gold contracts produced a disparity between the two coins. He said it distinctly, and we have here his exact words. I asked him the distinct question. And yet we are not only permitting gold contracts to be made throughout this country, but give the maker of these contracts the sovereign's right to say what shall and what shall not be "tender" in the payment of his particular debts, when you deny that even the States have the power to say what is and shall be tender.

In this bill you are going still further, and making silver dependent entirely upon gold, thus intensifying and magnifying and strengthening the power that would disparage silver and produce a disparity—the very thing that this bill proposes to prevent, but, in fact, creates more machinery that encourages disparity.

It seems to me, Mr. Chairman, that the way you are undertaking to inaugurate and to perpetuate a parity is the very means to superinduce, intensify, and magnify a disparity; and the proof in this case clearly discloses the fact, and our common experience and common sense teach the truth of my contention. I regret now my time has expired. I wanted to speak on another branch of this bill, but that has been so fully treated in the argument of my friend Mr. SHAFROTH, which I indorse.

The CHAIRMAN. The gentleman from Tennessee will suspend for a moment. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. GAINES of Tennessee. Of course he did.

Mr. COCHRAN. I do not yield.

The CHAIRMAN. The time comes out of that belonging to the gentleman from Missouri.

Mr. COCHRAN. I ask unanimous consent that the committee now rise.

Mr. HILL. Mr. Chairman, some time ago I asked unanimous consent that the time for debate be extended. That request was refused on the other side. I understand now that if the committee rises it will be impossible to secure a quorum of the House. I would ask the gentleman from Missouri [Mr. COCHRAN] to allow the time for general debate to expire, and then that we all be liberal in granting extensions of time under the five-minute rule within the committee without going through the formality of extending the general debate by the vote of the House. We can do that in committee, and I think there will be no objection to it.

Mr. COCHRAN. I yield ten minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. GAINES of Tennessee. Pending that, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] is recognized for ten minutes.

Mr. NEWLANDS. Mr. Chairman, the very limited time assigned me will prevent me from going into this question as thoroughly as I should like to do. I regard this as one of the most important bills that has come before the House at this session for the reason that it is the initial legislation looking toward a radical change in our entire financial system, and I am amazed that only two hours should be allowed for the discussion of so important a question.

I have listened with great interest to the gentleman from Nebraska [Mr. SHALLENBERGER] in his clear statement of the nature and purpose of this bill. As he states, the bill is illusory in the presentation of its purpose. Whilst the ostensible purpose of it is to increase only the subsidiary coinage of the country, which now requires about $20,000,000 more, the real purpose is to retire all the silver by changing that silver into subsidiary coins, overloading the Treasury with them, and creating later on a demand for the sale of that coin as bullion.

Now, we have to-day in this country about $1,100,000,000 of gold, a little over $600,000,000 of silver, and a little over $600,000,000 of greenbacks and national bank notes. The silver, therefore, constitutes nearly one-third of the present money volume of the country. And I ask any man of judgment in this House whether this country has more money to-day than it needs for the transaction of its business? Would any gentleman in this House to-day vote to retire one-third of the money of this country? And yet this bill gives the Secretary of the Treasury practically that power, for if he carries out the purpose of this bill, he can turn every dollar of this $600,000,000 of silver into subsidiary coin, and that coin, recollect, has only a limited tender quality.

Now, what is the difference between money of limited tender and money of full legal-tender quality? Why, the difference is that the money of full legal-tender quality will satisfy all debts in any amounts, and it will also serve as the basis of credit issued by the banks. Full legal-tender money alone constitutes the reserves of the banks. Subsidiary coinage does not form a part. National bank notes do not. It is only the gold, the silver, and the greenbacks that constitute legal-tender money, and can constitute any part of the reserves of a bank. Of this total of over $2,000,000,000 of money that we have in the country, a little over one-half is in the pockets of the people. You can not diminish the amount that is in the pockets of the people, for experience has shown that that amount is essential for the transaction of their current business in the small transactions of life.

About $1,000,000,000 or a little less is in the banks, and constitutes their reserves. For every dollar of legal-tender money in a bank it is authorized under the law to issue credits from $6.50 in the country banks to $4 in the city reserve banks, the reserve in reserve city banks being fixed at 25 per cent of deposits and in other banks at 15 per cent. It is upon this $1,000,000,000 of legal-tender money in the banks that they write upon their books in the shape of credits to their customers five times that amount, or $5,000,000,000, against which their creditors draw by check, and this constitutes the check and deposit part of the credit system of the country, the part of that system which gives to every dollar of legal-tender money an efficiency on the average of $5 in the exchanges.

If you reduce the amount of legal-tender money in the country, the amount in the pockets of the people remaining the same, the reduction in legal-tender money must be in the reserves of the banks; and for every dollar of legal-tender money withdrawn from the banks you must contemplate the withdrawal of $5 of bank credits. If, then, you prepare for the retirement of $600,000,000 of legal-tender money, you provide for the reduction of five times $600,000,000, namely, $3,000,000,000 of bank credits. Are you aware that the great crisis of 1893 was caused by a reduction of the bank credits of this country only two or three hundred million dollars? Do you realize the effect of the diminution of the reserves—the bank reserves of New York?

Mr. FOWLER. Do you not know, as a matter of fact, that the reserves increased $20,000,000?

Mr. NEWLANDS. But I am talking of the effect of reducing credits. The credits were diminished to the extent of two or three hundred million dollars, and that is what caused the panic. The bank called upon its debtors, its debtors called upon their debtors, these called upon others, and thus the call for money spread over the entire country and resulted in a general liquidation of property all over the land. Why, should the statements of the banks of New York be published next Saturday showing a reduction of the bank cash of $10,000,000, then immediately there would be a reduction of the credits of those banks of fifty millions, five times the amount of the diminution of the cash—enough, perhaps, to create a panic in the great city of New York, with its vast money resources.

Now, then, every dollar of legal-tender money being the basis of $5 of bank credit, when you convert five or six hundred million dollars of legal-tender money into money of limited tender you must contemplate the retirement of $3,000,000,000 of credit. The credits now given by all the banks of the country make a credit of $5,000,000,000, and these credits issued by the banks are the basis of other credits. The wholesale merchant who receives credit from the banks extends credit to his customers. So the wave of credit stretches out to the farthest boundaries of the Republic. Credit built up upon credit. Yet these gentlemen, these tinkers of our financial system, would gradually reduce the base while they contend that the superstructure will remain the same.

Let us go back to our history immediately following the war. We had issued greenbacks during the great civil war. We passed through that war successfully. We were a reunited people, with vast resources and a great future, and every expectation has been vindicated by history. With a population of

30,000,000 (which has increased in forty years to 75,000,000) there was no reason at all for discouragement, no reason for distress. Everybody was hopeful. What took place? Our currency tinkers started in with their legislation. They commenced the retirement of the greenbacks, which were legal-tender money. Every dollar of greenbacks counted in the bank as a part of the reserve and on every dollar they could support $5 of bank credit. They substituted bank currency, which itself is a credit, not real money, and which can not be made a part of the reserve, and upon which no bank credit can be issued. What was the result? The crash of 1873, the effect of which was not entirely removed twenty years later. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN. I yield ten minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, this bill has upon its face the appearance of innocence, but I see upon it insincerity. If it had only provided for the subsidiary coin to meet the wants and convenience of this Government, then I would quickly vote for it; but as it is, I see danger in the bill. I realize this is only the skirmish line of the first fight of a war on our various moneys that is ahead of us. There is a bill from the committee in which I have the honor to sit which may not come up at this session of Congress, but which will doubtless come up at the next session. The purpose of these two bills pending, as I see it, is to destroy all the money of this country except two kinds, gold and bank notes. There is no necessity for this bill. It is insincere; and to show the reason why this bill should not become law, I desire to give some statistics. The Secretary of the Treasury only asked that we increase the subsidiary coin from $100,000,000, under present law, to $120,000,000; but this bill goes further and makes our wants unlimited. But as I was about to say, to show the lack of necessity for additional subsidiary coin, I now give some statistics.

Of all the general stock of money issued by the Government I find there are 537,000,000 of silver dollars, and of that amount $13,000,000 are in the United States Treasury, only 3½ per cent of the total amount of silver money being in the Treasury, the balance of it being in circulation among the people as silver dollars and silver certificates based on silver dollars. Out of $346,000,000 United States notes outstanding only $8,000,000 are in the Treasury, all being out circulating among the people of this country, except the 2½ per cent of it which lies in the Treasury to-day. This class of money, commonly called "greenbacks," is a form of currency that some of our Republican friends are very hostile to.

Of the general stock of $32,000,000 Treasury notes, these notes being based on or covered by silver bullion stored in the Treasury, issued by the Government, there are $95,000, or only 2½ per cent of the total amount now in the Treasury, the balance being out in active circulation.

The general stock of subsidiary silver in the United States to-day is $95,000,000 ($100,000,000 being authorized by the present law), of which amount there are to-day in the Treasury $12,807,000, or 13 per cent of the total amount. Therefore it will be seen that there is one-seventh of this class of money left idle in the Treasury of the United States. My friend from Connecticut, Mr. HILL, made the statement that there were two or three million dollars of that worn-out silver.

Mr. HILL. To-day there are three million, so I was told at the Treasury this morning. The ordinary stock of worn out and abraded is about five to seven millions.

Mr. LEWIS of Georgia. That looks unnecessary. Why do they not recoin the money as fast as received, and put it into circulation again?

Mr. HILL. The gentleman from Georgia must remember that it is coming into nine different subtreasuries all the time, and is gradually accumulating. Then it is recoined and sent out. It is not as though it was all centered in Washington. These figures cover all the nine subtreasuries throughout the country.

Mr. LEWIS of Georgia. I accept that statement. But we want money that is needed for circulation, money that the country seeks. The silver certificates are desirable while the subsidiary coin is not desirable, only to the extent of making change. This bill is unnecessary. It is a step to divert the coinage of the bullion in the Treasury from silver dollars into subsidiary coin.

The worst aspect of the bill is that it strikes at the silver dollars, and aims eventually to melt them down and recoin them into subsidiary coin.

Mr. HILL. May I ask the gentleman a question right there, for I know he is honest?

Mr. LEWIS of Georgia. Certainly.

Mr. HILL. Which would the gentleman rather have in his country, a single silver dollar that will not circulate or two half dollars and seven cents besides that will circulate?

Mr. LEWIS of Georgia. Oh, the way the gentleman puts the question, if the silver dollar would not circulate I would take the half dollars, but that is not the case.

Mr. HILL. Absolutely, because the bill limits the recoinage of the silver dollars to the public requirements, and the Secretary of the Treasury has no power to go beyond what the public demand.

Mr. LEWIS of Georgia. But the silver certificates against the silver dollars are the most desirable currency, and only 2½ per cent of the silver certificates are lying idle in the Treasury and the balance are eagerly sought for and taken up by the people, while you have 13 per cent of the subsidiary coin in the Treasury. The Secretary of the Treasury only asked for $120,000,000, and I would be willing and glad to vote for that. I desire to submit the report of the Secretary of the Treasury, made to this Congress December 2, 1901, relative to subsidiary coin.

The estimated stock of subsidiary coin in the country March 1, 1900, was $80,346,414, of which $5,308,841 was in the Treasury. The estimated stock on November 1, 1901, was $90,613,512, of which $8,464,829 was in the Treasury, which shows a net absorption by the country of $7,111,110 in twenty months. The act of March 14, 1900, limits the stock of subsidiary coin to $100,000,000, and in view of the steady demand upon the Treasury it is apparent that this limit should be raised. It is not improbable that before another Congress shall have opportunity to act the growing needs of the country will have absorbed the entire coinage authorized. On November 1, 1901, the stock of bullion acquired under the act of July 14, 1890, was 51,763,642 standard ounces. If enough of this were coined into dollar pieces to take up the Treasury notes issued for its cost, there would remain 15,539,345 standard ounces, which, converted into subsidiary coin, would give $19,321,113. It is suggested that the limit of the country's stock of subsidiary coin be raised to $120,000,000.

Mr. HILL. Does the gentleman know why he only asked for a hundred and twenty millions? I have the official statement, and the reason he did not ask for more, although he thought there should be more, was that he did not want to create any opposition, and so he asked for what he absolutely had to have. Now, he says that it is far better to go on and take off the limit because there is no way in which the discretion can be exercised injuriously.

Mr. LEWIS of Georgia. The gentleman has spoken to-day in antagonism of the silver dollar. If an antagonistic Secretary of the Treasury should occupy the chair what would be the result? Many bad things have been done financially by a hostile official occupying a position like that. Under this bill, giving unlimited power to coin the silver dollar into subsidiary coin, what a power the Secretary of the Treasury would have. Suppose the gentleman from Connecticut was the Secretary of the Treasury, and as he is hostile to the silver dollars, what would he do?

Mr. HILL. Precisely what the bill says I should do. I would coin the dollars just as fast as the public demanded the subsidiary coin, and no faster, and no Secretary of the Treasury could do anything different, because he is limited in his power to the requirements of the public. There is no other way.

Mr. LEWIS of Georgia. Did I not understand my friend to say that if he had it in his power he would melt the silver dollars into bullion?

Mr. HILL. I would if I had it in my power, but this law does not give any such power.

Mr. LEWIS of Georgia. You have just stated that the Secretary of the Treasury thought best to go further and take off the limit to the amount of subsidiary coin, and your bill does remove the limit. If you were the Secretary of the Treasury, and with a Congress in your favor, you might do it, you might carry out your wish.

But, Mr. Chairman, this is only the skirmish of what is coming. We have another bill, it may not come up at this session, but the great probability is that it will come up in the next session, destroying forever a favorite money of the people—and that is the greenback. It may not come up now, but it will no doubt have the consideration of this Congress at the next session. It was only two years ago that this Congress passed an act regulating the money of this country. It was prior to the Presidential election, and all the Republican stump speakers in the country went upon the stump telling the people that we had at last settled the money question. They said we have established and fixed the gold standard and that the money question was forever settled and everything was in good condition. Here it is two years hence we see bills introduced and we hear of trouble with our different kinds of currency, that everything is wrong, and the whole financial system needs perfecting. How can we have confidence in our friends on the other side when they change so very rapidly. I believe in a liberal amount of change money. But we have a large amount, certainly we will have legislated for a sufficient amount when we have carried out the recommendation of the Secretary of the Treasury.

Mr. Chairman, I am willing that we should pass legislation as recommended by the Secretary of the Treasury, and am willing that we go even farther by authorizing him to use all of the silver bullion in the Treasury for subsidiary coin to meet the demands of the country, but I can never consent to give him the power to melt

down silver dollars into small coin. The amount of this bullion on hand is sufficient to increase the small coin some $60,000,000, which increase would be ample to meet the country's wants for some years to come. But my friend from Connecticut tells us what foreign countries are doing. It seems to be implied that we must imitate and ape foreign countries in our financial affairs. I believe the gentleman spoke of Germany, with two or three dollars per capita of subsidiary coin.

Mr. HILL. Three dollars and a half.

Mr. LEWIS of Georgia. I want to say that the United States has more banks and depends more upon checks than any other country, and does not need so much subsidiary coin. And, then, what occasion is there for conferring this great power upon the Secretary of the Treasury to coin these dollars into subsidiary coin? Suppose he should decide that we need $3 or $4 per capita, and should accumulate a surplus which would lie dormant in the Treasury and cease to be useful for active circulation. Under the present system the bullion and the silver dollar are performing a most desirable service as a medium of circulation. When the dollar is not used then silver certificates are issued against them, as well as against the bullion, in bills of small denominations, which are eagerly sought after as a most convenient and desirable circulating medium, only 2½ per cent of the entire stock of silver certificates of the Government, as I have shown in the earlier part of my remarks, remaining in the Treasury, that amount being really necessary, the balance being out in active circulation. Now, I desire to give a statement of the general stock of money of the Government, showing the amount in the Treasury and in circulation May 1, 1902.

	General stock of money in the United States.		Held in Treasury as assets of the Government.	
	Apr. 1, 1902.	May 1, 1902.	Apr. 1, 1902.	May 1, 1902.
Gold coin (including bullion in Treasury)	$1,178,540,790	$1,183,652,727	$244,858,050	$242,945,286
Standard silver dollars	536,113,305	537,603,809	19,351,261	19,076,975
Subsidiary silver	93,417,944	95,299,190	10,725,509	12,444,591
Treasury notes of 1890	33,993,000	32,638,000	61,881	89,427
United States notes	346,681,016	346,681,016	9,987,171	8,572,902
National-bank notes	357,476,407	356,987,399	9,141,233	8,992,718
Total	2,546,192,462	2,552,862,141	294,145,105	292,111,899

	Money in circulation.			
	Apr. 1, 1902.	May 1, 1902.	May 1, 1901.	Jan. 1, 1879.
Gold coin (including bullion in Treasury)	$635,194,761	$637,432,952	$329,240,795	$96,262,850
Gold certificates	298,487,979	303,274,489	253,259,799	21,189,280
Standard silver dollars	69,179,452	69,403,330	68,846,545	5,790,721
Silver certificates	447,582,592	449,123,504	430,573,522	413,360
Subsidiary silver	82,692,435	82,854,599	80,253,077	67,982,601
Treasury notes of 1890	33,881,119	32,548,573	51,795,097	
United States notes	336,693,845	338,108,114	337,610,118	277,008,511
Currency certificates, act of June 8, 1872				33,190,000
National-bank notes	348,336,174	348,004,681	343,725,282	314,359,398
Total	2,252,047,357	2,260,750,242	2,195,304,235	816,236,721

Mr. Chairman, I maintain that the clause in this bill to melt down silver dollars and convert them into subsidiary coin is rather intended as a stab at or the beginning of the destruction of the legal-tender silver dollar than an honest effort to supply a really needed increase in the minor coin of the country. While this attack is being waged against the silver dollar, a bill favorably reported from the Committee on Banking and Currency, known as the Fowler bill, to which I have already alluded, is pending. That bill covers four distinct propositions, as follows: To redeem the silver dollars in gold; to permit national banks to issue their own currency, based on assets; to allow the establishment of branch banks in all parts of the United States, and to retire or destroy United States notes commonly known as "greenbacks." That bill is far reaching, most objectionable, and dangerous. It is the beginning of a well-ordered plan to upset all of our present financial laws, to strike down all classes of our money but gold and bank currency. Why should we interfere with the $537,000,000 silver? It is performing a noble service and is dependent upon itself. The amount is fixed by law, and the most rabid monometallist can not now have any apprehension as to its safety and soundness. It adds to our circulation $7 per capita. And why retire the $346,000,000 greenbacks, one of our most convenient and favored moneys, a money that has taken such high position and stood the test since 1879? It costs the Government no interest to circulate it and adds $4 per capita to our circulation.

The total per capita of silver and greenbacks is $11 and fixed in amounts; therefore I will ever vote to maintain this circulation, for I can not see anything better to take its place.

I am discussing the Fowler bill as well as the Hill bill, because the two are closely connected, both having the same identical purpose, namely, the complete change and overthrow of our banking and money system. What is to take the place of greenbacks when retired? Here comes the serious and dangerous part of the Fowler bill. It gives power to the national banks to replace it with an issue of currency equal to the amount of the banks' capital. In addition to that, it empowers these national banks to establish branch banks over the county, thereby enabling a few of the large city banks soon to control all the banking business of the country.

In fact, it is expected that the ultimate result will be that one large parent bank, with agencies all over the entire country, such as now exists in Canada, Germany, France, Russia, and England, will be established. This provision of the bill would strike down our original American system of finance and banking. Why are we called on to give up all of our orjginal system and follow others when we have been so prosperous, rapidly outgrowing all other countries not only in great enterprises and wealth, but in our banking system. Great stress is paid to the Canadian system of branch banking. We find the capital of these banks twenty-five years ago was $66,800,000, and to-day it is $67,480,000, showing an increase of but little over half a million dollars and a total surplus to date of $36,900,000, while the national banks under our system have grown in the past twenty-one years as follows:

	1880.	1901.
Capital	$457,000,000	$955,000,000
Surplus	120,000,000	279,000,000
Deposits	967,000,000	3,661,000,000

The act of March 14, 1900, specially encouraged country banking by permitting the establishment of national banks in small towns with the small capital of $25,000. Just two years later we are asked to reverse this position and destroy these banks by authorizing the large city banks to establish branch banks over the country.

Who controls the great banking institutions to-day? It can not be successfully disputed that half a dozen of the largest banks of New York City, which have already absorbed some of the smaller banks of the same city, with capitals ranging from five to eleven million dollars, with deposits of fifty to one hundred and twenty-five million dollars each, are now owned and controlled by and known as the banks of the oil, sugar, and steel trusts and great railroad mergers. Now, Congress has passed laws antagonistic to these same trusts. The Fifty-sixth Congress, at its last session, passed a bill to subdue trusts; yet they grow daily in defiance of all law. The President, through the Attorney-General, is now prosecuting the railroad mergers and the meat trust; yet in the face of these efforts, by the provision of the Fowler bill, you would give power, invite, and legalize the consolidation of banks, with full power to issue money, to establish branch banks, and control the entire banking business of the United States. These banks would issue all the paper money, thus forming one of the most extensive, gigantic, and legalized money trusts. It would be but natural under the invitation extended by this provision of the bill for these large banks at once to form themselves into such immense corporations to control the banking business of the country. It would be one of the greatest trusts of the world.

It is a most serious matter that oil, sugar, steel, meat, and many other commodities of the country are monopolized and controlled by trusts. What will be the consequences when the circulation of all our paper money is in the hands of these same trusts? They could contract or inflate the currency, name the rate of interest at will, produce panic, destroy country banks, and take the money from the country to the cities, the people having but two privileges, one to deposit, the other to borrow at the rate named by the banking trust.

The independent banks of the country are owned by local capital and feel the deepest interest in and encourage and promote all enterprises that tend to build up the home town or city and surrounding country, while the concentrated or parent city banks, dominated and owned by these large trust schemes, would naturally supply the wants of these enterprises first and let the country have the overflow. The concentrated banks' only interest in the country would be to make money through its many agencies. This provision of the bill aims a blow at the liberty and independence of the people.

Let us not legislate to concentrate and to "Morganize" the banks and money of our country, thereby creating great money

barons, but rather let the Government control the money and only permit banks to issue notes when properly secured and safeguarded by the Government. The production of gold in the world the past few years has been great, but in the United States it has been phenomenally so, reaching the high point in January last of $1,110,800,000. This, added to our other money, gives us the liberal and splendid circulation of $28.48 per capita. With this large stock of gold on hand, which grows daily, with every prospect of a continued increase, strongly protecting every phase of our finances, we should cease continually tinkering with the greenbacks and silver dollars, both fixed in quantity by law, and like every dollar of all our money, good beyond criticism. [Loud applause on Democratic side.]

I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. NEWLANDS. I ask a similar privilege.

The CHAIRMAN. The gentleman from Nevada asks permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HILL. I understand, Mr. Chairman, that the time for general debate on the other side has expired.

The CHAIRMAN. It has; and the gentleman from Connecticut [Mr. HILL] has three minutes.

Mr. HILL. I will surrender those three minutes and ask that the bill be taken up under the five-minute rule.

The CHAIRMAN. The Clerk will report the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

Mr. SMITH of Iowa. Mr. Chairman, I move to amend by striking out the last word. The discussion of this bill to-day has covered a wide field; and it is well to bear in mind that in one section this bill provides for three specific things: First, that the bullion now in the Treasury shall be coined into subsidiary coin; second, that after that silver bullion shall be so coined and when the public necessity shall require it the Secretary of the Treasury may cause standard silver dollars to be coined into subsidiary silver coin; third, that the limit of $100,000,000 upon the amount of subsidiary coin shall be repealed. The Government has now on hand an amount of silver bullion——

Mr. BELL. Does not the bill provide that no further silver bullion shall be coined into silver dollars?

Mr. SMITH of Iowa. I have stated that the bill provides for coining the present stock of bullion into subsidiary coin. As that is all the silver bullion out of which silver dollars could under existing law be made, my statement necessarily included that of the gentleman from Colorado.

Mr. BELL. Yes; if you coin it all now.

Mr. SMITH of Iowa. The silver bullion now in the Treasury, when coined into silver dollars, would make $47,063,493. It would, if coined as subsidiary coin, make $50,320,608.

The first question is whether this bullion ought to be coined into standard silver dollars or into subsidiary silver coin. We find that it will produce more when coined into subsidiary coin than it will as standard silver dollars, and to that extent it is an inflation of the currency of the country, not a contraction, as complained of on the other side of this Chamber. Let us see, then, which would be the more advantageous for this Government—to coin it into standard silver dollars or into subsidiary coin.

In determining that question it becomes desirable to know what demand there is for these various forms of money. The United States Government now has coined 539,791,805 silver dollars. Of these, $69,403,330 are in circulation, or about one-seventh. The United States has coined into fractional currency now a little over $95,000,000. Of these, six-sevenths are in circulation among the people. Look at the contrast. Of the silver dollars six-sevenths are in the Treasury and one-seventh among the people; of the subsidiary silver coin six-sevenths are circulating among the people and one-seventh is in the Treasury.

Mr. COCHRAN. Will the gentleman allow me a question?

Mr. SMITH of Iowa. I scarcely have the time, but I will yield for a moment to the gentleman from Missouri.

Mr. COCHRAN. Are not the silver dollars in the Treasury represented and in circulation through the medium of the silver certificates?

Mr. SMITH of Iowa. That question has been answered repeatedly to-day, and therefore I decline to answer it again.

I have here before me a statement, which I will insert in my remarks, of the subsidiary silver coin in circulation, in the Treasury and in the country on July 1 of each year from 1890 to 1901, and on May 1, 1902.

Statement of subsidiary silver coin in circulation in the Treasury and in the country July 1 of each year from 1890 to 1901 and May 1, 1902.

Date.	In circulation.	In Treasury.	Total.
July 1—			
1890	$49,507,786	$27,317,519	$76,825,305
1891	53,195,300	24,653,400	77,848,700
1892	57,714,402	19,807,076	77,521,478
1893	59,350,291	18,064,832	77,415,123
1894	52,567,373	23,682,552	76,249,925
1895	54,415,773	22,438,661	76,854,434
1896	54,584,997	21,386,510	75,971,507
1897	53,860,303	21,958,066	75,818,369
1898	57,722,767	18,404,843	76,127,610
1899	62,522,398	12,344,154	74,866,552
1900	68,942,809	13,920,873	83,863,742
1901	71,634,112	18,188,659	89,822,771
May 1, 1902	82,854,599	12,444,591	95,299,190

This covers the end of the fiscal year for each of the years enumerated and covers the 1st day of this month, and it shows that there is less subsidiary coin in the Treasury on the 1st of this month than there was on the 1st day of July of any year since the year 1890, save only July 1, 1899.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I ask unanimous consent that the time of the gentleman be extended ten minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the time of the gentleman from Iowa be extended ten minutes. Is there objection?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, we find, then, that this Government, having coined nearly 540,000,000 standard silver dollars, is only able to keep in circulation about 70,000,000 of them. Can there be any question as to whether the most demand is for subsidiary coin or for standard silver dollars?

Mr. SUTHERLAND. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. SUTHERLAND. How much of our gold is in circulation in the shape of gold certificates?

Mr. SMITH of Iowa. I do not recall the exact amount.

Mr. SUTHERLAND. Well, several hundred million dollars.

Mr. SMITH of Iowa. It has varied from almost nothing to some hundreds of millions.

Mr. SUTHERLAND. If it is objectionable to circulate our silver in the form of silver certificates, why is not it objectionable to circulate our gold in the form of gold certificates?

Mr. SMITH of Iowa. There is no objection to circulating silver in the form of silver certificates that I know of.

Mr. SUTHERLAND. I thought the gentleman was objecting to it.

Mr. SMITH of Iowa. The gentleman is mistaken.

Mr. SUTHERLAND. That he was trying to get rid of the silver dollars.

Mr. SMITH of Iowa. The gentleman is mistaken. I was not trying to get rid of the silver dollars. The truth is, we have two uses to which we could apply this bullion. If we apply it in one line, there is a demand for it, and if we apply it in the other line it appears there is no demand for it. It further appears that if we apply it in the line in which there is no demand, we have then got to buy silver in order to use that silver in the place where the demand does exist, and I submit that the real object and the real purpose of these gentlemen in opposing this bill is to force upon this Government further silver purchases to make fractional currency.

They say that the silver certificates are in circulation, but what is the function of the silver? The silver dollar is a standard dollar by law, but it is a token dollar in fact, and what is the object of issuing paper certificates to represent token dollars? If the paper certificate is good to represent 61 cents, why may it not just as well represent 100 cents? What is the utility in a 39-cent dollar as a basis for the issuance of paper currency? If the Government is able to maintain by its fiat money at 100 cents that is intrinsically worth 39 cents, I am unable to see why it could not by its fiat maintain at par an equal amount of money that had no intrinsic value.

Mr. SUTHERLAND. Is not the silver dollar full legal tender for debts?

Mr. SMITH of Iowa. It is.

Mr. SUTHERLAND. And subsidiary coin is only limited legal tender?

Mr. SMITH of Iowa. That is right.

Mr. SUTHERLAND. Then for what reason should we convert full legal-tender money, as the silver dollar is, to limited legal-tender money, as the subsidiary coin is?

Mr. SMITH of Iowa. If the gentleman was giving attention to what I was saying he would have discovered that I was discussing the proposition of coining the silver bullion.

Mr. SUTHERLAND. The gentleman was discussing also in favor of coining the silver dollar into subsidiary coin.

Mr. SMITH of Iowa. I will give my reasons for that, if I am not interrupted. Now, this bill further provides that when that silver bullion shall have been exhausted, that if the public necessities require it, silver dollars may be coined into fractional currency. Not until the public necessities require it, and not until all the bullion has been exhausted, does this bill provide for that, and when that time comes for every dollar of money that is destroyed in this way, $1.07 will be issued by the Government.

Mr. SUTHERLAND. How soon does the gentleman think that necessity will arise?

Mr. SMITH of Iowa. I do not know when, nor do I care. Whenever that does come, in place of resulting in contraction, it means that for every silver dollar retired $1.07 of fractional currency shall be issued and added to the circulating medium of this country.

Mr. SUTHERLAND. Which is not full legal-tender money.

Mr. SMITH of Iowa. Which is a legal tender for a limited amount, and redeemable in full legal tender, so that one who has it can get legal tender for it at any time he wants to and to any amount that he wants to.

Now, I am surprised at the attitude of gentlemen upon the other side, because they seem to think this is a contraction measure, when to a limited extent it is an inflation measure. This bill provides for coining silver into subsidiary currency, and subsidiary currency not being of the full weight of the standard, it will make more subsidiary currency than it would standard currency, and more of this blessed silver money we have been hearing so much about than would be made under existing law.

Now I have gone over most of the reasons why I think this bill ought to pass. It ought to pass, because this silver bullion is demanded in subsidiary currency and is not demanded in standard dollars.

Mr. THAYER. Will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. SMITH of Iowa. Yes.

Mr. THAYER. The gentleman from Connecticut, in discussing this bill this morning, said that the bullion which would be coined into subsidiary coin would supply the needs of the country for the next ten years.

Mr. HILL. Oh, no; I did not.

Mr. THAYER. Or nearly that.

Mr. HILL. No.

Mr. THAYER. And that as a physical proposition it would require about that length of time to coin it.

Mr. HILL. I did nothing of the kind. I beg the gentleman's pardon.

Mr. SMITH of Iowa. I decline to yield any part of my time to a settlement of the question between these two gentlemen as to what the gentleman from Connecticut said.

The bill provides that dollars that do not circulate may be taken and utilized by being coined into money that will circulate. It further provides that there shall be no arbitrary limit upon the amount of subsidiary coin. Why should there be such a limit? There is no such limit upon gold. Why should this country put a limit upon the amount of money of a given denomination that can be issued by law? Why should the Government by law provide that not more than $100,000,000 of subsidiary silver shall be issued, if as a matter of fact the public necessities require more? This does not authorize the Secretary of the Treasury to coin any of these silver dollars until the public necessities so require.

Now, there is one matter that I should like to call attention to, and then I am done. A minority member of the Committee on Coinage, Weights, and Measures, Mr. COCHRAN, has filed a report in which he says this measure is in furtherance of the general policy of contraction which has been observed by the Treasury Department for over thirty years. I want to say first that this bill provides for no contraction; that in so far as it affects the volume of the circulating medium of this country it provides for its increase; that it provides that every dollar issued under it shall be a limited legal tender, and fully redeemable in full legal tender, and does not operate in any sense to contract the cur-rency.

But that statement, made in this report, is of equal fairness and equal accuracy with the rest of the statement made in the report to which I refer. In the thirty years to which the gentleman refers there has been no contraction of the currency at any time, except during the Administration of President Grant, to the extent of $35,000,000, and from the date of that contraction to this hour there never has been such a contraction.

Mr. NEWLANDS. I understood the gentleman to say that this works no contraction of the currency.

Mr. SMITH of Iowa. That is what I said.

Mr. NEWLANDS. And that if all these silver dollars are turned into limited-tender silver, that that limited-tender silver will be redeemable in full legal-tender money?

Mr. SMITH of Iowa. Yes.

Mr. NEWLANDS. Now, take the condition to-day. We have about $2,000,000,000 of legal-tender money, of which $600,000,000 are silver dollars. Now, assume that that $600,000,000 are turned into subsidiary silver and are redeemable, as the gentleman says, in full legal-tender money. I will ask whether there will not then be of full legal-tender money only $1,400,000,000 instead of $2,000,000,000?

Mr. SMITH of Iowa. I would answer that that would not be true for numerous reasons.

Mr. NEWLANDS. And whether that would not work a contraction of the legal-tender money to the extent of $600,000,000?

Mr. SMITH of Iowa. I would answer that if the gentleman's first proposition is incorrect, as I have said it is, it follows that a deduction based upon the assumption of its truth would be filled with the original error.

Mr. NEWLANDS. I did not catch what the gentleman said.

Mr. SMITH of Iowa. You ask me if a certain matter is true and I tell you no; and then you ask if the condition you have assumed would result in a certain and particular way.

Mr. SMITH of Kentucky. Why is it not true?

Mr. NEWLANDS. I should like the gentleman to point out the fallacy in my statement.

Mr. SMITH of Iowa. The fallacy is that this bill does not provide for coining all the silver dollars into fractional currency. It expressly prohibits it except to the degree authorized by this bill.

Mr. NEWLANDS. That is true.

Mr. SMITH of Iowa. And therefore it can only be done to the extent that the public necessities require.

Mr. NEWLANDS. And who is to be the judge of the public necessity?

Mr. SMITH of Iowa. The Secretary of the Treasury.

Mr. NEWLANDS. And that puts the power into his hands to coin it all if in his judgment there is a necessity for it.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MCCLEARY having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On May 26, 1902:

H. R. 2316. An act to correct the military record of Albert Boker.

On May 27, 1902:

H. R. 11353. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes;

H. J. Res. 192. Joint resolution fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect; and

H. R. 8587. An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

On May 28, 1902:

H. R. 750. An act granting a pension to Martin Essex;

H. R. 3829. An act granting a pension to Mary Ann Merrow;

H. R. 4089. An act granting a pension to Ada L. McFarland;

H. R. 4204. An act granting a pension to Hester A. Furr;

H. R. 5553. An act granting a pension to Nancy E. Hardy;

H. R. 5554. An act granting a pension to Egbert A. Stricksma;

H. R. 6021. An act granting a pension to William Kaste;

H. R. 6663. An act granting a pension to John York;

H. R. 7085. An act granting a pension to Hannah H. Graham;

H. R. 7541. An act granting a pension to Annie Shinn;

H. R. 8341. An act granting a pension to Hannah C. Chase;

H. R. 12054. An act granting a pension to Elizabeth A. Burrill;

H. R. 307. An act granting an increase of pension to John L. Branson;

H. R. 671. An act granting an increase of pension to Orra H. Heath;

H. R. 1046. An act granting an increase of pension to John J. Martin;

H. R. 1129. An act granting an increase of pension to William H. Shaffer;

H. R. 1695. An act granting an increase of pension to Christopher C. Perry;

H. R. 1696. An act granting an increase of pension to Frederick A. Condon;
H. R. 1715. An act granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow;
H. R. 1724. An act granting an increase of pension to Daniel F. Thompson;
H. R. 2563. An act granting an increase of pension to Robert R. Strong;
H. R. 2661. An act granting an increase of pension to Oswald Ahlstedt;
H. R. 3238. An act granting an increase of pension to Lorenzo Weeks;
H. R. 3292. An act granting an increase of pension to Arthur H. Perkins;
H. R. 4451. An act granting an increase of pension to George K. Thompson;
H. R. 5020. An act granting an increase of pension to Courtland C. Matson;
H. R. 5219. An act granting an increase of pension to Daniel Donne;
H. R. 5865. An act granting an increase of pension to John C. Campbell;
H. R. 5911. An act granting an increase of pension to Gilbert G. Gabrion;
H. R. 6063. An act granting an increase of pension to John Brill;
H. R. 6172. An act granting an increase of pension to Friedrich Weimar;
H. R. 6721. An act granting an increase of pension to Andrew Ray;
H. R. 6750. An act granting an increase of pension to William H. Hoxie;
H. R. 7228. An act granting an increase of pension to Christian Christianson;
H. R. 7229. An act granting an increase of pension to Edwin M. Dunning;
H. R. 7401. An act granting an increase of pension to William Brown;
H. R. 7897. An act granting an increase of pension to Michael J. Daly;
H. R. 7918. An act granting an increase of pension to James C. Pettee;
H. R. 8106. An act granting an increase of pension to Daniel J. Mahoney;
H. R. 8401. An act granting an increase of pension to Henry E. Murphy;
H. R. 8409. An act granting an increase of pension to Cyrenus Larrabee;
H. R. 10488. An act granting an increase of pension to Kate W. Milward;
H. R. 10821. An act granting an increase of pension to Abby T. Daniels;
H. R. 11133. An act granting an increase of pension to James D. Lafferty;
H. R. 11170. An act granting an increase of pension to William Kunselman;
H. R. 12978. An act granting an increase of pension to Charles F. Smith;
H. R. 13019. An act granting an increase of pension to Marietta Elizabeth Stanton;
H. R. 13036. An act granting an increase of pension to John B. Greenhalgh; and
H. R. 13371. An act granting an increase of pension to Charles D. Palmer.

SUBSIDIARY SILVER COINAGE.

The committee resumed its session.

Mr. GROW. I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "coin," in line 9, add "*Provided*, That the subsidiary coins shall be half dollar, quarter dollar, and 10-cent, and 5-cent pieces; each of the aforesaid pieces shall be an aloquit part of a dollar of 412½ grains."

Mr. GROW. Mr. Chairman, the present subsidiary coins in silver are proportionate parts of a dollar, 384 grains instead of 412½ grains. If I understand aright, for coins that are used in the Philippine Islands, if we made the half dollar of this proportion of 412½ grains, they could be used in place of the coin that is now being used there. In that case our American coin would go into circulation, taking the place of the Mexican coins they use there; and in that way we could put a large amount of silver in circulation that would probably never come home.

Now, we redeem the subsidiary coins in gold, and therefore the weight would make very little difference with us. It circulates with us with very little trouble, because it is redeemed in gold. But if we have to have a coinage circulate with that of another country, it must have the same weight of silver, otherwise it would not circulate with it. It would be redeemed in gold as our present subsidiary coin is. Then we could make our 5-cent pieces of silver instead of nickel, and the nickel could be used for cents instead of copper. The copper is not worth now the amount it circulates for, and we are using a subsidiary coin that is worth less than the amount it represents. We want to circulate silver in money by making it in the proportionate parts of a dollar—2 halves, 4 quarters to the dollar, and 10 dimes to the dollar, and 20 5-cent pieces to the dollar—thus giving a silver coin for a nickel coin, so that our large 5-cent pieces can not be confounded with a quarter. You can not tell as to which it is if a man's eyesight is poor, without close inspection.

Mr. NEWLANDS. I offer another amendment, on line 9, after the word "coin," "which shall be full legal tender for all debts, public or private." Now, I wish to test the sincerity of the gentleman from Iowa, who says that if all the silver is coined into subsidiary coin——

Mr. OVERSTREET. I desire to make the point of order against that amendment.

Several MEMBERS (on the Democratic side). Too late.

Mr. OVERSTREET. I asked recognition of the Chair as soon the gentleman stated his amendment.

Mr. NEWLANDS. I submit the point of order is too late.

The CHAIRMAN. The Chair understands the gentleman's point of order to be that the amendment is not germane to the amendment of the gentleman from Pennsylvania.

Mr. OVERSTREET. I have not stated my point of order.

Mr. NEWLANDS. My point is that the point is made too late.

Mr. OVERSTREET. I addressed the Chair, and the Chair did not hear me.

The CHAIRMAN. There is one amendment now pending, and the amendment of the gentleman from Nevada would not be in order.

Mr. OVERSTREET. That is the point I make.

Mr. GAINES of Tennessee. I ask that the amendment be again read. We could not hear it.

Mr. NEWLANDS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEWLANDS. I would like to know what amendment is pending?

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania, which the Clerk will report for the information of the gentleman from Nevada.

The amendment was again reported.

Mr. NEWLANDS. Then I move to amend the amendment by adding the following words: "which shall be full legal tender for all debts, public and private."

Mr. HILL. I make the point of order against the amendment to the amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will state the amendment offered by the gentleman from Nevada.

The Clerk read as follows:

Add to the amendment offered by the gentleman from Pennsylvania the following words: "which shall be full legal tender for all debts, public and private."

Mr. NEWLANDS. Now, Mr. Chairman, as I said before, I wish to test the sincerity of the gentleman from Iowa.

Mr. HILL. I make the point of order that the amendment is not germane. [Cries of "Too late!"]

The CHAIRMAN. The gentleman can make his point of order. The Chair will hear the gentleman from Connecticut.

Mr. HILL. Mr. Chairman, this is simply a bill to increase the subsidiary coin, not to change its character in any way whatever.

Mr. NEWLANDS. I rise to a parliamentary inquiry. I want to inquire whether it is in order to make a point of order after discussion has commenced?

The CHAIRMAN. The gentleman made the point of order before any discussion had commenced on the amendment offered by the gentleman from Nevada.

Mr. COCHRAN. The point of order was made after the gentleman from Nevada had addressed the Chair.

Mr. HILL. The point of order was made before the amendment was read.

Mr. COCHRAN. The gentleman made the point of order after the gentleman from Nevada had addressed the Chair and was proceeding with his remarks.

The CHAIRMAN. This matter is entirely within the discretion of the Chair, and the Chair recognized the gentleman from Connecticut to make the point of order before any discussion occurred on the amendment. The Chair will now hear the gentleman.

Mr. OVERSTREET. The gentleman from Connecticut made his point of order first before the reading, and then after it was read, so that the gentleman is correct when he said he made it before the amendment was read.

Mr. HILL. Mr. Chairman, the bill now pending before the House is a bill to increase the subsidiary coin, and the amendment provides for giving it an entirely different character. I think it would be just as proper under the provisions of this bill to move, as an amendment, to take away the legal-tender quality of the outstanding silver dollars simply because the item of "silver dollar" is mentioned in the bill. The bill contemplates no such action, and the amendment offered does not seem to me to be germane to the bill for increasing the existing form of currency. I do not question the germaneness of the amendment offered by the gentleman from Pennsylvania, but I would like to be heard on it before it comes to a vote.

Mr. NEWLANDS and Mr. COCHRAN rose.

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. COCHRAN. To speak to the point of order.

The CHAIRMAN. The gentleman from Nevada is recognized.

Mr. NEWLANDS. Mr. Chairman, I purpose discussing the point of order, and I presume it will be in order after I am through for the gentleman from Missouri to take it up. This bill provides for the coinage of subsidiary silver. What is subsidiary silver? Subsidiary silver is silver money of a smaller denomination than one dollar. We are providing for this subsidiary coinage, and it is entirely competent for us to determine its legal-tender quality, whether it shall be unlimited or whether it shall be limited.

In addition to that it is proposed by this very bill to change the full legal-tender silver into limited-tender silver. It is entirely competent for us to declare that in making the change into the silver of the smaller denomination the legal-tender quality of the silver shall not be lost. Here is a clear question under this law as to whether this silver that is to be coined is to be full legal tender or limited legal tender. That is not settled by the bill as it stands, and an amendment making the point clear is plainly in order. Subsidiary coin is not now full legal tender, but it has been so in the past, and it would be strange indeed if we could not by amendment make the subsidiary coin contemplated by this bill a tender for all debts. To my mind the amendment is clearly germane.

The gentleman from Iowa insists upon it that there would be no contraction, if this bill passed, if $600,000,000 of silver dollars were changed into subsidiary silver of limited tender; that the volume of money would not be contracted. While it is true that the total volume of the full legal tender and limited tender will not be changed, it will still remain $2,000,000,000, but it will not be two billions of full tender money. What will we have? Fourteen hundred millions of full legal tender and six hundred millions of limited legal tender—$2,000,000,000 under our present system of full legal-tender money—greenbacks, gold, and silver, every dollar of which can be held as bank reserve, every dollar of which can be used as the basis of bank credit, every dollar of which can be given an efficiency of $5 in the credit extended by the bank check and deposit system, and yet the gentleman insists that when he has diminished this legal-tender money to the extent of six hundred millions that can be held in bank reserves, money that can be used as the basis of credit—that in reducing it from $2,000,000,000 to $1,400,000,000 he is not working a contraction of the currency.

I call it trifling with reason to present such arguments as that, and I wish to test the gentleman's sincerity as to his contention that there is no difference between limited tender and full legal tender. If one is the counterpart of the other, one just as good as the other; if he intends to work no contraction of the volume of legal-tender money in this country, let him vote for this amendment, which places every dollar of this small silver on a basis with the other money of the country, retaining the volume of legal-tender money at two billions instead of reducing it to fourteen hundred millions. It is an amazing contention, Mr. Chairman, that in changing the form of our silver coinage we may not at the same time provide that the full legal tender of the coin shall be preserved.

Mr. COCHRAN. This bill is supplementary to existing legislation relating to subsidiary coinage. Existing laws define the legal-tender qualities of subsidiary money. It seems to me that a ruling to the effect that the amendment offered by the gentleman from Pennsylvania [Mr. GROW] is not germane would be most extraordinary.

The CHAIRMAN. The Chair is prepared to rule.

Mr. SHAFROTH. I should like to be heard for just a minute on this point of order.

It will be observed by the Chair that the amendment offered by the gentleman from Pennsylvania [Mr. GROW], and also the amendment offered by the gentleman from Nevada [Mr. NEWLANDS], to that amendment take effect after the word "coin," in line 9; and the words preceding the amendment are these:

And thereafter, as public necessity may demand, to recoin silver dollars into subsidiary coin.

There is no question that silver dollars are full legal tender. Is it possible, then, that when we are providing for the melting down of coinage which is full legal-tender money and recoining it into other money we can not say that the money thus recoined from legal-tender dollars shall also be full legal tender? That is all I wish to say.

Mr. GAINES of Tennessee. Mr. Chairman, I wish to say——

The CHAIRMAN. The Chair is ready to rule and does not desire to hear any further discussion on the point of order.

Mr. GAINES of Tennessee. All right, if the Chair is going to rule my way.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania follows the word "coin," in line 9, and to that amendment the gentleman from Nevada offers an amendment providing that this subsidiary coinage shall be full legal tender. The coin that this amendment proposes to declare shall be full legal tender is to be made or recoined from full legal-tender silver dollars. In the opinion of the Chair, the amendment of the gentleman from Nevada is germane to the amendment of the gentleman from Pennsylvania, and therefore the Chair holds it in order. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, the effect of the amendment of the gentleman from Nevada would be to practically restore the legislation which existed prior to 1853 on the question of the full legal-tender quality of subsidiary silver, and it would put the United States in opposition to the experience of the civilized world.

Now, I have simply to represent the case as it is, that while other nations are decreasing their legal-tender silver this amendment proposes that our silver 5-cent pieces, our dimes, our quarters, and our half dollars shall immediately be transformed into legal tender; not only legal tender but unlimited legal tender beyond the extent of the standard silver dollar. I want the gentleman from Nevada to understand the full purport of his proposition, that under the terms of his amendment, if it passes, the United States bonds can be paid in 25-cent pieces. With that statement of the case I am perfectly willing to leave it.

Mr. GROW. Did the Chair rule that the amendment of the gentleman from Nevada was in order?

The CHAIRMAN. The Chair has so decided—that it is germane and in order.

Mr. GROW. Then I will withdraw the amendment.

Mr. CLAYTON and others objected.

The CHAIRMAN. There being objection, the amendment, as the gentleman from Pennsylvania is doubtless aware, can not be withdrawn.

Mr. HILL. I call for a vote on the amendment of the gentleman from Nevada.

[Mr. COCHRAN addressed the committee. See Appendix.]

Mr. LACEY. Mr. Chairman, I will not follow my friend from Missouri in going over questions from Coin's Financial School, but I would like to call the attention of the committee to the amendment and the specific proposition now before the committee.

The motion of the gentleman from Pennsylvania [Mr. GROW] is to insert in line 9 a proposition to coin from 50-cent pieces down to 5-cent pieces of subsidiary coin under this act, that the silver bullion at present may be thus coined, that silver dollars may be also coined into the same kind of subsidiary coin if needed hereafter. That is his proposition, providing for 50-cent pieces down to 5-cent pieces. The gentleman from Nevada offers an amendment to the amendment, which is as follows:

Which shall be full legal tender for all debts, public and private.

The effect of this will be that this subsidiary coin we provide for would be legal tender for all debts public and private. You might have half dollars in your pockets which would be a legal tender for all debts public and private, but if you had a half dollar coined under the former law, it would not be legal tender except in limited amounts. So you would have the absurdity of having two kinds of subsidiary coin, one of which would be legal tender for all debts public and private and the other a limited tender.

It seems to me that is all the question there is before the committee. Gentlemen go back into the discussion of 1894, 1895, and 1896. That has been relegated to the tomb of the past, never to be revived on either side of the Chamber. But we should address ourselves to the specific question that is before the committee, and it seems to me no gentleman, even though a Democrat or a Populist, ought to vote for this amendment.

Mr. GAINES of Tennessee. Will the gentleman yield for an interruption?

Mr. LACEY. I suppose I shall have to.

Mr. GAINES of Tennessee. The Director of the Mint, Mr. Roberts, stated to the Coinage Committee that this "chicken feed" of 5-cent pieces, quarters, dimes, and half dollars are taken

into consideration in making up the per capita of circulation. Does not the gentleman think that if that is done that this "chicken feed" or subsidiary coin should be made full legal tender?

Mr. LACEY. I think not, because it has less metal in it. We put less silver in it away back fifty years ago, in order to keep it from being melted down or sent abroad.

Mr. GAINES of Tennessee. Does not the gentleman want the silver sent abroad anyway—get rid of it?

Mr. LACEY. We are not needing to send it abroad. We have use for it here. The purpose of the bill is this: There is frequently not enough of small change. My friend from Tennessee will remember that he spends more of this small change than anything else. He has to break his bank bill and put it into small coin.

Mr. GAINES of Tennessee. Yes; I am not one that goes through the gilded halls or through Wall street with the very rich, like my friend from Iowa. I am down on the ground floor with the plain people, and I feel very much at home there. [Laughter.]

Mr. LACEY. I am glad to see that my friend is down among the plain people. I supposed he was a plutocrat, for he carries that unctious look most of the time. [Laughter.]

Mr. GAINES of Tennessee. Well, the gentleman from Iowa is the first man that I ever deceived with my looks. [Laughter.]

Mr. LACEY. But seriously, Mr. Chairman, I want to get the House down to the plain proposition before us. It is now proposed to have another kind of legal-tender money as subsidiary silver coinage. I will ask my friend whether he thinks that there ought to be two kinds of subsidiary coinage—one 25-cent piece, for instance, which will be a limited legal tender, and another 25-cent piece an unlimited legal tender?

Mr. GAINES of Tennessee. The gentleman does not state correctly the effect of the amendment. Now, here is a letter from the Director of the Mint dated May 15, 1902, which says:

> Subsidiary silver coin—dimes, quarters, and halves—are legal tender for $10 in any one payment.

That is the present law, he says.

Now, we do not have two kinds——

Mr. LACEY. The proposition here is that we shall have two kinds. I hope my friend will come up with the "plain people"——

[Here the hammer fell.]

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman from Iowa be extended five minutes.

There was no objection.

Mr. LACEY. I will not use that much time, unless I have the assistance of my friend from Tennessee, which I hope I shall have.

Mr. GAINES of Tennessee. Now, this official letter dated May 15, addressed to myself, states that we have but one kind of subsidiary coin——

Mr. LACEY. That is not a legal tender except for a limited amount.

Mr. GAINES of Tennessee. It is a legal tender to the amount of "$10 in any one payment."

Mr. LACEY. Now, the amendment offered by the gentleman from Nevada [Mr. NEWLANDS] provides that this particular coinage to be put into circulation under this bill shall be a legal tender for all debts to an unlimited amount. Consequently, if the amendment becomes law, we shall have two kinds of subsidiary coinage. Is not that correct?

Mr. GAINES of Tennessee. Not at all; because this act amends or repeals all laws inconsistent with it.

Mr. LACEY. Oh, no.

Mr. GAINES of Tennessee. It is so declared at the end of the bill.

Mr. LACEY. The language of the amendment is "such coin."

Mr. GAINES of Tennessee. If the construction of the gentleman from Iowa is correct, we can easily remedy that by further amendment.

Mr. LACEY. I think my friend from Tennessee would certainly be willing to concede, when his attention is called to the plain letter of this amendment——

Mr. GAINES of Tennessee. Can we not change that, if necessary, by further amendment? Up to 1853, half dollars, quarters, dimes, and half dimes were legal tender in "all payments whatsoever." Now, does the gentleman think that we are any better than those people who made that law and continued it in force down to 1853. And these coins struck before 1853 remained full legal tender up to June, 1874. Should not we have the benefit of making that currency full legal tender, inasmuch as we are the people who have to use it?

Mr. LACEY. We may not be any better; but we are alive and able to attend to these things in this day and generation in the light of later experience, which has taught us that it is best to have a subsidiary coinage a little lower in its legal-tender character than other money, so that it may be treated as a token, and may stay at home.

Mr. GAINES of Tennessee. But the gentleman wants to get rid of it. If my friend wants to send it abroad and get rid of it, let him vote that way and send it abroad. We have plenty to spare, I dare say.

Mr. NEWLANDS. As I understand, the gentleman from Iowa objects to my amendment——

Mr. LACEY. I object to the form of it, because I think it will effect perhaps what the gentleman has not intended.

Mr. NEWLANDS. The gentleman, as I understand, objects to the amendment upon the ground that if it be adopted there will be two classes of subsidiary money—one the $86,000,000 now in circulation and bearing a date prior to the present, and the other the $600,000,000 authorized by this act and bearing a date subsequent to the enactment of this bill. Now, I ask the gentleman whether he is in sympathy with the purpose of this amendment, which is to prevent the $600,000,000 of full legal-tender silver now existing and about to be converted into subsidiary coinage by this bill from being reduced to a limited legal tender and thus losing its debt-paying capacity? I ask the gentleman whether he is in sympathy with the purpose of the amendment; for if he is, the form may be readily modified, if it be defective.

Mr. LACEY. I will ask the gentleman a question. I think there may be time for him to answer before my five minutes expire. I will ask him whether the effect of his amendment will not be to make two kinds of subsidiary coinage—one a legal tender generally and the other not?

Mr. NEWLANDS. But, admitting that——

Mr. LACEY. I would like the gentleman to answer the question.

Mr. NEWLANDS. Admitting for the sake of argument that the $86,000,000 already issued would be a limited legal tender, but that the $600,000,000 to be issued under the amendment would be a full legal tender, I ask the gentleman whether he is in sympathy with the purpose of the amendment, which is to retain the debt-paying capacity of the $600,000,000? If the gentleman is in sympathy with the purpose of the amendment, it can be readily changed in form so as to suit his views.

Mr. LACEY. If the gentleman asks me whether I am in favor of issuing $600,000,000 of fractional silver currency, I will answer, certainly not. No such amount will be needed. He is assuming now something will be done that no one ever thinks of doing and that the bill does not contemplate, that is not involved in the bill, and then says, if that is so, what would you think about it? I am trying to bring my friend down to the plain proposition that he has brought before this committee, and am trying to find out whether he is in favor of it in the form in which he has drawn it.

Mr. NEWLANDS. Is the gentleman in favor, I ask him——

Mr. LACEY. I am in favor of making the subsidiary coin a limited legal tender.

Mr. NEWLANDS. Of giving the Secretary of the Treasury discretionary power——

Mr. LACEY. Oh, certainly; it is perfectly safe.

Mr. NEWLANDS. To change six hundred millions of whole debt-paying money into six hundred millions of limited debt-paying money—token money?

Mr. LACEY. There is no such proposition.

Several members asked for a vote.

Mr. NEWLANDS. Mr. Chairman, I would like to have an opportunity to argue the amendment which I have had the honor of introducing. My previous argument was to the point of order.

The CHAIRMAN. The gentleman from Nevada is recognized.

Mr. NEWLANDS. I wish to state to the gentleman that the purpose of this amendment is to prevent $600,000,000——

Mr. HILL. Will the gentleman yield to a single question?

Mr. NEWLANDS. Yes, if the gentleman will extend my time.

Mr. HILL. I will ask that your time be extended.

Mr. NEWLANDS. Very well.

Mr. HILL. I would like to know from the gentleman himself whether his amendment applies simply to the subsidiary coin which is to be recoined from the dollar, or whether it applies to the whole volume of subsidiary coinage?

Mr. NEWLANDS. I will state to the gentleman that as framed it will probably be construed to apply only to the silver coined under this act—the new coinage.

Mr. HILL. Will the gentleman permit me to ask him one more question? Does the gentleman himself think it would be a wise proposition to have two kinds of subsidiary coin?

Mr. NEWLANDS. I would rather extend the full debt-paying capacity to all of it.

Mr. HILL. Then why does not the gentleman change his amendment?

Mr. NEWLANDS. Very well, I will change it if the gentlemen on that side will give me any sympathy or support at all, but this is a mere quibble. You are endeavoring to defeat my proposition.

Mr. CLAYTON. The gentleman from Connecticut would raise the point of order.

Mr. HILL. Of course I shall.

Mr. NEWLANDS. The gentleman is trying to defeat my amendment. Mr. Chairman, the gentleman from Iowa [Mr. LACEY] is endeavoring to defeat the beneficial operation of this amendment by mere quibbling. He proposes to allow the proposition robbing $600,000,000 out of two billions of its full debt-paying capacity to go through simply because he fears that there may be two kinds of subsidiary coinage. They are perfectly distinguishable—the currency heretofore issued and the subsidiary coin hereafter to be issued. It will be merely a question of dates. I say it will be perfectly easy to make it extend to both, but I do not propose to be trapped into an amendment which may be declared out of order by the Chairman upon the ground that it relates not only to the silver to be coined under this act, but to the silver heretofore coined.

Mr. RICHARDSON of Tennessee. It is clearly distinguishable.

Mr. NEWLANDS. I would rather have two kinds of subsidiary coin, a small part of it without full debt-paying capacity and a large part with full debt-paying capacity, than to have it all with a limited debt-paying capacity. I would rather have this contradiction in the subsidiary coin than rob $600,000,000—one-third of the present money volume of the country—of its full debt-paying function. That is the proposition I want the gentleman to face, and not evade it by quibbling. [Applause on the Democratic side.]

Now, then, in my remarks upon the main bill I called the attention of the House to the fact that at the close of the civil war we attempted this currency tinkering, this retirement of full legal-tender money and the substitution of something that was not full legal tender, just as you propose to do now. At the close of the war, having passed through that great struggle successfully, with a bright and brilliant future before the entire country, we concluded to retire the greenbacks which had been issued and which had a full debt-paying capacity, and what did you propose to do? Back those greenbacks gradually, as France did with her paper money after her great war with Germany, by both silver and gold? No.

Your effort was to substitute bank currency which had not a full debt-paying power, which was not a legal tender, and what was the result? You destroyed about $300,000,000 of greenbacks and you substituted five or six hundred millions of national bank notes, and the five or six hundred millions of national bank notes did not fill the place of the three hundred millons of greenbacks, because the bank notes were not legal tender. Why? Because every dollar of those greenbacks in the reserve at the banks was the basis of $5 of credit. Three hundred millions in the banks meant fifteen hundred millions of bank credits, credits to customers against which they could draw their checks, and as you drew out that three hundred millions of greenbacks and destroyed them you destroyed fifteen hundred millions of bank credit, and what did you substitute for it? Four or five hundred million dollars of other bank credits, differing only in form.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, I ask that the time of the gentleman from Nevada be extended five minutes.

The CHAIRMAN. The gentleman from Connecticut asks that the time of the gentleman from Nevada be extended for five minutes. Is there objection?

There was no objection.

Mr. NEWLANDS. Now, by retiring the three hundred millions of greenbacks you destroyed fifteen hundred millions—five times the quantity of bank credits—and what did you substitute for it? You substituted a different form of bank credit in the shape of a national-bank note, of no full legal-tender quality, not entitled to be considered as the reserve of a bank.

No bank could take a dollar of it and issue $5 of credit upon it, as it could against a greenback; and so for $1,500,000,000 of bank credits, of which the $300,000,000 of greenbacks were the base, you substituted four or five or six hundred million dollars of bank notes, not having the same debt-paying capacity, not having the same full legal-tender quality, and the entire country went upon the shoals of bankruptcy from 1873 to 1878, from which the country was only rescued by the moderate increase in the metallic volume of the currency of the country, brought about by the passage of the Bland Act. And so in 1893 you sought to do what? Not to substitute some instrument of credit for legal-tender money, but you sought to repeal the Sherman Act, the successor of the Bland Act, and to put a stop to that moderate and sustained flow of new money that was entering this country.

Panics are created in two ways. One is by a checking of the accustomed supply, the other by a retirement of a portion of the existing volume. In 1893 you checked the moderate and accustomed supply by the repeal of the Sherman Act. In 1873 you not only checked the moderate supply by refusing coinage to silver, but you substituted, as you propose to do now, for a portion of the full legal-tender volume of money a credit device of no full debt-paying capacity. Just as you propose to substitute now for $600,000,000 of silver, having a full debt-paying capacity, $600,000,000 of small coin that can only be used in the small transactions of life in the payment of debts amounting to not more than $5.

How paltry are the five-dollar debts as compared with the great masses of debts—the debts of a hundred dollars, of a thousand dollars, of a million dollars, of billions of dollars that are pressing upon this world. While only a small amount of limited legal tender is required to satisfy these small debts, it requires a very large amount to satisfy these large debts and sustain the great volume of credit based upon it. So, I tell you, that although the application of the same principle of contraction under this bill may be moderate and gradual and its accomplishment may take a series of years it will have the same effect as the substitution of bank notes for full legal-tender money in 1873 and the same effect as the stopping of the accustomed flow of new money in 1893. Whether you prevent the new from coming in or whether you destroy the old, both are contractions, having in view the increasing population and the increasing demands of business.

If you are with us in a disposition to defeat the retirement of $600,000,000 of legal-tender money, we can easily make it effective by framing a substitute here for this amendment, assuming that no point of order is made against it; but I refuse to present a substitute to which, perhaps, a point of order may be made. The amendment which I have offered will make the present bill harmless by preserving the full legal-tender quality of all the money coined under it, and for that reason the amendment should receive the support of every member who is honestly opposed to a contraction of our money supply.

Mr. GAINES of Tennessee. I call the gentleman's attention to the fact that on July 1, 1901, there was of general stock of subsidiary silver in the Treasury and in circulation only $89,822,771, the sum of $10,587,557 being in the Treasury and $79,235,214 in circulation.

Mr. GROW. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Nevada [Mr. NEWLANDS]. There would be the same propriety in making copper cents legal tender for the payment of all debts, public and private, as to make 5-cent pieces full legal tender. The idea, from a business standpoint, of providing by law that a debtor might pay a debt of a million dollars in 5-cent pieces! It would make the legislation absurd and ridiculous.

As to two kinds of subsidiary coin, supposing the amendment I propose is adopted. It does not apply to any coinage already made. It only applies to future coinage, and either one of them under existing law in certain amounts would be legal tender. That would not be changed. Certain amounts of them could be used, but you could not apply 5-cent pieces to the payment of a large debt, which would make a ridiculous business transaction.

Subsidiary coinage is not for large business transactions. Therefore its legal-tender quality is only applied to small amounts, and they would be redeemable in gold. Whether there was the same amount of silver in one case as in another would make no difference. Both would circulate with us, one just as well as the other; but if they were to circulate outside of this country, the coin must have about the weight of the coin you want it to displace in other circulations; and my only object was that we should make the American coin in such shape and form as to be adapted to the Eastern trade—coins that they are accustomed to. And if I was right in my opinion about our 50-cent piece made in this form, it would have about the same quantity of silver as similar coins now circulating in China and India. If they came back again, they would be redeemable in gold, and if they went into use there it would absorb so much of our surplus silver. But to make subsidiary coin full legal tender without limit for all debts, public and private, would be, as a business proposition, ridiculous and absurd.

[Here the hammer fell.]

Mr. HILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12704, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6037. An act granting increase of pension to William C. Holcomb;

H. R. 7560. An act granting an increase of pension to George W. Butler;

H. R. 2623. An act granting increase of pension to John Smith;
H. R. 12779. An act granting an increase of pension to George Chamberlin;
H. R. 12422. An act granting an increase of pension to David Topper;
H. R. 11288. An act granting an increase of pension to William E. Ball;
H. R. 11124. An act granting an increase of pension to Mary Scott;
H. R. 5475. An act granting increase of pension to August Schill, alias August Silville;
H. R. 5551. An act granting increase of pension to Charles Edward Price Lance, alias Edward Price;
H. R. 12983. An act granting an increase of pension to Eleanor Emerson;
H. R. 5248. An act granting a pension to Francis A. Tillotson;
H. R. 9794. An act granting a pension to Zebulon A. Shipman;
H. R. 4542. An act granting pension to Eliza J. West;
H. R. 9833. An act granting an increase of pension to Margaret McCuen;
H. R. 13614. An act granting an increase of pension to William H. White;
H. R. 8487. An act granting an increase of pension to John M. Crist;
H. R. 13037. An act granting an increase of pension to Francis W. Anderton;
H. R. 9695. An act granting an increase of pension to Evaline Jenkins;
H. R. 13211. An act granting a pension to Melissa Burton;
H. R. 6718. An act granting increase of pension to Andrew R. Jones;
H. R. 2286. An act granting increase of pension to Mary Etna Poole;
H. R. 2289. An act granting increase of pension to Pitsar Ingram;
H. R. 8134. An act granting an increase of pension to James H. Dunn; and
H. R. 12428. An act granting an increase of pension to Elizabeth G. Getty.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 3208. An act to authorize the Commissioners of the District of Columbia to refund certain license taxes; and

S. R. 87. Joint resolution to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5913. An act granting a pension to Cherstin Mattson—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURKE of South Dakota, for ten days, on account of important business.

LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. NEEDHAM obtained leave to extend his remarks on the bill H. R. 14511, this day passed.

SALMON FISHERIES OF ALASKA.

By unanimous consent, the reference was changed on the bill (H. R. 14464) to amend the laws relating to the salmon fisheries of Alaska from the Committee on the Merchant Marine and Fisheries to the Committee on the Territories.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. MERCER. Mr. Speaker, I desire to present the conference report on the bill H. R. 14018, and ask that it be printed in the RECORD under the rule.

The SPEAKER pro tempore. The report and statement will be printed in the RECORD under the rule.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 10, 12, 23, 38, 39, 42, 43, 47, 50, 57, 62, 63, 71, 73, 74, 82, 83, 85, 87, 88, 89, 95, 96, 112, 114, 117, 124, 125, 148, 149, 150, 151, 152, 153, 158, 159, and 161.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 8, 11, 17, 18, 19, 20, 21, 22, 26, 28, 29, 31, 32, 34, 35, 36, 37, 38, 40, 41, 44, 45, 48, 49, 51, 52, 53, 54, 55, 56, 59, 60, 61, 65, 66, 67, 68, 69, 70, 72, 76, 77, 79, 80, 81, 86, 92, 93, 94, 100, 105, 107, 109, 113, 115, 120, 122, 123, 126, 127, 128, 129, 130, 132, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 146, 154, 155, and 157; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$900,000;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That the Secretary of the Treasury, in his discretion, may exchange the present site for a new site, without additional cost or expense therefor to the Government, and erect the said building thereon;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: After the word "value," in line 2 of the amendment, insert ", not exceeding $175,000,;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 10, line 12 of the bill, strike out the word "fifty-four" and insert in lieu therof the word "four;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out all of the amendment after the word "therein," in line 4 of the amendment; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "United States post-office and custom-house at Jacksonville, Fla., from $278,881.38 to $328,881.38;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert: "United States post-office at Kalamazoo, Mich., from $78,236.74 to $128,236.74;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: After the word "from," in line 2 of the amendment, strike out the words "fifty-eight thousand four hundred and fifty-seven dollars" and insert in lieu thereof the following: "$71,807;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: After the word "drawn," in line 7 of the amendment, strike out the words "by the Supervising Architect of the Treasury;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert in section 5, page 25, after line 12, in the bill, the following: "United States post-office at Moberly, Mo., $5,000;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert in section 5, page 25, after line 16, in the bill, the following: "United States post-office at Columbia, Mo., $5,000;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out the words "and ten" in the amendment; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from is disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in section 5, page 25, after line 10, in the bill, the following: "United States post-office and other governmental offices at Crookston, Minn., $4,000;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Strike out the word "eighty," in the amendment, and insert in lieu thereof the word "seventy;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in section 1, page 4, after line 11, in the bill, the following: "United States post-office and court-house at Scranton, Pa., from $273,190.85 to $363,190.85;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert as a paragraph the following:

"*Provided*, That the Secretary of the Treasury shall not purchase a site in

either of said cities until satisfied that the price therefor will permit the execution of all the provisions of this section in each of said cities within said limit of cost for site and building, respectively."

And the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the word "fifteen" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "*Provided*, That the site selected shall consist of not less than an entire block or square of ground in said city;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "*Provided*, That the site selected shall consist of not less than an entire block or square of ground in said city;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following: "United States post-office and custom-house at Traverse City, Mich., $6,000;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: After the words "United States," in line 1 of the amendment, insert the words "post-office and;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: Restore the words proposed to be stricken out by said amendment; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and insert after the word "company," in line 16, page 27 of the bill, the following: ", and jurisdiction is hereby conferred upon the supreme court of the District of Columbia upon petition of said company to inquire into, hear, and determine the amount of the actual cost and expense to the company for the removal of its tracks from E street by reason of the provisions herein contained, and to enter judgment against the United States and the District of Columbia jointly, in such sum as may be so ascertained as aforesaid, and either party shall have the right of appeal from such judgment as in other cases;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: On page 28, line 2, of the bill, after the word "he," insert the following: "and the Commissioners of the District of Columbia, acting jointly;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

"That 'An act to provide for enlarging and improving the United States Government building at Macon, Ga., and to appropriate $48,000 therefor,' approved March 2, 1899, is hereby amended so as to read as follows:

"'That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the post-office and court-house building at Macon, Ga., to be extended and enlarged so as to provide necessary accommodations for the post-office, courts, and other branches of the Government service, and to purchase additional ground on Third and Mulberry streets, in his discretion, for this purpose, and that the total cost of all said improvements, changes, and repairs, including the purchase price of such additional ground, shall not exceed the sum of $156,000: *Provided*, That the limit of cost of such additional land shall not exceed $31,000.'"

And the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "and seventy-five;" and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$675,000;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In line 2 of the amendment, after the word "settlements," strike out the words "is hereby appropriated" and insert in lieu thereof the following: "shall be paid from the amount herein authorized;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert in line 19, page 42, after the word "at," the following: "Honolulu and Hilo, Territory of Hawaii; Albuquerque, N. Mex., and;" and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the words "have prepared" and insert in lieu thereof the word "prepare;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with amendments as follows: Change "Sec. 25" to "Sec. 24;" and in line 1 of the amendment, after the word "constructed," insert the words "enlarged, or extended;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: Change "Sec. 24" to "Sec. 25;" and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: Change "Sec. 25" to "Sec. 26;" and the Senate agree to the same.

DAVID H. MERCER,
CHARLES W. GILLET,
J. H. BANKHEAD,
Managers on the part of the House.

CHARLES W. FAIRBANKS,
F. E. WARREN,
J. L. RAWLINS,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of said amendments, namely:

On No. 1: Increase over House bill of $25,000 for public building at Anniston, Ala.

On No. 2: Senate recedes.

On No. 3: Increase over House bill of $100,000 for branch mint at Denver, Colo.

On No. 4: Increase over House bill of $15,000 instead of $90,000, as requested by the Senate, at Beaumont, Tex.

On No. 5: Increase over House bill of $20,000 for public building at Burlington, Iowa.

On No. 6: Change in phraseology; no additional expense.

On No. 7: Senate recedes.

On No. 8: Increase over House bill of $15,000 for public building at Joplin, Mo.

On No. 9: Increase over House bill of $25,000, instead of $75,000, as requested by the Senate, for public building at Butte, Mont.

On No. 10: Senate recedes.

On No. 11: Increase over House bill of $500,000 for custom-house at New York City.

On No. 12: Senate recedes.

On No. 13: Allowing an exchange of site without cost to the Government, instead of allowing an unlimited price for new site, as provided by Senate, at Elizabeth City, N. C.

On No. 14: Limits condemnation proceedings to $175,000, instead of no limit, as provided by the Senate, in Richmond, Va.

On No. 15: Increase over House bill of $50,000, instead of $100,000, as requested by the Senate, for court-house at Portland, Oreg.

On No. 16: Retains United States courts in building.

On No. 17: Increase over House bill of $100,000 for public building at Memphis, Tenn.

On No. 18: Increase over House bill of $50,000 for public building at Dallas, Tex.

On No. 19: Change in phraseology limits size of ground.

On No. 20: Increase over House bill of $2,000 for public building at Rome, Ga.

On No. 21: Increase over House bill of $2,000 as limit of cost for additional ground at Rome, Ga.

On No. 22: Increase over House bill of $50,000 for public building at Springfield, Ill.

On No. 23: Senate recedes.

On No. 24: Senate recedes.

On No. 25: Increase over House bill of $50,000, instead of $60,000, as requested by the Senate, for public building at Kalamazoo, Mich.

On No. 26: Increase over House bill of $45,000 for public building at Omaha, Nebr.

On No. 27: Increase over House bill of $32,000 for public building at Greensboro, N. C.

On No. 28: Strikes out the word "provided."

On No. 29: Strikes out lines which are included elsewhere in the bill.

On No. 30: Insertion of language construing parts of section No. 1.

On No. 31: Increase over House bill of $900,000 for custom-house at San Francisco, Cal.

On No. 32: Substitution of language eliminated elsewhere in the bill.

On No. 33: Senate recedes.

On No. 34: Authorizes public buildings at Oklahoma City, Okla., at a cost of $50,000.

On No. 35: Limits cost of public building at Guthrie, Okla., to $50,000, instead of $100,000, as carried in the House bill.

On No. 36: Eliminates language which is inserted elsewhere.

On No. 37: Increase over House bill of $75,000 for public building at Ogden, Utah.

On No. 38: Striking out provision for Oil City, Pa., and inserting the item in section No. 4.

On No. 39: Senate recedes.

On No. 40: Transferring Rock Hill, S. C., to section No. 4.

On No. 41: Transferring Martinsville, Va., to section No. 4.

On No. 42: Senate recedes.

On No. 43: Senate recedes.

On No. 44: Reduction of $5,000 from House bill providing for public building at Harrison, Ark.

On No. 45: Increase over House bill of $20,000 for public building at Batesville, Ark.

On No. 46: Striking out the words "and court-house," at Colorado Springs, Colo.

On No. 47: Senate recedes.

On No. 48: Increase over House bill of $10,000 for public building at Torrington, Conn., instead of $20,000, as requested by Senate.

On No. 49: Increase over House bill of $25,000 for public building at Athens, Ga.

On No. 50: Senate recedes.

On No. 51: Increase over House bill of $10,000 for public building at Ottawa, Ill.

On No. 52: Provides for public building at Meriden, Conn., at a cost of $100,000.

On No. 53: Provides for Oil City, Pa.; transferred from section No. 3.

On No. 54: Provides for public building at Kirksville, Mo., at a cost of $40,000.

On No. 55: Provides for a public building at Marblehead, Mass., at a cost of $40,000.

On No. 56: Provides for a public building at Oak Park, Ill., at a cost of $35,000.

On No. 57: Senate recedes.

On No. 58: Provides for a site at Moberly, Mo., to cost not exceeding $5,000, in lieu of Senate provision for building and site to cost $40,000.

On No. 59: Increase over House bill of $10,000 for public building at Stillwater, Minn.
On No. 60: Increase over House bill of $10,000 for public building at Greenville, Tenn.
On No. 61: Increase over House bill of $10,000 for public building at Maysville, Ky.
On No. 62: Senate recedes.
On No. 63: Senate recedes.
On No. 64: Provides for a site for public building at Columbia, Mo., at a cost not to exceed $5,000, in lieu of Senate provision for building and site to cost $40,000.
On No. 65: Increase over House bill of $10,000 for public building at Elkhart, Ind.
On No. 66: Increase over House bill of $5,000 for public building at Muncie, Ind.
On No. 67: Provides for a public building at Dekalb, Ill., at a cost of $65,000.
On No. 68: Increase over House bill of $5,000 for a public building at Richmond, Ind.
On No. 69: Provides for a public building at Anderson, Ind., at a cost of $80,000.
On No. 70: Increase over House bill of $15,000 for a public building at Hammond, Ind.
On No. 71: Senate recedes.
On No. 72: Transfer of a proviso.
On No. 73: Senate recedes.
On No. 74: Senate recedes.
On No. 75: Increase over House bill of $25,000 for a public building at Sherman, Tex., in lieu of Senate increase of $50,000.
On Nos. 76 and 77: Transfers from section No. 3 provisions for public buildings at Rockhill, S. C., and Martinsville, Va.
On No. 78: Increase over House bill of $20,000 for public building at Battle Creek, Mich., in lieu of Senate increase of $30,000.
On No. 79: Increase over House bill of $25,000 for public building at Biloxi, Miss.
On. No. 80: Increase over House bill of $10,000 for public bilding at Nashua, N. H.
On No. 81: Increase over House bill of $10,000 for public building at Atlantic City, N. J.
On No. 82: Senate recedes.
On No. 83: Senate recedes.
On No. 84: Increase over House bill of $40,000, instead of $55,000, requested by Senate, for public building at Grand Forks, N. Dak.
On No. 85: Senate recedes.
On No. 86: Increase over House bill of $10,000 for a public building at Westchester, Pa.
On No. 87: Senate recedes.
On No. 88: Senate recedes.
On No. 89: Senate recedes.
On No. 90: Increase over House bill of $10,000, instead of $20,000, as requested by Senate, for public building at Georgetown, S. C.
On No. 91: Increase over House bill of $5,000, instead of $15,000, as requested by Senate, for public building at Flint, Mich.
On No. 92: Increase over House bill of $25,000 for public building at Charlottesville, Va.
On No. 93: Increase over House bill of $75,000 for public building at Superior, Wis.
On No. 94: Increase over House bill of $10,000 for public building at Baraboo, Wis.
On No. 95: Senate recedes.
On No. 96: Senate recedes:
On No. 97: Increase over House bill of $50,000 for public building at Huntington, W. Va., in lieu of Senate increase of $75,000.
On No. 98: Allowing $4,000 for site at Crookston, Minn., instead of $75,000 for site and building, as provided by Senate, and transfers item of Crookston to another section.
On No. 99: Provides for public building at Gainesville, Tex., to cost $70,000, instead of $80,000, as requested by the Senate.
On No. 100: Provides for a public building at Laramie, Wyo., to cost $100,000.
On No. 101: Decreases cost of public building at Scranton, Pa., to $90,000, instead of $100,000, as requested by the Senate.
On No. 102: Increase over House bill of $25,000, instead of $35,000, as requested by the Senate, for a public building at Laredo, Tex.
On No. 103: Strikes out item limiting cost of sites.
On No. 104: Provides for site at Yankton, S. Dak., to cost $7,000, instead of $7,500, as requested by Senate.
On No. 105: Provides for site at Muscatine, Iowa, to cost not to exceed $15,000.
On No. 106: Provides for site at Albuquerque, N. Mex., to cost not to exceed $10,000.
On No. 107: Increase over House bill of $40,000 at Spokane, Wash.
On No. 108: Senate recedes, with an amendment.
On No. 109: Increase over House bill of $40,000 at Tacoma, Wash.
On No. 110: Senate recedes, with an amendment.
On No. 111: Substitutes Traverse City, Mich., for Sault Ste. Marie, Mich., and provides for site.
On No. 112: Senate recedes.
On No. 113: Increase over House bill of $8,000 for public building at Hamilton, Ohio.
On No. 114: Senate recedes.
On No. 115: Provides for site at Champaign, Ill., to cost not to exceed $15,000.
On No. 116: Provides for site at Natchitoches, La., to cost not to exceed $5,000.
On No. 117: Change in phraseology, without affecting limit of cost, Washington, D. C.
On No. 118: Limits cost of site, Washington, D. C.
On Nos. 119, 120, and 121: Change in phraseology, without affecting limit of cost, Washington, D. C.
On Nos. 122 and 123: Decreasing limit of price of sale of public building at Kansas City, Mo., from $300,000 to $260,000.
On Nos. 124, 125, 126, and 127: Affecting the public building at St. Louis, Mo., without changing the limit of cost.
On No. 128: Strikes out limit of cost for site at Wheeling, W. Va.
On Nos. 129 and 130: Limits price for sale of old public building at Wheeling, W. Va., to $125,000.
On No. 131: Increase over House bill for public building at Macon, Ga., from $72,000 to $154,000.
On No. 132: Increase over House bill of limit of cost for additional ground in Toledo, Ohio, $12,000.
On No. 133: Increase over House bill of $25,000 instead of $40,000, as requested by Senate, for site in Des Moines, Iowa.
On No. 134: Decreasing size of site.
On Nos. 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147: Relates to public building at Los Angeles, Cal., and makes an increase over House bill of $350,000.
On No. 148: Amendment for public building at Winston-Salem, N. C., which was stricken out in conference.
On Nos. 149, 150, 151, and 152: Are simply changes in section numbers.
On Nos. 153, 154, 155, 156, 157, 158, and 159: Refer to investigation of postoffices in different parts of the United States.
On No. 160: Provides for plans for public building at Columbus, Ohio, to cost not to exceed $5,000.
On No. 162: Provides fire limit.
On Nos. 161, 163, and 164: Change in section numbers.

Net authorization as passed by House	$15,820,450
Net authorization as passed by Senate	19,889,150
Net authorization as reported from conference	19,425,450
Decrease on Senate amendments in conference	1,149,500

DAVID H. MERCER,
CHARLES W. GILLET,
J. H. BANKHEAD,
Managers on the part of the House.

LEAVE TO PRINT.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to place this letter from the Director of the Mint in the RECORD, so that it may be read by members of the House for their information.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to print in the RECORD a letter from the Director of the Mint. Is there objection?

Mr. PAYNE. Mr. Speaker, I could not hear what the request was.

Mr. GAINES of Tennessee. The request is to print in the RECORD, for our information, a short letter from the Director of the Mint touching the pending matters in the bill that we have been considering in the Committee of the Whole to-day.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, May 15, 1900.

Hon. GEORGE E. ROBERTS, *Director of the Mint, City.*

DEAR SIR: Will you please, to-day, if possible, and if not, as quick as you can, answer the following questions for me?

1. What is the amount of seigniorage (and in what metal) now in the Treasury of the United States?
2. How did it get there, and under what law?
3. What is the value of same in ounces (and what measure do you use)?
4. How many dollars can be coined of this silver bullion?
5. To what amount is our subsidiary or fractional coinage legal tender?
6. Please give the names of these coins and let the amount for which they are legal tender follow after each name. For example: Nickel tender for $—. Dime, tender for $—.
7. What is the amount of such coinage or coins now in the Treasury of the United States? How much is in circulation?
8. What season of the year is this coinage most in demand?

Yours, very respectfully,

JNO. W. GAINES.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, May 15, 1900.

Hon. JOHN W. GAINES, *House of Representatives.*

SIR: In reply to your inquiries of current date the following is respectfully submitted:

As to questions one, two, and three you are informed that the amount of silver bullion purchased under the act of July 14, 1890, on hand at the mints May 1, 1900, was 36,400,670.47 fine ounces troy. The cost was $32,935,134. This bullion would coin in silver dollars $47,063,493; in subsidiary silver coin $50,320,608. All silver bullion purchased by the Government is carried on the books of the Treasury at cost and the seigniorage declared on each month's coinage and paid into the Treasury. If the silver bullion on hand May 1 were coined into silver dollars it would give a seigniorage of $14,128,309, and into subsidiary silver $17,385,484.

The amount of silver subsidiary coin outstanding May 1 was $95,299,190. Minor coins—that is, 1-cent bronze and 5-cent nickels—are legal tender for 25 cents. Subsidiary silver coin, dimes, quarters, and halves are legal tender for $10 in any one payment. The amount of subsidiary silver coin in the Treasury on May 1, as per circulation statement inclosed, was $12,444,591. The season of the year which calls for the greatest amount of subsidiary silver and minor coins are the months of August, September, October, November, and December, and the mints are frequently pressed to their utmost capacity during these months to meet the demand for small coins.

Respectfully,

R. E. PRESTON, *Acting Director of the Mint.*

Mr. HILL. Mr. Speaker, I ask unanimous consent that all members be allowed to extend their remarks in the RECORD on this bill for five days.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that all members may extend their remarks in the RECORD on the pending bill for five days. Is there objection?

Mr. GAINES of Tennessee. I want this to go into the RECORD for the benefit of the committee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

William A. Walker against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary C. Slosson, administratrix of estate of John N. Slosson, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of H. B. Lansden, administrator of estate of Martha W. Lansden, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2003) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands, reported the same with amendments, accompanied by a report (No. 2277); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Indiana, from the Committtee on the Territories, to which was referred the bill of the House (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds, reported the same without amendment, accompanied by a report (No. 2278); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8325) to finally adjust the swamp-land grants, and for other purposes, reported the same without amendment, accompanied by a report (No. 2279;) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the resolution of the House (H. Res. 238) requesting the Secretary of the Interior to transmit to the House results of recent surveys of the Uintah Indian Reservation in Utah, reported the same without amendment, accompanied by a report (No. 2280); which said resolution and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes, reported the same with amendments, accompanied by a report (No. 2281); which said bill and report were referred to the House Calendar.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 16) to provide for the erection of a bronze equestrian statue to the memory of the late Brigadier-General Count Casimir Pulaski at Washington, D. C., reported the same with amendments, accompanied by a report (No. 2282); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3745) granting an increase of pension to George Kerr, reported the same with amendment, accompanied by a report (No. 2260); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 305) granting an increase of pension to George Heinzman, reported the same with amendments, accompanied by a report (No. 2261); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5869) granting an increase of pension to Benjamin White, reported the same with amendments, accompanied by a report (No. 2262); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5907) granting a pension to David S. Taylor, reported the same with amendment, accompanied by a report (No. 2263); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8447) granting an increase of pension to John McArthur, reported the same with amendment, accompanied by a report (No. 2264); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12026) granting an increase of pension to Bailey W. Small, reported the same with amendments, accompanied by a report (No. 2265); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12039) granting an increase of pension to Nelson Brown, reported the same with amendment, accompanied by a report (No. 2266); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12921) granting an increase of pension to Mary E. Adams, reported the same with amendments, accompanied by a report (No. 2267); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13457) granting an increase of pension to John S. Crosser, reported the same with amendments, accompanied by a report (No. 2268); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13468) granting a pension to Joseph S. Hess, reported the same with amendments, accompanied by a report (No. 2269); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14140) granting an increase of pension to Henry Hunterson, reported the same with amendment, accompanied by a report (No. 2270); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4300) granting an increase of pension to Ann Comins, reported the same without amendment, accompanied by a report (No. 2271); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3997) granting an increase of pension to Otis A. Barlow, reported the same without amendment, accompanied by a report (No. 2272); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3032) granting a pension to Samuel J., Christopher, and Jane Vickers, reported the same without amendment, accompanied by a report (No. 2273); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5206) granting an increase of pension to John M. Wheeler, reported the same without amendment, accompanied by a report (No. 2274); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5065) granting a pension to Jemima McClure, reported the same without amendment, acccompanied by a report (No. 2275); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4064) granting an increase of pension to Betsey Gumm reported the same without amendment, accompanied by a report (No. 2276); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 14205) granting an increase of pension to John Hendrick—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10543) for the relief of William Wheeler Hubbel—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAPRON (for Mr. BULL): A bill (H. R. 14761) for the purchase or construction of four or more submarine torpedo

boats of the most improved design—to the Committee on Naval Affairs.

By Mr. BROMWELL: A bill (H. R. 14762) amending section 963, chapter 22, of the code of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CASSEL: A bill (H. R. 14763) to reimburse the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863—to the Committee on War Claims.

By Mr. BLACKBURN: A bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C.—to the Committee on the Judiciary.

By Mr. THOMAS of Iowa: A bill (H. R. 14777) for the judicial ascertainment of claims against the United States—to the Committee on Claims.

By Mr. BARTLETT: A resolution (H. Res. 278) requesting the Secretary of War to furnish to the House what salary or other compensation has been paid to Gen. Leonard A. Wood, late governor-general of Cuba—to the Committee on Military Affairs.

By Mr. TONGUE: A resolution (H. Res. 279) granting the Committee on Irrigation of Arid Lands leave to print—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 14765) granting a pension to Thomas Cory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14766) granting an increase of pension to John B. Ellett—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 14767) granting an increase of pension to Boston Dillion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14768) granting a pension to Edgar Woolfolk—to the Committee on Pensions.

Also, a bill (H. R. 14769) granting a pension to Mary S. Downey—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 14770) for the relief of James S. Harber—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 14771) granting an increase of pension to Samuel K. J. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14772) for the relief of John Hale—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 14773) granting an increase of pension to James W. Byers—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 14774) granting a pension to John C. Clarke—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 14775) granting an increase of pension to Conrad G. Boehme—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 14776) granting an increase of pension to John McVicar—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14778) granting an increase of pension to Marcena C. S. Gray—to the Committee on Invalid Pensions.

By Mr. JOY: A resolution (H. Res. 275) to equalize the pay of the conductors of the elevator in the House wing of the old Library space—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALL: Sundry petitions of posts of the Grand Army of the Republic of the States of Arkansas, Colorado, Delaware, Florida, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Mississippi, Minnesota, Montana, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Washington, Wisconsin, Wyoming, and Indian and Oklahoma Territories, urging the passage of House bill 13986, to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. CROMER: Resolutions of Republican County Committee of Westchester County, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of North American Gymnastic Unions, of Pittsburg, East Pittsburg, and Allentown, Pa., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of O. B. Rice Post, No. 71, Department of Wisconsin, favoring House bill 13986, to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of Third Ward Democratic Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Petition of Warham Easley, of Loudon County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Martha P. Underwood, to accompany House bill to remove the charge of desertion against the record of John Underwood—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of James S. Gleghorn, vice-president of Pennsylvania Drug Clerks' Association, Allegheny, Pa., favoring the adoption of the metric system as the standard of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of Eli Hemphill Post, No. 135, of Tarentum, Grand Army of the Republic, Department of Pennsylvania, favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

Also, petition of St. Stanislawa Kostka Polish Society, of Carnegie, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of criers and bailiffs of the United States courts in the eastern district of Pennsylvania, asking for the passage of Senate bill 5735, relating to the compensation of certain officers in the United States courts—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of Ernest Stalhuth, of Columbus, Ind., in support of House bill 123, for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HAMILTON: Resolutions of the Board of Trade of Grand Rapids, Mich., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. HAY: Petition of James Gordon, of Augusta County, Va., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. IRWIN: Petition of numerous citizens of the State of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 14323, granting a pension to A. Hausman—to the Committee on Invalid Pensions.

By Mr. LACEY: Papers to accompany House bill granting a pension to James W. Byers—to the Committee on Invalid Pensions.

By Mr. MAHONEY: Resolution of Sacred Heart of Jesus Society, No. 1, Polish Alliance, Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski, at Washington—to the Committee on the Library.

By Mr. NEVILLE: Evidence in support of House bill 14439, granting a pension to Franklin Peale—to the Committee on Invalid Pensions.

By Mr. RUMPLE: Petition of Buffalo (Iowa) Turn Verein, protesting against the passage of House bill 12199 in its present form—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Petition of citizens of the State of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SPERRY: Resolutions of Westchester County Republican Committee, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *May 29, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

INAUGURATION OF THE REPUBLIC OF CUBA.

The PRESIDING OFFICER (Mr. PLATT of Connecticutt) laid before the Senate the following communication from the Secretary of State; which was read, and ordered to lie on the table and to be printed:

DEPARTMENT OF STATE, *Washington, May 23, 1902.*

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

SIR: I have the honor to acknowledge the receipt of an attested copy of the Senate's resolutions of May 21, 1902, reading as follows:

"*Resolved by the Senate of the United States of America*, That the Senate views with satisfaction and expresses congratulation at the appearance of the Cuban Republic among the nations of the world.

"*Resolved*, That the Secretary of State be directed to transmit to the President of the Cuban Republic a copy of these resolutions."

In accordance with the request of the resolutions, it has given me pleasure to forward an engrossed copy thereof to the minister of the United States at Habana for transmission to the President of the Cuban Republic.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

RURAL DELIVERY LOCK BOXES.

The PRESIDING OFFICER laid before the Senate a communication from the Postmaster-General, transmitting, pursuant to a clause in the Post-Office appropriation act for the fiscal year ending June 30, 1903, a report as to the advisability and practicability of purchasing and adopting a uniform metal lock box at a price not to exceed 50 cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

SALARIES OF GOVERNMENT OFFICIALS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of an opinion from the Comptroller of the Treasury regarding the payment of salaries of Government officials and informing the Senate that in accordance with that opinion a committee had been appointed to revise the present Government salary tables to conform thereto; which, with the accompanying paper, was ordered to lie on the table and be printed.

RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by the Department of Agriculture, giving the location, area of floor space occupied, and the annual rental thereof; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDING OFFICER announced his signature to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 712) granting an increase of pension to John Housiaux;

A bill (S. 1038) granting an increase of pension to Gustavus C. Pratt;

A bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan;

A bill (S. 1797) granting an increase of pension to Benjamin Russell;

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (S. 2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 2511) granting an increase of pension to William Phillips;

A bill (S. 2535) granting an increase of pension to Annie E. Joseph;

A bill (S. 2551) granting a pension to Amelia Engel;

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin;

A bill (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge;

A bill (S. 3551) granting an increase of pension to John P. Collier;

A bill (S. 3888) granting an increase of pension to Jesse H. Hubbard;

A bill (S. 3998) granting an increase of pension to Emma L. Kimble;

A bill (S. 4240) granting an increase of pension to Calvin N. Perkins;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 4638) granting a pension to Helena Sudsburg;

A bill (S. 4642) granting an increase of pension to Anne Dowery;

A bill (S. 4655) granting an increase of pension to Oliver K. Wyman;

A bill (S. 4706) granting an increase of pension to William Harrington;

A bill (S. 4712) granting an increase of pension to Eliphlet Noyes;

A bill (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp;

A bill (S. 4730) granting an increase of pension to George W. Youngs;

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard;

A bill (S. 4758) granting an increase of pension to Mary L. Doane;

A bill (S. 4759) granting an increase of pension to Martha Clark;

A bill (S. 4766) granting an increase of pension to James P. McClure;

A bill (S. 4790) granting an increase of pension to Stephen A. Seavey;

A bill (S. 4829) granting an increase of pension to Nimrod Headington;

A bill (S. 4853) granting an increase of pension to Amos Moulton;

A bill (S. 4862) granting an increase of pension to James Welch;

A bill (S. 4871) granting an increase of pension to Helen M. Worthen;

A bill (S. 4983) granting a pension to John W. Smoot;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson;

A bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin;

A bill (S. 5153) granting an increase of pension to Eri W. Pinkham;

A bill (S. 5202) granting an increase of pension to Jennie M. Wagner;

A bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson;

A bill (S. 5669) granting a pension to Charlotte M. Howe;

A bill (S. 5670) granting a pension to Samuel H. Chamberlin;

A bill (S. 5759) granting an increase of pension to Charles T. Crooker;

A bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46;

A bill (H. R. 2857) granting an increase of pension to Frances C. Haughton;

A bill (H. R. 6330) granting an increase of pension to William D. Tanner;

A bill (H. R. 6625) granting increase of pension to Mary S. Downing;

A bill (H. R. 7397) granting a pension to Louisa White;

A bill (H. R. 9606) granting a pension to Charles Blitz;

A bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo;*

A bill (H. R. 10782) granting a pension to Ole Steensland;

A bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation;

A bill (H. R. 12418) granting a pension to Matilda C. Clarke;

A bill (H. R. 13395) granting a pension to Arthur J. Bushnell;

A bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

A bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902;

A joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor; and

A joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Presiding Officer:

A bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes;

A bill (H. R. 2286) granting an increase of pension to Mary Etna Poole;

A bill (H. R. 2289) granting an increase of pension to Pitsar Ingram;

A bill (H. R. 2623) granting an increase of pension to John Smith;

A bill (H. R. 4542) granting pension to Eliza J. West;

A bill (H. R. 5248) granting a pension to Francis A. Tillotson;

A bill (H. R. 5475) granting increase of pension to August Schill, alias August Silville;

A bill (H. R. 5551) granting increase of pension to Charles Edward Price Lance, alias Edward Price;

A bill (H. R. 6037) granting increase of pension to William C. Holcomb;

A bill (H. R. 6718) granting increase of pension to Andrew R. Jones;

A bill (H. R. 7560) granting an increase of pension to George W. Butler;

A bill (H. R. 8134) granting an increase of pension to James H. Dunn;

A bill (H. R. 8487) granting an increase of pension to John M. Crist;

A bill (H. R. 9695) granting an increase of pension to Evaline Jenkins;

A bill (H. R. 9794) granting a pension to Zebulon A. Shipman;

A bill (H. R. 9833) granting an increase of pension to Margaret McCuen;

A bill (H. R. 11124) granting an increase of pension to Mary Scott;

A bill (H. R. 11288) granting an increase of pension to William E. Ball;

A bill (H. R. 12422) granting an increase of pension to David Topper;

A bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty;

A bill (H. R. 12779) granting an increase of pension to George Chamberlin;

A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson;

A bill (H. R. 13037) granting an increase of pension to Francis W. Anderton;

A bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts;

A bill (H. R. 13211) granting a pension to Melissa Burton;

A bill (H. R. 13614) granting an increase of pension to William H. White; and

A joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. WARREN presented a petition of the Territorial Statehood Convention of Arizona, praying for the enactment of legislation admitting the Territory of Arizona into the Union as a State; which was referred to the Committee on Territories.

Mr. DUBOIS presented a petition of the Federated Trades and Labor Council of Boise, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, Idaho, remonstrating against the granting of contracts to foreign firms and contractors for the construction of Government vessels; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Lodge No. 560, Retail Clerks' Protective Association, of Pocatello, Idaho, praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented memorials of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, and of Local Lodge No. 560, Retail Clerks' Protective Association, of Pocatello, in the State of Idaho, remonstrating against the adoption of the President's order relative to Government employees seeking to better their condition; which were referred to the Committee on Civil Service and Retrenchment.

Mr. PENROSE presented petitions of sundry citizens of Philipsburg; of Division No. 80, Order of Railroad Telegraphers, Philadelphia, and of the Manufacturers' Club of Philadelphia, all of the State of Pennsylvania, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of sundry Baptist ministers of New York; of the Harvey Congregational Church, of Harvey, Ill., and of the First Baptist Church of Harvey, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors, both spirituous and malt, on the premises and in the immediate vicinity of all immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of 48 citizens of Philadelphia County, Pa., praying for the enactment of legislation granting a service pension to those who served in the Army of the Union during the war of the rebellion; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 5049) for the relief of Sylvester S. Van Sickel, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1866) for the relief of Herbert O. Dunn, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, which was instructed by a resolution of the Senate of February 27, 1901, to investigate the cost of public arc lighting, submitted a report thereon.

He also, from the same committee, reported an amendment proposing to appropriate $4,000 for grading V street from North Capitol street to Lincoln avenue, intended to be proposed to the District of Columbia appropriation bill, accompanied by a report, and moved that the amendment and report be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 4183) granting an increase of pension to Oceana B. Irwin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4374) granting an increase of pension to Abraham Shreeves, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9496) granting a pension to Forrest E. Andrews, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 5968) to authorize the promotion and retirement of the present senior major-general of the Army, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9592) granting a pension to Emily Briggs, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3442) to correct the record of John O'Brien, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9870) to correct the military record of Reinhard Schneider, reported it with an amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 11591) for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check, reported it without amendment, and submitted a report thereon.

STATUE OF MAJ. GEN. WILLIAM J. SEWELL.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, to report it favorably, without amendment.

Mr. KEAN. I ask unanimous consent that the joint resolution may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to deliver to the governor of the State of New Jersey, at Trenton, N. J., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 15,000 pounds in weight, to be used in the erection of an equestrian statue to the memory of the late Maj. Gen. William J. Sewell, United States Volunteers.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. QUARLES introduced a bill (S. 6017) to establish a United States commissioner's court at Okmulgee, Ind. T., and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. DEBOE introduced a bill (S. 6018) granting an increase of pension to William J. Chitwood; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6019) granting a pension to John W. Jackson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6020) granting a pension to Charles L. Felch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6021) granting an increase of pension to Esther D. Haslam; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 6022) for the relief of the estate of Augustus Catchings, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment relative to the construction and repair of barges, yard craft, and lighters for the transportation and handling of coal, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the bandmaster at the Naval Academy from $1,080 to $1,420, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMANDA C. MITCHELL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Amanda C. Mitchell, mother of Phelps Mitchell, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PREVENTION OF SALE OF INTOXICANTS.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hearing before the Committee on Immigration on the bill (S. 3968) to prevent the sale of intoxicating liquors in immigrant stations and other public buildings be printed as a Senate document, and that there be printed 2,000 copies for the use of the Committee on Immigration.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. McMILLAN. I ask that the conference report which I made last night on the river and harbor appropriation bill may now be taken up for consideration.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

[The conference report appears in the proceedings of the Senate of yesterday.]

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the pill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the appointment of a committee of conference upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and had appointed Mr. DALZELL, Mr. CANNON, and Mr. RICHARDSON of Tennessee members of the committee on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 14189) to permit the occupancy of the Public Printing building by the Grand Army of the Republic; and it was thereupon signed by the Presiding Officer.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts and joint resolution:

An act (S. 89) to construct a road to the national cemetery at Dover, Tenn.;

An act (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company;

An act (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.; and

A joint resolution (S. R. 46) to provide for printing 5,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

The message also announced that the President of the United States had on this day approved and signed the act (S. 593) for the establishment, control, operation, and maintenance of a National Sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

HOUSE BILL REFERRED.

The bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands, outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891, was read twice by its title, and referred to the Committee on Public Lands.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate now proceed to the consideration of Senate bill 2295, being the Philippine government bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I yield to the Senator from Colorado [Mr. PATTERSON], who desires to make a request, and then, if the Senator from Alabama [Mr. MORGAN], who is entitled to the floor, will allow me, I have some amendments I desire to propose to the pending bill.

Mr. PATTERSON. Mr. President, I have an epitome of historical events and official and other communications in connection with the Philippine controversy which I had intended to ask unanimous consent to print in connection with my remarks, and I now make that request.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent to print with his remarks made on a previous day a certain document which he sends to the desk. Is there objection?

Mr. FORAKER. What is the nature of the document?

Mr. PATTERSON. An epitome of historical events and official and other communications connected with the Philippine controversy. They are perfectly proper, and I am satisfied that no Senator would make any objection.

Mr. FORAKER. I have no objection to the request, and only asked the question I have for information.

The PRESIDING OFFICER. If there be no objection, the permission requested by the Senator from Colorado is granted.

Mr. PATTERSON. I was going to make a further request, that by reason of the convenience they may be to a number of Senators, the matter I have submitted be printed as a public document.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

Mr. LODGE. Before the Senator from Alabama takes the floor, I wish to offer some amendments to the bill, to none of which, I think, there will be any objection. They are amendments agreed to by the majority of the Committee on the Philippines yesterday afternoon.

In section 1, on page 1, line 10, the last line on the page, I move to strike out the word "Philippines" and insert "Philippine Islands."

The amendment was agreed to.

Mr. LODGE. In section 1, on page 2, line 12, before the word "provided," I move to insert the words "and herein."

The amendment was agreed to.

Mr. LODGE. On the same page, at the end of section 1, I move to insert as a new section what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, after line 19, it is proposed to insert the following as a new section:

SEC. 2. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law, and that no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall, before conviction, be bailable by sufficient surties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the right of habeas corpus shall not be suspended, except in cases of rebellion, insurrection, or invasion the public safety may require it.

That no ex post facto law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and that no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign state.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts.

Mr. PETTUS. I desire to ask the Senator in charge of the bill if it would not be better to put into that amendment a provision securing the right of trial by jury?

Mr. LODGE. That amendment embodies the instructions to the Commission issued by President McKinley, and which are confirmed by the bill as it stands. The committee thought it better to put them in explicitly in words.

The right to bear arms and the right of trial by jury were omitted deliberately by the committee—the right to bear arms, owing to the disturbed condition that exists in the islands, and the right of trial by jury, because the committee were satisfied, on the testimony of Governor Taft and others, that the time had not yet come to compel the Commission to grant that. They have gone so far as to provide for what is known as assessors to sit with the judges. Governor Taft thought it was unwise, and he satisfied the majority of the committee of the fact that it was unwise, to go further at this time. Those two provisions were omitted from President McKinley's instructions and the majority of the committee thought it best not to embody them with the rest of the bill of rights.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. In section 3, on page 3, after line 21, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 3, after the word "approved," at the end of line 21, it is proposed to insert:

Provided, That nothing herein contained shall be held to amend or repeal an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

The amendment was agreed to.

Mr. LODGE. In section 11, on page 7, line 15, after the word "provided," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 11, on page 7, in line 15, after the word "provided," it is proposed to insert:

Provided, That a single homestead entry shall not exceed 40 acres in extent or its equivalent in hectares.

The amendment was agreed to.

Mr. LODGE. In section 33, on page 17, line 13, being the first line of the section, after the word "under," I move to insert the words "the clauses of;" so as to read:

That proof of citizenship under the clauses of this act may consist, etc.

The amendment was agreed to.

Mr. LODGE. In the same line, after the word "act," I move to insert the words "relating to mineral lands."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 33, on page 17, line 13, after the word "act," it is proposed to insert "relating to mineral lands."

Mr. BACON. I ask that that may be read, so that we can understand how the language will read as proposed to be amended.

The PRESIDING OFFICER. The language will be read as proposed to be amended.

The Secretary read as follows:

SEC. 33. That proof of citizenship under the clauses of this act relating to mineral lands may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. LODGE. In section 5, on page 31, after line 8, I move to insert as a new section what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 8, on page 31, it is proposed to insert as a new section the following:

SEC. —. That the beneficial use shall be the basis, the measure, and the limit of all rights to water in said islands, and the government of said islands is hereby authorized to make such rules and regulations for the use of water and to make such reservations of public lands for the protection of the water supply and for other public purposes not in conflict with the provisions of this act as it may deem best for the public good.

The amendment was agreed to.

Mr. LODGE. In section 64, on page 38, line 11, after the word "authorized," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 64, on page 38, line 11, after the word "authorized," it is proposed to insert the words "subject to the limitations and conditions prescribed in this act."

The amendment was agreed to.

Mr. LODGE. In section 65, on page 38, line 21, after the word "parcels," I move to insert the words "and in such manner."

The amendment was agreed to.

Mr. LODGE. In the next line, line 22, after the words "affect the," I move to insert the words "peace and," so as to read "affect the peace and welfare of the people of the Philippine Islands."

The amendment was agreed to.

Mr. LODGE. In section 65, on page 39, line 17, after the words "Philippine Islands," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 65, on page 39, line 17, after the words "Philippine Islands," it is proposed to insert the words "or any local authority therein or of," and strike out the word "and;" so that if amended it will read:

And said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands.

Mr. BACON. I should like to ask the Senator from Massachusetts whether the committee has considered the question of the right of Congress to exempt from taxation in the States bonds issued by the government of the Philippine Islands?

Mr. LODGE. The committee have considered that question, that point having been raised, and the committee were of opinion that, as we have made similar exemptions in cases of bonds in Territories, we were at liberty to do so in this case.

Mr. BACON. The Senator will note, Mr. President, that the question of precedent would not control that matter, unless it be a precedent set by the Supreme Court. While I do not assume, of course, to say definitely and positively that the committee is in error—and I would not assume to do that under any circumstances—I shall be very glad, before this debate ends, if the committee will indicate upon what rule of law that opinion is based. I will not ask the Senator to do it now, of course, but I hope he will do it before the debate closes.

Mr. LODGE. I shall be very glad to look into it, and of course the committee will be glad to do so, but the remarks of the Senator do not apply to the amendment which I propose.

Mr. BACON. I understand that.

Mr. LODGE. The amendment I propose simply relieves the bonds from taxation by local authority in the islands.

Mr. BACON. I understand that. I only took the liberty of calling attention to it now because my attention was attracted by the amendment.

Mr. LODGE. Certainly, the committee have had that point under consideration, and there really may be some doubt about it.

Mr. BACON. I am frank to say that my opinion is the other way; but, of course, it will not weigh in the balance against the combined opinion of the Senators composing the committee. I should like very much, however, to be enlightened on that question.

Mr. LODGE. In section 66, on page 40, line 4, after the word "prescribe," I move to insert——

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Chair understands that the pending amendment has not yet been acted upon.

Mr. LODGE. I thought it had been.

The PRESIDING OFFICER. The question is on the amendment which has been submitted by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. LODGE. In section 66, on page 40, line 4, after the word "prescribe," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 66, page 40, line 4, after the word "prescribe," it is proposed to insert:

subject to the limitations and conditions provided for in this act.

The amendment was agreed to.

Mr. LODGE. In line 5 of the same section and on the same page, after the word "purchaser," I move to insert the words "of any parcel or portion of said lands."

The amendment was agreed to.

Mr. LODGE. In section 71, on page 43, line 11, after the word "issue," I move to insert the proviso which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 71, on page 43, line 11, after the word "issue," it is proposed to insert the following:

Provided, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.

The amendment was agreed to.

Mr. LODGE. On the same page, in section 72, line 16, after the words "United States," I move to insert the words "first had;" so as to read "with the approval of the President of the United States first had."

The amendment was agreed to.

Mr. LODGE. In the same section, on page 44, line 2, I move to strike out the word "seven" and insert "eight;" so as to read "provided in section 68 of this act."

The amendment was agreed to.

Mr. LODGE. In section 75, on page 45, line 3, after the word "issue," I move to insert the proviso which I send to the desk.

The SECRETARY. In section 75, on page 45, line 3, after the word "issue," it is proposed to insert the following:

Provided, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.

The amendment was agreed to.

Mr. BATE. Do I understand that all the amendments which are being proposed by the Senator from Massachusetts have been considered by and reported from the Committee on the Philippines?

Mr. LODGE. They have been.

Mr. BATE. Very well.

Mr. LODGE. In section 76, on page 46, line 15, after the words "gross earnings," I move to strike out "or of net profits."

The amendment was agreed to.

Mr. LODGE. That concludes all the amendments I now have to offer. There are one or two more not yet decided on by the committee which may be presented hereafter.

I now ask that a reprint of the bill may be made as amended, and that the clerks may renumber the sections, as two new sections have been inserted.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senator from Massachusetts asks that the bill as amended may be reprinted. Is there objection? The Chair hears none, and that order is made.

Mr. MORGAN. Mr. President, there are some features of this bill which will cause me to vote against it, because I do not believe they are warranted by the Constitution, if they are not changed or have not been changed by the amendments which have been just offered and to which I have only had an opportunity of listening as they were read from the desk.

I approve the purpose of the measure and believe that it is a decided improvement on the state of the law now controlling the islands of the Philippine Archipelago.

I am satisfied that the purpose of the bill is to secure good government in those islands and that it is neither intended to abridge the liberties of the Filipinos nor to promote the interests of any class or of any individuals who have or expect to have any special interests in the Philippines. Believing this, and that it is a decided movement in the direction of securing peace in the islands, I will support the bill by my vote if the features that I believe are unconstitutional are changed or stricken out.

My view of the situation is so well expressed in an editorial of the Birmingham News of May 8, 1902, a leading Democratic journal of Alabama, that I will quote it:

THE WAY TO PEACE.

It is a practical and not sentimental question presented in the Philippines. The situation in the Philippines has been much obscured on the one hand by the ill-considered attacks of those seeking political advantage and on the other by the indiscriminate partisanship of those defending the Administration. Brushing aside the rubbish, these facts stand clearly in view.

At no time since Dewey's victory at Manila could the United States escape the responsibility devolving upon it by that event without making itself the laughing stock of the civilized world and laying itself open to more serious complications with those countries that would be eager to profit by the distracted state of the islands. Nor can this country, with proper regard for national honor aud humanity at this time, resign the peaceable and friendly natives to the cruel mercies of the barbarous insurgents. The country has put its hand to the plow and can not turn back.

If human testimony is to be believed, the insurgent Filipinos are past masters in the art of treachery and skilled workmen in the trade of assassination. Is it a wonder that at times lex talionis has been invoked?

No humane man can countenance torture or murder; but there is no evidence that either has been the policy of the American Army. "There are some brutes and weak men," to use the language of Governor Taft, "in the Army." Let them be punished, but, in the name of honor and patriotism, visit not their sins upon the brave soldiers and civilians who are risking health and life for the flag of their country.

Humanity, honor, and duty combine to hold the United States to its course. Peace in the Philippines is to be desired. It can be obtained in but one way, and that is by subduing the insurrection.

The insurrection can not be subdued by declaring that it is a war for liberty, and that the "past masters in the art of treachery and skilled workmen in the traffic of assassination" are noble patriots at war with a brutal oppressor.

The insurrection is broken and will cease to exist, as it exists now only in the form of predatory warfare, if Congress is firm in the duty of providing for the Filipinos just government in accordance with those constitutional principles that are the vested rights of American citizens.

The ladrones and bolomen, who are kept in the field by conspirators who employ them as bushwhackers, will quit their brigandage when their employers are convinced that they are to receive no encouragement from our divided counsels and heated antagonisms. They do not seem to realize the fact, or else they do not believe it, that we intend to establish peace, law, and good government in the Philippines. They do not comprehend as we do, and as we playfully practice it, the great science of practical politics.

We know that good, firm, sincere, and permanent government is demanded by every interest in the Philippines, and that Congress and the people will maintain it.

At this critical moment we should not venture to introduce into this measure or to leave in it any new or doubtful principle of government. And Congress should not resolve itself into a court of inquiry or a court-martial, as an incident of this legislation, to try officers of our Army who have not been summoned to answer charges that are not preferred against them in due form, but are made in the heat of discussion.

That is not "the way to peace in the Philippines," and no such issue necessarily arises upon any part of this bill. The matter is only collateral, and conceding all that has been charged against the officers of the Army in this debate for the sake of the argument, if it is all just it only shows in a clearer light the duty of Congress to provide a better government for the Philippines.

The question of our title to ownership and sovereignty in and over the Philippine Islands, at least in a moral sense, is put in issue by the substitute offered to the bill by the minority of the committee.

As I am convinced that the United States has a perfect title to those islands in morals and in law, I could not vote for that substitute, even if it was so framed as to be in accordance with the principle on which it is based.

We have a plain and simple alternative that is not and will not be presented for the decision of Congress. It is this: If the treaty of Paris is a burning torch, a consuming fire that is destroying the people of the Philippines and is also threatening general conflagration in the States, let us extinguish it by repealing that treaty in so far as it relates to the Philippines. If we are not ready to do this, let us go along in the simple duty of executing the treaty and creating good government in the territory it cedes to the United States.

The treaty of Paris was ratified on the 6th day of February,

1899, and an insurrectionary attack was made on the Army of the United States at Manila on the 4th day of February, 1899, before the vote of ratification was had in the Senate.

The United States was in the military occupation of Manila under agreement with Spain to protect the city and the people pending negotiations for peace between belligerents and had refused to permit Aguinaldo's forces to occupy the city.

Whether the attack of February 4 was intended to prevent Spain from ceding the Philippine Archipelago to the United States or to prevent the United States from accepting the cession, it was wholly ineffectual. It did not intercept or defeat the power to pass the right of dominion from one sovereign to the other, either by conquest or agreement.

In point of military strength it had little force, and in point of international right it had none, for no nation had recognized the so-called Philippine republic as being in legal existence, even as a de facto government.

If Aguinaldo had in fact driven Spanish dominion from the archipelago so that it was no longer sovereign there, did he also destroy the power of the United States, under the laws of nations, to hold Manila under the peace protocol of August 12, 1898? If so, he worked a miracle in the development of a national power that no other man ever attempted. If Spain was unable to cope with his forces it does not follow that he could destroy by an edict the power of the military and naval forces of the United States that had sunk Montejo's fleet and occupied Manila.

Whether we bought the sovereignty or conquered it, what we did was in strict accordance with the law of nations.

The sovereignty unquestionably was in Spain when the cession was ratified by the vote of our Senate, and no existing power or recognized right had interposed to prevent the cession.

The case is like that of Mexico when we acquired sovereignty over a vast area by the treaty of Guadalupe Hidalgo with force and arms and by purchase, although contending factions in that Republic denied the power of the existing government to make the cession.

There is not enough in the pretensions of Aguinaldo to authorize me to regard that cession of sovereignty as being void.

The treaty of Paris being obligatory, it must be obeyed until it is repealed or abrogated. As no such movement has been instituted or even threatened, I must still regard that treaty as being in full force and effect.

I find in that treaty several continuing obligations and guaranties that the United States is bound to execute. Among these is the protection of the property and safety of Spanish subjects in their persons and business vocations and in the freedom of religion and the right of the people to choose their nationality. I find also an obligation that "the civil rights and political status of the native inhabitants in the territories hereby ceded to the United States shall be determined by Congress."

This novel provision has a deep significance to those people. It means that they shall not remain permanently under the government of military rulers in accordance with the laws of nations.

Congress must provide civil government for them, and this obligation continues while we hold the islands. I am in favor of legislation by Congress because we have agreed to provide it.

A term of ten years is also provided by Article VI of the treaty, during which we guarantee that Spanish subjects and ships shall have equal rights with citizens of the United States in Philippine ports as to tariff duties and charges on shipping.

That period has not expired, and it will be more prudent to discuss the emancipation of the archipelago from American authority when that time has elapsed. Until that event we are bound to hold the entire archipelago in order to comply with our treaty agreement. So that those people must put up with the alleged inferior quality of liberty and the slavish dependence that the United States has bestowed on 45 sovereign States of this Union for ten years at least, or we must violate our treaty with Spain.

It seems to me that this condition might well have postponed the discussion of our future duty to the Filipinos, in respect of their emancipation from the supposed hardships of our dominion, until we could be at least safe in making them free.

Looking back to the day of the ratification of the treaty of Paris, I am forced to ask myself the question whether my vote for ratification has been justified by the events to which that treaty gave birth. I voted for the treaty of Paris as it came from the hands of the negotiators, without amendment or explanation, and I voted against all resolutions that attempted to attach conditions to that treaty, believing that if such conditions were proper to be attached to its execution the treaty should not be ratified.

The question I ask myself is forced upon me by the attitude of some of my fellow-Democrats, who charge that the administrative history of the Philippines has been nothing but evil and is due to the policy that is called "expansion," as a natural if not a necessary result, and that the vote for ratification of the treaty of Paris carried with it these inevitable consequences.

It was at this point that the line of separation was established, when the treaty was ratified, which to-day is the line that separates the friends of the treaty from its opponents. The opponents of the treaty reproach its friends for having supported it, while they do not propose to repeal any of its provisions. They place the whole question in the shape of a national curse that is irrevocable, when they could get rid of all the alleged evils by repealing the parts of the treaty that relate to the Philippines. Of this they seem to be afraid. They do not offer to repeal or abrogate the treaty.

I might answer, in reply to these reproaches, that no evil consequence has resulted from such growth, either to our Government or to the inhabitants of those countries affected by it, and I might excuse the mistake, if any was made, by pointing to the fruits of our expansion in the occupation of Oregon by the Clarke and Lewis expedition; or in Alaska, by the purchase of that wonderful region of the reserved forces of nature from Russia; or in Mexico, by a war that still seeks justification in some great national necessity; or in Hawaii, as an act of paternal affection, and in Porto Rico, which has been made happy by our free institutions, and has even been granted the extraordinary power of repealing a tariff law enacted by Congress.

To justify any apparent misfortune in the case of the Philippine Archipelago, I might also point out the success of those wonderful strides that have resulted from our honorable desire for national growth; and I could refer to a cloud of witnesses in the newer States that have assembled around the old thirteen to testify in favor of this established Democratic policy that has made the grand Republic stronger and more glorious with each accession.

But no mistake has been made in pursuing this established national policy. There is no evil that can be justly attributed to it, and no injustice, in comparison with the vast amount of good that has resulted from it, and no hardship, except such as must attend every human effort in the great task of civilization that the Creator has laid upon us.

I would add to this great testimonial in favor of the beneficent growth of our national influence the glorious congregation of sixteen great Spanish-American Republics, from Mexico to Patagonia, that rejoice to-day in the consecration of Cuba to sovereign statehood, and to our own costly preparations to celebrate the centennial of the annexation of the Louisiana purchase.

I do not choose to find excuses for my vote for the treaty of Paris in these great Democratic and Republican precedents, or in the power and honor they have contributed to our Government, or in the blessings we have conferred on Alaska, Hawaii, Cuba, and Porto Rico.

Neither do I plead the necessity of the case, as I might well do, in selecting between the Paris treaty and a renewal of the war with Spain, after a peace of six months, with our armies disbanded and with the prospect of all Europe making common alliance against us.

I do not retort upon my accusing brethren that they did not attempt to amend the treaty of Paris by striking out all of its provisions that related to the cession of the Philippine Archipelago to the United States. An effort was made to amend the treaty so as to place these islands on a footing with Cuba, but the Senate voted it down, and no effort was made to abandon them to Spain or to repeal the cession of them to the United States.

I excuse those who now see a fatal policy in that cession, and thought they saw it then, from all accusation of weakness on that occasion, and I still excuse them for not trying to repeal that cession, when we know that the success of such an effort would throw the people of these islands back into the arms of Spain, whose tyrannies have made them its unforgiving enemies, and would have dishonored the policy on which that war was declared.

To have crowned such a war, waged for such generous purposes, with such a result would have dismayed stronger hearts than those even that beat in the bosoms of my Democratic colleagues.

I claim no excuse or justification for my vote for the Paris treaty, except that it was essentially right. I have no doubt that it will prove to be right that we have annexed the Philippines in the sense that it is profitable commercially, and that it will be the future home of millions of our countrymen. But this belief had no influence on my vote, and I do not wait for that justification. I need not wait, for the justification is already recorded in history.

Why was this annexation essentially right?

I will not answer this crucial inquiry by any effort at prophecy or by claiming that it was a duty devolved upon us by a special Providence.

I may believe, with perfect faith, in such divine leadership of nations and in our duty to follow it, but if such an attitude is assumed as an answer to any question that men have to decide, it

must be supported by existing facts that all reasonable men can comprehend and not by prophecy or conjecture or any assumed inspiration as to the unknown.

On the facts that none can dispute I believe that it would have been no less a moral delinquency to have turned the people of those islands over to Spain than it would now be if we should turn them over to the men who will rule them if we should withdraw our sovereign authority from those islands.

I will say, then, that it was essentially right to annex the Philippines, because any other course would have been essentially wrong, on the basis on which we declared war with Spain, as it was expressed in our acts of Congress.

On that basis, and for the same reasons, we acquired Porto Rico and the Philippine Archipelago, in the same terms and in the same treaty of Paris, without consulting the people of either country or making them any pledges of future independent autonomy.

If it was right thus to acquire Porto Rico, it was equally right to acquire the Philippines; if it was a duty we owed to the people of Porto Rico to extend our sovereignty over them, it was a much plainer duty that we owed to the people of the Philippine Archipelago, in the condition in which we found them.

If it is our duty to permit the Filipinos to establish, now or hereafter, an independent national government, or to pledge the national faith that they may establish such a government in the future, it is equally our duty to make a like pledge to the people of Porto Rico and Alaska.

If the people of the seceded States in 1861 could have appealed to such a pledge on the part of the Government of the United States, or to the principle on which it must be based, that every people have the right to ordain for themselves the government they choose, the American Union could not have withstood the shock of the secession of the eleven great States of the South.

The doctrine of the right of these organized and sovereign States—four of which assisted in forming the Union—to resume their independence was settled against the States of the Union by the events of the terrible war that followed. So that, to settle that question in the organic laws of those States, nearly all of them have amended their constitutions and expressly disavowed that right.

I was a member of the Alabama convention that declared the independence of that State and resolved to withdraw from the Union, and voted for the ordinance of secession.

I was a soldier in the Confederate army that endeavored to sustain that right, and no soldier of the Revolutionary Army of 1776 was moved by a more patriotic sense of duty than I was in the service I was able to render.

Until my State, to which I owed and still owe the highest allegiance, changed its attitude on that subject, I was bound to the declaration that a sovereign State of the American Union had the right, for just cause, to withdraw from that Union. I held that the right to withdraw was an indispensable element in its recognized sovereignty.

I stood upon the doctrine of the sovereignty of the people of a State, organized in a sovereign government and represented by persons of their own selection, to institute government that they believed to be best suited to their prosperity and happiness.

I never thought that a Territory of the United States could possess such sovereign rights before Congress had authorized the people there to form such a government, and now I am compelled by the action of Alabama to deny to the people of a Territory, when organized as a civil government, the right to withdraw from the sovereign jurisdiction of the United States. Of course, we can not turn them loose as a wild, unorganized mob.

I must go still further, and deny that Congress can grant to any State, or to the people of any Territory, a right of withdrawal from the Union or from the jurisdiction of the United States and still hold Alabama bound in irrevocable bonds to the American Union. If this privilege is granted to one it must be granted to all alike.

I can find no authority for conceding rights to the Philippines that Congress must refuse to grant to Alabama.

The substitute proposed to this bill by the minority of the committee demands that at some future period the right shall exist in favor of the people of the Philippine Islands to receive their separate, sovereign independence from an act of Congress.

As the corollary of such right, if Congress should refuse to vote their independence when they conceive that the time has arrived when they are fully entitled to the performance of such a pledge, they would have, at least, the moral right to enforce their admitted legal rights, even by a resort to open war.

What would be thought of me, as a Senator, if I should copy the language of the pledge that is in this substitute, in a joint resolution, to provide for the future independence of Alabama, that is already sovereign, and is in full exercise of autonomous government? Who would rise here and assert that such a measure was within the delegated powers of Congress?

If I should keep my seat in the Senate after such an effort, I would have no hope of remaining in the Democratic party as a respectable member.

If I should state in the preamble of such a resolution that the people of Alabama are and of right ought to be free and independent, it would inspire the resolution with a trite but noble sentiment that would add nothing to its force as a sensible proposition. It would fall before the question, Has Congress the power to make such a pledge to Alabama? Which answers itself; and I could never answer the other question that is deep rooted in the nature of things, Why does Alabama desire a better form of government, or a more complete independence, or greater security against foreign invasion or domestic usurpation, than her people have, as a sovereign State of this Union? Alabama never desired, or sought independence, except as a means of protecting her rights under the constitutional guaranties of justice.

As to the people of the Philippine Islands, if that term by any euphemism or reckless abuse of speech can be applied to the few Tagalogs and Visayans that followed Aguinaldo, among the 8,000,000 inhabitants of the archipelago, they never had a pretense of organized civil gorvernment that was, in fact, based on the suffrage or even the implied consent of the whole people of these many inhabited islands.

This fact at once destroys the pretension that an organized civil government other than that of Spain ever existed in those islands before Dewey attacked the Spanish fleet, and as to its being republican in form, that idea is extinguished, unless a republic, which must be based on the will of the people or the consent of the governed, can be created by the edict of a single man.

As a military dictator, if Aguinaldo was such, his warfare was not for liberty, or national independence, or the overthrow of monarchy, or for republican institutions. It was a war for church reformation, a religious war, a sort of holy war with the secular priesthood—the friars—who stood next to the Crown and collected the taxes. There was no complaint as to the authority of the church, or that its altars had been profaned, but that the sacrifices demanded were exorbitant and the roast meats left over were not fairly divided.

His war was against the friars, because their exactions were tyrannical and their morals were depraving. He demanded their expulsion, because they were merciless toward the people, but he did not demand the overthrow of the church that licensed them or of the State that profited by their exactions upon the people. When he got an alleged promise of their expulsion, he was content to expatriate himself, on receiving 800,000 pesetos, of which half was paid him.

When we went to war with Spain a certain class of people—not one-fifth of the population of the archipelago—had recently been in this state of insurrection in two or three of the principal islands of the group, of more than a thousand in number, against Spanish authority exerted against them in an oppressive way by the secular priesthood of the established church. They had slain these friars by hundreds and had burned church property and inflicted upon communities the horrors of internecine warfare.

After Aguinaldo and his few followers were driven into the mountains Spain entered into a capitulation with them, in 1896. In that capitulation amnesty was granted to the insurrectos on condition that they would surrender their arms and return to peaceful vocations, which they did; and if Aguinaldo's contention is true Spain agreed to banish the friars from the islands, which that Government failed to do.

Aguinaldo and his associates in the leadership of this insurrection took a large part of $1,000,000 paid them by Spain to induce them to leave the islands and went into banishment, with a promise not to return to the islands. There was an actual condition of peace in the islands, by formal capitulation, when we declared war with Spain, yet there was lurking hatred on the part of the banished insurrectos, and a few of the Filipinos continued an irregular warfare for personal advantage or revenge. Their chief was in voluntary exile, and a few ladrones were pillaging for a living.

Aguinaldo spent much of the money paid him by Spain for peace in the purchase of munitions of war, intending to renew the conflict when opportunity should offer, and alleging the breach of the capitulation at Biacnabato as his justification. It is not necessary to inquire into the honesty or propriety of his purposes; but it is true, beyond question, that he made no active preparation to renew his warfare until Dewey had captured Manila.

After Dewey destroyed the Spanish fleet he had no troops with which to occupy and hold Manila, and it stood him in hand, as a lawful expedient of military strategy, to permit Aguinaldo to return to the islands, to assist him to hold in check the Spanish forces. If a precedent was needed to justify this strategy of war, it was found in a like situation in Cuba and Porto Rico, but much more in point in our war with Mexico.

General Santa Anna had been banished from Mexico for political

crimes, and we brought him as a national guest to New Orleans on a man-of-war and sent him to Mexico to weaken that sister Republic by political agitations. We did not make him President, but he claimed that the Mexicans did, and he immediately waged war against us with great ability and heroic valor. He was apparently our ally, but, in fact, our enemy, as Aguinaldo was, and every other Spanish subject was, under our declaration of war with Spain.

It is unjust to Admiral Dewey and is not complimentary to our own judgment as men of affairs that we should applaud Aguinaldo as a patriot, burning for the liberties of his people, who was misled and betrayed by Dewey when he was permitted to come to Manila. It is absurd to censure Dewey for refusing to recognize Aguinaldo as the president of a sovereign government in the Philippines. Had he done so he would have given aid and comfort to the declared enemies of the United States. This was the legal attitude of Aguinaldo and every other Filipino as it was created by act of Congress—the declaration of war—and Admiral Dewey had no power to change it.

Before Dewey left Hongkong for Manila Aguinaldo was secretly alert and active to find an opening to renew the conflict with the friars, but he did not dare to make the attempt openly. As soon as Dewey destroyed the fleet and suppressed the power of Spain at Manila, the embers of insurrection and the desire for pillage again burst into flame, and we then had the double necessity, created by the success of our arms, of driving out the Spanish sovereignty and also of preventing and suppressing internecine war in the islands between Aguinaldo's followers and other Filipinos, such as the Macabebes.

Dewey believed that Aguinaldo was sincerely devoted to the success of American arms and had no reason to suspect that he was only a self-seeking adventurer. He was cautious and careful, but he had not seen the capitulation of Biacnabato and had no just standard by which to measure Aguinaldo's character.

The permission given Aguinaldo to return to Luzon may have been a political mistake, but it was not an alliance between two governments, created by the act of a commodore of the Navy. Neither was it the crime of giving aid and comfort to the enemy. It could be nothing more than putting deserters into our line of battle.

If Aguinaldo intended to return to the islands and organize a government that was independent of the United States and of Spain, why did he ask permission of Dewey to return? The coasts of all the islands were open to his return if the people stood ready to join his standard and strike for independence. If he had such a purpose, he concealed it from Admiral Dewey.

No phase of our relations to the Philippine Islands has been so distorted by misconception as the undeserved consequence that is given to the alleged patriotism, influence, and power attributed to Aguinaldo as a political or popular leader of the Filipinos at the time of his return to Manila or at any other time. He has not, at any time, been the master of any situation in which he has figured. He has been a convenience to men of ability in working out plans that they have projected and were afraid to fight over, and there his consequence has ended.

While the insurrection of 1897 was progressing, and at the time of its beginning, Aguinaldo was one of several leaders in the military operations, but he was, at all times, under the control of Mabini and of those associated with him in organizing and controlling the revolt. They are able and learned men, who at least would have set up the form of civil government de facto in opposition to the sovereignty of Spain, and would have asked recognition of such from other governments if they had contemplated a struggle for independence. But they never reached that point, and they abandoned the revolt when they found that Aguinaldo had no such support from the people, who were divided into discordant factions, as could sustain an army with supplies, or increase its forces, or even recruit its losses when occasioned by causualties, sickness, or desertion. After a short, sharp struggle the insurgent forces were driven to the mountains, and Aguinaldo made the capitulation of Biacnabato in December, 1897.

I will submit a translation of that capitulation, captured by our Army, and ask that it may be printed as an appendix to my remarks.

Señor Paterno, a native of the islands and a devout loyalist, visited the camp at Biacnabato, to which Aguinaldo had escaped, and Aguinaldo, as leader of the insurrectos, intrusted to him the terms upon which he hoped that the fighting could be ended and amnesty obtained from the Spanish Government.

A paper was drawn up containing the terms of submission upon which Aguinaldo would surrender on the pledge of Spain to grant amnesty to his followers, and it was signed by Aguinaldo and two others of the military leaders. It was a power of attorney in effect to Paterno, authorizing him to conclude a capitulation with Captain-General Estrella. In pursuance of that authority, Paterno and Estrella agreed upon the terms, and Aguinaldo accepted them and the money to be paid him and his companions, and they went on a Spanish ship under safe conduct to Hongkong.

In the preparation of this power of attorney the effort was made to secure the incidental recognition of Aguinaldo as president of a republic, and some recognition of the existence of a governmental organization was attempted to be imported into that instrument, but they were all stricken out. In like manner a demand for the deportation of all friars was stricken out. The paper was signed in his own camp and taken by Paterno to Estrella. It contained such humble and supplicatory acknowledgments of submission to Spain as could only come from a contrite rebel or one who was well paid for a feigned humiliation.

A programme for carrying out the capitulation was then arranged with cautious particularity, which was also signed by Aguinaldo after it had passed under the scrutiny of careful negotiation.

It provided for the payment of 1,200,000 pesetas to Aguinaldo, of which he was to distribute 600,000, through Paterno, to his fellow-insurrectionists, excluding such as were not his followers, and the rest was payable to him in notes or drafts, to be handed over to him after he had escaped to a place of safety.

These notes were to be paid when he should notify the Government by cipher telegram that he had reached Hongkong, and from that place he was to notify his troops that the insurrection was at an end and that they were free to return to their homes.

He was afraid to confront the people he had led into insurrection, and accepted Spanish protection for the safety of his person and Spanish pesetas for the comfort of his conscience.

He left the islands by the permission of Spain to work out the penalty of his revolt and to "bring fruits meet for repentance" if he should ever return.

When Spain got into war with us he returned to the Philippines as the professed friend of the United States, by the permission of Admiral Dewey, and at once set up the title of president of the republic of the Philippines, which he had abandoned in the capitulation of Biacnabato. He then inaugurated, by his personal edict addressed to the people, the absurd pretense of a sovereign and supreme government, to the exclusion of all sovereign rights of Spain then at war in the capital of the islands.

Æsop's fox, in the fable of the fight between the lion and the bear over a captured carcass, represented the whole breadth of Aguinaldo's policy, in his effort to steal the prey from the contending forces, and it exactly typifies the individual selfishness of his raid. The laudations of his alleged patriotism and heroism that have been poured out in his honor here and elsewhere in the United States are as much out of place as if they had been uttered in honor of the fox in Æsop's fable.

That he was useful in obstructing the Government of the United States in a duty that it was compelled to perform is sadly true, but he was only a convenient instrument in the hands of conspirators to create antagonism to a wise, just, and necessary work that was also unavoidable. If Aguinaldo had died, another agent would have been found, for the junta at Hongkong have not committed to his personal fortunes the fate of their conspiracy to wrest the Philippines from the United States.

The fact of the existence and activity of this junta is established by the continuance of the war by ladrones, assassins, and pillagers after the leaders and all organized forces have surrendered.

These scattered bands of marauders, who attack their own people with a fierceness and cruelty that they do not dare to attempt toward the forces of the United States except when they are prisoners, are not fighting for liberty, but as the savage tools of the junta at Hongkong, whose members stalk through the United States at will and purchase munitions of war from our own people.

Agoncillo was here to send the electric message that would touch off the guns of Aguinaldo at Manila before the day the vote was to be taken in the Senate on the treaty of Paris. He escaped suddenly to Paris, when no one was pursuing, and he has been promoting war against the United States in the Philippines from that day to this, aided by others who have money and influence.

On the basis of our declaration of war with Spain, of which the battle at Manila was the first, it was impossible that we could abandon the prestige and the fruits of the victory won in that battle, or that we could leave the people within our military command exposed to civil, internecine war among themselves or the foreigners in Manila exposed to the dangers of sack and pillage.

If it had been possible, under other conditions, to abandon these islands to the perils of such an insurrectionary war, or if we had taken the dishonorable risk of leaving the people of other countries resident at Manila exposed to the dangers of rapine and pillage, after destroying the power of Spain to protect them, which would have aroused the whole of Christendom against us, there were still other American reasons that compelled us to complete the conquest begun at Manila, and to hold all the islands subject to our power, if we should be successful in our war with Spain.

I must declare my conviction that we would have reversed the most sacred and holy principle in our system of government and the real glory of our independence if we had abandoned Dewey's conquest of Manila without securing religious liberty to the islands of the archipelago. I must, on my conscience, further declare that, until freedom of religion is established in the island of Mindanao and the Sulu Archipelago, it will disgrace the United States through all the yet unwritten records of history if we withdraw our sovereignty from those islands.

The American reasons are twofold, and in both aspects they are irresistible to the people of the United States, why we could not abandon the Philippines to Spain, or to any other monarchic power, after our right by conquest was established in the archipelago.

Our relations with Spain have been peculiar and exceptional for three-quarters of a century.

Spain is the oldest survivor of the Bourbon monarchies of Europe, and has lost nearly all her foreign possessions in conflicts engendered by the conflict of despotism with the principles of this great Republic.

We have abstained from acquiring territory at her expense that the fortunes of war have placed in our reach, even in Cuba, but we have not relaxed the principles of government that have lost her all her dominions in America.

In a war with Spain, based upon the tyrannical oppressions of her monarchic system, when the fortune of war placed one of her persecuted provinces in possession of the United States, it was more than any Congress dared to do to abandon that province to Spanish control, and to permit the restoration of that monarchic power. This was more than any of my Democratic colleagues dared to avow or propose as an amendment to the treaty of Paris, and they are such intrepid men that I can leave this discussion at that point and declare that it was impossible.

The law of this Republic is, that any area of country that has once been within the declared and recognized sovereign power of the United States can never become subject to monarchic rule while we have the ability to prevent it.

Iturbide was Emperor of Mexico, but his dynasty crumbled to dust in the presence of the principles of republican government that Mexico borrowed or inherited from our organic law. Maximillian, with great States of Europe at his back, was crushed by the weight of this silent but all-prevailing power.

It was never true, and it is not true now, that the United States will consent that territory once within our sovereign jurisdiction shall be turned over to any other than a government republican in form. So the Philippines are forever dedicated to republican government by our war with Spain. What else may happen, a republic will exist there while we exist.

The other American principle that compelled us to hold to the Philippines was that we, as a people, having decreed the absolute divorce of church and state, could not afford to commit any people who might fall within our power to an internecine war in which an established church is in armed conflict with dissenters or nonconformists. We were forced to compel the keeping of the peace between the insurrectos and the friars, and could only do so by assuming sovereignty over both the warring parties.

It would be a terrible reflection to republicans of the American type and to the followers of Thomas Jefferson in political belief that the United States should be in the occupancy of a country consecrated to religious intolerance and after it had admitted to such a country a day's sunshine of the freedom of religion it should turn that country back to a sovereign power that would instantly put out that light and remand the people to the fetters of an established church. It is for this that I must plead my excuses to my Democratic brethren for insisting that this cardinal principle must be permanent in the Philippines.

With the friars in the Philippines, and their vast accretions of land—the wash of the tears of the people—left unprotected against the raids of Aguinaldo and his associates, we can readily see that the renewal of the struggle of 1896 would soon have desolated the islands of Luzon and Negros, as well as other islands, without giving any real protection to the freedom of religion or against future governmental oppressions. It was our unavoidable duty to prevent that.

Spain protected the church and its possessions as an integral part of the Government. When the power of Spain was destroyed, it became the duty of the United States to protect the property of the church against seizure and confiscation by the insurrectos, and the people against the secular powers of the established church.

In the constitutions promulgated by edicts of Aguinaldo the freedom of religion was claimed, but not the divorce of church and state, and it is beyond denial that the Spanish Government, with the moral and material aid of the established church, would never have permitted the realization of that dream through the unaided efforts of the insurrectos. Aguinaldo could no more have escaped from or defeated the power of the established church than he could, unaided, have withstood the power of the Holy Alliance. It was our arms that divorced church and state in the Philippines, a task that Aguinaldo could never have accomplished, even if he had ever attempted it. It has been all the time and is still impossible to divorce church and state in the Philippines, except through the sovereign power of the United States.

This principle is worth as much to the people of the Philippine Islands as it was worth to the Hollanders, as the result of the eighty years of war with Spain, and I do not know why it is not as much to the glory and honor of the people of the United States to have established free religion in those islands, beyond the power of men to destroy it, as to establish the principles of independent republican self-government in the 16 Spanish-American States.

I know of no part of the American plan of republican government that stands above the freedom of religion in the grand schedule of civil liberties, either in dignity or value.

If my vote for the treaty of Paris should prove to be my death warrant as a Democrat, my tomb will not be dishonored if it has the inscription, "The freedom of religion," that Thomas Jefferson wrote for his own tomb as the most cherished work of his great career.

When through the ages past and to come the horrors of the eighty years' war, with the martyrdoms and burnings at the stake, are counted against the glories that were thus earned in their emancipation from the power of this same established church, the noble Hollanders are and will be almost the envy of mankind, that they were called to suffer and die so gloriously.

They were not 4,000,000 people, and yet shall we forget that we have emancipated 8,000,000 of people from the same bondage, with the slight sacrifices we have been called upon to make?

Whatever else may or may not happen to the Philippines, we have dedicated those islands to the freedom of religion; we have unshackled them from the dominion of an established church, and no power will ever exist that can undo our work or remand them to that servitude, through the agencies of political or military power. I can not regret a vote in the Senate of the United States which God has blessed with such imperishable good.

Our Revolutionary struggle was not all political. It did not relate solely to taxation without representation or to ship duties or embargoes. What we most desired was freedom of thought, speech, sentiment, and religion.

As this self-assertion is related to government, we call it independence; as it is related to personal rights, we called it liberty, and the first demonstration of liberty of action was addressed to the highest and noblest privilege and duty of man—the right to worship God according to the dictates of conscience. The Revolution was not complete until the freedom of religion was established in the organic law.

If I should indulge an expression of my personal convictions as to the providential lead in this movement, I would go further and point out the first conflict of arms between the Moslems and the American Christians only three weeks ago, in which the followers of Islam have had their first lesson, which may prove to be the final one.

It might be, and it is my right to believe it to be true, that the tidal wave of the sentiment of resistance to wrong that was forced into movement by the exactions of an established church in Cuba has swept across the Philippine Archipelago and has reached the followers of Islam in Mindanao, and has established there the principle that it is not safe to human liberty that the alleged divine power and the secular power should be united in the head of any human government.

While I ponder, with a sad heart, the evils and abhorrent incidents of war, especially a war with an ignorant and a superstitious people, and while I have no tolerance for cruelty inflicted in the name of war, of which I have witnessed much, I can see that the people of the Philippine Islands are much further advanced toward deliverance from their troubles and infirmities than they were when Dewey fought in the Bay of Manila. I can see that an established church and government by edict have been forever banished from the islands.

This experience has been made harsh through disobedience to proper authority. That is always to be deplored, because it is needless and unwise, and causes the innocent to suffer with the guilty, but I suppose that it is not difficult to understand how a Jewish philosopher like the great Gamaliel could reconcile himself to the wars of extermination, whose history is recorded in the books of the Old Testament, when he reflected upon the great events for which they prepared the way.

But it may be said that the war in the Philippines shows no element of Christian charity, or of mere humanity, yet the necessity may, possibly, excuse frail humanity for its excesses.

The armies of Moses and Joshua were often led by the Lord of Hosts, and must have been right and needful, yet the holy wars of the Old Testament were the most cruel and relentless of any

that history has recorded. They were wars of preparation, and such wars are always apportioned in their severity to the value of the results that follow them.

So Joshua smote all the country of the hills and of the south and of the vale and of the springs, and all their kings; he left none remaining, but utterly destroyed all that breathed, as the Lord God of Israel commanded.

If our military officers have been cruel in warfare they will be held accountable; but they did not create the evils that they have tried to suppress with too heavy a hand.

Our sufferings, as a people, in the war with Spain have been almost inconsiderable, because, I suppose, we have not deserved to suffer more in an honest and impartial effort to benefit others.

No hundred days of public war between powerful nations was ever followed by events of such importance to the world or to our own country, not even the hundred days of Napoleon's last campaign.

In the pride and glory of this marvelous success we have not offered a cup of bitterness or humiliation to any human being.

Much has been alleged that imputes to the Government a purpose to enrich its favorites at the expense of the people of the Philippine Archipelago. I feel that simple justice requires me to express my dissent to that statement. It is not sustained by the facts. On the contrary, there is a feeling of distrust toward men of enterprise and capital that is calculated to injure the islands by keeping the public lands unoccupied and by keeping out of the world's commerce the productions that would make its islanders prosperous and contented.

The day has passed in which large and fertile areas can be set apart to the occupation of those who live on the spontaneous productions of a rich country. The new day of the world's progress, in which nature was no longer the slave of the savage, dawned upon the coasts of the North Atlantic when the Pilgrims landed at Plymouth Rock, and upon the plains of the West when the chief—Chicago—surrendered his hut to the white man, who has followed it with a city that is greater in its power than the greatest cities of ancient times, and is yet in its infancy.

We look back upon these marvelous works with boundless pride and with no misgivings of conscience; yet we look forward to further progress in the same direction, with alarm at the toilsome and dangerous way that opens before us. And still we are marching forward.

In the history of this continent events have shaped the policies of our people that were beyond their control, and the people have responded to their requirements beyond the restraint or the control of the experts in statecraft.

The establishment of a rude home by a pioneer, in some attractive spot distant from the settlements and the murder of his family by the Indians, have often been the cause of the rapid development of great areas into a habitable and fruitful country. When he sought the privilege of supporting his family where the hand of nature promised kindly help, he was innocent of wrongdoing, and was ignorant of the great forces that his silent march in the wilderness would put in motion.

When Dewey was at Hongkong, on the 25th January, 1898, more than three months before the battle of Manila, a message was sent him by cable:

WASHINGTON, *February 25, 1898.*

DEWEY, *Hongkong:*

Order the squadron, except the *Monocacy*, to Hongkong. Keep full of coal. In the event declaration of war Spain your duty will be to see that the Spanish squadron does not leave the Asiatic coast, and then offensive operations in Philippine Islands. Keep *Olympia* until further orders.

ROOSEVELT.

It was the fleet, made ready under these orders, that fired the guns that were heard around the world.

The prescience that included in that order the duty of defending our Pacific coast and of making an attack on Manila had no more reference to conquest than the writer had to the fact that he afterwards as the President of the United States would thereby become the military or civil ruler of the Philippine Archipelago.

Yet in the event of war with Spain that order covered the whole field of strategy and drew after it the inevitable necessity of governing the Philippines, if Dewey should be successful in his offensive operations.

Admiral Dewey's movement began at that point and under that order, and it ceased when he turned over the government of the islands to the civil and military authorities of his Government.

The islands were full of Indians, as our country was when Washington surrendered his commission at Annapolis. And it would be quite as just to say that the Constitution of the United States was a barbarous edict because it provided for the government of the Indian tribes through regulations of commerce by acts of Congress as to contend that the purpose of the Government was robbery in assuming sovereign rights over the various tribes in the Philippines.

Those people are, some of them, no higher in civilization than our desert tribes of Indians, and none of them are higher in any respect than some of our civilized tribes. Indeed, considered ethnologically, they are tribes of Indians, except those who are of African origin.

The inhabitants of these islands are of negro and Indian origin in their broadest classification. The Negorotos and Negritos have unmistakable negro characteristics, and the Tagalogs and Visayans are quite as strongly stamped with the Indian character as it is exhibited in Aztec, Toltec, Mayo, and Eskimo tribes. The fiercer Indian tribes, such as the Sioux, Apache, Ute, and others, hardened by the climate and the rugged nature of the countries they inhabit, are only Tagalogs under a harder environment.

In one unmistakable trait their resemblance is very strong. They refuse to accept any language but their native dialect so long as the tribal relation exists. The Spaniards have labored for three centuries to make their language acceptable to these tribes in the islands of the archipelago, and they have so far rejected these efforts that only a few natives speak the Spanish language. So it is with the American Indians as to the English language.

The laws of the Cherokee Nation are still written in their own dialect, in the alphabet invented by Sequoyah, printed on Indian presses, and approved by the king. Yet that is the most enlightened Indian tribe in the United States. They are ready for statehood and deserve it, and only our racial aversion deprives them of that clear right.

For more than three centuries the Anglo-Saxon has been the schoolmaster of the American Indian, not because he desired to practice his pedagogy with the rifle and torch, but for some inscrutable reason which is so much in harmony with his sense of duty that his conscience makes no revolt even at its cruelties. Yet it is more in the seeming than in the fact that these duties have been cruel to our pupils.

After all, since we crossed the Alleghenies and to the south of the Ohio River with our pioneer population we have always paid the Indians for lands they nominally occupied and have given them homes on the best part of the public domain.

There are small tribes who are the richest people in the world, by a per capita distribution of their wealth.

The Filipinos call themselves Indians, and very much resemble Indians in their dealings with us.

I can not look back with a feeling of reproach over our hard experiences with the Indians, and I do not look forward to our dealing with them in the Philippine Archipelago with a feeling of dismay. If we have not been acting in the line of duty, we are grievously mistaken. If we have obeyed any command or followed any lead in this march of civilization, it has not been the spirit of evil that has controlled our movements, but the spirit of good, for our rewards have been great, and the blessings we have conferred on other races have been a far greater benefaction to them.

In the more notable campaigns of our Indians wars more than 300,000 lives have been lost and more than $500,000,000 has been expended; all because the Indians stood in the way of our progress in expansion. We wanted to remove them as obstructions to our growth. Having grown strong and free on lands they claimed as their heritage it is not too great a sacrifice to make for them, that we should make them as free as we are by removing impediments to their growth in the Philippines, even if it it has cost us $6,000,000 and 10,000 lives.

I do not quite believe that we are the sole and irresponsible masters of our destiny or that we are not compelled to follow the instincts—if we may so define the noble aspirations of the Caucasian races—that lead us to exertion and sacrifice for the benefit of mankind.

In our dealings with the Philippine Islands there was never a moment of time when we could have halted or could have reversed our movements without violating the instincts of our race and the duty of our Government.

At the time when Montejo's fleet was destroyed Dewey could not have withdrawn from Manila without inviting Spain to reoccupy it. Military strategy, which was the only question then presented, required Dewey to remain at Manila. He had no place or port where he could coal or supply his fleet if he remained on or near the Asiatic coast of the Pacific. All neutral ports were closed to his fleet for any belligerent purpose. His nearest home ports were in California.

By remaining at Manila he could coal his fleet and supply it. His withdrawal would have exposed Hawaii to certain capture and would have given Spain a military base 2,000 miles from our coast, while our commerce in the Pacific would have been exposed to Spanish interference.

It would have been, in every sense, dangerous, if not fatal, to our operations in the Pacific and to our western coast to have abandoned Manila. It was the only base of operations that Spain had west of the Azores or east of the Minorca Islands, near the Mediterranean Sea.

Cuba was not a base, because we kept it under close blockade. Manila was not a military base for Spain, because Dewey was there.

It was these facts in both instances that saved our Atlantic and Pacific coasts from being harried by the Spaniards.

Mr. McKinley had no military option but to hold Manila.

When Admiral Dewey had secured his victory, and with it the safety of our Pacific coast, and while the peace protocol was in force, we began to cast about us to find some way to lighten the task of disposing of the islands of the archipelago.

The first suggestion as to the easiest way to secure a naval station in the Philippines was to retain sovereignty over the Bay of Manila and, perhaps, the Bay of Subig, and yield all the other parts of the islands to the natives.

This plan I at first approved. A little reflection showed us that such a course would necessarily involve two prominent difficulties that we could not afford to create and very many others that would arise under such conditions. The first of these is that Manila is the national capital of the archipelago and the commercial mart of a vast sweep of the Orient. We could not occupy it and avoid constant friction with a native government in the sovereign control of the rest of Luzon.

A naval station would only be a part of the value of Manila to our people. As a mart of commerce with the other group of countries called the Orient, Manila would be more important to the people of the United States than Hongkong is to Great Britain.

Strategically and commercially Manila Bay is the key to the Pacific Ocean. I think no American has yet been so poor in spirit as to be willing to abandon it and deprive our country of its advantages as a commercial station in the Pacific.

The holding of Manila or Subig is the practical holding of the entire archipelago. If we were not otherwise bound by agreement to protect the islands against foreign invasion or domestic insurrection, our presence there, in the occupation of a great naval station, would compel us to protect and defend the entire group of islands under Tagalog rule.

Such will be the situation when we have established naval stations in the island of Cuba. If the Monroe doctrine had never been thought of, the national right and duty of protecting the territorial integrity of Cuba, when we establish naval stations on that island, will be complete. So it would be in the Philippines.

There is no form of suzerainty that we could exercise over the archipelago which, by any possibility, could be safe or profitable to the United States; and there is none that would not bring upon us the terrible burdens that suzerainty has loaded upon Great Britain in the Transvaal.

I am old fashioned enough in the style of my Democracy to deny utterly the power of the United States to employ its legislative sovereignty in the territory of another sovereign government and to participate there in civil rule.

The native inhabitants of the archipelago have a just cause of resentment toward us, which should be at once removed. It is because we refuse to admit them to citizenship and refuse to extend to them the personal guaranties that are fixed and everlasting covenants of personal rights and liberties to each individual who is a citizen of the United States, as is done in this measure. In this matter Congress is sadly guilty, and the Filipinos are bitterly conscious of the want of consistency between our professions and our practices.

In speaking of personal rights and liberties, I do not allude to those areas where the people are in open insurrection against the sovereignty of the United States. Insurrection, when it exists in force and under arms, is a form of war which the Government is compelled to put down, in order to preserve its sovereignty, which is the life of a nation.

In dealing with insurrection, the power of the nation must be paramount over all the guaranties of personal rights, and these rights may be suspended by competent authority, but not otherwise. But where such war is not declared to exist, and peace and subordination to law prevail, except among a few people, the personal rights of a citizen of the United States are supreme over all adverse laws and practices.

Under our statutes, a proclamation by the President is necessary to place any district in the legal attitude of being in a state of insurrection. The proclamation of the President is sufficient to create this legal and political condition of local war in a district that he declares to be in a state of insurrection, although the President can not declare war against a foreign government.

When I speak of the personal rights of Filipinos under the Constitution, I refer to such as are found in islands or districts that are not proclaimed to be in a state of insurrection, and I insist that each and all of the people in such districts are entitled to all the personal guaranties that exist in favor of citizens of the United States as they are defined in the Constitution. It is this law-abiding class to whom we have persistently denied the recognition of citizenship of the United States in the Philippine Islands, and while some are clamoring for the personal rights of insurrectionists under the Constitution they deny the rights of citizenship to all classes. It would seem that this has been done under the misconception that citizenship confers the right upon the citizen to participate actively as a factor in the conduct of government.

Political power, except as it relates to the basis of representation, has no connection with citizenship, and in that connection it is only passive and has no actual authority. A child has a political force or power as a factor in the basis of representation, in which basis the sovereign power resides, but it has neither political power nor the capacity to participate in giving political direction to that power; yet a child has all the personal rights of citizenship and an equal right to their enjoyment with the most influential person.

When we deny to the Filipinos the character of citizenship of the United States, we deny to them the right of demanding these personal rights and all political priviliges that might be based upon them. We demand their allegiance, which means obedience to law and the duty of making of sacrifice, even of life, that may be required to support the sovereignty of the Government; and in return we owe them protection, under the laws of nature and of nations, and the security of the personal rights and liberties guaranteed to all citizens of the United States under our Constitution. And all our agents and officers should be bound to secure to them these rights according to the legal conditions that exist in the places where they are found.

The better to secure these rights, every officer of the United States, or of any legal government in the Philippines, should be required to take the oath of office prescribed in the Constitution.

This is the true guaranty of fidelity that the Constitution provides, and it is the only one except punishment for official delinquencies. In this oath we introduce the fear of God as a foundation of all integrity in government.

It is our reluctance to admit the Filipinos to citizenship that has caused them to believe that Congress regards them, either with pity or disdain, as an inferior people. And such is the fact. It is gratuitous and unreasoning folly that leads us to deny citizenship, in the meaning of the Constitution, to any person who owes either natural or conventional allegiance to the United States.

Our precedents are all against the denial of citizenship on account of race or color or any previous condition, even of slavery. Our citizenship has always included, as a matter of fact, all the races of mankind, and it is illogical and unwise for us to abridge it by the exclusion of the Filipinos.

A citizen of the Philippine Islands, where our sovereignty is supreme, is a national nondescript, with no allegiance, and is as homeless a vagrant as if he were a prairie wolf.

It is time that we had laid aside some of our own groundless prejudices while we are asking the Filipinos to lay aside theirs. It is time that we had realized the fact that the principles of free, constitutional, republican government are as well adapted to the wants, necessities, growth, development, and contentment of the physical or natural man, who has the intellect to comprehend it, as the Christian religion is to his spiritual growth, and that a denial of the benefits of either to a sentient being is contrary to the spirit and purpose of both.

We can no more corrupt or deprave republican government by extending its blessings to those who are fitted or capacitated to understand and practice its principles than we can deprave the Christian religion by extending its plan of salvation to sinners.

In a republic it is not every individual who participates in the lawmaking or governing power, even by assisting in the choice of governors, judges, or lawmakers.

Only one in five of the actual population in the most enlightened communities exercises these powers; yet a republic is the safest for the rights and liberties of the nonvoting classes, because one-fifth of the people who vote owe their power to the same Constitution that protects the nonvoters against its abuse. They are all alike interested in the principles and in the integrity of the Government, although they may not exercise its powers.

In a republic the intelligence, fidelity, and virtue of the voter is the real security for the wisdom and justice of the government, and if the man who claims the office or function of voter, or for whom it is claimed, is not qualified to perform its duties, he is not thereby endangered in his personal liberties, nor is he thereby deprived of an equal enjoyment of the benefits of government any more than any other nonvoter, such as a child or a woman.

It is the right to aspire to the office of voter, or to any other office, and to qualify himself for place and power to be conferred upon him by his fellow-citizens, that gives a peculiar and incalculable value to citizenship in a republic. No citizen is debarred from these privileges, except through his personal want of qualification or his lack of the confidence of the people who choose men for office.

The whole value of that citizenship would be lost to him, as it would become pestiferous and destructive to the Commonwealth if he was permitted to enter upon the exercise of the governing power, as a voter, before he has the intelligence and knowledge that are essential to its proper exercise.

Therefore the process of converting a Spanish subject into a voter in an American Republic must be slow, as a rule, and must depend upon his growth in the knowledge of republican government. Give him citizenship, thereby exalting him to the plane on which his aspirations for power are lawful and commendable, and he becomes a free man in the highest sense of personal liberty. No freedom can be greater than that which capacitates man to rise lawfully from the lowest to the highest capacity of citizenship.

This precious liberty of freedom of mind and body is embodied in the citizenship of the United States, and there is no limit of lawful power to which its possessor may not be exalted by intelligence, fidelity, and virtue. Every citizen of the United States, whether native, adopted, or annexed, is entitled to the highest privileges, if they are accorded to him by a lawful electorate and are permissible under the Constitution and the laws. If we have not conferred the power to acquire these rights upon the Filipinos, our mission is a failure and our expansion is only the swelling of a dead or decaying body.

The true distinction between a citizen and a subject is not known in any other than a republican form of government. It is in citizenship that we find the true line of cleavage that separates free government and monarchy. Citizenship is the corner stone on which every liberty for the individual man must rest. Wherever citizenship is established republican government follows. It is true in Switzerland, in France, in the United States, and in all the Spanish-American States, the last one of which has just entered the family of States—whose citizens have attained to the high rank of citizens of Cuba after having been the subjects of Spain. Whatever errors may attend their policies or administration, the people of a republic are citizens, and will never degenerate to the lower character of subjects.

The United States can no more have subjects than it can have kings, and whatever laws or policies may be based on such a theory are absurd; they are a reproach to the history, the principles, and fair name of this the leading Republic of all history.

The first duty of Congress toward the Filipinos is to remove all doubt and distrust from this subject by a recognition of the citizenship of those people, which means only this, that they owe allegiance to the sovereignty of the United States, and that we owe them corresponding protection. It is the Republic and the Constitution that confers citizenship upon them, if they are natives, not as a gift, but as a birthright.

They will believe us and respect us if we firmly declare these relations to exist, and that they will be maintained with a strong, friendly, and just hand in all that is meant by American citizenship. On this foundation they will build in peace and security, with growing affections for our institutions of government and with pride in the honors of American citizenship.

When the people of the Philippine Archipelago, whether they are Christian, Moslem, or Pagan, understand that we are dealing with them on the fixed principles of our own Government, which does not recognize attainder of blood, or banishment to foreign countries, or the depraving of millions of people into the condition of subjects while they are the repositories of sovereign power, as a means of getting rid of evil men, but that we require the duties of citizenship from all to whom we owe protection, they will accept so much of our civilization as they are, from time to time, prepared to assimilate, and will grow up into the full stature of our citizenship. A republic has no foundation except the sovereignty of the people. When we abandon that we abandon the republic.

In our experiences with Indian tribes, which has been as trying as any in history, we have the most conclusive proofs of our capacity to civilize, Christianize, and enlighten the wildest of races and to elevate the most obdurate savagery that has ever existed in human form into enlightened citizenship. It has cost us much and it has extinguished some of the tribes through their perverseness, but the remnant is now about as great in numbers as the whole body of Indian population has ever been. Peace between the warring tribes has been firmly established, and they no longer attempt to make savage forays into peaceful settlements to inflict slaughter and rapine upon women and children.

We have not formally recognized their citizenship, as we should have done, under the mistaken idea that we could not afford to meet their savage warfare with measures of retaliation of a like character in dealing with them as citizens of the United States; that their character of citizenship forbade us from treating them as outlaws. It only gave us the better right to punish them for the abuse of that character. Indians who are taxed have always formed a part of our basis for the apportionment of representation. Filipinos who are taxed furnish the same constitutional basis in the distribution of political power.

It is only those who have not a law that are a law unto themselves. Those who have a law must obey it. They can become outlaws by yielding to savage instincts; but when they do so, the law of retaliation becomes justice, however painful its infliction may be, and it rests with the Government to declare the punishment due to outlawry.

Involuntary outlawry inflicted by a government upon any people is a national wrong of the most dangerous character. This is the condition we impose on the Filipinos when we deny them citizenship and rank them among the nations as a swarm of pariahs. Voluntary outlawry is the most atrocious sin a man can inflict upon society. It calls for the terrible penalty of an eye for an eye and a tooth for a tooth, such as we have sometimes been compelled to inflict upon our savage Indians, not by statute, but by the silence that gives consent, and such retaliation has been found necessary in the Philippines in some instances, to suppress ladrones and bandits who prey upon all who are defenseless, inflicting their most horrible revenges upon people of their own race.

Outlawry and its punishment is not unknown, even to the highest Christian civilization, and while its summary punishment is sometimes deservedly reprobated in the strongest terms as being unlawful and intolerable, it is not always rebuked by trial and judgment in the civil courts. It is not overlooked or forgotten. It is lamented and passed by in silence because, after all, the outlaw has suffered no more than justice when he is summarily executed.

When I reflect on such events in our own midst, as have been recently stated in the Senate, I am prepared to make some allowance for those whose duty compels them to deal officially with outlaws, at the peril of their lives, and who deal with such people in the performance of a public duty, without any feeling of private resentment or malice, and always with sorrow and regret. It is often the severest and most painful task of a soldier or a juror to inflict extreme justice on a culprit to prevent him from destroying the lives of innocent people who are otherwise unprotected.

What we have known and many have seen, in war and in peace, of the sudden wrath of the people descending like a bolt from the heavens upon beastly outlaws admonishes us to be forbearing in condemnation of the men we have sent out to confront these enemies of mankind, at the peril of their lives.

We are discreetly silent when the people, in mobs, inflict summary justice on outlaws; and we should be discreetly careful in our investigations before we declaim against the men we send out to confront outlaws and to punish them for their crimes. I do not believe that any American officer has maliciously inflicted harm on any body of Filipinos, or on any person, either by orders given to his subordinates or by the silent approval of their misconduct.

If outlaws have suffered, it is because they defy the laws, human and divine, and wreak their vengeance and satisfy their malice, cupidity, or lusts upon the innocent and defenseless. It is very difficult to restrain the soldiery or the people to the precise methods of legal procedure when they are forced to free the country of men who are voluntary outlaws.

The Senate has been engaged, through its committee, in collecting testimony as to the alleged outrages perpetrated by our Army in the Philippines, and Senators have seized upon each fact as it has been detailed by the witnesses to comment with severity upon the conduct of our officers in the field. If the Senate is possessed of full jurisdiction to pass judgment on these charges, which seem to have been confided by the Constitution and laws to courts-martial, a full, fair, and impartial trial of the accused officers is necessary to the honor of the country. We can not safely conduct such a hearing as a part of the measure now before the Senate.

Investigation by proper authority is demanded by the whole Army as a duty we owe to it, and they justly resent a partial inquiry and discussion conducted on a bill which does not necessarily call for such a discussion. Their mouths are closed, and they are not permitted even to appear at the bar of the Senate to answer these accusations.

There is a coloring in the whole debate on both sides of the Chamber, in which the officers of the Army have neither interest nor responsibility. In that view it is very unfortunate.

I do not know whether the accused officers are Democrats or Republicans, nor do I suppose that any Senator knows. I do know that the Army is more completely a representative body than the Congress of the United States. These officers come from every district and every territory in the United States, and bring with them the characteristics, the personal interests, and the pride of the people of those various political divisions.

This is the body of men that the Senate is accused of censuring

on an ex parte examination of witnesses whose credibility is sometimes in doubt; and the whole people of the United States, represented by them, are said to be attacked in the character of their sons.

I do not believe that any Senator here desires to attack the whole Army, but that is the interpretation that the Army puts upon our action because we do not call them to account individually, and they deeply resent it. Some of these officers will never survive the infamy with which they are branded in this debate, unless a court of inquiry or a Congressional commission shall exculpate them; and even after they are acquitted their names will be a byword and a reproach. For one, I lament this situation as a national sorrow.

Enough has been said about the conduct of officers in the Philippines to require a strict and impartial investigation, conducted by the regular military courts constituted under the laws and regulations of the United States or by a joint commission of the two Houses, and if the Executive or any officer or soldier is responsible for the alleged crimes or irregularities, let him be dealt with according to law. But until these accused men are heard, on a fair trial, it is a fearful hardship that the Senate should proceed to try and condemn them.

It is not a question whether this line of action is necessary to the future government of the Philippines. If it was it would also be quite as important to inquire whether the people of the islands can withstand the marauders who have been the cause of a resort to these harsh measures if we should withdraw from the Philippines until we have tried the officers of our Army.

It is as much the duty of the Government to free the islands of bandits and marauders as it is to compel obedience to lawful authority on the part of its officers, or of those who resist the United States. The people who submit to the sovereign authority of the United States are entitled to protection against those who despoil and persecute them for that cause. The murder of a well-disposed Tagalog under our protection is as much a cause for retributive justice as the murder of a soldier. Left to their own protection these people could not withstand the persecutions of these lawless classes. They implore our protection, and we may have gone too far in the use of Filipino methods in extending it to them.

A court-martial, or court of inquiry, will certainly develop all that has been wrong or irregular in the conduct of our Army in the Philippines and will punish the offenders when guilt is established. Congress should await the action of these tribunals and proceed, with whatever power it possesses, to inquire and to legislate for the prevention of further wrongs, either by the insurgent Filipinos or by our officers, civil and military. If the regulations of the Army or the general orders of those in command are wrong, they should be changed. If they are right, obedience to them can not be wrong.

Two principal charges are made with reference to the conduct of our officers and men toward the Filipinos. The first is the use of the water cure to extort information as to concealed arms and as to the existence of insurrectionary plots.

Perhaps the most revolting feature of the water-cure plan of torture is the fact that it has been practiced on our captured soldiers by the miscreants who claim to be insurgents, and we have borrowed it from them for the purposes of retaliation. Its origin was in the Spanish inquisition, from which the Filipinos have learned much that they are compelled to unlearn before they can properly appreciate a government that is freed from the influence of such institutions.

The strait jacket and the water jacket in use in our prisons and other similar devices, such as the rawhide whip and the paddle, are of the same character and are used for disciplinary purposes. All of them are liable to serious abuse, yet they appear to be necessary in some cases. That they are cruel is not to be denied, but this brings up the old question whether it is humane to so adjust punishment, without reference to its severity, as to prevent crime. The world has struggled with this question since the days of Moses.

The highest duty of an officer in charge of an insurrectionary district is to reduce it to obedience to lawful authority. His duties relate to the prevention of crime rather than to its punishment, and no rules can be prescribed for the suppression of insurrection by preventive methods. They must be largely discretionary, and to be effective they must be retaliatory and adapted to the necessities of the situation. When they are discretionary duty, honor, and humanity require that the punishment should be merciful.

A threat of devastation by fire and sword, if it has the effect to deter insurrection, is a blessing rather than a curse to a district where insurrection is rife, although it may cover the officer who makes it with reproaches. Many a name, otherwise glorious in history, has been sadly tarnished by such threatenings.

Such threats were made, especially by Brigadier-General Smith, in Samar, but they seem not to have been extensively carried into execution, because the threat was, in a large degree, effectual to suppress the crimes that afflicted the island. If the country had been made "a howling wilderness," the fact would have been more disastrous to the policy of the Government than to the Filipinos, although it is the same direful infliction that the insurrectos were trying to visit upon their own people who refused to follow them in making war against the United States.

The Senate, in the consideration of this subject, is bound to give due weight and impartial consideration to all the facts that relate to it. The second form of repression that is complained of is the concentration of the people in camps.

After open and organized warfare had ceased in the several islands, a few ladrones and mercenaries remained under arms, with no other purpose than to plunder the country. They turned their weapons upon their own people and inflicted upon them every form of persecution. They burned villages, destroyed cattle, shot women and children without quarter or mercy, and forced the people to seek the protection of the American Army.

It was under such conditions, and to separate the friends of peace from these robber bands, that the plan of concentration in villages was adopted. It had no more resemblance to the Spanish plan of reconcentration in Cuba, that was instituted for punishment by starvation, than an almshouse has to a prison, or than the hand of a merciful woman has to the grip of a tiger. It was the only plan by which the people in the villages who were friendly to us could be separated from and protected against enemies in their midst, who were using them as a cover for attacks on the forces of the United States.

Nonintercourse between a district where insurrection exists and the people of a district that is not the theater of insurrection is enjoined and enforced by highly penal statutes enacted by Congress. This is impossible where the brigands consort with the people who are peaceful to find a shelter from the Army.

But what excuse can possibly be found in the conduct of the Army for the refusal of Congress to give proper government to the Philippine Islands? We must either govern them or abandon them, and the more the Army may have abused these people the higher is the duty of providing for them a better civil government.

I find in this bill the denial of citizenship of the United States to the Filipinos.

This is the worst form of imperialism, because it is the most radical. It reaches the individual and takes away from him the personal guarantees of rights and liberties, written in all our constitutions, and depraves him from the dignity of citizenship to the low condition of a subject, a feudatory, a serf, or a slave, according to the behests of those in power over him, without a nationality that can protect him.

When Democrats deny to the Filipinos the character of citizen it is in vain that they hold out to them the hopes of sovereign independence. If they are not fit to be citizens of the United States they are not worthy to be trusted with the organization and government of an independent republic.

I am the pledged foe of imperialism in every form, and especially in those forms in which it uses the power of the people to oppress the weaker classes by the abuse of the power of taxation. I admit that the expansion of our territorial area has furnished many opportunities for those abuses that follow the usurpation by Congress of powers that are not granted by the Constitution.

I admit that a state of war has enabled Congress to usurp those powers on some occasions, even to the extent of dismembering sovereign States and forcing amendments into the Constitution that lapse for the want of the support of the people. But the fault is in Congress, and not in the circumstances that have furnished the opportunity for displaying the fault.

Yet, as a Democrat, I witness with pleasure the fact that our expansion in Porto Rico has forced free trade between that island and the other States and Territories of the Union after an abortive attempt to obtain an imperialistic construction of the Constitution from the Supreme Court of the United States.

More perfect and specific security for personal rights and liberties are provided for in this bill than was given in our first Territorial government to people of our own blood in the great Northwestern Territory, but it is given on the false basis of a citizenship in the government of the Philippines, which is not a citizenship of the United States, or at least it is not so intended.

I also see that the impulse of national growth has so enlarged the scope of our national duties and responsibilities that the most powerful and voracious trust combination in the United States, nurtured by laws that were fitted to an attitude of sequestered selfishness and narrowness, is dying in the house of its friends. The sugar trust still lingers and fights for life, with desperation, but expansion has dealt it a death blow. So, in time, will follow the lasting peace that is about to close a long and destructive commercial war.

The Cuban reciprocity bill is the truce that promises peace, justice, and prosperity to our people and to the beloved child of

our household—the firstborn heir of American independent sovereignty. And that is a fruit of expansion.

Cuba was recently an infant in our nursery, subject to our absolute power. She is now the only sovereign and independent State that was ever created by the will of another nation. We appear to have reached the time of predicted glory in which it is said that a nation shall be born in a day, and we appear to be the instrumentality through which that honor has been conferred upon the world through Christian civilization.

I can not witness such marvelous results with the least apprehension that any people will suffer harm from our efforts to bless them, or that we will be endangered by throwing around them the sheltering arms of our benevolence.

Another expected fruit of our forced expansion, which is to me as the shadow of a great rock in a desert land, is the rehabilitation of silver as a money metal in this bill of Republican parentage.

I have never for one moment doubted that silver would resume its place as a precious metal, to be coined into the money of redemption as soon as the necessities of the people could speak for them against the monopolistic power of those who are the masters of credit, public and private, and who seek gold as the one solvent of the debts that the great nations owe them—the consols, the bonds, the debentures, and the rents that are taxed upon the industries of mankind.

The Filipinos, it appears, are either too ignorant, or superstitious, or too hardened in a bad habit, or too poor to be able to get along without the use of silver money, and we must supply their necessities. Our industrial classes and our richer people, and even our Government, use silver coin and silver certificates in all their daily business; but we are so prosperous in the use of this cheap money that we are willing to believe that it is as good as gold, and we use it as if it was as good as gold.

The Filipino thinks that silver is better than gold for his business, and will not use gold or paper money.

It is a great blessing this bill provides for these ignorant people, that it adds a constant flow of silver coin into the volume of their money supply. Panics can make no headway against a currency that is constantly maintained by actual coinage of silver money, and the dollar being the largest coin, sudden inflation is not possible.

This lesson, taught by a necessity that has forced expansion upon us, will be carefully studied by millions of Americans who will understand and realize its value to industry. It sometimes happens that out of the mouths of babes and sucklings we are taught wisdom. While I regret that these new duties have forced us to repeat some old lessons in the suppression of savagery, I do not regret that new conditions have compelled us again to test the strength of the powers of our republican form of government and its ability to do justice to all who are citizens of the United States.

I need not go further than the threshold of this inviting subject to find sufficient reasons to confirm my faith in the benefits we are conferring upon the Filipinos and ourselves by the governmental power we exercise over and through them in their splendid country, and I would make the government in which they are to participate as completely under the protection of the Constitution, in all the rights that belong alike to all citizens of the United States, as if they were situated on the American Continent.

I would as cheerfully relegate the plains of the West to the tramp of the herds of buffalo, chased by the blanketed Indians, as to deny to American civilization and to the hopes of civilization in the Philippine Archipelago the opportunity to use the abundant riches of the many millions of acres of public lands in those islands.

Under laws patterned after our system of free homes for the homeless and the protection of the public lands from the monopoly that came near ruining Australia, we will furnish a refuge for millions of people on this continent who will follow the flag to that splendid country and will find there the opportunity denied to them here—to grow up into the full stature of free and responsible citizenship of the United States. This hope is a bright light in my conception of the future.

APPENDIX.

(1)

The agreement at Biacnabato between Aguinaldo and the Captain-General of the Philippines.

No. —. These translations show the progress of negotiations, and it certainly appears that the agreement as signed and executed stipulated nothing but a cash payment to Aguinaldo and a promise on his part to stay away from the islands and his agreement to see that the insurgents laid down their arms, which agreement was never carried out within the meaning of the act.

It seems to me to be evident that no promise of reforms, and certainly no project for the reform of the church, was agreed to, although, of course, nothing of the kind may have been discussed.

JOHN R. M. TAYLOR,
Captain, Fourteenth Infantry.

(2)

Senor Don EMILIO AGUINALDO,
Chief of the Revolutionary Army of the Philippines:

The undersigned has the honor to present himself unexpectedly in your headquarters in Biacnabato, and states that he does so impelled only by his vehement love for the country in which he was born, to explain the many reasons why the hostilities caused by the revolution ought to stop, as to attain at present the whole of the desires which are sought to carry into effect it would be necessary to first ruin the Filipino people, and whoever boasts that he loves that people should remember that the Spanish Government holds in suspense the longed-for reforms solely because those very men continue to bear arms.

In truth, on various occasions I have heard the governor-general of the Philippines lament this suspension, as he is very desirous of establishing and unfolding during his command a new series of reforms bound to give satisfaction to the country, and if they are not everything which has been asked it is because it is impossible to root out in one day that which has endured for more than three centuries.

I have also repeatedly heard the most excellent Señor Marques de Estrella state that, understanding as nobody else could his obligations, he had placed himself at the head of the brigade which took the last trenches of Cavite so that he could have the right to pardon without any limitation, on account of which he dictated the proclamation of the 17th of last May and amplified it extensively in applying it to others, raising all the embargoes and even holding his arms open to receive deserters themselves.

Having, then, reforms and true pardon, I permit myself to counsel that a truce is advisable for the unfolding of the generous propositions and proposals of reform which now animate the Spanish Government, now represented in the Philippines by the very noble and fatherly Most Excellent Señor Don Fernando Primo de Revera and in the Peninsula by the great and liberal statesman, Most Excellent Señor Don Segismundo Moret y Predergast, author, in 1870, of the order of the abolishment of the religious sects, of the creation of the Philippine Institute, of the reforms of the University of Manila, and so many beneficient plans for the country directed toward giving representation in the Spanish Cortes to the archipelago and to liberate this people from the powerful dominion of the religious orders.

Such are the reasons which prompt me to present myself spontaneously at these headquarters, and I submit them to the high consideration of your excellency, so that you may deign to accept them for the termination of this fratricidal struggle by a convention of peace, which is bound to assure the prosperity of our beloved country.

PEDRO A. PATERNO.

BIACNABATO, *9th of August, 1897.*

(3)

Translation of preliminary draft of treaty of Biacnabato.

NOTE.—The corrections and changes found in the original in pencil are given in the translation in red ink. The changes are, except where otherwise noted, in the handwriting of P. A. Paterno. It is evident that he, as representing the Spanish captain-general, refused to agree to the clauses stricken out, which is done in pencil, evidently the same pencil of Paterno's changes.

J. R. M. T.

In the copy I now present the lines marked in red pencil in the original are inclosed in brackets.

(4)

Aguinaldo's response to Paterno.

The excellent Señor Don Pedro Alejandrino Paterno, having unexpectedly appeared in the Mountain of Biacnabato on the 9th of August, 1897, in the [headquarters of the president of the Philippine Republic,] before me stating that he presented himself impelled solely by his vehement love for the country in which he was born, to state that many reasons there were why we should lay down our arms, contenting ourselves with a portion of the amount which he asked for, since in order to gain at present all of our desires it would be necessary first to ruin the Filipino people, and those who consider themselves lovers of that country must remember that the Spanish Government is holding in suspense its carrying out of the reforms solely because we are in arms.

That the said Señor Paterno has on several occasions heard the governor-general of the Philippines regret this suspension, as he is anxious to plant and bring to completion during his command a new series of reforms intended to satisfy the country, and if they are not all that which we ask for it is solely for the reason that in a day it is not possible to extirpate what has been taking root for more than three centuries. That also many times he heard the excellent Señor Marques de Estrella say that, knowing his duty better than anybody else, he had placed himself in front of the brigades which took the last trenches in Cavite in order that he might have the right of pardon without any limitation whatever, on account of which he dictated the proclamation of the 17th of May last and extended its provisions fully to all persons, taking off all restrictions and even holding his arms wide open to welcome even deserters themselves.

As reforms, then, the actual forgiveness are promised, Señor Paterno advises us to restrain our warlike ardor and give an opportunity to the general's desires for reform, which animate the Spanish Government, represented by the very noble and paternal and most excellent Señor Don Fernando Primo de Rivera.

On account of these various other considerations not connected with the field of battle, and influenced by the undeniable authority exercised by Señor Paterno in questions concerning the Philippines * * * he has presented himself before my presence as willing to guarantee this negotiation by his own life, so valued by all Filipinos.

The undersigned, Don Emilio Aguinaldo [president of the Philippine Republic], chief of the revolutionary army, names the excellent Señor Don Pedro A. Paterno as arbitrator to [sign a peace] enter into harmonious relations with the Spanish Government, giving him full powers to determine, fix, and receive the total sum of the funds or values which the Spanish Government grants us, and to distribute them according to his knowledge and sense of equity, everywhere recognized, not only to those who have taken up arms, but also to those who, without having taken part in the campaign, are [compromised with us] suffering from the consequences of the war, and who are now endangered [by this present convention of peace on account of their obligations and interests].

Don Pedro A. Paterno has solemnly sworn [to the council of the president] before me to reveal no secret of the revolution at any time or place under pain of loss of life and honor, promising to overcome, if the Spanish Government aids him, all obstacles opposed [to the due execution of contract, payment of money, and other obligations contracted] to the execution of his pacific intentions and negotiations.

These difficulties once overcome and the resources of values trusted to the said Señor Paterno having been secured, they having been deposited [in his own hands] according to his instructions, and after we have sent our certificates that the total amount of the funds are in the custody of Señor Paterno of our free will, we shall turn over all the arms which we possess to the person designated by the captain-general and general in chief of the Filipino army, Don Fernando Primo de Rivera, asking him for amnesty. The President and his cabinent [consider that this action on their part is worth 3,000,000 pesos].

We commit our existence and that of our families, and also of all of those who have taken part in the present revolution, to the very noble and generous

instincts of the Marquis de Estrella, grandee of Spain, hoping from his paternal forethought the sums necessary for us to live free in our towns under the protection of the Spanish authorities, in our towns where our property has been destroyed, or in foreign parts where we shall have to set up our hearths.

[In exchange for such protection from his excellency the governor-general of the Philippines, we promise to reestablish order and defend the peace in the Philippines during the three coming years until September, 1900, during which period we hope the desired political, ecclesiastical, civil, administrative, and economical forms, of which the principal are the following, will be carried out:]

I. [Expulsion of the religious orders, or at least regulations forbidding them to live together in cloisters.]

II. [Representation of the Philippines in the Spanish Cortes.]

III. Application of true justice in the Philippines—equal for the Indian and the Spaniard. The same laws in Spain and the Philippines. The Indians to have a share in the higher offices of the civil administration.

IV. Change of the laws governing property, upon taxes, and the holding of the church benefices in favor of the Indian.

V. Proclamation of the individual rights of the Indian—as, for example, his liberty to combine with others in associations—and the liberty of the press.

[The president takes into consideration the spirit and the letter of this writing to present it to the general assembly, which he hopes will approve it, but it is his duty to state that without the approbation of this assembly, which will be called together as soon as possible, the president of the Philippine republic can not put it in effect.

As a preliminary base for the harmony and the definite peace between the president and the Spanish Government, the president, who has the honor to sign this paper, will issue a general order suspending all forward movements of the revolutionary army of the island of Luzon as soon as he receives the necessary supply of rations to permit them to remain stationed in the mountains, having no relations with the cities and towns during the period of convocation and action of the general assembly.]

And to prove this to be the truth I sign rubricate, and seal with our accustomed seal, in Biacnabato.

EMILIO AGUINALDO.

[Seal of president of Philippine republic.]
Entered in the proper book No. 4.

MARIANO LLANERA.

[Seal of the commanding general, center of Luzon.]

M. NATIVIDAD.

(In the third handwriting in red pencil.) Accepted and agreed to. Difficulties.

(5)

Programme.

December 14.—Departure of Don Ysabelo Artacho with the approval of the excellent señor governor-general of the convention of peace.

December 16.—Issue of the orders proclaiming peace to all his troops in the various provinces by Don Emilio Aguinaldo.

December 23.—Departure for San Miguel de Mayumo of the Excellent Señor Don Pedro A. Paterno with the excellent señors generals chief of the general staff, Don Selestine Fernandez Tejeio and Don Ricardo Moret, and adjutant, two staff officers, and Lieutenant-Colonel of Infantry Don Miguel Primo de Rivera. .

December 24.—Arrival at Biacnabato of the Most Excellent Señors Generals Tejiro and Moret, adjutant, and two aids, who will be met in the road by Don Ysabelo Artacho and Don Jose Salvador Natividad.

December 25.—Departure of Don Emilio Aguinaldo and his companions with Don Pedro A. Paterno and Don Miguel Primo de Rivera for Lingayan, where the Spanish Government will have a merchant steamer to take them to Hongkong; the gentlemen going aboard may take their revolvers and the two rifles asked for by Don Emilio Aguinaldo. On the departure of these gentlemen from Biacnabato the Spanish Government will give, by Don Pedro A. Paterno, to Baldomero Aguinaldo a letter payable to the order of the Spanish-Filipino bank upon some bank in Hongkong for the sum of $400,000, the cost of exchange being charged to the Spanish Government.

December 27.—The above-mentioned gentlemen having left the port of Lingayen for Hongkong and having arrived at Hongkong, Don Emilio Aguinaldo will telegraph to Don Artemio Ricarte in order that he may carry out the following: First, the turning in of the arms and munitions inventoried; second, the carrying out of the order of Aguinaldo, given before his departure from these islands, for the turning in of all arms remaining in the hands of the various groups of insurgents scattered in various provinces; third, that he may notify General Tejeiro and other gentlemen who remain in Biacnabato that they may abandon their residences in said town. As soon as the 225 firearms, 2,382 cartridges, and 20 pieces of ordnance and 2 sabers are turned in to the Spanish Government at Biacnabato—these are the officially inventoried articles—Don Artemio Ricarte will notify Don Emilio Aguinaldo in cipher in order that he may draw upon or cash the letter of exchange for $400,000 guaranteed by the government of the Philippines, and the captain-general will notify Don Miguel Primo de Rivera and Don Pedro A. Paterno that he has received the arms mentioned.

General Tejeiro and Don Artemio Ricarte will distribute passes and guaranties to the insurgents permitting them to go where they see fit.

As soon as men and arms have come in surrendered to amount to over 700, half at least of the arms being modern ones, Don Pedro A. Paterno will be given two checks for the same sums, one for $200,000 and the other for a like amount, which will be good when the Te Deum is sung and the general amnesty proclaimed, which will be just as soon as peace reigns in the Philippines; the existence of bands of Tulisanes (armed robbers) will not be considered as a bar to this.

The surrender of the arms, when the 225 and other articles mentioned have been verified, will be to any body of troops, and will be accorded in triplicate receipts, one for the governor-general, one for Don Pedro A. Paterno, and the third for Don Artemio Ricarte, as to whom the governor-general will give the necessary instructions.

This programme is the same as the original project by the excellent Señor Don Pedro A. Paterno, and the insignificant variations from it, whose explanations accompany them, are made in agreement with the said gentleman, who signs it at Manila, 14th December, 1897, with the general in chief. The captain-general, Fernando Primo de Rivera; the arbitrator, Pedro A. Paterno. There is a seal which is inscribed: "Office of the captain-general of the Philippines, headquarters of the general staff." There are two signatures, Fernando Primo de Rivera and Pedro A. Paterno.

(6)

Programme.

[May God guide to glory.]

November 18.—Departure of Don Salvador for Biacnabato with the reply of the conference with the governor-general and with the passes for the insurgents in general.

November 20.—Sending out of the orders of pacification from Don Emilio Aguinaldo to all his barracks, scattered thoughout various provinces.

December 7.—Arrival of Don Pedro A. Paterno at Biacnabato with Don Miguel Primo de Rivera and General Tejeiro or General Moret, being guests in the government house, in company with the family of Don Emilio Aguinaldo, Don Artemio Ricarte, Don Jose Salvador Natividad, Don Ysabelo Artacho, and other chiefs of rank in the insurrection.

December 8.—Surrender of arms of the immediate command of Don Emilio Aguinaldo to the Spanish Government in some place between Biacnabato and San Miguel de Mayumo.

Simultaneously the Spanish Government will give to Don Pedro A. Paterno, to give it in return to Don Emilio Aguinaldo, the sum of 600,000 pesos, to distribute them among the insurgents.

December 8 (afternoon).—Arrival of Don Emilio Aguinaldo and other insurgent chiefs with Don P. A. Paterno at San Miguel de Mayumo.

December 10.—Departure at Manila of Don E. Aguinaldo and companions.

December 15.—Arrival of the mentioned gentlemen to foreign parts.

December 19.—Don Emilio Aguinaldo will telegraph to the insurgent chief which shall have remained in Biacnabato to prove to the Generals Primo de Rivera and Tejeiro that they can abandon, if they should so prefer, the government house at Biacnabato.

From December 20 to 31.—Surrender of arms of the other remaining commands of the insurrection.

January 1.—The "Te Deum" will be sung in the cathedral, and the decree of general amnesty will be promulgated.

January 2.—To Don Pedro A. Paterno two checks or notes will be given, one at four months date for value of 100,000 pesos, and another of six months for value of 100,000 pesos, which constitute the second and third payments.

Interlineations—Don Isabelo Artacho—it is good.
Blotted—que constituye—it is not good.
Biacnabato, November 15, 1897.

EMILIO AGUINALDO.
MARIANO LLANERA.
BALDEMERO AGUINALDO.
PEDRO A. PATERNO.

(7)

Act of agreement adopted for the pacification of the island of Luzon.

In the royal palace of Malacanan, residence of the excellent señor captain-general of the national armies, Don Fernando Primo de Rivera y Sobremento, Marques de Estrella, governor and captain-general of the Philippine Islands and general in chief of its army, said excellent señor being in private audience on the 15th of November, 1897, with the excellent Señor Don Pedro Alejandro Paterno, knight, Grand Cross of the Royal American Order of Isabel de Catholic Advocate, and resident of the city of Manila, who states as follows:

That inspired by his ardent love of the Spanish fatherland and of the soil of the Philippines, on which he was born, and convinced of the magnanimous sentiments of the nation and of the Government, sentiments so magnanimously shown in the conduct followed by the present governor-general of the archipelago, he has proposed, then, himself to cooperate in the reestablishment of peace, utilizing the influence which he exerts among his countrymen, since this influence of his is something thoroughly well established; that in order to attain this end he had a conference with the principal leaders of the rebellion in their own camp, where he exhorted them to lay down their arms and to subject themselves to the laws for the good of the country and in improvement of the conditions of their followers and of their own material interests; that his exhortations and labors have not been sterile, since at the end of a long discussion the leaders above mentioned, inspired by the same idea of peace and with reawakened love of their country, informed him that they realized that the state of war retards the inauguration of beneficent reforms in place of hastening them and placing full confidence in the liberal and generous spirit of the Government of His Majesty of his illustrious representatives in these islands; that his efforts have been constantly directed against the inveterate abuses and ills which oppress the Filipino people, and they are now ready to cease their hostile attitude and to cooperate with all their power and ability in the reestablishment of peace, and that in obedience to the pacific and conciliatory desires the said leaders have conferred upon Don Pedro Alejandro Paterno, here present, the ample powers which he exhibits, signed on the 5th of last November in the mountain of Biacnabato by Don Emilio Aguinaldo, supreme chief of the insurgents in arms, and by the other leaders, Don Mariano Llanera and Don Baldomero Aguinaldo, his subordinates, powers which designate him as the arbiter and which give him full authority to negotiate an agreement providing for the submission of those who still maintain a hostile attitude against the power of the state.

The excellent Señor Captain-General Don Fernando Primo de Rivera, having thoroughly understood the nature of the mission undertaken by the excellent Señor Don Pedro Alejandro, in accordance with the powers signed by Don Emilio Aguinaldo, Don Mariano Llanero, and Don Baldomero Aguinaldo, in which it is stated that the said Don Emilio Aguinaldo assumes the position of full and absolute representative of those who fight against the laws established in the Philippines, such being the position conferred upon him by an assembly composed of individuals taking part in the rebellion and by the organization created by the same for the conduct of the government, the said excellent captain-general having stated that he congratulated himself upon the attitude adopted by Señor Paterno, and on account of the tendencies and proposals of those represented by Señor Paterno stated that he considered worthy of gratitude and praise the services rendered by that gentleman for the establishment of peace, and that he was animated by the sames desires himself, as he had shown in his proclamations of amnesty and in a large number of orders and decisions, he was accordingly ready to facilitate any steps taken toward the pacification, being ready to renounce the laurels of victory in the coming campaign, to avoid the shedding of blood, and any reasons for enduring hatreds and rancors between those who, having the same God and the same fatherland, ought to live in fraternal concord and a community of interests and of affections.

The excellent señor general in chief having received with benevolence the propositions formulated by Señor Paterno, the latter stated the chief desire of those whom he represented was to submit; that the future of those who lay down their arms on the altars of the country should be free from any penalty for the past, and that they should be supplied with the sums indispensable to their continued existence in the territory of the nation or in foreign parts; and considering these desires attainable and others unacceptable, both members of the conference having considered the matter with a thoroughness and from the lofty point of view which so difficult and important matter requires, the excellent Captain-General Don Fernando Primo de Rivera y Sobremonte, exercising the authority with which he is invested and the full and unlimited power which the Government of His Majesty has conferred upon him, and the excellent Señor Don Pedro Alejandro Paterno, in the name and as representative of the leader of the insurgents in arms and of the other two leaders who signed the powers delivered to him, which he has shown, agree to end the conflict which at present afflicts with desolation and with blood certain regions of the island of Luzon; the engagement being comprised in the following clauses:

I. Don Emilio Aguinaldo, in his quality as supreme leader of those in the island of Luzon now waging open hostilities against their legitimate Government, and Don Baldomera Aguinaldo and Don Mariano Llanera, who also

exercise important commands in the forces mentioned, are to cease their hostile attitude, surrender their arms that they are using against their fatherland, and are to surrender to the legitimate authorities claiming their rights as Spanish Filipino citizens which they desire to preserve. As a consequence of this surrender they obligate themselves to cause the surrender of such individuals as actually follow them and those who recognize them as leaders and obey their orders.

II. The surrender of arms will take place in accordance with an inventory on the —— day of ——, at the hour and place which will be decided upon. The military commander designated for this purpose by the excellent señor general in chief is to take charge of the same.

III. The surrender of the individuals referred to will take place, as far as concerns the leaders of bands or allied troops, with the formalities and at the time and place to be determined upon hereafter, each person surrendering himself to receive at the time of surrender a passport or pass which he needs to travel freely to the place where he wants to go. Spaniards, foreigners, and deserters from the army will not enjoy this privilege, but will remain in the hands of the military authorities, their cases to be disposed of as provided in the fifth and sixth paragraphs.

IV. All those who avail themselves of the provisions of this act will stand free from any penalty they have incurred from the offense of rebellion and kindred crimes, the excellent señor general in chief binding himself to concede general amnesty covering such offenses and to authorize the persons surrendering themselves to freely choose a residence in whatever portion of the Spanish territory or of foreign parts which they desire. This clause is not to be construed as conflicting with the provisions of the fifth and sixth clauses of the present act.

V. The deserters of the army who avail themselves of this act will be pardoned from any penalty, but will have to serve as soldiers in a disciplinary corps for the period which remained of their enlistment at the date of their desertion.

VI. The Spaniards or Americans and foreigners who present themselves claiming the benefit of this act will be comprised in the general pardon, but will be expelled from the Philippine Islands.

VII. The parties or bands which do not recognize the leadership of Don Emilio Aguinaldo nor obey his orders who claim the benefits of this act will obtain them in full-if they surrender themselves before the date set down.

VIII. The parties and bands which do not surrender before the date mentioned in the preceding paragraph will be pursued and treated as subject to the present laws covering such cases, or as parties of robbers and assassins, if, on account of their organization, the character of their leaders, or their own acts they appear to deserve such a description. Nor will the benefits stated accrue to those who surrender themselves immediately before they are to be attacked, or during the pursuit following an action.

IX. The excellent señor general in chief will provide the necessary means for supporting the lives of those who surrender themselves before the date given in the second paragraph, in view of the painful situation to which the war has reduced them, but he will negotiate only with Don Emilio Aguinaldo, through the Excellent Señor Don Pedro Alejandro Paterno.

X. And in case that any of the preceding paragraphs are violated the provisions of the whole act will remain null.

In testimony of which the Excellent Señor the Capt. Gen. Don Fernando Primo de Rivera, in the name of and as representative of the Government of His Majesty, and the excellent Señor Don Pedro Alejandro Paterno, in the name of Don Emilio Aguinaldo, bind themselves to execute the provisions of this act and sign it. Three copies of which are to be drawn up, one to be forwarded to the minister of war, one will remain in the office of the captain-general of the Philippines for reference and for execution, the other will be given to the arbiter, the excellent Señor Don Pedro Alejandro Paterno, the said gentleman stating in the name of those whom he represents that they confidently expect that on account of the foresignt of the Government of His Majesty that it will take into consideration and satisfy the desire of the Filipino people in order to assure them the peace and well-being which they deserve.

Mr. STEWART. If there is no one wishing to take the floor now——

Mr. LODGE. The Senator from Wisconsin [Mr. SPOONER] is ready to proceed.

Mr. STEWART. There are some very pressing treaties that the Department is very anxious should be passed.

Mr. LODGE. I hope not now.

Mr. STEWART. I am not going to speak on them.

Mr. LODGE. The Senator from Wisconsin is ready to proceed.

Mr. PATTERSON. I have just heard a short conversation between the Senator from Wisconsin and the Senator from Georgia [Mr. CLAY], and it is understood that the Senator from Georgia is to go on immediately.

Mr. SPOONER. If he desires.

Mr. STEWART. Of course, if anybody is ready to speak I shall not press my request.

Mr. PATTERSON. I do not think the Senator from Georgia is very anxious to go on now if the Senator from Wisconsin prefers to proceed at this time.

Mr. SPOONER. I told him that that course would be entirely satisfactory to me.

Mr. HOAR. I hope there will not be any executive session.

Mr. HAWLEY. I sincerely hope there will be, for I have 15 or 18 important names to report.

Mr. HOAR. Mr. President, I have the floor, and the Senator from Connecticut will agree with me when he hears what I was about to say. I hope there will not be any executive session just now. While, of course, the Senate must go on with this business, it is hardly fair to empty the galleries of their occupants, who have come to hear the debate, as we would have to do if we had an executive session of only a few minutes. So I hope it will be postponed until a later hour, after the debate for the day is over.

Mr. LODGE. If the Senator from Wisconsin will allow me, I move that when the Senate adjourns to-day it adjourn to meet on Saturday at 11 o'clock.

The motion was agreed to.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Allison,	Dubois,	McCumber,	Simon,
Bailey,	Elkins,	McLaurin, Miss.	Spooner,
Berry,	Foraker,	McMillan,	Stewart,
Blackburn,	Gallinger,	Mason,	Taliaferro,
Burnham,	Gamble,	Millard,	Teller,
Burrows,	Gibson,	Morgan,	Tillman,
Carmack,	Hale,	Patterson,	Vest,
Clapp,	Hawley,	Perkins,	Warren,
Clay,	Hoar,	Pettus,	Wellington,
Deboe,	Jones, Ark.	Platt, N. Y.	Wetmore.
Dietrich,	Kean,	Proctor,	
Dillingham,	Lodge,	Quay,	
Dolliver,	McComas,	Scott,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. CLAY. Mr. President, I occupy the floor to-day through the courtesy of the Senator from Wisconsin [Mr. SPOONER], and I shall not occupy exceeding forty or forty-five minutes of the time of the Senate.

I remember, Mr. President, that in 1898 I read an article in the North American Review entitled "What shall we do with the conquered islands?" by Senator JOHN T. MORGAN, and I remember that it made a very favorable impression upon my mind at the time I read it. I entertain now the same views which he expressed then in regard to the Philippine Islands, and before I begin my remarks I will read a part of that article in the North American Review. Senator MORGAN said:

The Government of the United States took no active part in promoting the regeneration of Hawaii, and it will not inaugurate or support a propaganda in the Philippines, either political or religious; but it should not deny to itself the right to give its encouragement to good government in those islands or to give to those people proper support against the unjust invasion of their rights by foreign powers. The fortunes of war have devolved this duty upon us.

Again I want to call attention to the views which Senator MORGAN expressed on that occasion, and I believe the views to be perfectly sound.

Annexation will not be a necessary or proper result of such moral or actual protection, because the United States is an American power, with high national duties that are in every sense American, and the Philippines are not within the sphere of American political influence, but are Asiatic, and should remain Asiatic.

All the American States are Christian, and in nearly all of them the political relations are dissolved between the church and the state, so that religion is free and untrammeled. In the Eastern Hemisphere the reverse condition has always been a source of discord that is apparently ineradicable.

Senator MORGAN said:

Freedom of religious opinion and conduct, under proper regulation, is an essential element in a true republic. Until this impediment is removed, which can not be done by mere political agencies, a republic like ours would find a barrier to the annexation of European or Asiatic countries which we could not attempt to surmount without danger to our own Government.

Senator MORGAN further said in this well-written and mature article:

All the American States being Christian and nearly all of them republican, it would be an uncongenial and dangerous situation if any of them should annex foreign territory having a people in authority who are antagonistic to both of these vital conditions.

Mr. President, I agreed with that article at the time I read it. I agree with it now. It expresses the views that I entertain in regard to the Philippine Islands.

I promised to-day, Mr. President, to take up only so much of the time of the distinguished Senator from Wisconsin, and I will now proceed with my remarks as I intended to make them.

Mr. President, this discussion has been continuous for many weeks. The arguments against this bill have been able, and I can not hope to add anything new to this discussion; but I have felt it to be my duty to give the views I entertain in regard to the policy we ought to pursue in dealing with the Philippine Islands.

I cast my vote in favor of the ratification of the peace treaty. I am to some extent responsible for the ratification of that treaty which gave to us these islands, and I feel that I must assume my share of the responsibility resting upon us for the ratification of that treaty. When we went to war with Spain the American people were well acquainted with the situation in the island of Cuba; they were familiar with the history of the Cuban people and of their relations with the Government of Spain. We had read of the revolts against Spanish supremacy and we knew the aspirations of the people of that island. We knew that these people had suffered for years on account of the cruelty of the Spanish Government, and to rescue these people from the hands of a cruel and tyrannical government we declared war against the Government of Spain.

When we declared war against the Government of Spain the American people were not acquainted with the situation then existing in the Philippine Islands. From a geographical standpoint

we knew very little about these islands or their population. We knew nothing of the history of the Philippine people; we were unacquainted with the location of their country, and knew nothing of the habits, education, customs, or traditions of the various tribes occupying the Philippine Islands. It will not be denied that at the time Admiral Dewey fought the celebrated battle at Manila Bay, which resulted in the triumph of the American Navy, that the American people were comparatively ignorant as to the location of the Philippine Islands, and certainly we knew nothing of the population of those islands. When we went to war with Spain to relieve the Cuban people and to give to them an independent government we did not have in view the acquisition of the Philippine Islands or any other territory. Doubtless if we had contemplated that this war would have resulted in the acquisition of these islands we never would have gone to the rescue of Cuba. The Philippine Islands came to the American people as a result of the war with Spain; we did not desire them; we did not need them. But regardless of our desires and wishes, these islands and their population fell to us as a result of the war with Spain. These acquisitions have brought to us grave and serious responsibilities. These responsibilities have not yet been solved, and in my opinion the policy which we have been pursuing since we acquired them, and which we are now pursuing, will never correctly solve this problem.

During the last four years we have acquired the island of Porto Rico, and the inhabitants of that island have accepted American sovereignty, and are reasonably satisfied with the government given to them by the American Congress. We have been much more liberal with the people of that island than we have been with the Filipinos. We have given to the people of Porto Rico self-government; we have given to them a general assembly, and they are permitted to elect the popular branch of that general assembly from their own people, and the people of Porto Rico to a large extent control and regulate their own internal affairs. It is true that in one instance, where we discriminated against the people of this island in tariff laws, they became dissatisfied and hostile to American authority; but wherever we have shown a desire to be just to the people of Porto Rico, recognizing that they have the right to control their own internal affairs, such action on our part has resulted in bringing about a warm and cordial friendship between the people of that island and the American people. Cuba has at last become an independent republic. We have carried out in good faith the pledges we made to the people of Cuba; we have permitted the Cuban people to form a constitution, to organize a republic, to put in operation a government of their own. All three branches of the Government—executive, judicial, and legislative—are in the hands of the Cuban people.

What has been the result? They have never resisted American authority and American arms; we have never had to fire a gun to maintain law and order in the island of Cuba. We have dealt justly with the people of Cuba; we have recognized the obligations we owed to these people, and this course upon our part has been appreciated by the intelligent population of Cuba. Such generosity has resulted in bringing about the most cordial relations between these two peoples. Instead of war and strife, we now have and will continue to have friendly commercial relations with the people of the island of Cuba. Take the Hawaiian Islands. When we acquired these islands we immediately gave to the people of these islands a Territorial form of government, which left the internal affairs of the islands almost entirely in the hands of their own people. What has been the result? Such action upon our part has been appreciated by the inhabitants of those islands. They recognize the fact that Congress has been just and true to the principles which have governed us in the past and which have made us a Republic without a parallel in the history of the world. In the acquisition of the Hawaiian Islands we did not depart from the great fundamental principles which have governed us in the acquisition of territory since the formation of our Republic.

We have had no trouble with either Cuba, Porto Rico, or the Hawaiian Islands. It has never been necessary for us to fire a single gun to maintain law and order in either Cuba, Porto Rico, or the Hawaiian Islands. The American flag is respected, honored, and loved in Porto Rico and in the Hawaiian Islands. In dealing with the people of these islands we have regarded their wishes and desires; we realized that these people loved liberty; that they had aspirations to control their own affairs, to make their own laws, and to administer these laws by their own people. We yielded to their wishes and desires and good results have followed. The same principles applied to the population of the Philippine Islands would have produced similar results. Human nature is the same the world over, and when you tell me that the people of the Philippine Islands can not appreciate liberty and self-government, then I tell you that you do not understand human nature. If we had pursued the same course toward the population of the Philippine Islands that we have pursued toward our other newly acquired possessions, we would have had a different result. I merely refer to these acquisitions to illustrate what might have been accomplished had we pursued a wise, just, and conservative course toward the people of the Philippine Islands.

When the peace treaty was before Congress for ratification I was one of the Democrats who gave my vote in favor of its ratification. By that ratification I did not mean to sanction an unjust, tyrannical, cruel, and impolitic course toward the people of the Philippine Islands. I disagreed with the majority of my party associates in casting that vote, but while I did so I have always agreed with my party in regard to the policy we ought to pursue toward the people of these islands since the ratification of the peace treaty. I wish to give the reasons which governed me in casting my vote in favor of the ratification of the treaty. I was exceedingly anxious to agree with the majority of my party associates. I doubtless received severe criticism at their hands for casting my vote in favor of the ratification of the treaty. I wanted to agree with them, but viewing the question as I did, I consulted my own conscience and judgment and did what I believed to be right and best for my country in casting that vote, and will now give my reasons for so doing.

After the battle of Manila Bay, and after the surrender of the city of Manila, I learned something of the geography and the population of the Philippine Islands. I learned something of the history of the Philippine people and of their struggles for liberty against the Spanish Government; I learned something of the services which the Philippine people and the Philippine army gave to the American army in subduing the army of Spain in the Philippine Islands; I learned that these people had been struggling for three hundred years against the Spanish Government, fighting for recognition and independence; I learned that practically the same conditions existed in the Philippine Islands that had existed in the island of Cuba for more than a century. While the people of the Philippine Islands, a few years previous to the time we declared war against Spain, had agreed to lay down their arms and submit to Spanish authority, they did so with the promise of many reforms on the part of the Spanish Government. Truth told me that when our navy went to Manila and destroyed the Spanish fleet that we found the same conditions existing in these islands that had so long existed in the island of Cuba. The population of these islands had complained of tyrannical rule; they had sought by all possible means reforms at the hands of the Spanish Government; they had risen in insurrection year after year to throw off the Spanish authority and to put in operation a government of their own, but they had failed for want of sufficient strength. So soon as we fought the battle of Manila Bay, and the American Navy was victorious, the people of the Philippine Islands immediately took hope, and recognized that with the assistance of the American Army and Navy they could win their independence.

After the surrender of the city of Manila the Spanish army was practically crushed in these islands, and I realized that, to some extent, the people of the Philippines had doubtless been instrumental in aiding us to crush Spain and her authority in these islands. When Spain sued for peace these conditions existed in the Philippine Islands. By the joint operation of the American and Philippine forces Spanish authority had been crushed in the Philippine Islands. During the negotiations for peace these conditions existed. I do not believe that we would have been just to the people of the Philippine Islands if we had left them to the mercy of Spain. We went there; we accepted their aid; we found the same conditions existing there that had so long existed in Cuba, and I hardly thought that the peace commissioners—appointed to negotiate a peace treaty between Spain and our Government—could afford to leave the Philippine Islands in the hands and at the mercy of Spain. That peace treaty provided that Spain should relinquish her sovereignty over the island of Cuba, which relinquishment was to leave Cuba a free and independent country. The peace treaty provided that Spain should cede the island of Porto Rico to the United States, which gave to us title to Porto Rico, and American sovereignty was asserted over the population of that island.

The peace treaty ceded the Philippine Islands to the United States. I believe that when the treaty was negotiated we ought to have provided that Spain should simply relinquish her sovereignty over the Philippine Islands. Then the people of the Philippine Islands would have been left in the same condition in which Cuba was left. But the peace commissioners, instead of using the word "relinquish," used the word "cede," and consequently, by virtue of the treaty, we acquired to the Philippine Islands whatever title Spain had to those islands at that time. When Senator VEST moved to amend the treaty so as to strike out the word "cede" and substitute the word "relinquish" I voted in favor of the amendment, but this amendment was defeated. Then the next question that came to my mind was, Should I vote for or against the ratification of the treaty? If I voted

against the ratification of the treaty, and the treaty was rejected, what would be the result? We would have to negotiate a new treaty; months might transpire before a new treaty could be negotiated; many complications, it struck me, might arise whereby the war between Spain and the United States would be continued, and the commercial relations of my country might be seriously affected. Besides, I felt sure that an extra session of Congress would be called. My party had lost heavily in the election, and undoubtedly the treaty would be ratified at the extra session of Congress. Now, during this interval, it struck me, serious results might follow.

If we rejected the treaty made by our commissioners sent to represent our Government, for months our relations with Spain would be involved in doubt and uncertainty, and doubtless the business interests of the country would suffer largely. I did not believe that the Government of the United States would be benefited by the acquisition and retention of the Philippine Islands; I did not believe that we ought to acquire and permanently retain the Philippine Islands, and I did not believe that we ought to leave the population of the Philippine Islands to the mercy of Spain. Really, I thought that we ought to require Spain to relinquish all sovereignty she had ever held over these islands and to leave the population of the islands to govern themselves. This was the course that I preferred, but I could not get what I wanted. Then the next question that presented itself to my mind was, Is it not best to ratify the treaty, to do away with Spanish sovereignty in the Philippine Islands, to settle our relations with Spain, to end the war, and bring about permanent peace? When this was done we could immediately legislate and provide for a free and independent government for the people of these islands. We could then deal with them as we did deal with Cuba. My own convictions led me to the conclusion that I ought to vote in favor of the ratification and to declare in favor of a policy toward the people of the Philippine Islands which would eventually lead to self-government for these people.

While I voted against the majority of my party in favor of the ratification of the peace treaty, I have never wavered for a single minute on the question as to our duty in the Philippine Islands. I have agreed with my party on every question which has arisen since the ratification of that treaty in regard to our conduct toward these people. I said at the time the treaty was ratified that I favored a policy which would eventually give to the people of these islands the control of their own affairs. Now, I do not desire to be misunderstood. I believe that when the peace treaty was ratified the Government of the United States acquired a good title to the Philippine Islands. I believe that the Philippine Islands belonged to the Government of Spain. I do not contend that the people of the Philippine Islands had achieved their independence before we fought the battle of Manila Bay. I am not certain that the people of the Philippine Islands would have acquired their independence without the aid of the Government of the United States. In all probability after the battle of Manila Bay and after the surrender of the city of Manila, without our aid, these people would have achieved their independence. I do not contend that they had a government of their own and that they had won their independence before the battle of Manila Bay. In fact, history teaches me that they had not won their independence. They were contending for their independence. As soon as these people learned that our Government was fighting Spain they became more hopeful and determined, and through our aid they doubtless would have achieved their independence.

After we ratified the peace treaty, and after we had been the recipients of their aid in the war with Spain, knowing at the same time that these people were aspiring for self-government, I could not see how the American people could deny to them their right of self-government. I am unalterably opposed to the permanent retention of the Philippine Islands with a view of making them an integral part of the United States. I can not imagine a greater calamity to my country than to give these people representation in both branches of Congress. If we divide them into States and give them representation in proportion to their population, these people will be entitled to more than 50 members of the lower House of Congress and to about 12 Senators. I do not believe that the American people will ever tolerate any such policy. Such a course would, in my opinion, result in the ruin and destruction of our Republic. I do not believe that Congress will ever pursue any such policy. I did not vote for the ratification of the peace treaty expecting any such results; I gave my vote in favor of the ratification of the peace treaty hoping and believing that Congress would have the wisdom and patriotism to meet the duties we owed to these people, and that we would at an early date declare a policy which would result in putting into operation a government in the Philippine Islands capable of maintaining law and order and carrying out international obligations. I believed that we would pursue such a policy as we have pursued in Cuba, and that we would aid the Philippine people in forming a constitution and putting in operation such a government, and that so soon as we carried out the duties and obligations we owed to these people we would withdraw from the Philippine Islands.

At the time we ratified the peace treaty I expressed these same views, and every Senator, on both sides of the Chamber, who spoke in favor of the ratification of the treaty expressed substantially the same views. I did not believe after the ratification of the treaty that Congress would pursue the policy which we have been pursuing. I did not believe that we would force American authority on the people of the Philippine Islands against their will. I did not believe that we would sacrifice thousands of lives and millions of dollars to crush the aspirations of the people of these islands. Neither have I indorsed, nor do I now indorse, the policy which we have pursued and which we are continuing to pursue in these islands. I do not believe such a policy to be just, wise, or patriotic. I have never believed, nor do I now believe, that it was our duty to abandon the Philippine Islands immediately after the ratification of the peace treaty. By the ratification of that treaty we assumed certain duties and obligations to the people of those islands. I believe that it was the duty of the United States to continue to occupy and govern the said archipelago until the people there have established a government and until such guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants that have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. CLAY. With a great deal of pleasure.

Mr. BEVERIDGE. How long does the Senator think it would take to accomplish what he says he wants?

Mr. CLAY. I do not know, and I do not presume even my friend the Senator from Indiana knows.

Mr. BEVERIDGE. I do not know.

Mr. CLAY. But I do say this: I believe if at the time we ratified the treaty we had declared the policy we intended to pursue toward the Philippine Islands, assuring those people that as soon as they put in operation a civil government capable of carrying out our treaty obligations and maintaining law and order, before this time the Philippine people would have had a civil government, and we would have been at perfect peace with those people from that time to the present period.

I believed that it was the duty of the Government of the United States to declare by act of Congress our final policy in regard to the Philippine Islands. I have believed, and still believe, that it was the duty of the Government of the United States to proclaim to the people of the Philippine Islands that so soon as all armed resistence to the United States has ceased in said islands, and so soon as the people of those islands, with our aid, shall put in operation a government to be administered by the Filipino people capable of maintaining law and order and carrying out international obligations, then we will withdraw from those islands.

I do not believe any Senator on this side of the Chamber has ever declared that we ought to have left the Philippine Islands when the treaty was ratified. The substitute of the minority which we have been considering provides that our Army, our sovereignty, shall stay in the Philippine Islands until a stable government is established, and when that is done that we will leave the islands. The Democratic party has never contended that we should leave the Philippine Islands without carrying out all of our obligations. The real issue between the two parties is whether or not we shall declare what shall be our final policy between the people of the Philippine Islands and the United States. Those of us on this side of the Chamber believe that when those people understand us and see that we intend eventually to give to them the right of self-government, such action on our part will be appreciated and will bring about peace between those people and ourselves.

Said government must, however, be a stable one, capable not only of maintaining law and order, but of carrying out all of our treaty obligations. I have never favored leaving the people of the Philippine Islands in a state of anarchy. I have believed, and still believe, it was the duty of our Government to aid these people in establishing civil government in the Philippine Islands. These people were ready and anxious to receive our help. At the time of the surrender of the city of Manila they cherished toward us the warmest friendship, and the most cordial relations had existed between these two peoples since we entered the Philippine Islands. They never became hostile to us until they conceived the idea that we intended to take their country and to assert American sovereignty there. We knew they were a suspicious people. If we had been cautious and careful to retain their friendship, such a course would have been a blessing to us and to them. These people have desired from the time we entered

the Philippine Islands to the present time to know what course we intended to pursue toward them. They have sought in vain to find out what action Congress intended to take in dealing with their country.

Every step we have taken since the ratification of the peace treaty, in my opinion, has been unwise and unjust. We could have avoided the firing of a single gun; we could have retained the friendship of these people without the sacrifice of life and treasure, and we could have maintained the honor and dignity of our Government. Since we ratified the treaty we have sacrificed the lives of nearly 5,000 American soldiers to maintain our present policy, and we have spent more than $350,000,000, and these great sacrifices are not yet at an end, all of which could have been prevented by our Government setting forth the policy we intended to pursue toward these people. In order to deal with the people of the Philippine Islands, it becomes absolutely essential that we study the history of these pepple; that we know something of their surroundings, of their aspirations, of their traditions. History teaches us that for more than three hundred years these people have been almost continually at war with Spain.

During all this period why have they been at war? Why have they cost Spain millions of dollars and thousands of lives? We must interpret their aspirations and desires if we reach a correct solution of our present troubles. These people have always aspired to self-government; they have always resisted the authority Spain endeavored to exercise over them, because they sought to be an independent and self-governing people. The same motives that governed these people in their dealings with Spain will govern them in their dealings with us in the future. You may send American commissions across the ocean to make and execute their laws, and to levy and collect their taxes. These people will submit to the laws of such commissions so long as they are forced to do so by an American army, but no longer. When the American soldier leaves the Philippine Islands, the Filipinos will resist American authority and kill and murder American officials.

It is human nature, Mr. President. When you send five American citizens, I care not how intelligent they may be—and I have no criticism to make against the character of the Philippine Commission—to the Philippine Islands to make their laws, it is galling to the people of the Philippine Islands, and it will create eternal enmity between those people and us.

The Democratic party has recognized the duty which we owe to the Filipinos. The Democratic party has been in favor of remaining in the Philippine Islands until civil government shall be established capable of maintaining law and order and carrying out treaty and international obligations. The Democratic party has not been in favor of leaving the Philippine Islands to anarchy and chaos. We have been in favor of remaining in these islands until we carried out every obligation which we owe to these people and to other countries, but we have said from the day the treaty was ratified that these obligations which we owe to these people could be easily carried out if we would only declare to them that so soon as they carried out our obligations and put in operation such a government as I have described above, then we would leave the islands to the government of their own people.

We have maintained that such a declaration upon our part would necessarily give satisfaction to the people of the Philippine Islands; that they would readily accept the aid we would render them in establishing civil government, and that such a policy, put in operation at the time the treaty was ratified, would have prevented the cruel and heartless war that has been going on in these islands for more than three years. Who doubts that such a policy would have given immediate satisfaction to the people of these islands? These people would have seen that it was our purpose to aid them in establishing civil government—to aid them as we have aided Cuba. The entire population of those islands would have cherished the deepest sense of gratitude to the American Government. They would have accepted any suggestion coming from us in regard to civil government. They would have been our friends for all time to come, and the trade and commercial benefits which Germany and Great Britain are enjoying at their hands to-day would now be flowing into the Treasury of our people. I assert, and I do not believe it can be successfully contradicted, that such a policy on our part, immediately after the ratification of the treaty, would have resulted in the pacification of the islands, and civil government would have been established there long ago.

The American soldiers whose lives have been sacrificed in the Philippines would have been spared, and the friendly and cordial relations which first existed with these people would have been maintained. We have made an egregious blunder in the policy which we have pursued and which we are still continuing to pursue. During the three years of horrible war which has existed in these islands, what benefits have we reaped? We have seen the lives of thousands of our soldiers sacrificed, and millions wrung from the taxpayers of our country needlessly spent. We have seen the towns and cities of these people burned to the ground; we have seen their fields devastated, and probably more than half a million of their population perish as a result of the war. I do not care to discuss the horrors which have been detailed before the Philippine Committee; they bring shame to my country; I prefer to pass them by. They constitute a period in the history of my country which I wish could never be written. This war could have been prevented.

The policy advocated by the party to which I belong would have prevented the war; the 70,000 soldiers we have kept there so long, or the most of them, could have been kept at home. Such a policy as we have advocated would have prevented hostilities and would have enabled us to establish civil government there without war. These people knew that they were weak; they knew that when Spain was driven away from the islands that they needed our assistance. They never thought of going to war with the Government of the United States. They only went to war when they reached the conclusion that we intended to sustain toward them the same relations that Spain had sustained. Doubtless they misjudged our course. I do not believe that we intended to deal harshly with them, but when they reached the conclusion that American sovereignty would be asserted over the islands, then these people came to the conclusion that while Spain's cruel rule was at an end that American rule would be equally cruel. In dealing with these people it was absolutely essential to know their aspirations, to understand their wishes, to be familiar with their history, and with their struggles for self-government. They had suffered severely at the hands of Spain, and were a suspicious people.

Hence statesmanship required the utmost care upon our part to avoid any conflict with them. We should have made every effort within our power to retain their confidence and friendship and to assure them that our final purpose was to grant to them their life-long wishes and desires. When the history of our relations with the Philippine Islands since the ratification of the peace treaty shall have been written, and truthfully written, the historian can not fail to record the fact that this cruel and destructive war which has gone on in these islands during that time was the result of the failure on the part of Congress to set forth a liberal policy toward the people of these islands. In less than a dozen lines Congress could have provided for the final independence of the people of the Philippine Islands. It was not necessary to leave the islands at once. All that these people have asked was simply a declaration on the part of Congress setting forth the final policy of our Government toward these people after civil government was put in operation there.

Now, what is the real issue between the two parties? Both political parties agree that this Government should stay in the Philippine Islands until civil government is established. The Democratic party says that we should relinquish our sovereignty there as soon as civil government is established. The Republican party fails to declare a policy. Step by step they continue to exercise authority over the Philippine Islands without giving to these people any assurance as to what our final policy shall be. This is the real issue between us. The policy which the party in power has pursued has resulted in a continuous war; has created antagonisms that will probably last for a century. The policy the Democratic party has favored would have prevented the war, and would have enabled us to establish in those islands civil government by peaceable means. We are told by those who favor the policy of the party in power that the Filipinos are friendly to American rule. I do not believe that 5 per cent of the population of the islands are in reality friendly to American rule. They are friendly because of American arms, and if they were left free to act without force these people would be almost unanimous against American authority. In all probability we have destroyed during the last three years half a million of these people. I do not mean that we have killed that many, but as a result of the war half a million have died. Old men, women, and children have been killed, cities have been burned, towns have been destroyed, and fields have been devastated.

I make no complaint against the American soldier. Such destruction as I have detailed above is not unusual in war. But do you tell me that when these people have suffered so greatly at the hands of the American Army that in reality they are friendly to American rule? The advocate of such a policy is unacquainted with human nature. Do you suppose that they so easily forget that their children have been killed, that their homes have been burned, and that their country has been almost ruined? They may be a weak and inferior race, but the horrors resulting from the war which have been detailed before the Committee on the Philippine Islands will not be forgotten. It will take a century to eradicate from their minds the sufferings which they have endured at our hands. I can not calculate the injury which will result to the American people by reason of the hatred these people

will cherish for us for centuries by reason of this cruel war. I feel that the policy which the minority have advocated is a just one.

The venerable Senator from Massachusetts has represented his State with honor and distinction in this body for nearly a quarter of a century. His valuable public services are appreciated by the American people, but when his history shall have been written the services which he has rendered his country in his continuous opposition to the policy of his party will give to him an imperishable fame. The last services of his public life will be his most glorious, and history will do him justice.

But, Mr. President, I rose for the purpose of discussing the bill now under consideration and not for the purpose of discussing our general Philippine policy. Nearly every act of ours since the ratification of the peace treaty has intensified the hatred between these people and ours.

Mr. President, I have pointed out the fact that the policy which we have pursued in dealing with the people of the Philippine Islands heretofore has resulted in creating antagonisms, and the continuation of such policy will never result in the pacification of the islands. I have further pointed out the fact that originally these people were our friends and cherished toward us the deepest sense of gratitude for the services which we rendered to them in their struggle with the Government of Spain. There can be no dispute about the fact that these people, previous to the ratification of the peace treaty, entertained toward the American Army and toward our Government the deepest sense of gratitude and we had every prospect of retaining their permanent friendship. Such friendship would have resulted in developing commercial relations with these people of great advantage to our country. Step by step they have drifted away from us until we have at last realized that these people have become our inveterate foes. It is well enough to inquire why this change of sentiment among the Filipino people toward Americans.

It becomes a duty of all thoughtful men to seek to remedy this condition of affairs and to pursue a policy which will restore the cordial relations heretofore existing and which are so necessary for the happiness and welfare of the people of these islands. When we build up and advance the interests of these people, when we give to them stable government to be administered by their own people, and give them a higher and better civilization, they will then understand the benevolent purposes of our Government, and such a course will result in bringing about the peace so much desired. I repeat, Mr. President, I did not rise for the purpose of discussing our general Philippine policy. I did not rise for the purpose of narrating the many cruel and heartless deeds charged as a result of the war now going on in the Philippine Islands, which deeds are deplored by all good men. It gives me no pleasure to refer to these atrocious acts. They bring shame to every true American.

But, Mr. President, the fault does not lie in our Army. The system of government which we have inaugurated in the Philippines is responsible for such results. The policy inaugurated by the party in power has led to this course. Congress has been silent as to the policy we intended to pursue. These people have asked in vain. They have sought by memorial after memorial for a declaration on the part of Congress as to what course we intend to pursue with the people of these islands, and I regret to say that they have sought in vain. If their petitions had been heard and Congress had spoken in no uncertain terms, peace would have been restored and the friendship of this people would have been retained, our commerce with them would have increased more than fivefold, thousands of lives that have been sacrificed would have been saved, and millions of dollars recklessly spent would have been saved to the American people. It will take more than a century after we reverse our action to eradicate the hatred and ill will implanted in the hearts of these people against our Government. Do you suppose they will forget at an early day that we have burned their cities and destroyed their homes? I answer no.

But, Mr. President, I am anxious to discuss some of the provisions of this bill. I maintain that the provisions of this bill, instead of having a tendency to bring about peace and reconciliation between these people and ourselves, will have the opposite effect. When we endeavor to legislate for these people and dispose of their country without giving them any voice whatever in such legislation, you may necessarily expect the intelligent and educated people of those islands to resent such a course. If you suppose these people are without ambition and pride you have misjudged them. History teaches us that many of the inhabitants of the Philippine Islands are graduates of colleges and skilled in the science of government. When this class of people realize that we are endeavoring to legislate for their country and that they are deprived of the right to participate in making and executing their laws, these people will become restless and dissatisfied. They will resent your intrusion, they will resent American control, and they will lead the great masses of the people of the Philippine Islands to continuous war against the unjust policy which we are now proceeding to inaugurate in those islands.

When the Spooner resolution was passed all military, civil, and judicial powers necessary to govern the Philippine Islands were vested in the President of the United States. He had absolute power to control the affairs of the islands, and to enable him to execute these powers he was backed by the American Army. No one thought that this power was to be permanent. No one thought that the President of the United States, for any considerable length of time, would be authorized to govern the Philippine Islands, composed of nearly ten millions of people.

President McKinley, in his message to Congress on the 5th of December, 1899, said:

> As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands.
>
> To give effect to the intention thus expressed, I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke I. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, commissioners to the Philippine Islands, to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

In defining the power to be exercised by the Philippine Commission appointed by the President, the executive branch of the Government, in his message, said:

> Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide.

In further defining the powers of the Philippine Commission, the President said:

> Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs, duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The President also said:

> The Commission will also have power during the same period to appoint to office such officers under the judicial, educational, and civil-service systems and in the municipal and departmental governments as shall be provided for.

In other words, by Executive order the Philippine Commission was empowered to exercise full and complete authority in legislating for and in controlling the Philippine Islands. The five American citizens appointed to go to the Philippines and establish civil government were clothed with all the power and authority necessary to legislate for the people of those islands. Their power to legislate and control the islands was without limitation. No Czar ever exercised more power than these men were authorized to exercise.

The Philippine Commission was originally composed of five American citizens, a majority of whom had never seen the Philippine Islands until after they were appointed. They knew nothing about the inhabitants—the conditions, aspirations, and surroundings of these people. Notwithstanding this fact, five American citizens were appointed to legislate and establish civil government in the Philippine Islands. They crossed the ocean, took up their residence in the city of Manila, and, since they were appointed, they have really been the civil government in the Philippine Islands. They had the right to levy and collect taxes and to make laws and rules and regulations necessary for the government of these islands. The entire population of the Philippine Islands must look alone to these five American citizens to make laws, to define and punish crimes, to levy and collect taxes. In fact, all the legislative and executive power necessary to govern the islands was vested in the Philippine Commission, composed of five American citizens, and the people of these islands have had no voice in establishing civil government. The friends of the Spooner resolution contended, at the time of its passage, that it was to be of a temporary character and was only to last until civil government could be established, and then the control of the internal affairs of the islands would be placed in the hands of the people of those islands. I had hoped, Mr. President, that when the party in power attempted to provide a permanent government for the Philippine Islands, a time would be fixed when the power granted in the Spooner resolution would come to an end, and when the Philippine Commission, composed originally of five American citizens, would cease to be styled the Philippine government; that their

power to legislate would cease to exist, and gradually the people of the Philippine Islands would be permitted to control their own affairs.

They have sought for such ends and are still seeking for such ends, but this bill which we now have before us does not give to them a single ray of hope. If the people of the Philippine Islands accept this legislation and do not resent this intrusion on the part of our Government, then they are unfit for slaves, much less to be freemen. Thus far, Mr. President, we have not discussed in detail the provisions of this bill.

Section 3 of the bill provides—

That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes as set forth by said order were to be levied and collected at all ports and places in the Philippine Islands upon the passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed; and the actions of the authorities of the government of the Philippines, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved.

We know that the Philippine Commission, composed originally of five American citizens, without consulting the people of the Philippine Islands, fixed the schedule of tariff duties and taxes in the Philippine Islands. The entire population of these islands were deeply and vitally interested in the question of taxation—both the collection and the expenditure of these taxes. Notwithstanding this fact, thus far they have had no voice either in the levying or the collecting and distribution of these taxes. The intelligent and educated Filipino has complained bitterly because the Filipinos have been ignored when this legislation was put into effect. The bill that we now have before us provides for the continuation of such taxes, and the powers heretofore exercised by the Philippine Commission, on the line suggested, are continued. In fact, this bill contemplates that, for all time to come, the Philippine Commission shall be the real legislative power for the Philippine Islands.

You call it a temporary bill, but this bill is permanent so far as this Congress can make it so; and this bill will stand on the statute book until you repeal it, and it will govern the people of the Philippine Islands for a hundred years to come unless you repeal it. It is permanent legislation, so far as Congress can make it permanent, and the Philippine Commission, by virtue of the authority you give them, will last to-morrow, it will last next week, it will last next year, it will last one hundred years, unless Congress see fit and proper to repeal the law giving the Commission this power.

The truth of it is, Mr. President, that this is a bill providing for a permanent government. It is true that the bill says that it is to provide a temporary government, but there is nothing in this legislation which would show that it is temporary. It is permanent so far as the bill is concerned, and when the people of the Philippine Islands shall read this bill and study it they will reach the conclusion that the Philippine Commission next year, and for a hundred years to come, is to be the real legislative power in the Philippine Islands.

Mr. President, we are told that there are intelligent lawyers in the Philippine Islands and highly educated men. When these people reach the conclusion that they are to have no voice in their affairs, but that the Philippine Commission is to govern them, you may expect dissatisfaction and trouble with those people in the future.

Why, Mr. President, if you will study the constitution which they framed there just before the ratification of the treaty, you will see that the men who drew that constitution were familiar with the principles of our Government. It was framed and fashioned after the principles of our Government, and I say when we presume that the entire population of the Philippine Islands are ignorant we make a very serious mistake. It is true that only a small per cent of them are highly educated and acquainted with the science of government; but, if we are correctly informed, the great masses of the people in those islands rely implicitly upon the leadership of those who are intelligent and who are versed in the science of government.

When the people of the Philippine Islands desire improvements, when taxation becomes necessary, when they want courts, when the power of the courts are to be defined, these people have no voice and must look alone to the Philippine Commission, composed of American citizens, to legislate for them. This bill contemplates that the Philippine Commission shall be a permanent institution. The laws which this Commission have enacted heretofore are ratified and approved, and this Philippine Commission will have more power over the people of the Philippine Islands than the American Congress exercises over the people of the United States. It will not be disputed that when this bill refers to the Philippine government it evidently means the Philippine Commission. There is no government in the Philippine Islands except the Philippine Commission. There is no one authorized to exercise the functions of government except the Philippine Commission. The five American citizens appointed by the President of the United States to cross the ocean and to settle in the city of Manila exercise all the functions of government in the Philippine Islands.

They not only define crime, but the life, liberty, and property of the inhabitants of those islands are absolutely and unconditionally in the hands of this Commission. I am utterly shocked that this bill contemplates that the powers given to this Commission shall never cease. So far as this bill contemplates there is no end to their powers.

Section 11 provides that the government of the Philippines, which really means the Philippine Commission, shall make rules and regulations for the lease, sale, and other disposition of the public lands. History teaches us that there are more than 65,000,000 acres of these public lands in the Philippine Islands. Notwithstanding this fact the Philippine Commission is empowered to provide rules and regulations for the lease and sale of the public lands. These lands constitute more than 75 per cent of the entire lands in the Philippine Islands. Notwithstanding this fact this Philippine Commission, which in reality ought to be called an American commission, is empowered to dispose of these lands without consulting a single inhabitant of these islands. If we ever intend to give these people any voice in the administration of their own affairs, we certainly should not dispose of these lands until these people have been given a controlling voice in their affairs.

I understand, Mr. President—and I am sure I have seen it so stated—that General MacArthur has recommended that the public lands in the Philippine Islands be kept together; that they be preserved until we know the status of the Philippine Islands, until we determine what we shall do there; and notwithstanding that fact the Philippine Commission is empowered to dispose of more than 75 per cent of the lands in the Philippine Islands.

Section 13 provides—

that, pending the preparation and until the adoption of rules and regulations as provided in section 8, the government of the Philippines—

Which is really the Philippine Commission—

is hereby authorized and empowered, on such terms as it may prescribe, to lease, let, and demise to actual occupants, settlers, and others, for a term of not more than five years, such parts and portions of the public domain other than timber and mineral lands of the United States in the Philippine Islands as it may deem wise, not exceeding 160 acres, or its equivalent in hectares, to any one person, nor more than 5,000 acres to any corporation or association of persons.

I believe that has been amended so as to read 40 acres. When they come to the Filipino they have amended the bill so as to give him but 40 acres, but they leave in the bill the provision in regard to corporations so that they can still have 5,000 acres.

Now, I go further. Take section 15. Those who have taken the trouble to investigate the conditions existing in the islands know the value of the forests of these islands. We know how deeply these people and their children are interested in the preservation of these forests. This section provides that timber, trees, forests, and forest products on lands leased or demised by the Philippine government shall not be cut, destroyed, or removed, except by special provision of said government and under such regulations as it may prescribe. Mark you, Mr. President, the timber and the trees and the forests can only be cut and destroyed by permission of the Philippine Commission. If there is anything the Philippine Commission is not authorized to do in this bill I have been unable to find it. The Philippine Commission, which in reality ought to be called the American Commission, have the right to authorize all the timber, the trees, and the forests in these valuable lands to be cut and destroyed; they can do so, notwithstanding the fact that every Filipino in those islands may protest against such a course. In fact, this bill contemplates that the Philippine Commission, composed of American citizens, shall have the right and privilege to dispose practically of all of the lands before any civil government is ever established in the Philippine Islands by and for the Filipinos.

Section 18 also provides "that all valuable mineral deposits in public lands in the Philippine Islands, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the land in which they are found to occupation and purchase by citizens of the United States, natives of the Philippine Islands, and persons who have, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands." Thus far we have seen, by virtue of the provisions of this bill, that this same Philippine Commission, which is to last always, so far as this legislation contemplates, is empowered to dispose of the lands and the timber and the minerals located in those islands. The bill is long and embraces many sections, and time will not permit me to analyze every section.

I should like to go through a dozen more sections and give the views which I entertain regarding them. I am afraid that we have devoted too much time in this discussion to the general Philippine policy and have not said enough about this bill. The truth

is that 90 per cent of the time we have discussed the general Philippine policy and have not said a word about the bill upon which we are to vote.

This same Philippine Commission, by section 64, is authorized to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain, and by section 66 this same Philippine Commission is given additional powers, for this section provides that all lands acquired by virtue of section 65 of this act shall constitute a part and a portion of the public property of the Philippine Islands, and may be leased, let, sold, and conveyed by the government of the Philippines on such terms and conditions as it may prescribe. This Philippine Commission is not only authorized by the provisions of this bill to exercise the right of eminent domain and sell bonds for the purpose of buying the lands belonging to the friars, but they are also empowered and authorized, after they have purchased these lands, to sell them on such terms and conditions as they may prescribe. They can sell these lands for $10 an acre or for 5 or 10 cents per acre. Where in the history of the world will you find such powers as this bill gives to the Philippine Commission, commonly called the Philippine government?

That is not all, Mr. President. This is a wonderful bill. No czar, no king, no man has ever been known to exercise the power over a race of people that this bill gives to the Philippine Commission over the people of the Philippines. I say, Mr. President, they can make laws; they can define crimes, and the life, liberty, and property of the Philippine people are absolutely in the hands of the Philippine Commission.

A careful perusal of the bill shows that the same Philippine Commission, originally composed of five American citizens, may grant franchises, privileges, and concessions, including authority to exercise the right of eminent domain for the construction and operation of works of public utility and service. This is an important right—one that will materially affect the future development of those islands, and one about which the intelligent people of those islands ought to be consulted. The Philippine Commission by provisions of this bill is not only authorized to levy and collect taxes, to make laws for the government of these people, to dispose of the public lands in those islands, to cut and destroy the timber thereon, to dispose of the mineral and coal interests located thereon, and to grant franchises, privileges, and concessions, but this same Philippine Commission is authorized to go still further.

I do not know what amendment the junior Senator from Massachusetts has moved to that provision of the bill to-day, but I do not think it has been materially affected.

Section 72 of this bill is a remarkable one. My attention was called to this section of the bill by a Senator on the other side. We know that the city of Manila is a city of a population of nearly 300,000 people, and Governor Taft tells us, in his testimony before the Philippine Committee, that in point of morals and intelligence the city of Manila will compare with any city in the United States of a similar size. In this city can be found eminent lawyers skilled in the science of government, teachers, students, bankers, and physicians. Governor Taft tells us that the bar of the city of Manila is composed of many eminent lawyers, graduates of the universities of England, France, and Germany. It would seem that the party in power would be willing for the city of Manila to exercise the functions of municipal government; but not so.

Section 72 of this bill provides that for the purpose of providing funds to construct sewers in the city of Manila and to furnish it with adequate sewer and drainage system and supply of water this same Philippine Commission is authorized to permit the municipality of Manila to incur indebtedness, to borrow money, to issue and sell, upon such terms and conditions as it may deem best, registered or coupon bonds to an amount not exceeding $4,000,000, lawful money of the United States, payable at such time or times as may be determined by the government of the Philippines, which is really the Philippine Commission, with interest thereon not to exceed 5 per cent per annum. This Philippine Commission is authorized to expend this money. When the people of the city of Manila are told that they can not issue bonds, that they can not carry on a municipal government except under the direction of this same Commission, composed of American citizens, what effect will such legislation have upon the inhabitants of that city?

This city of 300,000 people, composed of a population, Governor Taft tells us, both moral and intelligent, are practically deprived of the right of a municipal government. The property of the city is to be mortgaged for $4,000,000. These people are to have no voice as to the issuance and the selling of these bonds. Such legislation will certainly be galling to these people and is not calculated to bring about friendship and cordial relations between those people and ourselves, but will every day widen the breach and chasm now existing. This same bill also provides that, when these bonds are issued under the direction of this Philippine Commission, they shall be nontaxable by the Government of the United States, and that no State in this Union or city in any State in this Union shall have the right to tax the holder of these bonds.

Now, Mr. President, I grant you that the Government of the United States has the right to issue bonds and to provide that these bonds shall not be taxable by any State or municipality. But where in the history of this Republic will you find that the Government of the United States has authorized a city in any of its territory to issue bonds and further to provide that bonds issued by such city can not be taxed by any State of municipality in this Union? Under the provisions of this bill, if some syndicate in New York, Baltimore, Savannah, or Atlanta should purchase these bonds drawing 5 per cent interest, payable semiannally, then the holder of the bonds could not be taxed by the State or city wherein they are held. I presume this feature was inserted for the manifest interest of the syndicate or syndicates now getting ready to purchase the bonds. When will this special legislation cease? When will you cease to neglect the interest of the entire people for the benefit of a few?

This is not all. I have before me section 68 of the bill, which provides municipal bonds for public improvements. This bill does not stop with the city of Manila. It does not stop with giving the Philippine Commission power to issue bonds against the city of Manila. Section 68 provides that for the purpose of providing funds to construct sewers to furnish adequate sewer and drainage facilities, to secure sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the Philippine Commission, under such limitations, terms, and conditions as it may prescribe, may permit any municipality of said islands to incur indebtedness, borrow money, and issue and sell registered or coupon bonds in such amount and payable at such time as may be determined by the Philippine Commission, with interest thereon not to exceed 5 per cent per annum.

I am amazed when I critically examine the various sections of the bill and when I realize the power we contemplate giving to the Philippine Commission, which is to be a permanent institution. They are authorized to sell the lands in those islands, to cut timber, to dispose of the mineral and coal interests, to grant franchises and concessions, to issue bonds against the city of Manila, and to issue municipal bonds against all the cities and towns in those islands. If they exercise all the powers given them by virtue of the provisions of this bill, in a half dozen years they can dispose of practically every interest in these islands.

So far as I know, the Commission is composed of upright and intelligent men, but the powers which we have given to them to be exercised in the Philippine Islands are arbitrary and against the spirit and genius of our free institutions. When the educated and thoughtful people of the Philippine Islands shall be conversant with the provisions of this bill they will at once reach the conclusion that for all time to come the Philippine Commission is to exercise the functions of government in those islands. This bill, instead of carrying a message of good will and good fellowship to the people of these islands, will convey to them that to-day, to-morrow, and for all time to come we are to be their masters—their rulers—and they are to be our slaves.

This legislation gives to them no hope, gives to them no promise that eventually they shall become a free, happy, and independent people. This legislation gives to them no voice in their own internal affairs. When criminal laws are to be made, their lawyers are not to be consulted. When sanitary laws are to be enforced, their physicians are ignored. When a system of education is to be put in operation, their teachers are thought to be unworthy of consultation. When the entire affairs of those islands are to be conducted for years to come, no Filipino is to be consulted. This bill means perpetual war. I can not describe the effect that I believe it will have on the people of those islands. When they read it, when they study it, when they see its provisions discussed through the public press, they will reach the conclusion that America will never extend to them the hand of friendship and love.

I can readily understand why it was that Governor Taft, when he was before the Philippine Committee during the present session of Congress recommended that these people be given a general assembly. He knew at the time he gave his testimony of the far-reaching effect of this legislation. He realized the powers given to the Philippine Commission in dealing with the people of those islands, and he desired their cooperation and asked that they be given a general assembly.

On page 333 of his testimony I find valuable suggestions from Governor Taft. He said to the committee:

> I think that a popular assembly is what the people desire, and I think it is the best possible means of educating their educated men in popular government. It will give them an opportunity to meet, to express their views, to take part in legislation, to propose and enact laws which they deem useful in the country; it will give them a part in the government, and will by practice teach them what self-government is.

He went still further. The distinguished governor said:

We recommend that in our report, and I am sure that with that the people will have confidence that our statement to them that we desire to educate them in self-government and give them a measure of self-government, increasing it gradually as they become more fitted for it, is true.

Senator ALLISON asked the question:

It is a legislative body of all the provinces; that is, it is a general body?

Governor TAFT. Yes, sir. I would not include therein the Moro provinces, for, as I have already stated, the Moros do not desire popular government.

He furthermore said that—

We look to the gradual growth of popular government by giving a qualified suffrage now, such as is given in the municipal code, which will enlarge of itself by the progress of education, because that is the educational test largely; and with the teaching of English, which is to be done and is now being done throughout the island, those who learn English will become at once entitled to vote. Next, by providing within a measurably short time a popular assembly, which shall, within an appointed body, make up the legislative body of the islands.

These recommendations by your civil governor have been entirely ignored, and the pending bill makes no provision whatever for any general assembly of this people at any time in the future. The same distinguished governor further on tells us in his testimony, on page 338:

What these people desire definitely, as I understand it, is a declaration that Congress expects to establish a civil government and to say what kind of a civil government it is. They also point out that they would like to know where the Filipinos stand with reference to the rights under the Constitution and with reference to the United States in relation of the islands to the United States.

An investigation of our entire relations with these people will show that all the trouble that has occurred between them and our Government has resulted from a want of a policy as above described. Congress, in less than one day in a dozen lines could have declared a wise and patriotic policy that would have prevented the firing of a single gun and the shedding of a drop of blood. But, Mr. President, we will not heed the recommendations of those we send there when those recommendations are in favor of a liberal policy toward the people of the Philippine Islands.

I have before me the testimony of Professor Barrows, who was assistant superintendent of education in those islands for more than two years and who was thoroughly familiar with the desires, wishes, and aspirations of those people. I do not believe that I have read the testimony of any witness more conversant with the conditions existing there than the testimony of Professor Barrows. He sustains the position which many of us on this side of the Chamber have been taking all the while.

On page 690 Professor Barrows testified before the Philippine Committee as follows:

I think the Filipinos are extremely anxious that Congress should take action defining their status, and I think they are very anxious for the organization there of a legislative assembly, through which, as they have themselves expressed it to me, they can secure parliamentary training and political experience and through which they can express their views.

The declaration on the part of Congress that a liberal policy toward them was not to be followed would certainly disappoint them very much, and would alienate them, I think, to a considerable extent.

Professor Barrows, in response to a question asked by Senator CARMACK, said that if Congress should fail to make any declaration at all and just let things drift along as they have been drifting, these people would be greatly disappointed.

I think it would be a great disappointment—

Said he—

to the educated people of the Philippine Islands who are politically interested and who are politically aggressive. They have been looking forward—

Said Professor Barrows—

with great hopefulness to this action of Congress, but they have realized that the persistence of hostility in Batangas and in Samar on the part of the troops under General Malvar and General Lukban may possibly have a great influence with Congress to deter action.

Senator CARMACK then asked Professor Barrows the question pertinent to the issue we are now discussing, that—

they might ascribe any failure to act now to the existence of hostilities. But with the suspension of hostilities, and Congress still failing or refusing to meet their desires, it would cause great distrust, would it not, and tend to alienate the leaders from sympathy with us?

Professor Barrows said:

I think it would. In other words, I doubt, I very decidedly doubt, whether we can continue to rule that people, with their strong ambitions, with the tendency there to develop a constantly more enlightened class, without a liberal policy being entered upon.

Both Governor Taft and Professor Barrows are conversant with conditions existing in the Philippine Islands, and both of them have recommended to Congress that a general assembly be given to the Filipinos. They recommended that as a solution of the great problem now arising in the Philippine Islands the people of those islands should have some voice through their representatives. But notwithstanding these recommendations this bill ignores these most valuable suggestions. Professor Barrows told the Committee on the Philippine Islands that—

the result of intrusting them with a limited amount of political activity, intrusting them with public office, is educative in its effect; and that as they become more educated and as they come to understand us and our purposes better our position becomes securer and the whole situation becomes safer.

I can easily understand why Professor Barrows has recommended that we pursue a liberal policy toward the people of these islands. For more than two years he has come in contact with the population of the different provinces, endeavoring to establish schools among them, and, judging from what he has learned, he realized that these people aspire to self-government, that they are ambitious to participate in the organization of government in those islands, and he recommends that Congress should gratify in part their desires and wishes. When schools are established, when schools are located and teachers selected, these people desire to be consulted as to how their children shall be educated. When municipal government is put into operation, when bonds are issued and sold, when offices are created and officials are selected, it is but natural that these people seek to have a voice in administering their own affairs. They are not without ambition, neither are they without pride. If so, then, Mr. President, we have a task before us that is hopeless.

The intelligent and thoughtful population of the Philippine Islands will study most carefully this legislation. They will reach the conclusion that Congress has undertaken to give to the Philippine Commission, composed of American citizens, the power and authority to rule for all time to come the Philippine Islands. When their lands are to be disposed of, when their forests are cut and destroyed, when their minerals are exploited, when franchises and concessions are granted, when a system of education is to be put into operation, when municipalities are to be organized, when the jurisdiction of courts are to be defined, when taxes are to be levied and collected, when officials are to be appointed, this vast population of 10,000,000 of people are absolutely at the mercy and control of the Philippine Commission. No intelligent man can study this bill and reach any other conclusion. When this bill shall become a law and when the people of the Philippine Islands shall understand its provisions, greater dissatisfaction will exist in those islands than in any other period since the ratification of the peace treaty.

The educated and intelligent people of the Philippine Islands will study this bill, and history teaches us that the great masses of the people of the Philippine Islands rely entirely upon the leadership of the educated Filipinos, and public sentiment in those islands will crystallize against this unjust, harsh, and tyrannical legislation. I have said before that I was unalterably opposed to incorporating the people of the Philippine Islands as an integral part of the United States. I have often said on the floor of this Chamber that I abhorred the idea of the Government of the United States engaging in the colonial business. Then there is but one other course for us to pursue, and the plan mapped out by the members of the committee representing the party to which I belong, which provides for the gradual independence of the people of the Philippine Islands, meets my most hearty approval.

I do not believe that the permanent retention of the Philippine Islands, from a commercial standpoint, is desirable. I believe that it can be demonstrated that the trade which we are now obtaining and which we are likely to obtain in the future will never be worth to us what it will cost. The annual report of the Secretary of War, submitted to Congress, on pages 76 and 77, says the total value of merchandise, exclusive of army supplies, imported during the fiscal year of 1901 into these islands was $30,279,406. The total value of the merchandise exported from the islands for the same year was $23,214,948, consequently the total of exports and imports was only $53,494,354. An examination of these figures will show that only a small per cent of this business was done with the United States. The figures are really humiliating to us.

We can not expect the people of the Philippine Islands to trade with us when we are shooting them down and destroying their homes. The imports to the United States from the islands were only $2,855,685, and the exports from the United States to the islands only $2,572,021. The total exports and imports to and from the United States were only $5,427,706. We only received about 10 per cent of the trade of the islands during the year of 1901. Doubtless the profits arising from our trade with the Philippine Islands during the same period was less than a million dollars, and to secure this trade we spent fully $85,000,000. If our trade in the future with the Philippine Islands shall be no larger than it has been in the past, it would take more than four hundred years to realize in profits from commercial relations with these people the amount that we have spent to subdue them since the ratification of the peace treaty.

If we had even enjoyed the privilege of furnishing all the exports, and had received all of the imports of the islands for the whole year, the amount would have been a little more than $50,000,000. The total profit on this trade could not possibly exceed eight millions per year if we had enjoyed the privilege of the entire trade with the islands. The people of the Philippine Islands at this time are more anxious to trade with Great Britain, France, and Germany than they are with the United States. If

we had maintained friendly and cordial relations with these people, how different might have been the situation. But I was going on to say, Mr. President, that if we had enjoyed the entire trade with the islands the profits arising from the trade would not have exceeded $8,000,000 per year. We have spent fully $400,000,000 to subdue these people.

Discussing the question from pure dollars and cents, taking the position that we can enjoy the entire trade of the islands and that the profits arising from the trade would be equal to $8,000,000 per year, how long would it take us to get back the four hundred millions already spent in those islands? If we enjoyed the entire trade of the islands and the profits were equal to eight millions per year it would take fifty years to get back the principal we have spent in those islands, not taking into consideration the loss of life. We can not hope, however, to enjoy the entire trade of these islands. We certainly can not hope to enjoy their trade unless we reverse our position and regain their friendship. It is generally admitted that it costs our Government $1,500 per man to maintain our Army. When we had 70,000 soldiers in the Philippine Islands it cost us from eighty-five to ninety million dollars per year to maintain the Army there.

Speaking from a pure commercial standpoint, I am unable to see how the present Philippine policy can justify the expenditure of eighty-five millions to secure $5,000,000 in trade. The interest on $400,000,000, which we have spent in the Philippine Islands, will more than treble the profits of our trade in the Philippine Islands. Other nations, without the use of an army and without incurring the expense of a dollar, are now enjoying over $48,000,000 worth of the trade of the Philippine Islands. How long shall we continue this reckless, extravagant, and unnecessary expenditure of the public money? How long shall we continue to expend eighty-five millions per year in order to secure five millions of trade?

From a commercial standpoint our policy is unwise and foolish. The time has come when we should recognize the true situation, when we should exercise the part of wisdom and statesmanship, when we should reverse our action and declare for a policy which is just and liberal, which will satisfy the wishes and desires of the people of those islands, which will bring about peace and friendly and commercial relations between those people and ourselves, and which will maintain the honor and dignity of our Government, and which will perpetuate and preserve forever our free institutions.

Mr. SPOONER. Mr. President, I am very reluctant to address the Senate again upon the Philippine question, and I am keenly anxious to be through with what I have to say, peculiarly so in view of the suggestion, which I resent, that I have sought time for speech with a view to precluding others from replying.

If the people of the United States take much note of what occurs in this Chamber they must have been strangely impressed by the proceedings here at this session in relation to the Philippines. We spent some weeks in debate in the early part of the session upon a Philippine bill; to speak more accurately, not upon a Philippine bill, but upon the general Philippine subject.

That was a very simple bill, Mr. President. It was an emergency bill. It did not deal at all with the policy of the United States as it is, or as Senators think it ought to be. It was *a tariff bill* intended to raise money for the support of the Philippine government, to administer the courts with their writ of habeas corpus, to furnish additional educational facilities, and generally to carry out the policy thus far pursued of giving as rapidly as possible the advantages of a better system of government to the people of the Philippine Archipelago.

When we protested mildly that that was not the proper bill to be delayed indefinitely by general debate upon the Philippine policy, and that such debate would be more appropriate to the discussion of the *Philippine government* bill, we were told that that bill involved the whole subject, and that there would be little, if any, debate on the government bill, except that which pertained to its provisions.

We have been disappointed in this respect, Mr. President. We have been spending weeks here in debate, not especially upon the government bill and its provisions, but, pending the consideration of the government bill, upon the general Philippine policy of the country.

It is a little odd that this bill, intended to *exalt civil* government in those islands, to more *efficiently* and *more quickly subordinate the military authority* there, should be delayed almost indefinitely by speeches, the object of which has been to show that the *military operations in the archipelago have been infamous in their torture, cruel beyond expression, and therefore a dishonor to the people of the United States.* If that were true one would think Senators would have been *anxious to facilitate the passage of this bill in order that that unhappy element might be speedily eliminated.*

It has been a strange debate, Mr. President. I am forced to say that on both sides it has been a debate characterized by very much more than ordinary ability and eloquence. But when one looks through the speeches which have been made here by the minority (for it is well known that with proper amendments this bill will pass) one finds in them nothing but pessimism, nothing but the gospel of despair, nothing but suspicion and distrust and imputation of the motives and character of all who differ with them upon this subject.

The Senator from Tennessee [Mr. CARMACK] made a speech which rhetorically and oratorically was a credit to him. He said many bitter things in that speech. Some of them in a manly way he withdrew, and as to them there is nothing more to be said.

But, Mr. President, I think he left observations in that speech which, in the days to come, he will regret. I will not think he meant deliberately to tell the Philippine people that we are there to enslave them. I will not think he intended to impute to President McKinley, a fragrant and blessed memory forever in this land and in the world, a commercial-dollar motive in the negotiation of the Paris treaty and its transmission to the Senate. I will not think he intended to grossly misconstrue the cablegram which was sent by direction of the President to Admiral Dewey at Manila to examine and report upon the islands as to naval and commercial advantages, including coal. I know he did not mean to say that the President had in mind individual or syndicate "exploitation." I know he did not mean to impute any purpose other than one in the general public interest to find that island, if we were to take but one and if we took any, which would afford adequate harbor and coal for our war ships and a resting place for our merchant ships.

The Senator indulged in some observations in relation to the President of the United States. I think some day he will regret that he did so, because, Mr. President, it is a tradition of both parties which should always be observed, and it is in the public interest, too, that each coordinate branch of the Government shall treat with respect the other. The Senator likened the President in his characteristics to a horse whose natural gait is "running away," intending to give the impression that he regarded him as a man of impulse, who speaks and acts without due thought and deliberation. If the President of the United States should publicly make an observation of that kind about a Senator he would not be forgiven. The President of the United States is a man who does not run away from any duty or from any danger.

When the time came, Mr. President, to send the American flag, not to stay, but to come down when its mission had been accomplished—carried by our soldiers to Cuba, Theodore Roosevelt did not "run away." He left his place at the capital here and went there as a soldier and fought there as a soldier, with the bullets of the enemy "weaving lines of death and danger around him and above him," offering his life—and who could offer more—for what? For the liberty of a people; for the independence of Cuba. He has won the right to be regarded, if any man has, as the daring, steadfast, strenuous friend of liberty everywhere. He is not slow to perceive his duty, nor is he slow to do his duty.

The Senator also referred, and I thought it was not fair, to a statement in the newspapers of a supposed "conference," and assumed that "instructions" had been given by the President to introduce in this debate, in order to hide the atrocities of the Army in the Philippines from the public gaze, a discussion of what is called sectionalism. I think the Senator really will not believe that. The President is one of the last men to do anything or advise anything to mar the harmony which exists and ought to exist between the sections. His utterances have been the other way. The associations of his life are the other way. I could not but think, as the Senator spoke, of what occurred a little time ago when the brilliant and eloquent Senator from Missouri [Mr. VEST], in speaking tender words of eulogy over our late colleague here, Gen. Wade Hampton, took occasion to pay tribute to President Roosevelt for the generous manner in which he had commented upon the career of General Lee.

Few have escaped in this debate conducted by the other side who have had in any way to do with the Philippines. Governor Taft had cast upon him not only by suggestion, but by argument, the imputation that he had willfully suppressed before the committee two reports. There was but one answer that needed to be made to that, and that is that Governor Taft is and always has been a gentleman.

Really, this debate has been so full of generalities of a malignant sort as to affect my kindly friend from Mississippi [Mr. MCLAURIN], who read from a book here one day to establish the proposition that old General Gomez is a brute and tried to slaughter a little boy with his sword, and then that Gomez and his staff were "afraid of the cars."

He was led to do that by the mistaken impression that Funston, then unknown to fame, at the time was a member of Gomez's staff. Poor General Funston has occupied a large space in the debate upon this very grave and important bill. I have nothing to say

about him—he has been ably defended—except this: I can not account for this bitterness toward him unless it grows out of a consciousness that his criticism and feeling were somewhat justified. It is the same that Lawton had and that others have had. Lawton is dead and can not speak and will not be traduced. It has not injured Funston.

The general attitude of Senators who have spoken on the other side is this: "We who voted against the treaty at least are men who observed the obligations of the Constitution. You who voted for it violated it. We who are opposed to you stand by the Declaration of Independence. You disregard it. We are the friends of the Army. You are its assailants. We love the flag and you 'vulgarize' it. We hate atrocity and you defend it. We wish to give liberty to the Filipinos and you are giving them bondage—are trying to enslave them." It is a modest attitude, of course, but not altogether persuasive.

Mr. President, some extracts have been read here from a speech of mine on the treaty, of course intended to show that I am inconsistent. It is a matter of no consequence whether I am or am not inconsistent. I have never cared overmuch for consistency. I have always reserved to myself the right to change my mind if, on further reflection, I thought I should do so. But I have not changed my attitude.

I declared myself opposed to permanent dominion in the Philippines. I speak for myself when I say that that is still my feeling. I said I would not take islands or people for trade. That is still my feeling. I would not buy trade with the blood of my own people or any other, nor at the cost of any man's liberty.

I ridiculed the notion that the flag once put up never shall come down. I said it was put up in Cuba, and when another representing and standing for a new-born republic there should go into the air, our flag would come down—come down in honor as it went up in the interest of liberty. And so it has. But that has nothing to do with this bill or with the general Philippine subject. Only I have not changed my view.

I voted against Hawaii. I did not want to take that first long step out into the Pacific. I did not look upon it—I differed with my party upon that question—as for the interest of the United States or the interest of the people of Hawaii that those islands should be annexed. It was done, and I quit. I have never criticised the men who differed with me. On the other hand, Mr. President, I think I may justly say that industriously and to the best of my ability I have cooperated with my colleagues here in an endeavor to give to Hawaii the wisest, best, and most liberal government which could be devised.

I found no fault with those who voted against the ratification of the treaty, Mr. President. It was not only the right, but the duty of every Senator, to vote as his conscience and judgment led him to conclude.

But I have been surprised at the course pursued by some who voted for it and some who voted against it. I have been surprised by the statement, so often reiterated here, that if we had adopted the Vest amendment, assuming as to the Philippines the same relation we assumed by the treaty as to Cuba, or that if after we had ratified the treaty without the Vest amendment we had passed the Bacon resolution, there would have been no trouble in the Philippines; that they were all our friends then, including Aguinaldo, and would have been our friends, our devoted friends, now and forever after.

Mr. President, it seems to be forgotten that before the treaty was ratified and before the Senate could vote upon the Vest amendment or on the Bacon resolution our troops in Manila had been attacked and hostilities had broken out. Aguinaldo and his associates, having an agent in this city, knowing that the amendment and the Bacon resolution—for they were public—were pending, could not and would not wait to ascertain in peace what the action of the Senate would be upon them. But there was an attack and there was war.

He had long intended to attack us. He was so "friendly." Here is the translation of a captured cablegram or letter sent on the 3d of February, 1899, the day before the attack, by the agent of the "Filipine republic" in London.

Mr. ALLISON. A friendly republic?

Mr. SPOONER. Yes; a "friendly republic;" just as friendly as it was a republic; perhaps more friendly than it was a republic.

LONDON, *February 3, 1899.*

SEÑOR REGIDOR TO KANT.

MY DEAR FRIEND AND FELLOW-COUNTRYMAN: Thanks for your Christmas card; I return my best wishes. In the last two mails I sent first a letter to the general and then one to Señor Mabini. I hope that you read them. Next Monday we shall know what to expect on the question of the treaty.

They knew what was going on. *It was on Monday we were to vote. It was the day fixed for a vote.*

According to two telegrams which I have seen to-day its passage is not certain. Still I believe without any doubt that it will pass, because otherwise it would be a crushing blow to McKinley, and he will wish to avoid exposing himself to it. *Whether it passes or not, you must prepare yourself for a further increase in the American forces in the Philippines. Some are going by way of the Pacific and others by the Suez Canal. If the treaty is approved, these forces will serve to immediately attack the Filipino troops. Do you not think it would be well for them to be attacked the moment the treaty is approved here?*

And then follows more, but I will not read it all:

One of our friends unquestionably devoted to our cause proposes a plan to me which seems certain to me to bring us some thousands of dollars which could be applied to the purchase of arms and munitions and especially some effective torpedoes, which would serve to repeat in the bay of Manila the scene in that of Habana, which would serve to give a fortunate termination to our struggle.

Mr. HOAR. Did the Senator say that was a cablegram?

Mr. SPOONER. I say it is a copy.

Mr. HOAR. Of a telegram?

Mr. SPOONER. Of a letter.

Mr. HOAR. The Senator said, as I understand, a telegram. I thought it was the funniest telegram I ever heard.

Mr. SPOONER. A letter. There are a good many funny telegrams in this business.

Mr. HOAR. That seems to be one of them.

Mr. SPOONER. Mr. President, I have here a record of the vote upon the treaty. We who voted for the treaty are all said to have been pretty bad men, so far as judgment is concerned. I take the liberty of reading the names of the Senators who voted for the treaty.

ALDRICH, Allen, ALLISON, Baker, BURROWS, Butler, Carter, Chandler, CLARK, CLAY, CULLOM, Davis—

One of the most brilliant men we ever had here, now dead and gone—

DEBOE, ELKINS, FAIRBANKS, Faulkner, FORAKER, FRYE, GALLINGER, Gear, Gray, HANNA, HANSBROUGH, HARRIS, HAWLEY, JONES of Nevada, Kenney, Kyle, Lindsay, LODGE, McBride, McENERY, McLAURIN, McMILLAN, Mantle, MASON, MORGAN, NELSON, PENROSE, PERKINS, PETTUS, PLATT of Connecticut, PLATT of New York, PRITCHARD, QUAY, Ross, Sewell, Shoup, SIMON, SPOONER, STEWART, Sullivan, TELLER, Thurston, WARREN, WELLINGTON, and Wolcott.

Barring myself, that is a very respectable group of Senators. Those who voted in the negative are:

Messrs. BACON, BATE, BERRY, CAFFERY, CHILTON, COCKRELL, DANIEL, GORMAN, HALE, HEITFELD, HOAR, JONES of Arkansas, MALLORY, MARTIN, MILLS, MITCHELL, MONEY, MURPHY, PASCO, PETTIGREW, RAWLINS, ROACH, SMITH, TILLMAN, TURLEY, TURNER, and VEST.

The pairs were as follows:

Mr. CANNON and Mr. PROCTOR with Mr. WHITE.

Mr. WETMORE and Mr. WILSON with Mr. TURPIE.

A very respectable group of men. I would not impugn the motive of any one of them. Every man who voted for that treaty—some of them voted for it reluctantly after grave consideration, and I was one of them—voted conscientiously and in the belief that President McKinley had been right in negotiating it, and that the Senate was right in ratifying it. This was not a party vote, and when Senators on the other side, with vituperative words inveigh against the ratification of that treaty and denounce it as mistaken "Republican" policy they are inveighing against some of their best associates, some of the oldest and truest Democrats and some of the ablest, most conservative, and liberty-loving men their party has ever known.

The President negotiated the treaty and sent it to us. We were independent of him in the action which we took upon it. He had done his part. It was for us to do ours, and we did. For one, I never have seen the hour, Mr. President, when I regretted the vote I cast for the treaty.

Is that what led to war? Is that the origin of all these "atrocities," of all this waste of treasure? Is that what broke down a "Philippine republic?" Is that what violated the Constitution of the United States? Many brilliant Democrats outside of this Chamber were potential by their advice in securing the ratification of the treaty.

The Senator from Massachusetts [Mr. HOAR], whose great career is one of the treasures not only of his State but of this Republic, whose sincerity no one can challenge, and who has done great things, Mr. President, for the whole people and for liberty, took occasion the other day to refer to me by name and to an observation I made when the McEnery resolution was under consideration. I supposed I had on my desk exactly what I said, and intended to quote it, but in substance I said that I would not make promises to a man with a revolver at my breast. I say it now. I said that I would not make promises to men who were training guns, part of them furnished by us, on soldiers of the United States where they rightfully were. I say it now. I have never had, nor have I now, any apology to make for that utterance. The Senator said——

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. HOAR. May I ask the Senator from Wisconsin if he likens the case of an affray breaking out between two armies

stationed near together and the general of one of them drawing his troops back and sending word to us that he was sorry it had happened and did not expect to have it break out—on one side the Filipino people and on the other this great Republic—to the case of a man holding a revolver to his breast? Does he think that is a fair illustration?

Mr. SPOONER. Oh, Mr. President, I did not limit my remarks to that illustration; the man with a revolver at my breast; and moreover the Filipino troops were not drawn back. They were driven back. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. HOAR. I do not think, if the Senator will pardon me, that he quite states the historic fact on that occasion. I understand that Aguinaldo instantly expressed his regret for the occurrence and a desire to maintain peace. Whether he drew back his troops or whether they were driven back, he offered to draw them back and remove the soldiers to a place where it would not occur again. I think, however, I should apologize to the Senator. I do not think it is fair to interrupt him.

Mr. SPOONER. I have no objection.

Mr. HOAR. If the Senator will permit me——

Mr. SPOONER. Certainly.

Mr. HOAR. I wish to say that I believe it is the desire of the entire Senate that the very able and interesting speech of the Senator from Wisconsin should be concluded without interruption or an attempt to challenge anything he says, and I regret that I rose for the purpose, contrary to my intention. I shall not do it again.

Mr. SPOONER. The Senator owes me no apology at all.

The ratification of the treaty did not provoke the attack. Aguinaldo on the *9th day of January* had issued an elaborate order for an attack by his troops on our troops. Not only that, but he had written to Benito Legardo on the *7th day of January:* "My dear Don Benito: I beg you to leave Manila and come here with your family—not because I wish to frighten you—I merely wish to warn you for your satisfaction, although it is not yet the day or the week."

The suggestion, Mr. President—and I am involved in this branch of the subject at an earlier time than I intended to be—that Aguinaldo did not desire the outbreak at precisely that time may be true. The cablegram advised that it be done immediately after the ratification of the treaty. But for days before it was done citizens of Manila, to the extent of 40,000 nearly, had been taking their valuables out of that city in anticipation of a fight. Aguinaldo January 13—after this order of January 9, with over 2,000 words in it, for an attack on our troops at Manila and an uprising in the city—the same day that he appointed peace commissioners to meet those appointed by General Otis to see if terms might not be arranged and a conflict avoided—received this telegram, and here [exhibiting] is a photograph of his autographic reply:

To the president of the republican government, Malolos:

We desire to know the result of ultimatum which you mentioned in your telegram, and we also desire to know what reward our government is preparing for the forces who will first be able to enter Manila.

This was on the 13th day of January, 1899, to which Aguinaldo replied in his own handwriting as follows:

As to the contents of your telegram, those who prove themselves heroes will have as rewards large sums of money, lands, extraordinary promotions, crosses of Biacnabato, Marquis of Malate, Ermita, and Count of Manila, etc., besides the congratulations of our idolizing country on account of their patriotism, and more if they capture the regiments with their generals, and if possible the chief of them all who represents our future enemies in Manila, which (lot) falls to you, or, better said, to General Noriel and Colonel Cailles.

The ultimatum has not yet been sent, but will be within a few days,

He had the "constitution of a republic," copied from that of Mexico, of Argentina, and of the United States, and it prohibited absolutely the granting of patents of nobility. He had evidently learned early that great American constitutional question—"what is the Constitution between friends?" [Laughter.] Here we find him on the 14th day of January, 1899, promising to those who first should enter Manila—inspiring them to attack and urging them to the onset—patents of nobility, crosses of Biacnabato, and extraordinary grants of land and money, though he was a "friend" of ours of course and his "republic" was, and if, after he had attacked us and been whipped and driven back—as I hope every band of soldiers who ever attack the Army of the United States, wherever it is sent, will be defeated—we had made a declaration like the Bacon amendment they would have been our "friends" forever and forevermore!

Mr. President, it has been said here that Aguinaldo, after this attack on our troops at Manila, sent a flag of truce with a request for an armistice. I presume that is what the Senator from Massachusetts [Mr. HOAR] referred to a few moments ago. That has been absolutely denied by General Otis, not only officially, but in his testimony, as I understand it, before the Committee on the Philippines. Am I wrong about that?

Mr. ALLISON. That is right.

Mr. SPOONER. What he stated to be the fact was this: Judge Torres, who had been connected with that government, though then not a soldier, and, as I recollect, residing in Manila at the time, came to General Otis, asking if something could not be done to secure an armistice and the delineation of zones which each army might occupy, to the end that further trouble might be avoided, to which General Otis replied that as Aguinaldo had "commenced fighting he must apply for cessation;" that he "had nothing to request from insurgent government." He passed Torres and his associates through the lines, and they went to Malolos. They came back, reporting what they had stated to Aguinaldo at Malolos, and that he had said—I do not remember the exact language—that if General Otis wanted an armistice he did not object; but he sent back a formal answer by this messenger, Judge Torres, to General Otis; and what was it? *It was a declaration of war against the United States.*

Mr. President, it was said by the Senator from Georgia [Mr. BACON] that until the ratification of the treaty, as I understood him, without amendment putting the Philippines in the same relation to us as Cuba, or without the declaration of the Bacon resolution, they were perfectly friendly to us and never had thought of war with us. This surprises me, in view of the fact that it is in the RECORD, in a document *signed by Aguinaldo and his associates of the junta* at Hongkong, *before he went back to the Philippines at all*, that it was decided as one reason why he should go against his will, that in that way he could obtain arms from the United States, and if dissatisfied later with the course of the United States toward the archipelago they could turn those arms against the United States. From the beginning they considered and arranged for the possibility of war with the United States.

It has been said here that they were only children and they ought to be treated like children. I notice one strange thing in all this transaction, when it comes to the Aguinaldo side of this business, to what he wants and what his alleged "republic" wants and are entitled to have, it is said that they had colleges; they had universities; they had music and art; they had great international lawyers; they had doctors; they had all the signs of civilization; they produced constitutions which challenge the admiration of the world, and their discussions of international law were as fine as any that could be found. All this has been said to show that they were fit and civilized and proper representatives of a republic. And yet when we hold them to responsibility for outrage, to responsibility for violence, they are no longer statesmen, they are no longer educated, they are no longer responsible—they are "children!" Well, children have to be spanked sometimes when they do not behave themselves. [Laughter.]

It is said they had been struggling for independence. There is nothing in the history of the Philippine Islands to warrant that statement—nothing that I have ever been able to find. They have had insurrections in those islands, but they have been sporadic. There has never been a general insurrection in the islands. There has been one in this island, that island, and the other against the Spanish Government. For what? To secure reforms and in protest against outrages and tyrannies, but never in all the history of those islands have I been able to learn that there has been an insurrection the object of which was independence.

Why, Mr. President, the Senator from Alabama [Mr. MORGAN] read this afternoon—and it is very interesting—from some of the captured documents; and among them was found the preliminary treaty of Biacnabato. It was signed by Aguinaldo and was his proposition of terms for discontinuing the insurrection with Spain. He had led an insurrection—this was in 1896; he had been whipped everywhere by the Spanish troops; he had been driven to the mountain fortress of Biacnabato, where he "proclaimed" a republic—a republic of which he was the president, and he was also the republic; and when Paterno went there to propose some adjustment on behalf of the Spanish captain-general, Aguinaldo consented and presented *his* terms. I only mention this, Mr. President, to show how much idea Aguinaldo had of a *republic* and of *independence.*

You will remember that some time before the war broke out with Spain, or about the time, Agoncillo proposed an alliance between the Filipino republic and the Republic of the United States, when the Filipino republic was without an army, without a ship, without a local habitation—a junta in Hongkong. This draft, which Aguinaldo wanted signed by the Spanish captain-general for putting an end to the insurrection in the Philippine Islands, he drew in this way:

The Excellent Señor Don Pedro Alejandrino Paterno, having unexpectedly appeared in the mountain of Biacnabato on the 9th of August, 1897, in the headquarters of the *president of the Philippine republic,*—

Proposing terms by which he and his companions, in consideration of a certain sum of money should surrender their arms and leave the Philippines, he still asked the Spanish Government to

recognize the Philippine republic; and him, as its president, and Paterno struck out this childish recital.

The undersigned, Don Emilio Aguinaldo, president of the Philippine republic—

They struck out "president of the Philippine republic" and put in "chief of the revolutionary army." They agreed upon the money consideration; and here were the reforms which he asked: He was going to quit, to surrender his arms, and go over to Hongkong or Singapore.

I. Expulsion of the religious orders or at least regulations forbidding them to live together in cloisters.

That was stricken out. The Spaniards would not accept it.

II. Representation of the Philippines in the Spanish Cortes.

That was stricken out.

III. Application of true justice in the Philippines, equal for the Indian and the Spaniard. The same laws in Spain and the Philippines. The Indians to have a share in the higher offices of the civil administration.

That was left.

IV. Change of the laws governing property, upon taxes, and the holding of church benefices in favor of the Indian.

That was left.

V. Proclamation of the individual rights of the Indian, as, for example, his liberty to combine with others in associations, and the liberty of the press.

That was left, and all the rest of it was stricken out, ultimately, with the reforms omitted, and this was a part of it:

I. Don Emilio Aguinaldo, in his quality as supreme leader of those in the island of Luzon now waging open hostilities *against their legitimate Government*, and Don Baldomero Aguinaldo and Don Mariano Llanera, who also exercise important commands in the forces mentioned, are to cease their hostile attitude, surrender their arms that they are using against their fatherland, and are to surrender to the *legitimate authorities claiming their rights as Spanish Filipino citizens, which they desire to preserve.*

It was ultimately signed and executed with the reforms omitted, part of the money was paid, and they expatriated themselves.

Mr. CULLOM. What was the money consideration?

Mr. SPOONER. Eight hundred thousand dollars, and they left the country and carried the Philippine republic with them. [Laughter.]

Talk about the similarity between the situation in Cuba and the situation in the Philippine Islands! Cuba had been struggling for *independence* there had been a ten years' war for *independence.* We had for years heard the two words—now, thank God and the American people, true—"Cuba Libre!" "Cuba Libre!" *They* were not fighting for *reforms.*

They had asked them, they had been promised them; they had been cheated again and again, until the Cuban people resolved that nothing—and that was long ago—but independence of Spain would content them; but there never has been, as I said before, and there was not when Dewey entered Manila Bay, an insurrection or a struggle in the Philippine Archipelago for *liberty or independence from Spain.* On the contrary, Aguinaldo proclaimed shortly after he reached Manila that he came there to prevent his associates, the former *insurrectos, from joining the Spaniards in an attack upon the Americans.* Senators who seek to draw a parallel in the situation so far as a struggle for liberty was concerned—and when I say "liberty" I mean independence—between the Cubans and the inhabitants of the Philippine Archipelago speak without support in history.

We ratified the treaty and we drove Aguinaldo away from Manila. Does any Senator deny our right to be in Manila? The Spaniards had surrendered Manila to us. By the protocol we had entered into a solemn compact with Spain to hold Manila, and we were with our troops in and around Manila, where we had as much right to be as we have to sit in this Chamber under our flag. I say to-day again what I said a day or two after the treaty was ratified, that the attack made by Aguinaldo upon our Army was as wanton, deliberate, unrighteous, and unjustifiable an invasion of our rights as ever could have occurred in the world, and he knew it.

It has been said that President McKinley "declared war," usurping a function committed to Congress by the Constitution, by sending the instructions to General Otis, of December 21, to extend our sovereignty over the archipelago. Who was that war declared against? What was that war declared against, if it were war? Of course the President could not declare war. Only Congress can declare war. If it be true that there was a government there which had succeeded to the sovereignty and the property of Spain, then we would derive no title by the treaty, and the proclamation by the President directing our officers to extend American sovereignty over the archipelago would be, in effect, a declaration of war.

But it is necessary, in order to sustain that proposition, to first establish another—which has not been established and can never be established—that there was *a government* there against which war could be declared.

Aguinaldo did not treat that proclamation of General Otis as a declaration of war. That proclamation, or those instructions issued by the President, of course, antedated the ratification of the treaty. Technically that was an offense upon the part of the United States, or the President, at least, against Spain, for her sovereignty could only be devolved upon us by the ratification of the treaty and the exchange of ratifications.

General Otis has testified before the committee that General Miller was sent to Iloilo, I think without instructions from Washington, upon the prayer of the people—the merchants, the foreigners and natives in Iloilo—that they needed his protection. When he sailed for Iloilo it was supposed by General Otis and by General Miller that the Spaniards were still in possession. It would have been a matter entirely between Spain and the United States if in that situation we had taken possession of Iloilo. General Rios had notified General Otis that he needed troops, and had asked him to loan him—it was a strange request—2,000 of the Spanish prisoners, that he might the better hold Iloilo. The insurgents had attacked Iloilo and had been repulsed with a loss of 500 and a large number of wounded, and had withdrawn.

Just before General Miller reached Iloilo General Rios withdrew from that city under instructions from the Spanish Government and betook himself to another Spanish place. General Miller was not instructed to fight. On the contrary he was instructed not to use force without further orders. General Miller, the Senator from Massachusetts [Mr. HOAR] will now admit, was not anxious to fight.

Mr. HOAR. No.

Mr. SPOONER. Well, I saw put in the RECORD by the Senator from Massachusetts [Mr. HOAR], I think in this morning's RECORD, a letter from General Miller saying that he was not.

Mr. HOAR. No; I beg the Senator's pardon. I did not mean to interrupt the Senator. After reading General Miller's letter I disclaimed any idea that he published that proclamation for the sake of bringing on a fight; but by the record, which I said I had not time to read, General Miller had repeatedly urged General Otis that he might be permitted to attack at once, fearing that the enemy were constantly increasing their strength, and that it would be much easier to do it the sooner it was done. Undoubtedly General Miller did not want the conflict——

Mr. SPOONER. Well, General Miller——

Mr. HOAR. Let me state what I said exactly, because it is important to myself that it should be stated correctly. I do not believe that General Miller, especially after reading his letter—and no man can believe it—was in favor of this conflict or wanted to bring it on; but what he did want, if I correctly recollect his letter, which you will find in the old report, is, that if he had to make the attack it should be made at once instead of waiting until the enemy had strengthened. That is the exact fact about it.

Mr. SPOONER. Any man would want to do that.

Mr. HOAR. I wanted simply to put myself right, because I did, of course, an injustice to General Miller the other day, which I tried to repair as thoroughly as I knew how.

Mr. SPOONER. That is all I said, and that is just what I said that the Senator from Massachusetts stated, that General Miller, "who notoriously did want an attack, produced it, and Aguinaldo met it with an instant and severe defiance."

Mr. HOAR. That I took back.

Mr. SPOONER. That General Miller denied, and that denial the Senator from Massachusetts accepts. So that element drops out of the case.

On January 5, as I recollect it, General Otis's proclamation was published in Manila. In that he referred to some instructions issued by the President of the United States. Then came a *protest* from Aguinaldo to the world against "this invasion by the United States of the sovereignty of my government." But in the *declaration of war,* which he sent to General Otis and which is published in the document which I can not this moment find, *he states his grievances for himself,* and *he does not allude to that.*

He places it entirely on the alleged attack of our Army upon his army without justification, and also the outrages and injustice perpetrated in and around Manila, to which he had called attention in a former paper.

No one, so far as I know, Mr. President, of the Filipinos has justified that attack upon our troops by President McKinley's proclamation. It has all been done here, not there. I suppose even Aguinaldo might be trusted to put in his own proclamation his *own grounds for declaring war.*

I have found his order to the Philippine army declaring war, in which he omits any mention whatever of this proclamation by General Otis or these instructions of President McKinley. I will not take the time to read it, but I will ask that it may be inserted as a part of my remarks. It is on page 104 of Document No. 208.

The order referred to is as follows:

GENERAL ORDER TO THE PHILIPPINE ARMY.

Nine o'clock p. m., this date, I received from Caloocan station a message communicated to me that the American forces, without prior notification or

any just motive, attacked our camp at San Juan del Monte and our forces garrisoning the blockhouses around the outskirts of Manila, causing losses among our soldiers, who, in view of this unexpected aggression and of the decided attack of the aggressors, were obliged to defend themselves until the firing became general all along the line.

No one can deplore more than I this rupture of hostilities. I have a clear conscience that I have endeavored to avoid it at all costs, using all my efforts to preserve friendship with the army of occupation, even at the cost of not a few humiliations and many sacrificed rights.

But it is my unavoidable duty to maintain the integrity of the national honor and that of the army, so unjustly attacked by those who, posing as our friends and liberators, attempted to dominate us in place of the Spaniards, as is shown by the grievances enumerated in my manifest of January 8 last, such as the continued outrages and violent exactions committed against the people of Manila, the useless conferences, and all my frustrated efforts in favor of peace and concord.

Summoned by this unexpected provocation, urged by the duties imposed upon me by honor and patriotism and for the defense of the nation intrusted to me, calling on God as a witness of my good faith and the uprightness of my intentions—

I order and command:

1. Peace and friendly relations between the Philippine forces and the American forces of occupation are broken, and the latter will be treated as enemies, within the limits prescribed by the laws of war.

2. American soldiers who may be captured by the Philippine forces will be treated as prisoners of war.

3. This proclamation shall be communicated to the accredited consuls of Manila, and to congress, in order that it may accord the suspension of the constitutional guaranties and the resulting declaration of war.

Given at Malolos, February 4, 1899.

EMILIO AGUINALDO,
General in Chief.

General Otis had notified Aguinaldo days before the attack of his instructions from Washington not under any circumstances to attack him. He had told him that he was instructed to avoid by every possible means a conflict between his army and the army of Aguinaldo. And that is not all. Aguinaldo had been otherwise informed. He had received a notice through the junta from here that the President had instructed General Otis not to attack his troops.

HONGKONG, *January 26, 1899.*

This is from Santos, Hongkong.

Honorable President of the Filipino Republic, Gen. Don Emilio Aguinaldo.

* MY DISTINGUISHED GENERAL AND DEAR FRIEND: After sealing my former letter of this morning, Reuter's telegram arrived containing the good news that *General Otis has been ordered not to attack the Filipinos.* Our efforts here have not been in vain. They, together with your firm attitude, have forced the Yankees at least to reflect.

I will not read the rest of it. So I say again it was a perfectly wanton attack upon our troops who were rightfully in and around Manila.

Senators talk about the President declaring war. Who sent the army to Manila. First, the President, on the request of Admiral Dewey, in order that they might take possession of Manila and hold it, Congress being in session. There was a critical act, I think. If those troops had not been sent to Manila to take possession of that city the situation might have been a little different. No man in the United States, so far as I know but one, found any fault with the President for sending those troops to Manila. No man in the Senate, however he may upbraid us for what has followed, found any fault with the President for sending those troops to Manila, although one Senator found fault with him here for not sending them with sufficient promptitude. The one Senator who objected to it, or afterwards stated here that he had objected to the President's action, is now dead and gone, a Senator who had spent some time in the Philippines in his early years, and that was General Sewell, of New Jersey.

The fighting went on there. We passed the Army bill. What for? I ask this question because of the attitude of some Senators here to-day. We passed it February 27, 1899, after the ratification of the treaty, when we were at peace with Spain and all the world, with no war cloud upon our horizon *except in the Philippines.* The Army bill was passed to furnish to the President troops with which to maintain the sovereignty of the United States in the Philippines. There was a halting point. *Who called a halt?* I have here the vote upon it. I will name the Senators who voted for it. The bill was a great mistake in one respect. My friend from Iowa [Mr. ALLISON] remembers how it was. The term of enlistment was limited to July 1, 1901. It expired absolutely on that day, and the necessity for raising new troops, hurrying them away, and withdrawing the others prolonged the insurrection in the islands. That was our mistake, not the President's. But we could do no better in the then situation.

Mr. Allen voted for it; Mr. ALLISON, Mr. BACON voted for it; Mr. BURROWS, Mr. Carter, Mr. Chandler, Mr. CLARK, Mr. COCKRELL, Mr. CULLOM, Mr. DEBOE, Mr. ELKINS, Mr. FAIRBANKS, Mr. Faulkner, Mr. FORAKER, Mr. FRYE, Mr. GALLINGER, Mr. Gear, Mr. Gorman, Mr. HANNA, Mr. HANSBROUGH, Mr. HARRIS, Mr. HAWLEY, Mr. HEITFELD, Mr. JONES of Nevada, Mr. Lindsay, Mr. LODGE, Mr. McBride, Mr. MCENERY, Mr. MCLAURIN, Mr. MALLORY, Mr. Mantle, Mr. MITCHELL, Mr. MONEY, Mr. MORGAN, Mr. Murphy, Mr. NELSON, Mr. Pascoe, Mr. PERKINS, Mr. PETTUS, Mr. PLATT of Connecticut, Mr. PLATT of New York, Mr. PRITCHARD, Mr. PROCTOR, Mr. RAWLINS, Mr. Roach, Mr. Ross, Mr. Sewell, Mr. Shoup, Mr. SIMON, Mr. Smith, Mr. SPOONER, Mr. STEWART, Mr. TELLER, Mr. WARREN, and Mr. WELLINGTON.

Who voted against it?

Messrs. BATE, BERRY, Butler, Caffery, Chilton, CLAY, DANIEL, HOAR, MARTIN, Pettigrew, Turley, VEST, and White.

What was that army raised for? What did Senators of the minority vote with us to raise it and send it to the Philippines for? And in the face of that record they tell us that we ought to have known that a war between a civilized nation and an inferior people could not do otherwise than bring about cruelty and atrocity. Was there any politics in this? Are Senators on the other side who voted to raise this army and send it to the Philippines in a position to turn on us with the vituperation and challenge which has characterized this debate? I do not know how my friend from Tennessee [Mr. CARMACK] voted on this in the House.

Mr. CARMACK. Mr. President——

Mr. SPOONER. I did not mean to challenge the Senator, although I will gladly hear him.

Mr. CARMACK. I was just going to say that I probably voted in accordance with the principle laid down by Abraham Lincoln in voting for troops and supplies for the Mexican war, and that I would so vote again.

Mr. SPOONER. That comes pretty near pleading the same act that is pleaded for the Filipinos when they do wrong things. We are not children. Every man who voted for that—and it was only a few days after the treaty was ratified—voted for it upon the basis that we had acquired title and sovereignty from Spain and had paid for it, and that we were to enforce our sovereignty, and constitutionally and properly do it, in the Philippines, and that our sovereignty was being forcibly resisted by men who had *no right to resist it.*

Now, Mr. President, what policy did President McKinley have as to the Philippines after we had ratified the treaty and acquired the title and the sovereignty of Spain? The President's duty was to enforce the sovereignty of the United States in those islands. He could not make disposition of the islands; he could make no promises to the inhabitants of the islands. He gave us this notice in his message:

Until Congress shall have made known the formal expression of its will I shall use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands as in all other places where our flag rightfully floats. I shall put at the disposal of the Army and Navy all the means which the liberality of Congress and the people have provided to cause this unprovoked and wasteful insurrection to cease. If any orders of mine were required to insure the merciful conduct of military and naval operations, they would not be lacking—

One would know that if he had not said it—

but every step of the progress of our troops has been marked by a humanity which has surprised even the misguided insurgents.

And there is overwhelming evidence that the President was not misinformed as to that fact.

The truest kindness to them—

This is what you find in General Order 100, approved by Abraham Lincoln. This is what you find in every enlightened work upon the subject. This is what General Bell thought; this is what General Chaffee thought; this is what General McArthur thought, and it is the truth:

The truest kindness to them will be a swift and effective defeat of their present leader. The hour of victory will be the hour of clemency and reconstruction.

No effort will be spared to build up the waste places desolated by war and by long years of misgovernment. We shall not wait for the end of strife to begin the beneficent work.

Nor did we. Never in the annals of time—say what you will about the "brutal" policy, as you call it, of the "Administration" in the Philippines—has there been carried by an army so much of amelioration, so much of kindness and tenderness and upbuilding in the line of civil government as was carried by this Army of ours under the orders of William McKinley. It was destructive, of course, as all war is destructive, as all armies must be destructive, but along with the destructive power of the Army went the constructive forces of peace and humanity.

We shall continue, as we have begun, to open the schools and the churches, to set the courts in operation, to foster industry and trade and agriculture, and in every way in our power to make these people whom Providence has brought within our jurisdiction feel that it is their liberty and not our power; *their welfare,* and *not our gain*—

Not exploitation; not an opportunity for "Republican thieves"—

their welfare, and not our gain we are seeking to enhance.

The Senator from Tennessee [Mr. CARMACK], whom I admire, will not doubt the sincerity of that utterance, I know.

And by the act of February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States," the President was authorized to maintain the enlisted forces of the Army at their maximum strength, as fixed by the act, "*during the present exigencies of the service, or* until such time as Congress may hereafter otherwise direct." This had especial reference to the situation in the Philippines, and the act

was passed *without a division in the Senate* although there was much debate and there were many divisions upon some of its provisions. From the beginning it has been recognized by *both parties* that resistance to our sovereignty in the Philippines must be overcome by the military forces of the Government. The *minority substitute for this bill contemplates that, if it is necessary.*

Senators who will have so much to say about the Army in the next campaign and about the *Republican* policy in sending it there, and about the result, which some of them say they predicted, that a conflict between an army of civilization and an inferior race would be productive of atrocity, should read the record to the people and show their own responsibility for sending that army there.

I could not understand for a while the extreme bitterness of the Senator from Tennessee, but toward the end of his speech when he told us that he had *foretold* that in a conflict between the forces of civilization and an inferior race there could be nothing but cruelty; that that people would never be our friends; that they would hate us through all the centuries, I understood it, because if those things do not all happen the Senator from Tennessee *will not have been a prophet.*

Of course it has been shown many times that Aguinaldo almost from the beginning of the arrival of our troops was hostile to us. He did not want to permit them to land. He prohibited the landing of others without notification to him of what they were brought there for. He would not allow them to purchase supplies; he forbade *supplies* being furnisheduntil he was notified that we must have them, and that if he did not authorize their sale to us we would pass his lines and take them; and he "plumed" himself upon his "magnanimity" that he did not cut off the water supply of the great city of Manila. He gave every indication that he had become what Admiral Dewey said he was—a swelled head and determined to have trouble.

As early as September, 1898, this distinguished president of a "friendly" republic—to which we are "denying independence"—which they are incapable, left alone, of creating upon any standard ever recognized in the world, gave these instructions. Remember this is September, long before we *demanded* the *cession* of the Philippine Archipelago.

AGUINALDO'S ORDERS TO GENERALS COMMANDING THE ZONES ABOUT MANILA, DIRECTING THE WITHDRAWAL FROM MANILA, SEPTEMBER, 1898.

General PIO DEL PILAR:

Give instructions to have a detachment posted in the interval from the branch of the river of Paco in a northerly direction to the bridge, and so on up to the Pasig River in the direction of Pandacan, the river serving as a line until suburb of Tanque is reached, which will be under our jurisdiction. Proceed to execute this order on its receipt, posting detachments where they are necessary, and trenches will be made without loss of time, working at this both day and night. Do not rest, for by doing so we may lose the opportunity. Beg of the troops to assist in the formation of intrenchments. Matters have a bad aspect. We especialy expect something on the days of Wednesday and Thursday, 10th and 15th of this month. The danger is pending on the mentioned days, also in the time that follows.

Keep strict vigilance at all hours. In case you receive orders to leave that place, do not do so on any account without my orders, happen what may.

Send the forces in Perez's house (situated on the other side of the bridge) to the town of Paco and post them in their places in Tanke, adding three more companies; and post separate detachments up to Pandacan, but close enough together to see each other.

Have the furniture that is in Perez's house taken out and sent to Santa Ana before Captain Salvador and his forces leave said house. Order the band to accompany the troops on their march to Paco, the same as will be done in Ermita and Malate. Have all the musicians dressed in uniform; those who have no uniform must borrow from the men in the ranks. Keep the places where detachments are to be posted a secret in the meantime.

Concentrate all your forces in Santa Ana before the day arrives.

Warn your soldiers against firing at random, as the Spaniards did; if possible, have them calculate the number of their antagonists and how much ammunition there is in comparison with the number of the attacking force; in fact, there are occasions when each shot fired kills as many as four men.

I hope you will see to the execution of these instructions, and that you will maintain the honor of Filipinos by your courage, and in no way permit that your rights be trampled under foot.

Gen. P. GARCIA:

On Wednesday, the 14th of this month, you will post detachments in the points indicated by crossed lines on the inclosed plan. On receipt of this, and as soon as you learn its contents, proceed secretly to determine the most suitable places to post detachments, and immediately post our troops and have intrenchments made, employing day and night in this work. Beg this of our soldiers.

NORIEL or CAILLES:

At 8 o'clock in the morning of Wednesday, the 14th, retire your command out of the town of Malate as indicated on the inclosed plan; from the bridge in Singalong and in a straight line from there to the branch of the river in Paco will be the line of our jurisdiction, even though we may not be of one mind in the matter. On receipt of this proceed to determine the most suitable places to post our troops, even if they are not supplied with batteries. On posting the detachments, give instructions to have intrenchments made immediately without resting, especially on the days of the 15th and 16th.

Matters present a serious aspect; do not lose vigilance, and be on the alert at all times. Beg our soldiers to assist in the work in order not to lose time.

Concentrate all the forces and have a call to arms in Cavite, so that all the troops may be in Pasay on Wednesday night.

In case the Americans attempt to order you out, do not leave your posts, happen what may, but exercise prudence and be prepared, *leaving them to give the provocation.* Answer them that you have no instructions given you with regard to what they ask.

NOTE.—In handwriting of E. Aguinaldo.

All this was directed against the Americans by the "friendly president" of a "friendly republic."

The Filipinos, with studied insult month after month, as all the testimony of our officers shows—truthful and accomplished officers—by every means in their power attempted to *evoke* a hostile demonstration from the United States troops, and General Otis says that Aguinaldo was "happy" when Miller went to Iloilo because the "first gun would be fired by the United States." They waited until two days before the *vote upon the treaty*, and they found both by cable from here and by notification from General Otis that the United States would *not fire a gun*, and then *they took the initiative.*

Another thing I have never been able to understand, and I have never heard it explained or attempted to be explained on the other side, either. It has been referred to, but I have never heard any explanation of it. It is that Agoncillo and his secretary, who had been for weeks stopping at the Arlington in this city, representing the Philippine republic (so called), at midnight on the 4th of February, without notifying the hotel people, without paying their bills, secretly left for Canada. And when the next morning, on February 5, we learned for the first time of the outbreak in Manila, their attack upon our troops there, they were approaching the Canadian line.

They need not have run away. They knew the treaty was to be voted upon the next day. They knew the Vest amendment, putting them on the same basis with Cuba, was to be voted upon that day or the day afterwards. They knew that the Bacon resolution was pending. Why in this way did they withdraw from Washington? They knew—there is no other explanation of it—that word would come from Manila of an attack upon our troops, and they thought foolishly that it would be healthier in Canada than in Washington. And all this revived effort to put the Army of the United States over there in the wrong, to satisfy the people that we brought about that outbreak, is in the face of evidence which is overwhelming and incontrovertible.

Among the charges, Mr. President, that have been made in this debate is one made by the Senator from Utah [Mr. RAWLINS] more sinister and ugly than any I have heard before. If it were true every man in this Chamber would hang his head:

The message to the people of the United States announcing the beginning of hostilities, the Senate of the United States then having under consideration the question of the ratification of the Paris treaty, is said to have been put upon the wires two hours and a half *before even the American sentries killed the Filipino patrol coming from blockhouse No. 7.*

In other words, it is said to have been put upon the wires for transmission at Manila *two hours or more before the outbreak occurred.* And then the Senator from Utah says:

In order to get time for the message to arrive here it *was necessary to* have the hostilities *begin at half past 3*, whereas according to the testimony of General MacArthur they did not actually begin until *half past 10 on Saturday night, the 4th of February.*

General Otis reported and he has testified before the committee that they began about 8.45. General MacArthur reported officially that they began at 8.30. General Hughes has testified before the committee that they began at 8.30. General MacArthur, when his attention was called to it again, said he stood by his report, and that he had testified hastily and inadvertently that they began about 10.30. I recollect his testimony. Here is the argument of the Senator from Utah:

There was the overwhelming political necessity. There was the war that Congress did not declare. There was the war for which the American people are not responsible. There was the war begun not by any recognized authority emanating from the people of the United States. There was the war either begun by General Otis or begun by the President of the United States without the sanction of the sole repository of that power under the Constitution.

I took occasion to look into that matter a little, because the imputation there is that there was a "political necessity" for its influence upon the vote onthe treaty that news of the outbreak should get here at a certain time, and that *in contemplation of the outbreak, which we intended should occur*, the message had been put upon the wire *two hours or more before the outbreak did occur.* The fact is that the first official information received in Washington about the outbreak was a cablegram from Admiral Dewey, received here February 5, 1899, at 8.05 a. m., as follows:

MANILA, *Received February 5, 1899—8.05 a. m.*

SECRETARY OF THE NAVY, *Washington:*

Insurgents have inaugurated general engagement *yesterday night* which is continued to-day. The American Army and Navy is generally successful. Insurgents have been *driven back* and our line advanced. No casualties to Navy. In view of this and possible future expenditure, request ammunition requisition doubled.

DEWEY.

General Chaffee was asked to ascertain when that cablegram was filed in Manila for transmission, and replied as follows:

MANILA, *May 20, 1902.*

ADJUTANT-GENERAL, *Washington:*

With reference to your telegram of 19th, records cable company show Dewey's message, 41 words, filed 6.02 evening February 5; message, 20 words,

filed 11 morning, February 6. Original messages sent London. Otis message dated February 5, filed 8.32 morning, February 6.

CHAFFEE.

Thus the fact is that this message of Admiral Dewey was filed for transmission at two minutes after 6 on the evening of the 5th of February, *twenty-one hours after the outbreak had occurred*, and refers to an outbreak having occurred *yesterday night*. At the time—there being thirteen hours difference between Manila and here—that telegram was filed for transmission—6.02 in the evening of February 5—it was 5 o'clock or thereabouts in the morning, February 5, here, and this message was received from Dewey at five minutes after 8, which gave it three hours and five minutes for transmission and delivery.

I have here a letter from General Otis and a letter from Secretary Root upon the subject, which I do not care to read, but ask leave to insert.

ROCHESTER, N. Y., *May 18, 1902.*

ADJUTANT-GENERAL UNITED STATES ARMY,
Washington.

SIR: In answer to your communication of the 16th instant I have the honor to report that I am quite certain of the correctness of my statement that the insurgents commenced the attack on our outer lines around Manila about 8.45 p. m. on the evening of February 4, 1898; that the time was fixed by referring to my watch that evening and consulting with the officers of my staff the following day.

No report or dispatch of any kind was sent from the Philippines to the United States announcing that fighting had begun or was in progress until after 4 o'clock on the afternoon of February 5, to my knowledge. Certainly none was sent by me, nor by any officer of the Army. Some twenty hours after hostilities had commenced I cabled facts and results, and not until then. Shortly after I sent that cablegram I received a dispatch from Washington, purporting to be signed by the Adjutant-General of the Army, which read, according to my present recollection, as follows: "They say you are fighting. Why do not you report?" Evidently Washington obtained information from some source; where, I do not know. It might be well to ascertain what inspired the Adjutant-General's dispatch.

Very respectfully, your obedient servant,

E. S. OTIS,
Major-General, retired.

WAR DEPARTMENT,
Washington, May 20, 1902.

MY DEAR SENATOR: I find that the first information of the beginning of hostilities between the insurgents and the American troops at Manila on the 4th of February, 1899, received by the Government at Washington was contained in a dispatch from Admiral Dewey to the Secretary of the Navy, received at the Navy Department February 5, 1899, at five minutes after 8 o'clock in the morning, Washington time. It was in cipher, and you already have the translation. It was filed for transmission at the office of the cable company in Manila two minutes after 6 o'clock on the evening of February 5, Manila time, twenty-one hours after the hostilities began, as appears from a dispatch received from General Chaffee to-day, a copy of which I inclose. The first information received from General Otis, who commanded the American army at that time, was contained in a dispatch (a copy of which you have) received at the War Department February 5, at 10.52 p. m., Washington time, and this appears, by General Chaffee's message, to have been filed for transmission at the cable office in Manila at 8.32 in the morning of February 6, Manila time, nearly thirty-six hours after the fighting began.

I wish to make two observations regarding Senator RAWLINS's charge in his speech of April 23:

(1) Admiral Dewey's dispatch said: "Insurgents have inaugurated general engagement yesterday night, which is continued to-day."

General Otis's dispatch said: "Insurgents in large force opened attack on our outer lines at 8.45 last evening. Renewed attack several times during night. At 4 o'clock this morning entire line engaged."

If Senator RAWLINS's charge were true, then Admiral Dewey and General Otis, or at all events the former, would be guilty of a gross fraud and falsehood in stating that an event occurred the day before, when in fact it had not yet occurred.

(2) Senator RAWLINS evidently figured the difference in time between Manila and Washington the wrong way, or more probably accepted the statements of some one else who had figured it the wrong way. The sun rises in Manila thirteen hours earlier than it does in Washington, and Manila time is therefore thirteen hours later than Washington time, so that at five minutes after 8 in the morning of February 5 in Washington, when Admiral Dewey's dispatch was received, it was five minutes after 9 in the evening of February 5 at Manila.

I send you also a copy of a letter from General Otis, which states his knowledge of the facts. General MacArthur's testimony fixing the beginning of the fighting at half past 10 on the night of the 4th of February, whereas Otis's dispatch fixes it at 8.45, is of course immaterial in view of the long time which elapsed before the dispatches reporting the engagement were sent. The difference is probably due to the fact that MacArthur had in mind the time when he got into the fight with the troops under his command, while Otis was reporting the first fighting done by any troops.

Faithfully, yours,

ELIHU ROOT.

Hon. JOHN C. SPOONER,
United States Senate.

Inclosures.

I could not allow this matter to pass without some notice. It is only due to the Senator from Utah [Mr. RAWLINS] that I should say he did not assert it. He said "it is said," and I took the trouble to ascertain the facts, not having any doubt whatever about it, but in order that they might be put of record, once for all.

Mr. ALLISON. With the consent of the Senator from Wisconsin, I will be glad to move that the Senate proceed to the consideration of executive business. I understand that the Senator from Wisconsin prefers to complete his remarks on Saturday.

Mr. ALDRICH. Unless some one else desires to proceed.

Mr. DUBOIS. The entire Senate was taken into the confidence of the majority and the minority of the Philippine Committee, and it was stated that three Senators on this side desired to speak and one on the other side, and the agreement was made with the understanding that these Senators should be accommodated. I would not, of course, ask the Senator from Wisconsin to continue his remarks, but I think we ought to have a night session or provide in some way to carry out the agreement entered into by the entire Senate, that those Senators should be allowed to make their speeches.

Mr. ALLISON. One Senator on the other side spoke to-day by the courtesy of the Senator from Wisconsin, and occupied nearly an hour and a half.

Mr. DUBOIS. I understand; but I——

Mr. ALLISON. And, as the Senator is aware, after the agreement was entered into another Senator on the other side spoke.

Mr. BACON. Not on this side.

Mr. DUBOIS. Not on this side. This side stated with authority as to those who were to speak and invited anyone who disagreed with that statement to tell us.

Mr. ALLISON. I did not hear that.

Mr. DUBOIS. It is in the RECORD. I think in fairness the Senators who were named before the agreement was made should be allowed to address the Senate on the general bill.

Mr. ALLISON. I agree to that.

Mr. BEVERIDGE. There is no objection.

Mr. DUBOIS. The Senator from Georgia [Mr. CLAY] has spoken.

Mr. ALDRICH. There is no objection to anybody going on who desires to.

Mr. BAILEY. I suggest that we might provide ample time even under the arrangement as it stands by devoting Monday to general debate instead of to fifteen-minute debate. I take it the debate upon the amendments will not serve any very useful purpose. On that point, however, I defer entirely to the Senator from Idaho.

Mr. DUBOIS. The members on this side not only wanted two days' debate on the amendments, but three; and then on the bill fifteen-minute debate.

Mr. BAILEY. I merely ventured to make the suggestion.

Mr. ALLISON. Allow me to make a single suggestion.

Mr. DUBOIS. Will the Senator from Iowa excuse me for a moment? All I want to do is to carry out the agreement as it was understood by the entire Senate.

Mr. ALLISON. Certainly no one wishes to violate it. The Senator from Wisconsin intimates, and I think very properly, that he would be glad if he could be relieved for the evening on account of his being tired.

Mr. COCKRELL. Why not take a recess?

Mr. ALLISON. I have never known a Senator to be forced to continue the debate under such circumstances.

Mr. SPOONER. If the arrangement proposed is not agreeable to Senators I will go on now.

Mr. DUBOIS. Please do not do that. The Senator from Wisconsin must not misunderstand me.

Mr. SPOONER. I do not, but I want to say that I would not be willing to permit any arrangement for my accommodation which would at all disarrange the order which has been agreed upon, and if the proposed arrangement will shorten any Senator's speech or deter anyone from speaking, then I prefer to go on now. I have been speaking under embarrassment, but I will go on if that will make it more agreeable.

Mr. ALLISON. I hope that will not be insisted upon.

Mr. DUBOIS. Not at all.

Mr. ALLISON. It was arranged that the session this morning should begin at 11 o'clock, and it was understood in the discussion yesterday that the Senator from Wisconsin would have this day. He took the floor about 3 o'clock this afternoon, although we began the session at 11 o'clock this morning. Now, after a weary day, at 5 o'clock he suggests that he does not feel like going on with his speech this evening. If there is any other Senator who desires to go on now, I am perfectly willing to sit here and listen to him.

Mr. ALDRICH. Now or this evening?

Mr. ALLISON. Either one.

Mr. BEVERIDGE. Is not that a good solution of the difficulty?

Mr. ALLISON. But I do not think the Senator from Wisconsin ought to be forced to finish his speech to-night.

Mr. DUBOIS. Oh, no. The Senator from Iowa totally misunderstands me. A motion was made to go into executive session——

Mr. ALLISON. I withdrew that.

Mr. DUBOIS. Or a Senator rose to make that motion.

Mr. ALLISON. I did that because I did not know that any other Senator desired to go on to-night.

Mr. CARMACK. I merely wish to say that I do not want the Senator from Wisconsin, feeling as he does, to be forced to go on this afternoon under any circumstances; and whatever arrangement is made must be made to accord with his feelings and with

the view that the Senator will be allowed to finish his speech at his convenience. I am very much opposed to desiring the Senator to go on this evening.

Mr. ALLISON. Are any of the Senators on the other side ready to go on?

Mr. CARMACK. So far as I know, they are not. I think it is due to the Senator from Wisconsin in making his speech that his convenience should be consulted.

Mr. SPOONER. If it is a mere matter of my convenience, I would not permit the suggestion to be made at all.

Mr. CARMACK. That is a matter that is always considered, and it has been considered with reference to Senators on this side of the Chamber.

Mr. DUBOIS. Yes.

Mr. CARMACK. The Senators upon the other side of the Chamber have been very courteous about acceding to the convenience of Senators on this side. I certainly do not wish to require the Senator from Wisconsin to go on now under any circumstances, having spoken as long as he has.

Mr. BEVERIDGE. Is there any Senator on the other side ready to go on?

Mr. PATTERSON. Will the Senator from Indiana yield to me for a suggestion?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. I want to suggest that an adjournment be taken until Saturday morning, so as to give an opportunity to the Senator from Wisconsin to then conclude his speech; and, if it be necessary on Saturday night to conclude general debate, let us then have a night session.

Several SENATORS. That is right.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until Saturday, May 31, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 29, 1902.

COLLECTOR OF CUSTOMS.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland. (Reappointment.)

SURVEYOR OF CUSTOMS.

Robert A. Ravenscroft, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland, to succeed John B. Hanna, whose term of office has expired by limitation.

NAVAL OFFICER.

William T. Malster, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland, to succeed John W. Cable, resigned.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland. A reappointment, his term having expired May 11, 1902.

UNITED STATES MARSHAL.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland, vice William F. Airey, whose term will expire July 16, 1902.

UNITED STATES CIRCUIT JUDGE.

Alfred C. Coxe, of New York, to be United States circuit judge for the second judicial circuit. An original appointment as provided in the act approved April 17, 1902, entitled "An act providing for an additional circuit judge in the second judicial circuit." Alfred C. Coxe is now United States district judge for the northern district of New York.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 29, 1902.

RECEIVER OF PUBLIC MONEYS.

George A. McKenzie, of California, to be receiver of public moneys at Stockton, Cal., June 17, 1902.

POSTMASTER.

Charles A. Dunlap, to be postmaster at Manheim, in the county of Lancaster and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 29, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

REPRINT OF BILL.

Mr. GIBSON. Mr. Speaker, by direction of the Committee on Invalid Pensions, I ask for a reprint of the bill S. 4858 and the accompanying report.

The SPEAKER. The gentleman from Tennessee, by direction of the Committee on Invalid Pensions, asks unanimous consent for a reprint of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 4858) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

NATIONAL BANKS.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, of the bill H. R. 7659.

The Clerk read as follows:

A bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

Be it enacted, etc., That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of 25,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller, with the approval of the Secretary of the Treasury, shall have authority to grant such request, and every bank located in such city so designated shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes: *Provided*, That no bank with a capital of less than $100,000 shall be thus designated."

The amendment recommended by the committee was read, as follows:

On page 1, line 11, strike out "twenty-five" and insert "fifteen."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not think a bill of that magnitude ought to be considered by unanimous consent, and therefore I object.

Mr. SMITH of Iowa. Will the gentleman withhold his objection for a moment?

Mr. RICHARDSON of Tennessee. Yes.

Mr. SMITH of Iowa. Mr. Speaker, I wish to state that this bill is unanimously reported, and unanimously passed the House at the last session, but too late to pass the Senate. The present law requires that the reserves of national banks shall be held in cities of 50,000 population and over. The bill which provided for small national banks resulted in the creation of national banks where State banks had existed and the removal of the reserve fund from the smaller cities to the larger cities, so that the bill creating the small banks operated to transfer the reserve funds from cities of 15,000 to cities of 50,000 and over, and thus concentrates the reserve money in the great cities of the country to the detriment of the smaller cities. This bill proposes to restore substantially the condition that existed before the small national banks were authorized. It had the unanimous approval of the committee in the last Congress, it passed the House unanimously, and has now the unanimous approval of all the members of this committee.

Mr. LIVINGSTON. Do I understand these small banks were permitted to hold the reserve fund at their pleasure? Does not the gentleman know that contracts the currency to that amount?

Mr. SMITH of Iowa. No; you misunderstand. The old law provides that the reserves of the national banks should only be in cities of over 50,000 population.

Mr. LIVINGSTON. I understand.

Mr. SMITH of Iowa. That concentrated all the reserve of all the national banks there.

Now, when you passed the law providing for the creation of small national banks in small towns and State banks reincorporated as national banks, they were compelled to transfer their reserves of from fifteen to fifty thousand dollars to the banks in the great cities, and thus it operated to drag the money from the country into the great cities. This bill provides for restoring the old conditions and for a wider distribution of the national banking reserve fund.

Mr. UNDERWOOD. This merely allows the money that belongs out in the country to remain there, and at the same time strengthens the bank's reserve fund.

Mr. SMITH of Iowa. Yes. In view of this explanation, I trust the gentleman from Tennessee will not deem it necessary to object.

Mr. LIVINGSTON. I think, Mr. Speaker, this bill is all right.

Mr. RICHARDSON of Tennessee. I will object to the consideration at this time. I do not think a bill of that kind ought to be passed by unanimous consent without an opportunity to discuss it or have it discussed fully before the House. I object.

Subsequently,

Mr. RICHARDSON of Tennessee. Mr. Speaker, I interposed an objection a moment ago to the bill offered by the gentleman from Iowa. I have read the bill since then and I see no objection to it, and I withdraw my objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Will the gentleman from Iowa withhold for a moment and yield to me?

Mr. SMITH of Iowa. I will.

Mr. BARTLETT. I merely want to state, Mr. Speaker, in reference to this bill, that it was considered by the Committee on Banking and Currency and the minority members of the committee were present and after a full consideration we reported it, deeming it proper legislation.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the last vote was laid on the table.

JOHN SHAMBURGER, LOUIS SMITH, AND HENRY METZGER.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the record of dishonorable discharges now standing on said rolls and records against John Shamburger, Louis Smith, and Henry Metzger, late privates of Company M, Twelfth New York Cavalry, and grant each of them a certificate of honorable discharge, to date November 7, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The following amendment was recommended by the committee:

In line 3, after the word "authorize," strike out the words "and directed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RYAN, a motion to reconsider the last vote was laid on the table.

CONFEDERATE MOUND, OAK WOODS CEMETERY, CHICAGO, ILL.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Oak Woods Cemetery Association for the improvement and ornamentation of the plot of ground owned by the United States and known as "Confederate Mound," located in Oak Woods Cemetery, Chicago, Ill., in which are buried 12 Union and 4,039 Confederate soldiers, who died at Camp Douglas during the war of the rebellion, so as to bring the condition of the said plot of ground up to the standard of the improvements in the cemetery surrounding it: *Provided*, That the expense of such improvement shall not exceed the sum of $3,850.

SEC. 2. That the Secretary of War be, and he is hereby, authorized from time to time to enter into contract with the Oak Woods Cemetery Association for the proper care, protection, and maintenance of the said plot of ground known as "Confederate Mound" and described in section 1 of this act: *Provided, however*, That the annual expense thereof shall not exceed the sum of $250.

SEC. 3. That to defray the expenses of the improvement provided for in section 1 of this act the sum of $3,850, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. LIVINGSTON. Reserving the right to object, Mr. Speaker, I would like to have some explanation. Has it been to the Appropriations Committee?

Mr. MANN. Mr. Speaker, the bill is unanimously reported by the Committee on Military Affairs. The Government of the United States in 1866 purchased the land in question, which is situated in the center or near the middle of Oak Woods Cemetery, Chicago, and have buried there ex-Confederates and ex-Union soldiers in this plat of ground. The ground is uncared for by anybody. A few years ago the Ex-Confederate Association erected a monument upon the ground at their own expense, but the ground needs to be properly taken care of. The title is in the Government.

Mr. LOUD. I would like to ask the gentleman why the appropriation of $3,000 is made?

Mr. HULL. I want to say, Mr. Speaker, that this plat of ground, unless the Government cares for it, is a blot on the cemetery. The Government ought to take care of it.

Mr. LOUD. Why does the bill appropriate three thousand and odd dollars?

Mr. MANN. It authorizes the Secretary of War to enter into contract for the improvement of the ground, not to exceed an expense of $3,850, and makes an appropriation of that sum, or so much as may be necessary therefor.

Mr. LOUD. What is the $250 item for?

Mr. MANN. The $250 item provides that the Secretary of War may enter into a contract for the maintenance of the plat of ground at a cost not exceeding $250; but there is no appropriation carried in the bill for that.

Mr. LOUD. How are you going to get it?

Mr. MANN. If it is done, it will have to be by an annual appropriation hereafter.

Mr. LOUD. Mr. Speaker, I want to say that I do not feel disposed, because I have the power, to object to this bill, but I want to say to the House that it simply opens the door to care for the graves of the Confederate dead throughout the United States. The bill recites that there are four thousand and odd Confederates buried there, and they have thrown in 12 Union soldiers in order to attempt to cover up the 4,000 Confederate dead.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS WACCAMAW RIVER, SOUTH CAROLINA.

Mr. SCARBOROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

The bill was read.

The amendments reported by the Committee on Interstate and Foreign Commerce were read, as follows:

After the word "That," in line 3, page 1, insert the word "the."

In lines 12 and 13, page 1, strike out all after the word "expense" and insert the following: "and said draw shall be promptly opened upon reasonable signal for the passage of all water craft."

Strike out all of sections 3 and 4 and insert the following:

"SEC. 3. That the company building the said bridge shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location thereof, and until the said plan and location are approved by the Secretary of War the said bridge shall not be commenced or built, and no changes shall be made in said bridge during the progress of construction, or after completion, unless approved by the Secretary of War. And the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interests of navigation: *Provided*, That the said company shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board may prescribe.

"SEC. 4. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transmission over the railroads leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for telegraph and telephone purposes.

"SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges in the passage of railroad trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of the said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SCARBOROUGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUBSIDIARY SILVER COINAGE.

Mr. HILL. I call for the regular order, and move that the House now resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the bill (H. R. 12704) to increase the subsidiary silver coinage.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of House bill 12704.

Mr. MCCALL. Mr. Chairman, I have here a letter from a former colleague of mine, a distinguished gentleman who served

as chairman of the Committee on Banking and Currency, with regard to the currency bill known as the "Fowler bill."

A MEMBER. Whom is the letter from?

Mr. McCALL. It is from Hon. Joseph H. Walker, who is known to most of the members of the House. I ask unanimous consent that this letter be printed in the RECORD. It will not occupy more, perhaps, than two pages.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent that he may have printed in the RECORD a letter received by him from a former colleague and member of the House upon the currency bill. Is there objection?

Mr. MADDOX. Who is the gentleman?

The CHAIRMAN. Hon. Joseph H. Walker, of Massachusetts. [A pause.] The Chair hears no objection, and leave is accordingly granted.

The letter is as follows:

WORCESTER, MASS., *May 21, 1902.*

MY DEAR MR. McCALL: I see by the papers that the Republicans were called in caucus to consider the Fowler banking bill. I feel it my duty to give you the conclusions that I have come to on the bill, resulting from my thirty years' study of the banking and currency question. It seems to me that, while Mr. FOWLER is absolutely sound in his views on the kind of currency that banks ought to issue and, in fact, generally on the banking question, when it comes to proposing a remedy he utterly fails to carry into practice his theories as to currency and banking. His report on his bill is a remarkably able one and generally correct in the principles enunciated, but the bill in no sense justifies the claims in the report and is very objectionable in many of its provisions.

First. The claim in the report that the responsibility of the Government for protecting the necessary gold reserve is transferred to the banks is not justified by the text of the bill.

Second. The bill still leaves the parity to be maintained by the Treasury by taxing the people for doing so in the sale of bonds, contrary to the statement of the report.

Third. Contrary to the statement of the report, it does not "provide a currency always responsive to and adequate to the demands of trade;" nor does it "equalize and lower the rate of interest," for the bill still leaves the bond currency in existence, which will be used by all banks in preference to currency encumbered by so many disabilities as are provided in the bill.

Fourth. It in no way removes doubt with regard to the maintenance of our standard of value.

Fifth. Further, the provisions of the bill for international banking are contrary to the whole theory and practice of our people in banking and make the bill impracticable as a legislative measure, as well as inconsistent with our "free banking" system.

Sixth. The raising the cost of the supervision of banks from the present salary of an efficient, single comptroller of the currency to a board of control consisting of three members at an expense of $22,500 is not justified by any change of method made or new obligations imposed in that department of the Treasury.

Seventh. The bill, instead of being accepted, will be resisted by all the banks whom the bill claims to benefit in compelling country banks to submit to a sufficient amount of taxation to raise a fund of $130,000,000 to redeem and cancel that amount of United States notes, while practically excusing the city banks from such taxation.

Eighth. Finally, the bill in no way improves, but makes more onerous, the indirect taxation in excessive discount rates and cost upon the country people, who are least able to bear it and who are now most heavily and unjustly taxed in the present system.

THREE COMPTROLLERS.

More in detail I have to observe that to appoint three Comptrollers of the Currency to discharge the duties now discharged by one would introduce confusion and uncertainty and additional expense into the management of that department, besides the great increase of expense in salaries. It is contrary to the whole trend of the present system of executive control in that department of the Government, dividing and making impossible the fixing of responsibility.

$65,000,000 OF GOLD PAID OUT.

To provide that $65,000,000 of the gold now in the Treasury should be paid out in comparatively small sums covering a period of many years in redemption of United States notes, and before a change in the present system is consummated, is contrary to good business management. If the people are to be taxed directly or indirectly in sufficient sums to redeem and cancel United States notes, the same should be collected before any of the notes are canceled and the notes canceled at one time, instead of in the manner proposed in the bill.

COUNTRY BANKS TAXED $130,000,000 TO REDEEM GREENBACKS.

In view of the fact that banks in large cities can not use currency notes to any appreciable extent, this bill may be fairly denominated a bill to compel country banks to be at the risk and expense of maintaining the parity of all legal-tender and bank money and to submit to a sufficient taxation to redeem and cancel $130,000,000 of United States legal-tender notes for which there is no demand from the people.

COUNTRY BANKS TAXED—CITY BANKS NOT TAXED.

Furthermore, the provision for restricting banks to the issue of currency to an amount not exceeding 10 per cent of its capital in one year at a tax of one-eighth of 1 per cent, an additional 10 per cent in two years at five-eighths per cent, 10 per cent each succeeding year for three years at five-eighths per cent, 20 per cent after the sixth year at 1¼ per cent, and 20 per cent after seven years, taxed at 2½ per cent, is a freak proposition, as bank circulating notes are identical to the receiver of them with a credit in his favor written on the books of the bank and as currency is practically a certificate of deposit used by patrons of banks in the country, instead of the credit written on the books of the bank in favor of the bank customers in cities. This tax has no more justification than the same tax on deposits would have. It becomes an onerous and oppressive tax on farmers in country districts in discrimination against them as compared with the borrowers of funds living in cities.

THE PEOPLE'S MONEY LOANED TO BANKS AT 1 PER CENT.

Neither can the provision of this bill for the National Treasury to make loans to banks of the taxes collected from the people at the rate of 1 per cent interest per annum, while the people are expected to pay from 4 to 12 per cent on this same money when borrowed from the banks, justify itself to the people.

5 PER CENT SAFETY FUND FROM COUNTRY BANKS—NONE FROM CITY BANKS.

Neither has the provision requiring banks to deposit a safety fund equal to 5 per cent of the currency they take out any more justification than to require the same deposit of 5 per cent from a bank on all deposits of its customers written on its books. In fact, the bill from beginning to end makes sharp and oppressive discriminations against borrowers from banks whose business requires them to use bank circulating notes, in favor of those who use deposits and their own checks. This bill imposes on currency in country districts enormous tax rates that would increase the rates of discount on loans made to persons using currency of from 1 to 3 per cent above that of those who do their business with checks instead of bank circulating notes.

TERRITORIAL CLEARING HOUSE AND REDEMPTION DISTRICTS BAD.

Again, to divide the country into territorial clearing-house districts is one of the most clumsy, unreasonable, and uneconomic provisions that could be introduced into our banking system.

The dividing of the country territorially into post-office districts, and forbidding letters to be sent across the line of one district into another until they had first been sent to some city in the given territory, would be just as reasonable, and no more so, than this provision with reference to the current redemption of bank circulating notes. The fixing of the points at which notes shall be collected to be redeemed should be as free to be agreed upon and easy of change as the various places designated for collecting and distributing mail matter in the present postage system of the country. Nothing in experience or reason justifies such a provision.

BANKS CAN NOT PAY OUT CERTAIN MONEY.

The provision forbidding banks to pay out over their own counter notes issued by banks situated in other districts is liable to intensify, or even create, a panic in times of great stringency.

CAN NOT ISSUE PAPER MONEY UNDER $10.

Neither is there any justification for forbidding banks to issue circulating notes of a denomination less than $10. The people who use bank-note currency can not do so freely unless a very large proportion of it is in bills of a less denomination than $10. The reason given for this provision, that it is to make it impossible for silver certificates to be collected and presented to the Treasury, directly or indirectly, for gold redemption, is not justified by existing facts.

SILVER CERTIFICATES USED TO GET GOLD.

The universal custom of all traders is to deposit in banks all moneys they collect each day. All the silver certificates outstanding will average to be deposited every few days in the banks, by whom they can be readily collected and presented to the Treasury to demand gold. Under this bill the statement that the banks can not do so because they must have these silver certificates of denominations of less than $10 to use is not conclusive. Until human nature is very much changed from what it is to-day, if there is a desire upon the part of banks to secure gold, they will take any money that comes within their reach upon which they can demand gold, with little regard to the interest or convenience of anyone else, and of $900,000,000 of silver in circulation, it seems an exceedingly unreasonable belief that one or two hundred millions of it can not be almost immediately collected from the banks in which traders make their deposits every morning to get gold from the United States Treasury.

A BILL OF WHIMS, THEORIES, AND SPECULATIONS.

In fact, the bill bears evidence, from first to last, of being the embodiment of whims, theories, speculations, and unjustifiable propositions invented by its framers, rather than the result of a careful study of Treasury and banking principles and universal practice.

THE BILL WOULD FURTHER EMBARRASS THE TREASURY.

If enacted into law, it would be a very positive and serious injury and no possible help to the present Treasury and banking system of the country. It continues and still further violates the whole theory of the relation of the United States Treasury to the banks held for two-thirds of a century, which is that it should be entirely independent in every respect from the banks. For thirty years legislation has more and more involved the Treasury with banks, making it practically responsible for them and subject to the loss of millions upon millions of dollars collected in taxes from the hard earnings of the people.

INVOLVES THE TREASURY WITH BANKS.

The Treasury has been repeatedly compelled to sell bonds when it did not need the proceeds of the sale in order to discharge the duties that normally belong to banks and which are performed by banks in every other country, and this bill will still further aggravate that situation.

MAKES MAINTAINING OF PARITY MORE DIFFICULT.

Instead of in any way relieving the United States Treasury from the responsibility, as the bill is declared to do in the statement of the majority, it still further involves the Treasury with the banks and makes it more difficult for the Treasury to perform the abnormal duties now forced upon it of maintaining the parity of all lawful money without in any way being legally entitled to the assistance of the banks.

IN THE INTEREST OF A FEW BANKS.

In fact, I can see no way in which the enactment of this bill is to benefit the United States Treasury or the people or anybody, but is in the interest of a few banks who each have millions of assets.

Finally, it would render the present conditions and inequalities more onerous than they now are—in fact, would make the bad conditions of the present worse instead of mending them.

Please get the Hearings and Arguments before the Committee on Banking and Currency, had in March, this year, where you will find the whole question discussed in a pamphlet of 111 pages, covering the whole ground of the Fowler bill.

Very truly, yours,

J. H. WALKER.

Hon. SAMUEL W. McCALL, *Washington, D. C.*

Mr. HILL. Mr. Chairman, I move that all debate upon the pending section and all amendments thereto be closed in ten minutes.

Mr. LANHAM. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANHAM. I wish to know whether at this time it would be in order to offer a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GROW] and the amendment to that amendment proposed by the gentleman from Nevada [Mr. NEWLANDS].

The CHAIRMAN. After the pending motion of the gentleman

from Connecticut [Mr. HILL] is disposed of it will be in order, as the Chair understands, to offer a substitute.

Mr. COCHRAN. I did not understand the motion of the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Connecticut moves that all debate on the pending section and all amendments thereto be closed in ten minutes.

Mr. HILL. This will not preclude the offering of other amendments. They may come in, but can not be debated.

Mr. COCHRAN. I do not understand that a motion for the previous question is in order. That is what this motion amounts to, though it is not stated in that way. I submit that the only motion now in order is with reference to the pending amendments. It is probably in order to move to close debate on the pending amendments—at least I make no point of order against so much of the motion; but I do make the point of order that the motion as made is not in order.

The CHAIRMAN. It may be unfortunate that there is only one section of the bill [laughter]; but the motion to close debate on the pending section and all amendments thereto is, in the judgment of the Chair, in order.

Mr. COCHRAN. But can the gentleman by such a motion preclude debate on other amendments to the bill?

The CHAIRMAN. For the information of the gentleman from Missouri [Mr. COCHRAN] the Chair will have the Clerk read the rule.

The Clerk read as follows:

The committee may, by the vote of a majority of the members present, at any time after the five-minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

Mr. COCHRAN. I can not see how any construction of that rule would preclude debate on subsequent amendments.

The CHAIRMAN. It is so stated in express terms.

Mr. NEWLANDS. I wish to say a few words upon this motion.

Mr. HILL. I call for a vote.

The CHAIRMAN. The gentleman from Connecticut has been recognized.

Mr. NEWLANDS. Is not this a debatable motion?

The CHAIRMAN. It is not.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 45.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo, the same matter having been included in the omnibus claims bill (H. R. 8587), approved by the President May 27, 1902.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

SUBSIDIARY SILVER COINAGE.

The committee resumed its session.

Mr. NEWLANDS. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEWLANDS. After the motion of the gentleman from Connecticut prevails, and that the pending amendments have been adopted or rejected, if then other amendments to this section are presented, will it be out of the power of the House to debate those amendments? Will the gentleman answer that question?

The CHAIRMAN. It certainly will.

Mr. HILL. The Chair has answered the gentleman's question.

The CHAIRMAN. The Chair supposed that the gentleman from Nevada was addressing the parliamentary inquiry to the Chair. At the expiration of ten minutes after the adoption of the motion of the gentleman from Connecticut it would be out of order to indulge in further debate on any amendment.

Mr. NEWLANDS. I will ask, then, whether it is the purpose of the gentleman's motion to accomplish that result?

Mr. HILL. I will state frankly that it is. The purpose is to have ten minutes more of debate on this bill and all amendments, and then to come to a vote.

Mr. COCHRAN. I should like to have the gentleman's motion stated again.

The CHAIRMAN. The motion of the gentleman from Connecticut is that all debate upon the pending section and all amendments thereto be closed in ten minutes.

Mr. COCHRAN. Mr. Chairman, I move to amend by substituting two hours.

The CHAIRMAN. The gentleman from Missouri moves to amend the motion of the gentleman from Connecticut that all debate on the pending section and all amendments thereto be closed in ten minutes by substituting therefor a motion that it be closed in two hours. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 77, noes 96.

Mr. COCHRAN. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] and the gentleman from Missouri [Mr. COCHRAN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 79, noes 94.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Connecticut to close debate on the pending section and all amendments thereto in ten minutes.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were—ayes 90, noes 87.

Mr. COCHRAN. I demand tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] and the gentleman from Missouri [Mr. COCHRAN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 94, noes 76.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Connecticut is recognized for five minutes and the gentleman from Missouri is recognized for the remaining five minutes.

Mr. SHAFROTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHAFROTH. Under the order, as it has been adopted here, I would inquire whether we are compelled to present any new amendments before the ten minutes expire or are we compelled to wait until each amendment is voted upon?

The CHAIRMAN. They will have to be presented as they would be ordinarily.

Mr. SHAFROTH. After an amendment has been voted down or agreed to then present another amendment.

The CHAIRMAN. After the debate is closed or during the debate.

Mr. HILL. Mr. Chairman, I claim the privilege of the last five minutes instead of the first. Is that not in order? I have a right to close debate, have I not?

The CHAIRMAN. The Chair thinks the gentleman from Connecticut [Mr. HILL] having the affirmative of the proposition is entitled to close debate. The Chair will recognize the gentleman from Missouri [Mr. COCHRAN].

Mr. NEWLANDS. Mr. Chairman, I would ask the gentleman from Connecticut whether he will allow me one minute of his time?

Mr. HILL. Mr. Chairman, I will when my time comes.

Mr. COCHRAN. Mr. Chairman, what was the ruling of the Chair as to closing the debate?

The CHAIRMAN. In the opinion of the Chair, the gentleman from Connecticut, having the affirmative of the proposition, is entitled to the last five minutes, and the gentleman from Missouri, having the negative of the proposition, is recognized.

Mr. COCHRAN. Mr. Chairman, I would suggest that the proposition pending is on the amendment of the gentleman from Nevada [Mr. NEWLANDS], of which we hold the affirmative.

Mr. SHAFROTH. The amendment was offered by the gentleman from Nevada, and we unquestionably have the affirmative.

The CHAIRMAN. The Chair thinks the gentleman from Missouri is right. The Chair was of the opinion that the question was on the final vote in committee on the bill. The gentleman from Connecticut is recognized.

Mr. NEWLANDS. Will the gentleman yield?

Mr. HILL. I will yield one minute to the gentleman from Nevada.

The CHAIRMAN. The gentleman from Nevada is recognized for one minute.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. HILL. Mr. Chairman, we are about to vote on a plain, straightforward business proposition, in which no politics is involved, and no political question should be raised concerning it.

It is simply to supply a deficiency in the volume of our subsidiary coin; simply that and nothing more. There are two amendments pending, one by the gentleman from Pennsylvania [Mr. GROW] providing for and making a new kind of subsidiary coin. That amendment, if carried to its logical effect, would cost the United States Government $1,000,000 for recoining the existing subsidiary coin, and would reduce the volume, instead of increasing it, $7,000,000, which would make an expense to the United States Government of $8,000,000. I do not believe it is worth any such expenditure, although uniformity rather than lack of uniformity would be desirable.

So far as the amendment of the gentleman from Nevada is concerned, he proposes to take such subsidiary coin as is recoined in the future, as public interests require, from the legal-tender dollar and give it a full legal-tender quality, which even the dollar itself does not now possess. And not only that, but it would make two kinds of subsidiary coin, for your halves and your quarters which you found in your pockets, one of them might possibly be full legal tender and the other would be subsidiary, and it would not be in the power of any human being to distinguish between the two unless different symbols or emblems were stamped upon them; and the moment you do that you double your liability to counterfeiting. So it seems to me the thing we ought to do is to vote straight for the bill, just as the Treasury Department officials, over the signature of the Director of the Mint, Mr. Roberts, and the signature of the Secretary of the Treasury, ask that the bill be passed, and vote down all amendments.

I yield back the balance of my time, and ask for a vote as soon as the other side shall have exhausted their time.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. HILL. Yes.

Mr. SHAFROTH. Is it not a fact that the assistant treasurer at New York, Mr. Muhleman, has sent a communication to the Committee on Coinage, Weights, and Measures in which he condemns this feature of your bill?

Mr. HILL. I have no knowledge of any such fact.

Mr. SHAFROTH. Well, I will ask the gentleman to turn to the hearings before the Committee on Coinage, Weights, and Measures, at page 58, where he will find such a communication.

Mr. HILL. Mr. Chairman, I decline to yield any further. [Laughter on the Democratic side.] I do not decline to yield because of anything that is there. I have submitted to the House the written opinion of the Secretary of the Treasury and the Director of the Mint, written within two months.

Mr. SHAFROTH. Yes, and here is a statement from the assistant treasurer at New York, Mr. Muhleman, condemning this legislation, and he is the best writer on your side of the subject to-day.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Let them show it in their own time.

Mr. KLUTTZ. Will the gentleman from Connecticut yield for a question?

Mr. HILL. I reserve the balance of my time until they get through.

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. HILL. I reserve it.

Mr. KLUTTZ. The gentleman declines to yield?

Mr. HILL. Yes.

Mr. KLUTTZ. I do not blame him.

Mr. COCHRAN. Mr. Chairman, I am not at all surprised that the gentleman from Connecticut [Mr. HILL] has arrived at the conclusion that the time has been reached when this debate should close. The gentleman from Connecticut has occupied an hour and three minutes and a half in presenting his views upon this measure, and when the financial oracle of the Republican side of the House has talked in that paternal way to his fellows on a financial measure, who shall dare say that it lies within the bounds of human genius to add a syllable to the flood of wisdom poured out upon the House by the great doctor of finance from Connecticut?

By the suppression of debate upon this measure the House of Representatives again exposes itself to the country as a branch of the Government which is gradually sinking beneath the level of the contempt of the people. We are going to send this bill over to the Senate to be pruned of features never dreamed of outside of the fertile brain of the gentleman who just addressed the House [Mr. HILL]. The gentlemen on the other side of the Chamber know that this will be done; otherwise many of them would not vote for it.

Every important piece of legislation that has been enacted in this country since I became a member of this body has been treated in the same manner by the majority in this Chamber. The most important measures enacted by the Congress during the past few years, ostensibly originating in the House, have been thrown together by mediocrity and incompetency on that side of the Chamber, rushed through here without debate or the right of amendment, and sent to the Senate, there to be formulated into laws. [Applause on the Democratic side.]

Under the Constitution the House of Representatives originates money bills. In the exercise of this great power how do you formulate money bills? You do it with the distinct understanding that in the end the Senate will review your work and correct your blunders. Everything you do is revised in the Senate. Every measure of importance brought into this Chamber by the leaders of the majority is disposed of under whip and spur, regardless of its crudities, because the Senate may be relied upon to edit, revise, and perfect it. We proceed under rules which shut off amendment, shut off debate, and thus deprive the minority of any voice in legislation. Every day the majority in this Chamber thus makes confession of its incompetency to formulate legislation. [Loud applause on the Democratic side.] The House formulates certain bills by virtue of the mandate of the Constitution. Read in the history of this class of legislation the story of your shame.

Go look at any one of them as it left your hands within the past five years, and then look at it as it appears on the statute books, and read there the fact of the contemptible figure cut by the majority of this House in the affairs of this Government.

Shame upon a legislative body that is content to go on as we do. The Committee on Rules meets out here somewhere, and over good Habana cigars discusses what you ought to do, and what you ought not to do. Who compose the Committee on Rules? Do the gentlemen on that committee bear credentials differing from yours and mine.

Who authorizes three men to say what shall be debated and what shall not be debated and how long measures of importance shall be debated in this House? The Republicans on this floor, who by their conduct abdicate their functions as individuals and collectively consent to the elimination of the House of Representatives as an effective branch of the Congress. Go home to your constituents and, if you can, make a sufficient apology for having thus emasculated the people's branch of the Legislature. [Loud applause on the Democratic side.]

Mr. OLMSTED. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. COCHRAN. Furthermore——

Mr. OLMSTED. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. COCHRAN. I decline to yield to the gentleman. For once, to prevent the exhaustion of the short time at my disposal, I avail myself of the refuge of the gentleman from Connecticut, who, after having perverted the hearings on this bill before his own committee, after having recklessly made this assertion and that assertion, when called to book half a dozen times, to escape the pillory, declined to be further interrupted.

Mr. OLMSTED. Is that what you are trying to do?

Mr. COCHRAN (continuing). I do not wonder that the gentleman insists upon interruptions, and seeks to prevent me from having even the poor little five minutes at my disposal. After you have adopted this wretched measure here you know it will not become a law. A Senate will amend it, perhaps there will be a conference committee, and in the end you will gulp it down without thought or consideration, just as you are gulping it down to-day without thought or consideration. The House has constitutional prerogatives, has it? Money bills originate in the House—revenue bills originate in this House! Oh, yes, they originate here!

The committee meets. The majority of the committee meets, formulates the bill, barring the minority out of any substantial participation in the proceeding. The measure is shown to the minority and then reported to the House. The measure is refuted. Then the Committee on Rules has an inning. This triumvirate of parliamentary dictators brings in a rule saying how long the measure shall be debated and prohibiting the right of amendment. What if the measure be crude and ill-drawn? This gives the statesmen on the other side no concern. Wholly indifferent to the dignity of the House, utterly insensible of personal responsibility, they rush it through and say: "Oh, well; it may not be right now, but it will be made all right in the Senate." What apology have you for existence, anyhow? [Laughter and loud applause on the Democratic side.]

The CHAIRMAN. The gentleman has expired. [Laughter.]

Mr. HILL. I yield the remaining half minute to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I was at one time a member of a Democratic House of Representatives. It was a very able body. It had in its members such men as Wilson, of West Virginia; Blount and Turner, of Georgia; Carlisle, and so on and so forth. They commenced operations in December, and some time during the next summer, after laboring and struggling for months, made a

money bill called a tariff bill. They sent it over to the Senate as nearly perfect as possible——

Mr. COCHRAN. A point of order, Mr. Chairman.

Mr. GROSVENOR (continuing). For Democrats to make it——

Mr. COCHRAN. A point of order, Mr. Chairman. The time of the gentleman has expired.

Mr. GROSVENOR. And it came back here with 600 amendments.

Mr. COCHRAN. A point of order. [Cries of "Vote!"]

Mr. GROSVENOR. What is the point of order?

Mr. COCHRAN. I call the gentleman from Ohio to order.

Mr. GROSVENOR. What is the point of order? I want to hear it.

The CHAIRMAN. Your time has expired. [Laughter.]

Mr. COCHRAN. A point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The gentleman's time has expired.

Mr. GROSVENOR. The point of order has not expired.

The CHAIRMAN. The committee will be in order.

Mr. COCHRAN. The Reporter seems still to be reporting the remarks of the gentleman from Ohio.

Mr. GROSVENOR. I have a right to know what the point of order is. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded.

Mr. LANHAM. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Pennsylvania.

Mr. GROSVENOR. What is the point of order?

The CHAIRMAN. That the time of the gentleman has expired.

Mr. GROSVENOR. Has a member on the floor the right to make that point of order?

The CHAIRMAN. The Chair had already announced the fact when the point of order was made.

The gentleman from Texas offers the following substitute to the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out the words "and thereafter as public necessity may demand to recoin silver dollars into subsidiary coin," in lines 7, 8, and 9; strike out the words "and so much of any acts as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars," in lines 10, 11, 12, and 13.

The CHAIRMAN. The Chair would state to the gentleman from Texas that the matter he has set out is not a substitute to the amendment offered by the gentleman from Pennsylvania. It is a distinct amendment.

Mr. LANHAM. It is designed as a substitute for both the amendment of the gentleman from Pennsylvania and the amendment to that amendment offered by the gentleman from Nevada.

Mr. HILL. Mr. Chairman, I make the point of order that the amendment contains a provision directly antagonistic to the remaining portion of the bill, which the gentleman leaves in.

Mr. LANHAM. It is entirely consistent with the bill and with the object as defined in its title and in keeping with the recommendations of the officers of the Treasury Department. It wholly disconnects the matter of the present legal-tender quality of the standard silver dollar from any place in the bill.

The CHAIRMAN. As the Chair understands the gentleman's proposition, it involves striking out two lines or three lines of the bill above the point where the amendment offered by the gentleman from Pennsylvania comes in, and therefore embodies more than the amendment of the gentleman from Pennsylvania includes, and it is not a substitute, but is a different amendment.

Mr. LANHAM. The design of it is to include both of the amendments. Mr. Chairman, if I understand the parliamentary status of the bill, it is this: The gentleman from Pennsylvania offered the following amendment:

After the word "coin," in line 9, add "provided the subsidiary coin shall be one-half dollar, quarter dollar, 10-cent, and 5-cent pieces. Each of the aforesaid pieces shall be the aliquot part of a dollar of 412½ grains.

To which amendment an amendment was proposed by the gentleman from Nevada, as follows:

Add to the amendment offered by the gentleman from Pennsylvania the following words: "which shall be full legal tender for all debts, public and private."

Now, I propose as a substitute for this amendment and the amendment to the original amendment what I have sent to the Clerk's desk, which simply eliminates from the bill the words indicated; and the bill will read, if this substitute should be adopted, as follows:

That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet the public requirement, and so much of any act as fixes the limit and aggregate of subsidiary silver coin is hereby repealed.

That would be a plain and simple bill, responsive to the demand of the situation, and, I believe, if offered in that shape would not receive a dissenting vote on either side of the House. It omits entirely the question of the legal-tender quality of the outstanding silver dollar.

The CHAIRMAN. The gentleman's amendment may be in order when the other two are disposed of. The gentleman from Texas offers it as a substitute for the original amendment offered by the gentleman from Pennsylvania, and includes therein the striking out of a considerable portion of the bill which is not in the least affected by the amendment offered by the gentleman from Pennsylvania.

Mr. LANHAM. May I ask a question of the Chair?

The CHAIRMAN. The gentleman from Texas proposes, as a substitute for a motion to insert, a provision with a motion to strike out of the bill. The Chair thinks, while the amendment might be in order after the pending amendments are disposed of, it is clear that it is not a substitute to the amendment.

Mr. LANHAM. I shall be content if the Chair will recognize me afterwards to offer this amendment.

The CHAIRMAN. The Chair will recognize the gentleman after the pending amendments are disposed of.

Mr. GROW. Mr. Chairman, a vote will have to be first taken on the two amendments offered by the gentleman from Nevada and myself before there there can be another amendment offered.

The CHAIRMAN. Certainly. The question is on the amendment offered by the gentleman from Nevada to the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Add to the amendment offered by the gentleman from Pennsylvania the following: "which shall be full legal tender for all debts, public and private."

The question was taken; and on a division (demanded by Mr. NEWLANDS) there were 70 ayes and 92 noes.

Mr. NEWLANDS. I demand tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed as tellers Mr. HILL and Mr. COCHRAN.

The House again divided; and the tellers reported 67 ayes and 90 noes.

So the amendment was disagreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk again reported the amendment.

Mr. LANHAM. I offer now the amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

Strike out the words "and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin," in lines 7, 8, and 9; and also strike out the words "and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars," in lines 10, 11, 12, and 13.

So that as amended the bill will read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding is hereby repealed.

The question being taken on the amendment of Mr. LANHAM, it was rejected; there being ayes 54, noes 88.

Mr. COCHRAN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out everything after the enacting clause and inserting the following:

"After having coined or set aside for future coinage into standard silver dollars an amount of the silver bullion now in the Treasury to provide for the redemption of the Treasury notes issued under the act of July 14, 1890, in accordance with the provisions of said act, the Secretary of the Treasury is hereby authorized to coin the silver bullion remaining in the Treasury into subsidiary silver coin of such denominations as he may deem necessary to meet the public requirements."

The question being taken, the amendment of Mr. COCHRAN was rejected.

Mr. COCHRAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out all after the word "requirements," in line 7.

Mr. COCHRAN. Mr. Chairman, that is not—— [Cries of "Order!"]

Mr. GROSVENOR. I insist upon the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. SHAFROTH. Let the amendment be again read. How will the bill read if the amendment be adopted?

Mr. COCHRAN. The amendment simply eliminates the provision for recoinage—— [Cries of "Order!"]

The question being taken, the amendment was rejected; there being—ayes 52, noes 71.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof:
"That the Secretary of the Treasury is hereby authorized to coin into subsidiary silver coin all the silver seniorage now in the Treasury, or which may hereafter accrue, or so much thereof as he in his discretion may deem necessary to meet public requirements."

Mr. GAINES of Tennessee. Mr. Chairman—— [Cries of "Order!"]

The question being taken, the amendment of Mr. GAINES of Tennessee was rejected.

Mr. SUTHERLAND. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out in lines 7, 8, and 9, after the word "requirements," the following:
"And thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin."

Mr. COCHRAN. I rise to a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COCHRAN. My point of order is that this amendment is a repetition of two amendments already offered and voted down.

Mr. GROSVENOR. I make the point of order that all debate is closed.

The CHAIRMAN. The gentleman from Missouri [Mr. COCHRAN] makes the point of order that this amendment is a repetition of amendments already offered and voted down. Does the gentleman claim that the amendment offered by the gentleman from Utah [Mr. SUTHERLAND] is identical in language with an amendment already offered and voted upon?

Mr. COCHRAN. It is identical with the amendment offered by the gentleman from Texas [Mr. LANHAM], and it is identical in effect with the amendment offered by the gentleman from Missouri who is now addressing the House.

The CHAIRMAN. As to the amendment offered by the gentleman from Texas, the Chair will call the attention of the gentleman from Missouri to the fact that the amendment offered by the gentleman from Utah [Mr. SUTHERLAND] does not affect the last four or five lines of the bill, which the gentleman from Texas proposed to strike out.

Mr. COCHRAN. I withdraw the point of order. I made it for the purpose of holding up in the presence of the country—— [Cries of "Order!"]

The question being taken on the amendment of Mr. SUTHERLAND, it was rejected; there being—ayes 60, noes 81.

Mr. CANDLER. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Amend by inserting between the word "into," in the fifth line, and the word "such," in the sixth line, the words "standard silver dollars and;" and by striking out all the words in the bill after the word "requirements," in the seventh line, except the words "and so much of any act as fixes a limit to the aggregate of subsidiary silver outstanding is hereby repealed."

So that, if thus amended, the bill will read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into standard silver dollars and such denominations of subsidiary silver coin as he may deem necessary to meet public requirements; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding is hereby repealed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. NEWLANDS. Mr. Chairman, I offer the following amendment, which I ask to have read.

The Clerk read as follows:

Add to the end of the section: "All subsidiary silver coin heretofore or hereafter coined shall be of full legal tender for all debts, public and private."

The CHAIRMAN. The question is on the amendment of the gentleman from Nevada.

The question was taken, and the amendment was rejected.

Mr. HILL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12704, and had directed him to report the same back to the House with the recommendation that the same do pass.

Mr. HILL. Mr. Speaker, I move the previous question on the bill to its passage.

Mr. COCHRAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 78, answered "present" 22, not voting 143; as follows:

YEAS—108.

Adams,	Dahle,	Hull,	Olmsted,
Alexander,	Dalzell,	Jack,	Otjen,
Allen, Me.	Douglas,	Jenkins,	Overstreet,
Ball, Del.	Draper,	Jones, Wash.	Parker,
Barney,	Elliott,	Kahn,	Patterson, Pa.
Bartholdt,	Esch,	Knapp,	Payne,
Bishop,	Evans,	Lacey,	Pearre,
Blackburn,	Fitzgerald,	Lawrence,	Perkins,
Boutell,	Fletcher,	Lessler,	Prince,
Bowersock,	Foster, Vt.	Littlefield,	Ray, N. Y.
Brick,	Fowler,	Loud,	Roberts,
Bromwell,	Gaines, W. Va.	McCall,	Rumple,
Brown,	Gardner, Mich.	McCleary,	Schirm,
Burleigh,	Gillet, N. Y.	McClellan,	Smith, Ill.
Burton,	Graff,	McLachlan,	Southwick,
Butler, Pa.	Greene, Mass.	Mann,	Sperry,
Cannon,	Grosvenor,	Martin,	Stevens, Minn.
Capron,	Grow,	Mercer,	Sulloway,
Cassel,	Hamilton,	Minor,	Sutherland,
Connell,	Hanbury,	Mondell,	Tawney,
Conner,	Haugen,	Moody, N. C.	Thomas, Iowa
Corliss,	Heatwole,	Moody, Oreg.	Tirrell,
Cousins,	Hemenway,	Morgan,	Tongue,
Cromer,	Henry, Conn.	Morrell,	Wachter,
Crumpacker,	Hepburn,	Morris,	Warner,
Currier,	Hill,	Mudd,	Weeks,
Cushman,	Howell,	Needham,	Wilson.

NAYS—78.

Bankhead,	Feely,	Little,	Ryan,
Bartlett,	Finley,	Livingston,	Scarborough,
Bell,	Glenn,	Lloyd,	Shackleford,
Bowie,	Green, Pa.	McAndrews,	Shafroth,
Brantley,	Griffith,	McCulloch,	Smith, Ky.
Breazeale,	Griggs,	McLain,	Sparkman,
Broussard,	Henry, Miss.	McRae,	Spight,
Brundidge,	Howard,	Maddox,	Stark,
Burgess,	Jackson, Kans.	Mahoney,	Swanson,
Burleson,	Jett,	Mickey,	Tate,
Burnett,	Jones, Va.	Neville,	Thompson,
Caldwell,	Kehoe,	Newlands,	Underwood,
Candler,	Kitchin, Claude	Patterson, Tenn.	Vandiver,
Clayton,	Kleberg,	Pou,	Williams, Ill.
Cochran,	Kluttz,	Randell, Tex.	Williams, Miss.
Cooney,	Lamb,	Ransdell, La.	Woods,
Cowherd,	Lanham,	Reid,	Wooten,
Davis, Fla.	Latimer,	Rhea, Va.	Zenor.
De Armond,	Lever,	Richardson, Tenn.	
Dinsmore,	Lewis, Ga.	Robinson, Nebr.	

ANSWERED "PRESENT"—22.

Cassingham,	Gilbert,	Meyer, La.	Smith, Iowa
Clark,	Hall,	Miers, Ind.	Steele,
Conry,	Hay,	Pierce,	Stephens, Tex.
Gaines, Tenn.	Irwin,	Rixey,	Wheeler.
Gardner, N. J.	Johnson,	Robinson, Ind.	
Gibson,	Maynard,	Ruppert,	

NOT VOTING—143.

Acheson,	Dovener,	Lester,	Sherman,
Adamson,	Driscoll,	Lewis, Pa.	Showalter,
Allen, Ky.	Eddy,	Lindsay,	Sibley,
Aplin,	Edwards,	Littauer,	Sims,
Babcock,	Emerson,	Long,	Skiles,
Ball, Tex.	Fleming,	Loudenslager,	Slayden,
Bates,	Flood,	Lovering,	Small,
Beidler,	Foerderer,	McDermott,	Smith, H. C.
Bellamy,	Fordney,	Mahon,	Smith, S. W.
Belmont,	Foss,	Marshall,	Smith, Wm. Alden
Benton,	Foster, Ill.	Metcalf,	Snodgrass,
Bingham,	Fox,	Miller,	Snook,
Blakeney,	Gill,	Moon,	Southard,
Boreing,	Gillett, Mass.	Moss,	Stewart, N. J.
Bristow,	Goldfogle,	Mutchler,	Stewart, N. Y.
Brownlow,	Gooch,	Naphen,	Storm,
Bull,	Gordon,	Nevin,	Sulzer,
Burk, Pa.	Graham,	Norton,	Talbert,
Burke, S. Dak.	Haskins,	Padgett,	Tayler, Ohio
Burkett,	Hedge,	Palmer,	Taylor, Ala.
Butler, Mo.	Henry, Tex.	Powers, Me.	Thayer,
Calderhead,	Hildebrant,	Powers, Mass.	Thomas, N. C.
Coombs,	Hitt,	Pugsley,	Tompkins, N. Y.
Cooper, Tex.	Holliday,	Reeder,	Tompkins, Ohio
Cooper, Wis.	Hooker,	Reeves,	Trimble,
Creamer,	Hopkins,	Richardson, Ala.	Van Voorhis,
Crowley,	Hughes,	Robb,	Vreeland,
Curtis,	Jackson, Md.	Robertson, La.	Wadsworth,
Darragh,	Joy,	Rucker,	Wanger,
Davey, La.	Kern,	Russell,	Warnock,
Davidson,	Ketcham,	Scott,	Watson,
Dayton,	Kitchin, Wm. W.	Selby,	White,
De Graffenreid,	Knox,	Shallenberger,	Wiley,
Deemer,	Kyle,	Shattuc,	Wright,
Dick,	Landis,	Shelden,	Young.
Dougherty,	Lassiter,	Sheppard,	

The following pairs were announced:
For the session:
Mr. DEEMER with Mr. MUTCHLER.
Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. METCALF with Mr. WHEELER.
Mr. WANGER with Mr. ADAMSON.
Mr. SHERMAN with Mr. RUPPERT.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. YOUNG with Mr. BENTON.
Mr. BOREING with Mr. TRIMBLE.

Mr. BULL with Mr. CROWLEY.
Until further notice:
Mr. FOSS with Mr. MEYER of Louisiana.
Mr. IRWIN with Mr. GOOCH.
Mr. LONG with Mr. HENRY of Texas.
Mr. EMERSON with Mr. GILBERT.
Mr. WRIGHT with Mr. HALL.
Mr. DAYTON with Mr. ROBERTSON of Louisiana.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. GILL with Mr. ROBB.
Mr. BURKETT with Mr. SHALLENBERGER.
Mr. VAN VOORHIS with Mr. CASSINGHAM.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. LOVERING with Mr. CONRY.
Mr. HASKINS with Mr. JOHNSON.
Mr. CURTIS with Mr. STEPHENS of Texas.
Mr. BINGHAM with Mr. CREAMER.
Mr. POWERS of Maine with Mr. GAINES of Tennessee.
Mr. KETCHAM with Mr. SNODGRASS.
Mr. REEDER with Mr. WHITE.
Mr. CALDERHEAD with Mr. FOX.
Mr. GARDNER of New Jersey with Mr. MOON.
Mr. BROWNLOW with Mr. PIERCE.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. GORDON with Mr. SCOTT.
Mr. HOLLIDAY with Mr. MIERS of Indiana.
Mr. SMITH of Iowa with Mr. PADGETT.
Mr. SKILES with Mr. TALBERT.
Mr. SOUTHARD with Mr. NORTON.
Mr. STEELE with Mr. COOPER of Texas.
Mr. LANDIS with Mr. CLARK.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
For ten days:
Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.
Mr. MILLER with Mr. THOMAS of North Carolina.
For one week:
Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.
Mr. BEIDLER with Mr. HOOKER.
Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.
Mr. GIBSON with Mr. SIMS.
Mr. BATES with Mr. BELLAMY.
For the 28th and 29th:
Mr. VREELAND with Mr. SULZER.
For the 29th:
Mr. EVANS with Mr. JONES of Virginia.
For this day:
Mr. LEWIS of Pennsylvania with Mr. SELBY.
Mr. POWERS of Massachusetts with Mr. PUGSLEY.
Mr. BABCOCK with Mr. RIXEY.
Mr. JACKSON of Maryland with Mr. SHEPPARD.
Mr. DOVENER with Mr. LESTER.
Mr. GRAHAM with Mr. ALLEN of Kentucky.
Mr. BURK of Pennsylvania with Mr. BELMONT.
Mr. WARNOCK with Mr. KERN.
Mr. DAVIDSON with Mr. LASSITER.
Mr. BURKE of South Dakota with Mr. GOLDFOGLE.
Mr. BRISTOW with Mr. FLOOD.
Mr. ACHESON with Mr. FLEMING.
Mr. SHELDEN with Mr. EDWARDS.
Mr. WATSON with Mr. BUTLER of Missouri.
Mr. FORDNEY with Mr. MCDERMOTT.
Mr. FORDERER with Mr. LINDSAY.
Mr. HEDGE with Mr. RICHARDSON of Alabama.
Mr. JOY with Mr. RUCKER.
Mr. LITTAUER with Mr. SMALL.
Mr. MAHON with Mr. WILEY.
Mr. MARSHALL with Mr. SNOOK.
For the vote:
Mr. DARRAGH with Mr. THAYER.
Mr. WADSWORTH with Mr. HAY.
Mr. DICK with Mr. BALL of Texas.
For this bill:
Mr. RUSSELL with Mr. FOSTER of Illinois.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to withdraw my negative vote and to be recorded "present," as I am paired with the gentleman from Maine [Mr. POWERS].

Mr. MIERS of Indiana. Mr. Speaker, I find that I am paired with the gentleman from Indiana [Mr. HOLLIDAY]. I voted "no," and I wish to withdraw my vote and to be recorded "present."

Mr. ROBINSON of Indiana. I find I am paired with the gentleman from Michigan [Mr. WM. ALDEN SMITH]. I voted "no," and I desire to withdraw my vote and to be recorded "present."

Mr. PIERCE. My colleague [Mr. BROWNLOW] has just telegraphed me that he is too ill to be in the House, although he is in the city. Therefore, I withdraw my vote, having voted "no," and answer "present."

Mr. CLARK. Mr. Speaker, I desire to know if the gentleman from Indiana [Mr. LANDIS] voted.

The SPEAKER. He did not.

Mr. CLARK. Then I want to change my vote from "no" to "present."

Mr. GARDNER of New Jersey. I find I am paired with the gentleman from Tennessee [Mr. MOON]. I voted "aye," and I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. SHAFROTH. Mr. Speaker, I move to recommit the bill to the Committee on Coinage, Weights, and Measures, with instructions to report immediately the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Colorado moves to recommit the bill with the following instructions; which the Clerk will report.

The Clerk read as follows:

Recommit with instructions to report the following bill:

"A bill to increase the subsidiary silver coinage.

"*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed."

Mr. HILL. Mr. Speaker, I ask the previous question on that motion.

The SPEAKER. The gentleman from Connecticut asks the previous question on the motion of the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent that for the explanation of this bill two minutes be allowed.

Mr. HILL. I ask the previous question, Mr. Speaker.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HILL demanded a division.

Pending the division,

Mr. CANNON said: Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered and that two minutes be allowed to the gentleman from Colorado.

Mr. HILL. I yield to that, of course.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the previous question be considered as ordered and that the gentleman from Colorado have two minutes to address the House. Is there objection?

There was no objection. [Applause.]

Mr. SHAFROTH. Mr. Speaker, the motion to recommit provides that the committee shall report the bill with the following words stricken out: "and thereafter, as necessities may demand, to recoin silver dollars into subsidiary coin."

That will permit all the bullion in the Treasury, amounting to $50,000,000, to be coined into subsidiary coin, which is sufficient for at least a generation, and at the same time it will prevent the melting down of full legal-tender dollars into limited legal-tender money.

The gentleman from Connecticut [Mr. HILL] claims that because Director Roberts approves his bill that therefore it meets with the approval of the Administration. Such a recommendation is not contained in the Treasury report, and that is where we find the views of the Administration as to money matters.

I want to call the attention of the House to the views of Mr. Muhleman, the assistant treasurer at the subtreasury at New York City, relative to this bill. Mr. Muhleman is a gold-standard man, and is one of the ablest writers on finance in this country. On page 58 of the hearings before the Committee on Coinage, Weights, and Measures he says:

Recurring now to the table, it will be observed that it is not likely, with dollars in circulation, that the per capita use of subsidiary coin could be increased beyond $1.15. The ultimate supply of such coin contemplated by this bill would be ample for a population of 150,000,000, a number which we hardly expect to reach within forty years. If the law is mandatory, so that the subsidiary coinage must be continuous, the Treasury would before long find itself, as in the period between 1881 and 1891, loaded with this coin returned to it. Aside from its very limited availability for payments, which for a number of years caused the Treasury considerable embarrassment, this would entail great labor and expense in handling.

Upon the whole, while the policy of further limiting the coinage of standard dollars is entirely justifiable and it is advisable to increase the supply of subsidiary coin, I much prefer the provisions of the existing law. The determination of a fixed sum of dollars may be desirable, but the general and important object (contained in the second paragraph) can be accomplished without cutting off the coinage.

Here is not only doubt, but condemnation of the policy of melting down silver dollars for subsidiary coins. I will now read another paragraph from the same page:

The question arises, Will the policy of suspending the coinage of dollars prove satisfactory? That they serve a distinct purpose in the crop movements,

especially in the South, is manifested by the annual expansion of the volume in use between July 1 and December 31, which, in the very busy half year just closed, amounted to nearly $10,000,000.

It is true that, to a certain extent, half dollars could and would be used in lieu of the dollars, but not to anything like the full extent of the amount of the larger pieces now out. There would remain a demand for silver dollars which $50,000,000 would hardly cover, and this demand should be reasonably provided for.

It will be noticed that he condemns the policy of even stopping the coinage of silver dollars until the Treasury notes outstanding are retired by their issue.

Although you may not take our views on money, will you not at least heed the admonitions of one of the most experienced officers of the Treasury Department?

The truth of the matter is the increase in the subsidiary coins to $100,000,000, authorized last Congress, is sufficient to meet the demands of commerce until we attain a population of 100,000,000.

The gentleman from Connecticut [Mr. HILL] contends that we ought to absorb as much subsidiary coin as England and other European countries, but anyone familiar with conditions there and here ought to see why we will not.

The transactions in retail commerce in Europe are very small compared to those in the United States. Hence the one and two dollar bills constitute the large part of our change money, and they amount now in the United States to $111,000,000. These small bills have been increased in the last four years over $30,000,000, and I have no doubt that increase has decreased the demand for subsidiary coins; so that to-day there is in the Treasury $12,762,028 of subsidiary coin for which there is no demand, although the Government pays the transportation charges when such money is wanted.

The nations of Europe generally have no small bills, and hence subsidiary coins are forced on the people. Thus there is no paper money of England less than a £5 note, or $25; the balance of their money is gold, which is coined in denominations of, I think, not less than £1, or $5, and silver subsidiary coins. One can readily see from these facts why a large amount of subsidiary coin is required in such a country. But we do not want such a condition here. The people demand the convenient one and two dollar bills and will have them.

The gentleman from Connecticut [Mr. HILL] contends that the silver dollars will not circulate, but he must admit that the representatives of the silver dollar—the silver certificates—do circulate better than any other currency in this country.

The Treasury statement of this morning shows that there are $456,391,000 silver certificates outstanding, while only $7,488,244 are in the Treasury. There are $345,917,089 gold certificates outstanding, while $37,375,370 find their way and remain in the Treasury. The same statement shows that there are $57,656,853 in gold coin, above the gold reserve, in the Treasury. This statement shows that neither gold nor silver coins circulate freely, but the gold and silver certificates do, and it would be an outrage to destroy the one and two dollar silver certificates in order to melt the silver into subsidiary coin. Yet that is exactly what the gentleman from Connecticut [Mr. HILL] proposes to do. In his speech of yesterday, he used the following language:

> What I would do, if I had the power, would be to abolish the silver certificates, except the five-dollar denomination, withdrawing all legal-tender silver dollars and lock them up in the Treasury against the five-dollar certificates, recoining the dollar piece as a token dollar, with limited tender qualities for such dollar pieces as we needed for circulation, and holding the balance as a silver-bullion fund to be used for subsidiary.
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> * * * * * * * *
>
> We would then have $173,497,222 of subsidiary coin and 102,946,773 of silver dollars in actual circulation, and $408,897,008 locked up in the Treasury.

Is it possible that the American people will tolerate such hazardous tinkering with the currency?

The gentleman from Connecticut [Mr. HILL] on yesterday claimed that the only compromise on the gold-standard bill of last Congress was the insertion of the declaration for international bimetallism. I tried at that time to show by the House bill and Senate substitute on that measure the incorrectness of his position, but he would not yield for the interruption.

The record shows that section 5 of the House bill gave the Secretary of the Treasury the power to coin any silver bullion in the Treasury into subsidiary coin. That, according to my contention, gave the Secretary power to stop the coinage of silver dollars if he deemed the bullion necessary for subsidiary coinage.

The silver Senators in the Senate who voted for the bill and who held the balance of power at that time in the Senate and on the Finance Committee, evidently so believed, because they amended the bill by limiting the coinage of subsidiary coin to $20,000,000 and inserted section 3 which reaffirmed the provisions requiring the coinage of $1,500,000 in silver dollars per month and directing the retirement of a like amount of Treasury notes. These provisions evidently constituted the main inducement for these silver Senators to vote for the bill and they were embodied in the bill as passed.

Now, I ask, having made a compromise in legislation, Is it fair, before the moving consideration could be realized on one side, that a repeal of that part of the act should be made?

Is it right that, having gotten through legislation by concession as to the coinage of silver dollars, that before the time elapsed in which the coinage could take place, the concession should be repealed?

Having obtained by that legislation the increase of the gold reserve to $150,000,000, the payment of the greenbacks in gold instead of coin, the right to issue bonds payable in gold, which you could never have obtained without the concession to coin silver dollars to the extent of the Treasury notes outstanding, I ask in all candor, Is it now right, in violation of that compromise, to repeal the moving consideration on one side which has not been complied with?

Mr. Speaker, it is unjust and unfair, and this bill ought to be defeated.

The motion to recommit eliminates one of the worst features of the bill, and I hope it will be adopted.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Colorado, to recommit the bill to the Committee on Coinage, Weights, and Measures, with the instructions which have been read.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. SHAFROTH demanded a division.

Pending the division,

Mr. SHAFROTH demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 99, answered "present" 23, not voting 143; as follows:

YEAS—86.

Ball, Tex.	Fitzgerald,	McClellan,	Scarborough,
Bankhead,	Glenn,	McCulloch,	Shackleford,
Bartlett,	Griffith,	McLain,	Shafroth,
Bowie,	Griggs,	McRae,	Small,
Brantley,	Henry, Miss.	Maddox,	Smith, Ky.
Breazeale,	Howard,	Mahoney,	Snook,
Brundidge,	Jackson, Kans.	Mann,	Sparkman,
Burgess,	Jett,	Martin,	Spight,
Burleson,	Jones, Va.	Mickey,	Stark,
Burnett,	Kehoe,	Mondell,	Sutherland,
Caldwell,	Kitchin, Claude	Neville,	Swanson,
Candler,	Kleberg,	Newlands,	Tate,
Clark,	Kluttz,	Patterson, Tenn.	Thompson,
Clayton,	Lamb,	Pou,	Underwood,
Cochran,	Lanham,	Randell, Tex.	Vandiver,
Cooney,	Latimer,	Ransdell, La.	Williams, Ill.
Cowherd,	Lever,	Reid,	Williams, Miss.
Davis, Fla.	Lewis, Ga.	Rhea, Va.	Wilson,
De Armond,	Little,	Richardson, Tenn.	Wooten,
Dinsmore,	Livingston,	Robinson, Nebr.	Zenor.
Feely,	Lloyd.	Rucker,	
Finley,	McAndrews,	Ryan,	

NAYS—99.

Adams,	Dahle,	Irwin,	Overstreet,
Alexander,	Dalzell,	Jack,	Parker,
Allen, Me.	Douglas,	Jenkins,	Patterson, Pa.
Ball, Del.	Draper,	Jones, Wash.	Payne,
Barney,	Eddy,	Joy,	Perkins,
Bartholdt,	Esch,	Kahn,	Prince,
Bishop,	Evans,	Knapp,	Ray, N. Y.
Blackburn,	Fletcher,	Lacey,	Reeves,
Boutell,	Foster, Vt.	Landis,	Roberts,
Bowersock,	Fowler,	Lawrence,	Rumple,
Brick,	Gardner, Mich.	Lessler,	Schirm,
Bromwell,	Gillet, N. Y.	Littlefield,	Smith, Ill.
Burleigh,	Graff,	Loud,	Southwick,
Butler, Pa.	Greene, Mass.	McCall,	Sperry,
Cannon,	Grosvenor,	McLachlan,	Stevens, Minn.
Capron,	Grow,	Mercer,	Sulloway,
Cassel,	Hamilton,	Metcalf,	Tawney,
Connell,	Hanbury,	Minor,	Thomas, Iowa
Conner,	Haugen,	Moody, N. C.	Tirrell,
Corliss,	Hemenway,	Moody, Oreg.	Vreeland,
Cousins,	Henry, Conn.	Morgan,	Wachter,
Cromer,	Hepburn,	Morris,	Warner,
Crumpacker,	Hill,	Mudd,	Weeks,
Currier,	Hitt,	Needham,	Woods.
Cushman,	Hull,	Olmsted,	

ANSWERED "PRESENT"—23.

Cassingham,	Green, Pa.	Miers, Ind.	Smith, Iowa
Conry,	Hall,	Otjen,	Steele,
Gaines, Tenn.	Hay,	Pierce,	Stephens, Tex.
Gardner, N. J.	Johnson,	Rixey,	Wanger,
Gibson,	Kitchin, Wm. W.	Robinson, Ind.	Wheeler.
Gilbert,	Maynard,	Ruppert,	

NOT VOTING—143.

Acheson,	Broussard,	Curtis,	Flood,
Adamson,	Brown,	Darragh,	Foerderer,
Allen, Ky.	Brownlow,	Davey, La.	Fordney,
Aplin,	Bull,	Davidson,	Foss,
Babcock,	Burk, Pa.	Dayton,	Foster, Ill.
Bates,	Burke, S. Dak.	De Graffenreid,	Fox,
Beidler,	Burkett,	Deemer,	Gaines, W. Va.
Bell,	Burton,	Dick,	Gill,
Bellamy,	Butler, Mo.	Dougherty,	Gillett, Mass.
Belmont,	Calderhead,	Dovener,	Goldfogle,
Benton,	Coombs,	Driscoll,	Gooch,
Bingham,	Cooper, Tex.	Edwards,	Gordon,
Blakeney,	Cooper, Wis.	Elliott,	Graham,
Boreing,	Creamer,	Emerson,	Haskins,
Bristow,	Crowley,	Fleming,	Heatwole,

Hedge,	McCleary,	Robb,	Stewart, N. Y.
Henry, Tex.	McDermott,	Robertson, La.	Storm,
Hildebrant,	Mahon,	Russell,	Sulzer,
Holliday,	Marshall,	Scott,	Talbert,
Hooker,	Meyer, La.	Selby,	Tayler, Ohio
Hopkins,	Miller,	Shallenberger,	Taylor, Ala.
Howell,	Moon,	Shattuc,	Thayer,
Hughes,	Morrell,	Shelden,	Thomas, N. C.
Jackson, Md.	Moss,	Sheppard,	Tompkins, N. Y.
Kern,	Mutchler,	Sherman,	Tompkins, Ohio
Ketcham,	Naphen,	Showalter,	Tongue,
Knox,	Nevin,	Sibley,	Trimble,
Kyle,	Norton,	Sims,	Van Voorhis,
Lassiter,	Padgett,	Skiles,	Wadsworth,
Lester,	Palmer,	Slayden,	Warnock,
Lewis, Pa.	Pearre,	Smith, H. C.	Watson,
Lindsay,	Powers, Me.	Smith, S. W.	White,
Littauer,	Powers, Mass.	Smith, Wm. Alden	Wiley,
Long,	Pugsley,	Snodgrass,	Wright,
Loudenslager,	Reeder,	Southard,	Young.
Lovering,	Richardson, Ala.	Stewart, N. J.	

So the motion to recommit was rejected.

Mr. RIXEY. Mr. Speaker, I voted "yea." I desire to change my vote and be marked "present," as I am paired.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I voted in the affirmative. I wish to withdraw my vote, being paired, and be marked "present."

Mr. GAINES of Tennessee. Mr. Speaker, I desire to change my vote from "yea" to "present." I am paired.

Mr. MIERS of Indiana. Mr. Speaker, I desire to change my vote from "yea" to "present." I am paired with the gentleman from Indiana [Mr. HOLLIDAY].

The following additional pairs were announced:

Mr. MORRELL with Mr. GREEN of Pennsylvania, for the session.

On this vote:

Mr. HOWELL with Mr. BELL.

Mr. DARRAGH with Mr. THAYER.

Mr. HOPKINS with Mr. GOOCH.

Mr. NEVIN with Mr. SULZER.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks upon the bill just passed. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

S. 4616. An act to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes;

S. 5505. An act adjusting certain conflicts respecting State school-indemnity selections in lieu of school sections in abandoned military reservations; and

S. R. 107. Joint resolution to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau.

CONFERENCE BETWEEN SENATE AND HOUSE.

The SPEAKER laid before the House the following concurrent resolution of the Senate; which was read:

Senate concurrent resolution 44.

Resolved by the Senate (the House of Representatives concurring), That a committee consisting of three Senators be appointed by the Presiding Officer of the Senate to meet with a committee of like number to be appointed by the House of Representatives, to confer upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1908."

And that in compliance with the foregoing the Presiding Officer had appointed, as said committee on the part of the Senate, Mr. SPOONER, Mr. PROCTOR, and Mr. PETTUS.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DALZELL. Mr. Speaker, I want to say just a word about this matter. It will be recollected that the Army appropriation bill went to the Senate from the House and came back with sundry Senate amendments. The House disagreed to some of the Senate amendments and asked for a conference. The conferees were appointed. At the same time the House instructed its conferees not to agree to certain Senate amendments. The fact that the House had so instructed its conferees was contained in the message which went to the Senate announcing the agreement to the conference. The Senate for some reason or other seems to think that that practice is without precedent, and that it in some way or other affects the dignity of the Senate and puts the House in a false position in its relation to the Senate.

Under these circumstances, after discussing various methods of adjusting the matter, the Senate resolved, as the Clerk has just read, to appoint a committee to confer, not upon the disagreement between the two Houses as to the Army appropriation bill, but to confer as to the action of the House in sending over the message that it did, announcing that it had instructed the conferees as in the message contained.

Without expressing any opinion at all as to whether or not there was any necessity for such action on the part of the Senate, or as to the method adopted by them, under the circumstances it seems to me it would only be an act of courtesy upon our part to agree to the Senate resolution and appoint the committee to confer with their committee. I suppose the form of action on our part should be to assent to the Senate's request for the appointment of the committee and to appoint the committee.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that the Senate has put it in the form of a concurrent resolution, so that if the resolution is adopted the committee will be appointed.

Mr. PAYNE. Mr. Speaker, I would like to have the resolution again reported.

The Clerk again reported the resolution.

Mr. DALZELL. It seems to me we ought to agree to the Senate resolution.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand the resolution does not express any opinion. Some gentlemen on this side had an idea that the passing of the resolution prejudged the matter, but it does not; it asks for a conference. It does not relate in any way to the merits of the controversy arising out of the disagreeing votes of the two Houses on the military bill. It has nothing to do with that bill, but it is simply a matter of right and courtesy of the appointment of conferees and instructing them in advance.

Mr. CLARK. Mr. Speaker, I would like to ask a question. If this commission, or whatever you call them, are appointed to go over there and confer with these Senate gentlemen, are they authorized to make an arrangement by which we are to back down from that resolution offered by the gentleman from Illinois [Mr. CANNON]? When they get back here, if they do report in favor of backing down, I want to know whether we can discuss that proposition in the House, and if we can I want something to say about it myself.

Mr. CANNON. As I understand it, Mr. Speaker, if action is taken it is on agreeing to the resolution proposed by the Senate, and the conference would consider the matter contained in the resolution. I do not understand it would give the conferees any power to confer touching the disagreeing votes between the House and the Senate upon the Army bill.

Mr. CLARK. No; but I want to ask the gentleman a question, as he understands the whole business. What I want to know is, if the gentlemen who are appointed by the Speaker under this resolution go over there to confer with the Senate whether we acted in a polite way or did not act in a polite way, when they come back here to report to the House, are we going to have a right to debate the report that they make to us?

Mr. CANNON. I should say that the House had plenary power in this as in other cases.

Mr. WILLIAMS of Mississippi. The House or the Speaker? [Laughter.]

Mr. CLARK. Are we going to be allowed to have any debate upon it?

Mr. CANNON. As far as I am concerned, I would not cut off the House if I could, and I could not if I would. I do not know what may be recommended, I do not know who may recommend it, but as I understand it the Army bill in the meantime remains on the table in the Senate, and I take it that it would be quite competent for the Senate to take up the bill to-morrow notwithstanding this conference.

Mr. GROSVENOR. Mr. Speaker, I would like to ask this question: Suppose the commission comes in with a report and states that we ought not to have sent any such resolution as that over to the Senate, what effect does that have on the action of this House in having sent that bill over there with that proposition?

Mr. CANNON. None at all, in my judgment. The House will deal with this report, if any is made, as it sees proper to do, and whatever report will be made the House will have plenary power in the premises. While I am not a prophet, as one member of the House I have very decided views in the premises. [Laughter.]

Mr. GROSVENOR. It is a kind of educational commission, to educate the House as to the propriety of its conduct. [Laughter.]

Mr. CANNON. Possibly. I think if there is education in the premises, as my colleague suggests, the House does not need much. Possibly another body may. [Laughter.]

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Is this commission or this committee of such a character as that, in the judgment of the Chair, it should be appointed as conferees themselves are appointed? For instance, if this was a conference committee, we know just who would be appointed. Now, it seems to me this takes a much wider range and that there would be a greater difference in the selection in a case of this kind than there would in the case of a conference committee. I would like to know if it is the opinion of the Chair that this is upon all fours so far as selection is concerned with a conference committee?

The SPEAKER. The Chair will say, in answer to the gentleman, that, in the opinion of the Chair, the committee should be made up to represent the views of the House on this question. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. In pursuance of this resolution, and touching this resolution, and in no way acting as conferees on the Army bill, the Chair appoints the following members, which the Clerk will announce.

The Clerk read as follows:

Mr. DALZELL, Mr. CANNON, and Mr. RICHARDSON of Tennessee.

RECALL OF A BILL FROM THE PRESIDENT.

The SPEAKER laid before the House a resolution of the Senate; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo, the same matter having been included in the omnibus claims bill (H. R. 8587), approved by the President May 27, 1902.

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection.

ABRAM WILLIAMS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams; which were read, and, on motion of Mr. PARKER, concurred in.

LEVI MAXTED.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 357) for the relief of Levi Maxted; which were read, and, on motion of Mr. PARKER, concurred in.

FRANCES H. ANTHONY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7319) granting an increase of pension to Frances H. Anthony; which were read, and, on motion of Mr. SULLOWAY, concurred in.

DAVID M. M'KNIGHT.

The SPEAKER also laid before the House the bill (S. 3992) granting an increase of pension to David M. McKnight, with the information that the Senate had disagreed to the amendment of the House and asked a conference.

Mr. SULLOWAY. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. DARRAGH, Mr. HOLLIDAY, and Mr. MIERS of Indiana as conferees on the part of the House.

HATTIE M. WHITNEY.

The SPEAKER also laid before the House the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, with the information that the Senate had disagreed to the amendment of the House and asked a conference.

Mr. LOUDENSLAGER. I move that the House insist on its amendment and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

KATHARINE RAINS PAUL.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul.

The amendment was read.

Mr. LOUDENSLAGER. I move that the House nonconcur in the amendment of the Senate and ask a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MARTIN obtained leave of absence for ten days, on account of important business.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4190. An act granting a pension to Fredereka Seymore—to the Committee on Pensions.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 14189. An act to permit the occupancy of the public printing building by the Grand Army of the Republic.

PUBLIC BUILDINGS.

Mr. MERCER. I call up for present consideration the conference report on the public-buildings bill—House bill 14018. I suggest that the statement of the House conferees be read, and that the reading of the conference report be omitted.

There was no objection, and the report of the House conferees (published in yesterday's House proceedings) was read.

Mr. BARTLETT. I desire to call the attention of the chairman of the committee [Mr. MERCER] to the fact that as to amendment 131 of the Senate there is evidently a clerical error. The report states the amount for public building at Macon, Ga., to be $156,000 and the statement makes it $154,000.

Mr. MERCER. The gentleman from Georgia [Mr. BARTLETT] is correct in his surmise that there is an error. The amount stated in the report, $156,000, is correct.

Mr. McCLELLAN. Will the gentleman from Nebraska [Mr. MERCER] be kind enough to inform me whether the provision for the New York City post-office remains unchanged as it passed the House?

Mr. MERCER. It remains just as it passed the House.

Mr. McCLELLAN. And the Senate has increased the amount for the New York custom-house, as I understand?

Mr. MERCER. It increased the authorization for the custom-house on a statement made by the Treasury Department that $500,000 increase upon the amount as passed by the House was necessary.

Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The question is on agreeing to the report.

The question was taken, and the report was agreed to.

Mr. MERCER. Mr. Speaker, I ask unanimous consent, in connection with this bill, to have printed as a House document some information and statistics furnished the Committee on Public Buildings and Grounds with reference to public buildings throughout the United States. It is a very valuable compilation of figures which should be presented to Congress, and that is a good way to preserve them.

The SPEAKER. The gentleman from Nebraska, chairman of the Committee on Public Buildings and Grounds, asks unanimous consent that there may be printed as a House document certain statistics bearing upon the question of public buildings and grounds in the United States. Is there objection? [After a pause.] The Chair hears none.

PROTECTION OF GAME IN ALASKA.

Mr. CUSHMAN. Mr. Speaker, on behalf of the Committee on Territories I call up the following conference report and statement and ask that they be printed in the RECORD.

The SPEAKER. The gentleman from Washington calls up a report and statement, to be printed in the RECORD under the recent rule.

The report and statement are as follows:

REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 11535, "A bill for the protection of game in Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, which is as follows:

"*Provided further*, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

And agree to the same with an amendment as follows: At the end of said amendment add the following:

"*Provided further*, That such heads and hides as may have been taken before the passage of this act may be shipped out of Alaska at any time prior to the 1st day of July, A. D. 1902."

And the Senate agree to the same.

FRANCIS W. CUSHMAN,
A. L. BRICK,
Managers on the part of the House.

J. R. BURTON,
A. B. KITTREDGE,
Managers on the part of the Senate.

STATEMENT.

H. R. No. 11535, the bill in conference, is a bill simply and solely providing for the protection of wild game and wild birds in Alaska. Among other provisions the bill provided * * * "that the killing of any wild bird, other

than a game bird or wild game animal, for the purposes of shipment from Alaska is hereby prohibited."

The only amendments to the bill that were before the conference committee or considered by them relate to the shipment of game birds and game animals from Alaska.

The Senate amendment to the House bill, which was disagreed to by the House, and upon which a conference was asked and had, was as follows:

Page 6, line 2, after "act," insert: "*Provided further*, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

The committee of conference have agreed to recommend and do recommend that the House do recede and concur in the foregoing Senate amendment with the following amendment added at the close of the Senate amendment:

"*Provided further*, That such heads and hides as may have been taken before the passage of this act may be shipped out of Alaska at any time prior to the 15th day of July, A. D. 1902."

The object and effect of the foregoing will be to enable those who may have prior to the passage of this act lawfully obtained heads and hides to have sufficient time to dispose of the stock they have on hand before the provisions of this bill shall prohibit their lawful shipment.

The other amendment, which simply permits the collection of specimens in Alaska for the use of the Zoological Park in Washington City, is so manifestly appropriate that no special statement need be made in support of its acceptance.

FRANCIS W. CUSHMAN,
A. L. BRICK,
Managers on the part of the House.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and I ask unanimous consent that the statement be read.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement may be read and that the reading of the report may be omitted. If there is no objection, this course will be pursued.

There was no objection.

[The report and statement will be found on page 6015.]

Mr. HEMENWAY. Mr. Speaker, I move the adoption of the report.

The motion was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

GENERAL EDUCATION BOARD.

Mr. GROW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4419) to incorporate the general education board, which I will send to the desk and will ask to have read. It incorporates a company in the District of Columbia, but no appropriation of money is made by the bill.

The Clerk read the bill at length.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would ask the gentleman from Pennsylvania if this bill simply proposes to incorporate these gentlemen in the District of Columbia?

Mr. GROW. It incorporates nine gentlemen in a corporation confined to the District of Columbia, but they can aid in education anywhere in the United States.

Mr. BARTLETT. This bill has not been considered by the Committee on the District of Columbia.

Mr. GROW. It has been considered by the Committee on Education. It is a Senate bill. The Committee on Education has no objection to the bill, and it is reported from that committee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand, this bill, which makes a corporation within the District of Columbia, provides for the ownership of real property within the District of Columbia, and has not been considered by the District Committee. I understand, under the rules, that this bill should have gone to the Committee on the District of Columbia and not to the Committee on Education.

Mr. GROW. It relates to education and to nothing else.

Mr. RICHARDSON of Tennessee. It provides for the ownership of real property within the District, and the rules require that all bills which affect property in the District of Columbia and that make corporations within the District should go to that committee. I shall object to its consideration.

The SPEAKER pro tempore. Objection is made.

DISTRICT COURT FOR EASTERN DISTRICT OF PENNSYLVANIA.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill. I ask for the consideration of this bill on behalf of my friend General BINGHAM, of Pennsylvania, who introduced the bill.

The Clerk read as follows:

Be it enacted, etc., That the terms of the district court for the eastern district of Pennsylvania shall hereafter begin on the second Monday of March, the second Monday of June, the third Monday of September, and the second Monday of December, each term to continue until the succeeding term begins.

SEC. 2. That no action, suit, proceeding, or process in the said district court shall abate or be in any respect invalidated by reason of the change of terms made by the foregoing section, but the said actions, suits, proceedings, and processes returnable to, pending, and triable in the term hereby established next after the return day thereof.

The following amendment, recommended by the Committee on the Judiciary, was read:

In line 11, after the word "processes," insert the words "shall be."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

CIRCUIT AND DISTRICT COURTS, SOUTHERN DISTRICT, WEST VIRGINIA.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That so much of the act of Congress approved January 22, 1901, entitled "An act to divide the State of West Virginia into two judicial districts," as relates to the time of holding the regular terms of the circuit and district courts of the United States for the southern district of West Virginia, be amended so as to read as follows: "At Huntington, the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield, the first Tuesday in May and the third Tuesday in October; at Charleston, the first Tuesday in June and the third Tuesday in November."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. GAINES of West Virginia, a motion to reconsider the last vote was laid on the table.

Mr. TAWNEY. Mr. Speaker, I demand the regular order.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 20 minutes p. m.) the House, pursuant to the order heretofore adopted, adjourned until Monday, June 2, 1902, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary M. Jamison, administratrix of estate of Wiley J. Jamison, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of an opinion of the Comptroller of the Treasury and announcing the appointment of a committee to revise the Government salary tables—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14410) to provide for the control and management of United States penitentiaries, and for other purposes, reported the same with amendment, accompanied by a report (No. 2286); which said bill and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred House resolution 244, reported in lieu thereof a joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps available for the fiscal year 1902, accompanied by a report (No. 2300); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14206)

granting a pension to Mary J. Moore, reported the same with amendment, accompanied by a report (No. 2287); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3320) granting an increase of pension to Adelaide G. Hatch, reported the same with amendment, accompanied by a report (No. 2288); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1225) granting an increase of pension to Clara W. McNair, reported the same with amendment, accompanied by a report (No. 2289); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13612) granting a pension to Margaret Bell, reported the same with amendments, accompanied by a report (No. 2290); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1456) granting a pension to William G. Miller, reported the same with amendments, accompanied by a report (No. 2291); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11286) granting a pension to Ellen M. Pooke, reported the same with amendments, accompanied by a report (No. 2292); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13449) granting an increase of pension to Mary A. E. Scott, reported the same with amendment, accompanied by a report (No. 2293); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14312) granting an increase of pension to John W. Huckelberry, reported the same with amendment, accompanied by a report (No. 2294); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13297) granting a pension to Martin Greeley, reported the same with amendments, accompanied by a report (No. 2295); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10394) granting a pension to William H. Ruggles, reported the same with amendments, accompanied by a report (No. 2296); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6005) granting a pension to James A. Chalfant, reported the same with amendments, accompanied by a report (No. 2297); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10329) granting a pension to Mary E. Aitken, reported the same without amendment, accompanied by a report (No. 2298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12902) granting a pension to Julia Lee, reported the same with amendments, accompanied by a report (No. 2299); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2221) referring the claim of William H. Diamond, of Chester, Pa., for damages for personal injuries sustained, to the Court of Claims, reported the same with amendments, accompanied by a report (No. 2301); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5587) for the relief of Anna Eliza Isabella Von Hemert, reported the same without amendment, accompanied by a report (No. 2302); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SMALL: A bill (H. R. 14779) to authorize the construction of a bridge across the Neuse River, at or near Streets Ferry, North Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. BRUNDIDGE: A bill (H. R. 14780) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A bill (H. R. 14781) providing for the payment of accrued and unused leave of absence of certain employees in the Census Bureau—to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 14782) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE, from the Committee on Printing: A joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps available for the fiscal year 1902—to the Union Calendar.

By Mr. STEPHENS of Texas: A resolution (H. Res. 281) requesting the Secretary of the Interior to report to the House what amount of money has been derived and paid out from the sale of town lots in the towns of Lawton, Hobart, and Anodarko, in Oklahoma Territory—to the Committee on the Public Lands.

By Mr. PAYNE: A resolution (H. Res. 282) rescinding leaves of absence except in case of sickness—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 14783) granting an increase of pension to Cornelius A. Clough—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 14784) granting a pension to Johniken L. Mynatt—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 14785) for the relief of Isabella R. Napier—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 14786) granting a pension to William Moutoux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14787) granting a pension to Hester E. Mooney—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 14788) granting a pension to Frank E. Hills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14789) granting a pension to David Brobst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14790) granting a pension to John Wantland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14791) to remove the charge of desertion from the military record of Samuel Lenharr—to the Committee on Military Affairs.

Also, a bill (H. R. 14792) to remove the charge of desertion from the military record of Jacob Barnhart—to the Committee on Military Affairs.

Also, a bill (H. R. 14793) to remove the charge of desertion from the military record of B. Warren Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 14794) for the relief of Isaac D. Page—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14795) granting an increase of pension to Mary A. Buckaloo—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 14796) granting an increase of pension to E. A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14797) granting an increase of pension to William R. Williams—to the Committee on Invalid Pensions.

By Mr. REEVES: A resolution (H. Res. 280) providing for extra pay for conductors of the elevator on House side of the old Library portion of the Capitol—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petition of Cincinnati (Ohio) distillers in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring reduction in the tax on spirits—to the Committee on Ways and Means.

By Mr. CONRY: Resolutions of Provincetown Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Papers to accompany House bill 10722, granting an increase of pension to William H. Hawkins—to the Committee on Invalid Pensions.

Also, affidavits to accompany House bill 10461, granting a pension to Joseph McFarland—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Unions Nos. 1773 and 1602, of Sixmile Run, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of Mrs. A. J. Settle, widow of William Settle, deceased, for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. GREENE of Massachusetts: Resolutions of Provincetown Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Petition of Hon. George A. Robertson and 125 other citizens of Jackson County, Ind., urging the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Letter of P. T. Kirby, secretary of Trade and Labor Council, Poughkeepsie, N. Y., urging the passage of the Senate amendment to the sundry civil bill increasing the appropriation to the United States Geological Survey and favoring the amended irrigation bill and House bill 6279—to the Committee on Appropriations.

By Mr. MUTCHLER: Petitions of 80 citizens of Easton, Pa., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of William Montoux, for a pension—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the New York Turn Verein, protesting against the passage of House bill 12199 in its present form—to the Committee on Immigration and Naturalization.

By Mr. SPERRY. Resolutions of Horeb Lodge, Independent Order of B'nai B'rith, of New Haven, Conn., relative to passports to Russia—to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *May 31, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

REVENUES AND EXPENDITURES IN THE PHILIPPINES.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate a communication from the Secretary of War, transmitting a statement of the public civil revenues and expenditures therefrom in the Philippine Archipelago from the date of American occupation to June 30, 1901, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by that Commission, giving location, area of floor space occupied, and annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 357) for the relief of Levi Maxted;

A bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams; and

A bill (H. R. 7319) granting an increase of pension to Frances H. Anthony.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 3992) granting an increase of pension to David M. McKnight, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DARRAGH, Mr. HOLLIDAY, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania;

A bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger;

A bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;"

A bill (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor;

A bill (H. R. 13704) to increase the subsidiary silver coinage; and

A bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry members of the Audubon Society of the State of New York, of Rochester, Charlotte, and Barnard Crossing, all in the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented petitions of United Mine Workers' Local Union No. 478, of Nuttalburg; of United Mine Workers' Local Union No. 887, of Flemington; of United Mine Workers' Local Union No. 1329, of Simpson; of United Mine Workers' Local Union No. 1966, of Atkinsville; of the United Mine Workers' Local Union of Craine Creek; of United Mine Workers' Local Union No. 591, of Thayer; of United Mine Workers' Local Union No. 237, of Tunnelton; of the United Mine Workers' Local Union of West End, and of United Mine Workers' Local Union No. 829, of Standard, all in the State of West Virginia, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. NELSON presented the affidavit of W. A. Dow, of Little Falls, Minn., guardian of William L. Dow, in support of the bill (S. 580) granting an increase of pension to William L. Dow; which was referred to the Committee on Pensions.

He also presented the affidavit of Ira Boyington, of Ballard, Wash., in support of the bill (S. 1667) granting an increase of pension to Ira Boyington; which was referred to the Committee on Pensions.

Mr. QUAY presented the petition of James King and 480 other citizens of Johnstown, Pa., praying for the enactment of legislation providing an annuity for Clara Barton; which was referred to the Committee on Military Affairs.

He also presented a petition of Tub Molders Helpers' Local Union No. 7452, of New Brighton, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation providing uniform inland rates of transportation; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Fred W. Kelly and 400 citizens of Pennsylvania, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of John C. Pect Post, No. 160, Department of Minnesota, Grand Army of the Republic, of Norwood, Minn., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, etc.; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Local Division No. 235, Order of Railway Conductors, of Freeport, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

LANDS OF CREEK INDIANS.

Mr. JONES of Arkansas. I present the memorial of Thomas P. Smith, president of the Chamber of Commerce of Muscogee, Ind. T., concerning the leasing of the nonmineral lands of the Creek Indians. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the joint resolution (S. R. 97) to authorize certain officers of the Treasury Department to audit, certify, and pay claims of certain counties of Arizona, reported it with an amendment to the title, and submitted a report thereon.

ISTHMIAN CANAL.

Mr. KITTREDGE. I submit the views of the minority of the Committee on Interoceanic Canals on House bill No. 3110, to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. I move that the report be printed as a separate document.

The motion was agreed to.

DISEASES OF THE HORSE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse, to report it back favorably and to move concurrence in the amendment.

The amendment of the House of Representatives was to strike out all after the resolving clause and insert:

That there be printed and bound in cloth 200,000 copies of the Special Report on the Diseases of the Horse, the same to be first revised and brought up to date, under the supervision of the Secretary of Agriculture, 128,000 copies for the use of the House of Representatives, 64,000 copies for the use of the Senate, and 8,000 copies for the use of the Department of Agriculture.

The PRESIDING OFFICER. The Senator from New York moves that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DISEASES OF CATTLE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom were referred the amendments of the House of Representatives to the joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle, to report favorably thereon and move concurrence in the amendments.

The amendments of the House of Representatives were, in line 6, to strike out "twenty-seven" and insert "thirty;" and in line 8, to strike out "eight" and insert "five."

The amendments were concurred in.

HEIRS OF NORMAN M'DUFFIE.

Mr. McLAURIN of South Carolina, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4245) for the relief of the heirs of Norman McDuffie, together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts in accordance with the provisions of the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

TRANSMISSION OF PAPERS IN APPEALS.

Mr. HOAR. There is on the Calendar the bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States, reported favorably from the Committee on the Judiciary. It is in regard to clerks sending up the original papers instead of copies from courts below. I move that the bill be recommitted to the committee. Some suggestions have been made to me from some of the judges, which I think should be considered by the committee.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MALLORY (by request) introduced a bill (S. 6023) for the relief of John Scott; which was read twice by its title and referred to the Committee on Claims.

Mr. QUAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6024) granting a pension to Ann Christy Glass; and

A bill (S. 6025) granting a pension to William H. Dunlap.

Mr. PLATT of New York introduced a bill (S. 6026) granting an increase of pension to Eliza Little; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6027) for the relief of the heirs of William Markham, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 6028) to provide for the appointment of additional United States commissioners in the western judicial district, Indian Territory, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 6029) granting an increase of pension to Alvin B. Hubbard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BACON introduced a bill (S. 6031) for the relief of Isabella R. Napier; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6032) to establish a laboratory for the study of the criminal, pauper, and defective classes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 6033) to amend sundry acts relating to the government of Alaska; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 4531) to provide for the organization of private corporations in the district of Alaska, and for other purposes; which was referred to the Committee on Territories, and ordered to be printed.

Mr. WETMORE submitted an amendment authorizing the Secretary of the Navy to contract with the Newport Manufacturing Company of Newport, R. I., for the construction of a submarine boat, to be built under the patents of Thomas J. Moriarty, and proposing to appropriate $15,000 for that purpose, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LAW OF CIVIL GOVERNMENT.

Mr. PLATT of Connecticut submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Reports on the Law of Civil Government under Military Occupation, submitted to the Secretary of War by Charles E. Magoon, law officer Division of Insular Affairs, War Department, of which 1,400 copies shall be for the use of the Senate, 2,800 for the House of Representatives, and 800 for the War Department.

RECALL OF BILLS.

Mr. WARREN. I submit a resolution and ask for its present consideration.

The Secretary read the resolution, as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 1920) for the relief of Albert C. Brown, (S. 19) for the relief of George A. Orr, and (S. 567) for the relief of H. B. Matteosian.

Mr. WARREN. The bills named in the resolution are included in the omnibus claims bill, and therefore I wish to have them recalled from the House.

Mr. HOAR. I suppose, as the matter will be journalized and the resolution sent to the House, there will be a separate request in regard to each bill.

Mr. WARREN. Of course. I am taking the same course that I notice has been adopted heretofore in recalling bills.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzer; and

A bill (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes; and

A bill (H. R. 12704) to increase the subsidiary silver coinage.

The bill (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company was read twice by its title, and referred to the Committee on Commerce.

RESOLUTIONS PASSED OVER.

The PRESIDING OFFICER. There are two resolutions coming over from a former day, one introduced by the Senator from New Hampshire [Mr. GALLINGER] and the other a motion made

by the Senator from Maryland [Mr. WELLINGTON], to which an amendment was suggested by the Senator from Massachusetts [Mr. HOAR]. As those Senators are not here, if there is no objection the resolutions will continue on the table subject to call until they are present.

Mr. JONES of Arkansas. Would not all such matters as that take their course under the unanimous-consent agreement made two or three days ago about the Philippine government bill? The understanding was that nothing else but the bill was to be considered during the intervening time.

Mr. BERRY. I understand that the resolutions will retain their place on the table.

The PRESIDING OFFICER. The resolutions will continue on the table without prejudice.

CIVIL GOVERNMENT FOR THE PHILIPPINES.

Mr. BEVERIDGE. In the absence of the junior Senator from Massachusetts [Mr. LODGE], I move that the Senate proceed to the consideration of the Philippine government bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. BEVERIDGE. I ask unanimous consent to have printed in the RECORD such portions of the testimony of Generals MacArthur, Hughes, Otis, Governor Taft, and others, and also portions of the testimony of all the private soldiers who appeared before the Philippines Committee, as refer to the general course and conduct of American soldiers and officers toward Filipino people and prisoners.

I also desire to present and have printed such portions of the testimony of Governor Taft, General MacArthur, General Hughes, Professor Barrows, and others, as testified before the Committee on the Philippines, as relate to reconcentration camps, including the testimony of Colonel Walker, just delivered.

I also desire to introduce portions of the report of the first Schurman Commission and statements of Mr. Hazlett, representing the Woman's Christian Temperance Union, and the testimony of Bishop Thoburn, of the Methodist Episcopal Church, and such portions of the testimony of General Otis, General MacArthur, General Hughes, Professor Barrows, and others as relate to the capacity of the Filipinos for self-government and the effect of the withdrawal of American authority from the Philippine Islands.

I also desire to introduce extracts, practically complete, but eliminating extraneous and unnecessary detail, of all the governors of the various provinces in the Philippine Islands except that of Major Gardener, which I do not present for reasons that are apparent to the Senate, and one report of Governor Grant, showing just what we are doing in the Philippines toward the regeneration of the people of the islands.

I desire also to present an extract from an article of Bishop Hurst, of the Methodist Episcopal Church, concerning the effect of the English occupation of India.

Mr. PETTUS. I desire to ask the Senator from Indiana a question.

Mr. BEVERIDGE. Certainly.

Mr. PETTUS. Am I to understand that he desires to publish selections from the testimony taken before his committee such as he has chosen? Is that the purpose?

Mr. BEVERIDGE. Well, that partially states it, but it does not entirely state it. I stated such portions, for example, of the testimony of soldiers as appeared before our committee as pertain to the general conduct of American soldiers and officers toward Filipino prisoners and people and such portions of the testimony as pertain to their capacity for self-government and the effect of the withdrawal of American authority.

I think I see what is in the Senator's mind, and I will state to him that this testimony covers now three large volumes, approximating 3,000 pages or possibly more, and the testimony of these witnesses is massed in a great bulk of other matter. It has been extracted by me with some care and much labor and arranged in order under these logical heads.

I will say, further, for the information of the Senator, that with respect to the testimony of soldiers, general officers, and others whom I have mentioned respecting the treatment of Filipino prisoners and people that pertains only to the general course and conduct of American officers and men toward them, and does not include the instances of cruelty for the reason that all that testimony has been time and again and voluminously referred to, whereas this portion concerning the general conduct of our officers and soldiers has not been presented.

Mr. PETTUS. Then I will ask another question. These are selections which you have made from the mass of the testimony?

Mr. BEVERIDGE. Well, in the way I have stated to the Senator.

Mr. BATE. Mr. President, I wish to state that there is not a member of the minority of the committee present, and we on this side know nothing about this matter. I do not doubt what the Senator says, but in a matter of this kind, about which we have had so much discussion, I think the request should be presented at a time when those who have conducted the examination and are familiar with the testimony are present. I think the request ought to be deferred until members of the minority of the committee are here to give their consent. I do not intend myself to object, but I only suggest the propriety of this course to the Senator from Indiana.

Mr. BEVERIDGE. I trust the Senator from Tennessee will not object. The testimony has been very carefully described by me as being selections and along what lines the selections are. I think they are fair. It does not attempt to show certain sides, I will frankly state.

I wish to state further that there has been a latitude in the introduction of matter in the RECORD that I believe heretofore has hardly ever prevailed, from what I am informed, and no objection has been made by the majority. For example, the other day a Senator introduced a statement by Irving Winslow, I believe it is, of Boston, as to alleged occurrences, with his notes and comments on the same, to be printed as a part of the RECORD, and it was not objected to.

I think it is quite proper, indeed, I think it is more than proper, that the testimony of every general who has appeared before our committee and every soldier, with the exception of O'Brien, I believe, and he is excluded for reasons which I think it is not necessary to state, as to the general conduct of the American officers and men toward the Filipinos should go into the RECORD, and that the whole thing should have a logical sequence as bearing upon this point. For example, on reconcentration camps the extracts from the testimony that I have prepared here are taken out of a great mass of other testimony, and they all bear upon the question of reconcentration camps, and I think are practically complete. Of course, there may be some lapses.

Mr. HOAR. Is the investigation completed on that subject?

Mr. BEVERIDGE. I did not hear the Senator's question.

Mr. HOAR. Do I understand that the investigation of that subject is completed?

Mr. BEVERIDGE. I do not know that the Senator understands so. I have no authority to state that it is completed, but this debate is about completed, and I was not offering the matter to be printed after the debate was over.

Mr. HOAR. The debate, except on amendments, will be completed to-day.

Mr. BEVERIDGE. Yes.

Mr. HOAR. It seems to me that it is a rather unusual request to make when testimony has been largely, though not wholly, on one side. The officers and persons having high authority naturally have been called. No one of our Filipino subjects has been heard yet, I believe, on this question. It seems rather unusual to select and pick out a special part of the testimony. At any rate it appears to me that this request should be referred to the committee.

Mr. BEVERIDGE. Well, Mr. President, if the Senator from Massachusetts sees fit to object, and if I had thought it would have taken two minutes I should not have asked the courtesy of the Senator from Wisconsin to permit me to introduce this compilation this morning, because I did not want to take five minutes of his time; but I told him that it was likely that I might have to leave the Chamber before the close of the afternoon. As a matter of course I will withdraw my request if the Senator objects, and that is all he has to do.

I wish to call attention in this connection, however, to the fact that statements by newspaper correspondents, that newspaper extracts, that things unauthorized, that statements of a man from Boston with his notes and comments—not an abstract of alleged facts only, but with his notes and comments impugning the acts of our Government and our officers and everything else—have all been permitted to go into the RECORD. Yet now, when there is a careful compilation presented, a massing of the testimony on these particular points which have been and are and will be most debated and which are of most interest to the Senate and the country, which has been collected out of a confusing mass of thousands of pages of dreary and prolix matter, and that, too, testimony before our committee, there is objection. If the Senator wants to object I have——

Mr. HOAR. I have not so far objected. I have asked a question. What I shall do will be to move the reference of the request to the Committee on the Philippines.

Mr. BEVERIDGE. Then I withdraw my request. I have offered this, my own work, on my own responsibility. I shall control it myself.

Mr. ALLISON. I hope the Senator from Massachusetts will not ask for that reference. A few days ago there was put in the RECORD, by unanimous consent, a long compilation of this whole affair, running back to the beginning of our war with Spain. The Senator from Indiana, as I understand it, has taken the testimony upon certain points of the inquiry and segregated that testimony from three or four thousand pages of testimony taken by the committee.

It seems to me that there having been no objection made when very important documents and papers prepared by private persons entirely outside of the committee and not submitted to the committee at all were brought in here and printed in the RECORD and printed also as a distinct document, it is hardly wise to object to the printing of extracts from this testimony, carefully compiled by a member of the committee.

Mr. HOAR. Nobody doubts the absolute integrity and good faith, so far as purpose is concerned, of the Senator from Indiana, and of course I do not base anything I have said or done on any such doubt; but everybody knows—it is utterly idle to disguise it——

Mr. BEVERIDGE. I have withdrawn my request.

Mr. HOAR. The Senator from Iowa complained of my course as to the Senator's request, and it is proper for me to reply.

Mr. BEVERIDGE. I have no objection.

Mr. HOAR. Of course I will go on, if the Senator from Indiana has no objection. Intelligent and able men who are zealous and earnest in regard to matters do not always see exactly what people who take a different view of the question might deem important. I should not think it was fair to ask that any member of the minority should make such a compilation and have it printed in the absence of all the members of the majority of the committee.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. HOAR. Yes; in a moment. I only say that I think this compilation, when it is printed, should have the sanction of the committee. I understand that the investigation is just in its infancy in regard to this matter. No Filipino, friendly or hostile, has so far been heard. Very few of the persons complaining of what everybody admits has happened have been heard, except persons in a comparatively humble position. The officers and Governor Taft have been heard at great length. To take that compilation, not the testimony, and have such a compilation made without the authority of the committee, it seems to me very unusual. Now, I will hear the Senator's question.

Mr. BEVERIDGE. I ask the Senator whether he was here the other day when there was presented by a member of the Senate a compilation made by a private person and never presented to the committee, and not that only, but all the notes and comments of that person as to supposed occurrences and alleged historical records—an abstract of occurrences alleged to have taken place in the Philippines since our occupation, and with all the notes of this private compiler? Such a document as that was offered here and accepted and ordered to be printed in the RECORD and also as a document without objection from us.

Mr. HOAR. I was not here. I did not know that such action had been taken.

Mr. BEVERIDGE. It was stated that this compilation was by a perfectly unprejudiced person, a Mr. Irving Winslow, of Boston, and it, together with his notes, was allowed to be printed, and no objection was made. We all know how disinterested that gentleman is.

Mr. HOAR. He is a gentleman who had traveled in the Philippine Islands and furnished the information. A great many such things as that are printed as documents. This is a question of selection.

Mr. BEVERIDGE. I offer it on my own responsibility.

Mr. HOAR. Nobody could be more responsible than the honorable Senator from Indiana.

Mr. BEVERIDGE. I thank the Senator. I have a right and I, at some time before Congress adjourns, shall offer it again and read it myself if necessary; but I must confess surprise that when the widest latitude, as I am informed by older Senators in this Chamber, that has ever been known in the Senate has been taken with reference to the printing of statements in the RECORD, and unauthorized newspaper interviews and compilations and documents and everything by everybody—I confess surprise that now, when a compilation of actual testimony, practically complete, so far as the points are concerned, is presented, there should be objection. It is remarkable that objection should be made to this and to nothing else.

Mr. HOAR. Has anybody objected except to ask that this compilation shall have the sanction of the committee, and that both sides can see what it is?

Mr. BEVERIDGE. Does the Senator consider that it would be anything different if offered from either side? No objection was made by the Senator to anything offered by the opposition.

Mr. HOAR. The Senator is talking about sides and——

Mr. JONES of Arkansas. Mr. President, I rise to ask what is before the Senate.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. HOAR. Certainly.

Mr. JONES of Arkansas. I wish to ask what is before the Senate.

The PRESIDING OFFICER. The Philippine government bill.

Mr. JONES of Arkansas. I understand that the Senator from Indiana has withdrawn his request.

Mr. HOAR. I understand that the Senator from Indiana has withdrawn the request; but the Senator from Iowa was allowed by the Senate to criticise my action about it.

Mr. JONES of Arkansas. I was only asking for information.

Mr. HOAR. And very properly I was trying to defend myself against that criticism. That is all.

Mr. SPOONER. Mr. President, I acknowledge with grateful sensibility the courtesy of my colleagues on both sides of the Chamber in permitting me on Friday to suspend. I was not able to proceed, and this morning, if I were not in the middle of a speech, I would not ask the attention of the Senate.

The Senator from Massachusetts [Mr. HOAR] a moment ago seemed to be surprised that there were "sides" in this committee investigation. I agree with him. There ought not to be sides in it. After the ratification of the treaty and with an army in the field there ought not to have been "sides" here at home. One of the troubles, Mr. President, one of the wicked elements in it all to me is that, without necessity, there have been from the beginning and are now "sides" in this matter.

It is a problem of great delicacy, novelty, and not a little danger. It is the problem of no man and no party and the interest of the country demands now, as it has hitherto demanded, in my judgment, that men in public life and private life should bring to the solution of it a sole desire to get at the right without pride of opinion or spirit of advocacy or party interest.

Recurring for a moment to a remark which I made on Thursday, that I have not been in favor of permanent dominion in the Philippine Islands, in order to make it complete, I wish to add a word. I did not mean by that that I have ever been in favor of running like a coward from responsibilities which this Government had assumed. I did not mean by that that I had been in favor of abandoning a people who have come under our protection and government to tyranny, to anarchy, to chaos, or to seizure by those who would treat them harshly. I have never been able for one moment to contemplate with equanimity the proposition that the Philippines should ever be admitted into this Union as a State or States. I have never been willing to contemplate the admission of Hawaii into the Union as a State.

Speaking only for myself—and I have no right to speak for others nor for my party—I have never contemplated with equanimity the notion that Porto Rico should be admitted into the Union as a State. Nothing has been dearer to my heart, nor can be, outside of the ties that bind me to my own home, than that this great political entity, the Government of the United States, constituted of States, shall be confined to this continent.

I have expected that we would proceed to discharge as speedily as might be, with as lofty a purpose as the human mind is capable of conceiving, our duty in the Philippines, to bring peace to that people, to teach them the principles of good government, the difference between liberty and license, that independence, Mr. President, may be nothing but tyranny as under many governments it has been nothing but tyranny; that that independent government which is to be desired is a government made by a people understanding the *rights and duties of liberty, tutored in the ways of government*, and *made and perpetuated by their consent*. So I have hoped that that time would come, as I believe it will. When it will come no man can say. It has been delayed. It will be delayed by the division of our people into "sides" upon the subject. Were that people fit for self-government and the question arose whether we would admit them as States, keep them forever in a condition of colonial dependence, or—being fit—give them self-government or independence, I have never permitted myself to doubt for one moment that the American people, consulting the consent of the governed *then fit to be consulted*, would say "take self-government; or take independence."

If there is party division upon it, Mr. President, when that time comes then will there be an issue of *imperialism*. Up to this hour no such question has ever arisen, in my judgment, except for party purposes, or as the outgrowth of the pride of individual opinion. When that time comes the people may be trusted to settle it righteously.

There has not been in the history of this country, so far as I know, an instance before where some of our people in high places have sought so incessantly, and I think so unfairly, to put the nation in the wrong and to stain the honor of the Government, resolving every doubt against the officers of the Government and in favor of the loose, disjointed statements of men who have been in arms against us.

It was stated here the other day and repeated (that song has been sung from the beginning) that we were at fault in the Philippines anterior to the outbreak of hostilities because the patrol which attempted to force our lines was challenged but twice. There is no rule of the Army that requires a challenge three times; there is none which requires a challenge twice; there is

none under certain circumstances which requires a challenge once. General MacArthur testified before the committee that, if a sentry has reason to think that those moving against him, place him in menace, he has not only a right, but it is his duty to fire. That is to give warning to those for whom he stands guard; that is to protect the safety of an army, Mr. President; and no one knows any better—although in some respects there has been an attempt to criticise him here—what the laws of war are, than does Gen. Arthur MacArthur, nor is there a braver soldier, a kindlier man, or a more chivalrous gentleman under this flag of ours than Gen. Arthur MacArthur.

The Senator from Utah [Mr. RAWLINS] said that when our sentry called "Halt!" "probably" the Filipino patrol did not *understand the language*. I had occasion once before to say that there never was a band of soldiers in the world approaching the lines of another who were called to halt by one with arms in his hands who did not understand what it meant. But General MacArthur has testified before this committee that the word "halt" in Spanish is "halto," having the same sound as in our language, and there is evidence that that word was repeated—the word "halto"—in Spanish among the patrol the moment the sentry had said "Halt," showing that it was understood, and yet for the purpose of putting us in the wrong by suggestion that unnecessarily, perhaps with malice, a shot was fired in order to bring on the attack or for its effect upon the treaty then pending in the Senate, a breach of the peace—all this is ignored.

Mr. President, we have had again and again here in this debate the old talk that Aguinaldo was our ally; that the Filipino people were our allies. This notion that Aguinaldo with, say, 30,000 men gathered around him, intending in a way to cooperate with us, represented the Filipino tribes of 10,000,000 and put them in the attitude of an ally, to whom for that we were under national obligations, is a fever dream. Aguinaldo—call him an ally, if you please, though he could not be—cooperated with us; but if he had been an ally, as he was a mere auxiliary, he could have waited, and he would have had from the people of the United States the treatment and recognition which he and his forces deserved. But the idea from the standpoint of to-day that our people are to be told all the time that we have repudiated an honorable obligation to *a people* who helped us is to me in the highest degree an absurdity.

When Aguinaldo, Mr. President, with deliberation in the execution of a plan long made in every detail, advised both from abroad and at home, attacked our Army in Manila, where it had a right to be, he absolved the American people from any obligation personally to consider him for what he had, for his own purposes, as he afterwards said, done in front of Manila. I pass that. I hope never to have occasion again to speak upon this general subject in the Senate. Should I, however, do so, I shall not again refer to the oft-repeated historical details to which I have alluded on Thursday and to-day because the character of the debate has seemed to render it necessary.

Mr. President, it has been repeated with some bitterness in this debate that by the ratification of the treaty we bought mere sovereignty over people, and that under our Constitution we could not do this thing. This contention came early into the Philippine discussion. I thought once there might be something in it. It was admitted when first made, as I remember, that we could acquire territory, even if it were inhabited, but that where there was no territory, nothing but a few public buildings, docks, etc., an attempt to acquire involved the purchase of mere sovereignty.

I dwell only for a moment upon this phase of the discussion. I am not able to say that we could not acquire mere sovereignty. I can not say that we have not the power to do it. I can conceive of circumstances under which the safety of the Government would require that we should do it, and I do not think the Government would hesitate in such a case to do it. But we know now what we did not definitely know when this proposition was first broached, that of the 72,000,000 acres of land in the Philippines 67,000,000 acres were public lands, the title to which passed from Spain to us by the treaty. If the acquisition of 67,000,000 out of 72,000,000 acres of land is not the acquisition of territory it would be difficult to imagine what would constitute an acquisition of territory.

I have discussed this matter before and I will never admit that the Government of the United States may not lawfully as indemnity at the end of a war successful upon its part, take a cession of inhabited territory without consulting and obtaining the consent of its inhabitants. I deny that any such limitation upon the power of nations has ever been recognized in international law or by any government in the world, including our own. I do not see that the Declaration of Independence has any relation to it. Its framers said:

> That these United Colonies are and of right ought to be free and independent States * * * and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

We lost no power by the adoption of the Constitution, which created a Union and the Federal Government. That Constitution gives us the power to make treaties, to make war, and to make peace; and again I repudiate as dangerous to the Republic any attempt to emasculate the powers of this Government under the Constitution and to leave it weaker in this particular than any other independent nation in the world.

We may take cession of inhabited territory as indemnity at the termination of war for selfish or for unselfish purposes. The motive has nothing to do with the power. We may take it solely with reference to our own interests. We may take it for the purpose of completely separating inhabitants from a tyrannical power. We may take it for the purpose of giving them what otherwise they could not attain—good government and civil liberty. And certainly the power to take inhabited territory involves the power to govern the inhabitants. The idea that we can take a cession of an inhabited territory, but can not govern it without consulting the people; that those who inhabit it have the right to govern it, independent of us, is a proposition that refutes itself.

We have acquired much territory, sometimes by treaty of purchase, sometimes as indemnity at the end of a war. I hope we will never have occasion to acquire any again in the latter way; but if occasion shall arise, Mr. President, I doubt not we shall do it, as we acquired the Philippines, not for the purposes of tyranny, not to enable us to exercise mere sovereignty and power, but for a purpose as lofty as that which inspired the men who drafted and adopted the Declaration of Independence.

Mr. President, I do not think it singular, perhaps, that with my intellectual limitations I am not able to see through some of the propositions which are made in this debate and which have been made in other debates upon this subject. It is said that we are engaged in "crushing out" the "only republic in Asia." Is that true, Mr. President? Of course, if we are crushing out a republic in Asia, there must have been a republic in Asia to crush out. Confessedly, if there was a republic in Asia, it was what was called the "Philippine republic." Was there a Philippine republic? *If there ever was*, it was when we ratified the treaty. If there was a Philippine republic, we ought not to have ratified the treaty and taken that cession.

If inhabitants in the Philippine Islands, a cohesive, organized people, a political entity, had taken, in a struggle for independence, possession of the Philippine Archipelago and had expelled the power of Spain and erected there a government—republic or otherwise—fit to be recognized by nations as an independent government, we should never have accepted a cession of the Philippine Archipelago, because Spain, on that hypothesis, would have lost all title to it, and upon general principles of law and liberty the Philippine republic, which we are engaged in "crushing," would have succeeded to the powers of government and to the ownership of the lands. All we could have done then in the interest of liberty as to the Philippines would have been to ask of Spain that she relinquish, not as in case of Cuba *generally*, but *to the Philippine republic*, her title and sovereignty over the Philippine Archipelago—a quitclaim to perfect the title—and we should have then, I presume, not have taken the city of Manila. Such a demand would have been regarded by Spain as absurd.

But, Mr. President, no Senator in this body thought there was then a "Philippine republic;" no Senator in this body could have brought himself—unless it be the Senator from Massachusetts [Mr. HOAR]—to recognize a "Philippine republic" as a government, erected out of a struggle for independence, based upon the consent of the people, capable of discharging the domestic duties of a government, of protecting life and liberty and property, and capable of discharging the international obligations which it might assume as a government. Was there any such?

Who moved to strike the cession of the Philippines from the treaty? No one.

The Vest amendment and the Bacon resolution were based not only upon the hypothesis, as I will show, that there was no such republic or government, but upon the further assumption that the inhabitants were not fit to form one without external aid. The Vest amendment proposed to strike out the cession of the Philippines to the United States and insert in lieu thereof a relinquishment of all claim of sovereignty over and title to the Philippine Archipelago, and to insert in the treaty these words:

> The United States, desiring that the people of the archipelago *shall be enabled to establish a form of free government suitable to their condition and securing the rights of life, liberty, and property and the preservation of order and equal rights therein, assumes* for the time being and to the end aforesaid *the control of the archipelago so far as such control shall be needful for the purposes above* stated, *and will* provide that the privileges accorded to Spain by Articles IV and V of this treaty shall be enjoyed.

Senators have for years reiterated the statement that if this amendment had been adopted we would have had no trouble in the Philippines. How does this amendment harmonize with the notion so constantly spread among the people by orators that there had been, as the culmination of a struggle for independence,

a republic created before the ratification of the treaty, entitled as much, I think I have heard it said, to be recognized as were the colonies when they declared their independence? How does it harmonize with the proposition, so often made then and now, that the inhabitants of the archipelago had and have a right, fit or unfit, to establish a government which they wish and which they think adapted to their condition?

Note the Vest amendment:

The United States, desiring that the people of the archipelago shall be enabled to establish a form of free government—

How does this language consist with the notion that they already had established one?—

suitable to their condition—

Who was to decide? The United States, of course.

and securing the rights of life, liberty, and property and the preservation of order and equal rights therein—

And to bring this about we were to *contract with Spain* to—

assume for the time being and to the end aforesaid the *control* of the archipelago so far as such control shall be needful for the purposes above stated, etc.

It must be borne in mind that we *were not in possession of the Philippine Archipelago at the time of the vote upon the treaty except at Manila.* How would we have obtained control? What would Aguinaldo and his Philippine republic have said when we attempted with our troops to "assume control" of the Philippine Archipelago? Is it sane to suppose that Aguinaldo, who had already attacked us, who had *proclaimed* to the world a republic with a constitution and a congress, who had gathered an army, who had representatives abroad, including one at Washington, whose jealousy and suspicion and hostility had been so many times evidenced, would, on the basis of the Vest amendment, have quietly abdicated and permitted us to distribute our troops throughout the archipelago for the purpose of control and enabling the people to establish a government in accordance with the standard of the Vest amendment, and which would safeguard our contract with Spain as to commerce with the Philippines?

Is it possible to believe that Aguinaldo (and his associates), puffed with a sense of power and with oriental vanity, who turned a deaf ear to all the sincere and generous promises of President McKinley, who wrought by every means, fair and foul, in the power of a dictator to deter vast numbers of his people from accepting the terms offered by the first Commission, would have tolerated for a moment an attempt to take control of the archipelago under the terms of the Vest amendment? They would have said to us: "What are you here for?" We should have replied: "We are here to enable your people to establish a form of free government 'which we think suitable to your condition and securing the rights of life, liberty, and property, and the preservation of order,'" etc. They would have answered: "We have a government, which we proclaimed long ago to the world, with a constitution, a congress, an army, provincial and municipal organizations enforcing peace, protecting property, and securing life, and this government suits us." They would have asked us: "Do you claim title and sovereignty over the archipelago?" Our answer must have been: "No; we refused that." Then would have come the quick question: "By what right, then, are you here?" And our answer must have been: "Under a *contract* with Spain substantially similar in language as that which we made as to Cuba."

To say that he would not have met us with insult, defiance, and armed resistance in such a situation defies belief. And instead of being there as we are now, with a title which the Supreme Court of the United States says is complete, which the Senate accepted as complete, which the Congress paid for as complete, which the world recognizes as complete, which gives us the power to do there what is just and right, generous and uplifting, we should have been there upon the weak foundation of *contract with a former tyrant.*

In the event of their defiance, could we have turned our guns against them and by force of arms have taken control of the archipelago wherever resisted? I thank God that we were saved from such unutterable folly. We would have been in a position infinitely worse than the proposition—to which I never could give my consent—would have placed us in Cuba, if before we sent our soldiers there we had recognized a government, subordinating our military operations to it, subject to its orders, and liable any day to a situation which would have been distressing in its weakness and results.

Senators who can see no difference between Cuba in her relation to this subject and the Philippines seem to me, if I may say so without offense, to be afflicted by some sort of mental strabismus. Cuba is a little island, almost in sight of us, inhabited by about 1,600,000 people, deducting those slain by the infamous reconcentrado policy of Weyler. A large number of people in Cuba had been educated in the United States. There were American citizens in Cuba who for years had carried on business there. The Cubans took note of what we did and of our methods. The island lay in the shadow of this greatest of republics, which for all the years since it was created had been an object lesson in liberty and good government to the Cuban people.

We had gone to war to free Cuba, and, above all things else marking the difference between the situation of Cuba and the Philippines when the war with Spain was suspended by the protocol, with relinquishment by Spain of sovereignty and title over Cuba, *she surrendered possession of Cuba to the United States, and when we ratified the treaty we were in possession of every foot of Cuban territory* and might well agree to discharge the duties imposed by international law upon a military occupant, to continue to occupy it, and as a military occupant to observe the obligations imposed by international law, the duty of protecting life, liberty, and property. There was a homogeneous people in Cuba, not in our lofty sense, but measured by a fair standard, having reference to their antecedents and their condition.

But as to the Philippines, with 10,000,000 inhabitants of different races and tribes and grades of civilization, strangers to us, 7,000 miles away, we were in possession only of the city of Manila. Added to this want of possession and the other conditions to which I have adverted, and the difference of the situation between Cuba and the Philippines would seem to be very obvious.

But we have been and are upbraided for not having, after the ratification of the treaty, adopted the Bacon resolution, which was as follows:

That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, *when a stable and independent government shall have been erected therein, entitled, in the judgment of the Government of the United States, to recognition as such,* to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

This resolution, Mr. President, for which many Senators voted, is also utterly inconsistent with the notion that there was a Philippine republic capable of discharging the duties of a government. Not only that, but it is utterly inconsistent with the idea that Senators who voted for it thought the people there could establish without our assistance a stable and independent government. Not only that, but it is utterly inconsistent with the idea that under the Declaration of Independence they had a Godgiven right, whether fit or unfit, to frame such government as they saw fit.

I did not vote for it. It was voted for by some Senators, who ever since and before that day had declared there was a government in the Philippines, a government that suited the people there, a government that the people had created, a government as far advanced as the Colonies were when we secured our independence. The propositions put side by side, like Kilkenny cats, eat each other up. If any declaration was to be made or ought to have been made at that time, it was that declaration, but it could only be made, based upon an acceptance of the cession, sovereignty, and title by the United States to the Philippine Archipelago.

Mr. HOAR. That was after the treaty.

Mr. SPOONER. It was pending before the treaty was adopted.

Mr. HOAR. That is another thing. It was voted for after the treaty.

Mr. SPOONER. My proposition is this: I was comparing that with the proposition that we should have made the same arrangement in the treaty as to the Philippines that we made as to Cuba. I say if anything was to be done different from what was done it was not to put this Government in the foolish and impossible attitude in its relation to the Philippines that was proper and reasonable and sane it should occupy as to Cuba. But it was to accept this cession, and then, clothed with power and sovereignty, declare what you would do, if we were to declare anything upon the subject,

But I thought, and a great many entirely patriotic and reasonably liberty-loving members of the Senate thought so, too, that in that exigency we ought not to make any declaration or project into the future any wide promise, but that we ought, having title and sovereignty, to go forward, feeling our way, never forgetting for one instant the Declaration of Independence or the ideals of the American people, to carry to that people over there liberty, law, order, education, peace, prosperity.

Mr. President, was there a nation in the Philippines? Could there have been a nation in the Philippines? What did the distinguished Senator from Massachusetts [Mr. HOAR], for whom I can not attempt to express my reverence and admiration—I know of no man who could have made a speech of such eloquence as that which he uttered in the presence of the Senate and of the American people the other day upon this subject—mean in speaking of a people, not tribes scattered here and there through a great territory, but a people living in the Philippines? I know he must have intended to be understood as asserting that there was a living, homogeneous people there capable of initiative, capable of organization——

Mr. HOAR. If the Senator will permit me, I mean exactly

what I suppose General MacArthur meant when he said when he first went to the Philippine Islands that he thought Aguinaldo did not represent the people, but that now he had become satisfied that Aguinaldo represented his people. That is the meaning in which I used the term.

Mr. SPOONER. Oh, well, if the Senator's authority for using the term "a living people" as distinguished from tribes is General MacArthur——

Mr. HOAR. I did not say my authority was General MacArthur. I put an illustration to let the Senator understand what I meant, using the phrase of an eminent and intelligent authority who had been there.

Mr. SPOONER. The Senator, then, means to be understood as saying that there was a nation in the Philippines created by a people of the Philippines?

Mr. HOAR. I like the phrase "the people" because that is the phrase of the Declaration of Independence. There was not a nation in the United States when independence took effect. There were thirteen States.

Mr. SPOONER. Colonies.

Mr. HOAR. Thirteen States when independence took effect——

Mr. SPOONER. Yes.

Mr. HOAR. Without any common government, but they were one people.

Mr. SPOONER. That is true, and, in my judgment, there can be no better illustration furnished by any man in this day or in the long reach of time of the distinction between a people as the word is used in the Declaration of Independence and the conglomeration called a people in the Philippine Islands.

Mr. HOAR. The Senator appeals to me, and I yield to the temptation; and as soon as I get on my feet I am ashamed of having done it, because I do not think the Senate or the audience, whoever they are, want the Senator's brilliant and powerful speech interrupted by getting into discussions with other Senators, and I am ashamed of myself for having done it. But as I am on my feet, I will say that they had their 1,200 islands, and what there were on them I do not say. There were people there who have never heard of the United States up to this day. They had men by the millions, all acting together, who had raised an army, who welcomed a general, who had turned Spain out of that territory, except the city of Manila, who had invested the Spanish troops there from water to water, who had agreed upon a constitution, republican in form, and who had order, peace, quiet; who had local municipal governments all through a large territory, occupied by at least six or seven million people, with men in every town or neighborhood able to conduct its affairs in order and in peace; and that is a people.

Mr. SPOONER. That would be a people if it were true.

Mr. HOAR. I wish to say again that I beg the Senator's pardon for interrupting him.

Mr. SPOONER. The Senator need never beg my pardon for anything. It is granted in advance—always. That would be a people if that were true.

Mr. HOAR. It is true.

Mr. SPOONER. I deny that, except superficially, there is any truth in it.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. SPOONER. I am very anxious to proceed, but I will yield.

Mr. DIETRICH. General MacArthur and other prominent witnesses stated that Aguinaldo represented only what he termed by "his people" the Tagalos, and they were divided.

Mr. HOAR. I am stating MacArthur's report.

Mr. DIETRICH. And also that at Malolos, where the constitution was adopted, there were no representatives from any other island or any other people except the Tagalos, and the men who were there were named by Aguinaldo and none were chosen by any of the people of the other islands.

Mr. SPOONER. In the Philippines it is said there was a people. Of course there must be "a people" to establish a government. There is not much distinction, so far as I can find, in the sense in which that phrase is used in this connection between a people and a nation. It takes more than land and inhabitants to constitute "a people" in the sense in which internationally or from the standpoint from which we use it that word has significance. To say that there was "a people" in the Philippines in the sense that we were a people when our independence of Great Britain was declared finds support, in my judgment, neither in reason nor in any authority on government or law. Aside from other things, admitted facts render it philosophically impossible that there should have been in the Philippine Archipelago a people in the sense in which the distinguished Senator from Massachusetts uses that phrase and in the sense in which the Declaration of Independence uses it.

I take from the masterful speech of the Senator from Ohio [Mr. FORAKER] this quotation from the report of the Schurman Commission, to save time, as to what were and are the elements constituting the population of this archipelago. The Senator from Massachusetts [Mr. HOAR] admits that scattered tribes do not constitute "a people." The Declaration of Independence did not apply to the Indians. They were great nations, *sub modo*, it is true. They occupied the land in which they were born. Mr. Jefferson, in his message to Congress in 1805, spoke of them as lovers of liberty and lovers of independence. They had governments suited to their wishes. They had a liberty which was satisfactory to them. They were not peoples, however.

What is this aggregation in the Philippines? There are 84 different tribes, *three different races*, all set out long ago by the junior Senator from Massachusetts [Mr. LODGE] in one of the two brilliant and searching speeches which he has made upon the subject; and I want to pay here in public to the junior Senator from Massachusetts the tribute of my respect and admiration for the eloquence, labor, and constructive genius which he has brought to the work for the Philippines in which this nation is involved. The Senator from Ohio said:

> I find there are 21 tribes of Negritos, 16 tribes of Indonesians, and 47 tribes of Malays. There are no two tribes in the whole archipelago who speak the same language and have the same civilization, or have the same kind of domestic order or domestic institutions, or who have really any positive affiliation with each other except subject to some kind of material modifications.

A comparatively small portion educated in the Spanish language, and with no common language.

There are 2,601,600 Visayans, the traditional enemies of the Tagalos; men who have refused to be governed by the Tagalos; and I notice that Aguinaldo in the order which he gave to his officer in the Visayas—for whatever government he had in the Visayan Islands he secured at the muzzle of the guns, and not by the consent of the people—for the attack upon Iloilo cautioned him to be careful, very careful, lest *civil war break out in the Visayas*. He meant lest they resist the armed domination of the Tagalos.

> The important tribes are the Visayans, numbering 2,601,600; the Tagalos, numbering 1,663,900; the Bicols, numbering 518,100; the Ilocanos, numbering 441,700; the Pangasinans, numbering 363,500; the Pampangas, numbering 337,000; the Moros, numbering 268,000, and the Cagayans, numbering 166,300.

No two tribes understanding each other, a population varying from civilization to barbarism, with different degrees of it in the different tribes, a population who had had comparatively no schools except the school of Spanish tyranny, who never had been instructed in organization, whose activities, so far as they had any, were entirely provincial or municipal, who never had made a struggle organized and united as a people in the islands, even for reform, for their insurrections were sporadic and they were never organic—that is to say, participated in by the inhabitants of the islands.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. Certainly.

Mr. FORAKER. I do not want to interrupt the Senator, but I should like at this point to read to him what I find in the Washington Post of February 5, 1899, to which I was kindly referred by the Senator from Colorado when he was last on the floor. It fits in here, I think, very properly.

> AGUINALDO'S CLAIM—NOW ASSERTS JURISDICTION OVER THE ENTIRE PHILIPPINE GROUP.
>
> Aguinaldo has broadened his claims, or at least his agent here, Agoncillo, has done so for him. In another one of the series of communications which he has addressed to the State Department, Aguinaldo asserts his jurisdiction to all of the Philippine group.
>
> This is a notable extension, as heretofore there was nothing to show that he spoke for anything more than the Tagals, and even though there may have been an intimation that the Visayas, or central group, was part of the Philippine confederation, this is certainly the first time that any suggestion has been made touching the Sulu Archipelago.

I hope I have not interrupted the Senator in putting that fact into his speech.

Mr. SPOONER. Not at all.

I have always supposed, apparently I am mistaken about it, that distinguished and intelligent Americans charged with the duty over there, not over here, of investigating conditions in the Philippines, of studying the Philippine inhabitants, of endeavoring to ascertain and report for the guidance of the Government which sent them there, and having taken the time to discharge that duty as far as it was possible, would be entitled to some credit for accurate information upon the subject. But with the minority they are not.

The testimony of men who know the Philippine Archipelago, who have spent years there, who studied the inhabitants in time of peace, all goes for nothing, but this bubble of a living, cohesive, initiating people fit to give consent to a government, and able to organize one, is built up, so far as I know, upon this quotation from General MacArthur and upon the statement of the two naval officers who wandered on an auspicious occasion through a portion of the islands.

To-day President Schurman coincides with some distinguished gentlemen as to what ought to be done in the Philippine Archipelago. I have admiration for him. I lose none of it because he changes his mind. Every man has a right to do that, and every man ought to do that if he thinks it is right to do it. But I think he knew as much about the Filipino population when he came back to report the investigations of his Commission over there as he does now. I think that he and his associates knew as much as the two young naval officers did who traveled through a portion of the Philippine Archipelago.

Mr. LODGE. For three weeks.

Mr. SPOONER. For three weeks. There is a side light on that trip, too. They were not permitted to see anything except what the Fillipino general wanted them to see, or to gain any impression based upon fact except what he wanted them to gain.

Now, this is what is said further by the Commission:

The most striking and perhaps the most significant fact in the entire situation is the multiplicity of tribes inhabiting the archipelago, the diversity of their languages (which are mutually unintelligible)—

Governor Taft testifies to the same thing, and everybody else who knows anything about it from actual observation—

and the multifarious phases of civilization—ranging all the way from the highest to the lowest—exhibited by the natives of the several provinces and islands. In spite of the general use of the Spanish language by the educated classes and the considerable similarity of economic and social conditions prevalent in Luzon and the Visayan Islands, the masses of the people are without a common speech and they *lack the sentiment of nationality.*

The Filipinos are not a nation, and there can be no "political being that we call a people," *one people*, in the language of the Declaration of Independence, which lacks the sentiment of nationality and which is not capable, by acquirement and characteristics, of cohesion, power for organization, and conception of right and law and order equal to the formation of a nation, which can be called a people in the sense in which that language is used.

The Filipinos *are not a nation*, but a variegated assemblage of different tribes and peoples, and their loyalty is still of the tribal type.

I do not suppose they have changed greatly since the Schurman report was written.

Colquhoun, who knows the Orient, and has studied well the Malay and the Filipino, in his work The Mastery of the Pacific, says:

Other deficiences in their mental and moral equipment are a lack of organizing power. No Malay *nation* has ever emerged from the hordes of that race which have spread over the islands of the Pacific. Wherever they are found they have certain marked characteristics, and of these the most remarkable is their lack of that spirit which goes to form a homogeneous people, to weld them together. The Malay is always a provincial; more, he rarely rises outside the interests of his own town or village.

And with this limitation he recognizes many good qualities.

Of course Aguinaldo had an army of 30,000 people, armed partly by the United States. Was that an army of a Philippine people? Was that an army that represented the Visayans? Was that an army that represented the Macabebes? Was that an army that represented the different tribes there at the outset? It was an army of Tagals and bandits, or ladrones who have infested the mountains in the archipelago.

Mr. HOAR. May I ask the Senator, did not our general commit 4,000 Spanish prisoners to their care?

Mr. SPOONER. Yes. He did that because he could not take care of them himself. He did not turn them over——

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.

Mr. CARMACK. Do I understand the Senator to say that because he could not take care of the prisoners himself he turned them over to robbers and outlaws?

Mr. SPOONER. I do not say they were all robbers or outlaws.

Mr. CARMACK. You said it was an army of ladrones.

Mr. SPOONER. I said there were ladrones and bandits in the army, and that it was not an army representative of a Philippine people, such a people as we are told here were a living, organized people, capable of creating and maintaining a government.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. SPOONER. Certainly.

Mr. CARMACK. I simply want to understand the Senator. He says there are ladrones and outlaws in the army. Of course there may be bad men—outlaws—in every army.

Mr. SPOONER. Yes.

Mr. CARMACK. Do I understand the Senator to mean that the Philippine army organized there and cooperating with the American forces were largely or to any considerable extent composed of mere outlaws and robbers and bandits?

Mr. SPOONER. I do not know to what extent; neither does the Senator.

Mr. CARMACK. Mr. President——

Mr. SPOONER. But being a Philippine army, from the Senator's standpoint it must have been composed of liberty-loving, patriotic, law-abiding citizens.

Mr. CARMACK. Being an army organized with the cooperation of Admiral Dewey and in cooperation with the American forces, I assume that it was not an army of outlaws and cutthroats and ruffians.

Mr. SPOONER. One of its leading generals had been for a great many years the leader of bands of cutthroats and ruffians.

Mr. CARMACK. Whom?

Mr. SPOONER. Pinar del Pilar. Nobody denied that. I know it will be denied now; at least, I suppose so.

Mr. CARMACK. The Senator from Wisconsin, of course, is the only prophet in the Chamber.

Mr. SPOONER. Oh, no; I am not.

Mr. CARMACK. He always knows what a Senator is going to say before he says it.

Mr. SPOONER. No; I beg the Senator's pardon.

Mr. CARMACK. And he very seldom knows himself what he has said after he has said it.

The point to which I wish to direct the attention of the Senator was this: Admiral Dewey and other American representatives sought the aid and cooperation of Aguinaldo and his associates; and if it be true that by their help they organized an army of cutthroats and bandits and ruffians, then Admiral Dewey is guilty of violating the rules of civilized warfare, and instead of being acclaimed as a hero he ought to be branded and court-martialed and turned out of the Navy, if the charge made by the Senator from Wisconsin is a true one.

Mr. SPOONER. Mr. President, that adds only one more to the horrible suggestions about Admiral Dewey's conduct which I have heard made in this Chamber before the Senator took a seat here. It was an army which sought the right to enter Manila to loot it. It was an army which, represented by a Commission, insisted upon the right to enter Manila for loot and violence and rapine.

The commander of that army, when informed in writing by General Otis that the rules of warfare recognized by the American people precluded loot, was not satisfied with it. It was an army which afterwards violated habitually the rules of civilized warfare. It was an army, Mr. President, which perpetrated—and some of them were referred to by the Senator from Massachusetts [Mr. LODGE]—unparalleled atrocities not only upon American prisoners who fell into their hands, but upon countless thousands of their own people. It was an army which respected neither sex. It was an army whose rule came to be confiscation and ambush.

When Senators in the light of to-day talk about the crowd which swiftly came around Aguinaldo as "an army of a Filipino people," friendly to the Americans from the beginning, I deny it.

Recurring to Pinar del Pilar, one of the strongest characters in point of ability, and one of the most desperate in point of savagery in the islands, who was made a general—Governor Taft refers to him as a cattle thief before the insurrection. Perhaps vitalized by the spirit of liberty, suddenly seized with a desire for independence, he wended his way to the side of Aguinaldo, and left his associate cattle thieves all behind him. I have not supposed so. If I am mistaken, Senators who know all the facts on the oriental side of this matter, and who ignore most of the facts upon this side, will undoubtedly inform the country of it later. Nor was he by any means the only military official known to have been "irregular in his habits," in this respect.

Now, the idea—and that is all I care for and what I was intending to speak about—that this collection of miscellaneous tribes described by the Commission, who had been for three hundred years, under the tyranny of Spain, a cowed, distressed, and oppressed people, could have between the arrival of Aguinaldo and the short eight months which followed been welded into a homogeneous people, a people in the sense of the Declaration of Independence, that could organize a government and maintain it, is a philosophical impossibility. That is all there is about that, in my judgment.

What sort of a "government" did Aguinaldo organize? Was it a government based, as seems to be here asserted, upon the consent of the tribes over whom he extended it? Not at all.

It has been said, and it was said by that Commission, and it is abundantly, aye, overwhelmingly established, that there was no trouble in those islands, that there was no resistance to American authority, except where Aguinaldo had sent his *armed* Tagalos.

Throughout the archipelago at large there was trouble only at those points to which armed Tagalos had been sent in considerable numbers. In general, such machinery of "government" as existed served only for plundering the people under the pretext of levying "war contributions," while many of the insurgent officials were rapidly accumulating wealth. The administration of justice was paralyzed, and crime of all sorts was rampant. Might was the only law. Never in the worst days of Spanish misrule—

This is Mr. Schurman and his associate commissioners speaking

of this "government," representing the Filipino people, established by their consent and with their cooperation, having a constitution, having an army, having pictures, and colleges, and music, and science, and art, and literature.

Never in the worst days of Spanish misrule had the people been so overtaxed or so badly governed. *In many provinces there was absolute anarchy, and from all sides came petitions for protection and help, which we were unable to give.*

The committee has printed the captured diary of an officer who was a comrade of Aguinaldo in his flight, to the time he was captured, which shows how little appreciation Aguinaldo had of government and the responsibility of a high official to a people.

Mr. LODGE. Simeon A. Villa.

Mr. SPOONER. Simeon A. Villa, a member of his staff. He had been with him in all his peregrinations up to the date on which he was captured. He was his friend, his associate, his comrade. He says:

On a moonlight night the honorable president——

The honorable president is Aguinaldo.

Mr. LODGE. Yes.

Mr. SPOONER. President of what? He had a government, Mr. President, of proclamations, of confiscations, and assassinations, and all the evidence shows it.

On a moonlight night the honorable president——

Aguinaldo—

Sytiar, Jeciel, B. and V., the two Laybs sisters, and the honorable president's sister were discussing the matter. And once the independence of the country is declared we will take a trip to Europe, *with an allowance of a million dollars to pay our expenses.*

Here is an interesting document fairly illustrative of the kind of a republic, a "government founded upon the consent of the governed" and appreciative of the rights of the governed this was. This was to the secretary of war, Aguinaldo's brother. It is a proposition for a *concentration* camp:

PHILIPPINE REPUBLIC, OFFICE OF THE MILITARY GOVERNOR,
Malolos, February 17, 1899.

[Private.]

Señor SECRETARY OF WAR:

Referring to your note in regard to an unhealthy town or place in the province of Nueva Ecija fit for the concentration of the friars, except the town of Bongabong, there is no good place in the province of Tarlac except the town of La Paz; but, according to my observation, even the persons born there are attacked by malarial fever and ague, and if they are strangers very few will escape death.

Your always faithful subordinate, ISIDORO TORRES.

I read in a Manila paper a description of a procession of friars marched under guard by these lovers of liberty out of Manila to this place of disease and death.

Here is something else from this diary:

After supper, which was at 6 o'clock, the honorable president, in a conversation with B., V., and Lieutenant Carasco—

This is from the other side; it is from a friend and companion—

told them that as soon as the independence of our country was declared he would give each one of them an amount of land equal to what he himself will take for the future of his own family, that is, he will give each one of the three señores 13,500 acres of land as a recompense for their work; and also that these plantations will be located adjoining one another in such a manner that they will lie in the same province.

He did not say anything there about patents of nobility, but of course they would have come in season.

As I have said, Mr. President, he sent 1,500 armed Tagalos into Visaya to bring that unarmed people to acknowledge his government. Here is a captured official paper of one of his presidentes from over there:

Receipt from records of insurgent president, town of Navotas.

This was a municipality where law was enforced and taxes were levied and people were protected.

Received of Robert Francisco the sum of 5 pesos to save his uncle from being hanged.

MAGINGAT.

JANUARY 24, 1900.

Mr. ALLISON. Five dollars in Spanish.

Mr. SPOONER. Five dollars in Spanish.

Colquhoun, who is a disinterested witness, says of this government:

Between the collapse of Spanish sovereignty in the islands and the establishment of the United States in its stead (in December) there was a deplorable hiatus, due, no doubt, to the fact that the United States had not contemplated such a move, but were, as one of their generals put it, literally "pitchforked into the Philippines." During this interregnum chaos was supreme. Small republics were formed which exceeded the Spanish Government in ineptitude and corruption. Robber bands were let loose, and the whole country was in confusion. When it became apparent, however, that the United States had no intention of leaving the islands to work out their own salvation, a new phase began. The *insurrecto leaders, having pledged themselves to independence*, organized resistance to the United States, inflaming the people by declaring that the Americans were going to bring back the friars. Color was given to this by the fact that they could not see their way to a wholesale confiscation of church lands, and, while incurring the displeasure of the Filipinos by protecting the friars to a certain extent, they had all the weight of the latter against them, for the priests felt that the return of Spain was the one hope of retaining their position.

I have here among these papers the most frantic appeals of Aguinaldo begging the Filipinos to withhold any welcome to the officers of the Commission, begging them, as he says in one of the appeals—I will not take the time to read it—on "bended knee" not to accept any proffer of autonomy from the American Government.

He was not content with that, Mr. President. He issued an order, signed with his own hand, in order to prevent the inhabitants from repudiating his government of force and violence, in order to deter them all through the archipelago from accepting the protection, the peace, the care of the Government of the United States by which *he put every man in the islands in the Katipunan.* Up to that time those only had joined it who desired to join it or were forced as individuals to join it. There never has been in my reading such an oath as that of this society—never. I put it in the RECORD the last time I had occasion to address the Senate on this subject. It required a man to give himself soul and body to the Katipunan to do its bidding, to give his life when it was demanded, to give his property when demanded, and to kill his father, mother, brother, sister, wife, or children upon its demand.

More than that, Mr. President, it was part of the oath that if he did not obey the command of the Katipunan, he should forfeit his life, not to be taken upon a trial, not to be taken under the judgment of any court, but to be taken by the swift execution of the decree of this oath-bound association of tyrants. Not only that, but the lives of his family should pay the forfeit if he failed to stand practically by this alleged government of Aguinaldo; this government self-proclaimed; this government of force and violence; this government which had no regard for the consent or the rights of the people; this government whose sole existence was one of blood, and whose career was one of tyranny, which the testimony shows made the tyranny of Spain in comparison a paradise. To prevent these people whom it is said General MacArthur thought were behind Aguinaldo from espousing our cause and to bind them to him, not by kindness, not by justice, not because of their consent, not by the tie of good government and protection, but to hold them to him by the iron hand of the Katipunan he issued this order, which I can not at this moment find, by which he made every man in the archipelago, whether he would or not, a member of the Katipunan, bound by its oath, and subject to its punishments.

Mr. President, Senators may talk about the depopulation of districts, may figure up the number of Filipinos who have been destroyed, but do not charge that to atrocity and cruelty upon the part of the American Army, except so far as war goes, and exceptional cases where bad men, forgetting the flag and the honor of the Army, have done cruel and wicked things—do not leave out the silent, ghastly, diabolical judgments and executions of the Katipunan.

When the first commission went there this alleged congress voted to accept autonomy, and but for Mabini and the war leaders who were playing for a high stake—to govern the people through an oligarchy, to govern them regardless of their consent, to govern them for their own purposes and uses, so that they could have "a million dollars to pay the expenses of a trip to Europe," it would have been accepted.

Talk about a people and a republic in Asia upon which we are making war and which we are destroying! There is no republic in Asia. There never has been a republic in Asia, but I hope, in God's providence, there will be some day a republic in Asia, and to that end we are moving along on the lines of liberty, pacification, and construction, first, however, peace.

Here is the Katipunan order to which I referred, and I will put the pertinent part of it in the RECORD. This is signed by Aguinaldo on the 15th of July, 1898, when, as we are told, he was the representative of the whole people and the object of their love and confidence.

EMILIO AGUINALDO.

JULY 15, 1898.

To the Katipunan.

MY DEAR BROTHERS AND OLD COMPANIONS:

* * * * * * * *

All Filipinos must understand that they are *now* included in the Katipunan *whether they want to be or not*, and hence it is the duty of all to *contribute life and property to the arduous enterprise* of freeing the people, and *he who disobeys must stand ready to receive the corresponding punishment.* We can not free ourselves unless we move forward united in a single desire, and you must understand that I shall *severely punish the man who causes discord and dispute.*

* * * * * * * *

Cavite, July 15, 1898.

EMILIO AGUINALDO.

I said a little while ago that, in my judgment, it has been the greatest misfortune that there has been any division among us. I think it was the unhappiest thing that on January 9, the same day that Aguinaldo issued his elaborate order for an attack upon Manila, the same day that he treacherously sent, with that order being circulated among his people, a commission to Otis to negotiate peace, Mr. Bryan, one of the brilliant men of the country, against whom I have no wish to utter a word, a man of high character and remarkable powers in many ways, published in the New York Journal an interview addressed to the Senate, urging the ratification of the treaty and the making of an issue at once after its ratification between *imperialism* and *independence.*

There was no such issue. There had been no proposition in the Congress to hold that people in colonialism; there had been no proposition to treat that people in any other way than we would treat Cuba; there was no reason for that impeachment of the people; there was no reason to suppose that the people who went to war for liberty in Cuba would be any other than generous and true to their ideals in the Orient; and yet it became a party issue, and those people in revolt were given, day by day for months, to understand that the success of Democracy meant their independence, and they appealed to their troops—albeit their army had been disbanded and were shooting our men from ambush—not to attack them in the open, not to meet them in fair fight, but to shoot them down in "uninhabited and desolate places," using the language of the order, and to keep it up until the election should come off. Ah, Senators can not charge to the ratification of the treaty, nor to the sending of the Army over there, all the bloodshed and cruelty which came to the Philippine Archipelago.

Here is a copy of the instructions issued by Aguinaldo to Sandico under date August 10, 1898, two days before the protocol, as I recollect it:

REVOLUTIONARY GOVERNMENT OF THE PHILIPPINES,
Office of the President.

INSTRUCTIONS FOR SEÑOR SANDICO.

First. To arrange so that all the Filipino subjects residing in Hongkong act in unity. To look for the best means to persuade those who have contrary opinions and induce them to cooperate in the policy of the government, or at least not to oppose it by imprudent behavior, which would be to our discredit with the powers.

Mr. LODGE. If the Senator will excuse me, did I understand him to say that they were subjects or citizens of the republic?

Mr. SPOONER. Subjects; they were the subjects of a tyranny, an oligarchy founded upon force, and exercising nothing but force and violence.

The second paragraph I shall not read.

Third. The policy of the Government is as follows:

1. To struggle for the independence of "Filipinas" as far as our strength and our means will permit. *Protection or annexation will be acceptable only when it can be clearly seen that the recognition of our independence, either by force of arms or diplomacy, is impossible.*

2. The Filipino government and its representatives will attempt as far as possible to be on good terms with the Government at Washington, entreating the recognition of the Filipino government under *pretext* that such recognition constitutes a sine qua non before any terms of agreement between the United States and "Filipinas."

This is signed "E. Aguinaldo" and dated Bacoor, August 10, 1898.

Mr. HOAR. Who translated that?

Mr. SPOONER. This was translated by Captain Taylor, I suppose. I did not translate it. I could not. I suppose it is correctly translated. I am in the habit of believing that officers of the Army are honorable gentlemen, and that they would not be willing, either by accident or otherwise, that a paper should come translated by them incorrectly.

Mr. HOAR. The suggestion I meant to make by my inquiry was this: When you are depending on niceties of expression, as in the case of a distinction between "subjects" and "citizens," or a distinction between two things which are generally alike, as "pretext," or "pretense," or "claim," it is pretty important that you know whether the original phrase which is translated had precisely that shade of meaning. I do not in the least question the integrity of the translator.

Mr. SPOONER. There is no question about this part of it anyhow, and no reason to think there is about the other.

Protection or annexation will be acceptable only when it can be clearly seen that the recognition of our independence, either by force of arms or diplomacy, is impossible.

Mr. HOAR. I think that is very much what the Senator from Wisconsin would have said, speaking for his people under like circumstances.

Mr. SPOONER. I have heard it said that there is no Senator here who would not have done just what Aguinaldo did when he attacked our Army. Now, speaking for myself, I would not have done that, and no other man who was not bent upon a fight; no man of intelligence, fit to be at the head of a government would have done it, in my judgment.

He would have at least waited, with an agent here and the word President McKinley had sent over there, until the Senate could have voted, in two or three days, upon the Vest amendment and the Bacon amendment.

By the way, the Senator from Massachusetts did not accurately, two or three times in his speech, quote the McEnery resolution. He quoted it as if it referred only to the "interest of the United States." That is not all it says. It added, "and the interest of the inhabitants of said islands." That omission may not be material, but with those words in it reads more kindly—it reads more like an American document. I merely call the Senator's attention to that.

So, Mr. President, I say again that it was a miserable thing that in that day and later there went to the Filipinos from the United States, with our Army over there, words of encouragement to the Filipinos, denouncing us as having unconstitutionally bought sovereignty, as violating the Declaration of Independence; that we were there to enslave them, not to give them liberty, all a false political issue. They might as well have been told, "You fight our men and hold out until after the election, and if we win you will get independence under a protectorate." It prolonged the war. It vastly embarrassed the operations of the Government. It made it difficult, and it will do so hereafter, to carry forward, as speedily as we wished to do, to the earliest possible fruition the blessings which we wished to confer and will confer upon that people.

I say "will confer," because, Senators, the American people will not run away from that duty. They never run away from any duty. They indorsed at the polls, long after our action upon the treaty, after we had sent our Army into the Philippines, when they knew it meant war and trouble and division at home the attitude of the Republican party, and of the brave and chivalrous Democrats who joined in our action, and they reelected McKinley President of the United States. They have no idea, Mr. President, in my judgment, of turning back.

The Senator from Massachusetts has had a great deal to say about the Declaration of Independence. He reveres it, as I wish I could make him believe I do, for I wish his good opinion. But he wants the Declaration of Independence as he reads it, and I want it as I read it. Neither of us means to be false to it. It will bring no "blush of shame" to my cheeks to read it publicly again as I used to sometimes on Independence Day, and that is not because I have lost conscience or love of liberty.

The Declaration of Independence, like other documents—and I refer here to it only for a moment, Mr. President, because I must hurry along—must be read as a whole to be rightly interpreted. There is nothing more dangerous than a maxim misapplied.

When in the course of human events it becomes necessary for *one people*—

And the colonists were *one people;* they were a part of the English people; they were children of England; they had the education and the conditions of England; they had here the best of England's institutions; they were no less one people with the English in ties of blood, association, education, and love of liberty than the Southern people and we were one people in the old days, as we are to-day, and as we always, always hereafter will be; and Jefferson wrote of that situation:

When in the course of human events it becomes necessary for one people—

Who would compare our people with the tribes in the Philippines?

to dissolve the political bands which have connected them with another and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them—

That presupposes a people so far educated in love of liberty, and in the science and capacity for government, as to be able to form a nation entitled upon principles of international law and usage to "the separate and equal station to which the laws of nature and of nature's God entitle them" among the powers of the earth. Will anyone tell me that there was such a people in the Philippines? Will anyone deny that there was such a people in the colonies? For them it was written and of them it was true:

A decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

What follows is a justification of revolution:

When we passed our declaration about Cuba we declined to recognize the independence of Cuba, but we issued a high political declaration justifying the right of revolution as stated by Mr. Jefferson, a declaration that the tyranny of Spain entitled the people of Cuba—one people they were, too—to revolt from Spain and become free and independent of the parent State, and we proceeded to help them to do it.

We hold these truths to be self-evident, that all men are created equal—

I said once in the Senate that that is true only as an abstraction. We all wish it were true everywhere. When the millennium comes, when angels carry into operation these lofty principles of *abstract* justice it will be true; but while the weak, passionate agencies of the human race must work them out, it never has been true and it never will be true. It was more conspicuously untrue for seventy years after the adoption of that declaration in the United States than anywhere else on earth—

that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

He created all men; He created the white man and the brown man and the red man and the black man. Was this abstract principle, announced by way of argument to sustain the right of revolution, understood to have *universal* application among men? When it was written and for nearly seventy years after, millions of people created by God had no rights in this land——

Mr. HOAR. I remind the Senator from Wisconsin that Mr. Jefferson, who wrote it, speaking of the blacks, said: "I tremble for my country when I reflect that God is just."

Mr. SPOONER. Certainly.

Mr. HOAR. He recognized it as a contradiction.
Mr. BEVERIDGE. He himself owned slaves.
Mr. HOAR. He recognized it as a contradiction.
Mr. SPOONER. That statement in the Declaration of Independence nevertheless was a living lie in this land for seventy years.

Jefferson manumitted his own slaves. He made it true as far as he could administer it. Our people proceeded, long after this, to adopt a Constitution, and in that Constitution itself—a Constitution which we all venerate, a Constitution to which we all appeal—they incorporated as a part of the organic law of this land a recognition and protection of slavery, and the right of the white man to buy and own and sell the black man and the black man's wife and the black man's child. Mr. President, it was worked out in the end.

The Senator from Massachusetts [Mr. HOAR] in his beautiful speech said, speaking for one epoch: "I put down the rebellion; I freed the slave." Ah, but how did we free the slave? We washed out that awful stain with precious blood, shed not only by our people, but by yours of the South.

When Abraham Lincoln put his hand to the Proclamation of Emancipation war was flagrant in the land, the flag was being stained with the sulphurous smoke of battle and shot into rags on a hundred fields of fight, and the shrieks of the wounded and the dying, the weird and awful music of war, were borne upon every breeze from the South to the North, and our homes and your homes were filled with sadness and broken hearts and everywhere were new-made graves. In the providence of God it has happened since the dawn of civilization that sometimes only through agony and the shedding of blood could the principle of the Declaration of Independence—the eternal principle of individual rights and liberty—be wrought out.

"I put down the rebellion." That war has seemed to me a practical exposition by our people of the doctrine of the "consent of the governed" and almost a national repudiation of it as a doctrine of general application. The Southern people, they thought rightly and we thought wrongly, decided that we had invaded, or intended to invade, their constitutional rights; that there had come an irrepressible conflict between the North and the system of slave labor in vogue in the South and recognized by the Constitution.

This system the South considered not only their constitutional right, but indispensable to their prosperity. Preceded by years of bitter agitation, the time came when, asserting the right of revolution, which in the last analysis is based upon the doctrine of the consent of the governed, they revolted and created a Confederacy, "laying its foundation on such principles and organizing its powers in such form" as to them seemed "most likely to effect their safety and happiness." We denied their right to withdraw their consent to be governed by the United States.

They struggled long and gallantly and at inexpressible sacrifice for the independence of the government which they had instituted. If they had had the money and the men and the resources, they would have *established their right*. We suppressed their rebellion and preserved the Union because we had resources of men and money to whip this "consent-of-the-governed" theory out of the good people of the South. We forced a government upon them against their will.

The great transactions of the world have not been and can not be governed by mere maxims of abstract right. Some day it may be so. Thus far it never has been so in any age or among any people.

I have always believed that in no other way could slavery have been eliminated from our system, and that in no other way save through the bloodshed and heartbreak and cruelty of war could we have been molded perpetually into one people.

A general from the Philippines, and one of the most intelligent, who has read the Declaration of Independence and knows fairly well what it means who has been all through the Philippines, has met those people of every class and description, when asked before the committee if the people wanted independence, replied, "Yes, I guess they do, but they do not know what it means."

He thought that most of the Taos or peasants regarded it as "something good to eat." Even Aguinaldo never talked about independence except with a protectorate, and he was negotiating with himself as to what government on earth he would have protect him and his republic.

No, Mr. President, the Senator from Massachusetts, in that "rhetorical" column of his, remarkably eloquent and beautiful, to which each epoch in our history contributes its message, placed properly at the foundation to that of the Puritan and the Huguenot. That message, as the Senator from Massachusetts read it, was short, yet true, of course. "I brought the torch of Freedom across the sea. I cleared the forest. I subdued the savage and the wild beast. I laid in Christian liberty and law the foundations of empire." That is all true. But through what a terrible, strenuous and bloody pathway they walked at times from the beginning to the end of the journey which the Senator so beautifully and so briefly epitomizes.

They found the Indian tribes here, and they did subdue them. I say it with no disrespect, for my father was born in Massachusetts, and for his sake and the sake of my forbears there, as well as for the splendid history of that grand old Commonwealth, I could have nothing but respect and veneration and love for her. It is one of those harsh things that come about when you get away from mere theories and into "the corrupted currents of this world."

I refer to one item in the history of Massachusetts which I do not mention to condemn, because in the progress of civilization the elements of barbarism have always resisted every forward step, and men with love of liberty, men who wished to work out in the sight of God great results for liberty, have many, many times, as Abraham Lincoln had to do, passed through cruelty and hardships and suffering, sometimes inflicted by themselves, in order to reach the goal.

"I subdued the savage." Here is the act of the province of Massachusetts, passed in 1722, a hundred years after the settlement. I could not help thinking of this statute when I heard the *general denunciation of the Army in the Philippines* for its cruelty, based upon the *assumption* that a military officer over there, stung by unspeakable cruelty to American soldiers, had forgotten the honor of the flag and verbally given an order which no officer ought to obey, and which no officer ever ought to think, much less to utter.

This is one of the many cruel chapters in the history of civilization. I shall not read all of this act passed on the 8th of August, 1722, entitled "An act to encourage the persecution of the Indian enemy and rebels."

SECTION 1. That the following rewards be allowed and paid out of the public treasury to any company, troop, party, or person singly who shall kill or take any of the Indian rebels or enemies; that is to say—

First. To volunteers without pay or subsistence, for the scalp of any male Indian of the age of 12 years or upward—

[Laughter.]

Boys at play—

for the scalp of any male Indian of the age of 12 years or upwards, the sum of £100—

Not Mexican, either—

and for the scalps of all others that shall be killed in fight—

I suppose the others are to be shot from behind, in ambush, waylaid, and for those they will pay a higher sum—

and for the scalps of all others that shall be killed in fight and the prisoners that shall be rendered to the commanding officer of any regiment, company, troop, or garrison £50 each and the sole benefit of the prisoners, being women or children under the age of 12 years, and the plunder, the prisoners to be transported out of the country.

Secondly, to the volunteers without pay, being subsisted and supplied with ammunition, the sum of £60 for each scalp of any male Indian above the age of 12 years, and for the scalps of all other and for prisoners taken and rendered, as aforesaid, the sum of £30 each, and the sole benefit of the prisoners, as aforesaid.

* * * * * * *

And be it further enacted by the authority aforesaid:

SEC. 3. That the above-mentioned payments respectively to be made for every Indian, as aforesaid, slain or taken, be ordered upon bringing in the prisoner or producing the scalp of the dead person, oath being made before the governor or one or more of His Majesty's council that it is bona fide the scalp of an enemy or rebel Indian killed or slain by him or them.

Provided:

SEC. 5. This act shall continue and be in force during the present *Indian war* and *rebellion* and *no longer*.

Passed and published August 16.

Mr. HOAR. Will the Senator from Wisconsin allow me?
Mr. SPOONER. Certainly.
Mr. HOAR. Our ancestors in Massachusetts bought and paid for fairly, by honest bargain, every foot of land they acquired from the Indians. That order of 1722——
Mr. SPOONER. It is a statute.
Mr. HOAR. No matter what it is, it is a cruel and barbarous order, a relic of what was a cruel and barbarous time. Do you approve it that at the beginning of the twentieth century you are making a precedent of it? Tell us that.
Mr. SPOONER. I think our fathers bought the lands of the Indians and then proceeded to buy the scalps of the Indians.
Mr. HOAR. I will agree that this policy which the Senator from Wisconsin is defending is well supported by all the wicked precedents that can be culled from the lives of good men. [Laughter.]
Mr. SPOONER. Yes; but when the Senator finds it in his heart upon *ex parte* testimony to denounce in general language transactions in this age of officers as brave as ever lived, he ought not to forget at least that our forebears—brave men—in war also found it necessary to resort to what in time of peace no man on earth would approve of.
Mr. HOAR. Does the Senator approve of that order—war or peace? He has not answered that question.
Mr. SPOONER. I think if it was necessary to pass that statute

in order to protect the wife, the children, the home from destruction—the wife from debauchery, the children from torture and death—I would have done what they did. What does the Senator say?

Mr. HOAR. It never was necessary to do it.

Mr. SPOONER. Oh!

Mr. HOAR. It was a base and wicked order, and when the Senator speaks about our forebears I am happy to have the right to say that the men in that generation who bore my name incurred obloquy and indignation by resisting those things just as I do now. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. PLATT of Connecticut) rapped with his gavel.

Mr. SPOONER. Civilization has never gone forward without contest and conflict and resistance and bloodshed and the cruelties of war.

Mr. HOAR. Mr. President, does the Senator from Wisconsin approve that order—without any "if?" He says he does not approve the order in the Philippines. Now, does he approve this one?

Mr. SPOONER. If it was necessary——

Mr. HOAR. Does the Senator approve it?

Mr. SPOONER. I for one am not willing to accept the opinion even of the distinguished Senator from Massachusetts, as great an historian as he is, that this statute was a mere wanton, useless exhibition of brutality and cruelty. It may be true, but I have never believed it, that the men who left their homes in England, who crossed in a little bark with their families the treacherous sea——

Mr. HOAR. This was a hundred and two years later.

Mr. SPOONER. I know; but they brought liberty with them to this continent, and I have never believed that the men who sprang from them lost in love of liberty.

If the Indians had not been driven back, if this maxim in the Declaration of Independence about which so much is said had been literally construed and strictly observed, we would have had no United States. This country would still have been inhabited by nations of savages, considering liberty as the right to roam where they chose and kill whomever came in their way. The States which have been upbuilded have been builded in the same way in degree. Wherever the frontier has been pushed back by the advancing forces of civilization it has involved struggle, hardship, strife, and bloodshed. We have pressed the Indians, whom Mr. Jefferson said loved independence and liberty, farther and farther until to-day we have nearly all who are left in "concentration camps," called reservations.

Mr. HOAR. Mr. President——

Mr. SPOONER. And, if the Senator from Massachusetts will pardon me, it is one thing, taken in an isolated way, dealt with by itself, independent of conditions, and another thing regarded in its connection with the work of civilization, with the irresistible impulse of the Anglo-Saxon to move forward; to conquer the forest; to remove obstructions; to build cities; to erect houses of worship; to turn a continent into the home of 80,000,000 free people; when necessity came for it I somehow believe it was a part of the scheme of the Almighty that some of these things should be done.

Mr. HOAR. Now, Mr. President——

Mr. SPOONER. Just as I believe——

Mr. HOAR. I beg the Senator's pardon. The Senator disapproves of the order in the Philippines. He says so.

Mr. SPOONER. I say it is——

Mr. HOAR. One minute. Let me finish the sentence.

Mr. SPOONER. I did not say so as the Senator says it.

Mr. HOAR. I understood the Senator to say that it was an order which no soldier ought ever to have given and that he disapproves of these cruelties. I understand he approves the statute of 1722. What is the distinction in his mind that makes him approve that and disapprove what has happened lately?

Mr. SPOONER. I did not say that I approved the statute of 1722.

Mr. HOAR. Very well.

Mr. SPOONER. I can not put myself in their situation. The Senator said it was a wanton, causeless, unnecessary thing. I have not so understood it.

Mr. HOAR. My honorable friend agrees with me in disapproving what has been done in the Philippines in that particular, but does not say whether or not he approves the precedent he cites.

Mr. SPOONER. I did not cite it for my benefit. I cited it for the benefit of the Senator from Massachusetts, to show that even the liberty-loving people of the province of Massachusetts——

Mr. HOAR. Did a mean thing once.

Mr. SPOONER. Had to do a cruel thing once in order that their families might live, that civilization might move forward, and that in the end liberty might dwell in that colony. We can not carry out our own——

Mr. HOAR. In 1722 there was no such necessity. The Indian wars were all over, so far as they were carried on by any Indian tribes in Massachusetts. Philip's war ended in 1666 or 1667. That was an act aimed at the allies of the French who came down from Canada and brought some Indians with them. There was no war in Massachusetts in 1722.

Mr. LODGE. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. LODGE. That statute was directed against the Maine Indians, and was owing to the slaughters committed by those Indians on the frontier settlements of Maine, which was then a part of Massachusetts. It was for the protection of those villages on the Maine frontier that the statute was passed.

Mr. GALLINGER. If the Senator from Wisconsin will permit, perhaps it is not important, but a similar statute was passed in the province of Massachusetts in the year 1694, only they did not give quite so much for a scalp. That is the only difference. [Laughter.]

They paid £50 per scalp in 1694, but as they progressed in civilization they paid £100 in 1722, twenty-eight years later.

Mr. HOAR. I want every Senator who likes the taste of either of those statutes in his mouth to tell me two things which the Senator from Wisconsin has partly told. One is whether he approves of them, and the other is whether he approves of what has been done in the Philippine Islands.

Mr. GALLINGER. I was not there; so I can not tell much about it.

Mr. HOAR. I have not yet found anybody, thank God, who will say that he approves of either.

Mr. SPOONER. And the Senator will not find anybody, thank God, who approves of any cruel order in the Philippines.

Mr. HOAR. I know that.

Mr. SPOONER. And so far as I am concerned, the Senator will never find me ready to impeach the whole army in the Philippines upon *ex parte* statements. [Applause in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. HOAR. Who has impeached the whole army?

Mr. SPOONER. It has been done in this whole debate. It has been done by witnesses before the committee. I am not talking about the Senator from Massachusetts.

Mr. HOAR. I thought you were talking of me or trying to. I said distinctly that our Army was composed of brave and humane men; that in a few instances these things had been done, but that they always did occur in contests between savage or inferior and superior races, and therefore the fault was not with the Army, and that the Army ought not to be denounced for it. The fault was with the persons who took the responsibility of bringing on the conflict. That is what I said about it. [Applause in the galleries.]

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin will suspend for a moment. Manifestation of approbation or disapprobation by the occupants of the galleries must not be repeated. If it is, the galleries will be cleared, according to the rules of the Senate.

The Chair also reminds Senators that if they desire to interrupt they must obtain the permission of the Chair.

Mr. SPOONER. What did the Senator from Massachusetts mean when he said in the message from that fundamental epoch "I subdued the savage?" He did not refer to this isolated chapter. He did not intend by that to put a taint upon the men who enacted that law. I do not judge them because I can not put myself in their places. I do not know what I would not do in order to protect my wife and my children or my neighbor's wife and children against destruction. I merely mean that, regardless of maxims, in the advance of civilization on our own continent the fundamental message which that epoch sends, as expressed by the Senator from Massachusetts, involved subduing the savages in all necessary ways.

So did the next one. The States to which he referred were not builded without subduing the savages. Some way I find in the progress of civilization here and there, all along the line that men have done, and I presume they had to unless I know differently, things which from the standpoint of peace and the enlightened civilization of this day would be condemned. I am not condemning them.

The Declaration of Independence and its words "the consent of the governed" has played from the beginning a conspicuous part in the debate upon this subject. I confess I have not been able to see its applicability. Perhaps that is partly due to our differences as to the facts. To me, it is clear that a condition precedent to the applicability of the doctrine is the existence of a people of sufficient intelligence, cohesion, and power of organization to alter or to abolish a form of government which to them had become destructive of the ends of government and to institute a new government and to maintain it.

If the 10,000,000 inhabitants of the Philippines had, independent of our presence and operations there as an enemy of Spain, organized an insurrection, declared their independence and won it, and established a government to suit themselves it would have been their right to maintain it as they saw fit, without dictation from any other government or people. But that is not this case. From my point of view they had done none of these things in any substantial sense, and we acquired from Spain by the treaty the title to the archipelago, the sovereignty over it and the right to govern it. That in such case adherence to the Declaration of Independence, if it be applicable at all, requires, regardless of the fitness of the people to govern, that they shall be turned loose to form a government of their own I deny.

The doctrine of the consent of the governed, as used here as an argument against the Government for what it has done and proposes to do in the Philippines, has been violated by this nation from the beginning.

We purchased Louisiana, a vast territory. Did we ask the consent of the people? Did we not put upon that people, many of them intelligent people, too, a government against which they protested? And was not the man who did it and the man who defended it the same Thomas Jefferson who wrote those words in the Declaration of Independence?

The Senator from Massachusetts [Mr. HOAR] in attempting to parry that said the other day (and if he had not felt that there was force in it he would, I know, never have been driven to parry it in that way), that Jefferson did not want to buy Louisiana; that all he wanted to buy was the city of New Orleans, and that Napoleon forced the whole Louisiana purchase upon him. That may be true. I have no notion to challenge that.

Mr. HOAR. Mr. Jefferson's reason was what he gave at the time, that there were not any people there, and it would be a thousand years, he thought, before the territory would be settled.

Mr. SPOONER. Yes; but what was in the mind of Mr. Jefferson has nothing whatever to do with it, nor will it have anything to do with it in the mind of anybody else, I think, who stops carefully to consider the question. It is not a question whether Jefferson intended to buy the territory or only the city. The question is what he did with the people of the territory after he acquired it.

Mr. HOAR. Mr. Jefferson thought there were not any people in the definition the Senator has just given. New Orleans had French traders who were to make their money and go home to France. The others wanted to come to us. But in the territory, with the exception of a little trading post at St. Louis, there were no settlements.

Mr. SPOONER. There were 60,000 people, Mr. President.

Mr. HOAR. Guyarre fixes the number at about 30,000. It was a vast territory.

Mr. SPOONER. When did it ever come about that 60,000 people are entitled to the "blessings of liberty" and 30,000 are not?

Mr. HOAR. But, when you are talking about a continent, the question whether there is one man to 10 miles square spread all over it, or whether there are 30,000 men so compact that they can make treaties and form a government is the question. It is not a question of numbers. Rhode Island was as much a people as New York or Virginia at the time of the Declaration. So was Delaware. But if the people of Rhode Island had been scattered over this whole continent or over the whole Louisiana territory without any cohesion or vital life, they would not have been a people then. I beg the Senator's pardon, because he stated it in the beginning of his speech exactly that way.

Mr. SPOONER. In Louisiana and in the United States no people can be a people entitled to the privileges and blessings of the Declaration of Independence unless they are such a people as can maintain a government and make a treaty? Mr. Jefferson in this transaction utterly repudiated the notion that the Declaration of Independence, so far as the consent of the governed goes, took no account of the question whether people were fit for self-government or not. I will read what he said.

The question is not whether a people are scattered, no matter if they be educated, no matter if they are able to write such a splendid protest to the Congress as came up from them against the alleged tyranny of Jefferson's Government, and nothing on the public files is finer than their protest. They were not children. Many of them were men of education. They were men of refinement.

When Mr. Jefferson was arraigned for violating the Declaration of Independence, for putting upon that people down there a government which was not in accord with it, not consulting them, denounced in one House or the other of Congress as being a king—I read it once here in debate—he wrote to DeWitt Clinton, December 2, 1803, as follows:

> Although it is acknowledged that our new fellow-citizens are as yet incapable of self-government as children, yet some can not bring themselves to suspend its principles for a single moment. (Works, vol. 8, p. 283.)

That is what Mr. Jefferson thought about it. He did not look upon this declaration as at all times applicable to all classes of people, without regard to fitness; and the faculty of sustaining and administering government.

That is one trouble here. We say we will put a government in the Philippines. We will give them participation. We will give them a bill of rights. We will fill their land with schools. We will give them object lessons in government; but we do not think, as Jefferson did not think, that this principle is applicable without regard to circumstances. We do not belong to the class of whom he writes of men who are willing to apply the Declaration at once without regard to fitness, who think it can not be suspended for a minute.

Mr. President, my distinguished friend as a prophet may be correct. We may not be able to work out this problem as McKinley wanted to work it out, as Taft is laboring to work it out, with a measure of self-sacrifice, in my judgment, endangering his own life, and an adhesion to an ideal that is as patriotic, as liberty-loving, as any which ever entered a human heart.

But we think if, when the time comes that we have educated the people to appreciate government, to sustain it, to take part in it, we will consult them—it is we who are carrying about with us in this work as a vital, living force the principles of the Declaration of Independence, and not those who insist, without regard to circumstances and situation, as was insisted as to Louisiana, upon putting into practical operation at once these maxims.

Mr. Jefferson had this to say about it. In 1826, writing to John Adams, and I read this in its relation to the argument made by the distinguished Senator as to the Monroe doctrine, although I know he does not refer to that, perhaps—

> I enter into all your doubts as to the event of the revolution of South America. They will succeed against Spain. But the dangerous enemy—

And that is true, Mr. President, over yonder—

> But the dangerous enemy is within their own breasts. Ignorance and superstition will chain their minds and bodies under religious and military despotism. I do believe it would be better for them to obtain freedom by degrees only—

He was willing to wait on fitness and education. To do otherwise in the Philippines is to make of the great Declaration of Independence not a shield of liberty, but the instrument of tyranny, not the tyranny of Spain, but the tyranny of anarchy, of violence and domestic oppression—

> because that would by degrees bring light and information, and qualify them to *take charge of themselves understandingly;* with more certainty if in the meantime under so much control as may keep them at peace with one another.

In this very diary furnished before the committee Aguinaldo says that after independence, if they obtain it, he *fears will come civil war.*

> Surely, it is our duty to wish them independence and self-government, because they wish it themselves, and they have the right, and we none, to choose for themselves, and I wish, moreover, that our ideas may be erroneous and theirs prove well founded.

Jefferson is speaking of the South American Republics. If we had no relation with the Philippines, if we had no sovereignty there which we have, the situation would be the same as it was as to the South American Republics, concerning which Mr. Jefferson wrote.

Again, in 1822:

> But let us turn from our own uneasiness to the miseries of our southern friends. Bolivar and Morillo, it seems, have come to the parley with dispositions at length to stop the useless effusion of blood in that quarter. I feared from the beginning that these people were not yet sufficiently enlightened for self-government.

And they were a homogeneous people. They were a part of the Spanish people; and here are three races and eighty-four tribes, with nothing whatever to bind them together, either in association, business, or organization.

> I feared from the beginning that these people were not yet sufficiently enlightened for self-government, and that after wading through blood and slaughter they would end in military tyrannies more or less numerous.

That is what we want to prevent over there. That is what we would promote by going too rapidly.

> Yet, as they wished to try the experiment I wished them success in it; they have now tried it, and will possibly find that their safest road will be an accommodation with the mother country, which shall hold them together by the single link of the same chief magistrate, leaving to him power enough to keep them in peace with one another and to themselves the essential power of self-government and self-improvement until they shall be sufficiently trained by education and habits of freedom to walk safely by themselves.

That takes time, I say to my distinguished friend from Massachusetts.

Mr. HOAR. Jefferson meant to leave it to them to decide, not for us to decide.

Mr. SPOONER. They were not ours.

Mr. HOAR. I understand. These men are not ours.

Mr. SPOONER. These men are not ours, but this territory is ours. These 67,000,000 acres of land are ours, with the power incident to ownership to govern, and the people of the United States will govern, Mr. President, until the people there can govern and

until they can protect themselves without help from the world and from themselves and each other.

Mr. HOAR. From us.

Mr. SPOONER. Oh, Mr. President, does the Senator mean to tell those people that our object is to enslave them? When William McKinley sent his message over there that our purpose was to carry to them the blessings of liberty, to regard their prejudices, to consult their habits, to teach them the difference between liberty and license, to ameliorate and destroy the ancient system of Spanish tyranny, does the Senator think that he did not speak for the whole American people?

Mr. HOAR. Mr. President, I have not the slightest doubt on that subject.

Mr. SPOONER. Was it ever——

Mr. HOAR. The Senator asked me a question.

Mr. SPOONER. Well.

Mr. HOAR. I have not the slightest doubt of the absolute sincerity and desire of President McKinley to do what was right and just, and of the majority who voted for this treaty; not the slightest. I never have said anywhere otherwise. But it is the old fable of the dog and the wolf, when the dog invited the wolf to his feast and showed him how well fed he was and gave him his dinner and wanted him to come and live with him. Just as the wolf was going away he said, "What is that little mark around your neck?" "It is the mark of the collar." "I think I will stay at home in my freedom."

Mr. SPOONER. Who is the wolf?

Mr. HOAR. Whoever he is, my proposition is that it is a question of independence, of the right of that people to determine all these things for themselves, not of the right of the best man living, being an alien 10,000 miles off, to determine it for them. That is the proposition.

Mr. SPOONER. Mr. President, theoretically that is lofty and beautiful.

Mr. HOAR. I am glad I have got the Senator so far, because things that are lofty and beautiful theoretically always work out under the government of the God of this universe to be the best things practically.

Mr. SPOONER. Yes; but the negro did not find it so with the Government of the United States. You can not deal with peoples or with transactions like this upon maxims without regard to environment.

Mr. HOAR. I want to look at what the Senator quoted from Mr. Jefferson, because he was led into an error.

Mr. SPOONER. In what respect?

Mr. HOAR. Mr. Jefferson was not, as the Senator stated, arraigned for violating the Declaration of Independence. He was not replying to any such charge. Mr. Jefferson was arraigned for having done something that was not within his constitutional power, which he admitted.

Mr. SPOONER. The Senator is mistaken.

Mr. LODGE. He was attacked——

Mr. HOAR. This is——

Mr. LODGE. I do not know anything about what he expected, but I know, historically, that he was attacked.

The PRESIDING OFFICER. Senators must address the Chair.

Mr. HOAR. Mr. Jefferson never admitted for a moment that he violated the Declaration of Independence.

Mr. GALLINGER. He was charged with it.

Mr. SPOONER. I know he did not; but he was charged with violating it. He was charged with violating it in precisely the same particular that the Senator from Massachusetts charges us with violating it; and he denied it, as we deny it.

Mr. HOAR. Mr. Jefferson was wrongfully charged and you are rightfully charged.

Mr. SPOONER. I never yet have been able to say that I was right and that everybody who disagreed with me was absolutely wrong.

Mr. HOAR. But the Senator stands up for his way, does he not?

Mr. SPOONER. I stand up in this matter not for my way alone, but for McKinley's way——

Mr. HOAR. Oh!

Mr. SPOONER. And the way of the Senator's colleagues in this Chamber who voted for the treaty, and the way of the American people who reelected President McKinley after all these things had been done.

Mr. HOAR. A great many people voted for McKinley who did not approve of that. There were a vast number, as the Senator knows very well. This is the first time I ever heard it argued in the Senate that the question of righteousness was settled by a show of hands at a popular election.

Mr. SPOONER. Mr. President, I do not say that, but I say this: I am not an overly good man; but if I thought my party was engaged in unrighteousness, if I thought it was engaged in a policy of dishonor, if I thought it was marching forward to trample upon human rights, to destroy an aspiration for independence, to crush out a liberty-loving and well-established republic, so help me God, I would vote against my party, not with it.

Mr. HOAR. I suppose the Senator probably would have to find some other party to vote for that did not indorse the same thing.

Mr. SPOONER. If one party was standing by my construction of the Declaration of Independence and the other was trampling upon it and destroying it I think when it became a matter of conscience I would not have much hesitation about it.

But, Mr. President, we are all trying to do the best we can. I know my friend thinks his way is right. We think ours is right. He loves liberty; so do we. He does not admit that we do, but he admits that he does.

Mr. HOAR. My honorable friend utterly misstates it. I received in my mail this morning from a clergyman the wrathiest of letters, denouncing me. He wanted to know how I can possibly say as I do; that these men are good and honest men, and love liberty as well as I do, and with a great deal more intelligence than I have, when I think this particular measure is wrong. Now, Mr. President, we are not born into this world to live here on those terms.

Mr. SPOONER. Certainly not.

Mr. HOAR. We have to judge all questions of right and wrong and constitutional liberty as well as we can through the feeble and imperfect light of a feeble and imperfect intellect, and not to judge other men's motives. We are bound to take that as true. But still, when we come to decide what we must do, there is nothing but the light of our conscience given us to act upon.

I admit that the Senator from Wisconsin has a far clearer and abler intellectual light in his brain than I have in mine. I admit that the Senator from Wisconsin is as pure a lover of liberty and of justice and that he is as patriotic as any man who lives now or ever did live; but are we to act as Senators simply by going about and saying who we think on the whole is the best and ablest man we can find and surrender our judgments and consciences to him, or are we to act on our light? I think that Abraham Lincoln, Thomas Jefferson, Daniel Webster, and Charles Sumner, whom I loved as a father and as a leader, took another view of these questions; I think they were right; yet, whilst I hold myself to be the humblest of the members here, and set up and arrogate to myself no superiority over any other man, I am still bound to say what I believe and to vote what I believe.

The Senator says that if he thought his party was wrong he would vote against it. I think my party is coming out right in this matter.

Mr. SPOONER. So do I.

Mr. HOAR. I think in that party is the only hope, and I think there is a great deal that is admirable in this bill, especially with the amendments proposed by my colleague [Mr. LODGE], but I can find no hope of a righteous solution of this question either in following the leadership of Mr. Bryan or of his associates. I believe that the Senator from Wisconsin, as I believe would William McKinley, if he had lived, I believe that Theodore Roosevelt, who is living now—as brave and honest and liberty-loving a man as ever was charged with executive power in this country or any other—are going to work out this problem; but they will work it out sooner and better if they are made to see that the principle upon which they have gone so far is vicious.

There is nothing in my vision which makes me believe that I am to trust the solution of this question to a party every other doctrine of which I oppose and a large number of whom are as responsible as is our party for what has happened in the past. I see nothing of hope in the position of that party which makes me look to it for a solution of this question. I can not forget that while our friends on the other side are uttering these doctrines, some of them so excellent and so satisfactory to me, in regard to 8,000,000 Filipinos, they will not for one moment utter the same doctrines when you come to talk of the rights of 10,000,000 American citizens at home. I am not afraid to encounter any man in regard to the justice or the righteousness of my own position in that particular.

I should not have interrupted the Senator had it not been that, as he knows, the last few sentences he uttered were sentences which were vital to whatever title I have to the affection of my friends here or to the respect of my fellow-citizens.

Mr. SPOONER. Nobody on earth, Mr. President, can say anything that could affect the Senator's title to the affection and respect of the Senate and of the whole people. I had no thought of any such thing in what I said; but I do not take kindly to the charge applied to me personally by the Senator, and by name, in his written speech, that my vote upon the treaty and my utterances on the Bacon resolution place upon me and those who acted with me in this Senate, and some of whom have fought for liberty, the responsibility for the bloodshed, the atrocities,

the cruelties, and the heartbreaks that have come in the Philippines.

I say, Mr. President, I am willing to bear my share of the responsibility. I voted to take that cession. The Senator voted against it. I have never anywhere in the world criticised him for that, or permitted any member of any political party to criticise him for that without denouncing such criticism. I voted against the Bacon resolution for the reasons which I gave. The Senator voted for it; but that he did so in absolute good conscience, no one can deny. I voted for the Army bill to send troops to the Philippines. The Senator voted against it. He has, as I have said on the floor of this Senate more than once in discussing this subject, been consistent in his votes. But, Mr. President, I will not permit it, without protest—for to do so would not be just—to be said here or anywhere else that those of us who have cast these votes are responsible for the waste of treasure and the waste of precious blood of our own people, the terrible loss of life, the cruelties of war, and the cruelties that ought not to pertain to war in the Philippines. It is not true.

I believe, as solemnly as I ever believed anything in my life that if, after the ratification of the treaty, if after the majority in this country had established a policy, we had gone on, our troops at the front, without the words of encouragement to the enemy, which have been uttered here and elsewhere, there would have been infinitely less loss of life, less waste of money, less of the cruelty of war; and I believe to-day if it were not for the curse of politics—I do not say that as to one side more than the other—I believe if, on this subject, which is so difficult and which belongs to all the people, we could work together without division on political lines, trying to perfect legislation, trying to help each other do the best to bring the Government forward in this work upon which we are started and from which we can not now retreat in honor or in decency, we would save loss of life and we would bring much more quickly to the Filipinos that which the Senator from Massachusetts and all of us desire.

The Senator is right, in my belief, in his faith in the ultimate result of the policy of the Republican party; he is right in his belief that we mean well by that people; he is right in his faith in the American people, that when the time comes that those people are fit for self-government over there our people will decide to give it to them; but I think the Senator is wrong in his idea—it is an honest difference of opinion, of course—that if to-day, regardless of conditions, we should proceed upon the maxim of Jefferson and have regard to that mainly, there would come safety, or peace, or any good thing to the Filipinos.

Mr. President, the Senator from Massachusetts said in his speech—and I was surprised at it—that almost the only thing we have done there "has been to get some few thousand children actually at school in the whole Philippine dominion," but that we had killed a great many more parents than we had enrolled scholars. I do not know how many Filipinos we have killed, and *God only knows how many Filipinos Aguinaldo and the Katipunan have killed.* The evidence is overwhelming that their policy, in order to avert friendship for us, has been one of assassination and bloodshed. We have heard of some pitiful and pathetic cases. But is the Senator right as to what we have done for them?

I have a letter from a teacher over there—I do not often refer in debate to letters—but the letter was written by a noble man, who believes in the possibilities of development in the Filipinos, just as Governor Taft does, and just as I do on the evidence, in which letter he states that 72 of the police force in the city come every night to his school to receive instruction in English. Have we done nothing in the Philippines of which we ought to be proud? Have we done nothing in the Philippines which gives nothing of hope for vast blessings to that people?

Why, Mr. President, we have carried to them incorruptible courts of justice. They are represented in the supreme court; they are represented in the courts of first instance; they are governors of the provinces; they are presidentes of the municipalities. Does that all mean nothing? They have never before had any participation in government. They are represented in the Commission, the law making power for the time being.

We have not been fighting for sovereignty over there. We obtained that by the treaty. We have been fighting against an attempt to oust us, not for lucre, not for "nuggets of gold," but to enable us to carry forward the work of pacification and upbuilding. We have put in force there the Bill of Rights and the habeas corpus. There is testimony before the committee that one woman, an educated woman of large property in Manila, was taken out of prison by a writ of habeas corpus, who had been confined there for *twelve years without trial*, or even being informed of the charge against her, the Spanish Government in the meantime occupying her property and taking the rents and profits. They have been under the curse of ladronism for three hundred years, a terrible weapon of tyranny to that people in almost every province. We have almost driven that away. Those people have been subject to the feudalism that kills ambition and hope in the hearts of the peasantry.

They say these men are lazy; but they have had little motive for being anything but lazy. They have been slaves, Mr. President. When they wanted men to work they did not seek the men who were to work. They asked the presidente for 200, for 300, or for 400 men—that was always the way in the past—and he would send them, he would fix the pay, he would collect the pay, and he would give to the men who earned it just what he thought they should have—a system of slavery. In spite of resistance and war and its distractions we have given them more of liberty and security and good government than they have had in their existence.

General Hughes has testified that he wanted 250 men, I think it was, and that he called upon the presidente for them. The men came the next morning. They moved along during the day. At night he called every one of them up and paid him his day's wages in change. The first time in their lives these men found an object lesson from us that they were free, that they owned their own labor and the wages of their toil, and the next day a great number came for work. They had learned something. So we are rescuing that people from feudalism; we are teaching them that they are free, as I said a moment ago, and General Hughes has testified, and others also, that that once established there will be no trouble in the Philippine Archipelago, because the peasant class will keep everything right.

Are we bringing nothing to the Philippines but cruelty, atrocity, bloodshed, and crime? Do they hate us? Are these governors all falsifiers when they send report after report to us giving in detail the conditions in their provinces, and bearing testimony to the friendliness of the people and their desire for peace? When Senators here were denouncing the Army and attempting to show that cruelties and atrocities have been general in the archipelago, there were presented at the desk, and more have come since, petitions from seventy-odd places, of presidentes and governing bodies there, *asking that these soldiers be retained there to protect the people* against ladrones and against the unlawful acts of the insurrectos. Does that all go for nothing?

General Chaffee, who has been so bitterly denounced here by a portion of the minority, in his personal letter to General Hughes, of September 30, 1901, in speaking of the sentiment of the people in the islands, says:

> Women and children are probably friendly toward us, but as a rule I would not trust 50 per cent of the male population.

This may be fairly taken as a fact as to the women and children—and he thinks it also true, evidently, of approximately half of the male adults. And it is a fact full of hopeful significance and one that will bear rich fruit for peace and for the good of the Filipinos and for us. The Filipinos are shown to us to be a domestic people. Nowhere in the world is the wife a truer wife than in the Philippines; nowhere is there greater hospitality in the home; nowhere is the child better loved than in the Philippine home. If the women and children are friendly to us, who can doubt that their influence in the homes will bear great results?

Mr. President, I do not intend to go into this testimony about the Army, but I have read it and I have gone through all these printed orders and I do not find one among them, including Smith's written orders, not justified in the circumstances by the rules of civilized warfare. I do not find one of them that is out of harmony with General Order No. 100, issued in Lincoln's day and still in force. The concentration order of General Bell was a wise order. It subserved an entirely lawful purpose in war. It was for the protection of our soldiers, but it was also for the protection of the friendly Filipino or any Filipino who came within our lines. It was lawful to protect our soldiers. It was lawful—and it was not only lawful, but a duty as solemn as ever rested upon a people or an army—to protect in every possible way, compatible with the rules of civilized warfare, those Filipinos who were friendly to us; and it was lawful also to devastate, in order to destroy the sustenance of an enemy preying upon the people, forcing contributions and subsistence from them, and shooting down from ambush our men.

The attempt to treat the concentration in the Philippines as a parallel in infamy with the reconcentrado policy of Weyler in Cuba is not only found to be without support in the evidence, but to be disproved. Here is a description of the concentration camps in Cuba:

> The helpless people were allotted ground near the towns, almost invariably in low-lying, swampy, and malarious places. The Spanish residents would not be burdened with them and generally cared not how soon they died. They were concentrated in greatest numbers where the accommodations were least adequate, as if extermination were the main object. There was nothing for them to do and there was less and less for them to eat, and finally they stretched out upon the damp ground, gazing vacantly before them as the weary days dragged by. Mothers lay listless with dead babies in their arms. The quick and the dead lay side by side till the latter were taken out and thrown into the dead carts and carried off into the country, where lay

the half-buried bodies of hundreds of victims of this system of warfare. The huts of these people were jammed together in rows, with but a few inches of space between, and the ground was covered with filth. Diseases of malignant types claimed their victims everywhere and every day. There was no medical attendance; it was fortunate if there were half rations. In the different stations of concentration there were estimated to be over 400,000 of these helpless people, and by the summer of 1897 the death rate had become terrible. The beautiful island was a plague spot upon earth.

Is anyone willing to believe that this describes concentration by our army in the Philippines? Is it pretended that Filipinos within the lines of concentration were starved or neglected?

I will not take the time to read, but I insert the following from the report of the chief commissary of the Philippines, March 17, 1902, as to the people in the concentration camps there:

We are getting along very nicely in supplying rice to the natives who are concentrated in Batangas and Laguna provinces. Last week, in company with General Wheaton, I visited Binan, Colamba, Santo Tomas, Tananan, and Lipa, and the way the concentration of the natives is carried out up there is a credit to the United States Army. Generals Wheaton and Bell both deserve a great deal of credit.

Instead of being called "camps of concentration" the proper name would be "camps of instruction and sanitation." The different barrios, or little villages, are gathered—each barrio—on a street or avenue by itself. Then these different avenues are separated by about 200 feet from their back yards, where they do their cooking, burn up the offal, etc. They have their fire brigades, armed with buckets of bamboo about 6 or 8 feet long. These are grouped on racks every 200 or 300 feet, and every house is required to keep two of these filled at night. The houses are about as comfortable as those they were required to vacate. They all have an abundance of food, either collected by themselves or furnished by the military authorities.

The inhabitants are most respectful and very cheerful looking. They all have the appearance of being well fed. No indications of sullenness or discontent. Their herds are taken out to graze, and I really think, outside of a military standpoint, the natives will be decidedly improved by virtue of having lived in these well-regulated camps of instruction and sanitation. The very poor are made better off in every way than they ever were before, and they are subject by the military to less tyranny than formerly by the headmen. From a military standpoint, of course, the concentration has been most valuable and has resulted in bringing in nearly every gun and every insurgent behind it who has not fled to the province of Cavite and Tayabas, which are under the control of the civil government.

General Hughes testified upon the subject as follows:

I know it as it is practiced there. It is a misnomer to call it a policy of concentration, because the world has learned to put a significant meaning to that word. The policy as practiced in the Philippines has no element of cruelty in it. It is simply an order to the inhabitants of a particular locality to move from one portion to another, and there they reside and carry on their operations and business. If the locality into which they have moved does not afford them ample support, the United States Government provides them with food and shelter. The people are pleased with it, because they are permitted to lead an easy life; much easier than at home. There is no element of punishment or deprivation. They are simply requested to come into a certain district.

They are moved out of danger, then, for their own benefit?

Exactly; because those who are inclined to favor the Americans are assailed by the ladrones or the rebels, and unless they came within the lines of the American Army they would be compelled to pay tribute to the insurgents. These people largely accept this concentration, as it is practiced, as a relief instead of a punishment. It is a relief from a punishment inflicted upon them by the insurgents, with whom they have no sympathy.

Professor Barrows testified as follows:

Senator BEVERIDGE. You were pretty well over the island of Luzon, as I judge from your answers to questions, particularly in those provinces going northward from Manila to the north portion of the island. Did you observe in the prosecution of your work the operation at any point of the reconcentration policy, of which so much has been said? If you did, tell the committee what it was with reference to this cruelty or the reverse. Describe it.

Mr. BARROWS. I was in one province which was reconcentrado, and I think I visited all but one town in the province. I think the matter has been very greatly misunderstood. In this case the population was in no sense confined within barriers inimical to its well-being. There was no barbed-wire fence business at all. They were simply required to dwell and to work along a within a certain distance of a military road that traversed it. They had to great cultivated stretch which made up the arable land of the province, stay there. They could not go out to the mountains. They could not take to the woods. Of course within those limits they could pass, and pass for miles; harvest their rice, fish, do anything they wanted to do; but they must stay in the territory capable of patrol by the military forces.

Senator BEVERIDGE. But within those limits their personal action was free?

Mr. BARROWS. Yes, sir.

Senator DIETRICH. There was no starvation?

Mr. BARROWS. No, sir; that was impossible.

Senator BEVERIDGE. Did you observe any cruelties in those lines?

Mr. BARROWS. None whatever.

Senator BEVERIDGE. It is just as you have described it?

Mr. BARROWS. Yes, sir. For example, after the rice was cut they had to bring it in the vicinity of this military road and stack it there and thrash it there and harvest it there. They could not do as they had been doing—stack it way out in the country where the insurgents could come in and carry it off. It was simply a measure adopted to prevent the contribution to the insurgent cause of supplies and the rendering to it of assistance in many ways by a population that was supposedly and professedly peaceful.

And on May 5 General Chaffee telegraphed that a month prior natives of Laguna Province, collected under orders of General Bell, had been allowed to return home, and that in Batangas Province, Luzon, the last of the natives were relieved of all army surveillance April 16.

It is said that General Smith issued an order to "kill and burn"—to kill all males over 10 years of age, whether in arms or not. I do not know whether he gave such an order or not. It is said that if he did it was oral and after the slaughter at Balingiga. If he did, nothing on earth, so far as I know, could justify it, and I have yet to hear anyone defend it; but I have a sort of tenderness in my heart for an absent man who is accused. I have been bred to think it unfair to try a man and condemn him at the bar of public opinion, or otherwise, upon *ex parte* testimony when he is absent, and I reserve, as I think it my duty to do, my judgment upon General Smith until I know the facts.

One thing is certain, there is no evidence here that it ever was carried out; there is no evidence here that Major Waller and his men shot a boy over 10 years of age or under 10 years of age; there is no evidence here that they killed a woman or a child or shot anyone except those in arms against us, save the men whom he executed; and that question is yet to be tried at the bar of public opinion when the evidence is all in and when Waller can be heard.

It is an utterly unjust thing, Mr. President, even if General Smith gave that horrible order just as it is said he did, for Senators to use that as evidencing the *standard* of the army in the Philippines. If I had the time to read them I would show from speeches made on the other side that a systematic attempt has been made to put upon that standard the general conduct of the army in the archipelago.

There were many harsh orders issued during the civil war. There was a great deal that was bitter on both sides. General Grant instructed General Sheridan, if the rebellion continued, to make of the Shenandoah Valley a *barren waste*. General Grant instructed Sheridan if he caught Mosby's men, to hang them *without trial*. General Grant instructed Sheridan to seize every male under 50 years of age able to bear arms and hold them as citizen prisoners within a range of territory. Men were executed during that war many times under the dreadful law of retaliation. It is civilized warfare, but it is pathetic.

Gen. Sterling Price turned Major Wilson and five Union soldiers over to Tim Reeves and his guerrillas to be executed, and they were executed.

General Rosecrans, that brave old soldier, whom we laid away the other day at Arlington, where his earthly home will forever be, and where it ought to be, among his comrades, ordered the execution, in retaliation, of six Confederate soldiers, and they were drawn by lot and executed.

The Senator from Utah [Mr. RAWLINS] condemned that in bitter, biting, vicious language in Bell's order, which was mainly a threat. There is nothing more terrible in the world, it seems to me, than to execute brave men, who may be blameless, and not responsible for that which causes the retaliation, but that is one of the laws of war.

General Lee approved of the shooting of 26 Federal soldiers by Mosby for burning houses in Virginia, and you find an abundance of correspondence and some threats carried out, on the other side as well as ours, to execute men in retaliation. That is the bitterness and the horror of war.

Mr. CARMACK rose.

Mr. SPOONER. And it was on our side as well as on the other side.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes; but I will yield to the Senator altogether in a moment.

Mr. CARMACK. The law of retaliation is a recognized law of warfare, and nobody complains where that law is executed; but does the Senator think that everything that has been done in the Philippines has been in compliance with that law of retaliation?

Mr. SPOONER. You mean everything?

Mr. CARMACK. I mean what you are now defending and talking about.

Mr. SPOONER. I am defending that portion of General Bell's retaliation order which was criticised the other day. If the Senator asks me if I defend the order imputed to Smith, I again, as I before stated, say no; if the Senator asks me if I defend the water cure, I say no; if the Senator asks me if I would defend the killing of prisoners, I say no; if the Senator asks me if I defend any violation of the rules of civilized warfare, I hope he does not doubt I will say no, and that I mean what I say.

Mr. CARMACK. I simply wanted to understand the Senator and to know if he defended the water cure and other acts of cruelty committed by our soldiers in the Philippines.

Mr. SPOONER. Of course there could be no question about that, nor could any man speak more strongly in condemnation of it than has the President, through the Secretary of War, in the order which he sent to Chaffee requiring the court-martial of Captain Glenn for the water cure, and asking that it be hastened in order that the statute of limitations might not run in his favor, as follows:

The President desires to know in the fullest and most circumstantial manner all the facts, nothing being concealed, and no man being for any reason favored or shielded. For the very reason that the President intends to back up the Army in the heartiest fashion in every lawful and legitimate method of doing its work, he also intends to see that the most rigorous care is exercised to detect and prevent any cruelty or brutality, and that men who are guilty thereof are punished. Great as the provocation has been in dealing

with foes who habitually resort to treachery, murder, and torture against our men, nothing can justify, or will be held to justify, the use of torture or inhuman conduct of any kind on the part of the American Army.

I object not to this investigation so much; I do not object at all to the facts coming before the public that the water cure has been administered in the Philippines, although it is grossly exaggerated, in my judgment. I think it is a good thing, if it happened at all, that the country should quickly know it, because we are establishing a civil government, Mr. President.

I do not doubt that the military authorities have not taken altogether kindly to the civil government. I do not believe that as a rule they could maintain and cultivate as friendly relations with the natives as could the civil government. But officers and men must stay there, and they can not be advised one moment too soon, in my judgment, what the general orders issued from the beginning advised them (some of which I append), that we are not there as tyrants; that we are not there for looting; that we are not there to violate the rules of civilized warfare; that we are not there to insult, belittle, or anger the inhabitants. We are there to treat them kindly. We are there to win their confidence. We are there to protect them. We are there to help them. It is now known, and if it were needed I am glad it has come so soon, from the highest authority, that nothing of the kind will be tolerated on the part of the American Army.

But, Mr. President, for one I protest against the spirit in which this investigation has been conducted and in which the matter has been exploited before the Senate. Senators have been a little too ready, in my judgment, to seize upon improbable tales and put them before the country. The story, as stated by one man, that a hundred and sixty Filipinos had had administered to them the water cure and all but 26 had died turns out to be untrue.

Mr. CARMACK. Does the Senator say that that matter was brought out by the investigation conducted by any committee here?

Mr. SPOONER. I did not say it.

Mr. CARMACK. The Senator spoke of it in the connection in which he was deprecating the spirit in which the investigation is being conducted.

Mr. SPOONER. I did not say that. I spoke of the spirit in which the investigation had been conducted and the exploitation which had been made on the floor of the Senate of the alleged atrocities in the Philippines.

Mr. CARMACK. I did not remember that.

Mr. SPOONER. That statement was made. Everybody knows——

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TELLER. When I was making some remarks on the first bill before the Senate on this subject, I read that as published newspaper statement.

Mr. SPOONER. I know it.

Mr. TELLER. I said that it deserved the attention of the committee.

Mr. SPOONER. Yes, sir; that is right.

Mr. TELLER. It had been published probably in a hundred newspapers before it appeared in the Senate.

Mr. SPOONER. The Senator will find that in the speech which I made some time ago I acquitted him of making that charge against the Army, but it went to the world and it turns out that it was not true.

Mr. TELLER. It had gone to the world.

Mr. SPOONER. Yes; I know.

Mr. TELLER. That is why I brought it before the Senate.

Mr. SPOONER. Yes.

Mr. TELLER. I said for the credit of the Army it was necessary we should know whether it was true or not.

Mr. SPOONER. Then there was a charge read here that our troops over there had compelled a thousand Filipino prisoners to dig their own graves, and then had shot them in files to fall into the graves they had dug. That is exploded.

Mr. CARMACK. I do not understand exactly what the Senator means by saying it is exploded.

Mr. SPOONER. What would the Senator mean by saying that it is not exploded?

Mr. CARMACK. I say that the letter from the soldier detailing those circumstances was written.

Mr. SPOONER. That may be.

Mr. CARMACK. But whether or not the statement was true has not been proved or disproved.

Mr. SPOONER. Written to whom?

Mr. CARMACK. To the father of the young man who wrote it.

Mr. SPOONER. The Senator from Tennessee says that such a statement was written to the father, and the father says it never was.

Mr. CARMACK. I will say to the Senator from Wisconsin that the proof is undoubted that that letter was written and a copy of it or the substance of the letter was given by the father of the man who wrote it to a newspaper. If the Philippine Committee will permit us to summon that man we will prove that he did receive such a letter.

Mr. RAWLINS and Mr. MCLAURIN of Mississippi addressed the Chair.

Mr. FORAKER. Will the Senator from Wisconsin allow me?

Mr. CARMACK. We ask to have the recipient of the alleged letter summoned, and we are ready to prove that he did receive the letter. But the committee voted not to receive the testimony.

Mr. SPOONER. That is the spirit of which I complan—"We are ready to prove."

Mr. CARMACK. We are ready to prove——

Mr. SPOONER. Who are we?

Mr. CARMACK. I mean the minority of the committee.

Mr. SPOONER. That is right.

Mr. CARMACK. We are ready to prove it if the majority of the committee will allow the evidence to come before them.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah, who first addressed the Chair?

Mr. SPOONER. Certainly.

Mr. RAWLINS. I should not interfere in this debate except that the question on compelling men to dig their own graves seems to be involved, and I desire to invite the attention of the Senator from Wisconsin to a report signed by an American officer, J. G. Livingston, bearing date January 7, 1902. Livingston is the governor of Sorsogon, the place where it was alleged that a thousand prisoners had been compelled to dig their own graves.

I do not find in this report that a thousand prisoners were required to dig their own graves and afterwards were shot and buried in them, but I do find in this report that a presidente or mayor of a town and a policeman, whom the governor reports were innocent, were first tortured, subsequently taken out and compelled to dig their own graves, and afterwards shot and buried in them. I find that on page 2827 of the hearings before the Committee on the Philippines. The governor calls attention to it and denounces the outrage.

Mr. MCLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. Certainly.

Mr. MCLAURIN of Mississippi. When the Senator from Washington [Mr. TURNER], whom I do not see in his seat, read the article referred to by the Senator from Wisconsin he stated that it was such an enormous charge that he did not believe it.

Mr. SPOONER. I said that.

Mr. MCLAURIN of Mississippi. The Senator from Washington said that when he read the article, but that it was a proper thing for the Senate committee to investigate. I do not suppose the Senator from Wisconsin will deny the propriety of the investigation of the article, when it was found in a respectable newspaper and was a dispatch, I believe, from Massachusetts. I merely wanted to set the matter right, because I do not see the Senator from Washington in the Chamber.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. SPOONER. Certainly.

Mr. FORAKER. I have been trying to get the floor only to say that I remember seeing in the newspapers, and I think it was printed in the RECORD a day or two after that statement was made in the Senate, a denial from the father that he had ever received any such letter from his son. He denied absolutely that there was any truth in the story. That is my recollection of it, and I never have heard the story referred to since. I supposed, to employ the language used by the Senator from Wisconsin, that it had been exploded. I did not suppose it would ever be repeated. I see that the junior Senator from Massachusetts [Mr. LODGE] is now in the Chamber. He, no doubt, will have a positive recollection on the subject.

Mr. HOAR. I rose a little while ago to say that I had myself taken some pains to inquire into the matter, as the information purported to come from the neighborhood where I dwell, and I am bound in all fairness to say that I do not believe there is the slightest foundation for such a story.

Mr. FORAKER. The junior Senator from Massachusetts can, perhaps, inform us with certainty whether or not there has been a contradiction published by the father.

Mr. LODGE. I do not want to break in on the Senator from Wisconsin, but there was a letter forwarded, printed in the record of the committee hearings, from the Rev. Mr. Walker, in which he said that the newspaper account entirely misrepresented the only letter he had received from his son. The letter I can not repeat verbally, but it is in the record and I have sent for it.

Mr. CARMACK. I do not want to be misunderstood in this matter, if the Senator from Wisconsin will yield to me.

Mr. SPOONER. Certainly.

Mr. CARMACK. I want to say myself that I have believed the statement itself was at least a gross exaggeration. I do not believe it is possible that the statement as narrated can be true, but that the letter was written by the soldier and received by his father is beyond the question of a doubt. That fact can be proved, if it is a matter of importance, if the committee will permit us to bring the testimony before us. Up to this time it has refused to do so.

Mr. LODGE. There is no doubt that the soldier wrote a letter to his father. The father said the story, as represented in the papers, was not correct. The moment it appeared in the newspaper the War Department cabled to General Chaffee to make immediate investigation and to question the soldier himself and investigate all that was charged in the letter. That is the only way of getting at the direct testimony, and that is now in process.

Mr. CARMACK. Of course the soldier, whatever he may have said, will promptly repudiate it, as every soldier in the Philippine Islands has been required and compelled to do.

Several SENATORS. Oh!

Mr. SPOONER. I think that is an attack on the Army and the Administration and everybody else. What does the Senator mean by that? What evidence has he of that?

Mr. CARMACK. I will give the evidence later.

Mr. HOAR. Will the Senator from Wisconsin allow me? I inquired into this matter pretty carefully. I think I ought to state that not only did the father deny having received a letter with any such contents, but it turned out by the record that the soldier was not at the place where it was alleged he located the transaction at the time, but was on service at a distant place.

If the charge were true, I would not of course hold it back, but I am bound in all fairness to say that I do not believe there is the slightest ground for this charge.

Mr. CARMACK. I desire to say that I thoroughly agree with the Senator from Massachusetts. My only point was that the Senator from Washington had brought the matter before the Senate and established the fact that such a letter had been written. That the letter was written I do not think there is the shadow of a doubt. I do not believe the charge in the letter is true, and I do not believe it is possible that it can be true. There may have been some foundation for it, but I think that the letter is so wild in its exaggeration that it is simply impossible.

Mr. FORAKER. May I inquire of the Senator from Tennessee what he had in mind when he informed the Senate a few moments ago that he did not understand the story had ever been exploded?

Mr. CARMACK. I will say it never has been disproved.

Mr. FORAKER. The Senator has simply become satisfied that there is no truth in it?

Mr. CARMACK. I was satisfied from the time the story was first published that there was absolutely no truth in it; that is, I was satisfied that, while there may have been some foundation for it, the story to its full extent could not be true. I never did believe it and do not believe it now.

Mr. FORAKER. Does the Senator imagine that anybody else in the Senate now believes any such story?

Mr. CARMACK. Oh, well, I will not answer for anybody else.

Mr. SPOONER. I will wait for the "other side" of the case presented by the Senator. In order that I may quit the floor at the earliest possible moment, which I desire to do, I ask that I may put in the RECORD copies of some of those orders which were issued in the Philippines, and also one or two other papers to which I have referred, which I do not care to take the time to read.

The PRESIDING OFFICER. If there is no objection, that order will be made.

Mr. SPOONER. Mr. President, I spoke of the spirit of this investigation. I was led to do that by reading the testimony, the questions, and I am forced to the conclusion, and with pain, too, Mr. President, that there are "sides" in this investigation of the Army. I was not at all surprised when the Senator from Tennessee [Mr. CARMACK] said, "Give *us* a chance and *we* will prove it."

I do not like an investigation involving the honor of soldiers in the Philippines or involving the honor of soldiers who are dead and buried in the Philippines conducted in a spirit of partisanship or upon *ex parte* testimony. I note one thing in all this attack upon the Army, that on the Democratic side of this Chamber not more than two or three of the Senators who fought in the Confederacy, gallant, chivalrous men, men who learned what war is, at its best, who know how it inflames the passions of men, who know how difficult it is to restrain sometimes in active operations the indignation and wish among soldiers for retaliation, have risen here to join in this condemnation of the Army. They remember the war for the Union. They know what happened on their side; they know what happened on ours. They know that no order has been issued in the Philippines, unless perhaps this alleged verbal order of Smith, which does not find its counterpart on both sides over and over again during the war for the Union.

I must make one exception in the minority of the committee. I can not apply what I have said of the committee minority to the Senator from Idaho [Mr. DUBOIS]. I wish I could not say it of any Senator on the committee. I do not recall a question put by the minority calculated to elicit the whole truth or to elicit a fact which would tend to vindicate the honor of the Army in the Philippines. There is evidence there, of course, that the water cure was administered. There is evidence that it was administered to eleven or twelve men at one time, men who confessed that they had *roasted* Sergeant O'Hearn. While it was indefensible, there is no evidence that it injured any one of the men to whom it was administered.

Now, Mr. President, I do not, nor does any man on this side, approve of it or defend it; it violated the rules of civilized warfare, but I fancy—I can not help it—that when Senators detail it in the campaign in which they are about to enter and call the attention of the people to it, the people will regret it, but they will not forget the environment. They will not forget that Aguinaldo and his army had long before disappeared; that the army, upon an order made by him, had broken into guerrilla bands; that they had laid aside their uniforms and acted as *presidentes* and other civil officials; that they took the character of *amigos* and protested their friendship for the American Government and its sway in the Philippines, and that under cover of that friendship there was hostility, treachery, assassination, and torture.

There were 480 posts in those islands, most of them under the command of subordinate officers—some of them under the command of sergeants and corporals—and these little bands of soldiers dwelt in an atmosphere of treachery. The people will not forget that the men of that company, the Twenty-sixth, who under the leadership, it is said, of Captain Glenn, gave the water cure to those Filipinos, were mourning the loss of a brave and an admirable soldier. They will not forget that they already knew that he had been destroyed—destroyed, Mr. President, not quickly, but tortured not by the water cure which does not kill, but tortured slowly in the most diabolical and fiendish way to death.

While you picture to the people the Filipinos receiving the water cure, *rising from it and walking away*, I tell you, gentlemen of the minority who think an attack upon the Army is good policy, there is nobody in this land who listens to you who will not see in the background *Sergeant O'Hearn tied to a tree and with agonized face being hour after hour burned slowly to death, and as the sun went down boloed and buried.* You will hear the people say, "We are sorry this happened; but these natives were not soldiers; they were murderers."

And when you talk about that other case of water cure, which has been sworn to here—and its authenticity I shall not attempt to challenge, and I do not defend it—the people will see another soldier, a brave boy from some American home, walking around a tree slowly disemboweling himself, followed by devils with bolos, until he drops in death. The people will not defend it; nobody defends it; but the people will not forget, as seems to have been forgotten here, the environment of the relatively few men who imposed these punishments and these tortures, and they will be careful, while entering judgment against these men whom you condemn, to keep in mind the circumstances under which they acted.

The minority of the committee seem to have been very anxious for witnesses. They apparently put up a sign reading:

> Witnesses wanted to testify to tortures by our soldiers in the Philippines and to acts of cruelty there by our Army. *None others need apply.*

The Senator from Texas [Mr. CULBERSON] wrote to Colonel Bridgman, telling him that he had been informed that he knew of orders, verbal or written, given by General Hughes approving the water cure. Colonel Bridgman wrote that he knew of no such thing, and so far as that witness is concerned "the subsequent proceedings interested" the minority no more.

Senators of the minority, it is *your Army as much as it is ours. It is your duty as much as it is ours to get at the truth and to be just.*

Upon what principle the minority of the committee, having learned that Colonel Bridgman would testify that he had known of no such thing as an officer authorizing the water cure in the Philippines, failed to call him to vindicate the Army to that extent I can not understand.

There has been before the committee one man who is admitted now to have testified falsely. He testified to our use of the dumdum bullet. Is that believed by the committee? He testified to acts of dishonor, indecency, shame, Mr. President, upon the part of certain officers over there—acts the very mention of which would carry pain into the home over here of those officers, wound the heart of the wife, and bring the blush of shame to the cheeks

of the children and the accused far away, and defenseless for the time. Is that believed now to be true?

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.

Mr. DUBOIS. I know that the Senator from Wisconsin would not be unjust.

Mr. SPOONER. I do not mean to be.

Mr. DUBOIS. The minority of the committee insisted that the witness should not be allowed to give the testimony which he was giving. The majority of the committee wrung it from him under protest and over the protest of the minority of the committee.

Mr. SPOONER. I know of no man who would be less willing to do an unjust thing than the Senator from Idaho, but my recollection is that the testimony was given and went to the press. Am I wrong about it?

Mr. DUBOIS. It was given, but over the protest of the minority. When the witness started to give this testimony we objected that he had no right to give such testimony, but the majority of the committee insisted upon his giving it.

Mr. McLAURIN of Mississippi. It was objected to because it was hearsay.

Mr. DUBOIS. Because it was hearsay.

Mr. LODGE. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Certainly.

Mr. LODGE. The first statement to which the Senator from Idaho refers was a volunteer statement. The witness was asked about the water cure. He said he had witnessed a case at Igbaras, a case already testified to. Subsequently it appeared that he was not at Igbaras at the time. He broke off from that and volunteered a statement as to the conduct of certain officers who were in Igbaras at the time. The minority asked to have that statement stricken from the record. I was determined, believing that the man was testifying falsely, to have it go in the record and have it refuted. I was determined that at least some officers of the United States should have the opportunity to meet the foul attacks that were being made on them in that committee room, and I knew if it was stricken from the record that man's statement, in some form or other, would go out, for it was already a part of an interview published in a New York newspaper.

Mr. DUBOIS. That is all I wanted to say, that the majority, for purposes of their own, insisted on this testimony being in, and the minority did not want it, and that this is the only witness whose testimony has been impeached.

Mr. CARMACK. Mr. President, I simply want to say that I did not object to the action of the chairman of the committee or to the majority of the committee in insisting that this testimony should be made a part of the record if they chose to do so. Still I am satisfied that if the matter had been excluded it never would have gone to the press, because I know matters which have occurred in that committee in testimony never have gone to the press upon the request of representatives of the majority.

Mr. LODGE. It was in the press already, the Senator knows, as an interview.

Mr. CARMACK. Well, you could have kept it out of the press so far as it was not in the press. I merely wanted to say that I am entirely satisfied with the action of the committee. The statement was made upon hearsay. I did not believe then and I do not believe now that there is one word of truth in the statement of the witness. But I do want to protest against any attempt to make the testimony of this witness a standard by which the testimony of every other witness shall be judged.

Mr. SPOONER. I think the Senator is right about that.

Mr. CARMACK. And if the Senator from Wisconsin is citing the testimony of this witness as characteristic of the testimony that has been brought before the committee, I want him to say if any other witness who has been brought before the committee has uttered one single word that is not the truth, and if so, what is the name of the witness and what is the testimony that is falsely sworn to? I say the testimony related by this witness upon hearsay is false, and I give no credence whatever to his testimony. I think the chairman of the committee acted properly, if he chose to do so, in insisting that the testimony should be refuted, inasmuch as it had already gone to the press of the country.

Mr. SPOONER. Now, Mr. President, I am anxious more than anything else to be through. I do not think it would be fair to mention this case as a standard at all for the conduct of the committee on either side, and I do not do it for that purpose. I have been impressed with the notion that it is a grossly unfair thing, that it is out of harmony with the first principles of decency and justice to try Army officers, or any other men, while they are 8,000 miles away. The way to impeach the honor of a soldier in the Philippines is not before a committee of the Senate. I do not believe in trying a man in his absence. And if there is one man above another whose word I do not trust about an officer under whom he served, it is the fellow who came home mad about his rations.

Mr. CARMACK. The only man who complained about his rations that I am aware of was a man who was brought before the committee upon the request and summons of the chairman of the committee, the Senator from Massachusetts.

Mr. SPOONER. I am not talking about who calls them.

Mr. BEVERIDGE. Will the Senator excuse me?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. The recollection of the Senator from Tennessee is defective. The whole testimony of Mr. O'Brien, who was summoned at the request of the Senator from Tennessee, was to the effect that his rations were most defective. He talked about carabao soup, or something of that kind, and said constantly that his officers were thieves because he did not get enough to eat. The Senator remembers that testimony.

Mr. CARMACK. There was also the testimony of Mr. Boardman.

Mr. BEVERIDGE. But the Senator said Boardman was the only witness not satisfied with his rations.

Mr. SPOONER. One man brought a couple of cans before the committee.

Mr. LODGE. That was Boardman.

Mr. SPOONER. He had "no use" for the United States Army anyhow, and said a man ought to be shot who furnished such rations. Those cans never had been opened, but he testified that one of them was spoiled. One was some sort of soup and the other was salmon. The Senator from Nebraska [Mr. DIETRICH] took the cans for examination, and invited the witness, with one or two Senators, to lunch, and gave him some of that spoiled soup, and he ate it all and liked it. [Laughter.]

Mr. BEVERIDGE. And wanted more.

Mr. SPOONER. He wanted more and got it.

Mr. HOAR. He ate it all, and none of the others got any?

Mr. SPOONER. He ate all that was in the dish. He wanted more in his dish and got it. He ate the soup; and then it was almost impossible, I have been told, to get him to stop eating that salmon.

Mr. McLAURIN of Mississippi. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. McLAURIN of Mississippi. I did not catch exactly the statement which was made. By whom was this witness subpœnaed?

Mr. LODGE. The witness came and volunteered, and I laid his name before the committee.

Mr. SPOONER. He was summoned to lunch by the Senator from Nebraska [Mr. DIETRICH]. [Laughter.]

Mr. McLAURIN of Mississippi. I see that the Senator can answer more readily questions I do not ask than those which I ask. [Laughter.]

Mr. SPOONER. Now, Mr. President, I am through with this branch of the matter. I did not mean to take time to refer to it. All I mean to say is this: If there has been any violation of the rules of civilized warfare in the Philippines, it ought to be hunted up and punished. But I do not remember a question put by the Senators on the other side to these witnesses *intended to elicit an answer which could be creditable to the Army.* They sought to prove by every witness the general reputation of the army in the Philippines as to administering the water cure.

It remained for the Senator from Indiana [Mr. BEVERIDGE] mainly to draw from the witnesses, as he did from almost every witness, that they were instructed by the officers to treat the Filipinos kindly; that they treated them kindly as a rule and in a friendly way; that they treated the prisoners taken kindly; that they were fed just as our soldiers were fed; that they were taken care of in our hospitals just as our own men were who were ill or wounded, and that they had treatment by our surgeons. I do not recall that this testimony was mentioned by any Senator on the other side in his speeches attacking the army in the Philippines.

The Senator from Massachusetts [Mr. HOAR] seemed to think there is not any glory in what the soldiers have done in the Philippines. It has been a magnificent, brave Army, kindly, considerate, and helpful to that people. It has been officered by brave and humane men, with here and there a possible exception. It has been an uncomplaining Army, surrounded by novel conditions, dispersed, as I have said, throughout the archipelago, encircled by treachery and dangers of every description, subject constantly to ambush, deceived by the false use of flags of truce.

Yet I take it it will be found that in comparatively few instances have members of that Army been guilty of atrocity. I know it has been brave in battle. I find many reports here of the conduct of men and officers fine in the quality of gallantry, which would be applauded anywhere in the civilized world where courage and fidelity and uncomplaining fortitude are admired. Major Waller, who has been so bitterly attacked, led an expedition, November,

1901, for which he was highly commended by his superiors, and, with his officers, recommended for promotion, and the report of it can not be read by an American citizen, whether he believes in the war or does not, without a thrill of pride. It was as brave an assault upon an almost impregnable position as troops ever made. It is a fair illustration of the *army* in the Philippines—not of the bad men, not of the brutes, but of the *army* in the Philippines.

The ill-fated expedition in which he lost his way, a dozen of his men by starvation, and in a measure his own mind, was in January and February, 1902.

Here is one instance of bravery and sentiment after that awful massacre at Balangiga, when our men at the breakfast table were killed by those who had protested friendship, and by those whom they had trusted. The captain was killed, Lieutenant Bumpus was killed. American soldiers were lying slaughtered all around them. A little band, and a very little band, remained, and here is what a survivor says of it:

Sergeant Betrom, the only officer alive, assumed command, and those of us who were too weak to walk were carried down to the convent, where we hoped to find the officers alive.

They found them all dead—all killed, by friends, by these "children."

We found the sentry beheaded and the captain cut to pieces in front of the convent. The doctor lay in his bed murdered. Lieutenant Bumpus—

From whose father I have here a published letter, full of pathos, beseeching justice to the Army.

Lieutenant Bumpus was stretched over the threshold of his room literally hacked to pieces. We could not stop to tie up the wounds. Then we heard the goo-goos coming with the horns, and Sergeant Betrom put four men on the road to hold the passage down to the boats, where the wounded were being conveyed.

Meanwhile the goo-goos—

As they call them—

were trying to burn our quarters. A party of the boys under the lead of Private Claude Wingo started back to get the flag which was on a flagpole in front. He climbed up with the goo-goos around him and got the flag, but was mortally wounded when he slid down. The boys carried him, with the flag in his hand, to the boats. He died while we were going up the river.

There was that love of the flag and that pride of the soldier which does not permit men to be brutes and savages.

The Senator from Utah [Mr. RAWLINS], referring to the sentence in General Chaffee's letter of September 30, 1901, to General Hughes, "It is our interest to disarm these people and to keep them disarmed, and any means to that end is advisable. It will probably cost us 100 lives to get the guns lost at Balangiga," endeavored to impress upon the Senator from Georgia [Mr. BACON], and failed, as anyone who knows the Senator from Georgia would expect him to fail, that Chaffee intended to authorize the use of the water cure for that purpose.

Although Chaffee is a man of unstained soldierly honor; although Chaffee had distinguished himself not only for bravery, but for humanity and power to restrain soldiers in China; although Chaffee stands to-day one of the noblest chieftains of the American Army, the Senator from Utah sought to find in this language ground for casting imputations upon his character as a soldier. The Senator said he read that "between the lines." Too much to the discredit of our Army in the Philippines has been "read between the lines." I do not like reading "between the lines." It means to find something there that is not written; it requires a mind filled with suspicion; it requires an eye which seeks to find something, but can not find it, yet reads it as if it were there.

"Reading between the lines" where honor is involved never is a fair thing. "Reading between the lines," Mr. President, has put the taint of suspicion upon the character of many a good woman and has put the taint of dishonor upon the fame of many a good man. I will not read between the lines, Mr. President, to find anything prejudicial to the honor of the American soldier in the Philippines or anywhere else, and I do not like the spirit which permits it.

Now, Mr. President, one thing more, and I have done. Senators demand that we tell them what our policy is in the Philippines. *Here it is in this bill.* We propose to make no foolish promises to the Filipinos at this juncture, or any other. They have had enough from Spain. We do not intend to furnish there an element of distraction. We do not intend to put there anything to promote agitation. We want the mind of the Filipino to be on progress, to be on the upbuilding of government, to be on the education of his children, to be on the excellence of our institutions, and upon the earnestness of our purpose to safeguard liberty in that land.

That is our policy. To go ahead; to feel our way, of course, but to go ahead with an honest purpose and with all the wisdom we can command. And we want your help, Senators of the minority. We are entitled to it. We will do better if we get it. If we can not get it, we are going along without you, and it will not be the first time.

What is your policy? *This is your policy, this substitute bill:*

SEC. 1. That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

I have always thought (and that is one reason why I thought we should have *the title and the sovereignty*) that there would come a time when they were capable of autonomous government, and yet not be able to maintain satisfactorily international relations. So I have felicitated the country upon the fact that we are in position, through the ratification of the treaty, to cede or grant to them the qualified sovereignty which might be needed for autonomous government, representative government, when they were fit for it, and yet retain in this government that part of the larger sovereignty and title which would enable us to *control their foreign relations*, and *therefore safely protect them.*

This substitute gives that possibility and that *status* all away, deliberately, I am bound to suppose:

SEC. 2. That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government.

What brought this change over the spirit of your dream, Senators? Why have you omitted from this proposition that word which Mr. Bryan never omitted, as I recollect, that word which your substitute for the tariff bill did not omit? I can not understand it. I hope it will be explained. It is the word "*stable*" before the word "government." It is a word in this connection of overwhelming importance.

That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government.

Does it make no difference to Senators whether it is a *stable* government or not? Does it make no difference to you whether it is a government able to maintain law and order or not? Which can protect life and liberty and property or not? Which can take care of the lives and interests of the people who have adhered to us over there? Why do you strike out this word "stable" and leave the safeguarding of McKinley's pledge of protection to all who came to us with friendship to a *mere paper stipulation?* Was it intended? Was it accidental?—

and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof, as hereinafter provided.

Under this substitute these *guaranties* are not to be found in a *stable* government; but you will see as I go along, and I shall take but a moment, what they are to be:

SEC. 3. That ninety days after the President of the United States shall have proclaimed that all armed resistance to the United States has ceased in said archipelago the United States Philippine Commission shall—

It would probably cease at once by the leaders who would want quickly to be able to establish a government not stable, and left to prey as the old oligarchy preyed upon all the people. If it shall not then cease, *we are to suppress it*, of course—

shall make and promulgate rules and regulations for the holding of an election in the provinces of said archipelago for members of a convention, which convention when organized shall proceed to the adoption of a *constitution* for the government of said archipelago.

How do Senators get, under the Declaration of Independence, the right to *force upon a people capable of establishing and maintaining a government, a constitutional government?* That is an improvement on the Declaration of Independence! Nobody ever before, consulting the "consent of the governed" and legislating upon the theory that they are capable of establishing a government, has attempted to tell them precisely *what form of government* they should have. Suppose they need a stronger government than a constitutional republic, or suppose they think they do. You say they shall adopt a constitution for the government.

That all male inhabitants of said archipelago 21 years of age and over who speak and write either the English or Spanish languages or any of the native languages of the said archipelago, and who shall have resided therein for one year, shall be qualified to vote—

Inhabitants—

shall be qualified to vote for members of the convention, and any person so qualified as an elector shall be qualified to become a member of said convention.

That takes in the Chinamen. Do you mean that?

The members of the said convention shall number 300, and shall be apportioned by the United States Philippine Commission among the several provinces of said archipelago so that the distribution shall be in proportion to their population as near as may be; and when the said apportionment has been determined upon, the said Commission shall by proclamation order an election of the members for said convention, to be held throughout the said archipelago at such time as shall be fixed by the said Commission—

It is a short time—

SEC. 4. That the members of the convention thus elected shall meet at the city of Manila on a day to be fixed—

And after *organizing the convention* they are to proceed to form a constitution and *organize a government.* This is the first constitution. The people are not to be consulted about it. It is not to be submitted to them. It is all to be done by the convention,

and the convention is *to organize the government*. What a beautiful spectacle! Whom will you have in that convention? Is it intended on your basis of 300 to take in every tribe in the Philippine Archipelago? Does it include the Moros? Does it include the Igorrotes? Does it take in the head-hunters? Whom does it include? A photograph of this convention would be "a thing of beauty and a joy forever." [Laughter.]

and after organization the said convention shall proceed to form a constitution and organize such government as they may deem best adapted to promote the welfare and secure the peace and happiness of the inhabitants of said islands: *Provided*—

Now, here is the guaranty; here is the bond which is to protect the obligations which the United States has assumed to Spain; the bond which is to safeguard the obligations, sacred as the honor of your fireside, assumed by the United States to protect the men, women, and children who have been faithful and friendly to us against the Katipunan and assassination and threats and horrors which have prevailed in the Philippine Islands. How have you provided for safeguarding them here?—

Provided, That said convention shall provide by an ORDINANCE, *irrevocable without the consent of the United States.*

I am a little surprised that they should take care first of our right to military, naval, and coaling stations and terminal facilities for submarine cables.

Next:

To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under the authority of the United States.

And last, and apparently least, to safeguard and protect by paper assurance of a government, stable or not, made for a people who never ruled themselves, except for a time under our guidance—

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

And then we are to sail away. Ah, God help the *amigos* in the Philippine Islands. The men who have surrendered; the men who have gone into our service; the governors of the provinces, and the children and the women who have been kindly and friendly to our soldiers and to our schoolmasters; the great body of people who in spite of the Katipunan, who in spite of violence, in spite of assassination, in spite of tortures, and burials alive, have come to us with friendly greetings, with information, with help—you protect them how? By an *irrevocable ordinance in or appended to this "constitution."*

How would we know whether that was maintained or not? The poor *amigo*, the friend of America, slaughtered in the mango grove, tortured to death by the Katipunan in the elephant grass, or boloed in the mountain pass, lying there with his face to the sky and his lips sealed forever—we would not hear from him. The mountains, the crevasses, the jungles, the forests would not give up their secrets. The very officers of this "government," members of the Katipunan, many if not all of them, all the way through engaged in a tremendous effort to alienate that people from the United States! We sail away leaving them in the care of a quickly formed oligarchy and *protected* by an "*ordinance!*" What a noble redemption of a nation's pledges!

Mr. President, this nation, if it did that thing, would earn a new title, and the world would give that title to us and fasten it forever upon us—we would be the "COWARD NATION" of all the world. I would not for anything—and that is one of the obligations which bind us to go on—turn over for protection the thousands and hundreds of thousands of men, and women, and children there, the Macabebes and all the rest who have been friendly to us, to the tender mercies of the "government" provided for by this minority bill.

Who would enforce an observance of this? Is it contemplated that we are to go back there with war ships or an army some time if our obligations to Spain are not respected by that government? Is it intended, after having relinquished title and sovereignty and sailed away, carrying with us the flag as a symbol of *liberty and protection* to all that people and leaving it there as a symbol of *ownership* of coaling, naval, and military stations, that we are to go back and that we are to again train our guns against Manila—that we are again to take possession of this archipelago in order to protect the amigos? No; that is not intended. It is intended, Mr. President and Senators, if that were adopted, to sneak away from there like a coward and abandon them to their fate, knowing what their fate will be. The people of the United States will never do that thing.

Then, after all this, what is to be done? They are to have amnesty there. I do not care for that.

Provided, That such amnesty shall not apply to any who have violated the rules of civilized warfare or were guilty of murder or torture. That the latter, if any, shall be afforded a speedy trial for their offenses in the civil courts of said archipelago and be punished or acquitted, as the facts and law may warrant.

It is a wise foresight to give them authority to *acquit if the facts warrant it*, is it not?

That the President of the United States is hereby requested to negotiate an agreement between the United States, the said Philippine Archipelago—

That is, after we have quit, after we have surrendered the sovereignty, and have no longer any right there, *except to take care of our coaling station and our naval station and our military station*—

That the President of the United States is hereby requested to negotiate an agreement between the United States, the said Philippine Archipelago—

How would you negotiate an agreement with an *archipelago*, anyway? I know my friend from Texas [Mr. BAILEY] does not know. What does the minority of the committee mean by that?

That the President of the United States is hereby requested to negotiate an agreement between the United States, the said *Philippine Archipelago*—

That is like negotiating an agreement with a tree or with a mountain—

and Great Britain, Germany, France, and such other powers as he may deem best, providing for its perpetual neutrality and inviolability from all foreign interference, and also for equal opportunities of trade to foreign countries with said archipelago.

We have tried that on a small scale once. The Senator from Ohio [Mr. FORAKER] in his speech the other day recalled the fact that we were not willing in the Hay-Pauncefote treaty to enter into an alliance with other nations as to maintaining the neutrality of the isthmian canal, it being our canal. We intend now to take care of its neutrality ourselves; but that is not the only instance where we have tried agreements with other governments, and great governments, too, for joint neutrality. We tried it in Samoa with England and Germany, friends of ours. How did we get along? We came very near the "perilous edge," and it required a good deal of diplomacy to extricate ourselves from it.

Suppose those governments would not agree, *as they would not*, and we could not go into that if they would, what then? Senators forgot to provide here that before we sail away the President shall notify the nations who have subjects there with families and property of the hour of our departure that Germany, France, England, China and Japan, and Russia may have their war ships there to protect the interests of their own people.

What would happen? I will tell you what I think would happen, Mr. President. I do not think the nations would be willing that any one of them should have those islands. I think most of them sympathized with Spain. I think they will not fear the occupation and control of the Philippines by Spain. I have a notion—of course, I may be all wrong—that in the end, with the aid of these other governments, we having utterly withdrawn from it, the Philippines would *again belong to Spain*. What a glorious consummation! What a beautiful working out of the great ideal with which we inaugurated the war!

No, Mr. President, there is only one thing to do; and if our friends on the other side had control of this subject they would not vote for this proposition if we offered it. If the Democratic party ever succeeds in securing the control of this country—God save the mark——

Mr. BEVERIDGE. And the country.

Mr. SPOONER. What would they do about the Philippines, Mr. President? Would they adopt such a fatuous, fanciful, cowardly scheme as this? Not at all. They would do exactly what we are doing. They would say they did not like it; that as an original proposition they were opposed to it, but that "it is a legacy from the Republican party, and it is impossible with honor to withdraw from it."

So, Mr. President, we will pass this bill, with some amendments. We will go along with the discharge of our duty. The distinguished Senator from Massachusetts [Mr. HOAR] will, I hope, remain many years in the public service. Neither he nor I may, however, live to see this problem worked out as he wishes and as I wish, but I have abiding faith that it will be worked out and that when the time comes the message of this epoch, so far as it relates to the Philippines, will be what the Senator would wish and not in any wise that one which he would deplore.

I hope and pray that the time will come when we can truthfully say: We took, reluctantly, because by the fortunes of war we were there, the title to the Philippine Archipelago. We subdued resistance to our authority. We filled the islands with schools and with homes owned by the people. We established a school of government in which were taught the lessonof liberty restrained by law. We separated the church from the state. We lifted the dead hand of ecclesiastical ownership. We gave them our bill of rights and an independent judiciary to enforce its guaranties. "We emancipated the peasant from feudalism. We drove from the archipelago the scourge of ladronism. We encountered obstacles, but we surmounted them. We made mistakes, but we corrected them. We educated the inhabitants for self-government, and although occupying a territory of our own, we extended to them the principles of the Declaration of Independence, consulted, when they were fit, their wishes as to government, and aided them in the erection of a 'Republic in Asia.' We threw the shield of our protecting power around them. In the end we left our flag floating there among a grateful, friendly, and independent people—a sign of welcome, safety, and rest to the mariners of our

Republic who sail the far Pacific and a reminder to the Filipinos and their children of the rich fulfillment of McKinley's prophecy that it would not lose 'its gift of benediction in its world-wide journey to their shores.'"

Mr. President, I regret to have occupied so much of the time of the Senate. I feel as if—and it has been inadvertent—I had taken almost an unfair advantage of the courtesy which was extended to me the other day; and if any Senator on the other side of the Chamber, or on this, shall suffer inconvenience for want of time to make such reply as he desires it will always be to me a source of deep regret.

APPENDIX.

GENERAL ORDERS, No. 3. HDQRS. DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS, *Manila Bay, P. I., August 9, 1898.*

In view of the extraordinary conditions under which this army is operating, the commanding general desires to acquaint the officers and men composing it with the expectations which he entertains as to their conduct. You are assembled upon foreign soil, situated within the western confines of a vast ocean separating you from your native land. You have come not as despoilers and oppressors, but simply as the instruments of a strong, free Government, whose purposes are beneficent and which has declared itself in this war the champion of those oppressed by Spanish misrule.

It is therefore the intentions of this order to appeal directly to your pride in your position as representatives of a high civilization in the hope and with the firm conviction that you will so conduct yourselves in your relations with the inhabitants of these islands as to convince them of the lofty nature of the mission which you have come to execute.

It is not believed that any acts of pillage, rapine, or violence will be committed by soldiers or others in the employ of the United States; but should there be persons with this command who prove themselves unworthy of this confidence their acts will be considered not only as crimes against the sufferers, but as direct insult to the United States flag, and they will be punished on the spot with the maximum penalties known to military law.

By command of Major-General Merritt:

J. B. BABCOCK, *Adjutant-General.*

GENERAL ORDERS, No. 3. HDQRS. DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS, *Manila, P. I., February 7, 1899.*

The burning of the houses or other property of the natives or other inhabitants of this island is prohibited, unless the same be used as shelter for the enemy or as places of concealment of contraband of war. The seizing of horses, carriages, carromatos, or wagons of any description by the troops or others belonging to this command is not authorised, except under great emergency, when receipts will be given therefor.

The lives and property of the inhabitants, native and foreign, will be protected, and they will be permitted to pursue their ordinary vocations without molestation.

By command of Major-General Otis.

THOMAS H. BARRY, *Assistant Adjutant-General.*

GENERAL ORDERS, No. 31. HDQRS. FIRST DIVISION, EIGHTH ARMY CORPS, *Manila, P. I., August 25, 1899.*

To insure adequate protection to private property and proper reparation to injured parties, the attention of all officers of this command is directed to the following extract from General Orders, No. 35, of the War Department, of 1863, and full compliance with the practice therein formulated is enjoined upon all concerned:

"Under the fifty-fourth of the Rules and Articles of War it is made the duty of commanding officers to see reparation made to the party or parties injured from the pay of soldiers who are guilty of abuses or disorders committed against citizens.

"Upon proper representation of any citizen of wanton injury to his person or property, accompanied by satisfactory proof, the commanding officer of the troops will cause the damage to be assessed by a board of officers, the amount stopped against the pay of the offenders, and reparation made to the injured party. This proceeding will be independent of any trial or sentence by court-martial for the criminal offense."

The method of procedure is clearly set forth in Winthrop's Military Law, page 1019 and following, and will be duly observed in such cases as may arise.

In addition to this action, charges will be preferred against the guilty parties for the criminal offense.

By command of Major-General Lawton:

CLARENCE R. EDWARDS, *Assistant Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *February 6, 1902.*

FIELD ORDERS, No. 2. HEADQUARTERS SECOND DIVISON, EIGHTH ARMY CORPS, *Malolos, P. I., April 2, 1899.*

I. Many of the citizens of Malolos and other towns in the vicinity desire to return to their abandoned houses within the lines of the Army.

The interests of the United States will be subserved by encouraging this disposition on the part of the natives in every way consistent with military interests.

All officers and soldiers are therefore urged to contribute to the end in view by considerate and kind treatment of these people, who are now part of and under the protection of the United States.

The controlling insurgent authorities have persistently represented the American soldiers as turbulent, undisciplined, and given to gross and licentious excesses upon helpless people.

In order to eradicate the effects of such mendacious misrepresentations it is especially necessary that all concerned should sedulously abstain from practices in any way calculated to annoy or engender the feelings of timidity or mistrust.

Unarmed natives will be permitted to enter our lines at all times during the day, with a view to the resumption of their usual avocations and occupancy of their houses.

By command of Major-General MacArthur:

PUTNAM BRADLEY STRONG, *Assistant Adjutant-General.*

A true copy.

BENJ. ALVORD, *Captain, Twentieth Infantry, Aid, Acting Adjutant-General.*

FIELD ORDERS, No. 26. HEADQUARTERS SECOND DIVISION, EIGHTH ARMY CORPS, *Malolos, P. I., April 22, 1899.*

It is believed that the enemy in considerable force intends to defend the town of Calumpit, the center of the first line of resistance being the railroad track crossing the Bagbag River and extending to the right and left along the thither banks of the Quingua, Calumpit, and Bagbag rivers. A second line is undoubtedly located along the Rio Grande.

* * * * * * *

VII. The purpose of the United States in these islands is beneficent. It is therefore one of the most important duties of American soldiers to assist in establishing friendly relations with the natives by kind and considerate treatment in all matters arising from personal contact. To exasperate individuals, or to burn or loot unprotected and abandoned houses or property is not criminal in itself, but tends to impede the policy of the United States and to defeat the very purpose which the Army is here to accomplish.

All concerned are accordingly strictly charged to practice becoming self-restraint in the premises, and it is made the special duty of all officers to prevent thoughtless and ignorant men from indulging in any of the practices enumerated, and to take necessary action to secure adequate punishment as prescribed by the Articles of War in the event of overt acts being committed by any member of the command, either during the contemplated actions against Calumpit or thereafter throughout the campaign.

VIII. When in hostile contact with the enemy an adversary with arms in his hands must be killed, if possible; but a wounded or surrendered opponent, who is incapable of doing any injury, is entitled to the most cordial courtesy and kindness. Any departures from the well-established amenities of the battlefield or the laws of war must and will be punished according to the nature of the case to the full extent of the law.

* * * * * * * *

By command of Major-General MacArthur:

PUTNAM BRADLEY STRONG, *Assistant Adjutant-General.*

GENERAL FIELD ORDERS, No. 50. HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS, *In the Field, Tayug, November 27, 1899.*

The circumstances and conditions which justified the seizing of materia- and supplies and the impressing of labor and transportation from the inhabitants of the country through which this command has recently been operating no longer existing, such practices will immediately cease. In future all labor, material, and supplies will be procured in the usual and legitimate way.

Should a temporary or special emergency arise, the commanding officer on the spot for the time being will give written orders setting forth the emergency and necessity, directing and limiting what labor, material, or property shall be taken, stating the parties and places from which it is taken. A copy of such order will be immediately forwarded to these headquarters.

All commanding officers of places or stations where troops are being held along the line over which this command is or has been operating will immediately take measures, by appointing boards of officers, inspectors, or otherwise, to ascertain and adjust all claims for damages or for property or supplies taken or used by the troops.

The commanding officer Third Brigade will give this his special attention and will cause each officer exercising command along his line to report action taken.

By command of Major-General Lawton:

CLARENCE R. EDWARDS, *Lieutenant-Colonel Forty-seventh Infantry, U. S. Volunteers, Acting Assistant Adjutant-General.*

GENERAL ORDERS, No. 3. HDQRS. BELL'S EXPEDITIONARY BRIGADE, FIRST DIVISION, EIGHTH ARMY CORPS, *Transport Tartar, February 16, 1900.*

1. The brigade commander directs that the orders of the department commander relative to the rights of peaceable citizens, appropriating of the property of any peaceable citizen, and entering the houses of any of the natives, except in the execution of orders, be rigidly enforced in this command. Anyone violating these orders will be severely dealt with.

All cases of violation of these orders will be reported promptly to these headquarters by the offender's immediate commanders.

2. In appropriating houses for the use of troops as may become necessary during the military operations, the commanding officers of the various columns operating in the field will see that it is done with as little inconvenience to and deprivation of the peaceable citizens as is consistent with the comfort of the troops.

3. When it becomes necessary for troops operating in the field to supply themselves from the resources of the country with rations and other supplies, receipts will invariably be given to the owners of the property when ownership is clearly established. In cases where the ownership is doubtful no receipt will be given, but a memorandum showing date, place, and quantity of stores taken will be kept by the commanding officer or a member of his staff and forwarded to brigade headquarters as early as possible.

By command of Brigadier-General Bell.

PETER MURRAY, *Captain, Eighteenth Infantry, Acting Assistant Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *February 6, 1902.*

CIRCULAR No. 4. HDQRS. DISTRICT OF SOUTHEASTERN LUZON, *Nueva Caceres, P. I, April 28, 1900.*

The troops of this district will exercise the greatest care and judgment in firing upon natives, in order that they may not fire upon women and children. The promiscuous burning of houses must also be avoided, and only such structures as are used for military purposes, such as storehouses, barracks, or insurrectionary meeting places, together with all food supplies, clothing, arms, and munitions of war intended for the use and subsistence of insurgents, will be destroyed.

By command of Brigadier-General Bell.

PETER MURRAY, *Captain, Eighteenth Infantry, Acting Assistant Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *February 5, 1902.*

CIRCULAR No. 6. HEADQUARTERS FIFTH DISTRICT, DEPARTMENT OF NORTHERN LUZON, *Angeles, P. I., July 14, 1900.*

Owing to a large number of complaints reported to these headquarters of ill treatment of natives on the part of scouting parties in this district, commanding officers are hereby directed to caution their officers and men against harsh and illegitimate treatment of natives at all times.

A patient perseverance in legitimate methods is that policy best calculated to accomplish the desired results in the end. Officers and men of this

command must distinctly understand that any harsh treatment of natives will be thoroughly investigated and all guilty persons punished.

By command of Brigadier-General Grant.

F. GUY KNABENSHUE,
First Lieutenant, Fifteenth Infantry, Aid-de-Camp.

ADJUTANT-GENERAL'S OFFICE, *February 5, 1902.*

CIRCULAR No. 3. HEADQUARTERS SIXTH SEPARATE BRIGADE, *Tacloban, Leyte, P. I., February 22, 1902.*

From reports received of late from every quarter of the island of Samar the brigade commander is constrained to the belief that active opposition to our occupation of the island has crumbled away.

There are undoubtedly a considerable number left in the mountains who remain in opposition to us, but their power of resistance has been shattered. We have in the past compelled them to respect our prowess in arms; we must in the future *compel them to respect our generosity of heart toward a vanquished foe and our purity of purpose in waging war upon their misguided leaders and their followers.*

Henceforth, then, it must be the labor of our officers and men to assist the loyal natives in repairing the ravages of war. No oportunity should be lost to instruct them that the Americans have come among them not to take from them any of the good things of life, but rather to give them more and in greater measure than they have ever enjoyed before.

But every member of the brigade is enjoined never to lose from sight the fact that he is dealing with a people which, through peculiarities of their island topography, have developed along lines quite divergent from those traveled by the great majority of their fellow-Filipinos. Our troops must always keep in mind that the standards of the natives of Samar were announced to the world at Balangiga. *Watchfulness and kindliness must henceforth go hand in hand.*

And now that the period when our troops must be constantly on the move has, in the judgment of the brigade commander, virtually passed, he takes pleasure in revoking his former order forbidding the residence within the brigade of the families of officers. In taking this step he utilizes the opportunity to thank those officers who have so cheerfully and loyally accepted the necessary restrictions imposed by him, and who have thus been deprived of even those simple comforts of home life which go so far toward reconciling them to duty in this isolated section of the Philippines.

By command of Brigadier-General Smith:

W. E. AYER,
Captain, Twelfth Infantry, Adjutant-General.

Official copy.

G. H. SHIELD, JR.,
First Lieutenant, Twelfth Infantry, Aid-de-Camp.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
April 15, 1902.

TELEGRAPHIC RECORD OF EVENTS OCCURRING IN THE PROVINCE OF SAMAR.

October 17.—General Hughes to Adjutant-General division: In absence General Smith on north coast, Colonel Robe sends following: "Lieutenant Wallace with 46 men of Schoeffel's company was, in the field on lower Gandara, attacked in their camp early yesterday morning by 400 bolomen, who were beaten off with loss in the detachment of 10 killed and 6 wounded. The enemy left 81 dead on the field."

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By command of Brigadier-General Smith:

W. E. AYER,
Captain, Twelfth Infantry, Adjutant-General.

[Telegraphic circular No. 5.]

BATANGAS, P. I., *December 13, 1901.*

To all station commanders:

The United States Government, disregarding many provocations to do otherwise, has for three years exercised an extraordinary forbearance and patiently adhered to a magnanimous and benevolent policy toward the inhabitants of the territory garrisoned by this brigade.

Notwithstanding this fact, opposition to the Government has been persistently continued throughout this entire period by a majority of its inhabitants. The enemy, long realizing their inability to maintain themselves without the unanimous cooperation and support of the entire population, have, in order to keep up their useless struggle, established a reign of terror by resorting to atrocities and expedients which violate the well-known laws and usages of war as announced in General Orders, No. 100, Adjutant-General's Office, 1863, approved and published by order of President Lincoln, for the government of the armies of the United States in the field.

First. They have accepted local offices from the Government and taken the oath of allegiance solely for the purpose of improving their opportunities and facilities for deceiving American officials and treacherously aiding and assisting the cause of the insurrection, in violation of section 26.

Second. They have with bolos and other weapons killed helpless prisoners and soldiers lying on the ground, wholly disabled by wounds which prevented their defending themselves in any way, in violation of sections 49, 56, 61, and 71.

Third. In order to confuse their identity, and thereby be able the more safely to conduct their skulking operations, they have adopted the uniform of our Army and native troops without any plain, striking, and uniform mark of distinction of their own, in violation of section 63.

Fourth. They have improvised and secreted in the vicinity of roads and trails rudely constructed infernal machines propelling poisoned arrows or darts, in violation of section 70, thus placing themselves beyond the pale of the laws and usages of war.

Fifth. Men and squads of men without commission, without being part or portion of the regularly organized hostile army, without sharing continuously in the war, but with intermittent returns to their homes and avocations, and with frequent assumption of the semblance of peaceful pursuits, divesting themselves of the character and appearance of soldiers, have committed hostilities by fighting and making raids of various kinds, after which, concealing their arms, they have returned, posing as peaceful citizens, and secretly lived in the same towns with garrisons of our troops, in violation of section 82.

Sixth. Armed prowlers have stolen within the lines of our army to cut telegraph wires and destroy bridges. Armed assassins, designated and controlled by the enemy, have come, disguised as peaceful citizens, into the very presence of our garrisons and have assassinated, in broad daylight in crowded market places, persons unlawfully condemned to death by the enemy for being friendly to or assisting the legitimately organized government, the fear, sympathy, or cooperation of the entire population effectually preventing our apprehension and punishment of the assassin. This in violation of section 84.

Seventh. The apparently pacific inhabitants of towns occupied by the American army have treacherously risen in arms against it, in violation of section 85.

Eighth. A large percentage of the population, though owing allegiance to the American Government under the provisions of section 26, have acted as spies and war traitors, in violation of the provisions of sections 88, 90, and 92.

Ninth. A very great number of insurgent officials, soldiers, and other aiders and abettors of the insurrection, after voluntarily surrendering and after having been captured, have been pardoned and released from confinement upon taking the oath of allegiance or giving paroles, and have subsequently violated their oaths or paroles without scruple by again entering the service of the insurgent army or aiding or assisting the same, in violation of sections 26, 124, and 130.

Against but one of these flagrant violations of the laws of war, namely, murder, has the United States Government ever adjudged or executed the severe penalties authorized by the sections of the law above cited, in the vain hope that, by this exercise of forbearance and generosity, the people might be conciliated and become reconciled to and convinced of the benevolent purposes of the Government. Instead of having had the desired effect, however, this policy in the provinces of Batangas and Laguna has apparently failed to appeal to even the keenest and most appreciative intellects.

On the contrary, it has been interpreted by many as an evidence of weakness and fear, and, puffed up by a childish and ignorant conceit over what they are pleased to consider successful resistance of our power, the people have become so arrogant that they look down upon our Government and scorn its kindliest efforts at pacification. We consequently find ourselves operating in a thoroughly occupied terrain against the entire population, united in a hopeless struggle, using, conniving at, or tolerating barbarous methods which almost reach the limit in outraging the laws and usages of legitimate warfare.

The reckless expedients adopted by the enemy, especially the policy of intimidation and assassination, leaves to the brigade commander no other means of protecting either the lives of his subordinates or those of peaceful or friendly citizens, or the interests of his Government against the repetition of barbarous outrage except the enforcement of the penalties authorized by the above-cited laws of war, and he has reluctantly concluded it to be absolutely necessary to avail himself of the right of retaliation under the provisions of sections 59 and 148, whenever the duly and carefully ascertained conditions and circumstances warrant the same under the restrictions prescribed in section 28.

The brigade commander therefore announces for the information of all concerned that wherever prisoners or unarmed or defenseless Americans or natives friendly to the United States Government are murdered or assassinated for political reasons, and this fact can be established, it is his purpose to execute a prisoner of war under the authority contained in sections 59 and 148. This prisoner of war will be selected by lot from among the officers or prominent citizens held as prisoners of war and will be chosen, when practicable, from those who belong to the town where the murder or assassination occurred.

It is also his purpose to severely punish, in the same or a lesser degree, the commission of other acts denounced by the aforementioned articles. In this connection the attention of all American officers is invited to the last paragraph of section 29 and to the provisions of section 134. Commanding officers are authorized to enforce the provisions of this latter section whenever they may deem it just and practicable.

J. F. BELL,
Brigadier-General Commanding.

Mr. PETTUS. Mr. President, I would not intrude on the Senate at this time, but I am about to leave the Senate for a few days, by an order of the Senate itself, and I wish to say a few words about this bill. I assure Senators that what I shall have to say will be very brief.

On account of the fact that I have been studying the law all my life, I will ask the privilege of saying a few words in reference to the law as it arises in this bill, merely for the purpose of explaining my opinion on this bill.

As a general rule I do not favor radical changes in the form of government. This bill wrenches this republican Government from the rightful and accustomed course in dealing with Territories of the United States, and starts this Government of limited powers on the new, untried, and unauthorized experiment of establishing a vast colonial system on islands confessedly belonging to the United States.

This radical departure from the rightful and usual course is based upon the unfounded assumption that this Government is sovereign in the broad sense of the word. The framers of this bill

seem to have lost sight of the fact that this Government is of limited powers.

Here, Mr. President, I will take the liberty of quoting from the old masters, the judges of our Supreme Court, what they have said in reference to this identical subject. Changes may be made in the law by the Congress of the United States, but I do not recognize the power of any court to change the law.

Chief Justice Marshall, in McCullock *v.* The State of Maryland (4 Wheaton, 405), declared:

This Government is acknowledged by all to be one of enumerated powers.

And the Supreme Court, in the case of United States *v.* Gratiot (14 Peters, 537), says:

And the Constitution of the United States (Article IV, section 3) provides that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. The term "territory" as here used is merely descriptive of one kind of property and is equivalent to the word lands.

In Murphy *v.* Ramsay (114 U. S., pp. 14, 15), decided as follows:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

In the Mormon Church *v.* The United States (136 U. S., pp. 42–44) our Supreme Court declared:

The power of Congress over the territory of the United States is general and plenary * * *

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments.

In Pollard's Lessee *v.* Hagan et al. (3 Howard, 225) the Supreme Court declared:

If it were true that the United States acquired the whole of Alabama from Spain, no consequences would result as those contended for. It can not be admitted that the King of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives, and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory by treaty or otherwise must hold it subject to the constitution and laws of its own government, and not according to those of the governments ceding it.

It is thus proved that this Government is not sovereign in the broad sense of that term, but that this Government is one of enumerated and limited powers. The people of the United States are sovereign, but they have delegated only a part of their sovereign authority to the United States Government, and they have delegated a part of their sovereignty to the several States, and still another part of their sovereignty they have reserved to themselves. And "the people" have so expressly declared in the Constitution of the United States, Article X. And the constitution of each State in the Union proves the same proposition.

Every sovereign State, in the broad sense, can grant titles of nobility. The United States can not.

So sovereign States can establish a religion and can change such establishment. The Government of the United States can do neither.

States fully sovereign can define and punish crimes throughout the land. But the power of the United States to define and punish crimes in the States is greatly limited.

Now, as the United States derives all of its powers from the Constitution, and as every officer of the United States—legislative, executive, and judicial—is required to take an oath to support the Constitution of the United States, it seems impossible for the United States to govern any land lawfully unless that government is in conformity to the Constitution of the United States. If such government is in violation of any limitation of our Constitution, it is a wrong and a usurpation to that extent.

This bill as introduced seemed to ignore the Constitution as far as it guards personal rights. True, the bill has been amended so as to attempt to guard some of these constitutional personal rights by legislative enactment. Other of these constitutional personal rights are left without that feeble protection. But the whole bill proceeds on the theory that the Constitution has no force or effect in the Philippine Islands.

Independent of the constitutional objection there is a most radical departure here from the practice of the United States, from the foundation of the Government, concerning the disposition of the public lands.

Heretofore all public lands have been surveyed, governed, and disposed of under laws passed by Congress. No Territorial government has ever been authorized to sell the public lands.

Why this unwise and radical departure from a custom as old as the United States? I do not know. No one has explained it. But this bill gives full power to dispose by fee simple title to the public lands to the Commission.

Most of the Senators never lived under a carpetbag government, but those of you who have been governed by carpetbaggers can not fail to see what will be the effect of this bill when enacted.

If this bill be enacted, and you could and did give to the real carpetbagger his choice to go to heaven or the Philippine Islands, he would not hesitate. He would say promptly, "I will go to the Philippines."

Mr. GALLINGER. I offer a proposed amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. HOAR. Mr. President, I desire, in five or ten minutes, to call attention to one or two vital points in the speech of the Senator from Wisconsin [Mr. SPOONER]. Of course I do not want to go into an elaborate discussion of the matter again, and I do not desire to take it up in the absence of the Senator. So I will take my chances later on in the debate under the fifteen-minute rule.

Mr. BATE. Mr. President, I wish to say but a word or two. I did not wish to interrupt the Senator from Wisconsin in the midst of his speech just concluded. I therefore sought to obtain the floor at the close of the speech, but could not then be recognized. He made an allusion to the Confederate soldiers who have seats in this Chamber. Lest a misconception of our position might result from the language used, those of us on this side—and I beg to state I do not assume to speak for all of them, but a majority—have but one idea in respect to this matter. The clear intimation from what he said is that the Confederate soldiers on this side who had gone through the war and knew what war was had not criticised the Army in this debate and did not sympathize with the course pursued by the minority.

I wish, for one, sir, to say that I sympathize most heartily with the struggles of the minority to get at the truth in this matter. I do not believe that the minority desire to cast a slur upon the Army of the United States. I would not sympathize with them in it if they did. It is not my purpose to criticise the Army as an army.

But I do not desire that the Senator from Wisconsin should classify all the Confederate soldiers who are here, myself among the number, as condemning the minority of the committee. We condemn those who have violated the law, who have disregarded the proper spirit that should govern an army, and we uphold the minority of the committee in the effort they are making to get at the truth. We wish to see them dare do right.

That is my idea about it. While I want to sustain them, I want likewise to condemn, as I have done before in a speech I made at the beginning of this matter, improper conduct on the part of those in authority. It is not the men against whom complaint is made, but it is the officers; and the good officers of the Army are delighted to see condemnation visited upon those who have acted badly and are unworthy. Indeed, Mr. President, it is the policy of the Government and not the conduct of the Army that we condemn, not that all Army officers are free from censure, but we feel assured that the manly, worthy ones condemn cruelty and inhumanity.

Entertaining that opinion of the Army, we only condemn those who have disregarded the laws of civilized warfare and indulged in cruelty and inhumanity in their dealing with the weak and helpless. That every ex-Confederate soldier in this Chamber, though silent he may be, vigorously condemns. The Senator from Wisconsin did pay us some compliments, for which we thank him. I am one of those who feel it an honor to have belonged to the Confederate army, and in that, I think, I speak for all, and, as I said, we do not want to be classified as men condemning an army which does its duty. We know that upon both sides during the civil war there were excesses, as in all wars, and we are prepared to make some conciliation in respect thereto. But we condemn wrong wherever we may find it, and we like to see it ferreted out and properly punished. We therefore, as a class, sustain the vigorous and aggressive efforts to ferret out the truth. We do not understand the minority of the committee to assail the entire Army, but only those officers who have violated the rules of civilized warfare and have been guilty of wanton cruelty. In that we, as representative Confederate soldiers, uphold the minority of the committee, and say, "Hew to the line and let the chips fall where they may."

Mr. McLAURIN of Mississippi obtained the floor.

Mr. PETTUS. Will the Senator from Mississippi yield to me to call up a bill?

Mr. McLAURIN. Certainly.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. PETTUS. I ask the indulgence of the Senate to call up the bill (S. 2764) for the relief of the Mobile and Ohio Railroad Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Mobile and Ohio Railroad Company $14,443.93 for transportation of passengers and freight for the account of the United States in the years 1896 to 1898, inclusive, and until November 7, in the

year 1899, through the unwarranted treatment of its railroad in the States of Kentucky and Tennessee as land-aided.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. MCLAURIN of Mississippi. Mr. President, I said some two weeks ago what I had to say on this bill, and I did not intend to say anything further, but there is one feature of the bill upon which I should like to express my views, and that is the provision which proposes to turn over the lands of the archipelago to agricultural corporations. I believe by the amendment of the bill there is a limit of 40 acres as the amount that the head of a family or any citizen of the islands can purchase, but there is practically no limit to the land which may be purchased by corporations. In the main, corporations are limited to 5,000 acres; but, as is known to every man, a corporation is an artificial person, and two men may form as many corporations as they can find names for. So they can practically get possession, if they can furnish the money to buy the land, of hundreds of thousands of acres of agricultural land in the Philippine Archipelago.

It strikes me that, this being so, and the islands being described as those being very desirable for the production of sugar, what is known as the sugar trust might get possession of the islands. After a while they would obtain the passage of an act permitting sugar to come in either free or at a very reduced rate, which would compete with the sugar producers of this country and not benefit the sugar consumers, for the reason that the consumers would only consume the refined sugar, and the tariff prohibiting the coming of that in would keep up the price of sugar to the consumer and admit it into the country for the sugar trust. I intended to elaborate that point, but I shall not do so now.

I rose just now, Mr. President, because in the long and able speech of the Senator from Wisconsin [Mr. SPOONER] he took occasion to say that the malignity that had been manifested in this debate on the part of the Democratic Senators had gone to the extent that I had attacked General Funston's conduct in Cuba. I know that the kind nature and courteous manner and disposition of the Senator from Wisconsin ordinarily would not have permitted him to use that language, and he did not mean what he said when he spoke of the malignity of the debate on the part of Senators upon the Democratic side the Chamber.

I have not manifested any malignity in this debate. I feel no spirit of malignity against General Funston. But I can not truthfully say that I do not feel indignant at the language of General Funston in attributing falsehood to private soldiers and noncommissioned officers who returned to this country from the Philippine Islands. I can not truthfully say that I do not feel a deep sense of indignation against General Otis when he charged falsehood against the entire American soldiers in the Philippine Islands, in writing back, whether to their mothers or fathers or brothers or sisters or their wives or any of their families.

These charges are made and they are in the documents sent to the Senate by the Secretary of War. While this wholesale slander has been uttered by American generals against the American soldiery, we have heard American Senators stand upon this floor for hours, assailing those who undertake to get at the facts in the Philippine Islands as being slanderers of the American Army. While we have heard so much on the part of Republican Senators about the honor and chivalry and character of the American officers, not one word has escaped from the lips of those Senators denouncing these utterances. They can not say that they did not know of it, because they did. It was called to the attention of the Senate by myself on the 22d day of February. It was again called to the attention of the Senate by me on the 15th and 16th days of this month.

So it can not be said that the Senators did not know that these slanderous utterances come from the tongue or the pen of generals in the American Army against the private soldiers. It may be that it was overlooked; but they were ready at all times to make note of anything that was said against any officer, not as a slander against the officers of the Army generally, but when anything was said as being proved against any officer they were ready to take note. However, no note was made by any Senator on the Republican side of the Chamber of the utterances, and the slanderous utterances, of these two generals—General Fuston and General Otis—against the enlisted men in the Army.

I say it is not just to charge that the Democratic Senators on this floor are slandering the Army or have slandered the Army. It is not just because it is not true as a matter of fact. A slander is a tale or report maliciously uttered, tending to injure the reputation of some other person. There has never been a tale or report maliciously uttered by any Senator in this Chamber on this side against the Army or against any member of the Army. There has been a disposition and a desire and a purpose to get at the facts with reference to what has been done in the Philippine Archipelago, but there has been no slander of anyone, and to charge that the Democratic Senators are slandering the Army, whether it is charged by the platforms of the Republican party, or whether it is charged by Republican Senators or anybody else, is itself a slander.

Mr. President, I did not get up to answer the Senator by way of argument. That will take more time than there is now at my disposal. I feel that the speech can be entirely answered. For instance, the Senator spent a long and eloquent part of his speech in attempting to show that it is the position of the Democratic minority in this Chamber that the vote on the treaty of peace is the cause of the trouble in the Philippine Islands. No Democratic Senator has ever taken that position, but it is an easier position to answer than the position which Democratic Senators have taken. No Democratic Senator has charged that the vote on the treaty caused the trouble, but it is the policy of the Republican party afterwards that caused it.

The Senator has stated that he deprecates the trying of a man in his absence on an ex parte hearing when he is 10,000 miles away and not present to speak for himself. That is in reference to General Smith's order, which he says is sub judice, but which practically is not sub judice at this time. Yet the Senator has tried Aguinaldo on ex parte statements when he is eight or ten thousand miles from here and a prisoner of war, not only not allowed to come here and answer for himself, but not allowed his liberty.

To sustain that charge he has read what he calls a patent of nobility, in which it is stated that the dispatches from two colonels in the Filipino service are photographed and that the paper which is submitted is a photographic copy of what they wrote. But when it comes to Aguinaldo himself they do not pretend to photograph what he wrote, but give the certificate of some unknown man, especially unknown to the Senate, that it is in his handwriting.

I want to read on just one point, and then I shall have done with reference to what is charged to be slanders upon the American Army. Here is a statement from General MacArthur passing in review upon the action of the court-martial upon Capt. George W. Brandle and Second Lieut. Alvin S. Perkins, where it was charged and found that Brandle had hung two Filipino prisoners without law, without excuse.

They were persons who were entitled to his protection, and he had hung them by the neck for about ten seconds, and it was found to be true that he had done so. They struck out the specification which said that it gave physical pain to these parties, but inserted that it gave them mental anguish.

Lieutenant Perkins was tried and convicted of hanging by the neck for about ten seconds one prisoner who was entitled to protection when a prisoner. They struck out all that part of the specification which said it gave him physical pain and they inserted that it gave him mental anguish. In reviewing that General MacArthur says, on page 2110 of the evidence before the Committee on the Philippines:

> In the foregoing cases of Capt. George W. Brandle and Second Lieut. Alvin S. Perkins, Twenty-seventh Infantry, United States Volunteers, the findings and sentences are approved with the remark that the reviewing authority is of the opinion that in the case of the former a finding of guilty on each of the specifications as laid without the exceptions and substitutions made by the court would have been in full accord with the evidence of record, and in the case of the latter a finding of guilty on each of the specifications would have been warranted by the evidence with only a formal modification in the second, third, fourth, and fifth specifications to the effect that the real names of the natives therein referred to were unknown to the court, and without the exceptions and substitutions made by the court.
>
> It is obvious that a cruel and illegal assault was perpetrated by these accused officers upon certain native prisoners; an assault not only criminal in itself under the laws of war, but in remote consequences well calculated to defeat a carefully considered policy and to inflict permanent injury upon essential interests of the nation. The purpose of the United States in these islands is to introduce and plant republican institutions, based upon the beneficent principles of the Constitution. Success in this great and inspiring undertaking depends largely upon securing, through a sense of self-interest and gratitude, the confidence and attachment of the Filipino people. It is therefore indispensable to the true interests of the Republic that Americans in the archipelago, especially officers of the Army, shall in all transactions of business, war, and administration maintain the highest standards of American civilization by practicing dignity and decorum in all intercourse with the natives.
>
> In order to emphasize an important principle it is necessary to severely censure all that is contrary to it.

And that is all that the Senate is trying to do.

> This is more especially true when the vital interests of a great nation are jeopardized by the thoughtless and illegal actions of these accused officers, who for the time being were exercising its authority.
>
> It is believed that the sentence of the court will be sufficiently executed by reminding Captain Brandle and Lieutenant Perkins that by reckless defiance of the ethics of their profession they have inflicted incalculable injury upon the interests of their country and have also cast an unwarranted aspersion upon the reputation of the United States Army for sentiments of honor and humanity

Captain Brandle and Lieutenant Perkins will be released from arrest and returned to duty.

That is by order of Major-General MacArthur. Mark you, it is considered sufficient just to remind these officers that they have done wrong by the hanging of people by the neck who were prisoners and entitled to protection. I suppose if they had been privates they would have probably been sent to prison, as I showed the other day the distinction that was made in the case of an officer of the Army who had committed a crime exactly like that committed by a private soldier, when the officer was remanded to his command with a reduction of 30 files in rank and the private soldier was hung.

It would be well for the Senator from Wisconsin and other Senators, when they are talking about appealing letters that they get from fathers to protect their sons in the Army, to give some kind of protection to the private soldier and have somebody say something in his behalf.

I have read this to show what this general said about the conduct of those officers. Now, I will read from a report, not from the testimony of witnesses. This is not from a witness before the Philippine Committee, and the question does not arise whether it is true or false. It does not leave any room to question the veracity of any witness who testified before the committee, but it is the report of an officer appointed to a civil office under the Administration.

Here is the report of a district attorney. He is not called a district attorney here, but he is an attorney specially appointed to prosecute, and he corresponds to district attorney. It is a report to the attorney-general of the Philippine Islands, appointed under the present Administration, and therefore it can not be said to be an utterance of a Democrat, whether he be a Senator or a private citizen, and it is not the utterance of a witness summoned at the instance of a Democrat.

He goes on in a long report here to the attorney-general, and he reports that Captain Ryan, who had control of this section of the country and was in charge of it as a military officer, had turned over to him certain prisoners whom he charged with being guilty of treason. Mark you, this was before the bill was passed. It was before last November, so that they were only guilty of an offense which would subject them upon conviction to a penalty of from one month to two years and four months' imprisonment. Here is what Mr. Rhode, an officer of this Administration, said on page 2200 of the testimony taken before the committee.

I would not quite feel justified in offering these statements as evidence against the prisoners, for the following reasons: First, they were obtained in the following manner: Each individual before being examined had his arms tied to his body in such a manner that he could not protect his head when falling. Then he was stood up erect upon a wooden floor and had his legs knocked from under him; then his body was lifted and his head jolted against the floor once more, whereupon he was stood upon his head in a bucket of water for a certain length of time, and then was examined. This process was employed three times in succession before Ubaldo Abing made his statement. Secondly, the prisoners do not speak Spanish, and Captain Ryan as well as his Visayan interpreter speak Spanish deficiently, so that the real meaning of the statements made is not clear.

Now, let us see what kind of a man the interpreter was:

Juan de los Santos, in speaking of his marksmanship and his good revolver, stated that he had killed three persons with it, all "while attempting to escape," a phrase of particular significance under the Spanish rule. This man, I was told by Genero Ossmis, the only Spaniard in Jiminez, and who knows about Santos's antecedents, has served eight years of penal servitude in Iligan for murder committed in Guam. This man Santos acted as interpreter at the taking of the statements alluded to.

There is a statement, not from a witness before the Philippine Committee, but an official statement from an officer. "But," says the Senator from Wisconsin, "whenever the American people see these cruelties practiced upon Filipinos they will look beyond and see the cruelties practiced on O'Hearn, who was tied up to a stake and burned until he was nearly dead and then boloed to death." If they look into it as they ought, and as I believe they will do, they will see just exactly what the Senator has said, but they will not rest the inquiry there. They will look to see what is the cause of all this and what brought it about.

When they begin to look into that question they will see that it was not the vote which ratified the treaty of peace between the United States and Spain, but it was the policy which provoked a war of criminal aggression upon those people; that to this policy is chargeable all of the cruelties which have been practiced upon the Filipinos and upon the American soldiers, and that the blood of every American soldier which has been shed in the Philippine Islands is at the doors of those who are responsible for that policy. So is the loss of health of every soldier who has lost it or will lose his health in the Philippine Archipelago laid at the door of those who are responsible for this Philippine policy. So is the loss of mind of those who are bereft of reason because of the fact that they have been carried over to the Philippine Archipelago as soldiers in a cruel war, prosecuting a policy that is not beneficial to the United States, and could not be to the entire people of the United States, and which could only be beneficial to those who would exploit the islands.

Mr. President, these are some of the consequences. Upon the authors of this policy the loss of life and the loss of health and reason of soldiers in those islands will be visited. Not only that, but if the people look at this matter in a just light, they will visit upon those who are responsible for this policy every tear that has been shed, every agonizing groan that has been uttered by those who have been separated from their loved ones, because of this cruel policy, which can bring no good to anybody.

Mr. TELLER. Mr. President, I wish to offer a substitute for section 5 and have it printed. I do not care about its being read.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Colorado proposes an amendment to section 5 of the bill, which he asks may be printed. It will be so ordered.

Mr. CARMACK obtained the floor.

Mr. TELLER. I ask the Senator from Tennessee if he will allow me to move a recess.

Mr. CARMACK. I yield to the Senator from Colorado.

Mr. TELLER. I suggest that we take a recess until 8 o'clock, with the understanding that no business is to be transacted to-night, no votes to be taken, and nothing to be done except speaking. I make that motion.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate take a recess until 8 o'clock, no business to be transacted.

Mr. FORAKER. Before that motion is put, I should like to make an inquiry. Is there any other Senator than the Senator from Tennessee who desires to speak this evening on either side, if the Senator knows?

Mr. CARMACK. Do you mean on this side?

Mr. FORAKER. On either side. I do not know of any myself. The reason why I make the inquiry is because I wanted, if I could find a convenient time, to occupy a few minutes myself.

Mr. CARMACK. I will see that the Senator from Ohio occupies the time he desires, if I have to yield to him myself to-night.

Mr. FORAKER. If only the Senator from Tennessee is to speak, I will try to follow him and occupy the few minutes that I desire.

Mr. CARMACK. We shall arrange it so that the Senator from Ohio can speak.

Mr. PLATT of Connecticut. I think the Senator from Massachusetts [Mr. HOAR] indicated his desire to occupy a little time this evening. There will be no difficulty, however.

Mr. TELLER. The Senator from Massachusetts said he would take his chances under the fifteen-minute rule.

Mr. FORAKER. That is what I understood him to say.

Mr. TELLER. I think the Senator from Massachusetts does not intend to speak to-night.

The PRESIDING OFFICER. Does the Chair understand the Senator from Colorado to move that the Senate now take a recess until 8 o'clock?

Mr. TELLER. Yes; until 8 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate took a recess until 8 o'clock p. m.).

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

DISEASES OF THE HORSE.

Mr. PLATT of New York. I wish to report a concurrent resolution from the Committee on Printing to correct an error in a joint resolution which has been passed.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will suggest to the Senator from New York that the agreement was that no business should be transacted this evening.

Mr. PLATT of New York. It is a mere formal matter, and will not take any time. It will not occupy two minutes.

The PRESIDING OFFICER. The Senator from New York reports from the Committee on Printing a concurrent resolution, which will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills in the enrollment of the joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report of the Diseases of the Horse, be authorized to correct the title thereof by striking out the words "fifty thousand" and inserting the words "two hundred thousand," so as to make the same correspond with the amendment of the House of Representatives to the said resolution concurred in by the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution? The Chair hears none. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

LIMITATION OF TERRITORIAL INDEBTEDNESS.

Mr. BEVERIDGE. I should like to ask unanimous consent for the present consideration of the bill (H. R. 9334) to amend an act to prohibit the passage of local laws in the Territories, to limit the Territorial indebtedness, and for other purposes.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Indiana that the agreement reached at the afternoon session was that at the evening session no business should be transacted.

Mr. BEVERIDGE. No business of any kind?

The PRESIDING OFFICER. Except the matter of discussing the pending bill.

Mr. BEVERIDGE. I took it for granted that nobody was ready to proceed; and I am quite sure, as far as our side is concerned, there will be no objection.

Mr. JONES of Arkansas. I do not know that there is any objection to that bill, but there is a growing feeling in the Senate that unanimous-consent agreements are being abused. I do not think there ought to be any violation of any of these agreements under any circumstances.

Mr. BEVERIDGE. As a matter of course, if there is any objection I will withdraw the request.

Mr. JONES of Arkansas. I do not know that there is any objection to the bill at all, but I think Senators ought to observe unanimous-consent agreements when they are made, and nothing should be done contrary to such agreements when made.

Mr. BEVERIDGE. I have no desire to violate any unanimous-consent agreement, and I have withdrawn my request.

Mr. JONES of Arkansas. There was a unanimous-consent agreement that nothing should be done at the session this evening, as I understand it, except the delivery of a speech by the Senator from Tennessee and a speech by the Senator from Ohio [Mr. FORAKER].

Mr. BEVERIDGE. So the Chair informed me, and when the Chair did so inform me there was not on my part any further request to proceed with the bill to which I referred.

Mr. JONES of Arkansas. I was not criticising the action of the Senator at all.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

[Mr. CARMACK addressed the Senate. See Appendix.]

Mr. RAWLINS. I move that the Senate adjourn.

The motion was agreed to, and (at 10 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 2, 1902, at 11 o'clock a. m.

SENATE.

MONDAY, *June 2, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) announced his signature to the enrolled bill (H. R. 1346) granting a pension to Adelbert L. Orr, which had previously been signed by the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. KEAN presented petitions of Edward S. Brown Post, No. 44, Department of New Jersey, Grand Army of the Republic; of the McKinley Club of Elizabeth, and of the board of fire commissioners of Hoboken, all in the State of New Jersey, praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. DRYDEN) presented a petition of the Woman's Christian Temperance Union of Avon, N. J., praying for the appointment of a commission to test the practical workings of woman's suffrage in various Western States; which was referred to the Select Committee on Woman Suffrage.

He also (for Mr. DRYDEN) presented petitions of the Woman's Christian Temperance Unions of Slate Lick, Pa., and of Carona, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also (for Mr. DRYDEN) presented petitions of the board of directors of the Second National Bank of Atlantic City and of the board of directors of the Atlantic Safe Deposit and Trust Company, of Atlantic City, in the State of New Jersey, praying that an appropriation be made for the erection of a public building at that place; which were referred to the Committee on Public Buildings and Grounds.

He also (for Mr. DRYDEN) presented a memorial of sundry citizens of Orange, N. J., remonstrating against the granting of reciprocity concessions and the ratification of reciprocity treaties inimical to American interests; which was referred to the Committee on Foreign Relations.

He also (for Mr. DRYDEN) presented a resolution adopted at a meeting of the Turn Verein, of Atlantic City, N. J., expressing sympathy for the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also (for Mr. DRYDEN) presented the petitions of William M. Casselberry, of Haddonfield, and of Mrs. J. L. Allen, of Pennington, in the State of New Jersey, praying for the enactment of legislation providing for the construction and maintenance of suitable buildings at the United States military posts and for the betterment of the daily rations of the soldiers; which were referred to the Committee on Military Affairs.

He also (for Mr. DRYDEN) presented a petition of the congregation of the Reformed Church of Paramus, of Ridgewood, N. J., praying for the enactment of legislation appropriating $1,000,000 for the construction and maintenance of post exchanges; which was referred to the Committee on Military Affairs.

He also (for Mr. DRYDEN) presented petitions of Local Division No. 10, Order of Railroad Telegraphers, of Jersey City; of Wilson Lodge, No. 273, Brotherhood of Locomotive Firemen, of Junction, and of Newark Lodge, No. 219, Brotherhood of Railroad Trainmen, of Newark, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented a memorial of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., remonstrating against the operations of the so-called beef trust and praying for the repeal of the tariff on meats; which was referred to the Committee on Finance.

He also (for Mr. DRYDEN) presented petitions of the Liquor Dealers' Protective Association of Orange; of the Retail Liquor Dealers' Association of Rahway; of the West Hoboken Liquor Dealers' Association, of West Hoboken; of the German-American Liquor Dealers' Association, of Elizabeth, and of the German Liquor Dealers' Association, of Trenton, all in the State of New Jersey, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also (for Mr. DRYDEN) presented petitions of the Essex Trades' Council, of Newark; of Iron Molders' Local Union No. 99, of Bridgeton; of the commissioners of public education of Hoboken, and of the trustees of the Free Public Library, of Hoboken, all in the State of New Jersey, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Maritime Exchange of Provincetown, Mass., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service and to their widows and minor children, and also to fix the compensation of the district superintendents in the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. MASON presented a memorial of the Aurora Turnverein Society, of Chicago, Ill., remonstrating against the enactment of legislation to regulate the immigration of aliens into the United States; which was referred to the Committee on Immigration.

He also presented petitions of the United Mine Workers' Local Union, of Ledford; of Local Union No. 10, of Mapleton; of Local Union No. 633, of Athens; of Federal Labor Union No. 9718, of New Burnside; of Local Union No. 86, of Tilton; of Local Union No. 563, of East Peoria; of the Local Union of Bloomington; of Local Union No. 848, of Donkville; of Local Union No. 1457, of Etherley; of Local Union No. 1064, of Morris; of Local Union No. 1782, of Braidwood; of Local Union No. 1880, of Marion; of Local Union No. 1941, of Johnson City; of the Local Union of Iglesby; of Local Union No. 2, of Spring Valley; of Local Union No. 34, of Wanlock; of Local Union No. 67, of Breese; of Local Union No. 221, of Cable; of Local Union No. 300, of Nilwood; of Local Union No. 309, of Hunrod; of Local Union No. 344, of Greenview; of Local Union No. 348, of Nillery; of Local Union No. 362, of Coal Valley; of Local Union No. 388, of Peoria; of Local Union No. 492, of Springfield; of Local Union No. 522, of Pekin; of Local Union No. 575, of Pinckneyville; of Local Union No. 646, of Taylorville; of Local Union No. 654, of Tallula; of Local Union No. 668, of Worden; of Local Union No. 683, of Murphysboro; of Local Union No. 694, of Girard; of Local Union No. 696, of Middle Grove; of Local Union No. 702, of Carlinville; of Local Union No. 707, of Bartonville; of Local Union No. 710, of Carterville; of Local Union No. 715, of Odin; of Local Union No.

734, of Peoria; of Local Union No. 736, of Spring Valley; of Local Union No. 743, of Lebanon; of Local Union No. 750, of Lynns Station; of Local Union No. 757, of Elkville; of Local Union No. 800, of Streator; of Local Union No. 848, of Donkville; of Local Union No. 859, of Belleville; of Local Union No. 860, of St. Davids; of Local Union No. 883, of Canton; of Local Union No. 892, of Kingston; of Local Union No. 895, of Roanoke; of Local Union No. 951, of Sato; of Local Union No. 982, of Fredonia; of Local Union No. 719, of Edinburg; of Local Union No. 992, of Kangley; of Local Union No. 1104, of Sherrard; of Local Union No. 1207, of Tamaroa, and of Local Union No. 1391, of Thayer, all of the American Federation of Labor, in the State of Illinois, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented petitions of J. K. Howard, of Livonia; of E. V. Fitzpatrick, of Portland, and of the congregation of the First Presbyterian Church of Elkhart, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also presented petitions of the Wabash Baking Powder Company, of Wabash; of Hulman & Co., of Terre Haute, and of Joseph Strong & Co., of Terre Haute, all in the State of Indiana, praying for the passage of the so-called pure-food bill; which were ordered to lie on the table.

He also presented a petition of the Westfield Monthly Meeting of Friends, of Westfield, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the National Capitol; which was referred to the Committee on Rules.

He also presented a petition of Central Labor Union, American Federation of Labor, of Elkhart, Ind., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Citizens' Northwest Suburban Association of Washington, D. C., praying for the enactment of legislation providing for the removal of overhead telephone wires in the city of Washington, and for such extension of underground conduits within the fire limits and overhead wires beyond such limits as will give telephone service to many citizens of the District who are not now able to secure it; which was referred to the Committee on the District of Columbia.

He also presented petitions of Local Union No. 33, of Indianapolis; of Local Union No. 190, of Buckeye; of Local Union No. 1491, of Sophia; of Local Union No. 1634, of Petersburg; of Local Union No. 1698, of Bicknell; of Local Union No. 1713, of Dugger; of Local Union No. 1744, of Williamsport; of Local Union No. 1755, of Mecca; of Local Union No. 1895, of Embury; of Local Union No. 1952, of Raglesville; of Local Union No. 21, of Princeton; of Local Union No. 24, of Rosedale; of Local Union No. 134, of Alum Cave; of Local Union No. 139, of Lyford; of Local Union No. 198, of Seelyville; of Local Union No. 255, of Dugger; of Local Union No. 277, of Turner; of Local Union No. 390, of Evansville; of Local Union No. 412, of Hymera; of Local Union No. 418, of Seelyville; of Local Union No. 25, of Linton; of Local Union No. 713, of Sophia; of Local Union No. 724, of Heckland; of Local Union No. 756, of Hymera; of Local Union No. 780, of Linton; of Local Union No. 966, of Edwardsport; of Local Union No. 1095, of Dugger; of Local Union No. 1065, of Evansville; of Local Union No. 1075, of Staunton; of Local Union No. 1111, of Eagle; of Local Union No. 1131, of Staunton; of Local Union No. 1156, of Brazil; of Local Union No. 1177, of Vincennes; of Local Union No. 1243, of Boonville; of Local Union No. 1335, of Clinton; of Local Union No. 1383, of Linton; of Local Union No. 1410, of Winslow; of Local Union No. 1411, of Burnett; of local unions of Cannelburg, Midland, Montgomery, and Lyons; of Local Union No. 1460, of Midland, all of the United Mine Workers of America, and State of Indiana, praying for the enactment of legislation to provide an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CULLOM presented a petition of the Trades and Labor Council of Peru, Ill., praying for the enactment of legislation providing for an increase in the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Main Lodge, No. 545, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of Local Division No. 29, Order of Railroad Telegraphers, of New Haven, Conn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Hartford, Conn., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the National Hardwood Lumber Association, of St. Louis, Mo., praying for the enactment of legislation for the establishment of a national forest reserve in the Southern Appalachian Mountains; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5931) granting an increase of pension to Clara E. Daniels, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey;

A bill (H. R. 13178) granting a pension to William F. Bowden;

A bill (H. R. 10794) granting a pension to Thomas H. Devitt;

A bill (H. R. 13063) granting an increase of pension to Julia B. Shurtleff; and

A bill (H. R. 13683) granting an increase of pension to Ella B. S. Mannix.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes, reported it with an amendment.

JUDICIAL DISTRICT OF ALASKA.

Mr. SIMON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions, to report it favorably without amendment, and I am also instructed by the committee to ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. The Senator from Oregon, under instructions from the Committee on the Judiciary, asks unanimous consent for the present consideration of the bill. Is there objection? The Chair hears none, and the bill will be read.

The Secretary read the bill.

Mr. LODGE. Mr. President——

Mr. MALLORY. I should like to inquire of the Senator who has reported the bill——

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. LODGE. I think the understanding was absolute, under the unanimous-consent agreement, that there should be no business done until the completion of the Philippines government bill except conference reports and ordinary routine business.

Mr. CULLOM. That is right.

The PRESIDING OFFICER. Does the Senator from Massachusetts object to the consideration of the bill?

Mr. LODGE. I do not think we ought to take up any other bill under the unanimous-consent agreement. I have no objection in the world to the bill, but I think it is a violation of the unanimous-consent agreement. If Senators on the other side disagree with me, of course I will yield.

The PRESIDING OFFICER. The Senator from Oregon, from the Committee on the Judiciary, reported the bill favorably and asked unanimous consent for its consideration, which was given. Of course it is open to objection at any time. The Senator from Florida is recognized.

Mr. MALLORY. I did not rise to object. I simply wish to inquire what is this district. There is nothing indicated in the bill, that I can gather from hearing it read, to show whether it is a judicial district or what kind of a district it is. I suppose that it is a judicial district.

Mr. SIMON. I will state to the Senator from Florida that the bill undertakes to redivide the judicial district of the Territory.

Mr. MALLORY. I think it had better so state.

Mr. SIMON. It undertakes to divide the business into several districts. It is a matter of some importance that the bill should be passed early.

Mr. HOAR. It comes from the Department.

Mr. SIMON. Yes; the bill was prepared in the Department of Justice.

Mr. LODGE. There is no objection to the bill, I understand.

Mr. SIMON. I was instructed by the committee to ask for its immediate consideration.

Mr. MALLORY. I only call attention to the fact that there is nothing in the bill to indicate, as far as I have been able to hear, that it is a judicial district which is referred to.

Mr. SIMON. Yes; it is a judicial district.

Mr. JONES of Arkansas. Mr. President, I do not know anything about this bill, whether it is in proper form or whether it ought to be passed, but I do know that there has been an understanding in the Senate by which unanimous consent was given that there should be nothing considered but the Philippines government bill, except conference reports. I believe such unanimous-consent agreements facilitate the public business very much, but when there is a practical violation of the unanimous-consent agreement, as the passage of this bill or the passage of anything else would be, it seems to me that it goes very far toward putting things in such a condition here that unanimous-consent agreements will not be hereafter given. I think when unanimous consent is given in the Senate to carry out a particular line it ought to be strictly adhered to and there ought not to be any deviation from it.

Mr. CULLOM. If the Senator will allow me——

Mr. SIMON. If that is the view of Senators, I ask leave to withdraw my request.

The PRESIDING OFFICER. The request for the immediate consideration of the bill is withdrawn, and it goes to the Calendar.

AMANDA C. MITCHELL.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. COCKRELL on the 29th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Amanda C. Mitchell, mother of Phelps Mitchell, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. LODGE introduced a bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6035) granting an increase of pension to Samuel F. Oliver; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6036) regulating the duties and fixing the compensation of the customs inspectors at the port of Chicago; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6037) for the relief of W. L. Clifford, a letter carrier in the service of the Post-Office Department of the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 6038) for the establishment of a juvenile court in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6039) to create the district of Sabine, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 6040) granting an increase of pension to John W. Craine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 6041) granting an increase of pension to Joel H. Warren; which was read twice by its title.

Mr. COCKRELL. In connection with the bill, I present the petition of Dr. Joel H. Warren, together with the affidavits of Dr. L. C. Miller and Dr. N. J. Rains, and also letters from the War Department and Pension Office. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HAWLEY introduced a joint resolution (S. R. 109) authorizing the President of the United States to cause medals to be struck and presented to officers and soldiers and others who served in the Spanish war, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. MALLORY submitted an amendment proposing to appropriate $100,000 for the construction of a fireproof building for Bureau of Equipment at Pensacola Navy-Yard, Fla., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

THE ISTHMIAN CANAL.

On motion of Mr. KITTREDGE, it was

Ordered, That there be printed for the use of the Senate 1,000 additional copies of Senate Report No. 783, part 2, first session Fifty-seventh Congress, being additional views of the minority of the Committee on Interoceanic Canals on the bill of the House of Representatives to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

FRANCES L. ACKLEY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H GALLINGER,
GEORGE TURNER,
Managers on the part of the Senate.

J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

The report was agreed to.

KATHARINE RAINS PAUL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER were appointed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. DEPEW. Mr. President, I will be unable to be here to-morrow and to vote upon this bill, but I am paired with the Senator from Louisiana (Mr. MCENERY). I am compelled to leave next week for the balance of the session and that arrangement was made based upon the optimism of the steering committee early in the session that they would close the present session of Congress on the 10th of June. That hopeful view seems now hardly possible of realization. Therefore I have secured a pair for the balance of the session.

I wish also to give notice that I will offer a few remarks on Saturday morning, after the routine morning hour, on Senate bill 492, for the purchase of a national forest reserve in the Southern Appalachian Mountains.

Mr. LODGE. On behalf of the majority of the committee, I desire to offer certain amendments to perfect the bill, of which I gave notice when I was last up.

On page 2, line 15, before the word "herein," I move to insert the word "and;" so as to read "thereby and herein."

That was a mistake in printing the amendment.

Mr. ALLISON. Where is that?

Mr. LODGE. It was an amendment that I put in the other day, suggested, I think, by the Senator from Iowa. He suggested putting in "and herein," and in printing it the word "and" was left out.

Mr. ALLISON. I do not see the words in line 15.

Mr. CULBERSON. I ask the Senator from Massachusetts from what print of the bill he is reading?

Mr. LODGE. I am reading from the last print of the bill.

Mr. COCKRELL. May 29.

The PRESIDING OFFICER. It is the print with all the amendments as adopted, the Chair understands.

Mr. LODGE. These amendments, I will say, are made on the last print, ordered by the Senate on the 29th of May, and when they are adopted I will ask another print to be made to-day, so that Senators may have it on their desks to-morrow.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Massachusetts?

The amendment was agreed to.

Mr. LODGE. On page 7, line 8, at the end of section 6, I move, after the word "government," to change the period to a colon and to insert:

Provided, That the President may, in his discretion, employ the service of the Census Bureau in compiling and promulgating the statistical information above provided for, and may commit to such Bureau any part or portion of such labor as to him may seem wise.

The amendment was agreed to.

Mr. LODGE. On page 9, line 13, after the word "provided," I move to insert "shall classify and;" so that, if amended, the paragraph will read:

That the government of the Philippines, subject to the provisions of this act and except as hereinafter provided, shall classify and shall make rules

and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, etc.

The amendment was agreed to.

Mr. LODGE. In line 19, page 9, I move to strike out the words "next ensuing session" and to insert in lieu the words "first or second session thereof."

The amendment was agreed to.

Mr. LODGE. At the end of line 21 on page 9 I move to strike out the word "session" and to insert the word "period;" so as to read:

They shall at the close of such period have the force and effect, etc.

The amendment was agreed to.

Mr. LODGE. On page 10, line 18, I move to strike out "8" and insert "12;" so as to read, "Section 12." It is a wrong reference.

The amendment was agreed to.

Mr. LODGE. At the top of page 11 I move to strike out the words:

Nor more than 5,000 acres to any corporation or association of persons.

And to insert:

But no such land shall be leased, let, or demised to any corporation until a law regulating the disposition of the public lands shall have been enacted under the provisions of section 12.

Mr. HOAR. By whom is that law to be enacted?

Mr. LODGE. By the Philippine Commission, to be drafted and submitted to the President for his approval, and to Congress. It can not become a law without the approval of Congress.

Mr. HOAR. Is there any objection to putting in the amendment "and approved as herein provided?"

Mr. LODGE. "Enacted and approved." That is all it means, and I have no objection to that.

Mr. ALLISON. "As provided in section 12," I would say.

Mr. LODGE. Yes; "as provided in section 12."

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. On page 11, lines 1 and 2, strike out the words:

Nor more than five thousand acres to any corporation or association of persons.

And insert:

But no such land shall be leased, let, or demised to any corporation until a law regulating the disposition of the public lands shall have been enacted and approved as provided in section 12.

The amendment was agreed to.

Mr. LODGE. In line 4——

Mr. CULBERSON. I was called out of the Chamber when the amendment on page 9, line 13, was adopted. I should like to suggest to the Senator from Massachusetts that it seems to me it would be better to provide the classification which shall be made. The bill as amended reads, "and except as herein provided, shall classify and shall make rules and regulations for the lease, sale, or other disposition of the public lands."

Now, what do we mean by classify? To classify into what character of lands? Are the lands to be classified as agricultural or as nonagricultural, or into what classification is the lands to be divided? The bill as amended provides for the lease, sale, or other disposition of public lands other than timber or mineral lands.

Mr. LODGE. Certainly.

Mr. CULBERSON. And then that those lands shall be classified. How? What character of classification shall be made?

Mr. LODGE. As the section now reads it applies, of course, and is intended to apply, only to the agricultural lands, as a separate provision is made for timber and mineral lands. The idea of the committee, suggested, I believe, by the Senator from Nebraska [Mr. DIETRICH], who has visited the islands and is familiar also with the classification of land in the West, is that there is great variety in these agricultural lands. Some are very valuable, others less valuable, and others are of comparatively little value. The Senator from Nebraska thought they ought to be classified, because the classification might have an important effect on the law which was to be drafted regulating the grants, and that it was important that Congress should know about the classification of the different grades of agricultural lands.

Mr. CULBERSON. That is what I desire that the bill shall state. Otherwise there is no direction here as to what classification shall be made. The Philippine Commission is directed to classify the lands. To classify them with reference to what?

Mr. LODGE. We can not undertake here to direct the Commission on the spot as to how they shall classify lands about which we know nothing. What we want to get is a classification made by intelligent and informed persons on the spot. The word I think is clear and is understood in the matter of classifying agricultural lands.

Mr. DIETRICH. Mr. President, I should like to further state, in answer to the Senator from Texas, that in our hearings held to prepare the irrigation bill the matter of classification of lands came up for discussion. That bill provides that the Secretary of the Interior in this country shall classify the lands, and in his judgment shall allot 40 acres under some circumstances as the amount to be given to one person, and 160 acres in another case to another person, all depending upon the productiveness of the land. In the southwestern part of the United States where they grow fruit 40 acres——

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Texas?

Mr. DIETRICH. I do.

Mr. CULBERSON. The statement of the Senator suggests to me that if the bill would read "that the Philippine Commission shall classify the land according to productiveness"——

Mr. DIETRICH. And the kinds of products that grow in various localities.

Mr. CULBERSON. It would make it plainer. Otherwise the Commission are simply required to classify the land without reference to the character of the land or the productiveness of it, or whether it is watered land or dry land, as we call it in the Southwest. I simply make the suggestion.

Mr. LODGE. I think before I complete these amendments and the bill goes to the printer the Senator can perhaps draft two or three words which we can add to the amendment. I have no objection to making that specification.

Mr. CULBERSON. Very well.

Mr. LODGE. On page 11, line 4, at the end of the line, I move to strike out "thirteen" and insert "fourteen." That is to correct a section reading.

The amendment was agreed to.

Mr. LODGE. On page 12, line 10, after the word "land," I move to insert "sufficient for a mill site, not to exceed 10 acres."

The amendment was agreed to.

Mr. LODGE. In line 11, page 12, I move to strike out the words "sufficient for a mill site."

The amendment was agreed to.

Mr. LODGE. On page 13, line 7, I move to strike out the words "fourteen, to" and to insert "nineteen, shall." That is simply to correct a section reference.

Mr. FORAKER. That amendment refers to the provision in regard to mining claims, I believe?

The PRESIDING OFFICER. It does.

Mr. FORAKER. I have no doubt the amendment is a proper one to make. I shall support it. But before it is passed upon I desire to take advantage of this opportunity to make some remarks which I have been struggling for several days to find opportunity to make, but unavailingly.

In the course of some remarks I made in this Chamber on the 14th day of May I had occasion to make use of some editorials from various Democratic newspapers over the country. Among others I made use of some editorials taken from the Denver News, for which editorials the junior Senator from Colorado [Mr. PATTERSON] has told us he is responsible.

I made use of those editorials, Mr. President, as I announced at the time, only for the purpose of defending the action of the Administration of President McKinley in acquiring and retaining the Philippine Islands and in pursuing the policy which has been pursued there ever since we came into possession of them. I had no thought in making use of those editorials of misquoting anybody, or of putting anyone in any false light, or of misrepresenting in any sense the position of anyone.

I did not undertake, and I did not pretend, when I was making use of those editorials, to quote all the editorials in any one of the many papers I quoted from, neither did I undertake to quote all of any editorial from which I made quotation. I did not feel that it was necessary that I should do so, any more than I would deem it necessary, if I should see fit to make a quotation from the speech made by the Senator from Colorado, to which I am going to say something in reply, to quote his whole speech. I quoted enough, as I thought, to properly and fairly show the views entertained at that time by those from whom I quoted, and I so announced.

My quotations were necessarily brief, because I did not want to encumber the RECORD nor encumber my speech with unduly extended quotations from even so able an editorial writer as is the editorial writer for the Denver News.

Notwithstanding I made that announcement, when the junior Senator from Colorado came to make his speech a few days later he took occasion to say that I had omitted to quote an editorial published in his paper on the 2d day of December, 1898; that I had omitted to quote from certain other editorials which had appeared in his paper, and that I had not quoted all of the editorials from which I had taken extracts, and he stated in that connection that I was guilty of a lack of candor and a lack of frankness in making these omissions, and insisted upon that, although I at the time called his attention to the language he employed.

I quote as follows from the speech of the Senator from Colorado:

It is a matter of little moment who wrote the editorials in question. It is sufficient for me to say that I control the paper. I was then and I am now responsible for all its editorial utterances.

But, Mr. President, I have something to say about these editorials in addition to what the Senator from Ohio has said. Until about the 1st day of December, 1898—some two months before the ratification of the Spanish treaty—I favored holding the Philippines and I advocated the government of the Philippines by the United States.

I would not take any time upon this subject were it not that I feel I am but a type of hundreds of thousands of the American people in their changing views upon our duty in the Philippines, commencing with the destruction of the Spanish fleet in Manila Bay, proceeding with the treaty of peace, the annexation of the islands, and the government of those islands, accompanied by their subjugation. It would be a waste of time upon my part to continue reference to these matters if I could not in a proper way show how those views came to be held, what brought about a change in views, if a change occurred, and what it was that led to the stand and induced the changes of mind.

I said that up to the 1st day of December the News consistently advocated the holding of the Philippine Islands, but from that time, commencing with the 2d day of December, two months before the ratification of the treaty, the News and myself, to the best of our ability, advocated a change of policy and stood for the independence of the Philippine Islands and in opposition to all of the conduct that has marked the possession of them by the United States since.

I call the attention of the Senator from Ohio to the fact that at the time the change I referred to occurred there was no election pending. The election of 1898 had but just occurred, and none was to be held for nearly two years.

There was no Democratic President in office; there was no patronage to seek; there were no friends to reward; it was almost two years from a Presidential election. I can say with truth that the change was made out of no other cause than that of an honest conviction that the policy the Administration had adopted was a bad one both for our country and the archipelago.

Later, in the course of the Senator's speech, the following colloquy occurred:

Mr. FORAKER. The Senator will excuse me for interrupting him. I was unavoidably occupied for the moment, and I did not get the date of the change given by the Senator.

Mr. PATTERSON. The latter part of November, or early in December.

Mr. FORAKER. Eighteen hundred and ninety-eight?

Mr. PATTERSON. Yes, sir; in 1898.

Mr. FORAKER. I understood the Senator to state that he himself and his paper, the Denver News, advocated the acquisition and retention of the Philippine Islands down to November or the beginning of December, 1898.

Mr. PATTERSON. Yes.

Mr. FORAKER. And that at that time both changed?

Mr. PATTERSON. Yes.

Mr. FORAKER. But that neither the Senator, as the owner and the responsible party connected with the paper, nor the paper itself, has advocated that policy since?

Mr. PATTERSON. Never since; and I say that in the face of the editorials printed in the Denver News in the month of February and read by the Senator; and I will show to the Senate that in reading these editorials the Senator from Ohio was not candid, for he omitted editorials and omitted parts of editorials that would have shown the matter differently from what he sought to convey.

Further along he emphasized this statement, as follows:

As to the putting of other editorials in the RECORD, I will say that until the latter part of November, 1898, the Senator will find many editorials in the News that he did not read along the same line as those that he did read; but after the latter part of November he will find none that point in that direction. Those that he read and many that he omitted, printed after November, 1898, show beyond peradventure the attitude of the paper to be as I state. I find in going over the pages of the Denver News that the identical articles I have in mind bore somebody's check mark, as if whover had gone over the files for the purposes of the Senator from Ohio had checked them off and knew what they were.

Now, Mr. President, let me not be misunderstood. Until the latter part of November, 1898, it was as I have stated; but on the 2d day of December the first editorial opposing expansion was printed, and that editorial had a check mark upon it which indicated that it had been seen; but that editorial was not quoted. The honorable Senator skipped the editorial of December 2 and went to the editorial of December 7. Let me read the editorial in the Denver News of December 2, so that Senators may pass judgment upon it. It is entitled "Management of the Philippines."

He stated further that if I had quoted all of these editorials and all of each of the editorials I quoted from it would have been made to appear plainly, as he then asserted without qualification, that from and after the 2d day of December, 1898, neither he nor his paper, although they favored the ratification of the treaty, and in that way the acquisition of the Philippine Islands, ever favored for the Filipinos anything except only the independence of the Filipinos occupying those islands. In other words, he said they changed their policy on the 2d day of December, 1898, and so announced, and that I ought to have made that appear.

His attention was called to some editorials quoted by me on the 6th and 7th days of February, immediately after the fighting at Manila had commenced. He admitted that they were of the same general character as those appearing before the 2d day of December, 1898, but said at the time when they were published he was under the erroneous impression that the Filipinos were the aggressors instead of the Americans being the aggressors, as he says he has since learned, and that immediately thereafter, as soon as he learned of the facts, he again changed back to the position he had taken on the 2d day of December, 1898, and never, with the exception of these two or three editorials in February, having relation to that conflict at Manila, has there appeared in his paper anything except only a consistent demand for the independence of the Filipinos.

Mr. President, under such a challenge as that, for that is what it amounts to, if that is not too harsh a term, I have taken occasion to examine the files of the Denver News, in order, in the first place, that I might do justice to the Senator from Colorado, if I have done him any injustice, by correcting what I have said and by supplying anything I have omitted that I should not have omitted.

Instead of the Senator from Colorado being sustained by the result of that examination, I find that whatever may have been my lack of candor or frankness, the record will make a pretty strong charge in that respect against the junior Senator from Colorado, if he knew at the time when he made the statement he did of what had appeared in his own newspaper and most of which had probably been written by him, for, Mr. President, omitting very much that I would under other circumstances elaborate and dwell upon if I had the time, I find instead of taking a departure, and so announcing on the 2d day of December, 1898, the Senator took no such departure at that time, but simply on that day commenced to wobble. Up to that time he had been a firm, unqualified, enthusiastic, and zealous advocate of the acquisition and retention of the Philippine Islands and the subordination of everybody there to the authority of our Government, but on that date the Senator in the long editorial, which he himself has put into the RECORD, and to which I point for proof of what I say, after discussing the various troublesome questions arising in consequence of our acquisition, stated in conclusion the various claims of various people as to what should be our policy, but does not align himself with either one of the parties from whom he quotes, or either of the classes from whom he quotes as to what this policy was thereafter to be, and does not announce or even intimate a change of attitude. All that indicates that he was probably "wavering" is his parade of the troubles we were to be called on to meet.

The last paragraph of this editorial shows all I state. I quote it, as follows:

These are but a few of the perplexing questions connected with the possession of our new accessions. What to do with them or how to manage them is, therefore, a problem worthy of the best thought of the best Americans. There are those who suggest that what should be done is, having ratified the treaty, we proceed as rapidly as possible to give freedom to the Philippines. Establish an American protectorate, make person and property secure, require political and religious freedom, and their people, in the setting up of a republic, see that the republic is maintained, obtain reasonable commercial and other advantages to the United States that shall be perpetual, retain ample facilities for coaling stations and cable terminals there and in the Ladrones and Carolines. Startle the civilized world with the most sublimely grand and magnanimous national deed that history has ever recorded Wrest a nation from its oppressors and say to it, "Now you are free."

That the Senator was, at most, only wavering is shown by the following editorial, which appeared in the Denver Daily News, December 21, 1898:

TELLER AND THE PHILIPPINES.

* * * * * * *

It is a proof of the newness of the problems involved in the Philippine question that neither the President nor any of his responsible advisers nor Mr. Bryan nor Mr. TELLER nor any other man in high position has attempted to outline a positive plan for the disposition of the islands. As yet we are so far from discussing details that the chief principles have scarcely been defined.

It is manifest from this editorial that the Senator was in doubt, and that others upon whom he had been accustomed to rely as to political policies were also in trouble as to what should be our policy in the Philippines. It may be that the doubt or trouble that finds this expression in his paper on the 21st of December was caused by an interview with Mr. Bryan published a few days before, and with respect to which, on the 15th of December, 1898, the Denver News editorially said:

Mr. Bryan is opposed to expansion in the sense of acquiring territory at a great distance, in a tropical latitude, and peopled by tropical races. His opinion is worthy of respect. We know that he is not the man to reach any conclusion which is not based upon earnest thought and a desire to be right.

In arranging the final disposition of the Philippines it may be that a plan can be found which will secure for the United States the benefits while avoiding the perplexities of complete sovereignty.

This doubt and uncertainty continued without any change, so far as the examination I have made discloses, until the February editorials quoted in my former speech. They were, it will be remembered, very warlike. But they did not long continue. He again began to waver. I say "waver," because I do not observe any positive change of attitude. The Senator has told us that he not only changed, but why. Whatever the cause may be, it is at least a coincidence worthy of note that on the 12th day of February, Mr. W. J. Bryan, with his accustomed ability and earnestness, in a signed interview that appeared in all the papers, reviewed the situation as to the Philippines and raised the cry of imperialism, with the manifest purpose of making it a national party issue. This interview did not lay down in precise terms what the Democratic policy would be, but closed with this significant statement:

What next? Investigation, discussion, action.

That was the position of Mr. Bryan on the 12th day of February, 1899, immediately after the ratification of the treaty. Investigation, discussion, and then action. What action he only indicated.

The interview was a warning to all Democrats not to go too far in the support of the Government's Philippine policy.

The Denver News, following that interview, in a series of editorials commenced to discuss and to investigate. One of these, which is characteristic of all and which shows how perplexed the editorial mind seemed to be, appeared in the paper, entitled "Filipinos are fighters." In it he went on to point out the very great difficulty ahead of us to conquer the Filipinos and subject everybody in the Philippine Islands to the authority of the United States. I would be glad to read it in full, but I will put it in the RECORD as a part of my remarks, and now only call attention to it, as I must do as to others, with the remark that even in connection with this there is no taking of any definite, pronounced position by this paper.

The article referred to is as follows:

[Denver Daily News, March 20, 1899.]

FILIPINOS ARE FIGHTERS.

Aguinaldo's insurgents are putting up a desperate fight. They are aided by the heat and the character of the country. Where they obtained so large a supply of modern arms and ammunition is a mystery in this country, although it may be known in official circles. The campaign is demonstrating the heroism and gallantry of the American soldiers, both volunteers and regulars. The insurgents will be beaten and the authority of the United States fully established in the islands. Whatever criticisms may be passed on the diplomacy that led up to this campaign, the direct result was the attack on our lines by Aguinaldo. That has left nothing to do but to fight it out.

Mr. FORAKER. Passing much that I would like to use, I come to April 5, 1899. The fighting commenced in February, 1899, and that is when the Denver News went back to the zealous advocacy of the assertion of our authority and the subordination of everybody in the Philippine Islands to it.

Immediately following that fighting, on the 12th of February, 1899, Mr. Bryan put out his interview, and then, as I said, the character of the editorials to which I have referred, which were not pronounced as to a definite policy but were only of a wavering and uncertain character, followed until this editorial of April 5, 1899. I will put this editorial in the RECORD to show whether after the 2d day of December, 1898, there was an advocacy of the independence at all times of the Filipinos in this paper.

Before I read it let me call attention to the fact that on the 1st day of April, 1899, just after the editorial was put out describing the Filipinos as such great fighters that it would be perhaps impossible, or well-nigh so, to conquer them, we captured Malolos, and the next thing the Denver News heard from the seat of war was that the capital of the insurgents had been captured and that their army had been put to rout, and it looked as though the whole thing was at an end. Now, see the character of the editorial we have:

[Editorial, Denver Daily News, April 5, 1899.]

THE FILIPINO CAMPAIGN.

The campaign in the Philippines may be regarded as ended. Aguinaldo's army is disbanding, and he is to all intents and purposes a fugitive. The most hopeful sign of the situation is the returning of the natives to their homes and the decoration of their houses with white flags. They were doubtless to a large extent terrorized by Aguinaldo and his army, and now that it is so completely beaten and disorganized and having seen practical demonstrations of American fighting, they will be all the more willing to submit to the authority of the United States. In all respects this campaign has been a brilliant one and has displayed the capacity of the American soldier for war. To officers and privates alike let full honor and praise be given.

Now that the natives are convinced of the power of the United States and of its stern determination to maintain that power, it ought to be an easy matter to pacify the islands and assure their inhabitants of the pacific intentions and beneficent purposes of the American Government. The Commission—

That is the Schurman Commission—

has arrived there at an opportune time, and is able to definitely announce the intentions and desires of this Government.

If they did announce those intentions and had announced those intentions, it would be to establish our authority as supreme in the islands.

This action ought to have a salutary effect on the Filipinos, who, freed from the odious tyranny and oppressive exactions and taxation of Spain, can look forward to a local government of their own, under the guidance and protection of the United States. But this guidance and protection must imply absolute obedience to the national power. This is the first lesson that the Filipinos must learn. Indeed, it is the first step that will enable them to become prepared for self-government. What liberty actually means they have not the remotest conception. When they know that it is a respect for law and order, for personal rights, and civic equality, then they will begin to appreciate the efforts that the United States is taking for the bettering of their condition. National independence is something beyond their ability to maintain at present, and can only come with the changed conditions that will follow American rule. To abrogate that now would be simply to open the archipelago to a prolonged war, in which every European power would strive to gain the mastery over them.

On the 7th day of April, 1899, he printed another editorial along the same line, entitled "Capacity for self-government," which is as follows:

CAPACITY FOR SELF-GOVERNMENT.

There is very much loose talk from the platforms and very many shallow editorials in various newspapers about self-government and independence for Cubans and Filipinos. Admitting that it all comes from the best of motives, the opinion must be expressed that much of it is based on the want of a proper knowledge or appreciation of existing conditions among those peoples.

Capacity for self-government is not a matter of sudden growth in any nation or among any people. It comes only as the result of long training and experience. In the new possessions which have fallen into our hands this lesson of self-government will have to be taught to their inhabitants. The native Cubans had thought that they would be permitted to retaliate on the Spanish residents for the tyranny they had suffered at the hands of the Madrid Government, and were surprised and indignant when they discovered that the United States would not permit such action. Their idea of freedom and independence was the privilege to practice the same despotism on others as they had endured. They did not understand that civil freedom to all means equal rights to all.

The same is substantially true of the Filipinos. Many of them, and no doubt honestly, entertain the belief that American occupation means the same kind of a rule that Spain enforced. The proclamation of the American Commission ought to undeceive them. By it the United States is pledged to grant civil and religious liberty, local self-government, an efficient and economical administration of the revenues for local purposes, a strict and impartial administration of justice, educational privileges, and whatever else may contribute to the welfare and progress of the Philippine people. But how to conduct their own affairs and administer government so as to secure the results is something these people will have to learn by observation and experience.

In the closing paragraph he employs this language:

In carrying to the people of these islands the gift of civil liberty and free institutions the United States can not be termed an oppressor. The talk of such men as convened in Boston the other evening is the rankest kind of lunacy. Freedom for any race or any people that do not know what freedom is and how to use it or what it means is the most dangerous and destructive thing that can be put in their hands.

I put this entire editorial in the RECORD so that I may not be guilty of a lack of candor or frankness.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FORAKER. Mr. President, I can not question the Chair, but I commenced just 2 minutes after half past 11 and it now lacks 2 minutes of being a quarter to 12. I noted the time with great care. I took up some of the time on the amendment which I am discussing. I should like——

Mr. TELLER. I ask that the Senator from Ohio may have the two minutes or four minutes, whichever it is.

Mr. FORAKER. I am much obliged to the Senator from Colorado. If the Chair will let me have it I will hurry through.

The PRESIDING OFFICER. The Chair desires to say that the present occupant of the chair looked at the clock and thought that he was right in stating that the Senator's fifteen minutes had expired.

Mr. FORAKER. I understand that I have four minutes further, so that I will have time enough.

The PRESIDING OFFICER. The Senator from Ohio will proceed.

Mr. FORAKER. Mr. President, I will have to omit under pressure of want of time many of these editorials that I wanted to put in the RECORD. This one, and I call the attention of my distinguished friend the Senator from Massachusetts [Mr. HOAR] to it, is an editorial in which a great many liberties are taken with a distinguished citizen of his State. I am reading it in order that the Senate may see its spirit and may determine whether in this paper there was nothing but an advocacy of independence for the Filipinos from and after December 2, 1898. He says as to Edward Atkinson.

[Editorial. Denver Daily News, May 3, 1899.]

EDWARD ATKINSON—TRAITOR.

Edward Atkinson has laid himself liable to an indictment and prosecution for treason. This notorious resident of Boston has long been a public nuisance. As an adept at making figures lie, he is the most successful man who ever posed as an "economist." For several years he has been denouncing the advocates of free silver coinage as "anarchists" and "repudiationists," and as men who would "betray the national honor," for no other reason than that they demanded a return of the national policy to the system of coinage and finance established by Hamilton and Jefferson during the Presidency of Washington.

Having apparently exhausted his vocabulary of hard names and tirade perhaps of prevarication on the silver issue, he has more recently turned his attention to the expansion question, and with the same want of sense that has characterized his treatment of free silver coinage, he has abused and misrepresented all who differed from him, going at last one step too far and laying himself liable to an action for treason. In this case it is to be hoped that the United States district attorney will be instructed to proceed against him.

This is a country of free speech and free thought, and Mr. Atkinson has, with other citizens of the United States, a perfect right to enjoy those privileges. But when it comes to inciting mutiny and sedition among the soldiers of the United States, and to advising and encouraging rebellion against the authority of the United States, that is different. Such action is treasonable. The question is not whether expansion or antiexpansion is the proper national policy—that is a fair matter of discussion, and upon it the best of citizens and patriots may disagree; but no good citizen, no sincere patriot will, as this man Atkinson is charged with doing, incite mutiny, sedition, insurrection, or rebellion against the civil or military power of the National Government. If, as seems to be a well-established fact, Atkinson has done this, let him be punished as the law directs.

The sending of this man to the penitentiary and the consequent stopping of his antisilver, antiexpansion, alleged "economic" fulminations in the press and magazines would be a national benefit. It would abate a common nuisance and place beyond the power of doing further harm to many people the most accomplished mathematical liar of the age.

Now, Mr. President, I have almost concluded what I wish to put into the RECORD. My time is up. I suppose, however, under the rule I have a right to move to amend this amendment and to speak on that motion.

Mr. BERRY. Oh, no, Mr. President; there was no such understanding as that Senators could move amendments and continue their speeches upon them.

Mr. ALLISON. I will suggest to the Senator from Ohio that there will be some other amendments to be offered to the bill, upon which he may be heard.

Mr. FORAKER. I can speak on any other amendment, I understand, but I am almost through with what I was going to say. I am not going to say as much as I intended to, owing to the rule of limitation of debate under which we are proceeding, but I shall be glad if I may be allowed to put in two or three editorials without reading.

Mr. LODGE. I take it there will be ample time for the Senator to speak when other amendments come in. But I should be glad to complete the committee amendments, so that we may have a reprint of the bill by to-morrow with all of the amendments which have thus far been made.

Mr. FORAKER. Then, I will say, without stopping to read them, that if the Senate will give me leave to insert the other editorials to which I have referred so that they can appear in the RECORD I shall be content. I want them inserted together. They will show that the Denver News had many editorials long after the treaty was ratified in which it did not advocate the independence of the Filipinos, but the supreme authority of the United States.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

The editorial articles referred to are as follows:

[Editorial, Denver Daily News, May 19, 1899.]

END IS NEAR.

It looks as if the end of the Filipino rebellion is near. The last move of Aguinaldo in sending envoys to make peace on some terms indicates that he begins to realize that he is beaten and that the sooner he gives up the better. The Government has but one condition—unconditional surrender with a pledge of amnesty. Considering the long death roll and the cost of the campaign, no other nation on earth would grant such terms.

While these negotiations are going on Hale, Funston, and Lawton will be cleaning up the last remnants of the insurgent army. Gallant as other generals have shown themselves to be, Lawton is the man especially fitted to track down the scattering bands of Filipinos. His experience in the Apache campaign was a demonstration of his knowledge of this kind of warfare. Indifferent to hunger, thirst, fatigue, or hardship of any kind, not knowing what fear is, tireless in pursuit of an enemy, Geronimo said that Lawton never ate, never slept, "but all the heap fight." This is the man with the flying column, and the country need not be surprised at any time to hear that this Apache fighter has brought in Aguinaldo as a prisoner. If once directly on the trail of the insurgent chief, Lawton would follow him until he got him. A bloodhound is not more persistent than Lawton.

[Extract of editorial, Denver Daily News, May 21, 1899.]

THREE NATIONAL ISSUES.

* * * * * * *

The expansion question may or may not assume great prominence in the next campaign, and its particular form is still a matter of doubt. The present outlook is that it will be an object of criticism as to what has been done and the manner in which it was done, rather than a dispute as to what shall be done. If this shall be the case, it will be very far from a paramount issue, thus leaving the campaign to be fought out on silver and trusts and a clear issue to be made between the people and the money power.

[Editorial, Denver Daily News, May 26, 1899.]

TERMS OF PEACE.

Amnesty and local self-government—these are substantially the terms which the Government has offered the Filipino insurgents, and on which it insists on absolute surrender. It could offer nothing more. It could demand nothing less. The plan of government proposed is as liberal, if not more liberal, than Colorado enjoyed when it was a Territory, which New Mexico now enjoys, and which all of the Territories of the United States have always enjoyed. That Aguinaldo does not promptly accept the terms is a clear demonstration that he is using, or is now attempting to use, the Filipinos for his personal advantage. He wants some promises for himself. He is not entitled to any such consideration. In view of the number of brave American lives for which he is responsible, he ought to be satisfied to have his own life spared.

With these terms now so thoroughly understood by Aguinaldo, his generals, and the Filipino insurgents generally, there should be no cessation in the fighting until the rebellion is stamped out. No more envoys should be received unless they come with an absolute acceptance of the Government's terms, and demonstrate their good faith by laying down their arms. Heretofore they have been playing for time. They are shrewd fellows, these Malays, and hoped to reorganize their demoralized forces while their envoys were quibbling over terms of peace. No matter where their envoys are or what they are pretending to do the campaign should go right on. Continuous war is the shortest road to a permanent peace. The Filipinos now fully understand the only terms they can get, and until they make up their minds to accept them, let the fighting proceed.

[Editorial, Denver Daily News, May 28, 1899.]

MATTER OF METHODS.

Recent cablegrams from Manila have indicated differences of opinion between Major-General Otis and the members of the Philippine Commission. How radical these differences were the country has been left to surmise, but a Washington correspondent, with excellent means of knowing, asserts that they are of no especial consequence, being only that difference as to methods which would naturally arise between a military man accustomed to "stern measures" and civilians accustomed to "soft soap and diplomacy." This is probably the full extent of the alleged disagreement.

The average opinion of the country will be that General Otis is right. Before we can treat with these Filipinos, before peace and good order and civil government can be assured to these islands, before the sovereign power of the United States will be respected in the archipelago and the Orient, it will be necessary to establish unchallenged American authority. Then it will be possible to show what self-government under the United States really is. Then the Filipinos can be made to realize that they have not Spaniards to deal with or Spanish methods to combat.

At the present time, therefore, the shortest and surest road to a permanent peace is to continue the tactics of Hale, Lawton, and Funston. Actions, not proclamations, are just at this stage of the game the best peace promoters in the Philippines. Having offered amnesty and local self-government, it is now necessary to convince them that our promises are not of the kind that formerly emanated from Madrid. The greatest stumbling-block in the way of the submission of the Filipinos is their experience of two centuries with the captain-generals of Spain.

The amendment was agreed to.

Mr. LODGE. On page 14, line 21, after the word "found," I move to strike out "rock" and to insert "mineral."

The amendment was agreed to.

Mr. LODGE. On page 17, line 14, before the word "fraction," I move to insert "claim or."

The amendment was agreed to.

Mr. LODGE. On page 37, line 7, after the word "section," I move to strike out "28" and insert "58."

The amendment was agreed to.

Mr. LODGE. On page 39, line 8, after the word "provinces," I move to insert the word "districts."

The amendment was agreed to.

Mr. LODGE. At the beginning of line 9, on the same page, I move to strike out the word "corporations," and insert "municipalities."

The amendment was agreed to.

Mr. LODGE. On the same page, in line 10, before the word "purposes," I move to insert the word "public."

The amendment was agreed to.

Mr. LODGE. On page 40, line 7, before the word "only," I move to strike out the word "required," and insert "acquired."

The amendment was agreed to.

Mr. LODGE. On page 41, line 11, after the word "section," I move to strike out "64," and insert "66."

The amendment was agreed to.

Mr. LODGE. On page 42, after the word "section," at the end of line 22, I move to strike out "65," and insert "67."

The amendment was agreed to.

Mr. LODGE. On page 43, line 10, after the word "section," I move to strike out "sixty-five" and insert "sixty-seven."

The amendment was agreed to.

Mr. LODGE. On page 50, line 4, at the end of section 78, I move to insert the proviso, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 50, line 4, after the word "exercised," at the end of section 78, it is proposed to insert:

Provided further, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of the Philippine Islands to use, employ, or contract for the labor of persons held in slavery or involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in the said Philippine Islands, and in addition shall be deemed guilty of an offense and shall be punished by a fine of not less than $10,000.

The amendment was agreed to.

Mr. LODGE. I send to the desk an amendment to section 79, on page 50, which I ask to have read.

The SECRETARY. In section 79, on page 50, line 9, after the word "created," it is proposed to strike out:

And every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed 5,000 acres of land; and this provision shall be held to prevent any corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture.

And in lieu thereof to insert:

No corporation shall hereafter be authorized to engage in agriculture until and unless provision shall be made therefor under the law regulating the disposition of the public lands enacted in accordance with the provisions of section 12.

Mr. BACON. I wish the Senator from Massachusetts would explain exactly what is the change that is made by that amendment.

Mr. LODGE. It makes it correspond with the change made in the section with regard to mining lands—that is, that there shall be no land granted to any corporation for agricultural purposes until land laws shall be drafted by the Philippine Commission and shall have been approved by the President of the United States and submitted to Congress.

Mr. BACON. Do I understand from that that it does away with the provision which contemplates the leasing of lands in the Philippine Islands?

Mr. LODGE. That has already been taken out.

Mr. BACON. I did not know that.

Mr. LODGE. This simply provides that there shall be no grant to any corporation at any time, unless provided by law.

Mr. BACON. Do I understand that the entire section which contemplates the leasing of 5,000 acres of land to corporations has been eliminated?

Mr. LODGE. That has been entirely eliminated and remitted to future decision under the land laws.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. LODGE. On page 56, I offer the amendment which I send to the desk, to come in as a new section. I will say that it has been prepared by the Department of War and the Department of Justice. It is rendered necessary for the proper enforcement of certain laws in regard to vessels clearing from the Phillipine Islands and the United States.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 56, after line 20, it is proposed to insert as a new section the following:

SEC. 96. The laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Archipelago and the United States and the aforesaid possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the act of Congress of March 8, 1902, "temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from the Philippine Islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to the Philippine Archipelago, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters 6 and 7, title 48, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in the Philippine Archipelago; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from the Philippine Archipelago, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section 3005, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this act shall be held to repeal or alter any part of the act of March 8, 1902, aforesaid, or to apply to Guam, Tutuila, or Manua.

The amendment was agreed to.

Mr. LODGE. I offer the amendment which I send to the desk, to come in as a new section, and in connection with it I ask to have read the letter which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated:

The SECRETARY. On page 56, after the amendment just adopted, it is proposed to insert the following as a new section:

SEC. 97. That the treasury of the Philippine government shall be a place of deposit for such public moneys as the Secretary of the Treasury may direct.

Mr. LODGE. I now ask that the letter from the Secretary of War may be read, so that it may go into the RECORD.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, May 31, 1902.*

SIR: We experience very great embarrassment in the Philippines owing to the fact that there is no authorized Government depository in the islands, and the disbursing officers of the Army, who are obliged to have in their possession very large amounts of money, have no right to deposit it in any institution in the Philippines. They are obliged, therefore, to keep the large sums required in the performance of their duties in specie in their trunks or office safes. The Secretary of the Treasury can make any national bank a Government depository, but as there are no national banks in the Philippines he has no such power there. Will you not secure the insertion in the Philippine bill of a clause making the treasury of the Philippine government a Government depository for the funds of the United States?

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. H. C. LODGE,
Chairman Committee on the Philippines, United States Senate.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts [Mr. LODGE]; which has been read.

The amendment was agreed to.

Mr. LODGE. I now ask that the numbers of the two succeeding sections may be changed to 98 and 99.

The PRESIDING OFFICER. In the absence of objection the clerks will change the numbers of the sections to correspond to the amendments which have been made.

Mr. CULLOM. If the Senator from Massachusetts is through with his amendments, I desire to call his attention to a small amendment, which I handed to him two or three days ago, in reference to the extension of the patent laws over the Philippine Archipelago. I only ask it because I should like to have him state to the Senate what is his judgment and that of the committee in reference to the matter.

Mr. LODGE. The committee considered the question of extending the copyright, the trade-mark, and patent laws to the Philippines, and omitted it from the bill, as they have a number of other matters, because they were of the opinion that those laws could be reenacted there if desired by the Philippine Commission; that it was a matter which could be safely left to them, and that it was better not to enter into the extension of laws where the Commission was able to deal with the subjects more satisfactorily upon the ground. For that reason the committee did not think it was necessary to put the provision in the bill.

Mr. CULLOM. I simply asked the chairman of the committee to make this statement, for the reason that one or two very good lawyers have talked to me about the matter and handed me an amendment which they thought was necessary to attach to this bill.

Mr. LODGE. I have completed the offering of amendments to be proposed by the committee. The committee have no further amendments to propose and no further subjects of amendment under discussion.

I ask, for the convenience of the Senate, that the bill as amended may again be reprinted and furnished to Senators at the earliest possible moment.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the bill, as it has thus far been amended as in Committee of the Whole, may be reprinted. Is there objection? The Chair hears none, and that order will be made.

Mr. CULLOM. Mr. President, as I understand there are no further committee amendments to be offered, I desire to address the Senate for a few moments.

The discussion which has taken place, nominally in reference to the bill to provide for the administration of civil affairs in the Philippine Islands, has seemed to me to be very peculiar indeed. The great part of the discussion has not been in reference to the bill, but about matters that have long since taken place and are finally settled. We have been favored with accounts and incidents of ancient and modern wars, and ancient history has been resorted to in the speeches which have been made concerning the conduct of the American soldiers in the Philippines.

Mr. President, the war with Spain resulting in the acquisition of the Philippine Islands was reluctantly engaged in by the conservative members of the Republican party. The members of both parties in Congress voted for the resolutions declaring war. The members of both parties in the Senate voted unanimously for an appropriation of $50,000,000 to carry on the war. The Spanish fleets in Santiago and Manila harbors were destroyed and that war soon ended. A commission was sent to Paris to negotiate a treaty of peace. That treaty provided for the cession of the Philippine Islands to the United States at a cost of $20,000,000. That treaty never would have been ratified without the aid of Democratic Senators. The appropriation of $20,000,000 to pay for the Philippine Islands was voted by both Houses, I believe, almost unanimously. That war, whatever may have been its cost to the United States, has placed us in a position among the nations of the world which we could not have acquired by a century of peace. The United States is now recognized by all nations as one of the great world powers.

The President governed the islands, as Commander in Chief under the Constitution, from the date when the treaty was signed until the passage of the Army appropriation bill during the closing days of the last Congress. But all this has passed and gone, and there is no need of discussing that part of our history.

Neither is there anything to be gained by discussing the relation of the Philippine Archipelago to the United States from a legal standpoint. The relationship which those islands bear to us has been decided by our court of last resort, and whether that decision is right or wrong it stands as the supreme law of this land until reversed by a subsequent decision.

Two Commissions have been sent to the Philippines, one for preliminary investigation and the second the Taft Commission. The first Commission has long since finished its labors and made its report, and the second Commission, which has been reorganized into a civil government, with William H. Taft as governor, is now in the islands nobly carrying out the purposes for which it was appointed. Every act of that Commission has been suspiciously scrutinized and examined; the civil governor of the islands and the head of the Commission has been examined and cross-examined and reexamined by the committee reporting the bill under consideration, but the most careful examination has failed to disclose any wrongdoing or, in fact, any substantial objection to the work being carried on by the civil government.

Failing to find in the civil governor or the civil government any substantial objection, the minority turned its attention to the Army of the United States, and for weeks we have been hearing of "the tortures," as the minority members of the Philippine Committee are pleased to term it, which our American soldiers have inflicted on the poor, downtrodden, guiltless Filipino.

More than three years have passed since Dewey destroyed the Spanish fleet in the waters of Manila Harbor. Taking into account all the embarrassments and difficulties which we had to encounter, considering the character of the people of the islands, considering the resistance of a portion of the Filipinos, led by adroit and unscrupulous leaders, to the authority of the United States, the success which has attended our efforts has been wonderful, and the country and the world so regard it. It may seem a long time since we first took possession of the Philippines, but we must remember the vast area covered by that archipelago,

119,000 square miles, including about 1,700 islands, many of the islands being so large that they may be considered separate and distinct countries, inhabited by different tribes, speaking different languages.

Senators upon the other side have criticised the conduct of the war and of our soldiers. The truth is, the American people today believe that the speeches made by our Democratic friends have been in the main an attack upon the American army in the Philippines. Scarcely a word has been uttered in condemnation of the treachery, the fearful outrages, and cowardly butchery of our soldiers by the Filipinos, without excuse or extenuating circumstances. The majority of the Democrats in this Senate who have spoken are simply on the side of the Filipino, and they have excused the Filipino and condemned without stint the conduct of the American soldier, if, perchance, the latter under exasperating conditions is found guilty or is charged with unusual punishment of the Filipino.

Now, Mr. President, I do not approve of the water cure or any other conduct of our soldiers not authorized by civilized warfare. But in their zeal for the Filipino, for whom their hearts seem to overflow with mistaken sympathy, they have become a "fire-in-the-rear" party, and have succeeded in convincing the country that they believe the American army in the Philippine Islands is unworthy of a free and liberty-loving people. Some of the officers, some of the men, have done things to be condemned. No great army ever was or ever will be entirely free from fault in some particulars, but, as an army, its men are brave, humane, patriotic, whose hearts are noble as they are brave, and should be so held by our people, and are so regarded.

If the speeches that have been made by Senators are to be taken as conclusive of the situation and the conduct of our Army in the Philippines, one would be led to believe that our Army is composed of a band of barbarians, who are engaged in torturing and oppressing and robbing the Filipinos of their natural rights, and that the people of the islands are in complete revolt against American sovereignty. How different are the facts! The islands are governed by as able a body of men as the country affords; part of the Commission, in charge of the civil government, is composed of native Filipinos; hundreds of towns have been organized under the municipal code; the elective franchise has been given; American teachers have been sent from the United States by the shipload, and American soldiers, instead of torturing, have been teaching the Filipino. Thousands of Filipino children are being given the benefit of free schools. Courts have been established, some presided over by Filipinos, and some by able American lawyers. Great public improvements have been made.

But all this has been gone over fully. The argument of those opposed to this bill seems to be that because the people are content, as is alleged, to live in a condition of ignorance, without schools, without commerce, without knowledge of the fact that their condition can be improved, that they ought to be let alone, to live on for the centuries to come in their own way, of no use to themselves or to the world around them. Every Senator here knows that in every settlement and province where peace has been secured the people are in a better condition and are being treated better than they ever were before. Those islands have come to us as the result of war and treaty. They belong to the United States, and it is our duty, from which as an honorable nation we can not retreat, to take hold of the situation, enforce our authority, build them up, better their condition, give them liberty, give them intelligence, and make them a useful people. That can not be done by the policy adopted by our friends, who are constantly complaining against every step that has been taken in the great work in which our Army is engaged in enforcing our national authority and in trying to erect civil government in the hands of the Filipinos whenever it can safely be done. When it seems clear to the Republican party to move forward, our Democratic friends hold back; when we think it wise to go slow, they are in great haste.

To my mind, Mr. President, the opposition developed to this bill seems strange and unnatural. The great body of the people do not understand it. They believe, in the first place, in the nation doing what it undertakes; in the second place, the people always did and always will repudiate and condemn a fire in the rear party; and, in the third place, they believe by the aid and care of the United States of those people they will some day be capable of self-government and independence; and everybody knows they are not capable of independence now.

It has been asserted that the American Army has burned towns and villages. That is true. They have done so, but only as a necessary incident of war. War, as some one said, is not a lawn party. One of our great American generals said, and said truthfully, "War is hell." It means blood; it means death; it means destruction. The United States Army was sent to the Philippines for the purpose of stamping out the insurrection and establishing the authority of the United States, and it has done so.

The situation as it has appeared in this Senate for six or seven weeks has reminded me of the situation in the country in 1864, just before the collapse of that great civil war. Those opposed to the Republican party met in solemn national convention and resolved that the war was a failure, demanded immediate cessation of hostilities, a convention of the States, and an early peace.

If our friends opposed to this bill will possess their souls with patience the war in the Philippines will soon be over and the Filipinos will be given greater liberty, peace, and prosperity than they have ever known before.

Cases have been cited and witness after witness has been examined before the Philippine Committee showing that in some cases the so-called water cure has been administered. From the examination which I have been able to make of the testimony, in each case where this cure was administered it was not done for pleasure or out of wanton cruelty. It was done where some atrocious crime had been committed by the Filipinos, where arms were concealed and it was necessary to the safety of our own soldiers to secure such arms in order that they might not be used against them by the Filipinos, or for some similar purpose, or the witness testifying to the water cure was not cognizant of the reason why it was administered.

So I think, Mr. President, that the testimony will show in most of the cases of alleged cruelty on the part of our soldiers that there was some aggravation that made the American soldier desperate and to feel that retaliation was justifiable.

When we are informed by the Secretary of War that the war on the part of the Filipinos has been conducted with barbarous cruelty; that the Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both American and friendly natives, and horribly mutilated the bodies of the American dead, does not the so-called water cure seem very mild in comparison with the conduct of the Filipino?

That our soldiers or officers should have found it necessary to resort to these practices we all deplore and regret, as has been stated over and over again by many Senators on this side.

What I desire, and what we on this side have desired all the time, is that the Filipino shall have as complete a self-government as it is possible to give them. This bill is designed to confirm civil government and to do away with military government when it is safe to do so. It seems to be the purpose of the opposition to prevent the establishment of civil government by eternally discussing the enormities of civil war, and the time has came when, if we want these people to have increased liberty, we should relegate the soldier and the Army to the rear and civil government to the front.

Whether this bill, in all its details, is correct I do not undertake to say. It has been considered and favorably reported to the Senate by a committee composed of able and experienced Senators and legislators, who have considered it carefully. If it is not proper in all its details let us take it up and amend it and pass it, if a majority of the Senate shall determine that it is a proper bill to pass.

Mr. President, as my time has about expired, I desire to have inserted a portion of the testimony taken before the Committee on the Philippines, containing the reason in each case (so far as I have been able to gather it from the testimony), why the water cure was administered. I think it is only fair to our soldiers that this testimony, showing in each case the excuse or justification of the conduct of our soldiers, should be printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, the matters referred to will be inserted in the RECORD as a part of the Senator's remarks.

The matter referred to is as follows:

[Testimony of Governor Taft, p. 75.]

KNOWS NOTHING, OF HIS OWN KNOWLEDGE, CONCERNING WATER CURE.

I have no doubt there were such instances. Of course a great many more than there ought to have been; but dependence upon private letters from private individuals as to what occurred is dependence on a very broken reed. I did not realize the unreliability of such letters until I experienced what it was. But I was at Manila during all this time. I was there when charges of this kind were being made. I was in daily conference with General MacArthur and knew the position he took and knew the position his subordinates took with respect to it.

"But I was explaining some time since the circumstances of provocation to a violation of duty on the part of officers and sergeants, who, by force of circumstances, were placed in irresponsible control to show you that it might have occurred and still have been in the teeth of instructions of the responsible officers. I will tell you what General Bell told me in a conversation. It is sufficient to describe it as a mutilation which was likely to outrage the feelings of any person. A man's bunkie—a bunkie is his chum—comes along and finds a soldier, the man with whom he has been associated, mutilated in an outrageous way; a man whom he had seen alive an hour before. You must understand that a soldier has human nature and that things are done which a commanding officer would not approve and yet can not be prevented because of the outrage of feeling. That is the explanation of a good many things."

[Testimony of Gen. Robert P. Hughes, pp. 654 and 655.]

Heard of but one case of water cure, as we understand the meaning of that term here. That case was administered by the police by what you might call a police force, and they said they would not do it again. They were

Americans. They had heard of it, I presume, and they tried it, and my information was that they would never try it again.

I have read a paper since I came home emanating from Boston describing it, and I can assure you, Senator, that the thing was not practiced under my command, or at least I think I am sufficiently well advised as to what was being done to say that that was never practiced in the Department of Visayas. The best information I had is that they tried it in one case and rejected it. I did not know of that case until long afterwards.

[Letter of General Funston (p. 951) to the Adjutant-General.]

In this extract [from Philadelphia paper, January 2, 1902] it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the water cure to 160 natives, all but 26 of whom died. This statement I wish to brand as a lie, without the slightest foundation in facts. During my service of three years in the Philippines I never had any personal knowledge of the so-called water cure being administered to a native or any other form of torture being used to extract information from them. * * * It is my belief that the water cure was very rarely if ever administered by American soldiers. It was resorted to occasionally by Macabebe scouts, who were not under the control of some officer, to obtain information as to the whereabouts of concealed arms and ammunition. They did this without orders from superiors.

[Letter from Secretary Root to the chairman of the Committee on the Philippines, dated February 17, 1902.]

In reply to an inquiry as to the water cure and other tortures being administered by American soldiers, the Secretary of War says:

"Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation, and among the inclosed papers you will find the records of 13 such inquiries in which the results have been reported. You will perceive that in substantially every case the report has been proved to be either unfounded or grossly exaggerated."

The Secretary of War inclosed copy of instructions for the government of the armies of the United States, first promulgated by President Lincoln, which are now in force in the Philippines:

"RULE 16. Military necessity does not admit of cruelty, that is, the infliction of suffering for the sake of suffering, or for revenge, or of maiming or wounding, except in fight, nor of torture to extort confessions.

"RULE 44. All wanton violence committed against persons in the invaded territory, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing such inhabitants are prohibited under the penalty of death or such other severe punishment as may seem adequate for the gravity of the offense.

"The war on the part of the Filipinos has been conducted with barbarous cruelty, common among uncivilized races, and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives however peaceful who were friendly to our Government. Literally, in thousands of instances these poor creatures, depending upon our soldiers for protection, have been assassinated.

"The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both American and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy and with their own eyes witnessing such deeds should occasionally be regardless of the orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country, along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops. That these occasional cases have characterized our Army or its conduct is not true, any more than the deeds of lawless violence which constantly occur in every large city characterize the people of the city. The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and noncombatant, with self-restraint, and with humanity never surpassed if ever equaled in any conflict, worthy only of praise, and reflecting credit upon the American people."

[Letter of Capt. Matthew A. Batson, Fifteenth United States Cavalry, replying to newspaper accounts concerning the water cure, p. 952.]

I have heard a great deal about the water cure, and do not doubt it has been applied in a few cases. Outrages will be committed in any army in the world. They have been committed against our own citizens, in our own country, by our own soldiers. But I know that such methods were not sanctioned, as alleged in the article referred to, by the military authorities in the Philippines, and that when such proof could be obtained that such methods have been practiced the offenders were promptly brought to justice.

[Report of Cornelius Gardener concerning the province of Tayabas, dated December 15, 1901, p. 884.]

Being in close touch with the people, having visited all of the pueblos one or more times, having lived with them in their homes, I know that such (friendly) sentiment once existed. Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents can not occupy it, the torturing of natives by so-called water cure and other methods in order to obtain information, the harsh treatment of natives generally, and of failure of inexperienced lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment is being fast destroyed and a deep hatred for us engendered. If these things need be done they had best be done by native troops, so that the people of the United States will not be credited therewith. * * *

The work of the Philippine Commission and the laws that have been enacted by it are everywhere favorably commented upon by the natives. The efforts being made for the general education of the people are appreciated by all. The provincial government and municipal governments established are slowly bringing order out of chaos and anarchy, and there begins to be visible everywhere in this province progress and prosperity. True loyalty and contentment can only come under civil government.

[November 27, 1900, Charles S. Riley testifies that water cure was practiced upon presidente of Igbaras, Iloilo, pp. 1527–1538.]

Was in Philippines about eighteen months; during this time this was the only instance of water cure I witnessed; I know of no other instances except hearsay from other men.

1536: The reason the cure was administered to the presidente was that information had been obtained from native sources as to his being an insurgent officer. After the treatment he admitted that he held the rank of captain in the insurgent army—an active captain. His police force, numbering 25, were sworn insurgent soldiers. He was the presidente of the town and had been for years, and he always showed himself to be friendly on the outside to the officers and men the same way.

Two treatments were administered. The first to find out whether it was true that he had been treacherous to the American cause, and the second to find out whether warnings had been given to the insurgents of our arrival.

[Testimony of William Lewis Smith, p. 1543.]

Testifies to same case as did Riley, namely, that water cure was administered to the presidente of Igbaras, November 27, 1900, who was accused of treachery.

Also saw water cure administered to two police of same town about same time as to the presidente.

Page 1546: The reason the water cure was administered to these police was that they swore that the whole force of the town of Igbaras had sworn allegiance to the presidente any time they were called to take arms against American troops in the town. They swore to that after the water cure was administered. I do not know positively, but, as I understand it, the water cure was administered for the purpose of compelling information.

[Testimony of Edward J. Davis, p. 1726.]

Testifies to same cases as do Riley and William Lewis Smith, namely, water cure being administered to presidente and police of Igbaras on November 27, 1900.

Page 1731: Does not know positively why cure was administered, but think they discovered he was captain of insurrectos and police; he pretended to be a friend of the Americans at the same time.

On same day also saw American soldiers take the schoolmaster of the town, who was a native, and place a couple of Colt's revolvers at his head instead of the water cure. These were the only four cases of cruelty I witnessed.

[Testimony of Grover Flint, p. 1765.]

Was lieutenant of the Thirty-fifth Infantry; was in the Philippines November, 1899, to April, 1901.

Witnessed the water cure to Filipinos early in May, 1900. The Macabebe scouts, as the towns were approached, would enter the houses and pull out these men and talk with them and take them down to the well and put them through this test, and the men would go off and get the guns. This was done entirely on this occasion by Macabebe scouts to get knowledge of where guns were concealed. After the application of the test we got the guns. On the following day the same thing was repeated and our men took a little part in it, apparently as volunteers. They were not ordered to do so. I witnessed quite a number of cases. I never saw a man die from the torture. I should think about 30 were put through the first evening and perhaps 20 the next morning.

[Testimony of Leroy E. Hallock, p. 1909.]

Was a sergeant, Company I, Twenty-sixth Volunteers; arrived in the Philippines October 27, 1899, left March 6, 1901.

Saw the water cure administered at Leon to about ten or a dozen natives captured that were thought to be implicated in the murder of O'Hearn, a member of our company. The confession of the natives was that O'Hearn was roasted over a slow fire and then hacked to death by bolos. What led to the capture of these natives it was reported that Captain Glenn or some soldiers under his orders gave the water cure to a native and he confessed and told who the others were that took part in the killing of O'Hearn, and these members of our company captured these natives and gave them the water cure and they confessed to having had a part in the killing. The water cure was administered by orders of the first sergeant.

The water cure was given to them on two different days—on August 21, 1900, and August 23, 1900.

Witness also testified to the burning of a town 8 miles from Leon, which had eight or ten thousand inhabitants.

Of the 12 who were captured and to whom the water cure was administered, 5 were shot while attempting to escape, the rest got away with the exception of one, and I think he was released.

[Testimony of D. J. Evans, p. 2060.]

Served in the Regular Army six years; in the Philippines from April, 1899, to February, 1901; was a corporal.

Witnessed the water cure to a native in the Ilianico Province, at Ilocos Norte. The water cure was administered by scouts for the Americans; they tried to get him to tell where the rest of the insurgents were at that time. We knew about where they were, but we did not know how to get to them. They were in the hills, and it happened that there was but one path that could get to them. He refused to tell this one path and they commenced this so-called water cure. While the water was given by natives an American soldier struck this native in the pit of the stomach as hard as he could strike him many times, and it made the native very sick. I believe he told, because I did not hear of any more water cure inflicted upon him. Think there was a lieutenant present at the time.

I know of five towns being burned myself. These towns were composed of bamboo houses, containing probably 20 or 25 huts in a village.

[Testimony of Richard V. Hughes, p. 2236.]

Served in the Philippines as a private soldier from October, 1900, to October, 1901.

Observed the water cure on one occasion; think it was on the 26th of September, 1901. Left Magdalena with a detachment of a company under command of Lieutenant Merchant to capture some rifles supposed to be in a cuartel about 6 miles distant, and also some insurrectos. We arrived there early in the morning, and found the bird had flown, as was generally the case. Lieutenant Merchant seemed provoked that the insurrecto leader had gotten away and that we could get no information, and he had a private strike this native and knock him down; he then could not give any information in regard to the whereabouts of this insurrecto leader, and he was knocked down a second time, and after that Lieutenant Merchant saw he could not get any information, and he proceeded to the cuartel.

The guide we brought with us from Magdalena told us we would find arms and soldiers in that place, but they had gone. Lieutenant Merchant was under the impression that the guide was prevaricating, and he lectured him and had him whipped by two natives with a branch of a tree, and then had the water cure administered to him. This was the only case of water cure I ever saw. He could not give any further information, and the Lieutenant had him whipped again and had some more water poured down his mouth. On leaving there the Lieutenant had the houses burned, and of course the women had to get out, and he left this crippled woman there without any house, and everything they had was burned.

[Testimony of Isador H. Dube, p. 2243.]

I was a sergeant in the Twenty-sixth Infantry for sixteen or seventeen months. I saw the water cure administered. I was on guard. I don't remember the date nor the month. I was in command at Jaro, Panay, and some natives were confined in the guardhouse by order of Captain Glenn; and I was sent with this native to bring him over to Lieutenant Congor's house, which I did; and Lieutenant Congor and Captain Glenn and two or three privates administered the water cure to this native; I do not know for

what cause, but the native appeared to me to be a sort of wealthy and intelligent native. He had some education. I do not think that was necessary. I do not know what the circumstances were. That is the only case of water cure I ever saw.

I saw another punishment inflicted. There was a native woman. I was in command of the guard, and there were about fourteen or fifteen prisoners in a back room which we used as a cell, and a woman was ordered to be confined among those prisoners—a native woman. I asked the post commander where this woman was to be confined. He says, "Why, right in with the other prisoners." There was nothing but one room, and I think she was kept in there over three weeks by order of Major Glenn. The woman was 40 years old, and the prisoners varied from 15 to 40 years old. I do not know that the woman was submitted to any indignity by being placed in confinement with the men.

Saw several houses burned in Panay—bamboo houses—and a great quantity of rice.

Two natives were murdered in the town I was in, and one prisoner was cut with daggers by natives; they were supposed to be in sympathy with the Americans.

Lieutenant Wagner started to go to a neighboring town about 30 miles away, on horseback, and he was instantly killed—shot through the forehead.

[Testimony of Janareous Manning, p. 2251.]

Was first sergeant in the Philippines from October, 1899, to March, 1901.

Saw the water cure administered on the 20th of August, 1900, in that town of Leon to prisoners captured for the murder of Private O'Hearn; they were captured the day before, and to get them to tell what they knew about the murder we had to give them the water cure to get it. I directed it to be given by order of Captain Gregg. He ordered me to see that they were not abused; to see that they did not get too much. I would not swear that he ordered me to give them the water cure. When we brought these prisoners in and put them under oath, they knew nothing about the murder of O'Hearn; but the ringleader the day before the body was recovered admitted that he helped to murder him, and he implicated ten or eleven more men. I understand the ringleader had the water cure applied to him the day before, though I was not there. After the application of the water cure they did tell; they first told on the other men and afterwards implicated themselves.

We gave the water cure more than once to some who would not tell on themselves or anyone else two days afterwards, but in the meantime they had been told on by others to whom the water cure had been applied. The first man who gave the information of O'Hearn was the presidente of the town of Miguel. He gave the information to the Gordon scouts, and they telegraphed up to the captain to meet them out there next day near the town. The captain took a detachment out and got O'Hearn's body or the bones under the roots of a tree in a little hole, and they took in between fifteen or twenty prisoners. There was never any doubt in my mind, and so far as I know in the minds of other Americans present, but that these men who received the water cure were responsible and really did murder and burn O'Hearn.

(This was the same case testified to by Hallock, namely, that Private O'Hearn was tied to a tree by natives, burned by a slow fire, and cut to pieces by bolos.)

Q. What did you understand to be the direction and desires of General Hughes and your other superior officers as to the treatment that should be given by you and other soldiers to the people in general who were peaceably inclined as to care and kindness and consideration, or the reverse?

A. The orders were to treat everyone right and treat them kindly.

This man from our country was murdered by the Filipinos, and three men from Company F were also murdered at Calinog.

I have seen a half dozen or so barrios burn, varying in size from 15 to 30 huts each.

[Testimony of George G. Boardman, p. 2310.]

Was in the Regular Army in the Philippines; landed there in February, 1899, and has just returned.

This witness only knew of one case of the water cure, and this was done in order to secure information where guns and ammunition could be found, and afterwards witness and others found 17 guns.

The testimony of the witness is somewhat mixed, but it would appear that a native Filipino boy, 17 years of age, was murdered in the market place by native Filipinos because he had joined the American forces. This murder was committed in the presence of the American soldiers, and the Filipinos probably shot to kill the soldiers as well as the boy. Witness concludes by saying:

"If we left them, the natives, and did not secure their arms and ammunition, they would attack us the next day with those same guns; so we knew by experience that it was necessary to protect our lives to secure the ammunition and guns, and the one I saw the application of the water cure given to was not hurt in the least. He was pretty badly scared; he said himself he could not tell, but he said another party would tell. The other party did tell and he went off and found 17 guns."

(This all occurred in the Batangas Province, where the war is still being carried on.)

See page 2328 for further particulars.

Mr. MASON. Mr. President, I desire to be heard for fifteen minutes on the bill, and then, possibly, for ten minutes on the substitute, if it is agreeable to the Senate. Otherwise I will consume fifteen minutes now and later in the day will conclude my remarks.

Mr. TELLER. I do not understand that the Senator from Illinois can have fifteen minutes on the bill and then ten minutes on the substitute.

Mr. MASON. Very well. I say, if there is any objection——

Mr. TELLER. I do not object, but I want to keep within the rule, because we can not afford to violate one of these unanimous-consent agreements.

Mr. MASON. I will simply have to wait until later in the day to present the other part of my remarks.

Mr. TELLER. I understand a Senator can speak fifteen minutes, and when an amendment is before the Senate he can speak fifteen minutes again. I think it would not be fair for any Senator to take the floor and speak fifteen minutes on one amendment and then take up another amendment and speak on it, and so on. I do not think that would be within the spirit of the agreement, which is that there are to be speeches limited to fifteen minutes at a time, and then the Senator must give way to some one else.

Mr. MASON. I will ask unanimous consent that my speech may go into the RECORD together. There will be no objection to that request.

Mr. TELLER. There will be no objection to it.

Mr. MASON addressed the Senate. After having spoken fifteen minutes,

The PRESIDING OFFICER (Mr. KEAN in the chair). The time of the Senator from Illinois has expired.

Mr. MASON. I beg to question the accuracy of the Chair. I started, if this clock is right and has not been stopped——

Mr. TELLER. If the Senator from Illinois will allow me——

The PRESIDING OFFICER. The Senator from Illinois started at twenty-seven minutes after 12 o'clock.

Mr. MASON. We look at the clock from different points of view. I wish to say to the Chair that I do not question anything except that he is looking at the clock from the wrong point of view. [Laughter.]

Mr. TELLER. I have been trying to afford the Senator from Illinois an opportunity to continue his remarks. I offer an amendment and ask that it be read. I offer it now as an amendment. I gave notice of it the other day. Then the Senator from Illinois can proceed on the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to strike out all of section 5 and insert in lieu thereof the following:

SEC. 5. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in the Philippine Islands, and their children born subsequent thereto, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899, shall be deemed and held to be citizens of the government of the Philippine Islands and as such entitled to the protection of the United States and all the rights and privileges of the bill of rights as enumerated in section 2 of this act.

The PRESIDING OFFICER. On this amendment the Senator from Illinois may address the Senate.

Mr. MASON resumed and concluded his speech, which in its entirety is as follows:

Mr. MASON. Mr. President, in Herbert Spencer's last book, just published, Facts and Comments, speaking of slavery, he says:

Let me begin with the earliest and simplest, which well serves to symbolize the whole.

Here is a prisoner, with his hands tied and a cord round his neck (as suggested by figures in Assyrian bas-reliefs), being led home by his savage conqueror, who intends to make him a slave. The one, you say, is captive and the other free? Are you quite sure the other is free? He holds one end of the cord, and unless he means to let his captive escape he must continue to be fastened by keeping hold of the cord in such way that it can not easily be detached. He must be himself tied to the captive while the captive is tied to him. In other words, his activities are impeded and certain burdens are imposed on him. A wild animal crosses the track, and he can not pursue. If he wishes to drink of the adjacent stream, he must tie up his captive lest advantage be taken of his defenseless position. Moreover, he has to provide food for both. In various ways, then, he is no longer completely at liberty; and these ways adumbrate in a simple manner the universal truth that the instrumentalities by which the subordination of others is effected themselves subordinate the victor, the master, or the ruler.

Mr. President, I am not here representing the Filipino. While I can not find words in the short time I have to speak to-day to express the sorrow I feel for that poor unhappy people in the Philippine Islands, I beg to be heard in behalf of the man at the other end of the cord, our people who are citizens of the United States, covered and protected by the Constitution which we have sworn solemnly to uphold.

I believe with Herbert Spencer, the philosopher, and with Abraham Lincoln, the patriot, that no man is good enough to govern another without that other man's consent, and therefore no nation is good enough to govern another nation without that other nation's consent. No man can be free who owns a slave, and no nation is free that holds another nation in subjugation. I desire to be free from unkindness, and certainly shall not deal in harsh criticism, notwithstanding the almost brutal assaults that have been made upon me for having simply expressed my opinion on these questions according to the best light which God has given me.

I can not find words to express my feelings when I hear learned Senators, who are familiar with our form of government, talking about "giving" liberty to other people. That we may start right let me read to you in four lines what Daniel Webster thought of one people "giving" liberty to another:

No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, he can not, and he means not to be happy under its burden.

I wish to read just two lines from the president of the first Commission, Dr. Schurman, which he spoke day before yesterday:

The Filipinos will never be content until we allow them to govern themselves.

In the multitude of changes that occur in the march of time, principles never change. That principle was true when Webster pronounced it; when Hungary sought to lift the yoke of Austria.

It was true on the day of the Boston tea party. It was true when the little republics of South America, under the guidance of Bolivar, shook off the yoke of Spain. It was true in Cuba, until they were able to set their own flag in the sky. It is true to-day in South Africa; and it is true to-day, God help us, in the far-off island of Luzon.

I have no disposition to find fault, or to debate long and loud upon the facts. Enough of the facts are agreed upon to show that the purchase of the Philippine Islands, and our attempt to govern them, is the saddest and most unhappy mistake our beloved country has made since the day we began to traffic in slaves. How much, under the law of compensation, we must pay in the future for this mistake the all-wise God only knows. The amount we have already paid for this mistake the human mind can neither compute nor comprehend. The money we have spent would make a chain of gold that would encircle the world.

It would construct our Nicaragua Canal over and over again. One year of our expenditure upon the Philippines would redeem every acre of our arid land and make the American desert to blossom as the rose. Our total expenses there would pay the salaries of the President, the Cabinet, and Senators for a thousand years. It would more than double the public buildings of the nation. It would more than pay our annual pension roll. It would provide for our rivers and harbors for a quarter of a century. The human mind can hardly comprehend the hundreds of millions of dollars which we have taken from the people's pockets in this mighty national blunder. I am speaking now not of the slave but of the man, the master, at the other end of the chain.

Who will estimate the cost in other things? Who will count our heroic dead? I remember very well begging and protesting against this war in the Philippines, when one distinguished Senator said that if there was war a regiment of bluecoats would march across the archipelago and make peace.

Ten thousand American boys have gone to their long home, and the end is not yet. Coffin them, beginning here at the Senate Chamber, and lay them out for the world to see. March by the row of coffins until you have seen the faces of thousands of our heroic dead. Look, then, beyond into the desolate homes of mourning and despair; count, weigh, or measure, if you can, the tears of the widow and the orphan. Then, go to St. Elizabeth's Asylum, within a gunshot of the Senate Chamber, and estimate if you can the misery of the hopelessly insane whom we have brought back from the climate of the Philippines, and after looking into the faces of those who are worse than dead, then blame me, if you can and will, for pleading here to-day for Herbert Spencer's man—for the American master at our end of the chain.

The most dramatic story in mythology that reminds one of our country's situation to-day is the story of the Minotaur, who demanded of a certain government that they should send to his cave annually six of their choicest youths to be devoured by this monster. I remember to have seen a picture of these unhappy youths, painted by some master hand, embarking in a boat and setting sail to meet their doom.

If our present war is to continue, the Minotaur in the Philippine Islands demands many more than six victims from every State represented here. Will you, Mr. President, and you my brother Senators, go into the families of your States and select them? If this bill becomes a law, it means a continuance of the present policy, and a continuance of the war. The State of Lincoln, Grant, and Logan will continue, must continue, to furnish her share of graves. But if to-day this body should promise ultimate freedom and independence to the Filipinos, as soon as we found them capable of self-government, every native would lay down his gun and bolo and patiently await the pleasure of the United States, as the people have in Cuba.

There is honest difference of opinion upon this question, some declaring that the natives are not ready for self-government and others asserting that they are; and by reason of these differences this mighty price of blood and treasure is being paid. Why should we longer debate the question when we can resolve the doubt by giving a trial, without the cost of a life or a dollar in money?

I am but one who believes that every nation and every community can form a government that fits its own needs, and that self-government comes only through the open gate of opportunity and along the rough and rugged road of experience. Others believe that you can teach the art of governing, as you would teach swimming, by writing essays, or the art of painting, drawing, or music without the great factor of practice.

Learned Senators have read by the hour the opinions of distinguished gentlemen as to what would occur if we promised them a chance to try to govern themselves. Why waste the time, money, and the precious lives of American citizens waiting for wise men to guess at what results may follow, when the naked truth, the fact itself, lies before us if we will but open the book of experience and read. Tens of thousands of American people, looking to our experience in Cuba, believe that the promise that the Filipinos should ultimately have the chance to try the doctrine of self-government would make peace and save the lives of our boys and the honor of the nation.

We do not know that we are right; you do not know that you are right; but we all know that we can settle the question in twenty-four hours by making an honest effort in that direction. We have our line of logic and you have yours. In support of our logic we have every line of experience recorded in history to sustain our contention; not ancient history, where precedent may be shattered by lapse of time or incorrect recording, but modern history—the incidents of to-day.

For years we were in possession of the island of Cuba. The governing classes there are of the same language, of the same religion, have the same sports, and are the same in nearly everything as the governing classes in the Philippine Islands. We promised to give the Cubans a chance to try the doctrine of self-government, and they went about patiently to organize their own government, not through a congress or a commission appointed by us, but under the direction of the military arm of the United States.

They patiently awaited the pleasure of the people of the United States, and I had the great satisfaction of looking into the faces of thousands of their citizens when our beautiful flag came down and the flag of Cuba took its place. The first Cuban flag I saw raised there was at daylight, under the shadow of Morro Castle. On the deck of the steamer was a large throng, composed of Cubans, Americans, and some Cubans who had been exiled from their native land. When the flag of the single star floated from the mast I expected a cheer, but upon the happy faces of men and women, young and old, I beheld tears of joy. Strong men knelt upon the deck and sobbed as if their hearts would break for joy; and I said to myself, Where, under our flag, is there an honest American who would deny to these people the glory of self-government?

"Ah," said one old man to me in broken accents and faltering voice, "Senator, if you had taken this away from us it would not have made your country richer, and would have made us poor indeed." I saw our flag come down. It is the most beautiful and most righteous ensign in the world, and it is just as beautiful coming down as it is going up, because it was in the keeping of the promise made in this Chamber when we spoke for the conscience of 70,000,000 of God-fearing people.

But Senators exclaim that we have treaty agreements with the Philippine Islands. So we had with Cuba. Every agreement we have made in the Philippines we will keep, and the promise we ought to make now to give them a chance to try the art of self-government would still leave us in possession of the archipelago, and as we believe in peaceful possession, which will make it ten thousand times easier to keep every treaty agreement we have made with Spain.

But Senators tell us they are a mixed lot of different races and tribes, and different skins and complexions, and they tell us that the inhabitants are mere children and that we are the intelligent race, the Christian race, pressing on with civilization. Ah, Mr. President, were I to see a strong, intelligent, healthy, Christian gentleman fighting with a hungry, crippled, half-witted child in the home of the child, it would not take me long to determine who was to blame for that fight.

When impartial history, freed from racial hatred and personal prejudice, shall record the events of our war in the Philippines, the truth must then be told. Our children, who will continue to pay for our mistake, will write truthfully of it, and, I trust, forgive us, as we have forgiven the fathers who began the traffic in human slaves.

Mr. President, this mistake is not and was not a party mistake, and it is almost pitiable that it should be discussed now from a party standpoint. Republicans and Democrats alike were on the peace commission, and presented the treaty through the President for our ratification. Republicans and Democrats alike in the Senate voted for the ratification of the treaty. The distinguished gentleman, twice nominated by the Democratic party for the Presidency, came to Washington to plead with his friends, and secured votes for the ratification of that treaty.

Go out to Arlington and behold the graves, or visit St. Elizabeth and look at the insane; count the mothers who upon their knees to-night are praying for the safe return of a son in the Philippines; then drag that question down to a party basis and partisan benefit if you can. One distinguished Democratic Senator said on this floor in my hearing that the Republicans who voted for the treaty did it for the purpose of exploiting the country and adding to their wealth, and by his silence as to the motives of the Democrats who voted for it implied that their motives were more patriotic and pure than ours. I can not criticise, I can not condemn, but I have hoped and prayed that for the sake of the honor of our flag no partisan interest should obtrude itself into the sacred precincts of this discussion.

I voted for the ratification of the peace treaty. It was against my judgment, but the people of my State, without regard to party or race, desired its ratification. The legislature of my State instructed me to vote for it. I had received my office from the the people against the wishes and protests of the middleman in politics. I hope I had, I think I had, high conceptions of my duty to the people; yet I never would have voted for the treaty if it had not been the open and notorious understanding that we were to have a vote upon a resolution on the same day, declaring our intention to give to the Philippines self-government as soon as, in the opinion of the people of the United States, they were equal to the task. I believed then and believe now that that promise, similar to the one we made to the Cubans, would have prevented war with the natives of the Philippine Islands. It may have been that we would have been obliged to have stayed for years in the archipelago. It may be that by common consent and for the benefit of all we would have continued in perpetual sovereignty, but our course would have been the course of peace and honor.

This is the resolution I asked for three and a half years ago in this Chamber. I introduced it, and it has been lying in the charnel house of the committee ever since.

Whereas all just powers of government are derived from the consent of the governed: Therefore, be it

Resolved by the Senate of the United States, That the Government of the United States of America will not attempt to govern the people of any other country in the world without the consent of the people themselves, or subject them by force to our dominion against their will.

You say that I am wrong? Then if you are honest in your convictions why not try it; it will cost nothing. You have tried your plan over three years at a cost that you can not estimate. We are in possession. No harm can come from the effort, and if we fail we can change the policy in much less time than we have taken to adopt it.

Mr. President, one other great loss has been sustained by the man at our end of the chain. For more than a century this, the mother of republics, has been at liberty to speak for the smaller republics of the world. To-day we are not able to lift our voices in favor of self-government to help the struggling republics of the world. To-day in South Africa there is being waged the most cruel, useless, uncalled-for, and wicked war that history has yet recorded.

For years the life of the Republic of South Africa has been trembling in the balance, yet we have not dared to follow the illustrious example set by the fathers and offer resolutions expressing sympathy for the Republic, and even the resolution hoping for the continued life of the Republic and the speedy termination of the war in South Africa with honor to both sides is locked up in the deadhouse of our committees.

Mr. President, I wish that the man at our end of the chain was as free as he was when Webster spoke for the struggling Republic of Greece and with burning eloquence welcomed Kossuth, the Hungarian, within the walls of his capital. I wish, Mr. President, that the man at our end of the chain was as free to speak as was Blaine when, voicing the sentiment of a liberty-loving people, he welcomed among the nations of the world the newborn republics of South America. Do you dare to speak a word of sympathy for the Republic of South Africa?

The English Parliament would at once and properly respond by pointing to the Philippine Islands. The Assyrian master, pictured by Herbert Spencer, could well afford to point the finger of shame at his brother, who owned a slave, until he himself went into the slave business. And we, the proud inheritors of national liberty, can preach long and loud on the beauties of self-government, but our words must become as sounding brass and tinkling cymbal upon the ears of the nations of the world while we are governing 10,000,000 of people 7,000 miles away by force and against their will.

I make these broad statements, Mr. President—true statements which can not be denied in the face of the record here—knowing full well what it will cost to speak the truth. I will be branded by those editors and speakers who claim to have a monopoly on patriotism as a man who belittles and finds fault with his own country.

I speak the truth, and no one who disagrees with me questions that. I have arrived at the conclusion, after mature deliberation, that the best form of patriotism is to endeavor to keep our country right. If our country was at war with a great power which endangered the life of our nation, we would not even stop to consider the right or the wrong of entering into the quarrel; and even for the Philippine Islands, where I believe we could have made peace at any time in twenty-four hours by promising to the people there the same as we have promised to the people of Cuba, I have voted for every dollar asked for by the President of the United States to furnish aid, comfort, and support to our soldiers in that far-off land.

I have never had it in my heart to complain of our Army. It is the best and bravest army in the world and under the best and most beautiful flag. It executes simply the will of the people, as expressed by Congress. It has adopted the methods of warfare which meet the necessity; and if any mistakes have been made, the responsibility is not upon the men who carry the guns, but rather upon the Senate of the United States when we purchased sovereignty from Spain and directed the Army to subjugate the people. The Senator from Wisconsin said the same men are in the island of Luzon that were in Cuba. Yes; but they are there under different orders from the people.

But Senators say that if the flag is to come down, it must come down in honor, which, standing alone, is a truism which savors of the commonplace. They say that we can not honorably consult a man as to what his future shall be while he has a gun in his hand. We dignify them by sending 50,000 men to conquer them, and with our bold statement of sovereignty over the islands, and with 50,000 guns aimed at them, we refuse to even receive their petition or hear their wishes for their own government. This is supposed to preserve our prestige and national honor.

We boast about being a world power to-day as though it were something new, whereas we have been a world power since our independence was ceded to us by Great Britain.

Some of us are tender and jealous as to what the other nations will say if we compromise with those poor, struggling people. I wish I could draw a picture for you of Gladstone after he had made the convention or treaty with South Africa, even after the great disaster of Majuba Hill. One party of English statesmen, jealous and sensitive of the prestige of the English flag, said in a memorable debate in the House of Commons that Gladstone in compromising with South Africa had dishonored his flag and lowered the prestige of the English arms; and his answer, worthy of the man who made it, settled the question, at least during the life of that statesman. He said in substance: "England is strong; England is a world power; England can with her army crush out the South African Republic; England can afford to put aside the gossip of the nations of the world who will talk about her loss of prestige; England is great enough to do right." It may not be unbecoming, Mr. President, to call attention to this historical fact, so fresh in the minds of this generation.

What Gladstone said of England is true of the United States. Our Republic is strong. We can not be blamed for boasting of our military prestige, but that alone does not represent our strength. The strength of this nation is in the honest mass of 70,000,000 people, and our Army and Navy is an expression of but one arm of our strength. We need not ask here what the world will say about the settlement of the Philippine question. Our Republic is strong enough to be independent of the opinion of the monarchies of the earth, and our Republic is righteous enough to do right, regardless of what the other nations of the world may think or say.

Gladstone said that England would seek only the happiness of the governed. Let us say that to the people of the Philippine Islands. Let us say to them by some resolution here that we intend to let them try the glorious responsibilities of self-government.

The world knows we are strong; the Filipino has felt our strength. Give them this promise, and peace will reign in the archipelago, and you will drive away anxious tears from the faces of the mothers of the Republic. Instead of loss of prestige among the nations of earth, the lovers of liberty from pole to pole will say: "See, the Mother of Republics has put aside the temptation to govern others; she believes in the doctrine she has been teaching for a hundred years—that self-government is the best. She will not try to force her religion and civilization upon others; she is going to help plant a republic that will float its colors in the very gateway of the Orient." The Philippine star and the star of Cuba would then be among the brightest that shine in the crown of our Republic.

Mr. President, I am exceedingly sorry to differ with so many of my friends in this Chamber and out. For two years I have been silent in the Senate upon this subject, hoping against hope to see the end of the war in the Philippine Islands. I have not abused those who have differed with me. I only wish and hope for the same liberty of conscience and speech for myself that I give to others. Many of you ask me in private conversation: "This is what the Anglo-Saxon has always done; it is in the blood." My answer is that the blood has improved, and that we have never before engaged in a war of conquest. We burned witches at one time, and sold slaves—the mother from her children. Who would dare to offer that now as an argument for the selling of slaves or the burning of witches? Yet our fathers did it.

We are told that some other nation might step in and govern the Philippines and that, if we cease in our attempt to govern them against their consent, England or Germany might take our place at our end of the chain. There is no danger of that, Mr. President. Those nations are not asking for a monopoly on

graves. More than that, Mr. President, since Dewey spoke in Manila Harbor, since Schley spoke at Santiago, and since the Rough Rider went up the hill at El Caney there is no nation in the world that would dare interfere with the sovereignty granted to the people of the Philippine Islands with our approval and consent or invade the smallest island in the archipelago in violation of any treaty which we have or may make with any nation in the world.

Senators may call my position impractical. I ask only in the name of justice, Why don't you try it? You have tried your plan of subduing them with a strong hand, without the promise of self-government, at the cost of a hundred thousand lives, at least, counting both sides. To try the plan I suggested will not cost one life. It was estimated by the Government that it would require 5,000 soldiers to make peace in the islands. Under your plan you have lost twice that number, and the end is not yet. It will not cost one American life nor one American dollar to point the Filipino to the flag in Cuba and promise him a chance to try it. The plan I suggest would not cost one life. For three years and a half I have asked the question in this Chamber, Why have one plan in Cuba, that brings honor and peace and makes them our friends, and another plan in the Philippines? Yet I have not had an answer.

Again I say, Mr. President, that I can not find words to express the deep personal regret I have to differ so widely with so many men in whose judgment I have great confidence and of whose patriotism I have not the shadow of a doubt. I have never had it in my heart to question either the honesty or the patriotism of my good friends who disagree with me. When but a mere boy I felt the pinch and grind of religious intolerance. I heard men in the pulpit preach that slavery was a divine institution, and that night aided my father, who was a member of the same church, in keeping an under-ground railroad station to help negroes to Canada, where they could pucker up their black lips and whistle Yankee Doodle in free Canada.

In a bird's-eye glance at the history of the world, I find the wheels of progress stopped where civil and religious freedom do not abide; but where these blessings fall men lift their eyes, and looking about them, span continents with the iron rail, chain the mighty waters and the electricity of the air to do their bidding, and open the doors of learning and make education free to all. These strides in civilization come only in self-governing countries, and self-government can be learned only by experience. Senators may call this a mere matter of sentiment; be it so. It is a sentiment based upon historical truth, and a sentiment of which no man need be ashamed. This sentiment was heard in solemn protest and through all the ages, until it finally broke forth in divine tone in the Declaration of Independence.

It was soon seen and read of all men. Moharchies trembled when facing that sentiment, and the declaration made at Philadelphia broadened everywhere constitutional government, and made for the rights of man. In the light of that declaration of self-government, patriots and statesmen for the past century have lived and died. Kossuth said that he had before him our Declaration of Independence when he wrote and fought for his native land; and Bolivar, in South America, when he laid the broad foundation of self-government for the republics there, said he was but following that sentiment just spoken in our Declaration of Independence.

Is our Government to be ruled without sentiment? Are all the great functions of government, which affect the homes of 70,000,000 people, to have nothing in its make-up but the cold, sordid thought of commercialism? Does this flag floating above us speak of nothing but trade and money? Does it stand for nothing but territorial and commercial expansion? Active, thrifty men may use it for a while, but some day a jealous people will snatch that flag from their hands and say to those who have used it for conquest: "Commerce, dollars, and trade are for the Government, not the Government for them."

There is an eagle on the banner as well as on the dollar. This flag will foster and promote all legitimate commerce for the welfare of the people; but it must not by force be set above an unhappy and unwilling people, at the cost of Government treasure and the lives of our children, to increase our trade.

Mr. President, I have faith in the ultimate judgment of the American people. This sad lesson of experience will not be without its use in the future; and if again we are tempted to govern a people without their consent, the charnel houses that come floating back from the Philippines will rise before the people for the people's good. I have faith in the ultimate liberty of all mankind. Sometimes it seems that the mills of the gods grind slow, but I have faith in the consummation of the divine plan. It may not come in your day or mine, but some day not only the people here in the mother Republic, but all over the world—in Cuba, South Africa, and the Philippine Islands—will be free, absolutely free. I can only in my own poor way contribute my feeble share to hasten the hour when all men and all nations may walk unshackled on the footstool of God.

Mr. HOAR. Mr. President, I wish to put into this debate three or four facts which seem to me to overthrow much of the elaborate argument of my friend from Wisconsin [Mr. SPOONER].

At the time the orders were given to subdue that people by force Aguinaldo had under his command an army larger than General Washington ever had under his command. He had captured more guns than Washington captured during the whole of the Revolutionary war. He had behind him, allowing for all the differences the Senator mentions, men who were devoted to him, who had furnished that army, more in numbers than the whole American people, Whigs and Tories together, at the close of the Revolutionary war.

They inhabited and occupied, in peace and order and law, a territory larger than the settled parts of the United States at the close of the Revolutionary war. They had freed that whole territory from Spain. They had captured many prisoners—more than were ever captured by Washington except at Yorktown.

They had three or four thousand Spanish prisoners committed to them by us to take care of. The Spanish Chapter of the Red Cross, as I am told, decorated Aguinaldo after his recent capture with a medal in honor of the kindness of his treatment to those prisoners.

I will not detain the Senate with an elaborate answer to the elaborate argument of the Senator from Wisconsin [Mr. SPOONER]. No man respects that Senator more than I do, and there are few men that I respect so highly as I respect him. I find, I am sorry to say, in his powerful speech the method of the advocate who deems it his duty to champion a side rather than that of the judge or the Senator. I do not find in it what I should have hoped, the discussion of great principles of national duty.

I do not find that he bases his argument on those simple yet profound and eternal principles which should govern the action of a great people in dealing with the fate of a people who are in its power. He has a few sneers for the Philippine republic. He finds some fault with the leaders who are striving to bring their people out of darkness into light. He thinks that in the conflict of arms that arose on that memorable night the Filipinos were the aggressors, although I believe he concedes that their leader did not desire then to bring on a conflict.

But, Mr. President, no ingenuity can conceal or obliterate the fact that there was on one side a people that had achieved its independence, that had conquered its territory, save a single city, from Spain, that had declared itself a republic, and that there was on the other side the army of a distant and alien nation under orders to subjugate them. Under such conditions how idle the inquiry, Which struck the first blow or fired the first shot? I think we fired first. The Senator from Wisconsin says they did.

My colleague, who says everything so well, has said this thing better than anybody:

> There was much discussion then, and there has been much more since, as to who fired first. It was not a battle. What matters it who fired first? The first blow had been struck, the first blood shed. It said to all the world that a people intended to govern themselves and would die sooner than yield—a very pregnant fact, speaking much louder than words and charged with many meanings.
>
> A wholly new thing this was indeed, to have a people ready to die in battle for their rights, when a large part of the rulers of the civilized world did not recognize that they had any rights to either die or live for. A great example to be deeply considered, and destined to bear much fruit.

These words were written about what happened at Lexington one April morning in 1775. But they were spoken of an event which seems to me contemporary with all the centuries and of a fruit which will grow in every soil.

Mr. President, the Senator from Wisconsin says that our troops had been attacked before the treaty was ratified. I do not so understand the history of the transaction. But for the moment let us suppose him to be right. He claims that that is inconsistent with the statement that if the treaty had been amended so as to disclaim sovereignty, or if the Bacon resolution had been adopted, there would have been no further trouble.

Mr. President, the answer to all that is easy. The treaty had been agreed upon by our commissioners; the President had sent it to the Senate with approval; it was notorious that there was a large majority for it, and that the question of its final adoption turned on one or two votes, as the adoption of the Bacon resolution turned on a single vote; and as has been said more than once, President McKinley had made a proclamation demanding submission, and saying that our authority over that people, which they denied, would be enforced, if need be, by military power.

These things were the cause of the war. These things would be taken by any spirited people to be a cause of war and a declaration of war. Now, if the treaty had been defeated, or the Bacon resolution had been adopted, that would have been an abandonment of the scheme. It would have been an abandonment of the purpose declared in President McKinley's proclamation. It would have required the reversal of the orders to subdue

that people to our authority, and would have left it only in the power of the President, or have made it only the duty of the President to restore order and then to give over the country to the people to whom it belonged.

Can there be any doubt about that in the mind of any sane man? Does anybody believe that Aguinaldo or his counselors would have encountered the power of the United States or that the hostilities would have kept on after the authentic declaration of our purpose to respect their independence and to hand over the country to them whenever orderly and peaceful government could go on?

I am told, Mr. President, as I just said, that Spain has sent out to Aguinaldo a resolution of thanks and a decoration for his humanity to her prisoners when they were in his power. That is an honor which an American soldier, however brave and brilliant, might well covet. It is an honor which Cervera and his sailors would have been very willing to pay to our naval officers who sunk their ships in the West Indies. Now, this man whom his great enemy, Spain, has so honored, I am told Governor Taft has never spoken to and that the Senate thinks it an affront to their pride to ask him to come over here and tell us his story.

Mr. President, the chapter which recorded the action of the Senate upon this question was closed nearly two years ago. The chapter which records the painful and bloody history of our war of conquest in the Philippine Islands I suppose is closing. I fear, however, that there will be other like chapters to be written before the volume is completed. Some of them may be in the distant future. I expect as the next development to see wealth, unrestrained by constitutional restrictions or by the desire for justice, undertaking to acquire the properties which belong to that people for the purpose of speculation and gain.

I believe the Administration will do what it can to curb and restrain that ambition. I know very well that the gentlemen to whom the Senate has intrusted this subject will do their best to keep the skirts of the National Government clear from all stain. I know that the power of Congress and the power of the Executive is great; but I am afraid, great as it is, it will be inadequate to curb these mighty forces from a distance and keep them within lawful and honorable bounds. This, however, is only anticipation. If I prove a false prophet, no man will be more delighted than I shall be.

The trouble with the attitude of my friends who differ from me is that they have affirmed what seems to me the most pestilential doctrine of all history, the right of one people to judge for another the question of its fitness to govern itself. No tyrant nation will ever refrain to seize upon power when it is strong enough, and no tyrant nation will ever let go its hold on a weaker people when it has got it, if your doctrine be once established.

And, Mr. President, the power of this Republic is such that it can establish the doctrine if it see fit in the permanent practice of mankind. Not all the world can maintain it against the United States or overthrow the great doctrine of human liberty. But the people of the United States, if they will, can cause the great doctrine of the liberty of nations to perish from the face of the earth, and that is the question you are attempting to decide.

What I have said about the soldiers is on the authority and testimony of soldiers. What I have said about the army is on the authority of the army. In saying it I have affirmed, what I repeat, that what has occurred has occurred as a result of the eternal law of human nature. The responsibility for it rests on us who created the conditions. It rests on the legislative and treaty-making power at home and not on the soldiers in those distant islands. If it be said that I have at any time used severe language, I answer to him who reproaches me as Antigone in the Greek play answered the tyrant:

> 'Tis you that say it, not I. You do the deeds,
> And your ungodly deeds find me the words.

If, in putting down a civil commotion, especially when it is caused by oppressive or tyrannical law, the authorities deal harshly or cruelly with the offender, whoever condemns the harshness and the cruelty is not rightly to be charged with an attack on the instrumentalities provided to preserve order. It is not the police, it is the unwisdom of the legislator that is responsible.

I do not charge these things upon the American soldier. I do not charge these things upon the American Army. I charge these things upon imperialism. I charge them on the greed for unjust dominion. I charge them upon the disregard of the fundamental law of the Republic.

They are the natural result of the doctrine affirmed in this Chamber and in the press, the doctrine on which the Spanish treaty was affirmed, that the Declaration of Independence is a lie, and that there is no truth in its sublime affirmation that just government rests upon the consent of the governed. When you undertook to buy sovereignty over an unwilling people from a tyrant they had dispossessed, to take from them the liberty they had won for themselves, to treat them as the spoils of war or the booty of battle, what has happened was as sure to follow as the night to follow the day.

I have estimated the cost of this war up to the present time at $600,000,000, and I believe that estimate not overrated. When you pay $100,000,000 for soldiers and sailors at $13 a month, and when you consider the cost of every transport and of subsistence, and that you are taking them from larger and more profitable employments in the peaceful avocations of life, every hundred million paid from the Treasury represents much more than another hundred million which the country loses. But at any rate you are pledged to a cost in the future which will far more than double what you have already wasted. I believe the war has already cost $600,000,000, without including the future, in which the previous computation has been demonstrated by careful statisticians. But I will not chop logic or quibble about that.

Now, what have you had to go without? You could build with what you have spent and what you expect to spend in the near future two or three isthmian canals to the Pacific, equipped with harbors and defenses. You could have a system of national irrigation which would double the value of the great territory in the middle of the continent and cover it over with happy homes and wealthy States. You could, if you were bent on empire, get with it a navy larger than that of the two largest nations of the world, to get which would make you the foremost sea power on the face of the earth and bring the whole globe to your feet. You could endow in every one of our 45 States a university which would equal Harvard in resources. You would have money enough almost to pension the entire old age of this country, if it were an expedient thing to do; so that not only the soldiers and sailors and civil servants, but every man who had done good work for the Republic in private life could enjoy an honorable and comfortable old age. That is what this miserable doctrine of buying sovereignty for gold, that is what this miserable pride that will not talk with men with arms in their hands, has cost the American people already.

I wish to advert to but one other thing out of the many said by the Senator from Wisconsin. He attempted to meet and parry what he calls an attack on the Army by an attack on the great and sacred reputation of General Grant. He mentioned, as I understood him, that Grant did in Shenandoah Valley order to be done exactly what our generals and soldiers—some of them—have done in the Philippine Islands. He cites General Grant's orders to lay waste the Shenandoah Valley, and seeks to bring the revered figure of the mighty soldier of the civil war to the side of Hughes and Bell, to be an eternal companion in their infamy.

Let us see what General Grant did, and let us see what they did. The Shenandoah Valley was so constructed by nature in its relations to our military operations that if a force could pass through it rapidly, without impedimenta, subsisting upon the country, getting its supplies from the region, it could attack us either in front, or in flank, or in rear by means of the natural outlets which existed there. It was an avenue to attack us, and it was the granary, the storehouse for the supply of the horses and mules of the rebel army.

I am no master of military tactics, but that I understand to be the general situation. So when General Grant ordered that it should be laid waste, it is as if he were destroying a fortress or a storehouse or a place of strength of which the enemy could make direct and almost irresistible use in military operations. He did not order the homes of those people to be destroyed as a means of striking terror or of applying military coercion to their soldiers in the field. He left to private families stores enough to support them six months.

He did not assert the principle which all modern military law not only rejects, but loathes; which Abraham Lincoln's rules and the recent Hague Convention alike repudiate, that you could compel peace by making war more severe, by attacking innocent women and children or noncombatants, and destroying private property. If General Grant had believed in that doctrine, he would have applied it to the whole South alike. There was no reason of confining it to the Shenandoah Valley. The Shenandoah Valley was not a tenth part as rebel in sentiment as other parts of the South. Our Government applied no such doctrine to Louisiana when we got her into our power, or to South Carolina, or Missouri.

Now, contrast with that what was done in the Philippine Islands. We did not order the population of whole districts into reconcentrado camps when we got possession of them in order that we might terrify and coerce male relatives of the people who were in the field. We did not destroy towns and villages for the mere purpose of striking terror into that people, or if we ever did it it is a blot on our escutcheon. On the other hand, what did they do

in the Philippine Islands? General Bell, in his order of December 9, 1901, a few days only before Governor Taft started for this country, says:

BATANGAS, *December 9, 1901.*

To all station commanders:

A general conviction, which the brigade commander shares, appears to exist that the insurrection in this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire but in reality do not want peace.

He is not speaking there of soldiers, of course. He is speaking of the people—those who pretend to want peace.

That when all really want peace we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace, and want it badly.

He is not talking about soldiers. He is not talking about armed people. He is talking about people at home who are pretending to be peaceable and pretending to want peace, and he proposes that what is prescribed in this order shall be perpetrated, not against soldiers, but against the populace.

I have extracted from the record the testimony of General Hughes, who shows he is not talking about soldiers. He is talking about people at home living in peace and quiet, whom he orders to be destroyed to make the Filipino people, to use his phrase, want peace and want it badly. When he is asked, when he burned a village, what had become of the population—the women and the children—he said, "That is their lookout." And when a member of the committee asked him, Is that civilized warfare? General Hughes said that it is not civilized warfare.

Now, you say we are attacking the Army when we stand up here and say that this is not civilized warfare, when the very men whom we are criticising declare that they had abandoned it.

Senators talk about the Filipinos firing on flags of truce. In November, 1899, you have in the record which I will put in with my remarks a report of a general who said 300 people came along the railroad waving a flag of truce, and then as he was preparing to fire on them our cavalry fired on them from the right and on the left and they were dispersed. The firing on flags of truce was begun by us according to the reports of the War Department.

Did General Grant, by the means of coercion, order war to be made by attacking innocent women and children and putting to death all boys over 10 years old? Mr. President, the most shameful single thing in this whole transaction is the summoning the authority of General Grant to justify the order of General Hughes. If General Grant had done this thing he would have gone into history as a monster.

"Senator RAWLINS. Is it not true that operations in the islands became progressively more severe within the past year and a half in dealing with districts which were disturbed?

"General HUGHES. I think that is true. I would not say it is entirely so. The severities depend upon the man immediately in command of the force that he has with him. In the department I suppose I had at times as many as a hundred and twenty commands in the field. Each commander, under general restrictions, had authority to act for himself."

In other words he had authority to burn or not to burn, as he might see proper, in his own judgment, and, consequently, as some thought proper to burn a little more freely than others, the rule and practice, according to what he said, varied. He goes on to say:

"These commanders were changed from time to time. The new commanders coming in would probably start in very much easier than the old ones."

In other words, they would not burn the houses quite as much as the old ones. They had not got to be so callous. They had not got to be so absolutely indifferent to all rules of civilized warfare, and consequently they were easier, as General Hughes says:

"These commanders were changed from time to time. The new commanders coming in would probably start in very much easier than the old ones."

"Senator HALE. Very much what?

"General HUGHES. Easier. They would come from this country with their ideas of civilized warfare, and they were allowed to get their lesson."

Now, take General Hughes's testimony in the hearings before the Philippine Committee:

Mr. President, what is General Hughes's testimony on that line? It is found on page 558 of the hearings before the Philippine Committee. The Senator from Utah [Mr. RAWLINS] asked this question:

"In this connection, in burning towns, what would you do? Would the entire town be destroyed by fire, or would only offending portions of the town be burned?

"General HUGHES. I do not know that we ever had a case of burning what you would call a town in this country, but probably a barrio or a sitio; probably a half a dozen houses, native shacks, where the insurrectos would go in and be concealed, and if they caught a detachment passing they would kill some of them.

"Senator RAWLINS. What did I understand you to say would be the consequences of that?

"General HUGHES. They usually burned the village.

"Senator RAWLINS. All of the houses in the village?

"General HUGHES. Yes; every one of them.

"Senator RAWLINS. What would become of the inhabitants?

"General HUGHES. That was their lookout."

Then continuing the examination:

"Senator RAWLINS. If these shacks were of no consequence, what was the utility of their destruction?

"General HUGHES. The destruction was as a punishment."

Mr. SPOONER. Will the Senator give me the page?

Mr. BACON. Page 558. I had already announced it.

Mr. SPOONER. I did not hear it.

Mr. BACON. It continues:

"General HUGHES. The destruction was as a punishment. They permitted these people to come in there and conceal themselves, and they gave no sign. It is always——

"Senator RAWLINS. The punishment in that case would fall not upon the men, who could go elsewhere, but mainly upon the women and little children.

"General HUGHES. The women and children are a part of the family, and where you wish to inflict a punishment you can punish the man probably worse in that way than in any other.

"Senator RAWLINS. But is that within the ordinary rules of civilized warfare? Of course, you could exterminate the family, which would be still worse punishment.

"General HUGHES. These people are not civilized.

"Senator RAWLINS. Then I understand you to say it is not civilized warfare?

"General HUGHES. No; I think it is not.

"Senator RAWLINS. You think it is not?

"Senator DIETRICH. In order to carry on civilized warfare both sides have to engage in such warfare.

"General HUGHES. Yes, sir; certainly. That is the point.

"I think, if I am allowed to go on, I will come to a place where I shall have something to say that will bear directly on this subject.

CONDUCT OF THE WAR BECOMES STERNER.

"Senator HALE. You made a very interesting statement some time ago that from year to year, or from summer to summer, the conduct of the war was sterner, stiffer, as you called it. You are describing what took place the second summer, not the first?

"General HUGHES. Yes."

General Hughes adds:

In the first campaign the rules of civilized warfare were rigidly enforced. But the next year we found it necessary to adopt more stringent methods in order to reach these people.

That means that we have abandoned the rules of civilized warfare.

Now, what does this all come to? Undoubtedly you have disarmed that people with your superior forces and your water torture. The Senator from Michigan [Mr. BURROWS] says we have reduced our Army from 70,000 to 25,000 or 27,000, I think, and shall reduce it by a few thousand more in the near future. It may be that we have. But you have reduced the Army because you have disarmed the people and not because you have changed their minds.

He says, too, we have got three or four hundred American teachers there and have got 4,000 Filipino teachers there. You would have had, in my opinion, a good many more American teachers there to-day, doing a great deal better work, if you had pursued the Cuban policy instead of your Asiatic policy. Would you not? How many American teachers, how many Cuban teachers are there in Cuba to-day? You have made, in my opinion, on this testimony no advance in any conquest of the hearts of that people. There were in Cuba for the million and a half of people nearly 3,500 teachers.

I submit an article from the Manila Freedom, published just about the time Governor Taft came over, in which the editor says that there is no respectable paper in the Philippine Islands supporting the policy of the Philippine Commission, and that the spirit of insurrection, though subdued, is as strong as ever in the hearts of that people.

[The Manila Freedom, Edward F. O'Brien, editor.]

WEDNESDAY, *December 18, 1901.*

EDITORIAL.

Nothing can be accomplished in the Philippines until force has defeated, permanently, the enemy. It is useless to fool ourselves. We have tried civil government; we have placed prominent Filipinos in high places; we have prated of Americanism and progress, and with what result? Batangas, Samar, Tayabas, Laguna—and the list might be extended to cover the entire archipelago—all show the results. There is as much insurrection fomenting here as there was three years ago, and there will be as much three years from now.

There is only one remedy. The military must be supreme—must be given absolute control of the situation. There must be an army of at least 75,000 men here, and the desired end will be accomplished sooner with 100,000. The Filipinos must be defeated, absolutely and unconditionally defeated. They must be swept aside, at no matter what cost. Reconcentration—the same reconcentration which we deplored in Cuba—must be used. Those who evidence a desire to be peaceful must be gathered in camps or towns and protected by American troops.

America, unlike Spain and Cuba, must furnish, if necessary, to these people the means of life when their supplies run out. In return they must be made to assist in the erection of trenches and military works. All source of livelihood must be cut off from the enemy in the field. The Navy must furnish sufficient vessels to patrol the islands and prevent filibustering, for we are blind when we deny that the enemy is receiving encouragement from the exterior.

Americans must occupy the positions of responsibility. There are places for but few Filipinos in the government until all armed resistance is put down, once for all.

The results of a policy of this sort must be severe. Thousands of lives will pay the forfeit, but it is the only way to accomplish the desired end. The captures or death of Lukban and Malvar will not end the insurrection, no more than the capture of a hundred others has ended it. For every leader who falls there are a dozen ready to fill his shoes.

The time has come when the matter must be viewed from the front. We have fooled ourselves, and we have made ourselves the dupes of those whom we have trusted. The money we pay, supposedly for peace, is going to strengthen insurrection. It is time to admit that we have made a grand mistake, and undo the skein we have tangled. We must go back to the cross roads and take the other path.

They tell us that capital will conquer the islands. But when is capital coming? Will it come when it is as much as life itself is worth to go through the islands without a bodyguard? The answer is "No." Capital will come to these islands only when peace reigns, and according to our present procedure we will never have peace.

We are only fostering a spirit which will eventually defeat us. This may not come about through force of arms, but it is bound to come about through the taxpayers of the United States, who will refuse to sanction an unending and eminently costly warfare.

Let us have peace, and as a sure means to peace let us have warfare unconditional, and warfare in the sense in which warfare is really meant.

Now, you have on the other hand Governor Taft's dreams, of which he declares himself very uncertain of doing something in one or two generations, or perhaps a century. The Senator from Michigan, as I said just now, takes comfort in the fact that we have reduced our forces to 25,000 or 27,000 men. But you thought when you started that you could get along with 7,000 men. You have had more than 125,000 there since, if I do not mistake. You have not dared to arm, equip, discipline, or organize a single Filipino regiment.

That is a test better than any other of whether you really have a people there who love you and will stand by you. If they are on your side, their armed and disciplined soldiery will be on your side, as the soldiery of Canada are ready to fight for England. If the youth are brought up to love you, they will enlist for you and fight for you and die for you, and you can trust them. Now, when I asked that question my friends of the majority of the committee answered me by talking about policemen and Macabebean scouts, the old instruments of the cruel tyranny of Spain.

Mr. President, I do not deny that you will get peace pretty soon. It has nearly come already, and of course for us peace is better than conflict, but the question is, What are you doing to benefit the Philippine people? There are some things better for a people than voluntary and abject submission to foreign rule. The permanent loss of liberty is worse for a people than war. It is worse for a people than disaster. It is worse even than anarchy.

The great fundamental question in all this business is whether one man has a right to decide this question for another—whether one nation or people have a right to decide it for another. Now, there is a good deal involved in that. This great doctrine of the consent of the governed has been the beacon light of humanity for more than a hundred years. All over the world the eyes of men in darkness have seen that great light, sometimes even when they knew not from whence it came.

The peasant in the Siberian waste, the patriot in his dungeon, the serf in his hovel have looked to it as the one thing that gave manhood dignity or even made life itself tolerable. Whenever a people strove for liberty against tyranny their champions have looked to the United States and have read the great Declaration. Kossuth came here from Hungary; O'Connell looked to us across the sea from Ireland; Garibaldi, whose bust his grateful countrymen gave to the Senate of the United States and which stands in yonder beautiful gallery, looked with longing eyes for our sympathy and encouragement.

The Swiss on his chainless mountains, France, after many bloody struggles, looked to us for this gospel of glad tidings. And now are all mankind to learn that the great people who proclaimed this evangel of liberty have themselves disowned it, that trade and gain, that franchises and nuggets of gold, and the dreams of empire have taken its place in our vision, too.

Nowhere on the face of the earth is the doctrine hereafter to be believed that men or that nations are created equal in political rights, or that governments derive their just powers from the consent of the governed, if the United States have abandoned it. The torch of Liberty enlightening the world is in the hand of the American people to-day. You may keep it blazing aloft, or you may invert it and plunge it into this lake of mire.

Mr. President, the objection to this bill is not in what it does, but in what it claims the right to do. Other Senators will do their duty as they see it. I shall do mine as God gives me to see it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEWART. Mr. President, the contention in this discussion that all government rests upon the consent of the governed can not be maintained. It ignores the irrepressible conflict between civilization and barbarism. While I do not wish to compare the aborigines of this country with the natives of the Philippines, still it must be admitted that the numerous tribes of Indians who once occupied all of the territory now inhabited by the people of the United States were as much devoted to their independence and had as ardent a desire for liberty as any people who ever lived. If our forefathers had acted upon the theory of distinguished Senators that they could acquire no right to establish government in the land of the aborigines without the latter's consent, North America would to-day be the home of barbarism and not of civilization.

At the time the Declaration of Independence was written there were numerous tribes of Indians in the territory which it embraced living under governments established by themselves and claiming independence against all the world. There were also numerous slaves in this country. How absurd it would have been to consult either the Indians or the slaves in order to obtain their consent to the new government established by the fathers. There can be no doubt that the Declaration of Independence included the white citizens of the colonies who had banded together to set up an independent government of their own. It referred only to those people who were to govern as well as to be governed. It did not refer to any inhabitants of the country who were incapable at the time by nature or by education to participate in the government of the country. The contemporaneous construction of the language of the Declaration of Independence excludes the presumption that the consent of those who would not or could not participate in the proposed government was required.

Both the majority and the minority agree in their reports that it is the duty of the United States to establish a stable form of government in the Philippines. How long it will take to perform that duty no one can now predict. It is certainly necessary to supersede as rapidly as possible the present military establishment by a civil form of government. The bill under consideration is intended to inaugurate civil in place of the military government. To this there can be no objection from any quarter, for it is the plan proposed by both the majority and the minority.

When the treaty with Spain was negotiated we did not know that the obligations to maintain law and order and protect life and property in the Philippines which the United States assumed would be resisted. It was not known that the war which would follow the discharge of our obligations to Spain and to the civilized world would be of the same barbarous character as our war with the Indian tribes from the Atlantic to the Pacific. Having destroyed the despotic rule of Spain against which the Filipinos had protested and fought for three hundred years, we naturally supposed that the natives whom we had delivered from Spanish misrule would at least be friendly.

The minority, deriving their facts from disgruntled citizens at home and the motley crowd of renegade Filipinos and other revilers of the United States abroad, contend that the people of the islands we acquired from Spain were friendly to the United States and willing to cooperate with this Government in maintaining all the obligations assumed in the treaty with Spain. The majority, who rely on the testimony of our gallant generals, our brave soldiers, our commissioners, and other agents of the highest character, are forced to the conclusion that Aguinaldo and his oligarchy treacherously betrayed the confidence of this country and inaugurated a war marked by all the evidences of barbarity, hypocrisy, villainy, and cruelty which characterized the murderous Apaches in their warfare against the United States.

When we reflect that the war with Spain was more especially the work of Democrats than of Republicans, that the treaty was ratified by two-thirds of the Senate of the United States, that appropriations have been unanimously made from time to time whenever necessary to maintain the authority of the United States in the islands acquired by purchase and by war, and that our gallant and devoted Army, recruited alike from Democrats and Republicans, has made unparalleled sacrifices in its conflict with a barbarous and treacherous foe in tropical islands 8,000 miles away, we are astonished that any voice can be heard in the United States to defend the right of Aguinaldo and his coconspirators to rob, plunder, and oppress the very people the United States is solemnly bound to protect. It is still more remarkable that anybody in the United States should be found to take sides with the highwaymen and guerrillas of the Philippines against the citizens and soldiers of the United States engaged in the humane and philanthropic undertaking of conferring the blessings of liberty, law, and good government upon the people of the archipelago.

The excuse of the minority for arraigning the Administration and the Army is an unfortunate one. The minority inform us that they, too, are desirous of establishing and maintaining a stable government in the Philippines until full guaranties can be given by such government that it will carry out all the obligations that the United States incurred by the treaty with Spain, and that it will also protect all the inhabitants of those islands and carry out its treaty obligations with all the world. But the minority say that when all this shall have been accomplished, and not till then, the United States should acknowledge the independence of the government of the islands and invite all the great powers of the earth to assist this Government in maintaining a protectorate over the government established in the Philippines.

The minority contend that although the time required to accomplish this great work can not now be ascertained, yet it is the duty of the United States to promise the guerrillas in arms their independence when a stable government giving the required guaranties has been established. To prove the necessity for such a promise a vast amount of testimony has been collected and spread before the country. Flaming speeches of the most sanguinary, if not the most vituperative, character in the history of

the Senate have been made to show that the Administration, the Army, and the civilians engaged in the work of establishing a government in the Philippines have been guilty of all sorts of misdoings, both of omission and commission. It has been contended that it is the duty of the Government to tell the Filipinos that whether they are good or bad they shall have their independence, not on account of any merit they possess, but solely on the demerits of the people of the United States.

We did not need the minority's elaborate illustration of the unkind things that may be said by malcontents at home or enemies abroad. We knew from the beginning that among the vast number of good citizens that free institutions have produced in the United States there is a rare sprinkling of very egotistical, very selfish, and very uncharitable people, who, in the name of goodness, will take the side of the wicked every time. They can not believe that there is any good in the Administration, in the Army, or in the masses at large which they themselves do not monopolize.

Is it any good reason why this bill should not be passed because the majority are unwilling to make promises to be performed in the distant future, the conditions of which can not be known in this generation? Is it any good reason why this bill should not be passed for the establishment of civil government—which both the minority and the majority agree ought to be done—because a very few malcontents in the United States have faith in anything and everything favorable to the enemy and disbelieve everything favorable to the Administration, the Army, or even the Government of the United States, under whose protection they live and prosper?

No man deprecates acts of cruelty on the part of the Army of the United States, even under the most trying circumstances, more than I do; but I protest against the trial of our gallant soldiers, fighting for the flag 8,000 miles away, on ex parte testimony or on stories emanating in the imagination of either the disappointed or the disgruntled elements of society. Even the minority admits that we can not honorably withdraw from the islands until there has been a government established capable of giving guaranties to us, to Spain, and to all the world to protect the lives and property of all the people of the islands, native born and foreign, and to fulfill all international obligations.

Is it fair, while all the resources of the United States, composed of men, money, and statesmanship, are devoted to carrying out the national obligations which have been incurred by both parties alike, to use arguments and publish matter to bring this country into contempt, to engender hatred among the natives of the islands for whom our people are making unparalleled sacrifices to rescue from barbarism and to secure for them the blessings of civil liberty?

There can be no question that our Democratic brethren have made a mistake in allowing the issue between them and the majority apparently to involve the honor of the country, the Administration, and the Army.

The Senators on the other side appear to realize that they are in a false position, and regard themselves as called upon to disclaim any opposition to the Army and protest that they are the true friends of the soldiers. It is unfortunate that their position in this debate has placed them apparently in opposition not only to the Army but to the Government of the United States.

No one doubts the loyalty of those Senators to their country or their pride in the achievements of our soldiers, but it is unfortunate for them that by accident or otherwise they have fallen into a false position. If they do not realize it now, they certainly will when the whole case is summed up before the people in the next campaign. The country will indorse the Administration and the Army in executing the obligations assumed by the Government and every department thereof in maintaining law and order in the archipelago.

Mr. ALLISON. Mr. President, I desire to ask what amendment is now pending?

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado [Mr. TELLER], as the Chair understands.

Mr. ALLISON. I hope we can have a vote on that amendment.

Mr. TELLER. Under our agreement we can not have a vote on anything until 4 o'clock to-morrow.

Mr. ALLISON. I ask that the agreement may be stated.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Chair understands that the amendment of the Senator from Colorado [Mr. TELLER] was submitted as an amendment which he intended to propose, and was printed. The Chair does not understand that he has yet offered it.

Mr. TELLER. I have offered it to-day.

The PRESIDING OFFICER. The Chair was not aware of that fact.

Mr. TELLER. No; the present occupant of the chair was not in the chair at the time I offered the amendment. It is now pending. It is to strike out section 5 and insert the amendment, which is a modification of the language contained in the original bill.

The PRESIDING OFFICER. The Chair understands that the Senator from Iowa [Mr. ALLISON] calls for the reading of the amendment.

Mr. TELLER. I ask that it be read.

Mr. ALLISON. I did not ask for that; but I do not object to its being read.

Mr. TELLER. The amendment has been read.

Mr. BATE. I think, if there is any doubt about the agreement which has been arrived at, the matter had better be determined now, because other amendments will come in and other questions will arise.

Mr. TELLER. Let us have the agreement read. I do not understand that we can vote on the amendment now.

The PRESIDING OFFICER. The agreement as it appears on the Calendar will be read.

Mr. ALLISON. Before it is read, I desire to say a word. I did not understand what has been stated by the Senator from Colorado to be the purport of the agreement. We have agreed to ten or fifteen amendments this morning.

Mr. TELLER. But those were acted upon by unanimous consent, as I understand.

Mr. ALLISON. I do not think so. I mean to say that I did not so understand it. I understand the agreement to be that on whatever amendments may be pending at 4 o'clock to-morrow the vote shall be taken, and afterwards that a vote shall be taken upon the bill. I agree, of course, that we can not take a vote on the bill until 4 o'clock to-morrow, but I do not understand that the agreement precludes voting on amendments during these two days of fifteen-minute debate.

Mr. TELLER. Let the agreement be read.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The agreement as it appears in the Calendar will be read.

The Secretary read as follows:

It is agreed by unanimous consent that the Senate shall meet at 11 o'clock a. m. on Thursday and Saturday of this week and on Monday and Tuesday of next week; that general debate on S. 2235, "A bill temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," shall close on Saturday; that on Monday and Tuesday debate shall be limited to fifteen minutes, and that at 4 o'clock p. m. on Tuesday, without further debate, the Senate shall proceed to vote on all pending amendments, and amendments to be offered, and then on the bill. This agreement is not to interfere with reports of committees of conference.

Mr. TELLER. I should like the construction of the Chair on that agreement. I am not particular about it, only I should like to know what the Chair's construction of it is.

Mr. ALLISON. Before the Chair construes it, I wish to say that I understood the object of the fifteen-minute debate was to give Senators an opportunity to explain amendments offered, and to hear objections thereto.

Mr. TELLER. I thought so.

Mr. ALLISON. It was with that view that the time for a short debate on amendments was proposed, and I think the reasonable construction is that which I suggest; but of course I yield to the construction of the Chair.

The PRESIDING OFFICER. There is nothing specified in the agreement as to when votes shall be taken upon the amendments. Certainly the Chair can find nothing to that effect.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GALLINGER] was in the chair at the time the agreement was made.

Mr. GALLINGER. I chanced to be in the chair at the time, and I think the statement was, as it appears on the Calendar, "that at 4 o'clock p. m. on Tuesday, without further debate, the Senate shall proceed to vote on all pending amendments and amendments to be offered, and then on the bill."

Mr. BERRY. Amendments pending at that time.

Mr. GALLINGER. Yes; on pending amendments and amendments to be offered.

Mr. TELLER. And all amendments that might be offered.

Mr. GALLINGER. Certainly; and it was the distinct understanding that amendments might be offered in addition to the amendments pending.

Mr. TELLER. There was certainly no purpose to cut off amendments after we begin to vote.

Mr. ALLISON. Do I understand the Senator from New Hampshire to mean that all amendments are to be left pending until 4 o'clock on Tuesday?

Mr. GALLINGER. No; I would say, I think not. I think the understanding was that the Senate would proceed to vote on amendments pending at 4 o'clock, and that other amendments could then be offered.

Mr. ALLISON. I do not mean that, but I mean as to the action

on amendments in the meantime. That is the question the Senate is now considering.

Mr. COCKRELL. We are to vote on amendments then pending and on the amendments to be offered.

Mr. GALLINGER. And on amendments to be offered.

Mr. BERRY. We are talking about whether we can now vote upon amendments.

Mr. TELLER. The question is whether we can vote on amendments now.

Mr. ALLISON. The Senator from Colorado [Mr. TELLER] has offered an amendment, and I ask that we take a vote on that now, unless some Senator wants to speak on it.

Mr. BATE. If we should do that we would be doing an injustice to a great many Senators who are not here now, because I think Senators understood there would be no vote taken on any amendment until 4 o'clock to-morrow.

The PRESIDING OFFICER. The Chair will state that this morning the chairman of the Committee on the Philippines presented many amendments, which were acted upon this morning.

Mr. GALLINGER. I was about to add, Mr. President, that, as I understood the matter, having happened to be in the chair at that time the agreement was made, there was nothing suggested that would preclude voting upon amendments prior to the hour of 4 o'clock to-morrow, as was done this morning. I do not think, unless there is an objection to voting upon an amendment, that it would be out of order to vote upon any amendment prior to 4 o'clock on Tuesday. However, that would be for the Senate to decide.

Mr. COCKRELL. The amendments this morning were committee amendments and were not controverted amendments which were to be discussed and decided upon by a yea-and-nay vote or anything of that kind. I suppose, as a matter of course, the committee having the bill in charge have a right to amend it at any time with amendments that do not change the bill materially and about which there is no controversy.

Mr. GALLINGER. That is what I meant to say—amendments not controverted.

Mr. TELLER. It is quite immaterial to me whether or not we vote upon the amendments now, except that I think this matter ought to be understood by the Senate, so that Senators will not be absent who might want to be here when the vote is taken.

I offered an amendment to strike out section 5 and insert an amendment which, I think, exactly carries out the idea of the committee, except where the committee say that the Filipinos shall be "citizens of the Philippine Islands" I insert that they shall be "citizens of the government of the Philippine Islands." I am not myself able to conceive that they can be citizens of an island. There must be a sovereignty, as I understand it, and for that reason I have offered the amendment.

Mr. GALLINGER. Mr. President, if no one is prepared to go on with the discussion of the unfinished business, I ask unanimous consent that it be laid aside for thirty minutes.

Mr. TELLER. I think we had better not do that. A number of Senators have gone out to lunch who will probably return in a few moments, and meantime, as I want to say a few words, I may as well say them now.

Mr. GALLINGER. I noticed there was a lull in the discussion, and that is the reason I made the suggestion.

Mr. TELLER. Mr. President, I do not regard section 5 as a matter of any great importance, because it seems to me that it really does nothing. When you say that the inhabitants of the Philippine Islands are "citizens of the Philippine Islands," that conveys no information to me, for I can not conceive of their being citizens of an island that has not sovereignty. I propose to amend that by saying that they shall be "citizens of the government of the Philippine Islands." I do not know what would be the effect of the committee's provision. The committee provides that the Filipinos are "entitled to the protection of the United States," while my amendment provides that they shall be "entitled to the protection of the United States and all the rights and privileges of the bill of rights as enumerated in section 2 of this act."

Mr. President, that is a matter of no very great consequence. I want to say a word or two, however, about this debate. The Senator from Nevada [Mr. STEWART] who has just taken his seat followed the regular course of his associates on the other side of the Chamber, which seems to be to divert the whole question from one of consequence to one of inconsequence, or one of comparatively no consequence. It is not a question we are considering here now, whether the American Army has within its confines some cruel or wicked men, nor is it a question whether the American Army is being somewhat brought into discredit by the misconduct of some of its members and some of its officers. Those are not the questions which we ought to consider, though we are considering them. The question we ought first to consider is as to whether it is a proper thing for us to govern those islands in the way we are now governing them, or whether they ought to be governed in a different manner.

Mr. President, I wish to read a word or two from what the junior Senator from Massachusetts [Mr. LODGE] said in the Senate before the treaty was ratified, January 24, 1899:

> I believe we can be trusted as a people to deal honestly and justly with the islands and their inhabitants thus given to our care. What our precise policy shall be I do not know, because I for one am not sufficiently informed as to the conditions there to be able to say what it will be best to do, nor, I may add, do I think anyone is.

I think that was a correct statement.

> But I believe that we shall have the wisdom not to attempt to incorporate those islands with our body politic or make their inhabitants part of our citizenship or set their labor alongside of ours and within our tariff to compete in any industry with American workmen.

I skip some, because I do not desire to consume all my time in reading.

> I believe that we shall have the wisdom, the self-restraint, and the ability to restore peace and order in those islands and give to their people an opportunity for self-government and for freedom under the protecting shield of the United States until the time shall come when they are able to stand alone, if such a thing be possible, and if they do not themselves desire to remain under our protection.

Skipping again:

> During the campaign of last autumn I said in many speeches to the people of my State that I could never assent to hand those islands back to Spain; that I wanted no subject races and no vassal states, but that we had by the fortunes of war assumed a great responsibility in the Philippines; that we ought to meet it, and that we ought to give to those people an opportunity for freedom, for peace, and for self-government; that we ought to protect them from the rapacity of other nations and seek to uplift those whom we had freed. From those views I have never swerved, and I believed then, as I believe now, that they met with the approbation of an overwhelming majority of the people of Massachusetts. I believe those results can be and will be obtained. I can not forecast the future, as so many others have been able to do. I can but proceed step by step, and the only step I can see now to take is to ratify the treaty, for in that way alone can we take the islands from Spain and give ourselves opportunity to deal with them and bring peace and freedom to their inhabitants.

Again, he says:

> The treaty commits the disposition of the Philippine Islands to Congress and to the ways and practices of peace.

I believe that was practically the opinion of the majority of the Senators at least who voted for the treaty. I read this because the Senator in that statement expressed the idea which I had expressed, not so finely as he did, but as positively as I could on that question.

It does not seem to me as if it were worth while now to spend very much time over the question whether we had the power to take the islands. On that I myself have never had any question. We have as much right to take territory by conquest of war or by purchase as any other nation in the world. I have so contended and still contend. I said in the fall of 1898 that it was a question simply of what we would do with the islands when we had them; that we were not going to give them to Spain; that we were not going to trade them off to any other country; that we were not going to withdraw from them and say that the task was too big for us; but that we were going to endeavor, I stated, as the Senator from Massachusetts did, to establish a government of the people, by the people, and for the people.

I said in express terms that our flag would stay there until we put up something better; that it could not come down until we put up something better, just as happened in Cuba the other day. We put up a flag for the Cubans. They could not have put it up without our help. We had to drive out Spain. Of course you may say they put it up. I noticed what the Senator from Illinois [Mr. MASON] said about the putting up of the Cuban flag. A gentleman called on me yesterday, who was present and saw the flag put up, and he said there were thousands and thousands of people in the city of Habana, and when our flag came down and the Cuban flag went up, he had expected to hear a great shout, but on the contrary the people were quiet, subdued, and thousands of them were in tears. That flag went up not amid the cheers of an unthinking crowd, but it went up amidst the tears of men who had fought to see it put up, of men who had sacrificed everything except life to see it go up.

So we said when this treaty was ratified here, "Our flag is there; we are going to keep it there until we put up something better," which will be the Filipino flag when it is put up.

Mr. President, I feel inclined to complain somewhat of the attempt to put upon us the charge that we have been traducing and slandering the Army. I say nothing of the kind has been done. The Republican Senators during this debate have constituted themselves the special champions of the Army, as it appears. They have gone into heroics over the honor of the Army and inveighed against the wickedness of those who complain not of the Army but of the individual misconduct of officers and soldiers.

They have not of late denied that there has been gross violation of the rules of warfare recognized among the Christian nations of the world.

Some of the Army officers have declared that the Filipinos are

not conducting the war according to the rules of civilized warfare, and that that justifies our soldiers in disregarding such rules. I have not heard any Senator assert that such is the law, and I do not suppose I shall hear any Senator assert it. No one can defend an atrocity or violation of the recognized rules of warfare by such an excuse. I am glad that excuse is confined to a very limited number outside of the Senate.

Have the opponents of the present conduct of the war abused the Army? Have those who complain that it has not been properly conducted abused the Army? Have the opponents gone beyond what is right? They certainly have not abused the Army unless they have brought false accusations against the Army or against members of it. Have we done that? I say without hesitation we have not.

We have said that at times, and in places that we have stated, the laws of civilized warfare have been disregarded, and we have called for a reform in these cases.

Is it not admitted by the Administration that these charges are true? It is also true that Republican Senators and Republican newspapers throughout the land condemn such acts, and they have not found defenders anywhere except by a few men in the Army. The great body of the officers and soldiers repudiate and condemn such acts as heartily as we do.

Where do these charges primarily come from? Who makes them? I think it is safe to say 90 per cent of them come from soldiers in the field or returned soldiers just from the field. They have all appeared in the public press of the country, not by the procurement of Democratic Senators, but by the action of the soldiers themselves or their families and friends. The other 10 per cent can be found in the official reports of Army officers or civil governors who in many cases are also Army officers.

It is said that in some instances these violations of the laws of war are to be attributed to the cruelties inflicted on our soldiers or on the inhabitants friendly to us. These facts may be considered as palliative or extenuating, but not as a defense. Such circumstances may be properly considered as mitigating the offense. But many of these authenticated cases do not admit even of such palliation, for there was no such inciting cause; on the contrary, some of the cases complained of could not have been caused by the especial misconduct of the Filipinos or by the general conduct of the war on their part.

Is it inconsistent with proper respect for the Army for those who know or have reason to suppose such violations of the rules of war are taking place to denounce them or to call the attention of Congress to them?

I do not mean to charge that any member of this body has any degree of sympathy with such acts, or any violation of the rules of warfare, but in the very nature of things the Republican Senators will hesitate to bring to the attention of Congress those things that may be used to condemn the policy of the party in respect to these islands.

We do know that notwithstanding their disapproval and condemnation of such acts they have refused to admit their existence until the proof compelled such admission. I can understand how a party believing that their policy is just and wise will satisfy their consciences by the hope that such cases are merely sporadic and do not represent any considerable sentiment in the Army, and that for them at least there may be some mitigating circumstances.

But is it fair, is it just, to say that those who demand that if such crimes have been committed they shall cease and the authors shall be punished are moved by partisan feelings only and a desire to discredit a branch of the public service?

If the newspapers of the country of all kinds publish these charges, giving them great publicity; if official reports contain such charges, as they certainly do to some extent, why is it that those who declare they do not approve such violation of the laws of war denounce in unmeasured terms those who but at most reiterate them, and in most cases have not gone beyond asking that the reports may be considered by the proper authorities for the purpose of punishing the offenders if true and showing their falsity if false.

Is it not to secure to their political party the advantages that may be secured by discrediting the reports in the first instance, and if that is not possible, making it appear that the parties complaining are moved only by hostility to the Army? With courts-martial finding facts that are so atrocious as to meet the condemnation of the best of our military officers and the condemnation of the President of the United States, with courts-martial yet to be held to determine the truth of these charges, it would seem to the ordinary citizen that enough has been proved and is likely to be proved to justify all efforts that have been made to have the war conducted as becomes a civilized and Christian nation.

A Senator has said on the floor of the Senate:

> I stand for the army of McKinley, the army that is supported in its mission by the American people at the polls.

What is the mission of the Army? No man knows what it is and no man has dared to declare what its mission is. When will the party in power declare its mission? What is meant by the army of McKinley? Is the American Army the Army of the President? Is it not subject to the laws of the country? Is it not open to criticism if deserving of criticism? Is the question how the war shall be conducted a question for the Army or for Congress?

Is it the honor of the Army that is involved, or is it the honor of the nation? It seems to me that our national honor is involved in this matter, and the nation's acts must be determined by national authority, and that is the Congress of the United States.

Why complain that the Democratic Senators insist that cruelties have been practiced by soldiers in our Army and that they must be discontinued?

A large number of influential and devoted Republicans all over the land are making the same charges that are complained of, and are insisting that the war as carried on is a disgrace to the nation.

A large number of influential divines of every denomination of the Christian religion are making the same complaint.

A great number of Republican newspapers are reiterating the charges. Public meetings are held, not of Democrats, but composed of men of all political parties and of all religious thought, demanding that there must be a change in the conduct of the war.

Why do Senators on the other side of the Chamber waste their time in charging that all of the suggestions made here which have appeared in the public prints and in official reports are simply presented in order to discredit the Army?

Mr. President, there has been a good deal of discussion as to inconsistency. I observe, however, by the indications on the part of the Chair, that I have about used up my fifteen minutes, and therefore I will withhold what I was about to say in addition.

Mr. LODGE. The Senator from Colorado can go on if no one else desires to proceed.

Mr. TELLER. I hardly think I ought to do so. Some one else may wish to speak. I will take occasion on some other amendment to submit what I have to say.

Mr. BACON addressed the Senate. After having spoken thirteen minutes, he said:

Mr. President, I do not know how much of my time I have consumed.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Georgia has two or three minutes left.

Mr. BACON. I was about to say that I have another authority which I wish to read, but I do not want to start on it unless I have the opportunity to complete it, and I could not do so in that time. I have something else to say in connection with it. I will have plenty of opportunity to do so hereafter, and therefore I will suspend for the present.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 31st ultimo approved and signed the following acts:

An act (S. 1172) granting an increase of pension to Catharine F. Edmunds;

An act (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan;

An act (S. 3129) for the authorization of the erection of buildings by the International Committee of Young Men's Christian Associations on military reservations of the United States;

An act (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska;

An act (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.;

An act (S. 3908) granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, and Fort Laramie wood reservation, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing land, and for other purposes; and

An act (S. 4264) providing that the statute of limitations of the several States shall apply as a defense to actions brought in the United States courts for the recovery of lands patented in severalty to members of any tribe of Indians under any treaty between it and the United States of America.

PAY OF THE NAVY.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d ultimo, a statement prepared by the Paymaster-General of the Navy of all expenditures under the head of "Pay of the Navy" in the naval appropriation bill for the year ending June 30, 1902, etc.; which was referred to the Committee on Naval Affairs.

GARFIELD HOSPITAL.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Commissioners of the District of Columbia, submitting an estimate of appropriation for equipping Garfield Hospital with appliances for escape and protection from fires in the sum of $3,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d ultimo, certain information relative to quarters rented by the Navy Department, giving the location, area of floor space occupied, and the annual rental thereof; which was referred to the Committee an Appropriations, and ordered to be printed.

CHARLESTON (S. C.) NAVY-YARD.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 27th ultimo, estimates covering such public works as can either be erected or started during the next fiscal year at the navy-yard at Charleston, S. C.; which was referred to the Committee on Naval Affairs.

LAWS OF PORTO RICO.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the Journal of the Executive Council of Porto Rico, Second Legislative Assembly, and the Minutes of the House of Delegates of Porto Rico, First Legislative Assembly, Second Session, 1902, submitted by the secretary of the Territory of Porto Rico; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico.

BRITISH SHIP FOSCOLIA.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which will be read. The attention of the Senator from Wyoming [Mr. WARREN] is directed to the message.

The message was read, as follows:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 29th ultimo (the House of Representatives concurring), I return herewith the bill (S. 173) entitled "An act for the relief of the owners of the British ship *Foscolia* and cargo."

THEODORE ROOSEVELT.

WHITE HOUSE, *June 2, 1902.*

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. The Chair will suggest, inasmuch as the bill is signed by the presiding officers of both Houses, the message and bill had better lie on the table, if that course is agreeable to the Senator.

Mr. WARREN. I desire to state that the entire matter set out in the bill has already become a law through the President affixing his signature to the so-called omnibus claims bill. Whatever course is necessary to dispose of the bill I wish to take at the proper time, whether it is to indefinitely postpone it or otherwise.

The PRESIDING OFFICER. The proper course is that the message and bill shall lie on the table, and that order is made.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. WARREN. I do not want to transgress upon the unanimous-consent agreement, but if there is nothing doing on that I should like to report a joint resolution and ask for its consideration, because it is intended to correct a matter in the public-building bill which lately passed and is now before the Executive.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to present, out of order, a report. The Chair hears no objection.

Mr. WARREN. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla., to report it without amendment.

Mr. BACON. If no other Senator desires to speak, I do not know that it would be a violation of the agreement for me to proceed with what I was saying.

Mr. LODGE. Not at all. I hope the Senator from Georgia will proceed, as no other Senator is ready to speak. Of course the unanimous-consent agreement excludes all other business.

Mr. BACON. Of course when any other Senator desires to be recognized, I shall yield the floor to him.

Mr. LODGE. Certainly. I hope Senators who wish to speak will do so.

Mr. BACON. I do not desire in any manner to trench upon their rights.

Mr. WARREN. Will not the Senator from Georgia allow the joint resolution to be acted upon?

Mr. BACON. I beg pardon. I thought the Senator was through. I have no objection to that at all.

Mr. WARREN. If the Senator has any objection——

Mr. BACON. Not at all. It was an inadvertence on my part.

Mr. LODGE. This morning a request was made for unanimous consent to have a bill passed, and objection was made on both sides of the Chamber that it was in violation of the unanimous-consent agreement.

Mr. WARREN. I do not wish to transgress. As I said, it is merely a correction, and I know that no one will object to it, but at the same time——

Mr. LODGE. I dislike exceedingly to have any violation of the unanimous-consent agreement made, even in a matter of detail.

Mr. WARREN. Very well.

Mr. BACON. I suggest to the Senator from Massachusetts that this possibly might be an exception, as I understand the Senator from Wyoming to say that it relates to a bill now in the hands of the President, and if the correction is not made there may be no remedy in the future. Am I correct?

Mr. WARREN. Yes; it is in that nature. It applies to the public-building bill, which is in the hands of the Executive.

Mr. BACON. I think under those circumstances the unanimous-consent agreement would not be violated by its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that of the sum authorized at this session of Congress to be expended in enlarging and improving the post-office, court-house, and custom-house at Jacksonville, Fla., the Secretary of the Treasury may, in his discretion, use not to exceed $45,000 for the purchase of additional ground; but such additional ground shall be contiguous to the present site and shall have a frontage on Forsyth and Adams streets of not less than 50 feet and a depth of not less than 208 feet.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I desire to perfect an amendment offered this morning, which I said I would do after the others were agreed to.

On page 9, line 13, where the words were inserted "shall classify and" I move to insert after "classify" the words "according to its agricultural character and productiveness;" so as to read: "shall classify according to its agricultural character and productiveness and."

The amendment was agreed to.

Mr. LODGE. The Public Printer can be notified of this additional amendment.

Mr. BACON resumed and concluded his speech. The entire speech is as follows:

Mr. BACON. Mr. President, there has been a good deal said in this debate about the character of the Filipino people, and a good many things have been said which I think are contrary to the facts and unauthorized. I desire to put into the RECORD, in order that they may appear in this debate, some estimates which have been made of this people by those who have had the best opportunity to judge of their capacity.

I will say in the beginning that criticism has been made upon those of us on this side of the Chamber who oppose this bill, that while we profess to deprecate military rule we do not support a bill to establish civil government when the opportunity is offered. It is not the fact that we are unwilling to support a bill to establish civil government, but that we object to a bill which is not proper in itself.

And speaking of the details of the bill I wish to say that in addition to the fundamental objection that no promise of independent nationality is given to the Filipinos, my particular objections to it are two. One is that it fails to give to the Filipinos opportunity for participation in their government through their representatives, and the other is that it affords an opportunity for exploitation, and as I said the other day, I think all matters with respect to the disposition of the property and franchises of those islands should be postponed until the people themselves can have an opportunity to determine what shall be done with reference to them.

My purpose now is not to make anything like a speech, but simply to call attention to and to have put in the RECORD the testimonials which have been given by others as to the capacity of this people. The first person whose testimony I will give is

that of Admiral Dewey. I will remark that many of the extracts, if not all of them, have already been mentioned in the Senate at various times, but I desire them to appear consecutively as a part of the debate.

On the 27th of June, 1898, in response to a telegram sent to him by the Secretary of the Navy, Admiral Dewey sent this reply, which will be found in the report of the Secretary of the Navy for 1898, volume 2, page 108:

In my opinion these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

DEWEY.

Then in Senate Document 62, which contains the documents sent by the executive department to the Senate, there is another dispatch from Admiral Dewey, found on page 383, in which he says this, referring to the former telegram:

In a telegram sent to the Department on June 23 I expressed the opinion that "these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion.

We have sent two commissions to the Philippine Islands which have made very careful examinations into the question as to the capacity of the Filipinos to participate in their own government. Each of these commissions has sent a recommendation, which is before the Senate, that the Filipinos be permitted to have participation in their government to the extent of the election of a representative body by them which shall be clothed with legislative powers. The Schurman Commission and the Taft Commission have both made that recommendation.

The Schurman Commission made a very elaborate examination into the question of the capacity of the Filipino people and their character, and the testimony takes up almost the entire second volume of the report of the Schurman Commission, where is set out the testimony of a great many witnesses, men of standing and capacity, and who have had opportunity to judge. The testimony is abundant in that volume as to the belief that these people are of sufficient intelligence and character to participate through representative bodies in the control of their own government. As a result of that examination and as a conclusion, the Commission, on page 119 of the first volume of their report, use this language in giving the reasons why in their opinion those people are capacitated to participate in their own government.

For this confidence it has the following, among other grounds: First, the study by educated Filipinos of the various examples of constitutional government has resulted in their selection, as best adapted to the conditions and character of the various peoples inhabiting the archipelago, of almost precisely the political institutions and arrangements which have been worked out in practice by the American people; and these are also, though less definitely apprehended, the political ideas of the masses of the Philippine people themselves.

This point has been frequently illustrated in the course of the preceding exposition, and it must here suffice to say that the commission was constantly surprised by the harmony subsisting between the rights, privileges, and institutions enjoyed by Americans and the reforms desired by the best Filipinos. Secondly, in addition to the adaptation of the American form of government to the Filipinos, the Filipinos themselves are of unusually promising material. They possess admirable domestic and personal virtues, and though they are uncontrollable when such elemental passions as jealousy, revenge, or resentment are once aroused, most of them—practically all of the civilized inhabitants of Luzon and Visayas—are naturally and normally peaceful, docile, and deferential to constituted authority.

On the suppression of the insurrection the great majority of them will be found to be good, law-abiding citizens. Thirdly, though the majority of the inhabitants are uneducated, they evince a strong desire to be instructed, and the example of Japan is with them a cherished ideal of the value of modern education. A system of free schools for the people—another American institution, it will be noted—has been an important element in every Philippine programme of reforms. Fourthly, the educated Filipinos, though constituting a minority, are far more numerous than is generally supposed, and are scattered all over the archipelago; and the Commission desires to bear the strongest testimony to the high range of their intelligence, and not only to their intellectual training, but also to their social refinement, as well as to the grace and charm of the personal character. These educated Filipinos, in a word, are the equals of men one meets in similar vocations, law, medicine, business, etc., in Europe or America.

That which I have just read is a part of the report of the Schurman Commission, of which Professor Schurman, Mr. Denby, Professor Worcester, Admiral Dewey, and, I believe, General Otis, were members.

In a book published by a member of the same Commission, written before the Spanish war and at a time when there was no inducement to partisanship, entitled "The Philippine Islands," by Dean C. Worcester, on page 479, he draws this very attractive and interesting picture of the character and social conditions of the Filipinos.

The civilized Filipino certainly has many good qualities to offset his bad traits. The traveler can not fail to be impressed by his open-handed and cheerful hospitality. He will go to any amount of trouble, and often to no little expense, in order to accommodate some perfect stranger who has not the slightest claim on him; and he never turns one of his own race from his door.

If cleanliness be next to godliness, he certainly has much to recommend him. Every village has its bath, if there is any chance for one, and men, women, and children patronize it liberally. Should the situation of a town be unfortunate in this particular, its people will carry water from a great distance if necessary, and in any event will keep clean.

Hardly less noticeable than the almost universal hospitality are the well-regulated homes and the happy family life, which one soon finds to be the rule. Children are orderly, respectful, and obedient to their parents. Wives are allowed an amount of liberty hardly equaled in any other Eastern country, and they seldom abuse it. More often than not they are the financiers of their families, and I have frequently been referred by the head of a house to "mi mujer" when I wished to make a bargain. Women have their share of the work to do, but it is a just share, and they perform it without question and without grumbling.

At vespers in the evening there is always a pretty scene. An instant hush comes over the busy village. In each house father, mother, and children fall on their knees before the image or picture of some saint and repeat their prayers. The devotions over, each child kisses the hand of his father and his mother, at the same time wishing them good evening. He then makes an obeisance to each of his brothers and sisters, as well as to each guest who happens to be present, repeating his pleasant salutation with each funny bow. Host and hostess also greet one in the same way, and in remote places, where white men are a rarity, the little tots often kneel to kiss one's hand.

The civilized native is self-respecting and self-restrained to a remarkable degree. He is patient under misfortune and forbearing under provocation. While it is stretching the truth to say that he never reveals anger, he certainly succeeds much better in controlling himself than does the average European. When he does give way to passion, however, he is as likely as not to become for the moment a maniac and to do someone a fatal injury.

He is a kind father and a dutiful son. His aged relatives are never left in want, but are brought to his home and are welcome to share the best that it affords to the end of their days.

Among his fellows he is genial and sociable. He loves to sing, dance, and make merry. He is a born musician, and, considering the sort of instruments at his disposal, and especially the limited advantages which he has for perfecting himself in their use, his peformances on them are often very remarkable.

He is naturally fearless and admires nothing so much as bravery in others. Under good officers he makes an excellent soldier, and he is ready to fight to the death for his honor or his home.

Mr. President, in connection with what I read from Admiral Dewey, making comparison between the capacity and the intelligence of the Filipinos and the Cubans and awarding superiority to the Filipinos, I desire to say that I have asked a great many Army officers, who have served both in Cuba and in the Philippines, what their estimate was, and without a single exception every Army officer has given me the same opinion that Admiral Dewey expressed in these two telegrams to the Secretary of the Navy, that the Filipinos are superior in point of capacity and intelligence to the Cubans. Of course, he is speaking of the average of the two peoples.

It is exceedingly gratifying to me that the testimony of Admiral Dewey and the statement of Professor Worcester in his book is corroborated by all of the official documents which have been sent to us by the Executive Department in regard to that matter and also by the testimony which has been taken before the Senate Committee on the Philippines.

I have in my hand a part of the testimony. I can not refer to a great many things that are in it, but I will refer to a few only. Governor Taft is very emphatic in his commendation of the Philippine people as a people of character and good disposition and intelligence. On page 410 of the testimony there is this question and answer, the chairman asking the question of Governor Taft:

The Filipinos are temperate?

Governor TAFT. Yes, sir; the Filipinos are temperate, but they drink. They drink a little vino, and vino shops have been very largely reduced since our occupancy and under the civil government.

Then Governor Taft, in response to another question on the same page, said what I shall read:

The CHAIRMAN. The sale of liquor has been regulated and reduced since you have been there?

Governor TAFT. Yes, sir; it has; and I venture to say that the moral condition of the city of Manila is as good as that of any American city I know of.

On page 77 of the same volume of testimony there is a statement by Governor Taft in the nature of a voluntary statement on his part, and I think it important to call attention to it in view of the very general and unqualified assertions which have been made as to the character of the Filipinos in their prosecution of the war. Governor Taft says:

I desire to say, with respect to the treatment of American prisoners by the insurgent officers high in command, that there was usually very little to criticise. When you get to officers lower in command you will find instances of the murder of American prisoners, not many, but enough to cause comment as to the difference in treatment.

In this connection I read the cablegram, to which I have already called attention, from Admiral Dewey, of June 27. He says:

HONGKONG, *June 27, 1898.*

SECRETARY OF NAVY, *Washington:*

Receipt of telegram of June 14 is acknowledged. Aguinaldo, insurgent leader, with 13 of his staff, arrived May 19, by permission, on *Nanshan*. Established self Cavite, outside arsenal, under the protection of our guns, and organized his army. I have had several conferences with him, generally of a personal nature.

Consistently, I have refrained from assisting him in any way with the force under my command, and on several occasions I have declined requests that I should do so, telling him the squadron could not act until the arrival of the United States troops. At the same time I have given him to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunition, and to take such Spanish arms and ammunition from the arsenal as he needed.

Here is the part to which I wish to call attention:

Have advised frequently to conduct the war humanely, which he has done invariably. My relations with him are cordial, but I am not in his confidence. The United States has not been bound in any way to assist insurgents

by any act or promises, and he is not to my knowledge committed to assist us. I believe he expects to capture Manila without my assistance, but doubt ability, they not yet having many guns. In my opinion these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

DEWEY.

General MacArthur, in his testimony before the Committee on the Philippines, said what I shall read. He was speaking as to the policy of granting to the Filipinos the opportunity to participate through representative government in the control of their own affairs. I can not go back entirely, but I will take up enough to make the connection.

Senator CARMACK. Will not that depend very largely on granting them at least a considerable measure of political rights and share in the government that is established over them?

General MACARTHUR. Undoubtedly, and they are getting that.

Senator CARMACK. In what way?

General MACARTHUR. They have almost complete control of their municipal governments. They have been given a very considerable control of the provincial government, and what they get in the general government depends upon future action. So far as I am concerned, I should be glad to give them a very considerable voice.

Senator BEVERIDGE. Do I understand you by that to mean that as they demonstrate their fitness and capability in these minor and smaller fields of political action their participation in larger affairs would be increased accordingly?

General MACARTHUR. Yes; I think of course that is——

Senator PATTERSON. I do not think it is just or fair for the Senator to make such a statement——

Senator CARMACK. I understand you to say that you would be willing to give them a very considerable share in the general government?

General MACARTHUR. Yes.

Senator CARMACK. Do you think they should have that now?

General MACARTHUR. I would be willing to give it to them, as I have said. I have become attached to those people and have a good deal of faith in them.

Senator CARMACK. You speak of them as quick, generous, and intelligent people.

General MACARTHUR. I so consider them. Of course the society is classified, as it is everywhere else.

Senator CARMACK. But as a whole, General, I believe in your reports you speak of the Filipino people in an appreciative way—as a people with considerable native intelligence, quick and apt and generous, flexible and teachable.

General MACARTHUR. I believe that is the general tenor.

Senator CARMACK. That is the general tenor of your report?

General MACARTHUR. Yes.

Senator CARMACK. You do not regard the people of the Philippine Islands, as a whole, as a miserable, corrupt, cruel, and a degraded race, do you, General?

General MACARTHUR. Oh, by no means.

And so on.

Now, Mr. President, there is a very interesting and detailed statement made as to the character and social conditions of the Philippine people, to which the attention of the Senate has more than once been called, and parts of which have been inserted in the RECORD, but which I desire now to have read in this connection.

It was alluded to on Saturday by the Senator from Wisconsin [Mr. SPOONER], and the effect of these statements by two naval officers was endeavored to in some degree be depreciated by the suggestion that the officers did not have an opportunity to see anything except such things as the Filipino people desired them to see, in order that they might not have a true appreciation of conditions as they existed; but the fact is that these two officers were for several weeks going through the islands, and the general narration which they gave shows that they saw not a limited and circumscribed part of the conditions as they existed, but that they mingled generally with the people and had the best of opportunity for forming an estimate of their character and their social condition and habits.

It is a report made by two naval officers, Paymaster W. B. Wilcox and Naval Cadet L. R. Sargent, who made an extended tour through northern Luzon in the autumn of 1898. This is an extract from a book written on the Philippines by Albert G. Robinson, and it is found beginning on page 284.

I will state that this visit was made by these two officers at a time when the American Army was in Manila, and when the entire island of Luzon, to say nothing of any other part of the archipelago, was under the control of the Filipino government, and that whatever there was of order and of orderly government in that island at that time was entirely under the authority of the Filipino government, with which the American Government at that time had no connection, and over which the American Army attempted to exercise no control.

As it is a little long I will ask that the Secretary may read it for me, and in order that the connection may be maintained I will ask him to begin at the beginning of the chapter, on page 282, and read through to page 290, or so much as may be necessary to preserve the continuity, the whole of it being afterwards reproduced in the RECORD.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

On August 20, 1896, the never wholly quenched flame of rebellion against an obnoxious rule broke out afresh in the Philippine Islands. Although interrupted at times, and seemingly ended by the treaty of Biacnabato, the fire still burned, and it is now known that at the time of the arrival of the American Army in Manila, in June, 1898, almost the entire area of the Philippines—practically all, with the exception of one or two of the larger coast cities—was in the hands of the insurgents. Not only were they in control of the country; they were administering its political affairs as well.

This they continued to do for the greater part of the island throughout the following year, practically until the autumn of 1899. Up to that time the territory occupied by the forces of the United States in the island of Luzon was confined to a very limited area in the vicinity of Manila, with a filamentary extension northward for some 50 or 60 miles along the Manila-Dagupan Railway. Very much the same condition obtained on the other islands. One thing is certain; although greatly disturbed by the conditions of war, this territory was under some form of governmental administration.

Luzon is approximately as large as Ohio, and the principal islands of the Visayan group cover an area a little less than that of West Virginia. I leave out the southern islands, Mindanao and the rest, because they never had much government anyway. That this sixty or seventy thousand square miles of territory in Luzon and Visaya is not inhabited by savages is now apparent. Between the downfall of Spanish authority and the American military occupation there was an interim of more than a year. Who governed the country during that time?

Few facts are known concerning the Administration during that period. Conflicting reports reached Manila. Official headquarters reported the receipt of many complaints of a state of anarchy. Private sources reported a state of law and order. Personal observation and investigation was impossible for foreigners. The latest wholly reliable information was obtained by two American naval officers, Paymaster W. B. Wilcox and Naval Cadet L. R. Sargent, who made an extended tour through northern Luzon in the autumn of 1898. Their trip was made before the opening of hostilities between the Americans and the Filipinos, and after a Filipino government had been established and in operation for several months. Mr. Sargent's story of their journey was published in the Outlook, and because of its value and exceeding interest I take the liberty of quoting a review of it here.

Mr. Sargent, in opening his article, recalls the conditions in October and November, 1898, when the journey was made:

"It will be remembered that at that date the United States had not yet announced its policy with regard to the Philippines. The terms of the treaty with Spain were being negotiated by our commissioners at Paris, and the fate of the islands hung in the balance. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction, and had set up a provisional government with Aguinaldo at its head. Although this government has never been recognized, and in all probability will go out of existence without recognition, yet it can not be denied that, in a region occupied by many millions of inhabitants, for nearly six months it stood alone between anarchy and order.

"The military forces of the United States held control only in Manila, with its environs, and in Cavite, and had no authority to proceed farther; while in the vast remaining districts the representatives of the only other recognized power on the field were prisoners in the hands of their despised subjects. It was the opinion at Manila during this anomalous period in our Philippine relations, and possibly in the United States as well, that such a state of affairs must breed something akin to anarchy. I can state unreservedly, however, that Mr. Wilcox and I found the existing conditions to be much at variance with this opinion. During our absence from Manila we traveled more than 600 miles in a very comprehensive circuit through the northern part of the island of Luzon, traversing a characteristic and important district.

"In this way we visited seven provinces, of which some were under the immediate control of the central government at Malolos, while others were remotely situated, separated from each other and from the seat of government by natural divisions of land, and accessible only by lengthy and arduous travel. As a tribute to the efficiency of Aguinaldo's government and to the law-abiding character of his subjects, I offer the fact that Mr. Wilcox and I pursued our journey throughout in perfect security and returned to Manila with only the most pleasing recollections of the quiet and orderly life which we found the natives to be leading under the new régime."

Mr. ALLISON. Mr. President, I should like to ask the Senator from Georgia how much of this volume he proposes to have read.

Mr. BACON. I am perfectly willing that the remainder of it shall be inserted in the RECORD without reading. I have no objection to that.

Mr. ALLISON. The whole volume?

Mr. BACON. No; only the extracts made from the report of these two naval officers, and the only part——

Mr. ALLISON. That report has been printed in the RECORD two or three times.

Mr. BACON. I stated, though the Senator was not in the Chamber at the time, that it had been previously partly read to the Senate, and that I simply desired it to be put in in this connection. Of course, I do not desire to detain the Senate by reading it.

Mr. ALLISON. I think everybody knows the situation under which those naval officers passed through the island of Luzon, when they passed through there, and the surrounding circumstances. I remember very well it was read here once before, and that it was distinctly stated that in every town they came to they found officers of the so-called Filipino army, I only object to any lengthy reading of this volume, written by some gentleman——

Mr. BACON. No; I do not want to have any part of the volume read except simply the connecting parts, the fragments of this report, the parts which connect the one with the other.

Mr. ALLISON. In a fifteen-minute debate we can probably dispense with the reading of a portion of this volume, unless the Senator from Georgia very much desires it. I have no objection, however, to a reprint of what these two officers say.

Mr. BACON. I have stated that I did not desire it read if it could be put into the RECORD without reading.

The PRESIDING OFFICER. The Chair will suggest that there are two or three more pages, and, in the absence of objection, they will be inserted in the RECORD without reading. The Chair hears no objection, and that order is made.

The remainder of the report referred to is as follows:

In his descriptions of the many towns they passed through Mr. Sargent leaves on the mind only a picture of peace, order, and happiness among a bright, intelligent, and ambitious people, although their knowledge of the affairs of the world was limited. Quotations from the article will illustrate this effect upon the reader:

"From Nueva Viscaya for the next three weeks of travel we passed from one hospitable town to another and enjoyed a round of novel entertainments. Our route now carried us through the valley of the Rio Grande Cagayan, probably the largest area of level country in Luzon Island. With the exception of the region in the immediate vicinity of Manila and of the narrow strip of land along the western coast, this valley, previous to the revolution, was the firmest and most ancient seat of Spanish authority on the island. Its towns throughout give evidence of the labor that has been expended on them. There are comparatively few nipa huts and many substantial frame buildings. Each town, moreover, has an elaborate church and convent, usually built of brick.

"Many of these churches date back into the last century, one which I remember particularly bearing the date of 1780 as that of its completion. Our entertainment in the different towns varied according to the facilities at hand, but in all cases music was a leading feature. In the absence of all accessories the village band would be called into the building in which we were received, and would play tune after tune well into the night while we conversed at our ease with the village fathers. At the little village of Cordon, which has a population of only a few hundred, we passed one of the pleasantest evenings of our journey. In this instance four accomplished little girls gave the entertainment its particular charm. Soon after our arrival the entire village trooped into the large room of the public building that had been turned over to our party. The floor was cleared for a dance, and the band commenced with a waltz.

"The towns of Ilagan and Aparri, with their wealthy and pleasure-loving population, provided the most elaborate entertainment. Ilagan is the capital city of the tobacco-raising province of Isabella and is situated near the head of navigation of the Rio Grande; Aparri is situated at its mouth in the province of Cagayan and is the only seaport of the valley. These towns are laid out in regular streets and have many squares of substantial frame buildings. They have each a population of between 10,000 and 15,000. We spent three days at Ilagan, and I think that it was here that we were brought into closest touch with the Filipino character.

"The cultured class, which I have spoken of before, was strongly in evidence, and I think that before leaving we had discussed views with nearly every member of it. They all realized that they were passing through a crucial period in the history of their people, and young and old were eager to acquire all possible knowledge that might assist them to think clearly at this crisis. Their realization of the gravity of their position did not, however, rob their character of its natural gaiety, nor make them forget their duty as hosts. On the evening following our arrival a ball was given in our honor, which was attended by all the élite of the town.

"There were present about 50 young women and twice that number of men. All were dressed in European fashion. The girls were pleasant and intelligent. The men comported themselves in all respects like gentlemen. It was hard to realize that we were in the very heart of a country generally supposed to be given up to semisavages. At intervals between dances many songs were sung, usually by one or two of the guests, while all frequently joined in the chorus. The national hymn was repeated several times with great enthusiasm. The ball lasted until nearly 3 o'clock in the morning and broke up with good feeling at its height.

"On the second evening we were invited to attend the theater, where two one-act Spanish plays were presented by the young society people of the town. The theater itself had been constructed by the villagers only a few weeks before. It was a large bamboo structure, one end of which was used as the village market, while the stage occupied the other end. The stage arrangements were good; curtain, side scenes, and footlight all en règle. In the performance of the play we saw our friends—the typical young Filipinos—in a light in which very few of our nation have had an opportunity to view them. They comported themselves with credit in a position where humor, intelligence, and artistic ability were the requisites of success.

"During our stay at Ilagan we lived at the house of the mayor. This building was of great size and was built of magnificent hard wood from the neighboring forest. One wing, containing a reception room and two bedrooms, was turned over to us. The reception room was very large, with a finely polished floor and with windows along two sides. It contained a piano and a set of excellent bamboo furniture, including the most comfortable chairs and divans imaginable. There were two tall mirrors on the wall and a number of old-fashioned pictures and framed paper flowers. * * * There was one form of hospitality which we met at Ilagan and Aparri that we would gladly have avoided. I still shudder to recall the stupendous dinners that were spread before us night after night. The Filipinos pride themselves on their cookery, and it is indeed excellent."

Mr. Sargent, in testifying as to the drinking habits of the natives, says he did not once see an intoxicated man on his journey. He continues:

"Our party proceeded on the *Oslo* from Aparri around the northwestern corner of the island and landed on the coast near the northern end of the province of South Ilocos. From here we proceeded by land southward through the western provinces. During this part of our journey we were thrown into closer association than previously with the military element of the population, of which I hope to have an opportunity to speak further in a subsequent article.

"The towns on the western coast are even larger than those on the Rio Grande. Vigan, the capital of South Ilocos, has a population of about 28,000, and Candon, farther to the southward, is not far behind this figure. The mayor of Candon was of the hustler type, and was evidently on the outlook for an opportunity to 'boom' his town. On our departure he presented us with a written description of its exceptionally desirable location from a business standpoint. Every town gave evidence of the bitter fighting that had taken place between the natives and the Spaniards, many of the larger buildings which had been used for defense being riddled with bullet holes.

"We no longer passed from town to town through unsettled stretches of country. The fields on both sides of the road were under cultivation and were dotted with laborers, while on the road itself there were always many travelers. The laborers in the fields worked in the shade of large screens of nipa leaves, which they carried with them from place to place."

In conclusion, Mr. Sargent says:

"I can not see what better gauge we can obtain at present of the intelligence and ambition of the whole Philippine race than the progress that has been made by its favored members with the limited opportunities at their command. Throughout the islands a thirst for knowledge is manifested and an extravagant respect for those who possess it.

"I have seen a private native citizen in a town in the interior exercise a more powerful influence than all the native officials over the minds of the inhabitants, simply because he was known to have been educated in the best schools at Manila, and was regarded, for that reason, as a superior man. The heroes of these people are not heroes of war, but of science and invention. Without rival, the American who is best known by reputation in Luzon is Mr. Edison, and any native with the slightest pretension to education whom you may question on the subject will take delight in reciting a list of his achievements. The ruling Filipinos, during the existence of their provincial government, appreciated the necessity of providing public schools to be accessible to the poorer inhabitants.

"Had events so shaped themselves as to have provided an opportunity for carrying into effect the plans formed on this point, it seems possible that the mental plane of the entire population might have been raised gradually to a surprising height.

"Out of respect to the statements of other people, which the narrative of my experience may seem to contradict, I wish to say that I have found the native of the interior of Luzon an astonishingly different character from the one ordinarily met in Manila. Previous to my journey I regarded those whom I had encountered in that city with great dislike, and after my return I was unable to overcome that feeling. They are not a fair sample of the race, and I can not expect anyone who has formed his judgment on the subject merely from observations of that type to express an opinion similar to mine as recorded above."

The experience of these gentlemen does not point to any very fruitful soil for widespread anarchy, such as sundry alarmists have pictured as the result of Filipino self-government.

Mr. BACON. Mr. President, I do not wish to trespass upon the time of the Senate.

The PRESIDING OFFICER. The Chair will state that the Senator's time has expired.

Mr. CULLOM. What is the order of business, Mr. President?

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. CULLOM. There seems to be nothing going on here. Would it be in order to lay aside this bill and consider any other bill or subject? It seems that there is no disposition on the part of Senators to speak or to consider amendments to the bill.

The PRESIDING OFFICER. The Chair is of opinion that the agreement was, and it may be so understood by Senators who are absent, that no other business would be considered to-day or to-morrow but the Philippine bill.

Mr. CULLOM. Will it be in order to move to go into executive session for the purpose of considering executive business?

The PRESIDING OFFICER. Beyond doubt.

Mr. CULLOM. Unless some Senator desires to occupy the attention of the Senate, I shall very soon ask the Senate to go into executive session.

Mr. BEVERIDGE. I desire to address the Senate, but not until the senior Senator from Massachusetts [Mr. HOAR] is present.

Mr. KEAN. I ask unanimous consent to consider a bill on the Calendar, in which the Senator from Iowa is very much interested. There does not seem to be any objection to it. It is the bill (H. R. 949) for the relief of Charles H. Robinson.

Mr. BEVERIDGE. Are we taking up the Calendar now, Mr. President?

The PRESIDING OFFICER. The Chair is of the opinion that it is not in order.

Mr. STEWART. Everything is out of order except the consideration of the pending bill.

Mr. KEAN. I can ask unanimous consent, I suppose.

Mr. STEWART. You can not have unanimous consent, because I object.

The PRESIDING OFFICER. Objection is made.

Mr. BEVERIDGE. I hope the Senator from Nevada will not object to the unanimous consent, as there seems to be nothing doing here now.

Mr. STEWART. I insist on the regular order.

Mr. BEVERIDGE. I know; but there is no regular order now, except silence.

Mr. LODGE. The regular order is the consideration of the Philippine bill under the unanimous-consent agreement.

The PRESIDING OFFICER. Beyond a question.

Mr. BACON. Mr. President, I should like to make a parliamentary inquiry. As I understand, the unanimous-consent agreement limits debate upon any amendment to fifteen minutes. Now, these amendments are not offered one by one and acted upon, but they are upon the table, and any one of them, as I understand, is subject to discussion, and that is the only way it can be done.

Mr. LODGE. Certainly; that is quite right.

Mr. BACON. I do not know in what way we can proceed unless a Senator may be allowed to discuss any amendment which he may call up.

Mr. LODGE. Certainly.

Mr. BACON. If no one else desires to call up any amendment I have a right to call up one, as I understand, and discuss it or any pending amendment.

Mr. LODGE. Undoubtedly. That is what the fifteen-minute rule was made for.

The PRESIDING OFFICER. The Chair will recognize the Senator from Georgia.

Mr. BACON. I will then say that I desire to submit some few remarks in reference to the amendment which proposes to give a representative body to the Filipinos, which is embraced, as I understand, in the substitute offered by the minority. In addition

to what I shall say personally and what is really of more importance, I propose to submit some extracts from an address recently delivered by Doctor Schurman, the president of the first Philippine Commission.

The question as to whether or not the Filipinos should be allowed representation, of course is largely involved in and dependent upon the question whether they are capacitated for it; and therefore the pursuit of the subject on which I was engaged when my limit of time was reached is not out of order, nor am I seeking here by any device to bring in a subject not germane, but, on the contrary, my discussion is strictly germane to that question.

The Senator from Wisconsin [Mr. SPOONER] on Saturday last made a very broad statement that there were no schools in the Philippine Islands other than those which were furnished by the Americans. Of course he was speaking in a general sense, but even in that sense his statement was unwarranted by the facts. I have a little memorandum here, which I think is of interest, and which certainly is in conflict with that very broad statement made by the Senator.

In the city and suburbs of Cebu, prior to the occupation of the American forces, there was a very comprehensive and extensive public-school system. The city of Cebu is on the island of Cebu, one of the Visayan islands, and contains, with its suburbs, 37,000 inhabitants. In that city of 37,000 inhabitants, prior to American occupation and subsequent to American occupation, and prior to any institution of American schools, there were these native schools: In two seminaries and in the public schools of that city of 37,000 inhabitants there were 3,000 students. Eight hundred of them were in the male seminary, 450 of them were in the female seminary, and the remainder of them in the ordinary public schools of the city. The public schools, educating outside of the seminaries some eighteen hundred children, were supported entirely by the people of the community, almost all of whom were native Filipinos.

Mr. President, it is certainly a most remarkable fact in the consideration of the intelligence of that people and of their effort to improve themselves and educate their children that in a city of 37,000 inhabitants there should be these seminaries and this public-school system, with 3,000 students in attendance. That was the condition prior to the occupation of the Americans in February, 1899, and it continued thereafter. I do not think that even yet there has been a complete organization of American schools in that island. There had been a very partial one up to last summer, and those native schools were still in existence.

I will state to the Senate that that information is not mere hearsay, but was given to me on the ground by an officer of the Army who was on duty and I think occupied the position of assistant adjutant-general of that department, not attached to the personal staff, but an official position which required of him to have this information, and it was given to me by him personally.

It is due that I should say that the male seminary and the female seminary, being institutions of higher learning, were not entirely dependent for their scholars upon the local community, but they came from other parts of that island and from the neighboring islands, just as in the same way in this country students come from different parts to institutions of higher learning than they can get in their immediate locality.

What is true of schools in Cebu is true in greater or less degree in all the important cities and towns of the Philippines. In a much greater degree it is true in Manila, where there is a university and colleges and schools of high rank. I have cited Cebu specially only because I happened to have the figures in that case.

I have already read, Mr. President, the statement of the Schurman Commission, made as the conclusion of their very elaborate examination, that the educated people of the Philippine Islands are the equals of men one meets in similar vocations—law, medicine, business, etc.—in Europe or America. This language is strong, sir, because it is direct and without qualification. It is the conclusion of men than whom in opportunity and capacity to accurately judge there are none superior.

In the more limited opportunity for observation which was afforded to me I saw, not only in Manila, but in the smaller towns and even in the villages, homes which were the abodes of refinement and most cordial hospitality, where were found that surest index of civilization—accomplished and gracious women. What I say in this regard will, I am sure, be indorsed by every officer who has seen service in the Philippines.

I have alluded to the fact that both the Schurman Commission and the Taft Commission have recommended in their reports that these people be allowed to have a representative government. Governor Taft, in his testimony before the committee, repeats it. His testimony is to be found on page 333 of the evidence taken before the Philippine Committee. Governor Taft used this language:

I think that a popular assembly is what the people desire, and I think it is the best possible means of educating their educated men in popular government. It will give them an opportunity to meet, to express their views, to take part in legislation, to propose and enact laws which they deem useful in the country; it will give them a part in the government, and will by practice teach them what self-government is. We recommend that in our report, and I am sure that with that the people will have confidence that our statement to them, that we desire to educate them in self-government and give them a measure of self-government, increasing it gradually as they become more fitted for it, is true.

Senator ALLISON. It is a legislative body of all the provinces; that is, it is a general body?

Governor TAFT. Yes, sir. I would not include therein the Moro provinces, for, as I have already stated, the Moros do not desire popular government.

In another place he recommends that they be allowed to elect such a popular representative body not later than January, 1904.

The Schurman Commission was even more emphatic in its recommendation in this regard. Its views are echoed in the recent address of President Schurman, extracts from which, with the consent of the Senate, I shall include in my remarks.

The extracts referred to are as follows:

The time approaches to set our Philippine compass by the fixed stars.

I take as my starting point the motives and objects with which we went into the Philippines. They were impressively voiced by President McKinley, and I have already told you how he set them forth to me three years ago. Our purpose was not selfish, it was humanitarian; it was not the vanity of self-aggrandizement, it was not the greed of power and dominion; no, no, not these, but altruism caring for the happiness of others, philantrophy relieving the Filipinos of oppression and conferring on them the blessings of liberty. This was the supreme consideration with President McKinley.

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The political emancipation of the Filipinos was the controlling object with the President and the people of the United States. I am of course aware that other and less worthy aims appealed to individual Americans and to groups of Americans. It would be strange if it were otherwise, considering how diversified human motives are apt to be. The jingo saw in the annexation of the Philippines another avenue for spread-eagleism; to Americans in the Orient it meant an accession of American influence in Asia; to the Protestant churchman it offered a new field for missionary enterprise; the exploiting capitalist was fascinated by the riches of Philippine forests, lands, and mines, which showed like "the wealth of Ormus or of Ind;" and the sensational press, still delirious from the fever of war and surfeited with the staleness of piping peace, discerned in the Philippines material for new sensations which promised to be as stirring as the excitant was remote, unknown, and dangerously explosive.

All these influences, and others, were undoubtedly at work. Yet, it was not these forces singly or in combination that carried the day; it was the humanitarian object of liberating the Filipinos from Spanish tyranny and bestowing upon them the boon of freedom that decided the President and people of the United States to compel Spain to cede to us her sovereignty over the Philippine Islands.

Fortunate, indeed, that no lower motive prevailed. Any other object than the humanitarian one of carrying the gift of freedom to the Filipinos would have ended in vast and bitter disappointment, or, perhaps, even in poignant remorse. Did we need the Philippines to make our power felt in Asia? No, for we can exert the most potent national influence in all quarters of the world without owning adjacent territory, as our recent experiences in Pekin and Panama have demonstrated to the satisfaction of the most incredulous.

And had we gone into the Philippines for commercial gain, when, think you, would our traders' profits have amounted to the hundreds of millions of dollars which the archipelago has already cost us? And what shall I say of the thousands of brave and generous young Americans who have lost their lives in the Philippines? No prospect of profit however assured, no wealth or advantage however colossal, could ever atone for the precious American lifeblood swallowed up by the hungry soil of Luzon and the Visayas. For such a sacrifice there is only one justification. It is the discharge of duty, service in a righteous cause. If our presence in the Philippines be not justified in its purpose and intent, then our soldiers' blood is on our hands; aye, and all the blood, in that case innocent, of the Filipinos we have fought, the misery we have caused their families, and the devastation we have wrought in their homes.

This awful responsibility we can not escape either before our own consciences or at the bar of history unless we have done what we have done in the Philippines for the sake of redeeming the Filipinos from foreign oppression, saving them from domestic anarchy, and leading them into the ways of self-government and freedom—a blessing at once unmeasured and immeasurable. But I assert that to confer this blessing was the final cause of our acceptance from Spain of sovereignty over the Philippines. Nothing has happened since to alter our purpose. Indeed, all subsequent occurences have gone to confirm the wisdom and transcendent nobility of this end and to exhibit the folly and delusion of any other end. Self-seeking ends of every sort are excluded by American policy and stultified by actual conditions in the Philippines. We are in the Philippines for the sake of the Filipinos; but while American sovereignty is to the Filipinos a great boon, to us this extension of sovereignty is not advantageous, but burdensome.

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I wish the Federal Constitution might be amended so as to provide for the perpetual exclusion of Asiatic countries from partnership in our great American Republic. But, whether the Constitution be amended or left intact, I am sure it is the policy of the American people to admit no Asiatic country to the status and privileges of a State or Territory in this Republic of the United States of America. Consequently that independence which is the final term of progressive liberty for the Filipinos, since it can not realize itself by incorporation in our union of American States, must, perforce, when the hour arrives, find embodiment in a separate and self-contained national organization.

Thus, if you look beyond the present and the near future, you descry in the distance an independent and sovereign Philippine republic. The watchword of progress, the key to the future of the political development of the archipelago, is neither colonialism nor federalism but nationalism. The destiny of the Philippine Islands is not to be a State or Territory in the United States of America but a daughter republic of ours—a new birth of liberty on the other side of the Pacific, which shall animate and energize those lovely islands of the tropical seas, and, rearing its head aloft, stand as a monument of progress and a beacon of hope to all the oppressed and benighted millions of the Asiatic continent.

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Very well, what then? A colony, a dependency? For a time this status may suffice; as a permanent arrangement it is impossible. For you propose to dower the Filipinos with an ever-increasing measure of liberty; but liberty grows by what it feeds on and moves rapidly to its goal, which is independence. Then, too, the Filipinos have condensed the experience of centuries

into these last half dozen years. They have dreamed of liberty; they have fought for liberty; they have seen in the East the star of independence. These are facts as potent as any other, and deeper than most, in the life of nations.

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From the American point of view, then, ever-increasing liberty and self-government is to be our policy toward the Filipinos; and it is the nature of such continuously expanding liberty to issue in independence. This, then, is our programme for the future, both near and remote. And I believe that while the great heart of the American people rejoices at the privilege of granting progressive liberties to the Filipinos, it throbs with still keener delight at the prospect of a day when the process shall be completed by the grant of a perfect independence. This, I say, is the necessary outcome of our policy toward the Filipinos. From the American point of view, Philippine independence is inevitable. And, from the American point of view, Philippine independence is a consummation devoutly to be wished. Let us now see toward what goal the conditions and aspirations of the Filipinos themselves point.

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These Americans, patriotic but unversed in history, who desire to recreate the Filipinos in their own similitude, will always be able to demonstrate that that oriental clay is still without shape and comeliness in the American potter's hand, and that for a perfect product, a vessel of honor and glory, the American wheal must be kept going for years, or perhaps for generations, or possibly even for centuries. Heaven save the Filipinos from such an impertinent and meddlesome earthly providence! The Filipinos are to develop along their own racial lines, not along ours; and it is colossal conceit and impudence to disparage them because they are different from ourselves.

Capacity for independent self-government does not necessarily mean capacity like ours to administer a commonwealth like ours, but merely capacity of some sort to maintain peace and order, to uphold law, and to fulfill international obligations. It may be a matter of only a short time when the Christian Filipinos of Luzon and the Visayas will be as well qualified to discharge these functions as Mexico, Peru, Argentina, or Venezuela, and when they are so qualified the American Government has no further duty or business in the archipelago. Any decent kind of government of Filipinos by Filipinos is better than the best possible government of Filipinos by Americans.

For that reason, as I have already said, I am anxious to see Congress grant the Filipinos representative institutions at once. It is no argument against this policy that even educated Filipinos do not possess our conception of civil liberty or of official responsibility. With such powers, ideas, and sentiments as they have, get them in harness quickly and let them tug and sweat under the burden of national affairs. This is the way men are trained in government. Political aptitudes and political sentiments are the gift of nature and the acquisition of personal experience; they can not be donated by one person or nation to another. And if you do not at once take the educated Filipinos into active partnership in the government of the Philippine Islands, your monopoly of power, if it does not alienate and embitter them, may have the still worse effect of tending to discourage and emasculate them.

If the Filipinos are to learn to govern themselves in the manner of the really free nations, the sooner they get at it the better. Passive acquiescence, without partnership, in American Government of the Philippines will atrophy their own native capacity for self-government. In that way their dependence would mean their servitude. The beginning of all national, as of all personal, freedom is this: "Son of man, stand upon thy feet!" America can not endow the Filipinos with liberty, but by permitting them to govern themselves, starting now with representative institutions and gradually enlarging their powers, it can at least put them under conditions favorable to the development of liberty. To give them a good government from above without evoking their own active cooperation—as England has done for the people of India—is to sap and atrophy their own capacity for self-government.

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In view of subsequent facts and experiences, however, I think it may be not only possible, but feasible, to shorten the period of preparation and transition under American sovereignty. First of all, remember that the first Philippine Commission reported that ultimate independence (after a period of American tutelage) was the goal and aspiration of all intelligent Filipinos. Then we have the testimony of the Taft Commission that the native officials have proved reasonably capable in the administration of public affairs. The test we have made of the governing capacity of the Filipinos has resulted more favorably than could have been anticipated by deduction from their previous political inexperience. Nor is this all, or even the principal item.

Far more important and pregnant of hope is the more or less distinct emergency, under the storm and stress of the last two or three years, of a community of attitude, interest, sentiment, and aspiration, in matters political, among all the Christian peoples of Luzon, the Visayas, and the littoral of Mindanao. Undiscoverable, or at any rate undiscerned, if it existed, in 1899, this consciousness of nationality is to-day so manifest and powerful that General Chaffee, looking at it with the eyes of a military man, has declared, or at least is reported to have declared, that the natives of these islands are all traitors to American sovereignty—all have their hearts set on independence. We know that the strife and passion of war release pent-up mental as well as physical energies and bring to the light of day as realities slumbering fancies, hopes, and sentiments which in times of peace merely flit about the background of consciousness.

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It is quite conceivable, therefore, that the restricted aspiration after immediate independence, which the first Philippine Commission discerned in the Philippines (and reported) in 1899, should, after three years of fighting in all or almost all the provinces of Luzon and the Visayas, have become a universal passion, animating and uniting all these diversified communities. This is all the more probable, as from the beginning the racial aspect of the case has been prominent; and as against the white man of America, who succeeded the white man of Europe, the multifarious peoples of Luzon and the Visayas, at least, felt themselves Malayans and Filipinos. I am not surprised, therefore, if to-day we have to reckon with a universal sentiment and idea of nationality among all the peoples of Luzon and the Visayas with a demand or desire for immediate independence.

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I shall not, however, indulge in guesses as to the date when the new fabric should be reared. On that point I desire to be informed by the Filipinos themselves. And I want to hear not the voice of individuals, however prominent, but the voice of the people. There is, however, only one way of securing it. The people can speak only through the representatives they elect to a popular assembly or house of representatives. Here, then, is another reason why Congress should not delay granting representative institutions to the Filipinos.

To secure representative institutions they took up arms against Spain; the half million educated and propertied Filipinos who would be more immediately represented under the limited suffrage proposed will be conservative rather than radical; and what they, and the poor and ignorant millions of their fellow-citizens for whom they speak, desire, must, in the long run, prevail in the archipelago. The United States is the last people in the world to argue any other people into political subjection. And against a whole nation aspiring and struggling to be independent, it is as impossible to-day to draw up an indictment as it was when Burke repudiated the task in connection with the people of the 13 American colonies.

If the Filipinos desire independence, they should have it when they are qualified to exercise it. The reports of General Chaffee and Governor Taft demonstrate (whatever their own personal views) that the difficulties in the way of independence are gradually disappearing. Let a Philippine popular assembly or house of representatives say whether the Filipinos want independence or not and, if so, at what date they think the grant should be conferred, and we shall then have before us all the conditions necessary for the final solution of the Philippine problem.

If it appears probable, as recent experience seems to indicate, that the Christian Filipinos of Luzon and the Visayas might, at no distant day, govern themselves as well as the average Central or South American Republic, then, in the name of American liberty and democracy, in the name of the political aspirations and ideals of the Filipinos, and in the name of justice and humanity, let the Philippine republic be established. As President McKinley said to me three years ago, we went into the Philippines solely with the humanitarian object of conferring the blessings of liberty on the Filipinos. In its highest potency, liberty and independence are one and inseparable.

And to repeat what ought not to need repetition anywhere within the limits of our free Republic, any decent kind of government of Filipinos by Filipinos is better than the best possible government of Filipinos by Americans.

Mr. BACON. I want to say, Mr. President, if I may be pardoned for speaking of anything included in my personal experience in the Philippines, that my observation of that people satisfied me that they were a very far superior people to what I supposed they were before I went there. They are in some respects far superior to any other Asiatic people I have ever seen. They certainly have a very much higher regard for the outward observance of the decencies and modesties of life, as we understand them and as we observe them, immeasurably more so, than any other Asiatic race which it has ever been my fortune to see. What is the cause of that I do not know, unless it is the ameliorating influences of Christianity upon them, for it is a fact, Mr. President, that they are, speaking of them generally, a Christian people and a people of great devotion to their religion.

Something has been said here about the Filipinos having organized the only republic ever organized in Asia, and there has been controversy as to whether or not they did in fact organize a true republic. I do not propose to go into that question, but there is one thing that I think is absolutely true, and that is that they are the only Christian people in the whole of Asia, either on the mainland or on the islands of that continent. If there is any other Christian people in the whole of Asia, except the Filipinos, I do not know of them. In that vast continent, embracing nearly one-half of the entire human race, among them all there is no Christian people except the Filipinos. Of course, I do not include in that statement the Russians who have gone to Siberia, because they are not an Asiatic people, but a European people.

Mr. BEVERIDGE. Among those Christian people of whom the Senator speaks, does he include the Moros?

Mr. BACON. No.

Mr. BEVERIDGE. Does the Senator include the Igorrotes?

Mr. BACON. With the permission of the Senator, I will state exactly what I do include. I include the Visayans, who constitute some 2,600,000 people; I include the Tagalogs and others of the islands of Luzon and the neigboring islands, making in all, according to the report of the Schurman Commission, some 6,500,000 people. Those are the number whom I include.

Out of an estimated population of between 8,000,000 and 10,000,000 people, 6,500,000 of them are devoted Christians. There are more than twice as many Christians in the Philippines than there were people of every class in the thirteen colonies when they wrested their independence from England and founded this mighty nation. They do not belong to the denominations which are most popular—when I say "popular" I mean most numerous—in the United States, but they are none the less most devoted Christians, and the number of them is stated by the Schurman Commission to be 6,500,000. In everything except language they are one people—in religion, in blood, in dress, in habits, in domestic and social customs and observances, and in a strong feeling of common nationality. Whatever was formerly lacking in this last regard they have now been welded together in the white heat of four years' war.

I wish to say further, Mr. President, that all I have said in reference to the Philippine people relates to this particular class and does not include the Moros nor the Negritos nor the Igorrotes. I am speaking of those who are recognized as the representative people of the islands. The Moros, the Senator from Indiana will recognize, are not called there Filipinos in the Moro country. When you go into Mindanao, where there are a great many Moros and also a great many of those we ordinarily call Filipinos, even there there is that distinction made among themselves. In speaking of themselves they say "such a man is a Moro" and "such a man is a Filipino." I am glad of the opportunity to draw the

distinction to which the Senator from Indiana has attracted my attention. I am very much obliged to him that he has done so, because I do not wish to be misunderstood in regard to that matter.

But, Mr. President, in speaking thus of the Filipinos, I do not say this with any disposition of criticism or controversy, but simply in connection with the contention which I am endeavoring to make as to the propriety of our conferring upon those people liberal free institutions. The fact that they are a Christian people, a people devoted in their observances of the requirements of the Christian religion, a people whose Christianity has developed into the observances of the outward decencies and modesties of life, a people whose Christianity has developed into the virtues of home and society which characterize Europeans and Americans who are also Christians—all these things, I say, Mr. President, should appeal to us most strongly in dealing with this people and influence us to confer upon them the freest institutions which it is possible for us to conceive them capable of appreciating and enjoying.

It does seem to me the very irony of fate—one that can not fail to sadden any man who goes there and looks upon that people—the very irony of fate that the people who alone in all Asia who share with us our religion and worship with us at the same altar; the people who alone in all Asia have, through the influence of our religion, grown into the love of the social and domestic virtues, which are our richest inheritance; the people who have come nearest to us in our civilization, so far as personal characteristics and observances go; the people among whom this is seen even in the matter of their dress, which closely approaches that of Europeans and Americans, the only people who in all Asia even approximate the outward dress of civilized nations—I say it seems to me to look like the irony of fate that we, the great Christian Republic of all the world, should have been brought into a situation—not criticising it now, but speaking of it simply as an unfortunate fact—that we should have been brought into a situation where there should have been between us this bloodshed, this terrible war, with its death and desolation and devastation. Mr. President, they are too far away, they belong to a different race, they can never be with us and a part of us, but every good sentiment appeals for their right to be a people, a nation free from yoke or thraldom.

Mr. President, I have felt that it was proper I should say this much for this people. I am not speaking now, as I say, in a controversial spirit or in a spirit of criticism for the purpose of attacking anything that has been done or anybody by whom it has been done. It is a very difficult thing in the heat of war and in the presence of the narration of outrages committed by some of that people upon our own soldiers, of barbarities and atrocities that nobody can possibly defend and everybody must condemn, and which I know the good people of that country condemn, it is extremely difficult for us to recognize the humanities of the situation; and it is with the hope that some one word I say may reach the American people in the presentation to them of the fact that, in spite of the horrors of war, in spite of all the prejudices which grow out of this conflict of life and death between man and man, and between people and people, in spite of all that, that they are a people who should peculiarly commend themselves to us; that they are the only people in the whole of Asia that have the same religion that we have; that they are the only people in Asia that have the same outward regard for the decencies of life and modesties that we have and as we understand, and that they are the only people who have and prize the same social and domestic virtues that we have.

I do not mean to say that other Asiatic nations have not the domestic virtues—far from it, because that would not be true, and it would be unkind in me to state it if it were true—but I say the peculiar social and domestic virtues, those that we most value and that peculiarly appeal to us, they are the virtues that strikingly distinguish the Filipino people from all other Asiatic people. And most deeply impressed, sir, as I am by this fact, I am impelled to the utterance that these are things which should appeal to us most strongly to deal with this people in the kindest, the most considerate, the most indulgent possible manner.

Not only so, but they should appeal to us most strongly to recognize the fact that a people of such religion, a people of such social and domestic virtues, a people with a love of country, which I believe is as strong in them as in any people in all the world, if they desire their liberty, if they desire an independent nationality, these are facts that should appeal to us most strongly, and we should not turn to them a deaf ear either through greed for wealth, the pride of conquest, or the lust of dominion.

Mr. President, I will take the opportunity to say that I have avoided, as Senators know, speaking of any fact connected with either the civil or military administration which came to my knowledge in the Philippine Islands, because I am unwilling to be put into a position of testifying or of appearing to do so. I have carefully avoided it, but, at the same time, it is not improper that I should speak of these general conditions.

There is one thing which appealed to me most pathetically in my intercourse with a great many people there. I take occasion to say that I had no intercourse with any except those who had recognized the sovereignty of the United States and were professedly loyal to it, who were not insurrectos—certainly not actively engaged in insurrection. But a fact which came to my knowledge—and I know it not only came to my knowledge, but to that of a great many others, because I have heard American officers speak of it—was this: That one great apprehension of that people is that the occupation of those islands by the American people means the extermination of themselves as a people.

That is the grave apprehension of that people. It is with them an ever-present haunting fear. I myself do not think to the extent of their fear the apprehension well-founded. If the islands shall be exploited by Americans, I doubt not that the Filipinos will be pressed to the wall and that under such circumstances they will never be the governing class in their own country. But I do not think the apprehension of utter extermination is well-founded, solely for the reason that, on account of climatic conditions, the islands can never be inhabited by white people. If they could be inhabited by white people I believe our occupation would have the effect of the practical extermination in time of the native population.

Mr. President, I venture to narrate to the Senate a little incident which came within my personal knowledge. I have narrated it elsewhere, but it will not be out of place here, as illustrative of the feeling of the Filipino people and their desire for nationality—a desire which, I think, is as universal as it has ever been among a people.

In conversing with a man who was not a politician and had never been a soldier, who was a man of property, a man of business, and who deprecated the war and wished it to cease, and was extremely anxious to that end that the authority of the United States should be recognized and that there should be no resistance to it, but who still thought that the Filipino people were entitled to their nationality, he said to me in a very dramatic manner, speaking of the condition in which the sovereignty of the United States would leave the islands and the effect upon the political status of its people: "I am not a Spaniard; I am not an American; I am not a Filipino. What am I?" indicating the utter hopelessness in that man's mind of the status of himself and his people, that he was no longer a Spaniard, that he could never become an American, and that as nationality was denied to his race he was not even a Filipino.

In this connection, while it is a little out of order for me to say it, I think one great defect in the pending bill is that there is no provision in it—at least there is not unless it has been made by amendment—under which any Filipino can ever become a citizen of the United States even if he comes to America.

Mr. President, I did not expect to make this statement relative to the Filipinos when I rose. I rose principally for the purpose of putting these documents in the RECORD in order that they might be preserved in some degree of continuity as a part of this debate, and unconsciously I have drifted into this. But, sir, now that I have said I do not regret it, and I would that I could say more, for my heart is heavy with the fate of that unhappy people. I do feel that no man can go to the Philippine Islands, unless he is an extreme partisan, and fail to be interested in that people and to entertain a very great desire that there should be meted out to them much of kindness and much of indulgence and much of consideration, and that above all there should be remembered the extreme desire and anxiety of that people for an independent nationality. I would that to-day we might set their feet in the path that shall lead to it.

Mr. CULBERSON. I wish formally to offer an amendment. By request I offer an amendment in the nature of a substitute for the pending bill, and I ask that it may be printed.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the amendment will be printed and lie on the table.

Mr. ALLISON. I did not quite gather the purport of the paper presented by the Senator from Texas.

Mr. CULBERSON. I presented, by request, an amendment in the nature of a substitute, and I asked that it be printed so that we may have it on our desks to-morrow morning.

Mr. ALLISON. I have no objection to that course, but if it is not too long it might be well to read it so that we might meditate upon it. I will not ask its reading, however, if it is very long.

Mr. CULBERSON. It is fairly lengthy.

Mr. ALLISON. I will not ask for its reading.

Mr. CULBERSON. Unless it is insisted upon, I think it had better not be read.

Mr. McCOMAS. I will ask the Senator whether it is mate-

rially different from the substitute pending or whether it contains only some small alteration.

Mr. CULBERSON. There is some difference between the two. I would not undertake to say how much or the character of the difference.

Mr. CARMACK. Mr. President, the Senator from Georgia [Mr. BACON] referred to some remarks of the Senator from Wisconsin [Mr. SPOONER] the other day in regard to the condition of the people of the Philippine Islands. The other night I had occasion to refer to some statements of Mr. Sixto Lopez in regard to that matter, and I failed at the time to ask the permission of the Senate to have them inserted as a part of my remarks. I wish now to ask unanimous consent to print this statement, which I have obtained from Mr. Sixto Lopez, in regard to affairs and conditions in the Philippine Islands, languages, etc., as an appendix to my remarks made the other night, instead of putting me to the trouble of reading it.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senator from Tennessee asks unanimous consent to print a statement——

Mr. CARMACK. It is a reply to some questions propounded by myself to Mr. Sixto Lopez in regard to affairs and conditions in the Philippine Islands, and especially with regard to the character of the people and the difference of language and everything of that kind.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that——

Mr. McCOMAS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Maryland permit the Chair to state the request?

Mr. McCOMAS. Certainly.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the statement of Sixto Lopez, in reply to questions propounded by the Senator from Tennessee, may be incorporated in the RECORD without being read.

Mr. McCOMAS. I dislike to make objection to a request of the Senator from Tennessee to print anything as an appendix to his remarks, but, as he has now stated, this is a statement made by Mr. Lopez, who has not been in the islands for a very long while, and that it is a series of answers, as I understand, to a series of questions propounded by the Senator from Tennessee, who is himself a member of our committee, I think objection should be made. Of course the Senator does that which he thinks is his duty, but as the committee has not heard and probably will not hear this witness, it seems to me the interrogation of this witness on the subject-matter of the investigation, presented by a member of the committee, had better not go into the RECORD.

Mr. CARMACK. I did not understand the last remark of the Senator.

Mr. McCOMAS. The Senator himself is a very busy member of the Committee on the Philippines, and he says it is a series of questions propounded by himself to this person.

Mr. CARMACK. Yes.

Mr. McCOMAS. I question very much whether it ought to go in as an appendix to his speech. Is it long?

Mr. CARMACK. It is a matter of no consequence. I will get it into the RECORD, just the same. It will merely put me to the trouble of reading it. I have sent to my secretary at the office for it, and will get it in a few moments and will personally read it to the Senate. I do not care. If I had it here I would rather read it than merely to have it printed. Objection being made, I will take the first opportunity to read it. I think the Senator ought to hear it, anyway.

I will say to the Senator that I was one of those who insisted that Mr. Lopez and others ought to be brought here to testify before the committee. He has been persistently attacked by Senators upon the other side of the Chamber. They have brought witnesses from the Philippine Islands; one witness is here now, brought all the way. He was in the service of Aguinaldo, and quit his service in order to take service with the United States. He has been brought all the way from the Philippines to testify before the committee, after the committee has persistently refused to hear the testimony of anybody on the other side, even where the witnesses were here. In this case there is a man of unusual intelligence——

Mr. McCOMAS. Will the Senator permit me for a moment?

Mr. CARMACK. A man of high education and culture. I did propound questions to him, and I do intend to have his testimony put into the RECORD, although the committee is determined that it shall not be heard by the committee.

Mr. McCOMAS. Will the Senator state the name of the witness who has been brought here by the committee from the Philippine Islands?

Mr. CARMACK. I say he has been brought here. I do not know that he was brought here by the committee.

Mr. McCOMAS. Brought by whom?

Mr. CARMACK. For the purpose of testifying. I refer to Buencamino.

Mr. McCOMAS. Brought by whom?

Mr. CARMACK. I do not know that he was brought here. He is here.

Mr. LODGE. He has come here at his own expense, because he is placing his sons at college in this country.

Mr. CARMACK. My impression is that he stated before the House committee that he came here at the expense of the Federal party, which is simply an adjunct of the Philippine Commission.

Mr. McCOMAS. Then I understand——

Mr. LODGE. He has not been called by our committee.

Mr. McCOMAS. Then, I understand, the Senator from Tennessee did not say he was brought here by the committee?

Mr. CARMACK. No; I said he had been brought here—brought here for the purposes of the committee.

Mr. McCOMAS. It now appears that he was brought here by himself, being of age.

Mr. CARMACK. It may so appear to the Senator from Maryland. It does not so appear to me.

Mr. McCOMAS. He will say when he appears how he came here; and if he came at the request of the Federal party, he came under his rights.

Mr. CARMACK. Oh, well; I suppose so. There is no law to keep him from coming. All right. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee insist upon his request?

Mr. CARMACK. I do. I make the request, and let them object to it if they want to.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the statement prepared by Sixto Lopez in response to questions propounded to him by the Senator from Tennessee may be put into the RECORD without being read. Is there objection?

Mr. McCOMAS. Since this statement——

Mr. CARMACK. If the Senator will excuse me for a moment, I wish to have it printed as an appendix to my remarks delivered the other evening. I will say that it was a matter of forgetfulness on my part at the time that the statement was not read and put into the RECORD. I had it there for that very purpose; but I found I had consumed a little over two hours, that I was very tired and very unwell, and I stopped very suddenly in my speech. I remembered a minute afterwards, when it was too late, that I had forgotten to use this document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. CARMACK. My speech has not yet been printed.

Mr. McCOMAS. This appears to be the submission to Lopez by a member of the committee of a series of interrogations answered without cross-examination, and I am inclined to think I ought to continue to object to the printing of that as an appendix which appears to be an examination and is not.

The PRESIDING OFFICER. Objection is made.

Mr. CARMACK. Very well; I will get it into the RECORD in some way, I suppose. So far as concerns the statement of the Senator from Maryland that there is no cross-examination, I will say that that is the fault of the Senator and of those who are associated with him, who have determined not to permit this witness to testify because they believe he will bring forth statements of facts which they do not wish to hear. They could very easily have the opportunity to cross-examine this witness if they wish to do so. The only reason why they have had no opportunity to cross-examine him is that they have refused to permit him to come before the committee.

Mr. LODGE. Mr. President——

Mr. McCOMAS. If one thing be true, perhaps I will withdraw my objection.

Mr. CARMACK. I have not yielded to the Senator from Maryland. What did the Senator say?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. McCOMAS. Did the Senator ask in his questions whether Lopez was or was not a member of the Hongkong junta?

Mr. CARMACK. I did, and he said he was not.

Mr. McCOMAS. And had not been?

Mr. CARMACK. My impression is he said he had never been. I will not say positively, but my impression is that he said he was not. I know he said he is not a member of the Hongkong junta; and, more than that, he said he was opposed to war between the United States and the Philippine Islands, although he was entirely in sympathy with the aspirations of his people for independence.

Mr. McCOMAS. The Senator says, "I think." If the Senator means to tell me he is quite clear in his recollection that this man said that he was not and had not been a member of the Hongkong junta, I would want to withdraw my objection.

Mr. CARMACK. The paper will show for itself. The Senator means to imply that if he were a member of the Hongkong junta he would not be worthy of belief. I suppose the inference is that he would tell a lie about it. So his statement would not relieve the matter from his view.

Mr. McCOMAS. I would not want a man, who is plotting and planning insurrection against the United States, against American soldiers——

Mr. CARMACK. If the Senator is willing to take his word——

Mr. McCOMAS. If the Senator says the man was not a member of the junta, that would be on the face of it a reason to induce me to withdraw my objection.

Mr. CARMACK. He does say he is not a member.

Mr. McCOMAS. And has not been?

Mr. CARMACK. I will not be positive on the point that he never was. The impression made upon my mind was that he was not a member of the Hongkong junta at any time. I am not sure about it.

Mr. McCOMAS. Let the Senator get his paper, and if that appears I will withdraw my objection, perhaps.

Mr. CARMACK. I will get it into the RECORD anyhow, so far as that is concerned.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. CARMACK. There is one other matter which I wish to present. I have probably about consumed my time, though.

The PRESIDING OFFICER. The Senator has three or four minutes remaining.

Mr. CARMACK. I wish to speak briefly to the amendment I offered, which I should like to have read. The amendment is to come in at the end of the bill.

Mr. HOAR. Before we pass from the matter just up, will the Senator yield to me for one moment?

Mr. CARMACK. With pleasure.

Mr. HOAR. I desire to make an appeal to my honorable friend the Senator from Maryland, and I would make the appeal if I were zealously in favor of all the opinions he so honestly and so zealously entertains about the pending matter. I have repeatedly made a like appeal, and it has very generally been yielded to, in regard to subjects where I had no sympathy with the matter sought to be introduced.

As I understand it, a member of the Senate says he intended to add to his speech a statement of certain opinions made by a person whose opinion he thought of value, and that he forgot it, being fatigued, and he now desires to supply the omission which he made under those circumstances, when he was in a state of illness, by adding in the RECORD to his speech what he had a perfect right to put in and what nobody would have thought of considering improper, from his point of view, to put in. That is the request.

Mr. President, where any single Senator, representing his State, of course, says that a newspaper or other article on current politics, on the tariff, on any question of finance, or currency, or the homestead law, or anything else is important enough to have printed, instead of requiring him to read it, as he has a right to do, we have been accustomed to let him print it, always as a document, and very frequently in the RECORD. It saves us a great deal of tedious time in debate, and it also keeps or tends to keep our debates good-natured. I am glad to know they are in general, at least.

Now, I ask my honorable friend whether, considering those circumstances (I do not say anything about the right of the Senator from Tennessee to get up and have it read), he will not withdraw his objection. It would take a half hour, and we should have to remain here and listen to it. I can vouch myself for the fact that Sixto Lopez is a very intelligent man, a man whose opinions and arguments, even if they do not convince anybody, the Senator would like to consider as a strong statement on the other side. I desire to appeal to my honorable friend from Maryland whether, under the circumstances, it would not be best, not so much with reference to the pending matter, but as a general practice and habit of the Senate, to let such a request be granted.

Mr. McCOMAS. I think the Senator from Tennessee has been quite frank about this matter, and his last statement, I said, was quite pertinent to the removal of my objection. Sixto Lopez has, in my belief, been a member of the Hongkong junta; I do not know, but that has been my sincere impression based upon circumstances. If he has been and has been secretly raising money and making efforts to wage war against our Army and our flag, it has seemed to me, since the effort was made frankly and openly to have him examined before the committee, that at this time, when we are waiting, because of the failure of explosive utterances, and since the Senator from Tennessee has examined this witness ex parte—of course according to his view of his duty in the matter—and since the testimony was not taken before the committee and the witness has not been cross-examined, it would be well that at least a part of the testimony be read.

The Senator has said that when the paper is produced he thinks it will appear that the witness has said he never was a member of this treasonable organization against our flag and our Army. The bias of a witness is an important matter. There are witnesses who testify, whose testimony is shadowed, colored, and made of no account by the bias of their position, their motive, or their enmity. Now, in this case I should be glad to hear these things, and I have already said that when the Senator from Tennessee refreshes his mind and finds out, as he may, that this man disclaims all connection at any time with that organization, then I expect to withdraw my objection.

The Senator says he will send for the paper, and when that is done, if that appears, my objection will be withdrawn, because I shall have very great anxiety and earnestness to find out whether that statement be a true statement, because if it be not true all the statements must stand together or fall together. So the Senator from Massachusetts need not make the appeal. The Senator from Tennessee has already made a statement which will, when he so finds the fact, remove my objection.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. CARMACK. So far as that is concerned——

Mr. McCOMAS. I will take the floor and yield it to the Senator from Tennessee, inasmuch as I have consumed his time, if I can do so.

Mr. GALLINGER. The Senator can not.

Mr. CARMACK. I rose first to make a request, and I rise now to discuss the amendment. Am I recognized for that purpose?

The PRESIDING OFFICER. If there is no objection, the Chair will recognize the Senator from Tennessee under the circumstances.

Mr. CARMACK. Mr. President, so far as the other matter is concerned, when I read the statement of Sixto Lopez I will read it all, and I will read it in my own right. The Senator from Maryland has simply put me to a little extra trouble; that is all. It is not a question of Sixto Lopez or his character, but of ordinary courtesy to a Senator, when I said to the Senator that I had the statement before me the other night for the purpose of reading it, but, being very tired, had suspended my remarks. I forgot to read it when I could have done so without asking permission of him or anybody else.

Mr. President, I ask the Secretary to read the amendment.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to insert the following:

That the United States regard with extreme disfavor any movement having for its object the early or ultimate admission of the Philippine Islands as a State or States of the Union; and any action on the part of persons holding office under the authority of the United States that gives sanction or encouragement to such movement is hereby condemned.

That to confer the rights and privileges of citizens upon the inhabitants of the Philippine Islands would tend to destroy the integrity of the citizenship and to degrade the character of the Government of the United States.

That to maintain the relation of sovereign and subject between the Government of the United States and a people under its dominion would be repugnant to the principles of the Constitution.

Mr. CARMACK. Mr. President, this amendment, it seems to me, is of considerable importance, in view of the relations existing between the Philippine government and the Government of the United States and what is called the Federal party in the Philippine Islands. This party took its name as an indication of its purpose—the Federal party; a party of federation; of federation with United States, which is one of the declared purposes of the party. In the history of the Federal party, written by native members of the Philippine Commission, it is declared that that is the purpose of the Federal party. The three native members of the Philippine Commission, the three associates of Governor Taft, and the other American members of the Commission openly declare that their purpose and desire is to obtain statehood in the American Union, and when Governor Taft was before the committee I myself put the question to him as to whether or not he believed that eight or ten million Malays should be incorporated into the body of our citizenship and a Malay archipelago admitted to statehood in the American Union. His answer was that it was a question which at that time he could not answer either yes or no.

Now, Mr. President, we have had here, brought by Governor Taft, laid before the Senate and before the Congress of the United States, the memorial of this Federal party, in which they expressly declare that "We reject everything which tends to a colony," and they declare that "to make of the Philippines a colony of the United States would be to hand the islands over to disorder and to anarchy, to destruction, and to chaos."

This Federal party is opposed to the independence of the Philippine Islands. The three leaders of the party are members of the Philippine Commission. They demand annexation to the

United States. They demand citizenship in the United States. They demand that their country shall first be organized as a Territory with full constitutional rights to all of the people, and then admission to statehood in the Union.

I asked the distinguished Senator from Massachusetts [Mr. LODGE] as to whether or not he was in favor of that part of the amendment declaring against statehood in the American Union. He said that he would answer at some time or other, but the time has not come.

Now, in view of the fact that these declarations have been made on the part of the men who are closely associated with our own Government in the Philippine Islands, that this Federal party is the open and avowed agency of the Philippine government in conducting their campaign to bring the people to the support of American sovereignty, and that it has been through this party, as Governor Taft himself declared, that more has been accomplished in pacifying the people than by all the armies in the field, it becomes a matter of great importance to know whether those who are representing the Government and the Administration and the party in power are in sympathy with this movement of the Federal party.

Gen. Luke E. Wright, the acting head of the Philippine government in the absence of Governor Taft, made some very significant remarks upon this very question, as quoted in the Manila Times on February 24. The speech of Governor Wright was made on the 22d day of February, Washington's birthday, before a meeting of the Federal party, and in that speech he said:

> It is especially gratifying to all Americans that the Filipinos of the Federal party have begun to realize the generous intentions of the American people; that they are beginning to understand that America has not invaded these islands in order to deprive the inhabitants of their rights or to make them political slaves [great cheers], but that the purpose of the American people, if they were permitted to do so, was to establish here their same altars on which shall be lighted the fires of liberty which exist in America, at which all can worship. Any other policies would be both shortsighted and contrary to all the glorious traditions of the American people; they would give a lie to the American principles which Washington gave, and debase all he taught as a delusion and a snare. We have become great and prosperous by adherence to his teachings. Whatever differences may have existed among the American people in principles as to holding these islands, there never has been a doubt that Filipinos would not in time enjoy the same liberties and become part of our nation. [Loud cheering.]
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> It is because the American authorities believe in the patriotic purpose of the Federal party, because they believe the party understands and appreciates the intentions of America, that they extend the right hand of fellowship to it. It is welcomed into the field because the policy it announces is in accordance with American principles.

And again:

> It is true that you will not be aiding in the establishment of a weak and nerveless government which will be a prey to desire for more powerful powers and a prey to personal ambitions, but you will be engaged in preparing yourselves to be worthy of citizenship in the great American Republic. [Great cheers.]

There is an express indorsement by an American member of the Philippine Commission, the acting head of the Philippine Commission, of the platform and declaration of purposes of the Federal party, which includes citizenship, the incorporation of all the Filipinos into citizenship in the United States, with the promise of admission to statehood in the American Union.

I say under the circumstances, when men so close to the Administration, men in the confidence of the Administration, can make these open and public declarations, practically promising the people of the Philippine Islands that they shall be given American citizenship, and that their country shall be admitted to statehood in the American Union, it becomes a matter of duty for the party in power, holding every branch of this Government, to make a declaration of its purposes; not to make a declaration to the Filipinos, but to make a declaration to the American people as to whether or not it intends that 8,000,000 or 10,000,000 Malays 10,000 miles from our seat of Government shall be incorporated into the body of our citizenship, and as to whether a Malay archipelago 10,000 miles away shall be admitted to statehood in the American Union.

During Mr. CARMACK'S speech, the President pro tempore resumed the chair.

Mr. PROCTOR. Mr. President, I have not thought it worth while until the very last to say a word in answer to the various charges and inuendoes against our army in the Philippines. In fact, Mr. President, the worse the charges the better I have been pleased, for the quicker will come the refutation and the stronger the reaction which is sure to follow in the minds of the people. In fact, Mr. President, the Army represents, as it always has, the very best sentiment and opinion of the people. Our military and naval organizations make them legally perpetuated, continuous bodies, never expiring, and therefore retaining their principles and character more than any other bodies of men. The highly educated and trained officers of our Army hand down from one generation to another the unwritten laws, customs, and traditions which have controlled the Army from the first.

The personality, teachings, and spirit of Washington, Steuben, and Greene, of Grant and Sherman and Sheridan animate and inspire it still. It has the same high sense of honor and justice, the same respect for law, the same spirit of kindness to the defeated enemy and to whatever wards the fortunes of war have thrown into its keeping. It is the same Army, Mr. President, that has shed its blood from Quebec to the City of Mexico, from Bunker Hill, Brandywine, and Yorktown to the Pacific, at Vicksburg, Gettysburg, and in the Antilles, on the Asiatic main, and now in the islands of the East. It has twice fought with our parent stock, and once, in the greatest of all wars, with our own brethren of the South. I may fairly say that it is the same Army that, divided against itself, under Lee and Jackson and the Johnstons, fought so bravely against its other half, for those gallant leaders were born of it and had long been a part of it. The men in this Chamber and elsewhere who served under those great captains will not traduce the character of the American Army. The very reason why it was the greatest of all wars was because it was an American army on both sides. It is the same Army, Mr. President, which, in burning homes, blazed its broad path under Sherman through South Carolina.

That was war, and only cruel because war is cruel. The great West, Mr. President—and in this I include the 19 States and 3 Territories west of the Mississippi River—owes a debt of untold magnitude to the Army of the United States.

It was our Army that made the settlement and civilization of the States represented by Senators in this discussion from Colorado and Idaho and Utah possible generations before it could otherwise have been; the same Army, Mr. President, that has fought the Indians on the plains and in the mountains of the West hundreds of times marching and fighting in the almost arctic cold of mountain winters and in the torrid heats of the plains in summer. It has suffered at the hands of its savage foes torture, massacre, and mutilation. It has sometimes inflicted terrible punishment in return. In these sudden and sharp conflicts Indian women and children have sometimes been killed. It could not be otherwise. But, Mr. President, how would it have been if those Indian wars had been carried on by the settlers, the constituents of my friends the Senators from Colorado and Idaho.

Which would show the more mercy, Mr. President, the border settlers or the Army? Who did the Indians learn to respect and trust, the border settlers or the Army? Who did they look to for protection and fair treatment in times of trouble and when their rights were invaded by the white man's greed for their lands? I make the assertion, Mr. President, without fear of contradiction, that there is no class of men in our country such true and consistent friends of the Indians as the officers of our Army who had to fight them. It was one of the trying duties of the Army to conduct the Indians when legislated from one reservation to another, when torn from their long-time homes and driven many times with their little belongings under the most trying circumstances hundreds of miles to strange lands and inhospitable climes.

Was the Army ever otherwise than kind and considerate in the performance of this sad duty, often sacrificing their own needs for the comfort and greater necessities of their wards? There was never a charge against them in this respect. The bravest are the tenderest, Mr. President, and our Army is as brave as ever and as true to the dictates of humanity. A few months' service in the Philippines has not entirely changed the character it has maintained for a century and a quarter. The people can not be made to believe that it has.

How would it be to-day, Mr. President, if the constituents of those Senators to whom I have referred were settling in the Philippines and had the same treacherous foes to encounter? What would be the story of cruelty and outrage, and would those Senators have been attacking or apologizing for it? It is the same Army, Mr. President, which was noted above all the other contingents in China for its good order, kind treatment of the people, and restraint from looting. The opportunity and provocation for cruelty and rapine was as great in China as in the Philiippines. Did the Army change so suddenly from bad to good and on its return from the Philippines back to worse in a few weeks?

Mr. President, there are some things that the officers of our Army can surely be counted on to do, and some not to do, at all times and under all conditions. They will fight when it is their duty to. They will not lie or steal. They will be as generous and humane to their foes as they have ever been. Our Army will, as I have said it always has been, be true to the best sentiment of our people and be the same brave, loyal, honorable, and humane body it has always been. All honor, I say, Mr. President, to the American Army.

Mr. PATTERSON. Mr. President, Felipe Buencamino has lately arrived in the United States and is heralded as coming here for the purpose of declaring his admiration of the American Government and his earnest desire that the purpose of the Administration to conquer and hold the Philippine Islands shall succeed;

and he was hastened before one of the committees of Congress to give his testimony along that line.

Now, whether he came here at his own expense or was brought here by the Government or came as a representative of the Federal party is of little moment. What I want to do is to read to the Senate an address that was made by Felipe Buencamino to the Congress of the United States in the month of August, 1899, at a time when he had charge of the foreign portfolio of Aguinaldo's government. This address is simply signed by himself, as follows:

I have the honor to be, gentlemen, yours, very respectfully,
FELIPE BUENCAMINO.

It is really a very interesting document.

After reading for some time—

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. PATTERSON. I ask unanimous consent to publish the entire document as part of my remarks.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent to print in the RECORD as part of his remarks the remainder of the document from which he has been reading. Is there objection? The Chair hears none, and that order is made.

The document above referred to is as follows:

[Official translation.]

To the honorable the members of the United States Senate and House of Representatives, Washington, D. C.

GENTLEMEN: The government of the Philippine republic being informed that it is the intention of the President of the United States to convene a meeting of the honorable members of Congress at a comparatively early date for the purpose of discussing and passing a resolution having for its object a just decision as to the policy to be pursued in reference to the present situation in the Philippines, I believe it to be consistent with the dictates of courtesy, as well as a duty to humanity, that, in view of the fact that I have been intrusted with the portfolio of foreign affairs, I should respectfully submit this document to you, setting forth the aspirations of the Filipino people and their reasons and justification for wishing to be recognized by your influential Government as an independent state.

Allow me, gentlemen, to lay before you for your distinguished consideration the facts and rights that form the grounds upon which the claim for recognition is made and sustained.

FIRST.

It is generally accepted as an axiom that as regards international affairs the larger and more powerful a state the greater is the obligation morally to support and maintain lesser states in the independence, the welfare, and the happiness with which God in his bountiful goodness has designed should be theirs, and of which the greater states are guardians.

For instance, it appears evident that the powerful and wealthy nation which you, gentlemen, represent in Congress has been deputed by God to assist the weak Filipinos in the arduous and difficult task of restoration of their independence.

Eloquent proof of this is to be found in the cooperation offered and rendered to Don Emilio Aguinaldo in May, 1898, by the United State consuls at Hongkong and Singapore (Mr. Rounsevelle Wildman and Mr. E. Spencer Pratt) in order that our illustrious leader might continue the revolutionary war waged against Spain in 1896 and 1897, hostilities in connection with which were suspended under the provisions of the compact of Biac-na-bato.

The cooperation referred to consisted of the facts: That the U. S. dispatch boat *McCulloch*, attached to Admiral Dewey's squadron, conveyed Don Emilio Aguinaldo from Hongkong to Cavite, where he arrived on the 19th May, 1898; that Admiral Dewey received Don Emilio Aguinaldo with the ceremony and honors due to a general, in the presence of the whole of the officers and men of the flagship *Olympia*, and, besides, gave him 60 Spanish Mauser rifles to aid in a renewal of the revolution against Spain; that Gen. Emilio Aguinaldo was allowed to establish in Cavite, which was then held by the United States naval forces, the headquarters of the Filipino government, which commenced to exercise the functions of government on the 24th May, 1898, issuing therefrom a proclamation declaring war against Spain to wrest from her our independence. (Proclamation attached hereto.)

The letters of the aforesaid consuls, which are attached hereto for the information of the free and enlightened citizens of the United States, confirm the above statements.

Mr. Pratt, in one of his letters, says he congratulates himself on the rapid triumphs of Don Emilio Aguinaldo over the Spaniards, as it proves the wisdom of his judgment in recommending him to Admiral (then Commodore) Dewey and the Government at Washington, and he added that he hoped to receive, when General Aguinaldo captured Manila, some historic memento of the place and of the incident, such as the flag or keys of the city or principal fortress.

Consul-General Wildman, of Hongkong, instructed Gen. Emilio Aguinaldo, in a letter attached hereto, respecting the treatment of Spanish prisoners, advising General Aguinaldo to give them only rice and water and treat the Spaniards "as they would treat you," advice which our humane leader declined to accept and act upon.

Thus, in this wholly unexpected and unforeseen way, bonds of good will and friendship were formed between Americans and Filipinos, resulting, as is well known, in the heroic and triumphant campaign of the Filipino army against the Spaniards, though it must be admitted, with due regard for the truth, that after the above-mentioned assistance and cordial cooperation, our army received no more aid from the high officers of the United States, the Filipino army thereafter prosecuting the war against the Spanish land forces independently of any authority other than that exercised by our successful and brave leader, Gen. Emilio Aguinaldo, who, while directing the military operations with well-nigh miraculous skill and startling results, was also engaged in the task of organizing the Filipino national government on the model of Western nations, which are, admittedly, founders and leaders of modern civilization.

Thus it is plain that it was through providential agencies that the Filipino state came into being on the 24th day of May, 1898, and has existed to this day, replacing the alien Spanish Government, which fell definitely on the 13th day of August, 1898, on which day our troops, which, in fact, and as set forth in Consul-General Pratt's letters, had closely invested Manila for more than two months, captured the suburbs of Manila, driving the Spaniards from their defenses, while the United States forces peacefully occupied the walled city in accordance with the terms of capitulation signed by the Spanish general.

It would seem, therefore, that there can be no doubt that God, in His infinite goodness, wisdom, and mercy, intrusted to the honor of the United States the liberation and independence of the Filipinos; but notwithstanding the evidence that the hand of Providence has guided the course of events, the United States are now endeavoring to prevent the consummation of the glorious and just purposes of the Creator. By whom, by what agency, were the two peoples united in the bonds of sympathy and friendship? Who could have prevented it?

Who is it that has caused these two friends and brethren to wage war upon one another? Alas, esteemed citizens of the great American Republic, you know well who is the cause of such reckless perturbation. It is the President of your Republic, Mr. William McKinley, who, using as a pretext alleged rights obtained through the purchase of the more than doubtful sovereignty of Spain, gives evidence of his intention to ignore the bonds of friendship and guardianship which should unite the two nations by imposing on us by force of arms the sovereignty of the United States. Is this line of conduct of Mr. McKinley in harmony with the canons of morality simply because the American nation is greater, more opulent, and more powerful than the Filipinos? Surely it is not, for if moral obligations, which bind parties to respect the generally accepted codes of morality, are applicable in international affairs it is beyond question that there should be no evasion of obligation on the part of the great American nation to stand by and protect the small Filipino nation until the great work of securing the recognition of our existence as an independent nation is recognized and thereby firmly established—a great work to which your consuls (above mentioned) and commanders unquestionably and providentially applied themselves.

In the name, therefore, of Almighty God, of humanity, and of national honor, I now appeal to the great and influential citizens of the United States to fulfill these obligations by passing, as a matter of paramount importance, a just resolution in your national Congress officially recognizing our independence, thereby bringing to an end this inhuman and wicked war and restoring the reign of peace and harmony between Americans and Filipinos, who, in accordance with the infallible will of God, should live under the happy conditions of brotherhood.

SECOND.

Accomplished facts are accepted in dealing with things political as rights unless the facts are at variance with the doctrines laid down in international law or the eternal principles of justice. Strictly in accordance with these incontrovertible principles the independence of the United States was realized and recognized in the last century.

In the same manner, and in more recent times, the Kingdom of Italy and the German Empire have come into existence, the ruling principle being, and the reason of it, that all men are born equal and possess inalienable rights of life, liberty, independence, and freedom in the pursuit of happiness.

Now, it is indisputable that we, the Filipinos, defeated the Spaniards, capturing 9,000 prisoners, and set up a republican government in the place of the one which had been vanquished. It is also beyond question that these accomplished facts have been recognized in a practical manner by the high officers who at that time, and since then, represented the United States in this archipelago, which is proved by the correspondence of our leader with Admiral (then Commodore) Dewey and Generals Anderson, Merritt, and Otis, copies of which are attached hereto for the information of the citizens of the United States.

It is to be observed, in the first place, that in his first letter to Gen. Don Emilio Aguinaldo Admiral Dewey states that he has received, with pleasure, the documents forwarded to him by our distinguished leader, promising to transmit them to their respective destinations. The documents referred to are the first proclamation issued by Gen. Don Emilio Aguinaldo, announcing his arrival and the establishment of the dictatorial government at Cavite; also the proclamation of Philippine independence, issued in the town of Cavite in the province of the same name; some to be forwarded to the United States Government in Washington and others to be forwarded to the representatives of the powers in Manila.

Secondly, it is to be noted that the Admiral, in another letter, asks General Aguinaldo for passports for several gentlemen recommended by the British consul, who was also acting consul for the United States of America in Manila, to enable them to travel freely and safely through our territory.

And, finally, it is noteworthy that Generals Anderson, Merritt, and Otis, in their correspondence, styled—as was only right and proper that they should—our leader "general commanding the Philippine revolutionary army," while General Anderson asked Gen. Don Emilio Aguinaldo for quarters and camping ground for the forces under his command, as well as other assistance and cooperation in the campaign against the Spaniards, our "common enemy." It is also a well-known fact that the American commanders applied to us for positions and trenches for their troops in Maytubig, so as to place their forces side by side with our troops in the siege of Manila. In fact, the records prove that everything was done in a manner that indicated full recognition of our triumphant revolution and the noble ends kept constantly in view, namely, our liberty and independence, and owing to which (the righteousness of our cause) the new Filipino state, by its just and irreproachable procedure, unquestionably merited the consideration and respect of the American commanders.

This explains how Admiral Dewey submitted for the disposition of Gen. Emilio Aguinaldo a protest lodged by the French consul in respect of the capture of the steamer *Compania de Filipinas*, which had been seized by us, the Admiral stating positively that he and his forces had nothing to do with the affair; held no jurisdiction in the premises.

In the light of the correspondence, it is readily understood how Generals Anderson and Merritt came to address telegrams to Gen. Don Emilio Aguinaldo on the 13th August, 1898 (the day on which our troops captured the whole of the suburbs of Manila and the Spaniards in the walled city capitulated to the forces of the United States), requesting General Aguinaldo to give instructions for his troops to evacuate the suburbs in order to avoid the dangers inseparable from a dual military occupation, and offering to negotiate with General Aguinaldo afterwards.

Lastly, it is quite comprehensible how General Otis came to appeal to General Aguinaldo in the name of the United States Government for the release of the friars held by us as prisoners—acts which show in an eloquent manner distinct recognition of the sovereign power and authority of the Philippine people, which had been recovered from the Spaniards since then and reassumed in the exalted and worthy personality of our leader, Gen. Don Emilio Aguinaldo.

Viewed from another standpoint, the above-mentioned incidents might be held to indicate that they were clear evidence that it was the bounden duty of the American commanders to harass and if possible quel the Philippine revolution, not convey our illustrous leader to Cavite to begin with, and thereby afford him very favorable opportunity (in view of the mode of conveyance, his reception by the Admiral, and the permission granted him to establish his headquarters in Cavite whence he issued, without protest of any kind by Admiral Dewey or anyone else, a proclamation calling on the people to rally round his standard and wage war upon Spain to wrest from her the sovereignty of the archipelago) to revive the revolution against Spain, using his prestige and exercising his authority and genius to that end. But far from being indiscreet or ill-considered action, the recognition of General Aguinaldo's power and prestige, the arrangement to bring him

back to the Philippines, the courtesy extended to him by Admiral Dewey, and the conduct of your consuls and generals was, on the contrary, rightful recognition of our revolution, in that our sovereign rights and independent authority in the archipelago was practically conceded and accepted as accomplished facts. It is therefore evident that we have a perfect right, and are not straining any points, in demanding from the Government of Washington official recognition of our independence, basing the demand on the above-mentioned reason that accomplished facts in affairs political constitute right.

This is altogether apart from and does not clash with the victories of your troops over the Spaniards, nor the cession of sovereignty by Spain in the treaty of Paris of the 10th December last in favor of the United States.

As regards your victories, there are the proclamations of General Merritt and the letters of General Anderson, clearly setting forth that America did not come to the Philippines to make conquests, much less to wage war against the natives, but to free the people from the galling yoke of Spain. "We came not as enemies, but as liberators." Such were the solemn pledges of your Generals Merritt and Anderson to the Filipinos when they arrived in these islands.

Therefore it is plain that it can not be claimed that by reason of your victories over the Spaniards rights of conquest accrue to you as being due from the Filipinos for the all-sufficient reason that you were not engaged in war with us between the 1st May, 1898, and the 4th February, 1899, during the night of which latter date your forces, in accordance with the orders of President William McKinley, commenced hostilities against our forces for the purpose of establishing American sovereignty in our archipelago by force of arms.

As for the cession of sovereignty, I have to say it is a null and void agreement in every respect, for it has been celebrated in contravention of all rules of international law and in opposition to the eternal principles of justice.

For example: It is not moral, nor could it be just, and much less is it in accord with international right to say to a nation: "I will help you to sweep away Spanish sovereignty and make you independent, and after helping you to sweep away and destroy the said sovereignty, I come and buy the sovereignty from Spain by title of cession and impose it by force of arms upon the protected people."

Such a proceeding is self-condemnatory, for its accomplishment rests only with arbitrary power and in the power of any one exercising such power and carrying it to the extent of injuring an ally or a friend to whom protection is offered. Fiore, Bluntschli, and Hallet, authorities on international right, established as a rule to be universally applied, the following: "It is not just, under the pretext of assumed laws of nations, to amalgamate or segregate a people against their obvious will, spontaneously and voluntarily acclaimed."

Therefore the cession in question is an act completely null and void, being neither moral nor just; nor is it even licit according to international law.

On the other hand, in respect of cessions the essential conditions include the possession of what is ceded, and when it concerns inhabited territories the concordance and express consent of the inhabitants is necessary. Neither of these conditions have been fulfilled in respect of the cession of the Philippines by the treaty of Paris of the 10th December, 1898. First, because at that date, and long before it, Spain exercised no sovereignty whatever over any Philippine territory, which was reconquered by us, and governed by us since June, 1898, which facts were well known to the Governments of Washington and Madrid. Second, because the Philippine people had publicly and loyally manifested to the Government of Washington and to the whole world that it was their desire to live independently of all alien sovereignty, and perhaps on this account our wishes were not consulted when the cession was made—an act, without doubt, of bad faith on the part of the two contracting parties, who were perforce obliged to make the terms null and void by reason of this false step.

Consequently the treaty of Paris of 10th December, 1898, does not convey any sovereign rights whatever in favor of the United States over any of the Philippine Islands or its inhabitants. Nor are the United States in any way entitled by it to impose upon the Philippine people an alien sovereignty by force of arms.

The United States, therefore, can not be excused from recognizing our independence either on account of their victories over the Spaniards or by reason of the provisions of the treaty of Paris. We, however, readily admit that our gratitude and full recognition are due to the great North American nation for the generous assistance proffered us by their consular representatives and commanders in bringing from Hongkong to Cavite our illustrious leader to continue the rebellion against Spain, and then, by respecting that revolution, recognizing it as the sovereign power which replaced that which Spain had lost; but from the fact of oppressing us and endeavoring to filch from us our liberties, subjecting our independence, so dearly won, to the influence of a new foreign yoke there is a wide gulf fixed which is as limitless as the distance to another world, and the only possible way to accomplish your object is to destroy the lives of 8,000,000 Filipinos, an act which would leave on the hitherto spotless pages of your glorious history and traditional liberality an everlasting and indelible stain.

THIRD.

The Filipinos can justly boast of a social status on a par with cultured peoples and are fit to commingle and live on an equality with civilized nations, forming in common with them part of the magna civitas.

We are a community of 8,000,000 people, politically organized on well-defined territory, with our own government, which is competent to and sufficient for the protection of the rights of our citizens and capable of assuming full responsibility for our acts in the conduct of relations with other States. We have an official language—Spanish. We have accepted an enlightened religion—the Roman Catholic faith. Strict morality, which emanates from Christianizing influences, governs our manners and customs. Our laws are on a par with statutes of other civilized States, being identical with those in operation in these islands during the last few years, which have been generally accepted as meeting the requirements of civilized communities; and, lastly, we live in families, in towns, and in cities, affording permanent evidence of a status of cultured and civilized society, it being universally conceded that the Philippines, unlike other Far Eastern States, have invariably extended hospitality to all foreigners and enjoy the reputation of exceptional faultlessness and the strongest aversion to anything in the nature of barbarous conduct.

We, the Filipinos, respect life, honor, and rights in property, and punish with severe penalties all violations of these governing principles of humanity. We also have laws encouraging the knowledge of science and arts, protecting industries, commerce, and agriculture, and we profess, finally, our acquaintance with all the most noble sentiments of friendship, gratitude, and honesty.

We possess, therefore, all the conditions requisite for existence as an independent State according to article 37 of the International Code of the famous jurisconsult Fiore, and that being so, we are perfectly justified in demanding from all the great civilized States official recognition of our independence in conformity with articles 44, 48, and 49 of the said standard work, which provides, moreover, that such recognition can not, under the circumstances, be denied us, nor should it be unduly delayed. It is clearly set forth in articles 55 and 56 of Fiore's work that any course of procedure in contravention of the foregoing articles is opposed to the principle of high policy.

To better prove to the people of the United States our culture and state of civilization there are annexed to this document copies of our fundamental laws and various decrees relating to the establishment of our executive and judicial administration, our educational establishments, and our army regulations. In this way perhaps the people of the States will be better able to grasp the truth respecting our advancement along the high road of modern civilization and be thereby convinced of our ability to rule and govern ourselves in an independent manner.

These are the reasons why we appeal for official recognition of our independence, reasons which we confidently submit to the deep conscientiousness of the enlightened people of the United States, a people destined by God to decide the fate of our unfortunate country, a fate which would be better if, heeding the dictates of justice and humanity, your President, Mr. McKinley, had not chosen to wage this cruel, devastating war against us with your powerful land and sea forces.

It is sometimes said that we are to blame for the outbreak of hostilities during the night of the 4th February last, but this is not an established fact.

In the first place, because we, the Filipinos, were expecting at that very time (the beginning of February) official recognition of our independence from the Government of Washington, an expectation which was justified by the annexed letter of Gen. E. S. Otis, dated 25th January; also on account of what took place at the conferences of the mixed commissions of Americans and Filipinos, which sat in Manila during the latter part of the said month of January to discuss matters and arrange for a basis of friendly relations between the two parties, which, it was hoped, would be permanent. Moreover, there was another reason, namely, the Filipinos were fully aware of the superior strength of your forces, against whom it would have been criminal folly to pit our inexperienced and undisciplined army.

Accordingly, it is unquestionable that we were not the aggressors, for we knew full well that were we to act on the offensive we could look for neither military nor political gain of any kind. On the contrary, we regarded such action as bordering on suicidal folly and well nigh sure to bring down on us the hatred and contempt of the American people. We had, in fact, nothing to gain and very much to lose by aggression.

Esteemed citizens of the United States, if with the foregoing reasoning there be borne in mind the fact that we were living in peace and harmony with your forces since June, without the smallest intention or inclination to commence hostilities, at a period when your forces were smaller and therefore more easy to cope with than subsequently, I verily believe that the enlightened people of the United States will not be slow to realize that it is not in the least degree probable, nor is it reasonable to assume, that we were the aggressors, seeing that we stood in need of their good will and were anxious to court and maintain a favorable impression with the American electorate in the interest of our cause. Peace and good will were essential to the success of our cause—a cause which would at once be jeopardized by any overt act of aggression.

We are neither celebrated warriors nor great fighters, nor are we as Quixotic as the Spaniards. We took up arms to obtain our independence, and it is self-evident that we did not develop our little armed force for the purpose of making an enemy of such a great and mighty people as the citizens of the United States in order that thereby our noble cause might the more easily triumph.

If we call to mind the fact that your President, Mr. McKinley, caused reinforcements to be sent to Manila after the capitulation by Spain on the 30th August, 1898; if we remember his refusal to listen to our humble petition to him, praying for recognition of our independence through our representative, Don Felipe Agoncillo, whom he refused to receive; or whether we recall the fact that he refused to give ear unto our appeal through the good offices of General Otis, as is proved by a letter from the general and the —— too: and if we take into consideration that, lastly and finally, the treaty of Paris was so framed as to involve the cession of the sovereignty of Spain to the United States, I am of opinion that the most natural sequence of these incontestible moves of Mr. McKinley is to be found in the outbreak of hostilities, namely, an order from your President to General Otis to commence with acts of aggression and impose on us that odious sovereignty by force of arms, notwithstanding the fact that we had demonstrated and made it evident in every possible way from the first that we would accept no solution other than our independence.

You, honorable representatives of the people of the United States, having in view the providential bonds which bind the fate of the Philippines to your supreme decision, surely you will not be unmindful at such a momentous epoch of the sublime principles of right and justice proclaimed by the illustrious founders of your independence on 4th July, 1776. Endowed with those magnificent principles, your nation advanced rapidly along the paths of progress till it became great and powerful, admired and respected by all the aged States of Europe.

Trusting, therefore, in your glorious traditions of humanity and liberality, the Filipinos look forward with confidence to obtaining from your acknowledged rectitude a just resolution officially recognizing the independence of our beloved country.

I have the honor to be, gentlemen, yours, very respectfully,

FELIPE BUENCAMINO.

TARLAC, P. I., *August 20, 1899.*

[Inclosures.]

CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 10, 1898.

To His Excellency Gen. EMILIO AGUINALDO.

MY DEAR GENERAL: Allow me to tender you my most sincere congratulations on the brilliant success of your recent military achievements, the news of which prompted the patriotic demonstration here on the part of the Filipino residents of which I hand you the report inclosed.

All is coming to pass as I had hoped and predicted, and it is now being shown that I was right in arranging for your cooperation with Admiral Dewey, and equally right in asking that you are given the support and intrusted with the confidence of the American Government.

I trust that I shall next have the pleasure of congratulating you upon the capture of Manila, and when that occurs let me ask that you will send me some historic memento of the place and the incident, such as the flag or keys of the Ciudad or principal fortress, in souvenir of our meeting at Singapore and of the important results which have ensued.

It would also afford me particular pleasure to have an account from you direct of your proceedings since landing at Cavite, and I hope you will not hesitate to write anything that you may desire to communicate either to me personally or through me to the Government or the public.

Believe me, your sincere friend,

E. SPENCER PRATT.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Singapore, June 11, 1898.

To His Excellency Gen. EMILIO AGUINALDO.

MY DEAR GENERAL: I was most pleased to receive your letter of the 27th of last month informing me that you have safely arrived at Cavite and had

been so well treated by the officers of the *McCulloch* on the way, as I was sure you would be.

I wrote fully to Admiral Dewey concerning you, and to the American Government have pointed out that you and you alone were equal to the occasion.

Write me fully, and believe me, your true friend,

E. SPENCER PRATT.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Hongkong, June 21, 1898.

Gen. E. AGUINALDO, *Cavite, etc.*

MY DEAR GENERAL: Your kind favor received.

Mr. Agoncillo has written me that you wish to send some of your Spanish prisoners to Hongkong; that they are an expense to you for food, etc.

I thoroughly appreciate your position and the difficulties of looking after so many.

In case your prisoners can pay their steamship fare to Hongkong and His Excellency the Admiral has no objection to their leaving, I see no objection to your relieving yourself of them on their oath not to take up arms again. If you find any of them break oath and you capture them with arms in their hands give them the full penalty.

However, do not let any of your prominent prisoners leave or escape. Keep them as hostages. You may need them to redeem some of your own generals. Never mind about feeding them three meals every day. Rice and water will be a good diet. They have been living too high for the last few years.

Consult with Consul Williams and he will do everything in his power for you. He has your interests at heart.

Your representative here, T. Sandico, esq., who leaves to-day by *Zafiro*, has rendered you splendid service here. He is active, wise, and honest. I am greatly pleased with him, and trust you will send him back whenever you need anyone in Hongkong. The capture of Mr. Agoncillo's steamer, the *Pasig*, delayed all our plans and made the police very watchful. However, Mr. Evans is working as rapidly as possible. You will hear from him soon.

I trust Mr. Evans's steamer, the *Kwong Hoi*, with 43 of your leaders, arrived all right.

Accept my regards and congratulations.

Very truly, yours,

ROUNSEVELLE WILDMAN,
Consul-General.

P. S.—I am sending some packages of medicine from M. Basa.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Hongkong, June 23, 1898.

MY DEAR GENERAL AGUINALDO: I am sending you the mail by Jackson and Evans's steamer. In this morning's Press you will see a telegram to me from Port Said that notifies us that the Spanish relief fleet is on its way out to Manila.

Do not let this news disturb you. We have powerful monitors on their way from San Francisco.

Now, insomuch as the Spanish want more bloodshed in the Philippines, I trust you will let them have a taste of real war. Do not be so tender with them. Handle them as they would treat you.

I suppose you have taken Manila by this time. I hope so.

I am sorry that Mr. Evans has not been able to get more arms to you He has started three times, but each time the police have headed him off. They are very much on the alert since the capture of the *Pasig*. That was a most unfortunate affair, but no doubt Mr. Sandico has explained these matters to you.

Accept my sincere thanks for the Mauser. I will send the one to Mr. Consul-General Pratt in a few days.

Do whatever you can to aid Mr. Evans, and trusting victory will ever perch on your banners,

I am, very sincerely, yours,

ROUNSEVELLE WILDMAN,
Consul-General.

CONSULATE OF THE UNITED STATES OF AMERICA AT HONGKONG,
Hongkong, July 14, 1898.

Gen. E. AGUINALDO,
Cavite, Manila.

MY DEAR GENERAL: I have your kind favor of the 8th instant, and it is always a pleasure for me to hear from you and of your continued wonderful success in the field. You have certainly fulfilled nobly all the promises I made on your behalf to Admiral Dewey.

By the time you receive this you will learn of the wonderful victory achieved by Admiral Sampson at Santiago de Cuba—every Spanish ship sunk and not one of our ships injured and only three men killed. Every minute we expect to hear of the fall of Santiago.

I am very anxious that Manila should fall before peace negotiations come on. It looks very much now as though Spain was going to sue for peace, and that a truce will be declared within another two weeks. Manila should be taken before that time.

I am very sorry that Mr. Evans has not been able to deliver to you the arms. The seizure of the *Pasig* has put every official, Chinese and English, on the watch. However, you have seen Mr. Evans, and he can explain the matter to you thoroughly and what his future plans are.

I hear that the *Pasig* is now in Macao loading provisions and is going from there to Canton to try and ship arms. I hope they will succeed and soon be with you. I am very glad that there was no truth in the rumors that were afloat regarding your displeasure with Mr. Sandico.

The Mauser rifle came to hand, and I shall prize it highly as a gift from you. With kindest regards to your cabinet and officers,

I am, as ever, your friend,

ROUNSEVELLE WILDMAN,
Consul-General.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Hongkong, June 25, 1898.

General AGUINALDO, *Cavite.*

MY DEAR GENERAL: The *Petrarch* leaves to-morrow morning, and I want to write you a few lines regarding the international situation of the Philippine Islands. I trust you will receive them in the same kindly spirit in which they are tendered.

Your work and ability has been fully recognized by not only the people of the United States but by the entire civilized world. Since the Cuban leaders have fallen to quarreling among themselves and their general, Garcia, has declined to have any further dealings with the United States to free Cuba and the Philippines from the cruel yoke of Spain, it all remains with you to retain this proud position. If you stand shoulder to shoulder with our forces and do not allow any small differences of opinion and fancied slight to keep you from the one set purpose of freeing your islands from the cruelties and robberies under which it has been groaning for so many hundred years, your name in history will be a glorious one, and your reward from my own great country will be sure and lasting.

The latest telegraphic dispatches assert that all the great powers of Europe (except Great Britain) have arrived at an agreement that the Philippines can not become a part of the United States, but will be divided up among themselves, as has been the case with China. Should this prove to be true you have a greater battle on your hands than you have already had, and it will require all the power of the United States and Great Britain to keep your islands intact and to hold you as the first man in them. I have vouched for your honesty and earnestness of purpose to the President of the United States and to our people, and they are ready to extend their hand to you as a brother and aid you in every laudable ambition. There are greater prizes in the world than being the mere chief of a revolution. I look to you to bear me out in all my promises, and I give you my assurance that you can always call upon me to act as your champion should any try to slander your name.

Do not forget that the United States undertook this war for the sole purpose of relieving the Cubans from the cruelties under which they were suffering, and not for the love of conquest or the hope of gain. They are actuated by precisely the same feelings toward the Filipinos. Whatever the final disposition of the conquered territory may be, you can trust the United States that justice and honor will control all their dealings with you. The first thing is to throw off the Spanish yoke. Do not let anything interfere with that. I believe in you. Do not disappoint me.

Sincerely, yours,

ROUNSEVELLE WILDMAN,
Consul-General.

Proclamation announcing dictatorial government.

BELOVED COUNTRYMEN: I accepted the terms of peace arranged by Don Pedro A. Paterno with the captain-general of these islands conditionally, laying down our arms and disbanding the army, believing the adoption of that policy more conducive to the interests of our country than continuation of the insurrection with the limited resources at my disposal. However, as some of the conditions could not be fulfilled (some of our troops being dissatisfied and retaining their arms), and owing to the fact that up to the present time a period of five months has elapsed without the reforms being conceded which we stipulated for to fit our country for inclusion in the comity of civilized states, like our neighbor, Japan, for instance, which in the brief period of about twenty years had so progressed as to leave little cause to envy others, demonstrating her vigor and superiority in the recent war with China, I am cognizant that, even if willing, the Spanish Government is incapable of coping with certain elements which invariably obstruct the advancement of their country and which lethal influence was the principal cause of the uprising of the masses. Now, therefore, as the great North American nation has evinced disinterestedness in our welfare and stretches forth her hand to help us to obtain our liberty, I again assume control of our hosts in their endeavors to attain the grand object we all have in view, establishing a dictatorship and issuing decrees on my own responsibility, with the advice and approval of illustrious fellow-countrymen, until such time as all the islands own our sway, when a properly constituted popular assembly can be formed and elect a president, with a cabinet, into whose hands I will surrender supreme authority.

Done in Cavite on the 24th day of May, 1898.

EMILIO AGUINALDO.

UNITED STATES NAVAL FORCE ON ASIATIC STATION,
FLAGSHIP OLYMPIA,
Cavite, P. I., June 16, 1898.

DEAR GENERAL AGUINALDO: I beg to acknowledge the receipt of your letter of 15th instant, and will take pleasure in transmitting the inclosed decrees to my Government.

The letters which accompanied the above have been forwarded to the British consul at Manila, as requested.

Yours, sincerely,

GEORGE DEWEY,
Rear-Admiral, United States Navy.

His Excellency Gen. Don EMILIO AGUINALDO, *Bacoor.*

UNITED STATES NAVAL FORCE ON ASIATIC STATION,
FLAGSHIP OLYMPIA,
Cavite, P. I., June 23, 1898.

DEAR GENERAL AGUINALDO: Mr. Rawson Walker, the British consul and acting United States consul at Manila, requests me to ask that you will grant passes (1) for Mr. Fitton to go to Malabon in a British launch and bring back to Manila some Chinese who desire to go to Hongkong, list of whom is enclosed; (2) for Messrs. Charles T. Broyud, George Moore, and Robert Brough to return to their duties in the railway depot at Caloocan.

I am, very sincerely,

GEORGE DEWEY,
Rear-Admiral, United States Navy,
Commanding United States Naval Force on Asiatic Station.

His Excellency D. EMILIO AGUINALDO, *Cavite.*

UNITED STATES NAVAL FORCE ON ASIATIC STATION,
FLAGSHIP OLYMPIA,
Cavite, P. I., July 4, 1898.

DEAR GENERAL AGUINALDO: I beg to inform you that I am requested by Mr. E. H. Rawson Walker, British consul and acting United States consul, to transmit to you the following requests for passes:

From Messrs. Smith, Bell & Co., merchants, of Manila, for any member of their staff to travel through the northern provinces to keep up communication with their rice mills at Gerona, in Tarlac, and Bayambang, in Pangasinan, and with all outside buying stations.

From Mr. R. W. Hooper, of Manila, to travel in the various provinces to the northward to look after his rice business and Calumpit rice mill.

I am, very sincerely,

GEORGE DEWEY,
Rear-Admiral, United States Navy.

His Excellency Gen. D. EMILIO AGUINALDO.

UNITED STATES NAVAL FORCE ON ASIATIC STATION,
FLAGSHIP OLYMPIA,
Cavite, P. I., July 16, 1898.

DEAR GENERAL AGUINALDO: I send herewith a copy of a letter from the French consul at Manila regarding the taking of the steamer *Compania de Filipinas.*

I replied to him that the forces under my command were in no way concerned in this affair, but that I would transmit his letter to you with a request that you would show due regard for French interests.

Yours, sincerely,

GEORGE DEWEY,
Rear-Admiral, United States Navy.

His Excellency Gen. Don EMILIO AGUINALDO, *Bacoor.*

[United States Volunteer Signal Corps. (Telegram received.) R. Ry. S. 26 words, dated Camp Dewey, 13.]

WAR DEPARTMENT,
August 13, 1898. (Received at 8 a. m.)

To General AGUINALDO,
Commanding Philippine Forces, Bacoor:

Do not let your troops enter Manila without the permission of the American commander. On this side of Pasig River you will be under our fire.

ANDERSON, *Brigadier-General.*

[United States Volunter Signal Corps. (Telegram received.) Kllws 32 words. dated Ermita headquarters, 2d Division, 13.]

WAR DEPARTMENT,
August 13, 1898. (Received at 6.35 p. m.)

To General AGUINALDO,
Commanding Filipino Forces:

Taken. Serious trouble threatened between our forces. Try and prevent it. Your troops should not force themselves in the city until we have received the full surrender. Then we will negotiate with you.

ANDERSON, *Commanding.*

OFFICE OF THE UNITED STATES MILITARY GOVERNOR,
Manila, P. I., October 14, 1898.

General EMILIO AGUINALDO,
Commanding Philippine Revolutionary Forces, Malolos, P. I.

GENERAL: I have the honor to acknowledge the receipt of your favor of the 16th ultimo and beg to apologize for the late official recognition of the same, presenting as a reason for my delay the necessity of obtaining certain information in order to arrive at conclusions in matters materially affecting the substance of our late correspondence, the securing of which has been attended with considerable difficulty.

I fully appreciate the friendly spirit manifested toward my Government in your expressions of regard, which your action in retiring your troops has confirmed, but I believe that there has existed and still exists some misunderstanding as to the limits of territory which that Government is compelled to occupy and administer under its international obligations with Spain, the responsibility for which it can not escape.

The articles of capitulation transferred the city of Manila with suburbs and all defenses, as I had the honor to inform you in my letter of September 8. It was found impossible to determine definitely on any existing map either the limits of the city or the lines of its defenses. The latter had been variously placed, at some points retired and at others thrust out beyond conceded city limits. I therefore directed my chief engineer, by a careful search of the municipal records and an actual survey, to ascertain the lines within which occupation by United States troops was obligatory by reason of the terms of the surrender. He has finally concluded these directed labors and has presented a map, of which the inclosed blue print is a copy, on which is traced in white the lines determined upon. By reference to this print and a comparison of the same with all former existing maps of the city and suburbs it will be perceived that the latter varies materially from it, especially as to the trend of the Pasig River and the location of the Spanish defenses.

The lines of circumlocution on the print begin at the Bocana de Vitas. From thence they follow Maypajo Creek until they reach the line of the Lico road, produced, thence proceed along said line and road to Lico, thence to the junction of the two roads in front of the Chinese Hospital, thence along the road in front of said hospital to the north corner of the hospital wall, thence to blockhouse No. 4, thence by blockhouses Nos. 5, 6, and 7 to San Juan del Monte Creek at the Aqueduct Bridge, thence down said creek and up the Rio Pasig to the mouth of Concordia Creek, thence by Concordia and Tripa de Gallinas creeks to a point opposite the place where the road from Singalon to Pineda (Pasay) turns sharply to the right, thence by road to Maytubig, and thence to the mouth of Malate Creek.

This map is believed to be correct, as the surveying and plotting were executed with the greatest care and with a desire for accuracy. The lines do not include all of the territory which the late Spanish chief engineer of the city has described as lying within its suburbs, and a larger proportion of them are drawn within the lines of the city's defenses, but they are partial and include all portions of the suburbs which my Government, under its promises to Spain, could be expected to hold possession of under any demands which Spain might present.

In your withdrawal of troops I note that to the north they retired to the line described on the map furnished by my predecessor, General Merritt, while to the east and south his request was not observed. As far as Paco is concerned it was understood that the troops in that section would be withdrawn within a short period of time, and I have now the honor to represent that the retention of that mutually conceded suburb has been a source of great annoyance to the American authorities, and as fully, I believe, to yourself, while the revolutionary forces along the Singalon and connecting roads have been the cause of complaint from the inhabitants of that section.

I am therefore compelled, by reason of my instructions, which direct me to execute faithfully the articles of the Spanish capitulation, because of the interests of my Government and, as I sincerely believe, the welfare of your own forces, to ask that you withdraw all your troops beyond the lines marked in the accompanying blue print, which are above described, and I must request such withdrawal on or before the 20th instant, else I shall be forced into some action looking to that end.

Permit me, in conclusion, General, to bring to your attention facts of which you are doubtless ignorant, and which all connected with the American authorities, especially that vast majority who have entertained a decided and pronounced friendly interest in the Philippine people, have viewed with more or less indignation.

In a number of instances kidnaping and robbery have been committed recently within this city by parties who claim to be connected with your forces, some of whom stated that they were acting under your instructions. This I can not believe; but the high-handed offenses committed by these persons show how important it is, for the interests of all concerned, to withdraw your troops as herein requested.

In numerous instances my officers have submitted complaints to me that they have been arrested and been compelled to turn back to the city, though journeying as unarmed and peaceful citizens, merely with the intent to seek health and recreation. And on Sunday last a funeral party of the British war ship *Powerful*, now lying within the harbor, was so delayed by the insurgent forces at Paco when proceeding to its English cemetery that it was obliged to return to its vessel and repeat the journey on the following day. I fail to see how such proceedings can be justified before enlightened public opinion, and it is matter of profound surprise to me that a people seeking relief from the control of a government by which, in the pronounced judgment of a large portion of the civilized world, it has been oppressed for centuries, should permit its armed authorities to so conduct themselves as to arouse the indignation of friendly and assistant nations. The indignities which my Government has suffered from the revolutionary forces still illegally maintained at Paco (few of them are cited herein) can not be tolerated in future. Resistance to the high-handed proceedings there committed is not merely considered a duty from which there is no escape, but would be esteemed a virtue by any civilized government cognizant of the facts. I do not for a moment permit myself to entertain the impression that either you or the able advisers by whom you are surrounded have authorized these insults to my Government, but I must bring them to the notice of the authorities which maintains these troops and upon which rests the legal responsibility for their conduct.

There is another matter which I beg respectfully to present for your distinguished consideration. There is a great number of United States troops within this city and a large accession, primarily intended and equipped by my Government for use against the armed forces of Spain, is en route for this port. The continued unhealthfulness of the city, notwithstanding the strenuous efforts we are making for a thorough policing of the same, may make it necessary to temporarily encamp such troops as are suffering from diseases contracted here on some point of land near by promising favorable sanitary conditions for restoration to health. Should the emergency become imminent the dictates of humanity and the overwhelming demands of my Government would oblige me to establish a convalescent camp in this locality to which troops could be sent for recuperation and to relieve the congested situation which must attend the presence of so large a body of armed men within a thickly populated city. I have in mind for this possible camp the grounds on the shore of the bay formerly occupied by United States troops and designated "Camp Dewey," or the high ground to the east of the city. It is my great desire to place it at a locality which would not inconvenience any organizations connected with your forces or the surrounding inhabitants; and to the emergency of this anticipated proceeding I respectfully invite your consideration and ask your assistance should execution become necessary.

Should action of this character be decided upon, I beg of you to rest firmly in my unqualified assurances that it will be undertaken in a spirit of the greatest friendliness and with the sincere desire to neither compromise nor affect in the slightest degree your interests and those of the people whom you represent, but on the contrary to enhance them.

Permit me to subscribe myself, General,

With highest respect, your most obedient servant,

E. S. OTIS,
Major-General, U. S. Volunteers,
U. S. Military Governor in the Philippines.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., October 27, 1898.

Gen. EMILIO AGUINALDO,
Commanding Revolutionary Forces, Malolos, P. I.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 22d instant, and have awaited the result of correspondence and conferences upon the subject of which you treat.

Concerning the conference of the 18th instant with your representative, Dr. Pardo de Tavera, it resulted in an honest misunderstanding between us in one slight particular only. The Doctor very ably, by letter, submitted your wishes, one of which was the retention of the blockhouses on the designated line. In regard to this matter I said that I was powerless to make any concessions, and in the conversation which followed remarked in substance, through the interpreter, that we did not wish to occupy them, as we did not consider them of any importance. The Doctor, I can conceive, very naturally misconstrued my meaning—in fact the interpreter might have done so—and when, on the 24th instant, the Doctor again called and forcibly expressed his construction of my language, I was so impressed with his earnestness and honesty of purpose and convictions I thereupon remarked that although the law would not permit a concession I would not raise any objection unless hereafter compelled to do so by my superior authority if your forces continued to occupy the blockhouses to the north of the Pasig River.

I have referred to General Merritt's letter of August 20, which you mention, and find, of course, that it is as you state. Unfortunately I am bound by the terms of capitulation, which recite "the city and defenses of Manila and its suburbs." Pandacan is certainly far within the line of defense and from information obtained from two weighty sources I have been led to believe that it has of late been considered one of the city's suburbs, although we have been unable to find any Spanish decree which fixes its status with definiteness.

In regard to the establishment of a convalescent camp for the restoration to health of members of my command, it was my intention to consult you and arrive at an understanding in the matter before attempting anything of the kind. I knew that you would not offer objections if it could be so placed as not to give your people annoyance, since it could not be in any wise a menace, but, on the contrary, would place our sick within your power and to a certain extent under your protection. I have that confidence in your humane sentiments and in the kindly impulses of your people as to believe that you would surely consent to a measure of this character, and I think that the poorer class of surrounding communities would be pecuniarily benefited by the small trade that it will give rise to, as hospitals make many purchases of edible products which your people would be glad to furnish. Should necessity arise under which I would be forced to take action, it will be my pleasure to confer with you before proceeding in the matter, and I am fully convinced that you will give assent and also assistance.

Permit me, General, to assure you that I fully appreciate the difficulties under which you labor in your endeavors to carry out the desires and demands of your people. As I have already expressed myself in former communications, I am fully convinced of your wish to maintain harmonious relations with the United States forces and government of Manila, and that you deplore with me any proceeding which may disturb that harmony and friendly feeling. I have been fully aware that all unpleasant incidents which have occurred, and to which I alluded in my former letter, were due entirely to the irresponsible and unwarranted action of subordinates, and I am constantly called upon to correct misconceptions entertained by my troops and to punish offenses which they have wantonly committed.

I am gratified with the success, both as concerns the interests of the Philippine people and the United States troops, which has attended our mutual efforts for the amicable adjustment of affairs, and sincerely hope that the manifested good will which now exists by and between our forces may be long continued.

I am, General, most sincerely, your obedient servant,

E. S. OTIS,
Major-General, U. S. Volunteers,
U. S. Military Governor in the Philippines.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., November 2, 1898.

Gen. EMILIO AGUINALDO,
Commanding Philippine Revolutionary Forces, Malolos, P. I.

GENERAL: By direction of my Government, I have the honor to present for your distinguished consideration a subject which is causing much comment and a great deal of severe criticism of the actions of the Filipino people throughout Europe and among the very large class of Catholic citizens of my own country, and that is the retention as prisoners of the Spanish Catholic clergy and nuns. I believe that a vast majority of the reports of great cruelty and barbarous treatment practiced by the Filipinos toward these individuals which have been put in general circulation are untrue. Indeed I have forbidden cablegrams prepared on this subject, which I had good reason to suppose could not be substantiated, to be sent to other countries, and I have informed the United States authorities that the many rumors of this nature in circulation throughout the civilized world were greatly exaggerated. Still, however, facts stand out prominently that these individuals have suffered privations and hardships and are still held in captivity, and upon these, fabrications charging most cruel and inhuman treatment, resulting in loss of life, will continue to be spread abroad to the great detriment of the interests and welfare of the Filipino people. I do not consider that I sacrifice in any particular the confidence reposed in me by my Government in communicating to you that it has been requested by the Vatican at Rome and by many distinguished men high in the councils of nations to employ its good offices in efforts to secure the liberty and freedom of action of the Spanish clergy and all individuals connected with religious orders now held in durance, among whom are especially mentioned the bishop of New Segovia and the nuns in the northwestern portion of the island of Luzon.

It is, of course, needless for me to present to you or the able counselors by whom you are surrounded, and, indeed, it may be considered a presumption on my part to invite your attention to the fact, that the clergy, and, indeed, the civil functionaries of the Spanish Government, can not, under a strict interpretation of the rules of international law, be declared prisoners of war, except in certain very aggravated cases. It would require most decided action on the part of members of religious orders to place them in that category, and the seizure and retention of or the interference with nuns in the practice of what they consider their duties under their sacred religious vows is invariably looked upon with marked disfavor by all nations claiming to practice civilized warfare. All this is well known to you, and I only allude to it to account in a measure for the erroneous impressions which publicly prevail regarding the humane sentiments and good intentions cherished by the Filipinos, and which are so damaging to them in securing a position as a people which they seek to invoke. You will please pardon me for this allusion, but the matter is so important to the best interests of the Filipinos that I have taken the liberty, uninvited, to present it.

Confident that you seek the welfare of your people, may I, in that confidence, ask you to use your conceded influence to correct this condition of affairs and to act with me in efforts to put an end to the acrimonious criticisms which now so widely prevail? I would be pleased to receive them here at Manila and care for them while they make preparations to leave the country, as I am informed many of them desire to do; and more particularly does it appear to me as most essential that prompt action be taken with regard to the nuns. Any traveling expense or cost of food which would be required to effect their removal to this point I would be glad to meet should you desire it.

I am, General, with great respect, your obedient servant,

E. S. OTIS,
Major-General, U. S. Volunteers,
U. S. Military Governor in the Philippines.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 4, 1898.

Señor Don EMILIO AGUINALDO Y FAMY,
Commanding Philippine Forces, Cavite, Luzon, P. I.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, have entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces.

In our operations it has become necessary for us to occupy the town of Cavite as a base of operations.

In doing this I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule.

I would be pleased to be informed at once of any misconduct of soldiers under my command, as it is the intention of my Government to maintain order and to treat all citizens with justice, courtesy, and kindness.

I have, therefore, the honor to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties, and not to assume that they can not visit Cavite without permission.

Assuring you again of my most friendly sentiments and distinguished consideration.

I remain, with all respect, THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Luzon, P. I., July 6, 1898.

Señor Don EMILIO AGUINALDO Y FAMY,
Commanding Philippine Forces.

GENERAL: I am encouraged by the friendly sentiments expressed by your excellency in your welcome letter, received on the 5th instant, to endeavor to come to a definite understanding, which I hope will be advantageous to both.

Very soon we expect a large addition to our forces, and it must be apparent to you as a military officer that we shall require much more room in which to camp our soldiers, and also store room for our supplies. For this I should like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country.

It must be apparent to you that we do not intend to remain here inactive, but to move promptly against our common enemy. But for a short time we must organize and land supplies, and also retain a place for storing them near our fleet and transports.

I am solicitous to avoid any conflict of authority which might result from having two sets of military officers exercising command in the same place.

I am also anxious to avoid sickness by taking sanitary precautions. Your sanitary medical officers have been making voluntary inspections with mine, and fear epidemic disease if the vicinity is not made clean. Would it not be well to have prisoners work to this end under the advice of the surgeon?

I again renew my assurance of distinguished consideration.

I am, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 14, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces.

GENERAL: Wishing to get complete information of the approaches to Manila from every direction, I, therefore, have the honor to request that you give my officers all possible assistance in making reconnoissance of the lines and approaches and that you favor them with your advice.

Officers coming from me will bear a note to that effect.

With great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 19, 1898.

Señor D. EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 18th instant. Your offer of assistance is appreciated and your assurances of good will are most gratifying. The difficulty of collecting supplies, referred to by you, is apprehended and will be considered in fixing compensation.

As a medium of communication with your people we will be pleased to have you assure them that there will be no confiscation of their property, that our requisitions will be reasonable, and that a fair compensation will always be given.

I remain, General, with all respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCE,
Cavite Arsenal, P. I., July 19, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: The bearer, Maj. J. F. Bell, United States Army, was sent by Maj. Gen. Wesley Merritt, United States Army, to collect for him, by the time of his personal arrival, certain information concerning the strength and positions of the enemy and concerning the topography of the country surrounding Manila.

I would be obliged if you would permit him to see your maps and place at his disposal any information you may have on the above subjects, and also give him a letter or pass, addressed to your subordinates, which will authorize them to furnish him with any information they can on these subjects and to facilitate his passage along the lines upon a reconnaissance around Manila on which I propose to send him.

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE, U. S. EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 21, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: I have the honor to request that passes and such other assistance as practicable be given to the bearer, Lieut. E. I. Bryan, and party, who are making a reconnaissance of the surrounding country.

Thanking you for assistance given on previous occasions.

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE, U. S. EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 23, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces.

GENERAL: When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American army, as it was to fight in the cause of your people. So far we have received no response.

As you represent your people, I now have the honor to make requisition on you for 500 horses, 50 oxen and ox carts.

If you can not secure these, I will have to pass you and make requisition directly on the people.

I beg leave to request an answer at your earliest convenience.

I remain, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE, U. S. EXPEDITIONARY FORCES,
Cavite Arsenal, Luzon, P. I., July 24, 1898.

Señor Don EMILIO AGUINALDO Y FAMY,
Commanding Philippine Forces.

GENERAL: Your favor of the 26th ultimo, in relation to requisitions for cattle, horses, etc., is satisfactory. I regret that there should have been any misunderstanding about it. The people to whom we applied, even for the hiring of carromatas, etc., told our people that they had orders to supply nothing except by your orders. I am pleased to think that this was a misapprehension on their part.

We are not so unreasonable as to suppose that all we want can be supplied at once or from one place. We may even have to send to other islands. Our quartermaster will establish a depot near the American camp, where he will receive and pay for supplies, and from which he will send out parties to whatever places your excellency will indicate to transact business with your people.

With great regard, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, P. I., January 9, 1899.

Gen. EMILIO AGUINALDO,
Commanding Revolutionary Forces, Malolos, P. I.

GENERAL: I have the honor to acknowledge the receipt of your communication of to-day, and I am much pleased at the action you have taken. I greatly regret that you have not a clear understanding of my position and motives, and trust that my explanation, assisted by the conference I have invited, will make them clear to you.

In my official capacity I am merely the agent of the United States Government to conduct its affairs under the limits which its Constitution, laws, precedents, and specific instructions prescribe. I have not the authority to recognize any national or civil power not already formally recognized by my Government unless specially authorized so to do by the instructions of the Executive of the United States. For this reason I was unable to receive officially the representatives of the revolutionary government and endeavored to make that inability clear to the distinguished gentlemen with whom I had the pleasure to converse a few evenings since. They will bear witness that my course throughout my entire official connection with affairs here has been consistent, and it has pained me that I have not been able to receive and answer communications of the cabinet officers of the government at Malolos, fearing that I might be erroneously charged with lack of courtesy.

Permit me now briefly, General, to speak of the serious misunderstanding which exists between the Filipino people and the representatives of the United States Government, and which I hope that your commissioners, by a thorough discussion, may be able to dispel. I sincerely believe that all desire peace and harmony, and yet by the machinations of evil-disposed persons we have been influenced to think that we occupy the position of adversaries. The Filipinos appear to be of the opinion that we meditate attack, while I am under the strict orders of the President of the United States to avoid conflict in every way possible. My troops, witnessing the uneasiness, the comparatively disturbed and unfriendly attitude of the revolutionary troops and many of the citizens of Manila, conclude that active hostilities have been determined upon, although it must be clearly within the comprehension of unprejudiced and reflecting minds that the welfare and happiness of the Filipino people depend upon the friendly protection of the United States. The hand of Spain was forced, and she has acknowledged before the world that all her claimed rights in this country have departed by due process of law. This treaty acknowledgment, with the conditions which accompany it, awaits ratification by the Senate of the United States; and the action of its Congress must also be secured before the Executive of that Government can proclaim a definite policy. That policy must conform to the will of the people of the United States expressed through its Representatives in Congress. For that action the Filipino people should wait, at least, before severing the existing friendly relations. I am governed by a desire to further the interests of the Filipino people and shall continue to labor with that end in view. There shall be no conflict of forces if I am able to avoid it; and still I shall endeavor to maintain a position to meet all emergencies that may arise.

Permit me to subscribe myself, General, with the highest respect, your most obedient servant,

E. S. OTIS,
Major-General, United States Volunteers, Commanding.

MANILA, P. I., *January 7, 1899.*

I am authorized by General Otis to say that he, as commanding general of the United States army in the Philippines, will appoint two representatives to confer with a like number appointed by General Aguinaldo, commanding general of the revolutionary forces, should General Aguinaldo desire, as has been intimated to me.

I am also authorized to say that General Otis would be pleased to meet, at any time, representative Filipino men of character and influence.

O. W. CARMAN.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., January 25, 1899.

Brigadier-General HUGHES,
Chairman of committee appointed to meet a committee appointed by General Aguinaldo to confer with regard to the situation of affairs and to arrive at a mutual understanding of the intent, purposes, aim, and desires of the Filipino people and the people of the United States.

SIR: I am informed that the Filipino people do not place confidence in our good intentions which they are seeking from this conference. The fact that the President has appointed a commission seems to have confirmed them in their impressions. It might be well therefore to give you a brief history of events having relation to these commissions. They are as follows:

Early in December Admiral Dewey and myself received instructions from Washington to report the condition of affairs and offer suggestions. Upon December 7 Admiral Dewey telegraphed as follows:

"It is strongly urged that the President issue a proclamation defining the position of the United States Government in the Philippine Islands and showing the inhabitants that it is our intention to interfere in the internal affairs of the Philippines as little as possible; that as they develop their capabilities of government, their powers and privileges will be increased. That will allay the spirit of unrest. The Spanish soldiers should be expatriated as soon as possible; they are a source of discord and danger."

And the Admiral goes on to say that a force of several regiments raised from among the best insurgent troops and officered by the best of their leaders would do much to disarm opposition.

Upon this suggestion I think the proclamation was issued. Later, Admiral Dewey cabled (I think some time about the 1st of January). I am not aware of the date that he thought the appointment of a commission by the President would be an excellent thing. On January 10 I was asked by the Washington authorities what I thought of the appointment of a commission to confer with the revolutionary authorities and I replied that I thought it might do excellent work here. Before this date, early in January, I had been requested by prominent Filipinos to appoint a committee from my own command to meet a like committee to be appointed by General Aguinaldo. This was done on January 9, one day before receiving the Washington dispatch asking if I thought the appointment of a commission by the President would be advantageous. Hence, what might be styled the two commissions, have no relationship whatever, the one of which you are president sitting to ascertain the desires of the Filipinos and having no authority to grant concessions except by permission of the Washington authorities, the other commission, appointed from Washington, comes with full instructions from the President of the United States and empowered to act for him.

On January 16 I telegraphed to Washington as follows:

"Conditions improving, confidence of citizens returning, business active. Conference held Saturday. Insurgents presented following statements, asking that it be cabled. Undersigned commissioners of commander in chief of revolutionary army of these islands state to commissioners of General Otis that aspiration Filipino people is independence with restrictions resulting from conditions which its government agree with America when latter agree to officially recognize the former. No conclusion reached; another conference to-morrow evening. I understand insurgent wish qualified independence under United States protection."

To this dispatch no reply has been received.

Upon another matter, viz, the sending of regular troops here, the purpose of which has been greatly misconstrued, you may communicate the following dispatch, received on December 7:

"General OTIS, *Manila:*

"The Secretary of War directs you to send Astor Battery home on first returning transport. If you can spare volunteers to take first returning ships send them in the order of their arrival. Six regular regiments are in course of preparation to report to you. It is probable that part of them will sail direct from this coast by way of canal, thus to give you good transport available for service from San Francisco."

The meaning and intent of this dispatch was to return the volunteer troops as soon as possible and to send part back in the transports then in the harbor if practicable. The Astor Battery was sent home, but I declined to send the other volunteer troops at that time, as the revolutionary government had assumed a threatening attitude, notwithstanding our great desire for peace and harmony. The orders from Washington have not changed. I still have authority to return the volunteer troops, so that they can be discharged in the United States, by any returning vessel available, but I decline to return them as long as we are threatened with active hostilities. Under the articles of capitulation still prevailing with Spain, as there has been no ratification as yet of a treaty, I am obliged to hold Manila and its defenses, but no hostile act will be inaugurated by the United States troops.

Very sincerely, yours,

E. S. OTIS,
Major-General, United States Volunteers,
United States Military Governor in the Philippines.

REPORT ON THE JOINT COMMISSION.

MANILA, P. I., *January 29, 1899.*

The sixth conference of the commissioners appointed by Major-General Otis and General Aguinaldo was held at 4 o'clock on the afternoon of the above date. The commissioners first engaged in the reading, correction, and amending of the proceedings of the previous meetings, which were definitely approved and signed by both commissioners, each one retaining two copies, one in English and the other one in Spanish, of the proceedings of each session.

The commissioners of General Otis presented to those of General Aguinaldo a letter directed by the first-named general to Brigadier-General Hughes, which was read there and a copy of which is herein attached, marked "Exhibit A."

The commissioners for General Aguinaldo then presented to the commission for General Otis the alleged constitution of the Philippine republic claimed by them to have been formed and also a list of the delegates to an alleged Congress which framed said alleged constitution. Said documents are marked exhibits "B" and "C," respectively.

Thereupon the commissioners for General Otis and the commissioners for General Aguinaldo having fully set out their views during the various conferences, it was announced that there was no further business for the present to be transacted by the commissioners of the respective parties.

The commissioners of General Aguinaldo stated afterwards that they were pleased to acknowledge the great courtesy with which the commissioners for General Otis had treated them and to which they had endeavored to correspond, although feeling sorry that the several conferences held had not given the positive result which they desired and which would satisfy the just and legitimate aspirations of the country.

To which the commissioners of General Otis responded that they were reciprocally indebted to the commissioners of General Aguinaldo for a courteous, calm, and deliberate discussion of the various matters raised in their conferences; that they believed the true interests of the Philippine people were in substantial harmony with American interests in these islands, and that recognition of this fact and substantial agreement could not be long delayed.

The joint commission thereupon adjourned to meet on Tuesday, January 31, 1899, at 4 o'clock p. m.

R. P. HUYLUS.
JAMES HJUNLT.*
ELLELERRSODE.*
FLORENTINO TORRES.
A. FLORES.
MANUEL ARGÜELLES.

Certifico: que los documentos en Inglés transcritos que anteceden son copia fiel de sus originales que obran en los Archivos de ésta Secretaria.

Tarlac, 20 de Agosto de 1899.
El Secretario de Negocios Extrangeros,
[Seal of the secretariat.] FELIPE BUENCAMINO.

[Translation.]

I certify that the foregoing documents are true copies of the originals, which are kept in the archives of this secretariat.

Tarlac, August 20, 1899.
[SEAL.] FELIPE BUENCAMINO,
Secretary for Foreign Affairs.

Mr. CARMACK. Mr. President, I now desire to read a document which I asked to have printed a little while ago. These are a series of questions propounded by myself and replied to by Sixto Lopez.

Q. Will you please state from what part of the Philippines you come and what relations you have had with other Filipinos or with those claiming authority under the native government?

LOPEZ. I am a Tagal from Balayan, in the province of Batangas, Luzon. I have been working for the last twelve years in order to secure the independence of the Philippines. I am in no sense an official representative of any governmental or military body, nor do I belong to the Hongkong or any other junta. But as a Filipino, knowing the desires of the Filipinos, I claim the right, as a private citizen, to state what those desires are and to tell what I know about my fellow-countrymen.

Q. Were you ever engaged in affairs of government, local or general; and if so, in what capacity?

LOPEZ. Under the Spanish régime I held the position of Cabeza de Barangay in Balayan during the years 1880 to 1892.

Q. Have you been in any of the islands other than Luzon?

*Signature very indistinct; impossible to decipher.

LOPEZ. Yes. I traveled in one of our family's ships for twenty months throughout Luzon, the Visayan Islands, and Mindoro, visiting Cavite, Bataan, Laguna, Rizal, Bulucan, Dagupan in Pangasinan, Zambales, Batangas, Tayabas, South Camarinis, Albay, Sorsogon, Mindoro, Marinduque, Burias, Masbate, Ticao, Zamar, and Leyte. I have also lived, at various times, for nearly eight years in Manila, in which students gather from all parts of the archipelago.

Q. You claim to have a knowledge of your countrymen's political desires, as well as their attainments and abilities?

LOPEZ. Yes. I have followed the fortunes of my country for a longer period and with closer attention than probably any American has done. I have what few Americans possess, namely, a personal knowledge of the conditions that existed prior to the insurrection against Spain, and long prior to the time when any American gave attention to our country. My knowledge has not been gained by a few months' residence in the islands during a period of war, when most of the normal conditions have been upset, and when an accurate estimate of the real facts is difficult, if not impossible, to obtain. I have noted the changes that have ensued during the last ten years, and have been in touch with, or have watched the career of, prominent Filipinos who have taken part in public affairs during the last fifteen years. I mention these facts, not with the idea of boasting, but in order to show that I have probably as extensive a knowledge of Philippine affairs as many of those who claim to speak for the Filipinos. But I do not claim to have as great a knowledge of my countrymen as the many able Filipinos whose testimony could easily be obtained, and ought to be obtained by the Senate committee, before any legislation is inflicted upon the Philippines.

Thus, if the evidence of statesmen is required, call Mabini, Barretto, Raimundo, Melliza Ocampo, Guerrero, Ponce, Paterno, Potenciano Hilario, Dr. José Luna, Aguilera, Loizaga, Palma, Osmena, Gracio Gonzaga (civil governor of Cagayan Province), Climaco (governor of Cebu), Nosario Constantino, Aguedo Velarde, Dr. Albert, Arsenio C. Herrera, Diego Gloria, or Dr. Justo Lucban.

If the evidence of soldiers is sought for, summon Aguinaldo, Malvar, Trias, Sandico, Lucban, Louis Luna, Alijandrino, Concepcion, Villa, Cailles, Delgado (governor of Iloilo), Ambrocio Flores (governor of Rizal Province), Canon Bolaños, Paciano Rizal (brother of the martyr), Pablo Tecson, Ison (banished to Guam), Mascardo, Hermandez, Tino, Dancel, Riego, Katigbak, or Kalaw.

Merchants and business men would be represented by Gonzalo Tuason, Telesforo Chuidian, Mariano Linghap, Crisanto Lichanco, Pedro P. Roxas, Vincente D. Fernandez, Luis R. Yangco, Rama, Bernardo Solis, Pascual Ledesma, or Genato.

While professional men would be adequately represented by Dr. Rigidor, Chief Justice Arellano, Dr. Apacible, Dr. Ilustre, Judge Aranlio, Dr. Boldomiro Roxas, Dr. Llorente, Solicitor-General Aranetta, Dr. Ortigas, or Dr. Miciano.

If it be the desire to know the real situation without hedging or trimming to suit any particular policy, the aspirations of the Filipinos and their ability to maintain those aspirations, and what the Filipinos think of the campaign of forcible subjugation and its effects upon the relations of the two peoples call some of these men that I have mentioned. It is true that they are opposed to the present policy, but broad-minded statesmen will not think less of them or seek to discredit their evidence on matters of fact simply because they are opponents.

Q. What proportion of the inhabitants of the archipelago may be considered a homogeneous race?

LOPEZ. The proportion can be stated approximately only. Assuming that the population of the entire archipelago is 10,000,000, I should say that 90 to 95 per cent are of common racial descent and religion, and are as homogeneous a people as the Japanese. These are the inhabitants of Luzon, Masbate, the Visayan Islands, and the coasts of Mindanao, who speak several dialects which are based upon, and are very similar to, Tagal, which in turn is allied to the older Malayan language. The Moros of central Mindanao and the Sulu Islands are of slightly different racial origin, and practice the Mohammedan religion. These people, together with the Negritos, the Igorrotes, and a few unimportant mountain tribelets, number probably less than half a million.

Q. How do the Filipinos, assuming that they were granted independence, propose to deal with the Moros and the condition of slavery among them?

LOPEZ. The problem of how to deal justly, under one central government with a people whose institutions are contrary to the principles of personal liberty, would be less difficult for the Filipinos than for America. The Moros have signified their willingness to join with the Filipinos in forming a government, and the union would be more natural than a union with America, for, with the exception of religion and polygamy and slavery, there is much in common between the two peoples. Our constitution provided for complete personal liberty and the purity of the marriage relation, and it would be our duty to uphold those principles. But we do not propose to force our ideals upon the Moros. If they join with us and accept our constitution, we shall be glad; but if for a time they preferred to maintain a semi-independent relation, with some form of federal union for defensive and commercial purposes, we should be satisfied. Some such arrangement as this would meet their case until moral suasion induced them to recognize the civilized world's conception of the purity of marriage, and to admit that "man has no right of property in man."

Q. Would chaos, bloodshed, and disorder follow the withdrawal of American control?

LOPEZ. That is a gratuitous assumption, for which there is not the slightest warrant in fact or in history. It is not a reason, but an excuse for a continuance of foreign rule. As to the liability of tribal disputes and internecine wars, I have no hesitation in saying that the danger exists no more in the Philippines than in America or in any other country. The so-called "tribes" in the Philippines are no more tribes in the sense of being distinctive aggregations of people than are the people of the 45 States of America. There is not even that healthy rivalry which ought to exist, such as is found among the States of this Union.

All statements or prophecies as to what may occur in the future are of small value compared with what has really happened in the past. If such tribal animosity had existed it would have shown itself during the Spanish régime, for Spain's control was too feeble to have prevented its manifestation. But during the entire three hundred years of Spanish occupation there has not been a single case of tribal war or feud. The only two instances of Filipinos fighting against each other (and these were not tribal conflicts) were when Magellan, for his own purpose, induced part of the Visayan inhabitants of the island of Negros to fight against the fellow Visayans in the same island; and when the Spanish, and later the Americans, for the same purpose as Magellan, induced the Macabebes (who are not a tribe, but simply the inhabitants of the town of Macabebe in Pampange) to fight against their fellow-Pampangos and the Filipinos generally.

Furthermore, during the period of about ten months when our Government held control of practically the entire Christianized population (for all that time the American forces were confined to a small area around Manila) there was no single instance of tribal discord or anarchy. On the contrary, good order existed, and life and property were respected and their security maintained. Our family and the people of our province testify that never within known history had there been such peace, contentment, and good government as then existed under Filipino rule. This was not because our government was well organized, for that was impossible in so short a time, but because the Filipinos are naturally a law-abiding people, which counts for more in stable government than the most perfect and powerful organization.

There is also the groundless fear that if internal control were given to the Filipinos those of our fellow-countrymen who had supported American authority would be liable to maltreatment and disability. But we know that a large proportion of those who openly support American authority do so only to avoid suspicion. There may be some who, for reasons of their own, have taken up a position in favor of American occupation, temporary or permanent, and there are a few also who have fought against their fellow-countrymen. The treatment by our people of such men as Buencamino, Dr. Pardo de Tavera, Legarda, and the Macabebes,—who, notwithstanding the fact that they opposed the Filipinos in the insurrection against Spain, were given positions under Aguinaldo's government,—is in itself sufficient to dispel any fear of future ill treatment. But at the proper time satisfactory undertakings could be given of protection and of amnesty to those who have taken up arms against our people for all acts done under American authority. America would always have the right and the means to enforce such contracts, and thus ample protection would be given to these men.

From my knowledge of my fellow-countrymen, I have no hesitation in saying that the whole alleged difficulty is purely fanciful, and to inflict us, on that account, with a period of American occupation—half American, half Filipino, with responsibility thus resting on two stools—would be unwise and impracticable. Under such a régime the best Filipinos would hold aloof and the government would be crowded with office seekers and self-seekers whose interest would be confined chiefly to what they could make. If we should be placed even for a time under a half-and-half government, where responsibility could be pushed off from one set of shoulders onto the other, and vice versa, the result will be deplorable to our people and ruinous to our country. Whereas if we are granted control of our own internal affairs, and a full measure of responsibility, the best and most public-spirited Filipinos would come to the front with a genuine desire to serve the public interest and to secure the success of our government. This, of course, would not prevent America from adopting any legitimate means of safeguarding her interests and obligations or of exacting guaranties for the due fulfillment of all agreements or treaties. But it would save our government from being exploited by the worst class of both Americans and Filipinos.

Q. Who are the Macabebes?

LOPEZ. There is a great deal of misapprehension about these Macabebes. It is believed by many persons in America that the Macabebes are a separate and distinct "tribe of savages" who have an undying hatred to the Filipinos. Whereas the Macabebes are simply the inhabitants of the town of Macabebe, in the province of Pampanga. But it is wrong to suppose that all the people of this town are opposed to the Filipinos. Furthermore, there are, as Governor Taft admits in his evidence before the Senate committee, other Filipinos fighting with the American forces, all of whom are classed as Macabebes. Now, all of these men are the traitors—the Benedict Arnolds—and the offscourings of criminality and wickedness. That such men should have been permitted to march under your sacred Stars and Stripes is one of the marvels of the twentieth century. That such men as these should have been used by America, of all nations, to crush liberty out of a struggling republic is unquestionably the eighth wonder of the world.

It has been said that the man who criticises his country when it is actually at war comes perilously near being a traitor. What shall be said, then, of the man who joins the invader and fights against his fellow-countrymen? And what shall be said of the invader who employs and consorts with a regiment of Benedict Arnolds to fight under the symbol of light of law?

Q. What did the Filipinos hope to obtain by fighting?

LOPEZ. I have always held that war was not the means by which to obtain our rights. I have sent many dispatches to the Philippines urging Aguinaldo and the Hongkong junta to cease hostilities and to endeavor to secure our rights by peaceable means. I knew that a war between an Anglo-Saxon and an Eastern race was sure to degenerate into a wholesale massacre. But I believed, and most of the Filipinos believed and still believe, that although they could never hope for one moment to defeat America they would have been able to defend themselves if the war had been confined to civilized methods. This belief has had some justification, for the Filipinos were not defeated until it was found to be necessary, and declared to be necessary, to adopt the methods of Weyler, with reconcentration and torture and wholesale slaughter. Let me say here that although I abhor torture and cruelty, I do not lay the blame upon those who were set a task which admittedly they could not accomplish without resorting to such methods.

The desire for national liberty is so strong with the Filipinos that nothing but cruelty and wholesale slaughter could give a temporary victory to those who wished to crush it out. And in the future nothing but absolute despotism will hold that desire in check. The war has at least served one good purpose of giving unquestionable proof that the Filipinos are thoroughly in earnest about independence, and the torture and horror necessary to end that war have made the proof absolute. Let me also point out that wholesale slaughter alone has not been sufficient to secure a victory over the Filipinos. It has been necessary to pass laws under the civil government to take away the most elementary rights of a civil community. It has been necessary to imprison noncombatants and neutrals who, it was and is declared, were to be protected; to seize and confiscate the property of the wealthy who were once declared to be in favor of American rule; and to bring about a reign of political terror under which no Filipino dared even to whisper the desires of his heart; and to cause that ill-starred island of the Pacific to be still the prison of honest men. If anyone doubts these statements or fondly imagines that the tortures and imprisonments have been "greatly exaggerated" it is easy to obtain convincing evidence.

Call the Filipinos to testify; there are thousands of them now in prison who can tell the story. Examine the laws made by the so-called civil government and inquire why it was necessary to make such laws. Do not rest satisfied with the conscience-easing assumption that the reports have been exaggerated. Ask Capt. George Curry, chief of the Manila police, to testify. He is a fearless, honest man, without an ax to grind or a personal interest to serve, and will tell the truth, even if it cause parties or administrations to fall. And if the Filipinos have committed atrocities, let that be investigated also. The Filipinos do not shrink from inquiry or desire to have those of their people shielded who have committed punishable offenses.

Q. What proportion of the natives of the archipelago possess a liberal education?

LOPEZ. The whole question of education in the Philippines has become confused by want of definition of the terms used to describe it. The word "educated" has often been applied indiscriminately to the highly educated and to the merely literate. "Literacy" has been applied without distinction to those who can read and write Spanish, as well as to those who can read and write the native language. By thus using indefinite terms apparently different conclusions have been reached by those who have given evidence on the subject.

Let me therefore state what I understand to be the facts, and then compare those facts with the evidence of others:

The number of those who can read and write in the Spanish or the native language and have an elementary knowledge of arithmetic, etc., has been estimated by various authorities at from 60 to 80 per cent of the Christian

population. My own belief is that probably 75 per cent can so read and write. Of these about 90 per cent can speak Spanish; some, of course, indifferently, but many as though it were their mother tongue.

Of course until a proper census has been taken it is difficult to accurately determine the extent of literacy in the Philippines. The difficulty presses with equal force upon friend and opponent, but there are other sources of information by which a fairly accurate idea of the truth is obtainable.

Prior to the Spanish occupation elementary education was probably more extensive in the Philippines than in any other European country at that time. Dr. de Morga, the first governor-general, in his book published in 1609, tells how the Filipinos had a written language of their own, and declares that "there were very few who could not write well and correctly." Notwithstanding Spanish indifference and monastic opposition, the Filipinos have opened elementary schools in almost every village. They have also founded high schools and university colleges throughout the archipelago, and a university, two large normal schools for male and female teachers, and five large schools for women in Manila. In a recent article in the Outlook, Mr. Atkinson, superintendent of public instruction in the Philippines, states that "Since the coming of the Americans private schools have sprung up like mushrooms." Mr. Atkinson is wrong in implying that these schools are a result of American activity, for in most cases they formerly existed but had been closed by the war. The Schurman Commission declares that "A system of free schools for the people has been an important element in every Philippine programme of reforms."

General MacArthur holds that "this almost universal aspiration for education should appeal strongly to American sympathy." The president of the Royal University of Manila, one of the bitterest opponents of the Filipinos, had to admit in his evidence before the Schurman Commission that, all things considered, "education in this country is very far advanced, both in the primary grades and in the university grades;" whilst in an article submitted to the Senate committee when Governor Taft was giving his evidence and stated by Mr. Root to have been "compiled in the Division of Insular Affairs from standard works and the records of the Department, supplemented by the personal experience of returning officers," it is stated that "most of them (Filipinos), both men and women, can read and write."

In view of all this testimony taken, please observe, from non-Filipino sources, it is inconceivable that the Filipinos are as ignorant and illiterate as some persons declare them to be.

It is also difficult to say what proportion of Filipinos have received a liberal education. It would be just as difficult for an American to say what proportion of Americans have received a liberal education, for statistics are not easily obtainable, and the term liberal education has no definite meaning. But the president of the Royal University of Manila declares that education in the university grades is very far advanced. The Schurman Commission reports that the educated Filipinos are far more numerous than is generally supposed, that they are not confined to Manila, but are found throughout the archipelago, and that they are "the equals of the men one meets in similar vocations—law, medicine, business, etc.—in Europe or America."

Q. Are the Filipinos, in your opinion, fit for self-government?

LOPEZ. The Filipinos have all the qualities essential to fit a people for self-government. According to the Schurman Commission, the Filipinos "are naturally and normally peaceful, docile, and deferential to constituted authority," possessing "admirable domestic and personal virtues." They are naturally a law-abiding people, as was shown by their peaceful demeanor during the above-mentioned period, when there was no well-organized authority. But above all, not only is education fairly well advanced, and this under the most adverse circumstances, but the desire for education is, and always has been, uppermost in the minds of the people. Furthermore, the Filipinos have had a bitter lesson in the ill effects of bad government. They know by personal experience, which is worth more than mere theorizing, the disasters that corruption and dishonesty bring. And, like the Americans of 1776, they know what it is to have liberty denied them, and that is the most important factor of all, for only those who have suffered the loss of liberty know how to appreciate it, and to extend it to others.

The war, too, has served to weld the people into a unity which does not usually exist in communities which for long years have been at peace. It has also served to sift the wheat from the chaff, to determine who could be trusted with the responsibility of the public welfare and who were merely self-seekers, ready to desert the standard at the first breath of calamity or to sell their country to a higher bidder.

Our educated and intelligent men would naturally be at the head of affairs, as is the case in every other country. And with a law-abiding people, with education ever increasing under our own guidance, with prosperity increasing under the new incentives to industry, which would go to swell our own national wealth, I have no fear but that self-government would be such a success in our country as to put to shame and confusion all those who have been theorizing about our inability and their superiority.

Q. Are the Filipinos in favor of independence, immediate or ultimate?

LOPEZ. Yes; the Filipinos, both rich and poor, great and small, educated and uneducated, are in favor of independence—immediate, if they can get it, or ultimate if it is not to be granted immediately. They are universally opposed to foreign rule. First, because they have suffered from it in the past, and secondly, because they have a God-implanted desire to see their country subject to no power save that of their Creator. Whatever is done in the Philippines, let it it not be based on the false assumption that the Filipinos desire American rule. I have repeatedly urged the taking of a plebiscite on this issue in, say, ten of the most representative cities and towns in the archipelago, and I hereby challenge those who contend that the Filipinos are in favor of foreign rule to put their contention to this test. The Filipinos would be prepared to pay the incidental expenses of such a plebiscite, and to abide by the result.

Q. Would the Filipinos object to the sale of public lands and franchises under present circumstances?

LOPEZ. Most assuredly they would. Until the Filipinos have at least internal control of their own affairs it would be a most improper thing to alienate the public lands or to dispose of franchises to foreign capitalists. Under present conditions, when the Filipinos are impoverished by six years of war, when their crops and towns have been destroyed, and when their working animals have almost all died of rinderpest, it would be most unfair to the Filipinos to compel them to compete with foreign capitalists in the purchase of public lands and franchises. The foreign capitalist could, in every case, outbid the native, and the result would be another and a worse Ireland, with everything of value in the hands of absentees, whose only interest in the country would be what profits could be squeezed out of it. Besides, the greatest danger to the independence of the Philippines would come from vested interests. We might be as fit for self-government as any country in the world, but the fact would not appeal to the foreign investor.

The theory that trade follows the flag is not a tenth part as true as the fact that the flag is made to follow capital. The capitalist naturally wants his own country to have control wherever his capital is invested. He wants maximum profits with minimum risks, and the interests of the native inhabitants are always made subservient to the interests of capital. Furthermore, the sale of such franchises during a period of American control would be a sale by Americans to Americans of property which belonged by moral right at least to Filipinos. It would be in the interests of Americans and not necessarily in the interests of Filipinos, yet if the effects were politically detrimental it would be the Filipinos and not the Americans who would have to suffer. It may be urged that the sale would be to the interests of both parties, but if that be true, then let the sale of lands and franchises be in the hands of the Filipinos, who are the real owners and who would have to bear the consequences of any mistake.

Q. Does the Roman Catholic Church exercise a baneful influence upon the Filipinos?

LOPEZ. No. The church is not, and never has been, a baneful influence, but its influence for good is very materially impaired by the monks, who are a disgrace to the church and to the country from whence they came. To imagine that because the Filipinos are opposed to the monks they are therefore opposed to the church is altogether a mistake. The Filipinos are stanch Catholics, and the influence of the church itself can not be other than a good and blessed influence if administered by good men. But the present tacit support which is being given to these monks, who have outraged the teaching and everything that is beautiful in a church which it is their sacred duty to maintain, is a menace to its existence and a placing of the claims or property before those of religion in the Philippines. At present we have only one church and one creed, and whatever supposed defects the Protestant may see in that church, we should still prefer to have unity and peace, rather than a multiplicity of sects. We can not therefore look with favor upon missionary enterprise within our Christian communities. And if the Moros are to be turned from the error of their ways, it would be better that the change should be brought about by the Catholic Church in the Philippines.

Q. Would a form of government modeled on that of the United States be suitable for the Philippines?

LOPEZ. The constitution of Malolos was similar in many respects to the United States Constitution, and would have suited our people, subject to such modification as time and experience made necessary. It is, however, certain that the republican would be the only suitable form of government for the Philippines. We have had enough of despotism and government without the consent of the people. Representative government is the only real safeguard to individual liberty and purity of administration. But a constitutional convention—such as was convened in Cuba—could determine the actual details and make provision for all local conditions and necessities.

Q. What would be the effect of a definite promise of independence upon the present conditions in the islands?

LOPEZ. The effect would be to change the conditions in a manner in which they will never be changed without such a promise or intimation. At present there is discontent, distrust, and the bitter feeling of having been crushed by superior force. The peace thus achieved is not a permanent peace, nor is it a condition on which to found a stable government. It seems hardly necessary to tell Americans that stable government can rest only upon the recognized rights of the people. The promise of independence would have a similar effect, and would bring about a similar result to that secured in Cuba. Instead of the present soreness of heart there would be universal rejoicing throughout the islands. Instead of distrust there would be mutual confidence and a desire to join with America in the establishment of a government of the people. Instead of enforced submission there would be a sense of liberty and a sentiment of kindness and good will. The people would have what they most desire and would be willing to accord to America every concession or demand that she could reasonably make. A mantle of forgetfulness would be thrown over the misunderstandings and horrors of the past, and our country would begin a new era of peace and prosperity, hand in hand with its deliverer and friend.

The principles of democracy would be established in the ancient East, where despotism has reigned for thousands of years, and the bread of self-denial thus cast upon the waters would return in 10,000 ships to the giver of peace and liberty. The old bell of Independence Hall could be tolled once more, and Filipinos would come from afar to visit Concord and Lexington, and as the tears of gladness coursed down their cheeks they would know that the seeds of liberty thus planted had borne rich fruit after more than a hundred years.

Q. Will you please state what you know about the native language used in the Philippines?

LOPEZ. A number of erroneous statements have been made, and as a result the most absurd misapprehension exists in reference to the language of the Filipinos. It has been said, for instance, that there exists "a bewildering multiplicity of languages which are mutually unintelligible." All such statements have been made by men who do not speak or write or know anything about the native dialects, and whose knowledge of Spanish even is somewhat rudimentary. One can therefore judge how well these men are qualified to speak on such matters.

The facts of the case are as follows, and I challenge disproof of the statements which I am about to make.

Among the Christianized inhabitants of the Philippines—which comprise 90 to 95 per cent of the entire population—seven dialects are spoken, namely: Tagal (or Tagalog), Visayan, Bicol, Ilocano, Pangasinan, Pampangan, and Cagayan. The latter six of these dialects are modifications of and are very similar to the Tagal; so that in reality there is one language from which have arisen six dialects. In these statements I have the support of no less an authority than Prof. Aristide Marre, who is a member of the Royal Institute of The Hague and of the Society of Batavia, associate of the Royal Academy of Sciences of Turin, president of the Malay and Madagascar Section of the Twentieth Congress of Orientalists, held at Rome, 1899. In his "Tagalog Grammar" Professor Marre says: "There are no important differences in the various idioms spoken in the Philippines. The Visayan, Bicol, Ilocano, Pampagan, and Pangasinan have, as a common type, the Tagalog language, which is understood in the whole extent of that vast archipelago."

The difference between Tagal and Visayan or Bicol, etc., is less than the difference between Spanish and Portuguese or Italian.

Mr. BEVERIDGE. I understand the Senator to be reading the statement of another person; but I should like to know at this point whether the Senator thinks that a Spaniard can communicate with an Italian.

Mr. CARMACK. I am not much of a scholar, and my friend from Indiana is. I hope he will not expose my ignorance by talking to me about foreign languages. I am one of the common people.

Mr. BEVERIDGE. One of the common people, yes.

Mr. CARMACK. And have not the culture that pertains to men of his class. So I hope he will not get up here and expose my ignorance before the galleries just out of pure meanness.

Mr. BEVERIDGE. This is the first time I have ever heard a Senator refer to the galleries.

Mr. CARMACK. I knew when the Senator arose to ask me the question that it was for the benefit of the galleries.

Mr. BEVERIDGE. Oh, no; I was quite serious. If this is meant to mean anything, it is meant to mean that the Filipinos are a united people; it is attempted to be shown that they have a similar language; and the comparison is seriously made between the Spanish and Italian languages. I was asking the Senator, who was introducing this remarkable statement, whether he thought a Spaniard could communicate with an Italian or if a Viscayan could communicate with a Tagalog. If that be not the case, that part of the argument falls. I will state to the Senator that that inquiry is addressed to him and to the Senate, and not to the galleries.

Mr. CARMACK. Mr. President, I will simply have to make the confession that I do not speak Spanish, Portuguese, or Italian. I am not scholar enough to answer the question of the Senator.

Mr. BEVERIDGE. I will simply say, in the way of pleasantry between the Senator and myself, that I have been delighted to find the Senator on two occasions, when we were engaged in pleasant controversy, making two confessions, both of which I think were good for his soul.

Mr. CARMACK. I will simply say here that I am quoting from a witness who, I am inclined think, is a better educated man than either one of us.

Mr. BEVERIDGE. Is he a Filipino?

Mr. CARMACK. Yes; it is Lopez.

Mr. BEVERIDGE. That explains the Senator's belief.

Mr. CARMACK. Probably so; and the fact that the Senator is a Republican explains his.

Lopez continues:

Although I do not know Italian, I have found little difficulty in conversing with Italians.

He is a Spaniard; that is, he speaks Spanish. His education was in Spanish. He says, "Although I do not know Italian, I have found little difficulty in conversing with Italians."

Mr. President, while, as I said, I am not educated in these languages, I do know that Spanish and Portuguese are very closely akin, and that Spanish and Italian are closely akin. They are both offshoots of the Latin, one of the Romance languages.

Mr. TILLMAN. They are all Latin in their origin.

Mr. BEVERIDGE. Since we have a contribution on the question of linguistic science from the Senator from South Carolina [Mr. TILLMAN], I should like to ask whether he thinks a Spaniard can speak Latin?

Mr. TILLMAN. Well, I will say in answer that a man's capacity to speak a language is born with him.

Mr. BEVERIDGE. Then, because they are both derived from the Latin language, the inference is that the Spaniard can speak Italian and the Italian can speak Spanish.

Mr. CARMACK. It seems that anybody can speak what he pleases in my time. This testimony continues:

Indeed, at the Vatican, where I was mistaken for a Japanese, I was complimented on "being able to speak Italian so well." And similarly, when I visited the Visayan Islands and the Bicol provinces I found less difficulty in conversing with the inhabitants of those parts. A Tagal can become conversant with any of these dialects in a fortnight, and vice versa.

The following table of familiar words will serve to show the similarity and identity of Tagal and Visayan, which is the most widely spoken dialect in the islands:

English.	Tagal.	Visayan.
Yes	Oo (pronounced ō)	Oo (pronounced ō).
No	Hindi	Hindi.
I	Ako	Ako.
My, mine	Akin	Akun.
Me	Ako or akin	Ako or akun.
We	Kita	Kita.
Sun	Araw	Adlaw.
Moon	Buan	Bulan.
Star	Bituin	Bituon.
River	Ilog	Ilong.
Water	Tubig	Tubig.
Town	Bayan	Banua.
Eat	Kain	Kaun.
Count	Bilang	Bilang.
Divide	Bahagi	Bahagi.
Help	Tolong	Tolong.
Sweet	Matamis	Matamis.
Wet	Basa	Basa.
Dear (costly)	Mahal	Mahal.
Thanks	Salamat	Salamat.
How are you?	Kamusta kayo?	Kamusta kamu?
One	Isa	Isa.
Two	Dalua	Dua.
Three	Tatlo	Tulo.
Four	Apat	Apat.
Five	Lima	Lima.
Six	Anin	Anun.
Seven	Pito	Pito.
Eight	Walo	Walo.
Nine	Siam	Siam.
Ten	Sampo	Pulo.

The grammatical construction of all the dialects is the same as that of the Tagal.

The difference in dialect between these several provincial peoples would not form a difficulty to independent self-government, first, because the difference is so slight, and, secondly, because Spanish is the official language of our country and is spoken by the educated people of all the provinces. Other countries do not find that a difference in language even forms a difficulty to self-government. In Austria three distinct languages are spoken; in Switzerland two languages and a local patois; in Belgium, two languages, and in Germany high and low German. Until recently there were Scottish Highlanders speaking Gaelic, and in Wales at the present time there are parts where the English language is unknown except to the educated few. In almost every self-governing country in the world two or more languages or dialects are spoken by the people; and the only difficulty in regard to language in any of these countries has been due to jealousy as to which language should become the official one. This difficulty has already been settled in the Philippines. But if language were a difficulty under Filipino rule it would be a difficulty under any other rule and a special difficulty under American rule, due to the necessity of introducing English, which would form a third language in our country.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. TILLMAN (to Mr. CARMACK). Ask that it be printed.

Mr. LODGE. Unless some other Senator desires to go on, I move that the Senate proceed to the consideration of executive business.

Mr. CARMACK. I desire to go on. [Laughter.]

Mr. LODGE. Does the Senator from Tennessee insist that I shall not move an executive session until he has ceased to desire to go on? [Laughter.]

Mr. PATTERSON. I move to strike out the last section of the majority bill.

Mr. CARMACK (to Mr. PATTERSON). And shall I speak to that motion?

Mr. PATTERSON. Yes; speak to that.

Mr. LODGE. I do not understand that we have the House rule here.

The PRESIDENT pro tempore. No; it has never been recognized by the Senate.

Mr. BACON. I will say to the Senator from Massachusetts that the same rule which he recognized when I was upon the floor would be in order now. That was that the Senator could speak to another amendment provided no one else wished to speak.

Mr. LODGE. I have no objection to the Senator going on or having the document printed or doing anything he likes with it. I have no objection in the world——

Mr. MONEY. I will take the floor.

Mr. LODGE. But I thought if no Senator desired to speak——

Mr. MONEY. I do.

Mr. LODGE. The Senator could have it printed and the Senate could go into executive session, as several Senators have asked me to move such a session. But, of course, that motion is withdrawn if any Senator desires to speak.

Mr. CARMACK. I asked to have it printed and objection was made.

Mr. MONEY. I will take the floor on the pending amendment, and as I can not see to read, I will request the Senator from Tennessee to read the paper for my benefit.

Mr. BERRY. We have never done that here.

Mr. MONEY. There is objection raised to having it read through a substitute. I can not read it myself or I would do it. I do not see why some Democrat does not take the floor and read it himself.

Mr. PATTERSON. Or ask the Secretary to read it.

Mr. MONEY. Or ask the Secretary to read it. As the Senator from Indiana interjected his remarks about languages to a degree which prevented the Senator from Tennessee finishing his remarks, it seems to me there should be no objection to this request. Some one in an indirect way should get before the Senate what the Senator from Tennessee desires to place there. But I will withdraw the request. [To Mr. BERRY.] Do you want to have an executive session?

Mr. BERRY. I do not. The only reason I made the aside remark to the Senator from Mississippi was this: Since I have been in the Senate it has never been the practice, after a unanimous agreement had been made, to move to strike out the last word in order to extend the time. I objected this morning to the Senator from Ohio doing that thing, when he made the proposition, and for that reason only. If the Senator desires to do it, I make no objection.

Mr. MONEY. I made no amendment whatever. I have spoken to the pending amendment. I did not move to strike out anything. My intention was to have the article read which was begun by the Senator from Tennessee, and as I can not see to read it myself I asked to have him read it for me. But I would just as soon have the Secretary read it. I will therefore ask that the Secretary read it in my time, as I am unable to do it.

I wish to say frankly that I do not desire to hear it, but as there was an interruption which seemed to me without any adequate cause, I want to hear it read.

The PRESIDENT pro tempore. If there be no objection the Secretary will read as requested.

The Secretary read as follows:

Q. Can you give any evidence of friendly relations existing between the peoples speaking these several dialects?

LOPEZ. I can only give such facts as occur to me, for I never dreamt that it would be necessary to prove the nonexistence of the alleged tribal animosities that have been charged against the Filipinos. The idea of these provincial or tribal animosities never arose with the Filipinos or with anyone else prior to the conflict with America. It was born in the imagination of those in search of difficulties to Filipino self-government. It is the duty, therefore, of those who make the assertion to furnish the proof, and it is certain that if proof had existed it would have been brought forth long ago, instead of the bald assertions of those who do not understand our people and who have reached conclusions in no way warranted by facts.

Nevertheless, though it is not my duty to prove a negative, I can mention some things which go to prove that friendly relations do indeed exist between the several provincial peoples.

When our government was first established emissaries came from almost all the provinces and islands, declaring their support on behalf of those from whom they came. Even the Moros of Mindanao and the Igorrotes, who had never been subdued by Spain, acclaimed Aguinaldo and were prepared to recognize his government. Our asamblea or representative chamber, under the new constitution, comprised representatives from all the provinces. Of these 110 representatives about one-third were elected by the people with the electoral machinery then existing for the election of petty governors, etc. About two-thirds were first appointed by Aguinaldo and his advisers to represent the then unorganized provinces, and many of these were subsequently elected by the people, the remainder holding office by tacit consent until elections could be held. From these facts have arisen the charge that Aguinaldo appointed all the representatives.

The interrelations of the people of the several provincial districts show that no tribal enmity existed. In the schools and colleges, especially in Manila, there are representatives of all the provincial peoples, but it would be impossible to tell which were which. And although there is considerable rivalry among the students, this rivalry is not between Visayans, Tagals, Bicols, etc.

There are several institutions in the Philippines, the benefits of which are not confined to the people of any one province. For example, there was an educational institution (purely Filipino) granting scholarships which enabled the winners to study in Europe. These scholarships were open to all Filipinos in the archipelago.

In Japan the official representative of the so-called "Tagalog despotism" was an Ilocano. In Madrid all the Filipinos resident there formed themselves into a committee and worked unitedly for independence. The president of this committee was a Bicol, the vice-president was an Ilocano, the secretary a Visayan, the treasurer a Tagal, and the remainder of the committee were Visayans, Bicols, Tagals, Pangasinans, and Ilocanos. In Barcelona, in Paris, and in London the same diversity of province and the same unanimity of purpose obtained. All this represented the universal attitude of the Filipinos in a state of peace. In war, where there was every opportunity for tribal enmity to show itself had it existed, there was the same unity of purpose, the same interrelations between the several provincial peoples. The generals, officers, and rank and file who supported Aguinaldo were representative of all the provinces. There were Visayan generals commanding Tagal troops, and vice versa. There were composite regiments officered by Bicols, Ilocanos, Tagals, Visayans, etc.

Lucban is a Bicol who commanded the Visayans in Samar, and included in his command were Tagals and Bicols. Delgado is a Visayan who commanded Tagals and Visayans in Panay. Ricarte, an Ilocano, was in command of Tagals in Nueva Ecija. Tino, a Tagal, commanded Ilocanos in Ilocos. Concepcion, a Visayan from Iloilo, was on Aguinaldo's personal staff. Villamore and several of his relatives, all Ilocanos, were officers under Aguinaldo. Ison and Dicon, Pampangans, and Leyba, a Tagal-Spanish mestizo, commanded composite regiments of Tagals, Pangasinans, Bicols, Pampangans, and Cagayans. Even the Igorrotes were fighting in many regiments under Aguinaldo. There has been fighting against America in every part of the archipelago with the exception of the Sulu Islands, and the fight has been for the independence of the Philippines. Can it be believed that those who were fighting for a single end against a common foe were split up by racial animosities?

As a matter of fact, with the exception of the Moros of central Mindanao and the Sulus and the Igorrotes and Negritos and a few relatively unimportant mountain peoples, the Filipinos are a homogeneous, Christianized people, practicing the morals and arts of civilization, united in the desire for independence and for the purpose of maintaining a stable independent government.

Q. How do the Filipinos regard the introduction of English and the use of English as a teaching medium in elementary schools?

LOPEZ. I should be the last to say anything against a useful reform, and especially against anything in the way of education, but I can not help thinking that to make English a teaching medium in elementary and infant schools in a country where not a tenth per cent of the people speak English is a waste of energy and calculated to retard the progress of education in the islands. Undoubtedly there are many Filipinos who, for commercial purposes, desire to learn English. There are also many students who desire to become acquainted with the avenues of English literature. If English were taught in the high schools and colleges, these desires would be sufficiently provided for. But to teach English to children who may never make use of it, or to make English the medium for teaching children who speak an entirely different language in their homes and in every walk of life is as valueless as it is futile. Why does America try to "rush" things in this way? Perhaps in the distant future, by teaching English in the high schools and colleges, and by commercial intercourse with English-speaking peoples, the Filipinos might accept English as the official or universal language of the country. But to force English upon infants with the object of Anglicizing the Filipinos is about as wise as it would be to teach a school of parrots to say the Lord's prayer with the object of Christianizing the whole feathered tribe.

It may look well on paper to send a thousand teachers to the "benighted" Filipinos. At a time when so much evil is being done it may be well to do (apparently) a little good. But I want to tell the American people that we have thousands of capable teachers in the Philippines who would undertake to work at less than half the cost of the American teachers now being sent to the islands, that we have had for the last thirty or forty years two large normal schools in Manila for the training of male and female teachers, and that we are capable of conducting our own educational affairs. Undoubtedly we are anxious to learn from America and other countries all that is new and good in their educational systems, but this should be done by sending out Filipino teachers and by securing the services of a few experts from these countries to teach in the normal schools. This would be more effective and more economical than employing thousands of teachers, who naturally will not go to the Philippines unless they are paid abnormal salaries.

Q. Can you give any facts about the land tax imposed by the civil government in the Philippines?

LOPEZ. The land tax has not been made operative in the provinces under military rule, and so, as my own province of Batangas has been under military rule, I can not speak from experience in reference to this tax. But I have conversed with a number of Filipinos who are strongly opposed to the imposition of the land tax under present circumstances. The contention is that to impose a land tax at a time when the country has been impoverished by rinderpest and when the land is producing practically nothing would be to compel the Filipinos to sell their lands to speculators—presumably foreign speculators. I have already said that to alienate the public lands under present conditions would be most unfair and unjust. But if to this is added the forced sale of private property the injustice will be tenfold. At present our own plantations in Batangas are being worked to a very limited extent with the object of trying to keep them in order, and they are not paying their way. Before any substantial return can be expected working animals will have to be provided, and crops planted and harvested. If we had no other sources of income, and if we were, nevertheless, compelled to pay a land tax, the hardship would be very great. I believe that the agricultural industry in Batangas will not be restored to its former condition for another ten years, and what is true of Batangas is true of most of the other provinces of the islands. It will therefore be necessary to give every encouragement and aid to agriculture, which is the chief industry of the islands, and I can not conceive that the imposition of a land tax, under conditions of abnormal impoverishment, would aid agriculture. It is certain that the Filipinos would not impose a land tax under present circumstances if they were governing themselves.

In the Schurman Commission's proclamation of three years ago, which was intended to induce the Filipinos to cease resistance to American authority, it was stated that "with such a prudent and honest fiscal administration it is believed that the needs of the government will in a short time become compatible with a considerable reduction in taxation." This was a prophecy that we never believed, and we have found ample justification for our skepticism. At the present time taxation is heavier than it ever was in Spanish days, and the cost of living, in the towns and cities at least, has been increased about fourfold. These are facts that ought to be remembered when the statement is made that the Filipinos are now earning double what they earned in former times.

It can not be denied that the present government is a very costly one especially in view of the fact that only the most urgent public necessities are being provided for. What the taxation would be if provision were being made for all public requirements and for necessary public works it is appalling to contemplate. Undoubtedly such heavy taxation under the present impoverished conditions can only result in a transfer of the real estate of the Filipinos into the hands of foreign speculators.

Will not Congress come to our aid in these matters? America has the power and has used the power to deny us our own government with the consent of our own people. Power entails a corresponding responsibility, and those who use the power ought to see to it that a great injustice shall not be done to those whose power of self-protection has been taken away.

SIXTO LOPEZ.

The PRESIDENT pro tempore. The time of the Senator from Mississippi has expired.

Mr. MONEY. The Secretary has not completed the reading of the paper.

The PRESIDENT pro tempore. He has completed the reading of the first paper sent up by the Senator.

Mr. MONEY. I sent up another one.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. MONEY. I am sorry that I could not finish these remarks this evening. I shall try to get them in to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. SHERMAN, and Mr. ADAMSON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution, tendering the thanks of Congress to Hon. John Hay for the appropriate memorial address delivered by him on the life and services of William McKinley, late President of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 2276) to fix the time of holding the circuit and district court for the southern district of West Virginia;

A bill (S. 2510) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacana, S. Dak.;

A bill (H. R. 357) for the relief of Levi Maxted;

A bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams;

A bill (H. R. 7319) granting an increase of pension to Frances H. Anthony;

A bill (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county;

A bill (H. R. 13359) making appropriation for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; and

A joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle.

RECALL OF BILLS.

Mr. COCKRELL. I submit a resolution and ask for its present consideration. It is for the recall from the House of Representatives of certain bills which are included in the omnibus claims bill.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 20) for the relief of Joseph W. Carmack, (S. 21) for the relief of John S. Neet, jr., and (S. 22) for the relief of Ezra S. Havens.

MEMORIAL ADDRESSES ON THE LATE PRESIDENT M'KINLEY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to Hon. John Hay for the appropriate memorial address delivered by him on the life and services of William McKinley, late President of the United States, in the Representatives' Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1902, and that he be requested to furnish a copy for publication.

Resolved, That the chairman of the joint committee appointed to make the necessary arrangements to carry into effect the resolutions of this Congress in relation to the memorial exercises in honor of William McKinley be requested to communicate to Mr. Hay the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

Mr. KEAN. The Senator from Ohio [Mr. FORAKER], who was chairman of the committee on the part of the Senate, I suppose would like to have the concurrent resolution referred.

Mr. COCKRELL. I thought the Senate had passed such a resolution and sent it to the House.

Mr. LODGE. The Senate passed one long ago.

Mr. COCKRELL. How did this get here?

The PRESIDENT pro tempore. This is a House concurrent resolution which has just been laid before the Senate.

Mr. COCKRELL. It is not the resolution passed by the Senate.

The PRESIDENT pro tempore. No.

Mr. COCKRELL. Then I suggest that it be printed and lie on the table until the Senator from Ohio comes in, as he had charge of the matter, I believe.

The PRESIDENT pro tempore. The concurrent resolution will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. LODGE. If no one desires to continue on the Philippine government bill, as it is now nearly 5 o'clock, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business, After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 3, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 2, 1902.

RECEIVER OF PUBLIC MONEYS.

George W. Bibee, of Sheridan, Oreg., to be receiver of public moneys at Oregon City, Oreg., vice William Galloway, term expired.

APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Samuel M. Whiteside, Tenth Cavalry, May 29, 1902, vice Harbach, retired from active service.

Col. Sumner H. Lincoln, Tenth Infantry, May 29, 1902, vice Spurgin, retired from active service.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. William Quinton, Fourteenth Infantry, to be colonel, May 28, 1902, vice Harbach, First Infantry, appointed brigadier-general, United States Army.

Lieut. Col. Jesse C. Chance, Twenty-sixth Infantry, to be colonel, May 28, 1902, vice Spurgin, Fourth Infantry, appointed brigadier-general, United States Army.

Maj. Ralph W. Hoyt, Tenth Infantry, to be lieutenant-colonel, May 28, 1902, vice Quinton, Fourteenth Infantry, promoted.

Maj. George A. Cornish, Fifteenth Infantry, to be lieutenant-colonel, May 28, 1902, vice Chance, Twenty-sixth Infantry, promoted.

Capt. Charles H. Bonesteel, Twenty-seventh Infantry, to be major (subject to examination required by law), May 9, 1902, vice James, Twenty-third Infantry, promoted.

Capt. Lyman W. V. Kennon, Sixth Infantry, to be major (subject to examination required by law), May 28, 1902, vice Hoyt, Tenth Infantry, promoted.

Capt. William Lassiter, Sixteenth Infantry, to be major, May 28, 1902, vice Cornish, Fifteenth Infantry, promoted.

Capt. Charles G. Morton, Sixth Infantry, to be major (subject to examination required by law), May 28, 1902, vice McCammon, Sixth Infantry, retired from active service.

First Lieut. George F. Baltzell, Fifth Infantry, to be captain, May 9, 1902, vice Bonesteel, Twenty-seventh Infantry, promoted.

First Lieut. Edgar T. Conley, Twenty-first Infantry, to be captain, May 26, 1902, vice Russell, Eighth Infantry, deceased.

First Lieut. Edgar T. Collins, Eighth Infantry, to be captain, May 28, 1902, vice Kennon, Sixth Infantry, promoted.

First Lieut. Seaborn G. Chiles, Eleventh Infantry, to be captain, May 28, 1902, vice Lassiter, Sixteenth Infantry, promoted.

First Lieut. Lyman M. Welch, Twentieth Infantry, to be captain, May 28, 1902, vice Morton, Sixth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Walter J. Manion, to be a lieutenant in the Navy from the 11th day of April, 1902, vice Lieut. John L. Purcell, promoted.

Lieut. (Junior Grade) George E. Gelm, to be a lieutenant in the Navy from the 11th day of April, 1902, vice Lieut. Robert F. Lopez, promoted.

Asst. Surg. Francis M. Furlong, to be a passed assistant surgeon in the Navy from the 16th day of September, 1901, to fill a vacancy existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1902.

POSTMASTERS.

Conrey M. Ingman, to be postmaster at Marysville, in the county of Union and State of Ohio.

Allan Graham, jr., to be postmaster at Ottawa, in the county of Putnam and State of Ohio.

Executive nominations confirmed by the Senate June 2, 1902.

CONSUL.

Alfred K. Moe, of New Jersey, to be consul of the United States at Tegucigalpa, Honduras.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Edward L. Adams, of New York, to be secretary of legation and consul-general of the United States at Stockholm, Sweden, to take effect June 2, 1902.

SECRETARY OF EMBASSY.

Charles Richardson, of Massachusetts, to be third secretary of the embassy of the United States at Berlin, Germany, from July 1, 1902.

COLLECTOR OF INTERNAL REVENUE.

Frank W. Tucker, of Arkansas, to be collector of internal revenue for the district of Arkansas.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Artillery Corps.

Charles F. Donnohue, of Indiana, late first lieutenant, One hundred and fifty-ninth Indiana Volunteers, September 23, 1901.

William B. Brister, of New Jersey, late first lieutenant, Fourth New Jersey Volunteers, September 23, 1901.

Roger O. Mason, of Delaware, late second lieutenant, First Delaware Volunteers, September 23, 1901.

Harrie F. Reed, of New York, late second lieutenant, Two hundred and first New York Volunteers, September 23, 1901.

Walter C. Baker, of Pennsylvania, late sergeant, Company C, Sixth Pennsylvania Volunteers, September 23, 1901.

Charles A. Clark, of Illinois, late sergeant, Company I, Fourth Illinois Volunteers, September 23, 1901.

Avery J. Cooper, of Oregon, late private, Company L, Second Oregon Volunteers, September 23, 1901.

Robert Davis, of New York, late first sergeant, Company F, Two hundred and first New York Volunteers, September 23, 1901.

Frank Geere, of Wyoming, late sergeant, Company G, First Wyoming Volunteers, September 23, 1901.

Natt F. Jamieson, of Vermont, late sergeant, Company L, Twenty-sixth Infantry, United States Volunteers (now private, Company C, First Battalion of Engineers, United States Army), September 23, 1901.

Richard I. McKenney, of Minnesota, late private, Company C, Thirteenth Minnesota Volunteers, September 23, 1901.

Nelson E. Margetts, of Utah, late corporal, Battery A, Utah Volunteer Artillery, September 23, 1901.

John V. Spring, of Texas, late sergeant, Company I, First Texas Volunteer Cavalry, September 23, 1901.

Sergt. Emmett R. Harris, Troop L, Eighth Cavalry, United States Army, to be second lieutenant, September 23, 1901.

Frederick E. Gignoux, of Nevada, late first lieutenant, Eleventh Cavalry, United States Volunteers, September 23, 1901.

Guy B. G. Hanna, of Iowa, late sergeant, Company D, Porto Rico Regiment, United States Volunteer Infantry, September 23, 1901.

George P. Hawes, jr., of Virginia, late private, Company A, First Cavalry, United States Volunteers, September 23, 1901.

Andrew W. Jackman, of Illinois, late private, Company F, First Illinois Volunteers, September 23, 1901.

George L. Wertenbaker, of Virginia, late sergeant, Company D, Third Virginia Volunteers, September 23, 1901.

Richard P. Winslow, of Mississippi, late corporal, Company F, First Tennessee Volunteers, September 23, 1901.

Cavalry Arm.

Hamilton Bowie, of Alabama, late first lieutenant, Fortieth Infantry, United States Volunteers, February 2, 1901.

Thomas E. Cathro, of Indiana, late corporal, Company D, One hundred and fifty-eighth Indiana Volunteers, February 2, 1901.

Infantry Arm.

Algernon E. Sartoris, of the District of Columbia, May 22, 1902.

Charles A. Hunt, of New Hampshire, May 22, 1902.

Leo B. Dannemiller, of Ohio, May 22, 1902.

Harry Griffin Leckie, of Virginia, May 22, 1902.

Claire R. Bennett, of Washington, May 22, 1902.

Charles Wells, of Pennsylvania, May 22, 1902.

Robert O. Ragsdale, of Tennessee, late first lieutenant, Thirty-seventh Infantry, United States Volunteers, February 2, 1901.

Augustus F. Dannemiller, of Ohio, late private, Company I, Eighth Ohio Volunteers, February 2, 1901.

MEDICAL OFFICER OF VOLUNTEERS.

Francis J. Bailey, of Oregon, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, May 26, 1902.

POSTMASTERS.

James P. Fitch, to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia.

John P. S. Fenstermacher, to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania.

William Goodin, to be postmaster at Farmington, in the county of Van Buren and State of Iowa.

Giles P. Lecrenier, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut.

John W. Wilson, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado.

Harry L. Bras, to be postmaster at Mitchell, in the county of Davison and State of South Dakota.

Joseph A. West, to be postmaster at Provincetown, in the county of Barnstable and State of Massachusetts.

Thomas A. Hills, to be postmaster at Leominster, in the county of Worcester and State of Massachusetts.

Alexander Y. Jones, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania.

Rueben K. Sawyer, to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts.

Olive L. Stauffer, to be postmaster at Gladbrook, in the county of Tama and State of Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 2, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Thursday, May 29, 1902, was read, corrected, and approved.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I present a conference report upon the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. I also present the statement of the House managers.

A parliamentary inquiry, Mr. Speaker——

The SPEAKER. The gentleman from Ohio presents the statement of the conferees on the part of the House on the river and harbor bill, which will be printed in the RECORD in accordance with the rule.

Mr. BURTON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentlemen will state it.

Mr. BURTON. The conference report is quite voluminous and it has already been printed in the RECORD of the Senate proceedings of Wednesday, May 28. I desire to ask if it is necessary to repeat the printing of that report, which is exactly the same, except the order in which the names of the conferees are signed.

The SPEAKER. The Chair is of the opinion that the printing of a report in the RECORD under the proceedings of either House is a compliance with the rule recently adopted.

Mr. BURTON. I further give notice that I shall seek to bring up this report for action to-morrow.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Referring to the conference report on the river and harbor bill, I suppose that unless the House takes some action the report will be printed in the RECORD of to-day's proceedings. I suggest to the gentleman from Ohio that he obtain unanimous consent.

The SPEAKER. The Chair held that the report having been printed in the proceedings of the Senate, that would be a compliance with the new rule. The gentleman from Ohio has filed the statement for the purpose of having that printed.

Mr. PAYNE. The statement and not the report.

The SPEAKER. Not the report, that having been printed already.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement in explanation of the changes proposed by Senate amendments, 207 in number, and of the effect of the action recommended in the conference report published in the RECORD of the Senate proceedings for May 28, 1902, on each of said amendments, namely:

(In amendments describing items for expenditure upon projects not in the House bill the word "appropriation" is used. In case of increase of House items the word "addition" is employed.)

No. 1: Breakwater, Mount Desert to Porcupine Island, Maine: Appropriation of $25,000; Senate recedes.

No. 2: Bucksport Harbor, Maine: Appropriation of $20,000; House concurs.

No. 3: Little Harbor, New Hampshire: Appropriation of $13,000; House concurs.

No. 4: Hendersons Point, near navy-yard, Portsmouth, N. H.: Appropriation of $749,000, cash and authorization; Senate recedes.

No. 5: Sandy Bay Harbor of Refuge, Massachusetts: Verbal amendment; House concurs.

No. 6: Harbor at Manchester, Mass.: Appropriation of $5,000; House concurs.

No. 7: Cohasset, Mass.: Addition of $11,000; Senate recedes.

No. 8: Scituate, Mass.: Appropriation of $15,000; Senate recedes.

No. 9: Plymouth and Provincetown, Mass.: Deduction of $5,700; House concurs.

No. 10: Provision for certain examinations; Senate recedes, provided for elsewhere.

No. 11: Point Judith Harbor of Refuge, Rhode Island: Appropriation of $100,000; House concurs, with verbal amendment.

No. 12: Harbors of refuge at Block Island and Great Salt Pond, Rhode Island, and entrance to Point Judith Pond: Addition of $15,000 for Block Island; House concurs. Appropriation of $60,000 for Great Salt Pond; House concurs in $50,000. Appropriation of $15,000 for Point Judith Pond; Senate recedes. Provision for surveys retained as in House bill.

No. 13: Milford, Conn.: Addition of $10,000; House concurs.

Nos. 14 to 18, inclusive: Mattituck, N. Y.: Appropriation of $10,000; Senate recedes. Appropriation of $10,000 for Sag Harbor; House concurs, with an amendment grouping Sag Harbor with other harbors on Long Island.

No. 19: Buttermilk Channel, New York Harbor: Appropriation of $200,000; House concurs in $90,000.

No. 20: Raritan Bay, New Jersey: Verbal amendment; House concurs.

No. 21: Curtis Bay, Baltimore Harbor, Maryland: Appropriation of $50,000 cash and $146,000 authorization; House concurs.

No. 22: Harbors and rivers on the easterly shore of Chesapeake Bay, Maryland: Addition of $14,000; House concurs.

No. 23: Cape Charles City, Va.: Addition of $10,000; House concurs.

No. 24: Charleston Harbor, South Carolina: Authorization for the expenditure of unappropriated balance of amount heretofore authorized for former project; House concurs.

No. 25: Inland waterway between Charleston, S. C., and opposite McClellanville: Appropriation of $50,000; House concurs.

No. 26: Brunswick Harbor, Georgia: Addition of $25,000; House concurs.

No. 27: Brunswick Harbor, Georgia: Formal amendment; House concurs.

No. 28: Biscayne Bay, Florida: Appropriation of $150,000 cash, also $466,667 authorization; House concurs in $50,000 cash and $250,000 authorization.

No. 29: Key West, Fla.: Formal amendment; House concurs.

No. 30: Pensacola, Fla.: Designation of width of channel; House concurs.

No. 31. Pensacola, Fla.: Addition of $25,000; Senate recedes.

No. 32: Mobile Bay, Alabama; Authorization to expend $50,000 upon channel through outer bar; House concurs.

No. 33: Biloxi, Miss.: Appropriation of $10,000; House concurs.

No. 34: Calcasieu River, Louisiana: Addition of $40,000; House concurs.

Nos. 35 and 36: Sabine Pass, Texas and Louisiana: Change in phraseology; House concurs in No. 35 with an amendment, and Senate recedes from No. 36.

No. 37: Brazos River Channel and Dock Company: Addition of $400,000; Senate recedes.

No. 38: Galveston Harbor: Provision for turning basin; Senate recedes.

Nos. 39 and 40: Galveston Harbor: Authorization for change in plan of south jetty; House concurs.

No. 41: Galveston Channel; inner harbor: Appropriation of $200,000 cash, also $400,000 authorization; House concurs in $100,000 cash and $200,000 authorization, with change in designation of the improvement to be made.

No. 42: Amendment directing examination of property of the United States; House concurs.

No. 43: Ashtabula Harbor, Ohio: Addition of $35,000; House concurs.

No. 44: Cleveland Harbor, Ohio: Verbal amendment; substitution of another paragraph.

No. 45: Huron, Ohio: Addition of $15,000; House concurs.

No. 46: Saugatuck Harbor, Michigan: Additional authorization of $135,000; House concurs in $100,000.

No. 47: Marquette, Mich.: Authorization for expenditure of part of appropriation on Presque Isle breakwater; House concurs.

Nos. 48 and 49: Menominee Harbor and River, Michigan and Wisconsin: Addition of $30,000 and recognition of new project; House concurs.

No. 50: Ahnapee, Port Washington, and Oconto, Wis.: Addition of $5,000; House concurs, with the addition of a formal amendment.

No. 51: Sheboygan, Wis.: Formal amendment; House concurs.
Nos. 52 and 53: Duluth, Minn., and Superior, Wis.: Deduction of $75,000, and omission of provision for a dredge; House concurs.
No. 54: Warroad Harbor and River, Minnesota: Appropriation of $45,000; House concurs.
No. 55: Oakland Harbor, California: Addition of $868,208 authorization; House concurs in $150,000.
No. 56: Coos Bay and Harbor, Oregon: Addition of $65,000; House concurs in $40,000.
No. 57: Tacoma Harbor, Washington: Addition of $222,000 authorization; House concurs in $100,000.
No. 58: Tacoma Harbor, Washington: Deposition of dredged material. Verbal amendment; House concurs with an amendment.
No. 59: New Whatcom Harbor, Washington: Addition of $25,000; Senate recedes, but this amount is added to the appropriation for Puget Sound and tributary waters.
Nos. 60 and 61: Waterway connecting Puget Sound with Lakes Union and Washington; change in phraseology; Senate recedes from No. 60, and House concurs in No. 61 with an amendment.
No. 62: San Luis d'Apra, Island of Guam: Appropriation of $150,000; Senate recedes.
Nos. 63 and 64: Kennebec River, Maine. Addition of $20,000 cash appropriation and $41,000 authorization; House concurs.
No. 65: Connecticut River: Survey between Hartford and Holyoke; formal amendment; House concurs with an amendment.
No. 66: Hudson River: Authority to change line of channel near city of Troy; House concurs with amendment. Provision for a survey with reference to gorges and freshets, given as an amendment, numbered 186, is inserted here.
No. 67: Wappinger Creek, New York: Appropriation of $1,500; House concurs.
No. 68: Rancocas River, New Jersey: Appropriation of $3,000; House concurs.
No. 69: Mantua Creek, New Jersey: Addition of $15,000; House concurs in $10,000.
No. 70. Allegheny River at Natrona, Pa.: Appropriation and authorization of $289,622; Senate recedes.
No. 71: Susquehanna River, Maryland: Verbal change; House concurs.
No. 72: Elk River, Maryland: Appropriation of $16,665; House concurs.
No. 73: Anacostia River, District of Columbia: Appropriation of $150,000; House concurs, with an amendment limiting the scope of the improvement.
No. 74: Pagan River, Virginia: Appropriation of $10,870; House concurs.
No. 75: James River, Virginia: Addition of $50,000, and extension of locality in which improvement is to be made; House concurs, with an amendment.
No. 76: Appomattox River, Virginia: Addition of $25,000 cash appropriation and $175,000 authorization, with recognition of new project; House concurs.
No. 77: Cape Fear River, North Carolina: Appropriation of $150,000; House concurs in $50,000, with an amendment.
No. 78: Fishing Creek, North Carolina: Appropriation of $2,000; House concurs.
No. 79: Survey Norfolk Harbor, Virginia, to Beaufort Inlet, North Carolina; Formal nonconcurrence, but provision for examination and survey is made as a substitute for amendment numbered 187 in the list of examinations and surveys.
No. 80: Ashley River, South Carolina: Appropriation of $25,000; Senate recedes.
No. 81: Oconee River, Georgia: Addition of $10,000; House concurs.
No. 82: Coosa River, Georgia and Alabama, locks and dams: Appropriation of $75,000 cash and $199,845 authorization; Senate recedes.
Nos. 83 and 84: Coosa River, Georgia and Alabama: Addition of $10,000, of which $5,000 is added for the Oostenaula and Coosawattee Rivers; House concurs.
No. 85: Appropriation for inside water route between Savannah and Fernandina, $15,000; House concurs, with amendments making more general the locality in which the improvement is to be made.
No. 86: Indian River, Florida, between Goat Creek and Jupiter Inlet: Appropriation of $2,000; House concurs.
No. 87: Escambia and Conecuh rivers, Florida: Designation of locality of improvement; House concurs, with amendment.
Nos. 88 and 89: Water hyacinths: Appropriation made available for the State of Texas as well as for the States of Florida and Louisiana.
No. 90: Withlacoochee River, Florida, from mouth to loading pool in the Gulf of Mexico: Appropriation of $25,000; House concurs in $15,000.
No. 91: St. Johns River, Florida: Formal amendment; House concurs.
No. 92: Tombigbee River, between Demopolis, Ala., and Columbus, Miss.: Provision for survey; Senate recedes.
No. 93: Pascagoula River, Mississippi: Appropriation of $50,000 cash and authorization for $250,000; House concurs in $25,000 cash and $125,000 authorization.
No. 94: Sabine and Neches rivers, Texas: Addition of $46,000; House concurs.
No. 96: Galveston Ship Channel and Buffalo Bayou, Texas; House concurs, with amendment retaining and making more clear the provision as contained in the House provision.
No. 97: Trinity River, Texas: Addition of $25,000 cash and $150,000 authorization; House concurs in cash addition of $25,000 and $25,000 authorization.
No. 98: Change in amount authorized to be expended for canal in West Galveston Bay; Senate recedes.
No. 99: Upper White River, Arkansas: Addition of $200,000; House concurs.
No. 100: Levee, Walnut Bend, Ark.: Appropriation of $30,000; House concurs.
No. 101: Tennessee River: Diverting a portion of appropriation for maintenance between Chattanooga and Riverton: Senate recedes.
No. 102: Cumberland River, Tennessee: Addition of $95,000; House concurs, with an amendment providing for completion of Lock and Dam No. 1.
No. 103: Cumberland River: Lease for water power may be granted to highest responsible bidder, whether owner of abutting land or not; House concurs.
Nos. 104 and 105: Big Sandy River and Tug and Levisa forks of the same, West Virginia and Kentucky: Appropriation of $250,000 cash and authorization of $250,000; House concurs in $175,000 cash and $175,000 authorization.
No. 106: Ohio River: Provision for improvement of levee at Shawneetown, Ill.; concurred in, provided improvement is required in the interest of navigation.
No. 107: Ohio River: Site for lock and dam No. 7; appropriation of $23,000; House concurs.
No. 108: Ohio River: Appropriation for site for lock and dam No. 19, $95,000; House concurs.
No. 109: Saginaw River and tributary streams: Increase of diversion for Flint, Shiawassee, and Bad rivers from $5,000 to $12,500; House concurs.
No. 110: Flint River, Michigan: Added to streams tributary to Saginaw River appropriated for; House concurs, with amendment.
Nos. 111 and 112: Michigan-Lake Superior Power Company, of Sault Ste. Marie, Mich.: Changes in paragraphing; House concurs.
No. 113: International Commission: Great Lakes and tributary waters: Reduction of amount for compensation and expenses from $25,000 to $20,000; House concurs.
No. 114: Verbal amendment; House concurs.
No. 115: Grand River, Michigan: Addition of $25,000 and change of limit of improvement; House concurs.
No. 116: Strikes out provision for Miller Bay, Wisconsin; Senate recedes.
No. 117: Minnesota River, Minnesota: Conditional appropriation for removal of the dam at the mouth of, $2,500; House concurs.
No. 118: Fox River, Illinois: Affirmative expression that permission grants no release from liability for damages; House concurs.
Nos. 119, 120, and 121: Change taking from the Mississippi River Commission survey of certain portions of Illinois and other rivers; Senate recedes.
Nos. 122, 123, 124, 126, 127, and 128: Addition of $670,000 cash and $150,000 authorization for the Mississippi River below Cairo, separating amounts for harbors on the Lower Mississippi from general appropriation for the river; House concurs in adoption of $250,000 cash and $150,000 authorization, amounts for harbors to be taken from general appropriation.
No. 125: Sawyers Bend, in the harbor of St. Louis, Mississippi River: Diversion of $50,000 for work already done; House concurs, provided the improvement was required in the interest of navigation.
Nos. 129 and 130: Missouri River: Addition of $280,000, and includes the words "continuing improvement" in describing the work to be done; House concurs in addition of $195,000 and in designation of work.
No. 131: Dams and reservoirs at Lake Kampeska and other places, South Dakota: Appropriation of $52,500; Senate recedes.
No. 132: Stockton and Mormon channels, Stockton, Cal.: Appropriation of $50,000 cash and $175,000 authorization; House concurs.
No. 133: Columbia River at the Cascades, Oregon: Provision for the removal of rock: House concurs.
No. 134: Addition of $15,000 for Upper Columbia and Snake rivers, Oregon, Washington, and Idaho, to be used in the portion of the Snake above Lewiston; House concurs.
No. 135: Snake River: Change in provision designating more specifically the locality in which work is to be done.
No. 136: Columbia River at The Dalles, Oregon and Washington: Makes available unexpended balance appropriated for ship railway and authorizes appropriation of $400,000; House concurs, except authorization is diminished to $100,000, with an amendment providing that a further survey shall be made by a board of engineers.
No. 137: Columbia River at Vancouver, Wash.: Appropriation of $18,000; House concurs in $2,000.
No. 138: Siuslaw River, Oregon: Addition of $9,000; House concurs.
No. 139: Willapa River and Harbor, Washington: Amendment in spelling; House concurs.
Nos. 140, 141, and 142: Puget Sound and tributary waters, Washington: Addition of $5,000 by Senate, which amount is added to the sum to be available for removing the log jam in Nooksack River and authorizing the cutting of a new channel; House concurs and authorizes a transfer of $15,000 added for New Whatcom Harbor, Washington.
No. 143: Okanogan and Pend Oreille rivers, Washington: Addition by Senate of $12,500; House concurs.
No. 144: Preliminary examinations, surveys, etc.: Addition by Senate of $50,000; House concurs.
No. 145: International Commission: Verbal amendment; House concurs.
No. 146: Repeal of provision for certain projects: Cypress Bayou, Texas and Louisiana; omitted from repealed items; House concurs.
No. 147: Striking out option to punish by imprisonment in certain cases; Senate recedes.
No. 148: Provision for 1,000 copies of an index to reports of the Chief of Engineers; House concurs.
No. 149: Option to the Secretary of War to require bonds from a surety company; Senate recedes.
No. 150: Authorizing the Secretary of War to extend time for completion of bridges without action by Congress; Senate recedes.
No. 151: Verbal change in numbers; Senate recedes.
The following pertain to provisions for examinations and surveys:
No. 152: Fish River: Designation of locality; House concurs.
No. 153: Belvedere Harbor in San Francisco Bay, California; House concurs.
No. 154: Smyrna River, Delaware; Senate recedes.
No. 155: Wilmington, Del.; Senate recedes.
No. 156: Entrance to St. Andrews Bay, Florida; House coucurs.
No. 157: Volusia Bar and Lake Monroe Bar, Florida; Senate recedes.
No. 158: Naples Harbor, Florida; Senate recedes.
No. 159: Key West, Fla.; House concurs.
No. 160: Skiddaway Narrows, Georgia: Change in phraseology; Senate recedes.
No. 161: Club and Plantation Creeks; House concurs.
No. 162: Harbor at Mound City, Ill., on Ohio River; House concurs, with amendment limiting examination to interests of navigation.
No. 163: Ohio River from Mound City, Ill., to Cairo, Ill.; same as last.
No. 164: Chicago River, Illinois: For turning basins; Senate recedes.
No. 165: East bank Mississippi River, near Quincy, Ill.; House concurs.
No. 166: Ohio River: Dam below the mouth of Salt River, Indiana, and Kentucky; Senate recedes.
No. 167: Sand Island, in the Ohio River, Indiana and Kentucky; House concurs.
No. 168: Pond River, Kentucky; House concurs.
No. 169: Tennants Harbor, Maine; Senate recedes.
No. 170: Cape Small Harbor, Maine: House concurs.
No. 171: Channel from Patapsco River to Sparrows Point, Md.; House concurs.
No. 172: Minnesota River, Minnesota: Striking out provision; House concurs.
Nos. 173, 174, and 175: Continuing survey, Divers Lakes, Minnesota and South Dakota: House concurs.
No. 176: Tallahatchie River, Mississippi: From Batesville to Coldwater; Senate recedes.
No. 177: Lock and dam in Yazoo River, near the mouth of the Big Sunflower, Mississippi; Senate recedes.
No. 178: Cassidy Bayou; Senate recedes.
No. 179: Horn Island Pass, Mississippi; House concurs.
No. 180: Hampton River and Harbor, New Hampshire; House concurs.
No. 181: Colorado River, Nevada; House concurs, with an amendment.
No. 182: Raritan Bay, New Jersey; House concurs.
No. 183: Wappinger Creek, New York; Senate recedes.
No. 184: Fire Island, New York; Senate recedes.
No. 185: Harlem Kills, New York; House concurs.
No. 186: Hudson River; Senate recedes, this provision being placed with the general item for Hudson River.
No. 187: Swanquarter Bay, North Carolina; Provision stricken out and provision for inland waterway inserted in its place.
No. 188: Bennetts Creek, North Carolina; Senate recedes.

No. 189: Shallotte River, North Carolina; Senate recedes.
No. 190: Cape Lookout, Oregon; Senate recedes.
No. 191: Yamhill River, Oregon; House concurs.
No. 192: Yaquina River, Oregon: Extension of proposed improvement to Elk City; House concurs.
No. 193: Willamette River, between Portland and Oregon City, Oreg.; House concurs.
No. 194: Willamette River, near Albany, Oreg.; Senate recedes.
No. 195: Tillamook Bar, Oregon; Senate recedes.
No. 196: Pittsburg Harbor, Pennsylvania; Senate recedes.
No. 197: Georgetown Harbor, South Carolina; House concurs.
No. 198: Walls Cut, South Carolina; Senate recedes.
No. 199: Hiwassee River, Tennessee; House concurs, with an amendment correcting the spelling.
No. 200: Sabine River, Texas; House concurs, with an amendment defining the limits of examination.
Nos. 201 and 202: Columbia River, Washington; Senate recedes.
No. 203: Snohomish River, Washington; House concurs.
No. 204: Puyallup and other waterways, Tacoma, Wash.; House concurs.
No. 205: Canal between Puget Sound and Grays Harbor; Senate recedes.
No. 206: Harbor at South Milwaukee, Wis.; Change in the phraseology; Senate recedes.
No. 207: Miller Bay, Wisconsin; Senate recedes.

SUMMARY OF AMOUNTS APPROPRIATED AND AUTHORIZED.

Amount appropriated for the next fiscal year in the House bill was	$24,014,107
Amounts authorized to be expended after June 30	36,674,160
Total as passed by the House	60,688,267
From this amount the Senate made deductions aggregating	80,700
Balance	60,607,567
Additions by the Senate amendments aggregate	9,554,872
Total as passed by the Senate	70,162,439
Senate additions concurred in	$4,500,035
Senate additions nonconcurred in	5,054,837
Deduct additions nonconcurred in	5,054,837
Balance total appropriations and authorizations agreed upon	65,107,602
Divided as follows:	
Amount appropriated for the next fiscal year	$26,521,442
Amount authorized to be expended after June 30, 1903	38,586,160
	65,107,602

T. E. BURTON,
WALTER REEVES,
RUFUS E. LESTER,
Managers on the part of the House.

LEAVE TO PRINT ON SUBSIDIARY COINAGE BILL.

Mr. HILL. Mr. Speaker, at the request of several members I ask general leave to print on the bill (H. R. 12704) to increase the subsidiary coinage, for five days from to-day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that members have leave for five days to print remarks upon House bill 12704, to increase the subsidiary coinage. Is there objection?

There was no objection.

ALLEGED MILITARY SUPPLY CAMP IN LOUISIANA.

Mr. HITT. Mr. Speaker, I desire to present a privileged report from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Illinois calls up a privileged report, which the Clerk will read.

The Clerk read as follows:

"*Resolved*, That, if compatible with the interests of the public service, the President be, and he is hereby, requested to send to the House of Representatives full information as to the investigation, by his order, recently made as to the alleged maintenance of a British military supply camp in the State of Louisiana, where military supplies, including horses and mules, are collected and shipped directly to the the theater of war in South Africa in violation of the laws of neutrality; and to send to the House of Representatives the report of the officer charged with such investigation, and all documents, letters, and papers on file bearing upon the matter."

The Committee on Military Affairs, to whom was referred the resolution No. 272, calling upon the President for full information as to the investigation made upon his order as to the alleged military supply camp in the State of Louisiana, having duly considered the same, report it back to the House with the recommendation that it be amended by the adoption of a substitute, as follows, and passed:

"*Resolved*, That the President be, and he is hereby, requested to send to the House of Representatives, if not incompatible with the interests of the public service, full information of the investigation recently made by his order as to the alleged supply camp in the State of Louisiana for the collection and shipment to South Africa of military supplies, including horses and mules."

Mr. HITT. The committee recommends the adoption of the substitute, and it covers the ground of the resolution.

The question was taken, and the substitute was agreed to.

THANKS TO SECRETARY HAY.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House from the further consideration of House concurrent resolution 39, and pass it.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass the following.

The Clerk read as follows:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to Hon. John Hay for the appropriate memorial address delivered by him on the life and services of William McKinley, late President of the United States, in the Representatives' Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1902, and that he be requested to furnish a copy for publication.

Resolved, That the chairman of the joint committee appointed to make the necessary arrangements to carry into effect the resolutions of this Congress in relation to the memorial exercises in honor of William McKinley be requested to communicate to Mr. Hay the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER. The Chair appoints the gentleman from Ohio and the gentleman from Tennessee, who will take their places as tellers.

The House divided; and tellers reported—ayes 92, noes 52.

So a second was ordered.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. GROSVENOR. Mr. Speaker——

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RICHARDSON of Tennessee. How much time is allotted?

The SPEAKER. Twenty minutes on a side?

Mr. RICHARDSON of Tennessee. I desire to yield to the gentleman from Missouri the control of the time for this side.

Mr. GROSVENOR. Mr. Speaker, I desire only to state that by invitation of the House and of the Senate, by concurrent resolution, Mr. Hay was invited to appear before the joint assembly of the two Houses and deliver a eulogy upon the life and character of William McKinley. The date was fixed and the two Houses assembled, and in the presence of the two Houses, the diplomatic corps, the Supreme Court, the President and his Cabinet Mr. Hay delivered the address. Following that occurrence a resolution, written in the exact language of the resolutions adopted by the House and the Senate on each of the former occasions of the similar death of a President—the death of President Lincoln and the death of President Garfield—thanking Mr. Hay for his effort and asking him for a copy for publication, was introduced, went to the committee, and was reported with the unanimous report of the committee favoring its adoption. Objection having been made to its passage in the House, it comes here now simply for the action of Congress, acting upon a concurrent resolution, thanking Mr. Hay for his address and complimenting him by asking him for a copy of the same. I reserve the remainder of my time.

The SPEAKER. The gentleman from Missouri is recognized for twenty minutes.

Mr. CLARK. Mr. Speaker, I recognize very clearly that to oppose the passage of this resolution subjects the man who does it to the adverse criticism of every editor in the United States who is also a postmaster and every editor in the United States who hopes to become a postmaster or to secure a Federal office. I am equally clear that in opposing it I am doing right. I do not intend in what I am about to say to be drawn into making any intemperate remarks. It so happened when the "McKinley committee" met that I was the only member of the committee who suggested any opposition to the vote of thanks to Mr. Secretary Hay for the speech he delivered on the 27th day of February in this House on the life and character of William McKinley; whereupon the papers that I have named jumped on me. Well, now, their jumping on me in no way modifies my conception of public duty and in no degree deters me from discharging it according to my lights. Consequently I am going to express my opinion about it fully, although rather unexpectedly, as I had no idea that the resolution would be called up to-day.

When Mr. Hay rose to deliver his address he had such an audience as only two other men in the entire history of the Government ever had—George Bancroft, when he eulogized Abraham Lincoln, and James G. Blaine, when he pronounced his eulogium upon James A. Garfield—and all of us hope that a similar occasion will never again arise—the death of a President by the hand of an assassin. For the purposes of the orator, Colonel Hay faced the most magnificent audience that can be assembled on this continent—the President and his Cabinet, the Supreme Court of the United States, the Diplomatic Corps, a prince of the German Empire and his suite, both Houses of Congress, the head of the Army, high officers of the Navy, every distinguished man in official and unofficial life betwixt the two oceans that could be crowded into this historic Hall, together with much of the beauty of the land. It was such an audience as any orator would be fortunate to address—such an audience as no orator now living will most probably address.

In many respects I entertain a high opinion and a high regard for the Secretary of State. He is a most amiable and accomplished gentleman. From his youth up he has been associated

with intellectual giants. For four years he was brought into daily contact with Abraham Lincoln, which in itself was a liberal education. Colonel Hay is himself a great historic personage. He has achieved eminence in two difficult fields of human endeavor—in literature and in diplomacy. He has been ambassador to the Court of St. James and is now Secretary of State. In literature he has performed the unusual feat of winning fame in both poetry and prose, such fame as any man in the House or Senate or in the whole country might envy. His Life of Abraham Lincoln, or "Abraham Lincoln: A History," as it is entitled, is one of the standard historic works of the world; but in my judgment Mr. Hay's literary reputation will rest more on his Pike County Ballads than upon anything else he has written. Of their class they are about as good as anything else in the English language. As an earnest of what he might have done in poetry, they lead one to regret that their author deserted the muses for the stormy world of politics.

Colonel Hay is a seasoned hand at literature. His address was carefully wrought out in his library. What he said was not uttered in the "heat of debate" or on the spur of the moment. Consequently he can not complain if he is held strictly to the highest standard of good taste.

Not only did he have a distinguished and brilliant audience, but he had an audience entirely sympathetic in its character. I undertake to say, without the fear of successful contradiction, that there was not a man or woman within these walls that day, not a man or woman in his greater audience—the entire American people—who would have objected to any word of eulogy he could have pronounced on William McKinley, however extravagant, for McKinley was a popular favorite—popular with all citizens, all classes, and all parties, in a most extraordinary degree.

The objection I make to thanking the Secretary of State is not that he delivered a eulogy upon Mr. McKinley—that was what he was invited to do, what he was expected to do, what we all, myself included, wanted him to do—but because with that unequaled opportunity, with that magnificent audience, he departed from the language of eulogy and, disregarding the proprieties, injected into his memorial address a high-class Republican stump speech.

King Solomon says: "There is a time for every purpose under heaven." Of course there is a time for Republican speeches. I do not object to Republican speeches at the proper time. Strange as it may seem, I rather enjoy hearing a good Republican stump speech, although I doubt exceedingly if any Republican in these later days can make a stump speech without committing blasphemy. If the gentleman from Ohio, General GROSVENOR, for instance, will make a Republican speech, I will hear him gladly. If my distinguished friend from Indiana, Mr. LANDIS, will do it, I will be delighted to hear him. If divers men on that side of the Chamber would rise and make Republican speeches in this House, I would listen with pleasure. I have heard my friend from Pittsburg, the Hon. JOHN DALZELL, make Republican speeches on dry economic subjects in this House which came near being epic poems in their character.

But I will never be willing to thank any man anywhere at any time or in any place for making a Republican speech. [Laughter.] That is what we are asked to do in this resolution. I want to say this to the members of the House, because it ought to be said, that as a literary performance Colonel Hay's address will take high rank. There are some phrases in that oration that are of extraordinary excellence and almost entitle him to the dubious honor of being placed in the same class with Grover Cleveland as a phrase maker. [Laughter.]

I have no objection to the literary character of it, but I am willing to submit it to as good a critic of political speeches as the gentleman from Ohio himself, General GROSVENOR, as the gentleman from Massachusetts, Mr. MCCALL, or as the gentleman from Illinois, Mr. HITT, or any other man on that side of the Chamber who has literary taste and let him pronounce if Mr. Hay did not violate the proprieties of the occasion when he injected into that eulogy upon President McKinley a Republican stump speech.

He knew himself he was violating the proprieties, because he states—I can not quote the language exactly; I have not time to hunt it up—that he craves the indulgence of those that are hearing him if perchance he injects into the speech remarks that ought not to have been made. Then he proceeded to make a stump speech. For instance, he stated in one place that the very month in which Mr. McKinley was inaugurated steel rails sold for $18 a ton. I would like very much for some man to state as a literary proposition whether, according to the canons of taste and to preserve the unities of a great historical oration, the fact that steel rails sold at $18 a ton in the month of March, 1897, had anything to do with the character of William McKinley or with the feeling of kindness and pride which the American people entertain for him.

As a matter of fact, if steel rails sold for $18 a ton in the month of March, 1897, William McKinley had nothing to do with it, because he had not been in Congress since the 4th day of March, 1891. No Republican had been in office in a high executive place for four years in that month, and if steel rails sold for $18 a ton at that time, and as it was an unprecedented thing in the history of the country, then the credit ought to have been given where credit is due—to the Democrats of this country—instead of trying to filch it for the Republican party. But, from the sentence that opens up with that declaration until near the close of the address, it was as fine a Republican stump speech as has been delivered on the American continent within the last two years.

I will tell you what will happen, and I know it just as well as that I am living: If you pass this resolution, every Republican candidate for Congress in the United States will not only circulate this speech as the strongest possible Republican campaign document, but at the same time he will circulate the resolution of Congress thanking him for delivering it.

When I objected to the unanimous report of the committee my friend from New Jersey [Mr. PARKER] rose and asked me to withdraw it, and I would not do it. I asked for three days to consider the matter whether I would make a minority report, and within the three days I read Mr. Blaine's speech delivered over James A. Garfield as critically and as carefully as any speech was ever read on the American continent.

The difference in situation was that Blaine delivered his speech under the most difficult circumstances that could possibly have surrounded a human being called upon to speak on such an occasion. Here sat the Republican party, divided into two bitter and warring factions. He had to avoid saying too much in praise of Garfield, and he had to avoid insulting what was called the "stalwart" faction of the Republican party. Yet any American citizen could take Blaine's speech and read it from beginning to end without feeling that any impropriety had been committed. It is a magnificent oration. There is not a solitary syllable in it that would offend "feather-head" Republicans, as they were then called, or a "stalwart" Republican, or a Democrat of any of the numberless varieties of that party which there are in this country. [Laughter.] Mr. Blaine observed the proprieties and spoke in perfect good taste.

When Mr. Hay arose to speak, he had no difficulty to confront him. He had simply to observe the rules of good taste—literary taste—to observe the canons of literary criticism. But he did not do it. So far as I am concerned, if there is not another man in this House who votes against thanking him for it, I propose to so vote.

I want to repeat that I am not hide-bound on the subject of politics. I am a Democrat, and always expect to be one. Politics has absolutely nothing to do with my opposition to this resolution of thanks. I recognize that every man has the right to his political opinions and to express them on any occasion that is fitting in terms that seem to him right and proper. As a matter of fact, less than two months ago I sat in my place here and led the applause for my distinguished friend from the State of Washington [Mr. CUSHMAN] when he was delivering a brilliant Republican speech [laughter]; and I performed the very same kindly office for my distinguished friend from Michigan [Mr. WM. ALDEN SMITH] when he delivered his great oration on the Cuban reciprocity scheme. But I believe, Mr. Speaker and gentlemen, that the House simply sinks its own dignity when it votes to thank a man for delivering a political speech (I care not how classical its phrases), when he ought to have observed all of the proprieties of the occasion which he not only failed to observe, but which he violated in the most flagrant manner. [Applause on Democratic side.]

Mr. GROSVENOR. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman from Missouri [Mr. CLARK] has seven minutes and the gentlemen from Ohio seventeen minutes.

Mr. GROSVENOR. I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I desire to say that I came into this Hall a few moments ago when we were voting on seconding the motion to suspend the rules on this proposition. Sir, I had the honor to be appointed by the Speaker as a committeeman from the State of Mississippi on the joint memorial committee of both Houses of Congress to present suitable resolutions in honor of our deceased President, Mr. McKinley, and to select an appropriate speaker to deliver the eulogy on that occasion. I accepted the position, and united in the selection of the present Secretary of State to deliver the eulogy.

I came into this Hall on the day when the Senate, with the Supreme Court and the foreign ambassadors assembled with us here, and I listened with great care and attention to the address delivered by Mr. Hay.

I think I am as good a Democrat as my friend from Missouri; I think I am as keenly alive to everything that affects the interests and the honor and the welfare of the Democratic party as my friend from Missouri, whom I so much admire, but from whom I entirely dissent on this occasion. I listened to that address with great care, with great caution, and even with a disposition to criticise if anything wrong had been said. But I failed to detect in the whole of that address anything that I thought was improper to be said or anything said in a party spirit.

And I feel sure, Mr. Speaker, that if a man selected for the great duty of speaking upon that occasion the sentiments of the American people had dared to inject into his address anything that was an appeal to party spirit and party sentiment the shade of our great President breaking the cerements of the tomb would have appeared before him and at once challenged his utterances. Any man who would have made here on such an occasion a speech political in its character would in doing so have dishonored the memory of McKinley's great absence of partisan feeling and partisan ideas.

President McKinley was a Republican; the man selected as orator by the joint committee was a Republican. Did we expect to select any other? I was charmed with his address. I listened to it with great pleasure, and I am sure that the great personage he was talking about would not have countenanced for a moment any exhibition of partisan spirit or partisan heat. It never entered my own mind that he had such an idea. I know Mr. Hay slightly and have had several interviews with him, none since he delivered that speech, however; but I am frank to say that I listened to that speech with great pleasure, and believed that it was worthy of the great man about whom he talked. McKinley was a Republican, an honest man, an upright man, a man whose great heart and whose loyal nature took in all the people of his country. When he came to be President he had the admiration and support of all the people of his country, not of one party, but of both.

Mr. Speaker, I shall never forget the last time I saw that great spirit in the flesh. I was passing through the city of Washington on my way to New York. I called to pay my respects to the President of the United States. We had served thirteen or fourteen years in this Hall together. I sat on this side, he sat on that. Our intimacy had been great, and when I called to see him he kindly introduced me to some Ohio friends who were in the room and said, "Take a seat, I want to talk with you about our long service together in Congress."

He seated me while these gentlemen were still there, and when I was about to go he said to me, speaking to me with the kindliness of nature that always characterized him: "Mr. HOOKER, is there anything I can do for you?" I said: "No, Mr. President, I have simply come to pay my respects to you, as I chanced to be passing through the Federal city." "Well," said he, seizing my one hand with both of his, "if you have a young man in your region of country who acquitted himself with credit in the Spanish-American war, I would be glad to give you a lieutenancy for him." I said: "Why, Mr. President, I had not thought of such an honor. It is very generous on your part." But it was just like McKinley.

I saw it in the same kindly feeling that had existed between him and myself for twelve or thirteen or fourteen years. I said to him, "I can not now think of any young man specially worthy of the high honor which you propose to confer, but I will communicate with my friends in Mississippi; I will communicate with my friend Governor Lowry and with my son;" and they suggested the name of Richard P. Winslow, whose father and grandfather I had known.

I knew by the character of the family, although I did not know the boy intimately, that he must be worthy of the honor. I wrote to Mr. McKinley at his home in Canton, before he made the fatal visit to Buffalo, and when I returned from the mountains of Virginia, where I passed the summer, I said to myself, "I will go to the War Office and see what came of the offer that McKinley so generously made;" and when I went up there, Colonel McCain, of the United States Army, from my own State, in the Adjutant-General's Office, said, "I will look over the books and see whether any such name is there." And when he had examined he found the name of Richard P. Winslow, and on the margin a big hand was drawn with the index finger pointing to the name of Richard P. Winslow, and opposite that name was this memorandum in red ink: "The President requests that this nomination be made special." I am glad to say that young man stood his examination a few days ago and his name has been favorably reported and is now on the Senate Calendar for confirmation.

He never forgot me. He was not the kind of a man who forgot. And I say that the man selected to deliver the address in commemoration of him and to utter the sentiments which all the people of this country entertained for him, and proudly entertained, would not have dared to undertake to deliver a political address when he was speaking of a man of such high character, such noble nature, such pure life, as our assassinated President. [Applause.]

[During the delivery of the foregoing remarks, the time of Mr. HOOKER having expired, Mr. CLARK yielded to him five minutes of his time.]

Mr. GROSVENOR. I hope the gentleman from Missouri [Mr. CLARK] will consume the remainder of his time.

Mr. CLARK. I yield two minutes to the gentleman from Illinois [Mr. WILLIAMS].

The SPEAKER. The gentleman has three minutes remaining.

Mr. WILLIAMS of Illinois. Mr. Speaker, I do not know that I care to use even two minutes. I simply desire to say that I listened with a great deal of interest to the address of Secretary Hay on the life and character of Mr. McKinley. I thought at the time that there were some things in that address of a partisan character not entirely appropriate to a funeral occasion. But there was much in the address to be admired, especially his eloquent tribute to the high personal character of the late President, and I fear a vote against this resolution would not be considered as a mere criticism against the partisan portion of the address, but might have a tendency to detract from that profound tribute of respect which the American people unite in paying to the memory of our martyred President, and I shall, therefore, support the resolution.

Mr. CLARK. I reserve the remainder of my time, Mr. Speaker.

The SPEAKER. The gentleman has one minute remaining.

Mr. GROSVENOR. I hope the gentleman will observe the ordinary courtesies of debate, and close on his side now, and let me have the closing speech.

Mr. CLARK. Mr. Speaker, I will yield a minute to the gentleman from Ohio.

Mr. GROSVENOR. I do not want that minute.

The SPEAKER. The gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I have no disposition either to fence with the gentleman from Missouri or to say anything on an occasion like this that will in any way irritate or annoy any gentleman who sees fit to vote upon this question one way or the other.

I hope the House will insist upon this action, however. Had this committee not brought this resolution here there would have been world-wide criticism of the committee for having failed to do that which is customary under circumstances such as we were surrounded by. It would have been said in every newspaper of the country that, having invoked the address and assembled a great audience to hear it, we had ourselves condemned the occasion by refusing to go through with the ordinary duty of complimenting the gentleman who delivered the address. Therefore the committee took up the question, considered the resolution, and brought its report to this House; and now it is a question for this House to say, not whether it shall indorse whatever of politics may have worked its way incidentally into that address, but whether upon the whole this distinguished man, having been invited to make this address, should now be condemned, or as the gentleman from Illinois has very well suggested, whether the memory of McKinley shall be condemned in the House of Representatives of his country.

I took a great deal of pains, following the criticism that was made in the committee by the gentleman from Missouri, to scan through two or three different clipping bureaus utterances of the Democratic press of this country upon the occasion and upon the address of Mr. Hay. Almost without exception there was a universal acclaim of praise of Mr. Hay, not only because of the literary character of his production, but of the temper and spirit which he had manifested. Now let me quote the argument made in one of the leading Democratic newspapers of the country in opposition to the suggestion made by the distinguished gentleman from Missouri. It was this. The editorial said:

> It may be said that some of the language of Mr. Hay approaches very closely upon the line of political argument. But—

Said the editor of that paper—

> how can you eliminate William McKinley from his life work?

William McKinley was a partisan Republican, and he was admired by the masses of the Democrats of this country because of his manly partisanship. And now that he is dead and his eulogist speaks of the results of his life work gentlemen complain. The gentleman from Missouri says that he mentioned the fact that steel rails were sold at $18 a ton on some occasion, and the gentleman from Missouri, with some lack of his usual acumen in a case of this kind, has failed to develop what it is that grew out of that suggestion that he complained of. But I will not discuss it. You can not eulogize a dead politician, a dead statesman, a great man dead without referring to what he has done. I have sat upon this floor and have heard eulogies of Randall and a large number of leading honorable and distinguished Democrats, and I have heard repeatedly, over and over again, the proud boasts of

their eulogists of their achievements in behalf of the Democratic party, and yet we have always printed those eulogies. If there was anything useful for stump orators in referring to the character of such men as Randall and other men to whom I might refer, it was that they had become valuable as illustrators of the policy of the party to which they belonged.

Mr. Speaker, you can not speak of McKinley without you curtail your own independence, if you say nothing about his attitude upon these great political questions. I undertake to say that no mere eulogistic address is freer from it than this. Freer than any eulogy that ever was presented in this House upon the character of distinguished men, such as Hendricks, of Indiana, and a dozen others whom I might name. Why are we afraid to have go to the world the suggestion made by an intimate friend and Cabinet officer of McKinley, that he had accomplished something as a partisan. Why, Mr. Speaker, it would go forth to all the world that the Democratic party of this House, after all their high eulogiums of McKinley, after all their sincere and honest regrets for his death, after all that they have said and done in this House, yet when the last moment came when they could strike one blow at his fame and mar his standing before the world that they had availed themselves of that which was practically a funeral occasion to condemn the words of eulogy made on that occasion. I can not believe that the partisanship of this country has led men to such a position as that, and therefore, Mr. Speaker, I hope there will be no vote on this floor against this resolution.

I ask for the yeas and nays on the passage of the resolution.

The SPEAKER. The question is on suspending the rules and passing the resolution; and upon that question the gentleman asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 46, answering "present" 25, not voting 151; as follows:

YEAS—130.

Alexander,	Fitzgerald,	Latimer,	Reeder,
Allen, Mo.	Fletcher,	Lawrence,	Reeves,
Barney,	Foster, Vt.	Lessler,	Rhea, Va.
Bartholdt,	Gaines, W. Va.	Littauer,	Rumple,
Bates,	Gardner, Mich.	Littlefield,	Sherman,
Bellamy,	Gibson,	Lovering,	Showalter,
Bishop,	Gill,	McAndrews,	Sibley,
Blackburn,	Glenn,	McCall,	Smith, Ill.
Bowersock,	Grosvenor,	McCleary,	Smith, Iowa
Breazeale,	Grow,	Mann,	Sperry,
Brick,	Hamilton,	Mercer,	Steele,
Bromwell,	Hanbury,	Metcalf,	Stewart, N. J.
Brown,	Haskins,	Mickey,	Storm,
Burleigh,	Hedge,	Minor,	Sulloway,
Burton,	Hemenway,	Mondell,	Sutherland,
Caldwell,	Henry, Conn.	Moody, N. C.	Tawney,
Cannon,	Hepburn,	Moody, Oreg.	Thayer,
Capron,	Hill,	Morris,	Thomas, Iowa
Cassingham,	Hitt,	Moss,	Tirrell,
Connell,	Hooker,	Mudd,	Tompkins, N. Y.
Conner,	Howard,	Needham,	Tompkins, Ohio
Coombs,	Howell,	Nevin,	Tongue,
Cousins,	Hull,	Olmsted,	Van Voorhis,
Cromer,	Irwin,	Otjen,	Vreeland,
Crumpacker,	Jenkins,	Parker,	Wachter,
Cushman,	Jett,	Patterson, Pa.	Wadsworth,
Dalzell,	Jones, Wash.	Patterson, Tenn.	Wanger,
Davidson,	Kehoe,	Payne,	Warnock,
Deemer,	Kitchin, Claude	Perkins,	Watson,
Dovener,	Knapp,	Powers, Mass.	Williams, Ill.
Eddy,	Lacey,	Prince,	The Speaker.
Esch,	Landis,	Ransdell, La.	
Evans,	Lanham,	Ray, N. Y.	

NAYS—46.

Adamson,	Cochran,	Lever,	Slayden,
Ball, Tex.	Conry,	Lewis, Ga.	Smith, Ky.
Bartlett,	De Armond,	Little,	Sparkman,
Bowie,	Feely,	Lloyd,	Spight,
Brantley,	Green, Pa.	McCulloch,	Stark,
Brundidge,	Henry, Miss.	McLain,	Sulzer,
Burgess,	Johnson,	Maddox,	Underwood,
Burleson,	Jones, Va.	Mahoney,	Wheeler,
Burnett,	Kern,	Neville,	Williams, Miss.
Candler,	Kitchin, Wm. W.	Richardson, Tenn.	Wooten.
Clark,	Kleberg,	Scarborough,	
Clayton,	Lester,	Sims,	

ANSWERED "PRESENT"—25.

Bell,	Gilbert,	Norton,	Small,
Brownlow,	Hay,	Reid,	Smith, H. C.
Cooper, Tex.	Ketcham,	Richardson, Ala.	Stephens, Tex.
Cowherd,	Lamb,	Rixey,	Thompson.
Crowley,	Livingston,	Robinson, Nebr.	
Finley,	McClellan,	Rucker,	
Gaines, Tenn.	Naphen,	Shallenberger,	

NOT VOTING—151.

Acheson,	Bingham,	Butler, Mo.	Dahle,
Adams,	Blakeney,	Butler, Pa.	Darragh,
Allen, Ky.	Boreing,	Calderhead,	Davey, La.
Aplin,	Boutell,	Cassel,	Davis, Fla.
Babcock,	Bristow,	Cooney,	Dayton,
Ball, Del.	Broussard,	Cooper, Wis.	De Graffenreid,
Bankhead,	Bull,	Corliss,	Dick,
Beidler,	Burk, Pa.	Creamer,	Dinsmore,
Belmont,	Burke, S. Dak.	Currier,	Dougherty,
Benton,	Burkett,	Curtis,	Douglas,
Draper,	Hildebrant,	Moon,	Sheppard,
Driscoll,	Holliday,	Morgan,	Skiles,
Edwards,	Hopkins,	Morrell,	Smith, S. W.
Elliott,	Hughes,	Mutchler,	Smith, Wm. Alden
Emerson,	Jack,	Newlands,	Snodgrass,
Fleming,	Jackson, Kans.	Overstreet,	Snook,
Flood,	Jackson, Md.	Padgett,	Southard,
Foerderer,	Joy,	Palmer,	Southwick,
Fordney,	Kahn,	Pearre,	Stevens, Minn.
Foss,	Kluttz,	Pierce,	Stewart, N. Y.
Foster, Ill.	Knox,	Pou,	Swanson,
Fowler,	Kyle,	Powers, Me.	Talbert,
Fox,	Lassiter,	Pugsley,	Tate,
Gardner, N. J.	Lewis, Pa.	Randell, Tex.	Tayler, Ohio
Gillet, N. Y.	Lindsay,	Robb,	Taylor, Ala.
Gillett, Mass.	Long,	Roberts,	Thomas, N. C.
Goldfogle,	Loud,	Robertson, La.	Trimble,
Gooch,	Loudenslager,	Robinson, Ind.	Vandiver,
Gordon,	McDermott,	Ruppert,	Warner,
Graff,	McLachlan,	Russell,	Weeks,
Graham,	McRae,	Ryan,	White,
Greene, Mass.	Mahon,	Schirm,	Wiley,
Griffith,	Marshall,	Scott,	Wilson,
Griggs,	Martin,	Selby,	Woods,
Hall,	Maynard,	Shackleford,	Wright,
Haugen,	Meyer, La.	Shafroth,	Young,
Heatwole,	Miers, Ind.	Shattuc,	Zenor.
Henry, Tex.	Miller,	Shelden,	

So, two-thirds having voted in favor thereof, the resolution was passed.

The following pairs were announced:

For the session:

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. YOUNG with Mr. BENTON.

Mr. BOREING with Mr. TRIMBLE.

Mr. BULL with Mr. CROWLEY.

Mr. KAHN with Mr. BELMONT.

Mr. WRIGHT with Mr. HALL.

Mr. HEATWOLE with Mr. TATE.

Mr. RUSSELL with Mr. MCCLELLAN.

Until further notice:

Mr. SHATTUC with Mr. RUCKER.

Mr. ADAMS with Mr. SELBY.

Mr. BOUTELL with Mr. GRIGGS.

Mr. WEEKS with Mr. KLUTTZ.

Mr. JACK with Mr. FINLEY.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. BROWNLOW with Mr. PIERCE.

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. SOUTHARD with Mr. NORTON.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. LONG with Mr. HENRY of Texas.

Mr. EMERSON with Mr. GILBERT.

Mr. MCLACHLAN with Mr. ROBERTSON of Louisiana.

Mr. BURKETT with Mr. SHALLENBERGER.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. CURTIS with Mr. STEPHENS of Texas.

Mr. BINGHAM with Mr. CREAMER.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. REEDER with Mr. WHITE.

Mr. CALDERHEAD with Mr. FOX.

Mr. GARDNER of New Jersey with Mr. MOON.

Mr. GORDON with Mr. SCOTT.

Mr. HOLLIDAY with Mr. MIERS of Indiana.

Mr. SKILES with Mr. TALBERT.

For this day:

Mr. HAUGEN with Mr. LINDSAY.

Mr. HUGHES with Mr. MCDERMOTT.

Mr. SHELDEN with Mr. SWANSON.

Mr. MAHON with Mr. VANDIVER.

Mr. WARNER with Mr. REID.

Mr. GREENE of Massachusetts with Mr. LASSITER.

Mr. OVERSTREET with Mr. WILSON.

Mr. LEWIS of Pennsylvania with Mr. SHEPPARD.

Mr. KYLE with Mr. SHACKLEFORD.

Mr. KNOX with Mr. RANDELL of Texas.

Mr. HOPKINS with Mr. PADGETT.

Mr. GRAFF with Mr. JACKSON of Kansas.

Mr. FOWLER with Mr. GOLDFOGLE.

Mr. FORDNEY with Mr. FOSTER of Illinois.

Mr. FOERDERER with Mr. FLOOD.

Mr. CORLISS with Mr. ELLIOTT.

Mr. BURK of Pennsylvania with Mr. DINSMORE.

Mr. BURKE of South Dakota with Mr. EDWARDS.

Mr. ACHESON with Mr. BROUSSARD.

Mr. BEIDLER with Mr. BUTLER of Missouri.

Mr. SOUTHWICK with Mr. SNOOK.

Mr. MARSHALL with Mr. RICHARDSON of Alabama.

Mr. DICK with Mr. WILEY.

Mr. BABCOCK with Mr. ROBB.

Mr. BUTLER of Pennsylvania with Mr. ALLEN of Kentucky.
Mr. BALL of Delaware with Mr. GOOCH.
Mr. JOY with Mr. RUPPERT.
Mr. STEWART of New York with Mr. ZENOR.
On this vote:
Mr. STEVENS of Minnesota with Mr. MCRAE.
Mr. SCHIRM with Mr. SHAFROTH.
Mr. GRAHAM with Mr. MUTCHLER.
Mr. DRAPER with Mr. FLEMING.
Mr. BRISTOW with Mr. DAVIS of Florida.
Mr. COOPER of Wisconsin with Mr. BANKHEAD.
Mr. TAYLER of Ohio with Mr. SMALL.
Mr. MORRELL with Mr. RYAN.
Mr. GILLET of New York with Mr. GRIFFITH.
For ten days:
Mr. MILLER with Mr. THOMAS of North Carolina.
Mr. FOSTER of Vermont with Mr. POU.
Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.
For one week:
Mr. CURRIER with Mr. PUGSLEY.
Mr. ROBERTS with Mr. BELLAMY.
Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.
Mr. DARRAGH with Mr. THOMPSON until June 9.

Mr. RUCKER. Mr. Speaker, I voted in the negative, but I find I am paired with the gentleman from Ohio, Mr. SHATTUC, and I withdraw my vote and wish to be marked "present."

The Clerk called Mr. RUCKER's name, and he answered "present," as above recorded.

Mr. BROWNLOW. Mr. Speaker, has my colleague from Tennessee [Mr. PIERCE] voted?

The SPEAKER. He did not.

Mr. BROWNLOW. Then I desire to withdraw my vote, which was cast in the affirmative, and be recorded as "present."

Mr. HENRY C. SMITH. Mr. Speaker, I have voted on this proposition in the affirmative. I notice, however, that I am paired with the gentleman from Alabama [Mr. TAYLOR]. I therefore desire to withdraw my vote and be recorded "present."

Mr. STEELE. Mr. Speaker, I notice that I was announced as paired with the gentleman from Texas [Mr. COOPER]; but as that gentleman is present I have voted.

The SPEAKER. Does the gentleman desire to have the pair withdrawn?

Mr. STEELE. I do.

The SPEAKER. The pair will be withdrawn.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2764. An act for the relief of the Mobile and Ohio Railroad Company; and

S. R. 100. Joint resolution authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate has passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 19) for the relief of George A. Orr.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 567) for the relief of H. B. Matteosian.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1999) for the relief of Albert C. Brown.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills, in the enrollment of the joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse, be authorized to correct the title thereof by striking out the words "fifty thousand" and inserting the words "two hundred thousand;" so as to make the same correspond with the amendment of the House of Representatives to the said resolution concurred in by the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to joint resolutions of the following titles:

S. 91. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle; and

S. 92. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse.

PROTECTION OF GAME IN ALASKA.

Mr. CUSHMAN. I call up for present action the conference report on the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes. The report and the statement of the House conferees have already been printed in the RECORD. I ask that the statement be read, omitting the report.

The SPEAKER. In the absence of objection, the reading of the report will be dispensed with.

The statement of the House conferees, as published in the proceedings of May 29, was read.

The question being taken, the conference report was agreed to.

FIRST LIEUT. JOSEPH M. SIMMS.

The SPEAKER laid before the House the bill (S. 3360) for the promotion of Lieut. Joseph M. Simms, Revenue-Cutter Service, the bill having been returned from the Senate with the information that the amendment of the House was disagreed to and a conference requested.

Mr. SHERMAN. I move that the House insist on its amendment and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HEPBURN, Mr. SHERMAN, and Mr. ADAMSON as conferees on the part of the House.

RETIREMENT OF MEDICAL OFFICERS OF THE ARMY.

Mr. HULL. I move to suspend the rules so as to take up and pass the bill (S. 5213) providing for the selection and retirement of medical officers in the Army.

The bill was read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to select one from such medical officers of the Army as have served forty-one years or more, nine years of which shall have been as Surgeon-General, and, by and with the advice and consent of the Senate, appoint him a major-general of the United States Army, for the purpose of placing him on the retired list.

Mr. UNDERWOOD. I demand a second on the motion to suspend the rules.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

Mr. UNDERWOOD. I do not object to that; but I think this question ought to be debated.

The SPEAKER. In the absence of objection the motion to suspend the rules will be considered as seconded.

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. HULL] is entitled to the floor for twenty minutes.

Mr. HULL. Mr. Speaker, I shall not detain the House more than a minute or two. This bill is designed to retire the Surgeon-General of the Army only one grade higher than the rank which he now holds, and to place him on an equality with the Surgeon-General of the Navy, who has recently been retired. The bill has received a unanimous report in its favor from the Committee on Military Affairs, gentlemen of both parties on that committee concurring. If the bill should pass it will make the present Surgeon-General of the Army a major-general on his retirement, the 8th day of this month. The bill has already passed the Senate. There is nothing else involved in it than this one proposition. I think that in justice to this distinguished man, who has served over forty years and has advanced the cause of science more, probably, than any other one professional man in the United States, he should receive on his retirement this recognition at the hands of the Congress of the United States.

Mr. LIVINGSTON. Will the gentleman yield to me for a moment or two?

Mr. HULL. I yield to the gentleman from Georgia [Mr. LIVINGSTON] for two minutes.

Mr. LIVINGSTON. Mr. Speaker, I hope the House will pass this bill. The medical fraternity of my State, in convention assembled, has recommended its passage. So have similar conventions in several other States of the South. During the prevalence of yellow fever in the State of Alabama this man was the only officer who dared go there and remain through the entire prevalence of the epidemic. He remained there while five other physicians died. In rendering this service he took his life in his hands. He is a most worthy man. As has just been stated by the chairman of the Military Committee [Mr. HULL], the passage of this

bill would simply put this officer upon an equality with others who have received this promotion. I hope that gentlemen on both sides of the House will unite in passing the bill.

Mr. CANNON. Will the gentleman from Iowa yield to me?

Mr. HULL. For how long?

Mr. CANNON. For two minutes.

Mr. HULL. I yield to the gentleman.

Mr. CANNON. Mr. Speaker, I have some acquaintance with the Surgeon-General of the Army. I have always found him a pleasant gentleman. So far as I know or believe he has performed his duties well. He is shortly to retire, I understand, on three-fourths of the regular pay. His present rank is that of brigadier-general. This bill, as I understand, proposes to retire him with the rank of major-general. Now, I must say—I hope it may not seem ungracious for me to make the remark I am about to make; I hope it may not look as if I were speaking unkindly of this particular individual, for I speak without any malice—but I must say for one that I am tired of pursuing the policy of promoting an officer to a rank that he never held and then retiring him. [Applause.]

To me it seems a mere gratuity, and while we inveigh here against civil pension lists, I will not discuss that subject. We understand what our system does for us and the abuses that exist in it. We must in the future have a large Regular Army compared with what we have had heretofore. The chances are that it will be larger instead of smaller. We start out to have as good a Navy as any nation in the world. The evolution and growth of our Navy and Army are necessary to our civilization. If these things are to be done, they ought to be done along the line of general policy. Now, I think I have said all I want to about this matter, and for one, having nothing against General Sternberg and everything, so far as I know, in his favor, I shall vote against the bill.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. The gentleman from Alabama is recognized to control the time in the negative.

Mr. UNDERWOOD. Mr. Speaker, I concur with what the gentleman from Illinois [Mr. CANNON] has said in reference to General Sternberg. He is an excellent gentleman, an able officer, a kindly man; but when are we going to stop using the money of the Government of the United States for gratuities to reward those men whom we personally like? Now, there are other bills before this committee of the same kind as this.

Mr. ADAMSON. Is the report on this bill unanimous?

Mr. UNDERWOOD. I do not know whether it is or not.

Mr. GAINES of Tennessee. From what committee does it come?

Mr. UNDERWOOD. From the Military Committee. I have not looked at the report or read it, but I know the facts. I will correct myself and say that I did read the report some days ago; but there is a bill before this committee for the promotion and retirement of Colonel Greenleaf. There is a bill before this committee for the promotion and retirement of General Smith. Neither of these bills has been reported. They have been hanging around here for years. Both are in the same Department, both excellent men, both men entitled to credit; but I agree that those bills ought not to be reported. Colonel Greenleaf and General Smith have had no members to curry favor with, because they have not been at the head of a great department; neither have they had the opportunity to go around and get up resolutions from State medical associations to come here and ask Congress to promote them. Now, that is all there is in this bill. My friend from Georgia [Mr. LIVINGSTON] stated the fact absolutely when he said he was going to vote for this bill, not because this man was going to promote the service of the United States, not because he is entitled to $2,000 a year more for the balance of his life, but because the State Medical Board of Georgia has asked that he be promoted.

Mr. LIVINGSTON. Mr. Speaker——

Mr. UNDERWOOD. If our constituents send us here to have State societies direct us how to cast our votes, we had better go home and let them send men here who can do their thinking for themselves.

Mr. LIVINGSTON. Will the gentleman permit me to correct him?

Mr. UNDERWOOD. Yes.

Mr. LIVINGSTON. The gentleman is badly mistaken when he says that I predicated my vote on the action of the board.

Mr. UNDERWOOD. I understood that to be what the gentleman said.

Mr. LIVINGSTON. No, sir; I gave that simply as an evidence that he was worthy. I want to ask the gentleman one question now. If the gentleman has not read the report of that committee, which he says he has not read, upon what does he predicate his opposition to the bill?

Mr. UNDERWOOD. I corrected that statement.

Mr. LIVINGSTON. I want to say that is a unanimous report, Democrats and Republicans both signing it. Now, you say you have not read it. Upon what do you predicate your opposition?

Mr. UNDERWOOD. I beg the gentleman's pardon. As I stated to your colleague from Georgia, I first said that I had not read the report, but I remembered that I had, and it is not on that report that I base my opposition. I know there is not a man who has ever occupied the position that General Sternberg has during the entire history of this Government who has ever been retired at a higher rank than brigadier-general. The men who occupied that high position during the civil war, with all the great responsibilities and duties that rested on them, were only retired as brigadier-generals; and now because this officer, an efficient officer, I grant you, has seen fit to go through the country and secure the indorsement of State medical boards in the various States to come here and lobby with us for his promotion, to pay him $2,000 a year more than his rank entitles him to and more than the law entitles him to, and more than anything else on earth entitles him to except that he wants as a gratuity to be paid $2,000 more a year retirement pay, without rendering any service to the Government of the United States, that is no reason why we should vote to do it.

I say if that hour and day has come when, because a man is a good fellow, because he has friends throughout the United States, because he is able from the various districts to petition that he may run his hand into the Treasury of the United States and appropriate to himself the money that is put there for the benefit of the people—if that hour has come, then I say this man is entitled to it. But if we are to stand here to do justice and to pay a man what he is entitled to and no more, there is no reason on earth why General Sternberg should be promoted above every other man that has ever occupied his position and be retired as a major-general rather than as a brigadier-general, and for that reason I oppose this bill.

Mr. Speaker, I yield five minutes of my time to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, this bill, like others that preceded it, raises a question which deserves consideration. Do existing laws make fair, reasonable, and ample provision for the retirement of superannuated military officers? If not, the general laws should be revised. If the pay of retired officers authorized by the statutes is insufficient, then a higher rate of pay should be allowed. I have observed that officers who reach the age of retirement find somewhere in the House or in the Senate, or both, a sufficient number of personal friends to secure the introduction and favorable report of bills recommending retirement, with a rank higher than that enjoyed during the time of service, with the pay of the higher rank; and so the matter invariably comes before us in such a way as to make the discussion personal instead of general.

When a bill of this kind comes up, to oppose it has the complexion of hostility to the beneficiary of the bill. This places members of the House in the attitude of personal hostility to the retiring officer, when, in fact, they only feel a repugnance to a proceeding that has become so frequent that the general laws governing the question are rendered nugatory. It is a new departure, this habit of giving to Army officers upon retirement for the remainder of their lives vastly larger pay than is provided by the general law. The sooner the House refuses to pass bills of this kind the better.

It is pertinent to inquire is this connection whether the statutes now in force do not generously provide for superannuated military officers. If one could enter civil employment with the understanding that during good behavior he would receive fair compensation for his services and at the end of a certain period of service be retired with three-quarters or four-fifths pay during the remainder of his life, we would look upon such a person as extremely fortunate. I believe the pay of our retired officers is large enough. I believe that to constantly increase the allowances is sheer extravagance. Presumably when an officer retires from active service, it is at a time of life when his necessities are no greater and presumably much less than during his earlier years. If he has a family, his sons and daughters have been educated. The expense of living of people of advanced years is certainly no greater than that of people in the meridian of life.

Very early in the history of the Government we concluded to provide in their declining years for our military officers. The laws on the statute books do this. I know of no case recently where a distinguished military officer has been retired without advancing his rank. We deal with them one by one and pass special laws as one after another is retired. If the pay provided for retiring officers is too small, the general law should be changed. If it is large enough, legislation originating in the circle of personal friends and promoted as a mere expression of good fellowship is wrong.

This rests upon the fact that he has been conspicuous in the

military service of the country for forty-one years. Has he been well paid during that time; did he seek the employment, and was he satisfied with it? There is no complaint that his emolument as an official was insufficient. The mere fact that retirement at three-fourth's pay is guaranteed to our officers makes it unnecessary for them during their service to make provision for old age which people in private employment are compelled to do. I see no reason on earth why bills like this should be brought in one after another. Every man gives some reason why a general law should be revised, and it should not be a personal matter, and then we could pass upon the general merits of the subject.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Speaker, I would like to know how much time I have remaining?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. UNDERWOOD. I yield three minutes to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, I think that the protest of the gentleman from Illinois is very timely. It occurs to me that there is no principle of justice which demands the passage of this measure. Certainly no appeal to the charitable feeling we have justifies its passage. It is sought to have Congress pass this measure upon the alleged ground of the long and distinguished services of the Surgeon-General. Mr. Speaker, the fact is, the proposition, stripped of all excuses, is simply a proposition to give General Sternberg larger pay than he has earned under the law under the general existing statute. The purpose is that he may be the recipient of a gratuity, a bounty from Congress.

Now, it is not right for the members of this House to take public money and devote it to such a purpose as that. The Surgeon-General, in his present rank as brigadier-general, will get three-fourths of the $5,500 that he draws as a brigadier-general; and under this measure, if this bill should become law, he would draw three-fourths of $7,500. He would get about $1,500 more than he is entitled to under the existing law. May I ask what right have we to take the public money, coming from the people by way of taxation, to give to some official who has been pleasant in his dealings with us, and who has rendered valuable service to his country? There is no officer to-day in public service, I dare to say, that could not make a strong case why he should be retired with increased pay.

Every man thinks he is entitled to more pay. Nearly every man on the floor of this House thinks he is entitled to more pay as a Congressman. Nearly every man here thinks that if the Government should go into this business, if it go into bounties for people who have served their country, there is, at least, the same reason for giving pay to men who have served here a long time as there is to a man like this one, who has drawn public pay for forty years. There must be an end to this evil. For one, I can not vote for this bill. Every time you pass a special bill of this sort you create a precedent that is going to give us trouble; and, while I do not worship precedents, I do not think we ought to pass any bill that may create a bad precedent hereafter.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. I yield four minutes to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Speaker, I concur in the position taken by the gentleman from Illinois [Mr. CANNON], that we should stop this kind of legislation. What does this bill propose? First, to promote an officer to a higher rank; second, then retire him; third, with an increased salary. Promote an officer, increase his salary, to do what? Nothing. This is a drastic and endless-chain policy that is in derogation of the public welfare. Throughout my career in Congress I have steadfastly opposed such laws.

But I have another reason which I might assign for retiring the distinguished gentleman for whose benefit this bill is proposed—General Sternberg. In his last official report, at page 127, General Sternberg says: "The health of the Army must be regarded as having been unusually good during the calendar year of 1900, the medical certificates of which are tabulated in the present report." Let us see, then, what the "present report" shows. This, mind you, is the professional and official opinion of General Sternberg. Bear in mind that he is speaking of "the health of the Army" encamped within the limits of the United States and elsewhere, and that he says the health of our Army "has been unusually good during the calendar year of 1900," as shown by the present report.

His report shows that before the Spanish war, in the year 1897, the death rate amongst our troops "serving in the United States" was "3.14 per 1,000 of men from 'disease' only;" that amongst our troops "serving in the United States" the death rate from "disease" only, in 1899, was 6.56 out of every thousand of men, and 4.83 in 1900 per 1,000 of men "serving in the United States." Even this showing demonstrates that the death rate was higher in the United States—that is, "amongst troops serving in the United States"—in 1900 than in 1897. But the troops "serving in the United States" was not the whole "Army," and as his report speaks of "the health of the Army," we will see now what his report shows the death rate from "disease" was amongst our troops serving outside of the United States—in our colonies.

This same report shows that a death rate of our troops serving in the Philippine Islands per 1,000 of men was, in 1899, 15.30, and in 1900, 20.26; that is, 5 more men died from disease in the Philippine Islands out of every thousand than in 1899, and about 17 more in 1900 than in 1897, before the Spanish war, when our troops were "serving within (the limits of) the United States."

This report further shows that our troops while serving in China died at the rate of 23.62 from "disease" out of every thousand of soldiers, or 20 more than when serving in the United States in 1897. These troops in China—the most of them—came from the Philippines, others from Cuba; and although China is a cold climate, they were so broken in health and poisoned with tropical disease that the death rate was greater in actual warfare than in 1900 or 1899, when in the Philippine Islands in actual warfare.

Yet this distinguished surgeon now asks Congress to promote and retire him, and on an increased salary, because of his great public service, his friends say, in the face of this professional and official opinion of his, incorporated in his official report and sent to Congress and given to the American people, to inform them that "the health of the Army" of the United States "must be regarded as having been unusually good during the calendar year 1900."

He would have Congress and the American people to read his opinion, and the young men who want to join the Army, at the same time setting forth certified information in his report that fairly overthrows and repudiates his opinion, and shows that it is unfounded and altogether misleading, however little he may have intended to mislead.

Now, when an officer of this Government will allow such official language as this, which I have quoted, to go before Congress and the American people to create, as it has created, the impression that "the health of our Army" is improving—"unusually good during the calendar year 1900"—I for one am ready to retire such a public officer, but without promotion and without an increase in his salary. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. HULL. How much time has the gentleman from Alabama remaining?

The SPEAKER. The gentleman from Alabama has four minutes remaining.

Mr. HULL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Iowa has fifteen minutes.

Mr. HULL. I will yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I admire as much as anybody can the stern economy of the gentleman from Illinois [Mr. CANNON] and the patriotism of the gentleman from Alabama [Mr. UNDERWOOD], who seem to think that if any bill is brought in here for the purpose of granting some reward to some man who has distinguished himself the members of the committee who report the bill, and the gentlemen of the House who vote for it, ought to be scolded. Now, the gentleman from Alabama says that men who come here and vote for bills of this sort, because medical societies ask them to do it, ought to stay at home and let somebody come here who has a mind of his own. I venture to say the gentleman from Alabama frequently votes for measures that come before the House in accordance with what he believes to be the views of his constituents.

Now, if there is any profession in this country that is qualified to say who of its members should be honored it is the medical profession. I am willing to take the views of the medical societies of this country upon a question as to whether or not a great surgeon and a great physician, a man who has rendered great services to his country and to science, is such a man as should be distinguished and honored by the American Congress. Such a man is General Sternberg.

Gentlemen talk about his having pay, and that, stripped of everything else, the only object of this measure is to give him additional pay. That is not correct. The reason why I support the measure is that, being familiar with the record of General Sternberg, knowing the services he has rendered, knowing that he has rendered distinguished services to his country, I believe that he is a fit subject for this Congress to bestow a high honor and a distinction upon.

Gentlemen say we ought to stop this kind of legislation—that it has gone far enough. I challenge any gentleman on this floor to point me to a bill of a similar character which has passed this Congress during the last six years, or even before that time. I would like to ask my distinguished friend from Missouri to tell

me when a bill has passed which is of a character like this. This is a bill which stands by itself. There has been no bill of the kind passed that I know of, except, perhaps, in the case of General Corbin, and even that was not on all fours with this bill.

Mr. CLAYTON. That is one reason why I am opposing this bill. I do not want to create a new precedent.

Mr. HAY. No; the gentleman said he opposed this bill because he wanted to stop this kind of legislation.

Mr. CLAYTON. And because I did not want to make any new precedent.

Mr. HAY. If it has not begun, how can it be stopped? What objection has the gentleman to bestowing an honor upon a gentleman who has rendered such distinguished service?

Mr. CLAYTON. I do not want to create a new precedent.

Mr. HAY. The gentleman does not want to do something that ought to de done.

Mr. CLAYTON. I do not agree with the gentleman that it ought to be done. I do not think we ought to spend the people's money in this way.

Mr. HAY. The gentleman is very chary of the people's money, and yet a great many bills go through this House spending the people's money and the gentleman makes no objection to them.

Mr. CLAYTON. I vote against them every time.

Mr. HAY. Oh, you vote against them every time.

Mr. HANBURY. Will the gentleman allow me?

Mr. HAY. Yes.

Mr. HANBURY. Is this the only meritorious case in the Army or in the Navy?

Mr. HAY. It is the only case now before Congress for action, and I don't know of any other case like it on the Calendar.

Mr. HANBURY. If we grant this one, will you guarantee that you will stop here?

Mr. HAY. I can not guarantee what Congress will do. I will say to the gentleman that the Committee on Military Affairs has voted down a general bill of this character.

Mr. CLARK. May I ask the gentleman a question?

Mr. HAY. Certainly.

Mr. CLARK. No Surgeon-General has ever been made a major-general.

Mr. HAY. No Surgeon-General of the Army, but General Van Reypen of the Navy has been retired on a rank similar to that.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HULL. I yield the gentleman from Virginia two minutes more.

Mr. CLARK. If this bill is passed, does not it follow that every retiring Surgeon-General hereafter will come in and apply to be retired as a major-general?

Mr. HAY. Not at all; it does not follow by any means.

Mr. GREEN of Pennsylvania. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. HAY. Certainly.

Mr. GREEN of Pennsylvania. Was this General Sternberg the surgeon who had charge of Camp George H. Thomas, at Chickamauga, during the war with Spain?

Mr. HAY. Not at all.

Mr. GREEN of Pennsylvania. I understood that he was.

Mr. HAY. This officer is the Surgeon-General of the Army, and did not have charge of any particular camp.

Mr. GREEN of Pennsylvania. But he had charge of the man who did have charge of that camp.

Mr. HAY. He had general supervision of that camp and of others, but he had no immediate charge of it.

Mr. GREEN of Pennsylvania. It seems to me he had his headquarters down there.

Mr. HAY. The gentleman is entirely mistaken. He ought to know that the Surgeon-General of the Army is stationed here at the War Department and has his headquarters here.

Mr. GREEN of Pennsylvania. We heard a good deal about him down there.

Mr. HAY. You are thinking of your friend from Pennsylvania, General Huidekoper. [Laughter.]

Mr. GAINES of Tennessee. As I understand, the gentleman from Virginia [Mr. HAY] states that his committee has refused to report a general bill of this kind.

Mr. HAY. Yes, sir.

Mr. GAINES of Tennessee. Why?

Mr. HAY. Because we did not think that such legislation would be wise or proper. This is a bill that stands by itself—stands on its own merits—stands on the merits of the man concerned.

Mr. GAINES of Tennessee. Could not the other bill stand on its merits?

Mr. HAY. It had to do that; but we did not think it had sufficient merit to justify us in reporting it.

Mr. GAINES of Tennessee. Then you think this is an isolated case?

Mr. HAY. I think so. I think that this gentleman has rendered such service as to make it so.

Mr. GAINES of Tennessee. Has any other bill of this kind been reported from your committee?

Mr. HAY. Not that I know of.

Mr. GAINES of Tennessee. Is there not one for Haywood?

Mr. HAY. That is a bill which, if reported at all, must have come from the Committee on Naval Affairs, not from the Committee on Military Affairs.

The SPEAKER. The time of the gentleman from Virginia [Mr. HAY] has expired.

Mr. HULL. I yield five minutes to the gentleman from Georgia, Mr. Adamson.

Mr. ADAMSON. Mr. Speaker, when the gentleman from Alabama [Mr. UNDERWOOD] was on the floor I asked him a question with the purpose of ascertaining the situation of this matter before the Committee on Military Affairs and why no member of that committee on this side took charge of this debate rather than gentlemen who are not members of that committee. The gentleman from Alabama being unable to answer my question, I procured a copy of the report, and I find that it is unanimous.

Now, this House does its business mainly, almost entirely, through committees. I find that in the Committee on Military Affairs each side of the House is represented by able gentlemen. When that is the case, members of the committee on both sides joining in a report, I generally accept that report, unless some unusual and overpowering reason appears for adopting the contrary course. If the question involved is a partisan question, and if any member of the committee dissents, it is generally safe to go with the man who is farthest away from the Republicans, for he is generally, according to my notion, found to be nearer right.

But on this question, as I understand, Mr. Speaker, there is not any politics; and on questions connected with the Army and Navy of the United States there ought never to be any politics. A distinguished admiral of our Navy was laughed at a few years ago when he said he did not know whether he was a Democrat or a Republican. But, sir, in Army and Navy matters—in appointments and promotions of officers of the Army or the Navy—there ought not to be any indication of any knowledge of the politics of the persons concerned or any political motives moving to action.

Now, Mr. Speaker, inasmuch as there is a unanimous report of the members of this committee, and as no gentleman on the committee rises to oppose this bill, and inasmuch as a perusal of the report shows that the members of that committee were not derelict in duty in the investigation of this bill, but took all measures for reaching a correct conclusion, and did, in my judgment, reach a correct conclusion, I intend to vote for the bill.

Mr. HULL. I ask the gentleman from Alabama [Mr. UNDERWOOD] to occupy now the remainder of his time.

The SPEAKER. The gentleman from Alabama has four minutes remaining.

Mr. UNDERWOOD. Mr. Speaker, I wish to call the attention of the House to the fact that General Sternberg receives as a brigadier-general $5,500 a year. In addition to that he receives, I understand, longevity pay amounting to 40 per cent of his regular salary.

Mr. HULL. Oh, no; he does not get any "fogy" pay, as it is called.

Mr. UNDERWOOD. I understood he did.

Mr. HULL. No, sir.

Mr. UNDERWOOD, Well, then, as a brigadier-general he would retire on three-fourths of his salary of $5,500. As a major-general he will retire on three-fourths of $7,500.

Now, here is the whole proposition presented to us. The Government of the United States is not supposed to pay officers in any branch of its service unless they render value received. In other words, this Government is not supposed to grant to its citizens annuities, bounties, gratuities. It is not in conformity with our ideas of a republican form of government. Of course I know that there are other governments which do this. The English Government does that. It is talking now about granting a great gratuity to General Kitchener when he returns to England for defeating the Boers in their effort to maintain their liberty. Those things are done by other governments, but it is not supposed to be done by our Government.

Now, no matter what the services of General Sternberg are, how valuable they have been, this bill, as my friend from Virginia [Mr. HAY] says—and I am not disposed to lecture anybody, but I can not agree with some of my friends here who think that a member of this House ought to shut his brains and his mind when a committee comes in here and brings in a report, whether they agree with him or not, and if I am on a committee and make a report to this House I am perfectly willing for every other member

of the House to disagree with it, and I claim only that privilege to myself——

Mr. HAY. Mr. Speaker, I did not claim that.

Mr. UNDERWOOD. I am referring to the gentleman from Georgia [Mr. ADAMSON]. All I say is this: General Sternberg has been promoted in the service to the highest rank of his corps; he has received all the honors that this Government has ever bestowed on any man occupying his position, and there are great men who have filled the place.

Mr. VANDIVER. Mr. Speaker, will the gentleman permit an interruption?

Mr. UNDERWOOD. Yes.

Mr. VANDIVER. How long has this valuable service of General Sternberg's continued that it should merit such great promotion?

Mr. CAPRON. Forty-one years.

Mr. UNDERWOOD. The gentleman has been in the Army for forty-one years. I do not know how long he has been serving as Surgeon-General, but from all the reports I say he has been an able and efficient officer.

Mr. CLAYTON. He has been Surgeon-General nine years.

Mr. UNDERWOOD. I do not question that, but I do say that when you go out of your way to grant him this gratuity, to make him a major-general simply because there is a sentiment worked up in the United States for that purpose, a manufactured sentiment, then you simply open the door to have the brigadier-general who is the head of the Commissary Department of the Army, and the brigadier-general who is the head of the Quartermaster-General's Department, and every other brigadier-general who heads a great department in the Army of the United States, to come here with his friends to tell you what efficient services he has rendered to the Army and to the Government of the United States and ask you to give him for the balance of his life $2,000 additional pay to that which he contracted to receive when he entered the service, and which the Government of the United States contracted to pay him. There is no reason on earth why this man should be given this gratuity, except that you say you give it to him because he is a good fellow, and has friends among the physicans of this country, scattered between two great oceans.

Mr. VANDIVER. Mr. Speaker, the gentleman slightly misunderstood my question. I mean how long has he been in the service in his present rank?

Mr. UNDERWOOD. About nine years.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. JETT].

Mr. JETT. Mr. Speaker, I think that most every member of this House has known my position upon the question of the retirement of Army officers. I did on one occasion express myself very freely in relation to this subject, but in this particular case I am in favor of extending this honor to the Surgeon-General of the Army, General Sternberg. It is not because of the fact that I desire to give him more money, but it is because of the fact that I think he is entitled to this recognition for the great aid and assistance which he has rendered to humanity, and if any gentleman who is opposing this bill will undertake to and make that character of investigation that this committee has made, I feel sure that he will reach the same conclusion that the members of the committee have reached.

Mr. HULL. Mr. Speaker, I want to say one word in conclusion, and especially in reference to the statement made by the gentleman from Alabama [Mr. UNDERWOOD] as to the amount of pay. It is the advancement of one grade for General Sternberg if this bill shall pass the House; it is an increase of pay of $1,500 a year, three-quarters of the difference between a major-general and a brigadier-general, and I want to say to the gentleman from Alabama that the total pay on the retired list, if this bill shall pass the House, as I figure it, would be $5,625 a year. And if you will take into consideration the distinguished ability of this man, his long service, his contributions to the cause of science, no man in this House will believe for a moment that in private life he could not have made seven or eight times as much as his salary as an Army officer.

Mr. CLAYTON. Then, why did he not get out and go at it?

Mr. HULL. The point as to the pay, in my judgment, has nothing to do with this question. It is a question of recognizing the Surgeon-General of the Army in a small way.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. HULL. No.

The SPEAKER. Does the gentleman from Iowa yield to his colleague?

Mr. HULL. Not for the present. I will in a minute. The question before this House is whether a man of forty-one years' service—nine years as Surgeon-General of the Army, with distinguished service in the cause of science—shall receive a recognition at the time of his retirement that will place him on an equality with his brother officer of the Navy. That is the main question here. I think he has earned it, and I do not believe this House is establishing a dangerous precedent when it grants it.

Mr. HEPBURN. I understand the gentlemen who have participated in this debate to say that this is a new case; that this has never been done before with regard to any officer of this grade in this branch of the service.

Mr. HULL. I will say to the gentleman that since I have been on the committee I do not remember any case where a bill has passed Congress providing that a man on retirement should be advanced a grade—that is, an individual bill.

Mr. HEPBURN. Then it is a reward for some peculiarly distinguished service. It is our method of decorating an officer because of something remarkable that he has done in his service. Now, will the gentleman kindly point out to the House what this particular officer has done in the way of great contributions to science; not in general terms, but what he has done? That is what I want to know.

Mr. HULL. Well, I will say, for one thing, that the administration of the Army, after the organization was completed, not in the first stage, when we multiplied our Army ten times, but after the system had been devised, has been such that the percentage of sickness in the Philippines has been less than in any other army that we have ever had.

Mr. CAPRON. Will my friend yield for a moment?

Mr. HULL. Yes.

Mr. CAPRON. I should like to state to the gentleman from Iowa [Mr. HEPBURN], in answer to his inquiry as to what the Surgeon-General has done that was remarkable in advancing the cause of science, that if he had only done the one thing of discovering, by his examination and careful investigation, a method of destroying yellow fever in the island of Cuba by destroying the mosquito which carried the yellow-fever germ, that would have been sufficient to decorate him as a man entitled to the highest place in medical science in the whole world.

Mr. HEPBURN. Does the medical profession give this gentleman the credit of that discovery?

Mr. CAPRON. I understand that it is generally accredited to General Sternberg by the entire medical profession.

Mr. HEPBURN. I never heard of it before.

Mr. CAPRON. There are a great many things the gentleman never heard of before.

Mr. HULL. It does seem to me that the importance of this bill is not of that overpowering nature that men should be afraid of making a precedent of it. So far as I am concerned, since Congress passed the Navy personnel bill, by which every man who served in the Navy during the civil war and was in the Navy at the time of the passage of the bill was entitled to promotion one grade on retirement, I have been in favor of giving the Army equal credit and equal honor.

The Committee on Military Affairs have practically decided against that, and, through the action of the minority largely, have decided in favor of letting each individual stand upon his own merits; and with that idea in view this bill is brought before the House.

The SPEAKER. The gentleman's time has expired. The time for debate on both sides has expired. The question is on the motion of the gentleman from Iowa to suspend the rules and take from the Speaker's table the bill which is under consideration and pass the same.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HULL demanded a division.

Mr. UNDERWOOD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 69, nays 102, answered "present" 11, not voting 109; as follows:

YEAS—69.

Adamson,	Eddy,	Mondell,	Steele,
Alexander,	Esch,	Moody, N. C.	Stewart, N. J.
Allen, Me.	Evans,	Moody, Oreg.	Storm,
Bates,	Fletcher,	Mudd,	Sulloway,
Brick,	Graham,	Overstreet,	Tawney,
Bromwell,	Greene, Mass.	Parker,	Taylor, Ohio
Brown,	Grosvenor,	Patterson, Pa.	Taylor, Ala.
Brownlow,	Hamilton,	Payne,	Tompkins, Ohio
Burton,	Haskins,	Prince,	Van Voorhis.
Capron,	Hay,	Ray, N. Y.	Vreeland,
Connell,	Hull.	Reeves,	Wadsworth,
Coombs,	Jenkins,	Rumple,	Wanger,
Corliss,	Jett,	Shafroth,	Warnock,
Cousins,	Ketcham,	Showalter,	Watson,
Cushman,	Lessler,	Sibley,	Woods.
Dalzell,	Littlefield,	Smith, Iowa	
Deemer,	Livingston,	Southwick,	
Draper,	McLachlan,	Sperry,	

NAYS—102.

Ball, Tex.	Bowie,	Burnett,	Cochran,
Barney,	Breazeale,	Candler,	Cooney,
Bartlett,	Brundidge,	Cannon,	Cowherd,
Ball,	Burgess,	Cassingham,	Cromer,
Bellamy,	Burkett,	Clark,	Crumpacker,
Bowersock,	Burleson,	Clayton,	Davis, Fla.

De Armond,	Kehoe,	Moss,	Smith, Ky.
Edwards,	Kern,	Needham,	Smith, H. C.
Finley,	Kitchin, Claude	Neville,	Spight,
Fitzgerald,	Kitchin, Wm. W.	Nevin,	Stark,
Gaines, W. Va.	Kleberg,	Perkins,	Stephens, Tex.
Gibson,	Lamb,	Pierce,	Sulzer,
Glenn,	Landis,	Powers, Mass.	Sutherland,
Green, Pa.	Lanham,	Randell, Tex.	Thayer,
Hanbury,	Latimer,	Ransdell, La.	Thomas, Iowa
Haugen,	Lawrence,	Reeder,	Tirrell,
Henry, Conn.	Little,	Reid,	Tompkins, N. Y.
Henry, Miss.	Lloyd,	Rhea,	Underwood,
Hepburn,	McCall,	Richardson, Tenn.	Vandiver,
Hitt,	McCulloch,	Rixey,	Wachter,
Hooker,	McLain,	Robinson, Nebr.	Warner,
Howard,	McRae,	Ryan,	Williams, Ill.
Irwin,	Maddox,	Shallenberger,	Williams, Miss.
Johnson,	Mercer,	Sims,	Wooten.
Jones, Va.	Minor,	Slayden,	
Jones, Wash.	Morgan,	Small,	

ANSWERED "PRESENT"—11.

Gilbert,	Knapp,	Naphen,	Wheeler,
Griggs,	Lacey,	Rucker,	Wright.
Grow,	McClellan,	Thompson,	

NOT VOTING—169.

Acheson,	Dick,	Joy,	Powers, Me.
Adams,	Dinsmore,	Kahn,	Pugsley,
Allen, Ky.	Dougherty,	Klutts,	Richardson, Ala.
Aplin,	Douglas,	Knox,	Robb,
Babcock,	Dovener,	Kyle,	Roberts,
Ball, Del.	Driscoll,	Lassiter,	Robertson, La.
Bankhead,	Elliott,	Lester,	Robinson, Ind.
Bartholdt,	Emerson,	Lever,	Ruppert,
Beidler,	Feely,	Lewis, Ga.	Russell,
Belmont,	Fleming,	Lewis, Pa.	Scarborough,
Benton,	Flood,	Lindsay,	Schirm,
Bingham,	Foerderer,	Littauer,	Scott,
Bishop,	Fordney,	Long,	Selby,
Blackburn,	Foss,	Loud,	Shackleford,
Blakeney,	Foster, Ill.	Loudenslager,	Shattuc,
Boreing,	Foster, Vt.	Lovering,	Shelden,
Boutell,	Fowler,	McAndrews,	Sheppard,
Brantley,	Fox,	McCleary,	Sherman,
Bristow,	Gaines, Tenn.	McDermott,	Skiles,
Broussard,	Gardner, Mich.	Mahon,	Smith, Ill.
Bull,	Gardner, N. J.	Mahoney,	Smith, S. W.
Burk, Pa.	Gill,	Mann,	Smith, Wm. Alden
Burke, S. Dak.	Gillet, N. Y.	Marshall,	Snodgrass,
Burleigh,	Gillett, Mass.	Martin,	Snook,
Butler, Mo.	Goldfogle,	Maynard,	Southard,
Butler, Pa.	Gooch,	Metcalf,	Sparkman,
Calderhead,	Gordon,	Meyer, La.	Stevens, Minn.
Caldwell,	Graff,	Mickey,	Stewart, N. Y.
Cassel,	Griffith,	Miers, Ind.	Swanson,
Conner,	Hall,	Miller,	Talbert,
Conry,	Heatwole,	Moon,	Tate,
Cooper, Tex.	Hedge,	Morrell,	Thomas, N. C.
Cooper, Wis.	Hemenway,	Morris,	Tongue,
Creamer,	Henry, Tex.	Mutchler,	Trimble,
Crowley,	Hildebrant,	Newlands,	Weeks,
Currier,	Hill,	Norton,	White,
Curtis,	Holliday,	Olmsted,	Wiley,
Dahle,	Hopkins,	Otjen,	Wilson,
Darragh,	Howell,	Padgett,	Young,
Davey, La.	Hughes,	Palmer,	Zenor.
Davidson,	Jack,	Patterson, Tenn.	
Dayton.	Jackson, Kans.	Pearre,	
De Graffenreid,	Jackson, Md.	Pou,	

So the motion to suspend the rules and pass the bill was rejected, two-thirds not voting in favor thereof.

The following additional pairs were announced:

Mr. BISHOP with Mr. LESTER, for this day.

Mr. SHERMAN with Mr. RUPPERT.

Mr. JOY with Mr. LEVER.

On this vote:

Mr. BARTHOLDT with Mr. WILEY.

Mr. LACEY with Mr. SNODGRASS.

Mr. DAHLE with Mr. SPARKMAN.

Mr. GILL with Mr. FEELY.

Mr. HEMENWAY with Mr. MAHONEY.

Mr. MANN with Mr. MICKEY.

Mr. RANDELL of Texas. Mr. Speaker, I was listening for my name, and it was not called. I wish to vote.

The name of Mr. RANDELL of Texas was called, and he voted "nay."

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. BOUTELL]. I am informed that he is not present, and I therefore desire to change my vote from "nay" to "present."

The name of Mr. GRIGGS was called, and he voted "present."

Mr. McCLEARY. Mr. Speaker, I would like to be recorded as "present."

The SPEAKER. Did the gentleman vote?

Mr. McCLEARY. I did not.

The SPEAKER. Was the gentleman listening to his name, when his name was called?

Mr. McCLEARY. I was temporarily out of the Hall, Mr. Speaker.

The SPEAKER. The gentleman has no more right to be recorded "present" than to vote. The condition to enable him to vote is that he must be able to say that he was in his place and listening when his name was called, and if he was unable to hear it he would have been entitled to vote.

Mr. McCLEARY. I was in during a part of the roll, but not when my name was called.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 31, 1902:

H. R. 8466. An act granting a pension to Lucinda A. Sirwell;

H. R. 9226. An act granting a pension to Elizabeth I. Ogden;

H. R. 9249. An act granting a pension to Amos Allport;

H. R. 9928. An act granting pension to Benjamin E. Styles;

H. R. 11343. An act granting a pension to Mary Louise Lowry;

H. R. 12685. An act granting a pension to Hiram J. Springfield;

H. R. 13350. An act granting a pension to Presley P. Medlin;

H. R. 13807. An act granting a pension to Jeremiah Horam;

H. R. 14099. An act granting a pension to Samantha B. Van Brocklin;

H. R. 8921. An act granting an increase of pension to Jesse C. Rhodabeck;

H. R. 9437. An act granting an increase of pension to Elias A. Calkins;

H. R. 9569. An act granting an increase of pension to Albert Beits;

H. R. 9926. An act granting an increase of pension to James F. Patton;

H. R. 10165. An act granting an increase of pension to Delia E. Slocum;

H. R. 10201. An act granting an increase of pension to Otis R. Freeman;

H. R. 10731. An act granting an increase of pension to Samuel P. Milburn;

H. R. 11285. An act granting an increase of pension to William Sheldon;

H. R. 11644. An act granting an increase of pension to Edgar A. Hamilton;

H. R. 11921. An act granting an increase of pension to George W. De Graw;

H. R. 12012. An act granting an increase of pension to Walter C. Tuttle;

H. R. 13753. An act granting a pension to Hannah T. Knowles;

H. R. 12778. An act granting an increase of pension to Edward R. Blair;

H. R. 12458. An act granting an increase of pension to William M. Barstow;

H. R. 12562. An act granting an increase of pension to William H. Temple;

H. R. 12780. An act granting an increase of pension to William H. Wheeler;

H. R. 13132. An act granting an increase of pension to Annie Cotter;

H. R. 13162. An act granting an increase of pension to Augustin M. Adams;

H. R. 13249. An act granting an increase of pension to Ada Trowbridge;

H. R. 13265. An act granting an increase of pension to John Whalen;

H. R. 13266. An act granting an increase of pension to Elbert N. Remson; and

H. R. 13503. An act granting an increase of pension to Charles Haltenhof.

TRANSFER OF CERTAIN FOREST RESERVES TO THE CONTROL OF THE DEPARTMENT OF AGRICULTURE.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That it shall be in order immediately upon the adoption of this resolution to take up and consider in the House, as in the Committee of the Whole, the bill (H. R. 11536) entitled "A bill to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purpose," and consider the same until disposed of by the House.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. LACEY. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa and the gentleman from Tennessee are recognized.

Mr. LACEY. Mr. Speaker, this bill has been on the Calendar since last March, but instead of moving to suspend the rules and pass the bill with the amendments it was thought best that it be

considered in the House as in Committee of the Whole, because there might be some additional amendments suggested, and some question as to some amendments. I will say briefly in outlining this bill that it is a measure that was introduced to carry out the suggestion of the President in his message to Congress last December. The details of the bill, briefly, are these: There are certain reservations that have been fully surveyed, their boundaries definitely established, and their permanency agreed upon. There are certain other forest reserves whose boundaries are yet in process of alignment.

This proposition is to permit the President to issue an Executive order and transfer to the Department of Agriculture such of the reservations only as have been finally and fully established as to their boundary lines. It also provides, second, that with the consent or at the request of the governor of any State in which a forest reserve is located the whole or a part of such reservation may be set apart as a game preserve. Now, practically these are the two features of this bill. At the present we have two bureaus of forestry, one under the Department of the Interior and the other under the Department of Agriculture. The Department of Agriculture is better adapted for the permanent care and permanent protection of such of the reserves as have been fully and finally established as to their boundaries. On the other hand, as to those reservations whose boundaries are still in process of delimitation, the Department of the Interior is now the better to control the same.

In a general way this bill provides for these two matters. As to creating forest reserves or transferring them or portions of them into game preserves, it was thought best not to attempt to do that in any State without the consent of the State. That would result, first, in having a concerted action on the part of the State and a mutuality of action which would lead to harmony and prevent the establishment of such reserves where they are not wanted.

On the other hand, it would enable the Executive, with the consent of the governor of the State, to set apart one of these reserves in each State or a part thereof, or even more if the governor of the State should so agree, as a haven of refuge in which the wild animals and birds could breed and from that point spread out over the State. This would not interfere with the other uses of the forest reserve. In other words, it would set apart a breeding ground where desired by States for that purpose. This is practically all there is in this bill, and with this explanation I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question with reference to the bill.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. LACEY. I will yield.

Mr. STEPHENS of Texas. Does this change the law with reference to mining upon the reserves?

Mr. LACEY. It does not.

Mr. STEPHENS of Texas. I understand that at present the forest reserves are subject to the mining laws.

Mr. LACEY. They are.

Mr. STEPHENS of Texas. And this makes no change?

Mr. LACEY. No change of any existing law except it transfers the control and administration to the Department of Agriculture, and as to allowing the whole or a part of such reserve as the State may desire to be set apart as a game reserve. I would suggest, in answer to my friend from Texas, that this bill under this resolution will be read in the House as in Committee of the Whole, and give full opportunity to look at all the details of the bill.

Mr. CANNON. Will not the gentleman from Iowa modify his motion to suspend the rules and let the bill be considered in the Committee of the Whole House?

Mr. LACEY. Instead of in the House as in Committee of the Whole?

Mr. CANNON. Yes; for this reason: For the first time I have read it—not thoroughly, but only glanced at it—and it seems to me that there ought to be some general debate on it. It seems to me there ought to be that freedom of amendment and discussion that would come in the Committee of the Whole House. This legislation goes a long way, as my friend knows. It may be that it is wise, but it creates a forestry bureau in the Agricultural Department——

Mr. LACEY. Oh, my friend is mistaken about that.

Mr. CANNON. Well, it transfers it——

Mr. LACEY. That bureau has been in existence for years.

Mr. CANNON. It transfers the forest reserves of a certain kind to the Agricultural Department and it keeps the forest reserves of another kind in the Department of the Interior. In addition to that it comes with a wonderful sweeping provision in some of its criminal features; by regulation of the Department the regulation becomes law with a penalty, and it provides further, among other things, in the broadest possible way, that reserves may be set aside for the protection of game and preservation of animals that are about to disappear. It provides in the broadest possible way for keepers and all that kind of thing, and section 8 does what I have never known to be done it my recollection; it says that all costs and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as like costs and expenses in the courts of the United States are certified and approved of under the laws of the United States.

Mr. LACEY. I will say to my friend from Illinois, in answer to that suggestion, that section 8 is existing law, and it was put in there out of caution so as to make it certain that no different method of accounting would be required from that under existing law.

Mr. CANNON. And yet section 8 is broad enough and has that wonderful power that is meant, as I understand it, to do anything and everything; it provides for agents and regulations, preservations, and having costs certified and paid. I do not speak of that as an argument against the bill. It may be that it is absolutely proper; I am not prepared to say in two minutes that it is not; but I make the remark to see if the gentleman is not willing to modify his motion and let us consider the matter in Committee of the Whole. I would be glad if the gentleman could see his way to modify his motion and let this very important matter be considered as it should be in Committee of the Whole.

Mr. BELL. Mr. Speaker, I would like to ask if this goes into Committee of the Whole, it may not be passed by a majority vote?

Mr. CANNON. Oh, well, this is a motion to suspend the rules to consider, and it takes two-thirds to do that. It would take two-thirds to send it to the Committee of the Whole. Of course it takes two-thirds to suspend the rules. I am not antagonizing, so far as I am concerned, the consideration of the measure; I am willing that it be considered; but I believe it is of so much importance that I will again ask my friend [Mr. LACEY] if he will not modify his motion.

Mr. LACEY. Mr. Speaker, personally, of course, I would be quite as willing to have the bill considered in Committee of the Whole as considered in the House as in Committee of the Whole. I see substantially no difference.

The SPEAKER. The Chair will state to the gentleman that it will require unanimous consent for the gentleman to modify his motion now.

Mr. LACEY. I will then ask unanimous consent to make the modification.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] asks unanimous consent to modify his motion so as to move that the bill be considered in Committee of the Whole instead of being considered in the House as in Committee of the Whole. [A pause.] The Chair hears no objection, and that modification is made.

Mr. LACEY. Now, I reserve the balance of my time.

The SPEAKER. If the proposition of the gentleman from Iowa in its present form be adopted the bill will be considered in Committee of the Whole House on the state of the Union, not in the House as in Committee of the Whole. The gentleman from Iowa reserves his time.

Mr. RICHARDSON of Tennessee. If I understand, the question as now presented to us in parliamentary form is about this: Those who are opposed to the passage of this measure should vote against the adoption of the resolution as it now comes before us—that is, should vote against considering the bill in the Committee of the Whole—because if this resolution be defeated the bill can not be considered at all to-day except by unanimous consent, which, I take it, can not be obtained. A vote of two-thirds, therefore, against the adoption of this rule will defeat the bill. If, however, the proposed rule should be adopted and the House should consider the bill in Committee of the Whole, then, as stated by the gentleman from Illinois [Mr. CANNON], a majority of the House can, if they see fit, pass the bill in the Committee of the Whole and also in the House of Representatives.

Mr. LACEY. And it would be subject to amendment in Committee of the Whole.

Mr. RICHARDSON of Tennessee. Of course, as are all other bills. But the point I wish to emphasize is that if it is desired to defeat the measure those who wish to defeat it would do so most effectually by voting against the adoption of this rule, which, as has been stated, will require a two-thirds vote.

I am not familiar enough with the provisions of the bill to discuss it fully on its merits; but it seems to me it is a bill of too much importance to be considered any other way than in Committee of the Whole House. The bill increases the number of officers; it transfers various matters pertaining to the forest reserves now belonging to the Interior Department to the Agricultural Department; but it does not transfer the whole subject-matter. The result, it seems to me, would be that we should have

a part of this forest-reserve business administered in the Agricultural Department and another part in the Interior Department, and, as stated in the views of the minority, which I have glanced at hastily, this arrangement must result in great confusion.

Mr. STEPHENS of Texas. It seems also to contemplate that the State or Territorial laws shall have jurisdiction over certain offenses committed in these reserves, while the Federal courts shall have jurisdiction of certain other offenses.

Mr. RICHARDSON of Tennessee. I noticed that also. It seems to me the bill will make such confusion as to render it almost impossible to administer affairs properly in the two departments.

I now yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, we in the West are opposed generally to any change in this respect. I can certainly say that such is the sentiment of my own district. We have had up the question of these timber reserves for the last eight or nine years. It has been a constant trouble to everybody. We have, with great patience and endurance, found out what the theory of the Secretary of the Interior is. We have now come to a point where we can deal with him. But it is proposed now to divide the authority—to give the Secretary of the Interior one part of the administration and to confer jurisdiction for another portion upon the Agricultural Department. We are to learn and conform to another chief's ideas of running these reserves and be a shuttlecock between the two departments.

There are 46,000,000 acres of public domain in these reservations. This tract includes practically every stick of timber in certain counties, so that there is no chance to get a load of wood except off of one of these reservations. It takes all the grazing ground of a number of counties. When these great reserves were set apart we were told they would only be used as conservators of the water and our rights to graze would not be disturbed. That policy has been changed several times, and now this bill purposes converting it into game preserves, buffalo farms, etc. For years a company has been pleading with Congress for a lease of a million acres of Government ground for a buffalo pasture and many members favored giving it to them. This bill provides for such a scheme. We want none of it in Colorado.

Now, we have reached some kind of a conclusion with the Secretary of the Interior, with great trouble and after long delay. As a result of the delay and the troubled condition the settlers generally are now so prejudiced against these reservations in Colorado that they are, as it were, up in arms for the repeal of every reservation in the State. These reservations are the subject of enmity on the part of the people. You establish a lot of English game preserves for the sporting elements of the country and no uncertain sound will come from the deluded settlers that you led into such a trap. Now, if I have time, I would like to have read at the Clerk's desk what the secretary of the Live Stock Association says about these reservations. We had this question up before the Committee on the Public Lands three or four days ago upon a leasing bill.

I hope I may have time to have read this letter, which gives the ideas of the Live Stock Association whose stock grazes on these lands that are included in these reservations. These are the persons who were enticed into, in a manner, acquiescing in the reservations on the repeated assurance that the Government would make no use of ground, but would protect the timber as a conservator of the water supply and permit the usual grazing privileges on the public domain. This letter gives the local opinions as to this policy and how it has developed. I suppose now the fish, game, and buffalo preserve must take the place of the cow, horse, and sheep, that the necessities of the poor shall be subverted for the amusement of those with much leisure to pleasantly dispose of.

The Clerk read as follows:

NATIONAL LIVE STOCK ASSOCIATION,
Denver, Colo., May 29, 1902.

Hon. JOHN C. BELL,
House of Representatives, Washington, D. C.

DEAR SIR: I desire to sincerely thank you for your statement made before the House Committee on Public Lands yesterday in reference to the matter of forest reserves.

You were perfectly correct in your statement that the Western people are opposed to any extension of these reserves, and also bitterly opposed to the mistaken proposition of the Government in excluding live stock from the reserves already set aside.

I have traveled all over the Western States and Territories during the past four years in connection with the work of this association, and there is not a live stock organization in the West that has not and would again pass resolutions opposing these two propositions. In the first place, these reserves are usually set aside upon the petition of the National Forestry Association, with headquarters in some codfish district in Massachusetts or Maine, the members of which know no more about the Western conditions and Western reservations than a Filipino does about Latin. These petitions are backed up by secretaries of perfunctory chambers of commerce and commercial organizations, who generally bring about the order of the Government, which is not opposed by stockmen for the reason that they are too busy with their duties on the ranges and ranches.

In Utah you are aware that there recently has been 2,000,000 acres of land withdrawn from the Uinta Mountains. This is the only tract of land in the mountains of Utah that has not already been set aside as a reserve. If this territory is set aside as a reserve, there will be no land in the State of Utah in which stock can graze in the summer time, it being impossible for them to live in the deserts. This will be a severe blow to the live-stock industry of Utah. In the sand hills of western Nebraska they have withdrawn vast tracts of sand hills for the purpose of a reservation. There is not a tree on hundreds of miles of this land, and never will be. It is only fit for grazing purposes, and never will be fit for anything else.

These reservations generally include tracts of agricultural and grazing lands, and the exclusion of stock from the use of these grasses is a hardship upon the stockmen at this time when grazing land and grasses are so scarce.

There is only one section in the West that I know of where the people seem to be in favor of the extension of reservations, and that is in a portion of Wyoming.

Yours, very truly, C. F. MARTIN, *Secretary.*

Mr. RICHARDSON of Tennessee. Mr. Speaker, I now yield three minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, this bill is one of very great importance, and the questions involved in it should be carefully considered before action is taken. The committee was not unanimous in its opinion relative to this matter. A minority report was made and signed by four of the members of the committee. We believe that it involves, as has been already stated, an unnecessary multiplication of offices, and it seems to me that the proposition involved in this bill is like taking the mountain to Mahomet instead of Mahomet to the mountain.

In the Department of the Interior we have different bureaus and divisions, with the officers looking after the public lands today, not only the public lands within the forest reserves, but the public lands outside of the forest reserves. In the Department of Agriculture there is one bureau looking after forestry, especially in its scientific aspect. Now, the proposition of this bill is not to take the one bureau or one division in the Department of Agriculture and put it in the Department of the Interior, where they have the officers already adapted to looking after the public domain, but it is to take the business of the Interior Department over to the Department of Agriculture, where they have but the one bureau. Then we will have two rival jurisdictions, you might say; in other words, they do not take from the Department of the Interior the questions relating to the adjudication and care of public lands and forests outside of the forest reserves, but they do take from it the care of the lands and forests in the reserves.

The Bureau of Forestry of the Department of Agriculture under this bill would simply have charge of the lands within the forest reserves, and the forests outside of the reserves would be still left to the Department of the Interior. Now, it seems to me that if we are going to make any change in this matter at all it were better to leave the forests as they are now, already in charge of the Interior Department, where they have all the officers and all the machinery necessary to care for it, and transfer the Bureau of Forestry of the Agricultural Department to the Interior Department. If they need more help, if they need another bureau, put it in the Department of the Interior. If any transfer ought to be made, it seems to me that the Bureau of Forestry ought to be taken from the Agricultural Department, with its officers, and placed under the Department of the Interior.

The Interior Department has its rangers, forest superintendents, and all its officers to look after the putting out of fires. They can go outside of the forest reserves onto the public lands generally, and it seems to me if we make this change we will still have to keep these officers to look after the forests of the public lands outside of the reserves. In other words, we would have a duplication of officers and a duplication of expenses that we have now. Mr. Speaker, I yield back the balance of my time to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, there are two parts of this bill which treat of entirely separate subjects. If this were simply the establishment in forest reserves of game reserves, I would have no objection to the bill, but the provision which is contained in the first section of this bill is that there shall be transferred from the Interior Department the administration of the forest reserves of this Government, namely, 46,000,000 acres of forests. We have now a complete corps of officers to attend, not only to the forest reserves, but also to the entire forest public lands, and they consist of 531 employees, most of them called rangers.

For the Government now to transfer to the Agricultural Department the care of the forest reserves would of necessity require the creation of a new force. In other words, the Agricultural Department would have control of a certain part of the public domain and still the rangers in the Interior Department would be retained in order to take care of and prevent forest fires on the public lands that are not within the forest reserves. Consequently, it creates rival jurisdictions and rival bureaus. Here is a line which marks the space between the forest reserve and the public forest timber not in the forest reserves.

The Agricultural Department would have jurisdiction of all

trespasses, of all offenses committed on one side of that line, and on the other side of that line the Interior Department would have jurisdiction. The result would be that you would have to nearly double your force in order to get a proper and efficient administration of both the public land and the forest reserves. Besides that, there are certain legal questions always arising, questions as to whether a man has complied with the terms of the homestead law or the terms of any other law under which he has attempted to gain title to the land, or whether or not he has committed a trespass upon either the public lands or upon the forest reserves, and consequently you will have conflicting policies and conflicting jurisdiction arise.

It is true that there is in the Agricultural Department what is called a Forestry Bureau, and a very excellent one of its kind; but that bureau was not inaugurated for the purpose of attending to these large tracts of land. Its duties relate more to the issuing of scientific works on how properly to plant and rear forests, and at what stage timber ought to be cut. Its work is more in the nature of scientific work than the personal supervision of these reserves. When legal questions arise as to whether a person is entitled to land under a certain law of the United States, whether it is in these reservations or upon the public domain, that question goes to the Interior Department for settlement. In other words, they have a complete machinery there now, not only for the purpose of administering the laws, but also for policing the forest reserves and the other public lands covered with forests. It seems to me that to divide this, to say that 46,000,000 acres in tracts scattered over the country should be transferred to the Agricultural Department, would result in nothing but confusion.

If an officer of the United States found that somebody was doing something wrong on a forest reserve, he would not go to the Agricultural Department, because the legal machinery is not there; and in any other case where it was necessary to put the legal machinery of the Government into operation it would be necessary to go to the other Department. These officers would be answerable to the Agricultural Department, when the final determination of the matter would be in the Interior Department. So, it seems to me, it would result in nothing but confusion. It will result in bureaucracy. It will result in almost doubling the number of men who will be necessary properly to patrol these two different classes of public lands. For those reasons, it seems to me, the bill ought not to pass.

Mr. SLAYDEN. Will the gentleman permit a question?

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Colorado one minute in which to answer the question of the gentleman from Texas.

The SPEAKER. The gentleman from Tennessee has four minutes remaining.

Mr. SLAYDEN. I should like to ask the gentleman if this law is not intended further to protect the existing forests and to secure to coming generations the advantages incident to the preservation of those forests, and if the opposition to this bill in many parts of the West—I do not say in the gentleman's case—is not largely due to selfish business reasons?

Mr. SHAFROTH. No; not in my judgment.

Mr. SLAYDEN. I am asking for information.

Mr. SHAFROTH. I am not opposing this upon the ground of any opposition to forest reserves. I am opposing it upon the ground that it is a multiplication of officers, and that you are dividing between two departments the questions that will arise instead of keeping them all under one central head.

Mr. SLAYDEN. Will not the enactment of this law tend to preserve the forests?

Mr. SHAFROTH. No; it has no provisions relating to preservation. It is only a question as to which of two departments shall control.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I reserve the remainder of my time.

The SPEAKER. The gentleman from Tennessee has three minutes remaining.

Mr. LACEY. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes.

Mr. LACEY. I yield three minutes to the gentleman from California [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Speaker, as a member of the Committee on the Public Lands I am heartily in favor of this bill. It is here because of a specific recommendation of the President of the United States. I will ask the Clerk to read in my time that portion of the President's message dealing specifically with this subject.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States.

These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint. It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the Departments of War and the Navy.

The wise administration of the forest reserves will be not less helpful to the interests which depend on water than to those which depend on wood and grass. The water supply itself depends upon the forest. In the arid region it is water, not land, which measures production. The western half of the United States would sustain a population greater than that of our whole country to-day if the waters that now run to waste were saved and used for irrigation. The forest and water problems are perhaps the most vital internal questions of the United States.

Mr. NEEDHAM. Now, Mr. Speaker, this bill simply authorizes the President by proclamation to transfer certain of the forest reserves of the country, which have been finally marked, to the Department of Agriculture to be administered by that Department. It does not transfer the question of titles or of legal administration, but simply the control and protection of the forests to the Agricultural Department; and, in my judgment, it will be a long step in advance in the cause of forestry protection. I believe the President was right when he recommended this specific legislation. This bill is before the House in accordance with the recommendation of the President, and I sincerely hope that it may become a law.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. NEEDHAM. Yes.

Mr. SHAFROTH. Why can not every advantage to be gained by this bill be gained by administering this in the Interior Department?

Mr. NEEDHAM. Because the Forestry Bureau is a scientific bureau, which studies the subject from a scientific standpoint, and the care of our forests properly belongs to this scientific bureau of the Government.

Mr. SHAFROTH. Why would it not be better to transfer that scientific bureau to the Interior Department, which has the actual administration of the forests?

Mr. NEEDHAM. I think the answer is given in the President's message, because the scientific part certainly properly belongs to the Agricultural Bureau. I hope the bill will pass.

The SPEAKER. The time of the gentleman has expired.

Mr. LACEY. I yield five minutes to the gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, without committing myself to all the provisions of this bill, I am unqualifiedly in favor of that provision which transfers the forestry division of the Interior Department to that of Agriculture. There is nothing whatever in the suggestion that this bill, if passed, will multiply offices. The Agricultural Department can administer and care for the forest reserves just as economically as the Interior Department, and I believe will get better results.

It ought to be transferred, because forestry is akin to agriculture; and if there is anything in the question of forestry, it should be taught by those interested in it. The people ought to be educated to the importance of forestry as a business. They ought to be made to understand that our trees are one of our greatest sources of wealth that now exists, and should be preserved, cultivated, and utilized in the most economical way. A proper administration of the national reserves will be an object lesson for all the people, and the department which will give the most attention to that feature of it is the one that ought to have the control of them.

The President is right in asking this transfer, and the public will sustain him in maintaining the reserves in a business-like way. We are wasting—we are wasting, I repeat—rapidly one of the great items of wealth by permitting our timber to be destroyed. In fifty years we will realize our mistake. This bill provides that no enlargement of a forest reserve nor a new one shall be made without the consent of the governor of the State, which does not exist in the present law, and in that respect defers to local sentiment more than the existing law.

Mr. RODEY. Why not have that right extended to the Territories?

Mr. McRAE. I am perfectly willing to do that. I presume, however, it was not done because the governor of a Territory is the creature of the President, while the governor of a State is not. What I want to emphasize more than anything else is this: We have started to establish and maintain forest reserves. Public sentiment justifies it, not only in the communities in which they exist, with few exceptions, but throughout the length and breadth

of our common country; and when the Interior Department has surveyed the boundaries and fixed the title, I think it should then turn the reserve over to the Agricultural Department to administer.

The work of one ceases where the other begins. When established we want men to handle it who can teach the agriculturists about the different kinds of timber, and the value of it, and how to utilize it, when to cut the trees, when it is ripe—how to utilize it so as to get the most out of it. In order to accomplish this result I am willing, if necessary, to array myself against those who want free grazing furnished by the United States.

Now, Mr. Speaker, it seems to me that we ought not to hesitate to take up and consider this bill. If there is anything in it that gentlemen want to strike out, that can be done. There are some amendments that ought to be made, I know. I have one myself, but the administration should be in the Agricultural Department.

Mr. RICHARDSON of Tennessee. I yield three minutes to the gentleman from Colorado, and then the gentleman from Iowa can conclude.

Mr. SHAFROTH. Mr. Speaker, the objection to the position of the gentleman from Arkansas is this: There is no objection to the transfer of the supervision of all public forest lands, including the forest reserves, to the Agricultural Department, if you will do it, or retain it in the Interior Department. Either is all right; but what I object to is cutting the lands in two, giving one-half of it to the Agricultural Department and half of it to the Interior Department. How can there be good administration of these forest reserves or the public land if you are going to have the administration of part of it in one department and part of it in another department.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. WILLIAMS of Mississippi. Are not all the forest reserves here set apart to be reserved as forest reserves transferred to this Bureau in the Agricultural Department?

Mr. SHAFROTH. Yes, sir.

Mr. WILLIAMS of Mississippi. And the only forests that are kept under the Interior Department are those that have not been made forest reserves and are still part of the public domain?

Mr. SHAFROTH. They are still a part of the public domain.

Mr. WILLIAMS of Mississippi. And subject to entry?

Mr. SHAFROTH. And subject to entry.

Mr. WILLIAMS of Mississippi. And subject to be cleared for agricultural purposes?

Mr. SHAFROTH. Yes, sir.

Mr. WILLIAMS of Mississippi. Then, not being forests, no part of the forestry question is concerned?

Mr. SHAFROTH. Oh, yes; there are purely forestry questions concerning them, because you will find that a large part of the land called the public domain is like the forest reserves and never will be taken up, because not fit for agricultural purposes. When forest fires get in there they create as much havoc and destruction as when they get into the forest reserve. They are so similar you can not tell where the forest reserves end and the public forests begin, and consequently will have men patrolling one side of an imaginary line on the public land and yet in the forest reserves have another force. Conflicting administration and conflicting jurisdiction will surely result.

Mr. McRAE. Will the gentleman refer me to the statute appointing rangers except on forest reserves?

Mr. SHAFROTH. I do not know as I can call the gentleman's attention to where it is, but they do supervise and do put out forest fires on all public lands, and my impression is there are forest rangers, not only for forest reserves, but for the public domain.

Mr. McRAE. I think the gentleman from Colorado is mistaken.

Mr. SHAFROTH. You will find them going onto the public domain and attempting to put out the fires there. They have a general supervision of all the timber of the country, and I know the Interior Department has a number of inspectors that go all over the country examining into cases of trespass and as to violation of the law as to leaving camp fires and as to forest fires, irrespective as to whether they were in the forest reservations or on the public domain.

Mr. McRAE. The gentleman is referring to the inspectors of fraudulent titles.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. LACEY. Mr. Speaker, in the minute remaining I wish to say to the House that in the Committee of the Whole any question about the propriety of this bill that may come up, and any amendment that ought to be made can be presented. The only question now before the House is whether this measure, which was suggested by the President of the United States in his annual message, shall have the consideration of this House.

As to the character of that consideration, and the propriety of passing the bill that matter can be fully considered when we get into Committee of the Whole. I hope we will have a unanimous vote to consider this bill. As to what finally to do with it will be a question the House, when it comes into committee, can consider, and in its wisdom will do what is right. The proposition to take care of the forest reserves is of vital importance and worthy of the highest consideration for the Congress of the United States.

The SPEAKER. The question is on suspending the rules and adopting the resolution.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were—93 ayes and 15 noes.

So (two-thirds having voted in the affirmative) the resolution was agreed to.

Mr. SULZER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9976) to encourage salmon culture in Alaska, and for the protection of persons engaged in the production thereof.

The bill was read, as follows:

Be it enacted, etc., That any person or persons who heretofore or hereafter may establish and maintain a hatchery for the artificial production of salmon in the district of Alaska shall be entitled to the exclusive right of all fish that such hatchery may produce in excess of the normal product of such stream for a distance of 1 mile in all directions in tide water from the mouth of the stream upon which such hatchery may be located.

SEC. 2. That when the average normal product of any stream on which a hatchery may be maintained shall have been taken within 1 mile of the mouth of said stream in any one year by any party or parties, then the remaining fish produced by said hatchery shall be the property of the owner or owners of said hatchery for a distance of 1 mile in all directions in tide water from the mouth of said hatchery stream, and for a further distance of 4 miles in all directions in tide water it shall be unlawful for any party or parties to take fish of the kind propagated by the hatchery for whose protection this law is enacted.

SEC. 3. That in case other streams producing salmon of the same kind as those produced by the hatchery so protected shall intervene within a distance of 5 miles, then the normal product of such intervening stream shall be included in and added to the normal product of such hatchery stream, subject to the same conditions as are provided in section 2 of this act.

SEC. 4. That the provisions and immunities of this act shall apply to barren steams and lakes that shall have been stocked with fish from artificial hatcheries.

SEC. 5. That in case two or more persons shall maintain hatcheries on the same stream or stockbarren lakes or streams, such persons shall be entitled to their proportionate number of adult fish so produced, and each party shall file a sworn statement of his or their output of young fry with the nearest United States commissioner each year.

SEC. 6. That native Indians may at all times take sufficient fish for food or for drying for winter use as food for themselves or families, and fishing with the rod shall be open and free for all persons.

SEC. 7. That the Secretary of the Treasury is hereby authorized to grant leases in accordance with the foregoing sections of this act, for a period not to exceed twenty years from the time the product of their hatcheries shall return, to all persons producing satisfactory proof of having maintained hatcheries on any of the streams of Alaska not producing, in a normal state, more than 10,000 salmon of the kind propagated by said hatchery; such lease subject to renewal at the discretion of the Secretary of the Treasury: *Provided*, That before any such lease shall be granted the party or parties making application therefor shall accompany such application with proof sufficient to establish the normal product of such stream; and no person shall be entitled to more than one hatchery lease or the privilege of stocking more than three barren lakes or streams and being protected in the product thereof.

Corporations owning and operating canneries shall be entitled to one hatchery franchise for each cannery so operated, and no more. All hatcheries that may have been started and maintained on streams producing more than 10,000 salmon of the kind propagated prior to the passage of this act shall be entitled to all immunities of hatcheries established on streams producing not more than 10,000, as provided in this section.

SEC. 8. That all rights and privileges granted by this bill are subject to the supervision and regulation and repeal by Congress.

During the reading of the bill the following took place:

Mr. GROSVENOR. Mr. Speaker, I make the point of order that this bill is not lawfully before the House, coming from the Committee on Territories. This is a bill relating to fish and fish culture, and is a general bill, and therefore I have the right to make the point of order at this time that it has no status here.

Mr. RICHARDSON of Tennessee. But a motion to suspend the rules would suspend those rules.

Mr. SULZER. No doubt about that.

The SPEAKER. The gentleman from Ohio knows that on individual suspension day a bill may be brought up that never has been before any committee.

Mr. GROSVENOR. But this bill has been sent to a committee, and the wrong committee.

Mr. SULZER. I differ with the gentleman.

The SPEAKER. That does not disqualify it. The Chair overrules the point of order.

The Clerk completed the reading of the bill.

Mr. CANNON. Mr. Speaker, I demand a second.

Mr. SULZER. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York and the gentleman from Illinois will control the time.

Mr. SULZER. Mr. Speaker, this bill has been before the House on two different occasions, and on both occasions has been

printed in full in the RECORD. The bill was discussed last week in the House.

Let me now reiterate that this bill was prepared with much care, scrupulously considered by the Committee on the Territories, and after a painstaking hearing unanimously reported to the House. No one who understands the question will honestly oppose this bill. The people of Alaska—those most interested—want this bill to pass. The Commissioner of Fisheries is in favor of the bill, the Treasury Department favors it, and so far as I am aware there is no opposition to it.

All that the bill does is to give the Secretary of the Treasury the right to grant a lease for a period of twenty years to those people who, at their own expense, establish in Alaska fish hatcheries for the artificial propagation of salmon. The bill leaves the whole matter in the hands of Congress to repeal, change, or amend the law at any time, and gives the discretionary power of granting these leases to the Secretary of the Treasury. The bill especially provides that no individual, company, or corporation shall have more than one lease. It does not interfere with line or fly fishing. It gives the natives the right to take all the salmon they want for food, summer or winter. It does not take a dollar from the public Treasury, gives no monopoly, and grants no special privilege.

It simply says if a man establishes a fish hatchery for the purpose of increasing by artificial propagation the normal supply of salmon at his own expense, that the Government, in its discretion, can grant him a lease, so that he will know that he will be protected in a small way and get some return for his energy, his expenditure, and his industry.

The salmon industry is one of the great industries in Alaska. A great many canneries have been established there, are being established there, and will continue to be established. At the present time millions of dollars are invested. The product of these canneries is one of the most valuable products of the district and one of the great products of this country. It foots up every year into millions and millions of dollars. Besides the monetary question involved in this matter as an industry of the United States, the great point that I wish to make is this: I am in favor of protecting the fish and game of America, and I have always, since I have been a legislator, in my State and here in Washington, done all that I could to accomplish that purpose. It is a sad commentary on our civilization that by reason of our lack of judgment and foresight we have allowed the most valuable fish of the Atlantic to be exterminated, and we have allowed the larger wild animals of our country to become practically extinct.

I have absolutely no personal interest in the matter other than as a believer in the theory, which is growing every day, that it is the duty of one generation to protect the natural food products for the next generation. I believe it is incumbent on us to protect the fish and game of our country for future generations. I believe we will be derelict in our duty to posterity if we fail to do this. Another thing, I am a disciple of Sir Izaak Walton and a true friend of the wild fish and game. I protest against their wanton slaughter. While in Alaska I visited several of the big canneries, and I am familiar with their operation. I have seen the way the fish are caught, prepared, and canned. I have also visited several of the hatcheries there and witnessed the way the salmon can be propagated, so that if the Government in some way will protect the people who are propagating salmon the fish will never become exterminated, and the supply, instead of diminishing, will undoubtedly be increased.

Of course, we know that canned salmon is one of the staple diets of the world, and I believe nine-tenths of the supply of the world is produced by the canneries of Alaska. I believe the statistics will show that for the last ten years the value of the supply of canned salmon that comes from Alaska will amount to several million dollars a year, and it will probably average a great deal more in the years to come, because new canneries are being established all the time.

This bill is intended to give a little protection to the men who are willing to invest their money in salmon fish hatcheries in Alaska for the purpose of propagating the salmon and increasing the supply, giving these men the privilege of catching part of the salmon that will come back.

Unless something is done to increase the normal supply, it will be only a few years when the salmon of Alaska will be exterminated. There was a time when salmon were just as plentiful on the Atlantic coast as they are to-day in the streams of Alaska. But to-day there are only two streams in this country on the Atlantic Ocean where salmon go. Those two streams are in Maine. And so, sir, if the ruthless destruction of salmon on the Pacific coast, especially in Alaska, goes on a few years more at the rate it is going on now, these valuable fish will ere long be as scarce on the Pacific as they now are on the Atlantic.

Mr. Speaker, I know about this matter. I am familiar with this subject. I have visited Alaska, and I have carefully looked into this question. I have studied it. Every commercial body in Alaska, the people generally of Alaska, and the men who have established fish hatcheries there, all favor the passage of this bill. It is right, it is fair, it is just, it is honest, it is meritorious; and there ought to be absolutely no objection to it.

A peculiarity of the red salmon is that they will not frequent a stream unless it has a lake that they can reach, where they may lay and ripen before ascending to spawn in the small steams that put into the lake. Fully one-half of the small steams that produce a large percentage of the salmon of southeastern Alaska have no lakes on them, and fully three-fifths of those that have lakes are barred by falls between the lake and tidewater, over which fish can not pass; hence the scarcity of this valuable species of fish. The cohoe, dog, and humpback salmon, all inferior fish, take any stream on which there are spawning grounds. As a consequence they are very numerous and the valuable red salmon correspondingly scarce.

These valuable red salmon are fast becoming extinct, and, unless the Government institutes an extensive system of hatcheries and private parties are protected in the output of their hatcheries, the red salmon will in the near future be numbered with the buffalo. No private party, unless protected in the results of his industry, can withstand the enormous pressure of the great combine—the canning trust.

The proposed law simply gives to parties a legal right to property they create from the wastes of nature without taking anything of value from the public domain. If they produce ten where nature has produced but one, they surely should have the right to the increase. They also enrich the waters outside the protected zone by thousands of fish that will be public property.

Now, the propagator will not get all the fish—probably not more than one-half of the fish—outside of this protected zone. Others are there to take the fish, and everyone is free to take them, and inside the protected zone the normal quota of the stream is free to everybody until that amount is taken. When the salmon commence to run, under the provision of this law, the public would have free access to catch those salmon up to the normal quota of the stream, and that quota must be established to the satisfaction of the Secretary of the Treasury, by proof that can not be disputed, before he will grant a lease.

There are thousands of streams and lakes in Alaska that are barren because of falls near tide water which no fish can pass on the upward passage. By stocking these streams with young fry you reclaim a desert, yet this can be accomplished, and the commercial results would be enormous. To accomplish this, however, entails considerable expense. No policy will advance the settlement of Alaska as much as that provided for in this bill. Every industrious fisherman can and many will embark in salmon culture, and in connection with his hatchery will develop what there may be of agricultural resources that will never be utilized except in connection with some auxiliary industry.

Mr. Kutchin, the agent in Alaska for the Treasury Department, appeared before the committee in favor of this bill. He is very familiar with this subject. It is his duty to be. He said:

> I do not believe a regiment of men, under the existing law, can preserve the fisheries, for the reason that the machinery employed by the persons engaged in taking the fish is so stupendous that they will violate the spirit while preserving the letter of the law.
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> I have cudgeled my brain a long time for some remedy, and have reached the conclusion that it rests on abundant artificial propagation. We know the success in the propagation of shad and other fishes. The habits of the salmon are unknown and it is experimental, but nothing can be accomplished unless it is initiated, and presuming that what is believed to be the fact in regard to other fish is true of salmon, they should be propagated and should return to the parent stream. I think that is the only remedy.
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> Years ago the salmon rivers of Scotland were so teeming with salmon that the laboring men bargained that they should not be required to eat it more than three times a week. Now fresh salmon is a luxury for the rich, just as the whitefish on the lakes has become. They used to be packed in every little cove and port on Lakes Michigan and Superior, and now there are very few whitefish, and the packing of whitefish is almost gone.
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> History agrees in all particulars that inland fishing is subject to extermination, and I believe that this will be true as to the salmon in Alaska to-day, that they are doomed within a reasonable period—within the life of any person here present.
>
> This bill, which we are here to discuss, is fair and equitable. I think that any man who is disposed to put in his time and money and effort should be protected, and I think this bill does it fairly and well, and that it does not encroach upon the rights of anybody. It does not give anybody the exclusive rights of streams.

Now, Mr. Speaker, just a few words more. The Committee on Territories carefully considered this bill and unanimously reported it. That committee made a report on this question of the salmon fisheries of Alaska, and any man who will read that report will find it both interesting and instructive. In my opinion it is the best and most exhaustive report that has ever been made on this great question—one of the greatest industries to-day in Alaska. Any man who will read this report and ascertain the facts will, I believe, favor this bill, unless he has some special interests to look after or wants to give the monopoly to the canning trust.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this is a rather remarkable piece of legislation. It is a radical change in the policy of this Government in the matter of fisheries. It is a proposition to establish a fish monopoly on the coast of Alaska. It is a proposition to transfer from the control of all the people the fisheries of that magnificent coast and put them under the control of a few canning companies.

The gentleman from New York [Mr. SULZER] says he has been in Alaska. I have also had the pleasure of making an Alaskan trip, at the time that the gentleman from New York was there. At the time I was in Alaska a measure of this kind was being discussed by the canners. I was spoken to in regard to legislation of this character and the suggestion was made that it would be a good thing. I agree that it would be an excellent thing—for the companies which own canneries, for the men who annually outfit ships in California and Oregon, load them with Chinese, and proceed to the Northern seas to devastate the fisheries of that coast, the gentlemen who, contrary to the law, in defiance of the law, and in defiance of the rules and regulations established under the law, are depleting the fisheries of Alaska. This is a proposition to give them further opportunity to monopolize the fisheries of that coast. It is true that this bill——

Mr. SULZER rose.

Mr. MONDELL. The gentleman would not yield to me, and I must decline to yield. I have only five minutes.

Mr. SULZER. I only wanted to know whether the gentleman had read the report. If he had done so, I do not think he could make the speech he is making.

Mr. MONDELL. It is true that this bill purports only to create a monopoly as to fish in excess of the "normal run." But who is going to decide what the "normal run" of the salmon in any of the streams of Alaska is? Who but the men who now are established there in the canning business and who will be the only parties interested in determining what the "normal run" is?

They having depleted the streams so that the run is small—much less than formerly—we are to allow these gentlemen to come in and prove the "normal run," and then by establishing a cannery at the mouth of a stream they are to have a monopoly of the stream for all time to come.

The gentleman from New York says that this monopoly will be only for twenty years; the bill says for twenty years from the time when the product of the hatcheries return. Who is going to decide when the product of these hatcheries are to return? Who is there on earth who is going to be able to determine when the spawn from these hatcheries, having gone to the deep sea, shall all have returned to the streams where they were hatched?

This bill establishes practically for all time a monopoly of the fisheries of that magnificent coast—not only the fisheries of the small streams, but the fisheries of the enormous streams like the Karluk, which now runs 2,000,000 per annum, it is said. Who is to determine what the "normal run" of that stream is? And the Karluk canneries having established a hatchery at the mouth of that stream, who is going to determine when the "normal run" of that stream is caught? Who is going to determine when the product of those hatcheries have all returned?

Mr. GAINES of Tennessee. Have we not a governor up there who can make such a report?

Mr. MONDELL. We have a governor there, but I hardly think that the governor, though he is a very intelligent gentleman, will be able to tag all the small fry as they run into the sea and then determine when the last one has finally returned. I know and honor the governor, but he is finite; none but infinite wisdom could determine those facts.

Mr. GAINES of Tennessee. Why can not the governor make a report? We have increased his salary to $5,000.

Mr. MONDELL. We have never had a report from the governor or anybody else advocating this sort of measure. The gentleman says that the agent of the Interior Department up there is favorable to it. The agent says that he does not believe that this is the way to settle the question of the depletion of the fisheries in Alaska. He says the proper method to pursue there, and I agree with him, is for the Government to establish hatcheries, for the Government to increase the number of fish on that coast, and I think the Government should do it by imposing a tax upon the canneries along the coast.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. They certainly can get a report from the governor, and that is what the gentleman was inquiring about.

Mr. MONDELL. I have made no such inquiry.

Mr. CANNON. Mr. Speaker, I crave the attention of the House just for a few moments. This is like a great many other propositions that come on suspension day that you have got to catch on the fly. Sometimes it ought not to be caught. Other times it ought to be caught. I think this is one of the times that the catcher ought to have on his gloves. Now, what does this bill do? First, how much country does it cover? In reply to that question, it covers the whole Alaskan coast, every stream that empties into the ocean—the whole shooting match—thousands and thousands of miles. Those waters are said to teem with salmon. I will ask the gentleman from New York [Mr. SULZER] if he knows how many cannery establishments are up there now?

Mr. SULZER. Yes.

Mr. CANNON. How many?

Mr. SULZER. There are 59 canneries in this country.

Mr. CANNON. Fifty-nine cannery establishments in Alaska, and it is alleged—I don't know whether it is true or not—that they are so improvident in the taking of the salmon that extermination is threatened. In other words, 59 people or 59 corporations, with their great canning establishments, are there on the ground and selfishly are about to destroy the very industry upon which they feed. Now, that is the allegation. How much truth there is in it I do not know. Now, what does this bill propose to do?

Mr. SULZER. And another thing that the gentleman from Illinois does not know is, he does not know anything about this bill or the report. The gentleman agreed to read the report when the bill was up in the House last week, and he has not read the report.

Mr. CANNON. I do not have to read the report to read, when I see the bill, what I believe to be improvident.

Mr. SULZER. Well, the gentleman ought to know what he is talking about.

Mr. CANNON. I think I do know what I am talking about.

Mr. GROSVENOR. I wish the gentleman from Illinois would point out, if he can, right in connection with what he is saying, what right the Government would have left to propagate fish up there after these rights were given to these canneries?

Mr. CANNON. Precisely. Now, what does the bill do? I quote from the language of the bill:

That any person or persons who heretofore or hereafter—

You catch them coming and going—

may establish and maintain a hatchery for the artificial production of salmon in Alaska, etc.

How big a hatchery? One-and-a-half-bushel box? One in a hogshead; one that will cost 30 cents; one that will cost $10,000? The bill does not say. I say here for the expenditure of $10 you can establish a hatchery. The bill is silent as to which kind of a hatchery. Now, what else?

Shall be entitled to the exclusive rights of all fish that such hatchery may produce in excess of the normal product of such stream for a distance of 1 mile in all directions in tide water from the mouth of the stream upon which such hatchery may be located.

Now, where do they put their hatcheries? Down at the mouth of the stream, do they not?

Mr. SULZER. No.

Mr. CANNON. Well, near there.

Mr. SULZER. No.

Mr. CANNON. Near tide water.

Mr. SULZER. Not at all.

Mr. CANNON. Well, there is where they get these salmon.

Mr. SULZER. No; they do not get the salmon there, either. The gentleman is not familiar with this subject.

Mr. CANNON. The doctors seem to disagree about it.

Mr. SULZER. The gentleman is not familiar with this subject.

Mr. CANNON. I am familiar enough to criticise this bill, and I am entitled to the right to do it, if it ought to be criticised.

Mr. SULZER. The gentleman criticises everything.

Mr. CANNON. Oh, certainly; I criticise every bill that in my judgment ought to be criticised, and there are a great number of them that do not get the criticism they might well have. [Applause.]

Shall be entitled to the exclusive right of all fish that such hatchery may produce in excess of the normal product of such stream for a distance of 1 mile in all directions in tidewater from the mouth of the stream upon which such hatchery may be located.

And yet my friend says they do not fish there. If they do not fish there, then it is a barren right, because the way of a fish in the sea is one thing that could not be found out in ancient times, as well as that of a serpent on a rock and a bird in the air.

Now, what next?

SEC. 3—

Now, listen:

SEC. 3. That in case other streams producing salmon of the same kind as those produced by the hatchery so protected shall intervene within a distance of 5 miles, then the normal product of such intervening stream shall be included in and added to the normal product of such hatchery stream, subject to the same conditions as are provided in section 2 of this act.

That is, you can put your hatchery on one stream, and if there is another within 5 miles you are entitled to the fish there,

because, I suppose, the fish might get mixed. Well, now, what next? Just listen:

SEC. 7. That the Secretary of the Treasury is hereby authorized to grant leases in accordance with the foregoing sections of this act, for a period not to exceed twenty years from the time the product of their hatcheries shall return, to all persons producing satisfactory proof of having maintained hatcheries on any of the streams of Alaska not producing, in a normal state, more than 10,000 salmon of the kind propagated by said hatchery; such lease subject to renewal at the discretion of the Secretary of the Treasury.

Now, here we are, four, or five, or six thousand miles away—the Lord knows how far, I do not. Who is to execute this law? The Treasury Department. How? Through its agents sent up there. Now, I have had some experience, and I do not have to read the report that the gentleman refers to. I have had experience and observation touching the Treasury Department in Alaskan waters.

Mr. OTJEN. May I interrupt the gentleman?

Mr. CANNON. In a moment. I have been helping make appropriations year in and year out touching the seal industry under the Treasury Department, and now I am not singling out any agent; but in that great industry I am here to say that in my opinion the heart of neglect, not to use a stronger term, has been found in that service about the Treasury agent. Why, he did not have to be greased to enable the parties in interest in catching seals to swallow him. [Laughter.] Now, you are going to establish these salmon fisheries and hatcheries and give this lease for twenty years, renewable for twenty years, to be placed under the Treasury Department, 2,000 miles from nowhere, and the agent of the Treasury Department becomes a means of oppression. You clothe these people with the right by this act to say, "We are here at the mouths of these streams and we are protected under the law and under our twenty years' lease," and the poor devil who wants to go there and make war against this monopoly will be in a pretty uncomfortable condition.

Mr. MONDELL. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. MONDELL. Did the gentleman notice that the report states that the salmon are supposed to return in about ten or eleven years to the place where they were hatched? Nobody knows just when, but that is the suggestion, and therefore, at the very least, the lease would be for thirty years, because the report gives ten years as the time when the first salmon would return.

Mr. CANNON. On this $200 hatchery that is to be established, if it cost that much, I suppose they would be in the hatching business every year, and I suppose it would be practically in perpetuity.

Mr. MONDELL. And according to their own report they would have at least thirty years under the first lease, because the first fish do not return for ten years.

Mr. CANNON. In the meantime the people on the ground are in possession, running these 59 canneries for profit, and threatening to exterminate this industry by their greed. Now, you do not enforce the law against them, nay, nay; but you say in addition to that, "You may make your hatchery upon the stream and we will legalize your possession for twenty years by this lease."

Mr. OTJEN. May I ask the gentleman a question?

Mr. CANNON. Yes.

Mr. OTJEN. In order to select these fish that have been produced by the hatchery, ought not this bill to provide some means by which the fish could be branded?

Mr. CANNON. Oh, well, after all I want to treat the bill fairly. It attempts to do that. They say "above the normal catch." Who gets the normal catch? Why, the corporation that is in possession gets the normal catch, does it not? The fellow who goes in and undertakes to get the normal catch against the man who has the right to be there under this lease to take all above the normal catch would have a pretty hard time of it, would he not?

Why, he would get h—— up in that cold country. [Laughter.] Now, here is the whole thing. I want to speak respectfully of everybody. I am only stating how this appears to me. Oh, but the gentleman says I have not read the report. I have glanced at it. I am not industrious enough to read all the reports, and I have to take many things by reading the bill. It would take an angel of light, it would take a regiment of angels of light, with trumpets and shoutings and sweet music to convince me that this was a proper bill to pass after I have read it. [Laughter.] I reserve the balance of my time.

Mr. SULZER. How much time has the gentleman from Illinois?

The SPEAKER. The gentleman has two minutes remaining.

Mr. SULZER. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from New York has sixteen minutes.

Mr. SULZER. I yield six minutes to the gentleman from Washington.

Mr. CUSHMAN. Mr. Speaker, the title of this measure is "A bill to encourage salmon culture in Alaska, and for the protection of the persons engaged in the production thereof." Throughout my entire lifetime I have frequently experienced difficulty in attempting to talk upon subjects with which I was not familiar. I am laboring somewhat under that embarrassment upon this occasion. But having been requested to say a few words regarding this bill I will do so within the very narrow scope of my information upon the subject.

This bill, and the general consideration of the subject, came up before the Committee on Territories, of which committee I am a member. I have no interest in this bill nor the subject-matter to which it relates, more than the common patriotic interest possessed by every legislator here. Therefore I have no ambition and no desire to push through this House the legislation contained in this bill, if in the judgment of a majority here the bill ought not to pass.

We had before the Committee on Territories when we were considering this bill men who were familiar with the salmon fisheries in Alaska—men who were certainly competent and presumably honest. It was the judgment of these men that some legislation must be enacted, and enacted very soon, to encourage salmon culture in Alaska, or that very productive industry of that region will cease by reason of the total destruction of the salmon.

Now, it was the judgment of these men, as shown by their testimony, which in the form of a printed report is now before this House for consideration, that the provisions of this bill now before the House were both wise and fair, and if carried into legislation would greatly encourage the culture of salmon in Alaska.

It is a matter of common knowledge to every man on the Pacific coast that unless something is done to encourage the building of salmon hatcheries on that coast that that very valuable product of that region will soon become exhausted.

Mr. MONDELL. Will the gentleman allow me to ask him a question?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. As I understand, there are salmon fisheries in the gentleman's State and in the adjoining State. I want to ask the gentleman, if it is a fair question, if he would favor a bill of this character applied to his own State?

Mr. CUSHMAN. From my knowledge of the situation I certainly would. I certainly am not now engaged in trying to enact obnoxious legislation for other communities that I would object to if applied to my own.

Mr. MONDELL. You would be willing to have this provision extend to the State of Washington?

Mr. CUSHMAN. Yes, sir; I would. A number of men on this floor seem to oppose this bill because they seem to think it would, if enacted into law, tend to produce a monopoly in the salmon-fishing industry of Alaska. I believe that the men who oppose this bill on that ground are honest and sincere in their opposition, although I can not see the ground for their fears. Viewing this phase of the matter, it becomes important to know what constitutes a monopoly.

As to the establishment of future hatcheries, no man is named and no company is designated in this bill. The bill says whoever shall establish and maintain a hatchery shall have certain privileges. That language gives to every man on this floor the same right to establish a salmon hatchery in Alaska if he sees fit that is conferred on any other man. That certainly does not smack of monopoly. A bill that tends to create a monopoly is a bill that gives exclusive privileges to some people to the exclusion of all others. I believe that a man who puts his labor, his brains, and his money into a productive proposition has a right to have certain advantages in reaping the rewards of that enterprise that other people who hazarded nothing in the venture do not have.

Now, that is all there is in this bill. The man who spends his money in planting a salmon hatchery where there was none before under the terms of this bill is given a right to secure a part of the fish that his industry helps to create. No man would contend that a man who sowed a field in the spring in order that he might reap the harvest thereof in autumn was creating a monopoly. He is simply creating wealth by his individual industry, and the law, written and unwritten, gives such a man a first mortgage on the fruits of his own industry.

There is little or no difference, in my judgment, between that proposition and the one we are now considering. The same logic can readily be applied to both propositions. One man sows grain on barren land and reaps the harvest. The other man sows fish in a barren stream and asks that he be permitted not to reap the entire results thereof, but only a part. That don't seem to me to bear any resemblance to a monopoly.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. CUSHMAN. Certainly.

Mr. GROSVENOR. Take the first section of this bill, which provides—

That in case other streams producing salmon of the same kind as those produced by the hatchery so protected shall intervene within a distance of 5 miles, then the normal product of such intervening stream shall be included in and added to the normal product of such hatchery stream.

Suppose a stream in Alaska—and I assume that there are a great many of them that have never had any salmon produced on them—and the hatchery starts up there and puts in its small fry, and then proposes that for twenty years under this bill it shall have the normal product—that is, all above the normal product. Well, now, there is no normal product. And how is the Government to plant that stream in small fry and produce salmon if somebody is to come in and be entitled to all above the normal product? Does not that exclude the Government from planting fish in that stream?

Mr. CUSHMAN. Perhaps it does; but if that stream has existed a barren stream through all these years up to the present time, and the Government has taken no steps to plant a hatchery there and some one else now desires to do so, are we to say to the man who is ready to begin the work of hatching salmon now that he must stand aside and wait, because, forsooth, at some time in the dim, uncertain future the Government might be willing to build a hatchery there? Gentlemen have stated on this floor that if we do not pass this bill there can not be any monopoly in this business.

I guess there is no doubt about that, for if something is not done to encourage the hatchery of salmon in that region very soon, there will not be any product to monopolize. Again I say, Is there anything wrong in permitting the man who puts his money and his energy into the creating or the enlargement of a staple food product—is there anything wrong in permitting him to gather a portion of the results of his own labor and investment?

Mr. MONDELL. Has that policy been pursued anywhere else in the United States up to this time?

Mr. CUSHMAN. I undertake to say that the same or similar conditions do not exist anywhere else in the United States. Now, here is my eloquent young friend from Wyoming [Mr. MONDELL], who is earnestly declaring that the Government at its own expense should put water on the unfruitful lands of this country in order to make them fruitful (in which I agree with him). But now, when it comes to the proposition of permitting a man to plant a fish hatchery on a barren stream in order to make the stream fruitful, he does not believe in that policy.

Mr. MONDELL. We propose no monopoly. We only propose that the Government dispose of these lands, and that does not make a monopoly.

Mr. CUSHMAN. But you propose that the man who sows on 160 acres in the spring shall reap what that land produces, and to the exclusion of other people, do you not?

Mr. MONDELL. If he pays for it, which these people do not do.

Mr. CUSHMAN. Yes; for the good and sufficient reason that you can not sell a stream with a warranty deed. As I have already said, I have no especial interest in this bill. I regret that this matter might not have been the subject of discussion on this floor earlier in the session, in order that the people of Alaska might have had an opportunity to express themselves upon the subject. My only reason for advocating the passage of this bill is that it seems to me that it would tend to build up and replenish one of their great industries.

No man has a just right to suppose that I would intentionally advocate on this floor legislation that would be to the injury of the people of Alaska, or any of their material interests. By reason of the close commercial union between Alaska and the State of Washington, the interests of Alaska are the interests of the State of Washington. One word more and I will close my few remarks on this matter. This debate has again emphasized the need for a Delegate on this floor representing the people of Alaska.

The Committee on Territories has labored under disadvantages regarding every piece of legislation proposed for Alaska. There is no one on this floor authorized to speak for them. They should have a Delegate here who would be responsible to us on the one hand and responsible to his people at home on the other. Then upon occasions of this kind we would not labor under many of these embarrassments. I have a bill now on the Calendar of this House which has for its object the giving to the people of Alaska a Delegate in Congress, and before this session closes I hope to get it considered and passed. That is all I have to say upon this matter. I believed in the beginning that this was a good bill, and I believe so now.

Mr. SULZER. Mr. Speaker, I now yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I would like to say in answer to the gentleman from Illinois [Mr. CANNON] that the very purpose he has in view in opposing this bill is the same that gentlemen have in view who have been favoring it; in other words, to prevent a monopoly there, and also to prevent the waste of one of the most remarkable products with which nature has endowed this country.

We have seen our salmon disappear from the Kennebec, from the Penobscot, and from the Connecticut rivers, or almost utterly disappear from the waters of those streams, and we have the same danger confronting us in Alaska. Instead of the bill giving some special rights to the people who are fishing there, it provides that whoever will put in hatcheries there will have privileges in proportion to the hatcheries they put in and that they shall be permitted to reap as they may sow.

But, it has been said, Why not let the Government go on and appropriate money and put in the hatcheries? Why not compel these people who are fishing the streams to put in the hatcheries? Why not give them the privilege of taking the fish which they put in?

Mr. MONDELL. I suppose the gentleman from Iowa knows that under the present law the canners are obliged to put in hatcheries, but they have violated the law in that particular, and if they had not violated the law there would be no suggestion of decimation of the fisheries.

Mr. LACEY. Why, because they can take all the fish that come without putting in hatcheries. Here is a proposition that says to the canners "You may put in hatcheries and you may fish in proportion to the amount of fish you plant." It is a well-known fact, as well established as any fact in regard to salmon, that the fish come back to the same streams in which they are spawned, just as the bird comes back to the same nest or in the same locality where it was hatched. These fish come back to the same streams. They have been marked, experimentally, for several years in order to establish that fact.

If a hatchery is established and a stream is planted with a million fish, there is a reasonable certainty that a portion of them will return. Of course, there must be millions planted in order that thousands may return, because from the time the eggs are spawned they become the prey of everything that swims in the water. The fish eat the eggs and then the little salmon eat the still smaller salmon, and then he in his turn is eaten by a salmon a little larger; and so there must be a tremendous amount of surplus provided for. This bill encourages the location of hatcheries in Alaska and increases the product, and places the burden of it, not upon the Government, but upon the individuals who fish in those streams, and the monopolies referred to have only the right to take in those streams the increased amount of fish above the normal product, provided the hatcheries are established there. It encourages the increase of the fish and delays their extermination.

Mr. MONDELL. This bill provides, among other things, for stocking certain lakes now barren. I want to ask if that is not a departure in legislation—if, in fact, this whole thing is not a departure in legislation—and if the gentleman in his State of Iowa would favor anything of this sort.

Mr. LACEY. The quicker we depart from some of our past ways the better. I have pointed out the Kennebec, the Penobscot, and the Connecticut as examples of what we have allowed to be done in the past, and the gentleman says we are "departing from the sacred precedents of the past." I say the quicker we depart from those precedents which left the streams barren the wiser will be the people of this day and generation. If we do not learn something from the destruction of our natural resources in the past, we are unworthy to benefit by the future.

This is not a proposition for a monopoly; it is a proposition to encourage the planting of additional fish in Alaska, where they are now plentiful, and keep up the splendid supply that has made Alaska the richest fishery in the world. Mr. Speaker, it seems to me there ought to be no objection to this bill. I am sure my friend from Illinois would not object to it if he understood it to be merely a question of increasing the supply rather than of creating a monopoly.

Mr. SULZER. Mr. Speaker, I now yield two minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, as a member of the Committee on the Territories, which considered this bill, I state that we gave full and thorough investigation to this subject. We heard a number of persons from Alaska, and the uniform testimony of all of them was that this bill was calculated to increase the output of salmon and increase the propagation of fish rather than to decrease it.

Mr. MONDELL. I would like to ask the gentleman if the committee heard anybody from Alaska except a gentleman who has a hatchery there and the agent of the Interior Department, and who is opposed to this bill, by the way. There is no other evidence in the report.

Mr. GRAHAM. There was also another gentleman, whose name I have forgotten. But I want to say to the gentleman from Wyoming that I was up in Alaska myself last year and visited

this locality. I am not interested in any cannery up there, nor in any company, nor in any hatchery. This gentleman who appeared before us stated that he had spent $10,000 of his own cash in establishing a hatchery in Alaska.

Mr. MONDELL. Did he have the monopoly of 1,600 miles of coast?

Mr. GRAHAM. No, sir; we do not propose to give any such monopoly in this bill.

Mr. MONDELL. If they organize enough companies you will grant a monopoly of that extent.

Mr. GRAHAM. The bill simply provides that if one of these companies puts in $20,000, they can take back—how much? Simply the amount above the normal product of that stream to-day; that is, all above what is now taken out of the stream.

Mr. MONDELL. Does the gentleman think that it is going to be an easy thing to decide what the "normal product" is?

Mr. GRAHAM. The question is simply this: The man who undertakes this business has to increase the product, because the canneries are to-day, without establishing any hatcheries, taking out all they can catch.

Mr. HULL. Can not the parties engaged in the salmon-catching business go out to sea and take these fish, it may be, miles away from shore? Or do they have to wait till the fish go into the streams or into a hatchery before they catch them?

Mr. GRAHAM. The fish have to come back to the place where they are born to spawn. All the evidence shows that.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GRAHAM. I hope I may have one minute more.

Mr. SULZER. I yield the gentleman one minute.

Mr. GRAHAM. The evidence produced before the committee shows that if you propagate a certain kind of young salmon they have a certain peculiarity. The evidence shows that that same stream will produce the same kind of fish. They will come back to the same place in which they were spawned without anything like "tagging." The gentleman from Wyoming [Mr. MONDELL] asks how you can "tag" these fish. There is no necessity for "tagging" them. If you plant a certain kind of spawn—say the long-bodied salmon—in a certain stream, then the fish you afterwards catch in that stream are of the same kind—the long-bodied salmon.

Mr. MONDELL. Will not the gentleman qualify his statement by saying that that is the theory, but that both of the gentlemen who were before the committee stated specifically that they did not know as to its truth, that it was simply a theory, that no man had ever demonstrated it, and they did not know what was the fact?

Mr. CUSHMAN. That is exactly similar to that beautiful theory that exists in Wyoming—where my friend comes from—and Montana. The theory is that if a man puts his brand on a calf in the spring that he will get that animal back when it gets to be a cow. From experience of mine in the land of the "maverick" and the "rustler" I am prepared to testify that that is also simply a theory. It is a beautiful theory, but it does not always work out. [Laughter.]

Mr. MONDELL. It does in Wyoming; it may not in Montana or Washington. [Laughter.]

Mr. GRAHAM. Allow me to state that ex-Governor POWERS, of Maine, who was a member of the subcommittee on this bill, claims to be an expert in regard to salmon fishery in his State, and he favors this measure.

Mr. MONDELL. Was there any suggestion to apply the measure to the Kennebec and the Penobscot?

Mr. GRAHAM. Not in this bill, but if anybody will establish hatcheries there I would favor giving them the benefit of this legislation.

Mr. SULZER. I now ask the gentleman from Illinois to use the balance of his time.

Mr. CANNON. How much time have I remaining?

The SPEAKER. Two minutes.

Mr. CANNON. And how much has the gentleman from New York?

The SPEAKER. Three minutes.

Mr. CANNON. I yield my two minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, I think that if members of the House will take up section 4 of this bill they will find that it will throw some light on the subject. Under this section if parties deposit hatched salmon in a lake or a barren stream (as they may call it), then whether those fish or some others happen to come back there, the fact that they have been taken there establishes for the benefit of the parties depositing the spawn or young in that stream or lake an absolute monopoly of the salmon found in the waters.

It seems to me that the law which would be proper and wise on this subject would be a law providing that the men who are taking the salmon from the streams owned and controlled by the United States should be obliged to put young back again in sufficient numbers to replenish the waters from which they have taken the fish. If a bill saying that were proposed, I would cheerfully vote for it; but this bill has for its purpose the giving to some men rights belonging to the people of the United States for nothing.

The result will be the establishment of salmon-fishing monopolies in Alaska; and as soon as these salmon-fishing monopolies are established they will be consolidated, and you will have in this country, so far as salmon are concerned, just exactly what you have to-day in beef—a trust regulating the supply and the price. This is the start, and I hope there is not a Democrat here who will lend his assistance to the passage of a measure of this character. I hope, perhaps vainly, that there are very few Republicans who will.

Mr. SULZER. That is a good argument.

Mr. GREEN of Pennsylvania. Mr. Speaker, I have studied the habits of fish for a good many years, and when anybody makes the statement that any one man is able to tell what the normal yield of a river is this year, and to tell to what extent it has been increased or diminished next year or the year after, I think he is drawing absolutely on his imagination. Then let us not forget the fact that such legislation will produce no end of litigation, by which those who have money and disposition to fight only will be benefited.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SULZER. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. COWHERD] to offer an amendment, which I will accept.

Mr. COWHERD. Mr. Speaker, I desire to offer the following amendment as an additional section to the bill:

The SPEAKER. That can not be done except by unanimous consent.

Mr. COWHERD. Then I ask unanimous consent to offer the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the motion to suspend the rules be so modified as to include the amendment which the Clerk will read.

The Clerk read as follows:

SEC. 9. That any person, company, or corporation that has established or shall hereafter establish a cannery for canning salmon in the district of Alaska shall also establish and maintain a hatchery and shall return to the streams from which any salmon are taken at least ten times as many salmon each year as are taken from said stream for the use of said cannery; and any person violating this law shall be punished by a fine not to exceed $100 for each and every day a cannery is operated without maintaining a hatchery and returning salmon to the streams as herein provided.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. CANNON. Mr. Speaker, I did not catch the amendment plainly enough to understand exactly what it is.

Mr. COWHERD. Mr. Speaker, if the gentleman will permit me, I would like to explain it, he reserving the right to object. The proposition is simply to compel anyone establishing a cannery to maintain a hatchery at the same place and to return to the same stream at least ten times as many fish as are taken from it. I understand there is no law that governs that at present. It is simply a regulation of the Department, and that regulation they are not able to enforce. I do not pretend to be posted on this, but that is what I have been told.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I think I shall object, because I do not—well, I have no time to state my reasons, but I think I have good reasons for objecting and therefore do so.

The SPEAKER. The gentleman from Illinois objects.

Mr. SULZER. Mr. Speaker, how many minutes have I left?

The SPEAKER. Two minutes.

Mr. SULZER. Mr. Speaker, in the two minutes I have remaining I desire to state to the House that a philosopher has said that the man who makes two blades of grass grow where one grew before is a benefactor of mankind. This bill is framed on that theory. If it becomes a law, it will surely increase a hundredfold the normal product of salmon. It will do so without taxing the people a cent or taking one dollar from the public Treasury. It will benefit the people of Alaska, the people of the Republic, and the people of all the world. I am surprised at the opposition to this bill.

The subtle tactics of the gentleman from Wyoming [Mr. MONDELL] and the covert manipulations of the gentleman from Illinois [Mr. CANNON] are beyond my comprehension. They can only be reconciled on the hypothesis of ignorance. We know the gentleman from Illinois [Mr. CANNON], after he gets through all his big appropriations—many of them as uncalled for as they are unjust—becomes in a spirit of repentance the "watchdog of the Treasury" and objects to every other measure that is brought up in the House.

But, sir, I repeat, this bill does not take a dollar from the Treasury. This bill does not create a monopoly. It does not grant any special privileges. It does not discriminate, it treats all the same, and is for the benefit of the many. I am as much opposed to monopoly as is the gentleman from Pennsylvania [Mr. GREEN], and if this bill created a monopoly, if it gave any man rights that any other man was not entitled to, I would be opposed to it, and I never would have introduced it.

The gentleman from Pennsylvania [Mr. GREEN] glibly prates about monopoly. If he knows what he is talking about, he is talking for the greatest monopoly in Alaska—the canning trust—and if he does not know that, then he is ignorant of the facts in this case. I suggest that he read the report.

This bill is opposed to monopolies. It will destroy a monopoly. I know something of the canning trust. Whatever opposition this bill has comes from that monopolistic source. I say that the man who toils, who invests his own money, and creates artificially a thousand fish where nature creates only one, that he ought to have, to say the least, the right by law to a part of the increase his industry, his toil, and the sweat of his brow make possible, and that is all that this bill does. [Applause.]

The SPEAKER. The time of the gentleman has expired. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 56, noes 56.

So, two-thirds not having voted for the bill, the motion to suspend the rules and passage was rejected.

The SPEAKER laid before the House the following request for the return of bills to the Senate:

IN THE SENATE OF THE UNITED STATES, *May 31, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1920) for the relief of Albert C. Brown.

IN THE SENATE OF THE UNITED STATES, *May 31, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 567) for the relief of H. B. Matteosian.

IN THE SENATE OF THE UNITED STATES, *May 31, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 19) for the relief of George A. Orr.

The SPEAKER. If there be no objection, these several requests will be granted.

There was no objection.

PROTECTION OF THE PRESIDENT.

Mr. GROSVENOR. Mr. Speaker, I make a privileged report, which I ask the Clerk to read.

The SPEAKER. The gentleman from Ohio calls up a privileged report, which will be read by the Clerk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 235, have had the same under consideration and respectfully report the same with the recommendation that it be agreed to with the following amendments:

Lines 7 and 8, strike out the words "said motion that the House resolve itself into Committee of the Whole House on the state of the Union for."

Line 9, strike out the word "act" and insert the word "measure."

Line 10, strike out the words "the act and amendments shall have been."

Add at the end of the resolution, "but this order shall not interfere with revenue or appropriation bills or conference reports."

Mr. RICHARDSON of Tennessee. Let us have the resolution reported as amended.

Mr. GROSVENOR. The report is all right.

Mr. DALZELL. If the Clerk will report the resolution as it was introduced into the House, as changed by the interlined words in pencil, he can read the resolution as amended.

The Clerk read as follows:

Resolved, That immediately after the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate act (S. 3653) and the amendments thereto entitled "An act for the protection of the President of the United States, and for other purposes;" and the consideration of the said measure shall continue privileged until disposed of; but this order shall not interfere with revenue or appropriation bills or conference reports.

Mr. LANHAM. I wish to inquire if this is the resolution as amended?

Mr. GROSVENOR. That is the amended resolution, as provided for in the report of the committee.

Mr. LANHAM. I think there is no objection to its adoption.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

VIEWS OF MINORITY ON FUR-SEAL BILL.

Mr. PAYNE. Mr. Speaker, the gentleman from Minnesota [Mr. TAWNEY] this morning reported back the bill H. R. 13387 from the Committee on Ways and Means. The gentleman from Massachusetts [Mr. MCCALL] desired me to ask that he have leave of the House to file the views of the minority some time during the present week, and I make that request.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Massachusetts [Mr. MCCALL] have leave to file the views of the minority on the bill H. R. 13387——

Mr. PAYNE. During the present week.

The SPEAKER. During the present week. Is there objection?

Mr. RICHARDSON of Tennessee. Let the title of the bill be reported. Several gentlemen have asked for it.

Mr. PAYNE. It is the fur-seal bill.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills and joint resolutions of the following titles:

H. J. Res. 172. A joint resolution authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.;

H. J. Res. 113. A joint resolution authorizing the use and improvement of Governors Island, Boston Harbor;

H. R. 989. An act to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46;

H. R. 13614. An act granting an increase of pension to William H. White;

H. R. 13037. An act granting an increase of pension to Francis W. Anderton;

H. R. 12983. An act granting an increase of pension to Eleanor Emerson;

H. R. 12779. An act granting an increase of pension to George Chamberlin;

H. R. 12428. An act granting an increase of pension to Elizabeth G. Getty;

H. R. 12422. An act granting an increase of pension to David Topper;

H. R. 11288. An act granting an increase of pension to William E. Ball;

H. R. 11124. An act granting an increase of pension to Mary Scott;

H. R. 9833. An act granting an increase of pension to Margaret McCuen;

H. R. 9695. An act granting an increase of pension to Evaline Jenkins;

H. R. 8487. An act granting an increase of pension to John M. Crist;

H. R. 8134. An act granting an increase of pension to James H. Dunn;

H. R. 7560. An act granting an increase of pension to George W. Butler;

H. R. 6718. An act granting an increase of pension to Andrew R. Jones;

H. R. 6625. An act granting an increase of pension to Mary S. Downing;

H. R. 6330. An act granting an increase of pension to William D. Tanner;

H. R. 6037. An act granting an increase of pension to William C. Holcomb;

H. R. 5551. An act granting an increase of pension to Charles Edwarde Price Lance, alias Edward Price;

H. R. 5475. An act granting an increase of pension to August Schill, alias August Silville;

H. R. 2857. An act granting an increase of pension to Frances C. Haughton;

H. R. 2623. An act granting an increase of pension to John Smith;

H. R. 2289. An act granting an increase of pension to Pitsar Ingram;

H. R. 2286. An act granting an increase of pension to Mary Etna Poole;

H. R. 13395. An act granting a pension to Arthur J. Bushnell;

H. R. 13211. An act granting a pension to Melissa Burton;

H. R. 12418. An act granting a pension to Matilda C. Clarke;

H. R. 10782. An act granting a pension to Ole Steensland;

H. R. 9794. An act granting a pension to Zebulon A. Shipman;

H. R. 9606. An act granting a pension to Charles Blitz;

H. R. 7397. An act granting a pension to Louisa White;

H. R. 5248. An act granting a pension to Frances A. Tillotson;

H. R. 4542. An act granting a pension to Eliza J. West;

H. R. 10144. An act to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo;

H. R. 10995. An act to regulate the introduction of eggs of game birds for propagation;

H. R. 13168. An act to establish an additional life-saving station on Monomoy Island, Massachusetts;

H. R. 13895. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

H. R. 14189. An act to permit the occupancy of the public-printing building by the Grand Army of the Republic; and

H. R. 14589. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7319. An act granting an increase of pension to Frances H. Anthony;

H. R. 13359. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 8752. An act authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county;

H. R. 2901. An act to remove the charge of desertion borne opposite the name of Abram Williams; and

H. R. 14018. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5505. An act adjusting certain conflicts respecting State school-indemnity selections in lieu of school sections in abandoned military reservations—to the Committee on the Public Lands.

S. 4616. An act to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes—to the Committee on the Public Lands.

S. R. 107. Joint resolution to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau—to the Committee on Printing.

H. R. 12648. An act establishing a regular term of United States district court in Roanoke City, with Senate amendments—to the Committee on the Judiciary.

S. 2764. An act for the relief of the Mobile and Ohio Railroad Company—to the Committee on Claims.

S. 5213. An act providing for the selection and retirement of medical officers in the Army—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 2276. To fix the time of holding the circuit and district courts for the southern district of West Virginia;

S. 2510. An act extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.; and

S. R. 91. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS of North Carolina, for five days, on account of important business.

To Mr. BISHOP, for five days, on account of death in his family.

To Mr. BOUTELL, indefinitely, on account of important business.

And then, on motion of Mr. PAYNE (at 4 o'clock and 30 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a statement of the public civil revenues and expenditures in the Philippine Archipelago—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting copies of communications relating to the Gasparilla Island Military Reservation—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a supplemental report on the transport service at San Francisco—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting copies of the journals and minutes of the first legislative assembly of Porto Rico—to the Committee on Insular Affairs.

A letter from the Secretary of the Treasury, recommending an additional appropriation for expenses of collecting the revenue—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for electrical devices in vaults in certain public buildings—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, reported the same with amendment, accompanied by a report (No. 2303); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11742) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district, reported the same with amendments, accompanied by a report (No. 2305); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2497) to correct the military record of John P. Evans, reported the same with amendment, accompanied by a report (No. 2306); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6405) removing the charge of desertion from the record of William Harig, reported the same with amendment, accompanied by a report (No. 2307); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 5079) for the relief of George P. White, reported the same without amendment, accompanied by a report (No. 2308); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. RAY of New York: A bill (H. R. 14798) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: A bill (H. R. 14799) to incorporate the International Bureau of Information—to the Committee on the District of Columbia.

By Mr. RAY of New York: A bill (H. R. 14800) amending an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899, and an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, and for other purposes—to the Committee on the Judiciary.

By Mr. BELLAMY: A bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement—to the Committee on Ways and Means.

Also, a bill (H. R. 14802) for the purchase of real estate, for revenue and customs purposes, at Wilmington, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 14803) authorizing the Secretary of the Treasury to sell or exchange the site for the United States post-office and court-house at Cumberland, Md.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 14804) to prevent the use of houses, rooms, or tenements for immoral purposes—to the Committee on the District of Columbia.

By Mr. SLAYDEN: A resolution (H. Res. 284) directing the Secretary of War to inform the House of the number of promotions made in the Army since April 1, 1898, etc.—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BISHOP: A bill (H. R. 14805) granting a pension to Sarah A. Campbell—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 14806) granting an increase of pension to Mary Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14807) granting an increase of pension to Josephine White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14808) granting an increase of pension to Emile Breaux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14809) granting an increase of pension to Marie A. Daigle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14810) granting an increase of pension to Rebecca Broussard—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 14811) granting a pension to Mrs. Almedia J. Robinson—to the Committee on Pensions.

By Mr. CUSHMAN: A bill (H. R. 14812) for the relief of Matilda Elizabeth West—to the Committee on Claims.

By Mr. DAHLE: A bill (H. R. 14813) granting a pension to William Mennecke—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14814) granting a pension to Herman J. Miller—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 14815) granting a pension to M. Weiser—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14816) granting a pension to U. L. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14817) for the relief of Edward W. Sprague, Jasper Sprague, and James B. Hovey—to the Committee on Claims.

By Mr. KERN: A bill (H. R. 14818) granting an increase of pension to Christopher C. McCord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14819) granting an increase of pension to William H. Rupert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14820) for the relief of Conrad Zaehringer—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 14821) granting an increase of pension to Ananias Cameron—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 14822) granting a pension to James H. Smith—to the Committee on Pensions.

By Mr. LITTAUER: A bill (H. R. 14823) granting an increase of pension to William Hawley—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 14824) granting a pension to Sarah T. Hendrick, widow of Pleasant F. Hendrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14825) to correct the military record of Conrad Bailey—to the Committee on Military Affairs.

Also, a bill (H. R. 14826) to correct the military record of Thomas Fowler—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 14827) granting a pension to William B. Thompson—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 14828) granting an increase of pension to William H. Mize—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14829) for the relief of the heirs of John Walston—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 14830) for the relief of the estate of Peter H. Knight—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: A bill (H. R. 14831) granting an increase of pension to Robert Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14832) granting an increase of pension to Andrew P. Gilman—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 14833) to advance one grade Chief Engineer David Smith, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 14834) granting an increase of pension to James P. Freeman—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 14835) for the relief of George O. Baker—to the Committee on Claims.

By Mr. RODEY: A bill (H. R. 14836) granting a pension to Rebecca L. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14837) granting a pension to John H. Roberts—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of American shipmasters, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Resolutions of United Mine Workers' Unions of Williamsburg and Bluffside, Colo., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolutions of the joint convention of Bankers' Associations of Kansas, Missouri, and Oklahoma and Indian Territories, opposing the branch banking bill—to the Committee on Banking and Currency.

By Mr. CAPRON: Petition of the Woman's Christian Temperance Union of Warren, R. I., for the passage of a bill to forbid Government liquor selling in Soldiers' Homes and immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. CASSINGHAM: Papers to accompany House bill granting a pension to Mrs. Almedia J. Robinson—to the Committee on Pensions.

By Mr. DALZELL: Resolution of North American Gymnastic Union of Pittsburg, Pa., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Resolutions of Electrical Workers' Association No. 3, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Fully Disabled Veterans' Association, Brooklyn, N. Y., indorsing Senate bill 4850, with the exception of the amendment to section 2, as adopted by the House Committee on Invalid Pensions—to the Committee on Invalid Pensions.

By Mr. EMERSON: Petitions of citizens of Chesterfield, Elizabethtown, Essex, and other towns in the State of New York, for the passage of House bill 7674, providing for the purchase of Fort Ticonderoga, etc.—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of Branch 34, Boston Postal District National Association of Letter Carriers, on the death of the late Hon. Amos J. Cummings—to the Committee on the Library.

Also, resolutions of the Ladies' East Side Anti-Trust Association of the sixteenth assembly district of New York City, for the repeal of the tariff on meats—to the Committee on Ways and Means.

Also, resolutions of the Purcell Commercial Club, Purcell, Ind. T., opposing the passage of the Flynn bill or the Moon bill—to the Committee on the Territories.

By Mr. GROSVENOR: Petition of citizens of Syracuse, N. Y., and numerous citizens of Washington, Kansas, and Michigan, favoring the passage of House bill 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

By Mr. HOWELL: Resolutions of McKinley Club of Elizabeth, N. J., and Edward G. Brown Post, Grand Army of the Republic, of Hoboken, N. J., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Resolutions of United Mine Workers' Union No. 1197, Des Moines, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolution of North American Gymnastic Union of Des Moines, Iowa, in relation to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. IRWIN: Papers to accompany House bill 5039, granting a pension to Marium Barton—to the Committee on Pensions.

By Mr. JACKSON of Kansas: Resolution of the Bankers' Association of Kansas, Indian Territory, and Oklahoma Territory, in opposition to the so-called branch banking bill—to the Committee on Banking and Currency.

Also, resolutions of United Mine Workers' Union No. 735, Pittsburg, Kans., and No. 647, of Mineral, Kans., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. KERN: Petition of Thomas Knoebel, of East St. Louis, Ill., in support of House bill 123, for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Zealous Lodge, No. 217, Locomotive Firemen, of East St. Louis, Ill., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petitions of pharmacists of St. Clair County, Ill., for amendments to House bill 7189, to increase the efficiency of the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Bricklayers and Masons' International Union No. 2, of Belleville, Ill., in relation to the employment of union bricklayers and masons in the erection of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

Also, petition of C. S. Thomas, of East St. Louis, Ill., favoring Senate bill 2172, for the payment of certain medical expenses of

sick officers and enlisted men—to the Committee on Military Affairs.

Also, resolutions of St. Clair Lodge, No. 353, Machinists' Union, of Belleville, Ill., favoring appropriation for naval deficiency—to the Committee on Naval Affairs.

Also, petition of Mexican war veterans, favoring pension for all survivors of the Mexican war—to the Committee on Pensions.

Also, resolutions of Retail Merchants' Association of Belleville, Ill., favoring House bill 9352—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chicago Federation of Labor, favoring appropriation for hydrographic survey and the amended immigration bill—to the Committee on Appropriations.

Also, resolutions of Master Plumbers' Associations of East St. Louis, Ill., and Belleville, Ill., favoring contracts for Government buildings to be let directly to plumbers and not to a general contractor—to the Committee on Public Buildings and Grounds.

By Mr. LINDSAY: Resolutions of Electrical Workers' Brotherhood No. 3, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTAUER: Papers to accompany House bill granting an increase of pension to William Hawley—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolution of the Board of Trade of Bangor, Me., and Board of Trade of Thomaston, Me., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of citizens of Massachusetts protesting against the taking of the lands of the Sioux Indians—to the Committee on Indian Affairs.

Also, resolutions of the board of aldermen and common council of Medford, and aldermen of the city of Somerville, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Provincetown Maritime Exchange, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: Resolutions of the common council of Medford, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Provincetown Maritime Exchange, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVILLE: Petition of Sylvester St. John, John Hoge, and others of Kearney, Nebr., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. NORTON: Paper to accompany House bill granting a pension to Mrs. Mary Moss—to the Committee on Invalid Pensions.

By Mr. PAYNE: Papers to accompany House bill 8663, for the removal of the charge of desertion from the military record of Charles F. Woodford—to the Committee on Military Affairs.

By Mr. RAY of New York: Paper to accompany House bill 4082, granting a pension to Jacob Hull—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14162, granting a pension to Charity A. Seibell—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Petition of John H. Martin and Henry B. Lindsay, heirs at law of John Walston, of Florence, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting an increase of pension to James P. Freeman—to the Committee on Invalid Pensions.

By Mr. RYAN: Resolutions of Brotherhood of Electrical Workers No. 3, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Petition of Simon Kenton Lodge, No. 345, Brotherhood of Railway Trainmen, of Covington, Ky., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SULZER: Resolutions of Brotherhood of Electrical Workers No. 3, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Resolutions of Provincetown Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Petition of Wallar Post, No. 223, Grand Army of the Republic, Department of Iowa, favoring House bill 13986, to modify and simplify the pension laws—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *June 3, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 22d ultimo, certain information relative to quarters rented by the State Department, giving the location, area of floor space occupied, and annual rental thereof; which, on motion of Mr. GALLINGER, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of Puget Sound Harbor, No. 16, American Association of Masters and Pilots, of Seattle, Wash., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

He also presented a memorial of the Okanogan Protective Stock Association, of Conconully, Wash., remonstrating against the leasing of the public domain in that State; which was referred to the Committee on Public Lands.

Mr. ELKINS presented a petition of the congregation of the First Methodist Episcopal Church of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Bluestone Lodge, No. 446, Brotherhood of Locomotive Firemen, of Bluefield; of Local Division No. 511, Brotherhood of Locomotive Engineers, of Kenova; of Local Division No. 408, Brotherhood of Locomotive Engineers, of Kanawha, and of Local Division No. 140, Order of Railway Conductors, of New River, all in the State of West Virginia, praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

He also presented petitions of Brotherhood of Locomotive Firemen No. 544, of Point Pleasant; of United Mine Workers of America, Union No. 1227, of Montgomery; of United Mine Workers of America, Union No. 1882, of Cedar Grove; of United Mine Workers of America, Union No. 1729, of Central; of United Mine Workers of America, Union No. 1788, of Maybeury; of United Mine Workers of America, Union No. 1808, of Switchback; of United Mine Workers of America, Union No. 1888, of Caperton; of United Mine Workers of America, Union No. 1905, of Mount Hope; of United Mine Workers of America, Union No. 1907, of Coaldale; of United Mine Workers of America, Union No. 1910, of Elverton, and of United Mine Workers of America, Union No. 1945, all in the State of West Virginia, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, to report it with amendments, and to submit a report thereon. I wish to give notice that I shall call the bill up for consideration at as early a day as possible.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. NELSON, from the Committee on Public Lands, to whom the subject was referred, submitted a report accompanied by a joint resolution (S. R. 110) empowering the State of Minnesota to file selections of indemnity school lands upon public lands in Minnesota, otherwise undisposed of, after the survey thereof in the field, and prior to the approval and filing of the plat of survey thereof; which was read twice by its title.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 106) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in townships, immediately upon the survey thereof in the field and prior to the approval and filing of the plat and survey thereof, reported adversely thereon; and the joint resolution was postponed indefinitely.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 5146) granting an increase of pension to Florian V. Sims; and

A bill (H. R. 8476) granting an increase of pension to Moses S. Curtis.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2615) granting an increase of pension to Charles E. Miller, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3180) granting a pension to Emma L. Ferrier, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 5657) to prevent discrimination in grazing permits on the Uintah Forest Reservation, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12796) providing for free homesteads in the Ute Indian Reservation, in Colorado, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 1473) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, reported it without amendment, and submitted a report thereon.

WOODSMAN'S HANDBOOK.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture, and I ask for its present consideration.

The joint resolution (S. R. 111) limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture was read the first time by its title and the second time at length, as follows:

Whereas the proprietors of certain copyrighted log scales and other copyrighted matter have consented to the use of such copyrighted matter in the Woodsman's Handbook, a publication prepared in the Bureau of Forestry of the United States Department of Agriculture, under the restriction that no copies whatsoever be sold by any Government office, and, furthermore, that no copies be furnished to any dealer for the purpose of sale; and

Whereas sufficient authority to publish and pay for the printing of said Woodsman's Handbook is given in the bill making appropriations for the Department of Agriculture:

Resolved, etc., That in consideration of such consent given by said proprietors, no copies of said Woodsman's Handbook shall be printed or distributed otherwise than by the Senate, the House of Representatives, and the United States Department of Agriculture, and none shall be sold or distributed by the superintendent of documents, or furnished to others for sale, anything in the act of January 12, 1895, entitled "An act providing for the public printing and binding and the distribution of public documents," to the contrary notwithstanding.

SEC. 2. That said copyrighted matter, wherever it appears in said Woodsman's Handbook, shall be plainly marked as copyrighted matter, and shall be as fully protected under the copyright laws as though published by the proprietors themselves; and the permission for the use of said matter shall be deemed to be limited to the purposes of this resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LAW OF CIVIL GOVERNMENT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PLATT of Connecticut on the 31st ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Reports on the Law of Civil Government under Military Occupation, submitted to the Secretary of War by Charles E. Magoon, law officer Division of Insular Affairs, War Department, of which 1,400 copies shall be for the use of the Senate, 2,800 for the House of Representatives, and 800 for the War Department.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 6042) providing for the purchase of additional land for the Gettysburg National Park; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STEWART introduced a bill (S. 6043) for the relief of James F. Secor, surviving partner of Secor & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN (by request) introduced a bill (S. 6044) to incorporate the International Bureau of Information; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FORAKER introduced a bill (S. 6045) granting an increase of pension to Charles Sprague; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6046) granting an increase of pension to Holoway W. Kinney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6047) granting an increase of pension to Robert C. Hawkins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6048) granting a pension to Lillian G. Elkins;

A bill (S. 6049) granting an increase of pension to A. L. Kneeland (with accompanying papers); and

A bill (S. 6050) granting an increase of pension to Charles H. Barnes (with accompanying papers).

Mr. FRYE introduced a bill (S. 6051) for the relief of Amos L. Allen; which was read twice by its title, and referred to the Committee on Claims.

Mr. DIETRICH introduced a bill (S. 6052) to amend paragraph 209 (Schedule E) of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, and to provide reciprocal trade relations with Cuba; which was read twice by its title.

Mr. DIETRICH. In connection with the bill, I present a statement relative to providing revenue for and granting reciprocity to Cuba. I move that the statement be printed as a document, so that Senators can have it on their desks in the morning, and that the bill and accompanying statement be referred to the Committee on Relations with Cuba.

The motion was agreed to.

Mr. QUAY introduced a bill (S. 6053) granting a pension to Aurelia A. Everhart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6054) for the relief of Joseph Loudermilk; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6055) to continue the publication of the American Archives; which was read twice by its title, and referred to the Committee on the Library.

Mr. CLAY introduced a bill (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 6057) for the relief of the heirs of Nathan A. Davis, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

BRIG. GEN. WILLIAM CROZIER.

Mr. COCKRELL. I ask unanimous consent to have printed as a Senate document a letter addressed to me by the Secretary of War and also one from Brig. Gen. William Crozier, Chief of Ordnance. The letters relate to the nomination of General Crozier now pending before the Senate, and they ought to be printed for the information of the Senate.

The PRESIDENT pro tempore. Is it a matter to be considered in executive or legislative session?

Mr. COCKRELL. Well, in legislative session.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that certain letters addressed to him be printed as a document. Is there objection? The Chair hears none, and it will be so ordered.

PROPOSED INQUIRY INTO SUBJECT OF LYNCHING.

Mr. GALLINGER. Mr. President, there is a resolution on the table offered by me some time ago, and I desire to make a request that it lie on the table subject to my call.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that Senate resolution 239, heretofore submitted by him, may lie on the table subject to his call. Is there objection? The Chair hears none, and it is so ordered.

MEMORIAL ADDRESS ON THE LATE PRESIDENT M'KINLEY.

Mr. FORAKER. Mr. President, yesterday a concurrent resolution adopted by the House expressing the thanks of Congress to Mr. Hay upon the delivery of the memorial address in honor of President McKinley was messaged here, and I understand that it is lying on the table. It came during my absence. I ask that it be taken up and now considered.

The PRESIDENT pro tempore. The Chair lays before the Senate the concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to Hon. John Hay for the appropriate memorial address delivered by him on the life and services of William McKinley.

late President of the United States, in the Representatives' Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1902, and that he be requested to furnish a copy for publication.

Resolved, That the chairman of the joint committee appointed to make the necessary arrangements to carry into effect the resolutions of this Congress in relation to the memorial exercises in honor of William McKinley be requested to communicate to Mr. Hay the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

Mr. ALLISON. I move that the Senate concur in the resolution.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. The Senator from Alabama [Mr. PETTUS] who was appointed one of the conferees on the part of the Senate in regard to the message from the House on the Army appropriation bill is also one of the Visitors to West Point, and he requested me to ask that he be relieved on that account from service on the conference committee. I ask that he be relieved and that a Senator be appointed by the Chair in his place.

The PRESIDENT pro tempore. Is there objection to the request made through the Senator from Vermont by the Senator from Alabama? The Chair hears none. The Chair appoints the Senator from Colorado [Mr. TELLER] in place of the Senator from Alabama [Mr. PETTUS].

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2295.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. McLAURIN of Mississippi. Mr. President, it may be well enough to state the different positions of the two parties on the Philippine matter. After the treaty of peace was proclaimed, April 11, 1899, it became a question, What shall be done with the archipelago? The Democratic party said: "Those people were fighting for independence and for the establishment of a republic before we ever entered their islands, and had driven the Spaniards into Manila and a few small towns, where they were besieging the Spaniards, and with a knowledge on our part that they were fighting for their independence and to establish a republic we furnished them with arms and cooperated with them against a common foe; that therefore we could not honorably hold them as subject provinces." This being so, it was contended by the Democratic party that the honorable thing to do, and the best thing for the United States, was to let them have their independent government, interfering only far enough to see that the Paris treaty should be kept. The Republican party said that we must keep the islands as subject provinces; that there was money in their retention as imperial provinces. They ignored all regard for the honor of the United States in dealing with the archipelago and looked alone to the matter of spoils. I do not charge all Republicans thus, but that this was the attitude of the leaders of the party no man can conscientiously deny.

The Democrats maintained that by frankly telling the Filipinos that we intended to set them upon a firm foundation of republican government we would have no clash nor friction with them, but that they would faithfully perform all the stipulations our Government had made in the Spanish treaty, and we would have their gratitude and friendship and readily and easily acquire their trade. The Republican party, being in power, refused to listen to any suggestion of conciliation, and sought any pretext for a war of subjugation of those pitiable and miserable people. The Democrats appealed to the Republican party that if the honor, honesty, justice, and good faith of the case were to be discarded in the discussion as a question of material gain to the United States it was best to let the Philippine Islands go to themselves, and to content ourselves with such commerce with them as their friendship and gratitude and our superior goods and mercantile advantages should gain.

It was pointed out that the Republican course would provoke war; that our soldiers would be killed, and far more of them would sicken and die in that unfriendly climate; that it would cost us hundreds of millions of dollars, and that there could never be any adequate return. A few of the Philippine soldiers and a few of the American soldiers became embroiled in a fight. The Republicans greedily seized it as a pretext for war. They said they would not permit a puny little people to offer us an indignity. What an idea for greatness! England took a valuable slice of Alaska from us, and the Republican party, being in control of the Government, permitted the indignity. But let the least semblance of indignity be offered by a puny republic, and it will be instantly resented, if the Republicans should be in control.

When this Government was in its infancy a Democratic Administration served notice on all the powers of Europe that "thus far shalt thou go and no farther," and it was sufficient. Less than ten years ago, when England was fixing to clutch Venezuela, a Democratic Administration firmly said "hands off," and it was enough. It has never been thought, by a Democratic Administration, necessary to send special ambassadors to represent this country, kneeling at the throne of a British King, in order to enjoy the friendship of Great Britain. Democratic Administrations have challenged the friendship of Great Britain, as of every other country, by just intercourse and honest dealings, and have commanded their respect through the manhood of the United States.

The Republican party, being in control of the Government, adopted the policy of empire. No man can deny this. It provoked war with an inferior people and race. No man can deny this. An assurance to those people that we did not covet nor intend to take their country would have avoided war and bloodshed. It would not have been humiliating, any more than it would be humiliating for a giant to speak gently to a pigmy.

For more than three years we have had war, the product of the Republican imperialistic policy, which the Democratic party so much deprecated, and now we are gathering the fruit. What is the fruit? It is the treacherous killing of American soldiers by some of the Filipinos, the torturing of American soldiers by some of the Filipinos, the killing and torturing of Filipinos by some of the American officers, the burning of towns and villages and laying waste of islands, the sacrifice of the lives of more than 10,000 of our soldiers and the wreckage of the health of myriads more, the torturing to death of our own soldiers by some of our own officers; widowhood, orphanage, scalding tears, and furrowed cheeks. These are some of the fruits of the imperialistic policy.

A Republican Senate directs its committee to investigate affairs in the Philippines, a committee a majority of whom are Republicans. Witnesses who are returned soldiers come before the committee and testify to atrocious outrages and give the names of the officers who perpetrated them. General Wheaton, one of our brigadier-generals, says that the troops of Macabebes, whom we have enlisted in our Army, are savages—more of the fruit of the imperialistic policy. Major McKenna, a major in our Army, says that these Macabebe savages, who wear and disgrace our uniforms, have committed brutal outrages upon friendly Filipinos who have rendered excellent service to the United States. A district attorney of this Republican Administration reports to an Attorney-General of the Administration that a captain, whom he names, stood up men whom he suspected, with their hands tied to their sides so they could not use them to break the fall, and knocked their feet from under them, throwing their heads against a wooden floor, and then stood them on their heads in a bucket of water, to make them confess. And this was done repeatedly.

These witnesses are brought before a committee, ordered by a Republican Senate, to investigate this matter. These documents I have mentioned, detailing cruelties and charging our Government with taking heartless savages into its service, come from the War Department, which is Republican, and no Democrat had anything to do with making them. These documents calling Macabebes savages, and charging that these Macabebe savages, wearing and disgracing our uniform, ravished 12-year-old girls, pregnant women, and mothers with 4-months-old babes, and charging that American officers cruelly tortured unoffending natives, are not Democratic documents. They do not emanate from any Democratic source. They are Republican documents. They emanate from Republican sources.

But when the investigation charged by a Republican Senate to be made before the committee, and these Republican documents develop a state of affairs in the Philippines that horrifies the people because of cruelties perpetrated by Filipinos upon our soldiers, and by certain of our officers and the Macabebe savages upon the Filipinos, and we point to these things as the fruit of an imperialistic policy that ought never to have been adopted, and we ask if it is not enough, and insist that we desist from a policy productive of such horrible results, we are charged with slandering the Army. If these facts slander the Army, the Republican party has slandered the Army, for the Republican party has developed these facts. The Republican party is not only responsible for developing these facts, but is responsible for their existence. They are the legitimate fruit of its policy.

Republican Senators arrogate to themselves the defense of the Army, by which they mean the superior officers in the Army, for they do not deign to give any consideration to the private soldier. Beautiful eulogies are pronounced upon the officers, but no Republican Senator has uttered a word of condemnation of two generals—Funston and Otis—who made sweeping denunciations of the private soldiers. How many battles would be won and how many wars would succeed without private soldiers?

But the Army does not need the self-appointed defense of Republican Senators. The best service that can be done the Army is to weed out all those who are not worthy of its uniform. If the worthy and worthless are all clothed in the same uniform then

the uniform does not stand for anything. It would be impossible from the uniform to tell the good from the bad. But if the unworthy are not permitted to wear it you know when you see a man clothed in the American uniform that he is a brave, chivalrous, worthy gentleman.

Strip the American uniform from the merciless savage Macabebe, and take his commission from every unworthy officer without respect to persons. By so doing you will defend the Army. You will protect it against imposters.

High-salaried generals denounce the soldiers indiscriminately as liars, and not a word of condemnation or protest escapes the lips of a Republican Senator. The senior Senator from Vermont ignores the private soldier and speaks of the Army as though it were composed exclusively of officers. He says the officers "will not lie or steal." By the well-recognized legal maxim that the naming of one is the exclusion of all others, it must be inferred that the Senator did not feel able to say as much for the private soldiers. Generals and other officers have testified before the committee, and they have been covered by Senators with extravagant enconium. But the testimony of a private soldier, although not a Democratic witness, did not carry euphony to the ears of Republican Senators, and he was arraigned and mercilessly excoriated by the senior Senator from Wisconsin. And they call this defending the Army against Democratic slander.

I say that the officers of our Army do not lie or steal. I say, further, that the soldiers of our Army do not lie or steal. But the records made up by this Republican War Department show that some of the officers and some of the soldiers do steal; these records show that some of the officers now holding commissions in the Army stand convicted of stealing. But it is proper to say that the American people do not steal, notwithstanding some of them have been convicted of larceny. So it is proper to say that the Army does not steal, though some of its members have been convicted of theft. The exceptions do not characterize the country nor the Army. The crimes and criminals in either ought to be suppressed.

Republican Senators charge us with being cowards, running away from a useless war with an inferior people and race. If it be cowardice to try to stop a war and to oppose a policy fraught with such horrors as the War Department has shown us, and if it be cowardly to try to save the lives and health of our soldiers from needless exposure, then you may put me down as a coward. But there is one thing we have not done; we have not fawned and skulked behind the epaulets of Army officers to escape facing a policy that can not be defended. Senators say we do not comment on the fact that generally the conduct has not been cruel. That goes without saying, yet it has been repeatedly asserted by Democratic Senators. Senators have insisted that all the orders of the officers were commanding humane treatment, I suppose to imply that all the cruelties were perpetrated by private soldiers against the orders of the officers. The records given out by the War Department and the evidence show that generally the tortures and cruelties were by officers and by Macabebe savages disgracing our uniform.

The Senator from Wisconsin laid great stress on petitions from the Philippines for the retention of our armies. The dispatch from the Secretary of War, found on page 2486 of Affairs in the Philippines, may throw some light on this, which I will read:

UNITED STATES SIGNAL CORPS,
Iloilo, February 11.

COMMANDING OFFICER, *Pototan:*

Following telegram has been received and should be circulated among all officers:

"MANILA, *February 10.*

"COMMANDING GENERAL FIFTH SEPARATE BRIGADE, *Iloilo:*

"Following cablegram received from Washington: To refute statements of misconduct of troops toward natives in Philippine Islands, Secretary of War Root directs petition of retention of commanders of various organizations and any information within the knowledge of any officer on these islands will be wired here. Any applications that have not been forwarded will be forwarded at once."

By order of Colonel Snyder:

NOBLE,
Adjutant-General's Office.

A true copy.

GEORGE J. ODEN,
First Lieutenant, Tenth United States Cavalry.

We must presume that this was not intended to have evidence cooked for the case; but if any were to suspect as much, I am not prepared to deny the provocation.

I wish I had time to discuss the moral and legal aspect of the controversy. When war was declared against Spain it was distinctly avowed that it was not for the acquisition of territory. So when we went to the Philippines it must be agreed that it was not to conquer or acquire the islands. This being true, we had no claim to them up to April 11, 1899, and their political attitude up to that day was a matter between them and Spain. Spain at that time had absolutely no power in the archipelago and could sell nothing there except a right to conquer.

To show that the Philippines claimed to be a republic, and that our Government knew it and knew that they were fighting for independence, I will read on page 333 of A Treaty of Peace Between the United States and Spain:

Mr. Wildman to Mr. Day.

No. 19.] HONGKONG, *November 3, 1897.*

SIR: Since my arrival in Hongkong I have been called upon several times by Mr. F. Agoncillo, foreign agent and high commissioner, etc., of the new republic of the Philippines.

Mr. Agoncillo holds a commission, signed by the president, members of cabinet, and general in chief of the republic of Philippines, empowering him absolutely with power to conclude treaties with foreign governments.

Mr. Agoncillo offers on behalf of his government alliance offensive and defensive with the United States when the United States declares war on Spain, which, in Mr. Agoncillo's judgment, will be very soon. In the meantime he wishes the United States to send to some port in the Philippines 20,000 stand of arms and 200,000 rounds of ammunition for the use of his government, to be paid for on the recognition of his government by the United States. He pledges as security two provinces and the custom-house at Manila.

He is not particular about the price—is willing the United States should make 25 per cent or 30 per cent profit.

He is a very earnest and attentive diplomat and a great admirer of the United States.

On his last visit he surprised me with the information that he had written his government that he had hopes of inducing the United States to supply the much-needed guns, etc.

In case Señor Agoncillo's dispatch should fall into the hands of an unfriendly power and find its way into the newspapers, I have thought it wise to apprise the State Department of the nature of the high commissioner's proposals.

Señor Agoncillo informs me by late mail that he will proceed at once to Washington to conclude the proposed treaty, if I advise.

I shall not advise said step until so instructed by the State Department.

I have the honor to be, sir, your obedient servant,

ROUNSEVILLE WILDMAN, *Consul.*

To show that we did not cooperate with the Filipinos with a knowledge of their purpose before us I will read from the same book, on pages 316–317, the reply of our State Department to the request of Spain to release Spanish prisoners to enable Spain to resist the sieges by the Filipinos of the few small places then (September 5, 1898) held by the Spaniards in the archipelago:

Mr. Moore to Mr. Thiébaut.

[Personal.]

FRENCH EMBASSY, WASHINGTON, *September 5, 1898.*

DEAR MR. THIÉBAUT: Since the receipt of your informal note of the 29th ultimo and your personal letter of the 3d instant consideration has been given to the matters therein referred to, and pertinent advices have been received from our military and naval commanders in the Philippines.

As the result of our investigations it appears that some of the reports which you have brought to our attention in behalf of the Government at Madrid have no solid foundation, while others relate to matters that occurred before the signing of the protocol of August 12.

The rumor that the authorities of this Government are carrying on negotiations for the purpose of chartering at Hongkong ships for the transportation to Spain of the Spanish troops that surrender at Manila appears to be wholly groundless. No such negotiations have to our knowledge been undertaken. None have been authorized.

In our conversation of the 3d instant you disclaimed any intention on the part of the Spanish Government to impute to the commanders of the American forces at Manila connivance with any recent hostile proceedings of the insurgents. I am now able to say that they have no knowledge of the incidents referred to as having lately taken place at Manila.

As to the rumor that a ship with 700 insurgents on board has lately left Manila with a view to attack some of the islands in the Philippines, we are advised that no insurgent vessel having troops on board has recently left either Manila or Manila Bay. It is stated, however, that about August 10, before the protocol was signed, two vessels with from one to two hundred troops left Manila Bay, destination unknown.

The report that similar expeditions are preparing in Luzon with a hostile purpose against other islands appears also to be inexact. Our advices are to the effect that the insurgents have three or four small vessels, only two of which have guns, and that the largest of these vessels will not carry more than 250 men.

In your informal note of the 29th ultimo it is stated that the Spanish Government suggests that, for the purpose of checking insurgent hostilities, the Spanish troops now held as prisoners of war by the American forces may be placed at the disposal of Spain, to be used against the insurgents; or, if this be objected to, that the Spanish Government may be allowed to send troops from the Peninsula to the Philippines. It can scarcely be expected that this Government would even consider the question of adopting the first alternative, in view of the fact that for some time before the surrender of Manila the Spanish forces in that city were besieged by the insurgents by land while the port was blockaded by the forces of the United States by sea.

As to the second alternative, it will be a matter for regret if it should be adopted on the strength of rumors, some of which have been shown to be groundless, while others yet are unconfirmed. The Government of the United States will, through its military and naval commanders in the Philippines, exert its influence for the purpose of restraining insurgent hostilities pending the suspension of hostilities between the United States and Spain.

It would be unfortunate if any act should be done by either Government which might, in certain aspects, be inconsistent with the suspension of hostilities between the two nations, and which might necessitate the adoption of corresponding measures of precaution by the other Government.

Very sincerely, yours,

J. B. MOORE.

Knowing the Filipinos claimed to be a republic and were fighting for independence, we aided them and cooperated with them. When we and they whipped the common foe we bought from the common foe the right to conquer our allies—a right that the common foe, without our interference in any way, did not have the power to exercise. To conquer these allies costs tens of thousands of lives and hundreds of millions of dollars, for which there can never be any adequate return. The imperialistic policy ought to be abandoned.

Mr. CARMACK. I wish to renew my request for unanimous consent to print in the RECORD the rest of the matter that I was reading yesterday.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent to print in the RECORD the remainder of the paper which he was reading yesterday. Is there objection? The Chair hears none, and the order is made.

The paper referred to is as follows:

The statement that "Agoncillo, Lopez, and others were, while in Washington, forewarned of the outbreak of hostilities on the 4th of February, 1899, and that they or some of them slipped out of the country in order to get beyond the jurisdiction of the United States," is untrue. I was secretary of the Filipino commission to Washington of which Señor Agoncillo was the president. I saw every communication that was received and sent by the commission, and no such forewarning ever came. It was also stated at the time that Agoncillo sent a cable to Aguinaldo or the Hongkong junta, urging an attack upon the American forces. This, too, is entirely untrue.

It is true that we knew of the serious unrest that was being created by the terms of the treaty of Paris and by the attitude of the American military authorities in demanding that our forces should yield positions to which they were justly entitled by the success of their arms. We knew also that when two armed forces were in striking distance of each other there was grave danger that "the impetuous action of a Filipino or the overzeal of an American soldier might create a condition resulting in grievous loss of life." And for this reason we did everything in our power, as the accompanying letters will amply prove, to obtain from the authorities at Washington an assurance that an attack on the Philippine government was not contemplated by America, notwithstanding the fact that reenforcements of American troops were then being sent to Manila.

It is true, also, that Señor Agoncillo, on account of the attack that was being made upon him in the American press and of the statements that he was liable to be arrested, felt that it would be undignified for him to remain longer in Washington, and was on the eve of departure when the news appeared in the American press that hostilities had occurred at Manila. Contrary to my desire, Agoncillo still persisted in leaving the country, not because of a desire to escape jurisdiction, but because he felt that his mission as an ambassador was at an end. Dr. Losada and I remained in Washington for five weeks after the outbreak of hostilities and the ratification of the treaty. It is true that Dr. Losada was suffering from muscular rheumatism in the arm.

I believe that if America had granted our very reasonable request that the troops being sent to Manila were not intended as a menace to our government or our people—and it was as much America's duty as ours to endeavor to maintain peace—the conflict would not have occurred.

SIXTO LOPEZ.

THE ARLINGTON, *Washington, D. C., January 5, 1899.*

The SECRETARY OF STATE.

SIR: I have the honor to request, on behalf of Señor Don Felipe Agoncillo, accredited as the envoy of the Philippine republic to this country, that he may be accorded the privilege of an audience with you to arrange for the presentation of his letters of credential to the President of the United States, and to state that he would be pleased to know the time most agreeable to you for him to call and pay his respects and ascertain when it would meet the President's convenience to receive him.

I have the honor to inclose herewith, by direction of Señor Don Felipe Agoncillo, a memorandum relative to the government of the Philippine Islands.

I am further instructed by him, in view of the recent circumstances, to urge upon your consideration the advisability of an understanding between the American Government and the representative of the Philippine people as to the relation between the respective nations; such understanding to be reached either at Washington, through joint representatives of the governments, or in the Philippine Islands in a like manner.

Señor Don Felipe Agoncillo further instructs me to express his earnest desire that the friendly relations which have heretofore existed between the two people may ever be maintained.

I have the honor to be, with the most distinguished consideration,

Your obedient servant,

SIXTO LOPEZ.

Memorandum to accompany letter from Señor Don Sixto Lopez, secretary of Señor Don Felipe Agoncillo, to the honorable the Secretary of State.

JANUARY 5, 1899.

The Philippine republic was promulgated on June 18, 1898, by a congress of representative Filipinos, accredited from and being residents of the various islands of the Philippine group, and assembled at Bakoor, province of Cavite, island of Luzon. Its existence was formally announced to foreign powers on August 1, 1898.

The representatives referred to created a provincial government and determined the manner in which the government of the various islands, provinces, and subdivisions should be constituted. Pursuant to the action of said congress a detailed system of government has been provided for and is actually maintained in all portions of the Philippine Islands, except so much of the provinces of Manila and Cavite as is now in the actual possession of the American Army, such excepted part containing only about 3 per cent of the population of the entire islands and an infinitely smaller proportion of their area.

From the foregoing it will appear that the Philippine government is now, as it has been practically ever since the 16th of June, 1898, in substantially full possession of the territory of the people it represents.

Furthermore, pursuant to the action promulgated at Cavite, the people of the Philippine Islands have an executive head in the person of Don Emilio Aguinaldo, who is assisted by a cabinet embracing ministers of foreign affairs, war and public works, justice and finance, all appointed pursuant to the constitution of June 18, 1898. The government in question has, since the time named, exercised all the functions pertaining to a government anywhere, in that it has raised and sustained large armies, expelling the Spaniards, who, without authority or sanction of the people, claimed control of the country, and has collected revenues, maintained post-offices, administered justice, cared for public instruction, and performed all the other functions incident to civilized control. This government has preserved civil and religious liberty and protected private property, and is so far intrenched in the affections of the people, and has with such humanity exercised its offices that the Filipinos feel that, as their representative, it should be welcomed to the family of independent nations.

SIXTO LOPEZ.

THE ARLINGTON, *Washington, D. C., January 7, 1899.*

The SECRETARY OF STATE.

SIR: On yesterday I had the honor to deliver, on behalf of Señor Don Felipe Agoncillo, at the State Department to one of its officials, and addressed to you, a letter and memorandum, a duplicate original of which is inclosed.

I am directed by Señor Don Felipe Agoncillo, in view of the fact that certain newspaper publications have been made referring to it and containing purported details of the delivery of the letter and memorandum in question to the State Department, to deliver to you the inclosed, to the end that it may receive your early and favorable consideration.

I have the honor to be, with the most distinguished consideration, your obedient servant,

SIXTO LOPEZ.

THE ARLINGTON, *Washington, D. C., January 11, 1899.*

The SECRETARY OF STATE.

SIR: On Friday, January 6, 1899, I had the honor, through my secretary, Señor Lopez, to submit to you the request that I be accorded the privilege of an audience with you to arrange for the presentation of my letters of credential to the President, and to state to you that I, as envoy from the Philippine republic to the President of the United States, would be pleased to know the most agreeable time for me to call and pay my respects and ascertain when it would meet the President's convenience to receive me. Accompanying this letter was a memorandum referring to the condition of the government of the Philippine republic, which I have the honor to represent.

Permit me to express my sincere regret that up to the present time I have not been favored with a reply to or an acknowledgment of the letter submitted, as stated. This regret is the greater because of the present unhappy relations existing between the Philippine government and the representatives of the American Government now in the Philippine Islands, appreciating, as I do thoroughly, the material injurious consequences to result from any conflict which might arise between the two governments, as well as the moral damage which would be inflicted by the severance of the relations of trust and confidence which have heretofore existed. This feeling must be my apology for venturing to address you, urging respectfully the importance of a speedy answer to the communication in question.

I venture to submit to you herewith some considerations bearing upon the right of my country to recognition as an independent sovereignty, as well as upon the benefits to be derived to the parties most immediately concerned from the granting of such recognition.

In view of the present status of affairs in the Philippine Islands, and the fact that, in the present strained position, the impetuous action of a Filipino or the overzeal of an American soldier, acts based upon the impulse of a moment may create a condition resulting in grievous loss of life, as well as a memory that both nations might carry with them for years, I again urge upon you the necessity of an early and frank communication between the representatives of the countries in question.

Permit me to subscribe myself, with the expression of the highest consideration for you, your most obedient servant,

FELIPE AGONCILLO.

THE ARLINGTON, *Washington, D. C., January 24, 1899.*

The SECRETARY OF STATE.

SIR: I had the honor on January 11, 1899, to address a letter to you touching the question of my recognition as the envoy of the Philippine republic, accompanying the same with a memorandum demonstrating that according to all American precedents the Philippine republic was entitled through its representative to receive the recognition sought for. In concluding the letter in question, I ventured to call your attention to the fact that, in the present strained position at Manila, the impetuous action of a Filipino or the overzeal of an American soldier might create a condition resulting in grievous loss of life, and for this reason I particularly urged upon you the necessity of early and frank communication between the representatives of the two countries. Since the delivery of the letter referred to we have been made aware, through the newspapers, of the fact that the very circumstances adverted to as possible have nearly caused the actual existence of a state of war between the two nations, and the language used by me was so far prophetic that the subsequent facts have amply justified its employment.

The conditions have not essentially changed since the writing of my former letter except in certain respects affecting the matters to be hereinafter more fully set forth, and the urgency then pointed out, I respectfully submit, still exists even in an accentuated degree.

As the Washington representative of the Philippine republic, permit me respectfully to call your attention to a certain condition surrounding the relations of the two countries, which, in my opinion, calls for an immediate alleviation.

There are at the present time, as we are informed, approximately 20,000 armed and disciplined American troops in the city of Manila and vicinity, controlling a population of about 300,000. A number of war vessels are stationed in the harbor, and many other American men-of-war and transports are to be found within the limits of the Philippine Archipelago, although the actual possession of the American troops extends over not to exceed 143 out of more than 200,000 square miles of territory.

Despite the existence of these enormous forces within an extremely circumscribed area, we are informed through the public prints that other vessels of war have been ordered from distant parts of the globe to reenforce those now among the islands in question, while but a few days ago a transport sailed from New York City carrying about 2,000 soldiers and having Manila as its destination, and, as we are further informed, regiments of troops are under orders to proceed by way of San Francisco to the Philippines. The public prints inform us that an attack upon the Philippine Islands is contemplated; that the islands are to be taken in detail, the smaller ones first, the larger ones blockaded, so that they may not assist those first attacked.

It is naturally the impression of my government and people that these war-like preparations indicate existing or immediate military operations in the Orient, and they readily conceive that it must be contemplated that such operations are to be levied at the existing government of the Philippine Islands.

As the representative of the Philippine government, I hesitate to give adhesion to this idea, for I can not believe that there is any present or threatened future difficulty between the American and the Philippine governments justifying warlike activities; and, as a believer in the humanity of the American people, refuse to acquiesce in the idea that America designed war upon the Philippine Islands.

But lately the United States and the government I have the honor to represent have been associated in the conflict against a common enemy. The purpose for which the United States entered upon such a struggle has been accomplished by the expulsion of Spain from her West Indian possessions. The desire of the Filipino republic has been practically obtained by the almost

complete expulsion of the Spanish Government in the Philippine Islands, the Philippine government now holding as prisoners of war between nine and ten thousand soldiers lately in arms under the Spanish flag, and Spain possessing only a few small garrisons in isolated points of minor importance and not worth enumerating.

In view of the foregoing, I can not, as I have said, conceive any reason why the armies and navies of the United States lately employed against her common enemy should now be turned against America's recent associate.

The United States has no active enemy in the Orient, having proclaimed an armistice with its late antagonist. It is true that such antagonist has undertaken to convey to the United States its alleged claim against the Philippine Islands, a claim which Spain was not capable of enforcing and which never found its origin in the consent of the people of those islands. Are my government and the people to be led to suppose that it is because of some desire on the part of the American Government to enforce against its late associate this exploded claim that the United States is massing its forces at the late capital of the Philippine Islands?

The Philippine Islands are in a state of public order. They possess a government satisfactory to their inhabitants and are without an enemy within their borders offering any resistance to its just operations, and they find themselves to be at peace with all the world.

I am sure you will appreciate, in view of the circumstances I have detailed, the quieting and reassuring effect upon the minds of my countrymen to result from a disclaimer upon the part of the American Government of any intention to attack their liberties and independence.

Notwithstanding the serious difficulty under which I labor in not having been formally received by the American Government as representative of the Filipino nation, I feel it my imperative duty to call your attention to the disturbing facts before enumerated to the end that they may receive from you such assurances as will satisfy my countrymen that it is not the intention of America to make war upon the new republic of Asia, and which will explain to it the reason why large armies and navies should be dispatched to the Philippine Islands, and which will relieve my countrymen of the fear that now possesses them that their liberties are endangered at the hands of a republic whose name they have always believed was associated with freedom and to which they have come first applying for recognition among the nations of the earth.

I desire again to express the gratitude of my nation to America for services rendered by her in furthering Filipino independence, and to express the hope that friendly relations may ever continue.

In view of the present alarming situation, may I respectfully urge the importance of an immediate answer?

I have the honor to be, with the assurance of my highest regard, very respectfully, your obedient servant,

FELIPE AGONCILLO.

[Mr. BEVERIDGE addressed the Senate. See Appendix.]

Mr. BERRY. Mr. President, I had not intended to speak at all on the pending bill, as I have spoken several times upon the subject heretofore. I should not speak now but that on Saturday last the Senator from Wisconsin [Mr. SPOONER] referred to the fact that but few Senators on the floor who had been soldiers in the Southern army had taken part in the debate. He also charged that Senators upon this side of the Chamber had assailed the Army of the United States, and he said that there were certain other Senators here whom he did not believe would concur in such charges.

Mr. President, if the premises were true, if it were true that Senators upon this side of the Chamber had attacked the entire Army of the United States for the acts of a few individuals belonging to that Army, then I would not agree with them; but I state here to-day—and I have, I think, either heard or read every speech that has been made on this subject on this side of the Chamber—that I do not believe it can be truthfully said that any Senator on this side or on this floor has attacked the Army of the United States, or charged that the entire Army was responsible for the misconduct of a few individuals. If any Senator on the other side can point out and name such a Senator upon this side or quote such language from him to sustain that charge, I shall be glad if he will do so.

Mr. President, I for one would be the last man to attack the Army. I have always had for any soldier who was actuated by patriotism and desired to do his duty, who was willing to incur the dangers and undergo the hardships of a soldier's life, the highest respect and the highest regard. I care not for what cause he fought or under what flag he marched, if he was honest and conscientious in the discharge of his duty. The hardships which the soldiers have to endure are sufficient. No words will ever come from me which will assail the great body of the Army of the United States. No man in the entire country was more proud or more rejoiced over the magnificent conduct of our soldiers and sailors of the Army and Navy in the war with Spain than was I. There was a grand wave of patriotism that then went all over this land, and there has never been a time in the history of this country when there was such unanimity of feeling and such cordial relations existing in every State of the Union as on the day of the close of the war with Spain.

But, I repeat, it is unfair and it is a false issue to charge that Senators here have attacked the Army of the United States. It is true that they have denounced in unmeasured language the acts of General Smith, of Major Waller, and of Captain Glenn. Where is the Senator who will rise in his place and defend the acts of these three officers? They can not be defended. These men have, as the testimony shows, linked their names with infamy that will stay with them for all time to come. But that is not the case with the great body of the Army.

I never did believe in attacking a whole State because of the lawlessness of some few of its citizens. I never believed that it was fair to hold even a county or an entire community responsible for the lawless and cruel and unjustifiable act of a few people, I care not whether the act was committed in Kansas or in Mississippi or in any other State. The individuals who commit such acts are themselves responsible, and they deserve to be held up to the scorn of all people. But surely it is unfair to say that when those people who are actually guilty of outrages are censured for them that that is an attack upon the Army.

Mr. President, the Army of the United States is not responsible for what has happened in the Philippines. The responsibility for all that has taken place there belongs here; it belongs to that class of our citizens who, many of them, actuated by greed, many of them actuated by wild dreams of commercial prosperity and expansion of territory and for having this nation become a world power, have forgotten the traditions of the Republic and brought about and engaged in an unjust and unholy war. The responsibility rests with those who had the choice between peace and war.

When the Spanish war was closed the issue was fairly presented. It was known that if this Administration or this Congress had said that those people should have fair and just treatment and be given the right to organize a government of their own choice there would have been no war; but, I repeat, actuated, many of them, by the motives which I have stated, they have pursued a different course, and they are responsible for all which has followed.

The Senator from Wisconsin said the other day that no Senator had been moved or actuated to vote for the treaty by commercial hopes or mercenary considerations of any kind for our country. The Senator from Tennessee [Mr. CARMACK] reminded the Senator from Wisconsin that the former Senator from Montana, Mr. Carter, had upon this floor made a statement that such was the purpose.

Mr. President, there was an interview printed by one of the most distinguished Republican Senators who ever sat upon the other side of the Chamber, in which he said that the time was near at hand when there would be a great contest for the trade of the Orient, and that it was necessary for the United States to occupy a position near the ground in order that we might have an even chance in the contest for the trade of China. I repeat, furthermore, that the Secretary of the Treasury, standing by the side of President McKinley, at Savannah, Ga., said that in this war philanthropy and 5 per cent would go hand in hand.

The Senator from Indiana [Mr. BEVERIDGE] who has just taken his seat made a speech upon this floor, in which he pictured the wealth of that archipelago and referred to the glories of commerce which would come to us; and the Republican papers from one end of this country to the other have pictured that when the Nicaragua Canal shall be finished our possession of the Philippines would be especially beneficial to the people of the South, as it would give them an additional market throughout that country for the cotton which they raise. All over this country Republican Senators and Representatives and newspapers have openly advocated the advantages that would come from taking and keeping possession of the Philippine Islands. It is with them that the responsibility rests.

You have deliberately brought it about. I know that some men on the other side have said to me that they had made a mistake. I think many of you, when you contemplate what has occurred in those far-off islands, and the tears and the sorrows and the injuries that have come to so many of our own people on account of the loss of our soldiers, and the infinite horrors which have come to that far-off people, feel to-day that it would have been better to have dealt with the Philippines as we have dealt with Cuba.

There is no man in the United States to-day who, I think, does not feel proud of our action in Cuba. We are entitled to the glory of having freed that people and of having given them a government of their own. That glory is, however, somewhat obscured when we remember that there is another people equally entitled to our protection, equally entitled to liberty and independence, upon whom we have made war that has cost the lives of thousands of their citizens. We have reduced them to sullen submission, because they have not the power to resist, and we have put into their hearts undying hatred for our people and our country, when, if we had treated them as we treated the Cubans, there would have been love and admiration and gratitude.

So I have placed the responsibility upon those who have brought about this condition of things, and there, I believe, the impartial historian will in the future place it.

I do not stand here to-day to stir up any feeling of strife. I honor the American Army; I am proud of its glories, and I would not, under any circumstances, utter a word to detract from its well-earned fame. I regret that the chairman of the committee has selected from the testimony taken before the committee, and printed in the RECORD, some of the most brutal acts that were committed during our civil war. I think, Mr. President, that

those acts were such that we should all be glad to forget them; and yet the Senator from Massachusetts has placed in the RECORD the record of General McNeil, a Union general in Missouri, who brutally, and without a shadow of excuse, took out 10 prisoners and deliberately shot and murdered them. I think the Senator ought not to have published such a record as that. I think we had better have forgotten it. But would it be fair for me to say that because he did print that, I think the Senator intended to cast opprobrium upon the Union soldiers in the late war? I do not think he intended that. I do not think that he would stand here and defend such an act as that. Then why did he do it, Mr. President? Why bring that forward unless the Senator thinks it will in some way excuse or justify General Smith in the order which he issued in the Philippines?

I repeat again that this debate here and elsewhere has assumed a shape that may tend again to revive sectionalism. I regret that the President of the United States, the President of all the people and all the States of this Union, on Memorial Day, on a day when he was surrounded by the graves of those who fell in the civil war, on a day when the old soldiers and young soldiers, and when men and women assembled together to place flowers upon the graves of those who had died in defense of the Union, I regret that on that day, which should appeal to the warmest emotions of every man's heart, on that day when a man feels most kindly toward the living and most grateful to the dead who have died in defense of principles in which they believed, I regret that on that day the President saw proper to make what I think was a bitter partisan speech. He saw proper to go back forty years and undertake, as I think, to rekindle the fires that burned with such bitter passion in so many hearts during that civil war. He not only did that, but he referred to the acts of wild and infuriated mobs, I presume, in order to justify the cruel and deliberate act of General Smith in issuing an order to kill all male Filipinos over 10 years of age.

When you talk about what we do for party purposes, I ask what other purpose could the President have had, and what other reason could he have had, except that he hoped to excite the people of this country and make them believe that those of us who oppose this Philippine policy are attacking the Army of the United States? Such a statement is unfair to us. It is not correct and it does not represent the sentiment on this side of the Chamber.

I for one from the beginning have been opposed to this Philippine policy and am to-day, but I place the responsibility for what has occurred upon those who in an awful hour forgot the traditions of our fathers, and, excited by a wild dream of conquest, overrode and broke down every principle that has made our country glorious in the past.

Mr. QUARLES. Mr. President, this has been a great debate. It has developed marked ability on both sides. Sometimes it has been vitriolic, sometimes irrelevant, but always able. The pending measure deals with mighty problems of the living present, but much of the discussion has involved facts and issues that have passed into history and are beyond recall.

There is nothing in this world more unprofitable than to quarrel with a fact.

We are confronted by this great stubborn fact: We are in the Philippines. We own the islands by an unimpeachable title. We have assumed responsibilities which we can not escape or delegate, no matter how heavily they press upon us. They are bottomed on international law and national honor. Chief among these is the duty to insure peace and good government to the islands. To this end we have given hostages to the civilized world, as well as to the native people. This bill is framed to carry out that pledge and to discharge that paramount duty. The American people will tolerate no shuffling, and will be satisfied only when we meet the situation in a straightforward manly way, which is the American way.

No questions were ever presented to an American Congress more complex or difficult; none ever called for greater wisdom or higher statesmanship. The situation is novel and we are without precedents. In this emergency the nation was fairly entitled to the best thought and combined wisdom of all the Senators in this Chamber.

It is a sad pity that at this supreme moment the minority were willing to bring this debate down to the lower level of party politics, where this important measure might be warped by the heat and obscured by the smoke of party strife. The upheaval in Martinique has been typical of what has happened here on a smaller scale. We have had the loud detonations, the flashes of fire, the hot mud, and the air has been obscured by volcanic dust. We must make allowances for political exigencies. Even a volcano could not dislodge a dead crater as old and inveterate as the Chicago platform and establish a new blowhole without great noise and disturbance.

It has occurred to me as we have listened to this grand orchestral prelude in which the sweet singers of many States participated while weird strains of their sad melody have vibrated through this Chamber and awakened a melancholy thrill throughout the country, whether after all the grand recital were not intended to show how much music the Democratic party could create even without the soft tones of the silver bugle.

Instead of lending their great abilities to help the Administration solve these all-absorbing questions they organize a preliminary campaign of calamity, the objective being to stamp the mark of Cain upon the Administration for the murder of the Little Brown Brother.

A chamber of horrors must be opened. The battlefield of the Philippine Islands must be scanned for cruelties and outrages with which to conjure in the next campaign and make the people sick of sovereignty spotted with blood.

The propaganda of despair is pushed forward. They fill the Orient with their pathetic eloquence and intoxicate the imagination of the susceptible native. They quench the last spark of gratitude that glows in his bosom for his new friends. They create a shudder of horror at home and widespread distrust abroad.

Their oratory is not employed to commemorate the long-suffering patience, the splendid courage of our men, who so often "marched to death as to a festival." They have no praise for the matchless courage displayed in jungle and mountain wastes, nor for the tenderness and care bestowed upon the wounded native; but they seek out isolated cases where water torture has been applied and other outrages committed, such as inevitably follow war, however we may deplore the fact. They picture our brave soldiers as

> Slaves for pillage fighting,
> Obdurate vassals fell exploits effecting,
> In bloody deaths and ravishments delighting,
> Nor children's tears nor mothers' groans respecting.

They have framed indictments under the Declaration of Independence and under the Decalogue and under the rules of war. They have injected into the investigation a wholesale court-martial of brave officers who are 7,000 miles away, unable to meet their accusers or confront the witnesses. Their names have been associated with crimes to be accused of which is a blight upon their reputation. Rumors and newspaper clippings have been exploited, doing their deadly work, although not accorded the dignity of evidence. Such an ex parte inquisition is as cruel as the grave.

It was reserved, however, for the senior Senator from Utah [Mr. RAWLINS] to reach the very climax of despair, and I beg to call attention to a most remarkable sentiment uttered by him in this debate, found on page 5151 of the RECORD:

> Ah, Mr. President, what an awful thing this is! I commend it to the conscience and to the considerations of humanity, if such thing may happen to lurk still in the breast of the American people.

What a distressing doubt is there suggested, whether any vestige of conscience still lingers with the American people. Perhaps this pessimistic view may explain why certain noble specimens of manhood commissioned to represent the conscience of the nation in this body have been so eager to bind the nation by an express pledge to the Philippine people, because, forsooth, the American people left to themselves would fail to appreciate the equity and justice of the case because of a torpid conscience or lack of humane considerations. Let not the distinguished Senator despair of his country. The conscience of the great American people never sleeps. Its intellect never grows dull. Its humane sensibilities are ever quick and active, as the distinguished Senator will have reason to discover when the verdict is rendered, as surely it will be, that the American people have greater confidence in their magnificent Army than they have in the Democratic party as at present constituted.

During this debate certain aphorisms of the minority have crystallized into shape, which it may be well to collate for future reference:

The torture of the little brown brother is atrocious.

The torture of the brother with the black skin is defensible and sometimes necessary.

We demand that any government in the Philippines shall reset upon the consent of the governed.

We insist upon the same principle in America, and enforce consent at the muzzle of the shotgun.

The Declaration of Independence is inflexible in the archipelago, but it is optional and elastic in Hawaii and Porto Rico.

Under the heat and stress of debate it has been charged that this measure is one of exploitation (I wish I could give the true Georgia accent and inflection to that word—ex-ploi-ta-tion); that it is so framed as to offer an asylum for spoilsmen and carpetbaggers, an opportunity for thieves and promoters; that under its provisions it is proposed to turn loose in the Philippine Islands an army of camp followers to consume everything of substance that has escaped the devastation of war; to sanction an era of corruption

and spoliage. If this be true, why spend time over cases of the water cure? Here is something a thousand times more infamous. I can find no words to express the turpitude involved in the suggestion. It would make every decent man hide his face in shame if this great, powerful Government were by force of arms to hold those scattered tribes while slick scoundrels robbed and despoiled them. Why are there no specifications filed? Why have not the minority pointed out any line or paragraph of the pending bill that gives color to such a damnable suggestion, and why have they not held it up to the scorn and contempt of a just people? Why have no efforts been made to amend so atrocious a measure?

It may be unreasonable to expect that an orator will descend to vulgar details. Let us, therefore, for a few moments, take up this bill, which in this debate seems to have been lost sight of during the discussion of the theories of the Philippine policy.

The PRESIDENT pro tempore rapped with his gavel.

Mr. QUARLES. I should like to have unanimous consent to proceed for five or ten minutes to look into the features of the bill.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that he may proceed with his speech. Is there objection? The Chair hears none. The Senator from Wisconsin will proceed.

Mr. QUARLES. Mr. President, I will try not to weary the Senate, but this bill, the very living embodiment of our best statesmanship, has been almost ignored in this debate. If the committee has left in the bill a hiding place for scalawags and scoundrels, we ought before 4 o'clock this afternoon to find them out in their lurking places and drag them out with whips.

The statement has been made here, Mr. President, that the governors of the Philippine Islands under this measure have more unlimited authority than any satrap ever sent to govern a province. Mr. President, the fact is that the governors of the Philippine Islands under this bill have no power to sell an acre of timber land or an acre of mineral land or an acre of agricultural land. Now, of what obtuse men the committee must consist, if they are trying to provide for these scalawags and these political adventurers, that they have not lodged in this government the power to peddle out their lands. And still the fact remains.

Now, by section 12 you will find that the rules and regulations for the disposition of any of this land have to be submitted to Congress; they have to be approved by the President; and what will become of your promoters and your scallawags while those regulations are being seasoned and perfected in Congress and in the White House? What a singular omission there on the part of the committee if they are trying to make a place for these slick scoundrels!

Not one acre can go except under those regulations, sanctioned by Congress and by the executive power.

What can they do in the meantime? Under section 14 of this bill they have the power, prior to the time when the regulations are perfected, to lease land for a period not exceeding five years. Suppose some of the scallawags and promoters take out leases. I wish to call attention to the fact that under section 15 they can not dispose of a single lease if they take it. Section 15 provides that—

No lease or contract of letting made by virtue of this act shall be sold, assigned, or otherwise disposed of.

Then what object could there be for those scallawags to go and get a lease? They are not there to work on the land. They are there to exploit the title if they can get it. They are absolutely fenced out by section 16.

By the same section and everywhere through the bill where any disposition is to be made of lands preference is given, as it ought to be, to the natives who are in possession of the land. No tree can be cut on any of this land, under section 16, without special permission.

Sections 17 and 18 preclude the sale of any timber or mineral land; and I want to call the attention of the Senate for a moment to section 32. Here is a provision in regard to the mining laws, which is even more stringent than the provision on the continent here:

That no holder shall be entitled to hold in his own name or in the name of any other person more than one mineral claim on the same vein or lode.

There is a restriction, Senators, which is put upon the holder of that title which does not exist under our laws at the present time.

Now, in regard to vacant coal lands, I wish to call attention to the fact that by section 56 a person entering any one of those claims is absolutely restricted, as is any association of persons, to a single claim. It is impossible for them to gather up these claims and use them for purposes of speculation. Only one entry is permissible by an association or by an individual.

Now, Senators, let me call your attention for a moment to section 78, which relates to franchises, and that is the place where the promoters and speculators would be very likely to take their stand. It is provided here in regard to franchises that—

no such franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States.

There is a most wholesome provision, which absolutely prevents any outrageous exploitation.

Furthermore, there can be no watered stock. Every dollar of stock issued by a corporation there must be in consideration of so much cash or its equivalent in actual value.

It is provided in section 79 that no corporation shall be engaged in the business of buying or selling real estate, and that is a most important provision to be kept in mind. There is no danger that the dead hand will paralyze the industries of the islands, because the powers of corporations to hold lands are so hedged about that it is impossible for them to get a foothold under this bill. It is even provided that where they have to take a piece of land upon a foreclosure of a mortgage they may not hold it for more than five years after receiving the title.

Mr. President, I will not detain the Senate longer, although a careful inspection of the bill would be a most profitable thing to any doubting soul as to the wholesomeness of the entire measure.

Mr. President, before the final vote is taken it remains to be said that the thanks of Congress and the gratitude of the people are due to the Committee on the Philippines of the Senate. They have framed this bill so as to fence out every boodler and promoter, and whatever else may happen in those distant islands, they are in no danger from exploitation in the evil sense of the word. The islands and their resources will be developed, but there will be no looting, no plundering, and our Government duties will be discharged under all the safeguards that legislation can afford and under the solemn sanction of a sacred trust.

Mr. CULBERSON. Mr. President, on the 22d of May I introduced a resolution directing the Secretary of War to send to the Senate copies of the charges that had been preferred by Private Andrew K. Weir, of the Fourth Cavalry, against Lieutenant Arnold and Sergeant Edwards, of that regiment. The resolution went over from day to day for three or four days on objections made by the Senators from Wisconsin [Mr. SPOONER] and Massachusetts [Mr. LODGE], they stating that they desired to make inquiry as to whether or not a court-martial had been ordered.

During that period I asked the Senator from Massachusetts [Mr. LODGE], who stated that a court-martial had been ordered, when the court-martial had been ordered. He answered that he was unable to state, because he did not know, and I suggested that I had no objection to the resolution going over if the information as to when the court-martial was ordered would be given the next day in a communication from the Secretary of War; and so it went over.

Subsequently, Mr. President, on the 27th of May, the Senator from Massachusetts [Mr. LODGE] presented to the Senate a letter from the Secretary of War stating, without giving the date of the order, that a court-martial had been ordered in the case of Sergeant Edwards, but none in the case of Lieutenant Arnold, the charges as to that officer being still, as I understood it, under investigation. The resolution was then referred by vote to the Committee on the Philippines.

I do not charge, Mr. President, that there is any disposition on the part of the Secretary of War or the chairman of the Committee on the Philippines to withhold permanently this information, but there are some matters connected with it which suggest that there is a disposition somewhere to withhold at this time the information contained in these charges, and, in my judgment, there is enough in the record to suggest at least that a court-martial was ordered in this case since the resolution was presented to the Senate.

In view of all the circumstances as they have come into my possession since the resolution was introduced, I desire to have read by the Secretary a copy of the charges made by Private Andrew K. Weir and a copy of the report of Capt. P. W. West thereon. The first paper I will ask to have read is a copy of the charges.

The PRESIDENT pro tempore. Is there objection to the reading of the papers? The Chair hears none. The Secretary will read as requested.

Mr. LODGE. May I ask the Senator what those extracts are from?

Mr. CULBERSON. They are not extracts. They are full copies of the charges made by Private Andrew K. Weir and the report of Capt. P. W. West on those charges.

Mr. LODGE. They have never before been printed?

Mr. CULBERSON. Never before, so far as I know.

Mr. LODGE. They come from the archives of the War Department, I suppose?

Mr. CULBERSON. I made no such statement.

Mr. LODGE. I ask that question—whether they come from the archives? I want to find out whether they are official.

Mr. CULBERSON. They are correct copies, Mr. President, I am reliably informed.

Mr. LODGE. Copies of what? That is all I want to know.

Mr. CULBERSON. Copies of the charges made by Private Andrew K. Weir, and the report of Capt. P. W. West upon those charges.

Mr. LODGE. Those exist in the War Department?

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

BALAYAN, BATANGAS PROVINCE, LUZON, P. I., *April 10, 1901.*

MY DEAR UNCLE: You are a free American citizen, and as such you are entitled to know how our government is carried on. I have something to inform you about. It is the terrible cruelty practiced upon Filipino prisoners by American soldiers in these islands. First, I want to know if the Constitution of the United States and international law does not prohibit torture.

We soldiers are representatives of a civilized nation sent out to these islands to "civilize" a so-called lot of savages. These people are not nearly so uncivilized as is supposed. You probably have read about some of our men being put to death by horrible torture, but what can you expect when we do equally as bad to our prisoners?

Has any court the right to force any prisoner to confess, no matter how many crimes the prisoner is supposed to have committed? When I say force I mean to force by torture. The Army of the United States in the Philippines is representing the law of the United States. But whether or not it is proper to torture a man it is done anyway, and under the orders of commissioned officers.

I have heard men of other regiments make their boasts of how they have made captured insurgents tell where their arms were, but never witnessed the torture but once.

The instance that I have reference to occurred about two months ago. I told the officer that he had to stop it or I would report him to higher authority. He said he would not practice it any more, so I never informed on him; but now I have information about him doing the same, and even worse, nearly every day.

While I was one of a detachment of 24 men doing garrison duty in the town of Pasay, 3 miles from Manila, a native man about 21 years of age was arrested and accused of being a murderer, highway robber, and accused of rape. Now, whether the man was guilty or not I do not know, but anyway Lieut. F. T. Arnold, for he was the officer in command, gave orders to Sergeant Edwards, both of Troop H, Fourth Cavalry, to take the man to the basement of our quarters and get what information he could out of the man.

So Edwards took the man and asked him if he had any information to give. The man had none. Edwards said to the rest of the soldiers who had congregated to witness the "fun" that he would have to commence operations. The prisoner was stripped naked and laid on his back on the bare floor. He was then given the "water cure." A rough stick about 8 inches long and a half inch in diameter was put between the man's jaws. A soldier held the man's head down by pressing on the ends of the stick. Another sat on the man's stomach, and still another sat on the man's legs. Edwards had a bucket of water at hand. Water was poured down the man until it was vomited up. It was then repeated.

This water cure must be a terrible torture alone. The man heaved and begged for mercy, but to no avail. While down he was whipped and beaten unmercifully. He was then stood up and asked to confess. He did not. He was then beaten and clubbed again. I do not think that a square inch of the man's body was left untouched. He was kicked. A rope was then thrown across a beam. The man was strung up by the thumbs. Another rope was tied to his ankles and his feet jerked from under him. While up he was beaten.

All this time I was a looker on. I hoped that the punishment would stop. I dared not interfere. But when the man was strung up by the neck I could stand it no longer, so I went to the lieutenant. Before I went to him I did not know that he had given orders to Edwards to torture the man if he did not confess. I told Arnold that I was an American and that there was something going on at the quarters that I could not stand. He jumped all over me and asked if I was not making myself very busy. I said I was not; that such carryings on were against all law.

He said, in a very sarcastic manner, that I knew such a lot about law. He said that a lot of men in the Army, especially volunteers, think that they know how to run an army, but they do not. He said: "Now, when I give a man to Sergeant Edwards, I want information. I do not know how he gets it, but he gets the information anyway." He said that these people have no feelings other than physical and should not be treated as human beings. I told Arnold that I did not come to get anyone in trouble, but merely to have the torture stopped, that if it were not stopped I would report the matter to higher authority.

I was then threatened with court-martial for insubordination. About this time Edwards came in and said that he had succeeded in making the man tell where the money was. Arnold told Edwards to take the man with him and get the money.

I told Arnold that as the torture was finished I would not report the matter if it were not repeated. He promised not to do it again. I then left him.

The prisoner did not show where the money was. He had only said that he would show the hiding place to have the torture stopped. Three weeks later the prisoner was released. Now, that was criminal of Arnold. If the man was guilty he should not be released. If guilty he should not be tortured anyway.

The rest of the time that I was with the detachment under Arnold no torture was committed that I know of.

Now, Arnold has a detachment of 20 men at Calaca, 7 miles from here. Men that are under him now have told me that Arnold is having men tortured the same as before and other ways besides. This is one of his new ways: A strip of flesh is cut just above the ankle of the prisoner; it is then attached to a stick; the stick is coiled with the strip of flesh. Imagine the torture the poor man must endure! I am told that when Arnold is out looking for some criminal or suspected insurgent he will grab, or have his men grab, any native and ask for information.

If the man gives no information, he is put to all kinds of torture. I saw the man that was cut at the ankle. I was over at Calaca the other day. He had his leg all bound up and was out in the road with other prisoners working.

Last week a part of this troop, a part of the Calaca detachment, and some of the soldiers from Taal were out in the mountains. I was not along, but have been told by several men that Arnold had his men take an old man to a stream and keep him under water until the man was unconscious. This was because the old man did not give certain information that he was supposed to possess.

Men of H Troop have told me that they have known Arnold to have a man tied to a saddled horse. A few feet of slack was allowed. A man was then mounted on the horse and told to gallop down the road for a mile and then back. If the prisoner could run as fast as the horse it was all well, but if he could not he had to drag. Arnold has had this done several times, and more than once the prisoner was dragged.

Now, I have witnesses for all that I have written about, and should there ever be an investigation of this I will be perfectly willing to be put upon the stand. I know other men that would be willing to do the same.

I believe that most of the officers and enlisted men in the Army are humane, but those that practice what Arnold has should be brought to justice.

It would do me no good to report this matter through Army channels, as it would only be hushed up and then I would get the worst of it.

Now, I am writing this letter to you; you are a close relation of mine, and for that reason I believe I can write anything. I think that you should bring this before the proper persons.

Lieut. Frederick T. Arnold was appointed to West Point from Iowa in 1893. He graduated from West Point in 1897 and was commissioned a second lieutenant in the Sixth Cavalry. He is now second lieutenant of Troop H, Fourth Cavalry.

I hope that the proper people of the United States will take hold of this case and have all torture in these islands stopped.

Well, my dear uncle, as I have already written so much on this subject, I will not write about other subjects. I am in fine health, and hope that you are the same. Give my love to all.

I remain, your loving nephew,

ANDREW K. WEIR, JR.,
Troop C, Fourth United States Cavalry, Balayan, P. I.

Mr. BEVERIDGE. Will the Senator from Texas permit a question?

Mr. CULBERSON. Certainly.

Mr. BEVERIDGE. I observe that this appears to be a letter, and it very properly says that it should be presented to the proper authorities. I wish to ask the Senator from Texas if these facts have been presented to the War Department?

Mr. CULBERSON. I understand they have, and I desire to have read now the report of the officer of the inspector-general's office, Department of Northern Luzon, on those charges.

Mr. BEVERIDGE. Who presented them to the War Department?

Mr. CULBERSON. I am not advised as to who presented them.

Mr. BEVERIDGE. Did the Senator get them from the War Department or from any officer in the War Department?

Mr. CULBERSON. The Senator did not get them from the War Department.

Mr. BEVERIDGE. Or from any officer in the War Department?

Mr. CULBERSON. I have stated that I did not get these papers from the War Department.

Mr. BEVERIDGE. I am asking the Senator if he got them from any officer of the War Department. The letter very properly says it should be presented to the proper authorities, and I am asking if the Senator got these papers from any officer of the War Department.

Mr. CULBERSON. The report shows that these charges were presented to the authorities. They were inquired into by an officer in the inspector-general's office, and a report was made on the 21st of August, 1901. I desire now to have read the report of that officer.

Mr. BEVERIDGE. Will the Senator kindly answer my question, whether he got these papers from any officer of the War Department?

Mr. CULBERSON. The information, wherever I may have gotten it, is authentic; and I now ask that the report may be read.

Mr. BEVERIDGE. Of course, I do not want to interrupt the Senator if the Senator does not desire to answer my question.

Mr. CULBERSON. The Senator has answered that the information is entirely authentic.

Mr. BEVERIDGE. Did the Senator get the papers from any officer of the War Department?

Mr. CULBERSON. The question, the Senator will allow me to say, might properly be characterized as impertinent.

Mr. BEVERIDGE. Well, the Senator can apply whatever epithet he wants. If he does not want to answer the question he need not, of course, but I should be very glad, if the Senator does want to answer the question, if he will inform the Senate whether he got them from any officer of the War Department, and if so, from what officer? It is important to know whether an officer of the War Department has had this information in his possession. Did the Senator get it from an officer of the War Department or does he not want to answer the question? I should like the Senator either to refuse to answer the question or to answer it.

Mr. CULBERSON. The Senator has repeated the question, and I have suggested to him that it is impertinent. I decline to yield to the Senator.

Mr. BEVERIDGE. Does the Senator decline to answer the question?

The PRESIDENT pro tempore. The Senator from Texas declines to yield.

Mr. BEVERIDGE. That is the same thing.

The PRESIDENT pro tempore. The time of the Senator from Texas has expired, but unanimous consent was asked that these

papers might be read. The Chair is inclined to hold that that would include the time that is necessary to read them. So the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE INSPECTOR-GENERAL,
DEPARTMENT OF NORTHERN LUZON,
Manila, P. I., August 27, 1901.

The ADJUTANT-GENERAL DEPARTMENT OF NORTHERN LUZON.

SIR: I have the honor to submit the following report of the investigation made by me into the complaint of Private Andrew K. Weir, Troop C, Fourth Cavalry, against Lieut. F. T. Arnold, Fourth Cavalry, in regard to the cruelties practiced by Lieutenant Arnold upon native prisoners at Pasay and Calaca, Luzon:

Sergt. George Schurman, Troop B, Fourth Cavalry, stated that he had witnessed the punishment of the prisoner at Pasay and that the facts were correctly stated in Private Weir's letter to his uncle, The prisoner was choked, beaten, hung up by the thumbs, and then by the neck, and given the water cure, and was whipped with rattans, this whipping being so severe as to bring blood on the prisoners legs. That this punishment was all inflicted by Sergeant Edwards and three native policemen.

Private George Bowers, Troop B, Fourth Cavalry, stated that he had only heard of the punishment of the prisoner at Pasay. I believe this man knows more about the cruel treatment of prisoners at Pasay and Calaca than he stated, but the departure of his troop for the United States prevented me from examining him thoroughly.

Private James B. Barry, Third Cavalry, formerly of Troop B, Fourth Cavalry, stated that he witnessed the treatment of the prisoner at Pasay and that it was brutal. He corroborated the statement of Private Weir in regard to this prisoner's treatment.

He stated that Sergeant Edwards often talked of the way he had beaten native prisoners. He stated that while corporal of the guard near Taal he had charge of about 50 native prisoners and that he had orders to turn them over to Sergeant Edwards whenever he wanted them, and that Lieutenant Arnold told Sergeant Edwards in his (Barry's) presence that he could take them out whenever he wanted to and to get what information he could out of them, and that Sergeant Edwards and the native scouts frequently took out one or two prisoners and would keep them out from half an hour to an hour. He did not know whether or not they were badly treated while out with Sergeant Edwards.

Corpl. George E. West, Troop B, Fourth Cavalry, stated that while corporal of the guard at Calaca he had seen native prisoners brought to the guardhouse whose shins looked like they had been rubbed with a stick, but he did not know how they got in this condition.

Corpl. S. J. Peterson, Troop B, Fourth Cavalry, stated that he did not know personally that native prisoners had been cruelly treated, but the general impression among the men at Calaca was that Sergeant Edwards was torturing these prisoners, and had Lieutenant Arnold's permission to do so.

Corpl. Charles Austin, Troop B, Fourth Cavalry, stated that he was stationed with the detachment at Calaca under command of Lieutenant Arnold, and that his (Austin's) quarters were very near where the scouts under command of Sergeant Edwards lived; that he had seen Sergeant Edwards take native prisoners from the guardhouse to the scouts' quarters and shortly thereafter heard cries and groans coming from these quarters; that he saw them take one prisoner from the guardhouse to the scouts' quarters, and when he was returned to the guardhouse his shins looked as though they had been scraped with a stick. He did not know whether or not Lieutenant Arnold knew that prisoners were being badly treated, but the impression was that he knew all about it.

Private John Tuck, Troop B, Fourth Cavalry, states that while stationed at Calaca he had seen, through the windows of the scouts' quarters, prisoners being whipped with rattans by Sergeant Edwards and the scouts; that while on detached service near Calaca with Sergeant Edwards and the scouts he saw them abuse and beat an old man and made them stop it; that Sergeant Edwards took the prisoner off into the brush after this, and he (Tuck) heard two shots, and then Sergeant Edwards came back without the prisoner and stated that he had had a fight with the prisoner and showed where he had been bitten on the arm and said "He will be down there a long time." Private Tuck did not know if the prisoner had been killed nor whether Lieutenant Arnold knew about the prisoners being badly treated.

Private James M. Whitney, Troop B, Fourth Cavalry, stated that he was a member of the detachment at Calaca under command of Lieutenant Arnold, and that while in the scouts' quarters one day he saw a native prisoner on the floor, and that the prisoner was bucked and the scouts, in the presence of Sergeant Edwards, were rubbing the prisoner's legs with a broomstick, and that this treatment was brutal; that while on detached service with Sergeant Edwards and the scouts near Calaca he saw them beat a native in a brutal manner; that Sergeant Edwards told him that Lieutenant Arnold knew all about the way the natives were being treated. Private Whitney stated that Privates Reeves and Graham, of Troop C, Fourth Cavalry, could tell all about the inhuman treatment of prisoners at Calaca.

I was informed that Privates Fielding, St. Clair, and Taylor, of "B" Troop, Fourth Cavalry, could also give testimony on this subject, but the departure of the troop for the United States prevented me from finishing this investigation.

I believe that a thorough investigation into this matter will substantiate the charges made by Private Weir, that prisoners were treated in a cruel and harsh manner and that Lieutenant Arnold winked at this treatment.

Very respectfully,

P. W. WEST,
Captain, Fifth Cavalry, Inspector-General Department of Northern Luzon.

Mr. BEVERIDGE. Mr. President, is the Senator from Texas through?

The PRESIDING OFFICER (Mr. KEAN in the chair). The time of the Senator from Texas has expired. The Senator from Indiana will be recognized for fifteen minutes.

Mr. BEVERIDGE. This purports to be, though I have not read it over, a report upon this case or some portion of it by proper authority. It is, therefore, a part of the public record. I hope the Senator will be kind enough to inform the Senate where he got this portion of the public record.

Mr. CULBERSON. Mr. President, I indicated to the Senator—and I have, I trust, indicated with sufficient emphasis that he will not inquire about it further—that I have nothing to add to what I have said about the source of my information.

Mr. BEVERIDGE. I desire to ask the Senator the frank question whether or not, directly or indirectly, these two papers were received by the Senator from General Miles? [A pause.] That is all.

Mr. SCOTT. Mr. President, I have been present in the last six or eight weeks most of the time during the discussion of the bill under consideration for the government of the Philippine Islands. I have listened with some interest to the minority Senators in their efforts to traduce and villify the American Army, its officers, and the private soldiers. Having once served in a war in this country as a private soldier, I rise in my place to say one word for the humble privates who are serving in the Philippine Islands to-day.

I am sure that enlisted men who are serving to-day in the Army of the United States in the Philippine Islands will compare favorably with those upon this floor who have traduced them, and I predict that there are men to-day serving in the ranks in the Army of the United States in the Philippines who at some future time may fill a position upon the floor of the Senate.

I had the honor to carry a knapsack in the unpleasantness that took place between the two sections of this country, and I know there are many things which tempt a private soldier to resent an injury from the enemy. I know that there are cruelties perpetrated not only upon the enemy but sometimes upon our own men. I have seen a private soldier in my own regiment tied up by the thumbs, with his toes simply touching the ground, and after having been kept in that position for an hour, when he was let down, it was impossible for him to remain in other than in an incumbent position. If our friends upon the other side should be informed that something of that kind had been perpetrated upon the Filipinos they would regard it as a great outrage.

Mr. President, our friends upon the other side claim that they are the friends of the Filipinos and that they want to relieve them from the horrible military despotism or the rule of militarism in the islands. I think their arguments have been the strongest which have been made upon this floor in support of the bill that we shall vote upon at 4 o'clock, because if what they have said is true then I say this bill is the very thing to correct the injustice that they are claiming is being perpetrated upon the Filipinos, because it gives to the Filipinos a civil government in which they will largely share.

Mr. President, in view of the arguments they have made and of all the debaucheries and all the cruelties which it has been charged have been perpetrated by the Army, by the violation of all that is honorable on the part of the officers of the United States, I hope our friends on the other side will conclude, when 4 o'clock comes, to make the vote upon this bill to give the islands a civil government unanimous.

Mr. ALLISON. Mr. President, I desire to ask the Senator from Texas, who seems to have copies of papers from the War Department respecting a certain matter, if he has any information which extends beyond the report he had read at the Clerk's desk?

Mr. CULBERSON. Mr. President, in answer to the very courteous question of the Senator from Iowa, I will state that I have no other information than that given in the letter of the Secretary of War to the junior Senator from Massachusetts [Mr. LODGE] and printed in the RECORD of May 27, which states in effect that a court-martial has been ordered in the case of Sergeant Edwards, and in the case of Lieutenant Arnold there was not sufficient evidence, in his opinion, to order a court-martial so far, but that the matter was under further inquiry.

Mr. ALLISON. These charges made by a private soldier against two officers of the Army, a commissioned officer and a noncommissioned officer, seem to have been made largely upon hearsay, and the statement of the inspector, Captain West, is largely hearsay.

I do not know whether this matter has been pursued beyond the report of Captain West. I observe that Lieutenant Arnold is a resident of my State. I know nothing of him or about him, except I have a general idea that a young man reared in Iowa and educated at West Point is not very likely to be guilty of the brutality that is charged here.

I wish to express the hope that the Senator from Texas will pursue his inquiry so far as to give Lieutenant Arnold an opportunity of defending his honor and his character somewhere, and that these charges, put in the RECORD against him while he is in the service of his country in a distant region, will not injure him, in the opinion, at least, of those who are his near friends and relatives without an opportunity being given somewhere for an investigation. I have no doubt that the Secretary of War is making such an investigation. I do not discuss the propriety of spreading upon the RECORD this fragment against an officer of the Army. I can only say that as a Senator on this floor if this presentation had been made to me I would not have given it the publicity which the Senator from Texas has given it.

Mr. CULBERSON. Mr. President, I stated in an introductory

statement which I made to this correspondence that the Secretary of War had on the 27th of May reported to the Senate through a communication to the Senator from Massachusetts [Mr. LODGE] that so far as Lieutenant Arnold was concerned the facts failed, in his opinion, to justify the trial of that officer by court-martial. The statement is here, and will go for what it is worth.

In reply to what the Senator from Iowa has seen proper to say, I ought to state further what I probably did not state with sufficient emphasis before, that in my judgment, all the facts connected with this matter being considered, there seemed to be a purpose on the part of the Secretary of War to keep the charges made in this communication from the public, at least for the present. They were made in April, 1901. They were investigated in August, 1901, by a captain in the Army, who reported that he believed the charges against the sergeant could be substantiated and that Lieutenant Arnold had winked at these harsh and cruel practices in the Philippines.

Those, Mr. President, are the facts, and whether the distinguished Senator from Iowa would under similar circumstances have presented them to the Senate and to the country may be stating the distinction which that Senator and myself draw as to our duty not only to a proper discipline of the United States Army and the honor of the United States Army, but to our duty toward the defenseless people of the Philippines.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. TELLER].

Mr. LODGE. Mr. President, I take the opportunity at this moment to make a verbal correction of a misprint in the bill. On page 57, line 20, before the word "possessions," I move to strike out "aforesaid."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. PATTERSON. I desire to call the attention of the Senator from Massachusetts to another verbal correction, which I think is necessary. On page 3, line 19, the word "right" should be "writ;" so as to read "the writ of habeas corpus."

Mr. LODGE. That is true. I move that amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 3, line 19, before the words "of habeas corpus," it is proposed to strike out "right" and insert "writ;" so as to read:

That the privilege of the writ of habeas corpus shall not be suspended, except in cases of rebellion, insurrection, or invasion the public safety may require it.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Colorado [Mr. TELLER].

Mr. LODGE. Has the Senator from Colorado moved that amendment?

The PRESIDING OFFICER. The Senator from Colorado moved the amendment yesterday.

Mr. LODGE. I did not know that he had yet done so.

The PRESIDING OFFICER. The Senator was absent from the Chamber at the time.

Mr. BACON. Mr. President, I should like to ask the Senator from Massachusetts a question.

Mr. LODGE. I shall be glad to hear the Senator.

Mr. BACON. Of course I could not possibly have given this matter so much study as members of the committee have done, and so I venture to make an inquiry. I do not know whether the Senator's attention has been directed to this matter or not. These commissioners are clothed with very great power, and practically they are the government of the Philippine Islands. They have the legislative power, the appointment of the judges, etc. The limitations upon their power are extremely small. They have the making of the regulations with reference to the disposition of lands, and so forth.

The inquiry I wish to make of the honorable Senator is this: Whether, conceding to these commissioners the utmost honesty and integrity, which I do—I do not wish to be understood as reflecting upon them in any manner whatever by the inquiry or suggesting the possibility of any improper conduct on their part—but I wish to ask whether, in view of the large power, the absolute control, which these commissioners have of all the functions of government, legislative, executive, and practically judicial, in the fact that they control the judiciary, there ought not to be a provision in this bill which would prohibit any commissioner from being engaged in any private enterprise or being a stockholder in any corporation engaged in any business enterprise in these islands?

Mr. LODGE. My first impression is that that would be a very reasonable proviso.

Mr. BACON. I do not offer an amendment, but I make the inquiry in the utmost good faith. I hope the Senator, if on reflection he approves of it, will move to incorporate such a provision in the bill.

Mr. LODGE. I wish to call the attention of the Senator from Iowa [Mr. ALLISON] to the fact that the Senator from Georgia [Mr. BACON] suggests that it would be well to provide that no member of the Philippine Commission should be interested in any way in any corporation.

Mr. BACON. Either as a stockholder in any corporation or individually in any business enterprise in the islands.

Mr. ALLISON. I will state that if the commissioners would engage in anything of that sort it would certainly be a very wise provision to insert; but I do not believe that they would. I would as soon think of putting a proviso to an act appointing a judge of a district court that he should not be engaged in connection with any matter upon which he was called to make a decision.

Mr. BACON. That would not be a parallel case.

Mr. ALLISON. Perhaps not.

Mr. BACON. Because, under the law, he could not exercise any function of his office in a case in which he was so interested.

Mr. ALLISON. I would not object to such a proviso as the Senator from Georgia suggests except that it seems to me it might be regarded as a reflection upon the commissioners.

Mr. LODGE. Certainly, I should not wish to put in a line that would reflect upon any member of that Commission.

Mr. ALLISON. No.

Mr. LODGE. I am bound to say that I think a man as to whom such a proviso would be necessary would probably be one who would break it.

Mr. BACON. I suggest to the Senator that the committee seem to recognize that the members of this Commission are human from the fact that there is a prohibition against their appointing relatives to certain offices. There is a recognition of the possibility of fallibility on their part.

Mr. LODGE. A prohibition in this bill?

Mr. BACON. I understood that there was in the bill a limitation upon the appointment of clerks, or something of that sort.

Mr. LODGE. Not in this bill.

Mr. SPOONER. That is as to United States judges.

Mr. BACON. I beg pardon.

Mr. BAILEY. And not always observed by them.

Mr. BACON. Somebody suggested that he thought something of the kind was in the bill. The Senator from Iowa having likened it to the case of a judge, I will say that there is a general statute which prohibits a judge of a United States court from appointing relatives to certain offices.

Mr. President, I again desire to repeat the disclaimer, in the utmost sincerity, of any purpose in any manner to reflect upon any one of these commissioners, or to suggest that any one of them would be engaged in any business, though I am frank to say that I think the statement that it would be in itself such an impropriety that no such official would engage in business is going a little too far.

Mr. BAILEY. I desire to suggest to the chairman of the committee that it is not a whit more improbable that these commissioners might engage in business in the Philippine Islands than it is that ambassadors of the United States should engage in business in the countries to which they are accredited; and that has occurred within a very recent time in the case of an ambassador to a neighboring country, who is not only engaged in business, but is a director in a mining corporation chartered under the laws of the country to which he is accredited. I have the official record of the mining company, as recorded in the transaction with a citizen of Texas, and this ambassador of the United States is recited in that record to be one of the directors of that mining company. If an ambassador can engage in business, I see no reason why the Commissioners to the Philippine Islands might not.

The PRESIDING OFFICER. The pending question is on the amendment submitted by the Senator from Colorado [Mr. TELLER].

Mr. LODGE. The Senator from Colorado wishes to insert in the citizenship clause the word "government" before the words "Philippine Islands," which I think a very vital and fundamental change. I do not care at this stage to enter into the long controversy which I can foresee that would provoke, but I am entirely opposed to it, and I hope it will not be adopted.

Mr. TELLER. There are some other things in that amendment of mine which transform the original section as proposed by the committee, and I think my amendment reads a little better. If that is the only objection of the Senator from Massachusetts, I might strike out the word "government."

Mr. LODGE. I will look at the amendment. I thought it was the same as that heretofore offered. I have not compared them word for word.

Mr. TELLER. I think the phraseology is better in my amendment than the original text. I suggest to the Senator that he let

it pass for the present so that he can examine it. I shall be glad to see it substituted for the language of the committee, even if the word "government" be stricken out, because I have provided that the Filipinos shall have the benefit of the bill of rights as declared in the second section, which I think is rather an important thing.

Mr. LODGE. I did not notice the other addition as to the privilege of the bill of rights. I take it that the act covers it.

Mr. TELLER. I thought it might be more agreeable to the Filipinos to say that they should have the benefit of the bill of rights. I think the Senator is right that the bill does confer that, undoubtedly; but it is a mere declaration to them, and it seems to me it might be useful.

Mr. LODGE. The rest of the amendment is identical, barring the word "government" before the word "Philippines," though it is differently arranged.

Mr. TELLER. The same words are in it. The only addition is the word "government" before the words "of the Philippine Islands" and the words at the end of the section.

Mr. LODGE. The word "government" seems to me a very essential one.

Mr. TELLER. I think it is. I think the language of the committee that those people are citizens of the Philippine Islands does not mean anything. I believe it would be an improvement on that if the word "government" was inserted there.

Mr. COCKRELL. To which one of his amendments does the Senator from Colorado refer—the one of May 31, 1902?

Mr. LODGE. Yes; the one of May 31.

Mr. TELLER. The one which is a substitute for section 5 of the bill.

Mr. FORAKER. Mr. President, there is no Senator who seems ready to proceed——

Mr. LODGE. If the Senator will allow me one moment to offer an amendment, I will then yield to him. I desire to offer an amendment in section 3, to change somewhat the arrangement there, so as to define a little better the supreme court. After the words "supreme court," in line 21, page 4, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 21, after the words "supreme court," it is proposed to insert:

Shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the Commission, subject to the power of the Commission to change the practice and method of procedure.

The PRESIDING OFFICER. The question is on the amendment.

Mr. COCKRELL. Now let the language be read as it will stand if amended.

Mr. LODGE. Then I propose to begin by inserting before the word "courts" the word "The," beginning a new sentence, and I retain the same provision that is in the bill about the courts of first instance and the municipal courts. The purpose of the amendment is to provide that the Commission shall not diminish the existing jurisdiction of the supreme court; and I intend to propose another amendment in regard to the salaries of the judges, so as to protect them still further.

The PRESIDING OFFICER. The language as proposed to be amended will be read.

The SECRETARY. As proposed to be amended the section will read:

That the supreme court shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the Commission, subject to the power of the Commission to change the practice and method of procedure. The courts of first instance, etc.

Mr. COCKRELL. Then a period is inserted before the word "courts" and a new sentence begins?

Mr. LODGE. We start a new sentence with the word "The" before the word "courts."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. LODGE. On page 5, line 4, after the word "Senate," I move to insert:

And shall receive the compensation heretofore prescribed by the Commission until otherwise provided by Congress.

Mr. BAILEY. Mr. President, I recognize the propriety of putting the salary of these judges beyond the immediate power of the Philippine Commission. I think that is entirely proper; but will the chairman of the committee inform the Senate what is the present salary received by those judges?

Mr. LODGE. I understand the present salary—I am speaking from memory—is $7,000 a year as to the justices. The chief justice may perhaps have a little more.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. LODGE. I have no further amendments to offer, Mr. President.

RECESS.

Mr. FORAKER. Mr. President, I rose a moment ago to move that the Senate take a recess. I was about to make that motion because I was under the impression from the appearance of things here, that nobody had anything to say at this time; and as under our agreement we can not transact any business until we vote upon the pending bill, I thought we might take a recess for half an hour, but it is suggested to me that the Senate should take a recess for an hour. So I move that the Senate take a recess until half past 2 o'clock.

The motion was agreed to; and the Senate (at 1 o'clock and 35 minutes p. m.) took a recess until 2 o'clock and 30 minutes p. m., at which time it reassembled.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 2d instant approved and signed the following act and joint resolution:

An act (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes; and

A joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior transmitting, in response to a resolution of the 22d ultimo, certain information concerning the quarters rented by the Interior Department, giving the location, area of floor space occupied, and the annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE STOKES.

Mr. TILLMAN. Mr. President, I desire to give notice that on Saturday, the 14th of June, at 4 o'clock p. m., I shall submit resolutions commemorative of the life and character of Hon. WILLIAM J. STOKES, late a Representative from South Carolina, and I shall ask the Senate at that time to suspend its business in order that fitting tribute may be paid to his memory.

RECESS.

Mr. KEAN. If no one desires to go on upon the Philippine government bill, I suggest that we might take a further recess until half past 3 o'clock.

Mr. BACON. I think the Senator had better say 3.

Mr. KEAN. Very well, I will make it 3 o'clock, then.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate take a recess until 3 o'clock p. m.

The motion was agreed to; and (at 2 o'clock and 32 minutes p. m.) the Senate took a recess until 3 o'clock p. m., at which hour it reassembled.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. CARMACK. Mr. President, I wish to read a short extract from an article published in the Washington Star of May 30. This is an article from the Star's own correspondent in the Philippine Islands, and is dated at Guinan, Samar, P. I., March 15, 1902. The Star, as everybody knows, is a Republican paper, an Administration paper. This correspondent gives the result of his own observations in the Philippines, especially in the province of Samar. He says:

[Special correspondence of the Evening Star.]

GUINAN, SAMAR, P. I., *March 15, 1902.*

We have just received the good news of the capture of Lucban, the insurgent leader on this rebellious island. He was captured on the other side of the island by native scouts. I understand a Filipino sergeant is given all the credit for this important capture.

An American lieutenant was in charge of the party, and I have heard that, if he is intelligent enough, he will be given a lieutenancy in the regular service.

This capture will give the native troops a boost, and probably increase their number and influence, but the officers who directly control them have very little confidence in their dusky warriors. Some of them have nerve and backbone, but they are always ready to run in a pinch, unless there are American soldiers present to make them stand their ground. They are easy to discipline when no danger is near, and the native noncommissioned officers are very strict with the privates.

NEW COURSE OF CAMPAIGNING.

The authorities have decided on a new course of campaigning in this section of Samar. They have tried the rough tactics by destroying and killing everything in sight, and now they are trying the kind and gentle tactics, and I believe the latter will prove the winner. No rifles or ammunition will be left lying around loose to induce treachery, as the men always take their rifles to meals.

The rough tactics were necessary to avenge the Balangiga massacre, and it was thought that they would soon give in, but after the towns and houses

in the country were all destroyed the people took to the mountains, where they have been in hiding ever since last October, living principally on herbs and roots.

A native scout told me the other day that he ran across in the mountains a young woman whom he formerly knew. He said she was in rags and acted like a wild being. He said she was the daughter of the former presidente of the pueblo of Salcedro, which is or was 15 miles from here. It is now a mass of ruins. She was educated in a college at Manila, and was a very accomplished young woman.

PACIFICATION BY KINDNESS.

Major Hickey, with two troops of the Eleventh Cavalry, is now at Salcedro with instructions to try and pacify the natives by kindness. He has sent notices out to the natives to come in and build up their town again, offering them protection and rations until they are able to provide for themselves.

The people quickly availed themselves of the offer, and there are now a hundred families busily erecting houses over the ruins. Salcedro was a beautiful town, I am told, before its destruction, and it is hoped that the white dove of peace will rest long enough in that section to see it built up again.

The Eleventh Cavalry was being recruited and drilled at Fort Myer, Va., while this company was at Washington Barracks. It is odd that they should follow us up so close and that they should again be our military neighbors. A river divides us here, but it is not so peaceful or as dirty as the Potomac.

There are several officers visiting the post this week, and the prominent natives are doing their utmost to entertain them. Several trips to nearby places of interest have been made, and to-day a pedestrian trip was made to a small town about 3 miles distant.

Speaking further of the conditions in Samar, he says:

This island of Samar, which has been so turbulent during the past year, bids fair at present writing to be within the next six months a peaceful isle. We can not expect it to be peaceful for more than a year at a time, as the blood is always warm down here in the Tropics and the native always has it in his mind that there is a chance for an insurrection.

The American soldier will never amalgamate with these people. They fear him, but they will never like him. The soldiers, as a rule, treat them with contempt and ridicule all their customs. He compares them with ours and does not pause to think that these people know no better and have seen no other to imitate.

He knows also that his stay on these islands is limited, and as a rule they say that no amount of money would tempt them to remain after their term of service expires. A few of them are taking their discharge here for various reasons. Some will be school teachers, others will go into the hemp business, while many elect to be discharged here, thinking possibly that Congress will pass a law this session restoring the old travel pay on land and sea. They will pay their way back to America, and if the bill becomes a law will then present their claims.

Here is a statement of this correspondent of a stanch Republican newspaper here in Washington, a supporter of the Administration, which bears out the charge which has been made that the order issued by General Smith has been practically acted upon; that Samar has been made a howling wilderness, and that the rough tactics, as he describes it, employed in that province of Samar, which was that of destroying and killing everything in sight, burning the houses, and destroying the means of livelihood of those people until they were driven into the mountains, where they were compelled to live on herbs and roots. An illustration is given of a case of an accomplished and educated young woman, the daughter of a native presidente, who was in rags and starving, who had become almost a wild woman through the sufferings she had been compelled to endure.

The correspondent notes further in this article that the policy of kindness now being adopted has been much more effective in pacifying the people than the policy of killing and destroying everything in sight; that the people have responded to the policy of kindness, and that this policy has been effective, showing that there never was any necessity for adopting any such practices as those laid down in General Smith's order of making the island a howling wilderness and destroying all the people.

Mr. BEVERIDGE. Mr. President——

Tha PRESIDENT pro tempore. Does the Senator from Tennessee yield?

Mr. CARMACK. Yes; for a brief interruption.

Mr. BEVERIDGE. For a question, Mr. President.

Mr. CARMACK. I yield for a question.

Mr. BEVERIDGE. Do I understand the Senator approves of the policy of kindness?

Mr. CARMACK. Do I approve of the policy of kindness?

Mr. BEVERIDGE. Yes.

Mr. CARMACK. Why, Mr. President, that is a strange question to put to me. I always approve of kindness. Does the Senator not approve of the policy of kindness?

Mr. BEVERIDGE. Yes. Then, Mr. President, I understand the Senator to say now that that policy exists there at the present time from what he has read.

Mr. CARMACK. Yes; after everybody has been driven out of the country and the country has been burned up, according to the statement of this correspondent of this Republican newspaper, they have changed their tactics, having admitted that the policy of destroying everybody and burning up the whole country has been a failure, and since that time they have adopted a policy of kindness, which has been much more effective.

Mr. BEVERIDGE. Mr. President, then I understand the Senator——

Mr. CARMACK. I will yield to the Senator for just one more question.

Mr. BEVERIDGE. Do I understand the Senator to say that he approves of the present policy?

Mr. DIETRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. CARMACK. Yes, sir; for a question.

Mr. DIETRICH. I should like to read a few words from the testimony of one of the American soldiers who was a survivor of the Balangiga massacre, giving a description of what the natives did in that massacre.

Mr. CARMACK. The Senator can do that in his own time. I can not permit him to do it in my time.

The PRESIDENT pro tempore. The Senator from Tennessee declines to yield.

Mr. CARMACK. Mr. President, so far as the Balangiga massacre is concerned, it is mentioned in here as an excuse for this outrage. I have dwelt on that heretofore. It was an atrocious massacre, but it occurred simply in one town and it was an act of vengeance on the part of the people who had been persecuted by the officers there in command—persecuted in the most outrageous manner—and they took vengeance upon the American soldiers in a most atrocious manner. That was absolutely no excuse whatever for this order of General Smith to make the whole of Samar a howling wilderness and to kill everybody in the island capable of bearing arms, whether they were bearing arms or not, from 10 years of age up.

Mr. President, the Senator from Wisconsin [Mr. SPOONER] criticised me the other day because I said in debate that the controlling purpose in the policy of this Government in seizing and holding the Philippine Islands was a selfish purpose, that it was a commercial purpose, and that the idea of benefiting the people of the Philippine Islands had little or no part in deciding the question whether or not we should seize the Philippine Islands. I have referred to the telegram sent from the Navy Department to Admiral Dewey asking him about the islands purely from a naval and commercial point of view—which was the best island for us to take—showing that the original purpose was to take the very best island that could be found and to leave all the others to the bloody rule and vengeance of Spain, and the only question asked him with respect to these islands had reference to the value of the islands from a strategic and from a commercial point of view.

One of the President's peace commissioners, the distinguished gentleman who presides over this body [Mr. FRYE], made a speech shortly after his return in which he dwelt at length upon the vast benefit that the Philippine Islands would be to us in extending our commerce in the Orient. That seemed to be the ruling and controlling argument.

One of the members of the President's first Commission, Mr. Denby, in an article in a magazine setting forth reasons why we should hold the islands, said that the only question was whether they would benefit us as a nation. "If it will not, turn them loose and let them cut each other's throats." That was his expression; and he said if we did not seize the Philippine Islands, then we ought to go over and by force and violence take part of China. I am very glad that that gentleman has seen another and a better light. That shows the purpose and the spirit which controlled at that time. It was purely a commercial consideration, without any regard whatever to the welfare of the people of the Philippine Islands.

The Senator from Arkansas [Mr. BERRY] has referred to an expression of Mr. Gage, former Secretary of the Treasury, when he said it was a question of 5 per cent and philanthropy also.

Mr. President, there may be mixed motives, of course, in every transaction, but I do not believe that the motives were ever mixed in the same bosom. I do not believe that any one man ever did any one act from a noble motive and from a base motive at the same time. I do not believe that two such motives ever cooperated to influence any one man; and I say that the ruling, controlling motive which caused us to seize the Philippine Islands was the motive of greed and selfishness.

The present Secretary of the Treasury in a recent speech declared that selfishness had a great deal to do with our policy in taking the Philippines.

Mr. President, I wish to read briefly what another distinguished man, who was a great leader in the Republican party in his time, who was a member of President McKinley's Cabinet—his Secretary of State—who had some opinions of his own with respect to this question, and who had opinions, I believe, based on knowledge as to what was the controlling motive that drove this Government into such a policy, says upon this subject.

Mr. BLACKBURN. Who is it from?

Mr. CARMACK. It is from John Sherman.

The PRESIDENT pro tempore rapped with his gavel.

Mr. CARMACK. I ask that the letter may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the letter will be printed in the RECORD.

The letter referred to is as follows:

WASHINGTON, D. C., *November 3, 1899.*

W. A. CROFFUT, Esq.

DEAR SIR: I have received your invitation to attend a public meeting to be held in opposition to the measures recently taken by this Government against the Philippines, and would heartily do so if my health would permit. From the beginning I think the President has fallen into an error in assuming that the Philippines had given cause to our Government to commence war for the acquisition of far distant territory. There has not been on the part of the islands a single act that would justify war, and the only pretext for war on our part is the opportunity to acquire territory from a feeble country in a region far removed from ours. The United States has from the close of the Revolution gradually expanded its limits, but each new Territory except Alaska has been in due time admitted as a State in the Union. If we engage in war with the Philippines it will not be for any act of theirs, but a mere pretense to rob a friendly power of its possessions. I do not hesitate to say that an attack upon a friendly power such as the Philippines are would be an act of oppression without good reason or excuse, and it is especially indefensible if made by the United States. Our country has expanded by honorable and peaceful negotiation. Its accession of territory has been by purchase and not by war. It now holds in union the greater and better part of a continent. We ought to be content with this and leave all far distant countries independent of our power, but made friendly to us by negotiation.

Very truly, yours, JOHN SHERMAN.

Mr. CULBERSON. Mr. President, earlier in the session of the Senate to-day, for reasons which were obvious at the time, I made no answer to an inquiry addressed to me by the Senator from Indiana [Mr. BEVERIDGE]. Since then I have secured the stenographic copy of that inquiry as it will appear in the RECORD, and I desire to read it:

Mr. BEVERIDGE. I desire to ask the Senator the frank question whether or not, directly or indirectly, these two papers were received by the Senator from General Miles? [A pause.] That is all.

If that inquiry addressed to me, Mr. President, shall remain in the RECORD unanswered, upon reflection it occurs to me that an injustice may be done, and I therefore desire to say that those two copies, a copy of the charges made by Private Weir and a copy of the report made by Captain West, were received by me from a gentleman absolutely and wholly disconnected with the Army or the War Department, and were given to me without any suggestion on my part. They did not, of course, come to me directly, and, so far as I know, not indirectly, from General Miles.

Mr. CARMACK. Mr. President, I should like to read an extract from Secretary Shaw's speech, to which I referred a while ago and which I did not then have in my possession, and have it go into the RECORD. Speaking of the result of our war with Spain he said:

Why did we not do this one hundred years before? The corpuscles of American blood were always red and the Anglo-Saxons and their Teutonic kinfolk were always humane. Our altruism had been appealed to again and again, but it had been appealed to in vain. Disguise it as we will, deny it as we may, the element of self-interest was a factor in the equation in 1898. We were masters of our own markets and were reaching out for new ones. Yes, commercialism, if you please, had touched us; and so it was that our self-interest, as well as our unselfishness, was appealed to. Then we gave notice to the world that we proposed to police the street on which we lived, and we challenged him who doubted our right to step into the open.

Mr. DIETRICH. Mr. President, I simply wish to make a statement as to what occurred and what was said in an interview I had with Aguinaldo about one year ago. I asked Aguinaldo the question if, at the Malolos convention, there were any representatives selected by the people from any of the southern islands or from any of the provinces of the island of Luzon other than where the Tagalogs lived. I refer to the Malolos convention or congress which adopted the so-called constitution. And he said there were not.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. DIETRICH. I do.

Mr. PATTERSON. I desire merely to ask the Senator from Nebraska whether, in view of the fact that he is a member of the Committee on the Philippines and has unfalteringly opposed the calling of Aguinaldo as a witness, he feels justified, with that gentleman 8,000 miles away, to repeat a private conversation or any conversation between himself and Aguinaldo touching the matters that are in dispute here?

Mr. DIETRICH. Would that in any way interfere with or prevent my stating the absolute facts and the truth as to what did occur?

Mr. PATTERSON. It seems to me that if a conversation which occurred between Aguinaldo and the Senator from Nebraska bears any reference to matters in which Aguinaldo has heretofore taken and doubtless now takes an absorbing interest, and the Senator, as a member of the Committee on the Philippines, has declined to vote to call him as a witness, he should not undertake to repeat conversations between himself and that gentleman, whether true or not.

Mr. DIETRICH. I wish further to state that I carefully made inquiries over in the islands and also from those who have lived there for a number of years, and I ascertained that there was not a single man of any prominence who took part in the Malolos congress or convention who was not a member of what is known as the Katipunan Society.

I simply make this statement so that those who wish may draw a comparison between those men and the men who were elected and selected, and who gathered at Philadelphia and adopted the Declaration of Independence, and let them judge whether or not the people of the Philippine Islands were as well represented at Malolos as were the people of the thirteen States of the United States in the convention which adopted the Declaration of Independence.

Mr. PATTERSON. Mr. President, I was not at all surprised when witnesses before the Committee on the Philippines made statements calculated to impeach both the honor and the humanity of the late Filipino general who is now and has been for a long time a prisoner of the United States, notwithstanding it is said that shortly after his capture he took the oath of allegiance to the United States. But I am frank to say that I am very much astonished, indeed, that a Senator who has refused, whenever the question was before the committee, to vote to permit Aguinaldo to come here to tell his own story, to speak for his own people, to speak for his own country, and to defend himself from aspersions cast upon him, whether true or false, should repeat the offense committed by gentlemen in the Army and out of the Army when they were before the committee for the purpose of giving testimony.

Mr. DIETRICH. When the matter first came before the committee, I stated that I was opposed to bringing those prisoners here, but that I was favorable to taking their testimony there.

Mr. BEVERIDGE. I wish the Senator from Colorado had not taken his seat, because I should like to ask him a question. It is whether he questions the truthfulness of the statement of the Senator from Nebraska. If the truthfulness of the statement of the Senator from Nebraska is questioned, then, of course, there would be some pertinency in the suggestion that it should not be made without Aguinaldo being here, but if its truthfulness is admitted, then I submit there is no point to the objection of the Senator from Colorado to the statement, the very pertinent statement, very properly made by the Senator from Nebraska.

Before the committee General MacArthur also testified that Aguinaldo had told him that in case he had succeeded the whole islands would have been riven and torn by civil war. The truthfulness of that was not questioned. Before the truthfulness of the statement of the Senator from Nebraska is questioned it is hardly proper for the Senator from Colorado to say that Aguinaldo himself should be called. We are familiar with the policy of the opposition which puts Aguinaldo or anybody else in rebellion against the American Government upon an equality, not only with an American Senator, but with George Washington himself. But until the truthfulness of the statement given is questioned, it is not pertinent to say that it is not proper to give it unless Aguinaldo is here.

Mr. PATTERSON. How do I know whether what any gentleman says is true or is not true?

Mr. BEVERIDGE. Do you accept the truthfulness of the statement of the Senator from Nebraska?

Mr. PATTERSON. If the Senator from Indiana would just contain himself long enough for a Senator to make a two-minute reply to the numerous questions he propounds——

Mr. BEVERIDGE. The Senator from Colorado has never confined himself to a two-minute, hardly to a two-day reply. I ask the Senator the question whether he accepts the truthfulness of the statement made by the Senator from Nebraska?

Mr. CARMACK. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Tennessee will state his point of order.

Mr. CARMACK. The point of order is that when a Senator wishes to interrupt another Senator, he should address the Chair.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. BEVERIDGE. Mr. President, will the Senator from Colorado permit me a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. I do.

Mr. BEVERIDGE. I wish to ask the Senator whether he admits the truthfulness of the statement of the Senator from Nebraska?

Mr. PATTERSON. I will ask the Senator from Indiana whether he is through?

Mr. BEVERIDGE. I am through asking that question.

Mr. PATTERSON. Now, if the Senator from Indiana will take his seat I will answer the question.

Mr. BEVERIDGE. I will oblige the Senator in any possible way if he will answer my question, which is, Do you admit the

truthfulness of the statement of the Senator from Nebraska? Yes or no.

Mr. PATTERSON. Now, that the Senator from Indiana has taken his seat, and with the fervent hope that he will be able to retain it for thirty seconds, I will proceed to answer his question.

I do not know whether or not the statement is true. I do not call in question the veracity of the Senator from Nebraska, because I know nothing about it. The presumption is that what the Senator from Nebraska says is true, because we have the right to presume that no Senator would assert that which he believed to be untrue or had reason to doubt. But that is not the question of morals or the question of the propriety of conduct involved in this very little controversy. Every man has a right to be confronted with his accusers, however truthful the accusation may be. It has been recognized as being bad law and bad morals to make any statement affecting matters in which others are involved in the absence of the persons who are interested upon the opposite side; and whether the statement is true or false, I have no hesitation in repeating that I think it is altogether improper, altogether unwarranted, altogether unjustifiable for any person in this public place to relate conversations between himself and another that may be important in this controversy when that other is confined eight or ten thousand miles away and when the gentleman who makes the statement had the opportunity to vote to bring the other party here, that all of these matters might be presented to him, and voted that he should not come.

RECESS.

Mr. KEAN. I move that the Senate take a further recess for fifteen minutes. It appears that there are no more newspaper extracts to be published.

The motion was agreed to; and (at 3 o'clock and 33 minutes p. m.) the Senate took a recess for fifteen minutes, at the expiration of which time the Senate reassembled.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. McCOMAS. Mr. President, I want to take only a minute. As I came into the Chamber before the last recess I heard the statement of the junior Senator from Colorado [Mr. PATTERSON]. He implored that men who were far away should be spoken of lightly and not condemned when they could not be here and heard in their own behalf. Just this morning I heard the senior Senator from Iowa [Mr. ALLISON] justly characterize an incident affecting a young lieutenant, against whom a private soldier had made a charge which the Department of War said seemed not worthy to investigate. The charge was spread here before the whole people, and he out yonder fighting under the flag and not here to be heard. The charge was read and produced in the open Senate which the War Department had shown upon judgment was not worthy of any circulation and needed no response.

In the examination the Senator from Colorado will well remember that there was a Corporal O'Brien, who there made grave and inhuman charges against a half dozen gallant officers out there, and it soon developed that this Corporal O'Brien was full of malice and steeped in perjury, until the members of the minority of the committee would have been glad to get rid of him and his untrue statements, when the fact was developed that he who said these things was forty or fifty miles away from the place where the alleged imagined base accusations against these gallant soldiers occurred; and yet this matter is here printed in the RECORD and put before the Senate.

When the lament is made that Aguinaldo is not here, I have a line from the diary of Villa, who was a medical officer on Aguinaldo's staff, who accompanied him on his flight, and became, finally, his chief of staff. Along with other papers this diary fell into the hands of the American authorities when Aguinaldo was captured at Palanan by Funston, March 23, 1901. The diary is a semiofficial record kept by Villa, with the knowledge and consent of Aguinaldo, if, indeed, not under his special direction.

There are apparent in every page of this diary of Villa, his chief of staff, thus connected with the wandering and the flight of Aguinaldo, his thoughts and reflections; and if it be said that the Senator from Nebraska [Mr. DIETRICH] has here repeated conversations that seem unlikely to be absolutely well remembered, the Senator from Colorado disclaims it, and well he may. Here is the statement of Aguinaldo himself by his chief of staff in the diary kept of the daily wanderings under his direction, wherein he says, after speaking of certain aspirations for victory and independence, as he viewed it:

The honorable president—

That means Aguinaldo—

Added he [Aguinaldo] fears there will be a civil war afterwards.

That is the statement of Aguinaldo's near friend and companion in flight, that Aguinaldo says he fears there will be a civil war afterwards. It does not need Aguinaldo, when you have his chief of staff and his companion in flight saying that Aguinaldo himself, after all this matter, feared civil war would follow if there were any success of his scheme.

Mr. DIETRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. McCOMAS. I yield to the Senator from Nebraska.

Mr. DIETRICH. Mr. President, the reason why I did not say anything more in answer to the Senator from Colorado was that his reputation is so well established in this country for only seeking that which is detrimental to the American Army and the American flag in the Philippines that any insinuation which he casts against me would not in the slightest degree affect me before the people of the United States.

Mr. BAILEY. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Texas will state the question of order.

Mr. BAILEY. It is that that kind of reflection upon a Senator is an offense against the rules of the Senate. We saw the Senator from Tennessee [Mr. CARMACK] called to order by the Senator from Massachusetts [Mr. HOAR] for language not more offensive than that. If the rules of the Senate are to be enforced, let us enforce them against both sides. I ask that the words of the Senator from Nebraska be taken down.

The PRESIDENT pro tempore. They will be taken down and read to the Senate.

Mr. BATE. I wish to make an additional suggestion, sir. I wish to say that it is out of place for anybody to use such language now, when he knows it is within a minute or two of the time when we are going to vote and there is no opportunity for a proper defense.

The PRESIDENT pro tempore. The words will be read.

The Reporter read as follows:

Mr. President, the reason why I did not say anything more in answer to the Senator from Colorado was that his reputation is so well established in this country for only seeking that which is detrimental to the American Army and to the American flag in the Philippines that any insinuation which he casts against me would not in the slightest degree affect me before the people of the United States.

Mr. DIETRICH. Mr. President, if that is a violation of the rules of the Senate, I withdraw the words.

The PRESIDENT pro tempore. The words are withdrawn. In the opinion of the Chair, they were not in order.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. The hour of 4 o'clock has arrived. By the order of the Senate, the vote will be taken upon proposed amendments and upon the bill. The bill is in Committee of the Whole and open to amendment.

Mr. LODGE. On page 50, line 20, after the word "persons," I move to insert "claimed or alleged to be;" and after the word "in" to strike out the words "slavery or;" so as to read:

That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of the Philippine Islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude, etc.

Mr. CARMACK. I should like to know the effect of the amendment. I have not the bill before me.

Mr. LODGE. It is to strike out after the word "in" the words "slavery or" and to make the clause read:

Persons claimed or alleged to be held in involuntary servitude.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. The committee has no further amendments to offer, and I hope all other amendments will be voted down.

Mr. COCKRELL. I wish to suggest to the Senator in charge of the bill, on page 9, line 18, after the word "productiveness," to insert "and."

Mr. LODGE. I see that that is necessary. I accept it.

The PRESIDENT pro tempore. The Chair is informed that that has already been done.

Mr. COCKRELL. It has not been so printed.

The PRESIDENT pro tempore. It was a mistake of the printer.

Mr. FORAKER. I move to strike out the word "such," in line 19, page 49, before the word "franchise."

Mr. LODGE. I haved no objection to that amendment. It, I think, perfects the text.

The amendment was agreed to.

Mr. QUAY. I move to add at the end of section 4 the following proviso:

Provided, That the duties imposed and collected upon imports from the Philippine Islands shall in no case exceed 50 per cent of the amount of the duties imposed and collected upon similar imports from foreign countries.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

Mr. QUAY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Let the amendment be read again.

The Secretary again read the amendment.

Mr. NELSON. I move to amend the amendment by inserting after the word "imports" the words "the products of the Philippine Islands."

Mr. QUAY. How will that make the amendment read?

The PRESIDENT pro tempore. The proviso will be read as proposed to be amended.

The SECRETARY. After "imports" insert the words "the products of the Philippine Islands;" so as to read:

Provided, That the duties imposed and collected upon imports, the products of the Philippine Islands, from the Philippine Islands shall in no case exceed 50 per cent, etc.

Mr. QUAY. I accept the amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment is accepted, the Chair understands. The roll will be called on agreeing to the amendment.

Mr. CULLOM. We are to vote on the main amendment?

The PRESIDENT pro tempore. On the main amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MARTIN (when Mr. DANIEL'S name was called). I desire to announce the pair of the senior Senator from Virginia [Mr. DANIEL] with the senior Senator from North Dakota [Mr. HANSBROUGH]. On this and all other votes upon the bill the Senator from Virginia [Mr. DANIEL] is paired with the senior Senator from North Dakota [Mr. HANSBROUGH].

Mr. KEAN (when Mr. DRYDEN'S name was called). My colleague [Mr. DRYDEN] is necessarily absent. He is paired, on this vote and on the bill, with the junior Senator from Alabama [Mr. PETTUS]. If my colleague were present, he would vote "nay."

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES]. Otherwise, I should vote "nay" on this amendment.

Mr. HANNA (when his name was called). I have a general pair with the senior Senator from Utah [Mr. RAWLINS], who is absent. My pair has been transferred to the senior Senator from Rhode Island [Mr. ALDRICH], and therefore I am at liberty to vote. I will vote on this and on all amendments to the bill. I vote "nay."

Mr. MCENERY (when his name was called). I have a general pair with the junior Senator from New York [Mr. DEPEW], but a transfer has been arranged so that the junior Senator from New York is paired with the Senator from Washington [Mr. TURNER]. As I have the privilege of voting, I vote "nay."

Mr. MASON. Mr. President, I have no pair, but I withhold my vote upon this and upon all questions of substitutes and amendments, retaining simply the determination I have to vote "nay" on the passage of the bill.

Mr. HOAR (when Mr. PETTUS'S name was called). I have a general pair with the Senator from Alabama [Mr. PETTUS], who is absent, but he desired me, in regard to the amendments which have been anticipated, to vote as I should see fit. I think there is an arrangement for pairing him with another Senator on the final passage of the bill; but in regard to this particular question, which is not connected with the general merits and comes very suddenly, I prefer to let my pair stand and not to vote.

Mr. LODGE. The pair of the Senator from Alabama [Mr. PETTUS] with the Senator from New Jersey [Mr. DRYDEN] has already been announced.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. TURNER]. I understand that arrangements have been made pairing that Senator with the junior Senator from New York [Mr. DEPEW]. If I am correct in that, I wish the pair to stand upon all the votes this afternoon, and I will not announce it again. I vote "nay."

The roll call was concluded.

Mr. CLAPP (after having voted in the negative). Understanding after I voted that the amendment of the Senator from Minnesota [Mr. NELSON] was assented to, I desire to vote "yea."

The result was announced—yeas 19, nays 56, as follows:

YEAS—19.

Bacon,	Clapp,	Gallinger,	Morgan,
Bailey,	Clay,	Gibson,	Nelson,
Bate,	Cockrell,	Heitfeld,	Quay,
Berry,	Dubois,	Martin,	Tillman.
Blackburn,	Foraker,	Mitchell,	

NAYS—56.

Allison,	Carmack,	Dietrich,	Foster, Wash.
Bard,	Clark, Mont.	Dillingham,	Frye,
Beveridge,	Clark, Wyo.	Dolliver,	Gamble,
Burnham,	Culberson,	Elkins,	Hanna,
Burrows,	Cullom,	Fairbanks,	Harris,
Burton,	Deboe,	Foster, La.	Hawley,
Jones, Nev.	McLaurin, Miss.	Platt, Conn.	Spooner,
Kean,	McLaurin, S. C.	Platt, N. Y.	Stewart,
Kearns,	McMillan,	Pritchard,	Taliaferro,
Kittredge,	Mallory,	Proctor,	Teller,
Lodge,	Millard,	Quarles,	Vest.
McComas,	Money,	Scott,	Warren.
McCumber,	Patterson,	Simmons,	Wellington,
McEnery,	Perkins,	Simon,	Wetmore.

NOT VOTING—13.

Aldrich,	Hale,	Mason,	Turner.
Daniel,	Hansbrough,	Penrose,	
Depew,	Hoar,	Pettus,	
Dryden,	Jones, Ark.	Rawlins,	

So Mr. QUAY'S amendment was rejected.

Mr. TELLER. Mr. President, I have offered an amendment as a substitute for section 5 of the bill, but on the appeal of the chairman of the committee that all amendments be voted down I desire to withdraw that amendment and to say that certain amendments of which I have given notice I shall not offer.

Mr. HOAR. May I inquire of the Senator if he does not propose to offer the amendment declaring the intention of the Government of the United States toward the inhabitants of the Philippine Islands?

Mr. TELLER. That is not the amendment to which I was referring. The amendment to which I was referring was one making a change in the phraseology of section 5. It is not, however, very material one way or the other.

Mr. HOAR. I hope the Senator will offer the other amendment to which I have referred.

Mr. PATTERSON. I offer the amendment which I send to the desk to add to the bill a provision of the bill of rights.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 2, on page 4, after line 20, it is proposed to insert:

The trial of all crimes except in cases of impeachment shall be by jury; and such trial shall be held in the province where the said crime shall have been committed.

Mr. PATTERSON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague [Mr. JONES of Arkansas] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea" on this amendment.

The roll call was concluded.

Mr. WETMORE. I desire to announce, once for all, that my colleague, the senior Senator from Rhode Island [Mr. ALDRICH], is paired on this amendment, on all other amendments, and on the bill with the senior Senator from Utah [Mr. RAWLINS]. My colleague, if present, would on the passage of the bill vote "yea."

The result was announced—yeas 28, nays 47; as follows:

YEAS—28.

Bacon,	Clay,	Heitfeld,	Patterson,
Bailey,	Cockrell,	Hoar,	Simmons,
Bate,	Culberson,	McEnery,	Taliaferro,
Berry,	Dubois,	McLaurin, Miss.	Teller,
Blackburn,	Foster, La.	Mallory,	Tillman,
Carmack,	Gibson,	Martin,	Vest,
Clark, Mont.	Harris,	Money,	Wellington.

NAYS—47.

Allison,	Dolliver,	Kittredge,	Platt, Conn.
Bard,	Elkins,	Lodge,	Platt, N. Y.
Beveridge,	Fairbanks,	McComas,	Pritchard,
Burnham,	Foraker,	McCumber,	Proctor,
Burrows,	Foster, Wash.	McLaurin, S. C.	Quarles,
Burton,	Frye,	McMillan,	Quay,
Clapp,	Gallinger,	Millard,	Simon,
Clark, Wyo.	Gamble,	Mitchell,	Spooner,
Cullom,	Hanna,	Morgan,	Stewart,
Deboe,	Hawley,	Nelson,	Warren,
Dietrich,	Kean,	Penrose,	Wetmore.
Dillingham,	Kearns,	Perkins,	

NOT VOTING—13.

Aldrich,	Hale,	Mason,	Turner.
Daniel,	Hansbrough,	Pettus,	
Depew,	Jones, Ark.	Rawlins,	
Dryden,	Jones, Nev.	Scott,	

So Mr. PATTERSON'S amendment was rejected.

Mr. TELLER. I send to the desk an amendment, which I desire to offer, and I ask that it be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following as a new section:

SEC. —. It is not the intention of the Government of the United States to harass or oppress the inhabitants of the Philippine Islands, or to deprive them of their liberty, but, on the contrary, to assist them to establish a government of their own that shall secure to them all privileges, advantages, and blessings enjoyed by a free people, and ultimate independence under the protection of the United States against foreign powers and domestic violence. And to secure these ends as speedily as possible, the Government of the United States invites and urges the people of said islands to aid the United States authorities now exercising power in the islands to secure peace and order.

Mr. TELLER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague (Mr. JONES of Arkansas), if present, would vote "yea" on this amendment.

The roll call having been concluded, the result was announced—yeas 30, nays 47; as follows:

YEAS—30.

Bacon,	Cockrell,	Hoar,	Simmons,
Bailey,	Culberson,	Jones, Nev.	Taliaferro,
Bate,	Dubois,	McEnery,	Teller,
Berry,	Foster, La.	McLaurin, Miss.	Tillman,
Blackburn,	Gibson,	Mallory,	Vest,
Carmack,	Hale,	Martin,	Wellington.
Clark, Mont.	Harris,	Money,	
Clay,	Heitfeld,	Patterson,	

NAYS—47.

Allison,	Dolliver,	Kittredge,	Platt, Conn.
Bard,	Elkins,	Lodge,	Platt, N. Y.
Beveridge,	Fairbanks,	McComas,	Pritchard,
Burnham,	Foraker,	McCumber,	Proctor,
Burrows,	Foster, Wash.	McLaurin, S. C.	Quarles,
Burton,	Frye,	McMillan,	Quay,
Clapp,	Gallinger,	Millard,	Simon.
Clark, Wyo.	Gamble,	Mitchell,	Spooner,
Cullom,	Hanna,	Morgan,	Stewart,
Deboe,	Hawley,	Nelson,	Warren,
Dietrich,	Kean,	Penrose,	Wetmore.
Dillingham,	Kearns,	Perkins,	

NOT VOTING—11.

Aldrich,	Dryden,	Mason,	Scott,
Daniel,	Hansbrough,	Pettus,	Turner.
Depew,	Jones, Ark.	Rawlins,	

So Mr. TELLER's amendment was rejected.

Mr. CARMACK. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 48, at the end of section 76, it is proposed to insert:

Provided, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of the Philippine Islands, to hold persons in slavery or involuntary servitude, or to use, employ, or contract for the labor of persons so held in slavery or involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in the said Philippine Islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than $10,000.

The PRESIDENT pro tempore. The question is on the amendment. [Putting the question.] The noes seem to have it.

Mr. PATTERSON. I call for the yeas and nays on the amendment.

Mr. CARMACK. Mr. President, if I may be permitted, I wish to say——

Mr. GALLINGER. Debate is not in order.

Mr. CARMACK. I only wish to say that I am informed that practically that amendment has already been incorporated in the bill.

Mr. LODGE. It has been.

Mr. CARMACK. That was not the amendment that I intended to offer.

The PRESIDENT pro tempore. Does the Senator withdraw the amendment?

Mr. CARMACK. I withdraw it.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. CARMACK. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Tennessee offers an amendment which will be stated.

The SECRETARY. It is proposed to insert the following:

That the United States regard with extreme disfavor any movement having for its object the early or ultimate admission of the Philippine Islands as a State or States of the Union; and any action on the part of persons holding office under the authority of the United States that gives sanction or encouragement to such movement is hereby condemned.

That to confer the rights and privileges of citizens upon the inhabitants of the Philippine Islands would tend to destroy the integrity of the citizenship and to degrade the character of the Government of the United States.

That to maintain the relation of sovereign and subject between the Government of the United States and a people under its dominion would be repugnant to the principles of the Constitution.

Mr. CARMACK. On agreeing to the amendment, I ask for the ayes and nays.

The ayes and nays were ordered.

Mr. HOAR. Let the amendment be again read.

The Secretary again read the amendment.

Mr. COCKRELL. I ask for a division. There are three propositions embraced in the amendment.

The PRESIDENT pro tempore. Where does the Senator from Missouri demand the division?

Mr. COCKRELL. On the first six lines.

The PRESIDENT pro tempore. It is clearly divisible.

Mr. GALLINGER. Let the first proposition be read.

The PRESIDENT pro tempore. The vote will be taken on the first proposition, which will be read to the Senate.

The Secretary read as follows:

That the United States regard with extreme disfavor any movement having for its object the early or ultimate admission of the Philippine Islands as a State or States of the Union; and any action on the part of persons holding office under the authority of the United States that gives sanction or encouragement to such movement is hereby condemned.

The PRESIDENT pro tempore. The question is on agreeing to so much of the amendment as has been read; on which the yeas and nays have been ordered. The Secretary will call the roll.

The yeas and nays being taken, resulted—yeas 28, nays 46; as follows:

YEAS—28.

Bacon,	Clay,	Harris,	Patterson,
Bailey,	Cockrell,	Heitfeld,	Simmons,
Bate,	Culberson,	McEnery,	Taliaferro,
Berry,	Dubois,	McLaurin, Miss.	Teller,
Blackburn,	Foster, La.	Mallory,	Tillman,
Carmack,	Gibson,	Martin,	Vest,
Clark, Mont.	Hale,	Money,	Wellington.

NAYS—46.

Allison,	Dolliver,	Kittredge,	Platt, N. Y.
Bard,	Elkins,	Lodge,	Pritchard,
Beveridge,	Fairbanks,	McComas,	Proctor,
Burnham,	Foraker,	McCumber,	Quarles,
Burrows,	Foster, Wash.	McLaurin, S. C.	Scott,
Burton,	Frye,	McMillan,	Simon,
Clapp,	Gallinger,	Millard,	Spooner,
Clark, Wyo.	Gamble,	Mitchell,	Stewart,
Cullom,	Hanna,	Morgan,	Warren,
Deboe,	Hoar,	Nelson,	Wetmore.
Dietrich,	Kean,	Penrose,	
Dillingham,	Kearns,	Perkins,	

NOT VOTING—14.

Aldrich,	Hansbrough,	Mason,	Rawlins,
Daniel,	Hawley,	Pettus,	Turner.
Depew,	Jones, Ark.	Platt, Conn.	
Dryden,	Jones, Nev.	Quay,	

So the first branch of Mr. CARMACK's amendment was rejected.

The PRESIDENT pro tempore. Does the Senator demand a double division—a division on the other two clauses of the amendment?

Mr. CARMACK. No, sir; I will not demand a division, nor will I ask for the yeas and nays.

Mr. HOAR. I understand the yeas and nays have been ordered.

The PRESIDENT pro tempore. The Chair is of the opinion that they have been ordered on the entire amendment. They will be taken, however, on the last two clauses together.

Mr. CARMACK. Have I a right to withdraw the demand for the yeas and nays?

The PRESIDENT pro tempore. The Chair thinks not, without unanimous consent.

Mr. CARMACK. I ask unanimous consent to withdraw the call for the yeas and nays.

Mr. HOAR. I object.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that order for the yeas and nays on the last two clauses be rescinded.

Mr. HOAR. I object.

The PRESIDENT pro tempore. Objection being made, the Secretary will call the roll on the question of agreeing to the last two clauses of the amendment.

The yeas and nays being taken, resulted—yeas 23, nays 49; as follows:

YEAS—23.

Bacon,	Clark, Mont.	Hoar,	Simmons,
Bailey,	Cockrell,	McEnery,	Teller,
Bate,	Dubois,	McLaurin, Miss.	Tillman,
Berry,	Foster, La.	Mallory,	Vest,
Blackburn,	Gibson,	Martin,	Wellington.
Carmack,	Heitfeld,	Patterson,	

NAYS—49.

Allison,	Dolliver,	Lodge,	Pritchard,
Bard,	Elkins,	McComas,	Proctor,
Beveridge,	Fairbanks,	McCumber,	Quarles,
Burnham,	Foraker,	McLaurin, S. C.	Quay,
Burrows,	Foster, Wash.	McMillan,	Scott,
Burton,	Frye,	Millard,	Simon,
Clapp,	Gallinger,	Mitchell,	Spooner,
Clark, Wyo.	Gamble,	Morgan,	Stewart,
Clay,	Hanna,	Nelson,	Warren,
Cullom,	Hawley,	Penrose,	Wetmore.
Deboe,	Kean,	Perkins,	
Dietrich,	Kearns,	Platt, Conn.	
Dillingham,	Kittredge,	Platt, N. Y.	

NOT VOTING—16.

Aldrich,	Dryden,	Jones, Ark.	Pettus,
Culberson,	Hale,	Jones, Nev.	Rawlins,
Daniel,	Hansbrough,	Mason,	Taliaferro,
Depew,	Harris,	Money,	Turner.

So the last two clauses of Mr. CARMACK's amendment were rejected.

Mr. CULBERSON. In the absence of the Senator from Utah [Mr. RAWLINS], I desire to offer, on the part of the minority of

the Committee on the Philippines, an amendment in the nature of a substitute to the pending bill. It is the amendment which was submitted yesterday by request and printed, and is on the table. It was put on the desks of Senators this morning. It is agreed to by the minority members of the Committee on the Philippines and the minority members of the House Committee on Insular Affairs. Before formally offering it I desire to perfect it by suggesting several verbal amendments.

The PRESIDENT pro tempore. The Senator from Texas, on behalf of the minority members of the Committee on the Philippines, offers an amendment as a substitute for the pending bill. The Senator has a right to perfect it himself.

Mr. CULBERSON. I have prepared the substitute as amended. I can send it to the desk and have it read or I can state the changes.

The PRESIDENT pro tempore. The Senator can send the substitute to the desk and it will be read as amended.

Mr. CULBERSON. Very well.

The PRESIDENT pro tempore. The Senator from Texas, on behalf of the minority of the committee, offers an amendment in the nature of a substitute to the pending bill. It will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That subject to the provisions hereinafter set forth the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

SEC. 2. That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government in accordance with the provisions of this act, with sufficient guaranties for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof, as hereinafter provided.

SEC. 3. That upon the cessation of organized armed opposition to the temporary sovereignty of the United States Government the President of the United States shall proclaim the fact, and within ninety days after the issuance of such proclamation the United States Philippine Commission shall make and promulgate rules and regulations for the holding of an election in the various provinces of said Philippine Archipelago for members of a house of representatives and a senate, to constitute a temporary congress, which shall be vested with full legislative power and also with the power of appointing such judges as may to them seem proper and necessary. The said Philippine congress shall prescribe rules and regulations for the election or appointment of all other officers, provincial or municipal, as may to them seem proper or necessary. The members of the said senate and house shall hold their offices for the term of four years from and after their election and qualification, unless said terms of office are sooner terminated by the inauguration of the permanent government created by the constitutional convention hereinafter provided for, and all other officers shall hold office for such terms as may be prescribed by such congress. Senators and representatives in congress are to receive compensation at the rate of —— dollars per annum and other officers shall receive such compensation as may be prescribed by the congress.

EXECUTIVE.

The chief executive shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and shall be vested with a veto power over all acts of the Philippine congress having relation to their foreign affairs, but shall have no veto power with respect to other legislation, nor shall he be empowered to appoint any officer unless authorized to do so by the Philippine congress. He shall exercise such other executive powers as shall be vested in him by the Philippine congress, and shall hold his office for a term of four years unless the temporary government shall within that time be superseded by the inauguration of the permanent government herein provided for, and said president shall receive a compensation of $10,000 per annum, to be paid out of the Philippine treasury. There shall be such other executive officers receiving such compensation and performing such duties as may be prescribed by the Philippine congress, and they shall be appointed or elected in such manner as may be prescribed by law.

During the period of the existence of the temporary government herein provided for, which shall in no event extend beyond four years from and after the date of its inauguration, the United States guarantee to the people of said Philippine Archipelago their independence and a republican form of government, and shall protect them against invasion and, upon application by the congress thereof, against domestic violence.

That all male inhabitants of said archipelago 21 years of age and over who can speak and write either the English or Spanish language, or any of the native languages of the said archipelago, and who shall have resided therein for one year, shall be qualified to vote for members of congress and other elective officers, and any person so qualified as an elector shall be qualified to become a member of said congress or to hold any elective office.

The house of representatives shall be composed of 100 members and the senate of 30 members, and shall be apportioned by the United States Philippine Commission among the several provinces of said archipelago, so that the distribution of membership in the house of representatives shall be in proportion to their population, as near as may be, and so that the membership of the senate shall be as nearly representative of separate provinces as may be; and when said apportionment has been determined upon, the said Commission shall by proclamation order an election of the members of said congress to be held throughout the said archipelago, at such time as shall be fixed by the said Commission, which election shall be held not more than one hundred and twenty days from the date of the proclamation by the President of the United States hereinbefore provided for, and ample time shall be given before said election to circulate said proclamation throughout the archipelago and arrange for the holding of said election.

SEC. 4. That the members of the congress thus elected shall meet at the city of Manila on a day to be fixed by the United States Philippine Commission, not more than ninety days subsequent to the day of election, the time for which meeting shall be stated in the proclamation aforesaid, and after organization the said congress and president, constituting the temporary government herein provided for, shall proceed to the performance of their duties as the temporary government of the Philippine Archipelago: *Provided*, That said congress shall provide by legislation and treaty, irrevocable without the consent of the United States—

First. That there shall belong to the United States, and continue to be the property thereof, such lands and waters as the President of the United States shall designate to the Philippine government, and shall be agreed to by it, for naval, military, and coaling stations, and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

Second. To carry into effect the treaty obligations of the United States with the Kingdom of Spain and for the maintenance and protection of all rights and property acquired under the authority of the United States.

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

SEC. 5. That when the election herein provided for shall have taken place and the congress thereby elected shall have convened, in compliance with the provisions of the act, the said United States Philippine Commission shall certify the fact to the President of the United States, whereupon it shall be the duty of the President to issue his proclamation declaring the independence of the people of said archipelago and that they constitute an independent state and nation: subject, however, to the control and regulation by the United States of their intercourse with foreign nations during the period of the existence of the temporary government herein provided for.

SEC. 6. That immediately after the President shall have proclaimed that all organized armed resistance to the United States has ceased in said archipelago, he is requested to proclaim full amnesty to all inhabitants thereof for and on account of political offenses and the bearing of arms against the United States, and all Filipinos or inhabitants of said archipelago who have been deported shall be returned to the place whence they were so deported: *Provided*, That such amnesty shall not apply to any who have violated the rules of civilized warfare or who have been guilty of murder or torture; that the latter, if any, shall be afforded a speedy trial for their offenses in the civil courts of said archipelago and be punished or acquitted, as the facts and law may warrant.

SEC. 7. That within sixty days from the election of officers under the temporary government to be formed by the people of the Philippine Archipelago, in accordance with the provisions of this act, and the inauguration of said officers, the President shall cause the armed forces of the United States to be withdrawn from said archipelago as speedily as may be, except such forces as may be maintained in such parts thereof as have been retained by the United States for naval, military, and coaling stations and terminal facilities for cables, and the President of the United States and the Secretary of War shall make all needful regulations to carry into effect the provisions of this section.

SEC. 8. That it shall be the duty of the Philippine congress herein provided for to prescribe rules and regulations and qualifications for electors for the election and holding of a constitutional convention which shall be charged with the duty of framing a permanent government for the people of the Philippine Archipelago. Said constitutional convention shall be called to meet at such place and at such time, not later than the first Monday of January, 1905, as may be prescribed by said Philippine congress. Upon the completion of the labors of said convention and the inauguration of the government consequent thereupon, it shall be the duty of the President of the United States to issue his proclamation declaring the absolute and unqualified independence of the people of the Philippine Archipelago and that they constitute an independent state and nation, and upon the issuance of said proclamation the United States Government and the Philippine government shall become and be as fully separate and independent as any other separate and independent nations are: *Provided, however*, That if the Philippine government request it, the United States Government hereby agrees to assume a protectorate over the Philippine Archipelago for a period additional to the period of the temporary government herein provided for, said additional period of protectorate not to exceed, however, the period of sixteen years: *Provided further*, That the said Philippine government agree during the said period of additional protectorate to surrender to the keeping of the United State Government the regulation and control of the foreign affairs of the Philippine Archipelago.

SEC. 9. That all terms of office of legislative, executive and judicial officers of the temporary government hereinbefore provided for, including the term of office of the president, and the terms of office of the senators and representatives in congress hereinbefore prescribed, shall terminate with the existence of the temporary government herein provided for, and said temporary government shall ipso facto cease to exist upon the inauguration of the permanent government to be called into existence by the constitutional convention herein provided for; and nothing herein contained shall be so construed as to prevent the congress of the Philippine Archipelago from calling the said constitutional convention at a date earlier than the date herein fixed.

Mr. COCKRELL. In line 14, page 3, section 3, I suggest to the Senator from Texas instead of its reading "said president" it should read "said chief executive." The officer is not styled "president" in the amendment. He is styled "chief executive" in the first part of the amendment, and I suggest that it would be better to make that change.

Mr. CULBERSON. I have no objection to it.

The PRESIDENT pro tempore. The amendment will be modified in that respect.

Mr. COCKRELL. In line 21, page 8, I move to strike out "President" and insert "Chief Executive" so as to make it correspond.

Mr. CULBERSON. I accept the amendment to the amendment, and upon the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES]. On this amendment he would vote "yea" and I should vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 48; as follows:

YEAS—28.

Bacon,	Clay,	Heitfeld,	Patterson,
Bailey,	Cockrell,	Hoar,	Simmons,
Bate,	Culberson,	McEnery,	Taliaferro,
Berry,	Dubois,	McLaurin, Miss.	Teller,
Blackburn,	Foster, La.	Mallory,	Tillman,
Carmack,	Gibson,	Martin,	Vest,
Clark, Mont.	Harris,	Money,	Wellington.

NAYS—48.

Allison,	Dolliver,	Kittredge,	Platt, Conn.
Bard,	Elkins,	Lodge,	Platt, N. Y.
Beveridge,	Fairbanks,	McComas,	Pritchard,
Burnham,	Foraker,	McCumber,	Proctor,
Burrows,	Foster, Wash.	McLaurin, S. C.	Quarles,
Burton,	Frye,	McMillan,	Quay,
Clapp,	Gallinger,	Millard,	Scott,
Clark, Wyo.	Gamble,	Mitchell,	Simon,
Cullom,	Hanna,	Morgan,	Spooner,
Deboe,	Hawley,	Nelson,	Stewart,
Dietrich,	Kean,	Penrose,	Warren,
Dillingham,	Kearns,	Perkins,	Wetmore.

NOT VOTING—12.

Aldrich,	Dryden,	Jones, Ark.	Pettus,
Daniel,	Hale,	Jones, Nev.	Rawlins,
Depew,	Hansbrough,	Mason,	Turner.

So Mr. CULBERSON's amendment was rejected.

Mr. McLAURIN of Mississippi. On page 59, after section 98, I move to insert:

It is the policy of the Government to preserve the agricultural public lands in the archipelago for homes for the people of the archipelago, and no part of said agricultural lands shall be sold under this act except for such homes, nor to any except a natural person, a citizen of said archipelago.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. McLAURIN of Mississippi. On that I ask for the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 28, nays 47; as follows:

YEAS—28.

Bacon,	Clay,	Heitfeld,	Patterson,
Bailey,	Cockrell,	Hoar,	Simmons,
Bate,	Culberson,	McEnery,	Taliaferro,
Berry,	Dubois,	McLaurin, Miss.	Teller,
Blackburn,	Foster, La.	Mallory,	Tillman,
Carmack,	Gibson,	Martin,	Vest,
Clark, Mont.	Harris,	Money,	Wellington.

NAYS—47.

Allison,	Dolliver,	Kittredge,	Platt, Conn.
Bard,	Elkins,	Lodge,	Platt, N. Y.
Beveridge,	Fairbanks,	McComas,	Pritchard,
Burnham,	Foraker,	McCumber,	Proctor,
Burrows,	Foster, Wash.	McLaurin, S. C.	Quarles,
Burton,	Frye,	McMillan,	Scott,
Clapp,	Gallinger,	Millard,	Simon,
Clark, Wyo.	Gamble,	Mitchell,	Spooner,
Cullom,	Hanna,	Morgan,	Stewart,
Deboe,	Hawley,	Nelson,	Warren,
Dietrich,	Kean,	Penrose,	Wetmore.
Dillingham,	Kearns,	Perkins,	

NOT VOTING—13.

Aldrich,	Hale,	Mason,	Turner.
Daniel,	Hansbrough,	Pettus,	
Depew,	Jones, Ark.	Quay,	
Dryden,	Jones, Nev.	Rawlins,	

So the amendment of Mr. McLAURIN of Mississippi was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there any objection to taking the vote on concurring in the amendments in gross? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BERRY. On that I ask for the yeas and nays.

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KEAN (when Mr. DRYDEN's name was called). My colleague [Mr. DRYDEN] is paired on this vote with the junior Senator from Alabama [Mr. PETTUS]. If my colleague were present, he would vote "yea."

Mr. HALE (when his name was called). I am paired on the final passage of the bill with the Senator from Arkansas [Mr. JONES]. He would vote "nay" and I should vote "yea."

Mr. MORGAN (when Mr. PETTUS's name was called). My colleague [Mr. PETTUS] is absent on public duty. If he were present, he would vote "nay." He is paired with the Senator from New Jersey [Mr. DRYDEN].

Mr. HEITFELD (when Mr. TURNER's name was called). The Senator from Washington [Mr. TURNER] is necessarily absent. He is paired with the junior Senator from New York [Mr. DEPEW]. If the Senator from Washington were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 48, nays 30; as follows:

YEAS—48.

Allison,	Dolliver,	Kearns,	Platt, Conn.
Bard,	Elkins,	Kittredge,	Platt, N. Y.
Beveridge,	Fairbanks,	Lodge,	Pritchard,
Burnham,	Foraker,	McComas,	Proctor,
Burrows,	Foster, Wash.	McCumber,	Quarles,
Burton,	Frye,	McLaurin, S. C.	Quay,
Clapp,	Gallinger,	McMillan,	Scott,
Clark, Wyo.	Gamble,	Millard,	Simon,
Cullom,	Hanna,	Mitchell,	Spooner,
Deboe,	Hawley,	Nelson,	Stewart,
Dietrich,	Jones, Nev.	Penrose,	Warren.
Dillingham,	Kean,	Perkins,	Wetmore.

NAYS—30.

Bacon,	Cockrell,	McEnery,	Simmons,
Bailey,	Culberson,	McLaurin, Miss.	Taliaferro,
Bate,	Dubois,	Mallory,	Teller,
Berry,	Foster, La.	Martin,	Tillman,
Blackburn,	Gibson,	Mason,	Vest,
Carmack,	Harris,	Money,	Wellington.
Clark, Mont.	Heitfeld,	Morgan,	
Clay,	Hoar,	Patterson,	

NOT VOTING—10.

Aldrich,	Dryden,	Jones, Ark.	Turner.
Daniel,	Hale,	Pettus,	
Depew,	Hansbrough,	Rawlins,	

So the bill was passed.

ISTHMIAN CANAL.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

JOHN R. SANDSBURY.

Mr. LODGE. Mr. President, as I am obliged to leave the city to-morrow, I ask the favor of the unanimous consent of the Senate to temporarily lay aside the pending bill in order to proceed with the consideration of a small pension bill, being the bill (S. 5491) granting a pension to John R. Sandsbury.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Sandsbury, late of the U. S. S. Ohio and Montgomery, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John R. Sandsbury."

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 4, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 3, 1902.

INDIAN AGENT.

Blanchard B. Weber, of Salamanca, N. Y., to be agent for the Indians of the New York Agency, in New York, vice Augustine W. Ferrin, deceased.

POSTMASTERS.

Alexander L. Hord, to be postmaster at Greenville, in the county of Bond and State of Illinois, in place of Alexander L. Hord. Incumbent's commission expired March 22, 1902.

Jacob Friendlich, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois, in place of George W. Curry. Incumbent's commission expired January 22, 1902.

John A. Bingham, to be postmaster at Vandalia, in the county

of Fayette and State of Illinois, in place of John A. Bingham. Incumbent's commission expired March 17, 1902.

Newton R. Spencer, to be postmaster at Greenfield, in the county of Hancock and State of Indiana, in place of Walter S. Montgomery. Incumbent's commission expired January 10, 1902.

Daniel Surface, to be postmaster at Richmond, in the county of Wayne and State of Indiana, in place of Perry J. Freeman. Incumbent's commission expired January 10, 1902.

James E. Stevens, to be postmaster at Goodland, in the county of Sherman and State of Kansas, in place of Ernest J. Scott. Incumbent's commission expired May 10, 1902.

William Case, to be postmaster at Mauston, in the county of Juneau and State of Wisconsin, in place of William Case. Incumbent's commission expired March 31, 1902.

George G. Cook, to be postmaster at Milford, in the county of Worcester and State of Massachusetts, in place of George G. Cook. Incumbent's commission expired May 2, 1902.

Stephen B. Lovejoy, to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota, in place of Stephen B. Lovejoy. Incumbent's commission expired May 16, 1902.

Louis J. Piernas, to be postmaster at Bay St. Louis, in she county of Hancock and State of Mississippi, in place of Louis J. Piernas. Incumbent's commission expired May 27, 1902.

Maurice Mann, to be postmaster at Slater, in the county of Saline and State of Missouri, in place of Maurice Mann. Incumbent's commission expires June 13, 1902.

Simeon M. Estes, to be postmaster at Meredith, in the county of Belknap and State of New Hampshire, in place of Simeon M. Estes. Incumbent's commission expires June 9, 1902.

Elisha H. Carr, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire, in place of Elisha H. Carr. Incumbent's commission expires June 9, 1902.

Eugene Lane, to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire, in place of Eugene Lane. Incumbent's commission expires June 9, 1902.

Charles A. Snyder, to postmaster at Middleburg, in the county of Schoharie and State of New York, in place of Charles A. Snyder. Incumbent's commission expired June 2, 1902.

Joseph A. Leggett, to be postmaster at Troy, in the county of Rensselaer and State of New York, in place of Joseph A. Leggett. Incumbent's commission expires June 6, 1902.

Edward G. Edgerton, to be postmaster at Yankton, in the county of Yankton and State of South Dakota, in place of David E. Lloyd. Incumbent's commission expired May 5, 1902.

Isaac A. Hill, to be postmaster at Harriman, in the county of Roane and State of Tennessee, in place of Isaac A. Hill. Incumbent's commission expired May 10, 1902.

Thomas W. Morefield, to be postmaster at Elkhorn, in the county of Walworth and State of Wisconsin, in place of Thomas W. Morefield. Incumbent's commission expires June 3, 1902.

Eleanora Andrews, to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in place of Eleanora Andrews. Incumbent's commission expired April 29, 1902.

WITHDRAWAL.

Executive nomination withdrawn June 3, 1902.

W. L. Harris, to be postmaster at Charleston, in the State of South Carolina.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 3, 1902.

CIRCUIT JUDGE.

Alfred C. Coxe, of New York, to be United States circuit judge for the second judicial circuit.

UNITED STATES ATTORNEY.

Charles C. Haupt, of Minnesota, to be United States attorney for the district of Minnesota.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. John McMullen, of Maryland, to be a passed assistant surgeon, to rank as such from May 17, 1902, in the Marine-Hospital Service of the United States.

POSTMASTERS.

James J. Scarborough, to be postmaster at Poplarville, in the county of Pearl River and State of Mississippi.

John P. Bennett, to be postmaster at Yazoo City, in the county of Yazoo and State of Mississippi.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 3, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I desire to call up a privileged report.

The SPEAKER. The gentleman from Ohio calls up a privileged report.

Mr. BURTON. The river and harbor bill. I can state, Mr. Speaker, that the statement of the House managers was published in the RECORD for yesterday, and the conference report in the Senate proceedings for Wednesday, May 28. These two statements, which are quite voluminous, express the action and desire of the Senate in the way of amendments, and the agreement reached by the conference committee. As the bill reached the House——

The SPEAKER. Does the gentleman desire to have the report and the statement both read?

Mr. BURTON. I ask unanimous consent that the reading of both be dispensed with. I do not wish to press that request if anyone desires to have them read, but they are rather voluminous. I think they are well understood by the House.

Mr. SULZER. Pending that request, Mr. Speaker, I would like to ask the gentleman from Ohio what provision is now contained in the bill regarding the continued improvement of Buttermilk Channel, in New York Harbor?

Mr. BURTON. Ninety thousand dollars.

Mr. SULZER. That is not sufficient, but I suppose it is the best we can now get.

The SPEAKER. The gentleman from Ohio asks unanimous consent, they having been printed in the RECORD, to dispense with the reading of the report and statement. Is there objection to this?

Mr. HEPBURN. I think the statement ought to be read.

The SPEAKER. Objection is made as to the statement. The statement will be read.

The statement was read at length.

(See proceedings of Monday for statement.)

Mr. HEPBURN (during reading). On amendment numbered 73, "Anacostia River, District of Columbia: Appropriation of $150,000; House concurs with an amendment limiting the scope of the improvement."

The SPEAKER. The Chair would suggest to the gentleman that the statement first be read through before any questions are asked.

Mr. BURTON. I shall be pleased to answer the gentleman as soon as the reading is concluded.

The Clerk continued and concluded the reading of the statement.

Mr. BURTON. Mr. Speaker, it will be noticed that the bill as it passed the House carried appropriations for the next fiscal year aggregating, approximately, $24,000,000, and authorizations for later years of $36,700,000. All the appropriations in the House bill except two were left untouched by the Senate—Plymouth, Mass., where a reduction of $5,700 was made, and Duluth, Superior River, Minnesota, where a reduction of $75,000 was made, and the provision for a dredge omitted. The Senate added appropriations and authorizations aggregating $9,554,000. Of these the House concurred in $4,500,000, and the balance, $5,054,000, were nonconcurred in, leaving the aggregate amount of appropriations and authorizations as agreed upon in the conference report, $65,107,602, of which the amount of $26,521,442 is made up of appropriations for the ensuing year, and $38,586,160 of authorizations or amounts to be expended after July 1, 1903.

If there is any question any member desires to ask I shall be glad to answer it. The gentleman from Iowa had a question.

Mr. HEPBURN. I want to call the attention of the gentleman to amendment No. 73:

Anacostia River, District of Columbia: Appropriation, $150,000; House concurs with an amendment limiting the scope of improvement.

Now I want to know the character of the improvement, so that the House can understand.

Mr. BURTON. The provision as contained in the Senate amendment was as follows: Improving Anacostia River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines and the raising of the flats under the direction of the Secretary of War and in accordance with the reports submitted, etc., $150,000.

The House conferees thought that provision gave an intimation, at least, of a committal to an extensive plan forthe reclamation of

the flats. The engineer officer of the District was called in, and this phraseology was adopted:

Improving Anacostia River, District of Columbia: With a view to the interests of commerce and navigation, in accordance with such parts of the report submitted in House Document 87, Fifty-fifth Congress, third session, as relates to section 1 of said river, being the portion below the Navy-Yard Bridge, $150,000.

An effort was made in this latter provision to carefully limit the improvement to the purposes of commerce and navigation. I would state that the disposal of the spoil or dredged material from the channel is of course another matter there, an important one.

The engineer stated that with the amount named he could dredge the channel from the mouth of the Anacostia River 300 feet in width up to the navy-yard, there widen out the channel in front of the navy-yard to 400 feet, making the channel 300 feet up to the navy-yard and in front of the navy-yard 400 feet and 20 feet in depth, and that the spoil or dredged material would be deposited on the flats opposite the insane asylum, at St. Elizabeth's. He also estimated that the deposit of the dredged material would bring 120 acres of the flats near St. Elizabeth's to a level of 1 foot above high tide.

Mr. HEPBURN. Mr. Speaker, if the gentleman will permit me, I would like to know if it was the purpose of the House conferees to limit that improvement or to refuse on the part of the House to consent to the completion of that work of the reclamation of that river that is a constant menace to the health of the city?

Mr. BURTON. We did not regard it as a committal to the carrying out of the project of the reclamation of the flats, which is more a sanitary measure than a commercial measure.

Mr. HEPBURN. Is it not the same character of problem that was solved in the case of the flats on the Potomac River?

Mr. BURTON. Very similar, I think, but with one difference, I should state. In that case the Potomac Park belonged exclusively to the United States, and whatever soil was deposited there became the land of the United States. It is true it is dedicated for a park, but it was Government property.

Mr. HEPBURN. With a disputed title.

Mr. BURTON. I did not understand that there was any dispute about the title.

Mr. HEPBURN. If the gentleman will yield to me——

Mr. BURTON. Certainly; how much time does the gentleman want?

Mr. HEPBURN. Two minutes.

Mr. BURTON. I yield to the gentleman from Iowa two minutes.

Mr. HEPBURN. Mr. Speaker, I called particular attention of the gentleman to this amendment No. 73, because I found three or four others of a similar vagueness that did not, it seemed to me, comport with the requirements of Rule XXIX, which provides (the latter part of it):

And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

I do not want to criticise this report. It is very lengthy, and I can see why there might be a desire for an abridgment and saving of time, but it does seem to me, Mr. Speaker, that it is right to call the attention of the House and the committees especially, in view of the change in our rule, to this Rule XXIX and the necessity of having the report so explicit that the House may understand without reference to verbal explanation just what is intended by the conferees. I do not want to raise any question about it. I do not know as I could at this time, as debate has occurred, but I did think it was wise to call attention to that rule.

The SPEAKER. The Chair will ask the gentleman from Ohio if the report shows what this amendment is?

Mr. BURTON. Briefly. I will say the argument of inconvenience has great force in law and in parliamentary procedure as well. To give a detailed description about the effect of every one of these 207 amendments would require printed matter of at least 100 pages. The aim of this statement was to give briefly an explanation of the action of the conference committee upon each.

I will say that this is one of the most extended statements I have seen given in connection with a river and harbor bill in a conference report. In many instances it has been a mere general reference to what is done. In this case referred to by the gentleman from Iowa it would involve pages to go into a full and connected statement of the engineering and sanitary questions connected with it. It seemed best to bring in this brief statement, and in case the report was not altogether clear to answer inquiries as far as possible.

Mr. JONES of Washington. Mr. Speaker, I would like to ask the gentleman a question.

Mr. BURTON. Certainly.

Mr. JONES of Washington. As this bill passed the House it carried $25,000 for the harbor at Whatcom, and the Senate increased it to $40,000. For Puget Sound and the tributary waters it carried $15,000, which the Senate increased to $20,000. I see in the conference report that the Senate recedes from the $40,000 and it goes back to $25,000 for Whatcom, and as for Puget Sound it has raised the $20,000 to $35,000. Now, does the chairman have in mind why these changes were made?

Mr. BURTON. I will state to the gentleman that the appropriation for Puget Sound and the tributary waters contained a proviso that $10,000 might be applied for taking out a so-called log jam in the Nooksack River. When this bill was sent to the engineer in the State of Washington he sent back word that if so much diversion should be made for the Nooksack there would not be sufficient left for the other waters and advised that the $15,000 additional for the new Whatcom Harbor should be transferred to Puget Sound and tributary waters. I think the opinion of the conferees was that such was the best thing to do.

Mr. JONES of Washington. The gentleman will remember that the expenditure for Puget Sound has been $14,000, and there is $18,000 or $20,000 on hand now, and that is the reason we did not make the increase in the House. I regret very much that this change was made and the amount for Whatcom reduced.

Mr. BELLAMY. As I understand, in the case of the improvement of the upper Cape Fear River, North Carolina, for which the Senate inserted an appropriation of $150,000, the committee of conference reduced the appropriation to $50,000, to be used for the purpose of boring for foundations for locks and dams; and in this amendment of the Senate it is proposed that the House now concur.

Mr. BURTON. This $50,000 is for the purpose of acquiring sites for foundations for locks and dams.

Mr. BELLAMY. Do I understand it, then, to be an appropriation for the inauguration of the scheme for an improvement by locks and dams?

Mr. BURTON. It is, of course, a recognition of the project—an inauguration of the work. So far as regards an absolute committal to the finishing of the work, nothing can accomplish that except an appropriation of the whole amount necessary for the improvement. But this is a recognition.

Mr. MUDD. I have not had an opportunity to read the statement of the conferees, and therefore I wish to ask the gentleman from Ohio whether there is any provision made in this report for the improvement of the Anacostia River—any authorization beyond the appropriation made?

Mr. BURTON. Nothing except $150,000 cash appropriation for the purpose of obtaining a navigable channel up to the navy-yard and below the navy-yard bridge.

Mr. MUDD. Is the appropriation limited to the work of improvement below the navy-yard bridge?

Mr. BURTON. It is expressly so limited.

Mr. MUDD. If the gentleman will yield, I should like to occupy about two minutes.

Mr. BURTON. Reserving the rest of my time, I yield the gentleman two minutes.

Mr. MUDD. I wish to say to the gentleman from Iowa [Mr. HEPBURN] that there is a bill now pending before the Committee on the District of Columbia, introduced by myself, and for which I hope to get favorable action in the near future, authorizing a contract for the improvement of Anacostia River, with special reference to the reclamation of the flats above the Pennsylvania avenue bridge. In my judgment, navigation for commercial purposes can properly be said to extend up to that point. I am frank to say that, although I have always favored and still favor the most liberal appropriations for the District of Columbia, I do not think the General Government ought to be called upon to make appropriations for purely sanitary purposes—appropriations which can not be reasonably justified on the ground of commercial needs. The bill to which I now refer provides for an appropriation ultimately of $1,800,000 for such improvement, that being about the amount estimated for this purpose by the War Department several years ago, and about the amount, or a little in excess of the amount, which the Park Commission, appointed by order of the Senate about a year ago, estimated to be necessary for the contemplated work down to a point a little above the Navy-Yard Bridge.

I merely want to call attention to that matter now. I hope some day to obtain a favorable report on that bill. In my judgment the Committee on Rivers and Harbors acted wisely and properly in adopting a limitation in connection with the present appropriation upon the length of distance up the river the General Government ought to go in improvements for commercial purposes. I rather thought that the improvement ought to extend as far as the Pennsylvania avenue bridge; but certainly the navy-yard bridge can not be very wide of the mark. It is proper that the District government should contribute its one-half of the

appropriation for works undertaken for the health of the people of the city and all work above the adopted line of commerce. I believe the people of the District are at last willing to make that contribution. The Commissioners of the District have made a favorable report upon the bill to which I have referred. The work is one of great importance, of urgent need to the District of Columbia, and I shall press the measure looking to its authorization at the earliest practicable opportunity.

Mr. HEPBURN. Will the gentleman from Ohio [Mr. BURTON] yield to me two minutes?

Mr. BURTON. Certainly.

Mr. HEPBURN. Mr. Speaker, I sympathize with the efforts of these two committees to perfect this work upon the Anacostia River. Yet between the two committees nothing apparently has been done. I remember seeing a newspaper statement three or four years ago that there were at that time 500 cases of typhoid fever in the city of Washington. I remember that a few years ago—before the improvement of what was known as the Kidwell flats was begun—one section of this city was almost depopulated because of the prevalence of disease there in the fall of the year.

I know—every man knows who has ever given any thought to the subject—that this Anacostia River, which is a menace to the health of this city and to the health of everyone compelled to sojourn here during the fall months, ought to receive the attention of some committee.

There ought to be an improvement accomplished rather than one discussed merely, as it has been for twenty years. We now know, by what has been done with reference to the reclamation of the land bordering on the Potomac River, that reclamation is possible and that the restoration of health conditions is possible. Here is the same condition now in the Anacostia River; and yet, from year to year, this House, through the failure of committees, permits this condition to continue. I do hope that the gentleman from Ohio will see to it that his committee, which is charged in some degree with the public health of Washington and our health, shall do something in regard to this important matter; or if it be not a proper work for the Committee on Rivers and Harbors, it ought to be promptly attended to by the Committee on the District of Columbia.

Mr. BURTON. Reserving the rest of my time, I yield five minutes to my colleague on the committee, the gentleman from Illinois [Mr. REEVES].

Mr. REEVES. Mr. Speaker, I do not want five minutes—not more than two. I wish only to say to the House that the Committee on Rivers and Harbors brought in the best bill we could frame, taking all things into consideration, a bill appropriating and authorizing expenditures amounting to a little over $60,000,000. The Senate let our bill practically alone, but added a little over $9,500,000 in the way of appropriations and authorizations. After nearly six weeks of conference the Senate receded to the extent of a little more than $5,000,000 of its appropriation, and the House concurred to the extent of about four millions and a half.

I want to say to the House, Mr. Speaker, that in my judgment this bill is not as good a bill as it was when it left the House. I do not mean by that that the Senate appropriations are worthless or entirely improper, but, taking into account the immediate necessities of commerce and appropriating the money to the extent that we did recommend its appropriation, I believe the bill as it left the House was a better bill than it is to-day. However, having a decent regard for the opinion of the Senate and of the Senate conferees, after the most prolonged and earnest discussion we have come to you recommending this bill carrying in all about $65,000,000. My judgment is that it is the best bill that in the nature of things can be agreed upon between the two Houses; hence it is that your conferees recommend to the House the adoption of this report.

Mr. BURTON. Mr. Speaker, reserving further the balance of my time, I desire to yield to the gentleman from North Carolina, Mr. SMALL.

Mr. SMALL. Mr. Speaker, I desire to make an inquiry of the gentleman from Ohio. The conference report in providing for a survey of the inland waterway from Norfolk to Beaufort Inlet limits the cost to $5,000. I desire to know if the committee or the conferees had any official information authorizing that limitation; in other words, upon what data they based the cost of this survey limiting it to that amount.

Mr. BURTON. I would state that the engineering force has been examining and surveying that inland waterway ever since 1823. There is a report of 46 pages made in the year 1880, and there was also a survey of the major portion of it in accordance with an order in the act of June, 1890. With all the data obtained, it seemed to us that $5,000 would be sufficient to make such further investigations as are necessary.

Mr. REEVES. Mr. Speaker, I would like to answer further, if the gentleman will permit me, that as one of the conferees I reported to the other conferees that the gentleman from North Carolina himself [Mr. SMALL] told me that $5,000 was ample, and we relied upon that as trustworthy.

Mr. SMALL. I think the amount is sufficient, but I desire to know if the conferees have further information on that point. I am not complaining, because my information is that the amount will cover the cost.

Mr. VANDIVER. Mr. Speaker, I desire to ask a question for a little information.

The SPEAKER. Does the gentleman yield?

Mr. BURTON. Yes.

Mr. VANDIVER. I would like to be informed as to what is the total amount now carried in the bill for the rivers and harbors of the Lower Mississippi, between Cairo and the Gulf?

Mr. BURTON. Two million two hundred thousand dollars for the first year.

Mr. VANDIVER. I mean for the harbors only?

Mr. BURTON. Two hundred thousand dollars, to be expended during the period of two years at New Orleans and other places on the lower river, and $110,000, to be expended during a period of four years, farther up the river; in all, $310,000.

Mr. VANDIVER. Now, I would like to ask further how that total was reached? Was it by adding together the recommendations of the engineers for the separate harbors or was it arbitrary?

Mr. BURTON. To a certain extent it was arbitrary, but the amount expended on those respective harbors in the past were taken into account; $50,000 for Greenville, Miss.; $20,000 for Helena, $20,000 each for Caruthersville and New Madrid were the amounts to be expended in four years.

Mr. VANDIVER. Thirty-five thousand dollars, I think, if the gentleman will remember, was the amount in the last bill for Caruthersville and $20,000 for New Madrid.

Mr. BURTON. Twenty thousand dollars was regarded as the proper amount.

Reserving further the balance of my time, Mr. Speaker, I yield to my colleague on the committee, Mr. BALL of Texas, for ten minutes.

Mr. BALL of Texas. Mr. Speaker, it is not my purpose to occupy the time of the House in the discussion of this conference report. In presenting the original river and harbor bill as passed by the House, I took occasion then to give some comparisons and figures showing the relative expenditures on behalf of rivers and harbors of this country as compared with the other departments of the Government, and to assert then, as the bill was reported and passed the House, that, taking into consideration the interests involved and the benefit to our agriculture and commerce, the expenditure for rivers and harbors, instead of being classed, as it is too frequently classed by the unthinking public, as a "pork" bill, it is the most economical of any of the great appropriation bills that come before this House.

I agree with my colleague upon the committee, the gentleman from Illinois [Mr. REEVES], that the bill as it passed the House was perhaps a better bill than the bill now reported; but, Mr. Speaker, it is due to the House conferees, who for six weeks have labored with great fidelity and zeal to perfect this bill so that it should be entirely defensible when it became a law, to say that they are entitled to the thanks of this House in having brought in a report which has so modified the bill as it passed the Senate that, while perhaps it may be subject to some criticism, as all bills carrying this amount of public money are, it is the best bill, it is the most scientifically adjusted, it is the best considered, and the most defensible measure carrying such an amount of money for rivers and harbors that has ever been passed by Congress heretofore. No reflection is intended in what I say upon the Senate conferees, who have sought to retain upon the bill the amendments placed thereon by the Senate. For them I have the highest respect. But, Mr. Speaker, I feel sure that there is no disposition upon the part of any member of the House committee to dictate to or deny the equal right of the Senate to incorporate in the bill any legitimate and proper provisions.

Now, there was a sentiment at the other end of the Capitol that because this House, after it had appropriated $60,000,000, which they had left in the bill untouched, and the Senate increases thereon amounted to only $10,000,000, that the House conferees ought readily to agree to all the Senate amendments and allow the bill to become a law. There was a sentiment upon this side of the House and upon that side of the House, among the members of this body, that perhaps the conferees ought not to insist upon a recession upon the part of the Senate from the amendments placed by that body upon the House bill.

Mr. Speaker, the House Committee on Rivers and Harbors had exhaustive hearings for weeks, when opportunity was given to the members of the House, to members of the Senate, and to the commercial interests of the country to be heard, and then reported a bill which was passed by the House, carrying all the

public money that the committee thought ought to be appropriated for rivers and harbors at this session of Congress.

Under such conditions it became the duty of our conferees to resist by all proper arguments any substantial increase in the bill as it passed the House. We are relegated to one of two positions: The House should either frame a complete bill, having due regard to commerce and localities, carrying about the full amounts proper to be expended upon rivers and harbors, or resort to the framing of a bill carrying only, say, two-thirds or three-fourths of the appropriation that ought legitimately to be made. If the latter system be followed, no scientifically adjusted and properly considered bill can be framed, and necessarily the members of this House having projects omitted in their districts would suffer thereby. We can not presume that Senators have no interest in the measure which passes this House, because, as the representatives of the sovereign States from which they come, they are just as much interested in the bill as framed by the House committee as are the members of the House themselves; and unless our conferees are sustained in their action in attempting to prevent the insertion of improper or extravagant amendments, then we will be confronted with the necessity in the future, in framing river and harbor bills, of leaving out a great number of appropriations urged by members of the House in order that room may be left for Senators who desire to increase the appropriations for rivers and harbors.

I think that the rivers and harbors conferees upon the part of the House, in securing a concession of more than one-half in amounts appropriated by the Senate amendments, notwithstanding the fact that they have been compelled to allow items to remain with which they are not thoroughly in accord, have done a splendid work and are entitled to the appreciation and commendation of their colleagues upon the committee and the membership of the House.

Mr. BURTON. Mr. Speaker, I move that the conference report be agreed to, and upon that motion I ask the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. BURTON, a motion to reconsider the last vote was laid on the table.

PROTECTION OF THE PRESIDENT AND THE SUPPRESSION OF CRIME AGAINST GOVERNMENT.

Mr. RAY of New York. Mr. Speaker, under the rule adopted yesterday I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the bill S. 3653; and pending that, I ask unanimous consent that the time on this side be controlled by myself and on the other side by the gentleman from Texas [Mr. LANHAM].

The SPEAKER. The gentleman from New York, chairman of the Judiciary Committee, moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3653, and pending that he asks unanimous consent that the time on this side be controlled by himself and on the other side by the gentleman from Texas [Mr. LANHAM]. Is there objection?

There was no objection.

Mr. RAY of New York. Mr. Speaker, I make another request for unanimous consent, and that is that those gentleman who speak on the bill may have consent to extend their remarks in the RECORD.

The SPEAKER. For what length of time?

Mr. RAY of New York. For five days.

The SPEAKER. The gentleman from New York asks unanimous consent that gentlemen who speak on the pending bill may have five days within which to extend their remarks.

Mr. LANHAM. I wish to couple with that the request that the gentleman from Alabama [Mr. CLAYTON], a member of the Judiciary Committee, may have the privilege of printing his remarks in the RECORD in the event that he shall not be here during the discussion. He has been called away, and being desirous to express himself upon this bill I ask this leave for him. He has indicated his opposition to certain features of this bill, and favors some amendments which I expect to offer.

The SPEAKER. The gentleman from Texas couples with the request of the gentleman from New York the further request that the gentleman from Alabama [Mr. CLAYTON], a member of the committee, who is necessarily absent, may be permitted to print remarks in the RECORD upon this bill. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, the five days ought to be counted from the date of the disposition of the bill, not from to-day.

Mr. RAY of New York. That is proper.

The SPEAKER. The gentleman from New York, at the suggestion of the gentleman from Tennessee, amends his request so that the time within which remarks may be extended shall be five days from the date of the disposition of the bill. Is there objection to these requests?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from New York to go into Committee of the Whole.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3653, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3653) for the protection of the President of the United States, and for other purposes.

Mr. RAY of New York. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to Hon. John Hay for the appropriate memorial address delivered by him on the life and services of William McKinley, late President of the United States, in the Representatives' Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1902, and that he be requested to furnish a copy for publication.

Resolved, That the chairman of the joint committee appointed to make the necessary arrangements to carry into effect the resolutions of this Congress in relation to the memorial exercises in honor of William McKinley be requested to communicate to Mr. Hay the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 48.

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Reports on the Law of Civil Government under Military Occupation, submitted to the Secretary of War by Charles E. Magoon, law officer, Division of Insular Affairs, War Department, of which 1,400 copies shall be for the use of the Senate, 2,800 for the House of Representatives, and 800 for the War Department.

The message also announced that the President pro tempore had appointed Mr. TELLER a member, on the part of the Senate, of the conference committee upon the matter of the message of the House of Representatives upon the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, in place of Mr. PETTUS, excused.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 22) for the relief of Ezra S. Havens.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 21) for the relief of John S. Neet, jr.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 20) for the relief of Joseph W. Carmack.

The message also announced that the Senate had passed joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

PROTECTION OF THE PRESIDENT, ETC.

The committee resumed its session.

Mr. RAY of New York. Mr. Chairman, in reporting to this House and pressing upon its attention and urging the enactment into law the bill now presented for consideration, the Committee on the Judiciary is not to be understood as claiming or intimating that it doubts the present ability or willingness of each and every State to promptly punish those who shall within the respective State jurisdictions criminally assault, injure, or kill the President of the United States, the Vice-President, or those officers entitled by law to succeed to the high office of Chief Executive of the United States. This bill has a double purpose.

First, it seeks to protect the President of the United States, and those in the immediate line of succession, and, second, to prevent certain crimes of increasing frequency against government. Every government possesses the inherent power to protect itself and its agencies, and as in our Government the officers of the United States are held to be agents of that Government we have the implied constitutional power to protect each and every one

of them in the discharge of their official duties, and protect them from assaults or injury because of official acts. Indeed, had we not that power, were we compelled to look to the several States for the protection of the officers of the General Government when assaulted within a State, it might become impossible to carry on our Government or preserve it without constant resort to martial law and military force. (See Tennessee *v.* Davis, 100 U. S., 262, 263; Martin *v.* Hunter, 1 Wheaton, 304.)

This condition would arise should a State be unwilling to punish offenses against them, or, for the time being, be unable, for any reason, to enforce its laws, or find itself without appropriate laws. Such a condition once arose in this country. While we hope and expect that no such condition will again exist in any part of the land, there is no certainty, and hence there is ample reason on this ground alone for the enactment of this proposed law.

Again, it is incompatible with the dignity of a nation to find itself without ample law for self-protection under all possible or at least all probable conditions.

A third reason for the enactment of this bill into law is the nonuniformity and in some instances the inefficiency of the laws of the several States providing for the punishment of manslaughter and murder. In one State at least deliberate and premeditated murder is punishable with life imprisonment only. Under the laws of the United States such murder may be punished with death or by life imprisonment, as the jury recommends. The definition of murder differs in different States, and a killing that is murder and punishable with death in one State may be only manslaughter punishable by imprisonment for a term of years, longer or shorter, in other States.

So an unjustifiable and unsuccessful attempt to kill in one State may be punished by a short term of imprisonment, while punished by a long term in another State when the act was committed under precisely the same conditions and under precisely the same circumstances of enormity. This condition of things arises from our dual form of government and the retention by the several States of the power to punish all breaches of the peace of the State committed within their borders, respectively, and from the nonaction of the Government of the United States in providing by law for the punishment of offenses against the peace of the United States as an independent and, within its constitutional sphere, paramount sovereignty.

There is a peace of the State and a peace of the United States, each clearly defined and distinguishable from the other, and while the same act may, when committed within a State, constitute a breach of the peace and an offense against both sovereignties, punishable by both, so that the offender may be twice punished for the commission of the same act, not for the same crime, once by the United States and once by the State, still the grounds of jurisdiction are entirely different, as are the elements of the offense.

The Government of the United States has no jurisdiction of the crime of murder or of assault, merely as such, when committed within a State. These are violations of the peace of the State, and the power to define and punish them was reserved to the States respectively, and never surrendered to or conferred upon the General or Federal Government. But if the person killed or assaulted is an officer of the Federal Government, and he is killed or assaulted when engaged in the performance of his official duties, or because of his official character, or because of some official act or omission, then the peace of the United States has been violated, for its sovereignty has been infringed, resisted, defied. Whenever the lawful authority of the United States is infringed, resisted, or attacked, the peace or sovereignty of the United States is violated.

Here is the foundation of Federal criminal jurisdiction as to offenses committed within a State; its beginning and its ending. This jurisdiction has been clearly defined by the Supreme Court of the United States, and its boundaries fixed. This has been the teaching of our fathers from the very foundation of the Government, in all discussions and in all legislation written upon the statute books, and in all the decisions of the courts of the States and of the courts of the United States. The following cases are in point and cited and quoted from that there may be no contention or blind groping in the consideration of this feature of the proposed law:

United States *v.* Cruikshank, 92 U. S., 542; In re Neagle, 135 U. S., 1; Ex parte Yarbrough, 110 U. S., 657; United States *v.* Fox, 95 U. S., 670; United States *v.* Coombs, 12 Peters (U. S.), 78; United States *v.* Hall, 98 U. S., 343.

Possibly the opinion of Chief Justice Waite, in giving the decision of the court in United States *v.* Cruikshank, supra, is the most clear enunciation of the law found in the books. He said (pp. 550, 551):

> The government thus established and defined is to some extent a government of the States in their political capacity. It is also, for certain purposes, a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the States, but beyond it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.
>
> The people of the United States resident within any State are subject to two governments, one State and the other national, but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete Government, ample for the protection of all their rights at home and abroad.
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> True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance and that of the State by the breach of the peace in the assault. So, too, if one passes counterfeit coin of the United States within a State, it may be an offense against the United States and the State; the United States because it discredits the coin, and the State because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen can not complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return he can demand protection from each within its own jurisdiction.

And at pages 553, 554:

> The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons within their boundaries in the enjoyment of these "unalienable rights with which they were endowed by their Creator." Sovereignty for this purpose rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

Mark the express holding that in the case of an assault upon an officer of the United States, the sovereignty of the United States is violated because of the resistance to the officer in the execution of a duty imposed by a law of the United States.

The one who counterfeits a coin of the United States opposes the sovereignty of the nation because he discredits a coin of the nation, one it has exclusive power to emit, not because of the fraud on the citizen of a State.

Precisely the same principle is enunciated in United States *v.* Coombs, 12 Peters (U. S.), at page 78, the court, per Justice Story, one of the most learned judges of modern times, stating:

> It (the criminal jurisdiction of the United States) does not stop at the mere boundary line of a State, nor is it confined to acts done on the water or in the necessary course of the navigation thereof. It extends to such acts done on land which interfere with, obstruct, or prevent the due exercise of the power to regulate commerce and navigation with foreign nations and among the States. Any offense which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. No one can doubt that the various offenses enumerated in the ninth section of the act are all of a nature which tend essentially to obstruct, prevent, or destroy the due operations of commerce and navigation with foreign nations and among the several States.

This case was one arising under the act of March 3, 1825, punishing the act of feloniously stealing a quantity of merchandise belonging to the ship *Bristol*, in distress and cast away on the coast of New York. The goods were taken above high-water mark in Queens County.

To the same effect and founded on the same principle is the decision in United States *v.* Hall (98 U. S., 343). In that case Hall, the guardian of one Williamson, a minor, received the pension money granted the minor under the pension laws of the United States. He held the money in trust for the ward under and pursuant to the authority of the United States, and undertook and promised to deliver it to the ward or use it for his benefit. Hall converted it to his own use, and in so doing resisted and defied the authority or sovereignty of the United States as effectively as though he had held up the pension agent at the point of a gun and robbed him of the money while it was in course of transmission to the beneficiary, Williamson. The grounds of criminal jurisdiction in the United States in that case and similar cases are clearly stated at pages 357 and 358 of the case.

In United States *v.* Fox (95 U. S., 670), the court says:

> There is no doubt of the competency of Congress to provide, by suitable penalties, for the enforcement of all legislation necessary or proper to the execution of powers with which it is intrusted. And as it is authorized "to establish uniform laws on the subject of bankruptcies throughout the United States," it may embrace within its legislation whatever may be deemed important to complete any effective bankrupt system.
>
> Any act committed with a view of evading the legislation of Congress passed in the execution of any of its powers, or of fraudulently securing the benefit of such legislation, may properly be made an offense against the United States. But an act committed within a State, whether for a good or a bad purpose, or whether with an honest or a criminal intent, can not be made an offense against the United States, unless it have some relation to the execution of a power of Congress or to some matter within the jurisdiction of the United States. An act not having any such relation is one in respect to which the State can alone legislate.

The same principle is directly involved and enunciated in Tennessee *v.* Davis (100 U. S., 257).

In that case A was indicted in the State court of Tennessee for murder. He moved for a transfer of the case to the circuit court of the United States. The statutes of the United States provide in substance that criminal cases arising under the Constitution and laws of the United States may be thus removed. See act of February 4, 1815, 3 Statutes, 198; the act of March 2, 1833, 4 Statutes, 633, and the act of July 13, 1866, 14 Statutes, 171.

To secure such removal and show that the case was one arising under the Constitution and laws of the United States, the defendant alleged and showed "that the killing was done by him in necessary self-defense to save his own life; that at the time the alleged act for which he was indicted was committed he was and still is an officer of the United States, to wit, a deputy collector of internal revenue; that the act for which he was indicted was performed in his own necessary self-defense while engaged in the discharge of his duties as deputy collector, and while acting by and under the authority of the internal-revenue laws of the United States, and that he was assaulted and resisted while actually engaged in the lawful performance of his duties as such officer of the United States."

In that case Justice Clifford says, at page 276:

> Courts of the United States derive no jurisdiction in criminal cases from the common law, nor can such tribunals take cognizance of any act of an individual as a public offense, or declare it punishable as such, until it has been defined as an offense by an act of Congress passed in pursuance of the Constitution. Argument to show that Congress has never defined the act of murder, at a place within the exclusive jurisdiction of a State, as an offense against the authority of the United States is certainly unnecessary, as no sane man will venture to advance such a proposition; nor will anyone who ever looked into the record of this case deny that the place where the homicide which is the subject of inquiry was committed is in the exclusive jurisdiction of the State whose laws were violated by the perpetrator of the felonious act. None of these matters can be denied consistent with the truth of the facts as judicially known to every member of the court.

For a practical application and declaration of these principles we turn to the case In re Neagle (135 U. S., 1). This is the leading and possibly the only case decided by the Supreme Court expressly and necessarily deciding what constitutes the peace of the United States and a violation thereof in the absence of an express statute. The case is therefore of especial value in determining the jurisdiction or power of Congress to enact laws for the protection of the officers of the Government of the United States. No one will pretend that such a law may be constitutionally enacted or enforced unless it be to prevent or punish acts affecting the sovereign powers of the United States.

May we constitutionally enact such a law, one to punish an assault committed on or the killing of an officer of the United States, based on the sole fact that the person assaulted or killed is an officer of the United States, regardless of whether or not he at the time of the commission of the act was engaged in the performance of his official duties, or was assaulted or killed because of his official character or because of some official act done or omitted? This proposition was answered in the negative by the Supreme Court. (In re Neagle, 135 U. S., 1.)

In that case Mr. Justice Field, a justice of the Supreme Court of the United States, was in California for the purpose of holding courts pursuant to law. He had held court at Los Angeles and was on his way to San Francisco for the purpose of holding court there. He was accompanied by Neagle, who was a deputy marshal of the United States, and who attended by direction of the Department of Justice to protect him from violence apprehended at the hands of one Terry, who had threatened personal violence because of certain judicial acts of Justice Field affecting Terry (punishment for contempt of court). The train stopped at a town on the way and Justice Field had alighted from the train and was taking his breakfast at a hotel when he was assaulted by Terry. Thereupon the deputy marshal of the United States, Neagle, in the necessary defense of Justice Field, shot and killed Terry. Neagle was indicted and imprisoned by the State courts of California for the murder of Terry. He was brought up by the United States court on habeas corpus and discharged on the ground that he was an officer of the United States engaged in the performance of an official duty, to wit, the defense of Justice Field, pursuant to a law of the United States—either a statute or the Constitution—and that Mr. Justice Field was at the time engaged in the performance of his official duties, or acting in his official capacity as a justice of the Supreme Court of the United States.

The Supreme Court held that in order to show that the peace of the United States was violated by Terry when he assaulted Justice Field that it was necessary to show that Justice Field was then acting in his official capacity as justice, and this was the point upon which the whole case turned. The court held that Justice Field was acting in his official capacity as justice, even when eating his breakfast at the hotel on his way to hold court in a distant city. That it was the right and duty of the United States to defend and protect him at such a time and under such circumstances. That it was an official duty of Neagle to so protect and defend him at the time, and that in so doing he acted officially under the laws and authority of the United States. That Terry was violating a law of the United States when he assaulted Justice Field. This attack was made because of a hatred engendered by an official act performed months before by Justice Field. Terry was not resisting Justice Field in performing an official act.

The court stated the questions involved, at page 54, thus:

> There exists no authority in the courts of the United States to discharge the prisoner while held in custody by the State authorities for this offense, unless there be found in aid of the defense of the prisoner some element of power and authority asserted under the Government of the United States.
>
> This element is said to be found in the facts that Mr. Justice Field when attacked was in the immediate discharge of his duty as judge of the circuit courts of the United States within California; that the assault upon him grew out of the animosity of Terry and wife, arising out of the previous discharge of his duty as circuit justice in the case for which they were committed for contempt of court; and that the deputy marshal of the United States, who killed Terry in defense of Field's life, was charged with a duty under the law of the United States to protect Field from the violence which Terry was inflicting, and which was intended to lead to Field's death.

And the court stated its conclusions, at pages 75 and 76, thus:

> The result at which we have arrived upon this examination is that in the protection of the person and the life of Mr. Justice Field, while in the discharge of his official duties, Neagle was authorized to resist the attack of Terry upon him; that Neagle was correct in the belief that without prompt action on his part the assault of Terry upon the judge would have ended in the death of the latter; that such being his well-founded belief, he was justified in taking the life of Terry as the only means of preventing the death of the man who was intended to be his victim; that in taking the life of Terry, under the circumstances, he was acting under the authority of the law of the United States, and was justified in so doing; and that he is not liable to answer in the courts of California on account of his part in that transaction.

It will be noted that in giving these conclusions no mention is made of the fact that Terry knew Field to be a justice of the Supreme Court of the United States, or of the fact that his attack was made to gratify malice engendered by the official acts of Justice Field, or that he knew Justice Field to be engaged in the discharge of his official duties. It was enough that Terry attacked Justice Field while the latter was "in the discharge of his official duties." It is equally clear from the case and opinions that this fact, or the fact that Terry attacked Field because of his prior official act, or the fact that he assaulted the judge because of his official character, was all sufficient to make the offense of Terry one against the authority of the United States, and therefore one which Neagle had the right to resist.

Mr. CRUMPACKER. I am somewhat familiar with that case, and my understanding is that the court was required to do that because Congress had never enacted a statute making it an offense to attack a Federal officeholder. They were compelled to justify under an executive authority the general power of the President to enforce the law, and the court inferentially held that the President was justified in protecting an officer of the Federal Government only while he was acting as such. But here the proposition is for Congress to pass a law declaring it to be a crime to take the life of the President of the United States.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAY of New York. I want time, Mr. Chairman, in which to close.

The CHAIRMAN. The gentleman from New York has control of the time himself. The Chair thought he would mention to the gentleman that the hour had expired.

Mr. RAY of New York. I want to say that the gentleman's assumption is entirely incorrect, because the Congress of the United States has passed a law for the protection of every officer to a certain extent in the discharge of his duty, and the Congress has always said, following the courts of the early time, they have always limited the laws by saying "when in the performance of their duty."

Mr. CRUMPACKER. Did Neagle justify under any statute in making his defense in that case? There was no statute covering that particular case, and he was justifying on principles of general jurisprudence.

Mr. RAY of New York. The court held in that case this: That in order to justify Neagle in doing what he did, it must be established that he was acting under some authority of the United States; some law, some constitutional authority, and in the protection of some officer who was within the protection of the United States, not of a statute, but who was within the protection of the United States and under the jurisdiction of the United States to protect, and the court held that an officer of the Government is under the protection of the United States and within its jurisdiction to protect when engaged in the performance of his official duties—then and then only. Not for the simple reason that he is such an officer.

It was said by the Supreme Court in Ex parte Yarbrough (110 U. S., 657-658):

> If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the

General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power, it is left helpless before the two great natural and historical enemies of all republics—open violence and insidious corruption.

And again (p. 659):

It is said that the States can pass the necessary law on this subject, and no necessity exists for such action by Congress. But the existence of State laws punishing the counterfeiting of the coin of the United States has never been held to supersede the acts of Congress passed for that purpose or to justify the United States in failing to enforce its own laws to protect the circulation of the coin which it issues.

It is very true that while Congress at an early day passed criminal laws to punish piracy with death, and for punishing all ordinary offenses against person and property committed within the District of Columbia, and in forts, arsenals, and other places within the exclusive jurisdiction of the United States, it was slow to pass laws protecting officers of the Government from personal injuries inflicted while in discharge of their official duties within the States. This was not for want of power, but because no occasion had arisen which required such legislation, the remedies of the State courts for personal violence having proved sufficient.

These decisions make it perfectly clear that the House bill substituted for that of the Senate goes as far as Congress constitutionally can go in punishing offenders against the person of the President of the United States, the Vice-President, or those officers in line of succession. That is, that we can not constitutionally enact a statute in general terms making it a crime to assault or kill within a State the officers mentioned. The provisions of the House substitute for the Senate bill relating to this branch of the proposed legislation are as follows:

That any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 2. That any person who unlawfully, purposely, and knowingly kills the Vice-President of the United States, or any officer of the United States entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 3. That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign State or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 4. That any person who attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall be imprisoned not less than ten years.

SEC. 5. That any person who, while engaged in an unlawful attempt to inflict grievous bodily harm upon the President of the United States, or the Vice-President of the United States, or any officer entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character or because of any of his official acts or omissions, inflicts injuries on such President, Vice-President, or other officer which cause death, shall be imprisoned for life. If such injuries do not cause death, such offender shall be imprisoned not less than five years.

SEC. 6. That any person who aids, abets, incites, or conspires with another to commit either of the offenses mentioned in sections 1, 2, 3, 4, and 5 of this act shall be deemed a principal offender.

SEC. 7. That any person who knowingly harbors, conceals, or aids, with intent that he may avoid or escape from arrest, trial, conviction, or punishment, any person who has committed either of the offenses mentioned in the preceding sections of this act shall be imprisoned for not less than one nor more than twenty-five years.

SEC. 8. That any person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first nine sections of this act, shall be fined not less than $500 nor more than $5,000, or imprisonment not less than one nor more than twenty years, or both.

SEC. 9. That any person who conspires with any other person or persons, or requests, advises, or encourages any other person or persons to unlawfully assault or kill, within or without the United States, the chief executive or chief magistrate of any other civilized nation having an organized government, because of his official character, shall be punished as follows: If an attempt to commit such act is made and the death of any person results therefrom, such offender shall suffer death. If such attempt does not result in death, such offender shall be fined not less than $500 nor more than $5,000, or be imprisoned not less than five nor more than twenty-five years, or both. If such attempt is not made, such offender shall be fined not less than $500 nor more than $5,000, or be imprisoned not less than one nor more than five years, or both.

SEC. 10. That this act shall apply to all offenses hereinbefore specified when committed within any State or other place subject to the jurisdiction of the United States.

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or the Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

The provisions of the Senate bill for which these are a substitute are as follows:

That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or who shall willfully and maliciously cause the death of the sovereign or chief magistrate of any foreign country, shall be punished with death.

SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, attempt to commit either of the offenses mentioned in the foregoing section shall be punished with death.

SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, aid, abet, advise, or counsel the killing of the President or Vice-President of the United States or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or who shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be punished by imprisonment not exceeding twenty years.

SEC. 4. That any person who has conspired as aforesaid may be indicted and convicted separately, although the other party or parties to the conspiracy are not indicted or convicted.

SEC 5. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, by spoken words, or by written or printed words, uttered or published, threaten to kill or advise or counsel another to kill the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the office of President of the United States may devolve under the Constitution and laws, shall be punished by imprisonment not exceeding ten years.

SEC. 6. That any person who shall willfully and knowingly aid in the escape of any person guilty of either of the offenses mentioned in the foregoing sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted.

The question naturally arises, Why so carefully point out in the statute the times and the circumstances under which the act constituting the offense is committed? Many will say offhand and without examination or special consideration, that the courts of the United States would only assume jurisdiction of and punish those offenses within its jurisdiction even if the Senate bill embraces acts not within the Federal jurisdiction and is enacted into law. That the courts of the United States would not punish or undertake to punish a person who should assault or kill one of the officials named unless the offense were clearly within the jurisdiction of the United States to define and punish.

The insuperable difficulty with this proposition is, that where jurisdiction to enact a law is involved, any law is unconstitutional that in general terms is so broad that it covers acts both without and within the power or jurisdiction of the legislative body to define and punish as offenses. This rule is inflexible. It is clearly stated in the following cases:

United States *v.* Harris, 106 U. S., 629; United States *v.* Reese, 92 U. S., 214; Baldwin *v.* Franks, 120 U. S., pp. 685–686.

The Supreme Court of the United States has held in at least three cases that a statute of the United States defining and punishing an offense against the United States in general terms, when the act is committed within a State, must be so framed as to show on its face that it can only apply to offenses of which the United States has jurisdiction. Hence the necessity for the words of limitation in the act relating to the President if it be true that there is a time when the President is not engaged in the discharge of his official duties.

In United States *v.* Harris (106 U. S., 629) it was held that section 5519, Revised Statutes of the United States, is unconstitutional.

That section reads as follows:

If two or more persons in any State or Terrritory conspire or go in disguise upon the highway or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws, each of such persons shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

The court says (p. 637):

Section 5519, according to the theory of the prosecution and as appears by its terms, was framed to protect from invasion by private persons the equal privileges and immunities under the laws of all persons and classes of persons. It requires no argument to show that such a law can not be founded on a clause of the Constitution whose sole object is to protect from denial or abridgment, by the United States or States, on account of race, color, or previous condition of servitude, the right of citizens of the United States to vote.

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the first and fifth sections of the fourteenth amendment. The first section declares:

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The fifth section declares "the Congress shall have power to enforce by appropriate legislation the provisions of this amendment."

The court further says (pp. 638–642):

When the case of the United States *v.* Cruikshank came to this court, the same view was taken here. The Chief Justice, delivering the opinion of the court in that case, said: "The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen against another. It simply furnishes an additional guaranty against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guaranty." (92 U. S., 542.)

The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State, as enacted by its legislative, and construed by its judicial, and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

Section 5519 of the Revised Statutes is not limited to take effect only in case the State shall abridge the privileges or immunities of citizens of the United States, or deprive any person of life, liberty, or property without due process of law, or deny to any person the equal protection of the laws. It applies, no matter how well the State may have performed its duty. Under it private persons are liable to punishment for conspiring to deprive anyone of the equal protection of the laws enacted by the State.

We are next to consider whether the thirteenth amendment to the Constitution furnishes authority for the enactment of the section. This amendment declares that "neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation."

But the question with which we have to deal is, Does the thirteenth amendment warrant the enactment of section 5519 of the Revised Statutes? We are of opinion that it does not. Our conclusion is based on the fact that the provisions of that section are broader than the thirteenth amendment would justify. Under that section it would be an offense for two or more white persons to conspire, etc., for the purpose of depriving another white person of the equal protection of the laws. It would be an offense for two or more colored persons, enfranchised slaves, to conspire with the same person against a white citizen or against another colored citizen who has never been a slave. Even if the amendment is held to be directed against the action of private individuals, as well as against the action of the States and United States, the law under consideration covers cases both within and without the provisions of the amendment. It covers any conspiracy between two free white men against another white man to deprive him of any right accorded him by the laws of the State or of the United States. A law under which two or more free white private citizens could be punished for conspiring or going in disguise for the purpose of depriving another free white citizen of a right accorded by law of the State to all classes of persons—as, for instance, the right to make a contract, bring a suit, or give evidence—clearly can not be authorized by the amendment which simply prohibits slavery and involuntary servitude.

Those provisions of the law, which are broader than are warranted by the article of the Constitution by which they are supposed to be authorized, can not be sustained.

Upon this question United States *v.* Reese (92 U. S., 214) is in point. In that case this court had under consideration the constitutionality of the third and fourth sections of the act of May 31, 1870, chapter 114, now constituting sections 2007, 2008, and 5506 of the Revised Statutes. The third section of the act made it an offense for any judge, inspector, or other officer of election, whose duty it was, under the circumstances therein stated, to receive and count the vote of any citizen, to wrongfully refuse to receive and count the same; and the fourth section made it an offense for any person, by force, bribery, or other unlawful means, to hinder or delay any citizen from voting at any election, or from doing any act required to be done to qualify him to vote.

The indictment in the case charged two inspectors of a municipal election in the State of Kentucky with refusing to receive and count at such election the vote of William Garner, a citizen of the United States of African descent. It was contended by the defendants that it was not within the constitutional power of Congress to pass the section upon which the indictment was based. The attempt was made by the counsel for the United States to sustain the law as warranted by the fifteenth amendment to the Constitution of the United States; but this court held it not to be appropriate legislation under that amendment. The ground of the decision was that the sections referred to were broad enough not only to punish those who hindered and delayed the enfranchised colored citizen from voting, on account of his race, color, or previous condition of servitude, but also those who hindered or delayed the free white citizen. The court, speaking by the Chief Justice, said:

It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the government. The courts enforce the legislative will, when ascertained, if within the constitutional grant of power. But if Congress steps outside of its constitutional limitation and attempts that which is beyond its reach the courts are authorized to, and when called upon must, annul its encroachment upon the revered rights of the States and the people.

And the court declared that it could not limit the statute so as to bring it within the constitutional power of Congress, and concluded:

We must therefore decide that Congress has not yet provided by appropriate legislation for the punishment of the offenses charged in the indictment.

The long and short of these decisions is that an act of Congress making it an offense to kill the President of the United States (when the act is committed within a State) is unconstitutional, if in general terms, provided there is any time when the President is not engaged in the performance of his official duties. We can only make it an offense to kill the President when so engaged or when the act is committed because of his official character or because of some official act or omission, and hence it does no harm to so specify in the act. On the other hand, it will do harm and destroy the law to make it so broad in its terms that it may include an act not within the power of Congress to punish. If we spread our net so broad that it may catch all offenders within our jurisdiction and also some not subject to Federal authority we have acted unavailingly.

Such a net will not be recognized by the Supreme Court even when it has caught only an offender we would have the right to denounce and punish if immeshed by a constitutional instrumentality. The court by construction will not separate the good from the bad, for it has been repeatedly decided that the law to be constitutional must in terms be confined to matters within the constitutional power of Congress to control; that if broader than warranted such broader language must be by itself, so as to be expunged without destroying the valid provisions. As was said by the court in the above cases, it will not step inside such a net to see who should be detained and who set at large. This precise point was again passed on and emphasized in Baldwin *v.* Franks (120 U. S., pp. 685–686).

The court there said:

In United States *v.* Harris (106 U. S., 629) it was decided that this section was unconstitutional, as a provision for the punishment of conspiracies of the character therein mentioned, within a State. It is now said, however, that in that case the conspiracy charged was by persons in a State against a citizen of the United States and of the State to deprive him of the protection he was entitled to under the laws of that State, no special rights or privileges arising under the Constitution, laws, or treaties of the United States being involved; and it is argued that, although the section be invalid so far as such an offense is concerned, it is good for the punishment of those who conspire to deprive aliens of the rights guaranteed to them in a State by the treaties of the United States. In support of this argument reliance is had on the well-settled rule that a statute may be in part constitutional and in part unconstitutional, and that under some circumstances the part which is constitutional will be enforced and only that which is unconstitutional rejected. To give effect to this rule, however, the parts—that which is constitutional and that which is unconstitutional—must be capable of separation, so that each may be read by itself.

This statute, considered as a statute punishing conspiracies in a State, is not of that character, for in that connection it has no parts within the meaning of the rule. Whether it is separable, so that it can be enforced in a Territory, though not in a State, is quite another question, and one we are not now called on to decide. It provides in general terms for the punishment of all who conspire for the purpose of depriving any person or any class of persons of the equal protection of the laws or of equal privileges or immunities under the laws. A single provision, which makes up the whole section, embraces those who conspire against citizens as well as those who conspire against aliens, those who conspire to deprive one of his rights under the laws of a State and those who conspire to deprive him of his rights under the Constitution, laws, or treaties of the United States. The limitation which is sought must be made, if at all, by construction, not by separation. This, it has often been decided, is not enough.

Thus, in United States *v.* Reese (92 U. S., 214), the indictment was against two of the inspectors of a municipal election in Kentucky, under sections 3 and 4 of the act of May 31, 1870 (chapter 114, 16 Stat., 140), which provided in general terms for the punishment of inspectors who should wrongfully refuse to receive the vote of a citizen when presented under certain circumstances and for the punishment of those who by unlawful means hindered or delayed any citizen from doing any act required to be done to qualify him to vote or from voting at any election. There was nothing in either of the sections to limit their operation to a refusal or hindrance "on account of the race, color, or previous condition of servitude" of the voter, and it was held that they were unconstitutional, because, on their face, they were broad enough to cover wrongful acts without as well as within the constitutional power of Congress. An attempt was made there as here to limit the statute by construction, so as to make it operate only on that which Congress might rightfully prohibit and punish, but to this the court said (p. 221):

For this purpose we must take these sections as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of these sections must stand as a whole or fall all together. The language is plain. There is no room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined is whether we can introduce words of limitation into a penal statute so as to make it specific when, as expressed, it is general only.

This was answered in the negative, the court remarking:

To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one.

Applying the principle then laid down, it is self-evident that if there is a time when the President of the United States is not engaged in the discharge of his duties as such, either actively or constructively, and it be true that Congress may not define and punish murder when committed within a State (and this has been repeatedly held), and we are therefore constitutionally restricted to defining and punishing acts of personal violence against the officers of the Government of the United States, perpetrated within a State, when committed under circumstances which actually do or are intended by the perpetrator to obstruct, impede, impair, or infringe or resist the sovereignty of the United States, we must refrain from enacting a law in general terms making it

a crime to unjustifiably kill the President of the United States when the act is committed within a State.

If the President on a fishing trip in the Adirondacks (in his home State) should engage in a personal quarrel with his guide (ignorant of his official character) and in the affray be unjustifiably killed, the only ground upon which Federal jurisdiction could be invoked is that the President was a Federal officer, clothed with Federal power, and constructively engaged in the discharge of the duties of his office when killed. No one would claim for an instant that the President was at such time performing an official act, for nothing could be further from the truth. Nor could it be claimed he was actively engaged in the discharge of his official duties. The law enacted by this Congress for the protection of the President should be surely constitutional and not experimental. If we make the act general in its terms, and the supposed case presents a time when the President is not engaged in the discharge of his official duties, the law would be unconstitutional, for it takes into the net those we may constitutionally punish and those of whom we have no jurisdiction. Under such a law the person who in a State should openly kill the President because he is President, and while he was engaged openly in discharging an official act, could not be punished.

Nor should we hesitate to insert these words of limitation and specification for fear that their insertion will impose a burden of proof on the Government it would otherwise not have to sustain, or that such words will raise a question of fact for the jury when otherwise there would be none.

In administering and enforcing the criminal laws of the United States the jury is not judge of the law and of the facts, but must take the law from the court and is sole judge of the facts.

As matter of law the President is or is not always engaged in the performance of his official duties. If he always is so engaged, the court would so charge the jury, and all the proof necessary on this point would be that the person killed was acting as such generally, either de facto or de jure.

If he is not always so engaged and it could not be shown he was killed because of his official character or because of his official acts or omissions, his slayer would not be punishable under this law or any the Congress of the United States can make when the act is committed in a State. The moment you concede it may become a question of fact for a jury to decide whether or not the President was at a given time engaged in the discharge of his official duties you concede that these words of limitation in the law are absolutely essential to its constitutionality. As repeatedly stated and decided by the Supreme Court, Federal jurisdiction attaches because he is so engaged, or when he is killed because of his official character or because of some official act or omission, when the killing takes place within a State.

In re Neagle (135 U. S., 1) there was no pretense that the Congress had passed any law defining "the peace of the United States" or forbidding or punishing the killing of a justice of the Supreme Court when such killing occurs within a State or a murderous assault on such officer when committed within a State. The Supreme Court proceeded to define what constitutes a breach of the peace of the United States under the Constitution of the United States irrespective of any statute when such breach of that peace is alleged to have occurred by reason of an assault on an officer of the United States. The court held that such peace of the United States in such cases is broken when the assault is made while the officer is engaged in the performance of his official duties, and the learned justice writing the opinion proceeded at length to prove that Justice Field was so engaged—a waste of time and of words had it been supposed by the court that the peace of the United States is or can be broken when he is not so engaged or when the attack is not because of the official character or because of some official act or omission.

Mr. CRUMPACKER. Will the gentleman allow me to interrupt him?

Mr. RAY of New York. Why, certainly.

Mr. CRUMPACKER. Does not the section just read make the question relate to the fact as to whether the President at the time of his alleged assassination was engaged in the discharge of his official duties?

Mr. RAY of New York. Certainly not. It is a fact. I say it can not be made a question of fact. This section makes it a presumption of fact that there is no such time; and then we provide further than that that it shall be presumed that he is always engaged in the performance of his official duty.

Mr. CRUMPACKER. I know it is understood it shall be presumed that he is engaged in the performance of official duty until the contrary is proven. Therefore it casts the burden of fact upon the prosecution in that class of prosecutions.

Mr. RAY of New York. It casts the burden upon the defendant.

Mr. CRUMPACKER. Casts the burden upon the defendant?

Mr. RAY of New York. Yes.

Mr. CRUMPACKER. Upon that question of fact. It is not a presumption of law?

Mr. RAY of New York. We declare it to be a presumption of law.

Mr. CRUMPACKER. Prima facie.

Mr. RAY of New York. It is an absolute presumption unless he can prove to the contrary; that is, prove that the President was not engaged in the discharge of his official duties.

Mr. CRUMPACKER. Why does the section provide that it shall be presumed until he proves to the contrary?

Mr. RAY of New York. Do you admit that there is a time when the President is not engaged in the performance of official duty?

Mr. CRUMPACKER. In the technical sense and meaning of that term, I say yes.

Mr. RAY of New York. That section of the bill says it is an absolute presumption of fact until the contrary is proved. From the other standpoint there is a time when the courts can not punish a man who slays the President if he slays him at the particular time when he is not so engaged, and not because of his official character or because of official acts or omissions.

Mr. CRUMPACKER. I do not agree with that statement. I think the assassination of the President is always a crime against the Federal Government.

Mr. RAY of New York. Why?

Mr. CRUMPACKER. Because the President is the constitutional means of carrying on its operations, and the assassination of the President of the United States at any time, anywhere, or regardless of what he may be doing, deprives the Federal Government of the constitutional agency of carrying on and executing its laws. Therefore I think that we have abundant power to make it a crime without regard to limitation.

Mr. RAY of New York. That might be a convincing argument were it not opposed to six or eight decisions of the Supreme Court of the United States. As an argument without any authority, every man would say offhand that the Government has the power to protect itself, must have the power necessarily to punish any man that kills one of its agencies, whether he resists or intends to resist the Government or not; but, unfortunately for the gentleman's position, the Supreme Court has repeatedly, over and over again, determined the law to be otherwise. The element of infringing the sovereignty of the United States must come in.

Mr. CRUMPACKER. Let me just simply state that my interpretation of all these decisions is that they have never decided upon this proposition yet. No such statute has ever been sent up.

Mr. RAY of New York. I will tell you the reason for that, and I have already read that. I read from Justice Clifford's opinion given in one of the cases cited. He said, "No sane man." The reason why no such statute had ever been passed was that "no sane man had ever made such a contention, and no sane man ever would." That is the substance.

Now, right here I hold the case In re Neagle in my hand, where the court a dozen times and over, in defining the peace of the United States and the power of the Congress of the United States, says that that peace is offended against and the United States has jurisdiction when the officer is killed while engaged in the performance of his duty; and they go on here with two pages and a half of printed opinion to prove that Justice Field was, when eating his dinner on his way from holding one of his courts to hold another, engaged in the performance of his official duties, which fact would give the United States jurisdiction.

Now, do you suppose these seven or eight dignified and learned judges would have taken all that time and all that space to prove that Justice Field was engaged in the performance of his official duty and therefore the United States had jurisdiction if the simple and conceded fact that Justice Field was an officer of the United States, a constitutional officer, was all that was necessary to show such jurisdiction? I say clearly not. Now, here is what the judges say: It is that there is a peace of the United States, and that it is disturbed when a man assaults a judge of the United States while engaged in the discharge of his official duties, and that in such a case the marshal of the United States may interfere to protect the officer; and then the court repeats it over and over and again, that the fact stated is an essential element. The court based its jurisdiction on the fact that Justice Field, a constitutional officer, was engaged in the discharge of his official duties, not on the conceded fact that he was an officer.

Indeed, this principle I have stated is elementary. In England the statute 25 Edward III, chapter 2, defined treason. Under that statute it was treason—

> When a man doth compass or imagine the death of our lord the King, or our lady his Queen, or of their eldest son and heir.

Under this statute it was held no treason to kill the King when he was not in the possession of the Government or acting as King.

(2 Sharswood Blackstone's Commentaries, book 4, chapter 6, p. 379 (77).) The same statute made it treason—

If a man slay the chancellor, treasurer, or the King's justices of the one bench or the other, justices in eyre or justices of assize, and all other justices assigned to hear and determine, being in their places and doing their offices.

To kill them under other circumstances was as the killing of any other subject. (Id., p. 385 (84).) So felonies against the King's council were defined to be (Stat. 9 Anne, c. 16, 2 Shar. Bl. Com., c. 7, book 4, p. 101): "To assault, strike, wound, or attempt to kill any privy counselor in the execution of his office."

These statutes came to be the common law of the colonies and of the States except as changed by statute, and hence by adoption the common law recognized by the courts of the United States in administering and construing the criminal laws, although it must not be supposed there is any common law of the United States, for it has been repeatedly held there is not, except as it has been adopted by statute.

In any event, the new section (section 13) removes all questions and puts the burden of proof where it belongs.

As to the President, I am very decidedly of the opinion that he is always constructively engaged in the performance of his official duties.

1. The executive power is vested in him.
2. He is Commander in Chief of the Army and Navy.
3. He has the pardoning power.
4. He, with the advice and consent of the Senate, makes treaties which, when ratified, have the force of law and are the supreme law of the land.
5. He fills vacancies in certain offices at certain times.
6. He is commanded to "take care that the laws be faithfully executed." (Art. 2, secs. 1, 2, 3.)

Charged with these and other duties which call for unremitting and constant attention, how can it be said that the President is not always engaged in the performance—that is, in and about the discharge—of his official duties? True, he may do other things while so engaged, but we can not indulge in so much refinement as to say that the President, while partaking of his meals or walking or riding for recreation or amusing his children, is not at the same time engaged in the performance of his official duties. True, the acts mentioned are not official acts, but he does not cease to be officially acting even then. (In re Neagle, 135 U. S., 1, 55–56.)

So, should such a thing occur, if the President is engaged in a personal quarrel as to some private matter, while that act is not an official act, he is still in and about the performance of his official duties as President. As to the Vice-President and members of the Cabinet no such claim can be made. The Vice-President can not act until Congress meets. His constitutional duty is to preside over the Senate. Heads of Executive Departments, our Cabinet officers, are recognized by the Constitution, but they are created by laws of Congress.

The Vice-President has no legislative or judicial power. No part of the executive power is vested in him. That is vested in the President. He can do nothing officially and has no duty to perform when the Senate is not holding its sessions.

Therefore if the Vice-President is assaulted or killed at a time when the Senate is not holding sessions—that is, before Congress meets, or between the long and the short sessions—such assault or killing is not committed while he is engaged in the performance of his official duties; and if such offense is not committed because of his official character or because of some official act done or omitted, there is no element of resistance to the authority or sovereignty of the United States and no jurisdiction in the courts of the United States to punish the offense when committed within a State. Such an act would be a breach of the peace of the State and not of the United States.

The State has sole jurisdiction of such offense, a jurisdiction it has not surrendered to the Federal Government, and therefore one the Congress can not confer on the Federal courts.

Substantially the same reasoning applies in the case of Cabinet officers.

What we want is safe constitutional legislation—legislation that will stand the test of the courts should a case arise under the law placed on the statute books. We trust such a calamity as the murder of our President will never again befall this nation; we trust that no assault will be made upon him or upon the Vice-President or any officer in line of succession to the Presidency, but should occasion to invoke a Federal statute arise, may the one written on the statute books by this Congress be found constitutional, adequate to the emergency, and efficient.

This bill will meet these requirements. It is humane and conservative. It has been submitted to and has stood the test of newspaper criticism and of legal castigation. It commends itself to all thinking, sober-minded, patriotic people. It meets no opposition except from those who oppose the granting of power to Federal courts to punish offenses committed within a State. That these offenses should be defined and punished all admit. That the penalties are not too severe is conceded. We can not safely treat all these officials as on an equality under our Constitution, for their constitutional status and powers are widely different.

The bill provides for the punishment:

(1) Of those who unlawfully, purposely, and knowingly kill or attempt to kill the President or the Vice-President, or any officer of the United States entitled by law to succeed to the Presidency, or any ambassador or minister of a foreign government accredited to the United States and being therein, or who assaults either of these officers, except such foreign ambassadors and ministers, with intent to inflict great bodily harm, when he is engaged in the performance of his official duties, or because of his official character, or because of an official act or omission, when such crime is committed within any State or other place subject to the jurisdiction of the United States. (Secs. 1–5).

(2) Of accessories to such crimes before and after the fact, and those who "openly, willfully, and deliberately justify" such killing or assaulting of either of such officers with intent to cause a repetition of the commission or the commission of either of such crimes. (Secs. 6–8.)

(3) Of those who advocate, advise, or teach, generally or specifically, the duty, necessity, or propriety of killing or assaulting one or more of the officers of the Government of the United States or of the government of any civilized nation because of his or their official character, or who conspire within the United States, or request, advise, or encourage another to assault or kill anywhere the chief ruler of any civilized nation having an organized government, because of his official character. (Secs. 8, 9.)

The enactment of the statute proposed will not prevent a State from punishing the offense of killing or assaulting the President or any of the officers referred to when the offense is committed within such State, unless the Federal authority sees fit to interpose. It is well settled that when an act offends against both the State and National sovereignty either, and sometimes both, may punish.

(United States *v.* Cruikshank, 92 U. S., 542–550.)
(Cross *v.* North Carolina, 132 U. S., 131–139.)
(U. S. *v.* Marigold, 9 How., 560–569.)
(Fox *v.* Ohio, 5 How., 410–433.)
(Moore *v.* Illinois, 14 How., 13–19.)
(Ex parte Siebold, 100 U. S., 371–390.)
(Brown on Jurisdiction, sec. 88, 89.)

In the Cross case (supra) the court said:

The argument in behalf of the plaintiffs in error fails to give effect to the established doctrine that the same act or series of acts may constitute an offense equally against the United States and the State, subjecting the guilty party to punishment under the laws of each government.

In United States *v.* Marigold (supra) the court said:

The same act might, as to its character and tendencies and the consequences it involved, constitute an offense against both the State and Federal governments, and might draw to its commission the penalties denounced by either, as appropriate to its character in reference to each.

Therefore the enactment of this bill into law will not deprive a State of the right to arrest and to punish under its laws any person who commits an offense specified in the first nine sections of the bill, provided such State has a law punishing the acts specified as crimes against the State.

The limitations are necessary to the constitutionality of the bill. The thirteenth section provides a rule of evidence placing the burden of proof on the criminal to show, if he can, that the officer assaulted or slain was not attacked under circumstances giving the Federal Government jurisdiction of the offense. That section also declares that nothing contained in the law shall be construed as an admission or declaration that there is a time when either of the officers named, during his tenure of office, is not engaged in the performance of his official duties.

That section is as follows:

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or the Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

Therefore all the Government will have to prove is that the accused killed or assaulted, as the case may be, one of the officers named. The presumption is that the assault was not justified or excusable; that the officer was engaged in the performance of his official duties; that there could be no time when he was not so engaged. Should it be proved or established that he was not so engaged—impossible in the case of the President—still should it appear that the attack was made on the officer because of his official character, or because of some official act done or omitted, the offender would be within the law and the jurisdiction of the Federal courts.

By no possibility can one who offends the sovereignty of the United States escape its jurisdiction.

The provision of the Senate bill providing as follows, "or who shall willfully and maliciously cause the death of the sovereign or chief magistrate of any foreign country shall be punished with death," is clearly unconstitutional. Such offense of causing the death of a foreign ruler is not confined to acts committed in the United States or on the high seas.

Such an offense when not committed within the jurisdiction of the United States or its territory is beyond our criminal jurisdiction and solely an offense against the municipal law of the nation where committed, if committed within the domain of a foreign State, because not committed by a citizen of the United States against another citizen. (United States *v.* The Pirates, 5 Wheaton, 184, 192–197; speech of John Marshall in H. R., same book, appendix; International Public Law, Taylor, sec. 194; sec. 187, p. 233; Wheaton's International Law, chapters 1 and 2; also sec. 113.)

Such an offense as is specified in the Senate bill is not an offense against the law of nations. That provision includes such an offense if committed here, but not being so confined in terms it offends against the cases already cited.

Whether or not the Congress of the United States may pass laws punishing offenses against the persons of aliens residing here is a mooted question, but the following case is instructive and may be considered by some as decisive. It is the case of the forging of the notes of a foreign nation, the act being committed within the United States. (United States *v.* Arjona, 120 U. S., 479.)

THE LAW OF NATIONS.

I do not undertake to state here the law of nations in its entirety, but only so much as is applicable to the questions under discussion. In this regard the United States Supreme Court has held (United States *v.* Arjona, 120 U. S., 479–484):

> The law of nations requires every national government to use "due diligence" to prevent a wrong being done within its own dominion to another nation with which it is at peace, or to the people thereof.

The United States can not compel a State to enact laws punishing such offenses, and hence Congress should act. (United States *v.* Arjona, 120 U. S., 487.)

It is there said:

> A right secured by the law of nations to a nation, or its people, is one that the United States, as the representatives of this nation, are bound to protect. Consequently a law which is necessary and proper to afford this protection is one that Congress may enact, because it is one that is needed to carry into execution a power conferred by the Constitution on the Government of the United States exclusively. There is no authority in the United States to require the passage and enforcement of such a law by the States.
>
> Therefore the United States must have the power to pass it and enforce it themselves, or be unable to perform a duty which they owe to another nation, and which the law of nations has imposed on them as part of their international obligations. This, however, does not prevent a State from providing for the punishment of the same thing; for here, as in the case of counterfeiting the coin of the United States, the act may be an offense against the authority of a State as well as that of the United States.

Nor is it necessary that the law enacted by Congress in terms define the offense as one against the law of nations, or to so state or to declare it to be an offense against such laws. (United States *v.* Arjona, 120 U. S., 488.)

The court there held:

> It remains only to consider those questions which present the point whether, in enacting a statute to define and punish an offense against the law of nations, it is necessary, in order "to define" the offense, that it be declared in the statute itself to be "an offense against the law of nations." This statute defines the offense, and if the thing made punishable is one which the United States are required by their international obligations to use due diligence to prevent, it is an offense against the law of nations.
>
> Such being the case, there is no more need of declaring in the statutes that it is such an offense than there would be in any other criminal statue to declare that it was enacted to carry into execution any other particular power vested by the Constitution in the Government of the United States. Whether the offense as defined is an offense against the law of nations depends on the thing done, not on any declaration to that effect by Congress. As has already been seen, it was incumbent on the United States as a nation to use due diligence to prevent any injury to another nation or its people by counterfeiting its money, or its public or quasi public securities. This statute was enacted as a means to that end, that is to say, as a means of performing a duty which had been cast on the United States by the law of nations, and it was clearly appropriate legislation for that purpose. Upon its face, therefore, it defines an offense against the law of nations as clearly as if Congress had in express terms so declared. Criminal statutes passed for enforcing and preserving the neutral relations of the United States with other nations were passed by Congress at a very early date (June 5, 1794, c. 50, 1 Stat. L., 381; June 14, 1797, c. 1, 1, Stat. L., 520; March 3, 1817, c. 58, 3 Stat. L., 370; April 20, 1818, c. 88, 3 Stat. L., 447); and those now in force are found in Title LXVII of the Revised Statutes.
>
> These all rest on the same power of Congress that is here invoked, and it has never been supposed they were invalid because they did not expressly declare that the offenses there defined were offenses against the law of nations.

It is perfectly clear that a foreigner who commits a crime against municipal government abroad and flees to the United States can not be tried or punished here for such offense either by a State or the United States. Says Taylor, International Public Law, page 233:

> When a State (nation) demands the right to punish a foreigner for a criminal act committed within the limits of another sovereignty before his arrival, it asserts a claim to concurrent jurisdiction, which, if valid, would overthrow the fundamental assumption upon which the present State system is founded.

See also Wheaton's International Law, section 113.

The mere assertion of such a jurisdiction by one nation against another would constitute a most offensive and unwarranted interference with her internal affairs and government.

What would we say to England, or Russia, or Germany, or France should she give refuge to the assassin of our President, the assassin being a citizen of the United States, try and condemn him for the offense, and imprison him for five or ten years? Concede such jurisdiction under the law of nations and one nation might set a premium on the murder of the ruler of another. Acquittal in the one jurisdiction would acquit in all. Punishment in the one, however slight, would be a bar to prosecution for the same offense in another because an offense against the law of nations. Not an offense against the law of one nation on one ground and the law of another on another ground. Piracy is a crime against the law of nations, because denounced by all Christian civilized nations. Pirates are outlawed of all nations; are not deemed citizens of any nation. (Wheaton's International Law, sec. 124.)

A crime committed on a ship belonging to a nation, wherever such ship lawfully may be, is cognizable by the nation to which she belongs for the reason that she is deemed a part of the territory of that nation. (United States *v.* Rodgers, 150 U. S., 249, 263, 264. This overrules People *v.* Tyler, 7 Mich., 161; Justice Brown and Justice Gray dissented. See also Ross *v.* McIntyre, 140 U. S., 453.)

In the last-named case, Ross, a subject of Great Britain, entered the mercantile marine of the United States and became one of the crew of a vessel bearing our flag. He committed the crime of murder on that vessel while it was in the harbor of Yokohama, Japan, and was tried and convicted in the United States consular court there. Held that the conviction was rightful. The law of nations is the usage of all civilized nations. (United States *v.* Arredondo, 6 Pet., 691.)

All civilized nations do not punish offenses committed by the citizen of another nation in the territory of his residence. Few, if any, do. England once did. She does so no longer. France does not, nor does Germany or Russia.

The House substitute deals properly with this question. Under its provisions if one of our citizens goes abroad and commits a crime and returns, we will, in proper cases, surrender him to the offended sovereignty, or we will punish him here as we lawfully may. (Wheaton's International Law, sec. 113.)

Under section 9 if a person conspires in the United States or requests, advises, or encourages another to unlawfully assault or kill within or without the United States the chief executive or chief magistrate of any other civilized nation having an organized government because of his official character, and is found here, he is tried here, and if convicted, severely punished; punished with death if a murder is committed anywhere pursuant to the conspiracy. The offense made punishable is committed here, for it consists in the conspiracy or the request, advice, or encouragement to commit the crime. This provision fully serves the purpose desired and will tend to break up meetings here held to encourage the commission of crime abroad. There is no question as to the constitutionality of this provision.

Section 3 of the Senate bill provides that the criminal who aids and abets the killing of the officers named is to be imprisoned for a term not exceeeing twenty years. By section 2 the criminal who attempts to kill one of these officers and fails suffers death, but by section 3 the criminal who actually aids the actual killing of such an officer can only be imprisoned for twenty years. We see no propriety in such legislation. In our judgment the criminal who actually aids in accomplishing the actual death of the President is as guilty and deserves as severe a punishment as the one who attempts to commit the crime but fails. We think he is more guilty. In all the States and in all civilized countries the one who aids or abets the commission of a crime is made a principal offender. The proposed substitute does this.

Section 3 of the Senate bill provides that he who counsels the killing of the President is to be punished by imprisonment not exceeding twenty years, and section 5 provides that he who counsels another to kill the President by spoken words or by written or printed words uttered or published shall be punished by imprisonment not exceeding ten years. We think it entirely immaterial, so far as the gravity of the offense and the punishment that should be inflicted are concerned, whether the counsel be given by spoken, written, or printed words uttered or published or otherwise. In whatever manner the counsel is given the offense is the same and the criminality is the same, and the punishment should be the same.

Mr. CRUMPACKER. Let me ask the gentleman a question for information. I read the Senate bill, and my impression was that under the first section the gentleman read the crime is in the counseling personally of some one to take the life of the President.

In another section it is made a crime, with a less penalty, if it is done by spoken or written word, and that means in a public speech.

Mr. RAY of New York. But it does not say so.

Mr. CRUMPACKER. That was the interpretation I gave it. It may not bear that interpretation.

Mr. RAY of New York. I will say to the gentleman that the trouble with his position is the bill does not say so.

Mr. CRUMPACKER. That was not my position, I read it with that in view, and I wanted to know if the gentleman thought the Senate had succeeded in making that distinction?

Mr. RAY of New York. No; the Senate has not made any such distinction. To say in one section if I advise a man to do a thing, and make my offense punishable by twenty years' imprisonment, and in another section say if I do the same thing by words written or printed, uttered or spoken, a different punishment shall follow, what distinction have I made except in the punishment? I have simply confused the human mind and made it impossible for that mind to tell what the legislature did mean.

Mr. CRUMPACKER. It is likely the text did not make the distinction that I thought it intended to.

Mr. LITTLEFIELD. What did the gentleman from Indiana think about spoken words that were uttered, and if they did not happen to be uttered what would happen? [Laughter.]

Mr. CRUMPACKER. That is too utter for me. [Laughter.]

Mr. RAY of New York. I have heard some of the uttered words and then I have here some of the printed words which later I will read, and I want to ask if you would make any distinction between the spoken words uttered in a speech and the printed words as I will present them. The speaking is no worse than the printing, and the printing and circulating is damnable.

Section 6 of the Senate bill makes it a crime to aid in the escape of a person guilty of killing the President or any of the other officers named. A person may knowingly harbor or conceal such offender with impunity. He is not guilty of an offense unless there is an escape. This is at war with the laws of all the States and with the laws of all civilized nations.

The proposed substitute makes it a crime to knowingly harbor, conceal, or aid such an offender with intent that he escape or avoid arrest, trial, conviction, or punishment. This is as it should be. No encouragement should be given to those who would harbor, conceal, or aid offenders against the law.

Your committee is also opposed to section 7 of the Senate bill. That section authorizes and directs the Secretary of War to detail from the Regular Army a sufficient number of officers and men to guard and protect the person of the President of the United States. The Secretary of War is to prescribe and regulate the dress of these soldiers. He is also to make special rules and regulations prescribing their duty, and he is only to publish such part thereof as he may deem proper. In other words, the Secretary of War may detail every man and officer in the Regular Army, under the pretense of protecting the President, dress them to suit his fancy, and send them abroad among the people to act under secret orders. When such laws begin to operate in this Republic liberty dies.

We are opposed to the proposition as unnecessary and as an encroachment upon the liberties of our people. Such a law will excite ridicule with some and anger with the many. It will excite and encourage anarchy. The President as Commander in Chief of the Army and the Secretary of War as his subordinate may detail as many soldiers as may be necessary to guard the President of the United States, and they may issue orders for their government and control while so acting. This is the law now, and we are opposed to the establishment of a secret service in the Regular Army further than is now authorized. We are not opposed to a proper addition to the secret-service force of the United States. That force should be composed of men trained and skilled in that line of duty, and should act under orders from the Secretary of the Treasury, as does the present secret-service force. Such a force will be much more efficient and effective in protecting the President.

I have no idea and make no suggestion that the present Secretary of War would in any way abuse the privilege granted by this bill. The President of the United States would sanction nothing of the kind.

But it ought not to be written upon the statute book; there is no necessity for it, no excuse for it, no wisdom in the proposition.

Mr. LITTLEFIELD. Let me call attention to the fact that these rules and regulations may be kept secret by the Secretary of War.

Mr. RAY of New York. Certainly.

Mr. LITTLEFIELD. The bill allows him to make any kind of regulations that he pleases and to keep them locked in his own breast.

Mr. RAY of New York. Yes; it provides that they shall not be given out unless the Secretary of War chooses. So that there may be sent out twenty-five or fifty thousand men wearing black stockings—no other distinguishing mark—who may go to every house under secret instructions unknown even to the President which they are compelled to carry out, with orders perhaps to arrest you or me or any citizen. They may go into these galleries, and when we leave the House may take us into custody upon the theory that we have done something or said something tending to excite feeling against or endanger the President of the United States.

This is in exact line with what was done in France. It is in exact line with the establishment of the old Swiss guard. It is in exact line, and indeed is copied after the laws of Rome, when she established a Pretorian guard, which after some three hundred years she was compelled to disband, such was the indignation of the people against it. [Loud and long-continued applause.]

The House bill goes much further than the Senate act in providing for the punishment of that class of persons who seek to accomplish the death of the President of the United States. (See secs. 8, 9, 11, and 12.)

We punish those who advocate, advise, or teach the duty, necessity, or propriety of the unlawful killing or assaulting of the President or any officer entitled by law to succeed to that high office. We punish also those who conspire or who request, advise, or encourage others to assault or kill the chief executive of any other civilized nation having a organized government. This will tend at least to put an end to meetings in the United States held for the purpose of teaching murder.

We seek also to shut out those who seek to enter this country and who are opposed to organized government. We also forbid the naturalization of such persons. It may be difficult to enforce these provisions. Those who hold these beliefs will conceal them as far as possible from the general public. If they repress these beliefs entirely, no harm will come to anyone, but the moment they begin to teach their doctrines they will be discovered and may be apprehended, and if they have secured naturalization their certificates may be annulled.

The committee had some difficulty in selecting the proper words to describe the killing of the President or other officers named. It finally selected those found in the proposed bill, because easily understood and comprehensive. They were suggested by the Attorney-General of the United States. The killing must be unlawful; that is, not excusable or justifiable. The killing must be purposely and knowingly done; that is, the offender must know what he is doing and must purpose to kill.

These words are equivalent to a killing with malice aforethought, or to a killing with a deliberate and premeditated design to effect the death of the person slain. Members of this House might well differ as to the language that ought to be used in this connection as the laws of the various States differ in the use of language, but the language used in the bill is the same in effect as that of the various States. The Senate bill attempts to exclude the idea that a person may kill the President or one of the officers named in self-defense on the theory that the President is the king, and that the king can do no wrong. This proposition was presented to and argued before the Committee on the Judiciary. That committee, however, was substantially unanimous in the belief that the President of the United States is but human and that he can do wrong. The committee was substantially unanimous in the opinion that should the President of the United States so far forget himself as to unlawfully assault a citizen with the intent to commit grievous bodily harm, such citizen would be justified in defending himself by the use of all necessary force even to the taking of life.

It is not presumed or supposed that the President of the United States or one of the officers named will ever be guilty of such an assault, but there is no sound reason for making any distinction in the definition of the crime of killing the President from that used in defining the killing of any citizen. His criminal acts are on a par with the criminal acts of any other person and should be so treated in this Republic.

It has been suggested that the law ought to provide that a person who attempts to kill the President of the United States or either of the officers named and fails ought to suffer death. The committee did not sustain this contention, and I, for one, do not believe that such a law would be wise.

Crime is restrained by the certainty, rather than by the severity, of the punishment. There is a growing opposition to the infliction of the death penalty in any case. Conviction is more certain when the punishment is imprisonment for life than when it is death. There ought to be a distinction, and the bill makes a distinction, in the punishment where the assault results in the death of the person assaulted and where death does not result. The one criminal is as bad as the other, but society is protected in both cases and the deterring effect of life imprisonment is believed to be as great as the infliction of the death penalty. The bill as it is will find favor with all and invite criticism from but few.

In England two hundred and fifty years ago nearly 300 offenses

were punishable with death. The highway robber suffered death, the murderer suffered death, the common thief suffered death. In some cases, as treason, the convicted felon suffered death, and then his body was drawn and quartered. These punishments, instead of deterring crime, brutalized the people. Crime ran riot. It was when the lawmakers, seeing the bad effect of cruel and unusual and excessive punishments, did away with the death penalty in most instances that crime began to diminish. All history teaches us that the bill as drawn is conservative, wise, and efficient.

There are those who believe honestly that the enactment of this bill into law will do more harm than good, so far as affording protection to the President and the other officers named is concerned. It is contended that it selects out the officers named as favorites for Federal legislation and Federal protection, and that this will invite criminals who seek distinction as such to strike at these particular officials.

There is some justification, in theory at least, for such a contention. We must remember, however, that since the foundation of the Government we have had Federal laws for the protection of many officials of the Federal Government while engaged in the performance of their official duties, and we do not know of a single well-authenticated case where the existence of these laws has invited or encouraged the commission of crime.

I now come to the discussion of those provisions in the bill which forbid entrance into the United States and the naturalization when found in the United States of those persons who disbelieve in or who are opposed to all organized government or who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to all organized government or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of the officers of any government because of their official character.

Such persons are found in foreign nations and such persons are coming year by year to the United States, and here unmolested in most instances they hold their meetings and teach their dangerous and pernicious doctrines. It is time to put a stop to their coming. It is time to write upon the statute book a provision that will prevent so far as possible the naturalization of persons of this class. We therefore authorize the Secretary of the Treasury to make due inquiry and forbid entrance into the United States of all such persons; and we further provide that due inquiry shall be made of all persons seeking naturalization as to their beliefs and affiliations in the particulars mentioned. We make it a crime to knowingly aid or assist such a person to enter the United States. We compel all aliens to make oath when applying for naturalization that they are not of the class mentioned and do not entertain such beliefs. If it is demonstrated that they have sworn falsely, their certificates may be annulled and they may be punished for perjury.

It has been said in the public press that these provisions will become a dead letter upon the statute book; that they can not be enforced; that persons entertaining these beliefs will readily commit perjury. All criminal laws are difficult of enforcement. Usually it is difficult to discover and apprehend criminals. These facts, however, do not justify legislative bodies in nonaction. It is their duty to write appropriate and, so far as possible, effective laws upon the statute books, and it is then the duty of the executive officers of government to enforce them so far as possible. If persons of the class described evade the law and find entrance into the United States and remain silent, little harm will come to the Republic. But so soon as they shall begin their teachings they will be discovered and may then be apprehended and punished. We have not invaded the right of free speech as defined in the Constitution. Freedom of speech does not permit the teaching of the duty, the necessity, or the propriety of the unlawful assaulting or killing of officers of the Government.

Freedom of speech does not permit the advocacy of the commission of crime in any form, and when such teachings are aimed at the Government of the United States we have the constitutional right to define such acts as crimes against the United States, and punish them accordingly.

During the sessions of the last Congress, and before the murder of our loved and lamented President, I received through the mail the following printed doggerel:

"THE PHILIPPINES FOR JESUS!"

The heathen die on Luzon's sands,
Their blood for freedom streaming;
But on our soldiers' crimsoned hands
The Saviour's eyes are beaming.

The Filipinos must have light,
"The love of Christ" must fill them;
And hence we've bought from Spain the right
To tax them and to kill them.

"America," the Saviour calls,
"Achieve your sacred mission
With Bibles and the cannon balls
Of sanctified ambition."

So far we reach across the waves,
And for the Saviour grab them;
And, as they won't again be slaves,
For Christ we shoot and stab them.

What if their wives for vengeance cry,
Their hands in anguish wringing?
And starving orphans wail and die?
We're them "to Jesus bringing."

What if the bullets of the Cross
Thro' hearts of men are speeding?
And if its steel their bodies toss?
We're but "for Jesus pleading."

For liberty they basely die
With corpses gashed and gory,
But bravely are they butchered by
The bearers of "Old Glory."

They call the Empire's ensign bright
A brutal tyrant banner;
But Jesus sees our soldiers smite
Them in a Christian manner.

And, oh! the bliss, the bliss complete,
To think the whole world sees us,
When Dewey leads his valiant fleet
And gives the heathen Jesus!

They say we've Lexington forgot.
The saucy sinners! damn them!
But when to death their freedom's shot,
"With Christian love" we'll cram them.

Their proud hearts throb with sinful wrath,
But oft our shells have ripped them;
And Emperor McKinley hath
To Jesus partly whipped them.

And when "to Jesus' arms they fly,"
And humbly kneel and please us,
Of us they'll beer and bibles buy
And beef embalmed* for Jesus.

Their gold they'll sweetly let us take,
When they've of sin repented;
And God they'll beg themselves to make
"With poverty contented."

Then We and God will make a choice
For them of Lords and Bosses,
And we'll command them to rejoice
In Christian Labor's "crosses."

We'll make our Malay converts sweat
For U. S. corporations,
And load them with a crushing debt,
Like all the Christian nations.

We'll shackle him who freedom asks,
And capture him who flees us;
And millionaires shall give them tasks,
And make them jump for Jesus.

The red hands of McKinley will
The Malay orange squeeze us;
And we will suck, and suck, until
We've sucked it dry for Jesus.

And if we're called a canting set,
And other nations tease us,
In heaven golden crowns we'll get
For "suffering for Jesus."

*The correct diet for our Filipino converts is "embalmed beef"—"embalmed beef" like that upon which United States soldiers of "The Lamb" recently starved to death in Cuba. "Embalmed beef" will accelerate enormously their development into angels.

A MILITARY BURIAL.

A warrior brave who fought with zest
For Tyranny is dead;
A bullet through the butcher's breast
For Liberty hath sped.

'Mid loud hurrahs he marched to kill
For crimson carnage keen;
And did his heartless hirers' will,
A slaughtering machine.

A puppet in a cause of shame,
Upon the weak he warred;
And made his country's flag and name
By hearts humane abhorred.

But now thro' avenues of gloom,
To martial morning's drums,
Upon its journey to the tomb
The killer's carcass comes.

Saluting cannons grandly boom
A nation's last adieu,
And oratory casts its bloom
On him to murder true.

"On Fame's eternal camping ground"
His "silent tent" is "spread,"
"And Glory guards with solemn round"
Her savage butcher "dead."

The one entitled "A Military Burial" had a black border, and both are signed "S. H. Randall, Wyoming, Ohio." I do not know

whether any such person as S. H. Randall resided at Wyoming, Ohio, but some person at some place composed these vile sentiments and they were printed at some place on some press and mailed, presumably broadcast, throughout the United States.

Is the printing of such sentiments freedom of speech or freedom of the press? Ought such vile, sacrilegious, and wicked words to be printed and circulated in this land?

It is impossible to know who received copies of this villainous stuff or the effect it had on certain minds. It is known that a few months thereafter the hand of an assassin struck down the President of this Republic.

I invite attention to another article, printed May 6, 1902, and widely circulated, in which it is stated:

> There are hundreds of thousands of American citizens who would advocate the killing of the Sultan of Turkey or the Czar of Russia because of their official character.

Is this true? If it be true is it not time to interfere by law with such teachings—the open advocacy of the commission of crime?

The same article says:

> For about every other white man will undertake, with emphasis, to justify running a negro postmaster out of town.

Is this statement true? If it be true is it not time to make a law that will prevent such lawlessness? That there may be no misapprehension, I insert the article entire. It is as follows:

[Virginian-Pilot.—By the Virginian and Pilot Publishing Company.—Tuesday, May 6, 1902.]

A BILL TO MONARCHIZE THE REPUBLIC.

The act for "the protection of the President of the United States, and other purposes"—chiefly other and quite ulterior purposes—has been reported back to the House of Representatives with some important changes. It is not in its present shape, however, less objectionable than the amazing measure passed by the Senate, and in some respects is even more drastic. Here is a sample section, to which we invite particular attention:

"SEC. 8. That any person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific officers or of officers generally) of the Government of the United States or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first nine sections of this act, shall be fined not less than $500 nor more than $5,000, or imprisoned not less than one nor more than twenty years, or both."

Now, that is ostensibly aimed at anarchists, but we say that under it hundreds and probably thousands of good, native-born American citizens can be sent to the penitentiary for twenty years and fined $5,000 for a simple expression of opinion. The bill is the most astounding assault upon the rights of the citizen, the most brazen attempt to make the Federal courts the censors of public opinion that it is possible to imagine.

We say that under this act, had it been in force at the time of the Armenian massacres, hundreds of reverend gentlemen might have found themselves behind the bars for twenty years for things they said about the Sultan of Turkey and the prime ministers of England and Germany.

And this measure purports to be a bill for the protection of the President of the United States.

What business is it of this country to protect a monarch on his throne or the Czar of Russia in his own dominions? To be sure, we do not believe any citizen can be punished under the Constitution of the United States for any expression of opinion as to a foreign ruler, but what business is it of Congress to attempt it? Why pass this law to harass the citizen? There are hundreds of thousands of American citizens who would "advocate" the killing of the Sultan of Turkey or the Czar of Russia "because of their official character." Are these American citizens to be sent to the penitentiary for twenty years? What business of ours is it to protect monarchs and autocrats on their thrones? This country and its free institutions are a living protest against monarchical governments.

There is another view of this matter that we commend to Congressmen with Southern constituents. A negro postmaster is an "officer of the Government." Negro postmasters are "officers generally." Under any provocation to strike or assault a negro postmaster would be, under this proposed law, an offense deserving twenty years' imprisonment alike of the offender and of those who may "justify" the assault. Under this act about half the Southern population would be liable to find themselves in the penitentiary, for about every other white man will undertake with emphasis to "justify" running a negro postmaster out of town.

Section 9 of this bill, which should be entitled "An act to Russianize the United States," imposes the death penalty on any citizen who "encourages" another to kill the chief executive of another country if such executive is really killed. If death does not result, twenty years' imprisonment is considered sufficient. Now, consider that word "encourage." After McKinley was assassinated certain rabid newspapers openly charged other newspapers with having "encouraged" his assassination and even with being responsible for it.

Under this act any American citizen who should be quoted in an interview in the public press as saying that the Czar of Russia ought to be shot, because he is a tyrant, would be liable to the death penalty if an assassin should kill him and the fact could be established that the assassin had seen the interview in question. For, undoubtedly, that could be construed as encouragement.

What business is it of the American Government to protect foreign monarchs or monarchs anywhere? But it is useless to go into all the particulars of this monstrous measure. We do not believe that any statute making such an assault upon the rights and liberties of the citizen; any measure vesting such power in the central Government and the Federal judiciary has ever passed either House of Congress before since the civil war.

What are the Democrats in Congress thinking about, anyway, that they should have allowed this bill to get so far practically without opposition? Have they lost their nerve completely?

Are they cowed at the prospect of silly clamor that they favor anarchism, if they shall stand out against this infamous attack on the liberties of the American people?

Did they exhaust their usefulness to their country and their party when they repealed the sugar differential?

Are the Republicans to be permitted to monarchize the country without opposition and without protest?

Such would appear to be the Democratic Congressional programme.

When any newspaper states that citizens of the United States do teach the right to assault officers of the United States engaged in the execution of their duty, and that they have the right so to do, and that no law ought to be enacted that will infringe such alleged right, it is time to curb the tendency to lawlessness and crime and such encouragement of lawlessness and crime. Every American citizen has the right to criticise the law, to advocate the change or repeal, to express opinion on any subject at proper times, but no man, under the pretense of exercising his right of free speech or under the protection of alleged freedom of the press, has the right to advocate or approve the commission of crime, for this disturbs the public peace and tends to subvert government. This has been repeatedly decided. (Black's Constitutional Law, second edition, p. 541; 2 Story on the Constitution, third edition, sec. 1880.)

The first amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Some persons assume that this provision of the Constitution was intended to sanction and authorize perfect freedom to express any thoughts or teach any doctrines by words spoken or printed in public newspapers. This is a serious mistake. The amendment does not justify or protect slander or libel or the speaking or publishing of words that encourage crime of any degree. This was the law before the amendment of the Constitution was adopted, and that simply prohibits an abridgment of those rights as they then existed. It has been decided that Congress may prohibit the carrying in the mails of any printed matter it deems injurious to the public morals or the well-being of the people or that will, in its judgment, aid in the commission of crime. (In re Rapier (143 U. S., 110); see also People *v.* Croswell (3 Johns. Cases, 336, 365) as to freedom of speech and freedom of the press.)

It has been suggested that when Congress enacts a law for the protection of the President and of the officers in line of succession to that office it ought to embrace within the bill all officers of the Government—Senators, Representatives in Congress, justices of the Supreme Court, and others.

There is no necessity for this, at least no present necessity. The aim of those who are opposed to all government is the head of government; the head of national government because it represents government. The murder of President Lincoln was instigated by official acts done; that of President Garfield by an omission or refusal to perform an official act. President McKinley was assassinated because he represented government, not that he represented a bad or a tyrannical government, but government irrespective of its character. If we do our duty as legislators we will write this law upon the statute books and provide means for its enforcement by increasing the secret service force of the Government.

A mere provision in the immigration laws that alien anarchists shall not enter the United States and that they shall be deported when they do, while wise, is not sufficient. We must reach those who knowingly aid or assist such persons to enter this country or who conspire with others to procure their admission. We must prevent their naturalization so far as possible, and punish all who knowingly procure or aid in procuring the naturalization of such person. This will make witnesses in naturalization proceedings cautious in giving evidence. The affidavit required by the provisions of section 12 of the bill will be effective in preventing the naturalization of improper persons, and a thorough examination of the witnesses in such proceedings on this particular subject will aid the discovery of organizations that teach the destruction of government.

We owe a duty to all foreign nations with which we hold diplomatic relation to prevent the formation of conspiracies in the United States to encourage or perpetrate crime against government in foreign countries. A decent respect for the opinion of mankind demands this. If we would establish and maintain friendly relations with the powers of the world we must see to it that our domain is not used as a harbor of refuge for murderers and assassins or a safe place in which murder to be perpetrated abroad may be planned. We owe the same duty to foreign nations in this regard that a man owes to his neighbor. Our safety and honor as a nation among the nations is involved, and these considerations amply justify the provisions of the bill relating to that subject.

Your committee is conscious of imperfections, and we are hampered somewhat by want of constitutional power, but, on the whole, this bill will satisfy the public demand, repress crime, and add to the dignity and security of the nation of which every American is justly proud. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SIBLEY having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 2, 1902:

H. R. 1346: An act granting a pension to Adelbert L. Orr; and

H. R. 14589: An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

On June 3, 1902:

H. R. 13985. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

H. R. 10995. An act to regulate the introduction of eggs of game birds for propagation;

H. R. 14189. An act to permit the occupancy of the public-printing building by the Grand Army of the Republic; and

H. R. 13168. An act to establish an additional life-saving station on Monomoy Island, Massachusetts.

PROTECTION OF THE PRESIDENT AND THE SUPPRESSION OF CRIME AGAINST GOVERNMENT.

The committee resumed its session.

Mr. LANHAM. Mr. Chairman, I suppose there is no man in the United States who more profoundly deplored the death of President McKinley than I did. He was a man for whom I entertained the very highest regard. Having served with him for many years upon the floor of this House, I had an opportunity to know him well. We were personal friends. I believe I may truthfully say that he was the sweetest spirited public man that I ever knew. I think I might go further and say that in his life, character, and achievements he demonstrated as much of the possibilities of typical American manhood as any citizen our country has ever produced.

He went from private soldier in war to President in peace. He was a good man; a patriotic man. He was, more than all, a Christian. I believe that the greatest spiritual uplift that has been given to the cause of religion since the days of the ancient martyrs was his dying testimonial as to its divine reality. I believe that what he said when he declared "it is God's way; and His will, not ours, be done," exhibited a spirit of Christian resignation and was a tribute to the truth of religion surpassing anything that has ever been said in all the pulpits in the world.

Mr. Chairman, we ought not as lawgivers to allow either our feelings of personal tenderness or sense of indignation to control what we may do in making statutes. Now, if we could calmly segregate from this discussion and subtract from our recollection the lamentable assassination of our President, if we could for the time being dispassionately put away from reflection the horrible circumstances attending his untimely taking off, if we could subordinate sentimentality and the emotions of our hearts to the dominion of our intellects, there would be no disposition, in my judgment, to pass this bill in its entirety.

There are certain features of the bill that meet my approval; there are others that I can not support, and which, if retained, will cause me to vote against it. I know I am actuated by devotion to duty and convictions of principle in the opposition I shall make. When I find myself confronted with any proposition which brings me in conflict with the judgment of my brethren on the Judiciary Committee I always demand the countersign of that proposition, because I have so long associated with them and I have such cordial regard for them personally, such a high estimate of their ability as lawyers, and so much confidence in their patriotism, that when I am compelled to disagree with them it at once challenges my thoughtful concern, and I inquire, Is it possible for me to be right and these able gentlemen wrong?

This is not a partisan proposition. I do not intend to bring into what I may say anything foreign to the legitimate consideration of the bill, and I hope that no discussion of a partisan character will be introduced in this debate.

Mr. Chairman, I am opposed to anarchy in all its shapes and forms. I have an ineffable contempt for a man who has "a soul so dead" that he does not love our country and its institutions. I do not believe that it was ever intended that freedom of speech should degenerate into abominable licentiousness and afford any excuse or shelter for plotting and planning to destroy the Government of our country. I have no sort of toleration for any propaganda of anarchy, nor can I endure those who advocate it. Having said this much, I trust that those gentlemen who may do me the honor to listen to me may be prepared to appreciate at least the standpoint from which I speak, and I am sorry that I do not come to you with excellency of speech. I have bestowed no literary preparation upon the remarks I am about to deliver. I shall try to make up in earnestness what I lack in elegant diction. I do not know that I shall be able to say anything new, but I want to call attention to some things old.

I desire to invite some inquiry into the ancient landmarks and the primal foundation principles upon which our great dual system of government is constructed. I am one of those who hold that there ought to be no obscuration of the respective lines of State and Federal power. I believe that when the founders of this Government made it they drew around the States the sacred circle of autonomy and inhibited the planting of any foreign or aggressive footsteps within that reserved and consecrated domain. I believe there are certain great powers reserved to the States, respectively, and the people, that have never been surrendered, have never been delegated, but should forever abide with them.

There are different jurisdictions in our dual system. The fathers intended that there should be, and that the one should not wrongfully encroach upon the other. I wish to arouse your attention to the fact that we are now proposing a new departure, and to repeat what has already been suggested, that we are, perhaps unconsciously, affected in our action upon this innovation by the awful occurrence to which reference has been made. Human nature is a strange thing. We are influenced in various ways. We are not always impervious to the effects of our surroundings, and peculiar environment may control conduct that would otherwise be different. This new departure we are about to take is, in my judgment, inconsistent with our system of Government and at variance with the established criminal jurisprudence of this country, State and Federal.

If we go back into the eighteenth century, shortly after this wonderful and symmetrical fabric of republican government "in these ends of the earth" had been established, we will find that in 1790 the Congress of the United States passed a statute on murder, defining the jurisdiction of the Federal Government, where it might be asserted and exercised, and expressly excluding that jurisdiction from the limits of a State. Let me call your attention to that old statute. "Inquire for the old paths and walk ye in them." It is never a wise thing to wander from original doctrine. It is dangerous. "Truth is eternal." What was true when the fathers founded the Government, what was sound in principle then, is true now. What was true in the days of Cicero—and I shall quote from him directly—what was true before Christ, is true anno Domini—is true to-day.

If you will turn to section 5339 of the Revised Statutes, passed the 30th of April, 1790, under the caption "murder," you will find this definition:

> Every person who commits murder within any port, arsenal, dockyard, magazine, or in any other place or district or country under the exclusive jurisdiction of the United States.
>
> Second. Or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty and maritime jurisdiction of the United States—

Listen, that I may accentuate this—

> and out of the jurisdiction of any particular State, * * * shall suffer death.

This old statute defines where the Federal jurisdiction obtains, and declares where it shall not enter—where it begins and where it shall end. In any place ceded by a State to the United States the Federal Government also has authority, and if a murder or any crime, malum in se or malum prohibitum, within that territory be committed, the Federal Government has jurisdiction; but if it be within the territorial limits of a State and against the peace and dignity of a State, obligated by every duty to itself and society and our dual system of government to maintain law and order, the Federal Government has no right to go within that State. "Thus far and no further," says the statute. The State has the right to try and punish all murder committed within its confines. Now, this is not only stated here, but it is emphasized elsewhere. I find under the chapter on crimes in the Revised Statutes, defining piracy and robbery and so on, section 5329, the following:

> Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

Furthermore, in section 5346 is the following:

> Every person who, upon the high seas, or in any arm of the sea, or any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States and out of the jurisdiction of any particular State * * * shall be punished, etc.

Here three distinct and different times is the idea brought out that there is an exclusive jurisdiction of its kind in the United States, and an exclusive jurisdiction of its kind in the States. Of course, nobody doubts that. As I said, I am calling your attention to things old. Every lawyer knows about it, and that we have upon the Federal statute books to-day a law against murder as well as laws denouncing various crimes—robbery, conspiracy, interference with mails, obstructing the collection of public revenues, and other offenses distinctively cognizable in the Federal courts.

This statute on murder has always been enforced, so far as I

know. Under the generic term or nature of that offense, every man who commits a murder is liable to punishment, and whosoever be murdered, whether he be high or low, rich or poor, an infraction of the law is perpetrated. No matter whether it is a great and a distinguished person, or the obscurest man in the country who is slain, this statute will reach the criminal. It is enacted, and will be enforced in behalf of the President, the Vice-President, members of the Cabinet, foreign ambassadors, and everybody within the jurisdiction of the United States. It is sufficient anywhere within Federal boundaries, and no other statutory offense of the kind is needed. It was enough, when violated, to bring Guiteau to the gallows.

This very statute was brought under judicial consideration and its operations explained early in the history of our country—in 1818—and the great Daniel Webster appeared before the courts and argued for its enforcement. The offense was committed on board the United States ship of war *Independence*, lying at anchor in the main channel of Boston Harbor. The defendant was a marine, duly enlisted in the service of the United States. The deceased was a cook on board of said ship, and also enlisted in the same service. Up to and beyond the place where the killing occurred the civil and criminal process of Massachusetts had hitherto been constantly served and obeyed. The case was tried in the circuit (Federal) court for the district of Massachusetts. Upon conviction, the defendant appealed to the Supreme Court of the United States on the question of jurisdiction. The case is found in 3 Wheaton, United States *v.* Bevans. Chief Justice Marshall delivered the opinion of the court, and he says this:

What, then, is the extent of the jurisdiction which a State possesses? We answer without hesitation, the jurisdiction of a State is coextensive with its territory, coextensive with its legislative power. The place described is unquestionably within the original territory of Massachusetts. It is then within the jurisdiction of Massachusetts unless that jurisdiction has been ceded to the United States.

And the great jurist, speaking for the court, held that the Federal courts had no jurisdiction over the offense, and, mark you, the persons concerned were in the service of the United States and on duty aboard its war ship. Of course that is not new, but it shows you the plan upon which we started out, and is in line with the course we have uniformly pursued for more than a century. Daniel Webster, as I have suggested, insisted that the Federal court had no jurisdiction of the offense, and his contention was fully sustained.

I desire to quote from some of the same authorities to which reference was made by our distinguished chairman [Mr. RAY of New York], who has just favored us with such a long and interesting speech, and I invite attention first to the case of the United States *v.* Cruikshank, in which the opinion was delivered by Chief Justice Waite.

The government thus established and defined—

He says—

is to some extent a government of the States in their political capacity. It is also for certain purposes a government of the people. Its powers are limited in number but not in degree. Within the scope of its powers as enumerated and defined it is supreme and above the State, but beyond it has no existence. It was erected for certain purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends which its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction. The people of the United States resident within a State are subject to two governments, one State and the other national, but there need be no conflict between the two. The powers which one possesses the other does not.

If your State or mine has the power to try and punish for murder when committed within its own territory, the Government of the United States does not have that power.

They are established for different purposes and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. Thus—

And the gentleman from New York [Mr. RAY] cites this in his report—

if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated—

How?—

by the resistance, and that of the State by the breach of peace and the assault.

The sovereignty of the United States Government is infracted in the resistance to its authority; but if an assault and battery or a murder be committed, then the sovereignty of the State is violated. There are two distinct offenses, one Federal and the other State, and that is the effect of this decision from which the gentleman quoted.

Now, I believe that when any crime is committed within a State, not specially defined to be Federal under the clear authority of the National Government, the State has and ought to exercise the jurisdiction and the exclusive jurisdiction of it. You see the point. You can elaborate it in your own minds more clearly than I can do.

The same idea is contained in the case of Fox *v.* The United States, in which Justice Field delivered the opinion of the court.

Any act committed with a view of evading the legislation of Congress, passed in the execution of any of its powers, or of fraudently securing the benefit of such legislation, may properly be made an offense against the United States.

I do not doubt that. Nobody doubts it. I am inclined to think, let me say in passing, that this bill has been so carefully formulated and the whole subject has been so exhaustively considered by the Committee on the Judiciary, who are good lawyers, and the language has been so carefully framed to meet a suppositious case, that it may be considered by the courts to be constitutional, and that it would be so held in the main. I am not assailing the constitutionality of the bill especially, but there are other features of it which I think ought to be assailed.

But an act committed within a State—

Listen again—

whether for a good or a bad purpose, or whether with an honest or a criminal intent, can not be made an offense against the United States unless it has some relation to the execution of a power of Congress or of some matter within the jurisdiction of the United States.

Now, gentlemen may contend that the last clause qualifies the meaning of the whole, and that a murder committed even in a State might come within the purview of Federal authority, but I believe the very essence of the matter is in keeping with my conclusion. A crime committed within a State can not be an offense against the United States when dissociated from necessary Federal jurisdiction. Then if any offense involving personal violence, rape, robbery, burglary, or anything of the sort is committed in the State, it must necessarily, under its obligations to society and to good order, try and punish such offenses, and it has done so in the past. The severity of penalty is also within the power of the State to determine. Whether imprisonment for life is milder or less to be dreaded than capital punishment is a question upon which there is much disagreement. Each State must decide that on its own judgment and in its own way.

I again invite attention to what was said by Justice Field in the Fox case (and, by the way, I will have occasion to refer to him, indirectly at least, in commenting upon another decision). The distinguished gentleman from New York [Mr. RAY] referred also to the case in re Neagle.

I have practiced law in a small way for many years. I have tried to study as best I could the constitution of my own State and the Constitution of the United States and the respective jurisdictions and demarkations of the two governments, and I, as a lawyer and as a citizen, am sorry this decision was ever rendered. I do not believe it is sound, while I respect the judgment of the courts. We have that to do. They control and we must abide by their interpretations; but from my estimate it has never received the approbation of the professional mind nor met the requirements of jurisdictional propriety, so far as the respective powers of State and Federal governments are concerned, and right here I wish to bring to your notice a portion of the argument of the attorney-general of California in the Neagle case. Sometimes I find—I do not know whether it is your experience as lawyers—that the briefs of counsel are more satisfactory and convincing in their logic than the opinion of the court. I have read many a brief that I thought was sounder and stronger in legal wisdom and the philosophy of jurisprudence than the reasoning of the court. Our judges are selected from the great body of the profession, and have been trained in the same way as their brethren at the bar, I want to give you what Mr. Attorney-General Johnson said here, and he quotes the decision of the Supreme Court of the United States. He says:

Our position is fully covered by the case of ex parte Yarbrough, 110 U. S., 651, 659, where the court says:

"It is very true that while Congress at an early day passed criminal laws to punish piracy with death and for punishing all ordinary offenses against person and property committed within the District of Columbia, and in forts, arsenals, and other places within the exclusive jurisdiction of the United States, it was slow to pass laws—

Now, this is the Supreme Court he is quoting—

"it was slow to pass laws protecting officers of the Government from personal injuries inflicted while in discharge of their official duties within the States. This was not for want of power, but because no occasion had arisen which required such legislation, the remedies in the State courts for personal violence having proved sufficient."

And that is true to-day. The powers and provisions of the States in relation to personal violence have proved sufficient up to this good moment. Then why depart from them? Why infringe them? What is the necessity for it? The great State of New York promptly punished the assassin of President McKinley.

Perhaps the earliest attempt of Congress to protect Government officers while in the exercise of their duties in a hostile community grew out of the nullification ordinance of South Carolina and is found in the act further to provide for the collection of duties on imports. * * * When, early in the late civil war, the enforcement of the acts of Congress for obtaining soldiers by draft brought the officers engaged in it into hostile neighborhoods, it was found necessary to pass laws for their protection.

Which is a very different thing from what we are now considering.

Accordingly, in 1863, an act was passed making it a criminal offense to assault or obstruct any officer while engaged in making the draft or in any service in relation thereto.

Bear in mind, this is what the attorney-general of California said, and it is an argument that has never been met, and I do not think it can be successfully controverted.

We can not close our argument in this case without bringing up the subject of the police power, which is an inherent power with the States which they can not surrender or abdicate and which can not be taken away, although Congress may establish police regulations also; but their operations must be confined to the subjects over which it is given control by the Constitution of the United States. The whole domain of the criminal law comes under this power; and the common-law maxim, "sic utere tuo ut non alienum lædas," seems to express in a few words its extensive application. Whatever concerns the public order, the public morals, the public health, the public security and safety, and the right of any and every person to enjoy these immunities, comes under the general police power of the State. The offenses which Congress has the right to define and punish are only offenses against the authority of the United States. It can not assume any supervision of the police regulations of the States. All this is elementary learning.

There is a police regulation of the State of California defining the crime of murder and affixing the punishment, when committed within the territory of the State.

This is a matter of mere internal regulation, which can be best looked after and provided for in local districts, and to make it an exclusively national question or a concurrent one with the States would lead to constant attrition, inharmony, conflicts, and embroilments between the States and the National Government, which it was the express design of the Constitution to prevent.

The Constitution was formed to make a more perfect union, establish justice, insure domestic tranquillity, and promote the general welfare. Hence the judicial power of the United States is confined to cases arising under the Constitution of the United States, the laws of the United States, and treaties made, or which shall be made, under their authority, and to some special cases and controversies which have no bearing on the pending question.

Now, here is a case that occurred in the State of California: A deputy marshal shot down a man who, it was alleged, intended to make an assault upon Judge Field, one of the associate justices of the Supreme Court of the United States, taking as authority for his act not a statute of the Federal Government, but some sort of direction from the Attorney-General of the United States.

Whether it was a murder, either in the first or second degree, manslaughter, or any sort of culpable homicide, I will not now stop to inquire, but it was done within the State of California, and the defendant could have interposed a defense that what he did was under the sanction of authority from the Federal Government. It was competent to introduce that under a plea of not guilty in the courts of California. Here he was indicted for the crime of murder in the State of California. What would have been the result had the question been tried before a jury of his peers no man can tell. He might have been acquitted of murder in the first degree. It may not have been done with malice prepense and instigated by the devil, but it may have involved some lesser degree of unlawful homicide. He may have been guilty of manslaughter or murder in the second degree; we can not tell about that, and it will never be ascertained.

He was never tried by a jury of good and lawful men in California. He was taken by a writ of habeas corpus from the custody of the State and absolutely discharged by the Supreme Court of the United States. And yet if he had committed a crime it should have been inquired into by the State of California; if he had committed a crime he ought to have been finally tried for it; he ought to have been acquitted by a jury of his countrymen if he was innocent, and convicted if guilty; and the Supreme Court of the United States took him out of the power of the State of California and discharged him on a writ of habeas corpus. The solemn indictment of California's grand jury was disregarded and consigned to the wastebasket of worthless refuse.

It is a regrettable decision, to say the least; it is out of tune with the institutions of the country and incongruous with sound principles and time-honored procedure.

Neagle was never tried. No verdict was ever rendered in his case. I do not justify Terry. It may be that he ought to have been killed. Of course it was a distinguished man upon whom the assault was supposed to be intended, a brother associate of the high tribunal, the Supreme Court of the United States, that discharged the defendant. We are all human, and "mutual dependence and influence," it is said, "is the law of the universe." Two of the justices dissented from that decision, and I want to quote briefly from what Justice Lamar and Chief Justice Fuller said. I say again, this decision, in my humble judgment, will never be affirmed before the great bar of juridic thought, and it is gratifying that it did not go unchallenged in the court where it was rendered. It will never escape adverse criticism by the great body of the legal profession.

Mr. JENKINS. Will the gentleman yield to me for a question?

Mr. LANHAM. Yes; of course.

Mr. JENKINS. Does the gentleman from Texas desire those listening to him to think that that is an authority one way or the other on the constitutional power of Congress?

Mr. LANHAM. The effect of it was, at all events, that the court took the defendant away from the State government.

Mr. JENKINS. But the power of Congress was not involved in that decision.

Mr. LANHAM. No; but the point I am making is that this man was indicted by the grand jury in the State of California, and he was discharged under habeas corpus. I am criticising this decision.

Mr. JENKINS. But the gentleman will allow me to say that when that decision was made I announced publicly in my town the very same conclusion that the gentleman from Texas has just stated here.

Mr. LANHAM. That shows how great minds run parallel. [Laughter.]

Mr. JENKINS. I am appealing to you now whether you consider it an authority on the question of the power of Congress——

Mr. LANHAM. I am hardly going so far as to say that it is.

Mr. JENKINS. The gentleman from New York and the gentleman from Texas and myself are in harmony on the legal aspect of the case.

Mr. KLEBERG. If the gentleman from Texas will allow me a suggestion, his position is that that was a judicial encroachment on the prerogative of the State and this is a legislative encroachment on the prerogative of a State.

Mr. LANHAM. Precisely. I thank my colleague.

Now, this is what Justice Lamar says, and he quotes Chief Justice Waite, and Attorney-General Johnson, of the State of California, quoted the same thing:

It is elementary learning that, if a person is in the custody of a State court of competent jurisdiction, not illegally asserted, he can not be taken from that jurisdiction and discharged on habeas corpus issued by a court of the United States simply because he is not guilty of the offense for which he is held. All questions which may arise in the orderly course of the proceeding against him are to be determined by the court to whose jurisdiction he has been subjected, and no other court is authorized to interfere to prevent it. Here the right of the prisoner to a discharge depends alone on the sufficiency of his defense to the information under which he is held. Whether his defense is sufficient or not is for the court which tries him to determine.

Here is a man who committed at least a homicide, whether justifiable or inexcusable the world, as I have intimated, will never know, because all the facts were never brought out; but he was turned loose, if I may reiterate, under the powerful writ of habeas corpus issued by the Supreme Court of the United States, and never held to answer before a jury in California.

Chief Justice Fuller said:

The killing of Terry was not by the authority of the United States, no matter by whom done. The only authority relied on for vindication must be that of the States, and the slayer should be remanded to the State courts to be tried.

That is legal wisdom; that is good sense, and that is the course that ought to have been pursued.

The question then recurs, Would it have been a crime against the United States? There can be but one answer. Murder is not an offense against the United States, except when committed on the high seas or in some port or harbor without the jurisdiction of the State or in the District of Columbia or in the Territories, or at any other place where the National Government has exclusive jurisdiction. It is well settled that such crime must be defined by statute; and no statute has been pointed out.

This old statute of 1790 is the one we have to-day—the one we have had during all these years. And we are now proposing to make a new statute, in the face of the fact that the fundamental idea of the fathers and of the jurists in the long ago, was that the State had jurisdiction of offenses perpetrated within its borders, and the Federal authority jurisdiction when the offense was committed within certain prescribed places.

But I need not dwell further upon this aspect of the case. What I am saying aims to be more suggestive and stimulative to investigation than otherwise. Your own broad minds will elaborate these propositions, and you will inquire of yourselves whether it is wise to make this new departure. We have had trials ancient and trials modern. Now, it is proposed by this bill to peculiarize and single out certain people and make it a specific offense to kill them, as if they were not embraced within the generic definition of murder which I have already quoted from the United States statutes. It is proposed to say that it is a special offense to kill an official, although it is a general offense already; that he must be put on a higher plane than the rest of mankind; that he differs from the common herd.

Gentlemen, I said a while ago that truth is truth forevermore. I want to invite your attention, just for the interest of the incident and by way of illustration, to one of the orations of Cicero, delivered away back yonder—before Christ—the oration in defense of Milo, who slew Clodius on the Appian Way. The parties were prominent Romans, belonging to rival factions, and there was so much excitement at the time that Pompey ordered a new form of trial. Cicero refers to it in his speech. He calls it a nova forma; and the reason he so describes it is because Milo was not tried by the acting prætor, as was usual in criminal cases, but by a special commission or extraordinary tribunal. Cicero refers to the strong guard which Pompey brought to the trial in

order to prevent any violence. There were present also, history says, the gladiators of Clodius.

Now, in the trial of that case Cicero appeared as counsel; and he said some things that are applicable in my mind to the matter now under consideration. He went on to refer to the fact that distinguished Romans had been murdered previously, and there had been no nova forma or new method of trial; all had been tried in the same way. We have had Presidents murdered heretofore, and the murderers have been tried under the same law, whether in State courts or in Federal courts. Cicero, by way of protest against this new form of trial because of the great distinction of the man who had been killed, said what I am about to read. I ask gentlemen to listen. The reading may be a little tedious, but I surmise this is about the last speech I will ever have occasion to deliver in this House, and you must pardon the infliction. What I am about to read is ancient lore, but there is a vast deal of good philosophy in it. I could (if you would pardon the apparent egotism) translate from the original tongue; but I, fortunately and for the sake of accuracy, have here a translation—a sort of interlinear, I believe it is called:

M. Drusus, a man of the highest quality, the defender, and in those times almost the patron, of the Senate, uncle to that brave man M. Cato, now upon the bench and tribune of the people, was killed in his own house; and yet the people were not consulted upon his death, nor was any commission for a trial granted by the Senate on account of it. What deep distress is said to have spread over the whole city when P. Africanus was assassinated in the nighttime as he lay on his own bed! What breast did not then sigh, what heart was not pierced with grief, that a person on whom the wishes of all men would have conferred immortality, could wishes have done it, should be cut off by so early a fate?

So some of us felt over the death of our beloved President.

Was no decree made then for an inquiry in Africanus' death? None. And why?

The Latin is:

Quid ita? Quia non alio facinore clari homines, alio obscuri necantur.

And why? Because the crime is the same, when eminent men or lowly ones are slain. Grant that there is a difference as to the dignity of their lives, yet their deaths, when they are the effect of villainy, are judged by the same laws and attended by the same punishments unless if it be a more heinous parricide for a man to kill his father, if he be of consular dignity than if he were in a private station, or the guilt of Clodius' death be aggravated by his being killed amongst the monuments of his ancestors.

Would it be any worse, would it be any more of a parricide, for a son of the President to so far forget himself in his filial affection and duty as to assassinate his own sire, would it be any worse for him to do that than for your son or my son to assassinate one of us? The crime is the same, whether the person murdered be illustrious or obscure. We have no distinction as to patrician or plebeian in the United States of America.

Was any law passed at that time? Was any extraordinary commission granted? And yet, if any circumstance, if any person at any juncture, ever merited such a distinction, it was certainly upon this occasion.

How often, my lords, have I myself escaped the threatening dagger and bloody hands of Clodius, from which, if neither my own good fortune nor that of the Republic had preserved me, who would ever have procured an extraordinary trial upon my death?

This magnificent heathen orator said these things before the Christian era.

Mr. STEWART of New Jersey. Will the gentleman permit a question?

Mr. LANHAM. Certainly.

Mr. STEWART of New Jersey. Was not the argument of Cicero in the Milo case rather against ex post facto than that to which the gentleman has addressed himself?

Mr. LANHAM. It was in part against this new form of trial. They had had a custom of trying criminals before a certain tribunal for many years.

Mr. STEWART of New Jersey. Was not his argument directed against new provisions in the ex post facto laws in the Milo case?

Mr. LANHAM. Possibly this part of it may have been, but there were extraordinary conditions surrounding this trial. The soldiers of Pompey, as stated, were there, as were the gladiators of Clodius, and it was different from the form and circumstance of trial previously observed in the Roman Government. But independent of all that, and I do not care how that may be, the point I wish to emphasize is whether a human life in one case is any better than a human life in another. I say in this country of ours the great basal principle upon which society is organized and government rests is equality before the law. One good man is as good as another.

Mr. JENKINS. Will the gentleman yield to a question?

Mr. LANHAM. Certainly.

Mr. JENKINS. I wanted to draw this distinction: Would not the doctrines of Cicero apply very strongly to the legislature of a State, if they undertook to distinguish between any citizens of the State——

Mr. LANHAM. If it would apply to the legislature of a State, I do not see why it would not apply to the legislation of Congress.

Mr. JENKINS. We are talking about the exercise of power by Congress, and inasmuch as we are limited to certain individuals, we can not extend it to all of the people of the country; hence we are limited to certain persons named in the Constitution. We are not drawing any distinctive lines as far as personages are concerned.

Mr. LANHAM. We are making a specific offense, peculiarizing certain men who, if they should be murdered, the crime would already come within the prohibition of murder.

Mr. JENKINS. Simply because of the limitations on the power of Congress, is it not?

Mr. LANHAM. That is what the gentlemen argued who prepared this bill, and the reason they assign for authority to propose a measure of this sort.

Mr. JENKINS. The gentleman knows I did not assist in the preparation of that bill. Like the gentleman from Texas, I am opposed to the bill.

Mr. LANHAM. I am very glad to hear that, and I hope the gentleman will help me defeat certain sections of it. But let me repeat and tell you, Republicans and Democrats alike, this is not a partisan question. You ought to defeat part of this bill. There is part of it that ought to be passed, but some of it ought to be defeated. It is unnecessary, it is unwise legislation; it is out of tune with our institutions; it is un-American; it is un-Republican; it is un-Democratic.

Now, I want to run a little over some of the histories of these trials for assaults upon Presidents. I hold in my hands a sort of brochure, something the rest of you may not have seen. It is the report of a trial that occurred away back in 1835; the trial of a man named Lawrence, for an assault upon the life of President Andrew Jackson. I found it down in the Supreme Court library, and it is a very interesting little document. I will read the facts.

On Saturday, the 30th of January, both Houses of Congress were convened, not to fulfill any legislative duty, but to solemnize, in the customary manner, the obsequies of Hon. W. R. Davis, a member from South Carolina. The President of the United States and the heads of departments were, as is customary, present on the occasion. After a very impressive discourse had been delivered by the Chaplain of the House of Representatives, the funeral procession (in which was the President leaning upon the arm of Mr. Secretary Woodbury), left the Hall, and had mainly passed through the Rotunda on to the eastern portico of the Capitol, when Lawrence no sooner perceived the Chief Magistrate approach than he immediately attempted to take his life.

This happened right here beneath the Dome of this Capitol, in this building. That is the first assault on a President of the United States of which we have any record, except a mild assault made also on President Jackson by one Lieutenant Randolph. Well, Lawrence was brought up for trial, and for the prosecution there appeared F. S. Key, esq., district attorney. They had a jury of 12 men whose names are given here, and the prosecuting attorney in submitting the case went on to make this statement, which was good philosophy in 1835, just as it was in the days of Cicero, and just as it is to-day. He said:

The station or office of the object of this crime was to be left entirely out of the question, and it was to be considered in the same light as though committed on the most humble person in the country. The framers of our Constitution had not thought it necessary to surround the Chief Magistrate with any additional protection other than those laws which were deemed sufficient for the citizen holding the most obscure station or office. The love of order and of justice had heretofore been found, and he hoped would continue to be found sufficient for this purpose.

That is the way the prosecuting attorney talked. Lawrence was being tried for an assault upon the life of the President. Testimony was introduced. The jury finally retired and considered of their verdict, and in about five minutes they brought in this verdict: "We find him not guilty, he having been under the influence of insanity at the time he committed the act."

That was under Federal law. That was under the old statute; and this man was tried and was acquitted on the ground stated in the verdict. Gentlemen, you talk about laws such as you are proposing to enact here being a deterrent against the commission of such crimes! Do you suppose that any laws, general or particular, would have prevented that insane man, who imagined himself a king and who thought President Jackson was interfering with his rights—do you suppose any statute would have prevented him from making the assault on President Jackson? Or if there had been a regiment of infantry or a battery of artillery down here at the Sixth street depot, do you suppose that it would have prevented Guiteau from killing President Garfield?

If you had had all the statutes you could imagine, peculiarizing and selecting out particular individuals, Presidents and so on, do you suppose that would have interferred with the malicious purpose of Guiteau? Not for a moment, any more than it would in the case of Lawrence. Do you suppose that if we had had the royal retinue that is proposed in the Senate bill—and right here I want to say that if I had to support either one of these bills I would take the House bill in preference to the Senate bill—do you suppose that Guiteau would have refrained from assaulting President Garfield? In the House bill we have not provided the

pretorian guard that they have created in the Senate bill. All these provisions might have been in force, and all the military, subject to the order of the Commander in Chief of the Army, might have been at Buffalo, N. Y., and it would not have stayed the hand of Czolgosz for one moment. You can not stop these wild workings of men of that sort, these fanatical impulses to kill a president or a king or a ruler, by the enactment of such legislation as is here proposed. You can not stop things of that kind merely by a statute or by peculiar statutes. Of course, if you could detect them in time you might prevent them, but the mere passing of criminal laws is not going to prevent it. You might have had as many statutesas you can imagine and it would not have prevented the attempt upon the life of President Jackson, nor would it have prevented the consummated and fatal assaults upon Presidents Garfield and McKinley.

So, then, this is a useless proposition, and whenever legislators do something that is unnecessary and useless they are doing something that is almost inevitably dangerous.

Booth was shot. That was right after the war. In all human probability he had a disordered brain. Vengeance cried out, and he was shot to death. Vengeance did not stop there, but I deliberately believe that under the finding of a military commission an innocent woman was executed for what she never did and that she was in no way responsible in the assassination of President Lincoln. No man will ever kill or attempt to kill the President of the United States, whether within a State or in territory under the exclusive jurisdiction of the United States, who will escape condign punishment. You need not feel a bit uneasy about that. Punishment is sure to follow. Retributive justice will be prompt, I do not care under what jurisdiction.

Hence I insist that this bill is an unnecessary departure from the settled order. It is not in accord with our institutions; it is against the generally accepted principles of criminal jurisprudence and clearly differentiated jurisdiction. It is unnecessary, it is unwise, and if passed I honestly believe that it will subject the President of the United States and others in whose behalf it is offered to greater dangers than he or they would incur if it were not passed. Why, these creatures of distempered minds, these cranks, these moral perverts, these people who want to pose as martyrs, like the idea of killing a king or a ruler; they think it brings them into notoriety. You remember how Czolgosz wanted to read the newspapers after he was put in prison. Surround our public officials with anything like royalty and you magnify the incentive of the anarchist to destroy them.

Another thing, gentlemen, if a man commits a crime you can not do anything more than to inflict the full penalty of the law. When they hanged Guiteau under Federal law they could not hang him any more. When they electrocuted Czolgosz under State law they could not electrocute him any more. They have met their fate, as will be the case anywhere, whenever such an offense is committed.

Now, so much in a general way, and I hope I may have been able to say something that will at least cause you to "stop and think before you further go." So far as I am concerned, if you would eliminate the criminal features of this bill down to section 10, and strike out section 13, I would be willing to support it. I am in favor of a law that will prevent the immigration to our country and the naturalization in our midst of these propagandists of anarchy. I do not want them here. They are not in sympathy with our country and its institutions. They are a noxious, foreign growth. We do not need them, whether they be classed as speculative or criminal. They are all undesirable. So much of the bill as proposes to do that I will support.

Mr. JENKINS. Is my friend speaking of the Senate bill or the House bill?

Mr. LANHAM. I am speaking of the House bill. But here is a paragraph in this bill, section 10, to which I wish to direct your special attention:

> That this act shall apply to all offenses hereinbefore specified when committed within any State or other place subject to the jurisdiction of the United States.

This accentuates the new departure I have described, the effect of which is to reverse the doctrine and settled policy of more than a century and go out into a new field. It is to invade, "to take away and impair" the jurisdiction of the States, and if you can do so in one instance, why not in another? This bill goes on to say:

> That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

Why does it not go all along down the line? Why does it specify the President, the Vice-President, members of the Cabinet, and the ambassadors? Why not embrace the Speaker of the House of Representatives? I regard the Speaker of the House as a more important officer than the Vice-President of the United States. He has more to do with the legislation of the country than the Vice-President. He is a potential factor, let me tell you. He represents the sovereignty of the House. "He can open and no man can shut, and he can shut and no man can open," so far as legislative precedence and procedure are concerned in this House of Representatives, but an ambassador or foreign minister is of greater significance and better than the Speaker! I have been looking in a casual way over the list of these men from abroad coming to this country who are to be singled out, that are more important than our citizens, better than you and me. Suppose you, my friend from Missouri [Mr. CLARK], should say something on the floor of this House that some crank in the gallery did not like, and you should be over in Maryland or somewhere else, and he found you and killed you. There would be no special offense; you are not peculiarized and preferred. Suppose that my friend from Maine [Mr. LITTLEFIELD], who does me the honor to hear me, and I am glad of it and thank him for it; he is a smart man and loves to hear a smart man talk. [Laughter.]

Mr. LITTLEFIELD. The latter point I assent to.

Mr. LANHAM (continuing). Suppose some crank were to shoot you for something you uttered on the floor of this House. There are three hundred and fifty-odd of us, but we represent a portion of the legislative sovereignty of this Government; we are "to the manner born" and speak for our own people, and you are at least a segment of the aggregate body; and if we are to treat all alike, there ought to be some special provision, if occasion should arise, to punish your murderer as well as that of Señor Don Martín García Mérou, from the Argentine Republic; Mr. Ladislaus Hengelmüller von Hengervár, from Austria-Hungary, and others.

Now, I have no doubt these men are good men, but "of all our mother's children we love ourselves the best." I love my countrymen better than I love foreigners. Why single out Señor Don Fernando E. Guachalla, from Bolivia, and Mr. Chékib Bey, envoy extraordinary and minister plenipotentiary from Turkey? It would be an unspeakable offense to kill Chékib Bey or any other foreign diplomat. But if a man were to kill him anywhere in this country he would be promptly punished, as the general statutes now made and provided require. We had a minister from Spain, whose name I do not now recollect, about the time when the Hispaño-American war broke out, who said something that was very derogatory to the President of the United States. What peculiar sanctity should have surrounded him? Now we have the Duke de Arcos, and I have no doubt he is a very good representative and very different from his predecessor. If somebody should kill him, it would be a special offense. You are discriminating in favor of these foreigners. They are all doubtless worthy men and suitable agents of their respective countries, but when we make them equal to ourselves under the protection of the law we have done all they should expect. You say that you are acting in keeping with the comity of nations and respecting the sovereignty of these foreign countries in the persons of their accredited representatives.

You do this in order to specially protect these men, but you do not propose particularly to protect my friends from Missouri or Maine, nor do you do anything extraordinary to protect the Supreme Court, the biggest tribunal in the world, a great coordinate department of the Government by whom our laws are construed. You and I may pass a bill here, the Senate may concur, the President approve, but when it goes before that august tribunal they can say it is not worth the parchment upon which it is written. The Supreme Court, collectively and individually, in their personal and general powers, can do important things, and yet you leave them out. Can you not make it a special offense to kill one of them? And why not go all the way up and down the line when you start on this unusual course?

Mr. BELLAMY. May I ask the gentleman from Texas a question?

Mr. LANHAM. Certainly.

Mr. BELLAMY. Have you investigated so as to know whether or not in the English, the French, or the Turkish law there is any distinction made between the case of the murder of an ambassador or any other citizens of those countries?

Mr. LANHAM. I have not. I do not imagine there is in the manner it is proposed to be done here.

Mr. JENKINS. My friend from Texas supported this bill in the committee when it was under consideration, did you not?

Mr. LANHAM. Oh, no. I supported so much of it as I have indicated. Why, do you not know that my minority views are printed with yours?

Mr. JENKINS. But on the ground that the gentleman from Texas has been discussing here this afternoon?

Mr. LANHAM. I said I opposed it on various grounds. I have just elaborated some of the reasons on which I opposed it.

Mr. LITTLEFIELD. The gentleman is substantially elaborating the views that he has expressed at various times when the bill was under consideration in the committee. He did not go as much into detail, but his speech is an elaboration of the views he expressed in the committee.

Mr. LANHAM. Why, my friend from Wisconsin must know about that.

Mr. JENKINS. I understood my friend from Texas was in favor of protecting everybody, whether they lived in the United States or outside.

Mr. LANHAM. Why, I contended that they are protected by the general statute against murder. So far as I spoke I said that I was opposed to any law of this kind, and still adhere to that opinion.

Now, gentlemen, if we are going to commence this matter, let us run the whole gamut. Let us include the judiciary of the United States and go on down. Let us designate others of our officiary and say they are better than the multitude. I want you to tell us why there should be any specialization of this kind in this Government. A man elected to an office is the agent of the people. The people are lord and he is servant, and "the servant can not be greater than his lord." May we always be delivered from arrogant officialism.

Mr. KLUTTZ. "He that is greatest among you, let him be the servant of all."

Mr. LANHAM. As the gentleman from North Carolina suggests, "He that is greatest among you, let him be the servant of all." I am much obliged to him for the thought. It is entirely in agreement with the views I entertain. Gentlemen, my fellow-members of Congress, I conjure you to be careful how you initiate, and reflect upon the consequences that must follow legislation of this kind. It is not wise; it will do no good; it will work evil. If I were President of the United States—and I never shall be, of course; I can not hope for that, but some of you whose lines have been cast in more auspicious places may—but if I were President of the United States to-day I would rather not have this sort of a statute on the books.

I should feel that it would be a standing invitation to some crank to slay me wherever he might find me, and I am inclined to think that the "strenuous man" you now have in the White House would be in greater danger if this bill should become a law than he now has the slightest occasion to apprehend. He is a man, but you in effect presume in this bill that he can do no wrong. You presume that nobody mentioned here can do any wrong. I do not believe in that doctrine in this American country. I believe that public officials can do wrong. I have the highest respect for an honest officer of this Government, I do not care under what Administration he may serve, but office will never exempt him from liability to do wrong. Even the President of the United States can do wrong, and I believe he is better than a king, who in monarchies is regarded as perfection personified. Away with the idea of immunity from doing wrong, even in the case of the President.

Mr. LITTLEFIELD. If the gentleman will excuse me, is he quite sure that the bill is open to that inference?

Mr. LANHAM. I think it is, in some degree at least, because it says toward the last of it that he shall be presumed to be in the performance of his official duties all the time; and if that be so, it makes him absolutely right all the time.

Mr. LITTLEFIELD. The gentleman's suggestion was that they could do no wrong. I thought he was drawing it a little mite strong.

Mr. LANHAM. The idea with me is that officers are human, with like passions as ourselves; they are liable to do wrong and "as prone to do evil as the sparks are to fly upward;" and when they "would do good, evil is continually before them," and even the President of the United States is, humanly and impersonally speaking, but "a worm of the dust." That is all. This idea of elevating one part of humanity and depreciating another part or all the rest in this popular Government I do not believe in, nor can I ever subscribe to it in any measure.

Mr. JENKINS. Will the gentleman yield to me for a question?

Mr. LANHAM. Certainly.

Mr. JENKINS. I suppose the gentleman knows, as a member of the Judiciary Committee, that the people of Texas have appealed to the Judiciary Committee to protect the life of the next governor of Texas [laughter] and have asked the Judiciary Committee not to confine this to the President of the United States.

Mr. LANHAM. I do not know who is going to be the next governor of that great State, but I trust he may have a warm place in the hearts of his countrymen; and if that be the case, and he shall do his duty, he will have all the protection his predecessors have had and all that he will be entitled to receive. Whoever he may be he will never be a better man nor freer from guile than are multipled thousands of his people.

Mr. JENKINS. The gentleman from Texas can not expect to be President until Mr. Roosevelt has served out two or three terms, and then we will take him up. [Laughter.]

Mr. LANHAM. I do not believe that because a man is President, or an officer of any rank, it makes him exempt from the common frailties of men. I believe he is liable to sin, and will be as long as he "is of the earth, earthy." We shall never "behold the perfect man nor mark the wholly upright." Now, I want to invite the attention of my friend from New York to the last section in this bill, which was added after the Senate bill came to the House:

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

This I regard as a serious and dangerous innovation upon the rules of evidence and the presumptions indulged in criminal cases. The burden of proof has always been upon the prosecution to establish every material fact necessary to be proved, beyond a reasonable doubt.

So far as the Vice-President is concerned the presumption stated is certainly a violent one, and I believe it is so far as the others are concerned, and I think I can prove it by the language of the gentleman from New York [Mr. RAY]. He says, in the majority report:

So, should such a thing occur, if the President is engaged in a personal quarrel as to some private matter, while that act is not an official act, he is still in and about the performance of his official duties as President. As to the Vice-President and members of the Cabinet no such claim can be made. The Vice-President can not act until Congress meets. His constitutional duty is to preside over the Senate.

Again he says:

The General Government is always active, its laws are always in operation, and hence the President, who is charged with the duty of seeing that those laws are faithfully executed, is always on duty and always in and about the discharge of his official duties. In case of the Vice-President no such rule applies. His only official duties are to preside over the Senate, and hence he can not be engaged in the performance of his official duties until the Senate assembles pursuant to law. But should some person kill him because he is such officer, or because of some ruling made by him when acting as such presiding officer, the purpose would be to destroy an agency of the Government and prevent its acting, and hence the Government would be purposely as well as actually impeded or resisted.

I do hope that those who favor the bill will be at least willing to eliminate this last proposition from it. I do hope that this House may confine the bill to those purposes which are designed to prevent the immigration of anarchists to our country, and the dissemination of their pernicious doctrines here. If you do that you will do a wise thing; but, gentlemen, you will do, in my deliberate judgment, a thing that ought not to be done when you change the settled practice and statutes of more than a century, as you will do if you enact the first nine sections of this bill, as well as the thirteenth. Now, I have not said all that I would like to say, nor all that ought to be said in opposition to this bill. It is full of objections and dangers which, I trust, will be thoroughly advertised during the discussion.

Mr. MADDOX. Will the gentleman allow me a question?

Mr. LANHAM. Certainly.

Mr. MADDOX. Suppose one of these selected few should make an assault upon some person in the discharge of his duty, and it became necessary to kill him. Say, for instance, some member of the House, in defending himself, should kill one of these gentlemen selected by this bill, to save his own life, what chance has he got?

Mr. LANHAM. A very poor one, I think. Under this bill an unlawful killing, even if it were manslaughter, would be punished as a capital offense.

Mr. NEVINS. It would not be unlawful killing if it were done in self-defense.

Mr. LANHAM. But it would be punishable by death, even if it were manslaughter and done without cool reflection.

Mr. LITTLEFIELD. The gentleman will allow me to say that the very definition in the bill provides that the killing must be unlawful. That is one of the essentials of the offense.

Mr. LANHAM. Manslaughter is unlawful killing.

Mr. LITTLEFIELD. But if the killing is not unlawful no offense would be committed.

Mr. LANHAM. I concede that; but, according to the bill, the man who did the killing would be punishable by death in a case of manslaughter, notwithstanding the provocation.

Mr. Chairman, the bill is unfair in its operation; it is in violation of the fundamental tenets of criminal law, and in my judgment would, if finally adopted, be extremely dangerous to the country. I believe, as I have already stated, it is against the

distinctive policies, principles, and genius of our institutions. I hope it may not pass.

Now, Mr. Chairman, and gentlemen, you have listened to me most courteously and kindly. I thank you very much for your unflagging attention. I wish I had been prepared to deliver to you a more interesting speech. I have spoken without notes, and ask indulgence for the many imperfections I have exhibited. I hope I have made some suggestions that may awaken thought and research upon this question. I know that in my opposition to this bill I am actuated by conscientious motives, and not by any partisan feeling. Let me say in conclusion, with the utmost earnestness, that I love the rights of the States. I believe with Mr. Jefferson when he said:

> I am sensible of the inroads daily making by the Federal into the jurisdiction of its coordinate associates, the State governments. * * * The judiciary branch is that instrument, which, working like gravity, without intermission, is to press us at last into one consolidated mass. * * * If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves and meet the invader foot to foot.

He said further:

> The support of the State governments in all their rights is the surest bulwark against antirepublican tendencies.

Let us preserve all the jurisdiction and all the authority and all the autonomy that the fathers intended the States should retain forever. Let them continue to be the judges and the triers of offenses committed in violation of their laws within their own territory. [Loud and prolonged applause.]

Mr. JENKINS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (S. 3653) for the protection of the President of the United States, and for other purposes, and had come to no resolution thereon.

CIRCUIT COURT OF APPEALS, EIGHTH JUDICIAL CIRCUIT.

Mr. WARNER. Mr. Speaker, by direction of the Committee on the Judiciary, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year.

Be it enacted, etc., That the circuit court of appeals of the eighth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and is hereby authorized and required to hold one term of said court annually in the city of St. Paul and State of Minnesota on the first Monday in June of each year.

SEC. 2. That all appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the circuit or district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico, to the court of appeals of the eighth judicial circuit shall be heard and disposed of by the said court of appeals at the term thereof hereinbefore provided for so to be held either at the city of Denver, in the State of Colorado, or at the city of Cheyenne, in the State of Wyoming, except that any case arising from said States and Territory may, by consent of all the parties thereto, be heard and decided at a term of said court other than the one to be held in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming.

SEC. 3. That this act shall not operate to prevent the said court from holding other terms in the aforesaid places or in such other places in the said eighth judicial circuit as said court may from time to time designate.

SEC. 4. That chapter 517 of 26 United States Statutes at Large is hereby amended in accordance with the provisions of this act.

The amendments reported by the committee were read, as follows:

Strike out of the title the word "June" and insert in lieu thereof the word "May;" and

Strike out the word "June" in line 10 on the first page of said bill and insert in lieu thereof the word "May;" so as to have the bill provide that the term of said court to be held in the city of St. Paul shall be held on the first Monday in May in each year.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. Has the bill been reported by the Judiciary Committee?

Mr. WARNER. It has. It is a Senate bill, which has been favorably reported by the Judiciary Committee of this House.

Mr. RICHARDSON of Tennessee. Does it affect only the court of appeals of the one circuit named?

Mr. WARNER. That is all. It simply provides that the circuit court of appeals of the eighth judicial circuit shall be held in two additional places.

Mr. JENKINS. It is the unanimous report of the Committee on the Judiciary.

There being no objection, the House proceeded to the consideration of the bill.

The first amendment reported by the committee was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, the amendment reported by the committee to the title will be agreed to.

There was no objection.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALAFIA, MANATEE AND GULF COAST RAILWAY COMPANY.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Islands, in the State of Florida, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Alafia, Manatee and Gulf Coast Railway Company, a corporation organized under the laws of the State of Florida, is hereby granted the right of way, 100 feet in width, through the reservations lying on Gasparilla Island, in the State of Florida, known as the light-house and military reservations.

SEC. 2. That the line and location of the right of way to the said the Alafia, Manatee and Gulf Coast Railway Company through the light-house and military reservations lying on Gasparilla Island, in the State of Florida, shall be subject to the approval and under the control of the Secretary of the Treasury and Secretary of War: *Provided*, That the said railway company, on notification by the Secretaries of the Treasury and War, shall, within a reasonable time thereafter, construct, maintain, and operate, at its own expense, a spur, track, or tracks, to enter into and be located at such place or places within the present limits of the light-house inclosure on said reservation, and also on the military reservation, as may be designated by the Secretary of the Treasury and the Secretary of War, respectively: *And provided further*, That the Secretaries of the Treasury and War be, and are hereby, authorized to allow the use by the said company, in the accommodation of its general traffic and the maintenance of a coaling station and for terminal facilities, of so much of the land and water front of said reservation lying at a point on the eastern shore of Gasparilla Island, Charlotte Harbor, distant about 1,000 feet in a northeasterly direction from Gasparilla Island light and about 400 feet in a northerly direction from the State quarantine dock, as in their judgment will not be required for light-house or army purposes, and as will not be a hindrance to the public defense nor prejudicial to the health of those residing on the Government reservation, the value of the use of the land to be appraised by a board of officers to be appointed by the Secretary of War: *And provided further*, That the right of way and other privileges granted in this section shall be subject to the regulation and control of the said Secretaries, and shall be inoperative, null, and void unless the said railway company shall complete the construction of and have in use its tracks within five years from the date of the passage of this act.

SEC. 3. That the Secretaries of the Treasury and War, at any time they shall deem it necessary for the public good, may cause to be removed or destroyed all or any of the tracks, embankments, or other structures hereby permitted on the light-house and military reservations on Gasparilla Island, Fla., without liability for damages; and the said company shall not erect or allow the use of any residences on said reservation, nor shall it erect structures of any kind thereon except such as the Secretaries of the Treasury and War shall approve; and all approvals required in this act shall be in writing.

SEC. 4. That Congress expressly reserves the right to alter, amend, or repeal this act, in whole or in part, without any liability on the part of the United States for any damages or losses sustained by said company.

SEC. 5. That the right of trackage over said railway, with proper terminal facilities, is hereby given to any other railroad desiring to use the same, upon such terms for trackage and terminal facilities as may be agreed upon by the Alafia, Manatee and Gulf Coast Railway Company and such other company or companies as may desire to use the same; and if they can not agree, then such terms shall be fixed by the Secretary of War.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

FOG-SIGNAL STATION IN THE PATAPSCO RIVER.

Mr. WACHTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Whereas an original appropriation of $60,000 was made by the Congress of the United States by the act of August 18, 1894, for the building of a light and fog-signal station in the Patapsco River, Maryland; and

Whereas owing to the muddy and sandy bottom in said river the cost of construction and building said light and fog-signal station is greatly increased, as per Light-House Report, fiscal year ending June 30, 1901, section 649, page 108: Therefore,

Be it enacted, etc., That the completion of a light and fog-signal station in the Patapsco River, Maryland, originally provided for by the act of Congress of August 18, 1894, be, and is hereby, authorized and directed: *Provided*, That the additional cost for its construction shall not exceed the sum of $60,000.

The amendment was read, as follows:

Strike out the preamble.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, at a former day of this session this bill was presented and unanimous consent

asked for its consideration. I then objected to its consideration. I did so because the bill carries an appropriation of about $60,000 for some local work over near Baltimore. I did not think that it was a bill for the passage of which unanimous consent should be given. I objected to its consideration. As I understand it, the bill now appropriates $60,000 for a work for which $60,000 has been heretofore appropriated, so that the whole cost will be $120,000. I say I objected at that time. I have since, upon examination, found that I can see no personal or real objection to this bill. It was only the method and manner of passing legislation of that kind. I therefore stated to the gentleman who introduced it that I would no longer object.

The responsibility for such bills is largely upon the majority on the other side of the House in any event. Therefore I have no objection to the measure, and I withdraw the objection that I formerly made. I think it is right and proper for me, however, to make this statement now to the House, so that any other gentleman can do anything in connection with it that he may desire.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. WACHTER, a motion to reconsider the last vote was laid on the table.

DAM AND POWER STATION AT MUSCLE SHOALS, ALABAMA.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14051) granting to N. F. Thompson and associates the right to erect a dam and construct power station at Muscle Shoals, Alabama, which I will ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to N. F. Thompson, J. W. Johnson, J. E. Thompson, and Scott Dibert, for themselves, associates, or assigns, to construct a dam or dams in the Tennessee River at such points as they may elect, between the western line of section 6, township 3, range 9, in Colbert County, Ala., and the mouth of Town Creek, in northeastern portion of said county and township, along the southern bank of said river, for the purpose of erecting and operating power stations, and to maintain inlet and outlet races or canals and to make such other improvements as may be necessary for the development of water power and transmission of the same: *Provided*, That the constructions hereby authorized do not in any way interfere with the Muscle Shoals Canal or with navigation of said river: *Provided further*, That until the plans and location of the work herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix reasonable charges for use of said power.

SEC. 2. That unless the work herein authorized shall be commenced within one year and completed within three years from date hereof the privileges hereby granted shall cease and determine.

SEC. 3. That the right to alter, amend, or to repeal this act is hereby expressly reserved.

The amendments were read, as follows:

In line 8 strike out the words "in Colbert County, Ala."

In line 9 strike out the word "northeastern" and insert in lieu thereof the word "northern," and the word "said" and insert in lieu thereof the word "Lawrence."

In line 10 strike out the words "and township" and insert in lieu thereof the word "Alabama."

Amend the title so as to read: "A bill granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama."

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection?

Mr. LACEY. Mr. Speaker, I would like to inquire of the gentleman if this dam crosses the stream entirely?

Mr. RICHARDSON of Alabama. Well, no; it does not interfere with the fisheries; the fisheries have nothing in the world to do with the bill. It is an electric power to be placed there to communicate with certain cities round about.

Mr. LACEY. At the present dam?

Mr. RICHARDSON of Alabama. Yes. There is no objection to it; it does not interfere with the question of the fisheries.

Mr. STEELE. I would like to inquire if any arrangement has been made fixing the price the Government is to get for erecting the dam there for a private enterprise?

Mr. RICHARDSON of Alabama. No, sir; no arrangement has been made about that, but there is an application now pending before the Secretary of War in a written communication that I have addressed to him upon the subject of just such a power as is there now, to arrange and fix a rate.

Mr. STEELE. I did not know what was proposed in the way of charges to be fixed, how they were to be fixed. Now, the Government has been at a great expense to erect a dam and no individual should monopolize that power. I do not know whether it is here in this bill or not.

Mr. RICHARDSON of Alabama. There is no one more interested in preventing them from doing that than I am myself, as to appropriations that the Government has made there in reference to Muscle Shoals and Talbot Shoals. This power that is now being granted does not interfere with that.

Mr. STEELE. Has there been any other right similar to this granted to any other corporation?

Mr. RICHARDSON of Alabama. Yes; there is another one, and that is now pending, as I say, before the Secretary of War, as to what rental shall be required.

Mr. STEELE. But a rental may be fixed.

Mr. RICHARDSON of Alabama. Shall be fixed. It provides it shall be fixed.

We look upon that as being rather of a nominal character more than anything else; yet the Secretary of War is directed to state what amount of rental shall be required annually.

Mr. STEELE. Why should it be nominal?

Mr. RICHARDSON of Alabama. Because the Government has got nothing there to sell.

Mr. STEELE. It has got that great dam that it has constructed there.

Mr. BANKHEAD. There is no dam there at all. The Government has a canal around these falls, but there is no Government dam there.

Mr. RICHARDSON of Alabama. There is no dam, and it does not interfere in any way.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the amendment to the title was agreed to.

LIGHT-HOUSE AND FOG SIGNAL AT SEMIAHMOO HARBOR, WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 259) to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington.

The bill was read, as follows:

Be it enacted, etc., That a light-house and fog-signal station be established in Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington, together with suitable buildings, under the direction of the Light-House Board; and that the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated therefor, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Has this bill been considered by a committee of the House? I see it is a Senate bill.

Mr. JONES of Washington. Yes, it has been reported by the Committee on Interstate and Foreign Commerce. The committee first reported the House bill, and then this bill was referred to the committee, and unanimously reported.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

By unanimous consent, on motion of Mr. JONES of Washington, the corresponding House bill (H. R. 224) was ordered to lie upon the table.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 11535. An act for the protection of game in Alaska, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 357. An act for the relief of Levi Maxted;

H. R. 7319. An act granting an increase of pension to Frances H. Anthony;

H. R. 2901. An act to remove the charge of desertion borne opposite the name of Abram Williams;

H. R. 8752. An act authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county;

H. R. 13359. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 14018. An act to increase the limit of cost of certain public

buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and Senate concurrent resolution were taken from the Speaker's table and referred to their appropriate committees as follows:

S. R. 108. Joint resolution authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 48:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Reports on the Law of Civil Government under Military Occupation, submitted to the Secretary of War by Charles E. Magoon, law officer, Division of Insular Affairs, War Department, of which 1,400 copies shall be for the use of the Senate, 2,800 for the House of Representatives, and 800 for the War Department—

to the Committee on Printing.

GRANT OF LANDS TO STATE OF IDAHO.

Mr. GLENN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3800) to grant certain lands to the State of Idaho.

The bill was read, as follows:

Be it enacted, etc., That lots 7 and 8 in section 21, the northwest quarter of the southwest quarter, and lots 9 and 10 in section 22, all in township 9 south, range 38 east, base meridian, in the State of Idaho, are hereby ceded, granted, relinquished, and conveyed unto the said State of Idaho, to be held by said State for public use under such regulations as said State may prescribe.

The SPEAKER. Is there objection?

Mr. STEELE. Let us know what these lands are.

Mr. GLENN. This bill is simply to give the hot springs at Lava to the State of Idaho, to prevent them going into the hands of private parties. The reservation will be open to entry on the 17th of this month, and we want to reserve these springs to the State rather than have them go into the hands of private individuals.

Mr. STEELE. How many acres?

Mr. GLENN. One hundred and sixty acres, just the quarter section on which the springs are located.

Mr. STEELE. Is there any Government building there?

Mr. GLENN. No, sir; the State will have to build reservoirs or pools, and also buildings to accommodate the public.

Mr. STEELE. Is the bill unanimously reported by the committee?

Mr. GLENN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. GLENN, a motion to reconsider the last vote was laid on the table.

RETURN OF BILLS TO THE SENATE.

The SPEAKER laid before the House resolutions of the Senate requesting the return to the Senate of the bills (S. 22) for the relief of Ezra S. Havens, (S. 21) for the relief of John S. Neet, jr., and (S. 20) for the relief of Joseph W. Carmack.

The SPEAKER. If there be no objection, these several requests will be complied with.

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (H. R. 14781) providing for the payment of accrued and unused leave of absence of certain employees in the Census Bureau, and the same was referred to the Select Committee on the Census.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HEATWOLE obtained leave of absence for two weeks, on account of sickness.

THOMAS ALLEN.

By unanimous consent, on motion of Mr. LESSLER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Thomas Allen, Fifty-sixth Congress, no adverse report having been made thereon.

And then, on motion of Mr. JENKINS (at 4 o'clock and 56 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a report on the adjustment of the Osage traders' claims—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14780) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across White River in Arkansas, reported the same without amendment, accompanied by a report (No. 2334); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2848) for the establishment of a subport of entry at Naco, Ariz., reported the same without amendment, accompanied by a report (No. 2341); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6968) for the relief of Cappie King, reported the same with amendments, accompanied by a report (No. 2310); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9016) granting an increase of pension to Jane Brosnan, reported the same with amendment, accompanied by a report (No. 2311); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14784) granting a pension to Johniken L. Mynatt, reported the same with amendment, accompanied by a report (No. 2312); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14701) granting a pension to Mary A. Peters, reported the same with amendments, accompanied by a report (No. 2313); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6970) for the relief of Monora Stimson, reported the same with amendments, accompanied by a report (No. 2314); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4170) granting an increase of pension to Henry P. Macloon, reported the same with amendment, accompanied by a report (No. 2315); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14478) granting an increase of pension to Luman Fuller, reported the same with amendment, accompanied by a report (No. 2316); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14416) granting an increase of pension to Albert H. Phillips, reported the same with amendments, accompanied by a report (No. 2317); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13948) granting an increase of pension to Charles M. Grainger, reported the same with amendment, accompanied by a report (No. 2318); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13463) granting an increase of pension to Hiram A. Hober, reported the same with amendment, accompanied by a report (No. 2319); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13367) granting an increase of pension to Jonathan A. Walbert, reported the same with amendments, accompanied by a report (No. 2320); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13373) granting an increase of pension

to Amos W. Marsh, reported the same with amendment, accompanied by a report (No. 2321); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6656) granting a pension to Samantha Cox, reported the same with amendments, accompanied by a report (No. 2322); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3982) granting an increase of pension to Alonzo Carpenter, reported the same with amendment, accompanied by a report (No. 2323); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14377) granting a pension to Josephine Stewart, reported the same with amendments, accompanied by a report (No. 2324); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9807) granting an increase of pension to Hiram Janes, reported the same with amendment, accompanied by a report (No. 2325); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6031) granting a pension to Adell Augusta Steward, reported the same with amendments, accompanied by a report (No. 2326); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1132) granting an increase of pension to R. Sherman Langworthy, reported the same without amendment, accompanied by a report (No. 2327); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2375) granting an increase of pension to Daniel Ridinger, reported the same without amendment, accompanied by a report (No. 2328); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2051) granting an increase of pension to Henry W. Tryon, reported the same without amendment, accompanied by a report (No. 2329); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7) granting an increase of pension to William H. Thomas, reported the same without amendment, accompanied by a report (No. 2330); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2653) granting an increase of pension to Joshua Weaver, reported the same without amendment, accompanied by a report (No. 2331); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5924) granting an increase of pension to Edwin Young, reported the same without amendment, accompanied by a report (No. 2332); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 1308) for the relief of Mrs. Julia L. Hall, reported the same without amendment, accompanied by a report (No. 2333); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge, reported the same with amendment, accompanied by a report (No. 2335); which said bill and report were referred to the Private Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 2336); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry, reported the same without amendment, accompanied by a report (No. 2339); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14770) for the relief of James S. Harber, reported the same without amendment, accompanied by a report (No. 2340); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2899) to remove the charge of desertion from the record of Martin Barley, reported the same adversely, accompanied by a report (No. 2337); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 10751) for the relief of George Richardson, reported the same adversely, accompanied by a report (No. 2338); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8944) for the relief of Daniel J. Ockerson—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 14806) granting an increase of pension to Mary Clayton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10988) granting a pension to Howard M. Stiles—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14807) granting an increase of pension to Josephine White—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14808) granting an increase of pension to Emile Breaux—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14809) granting an increase of pension to Marie A. Dargle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14810) granting an increase of pension to Rebecca Broussard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CLARK: A bill (H. R. 14838) declaring a certain portion of the Maramec River to be an unnavigable stream—to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY: A bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year—to the Committee on the Judiciary.

By Mr. WOODS: A bill (H. R. 14840) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1888—to the Committee on the Judiciary.

By Mr. BALL of Texas: A bill (H. R. 14841) to amend an act entitled "An act to prohibit the coming into, and to regulate the residence within, the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent," approved April 29, 1902—to the Committee on Foreign Affairs.

By Mr. THOMPSON: A bill (H. R. 14893) to appropriate $2,500 to erect a soldiers' monument at Emuckfaw, Tallapoosa County, Ala.—to the Committee on the Library.

By Mr. GRAHAM: A bill (H. R. 14894) to provide a seal for United States commissioners—to the Committee on the Judiciary.

Also, a bill (H. R. 14895) amending section 21 of an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, approved May 28, 1896—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment—to the Committee on the District of Columbia.

By Mr. HULL: A joint resolution (H. J. Res. 199) authorizing

the President of the United States to cause medals to be struck and presented to officers and soldiers and others who served in the Spanish war, and for other purposes—to the Committee on Military Affairs.

By Mr. NAPHEN: A resolution (H. Res. 286) requesting the Secretary of State to furnish the House with a list of American citizens now detained as prisoners of war by the British authorities—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as, follows:

By Mr. ADAMSON: A bill (H. R. 14842) for the relief of the heirs of W. L. Gordon, of Spalding County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 14843) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition—to the Committee on Claims.

By Mr. BULL: A bill (H. R. 14844) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

By Mr. CASSINGHAM: A bill (H. R. 14845) granting a pension to Margaret Snyder—to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 14846) granting an increase of pension to Homer Wilson—to the Committee on Invalid Pensions.

By Mr. FEELY: A bill (H. R. 14847) granting an increase of pension to James H. Mitchell—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 14848) granting a pension to Jacob Goetz—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14849) granting an increase of pension to Andrew Casey—to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 14850) granting arrears of pension to Pauline M. Beach, widow of Henry S. Beach, deceased, late of Company B, Sixth Regiment Michigan Infantry Volunteers, and First Regiment Michigan Heavy Artillery Volunteers—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 14851) granting an increase of pension to Abiah D. Williams, late of Company I, Fifth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 14852) granting an increase of pension to Melvina Dunlap—to the Committee on Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 14853) to remove the charge of desertion from the naval record of Frank C. Whitney—to the Committee on Naval Affairs.

By Mr. NEVIN: A bill (H. R. 14854) granting a pension to Anaeline Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14855) granting a pension to Lucretia Bartlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14856) granting a pension to Hattie E. McLain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14857) granting a pension to Eliza Sherman Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14858) granting a pension to Jennie Fishbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14859) granting a pension to Margaret McSherry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14860) granting a pension to Harriett Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14861) granting a pension to Margaret A. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14862) granting a pension to Kate Vandegrift—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14863) granting a pension to Charles E. Foley—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 14864) granting a pension to Robert D. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) granting a pension to Henry L. Kyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14866) granting an increase of pension to Thomas Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14867) granting an increase of pension to Emanuel Trubee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14868) granting an increase of pension to George W. Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14869) granting an increase of pension to T. C. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14870) granting an increase of pension to Thomas McHose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14871) granting an increase of pension to William Van Gundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14872) granting an increase of pension to Joseph S. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14873) granting an increase of pension to John M. Flynn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14874) granting an increase of pension to Obadiah Stines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14875) granting an increase of pension to Joseph Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14876) granting an increase of pension to Thomas Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14877) granting an increase of pension to William Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14878) granting an increase of pension to William H. H. McPherson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14879) granting an increase of pension to Isaac W. Sebring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14880) granting an increase of pension to William Scheall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14881) for the relief of Henry L. Hawkins—to the Committee on Claims.

Also, a bill (H. R. 14882) for the relief of K. G. Vaughan—to the Committee on War Claims.

Also, a bill (H. R. 14883) granting an honorable discharge to Andrew J. Point—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 14884) granting an increase of pension to Benjamin E. Sweetland—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14885) for the relief of the trustees of the Cumberland Presbyterian Church of New Garden Camp Ground—to the Committee on War Claims.

Also, a bill (H. R. 14886) for relief of Thomas W. White—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 14887) granting a pension to Charlotte Dubry, guardian of George Ansell, incompetent son of Henry J. Ansell—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 14888) granting a pension to John T. Jerkins—to the Committee on Pensions.

Also, a bill (H. R. 14889) granting a pension to James T. Lundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14890) granting an increase of pension to Perry E. Bagwell—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 14891) granting an increase of pension to William Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14892) granting an increase of pension to George W. Brill—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14896) granting a pension to Mary A. Huffstetler—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 14897) granting an increase of pension to Phillip Mooney—to the Committee on Pensions.

By Mr. SULLOWAY: A resolution (H. Res. 287) providing for the payment to Marcellus Butler of $100 as janitor to the Committee on Invalid Pensions—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CASSINGHAM: Paper to accompany House bill granting a pension to Margaret Snyder—to the Committee on Pensions.

By Mr. CONRY: Resolutions of the New England Shoe and Leather Association against the admission of Territories—to the Committee on the Territories.

Also, resolutions of the same association, in favor of irrigation appropriations—to the Committee on Irrigation of Arid Lands.

By Mr. EDWARDS: Papers to accompany House bill granting an increase of pension to Homer Wilson—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the Purcell Commercial Club, Purcell, Ind. T., opposing the passage of the Flynn bill or the Moon bill—to the Committee on the Territories.

Also, resolutions of Electrical Workers' Brotherhood No. 3, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolutions of Allegheny Turners' Association and Troy Hill Turn Verein Society, Allegheny, Pa., North American Gymnastic Union, in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. HENRY: Resolutions of the common council, Central Labor Union, and Retail Clerks' Association, of New Britain, Conn., indorsing House bill 6279, to increase the pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. IRWIN: Petition of numerous citizens of Louisville, Ky., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of United Mine Workers' Union

No. 178, of Beacon, Iowa, and No. 1727, of Hilton, Iowa, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of Henry W. Mayo and other citizens of Hampden, Me., urging the passage of the joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix—to the Committee on the Library.

By Mr. MERCER: Papers to accompany House bill 14750, granting a pension to Thomas G. Kelsey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14749 granting an increase of pension to Margaret Heelan—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Resolutions of the New England Shoe and Leather Association, for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

By Mr. OTJEN: Petition of Wisconsin Sunday Rest Day Association, Milwaukee, Wis., for the restriction of Sunday work and traffic—to the Committee on the Judiciary.

By Mr. POWERS of Massachusetts: Resolutions of the board of aldermen and common council of Medford, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Provincetown Maritime Exchange, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of the trustees of the Cumberland Presbyterian Church of New Garden Camp Ground—to the Committee on War Claims.

By Mr. ROBERTS: Resolutions of the city governments of Medford and Everett, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Provincetown Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New England Shoe and Leather Association, against admitting Arizona, New Mexico, and Oklahoma as States—to the Committee on Territories.

Also, resolutions of the same association, favoring certain investigations of irrigation by the United States Geological Survey—to the Committee on Irrigation of Arid Lands.

By Mr. RUPPERT: Resolutions of Electrical Workers' Association No. 3, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: Resolution of the joint convention of the Bankers' Associations of Kansas, Missouri, Oklahoma and Indian Territories, protesting against the passage of the Fowler bill—to the Committee on Banking and Currency.

By Mr. SHOWALTER: Petitions of citizens of Newcastle, Sharon, Greenville, and Beaver Falls, Pa., favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of 300 citizens of Beaver Falls, 100 citizens of Volent, 200 citizens of College Hill, 50 citizens of Chicora, 125 citizens of Beaver County, 300 citizens of New Brighton, citizens of Jacksonville and Plain Grove, and 600 citizens of Butler County, Pa., favoring an amendment to the Constitution to prevent polygamy—to the Committee on the Judiciary.

By Mr. TIRRELL: Resolutions of the Fitchburg Woman's Club, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Clinton Turn Verein, in opposition to House bill 12199, relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. VAN VOORHIS: Petitions and papers of sundry citizens of Quaker City, Ohio, to accompany House bill granting an increase of pension to George W. Brill—to the Committee on Invalid Pensions.

Also, resolutions of United Brotherhood of Leather Workers on Horse Goods, No. 55, of Marietta, Ohio, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Petition of H. C. Scott Post, No. 111, of St. Paris, Grand Army of the Republic, Department of Ohio, for the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. WOOTEN: Petition of the president of the Texas State Pharmaceutical Association, favoring the passage of the metric system bill—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Petitions of C. A. Weidmann and others, of Philadelphia, Pa., favoring the passage of the metric system bill—to the Committee on Coinage, Weights, and Measures.

SENATE.

WEDNESDAY, *June 4, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ACCOUNTS OF INDIAN TRADERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the accounts of Indian traders with the Osage Indians at the Osage Agency, together with the sums due them from these Indians, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 259) to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington; and

A bill (S. 3800) to grant certain lands to the State of Idaho.

The message also announced that the House had passed, with amendments, the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 11535) for the protection of game in Alaska, and for other purposes; and

A bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Islands, in the State of Florida;

A bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland; and

A bill (H. R. 14051) granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 19) for the relief of George A. Orr;
A bill (S. 20) for the relief of Joseph W. Carmack;
A bill (S. 21) for the relief of John S. Neet, jr.;
A bill (S. 22) for the relief of Ezra S. Havens;
A bill (S. 567) for the relief of H. B. Matteosian; and
A bill (S. 1920) for the relief of Albert C. Brown.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11535) for the protection of game in Alaska, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of Franklin W. Smith, of Boston, Mass., praying that an appropriation be made for the purchase of the Halls of the Ancients, in the city of Washington, D. C., to be used as a public educational institution; which was referred to the Committee on the Library.

He also presented a petition of the Provincetown Maritime Exchange of Massachusetts, praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

He also presented petitions of the common council of Medford, of the Central Labor Union of Brockton, and of the Central Labor Union of Fitchburg, all in the State of Massachusetts, praying for the enactment of legislation to increase the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented a petition of Anthony Wayne Post, No. 271, Department of Indiana, Grand Army of the Republic, of Fort Wayne, Ind., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, etc.; which was referred to the Committee on Pensions.

He also presented petitions of Local Union No. 1671 and Local Union No. 1335, United Mine Workers of America, of Clinton, Ind., praying for the enactment of legislation to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. PLATT of Connecticut presented a petition of the Brotherhood of Locomotive Firemen, of Hartford, Conn., praying for the enactment of legislation providing for an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Local Division No. 29, Order of Railroad Telegraphers, of New Haven, Conn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. SPOONER presented a resolution adopted at a meeting of the Turn Verein Yahn, in Wisconsin, expressing sympathy for the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of J. Bauman & Co. and 63 other citizens of Wisconsin, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Local Division No. 249, Brotherhood of Locomotive Engineers, of South Kaukauna, and of Rock River Lodge, No. 210, Brotherhood of Railroad Trainmen, of Janesville, in the State of Wisconsin, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PERKINS presented petitions of Dewey Division, No. 398, Brotherhood of Locomotive Engineers, of San Bernardino; of Orange Grove Division, No. 392, Order of Railway Conductors, of San Bernardino; of Local Division No. 193, Order of Railway Conductors, of Sacramento; of Lodge No. 198, Brotherhood of Railway Trainmen, of San Francisco; of El Capitan Division, No. 115, Order of Railway Conductors, of San Francisco; of Lodge No. 278, Brotherhood of Railroad Trainmen, of San Bernardino, and of Golden Gate Division, No. 364, Order of Railway Conductors, of Oakland, all in the State of California, praying for the passage of the so-called Grosvenor anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. SCOTT presented a petition of the official board of the First United Brethren Church of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of sundry citizens of Forest Park, Pittsburg, Kans., praying for the enactment of legislation to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. MASON presented a petition of the Liquor Dealers' Association of Moline, Ill., and of sundry citizens of Illinois, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the board of supervisors of Adams County, Ill., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was ordered to lie on the table.

He also presented resolutions of the Commercial Club of Omaha, Nebr., and of the fifth annual convention of the National Building Trades Council of America, favoring the enactment of legislation providing for the irrigation of the arid lands of the country; which were ordered to lie on the table.

He also presented petitions of the Kosciusko Society, of La Salle, and of the King Mieczyslawa Society, of Chicago, in the State of Illinois, praying that an appropriation be made for the erection of a statue to Count Pulaski; which were referred to the Committee on Library.

He also presented a petition of the board of directors of the Illinois Manufacturers' Association, of Chicago, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Harmony Division, No. 417, Brotherhood of Locomotive Engineers; of Woodlawn Lodge, No. 451, Brotherhood of Locomotive Firemen, of Chicago; of Local Division No. 79, Order of Railway Conductors, of Peoria, and of Columbian Lodge, No. 479, Brotherhood of Railroad Trainmen, of Chicago, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a petition of the Federation of Labor of Springfield, Ill., praying for the enactment of legislation to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of the Old Bethel Reformed Presbyterian Church, of Houston, Ill., remonstrating against the reenactment of the so-called Chinese-exclusion law; which was ordered to lie on the table.

He also presented petitions of Bricklayers' Local Union No. 20, of Springfield; of Boot and Shoe Workers' Local Union No. 265, of Dunn; of Bricklayers' Local Union No. 20, of Waukegan; of Locomotive Firemen's Local Union No. 217, of East St. Louis; of Typographical Union No. 29, of Peoria; of Engineers' Local unions No. 594 and 595, of Chicago; of Flour Mill Workers' Local Union No. 8036, of Murphysboro; of Locomotive Firemen's Local Union No. 275, of Chicago; of Locomotive Firemen's Local Union No. 536, of Mount Carmel; of Local Union No. 271, of Champaign; of Locomotive Firemen's Local Union No. 538, of Chicago; of Carriage and Wagon Workers' Local Union No. 4, of Chicago; of Bakers' Local Union No. 5, of East St. Louis; of Bricklayers' Local Union No. 24, of Canton, and of Locomotive Firemen's Local Union No. 49, of Decatur; all in the State of Illinois, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented resolutions adopted by the board of directors of the Merchants' Exchange of San Francisco, Cal., favoring the unrestricted entrance into the United States of the mercantile class of Chinese; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Board of Trade of Bangor, Me., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

He also presented the petition of Handy Ballard and sundry other members of the Grand Army of the Republic of Louisiana and Mississippi, praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 6890) granting an increase of pension to Robert G. Scrogge, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6040) granting an increase of pension to John W. Craine;

A bill (H. R. 14012) granting a pension to Fannie Reardon;

A bill (H. R. 10172) granting an increase of pension to Thomas Finegan; and

A bill (H. R. 14118) granting a pension to Mary C. Bickerstaff.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy; and

A bill (S. 5725) for the relief of Pay Clerk Charles Blake, United States Navy.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 3975) to refund internal-revenue taxes paid by owners of private dies, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 6023) for the relief of John Scott, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 3084) for the relief of the owners and officers of the brig *Olive Frances* and others on board said brig, reported it without amendment, and submitted a report thereon.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (H. R. 5550) for the relief of W. C. Taylor, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment proposing to appropriate $879.78, to pay James M. Steep, from the proceeds of the District of Columbia, for bonds issued under the act of Congress approved June 16, 1880, being the amount of a judgment rendered by the Court of Claims against the District of Columbia in his favor, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 2641) for the relief of Albion M. Christie, to report it without amendment, and submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN. From the Committee on Claims I report adversely 47 different bills, representing claims which have been cared for in other legislation. In order to take the bills from the files of the committee and that the papers in the several cases may be returned to the Secretary of the Senate, I report the bills back and ask that they be indefinitely postponed.

The bills were postponed indefinitely, as follows:

A bill (S. 3069) for the relief of O. F. Adams;

A bill (S. 349) for the relief of Virginia I. Mullan;

A bill (S. 244) for the relief of the Atlantic Works, of Boston, Mass.;

A bill (S. 1601) for the relief of Arthur L. Fish;

A bill (S. 4005) for the relief of the Brooklyn Ferry Company, of New York;

A bill (S. 43) to permit Anna M. Colman, a widow, to prosecute a claim;

A bill (S. 90) for the relief of Cumberland Female College, of McMinnville, Tenn.;

A bill (S. 454) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary, under the authority of the Congress, and for other purposes;

A bill (S. 635) to provide for the settlement of accounts between the United States and the State of South Carolina;

A bill (S. 644) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion;

A bill (S. 655) for the relief of the New York, New Haven and Hartford Railroad Company;

A bill (S. 855) for the relief of Mrs. Charlotte C. Leathers;

A bill (S. 1051) for the relief of the estate of James Campbell, deceased;

A bill (S. 1218) for the relief of the legal representatives of Merrick, Merrick & Cope;

A bill (S. 1310) for the relief Curtis & Tilden;

A bill (S. 1311) for the relief of the heirs of Jacob R. Davis;

A bill (S. 1449) for the relief of the beirs of the late Charles P. Culver;

A bill (S. 2340) for the relief of Charles H. Adams;

A bill (S. 3353) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.;

A bill (S. 3747) providing for the adjustment and settlement of the claim of the State of Virginia against the United States for advances and expenditures made in the war of 1812 with Great Britain;

A bill (S. 3885) for the relief of the estate of Samuel T. Carrow, deceased;

A bill (S. 3920) to pay to the State of West Virginia money advanced to certain officers of the One hundred and thirty-third Regiment West Virginia Militia;

A bill (S. 3921) for the relief of the Methodist Episcopal Church of Martinsburg, W. Va.;

A bill (S. 3934) for the relief of the owners and crew of the Hawaiian bark *Arctic;*

A bill (S. 3935) for the relief of Winslow Warren;

A bill (S. 2953) for the relief of the Cumberland Female College of McMinnville, Tenn.;

A bill (S. 40) for the relief of the Catholic Church at Macon City, Mo.;

A bill (S. 3938) to reimburse G. H. Kitson for money advanced to the Menominee tribe of Indians of Wisconsin;

A bill (S. 3932) for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States known as the "Arsenal grounds," in the city of Indianapolis, Ind.;

A bill (S. 1869) for the relief of Rinaldo P. Smith;

A bill (S. 2121) for the relief of the legal representatives of John H. Jones and Thomas D. Harris;

A bill (S. 3919) for the relief of John W. Kennedy;

A bill (S. 3936) for the relief of the sufferers by the wreck of the U. S. revenue cutter *Gallatin* off the coast of Massachusetts;

A bill (S. 3923) for the relief of George W. Weston;

A bill (S. 1357) for the relief of Emile M. Blum and James S. Seymour;

A bill (S. 4010) for the relief of the legal representatives of Gilman Sawtelle;

A bill (S. 923) for the relief of Avery D. Babcock and wife, of Oregon;

A bill (S. 279) for the relief of James C. Drake;

A bill (S. 658) for the relief of Twyman O. Abbott;

A bill (S. 3928) for the relief of the heirs of Lawrence D. Bailey;

A bill (S. 351) for the relief of Catherine Burns;

A bill (S. 1687) for the relief of Elias E. Barnes;

A bill (S. 2751) for the relief of Charles H. Adams;

A bill (S. 346) for the relief of the Merchants and Miners' Transportation Company, of Baltimore, Md.;

A bill (S. 3223) to confer jurisdiction upon the Court of Claims to hear and adjudicate the claim of the personal representatives of William Kiskadden, deceased;

A bill (S. 1612) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others; and

A bill (S. 94) for the relief of the estate of Andrew J. Duncan, deceased.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (S. 917) for the relief of John H. McLaughlin, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 3374) to protect forest reserves and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DOLLIVER, from the Committee on Pacific Railroads, to whom was referred the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 4980) to incorporate the American Academy in Rome, reported it with amendments, and submitted a report thereon.

READING MATTER FOR THE BLIND.

Mr. ELKINS. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2644) to promote the circulation of reading matter among the blind, to report it back with amendments, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ELKINS. I ask that the amendments be read.

The PRESIDENT pro tempore. The proposed amendments will also be read.

The SECRETARY. In line 5, after the word "packages," insert:

And containing no advertising or other matter whatever.

Mr. ELKINS. There is one other amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. I should like to have an opportunity to examine and ascertain whether there are any precedents for the Government to transport free through the mails matter in relation to any particular class of people in private institutions. If you start with the blind you must follow that with the mutes.

Mr. HOAR. And invalid soldiers.

Mr. HALE. And as the Senator at my right suggests, invalid soldiers. I fear it would be starting what might be a very serious innovation. It seems to me that these things go altogether too easy. Abrupt departures from what have been our laws and our practice are desired by somebody who has a special interest. I am subject to the same experience. That somebody writes to a Senator and asks him that the action of Congress, the remedy which is universal for everything that is wanted, shall be invoked.

I do not think we are careful enough, Mr. President, about reporting such innovations. I must object to the present consideration of the bill until I can have an opportunity to examine it.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

LEWIS CASS SMITH AND OTHERS.

Mr. MARTIN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 2067, S. 2348, and S. 4770) entitled, respectively, "A bill for the relief of Lewis Cass Smith and of the estates of Elisha G. Abbott, deceased, and Mrs. Zarelda E. Abbott, deceased," and "A bill for the relief of Edmond Sacra," and "A bill for the relief of John Lippincott and others," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SERVICE ON RECEIVING SHIP.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 5949) entitled "A bill for the relief of certain naval officers and their legal representatives now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

LIEUT. JEROME E. MORSE.

Mr. GALLINGER. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 720) for the relief of Lieut. Jerome E. Morse, to report it favorably without amendment. A similar bill has passed the Senate two or three times, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to transfer Lieut. Jerome E. Morse, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF SENIOR MAJOR-GENERAL.

Mr. QUAY. I ask the unanimous consent of the Senate to take up the bill (S. 5968) to authorize the promotion and retirement of the present senior major-general of the Army. It is a bill which was reported unanimously from the Committee on Military Affairs and must go to the House at once if it is to have any efficacy.

The PRESIDENT pro tempore. It will be read to the Senate for its information.

Mr. MONEY. Has the order been completed for the introduction of bills?

The PRESIDENT pro tempore. It has not been completed.

Mr. MONEY. I desire to introduce a bill, if the Senator from Pennsylvania will allow me.

The PRESIDENT pro tempore. That order has not yet been reached. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President may, with the advice and consent of the Senate, appoint the present senior major-general of the Army to the rank of Lieutenant-General and place that officer on the retired list with the rank and allowance of that grade.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. BACON. I ask that some Senator inform me, simply for information, who is the major-general designated?

Mr. QUAY. Maj. Gen. John R. Brooke.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT of Connecticut. Mr. President, the bill has passed, and therefore anything I say will not be considered as being in opposition to the passage of the bill, but I should like to have the attention of the Senate, and especially of the members of the Committee on Military Affairs, for just a moment.

I think if we are going to do these things we had better make a permanent grade, so that there shall be promotions to it, and not go on appointing this officer and that officer to be lieutenant-general and then every time a person so appointed goes out have some one come in by legislation. If we are going to do it, we might as well have a permanent grade of lieutenant-general.

Mr. WARREN. I should like unanimous consent to say just a word following the remark by the Senator from Connecticut.

I agree with the Senator and go further. I think that the cases of all Army officers who served honorably and well through the civil war and through the Indian wars and the Spanish war ought to be taken up, and a bill should be prepared providing for their retirement at one grade higher than they are at time of retirement, excepting the cases where colonels or generals have been raised one grade just before retirement for this very purpose. I hope that such a bill will be at some time reported from the Committee on Military Affairs and passed.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FORAKER on the 3d of April, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MCCUMBER February 15, 1902, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Manufactures be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was recommitted the resolution submitted by Mr. KEAN February 7, 1902, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Geological Survey be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise ordered.

EXTENSION OF FREE-DELIVERY SYSTEM.

Mr. MASON. I desire to make a report from the Committee on Post-Offices and Post-Roads, and I call the attention of the senior Senator from Minnesota [Mr. NELSON] to it.

I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 909) to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887, to report it favorably without amendment, and I ask for its immediate consideration. I will state that the bill is presented upon the recommendation of the Post-Office Department, and it permits the establishment of free-delivery service in cities of 5,000 inhabitants.

The PRESIDENT pro tempore. The bill will be read to the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT of Connecticut. I think the bill ought to be explained a little.

Mr. MASON. The bill was introduced by the senior Senator from Minnesota [Mr. NELSON]. It is exactly a copy of the present law, except that the limitation upon the number of inhabitants is reduced, so that the Postmaster-General may establish free delivery in cities of 5,000 if it is desirable. The bill is recommended by the Postmaster-General.

Mr. NELSON. If the Senator from Connecticut will have the kindness to give me his attention a moment I can explain in a few words the changes in existing law.

Under existing law free delivery can be given in towns that have a population of 8,000 or where the gross income of the office is $8,000. The only change this bill makes is to provide that in towns of 5,000 inhabitants or in towns where the gross income of the office is $5,000 free delivery may be established. The entire change in the existing law is the substitution of the word "five" in two places for the word "eight," making it 5,000 as to population and $5,000 as to income.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THIERMAN & FROST.

Mr. MASON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 9597) for the relief of Thierman & Frost, to report it favorably without amendment. I desire to call the attention of the junior Senator from Kentucky [Mr. BLACKBURN] to this report.

Mr. BLACKBURN. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. It will be read to the Senate for its information.

Mr. MASON. I may state to the Senate that it is a bill which has been heretofore recommended by the Senate Committee on Claims, and the Senate bill is now on the Calendar. A similar bill came from the House, and I now report it from the Committee on Claims. It gives the Court of Claims jurisdiction, I understand.

Mr. BLACKBURN. I will state, with the permission of the Senate, that this bill has passed the House upon a unanimous recommendation of its Committee on Claims. A similar bill has been unanimously reported favorably by the Senate Committee on Claims and is on the Calendar. The only point, as I take it, involved in the bill is that the Government waives its right to plead the statute of limitations. The bill refers to the Court of Claims the claim of these Kentucky citizens.

Mr. SPOONER. To hear and determine?

Mr. BLACKBURN. To hear and determine. It simply waives the Government's right to plead the statute of limitations, as both committees of the House and Senate think it ought to be waived, for the record shows no laches upon the part of the claimants. They have had their claim pending here for twenty years, and the bill has passed one House and has then passed the other House. They have been guilty of no laches at all. The bill simply carries their claim to the Court of Claims to hear and determine, the Government waiving its right to plead the statute of limitations.

Mr. PLATT of Connecticut. Let the bill be read for information.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby given the Court of Claims, any statute of limitations to the contrary notwithstanding, to hear, try, and determine the claim of Henry Thierman and White Frost, late partners doing business under the firm name and style of Thierman and Frost, by reason of the alleged unlawful seizure and sale by the revenue officers of the United States of the distillery property of the said Thierman and Frost in Concordia, in the State of Kentucky; and the said court shall have full power to determine whether said property was unlawfully seized and sold; and if the same were unlawfully seized or sold, then the said court shall try and determine whether, under the then existing laws of the United States, the said Thierman and Frost sustained any damages by reason thereof and whether the Government is or was liable under such laws for the damages sustained, limiting such damages to the reasonable value of the property seized and sold at the time of such seizure and sale; said case to be tried and determined under the laws, rules, and regulations governing proceedings in said court and upon such evidence as is legally admissible under the ordinary laws and rules of evidence as pursued in the practice of said court, hereby reserving to the Government the right to interpose any defense, whether legal or equitable, that it may have to said cause of action, except only the defenses based on the jurisdiction of the court and the statute of limitations: *Provided, however*, That said action shall be commenced within six months after this act shall go into effect: *And provided further*, That in said action the said court shall try and determine the question, notwithstanding any adjudication that may heretofore have been had, whether at the time of said seizure and sale there was any special tax due or owing by the said Thierman and Frost to the Government of the United States pertaining to said distillery, or growing out of the operation of the same, or on the output or product thereof; and if any such tax was then due or owing to the Government of the United States, the said court shall determine the amount thereof and apply the same as a set-off to any amount that may be found to have been due the said Thierman and Frost as damages sustained by them by reason of the wrongful seizure and sale of said distillery property and shall only enter a judgment in favor of the said Thierman and Frost for such balance, if any, as may be found to be due after applying as an offset any tax as aforesaid that may be found to be due without awarding any interest to either party: *And provided further*, That either party to such action shall have the right of appeal to the Supreme Court of the United States under the rules, laws, and regulations governing appeals in other cases from the Court of Claims.

Mr. SPOONER. I desire to ask the Senator from Kentucky if there was not an adjudication as to the validity of the tax and the validity of the seizure and sale?

Mr. BLACKBURN. I do not know, Mr. President. I have simply an impression to the effect that the points involved in the bill which are referred to the Court of Claims were never covered or embraced in any litigation had heretofore. I have an impression, however, that there was some litigation as to the question of tax due at that time to the Government, but it is merely an impression.

As I stated before, the Senate bill was unanimously reported from the Committee on Claims favorably, and the bill now before the Senate was so reported by the House Committee on Claims and passed the House, so that the Senate is now in the possession of both bills, one upon its Calendar on a favorable report from its own committee, and the House bill is also favorably reported.

Mr. SPOONER. I can see that if the distillery was seized and sold for nonpayment of a tax, and there is reasonable ground for the contention that it was an invalid tax, and that the seizure and sale were invalid, under those circumstances it would be entirely proper——

Mr. BLACKBURN. The Senator from Wisconsin is stating the facts of the case.

Mr. SPOONER. It would be entirely proper for Congress to waive any laches or failure to bring suit to contest the validity of the tax and seizure and sale at the proper time, But if the validity of the tax and the legality of the seizure and sale were years ago in the time of the transaction the subject of litigation and decision by courts having jurisdiction of the subject-matter and the parties, then this is an attempt after a great many years to grant practically an appeal from an adverse decision to the Court of Claims.

Mr. BLACKBURN. No.

Mr. SPOONER. I wanted to get at the fact; that is all.

Mr. BLACKBURN. Let me say to the Senator from Wisconsin, I am not advised nor do I know——

Mr. MASON. If the Senator will yield, I have the statement of it here in the report.

Mr. BLACKBURN. Very well.

Mr. MASON. The facts are, if the Senator will yield to me just a moment, that the Government brought suit for the tax afterwards and were defeated in every contention, and the House committee reported, notwithstanding that fact, that the Government should have this right, and the Senate committee concur in the conclusion. The report says:

> The failure of the Government to secure a verdict in the principal suit against these parties does not seem to establish their equitable right, in view of all the facts, to compensation for alleged losses on account of the distraint and sale of the distillery property, or to any relief whatever from Congress.

That is quoted. The House committee says:

> Your committee concur in the conclusions of the Committee on the Judiciary, as announced in their report to the House in the Forty-seventh Congress, on the facts as they are disclosed. We do not believe that we would be warranted, on the facts disclosed, to recommend the passage of a bill by Congress authorizing the payment of any definite or specific sum as damages to the claimants. But the committee take into consideration the fact that after the seizure of the distillery property the Government, by its proper officers, commenced suits against the claimants, Thierman & Frost, and the securities on their bonds, to recover the taxes claimed to be due to the Government; that these suits were tried and judgment was rendered in favor of the defendants. But these adjudications were not on merits of the case.

So the bill now provides that, the Government having taken the property without due process of law and destroyed it, as a matter of equity, if there was any tax due the Government, it should be set off in whatever damages the court might allow.

Mr. BLACKBURN. So it will appear that this saving clause is not for the benefit of the claimants, but it is for the benefit of the Government. The litigation of which the Senator from Wisconsin inquired was determined in favor of the claimants and against the Government.

Mr. MASON. That is right.

Mr. BLACKBURN. That provision of the bill declares that the Government shall not be precluded by reason of this adverse litigation, but that the Government shall have the right again to assert its claim for the tax which the court refused.

Mr. SPOONER. If the Senator will allow the bill to go over until to-morrow I will look at it.

Mr. BLACKBURN. If the Senator prefers it, let it go over.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. I will not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. PLATT of Connecticut. Mr. President, there is very little time, in the way the bill is brought before the Senate, to determine whether it is a case that we ought to send to the Court of Claims or not. I merely rise now for the purpose of entering a mild protest against the idea which seems to prevail in the Senate that whenever anybody having a claim against the Government, be it recent or remote, wants to go to the Court of Claims such action is taken almost as a matter of course.

I do not speak of this claim, but of claims against the Government, and I speak more especially now with regard to what are known as Indian claims. These claims are worked up by attorneys, who, I fear with the aid of people in the Departments who have knowledge of Indian affairs and of treaties, come to the conclusion that possibly they may get something through the Court of Claims in favor of an Indian tribe. So they work up claims which the Indian tribes very often have never heard of, get a contract of 5, 10, or 15 per cent, and then come to Congress and ask that the claim may be referred to the Court of Claims for adjudication.

That is a very plausible request to make, and the Senate has very little time to consider whether it is a claim which is really of consequence enough and which has enough behind it to send it to the Court of Claims. So the matter goes upon request. Then an ex parte statement, which has been carefully and skillfully prepared by the attorneys, is submitted to the Court of Claims. It is true that the Attorney-General is directed to appear and make defense, but that defense is usually perfunctory, and the Court of Claims renders judgment practically upon an ex parte hearing of the case. I do not wish to say that it does so absolutely, but

from the nature of these old claims the attorneys who are prosecuting them are the ones who have given most particular attention to them, who have presented them by putting forward everything in favor of a claim and carefully excluding in many cases everything which would bear on the right of the Government.

I am convinced, Mr. President, that the Government has thus suffered a loss of millions and millions of dollars growing out of just such circumstances as I have narrated, and out of the fact that we allow these claims to go to the Court of Claims for a judgment simply upon request.

I want to say that I think the practice here should be that no claim should be sent to the Court of Claims for judgment and decision unless, upon investigation by a committee, it be found, in the judgment of the committee, that there are really good grounds for supposing that the claim is a just claim; in other words, that we might apply in these cases the same rule which is applied in the early stage of criminal proceedings, that Congress should at least find that there is probable cause.

Now, take this claim. It has been before committees of Congress for the last twenty years, and each committee, so far as I have been able to read the reports, has said that it would not feel justified, with all the facts of the case as presented to the committee, in recommending to Congress that they should pay damages for the seizure of this distillery.

I suppose this bill will pass, but I wish to say now that we are sending cases to the Court of Claims with far too little investigation as to the validity of the claims which are sent there.

Mr. WARREN. Mr. President, with reference to the remarks made by the Senator from Connecticut [Mr. PLATT], I am very glad to have him speak so plainly his mind on this subject, and I thank him for it, but I want to say in justice to the Senate Committee on Claims that at the present time its mode of doing business is such that but a very small proportion of the claims that come before the committee are recommended for reference to the Court of Claims. I do not think we recommend as many as 2 per cent of all the bills which are requested of us to be sent to the Court of Claims. We recommend no bill to go to the Court of Claims unless it has first received the investigation and favorable recommendation of a subcommittee, and secondly the unanimous consent or vote of the entire committee or all of the members who are present at the time and constituting a majority of the whole committee upon the report of such subcommittee.

I appreciate the danger or liability on the part of Congress to not investigate sufficiently and to send too many cases to the Court of Claims; but I do not think we should draw the lines tightly enough to amount to a prejudice against any class of claims because it is the practice of attorneys to annoy the Senate and its members and committees. These attorneys annoy me as much probably as they annoy anybody, but nevertheless we must not allow this annoyance to cause us to refuse entirely the reference of claims to the Court of Claims for investigation and report or trial and judgment, as the case may be.

Mr. SPOONER. Mr. President, I wish to say but a single word in reply to something that was said by the Senator from Connecticut [Mr. PLATT] as to his general characterization of the manner in which the United States is represented before the Court of Claims. There have been times when I should have been entirely in accord with the statement of the Senator from Connecticut, but I do not feel that I can properly, without a protest, allow that statement to go as a characterization of the present situation in that respect.

The Assistant Attorney-General, who represents the Government before the Court of Claims in these matters, Mr. Louis A. Pradt, is from my State. I have known him a great many years. He is as conscientious, laborious, and clear-headed a lawyer as I know. He is as faithful in his attention to the Government's interest in these cases as a lawyer could be in attending to any private interest. I have had occasion myself within the last two years to know that he gives minute and careful attention to protecting the interests of the Government in these cases.

I know the Senator from Connecticut would not be willing to make a general statement which would do any man injustice; and I therefore have felt at liberty to say what I have said in regard to the present situation.

Mr. PLATT of Connecticut. No, Mr. President, I would not reflect upon the ability or diligence of anyone connected with the Attorney-General's Department who is charged with the duty of defending these cases in the Court of Claims; but that Department is a sadly overworked Department. I think I may venture to state without exaggeration that the present Attorney-General has no more legal force available to do the business of the Attorney-General's office for the United States than he had for his private practice in the city of Pittsburg before he became Attorney-General. Indeed, I doubt if he has as much.

The business of the Department of Justice has grown immensely with the growth of this great country. That Department is most sadly overworked, and all the officials of that Department who are called upon to try the claims which are sent to the Court of Claims on behalf of the Government are so overworked that it is utterly impossible for them to give to any Government case the care, the attention, the investigation, or the research which has been given to it on the part of the attorneys of the claimants. I might specify instances.

I know of one case sent to the Court of Claims last year which involved millions of dollars, where a subcommittee of the Committee on Indian Affairs had investigated it with great care and had discovered documents and records which seemed to sustain the Government side of the case. The case was tried. The direction of the committee was that all the papers and documents which had been collected should be placed in the hands of the Attorney-General, but it turned out that in some way they never reached him, and those defenses which the Committee on Indian Affairs had so carefully and laboriously discovered never were applied to the case at all.

Mr. SPOONER. Were they sent to the committee?

Mr. PLATT of Connecticut. It is said they were never received at the Attorney-General's Office. I do not know whether that be true. I suppose it is true; but I suppose there was some question about their transmission.

Mr. SPOONER. That is not the fault of the Attorney-General.

Mr. PLATT of Connecticut. Not at all. I beg the Senator to understand that I am not reflecting upon the ability or the diligence of the officers of the Attorney-General's Department. I am simply speaking of the impossibility, under existing conditions, with those old claims, some of which go back seventy-five years, that they should investigate and determine and bring forward all the defenses which the Government ought to have a right to interpose against these claims.

I do not suppose that anything I say will prevent the passage of this bill.

Mr. CULLOM. It has already passed, I understand.

Mr. PLATT of Connecticut. No; it has not. I beg the Senator's pardon.

Mr. CULLOM. I thought that this bill had already passed, Mr. President.

The PRESIDENT pro tempore. It has not.

Mr. PLATT of Connecticut. I do not think anything I say will interfere with the passage of this bill; but if these remarks which I have made call the attention of the Senate to what I consider a hasty, not to say loose, way of disposing of claims which are submitted to Congress, I shall be very glad.

I want to say one thing more, and I beg that what I say shall not be interpreted as reflecting upon the attention which any Senator gives to a matter which is referred to him, but I can refer to cases which have been acted upon at this session. For instance, a Senator introduces a bill for a constituent from his own State to send a case to the Court of Claims. The bill is referred in committee to that Senator as a subcommittee, and while that Senator undoubtedly thinks that he is giving it careful consideration, he in a few days reports to the full committee that the case should be sent to the Court of Claims, and it passes as a matter of course.

It was not so in the old time, Mr. President. I think the difficulty arises out of the fact that the duties and responsibilities of Senators have so increased with the growth of business that it is impossible for them to give that careful attention to such matters as used to be given to them in the Senate.

I can remember, Mr. President, when no claim either passed the Senate or was sent to the Court of Claims without the great Senator from New York, who then occupied the seat now so ably filled by the Senator from Wisconsin [Mr. SPOONER], made careful inquiry with reference to the claim, and each claim was fully considered and understood by the Senate before any action was taken upon it. If we should go back to the old practice I think we would do better.

I know how much there has been said about these claims having been for a long time neglected by the Government. I have no doubt it is true that many claims which ought to be paid by the Government have been neglected; but, on the other hand, Mr. President, I think that a great many claims which have a very shadowy foundation, either through the Court of Claims or through the want of careful attention by the Senate, are paid by the Government.

Mr. STEWART. Mr. President, I should like to make one remark in that connection.

It is true that the business of the country is growing so rapidly that the labors of Senators on the committees to which claims generally go are so great that they can not do justice to all the hundreds of claims which come before them. The labor is too great, and good claims frequently go over for years and years because they can not be reached and considered.

I think if the proposition were agreed to which we had here

last year, and which has been suggested several times, to have a well-paid attorney attend the Committee on Claims, the Committee on Indian Affairs, and other committees to which these claims are presented to resist those that ought to be resisted and to keep a record of the various claims, it would be of great assistance to the committees. It is out of the question to try these cases by individual members of the committees as they come up and to do justice to all of them.

I think the Committee on Claims and the Committee on Indian Affairs, who have jurisdiction of most of these claims, are as laborious, as attentive, and as hard working as those committees have ever been in my recollection, but the amount of work has grown so enormously that they do need assistance; and I hope that the Senate will come to the conclusion to give it, if not at this session of Congress, in the near future.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

The PRESIDENT pro tempore. The bill (S. 4074) for the relief of Thierman & Frost, on the same subject, will be indefinitely postponed, if there be no objection. The Chair hears no objection, and that order is made.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 6058) granting an increase of pension to Edwin D. York; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6059) for the relief of certain enlisted men of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McCUMBER introduced a bill (S. 6060) granting an increase of pension to Charles Stermer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6061) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia; which was read twice by its title, and referred to the Committee on the Library.

Mr. MONEY introduced a bill (S. 6062) granting an increase of pension to James D. Stewart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6063) granting an increase of pension to Orson Nickerson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6064) granting an increase of pension to Rinaldo M. Griswold; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6065) granting a condemned cannon to the Union Veterans' Union; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 6066) granting a pension to Edward Straub; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6067) for the relief of Sarah A. Sutton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6068) for the relief of Richard Riggles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEARNS introduced a bill (S. 6069) granting a pension to Isaac D. Gregg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURTON introduced a bill (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route; which was read twice by its title, and referred to the Committee on Commerce.

LEROY A. LIVELY.

On motion of Mr. ELKINS, it was

Ordered, That the papers on file in the office of the Secretary of the Senate in connection with a bill (S. 2435, Fifty-sixth Congress, first session) granting a pension to Leroy A. Lively be withdrawn in accordance with clause 1, Rule XXX, of the rules of the Senate.

SUITS IN TARIFF CASES.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee on Finance:

Resolved, That the Secretary of the Treasury and the Attorney-General are, respectively, directed to inform the Senate—

1. Whether the United States Government has abandoned its petition before the Supreme Court of the United States for a writ of certiorari in the case of the United States *v.* Roessler et al. (79 Fed. Report, 813), involving the question of the time when the chief use of imported articles is to be determined.

2. Whether the United States Government has abandoned its petition before the Supreme Court of the United States for a writ of certiorari in the case of Meyer *v.* Cadwalader, involving the duty on hat trimmings under the tariff act of 1883, in which case the verdict of a jury in favor of the Government was overthrown on October 17, 1898, by the United States court of appeals for the third circuit.

3. If either of said petitions have been abandoned, that the Senate be informed why they were so abandoned, and if upon agreement with importers, that a copy of the agreement be sent to the Senate.

4. If any such agreement has been made with importers, whether or not such agreements involved refunds of duty on piece goods, such as velvets, cotton-back satins, and similar goods not commercially known as hat trimmings.

5. Whether any refunds since 1897 have been made or agreed to be made by the Treasury Department on such piece goods as are the subject of litigation in the suit of Meyer *v.* Cadwalader.

6. State the amount of money refunded by the Treasury Department for piece and other goods claimed to be hat trimmings since March 4, 1877.

7. Whether any, and, if any, what amounts of money have been refunded or agreed to be refunded upon such piece goods except in accordance with the verdict of a jury and judgment against the Government thereon, and whether any judgments have been entered against the Government by consent in such cases, and if so, a full statement of such judgments.

8. Whether the question of fact involved in the case of Meyer *v.* Cadwalader—namely, whether piece goods, such as velvets, cotton-back satins, and similar goods not commercially known as hat trimmings are nevertheless hat trimmings under section 448, Schedule N, of the tariff act of 1890—has ever been decided by a jury other than favorably to the Government.

9. Whether any refunds have been made or agreed to be made by the Treasury Department involving four so-called Fleitman suits, Nos. 11402, 12184, 12545, and 16289, in payment of which a Treasury draft for an amount of about $196,000 was issued, but the payment of which was suspended on the order of President Harrison.

ADDITIONAL CLERK TO COMMITTEE ON EDUCATION AND LABOR.

Mr. McCOMAS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided for by law.

HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. McCOMAS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Education and Labor be given leave to print hearings before that committee.

CIRCUIT COURT OF APPEALS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year; which were on page 1, line 10, to strike out "June" and insert "May," and to amend the title so as to read: "A bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year."

Mr. CLAPP. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

GEORGE A. ORR.

The PRESIDENT pro tempore laid before the Senate the bill (S. 19) for the relief of George A. Orr, returned by the House of Representatives to the Senate in compliance with its request.

Mr. WARREN. I move that the bill be indefinitely postponed.

The motion was agreed to.

H. B. MATTEOSIAN.

The PRESIDENT pro tempore laid before the Senate the bill (S. 567) for the relief of H. B. Matteosian, returned by the House of Representatives to the Senate in compliance with its request.

Mr. WARREN. I move that that bill be indefinitely postponed.

The motion was agreed to.

ALBERT C. BROWN.

The PRESIDENT pro tempore laid before the Senate the bill (S. 1920) for the relief of Albert C. Brown, returned by the House of Representatives to the Senate in compliance with its request.

Mr. WARREN. I move that that bill be indefinitely postponed.

The motion was agreed to.

ISSUANCE OF DUPLICATE CHECK.

Mr. PLATT of New York. I move that the Senate proceed to the consideration of the bill (S. 679) directing the issue of a check

in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out the preamble and all of the bill after the enacting clause, and in lieu thereof to insert:

That Capt. E. O. Fechét, disbursing officer United States Signal Corps, be, and he is hereby, authorized and instructed to issue to the Bishop Gutta Percha Company a duplicate of an original check issued by said E. O. Fechét on the 29th day of September, 1900, No. 35821, upon the assistant treasurer of the United States at New York, in favor of the said Bishop Gutta Percha Company, for the sum of $2,793, which check is alleged to have been lost in transmission through the clearing house before reaching the said assistant treasurer of the United States at New York: *Provided*, That said duplicate check shall be issued under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks, under the provisions of section 3646 of the Revised Statutes of the United States, including an adequate bond of indemnity.

Mr. GALLINGER. It is a small matter, but I notice the amendment reported by the committee says "instructed." The usual word is "directed," and I suggest that amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 12, after the words "authorized and," it is proposed to strike out "instructed" and insert "directed;" so as to read:

That Capt. E. O. Fechét, disbursing officer United States Signal Corps, be, and he is hereby, authorized and directed to issue to the Bishop Gutta Percha Company, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

KATHARINE RAINS PAUL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

A bill (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

A bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland; and

A bill (H. R. 14051) granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama.

STATEMENTS BY FILIPINOS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on the Philippines:

To the Senate of the United States:

In response to the resolution of the Senate of the 27th ultimo, as follows:

"*Resolved*, That the President be requested, if not, in his opinion, incompatible with the public interest, to inform the Senate whether there be any law or regulation in force in the Philippine Islands which will prevent any native of those islands who may so desire, not under arrest and against whom no charge of any offense against the United States is pending, from coming to the United States and stating his views or desires as to the interest of his people to the President or either House of Congress."

I transmit herewith a report of the Secretary of War, dated May 29, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 4, 1902.*

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

The motion was agreed to.

Mr. STEWART. Will the Senator from Wyoming allow me to make a request?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. WARREN. I yield to the Senator.

AGREEMENTS WITH CHOCTAWS AND CHICKASAWS.

Mr. STEWART. There are two important treaties on the Calendar with the Choctaws and the Chickasaws. The Interior Department is very anxious that those treaties shall be acted upon at an early date, and I ask unanimous consent that when the Military Academy appropriation bill shall have been completed they may be taken up and considered.

The PRESIDENT pro tempore. The unfinished business will then take its place.

Mr. STEWART. I know that will take precedence whenever the time for its consideration comes.

The PRESIDENT pro tempore. The Chair suggests to the Senator from Nevada that he withhold his request until the pending bill is disposed of.

Mr. STEWART. Very well.

Mr. STEWART subsequently said: I desire to give notice that to-morrow morning, immediately after the morning business, I I will call up the Indian treaties.

Mr. MONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. WARREN. I yield to the Senator from Mississippi, who, I understand, only wishes to occupy a few moments.

MONROE DOCTRINE.

Mr. MONEY. The senior Senator from Louisiana [Mr. MCENERY] has just handed me a copy of the New Orleans Picayune of the 1st of June, which contains some extracts from a speech delivered in this Chamber by the senior Senator from Massachusetts [Mr. HOAR]. I did not have the pleasure of hearing that speech or of having read it, but I have heard it very highly praised by those who assented to it and those who dissented from it. Its scholarship and its eloquence have been praised all over the Union.

The senior Senator from Massachusetts is a great authority upon all historical matters, and not only an authority, but he is a great stickler for the truth of history, and it is on that account particularly that I myself, being interested in the truth of history, beg the indulgence of the Senate for a few moments to call attention to one paragraph which I wish to briefly animadvert upon. In the course of his remarks the Senator from Massachusetts said:

John Quincy Adams, as everybody knows, was the father of what we call the Monroe doctrine. He secured its adoption through the weight of his great influence by a hesitating President and a reluctant Cabinet. It is not so well known that he placed the Monroe doctrine solely upon the doctrine that just governments must rest upon the consent of the governed. That he declared to be its only foundation, and that, so founded, it rested upon the eternal principle of righteousness and justice.

Mr. President, without having had an opportunity to consult any work, but quoting simply from recollection, I will say that Thomas Jefferson long before that time, a quarter of a century before, had announced what was afterwards called the Monroe doctrine, which was subsequently announced in the message of Mr. Monroe in 1821, December 23. So that doctrine does not owe its paternity to John Quincy Adams, but it was the result of a conference between George Canning, the British premier, and Dr. Rush, our envoy near the Court of St. James.

The occasion which caused that conference was the fact that what was known as the Holy Alliance, having completed the work of subduing in Piedmont and in Spain those who had revolted against monarchical rule, and having declared that no reform in government could come except through those who reigned by divine right, then announced their intention to send fleets and armies to the New World and to reduce the revolting Spanish colonies to subjection. In that emergency Mr. Canning, who feared for the British trade in South America or a trade which he desired to create there, for really none existed, called upon the American minister and laid before him these plans of the Holy Alliance. The King of England, or the Regent. I believe it was then, had no one present at the conferences of the Holy Alliance to represent him in person, for the reason that the British King can do nothing and can act only through a responsible ministry, but he did send a person there to represent him in the capacity of looker-on and reporter.

When Mr. Canning made this disclosure to Dr. Rush he was also requested to transmit the news to Monroe and his Cabinet and to recommend that America protest against such an invasion of the Western Hemisphere for the purpose, on the part of the Holy Alliance, of reducing the free republics of Spanish America to the yoke of Ferdinand the Seventh.

Rush's dispatch was received and the "doctrine" embodied in a message to Congress and sent to Mr. Jefferson for his criticism and approval. Jefferson kept the paper six weeks, gave it his

cordial approval, and transmitted it, without leave of anybody, so far as I know, to Mr. Madison, who, after a short while, returned it with his approval.

In the meanwhile, however, before the date of declaration of the so-called Monroe doctrine, Mr. George Canning found it necessary to check the active energies of the Holy Alliance that were being exerted in preparation for the conquest which they had designed by informing the French ambassador near the Court of St. James that the moment such an expedition was set on foot or such an attempt was avowed openly, Great Britain would acknowledge the independence of the South American Republics and would interfere in behalf of her own trade, and that action stopped any further purpose on the part of the Holy Alliance to invade Spanish America.

In the meantime, however, this declaration of what is called the Monroe doctrine remained with the Cabinet. It was not the work of Mr. John Quincy Adams in any sense whatever, except the latter part of it. The Monroe doctrine, as the Senate well knows, is divided into two sections. One declares that any European power, in concert with the Holy Alliance, in an attempt to extend its influence over or to put under its subjection any portion of American territory would be considered as acting in an unfriendly way toward the United States; which meant, of course, that there would be armed intervention to prevent its purpose being effected.

Now, the latter part of it was a declaration that there was now no part in all the country of the Western Hemisphere subject to colonization by any European power. That part was written by John Quincy Adams and was not submitted to the Cabinet until it was called upon to decide the whole question. Mr. Monroe had never been reluctant as to the first part nor had his Cabinet been reluctant or hesitating. They had been awaiting the transmission of the paper to Mr. Jefferson and its return. But upon the second part, upon which they had no information whatever and which they had never discussed, they did hesitate. They hesitated so much that it passed without their affirmative support. Mr. Calhoun, who had been Secretary of War, twice declared in this Chamber in the debate upon the question of the military occupation of Yucatan and in the case of the Oregon question that the second part, concerning colonization, was the work of Mr. Adams and was not fully considered. It was written by Mr. Adams without consultation with any member of the Cabinet.

There were at that time only two nations in Europe attempting in any way to colonize any part of the Western Hemisphere, and they were Great Britain and Russia. At that time Russia extended her pretensions down to Monterey, Cal., and had forts along the Pacific coast down that far. Great Britain was claiming sovereignty to certain parts of the country now known as British Columbia and the State of Washington. We had occupied Oregon, and our right was admitted. There was a modus vivendi subsisting between the Government of Great Britain and the United States Government for a mutual occupation for purposes of trade, no post to be made or occupied by the troops until settlement should be made by diplomatic negotiations.

From the dispute as to the line arose the slogan of "fifty-four-forty or fight," of which President Polk was the author, and from which he very gracefully receded, because we did not fight and we did not get fifty-four-forty.

The negotiation delimited the frontier as it now stands on the mainland, but left to another negotiation as to the true channel, and the Strait of Juan de Fuca was determined upon as the main channel of the sound, to our loss of Vancouver.

Those were the only two nations making any attempt to colonize America at any point, and they very promptly declared to the American Government that they would not pay the slightest attention to that part of the celebrated message of Mr. Monroe, and they did not. It has been a dead letter from the time it was passed in the Cabinet until to-day. It has had no effect whatever.

Now, as to the Monroe doctrine itself, which has been so much misunderstood or misrepresented, it did not attempt to say that the United States would resist by its force any attempt made by any foreign nation whatever, whether republic, monarchy, or empire, to establish a sphere of influence or to seize upon land or to upset the government of any Spanish-American State: That was the significance placed upon that instrument by South American States.

So the Pan-American Congress was called by a number of the leading States of the South, especially Mexico and Colombia. It met at its first session at Panama. We were invited to send representatives. A man named Anderson was appointed from Kentucky, and a man from New Jersey was appointed, whose name I have forgotten for the moment. Those two men received certain instructions from the Secretary of State, Mr. Henry Clay, John Quincy Adams, the author of this instrument, as it is claimed, then being President of the United States. One of the representatives died in a very short while, and the other never went to Panama at all, which occasioned the failure of the second congress to meet at the City of Mexico, because of the non-attendance of the representatives of the United States.

The instruction was that each one of the Southern States of America was advised to give a similar expression as to their view of the invasion of this continent by any foreign power; and it also stated specifically that the South American States were not to understand that the United States Government had in any way pledged itself to protect them from any invasion whatever. Those are the cold facts of history about this matter. The part that Mr. Adams played was to put in the declaration, without consultation with the Cabinet until brought up for consideration, that part of the Monroe doctrine which absolutely fell dead by the protests of the two nations at that moment concerned. Russia afterwards withdrew her pretensions to the southern part of her chain of forts.

The modus vivendi was acted upon until our commissioners could negotiate with those of Great Britain, and the delimitation of the frontier between the two countries was made, and it has subsisted until this day. But the first part of the Monroe doctrine, warning the sovereigns of Europe against interfering in American affairs, was originally the idea of Thomas Jefferson, and the cause of the declaration at that time was the communication of George Canning to Dr. Rush of the intention of the Holy Alliance. This is the story as I recollect it, and if I am wrong about it, any man can take the time to consult the authorities and correct me, and I shall be very glad to be corrected.

Mr. WARREN. I ask that we may now proceed with the Military Academy appropriation bill.

Mr. BATE. Will the Senator from Wyoming allow me to say a word upon the matter which has just been discussed?

Mr. WARREN. I wish to be entirely courteous, but there are only a few moments remaining until 2 o'clock. However, I yield to the Senator.

Mr. BATE. Mr. President, I was very much interested in the statement of the Senator from Mississippi [Mr. MONEY] who has just taken his seat in regard to the history of the Monroe doctrine, and his presentation of it is the view I have had of it; but I wish to say one word additional. When the Senator from Mississippi says the Monroe doctrine has been a "dead letter" I think he is mistaken. He overlooks at least one important historic instance in modern history which occurs to my mind in this connection. After or about the time of the close of the civil war, it will be remembered as part of history, when Maximilian had invaded Mexico and, after a severe battle, he was captured, tried, and condemned to be executed, an appeal was made by the very highest authorities to the Government of the United States to intercede in behalf of Maximilian and save his life. The petition was referred to the Secretary of State, Mr. Seward. The Secretary of State, Mr. Seward, declined to interfere, and Maximilian was shot to death while a prisoner of war. It was a part of the current history of that time that Mr. Seward gave as the reason for not responding favorably to this call of mercy that Maximilian's course was in flagrant violation of the Monroe doctrine and he could not afford to do it, and declined it on the high grounds that it would be a bad precedent and weaken the force and sanctity of the Monroe doctrine. So Maximilian was executed, when a word from the Secretary might possibly have saved him.

Mr. MONEY. I should like to have one moment more, if the Senator from Wyoming will yield to me. It is merely to correct a statement.

Mr. WARREN. I desire to be entirely courteous, but I do not like to have a moot question taken up at the expense of a living question. It is only thirty minutes until the canal bill will be taken up.

Mr. MONEY. I desire only one moment, to set right my friend the Senator from Tennessee. The Senator from Wyoming is perfectly aware that I could occupy the time on his bill, but I do not care to do that.

Mr. WARREN. I yield to the Senator from Mississippi.

Mr. MONEY. Mr. President, the Senator from Tennessee is mistaken in saying that I said the Monroe doctrine was a dead letter. I said that part of it was a dead letter which is peculiarly the acknowledged work of John Quincy Adams.

Mr. BATE. I stand corrected.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. WARREN. I ask unanimous consent that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, after line 18, to insert:

Provided further, That hereafter the actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies: *And provided further*, That the number of cadets authorized to be appointed by the President from the United States at large shall be 10 per annum, but the total number of cadets at large at the Military Academy at any one time shall not exceed 40.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "engineering," to insert "military;" so as to make the clause read:

For pay of five senior instructors of cavalry, artillery, and infantry tactics, ordnance and gunnery, and practical military engineering (captains), in addition to pay as first lieutenants, not mounted, $2,500.

The amendment was agreed to.

The next amendment was, on page 10, line 5, after the word "day," to insert "$469.50;" so as to make the clause read:

For extra pay of three enlisted men as clerks in the office of the quartermaster, United States Military Academy, at 50 cents each per day, $469.50.

The amendment was agreed to.

The next amendment was, on page 22, in lines 3, 4, and 5, and in lines 10 and 11, to strike out the quotation marks where they occur.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 24, line 12, after the word "machines," to insert "athletic supplies;" so as to make the clause read:

Gymnasium and athletic supplies: For repairs, new machines, athletic supplies, and fixtures for gymnasium, $1,500.

The amendment was agreed to.

The next amendment was, on page 25, line 9, before the word "suitable," to strike out "Welsbach burner or other;" so as to make the clause read:

For purchase of suitable incandescent lights, droplights, tubing, mantles, etc., $20.

The amendment was agreed to.

The next amendment was, on page 26, line 10, under the subhead "For waterworks," after the word "gauges," to strike out "(at Round Pond and Delafield Pond);" so as to read:

For gauges and for stairs for access to same, and all other necessary work of maintenance and repairs, etc.

The amendment was agreed to.

The next amendment was, on page 26, in lines 16 and 17, to strike out the parentheses.

The amendment was agreed to.

The next amendment was, on page 27, line 14, before the word "suitable," to strike out "Welsbach burners or other;" so as to make the clause read:

For purchase of suitable incandescent lights, droplights, mantles, tubes, etc., $40.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "therewith," to insert "and to provide for an increased water supply at a cost not to exceed $100,000;" on page 30, line 2, after the word "supply," to insert "to install a heating and lighting plant," and in line 8, before the word "million," to strike out "five" and insert "six;" so as to read:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, and to provide for an increased water supply at a cost not to exceed $100,000, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, $2,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply; to install a heating and lighting plant, and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than $6,500,000, including the sum herein appropriated.

The amendment was agreed to.

The next amendment was, on page 30, line 16, after the word "further," to strike out:

That no money shall be expended or obligation incurred for supervising architects after the plans for improvements above provided for have been approved by the Secretary of War.

And to insert:

That the Secretary of War is hereby authorized to employ, in his discretion, a consulting architect, during the preparation of plans and the construction of buildings, at a compensation not exceeding $5,000 per annum: *And provided further*, That the Secretary of War be, and he hereby is, authorized, in his discretion, to purchase for the use of the United States all that tract of land lying east of the easterly bank of the Hudson River and west of the westerly line or side of the New York Central and Hudson River Railroad Company land, situate in the State of New York, formerly known as East Point and now commonly known as Constitution Island, lying opposite to the West Point Military Reservation, at and for such sum as he may deem reasonable, and the said sum so agreed upon is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of said land: *Provided*, That no part of said sum shall be expended for said tract of land until a valid title to said land shall be vested in the United States free from all incumbrances nor until the State of New York shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BATE. Has the Senator from Wyoming any amendments to offer?

Mr. WARREN. The amendments of the committee have been completed.

Mr. BATE. Some were passed over without objection. If they are to be considered now, all right.

Mr. WARREN. I understand that all the amendments have been agreed to.

Mr. BATE. The main amendment was acted upon?

Mr. WARREN. Yes.

Mr. BATE addressed the Senate. After having spoken five minutes,

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Tennessee will kindly suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MORGAN. Mr. President——

Mr. WARREN. I ask the Senator from Alabama if it would be agreeable to him to lay aside the regular business for a few moments until we finish the pending measure.

Mr. MORGAN. How long does the Senator from Wyoming think it would require?

Mr. WARREN. Not many minutes, I think.

Mr. BATE. We are going to have a yea-and-nay vote on it.

Mr. WARREN. That will not take long.

Mr. BATE. I think it will. Still, I will not object.

Mr. MORGAN. Is the Senator from Tennessee going to ask for a yea-and-nay vote?

Mr. BATE. Yes.

Mr. WARREN. I suggest that we proceed with the appropriation bill, and we will not trespass upon the good nature of the Senator from Alabama. If it becomes tiresome at any time he can, of course, demand the regular order.

Mr. MORGAN. The Senator sees the condition of the Senate now. I do not want to disturb the repose of anybody so far as I am concerned. It would be, I suppose, quite convenient to take up the Military Academy bill to-morrow, as it will have the right of way at any time.

The PRESIDING OFFICER. Does the Senator from Wyoming make a request that the unfinished business be informally laid aside?

Mr. WARREN. Of course, I would very much prefer to go on with it, as other matters are pressing, but I will not insist against the wish of the Senator from Tennessee.

Mr. BATE. It is immaterial to me whether the bill goes over or not. I will have the floor in the morning, I suppose, when the bill is taken up.

Mr. President, I do not agree with the action of the majority of our Committee on Military Affairs, of which I am a member, touching the appropriation of $6,500,000 for the enlargement and improvement of buildings at West Point. This bill came from the House pretty much as it was reported to the Senate, with some increases, and especially an increase on our part of $1,000,000 in that appropriation.

I suppose, Mr. President, there has not been in the history of the Senate any such proposition as is made here now, so bold and so remarkable, that there should be appropriated by the Government of the United States six and one-half million dollars for the purpose of enlarging the plant at the National Military Academy. Such a proposition is unheard of, so far as I know. That Academy has been kept up and taken care of heretofore annually by comparatively small amounts, varying from some $400,000 up to $772,000. I beg to read what it has cost the Government for the last ten years. The figures are taken from the record.

In 1893 the expense of that Academy was $428,917.30; in 1894 it was $432,556.12; in 1895 it was $406,585.08, less than the two preceding years $25,000; in 1896 it was $464,261.66, an increase there, you see, a little; in 1897 it was $449,525.61; in 1898, when the Spanish war began, it will be remembered, it was $479,572.83; in 1899 it was $458,689.23; in 1900 it was $575,774.47; in 1901, last

year, it was $674,306.67; and this year, 1902, up to the last of this month the amount will be $772,653.68 for the ensuing fiscal year.

There has been, Mr. President, an annual increase of a very small amount comparatively in the expenditures of this institution, and the appropriations have conformed to it. I do not know that there has been in any one of those years a deficiency of appropriation for conducting properly the Academy and for keeping in good condition its houses, grounds, and all appurtenances of whatever kind.

Now, however, it seems, for some reason not satisfactory to all of us, we are to have a change in West Point, and with that view the House passed this bill and sent it here in practically its present shape. The bill, with the amendments made on the part of the Senate, increases the amount which has been heretofore given annually for this institution. Many of the various items of expenditure are increased. They have been gone over with great particularity in the Senate committee as well as the House committee, and all the items of expenses that are necessary have been amply provided for; and to that I make no objection. I do not object to a liberal appropriation to this Academy for everything that is necessary for the comfort and convenience of professor and cadet and for every facility to educational advancement or for its improvement and enlargement in an economical and practical manner.

But, Mr. President, I enter my protest against the item appropriating six and one-half million dollars for the purpose of building up this institution to a much greater extent than is needed.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MORGAN. Mr. President, I will ask for the reading of the bill and also of the substitute that has been brought in by the minority of the committee.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea, near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Brito; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal, and such provisions for defense, as may be necessary for the safety and protection of said canal and harbors.

SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors, and in the constructing of the same may employ such persons as he may deem necessary.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is, further, hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, defense, and completion of said canal, harbors, and defenses, to be paid for as appropriations may from time to time be hereafter made, on warrants to be drawn by the President of the United States, not to exceed in the aggregate $180,000,000.

The PRESIDING OFFICER. The proposed substitute will now be read.

Mr. MORGAN. I ask for the reading also of the substitute submitted by the minority of the committee.

The PRESIDING OFFICER. The Chair has directed that that be read.

Mr. MORGAN. It is the understanding that it is now offered.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding $40,000,000, the rights, concessions, grants of land, right of way, unfinished work, plants, and all maps, plans, drawings, records, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama and in Paris, including 68,482 shares of the Panama Railroad Company, owned by said canal company, provided a satisfactory title to said property can be obtained.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, control in perpetuity of a strip of land, the territory of the Republic of Colombia, 10 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

And such sum of money as may be necessary to carry out the provisions of this section is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrants drawn by the President.

SEC. 3. That when the President shall have obtained a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and the control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on a warrant drawn by the President.

The President shall then direct the Secretary of War to cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and the Secretary of War shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and such control of the necessary territory of the Republic of Colombia, mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States similar control of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall direct the Secretary of War to excavate and construct a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from Greytown to Brito; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal.

The President shall cause such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated.

And the Secretary of War is hereby authorized to enter into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefor may from time to time be hereafter made, not to exceed in the aggregate $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

Mr. MORGAN. Mr. President, the question in this case is upon the adoption of the amendment offered by the subcommittee as a substitute for the bill. It seems that the discussion in this case is likely to be a wide one. So I hope the issues will be so narrowed down as that there will not be a very great amount of time consumed on either side in the discussion of the measure.

Mr. President, I do not care to approach the discussion of this important measure in a cloud of volcanic smoke and ashes which the opponents of the measure outside of the Senate have brought as a funeral pall to place over its bier, and I think it proper that I should try to clear the atmosphere and to quiet the apprehensions of the minority of the committee, if I can, so that we can proceed without undue agitation to consider the merits of the bill with sober and careful solicitude for the welfare of the country.

It is true that while the minority of the committee seem to be in despair as to the fate of Nicaragua and Costa Rica, and their report shuts them out from all hope of being visited even by people of ordinary prudence, the minority of the committee have not closed forever the gateway between the oceans to the hopes of our people by prophecies of destruction by volcanoes and earthquakes; for in the same report they say: "The general points which now have been settled are these:

"First there must be a canal across the American isthmus."

Which means, of course, volcanoes and earthquakes to the contrary notwithstanding. That stalwart and patriotic edict will

be obeyed, of course, and will be accomplished. It nearly fills the measure of my hopes to the brim, for it is a canal and not a particular route for which I have tried to work "in season and out of season" for many years, and all I have asked is a fair opportunity to express my choice of routes.

The part of the report of the minority that treats of volcanoes and earthquakes is so somber and threatening in its statements as to the awful danger of such disturbances that I was dismayed when I first read it, and I wondered how the minority could so heroically declare that "First there must be a canal across the American Isthmus." On further examination I saw that the minority have found a "hole in the sky" through which they have discovered that earthquakes and volcanoes can not ever disturb Panama and that all we have to do to get a canal is to pay the Panama Canal Company $40,000,000 for the privilege of constructing a canal at that heaven-favored location, and abandon the discussion as to the choice of routes.

When the committee closed its hearings, Mount Pelee was in slumberous repose. When, on the 7th of May, it went into convulsions that would alarm the occupants of Dante's inferno, the committee could not summon some bright intelligence from the courts of heaven to inform us where the next blow would fall, and felt that it was at least respectful, if not wise, to wait to be informed through the usual channels.

The minority of the committee, it seems, have gone deeply into the inquiry and have probed the subject to the bottom through a learned but very general disquisition of Mr. Heilprin and some allèged facts and searchlight reflections of the New York Sun. These are the only two authorities the committee quote.

The committee in its reports has made no suggestion that the Panama route is unsafe and should be abandoned on account of volcanoes, although they were aware that such opinions were entertained by some scientific people. They have forborne to make such an attack on Panama because it would tend to discourage the opening of a canal in any part of the isthmian region, all of which is involved in the same possibility of danger as to the operation of a canal without temporary disturbances. The committee does not regard such a danger as being either probable or serious, and made no special investigation of the subject in their investigations.

All the bills before them propose to construct a canal on some route, and the committee was not aware that objections would be made to the construction of an isthmian canal on any proposed route because of the danger of earthquakes and volcanoes.

In the report of the minority there is a disparagement of the Nicaragua route as being unsafe on account of alleged seismic disturbances, some of recent date.

If all that is said and conjectured or surmised about volcanoes and earthquakes is to be reckoned against Nicaragua, that is a very unsafe region for a canal; and if all that is said, surmised, and established about earthquakes and volcanoes in Panama is to be reckoned against that route, it is doubly unsafe for a canal or a railroad. But there is no ground for apprehension in either case that does not apply equally to many places in the United States.

From Alaska to the Antarctic Sea along the entire coast of the Western Hemisphere and from Salvador to Tierra del Fuego—"the land of fire"—earthquakes connected with volcanoes and earthquakes not apparently connected with them have shaken the earth through all the historic and prehistoric ages.

The whole mountain system of the Western Hemisphere, extending along both coasts, has been lifted above the waters by such convulsions, and the old craters of volcanoes, that are ranged behind the great plains formed of their ashes, mark the mountains and foothill regions with the evidences of their violence.

The surface of the earth seems to be approaching final completion in its structure, through such agencies, and is getting in better control of its titanic forces.

If I were a prophet, as some Senators are assuming to be, I would prefer to be a prophet of good, instead of a prophet of evil, and to foretell that Mount Pelee and the Soufriere would expend their forces and cease to do evil; and I would point to the fact that they have not disturbed the Isthmus at Colon, which is nearer to them than they are to Cuba or to Greytown, through any sympathy with their agitation, and that the recent great and disastrous earthquake in Guatemala has not made a ripple on the surface of Lake Nicaragua.

I would cite these facts and the violent earthquakes in Mexico during last January as proofs that there is not now any apparent connection between such disturbances in Mexico, Guatemala, and the islands of West Indies, whatever connection may have existed formerly. I would also cite the following facts, collected and published by the French Meteorological Association in 1858, to show that no such connection has ever existed within historic periods.

This learned association published a list of earthquakes in the West Indies that have been examined by scientists, and they give a statement of each important convulsion, with the date of its occurence, on each day, month, and year, since 1530 down to 1858.

The number of earthquakes in these islands, at large, during this period of nearly four centuries, is 915, or more than 200 in each century, and more than 2 in each year, distributed through 25 islands of the West Indies, from Cuba to Trinidad.

Some of these convulsions, but only a small fraction of them, have been connected with volcanic disturbances. They have been independent, lateral movements in the crust of the earth.

They have extended to and along the Atlantic coast of North America, in some instances causing serious disturbances at Quebec and in Vermont and Connecticut, and dangerous and destructive convulsions at New Madrid, Mo., in 1812, and later in the islands along the coast of Mississippi, and yet more recently at Charleston, S. C., which has received several unpleasant visitations.

That there is no recorded instance of any sympathy between these 915 earthquakes and any part of Central America should quiet the fears of Panama that Mount Pelee, at Martinique, and the Soufriere, at St. Vincent Island, will cause the disasters of September 7, 1882, to be repeated there.

As to Nicaragua, it has escaped any sensible impression from the earthquake in Guatemala, or from the volcanoes of the islands of the West Indies. There has been no earthquake at Martinique, St. Vincent, or elsewhere in the West Indies during the present volcanic disturbance, and the theory is confidently asserted by scientists that the volcanoes are the fissures through which confined gases escape vertically, and are the only real protection against earthquakes, which generally move laterally and dislocate the geological strata from their bearings.

In the older formations from California to Chile, along the whole coast of the Pacific, the seismic disturbances are becoming more infrequent and less in violence. That coast, as a rule, is an older formation than the islands of the West Indies.

Under such circumstances, is our courage to collapse and are we to abandon the hope of a canal across the Isthmus, because we fear earthquakes and volcanoes?

The great bridges across the Mississippi at Memphis and St. Louis would not have been built, with the earthquake region of New Madrid between them, if our great engineers—Eads and Noble—had been as fearful as the friends of Panama are with reference to the Nicaragua Canal. They did not find a hole in the sky to reveal to them the safety of either location for a bridge.

If we are to stop our great national work until coming decades and eras are to put a quietus on the apprehended seismic disturbances, the United States had better throw up the sponge and quit talking about a canal.

If we must have a battle of earthquakes and volcanoes to determine the choice of routes, I see no escape from the necessity of making a comparison between the violence of the disturbances and their frequency with reference to both these routes, only to show that Panama is not the safest spot in isthmian America.

The latest statement as to the volcanoes in Nicaragua is found in the New York Sun newspaper of date May 30, 1902, as follows:

NEW ORLEANS, *May 28.*

Passengers arriving from Guatemala brought this account of the Nicaragua earthquake and the activity of the Nicaragua volcanoes of Momotombo and Asososca, taken from local newspapers:

A terrific earthquake shock passed over the port of Momotombo, carrying away the Government wharf and dumping into the lake great quantities of coffee, in sacks, and machinery. The bottom seemed to have dropped out of Lake Managua all at once, and the wharf sank down to the bottom. No soundings were taken immediately after the occurrence, and it is not definitely known what changes took place. The Government of Nicaragua has placed the matter in the hands of an engineer for investigation.

On the following night a severe shock passed over the rich old city of Leon and Chinandego, doing some damage to the big buildings. The motion of the earth started all the bells in the city to ringing, which frightened the population to such an extent that they spent hours in the open air.

A passenger on the boat which runs on Lake Managua tells of a terrific volcanic eruption which occurred at the very moment of the earthquake. The steamer was not far from the volcano of Momotombo when, just about noon, a great column of smoke and a great shaft of fire was seen to shoot upward, and a deep, rumbling noise like distant thunder passed over the lake.

From that time on the old volcano, which has never been quiet, continued to shoot columns of smoke miles into the air and to pour a liquid over the side of the mountain. The eruption and earthquake occurred almost at the exact moment.

Reports from Chinandego tell of a party of natives who came into the city from the neighborhood of Asososca volcano. They tell of great flows of red-hot lava which have been running down the sides of the volcano since March 24. This mountain has shown more activity than any of the others. There are few persons living near its base, and there is little danger of a heavy loss of life. Up to the last advices received the volcano was still shooting up its shafts of fire, columns of smoke, and running over with melted lava.

On May 8 and 9 a severe shock of earthquake was felt in the city of Guatemala, but no extensive damage was done.

This is the only proof presented by the minority of the committee as to recent volcanic activity in Nicaragua.

They omitted to add the following additional editorial statement of the New York Sun of the 30th of May, 1892:

DANGER TO THE PANAMA CANAL FROM NICARAGUAN VOLCANOES.

The Hon. JOHN T. MORGAN'S personal guaranty of the benign character and future good behavior of the Nicaragua volcanoes is not worth much

from a business point of view. If on the strength of his insistent advice the United States Government should invest $200,000,000 or more in the neighborhood of Coseguina, Momotombo, Omotepe, and the rest of them, and calamity to the canal should occur, it would be no great satisfaction to remember that Senator MORGAN had personally certified to the safety of this route.

Central American newspapers just received at this office are full of recent doings of these objects of Mr. MORGAN's sublime, if unreasoning, faith. La Democracia, of Managua, and El Iris de la Tarde, of Granada, confirm the accounts which we have received by way of New Orleans as to the destruction wrought by the eruption of Momotombo and the accompanying earthquake, the widespread consternation throughout that region, and the spectacular performance of the volcano which dominates the lake of Managua, a body of water directly linked with Lake Nicaragua itself. The neighboring volcano of Asososca is also reported as having been in continuous eruption since March 24, ejecting torrents of red-hot lava.

These manifestations of fiery activity in the Nicaraguan cordillera occur at a time very inconvenient to Senator MORGAN, and very inopportune for those newspapers which have been either solemnly assuring their readers that all these volcanoes were extinct, or making the question of danger from their outbursts the subject of more or less intelligent jocosity.

As the New York paper had manufactured that statement relating to myself in its editorial comments, for which there is no foundation in the truth, so far as my action is concerned, I felt called upon to get from the diplomatic authorities of Nicaragua a statement as to the truth of what the New York Sun had published, which has been adopted by the minority of the committee as the foundation of its anxious fears for the fate of Nicaragua and its calm confidence in the everlasting tranquillity of Panama.

The Nicaraguan minister, at my request, sent a dispatch by cable to President Zalaya, which, with the answer to it, is as follows:

LEGACION DE NICARAGUA,
Washington, D. C., June 3, 1902.

Hon. JOHN T. MORGAN.

DEAR SENATOR MORGAN: On receipt of your letter of June 1, inclosing an editorial from the New York Sun of May 30, alleging recent volcanic eruptions in Nicaragua, I sent the following cablegram to President Zelaya:

"It is urgent for me to answer officially as to the truth of published assertions that volcanoes of Nicaragua have recently been in eruption."

President Zelaya answered me as follows:

"The news published about recent eruptions of volcanoes and earthquakes in Nicaragua entirely false."

It stands to reason also that any seismic disturbances or eruptions of the kind alleged in the editorial would not be published exclusively in one or two papers, but would be discussed by the press at large. You will remember how quickly the Associated Press gave us the news of the earthquakes of Guatemala and Panama, and as quickly would that association have given us the details of troubles in Nicaragua, if any had existed, and we would not have had to wait reports via New Orleans. I may add also that Nicaragua has not had any volcanic eruption since 1835, and at that time Cosiguina discharged smoke and ashes, but no lava. No one was killed or injured and no property was destroyed by that occurrence.

You will observe on the map that all of the volcanoes of Nicaragua are confined to the Pacific coast, the nearest to the line of the canal being the Momotombo, about 100 miles distant. And in the Pacific coast you well know that the canal line is only 17 miles in length from the lake to the ocean. In the lake, as in the sea, there is nothing to be feared, and not a single volcano exists on the Atlantic side. Neither is there danger from earthquakes on this side, owing to the geological condition of the land here.

With great respect, sincerely yours,

LUIS F. COREA.

In further support of the statement of Mr. Corea and President Zelaya I will read the following communication from Mr. Merry, our minister to Salvador, Nicaragua, and Costa Rica, who was resident at San Juan for five years, and for thirty years has been intimately acquainted with all public events and conditions in Nicaragua. For many years he was consul of Nicaragua at San Francisco:

DEPARTMENT OF STATE, *Washington, May 29, 1902.*

The Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals,
United States Senate.

SIR: I have the honor to inclose herewith for your information a copy of a dispatch from the United States minister at San José, Costa Rica, reporting the exemption of the Nicaragua Canal route and Costa Rica from seismic disturbances during the past two months, while earthquakes are reported at and in the vicinity of the Isthmus of Panama.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

This is the dispatch:

LEGATION OF THE UNITED STATES OF AMERICA,
San José, Costa Rica, May 17, 1902.

The Hon. JOHN HAY,
Secretary of State, Washington.

SIR: It may interest the Department of State, in connection with the location of the interoceanic canal, to know that during the very serious seismic disturbances that have occurred on the west coast of the American continent and in the West India Islands the line of the proposed Nicaragua Canal and its vicinity has been exempt from this phenomena.

From Guatemala southerly the violence of the seismic disturbances gradually decreased in intensity, slight shocks being experienced at Managua, while Granada, Rivas, and the entire Nicaragua Canal line were exempt. In Costa Rica there have been no seismic disturbances since the catastrophe at Quezaltenango, Guatemala, and for some time previous.

At Panama, and on what is called the "Spanish Main," earthquakes have recently been frequent and in some locations severe, culminating at the Southern Windward West India Islands.

It is proper to mention this exemption of the Nicaragua Canal line from earthquakes, which have recently been experienced on and near the line of the proposed Panama Canal, for the reason that with the French and Franco-American proponents of the Panama route the earthquake argument has been reiterated against the Nicaragua Canal line with a persistency that is "childlike and bland," claiming that earthquakes are unknown at Panama and very prevalent on the Nicaragua Canal route. Certainly there exists a possibility of earthquakes yet to come in southern Nicaragua and Costa Rica, but thus far the late seismic disturbance has certainly not been experienced on the Nicaragua Canal routes or in this Republic, while it has attacked the route of the proposed Panama Canal with a severity that is possibly not permitted publication in Panama papers.

With assurances of my highest consideration, I remain, your most obedient servant,

WILLIAM LAWRENCE MERRY,
United States Minister.

Only this morning I received the following letter from Mr. Merry:

LEGATION OF THE UNITED STATES OF AMERICA,
San Jose, Costa Rica, May 24, 1902.

Hon. JOHN T. MORGAN,
United States Senator, Washington.

MY DEAR SIR: You are well aware that the French, Franco-American, and railroad proponents of the Panama Canal project have been loud in denouncing the Nicaragua Canal route as subject to imminent danger from seismic disturbance. As if nature desires to give the lie to their interested pretensions, the southern part of Nicaragua and Costa Rica have been free from earthquakes during the recent shocks experienced north and south of the canal location. The severity of the seismic disturbances in Guatemala decreased southerly, and only a light shock was felt at Managua, while Rivas and Granada were exempt, as well as the entire line of the canal and also this Republic.

Panama and vicinity experienced severe shocks, probably more severe than the newspapers of Panama, well under control, dared or cared to state, and earthquakes have been lately frequent in that part of South America formerly called "The Spanish Main," culminating in the dreadful catastrophe at Martinique. We may yet experience earthquake shocks here; but it is true that the Nicaragua Canal line and Costa Rica have been lately exempt from them, while the Panama Isthmus has not. The earthquake question as applicable to the canal is, in my judgment, of no practical consequence, as no structure can be safer than one just below the surface of the ground (comparatively), and there will be a very limited danger in this connection at either location. Should a violent shock occur at the Bohio Dam, starting the water through it, the Panama Canal would be destroyed.

Should a shock equally severe attack and destroy the Conchuda Dam on the San Juan River, the dam might be destroyed, but the damage to the canal would be the cost of another dam. But only the enemies of any canal use the earthquake argument, and I only allude to the present exemption of the most practicable route to contradict the assertions made by interested parties.

Hoping that this will find you in good health, and with assurances of my sincere esteem, I beg to remain, my dear Senator,

Your friend and obedient servant,

WILLIAM LAWRENCE MERRY.

I will also add the following extracts from the statements of witnesses before the committee on the hearings:

Statement of Chester A. Donaldson, United States consul at Managua, Nicaragua.

Q. Are there volcanoes in the lake?

A. Yes; there is one volcano in Lake Nicaragua, rising out of the lake, Ometepe.

Q. About what is the height of that volcano?

A. I believe it is put down at nearly 6,000 feet.

Q. About what is its measurements across the base?

A. That I do not know. I should say it is about 10 miles through.

Q. Do people reside around the base of the volcano?

A. Yes.

Q. Is there a village there?

A. Yes; there is a village of about 1,000 inhabitants, who are mostly Indians. Some of them are agriculturists.

Q. Is the island fertile?

A. Yes; it is very fertile. They raise coffee, bananas, plantains, sugar cane, cacao, and cattle. I think that is about all they raise.

Q. So that the village there is a permanent agricultural settlement?

A. Yes. Everybody living in the village has a little piece of land outside. The Nicaraguans always live in that way. They do not live on their farms as our farmers do. They live almost entirely in the cities and villages, and they ride out and see their farms probably 20, 25, or 30 miles.

Q. Do tenants live on their farms?

A. They always have some workmen—Indians—living on their farms.

Q. Is this Ometepe volcano in action? Is it alive?

A. It has the appearance of being in action, as there is always smoke or steam rising from it.

Q. Is it smoke, or is it a cloud?

A. It is very difficult to tell. I have never seen what I would be sure was smoke coming out, although it does occasionally issue smoke.

Q. What is the tradition or reputation there as to how long it has been since the volcano was in action?

A. I never heard of its being in action at any time. It rises to a perfect cone. Most volcanoes that have ever been active have blown off one side, but there is nothing of that kind there. It is perhaps the most perfect volcano in the world, rising right to a perfect cone.

Q. There is another volcano, Mombacho, near Grenada, right on the shore of the lake?

A. That is also a live volcano in the same way as Ometepe. It is not extinct. The smoke does show, but it is almost always cloudy, so that you can not see anything. Occasionally the clouds break away, and then it appears as if there is a little light smoke or steam rising from the top. Mombacho was in action about twenty years ago, before I went there, and it frightened the people there very much. They have some earthquakes.

Q. I suppose you have experienced earthquakes since you have been living in Nicaragua?

A. Yes. The biggest earthquake they have ever had in Managua was since I have been there.

Q. Did that earthquake seem to produce an impression on the volume of water in the lake?

A. Not at all.

Q. Did it produce any real disturbance on the lake?

A. Not at all. My wife was sitting, chatting with a friend, looking at the steamer as it drew away from the dock. The steamer had gone about half a mile away from the dock when the earthquake occurred, and my wife said it looked as if the steamer stopped. When the earthquake began, the lake was slightly wavy, rough; but immediately after the earthquake it was very noticeable that the lake was perfectly calm. The earthquake seemed to have had a neutralizing effect upon it.

Q. What year was that?

A. On the 20th of April, 1898. That was the hardest earthquake recorded in Nicaragua for a century.

This is the statement of Mr. Lyman E. Cooley:

The CHAIRMAN. You have spoken of Ometepe, one of the volcanoes on the island of that name.

Mr. COOLEY. There is one, Mosaya; another, Mambaco, and also Monotombo, and many old cones.

The CHAIRMAN. They are grouped together in the lake?

Mr. COOLEY. West of the lake there is another on Omotepe Island, called Madera.

The CHAIRMAN. Is there any sign of recent volcanic disturbances in those uplifts?

Mr. COOLEY. I looked particularly for that. There are discoverable cracks in the adobe buildings, due to earthquakes, which I found at Rivas. I could not discover around Lake Nicaragua any evidences that there had been any warping of the earth which has changed the present level of Lake Nicaragua or its shores since it was formed. I do not think there has been. I feel safe in this statement, that since the formation of Lake Nicaragua there has not been a disturbance on that route equal to the New Madrid earthquake of 1811 (December 16) in northeastern Arkansas and southeastern Missouri.

I was in that country when I was on the Mississippi River surveys in 1878–79, and there still exists sunken lands and lakes and changed rivers that were produced by that earthquake, that everybody recognized as having been so produced. There has not been a disturbance in historic times in Nicaragua that has produced phenomena as radical as that in character, and probably not since the lake was established at the present level. It has been stated, and I think probably it is true, that there have been no earthquakes in that country in the historic period as severe as the Charleston earthquake.

I suppose the Senate knows Mr. Lyman E. Cooley. A great many of the Northwestern Senators certainly know the man who constructed the Chicago drainage canal.

This is the statement of S. W. Plume. Plume was trackmaster on the Panama Railroad for six years:

The CHAIRMAN. Did the Panama Canal Company have good shelter for its hands and good hospitals?

Mr. PLUME. Yes; there is no finer hospital on the globe than the one they have at Panama. It is on the side of the Ancon Mountain, which used to be a volcano several centuries ago, and the lava from the volcano went across Panama and out into the bay about a mile. The hospital is a splendid thing. It is said to have cost $5,000,000, and I guess it did. Down in this valley you dig a hole about two feet deep and you come to a boiling spring, right under the mountains, and they have engines there pumping water up to this hospital.

There is a man in Panama who has a concession to bury people. He opened a graveyard, I suppose 300 feet one way and 400 the other. Every grave is numbered that they may know who is buried there. In exactly one year after he opened it I drove by there, and there were 1,875 crosses in that burying ground, and that does not count the men that were in the ovens. They have ovens along the wall, a brick wall, and they bury people in there who can afford to pay for it; but there were 1,875 crosses in that burying ground, to give you a little idea of the health of the country.

Statement of Prof. Lewis M. Haupt.

EARTHQUAKES.

As to the question of seismic disturbances, I would only add that it has been shown by students of seismology that the presence of active volcanoes act as a safety valve for internal disturbances; and the number of craters along through Nicaragua and Costa Rica being quite large, it affords a vent for any internal stress of the earth, and therefore there are fewer injurious earthquakes in that section of the world than at Panama or elsewhere; and I was very much surprised in studying that subject to find that the percentage of earthquakes was lower in Nicaragua than in almost any other portion of the world. Now, we have had some earthquakes in this country recently—one in St. Louis and one in Oregon and many in California—so that, so far as that goes, it shows that there need be little anticipation of trouble from that source.

Senator HARRIS. You say that your investigation shows that Nicaragua is the freest from earthquakes of any country in the world?

Mr. HAUPT. Yes; from serious earthquake trouble; but they have had some earthquakes there. Panama was badly shaken in 1858 and again in 1882, when Colon was rent with a seam across the town. The iron railroad bridge at Barbacoas was shifted out of position. So that the Commission has put those on a parity and dismissed the subject, with the belief that the canal works being buried in the earth would not be seriously interfered with by earthquakes in either case. I think, Mr. Chairman, that that probably covers most of the points.

I next present a statement from Lyell accompanying an editorial of the Engineering News.

LYELL—PRINCIPLES OF GEOLOGY.

Previous to the destruction of La Guaira and Caracas, in 1812, South Carolina was convulsed by earthquakes, and the shocks continued until those cities were destroyed. The valley also of the Mississippi, from the village of New Madrid to the mouth of the Ohio in one direction and to the St. Francis in another, was convulsed to such a degree as to create lakes and islands.

Flint, the geographer, who visited the country seven years after the event, informs us that a tract of many miles in extent, near the Little Prairie, became covered with water 3 or 4 feet deep, and when the water disappeared, a stratum of sand was left in its place. Large lakes of 20 miles in extent were formed in the course of an hour, and others were drained. The graveyard at New Madrid was precipitated into the bed of the Mississippi; and it is stated that the ground whereon the town is built and the river bank for 15 miles above sank 8 feet below their former level. The neighboring forest presented for some years afterwards "a singular scene of confusion; and the trees standing inclined in every direction, and many having their trunks and branches broken."

The inhabitants relate that the earth rose in great undulations; and when these reached a certain fearful height, the soil burst, and vast volumes of water, sand, and pit coal were discharged as high as the tops of the trees. Flint saw hundreds of these deep chasms remaining in an alluvial soil, seven years after. The people in the country, although inexperienced in such convulsions, had remarked that the chasms in the earth were in a direction from southwest to northeast; and they accordingly felled the tallest trees; and laying them at right angles to the chasms, stationed themselves upon them.

By this invention, when chasms opened more than once under these trees, several persons were prevented from being swallowed up. At one period during this earthquake the ground not far below New Madrid swelled up so as to arrest the Mississippi in its course and to cause a temporary reflux of its waves. The motion of some of the shocks was horizontal and of others perpendicular; and the vertical movement is said to have been much less desolating than the horizontal. If this be often the case, those shocks which injure cities least may produce the greatest alteration of level.

We learn from Captain Bayfield's memoirs that earthquakes are very frequent on the shore of the estuary of the St. Lawrence, of force sufficient at times to split walls and throw down chimneys. Such were the effects experienced in December, 1791, in St. Pauls Bay, about 50 miles NE. of Quebec, and the inhabitants say that about every twenty-five years a violent earthquake returns, which lasts forty days. In the History of Canada it is stated that in 1663 a tremendous convulsion lasted six months, extending from Quebec to Tadeausac—a distance of about 130 miles. The ice on the river was broken up, and many landslides caused.

[Engineering News, May 15, 1902.]

Among the most notable earthquakes, that of Lisbon is doubtless the most famous for a similar reason to that which has made Pompeii so celebrated. But the total loss of life in the Lisbon disaster (given by Mulhall at 35,000) has been several times exceeded in the past two centuries. In 1703 no less than 190,000 lives are said to have been lost at Yeddo, Japan, and in 1731 Pekin was visited by earthquake shocks which cost 96,000 lives.

At Cairo, in 1754, a year before the destruction of Lisbon, 40,000 lives were lost in an earthquake, and almost the same number were lost in Quito, in South America, in 1797. No longer ago than 1880 an earthquake in Manila cost 3,000 lives. A very recent earthquake at Shemakha, in the Transcaucas, in which 3,000 to 5,000 lives were lost, was described in our issue of April 24. Central America is a seat of almost continual seismal activity. In 1733 Guatemala experienced an earthquake which is said to have cost 33,000 lives, and only recently (on April 18) earthquake shocks were reported to have caused many deaths there.

It is of interest to note that in the disasters due to earthquakes most of the deaths usually occur from secondary causes. People are killed in earthquakes chiefly by the fall of buildings and other structures and also by the tidal wave, which is the most frequent accompaniment of earthquake shocks. In fact, in some cases such waves, due doubtless to an earth tremor beneath the sea, has swept upon a coast when no earth tremor had been felt at all.

Everywhere man looks upon the ocean's level as only less fixed and unchangeable than the land itself. Just beyond the reach of its highest tides he builds homes and cities with supreme confidence in their safety. But the earth shock beneath the ocean bed often sets a wave in motion on the surface, like the ripple which a jar will start upon the surface of a filled cup, and it sweeps on the shore, carrying everything before it.

In the old time physics, matter was classified in the four elements of earth, air, fire, and water. The volcano and the earthquakes may be said to represent activities of the first element, tornadoes the second, conflagrations the third, and floods the fourth. These last far exceed in magnitude all the other great disasters which history records.

Indeed, it is altogether probable that the loss of life in floods since history began exceeds the combined losses from all the other calamities named above. The greatest and most disastrous floods have been those from the ocean, of which the most recent example is the destruction of Galveston only two years ago, when some 12,000 lives were lost. Two other severe inundations of the South Atlantic coast have occurred during the past half dozen years, in each case accompanied by the loss of many lives among the dwellers on low-lying coast islands.

Of all the lands on which the ocean has wreaked its fury Holland has suffered the worst, through the breaching of the dikes which shut out the ocean from great tracts lying below the ordinary sea level. The greatest of these disasters, as recorded in the paper referred to above, was in 1530, when no less than 400,000 lives are said to have been lost. A century later, in 1646, 110,000 persons met death in another great inrush of the ocean.

Compared with these the loss of life in flooded river valleys is insignificant. Here, except in such rare instances as that at Johnstown, where the flood caused by the breaking of a dam rushed down a narrow valley before warning could be given, most persons in the flood's pathway are able to flee to higher ground. The only great disasters from river floods which can compare with those from floods of the ocean have occurred on the flat delta plains at the mouth of great rivers where the land was crowded with a dense population.

The most notable example of this is the Yellow River, of China, by whose floods in 1642 300,000 lives are said to have been sacrificed, while 200,000 are believed to have perished during a similar inundation only fifteen years ago. In India the Ganges rose in a similar flood in 1876, claiming some 200,000 victims.

On our own Mississippi the loss of life in its frequent floods have been comparatively slight, owing to the widely different topographical conditions. The so-called delta, from Cairo to New Orleans, is really an alluvial valley with comparatively steep slope and plenty of opportunity for refuge in case of floods. The true delta plains below New Orleans is practically uninhabited.

Compared with these great calamities, those due to the failure of the works of men seem trifling indeed. It is by their number and frequency and the fact that they are to a greater or less extent preventable that they deserve and receive so much larger share of attention.

Finally, there are two classes of great disasters which have each cost more lives in the aggregate by far than any of the elemental disturbances—the so-called "acts of God." These are great pestilences and great battles, the first due to man's ignorance, the second to the rein which he gives to his more primitive and savage instincts. Modern civilization is fast proving itself able to cope with the causes of each of these great calamities, and future historians will have fewer of them to record upon the roll of great disasters.

I will read the statement of Daubeny for the purpose of showing the volcanic condition of the Galapagos Islands, which lie off the coast of Panama to the south, right across the equator, and are about 300 or probably 500 miles distant, according to where the island may be located in the group.

The islands—

Says he—

The islands of Revillagigedo, near the coast of Mexico, lie nearly in the same latitude, and being volcanic may perhaps connect the band of igneous operations going on beneath the Pacific with that of North America. Farther south, nearly parallel with the equator, and with the volcanoes of Quito, which will be afterwards considered, is the Galapagos group, of which Mr. Darwin has given us so interesting an account. It consists of five principal islands and of several small ones, all of which are volcanic, and on two of them craters have been seen in a state of eruption.

The craters are extraordinarily numerous, amounting perhaps to more than 2,000, and are formed either of tufa or of scoriæ and lava. The tufa is met with in two forms, the one friable, like slightly consolidated ashes, the other compact, with a luster resembling resin, of a yellowish-brown color, and translucent. It is brittle, with an angular, rough, and very irregular fracture, and in hand specimens might be taken for pitchstone, although when examined on a large scale its concretionary structure reveals its real origin. Mr. Darwin suggests that the remarkable change which this material appears to have undergone since it was first deposited under water may have arisen either from the action of heated water within the craters or more probably from the admixture of the calcareous matter which penetrates it in thin seams.

The Galapagos Islands are not more than 500 miles from the Bay of Panama, out in the Pacific Ocean, and are the cause of the seismic disturbances that reach Panama.

Colonel Ernst, in giving his testimony before the committee, described some pits that had been sunk, large square wells (I think they were square), down to the ocean level, or very close to it, for the purpose of determining what was the geological structure of that country from top to bottom—Culebra Hills and Emperador. He and Mr. Noble also testified that when they were down in the pits they brought up specimens of indurated clay, said to be compacted so hard that it looked like rock and had to be handled almost like rock.

They brought the specimens up with them from the bottom of the pits and put them in bowls or glasses of water, and they instantly dissolved. They tried it over and over again, always with the same effect. They could not account for it. Some day it will be accounted for, when you get the water in there. You will find the bottom of your canal melting away. That is the reason why the Isthmian Canal Commission have made an allowance for building a stone wall on each side of the canal not less than 2 feet thick—I think it is 3—from 2 to 3 feet thick—below the proposed bottom of the canal up to and 3 feet above the level of the water in the canal for 7 miles on each side—14 miles of wall—necessary to protect the canal against that dissolving material.

Colonel Ernst said while he was down in these pits he found sharks' teeth. How did they get there? I do not think the sharks could have been bred on land. Those sharks were inhabitants of sea water, and they were there when an earthquake tumbled in that country and built the mountain that we call Culebra and Emperador; and some of these days when we get to work down there, if we ever shall, we will find it very necessary indeed to look out for seismic disturbances which will tumble that ground back again or else will bring down the volume of the mountain or the hills into the valley of the canal.

Knowing that Prof. Lyman Cooley is a man of remarkable abilities and learning and that he is a just man, I asked his opinion and his knowledge as to seismic disturbances in Nicaragua. He visited that State in company with a large party of engineers and contractors who were examining the questions of investments in construction contracts for building the Nicaragua Canal. Their researches were such as men would make who had large personal interests at stake, and their conclusions are practical and reliable. I will read Mr. Cooley's letters, in reply to my inquiries:

CHICAGO, ILL., 21 QUINCY STREET, *May 15, 1902.*

Hon. JOHN T. MORGAN,
Washington, D. C.

DEAR SENATOR: I trust you are not disturbed by the calamity howlers who are using the appalling loss of life by the volcanic eruptions in the Windward Islands as a base for predicting dire disaster to the Nicaragua Canal.

The cone of Ometepe is some 12 miles from the canal location, with about 8 miles of intervening water. I have seen nothing in the dispatches to indicate that a canal similarly located in respect to Mount Pelee would have been destroyed in the present eruption, though some damage might have resulted. Vesuvius is a mountain of vastly larger bulk than Ometepe, has had sixty eruptions in the Christian era, has destroyed the population on its slopes and buried cities at its foot, and in one eruption has thrown out more than its entire mass; yet a city has always existed across the bay at Naples, not farther away than the canal line from Ometepe. A canal could have been maintained at Naples for the past two thousand years.

The conditions in the Nicaragua Valley are not parallel to either of these cases. There are no physical evidences, no historical records or traditions, to indicate a similar expectation. We know of nothing in the vicinity of either the Nicaragua or the Panama route equal to what occurred on the Atlantic coast at Charleston, and this would not deter the construction of a canal in that portion of the United States.

There has been nothing to compare with the series of New Madrid earthquakes in 1811-1813 in the heart of the Mississippi Valley. The exhibit is still in evidence in lands sunk, lakes formed, and rivers changed. Judging by actual occurrences, a canal anywhere in the region between St. Louis and Vicksburg would be more unsafe than in Nicaragua or Panama, yet I do not know that the possibilities have been raised in connection with any public work in this region or in the building of the city of Memphis.

In San Jose, in the very shadow of the great volcanic knot of Costa Rica, I inspected a public building costing several million dollars that in design and construction would be suited to the United States. The railway that reaches this city from the coast has locations as perilous as the Denver and Rio Grande. Costa Rica has been populated by an intelligent people since the early settlement of America, yet the authorities are not apprehensive.

As between Nicaragua and Panama, there is no evidence on the Nicaragua route equal to the earthquake on the Panama route in 1882, if I recall the date. A crevasse was opened across Colon, and the old cathedral at Panama was damaged. The old cathedral at Leon, on the plain of Leon and opposite several volcanic vents, has been built since the early occupation, nearly four hundred years ago, and shows little evidence of destructive effects. Leon is more than 100 miles west of the canal route and near the most active center of disturbance in Nicaragua. At Rivas, close by the canal route, there are some evidences of earthquake effects, but none of a serious character.

The Caribbean is bounded on all sides by volcanic formations. The Greater Antilles, the Isthmus, and the coast of the mainland antedate the Tertiary period. The forces have been dormant and the land stable during recent geologic time. The volcanic formations athwart the Caribbean, and known as the Windward Islands, are comparatively recent.

The formations between Lake Nicaragua and the sea are partially volcanic, but of such great age that they are decomposed for a depth of more than 100 feet and constitute the red clays of this region. Earthquakes are no more serious here than in this latitude; in fact, I failed to learn that they had ever excited more than passing interest at Greytown. The western division of the canal, between the lake and the Pacific, is in sedimentary rock, and not in volcanic formation at all.

There is a line of vents from the Costa Rica knot to the Bay of Fonseca. So far as active in recent time they constitute a series of cones and dumps as on the open plain of Leon. Farther west, in Salvador and Guatemala, volcanic disturbances are on a large scale and destructive. Coseguina, at the remote corner of Nicaragua, on the Bay of Fonseca, experienced a violent eruption in 1835, but this did not deter the British from occupying Tiger Island, in the same bay, as a naval base a few years later.

The island of Ometepe is on this line of vents and immediately opposite the Pacific division of the canal. It is a volcanic dump in Lake Nicaragua from the two cones Madera and Ometepe, which occupy its entire area. Madera has been so long spent that the summit is degraded to a rounded contour. Ometepe has a sharp ash cone and smoke has been reported, but I do not know of any positive eruption. In fact, I do not know of any notable eruption in historic times nearer than Mount Monbacho, toward the head of the lake and near the city of Granada. There is no evidence to show that the immediate valley of Nicaragua, near the canal route, has been seriously disturbed since remote geologic time, and there is much evidence to show that no serious disturbance has occurred in recent time.

Lake Nicaragua is an old arm of the Pacific, shut out by change in base level and by volcanic dumps in the region of Masaya and farther west. An old river bed can be traced in Lake Nicaragua more plainly than old river courses are defined in Lake Erie, so volcanic matter has not obliterated the outlines of ancient topography in the lake. An eruption similar to the Java eruption would have boiled all the water in Lake Nicaragua, and as Pacific sharks are still in the lake such an eruption has not occurred since the lake was formed.

There is an ancient crater of tremendous size a few miles from Masaya, in the rim of which a railway is built. It contains a large lake, and on its shores are monuments so ancient as to leave no tradition. This is probably one of the originals, now as dormant as the old craters that constitute the diamond fields of South Africa.

There are no evidences of any changes in level due to earth warping about the shores of Lake Nicaragua, and there is much evidence in alluvial deposits of long-continued stability.

The Rio Grande and the Tola have both captured tributaries of the lake through long-continued and undisturbed processes of erosion, so the canal region between the lake and the Pacific can not have been greatly disturbed in any recent period.

The country about Rivas was well populated and governed by a powerful chief at the time of the conquest, nearly four hundred years ago. The inhabitants were and are still of the Maya stock, to whom the monuments of Yucatan and Guatemala are ascribed. They were the most civilized and ancient stock of the Montezuma empire and bore about the same relation to the warlike Aztec and Toltec as the Greeks did to the Romans. We have neither history nor tradition of violent eruptions in this vicinity.

The island of Ometepe was occupied by different stock (also the shore of the bay of Fonseca), which Squiers regards as a military colony planted in the formative period of the Montezuma empire. The island is still populated. It may be assumed, therefore, that for at least seven hundred years there has been no eruption sufficiently serious to destroy or drive away the inhabitants of this small island, and, further, that it must have been regarded as a safe abiding place for a military colony at that remote time.

I gave this whole question careful study four years ago, and what I now state is from recollection, and I do not undertake to be exact as to details. I then became fully satisfied that there was no imminent danger such as should deter the construction of a canal, though earthquake contingencies should not be ignored. No man can say that violent eruptions and earthquakes will not occur.

That is possible anywhere on earth and we have two examples of destructive earthquakes in the United States in one century, and apparently remote from volcanic regions.

If you wish to go into this matter fully, I suggest that you call upon Dr. Hayes and Major Dutton, both of whom have made special study of this question.

Trusting that this will be of service, I remain,
Yours, truly,
LYMAN E. COOLEY.

I have already had published a paper, by order of the Senate, from Major Dutton, containing a letter addressed to the Maritime Canal Company many years ago, in which that very eminent scientist and geologist went to the bottom of the whole subject and pronounced the most thoroughly satisfactory opinion, which I am requested by Mr. Cooley to bring forward. I had that printed as a document twelve or fifteen years ago for the information of the Senate.

On May 17 Mr. Cooley again says:

CHICAGO, ILL., *21 Quincy Street, May 17, 1902.*

Hon. JOHN T. MORGAN,
Washington, D. C.

DEAR SENATOR: I wish to add to my letter of the 15th instant, in respect to volcanic action in Nicaragua, as follows:

1. The direct effect of volcanic action is limited to the dump, though lava may flow beyond the base and fine material be more widely distributed, to the temporary injury of vegetation.

2. Destructive effects to structures located at a distance are due to shock. The walls of Herculaneum and Pompeii were not thrown down. Walls in St. Pierre are still standing. Fort de France, in Martinique, and Kingston, in St. Vincent, only a few miles from destructive eruptions, have not suffered. The observatories throughout the world have detected no earth quivers, such as accompany ordinary earthquakes. Volcanic eruptions are not necessarily destructive except in the immediate vicinity.

3. The entire Isthmus of Panama is of volcanic origin, but so remote that it is deeply decomposed and denuded. More earthquakes are recorded and of a more severe character than on the Nicaragua route.

4. The Nicaragua route is in sedimentary rock, except a limited area back of Greytown, of ancient date and deeply decomposed and eroded, and free from disturbance, as far as known. The valley of Nicaragua along the canal route has been stable since its formation. There are no ancient beach lines, as about the Great Lakes, to show changes in level and warpings, nor any indications such as lead Professor Gilbert, of the United States Geological Survey, to predict that the outlet of the upper lakes will be transferred from Niagara to Chicago in twenty-five hundred years.

5. The regional activity in the past was restricted to the Costa Rica district, east of the valley, and to the Masaya district on the west, and connected by a line of vents, of which Ometepe is an example. These forces are so far spent that no investigations, official or otherwise, have heretofore considered them a serious menace.

6. There is a regional activity in Salvador and Guatemala and beyond the bay of Fonseca. Destructive effects characterize these districts.

7. Such cones as Ometepe and Monotombo and those on the plain of Leon characterize the Nicaragua dumps. These are sharp ash cones with steep declivities, indicating mere chimneys rather than explosive eruptions with large lava flows.

8. A new line of fractures is not probably any more than in a boiler, unless the old line is patched up so as to be stronger than elsewhere.

9. The recorded phenomena in regard to tornadoes indicate a greater mathematical probability of Kansas City or even Chicago being wiped out by a tornado than the evidence in the Nicaragua Valley indicate that the Nicaragua Canal will be destroyed by an earthquake. Direct destruction by a volcanic eruption is not within the domain of mathematical probability.

10. Earthquake shocks occur nearly every year, and sometimes several times a year, on the Pacific coast; but they build irrigation works, dams, and heavy buildings just the same, and are not deterred by the possibility of a destructive earthquake, which may be a remote contingency or may never occur.

11. What may happen in long periods of time anywhere on earth can not be discounted. The ruins of Baalbeck were dislocated six to seven thousand years after the structures were built, and when the builders had passed into tradition. I do not imagine that such a contingency would affect an insurance rate. There are possibilities of destruction to any great bridge in the United States which, from the commercial standpoint, engineers consider too remote to justify provision against.

12. The health question is vastly more important to human life than any question of volcanoes or earthquakes. You can concede all the allegations of volcanic possibilities in Nicaragua and still have a very small menace to human life in comparison to the health conditions on the Isthmus of Panama.

Yours, truly,

LYMAN E. COOLEY.

Turning to Panama, without a desire to disparage it, I will read an account, taken from the Panama Star and Herald, that was published in Panama at the time of the great earthquake of September 7, 1882. That paper had no reason for exaggerating that great calamity, and its statements are accepted as being literally true:

GREAT EARTHQUAKE ON THE ISTHMUS OF PANAMA SEPTEMBER 7, 1882.

The United States consul at Panama (Mr. R. W. Turpin), in an official dispatch to the State Department dated September 14, 1882, inclosed a copy of the weekly edition of the Panama Star and Herald containing a full account of the great earthquake of September 7 and 8 of that year, from which the following facts are culled.

The damage to Panama city alone was estimated at from $250,000 to $300,000. The municipal buildings and the assembly chambers were greatly damaged. The whole of the massive balconies were shaken down, dragging the roof and adjacent timbers with them. The great cathedral was almost a total wreck. Its ornate pediment and tower, composed of heavy blocks of stone masonry, fell, crashing through the roof near the main entrance to the building. Every arch in the nave was seriously cracked and split. All the side aisles were shaken out of position, and the side and end walls of the edifice were so badly cracked that the building was condemned as unsafe. Many of the private residences were shaken down; others were seriously damaged. The walls of the canal office were rent and the building was condemned as unsafe.

Outside the city the damage was even more serious. The great tower of Malambo Church was tumbled down, and half the roof of another church—the Santa Anna—fell in. The Pacific Mail steamship *Clyde*, anchored outside the shallow harbor, was lifted bodily out of the water and fell back with a frightful thud, flooring crew and passengers; but, strangely enough, there was no very serious damage to the vessel itself beyond the springing of a few leaks in the keel.

The effects of the shock, or rather succession of shocks, along the line of the Panama Railway were very serious. Stone abutments, bridges, and culverts were cracked, warped, or thrown down entirely. The earth sank from 2 to 10 feet in some half dozen different places. At Emperador, Gatun, Matachin, and other stations along the canal route the damage was very great. In many places the roadbed and rails of the Panama Railway were torn up or warped and twisted out of position. It was fully a week before trains could pass from one side of the isthmus to the other. Between Gavilan and Punta Mala a crevice was opened in the earth from 10 to 15 meters wide.

At Colon, the Atlantic terminus of the canal, a deep fissure was opened in the earth about 400 feet long of considerable width and great depth. Buildings were shaken from their position, and vessels at anchor in the harbor were violently shaken up. Between the wharf and the lagoon the earth was split in many places. Many of the buildings near by were shaken down bodily. Several lives were lost, and many people were badly crippled.

At a point about 20 miles from Chagres, near the line of the canal, a small mud volcano was developed, which, however, soon subsided without doing much damage. About 35 miles from Colon, in the direction of Bocas del Toro, the tide suddenly rose to the height of nearly 15 feet, completely flooding the houses; and nearby the earth sank in many places several feet. Thermal springs appeared in the same neighborhood, throwing boiling water to considerable heights, which, however, soon subsided.

The bronze statue of Columbus near the wharf at Colon was shaken down from its pedestal, and the stone foundation was moved several inches; and just outside the city new lagoons were formed while existing ones disappeared.

I had supposed when the report of the Isthmian Canal Commission on the subject of volcanoes and earthquakes was not questioned in the committee that no point would be made on either route on that account.

But the new light thrown on the subject by Mount Pelee and the Sun of New York has brought Panama under observation and would forever destroy her pretensions in the minds of those who would not build a bridge across the Mississippi River because 30 acres of land was sunk by an earthquake at New Madrid and an island was sunk in the Gulf near the mouth of the Mississippi.

If this is the only way to defeat the Nicaragua route, I am very sorry that it will necessarily carry the Panama route down with it if the facts have anything to do with the result.

Mr. President, in our national infancy, in the early days of the last century, we began to prepare for a work that we are now about to consummate.

The Committee on Interoceanic Canals agree "that there must be a canal across the American Isthmus." In this they represent almost the entire population of the United States.

The great geographers, such as Humboldt and Maury, explored the field of operation with clear vision and scientific research, and Maury seventy years ago made a selection of the canal line that is as true and accurate as to the proper location and feasibility of the canal as if he had measured the ground in company with Childs, and Lull, and Menocal, and the Commission of Ludlow, and the Nicaragua Canal Commission, and the Isthmian Canal Commission.

With the exact eye of science, Maury saw the truth of the situation and pointed it out with an accuracy of demonstration which has not failed in any particular and with the enthusiasm that inspires the prophecy of the future glory of his country that always warms the soul of a true American.

All these great engineers and commissions agreed with Maury in all their reports until the siren of speculation diverted their lines of measurement to lines of financial economy, and for a time some of them doubted the value of their own long and laborious studies and frequent reports in the prospect of saving money in the cost of construction and operation of the canal. That was a mistaken calculation.

Following Humboldt and Maury, the Government began, with the dawn of the century, to prepare for its proper work of opening the canal, and such minds as those of Adams, Clay, Monroe, and Jackson took it up with intense zeal and enlightened purpose.

Since those days and in the midst of many disappointing delays we have as a people grown up to the full magnitude of the subject and have attained the ability to deal with it.

Even ten years ago we did not fully understand all the questions that enter into this great inquiry as we do now, and we had not then so developed our commercial and financial strength that we could feel an absolute assurance that the cost of such an enterprise was within our control, so as to undertake it with no fear of straining the credit or the resources of the country.

It now appears that we alone of all the great nations are able to build this canal without borrowing money from other countries or from other people.

While being delayed by the wise hand of fate—shall I call it?—we have cleared up some troubles that were of our own creation, if they were ever real, in a treaty with Great Britain. We have also removed this mask from the faces of those who wore it to conceal the real purpose of their selfish opposition to any and every isthmian canal.

Now, that we have reached a pure and unclouded American atmosphere, we are ready to proceed with caution, firmness, and determination to complete this great undertaking.

I am much tempted to look up from the ditch I have been trying to dig, as a colaborer with many earnest and able men, and survey the glorious work in which this great Republic is engaged, but I dare not, lest I should become dazed by its magnificence and lose all usefulness in the performance of my personal task.

I will try to examine what we are doing with careful scrutiny to see if the work is safe and certain, within the limitations of reasonable calculation and forecast and in the light of experience, and, so far as I am concerned, I will continue to dig in the ditch until, in the providence of God, it is filled with hot lava rather than run away from it because some other place has been shaken with earthquakes or covered with the ashes and lava of volcanoes.

It is a work that deserves the courage of men who are moved by a sense of duty.

If the canal can exist as long in Panama or Nicaragua as Naples has lived, and has grown great and prosperous at the foot of the volcano of Vesuvius, I think this generation at least should be content to build it.

Vesuvius covered up Herculaneum and Pompeii in the fifty-second year of the Christian era, and it has been vomiting flame and smoke from that time to this. They are on a direct line about 15 miles from Naples, which has sat on the shores of its beautiful bay and smiled at the world for more than nineteen centuries.

That is, perhaps, as long a lease as we would like of a canal route, accompanied with a guaranty of the sovereignty of the country through which the canal is to be cut.

I will return to this branch of my subject before I close my remarks.

Whatever course the Senate may take on this bill, whether it is to concur with the House in its views, twice repeated in the same language—once in the bill that passed the House in the Fifty-sixth Congress, first session, on the 2d day of May, 1900, and the other in the present Congress, on the 9th day of January, 1902, which is the bill now before the Senate; or whether it shall pass the substitute to this bill, which has just been read, or whether some other form of legislation is adopted for the construction of a canal, a canal will now be dug.

Believing that this is the honest purpose and determination of the whole Senate, I will do what may fall to my lot in this matter, in the spirit of free conference, on all its features, with every Senator and with the House of Representatives.

The minority of the committee, in recommending the selection of the Panama route, omit any discussion of the character of the population that inhabit the canal region and the chronic state of insurrection and violence that has existed among them for more than sixty years—conditions that must be radically changed before we can venture to pay a vast sum of money for the construction and operation of a canal at Panama.

In the studies I have been able to make of the Panama route, so that I could reach a just and impartial conclusion as to its merits, I have considered it of the highest importance to learn what I could about the population of the State of Panama and its political conditions, as they may affect the tranquillity, peace, and safety of those engaged in constructing and controlling a great ship canal, which is a peculiar task of great delicacy, and requires safe conditions and environment to secure success.

I attach such importance to these conditions that I must beg the indulgence of the Senate for presenting some facts taken from standard authorities, and the depositions of witnesses on the hearings before the committee that truly describe them.

Under the Spanish rule negro slaves were imported in large numbers from Africa to all the tropical countries of America, and especially to those places where the conditions of climate and health were least favorable to Spanish occupancy.

The islands and coasts of the Caribbean Sea were the favorite plantation localities for these reasons, and the negroes were employed in raising profitable crops of sugar, coffee, tobacco, cacao, and tropical fruits and nuts that would bear exportation.

The Carib Indians, whose home was in the Leeward Islands—chiefly in St. Vincent and Dominica—are the only aborigines who have withstood the civilization of the white man and the competition of the negro, and this has resulted most largely from the fact that they are a race closely allied, in color and other physical conditions, with the negro.

The English, in 1796, to get rid of the strife they habitually engendered, moved them in large numbers to the isthmian countries, chiefly to Honduras.

They intermarried with the negroes and have bred a mestizo race, very extensively, of whom there are large numbers in Panama. They have not been allowed to settle in Nicaragua or Costa Rica.

All the isthmian states abolished slavery when they achieved their independence of Spain in 1821, after much effort and commotion, but with little bloodshed.

Panama became an independent state, with a population of negroes, Caribs, and native Indians that comprised about two-thirds of its inhabitants, all of whom, with the people of Spanish origin, were put upon an equal basis as to political rights.

Panama was a separate, sovereign state, by the recognition of Spain, and entered into a federation with Colombia, Venezuela, and other states of South America, called the "Republic of Colombia," of which Simon Bolivar was President.

In 1831 Venezuela withdrew from the federal government and Panama entered into another confederation, called the "Republic of New Granada." Civil war ensued upon this new combination, and Panama declared its independence of New Granada in 1840, and again returned to that confederation in 1841. The bond of union between these States was slack, and the separate independence of Panama was the political ideal of some adroit men (some of whom were negroes), who numbered nearly the entire body of negroes, Caribs, and Indians in their following.

In this period, from 1821 to 1846, Panama was in continual political ebullition, strife, and civil war over the offices of the State and federal government. To such an extent was this carried that the government of New Granada was put to much expense in supplying armed forces to sustain its authority in Panama.

The following brief extracts from Bancroft's History of Central America will show the political conditions in Panama down to 1846, when the United States undertook, by treaty, to guarantee to New Granada the ownership and sovereignty over Panama. They will also make clear the reasons of New Granada for seeking that guaranty.

If that treaty of 1846–1848 discloses any corresponding inducement to the United States for making such engagements I have failed to discover it.

I wish to say here that in the researches I have been able to make that is the only treaty of this kind in the world. It is the only treaty in which a foreign government engages to maintain the supremacy of another foreign government over one of its dependencies or provinces, or whatever the political division may be called.

The treaty is entirely sui generis. It is entirely without precedent. It is in all of its features, as I conceive, the most dangerous treaty that could be made. It is a guaranty on the part of the United States that it makes no difference what Colombia may do to Panama, or what the extent and nature and character of the abuses of Panama may be, we will still guarantee the sovereignty and the ownership of Colombia over Panama, notwithstanding justice and mercy might call upon us in trumpet tones to reverse our line of action and discard the obligation of that treaty.

That is the way we bound ourselves in 1846 to the State of Colombia, and we are bound there now. The proposition now brought before the Senate in the convention which Colombia submits to us as the description and basis of her future relations with the United States requires us to go very much further and to enable her to put these chains and rivets more tightly upon the limbs of Panama than we have heretofore done, and we have done very much in that direction.

On page 514 of volume 8 of his history Bancroft says:

Civil war broke out in 1831. Colonel Alzuru, who had arrived from Guiaquil with troops, by the instigation of some prominent men rose in arms in Panama to detach the provinces from Nueva Granada. On the news reaching Bogota the National Government dispatched Col. Tomas Herrera with a force to quell the rebellion, and upon his approaching the city the more prominent families fled to the island of Taboga. Those who had prompted Alzuru's act now forsook him and rendered aid to Herrera, with all the information they possessed. The rebels were attacked on their way to La Chorrera while crossing marshy ground and defeated. Alzuru was taken prisoner, tried by court-martial, and shot in the Cathedral plaza of Panama.

Gen. Jose Fabrega restored order in Veragua and made it known to the general Government on the 30th of August, 1831. The garrison at Panama, together with Tomas Herrera, the comandante-general, assured the president of the Nueva Granada convention of their unswerving fealty. Later, in March, 1832, an attempt was made by two subalterns to induce the sergeants of their battalion to join them in a conspiracy for upsetting the government.

The two officers were tried and executed and two of the sergeants sent into exile. Chaos reigned throughout the Republic in 1840; then came revolution. The chief men of Panama met in a junta and resolved to detach the Isthmus and form an independent republic.

It is the second time they tried that. On pages 515 and 516 he says:

The Government had carefully avoided the commission of any act of hostility against Nueva Granada; but the time came when news reached Panama that the government of Bogota was fitting out a force to bring the Isthmus into subjection. Whereupon the officers of the British chargé d'affaires at Bogota were asked to obtain the consent of Nueva Granada to receive a commissioner in the interest of peace.

But the other parts of Nueva Granada having become pacified in the course of 1841, two commissioners came from the General Government, and the people of Panama, being convinced of the folly of resistance, peacefully submitted. Herrera so managed that he was appointed governor of the restored province. The constitutional reforms of 1842 and 1843 tended to re-establish good understanding between the provinces, and Panama again appeared satisfied with the connection.

But the dread of a renewal of the insurrection caused New Granada to seek the protection of the United States. Almost immediately after we had guarantied the sovereignty of New Granada over Panama, in 1846–1848, the following events show the contempt in which the people of Panama held our intervention.

Bancroft says, pages 516 and 517:

The Canton de Alange, detached from Veragua, and the districts of David, Bolega, San Pablo, and Alange were, on the 24th of July, 1849, formed into a separate province under the name of Provincia de Chiriqui, with its governor and assembly of 7 members.

This organization continued several years, though the province subsequently took the name of Fabréga and so continued until August, 1851, when it resumed the former name of Chiriqui. The territory which in early days was embraced in the province of Veragua appeared in August, 1851, divided into three provinces, each having a governor and legislature, namely, Chiriqui, Veragua, and Azuero. This new arrangement lasted only till April 30, 1855, when the province of Azuero was suppressed.

On pages 518, 519, 520, 521, and 522 Bancroft says:

On the 26th of January, 1854, the consuls of the United States, France, Great Britain, Brazil, Portugal, Denmark, Peru, and Ecuador addressed a protest to the governor of Panama against the neglect of his Government to afford protection to passengers crossing the Isthmus, notwithstanding that each passenger was made to pay the sum of $2 for the privilege of landing and going from one sea to the other. Gov. Urrutia Anino, on the 14th of February, denied the alleged neglect, as well as the right of those officials who had no recognition from the New Granadan Government to address him in such a manner.

He pointed to the public jail, which was full of prisoners, some already undergoing punishment and others being tried or awaiting trial. He also reminded the consuls that only a short time had elapsed since three men were executed for crimes. It was a fact, nevertheless, that the Government could not cope with the situation, the Isthmus being infested with criminals from all parts of the earth, that had been drawn thereto by the prospect of plunder, in view of which a number of citizens and respectable foreigners combined in organizing the Isthmus guard, whose chief was Ran Runnels, charged with the duty of guarding the route between Panama and Colon, and empowered to punish, even with death, all persons guilty of crimes. Urrutia Anino, the governor, unhesitatingly acquiesced in the arrangement.

Americans had occasional misunderstandings with the authorities, a notable one occurring in 1855, when the local governor of Panama returned unopened an official letter from the consul of the United States, who at once threatened to strike his flag; but the matter was settled amicably by the chief officers of the Isthmus. A more serious affair was the demand of the State Government that steamships arriving at Panama and Colon should pay tonnage money. This raised the protest of the American consul and the railway and steamship agents. The controversy was finally terminated by the Executive of the Republic declaring that the law under which the tonnage money was claimed had been enacted by the State of Panama, without any right to legislate on such matters, as they were of the exclusive province of the general Government.

The lack of protection, as well as a marked spirit of hostility on the part of the lower class toward foreigners, was made further evident in the riot of the 15th of April, 1856, when a considerable number of American passengers were killed and others wounded, much property being also appropriated.

Consequent to this affair the city of Panama, which, owing to the misgovernment of previous years, was already on the decline, had to suffer still more. Many business houses closed their doors, because the American transient passengers, who during their stay were wont to scatter gold, thenceforth remained on shore only a few minutes. Much diplomatic correspondence passed between the American and New Granadan Governments on the subject, the former sending a commissioner to Panama to investigate the circumstances, and finally claiming a large indemnity.

At last a convention was concluded on the 10th of September, 1857, between Secretary Cass and Gen. P. A. Herran, minister of New Granada, for the settlement of all claims, the latter having acknowledged the responsibility of his Government for the injuries and damages caused by the riot.

The relations with Americans on the Isthmus continued to be unsatisfactory for some time longer. Notwithstanding that New Granada was apparently inclined to cordiality, cases of injustice or ill-treatment to American citizens often occurring, at last the President of the United States asked Congress, on the 18th of February, 1859, for power to protect Americans on the Isthmus. In later years Americans have seldom had any serious cause of complaint.

Bancroft describes the situation in 1854, page 525, as follows:

Nevertheless, the white population of Panama had been for some time past discontented with the General Government, and a desire had sprung up to get rid of a yoke which was deemed oppressive. The supreme authorities at Bogota were not aware of this, and whether prompted by the fear of losing the territory or by a sentiment of justice, or by both, concluded to allow the Isthmus the privilege of controlling their local affairs, which was hailed with joy by all classes.

An additional clause to the national constitution was then enacted by the New Granadan Congress on the 27th of February, 1855, by which Panama was made a State, and a member of the confederation, with the four provinces of Panama, Azuero, Chiriqui, and Veragua, its western boundary being such as might come to be fixed upon by treaty with Costa Rica. A constituent assembly of 31 members was convoked March 18 by the national executive, to meet at Panama on the 15th of July, to constitute the State.

The situation in 1855 he describes as follows (pp. 526 and 527):

A misunderstanding having occurred between the Jefe Superior and the assembly, the former resigned his office on the 28th of September, and having insisted on his resignation being accepted, Francisco Fabrega, who had been elected vice-governor on the 22d, was inducted into the executive office on the 4th of October.

Notwithstanding the hopes of a bright future, from this time the Isthmus was the theater of almost perpetual political trouble, and revolution became chronic, preventing any possible advancement. In 1856 there was a stormy electoral campaign that culminated in a coup d'état, for which the responsibility must be about equally divided between the executive, Francisco Fabrega, and the demagogues.

On pages 528, 529, and 530 he says:

Another outbreak of the negroes against the whites took place on the 27th of September, 1860, necessitating the landing of an armed force from the British ship *Clio*, which, after order was restored, returned on board.

This contest, out of which the liberal party came triumphant throughout the country, was known as "la revolucion de Mosquera." The minister of Nueva Granada in Washington, on the plea that a mere naval force could not afford security to the Isthmus transit, asked the United States to provide also a land force of 300 cavalry, but the request was not granted.

The efforts of Guardia to keep the Isthmus out of the general turmoil were of no avail. A force of about one hundred and fifty or two hundred men under Gen. Santo Coloma came from Cartagena to Colon with the apparent purpose of enabling the governor to carry out certain liberal measures. The latter protested against such a violation of a solemn agreement; but the force insisted on coming across to Panama, and there was no way of preventing it. In the course of a few weeks Guardia, being convinced that he was being employed as a puppet, removed himself from the capital to Santiago de Veragua.

As soon as he was gone, with the connivance of Santa Coloma, a party of men, all but one of whom were of the colored race, assembled at the town hall and deposed Guardia, naming one of their own party, Manuel M. Diaz, provisional governor. A few days after, on the 19th of August, in a skirmish between forces of the two factions, Governor Guardia and two or three others were killed.

In 1865 the situation is described as follows (pp. 534–535):

Olarte's election is represented as an enthusiastic one, and intended as a reward for the services he rendered to the better portion of the isthmian community, with his defeat of the caucano invaders (white invaders).

He found himself in a constant disagreement with the legislature of the State, which he forced to submit to his dictation. The whole negro party of the arrabal was his mortal enemy, but he managed to keep it under by making it feel occasionally the effect of his battalion's bullets. In the last attempt against his power the negroes were severely punished, and they never tried again to measure strength with him. His power was now more secure than ever, and his way became plain to procure the election, as his successor to the presidency, of his brother, then residing in Chiriqui.

The negroes were in despair, as they could find no means of seizing the government. From the time of Guardia's deposal they had been enjoying the public spoils, and could not bear the idea of being kept out of them when their number was four or five times larger than that of the white men. The success of Olarte's plans would be the death of their aspirations, which were the control of public affairs, by ousting the whites, who were almost all conservatives. It became, therefore, a necessity to rid the country of that ogre; and as this could not be done by force of arms poison was resorted to.

The plan was well matured and carried out in San Miguel, one of the Pearl Islands, where Olarte went on an official visit. Olarte's death occurred on the 3d of March, 1868, without his knowing that he had been poisoned. This crime was not the act of one man, but of a whole political party, which took care to have the death attributed to a malignant fever. It became public, however, through the family of another man, who also became a victim. No official or post-mortem examination was made, and the matter was hushed up.

Armed conflicts between the political parties were frequent in 1872 and 1873, with severe fighting, so that the United States was compelled to interfere. Bancroft says (pages 539 and 540):

The pichincha (battalion of national troops) interfered to restore Neira. After some firing it was agreed that Cervera should continue in power and Neira remain in the custody of the national force.

The national force having taken part in the troubles, its efficiency to protect the transit was rendered doubtful, for which reason troops were landed from the United States ships of war by order of Rear-Admiral Steedman. Finally, terms of peace were arranged in the evening of May 9, based on the conditions that Neira's government should be reestablished. The State militia surrendered their arms to the foreign consuls the next day, the pichincha performing the duties of the state force.

Meantime, till Neira's return, Col. Juan Pernett was to act as President. Neira heard of the change at Barranquilla on the 13th of May and returned at once. On the 21st he made Jose Maria Bermudez secretary of state and Colonel Pernett comandante general. The votes for senators and representatives to the National Congress were counted on the 15th of July, and the names of the elect were published.

The people of the arrabal made another disturbance on the 24th of September, attacking the Government outposts at Playa Prieta. Hostilities were continued during twelve or fourteen days, when the rebels under Correoso abandoned their ground and were afterwards defeated in the country. Meantime an American force of nearly 200 men, sent on shore by Rear-Admiral Alony, a second time within four months, occupied the railway station and the cathedral plaza.

The minister resident of the United States, William L. Scruggs, on the 19th of December, 1873, laid before the Colombian Government, of which Colunje was secretary of foreign affairs, a protest of the Panama Railway Company upon the recent disturbances of the Isthmus, and a demand that the transit should in future be under the immediate protection of the Colombian Government against the acts of violence of local factions. The latter acknowledged the justice of this demand on the 26th of December, pledging that in future there would be a national force stationed in Panama for the purpose of protecting the transit.

He thus describes the situation in 1876:

The presence of federal forces on the Isthmus had often been a source of danger to the State Government. But it was required by international obligation, and its necessity could but be recognized in view of the fact that the construction of the interoceanic canal, already under way, demanded the employment of thousands of men from all parts of the world, who in the event of strikes or other causes might commit outrages.

Constant strife continued through the years until 1885, when Bancroft describes the situation as follows (pp. 550–551):

The Isthmus now becomes again the theater of deadly strife, with its concomitant bloodshed and general destruction, to the disgrace of the nation of which it forms a part, and the scandal of the world. A plot by some men of the national force to seize the revenue cutter *Boyaca* having been detected, thanks to the loyalty of other members of the same force, the executive notified the convention that the time had come to proclaim martial law, which he did on the 9th of February. The convention accordingly closed its session on the 11th.

On the 17th Santodomingo Vila obtained a leave of absence to proceed to Cartagena, where his military services were required, and Pablo Arosemena, the first designado, was summoned to assume the executive authority. At about 5 o'clock on the morning of the 16th of March the population was awakened by the cries of "Vivan los liberales! viva el General Aizpuru!" accompanied with numerous shots. Aizpuru, at the head of about 250 men, attacked the cuartel de las Monjas and the tower of San Francisco, which was defended by a handful of Government troops, and a running fight from corner to corner ensued.

The assailants overran the city. The British war ship *Heroine* then landed some marines and sailors to protect the railroad. The President called for troops from Colon, which came at once under General Gonima, and, entering the city on the 17th, compelled the portion of the revolutionists who had remained in the city to rejoin their main body in the plains.

The following description of the events of March 29, 1885, give a correct idea of the feeling toward Americans existing all the while since the landing of marines by Rear-Admiral Alony, in September, 1873, pages 552, 553, 554, 555:

On the 29th of March the American mail steamer *Colon* arrived at the port of the same name from New York, and the Government directed that she should not deliver arms to the rebels. This gave rise to most high-handed proceedings on the part of Prestan, culminating in the arrest by his orders of the American consul, Mr. Wright; Captain Dow, general agent of the steamship line; Connor, the local agent at Colon; Lieutenant Judd and Cadet Midshipman Richardson, of the United States war steamer *Galena*.

Soon afterwards Richardson was released and sent on board the *Galena* to tell his commander, Kane, that the other prisoners would be kept in confinement till the arms were surrendered, and if the *Galena* attempted to land men or to do any hostile act the boats would be fired upon, and every American citizen in the place would be shot. Kane, knowing Prestan's character, did not attempt any hasty act. Prestan then went to the prison and told Consul Wright that he must order Dow to deliver the arms or he would shoot the four prisoners before that night. Wright complied, and they were set at liberty.

But Kane took possession of the *Colon*, and in the night landed a force and three pieces, under Lieutenant Judd, with orders to release at all hazards Dow and Connor, who had been again imprisoned. No sooner had the Americans occupied the offices of their consulate and of the railway and Pacific Mail companies than a force of Colombian national troops came on, driving the rebels before them into the intrenchments.

During the whole morning the firing was kept up, and ended about 12 noon when the rebels were routed; Prestan and his rabble set fire to the town at various places and fled. A strong wind blowing, the flames spread violently, and the town was consumed with all its contents. The American forces continued some days longer holding the place, Commander Kane's authority being recognized, and the Colombian officers cooperating with him in the preservation or order.

Prestan was captured, taken out to sea in an open boat, and drowned. He was thrown overboard with a weight attached to his body.

But to return to Panama, Aizpuru took advantage of the situation, Gonima being left with only 60 soldiers and a few civilians that had joined him to occupy the principal streets on the 31st. To make the story short, by 3 o'clock in the afternoon he was master of the place, Gonima having surrendered.

Aizpuru announced in a proclamation on the 1st that he had assumed the functions of jefe civil y militar, to which he had been called by the supporters of free political principles, and on the 4th appointed his advisers and adopted measures to protect the city from incendiarism, and especially to guard the interoceanic transit.

Marines and sailors having been landed on the 8th of April from the United States frigate *Shenandoah*, by Aizpuru's request, both ends of the Isthmus were on the 10th guarded by American forces. Soon after the United States

sent reenforcements of marines and sailors with special instructions to protect the transit and American citizens and their interests, avoiding all interference in the internal political squabbles. Several war vessels of the United States home squadron, under Rear-Admiral Jouett, arrived at Colon.

In the night of the 24th of April, while the revolutionists were erecting barricades—against an understanding with the American commander—the marines under Commander McCalla took possession of the city as a necessary measure to protect American property, and Aizpuru and others were arrested. However, on the next day, Aizpuru having pledged himself not to raise barricades or batteries, the prisoners were released and the Americans retired to their encampment outside.

Aizpuru was one of the persons who offered to defeat the federal forces and annex Panama to the United States, if we would advance him the money to conduct his campaign.

The general situation is thus stated by Bancroft, pages 556, 557, and 558:

After the death of President Olarte, in 1868, the Isthmus for many years did not enjoy a single day of peace. The general wealth having declined throughout the country and more so in the interior; poverty prevailed. Capital, both foreign and native, abandoned so dangerous an abode. The cattle ranges and estates disappeared; likewise agriculture, except on a small scale.

The black men of the arrabal in the city of Panama, after they were made important factors in politics, accustomed themselves to depend on the public funds for a living, and the people of the interior, who were always peaceable and industrious, came to be virtually their tributaries. The State became the puppet of the men at the head of the national Government, or of political clubs at Bogota, whose agents incited disturbances, removing presidents indisposed to cooperate with or to meekly submit to their dictation, substituting others favorable to their purposes, and thus making themselves masters of the State Government, together with its funds, and with what is of no less import, the State's vote in national elections.

Since the establishment of the constitution of 1863, Panama has been considered a good field by men aspiring to political and social position without risking their persons and fortunes. They have ever found unpatriotic Panamenos ready to aid them in maintaining the quondam colonial dependence and investing them with power that they might grow fat together on the spoils. Almost every national election since the great war of 1860 has brought about a forced change in the State Government. The first victim, as we have seen, was Governor Guardia, deposed by national troops under Santo Coloma.

That was the beginning of political demoralization on the Isthmus. Every similar alleged device to insure party triumph and power at Bogota has been, I repeat, the work of agents from the national capital, assisted by men of Panama, to push their own interests, and supported by the federal garrison.

The office of chief magistrate is desired for controlling political power, and the public funds to enrich the holder and his chief supporters. Patriotism and a noble purpose to foster the welfare of the country and the people in general are, if thought of at all, objects of secondary consideration.

At times the presidency is fought for with arms among the negroes themselves, and the city is then a witness of bloody scenes. The aim of every such effort is to gain control of power for the sake of the spoils.

Panama can not, being the smallest and weakest State of the Colombian union, rid itself of the outside pressure. Neither can it crush the unholy ambition of its politicians. Both entail misfortunes enough. But the Isthmus must also share the same sufferings as the other States in times of political convulsion in the whole nation.

Bancroft closes his history of political and social conditions in Panama with a question that sets aside the proposal of Colombia for the joint control of a canal belt through the heart of that State by Colombia and the United States as a suggestion that is scarcely less than reckless folly.

On page 558 he says:

What is to be the future status of the Isthmus? A strong government is doubtless a necessity, and must be provided from abroad. Shall it assume the form of a quasi independent state under the protectorate of the chief commercial nations, eliminating Colombia from participation therein, or must the United States, as the power most interested in preserving the independence of the highway, take upon themselves the whole control for the benefit of all nations? Time will tell.

In this connection I will state, on authority that I know is thoroughly informed and credible, that Nunez, President of the Republic of Colombia, seriously proposed to sell Panama to the United States; and an ex-governor of Panama approached the minister of the United States with an offer to accept a loan of about $300,000, to be used in the establishment of the independence of Panama, when it would offer annexation to the United States.

The relations between Colombia and the State of Panama have been strained to the point of dissolution since 1862, and that is the cause of the reduction of Panama from sovereign statehood to that of a department in the present Republic of Colombia, and is now under a governor appointed by the President of the Republic.

The evidence taken by the Committee on Interoceanic Canals shows the same state of affairs in Panama, which these authentic historical statements fully verify.

The proposition of Colombia to make a lease of canal privileges at Panama to the United States brings into view at once the character of the people we are to deal with in the construction and control of such a canal and the provisions of the proposed convention under which we are to deal with them.

Having shown the character of those people by the highest historical authority, we must inquire as to the probability or possibility of being able to construct and control a canal in their midst with safety and success under the terms of the proposed convention as to their Government, at least within the limits of the canal zone.

This political history which has characterized Panama for three-quarters of a century is due to the peculiar and low grade of its population and to its isolated geographical position.

It has no valuable commercial or social relations with the other States of Colombia, and must always be a political appendix to that Government. Colon is at least fifteen days' travel from Bogota by the shortest and most rapid route of travel.

Mr. Bancroft is right when he says that it will require a strong government to control that native population of more than 100,000 in the State of Panama and the hordes of laborers and adventurers that inhabit the valley of the Chagres and Panama.

Such a divided authority as is proposed in the convention submitted for our acceptance by Panama would soon lead to the overthrow of useful government in the vicinity of the canal line and in the cities at its terminals, with such a mixed and turbulent people to be controlled.

When there is added to that difficulty the delicate and hazardous care that is to be given to a great ship canal and the commerce that is to pass through it, a divided jurisdiction is at once rejected by common sense as being outside of all reasonable hope of success.

To build a canal in such a country, with cities at both ends that are not under our control as to police powers, supported by judicial authority, or in the exercise of military power, only when Colombia shall from time to time give her consent, would be a most hazardous undertaking. We would be there only a short time until we would be compelled to assert sovereign authority over the department of Panama, contrary to our treaty pledges to protect Colombia in her sovereignty. This would lead to war, and war would lead to annexation, and that would violate our national honor pledged to Great Britain and to the whole world, in the Hay-Pauncefote treaty, as to the neutrality of the canal when the sovereignty over that country is in the United States. That could never be.

But, above all, it would poison the minds of the people against us in every Spanish-American Republic in the Western Hemisphere, and set their teeth on edge against us, to annex Panama. Besides, it would tarnish our national honor to enter Panama under the pledge that our purpose is to build a canal and follow it with the annexation of Panama; and no actual necessity for annexation, however imperative it may be, would ever excuse or palliate that result, in the opinion of the Spanish-American people. If this is to be, or if it may be, as a necessity for the protection of the canal, it would be the most dangerous national pitfall into which we could plunge.

We can purchase Panama from Colombia for less than $40,000,000 if we were base enough to make the bargain, and let the Panama Canal Company work out their concession, which would then be under our control, if they can do so, or forfeit it if they can not complete the canal. I do not by any means advise or tolerate such a course, but I can not refuse to see that it would be easily practicable, and if we know, as we must, that the United States will be forced to annex Panama, as the only means of preserving our property, and almost unavoidable, if we build the canal under the convention proposed by Colombia.

Wisdom, honor, and public faith require that we should even purchase Panama rather than enter upon a plan that will force the United States to exercise sovereign jurisdiction over the canal and railroad through the necessity of providing for their protection.

If we intend to assume an attitude that will compel us to control the canal as a sovereign in order to protect it, let us buy the country and build the canal or let the Panama Canal Company build it under the existing concession.

If we chose to be false to our obligation (a very peculiar one, I admit) to keep Panama subject to the sovereignty of Colombia, without regard to the right or humanity of such an engagement, there is no doubt that Panama would eagerly seek protection under the folds of the flag of the United States to escape the sort of rule that Colombia would impose upon her, through our pledged assistance. I can understand how the United States can pledge her protection to a sovereign state against a foreign country that invades it, but I can not understand how a pledge of protection for the sovereignty of a state over one of its departments can be just or lawful, since it is a pledge to interfere in the national affairs of a state.

If Colombia should oppress Panama would we protect her against the revolt of the people of Panama on account of such wrongs? If we did so protect Colombia against such a revolt we would be interfering in her internal affairs, and if we did not compel the submission of Panama, without reference to her wrongs or sufferings, we would violate our treaty obligations to Colombia. It is a dangerous situation, in which Colombia can compel us to aid her in the oppression of her own people, and it is this that the proposed convention pledges us to do.

There is little doubt that Colombia would get rid of this thorn that has rankled in her bosom for sixty years and is now fighting

her with gallant and determined energy if we would pay her the $40,000,000 we are asked to vote to the Panama Canal Company for a canal that it is not able to complete, and that France will not aid it to complete. With a claim of title that is strong enough only to excite discussion among the lawyers and to promote speculation among stock gamblers, and with a reputation that the Isthmian Canal Commission has stamped as criminal, in its final report to the President, we would purchase troubles and evils that we can neither foresee nor provide against if we purchase the Panama Canal.

If we must encounter these adverse and disreputable conditions in order to get a canal, let us clear the field of all doubt and all reproach by the annexation of Panama, for it will come to that at last. When we see that such a result will necessarily follow the plan of the proposed substitute, why should we hesitate to provide for it at the outset?

Taking into view only the chronic condition of political disturbance between Panama and Colombia, it is impossible for us to anticipate anything but a continuance of those conditions in the future unless we change them by the strong arm of sovereign power.

Under the proposed arrangement as provided in the substitute before the Senate and by the proposed convention we are compelled to choose one of three alternatives. We must compel the absolute subjection of Panama to Colombia or we must take sides with her and make her independent, or else we must make Panama a part of or a dependency of the United States.

The Liberal or antichurch party in Colombia and in adjoining republics is engaged in bitter strife and active hostilities against Colombia. It was this situation that caused the peculiar and offensive provision of Articles III and IV of the proposed convention with Colombia, copied in Appendix A to the report of the committee, as follows:

ARTICLE III.

All the stipulations contained in article 35 of the treaty of 1846-1848 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands within the said zone, and the territory thereon shall be neutral territory, and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover, in conformity with the above-mentioned article 35 of said treaty.

In furtherance of this provision there shall be created a joint commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

This and the memorandum prefixed to the draft of the convention renews all our obligations of the guarantee of the sovereignty of Colombia over Panama and her right of property in that State.

Not content with that, and moved by the present belligerent attitude of the people of Panama, Colombia makes this further demand in Article IV:

ARTICLE IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but, on the contrary, it desires to strengthen the power of the republics on this continent and to promote, develop, and maintain their prosperity and independence.

The guaranty of protection given in the treaty of 1846–1848 to Colombia over Panama is stated by the Panama Canal Company to be one of its valuable assets under the concessions made to it by Colombia. It is its most valuable asset, since Colombia, unaided, can not protect that canal from seizure by the people of Panama.

Panama was degraded from a State to a department by Colombia, and the proposed convention pledges the United States to confirm that act, which excites the rebellion of Panama, and will make those people our relentless enemies. It then proceeds to pledge the United States to "strengthen the power of the republics on this continent," including Colombia. Thus we are to be involved in pledges made to every republic in South America.

There can be no mistake as to these purposes, and none as to the offensive and derogatory declaration that the United States disavows any intention to impair the sovereignty of the Republic of Colombia over Panama "in any way whatever, or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America."

This provision, no doubt, was also intended to prohibit the United States from acquiring exclusive canal rights in Nicaragua and Costa Rica under the offensive admission that, but for such a pledge, our purpose and policy toward the Central and South American republics is to increase our territory at their expense.

The unpublished records of the State Department contain accounts of overtures from Colombia to sell Panama to the United States, and overtures from Panama for annexation to the United States, unless those records have been lost or destroyed, but such is the fact, but the overtures fell upon unwilling ears. We are now bound to sustain Colombia as sovereign and owner of Panama against any wrong or depredation she may inflict upon these States.

Colombia is in no situation to demand from the United States the disavowal of any intention to increase our territory at her expense, while we have kept our pledges to her at great expense and trouble to our Government. But those articles, 4 and 5, are part of a plan for the joint government of the canal zone by the United States and Colombia through joint commissions and the exclusive government of the cities of Panama and Colon and of all territory outside that zone by Colombia.

Inside the zone all sanitary and police regulations are to be made by a joint commission and "established and enforced" by them. The joint government of the canal zone, as to the regulations for police and sanitary purposes, and as to their enforcement, comprehends everything relating to the preservation of the public peace and the public health that could be enforced by sovereign authority.

These essential matters, that are indispensable to canal construction, regulation, and management, are the points where governments come most directly in contact with the people. A joint government in such matters is an impossible situation unless one of the governments has the mastery over the other.

Under this convention, if it should be accepted by the United States, Colombia being the only sovereign power that is recognized as existing there, its will would give supreme control and direction to the joint commission.

It is inconceivable that a peaceful administration of such power could be conducted in the midst of such a population, or that we could escape war with Colombia on the first serious disagreement as to the government of the canal zone.

With such places as Colon and Panama outside the canal zone, yet with Colon between the canal and the ocean and Panama on the margin of the zone, it would be impossible to execute quarantine or police regulations without constant conflicts with those people, and they would inevitably lead to war.

This situation, created by Article IV of the proposed convention, is greatly aggravated by Article XIII, which leaves all the powers to dispose of controversies, civil and criminal, to be determined after the convention is ratified. Then the sovereign of the canal zone will exert its powers to prescribe "regulations," if they are not agreed upon, "to protect and make secure the canal as well as the railroad and other auxiliary works, and to preserve order and discipline among the laborers and other persons who may congregate in that region in consequence of the proposed work."

ARTICLE XIII.

The Governments of Colombia and the United States shall agree upon the regulations necessary for said purpose, as well as to the capture and delivery of criminals to the respective authorities. Special regulations also shall be agreed upon, in the manner aforesaid, for the establishment of laws and jurisdiction to decide controversies that may arise respecting contracts relative to the construction and management of the canal and its dependencies, as well as to the trial and punishment of crimes that may be committed within the said zone of the canal.

"The establishment of laws and jurisdiction to decide controversies that may arise respecting contracts relative to the construction and management of the canal and its dependencies" is the most important function of government that relates to the building of the canal and its ownership, control, and management.

There is no feature of this proposed convention that the United States could yield to the joint or separate control of Colombia with so little safety as this. No "special regulations" or general regulations can ever be adopted under which Colombia can participate in the creation of laws and jurisdiction to decide controversies respecting "contracts for the construction and management of the canal and its dependencies."

It would be a national humiliation and degredation to permit any country to unite with us in making laws and creating jurisdictions to decide as to contracts relative to the construction and management of a canal with our own means.

If such an arrangement could be possible, it should be made absolutely certain by the terms of the convention before it is ratified. Leaving such provisions open to future arrangement and definition is only to invite contention which will end in controversy and lead to war.

The probabilities of rupture and conflict between the United States and Colombia are greatly increased—indeed, they are inevitable—under Article XXIII of the proposed convention, as follows:

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case; but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that

sole purpose; and as soon as the necessity shall have ceased will withdraw the forces so employed.

Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works, the Government of the United States is authorized to act in the interest of their protection, without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated; and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose those of the United States shall retire.

The necessity of employing armed forces to protect the canal and the railroad at Panama has existed on many occasions during the past fifty years, and has cost us heavily for naval expeditions to both coasts of Panama, and now we have war ships at Panama and at Colon for that purpose.

In every instance the cause of disturbance has been political, and in the majority of cases has been the result of the dissatisfaction of the people of Panama with the Government of Colombia. Such is the case in the present war, which has lasted for nearly two years.

Colombia has no power under the treaty of 1846–1848, which is the authority for our action, to dismiss our forces or to order them away from Panama when her troops have appeared on the scene of action. But that right is distinctly, arrogantly, and offensively reserved in Article XXIII of the proposed convention; that is to say, that while we are defending the sovereignty of Colombia over Panama and the canal and railroad that belongs to the Panama Canal Company and to Colombia we can remain at our post of duty until we consider that our full duty has been performed; but when we enter upon the defense of a canal that we have built and a railroad that we have bought, "as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose those of the United States shall retire."

That is a situation that places the canal and the railroad under the exclusive military control of Colombia, at her option; and when such a power is once used by Colombia it will not be relaxed until it is wrested from her by force.

It is quite unnecessary to discuss a proposal that is certain to produce armed conflict whenever the occasion may present, or to characterize the absurdity of the attitude of Colombia in demanding our protection of the canal and railroad, under the treaty of 1846–1848, while they are in possession of the French and are under her protection, and that we shall desist, at her bidding, from protecting them, when they have become the property of the United States. If, in the history of diplomacy, a more absurd proposition was ever advanced, it must have been insincere, or else it must have proceeded from a conqueror to some beaten enemy as the terms of a capitulation.

I will not now go into a further examination of the many reasons why this proposed convention can not furnish the safe basis of concessions from Colombia. My first purpose and duty, as I think, being to show that the existing conditions in Panama are such as to warn us off from that dangerous ground and that these conditions are made still more dangerous by the terms of the proposed convention. I also wish to point out that this convention can not be sanctioned or recommended by Congress as being respectful to the Government of the United States.

If the provisions of this proposed convention are connected with the letters of its advocate to the President and the Secretary of State, as shown in the former reports of this committee and in the deposition of H. Lampre, it will be seen that it only completes a scheme of the attorney of the Panama Canal Company to defeat legislation in favor of the Nicaraguan Canal route and that many astute devices have been contrived for the purpose.

I do not intend now to discuss that feature of the transaction. I think enough has been shown, aside from the questions of engineering, health, commercial value, military and naval advantages, and cost, that will be more fully examined by others, to show that, under the concessions proposed by Colombia, or under the political conditions existing in Panama, it is impossible that the United States can undertake to purchase and complete the Panama Canal. That it will not only embroil us with Panama, Colombia, and, possibly, with other American republics, but that it will plunge the entire canal question in a darker cloud of doubt and uncertainty than that from which it has so recently been relieved, after a struggle of a half century of sickening delay.

If the amendment offered as a substitute to the House bill is intended to carry into effect the convention proposed by Colombia and sent to Congress by the Secretary of State as an official document, it will be seen on even a slight examination that it is not by any means suited to accomplish that purpose.

The substitute and the proposed convention are in direct conflict in many points. The substitute was offered in the Senate and reported upon by its committee before the draft of the convention was presented to the Secretary of State. They are entirely independent and entirely repugnant propositions.

There is no proposition before the Senate to accept the proposed convention and enact it into law. Indeed, such acceptance is impossible, according to its terms, because it can only be binding on Colombia after the congress of that Republic has authorized the concessions it proposes to make.

If, therefore, the substitute is enacted by Congress, it can only mean delay until it can be seen whether Colombia will change her offer of concessions to conform to the requirements of the substitute.

It will change the whole current of legislation into an offer of terms by the United States to Colombia as to the concessions to be acquired, which Colombia has already notified us that she will not accept.

Such a movement, if it is not intended for delay, can produce no other result than the defeat of all canal legislation.

The substitute recommended by a minority of the committee for the House bill reported by the majority does not leave the choice of canal routes to the judgment and discretion of the President.

The President can not acquire "control of the necessary territory from Costa Rica and Nicaragua for the construction, maintenance, operation, and protection of a canal by the Nicaragua route" until he has made the effort and is "unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and such control of the necessary territory of the Republic of Colombia, mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms."

"Then the President" shall take up the Nicaragua route and proceed to obtain the control of it.

I suppose this statement of the provisions and purposes of the substitute will not be questioned or denied.

Mr. MITCHELL. If the Senator will allow me, not only that, but if the officers of the Government to whom is remitted the question as to whether a satisfactory title can be had at Panama report in the affirmative, then the hands of the President are bound. He is bound, then, to build the canal at Panama, paying those people $40,000,000, whether he thinks it is the better place or not.

Mr. MORGAN. It can hardly be that Congress would require the President to make a contract with Colombia and at once violate it by making a contract in similar or identical terms with Costa Rica and Nicaragua for the control of territory in those States.

The test of the question as to the meaning of the proposed substitute to the House bill is conclusive when the question is asked, Can the President reverse the prescribed order of proceeding and first make the effort to acquire the control of the Nicaragua route, and that he shall only attempt to acquire the control of the Colombia route when that effort has failed?

The President would violate the law, if this substitute is enacted, if he should conclude an agreement with Nicaragua and Costa Rica, without having first made an effort to agree with Colombia. This plan of dealing with this subject is wholly at variance with the popular notion that this proposed substitute leaves the choice of routes to the untrammeled judgment and discretion of the President. There is no such provision and there is no such purpose in the bill.

Mr. SPOONER. It was not intended that there should be.

Mr. MORGAN. I suppose not. It was intended to compel Congress to decide first in favor of Colombia or against it.

On the contrary, it requires him to exhaust his efforts to acquire the route through Colombia, and if he finds himself unable to do this he is authorized to make an effort to acquire the control of the Nicaragua route.

If the substitute is adopted, the Colombian route is adopted as the choice of Congress, and the Nicaragua route is only a second or alternative choice, which the President is authorized to make if the first choice can not be satisfactorily obtained.

That this is the careful and well-guarded purpose of the substitute is shown by the fact that section 3 makes a specific appropriation of $40,000,000 "to pay for the property of the New Panama Canal Company," and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated.

The sum to be paid to the New Panama Canal Company is fixed at $40,000,000, and is payable upon the sole conditions that the President shall have obtained a satisfactory title to the property of the New Panama Canal Company, described in section 1 of the substitute, and the control of the necessary territory from the Republic of Colombia, as provided in section 2 of the substitute.

The property of the New Panama Canal Company is the only property or rights upon which a specific price is fixed and ordered to be paid. All the rest is left to be agreed upon by the President.

The New Panama Canal Company is the star performer in the drama, and when we have provided its compensation all other considerations become matters of minor concern.

The substitute fixes this sum of $40,000,000 upon the title of Colombia as an incumbrance, and instead of requiring her to remove it on the payment of that sum to her and requiring her to remove it and guarantee her title to the United States free of all incumbrance, we are to pay it off and take Colombia's title with no guaranty whatever that the title of the Panama Canal Company is free of incumbrance.

If the substitute is passed it authorizes the President to ascertain what is "the property of the New Panama Canal Company," and when he has done that he is authorized to obtain "satisfactory title" to that property of the company.

If it has "rights, concessions, grants of land, right of way, unfinished work, plants, maps, plans, drawings, records, and other property, real, personal, and mixed, which it owns on the Isthmus of Panama and in Paris, including 6,863 shares of the Panama Railroad Company," that is the property for which the President is authorized to pay $40,000,000.

If it has money or other stocks in Paris or elsewhere, the President is not authorized to claim or purchase that under this act, if the substitute is adopted.

No inventory of the property is provided for in the substitute, and no provision is made for ascertaining its description or value or whether the title is free from incumbrance. All the requirements of the law are complied with if he obtains "a satisfactory title to the property of the New Panama Canal Company." If that corporation is entitled to convey its property the title must be satisfactory. The property corresponding to the classifications in section 1 of the substitute, whether it is much or little, is to be paid for at the price of $40,000,000.

It does not bind the company to convey all its property of certain descriptions or to supply any inventory or memorandum of the items or any valuation of them.

It has been loudly heralded that this is a business proposition. If it is, it is time that our business methods were improved and that the star performer in the drama was required to come down to facts and figures.

Is Congress never to know more about this transaction than is disclosed on the face of this proposed substitute?

Is the unlimited discretion of the President in the expenditure of $40,000,000 for the property of which there is no description, except by classes, without reference to its actual value, to be covered only by his warrant on the Treasury without the scrutiny or approval of Congress? Such is "the business method" of this substitute.

This matter requires very careful examination, which I am not endeavoring to give to it, because I am only engaged now in presenting the questions to the Senate that arise on the House bill and the proposed substitute. I am only touching the promontory points of the counter project to the bill, which are plainly unsound and unsafe.

In this $40,000,000 gift to a corporation of France, under the guise of a purchase of property that inevitable bankruptcy induces them to sacrifice in order to divert the proceeds from their honest creditors into their own pockets, there is much circumspection necessary if we would not disparage the fair name of the United States by greedily seizing a proffered bauble, gilded with fine gold, but full of corruption.

The New Panama Canal Company never had a capital stock that exceeded 63,000,000 francs, or $12,300,000, and it claims to be the owner of properties of the old Panama Canal Company, valued by the new company at $109,000,000 in February, 1901, which cost the stockholders and bondholders of the old company more than $350,000,000. Some of the leading stockholders in the new company were compelled to take stock in it, and so to provide a life buoy for the old company, as a condonation of the frauds they had perpetuated on the old company. For these frauds some of them stood convicted in the courts and were released from punishment because they agreed to float the old company on the back of this new or reorganized company. But I will let the Isthmian Canal Commission tell that story in their own way.

In their final report they say:

> Six hundred thousand shares had been subscribed to be paid for in cash, and 50,000 shares were given as full-paid stock to the Colombian Government in compliance with the terms of the extension of the concession, dated December 23, 1890. Thus the cash capital of the company was 60,000,000 francs, or $11,640,000, a sum deemed sufficient for the provisional operations contemplated. The scandals connected with the failure of the old company, which had led to the prosecution and conviction of De Lesseps and other prominent persons, had made it difficult to secure even that amount.
>
> Suits had been brought against certain loan associations, administrators, contractors, and others who were supposed to have unduly profited by the extravagant management of the old company. A series of compromises were made with these persons, by which it was agreed that they should subscribe for stock in the new company on condition that the suits should be dropped. Whatever amount remained to make up the 60,000,000 francs, after deducting the sums thus obtained and those to be obtained by public subscription, was to be subscribed by the liquidator. The stock was subscribed as follows, viz:

	Francs.
Eiffel	10,000,000
Crédit Lyonnais	4,000,000
Société Générale	4,000,000
Crédit Industriel et Commercial	2,000,000
Administrators of the old company	7,885,000
Artigue, Sonderegger & Co	2,200,000
Baratoux, Letellier & Co	2,200,000
Jacob heirs	750,000
Couvreux, Hersent & Co	500,000
Various persons to the number of 60 who had profited by syndicates created by the old company	3,285,700
Hugo Oberndorffer	3,800,000
Public subscription	3,484,300
The liquidator	15,895,000
Total	60,000,000

> See fourth report of the liquidator to the court, dated November 26, 1895, pages 8, 9, and 13.
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> The old company and the liquidator had raised by the sale of stock and bonds the sum of $246,706,431.68. The securities issued to raise this money had a face value of $435,559,382.80. The number of persons holding them is estimated at over 200,000.

The substitute for the House bill was prepared with a most optimistic conjecture as to what Colombia would propose in the way of concessions to the United States to induce us to complete the Panama Canal. The result is very disappointing to those who have $40,000,000 suspended on this speculation.

Section 2 of the substitute requires that the terms of the concessions from Colombia shall be such as the "President may deem reasonable."

The offer of Colombia is an annual rental of $500,000, of which $7,000,000 shall be paid in advance. The rental to be changed to a higher or lower figure, as shall be fixed by arbitrators at the end of fourteen years, and again at the end of one hundred years, but it is $500,000 a year. It will never be less; it may be more.

Fifty million dollars rent for one hundred years is scarcely reasonable for the use of the canal, when we have paid $180,000,000 to construct it, with interest and betterments to be added.

This demand is conclusive of the fact that Colombia does not want the canal, or that she thinks the United States is an easy victim of extortion.

The substitute demands "control in perpetuity" of a ship canal route through Colombia.

The Colombian convention concedes a lease for one hundred years, subject to the payment of rent and renewable at the end of that period for another hundred years, subject to such rent as then may be agreed upon or awarded by arbitrators.

The substitute demands that the canal zone shall be "a strip of land 10 miles wide from the Caribbean Sea to the Pacific Ocean," which would include the cities of Panama and Colon, besides much public land.

The Colombian convention includes a strip of land only 6 miles wide from the coast of the Bay of Colon to the coast of the Bay of Panama, which is 105 miles shorter than the strip required by the substitute, and from which Colon and the city of Panama are expressly excluded.

The substitute for the House bill, with wise forecast and the necessary provision for self-preservation, demands, even in case we should acquire only a controlling interest in the canal in a sort of coparcenery with Columbia, that the United States shall have "jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals thereon as may be necessary to enforce such rules and regulations." This well-devised but incomplete demand of rights that are indispensable to the safety of the canal and our control over it is broken through by the arrogant demands of the convention proposed by Colombia as a mogul engine would break through a wicker fence.

Instead of the exclusive police and sanitary jurisdiction of the United States in the canal zone, we are excluded from such jurisdiction in Colon and Panama city, and are required to establish and keep up waterworks in those towns during the life of the proposed lease. Within the canal zone police and sanitation and the laws that regulate them and the execution of those laws are to be provided by a joint commission appointed by the respective governments.

As to the "regulations necessary to preserve order and preserve the public health in the zone, and to establish such judicial tribunals thereon as may be necessary to enforce such regulations," the Colombian convention confides them to a joint commission to be appointed by the respective governments.

I am dealing only with the substitute for the House bill, and pointing out the havoc the Colombian convention has made in its requirements, and will in the course of my remarks point out the aggressions that Colombia proposes to make upon us which seem not to have entered into the imagination of the framer of the substitute, as no provision is made against them.

They evince an insolent and accusing temper against the United States that condemns that proposed convention to diplomatic contempt as a gratuitous impeachment of our national honor.

The shock of the conflict is so severe between the propositions of legislation stated in the proposed substitute to the House bill and the proposed convention of Colombia that I do not see how it is possible to reconcile them or to get these measures into harmony so as to make a friendly disposition of the $40,000,000 that the substitute to the House bill requires Congress to appropriate and to be paid to the New Panama Canal Company; and I think it certain that the American people will agree with the committee in the recommendation that our Government had better wash its hands of the entire scheme.

The alternative proposition of acquiring the right and of constructing the canal on the Nicaraguan route, as stated in sections 4, 5, and 6, is in substance the same as the provisions of the House bill now before the Senate. The difference between them is that, in passing the House bill, Congress would do its duty in selecting the route for the canal, and would still leave it open to the President to interpose his constitutional right of objection, if he should be of opinion that Congress had made an unwise choice.

None of these questions hang over the Nicaragua route, as to which there are no difficulties as to the population or as to insurrections, where all the people are anxiously awaiting the coming of the United States to their assistance, with eager hopes and a warm welcome, to their fertile, healthy, and beautiful land.

A legal situation was created by diplomatic agreement, in writing and under seal, in December, 1900, in the following language:

Protocol of an agreement between the Governments of the United States and of Nicaragua in regard to future negotiations for the construction of an interoceanic canal by way of Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte on the Caribbean Sea via Lake Nicaragua to Brito on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this 1st day of December, 1900.

[SEAL.] JOHN HAY.
[SEAL.] LUIS F. COREA.

The agreement with Costa Rica of the same date is in the same language.

The language of these agreements was taken from the House bill, then pending in the Senate in the Fifty-sixth Congress, and is the same in the House bill No. 3110, now before the Senate for consideration. Costa Rica and Nicaragua have informed the Secretary of State that they insist upon the submission of their respective agreements to Congress for its action. This is done to make the distinct acknowledgment that the agreements are binding on them notwithstanding the fact that the Hay-Pauncefote treaty, referred to in those agreements, was not ratified, the subsequent treaty, which was ratified, being the same in substance with the former treaty so far as it affects these States or their agreements.

The passage of the bill now before the Senate would make those agreements binding on those Republics, according to their terms.

The authorization of the President by Congress to make such acquisitions of the control of their territory for canal purposes is the condition upon which the agreements are to be binding, and when that is given the obligation is completely binding and irrevocable. What those Republics have done is to make the concessions stated in their agreements, if Congress will authorize him to acquire the rights described therein, and the contract is of perfect obligation when Congress gives him such authority.

In the bill before the Senate such authority is given to the President. Coupled with such authority is an appropriation, which he may use for the purpose of acquiring the rights therein designated, but can not use to acquire such rights from any other than the States of Nicaragua and Costa Rica. He is not compelled to pay anything for these rights. No price is put upon them either in the bill or in the contracts, and the price he shall pay, if any, is left to his just and legal discretion. These States agree further that they will enter into negotiations with the United States to arrange the details of the plan for the construction and control of the canal, but as to the route and terminals to which the exclusive canal rights apply the contract is forthwith binding when ratified by Congress.

The situation leaves the plan, arrangements, and compensation, if any, open to further negotiation when Congress has given the requisite authority to acquire the rights designated in those contracts of December, 1900.

Until such action is taken by Congress, the signatory powers could not conclude a final convention, because Costa Rica and Nicaragua desired the action of Congress as an assurance that the canal would not fail because of the indisposition of Congress to adopt the policy of the construction of the canal by the Government, to be under its exclusive ownership and control.

These States wisely and properly placed their offer before Congress for acceptance or rejection as the only satisfactory means of ascertaining whether the route they proposed to cede would be accepted by this Government, and whether Congress desired to abandon the former policy of constructing the canal through a corporation having a membership of private persons or of the three States concerned through the ownership of stock.

Now, in order that Congress may know the scope of the concessions so far as they are left undetermined by those contracts, Nicaragua has presented to the Secretary of State the draft of a convention, which sets forth in detail "the plan and the agreements in detail found necessary," in her opinion, "to accomplish the construction and to provide for the ownership and control of the proposed canal."

If the House bill is passed by the Senate, this draft of a convention will be the basis of action by our diplomatic authorities in formulating and agreeing to a treaty to execute those agreements of December, 1900. The passage of the House bill will not be an acceptance of this draft of a convention as a concluded treaty, but it is a committal of Nicaragua as to the character and extent of the rights she offers to concede. It is a fair, open, and sincere avowal of the various provisions that she considers proper to be incorporated in the treaty, and of the terms in which she considers that they should be expressed.

No expression or intimation is given by the President, through the Department of State, as to the provisions of this paper, whether or not they are sufficient for all purposes, or are just, or whether they are written in the terms he would approve.

It is information officially received by the Secretary of State and officially communicated to Congress of an ascertained basis on which further negotiations will be conducted when Congress has determined that the Nicaragua route is chosen for an isthmian canal, if it shall so determine.

The draft of the convention submitted by Colombia has the same effect, except that there is no existing agreement with Colombia relating to any concession of the right to construct a canal through that Republic.

The agreement proposed by Colombia sets forth all that she is willing to concede to the United States, and all that she, at present, demands of the United States in the way of compensation for such concessions.

Colombia, in the draft of the convention submitted to the Secretary of State, and through him to the President, has given an official statement of what she proposes, and the same has been officially presented to Congress by the Secretary of State.

Thus the entire subject has been fully presented to Congress in the various reports that have been made, in both Houses, during a period of fifty years, and the question is, Shall it now be decided?

If I should consider only the toil and anxiety it has cost so many honorable and able men to bring this question to a final vote, I would feel inexpressible anxiety to reach that conclusion.

The Government has spent not less than $3,000,000 in explorations and surveys of isthmian canal routes, while the cost to private persons in making such examinations, and in work on the canal, has been more than $6,000,000 on the Nicaragua line and at least $350,000,000 on the Panama route.

The work done by private enterprise in searching out the best lines for a canal through the dense tropical jungles has been quite as useful to this great enterprise as the millions that have been spent by governments. No government has spent a dollar in aid of the construction of a canal at Panama or Nicaragua. The people have supplied all the money that has been expended in actual work on these canals, and the contributions have come from those who were the possessors of small means—the middle classes.

They were not tempted by the prospect of gain, but were moved by the nobler impulse of duty and the love that every generous spirit feels for doing all that is possible for the glory of his country and the benefit of coming generations. It is the body of the people that supplies the men, the means, and the courage to achieve the great conquests of civilization and progress. It is not the men who selfishly save their own interests. They always follow in rear of the column with the wagon train and make profit out of great enterprises and the great bankruptcies that often ensue, but these men must always be secured an enormous profit, with gilt-edged collateral, before they will turn a hand to help the

country to increase its prosperity or to save it from ruin or distress.

These wreckers of great enterprises and salvage men are always alarmed at the dangers that threaten others, unless they are in a position to profit by their misfortunes. They oppose improvements by the Government because they furnish no opportunity to load mortgages upon public works and through them enormous burdens of interest and profits upon the industries of the country. Until the Government took hold of this canal question for the benefit of the people, the great capitalists looked with something akin to toleration at the canal enterprises that would probably furnish fresh opportunities for capital to levy severe contributions upon industry.

When the Government endeavored to come to the assistance of the people and essayed to use their taxpaying power for their benefit all was changed.

The great corporations that have power to place the commerce of the world in the grasp of transportation monopoly, and the capitalists who coin their credit into gold in the mints where corporation stocks are created, when they discover that the Government is about to come to the aid of the people, cry out against the effort as reckless folly and muster about Congress a display of scarecrows to frighten us from our propriety.

If they did not invade the dominion of truth and throw its votaries into the mire of defamation and attempted disgrace, their conduct would be less censurable. But they hesitate at nothing.

I have a motive in this work that is not personal. It is not the hope of winning the applause that is so dear to every honorable man. It relates, in the largest and most catholic sense, to the duty that rests upon the generation of Americans, as it has rested upon no other people or generation, to complete the physical and political geography of this hemisphere by the removal of the isthmian barrier to the union of the great oceans through a gateway that we alone are able to construct.

It is from this ability that this duty arises. If we have the ability and the opportunity, our failure to do this work can be attributed to nothing but moral weakness, engendered by the opposition of powerful private interests, or by the dread of some unseen or unknown force of nature that alarms the imaginations of men.

When Ferdinand de Lesseps lifted the first spade of earth from the line of the Suez Canal it was in one of the ancient mouths of the Nile, near a lake that covered an ancient city in the land of Goshen, where the tops of its temples were 50 feet below the surface of the water, but were plainly visible.

The land of Goshen had long been covered with silt from the Nile, and was a desert, through which the canal was dug.

Great Britain, using all its powers of diplomacy, caused the Sultan of Turkey to withhold his firman to authorize the Khedive of Egypt to do the work. De Lesseps had no government at his back and no money except private subscriptions and the assistance of Said Pasha, Khedive of Egypt, who bankrupted his estate to help a great cause.

We have nearly the entire body of 85,000,000 of people to encourage our work, and, if we choose, a Government that can stand the draft of more than a billion dollars from its Treasury, annually, without creating alarm or distress.

Under such favoring conditions I feel that Congress can do an act of kindness to a land that I love, and that is the hope that refuses to perish while success is possible.

I would change the sad conditions that are still roots of bitterness in the South, hidden beneath the ashes of a terrible destruction. I would brighten that land with the bloom of prosperous industry, and bring back to my brethren the consciousness that they live and move in the current of human affairs. I hope to see the waters of the Gulf of Mexico and the Caribbean Sea, the twin Mediterraneans of America, as busy with commerce as the bay of San Francisco.

I will read the names of the signers of the first report to the Senate of a bill to construct the Nicaraguan Canal. It was the unanimous report of the Committee on Foreign Relations, and was signed by every member, each one claiming the privilege of signing it: John Sherman, chairman; George F. Edmunds, WILLIAM P. FRYE, William M. Evarts, JOHN T. MORGAN, Joseph E. Brown, H. B. Payne, J. B. Eustis.

All have gone to their account except three, but none of them ever wrote upon a page of American history a nobler contribution to its prosperity or a more beautiful tribute to their own characters than was written in the first report made in favor of this canal. Mr. George F. Edmunds, the early, intelligent, and magnificent friend of this system, has stood by it through evil and good report, and is to-day a warmer friend of it than I am.

Only two Senators of those who signed that report are now members of this body; but three of the number survive. Not one single tarnish of dishonor rests upon the names of any of those glorious men who have gone to their great account. If I could recall them to-day and ask them of what act of Senatorial work they were proudest, I believe they would say an effort to unite the oceans through Nicaragua by the canal.

I yield the floor to my colleagues on the committee, who will follow me in a more complete discussion of the matters involved in this great controversy.

Mr. HANNA. Mr. President, I desire to give notice that I will address the Senate to-morrow at 2 o'clock on the pending bill.

Mr. MITCHELL. I desire to give notice that I shall follow the Senator from Ohio [Mr. HANNA] in a discussion of the bill.

MINNESOTA INDEMNITY SCHOOL LANDS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. I hope the Senator will defer that motion for a few moments. I have here a joint resolution which, owing to a decision of the Supreme Court, it is very important for the State of Minnesota to have passed at once.

The PRESIDENT pro tempore. Does the Senator from Illinois withdraw his motion?

Mr. CULLOM. Has the joint resolution been considered by the Judiciary Committee?

Mr. CLAPP. No; it does not relate to judicial matters.

Mr. CULLOM. I will withdraw the motion so that the joint resolution of the Senator from Minnesota may be considered.

Mr. CLAPP. I ask unanimous consent for the present consideration of the joint resolution (S. R. 110) empowering the State of Minnesota to file selections of indemnity school lands upon public lands in Minnesota otherwise undisposed of, after the survey thereof in the field and prior to the approval and filing of the plat of survey thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the State of Minnesota to make selections of indemnity school lands in lieu of lands in sections 16 and 36, granted to that State for school purposes and lost by reason of prior disposition thereof by the United States, or other causes, of any public lands in that State of which the survey thereof has been made in the field and which have not been otherwise disposed of, and to which no valid settlement right has attached; and any selections made prior to the approval and filing of the plat of survey are declared as valid and binding upon the United States as though the plat of survey of any such township had been approved and filed as aforesaid; but within thirty days from the date of filing of such selections the State shall cause notice to be published, in some newspaper of general circulation, to be designated by the proper district land officers within the vicinity of the lands selected, setting forth that the State has applied for the lands designated, and that the same are reserved thereby from any adverse appropriation, by settlement or otherwise, which publication shall be continued for thirty days from the first publication; and such indemnity school-land selections shall be subject to any modification or alteration of description and area rendered necessary by subsequent correction of the survey of any township wherein the lands so selected are situated.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALIFORNIA LAND GRANT.

Mr. BARD. I ask unanimous consent for the present consideration of Senate bill 5212.

Mr. BEVERIDGE. Mr. President——

Mr. CULLOM. I will yield to the Senator from California [Mr. BARD] for the consideration of the bill named by him, but I hope I shall not be asked to yield by any other Senator.

Mr. BEVERIDGE. I was going to ask the Senator from Illinois to yield to me for the consideration of a bill after the bill of the Senator from California shall have been concluded.

Mr. CULLOM. I hope the Senator will not ask that.

Mr. BEVERIDGE. Very well.

Mr. BARD. I ask unanimous consent for the present consideration of the bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torres band or village of Mission Indians.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 4, before the word "band," to strike out "Torres," and insert "Torros;" so as to make the bill read:

Be it enacted, etc., That there be, and is hereby, granted to the State of California 640 acres of land, to be selected by said State, under the direction of the Secretary of the Interior, from any of the unappropriated public lands of nonmineral character in said State, in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California; and the selection by said State of the lands hereby granted, upon the approval of

same by the Secretary of the Interior, shall operate as a waiver by the State of its right to said section 16, and thereupon said section 16 shall become a part of the reservation heretofore set apart for the use and occupancy of the Torros band or village of Mission Indians, of southern California, under the provisions of the act of Congress approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California," according to the terms and subject to the conditions imposed by said act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians."

EXECUTIVE SESSION.

Mr. CULLOM. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 5, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 4, 1902.

CONSULS.

Benjamin H. Ridgely, of Kentucky, now consul at Malaga, Spain, to be consul of the United States at Nantes, France, vice Joseph I. Brittain, nominated to be consul at Kehl, Germany.

Joseph I. Brittain, of Ohio, now consul at Nantes, France, to be consul of the United States at Kehl, Germany, vice Courtlandt K. Bolles, deceased.

Ross E. Holaday, of Ohio, to be consul of the United States at Santiago de Cuba, to fill an original vacancy.

Max J. Baehr, of Nebraska, now consul at Magdeburg, Germany, to be consul of the United States at Cienfuegos, Cuba, to fill an original vacancy.

SURVEYOR OF CUSTOMS.

James C. Ford, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee, to succeed Elijah W. Adkins, whose term of office has expired by limitation.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut, George C. Carmine, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed William H. Cushing, promoted.

Second Lieut. George M. Daniels, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Walter S. Howland, promoted.

Second Lieut. Detlef F. A. de Otte, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed A. P. R. Hanks, promoted.

Second Lieut. Frederick J. Haake, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Frank G. F. Wadsworth, promoted.

Third Lieut. Eugene Blake, jr., to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed George C. Carmine, promoted.

Third Lieut. Frank B. Goudey, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed George M. Daniels, promoted.

Third Lieut. Philip H. Scott, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Frederick J. Haake, promoted.

Third Lieut. William J. Wheeler, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Frederick G. Dodge, promoted.

Third Lieut. Herman H. Wolf, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Percy H. Brereton, promoted.

First Assistant Engineer J. Edward Dorry, to be a chief engineer in the Revenue-Cutter Service of the United States, to succeed Sidney T. Taylor, retired.

First Assistant Engineer Charles A. McAllister, to be a chief engineer in the Revenue-Cutter Service of the United States, to succeed James T. Tupper, retired.

Second Assistant Engineer Theodore G. Lewton, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed George B. Maher, promoted.

Second Assistant Engineer Albert C. Norman, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed Henry O. Slayton, promoted.

Second Asst. Engineer C. Gadsden Porcher, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed J. Edward Dorry, promoted.

Second Asst. Engineer John B. Turner, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed Charles A. McAllister, promoted.

Acting Second Asst. Engineer Norris K. Davis, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Theodore G. Lewton, promoted.

Acting Second Asst. Engineer Lorenzo C. Farwell, of Massachusetts, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed C. Gadsden Porcher, promoted.

Acting Second Asst. Engineer William J. Gilbert, of North Carolina, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Albert C. Norman, promoted.

APPOINTMENTS IN THE ARMY.

Medical Department.

William Lordan Keller, of New York, contract surgeon, United States Army, to be assistant surgeon with the rank of first lieutenant, June 2, 1902, to fill an original vacancy.

Charles Clarence Billingslea, of Maryland, contract surgeon, United States Army, to be assistant surgeon with the rank of first lieutenant, June 2, 1902, to fill an original vacancy.

COLLECTOR OF CUSTOMS.

Phillips Lee Goldsborough, of Maryland, to be collector of internal revenue for the district of Maryland, to succeed B. F. Parlett, resigned.

APPRAISER OF MERCHANDISE.

C. Ross Mace, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the Sate of Maryland, to succeed Henry R. Torbert, removed.

POSTMASTERS.

William R. Cady, to be postmaster at Rogers, in the county of Benton, State of Arkansas, in place of Leo K. Fesler. Incumbent's commission expired January 10, 1902.

Reuben A. Edmonds, to be postmaster at Bakersfield, in the county of Kern and State of California, in place of Reuben A. Edmonds. Incumbent's commission expires June 13, 1902.

Albert W. James, to be postmaster at Cobden, in the county of Union and State of Illinois, in place of Henry Ede. Incumbent's commission expired May 4, 1902.

Geradus L. Van de Steeg, to be postmaster at Orange City, in the county of Sioux and State of Iowa, in place of Geradus L. Van de Steeg. Incumbent's commission expired May 28, 1902.

Drewy W. Rhyne, to be postmaster at Lexington, in the county of Holmes and State of Mississippi, in place of Drewy W. Rhyne. Incumbent's commission expired May 27, 1902.

Edward H. Clough, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire, in place of Ossian D. Knox. Incumbent's commission expires June 21, 1902.

Albert P. Merriam, to be postmaster at Phoenix, in the county of Oswego and State of New York, in place of Albert P. Merriam. Incumbent's commission expired May 5, 1902.

George W. De Priest, to be postmaster at Shelby, in the county of Cleveland and State of North Carolina, in place of John H. McBrayer. Incumbent's commission expired February 1, 1902.

J. W. Utterback, to be postmaster at Cordell, in the county of Washita and Territory of Oklahoma. Office became Presidential April 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 4, 1902.

RECEIVER OF PUBLIC MONEYS.

George W. Bibee, of Sheridan, Oreg., to be receiver of public moneys at Oregon City, Oreg.

POSTMASTERS.

James A. Simpson, to be postmaster at Kissimmee, in the county of Osceola and State of Florida.

Benjamin J. Rosewater, to be postmaster at Eureka Springs, in the county of Carroll and State of Arkansas.

Levi W. Davison, to be postmaster at Earlville, in the county of Lasalle and State of Illinois.

James Bromilow, to be postmaster at Chillicothe, in the county of Peoria and State of Illinois.

James H. Spencer, to be postmaster at Necedah, in the county of Juneau and State of Wisconsin.

Lewis S. Patrick, to be postmaster at Marinette, in the county of Marinette and State of Wisconsin.

Ezra M. Rogers, to be postmaster at Hartford, in the county of Washington and State of Wisconsin.

Henry G. Kress, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin.

Edward G. Edgerton, to be postmaster at Yankton, in the county of Yankton and State of South Dakota.

John Kellogg, to be postmaster at Reedsburg, in the county of Sauk and State of Wisconsin.

Benjamin Webster, to be postmaster at Platteville, in the county of Grant and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 4, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXPENDITURES IN CUBA.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back the following resolution and move that it lie on the table.

The SPEAKER. The gentleman from Iowa, by direction of the Committee on Military Affairs, reports back the following resolution and moves that it lie on the table.

The Clerk read as follows:

House resolution 274.

Resolved by the House of Representatives, That the Secretary of War be, and he hereby is, respectfully requested to transmit to this House a detailed and itemized account of the expenditures made by or under the direction or orders of Gen. Leonard Wood, as the military governor of the island of Cuba, during the period of time that such island was under the control of the military authorities of the United States.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HULL. Division, Mr. Speaker.

The House divided, and there were—ayes 76, noes 46.

Mr. HAY. Mr. Speaker, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GILBERT. Mr. Speaker, can we have that resolution read over again?

The SPEAKER. Without objection, the resolution will be again reported.

The resolution was again reported.

The question was taken; and there were—yeas 111, nays 80, answered "present" 15, not voting 145; as follows:

YEAS—111.

Alexander,	Davidson,	Kahn,	Rumple,
Allen, Me.	Draper,	Knapp,	Schirm,
Ball, Del.	Emerson,	Lacey,	Shattuc,
Barney,	Esch,	Landis,	Shelden,
Bates,	Evans,	Lawrence,	Sibley,
Beidler,	Fletcher,	Lessler,	Smith, Ill.
Bowersock,	Foerderer,	Littlefield,	Smith, Iowa
Brick,	Fordney,	McCleary,	Smith, H. C.
Bristow,	Foss,	Mann,	Steele,
Bromwell,	Gardner, Mich.	Moody, N. C.	Stevens, Minn.
Brown,	Graff,	Moody, Oreg.	Stewart, N. J.
Burk, Pa.	Graham,	Morgan,	Sulloway,
Burleigh,	Grosvenor,	Morrell,	Sutherland,
Burton,	Grow,	Morris,	Tawney,
Butler, Pa.	Hamilton,	Mudd,	Tayler, Ohio
Cannon,	Haskins,	Needham,	Thomas, Iowa
Capron,	Henry, Conn.	Nevin,	Tirrell,
Connell,	Hepburn,	Olmsted,	Tompkins, Ohio
Conner,	Hildebrant,	Otjen,	Tongue,
Coombs,	Hill,	Parker,	Van Voorhis,
Cooper, Wis.	Hitt,	Payne,	Vreeland,
Corliss,	Howell,	Pearre,	Wachter,
Cousins,	Hull,	Perkins,	Wadsworth,
Creamer,	Irwin,	Powers, Mass.	Wanger,
Curtis,	Jack,	Prince,	Warnock,
Cushman,	Jenkins,	Ray, N. Y.	Watson.
Dahle,	Jones, Wash.	Reeder,	Woods.
Dalzell,	Joy,	Reeves,	

NAYS—80.

Adamson,	Fitzgerald,	Lewis, Ga.	Robinson, Nebr.
Ball, Tex.	Fox,	Lindsay,	Rucker,
Bankhead,	Gilbert,	Little,	Ryan,
Bartlett,	Hay,	Livingston,	Scarborough,
Brundidge,	Henry, Miss.	Lloyd,	Shafroth,
Burgess,	Hooker,	McAndrews,	Sims,
Burleson,	Howard,	McCulloch,	Smith, Ky.
Burnett,	Jackson, Kans.	McLain,	Snook,
Candler,	Jett,	McRae,	Sparkman,
Cassingham,	Jones, Va.	Maddox,	Spight,
Clark,	Kehoe,	Mahoney,	Stark,
Cochran,	Kern,	Mickey,	Stephens, Tex.
Cooney,	Kitchin, Claude	Moon,	Taylor, Ala.
Cooper, Tex.	Kitchin, Wm. W.	Padgett,	Thayer,
Cowherd,	Kleberg,	Patterson, Tenn.	Vandiver,
Crowley,	Kluttz,	Ransdell, La.	Wiley,
Davis, Fla.	Lamb,	Reid,	Williams, Ill.
De Armond,	Lanham,	Rhea, Va.	Williams, Miss.
Edwards,	Latimer,	Richardson, Ala.	Wilson,
Feely,	Lester,	Rixey,	Wooten.

ANSWERED "PRESENT"—15.

Adams,	Deemer,	Metcalf,	Scott,
Brantley,	Griggs,	Minor,	Slayden,
Burkett,	Ketcham,	Naphen,	Wright.
Crumpacker,	McClellan,	Pierce,	

NOT VOTING—145.

Acheson,	Dovener,	Kyle,	Robinson, Ind.
Allen, Ky.	Driscoll,	Lassiter,	Ruppert,
Aplin,	Eddy,	Lever,	Russell,
Babcock,	Elliott,	Lewis, Pa.	Selby,
Bartholdt,	Finley,	Littauer,	Shackleford,
Bell,	Fleming,	Long,	Shallenberger,
Bellamy,	Flood,	Loud,	Sheppard,
Belmont,	Foster, Ill.	Loudenslager,	Sherman,
Benton,	Foster, Vt.	Lovering,	Showalter,
Bingham,	Fowler,	McCall,	Skiles,
Bishop,	Gaines, Tenn.	McDermott,	Small,
Blackburn,	Gaines, W. Va.	McLachlan,	Smith, S. W.
Blakeney,	Gardner, N. J.	Mahon,	Smith, Wm. Alden
Boreing,	Gibson,	Marshall,	Snodgrass,
Boutell,	Gill,	Martin,	Southard,
Bowie,	Gillet, N. Y.	Maynard,	Southwick,
Breazeale,	Gillett, Mass.	Mercer,	Sperry,
Broussard,	Glenn,	Meyer, La.	Stewart, N. Y.
Brownlow,	Goldfogle,	Miers, Ind.	Storm,
Bull,	Gooch,	Miller,	Sulzer,
Burke, S. Dak.	Gordon,	Mondell,	Swanson,
Butler, Mo.	Green, Pa.	Moss,	Talbert,
Calderhead,	Greene, Mass.	Mutchler,	Tate,
Caldwell,	Griffith,	Neville,	Thomas, N. C.
Cassel,	Hall,	Newlands,	Thompson,
Clayton,	Hanbury,	Norton,	Tompkins, N. Y.
Conry,	Haugen,	Overstreet,	Trimble,
Cromer,	Heatwole,	Palmer,	Underwood,
Currier,	Hedge,	Patterson, Pa.	Warner,
Darragh,	Hemenway,	Pou,	Weeks,
Davey, La.	Henry, Tex.	Powers, Me.	Wheeler,
Dayton,	Holliday,	Pugsley,	White,
De Graffenreid	Hopkins,	Randell, Tex.	Young,
Dick,	Hughes,	Richardson, Tenn.	Zenor.
Dinsmore,	Jackson, Md.	Robb,	
Dougherty,	Johnson,	Roberts,	
Douglas,	Knox,	Robertson, La.	

So the motion to lay the resolution on the table was agreed to.

The following pairs were announced:

Until further notice:

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. SOUTHARD with Mr. NORTON.

Mr. LONG with Mr. HENRY of Texas.

Mr. BURKETT with Mr. SHALLENBERGER.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. BINGHAM with Mr. CREAMER.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. HOLLIDAY with Mr. MIERS of Indiana.

Mr. SKILES with Mr. TALBERT.

Mr. GORDON with Mr. SCOTT.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. GARDNER of New Jersey with Mr. WHITE.

Mr. GILLET of New York with Mr. CLAYTON.

Mr. CALDERHEAD with Mr. ROBB.

Mr. BISHOP with Mr. DOUGHERTY.

Mr. BROWNLOW with Mr. PIERCE.

Mr. HEMENWAY with Mr. ZENOR.

For the session:

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. BOREING with Mr. TRIMBLE.

Mr. YOUNG with Mr. BENTON.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. WRIGHT with Mr. HALL.

Mr. HEATWOLE with Mr. TATE.

For one week:

Mr. ROBERTS with Mr. BELLAMY.

Mr. CURRIER with Mr. PUGSLEY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. CRUMPACKER with Mr. GRIFFITH.

For ten days:

Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.

Mr. MILLER with Mr. THOMAS of North Carolina.

Mr. DARRAGH with Mr. THOMPSON, until June 9.

For this day:

Mr. WEEKS with Mr. GREEN of Pennsylvania.

Mr. BOUTELL with Mr. GRIGGS.

Mr. METCALF with Mr. WHEELER.

Mr. BABCOCK with Mr. RICHARDSON of Tennessee.

Mr. DICK with Mr. UNDERWOOD.

Mr. TOMPKINS of New York with Mr. SWANSON.

Mr. STEWART of New York with Mr. SMALL.

Mr. WARNER with Mr. SHEPPARD.

Mr. SOUTHWICK with Mr. SHACKLEFORD.

Mr. SAMUEL W. SMITH with Mr. SELBY.

Mr. MONDELL with Mr. RANDELL of Texas.

Mr. OVERSTREET with Mr. NEWLANDS.

Mr. MARTIN with Mr. NEVILLE.

Mr. MARSHALL with Mr. MAYNARD.

Mr. MAHON with Mr. MCDERMOTT.

Mr. LITTAUER with Mr. JOHNSON.

Mr. LOVERING with Mr. LEVER.
Mr. LEWIS of Pennsylvania with Mr. GOOCH.
Mr. KYLE with Mr. GOLDFOGLE.
Mr. KNOX with Mr. GLENN.
Mr. HUGHES with Mr. FOSTER of Illinois.
Mr. HOPKINS with Mr. FLOOD.
Mr. HEDGE with Mr. FLEMING.
Mr. HANBURY with Mr. ELLIOTT.
Mr. GREENE of Massachusetts with Mr. DINSMORE.
Mr. GILL with Mr. CONRY.
Mr. GAINES of West Virginia with Mr. CALDWELL.
Mr. FOWLER with Mr. BUTLER of Missouri.
Mr. DOVENER with Mr. BROUSSARD.
Mr. COUSINS with Mr. BREAZEALE.
Mr. BURKE of South Dakota with Mr. BOWIE.
Mr. BULL with Mr. BRANTLEY.
Mr. ACHESON with Mr. ALLEN of Kentucky.
On this vote:
Mr. JACKSON of Maryland with Mr. BELMONT.
Mr. ADAMS with Mr. LASSITER.
Mr. CROMER with Mr. SULZER.
Mr. MERCER with Mr. MEYER of Louisiana.
Mr. HAUGEN with Mr. FINLEY.
Mr. BARTHOLDT with Mr. BELL.

Mr. GRIGGS. Mr. Speaker, I would like to inquire if the gentleman from Illinois, Mr. BOUTELL, voted?

The SPEAKER. He has not.

Mr. GRIGGS. Then I would like to withdraw my vote of "no" and be marked "present."

The Clerk called Mr. GRIGGS's name, and he answered "present," as above recorded.

Mr. PIERCE. Mr. Speaker, has the gentleman from Tennessee, Mr. BROWNLOW, voted?

The SPEAKER. He has not.

Mr. PIERCE. I desire to withdraw my vote of "no" and be marked "present."

The name of Mr. PIERCE was called, and he answered "present," as above recorded.

Mr. BURKETT. Mr. Speaker, I am just informed that a pair was read between myself and Mr. SHALLENBERGER. I wish to withdraw my vote of "aye" and be marked "present."

The name of Mr. BURKETT was called, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

PROTECTION OF THE PRESIDENT.

Mr. RAY of New York. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 3653, for the protection of the President of the United States, and for other purposes.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GROSVENOR in the chair.

Mr. RAY of New York. Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. POWERS] such time as he desires.

Mr. POWERS of Massachusetts. Mr. Chairman, after listening yesterday to the very interesting and fascinating speech from my distinguished, learned, and lovable friend from Texas [Mr. LANHAM], I could not but feel that the effect of that speech was to cause this House to drift a long way from its original moorings. I could well understand how anyone that was capable of making a speech so interesting, so fascinating, so full of incident and story, could well become the governor of the great empire of the State of Texas, and I regret that my friend should have seen fit to so far limit his ambition as to say that he is not a candidate for the Presidency of the United States. [Applause.]

I can understand perfectly well that while our friends upon the other side are at present casting around for some one to be their standard bearer in the next Presidential campaign, they could not do better than to take the gentleman from the great State of Texas. [Applause.]

I assume that no bill has come before this House at this session which was so strongly backed by petitions from the people as this bill for the better protection of the President of the United States. Directly after the assault upon the President, the arrest of the assassin, and later on, even before his trial, petitions in favor of some national law for the better protection of the President of the United States were put in circulation in every part of the United States. They were not signed, Mr. Chairman, by the unthinking people of this country, but they were signed by the most law-abiding and intelligent citizens of America. They were signed, and very generally signed, by eminent lawyers practicing in the different courts of the different States of the Union. And what did they ask? They asked that this Congress should enact some law which should better protect the Chief Magistrate of this nation.

Now, Mr. Chairman, why were those petitions put in circulation? What was the reason for it? Suppose we examine the reason which actuated American citizens to put in circulation these petitions and send them to their Representatives in Congress. After the assault the assassin was promptly arrested by the officers of the State of New York. Later on, after the death of his victim, he was indicted, brought to a speedy trial, convicted, and he was executed.

Now, mind you, he was indicted because he had violated the laws of the State of New York. He had violated no national law, but he had violated the laws of the State of New York. In other words, President McKinley, as a citizen of the State of Ohio, while stopping in the State of New York, and entitled to the protection of the laws of the State of New York, had been assaulted, and the assault resulted in death. He was arrested because he had assaulted unto death a citizen entitled to the protection of the laws of the State of New York, within the jurisdiction of the courts of New York, and therefore the assassin was arrested and tried and punished.

But, mind you, the assassin had not in mind the death of William McKinley as an individual, or as a citizen. What he had in mind was an attack upon organized society, upon organized government. He bore no malice against William McKinley as a man; he bore no malice against William McKinley as a citizen; but he bore malice against the Government of the United States, and William McKinley stood as the representative of organized government. He sought the destruction of the Government of the United States by the assassination of the chief ruler of the people. He bore not the slightest malice against William McKinley as a man, and when he committed that crime, it was a crime against the Government of the United States, and he was punished not by reason of the crime which he committed and not by reason of the motive which actuated him to commit the crime, but he was punished because it happened that in committing that crime he incidently violated a law of the State of New York.

Now, in violating that law of the State of New York it was a breach of the peace and dignity of that Commonwealth; and yet, as a matter of fact, he did not have in mind the violation of any law of the State of New York. He had in mind a premeditated attempt to injure and destroy the organized government of this country.

Now, at the time of his indictment, and at the time of his trial, the Attorney-General of the United States, the law adviser of the Government, the chief prosecuting attorney of the United States, and also the United States attorney of the district of New York, in which the crime was committed—neither one had the right to go into the courts of New York and take any part either in the indictment or at the trial. If they appeared there at all they appeared there by the courtesy of the law officers of the State of New York, and the Attorney-General has no more right to appear there to take part in the prosecution of one who had attempted to destroy the Government of the United States than any other member of the Pittsburg bar had the right to appear there.

In other words, even though the crime were committed against the Government of the United States, premeditated, possibly as the result of a lot cast that this very assassin should commit that crime, a crime against the Government, a crime against organized society, at the same time that man could not under any law upon the statute book be punished for the crime that he had intentionally committed.

Now, when that situation appeared to the American citizens they said that it was necessary, in their judgment, that some law should be put upon the statute books which should provide for the punishment of those who might attempt to destroy or to weaken the Government of the United States; in other words, they said that when the attack was made upon the sovereignty of this great nation, the nation, through its courts, should have jurisdiction to punish it. And so they put in circulation the petitions which came to us, signed by thousands, in favor of some national law on this subject.

Now, it has been claimed here that the enactment of any law of the kind proposed by the various measures that are now under consideration is an infringement upon the sovereignty of the State. Why so? No State in its sovereign capacity has imposed upon it the duty or the burden of defending the sovereignty of this Government. In other words, when this assassin of President McKinley was punished in the courts of the State of New York he was punished because he had committed an infraction of the laws of that State. He was not punished by reason of the crime that he had committed. In other words, the situation would have been exactly the same if he had committed that crime in the State of Massachusetts (a part of which I have the honor to represent), or if it had been committed within the limits of any other State of this Union. In other words, the only punishment that could

reach this criminal was an incidental punishment, because in attempting to commit one crime he had incidentally committed another crime, and he was punished not for the crime he had committed, but because in committing that crime he had incidentally committed another crime, which was an infraction of the laws of the State.

Now, what I maintain, Mr. Chairman, is this: That the United States Government has the right at all times to maintain its sovereignty; that it has the right at all times to punish those who attempt to destroy this Government. But at the present time there exists no law by which this great nation can punish the offense, if the crime is committed outside of the District of Columbia and the other Territories not embraced in the States of the Union.

Now, the people of this country said—and they had a right to say it, and they had the right to insist upon it—that this Congress should take this matter into consideration, and that inasmuch as the Constitution had conferred upon the Congress of the United States the power to make all proper and necessary laws, this was a proper and necessary law for Congress to make; in other words, that it was proper and necessary for Congress to enact a law by which any attempt to destroy Government should be punished.

I want one thing distinctly understood—and I call the particular attention of my friend from Texas to this point—that we are not attempting to legislate against crimes committed upon an individual. What we are undertaking to reach is the crime committed upon organized government, just as the crime which led to the death of President McKinley was a crime against the Government, not a crime against the individual.

Now, in our attempt to frame this law, we bring before the House for its consideration a bill which seeks to protect the Government of the United States. It does not in any way interfere with the sovereignty of any State. It does not undertake to take away from any State the rights which exist now under the sovereignty of the various States to which this act applies. The sovereignty of the United States is in the people of the United States.

This is a nation which is operated and maintained by law. We have nothing in this country in the nature of a ruler by inheritance or by "the divine right of kings." The people in this country rule, and the sovereignty of the United States, as has been so well expressed by the distinguished chairman of the committee that has this bill in charge, extends over every foot of soil in the United States. And wherever that sovereignty goes there Congress has the right to enact whatever laws may be necessary for the maintenance of that sovereignty against the interference or attack of anybody and everybody.

Now, what do they seek to do? We undertake to say that whoever anywhere within the jurisdiction of the United States undertakes to take the life of the President when he is in the discharge of his official duty, or by reason of his official capacity, or by reason of the omission or commission of an official act, commits a crime against the Government of the United States.

Does that interfere with State sovereignty? Does anyone claim that the attempt to protect the Government in the orderly operations of the machinery of government is an interference with the sovereignty of any State? I fully agree with my friend from Texas [Mr. LANHAM] that if an assault be committed upon the President of the United States while he may be temporarily sojourning in the State of Texas, that crime will be punished under the laws of the State of Texas. But what is the crime that will be punished under the laws of the State of Texas? Is it the crime of attempting to destroy the National Government? Not at all. It is the crime of having committed an assault, a felonious assault, upon a citizen of the United States, while he is in Texas and under the protection of the laws of Texas. That right remains with you after the passage of this bill, except you may say that the remedy under this law exhausts the remedy which you have, but which accomplished the same effect, and even if we do not take advantage of this law, it would still be left for the State of Texas to administer its own laws and to punish the crime which had been committed against its own laws. And so I say that the passage of this bill in no way trenches upon the sovereignty of any State.

Now, it is a mooted question which has been discussed here, and discussed most interestingly, as to how far the United States Government has a right to protect its officers, whether in the discharge of duty or not. I take the position, which is entirely in accord with the position taken yesterday by the chairman of the committee, that our right to protect the officers of the Government means our right to protect them while in the discharge of duty. In other words, the United States Government is to-day operated through the agency of officers and men. It can not be operated in any other way. We have a right to protect this Government in its existence. We have a right to protect it in the operation of its laws, and so long as we protect this Government in its maintenance and its operation, then we go as far as we have the right to under the sovereignty which exists under the Constitution of the United States. In other words, suppose this case: Suppose that President McKinley had been in New York and had not been in the performance of any duty, that he had been assaulted by one who did not assault him as the President of the United States, but who assaulted him by reason of some old feud that had existed long before he became President of the United States.

That assault would not be an assault upon the Government of the United States; it would be an assault upon William McKinley as an individual and a citizen, and the laws of the State of New York would punish that assault and punish it to the extent to which it was entitled to be punished; but I can not agree with my friend from Texas [Mr. LANHAM] that the people of this country have no greater interest in their chief ruler than they have in any other citizen, because the interest of 80,000,000 of people in the President of the United States is not an interest in the President of the United States as an individual; it is an interest in the President of the United States because he is Chief Executive of the United States and a part of the machinery of government. We protect him not as an individual; we protect him because he is Chief Executive of the nation; we protect him and seek to protect him because in protecting him we protect the Government of the United States, and that is the distinction between the protection of the President of the United States as a President and the protection of the President of the United States as an individual.

I understand that there are those in this House, possibly members of the committee that report this bill, who believe that we have the authority under the Constitution to go much further than this bill goes. There are those, for whose opinions I have the highest regard and esteem, who claim that we have the right under the constitutional power which is vested in Congress to protect the President as a citizen, whether in the discharge of his duty or not; but to my mind that is not necessary for the purposes of this legislation. We are attempting to protect the President of the United States. We do not seek by this law to protect any citizen of the United States as such. We undertake to say that anyone who attempts to interfere with the existence of government or anyone who attempts to interfere with the operations of government interferes with the sovereignty of the country. This bill does not seek to punish anyone who commits an assault upon any Federal officer so long as he commits that assault upon the Federal officer when he is not in the discharge of duty and not by reason of any Federal act which he has performed or failed to perform.

Mr. SCOTT. Will the gentleman permit a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. SCOTT. Does this bill contemplate such an act as an assault upon the President at a time when he may not be engaged directly or indirectly in the discharge of his public duty, and yet when such an assault might be made for the reason that he was the Chief Executive and was the President of the United States?

Mr. LITTLEFIELD. Certainly; in terms.

Mr. RAY of New York. Certainly; it says so in terms.

Mr. SCOTT. Does it in such event protect the President?

Mr. LITTLEFIELD. Yes.

Mr. POWERS of Massachusetts. The bill is drawn so broadly that it protects the President not only when in the discharge of his official duties, but by reason of his official position, and more than that, it goes to the extent of inquiring into the very motive which actuates the attack. Now, I can conceive a case of an assault upon the President of the United States that might not come within the provisions of this bill; but at the same time that assault would not in any way be an assault upon the Government of the United States. By that I mean that it might grow out of a personal feud between the President and some one, and the assault would have no relation whatever to the official connection which the President had with the Government of the United States.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. POWERS of Massachusetts. Yes.

Mr. CRUMPACKER. The gentleman is making a very interesting and instructive speech; but if the death of the President resulted from an attempt on the part of some one to commit robbery in one of the States while the President was not engaged in some official act, the offender would not be liable to prosecution under this law, as I understand it.

Mr. RAY of New York. Why, yes; he certainly would be.

Mr. CRUMPACKER. Is it the view of the gentleman from Massachusetts [Mr. POWERS] that he would not be?

Mr. POWERS of Massachusetts. No; that is not my view. That must come with all kinds of qualifications.

Mr. CRUMPACKER. I want to get at a case of this kind: The gentleman just said that he could conceive a case where an assault might be committed upon the President of the United

States when he was not engaged in his official duty, when the law under consideration would not apply because the attack would not be upon the Government. That is correct, is it not?

Mr. POWERS of Massachusetts. I think that statement should be made with this limitation, on the assumption that there might be times when the President of the United States, under a fair construction of the law, is not engaged in the performance of official duty.

Mr. CRUMPACKER. Now, is not the President of the United States President at all times during his constitutional period, without regard to what he is doing?

Mr. POWERS of Massachusetts. If that be true, that he is President at all times, and if it be true, as the gentleman states, that the assault is committed while he is President and is in the performance of his official duty, then it comes within the provisions of this bill.

Mr. CRUMPACKER. Suppose he be not, in the sense of this law, in the performance of an official duty, and is not assaulted because of his official character or because of some official act; then I want to know whether the gentleman believes that the offense would come within the purview of the pending bill?

Mr. POWERS of Massachusetts. Upon that assumption I should say that we could assume an offense that would not come within the provisions of the bill.

Mr. CRUMPACKER. Now, let me ask the gentleman another question. Is it not an offense against the Federal Government, an embarrassment of its operations, to take the life of the President of the United States at any time, without regard to the purpose or provocation of the act?

Mr. POWERS of Massachusetts. There is no question but that. It is an interference with the operations of the Government.

Mr. CRUMPACKER. And have we not the power to prevent by penal laws that sort of interference?

Mr. POWERS of Massachusetts. I will say to the gentleman from Indiana that that brings us to the very threshold of that question on which lawyers disagree. Now, all the adjudicated cases would undertake to say that when we undertake to protect the officers of the Government while in the discharge of their official duties and by reason of their official character, when the attack is not made upon them with a view of interfering with the operations of government, that then we have gone to the full extent that we can go.

Mr. THAYER. Mr. Chairman, will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. POWERS of Massachusetts. I do.

Mr. THAYER. I do not wish to interrupt the gentleman to any great extent, because I am fully in accord with the spirit of this bill; but I want to ask the gentleman this question: I understand that authority is claimed for this bill because these assaults are attacks upon the sovereignty of the Government. Otherwise we would have no right to go into the States to punish criminals. Now, there are three classes of persons here pointed out, the President, the Vice-President, and foreign ambassadors and ministers. I want to ask the gentleman if he thinks that an agent representing a foreign country or government, coming here in the interest of that government and that country, is a part of the machinery of this Government to such an extent that we can punish those who make assaults upon him as well as we can upon the President and Vice-President of the United States?

Mr. POWERS of Massachusetts. Why, it strikes me, Mr. Chairman, that this case comes fairly within the law, which clearly defines our relations with friendly powers having ambassadors and ministers here, and while they are here they are a part of this Government and are entitled to the same protection as is the President of the United States.

Mr. RAY of New York. If the gentleman will permit me, the Constitution of the United States expressly says that the Congress shall have power to define and punish offenses against the law of nations, and in United States re Arzona it is declared by the Supreme Court under that clause that we have the power to enact criminal laws protecting aliens when in the United States.

Mr. THAYER. But, assuming that to be a fact, would it not still be necessary to protect those within the President's Cabinet?

Mr. RAY of New York. Why, we have that provision in this bill, and if the gentleman would only take the time and take the bill and read it he would see that it not only protects the President, the Vice-President, but also other officers entitled under the law to succeed to that high office. That is in the bill in express terms.

Mr. POWERS of Massachusetts. I understand it can well be argued that this bill is limited, and that it ought to include not only the President and those in line of succession, but possibly other officers of the Government. Now, of course there ought to be a limit to the protection, and this thing can well be borne in mind, that when we introduced this bill it was for the purpose of protecting the Government against those who believed in individual liberty to that extent that no government ought to exist at all, and you will find that the history of anarchists has been an effort to take the life of the chief ruler. That has been true when they attempted to take the life of the Czar of Russia, and to take the like of the Emperor of Germany, or the king or queen of this country or that country; and they do it upon the principle that if they destroy the head of the government, they are more likely to cripple the operations of government. Now, I want to say just one word concerning the third section—I think it is the third—which provides for the protection of ambassadors and ministers accredited to this country.

Mr. LACEY. Mr. Chairman, I would like, before the gentleman passes from the President, to ask a question.

Mr. POWERS of Massachusetts. I would be very glad to answer it.

Mr. LACEY. Take the specific case of the assassination of President McKinley. Of course in that case the assassin, by his subsequent confession, says that his purpose was to kill the President because he was the President. Supposing he was mute; the question then would be that he simply killed the President. Would not this bill fail to protect? He was simply at a public meeting, an exposition, holding a reception of his friends, not performing the duties of the President of the United States, but at a social gathering. Now, would not this bill entirely leave him out of its protection or that protection which is given him in the performance of official duty?

Mr. POWERS of Massachusetts. No, sir. I will state to the gentleman from Iowa that he by all fair interpretation was engaged in the performance of official duty. He was invited to the exposition as the President of the United States; he accepted that invitation as President of the United States; he was giving a reception to the people as President of the United States, and when the assault was made upon him he was known to be the President of the United States. But even if that had not been so, we have so drawn this bill that we have put the presumption in favor of the Government and the burden upon the defendant to show that he did not have that in mind when he made that attack. I think this bill is very well safeguarded along that line. Now, coming to the protection——

Mr. CRUMPACKER. Before leaving that, take the case of President Lincoln. He was attending a theater at the time of his assassination. Supposing, now, he had been assassinated under those circumstances, and that the assassin had been able to prove that he committed the act on account of some personal grievance against him, the bill under consideration would not have provided any punishment for that man.

Mr. POWERS of Massachusetts. I can imagine a case which would not come within the provisions of this bill.

Mr. CRUMPACKER. In the case stated hypothetically.

Mr. POWERS of Massachusetts. I do not think you included all the limitations that ought to be included.

Mr. CRUMPACKER. While he would not be engaged in the performance of any official duty.

Mr. POWERS of Massachusetts. By reason of the fact that he is the President of the United States and the fact of the civil war, which possibly might influence the assassin——

Mr. CRUMPACKER. Eliminate all those aspects, then your bill would not cover the case.

Mr. POWERS of Massachusetts. The bill would not cover the case except the act was committed in the District of Columbia, and would come by that reason under the exclusive jurisdiction of the United States.

Mr. CRUMPACKER. That is a matter of accident only. Let me ask another question. Was President Lincoln, in the opinion of the gentleman, engaged in the discharge of the duties of his office at the time he was in attendance at Ford's Theater on the occasion of his assassination?

Mr. POWERS of Massachusetts. I should doubt if it could be construed that he was in the performance of his official duty.

Mr. CRUMPACKER. I agree with the gentleman.

Mr. POWERS of Massachusetts. Now, I want to say, Mr. Chairman, that I would gladly support a bill which protected the President from assault whether in discharging his duty or not. My sympathy is in that direction, and if I could reach the same conclusion that possibly the gentleman from Indiana may have reached, and that is that the law ought to go to that extent to protect the President as President, whether in the performance of his duty or not, and go to the extent of protecting the President whether the motive of committing the assault was by reason of any official act or not, I gladly would go to that extent. But on a close examination of the adjudicated cases, it seems to my mind clear that the court has drawn a marked distinction between the sovereignty of the nation and the sovereignty of a

State, and that we can not go beyond that mark without infringing upon the sovereignty of the State, which was so ably defended by my friend from Texas [Mr. LANHAM] yesterday.

In other words, when we seek to protect the Government outside the operations of the Government, then we infringe upon the sovereignty of a State where the constitution has vested the authority for the punishment of offenses of that kind. But if it be the judgment of this House that we can go to the extent of protecting the President as such whether or not in the discharge of his duty, I will gladly support that bill. I wish to say to my friend from Indiana that I reluctantly came to the position that we were bound to keep within the limit so forcibly expressed by the chairman yesterday. If you will allow, let me recall your attention to the message by President Harrison, I think in 1889, when he called upon the Congress of the United States to enact some law for the better protection of the Federal officers, confining that protection to them while in the discharge of their official duty. And the same has been true in every one of these cases. Take the Nagel case, the Siebold case, the Fisher case, the Tennessee or Davies case, and in every one of these cases the court has drawn that distinction between the exercise of the sovereignty of the United States and the exercise of the sovereignty of the State.

Mr. RAY of New York. And, if the gentleman will permit me, whenever the Congress of the United States, commencing back in 1790, immediately after the adoption of the Constitution, when it commenced, as it did in that year, to enact law for the protection of the officers of the Government, it read that condition into the law, engaged in the execution of their duties, showing their understanding of the limitations upon the power of Congress, and it has been carried into every act since without an exception. It is in every decision where the courts have construed the statutes and in every decision of the courts where they have defined or prescribed the criminal jurisdiction of the United States independent of a statute.

Mr. POWERS of Massachusetts. And if, Mr. Chairman, I may be permitted once more to refer to the provisions in the Constitution, the language is, "Congress may enact all laws that may be proper and necessary." Now, the question is, who are to be the judges of what laws are proper and necessary? I assume that judgment is vested in Congress; but it is limited, and it must be, to the law that is necessary and proper for the protection and enforcement of the sovereignty of the nation. It may not go beyond that extent, and if it be not necessary and proper that we should protect the President as an individual, when the motive for the attack or the assault upon him in no way depends upon or is based upon the fact that he is the Chief Executive of the nation, or by reason of any act that he has committed as Chief Executive of the nation, we must stop at that point,

I would gladly, as I have said, go to the full extent of giving the most ample protection that Congress has the right to give under the authority of the Constitution. Now, I want to say a word with reference to the criticism that was made yesterday by my friend from Texas [Mr. LANHAM] upon the third section of this bill, which seeks to extend the same protection to ambassadors and ministers accredited to this country and residing herein.

When this matter came up for consideration before the committee, I think that I had the honor of suggesting that as an amendment to the original bill. I did that for this reason. We were seeking to protect against the anarchists—what we call anarchists—we were seeking to protect the Chief Executive of the nation and those in the line of succession.

In other words, we did not go outside of the protection of the President and those that might be called upon to act in his place in the case of his removal. But it seemed to me that it was but gracious and proper that we should also protect the official heads of the different countries at the capital of this nation, and particularly so since the last sovereign that had fallen by the hand of the anarchists in the Old World appeared, by undisputed evidence, to have fallen by reason of a plot upon our own soil, and we could not do much less than to say that while we were protecting our President against the red-handed assassin that had struck down a sovereign of Europe, it was only right and proper that we should protect the official heads of foreign nations while they were under the protection of the United States Government; and I believe the members of the House will generally agree with that proposition.

When my friend from Texas [Mr. LANHAM] took up the Congressional Directory yesterday and read over the names of certain official representatives of the South American republics, giving to those names that peculiar pronunciation of the Spanish dialect which no man save one who had resided in a State where the Spanish language was originally spoken could have given, he said, "Why should we protect Señor So-and-so and Señor So-and-so and not protect the Speaker of this House?" I did not understand whether in saying that my friend went to the extent of saying that he stood prepared to protect the representatives of the great monarchies, but would not protect the representatives of the little struggling Republics in South America.

Mr. LANHAM. Will the gentleman allow me?

Mr. POWERS of Massachusetts. Let me finish the statement, and then I will yield.

I assume that the gentleman used that language in a purely Pickwickian sense. I know him so well as to know he has no sympathy with the monarchies of Europe and that he has all kinds of sympathy with the little republics of South America. I assume that he brought out this suggestion in order to show that there is no reason why we should protect these officials who represent these small nations that have no particular importance in the diplomatic circles in Washington.

Now I will yield to the gentleman.

Mr. LANHAM. It was not my purpose in the least to draw any such distinction as the gentleman suggests, but simply to show that we ought to be as good to our own officials in this Government as we are to the representatives of alien countries.

Mr. POWERS of Massachusetts. I did not assume that the gentleman had any such motives as he has now disclaimed, but I meant to affirm that in our diplomatic relations we can not recognize the great monarchies of Europe without recognizing and protecting the representatives of the little republics of the earth. We have got to treat them all alike. In other words, they stand as peers in the realm of the diplomatic circles here at Washington. Now, I want to say one word with reference to one provision in this bill which in my mind is not sufficiently drastic. I refer to the provision that wherever an assault is made upon the President of the United States with an intent to take his life it shall be punished by imprisonment, and imprisonment only. It seemed to me at the time this bill was under consideration in committee that whenever an assault is made upon the President of the United States, with a deliberate and premeditated purpose to take the life of the chief ruler of the people, the punishment ought to be death; and I suggested at the time—and it is my purpose when this bill comes up under the five-minute rule to offer an amendment—that wherever an assault of this kind is committed upon the President of the United States it shall be punished either by death or by imprisonment for life, as the jury trying the case may recommend.

I can understand perfectly well that there may be an assault made upon the President of the United States which will absolutely incapacitate him for the further performance of his duty, but he may survive the attack—may linger on for years; that blow has had its purpose and has incapacitated him for the performance of any further duty, yet under the provisions of this bill the punishment in such a case is to be only imprisonment—imprisonment for not less than twenty years. I feel that the jury should have the right to take into consideration all the circumstances under which the act was committed; that they should have the right to take under consideration the extent of the injuries inflicted, and if they see fit to recommend punishment by death that they should have the right to recommend such punishment.

Now, Mr. Chairman, I want to say one word with reference to the Senate bill. I firmly believe that the House bill is a far better bill than the Senate bill. I trust that this House will substitute the House bill for the Senate bill. I believe there are important questions of constitutional law connected with many of the provisions of the Senate bill, and which are of such a nature that we can not with safety pass that bill. It is not necessary that this House should undertake to pass a bill so drastic as to be pronounced unconstitutional. We can protect the operations of the Government and keep well within our constitutional limits, and I feel that this House bill should for that reason be substituted for the Senate bill.

There is one provision of the Senate bill which has caused more or less discussion throughout the country, and, so far as I know, has been received with some favor. It is the provision that the Secretary of War shall detail a bodyguard from the Regular Army for the protection of the President. Now, I want to say that this idea, though it may be novel, did not originate with any member of Congress, either of this branch or the other. That idea originated some time in the early part of the year, and first appeared in an address delivered by a very learned and scholarly gentleman, who is a judge of the circuit court in the first district, in an address delivered before the bar association of the State of New Hampshire. He undertook to demonstrate in that address that we can, by providing a bodyguard, absolutely protect the President of the United States; and he referred, by way of example, to the provisions which are made to protect the sovereigns of the different nations of Europe.

Now, if we have come to that point where we are going to undertake to legislate for the absolute protection of the person of the President, there are other and better ways to legislate than by guard system proposed under the provisions of the bill. Why, we might go to the extent of saying that the President during his

term of office should live in a fortress surrounded by soldiers; that no one should have access to the President but trusted subordinates, and that they should be searched before they enter therein. My friend, I think it was, from Maine [Mr. LITTLEFIELD] suggested that we might go to the extent of having a little fortress or castle upon wheels, which could be moved throughout the country like a cage, for the protection of the President.

To my mind the whole idea is un-American and uncalled for. I do not expect that if this bill, if enacted into a law, is going to have weight only by reason of the penal statutes that it contains, but it is going to have its moral force upon the American people. It is going to be an expression of the public opinion of this country that the people believe in stamping out anarchy and in stamping out every sentiment in favor of the forcible overthrow of the Government of the United States or the government of any country. It stands as an expression of public opinion, and, Mr. Chairman, what is the foundation of the Government of this nation but the expression of public opinion? Why, our Federal Constitution and the constitution of every State in this Union can be changed, directly or indirectly, through the ballot box. The people are sovereigns. If they want to change their Constitution, they have got the right to do it. If they want to change the constitution of any State, they have the authority, through the ballot box, acting either directly or indirectly, to change it; and they can change every constitution, every Federal statute, and every State statute through the power which they have in the manhood suffrage which exists in every State in this Union.

Now, it is not so in the case of the countries across the sea. In England the landed estates have controlled the politics of that country for six centuries. Not so with us. We have no property qualification and we have no educational qualification in any State excepting a few, and there the educational qualification is one which a schoolboy of 10 years of age could easily comply with. Why, when these anarchists talk about the forcible overthrow of government they do not take into consideration that this Government exists at the pleasure of the people, and whenever the people want to change this form of government they have the right and authority to do it. Whenever they want to change our Constitution they may do it.

Whenever they want to change any law they may do it, and the people, it seems to me, in this country have demanded that there shall be a law—a law, not only because it will have its effect by reason of the penal elements that the law will contain, but because it will go upon our statute books as the public expression of 80,000,000 of people that they will not entertain and they will not harbor a sentiment that looks to the forcible overthrow of the Government of the people, and that is exactly where we stand on this proposition. We say that there is not the slightest reason to suppose that these anarchists or nihilists, as they were formerly called, who fifty years ago came into existence in Russia under a form of oppressive government, are going to get a foothold in America. Why, our public-school system will sooner or later overthrow them. Public sentiment will overthrow them. Last year the United States expended for the free compulsory education of its children more money than was expended by Great Britain, Germany, France, Spain, Italy, and Belgium combined. What does that mean?

It means that the Government of the United States stands prepared to educate an intelligent citizenship, and an intelligent citizenship knows that the highest personal liberty must exist in a good government; that a good government is that government which takes from no individual any more of his rights and privileges than are absolutely necessary for the protection of his life, his liberty, and his property. I trust, Mr. Chairman, that the bill which has been framed by the House committee, with all its safeguards, with all its provisions—that of looking after immigration—with its provisions for undertaking to ferret out this sentiment against government wherever it exists, and, more than that, with its provisions carried to that extent that they will accomplish the purpose and at the same time do not interfere with the liberty of speech or with the liberty of the press, will become a law.

In a few years from now we will look back upon this scene and will regard it a remarkable circumstance that after more than a century of free republican government in America Congress was forced to take into consideration the enactment of law to better protect its chief ruler against assassination by those who would strike him down in the name of liberty.

The country to-day simply asks this Congress to put upon the statute books some expression of the sovereignty and the will of the people, which they ask shall be enforced to its farthest for the protection of our institutions, for the protection of freedom and liberty, and for the advancement of mankind. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. VAN VOORHIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5491. An act granting an increase of pension to John R. Sandsbury;

S. 2295. An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; and

S. R. 111. Joint resolution limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9597. An act for the relief of Thierman & Frost; and

H. R. 720. An act for the relief of Lieut. Jerome E. Morse.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

Mr. RAY of New York. I now yield to the gentleman from Pennsylvania [Mr. MORRELL] five minutes.

Mr. MORRELL. Mr. Chairman, the provisions of this bill may be divided into two classes, those that provide for the punishment of the overt act, both in the case of the principal and in the case of his accessories, and those which are framed to prevent the repetition of the crime that resulted in the death of the late President William McKinley.

To my mind the people of the United States are most concerned in those provisions which prevent the repetition of such a crime.

No one can possibly find fault with the speedy and dignified manner in which the officials of the State of New York visited justice upon the assassin of our late President.

Special inquiry from those who are conversant with the methods employed in Europe against the so-called party of anarchists, and consultation with lawyers of eminence in this country who have given this subject a great deal of thought, have resulted in my coming to the conclusion that special legislation against the possibility of a recurrence of a crime of this kind, except in the case of persons who are considered of unsound mind, is injudicious, and it is unwise to admit the possibility of the existence of such a class of people under the freedom and liberty which is guaranteed by the Constitution of the United States.

No one will deny for a moment or would take exception to the statement that anyone holding what are called extreme anarchistic views is a person of unsound mind. I do not refer to those who are attracted by such doctrines simply from the honor and eclat that they might get, or from the possible benefits that might accrue to them. But I do feel that it is only proper to consider those persons who enunciate anarchistic doctrines as persons of unsound mind. I therefore give notice of and ask unanimous consent to have printed in the RECORD an amendment which I propose to offer at the proper time, on page 5, section 8, after line 22, striking out all to the bottom of the section and inserting a paragraph which shall read as follows:

That any person who advocates—

And so forth—

shall, upon conviction by the proper court, thereafter be considered a dangerous lunatic, and his property shall become subject to the courts which administer the estates of persons of unsound mind.

Nobody wants to be considered of unsound mind, and in my judgment no greater punishment could possibly be imposed upon an individual for any crime than to class him and to incarcerate him among a body of men who really are lunatics, as a dangerous lunatic. Even those that we meet in insane asylums are actuated as their principal object to try to explain that they are of sound mind and not of unsound mind. I therefore feel that we could not impose a greater hardship or a more severe punishment upon those who express doctrines which every one of us believe to be the emanation of an unsound mind than to incarcerate them in an insane asylum.

I ask unanimous consent to have this amendment printed in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD an amendment which he proposes to offer at the proper time. Is there objection?

There was no objection.

The amendment is as follows:

On page 5, line 22, strike out all after the word "act" and insert the following:

"Shall, upon conviction by the proper court, thereafter be considered a dangerous lunatic, and his property shall become subject to the courts which administer the estates of persons of unsound mind."

Mr. LANHAM. I yield one hour to my colleague on the Committee on the Judiciary, the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, some legislation on the subject now before the House is demanded by the people—not as a matter of sentiment, but as a matter of right and justice. The demand is not limited by geographical, political, or religious lines. It is not a sectional demand, but a call from all parts of the nation: from all classes; from the people to their representatives for full national legislation on this subject, and the unanimity shown with reference to it is the highest evidence that the people believe this to be a nation with national powers, having a Congress willing to execute the will of the people to the utmost of its constitutional powers and write into the statute book their express wishes in this regard.

That reconciliation has been brought about between all sections of the nation, and any attack upon the nation will conclusively show not only that the people are united in their love of country, but that the attack will be resented by all its citizens, and the blood of the people will quicken in defense of the nation, whether the heart beats in the cold blasts of the North or under the sunny skies of the South.

Measures of this kind show the difficulty of legislation. At the opening of this Congress the average person throughout the country was of the opinion that any bill presented on the subject would pass not only early but without opposition, but when the practical work commences the opposition and difficulties appear.

Discordant elements are expected to present a united front. Report a bill sufficient in law and detail for the purpose intended and to satisfy an expectant public, but at the threshold we are met with the question of want of power in Congress, the wisdom or need of the legislation if the power exists, and a compromise must be reached of such extreme views that will permit of united action.

I accord to all those who oppose my views honesty of purpose and as devoted to our common country as I am. Neither do I question their judgment or motive, and I know that they honestly and firmly believe themselves right, as I do.

I do not question the loyalty of those who represent a constituency that believe in the doctrine of State rights. Neither do I question the loyality of the constituency they represent. I simply think they are wrong on this great question, and firmly believing in the loyalty of the people of the South, I am convinced that they will insist that their representatives should contend for and support the doctrine that this National Government has the power to punish the person taking or attempting to take the life of the President of the United States, and that Congress should exercise the full limit of that power without limitation, condition, or qualification.

So that my views may be better understood, I desire to refer to what I have heretofore said as to the proper relations between the several States and the General Government:

Long since the people of the reconstructed States became reconciled to the restoration of their States to their constitutional relations to the Union, and from the close of the war there was never any doubt in the minds of the patriotic, liberty-loving Union people of the United States but that the people of the reconstructed States wanted to return to their political duty as citizens of a common country and do their best to make this nation all our forefathers intended it should be, but were prevented from making it by causes forcing themselves upon the convention. We are now in truth and in fact a reunited people, a nation composed of the several States of the Union, and the time has come in American history when the distinction between Federal and State rights should no longer exist, but all should be classed as citizens of the United States cooperating for the common good, recognizing the just powers of the nation and the constitutional rights of the several States, without any intention to impair the one or invade the other.

Much work remains to be done. These questions can not be settled as long as the people are sectionally divided. Sectionalism must never return. It is our duty to-day to do all we possibly can to prevent it. Earnest efforts must be continued for the upbuilding of the nation for the common good of all. Keeping steadily in mind the equality of the States and equality of all before the law, allowing each elector and each State to exercise constitutional rights without force or denial, answerable to a higher power and intelligent surroundings, peace and prosperity will be with us as a nation. (June 1, 1898, CONGRESSIONAL RECORD, Fifty-fifth Congress, second session, vol. 31, part 6, p. 5404.)

Mr. Chairman, I do not think any apology is necessary from anyone who desires to support a measure that will protect the life of the President of the United States; but I do not want any gentleman here this morning to think that I am fully in accord with the views of the gentleman from Texas simply because we, who from a high sense of duty are compelled to oppose the House bill, are also compelled to go to the Democratic side of this Chamber to obtain recognition to express to this House our views on this great question.

I speak this morning from a high sense of legal and representative duty. If I did not feel this question very keenly, I would not occupy the time of this House in discussing this question; but having been assigned, under the rules and procedures of this House, to the committee that reported this measure, I feel it to be my duty to bring to this House all the experience I have obtained as a member of this committee, to assist this House and the country in regard to this question, whether it is in accord with the views of the majority of the committee or not.

As I say, if I did not feel it to be a sense of duty I would not take the time of this House in discussing this question. As I understand the question here to-day, so far it has not been presented to this House on constitutional or legal grounds, and so far as the report of the committee is concerned, I stand alone. But I want this House and the country to understand that the views I express are peculiar to myself. I do not want them to understand that so far as the report of this committee is concerned it is sustained by a single member of the committee.

But I believe, Mr. Chairman, that I am right, and I want it distinctly understood that while I stand alone here so far as this question is concerned, I am standing here and taking the time this morning in the interest of the Republican party, and I am standing here also in the defense of national power, and standing here this morning in defense of the power of Congress. I am in favor of legislation expressive of the powers of Congress sufficient to satisfy the urgent demands of the people without being rash, extreme, or radical, not doing to-day what the country to-morrow will disapprove of.

But, Mr. Chairman, the bill under consideration does not come up to my expectations. It does not represent my views; it does not represent a single principle of the Republican party, not a single one. It has absolutely denied to this great representative legislative power the powers that the Constitution has conferred upon it, and it tends expressly to limit the powers and impair the powers of the nation.

The bill does not go far enough, according to my views of this question. Failing to go far enough in one direction, so far as upholding the full and just powers of this Government are concerned, it starts off in another direction and adopts, in my judgment, unconstitutional measures. It also adopts measures that are extreme, and, while they might be constitutional, are absolutely unnecessary. There has been so much discussion in regard to the powers of government since this bill came before the House on yesterday that we might almost understand that there is no national government.

Now, I want it distinctly understood, so far as I am concerned, that I am not satisfied with it, but I believe this House when it becomes familiar with the measure will not approve of this bill. The Republican party, by their representatives here assembled, can never afford to give their approval to it by their votes—no person can deny to-day but what we have a national government. I want to refer to the Articles of Confederation and the Constitution of the United States as expressive of the power to-day of this Government.

The opening words of the Articles of Confederation, that were in force in this country prior to the adoption of the Constitution, read as follows: "Articles of Confederation and Perpetual Union;" and conclude with these significant words, "fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union."

The opening words of the Constitution of the United States are as follows:

We, the people of the United States, in order to form a more perfect Union.

Here, Mr. Chairman, we have the significant statement in the Articles of Confederation and the Constitution of the United States that we have a "perpetual union" made "a more perfect union," and there ought no longer to be any question about the powers of this nation.

But conceding at the outset, for the purpose of this discussion, that we have a dual system of government—and no one appreciates the situation more fully than myself; that we do have a dual system of government—a government of the States and a government of the United States. I am willing to concede with my learned friend from Texas that the Federal Government is a government of limited powers. If you want to find out whether or not the Federal Government can exercise a power, you have to resort to the Constitution of the United States in order to determine whether or not Congress can act. I do not disagree with some of the statements made by my friend from Texas, and while I disagree largely in some matters, I want to say to this House, inasmuch as the gentleman said on yesterday that this was possibly his last speech in this House, as he expects to go to his State and perform State duties, that we never had an abler, a more honest, intelligent, or a more conscientious man on the floor of this House than the gentleman from Texas [Mr. LANHAM].

And when he spoke against this bill he spoke from the bottom

of his heart as one of the greatest and closest friends that President McKinley ever had. Do I not remember well that, sitting with the gentleman from Texas [Mr. LANHAM] and the late President McKinley, as he was calling attention to the fact how fast the members of Congress they had associated with were passing away, the tears came into the eyes of my friend from Texas when those two able men were discussing the fact that they were almost left alone? We did not think then that within a few short days the hand of the assassin would remove the late President McKinley and leave my friend from Texas practically alone.

I think I have a right at this time to say these few words in indorsement of my friend from Texas, and I know it pained his heart to antagonize this bill, simply from the fact that he loved—absolutely loved—the late President McKinley, and would go further than any other man I have met to do honor to his memory. But as we start into this important discussion we are confronted with the old doctrine and the old question of State rights.

I know there has always been, and there always will be, gentlemen of different minds on this great question. I have no fault to find with my friend from Texas [Mr. LANHAM] for his views raised in the atmosphere of State rights; but when the gentleman from New York [Mr. RAY] and his Republican colleagues deny to this National Government the power of protecting the President of the United States at all times and under all circumstances, I disagree with them.

I think I have a right to exercise my judgment as a Representative on this floor in regard to this question. I have no words with my Democratic friend, who has been raised and educated to the belief that the States are more powerful than the National Government, but I have no sympathy with my Republican colleagues who will join in the doctrines and policies of the gentleman from South Carolina, the late John C. Calhoun, and deny the Congress of the United States to-day the power under all circumstances and at all times to protect the President of the United States.

No one can justly charge me with desiring to uphold the nation at the expense of the State, or of impairing the power of the State as the same existed when the Federal Constitution was adopted, or with any desire of interfering in any manner with the rights and liberties possessed by the people before the adoption of the Constitution, strengthened by the adoption of the Constitution. My colleagues on the Judiciary Committee, and particularly the gentleman from Texas [Mr. LANHAM], will have to defend me in this proposition, that I have always believed in the doctrine that the police power of this Government should be exercised by the States and never should be divided, and I uniformly have stood upon that position.

I am absolutely and utterly opposed, as I have said, to impairing the powers of the nation, and also to invading the just powers of the State. But, Mr. Chairman, there is a vast difference between taking away the just powers of the State, or encroaching upon their rights and prerogatives, and exercising the constitutional power of Congress to make it a crime to murder the President of the United States. We are not standing here to-day, as my very able and ingenious friend from Texas would have you understand, to distinguish one man from another. That is not our position. That is not our doctrine. We are simply standing here to-day in defense of the constitutional right and power of Congress.

Mr. LIVINGSTON. Will the gentleman allow me an interruption?

Mr. JENKINS. Yes, but my friend will have to get a little nearer, for I can not hear him.

Mr. LIVINGSTON. I understand my friend to say that he is in favor of the States exercising all the police powers under the Constitution. I would like to ask him if he voted for the oleomargarine bill? [Laughter.]

Mr. JENKINS. Mr. Chairman, I do not want to be interrupted by any silly question, and I think I am justified in making that reply to the gentleman from Georgia. I want to say that if anyone has any question he desires to ask with reference to the matter under discussion, I will gladly yield.

Now, Mr. Chairman, I was about to say, when interrupted by my friend from Georgia, that it is impossible for Congress to-day to take away any of the power of the States. There is no attempt on the part of gentlemen advocating this bill, whether we agree or disagree, with reference to its various provisions, to take away the just powers of the State.

The only power the Federal Government has got to-day it derives from the Constitution created by the State, and if we want to exercise a power to-day which we do not enjoy under the Constitution we have got to go to the several States and obtain from them the necessary power, or it does not exist. But it is more appropriate now than at most any other time for us to remember that we are not State rights men. We are not Federalists, we are American citizens, conceding to the States every power that they enjoyed and have never parted with; and, on the other hand, it is our bounden duty to uphold every power possessed and enjoyed to-day by the Federal Government.

We are not seeking to take away any power of the State. We are seeking to-day to exercise the just and constitutional powers of Congress, trying to supplement the power of the State in the suppression of crime. Now, I want to direct a few moments to the report of the committee, or perhaps to the remarks of the gentleman from New York [Mr. RAY] that found expression in the report of the committee.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman a question in reference to this bill?

Mr. JENKINS. Certainly.

Mr. BARTLETT. I want to know if he agrees with the gentleman from New York in reference to his argument as to the right to protect the President, why should the law be extended down and include all the different heads of departments that may succeed to the Presidency? If the argument of the gentleman from Wisconsin is correct for the purpose of protecting the President, why go farther down the line?

Mr. JENKINS. If my friend will bear with me a few moments I think he will understand my position. I can not make my speech all in one minute. But I will say to my friend from Georgia that so far as concerns the question which he has just suggested, I disagree entirely with the report of the House committee. I think there is a limit, and if the gentleman from Georgia will read the substitute which I propose to offer it will be discovered that I am in accord with his views.

Mr. LITTLEFIELD. The gentleman says he "thinks there is a limit." Will he be kind enough to state what he thinks the "limit" is?

Mr. JENKINS. Well, my dear friend, I can not make all my argument at once.

Mr. LITTLEFIELD. If you have the full control of your intellectual faculties, there is no reason why you should not answer the question.

Mr. JENKINS. I will answer, I think, in the course of my remarks, to the satisfaction of the gentleman from Maine.

Now, Mr. Chairman, in order to simplify this matter, I will ask that there be read in my time a bill that I have introduced which expresses my views on this question.

The Clerk read as follows:

A bill (H. R. 14695) for the protection of the President, Vice-President, and any person acting as President of the United States.

Be it enacted, etc., That every person within the United States or any place under the sovereignty of and subject to the jurisdiction of the United States who knowingly, willfully, and maliciously kills or attempts to kill the President of the United States or the Vice-President of the United States, or any person acting as President of the United States pursuant to the Constitution and laws of the United States, shall suffer death.

SEC. 2. That every person within the United States or any place under the sovereignty of and subject to the jurisdiction of the United States who aids, abets, causes, procures, commands, or counsels another to kill or attempt to kill the President of the United States, or the Vice-President of the United States, or any person acting as President of the United States pursuant to the Constitution and laws of the United States, shall suffer death.

SEC. 3. That every accessory to any one of the offenses mentioned in this act shall, upon conviction thereof, be punished by imprisonment at hard labor not more than twenty years.

Mr. JENKINS. Now I will yield for the question of the gentleman from Maine.

Mr. LITTLEFIELD. This bill of the gentleman does not provide for the protection of officers who are in the line of Presidential succession?

Mr. JENKINS. No, sir.

Mr. LITTLEFIELD. Are we to gather from the gentleman's statement that he does not think we have the power to protect those officers, or that he simply believes it is not politic to undertake to do so? I only wish to understand the gentleman's legal position.

Mr. JENKINS. I will say to my friend that the bill which I have just had read goes to the very extreme limit.

Mr. LITTLEFIELD. So that, if I understand the gentleman correctly, we have not, in his opinion, the power to protect the officers in the line of succession farther than provided in the bill?

Mr. JENKINS. In other words, the bill just read is expressive of the full power of Congress in this respect.

Mr. LITTLEFIELD. And if we undertake to exercise the power to protect the officers in the line of succession, such a bill, as I infer from the trend of the gentleman's argument, would, in his opinion, be an infringement of the powers of the State? That is the gentleman's proposition, is it not?

Mr. JENKINS. Just so far as their relation to the Presidency is concerned. I do not want to have that matter confounded with the other proposition.

Mr. LITTLEFIELD. Then when we come to the case of an officer in the line of succession, the terrible bugbear of State rights intervenes and prevents Congress from taking cognizance of those officers. Is not that the result of the gentleman's proposition?

Mr. JENKINS. Well, I can not make my whole argument now, but I want to have it understood that there is a distinction in my mind between the other officers of the Government and those in the line of succession. That distinction I will try to make clear as I proceed.

Mr. BARTLETT. Are we to understand that the gentleman from Wisconsin [Mr. JENKINS] proposes at the proper time to offer the bill just read as a substitute for the bill of the committee?

Mr. JENKINS. I do.

Now, Mr. Chairman, I was discussing the position taken here, I may say, under the leadership of the gentleman from New York [Mr. RAY]. That will better express the idea than anything else I could say. What I understand is that the majority of this committee—every gentleman of the committee except the gentleman from Texas and myself—insist that Congress has no power to punish offenses against officers of the United States, unless engaged in the performance of official duties, or because of their official character, or because of official acts done or committed.

Now, here is where I divide with the learned chairman of my committee. My insistence is, as I have said and will endeavor to make clear, that the Congress of the United States has express power under the Constitution of the United States to protect the President of the United States at all times, asleep or awake, whether he is in the discharge of his official duties or doing duties that are nonofficial, without qualification, without limitation, and without resorting to all of the uncertain language of the bill. And I want also to call attention to the fact that the gentlemen who are supporting——

Mr. RAY of New York. Mr. Chairman, may I ask my colleague a question?

The CHAIRMAN. Does the gentleman yield?

Mr. JENKINS. Certainly.

Mr. RAY of New York. Supposing the President of the United States should so far forget himself—just suppose a case——

Mr. JENKINS. I wish to state to the gentleman, Mr. Chairman, that this time must be given to me if he wants to take up my time.

Mr. RAY of New York. Certainly; but I want to ask the gentleman this question: Supposing that the President of the United States should so far forget himself some time—our present President would not, but some might—that he should go up to Chicago, a wicked city, and go out with the boys, incog, disguised, get full, nobody knowing he was President, nobody knowing who he was or anything about him, and suppose he gets into a fight in some low-down saloon, and some fellow, angered at him, because of something he does there, kills him. Do you think that the Federal jurisdiction is so broad that it may in that case take hold of the offender and punish him, based on the simple fact that this man—the President, in fact, incog, and in that place, under these conditions—was slain by somebody in a petty quarrel?

Mr. JENKINS. Mr. Chairman, I want to say to my friend that the American people have never yet and never will elect a man that will so lower himself, and I regret that the chairman of this committee has ever asked such an unreasonable question to bear out his views.

Mr. RAY of New York. There you have it. I knew that the gentleman would dodge the question.

Mr. JENKINS. I will not dodge the question, but I have a high respect——

Mr. RAY of New York. Just answer the question.

Mr. JENKINS. I have a high respect for the President of the United States.

Mr. RAY of New York. Then answer the question.

Mr. JENKINS. I would not answer any question that so disgraces the high office of the President of the United States.

Mr. RAY of New York. That is not an answer to the question.

Mr. JENKINS. If I do not answer it to the satisfaction of the gentleman from New York, before I get through I will answer it to the satisfaction of the country, but I will not answer any question that so lowers and disgraces the high office of the President of the United States. [Applause.]

Mr. RAY of New York. Yes; that is just it. That presents simply the proposition——

Mr. JENKINS. Mr. Chairman, I want protection.

The CHAIRMAN. The committee will be in order.

Mr. RAY of New York. And the gentleman declines to answer it?

Mr. JENKINS. I will not answer anything so disgraceful and so disrespectful.

Mr. RAY of New York. Because the gentleman can not answer it, and does not dare answer it.

Mr. JENKINS. Now, Mr. Chairman, I want to say in defense of that position that the American people, while they may divide politically, have never made any mistake as far as the high character was concerned of the Presidents of the United States. I want to tell you all the way down through they have been men that will always live in the history of this country. I am going to get along, and I want the gentlemen present to understand that if there is any gentleman on this floor who wants to ask a question that has any merit in it, any decency in it, or any intelligence in it, I want to answer it, and I stand here prepared to do it; but I do not propose to stand here and be charged with cowardice and inability to answer a question that is asked me here simply because I refuse to answer it on the ground that it is disrespectful to the highest office the people of the United States enjoy.

Mr. RAY of New York. Then let me ask the gentleman——

Mr. JENKINS. Mr. Chairman, I want protection.

Mr. RAY of New York. Now, Mr. Chairman——

Mr. JENKINS. I want to be permitted to make my argument.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. JENKINS. Certainly not.

Mr. RAY of New York. The gentleman just said he would; he just said that he would answer any questions.

Mr. JENKINS. Mr. Chairman, when I have got to go to the Democratic side of this Chamber for an opportunity to present my views on the question I do not want to waste my time on the gentleman from New York. [Laughter.] It is the first and only time I have ever had to go to the Democrats for a favor, and if it had not been for the gentleman from Texas [Mr. LANHAM] I would never have enjoyed the opportunity of addressing the House on this occasion.

I was saying, Mr. Chairman, when I was interrupted, that the Judiciary Committee has confounded this whole question. It has placed the President in the same category as a deputy marshal, and I want to ask any gentleman here who honored the chairman of my committee yesterday by listening to his address, if the chairman of this committee or any gentleman who has addressed the House so far on this question referred to the Constitution of the United States? Not a word of it.

They never referred to the Constitution of the United States, but absolutely ignored it, and that is the source of our power. As I have said, if we do not find the power in the Constitution of the United States, then Congress has no power to act. But they ignored that and never paid any attention to it.

And, as I say, they have placed the President of the United States, with his great duties under the Constitution, in the same category as a marshal or a deputy marshal of the United States, confounding the whole subject and mystifying it, if it is possible to mystify it, from the language used.

I want to notice the inconsistencies as presented here by my learned friend from New York [Mr. RAY] and as supported by the report of the committee, which I understood he drew. The position of the gentlemen who oppose me is that any bill of this character is absolutely unconstitutional unless it provides, with all of these qualifications, for the killing of the President. In other words, it is unconstitutional to provide in general terms for the killing of the President of the United States.

Mr. LITTLEFIELD. May I beg the gentleman's pardon?

Mr. JENKINS. Certainly.

Mr. LITTLEFIELD. I think that possibly inadvertently the gentleman stated his proposition wrongly. He did not contemplate any bill that provides for the killing of the President, but he contemplates a bill that prohibits the killing of the President. Inadvertently he stated it the other way.

Mr. JENKINS. Of course, the gentleman takes a contrary view of this question from myself, and so I am not surprised when he does not agree with me.

Mr. LITTLEFIELD. Inadvertently, perhaps, you stated your proposition wrongly. You refer to the bill as providing for the killing, but what you mean is a bill that prohibits the killing. Am I not correct about that?

Mr. RAY of New York. I think not, because the whole argument is based upon the other proposition.

Mr. JENKINS. Mr. Chairman, I should like to be protected against the gentleman from New York for a few minutes. I listened to him for pretty nearly three hours yesterday without interrupting him, and unless he has a sensible, reasonable question to ask, I want to ask him not to interrupt me.

Mr. LANHAM. We are engaged in the business of protection here, and so the gentleman ought to be protected. [Laughter.]

Mr. JENKINS. It does not make any difference whether I misspoke myself or not. I meant to speak correctly; but I think my friends around me will appreciate that it is very difficult to discuss a great legal and constitutional question like this with constant interruptions and irrelevant questions. But I understand my friends to argue that it is unconstitutional to pass a bill in general terms providing for the protection of the President of the United States, and that in order that Congress may protect the President there has to be qualifying words in the bill; that is, that you must kill him when he is engaged upon some official duty, or you must kill him because of his official character, or because of some official act or omission.

And yet at the same time my friend from New York [Mr. RAY] argued yesterday—and I want to call him my friend notwithstanding his opposition to me—that the President is always in the discharge of his duties. Now, when I first came to Washington to attend the opening of this session of Congress, one of the ablest men in this country came to me and said, "I understand you are interested in this question, and I want to tell you that the President is at all times in the discharge of his duties." We had a controversy, and only a few days ago he sent me a note to say, "I have reconsidered that doctrine and I join you in what you said, that it is nonsense to argue that the President of the United States is always in the discharge of his duties." The President of the United States is no more always in the discharge of his duties than any other official, and I do not propose to rest this great power on the narrow doctrine that the President of the United States is always in the discharge of his official duties.

But my friends opposed to me go further, and while they insist that he is always in the discharge of his duties, the report says, although my friend did not discuss it yesterday, that the courts would always hold that he is always in the discharge of his duties, a position which is not true. But he goes further than that, and then introduces what is called section 13 in the bill changing the order and burden of proof. And the other day when he was assaulting me for taking away the right of trial by jury, when he was standing here saying that he always stood in defense of the liberties of the people, I wanted to ask him why he wanted to change the organic law of this country and say that for the purpose of protecting the President of the United States we will wipe out a rule that has been observed by all civilization, changing the rule and saying the burden is upon the defendant to exonerate himself.

The section does not help it. But look at the inconsistency of the position: First, that it is necessary to introduce qualifying words into the bill; second, that the courts will always hold that the President of the United States is at all times in the discharge of his duties; third, that if there is any attempt when he is not in the discharge of his duties we can not protect him; fourth, that we have introduced section 13, and by it have said as a matter of law that the President of the United States is always in the discharge of his duties. I want to say to my genial and able friend from Texas——

Mr. LITTLEFIELD. At the risk of not putting a proper question—I do not want to disturb the gentleman, but I would like to have the gentleman examine that section 13——

Mr. JENKINS. I can not discuss this whole question at once. I am coming to it.

Mr. LITTLEFIELD. Right on the point you are discussing. I understand you state that that section stands as a presumption of law.

Mr. JENKINS. I have not come to that, and if I do not answer the point you have in your mind before I get through, you please call my attention to it.

Mr. LITTLEFIELD. The gentleman at the present referred to that section.

Mr. JENKINS. Oh, no; you are wrong.

Mr. LITTLEFIELD. Now the gentleman is discussing——

Mr. JENKINS. The gentleman proposes to apologize for the bill?

Mr. LITTLEFIELD. The gentleman need have no apprehension of any apology the gentleman will make.

Mr. JENKINS. I have none. Before I get through I will come to that section.

Mr. LITTLEFIELD. The gentleman knows I am not responsible for that section. Before you get through I wish you would be kind enough to call the attention of the committee to the language that makes it a presumption of law that is not refutable, that the President is always in the discharge of official duty.

Mr. JENKINS. If my friend had listened to the argument of the gentleman from New York, or only read it, as I have, he would have discovered from his statement that it is a presumption of law.

Mr. LITTLEFIELD. I discovered it was a presumption of fact, and that is refutable. Discuss it right now and answer it.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. RAY of New York. The gentleman must not misrepresent "the gentleman from New York."

Mr. JENKINS. I will state to the gentleman from New York that I want to be permitted to discuss this question.

Mr. RAY of New York. But the gentleman from Wisconsin——

Mr. JENKINS. I decline to yield to the gentleman from New York. I can not stand here——

Mr. RAY of New York. But, Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. RAY of New York. That all may be, but he must not misrepresent "the gentleman from New York."

The CHAIRMAN. But the gentleman declines to yield.

Mr. JENKINS. I listened for three hours to the gentleman from New York yesterday as he misrepresented the law, and I want to be permitted the same latitude. [Laughter.]

Now, then, Mr. Chairman, with these preliminary remarks, I want to call attention to the fact that in this great discussion one of the most important questions that ever came before this House, that no gentleman has yet discussed, is the powers of Congress; and that is what I propose to call attention to. As I have said, I concede a dual system of government. I concede with my friend from Texas that if Congress wants to exercise a power it must resort to the Constitution of the United States to determine the right to exercise the power; and therefore I am going to call attention now to this constitutional question.

I want to do it, because my friends who are standing here in support of this bill have entirely and absolutely ignored the Constitution of the United States, and have said that they rest their positions upon the decisions of the Supreme Court of the United States. I want to say here with respect to their statement, and I do not want to insult any gentleman, that if you look until you are so old you can not see you will never find a single parallel case; you will never find a case decided by the Supreme Court of the United States, or any other court, holding that Congress can not pass a law to protect the President of the United States.

The cases that they state are mere ropes of sand, and I propose in my brief argument to call attention to the point plainly and so pertinently that every gentleman will concede that on this question those who rely upon the decisions of the Supreme Court of the United States have got no foundation whatever.

I propose, instead of giving decisions of the Supreme Court of the United States, to invite the attention of the House upon this question to the Constitution of the United States as to the powers of Congress. I concede, and want it understood, that my position is that every power is expressed, every power is enumerated, and that the power that I am insisting upon is not only expressed, but broad enough to protect us and to justify my position. Now, then, look at the powers conferred upon Congress with reference to this officer.

I have not time, Mr. Chairman, to enter into a discussion of where the line of demarcation should be drawn between the President of the United States and the smaller officers so numerous in the United States. I am only contending to-day and undertaking to justify this position, that the Congress of the United States has got ample, expressful, and plenary power to protect the President of the United States if he is shot down ruthlessly in any State of this Union without reference to the powers of the States or the rights of the States.

I do not want to go so far and be so extreme that I can not get my Democratic friends to stand on my platform. I propose to be absolutely fair in my legal position here. I think that every gentleman, no matter what his views may be with reference to State rights or Federal powers, can all agree upon this great proposition.

But I want to invite attention now to the powers of Congress. Among the enumerated express powers conferred upon Congress is to raise and support armies, to provide and maintain a Navy, and to make rules for the government and regulation of the land and naval forces. I want to invite attention to the Constitutional power conferred upon the President of the United States so as to distinguish that high and great office from a deputy United States marshal.

The Constitution of the United States confers upon the President of the United States the following enumerated express powers: First, he is Commander in Chief of the Army and Navy. He has the exclusive power over and control of the Army and Navy, so extensive that when war is declared Congress can not stop the war only by refusing appropriations. The President and Senate can, by treaty, stop the war. The President of the United States is also required to give opinions in writing; he has the power to reprieve and pardon; he has the power to make treaties, nominate officers, give information to Congress, and even to adjourn Congress, receive ambassadors and ministers, see that the laws are faithfully executed, and commission all officers of the United States.

Now, then, passing that, Mr. Chairman, and coming down to another provision of the Constitution, which was briefly referred to by my friend from Massachusetts [Mr. POWERS], Article I, section 8, subdivision 18, says:

> To make all laws that shall be necessary and proper to carry into execution the foregoing powers and other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

This is a very comprehensive provision. What did Chief Justice Marshall say with reference to this great provision of the Constitution? In the case of McCullough against Maryland (4th of

Wheaton, p. 360), in order to determine as to the power of Congress in this regard: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional."

One of the greatest men that ever sat in this House, John Randolph Tucker, of Virginia, wrote a work on the Constitution of the United States that ought to be read by every lover of government; and what did that great man say with reference to this provision and with reference to this opinion of the great chief justice of his State? I appeal to my Democratic friends to consider what that jurist said with reference to this provision, because it will help them in the discharge of their great political duty now.

He said that this canon of construction is not in the interest of strict construction but a fair and liberal one. This will be found in his work on page 361.

Now, I want to say to my friends who are doing me the honor of listening to me on this occasion that if you want to find out whether Congress can act you must resort to the Constitution of the United States to find whether any power is conferred on an officer of the Government, upon any department of Government, or upon the Government of the United States, or upon the Congress of the United States. It is worth while to reread Article I, section 8, subdivision 18 of the Constitution:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.

Let us go back a very little and see, Mr. Chairman, as to the power of Congress. That power which I have just read is the general power which authorizes Congress to make all details necessary to make every one of the powers in the Constitution operative and effective. I say that because I do not think there is any gentleman on the floor of this House, I do not care how democratic he may be, I do not care how much he may be wedded to the State rights doctrine, but at the same time he has got a kindly feeling for the power of the Federal Government. and he knows that it must be exercised, and that at times it ought to be exercised. I think I might say in passing now, Mr. Chairman, that we are not trying to usurp any powers of the State. Whatever we are doing here to-day is in obedience to the power and demand of the people of this nation.

I know that when I left my home every Democrat, every Republican, every Catholic, and every Protestant demanded of me that I do what I could to have Congress pass some legislation to protect the life of the President of the United States, and when I first had the pleasure of meeting one of my colleagues, Mr. BROWN of Wisconsin, he said to me that the last and practically the only word that was sent to him by his people was to defend the dignity and the power of the Federal Government to protect the President of the United States, and I know to-day——

Mr. BARNEY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. JENKINS. I yield to my friend from Wisconsin.

Mr. BARNEY. Mr. Chairman, I am fully in sympathy with my colleague in his desire to make this measure as strong as possible for the protection of the President, but the Constitution provides that the executive power shall be vested in the President, and then defines his powers. Later it provides that the judicial power of the United States shall be vested in the Supreme Court and other inferior courts, etc. I am quoting only from memory.

Now, then, is there any difference, so far as the principle is concerned, in the officers of the court and in the President? While the duties of the office of President may be more multitudinous and more important, are they different in principle from those which are discharged by any other officers of the Government? I would like to have it clearly pointed out, so that I may see why the President is entitled to absolute protection at all times different from other United States officers, particularly the officers of the Federal courts.

Mr. JENKINS. Mr. Chairman, while it may compel me to digress a little from my argument, I will endeavor to answer the question of the gentleman from Wisconsin, because I think he is a thoughtful and reflective and careful gentleman, and he has asked this question from the very purest and best of motives. There is, as I have tried to point out since I commenced this argument, a vast difference under the Constitution of the United States between the President of the United States and a deputy marshal of the United States. The President, as I have just been reading, has large constitutional powers conferred upon him, and one of these minor officers is never mentioned in the Constitution of the United States. I can not quote with any more accuracy than can my friend from Wisconsin what the Constitution says with reference to the Supreme Court, but I know that it is general in language.

Mr. BARNEY. But while the officers of the court are not mentioned, yet when the court is established and when the Constitution provides that the judicial power shall be vested in the Supreme Court and other inferior courts, that necessarily implies the judges and marshals and other officers of the courts, so that they are really as much constitutional officers as the President or any other officer named.

Mr. JENKINS. Mr. Chairman, my friend from Wisconsin is legally right, as far as that is concerned, but there is a vast difference under the Constitution between those officers. The only reference that the Constitution has in respect to the Supreme Court is to the Supreme Court as a body, and not with reference to any individual, and I think before I get through this branch of it I will have satisfied my friend from Wisconsin and any other gentleman who has the same trend of thought, for there is no more thoughtful or reflective man on this floor than my friend from Wisconsin.

I invite attention again to the Constitution of the United States, because, as I have said, all powers that we exercise must be derived from that great instrument; and when we are asked to exercise a power the only question that confronts us is whether we can find that power in the Constitution of the United States.

Now, go back a little. We find first an express power conferred upon the Congress of the United States to raise and support armies. Now, the general provision to which I have invited attention confers upon Congress absolute power to make all laws necessary and proper to make that provision effective; and the great Chief Justice says, in order to determine that question ask yourself the question, Is the end legitimate? Is it within the scope of the Constitution? And if so, all means are appropriate.

Now, if we have power to raise and support armies, have we not power to protect them? There is not a word said in that great instrument with reference to the color of the clothes, the quality of the clothes, or what we shall feed the soldiers. Every one of those details has to be ascertained from the general clause to which I have invited attention. But the power exists to raise and support armies. The other general power is that Congress shall have all power necessary and proper to make that great power effective.

How can it be effective unless we can legislate so as to make it effective? The Constitution says that the President shall be the Commander in Chief of the Army and Navy of the United States. If we have power to feed the Army and Navy, if we have power to protect them, I want to ask why it is that we have not power to protect the head of that great army? We have power to provide and maintain a navy. We have power to make rules for the government and regulation of the land and naval forces. If we have power to make laws regulating the government of the Army and Navy, can we not include, under that definition of the great Chief Justice, the power to protect the President of the United States, who, by the Constitution, is the head and Commander in Chief of the Army and Navy of the United States?

And when we get down to those distinctive powers that the Constitution confers upon the President of the United States—and I will just take one or two, in order to save time—it will appeal to any gentleman on this great question that I am right. One of the first provisions of the Constitution is, as far as the powers of the President are concerned, that he shall be the Commander in Chief of the Army and Navy of the United States. Take the general power providing for the details of legislation, which says that the Congress of the United States shall have all power necessary and proper to carry into execution that great power.

Are you going to argue that you can provide as to the numerical strength of the Army, as to what they shall eat, as to what they shall drink, as to what they shall wear, and to who shall officer them, and then deny to the Congress of the United States the power to protect the life of the Commander in Chief of that great Army and Navy? And yet under the leadership of the Republican wing of my great committee they say that this Government has not the power to protect the life of the great Commander in Chief of the Army and the Navy of the United States unless he is killed under certain conditions mentioned in the bill, to which I will refer later.

Mr. BELLAMY. May I ask the gentleman a question?

Mr. JENKINS. Certainly.

Mr. BELLAMY. Do you take the position that if the President of the United States, who is Commander in Chief of the Army, leaves Washington on a hunting expedition and goes down to Currituck Sound, as Grover Cleveland did, and takes along with him a party of friends, and is assaulted on the duck-hunting expedition, that it is competent for Congress to give him greater protection while duck hunting than it is for Congress to give General Corbin, who goes along with him?

Mr. JENKINS. Well, I am very glad my friend from North Carolina has asked me that question, because it gives me an opportunity to express my views on that subject. I want it distinctly understood that whether it is Grover Cleveland, whom my friend from North Carolina dislikes, or whether it is William McKinley, whom my friend from North Carolina absolutely worships, if I read the Constitution of the United States rightly, and if my judgment is worth anything, the President of the United States can be protected by the Congress whether he is Grover Cleveland or whether he is William McKinley. [Applause.]

That is my position, and I do not want any mistake about it. I am insisting upon the full powers of the Congress and I am trying to relieve the position that my Republican friends have gotten into because they read too much of John C. Calhoun and too little of William McKinley. Now, as I was saying, when you go back—and I want particularly to answer the question of my colleague from Wisconsin [Mr. BARNEY], because that question is full of meat, as I appreciate. I say that the President of the United States has great constitutional powers conferred upon him, separate and distinct from the powers conferred upon Congress to raise and create and maintain the Army and the Navy.

When we look into the Constitution of the United States we find the great powers conferred. Finding them conferred, we resort to that other clause of the Constitution which says that Congress shall have the power to make all laws necessary and proper to make that power effective. How can it be made effective, I ask my friends, I ask the people of this country interested in this great question, how can you make it effective if people can at liberty shoot down the Commander in Chief of the Army of the United States and assassinate him at all times and under all circumstances? How can you make it effective?

In a little time your Army will be wiped out. If you can provide enough numerical strength for the Army, you certainly, without any great violation of the Constitution of the United States, can find power conferred to protect the life of the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. Mr. Chairman, I will yield further time to the gentleman from Wisconsin.

Mr. JENKINS. I will not abuse the concession of time.

Mr. LANHAM. I yield sufficient time to the gentleman from Wisconsin to conclude his remarks.

The CHAIRMAN. The gentleman from Wisconsin.

Mr. JENKINS. As I have been saying, the gentlemen on the floor of this House, whose views I oppose, rely upon opinions delivered by the Supreme Court of the United States. And I desire to refer to the fact that I have been emphasizing the position that the gentlemen opposed to me have absolutely ignored, the Constitution of the United States, the fountain of all of our power, and have insisted that they are relying upon certain decisions of the Supreme Court of the United States to sustain their contention that Congress has not the power to legislate generally, but must, if they legislate at all, introduce qualifications and limitations, which I am insisting are absolutely ineffective, and as I have publicly stated that no case can be found to sustain their contention that the question we are now considering has ever been before the courts or the country, that it is absolutely a question of first impression, and as they have ignored the Constitution and seem to rely upon the Federal cases, I will briefly refer to those cases for the purpose of demonstrating what I am insisting upon, that no case can be found having any relation to the question under consideration.

You can not cull out certain general expressions and use the same for the purposes of argument. In the 182 United States, on page 258, the Court, in speaking upon this question, said: "General expressions in an opinion must be taken in connection with the case in which they are used. Courts are not bound by any part of an opinion not needful to the ascertainment of the question between the parties." In other words, if there are any general expressions in an opinion not necessarily involved in the determination of the cause, the same can not be considered as authority.

Now, take the principal cases referred to. One of the cases strongly relied upon by the gentleman from New York is that of the United States *v.* Cruikshank et al (92 U. S., 542). The defendants in that action were indicted for conspiracy under the sixth section of the act of May 30, 1870, known as the enforcement act (16 Stat. L., 140). There were 32 counts in the indictment. In short, the law under which the indictments were drawn was to prevent two or more persons banding or conspiring together or to go in disguise upon the public highway or upon the premises of another with any intent to violate any provisions of the act referred to, or within the language of the act, to injure, oppress, threaten, or intimidate any citizen with attempt to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States or because of his having exercised the same.

The action was tried in the circuit court of the United States for the district of Louisiana, and the question came into the Supreme Court upon a certificate of division of opinion of the judges of the court below. The Supreme Court held, in effect, that the law referred to was unconstitutional, and the defendants were discharged. I can see that the reasoning to sustain the judgment of the court was very general. In fact, considerably beyond what was necessary to sustain the judgment of the court. The oft-repeated doctrine was again presented that the people of the United States resident within any State are subject to two governments.

Nothing new was decided by the court, for there is not a lawyer in the United States to-day but what will concede that the case was rightly decided upon the facts involved. Any other decision would have been a disappointment not only to the legal profession, but to every lover of State and Federal Government in the Union. The most extreme Federalist does not deny, as I have been conceding, but what the Government of the United States is one of delegated powers alone, its authority defined and limited by the Constitution, derived entirely from the States, and all powers not granted to it by the Constitution of the United States are reserved to the States or the people, and that whatever power Congress possesses is derived from the Constitution, and if there is no power in that instrument for Congressional action, any legislation by Congress is null and void.

The case is not an authority for the question under discussion, and does not support the position of the majority of the committee. In other words, Congress passed a law to protect citizens of a State against violence offered by their cocitizens—a vast difference between such a case and asking Congress to pass a law under its constitutional power to protect the President of the United States.

Another case much relied upon and referred to by all the gentlemen who have preceeded me is in re Neagle (132 U. S., p. 1). The facts in this case are very familiar, and in my humble judgment the case is no authority whatever as far as the question under discussion is concerned. Briefly stating it, Mr. Justice Field, a member of the Supreme Court of the United States, was in California in the discharge of his official duties. A person by the name of Terry had considerable feeling toward Judge Field on account of having been beaten in some legal proceedings pending before Judge Field, and it being well understood that the life of Judge Field was endangered by Terry, the Attorney-General of the United States directed a deputy United States marshal to accompany Judge Field and protect his person from violence.

Terry made an assault upon Judge Field while in the dining room of a hotel in California, and Neagle, in defense of Judge Field and possibly himself, killed Terry. Neagle was arrested by the State authorities of California and made application to the Federal court for a writ of habeas corpus under section 753 of the Revised Statutes of the United States, the material part of the same being as follows:

> A writ of habeas corpus shall in no case extend to a prisoner in jail unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof, or is in custody for an act done or committed in pursuance of a law of the United States.

The majority of the court held that Neagle was in custody for an act done in pursuance of a law of the United States. The court conceded that there was no express statute authorizing the appointment of a deputy marshal to attend a judge of the Supreme Court when traveling in his circuit to protect him against assaults; but the court protected himself in its judgment behind the position of a general obligation imposed upon the President of the United States by the Constitution to see that the laws be faithfully executed. Mr. Justice Lamar and Chief Justice Fuller very vigorously dissented.

The opinion of the court held that Neagle was justified in defending Justice Field in the manner he did; that in so doing he acted in discharge of his duty as an officer of the United States, and therefore could not be guilty of murder under the laws of California, nor held to answer to the courts of California for an act for which he had the authority of the laws of the United States. The dissenting opinion held that Neagle was not performing an act in pursuance of a law of the United States; that the Attorney-General, who directed him to accompany him, was not the President of the United States; that to discharge Neagle on a writ of habeas corpus issued out of the Federal court prevented any further inquiry in any court, State or Federal; that there should be a trial of the case in order to determine the guilt or innocence of Neagle. In short, the court held that the section of the Revised Statutes under which Neagle sued out the writ did not extend to a case of this kind.

There is not a line or a word in the case that can be construed as an authority for or against the proposition now pending. It will be noted that no power of Congress was involved, no constitutional question raised, The statute referred to limited the

power of the Federal court to issue writs of habeas corpus and the court was called upon to construe the statute and say whether or not upon the facts stated the Federal court could issue the writ. This was a very important case, and as conceded by everything that has followed it, should have been tried in the State courts, and if the supreme court of the State of California was against the defendant, the case could reach the Supreme Court of the United States on a writ of error, when that court would have before it the evidence to determine as to the guilt or innocence of the accused.

It will be unnecessary to examine any further cases. I simply say to any gentleman here or elsewhere interested in this question that up to this time they will never find a decided case upholding the doctrine that Congress has not the power to protect the President of the United States at all times and under all circumstances. For my purposes I do not care whether the President of the United States forgets his duty or not. The Federal Government simply lays a restraining hand upon the person who would strike a blow at the Government by striking down the Chief Executive of the nation.

I have said there are many unconstitutional provisions in the House bill. I believe it. Limited time will prevent my discussing it. I simply content myself by trying to point out that this case presents a very important question of government. I am standing up for the powers of Congress, and am satisfied no successful argument can be made against it. I will not discuss with any gentleman as to whether or not it is necessary to enforce our power. I think when the people demand it we should act. I do not want to have it understood that I stand alone as far as outside views are concerned. I desire to have read in my time an article from the Boston Evening Transcript. This article appeared promptly the day after the report of the committee was made public. The writer of the article thoroughly understood the subject, and the article can be read with profit.

[Boston Transcript, Monday, February 17, 1902.]

AN AMBIGUOUS BILL.

The bill which has been reported to the National House of Representatives from the Committee on the Judiciary relative to "the protection of the President of the United States and the suppression of crime against government" is a measure which is lame in construction and which may, should it become law, prove difficult of enforcement. It provides that "any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death."

Similar safeguards, under similar qualifications, are thrown about the persons of those in the Presidential succession and about ambassadors. The qualification expressed in the phrase, "while he is engaged in his official duties," etc., will appear to many persons unfortunate, or unnecessary at least, since there is no time while the President is in office that he really loses his official character. If he is not engaged in the discharge of his official duties at one moment, he may be at the next.

An official whose functions include or may include the command of the Army and Navy, the execution of the laws, the initiation or supervision of our foreign relations, has little time save when he is asleep when he is not "engaged in his official duties." Under this construction of the bill it might prove as a law effective, but how can we be sure that such construction would always obtain by common consent. The ingenuity of the trained criminal lawyer never sleeps. It would be quite adequate to raising the point that if a President were assassinated in the interval of official duties, say, while on a vacation or on a pleasure trip, that the Federal law did not apply and the trial should be remanded to local courts, under laws that provide but imprisonment as the penalty for murder.

The definition of the interruption or cessation of official duties would be a nice point of which shrewd attorneys would make the most. Thus it could not be questioned that Lincoln was slain because of his official acts as President and Commander in Chief. He was killed by one who sympathized with the Confederacy, and who frantically hated him as the successful champion of the Union. Whether Garfield, when shot down in a railroad depot while about to start for Williams College commencement, was engaged in his official duties is fairly a question within the meaning of this bill.

The committee seems to realize this doubt, for in the report accompanying this bill it is maintained that Garfield was assassinated because he, "as President, had refused to grant certain requests, and possibly because the assassin desired the exercise of the Executive functions to be in other hands which he thought would the more readily serve his interests." The committee adds: "Lincoln and Garfield were murdered because of official acts or omissions, McKinley because he represented organized government."

This is true; but it can not be seriously contended that Lincoln, sitting in a theater watching a play, Garfield standing in a railroad waiting room, McKinley at a public reception, were engaged in the discharge of their official duties at the very instant when they were struck down. It is this failure to specifically throw the protection proposed by the bill around the President at all times that makes the bill defective. It breathes a spirit of compromise between Federal and State jurisdiction in this respect which is expressed in the committee's reference to the Vice-President:

"The Vice-President can not act until Congress meets. His constitutional duty is to preside over the Senate." But we may ask, Would the killing of the Vice-President, by its interruption of the established succession, be any less a blow at organized government because the crime was committed when he had waived the exercise of his constitutional duties, a president pro tempore presiding over the deliberations of the Senate? We know that Vice-Presidents have from time to time waived this duty, but they were none the less Vice-Presidents. Convenience counts for a great deal in all legislative bodies.

A considerable portion of the time of the House is passed with some one else than Speaker HENDERSON in the chair, but none the less Speaker HENDERSON remains Speaker HENDERSON during his absence from the Chamber of the Capitol.

The bill is already criticised in Washington as exhibiting the tendency of distinguished lawyers to "keep on refining" when the task referred to them calls for a very short and simple measure.

I have no private opinion in regard to this matter. I am simply discharging my duty as a member of the committee to present my view, and whatever the House may see fit to do will be entirely satisfactory to me. But I do not want the power of this Government impaired without my most earnest protest.

I want to invite further attention to what Chief Justice Marshall said in reference to this very important question. I am not arguing here to-day that my friends ought to go with me in violation of the Constitution of the United States to invade the powers of the States.

I want to repeat again, as I have additional time, that there is no man who stands on the floor of this House that is more prepared to-day to defend the absolute power of the States than I am. I believe to-day that every police power in the nation ought to be exercised through the States rather than through the Federal Government, but at the same time I must say, within constitutional limitations, that I am wedded, strongly wedded, to the powers of the Federal Government.

While I admire, love, and respect the States, I want to say to-day that we would be absolutely insignificant unless we had a great Federal Government that we could all look to in times of danger; and while I propose to stand by that Federal Government on all occasions within just and constitutional limitations, I do not propose to invade the powers of the States under any circumstances or any time. As I have said, I am simply standing here to-day because I want in this bill to express the full powers of the Federal Government. I think it would be absolutely humiliating to a great Federal Government here to-day to say that we had no power to pass a bill in accordance with my views, and that in order to pass it we have got to introduce a large number of qualifications and limitations which render the bill absolutely valueless in my judgment.

Now, what did the great Chief Justice say further in support of my views:

It may with great reason be contended that a government intrusted with such ample powers, on the due execution of which the happiness and the prosperity of the nation so vitally depends, must be intrusted with ample means for their execution.

Again, in the case of The United States against Fox, in 95 United States, 670, the Supreme Court of the United States said:

There is no doubt of the competency of Congress to provide, by suitable penalties, for the enforcement of all legislation necessary and proper for the execution of the power with which it is intrusted.

And I say to the people of this country who are interested in this great nation, it certainly ought to be conceded by every person interested in the welfare of the Government that whenever an express power is created or vested by the Constitution Congress has ample power to make the express power enumerated effective and operative.

The Supreme Court of the United States has aptly spoken on this subject:

The founders of the Constitution could never have intended to leave to the possibly varying decisions of the State courts what the laws of the Government it established are, what rights they confer, and what protection shall be extended to those who execute them.

It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here again we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent.

This power to enforce its laws and to execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the same places. The one does not exclude the other, except where both can not be executed at the same time. In that case the words of the Constitution itself show which is to yield. * * *

If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States, and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old Confederation.

The argument is based on a strained and impracticable view of the nature and powers of the National Government. It must execute its powers, or it is no government. It must execute them on the land as well as on the sea, on things as well as on persons, and to do this it must necessarily have power to command obedience, preserve order, and keep the peace; and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction.

(See Tennessee v. Davis, 100 U. S. Reports, 25; ex parte Siebold, 100 U. S. Reports, 371.)

Now, then, let me call attention to one or two more illustrations that I think are very pertinent. The Congress of the United States has power under the Constitution to establish uniform rules on the subject of bankruptcy. Now, every gentleman upon the floor of this House, every single lawyer in this nation, knows that under that great power Congress has the power to pass punitory legislation. It has frequently, and during my connection with this House, exercised that power. There is no detail of legislation in the Constitution, but, as I say, no one has ever questioned that great power.

Now, if we have got power to punish a man because he violates the bankrupt law of the United States, have we not got power to punish a man absolutely and without qualification that kills the President of the United States? Congress has also the power under the Constitution to establish post-roads and post-offices. Under this power, coupled with the power to which I have invited your attention, Congress has the power to pass all laws necessary to make that power effective; they rent buildings, make roads, carry the mail, and punish any man that violates the postal laws of the United States. And yet my friend from New York and his Republican colleagues, excepting myself, deny to Congress the power to punish a man who will, under absolutely indefensible circumstances, kill the President of the United States.

Now, Mr. Chairman, passing from the power of the Government to the bill itself, I want to invite particular attention to it. It is important that we do it. Congress is asked to create a statutory offense. If this bill is written into the statutes it will be highly penal. Every gentleman connected with the law on the floor of this House will confirm this statement. It will be liable to strict construction, and it can not be extended by construction. Every gentleman who has ever practiced law knows that one of the English statutes provided that whoever killed sheep or other cattle should be punished in conformity to the provisions of the statute. When a man killed a cow it was held that he was not liable, simply because it was not a sheep. That shows how strict they construe penal provisions.

Now, the bill under consideration proposes to make it a crime to kill the President of the United States under certain circumstances, not generally and under all circumstances, but within certain limits. Hence it appears from the language of the bill that the President may be killed and yet it would not be a crime within the pending bill. They say before you can make it a criminal act you must find that the President was killed when in the discharge of an official duty, or because of his official character, or because of his official acts or official omission.

I want to say to the country upon this occasion that my friends have very ingeniously pointed out to any man who wants to kill the President of the United States that he can kill him and not be liable under this law. I want to say to every gentleman interested in this question, as I have persistently urged whenever I had an opportunity to do it, that a man can kill the President of the United States and absolutely be immune under this provision. I can not conceive of any provision more favorable to a criminal than the one they are trying to write into the statute books upon this occasion.

Now, look at it for a moment. The bill provides that a man can only be punished under this act when he kills the President while in the discharge of his duty. We have had three Presidents killed since we have been on earth, and not a single one of them killed in the discharge of a public duty. Now, I want to call the attention of this House to the fact that they are trying to divide by legislation this great power. Here is a provision that the duties of the President are divided into two classes—official and non-official. In one case it is a crime to kill the President and in another it is not.

Now, when you say by legislation if you kill the President when he is engaged in official duties, that implies that there is a time and circumstances when he is not engaged in the discharge of his official duty, and the report in this case and the argument of my friend from New York yesterday was that if there is one moment of time when the President of the United States is not in the discharge of his official duty no man can be punished under the power of Congress.

Within a short space of forty years, within the time of every gentleman on the floor of this House, we have had three Presidents assassinated in this country; and I do not blame the people of this country for rising, without reference to their politics or religion, and demanding that the Federal Government pass some legislation with reference to this great question. But not one of them, Mr. Chairman, was killed in the discharge of his official duty.

I want to combat most strenuously, at the expense of the charge of repetition, by saying that it is absolutely impossible for a man to be in the discharge of his duties all the time. Was President Garfield in the discharge of his duty from the moment he was shot until his death? Every man knows that he was not. Was Lincoln in the discharge of his duty at the time he was shot? Not for a moment. Was McKinley in the discharge of his duties from the time he was shot until his death? Not for a moment. And yet, under the proposed bill, if any man had stepped in there and shot again President Lincoln and he had died as the result of that second shot, the man could not be punished under this bill.

Following that out, if any man had shot Garfield at any time after he was first shot, and he had died as the result of that second shot, you could not punish him under this bill. Following that out, as far as McKinley was concerned, if any man had shot McKinley after that fatal shot at Buffalo and before he died, and as the result of that shot he died, no man could be punished under this bill. For they say that if there is a moment of time that the President of the United States is not engaged in the discharge of his official duties no man can be punished for shooting him. All on the theory that Congress has no power to punish generally and under the limitation in the bill.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. JENKINS. Certainly.

Mr. PERKINS. The gentleman said just now that if anyone had shot President Lincoln after the first shot he could not be said to be then in the performance of his official duties. Does the gentleman hold that President Lincoln was in the performance of his official duties when he was shot?

Mr. JENKINS. Oh, no.

Mr. PERKINS. Certainly not.

Mr. JENKINS. I am coming to that, I will say to my friend. I am insisting, and I thank the gentleman for asking me that question, for it assists me in my argument, that there are times—I do not care how multitudinous the duties may be that are forced upon an officer by the Constitution—there are times when he can not be in the discharge of his duties. I was illustrating that to demonstrate that he stood on the same plane as though he was asleep, and I want to protect the President of the United States when he is asleep or when he is awake, whether he is playing polo or whether he is writing his message, because I insist that this great Government has the power to do it and that we ought to do it.

That is my insistence, and I do not think we are begging the question or invading the power of the States when we start off in support of that position. Why, no; the lamented Garfield never was in the discharge of his duties for a single moment after he was shot, nor was any one of the others whom I have mentioned. Now, let us take up the question and let us look at it a minute. Since I have been here in Congress I had the pleasure of going down into Virginia, the burial place and home of the great George Washington, to listen to an address by the late President McKinley at the tomb of Washington.

Is there any gentleman here to-day who dares to support the position that the late President McKinley went down there in an official capacity? Not at all. Why, I am told here that in the social life in Washington there are a great many of us who are invited out because we are Congressmen, and that if we were not Congressmen we would not be invited out at all. Now, I do not want any gentleman to arrogate to himself the belief that he is invited out only because of his official capacity. He is invited out because he is a Congressman just exactly as our President of to-day was invited down to Charleston.

If he had not been President, he would not have been invited there. He did not go down there in an official capacity. It is true, I say to my friend here, that he went down there because he is President of the United States. He went down there simply because he was President of the United States, and no doubt he did honor to the occasion, as he always does upon any occasion and at all times. But, at the same time, I say that if he had been shot down there, the man that shot him could not have been prosecuted under this act if it had been in force at that time.

Now, I am not here urging that we pass this law because the States are going to be recreant to their duties. I am one of those men here who have as much confidence in the people of Texas or the people of Alabama as I have in the people of my own State. I do not question their loyalty to the Union; I never have and I never will as long as I see such evidences of loyalty all along the line. [Applause.]

I have the idea that if this last murder had been committed down in Texas, where my Christian friend who spoke so eloquently here yesterday lives, they would have strung that fellow up to a telegraph pole, and he never would have been tried. They would have vied with each other to have vindicated the law, and I do not mean any insult or disrespect to the people of the South because I say that, but I know that they love this nation so strongly that there is no question about their loyalty.

I am not advocating this measure because I doubt the loyalty of any State in the Union, whether it is my own beloved State or some State of the South, but I am here insisting to-day that we ought to pass some law expressive of the power of government, because the people have demanded it and Congress has the power to act and therefore it should not refuse to put that power into operation simply because there is some danger of an invasion of State rights, or some intervention of that kind.

No, Mr. Chairman, I would not libel the people of the South. We are not asking this because we expect our President to go South by and by and we want him to be protected; we know that when he enters any State in this Union every man there, without reference to politics or his political sympathies, will stand up like

a man and protect the President, but we want to put in operation a power of national government that the people of this Government have demanded of us that we should put in operation.

Mr. LANHAM. Will the gentleman permit a question just at this point?

Mr. JENKINS. Certainly.

Mr. LANHAM. Suppose the Federal Congress had authority to take cognizance of an offense of this sort committed within a State, would not the person committing the crime have to be tried in the district where the offense was committed, and would not the jury have to be selected from the same body of citizenship as they would be chosen from in the event of a State trial?

Mr. JENKINS. I should answer my friend from Texas in the affirmative. His legal conclusions, according to my view, are absolutely correct. There is no question about them, not at all. We do not doubt (and that confirms what I have been arguing and advocating) the people or the power of any particular State——

Mr. LANHAM. Then what is the necessity for enacting any statute at all?

Mr. JENKINS. The necessity, I will say to my friend, in answer to his question, is this: We ought to have uniform legislation. The necessity is simply because the people of this Government have demanded it by thousands, and thousands of names have come to us on petition asking that Congress legislate, because their attention was sharply called to it when the late President McKinley was killed.

There was a great question as to who should exercise the power of punishment and as to what the punishment should be, but as was well said yesterday by the gentleman from New York [Mr. RAY], there are States in this Union where punishment is not extreme. Had that unfortunate murder been committed in the State that I have the honor in part to represent, the murderer would only have been punished by imprisonment in the State prison for life. In other States he would have been sentenced to death. We want uniform punishment; but I am contending to-day that the power is ample, and as long as the people of this country are demanding that we should exercise the power, I think that the Congress of the United States would be cowardly in refusing to legislate with reference to a power conferred by the Constitution, and I do not care if more than a hundred years have elapsed and we have not exercised that power.

There must be a beginning, and to-day, after the people have suffered a loss of three Presidents—and their loss has been universally mourned all over the country—they are demanding that we should legislate with reference to it. We would be recreant to our duty if we did not legislate. And I want to say, in order that my position may not be misunderstood, that I do not care how objectionable the bill under consideration may be, I am going as far as I can. All I regret is that the majority of this committee have not gone as far as I think they ought to go with reference to the power of Congress, and I regret exceedingly that they have gone off to protect others to whom the Constitution does not afford any protection.

I think I have very fully covered my objections to the bill; but I want to confirm my opening, that under this bill it is going to be absolutely impossible to convict any person. Why? Because it says here the Government is so absolutely weak that you can not punish a man unless he murders the President within three limitations. First, the President must be engaged in his official duty. As I said, none of the three Presidents who were murdered was engaged in an official duty when he was murdered. Second, that he must be punished because he killed the President on account of his official character.

Why, you can not separate the character. We are Congressmen from the day we are elected until we go out of office by death, resignation, or limitation. You can not separate the official from the nonofficial. Or, they say, you must kill him because of some official act or official omission. I am told that my friend the gentleman from Ohio [Mr. NEVIN], who is doing me the honor to listen to me now, is one of the ablest debaters that ever discussed a question of this kind. He is going to follow me. I know he is a man of ability, and I want to address my questions to him.

Suppose he was the judge of a court. He would say, "Gentlemen of the jury, before you can convict this man of killing the President of the United States under this law you must find one of three conditions. You may find them all, but if you find one it will be sufficient. You must find that this defendant killed the President at a time when he was engaged in the performance of an official duty; or, if you do not find that, you must find that he killed him because of his official character. Or, if you do not find that, you must find that he killed him because of the fact that he officially failed to do something or officially did something obnoxious to the defendant. If you do not find that, you must acquit him." Now, that is pointing out to a man that under the Federal law he can go and kill the President of the United States and be absolutely immune under any law that Congress passes, if this bill becomes a law.

Mr, KLEBERG. Will the gentleman permit me?

Mr. JENKINS. Certainly.

Mr. KLEBERG. And is it not true that if he were acquitted in the Federal court the State court could not try him on account of having been once in jeopardy?

Mr. JENKINS. Certainly; the State court could not try him. I agree with my friend from Texas fully. I say you are pointing out to a man how he can kill the President and not be punished for it. When the late President McKinley went down and delivered the great address over the tomb of Washington, did the President go there in his official capacity? Why, not at all. It is true he went down there because he was President of the United States. If he had not been President of the United States, he would not have been invited. But he was not in the discharge of an official duty.

Now, supposing some person had taken offense there because the President of the United States felt like eulogizing Masonry. Washington was a Mason, and I understand that the late President McKinley was a Mason. Naturally he would eulogize Masonry.

Supposing some person had taken offense at that utterance and had pulled out a gun and shot him. Under this act you could not punish him, for he did not shoot him when he was engaged in any official duty. He did not shoot him because of his official act or official omission, and he did not shoot him because of his official character, but he shot him because he was standing there in defense of Masonry.

Suppose, further, that the shot was fired when the President was not in the discharge of a public duty, and there is nothing to indicate the motive or purpose of the shooting.

He escapes under this law. Now, my insistence, as I am appealing to my Republican friends, is that we can protect the President of the United States in general terms under the great constitutional powers. That is what I am insisting upon. I do not care under what circumstances the shot is fired. How are you going to prove it when the murderer is silent? The President goes out riding; he goes out to New York to deliver an address; he goes out to Detroit, Mich., to speak on some great question. Some person takes offense at him and shoots him. He does not open his mouth. He sits there at the trial with his mouth closed. How are you going to prove under what circumstances he shot him?

I am inviting the attention of those gentlemen who are forcing this bill upon the country as to how you are going to convict. I am calling attention to it, because I say you are weakening the bill, you are weakening the law, when you throw this doubtful provision into it. Why, all that a man has got to do when he has shot the President is to keep his mouth shut. How are you going to force him to state under what circumstences he did it? You may call on him to state whether he did it while he was in discharge of his duty, and he will say "No." Then you may ask him whether he did it on account of his official character, and he says "No." You may call on him to state whether it was on account of any official act or omission; he says "No."

But my learned friend from New York says that we have introduced section 13 in this law, by which we are going to change the law of civilization, the law of nations from time immemorial down to to-day; we are going to change the law in order to carry out our purpose, and we are going to say to any man that we will make a presumption of fact a presumption of law, and I can not tell from reading the efforts of yesterday as to what that presumption shall be; but they are so much afraid of their position that they say that we declare as a matter of law that the President shall be presumed to be at all times in the discharge of his duties, and therefore if a man kills the President of the United States it devolves upon him to prove that he was not in the discharge of his official duties.

Why, the gentleman from Indiana [Mr. CRUMPACKER] ventilated that question yesterday when he asked the gentleman from New York with reference to it. It was an absolute disposition of the question and makes it unnecessary for me to discuss it. It answers it, and there is no possible chance for argument with reference to it.

A man steps up and shoots the President of the United States. He does not make any declaration as to how or under what circumstances he shoots him. To get rid of that question of fact we are asked to say that it shall be made a matter of law that if any man shoots the President of the United States it shall be presumed that he was in the discharge of his duties. Why, look at it. It is absolute nonsense, if I may say so and speak respectfully of this great question.

Take the illustration of it that I have given, when the late President McKinley went to the tomb of Washington and delivered a Masonic address. Suppose he was shot then? They say we will establish it as a rule of law, according to the language of

the gentleman from New York, that he was in the discharge of his duty, and the defendant must prove he was not.

Now, I insist that such things are absolutely unnecessary. I insist that if the President of the United States is killed the man that kills him should be punished. Why, because, Mr. Chairman, I am insisting that when a man shoots the President of the United States, in contradistinction of the argument of my very learned friend from Texas, he is really striking a blow at the Government, not striking a blow at the individual. We are not seeking here to-day to protect the individual, but we are seeking here to protect the instrument, the representative of government.

That is what we are doing. We are not trying to say that if a man holds a high office in the Government he shall be protected as against the humblest individual of the United States or the nation or the State. We are simply to-day exercising the power possessed by the Federal Government—a power that was never exercised. That is what we are attempting to do. We are not seeking to do anything, but in obedience to the demand and the great call of the people of this nation we are seeking to put into operation the power of the Government to aid in the protection of the President of the United States. The people are demanding it. It is not as federalists we are demanding this legislation.

It is not as though the extreme and radical were demanding this legislation. We are simply acting in obedience to the great demand of the people who say there ought to be a national law. It is not confined to the North, but it comes from the South; it comes from the West, and it comes from the East. They are all demanding that this great power that has been dormant for over one hundred years be put into action. That is all they are demanding. We are not violating any principle of the Constitution, we are not invading the power of the State. There is not a single man that wants to invade it.

Now, I am in honor bound to hurry along, but I want to call attention to the difference between the Senate bill and the House bill. Mr. Chairman, my learned friend, the chairman of the Judiciary Committee, has insisted that the Senate bill is unconstitutional. To a certain extent I agree with him, but I insist that the Senate bill is infinitely preferable to the House bill.

The difference between us and the Senate is that the Senate absolutely agrees to my position. The Senate says, without division, without debate, without a question, with those great Democratic members sitting there in the Senate, that there is no question but that the Congress of the United States has the absolute power to protect the President of the United States, asleep or awake, whether he is engaged in official duty or nonofficial duty. It makes no difference when he is killed. They say it is punishable per se, and I say so.

I say so, Mr. Chairman, because the man that kills the President of the United States does not merely kill an individual; he does not kill a man, he kills the representative of the executive branch of this Government. He strikes a blow at government. That is what we are aiming to protect. We are aiming to protect the Government of the United States, and not the individual who fills the position. It may mean lots to this great Government to have a President of the United States killed. We may have no Vice-President, and it may mean a great change, it may make a great difference, and we want to warn all men that they must not kill the President of the United States, whether he insults them or not.

I will not indulge, as far as I am concerned, in any such reflection. I know, as I have said in answer to the gentleman from New York, that we have never had a man, and I know that we never will have a man elevated to that high position, who will so far forget himself as to insult any man and provoke him to murder; and if he does, let the responsibility rest upon the murderer instead of upon the nation.

I insist that a man must keep his hands off. He may want to kill the President, but I do not care what you suggest may be the reason or motive, I am insisting to-day that the man that kills the President of the United States strikes a blow at the Government and the individual liberty of every citizen of the United States. It is not killing simply a man. If it was, we would not be exercising or attempting to exercise the power to-day. I would not insult any State in this Union by asking that the Federal power be invoked, because I think that any State would discharge its duty. I know no State would be recreant to its duty on an occasion of this kind.

I am asking you why anyone should find fault because the Congress of the United States proposes to put into execution one of the great powers confided to it by the Constitution of the United States. We do not want to impair the power of a State; we do not want to invade, and we never will by my action invade the power of a State. I know that no lover of this Government will ever insist on any such proposition.

I want to refer to two or three provisions of the bill, and I tell you it will take some good lawyer to explain it. Out in our country when they get confused in reference to a legal proposition they say it will take a Philadelphia lawyer to explain. What that means I do not know. I never had it explained to me. But I tell you it will take more than one lawyer to explain to me some of the provisions in this bill.

Now, I have not the time to go through it seriatim, but I wish I had. I have tried to point out in my feeble way and with my limited time that while I agree with my colleague that the power they seek to invoke is constitutional, they do not go far enough. They have yielded to democratic influence; they have denied the just and full powers of this Government. I have given my views in the bill which has been read from the Clerk's desk, because I think that goes as far as the Federal power can go.

We can not protect a man who seeks to come in to occupy that high place in case there is a vacancy. There is no need of passing any law with reference to the Vice-President of the United States. He is amply protected, because the only duty he performs is right here under the Dome of this Capitol. Therefore there is no necessity for any legislation as far as he is concerned. And when we go out of our way to protect the ambassadors, there is no difference between the House bill and the Senate bill.

As I have said, I think the Senate bill is infinitely preferable to the House bill, because it recognizes the just and full power of Congress in this great regard. It goes further than I wish it did, because it seeks to protect foreign potentates abroad. We have nothing to do with them, and I agree with the learned chairman of my committee when he says that that provision of the bill is absolutely unconstitutional, but there is one thing in this bill that I do not understand, and I want some gentleman who follows me to explain that provision.

If you will read that bill you will see that the House bill provides, first, that if a person should kill the President of the United States when he is in the discharge of his duty, or on account of his official capacity, or on account of his official omission or official act, he shall be punished with death; but, referring to section 5 of the bill, if a man should assault the President of the United States and get into a rough-and-tumble with him and in the event of that struggle the President should die, he can only be punished by life imprisonment.

In other words, there are two contradictory provisions in this bill. First, if you kill the President of the United States, you shall suffer death; second, if the President die from some assault that you make upon him, then you shall only go to State prison for life. I want to invite your attention to it because of the contradictory provisions of that bill. I can not understand it. I could not understand it when the provisions were considered, nor can I understand it now.

I am standing here and saying that I think that such provisions are absolutely unnecessary. My insistence is, first, as I have presented this bill to this House, that a man who kills the President or makes any assault upon the President of the United States with an intent to take his life should suffer the extreme penalty of the law, not because he has attacked an individual, but because he has attacked the sovereignty of this Government. That is what I am insisting upon, and I think it is pretty near time that we settled this great question of State rights and the power of this Federal Government.

I am willing this great Government on this question should go to the people of the several States, whether it is North or South, I do not care where they come from. As I have said, I know that the people of the South are going to insist that their representatives should stand up in favor of the power of the Government. The wisdom of the execution of the power may be another proposition. I am simply standing here in defense of the power of this Government, and I do not want it belittled.

I am insisting that the Constitution says that we have ample power to act, and I think that on account of the fact that in less than forty years we have had three Presidents of the United States assassinated in cold blood there is nothing wrong in correcting the powers of government. When we do this we are working no outrage on any State of this Union. I do not want it to go to the several nations of this globe that Congress has no power at all times to protect the President of the United States. I have no words of condemnation, no quarrel with my colleague who insists that it is not wisdom to enforce that power.

I am simply insisting, Mr. Chairman, that the time has come when we ought to exercise that power, and I am insisting here to-day that we have got the power and that we will be recreant to every duty unless we do exercise that power and write into the statute book that any man who kills or attempts to kill the President of the United States shall suffer death.

We say here to-day it is not the individual; if you make an attack upon the President of this country you are making an attack upon the people of the United States, North, South, East, and West, and we will rise up here in our dignity and defend the power of the nation. [Applause.]

Mr. RAY of New York. Mr. Chairman, I yield to the gentleman from Ohio [Mr. NEVIN] such time as he desires.

Mr. NEVIN. Mr. Chairman, when the shot fired at Buffalo had done its fatal work the people of the country, in their eager and earnest desire to suppress such occurrences for all time, seemed to forget everything except that something must be done, some law of some kind must be enacted. The Committee on the Judiciary had literally hundreds of names, scores of petitions, and dozens of bills of all kinds providing a punishment for what in general terms was called anarchy. There were bills offered which made the killing of the President of the United States punishable by death; not the unlawful killing, not purposely killing, not maliciously killing, but just to kill the President, no matter how or why, was to be punished by death.

Out of that multitude of bills the Committee on the Judiciary began to examine and to prepare what in its judgment would be a constitutional, conservative bill, worthy the dignity of the subject and the American Congress. All of the members of that committee upon our side save the gentleman who has just spoken [Mr. JENKINS] have submitted to the House the bill as it is presented to you to-day. All of these questions that have been argued here were presented there, and I may say that it did not require any great investigation for us to arrive at the conclusion that it was not only constitutional, but that the inherent power rested in this Government to pass a law punishing anyone who unlawfully killed not only the President, but any officer of the Government of the United States.

I differ from my friend from Wisconsin [Mr. JENKINS] on the proposition that the President of the United States stands in any other relation to this Government as an officer than does a deputy marshal. So far as the Government is concerned, the President is an officer, no more and no less, save that he has multitudinous duties to perform and of a higher and more dignified kind. He differs in degree, it is true, but he is an officer of this Government, elected as other men are elected and as some are appointed, with precisely the same right to be protected, and no other. As a citizen he has just the same right, as the gentleman from Texas [Mr. LANHAM] said the other day, that any other citizen has. We have been taught from earliest infancy that, so far as men are concerned, there is no difference in this country between those who hold office and those who do not, and I agree to the fullest extent with the remark made by my friend from Texas that, so far as the citizen is concerned, it is just as much a crime to kill one good man, though he be the humblest in the community, as to kill any other good man, though he be President of the United States.

Therefore, starting out with the proposition that we have the inherent power to protect our own Government, the same inherent power that all governments have, we have reached this conclusion. What is the Government? It is that which rules a people or a nation; and unless it can protect itself, it is nothing. It is less than a wisp of straw or a rope of sand. It must have the inherent right, regardless of any Constitution, written or unwritten, to protect itself, and therefore to protect its officers and its agencies. Therefore we had no differences in the committee in the opinion that we have the right to pass a law punishing anarchy, punishing the killing of a President or a Vice-President; and although I listened intently to my friend's reading of the Constitution, I failed to hear anything to-day, as I have failed from an examination of it heretofore, to find anything which would indicate in the least that the President differs in any way as an official from any other officer of this nation.

Now, what did we find when we began to examine the decisions? We found that from the very beginning of this Government there had been recognized the right of the State only and alone to punish the citizen; that in whatever jurisdiction you were, there the citizen, the man, the homo should be protected, and if assailed his assailant should be punished according to the law of that place. And why was it not right? Whatever is good enough and strong enough and righteous enough for the citizens of Texas ought to be good enough for the citizen of Ohio who goes down there, as I hope I may when my friend [Mr. LANHAM] is elected governor. Anything which will protect a citizen in Ohio ought to be good enough for any alien or any citizen of another State who goes there, ought it not, if the law is rightly and faithfully administered? And therefore it is that in all the decisions of all the cases it has been held over and over again that the punishment to the citizen must be in the forum or in the place of venue where the offense occurred.

Now, we intended to go beyond that, not to protect the President as a citizen, but to protect him as an officer of this Government. And then what did we find? Why, we found the opinions over and over, as Judge RAY said, at least a dozen times, expressed that this could only be done in reference to him in his official capacity. My friend from Wisconsin [Mr. JENKINS] says he can not differentiate, that he can not tell when a man ceases to be President and when he becomes a citizen. Well, I assume that is a question of fact, like any other question of fact. My friend says we have had three Presidents killed in the last few years and that not one of their murderers could have been punished under this law. There was not one of those assassins who could not have been punished under this law. There was not one of those Presidents who was not killed on account of his official character, whether he was in the performance of an official duty or not, whether by reason of the fact that he omitted to do something or had done something required of him or not.

It was on account of his official character that each one was slain. Take the last one. Why, gentlemen, say that you should answer as you would if you were a judge trying the case. Very well; take the last case. The assassin would have been brought forth for trial and, the Government having rested, he would have been put on his defense. There is no claim that he had ever spoken to President McKinley, that he had ever seen him, that any act of his as an individual had caused the assassination. He absolutely had no reason to kill him save on account of his official capacity—because he was the President of the United States—and under this bill, if it had been a law——

Mr. McDERMOTT. Will the gentleman allow me to interrupt him?

Mr. NEVIN. Certainly.

Mr. McDERMOTT. You have as to one case made it a presumption by law—killed him because of his official capacity. If he made no utterance at the time of the killing or thereafter, the jury could not find that he killed him because of his official capacity, because there could be no evidence, and the presumption would be that he did not kill him because of his official capacity, but that he killed him in the way that would best be in accordance with innocence. Then, in the thirteenth section, you provide for a presumption of law. Rightly speaking, the presumption would be the other way in the absence of affirmative evidence that he killed him because of his official capacity; that not being proved, he would be entitled to acquittal by the jury.

Mr. NEVIN. You are correct in the statement of the law, but I differ from you as to the statement of fact. Suppose the case goes to the jury. There are certain presumptions of law. Every man is presumed to be sane until the contrary is shown. Every man is presumed to intend the natural consequences of his act until the contrary is shown. If I take a pistol loaded with powder and ball and fire it into your body, I am presumed to intend to kill you if death results. Suppose for a minute that you and I shall be seen together late at night, and a pistol shot is heard, you are killed, and then I shall be found with the pistol in my hand, the presumption of law is that the person firing the shot intended to kill you, and the jury would find as a fact that I had done so. Does not the gentleman think that any jury would so find?

Mr. McDERMOTT. No.

Mr. NEVIN. I rather think they would. I would hate to be put into that box. [Laughter.]

Mr. McDERMOTT. The presumption of fact and the presumption of law are entirely foreign to my question. Where is there any legal principle for it being established, if the President of the United States has been assassinated? What legal principle would you invoke to justify the jury, in the absence of a statutory law of Congress, in presuming that the man killed the President of the United States because he was President?

Mr. NEVIN. I will answer that now by taking your own illustration. Suppose, only to illustrate, that I take the history of the assassination of Mr. McKinley. Let us take the facts and put them to the jury. Under this Federal law he is indicted in the Federal court, and he is brought before the jury, and the proof comes out that he had never spoken to the President, he had perhaps never seen him, so far as the proof would show—I am talking about the proof that goes to the jury——

Mr. McDERMOTT. Carry it a step further. If there was no evidence that he had any knowledge that he was the President.

Mr. NEVIN. Ah! but that could not be, because you must assume that every sane man must know the President. The jury would certainly presume that he knew that Mr. McKinley was the President. The law presumes that every man knows what the law is. If you can presume him sane, you can presume he knew the President. Take the assassin, put him before the jury, with all the facts just as they existed in this case and nothing else, and is there any jury in the world that would not presume the fact—that is, the official character of the person killed—upon which it could return its verdict?

Mr. LITTLEFIELD. To find as to the fact?

Mr. NEVIN. Yes; I am using those as synonymous terms.

Mr. McDERMOTT. I should imagine any civilized court would overturn the verdict of a jury which would find a fact upon which there was no evidence. Now, let me go a step further, right in that line, if I am not interrupting you too much?

Mr. NEVIN. Not at all.

Mr. McDERMOTT. Another question. You have in section 13 a presumption—

That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States or Vice-President of the United States or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was at the time of the commission of the alleged offense engaged in the performance of his official duties.

I take it that the draftsman has attempted to create a presumption of law. No presumption of law would stand in any case where a President has, up to date, been assassinated, for this reason——

Mr. LITTLEFIELD. The gentleman from New Jersey means a presumption of fact?

Mr. McDERMOTT. A presumption of law.

Mr. LITTLEFIELD. A presumption of law is not rebuttable, and this presumption is rebuttable by the language of the section.

Mr. McDERMOTT. Now, take, for instance, the assassination of President Lincoln; he was assassinated during a theatrical performance. President Garfield was assassinated when about to take the train for a pleasure trip. President McKinley was assassinated while addressing his fellow-citizens at a fair for the encouragement of Pan-American commerce. Now, that fact being shown to the jury, the case on review would stand this way: That it was shown that President Lincoln was not engaged in an official action, that President Garfield was not engaged in official action——

Mr. NEVIN. I can not agree to the gentleman's statement of fact.

Mr. McDERMOTT (continuing). That President McKinley was not engaged except so far as you load him with the Presidency; the individual was not engaged in Presidential duty; and it would necessarily appear on the part of the prosecution by the Federal Government that he was not engaged in the performance of an official duty. Therefore, having proven your case for the State, you necessarily have proven the negative which is here proposed, and you have overcome the presumption necessarily in the presentation of your case that he was engaged in any official duty, and your act shows and provides that that presumption shall exist only until the moment that the contrary is proven. It would be impossible—I do not say in future cases, but in cases that we can illustrate from assassinations that have taken place—impossible for the United States to have established its case without overcoming this presumption rendering the defendant at the bar entitled to the direction of acquittal; and if it was not given, the conviction would be reversed.

Mr. NEVIN. I can not agree with the statement of facts made by the gentleman from New Jersey. This presumption set out in article 13 to start with—take any one of his illustrations, I do not care which one—would start out with the presumption that he was at the time of the assassination engaged in the performance of some official duty.

Mr. McDERMOTT. But the proof would show that he was not.

Mr. NEVIN. No. You see there is where we differ. What would you or I say if we were trying a case as to what constituted official duty? For example, I say, and I believe that the President of the United States is as much within the performance of his official duty in the case I am about to illustrate as though he was absolutely writing his message to Congress.

The President is sitting down and writing a message to Congress. He is engaged in the performance of his official duty beyond question. He gets tired, and to brighten his intellect and rest his body he strolls to the window and stands there smoking his cigar and looking at the stars, and a man comes along and kills him. I say when killed he is as much in the performance of his official duty as though he was absolutely sitting with the pen in his hand writing his message. I say that President Lincoln, tired and worn out, overburdened with the mighty strain that had been put upon him, went to the theater as a recreation to enable him to perform his duties the next day, and when he was assassinated I say he was assassinated during the performance of a duty, and a jury would have a right to say and so find, and there would be no such thing, as the gentleman states, of evidence to rebut it.

Mr. RAY of New York. The courts have said in all cases, and the Supreme Court of the United States has decided in several cases that the officer is in the discharge of his official duty at any time when he is charged with the performance of that duty. This may be termed impliedly so engaged. Now, the President of the United States is Commander in Chief of the Army and Navy. The executive authority is vested in him, and it is his duty to execute the law at all times and to see that it is executed, and therefore there is no time when he is not engaged in the performance of an official duty—that is, in and about the performance of his official duties—unless he might be in some position where the court might find, in some extreme case, he had gone entirely outside and divorced himself from his duties, thrown off his duties; as, for instance, if he had resigned, or left the United States, or become insane, then he would not be engaged in the discharge of an official duty, of course not.

This illustration was brought up by a distinguished lawyer, who said: "Suppose the President should go to New York on business and stop at a private house over night where no one knew him or of his official character. While he is asleep a burglar breaks into his chamber, and the President resists the burglar, and the burglar, not knowing who he is or his official character, kills him. Now, certainly there is a case where the President is not actively engaged in the performance of his official duties, but still he is charged with the official duties, and therefore he is in and about the discharge of his official duties, and this law would protect him and protect the Government."

Mr. McDERMOTT. But that is not the wording of the act at all.

Mr. RAY of New York. And this man who kills him can not escape upon the theory that the President was not in the discharge of his official duties, and he can not escape because he did not know that he was killing the President, because a purpose to interfere with the Government of the United States is not essential to the criminality, and there is nothing in the bill that makes the intent a necessary ingredient of the crime.

Mr. McDERMOTT. Section 13 of the bill does not provide that a certain result shall follow from conditions that may be stated as these when he is President of the United States or when he is charged with an official duty. The distinctive words are these: "When in the performance of an official duty." The President of the United States is always, from the date of induction to the expiration of his term, charged with an official duty, and therefore I believe during that time that the assassin should be dealt with as provided by this bill. What I am afraid of is that you are providing a loophole of escape. The bill does not provide certain results shall follow during the time he is charged with the duties of President, but that the result shall follow if the assassination is while he is in the performance of his duties.

Mr. RAY of New York. The courts so hold that while he is charged with the performance of official duties he is in and about the performance of his duties. We have used the language of the Supreme Court—a good authority.

Mr. McDERMOTT. I did not propose, Mr. Chairman, to intrude upon the time of the gentleman who has the floor.

Mr. NEVIN. That is all right.

Mr. BOWIE. Mr. Chairman, I would like to ask a question of the gentleman from Ohio.

The CHAIRMAN. Does the gentleman yield?

Mr. NEVIN. Yes.

Mr. BOWIE. There has been very considerable suggestion throughout the United States that an anarchist who, because of his views, attempts to kill the President of the United States ought to be punished by death, just the same as if he had succeeded. For instance, if Mr. McKinley had gotten well, there was a considerable view throughout the United States that the man ought to be punished by death anyway and that that was a defect of the law. Now, I would like to have some explanation of it, why it is that the committee in its wisdom did not think that the anarchist who fired at McKinley was just as guilty and just as deserving of death if McKinley had gotten well as if he died. I think his guilt is just the same.

Mr. NEVIN. That matter was considered in committee, of course, and discussed there. I remember its being stated, and we found it to be so, that in no civilized country has an attempt to commit a crime ever been punished the same as the successful act. We do not know anywhere in any civilized country of Europe or on the globe where an attempt to do a thing is punished with the same degree of punishment as the completion of the act, nor ought it to be.

Mr. BOWIE. There was a very strong sentiment throughout the country to the contrary.

Mr. NEVIN. It is true that the intent is the gist of the crime. It is true that the act of a person who kills another may be absolutely harmless in that, there being no intent, he was not guilty of the offense. I do not believe it to be right to make the punishment for a mere attempt, even though it be a severe attempt, the same as though the crime had been completed.

Mr. BOWIE. Does the gentleman not think there is a difference between the ordinary case of murder for private malice and that of a man undertaking to destroy the Government, which an attack on the Chief Magistrate is? It seems to me there is quite a distinction.

Mr. NEVIN. Yes, so far as the result is concerned. So far as the intent is concerned, no. I would have much more sympathy for a poor, deluded, half-witted person or lunatic who has been led into committing a crime of that sort than I should have for a

cold-blooded assassin who killed another in order to wreak his vengeance or for gain.

Mr. BOWIE. But the public danger is not so great.

Mr. NEVIN. That is true; but I may say that in drawing this bill the Judiciary Committee attempted to make it severe and yet not so severe as to defeat the purposes we had in view.

Mr. LANHAM. May I interrupt the gentleman?

Mr. NEVIN. Certainly.

Mr. LANHAM. I want to draw attention to the suggestion made by the gentleman from New Jersey [Mr. MCDERMOTT] relating to this last section of the bill—section 13. In a criminal trial, as I understand, it is an elementary rule laid down, as old as the law books, that the guilt of the defendant must be fully established by the Government.

Mr. NEVIN. Beyond a reasonable doubt.

Mr. LANHAM. I fully agree with the proposition that a man is presumed to intend the legitimate consequences of his own act, and he is presumed to be sane, and if he sets up the plea of insanity, then the onus probandi is shifted from the State to the man to show that as an affirmative fact. But here you are presuming, not as to the defendant, but as to the person killed. Are you not reversing this elementary and fundamental principle of evidence and presuming against the innocence of the defendant?

Mr. NEVIN. No; you are not presuming against the innocence of the defendant; you are simply presuming that something is the fact as to the person who was killed. It may not affect the innocence or guilt of the defendant at all.

Mr. LANHAM. Then are you not shifting the burden of proof?

Mr. NEVIN. As to that, yes; certainly.

Mr. LANHAM. Do you think such a thing is sound in criminal jurisprudence?

Mr. NEVIN. There can not be any question of that fact; that is just what we are doing. What I was about to say is that we have tried to frame a bill which will be severe enough and far-reaching enough in its effect to make all these so-called anarchists—these assassins—understand that they must deal with the Government of the United States, that in Federal authority is vested the punishment of the crime, and that in just so far as all the resources of this Government can be put to that end they will be hunted down and extinguished. The moral force back of the law—the idea that the Government will hunt them down—we believe to be one of the great merits of this bill.

Perhaps every one of you has read more or less of the history of the assassins, how the term assassin originated, and how the band took its origin. It is said that along about the eleventh century there were three persons, students of an illustrious teacher at Nishapur, called Mowafek. These three students were Omar Khayyain, Hassan Sabah, and Nizain ul Mulk, afterwards vizier to the Sultan Alp Arslan; that they agreed with each other that if either one of them should rise to great eminence he should take care of the other two. One of them became vizier of the Sultan, next in power over the country to the ruler himself. Then Omar and his fellow-student, Ben Hassan, made their claim upon him for recognition. To Omar, who turned out to be a great astronomer and a Persian poet, he gave an annuity.

This one of the trio settled down to reading the stars and writing poetry, one of his productions being the Rubaiyat, which has been translated into English and will live forever. But Ben Hassan sought a place in the Government, and as soon as he was placed in power by his friend and fellow-student began to form intrigues to suppress his benefactor. In this effort he would have succeeded had not his scheme been discovered; and then he was driven away. He went out and became "The old man of the mountains."

From his name Hassan has come the word "assassin"—a word recognized among all the people of Europe. With Hassan originated this organization. The old man went out into his mountain fastnesses, from which, instead of sending armed bands against his enemies, he would choose one of his followers to go against his enemy and kill him with dagger or knife, for there were no pistols or guns in those days.

Thus that little band grew until it became the terror of all that eastern country. Finally, however, it was hunted down by just such an effort in those days as this bill will be on behalf of our Government. The strong hand of government was stretched against that organization. Gradually those assassins were hunted down till they ceased to exist and their power was no longer feared. It is the certainty rather than severity of punishment that deters.

You all know, too, of the history of the Thugs of India—a band of murderers, stranglers, assassins, bound together by a creed, a religion, worshiping the Goddess Bowanee—a band that slew literally by the hundreds and thousands. Yet strange to say they never strangled nor slew one single Englishman. An Englishman could walk through that country alone, unarmed, right among those bands of Thugs and he would not be molested. No attempt was made to put a rope around his neck to strangle him. Why? Because in the person of an Englishman was represented the majesty and the dignity and the celerity of the English law. Those Thugs knew that if one of them slew an Englishman he would be hunted down, his whereabouts would be searched out, he would be finally discovered, and then the strong arm of the English Government would be directed against him. Eventually the English Government enacted laws for their suppression and from that hour they were doomed and in a few years the Thugs ceased to exist.

So in this country the anarchists were beginning to do as did the Old Man of the Mountains at the head of his band of assassins—as did the Thugs, organize and issue their propaganda. The members of this organization of assassins were coming over here from all parts of the world; they were sending their emissaries from here across to Italy to kill its King. These anarchists were going here and there to carry out their infamous purpose. We were making an abiding place for them. We were almost welcoming them as if they were good, law-abiding citizens. But now, let this law be passed and all will change; let us enact this bill into a law—a law which provides not only for the execution of persons who thus kill, but that keeps from our shores all persons that do not believe in organized government—and their doom is also sealed.

Let it be understood that the secret-service arm and power of this Government—yea, the Army and Navy, if necessary—and, above all, the sentiment of the whole American people, as embodied in this law, are arrayed against them, and very soon, as in the case of that "Old man of the mountains" and the Thugs, you will find these modern assassins melting away; not so much by reason of the severity of the law, not so much by reason of the fact that these crimes will be punished any more certainly and swiftly than they have been under the State governments, but by reason of the fact that these assassins will know when the effort to discover and punish is once started it will never cease, that the vigilant eye of the Government will be on them, and that, as in the case of counterfeiters, post-office robbers, and the like, there will be for the persons who commit this crime against the Government of the United States no place from one end of the earth to the other where they can feel secure. [Loud applause.]

I say to you, gentlemen, that in my judgment, if you take this law just as it is—and it is the best we could do for you; we considered it long and earnestly; we considered it conscientiously—I say if you will take and pass this law, in my opinion in less than one year from to-day you will drive the red flag of anarchy from the land, as you have already driven the black flag of piracy from the sea. [Applause.]

Mr. LANHAM. I yield now to my colleague on the committee, the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I desire especially to thank my friend, the gentleman from Texas [Mr. LANHAM]. He knows that my views on this bill are not his views. While he thinks that the Constitution does not extend to the protection of the President of the United States and the suppression of crimes against the Government in the way provided by this bill, I believe it does so extend. We both feel and know, however, that this legislation is not one of mere politics. We stand together in our wishes.

Three Republican Presidents have died by the hand of an assassin. Democratic Presidents may die by the assassin's hand.

It is well that this bill has now come before the House for action. It ought to have been the first work of this session. It is unfortunate that any differences of opinion in committee have delayed the bill so demanded by the whole people of the United States, who insist that the majesty of the law should step in to provide against the change of government by assassination, from whatever motive.

I am for this bill, if we can not secure a better one, but I wish a better one. I believe that in the well-considered words of the Judiciary Committee of the House, far superior to those of the Senate: "Any person who unlawfully, purposely, and knowingly kills the President of the United States" (I omit the limitations) "should suffer death," without limitation as to motive.

Mr. GILBERT. Will the gentleman allow an interruption?

Mr. PARKER. Yes.

Mr. GILBERT. There is one feature of the bill that is troubling me a little, and that is this: Suppose a man is indicted in the Federal court for a violation of that statute. Now, under the Kentucky law, where there are different degrees of the offense, a defendant is always presumed to be guilty of the lesser degree. Under this statute you make him guilty, presumptively, of the higher degree. In other words, you presume under that statute that the President has been killed by reason of the fact that he is President.

Now, suppose that that can not be established in the progress of the trial, and the man should be acquitted of that particular

offense; could he afterwards be indicted in a State court for murder? Could he plead once in jeopardy, in bar of a subsequent prosecution in the State court?

Mr. PARKER. If the gentleman had listened to me he would not have asked that question.

Mr. GILBERT. I tried to listen.

Mr. PARKER. I have left out provision as to the motive of the act. It should be left out of the law. The man who unlawfully, purposely, and knowingly kills the President should suffer death, and you should not look into the question whether he has a governmental or a personal motive.

Mr. GILBERT. But that is not the wording of the law.

Mr. PARKER. I will vote for the law if I can not strike out those words. But I am with my friend from Wisconsin [Mr. JENKINS] that the majesty of the people demands——

Mr. GILBERT. But still now, as a lawyer, and construing this statute or this bill as reported by the majority of the committee, what, in your judgment, would be the result of an acquittal in the Federal court for this specific offense?

Mr. PARKER. I think it would be dangerous.

Mr. LITTLEFIELD. The trial for the Federal offense would be in a Federal court, and the trial under the State law for murder would be in the State court. The two cases would be in different jurisdictions, and therefore the question of once in jeopardy would not arise.

Mr. PARKER. Excuse me. Did the gentleman from Maine desire to say anything?

Mr. LITTLEFIELD. No.

Mr. PARKER. I think it is dangerous. It would, perhaps, result in an acquittal in the State courts. A man could, perhaps, not be called to account twice for the same offense. If we mean to take hold of this subject, we must take hold of it by a law which the people will recognize as meeting the issue and which in the minds of the people shall not be ridiculous.

Mr. GILBERT. The gentleman from Maine just now suggested that because the man would be tried in two different jurisdictions the doctrine of once in jeopardy would not apply. I do not think that is good law in my State. If a man is tried for violation of a municipal law in a municipal court in Kentucky, and is acquitted, that does not prevent his being tried under the State law in a State court.

Mr. PARKER. I have no answer to make to that now. Those are details with which the gentleman from Maine may deal when he takes the floor. I propose to argue now why those words should be left out, why every Democrat and every Republican should insist that those words limiting the motive, intention, and circumstances should be left out of this statute. Whether this should be done by the substitute of the gentleman from Wisconsin or by amendment striking out those words from the particular section is another question.

Mr. Chairman, the country demands action. The gentleman from Texas and the gentlemen on the other side, South and North, West and East, concede that the time has come for action. At the time of the Revolution the doctrine of the right of resistance, by rebellion, if necessary, was popular. It has been established in this country.

But there was not one of the great men who stated the crimes of George III and aroused the people of this country by a declaration of independence to make war against him by land or sea. There was not one of them who would have said yea if assassination had been proposed. They felt as we did years ago, that this was impossible, and that except in the tragedies of Henry IV and William the Silent civilized nations knew nothing of assassination as a means of change of government, and that it was needless to provide special penalties against that crime.

But what have we seen? The great President of the civil war was stricken down in the moment of his triumph. "Sad life cut short just when its triumph came." We have seen Garfield murdered. And now we have seen that lovely man, the friend of the people, whom we all knew, struck down by an assassin. And the roll is not exclusively American, not merely of three Presidents in forty years. It includes the Czar of the Russias, dynamited; the President of France; the liberal premier of Spain, Canovas; alas! it also includes the sweet and lovely and mourning Empress of Austria.

In the presence of these calamities "the Old World and the New, from sea to sea, utters one voice of sympathy and shame." The New World as well as the Old says that this must not longer be. We agree except as to the form of the law. But as to the form, the whole people demand that it shall not be doubtful and that it shall be made effective so far as the President is concerned.

We have agreed upon provisions for carrying out international law as to ambassadors, but I do not argue that. I agree with the provisions of the bill, and differ with my friend from Wisconsin, that the succession should be protected, as well as the President; but I do not argue that. The danger, the practical difficulty, which we must always consider when we are discussing the meaning and the purpose of a penal statute, is the fact that the dagger and the pistol are so often directed against the man who is first in the State.

Be it from principles of anarchy, be it from lunacy, be it from that wondrous conceit which sometimes leads a man to crime for the mere sake of notoriety; be it from private quarrel, be it from any motive that is unworthy in any case, to strike down the President is a crime against the Government. Why need we argue that the killing of the President is a crime against the Constitution of the United States? We have read our Blackstone, those who are lawyers, but common sense also tells us that any injury to the public weal, to the commonwealth can be rightly punished as a crime. The question is not of injury to the man.

Lincoln, that long-suffering martyr—death brought cessation of the woes of war and of the responsibilities of peace. It was upon the people of these United States that the blow fell, when the bitterness of the North, the victorious North, was aroused against the conquered South. It is they that mourned him and it is we that mourned him. But the hand of the assassin, whether his motive was, as he shouted, "Sic semper tyrannis!" (So always to tyrants!) or whether it was the vanity of an unsuccessful actor—whether he was crazed or half crazed or not—his blow fell not on that long-suffering man who sat for long-needed rest in a theater, but upon the people of the whole country. When such an injury is done, Congress may rightly make it a crime.

When McKinley fell—he who was trusted by all, he who had brought together the two parties of this country under one flag, he whom they were ready to follow in the reconstruction of our new possessions—the blow fell not upon him. He departed from a hard-working, tiresome life to that place where the good are rewarded. The blow fell upon us—upon the people. Surely the killing of the President is an interference with government and injury to the Constitution. When that Constitution was adopted, to have killed the President would have put the Presidency in the hands of the opposite party.

Up to a few years ago it would have put the Presidency first in the hands of the President of the Senate and then in the hands of the Speaker of the House, and they might well have belonged to the opposite party, and the whole policy of the Executive might have been changed. As it is now, the work of the assassin takes the Presidency from the hands of the man who was elected thereto, and puts it first in the hands of the man who was elected only as a substitute, and then with those who are named by that substitute in the Cabinet.

Can any man pretend that the act itself, whether or not done by reason of official character or done by reason of official acts or done to a President engaged in official duties—can anyone pretend that that act, however done, does not have a wrongful, harmful influence, which is not contemplated by law, upon the institutions and the Government of the United States, changing the policy with its Executive, and perhaps introducing anger and malice, as the death of Canovas brought Weylerism into Spain. We remember our own examples. This is not mere theory law; it is elementary law. Treason by the English law was not odious because it was an act against the king, against his person, but because of the attack upon the realm. I read from the seventy-seventh page of the fourth of Blackstone:

> When a man doth compass or imagine the death of our lord the King, the King here intended is the King in possession, without any respect to his title, for it is held that a King be de facto and not de jure, or, in other words, an usurper that hath got possession of the throne is a King within the meaning of the statute, as there is a temporary allegiance due to him for his administration of the Government and temporary protection of the public, and therefore treasons committed against Henry VI were punished under Edward IV, though all the line of Lancaster had been previously declared usurpers by act of Parliament.

Blackstone says distinctly that every crime against the Government may involve likewise a private injury—that is to say, a person in imagining the King's death involves in it conspiracy against the individual—that is to say, a civil injury—and as this species of treason in its consequence principally tends to a dissolution of the Government, and destruction thereby of the order and peace of society, that is denominated a crime of the highest magnitude.

> III Blackstone, page 2: Public wrongs are a breach and violation of public rights and duties which affect the whole community, considered as a community, and are distinguished by the harsher appellation of crimes and misdemeanors.
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> IV Blackstone, page 5: Public wrongs or crimes and misdemeanors are a breach and violation of the public rights and duties due to the whole community, considered as a community, in its social aggregate capacity. * * * Treason, murder, and robbery are properly ranked among crimes, since, besides the injury done to individuals, they strike at the very being of society, which can not possibly subsist where actions of this sort are suffered to escape with impunity.
>
> In all cases the crime includes an injury; every public offense is also a private wrong and somewhat more; it affects the individual, and it likewise affects the community. Thus treason in imagining the king's death involves in it conspiracy against an individual, which is also a civil injury; but as this species of treason in its consequences principally tends to the dissolution of government and the destruction thereby of the order and peace of society, this denominates it a crime of the highest magnitude.

Let us apply these words. A man who conspires against and kills the President commits a crime against the State in killing an individual and disturbing the public peace. That is tried by the State and not by the United States. But, at the same time, and inasmuch as he likewise disturbes the General Government and the peace and order of society in that Government by killing the President, it is rightfully a crime against the United States and all who support that Government.

Mr. GILBERT. Could he be punished for both?

Mr. PARKER. I think the greater includes the less. This is a new question, and I answer it with all humility, as a lawyer must do a question that has never been determined. If a man is indicted for murder, and acquitted, he can not be afterwards seized for assault and battery. I think that may be so here.

Mr. RAY of New York. Will the gentleman permit an interruption?

Mr. PARKER. Certainly.

Mr. RAY of New York. The gentleman says it is a new question. If the gentleman will turn to the RECORD, to the cases I have cited in connection with my remarks on this bill, he will see times that where some act offends against the General Govern- that it is not a new question—that it has been decided a half dozen ment and also against the State the offender may be tried by the General Government for the act, and, if convicted, he must satisfy its judgment, and then the State may take him for the same act and try him and imprison him again, not for the same crime, for the crimes are different.

Of course, if one has taken the life of the criminal, he is beyond a second punishment. And vice versa. In the one case it is an offense against the United States, an infringement of the power and sovereignty or the United States, and in the other it is punished by the State because it is an infringement of the sovereignty of the State, a breach of its peace, and therefore one may punish and then the other, and a plea that he had been convicted for a crime growing out of that act—not that offense, because it is not the same offense—in the United States court, is not a bar to a prosecution in the State court.

Mr. GILBERT. But suppose a man is being imprisoned in execution of a judgment of the Federal court, or suppose he is in the penitentiary in execution of a judgment of a State court, can he be taken out of the jurisdiction of one and transferred to the other while the punishment is going on?

Mr. RAY of New York. Oh, the gentleman is asking if the United States would go into a State where the State had convicted a man and put him in prison—if the United States would take him from the State and proceed against him while the punishment under the State judgment was being executed.

Of course the United States would not do that, even had it the power, nor would the State do it against the United States, because the United States is supreme. The United States might possibly have power to take a prisoner away from a State, but I do not believe it would; and if it had the power, it would never exercise it But a law may be enacted to cover such cases and permit a trial by the Federal authority even when the judgment of the State is being executed.

The gentleman ought to know there is no doubt of the constitutionality of a bill doing that very thing because the Committee on the Judiciary has reported such a bill in this Congress and I think at his request—a bill I am informed introduced by him—a bill which will permit the taking of a prisoner from one jurisdiction to be tried in another jurisdiction and providing for his return to the jurisdiction from which he was taken, and after satisfying this other jurisdiction. The gentleman knows perfectly well that that can be done by law; but it would have to be done with the concurrence of the two jurisdictions.

Mr. STEWART of New Jersey. Can the gentleman conceive of the case of a person tried for murder in a Federal court and acquitted and then tried by a State court for the same offense?

Mr. RAY of New York. A man can not be tried in the United States of America in a Federal court for a murder committed within a State, because, as has been held over and over again, the offense of murder is cognizable only by the State; murder is an offense against the State, the peace of the State, and the State only.

But if the man murdered is an officer of the United States, then it is not the offense against the State which the United States punishes. It punishes the offense against the Government of the United States, the sovereignty of which is infringed and resisted when an attack is made upon an officer of the United States. The ground of jurisdiction and action in the two cases is entirely different.

Mr. STEWART of New Jersey. Suppose this bill should be passed and Mr. Roosevelt, being President of the United States, should be killed in the city of New York. Suppose the murderer is indicted and tried here in the city of Washington under this bill.

Mr. RAY of New York. That could not be. No such thing could be done; because the Constitution of the United States in express terms says that whenever an offense is committed against the United States the offender must be indicted and tried in the State in which the offense is committed.

Mr. LANHAM. In the district.

Mr. RAY of New York. Yes; and in the district in the State previously defined by Congress.

Mr. STEWART of New Jersey. But under this bill, suppose the man in the case I have supposed is tried before a Federal court and jury and is acquitted, could he then be indicted and tried in a State court?

Mr. RAY of New York. In New York?

Mr. STEWART of New Jersey. In New York.

Mr. RAY of New York. Certainly. That has been settled a dozen times. The ground of the offense being different, he may be tried first by the State and then by the United States, not for the same offense but for different offenses, both growing out of the same act. I refer you to United States *v.* Cruikshank.

Now, Mr. Chairman, I yield fifteen minutes additional to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. I thank the gentleman from New York for yielding to me. I am speaking on his side and have done so from the beginning. I differ with him only in that I want to make the bill absolutely effective. I thank the gentleman for the elucidation he has made of the point that was brought out by a question. That point, however, is not essential to my argument. The law ought to be such that both crimes may be punishable, and that a man who has been guilty of murder may be punished for murder. An assassin should be punished for murder in the State courts if the United States law prove ineffective. But we hope that our bill may be so drawn as not to be ineffective. We owe that to the people, and they will hold us to the performance of that duty.

Mr. RAY of New York. May I ask the gentleman a question?

Mr. PARKER. I would rather proceed at present.

The nation has the right generally to protect its President from unlawful killing in order to protect itself. The personal motives of the criminal have nothing to do with the question. Personal motives do not justify an attack on a private citizen, much less upon the President of the United States. Self-defense makes an act lawful; but if it is unlawful personal motives do not prevent its being murder. Personal motives do not prevent an act being a crime against the Government if it be such an act as directly and necessarily interferes with the powers and functions of the Government.

No personal motives can justify or even excuse an injury to the whole people. Imagine the case of personal grudges being allowed to excuse an attack upon the President. We humble men may go through this world without much risk of a quarrel with the few men whom we are called upon to meet. But if every man who has a personal grievance with the President is allowed to attack him and find justification or excuse by reason of his personal grievance, think what would be the consequences. Think how many persons the President may meet every day. Think of how many thousands may feel themselves injured by something he has done.

Mr. LITTLEFIELD. Will the gentleman allow me a moment?

Mr. PARKER. I prefer not to be interrupted.

Mr. LITTLEFIELD. Only a question.

Mr. PARKER. Very well; I yield for a question.

Mr. LITTLEFIELD. I understood the gentleman to state that the intent—in other words, the motive—of the party had nothing to do with the crime. Did the gentleman really mean to be so understood?

Mr. PARKER. In the sense in which I have given it, yes. When you take a pistol and hold it at my head and shoot, your intent to kill is presumed.

Mr. LITTLEFIELD. Oh, yes.

Mr. PARKER. Your motive in the act is of very little importance. Personal motives sometimes excuse, though they do not justify, an attack upon a man. No personal motive can justify an injury to the whole people. Personal motives in the case of grave injuries sometimes excuse a man in taking a rifle and shooting another. They may not justify him, but they excuse him in the minds of a jury. But if that man stands in the midst of a crowd of innocent people, so that the rifle shot from his hands may kill an innocent person, he is held to the consequences. So here.

A man might have personal motives against the man that is President, but if he act upon those personal motives, those personal grudges, or that personal quarrel, and kills the President, he shoots, through the President, at the whole people of the United States. He breaks up the Government. He can not be justified in the law; he must be held to have intended what he did, namely, to change the Executive of a nation by violence. No law will meet the demands of the people which asks to go

into what his reasons were, if he intentionally, willfully, and unlawfully did the act.

Now, the common law continually makes the distinction, and makes lawful private acts unlawful whenever they interfere with the public peace or governmental functions. You can take an execution lawfully against a man to take his body, but on that execution you can not break the door of his private dwelling because it disturbs the public peace. Even a lawful act is thus unlawful where it interferes with the peace of the community, just as what might be an excusable act may be unlawful where it interferes with the peace and government of a nation. The law allows a private owner, by gentle resistence, to prevent trespass upon his land, but if he finds it will lead to bloodshed he must yield rather than break the peace.

Mr. RAY of New York. May I interrupt the gentleman there?

Mr. PARKER. Wait until I get through with the sentence. The law allows a man to pass through the public streets. It orders him not to pass if his passage would add to a riotous crowd. The law allows a man to repel violence, but not by such means as would fall upon innocent parties. The law always in dealing with public matters deals with the question of public welfare and even takes away private rights. Much more shall it hold that a wrong to a man which likewise interferes with governmental functions shall be held an injury to the Government, a governmental crime. Now I will yield to the gentleman from New York.

Mr. RAY of New York. I understand the gentleman to say—and I will repeat it to see that I did not misunderstand him—that a man might by gentle force repel another who undertook against his will to trespass or force himself upon his land.

Mr. PARKER. On his land, not in his house.

Mr. RAY of New York. But that he could not go beyond that. Is that what I understand?

Mr. PARKER. The law in our State is that if it will lead to bloodshed, he must go no further. I know the other to be the common law.

Mr. RAY of New York. But we are talking here about United States law, and the Supreme Court of the United States—and I will call the attention of the gentleman to the case—has decided that the owner of land in peaceable possession may stand there and forbid a man to come on, and he may repel him by gentle force. If he still persists in coming, he may defend the possession of that land, as well as his house, by the exercise of necessary force, even to the taking of life.

Mr. PARKER. Let me admit it. I do not want to dispute with the gentleman. The law in England held the contrary and the law of many of the States holds the contrary. I am simply giving examples in which the law makes the public benefit paramount, and I may say, as in this case, that to kill a President is not so much an injury to the man as an injury to the country, and that the man who does that injury willfully and maliciously shall be punished for that wrong to the nation.

All these cases are governed by the great legal principle that private rights may not be set up in such a manner as to invade public rights, and even that the private injury shall be merged sometimes in that of the public, so that sometimes the only remedy is by indictment and only the public injury may be prosecuted. These principles are fundamental. It is against all principle of government that a man may prosecute his private injury against the President by personal violence which would interfere with the President's official action. It is not because there is any divinity in the man. It is because the whole nation hangs upon the office, and therefore, without limitation of motive, whosoever in the United States or any place subject to its jurisdiction willfully, maliciously kills or causes the death of the President should be subject to death.

There is no political question in this. The great Democratic lawyers of the Senate have united in a section which so says. It seems to me that in the endeavor to follow decided cases and case law the gentlemen who have reported in favor of this limiting clause of the bill—not of the bill, for I am in favor of that, but the gentlemen who have reported in favor of the limitations—have entirely escaped and forgotten the principles upon which a statute of this kind should rest.

Those cases do not support their views. They have been so thoroughly analyzed by the gentleman from Wisconsin [Mr. JENKINS], a member of the committee, that it is only necessary briefly to point out to the House what those cases decide. There is a long line of cases decided in the Supreme Court holding that a marshal or deputy marshal can not be indicted and convicted except for an act performed within his official duties.

Mr. RAY of New York. You do not mean that. You do not mean what you have just said.

Mr. PARKER. I do not mean that. I mean that the person who interferes can not be convicted, except when the marshal is engaged in the performance of an official duty.

Mr. RAY of New York. The person assaulting or resisting one of these officers can not be indicted by the United States courts except where the officer is engaged in the performance of an official duty if the offense be committed within a State.

Mr. PARKER. The person who attacks the marshal can not be indicted unless that attack be made against the marshal in the performance of his official duties——

Mr. RAY of New York. That is right.

Mr. PARKER. Now, gentlemen, do not interrupt me, but please let me go ahead. I object to that sort of an interruption.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. RAY of New York. I simply want to ask a question, that is all.

Mr. PARKER. Fifty questions would divert me from my argument.

Mr. RAY of New York. I only want to ask one question.

Mr. PARKER. Go ahead and ask one question. I was in the middle of a sentence.

Mr. RAY of New York. I want to ask the gentleman if it was not held in England that if the lawful king was out of his office and a usurper was in, that then it was not treason to kill the lawful king?

Mr. PARKER. Yes; it was so held.

Mr. RAY of New York. Therefore——

Mr. PARKER. No; let me answer that. I do not want to be further interrupted. I am glad the gentleman called my attention to that, for it is in what I have read. It was held that to kill the lawful King was not treason, because he was not reigning and the people were not depending upon him. It was held that to kill the usurper was treason, because the people were depending upon him. You will find that in 4 Blackstone, 77. The point was always whether the man the King was vested with the actual office, and the point in this case is not whether the President is signing a paper, but whether he is President, charged with the duties of that office—functus officio. If so, to kill him is to take away that office from the choice of the people and put it in the hands of some other person not chosen by the people.

Now, the gentleman has interrupted me in the middle of a sentence with an outside question. The cases cited by him were cases which said that a man could not be indicted for assaulting a marshal unless the marshal was engaged in the performance of his official duties. It is true; but if anyone here in this House will look at section 5398 of the Revised Statutes he will find that it is provided by statute that any man who obstructs, resists, assaults, or prevents a marshal from executing a writ intrusted to him shall be punished, and the decisions of the courts were under that statute. I quote from memory.

Gentlemen do not notice the next section of the Revised Statutes, section 5399, which I commend to their consideration, although it is not in point, except on the point that they now bring up. Section 5399 provides that every person who corruptly or by threats or force endeavors to influence, intimidate, or impede any witness or officer in any court of the United States in the discharge of his duty, or corruptly or by threat or force obstructs, impedes, or endeavors to obstruct or impede the due administration of justice therein, shall be punished.

It has never been held under that statute that you had to threaten the witness when he was in court giving testimony. It has been held that it was an infringement of that statute for a man to threaten with a pistol a man who was counsel, and tell him if he proceeded with the examination he would kill him. The point is not whether he was actually engaged in those duties, but whether those duties were laid upon him. If those duties were laid upon him, to tell the truth or to proceed as counsel, and as an officer, just as greater duties are laid upon the President of the United States, and a mere threat is criminal, much more the killing of a man, to prevent the performance of that duty.

Mr. LITTLEFIELD. Will the gentleman permit me to interrupt him?

Mr. PARKER. If it is on this point.

Mr. LITTLEFIELD. It is right on this point. You cite section 5398 as well as 5399. I understand you to say that the decisions are under that section?

Mr. PARKER. No; not all your decisions.

Mr. LITTLEFIELD. Oh, very well. I understood you to say so.

Mr. RAY of New York. Will the gentleman name any one decision that I have cited that is under that section? I have failed to discover any in the discussion of that section.

Mr LITTLEFIELD. Not a single one.

Mr. RAY of New York. Not a single one, and every case I have cited was under the other section of the statutes or not under any statute at all.

Mr. PARKER. I think that the decision which is cited by the gentleman—I do not know whether I could turn immediately to the page, as I am not as familiar with his own report as he is—

but I think you will find one dicta of the court to which he refers——

Mr. CRUMPACKER. But not the same section, except one.

Mr. PARKER. I will not discuss that question. I am giving my opinion, and I only incidentally turned to this subject.

Mr. LITTLEFIELD. But I am going to state——

Mr. PARKER. The gentleman must not interrupt me. It is a quarter to 5, and I want to conclude my remarks in that time.

Mr. LITTLEFIELD. Now, the gentleman does not want to make any imputation, as has been made.

Mr. PARKER. There is nothing in anything that I have said in which I meant any imputation upon the gentleman.

Mr. LITTLEFIELD. I did not think you did.

Mr. PARKER. But he did not, I hope, understand that such an imputation had been made.

Mr. LITTLEFIELD. But I thought your remark applied to me.

Mr. PARKER. I did not intend it. I never had anything but courtesy from the gentleman, and never intend to have anything else. He and I are good friends. I know what any man suffers who comes under his lash.

Mr. LITTLEFIELD. But you need have no fear about that.

Mr. PARKER. Well, there will be no question about that, then.

Now, there are other cases referred to by the committee—cases under the fourteenth amendment of the Constitution and civil-rights act. They are not cases as to officers, but only decide that the fourteenth amendment of the Constitution will prevent the States from passing laws which would impair civil rights, but do not confer upon the United States the right to pass laws to take charge of those rights and guarantee them. Have I stated that correctly?

Mr. LITTLEFIELD. Yes.

Mr. PARKER. Now, the last case particularly referred to by the committee is the Neagle case. I looked over that case some months ago. It is oddly enough founded upon a statute. Neagle, remember, was a marshal of the United States; he was attending the judge passing from one part of California to another while holding circuit, and he shot down a man who attempted to attack him.

Mr. LITTLEFIELD. Would the gentleman desire aid to correct him in his recollection?

Mr. PARKER. Not in this.

Mr. LITTLEFIELD. Because the majority and the minority opinions state that there was no statute. That was the great controversy in the case.

Mr. PARKER. On the contrary, there was a statute.

Mr. LITTLEFIELD. In that case?

Mr. PARKER. In that case. I have been through it, and I challenge the gentleman with reference to my recollection in this matter.

Mr. LITTLEFIELD. I may be wrong, possibly.

Mr. PARKER. There was a statute of the United States which gave the marshal of the United States the same power as the sheriff of the State in which the district was situated.

Mr. LITTLEFIELD. You are right about that.

Mr. PARKER. There was a statute in the State of California which gave to the sheriff the duty—I am speaking not in exact words—the duty of attending and taking care of the court while the justice was upon the circuit. Thereupon the question came up, first, as to whether the marshal had the same powers as the sheriff, and that was decided in the affirmative in the interests of the United States.

The question likewise came up whether the judge traveling the circuit was to be considered as holding court, so that the marshal was actually in charge, and it was decided that in traveling from one point to another it should be held that he was holding court. The point, therefore, was whether the attack was made upon him when he was in the discharge of his official duties, when the marshal was his personal protector under the statute of California. Now, the sheriff, under the political code of California, had the right to "prevent and suppress affrays, breaches of the peace, riots, and insurrections." There is a statute which made the sheriff attend upon the judge at the time of the court.

Mr. RAY of New York. If the gentleman will permit, there was a statute of the United States which gave to the United States marshal precisely the same power and the right to exercise precisely the same duty as the sheriff in the State of California. Now, if you have the statute, I will not state it further.

Mr. LITTLEFIELD. There is a statute which the gentleman from New Jersey referred to, but the use made of it in that case was not the use which the gentleman had in his mind.

Mr. RAY of New York. There was no statute giving jurisdiction to anybody to protect the officer, either in the performance of his duty or otherwise. The Attorney-General directed it to be done. He acted for the President.

Mr. SMITH of Kentucky. It was a statute that provided that the officer should prevent breaches of the peace.

Mr. PARKER. It was a statute giving the sheriff power to prevent breaches of the peace and riots and insurrection.

Mr. RAY of New York. And giving the United States marshal the same power that the sheriff had under the laws of California. The point of it is that there was no statute providing especially for the protection of the justices of the Supreme Court. Hence the decision defining the jurisdiction of the United States in such cases under the Constitution.

Mr. KLEBERG. There is a civil statute that requires the marshal to attend and open court.

Mr. LITTLEFIELD. But the use made of the statute was not the use that the gentleman from New Jersey had in his mind. I am absolutely certain of that, for I have read the case within two hours.

Mr. PARKER. Now, Mr. Chairman, the Neagle case is not authority here. In order to assert the exclusive jurisdiction of the United States court in the Neagle case—that is to say, the right of the United States court to take the marshal away from the State court, where he was held under indictment for murder—it was necessary to assert and to prove that the marshal was then engaged in a particular duty imposed upon him by the law. It was held to be his duty to attend the judge while holding court.

It was essential to show that in doing what he did he acted within his duty and powers as marshal of the United States; otherwise the United States jurisdiction was not exclusive under the statute. But that does not say that the United States can not pass a law which shall protect the President and his office, for his office is his duty. It does not say that Congress may not say that no man with a pistol shall destroy the office of President and turn it over to some one else. It does not say that a pistol shot against the Executive shall be merely a murder unless the President is sitting down with a pen in his hand and engaged in his official duty.

It does not say you shall look into the motives in the mind of the man in doing the act when the consequences of whose act are so direct that an intention to interfere with the Government of the United States must be presumed. Neither does the Constitution declare any such folly. The law has been decided over and over again, and first by Chief Justice Marshall in the great case of McCulloch against Maryland, that the Government has all powers that are necessary in order to carry the Constitution into effect and to protect its operations. And the greatest of all these operations of the Constitution, the greatest vested in any one man, is the executive power and the discretion vested in the President of the United States.

Mr. Chairman, I have not concluded what I have to say.

Mr. LITTLEFIELD. Mr. Chairman, I ask unanimous consent that the gentleman may have leave to proceed and finish his remarks.

The CHAIRMAN. The gentleman from New Jersey has five minutes remaining.

Mr. PARKER. I will use that five minutes, Mr. Chairman, and may be able to get through in that time. The natural and necessary result of a successful assault upon the President would be to prevent his doing his official duties.

What difference is there if he is then engaged in them? If so engaged, the assault stops the performance of his duties. If not so engaged, the assault prevents the performance of those duties. They are not special and single duties imposed upon him by any writ or warrant. They are continuous, or, rather, recurrent, and the recreation he takes—his sleep, rest, and recreation—are but his preparation for continuing those duties. It is not an interference with his action at any particular time that constitutes the crime. It is the interference with his office that is the crime. No divinity or sacredness is given to the man; it is only for the protection of the office that he is to be protected.

Now, I pass, if the committee pleases, to the question if there is any harm in these provisions of limitation reported by the committee. They tell us that they do no harm because he is always engaged in his official duties. Engaged in his official duties! The statute recognizes that he sometimes is engaged and that sometimes there are cases when he is not so engaged. The jury, under the instructions of the court, must decide that fact. If the facts are before them, the presumption declared by the last section stands for nothing, even if it is right, to presume a man guilty rather than innocent.

To insist that it must be proved that the President was killed because of his official character or because of his official acts is to put the burden of proof upon the Government—to compel it to prove what is immaterial and what may not be proved. The act is there; its consequences are direct. The motive to bring about those consequences must be presumed. If you shoot a man, it is no defense to prove that you had a different motive from that of killing him. Sir, such a rule would absolutely tie up courts and juries.

This bill will not commend itself to the people without amendment. We are relied upon to enact a law which shall be effective. We are trusted to do it. We shall never be forgiven if we put upon the statute books an act which is not adequate to deal with the crime. That crime is the killing of the President of the United States willfully and unlawfully. The question is not why or wherefore, or where the President is or where he is going to be. It is the fact that he is vested with this office, and that to kill him is to interfere with the functions of the office. That is the crime against which we are ordered to protect the country.

I believe that the gentlemen who have introduced those limitations are not really and heartily in favor of them. I believe that they have introduced them out of extra caution, lest the Supreme Court, following old cases, may set aside the act. Sir, there is a caution which is more dangerous than the courage which proceeds upon direct principle, which looks first to see whether there is a public injury, which determines that there is a public injury and interference with the Constitution of the United States in killing the President, and then provides that this act shall be punished by death, and which even goes further and declares that the attempt shall be punished by death. I do not agree with the gentleman from Ohio, who says that the attempt shall not be punished by death. Why, sir, the man who is successful gets the glory sought by the vain; but if he knows he is not to be punished except to a measured extent when there is a want of success, he will take the risk.

This country must have what has been found necessary in every other nation, what we thought we could get along without, what we believed the sentiment of the people would permit us to dispense with. We must have a law which will punish severely the compassing of the death of the Chief Executive of this country, not because he is any better man, not because of any injury to the man, but because such an act breaks up the Government, destroys the confidence of the people, because it separates the President from the people.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER. I will say only in conclusion that I support this bill as it stands, but I shall vote for an amendment striking out the words which I have commented upon.

Mr. RAY of New York. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. GROSVENOR reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (S. 3653) for the protection of the President of the United States, and for other purposes, had come to no resolution thereon.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2295. An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—to the Committee on Insular Affairs.

S. R. 111. Joint resolution limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FEELY, for two weeks, on account of important business.

To Mr. MILLER, for three days, on account of sickness.

And then, on motion of Mr. RAY of New York (at 5 o'clock and 5 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2845) to purchase from the compiler, Francis B. Heitman, the manuscript of the Historical Register United States Army, from 1789 to 1901, reported the same with amendment, accompanied by a report (No. 2345); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12155) granting an increase of pension to Joseph Robertson, reported the same with amendments, accompanied by a report (No. 2343); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the resolution of the House (H. R. 274) requesting the Secretary of War to report to the House a detailed itemized account of expenditures made by General Wood as military governor of Cuba, reported the same adversely, accompanied by a report (No. 2342); which said resolution and report were ordered to lie on the table.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5104) relinquishing to Genevieve Laighton, widow of Capt. Samuel Laighton, title of United States to certain lands in the State of Arkansas, reported the same adversely, accompanied by a report (No. 2344); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 14898) relating to jurisdiction on appeals in the court of appeals of the District of Columbia, and transcripts on appeals in said court, and to quiet title to public lands—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission"—to the Committee on the District of Columbia.

By Mr. GREENE of Massachusetts: A bill (H. R. 14900) to authorize the laying and maintaining of a pneumatic-tube system between the Capitol and the Government Printing Office, in the city of Washington, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAPRON: A bill (H. R. 14918) for the construction of a submarine boat of the Moriarty type—to the Committee on Naval Affairs.

By Mr. KAHN: A bill (H. R. 14919) relating to the allowance of exceptions—to the Committee on the Judiciary.

By Mr. THOMPSON: A bill (H. R. 14920) to provide for the erection and maintenance of a Soldiers' Home in the Fifth Congressional district of Alabama, and an appropriation of $100,000 for same—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 14901) for the relief of the legal representatives of W. L. Gordon, deceased—to the Committee on War Claims.

By Mr. BEIDLER: A bill (H. R. 14902) to correct the naval record of John Rohrer—to the Committee on Naval Affairs.

By Mr. BURNETT: A bill (H. R. 14903) granting an increase of pension to James H. Martin, of Cullman County, Ala.—to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 14904) for the relief of Charles Sommer—to the Committee on Invalid Pensions.

By Mr. HILL (by request): A bill (H. R. 14905) for the relief of the representatives of M. F. Merritt, deceased—to the Committee on War Claims.

By Mr. LESSLER (by request): A bill (H. R. 14906) for the relief of Anna M. King—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 14907) granting an increase of pension to John F. Davis—to the Committee on Pensions.

Also, a bill (H. R. 14908) granting a pension to Henry McGlodry—to the Committee on Pensions.

Also, a bill (H. R. 14909) granting a pension to Bunyan H. Byrd—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 14910) granting a pension to Edith L. Draper—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 14911) granting an increase of pension to David Love—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 14912) granting an increase of pension to Theodore Miller—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14913) granting an increase of pension to Ann M. Morrison—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 14914) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire—to the Committee on Claims.

Also, a bill (H. R. 14915) for the relief of M. Esberg and others—to the Committee on Claims.

By Mr. TAWNEY: A bill (H. R. 14916) granting an increase

of pension to William W. Gilbert—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 14917) to give credit to Jacob Parrott for receiving the first medal of honor for services in our late civil war—to the Committee on Military Affairs.

By Mr. HILDEBRANT: A resolution (H. Res. 288) to pay E. G. Johnson for services in caring for and regulating the House chronometer—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALL: Sundry petitions of various posts of the Grand Army of the Republic in the States of Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Montana, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin, Washington, West Virginia, Wyoming, and Oklahoma Territory for the passage of House bill 13986 to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. BEIDLER: Papers to accompany House bill to amend the record of John Rohrer—to the Committee on Naval Affairs.

Also, resolutions of Liquor Dealers' Benevolent and Protective Association of Cleveland, Ohio, favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of St. Patrick's congregation, of Cleveland, Ohio, protesting against the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

By Mr. BURKETT: Petitions of citizens and old soldiers of Kearney, Nebr.; Lime Creek, Piedmont, Everton, and Gainsville, Mo.; Sylvia, Ark., and citizens of the State of Kansas, in favor of the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also, resolutions of the executive council of the Bankers' Association of Nebraska, in opposition to the so-called branch banking bill—to the Committee on Banking and Currency,

By Mr. DALZELL: Papers relative to continuing and compiling the House reports from the Forty-sixth to the Fifty-sixth Congresses—to the Committee on Printing.

By Mr. FOSS: Petitions of Turn Gemeinds Verein and Socialer Turn Verein, of Chicago, Ill., in relation to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. HANBURY: Resolutions of Electrical Workers' Brotherhood No. 3, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Memorial of Mr. Jefferson Chandler, asking for the purchase by the Government of the buildings and contents known as the "Halls of the Ancients," in the city of Washington, D. C.—to the Committee on the Library.

By Mr. HOWELL: Petition of fire commissioners of Hoboken, N. J., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JACKSON of Kansas: Resolutions of the Industrial Council of Pittsburg, Kans., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. KAHN: Resolutions of Brotherhood of Carpenters and Joiners' Union No. 304, of San Francisco, Cal., in relation to the Boer war—to the Committee on Foreign Affairs.

By Mr. LESSLER (by request): Papers to accompany House bill for the relief of Ann M. King—to the Committee on Claims.

By Mr. LITTLE: Papers to accompany House bill 14852, granting an increase of pension to Melvina Dunlap—to the Committee on Pensions.

By Mr. McCLELLAN: Petition of citizens of New York City, in favor of the passage of House bill 12203—to the Committee on Invalid Pensions.

By Mr. MORRIS: Resolutions of Willis A. Gorman Post, No. 13, of Duluth; Wallace T. Rines Post, No. 142, of Princeton, and Buzzell Post, No. 24, of Annandale, Grand Army of the Republic, Department of Minnesota, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: Papers to accompany bill for the relief of Leander J. Keller—to the Committee on War Claims.

By Mr. RUSSELL: Resolution of Men's Assembly of the Methodist Episcopal Church of Middletown, Conn., in favor of reciprocal commercial relations with Cuba—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of the General Society of the Sons of the Revolution, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SCOTT: Resolutions of the Industrial Council of Pittsburg, Kans., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: Resolutions of Welch Post, No. 137, Grand Army of the Republic, Department of Michigan, favoring the passage of House bills 12203 and 12204—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the Men's Assembly of the Methodist Episcopal Church of Middletown, Conn., for reciprocal trade relations with Cuba—to the Committee on Ways and Means.

SENATE.

THURSDAY, *June 5, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CHANNELS AT NAVY-YARDS ON PACIFIC COAST.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d ultimo, certain information from the Chiefs of the Bureaus of Yards and Docks and Navigation, relative to the depth of water at different places, at low tide, in the channel leading from the sea to the Mare Island Navy-Yard, etc.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 4071) granting an increase of pension to George C. Tillman; and

A bill (S. 4927) granting an increase of pension to Hattie M. Whitney.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a memorial of the Western Central Labor Union, American Federation of Labor, of Seattle, Wash., remonstrating against the enactment of legislation to maintain the gold standard, to provide an elastic currency, to equalize the rates of interest throughout the country, etc.; which was referred to the Committee on Finance.

Mr. FORAKER presented petitions of the Liquor Dealers' Benevolent and Protective Association of Cleveland, of the Chamber of Commerce of Cincinnati, and of 10 citizens of Cincinnati, all in the State of Ohio, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the Turngemeinde of Dayton, Ohio, expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Trades and Labor Assembly of Masillon; of the Central Labor Council, of Cincinnati, and of the Central Trades and Labor Council, of Zanesville, all of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Huron County; of the Young People's Society of Christian Endeavor of Greenwich, and of sundry citizens of Peru, Norwalk, Wellington, and North Fairfield, all in the State of Ohio, praying for the adoption of certain amendments to the so-called anticanteen law; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented a petition of the D. Rothschilds Grain Company and sundry other business firms of Peoria, Ill., and the petition of W. O. Potter and 93 other citizens of Williamson County, Ill., praying for a reduction of the tax on distilled liquors; which were referred to the Committee on Finance.

He also presented a petition of Lodge No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

Mr. McCUMBER presented petitions of the Minnesota Total Abstinence Association, praying for the enactment of legislation to prohibit the sale of liquors at immigrant stations and in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL presented a petition of the Chamber of Commerce, of Portland, Oreg., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of Washington Council, No. 9, Junior Order of United American Mechanics, of Springvale, Me., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Municipal Board of San Juan, P. R., praying for the adoption of an amendment to section 3 of the joint resolution of Congress approved May 1, 1900, relative to the number of acres of land that may be owned and managed by companies operating in that country; which was referred to the Committee on Pacific Islands and Porto Rico.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 2283) granting an increase of pension to William F. Angevine, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12774) granting an increase of pension to John M. Brown;

A bill (H. R. 8109) granting an increase of pension to William H. McCarter; and

A bill (H. R. 14359) granting a pension to Luther G. Edwards.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 5865) providing for the drainage of Lake Traverse, lying on and along the boundary line between the States of Minnesota and South Dakota, and to prevent the overflow of the waters of the Red River of the North, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HANNA, from the Committee on Commerce, to whom was referred the bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland, reported it without amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898; and

A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3900) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills and joint resolution, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 5495) to amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899;

A bill (S. 5671) to regulate the height of buildings in the District of Columbia; and

A joint resolution (S. R. 72) to regulate the height of buildings on residence streets in the District of Columbia.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the bill (S. 4426) to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith, reported it without amendment, and submitted a report thereon.

ASSISTANT CLERK TO COMMITTEE ON MILITARY AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 23d ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Military Affairs of the Senate is hereby authorized to appoint an assistant clerk at the compensation of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 6071) granting an increase of pension to Mary Manes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6072) granting an increase of pension to Jacob M. Zartman; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN of Mississippi introduced a bill (S. 6073) for the relief of the heirs of Lewis Cato, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 6074) for the extension of Erie street, and for other purposes; which was read twice by its title, and referred to the Committee on the Dirtrict of Columbia.

Mr. MITCHELL introduced a bill (S. 6075) granting an increase of pension to John F. Oviatt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6076) to remove the charge of desertion from the record of James H. Lappeus; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 6077) granting an increase of pension to Wilson E. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 6078) granting an increase of pension to Joseph J. Fry; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment authorizing the United States consul at Odessa, Russia, to receive the same salary for the fiscal year 1903 as he is receiving for the fiscal year 1902, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate $5,000 for the opening, grading, and regulating of Quincy street NW., from Twenty-ninth street to Pierce Mill road, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the construction of a warden's dwelling at the District jail, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MARE ISLAND NAVY-YARD.

Mr. HALE. I submit an amendment intended to be proposed to the naval appropriation bill. I ask that it be read, referred to the Committee on Naval Affairs, and printed.

The amendment was read, referred to the Committee on Naval Affairs, and ordered to be printed, as follows:

Amendment intended to be proposed by Mr. HALE to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, viz: Insert the following:

Whereas the United States navy-yard at Mare Island, Cal., is situate remote from the seashore and can only be approached by the smaller vessels of the United States Navy, no battle ship ever having been sent to the yard; and

Whereas large sums of money have been expended by the United States in attempts to dredge the channel of said yard, a large part of such work having been made useless by the refilling of the channel through natural deposits; and

Whereas property of the Government of great value has been lately destroyed and needs to be replaced: Therefore

The Secretary of the Navy is hereby directed to appoint a commission of three persons, consisting of one officer of the Engineer Corps of the Army, one officer of the Civil Engineer Corps of the Navy, and one experienced and expert civil engineer from civil life, whose duty it shall be to examine the situation at said navy-yard, the channel leading from the sea thereto, and further to examine the shores of the bay of San Francisco and the waters nearly adjacent thereto, for the purpose of selecting a suitable site, having ample deep water, for the purpose of establishing at such place a new United States navy-yard, to which, in due time, all Government property now in the Mare Island Navy-Yard shall be moved, so far as the same shall be practicable; said commission shall report to the Secretary of the Navy the full results of their examinations and a full description of the site selected for a new navy-yard, which report shall be transmitted to Congress at its next session, with any recommendations thereon that the Secretary of the Navy may see fit to make.

ASSISTANT CLERK TO COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided by law.

JUDICIAL DISTRICT OF ALASKA.

Mr. SIMON. I am directed by the Committee on the Judiciary to request the Senate for the present consideration of the bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions. It is a bill which was prepared by the Department of Justice, and it is a matter of some importance. It will require but a moment to dispose of it.

The PRESIDENT pro tempore. The bill was read on a former day in the Senate. Is there objection to its present consideration?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WACCAMAW RIVER BRIDGE.

Mr. BERRY. I should like unanimous consent to consider at this time the bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

The Secretary read the bill; and by unanimous consent the Senate as in Committee of the Whole proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. CRAINE.

Mr. GALLINGER. I ask consent for the present consideration of the bill (S. 6040) granting an increase of pension to John W. Craine. This is an urgent pension case, and I should like to have the bill go to the other House at once.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of John W. Craine, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION LANDS.

Mr. FOSTER of Washington. I ask for the present consideration of the bill (H. R. 159) providing for free homesteads on the public lands for actual and bona-fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose.

Mr. WARREN. I shall not object to the request of the Senator from Washington, but when that bill is disposed of I shall ask the Senate to take up the Military Academy appropriation bill. I hope there will be no further bills called up until we can dispose of that measure.

The PRESIDENT pro tempore. The bill indicated by the Senator from Washington will be read.

The Secretary read the bill.

Mr. HALE. Mr. President——

Mr. STEWART. That bill will need some explanation, I think.

Mr. HALE. Yes.

Mr. STEWART. I do not understand it. It certainly will take time.

Mr. FOSTER of Washington. The bill provides for opening up of the north half of the Colville Reservation. The land——

Mr. STEWART. I understand something about the Colville Reservation.

Mr. FOSTER of Washington. The Government has never paid any money to come out of the Indian funds for the land.

Mr. STEWART. It is a reservation the Government opened without having a treaty ratified, and the law under which it was opened provided that as the lands were sold the proceeds should go to the Indians. Now the bill——

Mr. FOSTER of Washington. The Senator is mistaken. The law did not provide that the money should go to the Indians.

Mr. STEWART. For a certain time.

Mr. FOSTER of Washington. The land was opened to settlement and the money was to be covered into the General Treasury. The Indians never owned the land. These lands were set aside in 1872 by Executive order. Bands of Indians from the different tribes in the Northwest were roaming about over a great extent of territory and causing a great deal of trouble to the Government. In order that they might be better looked after and controlled, it was thought best to confine them to a prescribed territory, and for this purpose an Executive order was issued setting apart certain lands upon which these Indians were to be placed. A mistake was made in the description of the boundaries, and this order was vacated and another one issued properly describing the limits of the Colville Reservation. The reservation, as originally located, covered about 3,000,000 acres of land. There were less than 2,000 Indians on the reservation.

In 1892 an act was passed providing for a survey of the north half of this reservation and making provision for allotting the lands to the Indians and opening up to settlement the unallotted lands. This act provided that the unallotted lands should go to homesteaders who were required to pay $1.50 an acre for the land in addition to complying with the homestead laws; this money to be paid in three installments, the first one to be made within two years from date of entry. This act also provided that the money paid by the settlers should go into the public Treasury subject to appropriation by Congress for public use, but that until it was appropriated it might be used by the Secretary of the Interior for the education of the Indians. There was no liability to the Indians recognized and the money could at any time be appropriated by Congress for any purpose.

When the bill was passed in 1892 the Senate committee, in its report expressly stated that the Indians had no title to this land and that they occupied it simply by license of the Government, and that there was no obligation whatever upon the part of the Government to pay the Indians any sum for the land, and it was upon this basis and theory that the bill was passed.

These lands were opened to settlement under proclamation by the President October 10, 1900, and the first payment will come due this fall. The settlers upon many other reservations have been relieved from payment where the Government has actually paid money to the Indians for their lands or has agreed to pay them and it certainly is unjust that the settlers on this reservation in the State of Washington should be required to pay when the Government has not obligated itself to pay the Indians anything and has not paid them anything for the land while settlers upon reservations in other States have been relieved from a burden which the Government must bear. Every Indian, man, woman, and child has been allotted 80 acres of land, and, furthermore, in the south half of the reservation, which has not been opened to settlement, there are 1,500,000 acres of land remaining. This surely is enough for these Indians. The lands settled upon are semiarid in character and the settlers at the best only make a living, and it would work very great hardship to require them to pay for their holdings. In fact, they can not make these payments, and I certainly think that the Senator from Nevada should not make any objection to the passage of this bill.

Mr. STEWART. There are a great many questions involved.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. FOSTER of Washington. I should like to have the Senator from Arkansas [Mr. BERRY] make a statement about it.

Mr. STEWART. I do not think it can be explained in half an hour to my satisfaction.

Mr. BERRY. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. QUAY. What is the bill?

The bill was read by title.

Mr. STEWART. Besides, I should like to have the Senator from Connecticut [Mr. PLATT] here. We have been considering this very matter at some length in the Committee on Indian Affairs.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. STEWART. I shall object.

The PRESIDENT pro tempore. Objection is made.

Mr. FOSTER of Washington. The bill retains its place?

The PRESIDENT pro tempore. It retains its place on the Calendar.

LONDON DOCK CHARGES.

Mr. WARREN. Mr. President——

Mr. NELSON. Will the Senator from Wyoming allow me just to give a notice?

Mr. WARREN. I yield to the Senator from Minnesota to give a notice.

Mr. NELSON. I desire to give notice that to-morrow, after the close of the routine business, I shall move to take up for consideration the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

This is commonly known as the London dock clause bill. I shall ask the Senate to consider it from day to day prior to 2

o'clock, at the close of the morning business, without interfering with appropriation bills.

Mr. STEWART. I hope that notice will not interfere with the Choctaw and Chickasaw treaties, if I do not get them through to-day. I gave notice that I would attempt this morning to have them considered, but a large part of the time has already been spent on bills. It relates to tribes in the Indian Territory, and the Department is very anxious that the treaties shall be ratified. They are closing up that business, and action here is very important.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to take up the Military Academy appropriation bill, being House bill 13676.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

Mr. WARREN. I will state that the Senator from Tennessee [Mr. BATE] had the floor when we discontinued the consideration of the bill yesterday. The bill is now up and we are ready for him to proceed.

Mr. BATE. Very well.

The PRESIDENT pro tempore. The Senator from Tennessee will proceed.

Mr. BATE. Mr. President, this is one of those bills in which all of us ought to take an interest. I am aware of the fact that the appropriation bills are generally left almost exclusively to the committee and that Senators generally who do not belong to the committee are not apt to give them that consideration which their merits require. I want to ask the Senators, such of them as are here, to look at this bill, on pages 29 and 30, and see the amendments there which seem to me, and some other members of the committee, to be objectionable, and determine if the committee shall be sustained.

This bill has been reported by the committee favorably, but the right was reserved to submit a minority report if desired. We have not seen fit to do that, but present objections to such points, under a motion to strike out, while the bill is under consideration in the Senate.

Now, the point of objection in this matter, so far as I am concerned, consists in the section of the bill beginning on page 29, which is a kind of addendum to the bill. The bill passed the House making the annual appropriation for the current expenses from the last of June to the end of the fiscal year, July 1, 1903. The bill was sent to the Senate and was considered by the Military Committee and favorably reported to the Senate.

This bill embodies an expenditure of six and one-half million dollars, something very extraordinary, which never occurred before in connection with the history of this institution.

By those who have done themselves the credit to investigate it as they ought, and to see what the various items are, it will be observed that the Academy has been well provided for by the House independent of this increased amount. All the appropriations have been made which were required for its proper conduct, for the payment of its professors, for the payment of the students—even an increase for that has been provided for. That appropriation for the next year's expenses has been liberal beyond measure—amounts, I think, to over $800,000—and then, as an addendum to that, comes this House appropriation of five and one-half million dollars for the purpose of establishing a plant there, and which has been increased $1,000,000 by the Senate committee, making six and one-half million dollars in addition to that liberal appropriation for next year's expenses.

Mr. WARREN. I know that the Senator does not want to be incorrect.

Mr. BATE. No; I do not.

Mr. WARREN. He will be incorrect if he states that the bill makes an appropriation of $8,000,000.

Mr. BATE. I said six and one-half million dollars.

Mr. WARREN. I understood the Senator to say that that is in addition to the regular appropriations, which reach about $8,000,000.

Mr. BATE. No; I said that this large item is independent of the annual appropriation. The expenditure for the current fiscal year, ending the 30th of June, is $772,000. Now, there is a like amount and a little increase, perhaps making $800,000, independent of the six and one-half millions. It is proposed now to give $2,000,000 for this current year by way of commencing, and then winding up with four and one-half million dollars as it may be needed in order to complete the buildings, etc., making in all six and one-half million dollars, independent of the appropriation for the coming year. That is what I said. It does not make $8,000,000, but it makes six and one-half million dollars, with the $800,000 added thereto. The papers show that to be a correct statement.

The present Congress has been very liberal toward this institution, as has been the case in all preceding Congresses. It has, among other things, increased the compensation of those young cadets quite considerably with an additional ration. I have been unable to find any such item, by that name, in the last appropriation. I can not find any such appropriation in the preceding bill; but in this bill, in addition to the $500 given to each one of the cadets, there is an allowance of 30 cents each day, and not only that, it is not to be paid out of the fund we appropriate here in the bill under consideration, but says it shall come out of the subsistence department independently of this bill.

We have, in this bill, increased the appropriations for the buildings and all that is needful connected therewith, making them more comfortable.

In the last year's bill there was also an increase of a considerable amount. There was an increase last year of $46,000 for a south wing to the hospital, and for a two-story brick addition, $4,200, and for enlarging the cadet mess hall, kitchen, and servants' quarters, to be immediately available, $69,450. Then, after that, the total for building and grounds was $258,150, as shown by the last year's appropriation bill, from which I read.

Now, these are enormous expenditures which the Government has incurred for the purpose of making this place what it ought to be, comfortable and attractive, and meets my approval, and, I believe, that of the country.

I want to see a splendid institution and, perhaps, without an equal anywhere, in its utility and attractiveness, but, Mr. President, I do not propose to be one who will forget all ideas of economy in this Government. Although it is said we have a surplus in the Treasury, yet, sir, it should be the duty of wise men to husband it, take care of it, and pay our debts with it, and not run wild in extravagance. Extravagance begets corruption. It has been said, and wisely said, that it is a misfortune for any country to have a surplus in its Treasury, and when I see such raids as this upon it I believe it is true, and that it is unfortunate to have a surplus in the Treasury, because it leads to extravagance, and extravagance to corruption.

There is not one observant and thoughtful man who does not see this extravagance demonstrated almost every day in the Congress of the United States. Such extravagance as we have had here of late years has never been equaled in this country, or perhaps in any other, and it is time for Senators, and all right thinking men to look into it narrowly and check it if we can. I know of no better place to begin than here and now.

What inspires all this extravagance of late years in the military line, and everything connected with the military? I do not know or pass upon the motive, but think I can foresee the general effect of it, and have no doubt that it tends to enlarge the standing Army and centralize power, and with this increase of the military will vanish the old volunteer. That is what it means, Mr. President, for although we have 70,000 men now under arms, there is not a volunteer in all that number. I fear he is already a thing of the past. He belongs to history and can not be taken from its pages. He has, to a large extent, made the military history of this country. Who was it who saved your Revolutionary war in its darkest hour and won victory at King's Mountain and other places? The volunteers of our country. Who was it that saved in 1812 our Northwest and Southwest country from the British and Indians but the volunteer?

Who was it, Mr. President, that won the Mexican war for our Government and won victory from the enemy at Monterey and Buena Vista but volunteers? Who made the wonderful march with General Scott to the very capital of the enemy in Mexico, with a few thousand men, but the volunteers? Sir, it was the volunteer force of this country, the men who enlisted through patriotic impulse, that gave it honor and glory.

I believe the only sure protection that this country has for its liberties lies not in your armored vessels, not in your military academies, but in the volunteer strength of the land. You may surround our coast with guns and line the seas with ironclads and dot every State with a military academy, yet, Mr. President, the real defense of this country, its glory, and its honor depend upon the spirit that inspires the volunteer when he enlists under the banner of his country. With him we are safe; without him we are not.

I mean no reflection upon the regulars, because they have demonstrated to the world their patriotism, courage, utility, and their genius. But I do object to legislating so that when war does come the volunteer shall be given back seats altogether and let all the officials come from military academies. The right to appoint regimental, company, and staff officers has been virtually taken away from the governors of States and lodged with the President. This is a movement toward centralization. It is indirectly giving power to the Army of the country, which is, I

think, objectionable to the vast majority of the people of the country.

That is one of the reasons, Mr. President, why I object to this wholesale appropriation of the public moneys for the purpose of increasing the military power beyond the necessity for it.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BATE. Certainly.

Mr. SPOONER. I have not read the bill. I know that every Senator ought to have read it, but, as the Senator knows, we all can not do it. What are these appropriations for? What are the buildings? Is it proposed to enlarge to some extent buildings already existing?

Mr. BATE. Yes, sir; I understand so, and to improve the grounds and beautify the place and make it healthful.

Mr. WARREN. And to add very largely to the water supply.

Mr. BATE. Certainly. But I will ask the Senator from Wisconsin to remember that there has been a general increase and improvement upon the buildings there every year. If there was an appropriation proposed here of $100,000 or $200,000 toward that purpose, to increase by degrees the plant there, I would not object to it, but when it comes to inaugurating a plan to build an establishment there which will cost six and a half million dollars or five million dollars or four million dollars, I stand here to object to it.

Mr. SPOONER. I only asked for information.

Mr. BATE. And I sought to give it to the Senator as far as I could.

I believe I have answered the Senator's question, and will state to the Senate what my proposed amendment is. It is to strike out the section which contains the proposition to appropriate six and a half million dollars, beginning on page 29, after the words "five thousand dollars," in line 16, and striking out all down to the words "dollars per annum," in line 23, on page 30.

There is another proposition added to this item here in regard to the purchase of the island known as Constitution Island. That is a separate matter, independent of the $6,000,000, authorizing the Secretary of War to purchase it by negotiation, and it is to be paid out of the Treasury of the United States. I do not object to that so much.

Mr. WARREN. I ask the Senator to look again and see if that is in addition to the appropriation of six million and a half. I do not so understand it.

Mr. BATE. I understand it so. I have not looked at it closely, but I meant to say I offer no objections to the purchase of Constitution Island, on Hudson River, opposite and near West Point, in order to prevent the erection of gambling and other objectionable houses in the immediate neighborhood of the Military Academy. I want every proper guard put around them, and I do not object to that. I think that is not intended to be paid out of the six million and a half dollars referred to in the bill. Certainly the section does not say so.

The paragraph which I propose to strike out, beginning, as I said, at page 29, line 17, reads as follows:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, and to provide—

This is an amendment of the Senate committee. And to provide—

for an increased water supply at a cost not to exceed $100,000, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, $2,000,000.

That is the first installment.

Provided, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply, to install a heating and lighting plant, and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than $5,500,000, including the sum herein appropriated:

That is what the House provided. The Senate committee amended it so as to read:

Six million five hundred thousand dollars, including the sum herein appropriated.

That means the $2,000,000 already appropriated; including that and making it a part of the six million and a half.

Provided further, That after the preparation and approval of the plans herein provided, the Secretary of War is authorized to enter into a contract or contracts for any part or all of the improvements herein authorized within the said limit of cost, to be paid for from the appropriations annually made for this purpose.

It is not the sum, as I said, appropriated annually for this purpose.

Provided further, That the Secretary of War is hereby authorized to employ, in his discretion, a consulting architect, during the preparation of plans and the construction of buildings, at a compensation not exceeding $5,000 per annum.

I propose to strike out that and to leave the bill with an appropriation amounting to nearly $800,000, I think, between seven and eight hundred thousand dollars, for the Academy, for carrying it on as usual in all its departments and making it as comfortable as possible, to improve the buildings and increase their capacity if necessary, such as is provided for in the former part of the bill. I propose that the appropriation shall be all that is necessary, but I shall move that the appropriation of six and a half million dollars here mentioned be stricken out. That is the position I take in reference to this bill.

Now, Mr. President, we see that one of the reasons given for this proposition is the increase in the number of cadets. Some of us, especially those upon the Military Committee, will remember that one of the chief arguments made two years ago for the purpose of increasing the number of cadets was that there was surplus house room at West Point and the increase in number would require no additional buildings. Congress gave 2 at large from each State, making the number 90, and in addition to those the President had been authorized to appoint for several years 10 at large, as it is called. He was given authority to make additional appointments.

As you are aware, each Representative in Congress has a right to appoint one cadet; each member of the Senate has the right to appoint one. The number of appointments by the President was increased to 30 two years ago, and now this bill proposes to increase the authority of appointment by the President, making the number 40 instead of 30, as the law now stands.

I do not care about these things or as to the manner of the appointments made by the President, but I object to the constant increase of cadetships and the rapid increase of the military power at the expense of civil authority in this country, which certainly tends in the end to the destruction of the Volunteer Army. These young cadets have been well provided for in this bill, and among other things their pay has been increased.

Furthermore, I believe it increases the number of professors and favorably affects their rank, as that is what is meant by "assimilated rank." I do not think that is an objection, but I merely state it as showing that everything in the bill, where possible, seems to have been increased, and as showing the tendency to strengthen and build up such institutions and encourage the increase of the military power of the country by the expenditure of public money.

The taxpayers are the persons who are the sufferers for such unusual extravagance. We ought to have some regard for the people in the expenditure of their money. In the pending proposition and in other legislation it looks as if the taxpayers were entirely forgotten. Because we have a surplus in the Treasury we are continually making increased appropriations; every day they grow larger; and I think it time we should begin to decrease them.

Mr. President, here is another point. This six and a half million dollars proposed to be appropriated here does not include in any way whatever the annual expenditures to be made in the future. For the next year you will find another $700,000 or $800,000, or whatever it may be, appropriated as though the six and a half millions had not been set apart for the use and benefit of this Academy.

As I said, for the last ten years the appropriation has run from $400,000 to five or six hundred thousand dollars annually, and up to $700,000 in the last year. That includes the increase of the 90 men who have been appointed by Senators as cadets, and also the additional number that the President has appointed.

In the last appropriation act every possible convenience that was asked for at West Point was granted; and yet we are now asked to appropriate here six and one-half million dollars. I think that if Senators will look at the situation they will see that there is no necessity for it whatever, and that the cadets are now amply provided for.

The men at West Point are men that we well may be proud of, and we are proud of them and of their history. Mr. President, in the early days the institution was not half what it is now. Those young men had but little if any of this pocket money or but few of those little kindnesses which are now extended to the West Point cadets.

Not only so, but we have provided to pay the transportation of the young men who are selected for appointment at West Point; but no provision is made for the poor fellows who take the examination and fail, whilst the men who are selected have their transportation paid under this bill. From another fund is also paid the additional daily compensation of 30 cents. This other proposition to pay transportation from the Quartermaster-General's Department is also outside of this appropriation. So it is in addition an increase, according to the policy of this bill.

I make no complaint of that, however, but as to the bill in its present form I do complain and enter my protest against the appropriation of this six and a half million dollars, and I propose to strike out the provision for the appropriation of the six

and one-half million dollars. It is unnecessary now, and will have a tendency to destroy the rights and virtue of the volunteer and militia forces of the country.

Mr. President, if we should have a war—I hope we will have no more; I have seen enough of war, and I hope to see no more; I hope the day will come when we shall have universal peace and that our people will always be satisfied—but suppose a war was to break out and we wanted troops, the governors of the States, I suppose, could not, under existing law, appoint a single captain or colonel or a lieutenant or any staff officer.

A recent act of Congress lodged that power with the President, and I believe he exercises it in every instance. It is a long stride on the highway to the centralization of power. There is the keynote, in my opinion, of this whole legislation in regard to increasing the military strength in this country. It is a centralization of power, which is a danger that always menaces a country like ours. We should stand like a stone wall against this increase of centralized power and say, "Thus far shalt thou go and no farther."

I propose to enter my protest against this pending proposition, which seems to lead in that direction. I am willing we should say the cadets should have what they need, what is necessary, what is comfortable, and what is reasonable, but I am not willing that we shall give six and one-half million dollars of the people's money for the purpose of enlarging that establishment now.

Mr. WARREN. Mr. President, I do not want to take very much time, but after the remarks of the Senator from Tennessee [Mr. BATE] I think it necessary to say a few words about this appropriation.

The PRESIDENT pro tempore. The Chair understands the Senator from Tennessee to move to amend the bill.

Mr. BATE. Yes, sir; I wish to amend the bill, but have not yet formally made that motion.

The PRESIDENT pro tempore. It is too late to do so without reconsideration of the vote by which the amendments were ordered to be engrossed and the bill to be read a third time.

Mr. BATE. I asked at the time, Mr. President, that I should have the privilege of doing so; and I will now ask the Chair to put the motion which he has suggested as necessary in order to enable me to move an amendment.

The PRESIDENT pro tempore. Until that has been done, the bill is not in amendable condition. The Chair understands the Senator to make the motion for a reconsideration of those votes.

Mr. BATE. I do ask that the bill may be put into an amendable condition, so that I may move my amendment.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the votes by which the amendments were ordered to be engrossed and the bill to be read a third time be reconsidered. Is there objection? The Chair hears none, and it is so ordered. Now the bill is in an amendable condition. The Senator from Tennessee will kindly state his amendment.

Mr. BATE. I now move to amend the bill by striking out on page 29, beginning with line 17, and going down to line 23, on page 30.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Tennessee.

Mr. WARREN. Mr. President, the time has arrived, in the estimation of those connected with the Military Academy and the several Boards of Visitors to the Military Academy who have carefully looked over the situation there of late years, when there must be some comprehensive plan adopted regarding West Point. Shall we rebuild or shall we go on patching, making additions and patchwork, to be eventually torn away, as it certainly must be, and the place rebuilt later on at greater expense?

The Government has seen fit as to its Naval Academy to do exactly what is proposed to be done at West Point, only on a much more magnificent scale. If my memory serves me right, more than $8,000,000 were used in rebuilding and improving the Academy and grounds at Annapolis, and this notwithstanding that there are only two-thirds or three-quarters as many cadets at Annapolis to provide for as are to be provided for at the Military Academy.

The conditions at the Military Academy are these: Some of the buildings were erected as long ago as 1816—perhaps before that. They are old; they are insanitary; they are worn out. The time has arrived when it is like pouring water into a rat hole to be appropriating hundreds of thousands of dollars to be expended in patchwork. So we propose in a systematic manner to mark out what shall be the future of West Point, putting no more money on these buildings that are unfitted for further service and building everything hereafter in a way to fit the general plan.

The present bill carries $2,000,000 toward that reconstruction under a limit of total cost $6,500,000. The House Military Committee reported the amount to the House at six and a half million dollars as the total limit upon the entire rebuilding, refitting, preparation of ground, and the final turning it out as a finished institution, so that thereafter there might be no appropriations but the amounts of the regular supply bills. On the floor of the House the limit was cut down to five and a half million dollars.

Your subcommittee of the Committee on Military Affairs thought that it was better to restore the six and a half million dollars, and so reported to the general committee. The full committee agreed with the subcommittee that the bill should be reported to the Senate at six and a half million dollars; and it is my opinion that it will be better for the Senate to now pass it at six and a half million dollars and let it go to conference, so that in conference the House conferees may present their reasons to the Senate conferees for cutting the amount down and there may be a decision somewhere, along proper lines, at six and a half million dollars, or five and a half million dollars, or somewhere between the two amounts.

The conditions at West Point are such as the Senator would not like to have prevail if his son were there as a student, and such as I would not like to have if my son were there. At the present time there are in many cases three and even four cadets in one room, with one window and only one gaslight in the middle of the room. With the study and hard work which we know are incumbent upon the student if he is to succeed there, everyone will admit that to have a small room with four boys in it and but one small gaslight suspended from the ceiling is not the kind of convenience or comfort necessary to success and good health. We give our boys more than this at home, and we expect them to have more and better accommodations than that at any other school.

Again, the buildings are insanitary; they are without proper plumbing; they have not sufficient lighting or heating capacity; they have no bathrooms; they have no water; so that a student, sick or well, in the night or in the day, must go down and out of the building and over quite a long open space of open ground in order to get to a bathroom or to draw a bucket of water or to provide himself with any of those necessities which are provided in modern buildings.

It is desired to preserve all that is good of former West Point; but that portion which is insanitary, that portion which is in a tumbled-down condition is to be removed, and in time—it may be in one year or it may be in ten years—we shall, under this bill, rebuild and remodel West Point at a cost not to exceed in all six and a half million dollars.

The Senator from Tennessee finds fault with the increase of pay for the cadets. I want to ask the Senator what we have been doing all these years with the naval cadets?

Mr. BATE. I want to correct the Senator about that. I do not object to that increase. I am glad of it.

Mr. WARREN. I am very glad the Senator is.

Mr. BATE. I approve of that.

Mr. WARREN. I understand; but the Senator took up the provisions of the bill generally and read us a lecture on general extravagance and the necessity for economy, and he spoke, in passing, of the fact that we had increased the pay. We have reduced the pay, but made an increase in the way of an allowance of a ration, so that hereafter, if this bill passes unamended, the West Point cadets will get exactly what the naval cadets have been heretofore getting, nothing more and nothing less.

In the matter of hospital facilities they are crowded, inconvenient, and in a way insanitary, and if any of the cadets should be afflicted with some infectious disease, scarlet fever or something of that kind, there is no place provided in the way of an isolated ward or room.

The Senator speaks of the repairs authorized in the bill of last year. Sundry amounts were provided for repairs, it is true, but they were not nearly enough; so it is necessary that we shall provide this lump sum or else continue to appropriate for repairs a half million or a million dollars each year, and then when we are all through we shall have an aggregation of imperfect misfit buildings and accommodations instead of an entirely modern plant.

However, if I understood the Senator correctly, his main objection to this bill is that it tends toward an increase in the Army.

Mr. BATE. No; not the increase altogether; but such will be the tendency and final result.

Mr. WARREN. Perhaps it does not cut any figure in this debate, but I want to observe that the way to have a good army is to have plenty of educated officers. The American Army is the finest in the world. There is no army better and there never has been a better army than that of the United States.

I agree with the Senator that the Volunteer Army of America is a great and grand force; I will agree with him entirely in that observation. But the schoolmaster is oftentimes eventually excelled by the student. In fact, the student often arrives at a very much higher place than that ever reached by the schoolmaster who taught him; but this does not do away with the fact that the school-teacher is necessary, and that the student could not

have surpassed the schoolmaster if, in the first place, the student had not received the teaching. To have a good volunteer army we must have well-educated officers to educate that army.

In what condition are we to-day? When we called on the States for troops for the Spanish war, we were provided with volunteers who had been under instruction of United States Army officers at our agricultural colleges, our military academies, our private schools, and elsewhere. These young men had been taught by United States officers detailed to duty in those schools.

But later on every one of those teachers had to be withdrawn because of the necessities of the war, and we are in a situation to-day where we have not a sufficient number of officers for Regular Army uses, to say nothing of educational necessity; so that if in five years from now we should call upon the several States for militia or volunteers we would find quite a different state of affairs.

The excellence of our Volunteer Army comes from, first, the superior character of the men who compose the rank and file, from what there is in American citizenship, from what there is in American manhood; but, sir, in order to make an effective army we must have an educated army, and in order to have an educated army we must waste months, or even years, with the green material unless we have a sufficient number of educated military officers to act as teachers in the art or science of war. In the long run we must have the rank and file infiltrated with those who have received a good military education.

The Senator would strike out, by his amendment, the water supply at West Point. We find West Point dependent absolutely upon certain watersheds and certain ponds lying near. This land and water will never be cheaper, but, of course, will be higher; and they are absolutely without sufficient water to-day at West Point to provide for adequate drinking, cooking, and other domestic purposes. The Senator would strike out, by his amendment, the proposition to buy one or two of these watersheds adjacent to the grounds of the Academy, which must be had in order to have and sustain a military academy at that place.

There are certain appropriations in this bill for additions and repairs. Some of these may be used, even if we provide for rebuilding; others will not be used, although appropriated for. It was necessary in making up the bill on the part of the House to so provide that if the proposition of rebuilding should not be accepted they would not be without some fund to go on and provide room and pressing needs, so that they could in some way get along until a later day.

Now, the question arises, Mr. President, shall we to-day take up the matter of rebuilding West Point, or shall we go on and say that at some later time we had better do so, and in the meantime expend hundreds of thousands, nay, millions of dollars in patchwork and repairs upon the old buildings and then finally have to tear out and rebuild?

If the Senate concludes that six and a half million dollars is too much, it can make the amount five and a half millions. If five and a half millions is enough in the opinion of the conferees when they meet—and I take it the Senator from Tennessee will be one of such conferees—then I shall be satisfied. But it strikes me that it is an absolute necessity to provide now and at this time a sufficient appropriation and limit of cost to establish and commence at once a general and comprehensive plan of rebuilding and improving West Point.

Mr. BATE. Mr. President, in reply to and explanatory of some remarks made by the Senator from Wyoming [Mr. WARREN] who has just taken his seat, I beg to just simply read from the appropriation bill of last year. On the point in regard to bathing, etc., which we are considering, the provision found in the law of last year is:

For constructing a south wing to the hospital, to correspond with the present north wing, for the accommodation of the sick, to be built of stone, with brick annex for lavatories, baths, and water-closets, including cost of labor, plumbing, gas fittings, radiators, etc., $46,000.

That we did last year for that very purpose; and not only so, but we provided:

For two-story brick addition (about 28 by 75 feet) to north end of cadet laundry, finished to correspond to main building, to be immediately available, $4,200.

For adding second story of brick to 1-story addition, 15 by 28 feet (boiler room), on south end of main building, to be immediately available, $1,000.

Mr. WARREN. If the Senator will allow me, that portion of the hospital which has been already provided for will be useful and will be used in future under this new plan.

The Senator forgets when he remarks that last year we provided for as many cadets as we are to have in the future that such is not strictly the case, because he will recall that there has been a redistricting under the last census and an increase in the number of Congressmen, and consequently an increase in the number of cadets. As a matter of fact, at the time of which he is speaking, when the small appropriations which he mentions were sufficient, we had but from 300 to 350 cadets, and now the number will reach nearly 500 by the operation of laws already in force and amendments proposed in the pending bill.

Mr. BATE. I stated that there would be an additional number of cadets to those already there. There are members of Congress who are not yet elected, who will be, I suppose, elected next fall, some 13 or 15, or whatever the number may be, and there will be, consequently, that additional number of cadets at West Point. That is correct; and I stand corrected in that respect if I was in error in the statement I made.

But, Mr. President, the point I make is in regard to the great increase in the expense for West Point and for these buildings. What has become of the appropriation made last year for these objects, if we appropriated all the money which was then necessary, though it does seem that since then we may have increased the number of cadets a few?

Let me read further. I do not wish to be diverted from reading from the last year's appropriation bill:

For enlarging cadet mess hall, kitchen, and servants' quarters, to be immediately available—

How much do you suppose was appropriated for these purposes last year?

Sixty-nine thousand four hundred and fifty dollars.

Complaints are made that these young men have not sufficient comfort, and that two or three of them are placed in a room.

Mr. WARREN. Three or four.

Mr. BATE. I suppose that depends on the size of the room. Complaint is also made of insufficient light, and yet we find the following appropriation was made last year:

For wiring for electric lights for mess hall, kitchens, pantries, bakery, cold-storage rooms, dormitories, and for chandeliers, brackets, switches, and machinery, to be immediately available, $2,500.

Then there was an appropriation:

For repairing and renewing plastering, painting, and calcimining, repairs to woodwork, reflooring, rearranging rooms, increasing sinks, baths, and for other incidental repairs to the building, $10,000.

Then—

For removing and replacing the asphalt and galvanized-iron roofs and gutters of the Academy building by copper or other durable material, $11,000.

That was also appropriated last year.

For rebuilding north dock, $4,200.

For filling the ditches and leveling the parapets of the modern portion of Fort Clinton, to be immediately available, $5,000.

The total money appropriated for buildings and grounds in the bill of last year was $258,150.

It is impossible that we should give these additional amounts for the same purposes. As to the lack of bath houses at West Point my friend has made some complaint. I find this appropriation in the bill of this year now pending:

To increase the section room and lavatory facilities of the Academy building and furnish same, to be immediately available, $10,894.

So it goes, Mr. President.

Mr. WARREN. Does the Senator think that $10,000 for plumbing cuts much of a figure in a place where there are between 1,600 and 2,000 people altogether?

Mr. BATE. Where Congress has made an appropriation for the same purpose in the preceding year I do. It seems to me that with the appropriations heretofore made there ought to be no necessity for the appropriation of such a sum of money for the same purpose as is now proposed.

The Senator complains that the buildings at West Point are old buildings. They are large buildings; they are beautiful buildings; they have a reputation abroad, and I have seen, and the Senator has seen, pictures and photographs of those buildings distributed around this country, and they have even been sent to Europe. Those are pictures of West Point as it now is, and that institution has a reputation abroad.

Mr. WARREN. Mr. President, I thank the Senator for stating that, but I wish to say to him in that connection that all buildings such as he describes are to be preserved. I wish to say to him also that not only has West Point a reputation abroad, but it has been stated by many military leaders from all over the world that we have at West Point the best military academy in the world, the best institution of war learning known.

It seems to me, Mr. President, that a matter of four or five or six million dollars, spent perhaps during the remainder of the lifetime of the Senator from Tennessee and myself, is not too much to create or maintain a school that is the pride not only of this country, but of the entire civilized world.

Mr. BATE. We all have a pride in that institution, but it is not necessary to make this expenditure of six or eight million dollars. Those buildings are now beautiful in their present form, and I see no necessity for this expenditure.

Not only so, but West Point is much more beautiful now than it was a few years ago; it has many more conveniences now than it had a few years since, when such men as Grant and Lee and Johnston and Sherman, Bragg and Rosecrans, McClellan and

Schofield and others of national character were educated there and developing into the great characters they did. When they were taking their course at West Point the buildings there were good enough for them; you never heard any complaint, and no additional appropriations were then asked for.

Two years ago, when we passed the law giving authority for the appointment of additional cadets, the buildings were then supposed to be good enough, and it was distinctly stated—and it was one of the chief arguments used on this floor and in committee—that we had the buildings there at West Point; that there was a surplus of room; that it should be utilized, and that the institution should be filled up. We have filled it up pretty well, and now it is proposed that an additional appropriation of six and one-half million dollars shall be made.

Mr. HARRIS. Mr. President, I am somewhat surprised at the position taken by the senior Senator from Tennessee [Mr. BATE] in regard to these appropriations. So far as I am concerned, I have always looked upon West Point as one of the institutions of which we should be supremely proud. It has been the nursery of some of the most distinguished men in our military history. They have gone through a course there without complaining, enduring hardships that would be regarded as absolutely cruel now. But that is not any reason why these conditions should be continued. They were great men and received a magnificent education under many hardships and in spite of hardships, which were inexcusable then and are much more so now.

I want to see enough cadets graduated every year from West Point to keep the Army at least filled up in the lower ranks of its officers with educated men. We have not reached that point yet, but we will some day get to it. When you look at the Army Register you will be absolutely astonished to see how few West Pointers there are as subaltern officers. There are not half enough of them. So far as I am concerned, I should like to see at West Point a corps of cadets of a thousand men, so as to eventually fill up the ranks of the subaltern officers, and if there should be any surplus men with that magnificent training and education, let them go into civil life.

I have sometimes thought it would be a magnificent idea if we would follow the example which the State of Virginia inaugurated a good many years ago. She has built up a superb military school at Lexington, to which cadets receive appointments from each representative district and receive their tuition free of charge. In addition to that, cadets are permitted to enter and take the course, who pay the expenses of their tuition, and I do not see why that principle should not be adopted at West Point. I do not see why any brave, bright boy, who desires to have a first-class military education, should not be permitted to go to West Point and acquire that kind of a scientific education at his own expense and then take his place in the ranks of civil life. Such graduates would constitute a magnificent reserve force, and Virginia found that it was absolutely invaluable to her, and all through the South the influence of that kind of education at the Virginia Military Institute is felt.

I was at West Point two years ago and I was utterly astonished at the inadequacy of the quarters, at the insufficiency of the hospital accommodations, at the lack of sanitary regulations and provisions everywhere. There are some beautiful-looking buildings there, but they are small.

Mr. BATE. May I interrupt the Senator to ask if that is true why he did not put in this bill or the bill of last year a sufficient appropriation to correct that condition and to make it as it should be?

Mr. HARRIS. The Board of Visitors considered the matter very seriously, and a great deal was said and a great deal was urged as to the necessity for action at that time. But it was considered as better perhaps to try to get along, as far as possible, with the then existing accommodations, as we were then undergoing enormous expenses and it was not considered an advisable time to ask for additional appropriations.

But we did ask for enough last year to provide one additional ward in the hospital. We did ask for enough to enlarge the mess hall a little bit. We did ask for enough to replace the old academic building. The walls of the academic building were being stained by the snow and ice, which melted and ran down the walls and rendered the rooms absolutely unfit for use. We saw three or four cadets in a little, narrow, dark room. We saw that the cadets had to go, it seemed to me, a quarter of a mile to get a bucket of water. There was not a drop of water in the whole cadet building. There was not a closet of any kind in it. There were no conveniences. A first-class thoroughbred cattle barn would be luxurious in comparison with what the cadets had to submit to in that way.

I was then in favor of asking for additional appropriations so as to rebuild and to provide the new buildings with adequate sanitary and plumbing appliances, which are absolutely indispensable. The riding hall was insufficient. There is a tumble-down old hotel on the ground there absolutely useless. The whole thing needs reconstruction and building up on modern and improved ideas. We might as well attempt to fight the wars of to-day with the old flint-lock muskets of 1812, and say our ancestors used those and fought bravely, and therefore we should not adopt modern ordnance.

We want magnificently educated officers and we ought to provide them with at least comfortable quarters in which to live. To quarter two cadets in a room is limited enough in accommodations, but to put four men in such a room is cruelty. There is one little drop light. The boys are poring over the desks, trying to study their lessons in the dark winter evenings of that climate. The surgeon himself told me it was the source of more diseases and trouble of the eye than anything else that could be imagined, and everywhere we saw cadets using spectacles who had gone there with absolutely sound and perfect eyesight, the eye trouble having been caused by the inadequate light. We saw cadets trotting across the campus to get a pitcher of water, and things of that kind. It was an absurdity. We need an adequate riding hall, as I have mentioned. That is one of the limitations. We need additional quarters. Let us build up West Point on the same kind of a plan that has been adopted for Annapolis, the twin magnificent school which we have in this country.

Mr. BATE. Mr. President, a word in reply. I know nothing about Annapolis, and therefore I can not speak of it. But I understand there were no buildings there at all scarcely until last year.

Mr. HARRIS. A great many distinguished men have been graduated there.

Mr. BATE. I am speaking of Annapolis.

Mr. HARRIS. Yes. We have had magnificent officers in the Navy from Annapolis.

Mr. BATE. Certainly; I am addressing myself to this point. The graduates of Annapolis have done wonders. I accord them all the credit they deserve. But, as to what the condition there is, I know not. However, if an error has been committed there, it is no reason why we should repeat it at West Point.

I do not want the Senator nor the country to understand that I am opposed to appropriating everything that is necessary absolutely to afford the convenience and facilities for study to young men as cadets at West Point. I said that in the commencement. I say it now. But the amount heretofore appropriated annually and the amount in the bill here now, independent of the $6,000,000, is sufficient, and the only question is whether we shall virtually throw aside those old buildings and build up a new establishment to cost six and a half million dollars. That is the practical proposition.

The Senator from Kansas has been to West Point since I was there and may know about these matters. I have no doubt he speaks of them correctly. But there have been since he was there the appropriations made which I have read, $69,000 in one instance, $48,000 in another for the improvement of these buildings, $5,000 in another for the building of additional rooms. I say if that has to go on every year, we had better stop and do something else.

I want to see the establishment increase. I do not object to an increase in a proper way, according to the increase of our population. I do not propose, though, for one, to let young men be educated at Government expense at West Point for the purpose of turning them loose when they are educated to go back into the civil ranks of the country. I think, sir, that the young men who would go there for that purpose should be educated by their own people and not by the general public. I think such education at Government expense is wrong, except for military purposes, as that is a military academy.

Mr. WARREN. Does not the Senator think it would be a good plan for every school or college where there is a military class to have a graduate of West Point as a teacher in military drill and tactics?

Mr. BATE. Certainly.

Mr. WARREN. That duty alone would take more than we graduate.

Mr. BATE. Very well. But you look at the number of those who have graduated at West Point and who are retired and are drawing three-fourths pay. They are the ones who ought to be assigned to that duty, and that would be justice and right to the taxpayers of this country and not unjust to those who have been educated by the Government and are now supported by it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. BATE].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. STEWART. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon in the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Indian Affairs was, on page 2, line 25, after the word "Atoka," to insert "Indian Territory;" so as to make the clause read:

4. The term "Atoka agreement" shall be held to mean the agreement made by the Commission to the Five Civilized Tribes with the commissioners representing the Choctaw and Chickasaw tribes of Indians at Atoka, Indian Territory.

The amendment was agreed to.

The next amendment was, on page 3, line 12, before the word "extend," to strike out "shall" and insert "may;" and in line 13, before the word "include," to strike out "shall" and insert "may;" so as to make the clause read:

7. Every word in this agreement importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

The amendment was agreed to.

The next amendment was, on page 5, line 3, before the word "shall," to strike out "tribe" and insert "tribes," so as to read:

12. Each member of said tribes shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 160 acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

The amendment was agreed to.

The next amendment was, on page 5, line 13, before the word "exceeding," to strike out "nor" and insert "not," so as to make the clause read:

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

The amendment was agreed to.

The next amendment was, on page 5, line 18, after the word "regulations," to insert "and on terms;" so as to make the clause read:

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

The amendment was agreed to.

The next amendment was, on page 6, line 5, before the word "nor," to strike out "date of the patent" and insert "time at which said land may be alienated under this act;" so as to make the clause read:

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, nor shall said lands be sold except as herein provided.

The amendment was agreed to.

The next amendment was, on page 6, line 17, after the word "freedman," to insert "after thirty days' notice by the Commission, then;" so as to make the clause read:

17. If, for any reason, an allotment should not be selected or a homestead designated by, or on behalf of, any member or freedman after thirty days' notice by the Commission, then it shall be the duty of said Commission to make said selection and designation.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "than," to strike out "the smallest legal subdivision provided for in paragraph 11 hereof" and insert "10 acres;" so as to make the clause read:

18. In the making of allotments and in the designation of homesteads for members of said tribes, under the provisions of this agreement, said Commission shall not be required to divide lands into tracts of less than 10 acres.

The amendment was agreed to.

The next amendment was, on page 9, line 14, after the word "agent," to insert "at the;" and in line 17, after the word "to," to strike out "him" and insert "such allottee;" so as to make the clause read:

23. Allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of any allottee to the tract of land described therein; and the United States Indian agent at the Union Agency shall, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to such allottee, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

The amendment was agreed to.

The next amendment was, on page 10, line 3, after the word "in" to insert "both;" in the same line, before the word "Chickasaw," to insert "the;" in line 6, before the word "land," to strike out "said," and insert "the;" in the same line, after the word "office," to insert "in the nation in which his land is located;" in line 11, after the word "land," to strike out "office," and insert "offices;" in line 24, after the word "at," to insert "one;" in line 25, before the word "land," to strike out "the" and insert "said;" in the same line, before the word "and," where it occurs the first time, to strike out "office," and insert "offices;" so as to make the clause read:

After the opening of a land office for allotment purposes in both the Choctaw and the Chickasaw nations any citizen or freedman of either of said nation may appear before the Commission to the Five Civilized Tribes at the land office in the nation in which his land is located and make application for his allotment and for allotments for members of his family and for other persons for whom he is lawfully authorized to apply for allotments, including homesteads, and after the expiration of ninety days following the opening of such land offices any such applicant may make allegation that the land or any part of the land that he desires to have allotted is held by another citizen or person in excess of the amount of land to which said citizen or person is lawfully entitled, and that he desires to have said land allotted to him or members of his family as herein provided; and thereupon said Commission shall serve notice upon the person so alleged to be holding land in excess of the lawful amount to which he may be entitled, said notice to set forth the facts alleged and the name and post-office address of the person alleging the same, and the rights and consequences herein provided, and the person so alleged to be holding land contrary to law shall be allowed thirty days from the date of the service of said notice in which to appear at one of said land offices and to select his allotment.

The amendment was agreed to.

The next amendment was, on page 11, line 20, before the word "land," to strike out "the" and insert "said;" and in the same line, after the word "land," to strike out "office" and insert "offices;" so as to read:

If any citizen or freedman of the Choctaw and Chickasaw nations shall not have selected his allotment within twelve months after the date of the opening of said land offices in said nations, if not herein otherwise provided.

The amendment was agreed to.

The next amendment was, on page 14, line 13, after the word "located," to insert "when practicable;" so as to make the clause read:

And the acre so reserved for any church or school in any quarter section of land shall be located when practicable in a corner of such quarter section lying adjacent to the section line thereof.

The amendment was agreed to.

The next amendment was, on page 14, line 25, before the words "Indian Territory," to insert "the," and on page 15, line 4, after the word "is," to strike out "rights" and insert "right;" so as to make the clause read:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided: *Provided*, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

The amendment was agreed to.

The next amendment was, on page 16, line 14, before the word "to," to strike out "Commissioner" and insert "Commission;" so as to make the clause read:

The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to strike out the following:

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in Indian Territory, acting under the act of Congress approved June 10, 1896, have admitted persons to citizenship, or to enrollment as such citizens, in the Choctaw and Chickasaw nations, respectively, without notice of the proceeding in such courts being given to each of said nations, and it being insisted by said nations that in such proceedings notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in Indian Territory, under the said act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such Commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the United States court for the southern or central district of Indian Territory, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of

them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit.

32. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Full jurisdiction and authority to entertain said suit and finally determine said questions are hereby conferred upon the court for said southern and central district, as may be elected by the two nations jointly or either of them acting separately, as aforesaid. Any party feeling aggrieved by the decision of said court may appeal directly to the Supreme Court of the United States within ninety days thereafter. Said suit shall take precedence on the dockets of both courts, and shall be determined at the earliest practicable time. Said suit shall be confined to a final determination of the question of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in Indian Territory was wrongfully obtained as provided in the next section.

33. The United States courts of the southern and central districts in Indian Territory shall have full jurisdiction of suits to annul and vacate judgments of such courts under the act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations where, in a bill of complaint filed by the two nations jointly or by one of them acting separately and making the other a party defendant, it is charged and made to reasonably appear that any such judgments, for any reason other than those specified in section 31 hereof, does an injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto; but no such suit can be instituted after the expiration of ninety days after the final decision of the test case provided for in section 31 hereof. All such suits shall take precedence upon the court docket, and shall be as speedily determined as may be consistent with due consideration of the rights of parties.

No judge shall sit in any cause instituted in this section wherein it is sought to vacate a judgment rendered by him, and in such instance some other judge who did not, under the act of June 10, 1896, render citizenship judgments against either of said nations, shall be called to preside over the proceedings in such suit, and shall be fully authorized to conduct the same to a conclusion. The decision of such court in any such suit shall be final, save that at any time in the progress thereof it shall be competent for the trial judge to certify to the court of appeals of the Indian Territory, for its advice and final determination, any question or questions of law arising in said cause, deemed by the trial judge to be difficult and important. In the determination of any questions so certified, such court of appeals shall be composed of the United States judges in the Indian Territory, who did not render any citizenship judgments against either of said nations under said act of June 10, 1896, and of one of the judges of the supreme court of the Territory of Oklahoma, designated for that purpose by the Attorney-General of the United States. Notice of the institution of any such suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant, and shall be served upon the other defendants in the manner in which under the laws and practice controlling the courts in the Indian Territory service is made in real actions.

And to insert in lieu thereof the following:

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in Indian Territory, acting under the act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens, in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that in such proceedings notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in Indian Territory, under the said act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such Commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit.

Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said 10 representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers, and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated shall, upon written application therefor made within ninety days thereafter by any party thereto who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers, and proceedings, and upon the filing in such citizenship court of the files, papers, and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court and such further proceeding shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also, upon the final ratification of this agreement, have jurisdiction of suits to annul and vacate judgments of the courts in Indian Territory rendered under said act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations where, in a bill of complaint filed by the two nations jointly or by one of them acting separately and making the other a party defendant, it is charged and made to appear that any such judgment, for any reason other than those hereinbefore specified, as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto, but no such suit can be instituted after the expiration of ninety days after the final decision in the test suit hereinbefore authorized. These suits shall be as speedily determined as may be consistent with due consideration of the rights of all parties, and notice of the commencement thereof shall be personally served upon the chief executive officer of the defendant nation, if either nation be made a party defendant, and shall be served upon the other defendants personally or by publication, as the case may be, in the manner in which, under the laws and practice controlling the circuit courts of the United States, service is made in suits to quiet title to real estate.

33. A court is hereby created, to be known as the Choctaw and Chickasaw citizenship court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the 31st day of December, 1906. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process, and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers, and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice, and proceedings in said court shall conform, as near as may be, to the pleadings, practice, and proceedings in equity causes in the circuit courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case.

Said court shall have a chief judge and two associate judges, a clerk, a stenographer who shall be a deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of $5,000 per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, $2,400; stenographer, $1,200; bailiff, $900. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated; and there is also hereby appropriated the sum of $5,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had.

The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses subpœnaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States court in Indian Territory having custody and control of the files, papers, and proceedings in the original citizenship cases shall receive a fee of $2.50 for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any and all of the suits or proceedings so committed to its jurisdiction shall be final. The Secretary of the Interior is hereby authorized to pay out of any of the common funds of the two nations in the Treasury of the United States all expenses reasonably or necessarily incurred by such nations in the proper conduct, on their behalf, of the suits and proceedings provided for in this in the two preceding sections.

Mr. JONES of Arkansas. Before the amendment is adopted, I wish to state that I propose to offer an amendment in the last five or six lines of the section, but I suggest that the reading of the bill be concluded before the amendment is taken up. I think there will be no objection to the amendment on the part of the chairman. I would rather the reading of the bill should be finished, and then we will recur to this section.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The next amendment was, on page 28, line 18, after the word "year," to strike out "or" and insert "nor;" so as to read:

and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto, a forfeiture to the Choctaw and Chickasaw nations of the lands, other tribal property, and proceeds so obtained.

The amendment was agreed to.

The next amendment was, in section 41, page 32, line 5, before the word "months," to strike out "six" and insert "nine;" so as to read:

All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within nine months after the date of the final ratification of this agreement, make bona fide settlement within the Choctaw-Chickasaw country, etc.

The amendment was agreed to.

The next amendment was, in section 48, page 35, line 5, after the word "any," to strike out "member of the Choctaw or Chickasaw nations" and insert "person;" so as to read:

Whenever any tract of land shall be set aside for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this agreement, which is occupied by any person, such occupant shall be fully compensated for his improvements thereon, out of the funds of the tribes arising from the sale of town sites, etc.

Mr. STEWART. The committee withdraws this amendment.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment of the committee is withdrawn.

Mr. JONES of Arkansas. That leaves the original language to stand.

The PRESIDING OFFICER. The Secretary will read the original language of the bill, the amendment having been withdrawn.

The next amendment was, in section 53, page 37, line 3, before the word "case," to insert "such;" so as to make the section read:

53. Such towns in the Choctaw and Chickasaw nations as may have a population of less than 200 people, not otherwise provided for, and which in the judgment of the Secretary of the Interior should be set aside as town sites, shall have their limits defined not later than ninety days after the final ratification of this agreement, in the same manner as herein provided for other town sites; but in no such case shall more than 40 acres of land be set aside for any such town site.

The amendment was agreed to.

The next amendment was, on page 37, after line 5, to strike out section 54 in the following words:

54. All town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved May 31, 1900 (31 Stats., 221), with the additional acreage added thereto, and all town sites which may be hereafter so set aside, as well as all town sites set aside under the provisions of this agreement having a population of less than 200 shall, after being divided into lots and blocks and a map or plat thereof made by the town-site commission, be sold at public auction to the highest bidder, appraisal of said town lots to be made as provided in the Atoka agreement for the valuation of improved town lots; and the purchaser of each of said town lots shall, within ten days from the date of his purchase, pay into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes one-third of the purchase price, and the balance in two equal annual installments, without interest, and when the entire sum is paid he shall be entitled to a patent for the same, and no lot shall be sold at auction at less than its appraised value: *Provided, however*, That when any lot so sold at public auction shall have thereon improvements erected by a person claiming possessory right to said lot, the said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. And said committee of appraisement shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisement shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisement.

And to insert:

54. All town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., 221), with the additional acreage added thereto, and all town sites which may hereafter be so set aside, as well as all town sites set aside under the provisions of this agreement having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in a like manner, and with like preference rights accorded to owners of improvements, as other town sites in the Choctaw and Chickasaw nations are surveyed, laid out, platted, appraised, and disposed of under the Atoka agreement, as modified or supplemented by the said act of May 31, 1900: *Provided*, That as to the town sites set aside as aforesaid, that the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in the Atoka agreement, and where, because of his failure to purchase within the time limited in the Atoka agreement, the lot is sold at public auction the purchaser at such sale shall pay to the owner of the improvements the price for which the lot shall be sold, less the full appraised value thereof, and shall pay such appraised value into the United States Treasury, instead of the percentage named in the Atoka agreement.

The governor of the Chickasaw tribe and the principal chief of the Choctaw tribe, acting together, may, with the approval of the Secretary of the Interior, and upon such terms and conditions as said Secretary may prescribe, sell and convey in tracts of not exceeding 40 acres, or a quarter of a quarter section, at any one place, such lands adjoining or in the vicinity of a town site, as may be desired for the establishment and operation of a manufacturing or industrial plant, which will tend to encourage the cultivation of the land held by either of said tribes, or its members, or which will promote the general welfare of the community. The proceeds of any such sale shall be paid to the Secretary of the Interior and be by him covered into the Treasury of the United States to the credit of the two tribes, according to their respective interests therein. Where the lands so sold and conveyed are occupied or improved by any member of the tribe he shall be compensated for his right of occupancy or improvements out of the proceeds of the sale in such manner as the Secretary of the Interior may direct. After allotment has been made of any lands desired for the establishment or operation of such plant, the sale and conveyance thereof may be made by the allottee in the manner and subject to the restrictions herein prescribed, instead of being made through the chief executive officers of the two tribes.

The amendment was agreed to.

The next amendment was, in section 56, page 41, line 17, after the word "auction," to insert "for cash," and in line 18, after the word "President," to insert "as hereinafter provided;" so as to make the section read:

56. At the expiration of two years after the final ratification of this agreement all deposits of coal and asphalt which are in lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agreement, and which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits, as herein provided, and which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auction for cash under the direction of the President, as hereinafter provided, and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

The amendment was agreed to.

The next amendment was, in section 57, page 42, line 2, after the word "auction," to insert "for cash;" and in the same line, after the word "President," to insert "as hereinafter provided;" so as to make the section read:

57. All coal and asphalt deposits which are within the limits of any town site so established, which are at the date of the final ratification of this agreement covered by any existing lease, shall, at the expiration of two years after the final ratification of this agreement, be sold at public auction for cash under the direction of the President, as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribe shall be retained by them.

The amendment was agreed to.

The next amendment was, in section 59, page 43, line 11, after the word "shall," to strike out "after the expiration of two" and insert "within three;" in line 14, after the word "auction," to insert "for cash," and in line 15, after the word "President," to insert:

, by a commission composed of three persons, which shall be appointed by the President, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood. Either of said commissioners may, at any time, be removed by the President for good cause shown. Each of said commissioners shall be paid at the rate of $4,000 per annum, the Choctaw commissioner to be paid by the Choctaw Nation, the Chickasaw commissioner to be paid by the Chickasaw Nation, and the third commissioner to be paid by the United States. In the sale of coal and asphalt lands and coal and asphalt deposits hereunder the commission shall have the right to reject any or all bids which it considers below the value of any such lands or deposits.

And on page 44, line 8, before the word "deposited," to strike out "and the proceeds thereof" and insert "The proceeds arising from the sale of coal and asphalt lands and coal and asphalt deposits shall be;" so as to make the section read:

59. All lands segregated and reserved under the last preceding section, excepting those embraced within the limits of a town site, established as hereinbefore provided, shall, within three years from the final ratification of this agreement and before the dissolution of the tribal governments, be sold at public auction, for cash, under the direction of the President, by a commission composed of three persons, which shall be appointed by the President, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood. Either of said commissioners may, at any time, be removed by the President for good cause shown. Each of said commissioners shall be paid at the rate of $4,000 per annum, the Choctaw commissioner to be paid by the Choctaw Nation, the Chicksaw commissioner to be paid by the Chickasaw Nation, and the third commissioner to be paid by the United States. In the sale of coal and asphalt lands and coal and asphalt deposits hereunder the commission shall have the right to reject any or all bids which it considers below the value of any such lands or deposits. The proceeds arising from the sale of coal and asphalt lands and coal and asphalt deposits shall be deposited in the Treasury of the United States to the credit of said tribes and paid out per capita to the members of said tribes (freedmen excepted) with the other moneys belonging to said tribes in the manner provided by law. The lands embraced within any coal or asphalt lease shall be separately sold, subject to such lease, and the purchaser shall succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribes shall be retained by them. The lands so segregated and reserved, and not included within any existing coal or asphalt lease, shall be sold in tracts not exceeding in area a section under the Government survey.

The amendment was agreed to.

The next amendment was, in section 66, page 48, line 2, before the word "appropriate," to strike out "a book" and insert "books;" so as to make the section read:

66. All patents to allotments of land, when executed, shall be recorded in the office of the Commission to the Five Civilized Tribes within said nations in books appropriate for the purpose, until such time as Congress shall make other suitable provision for record of land titles as provided in the Atoka agreement, without expense to the grantee; and such records shall have like effect as other public records.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. JONES of Arkansas. I suggest to the chairman of the committee in lieu of lines 22, 23, 24, and 25 on page 26, and lines 1 and 2 on page 27, that the following language be inserted in the amendment proposed by the committee:

All expenses necessary to the proper conduct on behalf of the nations of the suits and proceedings provided for in this and the two preceding sections shall be incurred under direction of the executive of the two nations; and the Secretary of the Interior is hereby authorized, upon certificate of said executive, to pay such expenses as are, in his judgment, reasonable and proper out of any of the joint funds of said nations in the Treasury of the United States.

Mr. STEWART. I accept that amendment. It is all right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. As the morning hour has about expired, I can go no further to-day, but to-morrow morning after the routine business I shall desire to call up the Creek treaty, which is a very short one, and have it passed.

Mr. STEWART subsequently said: I desire to enter a motion to reconsider the vote by which the Choctaw treaty was passed this afternoon.

The PRESIDING OFFICER (Mr. CLAY in the chair). The motion will be entered accordingly.

UTE INDIAN RESERVATION LANDS.

Mr. TELLER. I ask unanimous consent to call up a local bill—the bill (H. R. 12796) providing for free homesteads in the Ute Indian Reservation in Colorado.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISTHMIAN CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. HANNA. Mr. President, the question of transportation is one of the important questions of to-day. It has grown beyond the stage of facility, and is now being measured by the rule of economics. The canoe and the flatboat as a means of transportation upon our inland rivers and the primitive and crude vessels that plowed the salt seas have given place, as necessity demanded, to more improved and better facilities, forced by the growing commerce of the world. We do not know what the limit may be, but we appreciate that every decade brings new propositions which the minds of men governing these questions must solve. When we had reached the point where the iron horse had transplanted the canal boat, and it seemed that the waterways were useless, we began to wonder what the next transition might be. But nature has provided a means for the conduct of the transportation question on parallel lines. The waterways have been deepened and enlarged, vessels have grown in size and speed and economical management, to still lead in the question of economic transportation.

After we had learned and became accustomed to the rapid transit of the locomotive and the train we were no longer satisfied to travel at a slow pace upon the high seas; and that demand set at work the inventive genius which has created and put afloat the magnificent steamship, not only magnificent in its proportions for the accommodation and comfort of passengers, but on account of its enormous transportation of cargo.

Not satisfied to stop there, when the long routes to meet the growing commerce of the Orient and the Southeast demanded quicker transportation, there was a genius raised as if for the occasion. That man was De Lesseps. Almost in the face of universal condemnation as to his project he pursued it to a successful end. Even before he had consummated the project of the Suez Canal the people of the United States had had their attention called on several occasions, growing out of the enterprise and energy of some of her citizens, to the possibility of the construction of a canal across the Isthmus. There seemed to be a determination to sever the connecting link between North and South America for the purpose of bringing them closer together, and the commercial necessity for it seemed to grow as this subject was studied—not by the influence or aid of any government, but by the energy of private enterprise.

It is not my purpose to recite the particulars with regard to all the undertakings to build a canal across the Isthmus. In the report of the minority of the committee, after careful study, research, and preparation, we have put before the members of this body a report which I believe covers every question in point, and were I to have my choice as a matter of argument I would prefer to read that report. Therefore I can only urge upon all Senators to take my advice and read it carefully. There are some points connected with it, however, that I desire to emphasize.

First, admitting that there is a strong sentiment among the people of this country for an isthmian canal; that we have passed the experimental stage; that we have passed the sentimental stage, we are to-day confronted by the practical proposition, if a canal is to be built, where shall it be built? If we are satisfied that we want a canal—that a canal is necessary to the development of our commerce—our next thought necessarily must be that we want the best canal.

It is only very recently that the opportunity has come to us to consider other routes. For years we talked and wrote about the Nicaragua Canal until it has become a sentiment. It seemed to be the only route across the Isthmus available to this country or to its citizens for the construction of a canal.

Mr. President, I say we have dwelt upon the question of the Nicaragua Canal as a sentiment until we have grown to believe that there was no other route possible or available. Two years ago, when this thought seemed to be forced upon the people of this country with more than unusual interest, owing to the late war with Spain, when the passage of the famous war ship, the *Oregon*, from San Francisco to Cuba called the attention of the world to a feat which had never been equaled by any other vessel, it was an advertisement for our Navy, but at the same time it was an object lesson; and with our fleets divided and scattered broadcast over the world we seemed to be forced as a military necessity to the conclusion that a canal must be built.

Going back to 1882, when the French company was organized to build the Panama Canal, the inspiration of the name of De Lesseps brought to his support the entire people of France. What he had accomplished in the construction of the Suez Canal, its eminent success physically and financially, gave him the opportunity to command any amount of capital for any project which he might offer. With all the strength and assistance behind him that the people of France could give, with the experience he had had before he set to work, he called around him the most eminent engineers, and practical contractors for such a work were also at his command.

His first object was (always looking to the end for success) to find the best place on the Isthmus to connect the waters of the Caribbean Sea with the Pacific Ocean. Can any one doubt that before embarking in that enterprise every question bearing upon the success of it was carefully considered from every standpoint? Is it not fair to suppose that De Lesseps considered every question which we are liable to discuss to-day before he invested the money of his people and risked his reputation as to the success of it?

He chose the route of the Panama Canal. Work was commenced. I will not go into the details which resulted unfortunately for the company. I do not care to discuss the failure which brought down that great name from its pedestal. It was not an error of judgment or want of feasibility in the project that caused its suspension. It was in the administration of its affairs.

In the interim the United States had not been idle. We had sent one, two, aye, three commissions to examine what seemed to us to be the only unoccupied route on the Isthmus. The first report was for a small canal; the second for a larger; the third for a still larger.

But I echo the sentiment of the Senator from Alabama [Mr. MORGAN] when he said yesterday it was a fortunate thing that none of them had been adopted. Any canal built along the lines of those first surveys and estimates would have been a failure—a failure because in the development of this great question of transportation our ocean ships have grown far beyond what would have been the capacity of that canal.

Those surveys and those reports had the effect to fasten upon the minds of the American people a belief that the only route in which we could possibly be interested was the Nicaragua route. I want to confess that, in common with all my fellow-citizens, I shared in that feeling and belief; and as the necessity seemed to grow and demand an isthmian canal, I would have been prepared, under the influences which then existed, to give my hearty support to that project; but it seems as if the fates were guiding us in the right direction, when, for some reason or other, we were deterred from building that canal which would have been obsolete to-day, and we were deterred from embarking in a project that, in the light of subsequent events, it seems to me would have been a mistake.

Mr. President, without going into detail, I want to call attention to a few reasons for which we are supposed to construct the canal.

First, we want the best route. What is the best route? The shortest route under like conditions. The Panama Canal route is 49 miles long, as against the 183 miles of the Nicaragua route.

There are physical conditions connected with the operation of the canal which are just as important as its length. Although you might have an ideal canal in all the physical conditions for which a canal is to be built, there might be other conditions which would render its operation almost impossible.

You build your canal for what? For the passage of vessels from ocean to ocean in the shortest possible time, at the lowest possible risk, and also on the most economical lines. That means success.

I am willing to concede that in the consideration of this question I am looking quite as much to the success of the canal commercially as I am to its existence as a means of defense. One without the other might call for criticism from people who look upon this question from different standpoints; but it is not so important, in my judgment, that a man-of-war can be passed from one ocean to the other in a shorter time than it would take to go around the Horn as it is that that great highway of commerce shall be not only of the greatest advantage to the United States, but to the whole world. When we are talking about the construction of a canal, naturally first considering our own interests,

we must not forget the fact that we are building this canal for a world canal, for the commerce of the world.

It will be necessary, Mr. President, in considering the economic operation of that canal, to take into account the business that will be attracted to it, not only from the United States, but from every maritime nation of the world.

This question was taken up in the committee of which I am a member at a time when there seemed to be a change in the condition of things, when the report of the Isthmian Canal Commission first made was in print, and after the speedy action by the House of Representatives in passing the Hepburn bill. Only a week later a change came over the situation, following the proposition made by the New Panama Canal Company, and with which you are all familiar.

We had before us the closing paragraphs of the report of the commissioners, which is before you, advising the construction of the Nicaragua Canal because of the price asked for the Panama Canal, $109,000,000. That was followed immediately by a reconsideration on the part of the New Panama Company. The president of the French company, who had conducted the negotiations with the Commission up to that time, had been dethroned, and in an opportune time came the offer of $40,000,000, which was the very figure estimated by the Commission as the sum at which they would advise the purchase of the rights and property of that company.

The statement was made yesterday by the senior Senator from Alabama that in considering that feature of the question no inventory had been taken into account. I was surprised at that statement, because here is Senate Document No. 123, giving a complete inventory of the property and the prices, which led our Commission to place their estimate of $40,000,000 as the value of what we propose to purchase.

Mr. MORGAN. Will the Senator yield to me to make a very brief statement on that subject?

Mr. HANNA. Certainly.

Mr. MORGAN. I did not say that no inventory had been submitted. I said nothing about an inventory, except that there was no provision in the substitute, as offered, for an inventory; that there was no statement in that substitute of what the property consisted for which we are to pay $40,000,000.

I now state further that in the proposition that was made by cable from the Panama Canal Company to Admiral Walker there was no statement of what the property was that was to be conveyed except by classes. There was no inventory, and there is none provided for being taken in this substitute, and none is mentioned in it. I did not refer to outside correspondence that had taken place between M. Hutin and Admiral Walker. The substitute ought to state that an inventory is to be required, or it ought to state the articles that we want to buy.

Mr. HANNA. I suppose, Mr. President, we have got our information from the same source in all the particulars connected with this measure—the report of the Commission, the Senate document submitted through the committee and by the Isthmian Canal Commission for the information of the Senate; and here, on pages 4 and 5 of that document, we find:

> The "totality, without exception, of its property and rights on the Isthmus," mentioned in the cablegram of January 9, includes the following classes of property:
>
> There are 56 parcels of land to which the title rests in the canal company, amounting to about 30,000 acres, which, with the lands belonging to the railroad company, cover nearly all of the ground required for the actual construction of the canal. Some additional land must be acquired for the construction of the lakes at Bohio and Alhajuela and for the outflow from the Gigante Spillway, these additional lands being at present of little value.
>
> Under the law of Colombia dated December 10, 1890, the canal company became entitled to 250,000 hectares (about 625,000 acres) of the land grant provided for in the original Wyse concession. These lands have never been delimited and the company has not actually taken possession of them, but the right to them would pass to the United States. In case the United States should not wish to take and hold these lands, it might relinquish the right in favor of Colombia in the negotiations with that Government for new treaty rights.
>
> There are scheduled 2,431 buildings, divided among 47 subclassifications, used for offices, quarters, storehouses, hospitals, shops, stables, and miscellaneous purposes. Among them are two large permanent buildings in Panama, one used as the headquarters residence and the other as the general office; large general hospitals at Colon and Panama, and several important buildings at Colon. These buildings are furnished.
>
> There is an immense amount of machinery, consisting of floating plant (tugs, launches, dredges, etc.) and spare parts, with 24 subclassifications; rolling plant (locomotives, cars, etc.) and spare parts, with 17 subclassifications; stationary and semistationary plant (excavators, cranes, pumps, etc.), with 25 subclassifications. The Commission does not attach much value to this plant for the reasons given in its report of November 16, 1901.
>
> There are also many surveying and other instruments, office supplies and stationery, surgical and medical outfit, and miscellaneous supplies covering thousands of items.
>
> The excavation already accomplished upon the main canal line which will be of value in the plan recommended by the Commission was carefully computed and was found to be 30,689,966 cubic yards. As stated in the report of November 16, 1901, the amount of excavation which can be utilized in the Chagres diversion is 210,873 cubic yards, and in the Gatun diversion 2,685,494 cubic yards. Adding these together, the total quantity of excavation which will be of value in the new plan is 30,586,332 cubic yards. A temporary diversion of the Panama Railroad has been made at the Culebra cut, which also must be considered. Using the same classification of materials and the same unit prices as in the other estimates, with the 20 per cent added for contingencies, the value of the work done is found to be:

Canal excavation	$21,020,386
Chagres diversion	178,186
Gatun diversion	1,396,456
Railroad diversion (4 miles)	300,000
	22,895,028
Contingencies, 20 per cent	4,579,005
Aggregate	27,474,033

> Of the existing 70,000 shares of the Panama Railroad the canal company will transfer to the United States all but about 1,100 shares. These latter are held by a few individuals residing in various parts of the United States and in Europe.

Then it goes on to enumerate other properties; and from the estimates made by our engineers, at a bargain price, they say that all this property, personal and real, which is to be transferred under this proposition of $40,000,000, we are to buy at $40,000,000, according to their estimate; not with reference to what it cost the Panama Canal Company originally or what anybody else might say it was worth to them if they had competition for the purchase of this canal.

Mr. MORGAN. From what paper does the Senator read?

Mr. HANNA. I am reading from a Senate document.

Mr. MORGAN. Whose report is it?

Mr. HANNA. It is a message from the President of the United States of January 20, 1902, transmitting the Supplementary Report of the Isthmian Canal Commission, dated January 18, 1902.

Mr. MORGAN. A supplementary report?

Mr. HANNA. A supplementary report.

Mr. MORGAN. Does that refer to the report made by M. Hutin to Admiral Walker?

Mr. HANNA. This report is addressed to the President of the United States, and is signed by J. G. Walker, rear-admiral, United States Navy, president of Commission; Samuel Pasco, Alfred Noble, George S. Morison; Peter C. Hains, colonel, United States Corps of Engineers; William H. Burr; O. H. Ernst, lieutenant-colonel, United States Corps of Engineers; Lewis M. Haupt, Emory R. Johnson.

Mr. MORGAN. There is no inventory accompanying that report.

Mr. HANNA. I do not know what the Senator calls an inventory.

Mr. MORGAN. I call it a statement and description of articles of property that are proposed to be sold.

Mr. HANNA. I will call it a summary, if that will suit the Senator better.

Mr. MORGAN. A mere summary. There is no inventory submitted.

Mr. HANNA. When the transfer of the property is to be made, then we will go into details and have specifications as to what we are to buy.

Mr. MORGAN. That is exactly what I object to. I want Congress to know what it is doing.

Mr. HANNA. And I am trying to tell them. I may not be successful, but I am doing my best.

This is the report of the Commission who had themselves been upon the ground, who examined the works on the Nicaragua and Panama routes, and who had examined the property which was offered under this proposition. They had made their own estimate of value. Had that been accepted by the French company at the time it was made, there would have been no report from that Commission to Congress other than one advising the purchase of the Panama Canal; but because, as I have said before, the then president of that company insisted upon $109,000,000 for the property, and because the Commission were not willing to recommend to this Government the purchase of the property at that price, they reported adversely; and that brought about a change in the affairs of the French company and in their policy, and finally an acceptance by them of the figures virtually offered by our Commission as a price which the United States Government would probably consider. That offer was made, and it was considered so favorably by the President of the United States that he immediately reconvened that Commission with instructions to reconsider the question and make a supplementary report. This is their report—their supplemental report of January 18, 1902.

Then the Senate authorized the Interoceanic Canals Committee to call before them and personally examine the members of this Commission. That examination went on for several weeks. There appeared before our committee not only the members of the Commission, but many others who were summoned from whom we hoped to get information. I have the record in detail of the evidence given before that committee by every one of the members of the Commission. I will except one, Mr. Haupt, who varied his statement from his original signed decision—but six out of the seven members of that Commission answered interrogatories put to them. There are three large volumes of this record in very

great detail; I have had it condensed on this one point so as simply to give the force of the judgment of the Commission.

The question was asked of Admiral Walker by myself:

Senator HANNA (referring to the Commission's final report). Now, as I understand this phraseology, the first section relating to the physical advantages, the shorter route, and the reasons given indicate your preference for the Panama Canal Company route, but owing to the conditions of the price asked you decided in favor of the other?

Admiral WALKER. Yes; we considered the price unreasonable; that it was so much so that we could not recommend it.

Senator HANNA. You consider $40,000,000 as reasonable?

Admiral WALKER. I consider $40,000,000 reasonable.

Senator HANNA. Had the price at that time been $40,000,000, what, in your judgment, would have been the report of the Commission?

Admiral WALKER. I think it would have been in favor of Panama.

Senator HANNA. For the reasons above stated—owing to the physical advantages and the shorter line?

Admiral WALKER. And various other reasons.

Next, Mr. Morison, the well-known, eminent engineer, a member of the Commission, in answer to the same interrogatory, answered:

Mr. MORISON. Well, I can only speak for myself in that respect. I never should have signed any report recommending the Nicaragua route in preference to the Panama route except on the ground I felt that the United States could not afford to be held up by a French organization.

Senator HARRIS. The reduction in the price asked for to $40,000,000 made it come within what you thought was a legitimate and proper price.

Mr. MORISON. I think that is a perfectly proper price. I think our Government could have better afforded to pay twice that price than to have built the Nicaragua Canal, if that had been the whole question; but the United States Government, as I look on it, has many other things to do than to build an interoceanic canal; and if it allows itself to be imposed upon through an unreasonable price for one piece of property, it may be for some others, and that feeling was what settled my decision.

Senator HANNA. From an engineering standpoint, from the standpoint of the physical conditions, you were in favor of the Panama route, as I understand you?

Mr. MORISON. I am, and always have been so since I have seen the two routes. I think the Panama route is decidedly the best, and for a good many reasons.

The next was Mr. Hains:

Senator HANNA. In short, had the value fixed upon the Panama Canal Company's property been $40,000,000, instead of $109,000,000, your report would at that time have been in favor of accepting the route?

Colonel HAINS. So far as I am concerned.

Senator HANNA. Of course I am only asking that.

Colonel HAINS. Yes. I should like to say right there, Senator, that the Isthmian Canal Commission has made three reports. The first report was a preliminary report, made in November, 1899. At that time it did not seem possible that any transfer of ownership of the Panama Canal rights could be passed to the United States. Now, the law under which we were acting provided that we were to report on the practicability and feasibility of building a canal to be under the control, management, and ownership of the United States. If it had been a question of mere practicability and feasibility uncoupled with anything else, I should have said that the Panama route was the most practicable and feasible; but coupled with this other condition, and seeing no prospect of getting a transfer, my idea was that the practicable route was the Nicaragua route.

When we came to make the other report later, the price charged for the Panama Canal was about $109,000,000, as stated there, and we regarded that as an exorbitant sum and on that account threw it out of consideration again.

The next is Colonel Ernst:

Senator HANNA. You signed this report and afterward the supplementary report?

Colonel ERNST. I signed both of them.

Senator HANNA. After a thorough examination. In the regular report, the synopsis of which we have here, in closing the Commission uses this language:

"There are certain physical advantages, such as a shorter canal line, a more complete knowledge of the country through which it passes, and lower cost of maintenance and operation in favor of the Panama route, but the price fixed by the Panama Canal Company for a sale of its property and franchises is so unreasonable that its acceptance can not be recommended by this Commission."

Did you understand that to mean that had the price fixed by the Panama Canal Company for the sale of its property been reasonable and satisfactory that you would have recommended the Panama route at that time?

Colonel ERNST. Yes; I did so understand it.

The next is the testimony of Colonel Noble:

Senator HANNA. You have signed the report of the Commission. In the next to the last clause of that report is this statement:

"There are certain physical advantages, such as a shorter canal line, a more complete knowledge of the country through which it passes, and lower cost of maintenance and operation, in favor of the Panama route, but the price fixed by the Panama Canal Company for a sale of its property and franchises is so unreasonable that its acceptance can not be recommended by this Commission."

In making that statement the Commission virtually decided that if the price fixed by the Panama Canal Company had been reasonable, they would have recommended the Panama route?

Mr. NOBLE. That could be assumed, I think, and that was the case as shown later.

Senator HANNA. That was the case?

Mr. NOBLE. That was the case later.

The next is Professor Burr:

Senator HANNA. In that report it stated that, owing to the unreasonable price fixed by the Panama Canal Company for the sale of their property, you, under those conditions recommended the Nicaragua route. If the price had been as it is now, $40,000,000, what would have been your judgment about it at that time?

Mr. BURR. I should have been in favor of the Panama route. I was then in favor of it, except for the unreasonable price put upon it. * * *

Then the same question was repeated by the Senator from Michigan [Mr. BURROWS]. So in the examination every witness, who had been charged by this Government with responsibility to it alone, called by that committee, verified the statement made that had the offer of the sum recommended by the Commission been favorably considered in the first instance by the Panama Canal Company, the first report would have been the same as the supplemental report, in favor of accepting the offer.

Mr. President, I want to discuss this question from the standpoint of loyalty to my country. Having assumed the responsibility of constructing a ship canal for the world, we owe an equal responsibility to every nation who shall enjoy the privileges granted by the United States. I do not understand that this is any selfish project, or that we are even considering the rate per cent that shall come to us as a reward for our venture. Therefore, in considering the proposition, I want to do so from the standpoint of the future, with a thought to the great development that will come as it has in the past; and I am anxious that we shall make no mistake in the selection of a route on which this canal shall be built.

I do not believe there is a member of this body, designing to vote unselfishly and correctly, who would undertake to say what we shall do upon his own responsibility and information without advice acquired from the finest experts in the world. I was once in favor, as I said before, of the Nicaragua Canal, and I would have been satisfied, perhaps, two years ago if we had made the experiment; but looking at this question from a practical standpoint, inspired by the desire to do the best thing for the project, I have been forced by stubborn facts and conditions to change my mind.

I, in common with many others, believed that a sea-level canal would have been best.

Upon the request a year ago of some gentlemen who presented the Darien route, which contemplated a tunnel 5 or 6 miles long, I was led carefully to consider that proposition; but this Government having secured the services of half a dozen of the ablest engineers in our country for the purpose of telling us what is the best thing to do, and those gentlemen having reported adversely on the proposition of tunneling the Darien Mountain, I abandoned that.

But, Mr. President, for what did we need an Isthmian Canal Commission if not to advise us upon all these questions of technique of which we are not supposed to be masters?

Some of them are loyally serving their country as officers in the Army and Navy; all were bound by their oaths, when they appeared before the committee, to tell the truth, without fear and without favor; and we have their unanimous report in favor of accepting the proposition of the Panama Canal Company.

I do not expect to be able to finish this afternoon all that I care to say upon this subject, having agreed to divide the time to-day with the Senator from Oregon [Mr. MITCHELL]; therefore I wish to pass briefly to one or two other questions connected with the operation of the canal.

Volcanoes and earthquakes seem to be a burning question just now while Mount Pelee is discharging its fire, and they have led to a more careful consideration of that matter. I might go back to the great speech made by Senator Davis, of Minnesota, upon the very bill which was mentioned here yesterday as being the crowning effort of the Committee on Foreign Relations, and quote from him what is here verified by the map to-day as to the number of active volcanoes within the immediate range of the proposed route of the Nicaragua Canal. I can not discuss this question from a scientific standpoint, but before I am through with it I will produce evidence which should at least cause us to pause and not to treat lightly this warning of nature.

The Commission in their report state that earthquakes are frequent all through the Isthmus, but active volcanoes exist only from where you see the first red dot northwesterly; and every red dot is an active volcano, the black ones inactive volcanoes. I am not boasting merely about the size of my maps, for I believe the red lines indicating the Panama Canal, there [indicating], and the Nicaragua Canal, here [indicating], afford a pretty good illustration as to some of the conditions that would arise in the operation of a vessel on either route.

Mr. President, you must remember that this canal is to be only 200 feet wide on the surface and 150 feet wide at the bottom, and navigation through that tortuous canal under unfavorable conditions of weather is a very serious problem. If we are seeking to save time, we can not afford to measure it entirely from the standpoint of distance. But upon that matter I will submit figures later on.

The cost of construction, measured from the same unit of value, is $5,000,000 more for the Nicaragua Canal than for the Panama route. But there is another factor coming in here which, considered from a business standpoint, impresses me more than the difference in cost. The engineers' report is that it will cost $1,300,000 more per annum to operate and maintain the Nicaragua than the Panama Canal; and Colonel Ernst told me personally that the figure should have been $50,000 additional, because when the report was printed a mistake was made in omitting the figure

"5" and placing a "0" in its place; that it should have been $1,350,000. That sum represents the interest at Government rates on $65,000,000, and the $1,350,000 is to be paid annually. Put that to the credit of the Panama route.

But that is not all. Before I have finished discussing this question I will demonstrate as a fact, from authorities that can not be disputed, that the Nicaragua Canal can never be operated successfully at night. You must remember that our ocean-going steamers have grown from small vessels to vessels 700 feet long and 72 feet deep, with no evidence anywhere that they have reached the maximum, and when you consider that you are building this canal not only for to-day, or next year, but for all time, you must measure the results of this growth and development and prepare for it.

The Panama Canal was projected as a sea-level canal and intended to be such, and had all the money that was subscribed to that undertaking been faithfully expended I have no doubt the canal would be working as a sea-level canal to-day, at perhaps some additional cost.

When the old Panama Canal Company failed, public-spirited and energetic men in France undertook to revive it, and they proposed to raise $13,000,000 to continue the work. They had no connection with the old company, but were determined that the enterprise should not be abandoned, and with the care usually exercised by men of business and capital, they determined, before they expended one dollar of that money, to find out for themselves and through their own means of information exactly the situation on the Isthmus. There were selected, then, as an advisory board of engineers the following gentlemen:

Messrs. Robaglia, Bouvier, Fargue, and Martin, retired general inspectors of the department of roads and bridges of France; Gen. Henry L. Abbot, of the Corps of Engineers, United States Army; Mr. Castel, a retired general inspector of the French department of mines; Mr. Daymard, chief engineer of the Compagnie Générale Transatlantique; Mr. Fteley, of the aqueduct commission of New York City, the engineer who built that great aqueduct; Mr. Fulscher, of the department of public works of Prussia, formerly the directing engineer of the works of the Kiel Canal; Mr. Hersent, a distinguished civil engineer; Mr. Henry W. Hunter, chief engineer of the Manchester Ship Canal; Mr. Koch, chancellor of the department of public works, of the Technique Academy at Darmstadt; Mr. Skalkowski, former director of the bureau of mines of Russia; Mr. Sosa, chief engineer of the Republic of Colombia.

This was an international corps of the most distinguished engineers in the world, called to the aid of the gentlemen who were to invest their money in this project and who obtained (as we supposed we were doing) the best technical knowledge possible in the world to guide them. That body set about their investigations. A portion of them went to the Isthmus, among whom was General Abbot. They went over all the plans and specifications and estimates that had gone before. They took one whole year's time and more in arriving at their conclusion, and when arrived at and presented, the company went on, paid in its money, satisfied that this report had verified not only the technique but the policy and everything else which entered into the project of the construction of the canal.

With that verification of the enterprise, itself again verified as it has been by the most eminent engineers that the United States can produce, why should the United States Senate or the Congress hesitate? Why do we need to go further for more evidence to guide us in doing what is for the best interests of our country under these circumstances? It seems to me this is a practical question, in which we are all alike interested.

There is no politics, there is no sectionalism, there is no partisanship in this project.

It is a great, broad, liberal American policy for which we stand in the building of a world canal. I sympathize with all those who in other days, laboring for an isthmian canal, had but one star to guide them—Nicaragua—and who must now naturally feel like giving up an old friend to pass it by. But in this age of progress and development, Mr. President, the American people are looking to Congress to answer to them on this question without regard to sentiment, guided only by the best knowledge which we can obtain.

For one I should be glad could any other project better than this be submitted, but I understand that the route which is still shorter than all others, being only 30 miles long, and called the San Blas route, whether or not it is practicable as an engineering proposition, is impracticable because the route is absolutely controlled by the concession to the New Panama Canal Company.

If we have waited as long as we can or ought to wait, let us show wisdom enough in discussing and deciding this question to provide for any contingency which may occur in the future.

Let us adopt a route where as the Commission say it may be possible—aye, it is possible, being only a question of dollars and cents—that a sea-level canal can be built.

The Panama Canal was commenced and intended to be a sea-level canal, and it would have been a sea-level canal had the project been carried out. I am told by engineers that there is nothing in the way, even after the Panama Canal shall be completed with locks, during and while it is in operation even, to make it a sea-level canal by paralleling certain parts of it.

You will find when this subject opens up that not only the questions of distance and of curvature and of locks enter into it, but that in regard to the Nicaragua route, the trade winds blow every day in the year from 16 to 20 knots across the Nicaragua route. At the slow speed at which a vessel will be compelled to operate in passing through a narrow canal, those winds would make it an absolute physical impossibility to keep her off the banks without the aid of tugs. The more I have studied this question from the standpoint of the vessel, the more I have been convinced that we *never* have gone far enough in dealing with the successful operation of the canal, even when we had but the one route to consider. Upon that question I propose later on to furnish testimony.

I have said that the annual cost of operating the Nicaragua Canal is $1,350,000, or, say, $1,300,000, in excess of the Panama route. That is the interest on $65,000,000. The extra expense of $1,300,000 would, of itself, to any individual or private corporation proposing to invest their money in an enterprise like this, decide; and why should not the United States Government conduct its business upon business principles? While we may not be constructing the canal for the purpose, in the first instance, of making money, if we have an opportunity to have a canal, and one that will not be a burden to the Government, is it not better to choose that route when we have the choice?

Another feature connected with the expenses of the canal will be shown before the debate is closed, and that is that along the line of the Nicaragua route it is a very doubtful question whether either the Government of Nicaragua or of Costa Rica is the bona fide owner of all the land, and whether it could, if it would, pass the control of it to this Government without damages to other parties.

It is a matter of record and of history that the Maritime Canal Company was started a number of years ago under the auspices of one Menocal, who was quoted here yesterday as an authority. They spent some three or four or five million dollars, and purchased rights from Lake Nicaragua to the Pacific, which they claim to own to-day. They obtained concessions from Nicaragua and Costa Rica, which concessions they claim to-day have not been forfeited, and the record of the Interior Department shows that the United States Government has defended them as their right.

Those matters are to be settled with.

I know nothing about the validity of those claims. Others more competent to speak will discuss that question, but it is not a clean bill of lading we get from them.

No matter what their protocol is, which is no more valid and no more a benefit to us than the one from Colombia, that is all a matter for after consideration, deliberation, and negotiation on the part of this Government. There is nothing to bind the hands of the President when he makes the final bargain either with Colombia, Costa Rica, or Nicaragua.

Right in this connection, speaking to the spirit of the Spooner amendment, when the insinuation is made that those who advocate the Panama Canal are doing so from selfish motives or otherwise, to protract the discussion of the bill and defeat the construction of any canal, speaking for myself, I resent it. But if you are going to consider the question of rights which we can acquire or not, as bearing upon whether this Government will enter into the building of a canal, that applies both to the Panama and to the Nicaragua Canal.

The claim made, intended to have a most forcible and demoralizing effect, that it would be impossible for us to obtain a title from the French company of their rights or their concessions, and that this Panama Canal project was simply a subterfuge to delay and procrastinate, inspired the Senator from Wisconsin to offer as an amendment a provision that a canal should be built, no matter which route was selected. As I understand the spirit of that amendment, it is meant to say that if the title of the Panama shall be found imperfect and not to be corrected, if the concession is faulty and not to be made satisfactory, then the President of the United States shall have the right and the authority to go ahead and build the Nicaragua Canal, of course with the same provision that the title and the concessions shall be satisfactory.

Uncle Sam does not propose to go into that business unless he has a clean sheet from any of the countries granting concessions.

I for one am not disturbed with reference to the unsettled condition on the Isthmus, which it has been stated is a chronic condition in Colombia, and you might add that there are others in Central and South America. If this canal will do anything, in addition to accommodating commerce, it will be a peacemaker,

because being owned and controlled and defended by the United States it will be a power for peace wherever it is built.

When our authority is placed anywhere along that Isthmus I have no fear of interference with the canal or with any citizen of the United States who may have charge of the management or conduct of the canal.

Mr. President, I will ask the indulgence of the Senate at this point. I am not able to continue longer, and I will gladly yield the floor and continue my remarks to-morrow.

Mr. MITCHELL. Mr. President, it is with considerable diffidence and a great deal of hesitation that I shall attempt to follow the distinguished Senator from Ohio [Mr. HANNA] in a discussion of one of the greatest questions, to my mind, which has ever come before the American Senate. Being a member of the committee, however, and being one of the seven members of that committee who reported the House bill without amendment, I deem it to be a part of my duty, in connection with my duties here, to give the reasons, so far as I can, why the bill reported by the committee should, in my judgment, receive the approval of the Senate.

I have listened with considerable interest to the argument of the distinguished Senator from Ohio. It was able, ingenious, and plausible, but I think I shall be able as I proceed, as I anticipated somewhat the line of his argument, to show that the grounds upon which he bases the most, if not, indeed, all of his argument are not solid rock, but rather of a sandy nature.

The speedy construction of an isthmian canal by and under the control of the Government of the United States is one of the pressing demands of the age. It is demanded by national and international commerce; by internal and foreign trade; by the necessities of our military and naval service; by the spirit and progress of the times in which we live; by the material and physical development of a century stupendous in results and marked by achievements incomparable in character and unequaled by that of any that has preceded it.

It is demanded by a united voice coming from the people of the country, emphatic in character and in a tone which can not be misunderstood. Indeed, so pronounced is this demand on the part of the people of this country that both the great political parties, in both national and State conventions, have not dared to ignore it, and hence they have earnestly demanded of Congress that provision be made without delay for the commencement of this great national and international work. Indeed, so universal, so determined, so insistent has been the demand of the people for an isthmian canal that the few who are opposed to legislation looking to its early construction do not dare openly oppose such legislation, but, while professing to be in favor of a canal, are compelled to resort to all manner of devices for the purpose of defeating, by indirection, that which they dare not directly oppose.

And while it must be presumed that every member of this Senate who says he is favorable to legislation which will result in the early construction of the canal is absolutely honest in that profession, and while I know it is a fact that there is in this body an honest difference of opinion as to which route, the Nicaragua or the Panama, should be adopted, and also an honest difference of opinion as to the proposition or expediency of purchasing the Panama concern for $40,000,000, I give it as my deliberate judgment, after as thorough an investigation as I have been able to make, that a failure upon the part of the Senate to accept the House bill will simply mean an indefinite postponement, if not indeed the ultimate defeat of the canal.

But, further, it is my settled conviction that the purchase of the French plant and the adoption of the Panama route, although it might eventually result in getting the canal, will involve us in complications with the French Government and the French people that will be a series of entanglement and irritation for the next one hundred years. It will be another series of French spoliation claims similar to those growing out of our treaty with France one hundred years ago, and which have annoyed and troubled us ever since, and whose claims are even yet lifting their undying heads before the committees of this body at every session of Congress.

The National House of Representatives, the direct representatives of the people, never insensible or irresponsive to the people's demands, have responded to that demand with an alacrity and a unanimity well worthy of emulation by the American Senate, and now the responsibility rests with this body. Shall that responsibility be met bravely, firmly, resolutely, and without further delay, or shall we by extended discussion, by prolonging a debate that has been going on for more than three-quarters of a century, and engaging in entangling alliances with a foreign power, and complicating our Government and our people in an inextricable web, involving us not only in the meshes of French tribunals, but individual interests and personal claims of more than half a million of the French people—men, women, minors, trustees, and guardians—and thus in the end defeat the earnest demands and the just expectations of the American people?

The bill now before the Senate passed the House of Representatives on January 9, 1902, with but two dissenting votes. It came to the Senate and was referred to the Committee on Interoceanic Canals of this body on January 13, 1902, and from that date until the 13th day of March, 1902, that committee, composed of 11 Senators, was, either as a full committee or by its several subcommittees, engaged almost daily in hearing testimony, not only of the members of the Isthmian Canal Commission, but of many prominent engineers and others.

This investigation took a wide scope. All interests were carefully considered, and the two routes of Nicaragua and Panama were given full, complete, and thorough investigation. All witnesses desired by the friends of the respective routes were heard; able and extended arguments were listened to, and finally, on the 13th of March, 1902, that committee, by a nonpartisan vote of 7 yeas to 4 nays, reported the House bill back to the Senate without amendment, and recommended its passage. I have said the vote in favor was nonpartisan, 3 Republicans and 4 Democrats, one of those being that of the distinguished chairman of that committee, Senator MORGAN. This was the deliberate conclusion of your committee, after as thorough an investigation as it was possible for any diligent committee to make in the period of two full months.

The questions now confronting the Senate in reference to an isthmian canal are these—they are of a threefold nature:

First. Shall the Senate accept the House bill, which provides for the appropriation of $180,000,000 for the construction of the canal by the Nicaragua route; or

Second. Shall the Senate amend that bill and provide that this Government shall pay the French Canal Company $40,000,000 for its comparatively useless assets, and provide the further necessary amount of money—some $144,222,328—for the construction of a canal over the Panama route; or

Third. Shall the Senate admit its incapacity and inability to determine which is the better route, and shirk its responsibility by remitting the whole subject and manner of determining as to which route shall be adopted, and incidentally, of course, the determination as to whether we shall pay the French company $40,000,000, to one man—the President of the United States?

Proceeding, therefore, with the consideration of the first proposition, let us inquire briefly as to the provisions of the House bill, popularly known as the Hepburn bill, and which has the approval of seven of the eleven members of the Senate Committee on Interoceanic Canals.

This bill authorizes the President to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua, as may be desirable or necessary, on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown on the Caribbean Sea, via Lake Nicaragua, to Brito on the Pacific Ocean; and such sum as may be necessary to secure such control is by this bill appropriated out of any money in the Treasury not otherwise appropriated. The amount of this appropriation, it will be observed, is not fixed, except as it is qualified by the amount necessary for the purposes indicated.

The bill further provides in section 2 that when the President has secured full control over the territory indicated he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea, near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. It is further provided that such canal shall be of sufficient capacity and depth so that it may be used by vessels of the greatest tonnage and draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Brito. And it is further provided that the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal, and such provisions for defense as may be necessary for the safety and protection of said canal and harbors.

It is further stipulated in this bill that the President shall cause such surveys to be made as may be necessary for said canal and harbors, and in the construction of the same may employ such persons as he may deem necessary.

It is further a provision of the bill that in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

It is also provided in this bill that in any negotiations with the States of Costa Rica or Nicaragua the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

The bill then, in the sixth and last section, provides for the appropriation, out of any money in the Treasury not otherwise

appropriated, of the sum of $10,000,000 toward the project contemplated by the bill. And it is further provided that the Secretary of War be authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, defense, and completion of said canal, harbors, and defenses, the same to be paid for as appropriations may from time to time hereafter be made, on warrants to be drawn by the President of the United States, not to exceed in the aggregate $180,000,000.

This, in brief, is the pending bill now before the Senate, which has passed the House by a vote that was unanimous with the exception of 2, which has been reported to the Senate by your committee by a vote of 7 to 4, and is now before the Senate for its consideration.

THE NICARAGUA ROUTE IS FEASIBLE.

As this bill provides for the construction of a canal over the Nicaragua route—that is, through the valley of the San Juan River in Nicaragua and Costa Rica—the inquiry is pertinent, Is that route practicable? Is it feasible? And if so, what, if any, are its advantages over the Panama route?

In view of the numerous surveys and thorough investigations of this route, not only by one, but by many, commissions and engineering expeditions, always composed of men in all respects thoroughly equipped by their scientific and other attainments for the proper performance of the important work, the question of the absolute feasibility, the entire practicability, of this route is no longer an open question. So thoroughly well has this been established that even its enemies and the friends of other routes, I believe, do not deny it, although the distinguished Senator from Ohio to-day did intimate that in his judgment there are some reasons why a canal could not be built and maintained there, and I was very much surprised, I confess, at that statement, in view of all the reports of the engineers to the contrary.

Without referring to the many earlier surveys, such as that known as the survey of Col. O. W. Childs, a civil engineer of high standing, in 1850–1852, and of several others prior to that, all of which establish the feasibility of this route, it is sufficient to attract attention to the reports of the last two commissions, namely, that known as the Nicaragua Canal Commission, organized August 2, 1898, and composed of Rear-Admiral Walker, president, Col. Peter C. Hains, Corps of Engineers, and Prof. Lewis M. Haupt, civil engineer. This Commission was instructed by the Secretary of State that their report should be—

As full and conclusive upon the subject as it is practicable to make it, to the end that "the proper route, the feasibility and cost and construction of the Nicaragua Canal" may, if possible, be absolutely fixed and determined.

For two years, lacking about two months, this Commission was engaged in the prosecution of this great work. Their report, dated May 9, 1899, leaves nothing in doubt, no element of uncertainty as to any material factor involved as to the entire feasibility of this route. I beg to incorporate in my remarks that portion of the report of this Commission bearing upon the feasibility of the Nicaragua route and the conclusions reached by the Commission. And it must be remembered the three men who composed this Commission are also members of the Isthmian Canal Commission that made the later report. They report as follows:

Under this division of the subject the Commission would respectfully submit that it has failed to find any competent authority that denies the feasibility of constructing a canal across Nicaragua.

I call the attention of the distinguished Senator from Ohio to that statement by three of the commissioners who compose the Isthmian Canal Commission and who were the sole members of the Nicaragua Canal Commission, in which they say that they have failed to find any competent authority which denies the feasibility of constructing a canal across Nicaragua. I put that statement of these three commissioners in their official report against the statement of the distinguished Senator from Ohio. But I put more than that against his statement. They give the reasons. The feasibility of the canal is conceded for the following reasons:

1. There are at this date sufficient precedents for ship canals capable of passing the largest vessels, so that any question of the navigation of such a channel is eliminated.

2. The ability to construct and operate locks of the requisite dimensions is sufficiently established by existing structures on the Manchester and Kiel canals, at Davis Island on the Ohio, and at the St. Marys Canal, Michigan.

The posibility of constructing the necessary dams, weirs, sluices, and embankments, which shall be sufficiently stable and impermeable to control the water required for navigation, as well as to regulate the floods, is within the resources of the engineering profession and is fully demonstrated by many hundreds of miles of embankments, levees, and dams, both at home and abroad. There is no reason to doubt the ability to build them out of native rocks and earth and to give them the required strength and tightness to retain or to discharge the water with safety.

4. There is no question as to the adequacy of the supply of water for all purposes at all seasons, nor as to its control in times of flood.

5. Neither is there any doubt with reference to the ability to secure good supporting ground for the trunk of the canal nor suitable sites for locks and dams.

6. The harbor question is only a matter of money, and it is believed that good, capacious, and safe artificial harbors can be created at a reasonable cost.

In brief, the Nicaraguan Commission concluded, the Commission sees no reason to doubt the entire feasibility of the project, but it realizes the necessity of exercising due care in the preparation for the specifications and in the conduct of the work, and that the details of construction be thoroughly inspected and properly executed under competent supervision.

CONCLUSIONS.

The Commission after mature deliberation has adopted and estimated for the route from Brito to Lake Nicaragua, called the Childs route, variant No. 1, and from the lake to Greytown, that is called the Lull route, variant No. 1. This line, leaving Brito, follows the left bank of the Rio Grande to near Buen Retiro, crosses the western divide to the valley of Lajas, which it follows to Lake Nicaragua. Crossing the lake to the head of San Juan River, it follows the upper river to near Boca San Carlos; thence in excavation by the left bank of the river to the San Juanillo and across the low country to Greytown, passing to the north of Lake Silico. It requires but a single dam with regulating works at both ends of the summit level.

The new location selected for the dam at Boca San Carlos eliminates one of the most serious engineering difficulties by avoiding entirely the San Carlos River, with its torrential floods and large volume of sediment, and by locking down immediately from this dam the difficulties and risks of the high embankments of the Menocal line are also avoided.

Instead of the dam at La Flor a lock and regulating works have been substituted at Buen Retiro, where the topography is well adapted for the purpose. It is also proposed to divide the surplus waters of the lake basin between the east and west sides, thus reducing the velocities in the San Juan and securing ample wasteway capacity for the maximum discharge that can ever occur, if stored and distributed over a short period of time. Ample provision has also been made for a possible fluctuation of the lake of 6 feet or more without injury to property by fixing the elevation at the bottom of the canal sufficiently low to cover seasons of minimum rainfall. The surveys have in general revealed better physical conditions than were heretofore supposed to exist, especially as to the amount of rock in the upper river, whereby it is possible greatly to reduce the estimated cost of construction. This fact will account largely for the comparatively moderate amount of the estimate when the enlarged dimensions of the project are taken into consideration. Other reductions are due to the improved methods and machinery available, as developed on Chicago Drainage Canal, and which can not be ignored in discussing a work of this magnitude.

The creation of sufficient capaciously interior harbors presents no unusual difficulties, and they can be secured at a reasonable cost.

The field work under the authority of this Commission has been carefully and well done and is believed to be all that is necessary for the preliminary location of a canal and to determine within narrow limits the final location of dams, locks, and other constructions. Should a canal across Nicaragua be authorized, it will be necessary to make further minute and careful investigations by borings to determine the exact location of locks and dams, for which the Commission has neither the time nor money, nor would it have been justified in doing work of this character until the construction of a canal was assured. The computations of amounts to be excavated have been carefully made and checked to guard against errors, and are believed to be accurate within narrow limits. All possible information has been sought with regard to cost of similar work in the United States and in Central America and a careful comparison made of the probable differences between Nicaragua and the United States.

To determine the proper unit prices for excavation, the average of prices actually paid to contractors on the Chicago Drainage Canal, which represents cost of plant, prices paid for work done, and contractor's profits, were taken. Up to this point the Commission dealt only with facts. To the prices paid at Chicago certain percentages have been added for the difference in location, climate, etc. These percentages are of course a matter of judgment, upon which men may honestly differ. But from all the information obtainable by this Commission and after careful consideration, with a desire to arrive at a proper conclusion, those used in the estimate are deemed fair and reasonable.

In obtaining the estimate for cost of locks, the prices actually paid for building the Government locks at the Sault Ste. Marie were taken, and 33 per cent was added for the difference of location. This percentage is believed to be ample, as a large part of the expense of constructing the locks will be for material, much of which can be furnished in Nicaragua at the same or only a small advance upon the prices in the United States.

After giving due weight to all the elements of this important question, and with an earnest desire to reach logical conclusions, based upon substantial facts, the Commission believes that a canal can be built across the Isthmus on this route for a sum not exceeding that stated in the estimate.

The dimensions of the canal proposed are much larger than any heretofore considered, and will be ample not only to meet the present requirements of commerce, but also for many years to come. A navigable channel of smaller dimensions than those proposed, only sufficient for present needs, can be constructed for a lesser sum, if deemed expedient.

I will here remark that this report of these three Commissioners, Admiral Walker, Colonel Hains, and Professor Haupt, who constituted the Nicaragua Canal Commission and all of whom are members of the Isthmian Canal Commission, declares in the most positive and unqualified terms that the Nicaragua route is, to quote their words, "*an absolutely feasible and practicable route.*"

The distinguished Senator from Ohio has just told us we appointed commissioners to tell us what to do, and yet when we have a commission who tell us what to do we are met with an argument here on scientific and technical grounds, or rather an assertion to the effect that a canal which this Commission of distinguished men say can be built and maintained, can not be built or maintained.

The following are the estimates of this Commission of the whole cost of construction. There were two estimates. That of Commissioners Walker and Haupt was $118,133,790, while that of Commissioner Hains was higher by $16,684,518, or $134,818,308.

Soon after the Nicaragua Canal Commission had concluded their work (from whose report I have just read) another Commission was authorized by Congress, known as the Isthmian Canal Commission. This Commission was appointed January 10, 1899, a little more than three years ago. This Commission was composed of nine members. Among those were included Rear-Admiral John G. Walker, president; Col. Peter C. Hains, Corps of Engineers, and Lewis M. Haupt, civil engineer, all of whom had composed the Nicaragua Canal Commission. This Commission—that is, the Isthmian Canal Commission—made a preliminary report to the President of the United States November 13, 1900. In

that report this Commission said what I shall read—and here again I call the attention of the distinguished Senator from Ohio to what his own Commission says in regard to the feasibility and practicability of this route. I read from the report of November 13, 1900:

In view of all the facts, and particularly in view of all the difficulties of obtaining the necessary rights, privileges, and franchises of the Panama route, and assuming that Nicaragua and Costa Rica recognize the value of a canal to themselves and are prepared to grant concessions on terms which are reasonable and acceptable to the United States, the Commission is of the opinion that "the most practicable and feasible route for" an isthmian canal to be "under the control, management, and ownership of the United States" is that known as the Nicaragua route.

This Commission made a full and elaborate report to the President of the United States on November 16, 1901—last November. This report restated at great length and with much particularity, all of the elements, phases, and factors connected with the Nicaragua route, and reaffirmed in the most positive terms the feasibility and practicability of this route for an isthmian canal. No element of doubt remained in reference to the entire ability, from an engineering standpoint, to overcome any one of the engineering problems or difficulties to be overcome in the construction of this great work. The report, as I have said, was a distinct, clear, unambiguous, specific reaffirmation of the declarations of the various previous surveys and expeditions, to the effect that the route was practicable.

Furthermore, this Commission in this report of November 16, 1901, reached the following conclusions:

First. That "the investigations of this Commission," I quote from page 257 of the printed report, "have shown that the selection of 'the most feasible and practicable route' for an isthmian canal, must be made between the Nicaragua and Panama locations." And after discussing at some length the features and various advantages and disadvantages of the one over the other of the two routes—Nicaragua and Panama—the Commission concluded its report in the following words, page 263 of the printed report:

After considering all the facts developed by the investigations made by the Commission and the actual situation as it now stands, and having in view the terms offered by the New Panama Canal Company, this Commission is of the opinion that "the most practicable and feasible" route for an isthmian canal, to be "under the control, management, and ownership of the United States," is that known as the Nicaragua route.

This Commission, in estimating the cost of the construction of the canal on the respective routes, taking into consideration the work done on the Panama route and without including the cost of concessions from the Governments of Colombia and Nicaragua and Costa Rico, respectively, have stated the same in the following language, page 261 of the report:

The cost of constructing a canal by the Nicaragua route, and of completing the Panama Canal, without including the cost of acquiring concessions from the different Governments, is estimated as follows:

Nicaragua	$189,864,062
Panama	144,233,358

For a proper comparison there must be added to the latter the cost of acquiring the rights and property of the New Panama Canal Company. This Commission has estimated the value of this in the project recommended by it to be $40,000,000.

This Commission, in discussing the concessions necessary to be obtained from the Republic of Colombia on the Panama route and from the Republics of Nicaragua and Costa Rico on the Nicaragua route, make the following observations as to the two respectively. I ask the attention of the Senator from Ohio and other members of the minority of the committee to these statements of the Commission:

First. The Republics of Nicaragua and Costa Rico are entrammeled by no existing concessions or treaty obligations, and are free to grant to the United States the rights necessary for the attainment of these ends, and in December, 1900, demonstrated their willingness to have their territory so occupied by the United States by executing protocols, by which it was agreed that they would enter into negotiations to settle in detail the plan and agreements necessary to accomplish the construction and provide for the ownership of the proposed canal, whenever the President of the United States is authorized by law to acquire the necessary control and authority.

Second. The Government of Colombia, on the contrary, in whose territory the Panama route lies, has granted concessions which belong to or are controlled by the New Panama Canal Company and have many years to run. These concessions, limited in time and defective in other ways, would not be adequate authority for the purposes of the United States. But while they exist Colombia is not free to treat with this Government. If the Panama route is selected these concessions must be removed in order that the two Republics may enter into a treaty to enable the United States to acquire the control upon the terms that will be necessary and to fix the consideration.

No further citation or argument is necessary to show beyond all question the entire feasibility of the Nicaragua route for the isthmian canal.

SEVENTEEN REASONS WHY THE NICARAGUA ROUTE IS PREFERABLE TO THE PANAMA ROUTE.

I now propose, Mr. President, to give seventeen reasons why, in my judgment, it is the duty of the Congress to select the Nicaragua route. The advantages of this route over the Panama route may be summarized as follows:

First. Because, for the commerce in which the United States is mostly interested, that between our Pacific coast and Atlantic ports and European and American, the Nicaragua route is shorter by 600 miles, or one full day in going and coming by steamers, and the same advantages exist between our Atlantic ports and ports of the Orient.

This, too, Mr. President, is not my statement, but the statement of the Isthmian Canal Commission in their report of November, 1901.

The distinguished Senator from Ohio says he is in favor of the shortest route. So am I in favor of the shortest route, and therefore I am in favor of the Nicaragua route, which is 600 miles shorter than the Panama route he advocates.

Second. The construction of the canal on "the Panama route will," as stated by the Isthmian Canal Commission—here again I quote from the Commission—

be simply a means of communication between the two oceans, * * * and the natural features of the country through which the route passes are such that no such considerable development is likely to occur as a result of the construction and operation of the canal—

While, as stated by the Commission—

in addition to this use as a means of communication between the two oceans, a canal by the Nicaraguan route would bring Nicaragua and a large portion of Costa Rico and other Central American States into close use and communication with the United States and that of Europe. The intimate business relations—

Continue the Commission—

that would be established with the people of the United States during the period of construction, by the expenditure of vasts sums of money in those States, and the use of American products and manufactures, would be likely to continue after the completion of the work to the benefit of our manufacturing, agricultural, and other interests.

Here, again, the Commission in their main report, before they changed base all of a sudden for some reason or other, which was, of course, a reason satisfactory to them, drew a comparison between these two routes and gave their reasons in unmistakable terms in favor of the Nicaragua route. No question of consideration or compensation or price entered into the determination of that particular matter. They said it is the best route. Why is it the best route? For the reasons stated here:

Third. The freedom from epidemics, the general condition of health, the hygienic advantages generally, are largely in favor of the Nicaragua route. This is fully and completely demonstrated, not only by the report of the Isthmian Canal Commission, but by overwhelming testimony from various other sources. In their report of November 16, 1901, page 170, the Isthmian Canal Commission, in comparing the climate and health conditions of the two routes, say this. I quote from the report:

The climate of the isthmian canal regions is generally damp and enervating. The temperature is not extreme, rarely rising as high as 95° or falling below 70°, but the excessive humidity greatly restricts the capacity for physical exertion. The lowlands near the coast have long been known as insalubrious, and the seaports are subject to fevers. Perhaps the greatest difficulty to be encountered in the construction of the canal will be the procurement of an adequate force of laborers and the preservation of their health and efficiency.

In this respect the Panama route has a lugubrious history—

And it is the report of the Commission I am reading from—

from which the Nicaragua route is free. The notorious mortality which attended the construction of the Panama Railroad, and later the operations of the Panama Canal Company, has taught a lesson which will not soon be forgotten for that route.

The Panama route.

Among the white employees of this Commission sent to Nicaragua there were fewer cases of sickness than there would probably have been among the same number of men employed in some parts of the United States. Among those sent to Panama the proportion of sick was greater. On the Nicaragua line, during the operations of the Maritime Canal Company, the health of the force was reported to be good. * * * In Nicaragua the trade winds are more liberal than at Panama, tempering the heat and removing miasma more effectively. * * * It is stated by Bunau-Varilla, at one time chief engineer of the old Panama Canal Company, that out of 100 individuals sent to the Isthmus, not more than 20, as an average, could remain there, and even those lost a part of their value. The negro alone could perform manual labor; the white man must supervise and direct. After costly and fatal experiments with other races, the company ceased sending to the Isthmus as laborers any but native Colombians and negroes from the British Antilles, particularly Jamaica. The Panama Railroad Company grants to its white employees from the United States two months' leave of absence each year, with transportation to their homes.

Some idea of the fearfully unhealthy condition of the Isthmus of Panama along the route of the proposed Panama Canal may be obtained by a reference to the report of the liquidator of the old Panama Canal Company made in 1890, in which he designates the expenses for hospitals, sanitariums, sanitary and medical expenses from 1881 to 1890 at the enormous sum of 9,183,657.34 francs. This sum total was made up of the following items:

	Francs.
Construction of central hospital	3,415,852.13
Hospital at Colon	375,399.60
Construction of houses on line	83,155.80
Amperador houses	33,272.53
Sanitarium at Toboga	665,606.80
Cemetery at Panama	23,184.23
Expenses central hospital	2,046,014.06
Expenses Colon hospital	1,203,365.01
Expenses Toboga sanitarium	366,415.63
Expenses on line	188,845.80
Expenses before establishing hospitals	99,134.66
Purchase of medicines	080,411.09

In this connection I desire to attract the attention of the Senate to the testimony bearing upon the question as to the comparatively healthy condition of the Nicaragua route. I quote first from the testimony of Gen. Edward Porter Alexander. It will be found on page 982, part 3, of the Hearings. This testimony was taken March 8 last before the Interoceanic Committee of the Senate, and is as follows:

Gen. EDWARD PORTER ALEXANDER appeared and was duly sworn by the chairman.

The CHAIRMAN. General Alexander, you are a civil engineer?

General ALEXANDER. Yes, sir.

The CHAIRMAN. How long have you been engaged in that pursuit?

General ALEXANDER. I graduated at West Point in the Corps of Engineers in 1857, and have been more or less at civil or military engineering, railroading, and kindred matters ever since.

The CHAIRMAN. You are not now in the United States Army?

General ALEXANDER. No, sir.

The CHAIRMAN. You resigned from the Army?

General ALEXANDER. I resigned at the breaking out of the war and served in the Confederate Army.

The CHAIRMAN. During the time of your service in the United States Army as an engineer, did you have anything to do with public works of importance?

General ALEXANDER. No, sir; all my services was with the engineer troops in the field.

The CHAIRMAN. After the civil war was over, did you have any connection with enterprises of a public character?

General ALEXANDER. After the civil war I was first professor of engineering and mathematics in the University of South Carolina for four years, and then I went to railroading, and I was engaged in railroading, generally as manager of roads with engineers doing work under me, for some twenty years, more or less. Since then I have been on two governmental commissions, one on the improvement of The Dalles of the Columbia River, The Dalles and Salido Falls in Oregon, and one commission on the connection between the Chesapeake Bay and the Delaware Bay. These were joint commissions of civilians and Army and Navy officers generally. Then for three and a half years I was employed as engineer arbitrator of the boundary survey between Nicaragua and Costa Rica by those two Governments.

The CHAIRMAN. Where did you reside during the time you were thus employed by Nicaragua and Costa Rica?

General ALEXANDER. My headquarters were generally at Greytown, Nicaragua.

The CHAIRMAN. And how much of your time did you spend there?

General ALEXANDER. I suppose I spent three-fourths of the time there.

The CHAIRMAN. For how many years?

General ALEXANDER. Three and a half years.

The CHAIRMAN. You had your residence there, then?

General ALEXANDER. Yes.

The CHAIRMAN. Did you have your family with you?

General ALEXANDER. No, sir.

The CHAIRMAN. How did you find the health conditions of Greytown during your residence there?

General ALEXANDER. I found them very good, indeed; never lived in a place that had less malaria.

The CHAIRMAN. Is there much population in Greytown?

General ALEXANDER. No, very small; only about 1,400.

The CHAIRMAN. What years were these?

General ALEXANDER. 1897, 1898, 1899, and part of 1900.

* * * * * * *

The CHAIRMAN. What do you think of that region of country, including Costa Rica and other parts of Central America that would be accessible commercially to the canal, as a feeder to the canal, the income of it?

General ALEXANDER. I think it ought to be one of the richest tropical countries in the world.

The CHAIRMAN. Capable of sustaining large population?

General ALEXANDER. Yes.

The CHAIRMAN. What would you expect from the health of the people?

General ALEXANDER. There is no trouble about the health anywhere in that country, I think.

The CHAIRMAN. You found it healthy?

General ALEXANDER. I found it so, entirely.

The CHAIRMAN. Did you have as good health there as you had at home in South Carolina?

General ALEXANDER. Entirely so; yes, sir.

Senator MITCHELL. That condition as to health applies to both sides of the divide, does it?

General ALEXANDER. Yes, sir.

The CHAIRMAN. Are there extensive or valuable mineral resources in that region of country?

General ALEXANDER. I do not think anything to amount to a great deal. Gold is worked in several places. That is the only thing that I heard of, and nothing very extraordinary in that, but there are a number of small but profitable gold mines.

The CHAIRMAN. How much timber in the country?

General ALEXANDER. Unlimited timber.

The CHAIRMAN. Is it good timber?

General ALEXANDER. Yes; there is mahogany and cedar, and I forget the names of all the different kinds, but there is unlimited timber.

The CHAIRMAN. Is it in heavy, thick forests or is the timber scattered?

General ALEXANDER. Very thick indeed; one mass of forest over everything.

The CHAIRMAN. Large, tall trees?

General ALEXANDER. Enormous trees.

The CHAIRMAN. How about india rubber?

General ALEXANDER. There was quite a good quantity of india rubber constantly being gathered all the while I was there. Every merchant nearly in town had a few rubber getters who were paid to go into the woods. These rubber getters would go into the woods and be gone a month or two and come back with rubber which they would sell and then go out again. That was going on all the while.

The CHAIRMAN. Would you say it is a country that is likely to be very productive in rubber?

General ALEXANDER. I see no reason why rubber plantations should not be very profitable there. There was some work done while I was there in one or two places on the river above Greytown that were being planted in rubber trees, and I have heard of rubber plantations started near Bluefields. I saw one small rubber plantation over at Jenotepe on the Pacific side.

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The CHAIRMAN. Have you ever visited Panama?

General ALEXANDER. Yes.

The CHAIRMAN. How often and when?

General ALEXANDER. I crossed the Isthmus in 1860, going west, and came back in 1861, and then in 1900 I spent a week at Panama, crossed the Isthmus. I went up to San Juan del Sur after spending a week at Panama.

The CHAIRMAN. You mean the city of Panama?

General ALEXANDER. Yes.

Senator MITCHELL. What time in 1860 did you cross?

General ALEXANDER. I went out in August, 1860, and came back in May, 1861.

Senator MITCHELL. The reason I asked you is because I crossed in May, 1860.

The CHAIRMAN. In going out you landed at Colon?

General ALEXANDER. Yes.

The CHAIRMAN. And took the railroad?

General ALEXANDER. Yes.

The CHAIRMAN. The railroad was completed through, was it?

General ALEXANDER. Yes.

The CHAIRMAN. And in coming back you landed at Panama, and took the railroad across to Colon?

General ALEXANDER. Yes.

The CHAIRMAN. Now, during the time you stayed at Panama what was the condition of the health of that town?

General ALEXANDER. It was very bad indeed. There was yellow fever in the town and also what they call Chagres fever.

The CHAIRMAN. What year was that?

General ALEXANDER. 1900; and there was said to be a great deal of sickness among the troops that they had there. I knew nothing about that except what was told me.

I also attract attention to the testimony of Chester Donaldson, American consul for a long time at Managua, Nicaragua, taken before the Senate committee June 7, 1900, found in Senate hearings, part 3, page 994. Mr. Donaldson testified as follows:

By the CHAIRMAN:

Q. What office are you at present holding?

A. I am United States consul at Managua, Nicaragua.

Q. How long have you been in that office?

A. Since January 12, 1898.

Q. During that period of time have you resided in Managua?

A. Yes.

Q. Had you resided there before that?

A. Yes.

Q. How long?

A. I had resided there about two years before.

Q. In what capacity did you first visit Nicaragua?

A. In connection with the commission of 1895—General Ludlow's commission.

Q. Were you a member of that commission?

A. No; but I was employed by the commission.

Q. In what character?

A. As an engineer.

Q. Are you a civil engineer?

A. Yes.

Q. In what schools have you been educated?

A. Hamilton College is where I got my education—Clinton, N. Y., near Utica.

Q. Did you attend any other engineering schools?

A. I took a short course in Columbia School of Mines.

* * * * * * *

Q. I suppose your travels with the engineering parties you accompanied through the San Juan region have given you an opportunity to be stricken with any diseases of that country?

A. Yes; I have had plenty of opportunities. I have slept in all sorts of places.

Q. Slept in wet clothes?

A. I will not say I slept in wet clothes, because I always carried a bundle wrapped in rubber, so that I could have something dry to wear for the night. I have gone all day in wet clothes, have put on wet clothes in the morning, and have done so for months at a time; but at night I have always had dry pajamas to get into and a dry blanket, which I kept rolled up in a rubber sack.

Q. That was during your engineering work?

A. Yes.

Q. Were any of your party troubled with malaria or chills?

A. Nobody in our party had any sickness at all. We had 10 Americans in the party, besides natives.

Q. Taking Nicaragua from ocean to ocean, would you be willing to say that it is a healthful or an unhealthful country?

A. I should say that the country is perfectly healthful. The only unhealthful places are the cities, and that is owing to their filthy condition.

Q. You have a family of children?

A. I have three children.

Q. And they have been brought up in that country?

A. They have been in better health in that country than when they were in New York. My youngest little girl in this country had a bronchial trouble after she had had the whooping cough in New York at the age of 3, and naturally I felt somewhat anxious about taking her to Nicaragua. But she has come back to New York and is to-day one of the strongest little girls you ever saw—at the age of 8 now.

Q. Taking Nicaragua from ocean to ocean, through and through, you would say, I suppose, that it would be a very valuable country in the hands of people who had any industry and thrift?

A. Yes. By nature it is a rich country and perfectly healthful. There is nothing under the sun they need there but industry. It would make a fine country to live in.

Q. For small farmers, particularly?

A. Yes; you can get a splendid climate there by going up 2,000 feet, where you would not suffer from heat at all. It is only in the low country where you suffer. I have suffered much more in New York from heat than I ever have in Managua. There is nothing the matter with the country; there is nothing the matter with the climate; the whole difficulty lies with the people. They are too easy-going; they take life very easily.

I also, upon the point of the health of the respective routes, quote from the testimony of the Hon. William B. Sorsby, long United States consul at Nicaragua under the present Administration, as follows:

WILLIAM B. SORSBY, having been duly sworn, testified as follows:

Senator MORGAN. State your place of residence and the business in which you are now employed.

Mr. SORSBY. My home is in Clinton, Hinds County, Miss. I am at present United States consul at Greytown (San Juan del Norte), Nicaragua.

Senator MORGAN. How long have you been in the consular service?

Mr. SORSBY. I was in the consular service four years under the Harrison Administration, and I have been in the service thirteen months under this Administration. I was four years in Ecuador under the Harrison Administration, and I have been thirteen months in Nicaragua under the present Administration.

Senator MORGAN. Do you speak the Spanish language?

Mr. SORSBY. Yes, sir.

Senator MORGAN. When did your term of service in Nicaragua commence?

Mr. SORSBY. I entered on my duties on the 1st day of January, 1898.

* * * * * * *

Senator MORGAN. How about the health of that region between the lake and the seaboard?

Mr. SORSBY. I can only answer that by referring to the men employed by the Nicaragua Canal Commission.

Senator MORGAN. Have no people settled in that region?

Mr. SORSBY. There are some settlements immediately on the river banks and up the various rivers emptying into the San Juan River.

Senator MORGAN. Leading into, you mean?

Mr. SORSBY. Leading into the San Juan River. I have seen a great many of those people—some foreigners are in there—living on the San Carlos and various other rivers leading into the San Juan River, and the universal expression is that it is healthy.

Senator MORGAN. Is there any yellow fever or Chagres fever in that country?

Mr. SORSBY. There is no yellow fever in any part of Nicaragua.

Senator MORGAN. Is there any chagres fever?

Mr. SORSBY. No, sir; nothing that resembles either yellow or chagres fever on the Atlantic side. There is no yellow fever in any part of Nicaragua, though at Granada and Managua they have malarial fevers. They are quite prevalent during what is known as the dry season up there.

Senator MORGAN. That is on the lake?

Mr. SORSBY. Yes, sir; on the two lakes. It is attributed to the bad sanitary conditions and the water that is used.

Senator MORGAN. If I understand you correctly, the valley of the San Juan River is very sparsely inhabited?

Mr. SORSBY. Yes, sir.

Senator MORGAN. Is the forest heavy?

Mr. SORSBY. The undergrowth is very heavy.

Senator MORGAN. Almost impenetrable?

Mr. SORSBY. Yes, sir.

Senator MORGAN. What is the effect of the rainfall in that part of Nicaragua upon the health and comfort of those living in that region?

Mr. SORSBY. I think it is beneficial to health. It is inconvenient. It has the effect of keeping fresh water in all the lagoons there. The engineers of the Canal Commission tell me that they drank their water out of the lagoons and streams and it was good. In Greytown it serves to freshen the atmosphere, and there is very little sickness during the rainy season.

Fourth. The engineering problems on the Nicaragua route are susceptible of complete and satisfactory solution. In no particular is there any element of doubt remaining. While those on the Panama route are clearly in the experimental region. There is, as to certain difficulties to be overcome on the Panama route nothing in the past history of engineering experience which can be invoked to render the solution of the problems an absolute certainty. These relate mainly to the power to successfully control the waters of the Chagres River, and to the possibility of maintaining a dam at Bohio.

Fifth. The construction of the canal on the Panama route excludes sailing vessels from transisthmian navigation, while the Nicaragua would not, the reason being on account of the calms, or doldrums, extending through many months for long distances on the Pacific side of the Panama route, while good sailing winds at each end of the Nicaragua route are experienced the whole year.

SAILING SHIPS.

To select the Panama route is to eliminate from the instruments of commerce that shall traverse the canal all sailing vessels, while to select the Nicaragua route is to bring into close and acute competition the vessels driven by steam and electricity with those driven by the everlasting winds of heaven. It is demonstrated beyond any question that for many months of each year the calms or doldrums extend out on the Pacific coast a distance of more than 400 miles from Panama, and no sailor can make any progress through these long distances of from 400 to 600 miles, and through which calms ships must necessarily go in order to enter and pass through a canal on the proposed Panama route, except by steam or other motive power than wind.

But the advocates of the Panama route, while compelled to accept these facts, respond in substance and effect, by way of answer, "Oh, the day of the sailer is past," and they point to the fact that no sailing craft pass through the Suez Canal as an argument to support the assertion. As to this point it is only necessary to point out the different conditions attaching to the two routes—that is, the Suez and the Nicaragua routes. The exclusion of sailers from the Suez Canal is occasioned by the constantly variable and conflicting winds and particularly tortuous and narrow channel of the estuary known as the Red Sea. This condition renders it inadvisable, unsafe, and impracticable for sailers to enter the Suez Canal.

But the assertion that the day of the sailer is past is an unwarranted one, and it is to be hoped, in the interest of the world's commerce, the day will never come when sailing vessels on our high seas will be dispensed with. The fact is, over 60 per cent of the marine tonnage of the United States is to-day composed of sailing vessels. According to the latest official reports the total tonnage of the United States at present is 2,095,000 tons, and but 810,000 tons of this tonnage is steam, while 1,285,000 tons is sailing crafts. Some other seafaring nations have a still larger percentage of sailing vessels. Norway and Sweden have a total tonnage of 1,770,000, of which but 726,000 tons, or less than 40 per cent, is steam.

Nor is it true, as is sometimes contended, that the use of sail vessels is on the down grade. This statement is either a misconception or a misrepresentation of existing facts. The very reverse of this is true. Improvements are constantly being made in not only the construction but in the manner of controlling sail vessels. It is true that some of the old square-rigged, two or three mast sailers are going out of use, but in their stead are being placed iron sailers of different build and of greater capacity.

The necessities of the American coastwise traffic are rapidly developing a great fleet of four, five, six, and seven masted schooners of American register. These are rapidly increasing in number. Numerous vessels of this character of from three to five thousand tons burden are being built in the shipyards of this country, notably in those of Maine and Massachusetts. Fifteen were constructed in Maine last year. There is now about completed, I understand, near Boston, a seven-masted steel schooner named *Thomas W. Lawson*, with a coal-carrying capacity of 8,000 tons. Germany is moving also in this direction, and has but recently added to her merchant marine a sailer of 5,000 tons burden, while France in 1901 built 40 steel sailing ships, with an aggregate tonnage of 90,000 tons—two of these register 2,300 tons each, with a carrying capacity of 5,000 tons each—while, during the same period, no progress whatever was made in steam tonnage in that country, and France is now to-day offering a large bounty for this class of vessels.

A glance at the history of the growth and progress of American marine tonnage, steam and sail, will show a gradual but constant advancement in both. Sixty years ago the whole number of ships entering New York Harbor was 1,843, and only 6 of these were steamers—1,837 sailers. The total tonnage brought in these sailers was 494,493 tons, showing the average carrying capacity of the sailers of those days to be but a fraction over 271 tons. A few vessels, of course, were of larger tonnage, but this was the average.

The selection of the Panama route is to call a halt in the shipbuilding industry of this country in so far as it might otherwise relate to the construction of sailers for transisthmian trade, and at the same time strike down all competition between sailers and steam vessels in use so far as transisthmian commerce is concerned. The whole country, and, in fact, all commercial nations, but especially and particularly the Pacific coast States of our own country, are vitally interested in the question of the construction of an isthmian canal on a route which will make it possible for sailing vessels to enter and compete with steamers in the carrying trade of our own and other countries. The great timber interests of the Pacific coast, a market for which is gradually opening on the Atlantic seaboard and in the South American States, as well as the interior, must as a rule be carried in sailers, as their construction enables them to stow timber of unusual lengths, which is the leading desirable quality of the Pacific coast product. Peculiarity of construction precludes in a great measure the ordinary steamer from carrying this class of products.

Another vital objection to the Panama route which will affect adversely those interested in the two great products, wheat and coal, is this fact: Possibly future development may demonstrate a sufficient supply of bituminous coal on the Pacific coast to meet the demands of that section. At present this is not so, and as the population increases and business develops the quantity required will largely increase. At present the import supply comes largely from Canada and England, chiefly from the latter as ballast, at a low rate of freight, in steamers calling for wheat.

American coal from the Atlantic coast can not now compete with this supply. Our wheat is now shipped to Liverpool mostly by steamers flying the British flag. They reach the Pacific ports mainly in ballast. Sometimes they ballast with English bituminous coal, coke, and pig iron, placing them on the market at a nominal freight charge. On account of the detriment caused by heat and moisture in the calm belts of the Tropics this wheat goes mostly in steamers. These are known as the English tramp steamers and are the all-around carriers of the world—ships that can enter the average ports of the world and pick up traffic anywhere and take it anywhere. They are from two to three thousand tons burden, drawing, as a rule, from 18 to 25 feet of water.

Now, if this wheat traffic should be carried through an isthmian canal by sailers, there can be but little doubt that a very large proportion of the wheat traffic between the Pacific coast ports and Liverpool would be controlled by sailing vessels. And if this sail marine can be introduced as a factor in the proposition, it would surely result in a very large reduction of freight charges to the people of the United States and especially to those of the Pacific coast.

But, aside from the fact that it will be a physical and marine impossibility for sailing vessels to engage in transisthmian trade

through a canal located on the Panama route; for the reasons just stated, another insurmountable objection attaches to the traffic of the two important products, wheat and coal. Wheat on either steam or sailing vessels can never survive the terrible heat and doldrums, if compelled to pass through a Panama canal, while there is a constant liability of spontaneous combustion of bituminous coal in passing through the Tropics. Underwriters are now throwing many obstructions in the way of obtaining marine insurance on vessels carrying coal into the Tropics.

The production of coal in the various countries of the world and its distribution among the various people of the world who consume coal is one of the most powerful factors, and becoming more so every day, which enters into the world's commerce. Indeed this product in different sections of our own country and its exportation from the coal-producing regions of our own country to those regions of our own country where the consumption is largely in excess of the production is one of the most important elements of our domestic commerce.

The United States since 1899 has taken the lead among the nations in the production of coal, and since 1891 in the consumption of coal. Until 1899 Great Britain led in the production of coal, but in that year the United States exceeded Great Britain in coal production to the extent of 6,458,783 tons, while in 1900 the United States produced 50,000,000 tons more than it did two years before and led Great Britain to the extent of about 15,000,000 tons. Since 1870 the world has increased its output of coal 283 per cent; Great Britain 120 per cent, and the United States 750 per cent. Thirty-four years ago Great Britain produced more than 50 per cent of the whole annual output of the world and the United States but 14.35 per cent; while two years ago Great Britain produced but 30 per cent, while the output of the United States was 32 per cent of the total.

In 1900 the total output of coal in the world was 844,680,413 tons, while of this the United States produced 269,881,827 tons, or within a fraction of one-third of the total output of the world. In 1868 the United States consumed but 100,272,000 tons, or about 1.75 tons per capita; while in 1899, thirty-one years later, we consumed 226,883,000 tons, or 2.98 tons per capita. This per capita exceeds that of any nation except Great Britain, where the per capita consumption in 1897 was 3.87 tons. The fact that the United States is forging ahead in both production and consumption, and the further fact that Great Britain, Germany, and Belgium now produce about 60,000,000 tons annually more than those countries consume, and the further fact that Russia, Sweden, France, Italy, Austria-Hungary, and Spain consume about 20,000,000 tons more than they produce, leaving a balance of about 40,000,000 tons to be exported annually from Europe, present problems of immense importance in connection with the transportation and commerce of the world.

While the production of coal in the Pacific Coast States may not, and in all probability will not, ever meet the demands for that article on that coast, especially when a demand for export coal may for many years continue in the Philippines, in Hawaii, and in China, there is no good reason why the amount necessary to meet this demand should come from Canada or from Great Britain, or Germany or Belgium, or any other place except from the prolific coal regions of our own country. We should and will in a very short time in this matter of coal be able not only to meet our own demands in every section of the country, but we will be able to supply the demands of Sweden, France, Italy, Austria-Hungary, and Spain; in fact, we are already becoming a large coal-exporting country. But a few years ago there was no export of coal from the United States, but now the American anthracite coal is being shipped to France, Germany, and Belgium, while bituminous coal is being shipped from the United States to Italy and other countries.

The Russian Government has been negotiating but recently for a large amount of American coal for use in the Russian navy. During the year 1900 American coal was shipped to 37 foreign ports, including Cape Town, Algiers, Japan, Manila, Australia, Italy, Halifax, and even to Gibraltar for use in the British navy, and also the ports of the east and west coasts of South and Central America. Korea, Victoria, Queensland, New Zealand, South Australia, and Tasmania all import much more coal than they export.

But this is balanced by New South Wales, which exports enough to balance these imports. But it must not be forgotten that the Philippine Islands have now, and perhaps will have for many years, a large demand for coal, although it is probable, from what has been learned, that valuable coal mines will later on be developed in those islands. The United States should meet this demand, and would with the completion of the Nicaragua Canal. A large per cent of the Philippines is supplied by Great Britain, Japan, Australia, and the United States, but there is more English and Welsh coal shipped annually to the Philippines than there is Japanese and Australian, and again there is more Japanese and Australian imported into the Philippines than there is American coal.

Are not, then, the production and consumption of coal tremendous factors in the world's commerce? Does it require any prescience or superior knowledge to determine as to the incomparable importance to the United States in this connection with this one item of the world's commerce—of the speedy construction of the Nicaragua canal? And to no section of our common country will the benefits be so incalculable as to the Pacific coast States. Our immense products of wheat, lumber, fish, fruits, wool, and grains, beyond our demands for home consumption, will find a safe and speedy market, not only along the Eastern coast of the United States, but in Europe, South and Central America, and elsewhere.

The demand for lumber in all its varieties is gradually and rapidly increasing all along the eastern portions of the United States, and also in South America. Their forests are being rapidly exhausted. But turning to the Pacific States, we find forests almost inexhaustible of the finest timber that ever grew. In the States of Oregon and Washington alone there is to-day standing, according to the latest statistical reports, more than 430,000,000,000 feet of magnificent timber. The major portion of this timber in Oregon and nine-tenths of it in Washington, is located west of the Cascade Mountains and in close proximity to the shipping ports of the Pacific Ocean. Sixty per cent or more of this timber west of the Cascade Range is red or yellow fir. For single-stick topmasts or square-rigged vessels, and the masts fore and aft, no timber in the world equals this fir, or, as it is sometimes called, "Oregon pine."

In Oregon and Washington clear, straight-grained decking, free from sap, can be had in any desired length. This timber is now largely used for sheathing bottoms of steel ships. The supply in Eastern States for long lengths and large sections in dimension timber is rapidly decreasing, and the demand at increased prices for this product from the far West is rapidly increasing. Clear cedar for building small boats is almost exhausted in the East, and cypress and white pine are being substituted. The Oregon and Washington cedar and fir have straight, clear lumber of any width and length desired. This production, with the Nicaragua Canal completed, can be brought in sailing vessels to our Eastern ports at reasonable rates, where it would soon take the place of white pine and cypress and be used in a great variety of structures.

But not only so. On the coast alone, in the State of California, in the northern part of that State, there is, according to statistical experts, standing to-day more than 75,000,000,000 feet of redwood. That this wood, so desirable, beautiful, and easily manufactured, would, with the completion of the Nicaragua Canal, soon take the place of Eastern pine and other woods goes without saying. The construction of this canal will open to market the 500,000,000,000 feet of fir, cedar, redwood, and also an almost incalculable amount of hemlock, spruce, maple, larch, and myrtle, and the products manufactured therefrom, and all of which are easily accessible to the seaports of the Pacific Ocean. I tell my distinguished friend from Ohio that not one sailing vessel can ever pass through the Panama Canal, if one should be built.

Mr. BURROWS. Why not?

Mr. MITCHELL. If my friend the genial Senator from Michigan had been here and listened to my speech, he would have known why.

Mr. BURROWS. I admit that that is true, but I want to know why not.

Mr. MITCHELL. I can not go back and repeat at length, but I will tell the Senator from Michigan, briefly, why not. There are a good many reasons, but I will indicate some of the more important of them. It is settled beyond all controversy by expert testimony taken before our committee and by the history of the world that from four to six hundred miles out into the Pacific Ocean from Panama there are what are called doldrums or calms which are continuous for months and months at a time, through which no sailing vessel can go unless moved by either electricity or steam, or some other power besides the wind of heaven. That is one reason. Another reason is because, as between the two routes, the Nicaragua route for a sailing vessel is fifteen days shorter and for steam vessels it is 600 miles shorter. Those are two of the reasons.

Mr. HANNA. May I interrupt the Senator?

Mr. MITCHELL. Certainly.

Mr. HANNA. May I ask the Senator from what objective point he makes those figures?

Mr. MITCHELL. I make it from San Francisco or Portland, Oreg., to various ports on the Atlantic coast.

Mr. HANNA. I will answer that to-morrow.

Mr. MITCHELL. I will come to that a little later on more specifically. I will say that the difference in distance in favor of the Nicaragua route is from 377 miles to 579 miles between San

Francisco and ports on the Atlantic coast; that is, New York and New Orleans, respectively.

Mr. HANNA. The Senator mentioned fifteen days. Where did he get that figure?

Mr. MITCHELL. It would take sailing vessels from fifteen to forty days longer to go by the Panama route than by the Nicaragua route, if sailing vessels could go by that route at all. That is the testimony of some of the experts in this case. It is possible by waiting and catching on occasional breeze a sailor may get through from fifteen to forty days.

Sixth. Because of the commercial advantages of the Nicaragua route over those of the Panama route because of the prospective local development in the production of an infinite variety of valuable products indigenous to that country, such as coffee, sugar, rice, corn, rubber, bananas, indigo, cocoa, vegetables of all kinds, hard woods, mahogany, cedar—red and white—several varieties, besides cattle. In this respect the prospect for development is wonderful. One witness, Mr. Lyman E. Cooley, the engineer and constructor of the great Chicago drainage canal, in his testimony taken before the Senate Committee, compared Nicaragua, Honduras, and Costa Rica, an area of fifty to sixty thousand miles tributary to the Nicaragua Valley, to the island of Java, which, with an area of but 47,000 square miles, supplies a population of 24,000,000 people. Along the Panama route there could be no hope for any local development in trade or commerce to amount to anything.

Seventh. The military and naval advantages to the United States are very largely in favor of the Nicaragua route.

Eighth. If we cast our lot with the people of Colombia on the Panama route, we take up our abode with a revolutionary, hostile, and unfriendly people. More than 30,000 of these people are already occupying the canal belt at Panama, and they must be dealt with; they must be expelled; while within the limits of the canal concession on the Nicaragua route there is not to exceed 2,500 people, and they are not an objectional population.

Ninth. The opportunity afforded for the cleaning of ships' bottoms of barnacles and other accretions by going 102 miles through fresh water, averaging 200 feet in depth, of Lake Nicaragua is a great advantage in favor of the Nicaragua route and one not to be overlooked. On the Panama route the distance of fresh water navigation is but 12 miles, in water not 40 feet in depth.

Tenth. On the Nicaragua route we encounter no trouble in securing the necessary concessions from Nicaragua and Costa Rica for our great purpose of constructing, maintaining, and controlling an isthmian canal through those countries, hampered by no unreasonable conditions or restrictions; while with Colombia the very reverse of all this is true. The protocol of the proposed treaty, presented to the Senate for its consideration, is in many respects so unjust and humiliating in its terms and hedged about by so many unreasonable and unjust restrictions that it would seem quite impossible that any American, much less any American Senator, would think for a moment of accepting it.

Eleventh. The selection of the Panama route carries with it the necessity of paying the New Panama Canal Company $40,000,000, and by which we become involved in all the conflicting claims of the share and bond holders of the old Panama Canal Company, as well as of the New Panama Canal Company, and we become the heir and residuary legatee of controversies from which we are not likely to become wholly extricated in the next century. And this is true, even on the assumption "that a satisfactory title to said property can be obtained," and in this connection it might be proper to inquire just what we are to understand by a "satisfactory title." This is the language used in the Spooner amendment, and I take it the distinguished Senator means that the title must be satisfactory to the President of the United States. The President would very naturally, as would most men, regard a legal title as a "satisfactory title," and in most cases a legal title ought to be very satisfactory; but there are exceptions, and this is one of the exceptions, and a most important one.

For, while the New Panama Canal Company may possibly, in the judgment of eminent lawyers, be able to make a good legal title to the property in question, this is a case where, unquestionably, innumerable claims based on moral and equitable grounds may, and in all probability will, arise if the United States becomes the beneficiary of that property, and these are claims against which no legal title will indemnify us. And I go further—even conceding, for the sake of argument, that there may be no such equitable claims existing as could be rightfully enforced in a court of justice—there is nothing to prevent these French stockholders and bondholders from coming to the Congress of the United States with such an appeal as to give them a standing before Congress, and before the committees of Congress, to harass and annoy us for perhaps a century.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Oregon yield to the Senator from Indiana?

Mr. MITCHELL. Certainly.

Mr. FAIRBANKS. Does the Senator discuss further the nature of the claims that could be asserted against the United States if we purchase this property and obtain satisfactory title?

Mr. MITCHELL. I do.

Mr. FAIRBANKS. Then I will not interrupt the Senator further. I think it is a very important question, and I should like the Senator to show to us clearly and comprehensively the grounds upon which such claims could be enforced against the United States, either morally or in a court of equity.

Mr. MITCHELL. I will endeavor, before I conclude, to show that very thing. That is to say, that there will be strong reasons to justify the assertion of innumerable claims based upon the ground that the United States has become the beneficiary of a property their money created, and of which property they have been deprived by questionable judicial and other means, although claimants might not be able to enforce them.

Mr. FAIRBANKS. I inquire simply for information.

Mr. MITCHELL. It is one of the things I started out to present to the Senate. I shall endeavor to do it before I conclude.

Twelfth. The Nicaragua route is preferable for the reason that the sea approaches to Greytown, on the Atlantic, and to Brito, on the Pacific, on the Nicaragua route are infinitely more preferable, being freer from both calms and storms, than are the approaches to Colon, on the Atlantic, and Panama, on the Pacific, on the Panama route. The approach to Colon, as all agree, is liable to frequent and destructive storms, while the approach to Panama for a long distance is for many months of each year an almost perpetual calm.

Thirteenth. The Nicaragua route is preferable for the reason that, as the strength of a chain is only equal to that of its weakest link, so it is true, if on either or both of these routes there is any engineering obstacle to overcome, then the feasibility of the whole route must depend wholly upon the power of the engineer to overcome the particular obstruction; otherwise the whole scheme is a failure, however feasible all other portions of the route may be. On each of these routes a great dam must be constructed. This is an essential on each route, and the entire safety, practicability, and efficiency of the canal in each case depends on the dam. This is agreed to by all engineers who have examined the two routes. In the case of Panama there is but a single place where the necessary dam can be constructed, if it can be constructed at all—this is at Bohio, on the Chagres River—while on the Nicaragua route there are several places where a dam might be constructed. But the place selected by the Commission is at Conchuda, a point some 3 miles above the mouth of the San Carlos River. In this case—Conchuda, on the Nicaragua route—the dam must be 28 feet below sea level at site of dam, where the surface of the river is about 50 feet above, making 78 feet under water. The construction of this dam involves no unusual or extraordinary engineering feat. It would involve the necessity of what is known as the pneumatic process. But pneumatic processes have frequently been used to a depth of 100 feet, and in one instance at least—but I believe this is the only one in this country—to the depth of 110 feet. This was at the east abutment of the St. Louis bridge. There is therefore no great difficulty from an engineering standpoint, or, in fact, from any other, in constructing a dam at Conchuda, on the Nicaragua route.

But the case is wholly different in reference to the Bohio dam on the Panama route. There is presented an engineering problem the like of which has never yet been solved by human science or human effort. The Isthmian Commission reports that in order to get a rock foundation, which is an absolute necessity for a dam at this point, they must go 128 feet below sea level. This involves the sinking of caissons or pneumatic tubes 18 feet deeper than has ever been done before. Not only so, the French engineers have been proceeding upon the idea of erecting this dam on a clay foundation. The Panama engineers, after boring down 93 feet, reached a stratum of hard clay some 35 feet thick, and upon this clay stratum they propose to erect an earthen dam. The American commissioners, however, and the American engineers regard this as wholly unsafe, and insist this 35-foot stratum of clay must be penetrated and the caissons placed on solid rock.

The construction and maintenance of this dam at this immense depth and on a torrential stream which in 1879, according to the report of the Panama Railroad Company, raised 43 feet in twenty-four hours is an engineering experiment. There is nothing in the history of the world, as I have said, in all the range of engineering experiment to which we can point as a star to guide us to success in constructing a dam of that kind; and as there is only one place for this dam on the whole Panama route, should it fail the whole structure is a failure. While there is nothing experimental in the construction and maintenance of a dam at Conchuda, on the Nicaragua route, should this dam at Conchuda give way there are several other places where the dam could be constructed that would meet the necessities of the case.

Why, therefore, I inquire, should the United States deal in engineering experiments which may or may not prove successful in entering upon the work of the construction of an isthmian canal?

Rear-Admiral Walker, president of the Isthmian Canal Commission, shows conclusively by his testimony that the construction and maintenance of the Bohio dam is in the experimental region, and that there is no certainty that it can be constructed and maintained. I point to the testimony, and I contrast and compare the testimony with the final report in favor of buying out the old concern from the Paris people and attempting to build a canal where in all probability it can neither be built nor maintained if built. The following is from his testimony taken before the Interoceanic Canal Committee at their recent hearings:

Senator HARRIS. The fact is, with regard to the Bohio dam, that the future of that is just as much an unknown quantity as the future of the dam at Conchuda?

Admiral WALKER. I should say it was more of an uncertain feature. It is a greater work and a more difficult work to build. The Conchuda dam I look upon as practically settled.

Senator HARRIS. So that we know no more about the possibilities and contingencies at Bohio than we do at Conchuda; in fact, less.

Admiral WALKER. We know less about the contingencies at Bohio, but that is the only point in the whole line about which we are at all uncertain.

"About which we are at all uncertain."

If they are uncertain, then they are not certain. That is a logical conclusion if there is not very much sense in the statement. The distinguished Senator from Ohio says we appoint commissions to tell us what to do and to make recommendations. Here the president of this Commission, Rear-Admiral Walker, in his testimony, given since he made the recommendation in favor of the Panama route, testifies that he, as a commissioner, as a distinguished naval engineer, is uncertain whether or not a dam can be built at Bohio.

Mr. HARRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. MITCHELL. Certainly.

Mr. HARRIS. If the Senator will allow me, I will suggest that in the same evidence Admiral Walker stated that the Bohio dam was the vital point in the whole undertaking.

Mr. MITCHELL. Oh, certainly, as a matter of course. The fact is, the dam in each case is the vital point in the plan.

Mr. GALLINGER. I should like to ask the Senator if a similar question was propounded to Mr. Morison, for instance, who is acknowledged to be one of the greatest engineers in the world.

Mr. MITCHELL. I do not know whether that precise question was or was not propounded to him.

Mr. GALLINGER. In other words, have the other engineers on the Commission admitted that there is much uncertainty about the possibility of constructing this dam?

Mr. MITCHELL. I think there is a vein of uncertainty in regard to the absolute success of the dam at Bohio running through all the testimony of the engineers and the experts who have been examined, while three of the Commissioners, Rear-Admiral Walker, Commissioner Morrison, and Commissioner Haupt, express themselves to the effect that the success of the problem is in much doubt.

Mr. GALLINGER. Will the Senator permit me? It seems to me somewhat incredible that if there is a serious question in the mind of this great Commission it should have recommended this route in preference to the other.

Mr. MITCHELL. It seems so to me, too.

Mr. HARRIS. If the Senator will permit me, in answer to the Senator from New Hampshire I will say——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. MITCHELL. Certainly.

Mr. HARRIS. I will say that Mr. Morison, one of the ablest engineer members of the board, recommends an entirely different plan and considers it far better, being without any element of uncertainty. Not only that, but Professor Haupt, one of the best engineer members of the Commission, differs with the rest of the Commission in toto in regard to this matter.

Mr. GALLINGER. While that is true of Mr. Morison, it is equally true that he signed the report in favor of the Panama route. I am not quite sure that Professor Haupt is not about right—that there is a better route than either of these two. I think that may develop later on.

Mr. MITCHELL. It is possible. I will proceed to read from the testimony:

Referring to the Bohio dam—

Senator HARRIS. But that is the vital point.

Admiral WALKER. That is the vital point. Yes, it is vital to the canal, because the safety of the canal depends on the integrity of the dam in both cases.

Senator HARRIS. And the control of the river?

Admiral WALKER. Yes.

So, although the president of the Commission in his final report recommends that the canal be built at Panama, contradictory to three other reports that he signed, we have him telling us that he is in doubt about a dam which he says, and which all agree, must be successfully constructed and maintained at Bohio in order to make the canal a success.

Fourteenth. I favor the Nicaragua route because it can be completed at an earlier date than can the Panama route. The maximum excavation at any one point on the Nicaragua route is, according to the testimony of the engineers taken before your committee, but 18,000,000 yards as compared with 43,000,000 yards at the Culebra cut on the Panama route. The New Panama Canal Company has been excavating there at the average rate in the last five years of 1,000,000 yards a year. At that rate it will require forty-three years to complete the cut. And although the Commission figures on the ability, with sufficent force, to remove 5,000,000 yards a year, it is a question of considerable doubt, inasmuch as the material must all be taken out at the ends of the cut, whether a sufficient force can be employed with advantage to remove that amount, or anything like that amount, in a year. When Engineer Lewis M. Haupt, a member of the Isthmian Canal Commission, was before the Senate Committee on Interoceanic Canals in March last he testified upon this point as follows—I quote from the testimony:

Senator MITCHELL. Do you know the extent and force of machinery employed by the canal company?

Mr. HAUPT. Yes; they had when we were there about 3,000 men employed, but I can not give you offhand the number of cars and engines, nor the miles of track, etc., but you have seen the illustrations of the work in their reports, showing how they have taken out the material in benches, and they have distributed it on the spoil banks.

Senator MITCHELL. From your knowledge of the whole situation, how much increase, if any, in the operating force could be made there?

Mr. HAUPT. There would have to be a capacity of five times the present force and plant at least in order to do the work of taking out that cut in eight years.

Senator. MITCHELL. I understand that; but how much force could be increased there and worked to advantage?

Mr. HAUPT. The Commission has expressed itself in this wise on that point: That the study of that question has not been as yet carefully worked out, but it would require to be thoroughly systematized before any work should be let on that.

Senator HARRIS. That material all had to be taken out of the ends of the cut; there is no other way of reaching the spoil banks.

Mr. HAUPT. They can work from both ends and on both sides. By working in benches you can put a large force in there, just as you would drive a tunnel, by first driving the heading, then the bench on one side, followed by that on the other, then the bottoming, and finally the trimming and lining. You could distribute your force so as not to interfere seriously with each other.

Senator HARRIS. There is a limit, of course, to the number of men that can be worked.

Mr. HAUPT. You can only attack it in a certain number of points. The fact that it is so concentrated is an objection and a difficulty which has weight in giving the preference to the Nicaragua route, where there is a larger volume, but more generally distributed. The maximum excavation at any point in the Nicaragua route is 18,000,000 yards, as compared with 43,000,000 yards in the Culebra cut.

Senator HANNA. In your judgment, can that cut be completed in eight years?

Mr. HAUPT. I think it would be a difficult thing to do it. It would require complete organization and exemption from epidemics and various things of that kind, which are contingencies, and on which no man can make definite predictions, as no one can foresee them.

Senator HARRIS. In working in benches one above the other—I am doing a work on a much smaller scale with the same process—a slip or a slide in one of the benches practically retards the work on that whole slope.

Mr. HAUPT. Certainly; it might, if serious, everything below that and perhaps above.

Senator HARRIS. That is one of the serious results of an accident at any point.

Mr. HAUPT. The average haul also is much longer in this case than it would be in the other, and that at a great disadvantage. Everything must be moved longitudinally from the Culebra cut out to the dumping grounds at the ends; whereas on the divide cut at Nicaragua it is simply a lateral movement, just as it was in the Chicago drainage canal. It is only necessary to put in a force and conveyors and run the material off on the berms and dump it, making the average haul very much less in that case than in this, and that would reduce the cost of movement and the efficiency of the working plant.

Senator HARRIS. The most serious cuts to be encountered, in fact the only ones of very considerable magnitude, on the Nicaragua line are east of the lake at the Tamborcito ridge.

Mr. HAUPT. Yes, sir.

Senator HARRIS. That is a rock cut of very considerable depth, but only 3,000 feet from end to end.

Mr. HAUPT. The Tamborcito cut is a very narrow one, running up to over 200 feet in height, and, as you say, it is 3,000 feet at the base and largely rock, which would be used for riprap or paving, for protecting the canal, and that is the deepest cut of any on the line.

Mr. HANNA. Will the Senator from Oregon allow me?

Mr. MITCHELL. Certainly.

Mr. HANNA. If I remember the Senator's statement it was that Mr. Haupt spoke about information that he had got when he was there. Was he there?

Mr. MITCHELL. At this particular place?

Mr. HANNA. Yes; on the Panama route.

Mr. MITCHELL. I am not now able to say, but I believe he was.

Mr. HANNA. Am I correct in quoting the Senator from Oregon as saying that Professor Haupt reported that when he was there he saw certain things?

Mr. MITCHELL. I simply stated what he testified to before the committee.

Mr. HANNA. But the Senator used the words "when we were there."

Mr. MITCHELL. Was I then reading from his testimony?

Mr. HANNA. It was where you commenced.

Mr. MITCHELL. I will repeat what I said before I commenced reading his testimony and then I will re-read his testimony. What I said was this:

When Engineer Lewis M. Haupt, a member of the Isthmian Canal Commission, was before the Senate Committee on Interoceanic Canals in March last, he testified upon this point as follows—I quote from the testimony:

Mr. HANNA. Go on.

Mr. MITCHELL. With the testimony?

Mr. HANNA. Yes.

Mr. MITCHELL. Now I quote the testimony:

Senator MITCHELL. Do you know the extent and force of machinery employed by the canal company?

Mr. HAUPT. Yes; they had when we were there about 3,000 men employed.

Mr. HANNA. Mr. Haupt was not there at all.

Mr. HARRIS. He has been at Panama.

Mr. HANNA. He has been across the railroad at Panama. He did not go out with the Commission on the investigation or examination of either the Panama or the Nicaraguan route during the exercise of his commission. He so testified before the committee. He said he never had been on the line of the Panama route.

Mr. MITCHELL. Unless my stenographer has made a mistake in copying the testimony, he stated in his testimony that he was there.

Mr. HANNA. I will answer that to-morrow.

Mr. MITCHELL. I will look it up. It is possible, I will state to the Senator from Ohio, that my stenographer has made a mistake in copying the testimony. I will look it up carefully. Of course, I do not wish to misrepresent the fact.

Mr. HANNA. Oh, no; I merely wanted to correct the Senator, because Mr. Haupt was not there.

Mr. MITCHELL. That is the way it is quoted here—that he was there—but we will see later. I have sent for the official testimony.

Fifteenth. Another very strong reason why the Senate should select the Nicaragua route is because it is perfectly apparent that to fail to do so and to adopt an amendment to the House bill, either adopting the Panama route or leaving it to the President to select either route, will create an unnecessary issue between the two Houses of Congress, which will at least cause unnecessary delay, and in all probability will result in defeating all legislation on the subject in this Congress.

The House of Representatives, direct from the people, has in the present and preceding Congress, by a practically unanimous vote, selected the Nicaragua route. This has been done after a most careful and thorough investigation by one of the leading committees, and after thorough discussion. Congress has all the evidence before it bearing upon the question necessary to a determination of the question as to which is the better route, and is better able, I submit, to make an intelligent selection, than either the President of the United States, or the President and his whole Cabinet combined, or any other person or tribunal or jurisdiction whatever. The Senate is competent, as is the Congress, to make the selection. It is its duty to make such selection, and to shirk such duty, whatever may be the motive or the pretense, however patriotic, honest and sincere the purpose—and honesty and sincerity of purpose must be accorded to every Senator—the effect of such action, I respectfully submit, will not tend to an early construction of an isthmian canal, but, on the contrary, will be sure to result in delay, and in all probability will defeat the construction of the same.

Sixteenth. But an insurmountable objection to the selection of the Panama route rests in the fact, in my judgment, and in the judgment of a majority of the Senate Committee on Interoceanic Canals, that it is, as described by the testimony taken before your committee, absolutely impossible for the New Panama Canal Company, either with or without the consent of the Republic of Colombia, or either with or without the consent of the Old Panama Canal Company, or either with or without the consent of the French Government, or either with or without the consent of the New Panama Canal Company, to vest a title in the United States to the Panama property that will not be eternally and forever clouded by an infinitude of claims and charges, arising, if not on strictly legal grounds, upon moral and equitable grounds, upon the part of the share and bond holders, both of the Old and the New Panama Canal Company, to say nothing of the outstanding shares in the hands of numerous persons of about 1,100 shares in the Panama Railroad Company.

And it appears from the testimony of Charles Colne, late general agent and secretary of the American committee, taken before the Committee on Interoceanic Canals on February 17 last, that there are in France about 800,000 subscribers to the stock and bonds of the Old and New Panama Canal companies, and all of whom would have obligations of a greater or lesser amount in the event of the construction of the canal by the New Panama Canal Company, and all of whom, it is believed by your committee, would have moral and equitable claims against the United States in the event we should become the beneficiary of the property of the New Panama Canal Company by purchase of the same from that company. In support of this statement I quote from the testimony of Mr. Charles Colne, above referred to, which will be found on page 216 of the Hearings before the Senate Committee on Interoceanic Canals, part 1:

Senator HAWLEY. About how many claimants are there in France? How many people have stock or obligations of any kind that have been made as claims against this company in case it goes on and builds a canal?

Mr. COLNE. About 800,000 subscribers.

Senator HAWLEY. About 800,000 people?

Mr. COLNE. Yes.

Seventeenth. Another formidable objection to the selection of the Panama route arises from the fact that a part of the property owned by the New Panama Canal Company is 68,900 shares of the 70,000 shares of the Panama Railroad Company. These shares in the Panama Railroad Company are a part of the property of the New Panama Canal Company, for which we are called upon to pay the New Panama Canal Company $40,000,000. This Panama Railroad Company is a private corporation, organized under a special charter granted by the legislature of the State of New York many years ago. The New Panama Canal Company is not the owner of the Panama Railroad or any part of its steamships or other property. It has no power to transfer or sell this property to the United States. This property is under the management and control of the Panama Railroad Company, having its place of business, its offices, and its officers in the city of New York.

The United States, moreover, has no authority or power, as I insist, to hold stock in this corporation. Certainly the New Panama Canal Company has no power to sell, or in any way dispose of or control any of the property of this railroad company, outside of such control as it might exercise by reason of being a stockholder in the company controlling a majority of the stock. Certainly as to the 1,100 shares of stock—which it is admitted by all hands it does not own—it has no control whatever. The construction of the proposed canal on the Panama route, moreover, involves the necessity of a change in location, a virtual destruction, of a portion of the present Panama Railroad—this for quite a distance, as the route of the canal lies on the very track of the present railroad.

Will any lawyer claim for a moment that this can be done by the United States on the holding simply of a majority of the shares of the stock in the railroad company against the protests of the outstanding shareholders? Does any lawyer doubt the power of the holders of the 1,100 shares of stock in the Panama Railroad Company to prevent the United States—not directly, I admit, but indirectly—from tearing up the track of the railroad by obtaining an injunction against the men engaged in such spoliation of their property? Will the Congress of the United States assume such responsibilities as must thus necessarily come by reason of any attempt to ignore the rights of the minority shareholders in this railroad company?

Mr. President, I have just been handed an official copy of the testimony of Prof. Lewis M. Haupt, in reference to which we had a friendly contention a few moments ago. I will read from the official report. I observe that this is not the part of the testimony I desired to quote, but as it is part of the testimony of Professor Haupt I will read it:

The CHAIRMAN. Before you go ahead, Professor, I want to call your attention to a former statement that you made before this committee, on page 107 of a former report, for your own information.

Mr. HAUPT. In looking at the statement on page 107, I find it refers especially to the difficulties of construction of a dam at Bohio. That is one of the engineering details of the project, and with the consent of the committee I think it would be better to have me take up the project from a broader standpoint and then to take up the engineering details subsequently.

The CHAIRMAN. Pursue your own course as to that.

Senator HARRIS. Before you begin that, I would like to have you indicate that you were on the first Nicaragua Canal Commission and then afterwards a member of what is called the Isthmian Canal; that you served on both of those commissions.

Mr. HAUPT. Yes; answering the question of Senator HARRIS as to my qualifications, I would say that I have served on both of those commissions and have been over both of the routes critically, have assisted in the preparation of estimates and reports, and feel that I am reasonably competent to give an opinion.

The CHAIRMAN. By both routes do you mean both the Nicaragua and the Panama routes?

Mr. HAUPT. Yes. As the question before this committee is largely one of the selection of two routes, I beg leave to say that while conceding to the wishes of the majority and signing a report in order to make it unanimous, and so, if possible, to secure legislation at this session, I still feel and did then that there were certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route which gave it a decided preference over the Panama route.

That is the testimony of one of the Commissioners, who signed the report under protest for the sake of having unanimity and in the hope of getting a canal built at some place somewhere. Here he states in the most unqualified terms, under oath, that when he

signed that report he felt and still feels that there are certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route. He says further:

In this, of course, I do not consider the cost of the concessions nor especially the cost of constructing the canal, but I think the others are of so preponderating weight as to overbalance any differences in the latter two items.

Mr. FAIRBANKS. Will the Senator give the page from which he is reading?

Mr. MITCHELL. Page 518. Professor Haupt continues:

The economic advantage is, a priori, the most important factor in the operation and utility of an interoceanic waterway, and that is briefly summed up in the report of the Commission by the statement that the Nicaragua Canal possesses an advantage between home ports of one day for all northbound commerce—that is, whether it be of European or American origin, or whether it has its destination in the Orient or North Pacific ports—and for all Gulf ports it would save about two days.

I have made an estimate of that saving based upon the average cost of moving vessels of about 3,000 tons capacity, which I have figured at about $250 a day. Some of these vessels have cost as high as $1,000 a day to operate and maintain, and some of them as low as $100 a day, but taking it at that average and estimating on a basis of 10,000,000 tons, of which, say, 75 per cent is north bound, the economy on that basis would amount to about $650,000 a year on steam alone. But as a large percentage would be carried by sail if this route be opened, the economy would probably be 50 per cent more, or about $1,000,000.

Senator KITTREDGE. Where did you obtain the tonnage?

Mr. HAUPT. The 10,000,000 tons?

Senator KITTREDGE. Yes.

Mr. HAUPT. That is approximately the amount of tonnage which would be available at the time of the opening of the canal.

Senator KITTREDGE. From what source did you secure that?

Mr. HAUPT. That is taken from a digest which I have made of all the estimates of tonnage from the time this project was actively discussed by the commercial world.

The CHAIRMAN. Will you allow me to ask right there whether the subcommittee to which you were assigned had in charge the subject of the economic value or advantages of the canal?

Mr. HAUPT. Yes; it had.

The CHAIRMAN. You made a study of it?

Mr. HAUPT. I was a member of that committee and have been studying and working on that subject for some three years past. This statement which I have prepared is rather a long one to enter upon the minutes, but I have here a compilation of all estimates accessible to me as to the amount of probable tonnage available, ranging from Mr. Nimmo's estimates of only 300,000 registered tons up to a possible maximum tonnage in the year 1899 of 15,750,000 tons.

Mr. HANNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. MITCHELL. In one moment. I have just now received the official copy of the testimony which I alluded to a while ago, and I will read from the official record:

Senator MITCHELL. Do you know the extent and force of machinery employed by the canal company?

Mr. HAUPT. Yes; they had *when we were there* about 3,000 men employed.

That is the testimony correctly copied by the stenographer. Now, I yield to the Senator from Ohio.

Mr. HANNA. I simply want to reiterate the statement I made. Professor Haupt never went over the route of the Panama Canal in connection with the Isthmian Canal Commission. On a former survey of the Nicaragua route he went over the Panama route in a cursory way. I have produced that testimony. He says that he never went over the Panama route while a member of the Isthmian Canal Commission, and what he detailed there was simply information that he had gathered from whatever statistics he obtained from the other engineers. I know nothing about his mental reservation when he signed the report.

Mr. MITCHELL. It is quite immaterial, I should imagine, whether he was there at one particular time or another. He was there, as he states in his testimony, twice, and he was over both routes. Just when he was there of course I do not know, and it is not material. He states that he made all the examination necessary in order to enable him to come to a conclusion.

THE EARTHQUAKE ARGUMENT.

But the opponents to an isthmian canal, especially those opposed to the Nicaragua route and in favor of investing $40,000,000 in the Panama fraud, ever on the lookout for new arguments to sustain their position, imagine Providence has furnished them with a new and unanswerable argument in the terrible catastrophe that has so recently come to the people of Martinique by reason of the eruption of Mount Pelee, and this is seized upon with vigor and evident satisfaction as an argument against the construction of the canal on the Nicaragua route.

But what is the conclusive answer to all this? It is found in the well-established facts, first, that all the history of the past fails to furnish any evidence to justify the conclusion that the possibility of destruction from earthquakes is a factor of any importance whatever in opposition to the construction of the canal on either of the two routes; and, second, that past history shows a much larger percentage—a percentage of about 100 per cent greater—of danger from earthquakes on the Panama route than on the Nicaragua route. In support of this assertion there is ample evidence of different kinds. But that which ought to be conclusive is found in the report of the Isthmian Canal Commission, submitted to the President November 16, 1901, in which it is asserted there have in the past been double the number of earthquakes in the Panama than in the Nicaragua region. I bring to the attention of the Senate the following extract from that report:

The doctrine that volcanoes are safety valves which diminish the violence of earthquakes in their vicinity is accepted by such writers as Baron von Humboldt, Sir Charles Lyell, Prof. Charles Daubeny, and J. Le Conte. In general terms, then, the region of volcanoes is the region of earthquakes, but the immediate vicinity of the volcanoes is not necessarily the most dangerous part of the region. * * * No portion of it is exempt from earthquakes. The record of those which have occurred is meager, being, as a rule, confined to those severe enough to inflict damage upon buildings or otherwise attract general attention. * * * The record for points upon the line of the Nicaragua Canal shows fourteen earthquakes.

Two of these were felt at Greytown, which has been supposed by some writers to be exempt. The only one which is reported to have caused serious damage was that of 1844. Rivas was almost destroyed, and great damage was done at Greytown. Rivas is 4 miles from the canal. * * * For Panama the records show 28 earthquakes. * * * The only one that could be called destructive was that of 1621, which destroyed nearly all of the houses of Panama. The next most severe was that of September 7, 1882. During this earthquake a part of the front of the cathedral in Panama was thrown down, * * * the railroad had its track and roadbed in places thrown out of line, and the masonry of three or four bridges and culverts was damaged.

It is evident this list is not complete enough to justify a comparison between the Nicaragua and Panama routes as to either the number of earthquakes or their severity. They are on precisely the same footing historically and geographically. * * * With the exception of the injury to Panama in 1621 and Rivas in 1844, the worst that has ever happened at the Isthmus on either line was to throw down or crack a few walls, and even in those cases it is to be remembered that comparatively few of the houses were substantially built. * * * It is possible and even probable that the more accurately fitting portions of the canal, such as lock gates, may at times be distorted by earthquakes, and some inconvenience may result therefrom.

That contingency may be classed with the accidental collision of ships with the gates, and is provided for in the same way, by duplicate gates. It is possible, also, that a fissure might open which would drain the canal, and if it remained open might destroy it. This possibility should not be erected by the fancy into a threatening danger. If a timorous imagination is to be the guide, no great work can be undertaken anywhere. This risk may be classed with that of a great conflagration in a city, like that of Chicago in 1871 and of Boston in 1872.

It is the opinion of the Commission that such danger as exists from earthquakes is essentially the same for both the Nicaragua and Panama routes, and that in neither case is it sufficient to prevent the construction of the canal.

In this connection I desire to attract the attention of the Senate to the testimony of Engineer Lewis M. Haupt, a member of the Isthmian Canal Commission, who in March last, before your Committee on Interoceanic Canals, when this subject was under consideration in that committee, said:

As to the question of seismic disturbances, I would only add that it has been shown by students of seismology that the presence of active volcanoes act as a safety valve for internal disturbances; and the number of craters along through Nicaragua and Costa Rica being quite large, it affords a vent for any internal stress of the earth, and therefore there are fewer injurious earthquakes in that section of the world than at Panama or elsewhere; and I was very much surprised, in studying that subject, to find that the percentage of earthquakes was lower in Nicaragua than in almost any other portion of the world. Now, we have had some earthquakes in this country recently—one in St. Louis and one in Oregon and many in California—so that, so far as that goes, it shows that there need be little anticipation of trouble from that source.

Senator HARRIS. You say that your investigation shows that Nicaragua is the freest from earthquakes of any country in the world?

Mr. HAUPT. Yes; from serious earthquake trouble; but they have had some earthquakes there. Panama was badly shaken in 1858, and again in 1882, when Colon was rent with a seam across the town. The iron railroad bridge at Barbacoas was shifted out of position. So that the Commission has put those on a parity and dismissed the subject, with the belief that the canal works being buried in the earth would not be seriously interfered with by earthquakes in either case. I think, Mr. Chairman, that that probably covers most of the points.

But it will seem superfluous and also absolutely unnecessary, after the exhaustive speech on this subject on yesterday by the distinguished Senator from Alabama [Mr. MORGAN], chairman of the committee, for me to pursue the subjects of earthquakes and their probable bearing upon the construction of an isthmian canal any further.

Mr. President, I find it impossible for me to conclude what I have to say unless I should ask the Senate to remain in session for an unreasonable hour, and if the Senate will permit me to go on to-morrow I should like to stop here.

Mr. PLATT of Connecticut. As the Senator from Oregon does not care to go on this afternoon, I will move an executive session.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Maryland?

Mr. PLATT of Connecticut. I will yield to the Senator.

PATAPSCO RIVER LIGHT AND FOG-SIGNAL STATION.

Mr. McCOMAS. I ask unanimous consent for the present consideration of the bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland. The bill was reported favorably from the Committee on Commerce this morning. It makes an additional appropriation of $60,000 for the purpose. I have here the report.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUDLEY CARY.

Mr. KITTREDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. PLATT of Connecticut. I will yield to the Senator.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 5140) granting an increase of pension to Dudley Cary.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Dudley Cary, late of Company D, Forty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH CREEKS.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

Mr. STEWART. I appeal to the Senator from Connecticut to withhold that motion for a few minutes, that I may have the Creek treaty passed. It is a short bill, and it will pass in a few minutes.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield?

Mr. PLATT of Connecticut. I am obliged to leave the Chamber, and I desired to have an executive session at which I should be present, but I will yield to the Senator from Nevada.

Mr. STEWART. The bill can be passed in ten minutes. I ask unanimous consent for the present consideration of the bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes.

Several SENATORS. It is a long bill.

Mr. STEWART. It is not very long.

EXECUTIVE SESSION.

Mr. KEAN. I think I will renew the motion of the Senator from Connecticut.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 6, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 5, 1902.

CONSUL.

John F. Jewell, of Illinois, to be consul of the United States at Martinique, West Indies, vice Thomas T. Prentis, deceased.

MARSHAL.

William L. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri, vice Louis C. Bohle, whose term expired April 17, 1902.

NOTE.—This nomination is to take the place of the nomination of May 26, 1902, of William M. Morsey, the correct name being William L. Morsey.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 5, 1902.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Assistant Engineer John B. Turner, to be a first assistant engineer in the Revenue-Cutter Service.

POSTMASTERS.

James E. Stevens, to be postmaster at Goodland, in the county of Sherman and State of Kansas.

Daniel Surface, to be postmaster at Richmond, in the county of Wayne and State of Indiana.

Newton R. Spencer, to be postmaster at Greenfield, in the county of Hancock and State of Indiana.

Eugene Lane, to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire.

Elisha H. Carr, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire.

Simeon M. Estes, to be postmaster at Meredith, in the county of Belknap and State of New Hampshire.

Edward H. Clough, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire.

Frank E. Shoemaker, to be postmaster at Neodesha, in the county of Wilson and State of Kansas.

Alonzo H. Williams, to be postmaster at Holton, in the county of Jackson and State of Kansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 5, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

GEORGE C. TILLMAN.

Mr. BROMWELL. Mr. Speaker, on behalf of the Pension Committee, I submit the following conference report on the bill (S. 4071) granting an increase of pension to George C. Tillman, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read in its place.

The SPEAKER. The gentleman from Ohio submits the conference report on the bill (S. 4071) granting an increase of pension to George C. Tillman and asks unanimous consent that the reading of the report be dispensed with and that the statement be read in its place. Without objection, this course will be pursued. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on Senate bill 4071, granting an increase of pension to George C. Tillman.

This bill originally passed the Senate at $25 per month, but was amended in the House to $16 per month. The result of the conference is that the House recedes from its amendment, and the conferees agreed to a rating of $20 per month. Your conferees therefore recommend that the bill pass at $20 per month.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4071, "An act granting an increase of pension to George C. Tillman," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the sum proposed by the House insert "twenty;" and the House agree to the same.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

J. H. GALLINGER,
WM. J. DEBOE,
E. W. CARMACK,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the report.

The report was agreed to.

On motion of Mr. BROMWELL, a motion to reconsider the last vote was laid on the table.

HATTIE M. WHITNEY.

Mr. BROMWELL. Mr. Speaker, on behalf of the Pension Committee, I submit the following conference report on the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, and I ask unanimous consent that the reading of the report be dispensed with and that the statement be read in its place.

The SPEAKER. The gentleman from Ohio submits a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read in its place. Without objection, this course will be pursued. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on bill (S. 4927) granting an increase of pension to Hattie M. Whitney.

This bill originally passed the Senate at $50 per month, but was amended in the House to $35 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $35 per month, as it originally passed the House.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4927) "An act granting an increase of pension to Hattie M. Whitney," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

J. H. GALLINGER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the report.

The report was agreed to.

On motion of Mr. BROMWELL, a motion to reconsider the last vote was laid on the table.

PROTECTION OF THE PRESIDENT.

Mr. RAY of New York. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GROSVENOR in the chair.

Mr. RAY of New York. Mr. Chairman, I yield twenty minutes to the gentleman from Pennsylvania [Mr. SIBLEY], and, if he should require it, thirty minutes.

Mr. SIBLEY. Mr. Chairman, when loving hands had consigned to mother earth the mortal remains of William McKinley, that sense of justice which is so predominant in American character demanded in tones seemingly unmistakable that there should be made the clear and distinct declaration that those who plotted treason to the Government and advocated murder of rulers should find that a land enriched by the blood of patriots and martyrs, that a nation broad and boundless in its area as our own, was all too small to hold those few who should openly conspire for its overthrow. The patriotism of our nation believed that almost the first act of the American Congress would be so to legislate that in the future neither a Johann Most nor an Emma Goldman, the more responsible authors of such crime, should escape punishment. If the criminal who commits the overt act is to be punished, how much more should punishment follow those who incite the criminal to the perpetration of his deeds of violence.

Notwithstanding the fact that the first recommendation made by the President in his annual message to Congress dealt with the subject, six months have rolled around, and for the first time this is a topic of discussion in this body. One of America's great orators and statesmen has delivered in this Chamber a eulogy upon the life and character of our late President, but it remains, so far as I am aware, for a member of either House to stand in his place and indicate that the policy to which his life was devoted is still and shall be the polar star by which the destinies of the nation are to be guided. How seldom, if ever, have members of this body invoked his teachings for guidance in matters of difficulty and doubt.

> One of the lives that illumine the ages;
> One of earth's prophets, one of her sages;
> Resteth from labor, ceaseth endeavor;
> Speaketh, though dead, and teacheth forever.

Can we fail to recognize the grandeur of that lofty character who has bequeathed to us for guidance words of counsel and of wisdom applicable to the solution of almost every perplexing problem of government?

In the few remarks I shall make upon the question now before the House, may I crave indulgence in offering some words of tribute reflecting my opinions of the late President? In attempting to do so I can but realize that in pulpit and upon platform tongues voicing the spirit of love and more eloquent than mine own have already done so and will so long as the tale of our country shall be told by orator or historian.

His life is now behind us, but the memory of that life shall ever shine brightly as a beacon light before us. His labors have ended and he has gone to meet his reward. He has solved the great mystery and has passed out into the deep and dark unknown—not dark, unknown, and forbidding to him. When, upon the morning of the day before his death, he asked that the curtains be drawn aside that he might see the beautiful trees, who doubts that even before his death the loving Father, whose counsels he had ever followed and in whose mercies he had ever trusted, drew back the curtain which hides the future and let the weary sufferer look out upon those statelier mansions and behold that fairer tree which grows on either side of the river of life?

William McKinley needs no eulogy. He is beyond the censure or praise of men. Yet to me it will ever be a fond recollection to recall the fact that long before his death he knew the respect and affection I entertained for him. Many of you knew him much better than myself. What, then, must be your memories of this matchless man! Who among us so strong, so patient, so tender? What man in public life so truly represented the Christ spirit or so faithfully followed in His footsteps?

The Republic is young. In the coming generations the history of the present day will be condensed. The names of many men of genius and of patriotism will be forgotten, or but barely mentioned by the historian; but through the ages, so long as liberty is loved, so long as virtue is revered, the names of Washington, Lincoln, Grant, and McKinley will shine with ever-increasing brightness. [Applause.]

A matchless man, a peerless patriot, rests from his labors, but his works do follow him, and the memory of his works and words remains and shall remain the richest legacy that the fathers of the nation can transmit to their sons. Judged as a statesman, who surpasses him? Judged as a man and a statesman, who is his equal?

I am not here to eulogize William McKinley the statesman, but to speak of William McKinley the man. To repeat the record of his public services, the triumphs of his Administration, is a work of supererogation. Even the children know the condition of the nation, fiscal and industrial, when the chief magistracy of our country was committed to him in trust. He found a deficit in our national budget and left us with an overwhelming surplus. The previous Administration was engaged in selling bonds to meet the expenses of the Government. His Administration has been engaged in the payment of these bonds and lifting the burden of obligation from its citizenship.

In a time of peace, with his predecessor it had been a problem of sufficient revenues. Under William McKinley, even with the great expense of carrying on to successful termination two wars waged for humanity, the problem which confronted the present Congress was what disposition to make of our surplus revenues. He found the artisans of the nation idle; his policy opened the mills and set them to work. He saw paralysis and stagnation in our industrial and commercial life; his fingers pressed the key and started the wheels of industry in motion. He found capital idle and honest labor begging food at the doors of the soup house. He saw misery in countless American homes, and opened the windows and let the sunshine of prosperity stream into the homes and hearts of his fellows. He saw the door closed against the exportation of our products; he threw open to America the markets of the world. He found the value of our exports confined chiefly to our agricultural products, and lived to see our export of manufactured products rival them in value. He found us a nation of importers, and left us on the verge of the successful conquest of the markets of the globe.

His Administration found us a nation overwhelmed with disaster and almost in despair. He found an army of tramps and Coxey marchers. He left us an industrial hive, where wage-earners of every class or calling receive the highest pecuniary reward their services ever commanded. He found labor in lamentations, and sent it forth with songs of rejoicing. He found us insular, and has left us a world power, respected not more for the valor of our arms, not more for the genius of our civilization, than for the moderation and mercy manifested to the conquered. He waged a war with Spain, and in less than three years from the outbreak of hostilities gives Spain again to America as her cordial friend. He waged a war in China, and withdrew our successful forces from that country, leaving with the people of China the knowledge that of all the family of nations the United States is her most unselfish friend. He found us nearly forty years after the civil war still divided, and left us truly United States of America.

I shall not attempt on this occasion to render justice to his qualities as a statesman, and have referred in only the most cursory manner to those matters which are known and read of all men. My thought is to speak of him as a man.

Who that has visited the grand cathedrals of the Old World but has been impressed with their vastness, their glory, their magnificence? The arts of the world have been with all the lavishness of love poured out upon their adornment. Their massive domes, glittering pinnacles, and lofty towers pointing heavenward show the honor that loving hearts do pay to Him who when on earth had nowhere to lay His head. Oh, Galilean, majestic as are the monuments which love doth rear to Thy memory, how much more are Ye honored that in this era there live those who so truly catch the inspiration of Thy master spirit! Commemorate with vast cathedrals, with altars designed in highest art and adorned with richest treasure, the memory of One who walked this earth and preached the gospel of love, worthy, well worthy, all material tributes loving hearts can bestow; but can lofty piles of marble or cunning skill of architect or artisan so honor the Master as one life lived upon the plane where William McKinley lived? Who shall survey his works? Who that has listened to his generous words, who that has known and caught his kindly impulse, but feels himself a truer man therefor? What man entered his presence and left it without seeming to bear away a benediction? The Christian of every sect throughout the world can point to him and say to every scoffer, "Find in this man's life and death your answer."

Not long since one of the personal friends of William McKinley, but of opposite political faith, said, speaking of him, "He was a great politician," meaning thereby that he was a wise and successful leader of his party. He was the greatest and best politician, the wisest and most successful party leader we have ever known. All men could sit at his feet and learn the art of

politics as taught by him—love of country, love of man, and love of God. Sincerely and reverently serving all three, what man of his mental grasp could fail to lead to victory? From every American home and heart the call should be for more politicians cast in such heroic mold. The people followed his leadership because he ever sought to lead them toward the highlands of life—social, industrial, and moral. Recognizing as he did his responsibility to his party, he realized still more his obligations to his fellow-men and to his Creator. Ah, truly, here was a "life pure in its purpose, strong in its strife;" a life dedicated to his country in service, a death consecrated to his country in sacrifice.

I do not present him as a flawless man; earth has produced but one such. But search him with all the X rays of human criticism, and point, if you can, to a character more perfect in its equipoise; candid, brave, patriotic, unselfish, chaste in speech and in thought; temperate, truthful, tender, trusting. His political enemies charged him with seeking imperial dominion and aspiring to a crown. They cartooned him as wearing imperial robes, a kingly crown upon his head, and the scepter of power within his hand. Too often, alas, his crown was a thorny one, while the only crown to which he ever aspired he has already attained in the fulfillment of that blessed promise, "Be thou faithful unto death and I will give thee a crown of life." More than once his fellows voted him a triumph as an earthly victor, and, having overcome the world, he is now crowned as victor over the last great enemy—death. He needed no scepter wand to make him master, for he was conqueror and ruler over self. Ah, sir, to such a character death comes not as the end, but the beginning, "not as the curse, but as the coronation."

Who does not honor Ohio for the men she has given to the nation? We can rejoice with you, citizens of Ohio, that it was yours to give him to his country. Rear at his home your monument to his greatness and his goodness, and thus shall Ohio pay still higher honors to her own citizenship. But he belonged to us all, of every State and Territory and dependency. He belonged to the whole brotherhood of man the wide world round; and here at the nation's capital, here at the center of government, here at the scene of his conflicts and his triumphs, here where all interests unite, here upon ground common to all Americans let the patriotism and the Christianity of the land join in the erection of an arch which shall stand as much longer than those of ancient Rome as the virtues of William McKinley surpassed those of the men the citizens of Rome sought to honor. Erect here that monument which shall commemorate his virtues, and when the youth of the land who visit the nation's capital shall ask their fathers "Why this stately pile?" they shall repeat the story of his life; they shall recount his humble beginnings, his fidelity, his patriotism, the triumphs of his statesmanship, his Christian ministrations, and under the providence of God it shall prove a factor in stimulating untold thousands to higher ideals, until from the very summits of life humanity stands triumphant over the forces of evil.

How the world admires, even against its will at times, the strong man, the strong wrestler, the strong swimmer, the strong athlete, the strong warrior, the strong ruler. Truly, strength is glorious amid the daily tasks of life, in the arena of the humdrum as well as in the clangor of battle. Permit me to present William McKinley as the strong man, not because he as helmsman could guide the great ship of state through shoals and breakers into the harbors of prosperity and peace, not that he ever sought to demonstrate that he could bend a Congress to his will and usurp the functions of the coordinate branches of Government. Nevertheless, he was a strong man. He had strength of character and strength of conscience, strength of will to lift himself from humble beginnings and from narrow environments, under God's blessing, to the highest seat of honor and power. He had the strength to stand for truth, for justice, for honor, the strength to keep a steadfast purpose, strength to stand still even when urged to go forward, and that higher strength and courage permitting him to reverse his own judgments when convinced that his position was wrong.

"It takes great strength to train to modern service your ancestral brain;
To lift the weight of the unnumbered years, of dead men's methods, habits, and ideas;
To hold that back with one hand and support with the other the weak steps of a new thought.

"It takes great strength to bring your life up square with your accepted thought and hold it there;
Resisting the inertia that drags back from new attempts to the old habit's track.
It is so easy to drift back, to sink; so hard to live abreast of what you think.

"It takes great strength to live where you belong when others think that you are wrong;
People you love and who love you, and whose approval is a pleasure you would choose.
To bear this pressure and succeed at length in living your belief, well, it takes strength, and courage, too."

William McKinley never failed in such strength or courage.

Goaded by those baser passions which cry out for wider license, ignorance and depravity have struck a blow at liberty; not a blow at one man, but the dagger and the pistol at the heart of 80,000,000 of freemen. He whom we shall ever mourn during these mortal lives was stricken, not for any fault, not by reason of any personal grievance, not for some fancied sin of omission or commission, but because he stood as the sign and symbol of representative government. That shot was aimed, not at our national leader, but at our national life. The one is dead. Shall the other also perish? God forbid! Though stunned with the horror of this tragedy, the Christian patriotism of America believed that the God who guided our fathers at Concord and at Lexington, at Bunker Hill and at Princeton; that He who fed the faltering faith at Valley Forge and crowned liberty the victor at Yorktown; that He who inspired with wisdom the framers of our Constitution; that the God who through long years of civil strife supported those who trod the wine press of his wrath until the bonds of the last slave were broken; that He who from war to peace, from division to unity, from hatred to love, had knit all sections of our country into closer bonds of brotherhood; that He who maketh even the wrath of man to praise Him, would vouchsafe to us the wisdom and courage to meet, arrest, and throttle this slimy monster hatched on foreign soil. [Applause.]

Anarchy lays down as its postulate the declaration, "There is no God." Every schoolhouse on the hill, every church, every benevolent and fraternal organization, every asylum for those feeble in body or mind, every public library and university, every hospital, every impulse of the human heart which finds expression in the ministration to another's need, thrusts the impious lie back down the throat of anarchy. Every star and every planet, whirling through the long swing and sweep of its orbit, guided by unerring law, gives anarchy the lie. When sun and moon, when earth, stars, and planets shall glow by chance or wander aimlessly through the trackless realms of space, controlled only by individual impulse, then, and not until then, shall law be overthrown and anarchy be crowned the victor. Not until night is fairer and brighter than day; not until vice is more to be revered than virtue; not until might wields the scepter and love of right is banished from the consciences of men; not, indeed, until God shall abdicate His throne shall the monstrous cult of anarchy find acceptance either in the minds of men or in the domination and control of matter. [Applause.]

For years, unchecked, organized bands of assassins have plotted murder in our midst. We were not the victims, and we closed our eyes. For years, unpunished, they perfected plans and carried to successful issue the murder of men and women. We heard lamentations in the house of mourning and stopped our ears. For years men have openly, blatantly, defiantly cried out against law and order, have trampled upon the American flag, and marched under the red banner of anarchy, have openly proclaimed their purpose and conspired to overthrow constituent government, and we have sat supinely, because it was easier to sit than to act. Have we even patted them on the back at times because they had a vote? O Lord, that Thy stern rebuke should come is but just. In our agony of sorrow we cried out in bitterness against Thy decree. Would no other sacrifice suffice? Were no other atonement possible? Upon the altar of sacrifice it must be the lamb without spot or blemish.

For the atonement the one perfect man of all the ages hung upon the tree, and even now, as of old, the strongest and noblest, the fairest and purest, the highest and truest, the foremost and chiefest, has laid his life upon his country's altar. As in Rome, the rent in the forum could be closed only by the gift of the most virtuous man in Rome, so this rent must be closed which would otherwise engulf and destroy society and make mankind as fierce and conscienceless as a pack of hungry wolves, which, when they can devour nothing else, rend and feed upon one another. Was ever more monstrous heresy preached on earth, that brute force may work its savage will upon its weaker neighbor, uncontrolled and uncontrollable, may give license to its passions, regarding neither the rights of man nor the laws of God? Are the monuments which mark the advancing steps of nineteen centuries of Christian civilization to be overthrown?

Are the temples wherein is taught the message of love to God and love to fellow-man to be ravaged and made as lairs of wild beasts? Is society to be organized upon the principle that the man with more brute strength than mine may have unhindered his hand in deadly clutch upon my throat, or I may have my hand at the throat of my weaker brother? Shall no man have the right to the fruits of his own field or his own toil? Is the family tie to be dissolved and humanity sink to levels below the brute creation? Has average man yet attained that sense of justice where each may safely act, prompted alone by the desires of his heart and limited only by the strength of his arm or the cunning of his brain? When shall such monstrous teachings meet rebuke? Shall we wait for other victims, or shall we grapple with this enemy now? Shall we wait for it to grow bolder in its insolence, or hesitate until, with knife and pistol at the breast of every lawmaker,

our courage shall rise to the occasion? The doctrine so openly advocated by these men in our great cities is a menace to every man and woman on every farm and at every fireside in our broad land.

Can it be possible that any member of this House objects to the general features of this bill? My only criticism of it is that it does not reach far enough. When assassination is publicly advocated, either by a Johann Most, an Emma Goldman, or other emissaries of the powers of darkness, shall there be no punishment for them beyond a possible $500 fine or one year's imprisonment? Shall the criminal who commits the overt act suffer death and the responsible authors of the overt act escape with a fine? Shall we kill the viper and have no redress against those who hatch vipers and place them in the pathways where the feet of humanity must tread?

Shall William McKinley's martyrdom be in vain? No! No! Each drop of his spilled blood calls sternly, not for vengeance, but for justice. Has free speech rights above free action? Is license more than liberty? Shall so-called "freedom of the press" usurp the rights and overthrow the free man? Is treason no longer a cognizable crime? Can the lawbreaker overawe and terrorize the lawmaker? Can men split hairs about States' rights and the rights of anarchists and freedom of speech while the soul of Liberty herself bleeds from gaping wounds? Is God a myth, is self-government a failure? Then let us all cry, "Hoch die anarchie;" forget the virtues of our fathers and prove recreant, not alone to our country, but to our fellow-men and our Creator. Not so. In the strength of our purpose and endowed with the courage of our convictions we will send to anarchy and all her brood the message that Garfield once delivered, when upon the death of Lincoln this nation was plunged in panic and despair, "God reigns, and the Government at Washington still lives."

For the accomplishment of His sovereign purpose God calls one prophet home and lays His mantle upon the shoulders of another. He removes one master workman, but commits to another builder the erection upon broad foundations, after well-defined plans and in symmetrical proportions, the great temple of liberty. He calls one helmsman to higher service, but consigns the wheel to the strong hand, keen eye, clear brain, and stout heart of another pilot, who, in the sunshine and the calm or through the darkness and amid the mad rush of waters, holds in safety upon her steady course our great ship of state, freighted with the aspirations and destinies of 80,000,000 of freemen. In the forefront of conflict one leader falls, but another gathers up the standards of truth and honor and carries them to victory.

William McKinley is no more, but another, possessed of strength of character, with lofty ideals and undaunted courage, pledged to and determined in the execution of the policies of his predecessor, is clothed with the responsibilities of leadership. He is not to be regarded as the president of a faction or party. He is justly entitled to the confidence of every honest American, and stands as the exponent of our national life. And so long as his trumpet tones for guidance give forth no uncertain sound, so long will the patriotic people of America rally to his support, follow his leadership, cheer his heart, and help to lighten the burdens of him who by Providence has been appointed to uphold our national standards, and who in the faithful performance of his duty demonstrates the truth of the statement, "God buries His workmen, but He carries on their work." [Prolonged applause.]

Mr. LANHAM. I now yield to the gentleman from California [Mr. LOUD] such time as he desires.

Mr. CRUMPACKER. Before the gentleman proceeds I should like to submit a request. Mr. Chairman, by an order of the House debate upon this bill was put under the control of the gentleman from New York [Mr. RAY], chairman of the Committee on the Judiciary, and the gentleman from Texas [Mr. LANHAM]. The gentleman from New York supports the bill that the committee reported. The gentleman from Texas, as I understand it, is opposed to any kind of legislation on this subject. This is quite an important measure, and there are a considerable number of members of this committee in favor of some legislation. They believe, however, that the bill reported by the committee ought to have some important modifications; and yet no opportunity is given to that class of membership to present their views, so far as I can see. When it comes to a vote, that may be an important question. I ask, Mr. Chairman, that before the debate closes I may at some time be allowed thirty minutes in which to present my views upon the bill.

The CHAIRMAN. The time is in control of the gentleman from New York and the gentleman from Texas.

Mr. RAY of New York. I have already told the gentleman that if there was time after those who wanted to favor the bill had spoken I would yield to him, and I expect to have the time for him. I object at present, because I told him if I could possibly obtain the time he should have it.

Mr. CRUMPACKER. The gentleman only made his promise conditionally. I thought the committee would consent to thirty minutes' discussion of the bill from the standpoint that I have suggested.

Mr. RAY of New York. I say to the gentleman that I think I will be able to give him the time to-day, and if the gentleman will be ready I think he can have the time as soon as the other side have used half an hour or so.

Mr. CRUMPACKER. I am ready at any time.

The CHAIRMAN. It is the recollection of the Chair that the arrangement or division of time was made in the House, and if so the Committee of the Whole is powerless, even by unanimous consent, to change that order. The gentleman can rely, doubtless, upon the liberality of the gentlemen to whom the time was assigned.

Mr. CRUMPACKER. Upon the gentleman's statement, I withdraw the request.

Mr. RAY of New York. Mr. Chairman, I should like to say in that connection that there is no purpose on the part either of the gentleman from Texas [Mr. LANHAM] or the gentleman from New York, myself, to interfere with the debate; but when we have promised time to certain gentlemen, either for or against the bill, we can not exactly violate those promises; but I again beg to assure the gentleman that there will undoubtedly be time for him and that it will be yielded to him.

Mr. CRUMPACKER. That is all the assurance I need.

Mr. LANHAM. There is no necessity for hurrying the time in any way. I want every man who wishes to speak on this subject on either side to have an opportunity to do so. We have time to spare.

Mr. LOUD. Mr. Chairman, it is with feelings of great diffidence that I, an ordinary layman, venture to enter upon the discussion of a question that has been argued in this forum by such men and in such a judicial manner that even the spirit of John Marshall would hesitate long before entering the debate, controverting anything that had been said by those eminent jurists, the Judiciary Committee of the House of Representatives. Harder still it is to come back to earth and attempt for a moment to discuss practical questions after the beautiful eulogy delivered by the gentleman from Pennsylvania [Mr. SIBLEY] to the memory of our lamented President, William McKinley. His assassination shocked the whole world. More real sorrow was felt all around this world than has been felt upon the death of any man within the memory of men or recorded in the pages of history.

Well do I remember at the time of his death, I was on the other side of the earth, eleven or twelve thousand miles from here, among a foreign people, there witnessing a real sorrow shown by those people for the man and for the Executive. I was present in the Federated Australian Parliament when that body paused in its labors while one of its ministers paid a most touching tribute to his memory. But, as legislators, we must come back to earth occasionally, because we are called upon to legislate not for to-day only, but for all time to come.

There should not be too great haste in legislation. If I might be permitted to prophesy, I should say that if this legislation should be suspended until next winter it would never be heard of again. I sympathize with the motives and realize as thoroughly as any man that in the sentiment prevalent here at this time men who oppose this measure will, at least for a time, be considered open to suspicion.

If I thought there was a word or line in this bill that would protect the life of the Executive of the nation, I would even accept the rest, if it were bad, if I believed it could possibly in any manner accomplish the object to be sought. Legislative bodies act oftentimes under impulse. It has been stated by several who have addressed this House that there is a substantially universal demand throughout the land that some legislation be enacted to protect the life of the President of the United States. Admit it. A measure was introduced in the Senate; such measure passed that body on the 21st day of March. That measure came to the House, was referred to the Judiciary Committee of this House, and we find that body of gentlemen, three or four months further away from that terrible tragedy, at least entertaining a doubt as to whether we have the right, the constitutional right, to enact this proposed legislation. I am free to say if I were to support either bill I would support the Senate bill, because that bill goes directly at the object sought to be attained. The Senate bill provides:

> That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or who shall willfully and maliciously cause the death of the sovereign or chief magistrate of any foreign country, shall be punished with death.

Now, the Judiciary Committee of the House of Representatives, composed of eminent men, as good lawyers, as good jurists, as the eminent body at the other end of the Capitol, substantially say that we have no constitutional right to enact such legislation,

and I think I understand correctly the position of the majority of the Judiciary Committee. At least three months' intervening time has convinced a majority of the Judiciary Committee that we have no constitutional right to provide that any person who maliciously kills the President of the United States shall suffer death.

Mr. RAY of New York. Mr. Chairman——

Mr. LOUD. I do not care to be interrupted, unless it is on this subject.

Mr. RAY of New York. It is on this subject. The gentleman should understand that no man on the Judiciary Committee doubts the power of Congress to enact a law to protect or to make it a criminal offense to kill the President under the conditions and circumstances named in the House bill, that is, when charged with the performance of official duties or killed because of his official character, etc.

Mr. LOUD. That is what I propose to refer to, Mr. Chairman. The Judiciary Committee are evidently of the opinion that we have no constitutional right to provide that a person who maliciously kills the President shall suffer death unless he be in the performance of his official duties at the time.

Mr. RAY of New York. That is, when the offense is committed within a State. The gentleman ought to put that qualification in.

Mr. LOUD. I assume that it is unnecessary to discuss here the question whether it is committed in United States territory.

Mr. RAY of New York. That is right.

Mr. LOUD. I did not suppose anybody was big enough a fool to think that, layman as I am, I would discuss that question if the offense is committed upon the property of this nation.

Now, then, the Committee on the Judiciary say that you can not do that, to quote their language, unless—

while he is engaged in the performance of his official duties or because of his official character or because of his official acts or omissions shall suffer death.

I say again this committee have admitted that unless he is in the performance of his duties that you have no right to enact legislation of this character. So the Judiciary Committee adopt a subterfuge. They say, of course, you can not do this directly, as the Senate have. But in section 18 we have got a presumptive section, which states that at all times and on all occasions the Chief Executive of the nation is engaged in the performance of his duties.

Now, Mr. Chairman, I am very anxious that any person who shall kill the President or the Vice-President shall suffer the penalty of death as expeditiously as possible. I want to say in passing that we have not even a precedent that would demand legislation of this kind, even if such legislation were advisable. No man has ever assassinated a President of the United States that has not met immediate punishment, and no man will, permit me to say, in the United States ever take the life of a Chief Executive without suffering punishment if you let the law alone as it is now.

Mr. NEVIN. Will you yield to a question?

Mr. LOUD. How much time did the gentleman from Texas yield to me?

Mr. LANHAM. You shall have all the time you want.

Mr. NEVIN. In the State of Michigan, for example, it would be impossible——

The CHAIRMAN. The Chair would state to the gentleman from Ohio that he must first address the Chair before seeking to interrupt a member who has the floor.

Mr. NEVIN. Mr. Chairman——

Mr. LOUD. I have heard the gentleman's question, and I yield to him.

Mr. NEVIN. You can not inflict the death penalty.

Mr. LOUD. I shall watch with some care the vote of the Representatives of the State of Michigan, which State has declared solemnly against capital punishment, and as they here represent upon this floor, I must assume, the sentiment of that great sovereign State, I shall watch with care their votes on this measure.

Mr. NEVIN. The same with New Jersey.

Mr. LOUD (continuing). But, however that may be, that is an incidental question. If there is a State in this Union that does not punish by death an offense of this character, why, there is a place that the President of the United States may keep out of. And I suppose he will still perform his duty, but if it becomes necessary for the President of the United States to go into the State of Michigan, I have no doubt but what he can declare martial law there and protect himself if it becomes absolutely necessary; and so that also is an incidental question, unworthy of discussion with the great judicial minds of the Judiciary Committee.

A gentleman gave me this morning some encouragement, however. He said: "You do not suppose for a moment that the provisions of this bill will ever be executed and called into effect?" Well, I never had thought of that phase of the case; but they might be. But still it may be called into effect, and the United States courts may take jurisdiction, and then they have got to go to another section. First, if you pass the Senate bill against the judgment of this great Judiciary Committee, you have got a provision that is unconstitutional, and the United States courts have jurisdiction, and they try him. He may be acquitted. What then? But, you say, State courts would not lose jurisdiction. I will not attempt to discuss the great question of once in jeopardy, it is wholly unnecessary; a condition of that kind at least, however, would be confusing.

But let us take it under your section 13, where you provide that at all times the President shall be assumed to be in the performance of his duty. Let us suppose, for instance, a case. Take the assassination of President Lincoln at a theater. The assumption is he was in the performance of his duty, as you say. But how are you going to prove it when President Lincoln alone could corroborate that? He is dead. That is the difficulty. The man alone who can prove it has passed away and his lips are sealed forever. President Lincoln might, at the time of his assassination, have been thinking of his public duty, but no other man in the world knew what his mind was thinking of.

Mr. LITTLEFIELD. Mr. Chairman, may I interrupt the gentleman?

Mr. LOUD. Certainly.

Mr. LITTLEFIELD. I make this suggestion. The gentleman from California, without discussing the propriety of the amendment, that if the amendment became a law it would not be necessary for the Government to prove it, because it is presumed as a fact, and it is necessary for the defendant to rebut it.

Mr. LOUD. That is simply an assumption in the case.

Mr. LITTLEFIELD. Yes; but——

Mr. LOUD. When you come to get your proof in rebuttal, where is the evidence?

Mr. LITTLEFIELD. That is for the defendant, and so it does not bother the Government.

Mr. LOUD. But he can not show——

Mr. LITTLEFIELD. If he can not show it he is there, and he is convicted. The practical effect of the section is that the Government does not have to prove it. The respondent must rebut it, and if he can not rebut it he is convicted.

Mr. LOUD. Then, if the construction placed upon it by the gentleman from Maine be correct, it is wise legislation. Let me say that your names will go down in the history as wise jurists, as wise framers of law, in providing an impossibility.

Mr. LITTLEFIELD. I could go further and show that this is by no means unprecedented; I could give you a lot of State legislation in that line.

Mr. LOUD. I do not think there is anything unprecedented. I believe the case of the Field decision has been discussed as a precedent having some, or believed to have some bearing upon this subject of the protection of the President, and that matter has been determined. What matter has been determined? Simply that the court in this instance have protected themselves. That is all; and there is no court on the face of this earth but what will protect themselves. The judge and jurist is human after he goes on the bench, and the dignity of the bench, the dignity of the jurist, must at all times be maintained.

Here is a case where it was assumed that a gentleman in the State of California had attempted the life of Justice Field. I do not care to discuss the merits of that question. It was believed that if that deputy marshal was tried in the county where the offense was committed, that he would have been hung for murder, and the United States court, in order to protect themselves and its dignity, as it has many a time before, issued orders and mandates that, if applied to anyone else, would be in defiance of all constitutional or statutory law. So you will have precedents everywhere, not always exactly applicable, however, to that case.

Mr. LANHAM. If the gentleman will pardon me, is it not a fact that there never was a trial of this man Neagle; that he never was tried by a jury of his countrymen, but was taken away under a writ of habeas corpus from the State of California, and never was brought before a jury?

Mr. LOUD. Yes. Oh, well, I think if a man will follow the decisions and the edicts of the court and assume them to be applicable to the facts and the law in another case, he will get decidedly muddled. [Laughter.] The difficulty about this case is that I have great faith in the judgment of my friend from New York [Mr. RAY]—he gets excited a little, once in a while—I listened with some pleasure to him, and I listened with pleasure to the gentleman from Ohio [Mr. NEVIN] and the gentleman from Massachusetts [Mr. POWERS], three of that great committee whom, I believe, substantially agree. I listened to the gentleman from Wisconsin [Mr. JENKINS], and I find he entertains different views from the three gentlemen I have just mentioned. I listened to the gentleman from New Jersey [Mr. PARKER], whom, I find, entertains different views, and I listened to the gentleman from Texas [Mr. LANHAM]; and so I find on the Judiciary

Committee on this great question six members who stand three to three, or three to two and one.

The gentleman from Maine [Mr. LITTLEFIELD] is yet to be heard from. Where he is going to stand on this question I do not know. I saw only one dissent besides that of the gentleman from Texas [Mr. LANHAM], and that comes from the gentleman from Wisconsin [Mr. JENKINS]. I did not see the name of the gentleman from New Jersey attached to the dissenting views. But I think it is an acknowledged fact that 8, or 9, or 10, or 12, or 13 of the Judiciary Committee, after considering this question all winter, have come to the conclusion that the provision of the Senate bill—the first section—is contrary to the Constitution. Do I state the matter correctly?

Mr. RAY of New York. No; the gentleman does not state it correctly. I hope the gentleman from California will allow me the time to answer his question intelligently. I will yield him five minutes additional of my time, although I do not expect myself to occupy that much.

Mr. LOUD. Very well.

Mr. RAY of New York. The Judiciary Committee, after thorough investigation, became satisfied—many of them absolutely and some of them in great doubt—as to the constitutionality of the first section of the Senate bill, and in the report the chairman of the Judiciary Committee said that that section of the bill was unconstitutional if the Supreme Court should ever hold that there is a time when the President can not be said to be engaged in the performance of his official duties—not of an official act, but charged with the performance of duties. All the members of the Judiciary Committee, with three exceptions—three or four—agreed to that proposition. The gentleman from Wisconsin [Mr. JENKINS] and the gentleman from New Jersey [Mr. PARKER] differ, because they say that we have the constitutional right to pass that section of the Senate bill, and that it makes no difference whether the President is engaged in the performance of his official duties or not; that he is an officer of the Government, and that therefore it is within the jurisdiction of the Congress of the United States to protect him by law and to punish all attacks upon him.

Now, the gentleman from Texas [Mr. LANHAM] and some other members of the committee, while admitting the constitutionality in their judgment of the bill reported by the House committee, and while denying the constitutionality of the Senate bill, take the ground emphatically, as I understand the gentleman from California does—although I do not know exactly what his position is, and certainly do not mean to misrepresent him—they take the ground that even if Congress has the power to enact the House bill into law, such action will be unwise and unnecessary for the reason that there is ample power in the States to punish the offenses described when committed within the States, and that we already have a law of the United States covering the offenses when committed in the District of Columbia or in the Territories. I ask the gentleman from Texas whether I have correctly stated his position?

Mr. LANHAM. Substantially so, so far as I am concerned. I stated in the views submitted when the bill was originally reported that it was possible, by the ingenious use of language framed to meet a supposititious case, to construct a bill which would be constitutional upon its face and thus confer jurisdiction upon the Federal courts to enter within the territorial boundaries of a State and try offenders for crimes cognizable in the State courts. In other words, I held that by a careful use of language it was possible to make this bill constitutional, and I have not yet assailed the bill on the ground of unconstitutionality.

Mr. RAY of New York. And none of your colleagues took the ground in the Judiciary Committee that it was unconstitutional as now framed?

Mr. LANHAM. I think not.

Mr. LITTLEFIELD. But they did take the ground that the Senate bill was unconstitutional?

Mr. RAY of New York. They did.

Mr. LANHAM. I was not present when the Senate bill was considered by the Judiciary Committee.

Mr. RAY of New York. The gentleman from Kentucky [Mr. SMITH] knows the fact to be as I have stated.

Mr. SMITH of Kentucky. I believe the opinion was universal among the members of the committee that the Senate bill was unconstitutional.

Mr. LOUD. I am glad that the remarks of the gentleman from New York [Mr. RAY] and the gentleman from Texas [Mr. LANHAM] and the gentleman from Ohio have gotten into my speech. These explanations present the case exactly as I have understood these gentlemen, though making it a little more clear and concise.

Mr. RAY of New York. I hope the gentleman understands I have no wish to interrupt him or to utter a word during the course of his speech against his will. My only desire is to have a fair presentation of the case.

Mr. LOUD. I think that is right. I think that each gentleman's explanation ought to be before the country. I have no objection to such interruptions. But before I get through I think gentlemen will discover what are my objections to this bill. I am glad to be interrupted. I like to hear from these gentlemen at all times. In fact, I have no objection to an interruption at any time if I have the time to yield. Though sometimes gentlemen say I am loath to yield for interruptions, I have sometimes occupied this floor for three or four hours—pretty good evidence that I do yield for interruptions.

I think, then, that I state the case with substantial correctness when I say that the Judiciary Committee believes that the first section of the Senate bill is unconstitutional.

Mr. RAY of New York. All but two of them.

Mr. LOUD. And the House Committee are seeking to make the bill constitutional by the addition of section 13.

Mr. NEVIN. Oh, no.

Mr. RAY of New York. Not at all.

Mr. LOUD. I yield to the gentleman from New York for an explanation, although I think that after he gets through I shall understand the matter as I do now.

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. LOUD. Certainly.

Mr. RAY of New York. The gentleman from California has just said that the Judiciary Committee is seeking to make the Senate bill constitutional by the addition of section 13.

Mr. LOUD. In effect, I mean.

Mr. RAY of New York. No; not in effect. That section has nothing whatever to do with the constitutionality of the bill. We make the bill constitutional when we follow the language of the Supreme Court of the United States in determining what the jurisdiction of the Federal Government is. That court says that we have power to define and punish offenses against officers of the Government when those officers are engaged in the performance of their official duties, or when they are assaulted because of their official character, or when they are assaulted because of some official act done or omitted. Therefore we followed the decisions of the Supreme Court, and in the first section by the use of that language seek to make it constitutional. Now, let me speak about the other section, and I think——

Mr. LOUD. I think we agree.

Mr. RAY of New York. I will give the gentleman five minutes more time.

Mr. LOUD. I am more convinced than ever.

Mr. RAY of New York. Now, certain gentlemen objected to the use of those restricting terms. They said it threw a burden of proof on the Government that ought to be on the defendant; that is, the Government ought not to be compelled to prove as a matter of fact that the President was engaged in the performance of his duties. Well, now, I say, and the committee says—that is, the majority—the President is always engaged in the performance of—that is, charged with the discharge of his duty, but to make that claim, to put the burden on the defendant, the criminal, we make a rule of evidence presumptive as a matter of fact on the trial that the President was engaged in the performance of his official duties and leave it to the criminal who slays him to prove as a fact, if he can, that he was not.

Now, just one other word. I want to say this: The Supreme Court has decided that there is a wide distinction between being engaged in the performance of an official act and being engaged in the performance of official duties. A member of Congress here in Washington, going from here to his residence, or taking his dinner, is engaged in the performance of his official duties, but he is not engaged in the performance of an official act, as he is here when engaged in making some of his buncombe speeches or doing some other act, such as voting. I want the gentlemen to understand the distinction between being engaged in the performance of your official duties and being engaged in the performance of an official act.

Mr. LOUD. Then the gentleman in section 13 is attempting to enact a legislative fact?

Mr. RAY of New York. No; a rule of evidence.

Mr. LOUD. I know that the gentleman calls it a rule of evidence, but he is attempting to legislate a fact regarding a condition.

Mr. RAY of New York. No; that is not right.

Mr. LOUD. Now, I think, passing away from that provision, I can show to my mind, if to no one's else, that even the great jurists comprising the committee in the Senate and the House are not infallible. The Senate provides in section 3 that any person who shall aid, abet, advise, or counsel the killing of the President, etc., shall be punished by imprisonment for a term not exceeding twenty years. In section 5 they provide that where he aids or abets by spoken words or by written or printed words, uttered or published, threaten to kill or advise or counsel another